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PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 17, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 119: 93: *I will never forget Thy precepts: for with them Thou hast quickened me.*

O Thou God of all grace and goodness, we humbly acknowledge that we are constantly baffled and uncertain of the ways to take until our minds are illumined by Thy spirit and we follow Thy guidance.

Grant that in the great enterprise of building a better world for all mankind we may feel the challenge of accepting the principles of religion and morality.

We frequently talk unwittingly about defending religion and we fail to see that religion needs no defense but that it is the one resource whose principles and precepts will sustain and support us in the battles of life.

May we have a profound sense of Thy presence and power and yield ourselves gladly and faithfully to Thy divine providence.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

RETIREMENT OF CAPT. GEORGE S. BULLEN, U.S. NAVY

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOGH. Mr. Speaker, within a few days Capt. George S. Bullen, a dedicated naval officer for 30 years, will be retiring from active duty. For the past 5 years Captain Bullen has been Director, Congressional Inquiry and Liaison Division, Office of Legislative Affairs, where he has served the Navy and the Congress in an outstanding manner. There has been hardly a single congressional office during that time that has not benefited from the efficient and personal assistance of the captain and his division. He has emphasized the service for which the division was created and has fulfilled its mission with great distinction.

During his long naval career before, during, and after World War II, Captain Bullen has served in a broad diversity of assignments, including three commands at sea, for which he has received official commendations by the Chief of Naval Personnel, and the Director of Naval Intelligence, and has been awarded the Bronze Star Medal. He has also rendered able service in the Bureau of Naval Personnel and as special assistant and aide to the Under Secretary of the Navy, in which post his unusual talents as a liaison officer, creating harmonious relations with Members of the Congress and civilian officials, were recognized and commended by the Secretary of the Navy.

In 1955 Captain Bullen was graduated from the National War College—an achievement coveted by all military and naval officers.

I am confident that my colleagues who know Captain Bullen and have enjoyed our associations with him, join me in extending our warmest congratulations and wishing him well in his future endeavors. His exceptional ability and gracious personality will continue to serve him well in whatever new enterprise he undertakes.

In bidding goodby to Captain Bullen I feel it is most fitting to add the Navy's traditional "well done" on the completion of his excellent service.

CONGRESS SHOULD ACT TO RELIEVE ACUTE SHORTAGE OF COINS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, there is an urgent need for an increase in the amount of our national coinage. The shortage is hampering normal business volume.

Seattle banks through their Clearing House Association have passed a resolution urging that the Congress do something to remedy this problem and I am told there are two important remedial steps to provide immediate relief. One is to provide sufficient appropriations to operate both the Philadelphia and Denver Mints, three shifts, and the other is completion of the Philadelphia Mint.

Mr. Speaker, it is unthinkable to me that a government would not provide adequate coins to meet business needs. That is a fundamental responsibility of government.

Under permission to do so, I include herewith a resolution of the Clearing House Association of Seattle:

> Whereas the shortage of coin in the Seattle area continues to grow more acute to the point where it is beginning to hamper normal business volume; and
>
> Whereas it is felt by the members of the Clearing House Association of Seattle that this trend will continue and probably increase in the near future: Now, therefore, be it
>
> *Resolved,* That all steps be taken to advise the Congress of the United States of this acute problem and to urge them to remedy it promptly.
>
> SEATTLE, WASH., *June 10, 1964.*

SUPREME COURT AGAIN

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I am today introducing a bill which would prevent the Supreme Court or any Federal court from overruling and setting aside any legislative districts as adopted by the legislatures of the respective States of this Union.

Mr. Speaker, the Supreme Court decision of June 15, 1964, taking away the power of the States to apportion their representation in the legislature is another step toward Supreme Court dictatorship. This is a shocking decision which makes a mockery of the will of the people and representative government. The Chief Justice, in writing the majority opinion, made the cold statement that a majority vote of the people of a State made no difference. This decision is a long step toward not only Federal dictatorship and concentration of power in Washington, but, Mr. Speaker, it is a long step toward Federal dictatorship by the Supreme Court in Washington—a dictatorship by unelected Federal officials, appointed for life.

The power of the Congress has been usurped by the Supreme Court. The constitutional rights and power of the States have been usurped by the Supreme Court. If the States of the Union allot a State senator in their legislature to each county, I believe they have as much constitutional right to do so as for each State in the Union to have two U.S. Senators. Individual liberty is being ursurped and destroyed by the Supreme Court. The Supreme Court is leading the way to total concentration of power in Washington, conformity and collectivization of American society.

This Congress must act before it is too late to preserve the Constitution of the United States, and safeguard the rights of the States, our local governments, and the liberties of our people.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Alger
Ashbrook
Avery
Baring
Barrett
Bass
Battin
Bennett, Mich.
Blatnik
Bolling
Bow
Bruce
Buckley
Davis, Tenn.
Dent
Dowdy
Evins
Feighan
Forrester
Goodell
Gray
Green, Oreg.
Hawkins
Healey
Hoffman
Hosmer
Kee
Laird
Langen
Lankford
Lipscomb
McCulloch
Miller, N.Y.
Monagan
Morrison
O'Brien, N.Y.
Pepper
Pilcher
Pool
Powell
Purcell
Quie
Rains
Roberts, Ala.
Saylor
Sheppard
Slack
Springer
Teague, Tex.
Toll
Tupper
Vanik
Waggonner
Wilson, Bob
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOUSE RESOLUTION 746, MAKING IN ORDER CONSIDERATION OF H.R. 11376, EXCISE AND TAX RATE EXTENSION ACT OF 1964

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11376) to provide a one-year extension of certain excise-tax rates, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 746 provides for the consideration of H.R. 11376. The bill provides a 1-year extension of certain excise tax rates and also provides a closed rule.

I may say to my colleagues we would hope that we can adopt this rule very shortly in which 4 hours of general debate is provided, and let the Committee on Ways and Means proceed to explain it.

The rule does provide a closed rule, waiving all points of order, and 4 hours of general debate.

Mr. Speaker, H.R. 11376 continues certain existing excise rates for 1 year. These rates, which are continued until July 1, 1965, are the present rates of excise tax on distilled spirits, beer, wine, cigarettes, passenger cars, auto parts, and accessories, general telephone service, and the transportation of persons by air.

All of the taxes affected by the bill, except those relating to general telephone service and transportation of persons by air, are taxes which were increased at the time of the Korean war. The Tax Rate Extension Act of 1959 added the latter two taxes to the list of those subject to automatic reduction.

If the bill is not enacted, it is estimated that there will be a revenue loss of $1.9 billion in a full year of operation and a revenue loss in the fiscal year 1965 of $1.8 billion, taking into account floor stock refunds.

Mr. Speaker, this is a bill which for some time has been coming before us year after year for extension. There was a request before the Committee on Rules by the minority to provide for at least one amendment which would have permitted a vote on the removal of certain retailers excise taxes.

May I say that, as one person concerned about these taxes over a period of a great many years, I have a certain amount of sympathy with the desire and the hope to attain repeal of these particular taxes. However, Mr. Speaker, the distinguished Chairman of the great Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS], has stated before the committee, and I understand they have already started, there will be a full-scale hearing on the whole subject of excise taxes.

It would certainly be my hope that after that study and that hearing by that great committee we will be able to see some elimination, certainly on a selective basis, of many of the more onerous of these taxes.

It is my understanding that the proposed amendment, which is not authorized by the rule but probably might be offered in a motion to recommit, does not cover telephone and transportation taxes, two items with which I have been long concerned, believing that they are actually overall detrimental, possibly, to the best interests of our country. It would certainly be my hope that as the Committee on Ways and Means studies these various taxes a close look would be taken with reference to those specific taxes.

Also, I am fully aware, as I am sure we all are, because we hear from our local merchants, our hometown people, about the burdensome task of the reports which must be filled out on many of these excise taxes on drugs, cosmetics, and other things, which are actually quite burdensome on the individual storeowners.

Again, as I say, these are matters I would hope that in the not too distant future the Committee on Ways and Means will be able to come before this body with a proposal to eliminate certain of these particular taxes. However, at the present time, in view of the assurance of the continuation of the present hearings, I certainly will support the present bill for the extension, at least for the time being, of the entire scope of these taxes.

Mr. Speaker, in order to expedite matters, I would urge the adoption of House Resolution 746 and the permitting of the Committee on Ways and Means to explain their position on the matter.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, here we go again—another one of these so-called tax bills under a so-called closed, but actually a gag rule which says to the House and to all its Members: "You are incapable of doing any thinking for yourselves. You must accept the measure that comes out of the great Committee on Ways and Means as it has been written by that committee, or as it may be amended by that committee on the floor, or you must vote against the bill in its entirety." Of course if the House in its wisdom, or in its lack thereof, should approve the legislation and it be sent over to another body, there would be no closed rule there, no gag against any Member of the other body to prevent discussing in full detail any section or provision of the bill, or offering any amendment that he or she might desire to offer or have considered. It is only the House of Representatives that seemingly is unfit or unqualified to pass judgment on tax legislation and to decide for itself whether or not to amend a tax bill. I know the argument is made that if we do not have a closed or gag rule on a tax bill, it is entirely possible some other provision of the Internal Revenue Code might be taken up, through the amendment rule, and changed in the House.

But in the past when gag rules were voted down on other important legislative matters, the House has proved it was able to legislate in a judicious and proper manner. I, for one, simply cannot accept the idea and the thought the House of Representatives is not capable or able to legislate on matters of this type. It is true that even though a bill is brought up under a closed rule or gag rule that, under the general rules of the House, it is always in order to offer one motion to recommit, either with or without instructions, and that the motion to recommit may, of course, contain some amendments, or some change in the language in the bill.

When this measure which is before us now, H.R. 11376, was before the Committee on Rules, the gentleman from Wisconsin [Mr. BYRNES], the ranking member of the Committee on Ways and Means, requested a rule be granted which would at least be sufficiently open in nature to permit the offering of amendments submitted by the minority members of the Committee on Ways and Means to reduce certain excise taxes that would otherwise be extended under the provisions of this bill. That request of the gentleman from Wisconsin was rejected by the Committee on Rules. A number of us on the committee who had voted in support of the request of the gentleman from Wisconsin [Mr. BYRNES] proceeded to vote against reporting the bill under a closed or gag rule, not only because of our inherent opposition to any closed or gag rule, but also because of the fact no real consideration was given to the request of the gentleman from Wisconsin [Mr. BYRNES]. No opportunity was given to the minority, except through a motion to recommit, to offer amendments to the present laws dealing with excise taxes. However, when this bill goes to the other body, there will be amendments offered there dealing with these excise taxes. The gentleman from Wisconsin [Mr. BYRNES], the ranking member of the Committee on Ways and Means, has proposed to offer an amendment, so that it could be discussed fully in general debate, and under the special rule be requested, following general debate, we could have the amendment offered and discussed in the usual manner under the 5-minute rule. His amendments would repeal certain excise taxes imposed during World War II on toilet preparations, jewelry and related items, ladies handbags, luggage and the like, certain fur trimmed coats, furs and so forth, from the present excise tax rate of 10 percent down to 5 percent, effective July 1 of this year, and eliminating such excise taxes completely as of July 1, 1965.

He did not propose, in his suggested amendments, the elimination of some of the other excise taxes which really were a part of the Korean war emergency taxes. The Korean war, by the way, in case Members do not know it, has been over for 11 years or more, while these emergency taxes are still with us.

Instead the gentleman from Wisconsin [Mr. BYRNES] suggested doing something about these so-called nuisance excise taxes, which have been in existence ever since World War II. These excise taxes are primarily paid by the women of the country on articles which, to the average woman, are necessities of life. They are taxes on wearing apparel, or on other items of everyday use.

What has happened in connection with this type of legislation in the other body? I believe on February 5, when a tax bill was under consideration in the other body, by a vote of 48 to 45—or just by the narrow margin of 3 votes—under the whip of administration influence, that great legislative body voted down an amendment which would have exempted from all excise taxes the first $100 of purchase of any of these items which have been mentioned here in connection with the Byrnes amendment.

In other words, under the amendment which was voted upon and was rejected by three votes in the other body, about the only one of these items contained in the Byrnes amendment, as it will be submitted in the form of a motion to recommit later on, which would have been taxed would have been the ones involving any amount over $100—such as spent for a fur, for some very expensive piece of luggage, or for some very expensive piece of jewelry. The tax would not have applied, on the first $100 of any purchase of any $100.

I believe that commonsense tells us, and ordinary judgment tells us—to at least most of us, who have been around for a little while—that when this bill clears the House, whether or not it contains the Byrnes amendment as it will be presented in the motion to recommit, and the bill reaches the other body, that in this particular year especially, it will take a long hard look at these nuisance taxes, these excise taxes which have the ladies of the country pretty well stirred up to the point that they are demanding their removal. After all, these ladies have paid their full share of war taxes, and there is no reason why they should continue to be discriminated against more than anyone else.

We speak of discrimination, for many people around here are very much opposed to discrimination. Most of these excise taxes are discriminatory in nature, especially so far as many of the items in the proposed Byrnes amendment are concerned.

I hope the first action which will be taken by the House will be to vote down the rule—to vote down the previous question, on the rule—so we may then amend the rule and make in order the consideration, in the usual manner, the amendments submitted by the gentleman from Wisconsin [Mr. BYRNES] under the 5-minute rule. Thus we may debate the amendments fully in a proper and deliberative manner on the floor of the House, so Members of the House may decide for themselves as to the value thereof.

This should not be a decision made by only 25 members of the Ways and Means Committee, although it is a great committee. I have the highest of respect for every member of that committee, but this is a decision which should not be made by 25 members of the committee at the present time, but instead by 435 Members of the House—we the people in Congress assembled. We should decide for ourselves what ought to be done on this very troublesome subject matter.

So I hope the previous question will be voted down, and the rule may be amended, so we can have full debate upon these amendments suggested by the minority members of the Committee on Ways and Means, as have been prepared by the gentleman from Wisconsin [Mr. BYRNES]. If not, then I urge every Member of this House to support the motion to recommit, which is, of course, the more difficult way to accomplish the purpose, and the only opportunity we will have, if the gag rule is adopted, to amend this bill, as many of us feel it should be amended. In fact, if I had my way—although I do not always have my way around here, as most of you know—if I had my way, these nuisance excise taxes would be eliminated as of the 1st of this July and we would not do so in two steps, although some might feel a two-step reduction method is better. I feel the quicker we stop something which is not good the better off we will be.

Mr. Speaker, I yield the balance of the time on this side to the gentlewoman from New York [Mrs. ST. GEORGE], a member of the Committee on Rules.

The **SPEAKER**. The gentlewoman from New York is recognized for 16 minutes.

Mrs. ST. GEORGE. Mr. Speaker, I have a certain interest, rather a personal interest, in this piece of legislation. I also regret very much that it has been brought out under a closed or gag rule. It seems to me that this is something we should have been able to debate and that we should have been able to pick apart and that we should have been able to amend. It is unfortunate that the House of Representatives is not given that privilege which still remains, apparently always, in the other body. Of course, a Member of that body has written a book recently that has caused a good deal of attention. It is entitled "Congress: The Sapless Branch." Maybe this is one of the sapless things we are being accused of.

The reason why I am taking the floor for a very brief time here is to call your attention to the tax on women's handbags. I would like to submit, Mr. Speaker, that a woman's handbag is not a luxury. There is not a woman in this Chamber today, either on the floor, in the gallery, or anywhere around this Chamber, who is not carrying a bag. It is a necessity. If you want to tax handbags for women, you should tax pockets for men. Under that criteria, of course, there was only one Member of this body who could ever have qualified for not being taxed, and that was the former Member from Michigan, Mr. Hoffman, who had made it a rule never to have a pocket in his suit or, I believe, in his trousers, for that matter.

Now, the tax on luggage, handbags, and the like was imposed primarily to conserve leather during World War II. Most luggage today is not made of leather. We have synthetics not only for luggage but for the production of shoe uppers. I am very happy to tell you that one of the outstanding discoveries in that line has been made by the laboratories of the Du Pont Co. in my district in Newburgh, N.Y. You will all be going around with shoes made from this new fabric very soon. It is a very remarkable discovery.

Now, leather is far from becoming a drug on the market, but in the absence of a need to conserve leather, there is no justification for singling out ladies' handbags, luggage, and the like for a selective retail excise tax. Why penalize these articles? Yet under this bill we are powerless to do anything about it. We cannot amend the bill to exclude these articles and I think most of us, the vast majority, would agree that we should exclude them.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11376) to provide a 1-year extension of certain excise tax rates.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11376, with Mr. DELANEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MILLS. Mr. Chairman, the bill before the House today, H.R. 11376, continues certain excise tax rates for 1 additional year. These rates which are continued from June 30, 1964, through June 30, 1965, are the present excise tax rates on distilled spirits, beer, wine, cigarettes, passenger cars, automobile parts and accessories, general telephone service, and the tax on the transportation of persons by air.

In the absence of the passage of this bill, Mr. Chairman, the tax on distilled spirits would be reduced from $10.50 to $9 per gallon; the tax on beer would be reduced from $9 to $8 per barrel; the tax on wines, which varies generally in proportion to the alcoholic content of the wine, would be reduced by approximately 11 percent; the tax on cigarettes would be reduced from 8 cents to 7 cents a package; the tax on passenger cars would be reduced from 10 percent of the manufacturers' price to 7 percent; the tax on automobile parts and accessories would be reduced from 8 percent of the manufacturers' price to 5 percent; the 10-percent tax on general telephone service, or as we used to call it, local telephone service, would be repealed; and the 5-percent tax on transportation of persons by air would be repealed.

Mr. Chairman, it is important I think to distinguish a little bit between what is commonly referred to as the "'Korean" excise taxes and some of the other taxes which are contained in this bill for extension for 1 year.

Mr. Chairman, when we refer to the Korean excise taxes, we are referring to the increase in the tax on distilled spirits, on beer, on wine, cigarettes, passenger automobiles, and automobile parts and accessories.

The general telephone tax, Mr. Chairman, and the tax on the transportation of persons antedate the Korean war by a number of years. In fact there has been a tax on toll telephone service which antedates World War II. The tax on transportation of persons as I recall originated in World War II. These two taxes, however, have been in this legislation for the last 3 or 4 years because the committee hoped that the time might come when consideration could be given to the elimination of these two taxes as well as the Korean taxes themselves.

Mr. Chairman, the telephone tax would have been repealed as the result of an amendment in the other body to one of these bills—I believe that was done in the Tax Rate Extension Act of 1959. The Senate conferees, however, agreed to including this tax rate among those continued for 1 year. We have subsequently extended that tax in the intervening years.

Previously, Mr. Chairman, we also included in the tax rate extension bill, this bill, certain corporate tax rates. But the members of the Committee will recall that in connection with the passage of the Revenue Act of 1964 those rates were made permanent in the process of reducing them substantially from the Korean levels. The corporate tax rates are, therefore, no longer a part of this particular bill.

Mr. Chairman, in a full year of operation the revenue loss that would result through failure to enact this bill is $1.9 billion. In the fiscal year 1965 because of the lag in collections that revenue loss would be $1.8 billion.

Mr. Chairman, this I believe identifies the bill and properly describes it and it gives to the members of the Committee some idea of what the revenue effect is if we do not continue these taxes for another year.

Mr. Chairman, let me see now if I can give to the Members of the Committee reasons which justify in their opinion a continuation of these taxes for 1 additional year.

Let us look first to the economic situation which we are enjoying. The Revenue Act of 1964, which was enacted earlier this year, Mr. Chairman, involved a reduction in individual and corporate rates of $11.6 billion in revenue. This was the largest tax reduction ever enacted by any Congress.

We did that, Mr. Chairman, we will recall, in order to lessen the restraints upon our free competitive society so that we could obtain more economic growth and in this manner obtain a higher gross national product—or combination of goods and services produced and rendered here in the United States.

I believe it is well that we pause a moment to reflect upon whether or not that action by the Congress—the conference report was adopted, you will recall, by an overwhelming vote in this House—has tended to accomplish the results which were then thought possible through that action.

I am pleased, Mr. Chairman, though we cannot yet state what the full effect of it will be, that we are realizing its desired results from that tax reduction program.

Each time a new set of statistics is released, we have to be impressed by the fact that in the particular month to which those statistics apply, we are generally better off than we were in the month before. Think of it. On the basis of the statistics which were issued in April, unemployment is down. This is true even though this includes every high school graduate in the United States looking for a job.

The unemployment rate for May is down to the figure of 5.1 percent, seasonally adjusted. This is the lowest unemployment figure we have enjoyed in the United States in many, many years. On the other hand, civilian employment in April exceeded, for the first time in the history of this great country, 70 million people. The personal income in April hit an all-time high, up to that point, of $483 billion, and yesterday we are told that in May personal income has exceeded the April figure and is now at $485 billion. The industrial production index in April climbed to a new postwar high of 129.6, and yesterday we are told again that during the month of May the figure went to 130.3, which is based upon the average prevailing in 1957–59. The latest release of the Department of Commerce and SEC on plant equipment expenditures by business now indicate that actual expenditures in the first quarter were $42.5 billion at an annual rate, and that these are now expected to rise to an annual rate of $45.4 billion in the last quarter of this year. This represents a new high, and means that plant and equipment expenditures in 1964 should be 12 percent above those in 1963.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 10 additional minutes.

In addition to that, Mr. Chairman, total new construction building in May is in excess of $66 billion on an annual basis.

Mr. Chairman, these indicators are good. They show that the Revenue Act of 1964 is having its intended result. They do not demonstrate, however, the need from the economic point of view for any further tax reduction. This would nevertheless occur if we do not pass the legislation now before us.

Since there is no economic justification for the failure to extend these taxes let us see whether we accomplish any other possible objective. First of all, what would the failure to act do to our deficit for 1965? This deficit is now estimated at $5.8 billion, and includes the revenue to be developed from extending these taxes. If we do not pass it, we increase the deficit to $7.6 billion in fiscal year 1965 without having served any economic purposes in the process.

What do we do, Mr. Chairman, in addition to that? If we do not pass this legislation, instead of merely raising the debt ceiling tomorrow to $324 billion, we will have to up that figure by approximately $2 billion to $326 billion. Moreover this increase in the deficit and this increase in the debt—increasing the size of the ceiling required for the debt—will all occur without having accomplished any justifiable economic result.

I think it should also be clear that a further increase in our deficit at this time not only is not needed but is quite clearly undesirable. We knew when we passed the Revenue Act of 1964 that this would mean a continuation of the budget deficit for a transitional period until the tax reduction provided by that bill could be converted by the private sector of our economy into the economic growth which in the long run will bring us higher rather than lower tax revenue. An excise tax reduction, at this time, however, can only have the effect of further increasing our fiscal year 1965 budgetary deficit. The deficit now anticipated by the administration for the fiscal year 1964 is $8.8 billion. For the fiscal year 1965, the administration now anticipates a deficit of $5.8 billion. Failure to enact this bill would further increase this fiscal year 1965 deficit to a level of $7.6 billion. With the economy moving upward as it is, I do not see how anyone could view this further increase in the deficit for the fiscal year 1965 as being fiscally responsible. An action of this type seems to me to be especially undesirable when we know the great effort the President is making to economize and hold down expenditures for 1965.

I should also warn those of you who may be tempted to vote for an excise tax reduction at this time that tomorrow you will be asked to vote on a bill raising the debt limit from the level of $315 billion where it has been much of this year to a level of $324 billion for the next fiscal year. I must warn you that a failure to continue these existing excise tax rates will require a further increase in the debt limitation. Without question, if you should fail to adopt this bill, it would be necessary to ask for a debt limitation $2 billion above this level of $324 billion. Thus, unless you vote for this bill, you will be providing a tax reduction for which there is no demonstrable economic need and for a tax reduction which will increase both our deficit for the coming year and the level to which we will have to raise the debt limitation.

Mr. Chairman, this does not mean that those of us on the committee are not aware of the fact that our excise-tax structure needs to be overhauled. We are completely aware of that fact, Mr. Chairman. It is for this reason that some time earlier this year the committee scheduled hearings which began on Monday of this week to lay the basis for a complete, comprehensive study of each and every excise tax in the total picture producing $14.7 billion of revenue.

Mr. Chairman, it is interesting to make here the observation that the amount of the total excise taxes collected by your Federal Government exceeds by about $15 million in fiscal year 1965 the tax which is paid on payrolls into the old-age and survivors' insurance fund.

Yes, we want to look at all of those, Mr. Chairman. In this way we will be able to determine which of them, on the basis of study and careful analysis, the committee may think—and the Congress may think—justify reduction first. We will also be able to determine when those reductions should be made.

Mr. Chairman, just because of the historical accident that certain taxes were levied during the Korean war does not mean those taxes are the most harmful taxes from the standpoint of the country as a whole, or that they should be the first excise taxes to be removed or reduced.

The Committee on Ways and Means is, therefore, hopeful that the Congress will follow its recommendation and extend these taxes for this additional year. This will give the committee the opportunity of completing this study it has already started so that we can tell more intelligently what we need to do about the exise-tax structure.

Mr. Chairman, I am aware of the fact that there does not seem to be too much argument within the committee on either side of the aisle about these particular excises. I understand that most members now agree that these taxes, though they were levied in the Korean war, should be continued for another year. But apparently there are certain taxes which some want reduced even though these are permanent in nature, were not levied during the Korean war and have been in existence since the early days of World War II. It is my understanding that such a subject will be the substance of the motion to recommit. I hope to have the opportunity before the debate concludes to point out to you why I think this motion should be defeated.

I should like to point out now, however, that much of the same type of reasoning that I have been suggesting justifies a continuation of the taxes involved in this bill applies equally well to a motion to recommit which would reduce other excise taxes at this time. Any reduction in taxes at this time cannot be justified from the standpoint of the budgetary situation. They cannot be justified from the standpoint of the economic situation. They cannot, in my opinion, be justified from the standpoint of the public debt.

Any selection we make in addition at this time would be arbitrary. It would not be the result of careful study, such as reductions that may later be recommended by the Committee on Ways and Means.

Thus, I would suggest, Mr. Chairman, that it is better judgment on the part of the House to reject any motion to recommit and instead to pass this bill so that these revenues will continue to be available to help hold down what would otherwise be a higher deficit and a higher public debt.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has painted a rather glowing picture of employment and other economic factors and improvement in other economic factors and, yet, I see no diminution in the number of new welfare programs and the amounts of money to be spent on various kinds of welfare programs that already have been before us and are coming before us apparently. Now I somehow am unable to make this sort of thing square. Only the other day the House saw fit to pass a salary increase bill which will add another half billion dollars to the debt and the deficit of this country. Somehow or other I cannot square all of this. Perhaps, the gentleman can, but I cannot.

Mr. MILLS. I am not at this time prone to discuss each and every program that Congress has before it. Let me say this, however: Only those programs that are provided which are not in the budget submitted this last January would have the effect of increasing the size of the deficit. If they are a part of that budget, then they come within the totals of the figures I have referred to.

Mr. Chairman, I urge the adoption of the bill as reported by the Committee on Ways and Means and rejection of the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 14 minutes.

Mr. Chairman, we again have before us a bill dealing with a portion of our excise tax laws—a portion that has an expiration date. As has become a habit, we appear annually asking for an extension and we annually promise that the whole field of excise taxes will be looked into and that we may expect from the committee some action to correct a very serious situation that exists as far as our excise taxes are concerned. I believe everyone in and out of the Congress will agree that our excise tax laws are a shambles. This bill in its present form does nothing to make even the slightest improvement in that situation.

We are told by our chairman and we are told by the administration that no change should be made at this time but that the matter must be studied. That it is being studied and that we can expect reform and recommendations for reform—I would put this in quotes—"sooner or later."

In fact, as recently as last year, when the Ways and Means Committee was considering excise taxes—in fact it was the extension of these same taxes; the same problem we bring to you today—a representative of the Treasury Department advised us that the Treasury was studying recommendations, and that they were hopeful of being able to present recommendations to us with respect to excise taxes in January of 1964, or shortly thereafter.

But now what are we told? We are told, "No, we cannot cut these taxes, we have to have an exhaustive study."

Frankly, we have been having exhaustive studies in this field on and off for a long period of time. We had an exhaustive study in 1955 and 1956 in the area of excise taxes. We had 12 months of hearings and consideration in this field, with 1,100 pages of printed testimony covering the whole gamut of excise taxes.

Some technical changes were made in 1958. But there has been no major substantive change made as a result of that study.

I suggest that we need not wait for any more study of these particular taxes. I suggest that we can make a much needed start on excise tax reform today. We can take a small but important—and in my judgment necessary—first step right now in connection with this bill. So far as this first step is concerned, we need not wait for any extensive hearings and study.

While I am not critical of the current hearings and study, which have been suggested by the administration and by the chairman, I suggest that we do have sufficient facts and information to recognize that there are some excise taxes which are so patently bad, so patently wrong, and so patently discriminatory as to require that a start be made on their elimination at this time.

I refer particularly to the retail excise taxes, which are consumer sales taxes levied by the Federal Government. This is not a significant area for the excise taxes levied by the Federal Government. These taxes are imposed at the consumer level, upon which many of our States rely as a source of revenue. These are consumer retail taxes. I believe we should permit the States to preempt that area of taxes. As a start, I say, "Let us withdraw from this limited area in which we impose taxes."

Of what do these consumer taxes consist? They cover five categories:

First, there is the tax on diesel fuel used on highways.

Second, there is the tax on toilet articles or cosmetics. These are the items generally found in drug stores, in grocery stores, and most retail establishments.

Third, there is the tax on jewelry. This covers everything from the little, cheap, 10-cent earring on up to the Hope diamond. All are subject to the tax.

Fourth, there is the tax on furs. It may be a furcoat or a cloth coat with a fur collar.

Fifth, there is the tax on luggage and handbags.

These are the items on which the Federal Government now imposes a retail excise tax; that is, a consumer sales tax.

Now, I recognize that there is justification for maintaining at this time the tax on diesel fuel, because it does have a relationship to the gasoline tax which we impose. However, other than that I can see no justification for the Federal Government continuing to tax consumer sales of selected items such as toilet articles, jewelry, furs, luggage, and handbags. These are the only other items that the Federal Government taxes at the retail level. In my judgment, these taxes should be repealed and, as has been pointed out, I shall use the motion to recommit to propose an amendment phasing out these four consumer sales taxes. Under the amendment these taxes will be completely off the books on July 1, 1965. In my judgment, the elimination of these taxes should be the first step in excise tax reform.

Now, most certainly all taxes are a nuisance. We all realize that. And all taxes are burdensome. But these particular taxes top the list of all our taxes insofar as the nuisance aspect is concerned and insofar as their unreasonable and discriminatory burden is concerned. Our people will tolerate a great degree of Government-imposed hardships in time of war, which is when these taxes were imposed. However, on this 20th anniversary of D-day, it seems to me it is time to rid the people of this Government-imposed burden of World War II. It has stood long enough.

Now, I am not alone in listing these as deserving prior consideration. I am not alone in saying that we do not need any more hearings to decide how inequitable and how discriminatory these particular taxes are. I would call my Democrat colleagues' attention to the fact that in 1950 President Truman in a special message to Congress categorized these particular taxes. What did he say then? How did he classify these taxes? He said: "They have the most undesirable effect." He listed these retail excise taxes as "the most serious inequity in our present excise taxes."

There is nothing that has changed in that situation between 1950 and 1964. President Truman did not need any study then to determine the inequity of these taxes. We do not need any study in 1964 to determine their inequity. The situation is no different today than it was back in 1950 when President Truman sent his message to Congress. These taxes still represent the most obnoxious and serious inequities in our present excise tax laws and, in fact, in our whole tax structure. For further authority I would quote one of the witnesses, who was the first witness to testify before the Committee on Ways and Means on Monday in conjunction with the overall study of excise taxes. This was Prof. John Due of the University of Illinois, one of the experts called in by the chairman to sit on a panel to discuss the field of excise taxes with the committee.

He gave top priority to repeal of excise taxes on toilet preparations, cosmetics, and costume jewelery. And then following closely he listed the tax on luggage and the tax on furs. These are the taxes, Mr. Chairman, that my motion to recommit will ask that we phase out and repeal as of July 1, 1965.

At the heart of the evil of these taxes I think is their discriminatory nature. There can be no question of the severe discrimination between items. For instance, even under the tax on jewelry, the item does not have to be a ring or earrings or beads or pins or brooches, but any item containing a plating of one one hundred-thousandths of an inch of gold or precious metal is considered to come under the jewelry tax. So if you buy a billfold with a little gold-plated edge around it, you not only get into the question whether it is luggage, because it is luggage, but whether it comes under jewelry. And the question is, where are you? Items that have no jewelry content at all, or not to be worn on the person at all, bear a jewelry tax simply because they have one one hundred-thousandths of an inch of gold or some other precious metal. Many manufacturers do not even have devices that can measure that thickness. This is the determining factor whether you add a tax to it or whether it is nontaxed. The utility of the article may be the same. It is the height of discrimination.

Under jewelry tax also, field glasses and marine glasses are taxed, unless, as I understand it, they are fitted with a tripod. If you fit a glass with a tripod, then it is not taxed. If you buy a pipe, it may have a little silver band on it. If so, it becomes jewelry and is subject to 10 percent tax.

Take the field of cosmetics, and toilet articles. That is the worst headache. If a shampoo is not advertised as giving your hair a glint of some kind; if it is only advertised to wash your hair, then you do not pay any tax. But if the advertisers happen to claim it is going to restore the natural qualities of the hair or give it some kind of glint, or something like that—bingo—there is a tax.

Let us take shaving creams. Basically, there is no tax on shaving cream, even though the ladies have to pay a tax on their powder and their lipstick and the like. The man again goes tax free if his shaving cream is not advertised as soothing to the skin or for after-shaving as well. If the advertisers make that claim, then, bingo, the shaving cream is taxed.

Mr. Chairman, I call upon the members of the committee to look at the list which is contained in the minority report where we point out the rulings as published by the Internal Revenue Service of toilet articles that are taxed and the cases where they are not. And, in addition to that there is a supplemental list, because in the area of shampoos you have to ascertain how the item is advertised, as to whether it is taxed or not taxed. This represents a preposterous situation.

Mr. Chairman, if there is any discrimination in our tax laws, this takes the gold metal, and the gold metal is taxed.

Look at furs. The ladies can go out and buy a highly expensive cloth coat, for example.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. I yield myself 8 additional minutes.

Mr. Chairman, the ladies can go out and buy a real fancy cloth coat, a high style Paris fashion original, and there is no tax on it. But add some fur to it and, bingo, all of a sudden you have a taxable item.

Mr. Chairman, what has happened to our fur industry? It was not too long ago that we had some 14,000 people employed in the fur garment manufacturing industry. You know what we have today? Seven thousand. This is a depressed industry. If any of you have fur breeders and ranchers in your district, you know it. What do we do? We tax any lady who wants to go out and buy a fur coat, but we do not do anything if she wants to buy a fancy Paris or British woolen coat. Oh, no. That is the type of discrimination that I talked about, with which is inherent in these retail sales taxes.

And, Mr. Chairman, if I say a little something for the ladies, may I suggest that each and every one of these taxes peculiarly penalizes the ladies. I do not think it was by design when the committee first enacted them. But just look at the taxes and consider who really buys and who really uses the items we are talking about in the retail excise tax field. You are talking about toilet articles and cosmetics. Who really are the chief users? The men are the beneficiaries of it, and I will admit that. But who really has to go out and buy them and use them? It is the ladies. There is not much in the male budget for toilet articles, but this is a big item for the ladies.

Furs—who wears the fur coat and who buys the fur coat? Well, if her husband decided he is going to buy her a Christmas present and decides to buy a cloth coat, he does not have to pay any tax on it. However, on a fur coat, if she wants one, he does. Who really then is penalized as a result of this type of tax? The ladies practically exclusively.

Now, Mr. Chairman, we come to the item of luggage. With reference to this item we may have a little closer situation, but as the gentlewoman from New York [Mrs. ST. GEORGE] pointed out, every lady has to have a purse or bag or pocketbook. We got our pockets free of tax. The ladies have to pay a tax on theirs.

What did I miss? Jewelry. Who are the principal purchasers or users of jewelry? It is the ladies.

Every one of these is taxed, and the basic burden falls on the ladies. I think it is about time that we do something for them. It might be appropriate to do it in an election year too, as far as that is concerned.

Another item of this tax, and it is not something to be overlooked, is the impossible administrative burden that is placed on our small business people. You walk into a drug store in your district, any jeweler in your district, and any retail establishment, if they treat you like they do me, they will take you into a back room and show you the bookkeeping that is involved as a result of these numerous items, that in the first place they cannot tell whether the item is taxable or not. They only find out when the Internal Revenue agent comes in to audit that an item is taxed. They pay it, and even though the tax has not been paid by the customer. Until that time the retailer did not know whether it was taxable or not.

Most of these are little privately owned family operations. They do not have the great big, fancy cash registers and auditing equipment and IBM machines. The little corner drugstore. Even your corner grocery store carries some hair lotions or shampoos, or like items. There are retailers in this country today who even refuse to carry some of those items because of the work that it imposes upon them as a tax collector. It is too burdensome to make these quarterly returns.

We had a tax reduction bill which we passed this year. In that bill we could afford to give billions, and I say this advisedly, to big business. In that tax bill there was one item, if you have to have it specified further, the investment credit, which is a subsidy of billions to big business. How can we worry about relatively small cost of the removal of this big burden from our small business people? These taxes should be repealed.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. KEOGH], a member of the committee.

Mr. KEOGH. Mr. Chairman, I listened with great interest and great care to the remarks of our distinguished ranking minority member of the committee. I was greatly impressed not only with his oratorical form, but with his obvious broad information. I therefore say to him, and say it most sincerely, that within the limits of my own predilections with respect to political philosophy, I might suggest if he were to take that speech with him to San Francisco during the week of July 13 he might stand a very good chance of obtaining the adoption of some of these things which he is here proposing.

But, Mr. Chairman, I agree that any revision of any aspect of our Federal tax system must necessarily be equitable, it must be fair, it must be timely. However, as I shall attempt more completely to delineate, I do not believe a proper method of doing this is such as here suggested by the gentleman. An approach such as might be proposed today has all of the infirmities which lead to the very thing we need to revise, namely, our Federal excise tax system, and while the system in total does not involve nearly as much revenue as the receipts from the Federal income taxes, it does amount to over $14 billion.

It is in terms of the number and variety of items affected, however, relatively lengthy and complex. It represents a conglomeration of measures added one on top of another largely during wartime under the necessity to produce large amounts of revenue quickly or to discourage demand for, or production of, any given item. The entire system, I think, admittedly is badly in need of a complete overhaul. It suffers not only from the infirmities inherent in its formulation but also those which have developed as a result of our fast-changing times and our dynamic economy.

Mr. Chairman, I was a member of the Committee on Ways and Means who served on the Excise Tax Technical Subcommittee which functioned in the 84th and the 85th Congress and which did in fact accomplish the first technical revision in our Federal excise tax structure in 30 years. Our distinguished friend from Wisconsin referred to that subcommittee and referred to it, I gathered, somewhat critically as having fallen short of its mark. But, Mr. Chairman, I need remind him of the fact that in its constitution that subcommittee was limited to technical revisions and was without authority to make inquiry into, study of, or changes in the rates of excise.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield.

Mr. BYRNES of Wisconsin. I certainly did not mean to say anything critical of that committee because I realize the obstacles under which it operated, but I do suggest to the gentleman that the hearings were broadened during the course of the consideration of the matter to encompass the whole field, so you did receive evidence and you did hear witnesses discussing the general proposition rather than just technical aspects. So the point is that it is not a fact that we have not had any study of this broad hearing. Also I would point out that I said at the time I am not critical of the chairman in holding these hearings. I think as far as that is concerned he can develop some information. My only point is that I do not think there is anything new as far as these four excises are concerned.

Mr. KEOGH. I am glad to have the gentleman clarify it.

Mr. BYRNES of Wisconsin. I do it particularly because the gentleman was a member of that committee and did a very fine job.

Mr. KEOGH. I thank the gentleman very much. There were other far more capable members on that committee. But I was distinctly under the impression that while the gentleman might not have been critical of what that subcommittee did he seemed critical of what they did not do. I am trying to point out to the gentleman that the subcommittee was without authority from the full committee on ways and means to do what the gentleman criticizes us for not having done.

Mr. BYRNES of Wisconsin. Will the gentleman yield further?

Mr. KEOGH. I think we have cleared that up.

Mr. BYRNES of Wisconsin. The gentleman speaks of jurisdiction and limitations, but when it comes to the full committee——

Mr. KEOGH. The full committee acted in limiting the subcommittee jurisdiction. The full committee did it designedly just so there would not be any selective reductions or repeals, as the gentleman here proposes to make today. I am delighted to have that point clarified. I think it simply points up in bold relief that what we should do today is pass the bill as reported from our committee. As attractive as the gentleman's motion to recommit might seem to some, it is not the way to do it. If we pass this bill today we can get to the intensive and broad study that the gentleman has now gone on record in favor of, and we can come in here with a revision of our excise taxes, including rates, that will do far more justice and deal more equitably with all items that are subject to excises, and not just those, for example, that principally fall upon the lovely ladies. I do not think the gentleman from Wisconsin has any prior right to come to the aid and defense of the ladies of America.

I think each of the Members on our side would be right alongside of you in that quest.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Let me add that it may not be a right but it is a great privilege to come to the aid of the ladies.

Mr. KEOGH. I would point out, however, that in his presentation here today and in the minority views signed by the entire 10 members of our committee, you have indicated that these retail excises which you are seeking to reduce first and repeal later, effective July 1, 1965, are an intrusion by the Federal Government into an area which, to use your words as well as I can remember them, should be permitted to be preempted by the States. I, therefore, say to the gentleman that the immediate and ultimate beneficiaries of his motion to recommit were it to be adopted might not be these lovely, beautiful ladies of America, but the immediate and ultimate beneficiaries might be what some might describe in contrast as those ugly, selfish Governors of the States of the Union. And, in fact, some of these States as the gentleman well knows have already enacted standby legislation to pick up the revenues that might result from the repeal of a tax, such as the communications excise tax. So without getting romantic or emotional, let us leave the ladies alone in this debate and let us confine ourselves to the real beneficiaries of the gentleman's motion to recommit.

So I say, Mr. Chairman, that today on the 17th of June, 13 days before the automatic expiration of the act under which these excise rates are imposed, we should not encumber the debate nor the consideration of this measure by the other body by adopting any such motion to recommit as the gentleman from Wisconsin proposes to make.

Obviously, anybody affected by a given excise tax would like to see that tax reduced or repealed. But just as obviously, that fact—as well as the very complexity of the excise tax system—means that we can only make equitable adjustments in that system after a considered and thorough review of the effect of the taxes on various items. Just such a review has been started and is now in progress in the Committee on Ways and Means.

I am sure that, if excise taxes are to be repealed or reduced at all, most Members of this body have one or more favorite candidates for extinction among the many excise taxes. I am sure that in every case excellent reasons can be offered for a particular choice which one may have in mind. But if we proceed as the minority is today suggesting, we necessarily ignore the equities of every bill which every Member of this body has sponsored, save the relatively few which relate to the retailers' excises. What about the 30 Members who have bills on the communication taxes? How about the more than 100 pending proposals to amend the manufacturers' excises? Or the more than 75 on facilities and services?

My point, Mr. Chairman, is quite simple. By the very fact that we arbitrarily pinpoint one relatively small group of excises for reduction and do not include others, or even consider others, we thereby in effect take the position that these excise taxes above all others are most deserving of reduction. Yet, how can one logically and fairly make that judgment unless we consider all other excise taxes? This we have not yet done, although the Committee on Ways and Means has now started the process of doing it.

The Committee on Ways and Means in a very short time will hear witnesses from all interested segments of our business which are affected one way or another by excise taxes. All interested parties will have an opportunity to testify. Full hearings will be conducted. To do otherwise would, in my judgment, be unwise and unfair.

In the absence of any overall and systematic review of excise taxes, I do not see how, in fairness to all or in fairness to any, we can pick and choose one relatively small group of taxes, however onerous and burdensome they may be, and say that these should be reduced now but that all others must wait for hearings and orderly consideration.

If those who today propose repeal of the retail excise taxes have confidence in the merits of their case, then they should not fear to submit that case to the careful and full review that the Ways and Means Committee has already started. I, for one, do not fear to submit the case for retail excises to our close scrutiny. But until such time as the Committee on Ways and Means completes its review of the entire excise tax field, I do not see that it would be fair, just or equitable to all of our taxpayers to select a single group of taxes for immediate repeal, to the detriment of all others.

Under these circumstances, I cannot support the motion to recommit, and I urge this body to pass the bill as reported by the majority of the Committee on Ways and Means.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from California.

Mr. YOUNGER. I have not been here too long, it has been about 12 years, but every time the question comes up about the extension of excise taxes we hear the same argument that you are presenting today—an admission that the tax is wrong; that it needs reformation. But nothing is done about it. I think it is about time that we did something or at least that we should get a different type of argument.

Mr. KEOGH. I would say to the gentleman from California—and incidentally you surprise me by saying you have been here only 12 years because the contributions that you have made to orderly and good government make me think you have been here much longer—I do think the gentleman was a Member of this body when in 1954 the Excise Tax Act of that year was passed. And the very excises which your ranking minority member on the committee proposes to reduce next year and repeal thereafter, were established in that act of 1954. You knew as much about it then as you do now.

Mr. YOUNGER. You know it is always possible for a person to make one mistake. But to continue the mistake and make it every 2 years is simply unpardonable.

Mr. KEOGH. And we propose exactly to prevent making the second mistake. You listen to us. We have given this subject great study. We propose to deal with it in the only fair and equitable way that it should be done, and we are not going to arbitrarily select certain of the taxes for reduction or repeal. We are going to give a chance to everybody affected by all the excise taxes that are imposed under the code to come in before us and make their case or not make it.

Mr. YOUNGER. The gentleman will recall that in 1954 the tax was reduced from 20 to 10 percent.

Mr. KEOGH. Yes; I recall that.

Mr. YOUNGER. Do you not think it is about time that we made another reduction?

Mr. KEOGH. Yes; there is still the 10 percent to consider but I do not know yet that it is time to make that reduction.

I am not going to stand here today without having given it the time, study, and consideration it deserves, and say that it should be repealed to the detriment of orderly consideration of all excises. I say we should not do it without the consideration it requires.

Mrs. FRANCES P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield to the lovely lady from Ohio.

Mrs. FRANCES P. BOLTON. As I remember the situation, the tax on such things as this, which we pay so heavily, was put on in the war, and it was soon to be taken off. It has been a long time since that war.

Mr. KEOGH. Yes.

Mrs. FRANCES P. BOLTON. Am I right or wrong?

Mr. KEOGH. The gentlewoman is absolutely correct, as she usually is, and she affords me an opportunity to stand side by side with my good friend from Wisconsin and to say that I feel as sorry as anybody for the lovely ladies of America who have to pay that tax.

Mrs. FRANCES P. BOLTON. May I suggest that the ladies are a little sorry that you are still only sorry.

Mr. KEOGH. One of the great advantages which we men as legislators have is that the ladies of America are tolerant of us in many ways.

Mr. MILLS. Mr. Chairman, will the gentleman from New York yield?

Mr. KEOGH. I yield to the chairman.

Mr. MILLS. I believe the record should disclose—it is my recollection, and I feel certain I am correct—that when the tax to which the gentlewoman from Ohio refers was initially levied, it was levied on a temporary basis with a termination date, but in the 83d Congress, when, I agree, the Democrats were not in control of the Congress, the tax was set at the present 10 percent; it was made permanent in the 80th Congress, also when the Democrats were not in control, by the removal of the termination date which was put in when it was enacted during World War II by a Congress which the Democrats controlled.

Mr. KEOGH. I appreciate very much the chairman reminding us of that accurate fact.

Therefore, I would suggest to the lovely lady from Ohio that instead of seeking explanations from us she should retrace the steps to the years of the 80th Congress and ask her then majority of the committee why they made these permanent taxes.

Mrs. FRANCES P. BOLTON. I was merely going beyond 1954, way back to when it should not have been done.

Mr. KEOGH. We are talking about those who reenacted it.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I am delighted to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. The chairman sort of sloughed over the fact that in 1954 one of the big things we did with respect to all these taxes was to reduce them from 20 percent to 10 percent. That was done in the Republican Congress.

Mr. KEOGH. I would say that was done in the halfway manner some of the jobs are done under the leadership of the gentleman's party.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. KEOGH. I was truly amused to hear the gentleman from Wisconsin criticize the Revenue Act of 1964 as being a bonanza to big business. The gentleman mentioned the investment credit. I believe the statistics prove that the greatest beneficiary of the investment credit granted under that act has been what we are always calling small business.

I say to the gentleman that in consideration of that act, when we were remitting more than $11 billion of tax revenue, not once do I recall that the gentleman, or any other of the signers of the minority views on the pending bill, made any suggestion that there should be any consideration of a repeal of or a reduction of existing excise taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Wisconsin. I will be glad to have his explanation.

Mr. BYRNES of Wisconsin. Is the gentleman suggesting that we should have raised this question in conjunction with the big bill?

Mr. KEOGH. I am not saying you should have. It is a fact that you did not.

Mr. BYRNES of Wisconsin. Frankly, I wanted to respect the judgment of the chairman and others that that bill deal with the general portion of the code.

Mr. KEOGH. That is correct.

Mr. BYRNES of Wisconsin. I did not want to breach that understanding, which I believe we all had. Now we are dealing with excise taxes, and I believe this involves no breach. In fact, if it is a breach, it is a breach which should be made.

Mr. KEOGH. You are dealing with excise taxes, but you are dealing with selective excise taxes, and you are saying nothing, nothing to the more than 100 Members of this body who have introduced pending bills to amend the manufacturers' excises. You are saying nothing to the more than 30 Members who have introduced bills with respect to the communications taxes. How are you going to explain this to them?

Mr. BYRNES of Wisconsin. The gentleman is asking a question. This is the most selective of the selective taxes.

Mr. MILLS. Mr. Chairman, will the gentleman from New York yield in order that I might confirm a previous statement that the gentleman from Wisconsin made? He was most cooperative in reference to the enactment of the Revenue Act of 1964 in the committee, with reference to the excise taxes. The only thing I am asking him to do today is to continue to cooperate until we can sit down again and write out a bill dealing with excises.

Mr. KEOGH. Is it not reasonable, Mr. Chairman, to expect that such a bill will be before this body for consideration in due course?

Mr. MILLS. I will be glad to respond to the gentleman's question. I have said on several occasions, and I think for publication, that I had the very high hope that in the next Congress it would be possible for us to have an excise tax reduction bill. I think probably in the next Congress we can, but the magnitude of those reductions, taking into consideration the fact that there is better than $14.7 billion of revenues developed from excises, will depend upon the ultimate success of the last tax reduction bill and the extent to which the Congress and the executive departments hold the line on Federal spending. I have said that repeatedly and I will say it again. I think the Revenue Act of 1964 is going to demonstrate clearly to the American people that the private sector of this economy can be expected to generate additional economic activity and that we can further enable it to do so by an elimination of some of these onerous excise taxes.

Mr. KEOGH. Mr. Chairman, would the chairman not agree with me when I say that we must be careful to make certain that our economy as a whole has the capacity to digest any further taxes or reductions in taxes.

Mr. MILLS. Exactly. That is what I was trying to say in my opening remarks, if the gentleman will yield further to me. As onerous, as objectionable, as discriminatory as we admit some excise taxes may be——

Mr. KEOGH. And as unfair to the ladies.

Mr. MILLS. And as unfair to the ladies, as it has been argued it is, and as I am sure the gentleman would agree that it is, still there is a time for action, and that time should be geared to the opportunity when the country as a whole and the economy especially can develop dollar-for-dollar benefits from the reduction that we are making and not a time when the only result is to add to a debt that is already in excess of $300 billion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. I yield the gentleman 2 additional minutes.

Mr. KEOGH. Mr. Chairman, before I yield to the gentleman from New Jersey [Mr. Joelson], I simply want to thank the chairman of the committee for his splendid contribution to my efforts here today. It is a further indication of the good fortune that we who serve under him have to have him as chairman.

Now, Mr. Chairman, I yield to the gentleman from New Jersey [Mr. Joelson].

Mr. JOELSON. I ask for this time to recall that when the tax reduction bill came up I believe the gentleman from Wisconsin wanted it made conditional upon the budget being balanced. I notice when we also had a pay increase bill last week there was a motion to recommit and it stated that it would be subject to the budget being balanced. This was all in the name of fiscal responsibility. I am wondering if there will be such a proposal made today, that there be no repeal of the excise taxes until the budget is balanced.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman from New York yield?

Mr. KEOGH. I have no need to comment on the statement of the gentleman from New Jersey. He is usually most accurate because he recalls events of the past, and I am sure his judgment as to what might happen in the future is better than mine.

Mr. Chairman, I now yield to the distinguished gentleman from Ohio, having yielded previously to his lovely mother.

Mr. OLIVER P. BOLTON. Mr. Chairman, I appreciate the gentleman yielding.

I have listened to the colloquy with great interest, because as I understand the gentleman's position and the position of the chairman of the committee and the majority position, it is that they do not feel these taxes should be repealed at this time because of fiscal responsibility on the basis of the pledges which were made for no further spending programs. Is that correct?

Mr. KEOGH. No, I did not get that impression and I did not mean to take that position.

Mr. OLIVER P. BOLTON. I appreciate the gentleman's clarification.

Mr. KEOGH. Is the gentleman referring to the observation of the gentleman from New Jersey?

Mr. OLIVER P. BOLTON. And the chairman of the committee.

Mr. KEOGH. No. My point with respect to the proposed motion to recommit is that it is unfair to all those who bear the burden of excise taxes here to make selective reductions or repeal before your standing committee has completed the task in which it is now engaged.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. Curtis].

Mr. CURTIS. Mr. Chairman, the gentleman from New York [Mr. Keogh] who just preceded me raised the question of why, on our side of the aisle, the point had not been raised about reducing excise taxes if we were going to have a tax cut of around $11 billion. I would remind the gentleman from New York, and also the House, that last year, when the debate was on the floor in regard to extension of these excises, and at the same time there was talk in the air of the administration's proposing that we do cut income taxes, I made the point that of all the taxes that should be cut first, it was these war taxes which had been imposed, for two purposes; one, to raise revenue, but secondly—and this is particularly important—actually to impede economic activity in those areas in order to permit the war effort to move forward. And here was a proposal on the part of the administration to have a tax cut to encourage economic growth, ignoring the very area of taxation where we have sought, if our theories were correct, to impede economic activity.

So I would say to the House that the Republican position on this is very clear, that we have said, and I would reiterate here again, that in considering the $11 billion tax cut we did impose we certainly should have removed these war excise taxes first, for two reasons. One was morality; and I meant it in this sense, that we had promised the people we would remove them as soon as the war was over; and, secondly, for these important economic aspects.

Mr. MILLS. Mr. Chairman, will the gentleman yield to me for a question?

Mr. CURTIS. I yield.

Mr. MILLS. Is my friend from Missouri referring to the speech he made on June 13 in connection with excise taxes?

Mr. CURTIS. That is correct. That is the point I was making at that time. Here is the interesting position that I think this administration finds itself in. It has recommended, and this recommendation has been followed out, to cut the Federal income tax, both corporate and individual. But it is actually coming in and asking that we increase the excise taxes because, let us face it, this is an increase that is before us today, if we do nothing with these taxes to go back to their permanent level. So this is an increase in taxes.

This administration is also asking an increase in the payroll tax, which is a Federal tax. And, at the same time it is asking that we increase the amount of deferred taxation which I submit Government bonds are. Deficits are no more than deferred taxation.

Mr. Chairman, this administration is not presenting a fiscal policy to this Congress which contemplates a balanced budget. This administration has not projected when the budget will be balanced. It has argued for tax reductions but has continued deficit financing on the basis that this would stimulate the economy.

Now, let us take a look at just two of these excise taxes about which we are talking. Anyone who represents the Rhode Island area should be concerned. In this area we have depressed industries in the field of jewelry, for example. Anyone who represents areas where the fur industry is involved knows that we have a declining industry and unemployment and should be concerned about removing this impediment to economic growth and do something in the employment field.

Now, Mr. Chairman, we are talking about economics here. If that is what is in our mind, let us direct our attention to it. I want to point out also to the chairman of our committee, the gentleman from Arkansas [Mr. MILLS], and to the Democrats who are on the Ways and Means Committee, that in 1954 the Republicans controlled the House. We did do something about this. We reduced all of these excise taxes from a 20-percent level to a 10-percent level. Then, note the minority views in which the gentleman from Arkansas [Mr. MILLS], now the chairman of the full committee, joined, as well as the gentleman from Louisiana [Mr. BOGGS] and the gentleman from New York [Mr. KEOGH]. They said that we should have eliminated certain taxes and they said:

> Among the additional adjustments which we attempted to make in the current bill and which were defeated by the majority—

The majority was trying to just get the rates down for everything—

> were the following, many of which were also included in the revenue bill of 1950.

And, what do we start out to do? "Repeal the tax on handbags, billfolds, key cases, and so forth, watches selling for less than a certain amount, clocks and alarm clocks."

In other words, Mr. Chairman, the position of that time was that there should be a selective reduction. I believe the majority position, the Republican position, in those days could well have been defended because we were doing first things first, which was to get the rates down.

I do believe that the motion to recommit which will be submitted by the gentleman from Wisconsin [Mr. BYRNES] is quite logical. It hits at the retail level taxes. These are really nuisances. I doubt very much if we gain any real revenue in comparison to what we will gain if these particular nuisances—and they are aggravated nuisances—are eliminated. I believe the reasoning behind that theory is well advanced in the minority views. I call upon the members of the Committee to trouble themselves to read through pages 14, 15, and 16 and note the instructions and regulations issued by the Internal Revenue Service which some 2 million retailers around this country must try to conform to. When one does this one begins to realize what is lost in the way of economic endeavor in trying to be the tax collector for Uncle Sam in this area.

Mr. Chairman, if we do rid ourselves of these nits, these nuisances, I believe we could then direct the attention of the Internal Revenue Service to the real revenue producers.

It is very strange, I might add, that there was not any talk by the majority on the economic theory as to what would happen to the economy by releasing $250 million into it which this proposed motion to recommit would do, releasing it directly to the consumer. There is no argument about where this money might go.

Now, finally, I would like to answer if I may the question that has been directed to me by the Chairman of the Committee and also implied in the question asked by the gentleman from New Jersey [Mr. JOELSON]. What about your own positions on a balanced budget and against deficit financing?

How can you argue to reduce Government revenues when you basically believe in this principle? I am willing to admit that on the surface this is an inconsistency. But what I am asking of the Democrat side of the aisle is this: If there is a beam in your eye, why look for the mote in your neighbor's? Where is the logic of your position when you present such an argument to this side? I will say that everyone on our side of the aisle, and those Democrats who adhere to the philosophy of trying to get a balanced budget, and there are a few, would immediately agree to forgo the removal of these nuisance taxes in exchange for an agreement to cut expenditures so that they are within the Federal revenues. But there is no such commitment on the part of the administration, nor is there any such commitment on the part of the leadership of the House of Representatives and the Senate to actually do something in the expenditure area. Quite the contrary is true. As these expenditure bills come before us, many of them not budgeted, the leadership of this House has come down to the well to persuade us to spend more money, not to try to bring down the budgets in this area.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CURTIS. Mr. Chairman, I would recognize the inconsistency to some degree of the position I am advancing here to try to remove these nuisance taxes, because it does create to a small degree a further imbalance in the budget. But I would like to emphasize that it is a small degree and that in the exchange some of these nuisance taxes imposed originally to impede our economic activity in specific areas, on the same theory, by their removal will increase our economic activity and hit at an area of unemployment, pinpoint it, where our society is experiencing difficulties. You will more than recoup the relatively small amounts of revenue that are lost in this nuisance area through this series of events.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I want to say in that connection with reference to the suggested revenue loss of $225 million or $250 million a year, which is subject to question, at least it will remove a headache from 2 million American retailers and all of the consumers who have to contend with this obnoxious tax.

Mr. CURTIS. I could not agree with the gentleman more, and I happen to think that a concern for the ladies is pertinent to this issue.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman, I believe that many excise taxes should be reduced and others should be repealed, but the motion to recommit does not solve the problem, in my opinion. For the coming year it only reduces a very limited number of taxes, so the retail merchants would still have the nuisance of keeping excise tax accounts.

This motion to recommit makes an arbitrary selection of excise taxes which, in my opinion, is very unfair. It would reduce and then eliminate the taxes on opera glasses and lorgnettes but it would continue the full excise tax on automobiles and tires. This motion would repeal the tax on $5,000 diamond rings and other precious jewels yet leave the full tax on the musical instruments purchased for a schoolchild and on gas and electric cooking stoves used by housewives. This does not make sense to me. This motion would reduce and then eliminate the taxes on a movie star's $10,000 fur coat while leaving the full present tax on television sets and firearms. This motion would remove the tax on perfumes and bubble baths while leaving the present tax on mechanical pencils and ballpoint pens used by practically every child in the country. This motion would remove the tax on matched expensive luggage sets while leaving the tax unchanged on light bulbs, matches, hot water heaters, electric flatirons, cameras, phonograph records, phonographs, radios, sporting goods, telephone calls, and countless other items and services.

In my opinion the Ways and Means Committee should hold complete hearings and eliminate those taxes which bear heaviest upon those things people need. This motion to recommit does not make sense to me, and I intend to vote against it with the understanding that the Ways and Means Committee will hold hearings on all excise taxes and report to the House a sensible bill that will give adequate and proper relief to the retail merchants and the consuming public.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the distinguished member of the committee from Massachusetts [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I do not think that anyone who has heard the brilliant and persuasive explanation of the chairman of the Committee on Ways and Means this afternoon could fail to be highly impressed with the cogency of his arguments or the logic of his position. He has explored the arguments of the opposition and, in his usual capable fashion, has found their flaws. He has made a powerful case for this bill. Chairman MILLS has assumed a statesmanlike position on this legislation and one which carries great weight with me.

One of the things that has impressed me most about the economic situation is the effect of the unprecedented tax relief, which this Congress and the last one provided for all our businesses and all our citizens, on our economy. The investment credit provision of the Revenue Act of 1962 has been of significant assistance to our businessmen. It has enabled many businesses to expand and thus provide new jobs for our workers. This provision has been taking hold in the economy, and its effect is clearly evident in the increased orders for machine tools, equipment, machinery, and so forth.

The tax reduction act of this year—the largest tax reduction in the history of our Nation—will return to our citizens on a full year basis $11.6 billion, thus making this amount available in the spending and investment stream of the Nation and affording tremendous support for our rapidly expanding economy. The reduction in the corporate rate directly assists our businessmen. The across-the-board cuts in individual rates increases the buying power of all our citizens. Moreover, one cannot fail to be impressed by the arguments which have been advanced by President Lyndon B. Johnson in support of a straight extension of the current legislation without any amendment.

Now, Mr. Chairman, I did vote in the Committee on Ways and Means several weeks ago in behalf of the motion to repeal the retail excise taxes in two steps. There may be those who might think that my position in voting in the committee in favor of a motion which was made by our distinguished colleague, the gentleman from Wisconsin [Mr. BYRNES], to repeal the retailers' excises in two steps, and the position which I shall take today—against the motion to recommit—and for passage of the bill appears inconsistent. However, I can assure this committee that there is no inconsistency. My position has been well known for a long time, and it is one which should be clear to all of those who will stop to think about the implications of these matters. I have served notice by my vote in the committee that I expect realistic action on this vexing problem of excise taxes.

Mr. Chairman, I do favor repeal of the retailers' excise taxes, and I yield to no one in my desire to see this accomplished. But, I also favor, just as strongly, repeal of many additional excise taxes.

I, therefore, suggest again that when we take action on these matters, we should take thorough and comprehensive action and not piecemeal action. It is well known that I have always been in favor of thorough action and against piecemeal, spur of the moment, action. It prejudges and precludes the authors of some 208 of the 232 bills pending before our committee from any consideration. The motion which was made and which will be made on recommital, I, therefore, am constrained to oppose.

However, Mr. Chairman, there are other reasons why I must vote against the motion to recommit, in addition to those which I have covered already. The Committee on Ways and Means has already started public hearings on the entire broad field of Federal excise taxation. At the time when this bill was before the committee, there were those who raised some question as to whether these hearings would actually start when they were scheduled to start. Sometimes, things over which we have no control intervene. But, Mr. Chairman, what do we find the case to have been? The hearings did start on time. We have started the very process right now of reviewing the entire Federal excise tax picture. I repeat, we are reviewing the entire picture—not small segments of it. I know there are many, many deserving areas which require close study and consideration. This includes not only the retailers' excises but, for example, the tax on televisions, the tax on automobiles—which are a necessity for many millions of our citizens in getting to and from work—the tax on local telephone service, the tax on musical instruments used by our schoolchildren, and a whole host of other things.

Mr. Chairman, it is ill advised to try to write piecemeal amendments into this bill on the floor of the House—amendments which were rejected by the Committee on Ways and Means.

The automotive taxes, which account for some $5.8 billion in revenues, can be justified on another ground. Highway users annually incur charges of more than $12 billion for construction and other purposes. Since automotive excises, together with the highway tolls, just about cover these charges, they could be retained as user taxes.

There remain $3 billion of excise taxes that should be eliminated by almost any set of criteria that can be cited. The question is one of appropriate timing. They should not be eliminated in the face of inflationary pressures. But on the other hand, it is not realistic to assume that Congress can hold certain excises in reserve, to be dispensed with during recessions. Barring inflationary pressures, the Ways and Means Committee can act justly.

We can, in due course, by following the proper procedures, accomplish orderly and comprehensive excise tax revision. This, in fairness to all our taxpayers, is what I favor.

I might point out to the Members of this House that I served here since 1959 and I do not recall back in the years 1959 and 1960 when the Eisenhower administration was in command of the situation that the gentleman from Wisconsin, my good friend, for whom I have a great deal of respect, was fighting as aggressively for the ladies as he fought for them here today. It is regrettable that at that time he did not raise these questions and fight for the ladies. It seems strange that today at this late date he has this great and grave concern for the ladies.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BURKE. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Let me say one thing: Each day my admiration for the ladies grows and that may be why there is some difference between my attitude in 1960 and 1964. It has just gotten out of bounds.

I will say also to the gentleman that the burden of his argument, as I understand it, is that we should not do this piecemeal. But if I recall correctly, the gentleman offered an amendment to repeal the jewelry tax all by itself when that matter was before the committee last year. So the gentleman also apparently has had a change of heart. Now whether that is a Johnson twist or not, I do not know.

Mr. BURKE. No; there is no change of heart. I am in favor of repeal of the jewelry tax. No one has fought harder for the jewelry people than I have. I just want to say that we have to be fair and we have to be equitable. We just cannot repeal a few selective taxes, as the gentleman from Wisconsin recommends. As the gentleman knows I am concerned about the telephone tax, the jewelry tax and many other taxes that are not to be included in the gentleman's motion to recommit. The Committee on Ways and Means should have the opportunity to study the entire problem and come up with recommendations that will solve this vexing problem.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-five Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 159]

Avery
Bass
Battin
Bennett, Mich.
Bolling
Bow
Buckley
Burkhalter
Cameron
Davis, Tenn.
Dent
Diggs
Dowdy
Feighan
Forrester
Goodell
Hansen
Hawkins
Healey
Herlong
Hoffman
Holifield
Hosmer
Kee
Kilgore
King, Calif.
Laird
Langen
Latta
Lipscomb
McCulloch
Miller, N.Y.
O'Brien, N.Y.
Pilcher
Pool
Powell
Quie
Rains
Roberts, Ala.
Rogers, Tex.
Roybal
Saylor
Sheppard
Slack
Springer
Staebler
Staggers
Steed
Toll
Tupper
Utt
Vanik
Waggonner
Williams
Wilson, Bob
Wilson, Charles H.
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 11376, and finding itself without a quorum, he had directed the role to be called, when 375 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as she may require to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, I rise in support of this bill. The most significant thing about this bill is not even included in its language. I refer to the recommittal motion which will be offered by minority members of the Ways and Means Committee to reduce from 10 percent to 5 percent and later repeal the retailers' excise tax, which was imposed during World War II, on cosmetics and other toilet preparations, jewelry and related items, ladies' handbags, luggage and the like, and furs and fur-trimmed coats. Although the excise taxes proposed to be extended by the pending legislation do not include these retailers' excise taxes, their reduction and repeal are long overdue and the bill now before us is an appropriate vehicle for this purpose.

As the minority report so correctly points out, Mr. Chairman, this group of excise taxes are in reality consumer sales taxes. Even more objectionable, they are of a type which discriminate against women, especially women who work. For most working women today, cosmetics and handbags, for example, are necessities rather than luxuries. The same is true for most of the items subject to this excise tax including such obvious products as wedding rings, hand creams, shampoos, deodorants and the like.

It made some sense to impose such a tax during World War II when the country's productive facilities were required for defense materials. At that time, the tax served its purpose by discouraging manufacturers from producing the items in question and by discouraging consumers from purchasing them. Subsequently, however, when the Nation's efforts have been geared toward increasing the production and purchase of consumer goods, when the great need facing our free enterprise economy is to find more jobs for unemployed men and women, this excise tax is self-defeating.

The retailers' excise tax, however, is more than discriminatory and more than economically repressive. It is also excessively complex, difficult to administer, and notoriously contradictory in application. The burden of the tax's complexity falls especially on the hundreds of thousands of small retail merchants for whom the need to set up the necessary accounting and bookkeeping procedures presents formidable difficulties. A glance at the list of taxable and nontaxable toilet articles—which is just one of the several categories of items subject to the retailers' excise tax—readily reveals a host of contradictions in the way the tax is applied. For example, while the tax applies to shampoos for human use, it does not apply to shampoos for dogs and cats. No rational basis would seem to exist which would justify such arbitrary application of any tax. And, of course, it makes the retailer's task so unnecessarily complicated.

Considerations of the revenues involved in this small group of taxes, Mr. Chairman, do not seem to me to be a compelling reason for retaining the tax. The Government can well afford to give up the relatively small amount of revenue the tax now produces. If the recommittal motion is successful, consumers will save about $226 million in the next fiscal year and an additional $229 million thereafter. At the present time, however, the Government is collecting about $14 billion a year from all excise taxes, including the tax we hope to repeal. According to official estimates, revenues from excise taxes, even without the tax we oppose, will increase to $14.5 billion next year, so reduction and repeal of the retailers' excise tax will not result in a net decline of excise tax revenues. Moreover, the added stimulus to consumption which will result from repealing the tax on these necessities should more than make up for any direct loss of revenues by virtue of increasing revenues from ordinary business income taxes.

As one of the sponsors of legislation to repeal the retailers' excise tax on handbags, it seems to me the principle involved in the legislation applies with equal force to the whole range of such excise taxes. They are inequitable and discriminatory, and the basis of any sound tax system presupposes equitable application and administration. We have found in other fields that discrimination is positively harmful. Since the evidence of such harm in the retailers' excise tax is clear and compelling, I hope the House will agree to the recommittal motion and thereby take another positive step in the continuing fight against unjust discrimination of all kinds.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan [Mr. KNOX].

Mr. KNOX. Mr. Chairman, every year since I have been in Congress we have gone through the exercise we are considering today; that of extending Korean war excise taxes for "just another year." While I am mindful of the reality that we will probably follow precedent and extend these taxes again, I also feel we should consider for a moment some of the possibilities and potential alternatives open to us, and the effect our action here today could or will have.

H.R. 11376 calls for another 1-year extension of present rates of excise taxes on beer, wine, liquor, cigarettes, passenger cars, auto parts and accessories, general telephone service, and transportation of persons by air. The total loss of revenue for fiscal year 1965 if these taxes are not extended would be approximately $1.8 billion. Naturally, I do not wish to see our Federal budget pushed further into the red than it already is, either for the coming fiscal year, or thereafter. This, however, is not the complete picture. We must remember that both these taxes, and the retail excise taxes I will mention in a moment, were enacted during wartime. They sought not only added revenue to finance our war effort, but also to discourage manufacturers from producing and consumers from buying or using certain products and services. For this reason, they have acted in the past, and continue to act, as a drag on our national economy and a depressant on the employment picture.

We may certainly be hopeful that the long-awaited study of the overall excise tax picture which began this week will result in positive improvements in this system and remove many of the inequities now contained in the excise tax laws. However, we can and should take action along this line now, which does not need prolonged study, and would result in a beneficial improvement in the load borne by American consumers, particularly women. I refer, of course, to the action which will be proposed in the motion to recommit, that is to eliminate in a two-step process, the wartime retail excise taxes on toilet articles, jewelry, handbags, luggage and the like, and furs and fur-trimmed coats. These taxes are particularly onerous because of three characteristics which are mentioned in the minority report—that is, they are discriminatory, they impinge on areas traditionally within the exclusive power of States to tax, and are a completely unjustifiable administrative monstrosity that can only be called wasteful of resources that could be put to far better use in the Nation's interest.

The most pointed discrimination in these taxes comes from the fact that they are aimed almost solely at women. The taxes are levied on a wide variety of items, and most of them are not of the "luxury" type, but are the everyday necessities of life as we know it today. As a matter of fact, the luxury items contribute only a minor portion of the revenues and thus should not be considered as a significant factor in weighing whether these taxes should be repealed. In truth, most of these taxes strike not at the rich, which would be the case were they only or mostly "luxury" items, but fall largely on the shoulders of the low-income taxpayer who has to buy nearly the same toilet articles, for instance, but finds a higher proportion of his income eaten up by these excise taxes. Yet most of these items are ones which are virtual necessities for every American. A glance at the lists on pages 14 through 16 of the minority report will give you some idea of the scope of these excise taxes as concerns toilet articles alone. You will note that in many instances these items, even though they might be vital to the health of an individual, may still be taxed simply because they are advertised as improving one's appearance. Yet bars of soap, no matter how luxurious, are not taxed. This points up the fact that these taxes are highly discriminatory and often inconsistent in their application, and are hardly taxes on items in the luxury class as is so often claimed.

The lists to which I refer and the discussion accompanying them in the minority report also point out the administrative monster which these retail excise taxes impose on American businesses. The uncertainties and inconsistencies coupled with the pyramiding effect of State excise taxes serve to make the collection and payment of these taxes a real headache to a great number of firms. The recordkeeping alone imposes substantial additional burdens on the businessman and often forces him to make artificial arrangements which could otherwise be avoided. Often, too, due to inadvertence or mistake, the businessman is forced to pay these taxes out of his own pocket. I am firmly convinced that repeal of these excise taxes could very well result not only in increased sales due to consumer benefit, but also increased income tax from the firms through removal of these deductible expenses. For this reason the net revenue effects might approach the break-even point or even result in eventual gain if these levies are repealed. There is, too, the added factor of the boost to our economy that repeal would engender. These factors far outweigh the spectre of immediate revenue loss which in itself is almost minimal.

I should point out that the position taken by the administration and its lieutenants here in the House is once more indicative of the "new myths and old realities" of the L.B.J. "wheeler-dealer" regime. We have heard all spring from President Johnson himself, and in echoes and amplification from his image builders, about how interested the President is in the progress of American womanhood. Yet who today strongly opposes one move which would go infinitely farther than any number of appointments to Government posts in improving the lot of our ladies fair and helping them stay always fair? Naturally the image or myth is today contradicted by the wheeler-dealer reality. I would hope that in spite of his protests, we will make good on President Johnson's promise to American women that their government will show more interest in and concern for them.

Finally, Mr. Chairman, I should like to point out that a very neat maneuver has been arranged by the administration and the leadership to attempt to force passage intact of this bill and the one following it to raise the debt ceiling. They have attempted to justify the bill today on the basis of revenue needs. I should point out that a goodly amount of these revenue needs were engendered by the vote last week to increase the pay of high-ranking executive department bureaucrats and congressional salaries to the tune of over half a billion dollars in the coming fiscal year. Yet we are now prepared to ask American consumers to bear the load of these wartime taxes for yet another year so these pay increases which I did not support, can be made possible. It seems to me that action like this flies directly in the face of Abraham Lincoln's adage about fooling the people. I would suggest that those who think that saying still has validity in this electronic age had better join those of us who support the recommittal motion to remove at least the retail excise taxes from the backs of American consumers. Otherwise, the proof of that adage for the nonbelievers may be found at the polls this fall.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. Alger].

Mr. ALGER. Mr. Chairman, I join my colleagues on the minority side in support of the minority views, and the views stated by the gentleman from Wisconsin [Mr. Byrnes], the gentleman from Missouri [Mr. Curtis], and others on our side.

Mr. Chairman, the minority views in which I joined express well my support for the recommittal motion amendment to the bill and is basis for any basic opposition to the exclusion of certain excise taxes.

Retail sales taxes, now permanent, involving cosmetics and toilet preparations, jewelry and costume jewelry, furs, and handbags and luggage should be terminated.

Rather than further imbalance the budget by denying tax revenue to the Federal Government, these tax reductions may well increase revenue. Here are some reasons:

First. Lower sales prices of goods will result in greater sales volume, higher profit, and greater tax revenue.

Second. Less tax collection effort will be required by the retail merchant. The computing of tax and accurate selection of taxable items through the use of Government directives, the labeling and collecting, the bookkeeping and accounting will all be reduced and eliminated which will greatly free the merchant for other productive sales work.

Of course, it is wrong for a merchant to be a Federal tax collector, and without pay. This is involuntary servitude.

Third. A balanced budget cannot be achieved just by increased taxes. Spending is basic. We have been told that spending would be reduced, but the administration is increasing the spending in almost every direction.

There are other basic objections. It is unfair to discriminate against certain specific retail items by taxing only those.

These are not luxury items but are basic necessities. Further, they are directed against women and are unfair. Why?

Originally these taxes were imposed in wartime to discourage and impede economic activity in these fields. Why should wartime taxes that impede economic activity and growth be continued? They should not. Are we not interested in stimulating economic growth? We are.

So the administration is utterly inconsistent; talking about stimulating economic growth yet imposing taxes on the consumers and retailers that are onerous, nuisances, burdensome, and punitive.

Earlier this year we were urged to pass a tax cut bill for economic growth. Now we are asked to support a tax extension that is a $1.8 billion increase that hurts economic growth, including retailers and consumers, mainly the women purchasers.

I join with the views of my colleagues of the Ways and Means Committee, in minority report and debate and particularly commend the gentleman from Wisconsin [Mr. Byrnes] and the gentleman from Missouri [Mr. Curtis] for their views expressed during the debate.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may desire to the gentleman from Wisconsin [Mr. Schadeberg].

Mr. SCHADEBERG. Mr. Chairman, I rise in opposition to H.R. 11376 and will support a motion to recommit the bill to the committee with instructions to remove the tax on certain items like cosmetics, jewelry, furs, etc. I will support such a motion because I am aware that it will be impossible to remove the tax completely at this time. The best we can hope for is to make a start in the right direction. We can finish the job when the Members of this House put their mind to the task of reducing unnecessary expenditures and refuse to set up new projects which are not absolutely necessary.

I oppose this bill on three grounds:

First. It is an unfair tax in that it is selective and discriminatory. I am aware that the cost of government must be met through one kind of a tax or another but I submit that it is grossly unfair to make a judgment on whether or not one article or item as opposed to others are legitimate articles or items upon which to place a tax.

The sale of items upon which there is imposed a special tax are as important to our economy as are articles a majority of those who voted for this measure saw fit to exempt from a tax. Those who are engaged in the manufacture and sale of taxed items should not be penalized in their effort to make an honest living over those who are engaged in the manufacture and sale of so-called necessities.

Second. I oppose this bill because this Government should be honest with those who are most intimately affected by the tax. To extend a temporary measure—in this case a tax—long after the specific need for which the tax was imposed has passed is unfair. It is not in keeping with the integrity the people have a right to expect of those who represent them.

Third. I oppose this bill because if we are to be responsible this House should be spending its efforts in the direction of cutting out the excessive spending that makes continuing extension of this tax necessary rather than making excuses for having to impose the tax.

I urge the Members of this House to reject this bill and to set the wheels in motion to repeal the tax.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may desire to the gentleman from Connecticut [Mr. SIBAL].

Mr. SIBAL. Mr. Chairman, in connection with this discussion of excise taxes, I want to call the attention of the House to one particular Federal excise tax that should have been repealed years ago. I refer to the 10-percent tax on manufacturers' sales of office machines, such as typewriters, accounting and bookkeeping machines, calculators, postage metering machines, dictating machines, and similar products.

This excise tax was imposed as a wartime measure solely to conserve critical raw materials and manpower. Unlike the excise tax imposed at the retail level on luxury products such as furs, jewelry, and the like, the tax on office machines is a levy on equipment which represents virtually 100 percent capital goods used in nearly all industry and business establishments throughout the economy, including manufacturing, mining, transportation, distribution, and service.

Among other reasons this tax should be repealed because it, first, is in complete conflict with modern tax policy designed to stimulate new capital investments by industry and business, and specifically is diametrically opposed to the recent tax credit amendments to the Internal Revenue Code and to the Treasury's liberalized depreciation guidelines; second, adds to the costs of doing business, which additional costs are extended and pyramided throughout the economy; third, constitutes a tax on a product that is neither a luxury nor a mere convenience, but rather is equipment absolutely essential in the management and operation of nearly all modern business enterprises; fourth, tends to impose an unequally large burden on small business in the cost of capital equipment; and, fifth, penalizes the purchaser of office machines and discriminates against the seller of office machines in favor of other capital goods not subject to the tax.

Congress has recently enacted changes in the Internal Revenue Code providing tax credits for new investment, and the Internal Revenue Service has issued new guidelines for accelerated depreciation of capital equipment. These measures are specifically designed to provide tax savings as an incentive for expanding capital expenditures by industry and business.

The tax on office machines is a repressive measure tending to discourage the very type of business investment expenditures that the tax credit on investment and liberalized depreciation rates are designed to expand. This tax has the effect of nullifying in large part the benefits derived from the tax credits and accelerated depreciation rates by a potential purchaser of office machines. The tax on office machines increases the cost of doing business, since its payment constitutes a direct addition to the costs of capital equipment.

During the past 15 years—fiscal year 1949 through fiscal year 1963—purchasers of office machines paid in excess of one billion dollars in excise taxes; $798 million was paid during the 10-year period 1954 through 1963. Carrying this burden of additional capital expenditure has, of course, ultimately been reflected in higher prices for goods and services to virtually all consumers. Unlike the excise taxes collected on retail sales of consumer products, the excise tax on office machines imposes an added increment to the cost of doing business which is extended forward and has a pyramiding effect in the price structure of the economy.

The fact that this excise tax on office machines is in direct conflict with the major tax policy to expand business investment, and the further fact that the tax imposes an added increment to the costs of doing business, are two cogent reasons alone for its repeal. Other reasons for the repeal of this tax support these two major considerations.

This tax constitutes a direct penalty against the purchaser of office machines and in favor of procurement of other capital goods such as machine tools and processing equipment not subject to tax. The result is that the tax discriminates against buyers of office machines, and tends to discourage the timely replacement of vital capital goods items.

Office machines are essential tools to the management and operation of all kinds of businesses, large and small. This equipment is neither a convenience nor a luxury; it is an indispensable part of the equipment of every business enterprise. Even the smallest businesses must have one or more office machines to carry on its operations. Thus the tax becomes a disproportionate burden on such firms in relation to their size.

The tax on business machines has been specifically recognized as a tax which has no part in our Federal system. In answer to a question on the President's 1963 tax message concerning the possible effect on the economy of certain Federal excise taxes—hearings before the Committee on Ways and Means, 88th Congress, 1st session, page 645—Secretary of the Treasury Dillon specifically singled out this tax on business machines as having a direct deleterious economic effect. He stated in part:

> For instance, we have an excise tax on office machines. Office machines are designed to cut costs and lower costs generally, and it seems to be a little bit of an anomaly that we make it more difficult to purchase them by putting an excise tax on them when we should be in favor of them.

In the Excise Tax Compendium prepared for the Wavs and Means Committee hearings this week on excise taxes, the one individual tax specifically singled out as No. 1 in the group of top priority taxes for repeal was the tax on business machines, which was stated to have "no justification whatever, on any accepted standards of taxation"—Compendium, page 10.

The Federal excise tax on office machines should be repealed because it is a destructive tax and has no place in the national tax and economic programs. It should be repealed regardless of what is done about repeal or adjustments made on other Federal excise taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. MCLOSKEY].

Mr. McLOSKEY. Mr. Chairman, I wish to associate myself with the statement made earlier this afternoon by the distinguished gentleman from Wisconsin [Mr. BYRNES].

Mr. Chairman, there is an old saying that there are two things we cannot avoid—death and taxes. I feel, however, there are some taxes we could eliminate and the sooner the better.

During World War II Congress enacted a 10-percent tax on purchases of many items—a selective sales tax applied at the manufacturers level, but in the case of jewelry, handbags, luggage, toiletries, and cosmetics, to be collected at the retail level.

Also, these taxes were to be emergency taxes. Well, it seems to me now is a good time to call an end to the emergency.

This Federal retail excise tax is nothing more than a consumers tax on a selective basis. Today we hear much concern about the consumer and the poor little retail merchant. Well, if we really have this concern, we can do something about it here today by voting to eliminate these discriminatory taxes.

President Johnson has made a big play to the women of America and pointed out how important they are. I feel them to be important too and I know of no better way to show this than to repeal taxes which are directed against them on certain items.

A woman must pay a tax on the toilet articles she requires for her grooming. I do not believe women feel toiletries and cosmetics should be called luxury items. She must pay a tax on the very handbag she has to carry. I do not believe a handbag can be classified as a luxury. Yes, she is even being discriminated against by having to pay a tax on the wedding ring she wears.

Earlier in this 88th Congress we passed an equal pay bill so women would not be discriminated against. Now is the time to go a step further and stop discriminating in the matter of taxes.

Finally, and of equal importance, we place an undue and unnecessary burden on our retailers when we impose on them the task of collecting and reporting these taxes. The Illinois Retailers Association claims it costs more to collect these taxes than the amount of revenue produced. I do not know if this claim is correct or not, but I do know it works a hardship and constitutes a serious administrative problem.

Even if their claims are incorrect there can no longer be any justification for these wartime levies. Let us vote to help the women, the consumer, and the small retail merchant.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, today the U.S. House of Representatives has an opportunity to effect meaningful tax reduction to benefit the American citizen. This tax reduction would result from favorable action on the Republican-sponsored motion to recommit H.R. 11376 to the Committee on Ways and Means.

Adoption of this motion would eliminate the retailers' excise tax on consumer goods such as toilet articles, luggage, furs, and related items.

This tax discriminates against the consumer and small business. The American woman suffers most from the impact of the retailers' excise tax. She must contribute 10 percent of the price of her lipstick, face powder, and other "essential" toiletries. In addition, her fur coat or fur-trimmed coat are subject to a 10 percent tax on the price of the garment, no matter how inexpensive it may be. In contrast, a cloth coat, regardless of cost, is not subject to the tax. Handbags, also subject to the excise tax, result in further concentration of this particular tax on necessary articles required by the American woman.

The Ways and Means Committee has very wisely undertaken hearings for a review of the existing excise taxes. It would seem that these hearings might have been conducted in time to avoid extension of this unfair tax for the next fiscal year. The fact that these hearings are to be held is a clear indication that the committee itself recognizes that the retailers' excise taxes should go.

In expressing myself thus, I am convinced that the rank and file citizens of the Nation support a termination of these burdensome impositions which were established out of wartime necessity. I join with my Republican colleagues on the House Ways and Means Committee who have filed their separate views on this measure.

The motion to recommit would not affect liquor taxes, tobacco taxes, or various other miscellaneous impositions. However, the motion would include all toilet preparations, jewelry, and related items, ladies' handbags, luggage, furs, and fur-trimmed coats.

On behalf of the wage-earning consumer, and on behalf of the small business concerns of our Nation, I urge support of the motion to recommit H.R. 11376.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. ARENDS], the minority whip.

Mr. ARENDS. Mr. Chairman, the proposal which the gentleman from Wisconsin [Mr. BYRNES] has put before us involves a single question. It is not the question of the amount of revenue which would be lost by the repeal of the Federal retail excise taxes. It is not the question of the means by which any loss of revenue might be overcome. It is not the question of a study by the Treasury Department, or anyone else, of fiscal problems involved in repeal or when is the opportune moment for repeal. The single and sole question before us is an obligation to the people of this Nation which the Congress should not, in good conscience, ignore. It is not a partisan matter.

You will recall that the Federal retail excise taxes were imposed during the period of the Second World War as what was then regarded as a necessary wartime measure and as a means of curtailing the consumption of what was then popularly referred to as "luxury" consumer goods. You should recall also that those taxes were imposed for the period of hostilities and with the understanding that they were to be removed upon the cessation of hostilities. The so-called Korean conflict was used as a justification for the continuation of those taxes, a justification which, even if valid then, now provides no further support for the continuation of those taxes.

I repeat, why should the Congress temporize further on the matter of those taxes imposed solely as a wartime measure? What reason can there be for the continuation of those taxes other than expediency? Is that a sufficient reason to outweigh the importance of the Congress fulfilling the moral obligations to the people of this country?

I believe there should be no further delay in the Congress accepting the moral obligation incurred in the imposition of the Federal retail excise taxes. We should stop temporizing and now take the action which we should have taken years ago. We should vote for immediate repeal of the Federal excise taxes.

Now let us consider the practical effects of repeal of these taxes. Not too many months ago the Congress voted a reduction in income taxes on the assumption that the tax reduction would prove to be a stimulus to the national economy. If this is true of the income tax, how much more true would it be of a tax reduction which bears directly upon the consumption of goods. How many citizens who pay no income taxes because of their reduced income would benefit directly and immediately from this relief?

The Federal retail excise tax is probably the most obnoxious tax which the Congress has ever levied. Few things the Congress could do would win greater public approbation than its repeal. The tax is a constant irritant to the countless thousands of women who each day must bear its burden. The tax, as you know, applies to four categories of consumer goods—cosmetics, luggage, furs, and jewelry. Most of the items in those categories involve almost daily purchases of items which women regard as indispensable to their sense of well-being. Each purchase is a renewed irritant to those who make such purchases and are taxed, taxed, and taxed.

If the question of morality which is involved in retention of the Federal retail taxes makes little impression upon you, then at least let us be practical. In the repeal of those taxes we have an opportunity to relieve literally millions of our fellow citizens of an iniquitous tax and an almost daily source of irritation. This can be done without impairing substantially the revenues of a nation whose annual rate of spending must make the amount of revenue obtained from the Federal retail excise taxes seem like a trifling amount. We may also inject $450 million of vigorous and immediate purchasing power into the Nation's economy. A 5-percent reduction now and another 5 percent in July of 1965 would permit us to take the reduction in stride. Take these excise taxes off now. This amendment should be adopted.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD at this point on the pending bill.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Chairman, I want to take this opportunity to state why I shall vote against the 1-year extension of the excise taxes.

For many years I have opposed the extension of these wartime-imposed excise taxes, and for that reason will vote against their extension today. It is time that we let this taxing authority run out—not merely talk about letting it run out.

At the same time, I shall vote against the recommittal motion offered by my distinguished colleague from Wisconsin [Mr. BYRNES], which would only reduce by 10 percent the excise on toilet preparations, luggage, jewelry, and furs. The gentleman's amendment fails to repeal or reduce transportation, communication, passenger automobile, manufacturers excise taxes and other wartime excise taxes.

It is my view that if we are to allow the excises to lapse on some commodities, we should let them lapse on all commodities and services. It is not fair to discriminate in favor of certain industries and against others.

For example, I have for some years sponsored a bill repealing the so-called cabaret tax. The tax must be paid by a tavernkeeper if he provides "live" music for his customers. This tax has resulted in a serious loss of employment opportunity for many musicians. If the cabaret tax were repealed, there is every reason to believe that the increased income tax revenues from musicians, entertainers, and innkeepers would offset the loss of the excise revenues.

Yet, the recommittal motion ignored this and other important industries. It is my hope, Mr. Chairman, that the House will not recommit the bill for the purpose of an inadequate amendment and further I ask the House to repeal all temporary wartime excise taxes.

Mr. LANGEN. Mr. Chairman, I have noted with interest the recent removal of a number of temporary wartime buildings from our beautiful Mall. On a clear day you can even see the Lincoln Memorial while standing at the base of the Washington Monument.

But, Mr. Chairman, there remain a number of "temporary" wartime structures that continue to get in the way, not only for Members of Congress, but for the entire American public. And you do not have to be in Washington to see them.

These "temporary" structures are commonly known as the wartime excise taxes. I prefer to view them as unnecessary taxes that stifle private enterprise and add to the already high cost of living for our citizens.

Passage of this Tax Rate Extension Act is really a move to raise taxes. This is completely inconsistent, since we passed the tax-cut bill last year. The American public must be confused at times, and rightly so. It is difficult for anyone to understand how the Congress can pass a tax-cut bill one month, and within a few months pass a bill to raise taxes.

Even if these taxes should be sorely needed, it is poor business to continually extend wartime measures on a year-to-year basis. If we need the money, then let us consider permanent legislation. Otherwise, let these excise taxes expire the end of this month.

I am continually amazed when I observe the groupings of items contained in some of the bills before us. So many times there is a little rhyme or reason, such as this bill before us that lumps such essential items as telephone service and passenger cars with liquor and cigarettes. These items should be considered separately and final decisions reached on the merits or demerits of taxing each one of them.

It is ridiculous to lump luxuries and essential services under one heading. Of course, I realize it makes it easier to pass the bill, but that does not make it right.

Passenger cars are certainly essential items in this day and age. By letting these excise taxes expire, the levy on cars would drop from the present 10 percent to the permanent 7 percent. This would create a business stimulant for the auto industry, and the consumer would benefit from increased spending power that would spur the entire economy.

Perhaps the most unfair so-called "temporary" tax in this whole package is the 10-percent tax on general telephone service. This tax was imposed back in 1941 to discourage the use of these essential services in time of war and to produce revenue for the emergency effort. How long is World War II going to last?

The telephone today is a necessity and the customer should not be penalized for using the service. Removing this unfair tax would not only encourage the public to use telephone facilities, but would give the subscriber a saving equal to more than a whole month's bill each year.

There is also some question on the propriety of the Federal Government in the field of taxing liquor and cigarettes. State and local governments have long depended on these items for tax revenue. It was one thing for the Federal Government to move into this field in a time of emergency, but it is quite another to continue taxing these items when the emergency is over. Here, again, are two commodities that should be considered in their own right, individually. We should quit extending liquor and cigarette taxes on a temporary basis. If the tax money is desperately needed, these taxes should be made permanent. If not, they should be allowed to expire so that State and local governments can again claim their traditional prerogatives.

We seem to be making a lot of temporary decisions these days when we should be more positive. We have temporary taxes that are extended year after year, some for as long as 23 years. We have a temporary debt limit that is raised so regularly that most of the Nation has forgotten we supposedly have a permanent limit.

I know it is difficult to shake a bad habit, but this habit of making temporary decisions today, failing to face up to the problems, must stop. With excise taxes, as with so many other things, a positive, permanent decision is worth a dozen temporary postponments.

I respectfully urge that this bill be defeated and that we bring before us permanent legislation that can be debated and resolved, one way or the other.

Mr. ROSTENKOWSKI. Mr. Chairman, today may be considered as one of the "gray" days in the House of Representatives for we face the unpleasant task of considering the continuation of certain excise tax rates for 1 year. Just the mention of the word "tax" should cause us to wince for this has never been a popular word with Mr. "Average Citizen," unless it is accompanied by the word "repeal." And yet this is a most important word for the security and fiscal integrity of this Nation. Today we face a responsibility to our Nation.

H.R. 11376 continues certain existing excise tax rates on distilled spirits, beer, wine, cigarettes, passenger cars, auto parts and accessories, general telephone service, and the transportation of persons by air. Since the taxes were first imposed we have managed to reduce the tax on the transportation of persons and reduce the tax on local telephone service, which indicates that we consider this subject objectively and make every attempt to provide relief, if at all possible without jeopardizing the fiscal integrity of this Nation. This Congress has been very wise in its actions to date in revising the tax structure. The subject of taxes has been a major issue in our many deliberations considered in this House. Earlier this year we passed a $11.6 billion tax reduction bill to enable the private sector of the economy to provide the economic growth needed by decreasing restraints on investment and by providing additional funds for consumption. At the time it was decided that reductions in individual and corporate income tax rates would provide the greatest stimulus to economic growth rather than reductions in the area of excise taxes. However, that action taken seems to have produced a rolling "snowball" and demands are being made to eliminate all taxes regardless of the effects upon the fiscal integrity of the Nation.

Taxes to me are as unpopular as they are to my next door neighbor and I would like very much to see them all eliminated; however, I have a responsibility and I would be shirking that responsibility if I jeopardized any justifiable Federal projects, which protect and improve our Nation, by failing to provide the necessary funds to support these important projects.

Now I am not advocating that all present excise taxes are going to be a permanent part of our tax structure for I firmly believe that Congress can bring about the elimination of many of these taxes eventually. But I endorse the majority views of my Committee on Ways and Means that the thorough study and review of all excise taxes is the preferable and fair way to consider changes in excise tax rates. Our distinguished chairman, WILBUR MILLS, has already begun public hearings on the entire Federal excise tax structure—except for those excises that feed the Highway Trust Fund. These hearings will be thorough and complete. They will lead to careful and considered recommendations in the excise tax field—recommendations fashioned only after all the evidence is in and has been painstaking sifted and evaluated.

Our excise tax system is extremely complex, and we cannot haphazardly take precipitate action on parts of it. It would simply not be fair to cut some excise taxes, without giving a proper hearing to industries, and people, affected by other excise taxes—which for all we know now, may be far more deserving of extinction. It would not be sensible to act without the benefit of the hearings and report of the House Ways and Means Committee. And it would be the height of fiscal irresponsibility to commit ourselves now to piecemeal excise tax cuts without the warrant of real urgent need.

Mr. Chairman, the only prudent and proper action on excises that we can take at this time is to pass H.R. 11376—and await the report of the Ways and Means Committee on its comprehensive study. We cannot responsibly accept any unconsidered call for the immediate reduction or elimination of some excise taxes. There is no reason, or need, for such precipitate haste.

Failure to pass H.R. 11376 will mean a loss in Federal revenues of $1.8 billion in the next fiscal year—revenue that we can ill afford to simply toss away at any time, and particularly now when we have already passed tax reductions totaling $11.6 billion. The facts are clear, and they urge that the Members of this body support H.R. 11376 as reported by the Ways and Means Committee.

Mrs. KELLY. Mr. Chairman, I will be brief in discussing H.R. 11376 which is to provide a 1-year extension of certain excise tax. The Ways and Means Committee of this body—under the able leadership of its distinguished chairman, the gentleman from Arkansas [Mr. MILLS]—has started careful and comprehensive hearings into our entire excise tax structure. Those hearings will cover all items on which excise taxes were increased to help carry the cost of the war and some of which were made permanent in 1954—not just those items included in the bill which is before us today. I have every confidence that the present hearings will be every bit as authoritative and informative in the excise tax field as were the hearings of 1959 which resulted in a complete revenue reduction of $11.6 billion in 1962 and in 1964. This was carried out under the brilliant leadership of the gentleman from Arkansas [Mr. Mills].

I personally have no doubt the excise tax hearings will prepare the way for future revenue acts featuring cuts in our excise taxes.

To pick out for cutting a few excise taxes—without reference at all to any others—is at best a willful and arbitrary way of doing business. But to do it—not only without benefit of any hearings at all—but to do it deliberately at the very moment when hearings have started is, in my opinion, tantamount to a vote of no confidence in the Ways and Means Committee and its distinguished chairman—as well as a dangerous and unjustified departure from the established procedures of this body. It would be detrimental to the fiscal policy of President Johnson, who has proven his determination to cut expenditures and hold down the deficit in order to promote sound economic growth so that future tax cuts may be anticipated.

The very same motion we see before us today to reduce the retail excise taxes was before the other body earlier this year during consideration of the recent tax bill. And that very same motion was defeated in the other body on the grounds that it would be better to wait upon the hearings then announced by Chairman Mills.

Mr. Chairman, we could wait then, and we can wait now, until hearings have been completed before we start tinkering with our excise tax structure. If there is a good case for cutting the retail excise taxes, those hearings will bring it out—those hearings, and those hearings alone, are the proper place to bring it out. For there alone can the merits of such a cut be weighed against the merits of all other possible cuts and combinations of cuts.

I am confident that the merits of a bill which I sponsored to reduce certain excise taxes will be clearly evident in the public hearings and will receive the careful consideration of the committee. I am not afraid to rest my case with the committee. In that way, all proposals will be fairly considered. This will, of course, include the taxes on luggage, handbags, toilet preparations, and fur-lined coats, which I feel are essential items, not luxury items.

Mr. Chairman, the need for a broad consideration of taxes is long overdue and I welcome the hearings being conducted by the Ways and Means Committee for consideration of further reduction on items which are in my opinion the necessities of life. We should not bring in a verdict until all the evidence is in—and it won't be in until after the hearings are completed. One of my colleagues from Kings County, the able Honorable Eugene Keogh, is a member of the Committee on Ways and Means of the House of Representatives and he has pledged his effort to help obtain a fair and equitable excise reduction bill in the near future.

I believe it is unfair to all who bear the onerous burden of paying excise taxes to delete, without hearings, selective excise taxes, particularly those which would be helpful to women even though I do not consider them luxuries. It is fair in my estimation to the standing committee of the House, the Committee on Ways and Means, which bears the responsibility of reviewing tax structure, to permit a total excise tax review which includes tax revenues of $14.5 billion. The revenue from the selected taxes beneficial to women would be toilet preparations of $200 million; jewelry of $200 million; luggage and handbag tax revenue of $85 million; revenue tax on furs of $32 million. The total revenue of these is about $500 million per year. If the bill before us today, H.R. 11376, is not passed in its entirety, the debt deficit will be increased this year by almost $3 billion. Therefore, I will support H.R. 11376 to provide a 1-year extension of excise tax rates to give the Committee on Ways and Means an opportunity for a fair review of our excise tax structure.

LET US REALLY TACKLE THE PROBLEM OF ALL OF THE EXCISE TAXES

Mrs. SULLIVAN. Mr. Chairman, ever since coming to Congress, I have bitterly opposed those excise taxes which I feel are regressive taxes and should be repealed. We have made some cuts and some changes in these taxes from time to time, but they are hardy perennials which survive year after year after year, even when the original reasons for their enactment are no longer valid. For instance, taxes originally intended to cut down consumer demand for goods scarce in wartime are still in effect, even though our economic objective now is and has been to stimulate consumer purchases of goods produced in great abundance.

The unfortunate thing about the excise taxes—unfortunate from the consumer standpoint—is that they bring in a lot of money, and they are relatively easy to collect, like sales taxes. But, also like sales taxes, they are demonstrably unfair to the consumer and particularly to the lower income family. A tax on an invalid's monthly telephone bill is hardly a luxury tax. A tax on a woman's everyday handbag is not a luxury tax; it is the same as a tax on a man's trouser pockets would be.

I hate these taxes. I want to see them repealed. And yet I am now in the unhappy position of voting against a recommit motion which would carry out an objective I believe is valid—as far as the recommit motion goes.

This is one of those legislative situations where it is so easy to cast a popular vote, and so hard to act in what I would regard as a responsible manner. It would be easy to support the motion of the Republican minority on the Ways and Means Committee to recommit this bill with instructions to reduce the retailer excise taxes to 5 percent for the coming year and repeal them thereafter. The recommit motion does not include telephone taxes, automobile excises, transportation taxes, and others paid by almost every family, but it does include a whole host of retailer excise taxes I oppose.

The retailers and others who have written me in recent days to support the Republican recommit motion are not concerned over congressional niceties, or committee procedures, or what we regard as the orderly manner of passing legislation. They are concerned over taxes which affect their businesses, and they want them ended now. I do not blame them a bit for having this viewpoint. They will find it hard to understand how many of us who pride ourselves on speaking for the consumer interest on legislation, and fighting for consumer causes, could fail to seize this supposed opportunity to cast a vote against taxes we oppose.

RESPONSIBILITY OF MAJORITY TO MAKE NATIONAL TAX POLICY

Nevertheless, I hope they will understand that the responsible majority in the Congress, and the President of the United States, cannot at this juncture turn the determination of national tax policy over to the minority of the Committee on Ways and Means. The chairman of that committee, Congressman Mills, the gentleman from Arkansas, has been eminently successful in his role as architect of congressional tax policy for a number of very important reasons; among them are: his solid integrity; his scrupulousness in keeping his promises to the House; and his deep sense of fiscal responsibility. He advised us months ago that his committee this year would undertake a comprehensive review of excise tax policy, and said that hearings on the excise taxes would be held beginning this month. Those hearings began on June 15. The starting date was announced before the minority announced its intention to amend this bill. I have enough confidence in Chairman Mills' integrity so that I believe him when he says the entire range of excises will be analyzed, with the intention of reforming the obsolete excise tax structure.

I want that done.

TELEPHONE TAX SHOULD ALSO BE ENDED

I am not as much concerned over the tax on $60 or $100 handbags, or $5,000 mink coats, as I am on the everyday handbag costing $15 or less. I have a bill now pending before the Ways and Means Committee to repeal the excise tax on all handbags costing $15 or less. I intend to testify for it at the appropriate time before the Ways and Means Committee. I will enlist all of the support I can for it. I want to see the 10 percent telephone tax repealed, in keeping with the decision we made as far back as 1959—but which is still in effect and will continue in effect under this bill even if the Republican recommit motion today were to be enacted into law. I hope that whatever happens today, the minority members of the Ways and Means Committee will retain their zeal to repeal the cosmetic taxes when the time comes to pass an excise tax reform bill.

When the big tax cut bill was up last year, I would have been happier if enough tax loopholes had been closed so that the resulting revenue gains could have made possible the elimination today of all of the retailer excises and also the other excises which hit the average family. So far as I know, no effort was made by the minority at that time to suggest such a method for eliminating the excises. Therefore, in view of the tremendous reductions in income tax rates, and the new minimum income tax deduction of $300, and the other concessions made in the tax reduction bill last year, we must be fully aware of the fiscal consequences of the losses in revenue from desirable changes in the excises. That is what the Committee on Ways and Means must give us guidance on.

I will support the President of the United States, and the Speaker of the House, and the majority leader, and the chairman of the Committee on Ways and Means, and the Democratic majority of the Committee on Ways and Means, and the majority of the membership here today, in opposing this recommit motion, because I think tax policy must be determined responsibly by the majority party, and I believe deeply in party responsibility. But if I thought my vote today would contribute to a policy of drift on the excises, and of failure to tackle the problem, I would not cast it in this fashion. I believe in the integrity of the gentleman from Arkansas, Chairman MILLS' promise to us, and I will therefore vote contrary to my personal desires, but in the confidence that fairness in the modification or repeal of the outmoded and undesirable excises will prevail, once the Committee on Ways and Means has completed its current study and made its recommendations. I am counting on it.

Mr. PHILBIN. Mr. Chairman, I have long favored and urged in this Chamber the repeal of all wartime, nuisance excise taxes. They were levied solely to raise part of the huge sums of money needed to conduct war.

It was generally understood at that time that these onerous taxes, which bear down so heavily on so many classes and groups of the American people and American business, should and would be repealed as promptly as that could be done without impairing the Federal budget or the economy.

Through the years, many of us in this Congress have pressed with vigor and persistence for the repeal of all wartime excises, and it is to be greatly deplored that up to this time these efforts have not been successful.

Why? Why has the Congress been unable to eliminate these temporary levies, which the very able chairman of the House Ways and Means Committee willingly admits are discriminatory, arbitrary, onerous, excessive, and undesirable? Why have we not adhered to the original commitment to the people and to business to cut down these levies as soon as the war periods were over?

These are pertinent questions which, candidly, I fear it is not possible for me to answer with any degree of certainty. To be sure, there was a strong demand and need for high revenue in the war periods continuing to this day. Some felt it was more important to dole out our taxpayers' money for international causes, some of them helpful to our security, some of them humanitarian, and some of them of no discoverable benefit to the United States. But I will not now belabor that point.

There was also a rather regrettable procrastination on the part of various administrations and Congress itself to seize the "horns" of this problem and consign these harsh taxes to the legislative ash barrel.

It is said that hindsight is better than foresight, but it must be acknowledged that all these mischievous, oppressive taxes should have been repealed long ago. They are inconsistent with our free enterprise system and could not be justified on such a large scale except in war or other extreme emergency.

I rejoice, therefore, to learn from the distinguished chairman, who is one of the great leaders of this House, that he has plans underway for the earliest possible, practicable elimination of wartime nuisance taxes.

Of course, it is understandable that this proposed study will require some time and very careful timing. The measure must be prepared with prudence and skill; its presentation must accord with the economic cycle and the budgetary condition in order to insure orderly transition that will not jeopardize the prospects for early balancing of the budget and substantial payments on the national debt, both objectives of paramount importance to the fiscal soundness of the Nation and general economic health and prosperity.

As strongly as I am committed to the scrapping of wartime taxation, I could not subscribe to any tax relief action which I believed would further unbalance the budget, add materially to annual deficits, and otherwise produce disruptive effects upon our great free enterprise economy.

Let me make it clear at the same time that I am not particularly impressed with the arguments of those who, while heretofore opposing repeal, now favor it by premature, precipitate action, coming so quickly that we could not possibly consider adequately the urgency of stable, sound, prudent, and judicious management of the fiscal and financial affairs of this great Government.

The tax relief bill of 1964 is working well. It has great promise. It has spurred and activated the incentive forces in the economy that had been showing some ominous signs of dormancy. The economy now is moving forward and upward with very gratifying speed. We have reached an alltime high in economic activity and general prosperity. And we have done so without the emergence of any really significant, or dangerous, inflation, though we must guard against this factor with concern, care, and zeal.

The important thing now, I think, is to make sure in this House that nothing we do here will impede our march toward full employment, full use of our great potential in all its broad significance, and full harnessing of our incomparable free enterprise machine, which we must protect and strengthen, since it is the visible symbol of our free way, the guarantee of abundant livelihood and unbounded opportunities for all our people. Let us not, by hasty, ill-considered, premature action endanger the sound progress we are now making. Let us repeal wartime excise taxes when we have had the full opportunity to study and well consider how we can best take this desirable step without upsetting our fiscal and economic apple cart.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Michigan [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Chairman, I rise in support of this bill and in opposition to the motion to recommit.

I think, perhaps, it is politically the most appealing motion to recommit that the minority has ever offered, and I would be very impressed if I were quite sure that the price of the items from which the tax is removed would really go down.

But economically I think there is no proof of this. As has been pointed out by the chairman of the committee and by the distinguished gentleman from New York, there is a real possibility that, should these taxes be removed today, they would immediately be picked up by the States. This is the first argument.

There is a second argument. Should the taxes on these particular items be removed, there is no evidence whatsoever that that reduction in price would actually be passed on to the consuming public. The manufacturer or the retailer might simply raise the price.

Furthermore, there is no real reason to assume that more cosmetics would be sold. I think American women will tell you that about all the powder and paint is being worn in this country that can successfully be used either decently or indecently. Therefore, it is unlikely that you would increase sales or employment in businesses where you removed the taxes.

There is a third reason in my judgment as to why this is a somewhat uneconomic suggestion. It is conceivable that the taxes on fur coats or, rather, that the savings on that tax, would be passed on. But I would like to point out to you that in this measure you are really helping foreign producers of furs. You are helping Canada and you are helping Russian Siberia.

If you are going to remove an excise tax, I would like to name one that I think would really help the American economy. One person out of six who is gainfully employed in this country is employed in the automotive industry or in industry having to do with some of the byproducts or accessories of the automotive industry.

If you are going to remove an excise tax, a saving that would actually be passed on to the consuming public, the tax to remove is the one on automobiles. The American public is not using all the cars that could be sold. You could actually increase the sale of cars and thus increase employment.

In my judgment, the selection of these taxes to remove has been done more from a political viewpoint than an economic viewpoint. I doubt that a reduction in prices on some of the items that have been mentioned would really accrue to any American woman. I feel that every American woman would be vastly more helped by a tax reduction which increases employment, thus producing increased wages for her husband.

I personally am going to vote against the motion to recommit and I am going to vote for the bill.

This year for the first time in American history, we are beginning to look at the effect of taxes on the economy. We have argued about it somewhat before, but at last even our side of the aisle is beginning to have some belief that this does have something to do with employment. I think, therefore, it is premature at this point to reduce the excise tax on a limited number of items without first considering the effect of this year's tax reduction, and considering the excise tax laws in one package then determining which of those taxes are removable so that we will have savings that will be passed on the consumer and, secondly, what the effect will be upon the general economic picture in America.

I urge that we permit this committee under the chairmanship of its great leader to look at all of these taxes and to bring in in an orderly fashion a bill which will relieve some of the great burden on American consumers and American industry so far as these taxes are concerned.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. Betts].

Mr. BETTS. Mr. Chairman, I rise in support of the motion to recommit.

When H.R. 11376 was before the committee, the Republicans proposed an amendment for the ultimate repeal of certain retailers excise taxes which were imposed during World War II on toilet preparations, jewelry and related items, ladies' handbags, luggage, and the like, and furs and certain fur-trimmed coats. The Republican amendment provided that these taxes be reduced from the present rate of 10 percent to a rate of 5 percent for fiscal 1965 and eliminated completely after June 30, 1965.

Our motion to recommit the bill embodies this amendment.

My reasons for proposing the repeal of these taxes are, as follows:

The Federal retailers excise taxes are in reality consumer sales taxes on a "selective" basis. As such, the taxes discriminate against the products being taxed at the retail level. The taxes also impinge upon the traditional right of the States and local governments to levy consumer sales taxes.

The Federal retailers excise taxes are directed particularly against the women, who are the major purchasers and users of the items, subject to tax. A woman must pay a tax on the toilet articles she requires for her grooming and on the handbag which she carries. She must pay a tax on the coat which she buys, if it has a good fur collar. The wedding ring she wears on her finger is taxed. Indeed, the retailers point out that even the taxable items which are not generally used by women—men's cuff links, after-shave lotions, men's wallets, and the like—are largely purchased by women as gifts for men.

Finally, and equally important, these retailers excise taxes constitute a very serious administrative burden and are extremely onerous to the small retail shopkeeper—and, there are some 2 million retailers who might be subject to the tax. Without resorting to voluminous lists—and even with such lists—it is impossible for these retailers to distinguish between many taxable and nontaxable items.

Furthermore, these Federal retailers excise taxes certainly cannot be justified as "luxury" taxes. Hand creams, shampoos, deodorants, and other toilet articles are not "luxuries." A lady's handbag is not a "luxury," but just as essential as the pockets in a man's suit. Jewelry selling for $10 or less constitutes 60 percent of total sales, and more than one-third of the watches subject to tax, sell for $15 or less at retail. A $15 watch is not a "luxury."

JUSTIFICATION FOR TAX ON LUGGAGE, HANDBAGS, AND OTHER LEATHER GOODS NO LONGER EXISTS

A lady's handbag is clearly not a luxury. In today's mobile society, luggage is equally essential.

The tax on luggage, handbags, and the like was imposed primarily to conserve leather during World War II. Most luggage today is not made of leather. We have synthetics not only for luggage, but for the production of shoe uppers. Leather is fast becoming displaced in the market.

In the absence of a need to conserve leather, there is no justification for singling out ladies' handbags, luggage, and the like for a selective retail excise tax. Why penalize these articles?

SALES OF HIGH-PRICED JEWELRY INSIGNIFICANT

Most of the so-called jewelry sold today is strictly ornamentation. We might as well tax buttons. The following schedule shows the percent of dollar sales of so-called taxable jewelry by price, based upon the 1958 census carried forward to 1962—the latest year for which complete figures are available.

Price range	Percent of total	Cumulative percent
$1 or less	15.5	15.5
$1 to $3	14.2	29.7
$3 to $5	12.5	42.2
$5 to $10	15.9	58.1
$10 to $25	12.4	70.5
$25 to $100	17.5	88.0
Over $100	12.0	100.0

Wedding rings account for a large part of the sales in the price range of $25 and up.

FUR INDUSTRY DEPRESSED

In connection with the 1954 excise tax reduction, the Treasury made a point of the then depressed conditions in the fur industry. The Democrats pointed this out in their minority views.

There has been no growth in the fur industry since that time. The tax on furs yielded about $29.5 million in fiscal 1957 and will yield about the same amount in fiscal 1964, both of which may be regarded as comparable years in terms of economic prosperity. Imports have taken a larger share of a shrinking market.

The average price of a taxable fur garment is under $250. Competing garments in the same price range are not taxed. At present, there are synthetic fur coats which are being produced and sold in this price range tax free.

Employment in the fur garment industry has declined—as measured by union membership—from a peak of 14,200 to about 7,200. This amply demonstrates the shrinking market for the fur rancher, whose skins must be manufactured into fur garments.

The anticipated revenue loss from the adoption of our amendment would amount to about $226 million for the fiscal year 1965, without taking into account the additional revenue which will accrue as a result of removing the onerous burden of these taxes. Even if this amendment is adopted, Federal excise taxes for fiscal 1965 will amount to about $14.5 billion, or $500 million more than such taxes—including the retailers excise taxes—yielded for fiscal 1964. Therefore, the amendment will not have any significant effect on the revenue from the Federal excise taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. Hall].

Mr. HALL. Mr. Chairman, the only way to eliminate an insidious but proved malignancy is to enucleate it.

At the time of the Korean war, a series of excise taxes were imposed by the Congress in order to raise additional revenue, and also to discourage use of certain commodities and services in order to direct a maximum effort toward the war. The Korean war ended, or at least the armistice was signed in 1952, but the excise taxes still remain—a testimonial to the fact that nothing is quite as permanent as death or a tax once imposed. The taxes were due to expire several years ago, but each year, the administration has proposed legislation to extend them an additional year. This week, the Congress was due to consider another such request, to continue these excise taxes until July 1, 1965, at which time as sure as day follows night, we will be asked to extend them for another year.

The theory behind the imposition of the excise tax is that they are imposed on items which are considered "luxuries," and that therefore the people who use these items can well afford to pay the tax. In practice, it has not worked that way at all. For example, the telephone is hardly a luxury today. It is almost a necessity in the modern way of life and a great proportion of people classified as poverty stricken by this administration, have telephones. Yet, the bill recommended by the administration would continue the 10 percent excise tax on telephone service. An automobile is hardly a luxury to many people who depend on it to get to or from work, or even use it in their work. Furthermore, the excise tax of 10 percent on passenger cars is a substantial addition to the purchase price which, if removed, undoubtedly would stimulate more car sales and employment.

Many of the other items on which excise taxes are levied cannot properly be classified as luxury taxes, and many of these taxes discriminate against women, who are the major purchasers of some of the items. Ladies' handbags—a major source of tax revenue—certainly cannot be called a luxury. They are just as essential to the ladies as the pockets in a man's suit are to him. A woman must pay a tax on the coat she buys if it is trimmed with fur. The wedding ring she wears on her finger is taxed, and most wedding rings are purchased at a time in life when young couples need every penny they can earn. She must pay excise taxes on the toilet articles she requires for her grooming. Furthermore, it can be clearly demonstrated that the fur industry is in need of tax relief. Employment in the manufacture of fur garments has declined from a peak of 14,000 to about 7,000.

Another aspect of this excise tax question is the tremendous administrative burden it imposes on small business. There are more than 2 million retail establishments in the United States, and it is almost impossible for the average merchant to determine which articles might be taxable and which might be nontaxable. Each item must be checked against a voluminous list published by the Internal Revenue Service. The most recent such list itemizing taxable toilet articles includes over 23 items ranging from aftershave creams to eye shadows to hair lotion to cuticle softeners and removers to cosmetics to sunburn preventatives to talcum powder to styptics, and those are only a few.

Further the excise tax on automobile accessories opens the door for many injustices. A firm in Springfield manufactures baby seats which can be used as accessories in automobiles. Another firm in the eastern part of the country makes a minor change in the specifications, obtains a ruling that they are not primarily automobile accessories, and undersells the Springfield firm by avoiding the tax. Efforts to obtain relief have been bogged down in the redtape that can always be employed by the bureaucracy. The administration contends that removal of these taxes would result in a sharp decline in revenues. But when income taxes were reduced it was the administration claim that revenues ultimately would increase due to the additional stimulation of business. Certainly the same reasoning should be applicable to excise taxes, and I plan to vote against further continuation of these taxes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, I urge support for the motion to recommit which would amend this bill (H.R. 11376) in order to provide for the reduction and ultimate repeal of the so-called retailers excise taxes.

That motion does not affect the extension of the Korean and other taxes which will expire on June 30, 1964. The amended bill will still extend those taxes. However, I believe that we should take steps to repeal the retailers excise taxes which were enacted during World War II in order to discourage the manufacture and use of the articles being taxed. Specifically, these taxes apply to toilet articles; ladies' handbags, men's wallets, luggage and similar articles; watches and jewelry; and furs and fur-trimmed coats.

The excise taxes altogether yield more than $14 billion in Federal revenues. The retailers excise taxes account for about $550 million of this total. We are proposing that the rate of these retailers taxes be reduced to 5 percent for fiscal 1965 and eliminated for fiscal 1966. For fiscal 1965, the revenue loss will amount to about $226 million. In relation to the overall revenues from excise taxes, this is insignificant. The revenue from Federal excise taxes will exceed $14 billion, even after these taxes are repealed.

On the other hand, the retailers excise taxes are very significant in their impact both upon the small retail merchant and upon the purchasers of the taxable articles—our ladies.

These taxes have at times erroneously been termed "luxury" taxes. Handcreams, shampoos, deodorants, and other toilet articles are not "luxuries." A lady's handbag is not a "luxury," but just as essential as the pockets in a man's suit. Jewelry selling for $10 or less constitutes 60 percent of total sales. More than one-third is costume jewelry selling for under $3. More than one-third of the watches subject to tax sell for $15 or less at retail. A $3 pin or a $15 watch is not a "luxury."

Most of my colleagues may not be conscious of these taxes. They do not buy these articles. The burden of the tax is directed particularly against the ladies. If you do not believe they are conscious of this discriminatory tax, just ask your wife or secretary. A woman must pay a tax on the toilet articles she requires for her grooming and on the handbag which she carries. She must pay a tax on the coat which she buys, if it has a good fur collar. The wedding ring she wears on her finger is taxed. Indeed, the retailers point out that even the taxable items which are not generally used by women—men's cuff links, after-shave lotions, men's wallets, and the like—are largely purchased by women as gifts for men.

I would also question seriously whether these taxes result in any net gain to the Government. It is estimated that the gross revenue from these taxes next year will amount to about $550 million. How does the Government get this revenue? We do not know precisely how many retailers file returns of this tax. The Treasury claims that they do not have this information. We do know that there are some 2 million retailers who might be subject to the tax, whether all of them know it or not, and quarterly returns are required, irrespective of the amount of tax due.

Retailers find it almost impossible to distinguish between many taxable and nontaxable articles. Many hundreds of rulings have been issued by the Internal Revenue Service. Lists have been compiled from these rulings. Most nontaxable articles are, however, subject to the qualification that an article otherwise nontaxable may become taxable if it is advertised for some other purpose. For example, the Internal Revenue Service has ruled that mouthwash is not a taxable toilet article. If the mouthwash is, however, recommended for use as an after-shave preparation as well, it becomes taxable. A shampoo may not be taxable, but if some overzealous advertiser claims that the shampoo will improve the tint of the hair, it becomes taxable. In many cases, I am told, the determination of tax liability initially by the retailer and subsequently by an examining revenue agent becomes a matter of "guesstimating" and "horse trading." Any law that has to be enforced in this manner should be repealed.

I am glad to say that we do not as yet have a sales tax in Virginia. Where there is a State sales tax, this further complicates the computation of the Federal excise tax. Whether or not the State's sales tax must be included in the price of the article for Federal excise tax purposes depends upon whether the dealer has posted sufficient notice of the State sales tax in his establishment or writes out a sales ticket clearly showing the State sales tax as a separate item. This may not be a serious problem for the chain drugstore or the chain foodstore which can afford to install specialized equipment for complying with these rules. It is a headache for the small merchant. I would like to see the outright repeal of the retailers excise taxes now—and not 1 year from now as is proposed in the motion to recommit. Small business deserves a break. In the Revenue Act of 1962, the Congress provided an investment credit for big business. In the 1964 act, that credit was made even more liberal at a revenue loss which is expected to reach $2 billion annually. The small retailer was "passed over" in 1962 and again in 1964. It is high time that we gave him a break.

Furthermore, the retailers excise tax is a consumer tax. Its repeal will be reflected immediately in the consumer price. The savings will be used for other purchases. I know of no better means of encouraging consumer purchases than by the repeal of these repressive taxes which are charged directly to the consumer.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, it is generally conceded that the purposes of excise taxes fall into three categories:

First. There are those imposed for the specific purpose of raising revenues.

Second. There are those which were designed to curb spending of the consumer dollar for goods or commodities which were both nonessential to the individual's well-being, and even sometimes detrimental to his health.

Third. The third category are the taxes imposed in times of national emergency, offered as temporary wartime taxes.

The latter group includes those taxes which the bill before us seeks to extend. In many cases they are conceived to curb both the production of and expenditure for certain articles in order to divert production to the defense effort.

As has been pointed out by previous speakers today, the total package of the taxes which were either imposed or increased at the time of the Korean war accounts for slightly more than $1,800 million in revenues. So that we might get this into perspective, this amounts to 15.7 percent of the total revenues which were embraced in the tax reduction bill passed by Congress in February of this year. The items which would be reduced on the list of those which are being extended in this bill would amount to only a loss of $226 million for fiscal year 1965. And while these specific items would, when phased out on July 1, 1965, would result in a loss of revenues of less than $500 million, the collection of all excise taxes in general would far exceed the ultimate loss of revenue under the proposal that would be offered as a recommittal motion today.

In fact, gross excise taxes on a projected basis, will exceed $14 billion in revenue the first year following expiration of these retailer's excise taxes. Why, some of you might say, will the recommittal motion merely cover cosmetics, toilet preparations, inexpensive jewelry and such related items as ladies' handbags and luggage. I think the reason and justification for this priority is obvious although I hasten to say that there are certainly other areas in our excise tax structure which demand prompt revision. I will discuss those briefly a bit later.

As we all know, the retailer's excise taxes are principally discriminatory against the women of the country. They were certainly not intended to be revenue-raising taxes as such. Nor were they sold to the American public as permanent taxes in any manner.

While these are often classified as luxury taxes, they are certainly not luxuries in any real sense of the word in the society in which we live today. They involve good grooming which is most essential to women today, particularly those who are becoming more and more important in our business and professional world. How one can construe a lady's purse or handbag—and even a man's wallet for that matter, to be a luxury in any sense of the word, I do not know. In fact, I have heard it said that marriage is a luxury and in some cases it may well be. But I do not think that it was intended that the purchase of a modestly priced wedding ring should be assessed as an accessory before the fact. In fact I think it would be fair to say that in normal times and under normal conditions these taxes are not only discriminatory in nature but could be better classified as a nuisance taxes.

Without taking the time to list some of the articles which certainly cannot be construed as luxuries and upon which the retailer's excise taxes have been too long imposed, I invite your attention to a list of the toilet articles which appears on pages 14 and 15 of the committee report:

Thirty-seven of the States have adopted sales taxes ranging from 2 to 5 percent which, of course, are added to the cost of these articles. While I have no quarrel of the necessity of sales taxes as a revenue-raising device in the several States, it would certainly seem to me that Members of this Congress should take advantage of the opportunity that will be presented later today in removing to a small degree some of the prime inequities in the excise tax structure and reducing the burden which falls upon those who can least afford to pay these taxes.

I think there is another very significant point that should be raised in connection with the bill before us today and the recommittal motion that will be offered, and that is the favorable effect it is bound to have on retail spending. The retail sales tax represents what we might properly call "on the counter" dollars. There is no assurance, for example, that when a general tax cut is passed that a substantial portion will not go into a savings account. While indirectly this helps the economy and is a good thing certainly, the fact remains that the dollars which the average housewife spends in a local retail store must be gaged by the total cost of her purchases. Many families operate on budgets and consequently the nickels and dimes must be watched closely in the daily purchases which are made in some 2 million retail stores across the country today.

It is certainly logical to assume that in most cases that the additional sums which the customers are required to pay in excise taxes would merely be used in consumer spending. This was one of the prime arguments and properly so in support of the tax reduction bill passed this year—the stimulation of the economy to increase production of consumer goods.

I would take a moment here to remind the Members that there are other excise taxes which were passed as emergency tax measures during World War II, the repeal of which are long overdue. Some of these have been reduced such as was the tax on transportation. Some should be eliminated completely and others should be sharply revised such as the telephone tax. At this time I call the attention to the House that we should have taken action long before this time to reduce and ultimately eliminate the tax on television sets. After all, it was this Congress that, in what I considered to have been very poor judgment, which passed the all-channel receiver law 2 years ago. And as of April 30, 1964, the effective date, we arbitrarily saddled both the industry and the purchaser of television sets with an additional cost for a facility which they may neither need nor want.

It is my hope that the current study of all types of excise taxes by the House Ways and Means Committee will result in either modifications or eliminations of certain of these discriminatory taxes.

I do not believe that a tax system which seeks to distort the consumption patterns of the buying public in most cases are good taxes. In the main there might be occasions where they are necessary but these would be very much the exceptions than the rule, except in time of national emergency, they should not be imposed to influence normal production or normal business activity. And above all, they should not be imposed in a manner which places the general burden of taxation on those who can least afford to pay them particularly as they are assessed on essential consumer goods.

When the recommittal motion is offered on the bill before us today, it would be my sincere hope that the Members of this body will support it as a very short but necessary step toward the ultimate correction of the many inequities and often shortsighted provisions of our Federal tax structure.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman suppose the Government paid the tax on the several million dollars worth of cosmetics and other products that were distributed under the foreign giveaway program to foreign governments and foreigners at large? Does the gentleman think the foreigners or this Government paid the excise taxes on those products as Americans must pay them?

Mr. COLLIER. No, I would certainly presume that they were tax exempt.

However, this brings me to another point. Those who are deeply concerned about the loss of some $235 million in revenue this year should we adopt the recommittal motion and an additional $245 million in revenue next year, would find it a very simple matter to salvage this small loss of revenue merely by cutting out a small portion of the waste in the foreign aid program.

Mr. GROSS. We have been unable to get even the money back, much less the taxes, that went for all those products that were distributed—cosmetics and other products that were distributed so widely all over the world.

Mr. COLLIER. I thank the gentleman for his comment.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks immediately following the remarks of Mr. Collier.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Chairman, again the question of continuance of the temporary excise taxes levied during the Korean war on so-called luxury items is before us. Once again I shall cast my vote in the direction of repeal. Prior to and since my arrival here in the Congress, I have strongly recommended and advocated the repeal of this tax source. This tax was to be repealed as soon as the Korean emergency was over. Typically, the excise tax has been extended year after year as the Federal Government expands programs that could be more efficiently handled by the States.

As it is presently written, the excise tax is one of the most discriminatory taxes of all. It hits the female taxpayer where it hurts—right in the handbag—in more ways than one. First of all, and in a literal sense, the woman pays this tax on each handbag she purchases. Many of the articles she carries for grooming such as lipstick, perfumes, cosmetics, and many other items used routinely, are categorized as luxury items when in fact they are accepted as necessary by the great majority of women of all ages.

The small businessman must conduct a continuing training program to see that his employees are properly informed of the items for which a tax is to be collected. If errrors are made, he is held accountable. The bookkeeping problems are monumental as the merchants fill out their reports. While this same nuisance occurs to all merchants, it is particularly irritating to the smaller businessman who cannot afford to buy expensive cash registers of the type that would record and assist in computing taxable items.

The telephone tax is long overdue for repeal. Nearly every household could receive a tax break of a considerable amount if this extension of excise taxes is not granted. Again, the housewife who handles most of the bills is affected—her available funds restricted by this unnecessary tax.

The automobile purchaser and people in need of auto parts or accessories must carry an extra burden to satisfy the appetite of some of our wild Federal spenders. In my district, where many of my constituents are engaged in the trucking and transportation business, this is a sizable load to carry—tax load that is.

These are but a few of the items carried forward if the bill is passed. I simply do not subscribe to the continuation of this tax. Of all the tax sources, I believe this should have been the first to go. I urgently request the Members of the Ways and Means Committee to do everything in their power to abolish the major portion of the nearly $14 billion of excise taxes here at the Federal level. Further, we in the Congress have an obligation to do everything possible to reduce expenditures proportionately to minimize the danger of budget deficits.

Some have argued the point that if we repeal tax sources at the Federal level, the States, in turn, would increase their tax sources. If this is the case, and there is a demonstrated need for granting service, so be it.

Many of the schools throughout the country suggest a need for funds. This might prove to be their answer. At least the funds collected would be minus the "brokerage fee" that is automatic as the funds sift through the Federal bureaucracy. Also, there is no concern over Federal control of our educational system.

As a practical matter, it would prove to be the most efficient overall. I will continue to fight for abolition of tax sources at the Federal level, return them to the consumer or the States, thereby permitting each to be more self-sufficient in its own right. In my judgment, this is the way to build a stronger America.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, I rise in opposition to the forthcoming motion to recommit to be offered by our Republican friends with instructions to repeal the present excise tax on such items as perfumes, furs, and jewelry.

The idea behind this Republican move, according to the Wall Street Journal—which certainly ought to know—is "to aim to please women taxpayers," and "to promote feminine disgruntlement with the Johnson administration."

This is a breathtaking strategy, Mr. Chairman. According to the latest census, women are 51.6 percent of the Nation's population eligible to vote. If the Republicans, by this excise tax strategy, succeed in winning over the women, we Democrats have had it.

I have examined closely the commodities which the Republicans have selected for excise tax repeal. I—and I believe the majority of Democrats—have our own list of excise taxes which we would like to see repealed on a priority basis.

My Democratic list is aimed at the American woman, too. My list of excise taxes eligible for priority repeal would include that on hot water heaters—5 percent—so that a good hot bath can become that much more available to the American woman; on electric light bulbs—10 percent—so that she can get to the bathtub without stumbling over junior's kiddie car; on washer-driers—5 percent—so that the family wash can be quicker and cleaner; on school pencils and musical instruments—10 percent—for the children; on such run-of-the-mill, nonluxury items as ordinary toilet articles, hadbags and luggage, and inexpensive jewelry and furs.

These are the kinds of uses that we Democrats would like to help, and we think they are what the American woman wants first and foremost.

When we have repealed these excise taxes, it will be time to take a look at the excise taxes on luxury items.

But the Republicans have picked luxury items as the "first step." What has happened to Republican moral fiber since just a few years ago, when our Republican Vice President's wife was proud to wear a plain, Republican cloth coat?

Does the American woman really want as a "first step," to be doused with perfume, swathed with furs, and dripping with jewelry—before excise tax attention has been paid to bountiful hot water, adequate clothes-washing equipment, and enough light? The Republican proposal may win the vote of the woman of the Casbah. I doubt that it will win the votes of the women of America.

Mr. Chairman, I intend to vote against the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I am amazed to learn that the gentleman differs with his senior Senator from Wisconsin who supported a move exactly like this, with few exceptions.

Mr. REUSS. Is the gentleman referring to the motion offered in the other body to repeal many of these excise taxes except on luxury items of more than $100? Is that the one the gentleman refers to?

Mr. BYRNES of Wisconsin. Yes.

Mr. REUSS. If I were confronted with a motion which referred to nonluxury items, I would be extremely sympathetic to it. But the gentleman's motion, as I understand it, will take the tax off a $10,000 fur or a $20,000 diamond brooch or a $100 bottle of Chanel No. 5.

Mr. BYRNES of Wisconsin. The gentleman will also find that the tax is taken off of a lot of items the average person uses. Ninety percent of dollar purchases of taxable items are under $100. The gentleman is going off into the land of dreams when he picks out these exceptional items.

Mr. REUSS. If the gentleman will present a motion which is directed to items that directly help the average American woman, I will be delighted to vote for it. But I cannot endanger the revenues of this country by taking the tax off the various luxuries included in this motion.

Mr. BYRNES of Wisconsin. I also cannot understand the gentleman's being in conflict here with the position taken by the Governor of our State, who is a member of his party, who has declaimed bitterly against any type of consumer retail tax. What I suggest here is that the first step that the Federal Government should take is at least to get out of the retail sales tax field which is what is covered by this motion.

Mr. REUSS. If the gentleman or somebody else will present a motion, on which I can vote this afternoon, which takes off the sales tax on retail items which are bought by the average American woman, I will be delighted to consider it, consistent with its fiscal implications.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, I rise to add my voice to those calling for reform of the excise tax system and who would take the initial steps of that reform today.

Each year it has been within our power to eliminate these ancient "temporary," "emergency" taxes imposed during the Korean war to retard the consumption of certain goods and services in the interest of the war effort; and each year when these taxes come up for extension or extinction we are told to wait just 1 more year. Mañana is always soon enough for tax reform.

No one denies that these taxes are discriminatory. In fact, it is freely admitted. But, we are told, we cannot afford to lose the tax revenues they create. Yet, correspondingly little attention has been given to the question of how much of a drag on the economy these taxes are and how much tax revenue from other sources is, in fact, left stillborn by their very existence.

THE PARLIAMENTARY SITUATION

The Excise-Tax Rate Extension Act of 1964 comes to us under the same basic conditions that have abided in the past, even though with a slight difference. For in presenting us with a closed rule today, the leadership is in effect again telling the House that it wishes there to be no deliberation over the suitability of these particular tax rates, but demands of us instead their ritualistic renewal in toto. By refusing to let the House work its will as is specifically provided by the Constitution in the case of all revenue bills, we are handed the directed choice of eliminating all or none of these tax rates. It is this parliamentary maneuver that is held up to us as a reasonable and responsible way of handling legislation admittedly unfair and archaic.

The difference this year is that we are supposed to go along with the leadership in exchange for a tacit commitment that next year for sure such reform will be undertaken. Indeed, by an understandable coincidence, hearings before the Ways and Means Committee are being held. Furthermore, President Johnson recently announced that "reasonable changes" in the excise tax system are highly desirable. Yet today the House is not to be permitted under existing ground rules to make any reasonable changes.

THE ADMINISTRATION'S POSITION

It seems to be the curious position of the administration that while changes in the excise tax structure can and should be made, they have no information about how to do it. Otherwise, the administration would not insist that no action be taken until after these hearings. And yet these hearings were announced months ago to be held, quite obviously, immediately after and not before the vote on the annual extension. In other words, the administration has sought to insure that Congress should not have the benefit of these hearings when the extension vote came up. Such premeditation can only suggest that the outcome of these hearings is assumed by the leadership to be a call for reform. To hold the hearings before the vote for extension, it is apparently conceded, would make it difficult to muster a vote for extension. In short, it is a foregone conclusion that there will be changes in the excise tax system. Indications are that reform of the excise tax system is not so much a question of "how" as it is of "when."

Regardless when such an announcement is made, I would certainly recommend when changes are made in the excise rates, that they be made retroactive to the time of the announcement so as to minimize any possible disruptive influences in the economy.

It is clear that the best time to do something about these excises is now when they are about to expire. For if there is a delay between the announcement and the date of its effect, the expected beneficial impact on the economy could be blunted. In the case of the excise tax on automobiles, prospective buyers might delay their purchases resulting in a regressive influence in the economy for several months.

In this regard, Secretary of the Treasury Dillon, as reported in the New York Times of June 7, 1964, is quoted as stating that such lags represent one of the chief obstacles to achieving the desired results from tax reductions and reforms:

> The chief * * * obstacle is the fact that within our constitutional system a long lag typically intervenes between a request for a change in tax rates and legislative approval. Unless and until some method is worked out—acceptable both to the Congress and consistent with its prerogatives—whereby tax rates can be varied without undue delay, the purely countercyclical function of tax policy will remain outside our arsenal of economic tools.

If action is to be taken this year, it would have been better to have the benefit of these hearings today. If action is not to be effective until next year, it would seem the better policy to postpone these hearings until just prior to when the next extension of these taxes comes before us next year. However, since some action may come later this year, though possibly with a delayed fuse on it, I prefer to support excise tax reform now and will therefore vote to recommit the bill to the Committee on Ways and Means in order to insist that the temporary excise tax rates on jewelry, furs, cosmetics, handbags, and luggage not be extended another year. I have long since learned that "a bird in the hand is worth two in the bush."

THE AUTO EXCISE TAX

Mr. Chairman, if amendments were in order today, I would most assuredly offer one to discontinue the 10-percent excise tax on passenger automobiles. As my patient colleagues are well aware, this is not my maiden speech on this subject, as I have sought this tax reform since first becoming a Member of this body. I have no new arguments to present here today. While I wish I could disclose some new and startling reasons for the reduction or repeal of this tax, I can only reiterate the arguments that have been made in years past—for they are all valid today.

The case for the reduction or repeal of the 10-percent excise tax on automobiles, like most of the other excises, is self-evident. The reasons for imposing such a penalty upon the Nation's key consumer industry having long ago expired, it is simply a question of the Government discharging its responsibility to end such a tax inequity. Unfortunately, however, taxes, like fat, are easier to put on than to take off; and it is never enough merely to point out a tax inequity without setting forth additional reasons to show why it is in the best interests of the Government to adopt a fairer system of taxation.

Testifying on the Excise Tax Extension Act last year, Secretary Dillon told the Committee on Ways and Means that the administration's decision to go for a reduction in income taxes rather than excise taxes followed "a thorough review of the various components of our Federal tax system to determine where reductions might most stimulate the growth of our economic system and increase the overall equity of the tax system."

And so, while tax revenues were cut by some $11 billion, nothing was done to eliminate the discriminatory excise taxes because presumably, we couldn't afford to lose the tax revenue. Instead, the administration explained at that time it would call for another review of the excise tax system. Now, after years of advocating such a study, I am gratified that it is to be given serious consideration at long last. It is something long overdue, to say the least. In my view, however, it would have been more appropriate as the first step in tax reduction to effect a reform of the excise tax system.

REASONS FOR EXCISE TAX REFORM

An excise or commodity tax has as its expressed purpose the shifting of consumer demand away from certain goods and services. During World War II and the Korean war such taxes were sought to discourage especially the use of transportation facilities and vehicles. Since then, some relief in this area has been granted. In 1962 the 10-percent rate on rail and bus fares was eliminated and the 10-percent rate on air travel reduced 5 percent, and yet the full wartime 10-percent rate still remains on the chief source of transportation, the automobile.

During times of economic sluggishness or recession, I have argued that releasing the "emergency brake" on automobile consumption would be a key weapon in promoting a general upswing in the economy. This I believe would be just as true in the future as in the past. But, as I am sure it would be quickly pointed out, the last 2 years have been especially good ones for the auto industry which, of course, is one of the key reasons for the present prosperous condition of the economy generally. That the auto economy has been able to overcome, rather like the way a sturdy tree grows over a boulder, the extra impediment of this discriminatory tax testified to the great demand of this form of transportation and the vital role it plays in the life of our Nation. This is in part to be explained by the fact that this tax burden is so completely hidden from the consumer that it has become imbedded in the structure of the auto economy.

INFLATIONARY PRESSURES ENCOURAGED

Aside from their naturally regressive intent there is evidence that excise or commodity taxes threaten the health of the economy by encouraging inflationary pressures. A noted tax scholar, Prof. John F. Due, has stated:

> Commodity taxes suffer from one major weakness as anti-inflationary measures; since they directly affect the cost of living, they are more likely to generate wage increases than other forms of taxes. With escalator clauses in wage contracts the effect is automatic; even without them, the cost-of-living increase is certain to generate demands for higher wages. Income taxes may have this effect as well since they reduce take-home pay, but the influence is much less direct and certain. * * * Whenever a tax generates wage increases, its effectiveness in checking inflation is largely or entirely lost. (Annals of the American Academy of Political and Social Science, vol. 326, p. 81.)

I do not pretend to be anything more than a shirtsleeve economist, yet at a time when the greatest single threat to the health of our economy comes from inflationary pressures, and at a time when the President has urged us all to check such pressures by holding down price and wage increases, I cannot see how such a tax as this can be said to be in the best interests of the Nation. Certainly the segment of our economy which should be free from government-imposed inflationary pressures, more than any other, is the recognized leader of the Nation's economy, the auto industry.

IMPACT ON FEDERAL REVENUES

Unless it is again extended for another year, the 10-percent excise tax on automobiles will revert to the 7-percent

World War II rate. I am informed by the Department of the Treasury that this would mean a loss of $520 million in tax receipts. In other words, automobile consumers would save $520 million on their purchases and would be free to spend this amount on other goods and services which, in turn, would generate tax revenues from other sources.

The recent tax cut was predicated, we were told, on the belief of the existence of a "multiplier effect," whereby consumption and investment would be increased several times over by a reduction in taxes. It was claimed by the Chairman of the Joint Economic Committee, Senator Douglas, of Illinois, that:

> An $8 billion tax cut with a multiplier of 3 to 4 times would increase the gross national product by $24 to $32 billion. Taxes at (an estimated) 20 percent would bring in added revenues of from $4.8 to $6.4 billion. The net cost of an $8 billion cut would be only from $1.6 to $3.2 billion." (Washington Post, Feb. 24, 1963.)

Using this formula, I calculated last year that the actual loss of revenue following a return to the 7-percent auto excise tax rate would be somewhere between $90 and $180 million and not the $430 million claimed by the Department of the Treasury. Consequently, this year I asked the Secretary of the Treasury to comment upon what the impact of this excise tax reduction would have, in terms of its probable "multiplier effect." In a letter dated May 23, 1964, I was informed by the Treasury Department:

> We do not have estimates of the multiplier effect of excise changes. At this point the Treasury is currently studying the economic effects of excises. We are, of course, expecting to obtain considerable information from the forthcoming Ways and Means Committee hearings. From these and other findings of the committee, we will be able to refine our own research data regarding excise taxes.

Now it may at first strike one as refreshing that this great department of the Government should be humble enough to plead ignorance as a reason for not answering this question. But, frankly, I was not a little taken aback by this apparent admission that after all the effort expended in behalf of the recent tax-cut-without-tax-reform bill, that so little expertise had been acquired in these matters. Nevertheless, it would seem probable to this layman that the so-called multiplier effect would prove to be operative to some important degree should this excise tax be reduced.

Mr. Chairman, it takes no great amount of research to discover the vital relationship between the automotive industry and the rest of the economy. Automobile production utilizes 21 percent of all steel, 61 percent of all rubber, 32 percent of all zinc, 13 percent of all aluminum, 49 percent of all lead, and 58 percent of all upholstery leather sold in the United States.

One business in every six is automotive.

One of every five retail dollars is spent for automotive products.

That 11,600,000 people—1 of every 7 workers—are employed in highway transport industries.

That 74 percent of U.S. families own automobiles.

That 41 million persons rely daily on automobiles to get to work.

IN CONCLUSION

Before concluding my remarks, I would like to congratulate Chairman Mills and the members of the Ways and Means Committee for holding hearings to study the possibility of revising our excise tax structure. I welcome these hearings and regard them as a sign of hope—as a first step toward remedial action in the future—and, also, as an affirmation of the position I have taken in the past with respect to these excise taxes. Equity demands reform of our excise tax system and apparently it is now recognized that the health and stability of the Nation's economy also demand reform of these taxes.

Nonetheless, until the reform we speak of becomes a reality, I can only continue to register my protest against the extension of these discriminatory taxes and urge my colleagues to join me in voting against this bill.

Mr. RYAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I am pleased to yield to my colleague from Michigan.

Mr. RYAN of Michigan. I thank the gentleman. At this time I should like to ask the gentleman a question.

If the taxes on automobiles were reduced according to the provisions of law, what percentage would they be reduced?

Mr. CHAMBERLAIN. As I understand the situation, if the taxes are not extended under the legislation proposed, the tax will revert from 10 to 7 percent.

Mr. RYAN of Michigan. If that is so, could the gentleman tell me about how much money would be involved?

Mr. CHAMBERLAIN. The Treasury Department has advised me that the loss of revenue would be $520 million. I believe that in the committee report table 2 shows there would be a $520 million loss of revenue.

Mr. RYAN of Michigan. This would follow strictly from the 3-percent difference; is that correct?

Mr. CHAMBERLAIN. That is correct. I am not speaking of a repeal, but I am talking about the law on the books today. If we do not extend the tax it would revert to 7 percent automatically. If we do nothing, if the bill fails, it would revert to 7 percent automatically.

Mr. RYAN of Michigan. Is there any other business or industry so taxed, other than the automobile industry?

Mr. CHAMBERLAIN. My colleague from Michigan makes a very good point, and one I have long made. This is a discriminatory tax. We have gone down the street and singled out one particular manufacturer, to whom we have said, "We are going to tax you 10 percent."

If we put this tax on bulldozers, pleasure boats, and manufacturing in general, and had a uniform rate across the board, I would not complain. But when we single out one manufacturer and say, "We will tax you 10 percent," I believe it is unreasonable.

Mr. RYAN of Michigan. I thank the gentleman. I, too, look forward to the day when these taxes will come off automobiles, because I believe it will be a great boon to our industry in Michigan.

Mr. CHAMBERLAIN. I thank my colleague for his contribution.

Mr. RYAN of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RYAN of Michigan. Mr. Chairman, once again I stand before this honorable body to state my opposition to the extension of the Korean war excise taxes. For the past 11 sessions of Congress, these temporary wartime taxes have been extended for another year.

Well, the war is over. And the purpose for which these "temporary" taxes were enacted no longer exists.

As a State senator in Lansing, Mich., I fought and opposed the adoption of "nuisance taxes"; as the Congressman from the 14th Congressional District, I will continue to oppose the extension of taxes of this nature.

I know that a majority of the people in my district want these excise taxes taken off the books. Recently, I sent a questionnaire to thousands of people in my district. One of my questions concerned this very matter. Approximately 9,000 constituents said that they wanted this temporary tax legislation repealed; 1,110 reported undecided and 3,018 said "no."

It certainly seems illogical for Congress to vote to reduce taxes which are a permanent part of the tax system and then vote to extend so-called temporary taxes.

The present rates of excise tax on whiskey, gin, other distilled spirits, beer, wine, cigarettes, passenger cars, automobile parts and accessories, general telephone service, and the transportation of persons by air would be extended through July 1, 1965.

I remember the words of President Kennedy in his special message on tax reduction and reform. He said:

> Our economy is checkreined today by a war-born tax system at a time when it is far more in need of the spur that the bit.

In order that we may follow this line of reasoning I believe that the first step of Congress would be to remove the excise taxes which are due to expire on July 1, 1964. By so doing, we will place additional money into the hands of the ordinary taxpayer, which is certain to stimulate our economy.

Coming from the automobile capital of the world, I am especially concerned with the manufacturer's excise tax on the sales price of passenger cars, trucks, parts, and accessories. If this Congress permits, and I hope it does, to have the automobile taxes revert to their previous levels, I am sure that the automotive industry will continue to score high production records.

The automobile manufacturer's excise tax was increased from 7 to 10 percent in November 1951 and was added only as a temporary measure. On July 1, 1964, it will revert to 7 percent unless the

House takes affirmative action to extend it for the 11th time.

To be sure, the need for revenue still exists, but I believe that there are other ways which are more equitable to raise revenue than through penalizing the Nation's No. 1 industry and the people of America then by this method. With its related industries, the automotive industry employs one out of every seven workers in the United States. One of every six businesses is in the automotive field and approximately 22 percent of all retail sales are automotive.

I think it is high time that we, as Members of Congress, take a long and closer scrutiny at the continued extension of these patchwork levies. These taxes are a source of irritation, as well as a burden, to our businessmen and to the people.

Assessments of this nature affect the taxpayers in every income bracket. I know that the public in willing to withstand almost anything; however, I feel that their patience, as well as their pocketbooks, has long been overtaxed and that these nuisance taxes should no longer be extended.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, I rise in support of the recommitted motion. The retail excise tax structure has been born of wars, other emergencies, regulation, and politics. In most cases excise taxes have been extended far beyond their original purpose or use without review and lacking overall policy. As a natural result of this piecemeal approach, there is little consistency or symmetry in the structure. For this reason I would applaud a careful review of the entire excise tax jungle to recommend reduction and repeal in an orderly manner which would not place burdens on the Federal Treasury, but which would assure appropriate revision in the shortest time possible.

I feel that this amendment to repeal retailers excise taxes concerns a special category—a category of outmoded and discriminatory taxes against the consumer and the retailer. I do not see where a study is necessary to determine whether these taxes should be extended or abolished as the evidence is clear. These taxes were adopted as a World War II regulatory measure to discourage the manufacture of certain goods as an emergency measure. Twenty-three years later we are still enforcing them. These are nuisance taxes which have no meaning to the conditions of the 1960's. There is no explanation for the regulation or discrimination against the manufacture of jewelry, fur-trimmed or fur coats, cosmetics, toiletries, luggage, or handbags. Certainly their regulation is not necessary in the interests of the national defense.

Rather than discriminate against these articles I should think we would want to stimulate such sales on the very basis of the rationale behind tax reform bill—that sales stimulation will increase revenue, offsetting most of the direct revenue loss by their repeal. Women, it has been established, are the most prolific consumers in the country, and the retailers excise taxes are on those items most purchased by women. In this way they are not only discriminatory, but also rather ridiculous by discouraging sales of products to the major consumers in the Nation. Why discriminate against women?

Furthermore, there seems to be little rhyme or reason to the definition or categorization under the retail excise structure. What is a luxury? A string of $5 artificial pearls according to the tax definition but not a $50 beaded sweater, nor a pair of decorated women's shoes, or beaded dress. Nor could I consider an inexpensive schoolboy's watch selling for $10 a luxury, as defined by the tax list.

It would be amusing if it did not so tellingly ridicule our excise tax structure to know that we are taxed for human shampoo and not for shampoos recommended for cats and dogs; for body deodorants, but not car deodorants; and for other toiletry items depending upon how they are advertised, colored, perfumed, or perform.

Not only is this a burden to the innocent consumer, who has nothing to do with how a product is advertised, what color it is, or the percent of saponaceous matter it contains, but to the unfortunate retailer who has to sift through these lists and ask himself "to tax or not to tax?" based upon obscure definitions of odor, color, purpose, and content.

The retail excise tax repeal is a good beginning to revision of the entire excise structure. It is discrimination and inconsistency is an onerous burden to the already jumbled excise tax system.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise to associate myself with the views expressed by the distinguished and able gentleman from Wisconsin [Mr. BYRNES] on the opposition he expressed to the retailers excise taxes.

It does not seem either fair or judicious that the Congress approve the retention of a set of Federal excise taxes when the rationale for their imposition has long since passed.

In April of last year I introduced H.R. 5722 which would repeal the retailers excise tax on cosmetics and it is to this item that I direct my remarks. It seems to me that the time is long overdue to recognize such items as common purchasable goods. Cosmetics are universally applied. They are certainly not a luxury. They are, I would add, a necessity for the well-being of the female personage.

There are a number of excise taxes levied during wartime which have been repealed or reduced, including theater admissions, transportation, and telephone taxes. If we are to judge repeal or reduction on the basis of use or need, then surely cosmetics can no longer be classified as a luxury.

We have taken action this winter in enacting a broad and general tax reduction program. In my estimation the Congress should step further and rid the statutes of so-called luxury taxes which, one must remember, were temporarily enacted for a set purpose that is no longer valid.

Beauty in America should be rewarded and not penalized. The loss of revenue, I think, would be largely incidental to the increased consumer expenditures generated for cosmetics. This is a tax refund which is eminently fair and just when we examine the record of congressional intent.

I fervently hope that the Congress will act now to rectify what is essentially an unjustified tax. And I trust the motion to repeal this tax, as well as the other inequitable and onerous taxes as outlined by the gentleman from Wisconsin earlier today, will overwhelmingly prevail.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, in my opinion it would be fiscally irresponsible in light of the level of current Federal expenditures not to extend the present rate of excise taxes on various services and products. Otherwise it would result in revenue loss to the Treasury of $1.8 billion for 1965.

However, I intend to support the Byrnes amendment so that the World War II retailers' excise taxes would be reduced and eventually repealed on toilet preparations, jewelry and related items, ladies' handbags, luggage, and furs and fur-trimmed coats.

To begin with, these articles are not luxury items, except in wartime, perhaps. Also, these taxes impose a heavy burden of redtape on small businesses, and the resulting loss of revenue, as has been pointed out, would be insignificant.

Actually elimination of these retail taxes could stimulate sales so that there would be almost no loss of tax revenue—because the cost of recordkeeping by retailers is tax deductible.

So I hope this Byrnes amendment is adopted.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I think we come back fundamentally, as we close this debate, to the key issue whether or not we are going to continue for another 2 or 3 years, these retail taxes which I think practically everybody who has spoken agrees are bad taxes, and are nuisance taxes, while we study the matter some more and procrastinate some more to decide whether we have to have every penny of revenue that is involved here.

I suppose there was one exception on the question whether these were bad taxes. That was raised by my colleague from Wisconsin [Mr. REUSS] who suggested that the elimination of these would be an injustice because they did not fall on the average person; that we would be giving undue benefit to some people who could buy perfume by the magnum. Mr. Chairman, I just do not know any of those people. Also, he said because we were going to give some relief to the fur industry and that we were not therefore helping the average people of our country.

Let me just point out to you who really pays these taxes.

Mr. Chairman, let us consider for a moment cosmetics. However, before I do that, Mr. Chairman, perhaps I ought to read a statement from an authority, whom I would hope would be considered an impartial observer about these particular items and where the burden fell.

Mr. Chairman, I refer to the testimony of Prof. John F. Due, of the University of Illinois, and the reason he gives as to why these taxes should be eliminated and why he gives their repeal a high priority, as did former President Truman back in 1950. In his message to Congress President Truman pointed out the fact that these are the taxes that have the most undesirable effect and do the most serious inequity to our present excise tax structure—and he lists everyone of those that I listed here. My position is not a partisan viewpoint. In fact the first really partisanship that has been raised was raised by the gentleman from Wisconsin [Mr. REUSS]. I do not know what the gentleman intended to accomplish by it. I did not mention parties or anything else when I took the floor before. I was speaking about an inequity that is being done to the American people by the Congress, and I do not care whether the Congress is a Republican Congress or a Democrat Congress. It is the Congress that is doing it, and this Congress, a Democrat-controlled Congress, and it can remedy the situation by eliminating these taxes. All I am saying is that I am willing to give a little encouragement to do it.

But let us look and see what Professor Due says about these particular taxes. Let us first consider toilet preparations and cosmetics.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. Sure, I yield to the gentleman from Wisconsin.

Mr. REUSS. Will the gentleman help by using his right to present the motion to recommit couched in such a way as to restrict the exemption from excise taxes to nonluxury items in the field of toilet articles?

Mr. BYRNES of Wisconsin. Will the gentleman define for me what is a nonluxury item? There are very few items that are being considered today that can be considered as luxury items. There are a lot of different types of luxury items that are not taxed. There is enough problem with the definition of what this law applies to already—what is a cosmetic or toilet article or a piece of luggage, a handbag, or what is a fur coat—not to encumber it more with a word that is subject to so much difference of opinion and subjective judgment as to its definition as the word "luxury."

But, Mr. Chairman, let me read what Professor Due said about these taxes:

> Toilet preparations and cosmetics: This 10-percent retail excise is a source of great nuisance and cost to hundreds of thousands of retailers, and very difficult to enforce; the existing audit program is entirely inadequate, and an adequate one would be extremely costly relative to revenue. In addition to the task of accounting for tax on large numbers of small transactions, there are numerous interpretive questions, which many retailers tend to resolve in their favor. The category is such that any simple clear-cut workable definition is impossible. The tax burden is probably regressive.

That is his opinion as to that tax. I would assume a regressive tax is a tax on the average person. That is as I have always understood the application of the word "regressive."

Let us take costume jewelry. I will agree that the professor does make a distinction between high-priced articles, but here is what he says:

> The portion of the tax on jewelry which applies to cheaper costume jewelry is open to the same objections. The items are sold through thousands of retail outlets; the transactions are small; and interpretive problems, while probably not as serious as with cosmetices, are numerous. The application of a tax to more expensive jewelry is less objectionable, in terms of administration and burden distribution.

But now let me tell the gentleman what the distribution is in sales of jewelry.

Fifty-eight percent of the dollar value of the jewelry that is sold today sells for under $10. That is, I suppose, what the gentleman would call the average or lower income person, or the great mass of our women—58 percent of the total dollar value of jewelry sells for under $10.

I just want the gentleman to know what he was talking about.

In the area from $10 to $25 there is an additional 12 percent, so in the aggregate, 70 percent of the jewelry is under $25. What falls in that item? Go into your jewelry store and find out, he will tell you. I made some inquiries. About one-half of those $10-to-$25 items are engagement ring mountings, school rings, school pins, and the like. In that price range that is the great volume of sales.

In the price range between $25 and $100 the principal item is wedding rings. I do not know when those things have to be considered luxuries. They affect the average person, and I want to get rid of the tax on them simply because they are a nuisance.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. REUSS. Will the gentleman present a motion to recommit which in the field of jewelry exempts jewelry below $25, wedding rings, and so forth?

Mr. BYRNES of Wisconsin. I will tell the gentleman why I will not. I would if I could get enough votes. If I could be assured the gentleman would vote for it, and some others, I would. Because of the obnoxiousness of this thing, I am willing to get rid of them at any price I have to pay right now. That is what I am really aiming to do. I will tell you the reason why I think a $100 exemption is not a very desirable solution. You still keep the nuisance at least in the other sales, plus the fact you keep in existence the Federal retail sales tax. I think the Federal Government should clear the boards and get out of the retail area.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 4 additional minutes.

Now, let us see what the professor says about luggage. I am talking now about Professor Due again, and his analysis, I assume, on an expert basis. He says of luggage and related items:

> A retail tax, and therefore subject to the same limitations as those on cosmetics and costume jewelry, except to a lesser degree. There are numerous vendors, and many of the transactions are small. Interpretative problems are likewise serious. Just as with the tax on jewelry, tax could be continued on the more expensive items, but in this instance the potential revenue yield does not warrant doing so.

If you ask the Joint Committee on Internal Revenue Taxation how much difference it is going to make whether you exempt luggage costing under $100, or do not, they will tell you it is infinitesimal. I have asked them.

What does the professor say about furs? The gentleman from Wisconsin was very worried that we are going to give some benefits to the people who purchase a fur coat. I am more concerned about the fur industry as such, and fur ranching. It is a considerably important aspect of the economy in some sections of our State.

Let me point out what the professor says under furs:

> While this tax would appear to be more justified on a luxury basis than most, it is very troublesome to operate, largely because of definitional problems and the handling of repairs. Furthermore, the tax is highly discriminatory against the users of one type of garment relative to the purchasers of equally costly garments of a nonfur type. The industry has been declining for years, and it is most likely that the tax has not been fully shifted and thus has contributed to the decline. This tax affects resource allocation and injures the owners of the businesses perhaps more than any other excise, because of the existence of closely competitive untaxed items.

So now let us get away from this idea that the effect here is to help and give some tax benefit to the ultra-wealthy who are going out dripping in jewelry, as the gentleman from Wisconsin says, and I suppose also dripping in furs. He had better talk to his druggist, who sells these taxable items and who has the nuisance of keeping track of these sales of toiletry. I ask him to ask his jeweler who has the burden of paying his tax.

The burden falls on the little guy, who buys the $15 watch, and the great majority of watches sold are in that category. About 90 percent of your jewelry sales are accounted for by items which are under $100. The gentleman would quibble about this little 10 percent that is not taxed and say, "Oh, if you will make that 10 percent still taxable, I will vote for the bill." I think the gentleman is asking for an unreasonable administrative problem to accomplish very, very little.

Mr. Chairman, if we cannot afford the relief of our people—and the ladies, yes, but our people generally—from the most obnoxious taxes that exist today; if we are to deny them relief simply because of the $200 million that are involved, when we are already spending $95 billion and we are proposing daily programs involving expenditure of billions in new programs, then we have come to a sorry pass. It seems to me if we are going to get all worried about the dollars that are involved here we should get more worried about the dollars involved in some of the new programs that are being advocated and that we are being asked to vote on. I would rather give our taxpayers this relief than give them some of the boondoggling programs we are being asked to vote on.

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, may I have the attention of my friend from Wisconsin so that I may have a clear understanding of what his proposed motion to recommit will contain? Is the gentleman's motion to recommit the bill which he introduced on June 9, H.R. 11525?

Mr. BYRNES of Wisconsin. It is, Mr. Chairman, and I might add it could have been done in a much more simple fashion for what we intended to do. The reason for the length of it is that we tried to clear up, at least that is my understanding, with the Legislative Reference Service any possible technical changes that had to be made.

Mr. MILLS. So that the gentleman's motion would apply to the four so-called excise taxes on toilet preparations, jewelry, luggage, and furs; it would not apply to the tax on diesel fuel?

Mr. BYRNES of Wisconsin. That is right. That is the one we did not cover.

Mr. MILLS. As I understand the gentleman's motion further, it would reduce the tax from 10 percent, the present rate on these four items, to a tax of 5 percent ending on June 30, 1965, and then on July 1, 1965, he would eliminate the 5 percent, so that the tax would be reduced to zero on these four items?

Mr. BYRNES of Wisconsin. That is right.

Mr. MILLS. The gentleman does not make any exception in his motion to any of these so-called toilet preparations, jewelry, luggage, or furs?

Mr. BYRNES of Wisconsin. No, on anything in these four retail areas the tax would be eliminated July 1.

Mr. MILLS. I wanted to understand fully the gentleman's motion before speaking to it.

I have read the minority report making the suggestion, and after listening to my friend, the gentleman from Wisconsin, I am somewhat confused frankly as to the theory of the motion.

The gentleman from Wisconsin, as he speaks, impresses me with the thought that it is his purpose to relieve the consumer of the burden of these 10-percent taxes. But in the report and in the opening remarks of the gentleman, he led me to believe that it is his expectation and his hope that the State governments will, when we withdraw from these areas of taxation, take them over, knowing as we do, that the State governments need additional revenue. So I am not certain whether or not it is the theory of the gentleman's motion that he is doing something here to help the consumer; or that his motion is based upon the desire to help the States have access to areas of greater revenue.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman, if the gentleman can straighten me out on this because we cannot go in both directions at the same time.

Mr. BYRNES of Wisconsin. I agree with the gentleman thoroughly. It would be my hope that the States would not move in to collect retail excise taxes because we would not want them to do that. The point was that the States today generally, or at least many of them, have a great reliance on general retail sales taxes. So this Federal tax is just a double tax on these specific items.

Mr. MILLS. Then the gentleman would have me disregard the argument that he made in his opening remarks, which is also made in the report, that the elimination of these taxes might help the State governments?

Mr. BYRNES of Wisconsin. That is not my understanding that that argument is made in the report.

Mr. MILLS. Perhaps I misheard what the gentleman said. So it is for the benefit of the consumers?

Mr. BYRNES of Wisconsin. Absolutely and for the benefit of the small merchant who has to take care of this particular tax.

Mr. MILLS. That brings me to my next point. The gentleman says that this will be done in two steps. I wonder why the gentleman suggests that the tax be eliminated in two steps if it is so bad? Is it because the gentleman feels that $517 million, which is one estimate of the loss of revenue, and $524 million, which is another estimate of loss of revenue, is more revenue than we can afford to lose in the coming fiscal year?

Mr. BYRNES of Wisconsin. There is no question about that. There was only one consideration for the phaseout and that was the revenue consideration.

Mr. MILLS. In other words, is my friend telling me it would be fiscally irresponsible to take them all off in this one fiscal year?

Mr. BYRNES of Wisconsin. Oh, no. No, I would not tell the gentleman that. I think it could be done. But I was trying to yield a little bit to the gentleman and the attitude that he has taken that we should not touch these excise taxes because we cannot afford even 1 more cent of revenue reduction.

Mr. MILLS. I appreciate the gentleman's statement although he is leaving this in a confused position. Perhaps the gentleman's motion should be interpreted by me, at least, as being only one-half as fiscally irresponsible as the original question would have been.

The gentleman also made the point that he wanted to reduce these taxes because they are nuisance taxes. Not only does he consider them to be a nuisance to the consumer but also a nuisance to the retailer who collects these taxes.

What does the gentleman do in fiscal 1965 to eliminate the nuisance? Is not the nuisance, if there be one, just as evident under a 5-percent tax as it is under a 10-percent tax in that fiscal year?

Mr. BYRNES of Wisconsin. The gentleman is absolutely correct. What we would do is to make it possible to eliminate them completely, without somebody throwing the statement at us, "You are going to lose a half billion dollars in 1965."

Mr. MILLS. I understand, but the gentleman overlooks the fact, does he not, that his argument that he would eliminate the nuisance falls by his own admission because the Ways and Means Committee, following the study it presently has underway, could act in time next year to eliminate any nuisance by repealing these taxes as soon as the motion of the gentleman would eliminate any such nuisance—if that is the will of the Ways and Means Committee and the will of Congress; is that not true?

Mr. BYRNES of Wisconsin. Perhaps I could answer that by asking the gentleman a question. Would the gentleman be willing to accept the amendment if we made it an outright repeal July 1 next, anticipating that he is going to be suggesting a repeal anyway next year?

Mr. MILLS. No. I do not have information which would lead me to any such agreement.

Mr. BYRNES of Wisconsin. Then we would really avoid the nuisance. If the gentleman would do that, I should be glad to change my amendment.

Mr. MILLS. I could not accept the gentleman's amendment, for many reasons including the revenue effect I have already discussed.

I am not certain, for example, that the gentleman's selection of excises for reduction are the only excises that we should consider in any first program of excise-tax reduction. The gentleman must have reached the conclusion that only these four are worthy of being given top priority; because he is reducing and eliminating these retail taxes before any other excise taxes are being considered. This is true even though these retail taxes will produce $524 million and all the excise taxes together will produce $14,715 million in the fiscal year 1965.

I should like to be more certain than I believe is my friend from Wisconsin that in the process of determining which excise taxes should be reduced we are acting in accordance with the thinking of the Members of the House.

My friend from Wisconsin has concentrated his motion on the retail excise taxes. There are presently pending before the Ways and Means Committee 232 bills introduced by Members on both sides of the aisle amending, reducing, or changing the rates of excise taxes. Only 24—12 on his side and 12 on our side—have been introduced to change in any way the retail excise taxes. One-hundred and six of the bills introduced by our colleagues on both sides of the aisle—indicating a view of these Members of some degree of priority—relate to manufacturers' excise taxes. Seventy-five more bills relate to facilities and services. Even the others, in the miscellaneous area, amount to 27, or more than the total bills pending before our committee dealing with retail excise taxes.

What I should like for the House to do—and what I was in hopes my friend would continue to be reconciled to do—is to take some time in the Ways and Means Committee, between now and next year, to determine whether or not these are the only nuisance excise taxes entitled to top priority. When we talk about nuisances, I wonder if my friend has overlooked the fact of the nuisance in connection with levying, collecting, and paying the taxes on rebuilt automobile parts. I wonder if he has overlooked the problem which arises in determining selling price for manufacturers' excise tax purposes?

Has the gentleman talked to manufacturers in terms of these problems?

What I am trying to point out to my friend and to others is this: His argument as to problems with the tax base is not applicable solely to retail taxes. It is applicable across the board to the manufacturers' as well as the retail taxes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself an additional 5 minutes.

Now, in addition, I do not want to put ourselves in the position of saying that all of these retail excise taxes are entitled to the degree of priority, the gentleman from Wisconsin specifies on the basis of the authority he cited. I would like to read further from the compendium from which he quoted. Let us see what Professor Due, whom he quoted, says. Let us look at pages 10 and 11 of the compendium, which represents the beginning of our study in the area of all excise taxes. What tax does Professor Due say should come off first? He does not say the tax on fur coats or diamond tiaras or opera glasses or lorgnettes should be reduced first. What does he say? He says the taxes on business and store machines should be reduced first because they represent business costs. They are purchased by business, and there is no justification, he says, for increasing business costs generally by the amount of that tax.

Now, what would he reduce next? The tax on matches, which the gentleman's motion does not affect.

What does he reduce next? The tax on mechanical pencils, fountain pens, ballpoint pens—items purchased by every schoolchild in America. But these taxes are not in the gentleman's motion.

What would he reduce next? The tax on lubricating and cutting oils. But these taxes are not in the gentleman's motion. They are not being given top priority.

Then we get to the first tax in the gentleman's motion; namely, that on toilet preparations and cosmetics. There is not a Member of this House, who would not like to take the tax off of cosmetics. Not that we think the ladies do not wear enough, but we think they ought to be able to wear whatever they want to without paying a tax on it.

Then what tax is next in Professor Due's list? Not tiaras, not expensive jewelry, but costume jewelry. He says the administrative burdens with respect to collecting the tax on more expensive jewelry are not great.

Then after all of these taxes are reduced he has a second category or second priority, of reductions. Now, what does he have first on that list? First is the tax on light bulbs. The tax involving light bulbs is not even in my friend's motion at all.

Now, what is next? Household appliances—refrigerators, air-conditioning units. Appliances used by almost every housewife—cooking stoves, hand irons, hot water heaters, electric fans, and so forth. These are more essential to our ladies and the average person than the retail taxes and involve as many administrative problems.

Mr. BYRNES of Wisconsin. Oh, no.

Mr. MILLS. Oh, yes; there is. If the gentleman does not know it, let him talk to people who are trying to determine what the selling price is when the manufacturer and retailer pay for some of the advertising of a television or radio on a cooperative basis. Yes; there are problems.

Then we come to another item, finally, which is in the gentleman's motion, the tax on luggage.

This is followed by the tax on musical instruments which is not in the gentleman's motion. These are used by schoolchildren in practically every high school band in the United States.

Then we come to the tax on furs. But this tax is well below the other taxes even on the second list of this eminent authority, who I agree is such, that my friend relies upon for guidance and support of his motion.

But now let no one get the impression that we are going through some farce in making this study of excises. Let me call your attention to the fact that it was the basis of panel studies started by the Committee on Ways and Means, such as the excise study in which we are now engaged, that led finally to the enactment of the Revenue Act of 1962 and again the Revenue Act of 1964. When the Committee on Ways and Means undertakes one of these studies, the committee seriously intends to achieve results.

Now, all I am asking you to do—since in any event the gentleman is not eliminating even the administrative problems of the retail taxes this year—is to give the committee a chance to look at these taxes and report back to you. Give us a chance to see whether or not these four retail taxes and these alone, without any limitation applied to them, are the most important area in which to make reductions. I do not know, however, whether we should eliminate entirely the more expensive items in these tax bases. Yes, I do not know anything more expensive than a chinchilla coat. Now, maybe you do know more expensive items they are more likely to buy, but I do not. I hope you will give us a chance before taking the tax off of all these items to see whether we should take the tax off of all of them first or whether there are not some other items that ought to be included, or substituted, in a balanced excise tax bill. Then let us hope that we can justify such an excise reduction by action by the Government—all of us here in the Congress—in holding the line on spending. I urge you to reject the motion to recommit.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Under the rule the bill is considered as having been read for amendment.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excise-Tax Rate Extension Act of 1964".

SEC. 2. ONE-YEAR EXTENSION OF CERTAIN EXCISE-TAX RATES.

(a) EXTENSION OF RATES.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965"—

(1) section 4061 (relating to motor vehicles);

(2) section 4251(b)(2) (relating to termination of tax on general telephone service);

(3) section 4261 (relating to transportation of persons by air);

(4) section 5001(a)(1) (relating to distilled spirits);

(5) section 5001(a)(3) (relating to imported perfumes containing distilled spirits);

(6) section 5022 (relating to cordials and liqueurs containing wine);

(7) section 5041(b) (relating to wines);

(8) section 5051(a) (relating to beer); and

(9) section 5701(c)(1) (relating to cigarettes).

(b) TECHNICAL AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1954 are amended as follows:

(A) Subsections (a) and (b) of section 5063 (relating to floor stocks refunds on distilled spirits, wines, cordials, and beer) are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", and by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965".

(B) Subsections (a) and (b) of section 5707 (relating to floor stocks refunds on cigarettes) are amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", and by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965".

(C) Section 6412(a)(1) (relating to floor stocks refunds on automobiles) is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965", by striking out "October 1, 1964" and inserting in lieu thereof "October 1, 1965", and by striking out "November 10, 1964" each place it appears and inserting in lieu thereof "November 10, 1965".

(2) Section 497 of the Revenue Act of 1951 (relating to refunds on articles from foreign trade zones), as amended, is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965".

(3) Section 5(e) of the Tax Rate Extension Act of 1962 (relating to special credit or refund of transportation tax) is amended by striking out "July 1, 1964" each place it appears and inserting in lieu thereof "July 1, 1965".

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11376) to provide a 1-year extension of certain excise-tax rates pursuant to House Resolution 746, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BYRNES of Wisconsin. I am in its present form, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk read as follows:

Mr. BYRNES of Wisconsin moves to recommit the bill (H.R. 11376) to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment: Page 3, after line 23, insert:

"SEC. 3. REDUCTION ON JULY 1, 1964, OF RETAILERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE FROM 10 PERCENT TO 5 PERCENT.

"The following provisions of the Internal Revenue Code of 1954 are each amended by inserting '(except that in the case of sales at retail after June 30, 1964, the rate shall be 5 percent in lieu of 10 percent)' after '10 percent of the price for which so sold':

"(1) Section 4001 (relating to jewelry and related items).

"(2) Section 4011 (relating to furs).

"(3) Section 4021 (relating to toilet preparations).

"(4) Section 4031 (relating to luggage, handbags, etc.).

"SEC. 4. REPEAL OF RETAILERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE ON JULY 1, 1965.

"(a) IN GENERAL.—Effective with respect to sales at retail after June 30, 1965, subchapters A (relating to jewelry and related items), B (relating to furs), C (relating to toilet preparations), and D (relating to luggage, handbags, etc.) of chapter 31 of the Internal Revenue Code of 1954 are repealed.

"(b) TECHNICAL CONFORMING AMENDMENTS.—Effective with respect to articles sold at retail after June 30, 1965:

"(1) Chapter 31 of the Internal Revenue Code of 1954 (relating to retailers excise taxes) is amended by striking out the heading and table of subchapters and inserting in lieu thereof the following:

"'CHAPTER 31—RETAILERS EXCISE TAX ON SPECIAL FUELS

"'SUBCHAPTER A. Tax on special fuels.

"'SUBCHAPTER B. Special provisions applicable to tax on special fuels.'

"(2) The table of chapters for subtitle D of such Code is amended by striking out

"'CHAPTER 31. Retailers excise taxes.'

and inserting in lieu thereof

"'CHAPTER 31. Retailers excise tax on special fuels.'

"(3) Subchapter E of chapter 31 of such Code is redesignated as subchapter A, and the heading of such subchapter is amended to read as follows:

"'*Subchapter A—Tax on special fuels*'

"(4) Subchapter F of chapter 31 of such Code is redesignated as subchapter B, and the heading of such subchapter is amended to read as follows:

"'*Subchapter B—Special provisions applicable to tax on special fuels*'

"(5) Sections 4051 through 4053 of such Code are repealed and the table of sections for subchapter B (as redesignated by paragraph (4) of this subsection) is amended by striking out the items relating to sections 4051, 4052, and 4053.

"(6) Sections 4055 and 4057 of such Code are each amended by striking out, 'in the case of the tax imposed by section 4041,'.

"(7) (A) Section 4224 of the Internal Revenue Code of 1954 (relating to exemption for articles taxable as jewelry) is repealed.

"(B) The table of sections for subchapter G of chapter 32 of such Code is amended by striking out

"'SEC. 4224. Exemption for articles taxable as jewelry.'

"(8) Section 6011(c) of such Code (relating to return of retailers excise taxes by suppliers) is repealed.

"(9) Section 6416 of such Code (relating to certain taxes on sales and services) is amended as follows:

"(A) Subsection (a)(1) is amended by striking out 'chapter 31 (retailers taxes),'.

"(B) Subsection (a)(1)(B) is amended by striking out clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

"(C) Subsection (a)(2) is amended to read as follows:

"'(2) This subsection shall not apply to an overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section.'

"(D) Subsection (a)(3) is amended by striking out subparagraph (B), by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and by striking out '(ii)' in the subparagraph so redesignated as subparagraph (B) and inserting in lieu thereof '(i)'.

"(E) Subsection (b)(5) is amended by striking out '4053(b)(1) or' each place it appears.

"(10) Subsection (d) is repealed.

"(11) Subsection (e) is amended by striking out 'subchapter E' and inserting in lieu thereof 'subchapter A'."

Mr. MILLS (interrupting the reading of the motion). Mr. Speaker, the gentleman from Wisconsin has introduced his motion in the form of a bill, H.R. 11525, which bill is before us. Therefore I ask unanimous consent to dispense with further reading of the motion.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 207, answered "present" 1, not voting 43, as follows:

[Roll No. 160]

YEAS—185

Abbitt
Abele
Abernethy
Adair
Addabbo
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Auchincloss
Ayres
Baker
Baring
Barry
Bates
Becker
Beermann
Belcher
Bell
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dwyer
Ellsworth
Findley
Fino
Fogarty
Ford
Foreman
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gubser
Gurney
Hall
Halleck
Halpern
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Horan
Horton
Huddleston
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Latta
Lindsay
Lipscomb
Lloyd
McClory
McDade
McIntire
McLoskey
MacGregor
Mailliard
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
May
Meader
Michel
Milliken
Minshall
Moore
Morse
Morton
Mosher
Nelsen
Norblad
O'Konski
Osmers
Ostertag
Pelly
Pillion
Pirnie
Poff
Pucinski
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Roudebush
Rumsfeld
Ryan, Mich.
St. George
St Germain
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Selden
Short
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tollefson
Tuck
Utt
Van Pelt
Wallhauser
Weaver
Westland
Whalley
Wharton
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

NAYS—207

Albert
Ashmore
Aspinall
Baldwin
Barrett
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bonner
Brademas
Brooks
Brown, Calif.
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Cameron
Casey
Celler
Chelf
Clark
Cohelan
Cooley
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Denton
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Flynt
Fountain
Fraser
Friedel
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.
Hagen, Calif.
Haley
Hanna
Hansen
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Henderson
Holifield
Holland
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Lankford
Leggett
Lennon
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Madden
Mahon
Marsh
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Montoya
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Price
Purcell
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, N.Y.
St. Onge
Scott
Secrest
Senner
Shipley
Sickles
Sikes
Sisk
Smith, Va.
Staebler
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomas

Thompson, Tex.
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watson
Watts
Weltner
White
Whitener
Wickersham
Willis
Wilson, Charles H.
Young
Zablocki

ANSWERED "PRESENT"—1

Keith

NOT VOTING—43

Avery
Bass
Battin
Bennett, Mich.
Bolling
Bow
Buckley
Carey
Dent
Dowdy
Forrester
Harding
Herlong
Hoffman
Hosmer
Kee
Langen
Lesinski
McCulloch
Miller N.Y.
Monagan
O'Brien, N.Y.
O'Neill
Pilcher
Pool
Powell
Quie
Rains
Roberts, Ala.
Sheppard
Slack
Springer
Staggers
Thompson, La.
Toll
Tupper
Waggonner
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Keith for, with Mr. O'Neill against.

Mr. Bow for, with Mr. O'Brien of New York against.

Mr. McCulloch for, with Mr. Toll against.

Mr. Slack for, with Mr. Roberts of Alabama against.

Mr. Waggonner for, with Mr. Buckley against.

Mr. Staggers for, with Mr. Rains against.

Mr. Hosmer for, with Mr. Powell against.

Mr. Tupper for, with Mr. Monagan against.

Mr. Carey for, with Mr. Dowdy against.

Mr. Quie for, with Mr. Sheppard against.

Mr. Langen for, with Mr. Dent against.

Until further notice:

Mr. Bass with Mr. Avery.

Mr. Pool with Mr. Miller of New York.

Mr. Harding with Mr. Bennett of Michigan.

Mr. Thompson of Louisiana with Mr. Battin.

Mr. Wright with Mr. Springer.

Mr. Pilcher with Mr. Hoffman.

Mr. Lesinski with Mrs. Kee.

Mr. FULTON of Tennessee changed his vote from "nay" to "yea."

Mr. KEITH. Mr. Speaker, I have a live pair with the gentleman from Massachusetts [Mr. O'Neill]. If he were present he would vote "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I would also ask unanimous consent that those of us participating in general debate on the bill just passed may be permitted to revise and extend their remarks and include extraneous matter, including charts and tables.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, despite some claims that the tide in favor of a school prayer amendment is subsiding, increasing evidence comes to me every day of more groups and more people who ask the Congress to provide such an amendment and submit it to the 50 States.

I am inserting herewith a newspaper article dated June 13, 1964, whereby the New Jersey Building & Construction Trades Council, AFL–CIO, in convention in Atlantic City, petitioned Governor Hughes, of New Jersey, to devise a method of restoring prayer to the public school "whether by constitutional amendment or otherwise."

I am also inserting herewith in the Record an article entitled "Boston Canon Lawyer Asks School Prayer Amendment," published in the Pilot, Boston, Saturday, May 23, 1964. This article includes part of the statement by Paul V. Harrington, J.C.L., vice official of the archdiocese of Boston and president of the Canon Law Society of America. I am certain his statement lends great weight to my efforts to amend the Constitution to permit prayer and Bible reading in the public schools.

[From the Philadelphia (Pa.) Evening Bulletin, June 14, 1964]

New Jersey Trade Unions Ask Prayers in Schools

Atlantic City, June 13.—Governor Hughes was petitioned today to devise a method of restoring prayer to the public school "whether by constitutional amendment or otherwise."

The request was made by the New Jersey Building & Construction Trades Council, AFL–CIO, in convention here.

About 500 delegates were present at the closing session of the 60th convention.

[From the Boston (Mass.) Pilot, May, 23, 1964]

Boston Canon Lawyer Asks School Prayer Amendment

An amendment to the Constitution of the United States was proposed in Dallas, Tex., during a regional conference of the Canon Law Society of America as the only immediate correction of Supreme Court decisions on prayer cases.

Rt. Rev. Paul V. Harrington, J.C.L., vice official of the archdiocese of Boston and president of the society, read a paper during the conference, held May 11 and 12, in which he reviewed the decisions of the Supreme Court on prayer cases over the past 17 years, pointing out what he considered errors in their judgment.

GOD-GIVEN RIGHT

Monsignor Harrington noted that the issue was not so much whether the recitation of prayers in schools was beneficial, but rather "to consider if these children have a God-given and Constitution-protected right to offer prayer at the beginning of the school day in the classroom of public schools."

Holding that the rights of minority groups should be protected, he underlined the fact that the rights of the majority should not be denied in the process.

"It is disturbing," he said, "to find that, in a given school community one dissenting child can take away from all of the other children the right to offer prayer and, when this dissenter is upheld in his complaint by the highest Court of the land, the result is that the right of all public school children in the entire country to offer prayer at the beginning of school exercises is taken away."

In the case of *Torcaso* v. *Watkins* (1961), he showed, for example, that the Supreme Court had declared that belief in God or in a Supreme Being is no longer necessary to constitute religion. This position, he remarked, "elevates secularism to the dignity of a religion, having equal rights with all Christian religions, and makes a religion out of secularism."

SECULARISM

"In an effort to maintain a supposed neutrality between all Christian sects, the Supreme Court has in effect reduced all religion to the common denominator of the religion of secularism, thereby inevitably showing preference to secularism and violating its own dictum that any preference for one religion would constitute an establishment of religion."

Since the opinions of the Supreme Court Judges so often cite Thomas Jefferson and James Madison to support absolute separation of church and state, Monsignor Harrington went into a detailed examination of some expressions of their thought.

He demonstrated that "they (Jefferson and Madison) did not wish to prefer one religion over another; to deny the existence of God; to reward nonbelief and discriminate against belief in an Infinite Being."

Furthermore, he pointed out the primary right of the parent to educate his own child and then of seriously restricting that right by refusing to recognize the constitutional validity of opening prayer in public schools, when this practice is desired and sought by the greater number of parents.

Monsignor Harrington concluded, "Since the decisions of the Supreme Court have outlawed each and every one of these (cases of prayer) in the past 17 years against the consensus of the greater majority of the citizens, responsible means must be found whereby the rights, guaranteed by the Constitution, might once again be enjoyed.

"While the possibility of a complete reversal by the Supreme Court must be recognized, whereby its decisions would reflect the true meaning and intent of the Constitution and the Bill of Rights, this is not to be expected in the near or foreseeable future.

"The only other remedy seems to be an amendment to the Constitution. This would at first appear to be superfluous, since it would only be guaranteeing what is already guaranteed but, since the original rights cannot now be enjoyed or exercised, an amendment is necessary."

LAW PROFESSOR ANSWERS OPPOSITION TO PRAYER AMENDMENT

Mr. Speaker, much publicity was given to a group of 223 lawyers, law school deans, and teachers of constitutional law in a statement they sent to the Committee on the Judiciary of the House opposing an amendment to the Constitution to rectify the Supreme Court decisions on prayer in the schools. Charles E. Rice is a professor of law at the School of Law of the Fordham University in New York, and the foregoing article sent to the Committee on the Judiciary, I think, is a very adequate answer to the group of 223 lawyers, law school deans, and teachers of constitutional law. I commend it to your reading:

School of Law,
Fordham University,
New York, N.Y., June 9, 1964.

Hon. Harold D. Donohue,
House Office Building,
Washington, D.C.

Dear Mr. Donohue: A group of 223 lawyers, law school deans and teachers of constitutional law has recently submitted to the Committee on the Judiciary a statement opposing an amendment to the Constitution to rectify the Supreme Court's decisions on prayer in the schools. Inherent in the publication of such a statement is a risk that it will generate a public impression that the thoughts expressed therein represent a considered consensus of the legal and academic communities to which the signers belong. As a lawyer and teacher of constitutional law, I wish to take this opportunity to state that those learned gentlemen do not speak for me when they counsel against the proposed amendments, and I respectfully request that these remarks be made a part of the record of the hearings on the subject. I feel particularly obliged to disassociate myself from their statement, because the book, "The Supreme Court and Public Prayer: The Need for Restraint," which I have recently written on the school prayer question, which has been made available to the Committee on the Judiciary has been cited and discussed in the course of the hearings and I would not want there to be the slightest doubt that I firmly continue to favor an amendment.

An amendment is needed, in my opinion, for several reasons. For one thing, the majority Justices of the Supreme Court, in the school prayer decisions and their recent antecedents, have shown an unfortunate tendency to interpret the establishment clauses in abstract and oversimplified terms, doing violence thereby to the history and informed logic of the first amendment. Coupled with this has been a tendency to treat these abstractions, which have been generally as obiter dicta in the Court's own opinions, beginning with the Everson case in 1947 (*Everson* v. *Board of Education*, 330 U.S. 1 (1947)) as immutable and self-evident principles.

The content of the new principles constructed by the Court is no less disturbing than the mode of their creation. The establishment clause was designed to achieve governmental neutrality among those religious sects that profess a belief in God, and it presupposed, at least until 1962, that it is a proper function of government to acknowledge the existence of God and implore His aid. The free exercise clause of that amendment, of course, insured, and continues to insure, that none, whether believers in God or not, shall be coerced in religious practice or belief. Under those proper interpretations of the two religious clauses of the first amendment, the United States achieved a measure of religious freedom and progress which is unparalleled in the history of man. The Supreme Court, however, has now perverted the neutrality which properly inheres in the establishment clause and has decreed that government shall be neutral as between the two great classes of religions, those that profess a belief in God and those that do not—the theistic and the nontheistic.

This new neutrality, ordained by the Court's misconstruction of the establishment clause, will predictably receive a simplistic and rigid interpretation at the hands of the majority of the Court. It will, for example, logically interdict the Government from affirming as a fact that indeed there is a God. Thus it is that Mr. Justice Brennan, in his exhaustive concurring opinion in the *Schempp* case in 1963, could bring himself to say that the words "under God" in the pledge of allegiance are not necessarily unconstitutional only because they, in Justice Brennan's words, "may merely recognize the historical fact that our Nation was believed to have been founded under God" (374 U.S. at 303–304). Other passages in the various opinions in the *Schempp* case and in *Engel* v. *Vitale* in 1962, implicitly reinforced the conclusion that this Supreme Court would consider it a violation of the establishment clause for a government official, in his public capacity, to affirm as a fact that there is a God or to implore His aid if the affirmation or supplication were seriously meant. It is likely that the Court will uphold such religious manifestations in our public life only if it finds that the acknowledgment of God therein is not seriously meant—only if, in a word, it is hypocrisy. Presumably, the same analysis would apply to a governmental affirmation that, in truth, the Declaration of Independence is correct when it states that men are endowed "by their Creator" with unalienable rights. There are a number of judicial and administrative proceedings already pending to invalidate miscellaneous public religious observances, chaplaincies, tax privileges of religious organizations, and other public evidences that this is, in fact, a Nation "under God." It is doubtful that this Court, enamored as it is of its own conceptions, will disavow the logical extensions of the school prayer decisions. I believe, rather, that the Court will find itself imprisoned by its logic and that the American people will see most of the accustomed religious elements of public life eliminated singly but inexorably. In place of the theistic affirmation that this Nation is "under God" we are, I believe, witnessing the erection of a new public orthodoxy—of agnosticism. It is an orthodoxy destined to degenerate, unless the Court is checked, into an affirmative secularism bringing in its train, in place of our accustomed governmental hospitality to all religions, a public policy of hostility toward theistic religion.

The distinguished gentlemen who signed the statement which occasions this letter, and who expressed their fear that an amendment would imperil the stability of the Bill of Rights, have, I suggest, misdirected their complaint. Their petition ought to have been addressed in the summer of 1962 to the Supreme Court of the United States, for it is that body which has amended the Bill of Rights. Unless we are to concede that this is indeed a government of men and not of laws, and that the Constitution is no more than what the Justices say it is, the Congress ought not to shrink from its duty to curb the pretensions of the Court when it seeks to amend the Constitution, in a fundamental respect, by oligarchic decree. Respect for the Court is misdirected insofar as it engenders a docile submission to decisions which in a real sense, can themselves be described as lawless. We should respect the Supreme Court as an institution. But it is in the long-term interest of the Court, and the Nation, that this respect should not become a servile abasement.

The Justices of the Supreme Court majority have shown an uncritical adherence to their own abstractions. It would be less than prudent to rely upon their capacity to admit and correct their own mistakes. In 1857, the U.S. Supreme Court held, in the notorious *Dred Scott* case (*Scott* v. *Sandford*, 19 Howard (U.S.) 393 (1857)), that a Negro could not be a citizen of the United States. Abraham Lincoln, in his last debate with Senator Stephen Douglas, at Alton, Ill., on October 15, 1858, said of that decision, "I believe the decision was improperly made and I go for reversing it." "The Works of Abraham Lincoln," Federal edition (1905), IV, 215 ff. We can, with equal right, pass the same judgment upon the school prayer decisions. Let us go for reversing them. The Constitution provides a remedy through the process of amendment—in this case an amendment, not to change the Constitution, but to restore it. In a matter so vital, that remedy ought to be employed without delay.

Sincerely yours,

Charles E. Rice,
Fordham University School of Law.

NEW YORK CITY POLICE DEPARTMENT

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, the New York City Police Department is besieged by a group of citizens who feel that the New York City police have abused their authority and mission as preservers and protectors of the law.

I personally feel and the vast majority of New Yorkers feel that there is no finer group of men and no finer police department in the world than the New York City police force. They are charged with the responsibility for policing the greatest complex of people and real estate in the world. Every ethnic group, every religious group, every race, every color, every creed, is included within the confines of this great city. To permit a civilian board to review charges of police brutality or misuse of their power would be a crippling blow to the prestige and effectiveness of these guardians of the law.

True, some few instances of misuse may be pointed out. However, in this age, positive thinking and actions must prevail and I feel that the 26,000 men who comprise New York's finest must be given a full vote of confidence at this time.

Mr. Speaker, I would like to call to the attention of my colleagues an editorial which appeared in the New York Herald Tribune of June 17, "The Police Deserve Better":

The Police Deserve Better

The Weiss bill in the city council proposes a mayor-appointed civilian board to review complaints of police brutality. The insinuation, of course, is that the police are misusing their powers and abusing the citizenry.

This is plainly not the fact. Under Commissioner Murphy our city has the finest police organization ever, one that deserves support instead of criticism. Murphy doesn't tolerate the unnecessary use of force. As he told the council committee, some 75 men have been kicked off the force in his regime for such misconduct. That's proof of the efficiency of the police department's own complaint review board.

The point which Commissioner Murphy makes is that he must have the full authority, as specified in the city charter, for departmental discipline in the enforcement of law and order. There is no place for a group of civilian overseers who would undercut this authority and thereby threaten the effectiveness of every policeman.

Police Commissioner Murphy, with Mayor Wagner's wholehearted backing, is doing an excellent job. There is no case against him and his 26,000 men. Murphy doesn't need a second-guessing committee to listen to publicity-hunting agitators. And the city council ought to stop the harassment.

CELEBRATION OF THE BICENTENNIAL OF EAST BERLIN, PA.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker this week East Berlin, Pa., celebrates the 200th anniversary of its founding. You may recall this is one place I am having difficulty getting mail to my constituents. It sometimes ends up in East Berlin, Germany.

On Sunday a former colleague, the Honorable James Van Zandt, delivered the opening address at the celebration. I ask unanimous consent to include it with my remarks at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The address referred to is as follows:

Address by Hon. James E. Van Zandt, Altoona, Pa., on the Occasion of the Celebration of the Bicentennial of East Berlin, Pa., June 14, 1964

It is a pleasure to be with you today and to bring greetings from Gov. William W. Scranton, whom I have the honor of representing in Washington, D.C.

You honor me by the invitation to speak to you on this occasion which may be considered a twofold observance.

This year marks the 200th anniversary of the founding of East Berlin; and this day, June 14, marks the 187th anniversary of the adoption by the Continental Congress of the Stars and Stripes as the flag of our country.

The story of East Berlin is as typically American as Flag Day. It is the story of men and women—many of whose names are unknown to us—with a vision of American destiny and a will to convert that vision into reality.

In a sense, it is the story of the destiny-makers—of those who refused to be molded by the dead hand of the past, insisting instead on the right to mold the future to their own designs.

Although some Swedes had established a settlement on the Delaware within the present limits of Pennsylvania as early as 1643, the period of vigorous colonization did not begin until 1682 under the leadership of William Penn.

Penn held views on government far in advance of his day. In the preface to his initial frame of government—Pennsylvania's first constitution, drafted in April 1682—he wrote:

"Any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, and confusion."

The Welsh Quakers in Pennsylvania were joined by a number of Germans led by Francis Daniel Pastorius in 1683. Germans continued to come in increasing numbers in the decades that followed. They included such sects as Schwenkfelders, Moravians, Mennonites, and Dunkers. Some of the first comers were linen weavers and established looms in their homes.

In 1690 the Germans began to manufacture paper in America's first papermill, erected by William Rittenhouse on a branch of Wissahickon Creek.

By 1709 between 3,000 and 4,000 Germans had migrated to the colony; and by 1736 the number had increased to 40,000.

In 1776, just 1 year before the adoption of our national flag, about one-third of the population of Pennsylvania was of German origin, and by 1790 about 120,000 Germans had settled there. The progress and the prosperity of Pennsylvania have been due in no small part to their energy and initiative.

By 1710 Welsh immigration had virtually ceased. The Scotch-Irish began to come in large numbers after 1718, adding a hardy element to our population. Succeeding years witnessed the arrival—in small numbers—of French Huguenots, Swiss, and Dutch. These elements, aided by later immigrants from other lands, have built the Pennsylvania that we know today.

As the lands along the Delaware filled, pioneers moved westward into Chester, Lancaster, York, Adams, and Cumberland Counties. It is believed that the first Germans came into the region that now constitutes Adams County in 1734.

Adam Shriver (or Schreiber), together with his wife and stepbrother, came to Conewago where he purchased 100 acres of land. The two stepbrothers cleared 3 acres of land which they planted in corn. During the time spent in clearing the land they lived under a wagon cover. When the corn was in, Shriver peeled tree bark and made a temporary hut to keep off the weather.

Some of those who followed Adam Shriver were Ludwig Shriver, David Young (or Jung), and the Ferrees and Lefevres—two Huguenot families. The Scotch-Irish came at about the same time, led by Hance Hamilton.

As early as 1790 it became evident that there was a need for the formation of a new county. A large and growing population had made prosperous and happy homes in the southwestern portion of York County.

After a decade of discussion Adams County, named for the President of the United States, was created by an act of the legislature dated January 22, 1800. The total population of the county, according to the U.S. census of that year, was 13,172.

Long before the establishment of Adams County settlers made their way to the vicinity of East Berlin. Hardly had the French and Indian War drawn to a close when, in 1764, John Frankenberger purchased land on which East Berlin now stands from the Penns, and laid out the town in the same year.

A history written more than a century ago indicates that the first house erected after the town had been laid out was built by Charles Himes in 1765. The second was built by John Sarbach in 1766. And the third by James Mackey in 1767. James Mackey also opened a small store and was the first tobacco seller in the town.

The people of East Berlin showed an appreciation of the value of education at an early date. The first English school in the vicinity was opened by Robert John Chester, an Englishman, in 1769.

Industrial enterprise may be said to have had its beginning in the borough when Peter Lane, a German, erected a mill in the west end of the town, probably in the same year.

The location of East Berlin on the trade routes from Cumberland County and the northern part of York County to Baltimore contributed to its early growth, but the subsequent construction of other roads diverted a part of the wagon traffic. Nevertheless, by 1846 East Berlin consisted of 84 dwellings, 3 taverns, 3 stores, 3 drugstores, 2 schoolhouses, 1 church held in common by the Lutheran and German reformed denominations, 2 gristmills, and a fulling mill. The population was 410.

Hardly had the first house been built in East Berlin when the storm clouds of the Revolution began to gather. The growing spirit of self-reliance and impatience with restraint on the part of the colonists came into sharp conflict with the bungling efforts of British statesmen to work out the problems of empire.

Sturdy pioneers who had learned to wrest a living from the wilderness were not disposed to submit to efforts on the part of the mother country to raise revenue and control their trade without their consent.

The Stamp Act of 1765 met with resistance on the part of the colonists and was repealed, although at the same time parliament passed a declaratory act asserting its authority over the colonies "in all cases whatsoever."

The Townshend Acts resulted in a boycott by merchants of English products—and were in turn repealed—except for the tax on tea.

The quartering of British Redcoats in Boston led to the Boston Massacre on the night of March 5, 1770.

The Tea Act of 1773 was followed by the Boston Tea Party on the night of December 16.

When Parliament closed the port of Boston as a punitive measure, other colonies donated food in quantity to the stricken city.

As event followed event in deadly succession, the spirit of independence in the colonies increased. The Declaration of Independence at Philadelphia on July 4, 1776, found the people of East Berlin ready to join their fellow countrymen in the cause of liberty. Those stalwart forebears of ours in Adams County left their farms and their shops to endure the heat of battle and the cold of Valley Forge.

Hardship and disappointment did not deter them. They were ready to hazard everything for American freedom.

What all this adds up to is its meaning for us today.

It is up to us to make use of a moment like this, a moment that comes but once in two centuries.

It is a time to reawaken the spirit that created this community in the first place and made it a part of a living and vital America.

It is up to us to do for our time what our ancestors did for theirs.

It is up to us to leave to our children some of the eternal values our forebears left to us.

Today we observe not only the bicentennial of East Berlin, but also the anniversary of the adoption of the American flag. It is proper that we honor our flag and reaffirm our faith in our Nation and the principles for which it stands.

It was not until almost a year after the adoption of the Declaration of Independence, and 13 years after the establishment of East Berlin, that the American flag was adopted.

On June 14, 1777, the Continental Congress, sitting in Philadelphia, passed the following resolution:

"*Resolved,* That the flag of the United States be 13 stripes, alternate red and white.

"*Resolved,* That the Union be 13 stars, white in a blue field, representing a new constellation."

The special committee that had been appointed to design the new flag offered this explanation of the proposed design:

"The stars of the flag represent a new constellation rising in the West.

"The idea is taken from the great constellation Lyra, which in the hands of Orpheus signifiies harmony.

"The blue in the field is taken from the edge of the Covenanters' Banner of Scotland, significant of the covenant of the United States against oppression.

"The stars are disposed in a circle, symbolizing the perpetuity of the Union, the ring signifying eternity.

"The 13 stars show the number of the united Colonies and denote subordination of the States of the Union as well as equality among themselves.

"The red, the color which in Roman days was a symbol of defiance, denotes daring, and the white purity."

Conflicting accounts claim the honor of first flying the American flag in action. Some claim it was for troops at the defense of Fort Stanwix, N.Y., on August 3, 1777. Then others say it was at the battle of Cooch's Bridge, Del., on September 3, 1777. And the claim is made that it was at the battle of the Brandywine, Pa., on September 11, 1777.

The idea of a flag with stars and stripes took hold. It is a fact that the presence of a piece of bunting can change the mood of men. The stir of emotion at the sight of the flag is a common sentiment that binds us more closely together as a nation.

When men have died fighting in noble causes under a flag that banner is no longer merely a piece of cloth. It takes on a symbolic and solemn beauty.

With the passage of time and the stimulus of the Civil War, the Spanish-American War, the two World Wars, and the Korean conflict, the custom of publicly observing the anniversary of the adoption of our national ensign has become more and more widespread.

Our own State is the only one, thus far, to declare Flag Day a legal holiday.

It is pleasant to reflect that there is an old custom of holding exercises in the Ross House in Philadelphia on that occasion—that the members of the Patriotic Order of the Sons of America are in the habit of placing a wreath on Betsy's grave in Mount Moriah Cemetery, and that various patriotic and fraternal organizations—especially the Benevolent and Protective Order of Elks—hold annual Flag Day ceremonies throughout the land.

It is well that Flag Day should be appropriately observed. By these exercises, and by the display of the Stars and Stripes, we are all reminded of the heroic deeds of our forefathers, the aspirations of their descendants, and the duty which devolves upon every generation to fulfill our sacred trust.

President Wilson reminded us of this on June 14, 1917. In the introduction to an eloquent address he declared:

"We meet to celebrate Flag Day because this flag we honor—and under which we serve—is the emblem of our unity, our power, our thought, and purpose as a Nation.

"It has no other character than that which we give it from generation to generation.

"The choice is ours.

"It floats in majestic silence above the hosts that execute those choices whether in peace or war.

"And yet, though silent, it speaks to us—speaks to us of the past of the men and women who went before us and of the records they wrote upon it.

"We celebrate the day of its birth—and from its birth until now it has witnessed a great history, has floated on high the symbol of great events, of a great plan of life worked out by a great people.

"We are about to carry it into battle—to lift it where it will draw the fire of our enemies.

"We are about to bid thousands, hundreds of thousands, it may be millions, of our men, the young, the strong, the capable men of the Nation—to go forth and die beneath it on fields of blood far away—for what?

"For some new purpose for which this great flag has never been carried before, or for some old, familiar, heroic purpose for which it has seen men—its own men—die on every battlefield upon which Americans have borne arms since the revolution?

"These are questions which must be answered.

"We in our turn serve America and can serve her with no private purpose.

"We must use her flag as she has always used it.

"We are accountable at the bar of history and must plead in utter frankness what purpose it is we seek to serve."

Today we find ourselves in a world where the patterns of life are changing rapidly. Everywhere the forces of darkness press ceaselessly against the frontiers of the free world.

We do not know what dangers the future may hold in store for us. Although we earnestly hope and urgently work for international peace, we may be called upon yet again to make real—not token—sacrifices.

But the principles of our American heritage remain solid, rugged, and unchanged.

In a mystical way the American flag symbolizes these principles—the hopes and ideals, the faith and pride of our Nation. It reminds us of the struggle, the sacrifice, and the triumph of those who have passed this way before us.

It represents those ideals of liberty, truth, and justice that motivated the pioneer settlers in East Berlin, and toward which we must continue to strive.

Ladies and gentlemen, it is this heritage which we must pass on to future generations. As true Americans we can do no less.

INCREASE IN NATIONAL DEBT CEILING

Mr. **CLANCY.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **CLANCY.** Mr. Speaker, we are again being asked to grant an increase in the national debt ceiling, an increase, which, as usual, is labeled "temporary." Yet, like so many temporary measures, raising the ceiling is fast becoming almost an institution. Unless we put an absolute ceiling on Federal spending until the Government gets its fiscal house in order we only perpetuate and aggravate our precarious financial position.

If the administration had made an earnest and genuine attempt to cut back spending, not to be confused with pretenses of economy, when it became evident that the debt would again go over the existing limit, we might be more receptive to their plea for another extension. But in the face of continuing deficits we are being asked to authorize funds for new Federal spending programs, some of them nothing more than expensive experiments based on expediency.

If the executive branch refuses to sincerely work for fiscal responsibility, it becomes incumbent upon the legislative branch to attempt to curb this limitless Federal spending. Refusing another extension of the debts ceiling is one way to do this to insure that we do not spend beyond the receipts and borrowing capacity of this Nation.

If H.R. 11375 is approved, the ceiling on the debt will be increased to $324 billion through fiscal year 1965. I intend to vote against this bill.

In addition, I am introducing at this time legislation which provides that a percentage of the net budget receipts of the United States shall be devoted exclusively to the retirement of the public debt.

I believe the graduated reduction schedule in my bill is a feasible way to accomplish the desired result. The time has come to not only stand firm against the policy of allowing the Federal Government to live so far above its means, but also to take positive action in ridding ourselves and future generations of our incredible national debt.

Under the provisions of my bill, an appropriation item, beginning at 2 percent of the estimated net budget receipts of the United States for the preceding fiscal year, shall be used exclusively for the retirement of the national debt. This percentage will be increased biannually by 2 percent until it reaches 10 percent, where it will remain.

It is anticipated that in fiscal 1964 the interest payments on the national debt will total more than $10 billion and in 1965 will top $11 billion. This is compelling evidence of the fact that the very existence of the public debt commits a large share of tax collections solely for the purpose of servicing the debt.

We cannot hope to bring about debt reduction without a plan which would set a requirement for action each year. My bill would provide such a plan.

ACT REQUIRING LABELING OF IMPORTED MEATS

Mr. **FUQUA.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **FUQUA.** Mr. Speaker, today I am introducing, for the consideration of the Congress, a bill which would require the labeling of imported meat and meat food products made in whole or in part with imported meat to bear a label showing the country of origin of such imported meat.

I am certain that each Member of the House is aware of the depressed market for American produced beef. As one of my colleagues in the House pointed out recently, we have seen reports this year that state that our farm income will drop this year while production costs will rise—and related industries dependent on agriculture will have serious slowdowns in sales.

Our cattlemen have been particularly hard pressed in the squeeze between cost of production and the price received in the marketplace.

This legislation would assist in this regard, but more important, it would primarily protect and aid the American consumer.

Our Nation has few restrictions on the importation of meat and meat products, with only token tariffs. Since 1955 the importation of beef has reached an alarming level, rising from 22 million pounds in 1955 to an estimated 1,750 million pounds in 1963—over 7 times the 1955 total.

Most of this beef which comes into this country as imports is mostly standard or utility grade, used primarily for hamburger, lunch meat, and sausage.

Much of this meat does not meet the same high health standards as U.S. meat is required to have. I feel that the American consumer has a right to know if the product he or she is buying is imported. Present regulations are ineffective in alerting the American consumer as to the country of origin of the product purchased, and I think that generally, they think that the imported meat or meat product purchased has in fact been produced in this country.

They have confidence in the U.S. product because of the rigid standards and regulations which are in effect in this Nation, standards and regulations which are not required in some of these lands which are exporting their meat to this country.

The rising tide of meat imports is of serious concern to the entire agricultural economy of this great Nation. Not only are cattle producers suffering from depressed prices due to the steady increase in production and imports, but producers of feed and other related products of the cattle industry suffer from loss of markets. Voluntary restrictions recently negotiated will be of some help, but additional action is needed.

Legislation is needed now, so that the American consumer will know if it is American meat, produced under our rigid health standards, or if it is imported and of questionable origin.

I feel that this is a quality control measure, letting the housewife know for certain where the meat she is purchasing comes from, and then she can make a determination of whether to buy the U.S. or imported product. I am hopeful that we will be successful in passing this needed legislation.

A BILL DESIGNED TO RESTORE FREE TRADE AND EQUALIZE TARIFFS ON MAPLE, BEECH, AND BIRCH HARDWOOD FLOORING

Mr. KNOX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOX. Mr. Speaker, I have today introduced a bill which is designed to restore free trade and equalize tariffs on maple, beech, and birch hardwood flooring between the United States and Canada. At present, Canada charges a 12½-percent ad valorem rate on this type flooring entering that country. The present U.S. rate on imports into this country is only 4 percent. My bill would raise the U.S. rate to the 12½-percent figure, where it would remain until such time as Canada lowers her rate. If Canada does reduce this tariff without imposing other import restrictions, quotas, subsidies, or the like, then the President would be directed to lower the U.S. duty by a comparable amount.

This legislation is badly needed because since 1948 domestic shipments of this type flooring from the northern U.S. industry have, with the exception of a few years, been rapidly declining. At the same time, imports from Canada of this flooring have stabilized at about 4 million board feet per year. This indicates that any decrease in the use of hardwood flooring in this country has been shouldered by domestic producers, and the major portion of the burden has been borne by the Michigan-Wisconsin producers.

The need for this legislation is made more urgent by the fact that our domestic flooring industry has received no help from the administration in its trade negotiations, nor does any help appear likely from this source. All the while, Canadian flooring has continued to be imported into this country and sold at lower prices than the domestic product. Domestic production lines which could more than fill U.S. consumer demand remain idle or only operate at partial capacity, with resulting financial loss to firms and drastic curtailment of job opportunities. Nor can our Michigan-Wisconsin producers develop Canadian markets due to the higher Canadian tariff, even though some Canadian hardwood flooring users are in closer proximity to U.S. producers than to Canadian producers.

I support the concept of freer trade among nations of the free world. My bill is meant to reach this objective fairly. It is time for us to realize that we can attain a state of freer trade only through bilateral reduction and removal of trade barriers. This must be a process of give and take. Because of Canada's unwillingness to reduce her tariffs on this type flooring, it has become imperative that we raise ours.

Our domestic producers should not be made to sacrifice their investment in plants, equipment, and know-how, nor should our workers be made to sacrifice their livelihood while Canadian producers grow fat on this tariff discrepancy. The road to freer trade is not a one-way street, and it is high time this administration and the Canadian Government began to realize it. Until such time as more cooperation and equality is attained, we must move to implement the legislation I have introduced. I urge all concerned persons to join me in this effort to save the Michigan-Wisconsin flooring industry from further distress.

AREA REDEVELOPMENT ADMINISTRATION LIES ABOUT JOBS

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. TALCOTT. Mr. Speaker, it has been rather authoritatively estimated that the investment required to create a job varies from about $4,200 in apparel to $100,000 in petroleum production, with an average of about $15,000 investment per job. Eager to impress Congress and the public that it was creating lots of jobs, and thus get more money, the Area Redevelopment Administration deceitfully stretched its claims about the creation of new jobs so far that no informed person believes them any more. "There is little evidence that the ARA tried to secure realistic estimates of the future employment to be derived from its projects," Sar Levitan said in his Ford Foundation study. When the ARA loaned $16,000 to buy land in an industrial park for a new packaging plant in Butler, Pa., it claimed it helped provide 200 permanent new jobs. That would be a cost of exactly $80.44 per job. "Such claims cast doubt on the credibility of ARA statistics relating to investments per job," said Dr. Levitan.

A cursory investigation of any ARA project will disclose an overstatement of new permanent jobs to be created. Each overstatement appears to have been a studied effort to deceive.

For months, when there was no authentic check on ARA claims, ARA simply ignored or gave false explanations for the overstatement of new jobs. Now the Government Accounting Office has officially found and verified some of the false claims. A private lending agency making such false and misleading claims would lose its license to continue in business.

PRIVATE ENTERPRISE AND CONSERVATION

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Schwengel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, during this past spring I corresponded with several of this Nation's largest manufacturers of equipment used in the treatment of land and the construction of structures for the purpose of soil and water conservation. My reason for contacting these firms was to obtain information concerning the intensity of the work being conducted by private enterprise to arouse a national interest in the problems of conserving our natural resources.

Some very interesting and very encouraging results came from the inquiry. Four of the manufacturers—Caterpillar Tractor Co., of Peoria, Ill.; International Harvester, of Chicago, Ill.; Allis-Chalmers, of Milwaukee, Wis.; and Clark Equipment Co., of Benton Harbor, Mich.—forwarded me information about their endeavors in this area. The Caterpillar Tractor Co. serves as an excellent example of firms which do attempt to create a national awareness of soil and water conservation problems. During their last fiscal year, Caterpillar expended the following moneys for items directly related to soil and water conservation activities:

Advertisements:	
Saturday Evening Post	$279,000
Reader's Digest	354,000
Films	47,000
Publications and direct mailings	30,000
Displays	7,000
Total	717,000

Five 2-page advertisements were printed in both the Saturday Evening Post and the Reader's Digest last year by Caterpillar related to municipal water supplies and flood control. The advertisements were of a public service nature and emphasized the problem and not necessarily the firm.

The company printed many publications on conservation which have been widely distributed to agricultural and civic organizations, newspapers, schools, businessmen, and community leaders to also help create an interest in conservation. Publications were printed on the following aspects of conservation: Community watershed programing; urban, suburban, and rural cooperation on watershed planning; providing an adequate water supply for municipal purposes and industrial development; recreational benefits; flood control and water retention; proper soil conservation techniques and benefits; soil erosion and sedimentation damages; and range improvements and benefits.

Over one-half million copies of two publications on national water crises have been distributed by Caterpillar. The most notable of these publications is one entitled "Water Bill, U.S.A.," a reprint of the context of which follows.

The movie, "Water Bill, U.S.A.," narrated by Walter Cronkite, of the Columbia Broadcasting System, has been shown directly to over 314,000 individuals at meetings and was shown to over 16 million people when it was shown on nationwide television last year. Another spot movie was also made by Caterpillar in cooperation with Government agencies.

Several displays to illustrate the benefits of proper soil conservation techniques as opposed to improper uses and techniques of cultivating the soil have been prepared by the company and have been widely displayed.

The other three firms which replied to my inquiry, along with other manufacturers of similar equipment, understandably have a profit motivation, but when one considers the amount of service which these firms are rendering by their activities to arouse an interest in conservation and its related problems, it becomes a minor factor.

To illustrate the meaningful nature of the publications issued by these firms, I submit for the RECORD the print entitled "Water Bill, U.S.A.," published by Caterpillar. I commend it to my colleagues for their careful consideration:

WATER BILL, U.S.A.

(By Walter Cronkite)

THE LOOK OF ABUNDANCE

It obscures an incredible fact

This is the land most of us know—its look of abundance, of seemingly endless resources. Among them, most valuable of all is water—our mighty rivers and clear mountain streams, our lakes, and pools.

With all this before us, we fail to see the shocking truth—that over this Nation lies the threat of thirst. We cannot believe our supplies of water no longer equal our demands.

But the signs are there. We read of communities forced to ration water. And the list grows each year. In a recent report, Secretary Benson, of the Department of Agriculture, pointed out that within the past 5 years, more than 1,000 communities—with 15 percent of the Nation's people—were forced to ration water. For some, it was a ban on washing cars and watering lawns. But for others the consequences were far more serious. Factories dependent on water were forced to close and the economic life of the community slowed to a near standstill. In many areas, the water shortage brought a direct threat to health and safety.

This growing water crisis is not localized. It is a menace to cities, towns, and farms in every part of the Nation. It has happened in areas where people never dreamed a water shortage could occur.

What about your community—will it be next?

Our demands on water are increasing fast

Why the water shortage? Part of the answer is that we are a growing family. Our expanding population may reach 250 million by 1975. This will double our demand for water—for not only are we growing—we are getting thirstier.

WATER—OUR MOST WASTED RESOURCE

Waste—this is the big threat to our water resources. The very abundance of water around us is proof of how this precious resource is wasted. For most of the water we see is water we are not using.

Flooded rivers thick with topsoil are evidence the water we need is getting away from us. How much is lost? Water experts tell us that between 90 and 95 percent of the water that falls on the land escapes our municipal water systems. Only 10 percent or less is put to use—far too little to support our expanding economy.

And this waste is tremendously expensive. Floods cost an estimated billion dollars in direct damage every year. We pay in lives lost, homes destroyed, roads and bridges washed away. The soil washed from farmlands means higher food prices—and it is costly to purify the silt-laden water for family use.

Water shortage—another direct result of waste—is costly too. Because we squander our water, a quarter of the Nation is left with inadequate or poor quality supplies. Taxes rise as cities must drill deeper wells or pipe water in from distant sources. Insurance rates climb when there is insufficient water for fire protection. People suffer economic loss when factories must close or curtail operations because water is not available in needed quantities.

These are some of the costs that skyrocket our national water bill. And the tragedy is not that our water supply is short—but that we waste most of it.

Where it comes from—Where it goes

It's an endless cycle. The rain falls, drains through streams and rivers into lakes or the ocean. Heat from the sun evaporates surface water, clouds form, move inland, and deposit more rain.

The Nation's rainfall is not evenly distributed, nor does it come at regular intervals. But the quantity averages 30 inches a year. Properly controlled, it could meet all our needs.

At one time thick prairie grasses and endless forests trapped the falling rain, let much of it seep into the earth where it entered vast, hidden reservoirs that underlie much of the Nation. But we cleared the land and in the process packed the soil into a hard, water-repellent crust. With little to check its flow, water streams from the land. Indeed, we have done much to channel and speed the return of this runoff to the lakes and ocean.

One crippling result is the depletion of our underground water supply. Fast-moving runoff has little opportunity to filter down to the underground reservoirs. As a result, cities and farms located in areas where there is no dependable source of surface water are steadily using up these reserves. Many have been forced to deepen wells or drill new ones over wider areas.

Here then is our problem: Our underground water supplies are replenished only by precipitation, mostly rain or melted snow. Yet, we permit, even help, 90 to 95 percent of our water to run off the land before it can seep underground to recharge dwindling reservoirs. This matter should be of tremendous concern to all of us.

WATER MANAGEMENT—A PLAN FOR SURVIVAL

Water means survival. We must have an adequate, usable supply if we are to grow and progress, remain a powerful and effective Nation. We can no longer afford the appalling waste of flood, the thirst of shortage. It is the 11th hour—unless we act soon, we may find our water crisis completely out of hand.

Fortunately we have enough rainfall. Properly controlled, it could supply all the water we need. But, how do we tame the runoff, store it for future requirements?

The answer lies in a water management program.

Simply stated, water management enables us to control and make efficient use of the water that falls on, or moves across the land. Water management is a big and complex job—but we have the tools and knowhow. It is a job we must do quickly. And it is a job in which we all have an important part.

THE JOB AHEAD

If we are to assure a plentiful supply of water—to control and manage this essential resource—then we must look to our watersheds.

What is a watershed? It is simply a drainage area—the area from which surface water flows into a stream, river, or ocean. The entire midcontinent area of the United States, for example, is a watershed. Drained by the Missouri, Ohio, and Mississippi Rivers, runoff from this area empties into the Gulf of Mexico. But, making up this vast watershed are thousands of smaller watersheds which drain into the tributaries of the major rivers.

And it is here—in the small upstream watershed where rain first strikes the earth—that we must begin our water management program. Our objective: retain moisture and stop excessive runoff, recharging vital underground reservoirs and supplying silt-free water in controlled amounts to downstream communities.

Let's get cover on bare acres

Water beats on unprotected acres—each raindrop a miniature bomb that loosens the topsoil, breaks it into minute particles. Unchecked by trees or grass, the muddy water rushes from the land, carves deep gullies in its flight. Tons of silt are deposited in the bottom lands or swept into flooded rivers and carried downstream to the sea. Such land is responsible for a big part of our high national water bill.

Replanted to trees and grass or covered by mulch or trash, these acres are protected from the shock of falling rain. Ground cover traps and holds moisture on the land and millions of small roots anchor the soil against erosion. The flow of excess water is slowed by vegetation and eased from the land.

A conservation plan for every farm

The farmer has a vital interest in water management. But, for him it is more than having an adequate supply of water—it is the conservation of his farm. Each time water races across his fields, it carries away tons of rich, irreplaceable topsoil. When this happens, his earning potential slips another notch downward. A conservation plan helps the farmer save moisture and soil. Terraced fields, grassed waterways, stubble mulch and contour farming are conservation measures which slow runoff, allow moisture to sink deep into the soil where it is stored for dry seasons. Excess moisture is channeled from the land in an orderly manner and the topsoil remains on the farm where it belongs.

It's a wise farmer who saves for dry days, too. Farm ponds capture and store water that otherwise might be lost, assure a year-around supply. Such ponds are also useful for recreation, help make the farm a pleasant place to live.

Once the bare land is protected by vegetation and upstream farmers have adopted conservation plans, the downstream dam comes into play. Strategically located structures form permanent silt-free lakes, a dependable supply of water.

During potential flood periods, the dams control the flow of excess water, meter it harmlessly downstream. Lakes formed behind the dams often fill important roles in community recreation.

These watershed measures combine to pay immediate dividends through protection from flood or thirst. But a watershed improvement does more than benefit its own limited area. It contributes to the control and management of the larger watershed of which it is a part. And by holding water on the land, it helps to refill our vital underground reservoirs which know no local or State boundaries. A big order? You bet—but it is a job we can and must do. If we don't do it—who will?

PUBLIC LAW 566—A CALL TO ACTION

In 1954, Congress passed a law that may well be the blueprint for our national survival. For it points the way to the solution of the critical water problem—and supplies many of the tools to do the job. Under Public Law 566, the Watershed Protection and Flood Prevention Act, hundreds of communities—large and small—are finding the answer to their water problems.

The act helps citizens of upstream watersheds control and manage their water resources. It provides technical and financial assistance for the improvement of single watersheds up to 250,000 acres in area.

How can Public Law 566 help your community work out a solution to its water problems?

In most cases, community action is sparked by a flood * * * or an extended dry season when water must be rationed * * * or by such problems as a badly silted reservoir which proves inadequate to meet the community's expanding needs. Once you are aware of the problem and the need for action you can inform others. Only an informed public will guarantee action.

The next step is the formation of a watershed association. Interested people from the town and surrounding countryside study the area's present and future water requirements, taking in consideration all domestic, industrial, and agricultural needs. Conservation experts make surveys and prepare plans. A general agreement is reached on what should be done.

The plans are then reviewed by the Soil Conservation Service, a Federal agency. Upon approval, funds and technical help are made available to the community. The degree of financial assistance will vary according to the work to be done. Soon men and machines are busy building structures and handling other phases of the project.

The day the job is done, your community starts to reap the benefits of its decision to improve the watershed. Assurance of an adequate, controlled supply of water paves the way for economic growth. No longer is there fear of upstream floods, the costly repair of bridges and roads, the disruption of community life. And in many cases comes a plus benefit—important recreation facilities offered by water impounded behind the dams.

THEY'RE SOLVING A PROBLEM

Aroused citizens—determined to end the high cost of reoccurring floods, the thirst from insufficient water supplies—have taken steps to control and manage their water resources. Their experience shows what can be done when rural and urban people work together to eliminate an intolerable situation.

Sandstone Creek watershed, Oklahoma—here's an area that suffered from two problems common in many watersheds—too much water, then not enough. Flash floods periodically rushed down from the hills after a heavy rain, covered fertile low areas with poor grade soil from the uplands. Yet, little of the rainfall could be retained and stored for use during ensuing dry spells.

Before work began on the Sandstone Creek program, uncontrolled water annually cost the area an estimated $60,000 in damage. This loss is now a thing of the past. For every dollar spent on the project, citizens have received $3 in return.

Tiskilwa, Ill., nestles at the foot of steep bluffs from which three creeks converge. The town has a history of frequent floods that disrupted community life, caused severe economic loss. Under the leadership of a progressive mayor, the people swung into action. Results show in flood-control structures taking shape in the uplands behind the town. Water impounded behind one dam will provide a lake for a church youth camp.

There's a new sound in Tiskilwa these days—carpenters building houses. Before flood control, periodic water rampages discouraged growth of the town. For Tiskilwa and its surrounding rural community, watershed improvement means progress and prosperity.

The Upper Hocking watershed lying near Lancaster, Ohio, covers an area of 31,000 acres. Most of this is farmland, but it includes part of Lancaster and smaller communities in the flood plain. In the past, any storm that produced as much as 6 inches of run-off resulted in a disastrous flood. In 1948, such a flood caused more than a million dollars in damage.

Citizens fought back with a watershed development program. Nine earthfill dams were built to hold back floodwaters, release them at a controlled rate to downstream areas. Bare acres were planted to trees and grass and farmers intensified terracing and other conservation practices. As a result, cash income for the farming community rose $84,000 a year. But this is only part of the story. Before watershed improvement, flood damage averaged $100,000 a year. Now, flood loss is almost negligible.

IOWA SOIL AND WATER CONSERVATION WEEK

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, this is Soil and Water Conservation Week in Iowa. In support of greater interest in the conservation of these valuable resources, my research team at the State University of Iowa has sent a kit of materials to all of the newspapers and the leading farm organizations in the district.

During this week, I have called attention to some of the material in this kit. Today I call attention to two more of the fact sheets which were included in the kit: "How To Use the Services of the Local Work Unit," and "Soil Conservation Through Group Approach."

I commend both of these fact sheets to the attention of my colleagues and all others who are interested in greater soil and water conservation.

HOW TO USE THE SERVICES OF THE LOCAL WORK UNIT

The Soil Conservation Service and the soil conservation districts in Iowa work together under memorandums of understanding. Through these memorandums SCS provides technical help to landowners in developing soil and water conservation plans and applying the needed conservation practices.

The usual staff in a district consists of a professional soil conservationist and an assisting conservation technician. These men are backed up by specialists in many fields—engineers, soil scientists, biologists, hydrologists, agronomists, woodland and range conservationists, and economists—who make use of research data and farmer experiences to provide modern answers to soil and water conservation problems. These specialists are located as needed in area, State, and National headquarters.

The landowner makes his request for assistance to the elected commissioners of the soil conservation district. Once his request is accepted and a conservation agreement signed, the way is clear for the local SCS office to give onsite technical assistance leading to the development of a farm conservation plan. The first step in this process is a scientific inventory of the land carried out by an SCS soil scientist. Known as a soil survey, it determines such things as soil types, slope of the land, wetness or dryness, degree of erosion, and other physical features. Facts that are learned are recorded on an aerial photo of the farm.

From these facts a land capability map is prepared to help the landowner interpret the survey in terms of possible uses for each acre of his land.

With the land capability map to guide them, the landowner and SCS technician then proceed to develop a program of short-time and longtime goals that will best meet the needs of the land and its owner. This becomes the farm conservation plan.

The farm conservation plan is a written plan of action to get the conservation program established on the land in a logical and orderly manner. It is the result of decisions made by the landowner after alternatives have been presented by the SCS technician.

The plan includes, besides the capability map:

The field layout and planned use for each acre of land.

A combination of crops and supporting practices to make the land produce and protect it from erosion, flooding, and other hazards.

A schedule for establishment of crops and practices.

Livestock numbers and feed requirements where needed.

Other decisions of the owner.

Just as the Soil Conservation Service technician and the farmer make an ideal team to plan the work, they also operate as a team to "work the plan." Many practices require survey equipment or technical know-how to get best results. When the time comes for terraces, contouring, or other special practices to be used, an SCS technician from the local Soil Conservation Service office will give on-site technical assistance. Due to uncertainty about weather conditions and the farmer's own convenience, SCS depends on the farmer to indicate when he needs help.

If done with enough care and preparation, a conservation plan should serve as a reliable guide for farm operations for many years. It will be necessary to revise it occasionally, however, to take care of unavoidable departures from the plan and to keep pace with modern technology.

More than 77,000 landowners in Iowa are now cooperators with Iowa's soil conservation districts and have used the services of their local SCS work unit. They have established a wide range of vegetative and mechanical practices tailored to their own special needs.

SOIL CONSERVATION THROUGH THE GROUP APPROACH

There are many farms on which soil and water conservation can be carried out without physical difficulty. But there are a number of situations where—because of the critical location of two or more farms in a natural drainage pattern, and the system of property-line location—water management is a problem which can't be solved by a single farmer, either physically or economically.

Means are available by which landowners may share the cost of soil and water conservation measures, benefiting all landowners involved.

In many situations a simple, informal private agreement between several landowners is sufficient. Through the agricultural conservation program of the U.S. Department of Agriculture farmers can pool the financial assistance they receive from that program to defray part of the cost of measures jointly installed for the mutual benefit of these farmers.

There is legal machinery, also, for formal arrangements. In Iowa, the general assembly passed an act that empowers county boards of supervisors to establish conservancy districts, if approved by the local soil conservation district, the Iowa State Conservation Commission, and the Iowa Natural Resources Council. Two or more landowners may petition their board of supervisors for the establishment of such a district. Once set up, the district can make use of the county's authority to issue bonds and to levy and collect taxes on the land in the district that is benefited.

And other legislation permits soil conservation districts themselves to create subdistricts for watershed protection and treatment, with authority to use available money to repair, alter, maintain, and operate works of improvement in the subdistrict.

The greater number of groups working together in Iowa are concerned with drainage—which in many areas is the key to getting a conservation program underway. Statewide, more than 2,000 such groups have been organized to handle a specific need. Pooling agreements are also used for installing large stabilization or floodwater detention structures. SCS provides technical assistance to projects completed through ASCS pooling agreements.

Approval of applications for pooling agreements on drainage by the Department of Agriculture is contingent on (1) the landowners and operators being in complete agreement and (2) the needed conservation land treatment being applied prior to the installation of tile and waterways.

Group enterprise drainage has come into the picture even more in Iowa with the advent of a new ruling by the State ASCS committee. It is this: No cost sharing will be provided and no technical assistance is forthcoming for tile laterals where the outlet system does not have a drainage coefficient of ¼-inch capacity. This means a drainage outlet which will release ¼ inch of water over the watershed area in a 24-hour period.

This has caused drainage districts, mutual drainage groups, and farmer groups to concentrate on main outfall ditches. It is now possible for legal drainage districts to participate in ACP pooling agreements. County ASCS committees and soil conservation districts and SCS are providing assistance on mains and outfall ditches to bring drainage system up to the standard coefficient of ¼- to ½-inch capacity.

In administering the USDA upstream watershed protection and flood prevention activities, the SCS is providing technical assistance to 62 community watershed groups organized to get help under the small watershed program (Public Law 566).

BREACH OF FAITH

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HARSHA. Mr. Speaker, the Johnson administration and Congress are reneging on their promise to the taxpayers of this country—their promise to be frugal with the taxpayers' money and to exercise due restraint in Government spending. Instead, the administration and Congress are practicing fiscal irresponsibility.

Section 1 of the recently enacted tax cut bill states:

> It is the sense of Congress that the tax reduction provided by this bill * * * will, after a brief transitional period, raise revenues and that such revenue increases should first be used to eliminate the deficits in the administrative budgets and then to reduce the public debt.

This declaration further states:

> That Congress, by this action, recognizes the importance of taking all reasonable means to restrain Government spending.

Furthermore, the administration promised to restrain Government spending and only 6 months ago, stated the projected public debt of $309 billion, as of June 30, 1964, would be adequate. Now it is asking for an increase of $15 billion above that. To date, there has been no restraint in either congressional or administrative spending of tax dollars. The administration and Congress have violated their promise to the taxpayers.

The New Deal philosophy of tax and spend has been discarded with a new philosophy of borrow and spend.

The level of Federal spending by the administration during the months of May and June 1964 will reach the highest point in history—an annual rate of $105 billion, in spite of the fact that the Nation is facing a deficit of $9 billion for fiscal 1964 and an anticipated deficit in fiscal 1965 of over $6 billion.

To continue the excessive rate of Government spending in the face of an $11 billion tax reduction, a $9 billion deficit for fiscal 1964, a further deficit of $6 billion for fiscal 1965, and an increase of $15 billion in the public debt ceiling is sheer fiscal irresponsibility. It is the obligation of Congress to execute its promise to the American taxpayers by practicing fiscal responsibility and rejecting the administration's request to increase the debt limit.

DEFENSE INSTALLATIONS IN SOUTH DAKOTA

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BERRY. Mr. Speaker, recent charges by my opponent that I have been responsible for the loss of defense installations in the State of South Dakota are rash and irresponsible.

According to newspaper reports, my opponent has charged that my conservative attitude has convinced someone that it is too costly to continue the Army Ordnance Depot at Igloo and has been responsible for the cutback in the Veterans' Administration Hospital at Fort Meade.

This young man who is opposing me in the fall appears not to have kept up to date too carefully. I have taken a conservative position in our domestic outlay so we will have money to afford all necessary defense spending.

We must keep this Nation strong both militarily and economically. Militarily we must spend what is necessary, and economically we must live within our national income if we expect to have money and equipment to defend ourselves and the free world.

It is not I who has brought this misfortune upon the State. Senator MCGOVERN has repeatedly demanded military cuts. On September 24, 1963, when the Senate was considering the defense appropriation bill, he offered an amendment to cut by 10 percent the heart of our future defense through research and development. When Senator GOLDWATER demanded a rollcall vote to determine the Members who felt as MCGOVERN did, MCGOVERN was joined by only 1 other Senator, with a final tally of 2 to 74.

The junior Senator has made speech after speech demanding a cutback in armaments apparently following the recommendations of the international pacifist group, the Council for a Livable World, which he admits contributed $22,000 to his campaign.

On December 13, 1963, Mr. MCGOVERN said in the Senate:

> We should not ask the Secretary of Defense to continue unnecessary installations insofar as our defense needs are concerned—

And again he said:

> I do not think it would serve the interests of my State or the Nation to fight for unneeded Government plants that waste our resources, our taxes, and our manpower.

After making a dozen or more of such speeches demanding military cuts and attempting to cut by 10 percent the administration's requests for defense funds to keep ahead of the Communists through research, is it not logical that the Defense Department turned to South Dakota installations first when they wanted to make some showing of reductions?

Of course, I want a dollar's worth of defense for a dollar spent, but when all the Defense Department does is to move the functions from Igloo to some other depot, it is a pretty strong indication that the speeches and position of the junior Senator from South Dakota have been primarily responsible for military cutbacks in our State.

EAST BERLINERS' REVOLT AGAINST COMMUNISM

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, 11 years ago the people of East Berlin rose up against the colonial East Germany puppet regime in an attempt to obtain their freedom. They were dispersed by Soviet tanks and bayonets, yet demonstrated to the world that the spirit of freedom burned brightly behind the Iron Curtain. Later, events in Hungary and Poland demonstrated the resistance of the people in those lands to Communist suppression.

At the present time, Mr. Speaker, the foreign policy in Washington is based on accommodation of the Soviet Union and its satellite governments. This accommodation is contrary to the historic principle of self-determination of people which has been the cornerstone of U.S. foreign policy since the days of President Woodrow Wilson. The present administration's policy of accommodating communism consigns the people of East Germany, Lithuania, Latvia, Estonia, Poland, Hungary, Ukraine, Czechoslovakia, Bulgaria, Rumania, and many others to captivity under Soviet bondage.

Eleven years ago the people of East Berlin gave dramatic evidence of their desire to rid themselves of the yoke of communism. I am confident that their desire is as strong today as it was in their heroic stand 11 years ago.

As we commemorate this anniversary date, it is necessary for us to urge that our foreign policy be reoriented to renewed determination to defeat the Communist menace and to emphasize and insist that the principle of self-determination be applied to the people of East Germany and the other captive lands of communism.

SECRETARY FREEMAN CONFUSING THE FACTS OF BEEF IMPORTS

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. Short] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SHORT. Mr. Speaker, the Secretary of Agriculture continues his campaign to confuse the American people and Members of the Congress of the United States with distorted facts and misleading figures relative to beef imports.

In testimony before the Senate Finance Committee today Secretary Freeman stated that beef imports for the first 4 months of 1964 were 11 percent below last year. These figures are from the Department of Commerce Bureau of the Census according to the Secretary. Why Mr. Freeman chooses to use figures from the Department of Commerce he does not say.

The Meat Inspection Division of the Secretary's own Department of Agriculture recently released sharply conflicting figures, but these figures are not used by Mr. Freeman. The reason is perhaps obvious in that the Meat Inspection figures tell a far different story.

For the first 4 months of 1964, 334.8 million pounds of beef was inspected by the Meat Inspection Division for release into commercial channels. For 1963 the figure for the same 4-month period was 266.7 million pounds—an increase of 68.1 million pounds.

The Meat Inspection Division figures are much more appropriate for use in determining the real impact of beef imports on the domestic market. The Department of Commerce figures show the amount of beef coming into the United States from foreign countries, but much of this product is stored in refrigerated warehouses for sale at a later date. The Meat Inspection Division figures reveal the amount of meat arriving in this country for immediate sale plus the beef released from storage for sale. This is the amount of beef that directly affects the market price of dressed beef and indirectly the market price of all cattle.

Mr. Speaker, I find it difficult to understand the motive of Secretary Freeman in confusing the issue relative to beef imports. As the leading spokesman of this administration on agricultural matters, and one who claims to be concerned about the declining income of farmers, it would seem the least he could do would be to help clarify the issue rather than spread further confusion.

H.R. 11376

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Derounian] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, I will vote to recommit the bill, H.R. 11376, with instructions to delete the tax on toilet preparations, jewelry, luggage, handbags, and furs.

I will be particularly interested to note those Members who are recorded as voting to retain the excise taxes and who, at the same time, have pending in Congress bills they have introduced which seek to abolish these same taxes.

I have supported the effort made, not only through the introduction of legislation and in my Committee on Ways and Means, but also on the floor today, to do away with at least a few of the discriminatory excise taxes.

The items on which we have asked that the tax be removed cannot, in today's society, be looked upon as luxuries. Take the excise tax on jewelry, for example. A leading New York firm estimates that 91 percent of all jewelry sales are for items costing under $20.

These taxes, which were sold the people as a temporary measure, first to finance World War II and later the Korean war, are totally unjustified today. They hurt the businessman and place an unfair burden on the consumer.

There has been a great deal said on the floor today but none of it has convinced me that we are going to help the economy by penalizing the businessman and the purchaser every time a sale is made.

CANAL ZONE POLICE: RED INFILTRATION, SABOTAGE, AND TERROR

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FLOOD. Mr. Speaker, in a statement to this body on March 9, 1964, after learning of an announcement by Gov. Robert J. Fleming, Jr., of the Canal Zone, that Panamanian nationals were to be employed as members of the Canal Zone police, I condemned that proposal as certain to lead to Red infiltration of a force charged with the protection of the Canal Zone and Panama Canal, emphasized that such employment of alien Panamanians would include some trained in Cuba in revolutionary terror and sabotage, and denounced the proposal as tantamount to treason—Congressional Record, March 9, 1964, pages 4716–4717.

On another occasion, on April 20, 1964, in commenting on the vital importance of roads and avenues of transport across the Canal Zone, as illustrated by the January Red-led attacks on the zone, I asked for an end of all discussions for the transfer of jurisdiction over any corridors on bridges in the Canal Zone to Panama and urged that the United States demand the extension of the zone to include the entire watershed of the Chagres River, as was first recommended in 1916 by the commanding general, U.S. Army in the Canal Zone—Congressional Record, April 20, 1964, page 8400. Under the 1903 treaty the United States is entitled to the entire runoff for canal purposes.

Later, May 26, after an attempted bombing of the Victoria Bridge across the St. Lawrence Seaway near Montreal, I stressed the importance of the retention by the United States of its full and complete control of the Thatcher Ferry Bridge at Balboa and its approaches—daily CONGRESSIONAL RECORD, May 26, 1964, page A2778, all of which are in the Canal Zone.

Was I wrong in my condemnation and denunciation of proposals now under discussion that could invite Red infiltration of the Canal Zone police, encourage acts of sabotage, and facilitate a reign of terror? Let the following facts speak for themselves.

On May 24, 1964, five persons, four Panamanians and one U.S. citizen, were arrested on an Army post in the Canal Zone for the illegal possession of bombs, which they had manufactured. On reading a report of this in the press, I wrote the Secretary of the Army requesting full information because of the potentially grave hazard that such illegal manufacture and possession of explosives in the Canal Zone imply.

Our military and civil authorities in the zone acted quickly and effectively. The five offenders were tried on May 25 and given sentences of $100 fines and 30 days in jail.

It is interesting that this incident should have been followed on June 4, 1964, in hearings before the Committee on Merchant Marine and Fisheries by Secretary of the Army Stephen Ailes emphasizing, but for entirely different purposes, the possibility of the canal being put out of commission by "two sticks of dynamite." It is even more significant that at the very moment of the convictions in the Canal Zone and the testimony of the Secretary that elements in our Government including the Governor of the Canal Zone, over whom the Secretary of the Army is charged with supervision, should be continuing their efforts to employ Panamanian citizens in the Canal Zone police force despite the fact that 14,600 Panamanians are now employed in the zone in nonsecurity positions—CONGRESSIONAL RECORD, May 14, 1964, page 10966.

Mr. Speaker, could there be anything more contradictory in the conduct of an important personnel policy than the facts just stated? No wonder our country is being made into a diplomatic laughingstock for Panama, Cuba and other Latin American countries. No wonder our experienced citizens in the Panama Canal enterprise, who know the facts at first hand and cannot be misled by bureaucratic doubletalk or intimidated by official reprisals, have become deeply concerned. They do not wish to see the Canal Zone transformed by piecemeal erosion and infiltration into another Cyprus to encourage a Red takeover through a U.N. operation; and the people of the United States will never permit that to occur if they can get the facts. In the light of all the foregoing, I must repeat what I have so insistently stated in this Chamber on many previous occasions that, if the Panama Canal, which is the key of Western Hemispheric defense, is to be preserved to carry out its legitimate functions, the Congress must save it. Certainly, we cannot rely on the Department of State, which now dominates the Isthmian scene, to contend for upholding the undoubted sovereign rights, power and authority of our country.

In order to apprise the Nation of the above-indicated developments, I quote my recent exchange of letters with the Department of the Army and the story of the arrest and conviction of the bombmakers as published in a leading Isthmian paper and commend them for reading by the members and staffs of the cognizant appropriation, investigational, and legislative committees of the House and Senate.

MAY 26, 1964.

Hon. STEPHEN AILES,
Secretary of the Army,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: A special dispatch from Balboa, C.Z., in the New York Times of May 25, 1964, copy attached, is to the effect that five persons, one U.S. citizen and four Panamanians, are charged with the manufacture of "nipple bombs" on an unidentified Army post.

In order that the Congress may be accurately informed in the premises, full information is desired.

An early reply is respectfully requested.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

DEPARTMENT OF THE ARMY,
Washington, D.C., June 3, 1964.

DEAR MR. FLOOD: This is in reply to your inquiry of May 26, 1964, concerning five persons being charged with the illegal possession of bombs on an Army post.

Information received from military authorities in the Canal Zone reveals that on the night of May 22, 1964, acting on a lead from the Panama National Guard, U.S. Army Forces, Southern Command military police apprehended Gilbert James Marcum, a U.S. civilian employee, at his quarters in Curundu, a subpost of Fort Clayton, C.Z., together with four Panamanian national residents of Panama City. A search of Mr. Marcum's quarters revealed that an upstairs bedroom was being used to manufacture explosives. Black powder and 6-inch sections of 2-inch pipe were being utilized to make homemade bombs. Sixteen completed bombs and 14 in process of fabrication were found in the Government quarters occupied by Mr. Marcum. In addition, 5 pounds of black powder and a supply of chemicals sufficient to prepare 20 pounds of explosives were discovered during the search.

All individuals were taken into custody by the Canal Zone police on charges of illegal possession of explosives and subsequently released to their own custody on $500 bond posted by the wife of Mr. Marcum.

Mr. Marcum is a U.S. citizen and has been employed in the Canal Zone as a plumber by the U.S. Army since November 25, 1945. His wife is a Panamanian and is not a citizen of the United States.

Mr. Robert A. Samuido, one of the Panamanian nationals apprehended with Mr. Marcum, admitted being a member of the Arias political party and claimed that the bombs were for use in the Republic of Panama for political motives.

Mr. Marcum and the four Panamanian nationals appeared before Canal Zone magistrate on May 25, 1964, and were fined $100 and given a 30-day jail sentence.

Currently, Mr. Marcum has been suspended from his employment for 30 days and charges are being prepared for his removal from Government employment. However, Mr. Marcum will have an opportunity to submit an appeal should the charges result in an adverse action.

I trust the foregoing will be of assistance. You will be advised of the final action in this case.

Sincerely yours,
JOHN C. F. TILLSON III,
Brigadier General, GS,
Director of Operations, ODCSOPS.

[From the Star & Herald, May 24, 1964]

FIVE ARRESTED IN ZONE MANUFACTURING BOMBS

Four Panamanians and a North American were arrested Friday night in a Curundu home manufacturing explosive bombs with lengths of water pipe.

The five men are free on bail of $500 each and will appear in Balboa magistrate's court on Monday morning to answer charges of illegal possession of explosives.

Canal Zone police identified the five as Gilbert J. Marcum, 42, a North American civilian employee of the U.S. Army; Jesus D. Arjona, 39; Publio Arjona, 32; Clemente Cespedes, 35; and Roberto Samudio, 35; all Panamanians.

Jesus D. Arjona was a candidate for alternate deputy to the national assembly on the Panameñista Party ticket in the May 10 national elections. The Panameñista Party is headed by Dr. Arnulfo Arias, who ran for the presidency. According to an official compilation Arias lost the presidential election to Marco A. Robles, the administration candidate.

Police said U.S. Army authorities received information Friday night that explosive bombs were being manufactured in a residence in Curundu. An immediate investigation at Marcum's quarters disclosed that five persons were engaged in the manufacture of the explosive devices, using lengths of water pipe.

It was learned that when military authorities arrested the 5 men, they also seized 16 of the homemade bombs. The devices are known locally as "nipples" and consist of powder-filled lengths of water pipe fitted with a detonating cap.

Marcum's wife, it was reported, is a sister of the Arjonas arrested in the Curundu home.

[From the Star & Herald, May 26, 1964]

JAIL, FINES FOR FIVE MEN MAKING BOMBS IN ZONE

An American and four Panamanians drew maximum sentences in the Canal Zone today following the discovery of a cache of highly explosive pipe-bombs, dynamite, and other bombmaking equipment in a Curundu home at the weekend.

U.S. Army intelligence officers found 16 bombs, over 50 pounds of explosive "materials," fuses, and lengths of cast iron plumbing pipe in the bedroom of Gilbert James Marcum's home at quarters 2232–A, Curundu, Friday night.

Marcum, 42, an American employed as a plumber by the U.S. Army, drew 30 days in jail and a $100 fine for his part in the bomb manufacturing. Four Panamanians received similar magistrate's court penalties.

They were Roberto Angel Samudio, 35, unemployed ringleader of the bombmaking group and Marcum's brother-in-law; Jesus Daniel Arjona, 39, reportedly an employee of Tropical Radio and a candidate as an alternate deputy in Panama's recent elections; his brother, Publio Arjona, 23, and Clemente Cespedes, 35, reportedly chief pharmacist at Panama's social security clinic.

Investigating an anonymous tip, the Canal Zone police and Army intelligence officers went to Marcum's home Friday at 9 p.m. and found the Arjona brothers, Samudio, and Cespedes constructing the pipe-bombs at a table in an upstairs bedroom of the four-family wooden house.

Lying on the table were 16 completed bombs—each made of 6-inch long, 2-inch round cast iron plumbing pipe and packed with approximately 2 pounds of what one Army officer termed "quick match" explosive.

Each of the finished bombs had short, explosive-packed fuses made of rolled tissue paper and each was bound with several feet of masking tape.

Also found in the raid were 50 pounds of explosives, described by a police sergeant as "highly explosive material," 13½ pounds of mixed explosive, 1 bomb complete except for the fuse, and several lengths of pipe.

All five men were charged with "keeping explosives without a permit."

This charge specifies, according to the Canal Zone Code, "whoever makes or keeps in the Canal Zone or transports in or across the Canal Zone more than 5 pounds of gunpowder, nitroglycerine, or other highly explosive substances without a permit from the Governor so to do shall be fined not more than $100 or imprisoned in jail not more than 30 days or both.

The discovery of the bombs and explosives followed several anonymous phone calls to the Canal Zone police last week claiming that bombs had been planted in Zone schools. On two occasions the police and Army bomb squads searched schools in Balboa but no bombs were found and the caller escaped apprehension.

All five pleaded guilty to the charges of keeping explosives without permits and all appeared in court after being released at the weekend on $500 bail each.

But Marcum told Judge John E. Deming he didn't know his house was being used for the manufacture of bombs and explosives. He told the police Samudio approached him last week and asked if he and his companions could use Marcum's Canal Zone home for "certain activities."

The American reportedly agreed but claimed he did so only because Samudio was a relative. He said his house was always open to him and his Panamanian wife's relations.

Marcum's wife "is very much interested in politics and is a strong supporter of Arnulfo Arias," Police Sgt. A. Kapinos told Deming. He said that Samudio "is the brains behind this and controlled the operation."

Samudio made a lengthy statement to the court which was packed with spectators and reporters and cameramen from Panama.

He said Marcum had "nothing to do with it," and did not know his home was being used to put together bombs.

"I have a cause in Panama. None of these bombs were to be used in the Canal Zone and none of them were to be used against human life. I am a civilized man. Sometime in the future these bombs were to be used against machinery but not against humans," Samudio said.

He said the press, "I think it was La Prensa, has told many lies about this. The Americans are not involved."

Marcum claimed he didn't know the bombs were being made Friday until "curiosity got the better of him," Kapinos said. The American employed with the Army as a plumber for the past 20 years, went up to the bedroom shortly before 9.

"I toyed with the idea of calling the police. I don't know whether it was a coincidence but when I got downstairs the Army was already there," Marcum said.

The Arjona brothers and Cespedes told the court they had nothing to say.

Deming said he appreciated Samudio's statement that the bombs weren't for use against humans but "once they were out of his hands how does he know how they were going to be used?"

The judge also asked that one bomb brought into the court as evidence be removed. "I don't want to endanger anyone else," he said. Deming imposed the maximum fine and jail term and told the five they could appeal. They did not.

LAFAYETTE, CITIZEN OF AMERICA

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FLOOD. Mr. Speaker, among the really satisfying compensations of serving in the Congress are the opportunities afforded to render worthwhile public services in the way of securing the publication of writings of unusual historical interest in the CONGRESSIONAL RECORD. In fact, there is no better means for the bringing about of wider dissemination of such contributions to editors, writers, educational institutions, libraries, and agencies of our Government.

All students of American history have read about Lafayette, the young French nobleman, who, in 1777 at the age of 19, left France, joined the forces of the English colonies then fighting the War of Independence with the rank of major general, became a lifelong friend of Washington, and served with distinction during the war, including the Battle of Yorktown, with no other purpose than to be a patriot and soldier. However, few of our people today know that, on December 28, 1784, only 5 days after George Washington resigned the commission as Commander in Chief of the Armed Forces of the United States, the State of Maryland, by act of the general assembly in conformity with the constitution and laws of that State and as approved by Gov. William Paca, declared Lafayette and his male heirs "to be natural born citizens" of Maryland forever. This was before the adoption of the Constitution of the United States.

For the benefit of historians and others desiring documentation for this unique tribute by the State of Maryland, I quote the indicated act of its general assembly, the original of which is in the Archives of the Court of Appeals, Annapolis, Md.:

An act to naturalize Major General tne Marquiss de la Fayette and his heirs male forever.

Whereas the General Assembly of Maryland, anxious to perpetuate a name dear to the State and to recognize the Marquiss de la Fayette for one of its citizens who at the age of 19 left his native country and risqued his life in the late Revolution—who on his joining the American Army, after being appointed by Congress to the rank of major general, disinterestedly refused the usual rewards of command, and fought only to deserve, what he attained, the character of patriot and soldier—who when appointed to conduct an incursion into Canada called forth by his prudence and extraordinary discretion the approbation of Congress—who at the head of an army in Virginia baffled the maneuvers of a distinguished general, and excited the admiration of the oldest commanders—who early attracted the notice and obtained the friendship of the illustrious (General) Washington, and who laboured and succeeded in raising the honour and the name of the United States of America: Therefore

Be it enacted by the General Assembly of Maryland, That the Marquiss de la Fayette and his heirs male forever shall be and they and each of them are hereby deemed adjudged and taken to be natural born citizens of this State and shall henceforth be intitled to all the immunities, rights and privileges of natural born citizens thereof, they and every one of them conforming to the Constitution and laws of this State in the enjoyment and exercise of such immunities, rights and privileges.

By the Senate December 28, 1784.

Read and assented to.

By order: J. Dwight.

By the House of Delegates, December 28, 1784.

Read and assented to.

By order: W. Harwood.

WM. PACA.

Another unknown feature of Lafayette's career is that, many years later on return to France from his visit to the United States—July 1824–September 1825—he carried with him a dozen barrels full of soil that he had gathered from one of the battlefields on which he had fought in the Revolutionary War. After his death on May 20, 1834, he was buried in this identical American soil in the cemetery at Picpus in France.

The story of "Lafayette, Citizen of America," was first written by Morris Edmund Speare, distinguished professor in the department of history and English of the U.S. Naval Academy, Annapolis, Md., and published in the September 7, 1919, issue of the New York Times Magazine.

In order that this account of these moving incidents in our history as told by Dr. Speare may be recorded in the permanent annals of the Congress and thus be made better known to the Nation at large, I quote it as part of my remarks:

[From the New York Times Magazine, Sept. 7, 1919]

LAFAYETTE, CITIZEN OF AMERICA: MARYLAND LEGISLATURE CONFERRED FRANCHISE UPON HIM AND HIS MALE HEIRS FOREVER—HE RESTS IN AMERICAN SOIL

(By Morris Edmund Speare)

In honoring the memory of Lafayette upon the anniversary of his birth, September 6, it will be general reason for gratification to bear in mind two extraordinary and interesting facts about our relations to him which have but recently come to light.

The first is the fact that to this day the heirs of Lafayette remain citizens of the United States, purely through an act of the Maryland Legislature, passed several years before the Constitution of the United States was ratified.

The second lies in the exquisite tribute of affection which Lafayette paid our country (but now revealed through the publication of the memoirs of one of his intimate friends) in that at his death he provided that his body be interred in the little Picpus Cemetery at Vincennes, but that it be interred in American soil.

The first of these episodes draws our attention to the State of Maryland, and in particular to its capital at Annapolis, which during Colonial days was the seat of beauty and fashion, the home of the first theatre in America, and centre of that charm and hospitality which Winston Churchill has pictured in "Richard Carvel." During the Revolution and immediately thereafter it remained no less significant, since, lying as it did on the direct line of travel to the north by way of Rock Hall on the Eastern Shore, it received all the prominent generals of the war as they passed from north to south, and vice versa.

Here Lafayette, De Kalb, Rochambeau, and Washington were well-known figures, but the Frenchmen especially, a fact noted in 1910 when President Taft and the French Ambassador took part in the unveiling of a memorial in the field where French soldiers and sailors now lie buried. Here, long before the Annapolis Convention of 1786 met to discuss proposed changes in the Articles of Confederation, the city had seen the Provisional Congress of the scattered States meet within her halls. The townsmen, conscious of the national importance which came to them through the meetings of the Provisional Congress in their Senate Hall, were eager to pay to the benefactors of the country a higher tribute than was paid in other States. This brings us to the important incident which occurred during Lafayette's second visit to America.

On November 29, 1784, Lafayette, accompanied by General Washington, arrived in Annapolis, and on the following day, at the direction of the legislature, a ball was given in honor of the visitors. A report of the ball was made by the Maryland Gazette on the day after. That the presence of Lafayette in the Colonial city was the all-important event to its inhabitants is seen in the fact that the official addresses made were devoted to him, while Washington appeared content with the tribute to his aide-de-camp. The first address was from the executive branch of the government, and was signed by William Paca, Maryland's famous war Governor. These included speeches by Governor Paca, the President of the Maryland Senate, and the speaker of the house of delegates.

Annapolis had been the seat of what was then the U.S. Congress until within a month of the time this incident took place there. Here, in the Senate Chamber, on December 23, 1783, George Washington resigned his commission as Commander in Chief of the forces of the United States. Here, too, on January 14, 1784, Delegates from nine States being present, Congress officially ratified and proclaimed the treaty of peace with Great Britain made on September 3 of the previous year in Paris.

Throughout this year and until November 1, 1784, when Congress met in Trenton, the Government of the United States had its seat in Annapolis. It is not surprising, therefore, that the inspiration of this fact, coupled with the visits of Lafayette to Annapolis, gave birth to an act on the part of the Legislature of Maryland which has remained unique in the history of the relations of our country with France. There is no record anywhere that the Congress of the United States ever voted to extend citizenship to Lafayette, though the record of its interest and veneration for him extends, in a series of acts, over something like half a century. Neither is there any evidence that Congress ever gave approval to an act, passed by Maryland, which would today be considered unconstitutional without the sanction of Congress. Maryland took it upon herself, in a burst of enthusiasm, to make Lafayette a citizen of the United States. And, not content with that, she included as well, in this act of naturalization, the male heirs of Lafayette for all time.

The first article of the U.S. Constitution, enumerating the powers of Congress, gives to it exclusively the right to establish rules of naturalization, which are to remain uniform for all the States. When the various States ratified the Constitution (and it is a fact which has been frequently so interpreted by the U.S. Supreme Court) it was understood that all persons who were citizens of the respective States at the time of that ratification became citizens of the United States.

The Supreme Court has never made any inquiry as to the means which these respective States employed to make their own citizens in that early period, nor as to the limit of power which a State then had to extend that citizenship to a man's heirs. It follows therefore that this act of the State of Maryland, passed in 1784, is altogether constitutional and binding. It means that the male heirs of Lafayette will be forever citizens of the United States.

The third and last visit of Lafayette (his triumphal tour of 1824–25) brought about a second episode of peculiar significance. Lafayette's visit to this country was inspired by the letter which President Monroe sent to him on February 7, 1824, under a resolution of Congress "to communicate to him assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States of America"; and offering to send him a "national ship with suitable accommodations" to bring him to these shores whenever he was ready to embark. At this period of our history it is gratifying to read, in a work now altogether forgotten but one which should be translated and placed in the hands of American youth, of his journey of triumph throughout the United States and its proof that democracies do not always forget their benefactors.

Levasseur, the secretary of Lafayette, who, with Lafayette's only son, named after George Washington, accompanied him throughout that triumphal voyage, recounts in his two-volume work published in 1829 in Paris, with what peculiar pleasure the invitation of the United States came to his master in those days.

Lafayette arrived in New York on August 16. From there he proceeded to Boston, and then went as far north as Portsmouth, N.H., then back to New York, and south to Yorktown, Washington, Charleston, and New Orleans. At the last-named place he must have seen for the first time the extent of the "township of land" which the Seventh and Eighth Congresses, of 1803 and 1804, respectively, had granted to him. He passed up the Mississippi River, then through Kentucky, Ohio, and New York States, to Boston again, where he desired to be present at the laying of the cornerstone of Bunker Hill Monument on June 17, 1825. He now turned south to take leave of his friends in Virginia, and, having passed through the Potomac River, he sailed for home of September 8, 1825.

On Lafayette's first arrival at New York the Governor, the mayor, and other important citizens went out into the harbor to meet him and to escort him into the city. From Boston, where he received great homage, he was escorted to Harvard College to hear the oration before the Phi Beta Kappa Society. In a church crowded as never in its history an audience listened breathlessly to the orator, Edward Everett, who, concluding his address, paid tribute to Lafayette.

On his return to New York a grand public ball was given to him at Castle Garden, in a large hall built on the water's edge, at the foot of the Battery. The hall was magnificently ornamented, and as the General took his seat, what appeared to be a painting in front of the gallery was raised and there was suddenly exhibited a huge transparency with a view of Lagrange, and underneath the words: "His Home."

Lafayette passed on from there to Philadelphia, to Baltimore, and then to the tomb of Washington, where incidents of a solemn nature transpired. He arrived at Yorktown on October 19, the anniversary of Lord Cornwallis' surrender, and saw the fields again white with tents, but this time the occupants were friends of peace collected to do him homage. After a restful visit at Monticello with Jefferson, whose health had now become too precarious to permit his taking part in the public festivities, he went to Washington, and was received with profound and fitting ceremonies by the Senate and the House.

Toward the close of the summer there came the painful farewells to be made to his American friends. In Virginia he took leave of ex-Presidents Jefferson, Madison, and Monroe. Then, on September 6, in commemoration of his birthday, the new President, John Quincy Adams, gave a great dinner in his honor at the White House, to which many of the distinguished men of the country were invited. The next day Lafayette received and answered a farewell address from the President, and then, followed by a procession of cheering thousands, he embarked, and for the last time, for his native land.

The touching significance of all this journey lies in what Lafayette now had collected and brought aboard his ship, to assure himself that in death as in life he would have the comfort of being happy most in American soil. Touched by the genuine affection and esteem with which he was held throughout this land, his thoughts must have turned often and sadly to his own now declining years. So he had gathered from some one of the battlefields upon which he had fought for American independence a dozen barrels full of earth, which he had brought aboard his ship and which he carried back with him to France. Today, in the Picpus Cemetery where lie the remains of Duke Lewis, of the Genoud family, and of the Lafayettes, in a silent and noble place consecrated to a few members of the French aristocracy, General Lafayette, the citizen of two countries, lies buried in American soil.

There are few indeed to whom this fact is generally known. It is nowhere mentioned in his biography, nor in the countless lives written upon him by both Frenchmen and our own countrymen. The fact, however, is made authentic by one of Lafayette's intimate contemporaries, Baron Thiébault, in his five-volume memoirs published in Paris for the first time in 1895 by Fernand Calmettes. This is a work apparently unknown to Americans. Baron Thiébault, or, more accurately, General Thiébault, was the son of Dieudonne Thiébault, a distinguished Frenchman of letters of the 18th century. The son became a volunteer in Napoleon's forces in 1792, became a general in the Napoleonic army, a Baron in the Empire, a Goveror of Hamburg and of Lubeck under Napoleon, and with him made the campaigns of Italy, of Prussia, and of Austria, observing from the most intimate angle the astonishing rise and the decline of Napoleon's fortunes. Despite his great valor and genius, it is believed that his pride and his malicious and indiscreet discussions of such men as Soult, Suchet, Macdonald, and others withheld from him the baton of a marshal of France which his companions received and to which he believed himself entitled.

Baron Thiébault died some years after Lafayette, and his memoirs, carefully collected by his daughter, and finally published at the close of the century, are now of exceedingly great value for the intimate details they contain of many of the personages in the empire, as well as of the days following, details not usually known to the student, but of persons with whom Thiébault was intimately connected.

In referring to Lafayette's death it is interesting to note that this lifelong adherent of Napoleon appeared to have little sympathy with Lafayette's careful preparations to be buried in American earth, since he concludes his account of the matter with the words: "What a bizarre idea this was for a man to remain in France and yet choose to be interred in the soil of America."

Bizarre indeed this may have appeared to this soldier of the empire. To us in this year 1919 what an exquisite tribute was this paid to our land by the knight of two continents who fought only for human liberty.

REVISION OF NATIONAL ORIGINS SYSTEM

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I am today introducing a bill which will amend section 203 of the Immigration and Nationality Act. The need for this amendment is most urgent since it strikes at the heart of a problem which affects the basic unit of society in the United States—the family.

It is well known to all, and I will not now repeat, the various reasons why our basic immigration law must be revised, particularly in respect to the national origins system. However, there is within the immigration system, by a quirk of the statutory language, relating to the various preferences in the quota, a built-in hardship which seriously disturbs the lives and happiness of many of our good people in this country.

The preference system, of course, gives a preference in the quota, according to various established percentages, first to skilled specialists, and then to designated classes of close relatives of U.S. citizens or aliens who have been lawfully admitted to the United States for permanent residence.

One of the preferences permitted under this law is granted to an unmarried son or daughter of citizens of the United States and also, in another category, to the unmarried sons or daughters of aliens lawfully admitted to the United States for permanent residence. It so happens that several cases have arisen to my knowledge which demonstrate that the problems caused by the present system are resulting in great hardships and are keeping families separated.

A typical example is the case of a U.S. citizen who files a second preference visa petition in behalf of a widowed daughter living abroad. That petition is approved and she is issued a visa. It so happens that she has two small children, let us say of the age of 2 years and 6 years, respectively. Because of the way the law is now written those children cannot obtain the same preference as their mother. She has the heart-rending decision to make to decide whether to come to the United States alone, leaving them behind in the old country, or to give up the idea altogether of coming to the United States until the children can reach a position in the ordinary quota to receive an immigrant visa. She could, of course, come to this country and, becoming a lawful permanent resident of the United States, file a third preference visa petition for those little babies. But for some countries the third preference category in the quota is oversubscribed for many years, perhaps indefinitely in some cases.

My bill would completely eliminate this outrageous result by providing that unmarried sons and daughters who are under 14 years of age, and who are accompanying a parent to the United States, shall receive the same preference in the quota as the parent receives. As a result, the mother would be able to bring the children with her to the United States at the same time. This would permit the uniting of families, would cause no harm or hardship to anyone, but on the contrary would add greatly to the welfare of the family unit in this country and the United States as a whole. I urge prompt consideration and enactment of this bill.

RESOLUTION OF THE BALTIC NATIONS COMMITTEE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Lesinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LESINSKI. Mr. Speaker, 23 years ago one of the greatest crimes that can be perpetrated against humanity took place.

In June 1941, thousands of helpless Estonians, Latvians, and Lithuanians were uprooted from their homes, torn from their families, and deported by the Communists to slave labor camps in Russia. There they suffered torture, starvation, and disease; many died. This was done to subjugate the people of those three nations and force them under the alien rule of Communist Russia.

But the spirit and desire for freedom can never be conquered and in the hearts of the Baltic people there still burns the love of and desire for liberty from oppression.

The United States has always been the symbol of freedom to the rest of the world and we have advocated and encouraged the establishment and maintenance of freedom for everyone. We should never deviate from this stand, nor should we be lulled into a false sense that all is well in the captive nations just because there seems to be a lessening of tensions between our country and the Communist nations.

Recently, at a meeting in Detroit, the Baltic Nations Committee adopted a resolution relating to the situation. I commend it to your attention.

The text of the resolution follows:

The Americans of Estonian, Latvian, and Lithuanian descent of Metropolitan Detroit, assembled at the International Institute, 111 East Kirby, Detroit, Mich., on June 13, 1964, in memory of the Estonians, Latvians, and Lithuanians deported to Siberia by the Communuists 23 years ago and thereafter, adopted the following resolutions:

"Whereas during the independence between the two World Wars, the Baltic States showed great social and economic progress. After the forceful incorporation of Estonia, Latvia, and Lithuania into the Soviet Union, the progress was replaced by misery, terror, and oppression. The Soviet occupation represents the crudest form of colonialism. At the time many countries throughout the world have gained independence from their colonial powers, the Soviet Union has expanded its colonial rule: Now, therefore, be it

"*Resolved,* That we are thankful to the U.S. Government for refusing to recognise the forceful incorporation of the Baltic States and urge to continue this policy; be it further

"*Resolved,* That we urge the United States to adopt as a primary objective of its foreign policy the restoration of freedom and democracy in all countries now dominated by the Communists. This should be the basic policy to fulfill the goal of a world without fear, as advocated by President Johnson; be it further

"*Resolved,* That we urge the U.S. Government to bring before the United Nations the question of the Baltic States, where the citizens are deprived of the right of self-determination for the last 24 years; be it further

"*Resolved,* That we urge the U.S. Congress to request the President of the United States to urge action in behalf of Estonia, Latvia, and Lithuania as introduced in the Senate and House in more than 50 resolutions; be it further

"*Resolved,* That we urge the U.S. Government to use extreme caution in entering into any agreements—political, trade, or cultural—and take no action that would indicate approval of Communist rule in any part of the world. Instead, we urge the U.S. Government to use all peaceful means to extend freedom to all mankind; be it finally

"*Resolved,* That the resolution be forwarded to the President of the United States, the Speaker of the Houes of Representatives, the Secretary of State, the chairman of the U.S. Senate Foreign Relations Committee, the chairman of the House Committee on Foreign Affairs, Senators from Michigan, Members of the House of Representatives from Michigan, the U.S. Ambassador to the United Nations, the Governor of the State of Michigan, and the mayor of the city of Detroit.

"Done in Detroit, Mich., this 13th day of June A.D. 1964."

STANDBY TAX AUTHORITY NO ANSWER—ANSWERING FEDERAL RESERVE AND FDIC CHAIRMAN

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is reported in the press that some administration officials are considering a proposition to Congress for standby authority to reduce income taxes quickly in order to halt further recessions. Now, there is no doubt that tax reductions stimulate the economy, if appropriate monetary policy is maintained. But stimulating the economy by reducing taxes and increasing deficits can be completely defeated by tight monetary policy. It is exactly like speeding up a car and at the same time pushing down on the brakes. The two forces neutralize each other and result in a stall.

MONEY TIGHTENING THREATENED BY FED

When we examine the effects of monetary policy over the past years, it is clear that time and time again monetary policy has been used as a brake to keep the economy from achieving its potential. In our current hearings on the Federal Reserve System, the Federal Reserve authorities were specifically asked whether or not they would follow an expansive monetary policy in order to permit the tax cut to have the stimulative effect intended by the Congress. And their answer was, in effect, that they could make no promises; that they might have to tighten money; in short, that they might have to restrict the economy and "sop up" the increased purchasing power produced by the tax cut.

TAX CUT CAN BE NULLIFIED

And make no mistake. They can do it very easily. The Federal Reserve System can nullify the tax cut effects in a few weeks, any time they want to. They can do it by restricting the monetary supply through open market operations. In the last 10 years, these actions by the Fed have shrunk the money supply in relation to the national output. At the end of 1954 the money supply was called upon to support a gross national product 2.8 times its size. Ten years later it has to support a product 3.9 times its money supply. In other words, the money supply has shrunk from about one-third of the gross national product to only one-fourth.

POSSIBLY BAD ADVICE FROM EUROPEANS

I am afraid that our banking officials are getting some bad advice from their European counterparts. European bankers keep telling us to raise our interest rates and then offset the restrictive effects by incurring budgetary deficits. This is what is going on in Europe. But up to now it has made some sense in Western Europe because of their tremendous need for capital after the war, and they have been spending at a rapid pace stimulated by the Government. Naturally, this makes capital scarce and there was some reason temporarily for interest rates to go up in Europe.

UNDERGROWTH NOT OVERGROWTH OUR PROBLEM

But it makes no sense at all in this country, which has been troubled by a lack of capital expansion, compared to what we should have. It is a failure of growth rather than overgrowth that troubles us. What we need to do is cut our interest rates in order to stimulate more investment and permit the economy to grow faster. Budget deficits do not do this nearly as well as low interest.

FDIC CHAIRMAN IN THE ACT

I note that my old colleague, now Chairman of the Federal Deposit Insurance Corporation, Joseph W. Barr, has stepped on the bandwagon recently. According to newspaper reports, he urges reliance on standby authority to alter taxes in preference to the uncertainties of monetary policy. To me, this is a case of picking the wrong horse.

RESTRICTIVE MONETARY POLICY

The trouble with monetary policy in the past has not been its uncertainty but its restrictiveness. There is increasing evidence all the time that a properly administered monetary policy can generate a healthy economic climate and keep it. For the past 3 years, at least up until early 1964, the Federal Reserve authorities have increased the money supply at a rate roughly 4 percent a year and the economy has been flourishing. By contrast, in the period 1957 to 1960, the money supply was kept down so that it did not grow nearly as fast as the national output. During that period we had a recession and heavy unemployment.

The relationship between monetary policy and economic well-being is very closely indicated in the testimony taken by the Subcommittee on Domestic Finance of the Banking and Currency Committee during our extensive hearings on the Federal Reserve System. These interesting findings will be highlighted in a report which we hope to put out in the next few weeks. Meanwhile, it is disturbing to see our financial officials seeking solutions in the distance, while the big problem is right under our noses.

I am afraid that standby authority would mean that the citizens would have to stand by while the tight money advocates take over. We certainly cannot run the risk without some agreement from Federal Reserve Open Market Committee.

MEDICAL CARE FOR THE AGED UNDER SOCIAL SECURITY

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RODINO. Mr. Speaker, we are all properly concerned with the problems of aged Americans. But in our discussions of average income and adequate budgets—all very necessary—I sometimes wonder if we lose sight of their individual resourcefulness, their individual hopes, and their individual fears. A feature story in the Wall Street Journal for Wednesday, June 10, gives us a picture of a group of older Americans living in St. Petersburg, Fla., a retirement city, which supplies them with inexpensive recreation and leisure time activities. It tells of a survey conducted by the Health Department of Pinellas County in which 2,500 people 65 years of age and older were asked what needs they felt they were unable to provide adequately for themselves. Among those with incomes of less than $2,000 a year, only 1 percent said they lacked proper housing and none said they lacked food or proper clothing. Fewer than 5 percent said they had insufficient recreation, entertainment, and essential travel. There was evidence that many of them ate only two meals a day but, to quote the article, "even those with little cash to spend are eager to assure a visitor that they can get by"—except for one budget item. The article concludes:

> The chief insecurity facing those surveyed appears to involve medical care.

Now I would be the first to say that not all of our aged find themselves in so fortunate a situation, but I do believe that they all share both the desire to retain their independence as far as they possibly can, and the haunting fear that a heavy medical expense will make it necessary for them to ask for charity.

That, Mr. Speaker, is why I am convinced that we can no longer delay action on providing protection against the heaviest medical cost—hospital care—for our aged through the social security system. It is a system which has proved that it can provide protection against certain predictable risks on the basis of tax contributions during working life, while preserving individual dignity by making these benefits available as a matter of right rather than relief.

I think it is time to reach an understanding that it is these independent, resourceful, thrifty older Americans who are most concerned with the threat of catastrophic medical costs. The purpose of the President's proposal has been frequently distorted by its opponents who call it a bill which would pay hospital costs for millionaires. Instead it is essentially a bill for otherwise self-sufficient middle class Americans. As Secretary Anthony J. Celebrezze pointed out in his testimony before the Committee on Ways and Means last November:

> By allowing medical expense deductions for income tax purposes, the Government helps those among the aged who are relatively well off. The very wealthy person has 91 percent of his medical bills taken care of this way.
>
> But only one-fifth of the aged have high enough incomes to pay income taxes and be helped at all by this provision—even at the 20-percent income tax rate. Governmental action has also been taken to help the very poor, who have been left out. These are people who have been self-supporting all their lives and want to continue to be—who do not want welfare even if it were adequate.

Another claim of the opponents of the President's plan is that, for this group, private insurance can do the job. It is reassuring to see that, at long last, private insurance is trying to do the job, after years of saying it would be too costly because the aged represent a high-risk group. But there is considerable evidence the insurance people were right in the first place, as plan after plan has had either to adjust its premiums upward or to cut back on the protection provided. Again to quote the Wall Street Journal, which certainly cannot be called a proponent of the President's plan, Blue Cross is currently suffering the "blues" both because they are being forced, in area after area, to increase their rates at the same time that hospitals are claiming that "it does not pay them enough to cover costs of charity treatment, loss on bad debts and other expenses." The response to the recent hearings on insurance coverage of the aged, conducted by Senator McNAMARA's subcommittee of the Senate Committee on Aging, was overwhelming on the part of older people who wrote that they had been forced to cancel existing policies because of their increasing cost, or that they were unable to purchase protection in the first place for the same reason.

Private insurance can do part of the job, for part of the people, but it cannot do it all.

A third charge made by the opposition is that, as a result of the President's proposed legislation, the quality of American medical care would deteriorate because the Government would be taking over control. Now this position overlooks two important considerations. The legislation is written so that no fees are paid to physicians, beyond those who, as salaried employees of the hospital, participate in regular hospital care. Indeed, the only connection a physician has with the legislation is that it is he—and he alone—who decides whether or not an individual should be hospitalized. The second consideration is that the bill proposes to take care of only one segment—albeit the most expensive segment when it becomes necessary—that of hospital costs.

As officials of the Department of Health, Education, and Welfare told the Committee on Ways and Means:

> What we are proposing is that the social security system would take on something like 25 to 30 percent of the job, and a supplementation by private policies where people have shown a willingness to contribute for part of the protection. * * * We agree there is a strong role for both.

For those who cannot afford the supplementary insurance, of course, the Kerr-Mills law, already on the books, could fill in the gaps where necessary. And, with the savings to the States deriving from the hospital costs absorbed by the President's proposal, existing Kerr-Mills protection in other areas could be increased and extended.

In this respect, the President's proposal follows the pattern set by social securtiy cash benefits by adding the risk of large hospital costs to the floor of protection against loss of income because of age, death, or disability provided by our present system. This floor, we have learned, can then be supplemented by savings and insurance while public assistance programs provide for those who are in need. Again, in the words of Secretary Celebrezze:

> The proposed program of hospital insurance for the elderly would follow the same kind of threefold attack on dependency in old age as that found under the present social security program.
>
> First, basic protection against the cost of hospitalization and of certain alternatives to hospitalization would be afforded the elderly through social security.
>
> Second, private protection would be built upon this social security base through employer plans and individually.
>
> Third, for the members of the small group with such special needs and circumstances that they are unable to meet their health costs through the proposed social security plan and their private insurance and other resources, help could be available through medical assistance which all the States would be in a far better financial position to provide on an adequate basis.
>
> Hospital insurance under the contributory social security program would offer all these advantages while affording protection in a way that is consistent with our respect for the independence, the dignity, and the privacy of an individual.

Mr. Speaker, I call the attention of the Congress to the fact that this added protection for our older people has been under intense consideration for at least half a decade. It was opposed by the Eisenhower administration, which tried to come up with a better alternative, and failed. It is significant, I think, that, since 1960, two men who, as Secretary of Health, Education, and Welfare in the earlier administration opposed the social security method, have now after further deliberation, come to the conclusion that it is, after all, the best and most equitable method.

On January 9, 1961, former Secretary Marion B. Folsom, reversed his earlier opposition position when, in an address before the White House Conference on Aging he said:

> The logical plan, and one which is endorsed by most students of the subject, is to finance and administer a program of health insurance for retired people through the old age, survivors and disability insurance program, because it spreads the cost over the entire wage-earning population, without adverse effect on the Federal budget and with little if any adverse effect on the economy.

And just last November another former Secretary of Health, Education, and Welfare, Arthur S. Flemming, who had, under the Eisenhower administration, tried interminably and desperately to think up a better way to do the job, also reversed his earlier position to favor the social security method. As chairman of the National Committee on Health Care of the Aged, an illustrious group of experts, he joined in the conclusion, that the social security method must be used to do part of the job. After more than a year of studying alternatives, the committee proposed a dual public-private program of health insurance for the aged covering roughly two-thirds of the aggregate health care costs. As to the public plan, covering about one-third of this cost, the committee report reads:

> The public plan, in the committee's view, should utilize the principle of contributory social insurance to cover all persons 65 of age and over, with payments collected during the working years of all employed and self-employed persons. The most appropriate area of protection to be provided by the public plan is basic institutional care (hospitalization), which is the most frequent cause of financial shock less to the aged.

Mr. Flemming also appeared before the Committee on Ways and Means last November to defend this position, and thus put himself finally and firmly in support of the social security method of providing hospitalization with supplementary help from private insurance.

Mr. Speaker, the Honorable Richard J. Hughes, Governor of my own State of New Jersey, has estimated in a statement presented to the Committee on Ways and Means, that in this fiscal year the Kerr-Mills program will provide health services for approximately 23,000 persons in addition to some 17,000 receiving medical benefits under the old-age assistance. But he pointed out that, helpful as these programs are, the fact that they were never intended to meet the health needs of the vast majority of Americans is evident when it is realized that the President's proposal would provide protection for all of the more than 600,000 persons over 65 in New Jersey. The choice, then, is as to whether less than 7 percent of people 65 and over are protected, as is the case in Kerr-Mills, or whether we provide 100 percent protection. I am convinced that Members from other States will find similar, or perhaps more distressingly disparate, results in their own States and communities. And I am convinced that we must act wisely, and act fast, in line with the President's recommendation, on this carefully considered, moderate, and humane proposal.

We have deliberated long enough on this matter. Dozens of alternative plans have been suggested and considered—and then abandoned. And when we come back—as we always do—to the conclusion that the social security method is the best method of providing hospital care for our older Americans, there have always been a few more converts.

I am sometimes reminded in these discussions in lieu of action, Mr. Speaker, of the old fable of the cat and the fox which has as its moral: "One good plan that works is better than a hundred doubtful ones." It seems that a fox was boasting to a cat one day about how clever he was. He bragged that he knew of at least a hundred different ideas that might work in escaping their common enemy, the dogs. "How remarkable," said the cat. "As for me, I have only one way, but it seems always to work. I wish you could teach me some of yours."

The fox replied, "Well sometimes when I have nothing else to do, I might let you in on one or two of my easier ones."

Just at that moment they heard the yelping of a pack of hounds coming straight toward them. Like a flash the cat scampered up a tree, calling down to the fox, "This is the way I told you about. It is my only one. Which plan are you going to use?"

The fox sat there trying to decide which of his many plans he was going to employ as the hounds grew nearer. When it was much too late, he decided to run for it but the dogs were upon him and that was the end of the fox, bagful of ideas and all.

Mr. Speaker, the common enemy facing our older people is that of a catastrophically costly illness which can wipe out their savings and their self-respect at a blow. Let us stop talking about many plans that might or might not work, and use the one plan that has proved it does work—the social security method.

WORLD FARM CENTER

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HANNA. Mr. Speaker, on Monday of this week the gentleman from California, Congressman SHEPPARD introduced House Concurrent Resolution 313. This measure supports and encourages the establishment of a World Farm Center in the Congressman's district. I take this opportunity to commend the gentleman from California, Congressman SHEPPARD, for his sponsorship of this resolution and for bringing to our attention the vital role agriculture continues to play in this Nation and in the world, and the part that a World Farm Center could play in dramatizing and energizing that role.

It is my intention, Mr. Speaker, to introduce a companion measure to endorse Congressman SHEPPARD's position, and I mean by this to express my personal admiration for the vision of a man who has served so faithfully and so well, not only the people of his district and State, but the great and pressing problems of our Nation as well. For the benefit of the House and its membership, under unanimous consent, I insert House Concurrent Resolution 313 in full at this point in the RECORD:

> Whereas the business of agriculture is a basic industry vital to the economy and sustenance of the United States of America and the entire world; and
>
> Whereas the development of techniques, research, and procedures for the improvement of the agricultural industry is necessary to the well-being of the farmers and consumers of farm products; and
>
> Whereas the tremendous technical evolution in agriculture has created a serious need for better understanding between agriculture and the general public; and
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> Whereas World Farm Center advocates from all segments of the agri-business industry are cooperating in the founding of a World Farm Center at Ontario, San Bernardino County, California, as a service organization which is designed to serve as an agricultural clearinghouse and marketing information center; to encourage, assist, and cooperate in agricultural research programs with universities, governmental agricultural agencies, and private agencies; to develop the site of World Farm Center as a manufacturing, demonstration, and display center for all types of agricultural machinery and equipment; to establish prototype agricultural enterprises for display and production; to establish a convention center for agricultural organization meetings; to engage in other service and educational functions which will advance the agricultural industry; to establish a center for offices of companies, associations, governmental and others; and to improve understanding between agriculture and the general public: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That Congress hereby endorses the concept of World Farm Center as a means of furthering the advance of national and international agriculture.

RICHARD BURTON HEMOPHILIA FUND

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. O'HARA], is recognized for 5 minutes.

Mr. O'HARA of Michigan. Mr. Speaker, I rise today to call the attention of the House to a matter deeply affecting perhaps as many as 100,000 Americans. I refer to hemophilia, the "bleeders disease" which has visited pain, crippling, and even death, not only upon some of the royal families of Europe, but upon countless others here and throughout the world, as well. This condition, in which clotting of the blood is abnormally delayed, results in severe bleeding even from minor injuries.

A tooth extraction might necessitate 100 blood transfusions, and in more serious operations, as many as 1,000 blood transfusions have been needed to sustain the life of the sufferer. Worse still, internal bleeding can start for no apparent reason.

I mention this at this time because the Metropolitan chapter of the National Hemophilia Foundation in New York City yesterday announced the creation of the Richard Burton Hemophilia Fund of which Mrs. Burton is to be chairman. Mr. Burton has a mild form of this disease and others of his family are more seriously affected.

Stars of the entertainment world have brought comfort to the handicapped, the sick, and the lonely. Their talents have often been used to help call the attention of the public to health problems facing our Nation and the world.

Hemophilia needs such attention, and Mr. and Mrs. Burton are responding in the finest traditions of their profession when they associate themselves with the effort to conquer this terrible illness.

Mr. Speaker, I am told there is increasing hope that medical research can develop new methods to control hemophilia. Mr. and Mrs. Burton's efforts may help to speed these developments and earn thereby the thanks of thousands of American families.

THE MULTILATERAL FORCE: IS IT VALID?

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 30 minutes.

Mr. HALPERN. Mr. Speaker, the time is approaching when several of the interested European parties will be making fundamental decisions regarding the proposed multilateral, sea-based nuclear force.

Political and technical discussions have been underway between the United States and West Germany, Great Britain, Italy, Greece, Turkey, the Netherlands, and Belgium. Only Germany has expressed an unreserved enthusiasm; the others have as yet made no commitments.

The scheme entails the construction of 25 surface vessels, equipped in all with 200 Polaris missiles. These ships will be mixed manned; personnel are to be drawn from all the participating countries in such a manner as there will be no identifiable national component. No one nation can exercise dominant control because none of the states may contribute more than 40 percent of the fleet's expenses.

Originally, the late President Kennedy suggested that existing merchant ships be merely converted to house and operate the Polaris missiles. Now it seems the cost of reconditioning existing vessels would amount to about the same as building new ones. The United States will supply the missiles.

The cost of establishing the fleet in the first 5 years is reliably estimated to reach $2.3 billion. Operating costs thereafter will exceed $150 million annually.

Now it should be realized at the beginning that the motivations upon which this proposal is based are largely political.

Manifestly, we cannot talk about the multilateral force without talking of Western Europe and its political direction. Similarly, the plan affects our conception of central and Eastern Europe and the course it will take in future years.

As regards the European integration movement, any approach in other realms must be consistent with that momentum.

The question is posed: What do we ourselves want for Europe? And, in turn, How is Europe destined to move?

The MLF is partially an attempt to meet the European situation and fit ourselves into the trends of the future. It must be judged accordingly.

While preparations and deliberations are already well advanced, there is still time to analyze the plan and rethink the circumstances which prompted it. There has been to date a regrettable lack of public discussion.

To understand our motivations it is firstly essential to know that the MLF is principally a political instrument. We wish to satisfy the demands of West Europeans—who have never been categorically identified—for a greater voice in the operations of the nuclear deterrent. At the same time, we wish to avoid the growth of genuinely national nuclear forces epitomized by the designs of General de Gaulle.

All this is in line with broad strategic concepts. The United States has rightly concentrated upon obtaining a military capability which is both flexibile and controlled. We do not wish to have only one available course in the event of an isolated flareup. In possessing options we can assure ourselves some control over the situation. And to act rationally we cannot afford to have others exercise judgement on our behalf and so indirectly cause an American response which was neither intended nor suitable.

On the surface the MLF seems an innocent gadget whereby American strategic concepts are kept intact and Europeans are granted a fractional share in the operations of a very small slice of the nuclear deterrent. While the Joint Chiefs of Staff have claimed that the fleet is indeed a worthwhile increase to overall nuclear capacity, it will be seen that the MLF is not really a response to the pure requirements of defense.

I have no doubt that the pilot project scheduled for this summer will prove that the scheme is technically feasible. I think that interallied discussions which will continue into the future will demonstrate its workability.

It is legitimate to ask, however, whether the proposal, which cannot be justified on military grounds, will achieve the political ends we seek. The MLF will depend upon our present judgment of future European trends. It is essential at the outset that our analysis of Western Europe proves reasonably correct.

It is true that as Europe has been reborn, she can become a true Atlantic partner only insofar as she shares the responsibilities of our mutual protection more equitably. Atlantic partnership will be a sham unless we recognize this at the very beginning. To the extent that the MLF is partially an effort to deal with this reality, it is a useful proposal.

But I am concerned that it will create new superficialities which will only weaken the partnership and accentuate the sense of inequality that we are attempting to correct. For there is no question as to where ultimate control over this new system rests. The American President maintains sole control over the use of the Polaris weapons.

Let me make it clear that I am not immediately rejecting or agreeing with this mechanism. I am merely pointing out that under these conditions, alleged desires of our allies for more control over the deterrent are likely to remain. And, simultaneously, because they are brought into closer contact with technical operations in this manner, their essential inferiority will be further accented.

This possibility arises because the United States, in offering the MLF, is really making a very plain effort to sacrifice something without really sacrificing anything. It is an unabashed endeavor to retain American dominance and unreserved control over the entire mutual deterrent. Everybody knows this. At the same time, this duplicity will probably increase the European distrust of American motives which is already undermining NATO and upon which the French President is basing his policies.

I repeat that I am not advocating at this point that America surrender exclusive control over the deterrent. I am merely stating my reservations to the MLF poposal because I don't believe it will deal with the problems it is intended to cure. The force will mean money; it will take time; we cannot afford to make a mistake on a project of such importance.

I have watched with growing distress the apparent disintegrating forces at work within the NATO Alliance. To be sure, President de Gaulle has adversely contributed here. Even more startling is the commentary heard in some quarters that NATO is obsolete and should be left to die.

Certainly, in Europe the threat from the East is far less immediate than in the early post-war years. There is a natural inclination, in analyzing current trends in the cold war, to belittle whatever real importance NATO still holds for Western defense.

I hope we shall not be so shortsighted. As long as the Soviet retains its ground forces at readiness in much of Eastern Europe, particularly East Germany, the need for a well-coordinated and well-equipped conventional establishment shall remain. Moreover, we cannot exercise our interests in dealing with the questions which the war has left still unanswered, especially in regard to Berlin and Germany, if we lack the immediacy of military power in the background.

Still further, it should be unnecessary to point out that our concept of the flexible strategy as applied to the European continent, presumes the maintenance of a readied and powerful conventional response. If NATO is pulled apart it will surely damage the basis for an enlightened and rational nuclear strategy.

And so in proposing the means for closer and more genuine partnership it must be American policy to strengthen the NATO Alliance and not to weaken it. Unfortunately, the MLF may increase the centrifugal and conflicting forces already at work with the alliance.

The MLF will not function under the NATO command. It will be tied up with the American electronic guiding system. It will create a diverting interest for members which will most probably weaken their allegiance to the NATO structure as a whole. It may splinter the already disintegrating mutuality which is at the heart of NATO.

In other words, we will probably be creating a privileged grouping which inevitably will sow the seeds of increasing discord. By purchasing a status symbol a few will possess a political mechanism which cannot fail but make NATO's work infinitely more difficult. We are furthering the imbalance which goes directly to the root of NATO's problem.

I hope that if the MLF is eventually launched, these ominous possibilities can be avoided, and that my own objectives are proven to be unfounded.

Some of the proponents of the scheme insist that it will constitute a successful affront to General de Galle's nationalistic alternatives. I think this is the wrong way to deal with the general and it will not be in keeping with directions in Europe. Europe is not Europe without France. It is both childish and parochial to think that we must compete with the general's ideas.

Any effort on our part to enhance or underline the current and temporary divisive trends on the continent can only meet with defeat and embarrassment. We must not put ourselves in such a position. Economically, the countries of the Common Market know perfectly well where their basic interests lie. American policy must remain identified in the long run with a movement inevitably at one with itself.

In turning for a moment to the question of Germany, I am in agreement with those who say that she must be granted on the Continent a political and economic position commensurate with her recognized importance in Europe and the world. Accordingly, I support to the full the efforts which have been made to bring the German Government and people into the sweep and content of the West European integration movement.

West Germany has been the only NATO ally which has showed itself willing and able to meet its force commitments. The German people since World War II have steadfastly demonstrated their desire to be fully and permanently associated with the free democracies of the West.

Our policy must insure that a country as important as West Germany retains that intimate commitment to the United States and our allies.

The Bonn government has unreservedly accepted participation in the multilateral fleet. The scheme is in actuality, along with the other motivations, a political effort to channel whatever nuclear aspirations Germany might have now and eventually into close association with the West. This is what we attempt to explain to Soviet diplomats who always voice an extreme fear of alleged nascent German militarism. This is what the British hear when they express a similar, though less passionate, aversion.

I will not contest this particular rationalization. I think it is true that when France comes to possess a nuclear capability, however minimal, it is important that we attempt to redress the balance. France in her individualism has, and will continue to further a dissatisfaction which before the advent of President de Gaulle was already smoldering beneath the surface.

Aside from Germany, who will join the MLF? Great Britain has agreed to sit in on the preliminary consultations. In the event of a Labor victory next autumn, the leader of the party in Parliament, Mr. Harold Wilson, has already stated that England will not join, though this preelection announcement is subject to review following the creation of a new government.

Great Britain, which has already eliminated the draft, is very hard pressed to meet her commitments around the globe. The Conservative government, moreover, is committed to the Nassau agreements which will require great expeditures. Elements of England's conventional forces on the Rhine have been withdrawn to meet various scattered crises, and there is talk that the entire force may have to be pulled out if further tests of strength develop in Africa or elsewhere in the British sphere.

The political situation in Italy is uncertain to say the least. I do not wish to involve myself in these intricacies, except to say that the coalition regime must maintain Socialist acquiescence and under the circumstances, if a Labor government in Britain rejects the scheme, I do not anticipate a firm commitment to join on the part of Italy's Coalition Cabinet.

If these conditions develop during this year we are essentially left with a German-American nuclear alliance. Such a proposition is neither practicable, meaningful, nor desirable for Western Europe as a whole.

I cannot accept the argument that the MLF will not affect the contributions to NATO. The refusal of many members to take their commitments seriously is damaging to the alliance in both real and psychological terms. I can only conclude that the expense of the MLF will add to the disinclination to meet the required force levels which the NATO command has previously set as a minimum goal.

We should also give consideration to the situation in Eastern Europe and the possibilities, although presently remote, for the achievement of arms control and disarmament measures.

Since the MLF does not really meet a military need, then we must be sure that this increase in nuclear firepower does not overly jeopardize all our genuine and exhaustive attempts to secure some meaningful disarmament steps.

Not only Russia, but the satellites in Eastern Europe as well, will not take lightly Germany's participation in a nuclear scheme at this point. I am not sure whether we are making the urgent and reassuring representations which we must undertake. It would be disastrous if, because of the MLF, the growing diversity and disassociation from Moscow were set back. And under the excessive and unjustified fear of German militarism which exists still everywhere in Eastern Europe, the tendency might be to draw closer to Moscow once again.

I think these objections can be overcome. But it is necessary that at every turn, in thinking about nuclear participation for Europe, these possibilities are given the utmost of careful attention.

In view of the discussion here, I hope I have raised a healthy skepticism about the multilateral Polaris fleet which will serve as a basis for further judgment. I do not reject it out of hand. But final decisions are still a long way off, and we must know that in launching this project it will accomplish something and avoid dire consequences.

The NATO dilemma is of particular interest. There is the lessening of the Soviet threat which is corroding the NATO spirit, throwing into question its essential reason for being. I have contested that geography and the military equation upholds the alliance's validity today.

The MLF may increase this erosion of purpose, however. It might accentuate the disequilibrium of power which is a prime source of dissatisfaction. The frustration of being called upon to contribute to collective defense when that partnership denies a say in the great questions of peace and war is likely to be enhanced. And in addition, we are creating a separate entity not under NATO control which will diversify the allegiance and interest of those involved, to the detriment of the alliance as a whole.

I hope that our Government may undertake to study some alternatives to the MLF. Surely there are other choices in the range between exclusive American dominance and national proliferation of the French type.

It is my conviction that Western Europe will ultimately reach a political and economic unification despite the daily difficulties and obvious differences of the nations concerned. We must be prepared to deal with this reality as the years progress. For expressing the desire for a true partnership, we cannot expect that prospect to be appealing to prosperous and mature people unless it is genuine. Eventually, if we are to win their faith and trust, responsibilities must be more equitably borne. There can be no gimmicks. This is not the place for worn-out phrases or concealed purposes.

I am hopeful that as the countries of Western Europe move toward a more coherent economic and political awareness, cooperation on the military front can become more meaningful.

In the meantime the United States should foster an approach which is not schismatic and which is not corruptive of the mutual institutions that still carry a crucial validity. Perhaps those entrusted with the MLF concept have a deeper understanding of its supposed evolutionary process and are able to identify for it a greater promise of success. Perhaps they have information leading us to believe that the force will accomplish its political objectives and that it will become a source of greater cohesion and partnership.

If so, it would be exceedingly helpful in judging the issues. At the present time, I am not entirely convinced, and I am profoundly hopeful that our Government will attempt to provide a greater general understanding of the many variables which this complex proposal necessarily involves.

THE PRESIDENT AND MRS. JOHNSON ARE BRIEFED ON URBAN RENEWAL PROGRAMS WHICH SHUNT "POOR PEOPLE AND NEGROES" OUT OF THEIR HOMES

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. WIDNALL] is recognized for 30 minutes.

Mr. WIDNALL. Mr. Speaker, the Washington, D.C., Post in its June 17 issue today reports that Mrs. Robert H. Jacobs, Jr., famous author of "The Death and Life of Great American Cities," was guest speaker at Mrs. Lyndon B. Johnson's fifth monthly Women Doers Luncheon at the White House. President Johnson dropped by to shake hands with each of the guests at the luncheon and to "give a special greeting" to Mrs. Robert H. Jacobs, Jr.

Mrs. Jacobs said the urban renewal programs which shunt poor people and Negroes out of their accustomed neighborhoods "are cause for worry." These programs apparently are not a "cause for worry" to the Federal Housing Administrator; or the Federal Urban Renewal Commissioner, William L. Slayton who, speaking at the annual dinner meeting of the Inter-Church Committee on Urban Renewal, according to a report in the Washington, D.C., Post of May 20, 1964, recently acknowledged as a "fact of life" that many Negro families are excluded from renewal areas because they are poor.

The Washington Post reported on May 10, 1964, that 200 top east coast specialists on city design, attending a 2-day conference at Harvard University's Graduate School of Design, declared that the low-income housing efforts of the Federal urban renewal program have been a "complete failure" to date.

The national housing policy, set forth in the Housing Act of 1949, calls for the provision, as soon as feasible, of decent, safe, and sanitary housing for every American family. President Johnson has called on Congress to wage war on poverty, and has underscored the central cause and effect of poverty: the ill-housed conditions of millions of our fellow citizens who are living in homes of such poor condition that their health and safety is endangered.

In an article in the Annals of the American Academy of Political and Social Science, March 1964, William G. Grigsby, associate professor of city planning at the University of Pennsylvania, states that over 25 percent of the communities receiving aid under the Housing Act of 1949, and the Federal urban renewal program it authorizes, do not have a single residential reuse project. Another 25 percent of the municipalities receiving assistance have reserved over 50 percent of their renewal acreage for nonresidential purposes. Of the projects begun, roughly 600 were primarily residential prior to renewal, but Professor Grigsby estimates that only 350 will fall under that classification upon completion. Usually, he observes, where room is made for residential renewal, it takes the form of housing for higher income families, which are often incompatible with the residential preferences of most families in the city.

In light of the Johnson administration recommendation that an additional 5 percent of the $1.4 billion requested for urban renewal be earmarked for nonresidential renewal, an increase from 30 to 35 percent at the expense of the housing needs of our citizens, and the sound criticism made by Mrs. Robert H. Jacobs, Jr., in her speech at the Women Doers' Luncheon at the White House yesterday, I believe the following indictment of the present program by Professor Grigsby deserves special attention. He states:

> On balance, it appears that not over one-fifth of the $3 billion donated to local communities under the Federal renewal program have been earmarked for projects intended to improve the living accommodations of lower income families. However defensible this allocation of funds may be, the fact remains that until the shelter needs of our lowest income groups are met, urban renewal will never progress beyond the facelifting of downtown, a few industrial districts, and the reclamation of isolated residential neighborhoods for upper income families.

The United Steelworkers of America in a recently published pamphlet, "Citizen Action for Housing and Renewal," had this to say about the Federal housing and urban renewal program:

> Slum clearance inevitably means worse overcrowding in the remaining slums, unless there is an ample supply of new low- and moderate-rent housing. Hardly a city has enough low-rent housing to shelter all of the people displaced by urban renewal. Many of these families simply disappear as completely as if they had been bulldozed into kingdom come.

The United Steelworkers' pamphlet adds that:

> Urban renewal has been generally popular with private builders and investors. The dissenting opinions of evicted families are seldom publicized.

And gives the following examples of urban renewal in action:

UPPER INCOME THINKING

> Although the boards of housing authorities and urban renewal agencies commonly have a union member or two, most commissioners represent the upper income brackets. They have established a remarkable record for integrity and for civic spirit (no commissioner gets paid). But when they make decisions affecting thousands of lives, these men and women tend to think in terms of what's good for the town, and many of them are persuaded that what's good for private business is very good for the town.
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> For example, the largest corporation in one city needed more space. The plant was

wedged between a river and a slightly blighted residential section. It happened that an officer of the corporation was chairman of the local redevelopment authority. Result: A five-block area was turned into a $1,400,000 urban renewal project, and the corporation got the section it needed for about one-fifth of the actual cost. It was a perfectly clean transaction. Both the corporation and the community stood to gain. The only losers were the families who got evicted.

One forthright official of a redevelopment agency made this private comment:

"You get into public service, and after a few years you start acting like it's your own private business. You tend to lean on the advice of advisory committees which think the same way you do. You don't feel obligated to explain a specific project to the people living in the area. Some of these people have been living there for 20 or 30 years or longer. Yet nobody considers it important to tell them exactly why their houses are going to be torn down, and precisely when they should move.

NOT UNLESS THEY ORGANIZE

"Imagine, if you can, an urban renewal agency run by people from blighted areas. So one day a big shot banker reads in the morning paper that his estate has been included in an urban renewal park project. You know what would happen—he would call the mayor and raise hell, and the mayor would say it must have been a mistake and he would personally see to it that the plans were changed. And they would be. Now the janitor's 25-foot lot may be just as important to him as the 10 acres are to the banker, but is the mayor going to listen to Mike Murphy or Jesus Gonzales or any other poor devil from the slums? Not unless they organize and march on city hall."

The building of low-rent housing and the clearance of blighted acres have become new roles for government in the United States. But the old responsibility of government remains: To heed the petitions of citizens. The responsibility of citizens is to speak out so clearly that every government official can hear them.

The citizens have not always done so. The problem of middle-income housing is a pertinent example. Millions of families have too much income to qualify for low-rent public housing—but not enough to afford good private dwellings. Congress knows this. The Housing and Home Finance Agency knows it. Everybody knows it, especially the real estate industry, which doesn't want the Government to enter the middle-income field. So, for a quarter of a century, Congress has shut its eyes to the need for middle-income housing. A few concessions have been made, but there is still nothing that could be called a real program. And there won't be—until the citizens resolutely demand it.

CITIZENS IN ACTION

Nothing redevelops a governmental bureaucracy more effectively than a rebellion of the citizens.

In New York City, the dictator of urban renewal for many years was Robert Moses. A local saying was "Man proposes, Moses dispossesses." Block after block of housing was leveled as the bulldozers kept rolling along. Protests were muffled and protestants were muted by the collapsing walls.

One of the choicest sections of Greenwich Village caught Moses' eye. This was an area just south of Washington Square, where old tenements and a few modern apartment houses backed up on a green strip extending for the full length of a long city block. It was like a hidden park. Nearby on Macdougal Street were the coffee houses, shops and restaurants that have attracted hundreds of thousands of tourists. Moses decided that all of these old-fashioned buildings should be demolished and something more sanitary erected.

FAREWELL TO MOSES

The old structures are still standing, but Moses is no longer redeveloping. What happened was that the people revolted. They didn't know that you can't fight city hall, so they went ahead and fought and won. The urban renewal scheme was junked.

Something entirely different happened in Philadelphia. The redevelopment authority and the planning commission wanted to save a neighborhood that was going downhill fast. There were 1,050 dwellings in the 67-acre Morton project on Germantown Avenue. For decades the neighborhood had been racially integrated, with Italians and Negroes predominating. The Italians had no wish to abandon the fig trees, the grape vines, and the flowers they had tended for years. The Negroes knew there were few good neighborhoods where they would be welcome.

So, instead of leveling the whole area, the redevelopment authority carefully selected the worst structures—about one-fifth of the total. After they were demolished, the housing authority built small clusters of two-story, low-rent dwellings, designed to harmonize with the neighborhood. The existing industries were allowed to remain, since they employed many of the residents.

Louis Sauer, an architect who could see values in old things as well as new ones, was hired by the redevelopment authority to help the residents improve their shabby properties.

"I met with 10 owners at first and asked them what they wanted," he recalls. "We discussed the front of the houses and the backyards. The rear was a mess of junk and trash on a steep upward slope. I had hoped to get rid of the fences dividing the narrow lots and have a clear sweep, but the owners didn't want that. The fences remained. If you ask people to give you a mandate, you have to accept it."

THE PEOPLE ARE STILL THERE

The Morton project isn't finished yet. Blight hasn't been eradicated. But people haven't been eradicated, either. The families who have felt comfortable in the neighborhood for many years are feeling a bit more comfortable today. If there is any better test of the value of urban renewal, the people in Philadelphia haven't heard of it.

All over the Nation today thousands upon thousands of houses are being demolished because an urban renewal agency thinks it would be better to have high-rise and high-rent apartments, or because a highway engineer wants to let more people drive downtown to hunt for parking space. Almost any proposed new use is considered more important than the ancient function of sheltering a family. And so people are evicted to make way for supermarkets and speedways. When citizens organize to assert their equality with automobiles and apartment houses, urban life will become sweeter.

Mr. Speaker, I wish to call attention at this time to the June 1964 report to the Congress by the Comptroller General of the United States regarding the inadequate relocation assistance to families displaced from certain urban renewal projects in Kansas and Missouri administered by the Fort Worth regional office of the Housing and Home Finance Agency.

The findings by the Comptroller General prove the contentions I have been making regarding relocation problems and practices encountered under the Federal urban renewal program.

The GAO report makes the following points:

First, that displaced families have been relocated into substandard housing at times with the assistance of local public agencies which have, in turn, filed erroneous reports. The GAO report states on page 4 that:

> A significant number of families who were displaced from slum clearance and urban renewal projects in St. Louis, Mo., and Kansas City, Kans., and who were taken into the LPA's workloads, relocated into substandard housing. In many instances, the families who relocated into substandard housing were actually relocated into substandard housing by the LPA's, were offered only other substandard housing by the LPA's or were not offered relocation assistance by the LPA's. Many of the families who were relocated into substandard housing were reported by the LPA's as having been relocated into standard housing. We believe that there were inadequate review and supervision of the LPA's relocation activities by the Fort Worth HHFA regional office.

Second, that relocation assistance is not provided soon enough to be of any aid to displaced families leaving the project area before the loan and grant contract is signed.

Third, that there is insufficient reliable information of relocation needs and results, which contribute to the shifting of slums, contrary to the intent of the Congress. The GAO report on pages 8 and 9 states that:

> Our review disclosed that more than 3,300 of the nearly 7,000 families that the LPA's estimated were living in the Mill Creek Valley and Kosciusko projects in St. Louis, Mo.; the Douglas School project in Columbia, Mo.; and the Gateway project in Kansas City, Kans., were omitted from the LPA's relocation workloads and that they were thus never afforded relocation assistance. Some of the families may not have accepted LPA assistance, and some of the movement from the area may have been normal turnover. The whereabouts of most of the 3,300 families is unknown, and their absence was not shown on the LPA's relocation progress reports. Probably a significant number of these families moved into substandard housing, as did a significant number of self-relocated families whose housing conditions were a matter of record.

The GAO report goes on to state:

> We believe that the URA regulations are inadequate in that they do not require the LPA's to advise families residing in areas selected for urban renewal projects of the relocation assistance that will become available to them until after the execution of a loan and grant contract. We believe also that URA should have required the LPA's to obtain more reliable information regarding relocation requirements and resources prior to the execution of a loan and grant contract. If reliable information on housing needs and resources is not obtained prior to the effective date of the contract for a loan and grant, significant relocation problems, such as a lack of available standard housing, may not be recognized in time to meet the needs of all the displaced families. Generally, by the time a contract has been executed, the residents of the area selected for the project have been aware for many months that they probably will be required to relocate. Consequently, many of these families, in anticipation of acquisition of the property by the LPA, move into other housing without having been advised of the relocation assistance that would ultimately become

> available to them. Of the self-relocated families whose housing conditions were a matter of record at the St. Louis, Mo., and Kansas City, Kans., LPA's, a significant number relocated into substandard housing. The relocation of a significant number of displaced families into substandard housing—the shifting of slums—negates much of the benefit of the project and is contrary to the clearly expressed intent of the Congress that the problems of slums and blight be attacked on a communitywide basis.

In each case the findings by the Comptroller General confirm statements I have made regarding relocation deficiencies. Rather than rely on the same administrative personnel who contributed to these relocation deficiencies in the first place I have offered specific amendments to the basic law itself. These suggestions are contained in my housing bill, H.R. 9771.

I have suggested, for instance, the physical verification of relocation housing facilities immediately prior to the start of condemnation proceedings and relocation of evictees. This follows the specific recommendation of the Connecticut Advisory Committee to the U.S. Civil Rights Commission contained in the July 1963 report. In addition, I have suggested the provision of relocation assistance at the earliest time possible in the history of a project, including relocation assistance to small businessmen. I might point out, too, that while the Federal Urban Renewal Administration has attempted by administrative regulation to correct certain deficiencies these efforts did not take place until August 1963. When the Federal Urban Renewal Commissioner, therefore, cites figures to show the success of efforts to relocate displaced families into standard housing he is using figures which are both inaccurate and incomplete. What is more to the point, he knows it.

Steps are underway to provide, by means of the Federal urban renewal program, a new home for the New York Stock Exchange in New York City, and a fourth great stadium in Philadelphia. In Washington, D.C., where the present owners want to develop the property by means of their own private enterprise, and are obviously fully capable of doing so, by any standard, steps are underway to take over by means of eminent domain powers and develop under urban renewal a 6½-acre site owned by one of the wealthiest publishing families in the Nation, the Meyer and Graham families, heirs of the late great Eugene Meyer, founder of the Washington Post-Newsweek-WTOP Broadcasting Station empire. These steps have the blessing of the Federal Urban Renewal Commissioner. What connection any of these projects have with the national housing policy, however, is hard to see.

Chet Huntley, on September 26, 1963, on the NBC television network, in discussing "The Negro in Washington," said:

> In the last 5 years 13,000 low-income Negro families have been displaced by renewal, and very few have found decent homes.
>
> Urban renewal for the Negro is really Negro removal, because in every urban renewal project in America there has been almost a total displacement of lower income Negro families. All urban renewal does is redistribute the slum, so that Negro families who were living in slum conditions once they've been cleared out, simply move to either an existing slum in another part of the city or create a new slum in a fringe area. So urban renewal, while it solves one problem, creates another problem in another section of the city.
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> It will get worse before it gets better. Many more thousands of Negro families will be displaced in the next 4 years. There is a dire shortage of low-income public housing in Washington, and the result is this:
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> Today Negro housing in Washington is five times more crowded than white. It is also more expensive. Because the white suburbs are closed, the Negro has no choice but the inner city, a polite euphemism for slum. Thus he is at the mercy of the free market. One conservative estimate is that he is overcharged about $5 million in rents a year, in neighborhoods like these. He invariably pays more for less than the white tenant.

From this very brief review of the Federal urban renewal program, it is unmistakably clear that when Mrs. Robert H. Jacobs, Jr., told those present at the fifth Women Doers luncheon that urban renewal programs which shunt poor people and Negroes out of their accustomed neighborhoods are a "cause for worry," she was on solid ground.

Upon checking with the White House this morning I was advised that Mrs. Jacobs spoke without notes or a prepared text. I am, therefore, including as part of my remarks the Washington (D.C.) Post article to which I have previously referred, and the condensation of her book, "The Death and Life of Great American Cities," published in the April 1964 issue of the Reader's Digest:

[From the Washington (D.C.) Post, June 17, 1964]

WALL-TO-WALL CONCRETE IS LUNCHEON TOPIC

(By Dorothy McCardle)

Mrs. Lyndon B. Johnson turned her attention from rural problems to the plight of fast-growing American cities yesterday.

"We are a nation that has moved to town," she told the 16 women she had invited to her fifth monthly Women Doers luncheon at the White House.

She asked a leading woman authority on America's "asphalt jungles" to speak to the women.

President Johnson dropped by to shake hands with each of his wife's guests and give a special greeting to the luncheon speaker, Mrs. Robert H. Jacobs, Jr., of New York. Mrs. Jacobs is an authority on the "wall-to-wall concrete" of the average American city. As an architectural writer, Mrs. Jacobs is the author of "The Death and Life of Great American Cities."

Mrs. Jacobs, who met the President and Mrs. Johnson for the first time, had arrived during noontime Washington traffic.

Mrs. Johnson marked this in her introduction and cited a statement of the threat of modern city life given "by an early occupant of this house." She referred to Thomas Jefferson who had warned his compatriots of corruption "when we pile up in enormous cities."

"How to keep size from smothering the individual into an impersonal and uncomfortable mold in the masses of our cities?" asked Mrs. Johnson. "This is the question which writers, planners, and citizens must answer."

Mrs. Jacobs, as such a writer, planner, and citizen, did not have the answer. But she had some pertinent comments which drew forth fascinating discussion later among the guests.

She said the urban renewal programs which shunt poor people and Negroes out of their accustomed neighborhoods "are cause for worry."

"I think we have a lot to be worried about now," said Mrs. Jacobs. "We talk more and more of city amenities, and we produce less and less."

She said that too many cities handle their budgets poorly. They have plenty for new projects and yet no money for repair and maintenance of the gracious aspects of what they have.

She wants greater status for the man who works with his hands to preserve a city's beauty. The gardener and the laborer are worthy of their hire and of greater respect, she believes.

Mrs. Johnson took up this salute to manual labor by telling a story of the President's teenage years. After high school, he worked for a dollar a day (good wages then) with highway maintenance machinery.

"His mother, who was a college graduate, never said a word to downgrade his work with his hands," said Mrs. Johnson.

"She felt it a manly thing to do."

"We are not going to be saved by these manual workers," Mrs. Jacobs said, and added, "But we have got to design things that are worthy of the tender, loving care of the unskilled worker."

Guests lunched on cream of mushroom soup, avocado stuffed with crabmeat, fresh asparagus, and strawberry mousse.

THE RIGHT WAY TO SAVE OUR CITIES

(By Jane Jacobs)

"I live in a lovely, quiet residential area," says a New York friend who is looking for a new apartment. "The only disturbing sound at night is the occasional scream of someone being mugged."

She lives in one of New York City's vast middle-income housing developments, once hailed as a triumph of enlightened city planning. In practice, the development's carefully contrived (and much admired) isolation from normal city commerce has proved an irresistible lure to criminals and juvenile delinquents.

A slum clearance project in New York's East Harlem has as its principal feature several conspicuous blocks of lawn. That lawn has become an object of hatred to the tenants. "What good is it?" they ask bitterly.

"Nobody cared what we wanted when they built this place," one tenant has summed up the discontent. "They threw our homes down and pushed us here and pushed our friends somewhere else. We don't have a place around here to get a cup of coffee or a newspaper. Nobody cares what we need. But the big men come and look at that grass and say, 'Isn't it wonderful? Now the poor have everything.'"

The failure of these ambitious projects, one in middle income, the other in low-income housing, is partially due to our sentimental faith in the healing power of grass. Once people begin looking at nature as if it were a nice big St. Bernard dog for the children, what could be more logical than the desire to bring it into the city, too? But the shortcomings of grass as a cure-all for the city's malignancies are but one aspect of the problem.

There is a wistful myth that if only we had enough money to spend—the figure is usually put at $100 billion—we could wipe out all our slums in 10 years, reverse urban decay, anchor the wandering middle class, and perhaps even solve the traffic problem. But almost every experiment in this field thus far—and every major American city has made at least one expensive try at urban renewal—has been disappointing, and most have been flat failures.

This is because city planners have not observed how cities actually work. Instead they have been guided by theories of how they ought to work. The planners are sincere, studious, and idealistic, but all their theories are based on a foundation of nonsense.

Consider, for example, the orthodox planning reaction to the North End district in Boston. An old, low-rent area merging into the waterfront industry, the North End has been termed "Boston's worst slums." Its working places and commerce are mingled right in with its residences. It has the highest dwelling unit concentration in Boston, and one of the highest in America. It has little parkland. Children play in the streets. Its buildings are old and its blocks very small; in planning parlance it is badly cut up with wasteful streets. Everything is presumably wrong with the North End, and it is such a textbook case of urban depravity that one recurring assignment for MIT and Harvard planning and architectural students is to transform it on paper to an ideal of order and gentility.

In 1939 when I first saw the North End, its buildings were all badly overcrowded by the flood of immigrants from Europe. Tenements had been built to house them, townhouses converted to flats, and the whole district was desperately poor.

When I saw it again in 1959, I was amazed at the change. Scores of buildings had been rehabilitated, and now had only one or two families in them. I looked down a narrow alley which had once been squalid—only to find neatly pointed brickwork on the tenements. The sides of buildings around parking lots were not left raw and amputated, but were freshly painted. Mingled among the houses were foodstores, carpentry, and upholstery shops. The streets were alive with children playing, people shopping, strolling, talking.

The general street atmosphere of buoyancy, friendliness, and good spirits was so infectious that it struck me as the healthiest place in the city. I called a Boston planner friend of mine to find out where the money had come from for rehabilitation.

"Money? Why, no money or work has gone into the North End. Nothing's going on down there yet. That's the worst slum in the city" he said.

"It doesn't look like a slum to me," I said. "Have you any figures on it?"

"Yes, the funny thing is that it has among the lowest delinquency, disease, and infant mortality rates in Boston, and one of the lowest ratios of rent to income. The death rate is low—particularly the TB death rate. Of course it's a terrible slum, though."

"You ought to have more slums like this," I said.

"I know how you feel. I often go down there myself just to walk around and feel that wonderful, cheerful life. But of course we have to rebuild it eventually. We've got to get those people off the streets."

Here was a curious thing. My friend's instincts told him the North End was a good place, and his social statistics confirmed it. But everything he had learned as an expert city planner told him that it had to be a bad place.

THE UTOPIAN PLANNERS

How did such myopic planning concepts ever get started?

In 1898 an English court reporter named Ebenezer Howard, who made planning an avocation, proposed to abolish London's noxious slums by moving the city poor into small garden cities where they might again live close to nature. These towns, held to a maximum of 30,000 population, were to be paternalistic and self-sufficient, with industry, housing, schools, greens, commerce, and culture all in planned preserves and with the whole encircled by a green belt of agriculture. Like model American company towns, they would be very nice places if you were docile and had no plans of your own. As in all utopias the right to have plans belonged to those in charge.

Although the green-belt towns were conceived as an alternative to the city, and made no sense in terms of city planning, virtually all modern city planning has been adapted from Howard's ideas. Planners assume, for example, that: The street is a bad environment for humans, so houses should be faced inward, toward sheltered greens. Frequent streets are wasteful, of advantage only to real estate speculators, who measure value by the front foot. Commerce should be segregated from residences and greens. A neighborhood's demand for goods should be calculated "scientifically," and this much and no more commercial space allotted. The presence of many other people is at best a necessary evil, and good city planning must aim for at least the illusion of isolation and suburban privacy. The planned community must be islanded off as a self-contained unit and must resist change.

From beginning to end these concepts are irrelevant to the workings of cities. Indeed the science of city planning today is at about the same stage of development as was medical science when physicians put their faith in bloodletting.

EYES ON THE STREET

Reformers deplore the sight of people loitering on busy corners, sitting on stoops, or hanging around candy stores and bars. "If these people had decent homes," they say, "or a more private, grassy outdoor place, they wouldn't be on the streets."

This judgment represents a profound misunderstanding of streets and sidewalks, the most vital organs of any city. And it is an error which goes to the heart of one of the greatest problems cities face: the crime and barbarism which have taken over so many streets. What the planners have not realized is that street and sidewalk safety is not kept primarily by the police, but by the people themselves.

One day, as I was looking out of my second-floor window, my attention was attracted by a man and a little 8- or 9-year-old girl. The man, by turns cajoling, then nonchalant, seemed to be trying to get her to go with him. The girl made herself rigid against the building.

I was about to intervene, when suddenly a woman emerged from a nearby butcher shop. She stood within earshot of the man, her arms folded and a look of determination on her face. Next, a delicatessen owner arrived and stood solidly on his other side. Several heads poked out of the tenement windows, and on my side of the street I saw that the locksmith, the fruitman, and the laundry proprietor were also watching. The man was surrounded. Nobody was going to let that little girl be dragged off, even though no one knew who she was.[1]

Those watchful citizens are among the thousands upon thousands of people in every great city who casually defend the streets. Collectively, they observe everything that is going on. If they need to take action—whether to give directions, or to call an ambulance or the police—they do so.

Why are some streets well used and free from crime, while others remain deserted and a public menace? What really makes a street safe?

First, there must be eyes on the street, eyes that belong to the natural proprietors of the street, such as storekeepers, apartment dwellers, errand runners—and loiterers. Second, eyes must watch the street as continuously as possible.

Equally important, the street itself must be interesting enough to attract people. No one will sit on a stoop, or look out a window at a dull, empty street. But large numbers of people do entertain themselves by watching street activity. The basic requisite for such surveillance is a substantial number of stores, bars, restaurants, and other public places sprinkled along the sidewalks, including some that are used during the evening and night.

Most city planners will have none of this. They operate on the premise that city people seek emptiness, obvious order and quiet. They seem to feel that large numbers of people are undesirable and that the safety of a city lies in treating it like a suburb, and spreading people out more thinly.

If this were true, Los Angeles would be one of our safest cities, because superficially it is almost all suburban. Yet Los Angeles' crime rate remains high. In forcible rape and aggravated assault, the crimes which make people fear streets the most, its rates are among the highest in the Nation.

On the other hand, the busy streets of my neighborhood in Greenwich Village—once condemned as a blight area and saved from slum clearance only by public protest—have one of the lowest crime rates in New York.

Similarly, the teeming streets of Boston's North End—"the worst slum in the city"—are astonishingly safe. "In 32 years," the settlement-house director there told me, "I have never heard of a single case of rape, mugging or child molesting in the district." A half-dozen times or so, suspected molesters have tried to make an attack, but in every instance they have been thwarted by passers-by, kibitzers from windows or shopkeepers.

I have seen a striking difference between presence and absence of casual public surveillance on two sides of the same wide street in East Harlem, inhabited by residents of roughly the same incomes and races. On the old city side, full of public places and the sidewalk loitering so deplored by Utopians, the children were being kept well in hand. On the project side of the street across the way, the children, who had a fire hydrant open beside their play area, were behaving destructively, drenching the open windows of houses with water, squirting it on adults who walked on the project side of the street, throwing it into the windows of cars as they went by. Nobody dared to stop them. These were anonymous children. What if you scolded them? Who would back you up over there in the blind-eyed turf? Better to keep out of it.

CUSTOM-BUILT FOR CRIME

To custom-build city districts for crime is idiotic, yet that is what many planners do. Vast redevelopment areas are designed with no thought of the need for eyes on the street. Huge housing projects are advertised as "islands within the city." Cut off from the normal street life of the city around them, they provide their own grounds where sidewalk law and order are left to the police or special guards.

These places are jungles, ideally suited to beatings, holdups, vandalism and the like. The police precinct captain of one such project (nationally admired by city planners) has recently warned residents not to remain outdoors after dark, and never to answer their doorbells without knowing the caller. Other projects have reverted to the status of beleaguered stockades. They are surrounded by steel fences or patrolled with police dogs.

But nothing can enforce civilization where the normal casual supervision of citizens has been upset. And it is futile for planners to try to evade the issue of unsafe city streets by putting up fences or creating sheltered interior courtyards and walks.

One December day some years ago, the tenants of Washington Houses, a public-housing project in New York, put up three Christmas trees. The largest tree, so cumbersome that it was a problem to erect and trim, went into the project's "inner" street, a landscaped central mall and promenade. The other two trees, much smaller and easy to carry, were put on small fringe plots where the project abuts a busy corner and a lively cross street.

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[1] I am happy to report that on this occasion the girl turned out to be the man's daughter.

On the first night, the large tree was stolen. The two smaller trees, open to public surveillance, remained intact until they were taken down at New Year's. "The mall where the tree was stolen," says a social worker, "is theoretically the most safe and sheltered place in the project. But it is the same place that has proved to be unsafe for the people, too."

In their desire to "get people off the streets," and to mold cities into separate, neatly functional areas, city planners tend to dismiss sidewalk activity as chaotic and disorderly. They have failed to grasp the feeling of trust, and the intricate—almost unconscious—network of voluntary standards by which stoop sitters, shopkeepers, housewives, and strollers join in keeping the public peace of a street.

This trust, so essential to the safety of a city, is formed from hundreds of little sidewalk contacts. It grows out of people stopping by a bar for a beer, getting advice from the grocer, and giving advice to the newsstand man. It comes from comparing opinions at the bakery, nodding hello to a boy drinking pop on a stoop, hearing about a job from the hardware man, admiring new babies, or sympathizing over the way a coat has faded.

Most of this activity is utterly trivial. But the sum total is a constant succession of eyes on the street and an enormous sense of public respect and trust. Lowly, unpurposeful and random as sidewalk life may appear to the planners, it is the small change from which the wealth of a city's public life may grow.

"FOOLING AROUND" ON SIDEWALKS

Orthodox planning is much imbued with puritanical and utopian conceptions of how people should spend their free time. Among these moralisms is a belief that children do not belong on streets or sidewalks. Planning officials bewail the rise of delinquent "street gangs," and warn of "deprived" children who fall prey to the sinister environment of "the gutter." To stop this corruption, they call for parks and playgrounds where children can have swings to play on, space in which to run, and grass to lift their souls.

This strange fantasy persists despite overwhelming evidence that street gangs do their street fighting predominantly in parks and playgrounds. In 1959, when the New York Times summed up the city's worst adolescent gang outbreaks of the past decade, every one was designated as having occurred in a park. Moreover, with increasing frequency children engaged in such horrors turn out to be from superblock projects.

The reason, of course, is simple: without streets, there can be no eyes on the streets. When children are transferred from sidewalks to the average park or playground, they have been moved from under the eyes of a large number of adults to a place where supervision is almost negligible.

I saw a striking example of this when I paid a visit to a Manhattan playground in which, a few days before, two 16-year-old youths had been murdered. In the playground three small boys were setting a fire under a wooden bench; another was having his head beaten against the concrete. The sole custodian was absorbed in slowly hauling down the American flag.

On my walk home, the nearby streets presented a startling contrast. Hundreds of children under the eyes of innumerable adults were engaged in a vast variety of sidewalk games and whooping pursuits. There was no sign of arson, mayhem, or brandishing of weapons.

The fascination of street life for city children has long been noted by recreation experts, usually with disapproval. In 1928, the Regional Plan Association of New York, in a report that remains the most exhaustive American study of big-city recreation, admitted: "It must be a well-administered playground to compete with the city streets, teeming with life and adventure." The same report goes on to deplore the stubborn tendency of children to fool around instead of playing recognized games.

This yearning for the organization child is unrealistic and impractical. Whether planners like it or not, city children need a place where they can fool around—a place quite apart from formal recreation areas for planned sports or special activities—because a great part of their play occurs in bits and snatches. It happens during small intervals after lunch, or after school, while they are waiting for supper, between homework and bedtime.

Sidewalks serve as a splendid setting during these odd moments and hours, and children rightfully consider them a natural place for scores of incidental, everyday amusements. They slop in puddles, play tag and hopscotch, write with chalk, jump rope, roller skate, shoot marbles, trade cards, walk stilts, and decorate soapbox scooters. These things are not done formally or by plan. Part of their charm is the accompanying sense of adventure and freedom to roam up and down the sidewalks—a far different matter from being boxed into a planner's preserve.

"I know Greenwich Village like my hand," brags my son as he shows me to a "secret hiding place" he has found in a niche between two buildings. Here he caches the treasures he finds in trash cans on his way to school.

As children get older, this incidental play entails more loitering with others, sizing up people and life, flirting, pushing, shoving, and horseplay. Adolescents are always being criticized for this kind of loitering, but they can hardly grow up without it. The trouble comes when it is done not within society, but as a form of outlaw life.

Planners who continually clamor for more parks and playgrounds do not seem to understand that grass, space, and equipment do not rear children. Only people can rear children and assimilate them into civilized society.

When Mr. Lacey, the locksmith, bawls out my son for almost running into the path of a car, and then later reports the transgression when my husband passes the locksmith shop, my son gets more than a lesson in safety and obedience. He also learns that Mr. Lacey feels responsible for him to a degree. This lesson of casual trust—the first fundamental of successful city life—cannot be taught by hired park attendants, because the essence of this responsibility is that one does it without being hired. It is a lesson children learn only from the experience of having people without ties of kinship or close friendship with them take a modicum of public responsibility for them. Such instruction must come from society itself, and in cities it comes almost entirely during the time children play on sidewalks.

It is sheer folly to build cities in a way that makes it necessary to hire park guards as substitutes for normal, casual presence of adults on lively sidewalks. The myth that city streets are innately evil, and must be done away with insofar as possible, is the most mischievous and destructive idea in orthodox city planning today. That it is so often held in the name of vaporous fantasies about child care is as bitter as irony can get.

GHOST PARKS

If you take a boat trip around Manhattan, you are apt to get the impression that New York is a city composed largely of parkland—almost all of it deserted. You will notice the same emptiness if you go to Baltimore's beautiful Federal Hill, or the two finest parks in Cincinnati, or to the many lifeless, decaying ghost parks one finds in almost every great American city.

In orthodox city planning, neighborhood open spaces are venerated as a self-evident virtue. But people do not use city open space just because it is there and because city designers wish they would. For every successful and much-used park such as Boston Common in Boston and Rockefeller Plaza in New York, there are scores of dispirited city vacuums called parks which are little used and often dangerous.

Parks are often described as "the lungs of a city," and most park planning is conceived in terms of grass and open space. This is pure nonsense. Air—not parks—keeps cities from suffocating, and no more air is let into a city by an acre of greenery than by an acre of streets.

Another misleading myth about parks is that they are "community anchors" which automatically stabilize real estate values. Parks are not automatically anything, and least of all are they dependable stabilizers of neighborhood values. One has only to look at the decay which surrounds so many parklike projects to see this.

In certain respects, every city park is a case unto itself, but the successful neighborhood parks—the common, bread-and-butter variety, designed for use as local public yards—are those which attract intensive mixed uses from a wide variety of people. Hence the fate of virtually all neighborhood parks depends on whether or not they are placed at a point where active, different currents of life come to a focus.

Two parks in Philadelphia, designed by William Penn some 280 years ago, offer a sharp contrast that illustrates this point. Once the same size, and as nearly alike in location as possible, they have had wildly different fates.

One is Washington Square, in an area which was once in the downtown heart of the city, but is now a massive center for insurance, publishing and advertising companies. Rimmed mainly by huge office buildings, the park long had but one reservoir of users: office workers who visited it during lunchtime on fine days. At all other times it was almost deserted. Into this vacuum came what usually fills city vacuums—a form of blight. Washington Square became a notorious pervert park. And although it was finally torn up and redesigned, in an effort to salvage it, the place gets only brief and desultory use today.

But another of Penn's parks, Rittenhouse Square, is one of Philadelphia's greatest assets. Its success is linked directly to its immediate surroundings. The buildings along it edges include an art club, a music school, an old apothecary shop, a church, a school and a library. Along the nearby streets is an abundance of shops, offices, and apartments.

This mixture of buildings presents Rittenhouse Square with a variety of people who use the park at different times. The sequence starts with a few early strollers, followed by people on the way to work. It continues through the morning with the arrival of mothers, babies, and shoppers. During lunch hour the population grows, and in the afternoon schoolchildren add themselves in. Toward evening, young couples appear, some on dates, some on their way to restaurants, and many who seem to come just to enjoy the nice combination of liveliness and leisure.

In short, Rittenhouse Square is where life swirls—where there is as much as possible of everything different a city can offer. And, like every successful neighborhood park, it helps to knit together the vital and varied community around it.

In their obsession with grass, the planners sometimes seem to be antilife. In the center of New York's Washington Square Park stands a basin which once possessed an ornamental iron center with a fountain. What remains is the sunken concrete circular basin, dry most of the year, bordered with four steps ascending to a stone coping that forms an outer rim a few feet above ground level. In effect, this is a circular arena, a theater in the round, and that is how it is used, with complete confusion as to who are spectators and who are the show. Everybody is both, although some are more so: guitar players, singers, crowds of darting children, impromptu dancers, sunbathers, conversers, showoffs, photographers, and mixed in with them all a bewildering sprinkling of absorbed readers who have ignored the quiet and half-deserted benches to the east.

Yet, despite the spontaneous delight this accidental stage setting affords, city officials have regularly concocted schemes by which this part of the park would be sown to grass and, in the planners' invariable phrase, "restored to park use."

It is this kind of blindness, this antipeople worship of grass and open space which has made ghosts of so many of our parks and kept them from giving to city life the grace and delight they should.

THE NEED FOR DIVERSITY

The planners love to sort out various phases of city life and neatly segregate them—here an ambitious and aseptically decontaminated cultural center, there a separate commercial district, and so on. This has the appeal of simplicity, but the essential vitality of cities lies in their complexity, in their wide diversity of uses and ingredients. So the first and most important question about planning cities is this: How can they generate enough mixed uses—enough diversity—throughout enough of their territories, to insure public safety and sustain their own civilization?

Cities are places of fantastic vitality, but they do not automatically generate diversity just by existing. They can also produce vast stretches of lifeless gray areas. However, the conditions that generate city diversity are quite easy to discover by observing places in which diversity flourishes.

To generate exuberant diversity in a city's streets and districts, four conditions are indispensable:

1. The district must serve more than one primary function, preferably more than two. These must insure the presence of people who go outdoors on different schedules and are in the place for different purposes, but who are able to use many facilities in common.

2. Most blocks must be short; that is, streets and opportunities to turn corners must be frequent.

3. The district must mingle buildings that vary in age and condition, including a good proportion of old ones, so that they vary in the economic yield they must produce. This mingling must be fairly close grained.

4. There must be a sufficiently dense concentration of people.

The necessity for these four conditions is the most important point I have to make.

For a humble example of the economic effects of diversity, and of having the streets used at all hours, consider my neighborhood, Hudson Street. The continuity of movement there (which gives the streets its safety) depends on an economic foundation of basic mixed uses. Activity starts early in the morning. Joe Cornacchia's son-in-law stacks out the empty craces from the delicatessen. Mr. Goldstein arranges the coils of wire which proclaim that the hardware store is open. Droves of junior high school students walk by, dropping candy wrappers. Women in housedresses emerge, and as they crisscross with one another they pause for quick conversations. The workers from the laboratories, meatpacking plants, warehouses, and from a bewildering variety of small factories, printing houses and other little industries and offices give all the eating places and much of the other commerce support at midday.

Because of their patronage, we residents on the street possess better restaurants, more convenience, liveliness, variety, and choice than we could support alone. The people who work in the neighborhood also possess, on account of us residents, more variety than they could sustain in their own right. We support these things together by unconsciously cooperating economically, and workers and residents together are able to produce more than the sum of our two parts.

By contrast let us look at the downtown tip of Manhattan, a district which serves only one primary function as a business center and which also suffers from extreme time unbalance among its users. Some 400,000 persons are employed here, in the Wall Street area, by various shipping companies, city, Federal and State offices, and in a number of law, insurance and other work complexes. And during working hours many additional people visit the district on business.

This is an immense number of users for a territory so compact that any part of it is accessible on foot, and there is a tremendous daily demand for meals and other goods. Yet the district is miserable at providing such services. The eating places and clothing shops are pitifully inadequate in number and variety. The district used to have one of the best hardware stores in New York, but a few years ago it could no longer make ends meet. It had one of the finest, longest established food specialty stores in the city; this, too, has recently closed down. It once had a few movies, but they became sleeping places for the leisured indigent and eventually disappeared. The district's cultural opportunities are nil. The one thriving retail area with shop after shop selling hi-fi equipment is now threatened with demolition for two more huge office towers.

The business done by consumers' enterprises here must be mainly crammed into some 2 or 3 hours a day. This degree of underuse means inefficiency for any plant. Restaurants cover their overhead and make a profit only by exploiting the mid-day mob operation to the hilt. Other retail services manage to survive by keeping their overhead abnormally low.

The area's dwindling services have made it unattractive to business, and firm after firm has left for mixed-use midtown Manhattan (which has become the city's main downtown). These losses, in turn, have badly undermined the district's once supreme convenience for face-to-face business contacts, so that now law firms and banks are moving out to be closer to clients who have already moved.

THE NEED FOR OLD BUILDINGS

The advantages of short blocks are obvious. They promote fluidity, and by making corners and streets accessible to many people provide economically viable spots for buying, eating, seeing things, getting a drink. Conversely, long blocks, which literally block people off from one another, drastically curtail economic life. They thwart experimentation, and make it impossible for many small enterprises, which depend on the passing public, to exist.

It is instructive to watch where the overflow of diversity and popularity from Greenwich Village has spilled and where it has halted. Rents have steadily gone up in Greenwich Village, and for 25 years people have been predicting a renascence of the once fashionable Chelsea district, directly to the north. This prediction seems logical because of Chelsea's location, and because its mixtures and types of buildings are almost identical with those of Greenwich Village.

But the renascence has never happened. Instead, Chelsea languishes behind its barriers of long, self-isolating blocks, decaying in most of them faster than it is being rehabilitated in others. Today it is being extensively slum cleared, and in the process endowed with even bigger and more monotonous blocks. (The pseudoscience of planning seems almost neurotic in its determination to imitate empiric failure and ignore empiric success.)

Meanwhile, Greenwich Village has extended itself and its diversity and popularity far to the east, working outward through a little neck between industrial concentrations, following unerringly the direction of short blocks and fluid street use—even though the buildings in that direction are not so attractive or suitable as those in Chelsea. This movement in one direction and halt in another is neither capricious nor mysterious. It is a down-to-earth response to what works well economically for city diversity and what does not.

Another indispensable condition for urban vitality is the presence of low-value old buildings, including some that are rundown. Cities need old buildings so badly it is probably impossible for vigorous streets and districts to grow without them.

In an area that has only new buildings, the enterprises that can exist are automatically limited to those that can support the high cost of new construction. Supermarkets, banks, shoestores, and chain restaurants can pay the relatively high overhead costs which must obtain in new buildings. But bookstores, antique shops, neighborhood bars, and foreign restaurants seldom can. The feeders of the arts—studios, galleries, stores for musical instruments and art supplies—nearly always go into old buildings. Hundreds of enterprises which contribute to the intricate fabric of civilization, and whose existence helps to make the streets safe, can make out successfully in old buildings but are inexorably slain by the high overhead in new ones.

A successful city district becomes a kind of ever-normal granary so far as construction is concerned. Some of the old buildings, year-by-year, are rehabilitated or replaced by new ones. Over the years there is, therefore, constantly a mixture of buildings of many ages and types. In this dynamic process, the high building costs of one generation are the bargains of the next, and the incubators of new business ventures.

The many old dwellings and warehouses in Brooklyn, N.Y., for example, have led to a strange and most revealing business statistic. Each year more manufacturing enterprises leave Brooklyn than move into it from elsewhere; yet the number of factories there has been growing steadily. A thesis prepared at Brooklyn's Pratt Institute explains this paradox:

"The secret is that Brooklyn is an incubator of industry. A couple of machinists will get tired of working for someone else and start out for themselves in the back of a garage. They'll prosper and grow; soon they will move to a rented loft; still later they buy a building. When they outgrow that, there is a good chance they will move out. But in the meantime, 50 or 100 more like them will have started up."

UNDERWRITING DECAY

Ironically, the planner's well-meant efforts to prevent or abolish slums often speed up the process of decay, or actually create planned slums. The classic remedy of abolishing slums outright and replacing them with projects invariably fails. At best it merely shifts slums from here to there, adding its own tincture of hardship and disruption.

"In an effort to solve one social ill [a report in the New York Times states] the community in too many instances has succeeded in intensifying other evils and creating new ones. Admission to low-rent projects is controlled by income levels. The able, rising families are constantly driven out. At the intake end, the economic and social levels tend to drop lower and lower. A human catch pool is formed that breeds social ills and requires endless outside assistance."

An area composed of nothing but poor and defeated people is virtually doomed to perpetual decay. Incredibly, we are reaching a stage where some projects themselves are in need of slum clearance. Buffalo, N.Y., for instance, has a low-income project named Dante Place, which was completed with State funds in 1954. It became such a festering sore that, in the words of the city's housing director, it "represented an obstacle to the development of adjacent land."

What was the planners' solution? Most of the inhabitants of Dante Place were moved into another project which had been built in another part of Buffalo. Dante Place was then converted into a middle-income cooperative project. This process of correcting mistakes by duplicating them was hailed by New York State's Housing Commissioner as progress that "may well set a pattern for other housing authorities."

The mere idea that an area is a slum and must eventually be cleared out will hasten decay. Banks, savings and loan associations and insurance companies, having judged there is no future for the existing community, blacklist the whole area. When lending institutions make such judgments, most of them are accurate, because they are self-fulfilling. For, unless a neighborhood possesses extraordinary vitality and resources, a drought of credit inexorably enforces deterioration. A neighborhood that is cut off from normal credit sources almost invariably falls victim of exploitative investment. Usurers will charge owners from 20 to 80 percent interest and fees on loans, or speculators will simply buy up decaying buildings and subdivide the rooms, thereby reaping high profits until the area is cleared.

Such financial blacklisting is quite impersonal. It operates not against residents or businessmen as persons, but against their neighborhoods. For example, a merchant I know in East Harlem, unable to get a $15,000 loan for expanding and modernizing his successful business there, had no difficulty raising $30,000 to build a house on Long Island.

After East Harlem was blacklisted by the banks in the early 1940's, it was as if it had been decreed a backward, deprived country, financially apart from our normal life. Even the branch banks were closed down for 20 years throughout an area of more than 100,000 people and thousands of businesses; merchants had to go out of the district simply to deposit their day's receipts.

Eventually, massive doses of foreign aid, i.e., Government funds administered by absentee experts and planners, poured into the area—some $300 million worth of it. The more that poured in, the worse became the trouble and turmoils of East Harlem. More than 1,500 businesses which had the misfortune to occupy sites marked for demolition were wiped away, and an estimated four-fifths of their proprietors ruined. Virtually all the enterprising and successful members of the population who had hung on in the district were rooted out.

Most of the business community is sacrificed in slum clearance. The proprietor of a condemned business gets nothing for the loss of his business or goodwill. A report in 1960 to the mayor of New York mentions this illustrative case:

"A druggist purchased a drugstore for more than $40,000. A few years later the building in which his store was located was taken in condemnation. He eventually received an award of $3,000 for fixtures and that sum had to be paid over to the chattel mortgagee. Thus his total investment was completely wiped out."

The planners justify redevelopment fiscally on the ground that the public investment will be returned over a reasonable period in the form of increased taxes. But the public investment does not include the cost of the kind of involuntary subsidy described above. If businessmen were fairly recompensed for their losses, the enlarged public costs would bear no conceivable relationship to anticipated tax returns.

Both renewal and public-housing projects, with their wholesale destruction, are inherently wasteful ways of rebuilding cities, and in comparison with their full costs make pathetic contributions to city values. Clearly, project building as a form of city transformation makes no more sense financially than it does socially.

THE HIDDEN POWER IN OUR SLUMS

City officials, beset by the problems of concentrated poverty in the slums, often speak hopefully about bringing back the middle class. To be sure, our cities are losing their middle-class populations to the suburbs. But we do not need to bring them back. Cities can grow their own middle class—and grow it in slums. This has happened time after time, and it is the one sure way to eliminate the scourge of our slums.

When I visited Boston's North End recently—the district which has been called the city's worst slum—a young butcher took me to the door of his shop and pointed down the street at a tidy, three-story row house.

"The man who lives there just spent $20,000 fixing up that house," he said. "He could live anywhere. He could move to a high-class suburb. But he wants to stay here."

That butcher was describing a phenomenon which is perhaps the most crucial and unrecognized power inherent in American cities today—the power of a former slum to unslum itself and become a thriving, vital community. This hidden force has transformed slums which were once the most vicious in our country, including the North End, parts of Greenwich Village in New York, the Back of the Yards in Chicago, and the North Beach-Telegraph Hill district in San Francisco.

What is unslumming and how does it operate? The processes that occur in unslumming depend on the fact that a metropolitan economy, if it is working well, is constantly transforming many poor people into middle-class people, many illiterates into skilled (or even educated) people, many greenhorns into competent citizens.

Paradoxically, unslumming depends upon the retention of a considerable part of the slum's population—especially the more successful residents and businessmen, but including those who achieve very modest gains. Many such must choose to remain because they are attached to the people and the neighborhood. That is exactly contrary to the approach most planners take when they advocate slum clearance, and it explains why unslumming is so often unnoticed.

The foundation for unslumming is sidewalk safety. Slums where streets are empty and frightening simply do not spontaneously unslum. Here is where planners may be of value—not by bulldozing and project building, but by encouraging more helpful conditions, such as shorter blocks and a better network of streets and sidewalks.

Unfortunately, such help is seldom offered, but nevertheless many slums manage to overcome their dangerous beginnings and develop teeming, bustling populations. It is at this point that the first signs of unslumming often appear. To the bafflement of planners, people begin to profess an intense liking for their street neighborhood, and even talk of their slum as a valuable and irreplaceable district in spite of its shortcomings. When enough people begin to feel this way, and the neighborhood is given enough time to develop, it gradually gains competence and strength as a community. With more time this stability deepens; out of it grows leadership and the will to contend with serious problems.

The North End of Boston represents escape by miracle.

From the great depression until the war, the largest conventional mortgage loans made in this district were for $3,000, and these were rare. Then the North End was blacklisted entirely by the lending institutions. This cut it off from normal American building, expansion, or rehabilitation credit as effectively as if it were a community in Tasmania. The most affluent suburb could hardly have held up over this 30-year period under such terms. Material improvement would be miraculous.

Owing to a peculiarly fortunate circumstance, the North End did manage such a miracle. Among its residents and businessmen and their relatives and friends, many are in the building trades: masons, electricians, carpenters, contractors. These people have contributed their services in some cases and bartered them in others to modernize and rehabilitate North End buildings. Costs have been mainly costs of materials, and it has been possible to finance these pay-as-you-go, out of savings. In short, the North End reverted to primitive methods of barter that worked before there were banking systems.

These methods, however, cannot be stretched to cover the financing of the new construction which should be introduced into the North End, as into any living city neighborhood, gradually. As things stand, the North End can get new construction only by submitting to a cataclysm of Government renewal and redevelopment—a cataclysm which would destroy its complexity, disperse its people and wipe out its businessmen. It would also cost an immense sum in comparison with the North End's needs for money to finance steady, continual improvement and replacement of what wears out.

Can Negro ghettos unslum? The process of improvement in Negro areas is basically the same, except that they suffer even more from blacklisting and discrimination. Only while these two evils are being overcome can unslumming proceed.

MEETING THE BLACKLIST HEAD ON

The "back of the yards" in Chicago survived and improved after its death warrant had seemingly been sealed; it did so with a different kind of extraordinary resource. So far as I know, it is the only city district which has met the common problem of credit blacklisting head on and overcome it by direct means. To understand how it was able to do so, one must understand a little of the history of this district.

The "back of the yards" used to be a notorious slum. When the great muckraker and crusader, Upton Sinclair, wanted to describe the dregs of city life and human exploitation in his book, "The Jungle," it was the "back of the yards" and its associated stockyards he chose to portray. People from there who sought jobs outside the district gave false addresses, as late as the 1930's, to avoid the discrimination that then attached to residence there. Physically, as recently as 1953, the district, a hodgepodge of weatherbeaten buildings, was a classic example of the sort of locality which it is conventionally believed must be bulldozed away entirely.

In the thirties the breadwinners of the district worked principally in the stockyards, and during that decade the district and its people became deeply involved in unionizing the packing plants. Building upon the new militancy, and resolving to seize the opportunity it offered for submerging old nationality antagonisms that had previously torn the district asunder, a number of very able men started an experiment in local organization. Called the Back of the Yards Council, the organization adopted the brave slogan, "We, the people, will work out our own destiny."

The council has come to operate much as a government does. It possesses a more inclusive and formal organization than the usual citizens' association, and much greater power, both for carrying out public services of its own and for exerting its will on the municipal government. Policies are set by a kind of legislature of elected representatives from 185 smaller organizations and street neighborhoods. The district's power to get from city hall, the municipal services, facilities, regulations, and exceptions to regulations it needs, is regarded with considerable awe throughout Chicago. In short, the Back of the Yards is no portion of the body politic to take on lightly or unthinkingly in a fight.

In the interval between the formation of the council and the early fifties, the people of the district and their children made other kinds of advancement. Many graduated into skilled industrial, white-collar or professional jobs. The "inevitable" next move at this stage should have been a mass emigration to income-sorting suburbs, with a new wave of people possessing little choice sweeping into the abandoned district.

Like people generally in unslumming city neighborhoods, however, the people of this district wanted to stay. They had already been uncrowding and unslumming within their neighborhoods. The existing institutions, especially the churches, wanted them to stay. At the same time, however, thousands of them also wanted to improve their dwellings beyond the uncrowding and the small amount of refurbishing or refurnishing already accomplished. They were no longer slum dwellers, and they did not wish to live as if they were.

The two desires—to stay and to improve—were incompatible because nobody could get a loan for an improvement. Like the North End, the Back of the Yards was blacklisted for mortgage credit.

But in this case an organization capable of dealing with the problem existed. A survey by the council showed that businesses, residents, and institutions within the district had deposits in some 30 of the neighborhood's savings and loan associations and savings banks. Within the district, it was agreed that these depositors—institutions and businesses as well as individuals—would be prepared to withdraw their deposits if lending institutions continued to blacklist the district.

On July 2, 1953, representatives of the banks and the savings and loan associations turned up by the council's survey were invited to a meeting. The mortgage problem of the district was presented and discussed amiably. Comments were dropped by council spokesmen, politely, about the numbers of depositors in the district, the extent of their deposits, the difficulty of understanding why investment of savings by city dwellers seemed so little available for use in cities, the solid concern about the problem within the district, the value of public understanding.

Before the meeting was over, several of the lenders pledged favorable consideration of requests for loans. The same day, the council began negotiating for a site for 49 new dwellings. Soon afterward, the most squalid row of slum apartments was equipped with indoor plumbing and otherwise modernized, by means of a $90,000 loan. Within 3 years, some 8,000 houses had been rehabilitated by their owners, and the number rehabilitated since has been so great it has not been kept track of. In 1959, construction of several small apartment houses was begun.

The council, and people within the district, refer to the bank's interest and cooperation in their improvement with gratitude. And the banks, in their turn, speak admiringly of the area as a location for sound investment. Nobody was thrown out of the district and "relocated." No businesses were destroyed. Unslumming, in short, has proceeded, even though the process reached a point—as it eventually does everywhere—when the need for credit became crucial.

"FIX THE BUILDINGS, LEAVE THE PEOPLE"

Tragically, too few communities are given the time to develop such stability and power. Again and again, unslumming starts, goes unrecognized, and is destroyed by cataclysmic floods of money for urban renewal or projects. For example, vast blacklisted portions of East Harlem, an unslumming area of immense promise where Puerto Rican immigrants were beginning to emerge as leaders, and hundreds of cultural and social organizations had developed, were destroyed outright—to be replaced by projects which became almost pathological displays of planned slums. Much the same story could be told of Boston's West End, and New York's lower East Side.

There is no way of knowing how many unslumming areas have regressed to slums because of blacklisting, or how many have been destroyed by planners who did not understand what progress was being made. But one thing is certain—most planners are bewildered by the presence of the very people who help make unslumming possible: the citizens who have made some advances and whose earnings no longer conform to slumdwellers' incomes. Such people are characterized as victims of inertia, who need a push. Slum clearance, say the planners, actually does these people a favor by forcing them to better themselves by moving away. (Of course, the comments of those who are unctuously given this information about themselves are unprintable.)

Unless this blindness is cured, unless unslumming—possibly the greatest regenerative force in our cities—is encouraged, our slums will never be overcome. Fortunately, there is evidence that at least some planners are beginning to recognize this need. Stanley Tankel, a planner for the Regional Plan Association in New York, has called for a reevaluation of present slum-clearance policies which would bring about reforms:

"Why [he has asked] is it just occurring to us to see if slums themselves have some of the ingredients of good housing policy? We are discovering that slum families don't necessarily move when their incomes go up; and (incredible) that slum people, like other people, don't like to be booted out of their neighborhoods.

"The next step will require great humility, since we are now so prone to confuse big projects with big social achievements. We will have to admit that it is beyond the scope of anyone's imagination to create a community. We must learn to cherish the communities we have; they are hard to come by. 'Fix the buildings but leave the people.' 'No relocation outside the neighborhood.' These must be the slogans."

Cities themselves are immense laboratories of trial and error, of failure and success in city building, and it is there that planners must learn to form and test their ideas. If they will do this, and abandon their superstitions, their old theories and oversimplifications, our great cities will flourish as never before.

CURRENT SITUATION IN VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. CHAMBERLAIN] is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the deep public concern over the deteriorating situation in South Vietnam prompts me to call the attention of my colleagues to the declassification of a response of the Department of Defense to an article written by Robert L. Moore, appearing in the May 18 issue of U.S. News & World Report, which I commended to the House on May 13.

For the past several weeks, the Armed Services Committee has been reviewing the current situation in Vietnam and on May 25, Secretary of Defense McNamara appeared before our committee. During my questioning he stated that responses to the allegations in the Moore article had been prepared. At my request, and the request of the chairman of the committee, he agreed to make these responses available to the members of the committee.

However, it was not until 6 days later and after continual prodding by myself and finally the chairman of the Armed Services Committee that members were furnished with the DOD comments in a document classified "confidential."

In reading over what the Department of Defense had to say about the Moore article, I couldn't see why this classification was required or what, if anything, in the reply was of a confidential nature. I could only conclude that the response of the Department of Defense was so devoid of substance that it had to be classified in order to obscure the true facts from the American people. This I deeply resented and expressed my concern to the chairman of the committee and requested him to obtain a declassified version of the same report. Yesterday I received a letter from the gentleman from Georgia, Chairman VINSON, which I would like to include at this point in the RECORD, advising me that the DOD statement had now been declassified and was no longer "confidential."

The SPEAKER pro tempore (Mr. LIBONATI). Without objection, it is so ordered.

There was no objection.

The letter referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 15, 1964.

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR MR. CHAMBERLAIN: There is hereto attached the letter which I have just received from Mr. David E. McGiffert, Assistant to the Secretary of Defense for Legislative Affairs, advising me that the confidential comments made by the Department of Defense on statements of Robert L. Moore, in his article, which appeared in the U.S. News & World Report article of May 18, 1964, may be declassified.

Sincerely,

CARL VINSON,
Chairman.

Mr. CHAMBERLAIN. I ask unanimous consent that for the convenience of the Members of the House in reviewing the explanations of the DOD that the original article appearing in the May 18 issue of U.S. News & World Report be inserted in the RECORD immediately preceding the statements of the DOD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The article referred to follows:

TRUE STORY OF WAR IN VIETNAM

(NOTE.—Go out to the frontlines, in the jungles of South Vietnam, and you get a view of the war that Secretary McNamara and other high Washington officials do not see. One American writer did that—Robert L. Moore, Jr.—lived 4 months with United States and Vietnamese soldiers, went on combat missions with them. What this writer saw raises important questions about the way that war is being fought. He found incompetence, cowardice, graft—and no will to win—among many of the Vietnamese officers and public officials directing war operations. In this report, he tells why he thinks the war will not be won until the United States takes over control.)

SAIGON, SOUTH VIETNAM.—"In his trips to South Vietnam, Secretary of Defense Robert McNamara was never exposed to the hard, unpleasant facts facing those Americans who are actually fighting the war against the Communist Vietcong."

These words were written by an American who has spent 4 months living in the field with the United States and Vietnamese fighting forces—actually going with them into combat.

From firsthand experience, this on-the-spot American observer has reached these conclusions:

"The basic problem that America faces in Vietnam is not that of defeating the Vietcong Communists. That could be done in a year or less.

"Our problem is to be allowed to win—to be permitted by our Vietnamese allies to prosecute this war aggressively and end it. This does not necessarily have to involve bringing U.S. battle groups into Vietnam to fight the war. Vietnam has the soldiers and equipment to win.

"But, as U.S. advisers in the field say privately: 'The war can't be won under the present ground rules because of the inability of most Vietnamese military leaders to lead.'"

The American who wrote these conclusions is Robert L. Moore, Jr., from Boston, Mass. He was an Air Force nose gunner in World War II. After graduation from Harvard in 1949, he worked in television and in public relations and then turned to writing. His output includes two books.

Last year Mr. Moore got the consent of the Department of the Army to live among the U.S. Special Forces in South Vietnam to gather material for a book about them. In preparation, he took parachute training at Fort Benning, Ga., went through Special Warfare School at Fort Bragg, N.C.

Now, after 4 months in Vietnam, Mr. Moore is returning to write at length about what he has observed there. But he feels that some of his findings are so important and so timely that they should be published quickly. So he has given U.S. News & World Report permission to quote from the first draft of one article that he is preparing.

The story that Mr. Moore tells is a story of a war that Secretary McNamara has not seen. Mr. Moore says:

"Many U.S. fighting men expressed disappointment that the Secretary did not visit American units in daily combat with the Vietcong and find out at firsthand from his soldiers what their problems are.

"The U.S. high command in Saigon does not encourage its men to pass their problems along to the Pentagon Chief."

Following, from Mr. Moore's report, are some of those problems that Americans face in Vietnam.

LACKING: A WILL TO WIN

One major problem is the attitude of the Vietnamese. Mr. Moore says:

"The will to fight, endure privations and win is just not in the majority of the Vietnamese military officers."

Mr. Moore questions whether some of the high officials and military officers of that country really want to see the war end. Why? He writes this:

"Never before have so many Vietnamese officers and public officials lived so well in such a booming economy—injected as it is with a daily dose of almost $2 million of American money.

"It is obvious to the Vietnamese who are benefiting from this dole that when the war is over this massive aid will cease, or at least be drastically modified."

ADVISERS IN COMBAT

The official role of U.S. Army Special Forces in Vietnam is that of advisers to Vietnamese combat forces. But Mr. Moore reports that these so-called advisers have suffered more than half the U.S. combat casualties, although they make up only about 6 percent of the total U.S. force in Vietnam.

Here, from Mr. Moore's account, is how the U.S. Special Forces actually operate:

"The basic Special Forces combat unit—technically referred to as an 'advisory' unit—is a 12-man team known as an A team. There are 42 such units, directed and supported by four B teams, located in the four military-corps areas of South Vietnam, with a headquarters unit known as the Special Forces Operating Base in Saigon.

"Each A team is strategically situated in an area dominated by the Communists. Anywhere from 300 to 600 Vietnamese civilians—trained by the Special Forces—are quartered in an A-team camp and are used to reconnoiter Vietcong positions and raid their concentrations.

"Also in each camp there is a Vietnamese Special Forces A team which, in theory, parallels the American team in capabilities, composition, and organization—that is: two officers and 10 enlisted men."

Actually, however, Mr. Moore finds a great difference between the United States and Vietnamese "Special Forces."

OFFICERS PICKED BY POLITICS

Mr. Moore gives this description of the Vietnamese Special Forces—and of how they are selected: "The Vietnamese Special Forces—or Luc-Luong Dac-Biet, to use the Vietnamese designation—were primarily a unit of political troops organized under the regime of the late President, Ngo Dinh Diem, to serve as the President's private police and riot squad.

"Coveted positions in this elite group were given out as political favors to the sons of friends and supporters of President Diem and his family. To give the group status and equip it with the finest U.S. military hardware, Diem alined his Special Forces with U.S. Special Forces—thus saddling the Americans with Vietnamese teams made up of youths who had no taste for combat and whose only training was as palace guards.

"To make things worse, instead of the Vietnamese going out to learn from their highly trained American counterparts, the Vietnamese team captain was made camp commander over the experienced American, who can only advise.

"Despite the two recent coups, each supposedly dedicated to a more aggressive war effort, the character of the Vietnamese Special Forces seems to be changing all too slowly. Vietnamese officers move into and out of jail as power changes hands, but their overall quality still stands at a dismally low level."

LUXURY IN MIDST OF WAR

You get this description of how officers of the Vietnamese Special Forces live in the midst of a war:

"Most of the officers have a batman to serve them tea in bed in the mornings. Frequently they refuse to see their American counterpart, particularly if they think he is going to goad them into a combat operation. When they do go out on operations, the officers make their men carry all their equipment. Americans carry their own gear.

"Many 35- or 40-year-old lieutenants and captains—whose lack of political connections accounts for their lack of promotions—are sent to some of the most dangerous areas where the majority of Vietnamese officers refused to be posted.

"With increasing effort by the Vietnamese Government to make the Army more effective, it is usually possible now for a U.S. Special Forces A-team captain to have his Vietnamese counterpart relieved from command. Unfortunately, such officers are merely transferred as camp commander to another Special Forces team in another corps area to begin anew the same cycle of embezzlement of U.S.-supplied funds and deterioration of fighting efficiency."

COWARDICE AND LAZINESS

Mr. Moore tells of the difficulties often encountered in trying to get Vietnamese officers to go out and fight the enemy: "I participated in six combat operations throughout the four corps areas and the pattern never deviated. As soon as it was ascertained that a Vietnamese patrol was closing in on a Vietcong concentration, antinoise discipline disintegrated. Shots were accidentally fired and canteens rattled to let the enemy know that he was being pursued.

"When, in spite of these precautions, the Vietcong appeared ready to dig in and fight, the Vietnamese commander inevitably came up with some excuse for pulling back.

"One excuse for turning from the enemy particularly sticks in my mind. It was uttered by a Vietnamese officer in Tay Ninh Province. We had to ford a river to get at what we judged to be a platoon of Vietcong on the other side. We had a full company. The two American advisers were exuberant at the opportunity of engaging a Vietcong unit. But the Vietnamese officer turned to the Americans and said his men could not cross the river because there were too many alligators in it.

"There are, of course, exceptions to the general rule of cowardice and laziness in the Vietnamese Special Forces.

"I spent some time in the camp of a U.S. Special Forces officer who had nothing but praise for his former counterpart, a Vietnamese lieutenant in his early thirties. This Vietnamese officer was an aggressive fighting man, able to inspire great courage and loyalty among the civilian defense troops.

"The American officer wrote a letter of commendation for the Vietnamese officer, recommending that he be given a promotion to captain. Two weeks later the lieutenant was transferred to Saigon and replaced by a more typical Vietnamese officer—a 22-year-old anti-American captain who has failed to go out on a single operation to date.

"U.S. Special Forces men can hardly be blamed for their bitterness toward the Vietnamese officers who make a difficult job almost impossible."

GRAFT AND CORRUPTION

Among the things that make American soldiers angry are the graft and corruption that are widespread in Vietnam—even in combat areas. Mr. Moore cites a few examples. Here is one:

"In April I visited several camps where Vietnamese camp commanders had under them 200 or 300 Montagnard troops. Montagnards are mountain tribesmen who are the best fighting men in the Vietnamese Army. But the Vietnamese despise the darker skinned and coarser featured Montagnards. These Vietnamese camp commanders made the lives of their Montagnard men so miserable by degrading punishment and cutting down on their food that desertions soared.

"The camp commanders failed to report the deserters until after payday. They collected from the Americans the pay for the entire camp roster, indicating on the payroll that all the deserters had been paid while in actuality the commanders kept the deserters' pay for themselves.

"Yet if Americans object too strenuously to such things they are severely reprimanded for not being cooperative with their Vietnamese counterparts."

Another example:

"On patrols, one Vietnamese commander made his Montagnards hunt deer instead of Vietcong. The commander drove out on the patrols in a weapons carrier. After several days during which he ate heartily while refusing to give the troops any of the meat they provided, the commander drove his load of deer carcasses into town and sold them. This same camp commander had just tried to jail the interpreter who had told the American captain that the commander had pocketed the pay of almost 100 deserters.

"Such stories are so common that Americans begin to take it for granted that they are expected to put up with Vietnamese graft and cowardice as part of their job.

"One U.S. sergeant told me ruefully: 'They took $1,700 out of my pay for taxes last year, and I have to keep my mouth shut and see it wasted over here.' "

Mr. Moore reports: "There is little confidence among Americans working at the combat level that corruption will be significantly diminished by the announcement of Maj. Gen. Nguyen Khanh, the new South Vietnam leader, that he will jail embezzlers of up to $1,000 and shoot anyone who steals more than that."

REDTAPE AND DELAY

Mr. Moore says: "The biggest single fault in the Vietnamese military system is its chronic inability to react quickly." He cites "a heartbreaking example":

On March 26, two Americans were reported overdue and presumed down on a flight over a jungle area. Vietnamese rangers were asked to join the ground search.

It took 2 days just to get permission—first from a Vietnamese general and then from the district and provincial political chiefs.

Ranger officers then refused to move until they got reserves to stand by in their absence—and a special round of field rations. This cost 3 more days of delay.

On April 1, the rangers finally were flown to a camp from which they were to start a search. Then came word that a new Vietnamese commander was arriving the next day for an inspection—and the rangers had to provide an honor guard.

It was April 3—8 days after the plane went down—when the search finally got underway.

HOW TO HANDLE SNIPERS: "WITHDRAW"

Here is an example, cited by Mr. Moore, of how Vietnamese can turn U.S. military tactics into tactics of retreat: "If the Secretary of Defense really wants to see at firsthand some of the reasons we cannot win this war in Vietnam without some policy changes, he should spend a week at one of the Special Forces B teams. They are truly microcosms of the entire war. Most of our basic frustrations and quandaries are reflected in a B team's daily incidents.

"At one B team I found the operations officer laughing wryly over the translation of a recent directive. Vietcong snipers picking off a few men were routing whole companies and battalions. U.S. advisers showed the Vietnamese how to dispatch squads to kill or drive off the snipers. The Americans were pleased when a directive on their methods of dealing with snipers went out from corps headquarters.

"A few weeks later, however, the tactical genius of the Vietnamese military mind came forth in a new communique. It instructed units coming under Vietcong sniper fire to withdraw—leaving ambushes in case the sniper charged."

U.S. EQUIPMENT WASTED

Here is another problem reported by Mr. Moore, from his own observations:

"Secretary McNamara talks about sending more supplies and equipment to help the Vietnamese win their war against communism. This is fine, except that by and large the Vietnamese have no concept of maintenance, much less preventive maintenance. Unless Americans are maintaining the equipment here it quickly deteriorates from sheer lack of care—and then the Vietnamese ask for more."

RESCUE—OR FLIGHT?

Vietnamese pilots were taught to fly U.S. helicopters, then eight helicopters were turned over to them. The Vietnamese painted parts of the helicopters yellow—the color of their flag. Then the Vietnamese took over the flying of rescue flights to evacuate Vietnamese wounded from jungle combat areas.

Mr. Moore tells how this worked out.

"I had heard so many stories about the Vietnamese pilots' flying over the evacuation site at 5,000 feet, well out of range of ground fire, and then flying back without even trying to pick up the wounded that I decided to go along on an all-Vietnamese evacuation flight.

"For 15 minutes the chopper pilots circled the clearing. Finally the chopper in which I was riding descended almost into the clearing. Then it popped up into the air like a cork released under water. The crew chief examined the fuselage for bullet holes. There were none. So the chopper started to drop in again. Lower and lower we hovered. I saw a wounded man, smiling, being helped toward the helicopter. Then suddenly the helicopter began to rise again. The last thing I saw was a sudden hopeless expression wipe out the game smile on the wounded man's face. Vietcong ground fire had apparently frightened the Vietnamese pilot off, although he later told me he was afraid the clearing was too small and the rotor blades would hit the trees—this after he was already less than a foot from the ground."

"Over and over again," Mr. Moore says, "U.S. advisers reported the terrible fall in morale among the Vietnamese troops when they realized that their own pilots were afraid to come down in Vietcong-infested jungles to pick up the wounded. The ground troops automatically gave up hope when they saw the yellow streak on the choppers high above."

WHY VILLAGERS DESERT

Vietnamese strategy is to clear an area of Vietcong Communist forces—and then try to hold that area while clearing other areas. But Mr. Moore reports:

"So far, holding operations by the Vietnamese alone have not been successful."

One instance is cited where Americans trained thousands of mountain tribesmen, cleared the area. Then the camp was turned over to the Vietnamese. Result: "Less than 2 months after the Americans pulled out, the Vietcong attacked, drove the Vietnamese out of the fort and destroyed it." Another example:

"In a program to get the Montagnards away from the Vietcong—preventing them from feeding the Communists or joining them, either willingly or by impressment—the tribesmen were taken from their villages in the mountains and brought into new villages built around forts garrisoned by Vietnamese troops. But the Vietnamese troops refuse to leave their forts after dark. So the Vietcong come into the villages at about 6 p.m. and stay the night, giving political orientations, eating, imposing taxes, and punishing villagers suspected of cooperating with the Government. In the morning, the Vietcong leave and the Vietnamese troops take over until evening.

"Until the Vietnamese muster the courage to go out at night and patrol the areas they are supposed to be securing, the entire 'clear and hold' concept is a joke.

"With no protection at night, the villagers know that death and torture will be their lot if they cooperate with the Government. Hundreds of tribesmen are moving back into the hills. As long as they are going to be dominated by the Vietcong anyway, they prefer to be in their own home mountains. And then, of course, they are turned into hardcore Communists when the Vietnamese Air Force bombs and strafes their villages because they deserted their Government hamlets to go back to Vietcong territory."

SOLUTION: U.S. CONTROL

After watching the war in Vietnam for 4 months, this American writer has reached this overall conclusion:

"Until the Vietnamese military develops the will to win and the courage to face the enemy unflinchingly by day or by night, even if outnumbered, the war against communism in Vietnam will not be won—no matter if we pour in $3 or $4 or $5 million a day in aid.

"The only realistic solution that most Americans see in Vietnam is for the United States to take operational control of the war away from the luxury-loving, coup d'etat-minded, casualty-fearing Vietnamese officer corps until such time as they can develop the leadership necessary to win the war. If we do not take operational control, we merely waste lives and money in a hopeless stalemate."

Mr. CHAMBERLAIN. Therefore, because of the importance and urgency of the situation in southeast Asia and the corresponding need to have a full and open debate over U.S. policy and performance in that area, I ask unanimous consent that the Defense Department reply to Mr. Robert Moore's statements be inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The matter referred to follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., June 1, 1964.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In compliance with your request during the course of the hearing before the committee on May 25, 1964, we are sending you herewith for insertion in the record the comments of the Department of Defense on the statements of Robert L. Moore, Jr., on military operations in Vietnam, as published in the issue of U.S. News & World Report dated May 18, 1964. Additional copies of the comments and of this letter are provided for the members of the committee and the staff.

As you know, Mr. Moore's more than 4 months in Vietnam were spent very largely with U.S. Special Forces groups training and advising Vietnamese Special Forces units. Though intensive, Mr. Moore's experience was nevertheless a limited one, and it is important that his general observations be assessed with this limiting factor in mind. Furthermore, Mr. Moore's opinions are not concurred in by our military personnel having a broad background upon which to form sound opinions. The U.S. Special Forces commander in South Vietnam has stated emphatically that the article does not reflect the consensus of U.S. Special Forces personnel in South Vietnam. To the contrary, their consensus reflects increasing respect for their Vietnamese counterparts, particularly during the last 60 to 90 days.

Officers of the regular Vietnamese Army forces, as well as the Vietnamese Special Forces, have fought and are today fighting bravely and successfully against the Vietcong in close cooperation with their U.S. military advisers. This is the rule, not the exception. The contrary impression created by the U.S. News article is substantially incorrect.

Sincerely,

CHARLES N. GREGG, JR.,
Special Assistant to the Assistant to the Secretary, Legislative Affairs.

DEPARTMENT OF DEFENSE COMMENTS ON MAY 18, 1964, U.S. NEWS ARTICLE QUOTING ROBERT L. MOORE, JR.

Moore article: (1) "But, as U.S. advisers in the field say privately: The war can't be won under the present ground rules because of the inability of most Vietnamese military leaders to lead."

Comments: (1) There has been improvement in the caliber of Vietnamese Special Forces (VNSF) officers and enlisted men assigned to positions of responsibility since November 1963. Leaders whose incompetence has been evidenced by their actions in the field and in garrison have been replaced by the VNSF high command. Relief of such personnel has often occurred on the recommendation of U.S. Special Forces (USSF) advisers. Positive and aggressive steps are being taken by the present VNSF commander, Col. Lam Son, to further improve the quality and effectiveness of VNSF. Col. Lam Son has introduced to the Republic of Vietnam (RVN) Special Forces professional Army of Republic of Vietnam leaders of proven ability and reliability. He has established a new VNSF training center near Nha Trang to retrain VNSF key officers and NCO's. The USSF commander in Vietnam has the highest respect for the personal integrity and background of Col. Lam Son as a successful guerrilla leader as well as for his reforms and the tactical proficiency recently instilled in VNSF.

Moore article: (2) "The U.S. high command in Saigon does not encourage its men to pass their problems along to the Pentagon chief."

Comments: (2) Problems which develop at lower echelons are passed up through the normal military chain of command. Those problems which cannot be resolved or for which resources are not available at the level of the U.S. command in Saigon are made known to the Secretary of Defense.

Moore article: (3) "The will to fight, endure privations and win is just not in the majority of the Vietnamese military officers."

Comments: (3) Although there have been instances and examples of an unwillingness to fight aggressively, as indeed there will be in any army, the average Vietnamese officer is courageous and, when properly trained, equipped, and directed, is effective on the field of battle.

Moore article: (4) "Never before have so many Vietnamese officers and public officials lived so well in such a booming economy—injected as it is with a daily dose of almost $2 million of American money.

"It is obvious to the Vietnamese who are benefiting from this dole that when the war is over this massive aid will cease, or at least be drastically modified."

Comment: (4) It is well known that the pay and emoluments of the Vietnamese officials are modest. A first lieutenant in the Vietnamese Army receives 8,406 piasters or approximately $140 per month. A major general receives 17,586 piasters or approximately $293 per month (ratio: 60 piasters=$1). It is erroneous to suggest that any responsible citizen or official of the Republic of Vietnam would consider U.S. aid a basis for prolonging this bloody and painful struggle with the Communists.

Moore article: (5) "Advisers" in combat: The official role of U.S. Army Special Forces in Vietnam is that of advisers to Vietnamese combat forces. But Mr. Moore reports that these so-called advisers have suffered more than half of the U.S. combat casualties, although they make up only about 6 percent of the total U.S. force in Vietnam.

Comment: (5) The number of U.S. military killed in Vietnam in 1963 and 1964 were 110 of whom 17 were Special Forces. The Special Forces personnel represent about 20 percent of the U.S. personnel operative in a combat environment.

Moore article: (6) "Officers picked by politics": Mr. Moore gives this description of the VNSF—and of how they are selected: The VNSF—or Lucluong Dac-Biet, to use the Vietnamese designation—were primarily a unit of political troops organized under the regime of the late President, Ngo Dinh Diem, to serve as the President's private police and riot squad.

"Coveted positions in this elite group were given out as political favors to the sons of friends and supporters of President Diem and his family. To give the group status and equip it with the finest U.S. military hardware, Diem alined his special forces with USSF—thus saddling the Americans with Vietnamese teams made up of youths who had no taste for combat and whose only training was as palace guards.

"To make things worse, instead of the Vietnamese going out to learn from their highly trained American counterparts, the Vietnamese team captain was made camp commander over the experienced American, who can only advise.

"Despite the two recent coups, each supposedly dedicated to a more aggressive war effort, the character of the VNSF seems to be changing too slowly. Vietnamese officers move into and out of jail as power changes hands, but their overall quality still stands at a dismally low level."

Comments: (6) Formerly, elements of the VNSF were used by President Diem as household troops and to some extent for political purposes. Undoubtedly, special considerations entered into his selections and appointment of officers. This practice ended with the change of regime and special forces officers are now selected and assigned on the basis of their qualifications and professional competence. Placing the VNSF officers in command while the U.S. officer acts as adviser is the pattern of the entire U.S. organization and effort in SVN.

Moore article: (7) "Most of the officers (VNSF) have a batman to serve them tea in bed in the mornings. Frequently they refuse to see their American counterpart, particularly if they think he is going to goad them into a combat operation. When they do go out on operations, the officers make their men carry all their equipment. Americans carry their own gear.

"Many 35- or 40-year-old lieutenants and captains—whose lack of political connections accounts for their lack of promotions—are sent to some of the most dangerous areas where the majority of Vietnamese officers refused to be posted.

"With increasing effort by the Vietnamese Government to make the Army more effective, it is usually possible now for a USSF A-team captain to have his Vietnamese counterpart relieved from command. Unfortunately, such officers are merely transferred as camp commander to another Special Forces team in another corps area to begin anew the same cycle of embezzlement of U.S. supplied funds and deterioration of fighting efficiency."

Comments: (7) By no stretch of imagination can the environment of remote guerrilla-type camp of VNSF be considered a luxury though a few officers may have adopted the British and French custom of being awakened with a cup of hot tea. It is an exaggeration to say that most of the officers do this.

The exceptional incidents where the VNSF officer has refused to see an American USSF adviser have invariably resulted in relief of the incompetent by the new VNSF commander—Col. Lam Son. There is no evidence that 40-year-old lieutenants and captains are deliberately assigned to more dangerous areas. It is true that on one occasion, a VNSF lieutenant was relieved from duty and transferred to another camp and given a second chance. He has since been relieved a second time.

With respect to embezzling, there is only one known case where a VNSF officer obtained funds illegally and deserted. On the contrary, USSF "A" detachment commanders witness all troop payments and retain vouchers recording each payment made. The statement about another cycle of embezzlement at another camp is without foundation.

Moore article: (8) "Cowardice and laziness": "I participated in six combat operations throughout the four corps areas and the pattern never deviated. As soon as it was ascertained that a Vietnamese patrol was closing in on a Viet Cong concentration, antinoise discipline disintegrated. Shots were accidentally fired and canteens rattled to let the enemy know that he was being pursued."

Comments: (8) Moore no doubt observed some poorly conducted combat operations, as many paramilitary operations are on-the-job training courses for newly recruited personnel. However, it can also be said in contradiction that these same personnel have engaged in some highly successful engagements as they gained experience and training. VNSF have killed an average of six VC to each friendly fatality over the past year. There is no basis for the generalization that VN commanders inevitably "want to pull back." Many instances of bold conduct and aggressive leadership can be cited; and splendid VNSF leaders have given their lives in combat.

Moore article: (9) "USSF men can hardly be blamed for their bitterness toward the Vietnamese officers who make a difficult job almost impossible."

Comments: (9) Isolated instances do not constitute a pattern. USSF are highly trained and motivated to cope with all the difficulties inherent in guerrilla warfare including occasional frustrations.

Moore article: (10) "Graft and corruption. Among the things that make American soldiers angry are the graft and corruption that are widespread in Vietnam—even in combat areas. Mr. Moore cites a few examples. Here is one:

"'In April I visited several camps where Vietnamese camp commanders had under them 200 or 300 Montagnard troops. Montagnards are mountain tribesmen who are the best fighting men in the Vietnamese Army. But the Vietnamese despise the darker skinned, and coarser featured Montagnards. These Vietnamese camp commanders made the lives of their Montagnard men so miserable by degrading punishment and cutting down on their food that desertions soared.

" 'The camp commanders failed to report the deserters until after payday. They collected from the Americans the pay for the entire camp roster, indicating on the payroll that all the deserters had been paid while in actuality the commanders kept the deserters' pay for themselves.

" 'Yet if Americans object too strenuously to such things they are severely reprimanded for not being cooperative with their Vietnamese counterparts.' "

Comments: (10) It is true that animosity exists in some areas between VN and Montagnards. The generalization that Montagnards are "the best soldiers" in the VN Army is not generally accepted, though some are certainly very brave. The statement reflects Moore's opinion and not the views of the U.S. Military Assistance Command, Vietnam.

With respect to camp commanders keeping the pay of deserters: Under the established procedures, this is not possible since each individual's receipt of pay is overseen by a USSF officer. There has been no evidence of such violation. USSF personnel are not only not reprimanded but are encouraged to report any inefficiency or irregularity.

Moore article: (11) Redtape and delay: "The biggest single fault in the Vietnamese military system is its chronic inability to react quickly.

"On March 26, two Americans were reported overdue and presumed down on a flight over a jungle area. Vietnamese rangers were asked to join the ground search * * * (several points omitted) * * * it was April 3, 8 days after the plane went down, that the search finally got underway."

Comments: (11) Although reaction has been slow in some instances, these occurrences can be attributed to a lack of adequate prior planning and coordination. The correction of this deficiency is a major objective of the U.S. advisory effort.

Regarding the example cited, Mr. Moore fails to mention that all available air elements were committed to the search as soon as it was established that the aircraft was missing and presumed down. Likewise, other ground elements were committed without delay and the search is still going on, though on a reduced scale. It is a gross injustice to the search and rescue operation in RVN to imply that it was not until 8 days after the plane went down that a search was initiated.

Moore article: (12) "At one B team I found the operations officer laughing wryly over the translation of a recent directive. Vietcong snipers picking off a few men were routing whole companies and battalions. U.S. advisers showed the Vietnamese how to dispatch squads to kill or drive off the snipers. The Americans were pleased when a directive on their methods of dealing with snipers went out from corps headquarters.

" 'A few weeks later, however, the tactical genius of the Vietnamese military mind came forth in a new communique. It instructed units coming under Vietcong sniper fire to withdraw—leaving ambushes in case the sniper charged.' "

Comments: (12) There is no evidence known indicating that such a directive as mentioned by Moore has ever been issued.

Moore article: (13) "Secretary McNamara talks about sending more supplies and equipment to help the Vietnamese with their war against communism. This is fine, except that by and large the Vietnamese have no concept of maintenance, much less preventive maintenance. Unless Americans are maintaining the equipment here it quickly deteriorates from sheer lack of care—and then the Vietnamese ask for more."

Comments: (13) Due to constant advisory effort and training programs, preventive maintenance in the RVNAF has reached reasonable levels of effectiveness although still deficient in some respects by American standards. Higher echelon maintenance by field and base depots compares favorably with that of the U.S. Armed Forces.

Moore article: (14) "I had heard so many stories about the Vietnamese pilots flying over the evacuation site at 5,000 feet, well out of range of ground fire, and then flying back without even trying to pick up the wounded that I decided to go along on an all-Vietnamese evacuation flight.

" 'Over and over again,' Mr. Moore says, 'U.S. advisers reported the terrible fall in morale among the Vietnamese troops when they realized that their own pilots were afraid to come down in Vietcong-infested jungles to pick up the wounded. The ground troops automatically gave up hope when they saw the yellow streak on the choppers high above.' "

Comments: (14) With respect to evacuation of wounded, it must be recognized that some of the operational areas require extremely skilled piloting of helicopters. It is agreed that some evacuation missions requested of the VNAF failed. The opinion that the VN pilots are cowardly is not shared by those who live in this environment.

Moore article: (15) "So far, holding operations by the Vietnamese alone have not been successful.

"Until the Vietnamese muster the courage to go out at night and patrol the areas they are supposed to be securing, the entire clear-and-hold concept is a joke."

Comments: (15) Many aspects are involved in a clear-and-hold operation. Moore's generalization that the VN do not conduct night operations was at one time partially true. In recent months many VN units have been conducting extensive operations at nighttime. The newly approved national pacification plan provides a plan and a sound method for improving the effectiveness of clear-and-hold operations.

Moore article: (16) "Solution: U.S. control: After watching the war in Vietnam for 4 months, this American writer has reached this overall conclusion:

"Until the Vietnamese military develops the will to win and the courage to face the enemy unflinchingly by day or by night, even if outnumbered, the war against communism in Vietnam will not be won—no matter if we pour in $3 or $4 or $5 million a day in aid.

"The only realistic solution that most Americans see in Vietnam is for the United States to take operational control of the war away from the luxury-loving, coup d'etat-minded, casualty-fearing Vietnamese officer corps until such time as they can develop the leadership necessary to win the war. If we do not take operational control, we merely waste lives and money in a hopeless stalemate."

Comments: (16) Under the leadership of General Khanh, the GVN is gearing up to pacify the country, recognizing that the effort will be long and hard. Military Assistance Command, Vietnam, does not subscribe to the thesis that the pacification cannot go forward under Khanh's direction.

Mr. CHAMBERLAIN. Mr. Speaker, I shall not attempt to examine point by point the validity of the DOD's arguments attempting to refute Mr. Moore's criticisms and recommendations. I leave that for the careful reader to judge for himself. I would point out, however, that Mr. Moore repeatedly emphasized that his experience was for the most part limited to the fighting level rather than the command or policy level. But, as anyone who has ever been connected with any of the military services will recognize, there is often a wide discrepancy between the official view of the conduct of the military operation and the facts as they present themselves to the men who must execute the orders.

I would also point out that following Mr. Moore's discussions with members of the Armed Services Committee and others, when he was in Washington, and that was immediately upon his return from southeast Asia where he had been fighting with our troops and the Vietnamese troops, and at the suggestion of the gentleman from Georgia, Chairman VINSON, Mr. Moore personally presented his views to high-ranking Pentagon officials. Mr. Moore stated to me that he found these officials most interested in his appraisal of the Vietnamese situation. I would point out that just the other day when Secretary of the Army Ailes was before our committee I asked him if he had any reason to doubt the integrity of Mr. Moore, and he said he did not.

The course of the war effort in South Vietnam can only suggest, I believe, that Mr. Moore's view of the situation there is of greater validity and importance than the Pentagon would care to admit, publicly or privately. Indeed, many of the Pentagon's arguments are defensively couched in the assertion that while what Mr. Moore says may have been true at one time, it is no longer so and in any event reforms have already been instituted. I would only point out that Mr. Moore was in Saigon at the time of Secretary McNamara's last visit, and it is rather unlikely that such a radical shift in developments could have been accomplished in the space of a few days or weeks.

I think my colleagues will agree that the DOD statement contains nothing that would justify a "confidential" classification. What it does contain reveals only the transparency of the ringing phrases and official optimism that has been presented to the American people as the true situation in Vietnam. We are ever being assured that the Government's foreign policy in this and in other parts of the world is based upon sound reasons which allegedly cannot be revealed or debated for reasons of national security. Yet this declassified policy statement leaves one with the feeling that what is at stake here is not any issue of national security but of the "security" of the position of the administration's defense officials. The fact, of course, that this document has been declassified only substantiates the lack of grounds for the original classification. This incident of the operation of the Defense Department here in Washington can only serve to give credence to criticisms of the operation of our defense and foreign policies in parts of the world far removed from the scrutiny of the American public and the Congress. In conclusion, Mr. Speaker, I say it is time for the administration's officials to be more forthright with the American people.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS—REPORT ON THE UNIVERSITY THEATER FESTIVAL

The **SPEAKER** pro tempore (Mr. LIBONATI). Under previous order of the

House, the gentleman from Delaware [Mr. McDowell] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, a national festival designed not only to demonstrate the cultural contribution of our country's colleges and universities, but one which is expected to be of maximum benefit to students, is planned for the spring of 1965 in Washington, D.C. The festival will be sponsored by the John F. Kennedy Center for the Performing Arts, the American Educational Theater Association, and the American National Theater and Academy.

I am very pleased that Dr. C. Robert Kase, head of the drama department of the University of Delaware, has been chosen to be national coordinator, and I include his report on the significant new national festival which was published in the June 1964 issue of the Footlight, monthly newsletter of the John F. Kennedy Center for the Performing Arts.

A Report on the Progress of the National University Theater Festival

(By Dr. C. Robert Kase, University of Delaware, national coordinator for the selection committee)

During the past month college and university theaters have been submitting their applications for the National University Theater Festival scheduled for the spring of 1965. Jointly sponsored by the John F. Kennedy Center, the American Educational Theater Association and the American National Theater and Academy, the festival will be one of the first major national activities of the Center. It will also be the first event of national scope to reflect the quality and extent of theater production in American colleges.

Any theater organization in an accredited college or university is eligible to participate. Applications are first submitted to regional committees, which screen these carefully, making recommendations for the final selection to the central committee before November 1, 1964.

The final selection will determine the college theaters which will present their performances in Washington during the festival, which is scheduled for the weeks of March 21, 28, and April 5, 1965. Whether 8 or 12 colleges will participate depends upon the funds available.

In a series of resolutions adopted by the central committee[1] in New York last February, the general plans for the festival were set forth. Each company will play a split week, giving two or three performances. By using two theaters—the Kennedy Center will, of course, not yet be available—and staggering matinees each group will be able to see three plays by other colleges during its week's stay in Washington.

The companies will be limited to 20 members, including a faculty escort. No limitations will be placed upon the types or length of plays selected for production in order that the festival may truly reflect the theatrical work being carried on in the colleges and universities throughout the country. An effort will be made to provide two types of theaters, one for arena and one for proscenium staging. Costs of transporting company and scenery, and a per diem to cover living expenses en route and in Washington, will be provided.

The festival is designed not only to demonstrate the cultural contribution of college theater, but also to be of maximum benefit to the student performers. The central committee proposes to include in the program conducted tours of the cultural centers of our Nation's Capital, the briefing of the groups by members of foreign embassies in the theaters of their respective countries, critiques of productions by experts and professional newspaper critics, and an opportunity to see and profit by the performances and production of their contemporaries.

It is anticipated that the national festival will stimulate the organization of regional festivals. Already region II, which includes southern California and Arizona, is planning a fall festival which will be used as a basis for the recommendations by its regional committee.

Since the preliminary screening is being taken care of by the regional committees, colleges should address all inquiries to the chairman of the regional committee for his area. These regions are the same as those set up by ANTA and AETA. Information concerning the name of the chairman for any particular region may be obtained from the office of the national coordinator, University of Delaware, Newark, Del.

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[1] Members of the central committee: James H. Butler, University of Southern California; Randolph Edmonds, Florida A. & M. University; Kenneth Graham, University of Minnesota; Edward Cole, Yale University; Leonard Leone, Wayne State University; Father Gilbert Hartke, Catholic University; Stanley Young, ANTA; Loren Winship, University of Texas; C. Robert Kase, University of Delaware, national coordinator.

EMANCIPATION: HISTORY'S FANTASTIC REVERIE

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House the gentleman from Michigan [Mr. Diggs] is recognized for 30 minutes.

Mr. DIGGS. Mr. Speaker, Dr. Dwight L. Dumond, professor of history, the University of Michigan, is a widely read and honored authority on the subjects of antislavery in America and civil rights. Last October he was guest speaker at the 48th annual meeting of the Association for the Study of Negro Life and History, held at Virginia State College. I call to the attention of Members of Congress, of both bodies, his monumental address, "Emancipation: History's Fantastic Reverie." It is essentially a message to Members of Congress and, in this case, it is an extreme misfortune that it could not have been personally conveyed from the floors of the House and the Senate by Dr. Dumond. Just now, as enactment of the Civil Rights Act of 1964 continues to be frustrated in the Senate by the same virulence of racialism which has plagued this Nation throughout its history and kept it from fulfilling its destiny as a democratic society, this message is prophetic and urgent.

The address follows:

Emancipation: History's Fantastic Reverie

(Address by Prof. Dwight L. Dumond)

It is my settled conviction that the four documents most important to the building of this Nation are the New Testament, the Declaration of Independence, the Constitution of 1787, and the Emancipation Proclamation. If we were to add a fifth, it would have to be the 14th amendment. The first contains God's plan for individual salvation and ultimate perfection of the human race. The second is a testament of faith; a seemingly perfect definition of manhood; an acknowledgement of man's intellectual capacity and moral responsibility for self-government. The third is the supreme law of the most perfect establishment in recorded history for the cultivation of man's spiritual and intellectual freedom. The fourth is the basic charter of freedom for a large portion of our people, a confession of previous error and a simple act of justice by the highest authority of the Nation. As to the fifth, I say again, as I have said many times that "wrapped up in that famous trilogy are the social teachings of Jesus, the philosophy of Locke, and the legal principles of Blackstone. Keep it in the proper historical perspective and everything is there: God and man—the natural rights of man—men and government—mutual obligations of allegiance and security—due process—equality of all men in the endowment of rights, the security of rights, the exercise of rights, before the law and in the halls of justice."

The Founding Fathers established a vast store of credit throughout the world for virtue and high mindedness by the first sentence of the declaration. It was a compendium of Christian faith. It was a prospectus of democratic philosophy. It stated without equivocation the equality of all men in the sight of God. These men dedicated the Nation to freedom, in every age and every place the incontestable right to know all things and to act by choice. They dedicated the Nation to equality in all things without reservation, so completely in fact that slavery was swept away north of Virginia and could have been struck down everywhere by judicial decree.

Some of the men who framed the Constitution may have believed the declaration to have been a glittering generality. Some may have been influenced by greed. Some may have been moral hypocrites. Some simply lacked perspective, or were devotees of decentralization of power, or actually believed in biological inequality and racial inferiority. Or they may have believed in gradualism, and felt they were making adequate provision for the ultimate abolition of slavery. Whatever the cause of their weakness, they failed.

Most people in the country at large were satisfied with the achievement of independence and establishment of a stable government by the Constitutional Convention. This was true of members of the several ratifying conventions. They placed their trust in God without realizing He needs a little help, and that trait has remained constant to the present time. I never cease to be amazed at the ability of Christians to adjust to the most grievous wrongs of civil government. In this first stage of our reverie we established a government based upon the principles of the Declaration but continued slavery which ate at the vitals of Union and democratic institutions. Nearly a century later, we freed the slaves by a great civil war without defining emancipation or correcting the glaring weaknesses of political organization. Now, after another century we face a worldwide revolution of immense proportions, still talk in riddles, and seem to think if we wait long enough our troubles will all go away.

Racialism is a myth. Out of it has come a whole progeny of evils. Its survival in the United States is rationally inconceivable. A discussion of it would seem to be outside the realm of scholarship. It belongs to intellectual pygmies who neither know nor respect basic principles of religion, science, or history. It belongs to fantasy and legend. How many people have subscribed to it at any given time or place is a moot question. Too many, of course.

Slavery enshrined the doctrine and the Constitution did not strike it down. The Declaration said all men are endowed by their Creator with the inalienable right to life, liberty, and the pursuit of happiness. The Constitution said no person should be deprived of life, liberty, or property without due process of law; but it also allowed slaves to be imported for 20 years. It allowed slave masters to roam the entire country seizing people and carrying them off to an infinitude of slavery, and it established a political system incorporating the repugnant principle that men who owned slaves should have extra political power in the Congress and the electoral college. It allowed the States to retain the police powers under which slavery existed and men of color, both slave and free, have been crucified for 300 years. And the Nation dreamed its dream of freedom and equality for all men.

Slavery was two things. It was complete subjection of one man to another by force, recognized and sustained by State law. It was the complete subordination of people of color to white people in all things. Slavery, in short, was an individual relationship and a system. Slave or free, the man of color was always a potential victim of unrestrained sadism and/or incessant mortification. Slavery gave to the dominant whites license to maltreat at pleasure all who were darker in color. The victims were denied all positive and substantive rights. Most important of these were access to the courts and protection by law, access to knowledge and religious instruction, the right to make decisions, including moral judgments, the right to use their talents to the end of an enriched and more satisfying life, and the right to participate in the social and political life of the Nation. The inevitable tendency of slavery was to dehumanize the slave and corrupt the slaveholder.

A democratic society is based upon voluntary industry. It is a society in which the individual is allowed as much freedom and is under as little restraint as is consistent with the rights of others; a society based in equity, where all men alike are recipients of impartial justice and protection of rights; a society in which free inquiry and discussion know no restraints; where investigation, reason, and collective intelligence are the basis of action, where political power is uniformly distributed, and where the national conscience is brought to bear in the determination of public policy. Slavery was eternally at war with all of these functional processes.

Slavery forced the church to abdicate its power. It is the duty and high privilege of churchmen to condemn evil, corruption, and despotism in government, to castigate immoral conduct on the part of individuals, and to speak as tribunes in defense of weak, exploited, helpless people. The church is the one agency whose primary responsibility is reformation. It surrendered its stewardship and sprang to the defense of slavery.

Discussion was silenced in the slave States, greatly curtailed in Congress, avoided by statesmen as long as possible. Great intellectuals, humanitarians, free Negroes, anyone who claimed the right to discuss slavery in peaceable assemblies, in churches, and in newspapers were set upon by howling mobs. The guilt of mobs was charged to their victims; public officials claimed the right to withhold protection from persons and property and sometimes joined in the onslaught.

Slaveholders and their minions subordinated the authority of the Federal Government to that of the States. They insisted upon the right of a State to nullify Federal law to protect themselves against the will of a constitutional majority in the Nation, when what they really wanted was freedom from restraint to oppress, exploit and destroy a minority of their own people who were also, and first of all, citizens of the United States. They finally waged war upon the very Government and Constitution which had allowed them to maintain a powerful aristocracy and to possess extraordinary power in the Government. It was a rebellion without justification and without reason.

Nobody knows when Abraham Lincoln came to a realization that preservation of the Union and abolition of slavery were inseparable. Mystic, or not, no other man of his day saw a problem in its totality with more clarity. So many anxieties pressed in upon him that a public pronouncement of intent was impossible. He knew full well that the philosophy of slavery and the philosophy of human rights had been contending for a generation and were now locked in a death struggle for control of the Nation. He had held fast to no compromise, knowing that compromise at that point would mark the end of constitutional government.

It is amazing how many people turned away from reality in 1861, just as they are doing today. That is what I mean by history's fantastic reverie. They wanted peace by compromise. Then they wanted a war of limited objectives. They were willing to barter away forever the high prerogative of the people to determine public policy in respect to human rights. They were willing to place a premium upon resort to arms by men who lost a decision at the ballot box. They were willing to recognize the power of a section to restrain the whole of a nation. Not so the men—those much maligned radicals—who had put their hands to the task of restoring the authority and prestige of constitutional government; not Lincoln.

Lincoln got some powerful antislavery men into foreign diplomatic posts immediately to correct the notion that slavery was not an issue in the war. No one could have done better on that score: Joshua Giddings, John Bigelow, Richard Hildreth, William Dean Howells, Carl Schurz, Thomas Corwin, Cassius M. Clay, John Lothrop Motley, Anson Burlingame, Zebina Eastman. He finally got some men in command of his armies who knew what the war was about.

It was in the first year of the war that full acknowledgment was made of the end of slavery. Slavery was destroyed by the first shots fired at the Stars and Stripes. An incredulous people were slow to realize the consequences of this action. Even now there are those who would argue the point. The inescapable fact is, however, that slavery was an exercise of force sustained by State law which once broken could never be restored. When slaveholders ran away and slaves ran away, the slaves were free. Slavery was abolished as the armies advanced and broke the exercise of force. Lincoln's Emancipation Proclamation and the 13th amendment completed the work begun on the battlefield.

Unfortunately emancipation, like slavery, meant nothing divorced from the interpretations placed on it. No man could now hold another in legalized bondage. The 13th amendment put that point beyond reversal by courts or a later Congress. It did not free the Negroes from control by the whites, or provide any safeguards for democratic institutions, or remove the power of former slaveholders and racists from the Government. Those who saw the enormity of the problem, the fearful responsibility that faced the country, the glorious opportunity to erect a lasting monument to the dead were so few in numbers as to be treated with the same disdain as was visited upon the early antislavery men.

The South at the close of the war was a spiritual and political vacuum. The men who had carried the burden of Government at Washington through 4 agonizing years knew that it would be a wicked and cowardly thing to withdraw its control from the South. They knew that congressional withdrawal would mean government of the old slave States by and for the whites for a long time. They knew that, if the Nation did not make decisions, the southern whites would make them, and that tomorrow would play no part in their scheme of things, only present poverty and the delusion of past glory. They knew the protecting mantle of the Federal Constitution must be thrown over these newly emancipated people; that denial of the right of secession was too moderate a restraint upon State rights; and, that the burden of proof must rest upon those who had forfeited the public trust, in all matters pertaining to the restoration of their political privileges.

It is a false notion that internal peace required acceptance back into the councils of the Nation of the men who had attempted to destroy it. This was a return to the old immorality of concession. What was the most important issue in this crisis of the war's end: The political privileges of the whites or the natural rights of 3½ million Negroes who had been rescued from their oppression? Some men knew the correct answer but their prodigious efforts always fell a little short of providing complete emancipation for the Negro and redemption of democracy in the former slave States.

Men accepted the preservation of the Union, but grudgingly and under duress. They had no choice but to accept the abolition of slavery, but they would not accept emancipation in its broader aspects, nor admit slavery to have been an evil, nor recognize the natural rights of Negroes as persons or their constitutional rights as citizens. Love for the Union and respect for the Federal Government were hard to come by. The Lincoln policy of generosity to rebels did not evoke generosity to friends of the Government or loyalty on their part. It simply did not work. Men who had waged bitter war soon returned to power. They were heroes. They had done no wrong. People thought of themselves, spoke of themselves, as southerners. There was almost a complete lack of national sentiment. The Confederate flag was prominently displayed through the years, more often than not with more respect than the Stars and Stripes. Sectionalism in all its virulence remained to plague the Nation. It was hostile to social revolution and to national unity. Its evil genius was second-class citizenship for the Negro. It thrived on cultural deficiencies and nourished pride in second-rate achievements. It may well be that these people were incapable of loyalty to anything except their own prejudices.

So we come to the end of another century. We shrank from our responsibilities in 1787, and we did it again in 1865. If we do it now we do not deserve to survive as a free people. All of our glorious history, all the precepts of humanity, the fate of civilization itself, demand that we rouse ourselves from our lethargy, tell the people the truth, face realities, correct the defects of our institutions, and purify our hearts. Mankind will wait upon our reveries no longer. This is a worldwide revolution today, not a family quarrel. It is as great a revolution as the Referendum. Few people grasp its meaning, its intensity, its power. Some people are trying to make money from it; some to gain notoriety; some to win political preferment; but I say to you, and I wish I could say it to every man in Washington today, the only men in public or private life whose words and deeds will live in history are those who stand foursquare for justice and truth, who love their fellow men above all earthly gain, who reach a helping hand to those who suffer and weep for those who are crucified by hate and prejudice, who sacrifice their wealth, their social position, their public careers, if necessary, to save this Nation's soul. We will never find peace except at the foot of the cross, and if that road is blocked again as it was in 1861, then may God have mercy upon us.

What we have to do is quit dreaming and get down to reality. In an age which demands a concept of world citizenship men continue to talk about State sovereignty and some aspirants to high office want even to atomize that. State sovereignty is a myth. There never has been any such thing as State sovereignty since 1789; probably not since the association. All of the power of the

States flows to them through the Constitution of the United States and the Constitution is the supreme law of the land. Some Governors currently project themselves back 100 years to emulate the Davises, the Yanceys, the Calhouns. They wrap themselves in the folds of the stars and bars and set themselves up as sacred symbols of Americanism, of righteousness and honor. They live and dream in a world of fantasy. These men are heroes and prophets to many people. They demand segregation forever as slaveholders demanded slavery forever. They are pledged to resist Federal law. They set themselves above the national conscience and the courts. Their followers fly the flag of rebellion everywhere and above the Stars and Stripes. They ride through the night to burn and torture and kill. They pride themselves on violence and second-rate achievements.

Men reared in the kind of atmosphere which prevails in these communities are not fit to participate in government. They go to Congress and do everything in their power to prevent enactment of laws to protect the victims of these injustices. Their ideas of justice are corrupt. Their attitude toward poor and unfortunate people is one of contempt. No man who would discriminate against another man because of the color of his skin is fit to participate in the formulation of public policy.

Commonsense should have dictated some better security for the Negro that the franchise, unless control of the franchise were given to the Federal Government. Control of the franchise by State governments has created so many ridiculous situations as to be beyond the pale of respectability. In this case it was tragic. Negroes had to be guaranteed the franchise the same as they had of necessity been enrolled in the Union armies, as a recognition by the highest authority of equality. They had to be guaranteed the franchise for their own self-respect and their own protection. Freedom for the slaves automatically gave to a people fresh from the wars of rebellion an increase of representation if they could get restoration of representation in Congress. The old evil of giving men extraordinary power in government as a reward for oppressing and exploiting their fellow men was now compounded. An effort was made to prevent this by authorizing a reduction in representation for any State denying the franchise to the Negro but the vagaries of politics made the provision little else than a monument to incompetence. It was all wrong, even if it had been applied, because that would have deprived the Negro of the franchise and the Nation of his voice in public affairs. It was the wrong approach then; it is the wrong approach now in spite of anything the Civil Rights Commission may say. Even assuming, and it is a wild assumption, that these States would rather permit the Negro to have a voice in public affairs than to lose representation, the approach and the principle involved are both morally wrong. What can men be thinking about to offer approval of this sort of evil even on the basis of reducing the political power of the evildoers? The Nation has a right to the wisdom and talents of all its people in the conduct of public affairs. It dare not be content with less. The Negro has a right to participate in public affairs on a State and local level. He dare not ever, in any circumstances, agree to less. The idea that voting and office holding is a privilege to be given or withheld by a majority is no longer valid.

The combination of readmission of States and retention of State control of the franchise was a betrayal of everything for which men had fought in the war. Southern whites excluded Negroes from the ballot box, continued to appropriate to themselves all representation based upon the Negro population, and went back to Congress to thwart any corrective legislation through the years. Their power in party conventions, in the House of Representatives and in the electoral college is so great that both parties vie for its support directly or by indirection and they are already doing it shamelessly in anticipation of the next presidential campaign. Bear in mind, also, that the filibuster in the Senate is the perfect application of Calhoun's doctrine of nullification. Keeping a bill from coming to a vote is a far more vicious and deadly way to stifle the will of the people than declaring it null and void after it becomes a law. Bear in mind, also, that chairmanships of committees go to men on the basis of seniority and southern whites have compiled a fantastic record for bottling up legislation in committee. All in all, we are about where we were in 1789.

Finally, the State and local governments were allowed to continue exercise of the police powers, and the courts denied that Congress might intervene to prevent positive denial of equal protection, or to supplement deficiencies in protection of natural rights of the individual. It would seem that Congress had always possessed the power to protect persons in their civil rights, if not on the basis of reciprocity of allegiance and protection, at least by virtue of the Bill of Rights. In fact, the Constitution itself as the supreme law of the land, without congressional legislation, would seem so to protect. It would seem that Congress was empowered to legislate for the protection of persons and property, if not before the Civil War then certainly under the 13th amendment, because slavery was a comprehensive denial of natural rights and the amendment abolished slavery.

It would seem that Congress possessed the power to protect the natural rights (privileges and immunities) of the individual under the 14th amendment because that amendment forbade any State to abridge such rights of citizens and failure to protect—protection being a basic function of government—is assuredly an abridgement, denial, or contraction. All of this turned out not to be so. States were held to be the depositaries of individual rights, the Federal Government not to have the power to protect individuals in their rights of persons and property, and privileges and immunities not to mean the natural rights of individuals. The Federal Government could not protect its citizens one against another, nor punish offenses of one against another. Police powers of the States were left intact. In retrospect, then, everything hinged upon force. The only reformation worth while was achieved through reconstruction governments of the States, which fell when the army was withdrawn. That day came in 1876 because politics demanded that it be withdrawn. We have opened a door now with the equality clause, but I warn you it is a limited achievement. We have no weapon here to enforce protection by local police, prevent police brutality, or cleanse the corruption and degradation of the jury system.

We are still in the depths of a great reverie, dreaming precious days away, talking wonderful words that have been discredited a thousand times over: patience, moderation, gradualism, compromise; but what are we doing actually (1) to acknowledge the awful crime of giving excessive, and at times controlling political power to men as a reward for oppressing a large portion of our people; (2) to free the conscience of the Nation from the restraints of a State with the lowest cultural level in the Nation; (3) to give to Negroes the enjoyment of the franchise and more importantly to the Nation the benefit of their full participation in the public affairs, to get rid of the filibuster, and to prevent committee chairmen in the House of Representatives from governing by decree. What are we doing to provide protection to persons and property, just and equitable treatment to everyone by State and local officials, justice in the courts, particularly by juries, for persons disliked by the majority in a community to whom all local officials are beholden? What are we doing to bring about a spiritual regeneration which will remove color consciousness from our relationships with other people and permit us to associate freely as human beings and citizens?

Suffering will not go away. Poverty will not go away. Neither will aspiration and hope from the hearts of the oppressed. Men will always love freedom and equality. They will fight for it because they dare not compromise it away. It's a false notion that something can be given to people from whom everything was taken away. It can only be restored and compromise has no place here, only retributive justice. This is a matter of justice and right or nothing. Why will we not then as a people forget the doubts of our minds, take the problem into the sanctuary of our hearts, and find security and peace in love for our fellow men. We will not, of course, because we are neither Christians nor gentlemen, and the hour of retribution draws near. The only thing the country understands today is fear: Fear of communism fear of atomic bombs, fear of Negroes. We are starved in mind and soul. We have the greatest opportunity ever given to a people to resume moral leadership of the world in the area of human relationships. We have a great obligation, even necessity, to expand upon our democratic ideals and institutions, but we cannot rise to the challenge. It is my considered judgment that we will not until impending disaster frightens us into action. There must be no more compromise, no more expediency, no more politics. The march for freedom must go on, will go on, even at the fearful risk of civil strife. Man cannot turn back in his quest for justice and the better life.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Stafford (at the request of Mr. Mathias), for 30 minutes, on June 18.

Mr. Halpern (at the request of Mr. Mathias), for 30 minutes, today.

Mr. Widnall (at the request of Mr. Mathias), for 30 minutes, today.

Mr. Meader (at the request of Mr. Mathias), for 60 minutes, on June 22.

Mr. Chamberlain (at the request of Mr. Mathias), for 10 minutes, today.

Mr. Beermann (at the request of Mr. Mathias), for 30 minutes, on June 18.

Mr. O'Hara of Michigan, for 5 minutes, today.

Mr. Diggs (at the request of Mr. Smith of Iowa), for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. McDowell (at the request of Mr. Smith of Iowa), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Barrett.

(The following Members (at the request of Mr. Mathias) and to include extraneous matter:)

Mr. Horton.

Mr. TALCOTT in two instances.

Mr. BRAY.

Mr. BYRNES of Wisconsin.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 718. An act for the relief of W. H. Pickel.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 1887. An act for the relief of Chang In Wu.

ADJOURNMENT

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Thursday, June 18, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2182. A letter from the Assistant Secretary, Export-Import Bank of Washington, relative to reporting that the Export-Import Bank of Washington on June 12, 1964, issued its guarantee with respect to certain transactions relating to the country of Hungary, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2183. A letter from the Comptroller General of the United States, transmitting a report on an examination relating to ineffective administration of U.S. assistance to a children's hospital in Poland, for which about $2.2 million and the equivalent of $8.3 million in U.S.-owned Polish currency has been appropriated, disclosed an almost complete lack of U.S. Government surveillance of project activities, Agency for International Development and the Department of State; to the Committee on Government Operations.

2184. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, relative to transmitting reports concerning visa petitions which this Service has approved according the beneficiaries of such petitions first preference classification, pursuant to the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2185. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated March 21, 1963, submitting a report, together with accompanying papers, on Saline River and tributaries, Illinois, in response to an item in the Flood Control Act approved October 23, 1962 (H. Doc. No. 311); to the Committee on Public Works and ordered to be printed.

2186. A letter from the Secretary of the Air Force, transmitting a draft of a proposed bill entitled "A bill to authorize checks to be drawn in favor of banking organizations for the credit of a person's account, under certain conditions"; to the Committee on Government Operations.

2187. A letter from the Comptroller General of the United States, transmitting a report relating to the Fort Worth regional office, Housing and Home Finance Agency, which approved in March 1961 an urban renewal plan for the Keyway project, Topeka, Kans., which provided for the acquisition and demolition of five structurally sound buildings valued at about $350,000, without giving adequate consideration to less costly methods of redevelopment; to the Committee on Government Operations.

2188. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d)(2) of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 142), and to the "General provisions" immediately following the National Aeronautics and Space Administration appropriations in the Independent Offices Appropriation Act, 1964 (77 Stat. 425, 439); to the Committee on Science and Astronautics.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BAKER:

H.R. 11637. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 11638. A bill to provide that a percentage of the net budget receipts of the United States (up to 10 percent thereof) shall be devoted exclusively to the retirement of the public debt; to the Committee on Government Operations.

By Mr. DORN:

H.R. 11639. A bill defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 11640. A bill to protect consumers by requiring that imported meat and meat food products made in whole or in part with imported meat bear a label showing the country of origin of such imported meat; to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX:

H.R. 11641. A bill to amend the Tariff Schedules of the United States with respect to the duty treatment of maple, birch, and beech hardwood flooring; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 11642. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall meet certain safety standards; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 11643. A bill to amend section 721, and section 757 of title 38, United States Code, to limit review of insurance extra hazards determinations by the Administrator of Veterans' Affairs to 2 years from the date of original decision; to the Committee on Veterans' Affairs.

By Mr. BENNETT of Michigan:

H.R. 11644. A bill to amend the Tariff Schedules of the United States with respect to the duty treatment of maple, birch, and beech hardwood flooring; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 11645. A bill to amend the Tariff Schedules of the United States with respect to the duty treatment of maple, birch, and beech hardwood flooring; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11646. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 11647. A bill to provide for the issuance of a postage stamp in honor of the 50th anniversary of the founding of the Kiwanis International Club; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 11648. A bill to amend the Communications Act of 1934 to prohibit the broadcasting of predictions of certain election results before all polling places in the continental United States are closed; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 11649. A bill to repeal title II (relating to wheat) of the Agricultural Act of 1964, and for other purposes; to the Committee on Agriculture.

By Mr. MEADER:

H.R. 11650. A bill to insure that congressional districts meet certain standards, and for other purposes; to the Committee on the Judiciary.

By Mr. RIVERS of Alaska:

H.R. 11651. A bill to provide cost-of-living allowances for judicial employees stationed outside the continental United States or in Alaska or Hawaii; to the Committee on the Judiciary.

By Mr. HANNA:

H. Con. Res. 314. Concurrent resolution to endorse the concept of World Farm Center; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DIGGS:

H.R. 11652. A bill to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; to the Committee on the District of Columbia.

By Mr. ELLSWORTH:

H.R. 11653. A bill to provide for the issuance of a Merchant Marine Victory Medal for service during World War II to F. C. Blackmer; to the Committee on Merchant Marine & Fisheries.

By Mr. MILLER of California:

H.R. 11654. A bill for the relief of John Allen; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 11655. A bill for the relief of Mrs. Guisippina Russo Luciforo; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 11656. A bill granting jurisdiction to the Court of Claims to render judgment on certain claims of the Algonac Manufacturing Co., and John A. Maxwell against the United States; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11657. A bill to authorize the President to issue posthumously to the late William F. Valters a commission as second lieutenant, Marine Corps Reserve; to the Committee on Armed Services.

By Mr. SICKLES:

H.R. 11658. A bill for the relief of Dr. Silvino B. Muneses; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

935. By Mr. GREEN of Pennsylvania: Petition of the Council of the City of Philadelphia, Pa., memorializing the U.S. House of Representatives to enact H.R. 3881, which provides Federal aid to communities in the solution of their mass transportation problems; to the Committee on Banking and Currency.

936. By the SPEAKER: Petition of Paul d'Ortona, president, City Council of Philadelphia, Philadelphia, Pa., petitioning consideration of their resolution to enact H.R. 3881, which provides Federal aid to communities in the solution of their mass transportation problems: to the Committee on Banking and Currency.

937. Also, petition of Henry Stoner, Avon Park, Fla., to do things possible to emphasize the political difference between Moscow and Peiping; and form a Democratic Republican Party for proper grassroots sidewalks education in foreign affairs, and we must also play practical world politics; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, JUNE 17, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. J. Millard Ahlstrom, pastor, First Lutheran Church, St. Peter, Minn., offered the following prayer:

Forgive my faults, O God; forgive our faults as a nation; forgive the faults of all men.

We pray for those closest within the circle of our concern—sons and daughters, friends, those we have loved long since and lost awhile. Give them Thy blessing, good Lord.

And now, as to the business at hand this day, grant guidance to the President of the United States; to all who are in positions of authority, in this land and in all the world; and to men of good will everywhere.

Most especially we pray for the 100 who deliberate in this great Chamber. Teach all of them that they are made of mortal clay, but are given the chance of godly choice; that each stands alone, but supported by innumerable hosts of those who watch and wait, today and in the years to come.

In the small, tedious, and homely tasks of this day, help them to see the splendid vistas of all time ahead; and in the work they do here and now, keep them in touch with eternal crowns and everlasting verities.

To stars there are stairways;
From strident clash, brotherhood can come;
From sinful men can emerge the
Sunburst of a new day.

Hear us; hurt us; bless us; heal us. In Jesus' name we pray. Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 16, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3220. An act for the relief of Hugh M. Brady;

H.R. 5407. An act for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans.;

H.R. 6882. An act for the relief of the Maloney Bros. Nursery Co., Inc.;

H.R. 8184. An act for the relief of Mr. and Mrs. Blanton Darbro;

H.R. 8286. An act for the relief of Capt. Leslie B. Shanoff;

H.R. 8746. An act for the relief of Roger A. Ross;

H.R. 9372. An act to remove a cloud on the title of certain property owned by Wilmer Allers and Jane B. Allers, both of Malin, Oreg.;

H.R. 9764. An act for the relief of Anne S. Henkel;

H.R. 9876. An act to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for a special project and study;

H.R. 9901. An act for the relief of certain individuals;

H.R. 10066. An act for the relief of Joe C. Oden; and

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 718) for the relief of W. H. Pickel, and it was signed by the Acting President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 3220. An act for the relief of Hugh M. Brady;

H.R. 5407. An act for the relief of Mary Horalek and Eva Horalek, Blue Rapids, Kans.;

H.R. 6882. An act for the relief of the Maloney Bros. Nursery Co., Inc.;

H.R. 8184. An act for the relief of Mr. and Mrs. Blanton Darbro;

H.R. 8286. An act for the relief of Capt. Leslie B. Shanoff;

H.R. 8746. An act for the relief of Roger A. Ross;

H.R. 9372. An act to remove a cloud on the title of certain property owned by Wilmer Allers and Jane B. Allers, both of Malin, Oreg.;

H.R. 9764. An act for the relief of Anne S. Henkel;

H.R. 9901. An act for the relief of certain individuals; and

H.R. 10066. An act for the relief of Joe C. Oden; to the Committee on the Judiciary.

H.R. 9876. An act to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for a special project and study.

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be a morning-hour period for 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M. ON THURSDAY, JUNE 18

Mr. HUMPHREY. Mr. President, I ask unanimous consent that at the conclusion of its business today, the Senate stand in recess until Thursday, June 18, at 11 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Stanley E. Rutkowski, of New Jersey, to be comptroller of customs at Philadelphia, Pa.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. HUMPHREY, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendment to the Budget, 1965, for District of Columbia (S. Doc. No. 80)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1965, in the amount of $160,000, for the District of Columbia (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Report on Grant of Funds Appropriated to NASA for Research and Development to Purdue University, Lafayette, Ind.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, the grant of $840,000 of research and development funds appropriated to that Administration, to Purdue University, Lafayette, Ind., for the construction of additional laboratory and rocket firing facilities at its Jet Propulsion Center; to the Committee on Aeronautical and Space Sciences.

Report of Export-Import Bank of Washington on Guarantees of Certain Transactions

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank on June 12, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

Authorization for Checks To Be Drawn in Favor of Banking Organizations for Credit to a Person's Account Under Certain Conditions

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to authorize checks to be drawn in favor of banking organizations for the credit of a person's account, under certain conditions (with an accompanying paper); to the Committee on Banking and Currency.

Report on Surplus Property Credit Accounts of Foreign Governments and Private Entities

A letter from the Secretary of State, transmitting, pursuant to law, a report on surplus property credit accounts of foreign governments and private entities, for the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

Report on Ineffective Administration of U.S. Assistance to Children's Hospital in Poland

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration of U.S. assistance to children's hospital in Poland, Agency for International Development and the Department of State, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Sound Structures Scheduled for Demolition Without Adequate Consideration of Less Costly Methods of Redevelopment, Keyway Urban Renewal Project, Topeka, Kans.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on sound structures scheduled for demolition without adequate consideration of less costly methods of redevelopment, Keyway urban renewal project, Topeka, Kans., Housing and Home Finance Agency, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Reports Relating to Visa Petitions According First Preference to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions which have been approved according the beneficiaries of such petitions first preference classification (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of a Certain Alien—Withdrawal of Name

A letter from the Comimssioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Alfonso Talamantes-Leon from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on May 1, 1963 (with an accompanying paper); to the Committee on the Judiciary.

Court Opinion in Case of Ralph Feffer and Sons, et al. v. the United States

A letter from the Clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, copies of that court's opinion and findings in the case of *Ralph Feffer and Sons, et al.* v. *The United States* (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the ACTING PRESIDENT pro tempore:

The memorial of Janie Gilliland, a citizen of the United States, remonstrating against the enactment of the so-called civil rights bill; ordered to lie on the table.

ARE U.S. MILITARY CEMETERIES FULL?

Mr. KEATING. Mr. President, many veterans throughout this country who have answered the call to battle in the time of national need have become alarmed about the recent announcement that all national cemeteries with the exception of Arlington, will be closed to further burials for veterans and their families after 1975.

Veterans receiving honorable discharges for war or peacetime service have heretofore been granted the privilege of burial in our national cemeteries. If this privilege is to be taken away there should be a full explanation for the change in policy to interested veterans organizations and the appropriate congressional committees.

I ask unanimous consent that the resolution of the Queens County Council of the Jewish War Veterans requesting congressional action to reverse this decision of the Army Chief of Support Services be printed in the RECORD and referred to the Committee on Armed Services.

There being no objection, the resolution was referred to the Committee on Armed Services, as follows:

Queens County Council,
Jewish War Veterans
of the United States,
Ozone Park, N.Y.

Whereas the Queens County Council, Jewish War Veterans of the United States has learned of a decision expressed by Col. John W. Hanger, Army Chief of Support Services, that would close all national cemeteries except Arlington to further burials to veterans and their families by 1975; and

Whereas the Queens County Council, Jewish War Veterans, adhering to their stated principle of mutual helpfulness to comrades and their families does feel that this action by the Department of the Army is a gross violation of an honor and privilege granted all veterans since the Civil War and a further abrogation of a legal right; and

Whereas the Queens County Council, Jewish War Veterans, does further hold that this action by the Department of the Army is irresponsible, unilateral and has been conducted without public knowledge: Now, therefore, be it

Resolved, That the constituent members of the House Armed Services Committee and the House Veterans' Affairs Committee be advised of our sentiments; and be it further

Resolved, That the members of these committees do hereby institute immediate action to reverse this unwise and unpopular decision which is an affront to all former members of the Armed Forces and their families who have made great sacrifices in defense of our great Nation; and be it further

Resolved, That the Queens County Council, Jewish War Veterans, call upon all other veterans organizations, civic organizations, and legislators to join with us in an effort to correct this intolerable situation.

Joseph Freilich,
Commander.

REPORT OF A COMMITTEE SUBMITTED DURING RECESS

Pursuant to the order of the Senate of February 27, 1964,

Mr. ROBERTSON, from the Committee on Appropriations, reported favorably, with amendments, on June 17, 1964, the bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, and submitted a report (No. 1095) thereon, which was printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. INOUYE:

S. 2920. A bill for the relief of William Wong; and

S. 2921. A bill to amend the War Claims Act of 1948 and the Trading With the Enemy Act to provide for the submission of certain claims and the reinstatement of certain claims; to the Committee on the Judiciary.

NOTICE OF RESUMPTION OF HEARINGS ON PENDING IMMIGRATION AND NATURALIZATION LEGISLATION

Mr. EASTLAND. Mr. President, as chairman of the Senate Immigration and Naturalization Subcommittee, I wish to announce a resumption of the hearings on pending immigration and naturalization legislation starting on June 25, 1964, at 10:30 a.m., in room 2228, New Senate Office Building.

Priority in the scheduling of witnesses will be given to any sponsors of pending legislation who were unable to appear at the prior hearings.

Executive department witnesses will be invited to appear, following which, interested nongovernmental organizations will be scheduled, as well as any groups or persons who wish to voice opposition to the pending proposals to revise our present immigration and naturalization laws.

THE CIVIL RIGHTS BILL AND PUBLIC SCHOOLS

Mr. ERVIN. Mr. President, after the bill now before the Senate is enacted, the people of America will learn to their sorrow that Edmund Burke spoke tragic truth when he said bad laws are the worst sort of tyranny.

The bill glorifies the office of the Attorney General above that of the President. It is replete with provisions vesting in the single fallible human being occupying the office of Attorney General at any particular time, regardless of his wisdom or unwisdom and regardless of his qualifications or lack of qualifications, arbitrary, capricious, and virtually unreviewable power of unprecedented magnitude, which no man who believes in the reign of law should want and which no man who is sensitive to political considerations should have.

This observation is illustrated in vivid fashion by title IV, which is inserted in the bill for the ostensible purpose of implementing the judge-made concept attached to the 14th amendment for the first time at 12 noon on May 17, 1954, by *Brown* v. *Board of Education of Topeka*, 347 U.S. 483.

Title IV provides, in essence, that upon receipt from private sources of written statements conforming to paragraphs (1) and (2) of subsection (a) of section 407, the Attorney General shall have the absolute power to be exercised solely according to his own capricious desire or fancy to demand of Federal district courts in suits prosecuted at public expense that they assume the administrative tasks of assigning pupils to public schools and to classrooms within such schools in order to achieve "desegregation in public schools and within such schools"—section 401(b)—in all public school districts in all areas of the Nation except those made privileged sanctuaries by the proviso beginning on line 18 on page 21. This proviso was devised by certain proponents of the bill to minimize the impact of title IV upon cities of the North and East having segregated residential patterns. It is obvious that these gentlemen abhor segregation in the South more than they do segregation on their own doorsteps.

While title IV is allegedly inserted in the bill to implement the Brown case, it goes far beyond what was held in that case.

When all is said, title IV is based upon the theory that the Brown case holds that a State is compelled by the equal protection clause of the 14th amendment to provide affirmatively an integrated education.

The Brown case holds nothing of the kind. On the contrary, the Brown case holds exactly the opposite.

Its holding was explained in simple and understandable words by the late Chief Judge John J. Parker of the Fourth Circuit in the per curiam opinion written by him in *Briggs* v. *Elliott*, 132 F. Supp. 776. I quote his words:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

Judge Parker's analysis of the holding in the Brown case was sustained in the Brown case itself on its remand by the Supreme Court to the Federal District Court sitting in Kansas—139 F. Supp. 468. Moreover, it was subsequently upheld in the following Federal cases:

First. *Evans* v. *Buchanan*, 207 F. Supp. 820, which was handed down by the U.S. District Court for the District of Delaware on August 29, 1962.

Second. *Bell* v. *School City of Gary, Ind.*, 213 F. Supp. 819, which was handed down by the U.S. District Court for the Northern District of Indiana on January 29, 1963.

Third. *Bell* v. *School City of Gary*, 324 F. 2d 209, which affirmed the ruling of the U.S. District Court for the Northern District of Indiana and which was handed down by the U.S. Court of Appeals of the Seventh Circuit on October 31, 1963.

I ask unanimous consent that copies of these decisions be printed at this point in the body of the RECORD.

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

BROWN ET AL. *v.* BOARD OF EDUCATION OF TOPEKA ET AL.

(No. 1—Appeal from the U.S. District Court for the District of Kansas,[1] argued December 9, 1952; reargued December 8, 1953; decided May 17, 1954)

Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment—even though the physical facilities and other "tangible" factors of white and Negro schools may be equal. (Pp. 486–496.)

(a) The history of the Fourteenth Amendment is inconclusive as to its intended effect on public education. (Pp. 489–490.)

(b) The question presented in these cases must be determined, not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation. (Pp. 492–493.)

(c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms. (P. 493.)

(d) Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other "tangible" factors may be equal. (Pp. 493–494.)

(e) The "separate but equal" doctrine adopted in *Plessy* v. *Ferguson*, 163 U.S. 537, has no place in the field of public education. (P. 495.)

(f) The cases are restored to the docket for further argument on specified questions relating to the forms of the decrees. (Pp. 495–496.)

Robert L. Carter argued the cause for appellants in No. 1 on the original argument and on the reargument. Thurgood Marshall argued the cause for appellants in No. 2 on the original argument and Spottswood W. Robinson, III, for appellants in No. 4 on the original argument, and both argued the causes for appellants in Nos. 2 and 4 on the reargument. Louis L. Redding and Jack Greenberg argued the cause for respondents in No. 10 on the original argument and Jack Greenberg and Thurgood Marshall on the reargument.

On the briefs were Robert L. Carter, Thurgood Marshall, Spottswood W. Robinson, III, Louis L. Redding, Jack Greenberg, George E. C. Hayes, William R. Ming, Jr., Constance Baker Motley, James M. Nabrit, Jr., Charles S. Scott, Frank D. Reeves, Harold R. Boulware and Oliver W. Hill for appellants in Nos. 1, 2 and 4 and respondents in No. 10; George M. Johnson for appellants in Nos. 1, 2 and 4; and Loren Miller for appellants in Nos. 2 and 4. Arthur D. Shores and A. T. Walden were on the Statement as to Jurisdiction and a brief opposing a Motion to Dismiss or Affirm in No. 2.

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[1] Together with No. 2, *Briggs et al.* v. *Elliott et al.*, on appeal from the United States District Court for the Eastern District of South Carolina, argued December 9–10, 1952, reargued December 7–8, 1953; No. 4, *Davis et al.* v. *County School Board of Prince Edward County, Virginia, et al.*, on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7–8, 1953; and No. 10, *Gebhart et al.* v. *Belton et al.*, on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.

Paul E. Wilson, Assistant Attorney General of Kansas, argued the cause for appellees in No. 1 on the original argument and on the reargument. With him on the briefs was Harold R. Fatzer, Attorney General.

John W. Davis argued the cause for appellees in No. 2 on the original argument and for appellees in Nos. 2 and 4 on the reargument. With him on the briefs in No. 2 were T. C. Callison, Attorney General of South Carolina, Robert Mc Figg, Jr., S. E. Rogers, William R. Meagher and Taggart Whipple.

J. Lindsay Almond, Jr., Attorney General of Virginia, and T. Justin Moore argued the cause for appellees in No. 4 on the original argument and for appellees in Nos. 2 and 4 on the reargument. On the briefs in No. 4 were J. Lindsay Almond, Jr., Attorney General, and Henry T. Wickham, Special Assistant Attorney General, for the State of Virginia, and T. Justin Moore, Archibald G. Robertson, John W. Riely and T. Justin Moore, Jr., for the Prince Edward County School Authorities, appellees.

H. Albert Young, Attorney General of Delaware, argued the cause for petitioners in No. 10 on the original argument and on the reargument. With him on the briefs was Louis J. Finger, Special Deputy Attorney General.

By special leave of Court, Assistant Attorney General Rankin argued the cause for the United States on the reargument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10. With him on the brief were Attorney General Brownell, Philip Elman, Leon Ulman, William J. Lamont and M. Magdelena Schoch. James P. McGranery, then Attorney General, and Philip Elman filed a brief for the United States on the original argument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10.

Briefs of amici curiae supporting appellants in No. 1 were filed by Shad Polier, Will Maslow and Joseph B. Robison for the American Jewish Congress; by Edwin J. Lukas, Arnold Forster, Arthur Garfield Hays, Frank E. Karelsen, Leonard Haas, Saburo Kido and Theodore Leskes for the American Civil Liberties Union et al.; and by John Ligtenberg and Selma M. Borchardt for the American Federation of Teachers. Briefs of amici curiae supporting appellants in No. 1 and respondents in No. 10 were filed by Arthur J. Goldberg and Thomas E. Harris for the Congress of Industrial Organizations and by Phineas Indritz for the American Veterans Committee, Inc.

Mr. Chief Justice Warren delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.[1a]

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the 14th amendment. In each of the cases other than the Delaware case, a three-judge Federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy* v. *Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction.[2] Argument was heard in the 1952 term, and reargument was heard this term on certain questions propounded by the Court.[3]

Reargument was largely devoted to the circumstances surrounding the adoption of the 14th amendment in 1868. It covered exhaustively consideration of the amendment in Congress, ratification by the States, then existing practices in racial segregation, and the views of proponents and opponents of the amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the postwar amendments undoubtedly intended them to remove all legal distinctions among all persons born or naturalized in the United States. Their opponents, just as certainly were antagonistic to both the letter and the spirit of the amendments and wished them to have the most limited effect. What others in Congress and the State legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the amendment's history, with respect to segregated schools, is the status of public education at that time.[4] In the

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[1a] In the Kansas case, *Brown* v. *Board of Education*, the plaintiffs are Negro children of elementary school age residing in Topeka. They brought this action in the United States District Court for the District of Kansas to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate school facilities for Negro and white students. Kan. Gen. Stat. § 72-1724 (1949). Pursuant to that authority, the Topeka Board of Education elected to establish segregated elementary schools. Other public schools in the community, however, are operated on a nonsegregated basis. The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, found that segregation in public education has a detrimental effect upon Negro children, but denied relief on the ground that the Negro and white schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. 98 F. Supp. 797. The case is here on direct appeal under 28 U.S.C. § 1253.

In the South Carolina case, *Briggs* v. *Elliott*, the plaintiffs are Negro children of both elementary and high school age residing in Clarendon County. They brought this action in the United States District Court for the Eastern District of South Carolina to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. S.C. Const., Art. XI, § 7; S.C. Code § 5377 (1942). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found that the Negro schools were inferior to the white schools and ordered the defendants to begin immediately to equalize the facilities. But the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 98 F. Supp. 529. This Court vacated the District Court's judgment and remanded the case for the purpose of obtaining the court's views on a report filed by the defendants concerning the progress made in the equalization program. 342 U.S. 350. On remand, the District Court found that substantial equality had been achieved except for buildings and that the defendants were proceeding to rectify this inequality as well. 103 F. Supp. 920. The case is again here on direct appeal under 28 U.S.C. § 1253.

In the Virginia case, *Davis* v. *County School Board*, the plaintiffs are Negro children of high school age residing in Prince Edward County. They brought this action in the United States District Court for the Eastern District of Virginia to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schools. Va. Const., § 140; Va. Code § 22-221 (1950). The three-judge District Court, convened under 28 U.S.C. §§ 2281 and 2284, denied the requested relief. The court found the Negro school inferior in physical plant, curricula, and transportation, and ordered the defendants forthwith to provide substantially equal curricula and transportation and to "proceed with all reasonable diligence and dispatch to remove" the inequality in physical plant. But, as in the South Carolina case, the court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. 103 F. Supp. 337. The case is here on direct appeal under 28 U.S.C. § 1253.

In the Delaware case, *Gebhart* v. *Belton*, the plaintiffs are Negro children of both elementary and high school age residing in New Castle County. They brought this action in the Delaware Court of Chancery to enjoin enforcement of provisions in the state constitution and statutory code which require the segregation of Negroes and whites in public schols. Del. Const., Art. X, § 2; Del. Rev. Code § 2631 (1935). The Chancellor gave judgment for the plaintiffs and ordered their immediate admission to schools previously attended only by white children, on the ground that the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, extracurricular activities, physical plant, and time and distance involved in travel. 87 A. 2d 862. The Chancellor also found that segregation itself results in an inferior education for Negro children (see note 10, infra), but did not rest his decision on that ground. Id., at 865. The Chancellor's decree was affirmed by the Supreme Court of Delaware, which intimated, however, that the defendants might be able to obtain a modification of the decree after equalization of the Negro and white schools had been accomplished. 91 A. 2d 137, 152. The defendants, contending only that the Delaware courts had erred in ordering the immediate admission of the Negro plaintiffs to the white schools, applied to this Court for certiorari. The writ was granted, 344 U.S. 891. The plaintiffs, who were successful below, did not submit a cross-petition.

[2] 344 U.S. 1, 141, 891.

[3] 345 U.S. 972. The Attorney General of the United States participated both terms as amicus curiae.

[4] For a general study of the development of public education prior to the amendment, see Butts and Cremin, "A History of Education in American Culture" (1953), pts. I, II; Cubberley, "Public Education in the United States" (1934 ed.), cc. II–XII. School practices current at the time of the adoption of the 14th amendment are described in Butts and Cremin, supra, at 269–275; Cubberley, supra, at 288–339, 408–431; Knight, "Public Education in the South" (1922), cc. VIII, IX. See also H. Ex. Doc. No. 315, 41st Cong., 2d Sess.

South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some States. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public school education at the time of the amendment had advanced further in the North, but the effect of the amendment on Northern States was generally ignored in the congressional debates. Even in the North the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but 3 months a year in many States; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the 14th amendment relating to its intended effect on public education.

In the first cases in this Court construing the 14th amendment, decided shortly after its adoption, the Court interpreted it as proscribing all State-imposed discriminations against the Negro race.[5] The doctrine of "separate but equal" did not make its appearance in this Court until 1896 in the case of *Plessy* v. *Ferguson*, supra, involving not education but transportation.[6] American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education.[7] In *Cumming* v. *County Board of Education*, 175 U.S. 528, and *Gong Lum* v. *Rice*, 275 U.S. 78, the validity of the doctrine itself was not challenged.[8] In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. (*Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337; *Sipuel* v. *Oklahoma*, 332 U.S. 631; *Sweatt* v. *Painter*, 339 U.S. 629; *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637.) In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt* v. *Painter, supra*, the Court expressly reserved decision on the question whether *Plessy* v. *Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike *Sweatt* v. *Painter*, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curriculums, qualifications and salaries of teachers, and other "tangible" factors.[9] Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of State and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the Armed Forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt* v. *Painter*, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin* v. *Oklahoma State Regents, supra*, the court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: "his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."[10]

Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority.[11] Any language in

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(1871). Although the demand for free public schools followed substantially the same pattern in both the North and the South, the development in the South did not begin to gain momentum until about 1850, some 20 years after that in the North. The reasons for the somewhat slower development in the South (e.g., the rural character of the South and the different regional attitudes toward State assistance) are well explained in Cubberley, supra, at 408–423. In the country as a whole, but particularly in the South, the war virtually stopped all progress in public education. Id., at 427–428. The low status of Negro education in all sections of the country, both before and immediately after the war, is described in Beale, "A History of Freedom of Teaching in American Schools" (1941), 112–132, 175–195. Compulsory school attendance laws were not generally adopted until after the ratification of the 14th amendment, and it was not until 1918 that such laws were in force in all the States. (Cubberly, supra at 563–565.)

[5] *Slaughter-House Cases*, 16 Wall. 36, 67–72 (1873); *Strauder* v. *West Virginia*, 100 U.S. 303, 307–308 (1880):

"It ordains that no State shall deprive any person of life, liberty, or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color? The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race—the right to exemption from unfriendly legislation against them distinctively as colored—exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards reducing them to the condition of a subject race."

See also *Virginia* v. *Rives*, 100 U.S. 313, 318 (1880); *Ex parte Virginia*, 100 U.S. 339, 344–345 (1880).

[6] The doctrine apparently originated in *Roberts* v. *City of Boston*, 59 Mass. 198, 206 (1850), upholding school segregation against attack as being violative of a state constitutional guarantee of equality. Segregation in Boston public schools was eliminated in 1855. Mass. Acts 1855, c. 256. But elsewhere in the North segregation in public education has persisted in some communities until recent years. It is apparent that such segregation has long been a nationwide problem, not merely one of sectional concern.

[7] See also *Berea College* v. *Kentucky*, 211 U.S. 45 (1908).

[8] In the *Cumming* case, Negro taxpayers sought an injunction requiring the defendant school board to discontinue the operation of a high school for white children until the board resumed operation of a high school for Negro children. Similarly, in the *Gong Lum* case, the plaintiff, a child of Chinese descent, contended only that State authorities had misapplied the doctrine by classifying him with Negro children and requiring him to attend a Negro school.

[9] In the Kansas case, the court below found substantial equality as to all such factors. (98 F. Supp. 797, 798.) In the South Carolina case, the court below found that the defendants were proceeding "promptly and in good faith to comply with the court's decree." (103 F. Supp. 920, 921.) In the Virginia case, the court below noted that the equalization program was already "afoot and progressing" (103 F. Supp. 337, 341); since then, we have been advised, in the Virginia Attorney General's brief on reargument, that the program has now been completed. In the Delaware case, the court below similarly noted that the State's equalization program was well underway. (91 A. 2d 137, 149.)

[10] A similar finding was made in the Delaware case: "I conclude from the testimony that in our Delaware society, State-imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior to those available to white children otherwise similarly situated" (87 A. 2d 862, 865).

[11] K. B. Clark, "Effect of Prejudice and Discrimination on Personality Development" (Midcentury White House Conference on Children and Youth, 1950); Witmer and Kotinsky, "Personality in the Making" (1952), c. VI; Deutscher and Chein, "The Psychological Effects of Enforced Segregation: A Survey of Social Science Opinion," 26 J. Psychol. 259

Plessy v. *Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th amendment. This disposition makes unnecessary any discussion whether such segregation also violates the due process clause of the 14th amendment.[12]

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question—the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on questions 4 and 5 previously propounded by the Court for the reargument this term.[13] The Attorney General of the United States is again invited to participate. The attorneys general of the States requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.[14]

It is so ordered.

(1948); Chein, "What Are the Psychological Effects of Segregation Under Conditions of Equal Facilities?" 3 Int. J. Opinion and Attitude Res. 229 (1949); Brameld, "Educational Costs, in Discrimination and National Welfare" (MacIver, ed., 1949), 44–48; Frazier, "The Negro in the United States" (1949), 674–681. And see generally Myrdal, "An American Dilemma" (1944).

[12] See *Bolling* v. *Sharpe, post*, p. 497, concerning the due process clause of the fifth amendment.

[13] "4. Assuming it is decided that segregation in public schools violates the 14th amendment—

"(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?

"5. On the assumption on which questions 4 (a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

"(a) should this Court formulate detailed decrees in these cases;

"(b) if so, what specific issues should the decrees reach;

"(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

"(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

[14] See rule 42, Revised Rules of this Court (effective July 1, 1954).

Harry Briggs, Jr., et al., Plaintiffs *v.*
R. W. Elliott, et al., Defendants

Civ. A. No. 2657

(U.S. District Court E.D. South Carolina, Charleston Division, July 15, 1955)

Action against board of trustees of school district for declaratory judgment and injunctive relief. The District Court, per curiam, held that equal protections clause of Constitution is limitation upon exercise of power by State or State agencies, and is not limitation upon freedom of individuals. Judgment accordingly.

1. Constitutional Law 🔑220: State may not, either directly or indirectly, deny to any person on account of race the right to attend any school maintained by such State.

2. Constitutional Law 🔑220: If schools maintained by State are open to children of all races, no violation of equal protection of laws is involved, even though children of races voluntarily attend different schools. (U.S.C.A. Const. Amend. 14.)

3. Constitutional Law 🔑220: Equal protection clause of Constitution does not require integration of schools, but merely forbids discrimination, and does not forbid such segregation as occurs as result of voluntary action. (U.S.C.A. Const. Amend. 14.)

4. Constitutional Law 🔑209: Equal protection clause of Constitution is limitation upon exercise of power by State or State agencies, and is not limitation upon freedom of individuals. (U.S.C.A. Const. Amend. 14.)

Thurgood Marshall, New York, N.Y., Harold R. Boulware, Columbia, S.C., for plaintiffs.

S. E. Rogers, Summerton, S.C., Robert McC. Figg, Jr., Charleston, S.C., for defendants.

Before Parker and Dobie, circuit judges, and Timmerman, district judge.

Per curiam.

This court in its prior decisions in this case, 98 F. Supp. 529; 103 F. Supp. 920, followed what it conceived to be the law as laid down in prior decisions of the Supreme Court, *Plessy* v. *Ferguson,* 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256; *Gong Lum* v. *Rice,* 275 U.S. 78, 48 S. Ct. 91, 72 L. Ed. 172, that nothing in the 14th amendment to the Constitution of the United States forbids segregation of the races in the public schools provided equal facilities are accorded the children of all races. Our decision has been reversed by the Supreme Court, *Brown* v. *Board of Education of Topeka,* 349 U.S. 294, 75 S. Ct. 753, 757, which has remanded the case to us with direction "to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

Whatever may have been the views of this court as to the law when the case was originally before us, it is our duty now to accept the law as declared by the Supreme Court.

[1–4] Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

The Supreme Court has pointed out that the solution of the problem in accord with its decisions is the primary responsibility of school authorities and that the function of the courts is to determine whether action of the school authorities constitutes "good faith implementation of the governing constitutional principles." With respect to the action to be taken under its decision the Supreme Court said:

"Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts, and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases.

"The judgments below, except that in the Delaware case, are accordingly reversed and remanded to the district courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

The court is convened to hear any concrete suggestions you may have to make as to the decree that it should enter.

DECREE

This cause coming on to be heard on the motion of plaintiffs for a judgment and decree in accordance with the mandate of the Supreme Court, and the court having carefully considered the decision of the Supreme Court, the arguments of counsel, and the record heretofore made in this cause:

It is ordered that the decree heretofore entered by this court be set aside, and in accordance with the decision and mandate of the Supreme Court, it is ordered, adjudged, and decreed that the provisions of the Constitution and laws of the State of South Carolina requiring segregation of the races in the public schools are null and void because violative of the 14th amendment to the Constitution of the United States, and that the defendants be and they are hereby restrained and enjoined from refusing on account of race to admit to any school under their supervision any child qualified to enter such school, from and after such time as they may have made the necessary arrangements for admission of children to such school on a nondiscriminatory basis with all deliberate speed as required by the decision of the Supreme Court in this cause. It is further ordered that this cause be retained on the docket for the entry of further orders herein if necessary for same should arise.

BRENDA EVANS ET AL., PLAINTIFFS *v.* MADELINE BUCHANAN ET AL., DEFENDANTS

CIV. A. NOS. 1816–1822

(U.S. District Court, D. Delaware, Aug. 29, 1962)

Proceeding on petition by nine Negro children for an order allowing them to transfer from an all Negro school to an integrated school. The district court, Wright, Chief Judge, held that evidence was insufficient to overcome presumption of unconstitutionality arising from board's assignment of petitioners to a school having an all-Negro student body and faculty administered by a separate board and surrounded by white districts on all sides, and therefore petitioners were entitled to relief subject to board coming forward with additional evidence to justify its present plan of pupil attendance areas as rational and nondiscriminatory.

Order in accordance with opinion.

1. Constitutional Law 🔑220: States do not have an affirmative constitutional duty to provide an integrated education (U.S.C.A. Const. Amend. 14).

2. Constitutional Law 🔑209: The equal protection clause of the Federal Constitution does not contemplate compelling action, but is a prohibition preventing States from applying their laws unequally (U.S.C.A. Const. Amend. 14).

3. Constitutional Law 🔑220: A school board's failure, if any, to consider racial problem in assigning children to schools did not render a desegregation plan unconstitutional (U.S.C.A. Const. Amend 14).

4. Schools and School Districts 🔑154: Whether Negro children are deprived of their constitutional rights in their assignment to certain schools is a question of fact.

5. Constitutional Law 🔑220: Criteria such as transportation geography and access roads are rational bases for establishing pupil attendance areas or designating school districts, however, if those criteria are merely camouflage and school officials have placed children in particular districts solely because of race, a cause of action under the Constitution exists (U.S.C.A. Const. Amend. 14).

6. Schools and School Districts, 🔑155: Presumption of unconstitutionality arose where children were assigned to an all-Negro student and faculty school administered by a separate board of trustees, surrounded entirely by predominantly white attendance areas and promulgator of attendance plan had initial burden of coming forward with proof that plan was nondiscriminatory. (U.S.C.A. Const. Amend. 14.)

7. Schools and School Districts, 🔑155: Evidence, in action by nine Negro children for an order allowing them to transfer from an all-Negro school to an integrated elementary school, was insufficient to overcome presumption of unconstitutionality arising from board's assignment of the children to a school having an all-Negro student body and faculty administered by a separate board and surrounded by white districts on all sides, and therefore the children were entitled to relief subject to board coming forward with additional evidence to justify its present plan of pupil attendance areas as rational and nondiscriminatory. (U.S.C.A. Const. Amend. 14.)

Louis L. Redding, of Redding & Williams, Wilmington, Del., for 19 petitioning childen.

Irving Morris, of Cohen & Morris, and Leonard L. Williams, of Redding & Williams, Wilmington, Del., for nine petitioning children.

Sidney Clark, Wilmington, Del., for the Millside board.

Januar D. Bove, Jr., attorney general, of the State of Delaware, for the State Board of Education of the State of Delaware.

James M. Tunnell, Jr., and Walter K. Stapleton, of Morris, Nichols, Arsht & Tunnell, Wilmington, Del., for the Board of School Trustees of School District No. 47, Rose Hill-Minquadale.

Wright, Chief Judge.

This case raises further problems concerning the mandate of the Supreme Court in *Brown* v. *Board of Education.*[1] Petitioners, nine Negro children, have asked this court to allow them to transfer from the all-Negro Dunleith School administered by the Millside school district, to the integrated Rose Hill Elementary School which is under the jurisdiction of the Rose Hill-Minquadale School District No. 47. Named defendants include the State board of education, and the Rose Mill-Minquadale district. The latter has also petitioned this court seeking instructions concerning whether they should allow the 9 children to transfer and whether they should allow 19 Negro students residenced in the Millside district to continue attending the Rose Hill School. A detailed exposition of the facts is necessary to an understanding of the issues posed.

Delaware had, before the decision in Brown, adhered to a strict, segregationist policy. The State laws establishing the separate but equal doctrine for education were declared unconstitutional in 1954,[2] and subsequently, a class action against the State and its board of education was brought by Negro children to compel their admission into the public schools of Delaware on a racially nondiscriminatory basis. Summary judgment for the plaintiffs was granted in 1957.[3] In 1959 a proposed plan for integration was submitted to this court for approval and after extensive litigation it was approved in 1961.[4] This court retained jurisdiction of the original cause and the parties in order to insure the vindication of the plaintiffs' rights, to allow the defendants to petition for temporary relief in the event the plan was placing a great burden on the administration of the school system, and to hear other matters pertaining to the problem of integrating the public schools.[5]

Apart from all this litigation, on October 14, 1954, the State board ordered the local boards to prepare plans for desegregation to be submitted to the former for its approval. The plan which is the subject of this suit was submitted and approved by the board in 1955. It is not part of the general plan which received court approval in 1961. Generally, the plan which was drawn up by the Rose Hill-Minquadale district called for its own reorganization.

Prior to the Brown case and this specific reorganization there were two administrative boards with constituencies of coterminous boundaries. The Dunleith Board (Millside district) had jurisdiction over one school, the Dunleith School, which then served all the Negro children in the Rose Hill-Minquadale area for grades 1–9. The predecessors of the Rose Hill board had jurisdiction of all the white schools in the district. Thus, it is clear that this specific plan called for the severance of one part of the Rose Hill-Minquadale district and its establishment as a separate district called Millside.

The Dunleith School is all Negro and serves these children for grades 1–9. It has no white students. Dunleith has an all-Negro faculty and is administered by a special board of trustees.[6] It is in the center of attendance area No. 2—the Millside district—in which only Negro families live. It should be noted that the Millside district is quite small in area when compared to the surrounding attendance areas and that the latter areas are all white or primarily all-white districts. The white children in areas 1, 3, and 4 go to their respective elementary schools for grades 1–5; then they all go to the Colwyck Junior High School for grades 6–9. The Colwyck Elementary School is all white; there are some Negroes in the Rose Hill-Minquadale Schools. For grades 10–12 all students, both white and Negro, from the areas denoted 1–4 go to the senior high.

Counsel for the Negro children predicate the right of transfer on the grounds that the Rose Hill board and the State board in its approval of the former's plan have acted unconstitutionally. It is argued that the State is compelled by the equal protection clause of the Federal Constitution to provide affirmatively an integrated education. Thus, Delaware must ensure the fact that Negroes go to school with whites; a principle which allegedly has been flagrantly violated in the case. Alternatively, the plan is attacked as a deprivation of 14th amendment rights on the grounds that the board failed to consider the integration problem when drawing up the plan. The latter must be irrational, it is argued, because its makers failed to consider the vital, race problem. The usual arguments and proofs are made in favor of constitutionality. Rose Hill board argues that the sole criteria were the use of facilities, access roads, et cetera, and that the plan therefore meets the standards of rationality demanded by the applicable constitutional provision.

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[1] 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).

[2] The Delaware case was one of four decided under the Brown heading.

[3] *Evans* v. *Buchanan*, 152 F. Supp. 886 (D. Del. 1957).

[4] *Evans* v. *Buchanan*, 195 F. Supp. 321 (D. Del. 1961).

[5] See 195 F. Supp. at 323.

[6] It does not appear from the record whether the board is composed entirely of Negroes. It is, however, the successor of an all Negro board and has jurisdiction over an all Negro district. Therefore, it would appear safe to assume that the Millside board is all Negro.

[1, 2] The Court holds that the States do not have an affirmative, constitutional duty to provide an integrated education. The pertinent portion of the 14th amendment of the U.S. Constitution reads, "nor [shall any State] deny any person within its jurisdiction the equal protection of the laws." This clause does not contemplate compelling action; rather, it is a prohibition preventing the States from applying their laws unequally.

When interpreting the equal protection clause in the Brown case the Supreme Court held only that a State may not deny any person on account of race the right to attend a public school. Chief Justice Warren, speaking for the Court said, "To separate them [Negroes] from others * * * solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."[7] The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution. Thus, discrimination is forbidden but integration is not compelled.

Counsel has cited cases they assert support the children's position. The court believes otherwise. In the Taylor case,[8] strong factual showings of discrimination were made. In another case,[9] the fourth circuit upheld the denial of the district court of five Negro children's application for transfer on the grounds that the criteria of residence and academic preparedness were properly applied in the threshold denial by the school board. Moreover, several lower courts have squarely held that the States have no affirmative duty in this area.[10] This court can only conclude that the present state of the law does not support this position.

In effect, counsel is asking the States to intentionally gerrymander districts which may be rational when viewed by acceptable, nondiscriminatory criteria. The dangers of children unnecessarily crossing streets, the inconvenience of traveling great distances and of overcrowding and other possible consequences of insuring mixed schools outweigh the deleterious, psychological effects, if any, suffered by Negroes who have not been discriminated against, as such, but who merely live near each other. As with most problems, its cure rests in elimination of its roots. The problems in this case grow out of segregated housing.

[3] The assertion that the board's failure to consider the racial problem renders the plan unconstitutional must, as a matter of law, be rejected. When carefully analyzed it is apparent that it leads to no different place than the first argument. As a practical matter consideration of a problem is only meaningful when acted upon. The action which such consideration would evoke is affirmative integration. The latter is not constitutionally compelled.

[4, 5] There have been many lower court decisions[11] since the Brown case held children may not be denied entrance to public schools solely on the basis of race. One of the teachings of these cases is that whether Negro children are deprived of their constitutional rights is a question of fact. Criteria such as transportation, geography and access roads are rational bases for establishing pupil attendance areas or designating school districts. If, however, these criteria are merely camouflage and school officials have placed children in particular districts solely because of race, a cause of action under the Constitution exists.

Whether such a case is presented can be fairly and intelligently determined only after a detailed presentation and careful study of all the relevant facts. Detailed exhibits and testimony should be offered demonstrating why a school board chose to draw its lines in the manner it did. What directions, if any, were given by the school board to the persons designated to delineate the attendance areas and all relevant and pertinent discussions by the school board held in conjunction with the formulation of a plan should be presented. Evidence should be offered dealing with location, physical facilities, access roads, modes of transportation, population of particular pupil attendance areas and the white-Negro ratio of both students and teachers.

[6] When it is alleged and uncontroverted as in this case that the children go to an all-Negro student and faculty school, administered by a separate board of trustees, and surrounded entirely by predominantly white attendance areas, the controlling public attendance area plan is subject to careful scrutiny and the promulgators of the plan should have the duty of justification. The Rose Hill-Minquadale board as promulgator of the plan and the State board of education as the party having the ultimate responsibility for administering a nondiscriminatory system of public education should have the intial burden of coming forward since a presumption of unconstitutionality arises under this set of facts.[12] This presumption principle rests upon a bilateral rationale. First, the basic facts are highly probative of the presumed fact.[13] Secondly, the evidence, in great part, rests in the hands of those who conceived and implemented the plan.

[7] A hearing has been held and proof offered. At best, the evidence presented by the Rose Hill-Minquadale board as justification for its action and that of the State board of education, is inconclusive.[14] The type of showing necessary to rebut the presumption of unconstitutionality has not been made. Thus, in this posture, the court has no other alternative but to decree that the 9 children who have applied for admission to the Rose Hill School this fall be admitted[15] and that the 19 children admitted to the Rose Hill School last fall remain until further order of this court. This, in no way, shall prejudice the right of the Rose Hill-Minquadale board and the State board of education to come forward at any time with additional evidence to justify the present plan of pupil attendance areas as rational and nondiscriminatory.[16] At such a time the court will, of course, consider any rebuttal evidence the involved children may wish to offer. Thereafter, a final decision on the constitutionality of the present plan will be made. If the plan is determined to be nondiscriminatory and therefore constitutionally unassailable, the Negro children will be ordered back to the designated school for their attendance area.[17]

Submit order in accordance herewith.

Rachel Lynn Bell, a Minor, by Mrs. Odessa K. Bell, Her Mother and Next Friend, et al. *v.* School City of Gary, Ind., Civ. No. 3346.

(U.S. District Court, N. D. Indiana, Hammond Division, Jan. 29, 1963.)

Declaratory judgment action brought by minor Negro children enrolled in public schools charging that city maintained a segregated school system in violation of plaintiff's constitutional rights. The district court, Beamer, J., held that the plaintiffs had failed to establish that the board of education had deliberately or purposely segregated city neighborhood schools according to race by drawing of boundary lines so as to contain Negroes in certain districts and whites in others.

Judgment accordingly.

1. Declaratory judgment 🔑345: Plaintiffs, bringing declaratory judgment action charging that city schools were maintained as racially segregated school system in violation of plaintiffs' constitutional rights, failed to sustain burden of showing that city school board had drawn boundary lines of neighborhood school districts within system so as to contain Negroes in certain districts and whites in others.

2. Declaratory judgment 🔑345: Evidence in declaratory judgment that city school system maintained segregated schools established that there were compelling reasons for redrawing boundary lines of school districts as result of construction of new school, aside from any racial consideration.

3. Declaratory judgment 🔑345: Plaintiffs failed to prove in declaratory judgment action that students attending predominantly Negro schools in city school system had been discriminated against because of inferior instruction, inferior curriculum or overcrowded conditions.

4. Schools and school districts 🔑13: Mere fact certain schools in city school system are completely or predominantly Negro does not mean that school board is maintaining a segregated school system.

5. Schools and school districts 🔑13: School system developed on neighborhood school plan, honestly and conscientiously

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[7] 347 U.S. at 494, 74 S. Ct. at 691 (1954).

[8] *Taylor, et al.* v. *Board of Education,* 191 F. Supp. 181 (S.D.N.Y.), aff'd. 294 F. 2d 36 (2 Cir. 1961).

[9] *Jones* v. *School Board of City of Alexandria,* 278 F. 2d 72 (4 Cir. 1960).

[10] *Thompson* v. *County School Board of Arlington,* 204 F. Supp. 620 (E.D. Va. 1962); *Briggs* v. *Elliott,* 132 F. Supp. 776 (E.D.S.C. 1955). But see *Branche* v. *Board of Education of the Town of Hempstead,* 204 F. Supp. 150 (E.D.N.Y. 1962).

[11] See e.g., cases notes 8–10, supra; *Sealy* v. *Department of Public Instruction of Penn.,* 252 F. 2d 898 (3 Cir. 1958); *Calhoun* v. *Members of Bd. of Education, City of Atlanta,* 188 F. Supp. 401 (N.D., Ga. 1959); *Henry* v. *Godsell,* 165 F. Supp. 87 (E.D. Mich. 1958); *Kelly* v. *Board of Education of City of Nashville,* 159 F. Supp. 272 (M.D. Tenn. 1958).

[12] The court does not mean to suggest that a presumption will only arise on this set of facts. The one fact of an all-Negro student body might be sufficient to justify the invocation of the presumption. We need not decide that now.

[13] The existence of an all-Negro student body and faculty, administered by a separate board and surrounded by white districts on all sides is highly probative of the fact of discrimination.

[14] Basically, the board's one witness asserted that only facilities, location, and access roads were considered in drawing up the plan. The board offered little more than that in justification.

[15] Of course, if 200 children applied for transfer, even if the presumption were operative the court might not order transfer as a matter of course.

[16] The court does not feel that a final decision on the merits should be made until the board has had an opportunity to come forward under the guidelines of this opinion.

[17] Absent compelling reasons the court would make the order effective at the next fall term following its decision.

constructed with no intention or purpose to segregate races, need not be destroyed or abandoned because resulting effect is to have racial imbalance in certain schools where districts are populated almost entirely by Negroes or whites, and racial balance in public schools is not constitutionally mandated.

F. Laurence Anderson, Jr., Hilbert L. Bradley, Gary, Ind., Richard G. Hatcher, East Chicago, Ind., Charles Wills, South Bend, Ind., Robert L. Carter, Barbara A. Morris, New York City, for plaintiffs.

Orval W. Anderson, Albert H. Gavit, Gary, Ind., Edmond J. Leeney, Hammond, Ind., for defendant.

Beamer, District Judge.

This is a declaratory judgment action brought by approximately 100 minor Negro children, enrolled in the public schools in Gary, Ind. The action is brought by and on behalf of the plaintiffs and all others who are similarly situated, against the School City of Gary, Ind.

The plaintiffs present three principal questions which they ask the court to determine:

1. Whether the defendant, by assigning plaintiffs and the other members of the class to certain schools, by creating attendance zones, by controlling transfers from school to school, by controlling assignments from elementary to secondary schools and by the pattern of building new schools and enlarging others, maintain the Gary schools as a racially segregated school system in violation of the plaintiff's constitutional rights.

2. Whether the defendant is discriminating against the plaintiffs and the class they represent by providing inferior facilities in all respects, including but not limited to overcrowded and larger classes and unequal recreational and extra-curricular facilities in violation of their constitutional rights, and

3. Whether the plaintiffs and other members of the class have a constitutional right to attend racially integrated schools and the defendant has a constitutional duty to provide and maintain a racially integrated school system.

The evidence shows that Gary, Ind. is a rapidly growing industrial city located in the northwest portion of Indiana. Geographically it is shaped much like the capital letter "T." Its north boundary line is the southern shore of Lake Michigan. The stem of the "T" extends approximately 7 miles from near the shore of Lake Michigan to the southern boundary of the city and is approximately 2 miles wide. The crossbar of the "T" is approximately 4 miles wide and extends east and west a distance of approximately 10½ miles. Steel mills and other heavy industrial establishments are located primarily along the shore of the lake. The remainder of the territory is devoted to commercial and residential areas although some industry is located near the east and west portions of the crossbar of the "T."

The population of Gary, according to the U.S. Census, in 1950 was 133,911 which included 39,326 Negroes. In 1960, the population was 178,320, of which 69,340 were Negroes. The student population in the public schools for the 1951–52 school year was 22,770, of which 8,406 or approximately 37 percent were Negroes. In the 1961–62 school year there were 43,090 students in the public school system and 23,055 or approximately 53 percent were Negroes.

In 1951, the Gary School City maintained 20 school buildings. In 1961, the number of buildings had increased to 40. Additional schools had either been completed or were in the process of completion at the time of the trial of this case.

In the school year 1961–62, 10,710 of the students enrolled in the Gary school system attended 14 schools which were 100 percent white; 16,252 students attended 12 schools which were populated from 99 to 100 percent by Negroes; 6,981 students attended 5 schools which were from 77 to 95 percent Negroes; 4,066 attended 4 schools which had a range from 13 to 37 percent Negro; 5,465 attended 5 schools which had a Negro population from 1 to 5 percent.

The schools in operation in the 1951–52 and 1961–62 school years, their total enrollment and percentage of Negro students are shown on the following chart.

Table showing comparison of Negro and white youth enrolled [1] *in Gary public schools, year 1951 and year 1961*

Schools	1951-52			1961-62		
	Total enrollment	Number of Negroes	Percent	Total enrollment	Number of Negroes	Percent
Aetna				1,095		
Ambridge	190			350		
Banneker				877	876	99
Bethune				1,011	1,001	99.01
Beveridge	465	69	14.8	470	392	83.4
Brunswick				1,039		
Carver	893	893	100	1,196	1,196	100
Chase				467	171	36.8
Douglass				1,051	1,050	99.9
Drew				978	974	99.59
Dunbar				1,343	1,342	99.92
Edison	1,339			1,358	27	1.9
Emerson	1,896	179	9.44	2,184	276	12.64
Franklin	482			756		
Froebel	2,260	1,266	56	2,109	2,004	95
Garnett				1,272	1,272	100
Glen Park	474			293		
Ivanhoe	108			678	89	13.12
Jefferson	701	8	1.14	773	35	4.9
Kuny				375		
Lincoln	754	744	98.67	1,418	1,413	99.64
Locke				1,094	1,093	99.9
Mann	2,115			1,602	1	.99
Marquette				707		
Melton				701		
Miller	212			196		
Nobel				626		
Norton				1,660	1,466	88.31
Pittman Square				507		
Pulaski	1,671	1,646	98.52	1,719	1,714	99.7
Pyle				868	836	96.3
Riley	313			725		
Roosevelt	3,676	3,676	100	3,202	3,200	99.00
Tolleston	1,698	74	4.3	1,898	1,455	76.65
Vohr				801	11	1.37
Wallace	2,384			2,726		
Washington	344	30	8.72	676	162	23.96
Webster				547		
Williams				881	881	100
Wirt	795			1,034	2	1.9
Special schools:						
Duneland				74	35	47.29
Lutheran Church				62	45	72.58
Norton Park				45	34	77.3
Teenettes				9	2	2.2
Total	22,770	8,406	36.5	43,090	23,055	53.5

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[1] Some years estimated because no records made.

The Negro population in Gary is concentrated in what is generally called the central district which occupies roughly the south half of the crossbar of the "T" from east to west and is bounded on the north by the Wabash Railroad and on the south by the city limits and the Little Calumet River. The expansion of the Negro population within the Gary city limits has been largely from east to west within the central district. Approximately 70,000 Negroes including the 23,000 Negro schoolchildren live in this district which comprises about one-third of the area of the city.

Gary, which is a relatively new city, having been organized in 1906, developed a rather unique school system commonly known as the Wirt system, so named after the superintendent of schools who was its architect. It was originally laid out in eight school districts and, as the school population demanded, one large school was built in each of the eight districts. Each of these schools handled the education of the public school population within its area, from kindergarten through high school. The original eight schools comprising this system were Edison, Tolleston, Mann, Froebel, Roosevelt, Wallace, Emerson, and Wirt. Only Emerson remains a kindergarten-through-12 school.

As the school population expanded, additional elementary schools were built. These were generally schools serving children from kindergarten through the sixth grade. Some of these elementary schools serve students from only one of the original eight districts and others accommodate elementary students from two or three such districts.

As these elementary schools were built, attendance zones were drawn for them and as the students complete the course in the elementary school to which they are assigned, they then go on to the high school in the district in which they reside for the completion of their public school education.

When some of the original kindergarten-through-12 schools could no longer handle the school population above the sixth grade, junior high schools were built to relieve the pressure. The Pulaski Junior High School was the original junior high building and it houses seventh-, eighth-, and ninth-grade students from portions of the Roosevelt, Froebel, and Emerson districts. The Beckman Junior High School building, just now being completed, will handle sixth-, seventh-, and eighth-grade students from a portion of the Roosevelt district and Bailly, also in the process of construction, will handle seventh-, and eighth-grade students from the Wallace district.

Prior to 1949, Gary had segregated schools in what is commonly known as the Pulaski Complex. Two schools were built on the same campus; one was called Pulaski-East and the other Pulaski-West. One was occupied by Negro students and the other by white students. This was in accordance with the separate but equal policy, then permitted by Indiana law (Burns Indiana Statutes Annotated, 1948 Replacement, Section 28–5104). In 1949, Indiana repealed the separate but equal law and passed a new act expressly prohibiting segregated schools on the basis of race, color, or creed (Burns Indiana Statutes Annotated, 1948 Replacement, Pocket Supplement, sec. 28–5158). Complying with the mandate of the Indiana Legislature, the Gary School Board abolished the segregated schools in the Pulaski Complex and integrated the two schools. Prior to this time, however, the races were mixed in some of the other schools in the Gary system.

It is the contention of the plaintiffs that the defendant, by the manner in which it has drawn its school district boundaries, has purposely and intentionally maintained a segregated school system thereby depriving a majority of the Negro students in Gary from attending schools with white students. The board, on the other hand, specifically denies that there has been any intentional segregation of the races in the Gary school system. As a matter of fact, the school board and its staff insists that they are color blind, so far as the races are concerned, in the administration of the Gary school system. They maintain no records on the basis of race or color and had to secure the information as to the number of Negroes attending the various schools from sources other than records kept by the school administration for the purpose of obtaining racial figures for the trial of this case.

There can be no doubt that those in charge of administration of the Gary schools have had a serious problem, during the past decade or so, in maintaining facilities for the rapidly expanding school population. During the past 10 years, 22 new schools or additions have been built and the classrooms have been more than doubled. In Indiana a school corporation is limited in its bonding power to 2 percent of the assessed valuation of the property in the district. The Gary School City has been bonded to its limits for the purpose of providing facilities for the past several years. In addition, they have provided, through taxation, an accumulated building fund for the purpose of aiding in the construction of facilities for their ever expanding student population. For the year 1962, payable in 1963, the property tax rate for the School City of Gary is $5.85 per $100 of assessed valuation, which is either the highest or one of the highest in the State of Indiana.

In spite of the tremendous effort made by the board of trustees and the school administration, they have not always been able to keep their students adequately and properly housed. In addition to adding school buildings they have rented churches, storerooms, and utilized other public buildings, such as armories and park buildings, for the purpose of providing classrooms for children. It has also been necessary to operate some of the schools on a two-shift basis. Roosevelt, a predominantly Negro school, for example, operates now as a senior high school in the morning and as a junior high school in the afternoon. Wallace, an all-white school, is operated the same way. This condition will be relieved in the very near future when the new Beckman and Bailly Junior High buildings will be occupied for the first time. Twenty-eight classes in the Drew Elementary School are also operated on a two-shift basis. This situation will also be eliminated when the new junior high school buildings are occupied.

The boundary lines of the original kindergarten through 12 schools have remained unchanged for the most part since they were originally established. In 1953, there was a change in the line between the Emerson and Roosevelt Districts from 20th Avenue to 19th Avenue which affected the students from grades 7 through 12 who lived in the area affected by the boundary change. The plaintiffs contend that this shift was made in order to put all of the students in these grades from the Dorrie Miller housing project, which is occupied by Negroes, in the Roosevelt School, a predominantly Negro school, rather than the Emerson School which is a predominantly white school, for the purpose of segregating the races. The defendant, on the other hand, claims there were no racial considerations involved in this change. The change was made on August 26, 1953, after a careful study had been made by the school boundary committee. The report of the boundary committee reads as follows:

"Introduction

"The school boundary committee at their meeting, August 26, 1953, recommended that the south line of the Emerson School boundary, grades 7 to 12, be changed from 20th Avenue to 19th Avenue. That is, to change to a line running east and west along 19th Avenue from Virginia Street to the city limits.

"A. Reasons for change

"1. Because of the completion of the Dorrie Miller project, it was necessary to redefine this Emerson boundary line. The present line (20th Avenue) divides the project area in half. Also, 20th Avenue is not marked when it reaches the project area. It is not considered good for children of a closely knit community, such as the project, to attend different schools.

"2. Another consideration faced by the committee was the fact that in the Pulaski area, and in Aetna, some 1,200 new homes have been built or will soon be completed. On the average, each home represent slightly over one grade school child. So these facts had to be evaluated carefully in shifting this school boundary.

"B. Effect on Emerson and Roosevelt

"1. As a result of this boundary change, there will be less than 10 children shifted from one school to the other at the present time. This is because:

"a. Over 90 percent of the families moving into this area have children less than 12 years old.

"b. Students already enrolled in the 7th to 12th grade level are permitted to remain.

"2. It will be from 3 to 5 years before there may be any increase of enrollment either at Emerson or Roosevelt at the 7th to 12th grade level because of the younger families in the area, as well as the fact that Pulaski plans to enlarge its grade capacity to include the 7th and 8th.

"C. Other possibilities considered

"1. One suggestion considered was to move the boundary line from 20th Avenue to 15th Avenue. However, consideration of the capacity of the schools, distance of travel of the students, indicated that this was not feasible.

"2. Another suggestion was to keep the line at 20th Avenue, until it reaches Ohio Street, and then north on Ohio to 19th Avenue, and then east to the city limits.

"Again at this time only about six 7th graders would be affected by this move. Just south of Pulaski School, between 19th and 20th Avenues, there are 176 new family units. It will be 4 years until many of this group are in high school.

"The majority of the committee members believed that there was an advantage of making boundaries along straight lines. Since the 19th Avenue line would be the line on one side of Ohio Street, they believed it could just as well extend over to Virginia.

"D. General considerations

"The committee believed that this should be considered as a temporary boundary line for this year. More facts about the movement of population into these areas will have to be obtained before making long-range plans. The development of Pulaski School will also affect any future recommendations."

There was also testimony at the trial that plans were then under way for the construction of a new junior high school on the Roosevelt campus which comprises a large area and permitted the construction of additional facilities on the site in accordance with the requirements of the State Department of Education, whereas the Emerson land area was much smaller and would not permit the expansion of the facilities in accordance with the requirements of the State because of the lack of sufficient ground.

The plaintiffs only other serious contention that redistricting was done for the purpose of maintaining Negro students in a school separate from white students was in the Washington Elementary School district. The Washington School District was originally a rectangular area approximately 15 blocks east and west by 18 blocks north and south. The Washington School Building was located in the northwest quarter of this section. When the school population in the area became too great to be accommodated in the Washington School because of new housing in the southern portion of the district, the Locke School was constructed and was located in what was roughly the southeast quarter of the district, approximately 8 blocks south and 3 blocks east of the Washington School. After the Locke School was built, the former Washington School District was divided into two districts by dividing the area at 19th Avenue which required all of the students south of the avenue to go to the Locke School and all of the students north of the avenue to continue to go to Washington. As a result, Locke, in the 1961–1962 school year, was populated by 99 percent Negro students whereas Washington School had a Negro population of 24 percent. Plaintiffs contend that by drawing the boundary of the new districts north and south along Whitcomb Street that the percentage of Negroes at both schools would have been approximately equal. The defendant, however, contends that drawing the boundary line as suggested would require students in the two districts to travel a much greater distance to get to school and that students living in the southernmost portion of the district near Whitcomb Street would have to travel 14 or 15 blocks to school and go directly past the Locke School which is located approximately 3 blocks from their homes. Likewise, students living in the northern part of the Washington district near Whitcomb Street would travel approximately the same distance to Locke School and in order to get there would have to go within 2 blocks of the Washington School which, at most, would be 5 blocks from their homes. The defendant contends that there was no racial consideration in the location of the schools and the only consideration in the location of the Locke School was the availability of land in the areas which would best serve the students within the area. At the time Washington School was constructed there were no racial considerations involved.

With the two exceptions mentioned above, there is no serious contention on the part of the plaintiffs that the boundary lines of the various school districts were especially drawn for the purpose of segregating the races in the public schools.

The board of school trustees is a bipartisan board consisting of five members appointed by the mayor for staggered 4-year terms. The board elects its own officers. Dr. Leroy W. Bingham, a Negro, is now the board's president. He testified that it was the policy of the board to construct and to enlarge school buildings where they are needed for the purpose of serving students in the area, whether that area be populated by Negroes or whites, or by both races. He also testified that there was no policy of segregation of races in the Gary school system; that beginning with the school year 1961 the board adopted a policy of total integration of its staff from the administrative level on down. He also stated that in order to alleviate congestion in the more heavily populated areas, the board adopted a policy of transferring students from several congested areas to less congested areas in order to try to balance the loads in the various buildings. He also testified that this was done without any consideration of race whatsoever, but for the purpose of relieving congestion wherever possible and using every building to its total capacity; that the policy of the board was to make complete use of the facilities available for the benefit of all of the children in the school system without regard to race so that all students could be afforded the best education possible.

Mr. Samuel Moise, immediate past president of the board, also testified to the same effect and it was stipulated by counsel that the other three members, if called to testify, would substantiate the testimony given by Dr. Bingham and Mr. Moise.

Relative to the integration of the staff, a Negro occupies the position of assistant superintendent of schools in charge of the bureau of research and publication. He is one of three assistant superintendents, all of whom have equal rank. The coordinator of secondary education is also a Negro, as is the supervisor of special education, the mathematics consultant in charge of the mathematics program in secondary education, a coordinator in the food services department, elementary supervisor and a member of the special services department who devotes a large part of his work to the problem of proper boundary lines for attendance areas. There are 18 Negro principals and 38 white principals.[1] The teaching staff consists of 798½ Negro teachers, 833½ white teachers,[2] and 3 orientals. All schools with the exception of one small elementary school have at least one Negro teacher on the staff. All but 5 of the 42 schools have at least 1 white teacher.

As a result of the policy of transferring students from overcrowded schools to less crowded schools, 123 children, 92 of whom are Negroes, have been transferred from Tolleston, a predominantly Negro school, to Mann, a predominantly white school. Eighty-seven Negro students have been transferred from Tolleston to Edison, a predominantly white school. One hundred and forty students, 120 of whom are Negroes, have been transferred from Froebel, a predominantly Negro school, to Chase, a predominantly white school. In most, if not all instances, the transferred students are transported by bus at a cost of $20 a day per bus load and because of the cost and other factors, the board hopes to utilize facilities within walking distance to the schools as soon as possible. It was stated that this transfer policy, now in effect, is intended to be temporary and was instituted to alleviate overcrowded conditions wherever possible and was not done because of any racial considerations.

The transfer of students generally, from one school to another, is handled on an individual basis. There is no transfer as a matter of right from one school district to another, but on the application of an individual student or his parent, the reason for the transfer request is considered and allowed or denied depending upon the apparent reasonableness and desirability of the transfer, and no racial factors are considered in allowing or disallowing a transfer.

From time to time protests have been made to the school board by Negro groups concerning the construction of contemplated buildings on the ground that the planned location would create a racial imbalance in the school. The evidence indicates that consideration was given to all of these protests and that on one or more occasion the construction of schools already planned for a certain location was held up or canceled because of these protests.

[1, 2] From a consideration of all the evidence and the record, the court cannot see that the board of education has deliberately or purposely segregated the Gary schools according to race. In the court's opinion the plaintiffs have failed to sustain their burden of showing that the school board has so drawn the boundary lines of the school districts within the Gary school system so as to contain the Negroes in certain districts and the whites in others. The only real attempt by the plaintiffs to show such action on the part of the school board was in connection with the Washington-Locke District as a result of the construction of the new Locke school and in the Roosevelt-Emerson districts in changing the boundary lines from 19th to 20th Avenue. In the Court's opinion there were compelling reasons for districting these two areas in the manner in which it was accomplished, aside from any racial consideration and the Court cannot presume that the board acted in bad faith. Furthermore, the evidence shows that Negro students were attending both the Emerson School and the Washington School at the time this redistricting was done.

An examination of the school boundary lines in the light of the various factors involved such as density of population, distances that the students have to travel and the safety of the children, particularly in the lower grades, indicates that the areas have been reasonably arrived at and that the lines have not been drawn for the purpose of including or excluding children of certain races.

The safety factors are difficult to solve in this school system. Three U.S. highways and the Indiana toll road traverse Gary from east to west. At least nine railroads cross the city, mostly at grade, as they converge on Chicago from the east or southeast. Some of these railroads have multiple tracks through the city and the streets crossing them are several blocks apart in some areas. The Little Calumet River crosses the city from east to west and is infrequently bridged. These are all safety factors that have to be considered in locating schools and fixing attendance districts.

The evidence shows that the board has consistently followed the general policy of requiring the students to attend the school designated to serve the district in which they live regardless of race. This is clearly demonstrated by the attendance figures in the 1951–52 and 1961–62 school years in certain school districts. The Tolleston School, for example, in 1951–52 had 1,698 students, 74 or 4.3 percent of whom were Negroes. With no change in the school boundary lines in 1961–62 the school had 1,898 students and 1,455 or 76.65 percent were Negroes. Another example is the Froebel School which, in the 1951–52 school year had an enrollment of 2,260 students and 1,266 or 56 percent were Negro. In the 1961–62 school year the same school, with the same boundary lines, had 2,109 students and 2,004 or 95 percent were Negro. Beveridge Elementary School in 1951–52 had 465 students, 69 or 14.8 percent of whom were Negroes. In 1961–62 Beveridge had an enrollment of 470 students and 392 or 83 percent were Negro.

The problem in Gary is not one of segregated schools but rather one of segregated housing. Either by choice or design, the Negro population of Gary is concentrated in the so-called central area, and as a result the schools in that area are populated by Negro students. If the Negro population was proportionately scattered throughout the city, the racial percentages within the schools would be in relative proportion of Negroes to whites.

(3) The plaintiffs attempted to prove that students attending predominantly Negro schools are discriminated against because of inferior instruction, inferior curriculum, and overcrowded conditions but the evidence was unimpressive.

The evidence as to inferior instruction consisted of figures showing more nontenure teachers with lower pay in some of the predominantly Negro schools, and the results of certain achievement tests disclosing a lower standard of achievement by the students in some of these schools than by the students attending some of the predominantly white schools.

A tenure teacher in Indiana is one who has taught in a school system for at least 5 years. After that time he attains certain employment security which protects him from discharge, except for cause. Tenure status has nothing to do with his skill or ability as a teacher, except that his employment for the sixth year probably indicates that his first 5 years of service were satisfactory, otherwise he would not be retained. Since the greatest expansion of students and staff in Gary has been in the schools attended predominantly by Negroes it is only natural that more new teachers would be found there. This does not mean that these teachers are inferior. The evidence shows that the same standards are used in selecting all teachers and that in all cases the administration seeks to select the very best teacher available.

Since the salary increases for the teaching staff are based on years of service in the system, the newer teachers naturally receive less compensation, but again this has nothing to do with the teachers' ability. All teachers with the same length of service receive the same pay.

A comparison of achievement tests sheds little or no light on the quality of instruction, unless there is a corresponding showing of ability to achieve.

The only evidence of inferior curriculum was that certain elective subjects are offered in some schools and not in others. It was explained that these electives are offered on the basis of whether or not there are sufficient students interested in the course in a given school to constitute a class large enough to justify assigning an instructor.

Certain exhibits were introduced by the plaintiffs for the purpose of showing that there was overcrowding in some of the predominantly Negro schools and that the classes were larger in such schools. The defendant offered evidence to show that these exhibits were either inaccurate or misleading. In any event, the variance between class sizes in the various schools was not great. Larger classes and more crowded conditions in the Negro districts might reasonably be expected because that is the area where the greatest increase in student population has occurred in the past 10 years. While the greater expansion of facilities has also been in this area, it has been difficult if not impossible, to keep up with the needs. There is no convincing evidence of any discrimination as claimed by the plaintiffs.

The plaintiffs in their briefs have relied heavily upon the case of *Taylor* v. *Board of Education* (191 F. Supp. 181 and 2 Cir., 294 F. 2d 36) to sustain their position that the school board has deliberately segregated the Gary schools. The facts here are entirely different than in the Taylor case. The evidence there showed that the board had deliberately drawn the district lines of the Lincoln School for the purpose of containing most of the Negroes and excluding most of the whites.

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[1] Assistant principals are included in these figures.

[2] The one-half teacher refers to teachers who work one-half time.

There is no such evidence in this case and in the Court's opinion the decision in Taylor does not apply because of lack of intent or purpose on the part of the defendant here to segregate the races in certain schools.

4. The fact that certain schools are completely or predominantly Negro does not mean that the defendant maintains a segregated school system. See *Brown* v. *Board of Education of Topeka* (139 F. Supp. 468). There, the three-judge court, charged with the duty of implementing the decision of the Supreme Court (349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083) held, in passing upon the plan submitted by the school board for desegregation of the Topeka schools, that a school is not segregated because it is attended by all Negro students if the district is inhabited entirely by Negroes and they are compelled to attend the school in the district in which they live.

The plaintiffs contend, however, that regardless of the motive or intent of the defendant, actual segregation of the races in the Gary schools exists because a large percentage of the Negro children are required to attend schools that are totally or predominantly Negro in composition, whereas, a large percentage of the white students attend schools that are totally or predominantly white. It is the position of the plaintiffs that regardless of school districts or the residence of the Negro students, or any other factors, there is an affirmative duty on the part of the defendant to integrate the races so as to bring about, as nearly as possible, a racial balance in each of the various schools in the system.

In support of their proposition, the plaintiffs cite language from the decision of the Supreme Court in *Brown* v. *Board of Education* (347 U.S. 483, 494, 74 S. Ct. 686, 691, 98 L. Ed. 873) to the effect that:

"To separate them (Negroes) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The plaintiffs concede the question which they now urge has not been passed upon by the Supreme Court or by any other court where the question was specifically presented. They contend however that the language above quoted from the Supreme Court in the Brown case, together with language found in certain other cases, principally *Taylor* v. *The Board of Education, supra,* and *Branche* v. *Board of Education* (204 F. Supp. 150), indicates that it is the policy of the law that those in charge of the administration of our schools are not only prohibited from segregating the races but they also have the affirmative duty to integrate the races and see that there is racial balance maintained in the schools under their supervision.

Without reviewing the language of the cited decisions here, it must be remembered that in Taylor the Court was dealing with a situation where it found that the school board had deliberately segregated the races in their school district and whatever the Court said there was stated in the light of the Court's mandate to desegregate a school which was purposely segregated. In its final analysis Taylor mandated the school board to undo what had been illegally done. In the Branche case the Court was passing upon a motion for summary judgment filed by the board of education. The Court's opinion was that the board's showing on its motion for summary judgment was not sufficiently convincing and that therefore there must be a trial on the merits. Whatever language the Court used in this posture could not be decisive of the question here.

At the trial of this case the plaintiffs offered an expert, a Dr. Max Wolff, a sociology professor with no experience in public school administration, or for that matter no experience in the field of public school education.

Dr. Wolff defined a segregated school as "any school where the percentage of Negro to white students was one-third greater or one-third less than the percentage of Negro students to white students in the entire system." Applying his formula to the Gary schools he concluded that any school with less than 36 percent Negro students was a segregated white school and any school with more than 72 percent colored students was a segregated Negro school. Dr. Wolff cited no authority for his definition of segregated schools other than himself. Dr. Wolff's definition of a segregated school may be a good sociological definition, but the Court can find no authority which would indicate that it is a good legal definition. The Court is of the opinion that a simple definition of a segregated school, within the context in which we are dealing, is a school which a given student would be otherwise eligible to attend, except for his race or color, or, a school which a student is compelled to attend because of his race or color.

5. The neighborhood school which serves the students within a prescribed district is a long and well established institution in American public school education. It is almost universally used, particularly in the larger school systems. It has many social, cultural, and administrative advantages which are apparent without enumeration. With the use of the neighborhood school districts in any school system with a large and expanding percentage of Negro population, it is almost inevitable that a racial imbalance will result in certain schools. Nevertheless, I have seen nothing in the many cases dealing with the segregation problem which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites. On the other hand, there are many expressions to the contrary, and these expressions lead me to believe that racial balance in our public schools is not constitutionally mandated.

In its original opinion in *Brown* v. *Board of Education, supra,* the Supreme Court set the case for further argument on the question of how its decision should be implemented. One of the questions to be reargued was:

"4. Assuming it is decided that segregation in public schools violates the 14th amendment—

"'(a) would a decree necessarily follow providing that, within the limits set by normal geographic districting, Negro children should forthwith be admitted to schools of their choice. (See footnote 2, 349 U.S. 298, 75 S. Ct. 755.)

Following reargument, the Supreme Court handed down the second decision in the Brown case (349 U.S. 294, 75 S. Ct. 753), which was in effect its instructions to the district courts involved as to how its policy of desegregation should be carried out.

In instructing the district courts, the Court said in part:

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts, and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis."

These instructions clearly indicate that the Supreme Court intended that the desegregation policy was to be carried out within the framework of "school districts and attendance areas." In carrying out the instructions of the Supreme Court, the three-judge District Court in the District of Kansas said in *Brown* v. *Board of Education* (139 F. Supp. 468):

"It was stressed at the hearing that such schools as Buchanan are all-colored schools and that in them there is no intermingling of colored and white children. Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because of race or color.

"If it is a fact, as we understand it is, with respect to Buchanan School that the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live."

By this expression the district court clearly indicated that even in a school system that had been segregated and where the burden was on the board to show that their desegregation plan eliminated racial segregation as such, there could still be all-colored schools if all of the students living in a properly constituted school district were Negroes, and that no constitutional rights were violated because students were compelled to attend the school in the district in which they lived.

In the recent case of *Evans* v. *Buchanan,* 207 F. Supp. 820, the Court said:

"The Court holds that the States do not have an affirmative, constitutional duty to provide an integrated education. The pertinent portion of the 14th amendment of the U.S. Constitution reads, 'nor [shall any State] deny any person within its jurisdiction the equal protection of the laws.' This clause does not contemplate compelling action; rather, it is a prohibition preventing the States from applying their laws unequally.

"When interpreting the equal protection clause in the Brown case the Supreme Court held only that a State may not deny any person on account of race the right to attend a public school. Chief Justice Warren, speaking for the Court, said, 'To separate them [Negroes] from others * * * solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.' The clear implication of this statement is that if races are separated because of geographic or transportation considerations or other similar criteria, it is no concern of the Federal Constitution. Thus, discrimination is forbidden but integration is not compelled."

The court finds no support for the plaintiff's position that the defendant has an affirmative duty to balance the races in the various schools under its jurisdiction, regardless of the residence of students involved. Indeed, their own evidence is that such a task could not be accomplished in the Gary schools. Their expert, Dr. Wolff, submitted a proposal for balancing the races in most of the schools by eliminating 4 of the 8 high schools now existing and building 3 new high schools and by transferring approximately 6,000 students from their neighborhood schools to other schools, some of them great distances away. Even if his plan were adopted, Roosevelt School would still be 100 percent Negro and Bailly, by his definition, would continue to be a segregated white school. In developing his plan, Dr. Wolff, in effect, admitted that he considered only the desirability of creating a racial balance in the schools and that costs, safety factors and other considerations were at least secondary to his main objective.

Unfortunately, the problems confronting the school administration are not as simple as Dr. Wolff's solution. For example, the financial burden of transporting 6,000 students from their home neighborhood to another would be a matter of considerable concern to the administrators of an already heavily taxed and indebted school district. Moreover, the administrative problem of choosing those who would be transferred and those who would not in a rapidly growing school system where the racial complexion of the various neighborhoods is constantly changing would be almost impossible to solve.

Furthermore, requiring certain students to leave their neighborhood and friends and be transfererd to another school miles away, while other students, similarly situated, remained in the neighborhood school, simply for the purpose of balancing the races in the various schools would in my opinion be indeed a violation of the equal protection clause of the 14th amendment.

For reasons stated herein, the court finds no violation by the defendant of the plaintiffs' constitutional rights.

Defendant's counsel will submit findings of fact, conclusions of law and order consistent with this opinion on or before February 11, 1963.

Rachel Lynn Bell, a Minor, by Mrs. Odessa K. Bell, Her Mother, etc., et al., Plaintiffs-Appellants, v. School City of Gary, Ind., et al., Defendants-Appellees, No. 14152

(U.S. Court of Appeals, Seventh Circuit, October 31, 1963)

Declaratory judgment action brought by minor Negro children charging that city maintained a segregated school system in violation of plaintiffs' consititutional rights. The U.S. District Court for the Northern District of Indiana, George N. Beamer, J., 213 F. Supp. 819, dismissed the complaint and the plaintiffs appealed. The court of appeals, Duffy, circuit judge, held that no affirmative constitutional duty existed to change innocently arrived at school attendance districts by the mere fact that shifts in population had increased or decreased the percentage of Negro or white pupils and that the plaintiffs' constitutional rights were not being violated. Affirmed.

1. Schools and school districts 🔑13: There is no affirmative constitutional duty to change innocently arrived at school attendance district by the mere fact that shifts in population have increased or decreased the percentage of either Negro or white pupils.

2. Schools and school districts 🔑13: Constitutional rights of Negro students in city school system incorporating a neighborhood school plan which had been honestly and conscientiously constructed with no intention or purpose to segregate the races were not violated even though racial imbalance resulted in certain schools when areas became populated almost entirely by Negroes or whites. (Burns' Ann. St. §§ 28–1902, 28–5159; U.S.C. Const. Amend. 14.)

F. Laurence Anderson, Jr., Gary, Ind.; Robert L. Carter, Barbara A. Morris, New York City; Anderson, Hicks & Anderson, Hilbert L. Bradley, Gary, Ind.; Richard G. Hatcher, East Chicago, Ind.; Charles Wills, Indianapolis, Ind., of counsel, for appellants.

Albert H. Gavit, Gary, Ind.; Edmond J. Leeney, Hammond, Ind.; Orval Anderson, Gary, Ind., for appellees.

Before Duffy, Schnackenberg, and Castle, circuit judges.

Duffy, circuit judge.

Approximately 100 minor schoolchildren enrolled in the public schools of Gary, Ind., brought this action for a declaratory judgment upon their own behalf and also upon behalf of all others similarly situated. The principal relief asked was that defendants be enjoined from operating and providing racially segregated public schools in Gary, Ind. One of the named defendants is the School City of Gary, Indiana.[1]

Subsequent to the trial below, District Judge Beamer wrote an excellent opinion which was incorporated in his findings of fact and conclusions of law. The opinion has been printed (D.C., 213 F. Supp. 819). In this opinion on appeal we have approved of, adopted and used a number of the district court's concise statements of fact.

Gary is a rapidly growing industrial city in northwest Indiana. The district judge pointed out that "Geographically it is shaped much like the capital letter 'T.' Its north boundary line is the southern shore of Lake Michigan. The stem of the 'T' extends approximately * * * 2 miles wide. The crossbar of the 'T' is approximately 4 miles wide and extends east and west a distance of approximately 10½ miles."

In 1950, the population of Gary was 133,911 which included 39,326 Negroes. In 1960, the population was 178,320 of which 69,340 were Negroes.

The student population in the public schools of Gary for the 1951–52 school year was 22,770 of which 8,406 or approximately 37 percent were Negroes. In the 1961–62 school year there were 43,090 students in the public school system, and 23,055 or approximately 53 percent were Negroes.

In 1951, the School City of Gary maintained and used 20 school buildings. In 1961, the number of school buildings had increased to 40. Additional schools were in the process of completion at the time of the trial of this case.

In the school year 1961–62, 16,242 students attended 12 schools which were populated from 99 to 100 percent by Negroes; 6,981 students attended 5 schools which were 77 to 95 percent Negroes; 4,066 attended 4 schools which had a range from 13 to 37 percent Negroes; 5,465 attended 5 schools which had a Negro population of from 1 to 5 percent.

The Negro population in Gary is concentrated in the central district which occupies roughly the south half of the crossbar of the "T" from east to west and is bounded on the north by the Wabash Railroad and on the south by the city limits and the Little Calumet River. Approximately 70,000 Negroes including 23,000 Negro schoolchildren live in this district which comprises about one-third of the area of the city.

The city of Gary was organized in 1906. Originally, eight school districts were laid out, and as the school population required, one large school was built in each of the eight districts. As the school population expanded, elementary schools were built. At the same time, attendance zones were drawn for such elementary schools and as the students completed the course in the elementary school to which they were assigned, they then went to the high school in the district in which they resided for the completion of their public school education.

The board of school trustees is a bipartisan board of five members appointed by the mayor. The board elects its own officers. Dr. LeRoy Bingham, a Negro, was the president of the board when this suit was commenced. At the trial, he testified there was no policy of segregation of races in the Gary school system. He also testified the board adopted a policy of transferring students from several congested areas to less congested areas in order to try to balance the loads in the various buildings; that it was the policy of the board to make complete use of the facilities available for the benefit of all the children in the school system without regard to race.

The school staff has been integrated. A Negro occupies the position of assistant superintendent of schools. He is one of three assistant superintendents, all of whom have equal rank. The coordinator of secondary education is a Negro as is the supervisor of special education, the mathematics consultant, a coordinator in the food services department and a member of the special services department who devotes a large part of his time to the problem of proper boundary lines for attendance areas. There are 18 Negro principals and 38 white principals.[2] On the teaching staff, there are 798 Negro teachers, 833 white teachers, and 3 orientals. All schools with the exception of one small elementary school have at least one Negro teacher on the staff. All but 5 of the 42 schools have at least 1 white teacher.

Those in charge of the administration of the Gary schools have had a difficult problem for more than a decade in maintaining facilities for the rapidly expanding school population. Twenty-two new schools or additions have been built in the last 10 years and classrooms have been more than doubled. A school corporation in Indiana is limited in its bonding power to 2 percent of the assessed valuation of the property in the district. The Gary School City has been bonded to its limits for the past several years.

For the year 1962, payable in 1963, the property tax rate for the School District of Gary is $5.85 per $100 of assessed valuation. The district judge noted that this was either the highest or one of the highest rates in the entire State of Indiana.

In addition to building new school buildings, the board of trustees and the school administration have rented churches, storerooms, and utilized such buildings as armories and park buildings for the purpose of providing classrooms for children. Some schools have been operated on a two-shift basis. Roosevelt is predominantly a Negro school. It operates as a senior high school in the morning and as a junior high school in the afternoon. It should be noted that Wallace, an all-white school, is operated in precisely the same manner.

Pursuant to the policy of transferring students from overcrowded schools, 123 students, 92 of whom are Negroes, were transferred from Tolleston, a predominantly Negro school to Mann, a predominantly white school. Eighty-seven Negro students were transferred from Tolleston to Edison, a predominantly white school. One hundred and forty students of whom 120 are Negroes, were transferred from Froebel, a predominantly Negro school to Chase, a predominantly white school.

The transfer of students from one school to another is handled on an individual basis. There is no transfer as a matter of right from one school to the other. However, no racial characteristics are considered in allowing or disallowing a transfer.

The school board has consistently followed the policy requiring students to attend the school designated to serve the district in which they live regardless of race. This was in accord with the Indiana statute which provides that all students in the public schools are to be admitted "in the public or common school in their districts in which they reside without regard to race, creed or color, class or national origin" (§ 28–5159 Burns Indiana Statutes).

Plaintiffs' position is grounded on their fundamental theory that their right to be integrated in school is such an overriding purpose that little, if any, consideration need to be given to the safety of the children, convenience of pupils and their parents, and costs of the operation of the school system.

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[1] By the terms of sec. 28–1902, Burns Indiana Statutes, the City of Gary is declared to be a school corporation for school purposes, "* * * and shall be known and designated as 'School City of [Gary] Indiana.'" Where the term "defendant" is used in this opinion, reference is to School City of Gary, Indiana.

[2] Assistant principals are included in these figures.

There was testimony that under plaintiffs' plan, at least 6,000 pupils would have to be transported on each schoolday, presumably by bus, and that the cost of operating 1 bus was $20 per day.

The district judge pointed out "The safety factors are difficult to solve in this school system. Three U.S. highways and the Indiana toll road traverse Gary from east to west. At least nine railroads cross the city, mostly at grade, as they converge on Chicago from the east or southeast. Some of these railroads have multiple tracks through the city and the streets crossing them are several blocks apart in some areas. The Little Calumet River crosses the city from east to west and is infrequently bridged. These are all safety factors that have to be considered in locating schools and fixing attendance districts."

Let us consider Tolleston School in Gary. In the school year 1951–52, this school was in a predominantly white neighborhood; only 4.3 percent of its school-age children were colored. But, in the following 10 years, colored people, on their own volition, moved in large numbers into this school district area. There was no change in the school district boundary lines. At the end of this period, the percentage of colored pupils was 76.65 percent. The plaintiffs claim that the voluntary Negro influx into this area has caused imbalance which defendants have the affirmative duty to change. In effect, plaintiffs say that defendants must somehow transplant from Tolleston enough Negro pupils to reduce their number to 50 percent of capacity, or some other arbitrary figure, and then, by some means, go out into the 42 square miles of the city of Gary into the so-called white districts, and bring into the Tolleston School a sufficient number of white students to correct the imbalance.

Plaintiffs are unable to point to any court decision which has laid down the principle which justifies their claim that there is an affirmative duty on the Gary school system to recast or realine school districts or areas for the purpose of mixing or blending Negroes and whites in a particular school.

Plaintiffs argue that *Brown* v. *Board of Education* (347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873), proclaims that segregated public education is incompatible with the requirements of the 14th amendment in a school system maintained pursuant to State law. However, the holding in Brown was that the forced segregation of children in public schools solely on the basis of race, denied the children of the minority group the equal protection of the laws granted by the 14th amendment.

[1] The situation in Brown is a far cry from the situation existing in Gary, Ind. The school district boundaries in Gary were determined without any consideration of race or color. We agree with the argument of the defendants stated as "there is no affirmative U.S. constitutional duty to change innocently arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils."

After the original opinion in *Brown* v. *Board of Education,* supra, the Court set the case for further argument on the question of how its decision should be implemented. Thereafter, a three-judge district court was designated in Kansas to consider the Kansas aspects of the instructions in the Brown case. Tht Court stated, *Brown* v. *Board of Education, D.C.* (139 F. Supp. 468, 470), "Desegregation does not mean that there must be intermingling of the races in all school districts. It means only that they may not be prevented from intermingling or going to school together because or race or color."

In *Briggs* v. *Elliott* (E.D.S.C.) (132 F. Supp. 776, 777) the Court said: "The Constitution, in other words, does not require integration. It merely forbids discrimination."

We agree with and the record fully sustains the district court's finding, "An examination of the school boundary lines in the light of the various factors involved such as density of population, distances that the students have to travel and the safety of the children, particularly in the lower grades, indicates that the areas have been reasonably arrived at and that the lines have not been drawn for the purpose of including or excluding children of certain races."

We approve also of the statement in the district court's opinion, "Nevertheless, I have seen nothing in the many cases dealing with the segregation problem which leads me to believe that the law requires that a school system developed on the neighborhood school plan, honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites."

[2] We hold that the constitutional rights of the plaintiffs and others similarly situated, were not violated by the manner in which the defendant school district of Gary, Ind., maintained and operated its schools, and that the district court was correct in dismissing the complaint herein. Affirmed.

Mr. ERVIN. Mr. President, in closing, I cannot forbear comment upon these two strange statements contained in the Brown case:

First. That the validity of the "separate but equal" doctrine was not challenged in Gong Lum against Rice.

Second. That the history of the 14th amendment was "inconclusive" with respect to the question whether the amendment permitted the States to segregate their children in their public schools on the basis of race.

The truth is that the only question involved in Gong Lum against Rice was a challenge to the validity of the "separate but equal" doctrine. This is made crystal clear by Chief Justice William Howard Taft, the writer of the unanimous opinion in that case, when he wrote these words:

> 1. The case then reduces itself to the question whether a State can be said to afford a child of Chinese ancestry born in this country, and a citizen of the United States, equal protection of the laws by giving her the opportunity for a common school education in a school which receives only colored children of the brown, yellow, or black races (275 U.S. 85).
>
> 2. The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all, whether white, brown, yellow, or black (275 U.S. 85).

With all due deference to the writer of the opinion in Brown against Board of Education of Topeka, I assert without the slightest fear of successful contradiction that the history of the 14th amendment makes it as clear as the noonday sun in an unclouded sky that the amendment was not designed to interfere in any way with the power of the several States to segregate their children in their public schools on the basis of race as long as they provided equal facilities for them and that the construction placed upon the amendment to this effect by all Presidents, all Governors, all Congresses, all State legislatures, and all Federal and State courts during the 86 years next preceding 12 o'clock noon on May 17, 1954, was in full accord with the intent of those who drafted, submitted, and ratified the amendment.

For the purpose of keeping the record straight and of showing how the 14th amendment was interpreted on this point by all Presidents, all Congresses, all Federal Courts, all State Governors, all State legislatures, and all State courts from the time of its ratification until 12 o'clock noon on May 17, 1954, I ask unanimous consent to have printed at this point in the body of the Record the unanimous decision and opinion handed down by the Supreme Court of the United States on November 21, 1927, in *Gong Lum* v. *Rice,* 275 U.S. 78, declaring that the equal protection clause of the 14th amendment was not intended by those who drafted it and those who ratified it to deny to the States the power to operate segregated schools.

There being no objection, the opinion and the decision were ordered to be printed in the Record, as follows:

Gong Lum et al. *v.* Rice et al.

(Error to the Supreme Court of the State of Mississippi, No. 29; submitted Oct. 12, 1927; decided Nov. 21 1927)

A child of Chinese blood, born in, and a citizen of, the United States, is not denied the equal protection of the laws by being classed by the State among the colored races who are assigned to public schools separate from those provided for the whites, when equal facilities for education are afforded to both classes (p. 85) (139 Miss. 760, affirmed).

Error to a judgment of the Supreme Court of Mississippi, reversing a judgment awarding the writ of mandamus. The writ was applied for in the interest of Martha Lum, a child of Chinese blood, born in the United States, and was directed to the trustees of a high school district and the State superintendent of education, commanding them to cease discriminating against her and to admit her to the privileges of the high school specified, which was assigned to white children exclusively.

Messrs. J. N. Flowers, Earl Brewer, and Edward C. Brewer for plaintiff in error.

The white, or Caucasian, race, which makes the laws and construes and enforces them, thinks that in order to protect itself against the infusion of the blood of other races its children must be kept in schools from which other races are excluded. The classification is made for the exclusive benefit of the lawmaking race. The basic assumption is that if the children of two races associate daily in the schoolroom the two races will at last intermix; that the purity of each is jeopardized by the mingling of the children in the schoolroom; that such association among children means social intercourse and social equality. This danger, the white race, by its laws, seeks to divert from itself. It levies the taxes on all alike to support a public school system, but in the organization of the system it creates its own exclusive schools for its children, and other schools for the children of all other races to attend together.

If there is danger in the association, it is a danger from which one race is entitled to protection just the same as another. The white race may not legally expose the yellow race to a danger that the dominant race recognizes and, by the same laws, guards itself against. The white race creates for itself a privilege that it denies to other races; exposes the children of other races to risks and dangers to which it would not expose its own children. This is discrimination. (*Lehew* v. *Brummell,* 103 Mo. 549; *Strauder* v. *West Virginia,* 100 U.S. 303.)

Color may reasonably be used as a basis for classification only insofar as it indicates a particular race. Race may reasonably be used as a basis. "Colored" describes only one race, and that is the Negro. (*State* v. *Treadway,* 126 La. 52; *Lehew* v. *Brummell, supra; Plessy* v. *Ferguson,* 163 U.S. 537; *Berea College* v. *Kentucky,* 133 Ky. 209; *West Chester R.R.* v. *Miles,* 55 Pa. St. 209; *Tucker* v. *Blease,* 97 S.C. 303.)

Messrs. Rush H. Knox, attorney general of Mississippi, and E. C. Sharp for defendants in error.

Mr. Chief Justice Taft delivered the opinion of the Court.

This was a petition for mandamus filed in the State Circuit Court of Mississippi for the First Judicial District of Bolivar County.

Gong Lum is a resident of Mississippi, resides in the Rosedale Consolidated High School District, and is the father of Martha Lum. He is engaged in the mercantile business. Neither he nor she was connected with the consular service or any other service of the Government of China, or any other government, at the time of her birth.

She was 9 years old when the petition was filed, having been born January 21, 1915, and she sued by her next friend, Chew How, who is a native born citizen of the United States and the State of Mississippi. The petition alleged that she was of good moral character and between the ages of 5 and 21 years, and that, as she was such a citizen and an educable child, it became her father's duty under the law to send her to school; that she desired to attend the Rosedale Consolidated High School; that at the opening of the school she appeared as a pupil, but at the noon recess she was notified by the superintendent that she would not be allowed to return to the school; that an order had been issued by the board of trustees, who are made defendants, excluding her from attending the school solely on the ground that she was of Chinese descent and not a member of the white or Caucasian race, and that their order had been made in pursuance to instructions from the State superintendent of education of Mississippi, who is also made a defendant.

The petitioners further show that there is no school maintained in the district for the education of children of Chinese descent, and none established in Bolivar County where she could attend.

The constitution of Mississippi requires that there shall be a county common school fund, made up of poll taxes from the various counties, to be retained in the counties where the same is collected, and a State common school fund to be taken from the general fund in the State treasury, which together shall be sufficient to maintain a common school for a term of 4 months in each scholastic year, but that any county or separate school district may levy an additional tax to maintain schools for a longer time than a term of 4 months, and that the said common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be collected from the data in the office of the State superintendent of education in the manner prescribed by law; that the legislature encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement, by the establishment of a uniform system of free public schools by taxation or otherwise, for all children between the ages of 5 and 21 years, and, as soon as practicable, establish schools of higher grade.

The petition alleged that, in obedience to this mandate of the Constitution, the legislature has provided for the establishment and for the payment of the expenses of the Rosedale Consolidated High School, and that the plaintiff, Gong Lum, the petitioner's father, is a taxpayer and helps to support and maintain the school; that Martha Lum is an educable child, is entitled to attend the school as a pupil, and that this is the only school conducted in the district available for her as a pupil; that the right to attend it is a valuable right; that she is not a member of the colored race nor is she of mixed blood, but that she is pure Chinese; that she is by the action of the board of trustees and the State superintendent discriminated against directly and denied her right to be a member of the Rosedale School; that the school authorities have no discretion under the law as to her admission as a pupil in the school, but that they continue without authority of law to deny her the right to attend it as a pupil. For these reasons the writ of mandamus is prayer for against the defendants commanding them and each of them to desist from discriminating against her on account of her race or ancestry and to give her the same rights and privileges that other educable children between the ages of 5 and 21 are granted in the Rosedale Consolidated High School.

The petition was demurred to by the defendants on the ground, among others, that the bill showed on its face that plaintiff is a member of the Mongolian or yellow race, and therefore not entitled to attend the schools provided by law in the State of Mississippi for children of the white or Caucasian race.

The trial court overruled the demurrer and ordered that a writ of mandamus issue to the defendants as prayed in the petition.

The defendants then appealed to the Supreme Court of Mississippi, which heard the case. (*Rice* v. *Gong Lum,* 139 Miss. 760.) In its opinion, it directed its attention to the proper construction of section 207 of the State constitution of 1890, which provides:

"Separate schools shall be maintained for children of the white and colored races."

The Court held that this provision of the constitution divided the educable children into those of the pure white or Caucasian race, on the one hand, and the brown, yellow, and black races, on the other, and therefore that Martha Lum of the Mongolian or yellow race could not insist on being classed with the whites under this constitutional division. The Court said:

"The legislature is not compelled to provide separate schools for each of the colored races, and, unless and until it does provide such schools and provide for segregation of the other races, such races are entitled to have the benefit of the colored public schools. Under our statutes a colored public school exists in every county and in some convenient district in which every colored child is entitled to obtain an education. These schools are within the reach of all the children of the State, and the plaintiff does not show by her petition that she applied for admission to such schools. On the contrary the petitioner takes the position that because there are no separate public schools for Mongolians that she is entitled to enter the white public schools in preference to the colored public schools. A consolidated school in this State is simply a common school conducted as other common schools are conducted; the only distinction being that two or more school districts have been consolidated into one school. Such consolidation is entirely discretionary with the county school board having reference to the condition existing in the particular territory. Where a school district has an unusual amount of territory, with an unusual valuation of property therein, it may levy additional taxes. But the other common schools under similar statutes have the same power.

"If the plaintiff desires, she may attend the colored public schools of her district, or, if she does not so desire, she may go to a private school. The compulsory school law of this State does not require the attendance at a public school, and a parent under the decisions of the Supreme Court of the United States has a right to educate his child in a private school if he so desires. But plaintiff is not entitled to attend a white public school."

As we have seen, the plaintiffs aver that the Rosedale Consolidated High School is the only school conducted in that district available for Martha Lum as a pupil. They also aver that there is no school maintained in the district of Bolivar County for the education of Chinese children and none in the county. How are these averments to be reconciled with the statement of the State supreme court that colored schools are maintained in every county by virtue of the Constitution? This seems to be explained, in the language of the State supreme court, as follows:

"By statute it is provided that all the territory of each county of the State shall be divided into school districts separately for the white and colored races; that is to say, the whole territory is to be divided into white school districts, and then a new division of the county for colored school districts. In other words, the statutory scheme is to make the districts outside of the separate school districts, districts for the particular race, white or colored, so that the territorial limits of the school districts need not be the same, but the territory embraced in a school district for the colored race may not be the same territory embraced in the school district for the white race, and vice versa, which system of creating the common school districts for the two races, white and colored, does not require schools for each race as such to be maintained in each district, but each child, no matter from what territory, is assigned to some school district, the school buildings being separately located and separately controlled, but each having the same curriculum, and each having the same number of months of school term, if the attendance is maintained for the said statutory period, which school district of the common or public schools has certain privileges, among which is to maintain a public school by local taxation for a longer period of time than the said term of 4 months under named conditions which apply alike to the common schools for the white and colored races."

We must assume then that there are school districts for colored children in Bolivar County, but that no colored school is within the limits of the Rosedale Consolidated High School District. This is not inconsistent with there being, at a place outside of that district and in a different district, a colored school which the plaintiff Martha Lum, may conveniently attend. If so, she is not denied, under the existing school system, the right to attend and enjoy the privileges of a common school education in a colored school. If it were otherwise, the petition should have contained an allegation showing it. Had the petition alleged specifically that there was no colored school in Martha Lum's neighborhood to which she could conveniently go, a different question would have been presented, and this, without regard to the State supreme court's construction of the State constitution as limiting the white schools provided for the education of children of the white or Caucasian race. But we do not find the petition to present such a situation.

The case then reduces itself to the question whether a State can be said to afford to a child of Chinese ancestry born in this country, and a citizen of the United States, equal protection of the laws by giving her the opportunity for a common school education in a school which receives only colored children of the brown, yellow or black races.

The right and power of the State to regulate the method of providing for the education of its youth at public expense is clear.

In *Cumming* v. *Richmond County Board of Education*, 175 U.S. 528, 545, persons of color sued the board of education to enjoin it from maintaining a high school for white children without providing a similar school for colored children which had existed and had been discontinued. Mr. Justice Harlan, in delivering the opinion of the Court, said:

"Under the circumstances disclosed, we cannot say that this action of the State court was, within the meaning of the 14th amendment, a denial by the State to the plaintiffs and to those associated with them of the equal protection of the laws, or of any privileges belonging to them as citizens of the United States. We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakably disregard of rights secured by the supreme law of the land."

The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all, whether white, brown, yellow, or black. Were this a new question, it would call for very full argument and consideration, but we think that it is the same question which has been many times decided to be within the constitutional power of the State legislature to settle without intervention of the Federal courts under the Federal Constitution. (*Roberts* v. *City of Boston*, 5 Cush. (Mass.), 198, 206, 208, 209; *State ex rel. Garnes* v. *McCann*, 21 Oh. St. 198, 210; *People ex rel. King* v. *Gallagher*, 93 N.Y. 438; *People ex rel. Cisco* v. *School Board*, 161 N.Y. 598; *Ward* v. *Flood*, 48 Cal. 36; *Wysinger* v. *Crookshank*, 82 Cal. 588, 590; *Reynolds* v. *Board of Education*, 66 Kans. 672; *McMillan* v. *School Committee*, 107 N.C. 609; *Cory* v. *Carter*, 48 Ind. 327; *Lehew* v. *Brummell*, 103 Mo. 546; *Dameron* v. *Bayless*, 14 Ariz. 180; *State ex rel. Stoutmeyer* v. *Duffy*, 7 Nev. 342, 348, 355; *Bertonneau* v. *Board*, 3 Woods 177, s.c. 3 Fed. Cases, 294, Case No. 1361; *United States* v. *Buntin*, 10 Fed 730, 735; *Wong Him* v. *Callahan*, 119 Fed. 381.)

In *Plessy* v. *Ferguson*, 163 U.S. 537, 544, 545, in upholding the validity under the 14th amendment of a statute of Louisiana requiring the separation of the white and colored races in railway coaches, a more difficult question than this, this Court, speaking of permitted race separation, said:

"The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the politcal rights of the colored race have been longest and most earnestly enforced."

The case of *Roberts* v. *City of Boston, supra*, in which Chief Justice Shaw of the Supreme Judicial Court of Massachusetts, announced the opinion of that court upholding the separation of colored and white schools under a State constitutional injunction of equal protection, the same as the 14th amendment, was then referred to, and this Court continued:

"Similar laws have been enacted by Congress under its general power of legislation over the District of Columbia, Rev. Stat. D.C. sections 281, 282, 283, 310, 319, as well as by the legislatures of many of the States, and have been generally, if not uniformly, sustained by the Courts," citing many of the cases above named.

Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils, but we cannot think that the question is any different or that any different result can be reached, assuming the cases above cited to be rightly decided, where the issue is as between white pupils and the pupils of the yellow races. The decision is within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment. The judgment of the Supreme Court of Mississippi is—

Affirmed.

OPINION OF JAMES A. FARLEY ON PRESIDENTIAL NOMINEES

Mr. WALTERS. Mr. President, I ask unanimous consent to have printed in the Record an interview with former Democratic National Chairman James A. Farley. The interview was published in the Nashville Banner on May 29.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nashville Banner, May 29, 1964]

California Primary Key for Nixon, Says Farley

New York.—James A. Farley, former Democratic national chairman, said today the California Republican presidential primary set the stage for former Vice President Richard M. Nixon to win the nomination.

Farley, former Postmaster General and one of the Nation's most astute politicians, said Nixon or Gov. William Scranton, of Pennsylvania, might pick up the nomination if Senator Barry Goldwater, of Arizona, failed to make a strong showing in California.

Goldwater and Gov. Nelson A. Rockefeller, of New York, are the only candidates on the California primary ballot.

"If Goldwater doesn't win and Rockefeller is successful in California, neither of them will have enough strength for a first-ballot nomination," Farley said. "If a deadlock there develops, the Republicans are likely to go to another candidate—and if they do it probably will be Nixon or Scranton in the order named."

But "Genial Jim," now chairman of the board of the Coca-Cola Export Corp., said in an interview on the eve of his 76th birthday Saturday that the question of the Republican nominee was purely academic because President Lyndon B. Johnson would win overwhelmingly in the November election.

Farley now sits in a plush 18th-floor Manhattan office, handling tons of correspondence when he isn't flying overseas or around the country or making appearances at banquets or lunches.

Asked whether he thought former President Eisenhower's recent statement on Republican principles was a slap at Goldwater, Farley said he did not know. But he said he thought Eisenhower should endorse some candidate.

"If I were a Republican, I would hope he would take a position for a political candidate," Farley said.

Would Farley himself be willing to run for the Senate in New York against Republican incumbent Senator Kenneth Keating?

"In 1958 I was quite willing to run for the Senate but neither Mayor Robert F. Wagner, Democratic Leader Carmine de Sapio, or former Gov. Averell Harriman were willing," Farley said. "They supported New York County District Attorney Frank S. Hogan. I have no desire to run for the Senate now."

How do you feel President Johnson has handled himself since succeeding President John F. Kennedy?

"President Johnson came better qualified for the Presidency than any man ever named," Farley said. "Within a few hours he was sworn in and demonstrated the transition could occur without any difficulty. The manner in which he took over did not surprise those of us who knew him so well."

Do you feel President Johnson should select his vice-presidential running mate?

"Yes. Many men eminently qualified have been named as possibilities and President Johnson, realizing the importance of his running mate, will give consideration to all and come up with the one who most fits the bill."

Who is the Democrat who could make the strongest race against Keating in New York?

"Mayor Wagner. I do not know whether he wants to make the run or whether he would be susceptible to a draft. But he would be the strongest man."

Will the civil rights bill be passed?

"Despite the debate in Congress, the civil rights bill will be passed. I'm sure the leaders of both parties will get together and there will be an agreement by both sides."

Farley will be in Atlantic City, N.J., when the Democrats gather in convention. It will be the 11th consecutive Democratic convention he has attended. He will go as a delegate at large.

His greatest joys aside from his family life, he said, were in three activities: attending conventions, traveling on the presidential campaign train, and visiting campaign headquarters.

On his birthday Saturday, he will follow the same schedule he has on his birthdays since his wife died in 1955.

He will rise early in his Waldorf-Astoria Hotel apartment, attend mass at St. Patrick's Cathedral, visit Mrs. Farley's grave at the Gate of Heaven Cemetery in Valhalla, N.Y., the graves of his parents in St. Peter's at Haverstraw, N.Y., and dine later with his children and grandchildren.

SUPREME COURT DECISIONS GIVING FREE REIGN TO THE COMMUNIST PARTY, U.S.A.

Mr. THURMOND. Mr. President, the Supreme Court has shocked and appalled the American public in decision after decision which virtually gives free reign to the Communist Party, U.S.A., and other subversive elements in this country to continue their relentless drive to subvert and overthrow our constitutional form of government. I have expressed myself on the Supreme Court decision of June 8 concerning the registration of Communist Party, U.S.A., in my newsletter of June 15, 1964, entitled "Toward a Socialist America." In order that Members of Congress may have a full understanding of my position on this matter, I ask unanimous consent to have this newsletter printed in the Record at the conclusion of these remarks.

I also ask unanimous consent to have printed in the Record an excellent editorial in the June 12, 1964, issue of the State of Columbia, S.C., entitled "Communism and the Court."

There being no objection, the newsletter and the editorial were ordered to be printed in the Record, as follows:

Toward a Socialist America—U.S. Senator From South Carolina Strom Thurmond Reports to the People

The Communist Party, U.S.A., is working diligently to put across its program for a Socialist America with as much or more success than ever before. As FBI Director J. Edgar Hoover pointed out in recent testimony to the House Appropriations Committee, the main points being pushed by the party are: "The racial struggle, the abolition of all internal security programs * * * the reduction of military spending with the diversion of such appropriations to a broad program of social welfare projects * * * peaceful coexistence, disarmament, an end to nuclear testing, and increased East-West trade." Mr. Hoover warned that the "old Communist principle still holds: 'communism must be built with non-Communist hands.'"

Listed second only to creation of racial strife is the Communist effort to render ineffective all security laws which stand in their way. The racial demonstrations and riots—and those promised after passage of the "civil rights" bill—are made to order for the Communist program.

In recent years, the Communists have been notably assisted in emasculating the effectiveness of internal security laws in this country by the U.S. Supreme Court. On June 1, 1964, the Court upheld a decision which says that on technical grounds the Communist Party, U.S.A., cannot be forced to register with the Attorney General and provide pertinent information on its membership, finances, meeting places, etc.

After 10½ years of litigation and one reversal by the Supreme Court, the Justices finally found on June 4, 1961, that the Communist Party, U.S.A., is "a tool of Moscow" and, therefore, is a subversive organization under the criteria set up by our internal security laws. During this period, the evidence of the Communist Party, U.S.A.'s, subversive activities were quite apparent to everyone except the Court. The Justices professed to be concerned about the constitutional rights of those seeking to overthrow the Constitution.

On the other hand, the Court seems to show much less concern about the constitutional rights of those who do not share this leftwing bias. For instance, even though the Constitution explicitly provides for trial by jury, the Court ruled against a jury trial for former Governor Barnett and Governor Johnson, both of Mississippi.

These Court decisions are written in large part to fit a preconceived political philosophy rather than to follow the important legal principle of stare decisis and the Constitution. Unfortunately for America, the Court has demonstrated in recent years a bias for leftwing causes. The American Bar Association's Special Committee on Communist Tactics, Strategy, and Objectives in 1958 viewed with alarm 20 cases decided by the Court in the 2 previous years.

The chairman of the Internal Security Subcommittee of the Senate has expressed even stronger concern after analyzing Court decisions touching on communism or subversive activities from 1919 through 1961. He showed that the swing toward upholding the Communist position has shifted radically from 36 percent in the early years to 66 percent during the reign of Chief Justice Earl Warren.

Court decisions in other areas of American life have likewise helped to fulfill Communist aims, especially the recent antiprayer decisions. In 1932, William Foster, then chairman of the CPUSA, predicted in his book "Toward a Soviet America" that "God will be banished from the laboratories as well as the schools. * * * The studies will be revolutionized, being cleansed of religious, patriotic, and other features of the bourgeois ideology."

The Court has sought to put across in America a new social and legal order which sets the stage for transformation of our Nation into a Socialist America. The executive branch, instead of seeking to reverse the trend of the Court, seems to be moving more swiftly into the vortex of socialist seduction. The Congress has expressed much concern, but, unfortunately, the legislative powers are neutralized against halting the Court's leftwing bias and anti-Constitution decisions because the Congress has become too subservient to the executive branch.

Khrushchev predicted optimistically in 1962 that "tomorrow the Red flag will fly over the United States. But we will not fly the flag. It will be the American people themselves." Unless the American people can convince the Congress to change the tide, such actions as the recent Court decisions may soon prove him correct.

Sincerely,

STROM THURMOND.

[From the Columbia (S.C.) State, June 12, 1964]

COMMUNISM AND THE COURT

On June 8, the Supreme Court finally made a shambles of 1950 Federal law requiring members of the Communist Party to register as agents of a foreign power.

Not a single Communist Party member ever registered as required by law; not one party member spent a day in jail for refusing to comply with the law. Now it seems likely that one never will.

Making the action of the Supreme Court even more incomprehensible is the fact that this same Court had earlier upheld the constitutionality of the act. When this happened, almost everyone concluded the Communists in this country had exhausted—after about 12 years—their legal maneuverings to avoid obeying the law.

Everyone, that is, except the Communists. They started a new maneuver, claiming that having to register would amount to self-incrimination, and the fifth amendment protects people from incriminating themselves.

In the appeals court opinion which the Supreme Court upheld by refusing to review it—the judge writing the opinion bought the plea against self-incrimination. He wrote that many criminal laws are now aimed at the Communists, and that mere association tends to incriminate.

So far as this particular law was concerned, there was no penalty attached to the act of registering; the penalty was for failure to register, and the application of the penalty was about 13 years overdue.

The Communist reaction was quite in character; they called the decision a "major victory for the constitutional liberties of all American people and an important rebuff to the Goldwater-Birchite conspiracy." Look, if you will, at who is talking about "constitutional liberties," smearing GOLDWATER and calling something a "conspiracy."

Communists, of course, intend to destroy our Constitution; they make no bones about it. They are using their liberties, real and court imagined, to undermine and ultimately overthrow our Government.

Ironically, only by a very narrow margin did the Senate the other day amend a "civil rights" bill to allow a jury trial for those loyal Americans who might be accused of "discrimination." This same Court, which so meticulously safeguards the rights of professional criminals and Communist subversives, not long ago showed far less concern about allowing a Governor of a sovereign State even the courtesy, if not the justice, of a jury trial.

In the final analysis, this decision qualifies as the near ultimate in judicially created confusion. By successive decisions the Supreme Court has held that a law is constitutional but cannot constitutionally be enforced.

TURKISH PERSECUTION OF ORTHODOX RELIGIOUS LEADERS

Mr. KEATING. Mr. President, it is a source of continuing concern to me that, in addition to the dangerous political conflicts now raging in Cyprus, an effort is being made to inject the venom of religious persecution into the issue.

The Government of Turkey, in violation of the Treaty of Lausanne, has instituted pressures against the Ecumenical Patriarchate of the Eastern Orthodox Church, which for 16 centuries has had its seat in Constantinople. These pressures are unquestionably related to the Cyprus situation and are an attempt by the Turkish Government to flex its political muscles, as it were.

Yet they could well lead, as did similar moves in 1955, to bloodshed and violence against Greeks living in Turkey. Such a deplorable development should be discouraged right now by our Government before it is too late.

The recent illness of the Patriarch Athenagoras is undoubtedly aggravated by anxiety over these arbitrary actions. In his role as head of the Eastern Orthodox Church, in free nations and behind the Iron Curtain, the Patriarch bears a heavy responsibility. Political harassment added to his other concerns are laying a heavy burden on his health and are also putting in some jeopardy the voice of religious and political independence as it speaks in sometimes hostile states.

I have been in touch with the Department of State about this issue, and although I am somewhat disappointed by the handsoff attitude our Government has taken, I am hopeful that, when public attention around the world is focused on this issue, there will be a universal reaction that may encourage the Turkish Government to respect the principles of the Treaty of Lausanne and the basic rights of religious freedom which should be guaranteed to every faith.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letters I have received from the Department of State on this issue during the last month.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, May 13, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: Thank you for your communication of May 5 commenting on reports of steps taken by the Turkish Government against members of the Orthodox Church in Istanbul, including the Orthodox patriarchate.

We have been following these developments very carefully. Turkey has recently given Greece the required 6 months' notice for terminating the treaty on which the rights of Greek citizens in Turkey, and Turkish citizens in Greece, are based, but states it is prepared to negotiate a new agreement. No date, however, has been set for these talks between the two countries. Turkey has also announced that some 300 Greek citizens in Turkey, whom it accuses of violating a Turkish law prohibiting foreigners from engaging in certain professions, must change jobs. In addition, several naturalized Turkish citizens of Greek origin have been told their citizenship is being nullified and they must leave the country. This latter group includes two metropolitans of the patriarchate who left Turkey on April 21. They requested and received American visas, and are now in New York. There have been other developments involving visa agreements between Greece and Turkey.

The United States is deeply concerned about these developments and is actively attempting to moderate the views of Greece and Turkey. We believe our policy can be most effective if we continue our contacts with and make suggestions to both sides, taking specific steps on patricular problems such as that of the metropolitans when possible. Since the dispute involves two of our closest allies, you can be assured we will vigorously pursue all possible means to encourage a settlement.

In your communication, you mention the case of the Reverend Anastasios Xenos. We have no information on the events you describe, but we have requested a report from our consulate general in Istanbul. I shall write again when that report arrives.

In the meantime, if there is anything further I can do on this matter, please do not hesitate to write again.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

May 25, 1964.

Hon. **Kenneth B. Keating,**
U.S. Senate.

Dear Senator Keating: Thank you for your letter of May 15 commenting on recent developments concerning the Orthodox patriarchate in Istanbul, Turkey.

The actions taken by the Turkish Government which you discuss include one (the deportation of two metropolitans) listed in my letter to you of May 13 and another about patriarchate publications. The third action you list has to do with the closing of a Greek orphanage. According to our consulate general in Istanbul, the private Greek orphanage at Buyuk Ada has been condemned as a fire hazard, and the nearly 300 children formerly housed there are now being well cared for in nearby monasteries. We also understand that the Turkish authorities have orally agreed to permit remodeling of the orphanage so it will no longer be a fire hazard.

The Turkish Government has announced that the actions involving the patriarchate have been taken entirely within the framework of the relevant Turkish laws. Nevertheless, the United States is deeply concerned about all of these developments. We will continue, as I said in my letter of May 13, to help in specific problems when possible. The American visas issued to the two Orthodox metropolitans are an example of this action.

We believe, however, all of the actions concerning the patriarchate and the Greek community of Istanbul must be seen in the broader terms of the deteriorating relations between Greece and Turkey. We are actively pursuing many means toward improving those relations. We fully support the United Nations peacekeeping effort on Cyprus and the work of the United Nations mediator. We are also vigorously following many less formal lines of action on the island. Our aim is not only to restore peace there, but also to move from that stage to improved relations between our two friends and allies, Turkey and Greece.

We have been in the closest contact with the Greek and Turkish Governments throughout these last few months. Many U.S. officials, including President Johnson and Secretary Rusk, have stated our strongly held belief that an open break between two NATO allies would be catastrophic and that every possible effort must be taken to avoid that possibility. We fully support the recent decision of the NATO Council of Ministers according to which Secretary General Stikker will maintain a "watching brief" and would offer whatever assistance is possible to help prevent the two NATO allies from coming into open conflict.

I hope this reply helps in answering the questions raised in your letter. If there is anything else I can do for you on this subject, please do not hestitate to write again.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.
For the Secretary of State.

June 1, 1964.

The Honorable **Kenneth B. Keating,**
U.S. Senate.

Dear Senator Keating: In my letter of May 13 about developments concerning the Orthodox community of Istanbul, Turkey, I promised to ask for further details concerning the case of Father Anastasios Xenos. We have just received a report on this subject from our consulate general in Istanbul.

The consul has talked with Turkish police authorities and the ecumenical patriarchate about Father Xenos. These sources agree that Father Xenos was warned by the Turkish authorities in December 1963 that, as a Greek citizen, he was forbidden under Turkish Law 2007 to continue his work as an Orthodox priest in Turkey. This law states that certain professions, including his office, can be filled only by Turkish citizens. Despite this warning, Father Xenos continued his functions at his church in Kuru Cesme. As a result, he was brought before the First Peace Court in April and ordered expelled from Turkey. During the trial, which lasted about 2 weeks, he was kept in Sultan Ahmet jail. The patriarchate also confirmed the fact that the priest is a Greek citizen. No other priest has reportedly been jailed since this incident.

I hope this report helps clarify the incident, but if there is anything else I can do on this matter, please do not hesitate to write again.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

MONTANA FLOOD DISASTER, WEST OF THE CONTINENTAL DIVIDE

Mr. MANSFIELD. Mr. President, on Monday, I reported to the Senate on the results of my 1-day visit to the flood-stricken areas of Montana. I visited seven counties with the Director of the Office of Emergency Planning, Edward McDermott. Because of the devastation and damage in these areas it was not possible for us to get to the area west of the divide. This is certainly no attempt to minimize the damage in this area. The Flathead and Clark Fork River areas were hard hit, and are now recovering from this worst disaster in our history.

The flooded area west of the Continental Divide is not as vast an area as in the east because of the natural obstruction created by mountain ranges and the extensive flood control created by Hungry Horse Dam and Reservoir. The communities of Columbia Falls, Hungry Horse, Polebridge, and the Evergreen district of Kalispell were hit the hardest. Whitefish, Missoula, and the towns in the Flathead Valley suffered to a lesser degree.

The western entrance to Glacier National Park was completely cut off by the destruction of major bridge approaches. The eastern entrance to the park is now open, and two of the major hotels are open for business as usual. However, it will be several weeks before bridge replacements, of a temporary nature, will be open for use. I also understand the Logan Pass is now open for limited traffic.

The cooperation between local, State, and Federal agencies and personnel was of the highest caliber in this area as it was on the eastern side.

It will be some time before Montana recovers completely from this natural disaster, but I am confident that if the present cooperation continues, the recovery will be accomplished at a very rapid rate. The people of Montana bounce back in a hurry. It will take time for many of the details to be resolved, but all modes of transportation and communities will be in good working condition in a short while.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a series of newspaper articles and reports giving a more detailed account of the flooding conditions that exist in the area west of the Continental Divide.

There being no objection, the articles and reports were ordered to be printed in the Record, as follows:

Executive Office
of the President,
Office of Emergency Planning,
Washington, D.C., June 15, 1964.

Hon. **Mike Mansfield,**
The Majority Leader,
U.S. Senate,
Washington, D.C.

Dear Senator: It was very good to be with you during our inspection trip of the flood-ravaged areas of Montana, Sunday, June 14. You are assured of our continuing close attention to these problems and our intention to keep you closely informed of developments.

With further reference to the tent requirements of the evacuated Blackfeet Indians, discussed with us by Walter Wetzel yesterday, I have had a series of conferences with Mr. Graham Holmes, Acting Commissioner of the Bureau of Indian Affairs. I have endeavored to communicate to him the sense of urgency that attaches to this requirement and the desire of the evacuated families to return to or near their original homesites. I am informed late this afternoon that 96 tents (37 from Seattle and 59 from Denver) are being airlifted to Browning tonight and will be available for distribution by the agency tomorrow. There are, of course, other problems of the Indian population to which BIA must address itself, and I am assured that these matters are also receiving attention.

I am expecting more reliable damage data early tomorrow afternoon, on the basis of which an initial allocation of funds will be recommended to the President.

With every good wish, I am,

Sincerely,

Edward A. McDermott,
Director.

HAYING, GRAZING PRIVILEGES OFFERED IN FLATHEAD COUNTY, MONT.

The U.S. Department of Agriculture today offered haying and grazing privileges on diverted croplands in Flathead County, Mont., where recent floods have silted range and pasture lands.

Several USDA program provisions restrict use of land taken out of production and put into conserving uses, except under emergency conditions. Today's action will give the Agricultural Stabilization and Conservation (ASC) county committee authority to permit livestock grazing through July 15 on land diverted from crop production in Flathead County, under the Conservation Reserve, and the feed grain and the wheat diversion programs, without a reduction in diversion payments due farmers.

The ASC county committee is also authorized to permit grazing of livestock or hay harvesting on these lands through August 15, but with a reduction in the diversion payments.

Farmers and ranchers are required to obtain approval from the county ASC committee before grazing or harvesting forage on retired or diverted land.

[From the Kalispell (Mont.) Daily Inter Lake, June 9, 1964]

Swollen Waters Reap Destruction—Evergreen Area, Upper Flathead Badly Hit

(By Burl Lyons and Noel Johnson)

Northwest Montanans dug in with all the resources at their command this morning to combat rampaging, swollen waters which are leaving a path of destruction throughout parts of the Flathead.

The Evergreen area, east of Kalispell, is badly hit and persons are being evacuated to the homes of friends and others in Kalispell.

John Smithlin, who resides at the corner of Highway 2 and La Salle Road, said "the water rolled into my back door at 6:20 a.m. Everything is floating and there is about 4 feet of water."

Flathead County Sheriff Ross Wilson said the river was still rising in the Evergreen area at noon today. The river level was reported at 24 feet while flood stage is 14. Sheriff Wilson planned an aerial survey of the area early this afternoon. Meanwhile the river reportedy had crested at Columbia Falls and there was a report it had dropped 3 inches.

Complications arose late in the Evergreen area this morning when the Jet Oil tanks on the Strip went out.

An evacuation center has been erected at the Kalispell Chamber of Commerce office. The Red Cross has also set up an office in the chamber and has designated the headquarters as a health and welfare center. "We could also use some additional help at the office," commented Mrs. Kendall Workman.

The Red Cross this morning dispatched a food truck to the La Salle School where 35 people were evacuated.

At noon today the Flathead County sheriff's office broadcast an urgent appeal for evacuation of all residents of the lower valley who might be in danger of being cut off by floodwaters.

The swollen and still-rising river was crisscrossing all lowland farming areas and causing backwaters to rise.

Flathead County Civil Defense Director Col. Ralph Sleator has set up his office in the Kalispell City Police Station. "National Guardsmen are standing by in case they are needed but I don't anticipate calling them out at this time," Sleator said.

Members of the Flathead County sheriff's posse, men from the Kalispell Air Force Station at Lakeside, and other volunteers are engaged in operations in the Evergreen area, Sleator said.

"We have 150 cots in the National Guard Armory in case they are needed. We have had more space volunteered than we have been able to use and I sincerely appreciate the excellent response of all people," Sleator said.

Two helicopters were due here late this morning from Moses Lake, Wash., to survey flood damage. Others were due from Great Falls and Missoula.

The sheriff's office called in all extra deputies and boats were used in checking residents in the Evergreen area to make sure every one is evacuated.

Here was the highway situation throughout northwest Montana late this morning:

U.S. 2 closed at the Kalispell east city limits. Only emergency travel from there to the Bad Rock Canyon area which is under 30 inches of water. The highway is also out 5 miles east of West Glacier.

Montana 40, from Columbia Falls to U.S. 2, closed at the Steel Bridge due to the flood threat.

La Salle Road closed due to water on the highway.

Montana 35, on East Shore Road, 6 inches of water on highway near Polson, but traffic is getting through.

Glacier National Park is isolated as all communications are out. Roads and bridges to and in the park are out.

Senator Mike Mansfield this morning sent this telegram to the Daily Inter Lake regarding the disaster area of northwest Montana:

"In response to acting Governor Manning's request that a number of counties be declared disaster areas, I have contacted the President at the White House; Ed McDermott, Director, Office of Emergency Planning, and Secretary Udall, and requested that he dispatch Commissioner of Reclamation Floyd E. Dominy, Commissioner of Indian Affairs Philleo Nash to Montana because of the damage done to irrigation projects, Blackfeet Indian Reservation, Glacier National Park; also the Corps of Engineers.

"I have just talked to the White House and urged that action be taken as Governor Manning's telegram declaring certain counties disaster areas is received," Mansfield said.

Yesterday afternoon, the Inter Lake accompanied County Surveyor Donald Dahl on a tour of bridges, rivers, and creeks in the Flathead.

One pier of Blankenship Bridge was out when we arrived at the scene. One span of the wooden structure rode the crest of the swirling stream through Columbia Falls at 8:30 p.m. The old bridge at West Glacier was also out when we arrived in the area about 5 p.m.

About 30 persons were evacuated from the Nyack Flats area yesterday by planes from the Glacier View Skyways and there were reports that nearly 200 head of cattle were drowned in pastures completely under water. Fourteen persons were assisted at the Red Cross office in the Chamber Building.

Several homes in the "flats area" of Columbia Falls were underwater. Columbia Falls Chief of Police Darvin Lundstrom estimated water in that area was 6 to 8 feet deep. Fire also destroyed the George Keck, Sr., residence last night in Columbia Falls as firemen were unable to reach the blaze.

Chief Lundstrom said some residents had moved in with friends. Churches and many people were offering rooms.

The Montana Power Co. has shut off the gas line in the Evergreen, Columbia Falls areas as a precautionary measure.

"We're operating in pretty good shape here," commented Hal Kanzler of Anaconda Aluminum Co. at Columbia Falls. He noted there was some trouble on the island where the main wells are located but the situation has been remedied. Gas to the plant has also been shut off due to a reported break near Marias Pass.

Walt Newgard of Flathead Electric Cooperative said it was too early to estimate damage but commented that several river crossings are out along with some underground cable. He said damage could amount to $40,000 but said that's only a guess.

Rex Beeman of Pacific Power & Light Co. reported telephone traffic is very heavy and he appealed to the public to keep their calls at a minimum. The Hungry Horse exchange is out and there was an emergency phone operation erected at West Glacier, he said. He also added that several rural lines are underwater.

Following an aerial survey made this morning by Under Sheriff Robert Wills, it was reported that all main bridges in the Flathead drainage area are out with the exception of the bridges at Columbia Falls and Bigfork and the new and old steel bridges.

Wills reported that all rivers are cresting this morning, except the North Fork, which was expected to crest around 1 p.m. today. The cresting was expected to add another 2 feet of water to the already flooding river.

Late this morning, waters on the old Highway 2 had reached Willow Glen Drive and were rising on Conrad Drive nearly to Caroline Road, however homes on Caroline Road appeared to be in no danger.

The Red Cross in the Chamber Building is also handling inquiries from out-of-State residents anxiously concerned about friends or relatives. These appeals are being broadcast over both radio stations, KOFI and KGEZ, and those in the Flathead when they hear the appeal are asked to contact the chamber office. The numbers are 756–3433, 756–4526, or 756–3423.

At least 400 families in the Flathead Valley have been affected by the flood, according to latest estimates made by Mrs. Workman of the Red Cross based on calls coming in to the center.

The State board of health this morning named Dr. Bruce McIntyre, Whitefish, county health physician, as health director for the diaster area. He began at once an evaluation of all problems of sanitation brought on by the flood in regards to pollution of drinking water and sanitary facilities.

Emergency water supplies will be a major factor in the aftereffects, civil defense authorities said.

Red Cross headquarters were informed this morning that a disaster coordinator from San Francisco is on his way here to evaluate and assist with rehabilitation.

The disaster center Grey Ladies worked during the night with various agencies to see where further aid was needed. This included taking hot soup and coffee to the workers on the sites of the affected areas. Jack Pitzer volunteered kitchen facilities and they were being used on an around-the-clock basis by the Red Cross.

Red Cross authorities emphasized that while many of the early emergencies resolved themselves with the coordinated help of all agencies concerned, the big problem will be the aftermath.

The U.S. Weather Bureau here reported that temperatures are expected to have highs in the 70's today and tomorrow and possibly for the next few days. A low-pressure system moving in from the Gulf of Alaska is expected to follow the present high system and bring more rain possibly Thursday or Friday.

Aerial reconnaissance by Meteorologist Ray Hall about noon today indicated that heavy snowpack still remains in the mountains and he said that warm temperatures plus rain at the end of the week could bring more flooding.

Hall reported extensive damage along the entire course of the river as far north as Nyak Flats. He reported one house floating down the river, and several herds of cattle completely marooned in the waters, in some cases with water nearly to their backs. There seemed to be no hope of rescue, he said.

Whitefish City Chief of Police Joe Eason said this morning that the river was flowing peacefully in the Whitefish area, that all bridges were secure and that the culvert under Highway 93 south of the city was running about half full.

He said that Whitefish Lake was rising and quite high. He said constant watch is being kept on a rock in the water at City Beach and that no trouble was anticipated unless the rock became entirely submerged. He said that several inches were still showing.

Eason said that the residents of Whitefish were standing by and offering help and homes to evacuees in the area. He said that a list of Whitefish residents who would take evacuees into their homes was at the city police office. Those needing such facilities should contact his office for information.

He said that the Whitefish residents extended sympathy to those in the area that had been flooded out and that a number of residents of Whitefish were assisting in the rescue operations through the valley.

Chamber Manager Clark Mason, last night about 1 a.m., broadcast a radio appeal for help with the evacuation center at the chamber office. He commented that within 7 minutes he had 50 people ready to help.

Throughout the night, personnel helped arrange places for Evergreen residents to spend the night. Working at the chamber office were Sharon Neu, Lance Campbell, Peggy Gilbertson, Janice Gilbertson, Eunice Muthman, Hal Sampson, Dick Bryce, Ben Bolton, Bill Personen, Mrs. Betty Hayen, Bill Hillstead, Jr., and many others, Mason said.

Ed McGonigle, manager of the Montana Power Co., this morning asked commercial customers to refrain from using natural gas so as to save the fuel for residential use. He also appealed to residential users to conserve as much of the fuel as possible. The trouble has been located. It is now a question of getting supplies into the location due to transportation difficulties, McGonigle said.

"We regret the inconvenience but we are doing everything we can," McGonigle said.

It was announced that the Veterans of Foreign Wars has opened its hall at 111 Main Street to assist persons in finding lodging.

[From the Kalispell (Mont.) Daily Inter Lake, June 9, 1964]

Great Falls Threatened

Great Falls.—Montana's streams, fed by a heavy spring runoff and near torrential rains, swept over a wide area Tuesday, leaving an undetermined number of persons dead, missing, or homeless.

Nine persons were known dead and 16 missing in the dam-bursting rampage.

And, Great Falls, the Treasure State's largest city, was threatened with serious flooding.

Three dams collapsed and a fourth, containing a city water supply, was reported in danger of crumbling.

The broken dams were the Swift, northwest of Great Falls, the Two Medicine, and East Glacier, both near famed Glacier National Park.

The Eureka Dam on the Teton River, near Choteau, also northwest of Great Falls, was reported to have split during the night. However, officials reported daylight aerial observation showed the dam was intact.

A request was made to have the seven flood-stricken counties designated as a disaster area. Manning, who occupied the State's chief executive post while Gov. Tim Babcock was attending the national Governors' conference at Cleveland, said he issued the request after consulting with civil defense officials.

"I delayed this purposely until daylight until I saw we really had an emergency," declared Manning. "It became real evident there was."

The stricken counties are Cascade, Pondera, Flathead, Teton, Toole, Glacier, and Chouteau.

[From the Kalispell (Mont.) Daily Inter Lane, June 10, 1964]

Receding Waters Bring Hope to Many Residents—Damage Heavy; Livestock, Crop Loss Said Extensive

Receding floodwaters brought relief and a ray of hope to many weary Flathead area residents today in the aftermath of what oldtimers referred to as the greatest flood in the history of the area.

The Flathead River dropped considerably at Columbia Falls and one observer commented: "It's amazing how far the river has gone down." Many of the estimated 50 persons who had evacuated their homes in the flats area of Columbia Falls and those adjacent to the river, were going back home today.

Floodwaters were also dropping in the Evergreen, Day's Acres, and Lower Valley area of the Flathead and some people were moving back home. Others commented "it might be a week or two, maybe longer, before we can go home." There were reports in the Evergreen area that the water had dropped about 10 inches.

Kalispell's Woodland Park is completely under water.

There are estimates that perhaps 4,000 persons have been left homeless in the Flathead. Fortunately, there have been no reported fatalities.

The Red Cross here was planning an air food drop by helicopter into the Essex area this afternoon.

Massive damage was reported by the Board of Flathead County Commissioners following an aerial survey of the devastated areas.

"The impact is overwhelming, impossible to believe even when you see it," commented Commissioner Clifford Haines.

In reporting on damage to farming areas and crop losses in the Flathead, Haines said at least 20,000 acres of cultivated soil were under water.

Based on this, a conservative estimate can be made that a loss of more than $800,000 to crops alone was suffered. The figure could be twice that amount, he said.

There is a great loss of livestock. Edmiston Land & Cattle Co. lost at least 300 head although Jim Edmiston said the figure might be higher after an inventory is taken.

Haines, accompanied by Commissioner Harley Houston and County Road Foreman Clifford Vinje, made the damage-survey trip.

Only the Wiley Dike in the Lower Valley, constructed at about the turn of the century, is holding the turgid Flathead from coursing over thousands more acres of fertile farmland for miles on both sides, Haines said.

With a call from Haines this morning, Col. Ralph Sleator, civil defense director, inspected the dike and reported that high water is still under a foot from the top and apparently receding. The dike is about 30 feet high on the upland side of the river and is holding firm.

Volunteers were standing guard and reinforcing dikes with sandbags today throughout the Lower Valley. There is flooding in low draws throughout the area, however, it was reported.

The commissioners reported that farmland south of Horseshoe Slough has not suffered damage and will be safe if the dikes hold.

Land from Horseshoe Slough north to nearly Four Corners is flooded, with the road out at Foy's Bend and all land is under water at the Demersville site.

From there north to the valley's beginning, thousands of acres bordering the river are devastated, Haines said.

"It's solid river, 3 to 4 miles wide in many places," Haines said. "Lowland farms east of the river, south of the old steel bridge, are about 50 percent flooded, south to the Hodgson School."

They reported that thousands of cords of standing timber in the Nyack Flats area were washed from the mountainsides into the raging river.

"Many houses in the northern end of the valley are not just under water—they're gone. A motel on the River Bend Ranch near Belton is completely washed away," said Haines.

Meanwhile, health officials are prepared to deal with flood following typhoid. At least 5,000 dosages of serum are expected here which will go to persons who had to be evacuated.

Dr. Bruce McIntyre, county health physician, sounded a warning for all persons to disinfect all suspected water sources by using water sterilization tablets or even commercial household bleach.

A Montana Power Co. official and his pilot walked away from the crash of their helicopter last night in the Nyack Flats area.

Only shaken up in the crash were A. W. (Bud) Anderson, Missoula, who was the line superintendent during construction of the natural gas line through the Flathead, and his pilot, Skip Pixley, Spokane.

Anderson was inspecting breaks in the gasline when the helicopter's motor conked out sometime between 8 and 9 p.m. They were treated as Kalispell General Hospital and released.

E. D. McGonigle, Kalispell, manager of the Montana Power Co., said the leak has been located and crews from Cut Bank will attempt to make the needed repairs.

McGonigle appealed to residential users to cut their use of natural gas to a minimum. He added the gas has been shut off in the Evergreen and Day's Acres areas.

Civil defense headquarters this morning reported National Guardsmen went on duty at 6 p.m. yesterday to suppress any looting attempts and establish a perimeter around the flooded area. Personnel from the Kalispell Air Force Station, Lakeside, also were on the scene and were "extremely helpful," civil defense officials said.

There had been reports of looting Monday night in the Columbia Falls area and also on the strip, east of Kalispell. Guardsmen will be on duty again tonight and possibly for the next 2 or 3 nights.

Flathead County Sheriff Ross Wilson had high praise for the cooperative efforts of all law enforcement agencies and volunteers.

Guard posts were manned not only in Kalispell, but on highways and county roads throughout the entire area. Entry was possible only by a special pass from the sheriff's office. The posts were also being manned through today, but restrictions were lifted to permit persons with legitimate reasons to enter the areas. However records were being kept of cars entering and inspections were being made.

No fires were reported in the Kalispell-Evergreen area during the 2 days and nights of the emergency. Kalispell city firemen were called during the early morning hours Tuesday to evacuate rest homes in the Evergreen area with the city ambulance when it became apparent that flooding was imminent.

They were called again to evacuate patients in a rest home in Day's Acres yesterday afternoon. They said the first trip was uneventful but that water rose so rapidly within a half hour that they were barely able to negotiate the second and final trip.

U.S. Highway 2 is now open through the Bad Rock Canyon area but is closed from West Glacier to the Summit. The highway is also closed at the Kalispell east city limits where approaches to the bridge are washed out.

Montana Highway 40 to U.S. 2 is open only to light traffic but was expected to be open to all traffic later in the day. The LaSalle Road is closed due to water on the highway.

Lieutenant Colonel Dewey, Corps of Engineers, Seattle, arrived in the Flathead at 1:30 a.m. today. He has set up an office in the Highway 93 Armory for conducting his operations.

The Corp of Engineers reported the gates at Kerr Dam, Polson, have been removed and the lake will remain free flow as long as necessary. At present, it appears the lake elevation will not exceed 2,894 feet, 1 foot higher than the normal midsummer elevation.

The corps said that the estimated discharge at Columbia Falls was about 150,000 feet per second and without storage at Hungry Horse Dam it would have been about 200,000 cubic feet per second.

The peak discharge in 1948 was 102,000 cubic feet per second and in 1894, another year of great flooding, it was an estimated 135,000 cubic feet per second.

The corps reported that outflow from Hungry Horse Dam has been 3,000 cubic feet per second and this has been reduced to 500 cubic feet per second to give the maximum reduction possible at Columbia Falls.

Senator MIKE MANSFIELD and Congressman ARNOLD OLSEN informed the Inter Lake that the Small Business Administration has declared Flathead County, along with Glacier, Pondera, Teton, Cascade, Chouteau, and Toole Counties in Montana as disaster areas to be eligible for loans as a result of the flooding.

Applications should be submitted to the regional office, Small Business Administration, Helena. The SBA is also looking into the possibility of establishing a field disaster office in Montana after the situation clarifies itself in order to expedite requests, MANSFIELD and OLSEN said.

They added that assistance will also be available from the Farmers Home Administration, Federal Housing Administration, and the Veterans' Administration.

OLSEN noted that special surplus food is available from the Department of Agriculture to public agencies and the Red Cross. He also said Federal grants will be available for repairs and replacements of damaged public facilities in addition to assistance from the Bureau of Public Roads.

Sister Mary Adrian, administrator of Kalispell General Hospital, said this morning there have been no casualties or emergency treatments resulting from the flood.

She said that the hospital is taking care of four patients from nursing homes whom it was thought would be safer at the hospital during the emergency.

Sister Mary Adrian said that all they could do was to anticipate the health needs of the people going back into their homes after the flood. She said that should health needs arise they will be given priority in hospital admittance.

She commended the spirit of the community in meeting emergencies caused by the flooding conditions.

Butte Mayor Thomas Powers telephoned the Inter Lake yesterday afternoon extending the sympathy of all Butte people. "We in Butte stand ready to help in any way we can," commented Powers.

[From the Missoulian, June 11, 1964]

BATTERED FLATHEAD WRINGING ITSELF OUT

(By Larry Stem)

KALISPELL.—The battered Flathead area, worn out after 48 hours of pounding from a recordbreaking flood, was wringing itself out Wednesday night.

One glimpse of the costly and staggering task ahead was given by Stanley Halvorson, vice chairman of the Montana Highway Commission, following an aerial survey of the Middle Fork Canyon.

"What you see staggers the imagination," Halvorson said. "You have to see it for yourself from the air to understand it. There's 20 miles of highway gone. Before any reconstruction can be started, the river is going to have to be rechanneled so road work can be started."

One immediate job is the construction of a new bridge approach at the west entrance to Glacier National Park and use of the "Going to the Sun" highway through the park as a temporary U.S. 2.

Halvorson also reported that there are no railroad tracks from Nyack Flats to Belton, a distance of about 10 miles.

The Corps of Engineers has set the flood crest at 26 feet at Columbia Falls, reached at 11:30 a.m., Tuesday. The calculation is 6.3 feet higher than the 60-year-old record, 19.7 flood feet, established in 1894. Engineers estimated the flow out of Bad Rock Canyon was in excess of 150,000 cubic feet per second, another record.

Thousands of residents were streaming back Wednesday to their homes in Columbia Falls, Evergreen, Days' Acres, and east Kalispell to begin cleanup. The Flathead River was almost back within its banks again. The major opponent will be the silt that has settled ankle deep.

FLATHEAD LAKE CONTINUES TO RISE

POLSON.—Flathead Lake's level continued to inch up Wednesday night toward the predicted high elevation of 2,894 feet.

The 10 p.m. reading at Kerr Dam showed the lake level at 2,893.65 feet and an outflow rate of 58,300 cubic feet per second. Comparable readings Tuesday were 2,892.53 and 52,100.

The lake was rising at a rate of from 0.03 to 0.04 of a foot per hour.

Usual full pond level of Flathead Lake is 2,893 feet, the maximum level set by the Federal Power Commission for the Montana Power Co. operation at Kerr Dam.

At 11 p.m., Wednesday the water was lapping at the platforms of several boat docks in the area and was beginning to bring in small pieces of debris from the north. No damage reports had been received, however. Lower Valley residents were battling to hold dikes and keep waters from spreading out over the richest farmland in the valley. There also was a backup problem from Flathead Lake, which reached its full mark at 7 a.m. Wednesday.

At Kerr Dam below Polson, floodgates were open wide as they have been since Monday to empty the water downstream as rapidly as possible.

The Flathead County Health Department already has started typhoid inoculations at Kalispell and Columbia Falls. Doctors went by helicopter to isolated areas north and east of West Glacier to administer the vaccine. Another helicopter airlifted 750 pounds of food, sufficient supply for a week for the 50 persons stranded at Essex.

Authorities estimate there are at least 450 homes which will need repairs. For scores more cleanup will suffice. Twenty-five families will need new homes to replace ones washed downstream by the flood. Scores of small business firms will have to rebuild. Agriculture damage in the Flathead is estimated at well over $1 million and possibly closer to $2 million.

In the Swan Valley, long-time residents are saying that the flood caused more damage and covered more areas than the flood of 1948. The Corps of Engineers estimated Wednesday evening that about 25 to 30 square miles of land is covered by floodwaters in the area.

[From the Libby (Mont.) Western News, June 11, 1964]

DELUGE RAVAGES WIDE AREA OF STATE

Though untouched by the disastrous floods which have devastated most of northwestern Montana, Libby, and the Kootenai Valley is semi-isolated today. Slides and washouts have cut rail and highway connections through the mountains to the east.

Last weekend's torrential rains along the Continental Divide sent huge walls of water cascading down both east and west slopes, and vast areas of Flathead, Cascade, Glacier, Teton, and other counties bore the brunt of one of the worst natural disasters ever to hit Montana.

The sudden floods on the east slope came Monday afternoon and evening with very little warning after a number of dams in the foothills gave way under the heavy pressure of the flood waters.

The death and destruction is still uncounted but the fatalities are expected to exceed 30 and Gov. Tim Babcock has said the property loss will be more than $10 million.

LIBBY SPARED

Ironically, Libby, and Bonners Ferry, Idaho—the communities which the weather bureau predicted were in danger of floods this spring—were spared the soaking.

At 4:30 p.m. Tuesday, the Corps of Engineers measurement of the Kootenai here was 15.9 feet with 16 feet considered as flood stage. Shortly afterward, the river began to drop and at 7 a.m. yesterday the depth measurement was 15.7 feet and most observers feel the possibility of flood here is remote. The river continued to recede yesterday.

Great Northern President John Budd and other railroad officials, as well as top engineers of Morrison-Knudson Co., are at the disaster scene now. Latest word is that the railroad officials expect that the Great Northern line may be closed for as long as 3 weeks.

It is expected that restoration of service will require that long. The flood and slides have closed long stretches of Great Northern trackage.

The only other time that local railroaders can remember the Great Northern main line being closed for a lengthy period was in 1948 when the Kootenai flood cut service for almost 2 weeks.

For the past 3 days, the Great Northern has been moving mail and express by chartered motor trucks. Passengers have been transported by railroad company automobiles, chartered taxis, and buses.

Beginning today rail service will be reestablished between Spokane and Whitefish. An eastbound train running on No. 27's regular schedule will arrive at Libby at 11:13 a.m. Upon reaching Whitefish, the train will turn around and proceed west as No. 27 but about 5 hours later than that train's schedule. The westbound train is expected to arrive at Libby at about 5 p.m.

Connections with eastbound and westbound trains will be made at Sandpoint or Spokane.

Meanwhile, Great Northern's main line traffic will be routed from Spokane to Helena on Northern Pacific tracks. At Helena, the trains will move on the Great Northern branch line to Havre.

CAR SHORTAGE

Great Northern's Agent Ed Boyes said that one of the biggest problems will be obtaining supplies of cars for loading by J. Neils, and by Zonolite. He said that it might be very difficult to obtain enough empty cars to fill the needs of the local lumbering and mining industries.

During the height of the flood Monday and Tuesday people were concerned about relatives and friends, especially in Evergreen east of Kalispell. Although 5,000 people were evacuated from their homes in the Flathead area, at last report there were no known casualties there.

Mr. and Mrs. Gene Van Artsdale and family left Sunday to go to their summer employment at Two Medicine Lakes on the east side of Glacier Park, which was in the center of the flood. They were accompanied by Sheila Peterson, who is to spend the summer as their babysitter. Reports yesterday were that the Van Artsdales had been contacted by helicopter, and that although they were isolated they were in no danger.

[From the Missoulian, June 11, 1964]

NATURE TURNS OUTLAW

Mother Nature, whose temper is normally so even and serene, has turned with savage countenance upon the land this spring.

Montana is now in the throes of what is called its worst disaster in history. As floodwaters mount, the people labor to save property from destruction, their fellow humans from death.

To many, the disaster is an exhausting battle against the floodwaters, which flow their course sometimes frustrated of wreaking destruction but surely unmoved by human work. Natural disaster brings a terror like the terror of a mob: Destructive, terrifying, unpredictable, inexorable, and heartless.

To many, it is relief at being safe. To other thousands of Montanans, the floodwaters mean stark grief.

When the clouds first came it was impossible to foretell disaster. The spring has been long and wet, but most of the snow had gone and young boys could be seen fishing on the gravelly spits laid bare by the receding Clark Fork River.

A few days of hard rain and now the ditches and rills and creeks and rivers in much of Montana spew out a muddy surfeit of water, an accumulation of menace upstream that explodes in terror below.

Thousands of Montanans today know of the horror Alaskans knew when the earthquake struck: Of fright turning to terror, rage and despair at seeing dear possessions engulfed, and helplessness before familiar elements that have become a monster unchained.

Missoula's damage has been mild compared with that suffered in other places. Our hearts go out to our fellow Montanans who have experienced the brute hand of nature turned outlaw.

[From the Missoulian, June 12, 1964]

Nervous Plains Watches River

(By Robert C. Larsson)

Plains.—The Clark Fork River, taking a 4-inch jump in less than 24 hours, raised havoc in rural areas south and west of Plains Thursday.

"What's the river doing?" is the question uppermost in the minds of most citizens in the area, and emergency crews have been doing battle with the swollen, muddy stream since midnight Wednesday.

Evacuation of farm homes lying in low areas across the river south of this community was in process most of Thursday. A culvert washed out of a county road and cut the evacuation line Thursday afternoon. Men were working in swift-flowing water to replace the pipe.

Water from the Flathead River covered a 100-yard section of U.S. Highway 10A 2 miles west of Perma. Traffic late Thursday afternoon was moving through depths of 6 to 8 inches, between markers placed at intervals along the shoulders of the highway.

Rattlesnakes were an added menace to crews working to dike the south banks of the Clark Fork across from Plains. Boys in the area were shooting them with .22s; Gerald Sutton, a county truckdriver, said he had run over three of them, and Thursday afternoon two men stoned to death one of the reptiles that measured 42 inches in length and carried nine rattles.

Almost a half inch of rain fell in the area late Wednesday and early Thursday. The fast-rising river nearly trapped the Dale Blanchard family, which succeeded in moving out one load of its belongings by truck before taking to a boat.

When the Blanchards last saw the inside of their home, water was coursing over the living room floor.

Across the river and to the east of Plains, crews worked to raise to dike-level a road that parallels the river. The race Thursday night between the dike makers and the river was nip and tuck. Water lapped at the top of the barrier. Should the dike not hold, a large acreage of farmland would be inundated and a number of homes threatened.

Two families were evacuated from lowland ranches across the Clark Fork from Paradise.

Official measuring devices lacking, everyone had his own method of figuring the status of the river. Some persons look at trees or other natural markers; other persons have driven stakes bearing inchmarks. By late Thursday, the river had all but covered a 36-inch marking stick placed by Mr. and Mrs. John Nelson at 4 p.m. Monday.

Some residents who survived the great flood of 1948 say they can tell if the river is on the rise or wane just by looking at it, even from a distance. If rising, they say, the river is "crowned" in the center with much debris floating down the middle; if falling, the stream seems higher at the sides carrying little flotsam and that at its edges.

Late Thursday, the debris was in the middle of the river, and there was a lot of it.

[From the Missoulian, June 12, 1964]

Clark Fork Recedes Here; Damage Light

(By Flynn J. Ell)

Missoulians could count themselves among the fortunate in Montana Thursday night.

The threatening Clark Fork River crested at 28,000 cubic feet per second Wednesday evening and began a downward trend Thursday, eliminating the flood threat.

A 5 p.m. reading of the current at the Montana Power Co. dam at Milltown was reportedly 22,700 cubic feet per second and dropping.

Missoula's share of the Montana flood damage will total less than $10,000, County Surveyor Paul L. Vick estimated. Most of the money, to be requested by emergency budget from the county commissioners, will be used to pay for equipment and men who fought the rising river in Orchard Homes Tuesday and Wednesday.

Vick said he felt there was never a time when the dike area was not under control due primarily to much appreciated response of volunteer workers and the equipment made available for hire to the county.

A complete damage estimate is being compiled by two members of the Army Engineers flood team, now in Missoula.

Some confusion arose during the struggle to contain the river when a report issued from a weather station in Portland statistically predicted the Clark Fork River would crest and subside Tuesday, Vick reported.

Wednesday the river continued to rise, causing considerable anxiety. If the water would have rampaged, it would have destroyed the property and threatened the lives of 130 persons in the Orchard Homes area.

Residents of that area said Thursday they intended to discuss the problem with or possibly petition the county commissioners to build a stronger protective barrier in case of future threats.

The county surveyor's office reported three bridges in the Swan district destroyed and one up Grant Creek washed out. Damage to bridges was estimated at $3,000. A section of Big Flat Road was washed away about one-half mile upstream from Harper's Bridge, it was reported. The bridge was closed Wednesday and Thursday when it was threatened by debris which banged against its piers, but was said to have withstood the pounding.

The Scotty Brown Bridge up the Blackfoot River in Powell County was also reported washed out.

Missoula's weather bureau indicated Thursday night that the upper air disturbance which created the heavy rains, had moved east and that only scattered showers and a 70-degree temperature were scheduled for this area Friday.

A late Montana Power Co. dam reading Thursday night showed that the Clark Fork River was running at 21,400 cubic feet per second.

[From the Silver State (Mont.) Post, June 12, 1964]

Flooding Cottonwood Creek Rocks City for 36 Hours Causing Heavy Damage to Residences; Big Blackfoot Bridges Lost—City Has Three Bridges Swept Away by Torrent

A surging uncontrollable Cottonwood Creek brought 36 hours of flooding to the northeast residential section of Deer Lodge beginning about 4 a.m. Monday and abating late Tuesday. By Wednesday the creek had returned to its normal course but was roaring and running near the top of the banks.

Triggered by deep snow in the low mountains and a general rain most of Saturday and Sunday, the heavy flow of water down Cottonwood approached the city early Monday.

Mayor Earl Wahl said that it is believed that a cloudburst on Baggs Creek around 3 a.m. Monday morning triggered the devastating flood which by noon Monday had washed out the oil topping on Milwaukee Avenue, filled cellars and covered lawns and other streets, making it impossible for some to leave their homes without wading through knee-deep swirling waters.

TREES CAUSE JAMS

Adding fury to the raging waters were washed-out trees, bridges and other debris, which created jams along their course spilling water into residential basements where water had never been found before.

Volunteer workers including National Guardsmen, Jaycees, Montana Fish and Game officers, Explorer Scouts, highway patrol, State department workers, city and State employees, and local contractors were among those routed out of their beds in the early hours in a combined attempt to halt the rampage through the city streets. Dikes built to give relief to one section of homes would divert water to another section, resulting in one struggle after another until the waters began to recede—they had gone down more than a foot by Tuesday night, said the mayor.

Telephone lines were jammed at the sheriff's office, Montana power, city hall, and homes of city and county officials.

Sacks were filled with sand at Montana State prison and hauled to the flooding area for use in building dikes.

Calls offering assistance were received by Mayor Earl Wahl from the city of Butte and a representative of the Army Engineers was in Deer Lodge Wednesday to make available facilities if the situation demanded additional help.

Bridges at Stark and Center Streets were washed out early Monday making it imperative for the bridges at Larabie and Beaumont to be removed to prevent additional jams.

As the floodwater left the creek channel, extensive inundation occurred in adjacent areas. The Leuty trailer court apartments on the north side of Cottonwood Creek had several inches of water inside and the occupants moved to temporary quarters about 6 a.m. Monday. Archie Leuty said the floor was covered with water three inches deep. Though the building borders Cottonwood Creek, he said this year was his first experience with having water in the building which was built in 1952.

Further down the stream the Jack Hansen and H. D. Fanning residence at Clagget Street were in the course of a heavy flow.

The football field behind Powell County high school Vo-Ag building was completely destroyed, said Harland Seljak. Water is still being pumped out of the sump room in the Vo-Ag building, he said, but the most serious damage to the PCHS buildings was in the kitchen and study hall caused by a plugged up sewer which backed up into the school through floor drains and may have loosened the tile in the study hall, Mr. Seljak said.

Don Mickelson used his power shovel to build a bank around the football field during the night Monday to control water. Many residences in the 200 block of Dixon had been threatened by a possible overflow from the field.

Residents along Fourth, Fifth, and Clark Streets were affected as were others on the creek. Bill Anderson at 214 Fifth said his house which is located on the bank of the creek was loosened from its foundation and the plaster had cracked. Mrs. William

Browne, who lives at 104 Fourth, said their newly planted lawn had been converted into mud. She mentioned that the residents on Fourth Street had expressed appreciation for the assistance rendered by Warden E. C. Ellsworth at Montana State Prison in providing sandbags and helping them in their distress. She was critical of thoughtless sightseers driving along Fourth Street and splashing water on their homemade dikes, causing them to collapse.

Early Monday while Cottonwood was flooding, a semi-irrigation and drain ditch, which comes under the Interstate highway a short distance south and east of Milwaukee and Stark Streets, was overflowing with water, flooding basements of the homes of Louis Warn, Harry Tomlinson, S. L. Bartels, Robert Hayes, and others in the 1000 block, and farther down the street the water crossed the street putting water in the basement of Mrs. D. P. Beighle's home and Mrs. P. L. Kirwan's.

Although in most instances damage was confined to water in basements, some dwellings had water in the living quarters.

[From the Silver State (Mont.) Post, June 12, 1964]

Temporary Bridge Constructed To Reach Scout Camp

Three major rivers in Powell County were at a flood stage Tuesday and Wednesday inundating substantial acreages of river bottom land and dealing heavy blows to county bridges.

According to word received on Wednesday by Commissioner Dan Mizner from Commissioner Newman Raymond at Helmville, the Big Blackfoot and North Fork were both flowing considerably out of their banks in many places.

Four county and several private bridges have been swept away by the raging torrents. According to Mr. Raymond the Ryan Bridge on the North Fork near the Wendel Copenhaver ranch is destroyed.

BLACKFOOT BRIDGES GONE

On the Big Blackfoot three other bridges are either entirely washed away or unserviceable. They are the McCormick Bridge on the road to Brown's Lake, the Coughlin steel bridge near the Tice ranch and the Scotty Brown Bridge near the Missoula county line which goes to the Timber Creek dude ranch.

Commissioner Sandy O. Reierson also reported that a county bridge across the Little Blackfoot south of Elliston on the road to the Boy Scout camp was washed out as well as the private bridge belonging to the Elliston Lime Co.

SCOUTS STRANDED

About 70 Scouts were stranded at the camp but a temporary bridge was completed Wednesday afternoon to serve the area.

Mr. Mizner said that it was expected that Powell would be added to the seven others in the State declared as a disaster area. This classification would make available possible assistance in immediately restoring the bridges and repairing roads.

In addition to bridges in the rural areas the county also maintains the city bridges across Cottonwood Creek.

The commissioners estimated that the maximum county bridge levy would not bring in sufficient revenue for 8 years to cover the damages from the current flood.

[From the Silver State (Mont.) Post, June 12, 1964]

Federal Funds To Assist Restoring Flooded Property

When Powell County is officially included in the State disaster area, the Small Business Administration will be permitted to make disaster loans to city property owners, D. I. Creel of the Helena office of the SBA told the Silver State Post Thursday.

The Federal money is repayable over a period of not more than 20 years and has a low interest rate of 3 percent. Purpose of the disaster loan is to permit the individual to restore his property to the condition that existed before the flood. Mr. Creel said that measures to prevent future flooding, such as dikes and retaining walls, would also come under provisions of the loan.

Disaster loans for rural areas are made by another Federal Government agency—the Farmers Home Administration.

On Tuesday, Henry J. Hukill, president of the Deer Lodge Bank & Trust Co., contacted the Helena agency in regard to the flood damage to residences in Deer Lodge, and offered the service of his bank in preparing loan applications.

The Small Business Administration is located at 205 Power Block in Helena, Post Office Box 1690.

[From the Great Falls Tribune, June 12, 1964]

Teton River Flood Victims Survey Damage in Excess of Million Dollars

CHOTEAU.—Flood damage along this area of the Teton River will be in excess of $1 million, Choteau Mayor D. P. Fabrick said Thursday.

An aerial survey of the Choteau area revealed heavy damage. A tour by jeep through the stricken area showed even heavier losses.

Most of the city's 2,000 inhabitants remained elsewhere while repair crews worked to restore water and sewer service.

Telephone lines have been repaired.

Many of the refugees are being housed and fed in Red Cross centers just outside of town.

CITY ABANDONED

The residential and business sections, which were flooded by swift waters from the Teton, were abandoned except for a few officials and disaster workers.

The city, for the most part, is accessible only by four-wheeled vehicle. Waters from flooded Spring Creek still course swiftly along the Great Northern railway tracks in the middle of town.

The water hides huge sink holes in the street.

There is a continuing danger that water mains may collapse under the pavement.

"You'll be going along and all of a sudden the road will drop out from under you," said Police Chief Maurice Black.

Where the water has run off, a sea of mud remains.

Many houses still are coated with the sticky mud and littered with debris.

DINNER IN PLACE

Some families left so quickly, the dinner meal they had been eating remained in their places on kitchen tables.

A clothesline ladened with laundry remained in place, although a brown line midway up the pillow cases marked the high water level.

Fabrick estimated it would require at least a year to get the city back onto its feet. "And it will be half a generation before bank accounts are back to normal."

A 10 p.m. curfew was ordered, and gasoline in the area has been rationed to curtail sightseers.

"People haven't had time to think about their personal losses but they're going to be very great," Fabrick said.

He estimated the average loss to each damaged residence would be up to $5,000.

[From the Great Falls Tribune, June 12, 1964]

Radio Amateurs Help Save Lives

Services provided by approximately 80 radio amateurs throughout the State belonging to the American Radio Relay League of Montana, helped save many lives during the first stages of the flood which recently swept parts of Montana, according to Walter R. Marten, manager of the league.

Marten stated the league had four networks set up in the first 2 days of the disaster which relayed messages to all parts of the State, government agencies, and law enforcement agencies.

He said that the only communications in many of the areas hardest hit by the flood were carried out by amateur radio operators.

Some of the areas in which the amateurs worked were Great Falls, West and East Glacier, Browning, Choteau, Conrad, Lincoln, and other outlying areas.

Many messages pertaining to welfare, search and rescue, weather information, river information, and death messages were handled by the operators. All the communications were coordinated with sheriffs' offices, police departments, Red Cross stations, civil defense departments, and Park Service headquarters in the stricken areas, he said.

During the first stages of flooding many persons were warned of the impending flood conditions through the efforts of the radio operators, Marten stated.

Information regarding stranded persons was given to the sheriffs' offices, which forwarded this information to the Air Force.

Approximately 25 of the 80 operators worked in the Great Falls area, using 12 mobile units, he said.

The group had an emergency setup at the police department and another located with the civil defense headquarters in the civic center.

An interesting note, Marten pointed out, was the fact that a statewide amateur radio emergency drill was held only 2 days prior to the flood.

He pointed out that this drill had a great deal to do with the readiness of members of the organization.

[From the Great Falls Tribune, June 12, 1964]

Forest Facility Repair Need Urgent

Regional Forester Neal M. Rahm, Missoula, arrived in Great Falls Thursday evening to represent the Chief of the U.S. Forest Service to participate in meetings here to coordinate work to erase flood damages.

Rahm will also review the damages and reconstruction plans on the Lewis and Clark National Forest.

Supervisor George Roskie, of the Lewis and Clark National Forest, stated that early reports from the district rangers at Augusta and Choteau indicate extensive damage to the resources and improvements of the national forest. The tremendous rehabilitation job in the Rocky Mountain area is even more pressing because of the approaching fire season.

Early reports indicate a huge construction job ahead in the national forest.

An estimated 66 miles of road, including the Bench Mark Road and the north fork of the Teton Road, need replacing or major repair. Sixteen bridges, including that at the 7 Lazy P resort and all of the pack bridges across the Sun River, must be replaced or repaired.

An estimated 400 miles of trail will need reconstruction or repair. This includes the Straight Creek and Moose Creek trails to the Bob Marshall Wilderness Area. The Pretty Prairie landing strip is beyond salvage. Forest Service engineers are checking possible relocation sites.

The Windy Ford and Home Gulch campgrounds are partially destroyed. Many others are isolated by road washouts. Private improvements on national forest lands were also damaged. The French Gulch summer home area was demolished along with others in the Sun River's north fork area.

Specialists here from the regional office at Missoula to assist the Lewis and Clark staff in damage appraisal and rehabilitation planning include: John Adams, branch chief of hydrology and water development division of engineering; Bob Shelton, division of engineering; Jim Eggelston, watershed management division; Bill Graham, operations division; and Del Jaquish, public information officer.

Dave Terry, former district ranger at Choteau, has returned to assist Virgil Lindsey, Choteau district ranger, with damage appraisal and public assistance. Lorin Hearst is assisting Jake Callantine, district ranger at Augusta.

[From the Great Falls (Mont.) Tribune, June 12, 1964]

NEW RAINS COLLAPSE DAM NEAR SHELBY—EVACUATE NORTH THIRD OF CITY

SHELBY.—Two brimful farm reservoirs and threats of more heavy rain prompted authorities to call for evacuation of the north third of Shelby Thursday night.

All heavy equipment available was sent to strengthen a series of 3 dams, one of which washed out Monday afternoon and flooded a portion of the city of 4,000.

Threatening storm clouds were on three sides of Shelby as the volunteers worked through the night.

Observers believed that if one dam broke, the other would go and Shelby would be in great danger.

CLOUDBURST

A cloudburst that dumped an estimated 1½ inches of water in an hour filled the lower impoundment, Sullivan Reservoir, Monday afternoon and broke out the dam. Floodwaters up to about 2 feet deep covered Shelby north of the Great Northern Railway tracks, which form a high, effective dike to protect the southwestern two-thirds of the city.

Sullivan Reservoir was about 100 yards across and 20 to 30 feet deep. It was located about one-half mile above the edge of Shelby in an unnamed gulch.

The other dams are only about 200 feet long but are high and back up water up to half a mile.

All three were built about 3 years ago and this is the first year any of them has had any water. Shelby is located in Montana's drought area of the past several years.

GUARD ON PATROL

All residents of the north side of Shelby were urged to leave their homes and the area was under patrol by a National Guard unit from Havre. No one was allowed to enter without authorizaion.

Water that flooded the city in the afternoon was draining away Thursday night but still covered the municipal sewage plant at the southeast edge of Shelby.

Up to 100 volunteers worked with bulldozers and graders under floodlights to repair and rebuild the 3 dams.

The afternoon storm was unusually violent. It included lightning strikes that started two minor fires and also dumped some hail.

Ironically Shelby came through the floods that wracked north central Montana earlier in the week, unscathed. And only while other cities were beginning to dig out from the tragic events, was the city added to Montana's massive list of flood victims.

[From the Great Falls Tribune, June 12, 1964]

CURBS INVOKED IN FLOOD AREA

Sun River dropped slowly through Thursday, as hundreds driven from their homes in the Great Falls area waited to return to them and start the long fight to repair flood ravages.

At 8 a.m. at the 14th Street Bridge the water was at 20 feet, still 5 feet above flood stage but far below its peak at the flood's crest.

DOWN TO 18.9 FEET

At 11 a.m. the river was at 19.5 feet, and at 4:45 p.m. it had dropped to 18.9 feet, disgorging its sullen brown torrent into the Missouri River.

Mayor Marian S. Erdmann declared a state of emergency in the flood-affected portion of the West Side because of flooding, broken sewerlines, exposed powerlines, contaminated meats and foodstuffs, and the presence of dead animals.

She closed the area to the general public effective this morning until further notice.

Her order declared strict regulation of persons entering the area will be maintained at the following access points: Frontier Inn, Great Falls Brewery, and 14th Street overpass.

The order stated limited passes will be given at the above points to homeowners desiring to enter the area. The individuals must have reasons to justify their entering, must furnish identification, and be registered in and out.

NIGHT CURFEW

No persons will be allowed in the area after dark and no children will be allowed in the area. Persons in the area beyond the terms of their passes will be removed by security personnel, the mayor's order stated.

Mayor Erdmann said as soon as the area has been inspected, cleared, and declared safe for rehabilitation and habitation by proper authorities, homeowners will be notified and allowed to move back.

Thursday evening water still stood up to the eaves of many homes. Some homes are believed almost a total loss. Others were turned on their foundations. Some trailer homes were washed away.

Furniture and contents of the homes were damaged and much floated about in debris swept in through windows broken by the powerful thrust of the flood.

ELSEWHERE WATER'S SAFE

Del Brick, city water commissioner, notified the public the city's water, excepting in the flooded area, is safe.

He ordered irrigation and sprinkling in Great Falls curtailed until further notice on set water devices but said watering by hand with a hose with a nozzle attached is permitted.

Brick said that because of the heavy silt content in well water in the area, it was necessary for waterplant facilities to work at top capacity to continue serving residents with top-quality pure water.

"Because of the silt content," Brick said, "an additional load is placed on the filtration units and additional chemicals are being used."

The plant is operating at 8 million gallons of water a day. It has been throughout the Sun River flood.

Addressing people in West Great Falls, Brick said waterlines have been kept pressurized and water is good. Where water had not been used and there has been any interruption, the water department wants to check it before use is resumed, Brick said.

The Great Falls Gas Co., Thursday afternoon announced that natural gas service has been restored to all areas south of the Sun River. The gas main crossing the 14th Street Southwest Bridge is now back in service. Affected are the Gore Hill, West Hill and University Addition areas. Gas service men are now in these areas to aid in the restoration of service in individual homes. Restoration of service in the remaining areas of West Great Falls depends on how fast the water recedes.

WARN AGAINST COMPLACENCY

Weather officials warned against complacency. "We do not know whether the curtain has fallen on the final act of this flood or not. There is still heavy snowpack in the mountains. Reports indicate that more than 15,000 cubic feet of water per second is still passing over diversion dam. Warmer temperatures could bring additional water but, at the moment, there is no immediate threat of addditional heavy rain," they said.

Reports from Canyon Ferry Dam, indicate that flow from that dam was cut to 2,630 cubic feet per second while 19,290 feet came into the dam. Several more days and the Bureau of Reclamation officials at the dam will be forced to begin releasing some water, as the dam is filling rapidly.

The 14th Street Southwest Bridge across the Sun River was condemned by County Commissioners Edward Shubat and Chan Ferguson and County Surveyor Jack Richardson Thursday afternoon. All seven bridges across the Sun River in Cascade County are still impassible, they stated.

One of the piers of the 14th Street Southwest Bridge has tilted in the middle but floodwaters make it impossible to determine fully the extent of damage to the bridge, according to Frank Bright, assistant surveyor. At the peak of the flood the rushing waters reached the bridge floor.

All bridges in this county were lost or damaged in the flood, the commissioners and surveyor's staff report. These number 45, exclusive of culverts and road dams. Many bridge abutments were washed out by the high water that hit all sectors of the county.

A tentative estimate of the county's road and bridge damage was being made Thursday afternoon at a meeting of the commissioners with Clifford Thompson, preconstructor for the Montana Highway Commission; A. M. Lewis, area engineer with the Bureau of Public Roads; Bright; Clint Harrington, head of the county's bridge crews; Al Castle, county road supervisor, and Richardson.

REPORT NEXT WEEK

Lewis and Thompson said it would be the first of the week before a full and accurate estimate of the county's road and bridge damage could be made.

County crews are working overtime to repair road and bridge washouts where they can get in.

Telephone service to nine Montana communities isolated by the flood were restored Wednesday by Mountain States Telephone Co. crews. The towns were: Choteau, Brady, St. Mary, Pendroy, Simms, Sun River, Fort Shaw, Augusta, and Fairfield.

A crew dispatched from Missoula Thursday was still working to replace cable facilities torn out when a bridge was washed away at West Glacier. Approximately 22 miles of telephone lines on the southern edge of Glacier Park, along with highway and railroad right-of-ways, were damaged extensively.

Telephone personnel were at work throughout the flood damaged area with emergency supplies and construction materials being rushed in for the job of rebuilding facilities.

In Great Falls the district plant superintendent, F. A. Thibaudeau, said local warehouse supplies were being augmented by thousands of items of telephone equipment and instruments which will be necessary to restore service in local homes inundated by the flood waters.

CLARK FORK BATTLE WON AT MISSOULA

MISSOULA.—Men and machines won a battle with the Clark Fork River early Thursday at Missoula. The river had threatened to reenact the 1948 rampage that took 1 life and damaged the Orchard Homes subdivision containing 6,000 houses.

Dikes protecting the low-lying subdivision were sandbagged and reinforced during a night-long emergency operation by 100 men with bulldozers and other equipment. The river rose to within 2 feet of the top of the barricades before starting to recede.

[From the Great Falls Tribune, June 12, 1964]

Flathead Mopup Starts; Swan Valley Inundated

Kalispell.—Mopup operations have started in the flood-stricken areas of the Flathead Valley. Estimates on damage run as high as $50 million.

Area residents know it will be a long and costly operation.

Local insurance men say nearly 100 percent of the flooded homes are not covered by insurance. Most policies, they say, excluded flood coverage.

Meanwhile, a new threat may be building on the Swan River. Twenty-five to thirty sections of land in the Swan Valley are now under water and some summer homes have been hit by the flooding.

Jack Toole, Eastern Congressional District candidate, who has a ranch on Swan Lake, said 250 head of his cattle are marooned. Jim Uhde, of Rollins, said the water was over the docks on many of the summer homes and the docks are covered with logs and debris.

The lake is calm, however, and there has been little damage in this respect.

U.S. 2 STILL CLOSED

All highways in the flooded areas of the Flathead are open to travel except U.S. 2, which is still closed from West Glacier to Summit. Indications are that it will remain closed for some time. County roads and bridges, still standing, are considered dangerous for use. Officials said anyone using the roads will do so at their own risk. Enforcement officers are urging people to stay out of the flooded areas.

A helicopter carried a physician to West Glacier at noon Thursday with typhoid serum and the Flathead County Health Department has started inoculations in Kalispell and Columbia Falls.

Dr. Bruce McIntyre, county health doctor, is urging all persons, who have taken any contaminated water, be immunized.

A physician also is touring isolated areas of the Glacier Park, West Glacier, Essex, and Nyack Flats.

Vic Clarke, agent for the Great Northern Railroad, said the NP has started a "stub" train from Spokane to Whitefish. The main trains of the Great Northern are now using Northern Pacific tracks around distressed areas.

Sheriff Ross Wilson said guards are posted at every entrance road from Bigfork to Bad Rock Canyon, a distance of 25 miles. They will remain as long as necessary.

[From the Great Falls Tribune, June 12, 1964]

Damage East of Divide Set at $16.5 Million

Montana flood damage east of the divide totaling $16.5 million was estimated Thursday by the Army Corps of Engineers.

The engineers, basing their estimate on aerial surveys, said the figure was purposely conservative and would be revised later.

"We are talking about the things that can readily be seen," said Col. Harold J. St. Clair, in charge of the special 36-man team.

Property damage assessment did not include lost crops.

State Agriculture Commissioner C. Lowell Purdy flew over the area Thursday and said it was too early to assess damage but added it "will be tremendous."

Greatest damage found by the Army Engineers was $8.5 million in the Sun River Basin where floodwaters hit Great Falls. Damage in the Teton River Basin was listed at $3.5 million, Marias River $4.5 million.

According to the estimates by the corps, 270 Cascade County rural area farms and homes were damaged with damage to private property estimated at $1,600,000, and to public property at $300,000. An estimated 800 homes within Great Falls were damaged with private property loss estimated at $4 million and public property loss estimated at $1,500,000.

OTHER CASCADE DAMAGE

Elsewhere in Cascade County, according to the report, 20 homes at Vaughn were damaged as were 50 at Sun River and 15 at Simms. Private damages were estimated at $40,000 at Vaughn, $120,000 at Sun River and $40,000 at Simms. Public property losses at those communities, respectively, are $10,000, $20,000 and $10,000.

Augusta area—320 homes; private $700,000; public $160,000.

Town of Choteau—600 homes plus 30 in surrounding Teton County; private $2.2 million; public $800,000.

Chouteau County—30 farms or homes; total public and private property loss $500,000.

Toole County—20 homes; total loss $400,000.

Browning area—110 homes; total loss $460,000.

Two Medicine Creek area—40 homes; total loss $600,000.

Birch Creek—40 homes; total loss $2.8 million.

Dupuyer Creek—70 homes; total loss $300,000.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Rampaging Rivers Destroy Homes, Highways, Rails—Grim Task of Mopping Up After a Flood of National Consequence Is Underway in the Flathead

An estimated 2,500 of the Flathead's 34,000 residents had homes damaged. Most are in the Evergreen and Day's Acres on Kalispell's east side.

In Columbia Falls, count of families with damaged or lost homes totals 57 with 250 persons in and near this community of 2,500 affected. There are three known complete losses: Fred Fowler, Helmuth Christman and George Keck, Sr. Other homes were badly damaged, and there is heartache for friends and neighbors.

Total estimate of Flathead flood damage is $50 million. Damage includes about 15 miles of U.S. Highway 2 and great portions of the Great Northern mainline wiped out.

West entrance bridge to Glacier National Park was wrecked and so was the old bridge upstream. Glacier is now isolated from the west. Going-to-the-Sun Road in the park requires extensive repairs as does Lake McDonald Hotel.

Cattle loss on Nyack Flats was about 250 head and in the Flathead Valley there were 325 at the Edmiston Ranch.

DISASTER AREA

Word from Senator Mike Mansfield was that President Johnson had declared this a disaster area along with Glacier, Pondera, Teton, Cascade, Chouteau and Toole Counties.

While the Flathead had the largest property damage, loss of life was heavier on the Rockies' east slope.

Many persons are still missing, and the total has been given as high as 43.

Rampaging waters of the Sun River caused damage topping $5 million in and near Great Falls. The Sun and Flathead's South and Middle Forks originate in the Bob Marshall Wilderness.

Much of Choteau, a city of 2,000, was submerged by a reservoir breaking and the Teton River. Other areas also were inundated.

Cause of the flood was unusually heavy snowfall in early May followed by cool temperatures, and record snow depths in the mountains June 1. Then came from 2 to 5 inches of rain June 6, 7, and 8.

BEFORE RAINS

The Flathead River flowed at the 12-foot level June 4. All was well and this heavy flow of 41,700 cubic feet per second was bank contained. Then came the rains. Monday noon the river was at 14 feet, flood stage, but not damaging. The valley realized that Hungry Horse Dam was holding back a third of the whole Flathead's flow, and felt this was adequate safeguard.

There was word Monday at 7 a.m. that Divide Creek had flooded the community of St. Mary, washed out highway department buildings, pickup truck of State Highway Foreman Ivan Williams was found upside down, and he was missing.

Going-to-the-Sun Road would have opened to through traffic late Monday or Tuesday. Flood changed that outlook.

Roaring McDonald Creek washed out the rustic bridge at the head of the lake. There were reports, but not confirmation, that the Walton (Essex) Bridge was lost.

This was the status Monday noon. There was realization of upstream flooding, but no thought of damage down in the Flathead Valley.

The Middle Fork Monday afternoon became a roaring torrent, backing into Lake McDonald. The Flathead Valley still did not realize what the next hours would bring.

By 8 p.m. the Flathead River at Columbia Falls had risen 4 feet from its 1 p.m. 14-foot level. It was too late for many families to move furniture, and they prayed that the flood had peaked.

Instead it kept rising as much as a foot an hour and topped 20.4—as high as the Columbia Falls Gage would read—by 11 p.m. U.S. 2 in Bad Rock Canyon was under water.

Word meanwhile came of West Glacier Bridge buckling, and the Flathead qualified as a disaster area.

U.S. Corps of Engineers gave the river peak in Columbia Falls as 26 feet at 11:30 a.m. Tuesday. The water level started to drop fast and by Wednesday morning homes that had been eave deep in water were surrounded by ankle-deep silt.

Flow of the Flathead past Columbia Falls Tuesday noon topped 150,000 cubic feet per second, termed an all-time record. Last bad water year 1948, saw the Flathead at 102,000 second feet (a figure of 110,000 is also used). The Flathead has forgotten what damage there was in 1948. The flood of 1964 sets a lasting chapter in local history.

The Hungry Horse News wishes to thank Montana Highway Patrolman Bob Pike, Don Brown, district supervisor of the Montana Fish and Game Department, Ernie Massman who piloted Tom Crum's plane to help us get airviews, and Police Chief Darvin Lundstrom for their courtesies in helping the Hungry Horse News cover the flood story.

We would also like to thank Marion Lacy of Lacy Studio who made most enlargements for this issue and Lindy Glover of Montana Engraving, Kalispell.

KGEZ, KOFI and the Daily Inter Lake are to be commended for fine coverage of the flood.

Lundstrom had praise for the effectiveness of the National Guard and men from the U.S. Air Force Radar Station who helped in Columbia Falls, and also for the sheriff's posse and other officers.

Now there are reports of high water in the Swan and breaking reservoirs near Shelby.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Bridge Vital to Flathead, Glacier Park

West Glacier.—Vital link for the Flathead's economy and to the Glacier National Park 1964 travel season is to get a usable bridge across the Flathead River's Middle Fork.

There isn't any way at present to enter Glacier National Park from the west by car, and prospects of crossing the Continental Divide by car over U.S. Highway 2 are months away.

The fine bridge that served as Glacier's west entrance is a flood-crumpled, concrete and steel sunken structure, unsafe and recommended for dismantling. It sank further Thursday.

JUNE 30 HOPE

Hope is that Going-to-the-Sun Road will be open to through traffic by June 30. There was extensive flood damage at several locations in the McDonald Valley, and also near Siyeh Bend and loss of the Roes Creek bridge. Sun Road will take the place of U.S. 2 this summer.

Late Wednesday afternoon the Hungry Horse News editor walked across the damaged West Glacier bridge to park headquarters.

Landing from an Air Force helicopter after inspecting the park were Superintendent Keith Neilson, Assistant Superintendent Jack B. Dodd, and Richard Steeves, landscape architect.

A few minutes later, Don Hummel, president of Glacier Park, Inc., arrived in a chartered small helicopter.

The Hungry Horse News editor sat in for the first portion of the conference.

All concerned viewed a passable bridge at West Glacier as key to Glacier's 1964 travel season.

CONTACTS MANSFIELD

Hummel had been in contact with Senator Mike Mansfield, who with Senator Lee Metcalf, was getting action. Prospect is that the U.S. Corps of Engineers will be on the scene to set up a "Bailey" bridge on the remaining concrete arch of the old Belton bridge.

Hummel had also contacted Gov. Tim Babcock, who was concerned and helpful.

Superintendent Neilson stressed that it was important to get Going-to-the-Sun Road open once again for traffic, and to inform visitors that Glacier was in a position to take care of visitors on their summer vacation.

Hummel reported that Secretary of the Interior Stewart L. Udall was coming to the park for the State Jaycees meeting at (East) Glacier Park Lodge. Jaycees had switched to Billings and then back to Glacier when it was found that the hotel was in good operating condition except for a switch in water service.

President of Glacier's visitor facilities company, pointed out how much good the Jaycees coming to the park would be from the publicity standpoint especially at this time.

BANKERS COMING

Another boost will be the Montana Bankers Association convening at Many Glacier Hotel, June 18. Glacier Hotel had its lake-level floor flooded, which loosened tile, but is otherwise OK.

Hummel also said that the Prince of Wales Hotel was not damaged by the flood and was in use for refugees from the townsite below. Waterton had flood damage from Cameron Creek.

From Chief Ranger Lyle McDowell, the Hungry Horse News editor obtained a report on campground conditions. Major campgrounds, with exception of Sprague, appear to be in good shape, and will be ready for this summer's visitors.

Assistant Superintendent Dodd told the conference of Sun Road conditions. It was passable by truck only as far as Lake McDonald Hotel because of washouts that were in process of being repaired. McDonald Creek, which Monday morning had taken out the rustic bridge at the head of the lake, and the trail bridge, had also swept away portions of Sun Road.

GARDEN WALL OK

Garden Wall section appeared to have little damage except a few mud and rock slides. A major fill would be required on the east side near Siyeh Bend, and there was the Roes Creek Bridge. Sun Road is open from St. Mary to Rising Sun.

Road into Many Glacier was temporarily blocked by sliding. A bridge went out on the Blackfoot Highway over Two Medicine Creek requiring a detour. Bridge is out on Two Medicine Lake Road at Trick Falls.

Federal seasonal employees are returning to Glacier and going to work. Official uniform now is hard hat and work clothes.

Glacier Park, Inc., employees are also returning. There are problems such has housing for them at Lake McDonald with the flood making their dormitories not usable at present.

Opening dates for Lake McDonald Hotel or the Village Inn are not yet known.

Once Going-to-the-Sun Road carries visitors again, there is indication that the Great Northern will establish train service from Spokane to West Glacier and from Shelby to East Glacier Park.

Park Engineer Max Edgar landed in another helicopter hurried away and returned to fly back to St. Mary. Report was that he had picked up some dynamite caps and was taking them across the divide to the east side.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Over 15 Miles of U.S. 2 Out

West Glacier.—A Bureau of Public Roads survey from the air showed approximately 15 miles of U.S. Highway 2 devastated. About 8 miles of new road is gone.

The Hungry Horse News editor talked with two Bureau of Public Roads engineers at West Glacier.

Bridge at Essex was washed out and so is the highway at the Goat Lick. All bridges on Bear Creek are down, including one built last year. Great sections of the highway along Bear Creek are no more.

Much of the new construction from Fielding has been destroyed and so are great sections of the fine road between the two railroad passes east of Nyack. There is serious damage at Paola.

The road between West Glacier and Nyack is being repaired, with the mud and debris slides at Ousel and Moccasin Creeks being cleaned up and was passable Thursday.

Use of the old road will get vehicles to Essex perhaps in 2 or 3 weeks. Travel from East Glacier to the vicinity of Summit is now possible.

If a bridge replacement is made at Essex, it may be possible for light vehicles to cross to East Glacier next fall.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Tragic Loss Suffered by Local Residents

(By Mel Ruder)

The great flood of 1964 is a tremendous loss for the whole Flathead.

By itself interruption of highways and rail traffic to the east will reduce the important tourist service business during these critical 3 months.

There was major damage to buildings and furnishings and to livestock and crops. Blessing is that there was not loss of life as took place on the east side of the Continental Divide.

Our hearts are with friends, neighbors, and fellow citizens.

How haggard and worn former Mayor Roy Lindsey looked as the water inched up toward the roof of his new home. With the flood subsided, we saw him go to work moving out the television set, chairs, tables, beds, and noticed framed oldtime pictures that were water soaked.

Coming to work Wednesday at 7 a.m., we saw Leslie Blood. There were tears in his eyes as he looked down the bank at the silt-laden flat toward his waterlogged home.

He remarked: "I've lived down there since March 24, 1934. I waited too long, like the rest. I had no idea the water would come up so high." Then he recalled the high water of 1948 before Hungry Horse Dam and the fact that his home was not damaged then.

Mr. Blood is 66 years old, retirement age. We haven't found a family in Columbia Falls that carries insurance against floods. None of the homeowner policies have such coverage.

The Hungry Horse News is aware that the Flathead is in the disaster area proclaimed by President Johnson. This obviously will provide for highway replacement. Our concern is how does a man like Leslie Blood, age 66, recoup from floodwater that covers his home?

At water's edge, three blocks below the Hungry Horse News office on Nucleus Avenue we talked to Ralph Robinson, wearing hip boots. He had just come back across ankle-deep silt from his home on the riverbank. He had his water-soaked guns in the back of his car.

He and Sadie had been building their home for 5 years, and he added, "We never thought the water could come that high. Sure, we knew there would be a heavy runoff, but not getting as high as the house."

Bob Adams remarked, "I felt foolish moving my furniture out, when the water was 4 feet below the floor level."

Tuesday at 5:30 a.m. it looked as though the flood was peaking. At the Red Bridge, Mr. and Mrs. Fred Fowler were looking across the swollen river to where their home had been. It was gone. Ramona was crying. No one said anything. What could they say?

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Dramatic River Rescue: Lineman Pulled From Water

Dramatic rescue of a Great Northern lineman took place Thursday evening.

Columbia Falls boat of the Flathead Lifesaving and Rescue Association combined with a U.S. Air Force helicopter to bring seriously injured George Brady, 35, lineman from Wenatchee, to Whitefish Memorial Hospital.

About 6:15 p.m., at the eastern edge of Bad Rock Canyon, Brady fell from a pole down about 100 feet into the still flooding Flathead River.

On another pole was lineman Roger Guthrie. He saw Brady fall, scrambled down the steep bank, pulled the injured man from the water, and gave him artificial respiration. There was praise for the heroic act by Guthrie, and he was joined by another GN man.

The Air Force helicopter came from Kalispell city port, and was joined by the Columbia Falls rescue boat. The rescue took place just above the junction of the Flathead with its south fork.

Dr. W. F. Bennett, Columbia Falls, attended the injured man. Sam Ellman and Howard Piper crossed the rough-flowing river and safely brought the boat with Brady back to the helicopter which then went to the hospital.

He suffered head injuries, fractured left shoulder, and lacerations as well as shock. Saturday noon report was "condition unchanged and serious."

On the scene on the Great Northern side were Highway Patrolman Bob Pike and Les Darling, deputy sheriff.

Underway at the location is replacing the Great Northern mainline grade that had been washed into the river Tuesday.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Estimate Cost of County Road Loss

Flathead County roads—not State or Forest Service highways—were damaged to the extent of an estimated $262,500, and bridges $508,000.

County Commissioners Bill Knapton and Clifford Haines made a survey Thursday together with Fred Wells, Helena, State secondary roads engineer; and Harold Roatch, county bridge foreman. Wells is former Kalispell district highway maintenance engineer.

Biggest single losses are the Blankenship Bridge and a section of the bridge at Polebridge. There are several bridges out on Spring Creek, and in the Helena Flats and LaSalle areas.

Replacement of county roads and bridges damaged by flood apparently will qualify for Federal grants under the provisions of the disaster area.

Wells came to the Flathead at the request of the U.S. Corps of Engineers. Wells is covering four other disaster counties.

The commissioners took Dr. Johnson from Whitefish to park headquarters to give typhoid shots.

The group traveled by Air Force helicopter covering the Flathead damage area in about 4 hours.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Rips Bridge

Big Creek.—Floodwaters of the North Fork ripped out the bridge just north of the border, tore out the west portion of the bridge at Polebridge, and swept the Blankenship Bridge downstream.

Sections of the North Fork Road near Big Creek were washed out, and a detour through the ranger station is in use.

Additional slides are taking place. Road is open only to light traffic, and motorists should expect periods when the road will be blocked.

There are also reports coming in of closed side roads such as a bridge out on the Coal Creek Road and a 150-foot slide on Whale Creek Road.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

Great Northern Repairing Tracks

Repair of the flood-ravaged Great Northern mainline is underway. Morrison-Knudson is moving construction crews in

A crew started bringing in rock ballast to repair a 400-foot-long washout in Bad Rock Canyon Wednesday evening. The washout is over 100 feet deep.

Royal Logging Co. equipment as well as Great Northern machinery is being used, and the work is continuing round the clock. Balance of the track to West Glacier is open for traffic.

Otto Fisher, assistant division superintendent, told the Hungry Horse News that Great Northern surveys of damage were in progress.

President John M. Budd and T. A. Jerrow, vice president in charge of operations, and C. M. Rasmussen, general manager of lines west, are in the area.

Nearly all of the mainline track between West Glacier and Nyack (Red Eagle) was washed out. What track is left looks like a picket fence over the lowered stream.

The Green Co., Inc., that was crushing ballast at Pinnacle, is putting its equipment to work repairing the grade. There are two Great Northern freights at Essex and a helper engine crew.

A Great Northern work train is starting to repair damaged track from the East Glacier end.

Fisher estimated that it will be at least 3 weeks before through trains will be running across the divide.

First washouts were east of Essex Monday morning. They were over 100 feet deep.

[From the Columbia Falls (Mont.) Hungry Horse News, June 13, 1964]

List Flooded Families

(By Mrs. Gladys Shay)

The neighborly spirit is noted in checking reports of the flood area. Strangers have offered to assist and help in any way they can. Families who have lost everything are thankful neighboring homes are not as badly damaged.

As one man commented, "People have been wonderful. It is something you just do not think about until something like this happens."

The following report of the Red Bridge area was given Wednesday evening.

Mr. and Mrs. Steve Anderson and three children took their trailer to Missoula, but stored furniture in their home near the Red Bridge. Interior damage is not known.

Serious water damage is reported to the following homes: Mr. and Mrs. T. S. Carter, Julius Christman, Mrs. "Grandma" Christman with water almost to the roof.

Mr. and Mrs. Fred Christman and daughter; Mr. and Mrs. Lloyd Dempsey and two children.

Mr. and Mrs. Art Lennick and three children; Albert Olson, Mr. and Mrs. Loren Stapley and son; and the Ernie Vitt home.

The home of Mr. and Mrs. Helmuth Christman and two children was demolished. Mr. and Mrs. Fred Fowler and two children lost their home completely as it floated down the river. The roof was sighted south of the airport. Fred returned to the homesite Wednesday and found one ashtray remained.

The cabin of Lawrence Lodahl near the Fowler home was gone. He had been home from eastern Montana just 20 minutes when the area was evacuated.

Mr. and Mrs. Henry Rahn have extensive damage to their home and lost "a heap of chickens" in the flood.

FREEZER INTACT

Mr. and Mrs. Frank Allen's home has extensive damage with water to the eaves, smashed picture windows, and battered interior and exterior. The Allens had a locked deep freeze in a locked garage. Wednesday they found the chest-type freezer near the Rahn property. The freezer was still locked, meat frozen and food intact.

New homes of Mr. and Mrs. Les Anderson and Mr. and Mrs. Don Loveall were among those not damaged.

The Red Bridge area residents were aware of flood dangers. However, within minutes the water swerved behind homes, rose 18 inches, and community members pushed and drove cars to evacuate the area.

Several families walked away from homes around midnight, Monday. Basements, pumps and garages were damaged. This included Mr. and Mrs. Phil Bertelsen and two children; Mr. and Mrs. Lyve Overton and son; Mr. and Mrs. "Hap" Wright; Mr. and Mrs. Louis Sind and three sons; Mr. and Mrs. Hugh Speer and three children and Mrs. Peterson.

The home of Dr. and Mrs. H. J. Avrutis north of the Silver Bridge was flooded to the eaves.

MOVE TRAILERS

Monday's midnight found all homes east of Columbia Falls along Highway 40 with lights on. Traffic of house trailers being moved from Highway 40 Trailer Court and pickups of furniture and cars of people presented an almost eerie and unbelievable flow of traffic.

There is extensive water and mud damage to the homes of the following: Mr. and Mrs. Orville Alexander, Mr. and Mrs. Ted Aaberg, Mr. and Mrs. John Farley and two daughters; Mr. and Mrs. George Hill and three children.

Mr. and Mrs. Jack Jarrett and daughter; Mr. and Mrs. H. O. Sallee. Mr. and Mrs. James Ellman and four children had a lot of water in the basement of their home but the main floor was undamaged. The Ellman family home in Columbia Falls burned to the ground just 3 years ago and they purchased their new home near the Flathead River.

Mr. and Mrs. A. P. Spencer and two sons evacuated their home at River 40 Trailer Court. Water covered the floor about a foot. Most furniture was in.

House trailers owned by the following were removed: Mr. and Mrs. Bureau; Mr. and Mrs. Don Crosswhite and three children; Mr. and Mrs. Bob Calbick and two children; Mr. and Mrs. Jim Clark; Mr. Eiseman, Mr. and Mrs. Egnash, Mr. and Mrs. Jack Gore, Bill Hagestad, Mrs. Winnie Johnson, Mr. and Mrs. Leonard Landa and two children, Lee Longfield and Arthur Benton.

Mr. and Mrs. Len Pulver and Mr. and Mrs. Yerrian and four children. The trailer home of Mr. and Mrs. H. H. Reiten remained high and dry and was not removed.

Damage was reported by Mr. and Mrs. George Barwise and Mr. and Mrs. R. J. Fernbaugh and son. Their homes are just south of the Silver Bridge.

Residing just north of the Silver Bridge are Mr. and Mrs. Charles Baxter, Mr. and Mrs. John Lortie and Mr. and Mrs. Pete Sprunger and family. They evacuated and wells were damaged.

FULL BASEMENTS

"Full basements" almost to the first floor level were reported at the homes of Mr. and Mrs. Carl Daniels and Mr. and Mrs. Don Doane and family.

Other homes in the Silver Bridge to Columbia Heights area include the residence of Mr. and Mrs. Amos Hellman with about 1½ feet of water in their home. There was water around the residence of Mr. and Mrs. Jack Herzog and family.

Mr. and Mrs. Bud Ellman and sons had water in their basement.

Nucleus Avenue continues south almost to the Flathead River. The flood waters did considerable damage to the homes of Mr. and Mrs. Marvin Lund and family, Mr. and Mrs. Roy Lindsay, Mr. and Mrs. Max Ogle and family, and Mr. and Mrs. Ralph Robinson and son.

Basements for the new homes of Mr. and Mrs. Jack Chapin and family, Mr. and Mrs. Ralph Larson and family, were destroyed.

Not affected were the homes of Dr. and Mrs. John Kurta and children; Mrs. Ethel Lenon, Mr. and Mrs. Bob Marantette and family, and Mr. and Mrs. Bob Smith.

Homes full of water and muddy furniture is report from "the Flat" area in Columbia Falls.

Families affected are as follows: Mr. and Mrs. Wendell Amundson and children; Mr. and Mrs. James Allen; Mr. and Mrs. Leslie Blood; Mr. and Mrs. John Brownback.

Mr. and Mrs. Roy Countryman, Sr.; Mr. and Mrs. Bill Gress, Sr., and family; Mr. and Mrs. Richard Green and children; Mr. and Mrs. Melvin Grigg and children.

Mrs. Celestine Grigg and son; Mr. and Mrs. William Hart and family; Mr. and Mrs. Oscar Hagen; Mr. and Mrs. Jack Hilling and family.

Mrs. Otto Johnson, Mr. and Mrs. Chester Jackson, Mr. and Mrs. Carl Larson, Mr. and Mrs. Art Lyngstad and family; Mr. and Mrs. L. W. McNeil.

Mrs. Cora McNeil, Mrs. Wesseno Morris, Allie Olson, Mr. and Mrs. Robert Pontel, Mr. and Mrs. D. K. Roundy and family; Mr. and Mrs. LeRoy Rabideau and family.

Mrs. Mary Stevens and son, Roy Stevens; Mr. and Mrs. Urval Wyman and family.

Mr. and Mrs. Leo Smith had just moved from the home owned by Frank Allen. The home of Mrs. Byrd Fenholt has been vacant since her death.

Mr. and Mrs. George Keck, Sr., and family lost their flooded home in a fire Monday night.

THREE HOMES LOST

Three families are completely homeless as a result of the flood. The Fred Fowler home was swept down the river; the Helmuth Christman residence demolished; and the George Keck, Sr., home burned.

Of the 57 families whose homes have been evacuated, there are those who are uncertain of future plans. The Henry Rahn home is filled with water and large logs are strewn around the residence. Mrs. Rahn stated they did find 10 live chickens Wednesday—all that remained of hundreds.

Two future homes were destroyed—the basements of the Jack Chapin and Ralph Larson residences. The Chapins had planned to move from their North Fork home and the Larsons are Martin City residents.

At least 10 families had basements full of water which affected heating systems, hot water tanks, canned food supplies, and the usual extra furniture, and boxes of homemakers. Some of these residents left their homes during the night, Monday, fearing dangers of rising water.

There were 13 trailers moved from Route 40 Trailer Court. As one owner commented, "we still have our home and possessions, although we have to look for a new trailer site."

Mrs. Mary Stevens, resident of "the Flat," had never realized the water would reach her small home where she resides with a son, Roy. She had just finished wallpapering the kitchen and rolls of wallpaper for the other room is a soggy mess. Mrs. Stevens was proud of her new mattress—and learned it was floating in the house. She mentioned sheds that had floated away.

Mr. and Mrs. Marvin Lund and family lived in a trailer while building their new home several blocks from the river. Mrs. Lund has been active in the VFW auxiliary in helping provide lunches for Flathead Rescue and Lifesaving Association members. This flood saw them leave their newly completed home.

Mrs. "Tina" Grigg was going to have her furniture taken from her home on the Flat—but didn't.

Mr. and Mrs. R. J. Fernbaugh's new rug was a "squishy" floor covering when Mrs. Fernbaugh returned to their home in hip boots the next day.

Mr. and Mrs. Fred Fowler and family moved valuables to the upstairs of their home south of the river. They watched the river closely. A neighbor, Mrs. Frank Allen, telephoned and said they had all better leave. The Allens came by way of the Fowlers, and they evacuated with only "the clothes on their back." The river had come in from behind the Fowler home. The home went down the river.

The Hungry Horse News would appreciate any further information. A careful check has been made, but in case of error, please notify.

Our thanks to Police Chief Darvin Lundstrom, who was assisted by Deputy Sheriff Les Darling, in helping compile this list. Also to the others who have helped.

[From the Hungry Horse News, June 13, 1964]

Describes Flood Havoc in Flathead

(By Larry Stem)

The battered Flathead area, wrung out after 48 hours of pounding from a record-shattering flood, is wringing itself out and taking rolled-up sleeves into the first step to a normal life.

If the Flathead could have a banner, it would be soppy and mud stained, proclaiming no casualties, no missing persons, no injuries from this major disaster.

What the Flathead faced for that 48 hours is summed up in the evaluation of the Corps of Engineers which set the figures that will likely stand for years to come, a flood crest of 26 feet at Columbia Falls reached at 11:30 a.m. Tuesday

BREAKS 1894 RECORD

The official calculation is 6.3 feet higher than the 60-year-old previous record, 19.7 flood feet, established in 1894. Engineers estimated the flow out of Bad Rock Canyon was definitely in excess of 150,000 cubic feet per second, another flood record.

Stanley Halvorson, vice chairman of the Montana Highway Commission, has come up with the first glimpse of the staggering and costly task that lies ahead of the Flathead in its return to former status.

Following an aerial survey of the Middle Fork "greased chute" Canyon, Halvorson said, "What you see staggers the imagination. You have to see it for yourself, from the air, to understand it. There's 20 miles of highway gone. The Middle Fork River channel and the Highway 2 roadbed have swapped positions. Before any reconstruction work can be started the river is going to have to be rechanneled so roadwork can begin.

"The Walton Bridge will have to be replaced. It's impossible to put any financial figure on the cost except to say millions. The very earliest anything can be open for traffic across the Continental Divide will be 'sometime this summer.' The commission will be making immediate application for disaster funds from the Federal Government to carry out this work.

COVERS BLACK SOIL

Even as Evergreen area residents were returning home, lower valley residents were battling to hold dikes and keep water from spreading out over the richest farmland in the valley. There was also a backup problem from Flathead Lake which reached its full mark at 7 a.m. Wednesday. There were reports of minor flooding over Elm Resort inside Bigfork Bay due to combination of the Swan River and the higher than usual Flathead Lake which Army Engineers estimate will crest at 2,894 feet, a foot higher than the usual summer level.

At Kerr Dam below Polson, floodgates were open wide as they have been since Monday to empty the water downstream as rapidly as possible. Hungry Horse Reservoir crept to within 18 feet of its full storage level which could possibly be reached by this weekend indicating the sense of urgency to prepare for the South Fork runoff.

The Flathead County Health Department has already started typhoid inoculations at clinics in Kalispell and Columbia Falls. Doctors went by helicopter to isolated areas north and east of West Glacier to administer the vaccine. Another helicopter airlifted 750 pounds of food, sufficient supply for a week for the 50 persons stranded at Essex. There was even baby food included.

HELICOPTER WRECKS

Tuesday about 8:30 p.m., a helicopter piloted by Morris "Skip" Pixley crashlanded with its passenger A. W. "Bud" Anderson of Montana Power Co. after the engine conked out. The helicopter was a total loss, and the two men walked away with slight scratches and bruises.

Authorities estimate there are at least 450 homes which will need repairs in one form or another. There are scores more where cleanup will suffice. For some 25 families, they will need new homes to replace ones washed downstream by the flood. Scores of small business firms will have to rebuild. Agriculture damage in the Flathead is estimated at well over $1 million and possibly closer to $2 million.

CATTLE LOST

The Edmiston Land & Cattle Co. reported about 325 out of 400 head in its commercial herd missing, while there were some animals swept downstream from its registered herd.

Other farms are considered as being a total loss, and some may be unfit for agriculture for years to come. Forest Service roads continue to be closed pending clearance of slides.

Typical of many damage scenes was at Jet Oil in the middle of the Evergreen where a jeep parked over underground storage tanks got involved in a "seesaw game" with four tanks of 38,000-gallon capacity. One tank popped up at one end and the jeep slid west. A second tank popped up in Jack Horner fashion. The jeep slid east. The third tank popped up and lodged the jeep against the office building. The big 12,000-gallon tank broke loose, tipped and twisted the building and slid the jeep back west and under one tank.

Spectators in the flood scene reported seeing a small dog on a mattress floating on the floodwater inside one house. A Siamese cat snarled at rising waters in Lake Woodland, originally Woodland Park. A striped black and white cat, polecat that is, left evidence of his presence for hours after it was dispatched at the Woodland Grocery.

Federal and State officials have arrived in the Flathead to confer with local authorities to start the first preliminary planning in the program that leads to the road back. The hectic hours, the gaunt looks on faces, the sick at heart feelings over being driven out by floodwater, seemed to disappear downstream with the flood crest. The wrung-out Flathead is wringing out remaining water in the speedup toward that return to normalcy.

[From the Great Falls Tribune, June 15, 1964]

Hungry Horse Holds 96 Percent of Flow

Hungry Horse.—Tremendous flow of water into the 34-mile-long Hungry Horse Lake took place last week.

The big 564-foot-high concrete dam during Monday peak inflows of 81,000 second-feet kept as much as 96 percent of the South Fork's water from descending on the flood-stricken Flathead Valley.

Inflow that peaked at 81,000, averaged 54,940 second-feet. Discharge at the powerhouse was 3,000 second-feet and was dropped to 500 Tuesday.

Reservoir inflow Thursday was down to 24,475 second-feet.

The big lake is 13 feet from being full. It rose 1.75 feet Sunday, 4.92 feet in 24 hours Monday, 4.97 feet Tuesday, and 2.93 feet Wednesday. Storage totals 3,154,580 acre-feet compared to 3,468,000 when full. It should be full within 10 days.

Mr. SIMPSON subsequently said:

Mr. President, I was very much interested in the statement of the majority leader, the senior Senator from Montana [Mr. Mansfield], with respect to the situation in Montana as a result of the great flood in that State. I have had many letters from people in Montana, both friends and relatives, who have been affected by the ravages of the flood. The Governor of the great State of Wyoming has expressed his sympathy to the people of Montana and to their Governor.

RIGHTS BILL WILL INSURE NO INDIVIDUAL FREEDOMS

Mr. HOLLAND. Mr. President, on June 12 there was published in the Florida Times-Union a very fine editorial entitled "Rights Bill Will Insure No Individual Freedoms" written by a highly educated editorial writer. I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rights Bill Will Insure No Individual Freedoms

The celebrations in Virginia today, commemorating the adoption on June 12, 1776, of a Declaration of Rights, give a historical perspective to the now severely curtailed debate on the civil rights issue in Congress.

> Many people believe that the Virginia Declaration, drafted by George Mason, was the forerunner of the U.S. Bill of Rights.
>
> Like the Bill of Rights, the Virginia Declaration of Rights was an intellectual and philosophical attempt to insure individual liberty for all men within the framework of law, without imposing undue restrictions on any person, class, or group.
>
> Both early rights efforts aimed at securing intangible benefits through the prohibition to government of certain tangible powers which were reserved to the people. Essentially the bills sought to insure tangible equity before the law and in Government for all individuals without placing any person or class above another.
>
> Contrast the modern civil rights drive with these early historical efforts. Instead of reasoned and intellectual debate and action, the Nation has been treated to anarchy, mob rule, and emotional claptrap which caused a man, twice candidate for U.S. President and an exponent of world law and order, to advocate that young people court prison records through studied disobedience to the law.
>
> This approval of violence has resulted in lawless terror in New York, Chicago, and elsewhere which is made more horrible by its senselessness. The Colonials, at least, sought national self-determination.
>
> Proponents of the civil rights measures have resorted to injunctions rather than legislation in an attempt to regulate individual and collective morals. They have avoided free debate, muzzled the Congress, and shied away from any suggestion of a public referendum at any level, because they know that, unlike the unanimous support for the early bills of rights, the Nation is sharply divided on the issues, tactics, and eventual goals.
>
> President Lyndon Johnson is quoted as saying that once the civil rights bill is adopted, "There will still remain the eradication of prejudice in people's minds and homes." Thus revealed is the new bill's aim: regulation of personal thought, values, and standards, rather than the impersonal assurance of individual intellectual, social, and political freedom.

Mr. HOLLAND. I call attention to two paragraphs in that editorial which read as follows:

> Contrast the modern civil rights drive with these early historical efforts. Instead of reasoned and intellectual debate and action, the Nation has been treated to anarchy, mob rule, and emotional claptrap which caused a man, twice candidate for U.S. President and an exponent of world law and order, to advocate that young people court prison records through studied disobedience to the law.
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THE ORGANIZATION OF THE ENVIRONMENTAL SCIENCES IN THE FEDERAL GOVERNMENT — DR. ROBERT M. WHITE, CHIEF OF THE U.S. WEATHER BUREAU

Mr. RIBICOFF. Mr. President, last year President Kennedy appointed Dr. Robert M. White, then president of Travelers Research Center in Hartford, Conn., to be the new Chief of the U.S. Weather Bureau, the first new Chief, I might add, in 25 years. Dr. White is one of the Nation's ablest young scientists and administrators, and it gave me great pleasure to endorse his appointment.

Dr. White was sworn in as Chief of the Weather Bureau on October 1, 1963. Since then he has been concerned with a series of important scientific and technological problems. They have involved such matters as the basic nature of our meteorological services, the organizational structure of the Weather Bureau, and the meteorological satellite. He has also been much concerned with how we have organized the physical environmental sciences in the Federal Government—whether they should continue to be dispersed among a wide variety of Federal departments and agencies, as they now are, or whether there should be greater integration of the Federal activities in these sciences. In a speech delivered in Washington earlier this year before a joint dinner of the American Geophysical Union and the American Meteorological Society, he addressed himself at some length to this important subject. He discussed the need for new organizational forms in the physical environmental sciences that would give us the advantages of both dispersal and integration. His ultimate concern was with how we may improve the planning and management of our scientific and technological programs in these sciences, how we may insure that our immediate scientific and technological problems receive immediate attention and that our long-range problems are clearly identified, and how we may make the best use of the Federal science-technology dollar.

As a member of the Subcommittee on Reorganization of the Committee on Government Operations, I have for some time now been studying how the Federal Government organizes some of its scientific and technological activities in the field of environmental hazards and how better forms of organization may be developed. Dr. White has made a significant contribution to my study. His speech has no quick and easy answers, only difficult questions. But they are important questions, for the problems they raise must be solved if man is ever to understand and master his natural physical environment.

Mr. President, I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ORGANIZATION OF THE ENVIRONMENTAL SCIENCES IN THE FEDERAL GOVERNMENT

(Address by Dr. Robert M. White, Chief of the U.S. Weather Bureau, Department of Commerce, prepared for delivery before the Joint American Meteorological Society-American Geophysical Union banquet at Presidential Arms, Washington, D.C., April 23, 1964)

Dr. Berkner, Dr. Malone, Mr. Thompson, guests at the head table, ladies and gentlemen. I have now been Chief or the U.S. Weather Bureau for almost 7 months. They have been very exciting months, at times almost hectic. Nature does not give a new Chief a breathing space, and I have already had to deal with my fair share of her calamities. I have had to learn how the governmental process works—with its channels of review leading ultimately to the White House, its interagency coordinating committees, and its congressional check on executive action.

The process is far more complex than I had thought, and rightly so if we bear in mind the far-reaching effects of governmental spending and governmental decisions. I have had to familiarize myself with our country's vast network of weather facilities. At the same time, I feel as though I have been in training to become an astronaut. The development of the space vehicle, with its ability to observe the atmosphere in any part of the globe, excites us all with its vast potential, and I have had to immerse myself in the problems of meteorological satellites.

All these are significant matters, each in its own way, and they have crowded my days. But ordinary life must also go on, and my concern has also been with our day-to-day weather services. As a matter of fact, such concerns are almost inescapable. One day this past winter, for example, I received a telephone call from a citrus grower in Phoenix, Ariz. Now, it is not unusual for me to receive a call from a citizen, but not at my home, from the opposite end of the continent, and at 3 o'clock in the morning. The caller was irate, to put it mildly, because the telephone line to our local weather office was continually busy and he could not get a temperature forecast. In no uncertain terms, he told me what he thought about a weather service that was established to serve the public and yet maintained only one telephone line into a local weather station. He said he was calling me because he wanted to make an impression on me. He was sure I would never forget his problem if he called me at that unearthly hour. He's right—I haven't forgotten his problem—I don't think I ever will. Nor will my wife.

Natural calamities, decisionmaking on critical scientific and service programs, meteorological satellites, the Weather Bureau's network of services—these are the kinds of problems about which I have been thinking since I became Chief of the Bureau, to see how we may increase our knowledge and improve the Bureau's services.

But another matter has also been occupying my thoughts since I became Chief, and perhaps it underlies all the others. It is the problem of how we have organized our geophysical or environmental scientific, engineering, and service activities in this country, particularly in the Federal Government. Have we organized ourselves so that we can attack the problems of man's natural environment effectively? And will our present organizational forms prove adequate to the tasks of the years that lie ahead? I know that the two societies here tonight—the American Geophysical Union and the American Meteorological Society—are also concerned with this problem, and I should like to take advantage of your presence to talk a bit about it. I do not have answers—but I do have some questions to pose.

It is obvious that the environmental sciences are today big science. They have become fashionable. I do not mean the word pejoratively. It is simply that there are so many academic institutions and Government agencies that are initiating or thinking of initiating programs of some sort in the environmental sciences.

We can see just how big the environmental sciences have become by looking at the present Federal budget. In the current fiscal year the Federal Government will spend approximately $700 million in the area of the environmental sciences, in research, engineering, and the provision of services. And this figure does not include the money that is being spent in the space and geological sciences. Moreover, the growth of Federal expenditures for environmental scientific activities has been particularly rapid over the past few years. In the 5-year period from 1958 to 1963, for example, the Federal budget for oceanography has grown from $24 to $124 million—a fivefold to sixfold increase.

The growth in Federal expenditures in the environmental sciences attests our national concern with the array of problems that arise out of the endless interactions between the activities of man and his total physical environment. The increasing growth of our population, the increasing urbanization of our country, the increasing industrialization of our economy, and the increasing concentration and complexity of that industrialization have imposed unprecedented demands on our environment. We are becoming concerned with the capacity of our water resources, our earth, and our air to sustain us. And as our demands increase, so also does the rate at which we spoil and use up our enviromental resources. Our air and our rivers are being polluted, and our water is being drained off faster than it is being replaced. We require greater understanding of our environment and an ability to predict the consequences of natural or manmade effects if we are to learn to manage and control these resources.

Man has always had to contend with hurricanes, tornadoes, seismic sea wave, floods, earthquakes, and the like. His scientific, technological, and social advances have now brought him face to face with new environmental hazards. I am thinking of communications blackouts, the effects of atmospheric turbulence on high-speed aircraft, radioactive fallout, and radiation in space. We are also more sensitive to environmental hazards, both old and new. Our cities, our economic organizations, and our governmental agencies have become highly concentrated and very complex organisms. And they are highly interdependent. Under these circumstances, a natural catastrophe can be more than a local event.

The past few years have seen not only a soaring Federal science and technology budget in all the scientific disciplines—but also increasing scrutiny of that budget and of the relative priorities of competing scientific programs, both by Congress and within the executive branch. There is a growing concern that full value be received for every Federal dollar spent on scientific and technological activities. All this comes at a time when we in the environmental sciences have just begun to appreciate the full scope of the challenges ahead of us and of the costs of meeting these challenges. And so it seems to me that now is the proper time to examine our institutions—to take stock of where we are and to set a course for the future that will enable us to achieve our scientific goals, and with them a host of new social and economic benefits.

I think no one here would dispute the scientific unity of the geophysical or environmental sciences, that we may speak of them as a scientifically meaningful collection of disciplines. The American Geophysical Union is in fact built on this view, and the Union's vitality and growth over the years is for me standing evidence that man's environment must be considered as a whole rather than as a collection of separate and distinct fields of interest. To understand oceanic conditions, we must be able to describe and understand the interactions between the oceans and atmosphere. And the problems of stream flow and water supply depend for solution on our ability to describe and understand the atmospheric phases of the hydrologic cycle.

The universities have also recognized the scientific unity of the geophysical sciences. In some instances they have formed new institutes bringing together scientists from the various environmental disciplines—for example, the Center for Earth Sciences at the Massachusetts Institute of Technology, the newly proposed School for Environmental and Planetary Sciences at the University of Miami, and the Department of Geophysics at the University of Chicago. In other instances there is a looser association among scientists of the environmental disciplines. But in each instance there is an awareness that the problems with which these scientists are concerned, while seemingly diverse, are very much interrelated.

The scientific unity of the geophysical sciences has not, of course, been the sole motivation for association within the university community. The formation of interdisciplinary institutes may also be taken as a response to some of the more compelling problems we now face. These problems are so complex that they can only be solved through the cooperation of a number of disciplines. Each contributes its particular insight; together they focus on the totality of man's environment. Take the problems created by the splitting of the atom—such as the selection of a site for an atomic powerplant, the disposal of radioactive waste, or warning of and protection against fallout. Or take the problems of air pollution and water pollution, of organizing our urban and industrial lives so that they are in harmony with our environment rather than its destroyer. Or take the problem of establishing a rapid, accurate, organized warning system for all environmental hazards. They all require a multidisciplinary approach.

When we look at the way in which the Federal Government has organized its work in the environmental sciences, we find none of the linking of disciplines that we find in the scientific and academic worlds. What we find instead is that a number of Federal departments and agencies have an interest in one or another aspect of the geophysical sciences, and each is actively engaged in providing services or undertaking research. There is interagency coordination, but the various disciplines that make up the geophysical sciences have not been brought together except in one or two rare instances.

And yet some governments have brought them together. In Japan, for example, the Meteorological Agency takes meteorological, seismological, volcanic, oceanographic, terrestrial-magnetic observations, and it arranges for the issuance of all data. It is also responsible for national environmental hazard warnings, and it provides Tsunami warnings and information on the tides. In the Netherlands, the Meteorological Institute is active not only in meteorology and climatology, but also in oceanography and geomagnetism, in seismology and the investigation of the ionosphere. The Soviet Union has also organized its research and service activities in the environmental sciences quite differently than we have. They place problems related to hydrology, oceanography, and meteorology in a single organization.

Is this the road that we should follow? I think here we must ask what is to be gained by changing things. Only organizational purity? Or will a substantive scientific or other purpose be served? And we must also ask what we will lose because there can be no doubt that the present organization of our environmental scientific activities in the Federal Government meets certain definite needs.

I said a moment ago that a number of Federal departments and agencies have an interest in one aspect or another of the environmental sciences. Let us look at them. The Department of Defense is concerned with the environment as it affects military operations and the national defense. The Department of Health, Education, and Welfare is concerned with the impact of the environment on the human system and with the health hazards that result from contamination of the environment. The Department of Interior is interested in those aspects of the environment which affect the quantity of our natural resources. The Department of Agriculture is concerned with the effect of the environment on the productivity of the land. The National Aeronautics and Space Administration is interested in outer space and in the exploration of the lower atmosphere and the oceans by space vehicles. The Atomic Energy Commission is interested in the capacity of the earth, the water, the air, and space to contain, absorb, diffuse, and transport radioactive materials. The Federal Aviation Agency is interested in the atmospheric environment as it affects the safety of air traffic, and the efficient management of our airspace. The National Science Foundation is interested, of course, in the support of basic research and education in all the sciences. Finally, there is the Department for which I work—the Department of Commerce. My Department has as one of its primary responsibilities the duty of providing general weather forecasts and warnings of environmental hazards.

Moreover, within many of the Federal departments and agencies I have mentioned, there may be more than one bureau or subagency with a direct interest in one aspect or another of the environment. In the Department of Commerce, for example, the Weather Bureau, the Coast and Geodetic Survey, and the Central Radio Propagation Laboratory of the National Bureau of Standards are all directly involved in the detailed description, analysis, and prediction of aspects of the physical environment. They are active in the fields of seismology, oceanography, meteorology, hydrology, aeronomy, geodesy, geomagnetism, and solar physics.

Now, there is a logic in this dispersal of environmental scientific and technological activities. Each of the departments and agencies, bureaus and subagencies presently involved in one aspect or another of the environmental sciences has particular statutory responsibilities, a particular mission. Each is concerned with very particular and very important problems. Each needs environmental information to perform its missions—whether they be to insure the national defense, to provide weather information to the general public, or to support the quest for basic scientific knowledge and the education of new scientists. And each knows which is the squeaky wheel that needs the grease. I said a moment ago that it is the stimulus of a common problem that often brings different scientific disciplines together. We should not forget that the prodder is often an agency or group concerned with a particular problem.

In a remarkable and famous lecture which he delivered at the University of Buffalo in October 1958, Dr. Berkner had much to say against the dispersal of scientific and technological activities in the Federal Government. He called for extensive integration of these activities and for more thorough policy planning at the White House level. Many of his recommendations have since come into being. The present Federal Council for Science and Technology, which is an advisory committee made up of the science heads of the major Federal departments and agencies under the chairmanship of the President's Special Assistant for Science and Technology, is a notable example. But many of Dr. Berkner's concerns about dispersal are still with us.

He was concerned, for example, that scientific activities would receive attention only if they were crucial to an agency's primary missions. If they were not, they would be submerged. He was also concerned that concentration of the squeaky wheel might blind an agency to what are the truly significant long-range scientific problems. And he was concerned that dispersal would mean haphazard planning and management of the scientific and technological activities of the Federal Government.

As Federal spending for science and technology has soared, a fresh concern has been created—how we may perform the scientific and technological activities of the Federal Government most economically. The economic factor may well be crucial in how we organize these activities, at least if we are to do all the things that we want to do. And so I would like to dwell for a moment or two on this economic problem.

The environmental sciences are global in concept and in fact. This global aspect poses critical problems for the acquisition of data. In oceanography, our ability to observe the system is at best primitive. In meteorology, our ability to observe is better, but it is restricted to the inhabited areas of the world. Any real progress in the atmospheric and oceanographic sciences will obviously depend on our ability to obtain worldwide observations on proper time and space scales.

We are now developing revolutionary new methods of acquiring global information about our environment. The space satellite, although still in its embryonic state, offers a potential for acquiring environmental information over the entire globe in a manner hitherto unimaginable. However, satellites are extremely costly, and their cost will require that a system be devised for multiple uses. A satellite observational system for environmental purposes will have to serve navigational and geodetic functions, make observations of the weather, probe the oceans, and sound the ionosphere.

Any observational platform should be put to multiple uses if it is expensive to build and operate. I am thinking not only of space satellites, but also of ships and aircraft. We can no longer ignore the necessity of using expensive platforms to collect data for many geophysical purposes. The concept of an oceanographic survey without a simultaneous atmospheric survey must be abandoned by force of economics alone.

The same argument applies if we speak of communications or data processing. The present worldwide communications system required for the rapid collection and dissemination of meteorological data is one of the largest and most complex man has devised. We will not be able to afford several such systems for the communication of environmental data. And the analysis and processing of these data, which frequently involve common procedures, will require greater common use of computers.

There is another critical area in which the environmental sciences must act in common. I am speaking now of the need for a general, unified warning system for natural environmental hazards. Earlier, I mentioned the sensitivity of our highly developed society to the cataclysmic wrenchings of nature. A catastrophe like the Alaskan earthquake provides an ample demonstration. When power is lost, fuel unavailable, water supplies contaminated, and waste disposal systems inactivated, our modern society is prostrate.

Hurricanes, tornadoes, tidal waves, and earthquakes have increasingly become an Achilles' heel of our modern industrial society, and nature's arrows occur with such frequency and are distributed over so wide an area that the need for an extensive warning system is evident. But we cannot afford to develop and operate several such systems.

The concerns I have been talking about—the high cost of science and technology and the problems raised by Dr. Berkner in his 1958 lecture—stem, as I indicated earlier, from the dispersal of the scientific and technological activities of the Federal Government among a number of different departments and agencies. In the geophysical sciences this dispersal is more extensive than many of you may appreciate. Some 25 agencies of the Federal Government are active in water resources research; some 15, in oceanography; and some 13, in the atmospheric sciences. When the Federal Council for Science and Technology was established, it saw that it must bring these agencies closer together, and it established an Interdepartmental Committee for Atmospheric Sciences, an Interagency Committee on Oceanography, and a Committee on Water Resources Research. These committees permit their member agencies to talk to each other, to cooperate, to coordinate their activities, and to eliminate duplicative effort. These committees work very well on the whole, particularly if we bear in mind the number of agencies each embraces. But they are not the only instruments for bringing about agreement among the Federal agencies in the areas which they cover.

And so the Federal Government has begun to develop and experiment with new organizational forms. Last November, for example, in my own field, the Bureau of the Budget—and I would remind you that the Bureau of the Budget is an arm of the Executive Office of the President—issued a circular governing the manner in which all Federal meteorological services and supporting research would be planned and coordinated. The circular provided that a single agency—in this case the Department of Commerce—should develop a comprehensive Federal plan for these activities and be responsible for their coordination. It also provided that the Department of Commerce should furnish all basic meteorological services and supporting research, which are to be available to all agencies that need them, and should furnish specialized services to other agencies where it is economically feasible to do so. Where specialized services are concerned, the user agency would, of course, specify its requirements and would make the necessary funds available. What the circular attempts to do, in a sense, is to establish the Department of Commerce as a sort of meteorological services supermarket for all Federal agencies. The full effect of the circular has yet to be felt, and it is certainly too soon to evaluate its efficacy. But it is my hope—and I have been designated the Federal Meteorological Coordinator under the circular—that it will secure the advantages of greater unity in the providing of meteorological services and supporting research, sounder planning, and management and savings in costs, while retaining the dynamism of user agencies with urgent and practical stakes in meteorology.

The problem of devising organizational forms that will permit both the proper pursuit of knowledge and the efficient provision of services is a real one at any level of government. With the Department of Commerce there are now three large, semiautonomous agencies engaged in the conduct of research and the provision of services related to the environment. We should not engage in organizational exercises for their own sake, but we must find out what are the penalties and rewards of closer integration of the activities of those agencies. And so we are now taking steps to enter into joint programs in certain areas. The Weather Bureau and the Coast and Geodetic Survey are developing a joint laboratory to study air-sea interaction problems, to bring the expertise of both the meteorologist and the oceanographer to bear on the problems of the ocean-atmosphere interface. And the Weather Bureau and the Central Radio Propagation Laboratory are establishing a joint group at Boulder, Colo., to work on problems of space weather forecasting. These are purely intradepartmental ventures. They are hesitant but hopeful steps. However, they are probably insufficient for the resolution of the dilemma that we in the United States face: How may we organize the environmental, scientific, and technological activities of the Federal Government so that we may have the benefits of integration—sound planning and management of programs, the best use of the science and technology dollar, an awareness of significant long-range problems, and an understanding of the relative value of the entire range of environmental scientific and technological activities—without hampering the ability of an agency to perform its primary missions and without sacrificing the ability to concentrate on immediate crucial problems that dispersal gives us?

This is a critical matter, and one which deserves widespread debate and open discussion. The time is now when we must confront and solve this problem if we are to realize the magnificent opportunities that lie ahead to provide mankind with an understanding of his natural physical environment, with the methodology and technology for its conservation and management, and with the comprehensive warning apparatus required to protect him against nature's calamities.

REMARKS BY MAYOR ROBERT F. WAGNER AT "I AM AN AMERICAN DAY" CEREMONIES

Mr. HART. Mr. President, several days ago the mayor of New York, Hon. Robert F. Wagner, spoke at ceremonies to honor newly naturalized citizens and first voters. He noted especially the recent Supreme Court decision which holds "that no distinction can be made between naturalized and native-born American citizens with regard to their right to go abroad, whether they want to reside temporarily or permanently in the country of their birth."

At another point he said:

> We hear a great deal about rights these days, civil and otherwise. And we should. One of the major rights of citizenship is the right to participate in the principal decisions of government through the ballot box. That is a precious right. In fact, it is an important responsibility to exercise that right, even when it is personally inconvenient to do so. To vote is a duty to one's country, State, and city.

Hopefully, this is remembered by all of our citizens in this election year.

Mr. President, I ask unanimous consent that the address by Mayor Wagner be made a part of my remarks at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Mayor Robert F. Wagner at "I Am an American Day" Ceremonies

We are gathered here to celebrate "I Am an American Day," which was initiated 25 years ago by the city of New York in cooperation with the New York Journal-American.

We honor today hundreds of newly naturalized citizens and also first voters, and it is inspiring to see this demonstration of thousands of Americans reaffirming their faith in our country.

The founders of this Republic planned a government of the people, by the people, and for the people * * * built on the solid rock of freedom and justice for all. This plan has never been altered. We can look around us at many other nations where, under totalitarian rule, violent upheaval constantly threatens. With all our problems, ours is the most stable government in the world today.

We proudly welcome all those gathered here who have sought and obtained the privileges of citizenship and full membership in our free and democratic society, with all the rights and responsibilities that go with such citizenship.

We hear a great deal about rights these days, civil and otherwise. And we should. One of the major rights of citizenship is the right to participate in the principal decisions of government through the ballot box. That is a precious right. In fact, it is an important responsibility to exercise that right, even when it is personally inconvenient to do so. To vote is a duty to one's country, State, and city.

Today in some parts of our own country a struggle is necessary in order to secure for all citizens equally the right to vote. Here in New York City our constant effort is to induce each American citizen to exercise his right to vote, and to come to the polls on election day.

Many if not most Americans take their citizenship for granted. I hope that none of you do. Last Monday the Supreme Court of the United States handed down an historic decision, holding that no distinction can be made between naturalized and native born American citizens with regard to their right to go abroad—whether they want to reside temporarily or permanently in the country of their birth. In my judgment, this decision ranks in importance with the historic Supreme Court decision on the segregation of schools.

I have been urging for a long time that the McCarran-Walter Act should be amended to remove this distinction which gave the stigma of second-class citizenship to our naturalized citizens.

Now the Supreme Court has acted and rendered legislative action unnecessary. This was a great decision. We may well include the celebration of this decision on the occasion of "I Am an American Day."

A moment ago I spoke of the responsibility as well as the right to vote. New citizens and first voters assume other responsibilities, too.

Perhaps the most important of all of these is a share in the burden of the national responsibility to help insure peace, freedom and justice throughout the world. Today America is the leader of the free world. Our country is the sword and shield of the cause of freedom everywhere. Each citizen assumes a proportionate share of the responsibility for the cost and consequences of this role.

The decisions made by our country affect the course of events in every country, in every continent, in every corner of the globe. Your vote and your voice provide the basis of these fateful decisions.

You bear a responsibility not only to your country but also to your city, to your community, and to your neighbors. In a city like New York you are responsible to accommodate your neighbors and they, to you. Each of you must be concerned for your neighbors' personal safety, security, and welfare, whoever they are—and vice versa. Each New Yorker must regard himself as his brother's keeper, and his neighbor's keeper.

You must regard each fellow New Yorker as your neighbor, and each neighbor as your brother. These are my most meaningful words to you on this "I Am an American Day."

Now let me congratulate all of you on your new privileges and responsibilities as citizens and new voters. You now have a share in the heritage of the greatest country in the world. So I say to you: Face the future with faith and confidence in yourselves and in this country of yours and mine. Hold your flag aloft with pride; and may God bless you, and may God bless America.

THE AGREEMENT WITH RUMANIA AND U.S. RELATIONS WITH EASTERN EUROPE

Mr. HART. Mr. President, the United States would be remiss in its duties to the goals of better conditions in Eastern Europe, and its eventual liberation, if we did not prudently take advantage of the currently fluid situation in the Communist bloc.

It is the wise judgment of the present administration, just as it was of the Eisenhower and Kennedy administrations, that the best thing we can do for the peoples of Eastern Europe—short of a liberation war no thoughtful person desires—is to help ease the pressures within their societies by encouraging them to maintain their national identities and to develop their economic independence from the Soviet Union. The recent negotiations and agreement with Rumania follows this course. As the Detroit News said in a recent editorial, this was a "sensible cold war move."

Mr. President, I ask unanimous consent that this editorial from the Detroit News of June 3, 1964, be made a part of my remarks at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Detroit (Mich.) News, June 3, 1964]

United States-Rumania Trade Pact: Sensible Cold War Move

Another hole has been driven in the Iron Curtain by the Johnson administration's decision to increase trade with Rumania. And despite the predictable opposition from American elements who want to hew to the cold war line of a decade ago, the move is farsighted and sensible.

Rumania now has won permission to buy most commodities from us without need for export licenses for every item—licenses which have constituted an American form of curtain. Licenses also will be granted for purchase of industrial installations, such as equipment for oil refineries, steel mills, and the petrochemical industry.

Rumania's trade with out allies in West Europe currently is running at about half a billion dollars annually or 35 percent of the nation's total trade. We had the choice of sitting on our hands and bemoaning, for political reasons, the trading enterprise of other nations or getting off the fence and cutting ourselves in on a slice of burgeoning market.

Our current exports to Rumania add up to only 1 percent of that market and our purchases from Rumania even less. There's not a lot we want to buy from Rumania, which would help to balance payments, so we'll finance credits through our Export-Import Bank. It's not a bad risk. Rumania has built up one of the strongest foreign currency reserves among the captive nations.

The Rumanians don't want to buy the equipment the Soviet Union offers and, as a species of latter-day Titoists, they're telling Moscow so. The rift between Moscow and Peiping these days prevents Moscow from wielding the "or else" club Stalin used to brandish.

Rumania's leaders are being ideological opportunists. They are also unique among satellite nations in their industrial enterprise and economic growth rates. We can't expect liberalization from them, but independent nationalism, as with Tito, is a worthwhile alternative.

In daring during an election year to go after the political opportunity and the trade benefits, the administration is to be commended.

The trade agreement and the reciprocal elevation of legations to the status of embassies follows our decision to sign a consular pact with the Soviet Union. The end of the cold war is not in sight, but the ice is breaking up.

There has to be one word of caution. The Kennedy and Johnson administrations have been trying to sell Congress on the idea that communism is not a monolithic conspiracy, as obviously it is no longer, and at times the benefits to be gained by speeding the thaw have been overemphasized.

The danger in that is that flexibility can itself be rated as a new and infallible cold war weapon capable of breaking up Stalin's old empire. We'd be wise to stop playing that cute little political trick. The Reds aren't stupid and their leaders are not gullible.

If we trade for trade's sake, political advantages to ourselves and the captive nations may follow. To reverse the process and play politics with trade could have the opposite effect.

WYOMING LIVESTOCK GROWERS AND BEEF IMPORTS

Mr. SIMPSON. Mr. President, the Wyoming Stock Growers Association, meeting in annual convention at Torrington, June 4, was privileged to hear a remarkably salient and cogent address by the group's president, Mr. Joe Watt, of Moorcroft, Wyo.

Seldom have I heard the plight of the livestock man so ably elucidated or the cause of his dilemma so accurately pinpointed. Press treatment of Mr. Watt's address included news and editorial coverage in the June 4 and 5 issues of the Wyoming State Tribune. Editor James Flinchum opened an editorial on the talk with a remark in which I completely concur:

> It is our fond, but equally uncertain, hope that every thinking person in the State read the report of the excellent speech made yesterday to the Wyoming Stock Growers Association by its president, Joe Watt * * * what he said had a very important message for every person in the State of Wyoming.

Mr. President, the dilemma of the American livestock producer continues—in the face of political ploys which seem to hold out hope to him in the form of investigations. But, he needs no investigations; he needs relief from imports, as the speech by Mr. Watt makes so clear.

Mr. President, I request unanimous consent that the speech of Mr. Watt and the editorial by James Flinchum be printed in the body of the Congressional Record with my remarks.

There being no objection, the speech and editorial were ordered to be printed in the Record as follows:

Annual Message, 1964

(Address of Joe H. Watt, president, Wyoming Stock Growers Association, before annual convention at Torrington, Wyo., June 4, 1964)

I have served as your president for the past year, and it has been a most pleasant experience. I have found wherever I go, stockmen to be interested in our many problems and willing to give their support and money wherever needed. I have called on many individuals and committees for advice and help, and they have driven many miles to be on the job.

I note on the program that my talk is listed as the president's annual address. With your permission, I am going to change it to a report on the problems, and the way we have tried to solve them during the past year.

My first major problem was the selection of a new secretary. Bob Hanesworth, who had been our secretary for the past 13 years, advised me that he would like to continue as editor of Cow Country, but that he wished to retire as active secretary of the association. I appointed Lloyd Van DeBurg as chairman of a committee to select a new secretary. This committee called for applications, and 13 very fine men applied for the job.

Many of these men had their master's degrees from college and would have accepted the position as our secretary at a much lower salary than they were presently receiving. I can't help but be proud of our association when men of this caliber would consider the prestige of working for our association, compensation enough to account for the difference in wages. The Wyoming Stock Growers, after 92 years, still carries much respect by the people of Wyoming and it is our duty to maintain that respect.

As you all know, Dean Prosser was selected secretary. He is the son and grandson of old pioneer families. He has a fine education and he and his sons operate a ranch and feedlot. This qualifies Dean to thoroughly understand all our problems, and he has done an outstanding job as our secretary.

I would like to compliment our office personnel. The three girls are handling our association work, plus all the brand inspection work. Several years back there were four girls handling a much smaller program. To our office staff, a sincere thank you.

We are organizing the work so that it all might be handled through various committees. I have given a great deal of thought in the appointment of committeemen and I have tried to keep them informed of the problems that would come under their committee. It is my hope that at this convention, the committees will continue to be active and will either defend or kill any ideas brought up for their consideration.

I appointed a new committee membership and public relations. This committee has worked hard and has met at different times throughout the year. I am sure you will find in their report some new ideas as to membership dues, selection of committee members, and how we might make our association stronger and more democratic. Our membership for the past 5 years has shown a steady decline, but in the past 6 months, the trend has changed and we have gained 60 new members. I sincerely hope that you will back up the new membership committee's suggestions.

During the past year, Dean or I have tried to attend all local stock growers meetings, bull sales, or any meeting where a group of stockmen might be interested in visiting with us. We have tried to bring their ideas back and incorporate them for the future administration of the association. We feel that we might build our membership by making our organization a little more friendly and democratic, but without changing the overall policies that the Wyoming Stock Growers was built on.

We have organized our brand inspection along the same lines as our other committees. Our seven supervisors in the various areas of the State are the boss of the brand inspectors under them. In most cases they have the right to hire and fire, and to change methods of brand inspection if they see fit. When the supervisors have a problem that they wish advice on, they go to the chief brand inspector, Dean Prosser. If Dean wishes to, he may carry the problem up to the president. We have found very few problems get beyond the supervisors for answers.

This method has given the responsibility to the men in the field, and that is where it belongs.

The brand and theft committee has been kept well posted of all problems concerning brand inspection. They have given good advice, and we have felt our inspection has worked reasonably smooth and efficiently. I will not try to tell you our inspection is perfect. In some areas it is hard to find the proper men, but as a whole, it has been satisfactory. We would like to put a man on in the fall for at least a couple of months to spot check our inspection. We would like to be the first to know how good a grade of inspection we have, and if there are inspectors who should be helped or replaced. Our inspectors are a real fine type of men and are doing a good job. Given a little more time, we will have the best inspection possible.

As you ranchers probably know, the State of Wyoming set up a fund of $100,000 to help start the brand program in 1961. This $100,000 was to be repaid in 5 years time. There was to be a 6-mill levy set up for brand inspection until such time as this money was repaid to the State. After the money has been repaid, we will certify to the State board of equalization the amount of deficit for the previous year as determined by said statement of revenues and expenses. We would like to amend the law by adding just a few words at this point: "And to maintain a reserve balance of approximately $100,000." We desire this amendment so as to provide the brand fund with money to operate on from the time we budget in June until the new taxes are collected. I am pleased to tell you that we have just paid the State the final payment of $50,000, and have a balance left over of $99,000. We are going to ask the legislature to permit us to maintain the reserve we now have.

I wish that I might continue to tell you that everything is rosy, but I'm afraid this is a part of our problems that is very serious.

I think the time has come when you had better punch some new holes in your belt and be prepared to cinch it tight, because conditions are not good, and it is my opinion they may get even rougher.

As of January 1, 1964, we had an inventory of beef cattle of 78,834,000 head. Beef cattle shows an increase of 3¾ million head, or 5 percent over 1962. Dairy cattle have decreased about a million head from 1962. There are 27,654,000 head of dairy cattle. The total of beef and dairy cattle is 106,488,000 head. This is an alltime high number of cattle in the United States. This alltime high cattle number that we have is made up of above average number of cows. In other words, our inventory of cattle is still going to increase. In 1963, as the market began to break, feeders began to hang on to their cattle hoping for a better price, and thereby increasing the tonnage of beef. There is no question that these conditions did create a soft market, but when foreign countries were allowed to export into our country a quantity of beef equal to 11 percent of this alltime high tonnage of beef that we produced, it was bound to break the market severely. Now, many people in our Government and even some of our producers, such as past president of the American National Cattlemen's Association, Jay Taylor, of Texas, say these imports have hurt us but very little. Some say that we need this 11 percent of lean, boned beef, as our markets were not receiving enough of the cow and bull meat to meet this special demand. I maintain that these imports broke our cow and bull market so severely that this type of cattle was held back on the range, and will further increase our inventory of cattle. I do not believe a man has to be an economist to know that 11 percent of any commodity will affect its price. Cattlemen everywhere feel that we are being sold down the river, and have asked that our National Congress set realistic quotas whereby we might have some protection against these excessive imports.

Your secretary has testified in Washington at two hearings on imports.

His testimony showed the importance of the cattle industry to our State, and Nation. He advised the congressional committee that we did not feel the voluntary quotas set by the State Department were fair to our industry, and that we were going to suffer severe losses unless given further protection. He asked that realistic quotas be set on the average of imports of the years 1959–63, and that there be no growth factor until such time as beef shall reach parity price. He also testified while in Washington against any cuts in our present tariff on beef. The American National Cattlemen's Association has had men in Washington on a full-time basis trying to persuade the Government to give our industry some protection. The Hruska amendment to the farm bill which would have given us the needed proctection, was lost by two votes. The two Montana Senators voted against this amendment. Immediately following the killing of this amendment, they came out with bills and statements that the stockmen needed help badly.

Why did they kill this amendment that would have given us protection when they had the opportunity to help us? The fact of the matter is that the powers in Washington could give us this protection at any time they wished to do so. It is my opinion that the majority in Washington are free traders, and that we will get no help.

The Farmers Union has suggested that the Government initiate an incentive payment program of $3 per hundred pounds on sales on cattle at lightweight. This is a scheme to get us to take subsidies. The Government could then step in and set up controls. This is not the kind of help we want, nor will we accept it. The thing we have got to realize is that we are going to have some lean years. We will have to continue our fight for protection against the ruinous high imports; cut our cattle inventory, and voluntarily sell our cattle at lighter weights. By using this method we may maintain our freedom, and in the long run, a much healthier industry.

During the past year, Secretary of Agriculture Orville Freeman endorsed H.R. 7154, which is a bill to permit grazing of the soil bank acres. He made a statement that we would not be able to produce enough feeder cattle by 1970 to feed our population. One cannot help but wonder just what they are thinking. Might it be they would like to see us get into a position whereby we would ask to go on a subsidized program, with the Government controlling our business?

President Johnson sent a group to Europe recently to make a study to see if it was possible to sell more beef there. Last year we exported to Europe one-fifth of 1 percent of the beef and mutton produced in this country. This group reported to President Johnson, upon their return, that there is a shortage of some kinds of beef in Europe, and that U.S. exporters with aggressive salesmenship, had an excellent chance of capturing some of the market. They asked that our Government use whatever resources it has available to help the trade to establish contacts, provide interpreters, dig up better information of the European meat business, pave the way for foreign buyers coming here, etc. The President assured them of full cooperation. The Committee stressed that actual selling is not a job for the Government to do, but should be handled through the U.S. trade channels.

I am sure you have all read about the proposed investigation of chainstores' profit in beef. I have no quarrel with the investigation as such. If there are abuses, they should be exposed and corrected, but I feel that chainstores are doing a good job of promoting and marketing our beef. They handle about 85 percent of our retail sales. Our consumption of beef has gone up from 60 pounds in the 1940's to 95 pounds in 1963. I think this has been accomplished by the chainstores' modern methods of merchandising, and the advertising they do to sell beef. Some have charged the chainstores with controlling the markets by feeding their own cattle or having them fed.

The information I have states that in 1961, all the chainstores together fed around 39,000 head of cattle, which is two-tenths of 1 percent of the commercial slaughter of that year. I think we should establish the facts before we criticize them unduly.

Even though the price of cattle is a most serious problem, I think a more serious problem is the future use of our public lands. We have attended various meetings on the use of our public lands. We have endorsed the Aspinall bill No. 8070 and its companion bills. These bills would appoint a committee composed of an equal number of Senators, Representatives, and users, to make a study of the legislation pertaining to lands and to land use. I think one of our most important jobs is to get a committee appointed that will make a fair study. If this is done, I am sure that it will be to our advantage. We have maintained that no legislation should be passed on public lands until this study has been completed. The Wyoming Stock Growers Association has always stood for multiple use of its public lands.

The American National Cattlemen's Association asked that the affiliated States raise a fund of $50,000 to help bear the expense of fighting the large imports of beef, and other problems of the cattlemen. This $50,000 was broken down into quotas for each State, based on the number of cattle they have. I do not know the exact sum that has been raised in Wyoming, but I know it was most generous, and I want to thank all of you who contributed so generously to this fund.

I hope this convention will come out in favor of three strong resolutions.

1. That we continue to ask for realistic quotas on importation of beef.

2. That there be no cuts made in the tariff on beef.

3. That we do not want a subsidized program of any kind, and that a copy of these resolutions be sent to President Johnson, Secretary of Agriculture Orville Freeman, and our congressional delegation.

It has certainly been a pleasure to work for and with the members of this association in the past year, who have never failed to contribute their time or money when it has been asked for.

The employees and officers have done the best they could to fight for what they thought best for our industry. It is for you to decide if we have succeeded.

Thank you.

[From the Cheyenne (Wyo.) State Tribune, June 5, 1964]

THE SOLUTION IS AVAILABLE

It is our fond, but equally uncertain, hope that every thinking person in this State read the report of the excellent speech made yesterday to the Wyoming Stock Growers Association annual convention by its president, Joe Watt. Mr. Watt's address was billed as the association president's annual report to the membership of the stockgrowers, a 92-year-old organization. But what he said had a very important message for every person in the State of Wyoming, be he rancher, farmer, store clerk, or banker.

The cow, says Russell Thorp, made Wyoming and it is still this State's economic mainstay. Whatever happens to the livestock industry is bound to have a serious, far-reaching impact on the lives of all of our citizens.

As president of the stockgrowers association, the organization in our State that is most concerned with beef cattle, Mr. Watt then can be considered as the prime representative authority on the industry's ills and problems.

That it is sick now, all across the land, is an accepted fact; and what caused that economic plague seems pretty obvious to people like Joe Watt.

"As of January 1," he hold the stockgrowers yesterday, "we had an inventory of beef cattle of 78,834,000 head. Beef cattle show an increase of 3.75 million head or 5 percent over 1962. Dairy cattle have decreased about a million head from 1962. There are 27,654,000 head of dairy cattle. The total of beef and dairy cattle is 106,488,000 head.

"This is," said Mr. Watt, "an alltime high number of cattle in the United States. This alltime high cattle number that we have is made up of above-average number of cows. In other words, our inventory cattle is still going to increase.

"In 1963," he says, "as the market began to break, feeders began to hang onto their cattle hoping for a better price, and thereby increasing the tonnage of beef. There is no question that these conditions did create a soft market, but when foreign countries were allowed to export into our country a quantity of beef equal to 11 percent of this alltime high tonnage of beef that we produced, it was bound to break the market severely."

These two sentences, we believe, present the crux of the plight of the domestic livestock producer in the United States today.

As the market began to sag the stockmen hung onto their inventories hoping for better prices, a natural reaction and one that has occurred time and time again in the past. But the market did not get better; it got worse. Why? Because says Mr. Watt, foreign beef producers were allowed to export to the United States record quantities of beef to compete with record numbers of domestic cattle.

Watt notes that past president Jay Taylor of the American National Cattlemen's Association says imports have hurt domestic stockmen very little; that some persons say this country needed 11 percent of the lean boned beef; that the U.S. markets were not receiving enough of the cow and bull meat to meet this special demand—cow and bull meat that produces lean beef. But Watt throws in this clincher, and as far as we are concerned he has won the argument:

"I maintain that these imports broke our cow and bull market so severely that this type of cattle was held back on the range and will further increase our inventory of cattle. I do not believe a man has to be an economist to know that 11 percent of any commodity will affect its price. Cattlement everywhere feel that we are being sold down the river, and have asked Congress to set realistic quotas whereby we might have some protection against these excessive imports."

For all who might care to see and realize the truth of this situation, here is the problem of the beef industry, set forth in simple, understandable terms.

We do not need a Presidential commission to tell us what has happened to beef prices; it is plain that if the stockmen of this country can be permitted to sell off their cow and bull beef, get rid of it, get it off the ranges, and reduce the production volume somewhat, the Nation's stockmen can claw their own way out of this mess.

Imports compete with this particular kind of beef production thus forcing it to be retained on the ranges in this country and contributing to the present glut of animals.

Essentially the main burden of the problem is a simple one and requires a simple solution: Lop off the imports that directly compete with the cow and bull beef.

It is plain, however, that the Johnson administration does not intend to do this and will not do it. For its own good reasons, it has given the back of its hand to the livestock producers of the United States.

It ought to be voted out of office on that one point alone, if for no other.

FOUNDATION OF NORTH AMERICAN INDIAN CULTURE

Mr. BURDICK. Mr. President, for nearly a year I have marveled at the rapid development of a North Dakota-based organization having far-reaching significance.

The Foundation of North American Indian Culture, with international headquarters in Bismarck, N. Dak., was organized by a group of North Dakota citizens who felt that a nationally coordinated effort was vital to preserve and enhance the past and present Indian culture of the North American Continent.

In its brief history this foundation has had many notable accomplishments. A new spotlight is shining on the talents of Indian people, great promise is held out for new job opportunities for Indian people in marketing of their craft, and the public is beginning to be aware that Indians are people who possess great and proud heritages.

Hundreds of the most talented Indian people of Canada and the United States have been attracted to the foundation cause, and they have been joined by many, many other non-Indians, who, like their Indian friends, have recognized that such an organization was long overdue.

Now the Foundation of North American Indian Culture prepares for its second annual meeting, August 3–11, in Bismarck-Mandan, N. Dak., with a membership in half the States of this country, several Canadian provinces and Europe.

Now the Foundation of North American Indian Culture is preparing for another milestone in its short life—its second annual meeting and first annual North American Indian Exposition, August 3–11, in Bismarck-Mandan, N. Dak. The foundation goes into this period with a solid membership in half the States of this country, several Canadian provinces, and a number of foreign countries.

For its annual meeting the foundation is determined to get its program firmly established among all Indian-oriented groups as swiftly as possible. It has scheduled a set of three 3-day conferences from August 3–11.

The first, August 3–5, is an invitational conference to all United States and Canadian Indian tribes, Indian groups, and publications and other organizations concerned with Indian matters. The foundation is involving most of the top State agencies and private organizations in North Dakota as participating groups to make this conference as successful as possible.

The second meeting, August 6 to 8, is the first Indian youth conference ever held devoted strictly to Indian culture. The National Indian Youth Council, with headquarters in New Mexico, is coordinating plans for this conference.

Finally, the foundation will hold its own business sessions on August 9 to 11, concluding the course of action it will take in the year ahead to improve the image of the Indian and preserve the culture of our first Americans.

Coinciding with these three important foundation meetings will be a foundation-sponsored North American Indian Exposition. Many States and Provinces have already sent in their advance registration for the 9 busy days of Indian art and crafts exhibits, an Indian Olympics, a Miss North American Indian pageant, parades, and tryouts for a North American Indian Festival Company. Many other features—a rodeo, a horse show, a nightly historical pageant, massed choral and band concerts—also will be featured during this unusual spectator attraction.

We in North Dakota are proud of what this foundation has achieved in such a short time. We are doubly grateful because through its efforts the Foundation of North American Indian Culture has helped to establish an international image for the State of North Dakota as a State providing good will and hospitality to Indian people everywhere, a State which cares enough about a great culture to see that it is publicly recognized throughout the world, a State located in the center of North America and which is itself the Indian culture capital of the North American Continent.

The Honorable William L. Guy, Governor of North Dakota, is one of many North Dakotans who have many times recognized the great value which Indian culture offers to society. Keeping in mind the timely August days of the Foundation of North American Indian Culture, Governor Guy has issued an official proclamation calling for the period, August 3 to 11, to be known as North American Indian Week and August 5 as North American Indian Day.

Mr. President, I ask unanimous consent that Governor Guy's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION OF THE STATE OF NORTH DAKOTA

Whereas the native culture of the North American Continent is the culture of the North American Indian; and

Whereas the North American Indian has made notable contributions to the culture of the nations of this continent, in the fields of history, religion, government, music, dance, art, crafts, athletics and other areas which have distinguished the North American way of life; and

Whereas great emphasis is being made by many private groups and public agencies to perpetuate the great culture of our first Americans for the lasting benefit of both the Indian and non-Indian people; and

Whereas the Foundation of North American Indian Culture has established its international headquarters in the State of North Dakota and is holding a 9-day North American Indian Exposition in North Dakota, August 3–11: Now, therefore

I, William L. Guy, Governor of the State of North Dakota, do hereby proclaim the week of August 3–11, 1964, as North American Indian Week and August 5, 1964, as North American Indian Day and urge all citizens to accord appropriate recognition to the many varied accomplishments of the North American Indian during that period; and be it further proclaimed that the North American Indian Week and North American Indian Day shall be officially observed in proper ceremonies in Bismarck-Mandan, N. Dak.; and that the citizens of this State shall encourage friends, relatives, and associates from throughout the North American Continent to visit North Dakota during this period to pay tribute to the many talents and other accomplishments of North American Indians which will be exhibited during the North American Indian Exposition.

Given under my hand and the great seal of the State of North Dakota here in my office in the State Capitol at Bismarck, N. Dak., this 21st day of May 1964.

WILLIAM L. GUY,
Governor.

Attest:

BEN MEUR,
Secretary of State.

WASTE IN OVERSEA PROGRAMS

Mr. MORSE. Mr. President, the Hillsboro Argus, published in Hillsboro, Oreg., recently printed an interview with a local resident who had completed a 4-month medical mission in Ecuador. This man is Dr. W. A. Thierfelder, and he had some pertinent comments to make about American policies and aid efforts in Ecuador.

As do most Americans who travel abroad, Dr. Thierfelder found that this country gets the most results for its money not from foreign aid, but from the Peace Corps. He was also highly critical of the sheltered life lived at taxpayer expense by the large American aid mission in that country.

Mr. President, that example can be multiplied many times. One of the best ways to save hundreds of thousands of dollars of the taxpayers' money would be to cut back on the number of our wasted personnel in country after country in the foreign aid program and turn much of the administration of the program over to the private segment of our economy.

Dr. Thierfelder presents convincing evidence to sustain the position the Senator from Oregon has taken in opposition to the unconscionable waste that characterizes our foreign aid program.

I shall continue that fight when the foreign aid bill reaches the floor of the Senate this year.

I ask unanimous consent to have the article printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASTE, FAILURE FELT ABROAD IN U.S. OVERSEA PROGRAMS

(By Dick McKinney)

"Welcome home, Dr. T."

This was the sign that greeted Dr. W. A. Thierfelder and Pepita at their Fernhill Road residence in Forest Grove May 4 when the doctor returned from a 4-month medical mission in Ecuador.

Thierfelder left the United States early in January to relieve Dr. Waldo Stiles, who was running a native mission in Quito and helping to look after the 600 Americans in the country. Stiles, who currently is undertaking graduate work in California, had been in the country for 8 years. Thierfelder was relieved by E. E. Rippie, of Portland's Good Samaritan Hospital.

Pepita is an Ecuadoran dog given to the doctor by an American Army officer.

Looking tan and fit from his stay in the land of eternal spring, Thierfelder said the predominant feeling among Americans in Ecuador is that U.S. programs of assistance are featured by waste and are not accomplishing their purpose. Most effective program with limited funds is the Peace Corps, he said, in that Americans share the type life lived by the natives. One of the major problems is that Americans live high in Ecuador. Americans have plush quarters and are paid well, causing resentment among Ecuadorans.

"We can't buy friends," he said. Visiting American officials frequently get the wrong idea as to success of U.S. programs, the doctor said, because only token projects are started with U.S. funds. When U.S. officials visit Ecuador, members of the ruling military junta show them only these token projects. Money is not getting to the people and is not being used as it was intended, Thierfelder added.

Best way to help the Ecuadorans is to share knowledge and work with them. He cited highway building as an example where United States could initiate a new type of program. New program would consist of United States giving technological know-how and supervision and letting Ecuadorans participate more. "An unlimited dole" is not the answer, the doctor continued, as a "large percentage of it never gets to the masses."

Governmental instability and rule by military juntas undermines U.S. assistance programs, he said.

The people are so used to constant revolutions and turnovers in government that they actually don't care. With the exception of food, most items are quite expensive for Ecuadorans, and this leads to graft in high places, the doctor added.

Thierfelder pointed out wealthy Ecuadorans are afraid of two things—communism and the United States. The country is ripe for Communist infiltration due to poverty, and the wealthy fear the United States because they feel it might take over as in Hawaii and Puerto Rico.

Witnessing a Latin American demonstration, Thierfelder said they are not "conducted by kids." There is a great deal of shooting and "demonstrations are probably carried on and backed by Red influence." When the underprivileged get "sick and tired of the ruling junta," the subdued Communists come out, he said. These demonstrations usually result in a clash and then turn against the United States, according to the doctor.

The wealthy are being taxed more heavily at the present time, he said, but this is causing problems as benefits are not coming about and the results are not being seen.

There is a great deal of thievery in the country, according to Thierfelder. He said a person who sticks his arm out the window while driving might have his watch taken. "Stealing is just a way of life among the poor," the doctor said.

The poor native frequently has no shoes and they frequently are seen sleeping on the edge of roads. It is a common sight, he said, to see women carrying 200-pound sacks on their backs.

Legal protection as it is known in the United States does not exist in Ecuador, he commented. Terming it a "miserable situation," Thierfelder said officials can throw the book away. If a person murders someone he will be out of jail in at least 13 years, according to Thierfelder.

"Vast economic potential exists," he said, but economic uncertainty and instability caused by frequent overthrows of government hamper this and keep people out. He listed great banana plantations, good climate, vegetables, fruit, native art, timber, balsa wood, cattle and kapok as evidence of Ecuador's potential. "Land is quite high," he said, and pointed out 1 acre of land in Quito is worth between $10,000 and $20,000 and added land in business sections might be worth $100,000.

Turning to medicine, Thierfelder said the caliber of doctors in the country is low. One of the major roadblocks in the way to medical improvement is devastating customs, which hinder sending medical equipment. It is hard to get things in, even to help their own people, the doctor claimed.

There are about 40 clinics in Quito, which are swamped with people wanting treatment. Another medical problem is that there are a great many polio cases in which there is no treatment. Among those afflicted with the disease, it is common to see grotesque legs, and people scooting on their knees and hands like amphibians.

Rabid dogs are another major problem, and he said "there is a constant turnover of this." Grain-fed dogs are used to keep thieves away, according to the doctor. He said the Ecuadoran health department does not appear interested in rounding up these rabid dogs. Other health problems include parasites, tapeworm, amoebic dysentery, hepatitis, peptic ulcers and gall bladder disease. You have to watch everything you drink, he said, because of lack of maintenance of water system.

Despite the fact that 95 percent of the people are Catholic, Theirfelder termed Ecuadorians irreligious.

Education is on the upswing. In Quito almost all go to elementary schools, and Thierfelder added there are many parochial institutions. An attempt to teach English is being made in the school, but most people do not understand the language, he said. Ninety-nine percent of the people understand and speak only Spanish.

Ecuador is called the land of eternal spring. Visitors have quite an adjustment to make, Thierfelder said, due to the 9,500-foot altitude. He termed it like going from here to Mount Hood. During winter and summer the temperature is 71° despite proximity to the equator. The seasons are identical to Oregon's, the doctor added, with rain coming between November and March.

During his stay, Thierfelder dined with Gary Enschede of Hillsboro, who is with the Peace Corps. He also visited Lima, Peru, calling it the San Francisco of South America. His visit also included a trip on the Amazon River.

THE ILLEGAL WAR IN SOUTHEAST ASIA

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record certain letters I have received in support of my opposition to the unconstitutional and illegal war the United States is waging in southeast Asia, resulting in the unjustifiable killing of American boys.

I want to say again to the Secretary of State and Secretary McNamara and the President of the United States that the time has come to stop the illegal war being conducted by the United States. The time has come to place the entire issue before the United Nations, within the framework of international law, and in keeping with our signed treaty obligations. It is only in that way that the United States will return to keeping its treaty pledges made to the world.

I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Philadelphia, Pa., *May 31, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Hearty thanks for your stand concerning South Vietnam.

The people over there don't want any war. They are the ones who are doing most of the suffering unless, and God help us, we get into a general war.

Please keep on fighting, and power to you. You can go to sleep every night knowing that you have done your best and that the blood of any who suffer is not on your hands.

Respectfully yours,

Arthur J. Bertholf.

Princeton, N.J., *June 1, 1964.*

Senator Wayne Morse.

Dear Sir: I write to give you my wholehearted support on your efforts to repudiate the present Government policy in South Vietnam and to bring to an end American participation in that war. It would be a tragedy if this war were to be expanded or if the United States were to take a more direct part in the war effort.

It is my belief from what I have seen, heard, and read, that the South Vietnamese people don't really care who wins the war, so long as it ends soon.

Perhaps, sir, General de Gaulle's plan to neutralize that entire area would not be such an awful idea. At any rate, I do urge you to use your position and influence to persuade the Johnson administration to get out of this war before it becomes another Korea.

Yours truly,

Mrs. B. F. Bayman.

Sunland, Calif.,
May 31, 1964.

Senator Wayne Morse,
The Senate of the United States,
Washington, D.C.

Dear Senator Morse: My wife and I support your courageous position on ending the war in South Vietnam. Except for the handful of voices in the Senate the future from here would look pretty hopeless.

Isn't it possible to position a political solution around the conference table rather than this constant creeping escalation of war?

Sincerely,

George L. Clark,
Joyce C. Clark,
Registered Voters.

Croton-on-Hudson, N.Y.,
May 31, 1964.

Dear Senator Morse: I wish to congratulate you on your series of speeches on South Vietnam. They are both brave and true. They serve the highest national interest. They are the best example of patriotism exhibited in the Senate for some time. You are in the unique position, I feel certain, of having even those who disagree with you admire you, however secretly, because they know in their hearts that the facts are as you give them.

Congratulations again.

Sincerely,

Richard O. Boyer.

Wells River, Vt., *May 30, 1964.*

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Although I live in the small State of Vermont, across our country from your State, I am writing to tell you how much I appreciated what you said on TV and also later was quoted in the United Paper, our Papermakers' Union magazine. This was in reference to your stand on our policy in South Vietnam.

Last week I said goodby to my son with mixed emotions as he left on the first lap of his trip to South Vietnam. I was, of course, proud that his health and mentality had allowed him to be chosen as an instructor for the people in southeast Asia. I was afraid and anxious, as I lost my 17-year-old brother in Korea on July 6, 1953, just following the so-called armistice. I still feel the chill of that phone call, "We regret to inform you." If we only knew why they are going and they tell them it's very hazardous, yet we are not at war. That is what they told my brother, yet over 50,000 boys lost their lives. Was what we gained worth that, Mr. Morse?

Please pardon me for taking your time, but I was so pleased to hear you express yourself to the effect we should stay out of Vietnam. I wish to express my thanks as a parent. Will you please try to do anything you can to see that, if they must fight over there, they will be provided with the tools? My son studied communications systems and was told there were none like it where he was going as the ones there are all obsolete.

Thank you for your concern. May God give you the strength and courage to carry out your good work.

I read at one time that a committee of Senators and Representatives would go for a firsthand look at the situation so as to report back to us at home, and now see that the trip has been canceled.

Thank you kindly for your time.

Sincerely,

Henry L. Powers.

New York City, *May 31, 1964.*

Senator Morse,
Washington, D.C.

Dear Sir: I support your stand on the South Vietnam situation. This is a matter for the United Nations to decide. It can affect the lives of people all over the world.

Thank you for your stand on this grave matter.

Dora Jacobson.

Boston, Mass., *May 31, 1964.*

Dear Senator Morse: I am very much concerned about the threats of certain administration spokesmen to extend the war in Vietnam. Such a policy would be immoral, aggressive, and probably disastrous.

I know you have been fighting the good fight and I hope you will keep it up.

Congratulations. Millions of Americans are with you.

Sincerely,

John K. Jacobs.

Great Neck, N.Y., *June 4, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your criticism of our policy—dare I say, our aggression?—in South Vietnam. It is, of course, consistent with the independent leadership which you have shown on many occasions. I am glad, too, that you protested against Secretary Rusk's implication that those who disagree with the administration are quitters or traitors.

This war we are carrying on, and threatening to extend, is so brutal, so unjust, and so fraught with danger to the whole world, that for one who loves America and its great tradition it is hard not to weep, not to sink into helpless despair. Once we inspired lovers of liberty throughout the world; where do we stand today? Fortunately, some, like you, speak up for freedom of speech here and for decency and commonsense in our foreign policy.

I don't know what impressions you formed of college students in your teaching days; but, teaching American history in an eastern university today, I have an uneasy feeling that the young people, in general, have grown up in complacency, apathy, and ignorance. And yet, a few seem uneasy; in spite of all the pressures to keep them from thinking and feeling, they question, they wonder whether burning children with napalm in southeast Asia is really the solution to our problems in a complex world. You, and a few other Senators, may help to lead them.

Please continue your efforts toward a more constructive policy in Asia and throughout the world.

Sincerely yours,

JEAN CHRISTIE.

I should greatly appreciate receiving the full texts of some of your speeches on our foreign policy.

YONKERS, N.Y., *June 6, 1964.*

Senator WAYNE MORSE.

DEAR SENATOR: I agree with you in your policy that the United States should follow in southeast Asia. Why should our boys die for a cause that none of us really understand? What is the U.N. really supposed to function for?

We need more Senators like WAYNE MORSE.

LILLIAN SULLIVAN.

NEW YORK, *June 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We want you to know that we give our wholehearted support to the position you have taken regarding U.S. policies in Vietnam.

Best wishes to you.

Respectfully,

FLORENCE NAGEL.
ETHEL NAGEL.
CARRIE NAGEL.

MIDLOTHIAN, MD., *June 8, 1964.*

Senator WAYNE MORSE of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you to tell you the United States should not send troops, bombers, and napalm to South Vietnam to cinderate those helpless victims. The United States hasn't declared war on those people.

And they are and helping South Vietnam murder their own citizens, the most brutal thing. If those in Washington, D.C., that is advocating that war believed there is a God, and knew God, they would keep out of the affairs of other countries.

Very respectfully and sincerely,

WILLIAM CECIL.

ARLINGTON, VA., *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I don't type so I can't send you copies of letters that I am writing now about the situation in South Vietnam. So here is a personal one—keep it up. We value you efforts to stop our deadly intervention on a military basis in this dangerous situation.

Sincerely,

THELMA C. DUVINAGE.

NEW YORK UNIVERSITY,
New York, N.Y., June 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to inform you of my support for your position that we should cease our support for the undemocratic regime in South Vietnam. We should strive for the involvement of the United Nations in this area, with the goal of freeing this region from the sorrows of being caught in an East-West struggle.

You are fighting a worthy battle, so keep up your all too lonely effort.

Sincerely yours,

MARTIN POPE,
Associate Professor.

HOLLENBERG, KANS., *June 14, 1964.*

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: I have been reading of your speeches in Congress against the war in Vietnam. Congratulations to you, as you seem to be the only Member of our Congress who knows of any wrong in any war waged by the United States.

I hope you will make every effort to avert a third world war and to keep peace in the world.

What is wrong with our country that everyone is so eager to go to war and that one cannot express an honest opinion or thought without risking being called Communist?

You seem to be the only Member of Congress left who is not spending his time and the public tax money trying to brew up more war.

Please stay with your convictions and try to steer the Nation in a path of sanity in these insane times.

Sincerely and respectfully,

ADELAIDE FREEMAN STAPAULES.

AMITYVILLE, N.Y., *June 6, 1964.*

DEAR SENATOR MORSE: Please accept my warmest congratulations on the splendid job you are doing by being one of the very few Members of the Congress to tell the truth about Vietnam. A much longer letter is called for, but I've been putting this off long enough.

Your speeches do not get much publicity, as I'm sure you know. Do something about this. It's so important.

My very best wishes.

Keep it up.

HUGH AITKEN.

HANOVER, N.H.

DEAR SENATOR MORSE: I believe you are the only honest man in our Senate. Congratulations on your appearance recently on TV and your stirring remarks on Vietnam.

Sincerely,

MRS. ANNE S. FREY.

STAMFORD, CONN.

DEAR MR. MORSE: Many thanks for your lucid, commonsense statements concerning the foreign policy of the United States. Of course, you are a voice crying in the wilderness, but felt I had to at least give my hearty endorsement to your views.

PAULINE T. BELLOW.

LANCASTER, CALIF.

Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your precautions against rash deep end action in southeast Asia (re television and newspaper quotations) may be causing an unpopular rub, but the logic rings up to me. Keep hammering. It's always easier to get into something than to get out, and we had better be sure of what we're about. Looks like a sinkhole.

Our country is strong enough to withstand any prestige reverse—if we set our own course.

GEORGE DUNNING.

BLOOMFIELD, N.J., *June 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I saw you last week on the TV program "Face the Nation." You were great. Until that day I did not know that there existed in our Congress any man with sufficient courage of his convictions to stand up and fight against the stupidity which our country calls its foreign policy in Vietnam.

I am pleased that you called Adlai Stevenson on his foolish repetition of State Department dribble. It is indeed unfortunate that this once great statesman has sunken to such a depth that he voices outright lies to the rest of the world and that the world recognizes as lies.

Keep up the fight. My wife suggests that you take good care of yourself so that you will be able to continue fighting and shedding light in these areas that our State Department prefers to keep in darkness.

Yours truly,

JULIAN PODELL.

SILVER SPRING, MD., *June 7, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to express my support for your efforts to change the Government's dangerous policy in South Vietnam. I admire your courage and insight in pressing this important issue.

It would be much appreciated if you would have sent to me a half a dozen copies of the reprints of one of your Senate statements on this subject.

Sincerely yours,

JACK FRYE.

BURKE, S. DAK., *June 7, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I should have written to you sooner, to the effect that I support you in your stand on the war in South Vietnam. Senator, you are absolutely right, as all of South Vietnam is not worth the life of an American. I think you don't go far enough, as I think the war cripples are worse than dead. The dead can be buried and the boy's mother becomes a hero and is called a "Gold Star Mother." But the disabled and crippled come back and become a regular pest (nuisance). They might even come to Washington to petition in boots the Government to pay an obligation assumed. Then you have to drive them out of Washington by the use of the Army. The brave officer in charge of such troops has to be made into a seven-star general, who afterward thinks he is God and above the President who is elected, not only that; when the brave officer dies the Members of Congress talk about the general in the CONGRESSIONAL RECORD more than about God.

I hope you can read my writing, as I have to write it in bed, as I am bedridden and can only write sitting up in bed. But I pray that you will continue to have the courage to keep on fighting for the American people. Keep up the good fight. I read the CONGRESSIONAL RECORD, as I subscribe for it by the month and I read all of your talks. Your talks in the RECORD buoy me up. Keep on with your good work.

I remain,

Yours truly,

EDWARD PROCHAL.

FREEPORT, MAINE, *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Again congratulations on your magnificent courage, wisdom, and patriotism in continuing to oppose the war in South Vietnam. In my own small way I am doing the same here in my weekly newspaper column that appears in several Maine newspapers. I would very much like to have copies of your recent speeches on this subject, particularly the long speech outlining our dangerous situation in southeast Asia and your most recent speech, deploring Adlai Stevenson's speech on southeast Asia before the United Nations.

Sincerely,

DAVID L. GRAHAM.

OAKLAND, CALIF., *June 5, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I wish to commend you for your position concerning American policy in Vietnam. I request that you send me some of your recent speeches, so that I may forward them to Mr. Pierre Salinger, for his instruction and edification.

Yours truly,

MRS. JUNE L. BRUMER.

JAMAICA, N.Y., *June 6, 1964.*

DEAR SIR: I was very pleased to read about your most recent statements concerning U.S. (McNamara's) war in southeast Asia. I am very disturbed by the developments there and admire your courage in presenting a not yet popular position.

Would you please send me as soon as possible your statements and other material that your office may have available.

Thank you for making the speech and for any assistance you can give me.

Sincerely yours,

MISS LEE DLUGIN.

DEAR SENATOR WAYNE MORSE: I have heard it said that you have amassed much evidence against our position in Vietnam. I was wondering if I could get the edition of the CONGRESSIONAL RECORD or editions where this evidence is amassed. I'm with you all the way.

Sincerely yours,

RICHARD DENGROVE.

P.S.—My address is 541 North Edgemere Drive, West Allenhurst, N.J.

EAST CALAIS, VT., *June 9, 1954.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to thank you for your statement regarding the senselessness of our position in Vietnam and the necessity for our withdrawing from that area.

It is horrible to contemplate the fact that we are not only sacrificing American lives there, but that we are directly and indirectly responsible for the killing and maiming of innocent civilians whose only crime is that they happen to live in Vietnam.

And worst of all, we face the possibility that if we continue in this morass of guerrilla warfare, political maneuvering, government corruption, etc., we can look forward only to the escalation of this into total warfare, involving the use of nuclear weapons, as advocated by that great humanitarian, the Senator from Arizona.

I trust you will continue to press your efforts for our withdrawal from that part of southeast Asia, and I wish to thank you for your statesmanlike approach to a matter which has been so befogged and misrepresented by our military and State Departments that the public is at a loss to know what is really going on, much less have any idea of what we ought to be doing.

Most sincerely,

HOWARD BLOOM.

SARATOGA, CALIF., *June 10, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: No one has ever had any doubt about your courage, though many have often doubted your proper combination of wisdom and discretion. In the current Far Eastern situation, I for one believe wholeheartedly that you are combining courage, wisdom, and discretion, and I should like to express my appreciation and encouragement to you.

Cordially yours,

HARRY MARGOLIS.

NEW YORK UNIVERSITY,
New York, N.Y., June 11, 1964.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: The recent talk of possibly extending the war in Vietnam has prompted me to write. At best such an extension would mean a localized war and arouse the antagonism and hatred which the newly freed countries feel against foreign interference. At worst, it could mean that the grave risk of escalation into nuclear war would ultimately occur.

It would be a mark of weakness and not of courage for us to persist in supporting the corrupt and inept South Vietnamese regimes. Successive coups have shown them to be extremely unpopular. Our hope lies in having the wisdom to pursue unthinkable thoughts by recognizing the practical necessity of President de Gaulle's call for neutralization. We must also heed the voice of the growing number of American leaders such as Senators GRUENING and MORSE, who have received increasing support for their call for settlement of the Vietnamese war.

I urge that you join these Senators in their attempts to develop an American policy which will restore peace.

Respectfully yours,

EDWIN S. CAMPBELL,
Associated Professor, Chemistry.

DENVILLE, N.J., *June 11, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: This is to express my hearty approval of your campaign against our involvement in Vietnam and Laos.

Aside from the moral aspects of this situation, I am concerned about its effect on the coming election. With the nomination of Mr. GOLDWATER practically a certainty now, it would seem that President Johnson can be put in a bad light by Mr. GOLDWATER in respect to these regrettable involvements.

What can I, as a private person, do to convince our Government that I believe the Vietnam affair is wrong and should be ended? Although I am an active Democrat and have been for many years, I am at a loss as to what can be done. I can only hope that there are many more who feel the way I do.

I have long admired your clear thinking and forthright action. Thank you for expressing the sentiments of a minority.

Sincerely yours,

MRS. ELIZABETH B. CANNARA.

CLEVELAND, OHIO, *June 12, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Just heard your Vietnam statement on TV. We heartily agree. History will gratefully record that at least one American Senator was sane enough to see the truth and brave enough to speak it.

ARLENE N. and H. J. BARR.

NEW KENSINGTON, PA., *June 12, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

Keep it up. The President seems to have lost control of the military.

R. D. CAMPBELL.

MADISON, WIS., *April 10, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D. C.:

DEAR SENATOR: I am grateful for men like you and our Senator NELSON for speaking out against our dangerous war in Vietnam. You are absolutely right in saying that such a conflict can only be resolved in the United Nations, and this must be done before we invite destruction on the entire world.

It seems to me that President Johnson is right in much of what he says. Racial equality and the elimination of poverty are our very important problems. But if he thinks that we have to fight in Vietnam to convince the Asians that we believe in peace and freedom, he's dead wrong.

Good health and good luck to you.

Yours truly,

HARRY LUDWIG.

DEAR SENATOR: Keep up your good fight on South Vietnam. We need more like you. It's a miracle anyone knows due to the virtual news blackout. Supporting you all the way.

Sincerely,

WM. R. CLARK AND FAMILY.

NEW YORK, N.Y., *June 5, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my appreciation for your courageous position on the U.S. participation in the war in South Vietnam. I hope that your arguments and facts which you bring before the U.S. Senate will lead our Government toward a policy of peace and nonintervention.

Sincerely yours,

JOHN DUFFY.

CHICAGO, ILL.

DEAR SENATOR MORSE: I am glad to see that you are taking an active stance against the useless war in South Vietnam. You have 100 percent of my support. You would make a great president. Please send me the latest CONGRESSIONAL RECORD concerning South Vietnam and other aspects of our foreign policy.

Yours truly,

GARY PODOLNER.

BERKELEY, *June 9, 1964.*

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently I heard a rebroadcast of Senator MORSE's speeches in the Senate which I believe were in response to your request for additional funds to pay for a stepped up or extension of the war in Vietnam. I am in agreement with the Senator. War of any kind is a horrendous crime. No real good can come of war. War hardly ever settles anything and cannot in my estimation settle the Asian troubles. These burnings and killings will gain us a million enemies to one dictator friend. To pour more of our hard earned money into this unjust war and bottomless pit will lead only to disaster, nuclear disaster. It is strategically and tactically not feasible to carry on a successful war on a continent 10,000 miles away over an ocean. The United States will eventually have to get out. I beg you to get out now while all we have to lose is face. The longer you stay in there, the less support you will have and the chances of you and me and the whole of the United States losing everything will grow.

This is offered by a veteran of two world wars and a keen observer, from the sideline, of world happenings. Wishing you every success.

Your respectfully,

T. C. HUGHES.

(Copy to Senator MORSE.)

SANTA MONICA, CALIF., *May 18, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wrote you recently applauding your outspoken stand on Vietnam and in favor of neutralization of that unhappy country. In the light of this

I am appalled at the President's new request for even more funds to fight a hopeless war and one that cannot be justified. The Vietnamese people quite plainly do not want to fight this war and there is in truth no national interest for us at stake. It is at bottom a civil war in which we have no right to interfere.

I hope I therefore do not have to go into further details when I plead with you to oppose as adamantly as you can the granting of any further appropriations to fight this war.

I believe the original Geneva powers should be reconvened to negotiate an end to the war and neutralization of the country and I believe we ourselves should disengage ourselves as quickly as possible and pull our troops and materiel out as rapidly as feasible.

I am confident we can count on your steadfast opposition to any further appropriations.

Sincerely,

Miss Irmgard Lenel.

New York, N.Y.,
May 19, 1964.

Senator Wayne Morse,
The Senate of the United States,
Washington, D.C.

Dear Senator Morse: I'm appealing to you as the strong voice in the Senate to continue your fight for the end of the disaster of Vietnam. I'm sure there are many people who agree with you that this fight is senseless and from all that can be gathered hopeless too.

It is becoming increasingly clear that our presence in Vietnam is morally unjustified and practically impossible to win. I do not believe that communism in Asia can be contained by having American soldiers killed and American dollars wasted. Apparently the Vietnamese have little confidence in their own leaders and obviously are only reluctantly prosecuting a war that doesn't seem to make sense to them.

Please continue your good fight. If there is anything I as a simple citizen can do to achieve a change in our policy in this respect I would be very proud to work on what I believe to be the side of the angels.

Respectfully yours,

J. H. Lenauer.

Andover Newton Theological School,
Newton Centre, Mass., May 20, 1964.

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: I read again today of your opposition to U.S. involvement in South Vietnam. You are to be congratulated for your acumen and courage in opposing a politically, militarily, and morally untenable effort.

Enclosed is a letter concerning Vietnam which I sent to the President 2 months ago. Events in the last few weeks have only underscored its relevance.

What can be done to move the administration toward a policy of guaranteed neutralization for Vietnam?

Sincerely yours,

Norman K. Gottwald.

Newton Centre, Mass.,
March 20, 1964.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: In my first letter to you as President I want to stress the many actions you have taken and policies you have advocated with which I agree, such as: Advocacy of the civil rights bill, cutting of uranium production, closing unneeded defense facilities, encouragement of disarmament negotiations, war on poverty.

That positive context should be kept in mind as I now comment critically on our Vietnam policy. I assume that you do not wish to make significant changes in that policy during an election year. That is understandable but, I believe, mistaken and even foolhardy. To be blunt I cannot see that we are offering to the people of South Vietnam any very clearly superior alternative to communism. From what I have read, the South Vietnamese Government policy of forcing people into fortified hamlets, the use of police intimidation, and the burning of fields and killing of civilians have nearly or actually as damaging effects on the populace as life under communism would impose. Our present methods seem calculated only to increase the appeal of communism since status quo injustice always works to the advantage of the revolutionary.

It seems that moral and practical consideration alike argue that a serious effort at guaranteed neutralization is the only way to settle matters in Vietnam. We are more likely to get a satisfactory settlement now than later when our hold has slipped still further. We should use our presence in Vietnam to negotiate a settlement as soon as possible, i.e., while our presence can bear some weight in the terms of settlement. In my judgment that means this year. After November may well be too late.

Although we don't like to admit it publicly, we have much to learn from the French experience in North Vietnam. De Gaulle should be heeded on this point. We do not have to admit anything publicly; we can get to work exploring all options to military conflict, both inside and outside of U.N. channels. It is abundantly clear that no military solution is possible short of involving us and China in a war that will only further harm the Vietnamese people. Once that is evident, it should be your obligation as our leader to work out a neutralization plan which can be sold to this country as an honorable and desirable alternative to more futile bloodshed.

Sincerely yours,

Norman K. Gottwald.

New York, N.Y., *May 18, 1964.*

Dear Senator Morse: This is to encourage you to continue your efforts to convince this administration of the futility of the Vietnamese war. Instead of increasing the scope of the military intervention an all-out international effort should be made for a negotiated settlement with guarantees from all interested nations. It is our duty as a powerful nation to see that this embattled and war-torn region become peaceful, not that it should continue to be ravaged and devastated for many more years.

Yours respectfully,

Agnes Berger.

Brooklyn, N.Y., *May 18, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I wish to express my unqualified support of your stand on the Vietnam crisis. Like you, I fail to see how our current policies in that area can further the cause of world peace or turn back the tide of totalitarianism. Moreover, I find it difficult to conceive of the American people's willingness to become embroiled in that useless conflict.

Respectfully,

George Kashdan.

Levittown, N.Y., *May 14, 1964.*

Dear Senator: May I extend my heartfelt thanks to you for your lucid and courageous stand on Vietnam.

You are performing a most heroic service for this country in these times of hatred and megadeath.

We who built this country, based on the rights of man in a revolution which fired the imagination of the world, have cause for alarm when this glorious land and flag have become hated and despised in differing areas of the world.

We have no moral or legal right to intervene in Southeast Asia. It is a genuine war of liberation, and the poor Vietnamese have suffered much these past 20 years.

Five hundred million a year to support a military dictatorship that wouldn't survive 5 minutes in a free election—yet we have no motivation or funds to aid our homeless, jobless, handicapped, or even the lifeblood of the Nation, our youth and their education.

Let there be all-out aid of our poverty-stricken, a crash program on education, Government sponsored research in health, and in general, a reorientation to wholesome non-cold war thinking.

With everlasting thanks and good wishes.

Dr. S. L. Winter.

Los Angeles, Calif., *May 14, 1964.*

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Hon. Sir: So many of us are with you in the urgent need to cease aid and intervention in the terrible struggle in South Vietnam.

How brutal can our good Christian country go on, teaching and abetting wholesale murder by napalm bombs (Washington Post, Mar. 29, 1964) on women and children.

Our aid must cease. We must stop now, not go on killing more of our own. Let the North and South Vietnam settle their own differences. Thank you for your stand.

Respectfully yours,

Ella G. Bruch.

Mount Ephraim, N.J., *May 17, 1964.*

Dear Sir: I been reading in the Courier-Post of Camden that at a banquet you was condemning the United States for sending troops to Vietnam.

Well, I am for it also, for I served 28 years in the Navy and Naval Reserve and love this country. But, I cannot see sending our troops to other countries.

Why is it the United Nations does not send troops?

You say you are against it. You are in Congress for the welfare of the people. Why don't you get up and protest it vigorously and put a bill up that we really are not to go to war unless Congress passes it?

While you are reading this, is you should put a investigations on our Secretary of War McNamara who is doing away with our bombers, Navy, and cut our arm forces down something terrible. I think he is a Communist.

And they better get on the ball and help the Cuban people that is trying to overthrow Castro.

This is where our troops should be fighting, not at Asia, for this is at our back door.

I hope you will protest all you said at the dinner.

Sincerely yours,

Edward Crosson.

Northport, N.Y., *May 17, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Mr. Morse: We heartily endorse your policy of resorting to peaceful procedures of international law in settling our dispute in South Vietnam.

We admire your ability to voice your opinion amidst so many adverse criticisms of your fellow Senators and Congressmen.

We have written to our Senators from New York, and also President Johnson, imploring them to give you their full support.

Hopefully,

Virginia E. Schattle,
Roland B. Schattle.

WASHINGTON, D.C., *May 17, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to ask your reaction to the current talk of increased U.S. support for a long war in Vietnam.

For myself, I am appalled. Whatever may ultimately be won by the attempt to defeat communism by killing off its adherents (which appears very much in doubt), our own tradition of respect for democratic and humane values is losing. I wish somebody in Congress would ask questions, not about American casualties or the use of obsolete equipment in the war, but about its ultimate purpose. What is the real character of "the entire anti-Communist edifice we have tried to build in southeast Asia" (New York Times, May 17) which we are told is at stake? If it represents the aspirations of the people who live there, why is it under constant threat of "internal revolt" (ibid.)? Why are thousands of Vietnamese, who certainly are not likely to have any great affection for China, willing to die for what our press is generally presenting as a form of Chinese imperialism? And whose interests are served by our present refusal to have any dealings with Communist China?

As a voteless Washingtonian, I cannot ask my Congressman to raise these questions. Your expressed opposition to U.S. military involvement in Vietnam leads me to hope, however, that you may be interested in a searching examination of U.S. aims in Asia, and I would be most interested in having your views, including the texts of any statements you may have made on the subject.

Thank you very much for your attention.

Sincerely yours,

PATRICIA PARKMAN.

LOS ANGELES, CALIF., *May 16, 1964.*

DEAR SENATOR MORSE: Congratulations and thank you for your heroic speeches on our South Vietnam policies. God spare you. Don't lose courage in your patriotic work.

I have asked the President to send you or Senator GRUENING or both to investigate the condition in both Vietnam and Vietcong and report to the people the true situation of these suffering people and our harsh interference in their affairs.

Love,

THEO BARON.

CAMBRIDGE, MASS., *May 16, 1964.*

DEAR SENATOR MORSE: I am so grateful to you for advocating an end to the war in South Vietnam. It seems to me not only touching that American boys should lose their lives in this senseless war, but touching also that American planes should be bombing undefended villages, killing the women and children and burning up the countryside and all for nobody knows what. Taxes are only a side issue when compared with the value of human life, but I do hate to think that any of my money is being spent in this horrible, senseless war. How much we could do in this country to help our own people.

Sincerely yours,

MARY HENDERSON.

NEW YORK CITY, *May 17, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The only honorable move in Vietnam is to get out, and now. We have no commitment, we have no right there, we do not belong. Let us be honest and honorable and get out.

Yours truly,

MAURY TUCKERMAN.

NEW YORK, N.Y., *May 17, 1964.*

WAYNE MORSE,
Senator From Oregon.

DEAR SENATOR MORSE: I consider myself a rational and thinking human being. But I have been as disturbed as you have by the dirty Mr. McNamara's private war in South Vietnam. I have literally been nauseated about our use of napalm bombs in the name of democracy on behalf of a military dictatorship. Now President Johnson announces his further pledges of more planes, more money, and more American lives for a fruitless contest where the majority of the people seem to be against the present Government. We'll lose, just as the French did.

Your voice has been the most exciting one for truth about this situation in Vietnam. You are talking about my viewpoint, my wife's and my neighbor's. Bless you and keep speaking for us.

Mr. and Mrs. RANDOLPH.

BROOKLYN, N.Y.,
May 17, 1964.

DEAR SENATOR: I am writing to let you know how deeply I appreciate your courageous speeches on Vietnam, which are doing a great service to the American people by injecting some honesty, straight thinking, and democratic humanity into the situation. The 130 American lives lost there are 130 too many. The millions of dollars we are spending are going into quicksand. As a veteran of the last World War, I am all for our country's defense, but it is not our defense which is at stake there; only the institution of a somewhat disguised colonialism, which all the people would be ashamed of if they knew the truth as you do.

Sincerely yours,

SIDNEY FIEBELSTEIN.

REDDING, CALIF.,
June 12, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Our whole family have long admired your courageous stands. Now we wish to let you know we think your stand on American policy in Asia is utterly courageous. Our beloved country is indeed acting the part of an outlaw there. Please know that there are those who are behind you.

Mrs. F. W. WENNER.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I listened to your comments on America's actions in Laos and southeast Asia on NBC TV news the other evening.

I could not resist the chance of congratulating you on your great statesmanship and courage.

It was like a golden ray of light on the bleak, dark skies brought about by those warmongers—press, big business, and the political phonies and patriots.

We are sticking our noses into every part of the world, giving modern weapons to savages, who are still using spears for war, causing thousands of innocent men, women, and children to be slaughtered and crippled in the false guise of democracy and freedom.

We are bombing and burning out thousands of people in the countrysides and farms in southeast Asia, so that we will be hated for many years to come.

Although I may be one of the few that write, I am sure you have expressed the feelings of millions of people here and abroad. Our churches, either not caring, or are afraid to speak up against the wholesale slaughter, then I say thank God we have one brave man in America, Senator MORSE, of Oregon.

Congratulations again, Senator.

TOLEDO, OHIO, *June 12, 1964.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your courageous evaluation of the Vietnam situation prompts the writer to commend you in your efforts to acquaint the citizenry of the United States with rational facts.

Yours truly,

M. H. CARTWRIGHT.

PEEKSKILL, N.Y., *June 15, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We enthusiastically support your stand on cessation of war in South Vietnam.

A GROUP OF MOTHERS.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hastily approve the fight you are waging against our Vietnam policy. Please continue to oppose the Pentagon brass.

Sincerely,

Mrs. E. SHEINBERG.

CHICAGO, ILL.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you on your stand in opposition to the administration policy on Vietnam. Please keep up the wonderful work.

SYLVIA KERSHNER.

DETROIT, MICH., *June 12, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am in complete agreement with your views and the views of Senator GRUENING on the wars in southeast Asia in which we are active partners.

The U.S. Senate is the place to put an end to this cruel, costly, idiotic nonsense.

JOHN A. MCLEAN.

LOS ANGELES, *June 11, 1964.*

SENATOR MORSE: This to commend you for your stand on the war in Vietnam.

The claim that it is conducted for the interest of the Vietnam people, and to preserve their freedom, is a pretense to preserve special interest.

More power to you.

Mrs. A. ALLYN.

PASADENA, CALIF., *June 14, 1964.*

Hon. WAYNE MORSE,
Washington, D.C.

DEAR MR. SENATOR: I wish to express profound appreciation for your recent speeches regarding South Vietnam. I agree heartily with you, that our Government should not be involved militarily in that area. I believe we cannot stop communism by war. Instead, we help spread it. I believe with you that there is danger of the conflict escalating into world war III.

I am distressed at the image our napalm bombs, scorched earth performance, and other inhumane performances are creating in southeast Asia regarding the United States.

Yours for world peace.

Mrs. GERTRUDE KLAUSE.

CEDARS SINAI,
Los Angeles, Calif., June 10, 1963.

The Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: It is tragically apparent that we are becoming progressively involved in a fruitless military situation in southeast Asia. I wish to strongly support a ceasefire in South Vietnam as soon as possible and a negotiated political settlement through the United Nations and/or a new Geneva Conference, leading to the total neutralization of North and South Vietnam, Laos, and Cambodia.

We should avoid at all costs the extension of the war to North Vietnam or China, as has been recommended in a most forthright and courageous way by Senator Mansfield, Senator Humphrey, Senator Morse, and Senator Gruening.

With deepest respect.

Sincerely yours,

Charles R. Kleeman, M.D.,
Director, Division of Medicine.

San Jose, Calif, *June 11, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Mr. Morse: I saw and heard you on television this evening. I appreciate your stand very much on U.S. foreign policy.

I only wish we had a man of your moral caliber running on the slate for President. I know the need is here at this time.

I know that there are a few Senators pulling along with you on these policies in southeast Asia. I hope that in the very near future you will have more help as it is very plain to see that current policy has to be drastically overhauled.

Sincerely,

Sherman W. Graves.

Moscow, Idaho, *June 12, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have no words strong enough to express my admiration and appreciation for the courageous public stand you have made within the past several days concerning America's present role in southeast Asia. The freshness and honesty of your statements on this matter stand out the more in contrast with the deafening babble of half-truths, euphemisms and outright lies with which the American people are continually insulted from the press and the administration and members of both political parties. Certainly you are speaking for an enormous number of Americans who share your convictions, are angry at their country's steady abandonment of principle in those theaters, but have had no public spokesman.

It seems, however, that on the rare occasions when a Member of Congress does ask for great changes in foreign policy, that he is inevitably confronted with the enormous power and classified knowledge held by the executive wing. Both Presidents Kennedy and Johnson have dismissed such criticisms as being based on inadequate knowledge of the situation, knowledge which it is claimed the executive branch members have through their monopoly on such sources of information as consular and ambassadorial offices, the CIA and so forth. The executive branch in this way makes itself appear the only branch sufficiently expert to make serious proposals and comments on foreign policy. Because I believe that this is a dangerous situation, I would like to offer a suggestion to improve it: Congress must set up a system of attachés to each consular and ambassadorial office. These congressional attachés should function as gatherers of information responsible directly to Congress, with the same status in regard to the executive branch as the present diplomats now have in regard to Congress. But whether separate offices for such representatives be set up or the attaché system, the important thing is that Congress have continuous and reliable access to complete information in all foreign situations rather than be dependent on executive privilege for obtaining or being denied it.

As matters stand now, the Congress is being systematically reduced to a branch for domestic affairs, while foreign affairs constitute the largest and most critical area of activity of the Government as a whole. The foreign scene cannot become the exclusive realm of the executive branch, whose members are virtually all appointed and not elected. I do not mean of course to underrate the importance of the work of the Foreign Relations Committees; their studies are detailed and extremely valuable. But I would like to see them laboring with fewer handicaps. The Foreign Relations Committees should have legally guaranteed access to all intelligence reports. There should be bipartisan representation at all National Security Council meetings. And there must be an end put to the theft of congressional power which has now resulted in the executive branch's being able to in effect make war without the approval of Congress.

Thank you again for your statesmanship.

Very truly yours,

Marilyn H. Tobey.
Jerry L. Tobey.

Gary, Ind., *June 10, 1964.*

Dear Senator: I just concluded watching a news show where you made a short speech on southeast Asia.

In everything I've read and heard, your short speech of United States taking this problem to the U.N., made more sense then all pages of nonsense I've read for 2 years.

I do hope, you keep up your fight to maintain some semblence of sanity.

Good luck.

Sincerely,

Robert C. Pobst.

Patchogue, N.Y., *June 13, 1964.*

Senator Wayne Morse,
Senate Building,
Washington, D.C.

Dear Senator Morse: We have the honor to send you lines of congratulation and encouragement to continue your fight to bring to the administration the unpalatable facts about our southeast Asian undeclared war and the great misery this dirty war is causing people in Vietnam and in the ranks of young men in our own country who may be forced to give up their lives fighting.

We represent—as you know—only a tiny percentage of those silent people who will find it hard to send you words of friendly greeting and gratitude.

Sincerely yours,

Sibyl Freed.
Simon Freed.

Tacoma, Wash., *June 14, 1964.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Your speeches in the Senate about withdrawal of the U.S. forces from South Vietnam are noticed.

You have the courage to challenge the validity and wisdom of our operations there.

I never could understand why we had to take over France's role in the power politics area when she decided to pull out.

Oh, that more Senators, including my own, would challenge the Vietnam war. What in the world are we protecting there besides prestige and the capitalistic investments some of our businessmen have made in that part of the world? The whole caboodle is not worth the price being paid in American lives.

Yours very truly,

Willard Hedlund.

Hon. Wayne Morse.

Dear Sir: I and my family want to commend you on your statement concerning the situation in southeast Asia. The situation is indeed alarming and seems to be rapidly getting worse.

I have just read Senator Gruening's March 10 speech on the situation in Vietnam and heartily agree with his analysis of the problem.

The extension of the war in this area could lead to a nuclear holocaust. We hope you will continue your efforts in behalf of a peaceful settlement in this area.

Sincerely yours,

Tom Siegel and Family.

Pullman, Wash.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Just a vote of thanks for your much needed statement on American policy in southeast Asia and in Laos in particular.

My wife and I both hope that others will consider your position carefully before our involvement becomes irrevocable.

Sincerely,

J. L. Tobey.

Eugene, Oreg., *June 17, 1964.*

Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.:

Bravo on South Vietnam. Decent rational people applaud you.

Mrs. Ruth Buehler.

North Bend, Oreg., *June 13, 1964.*

Dear Senator Morse: I want to express my complete support of your position on the savage policy of the U.S. State Department and the Pentagon in Vietnam.

The pretense that the Vietcong is directed and supported from the north, against the wishes and interests of the Vietnamese people, sickens me. Certainly the $1,500,000 a day being dumped down the drain would have more effect if such were the case. By this theory, the Chinese and North Vietnam would have to be more than matching this slush fund to achieve the results credited to them. But at the same time, they are pictured as bankrupt and starving.

Not all of us have been sufficiently brainwashed to support this Nazi policy, and it's good to know that there is at least one U.S. Senator with the guts to stand up and speak the truth.

Yours truly,

Merton W. Saling.

Ontario, Calif.,
June 13, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Permit me to congratulate you on the forthright position you have taken on the foreign policy of our Government.

The courage and the intelligence you have displayed in debating the course followed by our Government in South Vietnam deserves the plaudit of every peace-loving citizen of the United States.

My wife and I both feel that the policy our State Department is following in South Vietnam could well lead to an all-out nuclear war. We sincerely hope that you can convince other Senators and Congressmen to join you in this noble crusade to preserve the peace of the world and the dignity of the U.S. Government.

Sincerely yours,

Mr. and Mrs. M. D. Allen.

First Unitarian Church
of Los Angeles,
Los Angeles, Calif., June 15, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: I wish to express my profoundest gratitude to you for your eloquent and vigorous efforts to get the United States out of South Vietnam. Please be assured there are hundreds of Unitarians in my own church in Los Angeles who share your criticisms of the administration's policy in southeast Asia.

We are indeed "becoming an international outlaw" as you have said. It is inconceivable but true that Washington is helping to destroy the Geneva Agreement. The risk of war with mainland China grows apace because of our blindness and our irresponsibility.

Everything you are doing to help alert the Senate and the House, and I hope the White House, to the need for American withdrawal and the neutralization of southeast Asia, has my deepest support.

Very sincerely yours,

STEPHEN H. FRITCHMAN.

SAN FRANCISCO, CALIF.,
June 14, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Again I have to write you that I have read your speech before Congress on the Vietnam mistake, and again I had to read in the National Guardian, a leftwing paper. For some reason our local papers don't seem to want the populace to know that there are people that disagree with the administration on their policy in Vietnam.

Seems a perfect mystery to me that the newcoming administration should take over the policy of the old outgoing administration. While all Democrats are allout for President Johnson and his election for another term, still we cannot agree with him on this Vietnam affair. Let us hope after election, he will not be afraid to change his tactics.

Again I think you should be congratulated for your courage in standing up and expressing your views when there are so many who will not, either from fear, or lack of interest in the people of the United States, and their welfare. How much we could do with the money we are foolishly wasting there in east Asia.

Cordially,

JESSIE SKELSIE.

CALIFORNIA FEDERATION OF
YOUNG DEMOCRATS,
San Francisco, Calif., June 11, 1964.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: Recently the State convention of the California Federation of Young Democrats passed a resolution commending you for your efforts to inject truth and reason into the foreign policy debate. A copy of the resolution is enclosed.

On behalf of the California Federation of Young Democrats, may I again express our support of your efforts.

Very truly yours,

BETTS MOSELEY, *Secretary.*

DEBATE ON FOREIGN POLICY—RESOLUTION ADOPTED MAY 10, 1964, BY CALIFORNIA FEDERATION OF YOUNG DEMOCRATS

Whereas Presidents Kennedy and Johnson have stated many times the need for debate and discussion of diverse and controversial foreign policy issues; and

Whereas the chairman of the Senate Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, has, in his March 25 Senate speech, challenged many of the cliches and myths which govern our foreign policy, particularly with reference to our unrealistic policies regarding China, Cuba, and Panama; and

Whereas Senators MORSE and GRUENING have made similar contributions: Therefore be it

Resolved, That the California Federation of Young Democrats supports Senators FULBRIGHT, MORSE, and GRUENING in their courageous injection of truth and reason into the foreign policy debate and their significant contributions to stimulating a meaningful national dialog on controversial issues.

NEW ORLEANS, LA., *June 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Please continue your fight against the dirty war in Vietnam.

Your effort is not in vain. It will keep United States from becoming a Hitler state.

Respectfully,

WORLD WAR I VETERANS.

TACOMA, WASH., *June 4, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: What kind of reputation would we have as a nation, if we did not have voices like yours crying in the wilderness against the military madness that would get us deeper and deeper into the quicksand of southeast Asia? Events in South Korea today are a manifestation of what happens when we back dictators and the landlord class. The outcome, even if we won a war, would be no better in southeast Asia.

Keep up your plea for sanity. More and more people are listening.

Sincerely,

HAROLD BASS.

SOUTH PASADENA, CALIF., *May 25, 1964.*

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.:

I saw you on TV yesterday, Sunday. You were at your best. I am not a Democrat, but I admired what you said.

I agree 100 percent with you and most do. You should be a Republican. You are needed. The press absolutely is partial and it's a shame, because where else can the people get the truth. They do not give it to us.

The U.N. is a complete spy headquarters, and you know it. Let's either change it or get out. It's a joke now.

The United States is being slapped around all over the world and you as a good Democrat must get on TV and fight for America and I mean America.

Regards.

V. J. LE PORE.

FRONT ROYAL, VA., *May 26, 1964.*

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just learned that you advocate bringing our boys home from Vietnam. I heartily agree with you, and sincerely hope you can stir the Senate into bringing our boys home.

Let McNamara fight his own war. I don't like him, and hope they get rid of him (McNamara).

We did not agree on the civil wrongs bill, but I am still hoping you join in the effort to kill this bill.

When a Federal law is passed to force white people to serve Negroes, and cut their hair, we no longer have a democracy, but a dictatorship.

If President Johnson forces this bill through, it will defeat him for the Presidency. The vote for Wallace proves this.

Sincerely,

MRS. C. T. OWEN.

ESSEX FELLS, N.J., *May 26, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: May I please ask you as a vital Member of the Senate to push for an investigation of the current situation in Vietnam concerning planes and equipment now being supplied and used by our boys. Mr. McNamara apparently feels that our pilots are expendable, that any old equipment will do. The article, "They Fight and Die—But No One Cares," Life, May 8, 1964, page 34B, certainly points up this sorry situation. Perhaps an investigation of Mr. McNamara would be timely.

Any man who would blatantly state that resurrected, junked planes over 20 years old, are good fighting equipment—who brags of these 100 planes being shipped as stepped-up fighter power certainly is very naive, hardly a fit man in whose hands to entrust the lives of our gallant young pilots.

These dedicated young men are eager to serve their country—but their country is doing them a disservice.

We are horrified and appalled at the attitude and lack of interest concerning the true situation in Vietnam by those in high Government office.

My wife and I urge you to take action on our behalf.

Respectfully,

HARRY J. LAPE.

BOISE, IDAHO, *May 25, 1964.*

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I agree with your views on McNamara's war in Vietnam.

Let's turn Chiang Kai-shek loose by getting the 7th Fleet out of his way, so he can invade and recapture China. And let's help him. Chiang might solve the entire southeast Asia problem for the free world at little cost to us.

Sincerely,

RALPH ERMATINGER.

TUCKER, GA., *May 26, 1964.*

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SIR: Re your statements on "Face the Nation" program on May 24, 1964. I agree with your views on foreign policy.

I can't say that about your views on civil rights, for as you stated about foreign policy, there is only a very small portion of the U.S. citizens who know the contents of the bill as it is now or was passed by the House. One cannot depend on the news media for there are so many views given that one cannot tell which is right. Therefore I will have to take the same stand that the Georgia Senators are taking as they do know the contents of this bill.

I want to refer you to the U.S. News & World Report issue of June 1, 1964, on what the editors say of the Wallace vote in Maryland.

I think the Negro (as you said in your statement) should be able to vote—but the man in business should have the right to pick or hire his own choice instead of being dictated to by any governmental agency or official of the Government.

I also think the boards of education should be given the authority to say whether or not anyone should be permitted to leave his or her school district to go into another (white, black, or any color). In other words, I think the present civil rights bill is leading into Government dictatorial powers—taking all individual rights away from the masses of the people.

Yours very truly,

S. E. WHELCHEL.

COOK COUNTY DEPARTMENT
OF PUBLIC AID,
Chicago, Ill,. May 27, 1964.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: I heard Senator WAYNE MORSE on the television program "Face the Nation" last Sunday, May 24, and if you are not familiar with his views about Vietnam, I would recommend strongly that you talk with him.

There is no doubt that we are in a very bad position on that score and that it probably will get worse. For a nation that urged the formation of the United Nations and at the same time "wage war as an instrument of national policy," we are not in an unassailable position. The United Nations Charter proscribes this.

Of course, legally we are not at war in Vietnam and will not be at war, even if we go further and carry our action into adjoining nations. But only Congress can declare war.

What we are doing instead is to follow the precedent that Japan started in Manchuria in 1922, when she called that invasion not war but only a police action. This of course was followed by Italy with police action in Ethiopia, and then by Hitler before World War II.

Secretary Henry L. Stimson properly characterized such action: "If this is not war, then we will never have peace." I think the same can be said for our action in Vietnam.

This is particularly the case, since it is more than doubtful whether the governments we support have any overwhelming popular support, as evidenced by the several revolutions in the last few months.

Senator MORSE missed one important answer to the question of "whether it is not true that the President alone is vested with "power to conduct foreign policy"? Actually, no treaty can be consummated without approval of the Senate and, as referred to previously, only Congress has the power to declare war. It is quibbling to argue that the Senate and Congress are only rubberstamps.

Strictly speaking, in international law, there is no legal definition of war. I have always felt personally that unless there is an overall definition of war, we cannot hope for—much less maintain peace. But at least we should be honest enough, if we want war, to have Congress declare war, in the manner prescribed by the Constitution. Anything less comes under Secretary Stimson's prediction that we will never have peace.

Sincerely,

ROBERT ROSENBLUTH,
Assistant Director.

MAY 26, 1964.

Hon. WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Congratulations. Your superb discourse Sunday on "Face the Nation" was magnificent. What a pity we do not have more scholars and wise men in the Senate like you. I was viewing the program last Sunday with two old women, Goldwater supporters, and, believe it or not, they were very much impressed with your rational and knowledgeable reasoning. I wonder what they thought of GOLDWATER an hour later when he suggested going into Vietnam and bomb it. I follow your discussions in the Senate every chance I get. Keep up the wonderful work.

Respectfully yours,

GERTRUDE HUMPHRIES.

VENICE, CALIF., *May 22, 1964.*

The Honorable WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: There are just a few people in Congress who seem gifted with intelligence, and you are one of them.

We object to attacking foreign lands with soldiers, sailors, and Air Force. Many believe that international law forbids such actions. Why can't we as a Nation be law-abiding, even if we're highly criminal as a people?

Suppose foreign soldiers were quartered on our land, always killing, destroying, attacking, mutilating humans, would we revere them and always be true and loyal to such wicked and treacherous foreigners? Would we think their economic and political conceptions justified them killing our children and loved ones and friends and neighbors? That theory is a ridiculous one, and does not appeal to reason.

Please help counteract these wicked and destructive actions and desires. You are a wonderful man, the very best in our Government, and I know how again and again you have stood for the right, and sometimes almost alone in Congress. Most of the people in our land admire you and believe in you, however.

Please let our people quit harassing Cuba, even if we don't like their officials. Just liking someone isn't the true spirit of law-abiding. We don't always understand others anyway. Killing, spraying, attacking in Vietnam isn't going to make us the leader of the world. It disgraces democracy.

Yours very respectfully,

Mrs. GEORGIA H. SCHNEIDER AND FAMILY.

TARENTUM, PA.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Last evening I heard your remarks on the 11 o'clock news broadcast, KDKA in Pittsburgh, concerning the situation in South Vietnam. You question whether it is constitutional to send our men to fight in a country where war has not been declared.

This matter is of great personal concern to me. I am mailing a letter to Chief Justice Warren asking for an answer if he can give it to me.

I would like to urge you to follow through on this as I am sure he will be able to answer you. Our confused, costly, and dangerous policy is asking too much of our young pilots and servicemen and then having asked it give them antiquated equipment to work with. Their lives are very dear to their families and friends.

If it is unconstitutional please stop it.

Sincerely,

GERTRUDE MOUNTSIER
Mrs. Charles Mountsier, Sr.

MARIETTA, OHIO, *May 25, 1964.*

The Honorable WAYNE MORSE,
Senate Foreign Relations Committee,
Washington, D.C.

DEAR SENATOR MORSE: I was able to hear part of the interview you gave on television yesterday, on a news program. I had been thinking about two letters written to the editor of the Pittsburgh Press on the same subject—the southeast Asia problem.

I am bound to say that I agree with the two letters on this subject, which I have enclosed, than with your views. Both quote Americans who have faced millions of Chinese, Japs, Germans, or you name it, and didn't turn tail. What has happened to our statesmen that they won't stand up for what is right, and then fight for it? The use of our fighting men in dribs and drabs will wear us away. If we are committed to this struggle, let us go in to win. Better still, when there is a fight, let the professional soldiers have a say. Our politicians can save themselves for the winning of the peace.

Yours truly,

W. M. MORRIS.

[From the Pittsburgh Press, May 24, 1964]

LIMITED WAR ROLE OPPOSED—GI'S VIEWED PAWNS FOR POWER POLITICS

EDITOR, PITTSBURGH PRESS: The late General MacArthur in an article entitled "Reflections on Peace and War," wrote of the American fighting man:

"No armed attack should ever be permitted against him without allowing him a full war potential to hit back. He must not by force of controllable circumstances be led into the false belief that war is merely an extension of diplomacy, which might use him as a pawn expendable in gambits, labeled 'limited war,' dictated by national fears and international power politics."

Now, at the request of President Johnson, the House has approved an increase of $125 million for Vietnam, $70 million of which is for economic aid.

The President's request was advised by Defense Secretary McNamara, who has also suggested that American parents should expect to have their sons in a limited war for possibly the next 10 years.

There seems to be a mighty big difference between the wisdom of General MacArthur through a lifetime of service to the United States and the suggestions and actions these days of the power politic.

This coming Memorial Day I will be wondering if all the past MacArthurs are resting easy.

GERALD L. MORGAN.

T. ROOSEVELT CITED: SHUN IGNOBLE PEACE

EDITOR, PITTSBURGH PRESS: Perhaps this quote should be read to all the people of South Vietnam. Sixty-one years ago, Theodore Roosevelt said:

"Our country calls not for the life of ease but for the life of strenuous endeavor. If we stand idly by, if we seek merely swollen, slouthful ease and ignoble peace, if we shrink from the hard contests where men must win at hazard of their lives, and at the risk of all they hold dear, then the bolder and stronger peoples will pass us by and will win for themselves the domination of the world."

Still true today.

GEORGE OAKES, Jr.

MAY 24, 1964.

DEAR SENATOR MORSE: We heard you on the radio today and agree wholeheartedly.

There are some people who would like to see the U.N. abandoned and if it isn't going to do a job and be used for what it was intended then these people have a point.

I think the U.N. is our only hope to solve the world's problems. I think it is too bad that we haven't recognized the Chinese Communist Government and maybe it would have been a little easier to come to an agreement in the U.N.

Please let the President know how we, the people, feel about southeast Asia.

My husband fought in the last war and I don't want my two sons in an Asian war. No mother does. I don't care which country she is from.

I wish President Kennedy were with us. I feel sure he would know what to do.

I hope that you will do all you can to get the United States to take this to the U.N. where it belongs.

Thank you very much.

Mrs. J. CONRAD.

MAY 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on "Face the Nation" in regard to our policy in Asia.

We need more Senators like you.

Beware of rashness, but with energy and sleepless vigilance give us respect and victories.

Yours truly,

GENEVIEVE V. ROSENBERG.

WAUKEGAN, ILL., *May 23, 1964.*

DEAR SENATOR MORSE: I heard you on TV today.

I have been wondering what was best in this war in Asia—you set me right. You are right on every count. I would vote for you for President thinking you are the best man we have for that great office.

I shall be obliged to vote for President Johnson. I should think he would see your position and accept it.

Sincerely,

Geo. D. Carrington.

Upperco, Md., *May 25, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator: My compliments on the enlightened and forthright presentation of your foreign policy views on the program "Face the Nation." I strongly support your view that peace everywhere should be preserved through United Nations action and not by United States unilateral action.

I am also heartened by President Johnson's declaration favoring a betterment in our Eastern European relations. It's about time. It has always seemed idiotic to me that whereas the new Khrushchev brand of communism is willing to coexist with capitalism, so many of our people develop a mental block at the mere word "communism" and when asked to work out an accommodation with governmental regimes of countries which do not recognize the private ownership of property.

Our greatest need is to develop supercompromisers—Henry Clays—in our international relations, to preserve this planet and the populations on it. So long as the world knows we have the power to destroy it, our restraint from the use of force will be a mark of national courage and high intellects.

I also feel strongly that a radical change needs to be made in our immigration law, originally passed over the veto of Woodrow Wilson. It is a needlessly insulting law against Italians and others. A sane immigration law based on our national needs would take into account the qualifications of the immigrant-applicant, so that we would accept only immigrants whose professional or craft skills are in short supply in our country and kinsfolk of people already here.

Yours truly,

D. Paul Troisi.

Hartford, Conn., *May 24, 1964.*

Senator Wayne Morse.

Dear Sir: I liked what you said on radio, "Face the Nation," today.

In 1953 Eisenhower said: "What is the sense of spending most of our hard-earned tax money on defending the country on the outside, when there is not enough tax money left to keep the country from collapsing from within?"

It's about time we paid more attention to the increasing unemployment and poverty, and all the poor and needy who try to make money hooking prostitutes. It's disgusting. There are so many prostitute hookers it's a wonder they don't bite each other.

Why worry about Vietnam and East Germany, etc., when poverty and corruption are destroying the people inside this country?

The Communists are wasting our money both outside and inside this country. Their motto is "Divide and conquer."

Our dollars buy five times as much in every other country, than they do here. The fruit, vegetables, and meat are so dear, a poor man can't buy them. The radio keeps roaring at us, give to every charity under the sun, while the graft in government all over is brazen and disgusting. How much longer can we pretend that we can afford to be generous to all nations but our own?

Have you read "An End to Make Believe" and "The Nightmare of American Foreign Policy," by Mowrer? Also, "A Nation of Sheep" (Lederer)? the Reader's Digest of May on how we are fighting poverty?

Communism is the language of poverty, and charity begins at home.

Before we spend all our money on moon trips and foreign aid, let's improve life and living conditions inside this country.

Wake up America. Our freedoms are vanishing.

We need dedicated patriots, not complacent, apathetic citizens.

In 1919, I read a book abroad, title of which was "The Third World War—Between the Black and the White Races." Where are the brilliant brains and statesmen who can prevent the third world war?

Mrs. Violet Pixler.

Tempe, Ariz., *May 24, 1964.*

Dear Senator Morse; I just had the pleasure of watching you on the CBS–TV program "Face the Nation."

Being an immigrant from Iran, I would like to tell you that I agree with you wholeheartedly on the subjects of U.S. role in southeast Asia and the civil rights bill now pending before the Senate.

Since I am still not a U.S. citizen, I cannot vote or belong to any political party. However seeing such great Democrats as yourself and our late beloved President John F. Kennedy in action, has left no doubt in my mind as to which party I will belong once I have the opportunity.

I now have spent more than 7 years in this country.

I have tried to keep up with the news and have participated in many a hot discussion in college and outside. Internal and foreign policies advocated by some Americans worry me very much. Yet distinguished and intelligent people like you in responsible positions put my mind at ease.

Please Senator, keep up the good work.

Truly yours,

Manoncheln Shaari.

Glassboro, N.J., *May 24, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Sir: Hurrah for you. If only all of our Senators and Congressmen were of your opinion.

You should have 2 hours. The present civil rights bill will cause more harm than good. The Negroes should have more rights, but certainly not as the bill stands now. Civil rights will centralize too much power.

Mrs. M. Sullivan.

River Edge, *N.J., May 24, 1964.*

Senator Wayne Morse,
Washington.

Dear Sir: I listened very attentively to you on "Face the Nation" today, and may I tell you that I agree with your premise on our boys being sent to south Asia.

Stevenson, in my estimation was never a statesman, I have yet to hear him say one thing with any correction, just leaves me cold, whether he is espousing his own views or someone else's. Just has no fire, as far as I am concerned anyway. I'll concede I could be wrong; however, I'm no expert, but on the other hand, I'm no moron either, so if we are at war, why not say so and be done with it. I detest procrastination in any form, its defeat by piecemeal.

May I add the President's program for poverty stricken areas, and all the hullabaloo attending it seems to be a destraction for our benefit (the people).

How about the truth for a change of pace?

Thank you Senator for your courtesy.

Truly yours,

Mrs. M. E. DiStasio.

Orlando, Fla., *May 24, 1964.*

Senator Wayne Morse.

Sir: I heard you over television telling those troublemakers your views on our soldiers and this country in Vietnam. Wish we had more Americans in Washington like you than we have. Our old President, General Washington, told what would happen in his farewell address. The Roman Catholic Church politics, the Communists, and others have never liked our form of government or our public schools because we had the open Bible in it, the public school. Like I written Justice Warren, he is 1 year older than I am. When I went to school, the teacher read two or three verses in the Bible, and we all repeated the Lord's Prayer before school started which didn't hurt anyone, and that it would of been good if we all had to learn the 10 Commandments like we had the multiplication tables. They use to say the public schools were to give every child a common education, reading, writing, and arithmetic. But things are changing damn fast, and for the Negro. My parents came to Florida in 1885 from Iowa and Illinois. I was born in Orange City in 1892. I've worked with Negroes, and worked them; shoveled dirt all day with them $1.25 a day; worked pipefitting, learned them how to do the labor. Also auto mechanic, and an old Negro worked at brick plant all week then opened barbershop for whites on Saturday night. Never thought a thing about this damn stuff going around today. They always wanted to stay with the Negroes, and whites with themselves. But the one Christian Church, Jesus Christ's (all peoples) are supposed to go and belong too. Like I told an old Negro, when I die, I hope to see all my old darky friends there.

Yours,

Bill Glasgow.

Los Angeles, Calif., *May 24, 1964.*

My Dear Senator Morse: I wish to commend you for your most wonderful appearance on TV today. Oh, it is refreshing and simply beyond describing, the thrill Americans felt in knowing we do still have a Senator who holds up for the right in America. Our dear old America, beloved Nation, is tottering and when I see how the Communists are gaining daily, then I shudder.

To think of all the college and university campuses are opened for Communist speakers in California, then I feel the American people should take a firm stand. I went last May 20 to hear Dorothy Healey, the most avowed Communist in California, speak before 19,000 students out at the East California State College. Oh, how she told what is going on, too. She mentioned how Senator Fulbright is bringing to the public just what the Reds want us to know.

Senator Morse, I do thank you from the depths of my heart for speaking firmly and letting the American public know true facts. We are all so very interested and you are the first man in Washington who has had the courage to speak out. Praises be for you, Senator Morse.

Oh, if we only had more patriots like you, Senator Morse. I weep sometimes when I sit and listen to these wishy-washy men talk like Rusk and McNamara and even our President—not one of them ever talk firm like you. Truly you do not know how you reached down into American hearts and I tell you I rejoice. My telephone started ringing immediately after you ended and, oh, how we rejoice. I am a nurse and am in big hospitals hearing the opinions daily.

Cordially yours,

Miss Daphne A. Oglesby.

St. Petersburg, Fla., *May 25, 1964.*

To Rt. Hon. Senator Wayne Morse.

Sir: I listened to you on the Sunday television show, "Face the Nation," Sunday, May 24, and I want to congratulate you on your forthrightness, in your answers regarding this farce in the (war) in Vietnam. Where, or where, is all this unilateral mess going to end? Secretary McNamara makes trips out there, at first, our troops were coming out in 1965. Now, we have his statement that it may be a 5- or 10-year struggle. We evidently have not bothered to look at the record in Dienbienphu. I was in World War I, in the trenches outside Antwerp, Belgium, in 1914, with Sir Winston Churchill's Royal Naval Division. We surely got clobbered there, so I have an idea what war is like. Now at 71 years of age, and incapacitated, with my right leg amputated 6 inches above the knee, and confined, practically to a wheelchair, about all I can do now, is raise my voice in protest, against what I think is our foolish foreign policy, as outlined by Dean Rusk and Secretary McNamara. As you stated, sir, this Far East mess is a matter for the United Nations, and Mr. Adlai Stevenson did not enhance his reputation by his latest speech in the U.N. Next we are calling on our (allies) to participate to a greater extent, in this undeclared war, to me, sir, it seems we are pouring our reserves down a rat hole and I am glad we have at least one Senator who has the courage to come out and state his convictions before the public. In the Middle East, we have lost out, with the arrogant dictator Nasser, thanks mostly to the stupid policy of the late John Foster Dulles, and his promises regarding the Aswan Dam. I have been in Egypt several times when the Suez Canal was controlled and all the pilots on the canal were American, French, and British. Now, the nations sit supinley by and let the nation of Israel be debarred from the canal. The whole thing is preposterous. Senator, please tell me, can we continue to police the whole world? I am not, sir, for "peace at any price," but I do think we are overextending our umbrella. Where is the answer? One word in closing, I think this civil rights bill, or "evil rights bill," is another gigantic boondoggle, and I hope and pray, it gets filibustered to death in the Senate, "Integration by intimidation," that's out. Eventually integration would result in intermarriage, which to my mind is too horrible to contemplete. If that bill passes, and I hope it don't, it never could be enforced, just like the Volstead Act, prohibition, that was a farce. I, or we, pay a Negro $10 for 8 hours work, on our lawns and shrubbery, plus his meal, if that bill passes, we will hire a hungry white man, and there are plenty of them here, thanks to the influx of 250,000 Cuban (refugees) into South Florida. That is all Senator, and thanks for reading this.

Sincerely yours,

MALCOLM B. "MAC" THOMSON.

MAY 25, 1964.

DEAR SENATOR: After listening to your views and answers on "Face the World" program, last Sunday, I simply must write and congratulate you on your sensible views.

I don't know whether you are Republican or Democrat, but, even though I'm Republican, if and when you run, I certainly will vote for you.

Undoubtedly we have no business butting into every country who are in arms against each other. It is none of our business, unless the big businessmen or our country has some secret profitable gain out of it.

It's easy for the leaders whom the citizens put in office to butt in in other countries' troubles, send a handful of our men over there to oppose toughened guerrilla fighters, with not enough buddies to back them up—and be slowly killed, from week to week, and for what? As you said, we have not declared war on anyone. What, then, is a single boy of ours doing over there? Why isn't a vote taken by the people on a separate ballot whether we should or should not send our boys over there? It's a disgrace to the United States and I don't think we receive any thanks from other nations. The men in the White House do what they want on the matter. We parents have nothing to say, though we spend many sleepless nights and much worry, trying to keep them alive when they were children.

When Mr. Eisenhower was President, we didn't have any of this trouble all over the world. Now it's a Communist boiling pot, even here, by the Supreme Court ruling no prayer in public schools. What harm can 3 minutes do to pray a little to Him who taught peace to one another? For many, many years it was used, with no objection. Now, because a few complain, the multitude must go along. If they keep up, it will be as Khrushchev said, "The Red flag will be raised in America, without firing a shot." For without God, it's only a small step to communism.

Why aren't all difficult matters put up to be voted upon? If the voters are good enough to go out and vote for candidates, when they don't know what they will do when in office, why aren't they allowed a say in such serious matters as sending our boys to troubled areas in groups so small, and why aren't some men from the U.N. sent there? Why always the United States? I'm with G. Washington who said, "Stay out of foreign affairs."

Sincerely,

MRS. C. DEFRANCISCO.

SAN JOSE, CALIF.,
May 24, 1964.

The Honorable Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was listening to you on "Face the Nation" program just a few minutes ago and I just had to write to you.

I am far from a statesman or stateswoman and I don't know if your suggestion on the Asian situation would work. What roused me was that you say, "If the American people were told the facts they would support the President in whatever course he took if it was a right and just one."

I felt like crying out to you, "What people, who would do what?"

I have been out ringing doorbells to get people to at least go out to vote and I am sick at heart at how little interest is being shown on the part of the people I've contacted. Not only do they not know the issues they don't even know who is running in many cases and that in spite of the wonderful educational TV channel we have here in northern California (KQED) who have had the candidates discussing issues both day and evening.

Everyone seems to have his own little ax to grind. The teacher, baker and candlestick maker, yes; now the senior citizen who goodness knows does need housing and medical care but all of them want someone else to stick their neck out for them while they won't even read what little is told to them in their newspapers and God knows it's not much.

I just wonder how many people listened to you on "Face the Nation" while the Ed Sullivan show was on?

Pardon me for writing such a long letter; I know you are a very busy man but I just had to.

Yours sincerely,

MRS. LEAH O. LEPPERT.

DEAR SENATOR: I agree with you about the situation in South Vietnam. I believe that world government is the ultimate solution for peace.

Please continue your fight for a peaceful settlement in South Vietnam through the United Nations.

Yours truly,

WILLIAM DEAN, JR.

NORTH HOLLYWOOD, CALIF.,
May 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you so much for your forthright expressions of opposition to the administration's activities in South Vietnam. I and thousands like me, in addition to many of my friends, who might not take time out to write, do feel like you do regarding this serious situation. It is quite confusing to me to really understand what we as Americans really have at stake there. My understanding of the situation leads me to a very hopeless attitude and a waste of human beings and resources.

The recent events in South Vietnam should reveal the stark realities of the situation there. The French lost there—the American puppet leader Diem lost, and from what I have read by authoritative writers we will eventually lose too. So why pursue a "war" if even the South Vienamese people don't seem able or really willing to fight it. If they were really opposed to the North Vienamese regime, it seems to me they might have already defeated them. I realize that I am no military expert. I base my assumptions merely on past history. In spite of our support to Chiang Kai-shek, he lost against the Chinese Communists and had to leave the country. In Korea we bolstered the Rhee regime which, according to all reports, was also corrupt, and then the people themselves turned him out. I am sure we Americans have very little understanding, or can hardly identify with the needs and asperations of the Asian people. How can we who live under an economy of plenty, understand what these people want and need. My feeling is that this should be immediately stopped—our forces returned and then let both sides negotiate and decide how they wish to resolve their differences and future.

Mr. Stevenson's statements really fell far short of a realistic approach to the situation. I have read the letters of the young airman who died in South Vietnam. Did this young man really die for his country? I would say he wasted his life—but who knows perhaps his life may save other American boys—as his death has no doubt aroused the wrath of many people here in America. Mr. Stevenson's statement bore a peculiar ring—it didn't sound as if he was really convinced of his own words.

Please Senator MORSE try to do all you can to change this horrible situation. In our great desire to defeat communism all over the world—we seem to be encouraging it instead and at the expense of our young men and our resources. What else can I do, and others like me, who feel it is useless?

Most respectfully,

MRS. R. BAIN.

BERKELEY, CALIF., *May 20, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have just read excerpts of your speech of March 4 on our involvement in the war in Vietnam. I want to congratulate you for your forthrightness in speaking out on this issue. The more I hear about this war and how and why it is being fought, the more strongly I am convinced that we cannot cease this foolishness (or better said dangerous stupidity) soon enough.

I for one am rather tired of seeing the United States rally to the support of every "democratic" dictatorship in the world simply because it is supposed to be the only (easy) anti-Communist alternative. I do not think it even is an alternative, as it can only alienate the people and be a black mark on the United States.

I would very much appreciate a copy of your speech.

Sincerely,

LIN JENSEN.

CHICAGO, ILL., *May 25, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to express our admiration and gratitude for your courageous stand in telling the truth on the

Vietnam war. If only more Members of the Senate had your courage.

It is of tremendous importance to tell the people that we must put an end to this terrible ordeal.

Since our local papers have given this no coverage I would appreciate any copies of your speeches that are available.

We fervently hope that you keep up this important work.

Sincerely yours,

Mr. and Mrs. S. L. Strinel.

Minneapolis, Minn., *May 25, 1964*.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I was greatly encouraged by your recent address to your colleagues concerning the wisdom of our policy in southeast Asia. I have only read excerpts and would appreciate a copy of the entire speech so that I will be better informed on this most urgent and dangerous international problem.

It is my hope that more men in your position will take a sensible position and lead America to a more humane foreign policy.

Sincerely yours,

Richard Scott.

Washington State University,
Pullman, Wash., May 21, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Since first hearing you speak some years ago at Eastern Oregon College when I was an undergraduate and you were a prospective candidate for the Democratic nomination for President, I have considered myself a "Morse supporter" and have especially admired the way you have taken an open stand on important issues and have answered questions and presented arguments using facts and reason in place of glowing slogans and misleading generalities.

Because of this I am greatly disturbed when I cannot find your facts, figures, and reasons concerning issues of national importance. And this is the position I find myself in concerning the war in Vietnam.

There is, of course, much public news data regarding the war; especially since the questions about obsolete equipment, and the duties our soldiers perform there, have been raised. But there is one question that seems to be continually skipped over; the question of whether or not our soldiers and our aid ought to be in Vietnam.

According to the news magazines, you have taken the stand that we should not be in Vietnam in any capacity. Yet I cannot find anywhere your reasons for this position. On the basis of what I have read about Vietnam and your position concerning the situation, I must express these feelings.

I am beginning to feel that the purposes of American aid and soldiers in Vietnam as seen by the top military and Government leaders are different than the purposes they express to the public. I very definitely have the feeling that Secretary McNamara either does not know, as he should, or does not care to tell the real story of Vietnam. I have the feeling that a number of people in high positions wish you would shut up and are trying to divert attention from your statements. I would like to know why. I have confidence that you have something important to say and I for one would like to hear it.

Sincerely,

John Willmarth.

Berwyn, Pa.,
Berwyn, Pa., *May 27, 1964.*

Dear Senator Mundt: Your speech on TV Sunday, May 24, on "Face the Nation" so inspired me that I am writing to ask if it were possible that I could have a copy of it—a duplicate to send to President Johnson. You are so right and that speech was so enlightening but how many people will not have heard it. If it only could be broadcast nationwide.

Gratefully,

Ethel Lucas.

May 28, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We heard a rebroadcast of your speeches in the Senate last night regarding Vietnam. We were impressed with the information, and due to your past record in the Senate we believe you and appreciate your exposé.

We thank you and applaud your brave stand and want to add our voice to yours.

Sincerely yours,

Ardis J. Barthelson.
Harold C. Barthelson.

Weehawken, N.J.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Wrote letter to President Johnson about our wishes to undeclared war in Laos and Vietnam. We are against all Asian wars or aid.

Letter we got back from Washington had a booklet about AID.

Our sentiments are the same as this letter to editor enclosed.

We are with you, Senator. Go after the warmakers.

Fred J. Campacci.
Frances Campacci.
Mary M. Gibbons.

On U.S. Involvement

North Bergen, *May 17.*

Editor, Hudson Dispatch:

Peasants given guns and pitted against each other. American increase in involvement forcing additional Chinese strength. After all, no new conflicts may tempt a budget-cutting-minded Congress to look toward the military. We could call that GI automation creating reduction in parasites and glory seekers.

How about ambassadors given enough foreign aid to discourage presidential campaigns at home? It's a dirty, losing battle anyway Tex, and what better way to keep him occupied and put the Republicans and Goldwater's military back another few elections. Even if he succeeds it was a Democratic Congress bursting with altruism, being whipped by you know who, that had the foresight to pay the way. I wonder how many financial experts it takes to give a man just enough money to cut his own throat?

Truthfully, Lodge, Rusk and McNamara can always hide behind the cloak of "Gee, I was only a poor, misdirected, patriotic, nationalistic do-gooder." That will take them off the hook. In fact, everybody politically has a way out and as a last resort, they can always join forces and one hand wash the other—sort of like the Baker case. All we need is a scapegoat. Of course—the same guy since time eternal. He's easy to recognize because he keeps looking for peace and promoting it, but he always forgets to put on his military uniform and bears only a shovel for a weapon. Quick, get him out in the field. So what if he's Vietnamese, Cuban exile or an African native, we've got a uniform and rifle for him and we'll never have a peace-loving humane society until we show him what a good war is.

The military peace corps in Vietnam won't have any trouble recognizing the end of hostilities; it will be loudly and warmly announced by the commencement of World III.

Perplexed.

War Expansion Seen

Union City, *May 18.*

Editor, Hudson Dispatch:

The war now raging in South Vietnam is about to be expanded into North Vietnam, which would almost certainly involve the Chinese and precipitate world war III. Our Government is supporting an unpopular dictatorship, 7,000 miles from our shores. It is costing us more than a million dollars a day to preserve a system of government that the people there despise and are struggling to rid themselves of.

Recently, 63 local residents signed a petition to Senators Williams and Case urging them to support Senator Morse's, Democrat, of Oregon, and Senator Gruening's, Democrat, of Alaska, outspoken appeals in Congress for a reversal of our country's disastrous foreign policy in South Vietnam.

Senator Morse has recently said about Vietnam, "We should have never gone in. We should never have stayed in. We should get out."

This is the time for all Americans to exercise their prerogative. There is nothing unpatriotic about questioning an administration's policy. To quote Senator Morse again—"You have the right to ask your Government now: Do you have plans for sending American boys to their deaths by the tens of thousands in escalating South Vietnam war above South Vietnam? I say to the American people, get the answer from your Government now. You have a right to it."

Write your Senators and President Johnson now. We must get out of South Vietnam before it is too late.

Alvin Meyer.

Boston University,
College of Liberal Arts,
Boston, Mass, May 31, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Please accept my thanks and congratulations for your sustained effort to end the fiasco of United States intervention in Vietnam. I am certain that you speak for the majority in this country, although many have not clearly formulated their opposition to our involvement, and few are aware of your good work.

One of the most disheartening aspects of the present situation is the widespread apathy, and the often-expressed opinion that, since our Government has staked its prestige on the military defeat of the Vietcong, we, the citizens, have no choice but to follow along. Here is clear proof that the American people are losing control of their own Government.

Keep up the good work, and above all, don't let them extend the fighting to North Vietnam.

Sincerely yours,

Frank S. Guse.

San Diego, Calif.,
June 7, 1964.

Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator: I accidentally stumbled onto your speech to the President on Vietnam and Cuba in a minority newspaper. Was I surprised. I didn't know we had a Senator left in the United States who could still think and had a sense of fairness.

I take my hat off in respect to you. You really hit the nail on the head. Would that there were more men like you in public life. Keep up the good work.

Looks like the American Government, Republican and Democrat alike, have taken over where the Heinies left off. No wonder we are despised throughout the world.

I sure wish I could vote for a man like you.

Respectfully yours,

Waino Saarinen.

Tarzana, Calif., *June 6, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My family and friends and I commend you on your perceptive and rational appraisal of U.S. involvement in southeast Asia. For the well-being of the world, views like yours must prevail—and soon.

Respectfully,

Lillian K. Busch.

Scarsdale, N.Y., *June 8, 1964.*

Dear Senator Morse: You are so brilliantly right about Vietnam; it is heartbreaking to observe how few of your fellow Senators speak up with you. Thank God you are in the Senate.

Don't you think it would be important to make sure that the American public as well as people in Government are made aware of (for example) the 20-mile strip along the Cambodian border that was last week divested of all plant and animal life? Several people heard it two or three times on the hourly news, but on Saturday it was barely mentioned in the New York Times.

One wonders how many times the United States has engaged in this sort of scorched-earth depredation in Vietnam that the public never heard about at all?

Many many people are behind you and are grateful for your sane and logical reasoning.

Sincerely,

Carol Bernstein.

River Falls, Wis., *June 7, 1964.*

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.:

Approve of your speech in Senate June 2, page 12398, Congressional Record. Sorry we didn't have a letter to you too, voicing approval. I get so tired of hearing this "freedom" bit in the news. Personally I wonder whose economic interests are being threatened in South Vietnam.

Mrs. Carl Pemble.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: There is a very good article in the magazine "The Minority of One," about Vietnam.

Thank you for trying your best.

You have terrific odds against you with the controlled news.

The people are with you on your view regarding Vietnam.

Very truly yours,

Z. Korn.

San Francisco, Calif., *June 14, 1964.*

Senator Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: I want to thank you and commend you on your courageous speeches in the Senate, your outspoken condemnation of U.S. involvement and intervention in South Vietnam war. It is a cruel and useless war against those long suffering people, and also the increasing toll of American boys' lives. It may surely—if continued—bring the entire world to nuclear destruction. Keep up your great work. You are a true patriot, and I know the world holds you in great esteem. I have written President Johnson.

Sincerely,

R. Lee Loy.

Minneapolis, Minn., *June 8, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I read with interest your address to the Senate on May 20, and your second address on the following day, regarding the proposed extension of the war into North Vietnam.

I was beginning to think there were no more voices of reason left in public office. You have represented the views of many of us in Minneapolis, and we thank you for it.

Yours sincerely,

Mrs. Susan Stanich Abrams.

Brookline, Mass., *June 6, 1964.*

Senator J. William Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: Sometime ago you suggested that the position of the United States in South Vietnam be raised for political discussion. This was truly an excellent idea. To date, however, the only voice in the Senate which I have heard question our policies in that part of the world is the one of Senator Wayne Morse.

I urge you to repeat your stand again and again.

During the last decade it has become increasingly difficult for people to feel free to question, let alone oppose, accepted Government policies. This is not only dangerous for our country but anathema for any democracy.

It is, now, during this pre-election period that the American people and their representatives in the body politic must ask:

1. How is it possible for democracy to become synonomous with "defoliation"?

2. Why is it necessary for the governments we aid to employ U.S. Armed Forces or military dictatorships in order to exist (witness the present state in South Korea and the numerous governments we support in South America)?

3. Why, as Walter Lippmann asked in his recent article on South Vietnam, do we still consider southeast Asia an "American outpost"?

4. And lastly, do the American people truly wish to become a colonial power—in this, the "century of the common man"?

The integrity of our Nation and our people are at stake. Conferences in Honolulu are not the answer. The time for a search for the truth and a rediscovery of the correct path is now. The most patriotic act any man can pursue is to question U.S. foreign policy at this moment.

Sincerely,

Mrs. Edith Stein.

Oakland, Calif., *June 7, 1964.*

Dear Senator Morse: I appreciate you greatly for your outspoken attack on our position and presence in Vietnam. We should get out as quietly as possible before more of these Vietnamese people are killed. We have made a mistake there, we should admit it and quietly leave.

Sincerely yours,

Florale McGuire.

Oakland, Calif., *June 5, 1964.*

Dear Senator Morse: We are writing to express our support for your stand on Vietnam. We earnestly request that you continue your gallant fight to reverse our present policy. Thank you again.

Sincerely,

Mr. and Mrs. Wayne Loretz.

Berkeley, Calif., *June 5, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Every day I offer silent gratitude for your honest, informed, principled, practical stand on Vietnam, and it is time I told you so.

Citizens in the San Francisco Bay area are at last beginning to speak out, to tear aside the official myths about Vietnam, to express their anger and shame at having been silent so long.

I am convinced nothing on your splendid record of upright independence will shine more gloriously in history than your almost singlehanded opposition to our Vietnam policy.

Sincerely,

Frances W. Herring.

Oakland, Calif., *June 5, 1964.*

Dear Senator Morse: I would like to thank you for your brave stand on the situation in Vietnam and encourage you to continue to fight against our intervention in the affairs of that country.

Yours truly,

Mrs. Elaine Dropkin.

Santa Monica, Calif.

Dear Senator Morse: I wish to express appreciation on the stand you have taken on South Vietnam, and other important issues. Thank God for men like you. Best wishes for a long and fruitful life.

Sincerely,

Rose Rubin.

June 4, 1964.

Dear Senator Morse: We admire you very much for your courage in speaking out against the war in Vietnam. We want you to know that you express our sentiments. We wish that we could have an opportunity to vote for you. Keep up the good work.

Sincerely,

Mrs. John Spruell.
John M. Spruell (15 years).
Carolyn Spruell (16 years).
Laura Spruell (10 years).
John T. Spruell.

June 3, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I applaud all you have been saying about southeast Asia. Please continue to do all you can to get us out of South Vietnam and to stay out of North Vietnam.

Respectfully yours,

R. Moore.

Cologne, N.J., *June 7, 1964.*

Dear Senator Morse: I want to commend you most highly on your sane and sensible attitude toward Vietnam, and on having the courage to speak out about it.

I understand that a number of other Congressmen are with you on this, and I do hope you will all keep working, as a closer approach to sanity and reality in our foreign policy is certainly most needful.

If you have any spare time you might work on a sane and sensible attitude toward Cuba.

Sincerely,

Peace Pilgrim.

Introducing Peace Pilgrim

You may see her walking through your town or along the highway—a silver-haired woman dressed in navy blue slacks and shirt, and a short tunic with pockets all around the bottom in which she carries her only worldy possessions. It says, "Peace Pilgrim," in white letters on the front of the tunic and "Walking 25,00 Miles for World Peace" on the back. She has almost finished walking those miles. Her vow is: "I shall remain a wanderer until mankind has learned the way of peace, walking until I am given shelter and fasting until I am given food." She walks without a penny in her pockets, and she is not affiliated with any organization. She walks as a prayer and as a chance to inspire others to pray and work with her for peace. She speaks to individuals along the way, to groups in cities, through the medium of the news services. She points out that this is a crisis period in human history, and that we who live in the world today must choose between a nuclear war of annihilation and a golden age of peace.

PEACE PILGRIM'S MAGIC FORMULA

There is a magic formula for resolving conflicts. It is this: Have as your objective the resolving of the conflict—not the gaining of advantage.

There is a magic formula for avoiding conflicts. It is this: Be concerned that you do not offend—not that you are not offended.

PEACE PILGRIM'S MESSAGE

My friends, the world situation is grave. Humanity, with fearful, faltering steps, walks a knife edge between complete chaos and a golden age, while strong forces push toward chaos. Unless we, the people of the world, awakes from our lethargy and push firmly and quickly away from chaos, all that we cherish will be destroyed in the holocaust which will descend.

This is the way of peace. Overcome evil with good, and falsehood with truth, and hatred with love. The Golden Rule would do as well. Please don't say lightly that these are just religious concepts and not practical. These are laws governing human conduct, which apply as rigidly as the law of gravity. When we disregard these laws in any walk of life, chaos results. Through obedience to these laws this frightened, war-weary world of ours could enter into a period of peace and richness of life beyond our fondest dreams.

For free literature and information write to: Peace Pilgrim, Cologne, N.J.

PHILADELPHIA, PA., *June 6, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to thank you for your courage and persistance in re Vietnam. I would also like to ask you to do everything in your power to have our men there supplied with adequate and up-to-date equipment upon which their lives depend.

It is diabolical that we, the richest Nation in the world, the most generous where other peoples are concerned, should be so parsimonious and unfeeling with our own.

Yours very truly,

DOROTHY S. CONN.

SANTA CRUZ, CALIF., *June 6, 1964.*

DEAR SENATOR MORSE: Our family is in full accord with your viewpoint regarding our foreign policy and in respect to southeast Asia in particular.

If you were running for President, I am sure many of us would vote for you without thinking twice. Especially if they were aware and informed of your dedicated proposal in helping to save the human race from utter annihilation.

Every best wish for your success.

Many of our acquaintances are behind you.

Sincerely,

HENRY E. FISCHER.

P.S.—Would very much like to receive your last speech to Congress about Vietnam.

BERKELEY, CALIF., *June 4, 1964.*

DEAR SENATOR MORSE: We fully support your efforts in opposing our involvement in southeast Asia.

Please send any of your congressional speeches on this subject.

Yours truly,

JAMES WOOD.

BERKELEY, CALIF., *May 27, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I want to congratulate you on your courageous (for our times) stand on our Government's policies in Vietnam (as covered in the CONGRESSIONAL RECORD of March 4, 1964).

I would like all of our club members to read your speech. I would appreciate it if you would send me as many copies up to 52 of your speech in the Senate, so that I could give it to our members. I realize that this is quite a few copies, so please send as many as you can up to 52.

Yours very truly,

AL HERMES,
Publicity Chairman.

WEST HAVEN, CONN., *May 28, 1964.*

DEAR SENATOR MORSE: Congratulations on the fine stand you have taken on Vietnam. Could you send me a copy of the CONGRESSIONAL RECORD with your speech in it.

Is this a correct quotation of March 20, 1964?

"If we are not an aggressor Nation now in South Vietnam, we are not far from it * * * there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there?"

Thank you for all you are doing and do let me hear from you.

Sincerely,

JEROME DAVIS, D.D., LL. D., Litt. D.

BROOKLYN, N.Y.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We want you to know that we applaud your speech against invasion of North Vietnam and Laos.

We hope your message will get across to other Senators and that something constructive will be accomplished.

Sincerely,

Mrs. DOROTHY LIEDEL.

HASTINGS ON HUDSON, N.Y.,
May 30, 1964.

DEAR SENATOR MORSE: I wish to thank you and express our deep gratitude to you for carrying on and leading the fight against our position in Vietnam. I hope you will not falter in continuing this important task.

It is regrettable, as you so well put it, that Adlai Stevenson abdicated his position of leadership. It is most urgent, therefore, that you influence and use your position to put a stop to this threat to peace. I hope we can achieve the withdrawal of our troops and put an end to this wretched mistake.

I have written to President Johnson supporting your position.

Sincerely yours,

Mrs. ANNE MEEROPH.

LOS ANGELES, CALIF., *May 29, 1964.*

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We heard you last Sunday on "Face the Nation." We are very happy with your stand on peace and your method of reaching it.

We feel, Senator, that you are a heaven in the darkness.

May we get many like you in our great country.

Thank God for your presence in these days in the Senate.

With hope,

Mr. and Mrs. JACK SIEGEL.

WANAQUE, N.J., *May 30, 1964.*

DEAR SIR: I would like to express my admiration for your speeches against the "dirty war" in Vietnam.

Please keep on fighting. You are expressing the feelings of many of us.

I only regret not living in your State and not being able to vote for you.

Sincerely yours,

ROBERT EHRLICH.

NEW YORK, N.Y., *June 2, 1964.*

Senator WAYNE MORSE,
Senate Chambers,
Washington, D.C.

DEAR SENATOR MORSE: I applaud most vigorously your courageous opposition to escalating the war into North Vietnam.

I have written to the President and to the Senators of my State opposing such a move. I have also urged Ambassador Stevenson to bring the matter into the U.N.

Please continue the good work. Many are the people of good will who support you.

Very sincerely yours,

FRIEDA WEISBERG.

SCARSDALE, N.Y., *June 2, 1964.*

DEAR SIR: I wish to register my strong and unequivocal support for Senator WAYNE MORSE, and to endorse his recent statement summing up so effectively and succinctly, the true issue in Vietnam.

No moral right—Bring back the boys that had nothing to say about going to South Vietnam to die in a war that we should not be fighting. Mr. President, you have no moral or legal right to kill them. Let us be brutally frank about this. You will have to assume responsibility for their killing because you, Mr. President, are ordering them to their death.

This "dirty war" must end. Can't we learn a lesson from France? Their people discovered the hard way, after a loss of 240,000 young men, fighting a fruitless struggle, only to go down in defeat.

We have no right to interfere in this internal civil struggle.

The American people look to your leadership which should militantly pursue all ends to achieve a meaningful and immediate peace.

Hopefully,

Mrs. ELSIE HELLER.

JACKSON, MICH., *June 1, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR: I saw you on TV and I agree with you regarding Laos. I was in World War II, 32d Division and in the army of occupation in Germany so I know something of war.

I feel that the English set up World War I and we accomplished nothing but to set up World War II. We killed off Hitler and his gang and set up Russia, China and worldwide communism. The Korean war didn't settle much and now we are itching to get into this one. Please, for God's sake, keep us out of this one and get all of our troops out of Asia.

Incidentally, about the only friends we have in this world are Germany and Japan and I wonder if they really are. Our former allies certainly are not—they only want our money and then do business with Cuba, Russia, and China. Thanking you, I am,

Yours truly,

R. M. COOLEY.

NEW YORK, N.Y., *June 13, 1964.*

Senator WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Vietnam, Laos, and Cambodia are essentially one nation and comprised French Indochina before partition of that nation after the French capitulation. The present struggle within Indochina is an internal one and the United States is interfering with the self-determination of this nation.

The United States hasn't any more right in Indochina than it has in the rest of Asia. What are we trying to prove there? We supported the repressive government of Diem and now a military dictatorship in South Vietnam. We supported the autocratic Rhee and now a military dictatorship in South Korea. We supported the feudal warlord Chiang Kai-Shek before his ignominious defeat by Mao Tse-tung and now we hypocritically claim that his unpopular government on Taiwan is the "real" Government of China.

American foreign policy as it is presently conceived in Asia is detrimental to the American people. We are in an area of the world where we don't belong, have everything to lose and nothing to gain. Unless we get out of Asia soon, we will find ourselves at war with China.

Sincerely yours,

Stanley Singer.

Lombard, Ill., *June 1, 1964.*

President Lyndon Johnson,
White House,
Washington, D.C.

Dear Sir: I am in complete agreement with Senator Morse's criticism of our South Vietnam, Laos, Cambodia, and Cuba policies—which are leading this country and the world to nuclear holocaust. If I may use an apt phrase of my own coining, our country—it seems to me—suffers tragically from the national pestilence of "pentagonorrea."

Keep up the good work, thank you.

Yours,

Mrs. Evelyn Carnes.

Cambridge, Mass., *June 2, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have only recently had the opportunity to read portions of your comments on South Vietnam in the Senate on May 20 and 21. I want you to know that I, as an Oregonian, am proud to tell my friends about the one truly courageous Member of the Congress—Wayne Morse. I urge you to continue your fearless exposure of illegal U.S. military action in southeast Asia. Give them hell—it may be our only hope.

David H. De Weese.

Pueblo, Colo., *June 2, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your May 20 speech. America is very fortunate to have such leaders as you and Senators Gruening and Fulbright—leaders who are not afraid to speak up for a sane, traditional, American foreign policy.

Sincerely,

Paul Stewart.

Baltimore, Md., *June 3, 1964.*

President Lyndon B. Johnson,
White House,
Washington, D.C.

Dear President Johnson: The situation in southeast Asia is of great concern to me and to my family.

I am unalterably opposed to any extension of the fighting or any unilateral U.S. action in this area, and urge that the Geneva Conference be convened again to deal with this powder keg. Even better, is it not possible to let the United Nations attempt a solution for all Indochina? Prince Sihanouk, Chief of State of Cambodia, has complained to the Security Council. Can we not make this the starting point for complete United Nations jurisdiction?

Too many American soldiers have died already in a vain war. The French experience in Indochina, with far greater forces, should be a grim lesson to us. I understand we are throwing over a million dollars a day down the South Vietnamese rathole, and I share the uneasiness of the New York Times and the Wall Street Journal about our position. The next coup d'etat might be by neutralists.

Please curb the Republican warhawk, Secretary of Defense McNamara, and let us have the same responsible, peaceseeking U.S. foreign policy in Asia that we are striving for in Europe. We must have peace conferences or United Nations action in this region, not further military adventures.

Respectfully yours,

Charles Anderson.

Ventnor, N.J.

Thanks, Senator: It is a wonderful feeling when we can say at least one man represents the people of the United States. Good luck, I am sure the people are back of you.

Respectfully,

J. J. Hegarty.

Carmel, Calif., *June 2, 1964.*

The Honorable Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your efforts in the Senate to have the administration adopt a rational policy in southeast Asia. Certainly now our policy is only bringing tremendous suffering to the peoples there, and any further military extension would not bring freedom to anyone but probably world war III and death to most of the peoples of the world.

Please keep up your efforts for negotiation.

Sincerely,

Tom Goodman.
Maizie Goodman.

Boone, N.C., *June 2, 1964.*

Dear Senator Morse: Do we have to get into a fullscale Korean war, or worse still, a third world war, in southeast Asia, just to save face?

The United States was one of the organizers of the United Nations which is supposed to settle world problems jointly. But, the United States continues to ignore the United Nations. Why?

Please use your influence to settle the southeast Asia crisis in the U.N.

Sincerely,

W. P. Faeligh.

San Francisco, Calif., *June 2, 1964.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We wish to congratulate you on your courageous stand regarding the southeast Asia war. We know that it requires integrity of the highest order to speak out for an end to a futile involvement which almost all other Congressmen support.

Keep up the good fight. Most Americans will support your stand when the issue is brought out into the open.

Yours truly,

Melvin and Barbara Krantzler.

Evanston, Ill.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We wish to congratulate you on the fine fight you are waging, together with Senators Aiken, Gruening, and Mansfield, to prevent the fires of war in southeast Asia from raging more violently than they do already.

It is our belief that the only satisfactory solution that can be found for the troubles of this area of the world is for all foreign influence to be withdrawn in order that the people of the area may truly have the opportunity to work out their own destiny in their own way.

Sincerely yours,

Arnold F. Becchetti.
Marilyn B. Becchetti.

Rockport, W. Va., *June 3, 1964.*

Senator Wayne Morse

Dear Sir: In your recent "Meet the Nation" talk over radio, I was glad to hear that you were not giving vent to a lot of war threats, directed at the helpless people of southeast Asia. I personally think the world has had too much war and warmongering.

Earl Kirby.

New York, N.Y.,
June 3, 1964.

Senator Wayne Morse,
Senate Office Building, Washington, D.C.

Dear Senator Morse: I want you to know that I am in full agreement with your analysis of the situation in South Vietnam and the possible solutions you advanced. I sent the following telegram last evening to President Johnson.

"Deplore any expansion our war in South Vietnam. Support completely views of Senator Morse."

It is gratifying to know that you had the courage to express the feelings of so many Americans who feel they have no voice in determining foreign policy.

Sincerely yours,

Mrs. Victor Andoga.

San Francisco, Calif.,
June 3, 1964.

Hon. Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: I want you to know that the brave stand you have taken toward the immoral and illegal war in Vietnam is not, in my opinion, as unpopular among the American public as it seems to be among most of your colleagues in Congress. It is heartening to know that in these days, when the Congress seems so out of touch with the people, there is still a handful of men in public life who put principal above expediency.

Now that the establishment seems bent on turning Vietnam into world war III, I urge you not only to keep up the good work, but, if possible, even to increase your efforts.

It would be an honor to vote for you.

Sincerely,

Philip Fanning.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I thank you for the courageous stand you have taken regarding South Vietnam. In my opinion your position is correct and I admire the few Senators who dare to speak out for the welfare of our country.

The other evening I had the good fortune to tune in a radio program on KPFA on Vietnam. Many quotes from speeches of yours in the Congressional Record were given. They were eloquent, sincere and truthful. I was deeply grateful that you are in Washington D.C. It is only to be regretted that such a program as this was not carried on every major network in America. In reply to my letter to President Johnson I received a sheaf of mimeographed pages about Vietnam and our purpose there. I found little I could agree with and my letter to them was ignored. The news given to the American people in our local papers is so limited on vital questions of our times and the behavior of some governmental agencies so highhanded that to me it is truly frightening. My sincere good wishes to you.

Sincerely,

Pauline Scott.

Lawrence, Kans., *June 2, 1964.*

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am against our continued military presence in South Vietnam, and am absolutely opposed to carrying that morally, politically, historically unjustifiable policy into North Vietnam.

Senator Wayne Morse of Oregon seems to be one of the very few brave, intelligent voices (also Senator Fulbright) in that sea of blindness called U.S. foreign policy; I fully support the Senator's views regarding U.S. policy in South Vietnam. The people of Oregon are most fortunate to have such a man represent them.

It is difficult to understand how an administration with, at long last, a more enlightened domestic policy can continue, practically alone, to carry on such a backward, 19th-century foreign policy.

Those of us who voted the Kennedy administration into office, with hopes for a new, intelligent, open-minded approach to world affairs, and above all, with hopes for peace, are still hoping; please do not disappoint us. We are tired of platitudes and doubletalk; tired of hearing our so-called spokesmen advocating peace in one breath, and in the next advocating extending an unjustifiable war into North Vietnam, and wherever else the world will not follow their dictates.

Most sincerely,

Mrs. Gloria B. Sadler.

Note.—Senator Wayne Morse: We have sent a copy of the foregoing to Congressman Harold Johnson and this one to you.

Paradise, Calif., *May 25, 1964*.

Senator Thomas Kuchel,
Senator Office Building,
Washington, D.C.

Dear Senator Kuchel: We are fully in accord with Senators Morse, Gruening, and Mansfield in regards to Vietnam. We further think that we are there for business reasons and therefore we have no business staying there under the hypocritical guise of saving the people of that unhappy land from this or that or the other thing. Continuance of our policy, and particularly to the probability of its extension, is not only a flagrant threat to peace, but the survival of life on this planet. We hope, sir, that you are working on, or will soon so incline your efforts in this direction.

We wish to congratulate you on your sympathetic stand in regards to medicare; your opposition to the attempt to suppress Pacifica Radio; and for the many other good things you have worked and voted for.

Sincerely yours,

Harold C. Barthelson.
Mrs. Ardis J. Barthelson.

Miami Beach, Fla.

Senator Wayne Morse,
Senate Building,
Washington, D.C.

Dear Sir: Congratulations on your wonderful fight to keep us out of another Korea or an atom bomb war. You finally broke the iron curtain of newspaper silence with your and other Senators fight against an extension of war in South Vietnam. You made the front pages here. Keep up the good work.

Ewen Foster.

Minneapolis, Minn.,
June 1, 1964.

Dear Senator Morse: Thank you very much for the many copies of your excellent statement on Vietnam which I requested and which your office sent so promptly. We distributed them at the meeting for which I enclose a notice. At this time we passed a resolution asking our Government to withdraw and turn the problem back to the Conference of Geneva as was provided in 1954. The papers give us no hope that the Goverment is changing its stand to a more rational one in line with its agreements at that Conference. It is most disillusioning to be part of such a foolish policy as the United States has, and one feels impossibly frustrated except that people like you are speaking out and stating what we think.

Thank you again. If you can think of anything more useful that we can do besides write letters and try to spread the facts as you and we see them, we would be glad to try.

Sincerely,

Mrs. Eleanor Otterness.

Fort Collins, Colo.,
May 31, 1964.

The Honorable Wayne Morse,
The Senate Office Building,
Washington, D.C.

My Dear Senator Morse: As the father of a 17-year-old son, but more especially as a citizen, I wish to thank you for your efforts drawing the attention of the American people to the situation in Vietnam. Not only does the war there seem a hopeless one—it seems to me an effort which throws shame upon this Nation. I can see nothing democratic about the existing regime there, and analysis suggests that the resistance to us must have much popular support to be as effective as it is without airpower. Suggestions that the war be extended are especially horrifying, with the threat of nuclear war and absolutely no justification in international law. Although your efforts to expose this situation must at times make you feel that yours is a voice in the wilderness, I am convinced that you and your colleagues who raise this issue are the true spokesmen of the American people.

Please send me any copies of your speeches on this subject that may be available. Thank you again for fighting this good fight.

Sincerely yours,

Paul A. Bates,
Associate Professor.

Pawtucket, R.I., *June 3, 1964*.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: This is just a note to express my approval of your outspokenly critical attitude toward U.S. southeast Asia policy.

I can't tell you how really heartening it was to hear such a penetrating indictment of our morally bankrupt foreign policy and particularly emanating from a U.S. Senator who holds such a responsible position on the Foreign Relations Committee. Increasingly, I was convinced that the Congress had atrophied to such a condition that it was incapable of critically assessing our foreign policy and was on the verge of becoming a parliamentary entity so ineffectual as to be comparable to the appendages of a totalitarian regime. Your forthright and resolute statements on the genocidal war in Vietnam and your unswerving commitment to conscience are indeed gratifying.

Undoubtedly, you will be assailed by the cold warriors as an appeaser, a capitulator, but be assured that there are many people who are appreciative of your reflective and conscientious stand.

Appreciatively,

Raymond L. Riccio.

Washington, *D.C., June 4, 1964*.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I am urging that you use your great prestige and influence to expedite an end to the evil war in Vietnam.

Our great Nation would surely gain in stature if a major portion of the half billion dollars being spent each year in a destructive Vietnam venture were to be diverted to the U.N. to help settle the conflict.

The United States, the beleaguered Vietnam, and the entire world would greatly benefit by such a step. And the United States could be acclaimed as a truly great and peace-loving nation.

Very truly yours,

Mrs. Janet N. Neuman.

New York, N.Y., *June 3, 1964*.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: I wish to lend my support to your position on the war in Vietnam and Laos. To let this develop into a full-scale war can be disastrous for the world. A better solution must be found.

Very respectfully,

Solomon Cobett.

Brooklyn, N.Y., *June 2, 1964*.

Dear Senator Morse: I have been meaning to write and tell you how much I agree with you on the withdrawing of our boys from Vietnam and your forthright criticism of Gov. Adlai Stevenson. It is rare that one hears any dissent in Government, so that you and Senator Fulbright stand out as knights in shining armor. Thank God for people like you.

Very sincerely yours,

Mrs. Syma Kaufman.

June 3, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Thank you for your just and unequivocal opposition to the war in South Vietnam and its projected escalation. It is quite clear to anyone who takes the trouble to read and think that the Khank regime in South Vietnam is a thoroughly unpopular dictatorship maintained, in the face of overwhelming Vietnamese opposition, by the armed intervention of U.S. forces and a huge U.S. subsidy which is now at least $500 million per year and scheduled to rise by $125 million. I hope you continue your opposition, publicly and vociferously, to our dirty war in Asia.

Sincerely yours,

Wm. R. Rothman.

Los Angeles, Calif., *June 1, 1964*.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I agree with your stand on our withdrawal from the war in South Vietnam. I support Senator Fulbright's recent speech to rethink our overall foreign policy in Cuba and South Vietnam.

Your efforts for a stronger U.S. stand for world peace are appreciated.

Very truly yours,

Herbert Marth.

St. Louis, Mo., *June 2, 1964*.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Congratulations on your intelligent courageous stand on Vietnam. Keep it up. Glad somebody in Washington thinks.

Isadore Shank.

Hyattsville, Md., *June 2, 1964*.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Sir: We commend you for the great job you are doing in course of peace. Although you are in the minority at present history will note your great service to our country and the world. If you can save even one American life you will have fulfilled your duty as a Senator. More power to you.

Sincerely yours,

Mr. and Mrs. I. Peitelbaum.

Los Angeles, Calif., *June 3, 1964.*

Senator Wayne Morris,
Senate Building,
Washington, D.C.

Dear Senator: We are inspired by the passion and unassailable logic of your argument against intervention in southeast Asia. Please accept our heartfelt gratitude for your courageous defense of world peace and all humanity. Let us know in what way we may help.

Sincerely yours,

Paul Perlin and Family.

Snohomish, Wash., *May 31, 1964.*

Senator W. Morse,
Capitol Building, Washington, D.C.

Senator Morse: We are not from your State but my husband depended upon your opinions and leadership at our Capital. This is a democracy but I wonder if this will reach your attention.

For 2 years the hopelessness of the fighting in Vietnam has been of heart's concern. Every American death there has certainly been a murder and a useless one. Natives are reported to be unconcerned and using the presence of our men for personal gain. We are not sending Von Steubens and Pulaskis—as Secretary McNamara said in his "pep talk." The boys in southeast Asia are fighting against a condition and party which is allowed in Cuba, is financed in Yugoslavia and against which our money interests will not cut trade. There is much more to say and you have more information. Then the dollar is more protected than young men's lives—some who have not yet had an opportunity to use their American right of representation and vote their lives away in this place.

Is it not for such world conditions that the United Nations was organized? Why was the Secretary of Defense (the opinion of one businessman) in charge of the situation until it reached a crisis? Now it seems we must be in the fight to protect his political reputation. Why are such important matters left in the hands of two or three? Should not Congress make the decision which puts us into war action any place?

With Red China so opposed to America—what more could she ask than the United States be baited to come all the way across the Pacific—to fight at her borders with her kind of weapons, and in her manner of fighting. Should such a nation have diplomatic victory over our educated leaders? And the price of diplomatic blunder is so easily offered and takes the lives of better citizens. (Is it not so that those men who steal cars and the like have counted their military time in detention?)

We pay taxes to help peoples maintain freedom. That seems right. But stopping communism is surely a problem of united effort. If the United States takes over why should others offer to come? Cannot the situation create a demand by Congress for it to become a United Nations cause?

The above has been my feeling for some time. Now it has become an opinion with a heartache. I have only two relatives in this world since my husband passed away—two sons. Jere is 21, 1A. John S. is 23 and at Fort Eustis, Va.—leaving for Koret, Thailand June 17. He was working for his master's degree and hoped to teach in college. His chief interest was to encourage the freshmen dropouts. At heart, he is a pacifist. He was troubled as to how to state it without seeming disloyal. (He didn't go fishing because he didn't want to cause anything to die.)

I thank you for your time if you have read this. Things seem so difficult—I believe that Jack would have thought it well to write to you.

Very sincerely,

Margaret Murphy.

Brooklyn, N.Y., *June 3, 1964.*

Senator Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I have read of your position on the aggression in South Vietnam and on the warmongering of fellow Americans. It is deeply gratifying to learn that there are men on Capitol Hill, like yourself, who have resolved not to be part of this warmongering madness.

All that I can say to you is that it is imperative that you and those on Capitol Hill who agree with you keep up the struggle to put an end to this mass warmongering insanity and to restore peace to, and insure peace in, our world.

Yours truly,

Richard Bornstein.

Springville, Calif., *May 25, 1964.*

Senator Wayne Morse.

Honorable Sir: (Only you and Senators Douglas and Clark and members of "the willful little band" do I consider deserving of the title "Honorable Sir.")

Your words on last night's release of "Face the Nation" were superbly courageous. Their undeniable logic and obvious honesty may, I fervently hope, have helped to counteract the propaganda dispensed daily by the far-right industrialists. (Apparently the military-industrial complex has "deprived us of our liberties.")

Your speeches in my daily issues of the Congressional Record prompted me to type highlights from them for the local newspapers. All efforts to beat the coalition seem futile, but at least you throw a hard, bright light into the dirtiest corners.

I, too, am keenly disappointed in Adlai, for whom I voted, but in whom my faith was shaken after his reversal on Telstar, or H.R. 11041.

This letter is meant as a vote of confidence for your suggestion that we let the U.N. handle the Vietnam crisis, and abandon our lawless ways. I hope you receive thousands like it.

Most respectfully,

Elizabeth Talbot.

New York, N.Y., *May 31,1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: Please accept my humble and deeply felt gratitude for the courageous and powerful stand you are taking in behalf of peace and a decent America. As long as men like yourself exist, there is hope for the future. Otherwise, we would all be left to total despair.

Very respectfully yours,

Mrs. Ruth Freinkel.

Long Beach, Calif., *May 30, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I extend to you my admiration and support for your honest and courageous leadership in bringing the American people to understand the Vietnam situation. I am in full accord with your views there, and feel that it is urgent that we as a nation realize the mistake we are making. I believe lack of accurate information here at home is our only excuse.

The worst misunderstanding, being fostered daily by most of our press and some political figures, is the belief that men and material are pouring into the Vietcong from North Vietnam, from China, or from other sources. Only rarely is the truth printed, and then it seems to go unnoticed. (I refer to General Harkins quoted at length in the March 6, 1963, Los Angeles Times, and to articles by Ted Sell and Bill Henry in November 20, 1963, and May 17, 1964). The truth is that we are the only ones intervening in Vietnam, and we are killing indigenous natives, destroying their families, homes, and crops.

Then, what can be said about those Americans who continue to state that our soldiers in Vietnam are still playing only advisory, noncombatant roles? This is contempt for truth, and for the intelligence of the public.

I hope you continue to try to elicit open, honest debate in Congress and in our press on the Vietnam scandal. I will do all I can to help you. If you have any reprints of your speeches on this topic, I would appreciate receiving one.

Sincerely,

George R. August.

Seattle, Wash., *May 31, 1964.*

Senator Wayne Morse.

Dear Senator: It is hard for us to understand how the machinery of the Pentagon operates. For example, how it can keep the war in Vietnam going so flagrantly against the wishes or interests of the people of this country.

I think you are doing a courageous job in attempting to expose their tactics and get the rotten mess stopped.

Respectfully,

Ralph C. Lemon.

Los Angeles, Calif.,
Memorial Day, 1964.

Senator Wayne Morse,
The Senate Building,
Washington, D.C.

Dear Senator: On this Memorial Day, I want to congratulate you on your great effort for peace, the best memorial to our war dead.

I have just written to our President asking him to stop the war in South Vietnam.

My family and I greatly appreciate your efforts in behalf of all the people of the United States.

Sincerely yours,

Mrs. Elle L. Miller.

New York, N.Y., *June 2, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Let me take this opportunity to express my heartfelt approval of your stand against the continuation of the Vietnam war. I am glad someone is standing up and speaking out against a war so unjustified, so inhuman, so wasteful, and so destructive of our position in the world as a friend of national independence and opponent of colonialism.

I hope you will keep the good work up until every American serviceman is brought home from Vietnam. I do not say that we should get out of the war there because things are not going so well for us now. I have felt for a long time we should get out because we are doing the wrong thing in trying to force upon a people a government that they do not want. I believe that the Vietnamese people feel that they are fighting for their homes and for their own freedom from outside oppression. They are thus fighting for human rights that any people would be justified in fighting for.

A few infiltrators from North Vietnam could not have influenced them if they had not already been completely discouraged about the conditions under which they had been living and the oligarchy which caused them.

This is a war in which there is no future except to be dragged deeper and deeper into a campaign of attrition against a whole people with a consequent expenditure of more and more American lives and a gradual extension of the area of battle, which will make it ever harder to reach a settlement.

Good luck to you in your campaign against it.

Sincerely,

Miss Eileen Bradley.

Rutherford, N.J., *June 2, 1964.*

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We would like to commend you on your forthright statements on the southeast Asia situation. Your courage in speaking out against further U.S. involvement is heartening. Please know that there are many fellow Americans who share your concern and shame over present U.S. policies in the Vietnam region.

Sincerely,

Roland A. Finston.
Gloria W. Finston.

Blue Ridge Farm,
Schodack Landing, N.Y., May 30, 1964.

Senator Wayne Morse,
The Senate,
Washington, D.C.

Dear Mr. Senator: I have just written to President Johnson and to Adlai Stevenson expressing my agreement with your views and comments on our involvement in Vietnam and on Mr. Stevenson's speech to the United Nations (your speech of May 20 to Senate)—also my agreement with Walter Lippmann's column on the same subject.

It is gratifying to know that a few people, even in the Senate, have the wisdom and integrity to state their views frankly even though they differ with our State Department.

I sincerely hope that you and others such as Senator Gruening will continue to speak out and that we can avoid further involvement in any war. We must have peace.

Yours truly,

Betty E. Laws.

San Francisco, Calif.,
May 30, 1964.

U.S. Senator Wayne Morse.

Dear Senator: I am in full agreement on your most courageous stand on southeast Asia.

I am thankful that you are one of the few who will make himself heard in this time of peril.

We are interfering in the internal affairs of too many other countries.

There are too many, in high places of this country, who want war.

Respectfully yours,

E. O. Bible.

Wilmington College,
Wilmington, Ohio, June 1, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: This is to express my appreciation for your perceptive speeches on American foreign policy, particularly in relation to the fighting in South Vietnam.

It seems to me that you and the other handful of Senators who have been exposing the tragedy of the fighting in South Vietnam and have been stressing the need for constructive American policy deserve our deepest gratitude.

Sincerely yours,

Warren Griffiths,
Professor of History and Government.

Westfield, N.J.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I am writing to tell you how much I approve of your efforts to force a change in our South Vietnam policy, and the whole dreadful mire we find ourselves in. Who is running the country, Pentagon and CIA? Seems so.

What are our boys being asked to die for, the discredited regimes of Diem or Khanh? American mothers have had enough of war. We want peace and now. The world yearns for it, and we here in United States are dragging our feet, holding up progress—world opinion is 10 years ahead of American public opinion—who is molding it?

Please continue your efforts to challenge our present policy and to work for a settlement of the Indochina peninsula—I admire your candor and honesty—the House and Senate, unfortunately, don't have enough like you.

Yours very truly,

Jeanne W. Thomson.

Lynn, Mass., *June 1, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: May I congratulate you on your speech about stepping up the war in South Vietnam of May 21 in the Senate.

I was particularly interested in your report that Pentagon personnel admit that there are no troops from other countries fighting with the Vietcong, and that the war is, in fact, a civil war, and we have no business being there.

I wish there were more Congressmen and Senators with your ideas and courage. I am wondering how I can vote for either Republicans or Democrats who really have no differences on this subject.

More power to you.

Respectfully yours,

Mrs. Mildred Goodwin.

Lakeport, Calif., *June 5, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to congratulate you on the forthright stand you have taken on the question of our foreign policy, more particularly in regard to our involvement in Vietnam. It is clear that such a policy can't possibly result in any solutions but on the contrary can escalate into the destruction of our civilization.

The aspect of the situation that really bothers me is the evident corruption and ignorance of our electorate, as evidenced by the primary elections in this State.

As an individual, more or less isolated because of the mantle of fear that blankets our Nation, I can only thank God that there are a few men like you with courage and a dedication to truth and real patriotism. May your tribe multiply.

Carl Sullivan.

Los Angeles, Calif., *May 3, 1964.*

Senator Wayne Morse,
Washington.

Dear Senator Morse: I send you three cheers and a heartfelt message of appreciation of your almost lone stand on our wicked work in South Vietnam. Your strong words are needed.

Thank you, and keep it up.

Sincerely,

D. G. Pike.

"The end justifies the means" is now our country's motto, and nothing else.

Philadelphia, Pa., *June 5, 1964.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: You and Senator Gruening are performing a most significant service to our Nation in your repeated statements on the South Vietnam situation. Unfortunately your forthright position opposed to our intervention militarily in southeast Asia has too few supporters in Congress but you are supplying leadership to an ever-growing body of citizens who reject our Nation in the role of seeking to force a dictatorial government on a people.

If you have not already done so, I would suggest for your reading Edgar Snow's "The Other Side of the River," with special attention to the final chapters in which he addresses himself to war and peace in Vietnam and then his proposals for changed attitudes in our Nation.

Sincerely yours,

A. Egnal.

Chicago, Ill., *June 6, 1964.*

Senator Wayne Morse,
Senate Office Building, Washington, D.C.

Dear Senator Morse: Keep up the good work in trying to pull us out of southeast Asia. You are right, 100 percent. The intervention there is illegal and is not worth the death of one American. Can't we find anyone but bloody little dictators as our friends? In the U.N., can't we quit voting with the colonial powers? Even the colonial powers don't support us on Vietnam. It is clear that we have been caught way out in right field. I saw Hiroshima 3 months after the bomb was dropped and I don't want that to happen here. I watched the radioactivity in the bomb victims eat up the good blood almost as fast as we pumped it into them. The skin color would return for a little while, then they would turn gray-white and die. Those were people that were far from the blast. So, please, please don't give up. Keep trying.

Yours very truly,

Carl Hoeckner.

Mill Valley, Calif., *June 4, 1964.*

Dear Senator: I wish to particularly thank you for the copies of your speeches you sent me. They are exceptionally good, firm, pointed speeches. I have learned so much from them and I shall certainly spread them to all who will read. (If only more would.) As a first result of my reading of them, I have been inspired to write a poem, a copy of which I enclose. Of course, I am mailing it to each of the principals involved. Do keep on with your excellent work and know that we are many who applaud your courage and try to emulate it.

Sincerely,

Mrs. Marguerite Edises.

YOU ARE CALLED TO ACCOUNT

Prelude

Calling McNamara, calling Rusk, calling Johnson, calling McCone, calling Taylor, to be an honor guard.

I

At the shore you meet,
Each youth to greet.
His last trek done.
Your trial just begun.

II

Each lies there dead,
The dropped flag at his head,
Wanting to hear what you said.

III

When he asked you, "Why,
The whole world to defy,
You sent him to die?"

IV

"Is it not for shame?"
"We have no legal claim."
"Quite clear
We interfere."
"Stop."
"Let the rest arrive
Greet them alive."

V

But you were not there.
His words rent the air.
But you did not care—
Or, did you not dare?

VI

When will you say, "The Conference, instead."
Better, words and then more words than all
those dead.

VII

Gentleman:
The hour is late
So also our fate
'Tis honorable to abdicate.

—Marguerite Edises.

Silver Spring, Md.,
June 6, 1964.

President Lyndon B. Johnson,
White House,
Washington, D.C.

Dear Mr. President: After listening to and reading what many of the Senators who are interested in Vietnam say and write, I have come to the conclusion that we are being inflexible in that area.

As Senator Wayne Morse has said, "The people of South Vietnam have the right to choose the kind of government they want. We should get out now."

As a peace-loving man I'm sure you, too, can see the folly of pursuing the policy we have had all this time. All that comes of it is more deaths for Americans as well as Vietnamese people, and the future may even bring the further spread of war. It is certainly no weakness to negotiate and to save lives.

Please help to change our policy there.

Sincerely,

Mrs. Miriam W. Drimmer.

La Crescenta, Calif., *June 4.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Thank you. I am glad that you have not been stampeded into acceptance of the idea of extending the war in southeast Asia. I would hate to see another bloody carnage, Korea style.

I notice that the President again uses the old cliche about "defending South Vietnam." Actually, isn't it more accurately a matter of defending a government that isn't wanted by a majority of its own people? (Surely it would have won out long ago if it had even half the people on its side.)

I am glad, too, that you are not alone in taking a more reasonable attitude on the Vietnamese situation; I have also written Senators Gruening and Fulbright commending them.

With best wishes.

Robert Shillaker.

[From the Los Angeles Times, June 4, 1964]

Cease-Fire in Vietnam Under U.N. Proposed

Washington.—The southeast Asia crisis stirred critical comment in Congress Wednesday.

Senator Ernest Gruening, Democrat, of Alaska proposed in a Senate speech that the United States seek an immediate United Nations sponsored ceasefire in South Vietnam.

"We should take every step possible to stop the bloody, senseless killing in Vietnam not only of U.S. fighting men but of the Vietnamese as well," he said.

MORSE TAKES ISSUE

Senator Wayne Morse (Democrat, of Oregon), again took issue with U.S. policy in the Senate. He said President Johnson's statement at a press conference Tuesday that the United States intends to stand by its commitments to help defend South Vietnam is "in reality a sad admission that the 10-year-old policy of unilateral American intervention in Indochina has been a failure."

He added: "If the President thinks the future of southeast Asia is at stake, then he has no alternative but to confer with the governments of southeast Asia, not only with South Vietnam, but with North Vietnam, Cambodia, Burma, Laos, Thailand and the neighbors who also have a more direct interest then does the United States—India and China.

"For President Johnson to create the impression that the United States intends to determine the future for millions of people 7,000 miles away is not even a thinly-disguised kind of imperialism," Morse said.

Los Angeles, Calif., *June 2, 1964.*

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator: Why not turn over our problem of Vietnam to the United Nations and thereby save the lives of our boys as well as those of Vietnam?

Thank you.

Cordially yours,

Sara Oshuio.

Lancaster, Calif., *June 1, 1694.*

Senator Wayne Morse: All of us are deeply indebted to you for continuing your efforts against the United States war in Vietnam. Your strong opposition to sending more money and American boys to carry on the war is a great contribution toward preventing that war to be enlarged as it surely will be if not stopped very soon.

It is extremely sensible of you to mention that Vietnamese lives, as well as American lives, should be considered as they are human beings also. This is seldom considered by the brainwashed administration leaders or people in general.

And it is true that the blood of these murdered people is on the hands of all from the President on down who do not speak out against this terrible war by which thousands are brutally tortured as well as the thousands killed.

I note David Holden of the Manchester Guardian states, "Saigon is a city of glittering, cynical, sybaritic unreality, vice and artificial prosperity. There is maintained a black market where American aid cartons are openly sold by street peddlers, and panic money is leeched out steadily to Hong Kong and Singapore and Zurich."

Good wishes to you.

Pearl R. Gooding.

Mount Vernon, Mo., *June 3, 1964.*

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: Thank you for the wonderful speeches you made in the Senate on May 21 and 24. I have read only an excerpt, but you are speaking for the people of this country and what you have said should open our eyes. It takes courage to do things like that. I am writing Senator Long again and sincerely hope he will give you support. That we are endangering the peace of the people of the whole world is crystal clear. No wonder we stand alone in this shameful thing. What little approval we have from Britain is forced intimidation. I do hope people are writing you—and I think those who are informed should. Keep up the good work. Lack of information and misinformation are our greatest obstacles, as Senator Gruening has pointed out. The whole world should thank the small handful of brave men in our Senate for trying to present the truth.

Sincerely,

Mr. and Mrs. Stephen B. Crumpley.

Brooklyn, N.Y.,
June 3, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to thank you for your courageous stand against our southeast Asian policy, particularly in South Vietnam. How many people in the area are we convincing that the threat is communism—that the Vietcong is out to destroy them? It seems to me that by this insane drive to world war we are alienating more people everywhere.

Please continue the fight to reverse this unrealistic attempt to settle world problems by sectional wars. Let us get out and try to solve the problems closer to home.

Very respectfully yours,

Anne R. Colford.

Los Angeles, Calif.,
June 3, 1964.

Senator Wayne Morse,
The Senate,
Washington, D.C.

Dear Sir: Just a short letter to give you encouragement in your courageous stand on the Vietnamese issue.

Yours truly,

M. Dedina.

Kalamazoo, Mich., *June 3, 1964.*

Dear Senator Morse: I saw and heard the very short speech you made about our war lords.

Thank God we hear a few, very few voices in the wilderness, crying out against needless wars. Money, but more important, the lives of our young men lost for saving face of 2 men in our Government. McNamara and Rusk, who go about smiling, now they have some recommendations to offer to President Johnson sure, they know, they are running the country.

What about Congress. I don't like the expression "do nothing" Congress, but what are they doing to keep this country out of wars—other peoples' wars? Do we have to fight all wars for everyone?

The people in South Vietnam don't want the war to end, they are having a good time spending our money, glad to have our men fight and die for them.

Raise your voice a little louder and longer for the United States and us.

Our boys would prefer to bathe and swim too, instead of fighting waist deep in the swamps for what, prestige?

Mrs. M. C. Schilling.

Plainfield, Ind., *June 3, 1964.*

Senator Wayne Morse: I just want you to know that people outside of your home State appreciate you. However, I'm afraid that too few of them let you know. I've been wishing, for some years, that we had a majority in the Senate and House, too, who believe as you do.

I was formerly a Republican, more recently a Democrat, but I'm pretty sure now that the establishment runs both parties.

What the country needs is an awakening which would make people think and communications media tell the truth.

We are now just carrying on the old British striped pants diplomacy by imposing our strength in areas where it is not wanted and needed. We give people freedom all over the world where, I'm afraid, they find themselves much less free than previously.

You are the only Senator I can write this to. If there are more, will you let me know. I'd like to encourage them.

L. D. Houston.

New York, *N.Y., May 8, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations on the magnificent speeches you have made on the subject of Vietnam and the need for the United States to become miltiarily disengaged there.

I am enclosing a pamphlet which I have just written on the subject of Vietnam, and I hope that it will be helpful in getting people to see the necessity for a change in American policy. I am also hoping that you will consider that it has sufficient interest and merit to have it inserted in the Congressional Record.

Sincerly yours,

Helen B. Lamb.

DETROIT, MICH., *May 9, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: God bless you for your stand against the South Vietnam war.

Yours must be a lonely lot fighting for sanity, justice, and trying to get our foreign policy back on the track of international law and decency.

I often wonder how it is that our Government can be led around by the nose by a few private monopolies; whereas our own citizenry is ignored and left to shift for itself.

Seems like the monopolies that call upon the public to rescue their holdings in Cuba, Congo, Brazil, or southeast Asia are the very ones who object so strongly to medicare, civil rights, aid to education, and adquate pensions.

Therefore I too salute you and wish you success and fortitude in your splendid endeavors.

Keep up the good work.

Sincerely,

JOHN Z. GELSAVAGE.

CAMBRIDGE, MASS., *May 9, 1964.*

DEAR SENATOR MORSE: This is the first time I have written to any person in Congress. I am now completing studies at the Massachusetts Institute of Technology. Since I first became politically conscious I have been impressed by your devotion to truth and principle, something that seems to be lacking in most of Congress and the administration.

I am writing to express complete support of your position on Vietnam. Many of my friends are very concerned at the apparent suppression in the press of a public opinion which I am sure is more and more in agreement with your feelings. I do not know if you have made any statements concerning Cuba, but in the past year I have become convinced that the communism in Cuba is largely a myth. I am embarrassed to remember that at one time I supported the Bay of Pigs invasion. If it hadn't been for the military and economic policies of our Government to Cuba, Castro would never have had to make trade agreements with the Soviet Union. My thoughts could go on indefinitely, but I'll stop here with an affirmation of my feeling that the war in Vietnam makes a mockery of our own Declaration of Independence and Constitution. Good luck and don't give in to pressure.

Would you be available in the future for speaking engagements (say next fall)? My friends at MIT and Harvard would help set up and publicize such meetings. I realize you are quite busy, so don't feel obligated to answer.

Respectfully,

LESLIE M. EVENCHICK.

WASHINGTON, D.C.

DEAR SENATOR MORSE: Your recent newsletter on Vietnam was lucid and forthright. Why can't this information be publicly hammered home again and again until this senseless slaughter is stopped.

I enjoy all the "Oregon" touches and think your picture with the President excellent. I never throw the newsletters away—always send it on to some one in need of correct information on issues both domestic and foreign—cutting across political lines, too.

More power to you.

Sincerely,

(Mrs. H.) ROSE BAKALAR BERMAN.

REVERE, MASS., *May 7, 1964.*

Senator WAYNE B. MORSE,
Washington, D.C.

DEAR SENATOR: Congratulations to you on your courageous stand against "McNamara's war."

The sooner we pull out of Vietnam the better it will be for the Vietnamese and the U.S. soldiers who did not choose to go there and who were never sent there in accordance with the laws of our country which require our troops to engage in wars only when declared by Congress.

Let's get out of Vietnam before they celebrate another anniversary each year out there—this time an American—not a French Dienbienphu.

Sincerely,

FRANK SIEGEL.

NEW YORK, N.Y., *May 9, 1964.*

Senator WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SENATOR MORSE: Congratulations and my heartfelt support for your courageous stand on our senseless policy in South Vietnam. If only there were more like you to speak out and stand up and be counted.

I have written to Senator GRUENING with my appreciation and advised my own Senators JAVITS and KEATING that I have written to you. I have also written to President Johnson.

I wish you to know that you do have support—and history shows that we are a placid people but when we are pushed too far, we do become rebellious. This has been the progress in American history.

Keep up the good fight.

Sincerely,

PEGGY W. LESSER.

BRONX, N.Y., *May 4, 1964.*

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SIR: Congratulations on your opposing our inhuman and vicious dictatorship-supporting war in South Vietnam. It is a disgrace to this country that so few of your congressional colleagues have had the courage, integrity, decency, and/or intelligence to speak out against this war. The day may yet come in this country when the persons responsible for the napalm bombing and killing and maiming of thousands of innocent South Vietnamese citizens will be regarded as the murderers and mentally imbalanced persons that they are. The day may yet come when the murder and maiming of hundreds of thousands of people merely to satisfy the money and power lust of war-oriented "defense" and armament company executives and the neurotic lust for power and prestige of brutal and conscienceless military brass will get the attention from the psychiatric profession that it deserves.

The people of this country are overwhelmingly opposed to this kind of murder for power and profit. Let us end this madness in South Vietnam or we will find ourselves following in the footsteps of the German people when they let Hitler lead them down the bloody path that led to dictatorship, genocide, and world war. Only from such a world war as we would find ourselves in this country and Western civilization would never rise again.

It is about time the so-called leaders of this Nation stopped using the mask of anticommunism to hide every vicious, greedy, brutal, stupid, and neurotic motivation and ambition of our big businessmen and military higher ups. It is about time they stopped their lying to the American people about this war's being necessary to stop communism. This war is being fought by us simply because the big business executives, the millionaries, and their military henchmen and bought politicians in this country demand that the people of South Vietnam have a government, not of their own choosing, but one which meets with the approval of these big businessmen and their cohorts. And one which meets with their approval means simply one which they can exploit industrially and financially and dominate politically, as they do with their various pet South American dictatorships such as Paraguay, Haiti, Guatemala, Honduras, Nicaragua, El Salvador, Ecuador, Dominican Republic, and now Brazil. Their greed for profits and power is why they are supporting the present military dictatorship in South Vietnam against the people of South Vietnam, and why they supported the Diem dictatorship which preceded it, and why they have supported and befriended the dictatorships in Spain, Portugal, and South Africa, and why they are fanatically opposed to the present Cuban Government. There isn't and hasn't been a rotten, corrupt dictatorship anywhere in the world since the end of World War II that those big businessmen and their military sidekicks haven't approved of, and through their domination of the U.S. Government, haven't forced the U.S. Government to support.

It is high time the U.S. Congress realized that the interests and desires of the American people as a whole are not the same as, and are even usually diametrically opposed to, the interests and desires of the reactionary and greedy military-industrial complex of this country.

If mankind is to have a history, that history will single you out as one of the few in the U.S. Government who spoke out for reason, truth and human decency when greed, ignorance, fear, apathy, and mental illness were pushing the world toward nuclear destruction.

Yours truly,

ROBERT GROSSMAN.

NORTH WHITE PLAINS, N.Y.,
May 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to let you know that I support your efforts to find a peaceful solution to the costly and unjust war in Vietnam. I urge you to continue to use your influence to set up procedure for negotiations to enable the termination of U.S. military involvement.

Respectfully yours,

EVELYN MALKIN.

FORT WORTH, TEX.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Thank you for being persistent in your criticism of South Vietnam. Only this morning I fired a telegram to President Johnson demanding that something be done about our boys in this Vietnam struggle. Either support them or bring them home. I'm sick of "Pussyfoot" McNamara and think it's about time to rehire our Joint Chiefs of Staff.

I've heard wolf cries about Cuba until I'm fed up. First the Russians pull out, next only part of the Russians leave, next only the larger missiles were removed, now only little missiles were left in Cuba. Washington can't tell the truth and I wouldn't believe any of them on a stack of Bibles, including Lyndon Johnson. Thank God for GOLDWATER, a man with guts, and I'll be working but hard in November for him.

Respectfully yours,

Mrs. DON DENNIS.

SENATOR MORSE ASKS WAR DECLARATION

WASHINGTON.—Senator WAYNE L. MORSE, Democrat, of Oregon, told the Senate this week President Johnson should ask Congress for a declaration of war in South Vietnam if Americans are going to continue to die there.

"No President can declare war by executive decree," MORSE said. "The American people are waiting for a declaration of war from the President."

MORSE, a persistent critic of U.S. military involvement in the South Vietnamese fighting, also said he was "convinced that undercover plans are underway to escalate that war" with "great potential danger" of a worldwide conflict.

MORSE renewed his attack on what he calls McNamara's war by declaring that "the parents of American boys unjustifiably killed in South Vietnam are not going to bury them without protest" against continued U.S. military presence there. "The protest is going to mount," he said, "and it should."

SANTA CLARA, CALIF., *May 5, 1964.*
Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SENATOR MORSE: The enclosed copy of my letter to Senator THOMAS KUCHEL expresses my feeling as well as yours.

I hope you press this issue until we leave South Vietnam to themselves.

Very truly yours,
GERALD A. PETERSEN.

SANTA CLARA, CALIF., *May 4, 1964.*
Senator THOMAS KUCHEL,
Congress of the United States,
Washington, D.C.

DEAR SENATOR KUCHEL: It seems to me that too few voices are speaking up against this awful situation that is going on in South Vietnam, but I notice that Senator WAYNE MORSE and also Senator GRUENING from Alaska have done a first-rate job in that connection, and I certainly would like to see more activity along these lines.

Our activity in South Vietnam is, insofar as I am able to see, exactly the same as if we were carrying it on in Mexico or Canada. I do hope that you will become as stirred up over this issue as I am and take an active part against it.

Sincerely,
GERALD A. PETERSEN.

NEW YORK, N.Y., *May 8, 1964.*
The Honorable SENATOR MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I wish to congratulate you for your magnificient speech made at the Senate on March 4, 1964.

Your analysis of the world situation is very true and realistic.

I prefectly agree with your views on foreign aid and especially with your stand on South Vietnam. I gladly support your opposition to U.S. military participation and favor the withdrawal of American troops from South Vietnam.

I agree with you that American involvement in any Asian conflict is going to be an nuclear involvement.

With my best wishes for your continuous successful efforts for world peace, I am,

Very respectfully yours,
IREYNE JONNARD.

FALLS VILLAGE, CONN., *April 27, 1964.*

DEAR SENATOR MORSE: You are quite right in questioning the validity of United States presence in Vietnam. I hope you will continue to prod the administration on this point.

Why is our aid to the South Vietnamese more internationally legal than military aid to Cuba by the U.S.S.R.?

We have signed the United Nations Charter, supposedly in good faith, to bring any world problem to that body for adjudication. Or are we just another member of the old just-a-scrap-of-paper club?

Sincerely,
MARION FERGUSON.

MAY 8, 1964.

DEAR SENATOR MORSE: This is not a routine thank you, but a sincere appreciation on my part for the leadership you are providing in regard to our policy in South Vietnam.

Your seeds of wisdom seem like the only sane voice coming out of a madhouse.

For the sake of all America, please continue your crusade.

Thank you.

Sincerely,
JOHN DAVIDSON.

PITTSBURGH, PA., *April 26, 1964.*

DEAR SENATOR MORSE: I am writing to tell you that I agree with the statements you have been making concerning Vietnam. I, too, believe that it is a situation to be handled by the United Nations, not the United States. Peace, not war, should be the objective. Thank you for stating your opinions so clearly. It is important that your attitude be made public. Perhaps it will cause people to reconsider the reasons for our being in Vietnam. Thank you again.

Sincerely yours,
SUSAN BARRIS.

PASADENA, CALIF., *April 30, 1964.*
The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I fully agree with you about the nature of the U.S. involvement in South Vietnam.

Since the U.S. press (including the New York Times) has been grossly unfair in presenting your views on this subject, I would appreciate any transcripts of your speeches on South Vietnam that you might send me.

Sincerely yours,
BEN STACKLER.

LOS ANGELES, CALIF., *April 27, 1964.*
Hon. WAYNE MORSE
U.S. Senate, Washington, D.C.

DEAR MR. MORSE: Rather belatedly, but most cordially, I greet you on your forthright and courageous position; re our undeclared war against South Vietnam.

You certainly hit the nail on its head when you named it "McNamara's war," but it is very unfortunate indeed that Secretary McNamara is fighting from his swivel chair or while touring—in safety—the battlefield in South Vietnam while our boys return home in coffins.

Go ahead, Mr. MORSE, in unison with Senator FULBRIGHT and other courageous representatives of the real interests of our people. Continue this fight for life and security, real security of our country and the world.

Most sincerely yours,
SAM BROOKS.

P.S.—Peace abroad and equality and civil rights for all Americans. Go hand in hand; time for Emancipation.

NEW ROCHELLE, N.Y.
Senator WAYNE MORSE.

DEAR SIR: There must be something that you can do to bring our men back to the United States and to put a stop to their being exploited in South Vietnam.

I have read your views in the news and hope that you suceed in your endeavor to have a stop put to our U.S. military being put in a position where they are losing their lives over there.

J. MIMNAUGH.

WESTMINSTER, CALIF., *April 30, 1964.*
The Honorable WAYNE MORSE,
Senate Office Building, Washington, D.C.

MY DEAR SENATOR MORSE: Yesterday, in Paris, U.N. Secretary General U Thant supported President de Gaulle's claim that our military effort in Vietnam is doomed to fail. You have strongly voiced similar thoughts in the past.

It seems to me that a logical move by the United States would be to try to achieve neutralization of Vietnam—thus sparing the lives of many Americans and innocent Vietnamese. If the funds and manpower used for supporting the Vietnamese war were turned over toward President Johnson's war on poverty, our Nation would be strengthened and our world leadership would be made more secure.

Sincerely,
MRS. PAUL S. ULLMAN.

MAY 1, 1964.
Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Is there anything that can be done toward the program of stopping the war in South Vietnam? If there is any group that is working on this, I should like to know about it.

Yours very truly,
DAVID MANDEL.

PHILADELPHIA, PA.
WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Yours is the only voice worth listening to regarding this frightful Vietnam business.

I am weary of hearing and reading about officials and others making surveys of the situation. Some go only for a few days or weeks. It is not only ridiculous but expensive and tragic for lives are being lost over it. Why are not men like you considered for the presidency?

Sincerely yours,
HELEN F. SEAN.

BROOKLYN, N.Y., *April 25, 1964.*
President LYNDON B. JOHNSON,
White House, Washington, D.C.

DEAR PRESIDENT: We urge you to use every effort to negotiate a peaceful settlement and neutralization of the dangerous situation in South Vietnam. We realize this will be very difficult indeed, to attain, but it is possible to accomplish if great effort is applied. This is very definitely a civil war situation and must be handled accordingly.

We heartily agree with Senators MORSE, MANSFIELD, HUMPHREY, GRUENING, BARTLETT, CHURCH, and ELLENDER that we must review our foreign policy, especially in southeast Asia, and start thinking in terms of permitting these nations to obtain peaceful reforms long past due. We also feel strongly that they be permitted to decide on their own concepts of democracy and choose their own type of government without interference from outside.

We also agree with Senator FULBRIGHT that we "face the facts of life" and reexamine our foreign policy in South America and Europe and begin to plan the ending of the cold war as a way of life.

We are strongly opposed to the sacrifice of our wealth and the lives of our men in order to coerce foreign nations to accept our concepts of democracy. We must not take any risks of spreading nuclear war in southeast Asia or anywhere else.

Very sincerely,
Mr. and Mrs. J. MALMOND.

BERKELEY, CALIF.,
April 29, 1964.
Senator WAYNE MORSE,
The Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to thank you for your stand opposing the warring of the United States in Vietnam. I have said the same in a letter to the President, to Senator KUCHEL, and to the Secretaries of State and Defense. The possibility of so many good things being accomplished in and by this country (though I know this is unrelated), a real attack on poverty, a relationship with Cuba, initiation of the trusteeship, or neutralization in Vietnam—as you have mentioned—more demilitarization moves, improved education, et cetera, make the hysterical devotion to war in Vietnam a real tragedy. I hope you have many supporters in your stand on the Vietnam matter, and that they show their faces soon, and sound their voices. I. F. Stone's Weekly has been a fascinating and exciting reading experience for me for a year and I find my feelings running high and wide with each issue. He is a fine reporter and I hope you are as pleased to have his coverage as I am to hear through him of your views.

Most sincerely,
Suzanne Riess.

San Anselmo, Calif., *April 30, 1964.*
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I heartly applaud your statements opposing the policy of U.S. Government in Vietnam. Keep up the good fight.

Appreciatively,
Clare McKeage.

P.S.—Your recent statement that the guilt for the blood of American boys killed in Vietnam lies on the hands of the U.S. Government was well said. So too is the guilt for all killed on both sides and the great suffering, primarily because those leading the United States now insist on containing China, an impossibility for long.

Brooklyn, N.Y., *April 30, 1964.*
Senator Wayne Morse,
U.S. Senate Building
Washington, D.C.

Senator Morse: We wish to inform you that we wholeheartedly support your stand on the war in Vietnam, and we urge you to continue calling for the withdrawal of our troops from that country. We regret exceedingly the fact that so much money and so many American lives have been spent in this "war," which is so unnecessary.

Thank you very much for the fight. Have courage.

Yours truly,
Mr. and Mrs. Robert Kirschner.

Los Angeles, Calif., *April 30, 1964.*
Senator Morse,
Washington, D.C.

Dear Senator Morse: Your recent statement that the fighting in Vietnam is a "matter for the U.N., not for the U.S. Air Force or the American Secretary of Defense to handle as they see fit" is of the greatest importance.

In recent years the Government and its agencies have acted more and more as if they, not the people of the United States, are the ones who should determine all important matters in connection with our foreign policy. To advance their aims they have not hesitated to use the news as a weapon, as stated by Arthur Sylvester, Jr., thus keeping the American people in ignorance of the true facts concerning matters of the greatest importance.

I hope you will be successful in your efforts to wake up the people of this country as to what is going on in South Vietnam and that you can have the matter referred to the U.N. where it belongs.

With best wishes,
Thomas Amneus.

Eagle River, Alaska,
May 1, 1964.

Dear Senator Morse: We wish to express our appreciation of your support of Senator Gruening's efforts to bring home our boys from South Vietnam.

Senator Gruening's report in the Congressional Record is very much respected and we are thankful he plans to continue assiduously.

We prayerfully hope more Senators will reflect on this issue.

Better teamwork will bring it to a consolable conclusion.

Yours truly,
Mrs. LaVay L. Parks.

Pittsburgh, Pa., *April 30, 1964.*
Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to express my admiration of and support for your stand taken in the Senate that American involvement in the Vietnam fighting is an illegal and unconstitutional operation.

As you say, the Senate should force President Johnson to submit to it a declaration of war as the present action of the Government is a totally unwarranted invasion of the legislative branch by the executive.

I have a stepson with the Special Forces in Okinawa who tells me he will be sent to Vietnam before he returns to this country. I have been tempted to write the Secretary of Defense and tell him that I intend to hold him personally responsible if anything happens to that boy. I suppose if I did so I would be subject to immediate investigation by the Internal Revenue Service, FBI, etc.

I am not a pacifist, having served approximately 4 years in the U.S. Navy during World War II.

I am sending a copy of this letter to Senators Scott and Clark, who are supposed to represent me as a citizen of Pennsylvania, with the hope that they will give you some support in this matter. I suppose you are fully aware that the American boys who are sent to die in Vietnam are labeled as "instructors" and are not allowed to shoot back at the enemy or defend themselves in any way even if they themselves are being shot at. The whole situation is so outrageous and ridiculous as to try one's sanity.

I hope you will receive many more letters in support of your stand; but I am afraid, as in the case of the sale of wheat to Russia, too many Americans are concerned with making the easy dollar and living the soft life.

With kindest personal regards.

Sincerely,
Martin L. Moore, Jr.

Montauk, L.I., N.Y., *April 30, 1964.*
Hon. Wayne L. Morse,
Washington, D.C.

Dear Sir: I think you are right on two issues. One, the foolish action in South Vietnam. In this respect, if the administration has to pursue this losing war, why not give the suggestion of the New York News some thought? In fact, why not let them go further and harass Red China? Who knows, it might be the key to success.

I think you are right in opposing the foreign aid program. You probably have many good and sufficient reasons. I could give you several more. I have recently returned from a tour in Jamaica for the Agency for International Development, which was devastating for me financially, mentally, and physically. Such a waste of money, incompetence, and unpreparedness. Thought you would like to know.

Paradoxically, I am a conservative Republican. Serves me right.

Sincerely,
Carleton P. Teece.

P.S.—I also am a loyal American World War I veteran, retired, and a grandfather, among other things.

Ogdensburg, N.Y., *May 1, 1964.*
Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: While I have always been a Republican, I wish you to know how much I agree with your views on Vietnam.

Every day nearly I am hearing the expression "Dumping money and the lives of our men down the drain in Vietnam."

I am legislative chairman of the Veterans of World War I Auxiliary and my heart bleeds for some of the old veterans that cannot help themselves and how much happiness and dignity a very small amount of the money that is wasted in Washington could do these men that really knew the hell of war.

Every day committees are being formed that we could do without. When is this waste to stop? At any time you can give us a peg up, you will have the thanks of 200 million oldsters and I think the feeling of helping a worthy cause. We would like enough signers to the discharge petition of World War I veterans' pension measure to bring it to the floor.

Sincerely yours,
Bertha Benzoni.

Foxboro, Mass., *May 1, 1964.*
Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Reading the Congressional Record today, I came across your remarks and letters sent to you concerning the fiasco in Vietnam. I am 22 and a college student, and I am frankly quite worried about the situation in southeast Asia. Not only has the United States gotten a black eye, but it appears the present administration is going to compound it. "Mr. McNamara's war," as you have stated, is indeed, folly.

May I also commend you for your Tel-Star battle. I do regret that I'm not of your constituency, so that this would be of real value to you.

Sincerely,
John G. Aylward.

Aberdeen, S. Dak., *April 21, 1964.*
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: We heartily approve of your Vietnam views.

We have waited for 2 years to hear a strong voice raised against this infamy.

Very truly yours,
Mr. and Mrs. George Dresselhuys.

Mill Valley, Calif., *April 30, 1964.*
Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We wish to commend you for having raised your voice in opposition to the continuance of the war in Vietnam.

A citizen almost despairs in finding an effective way to indicate to our Government the absolute folly and cruelty of continuing such a war.

Thanking you, we are,

Sincerely,
Mr. and Mrs. Bruce B. Jones.

Burbank, Calif., *April 28, 1964.*

Dear Senator Morse: Just a note of gratitude to you for your "voice crying in the wilderness," re U.S. foreign policy—especially re our status quo obsession with reference to South Vietnam, Cuba, China—i.e., a realistic reappraisal—you are so right—do keep at it.

What is the matter with your colleagues, excepting a few like the Senators from Arkansas, from Alaska, and the majority leader?

It amazes me that McNamara, the President, and the Congress do not realize that the public is resentful, cynical, and frustrated to the point of utter apathy—an awful state.

Gratefully yours,
Mrs. Harry Black.

Aberdeen, S. Dak., *April 21, 1964.*
Senator George McGovern,
Senate Office Building,
Washington, D.C.

Dear Sir: As a veteran of the China-Burma India theater I am deeply interested in the welfare of the people of the Far East.

My wife and I know that the people of North Vietnam are slowly but surely building a viable nation, and are laboriously ascending the economic ladder.

If my country destroys this embryo, it will destroy my patriotism with the same blow.

Thank you.

GEORGE DRESSELHUYS.

SANTA BARBARA, CALIF., *April 29, 1964*.

Senator WAYNE MORSE,
U.S. Capitol,
Washington, D.C.

DEAR SENATOR: What can I do to stop the foreign military aid to Vietnam?

How can we get Congress to help the Americans?

Enclosed please find and read the Santa Barbara Chamber of Commerce official publication.

Thanking you for your kind interest, I am,

Yours truly,

MRS. CATHERINE SEGGIE.

NEW YORK, N.Y., *May 2, 1964*.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: As American casualties grow in Vietnam, it becomes more important that you continue to point up the war there for what it is, and continue to urge the withdrawal of all of our troops.

There are many Americans who support your views, and I, as one of them, wish you to know of the support of our family.

Very sincerely yours,

HERBERT SCHUTZ.

ATLANTA, GA., *May 2, 1964*.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I just want to let you know that the stand that you are now taking against U.S. intervention in South Vietnam is a sound one. I only wish the U.S. press would pay more attention to your remarks so that the American people could get a chance to have intelligent discussion on the subject. I am convinced that yours is the correct position and will, in time, prevail. I urge you to continue.

Sincerely,

WALTER TILLOW.

APRIL 29, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We have heard radio reports on your recent speech and share your deep concern over U.S. presence in South Vietnam. We are appalled by talk of "widening the war," and the prospect of the use of nuclear weapons. We fail to see how burning peasants and their land will educate them to the ideal of democracy.

We hope you will continue to speak out on this issue.

Sincerely,

VICTOR and ELLEN PIERCE.

APRIL 27, 1964.

The Honorable WAYNE MORSE,
The Capitol,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your honest and vigorous expression of opinion on the Vietnam situation. You said so well what so many of us feel and I hope more people will begin to face the situation realistically and express themselves.

Sincerely,

CLARISSA B. INGLE.

ARLINGTON, VA., *April 30, 1964*.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I want to congratulate you on the courageous effort you are making to warn the people of America of the grave peril that confronts our country and the world, because of the self-defeating and dangerous policies the administration is pursuing in South Vietnam.

You have rendered a great service to your fellow Americans in bringing into the open the issues of foreign policy for public debate, at a time when meaningful debate among us has suffered an unprecedented decline. There is a crying need, therefore, for voices like yours to sound the call for the revival of free and stirring debate, which is the very lifeblood of a free society.

You may be interested to know that, since my retirement as a professor of political science, I have tried, in a quiet manner, to help reduce the areas of political illiteracy that are within my reach. Your speeches and other public statements have been most helpful to this educational campaign.

With the thought that they might be of some interest to you, I am enclosing copies of the letters I sent to the New York Times and the Washington Post. Their rejection of the letters is a true measure of the sad status of meaningful dialog in our Nation today.

Please keep up the good work. You have, sir, more supporters than you perhaps realize. Just remember, very few of them write letters.

Sincerely yours,

JOHN T. FIND.

APRIL 17, 1964.

The EDITOR,
The New York Times,
Times Square, New York, N.Y.

DEAR SIR: Senator FULBRIGHT, in his statesman-like speech on foreign policy, might well have added to his list of myths the following: That the Vietnamese are only too willing to destroy one another to protect U.S. security interests in southeast Asia.

The sad truth is, however, that the people of South Vietnam are crying to us, if we would but listen to their plaintive voices, "Please stop killing us, leave us in peace, for we have suffered long enough." They have, indeed. They were conquered, then ruled and exploited by the French for nearly 80 years. During World War II, the Japanese occupied their country, and exploited them and their rich resources for the prosecution of Japan's military campaigns. Following V-J Day, the British, using Japanese troops and American equipment, assisted the French in regaining control of their Indochina colony. The war of reconquest dragged out for eight long and bitter years, resulting in the killing of hundreds of thousands of Indochinese and the loss of a very large part of the French Army, including the flower of its officers corps. It placed a backbreaking drain on the French treasury, in spite of the $2 billion of aid which France was receiving from the American taxpayers. Then came the Americans, and instead of peace, freedom, and democracy, there were dictatorship, oppression, and more war. Yes, these long-suffering and war-wearied people have, in truth, suffered long enough.

The war in Vietnam, which our leaders have repeatedly told us "we must win," has already, in the past 7 years, taken a yearly toll of the lives of many thousands of Vietnamese, including women and children, and the lives of almost 200 American young men.

How much longer are the American people going to permit their Government to continue playing the tragic role of active participant in the cruel war in South Vietnam?

Sincerely yours,

JOHN T. FIND.

BROOKLYN, N.Y., *May 11, 1964*.

Senator WAYNE MORSE,
The Senate, Washington, D.C.

DEAR SENATOR MORSE: Thank you for speaking out against our present policy in South Vietnam. It is senseless to support—at the expense of American lives—a government established by coup d'etat, which does not have the support of its own people.

Do continue to speak out. Press reports about plans to extend the war to North Vietnam are most alarming.

Sincerely yours,

CELIA ZITRON.

APRIL 28, 1964.

The EDITOR,
The New York Times,
Times Square, New York, N.Y.

DEAR SIR: It was out of compassion for the Vietnamese people and deep concern for our country's good name and moral position that I was prompted to write you.

My views on our Government's policy toward South Vietnam are based, not on vagrant impulses, but on a fairly extensive knowledge of the Asian area, in which I spent a decade and a half in teaching, study, and travel, and to which I have devoted more than 40 years of serious study.

Your decision not to publish my letter, I feel, has denied your readers an opportunity to confront the great human tragedy, resulting from our involvement in the cruel war in the unhappy land of Vietnam.

Despite your refusal to use my letter, I dare to hope that the New York Times has not made it its settled policy of regarding dissenting opinions on foreign policy issues as unfit for publication in its columns.

Cordially yours,

JOHN T. FIND.

TO PRESIDENT JOHNSON: AN APPEAL FOR A NEUTRALIZED VIETNAM

Vietnamese and Americans are being killed in a losing battle in South Vietnam. Several alternatives immediately face the American people:

1. The withdrawal of American troops and probable collapse of the existing Government of South Vietnam.

2. A continuance or increase in military assistance to the South Vietnamese Government, without any assurance of victory.

3. Carrying the conflict to North Vietnam through South Vietnamese military strikes directed by the United States. The extension of the war into North Vietnam would very likely bring about a major Korean-type war between the United States and China, and possibly involve the Soviet Union.

There is a fourth alternative: neutralization of both North and South Vietnam, guaranteed by the major powers and policed by an international or U.N. peacekeeping force. This could be the solution to a rapidly deteriorating situation. It would also end the continuing loss of American and Vietnamese lives, and would bring to an end the terror and suffering which stalk this war-ravaged land. Political stability and economic progress can only develop in South Vietnam when the military conflict ends.

We, therefore, appeal to you, Mr. President, not to enlarge the scope of the war, but instead, to work for the establishment of a neutralized North and South Vietnam, as separate, federated, or reunified states, protected against interference from the Communist world and the West by international guarantees and peacekeeping forces. Toward this end we give you our wholehearted support.

The North Vietnamese may welcome this opportunity to be independent of powerful neighbors.

The South Vietnamese would welcome an end to the terror and killing.

We Americans would welcome the removal of our military forces under honorable conditions.

The world would welcome a viable settlement in southeast Asia and an end to the latest threat of nuclear confrontation.

Stringfellow Barr, Professor of Humanities, Rutgers University; Allan M. Butler, M.D., Professor of Pediatrics Emeritus, Harvard University; Dr. William Davidon, Haverford College; Eugene Exman, Publisher; Norman K. Gottwald, Andover Newton Theological School; Rev. Donald S. Harrington, Minister, the Community Church of New York; H. Stuart Hughes, Professor of History, Harvard University; John Wesley Lord, Bishop, Methodist Church; Lonore Marshall, Poet and Novelist; Dr. Rollo May, New York University; Donald W. McKinney, Minister, First Unitarian Church, Brooklyn; Stewart Meacham, American Friends Service Committee; Seymour Melman, Professor of Industrial Management, Columbia University; Fred Warner Neal, Professor of International Relations and Government, Claremont Graduate School; John P. Roche, National Chairman, Americans for Democratic Action; Paul A. Schilpp, Professor of Philosophy, Northwestern University; Harry B. Scholefield, First Unitarian Church, San Francisco; Howard Schomer, Theologian; Calvin O. Schrag, Purdue University; William F. Schreiber, Massachusetts Institute of Technology; Benjamin Spock, M.D.; Dr. Harold Taylor, Educator; Norman Thomas; Louis Untermeyer, Author; Gordon C. Zahn, Professor of Sociology, Loyola University, Chicago; Dr. David Riesman, Harvard University; Rev. John Haynes Holmes; Rabbi Isidor Hoffman; Rabbi Edward E. Klein; Dr. Orlie Pell, and Prof. Harlow Shapley.

PITTSBURGH, PA., *May 4, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I must congratulate you on your comments to the television reporters concerning South Vietnam. They were truly the most sensible and refreshing ones to come out of Washington in quite some time. You and Senator FULBRIGHT are to be highly commended for your efforts in trying to formulate a peaceful and intelligent foreign policy. It would certainly be wonderful if there were more men in government work who are as conscientious and humane as you. Thank you.

Sincerely yours,

GRACE BARRIS.

EVANSTON, ILL., *May 12, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: Your intelligent and courageous statements on Vietnam need more publicity. If copies of your recent speeches in the Senate are available, I would like to have several.

I agree 100 percent that we have no business in Vietnam and should never have gone in there in the first place. To withdraw our troops now will be a blow to our prestige, but there are times when discretion is the better part of valor.

Several years ago, the Pentagon made a study of the use of American troops in jungle guerrilla warfare. I do not have the details of it, but one fact sticks in my memory: Without the united support of the people in the country we are attempting to defend, we stand to lose the war. I think you will agree that in this situation we do not have such support.

Sincerely yours,

CARL KEITH, Jr.

CHICAGO, *May 10, 1964.*

Hon. WAYNE MORSE,
Oregon U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: When I see frequently your name in the news, opposing the U.S. intervention in South Vietnam, and your campaigning for U.S. withdrawal from South Vietnam, I shall take my hat off to you on your stand concerning the Vietnam situation. You seem to be the only one that is making any sense on the issue. And I believe that you have the support of millions of Americans in your crusade to stop Americans fighting and dying in South Vietnam.

With all good wishes, I remain,

Sincerely yours,

JOS. PAVELKA.

LA QUINTA, CALIF., *May 8, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter is to affirm the gratification of the undersigned and a number of friends that you (and Senator FULBRIGHT) have been outspoken about the appalling foreign policy myths and mistakes of the present and previous administrations.

You may recall that I sent you my gifts to aid in the promotion of a campaign to put you in the White House.

If ever the United States and the world needed intelligent, fearless leadership, it is this hour.

I pray you may continue to speak out; and, that the gigantic engines of mass communication will give the public the benefit of your expressed convictions and your leadership. (However, I have little hope of the media turning from their prostitution of their social mission to private profit and prejudice.)

With esteem and the best of good wishes,

Very sincerely yours,

GROSS W. ALEXANDER.

P.S.—I enjoy your newsletter and the occasional enclosures with copies of your speeches.

MAY 12, 1964.

DEAR SENATOR MORSE: How do you suppose the people in Washington who are responsible for the Vietnam situation going on and on—and with the possibility of a third war starting—sleep at night?

Why should American boys die before they have had a chance to live? Why are the children and woman and other human beings put through so much agony and possible death?

Can't something be done? Please try even harder to help them.

PEGGY KLEMPNER.

MOUNTAIN VIEW, CALIF., *May 14, 1964.*

The Honorable Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: My friends and I read your reports from Washington regularly and with great interest. Your last report, from May 6, essentially deals with South Vietnam and "McNamara's war." I fully agree with your opinion which you expressed so clearly and (at least to us) so convincingly.

Realizing that at the moment your opinion is still "unpopular" (because it can be interpreted as softness toward communism) I admire your courage and perseverance in urging again and again to take the problem of Vietnam to the United Nations—where it belongs.

Keep on. The future will justify your ideas, sooner or later, some way or other.

Sincerely,

HELMUT SCHNEIDER.

CENTRAL VALLEY, CALIF., *May 15, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: It does my old heart good to see a few liberal Congressmen take a stand against our interference in a civil war in South Vietnam. Your recent speech in the Senate could possibly generate a little courage among other supposedly liberal Senators.

Senator, I hope some day, we will have the opportunity to vote for you for President of these United States.

Sincerely and respectfully,

ARNO A. PETERSEN.

LOS ANGELES, CALIF.,
May 10, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Your forthright statements on Vietnam have given heart and strength to the many of us here who are working in various peace organizations for U.S. withdrawal from Vietnam.

Thank you and bless you for your courage and your ethic. Continue. We need you.

Gratefully,

Mrs. PAULINE G. SCHINDLER.

MILL VALLEY, CALIF., *May 16, 1964.*

DEAR SENATOR MORSE: The war we are waging in Vietnam is a crime against the people of that country, against the people of this country, and against the peace of the world and therefore against the people of the whole world. I urge you to do all in your power to stop this war, this crime.

Sincerely,

HAROLD HELLER.

MAY 24, 1964.

Senator MORSE: I heard you on "Face the Nation" today and am sure if you would get it over to the people of all States, our policy in Vietnam would be changed and our President would gain votes, even from the so-called Republicans. No one wants a nuclear war, especially the American people, and our boys should not be made to fight in that war. Our foreign policy must be changed. It better be now while we have a President who is OK and has what it takes to change from wrong to right. We are losing too many young boys who should have a chance to live. Don't know if this will even help a wee bit, but keep on enlightening the people. Am sure it will pay off. If the President does the right thing, am sure he will win.

Respectfully,

JOE A. VATER.

SANTA CLARA, CALIF., *May 11, 1964.*

Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SENATOR MORSE: Before leaving on a business trip to Europe that will keep me there until October, I want to write you again and urge that you continue and more vigorously pursue your campaign to get us out of this insane war in South Vietnam.

It is surprising how few rational people we seem to have in high political offices but it is good to see we have at least a few.

Very truly yours,

GERALD A. PETERSEN.

WESTERN SPRINGS, ILL., *May 25, 1964.*

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I was greatly stirred by your appearance on "Face the Nation."

There is no Senator who surpasses you in speaking with clarity and fearlessness and in getting at the heart of a subject. I hope you shook millions of misinformed and apathetic citizens.

I shall write "Face the Nation" complimenting them on your appearance and asking for more such vital programs.

With gratitude to you for your strong efforts in trying to move our country in a peaceful direction.

Sincerely yours,

AMY C. MERZ.

Chicago, Ill., *May 30, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator: We want you to know that we agree with your evaluation of the southeast Asia situation and the involvement of the United States in it. Over there as well in Latin America it is a struggle to change the status quo which has become unbearable for the majority of the people. The United States unfortunately is fighting to maintain it. Why is it so difficult for our politicians to see this problem from a historical point of view? The maxim "old ideas die hard" is poor comfort in an age of A- and H-bombs which, when used, mean the end of humanity.

We very much hope and wish that you and your colleagues in the Senate and among our people continue your courageous fight.

Thank you.

Respectfully yours,
Mr. and Mrs. Walter Wildenberg.

South Norwalk, Conn.,
June 4, 1964.

Dear Senator Morse: This is a fan letter to you to encourage you in your patriotic and courageous questioning of the southeast Asia policy and adventure.

Sincerely,
Joseph Lasker.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: Just a note to let you know I agree and support completely your position on our involvement in South Vietnam.

Yours truly,
James Stelwedt.

Chicago, Ill., *June 4, 1964.*

Senator Wayne Morse,
Washington, D.C.

My Dear Senator Morse: I am writing to commend you for your strong opposition to the present policy of our Government in South Vietnam. You are one of the few men in public life who is now calling for the withdrawal of our forces from this divided country.

I realize that the consequences of withdrawal from South Vietnam are unpalatable. But what choice have we? If we continue the present holding action we will be invited to get out, sooner or later. If we get in deeper we may find ourselves in a never-ending war—and it could escalate into a world war that would destroy us as well as our enemy. Now is the time to act while we have at least an iota of choice.

I strongly favor the reconvening of the 14-nation Geneva Conference that dealt with the Laos situation 2 years ago. The trouble in South Vietnam is a world problem, and we should seek a world solution.

I hope you will continue your opposition to the present warlike policy.

Very truly yours,
Floyd Mulkey.

Essex, Conn., *June 5, 1964.*

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I feel strongly that the current war in Vietnam is the wrong war at the wrong time in the worst possible place for the United States. I heartily commend your fight against this war, and urge you to insist on a peace settlement that will enable the United States to withdraw our forces before we get so involved we are unable to do so.

Faithfully yours,
John R. Tunis.

Bronx, N.Y., *June 3, 1964.*

Dear Senator Morse: I think you are the most courageous, outspoken public figure in this country. I do not always agree with what you say, but I respect your unequivocal courage to state your opinions. There are, unfortunately, too many who do not; who wait only to jump on the bandwagon when it is "safe"—if ever.

Your position on Vietnam is the only logical one that anyone in his right mind can take. But unfortunately there appears to be too many in leadership that aren't.

I believe you have the courage, wisdom, and foresight that would make a superior President of the United States.

Respectfully yours,
Harry Respler.

Culver City, Calif., *May 21, 1964.*

Senator Morse.

Dear Sir: I agree with your stand that the southeast Asia situation should be handled by the United Nations, and not by the United States.

In my opinion, we should pull out of the Vietnam situation, and use that $2 million a day to help our own people.

In closing, I'd like to say you are one of our favorite Senators.

Sincerely,
Mrs. Marjorie Hartley.

Paterson, N.J., *June 4, 1964.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I would like to congratulate you for your courageous stand regarding "McNamara's war in South Vietnam." It is because we have men like yourself and Senators McCarthy, Fulbright, and Gruening that the upper House of Congress has not become a tool of the Department of Defense—which has still not overcome being the War Department.

It is queer indeed that a consistent right-winger like President de Gaulle is fighting for the liberal principle of peace through negotiations rather than force against what is called a liberal administration in Washington. Perhaps, though, the President will permit, with the grace of the Senate, the proposed agreement with Communist China to allow the United States and that country to exchange journalists. It is only through direct communication that either side of the Iron Curtain will be able to think what are now "unthinkable thoughts."

I am an admirer of yours in many issues. I salute you on your part in the attempt to prevent the robbing of the American public of the funds it would have received had not Telstar been given away to a private company that hardly needed its profits to survive. I also am glad that you are among the Senate leaders who are fighting the constantly bulging military budget in the foreign aid programs. I hope to see you coming out against the proposed Becker amendment which, as you must realize, is the greatest threat to our civil liberties that the average citizen has faced since the Sedition Act of World War I. Also, I am sure that a large group of Americans would welcome your support of a remodeled foreign aid program which would shelve military aid in favor of a few billion dollars yearly for truly humanitarian aid to the peoples of the developing countries of the world—to any countries that would feel that it could benefit by a program in which there would not be room for spoils or waste.

Although I cannot vote for you (because of my age as well as my State—I shall just be entering my first year at Brandeis University in the fall), I would like to express my gratitude that humanity has a man it can depend on.

Sincerely yours,
Eric Uslaner.

Culver City, Calif., *May 20, 1964.*

Senator Wayne Morse.

Dear Senator: I want to thank you for your stand taken on southeast Asia. Our country has no right to murder these people, destroy their farms, and put them in concentration camps.

I think all top officials should be tried as war criminals.

Sincerely,
Marvin Reid Hartley.

Burbank, Calif., *May 14, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: I wish to commend you on your difficult but realistic stand regarding Vietnam. I sincerely hope that your ideas will help form the basis for a revision in the administration's policies toward Vietnam.

Keep up the good work.

Sincerely,
E. M. Larsen.

Brooklyn, N.Y., *May 23, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing belatedly to commend you for your stand on the war in South Vietnam.

The turn events have taken there in the last 2 days is frightening because of the apparent disregard for international and domestic law we have shown. It is difficult to believe that the coincidence of Kennedy's unexplained assassination and the turn our foreign policy has taken in Latin America and Asia since then is fortuitous.

What, if anything, can be done to preserve constitutionality in our country now?

Sincerely,
Karen Reichard.

Evansville, Ind., *May 24, 1964.*

Hon. Senator Wayne Morse: Sure glad to read in our Courier Press your firm opposition to our involvement in the silly Vietnam war. Millions of dollars dumped in a rathole and loss of American lives. I have talked to hundreds of people and all are of the same opinion as we are. How is it that we are always the goat to throw millions away and no other country gets involved? Our President and Defense Secretary better wake up and find out how our people view this terrible throwing away of our millions. Why not use this money to help our thousands of poor people to buy food and proper housing for their families. Hope you continue to use all your power to stop this terrible waste.

Thanks, Senator.
Steve Ensner.

May 21, 1964.

Mr. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I thoroughly agree with you in your statements concerning our position in Vietnam. It's an outrageous situation and I thank you for voicing the opinion of some of us who are not in accord with the policy being carried out there.

Sincerely,
Dorothy B. Spreckels.

P.S.—I've not always agreed with you. I am originally a stanch Republican from Oregon.

New Orleans, La.,
May 23, 1964.

Dear Senator Morse: You are doing a wonderful job, opposing the "Dirty War," in Vietnam.

American lives, and countless millions of dollars going to ruin and waste, could be better used to help the unemployed, and widespread hunger and poverty which is USA's No. 1 problem. Also enforce the U.S. Constitution in the South.

Sincerely,
W. Rogers.

NEW YORK CITY, *May 4, 1964*.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know how pleased I was to hear you speak out against the filthy war in Vietnam and see it for what it really is.

I, also, would like to see complete U.S. withdrawal from Vietnam. I have written to my Senators expressing my views, only to receive in return some hypocritical nonsense about how the United States is defending freedom, where a military dictatorship exists—no less.

Sincerely yours,

ELIZABETH HORN.

DEAR SENATOR MORSE: Before I go to church this Sunday morning I want you to know that you are so right about our involvement in southeast Asia—Vietnam, and Laos. All around the world we are supporting and even helping to create governments that the peoples will not tolerate and then are involved in a civil war. The whole thing is like a dreadful nightmare—but though our people seem numb, we need a voice like yours ringing out to awaken public consciousness. We need to think the "unthinkable" and have an opportunity to enunciate them—and there are so many—and begin to work out positive solutions. Bless you. With you we may regain first personal, and then start back to national honor.

Sincerely yours,

DOROTHY KUNKLE.

P.S.—I am writing to Senator SCOTT and Senator CLARK and the President.

MAY 21, 1964.

Hon. ADLAI STEVENSON,
U.S. Ambassador to the United Nations,
New York City, N.Y.:

We are horrified by news accounts of women being murdered in our country while bystanders looked on without even a word of protest. At the same time we stand on the sidelines in our country without any significant protest while American boys, our agents, in obedience to military orders, kill and burn with bombs men, women, and children in their own country thousands of miles from our shores. All of this is done by our representatives in the name of freedom. To make all of this somewhat palatable, our boys were falsely referred to, and continue to be referred to, by those in authority, as "advisers."

There is no question but what these people are all Vietnamese. Many doubtless recall the cruel tyranny of France for generations and the loss of tens of thousands of their people until the French were finally defeated 10 years ago at Dienbienphu. Some Vietnamese probably believe that communism could not be worse than French capitalism. Who are we to dictate their decision? In any event, I declare with all of the vehemence of my being that if women and children are to be killed in that unhappy country, they should be left to their fate with their own people, and that every American boy should be ordered home before our prestige sinks any lower in the minds of people everywhere.

REX S. ROUDEBUSH,
Tacoma, Wash.

ANN ARBOR, MICH., *May 23, 1964*.

Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: In support of your stand on Vietnam I am enclosing a letter I sent to Senator HART of Michigan. A similar letter also went to President Johnson.

We urge you to continue your efforts to oppose the war in South Vietnam.

Respectfully,

HELLE COSBY.

LONG BEACH, CALIF., *May 20, 1964*.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you for your one-man stand reported in yesterday's Los Angeles Times against President Johnson's request for additional millions (or is it billions?) to continue the war in Vietnam.

I cannot understand this senseless waste of our manpower and money to bolster up such a criminal government, which was first installed by the Vatican during the Eisenhower regime 10 years ago. The explanation in the May 6 reports of the Vietnamese situation is very clear and I do thank you for it.

I am enclosing two clippings from the April 30, 1964, Christian Science Monitor about keeping the first amendment of the Constitution as our forefathers planned, and one from the Washington Post in the same paper, which I thought you might not have seen. Yesterday's Los Angeles Times also has come out editorially to keep the Bill of Rights intact. I feel the Becker amendment should be soundly defeated.

Thank you for the good battle you are keeping up to preserve our freedoms.

Sincerely,

Miss RUTH HARTMAN.

HAMILTON, OHIO, *May 23, 1964*.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my congratulations on your opposition to the ever-increasing subsidies for war in South Vietnam.

I am not, and never have been, a Communist. I do not think, however, that it is realistic to think that we can impose our ideas on every country which disagrees with us—and the Vietnamese obviously disagree, or the war would have been ended years ago. If they (and others in southeast Asia) do not regard communism as a very great menace, perhaps it is because we have not really offered a very attractive alternative: Our military dictators have been, on the whole, a sorry lot. The fact that our present favorite is being praised in the same glowing terms that were once used to praise Diem is not, somehow, very convincing.

What is more important, I am glad that you are resisting the tendency to let the Senate's power and responsibility to decide whether we shall be at war or at peace lapse by default. When we are urged to support the war, it is well to have someone ask just when war was declared—and against whom. I am a great admirer of President Johnson, but I do not think that he and the State Department and the CIA should get into the habit of casually involving us in any armed conflict which can be glorified as anticommunism.

Sincerely,

WM. PALMER TAYLOR.

ANN ARBOR, MICH., *May 12, 1964*.

Hon. WAYNE B. MORSE,

DEAR SIR: Read an inspiring article in this morning's Detroit Free Press in which you are waging a heroic, and fervently hope, not a futile fight on this great Nation's waste of precious manpower, money, and prestige, on an already proven concept that you can't buy friends with the almighty dollar, nor can you wage a successful war with "paid mercenaries."

Let's get McNamara and "his war" out of Vietnam and allow them to fight their own battle before this again becomes everybody's fight.

Sincerely yours,

GEORGE UXA.

P.S.—Please use this letter any way you may see fit to further our cause.

SANTA BARBARA, CALIF., *May 12, 1964*.

DEAR SENATOR MORSE: We have just moved down here from Medford, Oreg., and are still living among boxes, so this letter will not be polished at all, but I've been so thrilled to read your stand on South Vietnam that I felt I must write urging you to keep up the good fight and to try to make other Senators and Congressmen see the truth and justice of your stand.

Why is it that the United Nations can send peacekeeping forces to Cypress, Palestine, Kashmir, Indonesia, Korea, Trieste, Suez, etc., but not to South Vietman?

Our State Department must be made up of immature and willful men to continue a war which can only bring disaster. To maintain this costly war is a crime against all our international purposes. We should leave Asia to the Asians once and for all.

I hope our Congressmen will try to teach us Americans and the State Department that we must learn to live in a world that doesn't follow our wishes.

Aiding anyone who wishes to solve a problem with arms, in these times, is wrong and should be against our national principles. The United Nations is there to mediate all problems, even ours.

Nor should we continue to humiliate Cuba with any more reconnaissance flights. Have we forgotten that we brought about this trouble with Cuba by permitting the Bay of Pigs invasion, and that after that humiliating turn of events, newspaper articles suggesting that we plan a real invasion? Some kind of cooperation and trust should be worked out so we wouldn't have to violate her sovereignty.

One more item that I wish to mention is taxation. I have just read the inspiring and tremendous book, "Progress and Poverty" by Henry George, and wonder why his ideas have not been followed. This book should get more attention from economists and should be read by every high school senior. You are probably familiar with his single tax philosophy, so I won't go into it, but it does seem so fair and just to me to tax landowners rather than those who make the improvements, and the very ugly business of land speculation would come to an end.

My best wishes to you and all your efforts.

Respectfully yours,

Mrs. WALLACE ROBINSON.

PALO ALTO, CALIF., *May 13, 1964*.

Senator WAYNE MORSE,
417 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my appreciation for your opposition to U.S. participation in the South Vietnam war. It is incredible that a nation that pretends to world leadership should be pursuing a path which is so unprincipled.

Your suggestion that this is a matter for the United Nations is a good one, and I hope that you will be able to sway your colleagues in this direction.

Thank you also for continuing to send us your reports.

I am sending a copy of this letter to Joe Capsin in Honolulu, since he is one of your admirers and a good friend of ours.

Sincerely yours,

THEODORE LICHTGARN.

LEMON GROVE, CALIF.,
May 11, 1964.

DEAR SENATOR MORSE: I feel that we had better get out of Vietnam and let the local people (North and South) settle their own affairs. It is expensive and very disappointing, this business of playing "god" all over the world.

Would you please send me copies of your Senate talks on our position in South Vietnam? I understand that one was dated April 24.

Thanks for your good work in the Senate.

Sincerely yours,

SETH J. CARPENTER.

TARRYTOWN, N.Y.

DEAR SENATOR MORSE: Thank you for your great and moving speech on Vietnam. Would you now please send me any speeches on your stand against the MLF (multilateral Nuclear Fleet).

Thank you and keep up your courageous stand on these issues. So few with courage and wisdom to speak out.

Sincerely,

MRS. J. URBAN.

CHICAGO, ILL., *May 11, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: If I may use the plain language you use: I applaud your "guts" in criticizing our war in South Vietnam.

I read with horror of the indiscriminate bombing which kills thousands of women and children. I worry that more American lives will be lost there—needlessly.

Your position is, I believe, in the best American tradition and I hope your speeches will help create a groundswell of public opinion against further intervention in Vietnam—and the achievement of peace and neutrality.

With sincere admiration,

MRS. LOIS ROMERO.

COLUMBUS, OHIO, *May 14, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you very highly on the stand you are taking on Vietnam. I agree with you 100 percent. Now McNamara says it is going to take from 5 to 10 years to win this war. I certainly agree with you that it will never be won. How long are the American people going to stand for our boys being killed and money poured into Vietnam. It is time for the Americans to awaken to what the Defense Department is doing and I only wish that all the other Senators would join with you in your fight to end this.

I see where President Sukarno of Indonesia made a speech recently practically telling the United States "to go to hell" with foreign aid. That is the guy that we wined, dined in Washington and already we have given him $81 million for foreign aid and still the State Department doesn't wake up in continuing foreign aid. How can we get the State Department cleaned up? Our Representative, SAMUEL DEVINE, has introduced a bill to clean up the State Department. I do hope and pray that it will receive the support of all the Members of the House and that you will use your influence to see that it gets action in the Senate.

Senator, I do not agree with the stand you are taking on the Du Pont interest in Florida. Du Pont interests have been the making of Florida and its foundation are doing very worthy work so investigate carefully and read thoroughly the recent editorial in Barron's on the Florida east coast which gives the facts on the strike.

Thank you again, Senator, for your persistent effort on Vietnam. We have a far greater menace in communistic Cuba, just 90 miles from our shores.

With kindest regards,

Sincerely yours,

E. F. WILDERMUTH.

P.S.—No doubt you have read the article in U.S. News and Life on Captain Shouk. This should awaken all of us.

TACOMA, WASH., *May 12, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Heartiest congratulations to you on the stand you have taken on the Vietnam crisis. More power to you and Senators GRUENING, FULBRIGHT, and others who are beginning to think what a catastrophe is developing.

Yours very sincerely,

MARY R. HOPKINSON, D.O.

FORT DODGE, IOWA,
May 13, 1964.

Senator MORSE.

DEAR SIR: I couldn't agree with you more in regard to pulling out of Vietnam. My belief is that we went in there at the instigation of England as Malaysia was about to be formed.

If anyone thinks that the so-called Commonwealth is not an empire they have not investigated or traveled. As you undoubtedly know every Commonwealth country has a governor general who can veto any act of parliament.

Sincerely yours,

BEN H. BLACK.

GREELEY, COLO., *May 10, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Good luck and congratulations on your efforts to obtain an end to the war in South Vietnam and prevent the miserable affair from escalating into a war against North Vietnam.

What about the possibility of a U.N. mandate form of government coupled with ironclad guarantees by North Vietnam and possibly Red China?

What right does Secretary McNamara have to assume the role of Secretary Rusk?

Why don't you demand that the Pentagon say what general percentage of Vietcong arms are being obtained from American sources and what percentage from the North? I realize a precise figure would be impossible to obtain but surely, the general picture is known to the Pentagon. The argument that most of the arms are coming from the North is being used to justify escalation of the war. Perhaps if the Pentagon could be forced to reveal that most of the arms are coming from American sources, it would undercut the war escalation hysteria.

As far as I'm concerned, you are my Senator on most issues even though I live in another State. There's you, FULBRIGHT, MCGOVERN, CLARK, GRUENING, CHURCH perhaps, and that's about all whom I can identify as showing any true comprehension of what's going on in the world and acting on that view.

Yours respectfully,

FORD W. CLEERE.

MAY 10, 1964.

DEAR SENATOR MORSE: I want to congratulate you for your stand and perseverance on the U.S. position in Vietnam. I read a recent speech of yours in the Post-Dispatch (St. Louis) and was pleased to see clarification of specific treaties and U.N. Charter concerning South Vietnam and civil war. Also it was good to see an attack on the hackneyed "We were invited in." I have read that McNamara wants to enlist NATO's help in Vietnam. Hasn't Mr. McNamara been made aware of an established international peacekeeping organization, the United Nations. His proposal is irresponsible and threatens to bring us to a "brink" from which there may be no return. Please continue your work and daily speeches.

Sincerely,

MRS. JANE FIEDLER.

ST. LOUIS, MO.

CHICAGO, ILL., *May 11, 1964.*

The Honorable Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I want to commend you most highly for your important speeches in the Senate and to the newspapers regarding South Vietnam. You are not only unquestionably right but also courageous in expressing an unpopular viewpoint.

It is amazing and discouraging to see how the press has repeatedly ignored the data about this part of the world and how for years the facts of our commitment, the casualties, and the nature of the opposition has been kept from the public.

One and one-half years ago I completed a 2-year service program as a psychiatrist in the capacity of LCDR in the U.S. Navy and I regret to say that if I had known more about the details of this war, I would have been ashamed to serve.

It is difficult for me to understand how we can carry on such a war from a moral point of view. Our scorched earth policies are alone evidence of how badly we are losing. Our lack of honesty and absence of human values is typified in a story I read recently in the papers about a march of women and children to try to protest the seizure of a number of their brothers, sons, and husbands as suspects by our South Vietnamese allies. This was portrayed as a Communist conspiracy. The use of insecticides, and napalm jelly is below contempt and just incredible for a civilized nation.

I fear this country will never survive the stigma of this shameful illegal action.

Please continue to work toward its early termination, and against the unrealistic fanatical attempts to enlarge the war.

Sincerely and with profound thanks for your efforts,

PETER BARGLOW, M.D.

SUN VALLEY, CALIF., *May 24, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Your interview on channel 2 at 12:30 p.m., May 24, 1964, has just ended and I want to say here that your views are simply superb all the way—you look like a real American with the intelligence to carry on the duties of your office and the will to stand alone for what you think is right. In you Oregon has sent to Congress one of our most able Senators we have and I do hope that they retain you there as long as it is possible for you to serve.

Yours truly,

WILLIAM O. NOBLE.

OAKLAND, CALIF., *May 26, 1964.*

DEAR SENATOR MORSE: I want to thank you for your courageous stand against our shocking war in Vietnam. I am enclosing a poem from the current issue of Poetry magazine, which perhaps you have not seen and which, I feel, will be of interest to you.

Sincerely,

DOROTHY SCHMIDT.

RIVERTON, WYO., *May 23, 1964.*

DEAR SENATOR MORSE: I was very happy, indeed, yesterday, May 22, to hear you over the radio express your opposition to the useless killing going on in Vietnam and that region.

Since it started I have felt that it was very wrong. I do hope there will be a speedy end to such commitments.

May God help you.

Sincererly,

EVA L. DAVIES.

URBANA, *May 25, 1964.*

DEAR SENATOR MORSE: I should like to commend you for your intelligent and decent stand on our south Asian policy. Your "Face the Nation" interview was a brilliant marshalling of the facts.

My friends and I view you as a great American—one with convictions and with courage. You will, I am sure, be remembered and respected when the little phrase-twisting puppets have been recognized as nonentities without real principles.

David Bourgin.

Sherman Oaks, Calif., *May 25, 1964.*

Senator Wayne B. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Your statements re Vietnam Sunday last on CBS were a hopeful note in a symphony of despair. I have followed with interest and chagrin the lack of meaningful discussion of our southeast Asia policy. At last, you, Senator Gruening and the few other courageous lawmakers who have spoken out and questioned McNamara's band are being heard.

Please be assured there are many concerned citizens who welcome this break in the silence barrier and hold you in esteem for your persistent efforts in this regard.

As a former northwesterner, like yourself, I am proud of the tradition of frontier perseverance and cussedness that makes some of us express democratic convictions no matter how unpopular.

Please send me copies of your speeches on Vietnam and keep up the good work.

Admiringly,

Kathleen Hardman.

Sturgis, Mich., *May 24, 1964.*

Dear Senator Morse: You are absolutely right. The American people do want to hear the truth and welcome people like you who have the courage to disagree with existing policies and dare to propose the only way it (Vietnam) should be handled.

We are writing our Congressman asking that he support your ideas about Vietnam. Don't ever stop your courageous public crusading for America's only honorable way in its foreign policy.

Sincerely,

Corinne and Paul Fair.

Clinton, Ind., *May 21, 1964.*

Hon. Wayne Morse.

My Dear Senator: I am writing to let you know that many of us now have our hopes in you, believing that you, at least, will speak out against our further involvement in South Vietnam and Laos. The enclosed clippings may be useful.

Sincerely,

Ruth C. France.

Los Angeles, Calif.

Dear Senator Morse: I heard you on "Face the Nation" and all I can say is I wish there were more millions like you.

Our press is geared to make people think what we want them to think instead of letting them weigh the facts.

I hope your appearing on the program will get people to thinking for themselves.

Sincerely,

Easie Holston.

Oak Ridge, Tenn., *May 25, 1964.*

Senator Wayne Morse,
Washington, D.C.:

Please continue your crusade for sane southeast Asia policy.

Sincerely,

Ailene H. Kibbey.

Bronx, N.Y., *May 24, 1964.*

Senator Wayne Morse,
Washington, D.C.:

Dear Senator: You are the greatest.

We salute the most courageous man in the Congress of the United States. Now or ever.

Please try to get to the public more closely because they don't read the Congressional Record—and the press isn't so dependable. More television, lots more.

Here's hoping you keep punching for many, many, many more years.

The best to you and yours.

Sincerely,

Perry B. Weiss.

San Jose, Calif., *May 19, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wrote the attached letter to the President but I wanted you to know about it also. I don't have carbon paper at this moment so I couldn't get a copy. Would you read this letter and pass it along to the President? I sometimes, as I do now, wonder who his advisers are that prevent him getting the picture as I see it? Or am I misinformed?

Thank you.

Carlos Ramirez.

May 19, 1964.

The President of the United States,
The White House, Washington, D.C.

Dear Mr. President: I am dismayed by your message calling for $125 million more for South Vietnam.

I have been given the impression that the Vietcong is a revolutionary front representing, as well as Communists, professionals, students, religious groups, the peasants, and members of outlawed democratic parties.

On the other hand, that the United States is supporting a man, Kanh, who was a traitor to his people when he fought with the French is now again a traitor with the siding of the United States.

Please clarify your position to me on why the United States is committed to supporting a popular war for independence. I understand that the Vietcong is not receiving any help from the north simply because American reconnaissance planes would destroy any equipment sent along the supply lines.

So the United States is getting a reputation as the most hated nation in the world for its commitment to unpopular governments.

To bring this matter to perspective, the thought of a napalm-jelly-burned child screaming like a fire siren until the death makes me weep and bow down my head in revulsion. And I support this with my tax money.

That's all I have to say. Thank you.

Carlos Ramirez.

New York, N.Y., *May 21, 1964.*

Senator Wayne Morse.

Dear Sir: I most heartily endorse your position as stated in your recent speeches demanding a sober review of our foreign policy.

More power to you.

Many of our friends, my wife and family also support your position.

Respectfully yours,

Manuel Gelles.

Golden's Bridge, N.Y., *May 24, 1964.*

President Lyndon B. Johnson,
The White House, Washington, D.C.

Dear President Johnson: The undersigned residents of New York State express our deep concern over the increasing involvement of our forces in southeast Asia.

We are shocked at the loss of good American lives and the waste of hundreds of millions of American dollars.

We believe that the United States should not act unilaterally in matters of international importance but should call upon the United Nations to act.

We support the position of Senator Wayne Morse and Senator Ernest Gruening that in South Vietnam we have backed and still back dictatorial governments that have lost the support of their people.

We strongly urge you to withdraw troops from southeast Asia.

Respectfully yours,

Murray Melvin.
Edward L. Herbst.
Mary Rolfe.
Bella Melvin.
Andrew Taylor.

New York, N.Y., *May 23, 1964.*

Dear Senator Morse: I want to express my heartfelt support for your courageous and intelligent stand on the war in Vietnam. The situation there is deplorable and our disinvolvement would surely be a most important step toward the furtherance of world peace.

You and your few responsible colleagues must not be silenced.

Sincerely yours,

Eric Schutz.

San Diego, Calif., *May 23, 1964.*

Hon. Wayne Morse,
U.S. Senator from Oregon.

Sir: My hat's off to you, Senator. It's indeed heartening to hear a representative of the people speak in forthright terms instead of the usual vague doubletalk that we get through the mass media. It's rather regrettable that we do not hear from more of the Congressmen on these issues. It's quite possible that many feel as you do, but are not given a chance to air their views. I noticed that the interviewers on the TV program this morning seemed quite annoyed with you when you failed to give the answers that they have come to expect on these issues of war and peace.

I am in complete agreement with you, Senator, as to the folly of our course in southeast Asia. The responsibility lies, I believe, with the military-industrial "establishment" that President Eisenhower spoke of when he retired from office. (It's too bad he didn't do anything about this while he was in office.) This "establishment" (as it has been called) is too busy trying to keep our military budget in the astronomically high figures it has been for the past 10 years, when events tell us that programs geared to other than military spending are increasingly called for.

Again, bravo to you for speaking those unspeakable thoughts. How embarrassing it must be for the press and other mass media to have cantankerous "old fools" like you around.

Eugene M. Bischoff.

Paterson, N.J., *May 24, 1964.*

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Mr. Morse: I have just finished listening to the television program "Face the Nation" in which you appeared. I must say that I fully agree with all you said concerning the policy of the U.S. Government in South Vietnam and southeast Asia in general. It does seem incredulous that the U.S. Government should openly be fostering war. The only constructive solution to the problems in that sector of the world or for that matter any part of the world, revolve around the ability of the United Nations to seek ways and means to peacefully or if need be promote war. But the armed actions should be fostered by the auspices of the United Nations. To be sure, the United States would support the actions, but they would be sanctioned through international agreement. The power of international approval would alleviate much of the dissatisfaction that is being openly voiced in many sections of this country.

The United States does not have the right to force its power upon parts of the world that appear to turn Communist. Your statements concerning the Geneva accords was interesting. I was not aware that we were supporting an agreement that we have not even signed.

I think the statements of General de Gaulle of late are more in line with understanding the problem and possibilities of solutions. We seem to feel that anybody who opposes our actions is in disagreement with ultimate goals. General de Gaulle is one of the great men in the world today. He knows what he wants, that being French growth and development. He feels the greatness of his position as perhaps Napoleon did his. Statements of policy should be screened and not the personal intrigues or aims of the person, although they may be alined.

In conclusion, let me say that I approve of your assertions concerning the methods of solving the problems in southeast Asia. Perhaps you should make it a policy to appear on more television programs, as well as other Senators and suggest and inform the public. It is your responsibility to inform the public in order that they may reflect and inform you concerning their feelings on the topics of prime importance in the world today.

Sincerely yours,

Howard Charles Lipsitz.

Glendale, N.Y., *May 24, 1964.*

Hon. Wayne Morse,
U.S. Senator.

Dear Senator: After listening to you on TV Sunday you are a man after my own heart when it comes to the U.S. foreign policy. Being a Navy veteran of the First World War. Traveling through southeast Asia you sure know the score when you say the American people are not being told the truth about that part of the world.

My wish is, that the Supreme Being keeps you healthy and strong in health so you can keep up the good work you are doing in the Committee on Foreign Affairs. Also in bringing the truth to the American people.

Here's for success in all your endeavors.

Sincerely yours,

Ben Smith.

Brooklyn, N.Y.

Hon. Wayne Morse,
Washington, D.C.

My Dear Sir: You certainly make good sense.

Your confidence in the people and democracy is heartening.

What can an interested and anxious citizen do about our policy in Vietnam? We feel with you of the danger here.

Respectfully,

Estelle Shack.

Redwood City, Calif., *May 24, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: You are absolutely right, (1) that we are acting against our Constitution in the war in southeast Asia, and (2) that we should, ought, to take the problems of South Vietnam and Laos to the United Nations, and (3) that we shall be involved in a nuclear war if we go in deeper in this war.

I feel to blame whenever I hear about casualties in southeast Asia, on whatever side, and about the crimes against the people of that war-torn country. Peace cannot be restored by waging "our" war there. I appreciate your statement of the facts. Many other people I know feel as I do.

Sincerely,

Leone E. Schmidt.

Chinese Overseas Christian Mission,
May 21, 1964.

Senator Wayne Morse,
The Capitol, Washington, D.C.

Dear Senator Morse: I have unbounded admiration for your stand on the Vietnam war. After a lifetime spent in China, where my wife and I were born, we are convinced of the suicidal folly of waging an unpopular war with the bodies of our boys.

Our colossal expenditure of American dollars is getting us only dislike everywhere in Asia. Is it not a corrupting influence in Vietnam itself, as it was in mainland China? It is even more criminal to send American young men to their death in such a confused struggle.

Turn it over to the U.N.

Sincerely,

Frederick M. Pyke.

Albuquerque, N. Mex., *May 20, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My husband and I wish to commend you on your stand regarding the United States role in Vietnam. I'm sure there are more of our honorable lawmakers who feel as you do—if only their voices would also be heard.

Senator Morse, we also beg you to vote in favor of the civil rights bill now being debated.

Most sincerely,

H. E. Koester.

San Francisco, Calif., *June 6, 1964.*

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: We, the human race, are grateful for the battle which you are waging in the U.S. Senate in our behalf. In these dark days, when the leadership of our Nation is bent on a course which can only lead to total destruction, you, Senator Morse, have emerged as the seer showing the way to salvation.

A prophet's task is not an easy one, especially in today's world, but without one, we will surely perish. You, Senator Morse, are the chosen one. There is no one else in a position of leadership in America today who possesses your insight into the dangers of our present involvement in South Vietnam as you do.

Your courage and fortitude in the face of overwhelming opposition, which through the years has become your symbol, must never waver, but must be continually strengthened by the inner conviction that you are on the side of right.

As you know, you are working, not alone for the survival of America, but for the survival of the entire world. We, the unseen, unheard citizens of the world, rely desperately on your will and your words. You have our fullest support. May God grant you the health and wisdom to carry on your Promethean task of bringing light to our blind leaders.

Sincerely,

Marvin A. Perelman.

Brooklyn, N.Y.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Your recent pronouncements on American involvement in South Vietnam have been most welcome. Yours has been one of the few honest and realistic appraisals of the situation there. One can only hope that it will receive the attention it deserves.

Very truly yours,

Mrs. Judith Werman.

Leetonia, Ohio, *June 3, 1964.*

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: While I am not one of your constituents, I feel that you are working for us all when you question the aggressiveness of our Government in its foreign dealings.

Day before yesterday I saw a snatch of your speech about "McNamara's war." This was a brief view on TV and I have heard nothing more of it. It seems that there should have been more notice of it. I have good reason to believe that you are as near the facts as they are. It reminds me of the resistance offered by George W. Norris to U.S. entrance into World War I and Jeannette Rankin's stand against World War II. This takes courage and real statesmanship. Will you continue to raise your voice against the forces of disaster?

It is good to know that we have a leader who will challenge the mighty. Do you think we can restrain the military influence in our Government?

Congratulations and thank you. May the people of Oregon continue to support you.

Yours truly,

Emerson W. Halverstadt.

El Cerrito, Calif., *June 1, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Sir: May I take the liberty of congratulating you on the magnificent opposition that you and a few of your colleagues are conducting against this country's involvement in the slaughter in South Vietnam. I feel so terribly ashamed of what my country is causing those poor people to suffer and the rotten, military dictatorships that we prop up there as well as in Taiwan, South Korea, Spain, Brazil and probably elsewhere. But then I read of your latest blast against the warmakers and take heart and know that there is still hope in these United States while we have men like yourself with the courage of their convictions and a dedication to humanity and peace amongst the nations.

So a long life with health to continue the good fight and the sincere wish that you may see the day when a grateful nation, in more rational times, will acknowledge its debt to you.

Cordially yours,

Frances Wilson.

P.S.—I am sending a copy of this letter to President Johnson.—F.W.

Hobbs, N. Mex.

Dear Senator Morse: I am in favor of your stand on Vietnam and Cambodia, the Far East "war." It looks like they were trying hard to make a war over there. It might be going on over there now. You are right, more power to you.

Sincerely,

Roy G. Barton.

June 2, 1964.

Senator Wayne Morse

Dear Sir: On Sunday, May 24 I had the privilege of listening to your program on television. It certainly woke me up to the situation on Vietnam. I do hope everyone in the United States heard you. I wish everyone would write you a letter and say, "we are with you 100 percent, you are absolutely right. I believe most people would like to see all nations live in peace. I cut this article out of the paper to send you; but I really wish I was sending it to every mother in the United States so that they would wake up like I did when I heard you.

Everything you told the people is true. I pray that there are more good men like you in our Senate. May God bless you and give you strength. I'll remember you in my prayers.

Sincerely,

Helen M. Kovacs.

June 4, 1964.

Dear Senator: Thanks for speaking the truth about Vietnam. Continue to do so.

Thanks,

Steve Arnold.

Bronx, N.Y., *June 1, 1964.*

Hon. Wayne Morse,
Senator, Senate Office Building,
Washington, D.C.

Dear Senator Morse: You have my profound thanks for your forthright denunciation of the Government's policy in South Vietnam and against Cuba, a policy which is fraught with the great danger of bringing about the third world war, thereby reducing all the world to ashes.

What a dirty war it is in South Vietnam.

Kindly send me a copy of your May 20, 1964, speech. Also, please place my name on your mailing list.

And again, many thanks for your valiant efforts to bring sanity to Government circles.

Yours respectfully,
Helen Harris.

Safety Harbor, Fla., *May 26, 1964.*

Dear Senator Morse: I want to tell you how we admired your courage and good sense on your appearance with Face the Nation (CBS) last Sunday. We were of course prepared for it by your previous fine speeches in the Senate attacking the senseless murder in South Vietnam.

But the manner in which you took hold of the program and, to the astonishment of one or two of the young reporters on the panel, addressed the American people, was really something long to be remembered. Especially important was your insistence that American foreign policy is the business of the American people, with whose voice the President should speak.

Your splendid statement of policy was not mentioned in our paper, the St. Petersburg Times which did find space on page one for Senator Goldwater's ghoulish proposal to dress down the Laotian border with atomic material. So I hope you will not mind if I send a copy of this letter to the Times' excellent correspondence column.

Meanwhile, may we ask if copies are available of your speeches against Secretary McNamara's war, especially that given April 15? We would very much like to read your complete text.

With our heartiest congratulations,
Bernard Raymund.

Philadelphia, Pa., *May 24, 1964.*

The Honorable Wayne Morse,
The U.S. Senate,
Washington, D.C.

Sir: I am writing to request the privilege of being put on your mailing list so that I may receive reprints of your public statements.

The reason for this interest concerns your opposition to the policies of the Government in South Vietnam. There is reference to your criticism in the press but little explanation. I would, therefore, be grateful for the opportunity of reading your statements in their entirety.

Very truly yours,
Mark Flomenhopt.

St. Louis, Mo., *May 25, 1964.*

Dear Senator Morse: Much concerned as I am about our involvement and role in the southeast Asian situation and the threatening statement by Secretary of State Rusk, I feel it my duty to at least voice my support of your efforts to introduce sanity in our approach.

According to Dudman in the St. Louis Post-Dispatch of May 24 we engineered the rightist coup in Laos and obviously inspired the Pathet Lao counteraction. I would appreciate your sending me some copies of your statements on South Vietnam.

Sincerely yours,
Sol Londe.

Daly City, Calif., *May 18, 1964.*

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I strongly support your opposition to our intervention in civil war in South Vietnam.

Enclosed you will find two interesting letters which have just appeared in the May 15 issue of the Golden Gater which is published by the Associated Students of San Francisco State College.

Keep up the good work and I hope that you can convince other Senators of the logic of your position.

Respectfully yours,
Ellis Colton.

P.S.—I would be grateful for any copies of speeches you make on the above subject.

[From the Golden Gater, May 15, 1964]

LETTERS TO THE EDITOR

Dear Mr. Lewis: Remember your little admonition, "Ignorance is the root of all evil"? Keep it in mind; it's a good maxim. Point 1. Did you ascertain before you began your tirade why certain groups of people are protesting U.S. intervention in Vietnam? Are you familiar with the facts and evidence they based their stand on?

2. How familiar are you with the South Vietnam situation? You say that you believe in the freedom guaranteed by constitution and democracy as well. As such a stalwart of justice and freedom, perhaps you would like to know that there have never been free elections in Vietnam, despite the provisions of the 1954 Geneva agreement, which President Eisenhower approved. In addition, freedom of speech and the press is a myth. Do you remember one of the first actions of this latest junta was to close newspapers that were dispersing dangerous propaganda—neutralism * * *?

3. Do you realize that the war in South Vietnam is a civil war, and the United States is intervening in it without moral or legal grounds. In fact the presence of U.S. troops violates the Geneva agreement. You won't find any Chinese Communist or Russian soldiers there.

4. Finally, since when is the Government sacrosanct and omniscient? That statement of yours was not only ignorant but also incredibly naive. It is well known that the CIA informed the late President that Cuba was ready to overthrow Castro, and what happened?

We cannot give you an adequate education in this short space, but here's some advice, "Ignorance is the root of all evil."

Edward Naritomi, 1949,
David Strauss, 7440,
Peter Valdez, 7518,
Conn Hallinan, 3183,
Eda Godel, 17009,
Janet Goldfarb, 4772.

Editor: The letter in today's Gater (May 8) says in essence that people who march in protest of U.S. troops in Vietnam should keep their mouths shut because they have no idea of what's going on. Besides inferring that Americans should be complacent with respect to American foreign policy (as the Germans were complacent with respect to the rise of nazism), Mr. Lewis is saying that for your own good, you should not aline yourselves with controversial or leftwing organizations because your affiliation may come back to haunt you in the future. Is this the "democratic" way, Mr. Lewis?

Mr. Lewis, have you ever been to Vietnam? Do you have any idea of what's going on? Do you know what the Vietnamese people think of Americans? Let me fill you in.

From March 1961, to July 1962, I was part of the Marine Corps ready division in the Far East. I had the dubious opportunity of participating in the initiation of the present American policy in South Vietnam. I'll never forget the day when Lieutenant General Krulack (head of the special Presidential Committee on Guerrilla Warfare) gave us a secret introduction and explanation of the strategic hamlet program which was just beginning in Vietnam. I had just finished a comprehensive study of guerrilla warfare. Mr. Lewis, the basic principle of carrying out a guerrilla war to a successful conclusion is to win the support of the people. This is stated quite clearly in the books on guerrilla warfare by Maj. Che Quevara and Mao Tse Tung (which, ironically, the U.S. military uses as basic texts for its guerrilla warfare schools), if you have ever read them. To the question, "How can you win the support of the people by forcing them to live inside walls and barbed wire?" General Krulack answered, "It worked in Malaya for the British, and it'll work for us in Vietnam." It hasn't. And the attitude of American officers who sing, "Hark the herald angels shout, 6 more days and I'll be out," is one of dissatisfaction with American policy, and the realization that now it's too late to win the support of the people.

In order to retain what's left of our international dignity, our country should first recognize China, then negotiate for peace in Vietnam, as Charles de Gaulle has suggested. If this is not done soon, it will be too late to even retain a shred of our international dignity. This is why real patriots and real Americans are marching in protest of U.S. policy in Vietnam, Mr. Lewis. If you really are concerned about our Federal system, perhaps you should join them.

Note.—I am withholding my name because as a Marine officer in the "free" country of ours, I cannot publicly state my views without being subjected to a letter of reprimand or censure.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your repeated efforts toward the settlement of the South Vietnam situation through the United Nations or through reconvening the Geneva Conference.

The neutrality of Laos is now being jeopardized and I believe that some policymakers in Washington would like to see this coalition in Laos destroyed and some agents of the United States may be undoing this coalition or helping to aggravate the situation. There is no substantiation or proof I can offer for this conclusion except the coincidence of this unsettling strife in Laos occurring shortly after you and others in and out of Government started calling for peaceful settlement in South Vietnam. The example of Laos presents complications for those who wish to enlarge the conflict and believe that socioeconomic problems can be solved by force.

Sincerely yours,
Dorothea Sherlock.

Coral Gables, Fla., *June 12, 1964.*

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I heartily endorse the stand you have taken concerning our U.S. foreign policy in Asia, especially your opposition to our continuing war in Vietnam. I admire your courage in this unpopular endeavor.

Will you please send me 25 copies of the speech you made in the Senate March 4, 1964? It is volume 110, No. 39. Will you please send 25 copies also to my friend, Mrs.

Monroe Smith, R.R. 2, Buckner Branch, Bryson City, N.C.?

Thank you.

Most sincerely,

PEARL C. EWALD.

P.S.—Will you please send also to both of us 25 copies of the speech you made April 14, 1964, CONGRESSIONAL RECORD, pages 7925–7931.

JUNE 10, 1964.

DEAR SENATOR MORSE: Keep up your good work you have done in regard to Vietnam. I am in complete harmony with your stand you've taken on that issue.

Sincerely,

DORA CALLISTEIN.

JUNE 10, 1964.

DEAR SENATOR MORSE: I applaud your stand on Vietnam. Many lives will be saved when our boys are recalled from Vietnam. Keep up your good work.

Sincerely,

MRS. S. MATZ.

DEAR SENATOR MORSE: Your fight against our policy in South Vietnam is beneficial to all of our people.

Congratulations and may God bless you.

Respectfully,

MR. E. WOLFYORK.

JUNE 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your fine speech on Vietnam and the Asia situation. You are so right. We have no business in there—never did have. We should get our forces and tax money out of there. The peoples in Asia already hate us for past dirty wars like Korea. It is shameful.

Keep up the good work.

Sincerely yours,

HAZEL and RUSSELL L. LINTON.

DEAR MR. MORSE: Do all you can to see that our boy's soldiers come back home.

I'm with you and you can count on my support.

Respectfully,

E. WOF.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on your stand on "McNamara's War." Keep up the good work.

A. S. OLIN.

BERKELEY, CALIF.

DEAR SENATOR: Your speech or speeches on Vietnam have been proclaimed as excellent by an authority, Robert Sheer, on the subject. We strongly back your courage in presenting sound conclusions from evidence presented. Your honest, intelligent approach to international relations seems to have a rare touch of human understanding. Thank you for this and please send me a copy of your speech.

H. L. ROHLFING.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I appreciate your opinion on the Vietnam situation.

Yours truly,

FRED E. SHETTER.

NEW YORK, N.Y., *May 18, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I wholeheartedly agree with your position about Vietnam. I am writing to the President and my Senators tonight also. I would like to know what a citizen can do to show her concern for this terrible war.

It seems to be evident from every news source that the people of Vietnam are not interested in our position there—that we have no right to be there—that they can choose a government that they see fit without us. What right have we to say—"Choose any government as long as it isn't Communist"—or any other leftwing type?

It is appalling that we sit comfortably back here in America and let our Government aid in spreading so much misery, death, agony in a country where we don't represent progress to them at all.

Sincerely yours,

VICTORIA REISS.

EAST ORANGE, N.J., *May 19, 1964.*

The Honorable L. B. JOHNSON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: The tenor of this note is an appeal to the moral principle of our foreign policymakers, this in face of the empirical approach in the formation of our foreign policy.

I am 74 years of age and I still retain a fairly good memory. I recall the year 1917, during World War I, and President Woodrow Wilson's 14 points. Among these were the principles of nonintervention in the internal affairs of any nation and the right of self-determination. These principles were not hedged by any overwhelming, all-embracing national security limitations. In my simplicity I was taken in by President Wilson's noble sentiments and I took it that these were enduring principles of our Nation.

To my consternation I find that our policymakers discarded the above sacred principles and adopted an all-embracing policy of so-called national security, and extending this principle to practically the entire globe. The 10,000-mile distant South Vietnam and southeast Asia is allegedly an area of our national security. So is the Middle East, Asia, Burma, Malaya, India, and, of course, Latin America. What about the national security of the above nations? What about the clash of this principle with the basic principle of morality? It is quite clear that the United States is pursuing a policy of might makes right. Is ours a God-given right to intervene in South Vietnam, in Laos, in Cambodia, in Taiwan under the flimsy cover of pseudo treaty invitations to dictate to those nations what form of social-economic system they are to adopt?

This policy is not only immoral but also undemocratic and impractical. Under true democracy it is the people themselves who are to determine their form of government. It is immoral for any foreign nation to impose its way of life on another nation. It is impractical in the light of the military events in South Vietnam at the present time and in Indochina since the end of World War II in 1945. France tried to reimpose its colonial rule there up to 1954 and suffered more than 172,000 casualties and lost. We have taken over and are doing our utmost these last 10 years, and victory is elusive.

I urge you, for the honor of our country, to order the withdrawal of our military from South Vietnam at the earliest.

In any event you are to initiate a national referendum and let all of our American people decide if we are to continue the war in South Vietnam.

Respectfully yours,

H. DRUCKER.

EAST ORANGE, N.J., *May 19, 1964.*

The Honorable U.S. Senator WAYNE MORSE.

DEAR SENATOR: I am entirely in agreement with your position with regards to our military presence in South Vietnam. We have no God-given right to dictate to other nations as to what form of government they are to live under. Using our superior might is contrary to the basic principle of democracy.

The enclosed is a copy of a letter to this effect I mailed yesterday to President Johnson.

I do hope that you and the other like-minded Senators will succeed in calling off the undeclared war in South Vietnam.

Respectfully yours,

H. DRUCKER.

LOS ANGELES, CALIF., *May 18, 1964.*

DEAR SENATOR MORSE: Please accept my heartfelt thanks for your position vis-a-vis our insidious governmental policy in Vietnam. Our troops should be withdrawn forthwith, and we should keep our hands off the Vietnamese people and their country, literally speaking.

Would there were more men like you in the Senate, Mr. MORSE, instead of the sorry excuses for Senators most States have as their elected ones.

Sincerely,

ANNE PAPKOFF.

JUNE 12, 1964.

SENATOR: Congratulations, I agree with your opinion about southeast Asia, U.S. foreign policy, and Stevenson. Thank God we still have men like you in this country who are not afraid to speak up and out with force and conviction. You have my full support. By the way, can you send me some information about your State and its people, cities, et cetera?

I am a high school teacher and am thinking of relocating.

Would appreciate it.

Thank you,

JACK G. BLIESENER.

JUNE 8, 1964.

DEAR SENATOR MORSE: I wish to express my deep appreciation for your great speech in the Senate of May 20 regarding South Vietnam.

I hope the remainder of the Senate and House of Representatives will look into this matter at once and stop this unnecessary bloodshed.

We must put a stop at slaughtering innocent natives just because we think we are right and their policy is wrong.

Perhaps what is right for us may be wrong for them and vice versa.

Please keep up this wonderful job you are doing. There are many individuals in support of this vital issue which you so nobly represent. Also, the Cuban situation.

Thank you.

Wishing you good health and success, I remain,

Most faithfully,

MRS. MILDRED FALK.

P.S.—Would you kindly send out the speech you made to the above address?

Thank you.

JUNE 1964.

DEAR SIR: I am a member of the International Ladies Garment Workers Union, Local 22. In my own behalf and in the behalf of many mothers—members of our union—I wish to thank you and bless you for the stand you take to save the honor of our country and the lives of our boys. May you be well and healthy to carry on.

ESTHER CARROLL.

HOLLYWOOD, CALIF., *June 9, 1964.*

Mr. WAYNE MORSE,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my congratulations and support for your position on South Vietnam. I, too, believe that our involvement in South Vietnam and all of southeast Asia is an interference with the sovereignty of the nations involved, and we should remove our forces from the area.

We are risking the danger of war and uselessly expending American lives against the will of the majority of people in those countries.

May I request a copy of your speech to the Senate of May 20, 1964. If it is not available from your office, please let me know from which office I may obtain a copy or several copies.

Very truly yours,

Harriett Buhai.

Rowayton, Conn., *June 5, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I congratulate you on your statement on Vietnam? It was deeply reassuring to hear you express yourself with such force and intelligence on this alarming situation.

Unfortunately, I turned on my TV set about half way through the program and so missed quite a lot of it. If you could send me a copy or copies of any recent statements or speeches you may have made on the subject I would appreciate it very much—and would share them with my friends and neighbors.

Sincerely yours,

Agnes Goodman.

San Francisco, Calif., *June 3, 1964.*

The Honorable Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am unable to obtain a transcript of the "Face the Nation" TV program on which you appeared several Sundays ago. CBS–TV replied to my inquiry by explaining that its supply was exhausted.

Is it possible that you have some copies (mimeographed) and could make one available to me? I would be most appreciative.

I would also be very pleased to receive copies of any addresses you may have for circulation to your constituents. As I noted in a recent letter, I am most grateful for the courageous role you are playing in our Senate in challenging our foreign policy in southeast Asia and wherever else we are relying on force instead of negotiation and bilateral or unilateral action instead of working through the U.N.

Sincerely yours,

Al Williams.

Los Angeles, Calif.

Senator Morse,
Capitol, Washington, D.C.:

I want to applaud your stand regarding our action in South Vietnam.

I agree with your proposal for an American withdrawal and De Gaulle's proposal for neutralization of the area.

It takes courage on your part to say so, but you have never lacked political courage. I also support Senator Gruening in his stand on South Vietnam.

K. Fishoff.

Oakland, Calif., *June 5, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Keep up the fight to disengage the United States of America in South Vietnam. The American mass media and political situation being what they are, we had begun to feel disenfranchised. No elected officials seemed to make sense when it came to foreign policy. You and the small band of Senators who share your views are one of our main hopes for the future.

You might also begin a frontal assault, to borrow the military's jargon, on American colonial policies in Latin America.

Very truly yours,

Mr. and Mrs. George Batzli.

Arverne, N.Y., *June 8, 1964.*

Senator Wayne Morse.

Dear Mr. Senator: It was gratifying to read of your remarks regarding our "sad" situation in the Far East.

Events of the last few days require initiative by our leaders to extricate the United States from this morass.

May we add our blessings and encouragement to your concern and effort for the peace and well-being of the American people.

Sincerely yours,

Mr. and Mrs. M. L. Alpert.

Morongo Valley, Calif.,
June 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: May I ask you to raise your powerful voice still more loudly and frequently against the monstrous things the administration is doing and evidently planning to do in southeast Asia? It seems to me that the United States is heading straight for war and complete disaster and I know of no other reasonable or sane voice in Washington to whom to appeal other than you. Rusk, McNamara, Johnson, and the generals—all of them appear to be powermad and insane.

Warwick M. Tompkins.

Rego Park, N.Y.

Senator Wayne Morse,
Senate Office Building, Washington, D.C.

Dear Senator: Thank you for speaking out on the Vietnam situation as you did a short time ago. The clamp of silence that sits upon our country and its people is terrifying. But you, bless you, refuse to be silent.

And, sir, I heard Mr. Stevenson's speech at the United Nations; I cried.

Thank you again.

Sincerely yours,

Mildred Bank.

June 8, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: Am in full support of the position you have taken against U.S. intervention in South Vietnam.

Respectfully,

Harry J. Glasscock.

University of Michigan Union,
Ann Arbor, Mich., May 10, 1964.

Dear Senator Morse: On our way to Ann Arbor to attend a national conference of biological editors, we read excerpts from recent speeches of yours about Vietnam in the Senate, reprinted in the St. Louis Post-Dispatch.

It seems inadequate merely to express thanks to you for speaking so clearly and unequivocally on a matter that should long ago have been aired and debated, not only in the Senate but wherever minds meet—but we do express thanks. We agree wholeheartedly with the two speeches we have read. We hope you will continue to cry out until you are heard and heeded. We have shared the two Post-Dispatch reprints with several friends.

Are your speeches available? If so, we should greatly appreciate having copies.

You have our wholehearted backing.

Gratefully,

Rebecca Caudill Ayars.
James S. Ayars.

New York, N.Y., *May 12, 1964.*

Dear Senator Morse: I have read in the New York Times quotations from speeches that you have made in the Senate in opposition to what the French have referred to as the dirty war in South Vietnam. I'm in full accord with your thoughts on this unfortunate and disgraceful situation.

I will appreciate receiving copies of the Congressional Record which contain your speeches. I want to know more about what is going on over there. I have a boy of draft age and I do not want him to die for an unworthy cause. I am of the belief that before we call upon our youth to jeopardize their lives and, if need be, make the supreme sacrifice, we must make certain that it is for a worthy cause.

Very sincerely yours,

Charles Rivers.

Cambridge, Mass.,
May 13, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have been following in the Congressional Record your speeches on Vietnam. A considerable time ago I wrote to express my appreciation for the stand you had taken; now I cannot resist again thanking you for the magnificent job you are doing for our country. If we are saved from the utter madness and horror of another and far more hideous Korea it will be largely due to your leadership in the Senate opposition, and the outstanding courage and persistence with which you are fighting for a peaceful and rational settlement.

I am engaged in a campaign to educate and mobilize public opinion in this State. Is there any possibility of my obtaining a copy of the Congressional Record of April 24? Your speech on that date would be of great help to us in our efforts to enlist a large group of eminent citizens as signers of an advertisement in a leading Boston newspaper.

With profound gratitude,

Florence H. Luscomb.

May 5, 1964.

Dear Senator Morse: We applaud your intelligent and informative speech on "McNamara's war." We hope you will reiterate your stand again and again with a view toward terminating "little" wars.

Sincerely,

Mr. and Mrs. A. Kaufman.

New York, N.Y., *May 4, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: With a heart full of gratitude I thank you and the Senator from Alaska for speaking out against our position in South Vietnam. Perhaps all of us who have been sick about our postwar policy in general and situations like South Vietnam in particular should have had the courage to speak out without having to wait for you to start it. Well, it's difficult and not even knowing to whom to speak immobilizes one.

But I am grateful to you, as I hear so many of my friends are too. Please keep on fighting for what we believe is right.

Sincerely yours,

Lilette Hindin.

Oakland, Calif.,
May 2, 1964.

Hon. Senator Morse: Please continue your speaking out in the Senate for U.S. withdrawal of troops from Vietnam.

I support you on this issue and wish you would run for President—maybe in 1968.

Yours truly,

Gerald A. Gerash, O.D.

NEW SMYRNA BEACH, FLA.,
May 2, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington D.C.

DEAR SENATOR MORSE: I write to thank you for the intelligent and heroic stand you have taken relative to the tragic situation in Vietnam. I don't know of anything that pains me more than the loss of life in this stupid action going on in that faraway country. The seeming indifference to the killing of our American men all but infuriates me. When Mr. McNamara in what seemed to me a smirking way referred to your calling it his war I noticed that it caused laughing among those who were listening to his profound wisdom in reply. Even death seems to be a laughing matter particularly among those who have no sons and husbands to die so far from home.

The publishing of the letters of the young Indianian who was recently killed, as I have read them in this week's U.S. News & World Report, surely will open the eyes of millions who have not known the real situation facing our country. I wonder how those who are supporting this farce can sleep at night. We are so worked up in our country about other matters that very little attention has been given to Vietnam. Also I want to congratulate you for standing up and opposing the giving away of billions to everybody throughout the world.

With all best wishes, and more power to you, I am,

Sincerely,

W. C. STEWART.

UNION CITY, N.J.,
May 4, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We thought you would be glad to know we obtained 64 signatures for a letter to Senator HARRISON WILLIAMS urging him to second your demand that the United States end all involvement in South Vietnam. We enclosed a carbon copy of the letter.

We wish to both commend you on your addresses to the Senate concerning this matter and ask you for copies of these speeches since the press has been delinquent in its duty to the American people by its poor coverage of your courageous stand on South Vietnam.

Sincerely,

ALVIN MEYER,
H. D. MULLER IV.

LOS ANGELES, CALIF.,
May 2, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

HONORABLE SENATOR: I admire your tremendous courage in challenging the "official" U.S. governmental position on South Vietnam.

It is quite unfortunate that more accurate information on the situation is not available.

I seem to feel the extremes of violence that the Vietnamese people have felt from external forces, first the French and now the U.S. Army.

Please continue your fight to withdraw U.S. troops from South Vietnam and establish a neutral united Vietnam.

Sincerely yours,

JOHN M. PALMER.

GEN. NATHANAEL GREENE AND GEN. WALLACE M. GREENE, JR.

Mr. COTTON. Mr. President, last month, the Portsmouth, N.H., Naval Shipyard launched the 131st submarine to be constructed at that historic Government yard. This latest addition to our nuclear-powered Polaris submarine fleet, the *Nathanael Greene,* was named for a distinguished New England patriot, Gen. Nathanael Greene, sometimes known as the strategist of the American Revolution. Principal speaker at the launching ceremonies was Gen. Wallace M. Greene, Jr., Commandant of the Marine Corps, and native son of our neighboring State of Vermont. Like his namesake, Wallace Greene has established an enviable record of service to his country, characterized by brilliance, valor, and dedication to those principles for which Americans have fought and died since the days of the Revolution. He represents the type of leadership of which the Marine Corps and, indeed, the entire Nation may well be proud.

I ask unanimous consent that two biographical articles contained in the Portsmouth Periscope, published at the Portsmouth Naval Shipyard, May 15, 1964, entitled "Gen. Nathanael Greene, Famous Revolutionary War Hero" and "Gen. Wallace M. Greene, Jr., Commandant of Marine Corps" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Portsmouth (N.H.) Periscope, May 15, 1964]

GEN. NATHANAEL GREENE: FAMOUS REVOLUTIONARY WAR HERO

Nathanael Greene is lauded as a man of great organizational ability whose talents as military strategist were vitally instrumental in the defeat of the British during the middle Atlantic and southern campaigns of the Revolutionary War.

Nathanael Greene was born at the ancestral homestead, Potowomut, Warwick, R.I., July 27, 1742, the son of Nathanael and his second wife, Mary (Mott) Greene. As a youth he worked as an iron founder with his father.

He was able to acquire such books as would enable him to secure a liberal education. An avid reader and intense student, he became proficient in mathematics, logic, natural philosophy, law, the classics, history, and English literature. Later, works on military subjects found a place on his bookshelves. It was in recognition of his mental abilities that Brown University, then known as Rhode Island College, conferred the honorary degree of master of arts on him in 1776, an honor that he was to receive subsequently from Princeton.

Nathanael Greene was a member of the State legislature at the outset of his military career. His advancement in rank was rapid. His first training was in the Kentish Guards of East Greenwich. Appointed brigadier general in the Army of Observation by the Rhode Island Legislature, the discipline of his troops and the personality of their commander attracted favorable attention. He became a major general in the Continental Army in 1776, and emerged from the war with a reputation second only to that of Washington.

Given command of a detachment of militia at the seige of Boston, he was charged with the city's protection following the withdrawal of the English. He helped plan the defense of New York, and served with Washington at Trenton, Brandywine, Germantown, and Valley Forge. As quartermaster general in 1778 he reorganized the department, found supplies for the Army, and rendered outstanding service in this capacity. He fought at Monmouth and in the Rhode Island campaign, and presided over the court-martial board for Maj. John André.

Appointed Commander of the Southern Forces in 1780, he carried out a reorganization and refitting, divided the forces under Cornwallis, won the battles of Cowpens and Eutaw Springs and compelled the enemy to fall back on Charleston. His generalship contributed greatly to the triumph of patriot forces in the South.

Gen. Nathanael Greene died in June 1786 at his Mulberry Grove plantation near Savannah, Ga.

[From the Portsmouth (N.H.) Periscope, May 15, 1964]

GEN. WALLACE M. GREENE, JR., COMMANDANT OF MARINE CORPS

Gen. Wallace M. Greene, Jr., USMC, is Commandant of the Marine Corps.

A native of Waterbury, Vt., he was born in 1910. He attended the University of Vermont for 1 year before entering Annapolis.

He was graduated from the Naval Academy in 1930, commissioned a second lieutenant and served the following year at the Marine Barracks at the Portsmouth Naval Shipyard.

During World War II he served as Assistant Chief of Staff, G–3, 3d Marine Brigade that sailed for Upolu, Western Samoa, in 1942. In 1943 he joined the 5th Amphibious Corps in Hawaii as Assistant Chief of Staff, G–3, Tactical Group 1. For outstanding service in this capacity during the planning and execution of the Marshall Islands invasion, he was awarded his first Legion of Merit with Combat V.

Following disbanding of the group in 1944, General Greene joined the 2d Marine Division as G–3, earning a second Legion of Merit for outstanding service in this capacity on Saipan and Tinian. He remained with the 2d Division until his return to the States in September.

In October 1944, he was appointed officer in charge, G–3, Operations, Division of Plans and Policies, Headquarters, Marine Corps, Washington, D.C.

There followed a number of assignments, including duty at Pearl Harbor, before he was assigned to the National War College in Washington. He was graduated in 1953 and was appointed staff special assistant to the Joint Chiefs of Staff for National Security Council Affairs.

In September 1955 he was promoted to brigadier general and became Assistant Commander, 2d Marine Division, Camp Lejeune. His next assignment was Commanding General, Recruit Training Command, Marine Corps Recruit Depot, Parris Island, S.C. Later he became Commanding General of the Recruit Depot.

General Greene was appointed Commanding General of the Marine Corps Base at Camp Lejeune in July 1957. Ordered to Headquarters, Marine Corps, Washington, in January 1958, he served 1 year as Assistant Chief of Staff, G–3.

He was promoted to major general in August 1958 and in March 1959 was named Deputy Chief of Staff (Plans), and served in this capacity through December 1959.

January 1, 1960, he was promoted to lieutenant general on assuming the assignment as Chief of Staff, Headquarters, Marine Corps, Washington.

September 24, 1963, the late President John F. Kennedy nominated General Greene to succeed Gen. David M. Shoup as Commandant of the Marine Corps. He assumed this command December 31, 1963.

General Greene is married to the former Vaughan Emory of Fairacres, Annapolis, Md. They have a daughter, Vaughan E., and a son, Marine Corps Capt. Wallace M. Greene III.

"WHAT MY COUNTRY MEANS TO ME"—ESSAY BY ROBERT S. PERKINS

Mr. COTTON. Mr. President, a youthful constituent of mine, Robert S. Perkins, of East Wakefield, N.H., enjoys the distinction of winning a statewide essay contest, conducted earlier in the year by the New Hampshire Federated Republican Women's Clubs, on the subject "What My Country Means to Me."

I had the pleasure of sitting with Robert at the annual May luncheon of the Federated Republican Women's Clubs, at the Hotel Wentworth by the Sea, Newcastle, N.H., and hearing him read his thoughtful statement of American principle. His mature grasp of the complexities and contradictions which make the fabric of our society is amazing in one so young, and I ask unanimous consent that his brief but excellent essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT MY COUNTRY MEANS TO ME

What does my country mean to me? It means a land in which "all men are created equal." It means a land in which a group can scream they are tread upon, and have a higher standard of living than in any other nation upon earth. It is a nation in which everybody complains about everything; and yet would not trade it for anything in the world.

It is a dream brought into being and sustained by thousands and millions who gave their lives for it; and it is a place in which millions don't even exercise their right to vote. It is a land where people have spent their lifeblood earning the freedom of worship; and where nearly half fail to exercise it.

It is a land in which a dying man can stand in vast Yankee Stadium and say with tears in his eyes, "I am the luckiest man on earth"; and in which a 23-year-old giant can look upon his fallen foe and scream, "I am the greatest."

It is a land in which a railsplitter from Illinois is elevated to the highest office in the land, and martyred by a frenzied assassin; and it is a land where 100 years later, he is joined by a millionaire's son. It is a land formed by the lifelong toil of countless millions; that can be destroyed by the finger of one man.

It is Charles Lindbergh, and Billy Sol Estes; it is Benedict Arnold, and Alvin York; Boss Tweed, and Governor Altgeld; Bobby Baker and John Glenn.

In short, it is an enigma, a paradox, and yet formed from a simple idea; it is beautiful and ugly, black and white and various shades of gray. It is an experiment in utopia standing on the edge of an abyss.

It is the personification of the greatest ideals of man, tempered with the imperfections of reality. It is my country. I love it.

BOB PERKINS.

ANNIVERSARY OF THE EAST BERLIN UPRISING

Mr. DODD. Mr. President, 11 years ago today the workers of East Germany rose up against their Communist rulers and the military might of the Soviet Red army.

What started out as a protest against new work norms by 5,000 East Berlin workers turned into a massive, spontaneous protest and demand for free elections by over 200,000 workers throughout East Germany.

We all knew that the East German workers could not prevail against the mighty Red army.

But even in defeat the revolt of June 17 was a signal victory for the cause of freedom, since it destroyed the myth prevalent at that time that Communist dictatorships are inherently stable and that uprisings against them are impossible.

It is now generally accepted as an established fact that the Communist world is not a big, happy, monolithic family. And the historic process which will someday bring the entire structure of Soviet colonialism tumbling down was set off by the June 17 revolt.

I rank June 17, 1953, among the significant dates in history because it represents a turning point just as July 4, 1774, and the issuance of the Declaration of Independence is a date of tremendous and universal significance to man's struggle to enjoy freedom, equality, and a peaceful world.

Last year on this date I spoke in New York City at a meeting commemorating the East German uprising. I believe the policy I outlined to take advantage of the discontent and cleavage within the Communist world is still appropriate and valid and I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

COMMEMORATION OF THE EAST GERMAN UPRISING

(Remarks by Senator THOMAS J. DODD, Democrat, of Connecticut, at a meeting convened under the joint auspices of the American Council on Germany and the Consulate General of the Federal Republic of Germany, Waldorf-Astoria Hotel, New York City, June 17, 1963)

The course of human history is uneven, and the events of tomorrow have in every generation been unpredictable. Since mankind first began to record its story, there have been periods of progress, periods of stagnation and periods of disastrous retrogression. But there is, in this varied history, a central moral pattern which makes it possible to foresee the general outline of the future, even though the details may remain obscure.

Despite the periods of stagnation and retrogression, the broad tendency of history points ever upward to the goals of human equality, of brotherhood between the peoples of the world, of peace between the nations, and of free societies whose laws stem from belief in the dignity of the individual.

In this long, upward struggle there are several dates that have enduring and universal significance because they represent historic turning points.

Such a date was June 19, 1215, on which the Magna Carta was signed in ancient England.

Such a date was July 4, 1776, when the American colonies issued their Declaration of Independence from British rule, invoking the belief that all men are created equal, that they are all entitled to life, liberty and the pursuit of happiness and that it is the function and purpose of government to protect these rights.

Such a date, too, was June 17, 1953, when the workers of East Germany, ignoring the pundits who said that revolt against Communist dictatorship was impossible, rose up against their Communist rulers and against the military might of the Soviet Red Army.

I think it important to recall certain facts about the uprising of June 17 because these facts constitute the best answer to those pessimists who believe that Communist power is permanent and unassailable and that Western policy must therefore seek to devise an accommodation with Soviet rule in central Europe.

The uprising of June 17 began simply enough with a march of some 5,000 East Berlin workers, protesting against the new work norms.

Within hours, what began as a demand for the abolition of the work norms, turned into a demand for free elections.

Within a day, over 200,000 workers throughout East Germany had joined the revolt.

In Magdeburg, Goerlitz, Brandenburg, and other cities, the workers stormed government offices and freed prisoners from Communist jails. They tore down and burned the hated Red flag of communism, which they regarded as the symbol of their oppression. And when the Red army sent its tanks in to crush the revolt, they fought against the tanks with rocks and with bare hands.

At this juncture in history it was a foregone conclusion that the workers of East Germany could not prevail against the massed might of the Red army. Their revolt was doomed to defeat; and it was also inevitable that they would have to pay a dreadful price for their temerity. In the fighting itself, several hundred East German workers died and thousands were wounded. In the repressions that followed, 50,000 East Germans were reported arrested. Almost 200 were executed, and 7,000, it is estimated, disappeared.

But even in defeat, the revolt of June 17 represented a signal victory for the cause of freedom.

At one stroke it destroyed the myth that Communist dictatorships are inherently stable and that uprisings against them are impossible. It demonstrated how utterly without support these dictatorships are. It demonstrated the total failure of 7 years effort to indoctrinate the youth of East Germany in Marxist dogma. It set a precedent for the Poznan uprising in Poland and the mighty Hungarian Revolution of October 1956, which shook the satellite empire to its very foundations.

The revolt of June 17 set off a historic process which will someday bring the entire structure of Soviet colonialism tumbling down. For freedom and not communism is the wave of the future. This is the central lesson of history. And it is the central lesson of the East German revolt.

As it was in 1953, the city of Berlin remains today the fulcrum of the struggle between the forces of freedom and the forces of slavery in the continent of Europe.

There are some who became discouraged, especially after the erection of the Berlin wall, by an apparent weakening in the Allied position and by voices of compromise in this country and in Great Britain. I am, myself, unhappy over some of the concessions we have made, or offered to make, on the question of Berlin and over our failure to react more energetically to the erection of the Berlin wall. But I am as certain as I am of anything that the West will never abandon Berlin.

Our commitment to defend Berlin has been stated and restated by three successive Presidents and by five Secretaries of State. It has been confirmed by congressional resolutions. It has been supported by the American people in successive Gallup polls, by the incredible majority of 8 to 1.

It was reconfirmed to the people of Berlin by Vice President Lyndon B. Johnson, acting as special emissary for President Kennedy in August 1961. His words on that occasion are worth quoting, because I firmly believe that they represent the policy of our Government: "I have come to Berlin by direction of President Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged, in effect, what our ancestors pledged in forming the United States: 'our lives, our fortunes, and our sacred honor.' "

Finally, our continuing commitment to Berlin was made clear beyond the possibility of doubt by the fact that President Kennedy assigned Gen. Lucius D. Clay as his special representative in Berlin. General Clay's name has rightly become a symbol of Western determination to defend the freedom of Berlin and of its refusal to yield to threats and blackmail. The meaning of General Clay's appointment was, I am certain, not lost on the Soviets. It may very well be the reason why the Soviets are blustering far less this year than they were a year ago at this time.

There are those who say that the West was not even able to prevent the erection of the Berlin wall. "How, then," they ask, "can the West possibly hope to persuade the Soviets to agree to the reunification of Germany, short of a war which no one wants?"

I believe that there are many actions that we could have taken, short of war, to prevent the completion of the Berlin wall; and I believe that there are courses of action open to us which would make the democratic reunification of Germany a realistic objective, achievable by peaceful means.

First of all, I believe that the conventional forces under NATO's command in Europe must be dramatically increased. There has been far too great a tendency to rely on the shield of American nuclear retaliation; and, because of this tendency, our European allies have limited themselves to military efforts that are proportionately far below the American level.

To be sure, the free world must have the ability to respond to thermonuclear attack with thermonuclear missiles of its own. But thermonuclear missiles can have little impact on the internal political situation in satellite Europe and can exercise little restraint on the Red army if it should come to another East Berlin or Poznan or Budapest.

The mere existence of conventional forces, in the adjoining free territories, on the other hand, does exercise a political influence, and this influence varies in direct proportion to their size and power. If NATO had achieved the Lisbon Conference goal of 50 divisions at the time of the Hungarian crisis, there is strong reason to believe that the Red army might not have intervened again in Hungary after its withdrawal in late October 1956.

The second area in which we must concert our policies and increase our efforts is trade with the Soviet bloc.

I believe that the free world must use its tremendous economic power, as the Soviets used their power, to bolster their diplomacy.

It is not merely that we have at our disposal vast annual agricultural surpluses, while the Communist bloc suffers chronically from agricultural shortages. The Herter-Clayton report of November 1961 pointed out that the West, possessing 18 percent of the world's population, commands two-thirds of its industrial capacity. "The way in which this preponderant power is used," said the report, "will be a major factor in determining the issues and outcome of the cold war."

Despite a few highly publicized technological successes the industry of the Soviet bloc is incredibly weak in many areas. The Soviet machine tool industry suffers, in particular, from a chronic inability to produce high-precision equipment. To overcome their weaknesses, the Soviets have been desperately shopping for precision machine tools and chemical processing equipment and entire industrial plants of various kinds.

Although the NATO allies have imposed some restrictions on shipments to the Soviet bloc, these restrictions have been very unevenly applied, and the Soviets have been able to obtain an increasing amount of equipment which adds significantly to their industrial-military potential.

There is nothing that the Soviets desire more than increased imports of industrial equipment from the West and credit to finance these imports. Conversely, there is nothing that would hurt the Soviets more than the drastic curtailment by the free world of the present shipments of industrial equipment to the Communist bloc. Such a curtailment would play havoc with the Soviet economy because of the rigidity of its planning. It would make it more difficult for the Soviets to meet its economic commitments to the satellites, and thus increase the stresses within the bloc.

Our great industrial and agricultural superiority gives us leverage which we can exercise in a positive or a negative direction. The starting point should be a general tightening up on trade with the Soviet bloc. Beyond this point, we should meet aggression or threats of aggression by carefully calculated sanctions starting first, perhaps, with a ban on certain categories of industrial equipment; then extending this, if necessary, to cover all machine tools and chemical-processing equipment; and finally, if the Soviets persist in their attitudes, cutting off all trade with the Soviet bloc.

Conversely, if the Soviets ever show themselves disposed to seriously bargain for a relaxation of the situation in Europe, we are in a position to offer meaningful concessions on trade and credit in return for political concessions from the Soviet side. It is not inconceivable that against a background of recurring discontent within the satellites and internecine strife within the Kremlin, the Soviets might some day be willing to exchange free elections in Germany for substantial credits and shipments of equipment from the West. For my own part, I believe this would be a legitimate quid pro quo.

I do not underestimate the difficulties in the way of implementing such a policy. It will involve the voluntary abandonment of profitable sales by Western industry, and a far greater degree of cooperation than today exists between the NATO nations. But if we are not prepared to forgo a small percentage of our profits in the interest of freedom, then the future of freedom is, indeed, uncertain. And if we are not prepared to use our great economic leverage as an instrument of deterrence against Soviet aggression, then the future of peace is equally uncertain.

It is not enough that we should come together every year at this time to pay homage to the heroism of the East German uprising of June 17, 1953. We owe it to the martyrs of the East German uprising and of the Polish and Hungarian uprisings which succeeded it, to pursue the goal for which they gave their lives by making it the prime objective of our diplomacy.

I am confident that this goal is achievable. I am confident that it can be achieved by peaceful means. But it will require all the persistence, all the resourcefulness, and all the dedication of which we are capable.

If we so dedicate ourselves to the task before us, then the heroes of the June 17 uprising will not have sacrificed their lives in vain.

LAW ENFORCEMENT

Mr. DODD. Mr. President, recently the noted columnist, David Lawrence, made the commencement address at the graduation exercises of the FBI National Academy.

It was a thoughtful and significant statement pointing up the need for greater public concern over the problems faced by our police officials.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DAVID LAWRENCE AT GRADUATION EXERCISES, FBI NATIONAL ACADEMY, JUNE 3, 1964

I have in the last 30 years made less than a dozen public speeches, and only on occasions when something personal was involved, such as the acceptance of an award or an honorary degree or, as in this case, where I am asked to participate in a function set up by my Government.

When I was invited to make this address, I started to think back about my early contacts with law enforcement.

I have in my time covered some interesting murder trials—as, for instance, the trial in 1911 of the McNamara brothers, leaders of a big labor union who had been charged with the dynamiting of the Los Angeles Times building. This had caused the loss of 21 lives.

I remember another brutal crime—in southern Virginia—in 1912 when during a court trial, a gang of outlaws in the audience shot and killed the judge on the bench, the prosecuting attorney and five members of the jury, as they were endeavoring to pass judgment on a member of the gang. The county authorities hired a private detective agency, and I rode with a posse several days and nights afterward in the search for the criminals. When the head of the gang was caught, he was put in jail overnight and taken the next morning by railroad train to go back to a courtroom many miles away. I had lost much sleep and had been on the move constantly, so I looked haggard. We had no safety razors then, and I was unshaven. On the train, I sat with detectives just behind the murderer and another detective. Most people kept staring at me instead of the murderer, who had had his shave. It was an uncomfortable experience.

During the last 54 years, however, I have been in Washington covering the problems of the National Government. I remember how tiny and relatively unnoticed the Department of Justice was when I first came here in 1910. It occupied a 3-story building on K Street, which had been a private mansion. There was room enough in it for the entire Department and its different divisions and bureaus.

I remember the early days of the FBI, and the approving response of the public to its creation, because the States alone could not deal with the traffic in crime across State lines. Harlan Stone, who was destined to become Chief Justice of the United States, was appointed Attorney General and, in 1924, picked J. Edgar Hoover to head up the FBI. The combination of these two fine men inspired confidence after an era of scandal in the preceding administration. These two men gave the FBI its opportunity to develop in a nonpolitical way, which has been an important factor in its success in the years since. I have watched Mr. Hoover maintain that fine tradition effectively through the years.

We are today in the midst of a war against crime. In some respects, it is analogous to a military war.

The press always has an important function to perform when a nation is at war. We of the press impose self-restraint in order to assist in winning the victory. The same obligation, I feel, holds true for us when the police are in pursuit of those who have imperiled human life in our society.

This also involves cooperation by the police authorities themselves with the press. I remember that, as an Associated Press reporter, I once spent all night pacing the corridors of a Federal building in Indianapolis. It happened to be Christmas eve and the next day was my birthday. We of the press were waiting for an important witness to be brought from Los Angeles to testify before the grand jury on the case I have just mentioned. After having spent many, many hours in that lonesome building during the night, we discovered that the Federal authorities had smuggled the witness in through a cellar door during the night and left the reporters to continue the vigil for no useful purpose. They might at least have let us know about it.

The press, of course, can be of great help, if there is a cooperative police department, in a city.

While we are discussing cooperation, I might also mention the need for cooperation between members of the bar and the authorities who are responsible for law enforcement. For many years, I have been puzzled by the attitude of some lawyers toward the defense of criminals. There is too much of a feeling nowadays that if he can get a smart lawyer, a criminal can escape punishment. There are, of course, many technicalities in the law but, somehow or another, we have permitted the impression to develop that a technicality invoked at the right time will permit a criminal to escape punishment.

I shall never forget a conversation I had with Clarence Darrow, a nationally known member of the bar, who was defending the union leaders accused of dynamiting the Los Angeles Times Building. This was the autumn of 1911, and I was sent from Washington to help cover the case for the Associated Press. I spent many hours with Clarence Darrow. I like him personally. One day, I asked him off the record how far he thought a lawyer should go in defending a criminal. There were rumors at the time that jury fixing had been attempted. All this came out later, and Darrow himself was indicted and disbarred from practice in Los Angeles. But his answer to my question was significant. I asked: "What is your attitude toward the man you are defending? Assuming that you know he is guilty, how can you face the court and make believe that he isn't?"

Darrow answered: "My client deserves every help he can get from me. In effect, I am his alter ego. I myself would do anything that he would do to save his life and to mitigate his punishment."

Many people surely will question the merit of this philosophy. But some lawyers, unfortunately, still share it. The criminal with a big slush fund feels he can employ the most successful lawyers to fix the jury or take advantage of a technicality to save himself from punishment.

We have witnessed the growth of gangs in our time. We read today of many crimes of youth. I would like to tell you of a firsthand experience more than 40 years ago which illustrates dramatically the problem of juvenile delinquency, for it is not a new problem.

We had offices on the fourth floor in a big building. On the back of the entrance door we had a large box in which mail was deposited each night through a slot in the door. When our office staff arrived one morning, we discovered that the box had been broken and that some of the mail had evidently been taken away. Some of it was strewn on the floor, opened. We could not know, of course, what letters were missing. It took us several days to find out, and only when some of the recipients of our monthly bills began to respond to letters we wrote asking for payment. Some of the newspapers replied that they had already paid us. We telephoned some of them to find out the name endorsed on the back of the check which, we felt sure, they had by this time gotten back from the bank. The first newspaper we called gave us a name which we promptly recognized as that of one of our office boys. His first name was Charles.

We turned the matter over to the police here, who asked the boy to come to headquarters. The next day they told us that, after being questioned, Charles had confessed and had related in detail how he had climbed up the outside of the door at night, gone through the transom and into the office so that he could get the checks out of the mailbox.

Charles was in his early teens. His father was a respectable person, an employee of the District of Columbia government, and he was brokenhearted over what had happened. It was decided to parole the boy in the custody of his father for the time being.

We thought no more of the episode until about 2 weeks later, when one of the local banks telephoned us that someone had appeared at the teller's window and tried to cash some of our checks. The teller seemed to detect suspicious behavior on the part of the young man, who suddenly fled. But in his haste he left behind the identification card which he had used. I went to the bank myself to examine it, and found a card printed with all the appearance of an authorized credential signed by me. It had been carefully printed with the name of our company in large black type. The individual whose picture—it looked like a passport picture—was on the card, however, wasn't Charles, though his full name was signed to it.

We telephoned and found that Charles was at home. His father said he had not been out of the house at all that day. We asked Charles to come to the office and take a look at the card and the picture. When he saw the photograph, he said, "Oh, that's Roy." Roy was another office boy who had worked for us for a short time some weeks earlier.

Upon looking further into the case, the police found that Roy was a juvenile delinquent who had been in trouble with the police two or three times before. He was a good student and had excellent grades in high school. His mother was a civil service employee. There was no evidence of any tendency to violence or disorderly conduct. Unfortunately, he had a mania for money, and when asked what he did with the checks which he stole and forged, he said he used the money to ride around in a taxicab all day long.

Here was a plain case of a disordered mind. He was returned to a training school and not long afterward released. Three years later, however, we read that the same boy had been killed in the midst of a gang war in New York City.

Many questions were impressed on my mind as a result of that affair. Why did Charles, the first boy, confess to something which he had not done? Was he under the duress of the other boy? Did he actually know about the robbery of our mail box? It was not considered important, presumably, to investigate his part in the case further because the real culprit had been discovered.

Again and again, we find psychological disturbances, psychiatric difficulties, as the underlying causes of criminal action. I wonder when we will begin to realize that crime and insanity are closely related, and that there are many people who are not actually insane in the accepted sense of the word but who have disturbed minds and a passion for wrongdoing. They need treatment, and society must find ways to protect itself against their possible crimes.

It seems incredible that today an aura of controversy should surround the whole subject of "law enforcement." Everybody, of course, wants to see the law enforced properly and effectively. But lately there has developed a tendency to put the rights of the individual above the rights of the people as a whole, particularly in the area of law enforcement. The Constitution guarantees to all citizens the right of trial by jury and other rights under "due process of law." But there is nothing in the Constitution nor in the historic principles of common law which says that the community cannot take steps to prevent crime or to restrict the opportunity of an individual to perpetrate a crime.

Yet the sad truth is that the methods used to detect persons suspected of or accused of crime are being interfered with arbitrarily when these methods do not suit the whims of different judges on the bench. The latter have expressed varying concepts of what constitutes, for instance, the proper length of time during which a suspected person may be interrogated by the police before being formally arraigned. We have thus brushed aside something far more important than what is called the rights of the individual. The key word really is "protection"—the right of society to take measures to protect itself. In this war within our gates—the war against crime—the casualties are mounting each year, and police officers themselves are often among the unfortunate victims.

Every now and then, it is argued that circumstances have changed, and hence laws must be differently interpreted. It is insisted, in effect, again and again from the bench that "the end justifies the means," and that to put one innocent person in jail does more harm to society than to give law enforcement agencies the right to interrogate effectively persons implicated in serious crimes. But fundamental principles can be cited to contradict such a theory. Thus, for example, we draft our young men into military service in time of peace as well as war, because we believe that the protection of our society is paramount. No other consideration supersedes this duty to society. Innocent persons are often hurt or their private lives interfered with by war or preparations for war, but we insist that the protection and safety of the entire community is our primary obligation.

Today, we are in the midst of a crimewave of unprecedented proportions. Methods of protection have improved. But they can hardly cope as yet with the ingenuity used by the criminals to avoid detection. We are debating, for instance, at the moment, whether telephone lines should be tapped and conversations recorded. Theoretically, this is an intrusion upon privacy. But if evidence is needed to convict persons suspected with good reason of having committed a crime involving human life, would not most people say that in this type of case certainly such a method of obtaining evidence would be justified?

How long can society endure the conditions of terror which are imposed upon it—when people fear to venture out on the streets at night, even in the Nation's own Capital? Population, of course, has increased each year in America, and so also has the number of criminals grown correspondingly—if not at an even greater rate. But the impact of crime cannot be measured alone by the mere number of instances of lawbreaking. Our society cannot afford to ignore the threat that the crimewave has on the lives of innocent citizens at home, in the streets, and even inside our schools.

We rely on the law-enforcement agencies of the Federal, State, and local governments to take care of the whole job of crime detection. Even in a street fight when the police are outnumbered, the bystanders nowadays often hurry by with shameful indifference. The general tendency is to pass the buck to the police. If they fail to detect crime, or even to prevent it, we blame the police. When President Kennedy was assassinated, we heard over the air and read in the press widespread criticism of both the Secret Service and the FBI, as if they alone could have detected in advance that a crazed man would commit such a crime.

Must we not look further, in the prevention of crime, to the other failures in our society today—the neglect, for instance, of psychiatric treatment of the young and the failure of society to instill the basic tenets of good behavior? If, for instance, we condone dishonesty and pooh-pooh the place of religion in our society, we help to build up the apathy and indifference which deprives us of a strong weapon against wrong behavior—the power of example.

We may say all this is the duty of the parents. We may say it is not the duty of our schools and educational systems. But it is by no means, on the other hand, the obligation of a few individuals or institutions in our community. It is the obligation of the American people as a whole. Basically, the fault lies today in the attitude of indifference and apathy toward crime itself. In the confusion and controversy, the main culprit has too often been treated with a polite tolerance based on overemphasis on "the rights of the individual," as contrasted with the obligation of society to all its members.

The paramount duty of government is to protect the people of this country against attack from without and from within. Individuals who impair the safety of the home and the neighborhood are just as much enemies of our society as any foreign foe. This means that drastic measures have to be taken, and that law enforcement agencies must be authorized to use more, instead of fewer, devices to detect criminals and to collect the evidence necessary for conviction.

But what shall we say of the attitude of the general public itself about law and order—in particular, some of our civic or group leaders? We read in the newspapers almost daily of riots and street demonstrations. Some of the leaders of such movements profess no intention to incite to violence. In fact, some of them publicly call themselves nonviolent. But other spokesmen say frankly they risk arrest purposely as a form of protest, and that anyone has a right at any time to violate a law which he thinks is morally unjust, or which he believes interferes with his expression of a protest. Even churchmen of prominence have become leaders in such demonstrations.

This puts a burden on the police who, when they attempt to stop the violence of such mobs, are accused of brutality and inhumanity—as if it is the function of the police to weigh the merits of the cause itself which the demonstrators proclaim and not to interfere with the demonstrators, even as the police see tension mounting in the community, and street disturbances drawing large crowds while passions rise. Many persons have been injured and some deaths have occurred in these demonstrations. What has become of the American method of orderly gatherings and mass meetings in halls, where everybody can speak out his protest on a subject of any kind? Certainly our many facilities for communicating ideas have not been suddenly impaired or rendered obsolete.

To cure these recent outbursts of lawbreaking, we must depend on an enlightened public opinion. The more thoughtful and law-abiding men of the clergy must begin to influence their misguided brother preachers. The newspapers in every part of the country must speak out even more forthrightly than they have been doing.

For the tendency to take the law into one's own hands is not new. The mobs used to cry out, "He's guilty, why wait for the courts—lynch him." It took many years of an appeal to reason before this kind of lawlessness was eradicated and passion of this sort was subdued. Public opinion must be mobilized again to teach respect for the orderly processes of the law.

To a group like this, which has dedicated itself to the task of law enforcement, it seems superfluous to say that the highest duty that can be performed today is to protect our society. Police officers are human and they make mistakes. But they are not mistaken in their objectives—to secure an adherence to law and to protect innocent persons from criminal attack or injury or from the damage that comes when the laws specified in the written codes of our governmental system are violated.

Looking back over the years, I could say to you, of course, as many other persons have said in retrospect before, that times have changed—that the rules of another day no longer can be applied but must be changed. I don't accept that version. I believe that, while faces change and the scene changes, the fundamental principles that govern human society have not changed. We still revere and respect the Ten Commandments as the basic law for human conduct. Within our own country, we have been striving to carry out the principles which our forefathers laid down for us. Unfortunately, there is today a tendency to brush aside basic principles and to adopt the sophisticated attitude, which is that no other generation ever was confronted by the same problems and that opportunistic expediency—the belief that the end justifies the means—is better than adherence to the method of amending the Constitution prescribed in that document itself.

It would be easy to say that the people of yesteryear did not understand the evolution of legal doctrines as we do today. I recall how ardently my own generation, in its day, embraced what we called progressive doctrine, and brushed aside as "old-fashioned" those who didn't agree with us. We, too, were carried away by a belief that what was past was mere history. Circumstances, we always said, were different. But it takes just a few decades of life to make men realize the fallacy of that alluring doctrine of expediency which is so often imprinted on our minds. It takes the lessons of experience—the hard, simple rules of life itself—to make us discover that right is right, and wrong is wrong, no matter how young or how old we are.

You who graduate here today are dedicated to a great cause—the protection of human society. You are soldiers in every sense of the word, and the challenge to duty before you is just as great today as that which confronted the soldiers who preceded you in the different wars of our Nation's history.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 405 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from California [Mr. ENGLE] is absent because of illness.

The ACTING PRESIDENT pro tempore. A quorum is present.

The substitute amendment is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment 847 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated for the information of the Senate.

The Senator will suspend until there is order in the Chamber. The clerk will not read until there is order in the Chamber. The Senate is not in order. Senators desiring to converse will please retire to the cloakrooms. The clerk and the Chair did not hear the number of the amendment. Will the Senator from South Carolina kindly repeat the number?

Mr. THURMOND. The number is 847.

The CHIEF CLERK. On page 46, beginning on line 14, delete all down through line 9 on page 67, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following claims:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: "Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any backpay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceedings brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709

(c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of sections 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

VETERANS' PREFERENCE

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

On lines 11 and 22 of page 67, it is proposed to change designation of sections 714 and 715 to 705 and 706, respectively.

Between lines 19 and 20 on page 68, it is proposed to insert the following:

SEC. 707. Any violation of this title shall be punished by fine or imprisonment, or both: *Provided, however,* That the fine to be paid shall not exceed $1,000, nor shall imprisonment exceed the term of six months.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, title VII of the substitute would prohibit certain activities in the field of employment and make them unlawful. Punishment for violation of this section is provided through the injunctive process rather than through normal criminal procedures. This amendment substitutes criminal procedures for injunctive procedures in title VII of the substitute and sets maximum punishment at fines of $1,000 and imprisonment of 6 months. It would provide, in addition to a petit jury trial incorporated under the Morton amendment, a guarantee of indictment by grand jury presentment and proof beyond a reasonable doubt in order to sustain conviction.

Mr. President, I have previously offered a similar amendment to title II, and this is now offered to title VII.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. Thurmond]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. Hayden], the Senator from Arkansas [Mr. McClellan], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. Engle] would vote "nay."

On this vote, the Senator from Arkansas [Mr. McClellan] is paired with the Senator from Ohio [Mr. Young].

If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 24, nays 72, as follows:

[No. 406 Leg.]

YEAS—24

Byrd, Va.
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
Mechem
Robertson
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—72

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—4

Engle
Hayden
McClellan
Young, Ohio

So Mr. Thurmond's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, may I have the attention of the Senate for a moment? I yield myself whatever time is necessary.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). The Senator will suspend while the Chair attempts to restore order in the Chamber. The Senate will be in order while the Senator from Minnesota addresses the Senate.

The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, if Senators will remain in the Chamber today, the consideration of amendments can be expedited. If a group sufficient to indicate the presence of a quorum is not in the Chamber, Senators may expect quorum calls. But when a Senator looks around the Chamber and sees that enough Senators to constitute a quorum are present, I am sure he will not ask for a quorum call. Therefore, I respectfully ask that Senators remain in the Chamber so that the Senate can expedite its work, and so that Senators who are presenting amendments will be able to present them to a listening audience, which they are entitled to have.

I hope Senators may all accommodate themselves to expediting rollcalls and satisfy every requirement.

Mr. THURMOND. Mr. President, I call up my amendment No. 1021 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 49, beginning on line 14, it is proposed to delete down through line 19, as follows:

> (6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

Mr. HOLLAND. Mr. President, noting that only 41 Senators are in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 407 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, the language of section 705(g) (6) of title VII of the substitute is so broad that it would actually make the Equal Employment Opportunities Commission an arm of the Department of Justice. There is no justification for so increasing the already excessive power of the Attorney General. This amendment would, therefore, delete the proposed authority of the Equal Employment Opportunities Commission to recommend to the Attorney General intervention in employment suits and the authority of the Commission to advise, consult, and assist the Attorney General in such matters.

Mr. PASTORE. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, I yield myself 2 minutes.

Yesterday, during a discussion on the floor of the Senate concerning the constitutionality of the public accommodations title, I stated that I would insert in the RECORD today a statement discussing the judicial decisions and constitutional interpretation in support of the constitutionality of that title.

It is argued by those opposed to the public accommodations title that it is inconsistent with the 1883 Civil Rights cases which struck down similar legislation based upon the 14th amendment, and that title II is an illegal extension of the commerce clause in view of the decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4, 1959).

Both contentions are unsound. Title II is entirely consistent with the 1883 decision. Only two subsections of title II are based upon the power granted Congress through the 14th amendment. The first of these two subsections, section 201(d), is applicable only when discrimination by an included establishment on account of race, color, religion, or national origin is supported by State action. The other subsection utilizing the 14th amendment powers is subsection 202. This subsection is applicable only when discrimination is required or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision of the State. These are the only two instances in which the 14th amendment is utilized under title II of H.R. 7152.

As both instances require State action, the reliance upon the 14th amendment in title II is entirely consistent with the decision in the Civil Rights Cases of 1883. It is the commerce clause power of Congress that serves as a basis for the prohibitions against discrimination in title II of H.R. 7152 other than the prohibitions contained in subsections 201(d) and 202.

The decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C. A. 4, 1959), does not deter Congress from the use of the commerce power as to restaurants or similar establishments. In that case a Negro who was refused service by a Howard Johnson restaurant in Virginia sued for an injunction on the grounds, among others, that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and interference with the free flow of commerce in violation of the Constitution. His position in this regard was based on the argument that the commerce clause was self-executing and thus could be invoked even without Federal public accommodations legislation. The court ruled against the plaintiff.

The decision is undoubtedly correct insofar as the commerce clause is concerned because the plaintiff's argument that the clause was self-executing in his favor is unsound. In other words, the absence of a Federal statute like title II was fatal to his position. In its opinion, the court expressed the view that a restaurant is not engaged in interstate commerce merely "because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State." Even assuming that the circuit court was correct in this statement, that would still not foreclose the validity of basing the provisions of title II of H.R. 7152 on Congress commerce clause powers, for, as I have stated previously, and as all students of the Constitution are well aware, Congress powers to regulate under the commerce clause is not limited to merely regulating the activities of businesses engaged in interstate commerce but extends as well to regulating purely local matters affecting interstate commerce.

The decision in Williams against Howard Johnson's Restaurant merely states that in the absence of Federal legislation prohibiting discrimination in public accommodations affecting interstate commerce, there is no Federal right to be free from such discriminatory practices. I believe the only importance to Williams against Howard Johnson's Restaurant is that it well illustrates the necessity for enacting the very type of legislation proposed by title II of H.R. 7152.

These matters are discussed fully in a memorandum in which I conclude that the only question involved is one of policy rather than one of legal authority.

I ask unanimous consent that the memorandum be printed in the RECORD, for the edification of Members of the Senate. The memorandum includes citations of all the authorities I could muster on this particular subject.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE AUTHORITY OF CONGRESS TO END DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

The constitutional authority sustaining this title is found in article I, section 8, of the Constitution which gives Congress power "to regulate Commerce * * * among the several States * * *," and in the 14th amendment. Section 1 of the 14th amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Section 5 of the 14th amendment provides that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There has been much discussion as of late about the decision of the Supreme Court in the civil rights cases of 1883. Those cases determined the validity of an 1875 statute enacted by Congress which undertook to prohibit discriminatory practices by public carriers, inns, and theaters, whether or not such discrimination was supported or required by State action. The Court held that the 1875 statute was unconstitutional, for in attempting to reach discrimination unaccompanied by requisite State action Congress had stepped outside the scope of the 14th amendment. The majority opinion of the Court, in the 1883 decision, carefully stated that they were not foreclosing a statute based on the broad powers of Congress such as are found in the commerce clause. Mr. Justice Bradley wrote:

"Of course, these remarks do not apply to those cases in which Congress is closed with direct and plenary powers of legislation over the whole subject, accompanied with an expressed or implied denial of such power to the States, as in the regulation of commerce with foreign nations, and among the several States and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and in the conduct and transactions of individuals in respect thereof." (109 U.S.C. 3, 18 (1883).)

There is a large body of legal thought that believes the Court would either reverse this earlier decision if the question were again presented or that changing circumstances in the intervening 80 years would make it possible for the earlier decision to be distinguished. This conjecture would remain only conjecture if title II were enacted, for the provisions of title II are entirely consistent with the decision in the civil rghts cases.

Only two subsections of title II are based upon the power granted Congress through the 14th amendment. The first of these two subsections, section 201(d), is applicable only when discrimination by an included establishment on account of race, color, religion, or national origin is supported by State action. The other subsection utilizing the 14th amendment powers is subsection 202. This subsection is applicable only when discrimination is required or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision of the State. These are the only two instances in which the 14th amendment is utilized under title II of H.R. 7152.

As both instances require State action, the reliance upon the 14th amendment in title II is entirely consistent with the decision in the civil rights cases of 1883. It is the commerce clause power of Congress that serves as a basis for the prohibitions against discrimination in title II of H.R. 7152 other than the prohibitions contained in subsections 201(d) and 202.

Insofar as title II rests on the power of the Congress to regulate commerce, its provisions are amply supported by well-established constitutional principles. There is no question but that Congress, in the exercise of its commerce clause powers, may regulate not only those businesses engaged in interstate commerce or activities occurring in interstate commerce, but may as well regulate purely local or intrastate activities that effect interstate commerce. For example, in *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 the Fair Labor Standards Act was applied under the commerce clause to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of 1 percent of its business—out of State. Congress even has the authority to regulate the wheat a farmer grows on his own farm, solely for his own consumption, even though the amount he grows amounts only to the pressure of 239 bushels of wheat upon the total national market. (*Wickard* v. *Filburn*, 317 U.S. 111, 1942.)

The simple fact of the matter is that the inquiry as to whether or not an establishment is engaged in interstate commerce is not determinative of the question of whether Congress can control the activities of that establishment in the exercise of its power to regulate interstate commerce. In *United States* v. *Sullivan*, 332 U.S. 689, the court held that Congress may forbid a small retail druggist from selling drugs without a label required by the Food and Drug Act even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore, and even though the drugs had reached the State 9 months before being resold.

The power of Congress over interstate commerce and activities affecting interstate commerce is broad and plenary. "The congressional authority to protect interstate commerce from burdens and obstructions," Chief Justice Hughes said in *Labor Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 36–37, "is not limited to transactions deemed to be an essential part of a flow of interstate or foreign commerce * * * the fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement * * * to adopt measure to promote its strength and insure its safety * * * to foster, protect, control, and restrain."

The Congress may exercise this power notwithstanding that the particular activity is local, that it is quantitatively unimportant, that it involves the retail trade, or that standing by itself it may not be regarded as interstate commerce. "Whatever its nature it may be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as 'direct' or 'indirect.'" (*Wickard* v. *Filburn*, 317 U.S. 111, 125.)

In *United States* v. *Darby*, 312 U.S. 100, 118 (1939), the Court stated:

"The power of Congress over interstate commerce is not confined to the regulations of commerce among the States. It extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate the interstate commerce."

Further in that same opinion this language appears:

"But it does not follow that Congress cannot by appropriate legislation regulate intrastate activities where they have a substantial effect on interstate commerce. A recent example is the National Labor Relations Act for the regulation of employer and employee relations in industries in which strikes, induced by unfair labor practices named in the act, tend to disturb or obstruct interstate commerce. (See *National Labor Relations Board* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1, 38, 40.) But long before the adoption of the National Labor Relations Act this Court had many times held that the power of Congress to regulate interstate commerce extends to the regulation through legislative action of activities intrastate which have a substantial effect on the commerce or the congressional power over it. (Id. at 119–120.)"

RESTAURANTS, MOTELS, GASOLINE STATIONS

Congress has long exercised authority under the commerce clause to remove impediments to interstate travel and interstate travelers. As long ago as 1887, legislation was enacted (49 U.S.C. 3(1)) forbidding a railroad in interstate commerce "to subject any particular person * * * to any undue or unreasonable prejudice or disadvantage in any respect whatsoever." Similar statutory authority is provided with respect to motor carriers (49 U.S.C. 316(d)) and air carriers (49 U.S.C. 1374(b)).

These provisions have been authoritatively construed to proscribe racial segregation of passengers on railroads, on motor carriers, and on air carriers and illustrate that "discrimination" has a defined judicial meaning in the context of those practices title II seeks to end. (See *Mitchell* v. *United States*, 313 U.S. 80; *Henderson* v. *United States*, 39 U.S. 816; *NAACP* v. *St. Louis-San Francisco Railway Co.*, 297 ICC 335; *Boynton* v. *Virginia*, 364 U.S. 454; *Keyes* v. *Carolina Coach Co.*, 64 MCC 769; *Fitzgerald* v. *Pan American Airway*, 229 F. 2d, 499 (C.A. 2).) The decisions in these cases are, of course, direct authority for the position that Congress may enact legislation appropriate to secure equality of treatment for those using the facilities of interstate commerce.

The constitutional authority of Congress under the commerce clause, moreover, extends beyond the regulation of the interstate carriers themselves. It covers all businesses affecting interstate travel. Thus, the wages of employees engaged in preparing meals for interstate airlines, sandwiches for sale in a railroad terminal, and ice for cooling trains, have all been held subject to Federal regulation under the commerce clause. Similarly, Congress has authority under the commerce clause over restaurants at a terminal used by an interstate carrier. (*Boynton* v. *Virginia, supra.*) Thus, whether or not a restaurant serving interstate travelers is engaged in interstate commerce, the fact that it has a substantial effect upon interstate commerce means that it is subject to the power of Congress if it should legislate under the commerce clause.

For this reason the decision in *Williams* v. *Howard Johnson's Restaurant*, 268 F. 2d 845 (C.A. 4, 1959), does not deter Congress from the use of the Commerce power as to restaurants or similar establishments. In that case a Negro who was refused service by a Howard Johnson Restaurant in Virginia sued for an injunction on the grounds, among others, that his exclusion on racial grounds amounted to discrimination against a person moving in interstate commerce and interference with the free flow of commerce in violation of the Constitution. His position in this regard was based on the argument that the commerce clause was self-executing and thus could be invoked even without Federal public accommodations legislation. The court ruled against the plaintiff.

The decision is undoubtedly correct insofar as the commerce clause is concerned because the plaintiff's argument that the clause was self-executing in his favor is unsound. In other words, the absence of a Federal statute like title II was fatal to his position. In its opinion, the Court expressed the view that a restaurant is not engaged in interstate commerce merely "because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from State to State." Even assuming that the circuit court was correct in this statement, that would still not foreclose the validity of basing the provisions of title II of H.R. 7152 on Congress' commerce clause powers. For, as I have stated previously, and as all students of the Constitution are well aware, Congress' powers to regulate under the commerce clause is not limited to merely regulating the activities of businesses engaged in interstate commerce but extends as well to regulating purely local matters affecting interstate commerce.

The decision in *Williams* v. *Howard Johnson's Restaurant* merely states that in the absence of Federal legislation prohibiting discrimination in public accommodations affecting interstate commerce, there is no Federal right to be free from such discriminatory practices. I believe the only importance to *Williams v. Howard Johnson's Restaurant* is that it well illustrates the necessity for enacting the very type of legislation proposed by title II of H.R. 7152.

In removing impediments to interstate travel, Congress is not limited to forbidding discrimination against interstate travelers alone; it may forbid discrimination against local customers as well. Congress may "choose the means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." (*United States* v. *Darby*, 312 U.S. 100, 121.)

Earlier in my remarks I noted the serious economic burdens placed upon our economy due to discriminatory practices by establishments dealing with the general public. These economic burdens include, (1) obstacles to interstate travel; (2) distortions in the pattern of expenditures by Negroes because of limited access to places of public accommodations; (3) limitations on the ability of organizations to hold national and regional conventions in convenient places; (4) adverse affects in the entertainment field; (5) disruptions in trade resulting from demonstrations protesting discrimination in retail establishments; and (6) numerous other hurdles to the normal conduct of business—for example, difficulties in recruiting professional and skilled personnel leads to rejection of otherwise desirable plant locations.

Under the cases cited above there can be no doubt that Congress has power to legislate so as to prohibit discrimination in eating places and gasoline stations which serve, or offer to serve, interstate travelers. Obtaining lodging, food, gasoline, or related services and conveniences is an essential part of interstate travel, and discriminatory practices which restrict the availability of such goods and services and conveniences or expose interstate travelers to inconvenience or embarrassment in obtaining them, constitute burdens on interstate commerce which Congress has clear authority to remove.

PLACES OF EXHIBITION OR ENTERTAINMENT

Supreme Court decisions have many times sustained the power of Congress to enact legislation which would remove artificial restrictions upon the markets for products from other States. The removal of such restrictions, as the Supreme Court recognized in *Stafford* v. *Wallace*, 258 U.S. 495, promotes interstate traffic and, therefore, constitutes an appropriate object for the exercise of congressional authority. On that basis, restraints involving the local exhibitions of motion pictures, have been the subject of Federal regulation under the Sherman Act (*Interstate Circuit* v. *United States*, 306 U.S. 208), and so have restraints involving stage attractions (*United States* v. *Shubert*, 348 U.S. 222), professional boxing matches (*U.S.* v. *International Boxing Club*, 348 U.S. 236), and professional football games (*Radovich* v. *National Football League*, 352 U.S. 445).

Like unlawful monopolies, racial discrimination and segregation in the establishments covered by the proposed legislation constitute artificial restrictions upon the movement of goods in interstate commerce, and may be dealt with by the Congress for that reason. The restrictive impact of discriminatory practices is perhaps best illustrated by reference to the motion picture industry.

Motion picture theaters which refuse to admit Negroes will obviously draw patrons from a narrower segment of the market than if they were open to patrons of all races. The difference will often not be made up by separate theaters for Negroes because there are localities which can support one theater but not two (or two but not three, etc.), and because the inferior economic position in which racial discrimination has held Negroes often makes their business alone financially inadequate to support a theater. Thus, the demand for films from out of State, and the royalties from such films, will be less. What is true of exclusion is true, although perhaps in less degree, of segregation. Given any particular performance, a segregated theater may well lack sufficient seating space for white patrons while offering ample seating in the Negro section, or vice versa. Moreover, the very fact of segregation in seating discourages attendance by those offended by such practices.

These principles are applicable not merely to motion picture theaters but to other establishments which receive supplies, equipment, or goods through the channels of interstate commerce. If these establishments narrow their potential markets by artificially restricting their patrons to non-Negroes, the volume of sales and, therefore, the volume of interstate purchases will be less. Although the demand may be partly filled by other establishments that do not discriminate, the effect will be substantial where segregation is practiced on a large scale. The economic impact is felt in interstate commerce. The commerce clause vests power in the Congress to remedy this condition.

Congress, in the exercise of its plenary power over interstate commerce, may regulate commerce or that which affects it for other than purely economic goals.

"The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restrictions and over which the courts are given no control." (Mr. Justice Stone in *United States* v. *Darby*, 312 U.S. 100, 115 (1941).)

The fact that title II would accomplish socially oriented objectives by aid of the commerce clause powers would not detract from its validity. There are many instances in which Congress has discouraged practices which it deems evil, dangerous, or unwise by a regulation of interstate commerce. Examples of this are found in Federal legislation keeping the channels of commerce free from the transportation of tickets used in lottery schemes, sustained in *Champion* v. *Ames*, 188 U.S. 321 (1903); the Pure Food and Drug Act, sustained in *Hipolite Egg Co.* v. *United States*, 220 U.S. 45 (1911); the White Slave Traffic Act, upheld in *Hoke* v. *United States*, 227 U.S. 308 (1913); strict regulation of the transportation of intoxicating liquors, sustained in *Clark Distilling Company* v. *Western Maryland Railway Company*, 242 U.S. 311 (1917); and the Fair Labor Standards Act, imposing wage and hour requirements, sustained in *United States* v. *Darby*, 312 U.S. 100 (1941).

In summarizing the authority of Congress to enact the provisions of title II of H.R. 7152, it appears that the question involved is not one of power but rather one of policy. There is no real question as to the authority of Congress to legislate in this area. As a matter of policy, the requirement that public accommodations and facilities serving the general public do so without racial or religious discrimination is neither new nor novel. It is now well established and equally accepted that no public convenience such as a bus, railroad, airline, or the facilities adjacent thereto may discriminate against or segregate its patrons. The doctrines that to a large extent sustain this result are deeply rooted in English common law but are by no means limited to common carriers. In the 17th century, Lord Chief Justice Hale expressed the authority that the public through its government, can exert over commercial enterprises dealing with the public:

"Property does become clothed with a public interest when used in a manner to make it of public consequence and to effect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he in effect grants to the public an interest in the use and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by continuing the use; but, so long as he maintains the use, he must submit to the control." (1 Harg. Law Tracts 78, cited with approval by Mr. Chief Justice Waite in *Munn* v. *Illinois*, 94 U.S. 113, 126 (1877).)

This potential for regulation of businesses established to serve the public evolved into the actual obligations of such establishments to serve all members of the public equally:

"Whenever any subject takes upon himself a public trust for the benefit of the rest of his fellow subjects, he is eo ipso bound to serve the subject in all the things that are within the reach and comprehension of such an office, under pain of an action against him." If on the road a shoe fell off my horse, and I come to a smith to have him put it on, and the smith refuse to do it, an action will "lie against him, because he has made profession of a trade which is for the public good, and has thereby exposed and vested an interest of himself in all the King's subjects that will employ him in the way of his trade. If the innkeeper refused to entertain a guest when his house is not full, an action will lie against him; and so against a carrier, if his horses be not loaded, and he refuses to take a packet proper to be sent by a carrier." (Lord Chief Justice Holt in *Lane* v. *Cotton*, 12 Mod. 472, 484 (1701).)

The common law rule as to the obligation of an innkeeper was clearly set forth in another early English decision:

"An indictment lies against an innkeeper who refuses to receive a guest, he having at the time room in his house in either the price of guest's entertainment being tendered to him or such circumstances occurring as will dispense with that tender. This law is founded in good sense. The innkeeper is not to select his guests. He has no right to say to one, 'You shall come to my inn,' and to another, 'You shall not,' as everyone coming and conducting himself in a proper manner has a right to be received; and for this purpose innkeepers are a sort of public servant, they having in return a kind of privilege of entertaining 'travelers and supplying them with what they want.'" (Mr. Justice Coleridge in *Rex* v. *Ivens*, 7 Carrington and Payne, 213 (1835).)

The English rule that, because an innkeeper is engaged in a business in which the public has an interest and enjoys certain privileges not given the public generally, he cannot discriminate for or against any class or pick and choose his guests, also became the American rule. In fact, the presence of this rule, either by express statute or adoption of the common law duties, was significant to the Supreme Court that held unconstitutional the 1875 statute which guaranteed full and equal enjoyment of public accommodations and facilities. Mr. Justice Bradley wrote in the majority opinion:

"Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodations to all unobjectionable persons who in good faith apply for them." (The *Civil Rights Cases*, 109 U.S. 325 (1883).)

It should be noted that this decision of the Supreme Court was handed down 10 years before the adoption of State laws, statutes, or ordinances requiring segregation. There is historical evidence to indicate that in 1885 a Negro could use railroad, dining, and saloon facilities without discrimination in the Carolinas, Virginia, and Georgia. As late as 1954, Louisiana repealed a statute requiring places of business and public resort to serve all persons "without distinction or discrimination on account of race or color." And in 1959 Alabama repealed that part of its code which incorporated the common law duties of innkeepers and hotelkeepers.

It is the position of the proponents of this bill, therefore, that the powers granted Congress by the Constitution of the United States surely vest Congress with the power and authority to enact the provisions of title II of H.R. 7152 in furtherance of a policy firmly rooted in the common law. The fact that 32 States have taken some action to secure equal access to public accommodations well illustrates the wisdom of that action Congress seeks to take through enactment of title II.

I shall not dwell further on the matter of the constitutionality of title II, for I do not doubt that its enactment would be a valid exercise of congressional power. I believe that I am somewhat learned on the matter of Congress' power to enact legislation under the commerce clause—not only as a lawyer but as a U.S. Senator who has served 17 years on the Senate Committee on Commerce, the last 9 of which I have been privileged to be chairman of that committee.

I am aware that there are some who disagree with my point of view. Yet I have not been impressed by either the law or the logic of those who contend that title II is unconstitutional. And I would further point out that I enjoy very respectable company as to the view I hold in this matter. For example, the following renowned professors of law, from some of the greatest law schools of this Nation, are convinced that Federal legislation preventing private establishments dealing with the general public from discriminating on account of race, color, religion or national origin is constitutional:

University of California at Berkeley: John G. Fleming, R. H. Cole, Albert A. Ehrenzweig, Geoffrey C. Hazard, Jr., E. C. Halbach, Jr., I. M. Heyman, Dean Frank C. Newman, Preble Stolz.

Harvard University Law School: Dean Erwin N. Griswold, Paul A. Freund, Mark DeW. Howe, Arthur E. Sutherland, Jr., Ernest J. Brown.

Ohio State University College of Law: Kenneth L. Karst, Ivan C. Rutledge, Paul D. Carrington, Roland J. Stanger, William W. Van Alstyne.

University of Michigan Law School: Dean Allan F. Smith, Paul G. Kauper.

Yale University Law School: Dean Eugene V. Rostow, Louis H. Pollak, Thomas I. Emerson.

University of California at Los Angeles: Murray Schwartz.

University of Pennsylvania Law School: John O. Honnold, Jr., Howard Lesnick, A. Leo Levin, Louis B. Schwartz, Dean Jefferson B. Fordham, Theodore H. Husted, Jr.

Columbia University Law School: Harlan Blake, Marvin Frankel, Walter Gellhorn, Wolfgang Friedmann, William K. Jones, John M. Kernochan, Louis Lusky, Jack B. Weinstein, Herbert Wechsler.

Notre Dame Law School: Dean Joseph O'Meara, Robert E. Rodes, Jr.

New York University School of Law: Edmond Cahn, Robert B. McKay, Norman Dorsen.

And I would call attention to the letter and memorandum appearing in the CONGRESSIONAL RECORD, April 7, from two eminent lawyers, Harrison Tweed and Bernard G. Segal, upholding the constitutionality of title II and title VII of H.R. 7152. Twenty other lawyers joined Mr. Tweed and Mr. Segal in their opinion, including three former Attorneys General of the United States—Francis Biddle, Herbert Brownell, and William P. Rogers—and four former presidents of the American Bar Association—David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1021) of the Senator from South Carolina.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. METCALF], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from Virginia [Mr. ROBERTSON] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 25, nays 70, as follows:

[No. 408 Leg.]

YEAS—25

Byrd, Va.
Byrd, W. Va.
Cotton
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters

NAYS—70

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Kuchel
Lausche
Long, Mo.
Keating
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—5

Engle
Hayden
Metcalf
Robertson
Young, Ohio

So Mr. THURMOND's amendment (No. 1021) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendment No. 590 and ask unanimous consent that the reading of the amendment be omitted.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator is entitled to be heard.

Mr. RUSSELL. Mr. President, I object to dispensing with a reading of the amendment. I do not know what is in the amendment.

Mr. ERVIN. I was about to explain it.

The PRESIDING OFFICER. Objection having been heard, the amendment of the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. Beginning with the comma in line 5, page 50, strike out all to and including the word "occurred" in line 8, page 50, as follows: "or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred".

Mr. ERVIN. Mr. President, I yield myself such portion of my unconsumed 10 minutes as I may require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the amendment would strike out the portion of title VII which would permit a member of the Equal Employment Opportunities Commission to file a charge of discrimination against an employer. It is a prostitution of the judicial process to combine the role of prosecutor with that of judge. This is what the provision I seek to delete would do.

Some years ago President Truman appointed a Commission on Administration Management, which studied the question of Federal departments and agencies exercising quasijudicial power. The Commission made a report, a portion of which was quoted with approval by the Supreme Court of the United States in the case of *Wong Yang Sun* v. *McGrath*, 339 U.S. 33.

Mr. RUSSELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators who desire to talk will please retire to the cloakroom. The Senate will suspend until there is order in the Chamber. The Senator is entitled to be heard. Senators who do not wish to listen may retire to the cloakroom.

Mr. ERVIN. Mr. President, in the opinion of the Court, which was written by one of the ablest judges this country has known, Justice Jackson, the Supreme Court quoted with approval words which constitute the most effective argument why my amendment should be adopted. The quotation is as follows:

> Furthermore, the same men are obliged to serve both as prosecutors and as judges. This not only undermines judicial fairness, it weakens public confidence in that fairness. Commission decisions affecting private rights and conduct lie under the suspicion of being rationalizations of the preliminary findings which the Commission in the role of prosecutor presented to itself.

That quotation constitutes an unanswerable argument on the basis of justice as to why the amendment should be adopted.

Mr. HUMPHREY. Mr. President, I yield myself whatever time I may require. I should like to inquire of the Senator from North Carolina, on my time, whether the Senator's amendment is an amendment to the House-passed bill or to the substitute.

Mr. ERVIN. I have modified my amendment so as to make it apply to the substitute amendment No. 1052. As so revised it states:

> Beginning with the comma in line 5, page 50, strike out all to and including the word "occurred" in line 8, page 50.

Mr. HUMPHREY. Let me make this comment for my colleagues in the Senate. The House-passed bill would have permitted a single member of the Commission, working through the Commission, to file a charge against an employer for an unfair employment practice and to take remedial action by going to court and seeking injunctive relief. The substitute does not so provide. It reads:

> Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred—

And so forth—

> that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization * * * with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion.

The substitute measure would not permit a Commissioner to take enforcement powers into his own hands. The only time they can come into being is when an individual takes his own case into court and the Attorney General may find there is a pattern or practice of a discriminatory employment practice.

The Commission can only investigate. The Commission can only persuade, conciliate, or mediate. The Commission does not have any de novo enforcement powers in its own right.

Mr. ERVIN. The role of the Commission under title VII has a serious impact upon the employer because there cannot be any court action unless the Commission has found adversely to the employer. The provision I seek to strike permits a member of the Commission to act in the dual role of prosecutor and judge.

Mr. HUMPHREY. The facts must be made crystal clear. The member of the Commission is not a prosecutor. He is not a judge. He does not sit in judgment. He does not go before the court of law. The most any Commissioner can do, if he finds reasonable cause for believing that there is an unfair employment practice, is to ask the Commission to investigate. The Commission can only provide information to the Attorney General. The Commission can ask the Attorney General to proceed, but the Attorney General will do it of his own will. There are no enforcement powers, regrettably, insofar as the Commission is concerned.

Mr. SALTONSTALL. Mr. President, if the Senator will yield on my time, I would like to add one factor that the Senator from Minnesota has not mentioned. In each of these instances, the complaint must first be handled by the State employment commissions in those States which have fair employment laws.

Mr. CANNON. Mr. President, will the Senator yield for a question on my time?

Mr. HUMPHREY. I yield.

Mr. CANNON. The language beginning on line 5 of page 50 states: "or a written charge has been filed by a member of the Commission where he has reasonable cause to believe that a violation of this title has occurred."

In line 16, it is stated:

> If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate.

And so forth. Does not this language in fact place a member of the Commission in the position of filing a charge and having the Commission determine whether or not there is any basis for the charge?

Mr. HUMPHREY. Were the Commission to have enforcement powers, the Senator's point would be well taken. This has been a point that has been argued. Suppose an aggrieved party makes a complaint and states, "I have not been able to obtain satisfaction at the local or State level. Will you please take a look at it?" The most the Commission can do is to take a look at the case and say that there is reasonable cause for a complaint and remedy in this connection. After the investigation is completed, the most the Commission can do is call in the State employment commission and say, "Will you think this case over? Will you work it out?" But the Commission has no enforcement power or administrative remedy, regrettably.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

The PRESIDING OFFICER. On whose time does the Senator yield?

Mr. HUMPHREY. On the time of the Senator from North Carolina.

Mr. ERVIN. I have very little time. I will answer later.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for a question, on the time of the Senator from Nevada?

Mr. CANNON. I am happy to yield on my time to the Senator from Ohio.

Mr. LAUSCHE. Am I correct in my understanding of the statement of the Senator from Nevada that his position is that under lines 5, 6, and 7, a member of the Commission may file a charge?

Mr. CANNON. That is what the language provides.

Mr. LAUSCHE. That is the language. It reads: "or a written charge has been filed by a member of the Commission."

So it is correct that a member of the Commission can file a charge?

Mr. CANNON. That is the way I read it. That was the reason for my question to the Senator from Minnesota. It appears that a member of the Commission has a right to file a charge with the Commission, and he then, as a member of the Commission, determines whether the charge is true. It seems to me this member, at least, is in the position of being the prosecutor and also the judge, whether he has criminal prosecution powers or not.

Mr. LAUSCHE. On line 16 of page 50 it is provided:

> If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true—

It may do such and such. Am I correct in my understanding that the Senator from Nevada has concluded that, under the language in lines 5 and 6, a member of the Commission can, in written form, file a charge, and then, under line 16 and following, determine the truth of that charge?

Mr. CANNON. The Senator is absolutely correct.

Will the Senator from Minnesota yield to me on my time?

Mr. HUMPHREY. I yield.

Mr. CANNON. Would there be any objection to striking out the authority given to a member of the Commission to file a charge? Under this language an aggrieved person could still file the charge, and the Commission could determine the validity of the charge. That would resolve the question of a member of the Commission being a prosecutor and judge.

Mr. HUMPHREY. When the Senator speaks of being a judge, he is assuming there will be some adjudication in which certain penalties will be assessed. The Commission can assess no penalties.

The substitute reads, beginning at the bottom of page 51:

> (c) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

The most the Commission can do is to act like Paul Revere. All it can say is, "A charge is made. This charge will be returned to the State or local authority after 120 days"—if it is a new law—"or 60 days"—if it has an established FEPC law.

Let us assume that the State does not take any action. The most a Commissioner can do is go to the Commission and say, "There is unlawful practice as I see it. The Commission should examine the case." There is no power in the bill for a Commissioner to institute a lawsuit. What more could one ask for than to try to seek conciliation by using the Commission or a Commissioner, rather than seeking punishment? If there is a question of seeking punishment, it will be because of an individual who feels that he has been aggrieved and will use a court of law to seek such satisfaction. If there are practices and patterns of discrimination, the Attorney General may institute legal action under what is called pattern or practice conditions.

Mr. CANNON. Mr. President, will the Senator from Minnesota yield for another question?

Mr. HUMPHREY. I yield.

Mr. CANNON. Is it not a fact that if the Commission does not obtain voluntary compliance, it has the right to proceed with legal action?

Mr. HUMPHREY. No. That is the point. That is the point which I am making. It has only the right to do so. That is provided on page 53, in the following language:

> If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved——

Mr. CANNON. If the Senator will read further——

Mr. HUMPHREY—

> if such charge was filed by a member of the Commission——

Mr. CANNON. Does the distinguished Senator agree that it is a prerequisite that the Commission find that such condition existed before the individual can bring action?

Mr. HUMPHREY. I do not agree to that. The point is that the Commission may offer to advise the Attorney General. The individual may proceed in his own right at any time. He may take his complaint to the Commission, he may bypass the Commission, or he may go directly to court.

Mr. SALTONSTALL. Mr. President, will the Senator from Minnesota yield on my time?

Mr. HUMPHREY. I am glad to yield to the Senator on his own time.

Mr. SALTONSTALL. We struggled over this section for a long time. The section has been modified so that the Commission itself cannot bring suit, or take part in a suit. A single member cannot take part in a suit. He may file a charge with the Commission in behalf of an individual, but the individual must take it to court, if the State commission or procedures do not satisfy him or the Federal Commission is not able to arrive at an agreement for voluntary compliance. This section was modified in that way; and I believe it is one of the most important modifications from the House bill, under which, if my memory is correct, the Commission could bring an action. We eliminated that authority because we did not feel that the Federal Commission should have the right to file suit in its own name in behalf of an individual.

Mr. CANNON. As I said—and I believe I understand the language——

The PRESIDING OFFICER. On whose time is the Senator speaking?

Mr. CANNON. I yield myself such time as I may need.

I believe that I understand the language. Either an individual or a member of the Commission may file a charge. If the member of the Commission files the charge, the Commission then determines whether the charge is correct. If it determines that the charge is correct, it will try to conciliate and reach an agreement. If it decides that such agreement cannot be arrived at, according to the language on page 53, "If such charge was filed by a member of the Commission,".

Mr. HUMPHREY. Yes—comma——

Mr. CANNON. So if the Commission says the individual must conciliate, but the individual himself decides to sue, as a prerequisite to sue, as I read it, the Commission must have decided that the dispute could not be settled. Prior to that time it must have held that such a practice existed, and prior to that, a member of the Commission was the person who made the complaint. I should like to ask the Senator from Minnesota what is the objection to striking out the provision with regard to a written charge having been filed by a member of the Commission, because the individual would still be given all the basic rights which were intended under this section, as I read it.

Mr. HUMPHREY. May I answer the Senator's question on his time?

Mr. CANNON. Yes.

Mr. HUMPHREY. The Commission has some expertise in the matter. It has some knowledge over and above that of the ordinary plain, common laborer, or the ordinary worker. The purpose of the Commission is to try to conciliate and mediate, and bring about voluntary compliance with the standards of the bill. We do not appoint Commissioners as wall decorations. Their job is to do something. However, they do not carry a club. They carry the art of persuasion with them. They are like the Federal Mediation and Conciliation Service. They have no authority of law. The most they have is the standard of being a Government employee seeking to help bring about adjudication and mediation.

I say most respectfully to the Senator that an individual citizen can, under this bill, file his own complaint. He can receive the help of the Commission. He can receive the help of a single Commissioner, but the Commissioner cannot file the complaint. The Commission cannot file the complaint.

Mr. CANNON. I beg to disagree with the Senator. A member of the Commission can file a complaint.

Mr. HUMPHREY. I mean a suit in court. We are talking about remedies. I repeat to the Senator that the Commissioner cannot file a suit in court.

Mr. CANNON. It does not seem to me that a valid case is made for a Commissioner to be able to file a complaint. Certainly, he can confer with an individual and recommend to him that he file a complaint if he wishes to do so, but once the Commissioner files the complaint, he is a complainant. Then he sits on the very Commission which decides whether the complaint is valid.

It seems to me that the point of the Senator from North Carolina is well taken.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. CASE] is recognized.

Mr. CASE. Mr. President, I believe the Senator from North Carolina and the Senator from Nevada are both confusing the form of due process with its substance. It would be perfectly proper not to require a condition precedent to an investigation by the Commission of any complaint whatever. The Commission might make investigations on its own motion. There must be either a complaint by an aggrieved individual, or by a single member of the Commission as a condition precedent to the Commission's investigation, when. It has been pointed out ad nauseam that the Commission has no power except to attempt, by conciliation, to bring about an end to alleged discrimination; and no power of enforcement or even power to bring suit. It means to me that the whole objection falls to the ground. If the people do not like to have a member of the Commission file a complaint, which the Commission then considers for its investigation for persuasive purposes only, let us eliminate the need for a complaint. We must have the ability to get the Commission into action, for the purpose of eliminating discrimination, without requiring a complaint by an aggrieved party in every case, because intimidation of individuals in areas where this is most necessary, whether it be economic, social, or any other kind of intimidation, may, in many cases, prevent the filing of complaints by aggrieved persons.

Mr. ERVIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 minute.

Mr. ERVIN. In lines 15 through 20, on page 50 of the substitute, it is stated in the clearest language that after the charge is filed, the Commission investigates; and if it finds a reasonable basis for the charge it must undertake to settle the matter by conciliation.

In lines 3 through 16, on page 53, it is provided that if the Commission fails to settle the matter by conciliation, the Commission so notifies the aggrieved party, and that within 30 days thereafter the aggrieved party may go into court and file a civil action against the employer charged with discrimination against him.

It may not mean anything to the Senator from New Jersey [Mr. CASE] but the bill certainly puts the key to the courthouse door in the hands of the Commission. This is true because the aggrieved party cannot sue in the Federal courts unless the Commission first finds that there is reasonable cause to believe the charge is true and then fails to adjust the matter by conciliation. So the Commission holds the key to the courthouse door, which cannot be unlocked for the aggrieved party's benefit unless the Commission finds that there is reasonable cause to believe the employer guilty of the charge of discrimination and fails to adjust the complaint by conciliation.

Mr. DOUGLAS. Mr. President, I wonder whether I might be privileged to ask a question of the Senator from Minnesota and the Senator from Rhode Island on my time?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. DOUGLAS. I should like to ask this question: Is it not true that as a result of the compromise, so far as the ability to initiate legal action is concerned, the Commission is a blind alley and a delaying chamber, and that its only power is that of putting a searchlight on the facts and attempting conciliation?

Mr. PASTORE. Mr. President, I can answer that. There is a little more to it than that. The idea is to try to bring about a settlement by conciliation and persuasion. The elementary question is whether we want to leave the institution of a charge strictly and solely to the individual, or whether we want to give the power to the Commission, or the members of the Commission, to initiate a complaint where there is possibly a pattern of discrimination in employment practices.

If we want to leave it exclusively to the individual to initiate the complaint, we follow the Senator from North Carolina. On the other hand, if we believe that sometimes an individual will not take the initiative where there is a pattern but we believe the members of the Commission could initiate that charge, then we leave the provision exactly as it is.

If we mean to do anything at all about this problem in the public interest, we must give the authority to a member of the Commission to initiate a charge where he feels that there is a pattern of discrimination. The Commission can then investigate it. It can adjust the dispute by voluntary means, if possible; or, if not, it may make a recommendation. But we must always bear in mind that the Commission, or a member of the Commission, is not the prosecutor, and not the judge. All that the Commission can do is to investigate and recommend. But it cannot implement its recommendation.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MORSE. Is there anything novel about this procedure?

Mr. PASTORE. Absolutely not.

Mr. MORSE. Do the Interstate Commerce Commission and other commissions have exactly the same power?

Mr. PASTORE. Yes. In this instance, the Commission would have no judicial power to implement its recommendation or to order compliance therewith. All that it could do would be to investigate the matter, make a finding, and attempt to conciliate it by voluntary means.

Mr. YARBOROUGH. Mr. President, I yield myself such time as I may desire to use.

Some of the remarks that I have heard about the extent of the amendment offered by the senior Senator from North Carolina are incorrect. His amendment would not lessen the power of this Commission in any way. It would merely provide that charges should be filed by a person other than a member or members of the Commission.

Some of the argument is to the effect that the Commission has no power to make a finding.

I invite the attention of the Senate to title V of the substitute amendment as printed at the last printing on June 10. It provides that after charges are filed the Commission shall first investigate the charges. Then it provides that if the Commission determines after such investigation that there is a pattern of discrimination in employment practices, the Commission shall do certain things. Thus the Commission is charged with the duty of making a determination. That required determination is either judicial or quasi-judicial.

There has been a failure here to clearly spell out and to understand the nature of judicial power. I sat as the judge of a court for 5 years, and entered many judgments. There are different types of judgments. Not every judgment carries a fine or imprisonment in criminal cases, or monetary damages in civil cases. A judgment may be entered to remove the disabilities of minority and make an 18-year-old person 21 years old in the eyes of the law. That is a judicial act, whereby no fine or monetary damages are involved. A judgment may be entered to changes a man's name. There is no penalty attached in such a case, but that is a judicial finding; it is an exercise of judicial power. The present bill requires that after a complaint is filed, the Commission makes a determination of whether or not there is a violation of law. The power thus exercised by the Commission would be either judicial or quasi-judicial.

This bill would permit one person, a Commission member, to be both the complainant and the judge. In a court of law, the judge who was the complainant would step aside and disqualify himself. But under this bill, he both complains and hears. After the determination is made, if the whole Commission determines that the complaint is true there is placed upon them a further duty—to attempt the elimination of any alleged pattern of discrimination in employment practices by conciliation, or by persuasion.

That is not all. If the Commission fails to eliminate it, they have a further power to be used. In the exercise of this further power, if they are unable to obtain voluntary compliance, they shall then notify the person aggrieved, and a civil action may be brought. This action may be brought under what circumstances? Under the circumstances that the court may appoint an attorney for the complainant, and that he may authorize the commencement of the action without the payment of fees, costs, or security. Thus the litigant has a special right which is not afforded to the average litigant. This bill proposes to give him a special status in the law over and above that enjoyed by other litigants. He would come in with a special attorney, without deposit of court costs or fees or security for them.

These various powers authorized to be used by the Commission represent that which, in a court, would be called judicial power. If we say it is not judicial power, it is at the very minimum quasi-judicial.

And it is also a matter of making the prosecutor the judge.

The Commission determination unlocks the courthouse door. I practiced law for many years. Many litigants are not able to get into the court for many reasons—mostly financial—which bar many people from going to court.

When a notice is received from the Federal Government that there is some kind of complaint against him, the average small businessman quakes in his boots. He asks his lawyer how much it would cost him to settle the case without a trial. He knows the financial power of the Federal Government, that he will be broken if he attempts to fight it out in the courts with the Federal Government, so he seeks settlement, not a determination of the justice of the complaints.

Mr. President, the Senator's amendment does not limit the power of the Commission one iota. It merely requires that someone else file the complaint other that the tribunal hearing it. Complaints could still be filed, just as easily as without the amendment. It merely provides that this small Commission, these few men, shall not be complainant and judge, too.

It weakens our faith in the impartiality of our judicial institutions, to make one man prosecutor and judge. It is a violation of the basic concept of Anglo-American law to vest in one person the duties of prosecutor and judge.

This amendment does not weaken the bill. By separating the duties of prosecutor and judge it will strengthen the bill and public confidence in the bill. It does not strip the Commission of power. It merely provides that we not make the judge and the informer one and the same person. That is all the proposed amendment does. It separates prosecutor from judge in the best tradition of our laws.

Mr. COTTON. Mr. President, I yield myself such time as I may desire.

Nothing that has taken place throughout the consideration of the bill is more illuminating than the discussion that has just taken place in the Senate.

Title VII is a monstrosity. Nothing has proved it more than this discussion.

In the first place, of course there is merit to what the distinguished Senator from New Jersey [Mr. Case] said, that there might be aggrieved persons who, by reason of force or pressure, would not dare to file a complaint.

I have no objection to someone being empowered to file a complaint in behalf of an aggrieved person who is intimidated, fearful, and afraid. But there is a vast difference between a commission sending one of its staff members, an examiner or investigator, to look into a certain situation and report to the commission that action should be taken—a procedure, which in my understanding is the usual procedure of other commissions such as have been referred to on the floor—and having a member of the commission go out into the field and investigate these matters and then file a complaint that would be acted upon by himself and his colleagues.

If an officer of the staff came in with a report, it would be acted upon by at least a majority of the commission. It would be a commission action without a prior determination by one member.

Mr. President, as sensible men, you and I know what would happen to a group of colleagues if one of the members of the group said, "Here is a case that should be pushed, acted upon."

There are two fundamental elements which must be present in a bill such as this. Without them, the bill becomes useless; indeed, it may do incalculable harm.

In any law designed to enforce legal rights and punish legal wrongs, those rights and wrongs must be clearly defined. Offenses against the law must likewise be clearly defined. Enforcement and punishment must be uniform and impartial. No individual should be given the power to determine the offenses or select the offenders. There is dynamite in any measure which violates these principles. It is not really a law but a delegation of power. This bill violates them.

To be sure, an aggrieved person can file a complaint. However, it does not carry the force of an official complaint. I served for 10 years as a prosecuting attorney in a State in which criminal prosecutions can be started by the prosecuting attorney for the State; or it can be started by an individual. I learned during those years that when a case gets into a lower court, a prosecution that had the approval of the State and was presented by the official prosecutor for the county carried more weight than one that was privately brought. Of course, it did. Similarly, a case will carry more weight when a member of the Commission files an initial complaint before his own Commission, of which he is a member, than will the complaint of an individual if he chooses to make such a complaint.

Then later, after the Commission has acted upon the complaint, it is called to the attention of and placed before the State enforcement body, if the State has such a body. When the case is placed before the State, in most States—perhaps not all—the action of the Commission will have considerable influence on the action of the State body.

If the State does not act, the case, in due time, will be brought to the attention of the proper prosecutor in the Federal court. Incidentally, along the way the Attorney General, with the permission of the court, can get into the act.

Thus, gradually the complaint gains momentum—started, by a member of an official body, not by a servant or a staff member; later the prestige of the Attorney General will be added. Finally, after all these processes, these smooth provisions setting forth these so-called safeguards that were devised somewhere, by somebody, behind closed doors, before this substitute amendment was ever exposed to the Senate, the process will lead to one place—the door of the Federal court.

This last is, of course, accepted procedure. But not everyone can afford to defend a case in the Federal court, particularly a business offender who employs only 25 persons. He will be confronted with the expensive luxury of going through all the hearings and investigations, and then finally defending himself before the Federal court against the accumulated prestige of the Commission, the Attorney General of the United States, and all the rest of the officials involved. That is what will happen.

If there is anything that is convincing that this particular title of the bill is a monstrosity, vicious, and dangerous, it is the gingerly approach that the proponents have employed to camouflage it. I do not mean to imply intentional deception; but the language has been camouflaged all the way to present it as a kind of friendly, innocuous evangelism, to expedite reform of human character and persuade people to be more kindly and sweet.

Discrimination is wrong. There is no Member of this body who does not believe that discrimination is wrong. It should be punished so far as it can be legally punished, promptly and with justice. It should not be punished by a long and involved and insidious procedure, in which, day by day and week by week the accumulated prestige of a Federal commission, the Department of Justice, and everyone else will pile up—and on whom? Against a particular offender whom they may choose, not against every offender.

If Congress proposes to take steps to put the force of the Federal Government behind fair employment, then let that force be limited to fields in which there can be rigid and uniform enforcement. Then let the law be enforced without hesitancy. Let it be enforced by the regular processes of law. Then we shall be dealing with discrimination fearlessly and intelligently.

Consider the approach to this title. It will not take effect for a year. Why wait a year to do justice? If this title is fair and enforcible, it should be enforced tomorrow. Why wait until a year from now? Obviously its framers know this is a new departure, attended by dangers. So they make the application gradual. If it should be enforced upon the little man, whose bread and butter depends on the efficiency, loyalty, and cooperation of 25 employees, let us start the enforcement tomorrow. Why enforce it upon the employer of 100 persons, and then reduce the number to 75, then to 50, and then to 25?

This title is vicious and dangerous, because under cover of careful investigation, conciliation, and all the rest of these high-sounding activities, it will allow discrimination itself in dealing with offenders. An alleged defendant would have arrayed against him the full power and prestige of, first, one member of the Commission, then of that commissioner's colleague, then of the State enforcement body, with the influence of the Commission upon it, and then the assistance of the Attorney General and the Department of Justice. All these forces would accumulate like a snowball until the defendant reached the door of the Federal court, where perhaps he could not afford to go, particularly when the law reaches the little fellow.

This is a meritorious amendment. But it does not cure nor go to the heart of the problem. The Senator from New Hampshire has felt bitter about this proposal because there never has been time, throughout the consideration of the bill, when the ordinary garden variety of Senator, who is not a member of the mysterious group of high and mighty leadership, has had a real chance to be heard. From behind closed doors the leaders and the administration have produced a sugar-coated, plausible bill extending the naked power of the Federal Government over every little businessman on every main street in the Nation.

I can vote for the bill without title VII or with title VII properly safeguarded. But that title as it now stands is un-American in the sense that it abandons the fundamental principle that no official shall ever choose between offenders to be prosecuted; that no prosecution shall receive the insidious prestige of a commission after one of its members, a minority, has formed a judgment independent of the majority of the commission.

Mr. President, I hope this amendment will be adopted—although I have no idea that it will be.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. First of all, Mr. President, there is nothing novel about the administrative procedure provision in this part of the bill. A great many acts of Congress include provisions for administrative procedure. The Civil Aeronautics Board has authority to make findings of fact and to bring actions before the court, on its own initiative. So does the Interstate Commerce Commission.

Let us also consider the many instances in which the National Labor Relations Board, after due investigation, finds the existence, on the part of a union or an employer, of an unfair labor practice. In that case, the Board has authority to bring an action; or an action can be brought by the employer or by the union.

The interesting point is that in this section, there is provision for an ultimate check by the court on the question of whether there has been a violation of law of the sort Congress had in mind in dealing with this measure.

In this instance, we have leaned over backward in seeking to protect the possible defendants by means of all the procedures referred to—those of conciliation, arbitration, and negotiation. I believe it will be found in most instances that after the investigation begins, the parties will voluntarily arrive at a settlement of the contest.

Mr. President, it seems to me that in connection with the references which have been made to the members of boards, there has been an inference that they will function on the basis of a presumption of guilt, rather than a presumption of innocence, and that they will function as prosecutors, rather than as factfinders.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 more minute.

Mr. MORSE. Mr. President, there is nothing extraordinary about a procedure by which the members of a board, either on their own initiative or through their staff assistants, make an investigation. If anyone thinks a recommendation made by a member of this Commission will at once be accepted by his colleagues, merely because that member of the Commission has made the recommendation, it should be pointed out that certainly that is not the case; one who makes such an assumption is definitely mistaken about the operations of such governmental groups.

I am concerned with making sure that a check is provided for, by having the cases ultimately taken into court. We have provided for that check, and also for many others.

Furthermore, I cannot accept the notion of some that persons of small means, whether businessmen or others, should be allowed to discriminate with impunity. We seek to stop discrimination wherever it may exist.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 more minute.

Mr. MORSE. Mr. President, we seek to provide adequate and fair protection by means of a procedure which we know is sound, for there is nothing at all novel about this procedure. If Senators do not want this procedure provided, they had better get ready to accept an entire series of amendments to the Administrative Procedure Act, and then be ready to vote to take away from the members of the governmental boards and commissions the authority we seek to give them.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, titles II and VII, in my judgment, are the heart of the bill. The pending amendment would impair the effectiveness of title VII. On that ground, I believe the amendment must be opposed.

This provision of the bill is an effective one in connection with the proper operation of an equal employment opportunity commission, as we have found in the course of our experience in New York. For example, a union member may not wish to complain about his union, although a member of the Commission would feel free to do so.

The fatal defect of the amendment is that the provision it would amend is not the key to the courtroom door, because the Commission does not have to find that the complaint is a valid one before the complainant individually can sue or before the Attorney General can bring a suit to establish a pattern or practice of discrimination. The Commission may find the claim invalid; yet the complainant still can sue, and so may the Attorney General, if he finds reasonable cause for doing so. In short, the Commission does not hold the key to the courtroom door. The only thing this title gives the Commission is time in which to find that there has been a violation and time in which to seek conciliation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, this provision gives the Commission time in which to find that there exists in the area involved a pattern or practice, and it also gives the Commission time to notify the complainant whether it has or has not been successful in bringing about conciliation.

The PRESIDING OFFICER. The time of the Senator from New York has again expired.

Mr. JAVITS. Mr. President, I yield myself another 30 seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for another 30 seconds.

Mr. JAVITS. But, Mr. President, that is not a condition precedent to the action of taking a defendant into court. A complainant has an absolute right to go into court, and this provision does not affect that right at all.

Therefore, why knock out this very useful part of this title, when it does not give the power of both prosecutor and court to anyone. I do not believe it does that; on the other hand, it does provide authority which experience has shown to be most desirable and valuable in connection with the matters dealt with by this part of the bill.

Mr. SALTONSTALL. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

Mr. SALTONSTALL. Mr. President, I have great respect for the Senator from New Hampshire, but I believe that in this instance he is proceeding on the basis of the wrong point of view.

The point of view of this section is to permit one who believes he has a valid complaint to have it studied by the Commission and settled through conciliation if possible. The court procedure can follow. But that will be done only when the individual decides he wants it done and decides he wants to go to court.

In Massachusetts, we have had experience with an arrangement of this sort for 17 years; and, as I recall, approximately 4,700 unfair practices complaints have been brought before our Massachusetts Commission Against Discrimination. Only two of them have been taken to court for adjudication. One has been decided, and a second is now in court, but has not yet been decided. That procedure is the basis and theory of this part of the bill, and that is why I support it.

Mr. KEATING. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 1½ minutes.

Mr. KEATING. Mr. President, it is entirely understandable that one who is opposed to title VII would be in favor of this amendment. However, the Senate has already voted on that question, and has rejected an amendment to delete the title.

Senators who favor a title VII should, in my judgment, oppose this amendment.

I wish to explain the action already taken to amend the House version of the bill. In the first and second lines of this section, the House version provided that a complaint could be initiated:

> Whenever it is charged in writing under oath by or on behalf of a person claiming to be aggrieved or a written charge has been filed by a member of the Commission—

In other words, the charge would not necessarily have had to be made by the individual concerned, but could have been made by someone else acting in his behalf or by a member of the Commission. The provision relating to filing on behalf of an aggrieved person has already been stricken out, and thus the impact of the bill—the means of effecting redress have been diminished. The pending amendment would further reduce that power.

In addition, under subsection (b) of the House version, the Commission would have had the power to go into court, to enforce its mandates by initiating civil injunction proceedings. That provision, too, has been eliminated. So the powers of the Commission have been very greatly reduced.

Now it is sought to take the Commission out entirely by not allowing a member of the Commission to file a written charge. The filing of a charge——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. KEATING. Mr. President, I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. KEATING. The filing of a charge merely brings a matter to the attention of the Commission. There have been many instances in which a person who was aggrieved dared not or felt he could not, because of the presence of pressure of some kind, file a charge. There must be some protection if we are going to have a meaningful section so that the charge does not have to be filed by the person who claims to be aggrieved but may be filed by someone—in this case, a member of the Commission—in his behalf.

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. In the first place, it does not follow that only those who are opposed to title VII would be desirous of improving the procedures under it. In the second place, I am always interested in the fact that every time any portion or title of the bill is under attack, some Senator states, "Oh, that is the heart of the whole bill."

Title VII is not the heart of the bill. The turning of the face of the United States of America against discrimination in all its official fields is the heart of it. That means voting rights and segregation in schools and other public facilities. I do not say that title VII does not have its virtues. But if it is the heart of the bill in its present form, at least, it seems very strange to me that when the bill was introduced last fall, having been sent to the Congress by the late President Kennedy, and carefully thought out and endorsed by four Cabinet officers and by the Department of Justice, the only semblance to title VII was a very careful section that said that there should be Federal enforcement of equal job opportunities in every business or establishment which had contracts with the Federal Government or enjoyed Federal grants or loans. I would be for such a provision 100 percent, because no one could say, in my opinion, that that would not be justice. We could enforce and put teeth into such a provision, and it would not require creeping up behind someone with a gradual process of postponement and delayed action until finally the aggrieved party would find himself pushed into the court by a herd of administrative officers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Ohio [Mr. YOUNG] is absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Ohio [Mr. YOUNG], and the Senator from California [Mr. ENGLE] would each vote "nay."

The result was announced—yeas 47, nays 51, as follows:

[No. 409 Leg.]

YEAS—47

Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Mechem
Monroney
Morton
Mundt
Pearson
Robertson
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—51

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Clark
Dirksen
Dodd
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.

NOT VOTING—2

Engle
Young, Ohio

So Mr. ERVIN's amendment (No. 590) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute amendment is open to further amendment.

Mr. ERVIN. Mr. President, I yield myself such portion of my remaining 7 minutes as I may use.

I call up my amendments Nos. 885, 884, and 881.

I ask unanimous consent that they be printed at this point in the RECORD, that their reading be omitted, and that the Senate vote on the amendments en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, I object to the reading of the amendments being dispensed with.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendments offered by the Senator from North Carolina.

The LEGISLATIVE CLERK. Amendment No. 881: It is proposed, on page 34, at line 14, immediately after the period, to insert the following new sentence:

> If before the termination of such period of thirty days judicial review of such action is sought, such action shall not become effective until judicial review thereof has resulted in the entry by the court of a final judgment, decree, or order to the effect that such action may be taken lawfully.

On page 34, line 24, strike out the word "may", and insert in lieu thereof the words "shall be entitled to".

Amendment No. 884: It is proposed, on page 34, line 3, immediately after the word "persons" to insert the following: "including the Attorney General or chief legal officer of the State within which such failure has occurred".

Amendment No. 885: It is proposed, on page 33, line 13, immediately after the period, to insert the following new sentence:

> To the greatest practicable extent all such rules, regulations, and orders shall be uniform in application and effect with respect to all programs and activities subject to the provisions of this title.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, these amendments are extremely simple. They would undoubtedly be adopted if the bill did not bear the beguiling name of "civil rights bill."

Amendment No. 885 merely provides that the rules, regulations, and orders of executive departments and agencies implementing title VI shall be as uniform as practicable in their application and effect with respect to all programs and activities subject to the provisions of the title.

This amendment is designed to secure as much simplicity and understanding as possible.

Amendment No. 884 provides that the attorney general of the State is to be included among the persons to be notified by an executive department or agency administering a federally assisted program or activity before action is taken eliminating a State or a political subdivision of a State from participation in the federally assisted program or activity.

The Senator from New York said yesterday that the attorney general of a State represented all subdivisions of a State. That may be true in New York. It is not true in North Carolina, and I assume in other States.

In North Carolina local school boards, municipalities, and other local governmental agencies have their own attorneys. Since they are subdivisions of the State, the attorney general of the State ought to be notified before action is taken that will be adverse to the subdivision.

Amendment No. 881 is also simple. Section 602 of the bill provides that action of an executive department or agency eliminating a State, a political subdivision of a State, an institution, or an individual from participation in a federally assisted program or activity shall not become effective until 30 days have elapsed after the filing of a report of the decision.

This amendment merely postpones the effective date of action of the department or agency until it is judged on its merits, in case judicial review of the ruling agency is sought within the 30 days.

This should be done. The accused should not be condemned and punished until after they have had a hearing before the court.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from North Carolina [Mr. ERVIN].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH] and the Senator from California [Mr. ENGLE] would each vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Arizona [Mr. GOLDWATER] are detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT] would vote "nay."

The result was announced—yeas 27, nays 66, as follows:

[No. 410 Leg.]

YEAS—27

Bible
Byrd, Va.
Byrd, W. Va.
Cotton
Eastland
Ellender
Ervin
Gore
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—66

Aiken
Anderson
Bartlett
Beall
Bennett
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—7

Allott
Bayh
Engle
Fulbright
Goldwater
Hayden
Young, Ohio

So Mr. ERVIN's amendments were rejected.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 922, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 51, line 3, change the period to a colon and add the following:

> *Provided, however,* That nothing in this section shall be construed as making it unlawful for any employee to give any such information to any duly authorized committee or subcommittee of the Congress.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, section 706(a) of title VII of the substitute makes it a criminal offense for any employee of the Equal Employment Opportunities Commission to divulge information gathered by the Commission. No exception is made in the language of the substitute for employes who testify before committees of Congress. This amendment would except from the criminal provisions of section 706(a) of title VII of the substitute testimony by employees of the Equal Employment Opportunities Commission before Committees of Congress and permit such employees to testify before congressional committees without fear of risking the violation of the criminal provisions of this section.

Mr. President, I have previously offered a similar amendment to title II.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMINICK. Mr. President, I yield myself whatever time I may require.

I was impressed with this kind of amendment yesterday. We have seen a continuing reluctance by the executive department to permitting employees to testify before committees of Congress.

I had the pleasure of listening to the senior Senator from Vermont yesterday when he stated that he was disposed to vote against most of these amendments because they were not described adequately enough so that he could fully understand what they meant, and what they included within them.

On my time, I would appreciate it if the Senator could give me some points on what he thinks might be pertinent, what type of committee the Senator is talking about, and what particular testimony the Senator thinks that Congress might be interested in which might be developed under this particular title.

Could the Senator help me on that?

Mr. MANSFIELD. Mr. President, reluctantly I must object. It is not permitted under the cloture rule. But, if the Senator wants to ask questions of the Senator from South Carolina, or arrive at the result in some other way, that will be fine. It is not in accord with the rules to do it in any other manner.

The PRESIDING OFFICER. Objection has been heard.

Mr. DOMINICK. I have plenty of time and I am perfectly willing to use it. It is my understanding that if a Senator takes the floor and proposes an amendment, we cannot find out the facts about the amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield on my time?

Mr. DOMINICK. I am glad to yield.

Mr. MANSFIELD. In order to set the record straight, the Senator will recall that I regretfully raised the objection. I would like to have a ruling from the Chair as to what the rules provide, and the justification for it.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the Senator who has the floor may yield for a question. The Senator who has the floor may not ask any other Senator a question.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. THURMOND. I believe the Senator is familiar with the fact that an employee, as the bill now stands, would be subject to penalties if he were to testify before a congressional committee—for example, if he were called before the Committee on Labor and Public Welfare, the Committee on the Judiciary, or any other committee, to give testimony. I wonder if the Senator knows that this amendment was designed to protect such employees. The amendment provides that nothing in this section shall be construed as making it unlawful for any employee to give such information to any duly authorized committee or subcommittee of Congress.

I was not sure that the Senator understood the import of it. It is my opinion that Congress is entitled to question employees of any commission or agency of the Government, and that there should be no impediment whatever that would prevent such employee from disclosing information to Congress.

I wonder if the Senator is familiar with that philosophy?

Mr. DOMINICK. I appreciate the courtesy of the Senator in calling this situation to my attention. This assists me in deciding what to do on this particular amendment.

I should like to hear a little explanation from Senators who may be opposed to the amendment as to why they should be opposed to this type of procedure.

It seems to me that one of the things that the Senate has been trying to do ever since I came here—and that was only a short time ago—and what we were trying to do when the distinguished Senator from Hawaii [Mr. INOUYE] who is presiding at the moment, and I were in the House, is to enable Congress to obtain testimony from executive employees without such employees having a fear of being punished.

This issue arose in the Otepka case. Two days ago, I had an article printed in the RECORD which indicated that every employee who had tried to give Congress some information that looked as though it might be detrimental to the particular agency involved was downgraded; and everyone who had tried to prevent the information from being obtained had either been promoted or given a better job than he had before.

It seems to me that that is exactly what this amendment is designed to prevent; namely, the executive department's efforts to prohibit an employee from testifying before committees of Congress . I believe this is one of the major bases upon which Congress can get the necessary information in order to legislate.

Mr. THURMOND. I wondered whether the Senator was familiar with the fact that section 706(a) of title VII of the substitute amendment makes it a criminal offense for any employee of the Equal Employment Opportunities Commission to divulge information gathered by the Commission, and that no exception is made in the language of the substitute for employees to testify before Congress.

Mr. DOMINICK. I am glad the Senator has called that to my attention. My interpretation was, before the Senator called it to my attention, that this language did not apply to Congress. I can understand that dissemination of information should not be made generally, but I do not believe that the prohibition should apply to testimony given to congressional committees. So the amendment makes much sense.

BEEF ELIGIBLE FOR EXPORT UNDER PUBLIC LAW 480

Mr. McGOVERN. I yield myself 1 minute. Mr. President, on May 5 I wrote to the Secretary of Agriculture about the need in many underdeveloped nations of the world for high protein foods in contrast to our oversupply of beef. I suggested to him that we make beef and live cows eligible for export under Public Law 480 programs to help reduce our cow numbers and achieve a basic adjustment of beef supply and demand.

In 1958, we had in our beef herd 24,165,000 cows and heifers 2 years old and over. The support price of corn was reduced that year from $1.36 to $1.12 per bushel. All feeds dropped in price and the number of breeding cows started to skyrocket. Raising cattle looked very attractive with low feed prices.

On January 1, 1964, the number of cows and heifers 2 years and over had increased 30 percent to 31,697,000, or more than 7.5 million.

I have today received a letter from Secretary of Agriculture Freeman advising me that beef has been made eligible for export under title I and title IV of Public Law 480, in accordance with my suggestion and that, while there is no current demand for live animals from Public Law 480 customers, there is an active interest in cows and breeding stock on the part of commercial customers contacted in the new commercial export sales promotion drive.

Title I of Public Law 480 authorizes sales for local currencies, not convertible to dollars. Title IV authorizes the financing of sales through long-term loans repayable in dollars.

Mr. President, I ask unanimous consent to have printed in the RECORD Secretary Freeman's letter to me, announcing that beef has been made eligible under Public Law 480.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C. June 16, 1964.

Hon. GEORGE MCGOVERN,
U.S. Senate.

DEAR GEORGE: As promised, we have given searching study to the proposals in your May 5 letter that cow meat and breeding cows be made available under the food-for-peace program. We are both deeply concerned with the trend of cattle prices and the difficult situation faced by beef cattle producers. It has had my personal and detailed attention every day for many weeks. I know that it has likewise had yours. Your letter is further evidence of that fact. I deeply appreciate your constructive thoughts.

You are familiar with the many things that the Department of Agriculture has undertaken and is undertaking to strengthen prices of cattle and beef. With the cooperation of our major beef suppliers, imports in 1964 should drop about one-fourth below last year's level. Beef purchases for schools and needy persons have been sharply increased. Stepped up purchases by the Department of Defense are taking additional supplies from the market. There are vigorous cooperative industry-Government promotional efforts throughout the United States. We are moving aggressively to develop export markets for beef; a market development agreement has been concluded between the Department and the American Meat Institute and European purchasing missions are already in this country.

I am happy to report also that, as proposed by you, we have added beef to the commodities eligible under Public Law 480. A number of sales agreements under titles I and IV, which are now in various stages of development, are expected to include beef.

The inclusion of cows and other live cattle in the Public Law 480 programs would involve the special and difficult problems which are peculiar to movement of live animals via ocean transportation to distant destinations, many of which would be environmentally unfavorable. This is probably a factor in the fact there are currently no such requests from Public Law 480 countries. In our commercial export promotion drive, however, some of the prospective foreign buyers are looking at cows and breeding stock; we hope that sales will result. I am in full agreement with you that, from the standpoint of total and potential cattle population, we have too many breeding cows and should get the numbers down. We are all wrestling with a complex and extremely difficult situation. Your support and help in seeking answers and fresh positive steps has been invaluable.

Very best personal regards.
Sincerely yours,
ORVILLE L. FREEMAN,
Secretary.

TRIBUTE TO ROBERT MOSES, ARCHITECT AND CAPTAIN OF THE NEW YORK WORLD'S FAIR

Mr. PELL. Mr. President, I yield myself 1 minute.

The World's Fair in New York is a tribute to many men. But if any one man could be considered as its architect and captain, it would be that remarkable fountain of energy and brilliance, Robert Moses.

Our own University of Rhode Island had planned to award him an honorary degree this month, but illness prevented his coming to accept it. I trust that his health will improve and will soon permit him to come to our State and receive this honor.

In connection with his work on the World's Fair and all the tributes that have been paid to him, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The Man Who Gets Things Done," published in the magazine Engineering News-Record of April 23, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAN WHO GETS THINGS DONE

ROBERT MOSES. "The World's Fair will be open on time. When we fix an opening date, that's all there is to it."

The New York World's Fair is Robert Moses' promised land. As president of the World's Fair Corp. he promised 2 years ago that the fair would be ready on opening day. "There's not a chance of delay," he said then. "When we fix an opening date, that's it." The fair was ready on time for its official opening Wednesday.

Bringing the $1 billion World's Fair to completion meant whipping onward construction of 156 pavilions tucked into 646 acres of Flushing Meadows, in New York City's Borough of Queens. All but two were ready on opening day and Robert Moses had the unfinished bones of one of those torn down before the opening. Robert Moses got it done again.

In herding the fair to completion on schedule, 75-year-old Robert Moses climaxes 40 years of building in New York City and New York State. Heading as many as 10 agencies simultaneously, he has supervised more than $5 billion worth of construction.

What it takes to build a fair: The World's Fair Corp. hired Robert Moses as president (at $100,000 a year) because of his reputation as a man who gets things done. At the World's Fair, getting things done meant operating like a general in battle, staying always on the offensive, reinforcing weak points. It meant assigning efficiency experts to a slow job, pressuring suppliers for materials, advising the fair's chief engineer on coping with tardy contractors, warning the Governor of a State that his pavilion is behind schedule, dealing with officials of New York State. According to a fairground legend, Mr. Moses was so sensitive to the state of construction that he could tell if an air-conditioning job was on schedule simply by driving past the building.

Obstacles were bad weather, labor difficulties, racial demonstrations, slow construction, and time. The chief obstacle was time. The fair had a common Moses device, a huge clock panel in the headquarters building that illustrated in illuminated panels the second-by-second evaporation of the time left in which to complete the job.

Like a good general, Robert Moses is a skilled delegator of authority. Except in matters of policy or dealings with politicians, financiers, or designers of high rank, Mr. Moses operates entirely through his subordinates. He has a large staff of executive specialists through which he works and he relies on it completely. Most of the men he's known and worked with for years. Robert Moses would know whether or not the general contractor on a particular pavilion was behind schedule and why, but almost invariably he dealt with the contractor through one of his staff. He expects a lot of his executives, but he gives them support all the way in return.

"Moses is all business," says William Denny, construction coordinator for the World's Fair Corp. "If you do a good job, you will get along fine with him. If you don't—you're out."

Robert Moses can keep tabs on 156 pavilions, schedules, budget, fair participants, and about a regiment of executives because of a remarkable memory that enables him to recall all previous conferences, memos and letters dealing with whatever subject is at hand.

"And there's no substitute for 40 years of acquaintances," says retired Corps of Engineers Maj. Gen. William Potter, executive vice president of the fair and Robert Moses' right-hand man. "Robert Moses knows everyone and he is particularly good at dealing with public officials on a personal basis."

FORTY YEARS OF BUILDING

The World's Fair is only the most recent in what is apparently an endless succession of Moses projects. Among his accomplishments during the past 40 years have been: the St. Lawrence-Niagara power project, the largest of its kind in the world; the Narrows Bridge, which is now nearing completion and will be the longest suspension bridge in the world; other New York City bridges include the Bronx-Whitestone, Throgs Neck, Triborough, and Henry Hudson Bridges; the Queens-Midtown Tunnel between the boroughs of Queens and Manhattan and the Brooklyn-Battery Tunnel linking Manhattan and Brooklyn; Shea Stadium, the new home of the Mets; the Lincoln Center of the Performing Arts; almost 500 miles of highways, and 100,000 units of private and public housing in New York City.

While in college (Yale, B.A.; Oxford, B.A., M.A.; Columbia, Ph. D.), Robert Moses decided upon a life of public service. He was then a thing he now loathes and describes as a "goo-goo reformer." He worked for 5 years with a private organization devoted to the improvement of New York City government. In 1919, Gov. Al Smith called Robert Moses to Albany to be chief of staff of a commission to reorganize the State government. Mr. Moses credits Governor Smith, a most practical politician, with changing him from a goo-goo reformer to the pragmatist he is today. It was also the Governor who started him on his building career, by creating the New York State Council of Parks and appointing Robert Moses its chairman. This was the first of a series of powerful, but unsalaried jobs. Fortunately for him and New York he had inherited more than a quarter of a million dollars from his mother.

Parks need roads, so it was a natural step for Robert Moses to build highways. Reasonably, highways led to bridges and tunnels. The demolition involved in these jobs gave him a background for slum clearance. Gradually, he accumulated jobs, until by 1959 he had 10 of them, most of which he originated to further some project and most of which paid nothing. His two salaried jobs then were Commissioner of Parks, New York City ($25,000 at peak) and chairman of the New York State Power Authority ($10,000). The other eight were: chairman of the Triborough Bridge and Tunnel Authority, chairman of the New York City Mayor's Committee on Slum Clearance, chairman of the State Council of Parks, president of the Long Island State Park Commission, coordinator of construction for New York City, member of the New York City Planning Commission, president of the Jones Beach State Parkway Authority Commission, and chairman of the Bethpage State Park Authority.

HOW HE GETS THINGS DONE

The key to Robert Moses' ability to keep so many balls in the air at one time is delegation of authority. He picks his men carefully (in almost every case, the man he picks to head an agency is an engineer) and then turns them loose to direct various projects.

According to Arthur Hodgkiss, general manager of the Triborough Bridge and Tunnel Authority, who has worked under Robert Moses for 26 years: "When you work under him you get more freedom of action than would your counterpart in an agency not run by him. Another reason for his effectiveness is that he has an overall understanding and feeling for engineering and construction that no other administrator I know of has."

Robert Moses' choice of men has held up well. The agencies he started or still runs are led by men who've been with him for decades. The turnover near the top is slight.

Asked what kind of a man Robert Moses is, those who are on his side usually say: "He's the kind of guy who gets things done." Asked how, they say simply that he delegates a lot of authority, tells a man what he wants done, and the man goes out and does the job.

William S. Chapin, general manager and chief engineer of the Power Authority of the State of New York, says: "Take the Niagara power project, for instance. That had been in the planning stage since 1931, when the New York State Legislature approved the job. In 1954, Governor Dewey decided to move in it. He appointed Robert Moses to head the job in March 1954. By August of that year, Robert Moses had borrowed $40 million to get the job started, offering little more in collateral than his record, and here was a groundbreaking. I remember Robert Moses looking out over the Long Sault Rapids and saying, 'They've said this job will take 7 years. Well, it'll never take 7 years as long as I'm in charge. We'll do it in 5.' Actually, first power was produced in only 4 years."

WHAT MAKES MOSES BUILD

A man of Robert Moses' energy, intelligence, and drive could easily have made a fortune in business or industry. Why then work in public service, frequently unpaid, for a salary that until the fair was never greater than $35,000?

"I don't know. I always wanted to go into public service," says Robert Moses. "I don't know why people do it. People want to be firemen, policemen, painters, fighters. What's wrong with that? It may be a passing fancy. It may be an inspiration. It may be madness. But once in, you stay, if you stay, on account of stubbornness, primarily."

In 1960, Robert Moses resigned his State jobs. Gov. Nelson Rockefeller asked him to leave the chairmanship of the State Council of Parks to make the job available to his brother Laurance. Mr. Moses resigned all five State jobs, positions he originated, with a well publicized display of invective.

MASTER OF INVECTIVE

Robert Moses' invective is almost as well known as his talent for getting things done. In his years of public service he has probably racked up a larger list of distinguished American enemies than any man since Adolf Hitler (to whom occasionally he's been compared). He's quarreled with eight successive New York City mayors and eight New York State Governors, hosing venom regardless of rank (Gov. Herbert Lehman—"a liar"; Gov. Franklin D. Roosevelt—"a very vindictive man"; Mayor James Walker—"half Beau Brummel, half guttersnipe"; Mayor Fiorello La Guardia—"powerful, cruel, greedy, political machine.") He is equally irreverent with almost the entire city-planning profession, architects, newspaper editors, nature lovers, property owners, idealists—everyone, in fact, who disagrees with him. He's been able to get away with this because he's one of the few persons around who is extremely intelligent, talented, efficient, dedicated, and incorruptible and also willing to work for nothing.

The number of property owners and nature lovers who have picketed Robert Moses could, standing shoulder to shoulder, probably ring the earth.

Robert Moses dismisses all protests as the expressions of "goo-goo" reformers, starry-eyed idealists, crackpots, uplifters, do-gooders, etc. Mr. Moses is an exceptionally intelligent man with little patience for fools. Unfortunately, he often counts as a fool anyone who disagrees with him.

THE JOB MUST GO ON

Mr. Moses has little respect for those who oppose his projects. The average man, he has said, "doesn't know what's in his own interest. He isn't smart enough to visualize what you're going to do. But when you've built the thing, he comes around and tells you he was always for it. You almost never get anybody who wasn't on the bandwagon when the thing is a success."

Robert Moses' approach to dislocations and property condemnations is a dispassionate one. He feels these things are unpleasant, but unavoidable, that the job must go. He has no use for public hearings ("They never changed a vote.") and has remarked that "the so-called democratic process does not readily lend itself to speed, deliberate or otherwise." He isn't above a bit of high-handedness when things stand in his way. One of his project supervisors once asked what to do about a condemned beachhouse that hadn't been moved from the path of a park project. Robert Moses didn't even answer the letter. He just returned it to the sender with a kitchen match attached.

Despite his reputation for acrimony, Robert Moses is known as a man of great charm. Over 6 feet tall, still vigorous despite his 75 years (he captained the swimming teams at Yale and Oxford), he can be quick to laugh, ready with pleasant wit, a man people like even though they planned not to.

Excepting those who know him well, many persons have predicted that the World's Fair is Robert Moses' farewell party, that his next project will be retirement. His reaction: "Oh, my God, I'm not thinking of that. Why should I?"

Why indeed? He has his eye on quite a few big jobs. There's the Narrows Bridge and its complex approaches to complete. There's the possibility of a third tube to the Queens-Midtown Tunnel, of making the World's Fair site into a park after 1965. For 20 years he's been battling to build expressways across Manhattan at mid-town and at the lower end. He may build them yet. According to New York legend, Robert Moses may lose battles, but not wars.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. Thurmond]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Virginia [Mr. Robertson], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

On this vote, the Senator from Virginia [Mr. Byrd] is paired with the Senator from California [Mr. Engle].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from Virginia [Mr. Robertson] is paired with the Senator from Ohio [Mr. Young].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from New York [Mr. Javits] is detained on official business, and if present and voting, would vote "nay."

The result was announced—yeas 41, nays 54, as follows:

[No. 411 Leg.]

YEAS—41

Allott
Bennett
Carlson
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
Mechem
Miller
Monroney
Morton
Mundt
Pearson
Russell
Scott
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—54

Aiken
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Dirksen
Dodd
Douglas
Edmondson

Fong
Gruening
Hart
Hartke
Hayden
Humphrey
Inouye
Jackson
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern

McIntyre
McNamara
Metcalf
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Smith
Symington
Williams, N.J.

NOT VOTING—5

Byrd, Va.
Engle

Javits
Robertson

Young, Ohio

So Mr. THURMOND'S amendment (No. 922) was rejected.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, during the course of the votes, there is more and more confusion in front of the desk; and that makes it quite difficult for the clerks to see the Senators, and even to hear their responses.

So I express the hope that, from now on, Senators will only on special occasions go to the desk, to be recorded ahead of time; and that the staff members will not go to the desk, but will remain at their tables.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. HOLLAND. Mr. President, I note only 30 Senators on the floor. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 412 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender

Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee

McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman

Symington
Talmadge
Thurmond
Tower

Walters
Williams, N.J.
Williams, Del.
Yarborough

Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. NELSON in the chair). A quorum is present.

Mr. THURMOND. Mr. President, I call up my amendment No. 1022 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 53, beginning on line 17, it is proposed to delete down through the period on line 21.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. Mr. President, it is one of the functions of the Government to provide machinery by which disputes between private parties may be justly adjudicated. It is not the function of the Government to finance the adjudication of private disputes and controversies of citizens engaged in civil actions. This amendment would, therefore, delete from section 706(b) of title VII of the substitute the proposed authority of the Court to appoint an attorney for a complainant in suits alleging denial of equal employment opportunities.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr ERVIN] would vote "yea."

On this vote, the Senator from Mississippi [Mr. STENNIS] is paired with the Senator from California [Mr. ENGLE].

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from New York [Mr. JAVITS] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

The result was announced—yeas 26, nays 67, as follows:

[No. 413 Leg.]

YEAS—26

Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Fulbright
Gore
Hickenlooper
Hill

Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
Mechem
Russell

Simpson
Smathers
Sparkman
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—67

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson

Fong
Gruening
Hart
Hartke
Hayden
Humphrey
Inouye
Jackson
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney

Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—7

Engle
Ervin
Goldwater

Javits
Robertson
Stennis

Young, Ohio

So Mr. THURMOND'S amendment (No. 1022) was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1023, and ask the clerk to read it.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 53, beginning with the word "Upon" on line 21, to delete all through the word "action" on line 23, as follows:

> Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. I yield myself 45 seconds.

Mr. President, there is no logical or sound basis for the Attorney General of the United States to intervene in civil actions brought by private individuals who allege they have been denied equal employment opportunities. The United States has no business as a party to such actions. The courts, which are agents of the United States, are established for the purpose of judging such controversies, and it is improper for the United States to act as both judge and participant. This amendment would, therefore, delete the proposed authority for the Attorney General of the United States to intervene in such suits.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from Oregon [Mrs. NEUBERGER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New York [Mr. JAVITS] is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 28, nays 67, as follows:

[No. 414 Leg.]

YEAS—28

Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters

NAYS—67

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hayden
Humphrey
Inouye
Jackson
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—5

Engle
Javits
Neuberger
Robertson
Young, Ohio

So Mr. THURMOND'S amendment (No. 1023) was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ANDERSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1024, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 55, line 21, delete the word "not".

Mr. THURMOND. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 30 seconds.

Mr. THURMOND. Mr. President, section 706(h) of title VII of the substitute would make inapplicable the Norris-La Guardia Act section brought in the labor field under the provisions of title VII. Action under this title falls within the scope of labor-management relations, and no such exception should be made.

This amendment would therefore make the provisions of the Norris-La Guardia Act applicable to acts commenced under the provisions of title VII.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

Th legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG].

If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 23, nays 72, as follows:

[No. 415 Leg.]

YEAS—23

Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Gore
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Yarborough

NAYS—72

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—5

Engle
Goldwater
Hayden
Robertson
Young, Ohio

So Mr. THURMOND'S amendment was rejected.

AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

Mr. CHURCH. Mr. President, I yield myself 1 minute.

Recently, I have had the good fortune to read several thoughtful editorials on the American involvement in southeast Asia. Those which I found profitable included an editorial written by Drury R. Brown and published in the June 1 issue of the Blackfoot (Idaho) News; an editorial written by Ladd Hamilton, which was published in the April 28 issue of the Lewiston (Idaho) Tribune; an editorial entitled "Asian Confrontation," published in the June 12 issue of the New York Times; and a column written by Ralph McGill, printed in the June 12 issue of the Idaho Daily Statesman. I ask unanimous consent to have the articles printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Blackfoot (Idaho) News, June 1, 1964]

THE HOUR LATE IN SOUTHEAST ASIA

For many people in the United States the words "South Vietnam," "Laos," and "Cambodia," have little meaning. But for thoughtful Americans, pronunciation of the names of these little countries in the peninsula extending from southeast Asia have at the present time the sound of a fire-alarm bell.

Among high Government officials, members of the Senate Foreign Relations Committee, newspaper correspondents who are on the scene and individual citizens who would wish the right U.S. foreign policy to prevail, there is an honest difference about what we should do about our involvement there.

John S. Knight, a respected newspaper publisher who believes we should withdraw from our overextended position in that area of the world, recently stated the facts leading to our having troops in what was once known as French Indochina.

In World War II, the whole peninsula fell like an overripe plum into the hands of the Japanese when they surged southward. France at the time was a captive to Nazi Germany. The French authorities in Indochina easily capitulated to the Japanese.

The Vietminh guerrillas in the Japanese occupied territory fought the Japanese. At the same time they were determined that the French should not return to their former control of the peninsula.

When the German and Japanese war machines were overthrown, a freed France reasserted in 1946 her claim to her former colonies. The claim led to war between the Vietminh guerrillas and the French. The

United States sided with France. The Vietminh, in the meantime, had secured the backing of the Red Chinese.

Despite all the help that the United States gave France, the Viet guerrillas in a 6-year war that ended in 1954 with Dien Bien Phu, totally defeated the French.

The war ended with a cease-fire accord at Geneva and a conference of the SEATO power with representatives of the guerrilla leaders. The conference accomplished little other than the agreement for a cease-fire. Guerrilla control over North Vietnam was accepted. South Vietnam, Cambodia, and Laos were recognized as independent states, and the SEATO powers—Britain, United States, France, New Zealand, the Philippines, Pakistan, Thailand, and Australia, agreed to protect the little countries against Communist aggression.

The basis of the agreement was that when the established governments of South Vietnam, Laos, or Cambodia might be threatened by subversion and would ask for help, the guarantor nations would come to their aid.

This was the Dulles diplomacy. It was based on containing or battling communism anywhere in the world. Any revolution anywhere in the world would be presumed to be Communist inspired. It did not take into account the feeling of the masses of people in the lands we were obligated to shore up. They might have no recourse other than to rebel against an aggressive or corrupt government, but it was always presumed that such revolution was Communist inspired.

The rest of the world simply did not agree with the prevailing U.S. policy during most of the postwar period—the policy of intervening in every revolution on the side of established governments.

Accordingly, when trouble occurred in Laos or South Vietnam, the burden of shoring up the existing government fell on the United States as the leader of the anti-Communist bloc. The other involved powers have continued to look the other way.

President Johnson has restated the position of the United States. The United States, he has said, will do whatever is necessary to help the southeast Asians resist Communist assault "as long as they continue to ask us for help."

The frightening part is that the Government that may ask us for help may be unrepresentative of the people of the land.

There is unmistakable evidence the people of southeast Asia want nothing so badly as to be let alone.

This point was driven home to me in listening to Pulitzer Prize winning Reporter Malcom Browne, who spoke at a recent meeting of the Idaho-Utah Associated Press meeting in Moscow, Idaho. His picture of the Buddhist monk who burned himself to death in protest to the Diem regime in South Vietnam did much to alert public opinion to the real situation in that land. (This young reporter is one of the heroes among newsmen dedicated to letting the people of the United States know what really is going on in the world. He suffered much at the hands of Diem's police.)

The situation in southeast Asia, said Browne, is so bad that it may be too late now for the United States to accomplish anything there. Our problem has been twofold: To resist the Communists, and to encourage the local leaders to create a government the people would be willing to fight for to preserve.

He recognized the threat to the free world that is found in the guerrilla tactics advanced by Ho Chi Minh. He believes that if they are permitted to work in southeast Asia, the free world will be confronted with them everywhere.

But everything he said indicated that the Communists are winning the battle for the minds of the people. They move in and infiltrate the country nominally under the control of Western-supported governments. They will ruthlessly kill a few leaders of the opposition, but they will mingle with and convert the ordinary farmers and villagers.

There are many devoted Americans seeking to improve the condition of the people of Laos and South Vietnam, but there are not enough of them and they are working against too great odds, said Browne.

He gave a specific instance of how things work out. The Vietnam forces, for instance, will hear that the Communists have taken over a certain village. They will send an expedition against it. As they approach the village through the jungle they may find they are pinned down across a moat from the village by rifle fire. The U.S.-advised Vietnam will decide this calls for aerial support. They will radio for bombs and napalm to be dropped on the village. Soon the planes roar in, dropping high-explosive bombs, followed by planes that drop flaming napalm. (That is the most horrible situation for the people in the village that can be imagined, said Browne.)

The relatively few Communists in the village will have taken refuge in underground shelters prepared for just this eventuality, which in many circumstances will resist the napalm fire. The women and children are left to burn.

("I have gone into villages that have been burned out under such circumstances and it is a sickening sight," said Browne. "I have helped gather up the charred bodies of women and children and lay them out for disposition on sheet iron strips. You never forget it.")

The natives know that the helicopters and planes that carried the bombs and the napalm were furnished by the United States. Under the circumstances, what reason will they have to think that the government that is claiming their loyalty and its supporter, the United States, is really concerned for them? (Senator Barry Goldwater, you who would condone the use of low-yield atomic weapons to defoliate the jungles to expose the jungle trails of the guerrillas, please take note.)

Former President Kennedy is known to have believed that the United States was overcommitted in southeast Asia. How he might have planned to become disengaged there will never be known.

As the southeast Asia crisis continues to grow, the people of the United States are going to have to decide what course our Nation will take. Here are some realistic facts that should guide their considerations:

All of the people of Asia are of color. They resent the white-skinned minority of the world and have made it very plain they will never hereafter submit to its rule.

The white-skinned people of the world have made little progress in meeting the colored people of Asia on an equal basis. The devoted and consecrated white servants that are attempting to act as their teachers and guides to the sort of freedom we take for granted, are too few.

The only nuclear weapons used in warfare were released by members of the white race against a nation that was of color. The resentment for that act among people of color is very great.

Should the United States without the help of its SEATO allies, and actually against the wishes of many of them, engage in unilateral action to preserve shoddy governments against what might be the desire of an actual majority of the total people involved?

Shall we permit the hastily conceived and poorly designed Dulles policies to continue to be our guide in every situation in the whole world?

Are we beginning to realize there actually is a difference between forms of communism and that many of them are vehicles for the expression of nationalism—that they may be of service to peoples in some lands while offering no threat to our social structure?

It seems that it is time for Americans to be thinking some of the unthinkable thoughts advocated by Senator Fulbright.

[From the Lewiston (Idaho) Morning Tribune, Apr. 28, 1964]

FRUSTRATIONS IN SOUTH VIETNAM

Senators Frank J. Lausche, Ohio Democrat, and Hugh Scott, Pennsylvania Republican, may be excused for their impatience with the progress of the war in Vietnam. As the St. Louis Post-Dispatch has observed, in an editorial reprinted on this page today, "The South Vietnamese fight against the Communist guerrillas is not being won, and if General Khanh can even hold the line it will be an accomplishment." The United States is spending millions of dollars, and so far has spent the lives of 131 Americans killed in action in an attempt to hold the line there. Guerrilla bands strike in South Vietnam and then scurry for the Cambodian border where U.S. airplanes are not permitted to follow. Over a jungle supply line, war materiels and food are moving south from North Vietnam, where Americans are not permitted to fight. It is little wonder that Lausche and Scott, as well as many others, are eager to carry the war to the enemy, wherever he may be.

The two Senators have called for raids into North Vietnam to choke off the supplies that are helping to keep the guerrillas going. The Vietcong, they said Sunday, should not be permitted "a privileged sanctuary" where they are safe from attack. The time has come, said Lausche, to "work out a program of tit for tat" and, whenever the North Vietnamese strike, the U.S.-supported South Vietnamese "should strike in equal manner by going across the border."

There is a superficial logic in this argument, and it has found much favor. But there is a great danger in it, too, for no one can tell what sort of can of worms will be opened once the border is crossed by Americans.

Simply to cross the border and bomb a few key roads and depots probably would do no good; the Government of North Vietnam, which supports the Vietcong, would have to be militarily defeated and it is unlikely that Red China would permit that to happen. The most probable result of the Lausche-Scott policy would be that once the border is crossed in the south by U.S.-supported South Vietnamese, it also will be crossed in the north by Red Chinese "volunteers." We then would have the choice of backing out, which would leave us worse off than we are now, or of throwing China out of North Vietnam, which would make a big war out of a little one.

Neither alternative is palatable, and the latter is recklessly dangerous. As Senator Frank Church, Democrat, of Idaho, pointed out Sunday, this could lead to "a hopeless entanglement, the end of which is difficult to see."

The war in southeast Asia is frustrating, to be sure, and the temptation is great to look for quick solutions. Unfortunately, there are none. The best we can hope to do in South Vietnam, at least for the time being, is maintain a perilously delicate balance of power by whatever military means seem appropriate. The most promising long-range solution is neutralization of all of southeast Asia so that the fighting can be halted without great loss of power and prestige on either side. But that must come later; in the meantime, we must settle for a severely limited war.—L.H.

[From the New York Times, June 12, 1964]

ASIAN CONFRONTATION

Two U.S. planes have been shot down in Laos and now American armed fighter plane escorts are shooting back. The situation is deteriorating in Vietnam as well as in Laos and, by reflexion, in Cambodia, Thailand and all of southeast Asia. When or how is the shooting going to end? When or how is the steady, if slow, advance of the Communists in the region going to be stopped?

The power factor in southeast Asia that really counts is the confrontation between the United States and Communist China. They are still at some distance from each other, but the gap is closing. When Under Secretary Ball and President de Gaulle conferred the other day, they agreed that southeast Asia should be denied to the Communists, but they disagreed on how this goal was to be achieved.

General de Gaulle insists with reason that no settlement of the Indochina conflict is possible without the concurrence of the Communist Chinese. This is the dominating factor. China is there; the United States is 10,000 miles away. Chinese power radiates over the whole of Asia from India to Korea.

The nub of the question is the American belief that a withdrawal of our military support would leave a vacuum which the Red Chinese would inevitably fill—not to mention the fact that for better or worse we have commitments that we must honor. The De Gaulle argument is that China has enough problems with Russia in the north, India in the west and the United States in the east, not to mention a strained economy, to be willing to leave southeast Asia more or less alone—on the condition that China felt there was no longer any reason to fear a threat from the United States in that area.

There is no ideal solution; but it has seemed to this newspaper that the most practicable one is, in the broadest possible terms, a guaranteed neutralization of all States that formerly made up Indochina. What this means is that the interested powers—including particularly the United States, the Soviet Union, and Communist China—would mutually and gradually withdraw militarily from that area and would at the same time guarantee the independence of the respective States, possibly with a U.N. presence to enforce it.

Obviously such a solution is risky and might not work out in practice, but the risks will be great no matter what is done, and will be still greater if the outcome is left to the hazards of military escalation.

The entire problem deserves exploration in another conference of the 14 nations, Communist China included, that have been concerned with southeast Asia since the Geneva Conference of 1962. The decisive confrontation of the United States and Red China should be over a negotiating table, not with arms. In the long run, this will only be possible when Communist China is a member of the United Nations and when Washington can speak to Peiping in the normal course of diplomatic exchanges between two nations that recognize each other.

[From the Idaho Daily Statesman, June 12, 1964]

LAOS POLICY FAILS TO ACHIEVE GOALS

(By Ralph McGill)

WASHINGTON.—The United States became heavily involved in Laos during the Eisenhower administration. From the 1950's into the present, political and ideological chaos has, with but few intermissions, been the rule. The late Secretary of State Dulles applied his "domino" theory to southeast Asia. It one domino were pushed over, the others all fell.

Laos has never been truly a country, or nation. It is not one today. It likely will never be. A beleaguered France gave it "independence" in 1949. The landlocked, mountainous area had once been a part of the Indochina union, and since 1883, a French protectorate. Its religion is Buddhist and animism.

It is a region of tribal groups. Laos is an example of the slow evolution of ethnic groups toward a commonly shared culture and loyalty. Today, the people would like to be left alone. They do not trust us or want us there. They do not want the Russians or the Communists. They have no comprehension of ideology beyond that of the philosophic, meditative neutralism of Buddhism. There is no concept of all that is bound up in the words "freedom," "liberty," "democracy."

"Kings" developed out of the "royal" family of the major tribes. This was fostered by France. Colonialism understandably found it easier to establish a government by recognizing a leading family. Out of the plan came princes, princesses and a sort of dynasty. The people are used to being "ruled" by a headman or a coalition of tribal "elders."

These Laotian generalities would apply, with variations, to all of southeast Asia. South Vietnam is divided by religion—Christianity and Buddhism. For a generation there has been a growing gulf, widened by sporadic persecutions in which both divisions share responsibility.

We are in a predicament today which is not at all that of the late 1950's. At that time monolithic communism was supporting the northern secession forces. There was then, as now, dislike of Chinese in the area. The Chinese, present in southeast Asia in the hundreds of thousands, had gained control of much of the business and the local markets.

There was then more Russian influence than mainland Chinese. But as the division grew between the Communist giants, it became apparent that because of geography the Mao government would be the one with the most influence. The mainland Chinese throughout the entire area previously had kept a calculating eye on Formosa and the Nationalist Chinese, and on the Russians.

At least 2 years ago these Chinese decided that with Red China withdrawing from her alliance and ideological "oneness" with Moscow, their future lay with Peiping. There was the usual realism in this. If Peiping's influence was the stronger, then the local governments would not likely take over the business of local Chinese. (In Indonesia Sukarno took the property of many Chinese and drove them out of the country.)

Hence, the presence of these relatively well-off mainland Chinese in the various countries of today's southeast Asia is a deterrent to local feeling of independence from China and is a very considerable assistance to the growing dominance of Peiping's influence. The Chinese have the added asset of color. The Russians are "long noses" and white.

It was this situation which President Kennedy inherited. It was new. But it is the height of folly to try and fix any blame for it on any individual or administration. The Dulles policy failed. Revision of that policy to try to meet the new conditions has not succeeded.

We now are confronted with the need to negotiate an international agreement which will permit us to withdraw with some saving of face. But what we should understand is that the evolution of former isolated and so-called backward peoples in the world will continue. They want to be left alone. They will not be.

THIS IS THE WEEK THAT IS

Mr. AIKEN. Mr. President, I yield myself such time as may be necessary to impart an observation to the Senate.

This is the week that is.

This is the week when the hands of the clock are running in both directions.

This is the week when history is being made and unmade.

This is the week when King George III, lying restlessly in his grave for almost 200 years, has finally been vindicated.

Poor misunderstood George: He always knew that colonialism was the ideal form of government. But the uncouth yokels—John Hancock, George Washington, Sammy Adams, and all the rest—they were too dumb to understand.

They did not know how well off they were, and they made trouble for George—real trouble.

We must remember, however, that "might and right rule the world—might till right is ready"; and after 190 years, during which George has been kicked and cussed and ridiculed by Whigs and Tories, Democrats and Republicans alike, "right" finally prevailed, and the U.S. Supreme Court decided, belatedly, it is true, that George III had been right all the time.

It may be that some backward countries may now sneer at us; but those that still hold colonies will applaud.

And as for you, Nikita Khrushchev, you with your crackbrained notion that legislative bodies should represent areas as well as population—please step down. Who do you think you are, anyway? Benjamin Franklin?

This is the week that is.

This is the week when Orville Freeman, bless his heart, gave to the public the names and addresses of all the cotton mills that copped $23 million of taxpayers' money in 6 weeks' time.

What a shame—what a travesty to release these names. Now they will be the target of every organization that believes itself deserving of a cut.

Handouts are for farmers—and charities—and the mentally retarded—not for high-level manufacturers. How could you do such a terrible thing, Orville?

But now that the deed has been done and you boys in the textile business are full-fledged members of the club, we welcome you, Brother Bob, and you, Brother Charlie, and all your comrades, into the great fraternity of "Feeders at the Public Trough."

Let me caution you, however, that with the great privileges which you will enjoy as members there is also an obligation.

Keep your dues paid up promptly. The voluntary contributions you made last winter were just initiation fees.

The dues are regular and mandatory.

This is the week that is.

This is the week when the "Society for the Control of Shyness" scored its greatest triumph.

Willie the Wonder Boy had always wanted to be important, but one thing had stood in his way. He was shy.

He never liked to wrestle with the other boys. He would never take candy away from the other children. He wanted it brought to him.

Whenever he took a bath the water would be warmed for him, as he had a violent aversion to cold water.

Once when it was suggested that he ought to act like other boys his age and get out and fight for what he wanted, he simply said: "Nix on that stuff."

When his friends tried to get him to talk on television and radio, thinking that might cure his shyness, he was overcome by "Ike-fright."

Then, the committee for the control of shyness took a hand with Willie. They appealed to his pride; they worked on his conscience; and then they told him that the big bad escapees from rest homes and mental institutions would infest the country and eat all the people unless he stopped being coy.

That did it.

Willie straightened up. He donned his gold-plated armor. He said "I want to do something big," and promptly plunged into the swim where he was almost, but not completely, immediately submerged by cold water.

This is the week that is.

This is the week that three red-blooded American boys are trying out a great experiment in psychology.

These three boys, Lyn, and Dean, and Bob, had heard of a far-off country. At least, it seemed far off until Bob found that it was actually within easy commuting distance.

And in this far-off land there were lots and lots of people; so many in fact that it was very hard to count them.

When Americans first visited this land, the people were very glad to see them. They said, "We like Americans; we want to work with them."

But after a few years their attitude seemed to change.

In spite of all the presents the Americans gave them, the people of this far-off land became less sociable. They even got less friendly with their own government.

One day they found that someone had broken into their palace and done away with their king—who really did like Americans.

After that, they became less friendly than ever.

One day not so many moons ago Dean said to Bob, "I have just had a call from Cab. He says that most everyone in this far-off land don't like us any more. What can we do to make them like us whether they want to or not?"

But Bob said, "We must not do anything until we talk with Lyn."

So they talked with Lyn, and he said, "Do what you think best, boys; I will be too busy to help you much for four more long months."

So Dean and Bob, knowing that all backward people like candy, decided that the thing to do was to drop bom-boms all over these people who don't like Americans any more, and that would make them like us immensely.

So in this week that is we have been dropping bom-boms on the people of this far-off land so they will like us real well from now on.

And if some of the bom-boms intended for the backward people along the Mekong inadvertently fell among the people along the Congo, it may be that either Dean or Bob lost his sense of direction.

Anyway, do we not want the 200 million people of Africa to like us too?

"Oil in oil" our boys are having a busy week.

Yes, Mr. President, this is the week that is. A week to be long remembered.

Provided, of course—and pardon this morbid note—that the events of this week do not constitute a prelude to the week that never will be.

I thank the Senate.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. RUSSELL. Mr. President, under the inspiration of that brilliant bit of satire by the Senator from Vermont [Mr. Aiken], I offer a bipartisan amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 1, line 3, after the quotation mark, and before the word "Civil," it is proposed to insert "Dirksen-Humphrey-Kennedy," so as to make the definition read:

> That this Act may be cited as the Dirksen-Humphrey-Kennedy Civil Rights Act of 1964.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the prohibition of rule XXII against the consideration of amendments that have not been printed be waived.

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. (Mr. Nelson in the chair). Is there objection?

Mr. MANSFIELD. Yes. I think the designation should be "the Dirksen-Humphrey Act."

Mr. RUSSELL. Mr. President, I will modify my amendment accordingly.

Mr. MANSFIELD. I still object.

The PRESIDING OFFICER. Is there objection to the modification? Would the Senator from Montana object?

Mr. MANSFIELD. What was the latest modification?

The PRESIDING OFFICER. Does the Senator from Montana object to the modification?

Mr. MANSFIELD. Oh, yes. The proposed amendment is to the Senate bill, and what we are referring to is the Senate substitute. However, I appreciate the spirit in which the Senator from Georgia offers his amendment.

Mr. RUSSELL. I read in the press that the Senator from Montana suggested this name. In order to avoid any personal embarrassment to those involved, I thought I would offer the amendment. I thought that while we were proceeding in a bipartisan spirit, we might also extend our cooperation and spirit of mutuality to the executive branch of the Government. For that reason, I sought to bring in the Attorney General.

However, I am very fond of the majority leader, so I am willing to eliminate the Attorney General and leave the designation as he suggests—the Dirksen-Humphrey Act.

Mr. MANSFIELD. I thoroughly approve of the idea, but I must object to the amendment because this is the first time I have heard of an amendment of this kind being offered.

The PRESIDING OFFICER. The Senator from Montana objects. Objection is heard.

Mr. RUSSELL. It seems that all the amendments proposed to the bill are found to be most excellent and worthy of everything except adoption and approval.

Mr. MANSFIELD. Mr. President, I yield myself one-half a minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for one-half a minute.

Mr. MANSFIELD. I am thoroughly in accord with the views expressed by the distinguished Senator from Georgia, but I believe that the objective he is seeking to achieve could better be achieved by having all of us recognize that the measure we are considering is the Dirksen-Humphrey substitute.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. Yes, in my time.

Mr. RUSSELL. Does not the Senator from Montana recognize that all of us soon will pass from this mortal scene, and some may even forget the distinguished services of the Senator from Montana and the Senator from Illinois; but if we emblazon their names on the front page of the bill, their names will remain there for all time to come—until the American people rise in their wrath and repeal it.

Mr. MANSFIELD. So I understand; but this is a new type of innovation, at this time.

Mr. RUSSELL. Mr. President, I regret that the Senator from Montana objects.

AMENDMENT NO. 892

Mr. ERVIN. Mr. President, I call up my amendment No. 892, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from North Carolina will be stated.

The Legislative Clerk. On page 10, in line 7, immediately after the word "discretion," it is proposed to insert the words "and upon a showing of substantial cause for intervention."

Mr. ERVIN. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. First, Mr. President, I ask for the yeas and nays upon the amendment.

Mr. PASTORE. Mr. President, I join in the request for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I do not think the man who could exercise fairly and wisely all the powers of unprecedented scope and sweep which this bill undertakes to vest in the Attorney General has yet been born.

My amendment merely provides that before the Attorney General shall be permitted to intervene in a private lawsuit between two individuals, instituted under title II of the bill, the Attorney General must show the court that there is a substantial cause for his intervention.

Mr. PASTORE. Mr. President, let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

On this vote, the Senator from Mississippi [Mr. STENNIS] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Mississippi would vote "yea," and the Senator from California would vote "nay."

The result was announced—yeas 23, nays 72, as follows:

[No. 416 Leg.]

YEAS—23

Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Gore
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Smathers
Sparkman
Talmadge
Thurmond
Tower
Walters

NAYS—72

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Goldwater
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—5

Engle
Hayden
Robertson
Stennis
Young, Ohio

So Mr. ERVIN's amendment (No. 892) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendments Nos. 876 and 894, and ask unanimous consent that the amendments be printed at this point in the RECORD, that the reading of the amendments be omitted, and that the Senate vote upon the amendments en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN's amendment No. 876 is as follows:

On page 53, line 19, immediately after the word "complaint", insert the words "with the consent of such attorney".

Mr. ERVIN's amendment No. 894 is as follows:

On page 10, line 10, immediately after the word "complainant", insert the words "with the consent of such attorney".

Mr. ERVIN. Mr. President, titles II and VII of the bill provide that the court may appoint attorneys to represent complainants in private suits under those titles. My amendments would merely specify that the judge could not appoint an attorney to represent a complaining party in private litigation under those two titles without the consent of such attorney.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from North Carolina (Nos. 876 and 894). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. ROBERTSON] and the Senator from Ohio [Mr. YOUNG], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 26, nays 71, as follows:

[No. 417 Leg.]

YEAS—26

Bennett
Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Gore
Hayden
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Yarborough

NAYS—71

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Goldwater
Gruening
Hart
Hartke
Hickenlooper
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Md.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—3

Engle
Robertson
Young, Ohio

So Mr. ERVIN's amendments (Nos. 876 and 894) were rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I call up my amendment No. 796, and ask that the clerk state it.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 10, beginning with "the" on line 13, to strike out everything through "and" on line 16, as follows: "the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and".

Mr. ERVIN. Mr. President, I yield myself such of my remaining time as I need.

I advise the Senate that this is the last amendment which I shall propose.

As some Members of the Senate may suspect, I am opposed to the bill. After it became apparent to me that the bill would be passed, I made efforts, in good faith, to offer amendments which I think would have improved the bill. I deeply regret they were not given a very favorable reception by the Senate.

This amendment is very simple. It is designed to strike out the provision of title II——

The PRESIDING OFFICER. The Senator will suspend until order is obtained in the Senate, without taking it from the Senator's time.

Mr. RUSSELL. Mr. President, the Senate is not yet in order.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats or retire to the cloakrooms if they wish to carry on conversations. Aids and attachés will please take their seats, or leave the Chamber. The Senator will not proceed until the Senate is in order.

The Senator from North Carolina may proceed.

Mr. ERVIN. This amendment would strike from title II the provision which would allow the court to tax an attorney's fee as a part of the cost in favor of the prevailing party.

While there are a few statutes on Federal and State levels which allow the court to tax an attorney's fee, the general rule which applies virtually to all litigants in Federal and State courts is that each litigant must pay the compensation of his own attorney.

This is a salutary rule, because any rule to the contrary would make the persons benefiting by it special favorites of the law.

It is a general principle of law—and I believe it has been so held without any opinion to the contrary in every State in the Union that has had occasion to pass on the subject—that no corporation can practice law through counsel chosen and controlled by it.

On January 14, 1963, however, the Supreme Court of the United States, by a sharply divided vote, handed down the case of the National Association for the Advancement of Colored People against Robert Y. Button, Attorney General of Virginia, which is reported in volume 9, second series, lawyers edition of the Reports of the Supreme Court of the United States, page 405; and I ask unanimous consent to have this opinion printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, ETC., PETITIONER *v.* ROBERT Y. BUTTON, ATTORNEY GENERAL OF VIRGINIA, ET AL.

(U.S.—, 9 L Ed 2d 405, 83 S. Ct. (No. 5), reargued October 9, 1962; decided January 14, 1963)

SUMMARY

In a suit brought by the National Association for the Advancement of Colored People, Inc. (NAACP) and another complainant in the U.S. District Court for the Eastern District of Virginia to restrain the enforcement of Chapters 31, 32, 33, 35, and 36 of the Virginia Acts of Assembly, 1956 extra session, a three-judge court struck down chapters 31, 32, and 35, but abstained from passing on the validity of chapters 33 and 36 pending an authoritative interpretation of the statutes by the Virginia courts. (159 F. Supp. 503.) The two complainants thereupon petitioned the circuit court of the city of Richmond to declare chapters 33 and 36 inapplicable to their activities, or if applicable, unconstitutional, the NAACP making no reservation to the disposition of the entire case by the State court, and seeking a permanent injunction and a binding adjudication of all its claims. The circuit court held the statutes both applicable and constitutional. On appeal the Virginia Supreme Court of Appeals held chapter 36 unconstitutional, but upheld chapter 33, which expanded the definition of improper solicitation of legal business as described hereinafter. (202 Va. 142, 116 S.E. 2d 55.)

On certiorari filed by the NAACP, the Supreme Court reversed. In an opinion by Brennan, J., expressing the views of five members of the court, it was held that (1) the judgment of the Virginia Supreme Court of Appeals was a "final" judgment subject to review under 28 U.S.C. 1257; and (2) chapter 33, as construed by the Virginia Supreme Court of Appeals to make criminal (a) advising another that his legal rights have been infringed and referring him to a particular attorney or group of attorneys for assistance and (b) knowingly rendering legal assistance to the person thus referred, could not be justified under the State's interest in regulating barratry, champerty and maintenance, and unconstitutionally restricted the NAACP's freedom of expression and association.

Douglas, J., while concurring in the Court's judgment and opinion, stated that the statute was discriminatory against the NAACP.

White, J., concurring in part and dissenting in part, agreed that the statute was unconstitutional but expressed the view that a narrowly drawn statute would be constitutional if it proscribed only the actual day-to-day management and dictation of the tactics, strategy, and conduct of litigation by a lay entity such as the NAACP.

Harlan, J., joined by Clark and Stewart, JJ., dissented on the ground that the statute constitutionally regulated the litigating activities of the NAACP.

HEADNOTES

(Classified to U.S. Supreme Court Digest, annotated)

Appeal and error, section 1262.5—certiorari—failure to cross petition—scope of review.

1. In certiorari proceeding to review a judgment of a State court declaring a State statute constitutional, the U.S. Supreme Court will not review the State court's decision declaring another State statute unconstitutional, where no cross petition for certiorari to review the latter decision is filed. (See annotation reference 1.)

Courts section 757.5—Federal—awaiting decision of State court.

2. A three-judge Federal district court's abstention from a passing on the validity of a State statute, pending an authoritative interpretation of the statute by the State courts, does not involve the abdication of Federal jurisdiction, but only the postponement of its exercise. (See annotation reference 2.)

Appeal and error, section 383; Courts section 757.5—Federal court awaiting State court decision—Supreme Court review of State court judgment.

3. Where a three-judge Federal district court case involves the validity of a State statute, and the district court abstains from passing on the statute's validity pending an authoritative interpretation of the statute by State courts, the district court properly retains jurisdiction of the case, but if the party remitted to the State courts elects to seek a complete and final adjudication of his rights in the State courts, the district court's reservation of jurisdiction is purely formal and does not impair the U.S. Supreme Court's jurisdiction to review directly an otherwise final judgment of the highest court of the State. (See annotation reference 2.)

Appeal and error section 83; courts section 757.5—final judgment

4. A party in a three-judge Federal district court who is remitted to the State courts for an authoritative interpretation of a State statute, and who seeks in the State courts a binding adjudication of all his claims, making no reservation to the disposition of the entire case by the State courts, asking for injunctive as well as declaratory relief, and appealing from the lower courts to the highest court of the State, thereby elects to seek a complete and final adjudication of his rights in the State courts, and the judgment of the highest court of the State is a "final" judgment within the meaning of 28 U.S.C. 1257, which permits review by the U.S. Supreme Court of certain final judgments or decrees. (See annotation reference 3.)

Statutes sections 26, 30—corporation—standing to assail statute

5. A corporation which claims that a State statute unconstitutionally infringes its rights, and the rights of its members and lawyers, to associate for the purpose of assisting persons who seek legal redress for infringement of their rights, has standing to assert its rights and the corresponding rights of its members.

Constitutional Law sections 925, 940—NAACP—freedom of speech and of association

6. The 1st and 14th amendments protect, and a State under its power to regulate the legal profession may not prohibit, the activities of the National Association for the Advancement of Colored People (NAACP), its affiliates, and its legal staff in defraying the expense of and conducting litigation for litigants whom it decides to assist, even though the NAACP distributes printed forms for signature by persons designating the NAACP as their representative in desegregation cases and the NAACP will not underwrite suits in which the plaintiff seeks separate but equal rather than fully desegregated public school facilities. (See annotation references 4–9).

States, section 12—constitutional rights form of infringement.

7. A State cannot foreclose the exercise of Federal constitutional rights by mere labels.

Constitutional law, Section 927—free speech —advocacy against Government.

8. The first amendment protects not only abstract discussion but also vigorous advocacy, certainly of lawful ends, against Governmental intrusion. (See annotation reference 5.)

Constitutional law, section 940—freedom of association.

9. The 1st and 14th amendments protect certain forms of orderly group activity, including the right to engage in association for the advancement of beliefs and ideas.

Courts, section 805—State statute—following State court interpretation.

10. A full and authoritative construction of a State statute by the highest court of a State, in a detailed factual context, binds the U.S. Supreme Court, for which the words of the State's highest court are in effect the words of the statute.

Constitutional law, section 925; evidence, section 99(1)—vague statute—presumption of constitutionality.

11. Since standards of permissible statutory vagueness are strict in the area of free expression, the U.S. Supreme Court will not presume that an ambiguous line between permitted and prohibited activities curtails constitutionally protected activity as little as possible, or that in subsequent enforcement of the statute, ambiguities will be resolved in favor of adequate protection of first amendment rights. (See annotation references 5, 10 to 12.)

Constitutional law, section 925—first amendment rights—statutes inhibiting.

12. A State court decree upholding the validity of a State statute may be invalid if it prohibits privileged exercise of first amendment rights whether or not the record discloses that the party challenging the statute has engaged in privileged conduct, for in appraising a statute's inhibitory effect upon such rights the U.S. Supreme Court will not hesitate to take into account possible applications of the statute in other factual contexts besides that at bar.

Statutes, section 18—vagueness—constitutionality.

13. The objectionable quality of vagueness and overbreadth in a statute does not depend upon absence of fair notice to a criminally accused or upon unchanneled delegation of legislative powers, but upon the danger of tolerating, in the area of first amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application. (See annotation references 5, 10 to 12.)

Constitutional law, section 925; statutes, section 17—first amendment—statutory vagueness.

14. Because first amendment freedoms need breathing space to survive, and the threat of sanctions may deter their exercise almost as potently as actual application of sanctions, government may regulate in the

area only with narrow specificity. (See annotation references 5, 10 to 12.)

Statutes, section 17—vagueness—lack of prosecution.

15. A State statute which has so broad and uncertain a meaning that it can be applied to deprive persons of first amendment rights is unconstitutional whether or not such prosecutions or proceedings would actually be commenced, and whether or not the highest court of the State expressly confirms the right to advocate civil rights litigation. (See annotation references 5, 10 to 12.)

Barratry, section 2; champerty and maintenance, section 1; constitutional law, section 925—referrals to attorneys.

16. A State statute which makes it a crime (1) to advise another that his legal rights have been infringed and to refer him to a particular attorney or group of attorneys for assistance, or (2) knowingly to render legal assistance to the person thus referred, cannot be justified under the State's interest in regulating the traditionally illegal practices of barratry, maintenance, and champerty, and such a statute limits 1st amendment freedoms and violates the 14th amendment by unduly inhibiting protected freedoms of expression and association. (See annotation references 4 to 12.)

Constitutional law, section 925: Freedom to persuade to action

17. Free trade in ideas means free trade in the opportunity to persuade to action, not merely to describe facts. (See annotation reference 5.)

Constitutional law, section 925: State regulation—First amendment freedoms

18. Only a compelling State interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting first amendment freedoms.

Constitutional law, section 881: Professional misconduct—prohibitions

19. A State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights.

Barratry, section 2: Elements—malicious intent

20. Malicious intent is of the essence of the common-law offenses of fomenting or stirring up litigation, and as a matter of law the exercise of first amendment rights for enforcement of constitutional rights through litigation cannot be deemed malicious. (See annotation references 4, 6 to 9.)

Constitutional law, sections 925, 940: Minority groups—protection of

21. The Constitution protects expression and association without regard to race, creed, or political or religious affiliation of the members of the group which invokes its shield, or to the truth, popularity, or social utility of the ideas and beliefs which are offered. (See annotation reference 5.)

Point from separate opinion

Civil rights, section 7.5: Constitutional law, sections 370, 408—Discriminatory statute—practice of law—corporations

22. A State statute making it a crime (1) to advise another that his legal rights have been infringed and to refer him to a particular attorney or group of attorneys for assistance, or (2) knowingly to render legal assistance to the person thus referred, is unconstitutional an discriminatory against the National Association for the Advancement of Colored People, Inc. (NAACP), where it makes no distinction between an organization which has no pecuniary right or liability in a judicial proceeding and one which does, and where the statute's application reflects a legislative purpose to penalize the NAACP because the NAACP promotes desegregation of the races. [From separate opinion by Douglas, J.] (See annotation references 4 to 9.)

ANNOTATION REFERENCES

1. Failure to cross appeal as affecting scope of appellate review. (1 L. Ed. 2d 1820.)

2. Discretion of Federal court to remit relevant State issues to State court in which no action is pending. (94 L. Ed. 879; 3 L. Ed. 2d 1827; 8 A.L.R. 2d 1228.)

3. When judgments of State courts are final for the purpose of a review by the Supreme Court of the United States. (1 L. Ed. 2d 1820.)

4. Constitutionality of statute against solicitation of business by or for attorney. (53 A.L.R. 279.)

5. The Supreme Court and the right of free speech and press. (93 L. Ed. 1151; 2 L. Ed. 2d 1706.)

6. Suspension or revocation of medical or legal professional licenses as violating due process.(98 L. Ed. 851.)

7. Barratry, what is; acts constituting. (28 L. Ed. 809.)

8. Offense of barratry; criminal aspects of champerty and maintenance. (139 A.L.R. 620.)

9. Law as to champerty and maintenance as applied to agreements with respect to bringing and prosecution of claims against government or agencies of government. (106 A.L.R. 1494.)

10. Vagueness or indefiniteness of statute as rendering it unconstitutional or inoperative. (70 L. Ed. 322.)

11. Indefiniteness of language as affecting validity of criminal legislation. (96 L. Ed. 374; 97 L. Ed. 203.)

12. Illustrations as to when statute defining criminal offense is subject to attack as vague, indefinite, or uncertain. (89 L. Ed. 893.)

APPEARANCES OF COUNSEL

Robert L. Carter reargued the cause for petitioner.

Henry T. Wickham reargued the cause for respondents.

OPINION OF THE COURT

Mr. Justice Brennan delivered the opinion of the Court.

This case originated in companion suits by the National Association for the Advancement of Colored People, Inc. (NAACP) and the NAACP Legal Defense and Educational Fund, Inc. (defense fund), brought in 1957 in the U.S. District Court for the Eastern District of Virginia. The suits sought to restrain the enfrocement of chapters 31, 32, 33, 35 and 36 of the Virginia Acts of Assembly, 1956 extra session, on the ground that the statutes, as applied to the activities of the plaintiffs, violated the 14th amendment. A three-judge court convened pursuant to 28 U.S.C. 2281, after hearing evidence and making factfindings, struck down chapters 31, 32, and 35 but abstained from passing upon the validity of chapters 33 and 36 pending an authoritative interpretation of these statutes by the Virginia courts.[1] The complainants thereupon petitioned in the circuit court of the city of Richmond to declare chapters 33 and 36 inapplicable to their activities, or, if applicable, unconstitutional. The record in the circuit court was that made before the three-judge court supplemented by additional evidence. The circuit court held the chapters to be both applicable and constitutional. The holding was sustained by the Virginia Supreme Court of Appeals as to chapter 33, but reversed as to chapter 36, which was held unconstitutional under both State and Federal law.[2]

Thereupon, the defense fund returned to the Federal district court, where its case is presently pending, while the NAACP filed the instant petition. We granted certiorari (365 U.S. 842, 5 L. ed. 2d 807, 81 S. Ct. 803).[3] We heard ——— argument in the 1961 term and ordered reargument this term (369 U.S. 833, 7 L. ed. 2d 841, 82 S. Ct. 863). Since no cross-petition was filed to review the Supreme Court of Appeals' (headnote 1) disposition of chapter 36, the only issue before us is the constitutionality of chapter 33 as applied to the activities of the NAACP.

There is no substantial dispute as to the facts; the dispute centers about the constitutionality under the 14th amendment of chapter 33, as construed and applied by the Virginia Supreme Court of Appeals to include NAACP's activities within the statute's ban against "the improper solicitation of any legal business."

The NAACP was formed in 1909 and incorporated under New York law as a nonprofit membership corporation in 1911. It maintains its headquarters in New York and presently has some 1,000 active unincorporated branches throughout the Nation. The corporation is licensed to do business in Virginia, and has 89 branches there. The Virginia branches are organized into the Virginia State Conference of NAACP Branches (the conference), an unincorporated association, which in 1957 had some 13,500 members. The activities of the conference are financed jointly by the national organization and the local branches from contributions and membership dues. NAACP policy, binding upon local branches and conferences, is set by the annual national convention.

The basic aims and purposes of NAACP are to secure the elimination of all racial barriers which deprive Negro citizens of the privileges and burdens of equal citizenship rights in the United States. To this end the association engages in extensive educational and lobbying activities. It also devotes much of its funds and energies to an extensive program of assisting certain kinds of litigation on behalf of its declared purposes. For more than 10 years, the Virginia conference has concentrated upon financing litigation aimed at ending racial segregation in the public schools of the Commonwealth.

The conference ordinarily will finance only cases in which the assisted litigant retains an NAACP staff lawyer to represent him.[4] The conference maintains a legal staff of 15 attorneys, all of whom are Negroes and members of the NAACP. The staff is elected at the conference's annual convention. Each legal staff member must agree to abide by the policies of the NAACP, which, insofar as they pertain to professional services, limit the kinds of litigation which the NAACP will assist. Thus the NAACP will not underwrite ordinary damages actions, criminal actions in which the defendant raises no question of possible racial discrimination, or suits in which the plaintiff seeks separate but equal rather than fully desegregated public school facilities. The staff decides whether a litigant, who may or may not be an NAACP member, is entitled to NAACP assistance. The conference defrays all expenses of litigation in an assisted case, and usually, although not always, pays each lawyer on the case a per diem fee not to exceed $60, plus out-of-pocket expenses. The assisted litigant receives no money from the conference or the staff lawyers. The staff member may not accept, from the litigant or any other source, any other compensation for his services in an NAACP-assisted case. None of the staff receives a salary or retainer from the NAACP; the per diem fee is paid only for professional services in a particular case. This per diem payment is smaller than the compensation ordinarily received for equivalent private professional work. The actual conduct of assisted litigation is under the control of the attorney, although the NAACP continues to be concerned that the outcome of the lawsuit should be consistent with NAACP's policies already described. A client is free at any time to withdraw from an action.

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[1] *National Association for Advancement of Colored People* v. *Patty,* 159 F. Supp. 503 (DCED Va. 1958). On direct appeal under 28 U.S.C. 1253, from the judgment striking down Chapters 31, 32, and 35, this Court reversed, remanding with instructions to permit the complainants to seek an authoritative interpretation of the statutes in the Virginia courts. *Harrison* v. *National Association for Advancement of Colored People,* 360 U.S. 167, 3 L ed. 2d 1152, 79 S. Ct. 1025. In ensuing litigation, the Circuit Court of the City of Richmond held most of the provisions of the three chapters unconstitutional. *NAACP* v. *Harrison,* Chancery causes No. B–2879 and No. B–2880, Aug. 31, 1962.

[2] *National Association for Advancement of Colored People* v. *Harrison,* 202 Va. 142, 116 SE 2d 55 (1960). Chapter 36, which is codified in §§ 18.1–394 et seq., Code of Virginia (1960) Repl. Vol.), prohibits the advocacy of suits against the Commonwealth and the giving of any assistance, financial or otherwise, to such suits.

[3] Certiorari was first granted sub nom. *NAACP* v. *Gray.* The litigation began sub nom. *NAACP* v. *Patty, Attorney General of Virginia.* During the course of the litigation the names of successive holders of that office have been substituted as party respondent. See Supreme Court Rule 48(3) as amended. 366 U.S. 979, 6 L Ed. 2d lxii, 81 S. Ct. xv.

[4] However, the record contains two instances where Negro litigants had retained attorneys, not on the legal staff, prior to seeking financial assistance from the conference. The conference rendered substantial financial assistance in both cases. In one case the conference paid the attorney's fee.

The members of the legal staff of the Virginia conference and other NAACP or defense fund lawyers called in by the staff to assist are drawn into litigation in various ways. One is for an aggrieved Negro to apply directly to the conference or the legal staff for assistance. His application is referred to the chairman of the legal staff. The chairman, with the concurrence of the president of the conference, is authorized to agree to give legal assistance in an appropriate case. In litigation involving public school segregation, the procedure tends to be different. Typically, a local NAACP branch will invite a member of the legal staff to explain to a meeting of parents and children the legal steps necessary to achieve desegregation. The staff member will bring printed forms to the meeting authorizing him, and other NAACP or defense fund attorneys of his designation, to represent the signers in legal proceedings to achieve desegregation. On occasion, blank forms have been signed by litigants, upon the understanding that a member or members of the legal staff, with or without assistance from other NAACP lawyers, or from the defense fund, would handle the case. It is usual, after obtaining authorizations, for the staff lawyer to bring into the case the other staff members in the area where suit is to be brought, and sometimes to bring in lawyers from the national organization or the defense fund.[5] In effect, then, the prospective litigant retains not so much a particular attorney as the firm of NAACP and defense fund lawyers, which has a corporate reputation for expertness in presenting and arguing the difficult questions of law that frequently arise in civil rights litigation.

These meetings are sometimes prompted by letters and bulletins from the conference urging active steps to fight segregation. The conference has on occasion distributed to the local branches petitions for desegregation to be signed by parents and filed with local school boards, and advised branch officials to obtain, as petitioners, persons willing to "go all the way" in any possible litigation that may ensue. While the conference in these ways encourages the bringing of lawsuits, the plaintiffs in particular actions, so far as appears, make their own decisions to become such.[6]

Statutory regulation of unethical and nonprofessional conduct by attorneys has been in force in Virginia since 1849. These provisions outlaw, inter alia, solicitation of legal business in the form of "running" or "capping." Prior to 1956, however, no attempt was made to proscribe under such regulations the activities of the NAACP, which had been carried on openly for many years in substantially the manner described. In 1956, however, the legislature amended, by the addition of chapter 33, the provisions of the Virginia code forbidding solicitation of legal business by a "runner" or "capper" to include, in the definition of "runner" or "capper," an agent for an individual or organization which retains a lawyer in connection with an action to which it is not a party and in which it has no pecuniary right or liability.[7] The Virginia Supreme Court of Appeals held that the chapter's purpose "was to strengthen the existing statutes to further control the evils of solicitation of legal business." (202 Va. at 154, 116 S.E. 2d at 65.) The court held that the activities of NAACP,

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[5] The defense fund, which is not involved in the present phase of the litigation, is a companion body to the NAACP. It is also a nonprofit New York corporation licensed to do business in Virginia, and has the same general purposes and policies as the NAACP. The fund maintains a legal staff in New York City and retains regional counsel elsewhere, one of whom is in Virginia. Social scientists, law professors, and law students throughout the country donate their services to the fund without compensation. When requested by the NAACP, the defense fund provides assistance in the form of legal research and counsel.

[6] Seven persons who were or had been plaintiffs in Virginia public school suits did testify that they were unaware of their status as plaintiffs and ignorant of the nature and purpose of the suits to which they were parties. It does not appear, however, that the NAACP had been responsible for their involvement in litigation. These plaintiff's testified that they had attended meetings of parents without grasping the meaning of the discussions, had signed authorizations either without reading or without understanding them, and thereafter had paid no heed to the frequent meetings of parents called to keep them abreast of legal developments. They also testified that they were not accustomed to read newspapers or listen to the radio. Thus they seem to have had little grasp of what was going on in the communities. Two of these seven plaintiffs had been persuaded to sign authorizations by their own children, who had picked up forms at NAACP meetings. Five were plaintiff's in the Prince Edward County school litigation, in which 186 persons were joined as plaintiffs. (See *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 517 (D.C.E.D. Va. 1958).)

[7] Code of Virginia, 1950, sections 54–74, 54–78, and 54–79, as amended by acts of 1956, c. 33 (repl. vol. 1958), reads in pertinent part as follows (amendments in black brackets):

"Section 54–74. If the supreme court of appeals, or any court of record of this State, observes, or if complaint, verified by affidavit, be made by any person to such court of any malpractice or of any unlawful or dishonest or unworthy or corrupt or unprofessional conduct on the part of any attorney, or that any person practicing law is not duly licensed to practice in this State, such court shall, if it deems the case a proper one for such action, issue a rule against such attorney or other person to show cause why his license to practice law shall not be revoked or suspended.

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"Upon the hearing, if the defendant be found guilty by the court, his license to practice law in this State shall be revoked, or suspended for such time as the court may prescribe; provided, that the court, in lieu of revocation or suspension, may, in its discretion, reprimand such attorney.

* * * * *

"'Any malpractice, or any unlawful or dishonest or unworthy or corrupt or unprofessional conduct,' as used in this section, shall be construed to include the improper solicitation of any legal or professional business or employment, either directly or indirectly, [or the acceptance of employment, retainer, compensation or costs from any person, partnership, corporation, organization or association with knowledge that such person, partnership, corporation, organization or association has violated any provision of article 7 of this chapter] (Sections 54–78 to 54–83.1), [or the] failure, without sufficient cause, within a reasonable time after demand, of any attorney at law, to pay over and deliver to the person entitled thereto, any money, security or other property, which has come into his hands as such attorney; [provided, however, that nothing contained in this article shall be construed to in any way prohibit any attorney from accepting employment to defend any person, partnership, corporation, organization or association accused of violating the provisions of article 7 of this chapter.]

* * * * *

"Section 54–78. (1) A 'runner' or 'capper' is any person, corporation, partnership or association acting in any manner or in any capacity as an agent for an attorney at law within this State [or for any person, partnership, corporation, organization or association which employs, retains or compensates any attorney at law in connection with any judicial proceeding in which such person, partnership, corporation, organization or association is not a party and in which it has no pecuniary right or liability,] in the solicitation or procurement of business for such attorney at law [or for such person, partnership, corporation, organization or association in connection with any judicial proceedings for which such attorney or such person, partnership, corporation, organization or association is employed, retained or compensated.]

["The fact that any person, partnership, corporation, organization or association is a party to any judicial proceeding shall not authorize any runner or capper to solicit or procure business for such person, partnership, corporation, organization or association or any attorney at law employed, retained or compensated by such person, partnership, corporation, organization or association.]

"(2) An 'agent' is one who represents another in dealing with a third person or persons.

"Section 54–79. It shall be unlawful for any person, corporation, partnership or association to act as a runner or capper [as defined in section 54–78] to solicit any business for [an attorney at law or such person, partnership, corporation, organization or association,] in and about the State prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, police courts, [county] courts, municipal courts, courts [of record,] or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever." Code of Virginia, 1950, secs. 54–82, 54–83.1, as amended (repl. vol. 1958), provide:

"Section 54.82. Penalty for violation.—Any person, corporation, partnership or asso-the Virginia conference, the defense fund, and the lawyers furnished by them, fell within, and could constitutionally be proscribed by, the chapter's expanded definition of improper solicitation of legal business, and also violated canons 35 and 47 of the American Bar Association's Canons of Professional Ethics, which the court had adopted in 1938.[8] Specifically the court held that, under the expanded definition, such activities on the part of NAACP, the Virginia conference, and the defense fund constituted "fomenting and soliciting legal business in which they are not parties and have no pecuniary right or liability, and which they channel to the enrichment of certain lawyers employed by them, at no cost to the litigants and over which the litigants have no control." (202 Va. at 155, 116 S.E. 2d at 66.) Finally, the court restated the decree of the Richmond circuit court. We have excerpted the pertinent portion of the court's holding in the margin.[9]

I

A jurisdictional question must first be resolved: whether the judgment below was "final" within the meaning of 28 U.S.C. 1257. The three-judge Federal district court retained jurisdiction of this case while an authoritative construction of chapters 33 and 36 was being sought in the Virginia courts. Cf. *Chicago* v. *Fieldcrest Dairies, Inc.,* 316 U.S. 168, 173, 86 L. Ed. 1355, 1358, 62 S. Ct. 986. The question of our jurisdiction arises because, when the case was last here, we observed that such abstention to secure (headnote 2) State court interpretation "does not, of course, involve the abdication [by the district court] of Federal jurisdiction, but only the postponement of its exercise." *Harrison* v. *National Association for Advancement of Colored People* (360 U.S. 167, 177, 3 L. Ed. 2d 1152, 1158, 79 S. Ct. 1025). We meant simply that the district court had properly retained jurisdiction, since a party has the right to return to the district court, after obtaining the authoritative State court construction for which the court abstained, for a (headnote 3) final determination of his claim. Where, however, the party remitted to the State courts elects to seek a complete and final adjudication of his rights in the State courts, the district court's reservation of jurisdiction is purely formal, and does not impair our jurisdiction to review directly an otherwise final State court judgment. *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45, 3 L. Ed. 2d 1072, 79 S. Ct. 985). We think it clear that petitioner (headnote 4) made such an election in the instant case, by seeking from the Richmond circuit court "a binding adjudication" of all its claims and a permanent injunction as well as declaratory relief, by making no reservation to the disposition of the entire case by the State courts, and by coming here directly on certiorari. Therefore, the judgment of the Virginia Supreme Court of Appeals was final, and the case is properly before us.

II

Petitioner challenges the decision of the Supreme Court of Appeals on many grounds. But we reach only one: that chapter 33 as construed and applied abridges the freedoms of the first amendment, protected against State action by the 14th.[10] More specifically, petitioner claims that the chapter infringes the right of the NAACP and its members and lawyers to associate for the purpose of assisting persons who seek legal redress for infringements of their constitutionally guaranteed and other rights. We think petitioner may assert (headnote 5) this right on its own behalf, because, though a corporation, it is directly engaged in those activities, claimed to be constitutionally protected, which the statute would curtail. (*Cf. Grosjean* v. *American Press Co.,* 297 U.S. 233, 80 L. ed. 660, 56 S. Ct. 444.) We also think petitioner has standing to assert the corresponding rights of its members. (See *National Association for Advancement of Colored People v. Alabama,* 357 U.S. 449, 458–460, 2 L. ed. 2d 1488, 1497–99, 78 S. Ct. 1163); *Bates* v. *Little Rock,* (361 U.S. 516, 523 note 9, 4 L. ed. 2d 480, 486, 80 S. Ct. 412); Louisiana ex rel. *Gremillion* v. *National Association for Advancement of Colored People,* (366 *U.S.* 293, 296, 6 L. ed. 2d 301, 304, 81 S. Ct. 1333.)

We reverse the judgment of the Virginia Supreme Court of Appeals. We hold that the activities of the NAACP, its affiliates and legal staff (headnote 6) shown on this record are modes of expression and association protected by the 1st and 14th amendments which Virginia may not prohibit, under its power to regulate the legal profession, as improper solicitation of legal business violative of chapter 33 and the Canons of Professional Ethics.[11]

A

We meet at the outset the contention that "solicitation" is wholly outside the area of freedoms protected by the first amendment. To this contention there are two answers. The first is (headnote 7) (headnote 8) that a State cannot foreclose the exercise of constitutional rights by mere labels. The second is that abstract discussion is not the only species of communication which the Constitution protects; the first amendment also protects vigorous advocacy, certainly of lawful ends, against governmental intrusion. *Thomas* v. *Collins,* 323 U.S. 516, 537, 89 L. Ed. 430, 444, 65 S. Ct. 315; *Herndon* v. *Lowry,* 301 U.S. 242, 259–264, 81 L. Ed. 1066, 1075–1078, 57 S. Ct. 732. Cf. *Cantwell* v. *Connecticut,* 310 U.S. 296, 84 L. Ed. (1213, 60 S. Ct. 900, 128 ALR 1352); *Stromberg* v. *California,* 283 U.S. 359. 369, 75 L. Ed. 1117, 1123, 51 S. Ct. 532, 73 ALR 1484; *Terminiello* v. *Chicago,* 337 U.S. 1, 4, 93 L. Ed. 1131, 1134, 69 S. Ct. 894. In the context of NAACP objectives, litigation is not a technique of resolving private differences; it is a means for achieving the lawful objectives of equality of treatment by all government, Federal, State, and local, for the members of the Negro community in this country. It is thus a form of political expression. Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the courts.[12] Just as it was true of the opponents of New Deal legislation during the 1930's,[13] for example, no less is it true of the Negro minority today. And under the conditions of modern government, litigation

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citation violating any of the provisions of this article shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than $100 nor more than $500, or by imprisonment for not less than 1 month nor more than 6 months, or by both such fine and imprisonment.

"Section 54–83.1. Injunction against running, capping, soliciting, and maintenance.—The Commonwealth's attorney, or any person, firm or corporation against whom any claim for damage to property or damages for personal injuries or for death resulting therefrom, is or has been asserted, may maintain a suit in equity against any person who has solicited employment for himself or has induced another to solicit or encourage his employment, or against any person, firm, partnership or association which has acted for another in the capacity of a runner or capper or which has been stirring up litigation in such a way as to constitute maintenance whether such solicitation was successful or not, to enjoin and permanently restrain such person, his agents, representatives and principals from soliciting any such claims against any person, firm or corporation subsequent to the date of the injunction."

[8] 171 Va, pp xxxii–xxxiii, xxxv (1938). Canon 35 reads in part as follows:

"Intermediaries.—The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibilities and qualifications are individual. He should avoid all relations which direct the performance of his duties by or in the interest of such intermediary. A lawyer's relation to his client should be personal, and the responsibility should be direct to the client. Charitable societies rendering aid to the indigent are not deemed such intermediaries." Canon 47 reads as follows:

"Aiding the unauthorized practice of law.—No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible, the unauthorized practice of law by any lay agency, personal or corporate."

[9] "The solicitation of legal business by the appellants, their officers, members, affiliates, voluntary workers and attorneys, as shown by the evidence, violates chapter 33 and the canons of legal ethics;

"* * * attorneys who accept employment by appellants to represent litigants in suits solicited by the appellants, or those associated with them, are violating chapter 33 and the canons of legal ethics;

* * * * *

"Appellants and those associated with them may not be prohibited from acquainting persons with what they believe to be their legal rights and advising them to assert their rights by commencing or further prosecuting a suit against the Commonwealth of Virginia, any department, agency or political subdivision thereof, or any person acting as an officer or employee of such, but in so advising persons to commence or further prosecute such suits the appellants, or those associated with them, shall not solicit legal business for their attorneys or any particular attorneys; and

"(b) the appellants and those associated with them may not be prohibited from contributing money to persons to assist them in commencing or further prosecuting such suits, which have not been solicited by the appellants or those associated with them, and channeled by them to their attorneys or any other attorneys." (202 Va. at 164, 165, 116 S.E. 2d at 72.)

[10] Petitioner also claims that chapter 33 as construed denies equal protection of the laws, and is so arbitrary and irrational as to deprive petitioner of property without due process of law.

[11] It is unclear—and immaterial—whether the Virginia court's opinion is to be read as holding that NAACP's activities violated the Canons because they violated chapter 33, or as reinforcing its holding that chapter 33 was violated by finding an independent violation of the Canons. Our holding that petitioner's activities are constitutionally protected applies equally whatever the source of Virginia's attempted prohibition.

[12] Murphy, "The South Counterattacks: The Anti-NAACP Laws," 12 W. Pol. Q. 371 (1959). See Bentley, "The Process of Government: A Study of Social Pressures" (1908); Rosenblum, "Law as a Political Instrument" (1955); Peltason, "Federal Courts in the Political Process" (1955); Truman, "The Governmental Process: Political Interests and Public Opinion" (1955); Vose, "The National Consumers' League and the Brandeis Brief," 1 Midw J of Pol. Sci. 267 (1957); comment, "Private Attorneys-General; Group Action in the Fight for Civil Liberties," 58 Yale L.J. 574 (1949).

[13] Cf. opinion 148, committee on professional ethics and grievances, American Bar Association (1935), ruling that the Liberty League's program of assisting litigation challenging New Deal legislation did not constitute unprofessional conduct.

may well be the sole practicable avenue open to a minority to petition for redress of grievances.

We need not, in order to find constitutional protection for the kind of cooperative, organizational activity disclosed by this record, whereby Negroes seek through lawful means to achieve legitimate political ends, subsume such activity under a narrow, literal conception of freedom of speech, petition, or assembly (headnote 9). For there is no longer any doubt that the 1st and 14th amendments protect certain forms of orderly group activity. Thus we have affirmed the right "to engage in association for the advancement of beliefs and ideas." *National Association for Advancement of Colored People* v. *Alabama, supra* (357 U.S. at 460). We have deemed privileged, under certain circumstances, the efforts of a union official to organize workers. *Thomas* v. *Collins*, 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315, supra. We have said that the Sherman Act does not apply to certain concerted activities of railroads "at least insofar as those activities comprised mere solicitation of governmental action with respect to the passage and enforcement of laws" because "such a construction of the Sherman Act would raise important constitutional questions," specifically, 1st amendment questions. *Eastern R. Presidents Conference* v. *Noerr Motor Freight, Inc.*, 365 U.S. 127, 138, 5 L. Ed., 2d 464, 471, 81 S. Ct. 523. And we have refused to countenance compelled disclosure of a person's political associations in language closely applicable to the instant case:

"Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association. This right was enshrined in the first amendment of the Bill of Rights. Exercise of these basic freedoms in America has traditionally been through the media of political associations. Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents. All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proved the virtue of political activity by minority, dissident groups. * * *" *Sweezy* v. *New Hampshire*, 354 U.S. 234, 250, 251, 1 L. Ed. 2d 1311, 1325, 77 S. Ct. 1203 (plurality opinion). Cf. *De Jonge* v. *Oregon* 299 U.S. 353, 364–366, 81 L. Ed. 278, 283, 284, 57 S. Ct. 255.

The NAACP is not a conventional political party; but the litigation it assists, while serving to vindicate the legal rights of members of the American Negro community, at the same time and perhaps more importantly, makes possible the distinctive contribution of a minority group to the ideas and beliefs of our society. For such a group, association for litigation may be the most effective form of political association.

B

Our concern is with the impact of enforcement of chapter 33 upon first amendment freedoms. We start, of course, from the decree of the supreme court of appeals. Although the action before it was one basically for declaratory relief, that court not only expounded the purpose and reach of the chapter but held concretely that certain of petitioner's activities had, and certain others had not, violated the chapter. These activities had been explored in detail at the trial and were spread out plainly on the record. We have no doubt that the opinion of the supreme court of appeals in the instant case was intended as a full and authoritative construction of chapter 33 as applied in (headnote 10) a detailed factual context. That construction binds us. For us, the words of Virginia's highest court are the words of the statute. *Hebert* v. *Louisiana*, 272 U.S. 312, 317, 71 L. Ed. 270, 47 S. Ct. 103, 48 ALR 1102. We are not left to speculate at large upon the possible implications of bare statutory language.

But it does not follow that this court now has only a clear-cut task to decide whether the activities of the petitioner deemed unlawful by the Supreme Court of Appeals are constitutionally privileged. If the line drawn by the decree between the permitted and prohibited activities of the NAACP, its members and lawyers is an ambiguous one, we will not presume that the statute curtails constitutionally (headnote 11) protected activity as little as possible. For standards of permissible statutory vagueness are strict in the area of free expression. See *Smith* v. *California*, 361 U.S. 147, 151, 4 L. Ed. 2d 205, 210, 80 S. Ct. 215; *Winters* v. *New York*, 333 U.S. 507, 509, 510, 517, 518, 92 L. Ed. 840, 846, 847, 850, 851, 68 S. Ct. 665; *Herndon* v. *Lowry*, 301 U.S. 242, 81 L. Ed. 1066, 57 S. Ct. 732; *Stromberg* v. *California*, 283 U.S. 359, 75 L. Ed. 1117, 51 S. Ct. 532, 73 ALR 1484; *United States* v. *CIO*, 335 U.S. 106, 142, 92 L. Ed. 2849, 1871, 68 S. Ct. 1349 (Rutledge, J., concurring). Furthermore, the (headnote 12) instant decree may be invalid if it prohibits privileged exercises of first amendment rights whether or not the record discloses that the petitioner has engaged in privileged conduct. For in appraising a statute's inhibitory effect upon such rights, this Court has not hesitated to take into account possible applications of the statute in other factual contexts besides that at bar. *Thornhill* v. *Alabama*, 310 U.S. 88, 97, 98, 84 L. Ed. 1093, 1099, 1100, 60 S. Ct. 736; *Winters* v. *New York, supra* (333 U.S. at 518–520). Cf. *Staub* v. *Baxley*, 355 U.S. 313, 2 L. Ed. 2d 302, 78 S. Ct. 277. It makes no difference that the instant case was not a criminal prosecution and not based on a refusal to comply with a licensing requirement. The objectionable (headnote 13) quality of vagueness and overbreadth does not depend upon absence of fair notice to a criminally accused or upon unchanneled delegation of legislative powers, but upon the danger of tolerating, in the area of first amendment freedoms, the existence of a penal statute susceptible of sweeping and improper application.[14] Cf. *Marcus* v. *Search Warrant of Property, etc.*, 367 U.S. 717, 733, 6 L. Ed. 2d 1127, 1137, 81 S. Ct. 1708. These freedoms are delicate and vulnerable, as well as supremely precious in our society. The threat of sanctions may deter their exercise almost as potently as the actual application of sanctions. Cf. *Smith* v. *California, supra* (361 U.S. at 151–154); *Speiser* v. *Randall*, 357 U.S. 513, 526, L. Ed. 2d 1460, 1472, 78 S. Ct. 1332. Because (headnote 14) first amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity. *Cantwell* v. *Connecticut*, 310 U.S. 296, 311, 84 L. Ed. 1213, 1221, 60 S. Ct. 900, 128 ALR 1352.

We read the decree of the Virginia Supreme Court of Appeals in the instant case as proscribing any arrangement by which prospective litigants are advised to seek the assistance of particular attorneys. No narrower reading is plausible. We cannot accept the reading suggested on behalf of the attorney general of Virginia on the second oral argument that the supreme court of appeals construed chapter 33 as proscribing control only of the actual litigation by the NAACP after it is instituted. In the first place, upon a record devoid of any evidence of interference by the NAACP in the actual conduct of litigation, or neglect or harassment of clients, the court nevertheless held that petitioner, its members, agents, and staff attorneys had practiced criminal solicitation. Thus, simple referral to or recommendation of a lawyer may be solicitation within the meaning of chapter 33. In the second place, the decree does not seem to rest on the fact that the attorneys were organized as a staff and paid by petitioner. The decree expressly forbids solicitation on behalf of "any particular attorneys" in addition to attorneys retained or compensated by the NAACP. In the third place, although chapter 33 purports to prohibit only solicitation by attorneys or their "agents," it defines agent broadly as anyone who "represents" another in his dealings with a third person. Since the statute appears to depart from the common-law concept of the agency relationship and since the Virginia court did not clarify the statutory definition, we cannot say that it will not be applied with the broad sweep which the statutory language imports.

We conclude that under chapter 33, as authoritatively construed by the supreme court of appeals, a person who advises another that his legal rights have been infringed and refers him to a particular attorney or group of attorneys (for example, to the Virginia conference's legal staff) for assistance has committed a crime, as has the attorney who knowingly renders assistance under such circumstances. There thus inheres in the statute the gravest danger of smothering all discussion looking to the eventual institution of litigation on behalf of the rights of members of an unpopular minority. Lawyers on the legal staff or even mere NAACP members or sympathizers would understandably hesitate, at an NAACP meeting or on any other occasion, to do what the decree purports to allow; namely, acquaint "persons with what they believe to be their legal rights and * * * [advise] them to assert their rights by commencing or further prosecuting a suit." For if the lawyers, members, or sympathizers also appeared in or had any connection with any litigation supported with NAACP funds contributed under the provision of the decree by which the NAACP is not prohibited "from contributing money to persons to assist them in commencing or further prosecuting such suits," they plainly would risk (if lawyers) disbarment proceedings and, lawyers and nonlawyers alike, criminal prosecution for the offense of "solicitation," to which the Virginia court gave so broad and uncertain a meaning. It (headnote 15) makes no difference whether such prosecutions or proceedings would actually be commenced. It is enough that a vague and broad statute lends itself to selective enforcement against unpopular causes. We cannot close our eyes to the fact that the militant Negro civil rights movement has engendered the intense resentment and opposition of the politically dominant white community of Virginia;[15] litigation assisted by the NAACP has been bitterly fought.[16] In such circumstances, a statute broadly curtailing group activity leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such activity on behalf of the civil rights of Negro citizens.

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[14] Amsterdam, note, "The Void-for-Vagueness Doctrine in the Supreme Court," 109 U. of Pa. L. Rev. 67, 75–76, 80–81, 96–104 (1960).

[15] See *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 516, 517 (DCED Va. 1958); *Davis* v. *County School Board*, 149 F. Supp. 431, 438, 439 (DCED Va. 1957), revd. on other grounds sub. nom. *Allen* v. *County School Board*, 249 F. 2d 462 (CA 4th Cir.); Muse, "Virginia's Massive Resistance" (1961), passim.

[16] See, e.g., *County School Board* v. *Thompson*, 240 F. 2d 59, 64 (CA 4th Cir. 1956) (conduct of defendant termed a "clear manifestation of an attitude of intransigence"); *James* v. *Duckworth*, 170 F. Supp. 342, 350 (DCED Va. 1959), affd. 267 F. 2d 224 (CA 4th Cir.); *Allen* v. *County School Board*, 266 F. 2d 507 (CA 4th Cir. 1959); *Allen* v. *County School Board*, 198 F. Supp. 497, 502 (DCED Va., 1961). Most NAACP-assisted litigation in Virginia in recent years has been litigation challenging public school segregation. The sheer mass of such (and related) litigation is an indication of the intensity of the struggle: Alexandria: *Jones* v. *School Board of Alexandria*, 179 F. Supp. 280 (DCED Va.

It is apparent, therefore, that chapter 33 as construed limits first amendment freedoms. As this court said in (headnote 16) (headnote 17) *Thomas* v. *Collins*, 323 U.S. 516, 537, 89 L. Ed. 430, 444, 65 S. Ct. 315, "'Free trade in ideas' means free trade in the opportunity to persuade to action, not merely to describe facts." Thomas was convicted for delivering a speech in connection with an impending union election under National Labor Relations Board auspices, without having first registered as a "labor organizer." He urged workers to exercise their rights under the National Labor Relations Act and join the union he represented. This court held that the registration requirement as applied to his activities was constitutionally invalid. In the instant case, members of the NAACP urged Negroes aggrieved by the allegedly unconstitutional segregation of public schools in Virginia to exercise their legal rights and to retain members of the association's legal staff. Like Thomas, the association and its members were advocating lawful means of vindicating legal rights.

We hold that chapter 33 as construed violates the 14th amendment by (headnote 15) (headnote 16) unduly inhibiting protected freedoms of expression and association. In so holding, we reject two further contentions of respondents. The first is that the Virginia Supreme Court of Appeals has guaranteed free expression by expressly confirming petitioner's right to continue its advocacy of civil rights litigation. But in light of the whole decree of the court, the guarantee is of purely speculative value. As construed by the court, chapter 33, at least potentially, prohibits every cooperative activity that would make advocacy of litigation meaningful. If there is an internal tension (headnote 11) between proscription and protection in the statute, we cannot assume that, in its subsequent enforcement, ambiguities will be resolved in favor of adequate protection of first amendment rights. Broad prophylactic rules in the area of free expression are suspect. See e.g., *Near* v. *Minnesota*, 283 U.S. 697, 75 L. Ed. 1357, 51 S. Ct. 625; *Shelton* v. *Tucker*, 364 U.S. 479, 5 L. Ed. 2d 231, 81 S. Ct. 248; Louisiana ex rel. *Gremillion* v. *National Association for Advancement of Colored People*, 366 U.S. 293, 6 L. Ed. 2d 301, 81 S. Ct. 1333. Cf. *Schneider* v. *State*, 308 U.S. 147, 162 (headnote 14), 84 L. Ed. 155, 165, 60 S. Ct. 146. Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms.

C

The second contention is that Virginia has a subordinating interest in the regulation of the legal profession, embodied in chapter 33, which justifies limiting petitioner's first amendment rights. Specifically, Virginia contends that the NAACP's activities in furtherance of litigation, being "improper solicitation" under the State statute, fall within the traditional purview of State regulation of professional conduct. However, the State's attempt to equate the activities of the NAACP and its lawyers with common-law barratry, maintenance and champerty,[17] and to outlaw them accordingly, cannot obscure the serious encroachment worked by chapter 33 upon protected freedoms of expression. The decisions of this court (headnote 18) have consistently held that only a compelling State interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting first amendment freedoms. Thus it is no answer to the constitutional claims asserted by petitioners to say, as the Virginia Supreme Court of Appeals has said, that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression. For (headnote 19) a State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights. See *Schware* v. *Board of Bar Examiners*, 353 U.S. 232, 1 L. Ed. 2d 796, 77 S. Ct. 752, 64 ALR 2d 288; *Konigsberg* v. *State Bar*, 353 U.S. 252, 1 L. Ed. 2d 810, 77 S. Ct. 722. Cf. re Sawyer, 360 U.S. 622, 3 L. Ed. 2d 1473, 79 S. Ct. 1376. In *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 461, 2 L. Ed. 2d 1488, 1499, 78 S. Ct. 1163, we said, "In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this court recognize that abridgment of such rights, even though unintended, may inevitably follow from varied forms of governmental action." Later, in *Bates* v. *Little Rock*, 361 U.S. 516, 524, 4 L. Ed. 2d 480, 486, 80 S. Ct. 412, we said, "where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." Most recently, in *Louisiana ex rel. Gremillion* v. *National Association for Advancement of Colored People*, 366 U.S. 293, 297 6 L. Ed. 2d 301, 305, 81 S. Ct. 1333, we reaffirmed this principle: "regulatory measures * * * no matter how sophisticated, cannot be employed in purpose or in effect to stifle, penalize, or curb the exercise of first amendment rights."

However valid may be Virginia's interest in regulating the (headnote 16, headnote 20) traditionally illegal practices of barratry, maintenance and champerty, that interest does not justify the prohibition of the NAACP activities disclosed by this record. Malicious intent was of the essence of the common-law offenses of fomenting or stirring up litigation.[18] And whatever may be or may have been true of suits against government in other countries, the exercise in our own, as in this case, of first amendment rights to enforce constitutional rights through litigation, as a matter of law, cannot be deemed malicious. Even more modern, subtler regulations of unprofessional conduct or interference with professional relations, not involving malice, would not touch the activities at bar; regulations which reflect hostility to stirring up litigation have been aimed chiefly at those who urge recourse to the courts for private gain, serving no public interest.[19] Hostility still exists to stirring up

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1959); *Jones* v. *School Board of Alexandria*, 278 F. 2d (CA 4th Cir. 1960); Arlington: *County School Board* v. *Thompson*, 240 F. 2d 59 (CA 4th Cir. 1956); *Thompson* v. *County School Board*, 144 F. Supp. 239 (DCED Va., 1956); 159 F. Supp. 567 (DCED Va., 1957); 166 F. Supp. 529 (DCED Va. 1958); 252 F. 2d 929 (CA 4th Cir. 1958); 2 Race Rel. 810 (DCED Va. 1957); 4 Race Rel. 609 (DCED 1959); 4 Race Rel. 880 (DCED Va. 1959); *Hamm* v. *County School Board*, 263 F. 2d 226 (CA 4th Cir. 1959); 264 F. 2d 945 (CA 4th Cir. 1959). Charlottesville: *School Board of Charlottesville* v. *Allen*, 240 F. 2d 59 (CA 4th Cir. 1956); *Allen* v. *School Bd.*, 1 Race Rel. 886 (DCWD Va. 1956); 2 Race Rel. 986 (DCWD Va. 1957); 3 Race Rel. 937 (DCWD Va., 1958); 4 Race Rel. 881 (DCWD Va., 1959); 263 F. 2d 295 (CA 4th Cir. 1959); 203 F. Supp. 225 (DCWD Va., 1962); *Dodson* v. *School Board of Charlottesville*, 289 F. 2d 439 (CA 4th Cir. 1961); *Dillard* v. *School Board of Charlottesville*, 308 F. 2d 920 (CA 4th Cir. 1962). Fairfax County: *Blackwell* v. *Fairfax Cty. School Bd.*, 5 Race Rel. 1056 (DCED Va., 1960). Floyd County: *Walker* v. *Floyd Cty. School Bd.*, 5 Race Rel. 1060 (DCWD Va., 1960); 5 Race Rel. 714 (DCWD Va., 1960). Grayson County: *Goins* v. *County School Board*, 186 F. Supp. 753 (DCWD Va., 1960); 282 F. 2d 343 (CA 4th Cir. 1960). Norfolk: *Beckett* v. *School Bd.*, 2 Race Rel. 337 (DCED Va., 1957); 148 F. Supp. 430 (DCED Va., 1957); 3 Race Rel. 942–964 (DCED Va., 1958); 260 F. 2d 18 (CA 4th Cir. 1958); 246 F. 2d 325 (CA 4th Cir. 1957); 181 F. Supp. 870 (DCED Va., 1959); 185 F. Supp. 459 (DCED Va., 1959); *Farley* v. *Turner*, 281 F. 2d 131 (CA 4th Cir. 1960); *Hill* v. *School Board of Norfolk*, 282 F. 2d 473 (CA 4th Cir. 1960); *James* v. *Ducksworth*, 170 F. Supp. 342 (DCED Va., 1959); 267 F. 2d 224 (CA 4th Cir. 1959); *Adkins* v. *School Bd. of Newport News*, 3 Race Rel. 938 (DCED Va., 1958); 148 F. Supp. 430 (DCED Va., 1957); 2 Race Rel., 334 (DCED Va., 1957); 246 F. 2d 325 (CA 4th Cir. 1957); *Harrison* v. *Day*, 200 Va., 439, 106 SE 2d 636 (1959); *James* v. *Almond*, 170 F. Supp. 331 (DCED Va., 1959). Prince Edward County: *Davis* v. *County School Board*, 347 U.S. 483, 98 L. ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180; 349 U.S. 294, 99 L. ed. 1083, 75 S. Ct. 753; 1 Race Rel. 82 (DCED Va., 1955); 142 F. Supp. 616 (DCED Va., 1956); 149 F. Supp. 431 DCED Va., 1957); *Allen* v. *County School Board*, 164 F. Supp. 786 (DCED Va., 1958); 249 F. 2d 462 (CA 4th Cir. 1957); 266 F. 2d 507 (CA 4th Cir. 1959); 6 Race Rel. 432 (DCED Va., 1961); 198 F. Supp. 497 (DCED Va., 1961); Southern School News, August 1962, p. 1. Pulaski County: *Crisp* v. *Pulaski Cty. School Bd.*, 5 Race Rel. 721 (DCWD Va., 1960). Richmond: *Calloway* v. *Farley*, 2 Race Rel. 1121 (DCED Va., 1957); *Warden* v. *Richmond School Bd.*, 3 Race Rel. 971 (DCED Va., 1958). Warren County: *Kilby* v. *County School Bd.*, 3 Race Rel. 972–973 (DCWD Va., 1958); *School Board of Warren County* v. *Kilby*, 259 F. 2d 497 (CA 4th Cir. 1958).

Despite this volume of litigation, only one-half of 1 percent of Virginia's Negro public school pupils attend school with whites (Southern School News, September 1962, p. 3.

[17] See 4 Blackstone, Commentaries, 134–136. See generally Radin, Maintenance by Champerty, 24 Cal. L. Rev. 48 (1935).

[18] See, e.g., *Commonwealth* v. *McCulloch*, 15 Mass. 227 (1818); *Brown* v. *Beauchamp*, 21 Ky. (5 TB Mon.) 413 (1827); Perkins, Criminal Law, 449–454 (1957); note, 3 Race Rel. 1257–1259 (1958).

The earliest regulation of solicitation of legal business in England was aimed at the practice whereby holders of claims to land conveyed them to great feudal lords, who used their power or influence to harass the titleholders. See Winfield, "The History of Conspiracy and Abuse of Legal Procedure," 152 (1921).

[19] See comment: "A Critical Analysis of Rules Against Solicitation by Lawyers," 25 U. of Chi. L. Rev. 674 (1958). But truly nonpecuniary arrangements involving the solicitation of legal business have been frequently upheld. See Re Ades, 6 F. Supp. 467 (DCD Md 1934) (lawyer's volunteering his services to a litigant, without being asked, held not unprofessional where "important issues" were at stake); *Gunnels* v. *Atlanta Bar Assoc.*, 191 Ga. 366, 12 SE 2d 602, 132 ALR 1165 (1940) (arrangement whereby a local bar association publicly offered to represent, free of charge, persons victimized by usurers, upheld). Of particular pertinence to the instant case is opinion 148, supra, note 13. In the 1930's, a national lawyers committee was formed under the auspices of the Liberty League. The committee proposed (1) to prepare and disseminate through the public media of communications opinions on the constitutionality of State and Federal legislation (it appears, particularly New Deal legislation); (2) to offer counsel, without fee or charge, to anyone financially unable to retain counsel who felt that such legislation was violating his constitutional rights. The ABA's committee on professional ethics and

private litigation where it promotes the use of legal machinery to oppress: as, for example, to sow discord in a family; [20] to expose infirmities in land titles, as by hunting up claims of adverse possession; [21] to harass large companies through a multiplicity of small claims; [22] or to oppress debtors as by seeking out unsatisfied judgments.[23] For a member of the bar to participate, directly or through intermediaries, in such misuses of the legal process is conduct traditionally condemned as injurious to the public. And beyond this, for a lawyer to attempt to reap gain by urging another to engage in private litigation has also been condemned: that seems to be the import of Canon 28, which the Virginia Supreme Court of Appeals has adopted as one of its Rules.[24]

Objection to the intervention of a lay intermediary, who may control litigation or otherwise interfere with the rendering of legal services in a confidential relationship, also derives from the element of pecuniary gain. Fearful of dangers thought to arise from that element, the courts of several States have sustained regulations aimed at these activities.[25] We intimate no view one way or the other as to the merits of those decisions with respect to the particular arrangements against which they are directed. It is enough that the superficial resemblance in form between those arrangements and that at bar cannot obscure the vital fact that here the entire arrangement employs constitutionally privileged means of expression to secure constitutionally guaranteed civil rights.[26] There has been no showing of a serious danger here of professionally reprehensible conflicts of interest which rules against solicitation frequently seek to prevent. This is so partly because no monetary stakes are involved, and so there is no danger that the attorney will desert or subvert the paramount interests of his client to enrich himself or an outside sponsor. And the aims and interests of NAACP have not been shown to conflict with those of its members and nonmember Negro litigants; compare *National Association for Advancement of Colored People* v. *Alabama,* 357 U.S. 449, 459, 2 L. Ed. 2d 1488, 1498, 78 S.Ct. 1163, where we said:

"[the NAACP] and its members are in every practical sense identical. The association, which provides in its constitution that '[a]ny person who is in accordance with [its] principles and policies * * *' may become a member, is but the medium through which its individual members seek to make more effective the expression of their own views." See also *National Association for Advancement of Colored People* v. *Harrison,* 360 U.S. 167, 177, 3 L. Ed. 2d 1152, 1158, 79 S.Ct. 1025.

Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious, or avaricious use of the legal process for purely private gain. Lawsuits attacking racial discrimination, at least in Virginia, are neither very profitable nor very popular. They are not an object of general competition among Virginia lawyers; [27] the problem is rather one of an apparent dearth of lawyers who are willing to undertake such litigation. There has been neither claim nor proof that any assisted Negro litigants have desired, but have been prevented from retaining, the services of other counsel. We realize that an NAACP lawyer must derive personal satisfaction from participation in litigation on behalf of Negro rights, else he would hardly be inclined to participate at the risk of financial sacrifice. But this would not seem to be the kind of interest or motive which induces criminal conduct.

We conclude that although the petitioner has amply shown that its activities fall within the first amendment's protections, the State has failed to advance any substantial regulatory interest, in the form of substantive evils flowing from petitioner's activities, which can justify the broad prohibitions which it has imposed. Nothing that this record shows as to the nature and purpose of NAACP activities permits an inference of any injurious intervention in or control of litigation which would constitutionally authorize the application of chapter 33 to those activities. A fortiori, nothing in this record justifies the breadth and vagueness of the Virginia Supreme Court of Appeals' decree.

A final observation is in order. Because our disposition is rested on the 1st amendment as absorbed in the 14th, we do not reach the considerations of race or racial discrimination which are the predicate of petitioner's challenge to the statute under the equal protection clause. That the petitioner happens to be engaged in activities of expression and association on behalf of the rights of Negro children to equal opportunity is constitutionally irrelevant to the ground of our decision. The course of our decisions in the first amendment area makes plain that its protections would apply as fully to those who would arouse our society against the objectives of the petitioner. See, e.g., *Near* v. *Minnesota,* 283 U.S. 697, 75 L. ed. 1357, 51 S. Ct. 625; *Terminiello* v. *Chicago,* 337 U.S. 1, 93 L. Ed. 1131, 69 S. Ct. 894; *Kunz* v. *New York,* 340 U.S. 290, 95 L. Ed. 280 (headnote 21) 71 S. Ct. 312. For the Constitution protects expression and association without regard to the race, creed, or political or religious affiliation of the members of the group which invokes its shield, or to the truth, popularity, or social utility of the ideas and beliefs which are offered.

Reversed.

Mr. Justice Douglas, concurring.

While I join the opinion of the court, I add a few words. This Virginia act is not applied across the boards to all groups that use this method of obtaining and managing litigation but instead reflects a legislative purpose to penalize the NAACP because it promotes desegregation of the races. Our decision in *Brown* v. *Board of Education,* 347 U.S. 483, 98 L. Ed. 873. 74 S. Ct. 686, 38 ALR 2d 1180, holding that maintenance of public schools segregated by race violated the equal protection clause of the 14th amendment, was announced May 17, 1954. The amendments to Virginia's code, here in issue, were enacted in 1956. Arkansas, Florida, Georgia, Mississippi, South Carolina, and Tennessee[28] also passed laws following our 1954 decision which brought within their barratry statutes attorneys paid by an organization such as the NAACP and representing litigants without charge.

The bill, here involved, was one of five that Virginia enacted "as parts of the general plan of massive resistance to the integration of schools of the State under the Supreme Court's decrees." Those are the words of Judge Soper, writing for the court in *National Association for Advancement of*

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grievances upheld the arrangement. Opinion 148, opinions of the committee on professional ethics and grievances, American Bar Association, 308–311 (1947), see comment, 36 Col. L. Rev. 993.

Also, for example, the American Civil Liberties Union has for many years furnished counsel in many cases in many different parts of the country, without governmental interference. Although this intervention is mostly in the form of amicus curiae briefs, occasionally counsel employed by the union appears directly on behalf of the litigant. See comment, "Private Attorneys-General: Group Action in the Fight for Civil Liberties," 58 Yale LJ 574, 576 (1949); ACLU rept. on civil liberties 1951–53, pp. 9–10.

[20] See "Encouraging Divorce Litigation as Ground for Disbarment or Suspension," 9 ALR 1500 (1920); "Heir-hunting as Ground for Disciplinary Action Against Attorney," 171 ALR 351, 352–355 (1947).

[21] See *Backus* v. *Byron,* 4 Mich., 535, 551, 552 (1857).

[22] See *Re Clark,* 184 N.Y. 222, 77 N.E. 1 (1906); *Gammons* v. *Johnson,* 76 Minn. 76, 78 N.W. 1035 (1899).

[23] See petition of Hubbard (Ky.) 267 SW2d 743 (1954).

[24] See 171 Va., p. xxix, following the American Bar Association's Canons of Professional Ethics, No. 28: "It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. It is disreputable * * * to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes."

[25] See *People ex rel. Courtney* v. *Association of Real Estate Taxpayers,* 354 Ill. 102, 187 N.E. 823 (1933). (Association to contest constitutionality of tax statutes in which parties and association attorneys had large sums of money at stake); *Re Maclub of America, Inc.,* 295 Mass., 45, 3 N.E. 2d 272 105 ALR 1360 (1936). (Motorists' association recommended and paid the fees of lawyers to prosecute or defend claims on behalf of motorist members); see also *People ex rel. Chicago Bar Asso.* v. *Chicago Motor Club,* 362 Ill. 50, 199 N.E. 1 (1935). One aspect of the lay intermediary problem which involved the absence of evidence of palpable control or interference was an arrangement adopted by the Brotherhood of Railroad Trainmen in 1930 under which union members having claims under the Federal Employers Liability Act were induced to retain lawyers selected by the Brotherhood and to make 25 percent contingent fee agreements with such lawyers. The arrangement was struck down by several State courts. To the courts which condemned the arrangement it appeared in practical effect to confer a monopoly of FELA legal business upon lawyers chosen by the Brotherhood. These courts also saw it as tending to empower the Brotherhood to exclude lawyers from participation in a lucrative practice, and to cause the loyalties of the union recommended lawyers to be divided between the union and their clients. (E.g., *Hildebrand* v. *State Bar of California,* 36 Cal. 2d 504, 225 P2d 508 (1950); *Doughty* v. *Grills,* 37 Tenn. App. 63, 260 S.W. 2d 370 (1952); *Re Brotherhood of R. Trainmen,* 13 Ill. 2d 391, 150 N.E. 2d 163 (1958); see student symposium, 107 U. of Pa. L. Rev. 387 (1959); 11 Stan. L. Rev. 394 (1959). These decisions have been vigorously criticized. (See *Traynor, J.,* dissenting in *Hildebrand, supra;* Drinker, Legal Ethics, 161–167 (1953).)

[26] Compare opinion 148, supra, notes 13, 19, at 311 (1947): "The question presented, with its implications, involves problems of political, social, and economic character that have long since assumed the proportions of national issues, on one side or the other which multitudes of patriotic citizens have alined themselves. These issues transcend the range of professional ethics."

[27] Improper competition among lawyers is one of the important considerations relied upon to justify regulations against solicitation. (See note, Advertising, Solicitation, and Legal Ethics, 7 Vand. L. Rev. 677, 684 (1954).)

[28] Ark. Stat. Ann. 1947 (Cum. Supp. 1961), secs. 41–703 to 41–713 Fla. Stat. Ann., 1944 (Cum. Supp. 1961), secs. 877.01 to 877.02; Ga. Code Ann., 1953 (Cum. Supp. 1961), secs. 26–4701, 26–4703; Miss. Code Ann., 1956, secs. 2049–01 to 2049–08; S.C. Code, 1952 (Cum. Supp. 1960), secs. 56–147 to 56–147.6; Tenn. Code Ann., 1956 (Cum. Supp. 1962), secs. 39–3405 to 39–3410.

Colored People v. *Patty*, 159 F. Supp. 503, 515. He did not indulge in guesswork. He reviewed the various steps taken by Virginia to resist our Brown decision, starting with the report of the Gray Commission on November 11, 1955. Id. 159 F. Supp. at 512. He mentioned the "interposition resolution" passed by the general assembly on February 1, 1956, the constitutional amendment made to carry out the recommendation of the report of the Gray Commission, and the address of the Governor before the general assembly that enacted the five laws, including the present one. Id. 159 F. Supp. at 513–515. These are too lengthy to repeat here. But they make clear the purpose of the present law—as clear a purpose to evade our prior decisions as was the legislation in *Lane* v. *Wilson*, 307 U.S. 268, 83 L. ed. 1281, 59 S. Ct. 872, another instance of a discriminatory State law. The (headnote 22) fact that the contrivance used is subtle and indirect is not material to the question. "The amendment nullifies sophisticated as well as simple-minded modes of discrimination." Id. 307 U.S. at 275. There we looked to the origins of the State law and the setting in which it operated to find its discriminatory nature. It is proper to do the same here.

Discrimination also appears on the face of this act. The line drawn in section 54–78 is between an organization which has "no pecuniary right or liability" in a judicial proceeding and one that does. As we said in *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 459, 2 L. Ed., 2d 1488, 1498, 78 S. Ct. 1163, the NAACP and its members are "in every practical sense identical. * * * The association * * * is but the medium through which its individual members seek to make more effective the expression of their own views." Under the statute those who protect a "pecuniary right or liability" against unconstitutional invasions may indulge in "the solicitation * * * of business for * * * [an] attorney," while those who protect other civil rights may not. This distinction helps make clear the purpose of the legislation, which, as Judge Soper said, was part of the program of "massive resistance" against *Brown* v. *Board of Education*, 347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180, supra.

Mr. Justice White, concurring in part and dissenting in part.

I agree that as construed by the Virginia Supreme Court, chapter 33 does not proscribe only the actual control of litigation after its commencement, that it does forbid, under threat of criminal punishment, advising the employment of particular attorneys, and that as so construed the statute is unconstitutional.

Nor may the statute be saved simply by saying it prohibits only the "control" of litigation by a lay entity, for it seems to me that upon the record before us the finding of "control" by the Virginia Supreme Court must rest to a great extent upon an inference from the exercise of those very rights which this Court or the Virginia Supreme Court, or both, hold to be constitutionally protected: advising Negroes of their constitutional rights, urging them to institute litigation of a particular kind, recommending particular lawyers and financing such litigation. Surely it is beyond the power of any State to prevent the exercise of constitutional rights in the name of preventing a lay entity from controlling litigation. Consequently, I concur in the judgment of the Court, but not in all of its opinion.

If we had before us, which we do not, a narrowly drawn statute proscribing only the actual day-to-day management and dictation of the tactics, strategy, and conduct of litigation by a lay entity such as the NAACP, the issue would be considerably different, at least for me; for in my opinion neither the practice of law by such an organization nor its management of the litigation of its member or others is constitutionally protected. Both practices are well within the regulatory power of the State. In this regard I agree with my Brother Harlan.

It is not at all clear to me, however, that the opinion of the majority would not also strike down such a narrowly drawn statute. To the extent that it would, I am in disagreement. Certainly the NAACP, as I understand its position before this Court, denied that it had managed or controlled the litigation which it had urged its members or others to bring, disclaimed any desire to do so and denied any adverse effects upon its operations if lawyers representing clients in school desegregation or other litigation financed by the NAACP represented only those clients and were under no obligation to follow the dictates of the NAACP in the conduct of that litigation. I would avoid deciding a case not before the Court.

Mr. Justice Harlan, whom Mr. Justice Clark and Mr. Justice Stewart join, dissenting.

No member of this Court would disagree that the validity of State action claimed to infringe rights assured by the 14th amendment is to be judged by the same basic constitutional standards whether or not racial problems are involved. No worse setback could befall the great principles established by *Brown* v. *Board of Education*, 347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686, 38 ALR 2d 1180, than to give fair-minded persons reason to think otherwise. With all respect, I believe that the striking down of this Virginia statute cannot be squared with accepted constitutional doctrine in the domain of State regulatory power over the legal profession.

I

At the outset the factual premises on which the Virginia Supreme Court of Appeals upheld the application of chapter 33 to the activities of the NAACP in the area of litigation, as well as the scope of that court's holding, should be delineated.

First, the lawyers who participate in litigation sponsored by petitioner are, almost without exception, members of the legal staff of the NAACP Virginia State conference. (It is, in fact, against conference policy to give financial support to litigation not handled by a staff lawyer.) As such, they are selected by petitioner, are compensated by it for work in litigation (whether or not petitioner is a party thereto), and so long as they remain on the staff, are necessarily subject to its directions. As the Court recognizes, it is incumbent on staff members to agree to abide by NAACP policies.

Second, it is equally clear that the NAACP's directions, or those of its officers and divisions, to staff lawyers cover many subjects relating to the form and substance of litigation. Thus, in 1950, it was resolved at a board of directors meeting that:

"Pleadings in all educational cases—the prayer in the pleading and proof be aimed at obtaining education on a nonsegregated basis and that no relief other than that will be acceptable as such.

"Further, that all lawyers operating under such rule will urge their client and the branches of the association involved to insist on this final relief."

The minutes of the meeting went on to state:

"Mr. Weber inquired if this meant that the branches involved would be prohibited from starting equal facility cases and the special counsel said it did."

In 1955, a southwide NAACP conference issued directions to all NAACP branches outlining the procedure for obtaining desegregation of schools and indicating the point in the procedure at which litigation should be brought and the matter turned over to the "legal department." At approximately the same time, the executive secretary of the Virginia State conference issued a directive urging that in view of the possibility of an extended court fight, "discretion and care should be exercised to secure petitioners who will—if need be—go all the way."

A report issued several years later, purporting to give an "up-to-date picture" of action taken in Virginia by petitioner stated: "Selection of suit sites reserved for legal staff"; "State legal staff ready for action in selected areas"; and "The majority of our branches are willing to support legal action or any other program leading to early desegregation of schools that may be suggested by the National and State conference offices."

In short, as these and other materials in the record show, the form of pleading, the type of relief to be requested, and the proper timing of suits have to a considerable extent, if not entirely, been determined by the conference in coordination with the national office.

Third, contrary to the conclusion of the Federal district court in the original Federal proceeding, *National Association for Advancement of Colored People* v. *Patty*, 159 F. Supp. 503, 508, 509, the present record establishes that the petitioner does a great deal more than to advocate litigation and to wait for prospective litigants to come forward. In several instances, especially in litigation touching racial discrimination in public schools, specific directions were given as to the types of prospective plaintiffs to be sought, and staff lawyers brought blank forms to meetings for the purpose of obtaining signatures authorizing the prosecution of litigation in the name of the signer.

Fourth, there is substantial evidence indicating that the normal incidents of the attorney-client relationship were often absent in litigation handled by staff lawyers and financed by petitioner. Forms signed by prospective litigants have on occasion not contained the name of the attorney authorized to act. In many cases, whether or not the form contained specific authorization to that effect, additional counsel have been brought into the action by staff counsel. There were several litigants who testified that at no time did they have any personal dealings with the lawyers handling their cases nor were they aware until long after the event that suits had been filed in their names. This is not to suggest that the petitioner has been shown to have sought plaintiffs under false pretenses or by inaccurate statements. But there is no basis for concluding that these were isolated incidents, or that petitioner's methods of operation have been such as to render these happenings out of the ordinary.

On these factual premises, amply supported by the evidence, the Virginia Supreme Court of Appeals held that petitioner and those associated with it "solicit prospective litigants to authorize the filing of suits by NAACP and fund [educational defense fund] lawyers, who are paid by the conference and controlled by NAACP policies * * *." (202 Va., at 159, 116 SE 2d, at 68, 69), and concluded that this conduct violated chapter 33 as well as canons 35 and 47 of the Canons of Professional Ethics of the American Bar Association, which had been adopted by the Virginia courts more than 20 years ago.

At the same time the Virginia court demonstrated a responsible awareness of two important limitations on the State's power to regulate such conduct. The first of these is the long-standing recognition, incorporated in the canons, of the different treatment to be accorded to those aiding the indigent in prosecuting or defending against legal proceedings. The second, which coupled with the first led the court to strike down chapter 36 (ante, p. 427), is the constitutional right of any person to express his views, to disseminate those views to others, and to advocate action designed to achieve lawful objectives, which in the present case are also constitutionally due. Mindful of these limitations, the State court construed chapter 33 not to prohibit petitioner and those associated with it from acquainting colored persons with what it believes to be their rights, or from advising them to assert those rights in legal proceedings, but only from "solicit[ing] legal business for their attorneys or any particular attorneys." Further, the court determined that chapter 33 did not preclude petitioner from contributing money to persons to assist them in prosecuting suits, if the suits "have not been solicited by the appellants [the NAACP and defense fund] or those associated with them, and channeled by them to their attorneys or any other attorneys."

In my opinion the litigation program of the NAACP, as shown by this record, falls within an area of activity which a State may constitutionally regulate. (Whether it was wise for Virginia to exercise that power in this instance is not, of course, for us to say.) The court's contrary conclusion rests upon three basic lines of reasoning: (1) that in the context of the racial problem the NAACP's litigating activities are a form of political expression within the protection of the 1st amendment, as extended to the States by the 14th; (2) that no sufficiently compelling subordinating State interest has been shown to justify Virginia's particular regulation of these activities; and (3) that in any event chapter 33 must fall because of vagueness, in that as construed by the State court the line between the permissible and impermissible under the statute is so uncertain as potentially to work a stifling of constitutionally protected rights. Each of these propositions will be considered in turn.

II

Freedom of expression embraces more than the right of an individual to speak his mind. It includes also his right to advocate and his right to join with his fellows in an effort to make that advocacy effective. *Thomas* v. *Collins,* 323 U.S. 516, 89 L. ed. 430, 65 S. Ct. 315; *National Association for Advancement of Colored People* v. *Alabama,* 357 U.S. 449, 2 L. Ed. 2d 1488, 78 S. Ct. 1163; *Bates* v. *Little Rock,* 361 U.S. 516, 4 L. Ed. 2d 480, 80 S. Ct. 412. And just as it includes the right jointly to petition the legislature for redress of grievances, see *Eastern R. Presidents Conference* v. *Noerr Motor Freight, Inc.,* 365 U.S. 127, 137, 138, 5 L. Ed. 2d 464, 470, 471, 81 S. Ct. 523, so it must include the right to join together for purposes of obtaining judicial redress. We have passed the point where litigation is regarded as an evil that must be avoided if some accommodation short of a lawsuit can possibly be worked out. Litigation is often the desirable and orderly way of resolving disputes of broad public significance, and of obtaining vindication of fundamental rights. This is particularly so in the sensitive area of racial relationships.

But to declare that litigation is a form of conduct that may be associated with political expression does not resolve this case. Neither the 1st amendment nor the 14th constitutes an absolute bar to Government regulation in the fields of free expression and association. This court has repeatedly held that certain forms of speech are outside the scope of the protection of those amendments, and that, in addition, "general regulatory statutes, not intendend to control the content of speech but incidentally limiting its unfettered exercise," are permissible "when they have been found justified by subordinating valid governmental interests."[29] The problem in each such case is to weigh the legitimate interest of the State against the effect of the regulation on individual rights.

An analogy may be drawn between the present case and the rights of workingmen in labor disputes. At the heart of these rights are those of a laborer or a labor representative to speak: to inform the public of his disputes and to urge his fellow workers to join together for mutual aid and protection. So important are these particular rights that absent a clear and present danger of the gravest evil, the State not only is without power to impose a blanket prohibition on their exercise, *Thornhill* v. *Alabama,* 310 U.S. 88, 84, L. Ed. 1093, 60 S. Ct. 736, but also may not place any significant obstacle in their path, *Thomas* v. *Collins,* 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315.

But as we move away from speech alone and into the sphere of conduct—even conduct associated with speech or resulting from it—the area of legitimate governmental interest expands. A regulation not directly suppressing speech or peaceable assembly, but having some impact on the form or manner of their exercise will be sustained if the regulation has a reasonable relationship to a proper governmental objective and does not unduly interfere with such individual rights. Thus, although the State may not prohibit all informational picketing, it may prevent mass picketing, *Allen-Bradley Local U.E.R.M.W.* v. *Wisconsin Employment Relations Board,* 315 U.S. 740, 86 L. Ed. 1154, 62 S. Ct. 820, and picketing for an unlawful objective, *Giboney* v. *Empire Storage & Ice Co.,* 336 U.S. 490, 93 L. Ed. 834, 69 S. Ct. 684. Although it may not prevent advocacy of union membership, it can to some degree inquire into and define the qualifications of those who solicit funds from prospective members or who hold other positions of responsibility.[30] A legislature may not wholly eliminate the right of collective action by workingmen,[31] but it may to a significant extent dictate the form their organization shall take[32] and may limit the demands that the organization may make on employers and others; see, e.g., *International Brotherhood of Electrical Workers* v. *NLRB,* 341 U.S. 694, 705, 95 L. Ed. 1299, 1307 71 S. Ct. 954.

Turning to the present case, I think it evident that the basic rights in issue are those of the petitioner's members to associate, to discuss, and to advocate. Absent the gravest danger to the community, these rights must remain free from frontal attack or suppression, and the State court has recognized this in striking down chapter 36 and in carefully limiting the impact of chapter 33. But litigation, whether or not associated with the attempt to vindicate constitutional rights, is conduct; it is speech plus. Although the State surely may not broadly prohibit individuals with a common interest from joining together to petition a court for redress of their grievances, it is equally certain that the State may impose reasonable regulations limiting the permissible form of litigation and the manner of legal representation within its borders. Thus the State may, without violating protected rights, restrict those undertaking to represent others in legal proceedings to properly qualified practitioners. And it may determine that a corporation or association does not itself have standing to litigate the interests of its shareholders or members—that only individuals with a direct interest of their own may join to press their claims in its courts. Both kinds of regulation are undeniably matters of legitimate concern to the State and their possible impact on rights of expression or association is far too remote to cause any doubt as to their validity.

So here, the question is whether the particular regulation of conduct concerning litigation has a reasonable relation to the furtherance of a proper State interest, and whether that interest outweighs any foreseeable harm to the furtherance of protected freedoms.

III

The interest which Virginia has here asserted is that of maintaining high professional standards among those who practice law within its borders. This Court has consistently recognized the broad range of judgments that a State may properly make in regulating any profession. (See, e. g., *Dent* v. *West Virginia,* 129 U.S. 114, 32 L. Ed. 623, 9 S. Ct. 231; *Semler* v. *Oregon State Board of Dental Examiners,* 294 U.S. 608, 79 L. Ed. 1086, 55 S. Ct. 570; *Williamson* v. *Lee Optical of Oklahoma, Inc.,* 348 U.S. 483, 99 L. Ed. 563, 75 S. Ct. 461.) But the regulation of professional standards for members of the bar comes to us with even deeper roots in history and policy, since courts for centuries have possessed disciplinary powers incident to the administration of justice. (See *Cohen* v. *Hurley,* 366 U.S. 117, 123, 124, 6 L. Ed. 2d 156, 161, 162, 81 S. Ct. 954; *Konigsberg* v. *State Bar of California,* 366 U.S. 36, 6 L. Ed. 2d 105, 81 S. Ct. 997; *Martin* v. *Walton,* 368 U.S. 25, 7 L. Ed. 2d 5, 82 S. Ct. 1.)

The regulation before us has its origins in the longstanding common-law prohibitions of champerty, barratry, and maintenance, the closely related prohibitions in the canons of ethics against solicitation and intervention by a lay intermediary, and statutory provisions forbidding the unauthorized practice of law.[33] The Court recognizes this formidable history, but puts it aside in the present case on the grounds that there is here no element of malice or of pecuniary gain, that the interests of the NAACP are not to be regarded as substantially different from those of its members, and that we are said to be dealing here with a matter that transcends mere legal ethics—the securing of federally guaranteed rights. But these distinctions are too facile. They do not account for the full scope of the State's legitimate interest in regulating professional conduct. For although these professional standards may have been born in a desire to curb malice and self-aggrandizement by those who would use clients and the courts for their own pecuniary ends, they have acquired a far broader significance during their long development.

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[29] *Konigsberg* v. *State Bar of California,* 366 U.S. 36, 50, 51, 6 L. ed. 2d 105, 116, 117, 81 S. Ct. 997; and see cases cited therein, including *Cox* v. *New Hampshire,* 312 U.S. 569, 85 L. Ed. 1049, 61 S. Ct. 762, 133 ALR 1396; *Chaplinsky v. New Hampshire,* 315 U.S. 568, 86 L. Ed. 1031, 62 S. Ct. 766; *Breard* v. *Alexandria,* 341 U.S. 622, 95 L. Ed. 1233, 71 S. Ct. 920, 35 ALR 2d 335; *Roth* v. *United States,* 354 U.S. 476, 1 L. Ed. 2d 1498, 77 S. Ct. 1304; *Bates* v. *Little Rock,* 361 U.S. 516, 524, 4 L. Ed. 2d 480, 486, 80 S. Ct. 412; *Wilkinson* v. *United States,* 365 U.S. 399, 5 L. Ed. 633, 81 S. Ct. 567.

[30] See *Thomas* v. *Collins.* 323 U.S. 516, 544, 545, 89 L. Ed. 430, 447, 65 S. Ct. 315 (concurring opinion); *American Communications Asso.* v. *Douds,* 339 U.S. 382, 94 L. Ed. 925, 70 S. Ct. 674; *De Veau* v. *Braisted,* 363 U.S. 144, 4 L. ed. 2d 1109, 80 S. Ct. 1146.

[31] See the discussion in *Hague* v. *CIO,* 307 U.S. 496, 518, 523–525, 83 L. Ed. 1423, 1438, 1441, 1442, 59 S. Ct. 954 (opinion of Mr. Justice Stone).

[32] See, e.g., the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 519, 29 U.S.C. section 401.

[33] See 4 Blackstone, Commentaries, 134-136. Even apart from any State statutory provisions, State judiciaries normally consider themselves free, in the exercise of their supervisory authority over the bar, to enforce these prohibitions derived from the common law. See, e.g., Re Co-operative Law Co. 198 N.Y. 479, 92 N.E. 15, 32 LRA NS 55; *People ex rel. Courtney* v. *Association of Real Estate Taxpayers,* 354 Ill. 102, 187 N.E. 823; Re Maclub of America, Inc. 295 Mass. 45, 3 NE 2d 272, 105 ALR 1360, and cases cited therein. Many States, however, also have statutes dealing with these matters. Some merely incorporate the common-law proscriptions of barratry and maintenance. E.g., Del. Code Ann., 1953, title II, section 371; Mo. Stat. Ann., section 557.470 (Vernon, 1953). Several specifically prohibit the solicitation of legal business for a lawyer by an agent or "runner." E.g., Conn. Gen. Stat., 1958, section 51–87; N.C. Gen. Stat. section 84–38 (1958 Repl. vol.); Wis. Stat. Ann. section 256.295(1). About 25 States prohibit the unauthorized practice of law by corporations. American Bar Foundation, Unauthorized Practice Statute Book (1961), 78–90.

Virginia's concern with these problems dates back to the beginning of the Commonwealth. Act of December 8, 1792; 1 Va.

First, with regard to the claimed absence of the pecuniary element, it cannot well be suggested that the attorneys here are donating their services, since they are in fact compensated for their work. Nor can it tenably be argued that petitioner's litigating activities fall into the accepted category of aid to indigent litigants.[34] The reference is presumably to the fact that petitioner itself is a nonprofit organization not motivated by desire for financial gain but by public interest and to the fact that no monetary stakes are involved in the litigation.

But a State's felt need for regulation of professional conduct may reasonably extend beyond mere "ambulance chasing." In *People ex rel. Courtney* v. *Association of Real Estate Taxpayers*, 354 Ill. 102, 187 N.E. 823, a nonprofit corporation was held in contempt for engaging in the unauthorized practice of law. The association was formed by citizens desiring to mount an attack on the constitutionality of certain tax rolls. Membership was solicited by the circulation of blank forms authorizing employment of counsel on the applicant's behalf and asking that property be listed for litigation. The attorneys were selected, paid, and controlled by the corporation which made their services available to the taxpayer members at no cost.[35]

Similarly, several decisions have condemned the provision of counsel for their members by nonprofit automobile clubs, even in instances involving challenges to the validity of a statute or ordinance. (*Re Maclub of America, Inc.*, 295 Mass. 45, 3 N.E. 2d 272;[36] *People ex rel. Chicago Bar Asso.* v. *Chicago Motor Club*, 362 Ill., 50, 199 N.E. 1; see opinion 8, opinions of the Committee on Professional Ethics and Grievances, American Bar Association.

Of particular relevance here is a series of nationwide adjudications culminating in 1958 in *Re Brotherhood of R. Trainmen*, 13 Ill. 2d 391, 150 N.E. 2d 163. That was a proceeding, remarkably similar to the present one, for a declaratory judgment that the activities of the brotherhood in assisting with the prosecution of its members' personal injury claims under the Federal Employers' Liability Act[37] were not inconsistent with a State law forbidding lay solicitation of legal business. The court found that each lodge of the brotherhood appointed a member to file accident reports with the central office, and these reports were sent by the central office to a regional investigator, who, equipped with a contract form for the purpose, would urge the injured member to consult and employ one of the 16 regional attorneys retained by the brotherhood. The regional counsel offered his services to the injured person on the basis of a contingent fee, the amount of which was fixed by the brotherhood. The counsel themselves bore the costs of investigation and suit and of operating the union's legal aid department.

The union argued that it was not motivated by any desire for profit; that it had an interest commensurate with that of its members in enforcement of the Federal statute; and that the advantage taken of injured parties by unscrupulous claims adjustors made it essential to furnish economical recourse to dependable legal assistance. The court ruled against the union on each of these points. It permitted the organization to maintain an investigative staff, to advise its members regarding their legal rights and to recommend particular attorneys, but it required the union to stop fixing fees, to sever all financial connections with counsel, and to cease the distribution of contract forms.

The practices of the brotherhood, similar in so many respects to those engaged in by the petitioner here, have been condemned by every State court which has considered them. *Re Petition of Committee on Rule 28 of Cleveland Bar Asso.* (App.) 15 Ohio L Abs 106; *Re O'Neill*, 5 F. Supp. 465 (D.C. E.D. N.Y.); *Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P. 2d 508; *Doughty* v. *Grills*, 37 Tenn. App. 63, 260 SW 2d 379; and see *Atchison, T. & S. F. R. Co.* v. *Jackson*, 235 F. 2d 390, 393 (C.A. 10th Cir.). And for similar opinions on related questions by bar association committees, see opinion A, opinions of the committee on unauthorized practice of the law, American Bar Association, 36 ABAJ 677; opinion 773, committee on professional ethics, Association of the Bar of the City of New York.

Underlying this impressive array of relevant precedent is the widely shared conviction that avoidance of improper pecuniary gain is not the only relevant factor in determining standards of professional conduct. Running perhaps even deeper is the desire of the profession, of courts, and of legislatures to prevent any interference with the uniquely personal relationship between lawyer and client and to maintain untrammeled by outside influences the responsibility which the lawyer owes to the courts he serves.

When an attorney is employed by an association or corporation to represent individual litigants, two problems arise, whether or not the association is organized for profit and no matter how unimpeachable its motives. The lawyer becomes subject to the control of a body that is not itself a litigant and that, unlike the lawyers it employs, is not subject to strict professional discipline as an officer of the court. In addition, the lawyer necessarily finds himself with a divided allegiance—to his employer and to his client—which may prevent full compliance with his basic professional obligations. The matter was well stated, in a different but related context, by the New York Court of Appeals in Re Co-operative Law Co. 198 NY 479, 483, 484, 92 N.E. 15, 16, 32 LRA NS 55:

"The relation of attorney and client is that of master and servant in a limited and dignified sense, and it involves the highest trust and confidence. It cannot be delegated without consent, and it cannot exist between an attorney employed by a corporation to practice law for it, and a client of the corporation, for he would be subject to the directions of the corporation and not to the directions of the client."

There has, to be sure, been professional criticism of certain applications of these policies.[38] But the continued vitality of the principles involved is beyond dispute,[39] and at this writing it is hazardous at best to predict the direction of the future. For us, however, any such debate is without relevance, since it raises questions of social policy which have not been delegated to this Court for decision. Our responsibility is simply to determine the extent of the State's legitimate interest and to decide whether the course adopted bears a sufficient relation to that interest to fall within the bounds set by the Constitution.

Second, it is claimed that the interests of petitioner and its members are sufficiently identical to eliminate any "serious danger" of "professionally reprehensible conflicts of interest" (ante, p. 424). Support for this claim is sought in our procedural holding in *National Association for Advancement of Colored People* v. *Alabama*, 357 U.S. 449, 458, 459, 2 L. Ed. 2d 1488, 1497, 78 S. Ct. 1163. But from recognizing, as in that case, that the NAACP has standing to assert the rights of its members when it is a real party in interest, it is plainly too large a jump to conclude that whenever individuals are engaged in litigation involving claims that the organization promotes, there cannot be any significant difference between the interests of the individual and those of the group.

The NAACP may be no more than the sum of the efforts and views infused in it by its members; but the totality of the separate interests of the members and others whose causes the petitioner champions, even in the field of race relations, may far exceed in scope and variety that body's views of policy, as embodied in litigating strategy and tactics. Thus it may be in the interests of the association in every case to make a frontal attack on segregation, to press for an immediate breaking down of racial barriers, and to sacrifice minor points that may win a given case for the major points that may win other cases too. But in a particular litigation, it is not impossible that after authorizing action in his behalf, a Negro

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Stats. 110 (Shepherd, 1835). Secs. 54–74 and 54–78, which as amended are before us today, were originally enacted in 1932, Va. acts 1932, cc 129, 284, and the Virginia Supreme Court of Appeals adopted the American Bar Association canons of ethics in haev verba in 1938. Virginia Canons of Professional Ethics, 171 Va. xviii-xxxv. As in many other States, the judiciary of Virginia has declared its inherent authority to assure proper ethical deportment. See, e.g., *Richmond Asso. of Credit Men, Inc.* v. *Bar Asso. of Richmond*, 167 Va. 327, 335, 336, 189 S.E. 153, 157.

[34] Virginia's policy of promoting aid to indigent suitors is of long standing (see 2 the Papers of Thomas Jefferson (Boyd ed. 1950)), 628, and the decision of the State court in this case fully implements that policy.

[35] The Court, p. 423, n. 25, ante, deals with the Real Estate Taxpayers case simply by referring to it as one in which the "parties and association attorneys had large sums of money at stake." It is true that the attorneys there (as here) were paid for their services by the association although we are not told the amount of the payment to any attorney. It is also true that the constitutional rights which the members were there seeking to assert through the nonprofit association were property rights, having these factors can be deemed to create an "element of pecuniary gain" which distinguishes the Real Estate Taxpayers case from the present one in any significant respect.

[36] The activities of the association in this Maclub case were more limited than those of the association in the Real Estate Taxpayers case. The attorneys in Maclub were selected and retained directly by the members and bills were then submitted to and paid by the association.

[37] 35 Stat. 65 (1908), as amended, 45 U.S.C. 51–60.

[38] See, e.g., Weihofen, "Practice of Law" by Non-Pecuniary Corporations: A Social Utility, 2 U. of Chi. L. Rev. 119; Drinker, Legal Ethics, 161–167; Traynor, J., dissenting in *Hildebrand* v. *State Bar of California*, 36 Cal. 2d 504, 225 P2d 508, supra.

[39] In addition to the decisions discussed in the text, further evidence of the attitude of the bench and bar is found in a survey described in McCracken, "Report on Observance by the Bar of State Professional Standards," 37 Va., L. Rev. 399, 400, 401 (1951).

parent, concerned that a continued frontal attack could result in schools closed for years, might prefer to wait with his fellows a longer time for good-faith efforts by the local school board than is permitted by the centrally determined policy of the NAACP. Or he might see a greater prospect of success through discussions with local school authorities than through the litigation deemed necessary by the association. The parent, of course, is free to withdraw his authorization, but is his lawyer, retained and paid by petitioner and subject to its directions on matters of policy, able to advise the parent with that undivided allegiance that is the hallmark of the attorney-client relation? I am afraid not.

Indeed, the potential conflict in the present situation is perhaps greater than those in the union, automobile club, and some of the other cases discussed above. For here, the interests of the NAACP go well beyond the providing of competent counsel for the prosecution or defense of individual claims; they embrace broadly fixed substantive policies that may well often deviate from the immediate, or even long-range, desires of those who choose to accept its offers of legal representations. This serves to underscore the close interdependence between the State's condemnation of solicitation and its prohibition of the unauthorized practice of law by a lay organization.

Third, it is said that the practices involved here must stand on a different footing because the litigation that petitioner supports concerns the vindication of constitutionally guaranteed rights.[40]

But surely State law is still the source of basic regulation of the legal profession, whether an attorney is pressing a Federal or a State claim within its borders. (See *Re Brotherhood of R. Trainmen,* 13 Ill. 2d 391, 150 N.E. 2d 163, supra.) The true question is whether the State has taken action which unreasonably obstructs the assertion of Federal rights. Here, it cannot be said that the underlying State policy is inevitably inconsistent with Federal interests. The State has sought to prohibit the solicitation and sponsoring of litigation by those who have no standing to initiate that litigation themselves and who are not simply coming to the assistance of indigent litigants. Thus the State policy is not unrelated to the Federal rules of standing—the insistence that Federal court litigants be confined to those who can demonstrate a pressing personal need for relief. (See *McCabe* v. *Atchison, T. & S. F. R. Co.,* 235 U.S. 151, 162, 59 L. Ed. 169, 174, 35 S. Ct. 69; *Massachusetts* v. *Mellon,* 262 U.S. 447, 488, 67 L. Ed. 1078, 1085, 43 S. Ct. 597; cf. *Stark* v. *Wickard,* 321 U.S. 288, 304, 305, 88 L. Ed. 733, 744, 745, 64 S. Ct. 559, and cases cited therein.) This is a requirement of substance as well as form. It recognizes that, although litigation is not something to be avoided at all costs, it should not be resorted to in undue haste, without any effort at extrajudicial resolution, and that those lacking immediate private need may make unnecessary broad attacks based on inadequate records. Nor is the Federal interest in impeding precipitate resort to litigation diminished when that litigation concerns constitutional issues; if anything, it is intensified. (*United Public Workers* v. *Mitchell,* 330 U.S. 75, 86–91, 91 L. Ed. 754, 765–768, 67 S. Ct. 556.)

There remains to be considered on this branch of the argument the question whether this particular exercise of State regulatory power bears a sufficient relation to the established and substantial interest of the State to overcome whatever indirect impact this statute may have on rights of free expression and association.

Chapter 33 as construed does no more than prohibit petitioner and those associated with it from soliciting legal business for its staff attorneys or, under a fair reading of the State court's opinion and amounting to the same thing, for "outside" attorneys who are subject to the association's control in the handling of litigation which it refers to them. (See pp. 438, 439, infra.) Such prohibitions bear a strong and direct relation to the area of legitimate State concern. In matters of policy, involving the form, timing, and substance of litigation, such attorneys are subject to the directions of petitioner and not of those nominally their clients. Further, the methods used to contain litigants are not conducive to encouraging the kind of attorney-client relationships which the State reasonably may demand. There inheres in these arrangements, then, the potentialities of divided allegiance and diluted responsibility which the State may properly undertake to prevent.

The impact of such a prohibition on the rights of petitioner and its members to free expression and association cannot well be deemed so great as to require that it be struck down in the face of this substantial State interest. The important function of organizations like petitioner in vindicating constitutional rights is not of course to be minimized, but that function is not, in my opinion, substantially impaired by this statute. Of cardinal importance, this regulatory enactment as construed does not in any way suppress assembly, or advocacy of litigation in general or in particular. Moreover, contrary to the majority's suggestion, it does not, in my view, prevent petitioner from recommending the services of attorneys who are not subject to its directions and control. (See pp. 438, 439, infra.) And since petitioner may contribute to those who need assistance, the prohibition should not significantly discourage anyone with sufficient interest from pressing his claims in litigation or from joining with others similarly situated to press those claims. It prevents only the solicitation of business for attorneys subject to petitioner's control, and as so limited, should be sustained.

IV

The Court's remaining line of reasoning is that chapter 33 as construed (hereafter sometimes simply "the statute") must be struck down on the score of vagueness and ambiguity. I think that this "vagueness" concept has no proper place in this case and only serves to obscure rather than illuminate the true questions presented.

The Court's finding of ambiguity rests on the premise that the statute may prohibit mere recommendation of "any particular attorney," whether or not a member of the NAACP's legal staff or otherwise subject to the association's direction and control. Proceeding from this premise the Court ends by invalidating the entire statute on the basis that this alleged vagueness too readily lends itself to the stifling of protected activity.

The cardinal difficulty with this argument is that there simply is no real uncertainty in the statute, as the State court found, 202 Va., at 154, 116 S.E. 2d, at 65, or in that court's construction of it. It is true that the concept of vagueness has been used to give "breathing space" to "first amendment freedoms" (see Amsterdam, note, "The Void-For-Vagueness Doctrine in the Supreme Court," 109 U. of Pa. L. Rev. 67.), but it is also true, as that same commentator has well stated, that "vagueness is not an extraneous ploy or a judicial deus ex machina." Id., at 88. There is, in other words, "an actual vagueness component in the vagueness decisions." (Ibid.) And the test is whether the law in question has established standards of guilt sufficiently ascertainable that men of common intelligence need not guess at its meaning. (*Connally* v. *General Constr. Co.,* 269 U.S. 385, 70 L. Ed. 322, 46 S. Ct. 126; *Winters* v. *New York,* 333 U.S. 507, 92 L. Ed. 840, 68 S. Ct. 665.) Laws that have failed to meet this standard are, almost without exception, those which turn on language calling for the exercise of subjective judgment, unaided by objective norms. (E.g., *United States* v. *L. Cohen Grocery Co.,* 255 U.S. 81, 65 L. Ed. 516, 41 S. Ct. 298, 14 ALR 1045 ("unreasonable" charges); *Winters* v. *New York,* 333 U.S. 507, 92 L. Ed. 840, 68 S. Ct. 665, supra ("so massed as to become vehicles for inciting"); *Joseph Burstyn, Inc.* v. *Wilson,* 343 U.S. 495, 96 L. Ed. 1098, 72 S. Ct. 777 ("sacrilegious").) No such language is to be found here.

Ambiguity in the present statute can be made to appear only at the price of strained reading of the State court's opinion. As construed, the statute contains two types of prohibition relating to solicitation. The first prohibits such groups as the NAACP and the educational defense fund, "their officers, members, affiliates, voluntary workers, and attorneys" from soliciting legal business for "their attorneys."[41] And the State court made it clear that "their attorneys" referred to "attorneys whom they (the NAACP and the fund) pay, and who are subject to their directions." (202 Va. at 164, 116 S.E. 2d, at 72.) This is the practice with which the State court's opinion is predominantly concerned and which gave rise to the intensive consideration by that court of the relations between petitioner and its legal staff. Surely, there is no element of uncertainty involved in this prohibition. The State court has made it plain that the solicitation involved is not the advocacy of litigation in general or in particular but only that involved in the handling of litigation by petitioner's own paid and controlled staff attorneys. (Compare *Thomas* v. *Collins,* 323 U.S. 516, 89 L. Ed. 430, 65 S. Ct. 315.)

The second prohibition in the statute is the solicitation by petitioner of legal business for "any particular attorneys" or the channeling of litigation which it supports to "any other attorneys," whether or not they are petitioner's staff attorneys. This language of the State court, coupled primarily with this Court's own notion that chapter 33 in defining "agents" has departed from common law principles, leads the majority to conclude that the statute may have been interpreted as precluding organizations such as petitioner from simply advising prospective litigants to engage for themselves particular attorneys, whether members of the organization's legal staff or not.

Surely such an idea cannot be entertained with respect to the State court's discussion of the NAACP and its staff attorneys. The record is barren of all evidence that any litigant, in the type of litigation with which this case is concerned, ever attempted to retain for his own account one of those attorneys, and indeed, strongly indicates that such an arrangement would not have been acceptable to the NAACP so long as such a lawyer remained on its legal staff. And the State court's opinion makes it clear that that court was not directing itself to any such situation.

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[40] It is interesting to note the Court's reliance on opinion 148, opinions of the committee on professional ethics and grievances, American Bar Association. This opinion, issued in 1935 at the height of the resentment in certain quarters against the New Deal, approved the practice of the national lawyers committee of the Liberty League in publicly offering free legal services (without compensation from any source) to anyone who was unable to afford to challenge the constitutionality of legislation which he believed was violating his rights. The opinion may well be debatable as a matter of interpretation of the canons. But in any event I think it wholly untenable to suggest (as the Court does in its holding today) that a contrary opinion regarding paid legal services to nonindigent litigants would be unconstitutional.

[41] As a corollary, attorneys are prohibited, by the law as construed, from accepting employment by petitioner in suits solicited by petitioner.

Nor do I think it may reasonably be concluded that the State court meant to preclude the NAACP from recommending "outside" attorneys to prospective litigants, so long as it retained no power of direction over such lawyers. Both in their immediate context and in light of the entire opinion and record below, it seems to me very clear that the phrases "or any particular attorneys" and "or any other attorneys" both have reference only to those "outside" attorneys with respect to whom the NAACP or the defense fund bore a relationship equivalent to that existing between them and "their attorneys."[42] It savors almost of disrespect to the Virginia Supreme Court of Appeals, whose opinion manifests full awareness of the considerations that have traditionally marked the line between professional and unprofessional conduct, to read this part of its opinion otherwise. Indeed the ambiguity which this court now finds quite evidently escaped the notice of both petitioner and its counsel for they did not so much as suggest such an argument in their briefs. Moreover, the kind of approach that the majority takes to the statute is quite inconsistent with the precept that our duty is to construe legislation, if possible, "to save and not to destroy." *NLRB* v. *Jones & L. Steel Corp.*, 301 U.S. 1, 30, 81 L. Ed. 893, 907 57 S. Ct. 615, 108 ALR 1352, and cases cited; *United States* v. *Rumely*, 345 U.S. 41, 47, 97 L. Ed. 770, 776, 73 S. Ct. 543.

But even if the statute justly lent itself to the now attributed ambiguity, the court should excise only the ambiguous part of it, not strike down the enactment in its entirety. Our duty to respect State legislation, and to go no further than we must in declining to sustain its validity, has led to a doctrine of separability in constitutional adjudication, always followed except in instances when its effect would be to leave standing a statute that was still uncertain in its potential application.[43] See *Smith* v. *California*, 361 U.S. 147, 151, 4 L. Ed. 2d 205, 210, 80 S. Ct. 215. Given the "ambiguity" view of the court, the separability doctrine should at least have been applied here, since what would then remain of chapter 33 could not conceivably be deemed ambiguous.[44] In my view, however the statute as constructed below is not ambiguous at all.

V

Since the majority has found it unnecessary to consider them, only a few words need be said with respect to petitioner's contentions that chapter 33 deprives it of property without due process of law and denies it equal protection.

The due process claim is disposed of once it appears that this statute falls within the range of permissible State regulation in pursuance of a legitimate goal. Pages 431–437, supra.

As to equal protection, this position is premised on the claim that the law was directed solely at petitioner's activities on behalf of Negro litigants. But chapter 33 as it comes to us, with a narrowing construction by the State court that anchors the statute firmly to the common law and to the court's own independently existing supervisory powers over the Virginia legal profession, leaves no room for any finding of discriminatory purpose. Petitioner is merely one of a variety of organizations that may come within the scope of the longstanding prohibitions against solicitation and unauthorized practice. It would, of course, be open to the petitioner, if the facts should warrant, to claim that chapter 33 was being enforced discriminatorily as to it and not against others similarly circumstanced. (See *Yick Wo* v. *Hopkins*, 118 U.S. 356, 373, 374, 30 L. Ed. 220, 227, 6 S. Ct. 1064.) But the present record is barren of any evidence suggesting such unequal application, and we may not presume that it will occur. *New York ex rel. Lieberman* v. *Van de Carr*, 199 U.S. 552, 562, 563, 50 L. Ed. 305, 310, 311, 26 S. Ct. 144; *Douglas* v. *Noble*, 261 U.S. 165, 170, 67 L. Ed. 590, 593, 43 S. Ct. 303.[45]

I would affirm.

Mr. ERVIN. Mr. President, this is a most astounding decision, because it holds that the NAACP and its subsidiary corporations can practice law through attorneys chosen and controlled by them. This holding is contrary to every other judicial decision which I have ever seen. It also holds that attorneys chosen and controlled by the NAACP and its subsidiary corporations must obey the policies of the NAACP, even in cases where there is a conflict between such policies and the interests of the clients whom they actually represent in court. This opinion goes further and adjudges that the NAACP and its subsidiaries and the attorneys chosen and controlled by them are exempt from prosecution under the barratry, champerty, and maintenance laws of the State in which they practice in suits to desegregate public schools and the like.

It also holds that attorneys chosen and controlled by the NAACP and its subsidiary corporations are privileged to solicit legal business in such cases, and are free from disciplinary bar action for so doing.

For these reasons I believe it would be bad for Congress to pass a law which would encourage what we lawyers call ambulance chasing. The provision allowing the taxation of attorneys' fees as a part of the cost in behalf of the prevailing parties in suits under title II would do exactly that, because it would allow attorneys, who are chosen and controlled by the NAACP and its subsidiary corporations and who are exempt from the law which applies to all other attorneys, to solicit business in these cases.

I do not believe that it is good public policy for the Congress to encourage any kind of ambulance chasing. That is exactly what the provision authorizing the taxation of attorneys' fees would do.

I hope that the Senate will adopt this amendment.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HICKENLOOPER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from Iowa is recognized for 1 minute.

Mr. HICKENLOOPER. I believe that the proposition advanced by the Senator from North Carolina is sound and constructive, and that what he is trying to reach, and what has apparently been set up, is a difficult and bad precedent in our system of jurisprudence.

I hope to vote for his amendment.

I ran across a Biblical admonition a moment ago that may be apropos—almost—to this case. At least, I should like to pass on the benefit of this advice to my brethren in the Senate.

It will be found in Proverbs, chapter 26, verse 17, under the sundry maxims and observations of Solomon. It is as follows——

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. HICKENLOOPER. Mr. President, I yield myself one-half minute.

The PRESIDING OFFICER. The Senator from Iowa is recognized for one-half minute.

Mr. HICKENLOOPER. It is as follows:

> He then passeth by, and meddleth with strife belonging not to him, is like one that taketh a dog by the ears.

Mr. HUMPHREY. That is a partisan remark.

Mr. MILLER. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. MILLER. In response to the point of the Senator from North Carolina about the function or purpose of this provision in the bill, on page 10, possibly serving as a vehicle for ambulance chasing, I would appreciate his comment on this point, that the ambulance chasing would be rather futile if the case were not meritorious and if the party lost, because as the bill now provides, the attorney's fee is good only to the prevailing party. Therefore, I suggest that the ambulance chaser—if we wish to use that term—will be on his guard not to go after anything except meritorious cases; otherwise, it would be a waste of his time and effort without any compensation so far as the Federal court is concerned.

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[42] The full text of those portions of the State court opinion in which these phrases appear is quoted in footnote 9 of the majority opinion, ante, p. 414.

[43] Of course, if we refuse to sustain one part of a State statute, the State court on remand may decide that the remainder of the statute can no longer stand, but insofar as that conclusion is reached as a matter of State law, it is of no concern to us.

[44] *Cf. Stromberg* v. *California*, 283 U.S. 359, 75 L. Ed. 1117, 51 S. Ct. 532, 73 ALR 1484, in which the State law condemned the displaying of a red flag for any of three purposes and this Court sustained the validity of the law as to two of these purposes but struck it down for vagueness as to the third.

[45] It has been suggested that the State law may contain an invidious discrimination because it treats those organizations that have a pecuniary interest in litigation (for example, an insurance company) differently from those that do not. But surely it cannot be said that this distinction, which is so closely related to traditional concepts of privity, lacks any rational basis. The importance of the existence of a pecuniary interest in determining the propriety of sponsoring litigation has long been recognized at common law, both in England, see *Findon* v. *Parker*, 11 M & W 675, 152 Eng., Rep. 976 (Exch. 1843), and in the United States, see, e.g., *Dorwin* v. *Smith*, 35 Vt. 69; *Vaughan* v. *Marable*, 64 Ala. 60, 66, 67; *Smith* v. *Hartsell*, 150 N.C. 71, 63 S.E. 172, 22 LRA N.S. 203. The distinction drawn by the Virginia law is not without parallel in the requirement that in the absence of a statute or rule a suit in a Federal court attacking the validity of a law may be brought only by one who is in immediate danger of sustaining some direct and substantial injury as the result of its enforcement, and not by one who merely "suffers in some indefinite way in common with people generally," or even in common with members of the same race or class. (*Massachusetts* v. *Mellon*, 262 U.S. 447, 487, 488, 67 L. Ed. 1078, 1085, 43 S. Ct. 597.) See *McCabe* v. *Atchinson, T. & S.F. R. Co.*, 235 U.S. 151, 162, 59 L. Ed. 169, 174, 35 S. Ct. 69. And of course the motives of the Virginia legislators in enacting ch. 33 are beyond the purview of this Court's responsibilities. (*Fletcher* v. *Peck* (U.S.) 6 Cranch 87, 130, 3 L. Ed. 162, 176; see *Arizona* v. *California*, 283 U.S. 423, 455, 75 L. Ed. 1154, 1165, 51 S. Ct. 522; cf. *Tenney* v. *Brandhove*, 341 U.S. 367, 377, 95 L. Ed. 1019, 1027, 71 S. Ct. 783.

Mr. ERVIN. My reply is that the attorney who had a meritorious case would probably be crushed to death in the rush of attorneys seeking cases regardless of their merits or demerits.

The PRESIDING OFFICER. The time of the Senator from North Carolina has all expired.

Mr. MILLER. Mr. President, I shall be glad to yield some time to the Senator from North Carolina——

SEVERAL SENATORS. The Senator cannot do that.

The PRESIDING OFFICER. The Senator can yield on his own time only if no Senator makes a point of order.

Mr. MILLER. Has the Senator from North Carolina used up all his time?

The PRESIDING OFFICER. The Senator is correct.

Mr. MILLER. I would be pleased to yield to him, if some other Senator who supports the Senator from North Carolina's amendment would respond to that question, because I believe that this is the answer to the Senator from North Carolina, that if we are concerned about ambulance chasing, we had better realize that the ambulance chasers are not about to be in the business if there is no profit in it for them. They will be in the business only if they can make a profit. They are not going to make much profit out of any cases except those which are meritorious, so I believe that the point is exaggerated, and I believe the amendment is inadvisable.

Mr. PASTORE. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 30 seconds.

Mr. PASTORE. The purpose of this provision in the modified substitute is to discourage frivolous suits. Here the court within its discretion is given power to order payment of attorney's fees to the prevailing party. First of all, it is within the discretion of the court. It is not favoritism toward one party as against the other. When a person realizes that he takes the chance of having attorney's fees assessed against him if he does not prevail, he will deliberate before he brings suit. He will make certain that he is not on frivolous ground.

I believe that this is a good provision in the modified substitute. I believe that the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Montana [Mr. METCALF] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 31, nays 65, as follows:

[No. 418 Leg.]

YEAS—31

Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
Mechem
Morton
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—65

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—4

Engle
Goldwater
Metcalf
Robertson

So Mr. ERVIN's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MRS. PETER MEAD, TYPICAL WESTERN WOMAN

Mr. McGEE. Mr. President, I yield myself 30 seconds.

The latest issue of the Farm Journal carries an excellent article about a very dear friend and former student of mine, Mrs. Peter Mead. This gracious young mother, the daughter of our Governor, Clifford P. Hansen, is the type of woman who epitomizes western women at their best. Mary Hansen Mead is at home on a horse or in a drawing room. She has an independent spirit that is a tradition among Wyoming women and an indication of why we are proud to be called the Equality State.

Mr. President, I regret that the printing facilities will not permit the reproduction of the pictures which accompany this article, for they demonstrate that Mary is beautiful as well as talented, but I ask unanimous consent that the text of this article, written by Laura Lane, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RANCH WIFE LOOKS AT HER HERITAGE

(By Laura Lane)

I've been prospecting for a farmer's wife cover girl—a woman who represents and appreciates the traditions and character of the West. Not the phony TV west, but the ranching West which produces a breed of people I admire.

Luck was with me—in Wyoming I struck gold. There I met Mary Hansen Mead of Teton County, who has a special brand of gratitude for her pioneering forebears.

Mary's paternal grandparents homesteaded in Jackson Hole before 1905 "when it was rough country and had to be gentled." Then her parents by management and hard work accumulated the sizable spread which Mary and her husband Peter now operate, with three appealing little ranchers, Brad 5, Martha (Muff) 4 and Matt who is 2.

The happenstance of where you're born and where you put your roots down can be fortunate. Especially if it's in a picture-postcard setting like Jackson Hole, I thought as I stood on Mary's back steps. She read my thoughts about her personal geography: "I never look at that view of the mountains without feeling both reverent and patriotic."

Mary (a member of Farm Journal's family test group) and I continued our talk in the fine old log house the Meads recently remodeled. It's on a 300-acre tract of their own which adjoins the Hansen ranch.

"I live where I most want to live, with the people I love the most," Mary told me. "I must be the luckiest person in the world. Someday we'll own more land—and more cattle, too. I'm proud that we can use the first registered cattle brand in the county (the Double T) on the herd Pete and I are building up. I hope to instill in my children the sense of proprietorship and belonging I feel about this place."

I assured Mary that many farm women of plains and prairies feel just as deeply about their heritage—a country childhood, hard work rewarded with good times, neighborliness, self-reliance, liberty and faith in God.

With parents as prominent as the Clifford P. Hansens (he is now Governor of Wyoming), Mary might have been a spoiled brat instead of a young woman with a mind of her own and a cheerful acceptance of work (as long as the work gets her someplace).

She's found it's one thing to ride the range as a carefree youngster and quite another to cook for hay crews, keep three sets of books, wash milk separators and cope with three young children. ("I always thought my babies would never have runny noses, but of course they do.")

As a girl, Mary helped in the saddle when her father worked cattle, or on a buckrake at haying time (the crop averages 4,000 tons). Because she was an outdoor girl, Mary had to learn as a bride, the homemaking skills in which her mother is so expert. "Box cakes and puddings probably saved our marriage," she admits.

Pete had a New England heritage. He grew up in a ski area of Vermont, "came West to be a cowboy and ended up a cowman." Pete worked on ranches in the Jackson area before and after his stint in the Army. Then he married Mary, who was teaching. The first year of their marriage they were ski instructors in California. Then they went back to Teton County and bought a small place of their own.

Two years ago when Mary's father went into politics, Pete became manager of the Hansen holdings. It's quite an undertaking to run a big outfit with lots of hands and four scattered headquarters, but both Pete and Mary are working hard to develop their management abilities.

"I've learned quite a bit about cost accounting, but already I can't cowboy to suit Pete or drive a tractor the way he wants it done," says his western wife.

A kind of history book—Cliff Hansen's diary of 25 years of ranch operation—has been Pete's guide and solace in his new job; so he continues to keep the daybook. "And if he didn't, I would," Mary adds. She hopes the perpetuated diary (Pete reads it like a novel) will someday be of help and interest to a rancher son.

"Jackson Hole is a wonderful place to live (maybe not ideal for the taxpayers), but we don't consider moving—or quitting the cow business when prices are low. I'd rather hammer staples in a fence than meet a commuter train in the evening." I heard the gratitude in her voice. "And out here a child from the time he can walk can accompany his father to work."

Naturally the young Meads are being brought up outdoors. Brad began to ride a horse and ski at the age of 3; Muff already rides alone, and Matt will soon follow suit.

The good times of ranch life are more enjoyable because of the hard work and worry. This is a point of view Mary borrowed from her Grandmother Miller and one she wants to pass along to her own children. Hence the kids are included in most of the fun, such as rides in a speedboat on Jackson Lake. The boat, an admitted extravagance, gets Pete away from ranch problems.

"I make an effort to see that Pete takes some leisure—and you have to take it on a ranch—there's no free time," Mary says. "With other interests now, we'll have something to share besides work when the kids are grown."

She and Pete ski in winter, hunt antelope in the fall (Mary shot her first antelope and her first elk at age 16). Contract bridge is one recreation which can keep Pete awake after a long day of moving cattle or horses.

Mary belongs to the Teton Barrel Racing Association and in summer competes with 20 other ranch wives doing speedy figure 8's around oil drums without upsetting them. It's one sport where most of the spectators yell: "Come on, Mommy." Mary modestly says her racing prize money seldom exceeds her entry fees. She prefers to ride her aging mare Squaw rather than pay several hundred dollars for a good new barrel racer (last summer's horse money went for a dishwasher).

While we visited the corrals, Mary told me that her paternal grandparents came to Jackson Hole with a team and wagon. Grandmother Hansen pulled sagebrush while she reared six children, rode a horse 10 miles to put a dime in the church collection plate. (Mary's been treasurer of that same Episcopal church, St. John's.) Considering your forebears' strenuous beginnings can make your own tribulations look like gopher hills, she decided.

Nobody ever went hungry who passed the Hansen place with cattle bound for range. Mary, like her mother and grandmother, keeps the coffeepot handy and bakes big batches of bread when men and cattle are on the move.

About entertaining Mary says: "I think it's better for a hostess to be spontaneous rather than fancy. I want my guests to realize they're important but not to feel I'm putting myself out to fix a meal."

The Mead home is a welcoming place, uncluttered with teensies and doodads. The living room is colorful and handsome. Heirlooms and modern furniture have quality, show their owners' good taste. Pete's office and the family living area are comfortably informal—Pete and the ranch hands come in as they are.

Because the scenic grandeur of Jackson Hole attracts many celebrities, Mary and Pete meet them—so do their neighbors. Life in such a cosmopolitan community helps you distinguish between people worth knowing and phonies, Mary believe. And it makes you resolve never to put on airs yourself.

As the years pass, Mary wonders if she'll measure up to Grandmother Hansen, who piloted a plane in her sixties, went to Europe in her seventies. Mary, at 21, went along. She inherited her grandmother's zest for life.

One of Mary's big worries is that her children may have less freedom than their forebears to build their own domain. If the young Meads aren't independent thinkers, their upbringing won't be to blame. Their mom is dead set against governmental encroachment:

"Every year there are more restrictions on land leased for grazing. About 97 percent of Teton County is federally owned, and the Federal tax rebate to help support our county government decreases annually. So ranchers feel financial pressure along with the pressure of being fenced in—in the spacious West.

"We ranchers aren't overgrazing range—we're improving it. But it looks as if in time we'll be prohibited from leasing public lands."

The conviction which led Mary's father, Cliff Hansen, into politics—that every American is a part of history and should help shape it—rubbed off on his daughter. Mary majored in history at the University of Wyoming, reads much about current issues. And she says what she thinks: "I want our children to love this country—not just the West—as deeply as I do, but you don't have to be patriotic at the top of your voice to be sincere." (Mary is no top-of-the-voice girl—she's quiet, a thinker.)

"I know I have prejudices, but I'm not 'busy seeing Communists under the bed.' And I'm no parrot. Mainly I want my children—all children, in fact—to get involved in politics when they're grownup—not just sit on the sidelines and criticize. That way no radical group will ever use us—neither arch conservatives nor let-the-government-do-it-all liberals. We need free thought to make free enterprise work.

"Some groups maintain all of the American past is glorious and we mustn't criticize. Nonsense. Every nation makes mistakes and must learn from them—just as individuals do. I want Brad and Muff and Matt, when they're old enough, to understand the whys of our mistakes. But I'll be careful how I point out our national errors, just as I'm careful how I explain people's faults (my own included)."

Occasionally Mary cuts herself down to size that way—not with humility, but with honesty: "I'm not stylish or well-spoken, but I don't feel inferior. I respect myself. I wouldn't trade places with anybody."

That's Mary Mead for you. And that's the spirit of the West I was prospecting for. There are plenty of ranch wives like Mary who are contributing one thing especially to our national heritage: spunk.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. THURMOND. Mr. President, I yield myself 30 seconds. I call up my amendment No. 1025 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 65, line 19, change the period to a colon and insert the following: "*Provided, however*, That failure to comply with requirements of this section shall not constitute more than one offense until after notice in writing has been given to the employer, employment agency or labor organization, as the case may be, by the Commission, of the past or existing noncompliance."

Mr. THURMOND. Mr. President, section 711 of title VII of the substitute amendment provides a fine of up to $100 for each separate offense of employers not posting notices prescribed by the Equal Employment Opportunities Commission. This amendment would prevent a continuing failure to post such notices from constituting more than one offense until after the Commission had notified the employer in writing of the existing noncompliance.

On this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Arizona [Mr. Hayden], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that the Senator from Idaho [Mr. Church] is necessarily absent.

On this vote, the Senator from Virginia [Mr. Byrd] is paired with the Senator from California [Mr. Engle]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from California would vote "nay."

I further announce that, if present and voting, the Senator from Virginia [Mr. Robertson] would vote "yea."

The result was announced—yeas 32, nays 63, as follows:

[No. 419 Leg.]

YEAS—32

Byrd, W. Va.
Cooper
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Miller
Morton
Mundt
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Young, N. Dak.

NAYS—63

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Clark
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—5

Byrd, Va.
Church
Engle
Hayden
Robertson

So Mr. THURMOND's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move that the vote by which the amendment of the Senator from South Carolina was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT NO. 923

Mr. THURMOND. Mr. President, I call up my amendment No. 923, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 68, beginning in line 20, it is proposed to delete down through line 23, on page 69, as follows:

TITLE VIII—REGISTRATION AND VOTING STATISTICS

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

Mr. THURMOND. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, title VIII of the proposed substitute would authorize the compilation of voting statistics by race, in areas of the United States selected by the Civil Rights Commission. A circuit court of appeals has recently held that it is unconstitutional for States to classify registration certificates or registrants by race. If such records are deemed necessary to be compiled and kept, they can be gathered just as well, if not better, by the individual States, at no cost or trouble to the U.S. Government. However, since it has been ruled unconstitutional for a State to classify voters by race, the compilation of such statistics by the U.S. Government cannot be justified. This amendment would delete title VII from the substitute.

ADDRESS BY FATHER EDWARD B. ROONEY AT COMMENCEMENT EXERCISES OF GEORGIAN COURT COLLEGE, LAKEWOOD, N.J.

Mrs. SMITH. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mrs. SMITH. Mr. President, it was my privilege and pleasure to attend the commencement exercises of Georgian Court College, in Lakewood, N.J., on June 6, 1964. I have never attended a more enjoyable and impressive ceremony, and I was deeply impressed.

The president of Georgian College is one of the most remarkable women I have ever known—Sister Mary Pierre, who not only has attained great academic achievement, with a doctor of philosophy from the University of Madrid, and graduate work of great distinction at Yale University, but who is easily one of the loveliest persons I have ever met. Her charm and her great warmth of feeling for people captivate everyone.

It was my pleasure to see again, on that occasion, a great educator, Father Edward B. Rooney, who gave the commencement address. It was one of the finest messages I have ever heard. Because I feel that it should be widely read, I commend it to every Member of Congress, and I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS, GEORGIAN COURT COLLEGE, BY EDWARD B. ROONEY, S.J., LAKEWOOD, N.J., JUNE 6, 1964

Your Excellency, Bishop Ahr, Your Honor Senator Smith, Sister-President, Right Reverend and Very Reverend Monsignori, reverend fathers, sisters, members of the faculty, graduates, parents, students, and friends of the graduates and of Georgian Court: I am grateful to your president, Sister Mary Pierre, for the honor of her invitation to address you, the class of 1964, on this happy occasion when you cease to be students and become alumnae of a distinguished American Catholic college. I am pleased to share in the joy that this day brings to you, to your parents, and relatives, and friends; and to participate in that happy sense of achievement that your graduation marks for your college, your community, and your church. For, after all, it is only in you and through you, its graduates, that your college attains the goals for which it was founded; it is through your lives that your alma mater brings blessings to your community and your church.

Georgian Court has striven to give a liberal education, an education that would free your minds not merely to search for truth but to recognize and embrace it when found; an education that would not only help you to judge what is good for the individual and for society but would strengthen your freedom to embrace that good, cost what it might; an education that would free your sensibilities not merely to see the beautiful in literature and art and music and architecture and science, but also to derive lasting joy from the contemplation of that beauty and to recreate in a thousand different ways some of it in your own lives. At Georgian Court you came to see that the liberal arts and sciences, if followed with scholarly humility, inevitably lead by the paths of natural reason to the threshold of a temple whose portals only Revelation can open. Theology opened those portals to you with its knowledge of a God-Man who did speak and did reveal Himself and His church. By listening to that voice, by studying your faith, and by practicing it in a forthright, sincere manner you brought the knowledge of your faith to the same high level as the rest of your learning. The liberal education you received at Georgian Court was designed to free you from every kind of prejudice against God and man. It enabled you to see God in all men; to see that through this service of man, in whatever community he be found, you serve God and thus merit to become a member of the community of saints in the world to come. True to her objectives as an American and a Catholic college, Georgian Court gave you a philosophy and a theology that not only explained social responsibility but made it a serious obligation to accept such responsibility to your church, your community, and your country.

Because I think these community aspects of your education are of special importance today, I should like to make the theme of my message to you today, "The Role of the Catholic Graduate in the Community Life of the Church and the Nation."

One would have to be deaf, indeed, not to catch the urgency in the appeals for the active participation of laymen in the life of the church that has been the burden of message after message from the Popes of our own time, culminating in the perfect symphony of appeals that have come to us, and will continue to come under the inspiration of Paul VI, from the Second Vatican Council. This active participation of the laity in the life of the church will not be easy; if it is to be intelligent, the church will have to rely heavily on people who have had the benefit of a Catholic higher education. For example, the provisions the church is making for the more active participation of the laity in the liturgical life of the church are not going to simplify your faith and its practice. They will not solve mysteries; there will still be the same ample field for childlike faith there has been in the past; there will be an even larger field for intellectual discipline, and for humble obedience to the Vicar of Christ. Again, the ecumenical movement in the church will put a much heavier intellectual burden not on the clergy alone but also on the laity and especially on the educated laity. For the greater the association that develops between Catholics and non-Catholics the greater will be the obligation to understand the various non-Catholic positions, and also our own.

If your participation in the church community is to be what the church expects, you will have to be alert. You will have to read; you will have to have Catholic books and encyclopedias available, not as dust-gathering ornaments but to be read and studied. One cannot keep up with the advances of literature, science, the arts, politics, and world affairs unless one reads adult books and magazines. Your children will more easily come by habits of serious reading and of being well informed on what is going on in the church as well as in the State if they see their elders reading such books, if they hear discussions of such books, and if such books are available to them in their homes. They will also come naturally to think in terms of active participation in the life of the church, if the example of their parents inclines them this way. Organizations that will afford ample scope for participation of the laity in the community life of the church are numerous; and they are pleading for workers. "Catholic Action in Practice,"[1] by Martin Quigley, Jr., and Msgr. Edward M. O'Connor, that appeared last year, is a veritable mine of information on such organizations.

But if it is important that you participate actively and intelligently in your church community, it is equally if not more important to exercise the same active and intelligent participation in your civic community. The normal way for the citizen to look to the good of his community and to his duty as his brother's keeper will be through the agencies of Government and community organizations. You will fulfill these obligations by taking an active, intelligent interest in politics and by participating in community projects whether these be sponsored by Government or voluntary agencies.

There are, of course, a thousand and one ways of exercising one's community obligations. There are needs, and activities to meet them, in the broad areas of health (physical, mental, and moral), of welfare, and of education. Today I should like to lay particular emphasis on one of these areas, not only because I believe it is a particularly important area for active and intelligent participation of Catholic women in community life today but also because it will serve to illustrate a number of principles of community endeavor that are all too often misunderstood. The area I wish to speak of is that of education.

In America we are fortunate in having a dual system of education, one part under the control of State and local government, the other under private control. Although private schools were in existence long before public schools, the public school system is by far the larger. Even so, both are very strong and they help one another greatly, especially by mutual stimulation. The existence of the two systems, side by side, has been good for education and good for our people. The dual system has prevented government, both Federal and State, from exerting undue control over education. The dual system has made both systems more alert. Public schools make good schooling available for all our children, while private schools make freedom of choice a reality for parents, especially for those who desire religious training and atmosphere for their children. The private system also makes possible experimentation that would be quite impossible if we had public schools only.

This healthy American dual system of education needs protection and interest. It is my belief that one of the most important areas for active participation of Catholic women in community life is that of the schools. While it is but natural that you who are graduates of private schools and colleges should take a special interest in those schools, it would be sad indeed, if graduates of Catholic colleges were so lacking in a sense of civic responsibility as to give grounds for the oft-repeated charge that Catholics are concerned only with Catholic schools; or, worse still, that they are enemies of the public school, and even refuse to serve on local boards of education. No citizen has a right to neglect that system of schools that cares for so many American children and that, by and large, does such a fine job, often in spite of difficulties that hamper and restrict its freedom.

This does not mean that in order to show interest in the public schools it is necessary to send your children there. If you are convinced, and, as Catholics, you should be, that religious atmosphere and religious instruction are essential to the school in which to bring up Catholic children, then you should place your children in schools that create this atmosphere and provide this instruction. This will not preclude a healthy interest in and work for the neighboring public school. By the same token, we should like to see a similar interest not only on the part of parents of public schoolchildren, be they Catholic or non-Catholic, but also on the part of public school officials, in the parochial school, the Catholic high school, and the Catholic college. We would welcome them to our schools; and I am sure we would gain much from their neighborly interest and advice.

The plea for understanding and cooperation among those whose interests are in public education and those whose interests lean to private schools is particularly necessary at the present time. The last few years have witnessed much misunderstanding concerning the position of most Catholic educational leaders on state aid for private schools. It is my conviction, and it grows stronger with the years, that once the American people see the justice of the claims of private schools to a share in public educational funds, they will, with their usual fair-mindedness, vote for such aid. But this will never come about until we concentrate on the real issues and stop talking about false ones in the debate on state aid to private schools.

And there are real issues. That educational opportunity is not equal in all parts of our country is a fact. But whether or not there is a genuine need of Federal aid, and whether or not it is the proper function of the Federal Government to equalize educational opportunity are real issues. That there are inherent dangers in Federal control of education is a fact. Other nations of the world bear sad witness to it. Whether in a vast program of Federal aid the danger of Federal control over education can be obviated, and whether the good that will be accomplished by Federal aid outweighs the risk of danger, are real issues. If Federal moneys are given for the support of private schools, it is undoubtedly true that the number of public schools will decrease. Whether this result would be more than counterbalanced by the freedom of choice that it makes a reality, is a real issue.

But there are false issues as well, and they, unfortunately, have claimed much of the time and attention that should have been devoted to discussing the real issues and ways to solve them.

There is, for example, the issue of separation of church and state. Federal aid to private, and particularly to denominational, schools would be a violation of the American principle of separation of church and state, established by the first amendment which erected the "wall of separation." That issue is false. The words, "separation of church and state" and "wall of separation" do not even occur in the first amendment which states very simply, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *." The obvious meaning of these words is that the Federal Government is prohibited from setting up a state-church to which all must belong or which will receive preferred treatment. With this we are in complete agreement. If the separation of church and state established by the first amendment means more than that, then we have a long history of violating our Constitution. Provision for chaplains in the Armed Forces, the school lunch program, the Hill-Burton Hospital Construction Act, the college housing loan program, many features of the National Defense Education Act of 1958, the 1963 Higher Education Facilities Act, to say nothing of a host of other Federal assistance programs, are all violations of the Constitution since denominational institutions or organizations participate in all of them on an equal basis with their nonsectarian counterparts. Actually, in the history of the United States, there has never been complete separation of church and state in the sense claimed by those who use it to oppose Federal aid to private schools. Hence, separation of church and state in the true sense established by the first amendment is not at issue in the Federal-aid-to-education controversy.

Then there is the false issue of aid to religion. Federal aid to denominational schools is aid to religion, so they say. The unconstitutionality of that was clearly scored in the McCollum and the Everson decisions of the Supreme Court. In the *Everson* case, the Supreme Court stated that, "Neither a State nor the Federal Government * * * can pass laws which aid one religion, aid all religions, or prefer one religion over another;" but it upheld the constitutionality of the New Jersey statute extending public transportation to children attending parochial schools. This "no aid" concept was referred to in the McCollum case outlawing a plan for religious instruction on public school premises. But in a third case, the Zorach case, in which it upheld the constitutionality of a New York statute providing a program of religious instruction off the premises of public schools, the Supreme Court observed, "The first amendment does not say that in every and all respects there shall be separation of church and state." Later, the Court said, "We are a religious people whose institutions presuppose a Supreme Being. * * * When the state encourages religious instruction or cooperates with religious authorities it follows the best of our traditions. It then respects the religious nature of our people and accommodates the public service to their needs." The Court concluded, "We cannot read into the Bill of Rights a philosophy of hostility to religion." The most, therefore, that can be said of the McCollum and Everson cases is that they declare direct aid to religion against the first amendment. But this must not be so exaggerated as to make the first amendment the enemy of religion instead of its protector. Were Federal funds given to denominational schools, the aid to religion would, at most, be indirect. The direct aid would be to schools which devote 95 percent of their time to teaching the very same subjects that are taught in public schools; and in which children can fulfill the compulsory school attendance laws of every State in the Union. To claim that the prohibition of aid to religion forbids aid to denominational schools is to read into the first amendment a philosophy of hostility to religion which the Supreme Court itself repudiated. Hence, that, too, is a false issue.

If you graduates of a Catholic college are to take an intelligent part in this debate, you must understand that the real issues in the debate are freedom of religion and justice. In order to guarantee that every citizen should be completely free to practice his religion according to his conscience, the Federal Government was forbidden by the first amendment to set up a state religion or to make laws curtailing the free exercise of religion. In depriving Congress, and later, by the 14th amendment, the States, of the power to establish a religion to which all must belong, or to interfere with the free exercise of religious rights, the American people did separate the church and the state. The separation thus created was a means to an end. The end was the personal freedom of religion of the individual citizen. The choice, by parents who desire it, of a religiously orientated education for their children, is an exercise of that religious freedom guaranteed by the first amendment. To refuse to allow denominational schools to participate in the benefits of a general Federal-aid program is to put a penalty on the exercise of that freedom, and is itself a violation of that freedom. Consequently, religion and the first amendment are real issues in the controversy over Federal aid not because aid to private schools would violate the separation of church and state intended by the amendment, but because the denial of aid to private and denominational schools would violate the free exercise of religion guaranteed by the first amendment.

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[1] Quigley, Jr., M. and O'Connor, Edward M., "Catholic Action in Practice," Random House, New York: 1963.

The National Education Association rightly objects to the opprobrious term "godless" being applied to public schools. How can our public schools be godless when such a large majority of their teachers are religiously oriented? Moreover, in its publication, "Moral and Spiritual Values in the Public Schools,"[2] the NEA lays great stress on the efforts of the public school to inculcate such values. I do not think the public school people should object if it were said that at the very minimum they try to develop secular humanism. Should they for this reason be declared incapable of receiving Federal assistance if such were given? I do not think so. Yet the Supreme Court has said[3] that among the beliefs recognized and therefore protected by the first amendment are ethical culture and secular humanism. Would it not be ironic if public schools were declared ineligible for Federal aid for the reason that they teach moral and spiritual values based on secular humanism?

In his now famous education message to Congress in 1961, President John F. Kennedy (to whose immortal soul we are certain God has long since granted eternal rest), said: "Our twin goals must be: A new standard of excellence in education—and the availability of such excellence to all who are willing and able to pursue it."

Our Constitution guarantees to parents the freedom to choose the school to which they will send their children; 15 percent of American parents make use of this freedom and send their children to private schools. By what principle of justice are those American children who attend private schools excluded from the availability of the excellence that President Kennedy so rightfully called for? By what right are children in private schools made second-class citizens because their parents, following the dictates of conscience, prefer for them a religious oriented education? Is it justice when 6 million children in private schools are excluded from a program of aid supposedly predicated on public policy and general welfare? Justice, then, is a real issue. It is the issue. For justice demands that parents of children in private schools be guaranteed not only their freedom of choice but also immunity from penalty in the exercise of that freedom. The parents of those children will not be exempt from the taxes that support the program of Federal aid to education. Is it just that they be excluded from the benefits of such a program?

Who, if not the graduates of Catholic colleges like Georgian Court, should be better able to enlighten the many, many people of good will who really wish to understand and to be fair? Here, then, is another area where enlightened public opinion and active participation in community life are extremely important.

But if your participation in community life is supremely important for your church, your country, and your local community, it involves certain hazards. I would be less than honest and I would do community service no good at all were I to leave you with the mistaken notion that such participation will be all glamour and attraction.

To begin with, participation in community life is not easy. Whether it be the political, the social, or the religious life of your community that you get involved in, if your participation is to be constant and persevering and selfless it may better be described in the words used by a great English statesman to depict the grim days of war in his country: blood, sweat, and tears. You will have to sacrifice your own ease and comfort. At times you will be the victim of the slings and arrows of outrageous criticism. Your motives will be questioned; you will be called a busybody.

All that I am trying to say was really said much better than I can say it by your valedictorian, Joan Marie Smith, in her excellent address on "A Commitment." But if I were looking for an outstanding example of a person who has lived and put into practice what I have been trying to say we have such an example in the person on whom Georgian Court has today conferred an honorary degree, the Honorable MARGARET CHASE SMITH. In her you have a person who personifies the ideals of community activity that I have been speaking of.

If you take an active part in politics, either running for office yourself or working for others who will truly represent you and whose one aim will be to serve, you will be called politically ambitious. If you campaign to clean our newsstands of the smut that poisons the minds and hearts of our young, you may be charged with trying to impose your concepts of morality on the world or with interfering with freedom of speech. But remember this, for the few who snipe at your humble efforts to take an active part in community activity, who question your motives, who call you politically ambitious, or even for the thousands who would thwart your efforts to create an atmosphere where young Americans can grow up with vigorous mental and moral health, there are armies of good people who think as you do and who are only looking for someone who can and will lead them.

"But I am but one person," you may say. No, you are not alone. Surely you can count on your fellow alumnae of Georgian Court. If they are true to the lessons they have been taught at Georgian Court, they must join you in this active participation in community life. And Georgian Court is but one of the whole network of Catholic colleges and universities spread across the country. This year they enrolled over 366,000 students. Can you imagine the salutary influence the graduates of all these schools over a 10- or 15-year period could have on the life of their communities and of our country if they exercised, even in a small degree, their potential for leadership? How quickly they could dispel the notion that Catholics are not interested in civic projects; that they take a narrow, parochial view of all problems, and are simply not interested in working for the community. They would prove that they have heeded this injunction of Pope John XXIII in his encyclical letter "Pacem in Terris":

"Once again we * * * remind our children of their duty to take an active part in public life and to contribute toward the attainment of the common good of the entire family as well as that of their own political community."[4]

The very first place you may have to exercise your leadership, not to say ingenuity, is in getting the men interested in community activities. Here is where wives can exercise their skill at persuasion. Maybe you can make it a husband-wife participation in community activities, as is done extensively in the Christian family movement. But be smart about this; do it the right way. Sir James M. Barrie once wrote a very beautiful play about the healthy influence of a wife on the political life of her husband. She was the one who really had the ambition; she got the bright ideas; she led her husband on to success. But always she had the good sense to make it appear that it was he who was making the decisions; he had all the bright ideas; he was the author of his political success. The title of the play was, "What Every Woman Knows."

Your bishop and your priests, your parents, relatives, and friends, and your teachers are here to rejoice with you today. You, better than any, realize what your education has meant to them, the sacrifices that it involved for them. Let me speak for you and say how grateful you are to all of them for being the bearers of God's blessings to you. And let me say, also, for you that you will show your gratitude for all that you have received by striving for the ideals that have been given to you during your 4 years at Georgian Court. How proud your church and your country, your community, and your school will be of you if you will make their hopes for leadership from our Catholic colleges come true. Your parents will not only be proud, they will count all their sacrifices as nothing if you measure up to the hopes of your college and to the expectations that your church, your community, and your country place in your future leadership.

I am sure you have all dreamed of becoming such leaders. Those dreams are good. They will spur you on to your best efforts. But will those dreams come true? Will the dreams become a reality? Here is what I think.

In the southern part of France there is a beautiful, medieval city called Carcassonne. Its thick, granite walls, its drawbridges, and broad moat, its crenalated towers and embattlements, its waving flags, its quaint, crooked old streets, and ancient houses make it a kind of dream city transplanted from the far-off past. Once a traveler was making his way to this lovely, old city. He came upon a peasant and asked him, "How far is it to Carcassonne?" The peasant answered, "How far is it to Carcassonne? Sir, that I do not know. But that this is the road to Carcassonne, of that I am sure. For those who return say always that at the end lies beautiful Carcassonne."

Were you, the graduates of the class of 1964, to ask me today, "How far is it to the city of our dreams and our ambition to become leaders of Catholic thought and action? How far is it to the Carcassonne of that glorious dream all of us have of peace and unity for America and for God's church?" Like the French peasant, I would have to answer, "How far is it to the Carcassonne of your dreams? That I do not know. But this I do know that as long as you continue on the road that has been pointed out to you by word and by example during your years at Georgian Court you are on the right road." At the end of that road lies the Carcassonne of your best dreams for yourself and for your church and for America. On the journey to the Carcassonne of such wonderful dreams may God be with you, and Our Lady.

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[2] Educational Policies Commission, "Moral and Spiritual Values in the Public Schools," (Washington, D.C.: National Education Association of the United States and the American Association of School Administrators, 1951).

[3] *Torcaso* v. *Watkins*, 367 U.S. 488, March 1961.

[4] John XXIII, "Pacem in Terris," sec. 146.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment (No. 923) of the Senator from South Carolina.

Mr. HOLLAND. Mr. President, I yield myself 30 minutes.

The **PRESIDING OFFICER.** The Senator from Florida is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, when the House-passed civil rights bill came to the Senate, statements were made by the proponents, both in the Senate and elsewhere, that the Senate should pass the House-passed bill without change.

The Senate has refused to go along with that approach, and during the course of debate has made substantial changes in the House-passed bill.

I shall mention 65 of such changes made by the Senate during its consideration of the bill—changes which are regarded by the professional staff of the Judiciary Committee as being most substantial amendments.

Two major floor amendments have already been incorporated in the bill—namely, the Morton jury trial amendment and the Ervin double jeopardy amendment.

The Morton amendment provides jury trial in criminal contempt cases arising otherwise than from voting provisions of the bill.

This amendment would guarantee the right to a trial by jury at the option of the accused in all criminal contempt proceedings under titles II through VII of the act. It restricts the punishment to not more than 6 months imprisonment or a fine of not more than $1,000. The grant of right to jury trial in all cases and the limitation of the power of the court to impose sentence are both substantial amendments of the House version of the bill.

The revised Ervin double jeopardy amendment provides that, in the Federal courts, no person shall be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt which is based upon the same act or omission, and which arises under the provisions of this act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission. This amendment brings the law as to criminal contempts and as to crimes into harmony with the constitutional provision that no man shall be twice put in jeopardy for the same offense.

It is too bad that the decisions of the Supreme Court heretofore have not already accomplished that very salutary result.

The other changes largely come from the provisions of the Dirksen-Mansfield substitute.

TITLE I—VOTING RIGHTS

The Dirksen-Mansfield substitute amends section 101(c) to require that where literacy tests are required by State laws, they be given in writing.

Section 101(d) of the bill as it passed the House permits the Attorney General or any defendant, in a voting rights suit, to vindicate the right to vote without distinction of race notwithstanding action under State law to the contrary, to request a three-judge court.

The Dirksen-Mansfield substitute makes these changes in this section:

First. The immediate designation of one judge to hear and expedite the case is required "in the event neither the Attorney General nor any defendant files a request for a three-judge court."

Second. The immediate designation of one judge to hear and expedite the case is required also in any action in which the Attorney General seeks relief against intimidation, threat, or coercion for the purpose of denying a person the right to vote as he may choose.

Third. Neither the Attorney General nor any defendant can request a three-judge court unless the proceeding is an action brought by the United States in which the Attorney General has requested a finding of a pattern or practice of discrimination—unless one of the other statutory conditions for a three-judge court exists, for example, injunction to restrain operation of a State or a United States statute because it is unconstitutional. The Attorney General's request must be made at the time he files the complaint; the defendant's within 20 days after service of the complaint upon him.

TITLE II—PUBLIC ACCOMMODATIONS

Major change in the concept of this title is accomplished by the Dirksen-Mansfield substitute. Instead of direct Federal intervention in the private operations of individuals the first emphasis is laid on voluntary compliance and State and local solutions to problems of discrimination.

Section 204(a) of the House bill is amended by the substitute by limiting the action to the individual himself rather than permitting the Attorney General to intervene. The Attorney General may intervene with the permission of the court but he is denied the right to initiate suits in behalf of individuals.

Section 204(c) has been amended so as to give States or local authorities which have public accommodation laws a limited period of exclusive jurisdiction in which to attempt to eliminate the act or practice complained of.

Section 204(d) of the House bill has been changed to provide that when an aggrieved individual brings action for violation in a place which has no law prohibiting discrimination in public accommodations, the court may refer the matter to the Community Relations Service established by title X, if there is reasonable possibility of obtaining voluntary compliance for a period of 60 days, which may be extended for no more than an additional 60 days if there continues to be a possibility of voluntary compliance.

New section 206 gives the Attorney General the right to bring an action for preventive relief only if he has reasonable cause to believe and pleads that a person or group of persons is engaged in a pattern or practice of discrimination intended to deny the full exercise of title II rights.

Section 206(b) authorizes the Attorney General, but not any of the defendants, to request a three-judge court.

The Long of Louisiana amendment to title II adopted June 13, so as to make clear what is embraced in the term "private club"—to protect the genuine privacy of private clubs.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

The Dirksen-Mansfield substitute amends section 301(b). The determination to be made by the Attorney General that the bringing of an action by an individual "might result in injury or economic damage" has been deleted, and the determination must be made on the basis that the bringing of an action would result in jeopardizing the "personal safety" or employment or economic standing of such individual.

Under the Dirksen-Mansfield substitute, section 302 has been transferred to title IX. The sponsors explained that section 302 is a broader grant of authority than is required to enforce title III and that since it is in fact applicable to not only the entire act, but to situations not covered by the act, it should be placed in title IX where its full meaning is clear.

New section 304 requires that a complaint filed under this title must be a writing or document within the meaning of section 1001 of title 18 of the United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

The Dirksen-Mansfield substitute amends section 407(a) to provide that the complaint must be in writing.

Section 407(a)(1) is amended to provide that persons who file a complaint with the Attorney General must allege that they are being deprived of the equal protection of the laws by a school board. Originally, H.R. 7152 related only to the failure of the school board to achieve desegregation.

Section 407(a)(2) is amended to require that the Attorney General believe the complaint is meritorious and requires that he give notice to the school board of the complaint and that he be satisfied the board "has had a reasonable time to adjust the conditions alleged" before bringing suit.

Section 407 is further amended to provide that nothing in the title is to empower any official or court to order the achievement of racial balance in a school by requiring the transportation of students from one school to another—a much broader provision than that which was in the House bill.

Section 407(c) is amended so as to provide that making or using a false, fictitious, or fraudulent statement in a complaint filed under this title subjects one to a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, as provided in section 1001 of title 18, United States Code.

The amendment adds a new section 410 providing that nothing in this title shall prohibit classification and assignment of students for reasons other than race, color, religion, or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

The Dirksen-Mansfield substitute makes 20-odd amendments to this title, which I shall not enumerate. In the main, these changes clarify rules of procedure for Commission hearings and proceedings, protection of witnesses, service of process, and qualification of evidence from witnesses.

TITLE VI

The Dirksen-Mansfield substitute makes a number of clarifying changes in this title. Substantive changes are made in sections 602 and 604.

Section 602 is amended by the substitute to provide that the termination of any Federal assistance would be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made.

Section 604 is added by the substitute providing that nothing in title VI is to be construed to authorize any agency or department action with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

The Long of Louisiana amendment would add a new section 605 by spelling out in statutory language that this section neither adds nor detracts from any existing authority concerning contracts of insurance or guarantee.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

I should like to remark that in title VII, as in title II, emphasis is laid on remedial State action or voluntary action before the forces of the Federal Government are called into play. The Dirksen-Mansfield substitute strikes section 701 in toto and delimits the number of employers covered by the bill by adding after the phrase "who has 25 or more employees" the words "for each working day in each of 20 or more calendar weeks in the current or preceding calendar year."

The Dirksen-Mansfield substitute amends section 701(e) which describes the kinds of labor organization deemed to be engaged in industry affecting commerce by adding a labor organization which "maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer."

Original section 704 dealt with unlawful employment practices of labor organizations. The Dirksen-Mansfield substitute adds language to make it clear that it is an unlawful employment practice not only to limit, segregate or classify its membership on account of race, color, religion, sex, or national origin, but also to classify or fail or refuse to refer for employment any individual for such reasons.

Section 704(f) of the House bill permitted discrimination or unlawful employment practices against atheists. The Dirksen-Mansfield substitute eliminates this provision.

The Dirksen-Mansfield substitute adds a new subsection to section 704. Section 704(g) provides that it is not an unlawful employment practice to refuse to hire an individual because he does not meet security requirements imposed by law or Executive order.

Section 704(h) expressly provides that application of different conditions of employment, including compensation, based on a bona fide seniority or merit system, a piece work system, or job location system, is not an unlawful employment practice so long as the differences do not result from an intention to discriminate because of race, color, religion, sex, or national origin.

Section 704(j) expressly provides that the title is not to be interpreted to require anyone to give preferential treatment to any individual or group because of race, color, religion, sex, or national origin, or to correct a racial or religious, and so forth, imbalance between the number of persons of a particular race, and so forth, employed by an employer and the total number of persons of that race, religion, and so forth, living in a particular community, State, or other area.

Section 706(g)(4) of the House bill made the services of the Commission available upon the request of any employer whose employees refused to cooperate in effectuating the provisions of the title. The Dirksen-Mansfield substitute makes the Commission's services available also at the request of any labor organization whose members are refusing to cooperate.

Section 706(g)(6) is a new provision in the Dirksen-Mansfield substitute added to subsection (g) which authorizes the Commission to refer matters to the Attorney General recommending intervention in a suit brought by an aggrieved individual under the amended provisions of section 707—renumbered 706—or institution of an action under the provisions of section 707—a new section added by the substitute. This authority was unnecessary under the House bill because the Commission was itself authorized to institute actions to enforce the title. The Dirksen-Mansfield substitute takes that authority away from the Commission, and gives it to the Attorney General.

Section 707, as added by the substitute, permits the Attorney General to bring a civil action if he has reasonable cause to believe there is a pattern or practice of resistance to title VII rights. The Attorney General may request that the action be heard and determined by a three-judge court.

Section 709(e), as added by the substitute, prohibits the Commission or its employees from making public any information obtained under this section prior to the institution of any proceeding involving it. Violation is punishable by a fine of not more than $1,000 and imprisonment for not more than a year.

Section 710(b) of the substitute permits the Commission to seek court orders requiring the attendance of witnesses or the production of evidence or the filing of reports as required by 709 (c) or (d), but the attendance of a witness may not be required outside the State in which he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

Section 710(c) of the substitute allows an individual to seek a court order relieving him from a demand of the Commission to produce documentary evidence or permit the copying of evidence.

Section 710(d) of the substitute permits any defendant to petition the court for an order modifying or setting aside the demand of the Commission in any proceeding in which the Commission seeks a court order enforcing one of its demands.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Section 801 of the House bill which authorizes the Secretary of Commerce to compile statistics on voting by race, color, and national origin, has been enlarged by the substitute to incorporate the Census Act provisions for privacy of information and penalties for violations, as well as a provision that no one is required to disclose his race, color, or national origin, party affiliation, how he voted, or the reasons for his vote. Each person interrogated must be informed of his right to withhold this information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

Section 902 of the substitute is section 302 of the House bill changed only to clarify the fact that the suits in which the Attorney General may intervene are limited to those seeking relief from denial of equal protection of the laws under the 14th amendment.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

Section 1001. The only nontechnical change made by the substitute is to eliminate the House bill's ceiling of six on the number of regular employees the Commission could hire.

Section 1003(a) permitted the Service to cooperate with appropriate State or local public or private agencies.

Section 1003(b) of the House bill which required the Service to hold confidential any information it received has been reinforced by the substitute to require that the activities of the Service in providing conciliation assistance be conducted in confidence and without publicity and to provide for fines of not more than $1,000 or imprisonment for not more than 1 year for violations.

TITLE XI—MISCELLANEOUS

The Morton jury trial amendment and the Ervin double jeopardy amendment are made a part of this title.

Section 1104 of the House bill is renumbered and is a separability provision which is changed by the substitute to reflect the intent of Congress that a court holding of invalidity shall not affect application of the act "to other persons not similarly situated or to other circumstances."

It is interesting to note that these 65 changes by no means cover the total number of amendments to the bill which, as presented to us by the leadership, we were told should be passed without the crossing of a "t" or the dotting of an "i." To the contrary, there are 65 changes which the able attorneys on the legal staff of the Judiciary Committee classify as important or substantial changes, and there are 20 changes in one title of the act which have not been listed in these 65. I am told by the staff that there are more than 20 which are not listed, not because they are not important, but because they are not so substantial as the 65 which are listed.

If there ever was justification for many weeks to be spent in debate and in careful discussion of these matters, and in showing that the bill as it came over from the House was loosely drawn, carelessly drafted, and inadequately considered, this discussion has shown that need.

I doubt if there are any other large bills, of great importance, which came from the other body to this body which have been amended as often as has this bill, thus justifying completely any discussion of the bill by those of us who have insisted on discussion.

I know that all the amendments are not pleasing to any one group within the Senate. Some of them are pleasing to those of us who have opposed the bill vigorously. Others were manifestly conceived with the idea of obtaining support for cloture from Senators from other States outside the South, who were not strongly for the bill and who wanted to have preferential treatment, which is given them in title II and title VII of the bill.

When we regard the bill as a whole, there is not the slightest doubt that it is a vastly better bill than it was when it came from the House, a vastly clearer bill, a vastly more meaningful bill. Every day, every hour, and every minute which has been used in discussion or consideration of the bill by the many individual Senators who are interested in it has been abundantly justified over and over again.

Mr. President, how much of my 30 minutes have I taken?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The Senator has spoken for 22 minutes.

Mr. HOLLAND. I thank the Chair.

I hope to present, when the bill is in the stage of third reading, a list of the proposed amendments which have been rejected by the Senate in its wisdom, some of which I believe will bring embarrassing moments to some Senators who voted against their adoption, because they have been so clearly required by the need of giving equality of treatment under law to all citizens of the United States, as well as by providing for a proper procedure to be written into the bill.

At this time, however, I confine myself merely to the statement that all Senators approaching the end of this debate should be happy, instead of unhappy, over the fact that the Senate has considered the bill at great length and has worked its will upon the bill, a will with which I have frequently disagreed but, nevertheless, brought out a vastly better bill than the conglomeration which came over from the House, a conglomeration which did not have reasonable committee consideration and which was refused any committee consideration when it reached the Senate, which meant that the Senate had to do the committee work on the floor of the Senate.

I exclude from my statement the work on title II, because I see the Senator from Washington, the chairman of the Commerce Committee, in the Chamber; and the work done on a similar bill affecting public facilities, which was assigned to his committee, was carefully done. I cannot say that with reference to other sections and other titles of the bill.

I state with regret that the Senate, in departing from the normal practice to have a careful study made of an important bill, or even of an unimportant bill, before it takes it up, has shown the wisdom of the Senate's rules and the wisdom of the committee system. It has also shown the wisdom of unlimited debate, unlimited except by the cloture rule.

I make one more observation before I close. If any Senater who voted for cloture thought that something good would come out of our considerations from the moment that cloture was voted, and that adequate opportunity would be given to consider the amendments which were offered, he will have had his mind disabused by this time.

I doubt if many Senators would want to bring on such a situation as we have experienced in the past several days, when it has been almost impossible to keep track of quorum calls, and when Senators have come into the Chamber and inquired hastily who was offering an amendment and then voted yea or nay upon the strength of that, some of them to find themselves greatly embarrassed later, as in the case of the jury trial amendment and the double jeopardy amendments.

We know that by insistence on some of our prerogatives, these amendments were brought up again in changed form, so that we had an opportunity to record our vote and be in a more appropriate situation to defend our position before our constituencies back home.

This has been a rather rough time. Two facts which have come out of this discussion have been, first the clear showing of the value of unlimited debate, except under the cloture rule; second, the unwisdom of applying coercion rather than the use of persuasion in an important matter, because we have been in a situation in the past few days under which amendments have been called up with 30 seconds description of what they meant, with only a third of the membership or less, in the Chamber; and then, with the rollcall votes which followed, placing many Senators in a false position.

I shall have the exact facts in my last statement placed in the RECORD, but I shall show how many Senators, who do not agree with the opposition to this bill, have voted for one or more of the amendments which have been discarded, and that the number added to those of us who have opposed the bill is a vast majority of the Senate, indicating that the bill has been so carelessly handled as to reflect little credit upon those who have managed it, and little credit upon the Senate.

I hope that we will look upon it from the standpoint of the value of lengthy debate when necessary, as was done in this case, the limited value of the cloture rule, and the dismay of some Senators who voted for cloture, who stated that they had no idea it would bring up such a confusing situation as has appeared on the floor of the Senate in the past few days. We have been giving consideration to amendments, many of them meritorious, and having them voted up and down without really realizing the importance of those particular amendments.

Mr. President, I suggest the absence of a quorum——

Mr. LONG of Louisiana. Will the Senator please withhold that suggestion for a moment?

Mr. HOLLAND. I am happy to withhold the suggestion.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Thurmond amendment may be temporarily laid aside.

The PRESIDING OFFICER. Does the Senator from Florida yield back the remainder of his time?

Mr. HOLLAND. Perhaps it might be interesting for me to put these statistics in the RECORD at this time.

Although debate has not yet concluded on the civil rights bill, it has accumulated 6,230 pages in the CONGRESSIONAL RECORD up to this time.

There have been 236 quorum calls, up to 12:01 a.m. this morning—although there have been many additional ones today.

There were 98 rollcalls votes, up to this time.

Thirty-four rollcalls yesterday broke the all-time Senate record for yea-and-nay votes in any one day.

A total of 704 hours and 45 minutes have been consumed during debate.

Most important of all, a total of 65 amendments have been engrafted upon the House bill, regarded of substantial effect, besides many, many others not of such consequential interest to the public, or to us.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I yield myself such time as I may take.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MAGNUSON. I hope that the Senator from Florida will add one item to his statistics. I have gone through a number of filibusters in the Senate—so-called filibusters, or long debates, whichever we wish to call them.

Mr. HOLLAND. "That which we call a rose, by any other name would smell as sweet."

Mr. MAGNUSON. "That which we call a rose, by any other name would smell as sweet." Educational campaigns. But I must say that in this long and lengthy "educational campaign," I have never seen the Senate live up to its obligations and responsibilities more faithfully, particularly in the discussion on this very complex bill. I suspect that there were only 2 or 3 minutes at the most, on any given day, whoever was talking on the bill, when the debate was not germane to the problems of the bill itself.

I believe that the Senate, and those who discussed the bill at great length, both proponents and opponents, stuck to the germaneness of the subject in every aspect. It used to be that a filibuster, to the average public, meant reading the telephone book, or reading recipes, or wandering off, or doing anything to kill time. But in this particular case, I do not believe that there is one page in the Congressional Record that is not germane to the subject before the Senate.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to temporarily lay aside the Thurmond amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 729 and ask that it be modified to conform to the language that is now at the desk.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 73, line 13, after the word "court" insert the following:

> No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Mr. MILLER. Mr. President, I ask unanimous consent that I may join as a cosponsor of the amendment of the Senator from Louisiana [Mr. Long], No. 729.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I thank the Chair.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. Mr. President, this is a matter which I have been discussing with the Senator from Minnesota; and I would like to ask that the leadership request the presence of the Senator from Minnesota because he is familiar with the amendment.

This is a matter which I have discussed with the Senator from Minnesota, the Senator in charge of the bill, and it relates to a matter we discussed whether under title II a person could be convicted if he did not willfully discriminate.

The proponents of the bill were unwilling to accept the amendment in the precise place where I offered it. They are willing, however, to accept the amendment, as modified, to apply to criminal contempt proceedings. It was their feeling that in a criminal contempt proceeding, one would have to have an intent in order to be guilty of criminal contempt in any event.

This is the language that was prepared for us by the staff that has been advising the Senator from Minnesota [Mr. Humphrey]. As I understand, there would be no objection to this amendment on that basis.

Mr. MAGNUSON. Would the Senator hand me the amendment, on my own time?

Mr. LONG of Louisiana. Yes.

Mr. MAGNUSON. The clerk has not read the amendment. The Long amendment reads as follows:

> No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

So far as the Senator from Washington is concerned, he did not participate in the discussions on this amendment. But I would think this would be a reasonable modification of that particular section of the bill. The Senator from Minnesota is on his way. As I understand, there has been some discussion, and the language is generally agreed to.

Mr. LONG of Louisiana. Mr. President, I would have no objection to withholding a motion to reconsider until after the Senator from Minnesota has arrived.

Mr. MAGNUSON. Here is the Senator from Minnesota now.

The Senator from Louisiana has submitted an amendment which, as I understand, has been discussed by everyone concerned. The language would be acceptable. Is that correct?

Mr. LONG of Louisiana. My understanding is that this is generally the intention of the sponsors of the bill. It is my point of view that it makes it clear that a person would not be convicted of criminal contempt unless there were an intentional violation.

Mr. MAGNUSON. There would have to be criminal contempt.

Mr. HUMPHREY. The Senator may recall the vote yesterday on the amendment. I went to the Senator at that time and stated that I deeply regretted that we did not have an opportunity to discuss it and work on it. I thought I knew what the Senator wanted, but I was a little dubious as to the language. I believe that the language the Senator has now submitted is satisfactory. It reads:

> No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

I would certainly accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. Long] and the Senator from Iowa [Mr. Miller].

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. I understand that the business of the Senate now returns to the amendment of the Senator from South Carolina.

The PRESIDING OFFICER. The Senator is correct.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from South Carolina, No. 923. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE (when his name was called). Mr. President, on this vote I have a live pair with the senior Senator from Louisiana [Mr. Ellender]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. MANSFIELD (when his name was called). I have a pair with the junior Senator from Virginia [Mr. Robertson]. If he were voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. Ellender], the Senator from Arizona [Mr. Hayden], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. Engle] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is detained on official business.

The result was announced—yeas 19, nays 74, as follows:

[No. 420 Leg.]

YEAS—19

Byrd, Va.
Eastland
Ervin
Fulbright
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Walters

NAYS—74

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.

Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Ellender
Engle
Goldwater
Hayden
Mansfield
Pastore
Robertson

So Mr. THURMOND's amendment (No. 923) was rejected.

Mr. HUMPHREY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 492

Mr. JOHNSTON. Mr. President, I call up my amendment No. 492. It corresponds to the Dirksen amendment.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. On page 4, in line 16, beginning with "the Attorney General," it is proposed to strike out all through "such proceeding" in line 11, on page 5, as follows: "the Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. A copy of the request shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge) of the circuit in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In the event the Attorney General fails to file such a request in any such proceeding,".

Mr. JOHNSTON. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, this amendment (No. 492) would delete the provision giving the Attorney General and others the power to demand a three-judge court to hear voting cases.

Under the provision as it now stands, the Attorney General would not make a request for a three-judge panel to the district judge, the standard procedure under other statutes providing for three-judge courts; but he would file a request with the clerk of the court, and then the clerk would have to send the request to the chief judge of the circuit, and the chief judge would have to obey the request. There would be no choice.

In effect, the Attorney General would have the right to choose his judge. If he did not like the local judge, he could ask for two more whose social and political views might be more compatible with his. These two judges could come from localities far distant, and far different from the place where the case was being tried.

This would be completely inimical to Anglo-American law and our traditional concepts of justice. I ask my colleagues to join me in voting to delete this section, because I believe it would provide, in connection with such cases, power different from that provided in connection with other cases; and I believe it wrong for us to have various rules in regard to the same type of judicial procedure.

Mr. President, I am chairman of the Subcommittee on Improvements in Judicial Machinery; and I believe that if we begin to enact laws of the kind now proposed, those applicable to other fields also will be changed; and then there will be a conglomeration of various laws in regard to trials.

Therefore, I hope this amendment will be agreed to, because I believe it would not be damaging to the bill, but would provide a sound way to obtain a three-judge court.

Mr. HILL. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 30 minutes.

Mr. HILL. Mr. President, this great debate, as it has frequently been called, has now been in progress for some 81 days. During this time, those of us who have unbounded faith in the Constitution and believe in its greatness, who regard it as a living symbol of democracy and freedom, have been pleading and fighting for its continued existence. We have been pleading and fighting for its continued existence, in debate on the bill, and on amendments, and on the cloture proposal, which is indeed contrary to the very spirit underlying the Constitution and the reason for its being. We have recognized the wisdom of the late Senator William E. Borah, of Idaho, a giant among men, when he warned that "when the people lose control of their Constitution, they have already lost control of their government." We agree with Senator Borah when he added, "It is an old story that when the people lose power, they lose liberty."

On the other side of this debate have been those who would leave the Constitution at the crossroads as a thing of another day, another year, another age; as a ragged, old relic of bygone years that has served its purpose well, but that now has no place in this fast moving, modern space age. They would be willing to shed a tear at its passing in the name of expediency; and in laying the Constitution to rest, they would write, as its epitaph, that the end justified the means. Yes, the cry of expediency has been relentlessly sounded, and its altars are filled with communicants.

Mr. President, we now stand at the crossroad that may well determine the future of this Nation and the destiny of her people. None of us can escape the burden of the challenge and the responsibility of the hour. For fate has decreed that we be a part of it. We have run the gamut and have but one chance left.

A quarter of a century ago Justice Sutherland of the Supreme Court of the United States observed that:

> The saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

Mr. President, the hour is indeed late, but yet there is time. Yet there is time to stretch forth a hand to save the principles on which this Nation was conceived and founded. Yet there is time to save the Constitution, the liberties, the freedoms, the rights and the safeguards embodied therein. Yet there is time to save the Nation as a nation for all the people, as a nation of the people and by the people.

The hour is indeed late, but yet there is time to halt the head-on rush to the destruction of the basic rights and liberties of the American people to satisfy the demands, the clamor and the expediency of the day.

Mr. President, in my 40 years in the Congress of the United States, I have never seen a more sweeping or far-reaching piece of legislation of any kind or description than the so-called civil rights legislation before us. During these 40 years, I have seen legislation under the New Deal and under the Fair Deal. Today we hear of legislation under a better deal. Now we are being offered legislation under a package deal, which would result in nothing more than a raw deal for the people of the South and of the Nation. To this I say emphatically no deal, and I hope a majority of the Senate in its wisdom will join me.

I am as opposed to this Mansfield-Dirksen proposal as I was and am to H.R. 7152 as conceived in the House and received in the Senate. In principle, there is no difference in the two proposals. They carry different names, but the brands are the same. Both would deny basic rights of the American people, to grant special privileges to a particular group. The architects of the substitute proposal claim it to be a "refinement" of the original bill. I find nothing refined about it or about any other proposal that endeavors to take from the American people their basic rights and undermine the constitutional system on which this Nation was founded and under which we are governed. We tried to give the bill some semblance of refinement by way of amendment, but except for the jury trial amendment and a pitifully few others the proponents of civil rights legislation were unwilling to give the Mansfield-Dirksen bill any real refinement during the amending process.

I submit, Mr. President, that it is more of the same of the original H.R. 7152 in disguised form. As a matter of fact, sections of the Dirksen-Mansfield substitute go further than H.R. 7152 and are as obnoxious if not more obnoxious than those sent to us by the House. There is no difference in the denial of rights embodied in the substitute proposal. As between the original and the substitute proposals, one denies them by the dozen, while the other merely denies them twelve at a time.

Every American—North, South, East and West—should be concerned with the Mansfield-Dirksen bill for, in the name of so-called "civil rights," it would trample on the established rights of the overwhelming majority of Americans; it would drastically change the system of laws and justice affecting all Americans; and it would cripple and destroy the constitutional liberties, freedoms, and safeguards fundamental to our form of government. It would place in the hands of the executive branch of the Government, and particularly in the hands of politically appointed Attorney Generals of the United States, undue, unlimited, and excessive powers; it would increase to mammoth proportions the wave of Federal Government and Federal bureaucratic control over the lives of our people. In the name of so-called equal opportunities, it would grant special privileges to a particular group.

Let us not consider this legislation in the light of pressure groups or voting blocs, of violence here or ultimatums there, of threats and intimidation and mob action, but let us consider it through the minds, the hearts, and the toils of the millions of individual Americans who, through the democratic processes and under the free enterprise system, have raised themselves by their bootstraps and have made America what it is today.

If, for the sake of expediency, this Congress enacts legislation that disregards the very principles upon which this Nation was founded, that destroys the legal and political bedrocks upon which we base our American heritage of freedom, progress, and opportunity, that ignores constitutional guarantees and tramples upon legal rights, we will have contributed to the rationalization of those who openly espouse disregard of the law, who call for massive acts of civil disobedience, and who pledge obedience only to a law of their own choosing. We will have succeeded in denying the overwhelming majority of American citizens certain of their civil rights in order to grant special privilege to a few. We will have succeeded in substituting for individual initiative the benevolent hand of the Federal Government. We will have succeeded in advancing one group by retarding the other.

Mr. President, 100 years ago the then President of the United States sounded a not too gentle warning when he declared:

> Let not him who is houseless pull down the house of others, but let him work diligently and build one for himself, thus, by example, assuring that his own shall be safe from violence when built.

These were the words of Abraham Lincoln, to become known in history as the Great Emancipator.

At the very beginning of this debate when we were considering the House version of H.R. 7152, indeed in the very first major speech of this debate, I sounded the same warning. I warned against the dangers of denying the rights of one group to grant special privileges to another. I have continued to sound that warning. I do so again today in voicing my opposition as strongly as I know how to the Mansfield-Dirksen substitute bill and to the provisions therein, which, like the original H.R. 7152, deny to the overwhelming majority of Americans certain of their basic rights in order to accommodate a particular, and what I call a privileged, few.

History aptly demonstrates that special privilege for one group can but result in a limitation of liberty and a denial of rights for others. Those who today demand special privileges may well find no rewards tomorrow. For what has one profited if he gains the privilege of eating in any restaurant, but loses the right to run his own business; if he gains the privilege of buying a home anywhere, but loses the right to sell that home to any buyer he chooses; if he gains the privilege of going to any movie theater, but loses the right to hire and fire whom he pleases in his own business; if he gains the privilege of swimming at any pool, but loses his right to manage his own affairs and to govern himself?

Mr. Justice Bradley for the Supreme Court in the famous civil rights cases of 1883 said:

> When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen and ceases to be the special favorite of the laws, and when his rights, as a citizen or a man, are to be protected in the ordinary modes by which other men's rights are protected.

Mr. President, the bill before us goes to the very heart of the questions of the balance of power among the separate branches of government, of the division of authority between the Federal Government and the States, of the protection that shall be afforded the accused in a civil case and, more basically, to the question of the extent to which government shall control the businesses, the education, the recreation, the associations, and, yes the very lives of you, of me, of every American.

No object was more important to the founders of this Nation than to insure that its people would never again be subject to the despotic power exercised over the colonies by George III and his ministers. Two principles embodying this object were woven into the basic fabric of our Government—separation of powers and limited executive authority. The patriots who survived the bitter ordeal of colonial rule declared to all the world that those who were to be governed knew best how they should be governed and that government should move only as consent flowed from the people.

Now, 188 years later, we are being asked to destroy these principles of separation of powers and limited executive authority. Under the misleading banner of "civil rights," we are being asked to place into the hands of politically appointed members of the executive branch almost unlimited authority to exercise the vast powers of the Federal Government over the lives of the American people. We are being asked to endorse a blank legislative check which would give to the executive branch of the Federal Government and to a politically appointed Attorney General, whoever he may be, almost unlimited power to regulate and control businesses, education, elections, tax moneys, and nearly every other phase of national life. In short, it would give to the executive branch and a politically appointed Attorney General overwhelming control over one's life from the day he is born until the day he dies.

The exercise of these powers would so tip the balance of power toward the executive branch that the division of authority as envisioned by our Founding Fathers and as yet contained as the written word of our Constitution would become passé. The Constitution would no longer serve as a safeguard for the right of the people to govern themselves. Consent would no longer flow from them.

I say again that every American—North, East, South, or West—should be concerned with the bill before us for its effects and implications are not sectional. If the bill is passed, it will trample on and destroy rights of Americans on either side of the Continental Divide and on either side of the Mason-Dixon line.

I am against giving the Federal Government the power to invade the private property and other rights of businessmen throughout the Nation and to be able to tell the owner or proprietor of a business how he can or cannot run it and how he can or cannot use it.

I am against the Federal Government telling a restaurant owner in San Francisco, Calif., whom he must serve, just as I am against the Federal Government telling a hotel operator in Des Moines, Iowa, whom he must admit as guests.

I am against the Federal Government telling a barbershop operator in Providence, R.I., whom he must shave, just as I am against the Federal Government telling the steel industrialist of Birmingham, Ala., as well as the car manufacturer of Detroit, Mich., whom he may hire, fire, or promote.

I am against the Federal Government telling my State, or any other State, who within its boundaries is or is not qualified to vote, just as I am against the Federal Government denying to the people of my State, of your State, or of any State the benefits of Federal programs for which they pay taxes because they may refuse to surrender to social edicts of the Federal Government as concocted by the Attorney General and the sociologists and bureaucrats of the agencies, committees, and commissions set up by this bill.

Mr. President, I have studied the so-called refinements of the Mansfield-Dirksen substitute bill and I find nothing refined about them. In the name of antidiscrimination, they introduce discrimination. In the name of equal rights, they create unequal rights.

Among other things, these "refinements" add to the legislation authority for the Attorney General to institute suits whenever he has reason to believe that a practice or pattern of discrimination exists. I contend that it is reasonable to believe that a practice or pattern of discrimination in one form or the other can be found to exist in every community in every part of the country, north of the Mason-Dixon line as well as south of it. This provision in the Mansfield-Dirksen bill in effect negates the so-called refinement which in certain titles did away with the authority of the Attorney General to initiate suits on behalf of the aggrieved.

There are other "refinements" in the Mansfield-Dirksen bill, such as authority for empaneling a three-judge court, and, in certain instances, of giving the power to request one only to the Attorney General. This permits the Attorney General to stack the court to his convenience and assure himself of a 2-to-1 decision at any time necessary.

Other "refinements" in the new substitute bill provide exclusion from principal provisions of it of States with certain laws already on the books and leaves a direction of coverage primarily at the Southern States. These "refinements" have been referred to by some as sectionalism—and rightly so—and may have encouraged vote appeal for the bill from some of the States outside the section at which the legislation is directed. To those who may be attracted in this regard, who may be appealed to with this reasoning, let me sound a word of caution and a note of warning. Once precedent is set and practice becomes popular to vote for legislation without the fear of its touching one's own section or interest, it may well be that the next time it does. A pattern established today against one section of the Nation may well be turned tomorrow on another section of the Nation.

There are other "refinements" in the substitute bill, but I say again that, in whole and in part, it is as obnoxious as the original bill, H.R. 7152, sent to us by the House, which I have already discussed title by title.

Mr. President, the bill before us—the Mansfield-Dirksen substitute—disregards and violates the Constitution of the United States, as did the original bill. In almost every title and section of the legislation we can find a direct conflict with the written word of the Constitution. In previous speeches in this debate, I have taken the time to discuss in detail the history of the provisions of the Constitution that would be severely crippled or completely destroyed if this legislation were enacted into law. I have laboriously traced the origin of these provisions and the circumstances that led to their being made a part of the Constitution when it was written and amended to show the centuries of work, toil, and human suffering that went into the making of our blueprint for democracy. I did so in an effort to remind my colleagues just how precious it is and how ever alert we should be to protect and preserve it.

When the Constitution of the United States was written, provision was made for amending it. If the Constitution is to be amended in the drastic manner proposed by this proposed legislation, it should be done so in the orderly process provided for in the Constitution itself; that is, by the people themselves, who hold title to the document and are governed by it. The Senate has no right to amend the Constitution by legislative fiat. We have no authority to do so and are betraying a trust to the people and an oath to ourselves when we attempt to do so. Any proposed changes in the Constitution should be submitted to the people in the form of constitutional amendments and, as I have said, this document should not be changed except by the popular mandate of the people themselves.

George Washington stated the proposition eloquently in his farewell address when he said:

> If, in the opinion of the people the distribution or modification of the constitutional powers be, in any particular wrong, let it be corrected by an amendment, in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. President, this Nation has become one of history's finest illustrations of how a people can enrich their life, can raise their level of well-being, can fulfill the goals of their pursuit of happiness when they are given liberty, freedom, and the encouragement for initiative and incentive under a democratic system made possible by a blueprint for democracy, a written Constitution.

Today, our Nation stands at the pinnacle of world domination. Its contributions to mankind constitute a staggering achievement. Its record is one of ceaseless, thriving progress that has run the whole gamut of human accomplishment. It would do well for all of us to reflect on just how far we have come under our Constitution, under our free enterprise system, and under our American system of government as handed down to us by the Founding Fathers.

In the last century, and in particular in the last 50 years, we have witnessed a dramatic telescoping of our history. Time and progress have moved so fast that we sometimes fail to appreciate the striking changes that have taken place. More so, we fail to appreciate the system that has made them possible.

In the early 1900's, there were only 144 miles of paved highways outside the cities. It took 70 days for an automobile to cross the country. By 1930, 26 million cars crowded the thousands of miles of paved highways. Our 190 million people today now have 70 million cars.

A child born in 1944, only 20 years ago, has gone from radio to television, from propellor to jet, from an earthbound race to one in which man can orbit the globe every 90 minutes, and from bombs that could destroy a block to nuclear bombs that can destroy mankind.

Today, the American man is largely free from the hardest physical labor. Machines, built by the genius of Americans under a free enterprise system, supply 98 percent of all power for industry in the United States.

Mr. President, we have been able to make these gigantic strides, this tremendous progress—unequalled and unparalleled anywhere in the history of the world; we have come to the pinnacle of world leadership because, as I have said, our people have had the opportunity to develop this Nation under a government with a Constitution that gave them political freedom and encouraged initiative, enterprise, responsibility, and industry; a government with a Constitution that made possible a system providing incentive and challenge, providing freedom in man's dealings with man. May I say that this freedom and achievement are not unrelated.

This, then, has been our measure of greatness—a greatness we can now either preserve and perpetuate, or weaken and destroy. A nation ultimately is only as great and as strong as the character of its people. And the character of its people is only as strong as the character of its government. If we strip our system of government of its character, we relegate a nation and a people to mediocrity. We place them on the threshold of a tragic era from which our free institutions may never recover.

We may well recall, Mr. President, another tragic era, which was indelibly written into the history of our Nation—the Reconstruction era, in which other laws were passed in the name of civil rights. These laws were stricken down by the Supreme Court because there was no power under the Constitution for the Congress to enact such laws, and the Court declared them unconstitutional and null and void. But they were part of a tragic era and very much contributed to it.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. HILL. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 additional minutes.

Mr. HILL. When the Civil Rights Act of 1875, which directly penalized discrimination in public conveyances, hotels and elsewhere, was under debate in Congress, it was pointed out in the press that its validity was highly doubtful.

> There can be no doubt, said the Nation—

One of the outstanding publications of that day—on September 17, 1874:

> That if it were not for the fatal habit we have fallen into since the war of regarding

the Central Government practically above the law and the Constitution, whenever the Negro is concerned, the mere suggestion of the constitutional points ought to have killed the bill forever. It is plainly unconstitutional. It may safely be inferred that the Supreme Court must look with extreme suspicion upon a law, upsetting the domestic law of States on the subject of schools, of common carriers, of innkeepers, and substituting for them the new and strange system invented by the authors of this bill.

The probable action of the Court was thus correctly prophesied; for within a year after this Civil Rights Act of 1875 passed two decisions were rendered which entirely demolished the radical reconstructionist plan of protecting the rights of the Negro by direct Federal legislation.

In editorializing on the Supreme Court's decisions striking down these laws, another outstanding publication of that day, the Independent of April 6, 1876, stated that:

> The fatal defect in the legislation consists in an assumption, which, if it were true, would revolutionize our whole system of government, and as remarked by the Supreme Court, clothe Congress at its discretion with jurisdiction in respect to the entire domain of civil rights heretofore belonging exclusively to the States. To assume State powers as the method of punishing and preventing wrong in the States would be an experiment with our political system that had better be omitted. The ostensible end will not justify it. Southern questions, so far as they are purely State questions, must be left to the States themselves, and to those moral influences which finally shape the course of legislation. The General Government cannot authoritatively deal with them, without producing more evils than it will remedy.

On April 17, 1879, on the very floor of this Senate, the late Senator Daniel W. Voorhees, of Indiana, delivered a denunciation of these laws. How appropriate today are his imperishable words, and I quote from his speech when he said:

> A centralization of power in the hands of the Federal Government over the local rights of the people and the States has been consummated which would have startled Alexander Hamilton in his day, although he believed in a monarchy.

Senator Voorhees stated:

> Sir, these laws are not the offspring of that great instrument which has descended to us with ever-increasing strength and glory from the days of our Revolutionary ancestors. They emanate rather from that malignant spirit of political oppression and tyranny which preceded the French Revolution, and caused its fires at last to break forth; which filled the prisons of France with victims arrested on secret orders, and made every citizen tremble as one who fears a blow in the dark. They emanate from that spirit which ruled over Venice, when a whisper or a look of suspicion was more to be dreaded than the blow of a dagger, and when the silent and voiceless accusation doomed its object to walk the Bridge of Sighs into the caverns of a ruthless and lingering death. In English history there never was a period in which they could have been executed. Charles I lost his head, James II his throne, and George III his American Colonies in attempting far less encroachments on the liberties of Englishmen than these laws perpetuate on the liberties of Americans. Dionysius, the tyrant of Syracuse, suspended a sword by a single hair over the heads of his guests at a banquet, and enjoyed their terror. The party but yesterday in power in this Chamber has suspended over the heads of the American people and put into operation in their midst enactments far deadlier than the sword; for, without the unassailable safeguards of personal liberty, life itself is of no value.

Senator Voorhees continued with these eloquent words:

> I call upon my countrymen to awaken, for the hour of mortal peril to their institutions is here. I invoke against them (these laws) the memories of the mighty dead who fell for independence; who enriched the soil of Massachusetts with their blood at Lexington, Concord, and Bunker Hill; who struggled with Washington at Brandywine, and charged under his eye at Princeton, Trenton, and Monmouth; who tasted death at Camden, the Cowpens, and Eutaw Springs, in order that we might be free; who yielded up their brave spirits on the plains of Yorktown in the precious hour of final victory. By these great souls, by their privations, sorrows, anguish, and pain, I implore the American people not to forget the value of those liberties which are now trampled underfoot with every circumstance of scorn and contempt.

Senator Voorhees closed with these eloquent words:

> Time repairs the loss of treasure and assuages a nation's grief for her gallant dead, but for the loss of it there comes no resurrection. The conquest of the South at the expense of free elections and upright courts would be a most dismal and barren victory, recoiling with curses on this and all succeeding generations. What shall it profit the American people if they gain the whole earth and lose their own liberties?

Mr. President, Senator Voorhees, of Indiana, spoke these words 85 years ago—during the tragic era, as so much of history has recorded it—but how appropriate and timely his expressions are today.

Let us take lesson and let us take warning. Let us not be parties to precipitating another tragic era. Let us not be swept into a surrender of our basic freedoms and the basic tenets of our democratic form of government. Let us not be counted among the communicants at the altar of expediency.

As we have seen, from the force bills of the Reconstruction era of the latest civil rights bills passed by the Congress in 1960, legislation has not been the answer to problems that necessarily beset a democratic nation and a free people. The only answer to these problems and the answer that is dictated by our duty as well as our tradition lies in reason and the orderly processes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HILL. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 12 minutes remaining.

Mr. HILL. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. HILL. Mr. President, the Senate, as the great deliberative body conceived by the Founding Fathers, is and must remain the Nation's citadel of reason. Sir Edward Coke called reason the life of the law.

We carry with us a great tradition, and if that tradition could be summed up as a directive, it would be to find our best judgment of what is good for our country and our people.

Liberty is a concept which, in this country, was derived first and is fostered by the deliberations and the conduct of men of reason. Liberty and freedom are concepts which flow from the rule of reason, and which, all through history, have died in those societies where clamor and expediency overcame the quiet arguments of men of reason.

Ours, then, is a proud duty and a proud tradition. Here, in this Senate, is embodied this duty and tradition, defined and envisioned by James Madison and his colleagues as the ultimate safeguard of our Nation's freedom.

Let us rise to the hour and be worthy of it.

Let us not in a moment of impatience, to meet the expediency of the day, unadvisedly vote to have the Senate abdicate its historic role as the impregnable fortress of constitutional liberty.

Let us not succumb to a tide of emotion that would sweep away all reason and concern for the public good.

Let us as men of reason rededicate ourselves to the principles on which this Nation was founded.

Let us reaffirm the oath we all took to uphold and defend the Constitution of the United States.

Let us neither retreat one inch nor surrender one iota of principle when the rights and freedom of our people are at stake.

Let us strike this measure down so that all the world shall know that the Senate will not compromise with principle or surrender it.

Let us purge this legislation from the Halls of Congress so that men may always say:

> Here was the Senate in its finest hour, rendering its highest service to the American people—to all the people.

This, Mr. President, will be our measure of greatness.

I reserve the remainder of my time.

Mr. EASTLAND. Mr. President, I yield myself 20 minutes.

In the long history of the Senate, no single measure has ever been enacted that was more punitive and discriminatory in character and violative to both the spirit and letter of our Constitution than this so-called Civil Rights Act of 1963. This hydraheaded monster, far from eliminating any imaginary existing evils, is only going to create more discord and strife throughout this country, and I predict that the areas which will be the major targets of this discontent are far removed from the South. In fact, they are the very States from which we find the leading proponents of this proposed legislation—New York, Illinois, Pennsylvania, Michigan, and California, among others.

Just as oil and water cannot mix, it is impossible through any legislative process to declare social equality or racial intermingling by statute.

Under the proposed law, a person could not relax with his own kind. He could not enjoy recreation with his own people. A person could not eat with whom he chose and in the surroundings of his choosing. A person could not choose to be housed with his own race. Association would be no longer an individual choice. Education would be directed by the Central Government. If the bill becomes law, no longer will our children be free to go to the school of their choice. Employment will be controlled by Federal policy. All business and commerce will be dominated by the Government. In addition, a man will not have the absolute right to be buried with his own kind. In many cases medical services will be forced against the will of the sick person. Do Senators tell me we will be a free people? I say the bill would set up the blackest form of tyranny. It is shot through and through with illegality. It is much, much stronger than the iniquitous force bill. The mildest term that can be used is that it is a travesty upon the Constitution.

This bill is being imposed upon a free people under the name of civil rights and liberty. Mr. President, it is being imposed, just as communism was imposed on over 800 million people, in the name of democracy. The America that we have known is being swept away. Individual rights and liberty are a thing of the past. The bill is a cynical accomplishment under the guise of liberty and equality. Freedom and liberty are being destroyed; the Government centralized; its very basic concepts changed. The proponents say we legislate equality. Mr. President, the legislation of equality is an impossibility. The creation of equality is beyond the reach of man. It can only be accomplished by the one God who overlooks us all.

Mr. President, it is ridiculous to say that the American people can be induced to accept this bill if it is really enforced. If I know the people of America, they will no more accept this bill than they did prohibition. Congress cannot legislate appetite. Congress cannot legislate a state of mind. The attempted enforcement of this bill will, in the end, cause its repeal.

Mr. President, these things would result from the Dirksen-Mansfield substitute as it amends and changes the House-passed bill and the proposals that were originally submitted to Congress by the President.

The Dirksen-Mansfield substitute to H.R. 7152 has never been presented and debated by the Senate in the usual course of legislative presentation. Not one proponent has even pretended to stand on the floor and explain the provisions of the substitute from start to finish.

It is most difficult to determine exactly what is in the substitute. Some say the voluminous number of changes that have been offered tend to "water down" the bill. Others say that the amendments tend to strengthen it. Still others contend that the suggested changes do no more than polish up the bill and smooth out the rough corners without making any substantial changes in the substance. Mr. President, I view the presently proposed legislation primarily from the standpoint of what this bill would do or would not do to the State of Mississippi and the people living therein whom I am proud to represent in the U.S. Senate. Some of its ultimate implications I have already pointed out, and there is one proposition about which there can be no doubt. The Dirksen-Mansfield substitute is adroitly and skillfully designed to point a pistol loaded with live ammunition at the hearts of the Southern States, while at the same time filling a gun with blank ammunition to be shot in the direction of most of the States in the Union outside the South. I am certain that in the entire history of this country there has never been a situation where legislation was so deliberately drafted to apply to one area and to exclude other areas as was this present bill. A study of the remarks made during the course of the debates on H.R. 7152 would indicate that the chief sponsor of the Dirksen-Mansfield substitute is willing himself to make this admission—at least by indirection. Those States that now have public accommodations statutes and so-called Fair Employment Practices Acts are home free and as a practical matter removed from the thrust of the bill. Let me now demonstrate the exact manner in which the substitute applies to the South and can be ignored in every other area of the United States. Title I, which is designed to amend the Civil Rights Acts of 1957 and 1960 in regard to voting rights, provides, in part, that:

> No person acting under color of law shall—
>
> * * * * *
>
> (C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within 25 days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960.

To this provision, which is slightly amended in the language read above from the text of the original, the draftsmen of the new legislation have added this kicker:

> That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

Mr. President, this proposed proviso is not only designed to clothe the Attorney General with a degree of power and discretion that no single man should possess, but it also gives to him a political weapon whereby he can, at his discretion, reward one State by entering into such an agreement, and punish another by refusing to admit or agree to anything, and by proceeding with court actions of every kind and character permitted under the act. Numerous States outside the South have literacy qualifications as a prerequisite to voting in any State or Federal election. This proviso is designed to permit the Attorney General to bathe these States with absolute immunity from interference on the part of the Federal Government in determining who is and who is not qualified to vote, from the standpoint of literacy, and then to turn around and harass every Southern State that does have literacy qualifications with every conceivable type of court action. According to my count, approximately 13 States outside of the South have some form of literacy requirement. The Attorney General could immediately proceed to bathe these States with immunity, by exercising the power that is vested in him by this proviso, and then could concentrate his venom on the seven Southern States that do have literacy tests, and have been absolutely opposed to the enactment of any and all civil rights legislation. Mr. President, the granting of this character of discretionary power to an individual is wrong from both the standpoint of legality and the standpoint of morality. It would arm the temporary occupant of the office of Attorney General of the United States with a blackjack that could be swung in one direction, although others, who might be equally as guilty, would be completely free from any legal sanctions whatsoever.

So far as the State of Mississippi is concerned, I deny that any literacy tests have ever been applied in a discriminatory manner as between white citizens and Negro citizens. Mississippi could be as pure and as clean as a new driven snow, and yet could be made the target of punitive action by the occupant of the office of Attorney General, simply because the State and people are in the forefront in opposing any and all kinds of civil rights legislation, on legal and constitutional grounds.

The next proposed amendment to title I is a masterpiece of inept legislative draftsmanship, and would result in a situation in which it would be impossible for either the lawyers or a judge to determine what was meant by the language and how the court and parties litigant should proceed thereunder. When title I of H.R. 7152 was considered by the House Judiciary Committee, certain proponents of stringent civil rights legislation were disturbed and afraid that U.S. district judges in Southern States would not find for the Attorney General in cases that were brought by the Attorney General under the Civil Rights Acts of 1957 and 1960, but would do the unheard of thing in certain instances; that is, find that the defendants were not guilty of the acts charged in the complaint. The proponents wanted to devise some way by which they would be certain that it could always be found that the Attorney General was right and the local judge was wrong; so this language was written into the bill:

> In any proceeding instituted in any district court of the United States under this section, the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

The language further provides that when such a request is made by the Attorney General, the chief judge of the circuit shall immediately designate three judges in such circuit, of whom at least one shall be a circuit judge, and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case. Here is the insurance for the Attorney General to have at least two, and possibly three, hanging judges appointed. Judge Tuttle, the chief judge of the Fifth Circuit Court of Appeals, has been overly zealous in appointing such hanging judges in civil rights cases. The proof of his partiality is to be found in an opinion written by one of his brethren on the Fifth Circuit Court of Appeals, wherein he documents, case by case, the appointment of judges whose predilections in deciding cases was known in advance to the chief judge. Thus, the House committee fixed things for the Attorney General. When the bill was considered on the floor, it was argued that it was grossly unfair to give the Attorney General the discretionary power to convene a three-judge court, but to deny this right to the defendant. So the language which now appears in the original text of H.R. 7152 before the Senate was added—namely, that the defendant in the proceeding may exercise the same option as the Attorney General, and may request that a court of three judges be convened to hear and determine the case.

Now we come to the proposed substitute. I shall first quote the explanatory language that was included in a memorandum accompanying the substitute version. It states:

> Section 101(a)(3)(d) has been amended to provide for a three-judge court when requested by the Attorney General or any defendant in any proceeding instituted by the United States under this section where the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section.

Subsection (e) of this section refers to the Civil Rights Act of 1957, as amended by the Civil Rights Act of 1960. Subsection (c) gives to the Attorney General the right to institute an action when there is reasonable ground to believe that any person is about to engage in an act or practice which would deprive another person of the right to vote and to have his vote counted. When the Attorney General files such an action in a U.S. district court, the U.S. district judge is supposed to hear the evidence presented; then in the event the court finds that any person has been deprived, on account of race or color, of any right or privilege secured by subsection (a):

> The court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to the pattern or practice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EASTLAND. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. EASTLAND. How can the contrast between the language of the statutes which are now on the books and the language of the proposed amendment as contained in the Dirksen-Mansfield substitute possibly be reconciled? The Dirksen-Mansfield substitute says:

> In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section, the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case.

Now, does this mean that the Attorney General or defendant must request a three-judge court at the time an original complaint is filed and before any evidence is taken, or that the request must be filed when some new complaint is made by the Attorney General after the evidence has been heard that a pattern or practice be found? Does this constitute two separate cases, or is it all a part of the same proceeding? Mr. President, it is not my job to write civil rights legislation for proponents. I am opposed to any and all kinds and types of "civil wrongs" legislation. I am raising these issues in regard to the language of the present title I simply to demonstrate the fact that the Dirksen-Mansfield substitute has not clarified anything, but, on the contrary, has simply added to the confusion. The resulting confusion is going to have to be resolved in the Southern States because obviously the escape valves have been placed in the substitute to relieve all areas outside of the South from fear of having the Federal Government interfere with their local affairs.

Before I leave title I, I feel that it is necessary to make some further remarks in regard to the cavalier use of the so-called three-judge court and its strange introduction as a new element of procedure in Federal practice. In the first place, permitting a three-judge court in a limited class of actions based on so-called civil rights violations is grossly discriminatory. It gives to the Attorney General and a limited class of defendants the right to require three judges to sit on a narrow type of case, and denies to all other citizens the right to have three judges determine the case or controversy in which they are interested. The present statutes provide for three judges under two primary considerations. One, and the one most often resorted to, is where the challenge is made in a U.S. district court that a statute of a State is in contravention of the Constitution of the United States and should, therefore, be declared null and void. It is easy to recognize that here you have a very serious situation confronting a single U.S. district judge, where he would be called upon to nullify a State law or a State constitution. Furthermore, the appellate processes would take the case from the State to the circuit court of appeals, and thence to the Supreme Court. Whereas, if Congress felt that, in justice to both the State and the Federal Government, where a constitutional issue was involved, it was better to constitute a three-judge court and widen the base of judicial consideration on the issue involved and then permit an appeal direct to the U.S. Supreme Court. This makes sense, but it does not make sense to permit a three-judge court to be invoked where a constitutional issue is not involved and where the time of three judges is tied to an issue that is clearly within the jurisdiction of a single judge of the U.S. district court.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. EASTLAND. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 additional minutes.

Mr. EASTLAND. A second situation where a three-judge court is permitted by statute is where the constitutionality of an act of Congress is challenged in a court. Here also it was felt that it would be presumptuous for a single judge to hold that an act of Congress violated the Constitution of the United States; thus it was better to start the consideration of such a charge with a three-judge court and then permit an appeal direct to the U.S. Supreme Court. There are other specialized instances in complicated types of Federal cases where a three-judge court is also permitted, but the reason for it in these cases is so perfectly obvious that it is not worthy of discussion of such a charge with a three-judge court, as provided for in the proposed Civil Rights Act of 1964, can never be justified except on the basis of expediency. It permits the Attorney General to deliberately avoid filing a complaint before a U.S. district judge whom he thinks might possibly be hostile toward the character of suit filed. It sets up what, in effect, is a kangaroo court proceeding by giving the Attorney General wide leeway in having correct and proper judges named for him by the chief judge of the circuit court of appeals. This three-judge system is a denial of the basic principles of jurisprudence as it has been known and practiced in this country since the days of the original Colonies. It is a deliberate design to circumvent justice.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

This title has not been substantially changed, but enough change has been made for me to devote a short time to discussing what, in my judgment, is probably the most far-reaching and confusing title in the entire bill. The new language of 301(a) as contained in the Dirksen-Mansfield substitute provides, in part:

> Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal

> proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. EASTLAND. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. EASTLAND. This is another raw grant of discretionary power to the Attorney General, which is as broad as the ocean and as high as the sky, and is certain to cause mischief in every area of the United States. The substitute moves section 302 away from title III and places it in title IX, where it appears as section 902. It provides:

> Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the 14th amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action if the Attorney General certifies that the case is of general public importance. In such an action the United States shall be entitled to the same relief as if it had instituted the action.

Here again the Attorney General is being given an awesome discretionary power to play "big brother" in a paternalistic system where the Government seeks to protect individuals whom this Congress is trying to say, in effect, cannot protect themselves. Mr. President, we are doing no more nor no less than creating a new group of wards of the U.S. Government, even as many of our Indian citizens have always been wards of the Government and placed in such categories and classes on reservations, and otherwise. Far from giving to one group equal protection of the laws, we are taking away from a much greater number all semblance of protection in their constitutional rights to run their affairs as they may see fit without interference, direction and control from the Government. I have examined the latest edition of the United States Code Annotated, and I find that that clause of the 14th amendment which deals with equal protection of the laws is elaborated upon in 503 pages of annotations. The annotations trying to explain in some degree what equal protection of the laws means takes up all but some 30-odd pages in an entire volume of the United States Code Annotated. This Congress has time and time again rejected the writing of old title III of the proposed Civil Rights Act of 1957 into law. Now in this omnibus bill that covers every conceivable situation from A to Z it is being restored, and it would appear that the very people who voted to delete it in 1957, and not to adopt it in 1960, are now going along with it. I sincerely ask each and every one of my colleagues to again examine their hearts and determine whether or not it is fair to enact this constitutional monstrosity as an incubus upon the American people.

As to title IV—"Desegregation of Public Education," sections 401, 402, 403, 404, 405, and 406, which deal primarily with the functions to be performed by the Commissioner of Education in authorizing technical assistance, training institutes, and so forth, in aiding desegregation of public schools, remain substantially the same as they were in the bill sent to the Senate from the House. It would appear beyond a doubt that the Commissioner is now denied any authority to assist the States or local school boards that desire to overcome racial imbalance within a public school system. This so-called racial imbalance is de facto segregation as it is recognized and practiced in every area of the North and West where Negroes live in cities and communities also inhabited by white people—thus, all the functions that are purported to be performed by the Commissioner of Education are evidently directed toward the Southern States and exclude all States outside of the South. The most substantial substantive change in section 407, which empowers the Attorney General to institute actions to require school boards to accept Negro students in segregated schools, is contained in a proviso which states:

> *Provided,* That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The time of the Senator has expired.

Mr. EASTLAND. I yield myself 3 minutes.

Mr. President, this language not only would deny to an individual or the Attorney General any right to institute an action for a Negro to obtain entry into a white school on a theory that the school board was maintaining racially imbalanced schools, but it would also place a direct limitation on the jurisdiction of a court to consider the subject matter of a complaint. The only parallel that I can recall that has been previously adopted by this Congress in limiting the jurisdiction of a court was that adopted in 1867, when Congress denied to the Supreme Court jurisdiction to consider habeas corpus petitions brought to it upon appeal. The court bowed to the act of Congress taking away its jurisdiction to consider decisions of circuit courts in cases involving petitions for a writ of habeas corpus and dismissed the McCardle appeal.

It appears that the draftsmen of the Dirksen-Mansfield substitute are so zealous to protect the States of New York, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Missouri, and California, where de facto segregation is now such an important factor in life, that they go so far as to deny the court itself the power to enlarge its existing decisions regarding the achievement of racial imbalance. Actually there is a joker in this language, because it is my judgment that certain aspects of Judge Kaufmann's decision in the New Rochelle school case in New York State permit a Federal court to tamper with racial imbalance in school districts just as much as the decision in the Gary, Ind., case denied the local school district the power to tamper with racial imbalance where de facto segregation exists. But that will have to be later determined by the court, and the question now presented is whether or not the authors of the substitute in their zeal to protect every area outside of the South from Federal interference in their local school affairs have not actually gone so far as to emasculate the power of the court itself to deal with the question.

The PRESIDING OFFICER. The Senator's time has again expired.

Mr. EASTLAND. I yield myself 3 minutes.

Mr. President, the only legislation that I can recall in the past which more grossly penalized one section of the country than does this presently proposed legislation was the freight rate differential that was imposed upon the South after the cessation of the War Between the States, where a case of shoes could be shipped from Massachusetts to Mississippi for $15, and the same case to be shipped from Mississippi back to Massachusetts would cost $30. Here you are giving a carte blanche to the Attorney General to bring actions in the South to achieve desegregation of the public schools, and at the same time giving a carte blanche to the States outside of the South to maintain completely segregated schools because of the de facto segregation that exists due to the neighborhood pattern. Of course, Mr. President, I am opposed to the integration of public schools under any circumstances. I believe in the constitutionality of segregated schools. I believe that both the court and Members of Congress are wrong when they contend that either the Federal Government or the courts have any right to tell a State how it shall operate its public school system and who shall attend what school. If the court and Congress are to enter into this area, it is a shocking discrimination to tell the courts and the Attorney General that they can only deal with the problem in a selected number of States and are denied any power to consider it in others. As I have read the press, the demonstrations in Cleveland, Chicago, Gary, Philadelphia, Chester, New York, Brooklyn, Milwaukee, and elsewhere, have been directed against de facto segregation, and it is a curious character of logic to reason that the passage of this presently proposed legislation would in the least achieve any settlement of racial unrest in areas where the bill cannot reach and where the States involved have laws requiring equal employment opportunities, open public accommodations, in certain instances open occupancy, and where the school systems are in theory completely integrated. I do say, in all fairness and justice, that the Southern States should not be penalized by the enactment of the bill.

Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has used all his allocated time.

Mr. EASTLAND. How much time have I left altogether?

The PRESIDING OFFICER. The Senator has 17 minutes left altogether.

Mr. EASTLAND. Mr. President, I reserve the remainder of my time.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 421 Leg.]

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. HART in the chair). A quorum is present.

The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. JOHNSTON].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER. The rollcall is in progress.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD] and the Senator from Tennessee [Mr. WALTERS] would each vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 19, nays 72, as follows:

[No. 422 Leg.]

YEAS—19

Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Gore
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower

NAYS—72

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—9

Anderson
Byrd, Va.
Dirksen
Engle
Goldwater
Hayden
Robertson
Symington
Walters

So Mr. JOHNSTON'S amendment was rejected.

Mr. PASTORE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. KUCHEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1029 and ask that it be read.

Mr. HUMPHREY. Mr. President, I understand that the Senator from South Carolina has approximately six more amendments to offer after this one. If Senators will remain in the Chamber, we can truly expedite action. I know that the Senator from South Carolina would appreciate that, as would the rest of us. I urge Senators to remain in the Chamber.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be read.

The Chief Clerk read as follows:

> On page 69, line 1, beginning with the word "in," delete down through the word "Rights" on line 2, as follows: "in civil rights."

Mr. THURMOND. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself half a minute.

If the compilation of voting statistics by race is to be made as proposed under title VIII, the compilation should be made nationwide so that it will not result in misleading, juggled statistics, as it would were the biased Civil Rights Commission permitted to pick and choose the geographical areas in which such statistics were to be compiled. This amendment would make the compilation of voting statistics nationwide rather than just in selected geographical areas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina No. 1029. The yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Arizona [Mr. HAYDEN], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from California would vote "nay."

If present and voting, the Senator from Tennessee [Mr. WALTERS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 22, nays 71, as follows:

[No. 423 Leg.]

YEAS—22

Byrd, Va.
Cooper
Eastland
Ellender
Ervin
Fulbright
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower

NAYS—71

Aiken
Allott
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Curtis
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Anderson
Dirksen
Engle
Goldwater
Hayden
Robertson
Walters

So Mr. THURMOND'S amendment (No. 1029) was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator from Georgia may proceed.

Mr. TALMADGE. Mr. President, it has become painfully apparent that in just a matter of days the most vicious legislation since the dark days of Reconstruction will be forced upon the American people.

With the passage of this misnamed civil rights bill, individual liberty in the United States will be dealt a severe blow.

Freedom of association will become meaningless.

Private property rights will be crippled, perhaps beyond repair.

State and local governments will be virtually powerless to conduct their internal affairs without dictatorial Federal interference.

Although I cannot describe or suppress the repugnancy I feel for this legislation, there is no doubt that it will be passed by the Congress, and thereafter signed into law by the President.

Although it makes a mockery of our Constitution and perverts every principle of good government, there is nothing we can do to stop it.

The voice of reason has been stilled.

The evil legions of intolerance and vindictiveness run amok, sowing seeds of discord and hate throughout the land.

So inflamed have the people become that it is unsafe to walk the public streets of our big cities.

The mob has become master.

So feverish are the times that the Congress of the United States has gone on an emotional binge.

Mr. President, we have labored long and hard. I, for one, make absolutely no apologies for the time and energy that have been spent in an effort to preserve some semblance of constitutional government. It is my belief that history will prove that those of us who engaged in this fight did so in the best interests of all of our citizens, regardless of their race, creed, or national origin.

No one can do more than his very best. And this we have done.

We appealed to logic, and failed.

We begged for reason, and were turned aside.

We asked for understanding, and were scorned and ridiculed.

We invoked the law and the Constitution, and were lectured in sociology.

To the best of our ability, and within the framework of the rules of the Senate, we did our utmost to inform the American people of the dangers that lurk in this legislation.

As evidenced at the ballot box and in the mail from our constituents, we made great progress. It is still my unwavering view that if we had been allowed to continue, if the brute strength of numbers had not put us down, if the American people had been given the opportunity to become fully aware of its punitive provisions, they would rise up in protest, and would demand the defeat of this bill.

To the pathetic misfortune of the people, it now appears that they will learn of the evils in this legislation from its enforcement, from its encroachment into their private affairs. From all indications, it will be a terrible lesson.

Mr. President, this bill was conceived in intemperance and hatred. It was born of lawless racial agitation and nurtured by mob violence. I submit that this bill is the offspring of a dangerous popular philosophy that the way to solve all our problems is to enact more laws, united with a Federal bureaucracy that always hungers for more power and authority.

Experience has shown that in all too many instances, the enactment of coercive legislation is not the answer to problems involving human relations. We should have learned by now that, instead of resolving such problems through the force of law, they are made worse.

The end result has always been that the problems remain, and the people are dismayed to find that they have surrendered more of their rights and liberties to an all-powerful, centralized Federal Government.

Where will it all end? When will the American people come to their senses, and realize it is folly to continue to look upon the Federal Government as the great provider of both their material and their spiritual well being?

There is still time to turn back, to return to the sound principles of local, self government. But the time is fast running out, and perhaps the point of no return has already been reached.

Mr. President, we do not now deny, nor have we ever denied, that there is such a problem as that to which this bill purports to address itself. But it is a human problem and a moral problem which, in the final analysis, will be determined only by the free will of individuals. It is a matter for the mind and heart and the conscience.

Unfortunately, however, it has been dragged into the political arena. State and national elections can be made to turn on this single issue which is foisted upon the voters under the lofty banner of promised equality.

Of course the American people are for civil rights. Every American citizen is entitled to the full and unhindered enjoyment of every right guaranteed him by the Constitution. These rights are spelled out in the first 10 amendments—the Bill of Rights—and in the 13th, 14th, and 15th amendments.

These rights are enforceable in every court in the land, and we cannot improve upon them. Admittedly, however, the Congress has tried and the result is that our statute books are burdened with unnecessary and unwarranted laws purporting to protect civil rights which already are well protected by the Constitution.

For example, there are now 15 statutes relating to the protection of the right to vote. Six of them are criminal, and nine of them are civil. H.R. 7152 would put still another one on the statute books in complete conflict with the express provisions of the Constitution of the United States.

So civil rights has become a political issue, exceeded in emotional appeal only by the longstanding triumvirate of "God, mother and country." As we have seen in the Senate, once the clamor for civil rights goes up, no amount of reason and logic can penetrate the uproar.

The trumpets sound, the drums beat, and the battle is joined. Wrapped in a sanctimonious cloak of so-called civil rights, the warriors mount white chargers and dash off to war. They are so valiant and so noble, and their cause seemingly so invincible, that the real reasons for the fight are obscured and lost upon the people whose champions they claim to be.

So dazzled are the people by such a fine show of shining armor that they are unable to see.

Such is the blindness of the American people today who have been led into believing that the bill now pending before the Senate is civil rights legislation.

Before the passage of this bill, I would urge the people and my distinguished colleagues to look again.

Where are the civil rights in legislation which would make special classes of citizens favorites of the law? How can it be called civil rights to grant special privileges to certain citizens and take away the constitutional rights of others? Whose civil rights are protected by endowing the Attorney General of the United States with virtually unlimited authority to tell private individuals how they must conduct their private lives and operate their private businesses?

Mr. President, how can it be called civil or right to starve entire cities, counties, States, or regions out of the Federal Treasury?

To punish the innocent along with the guilty?

To penalize old people, the sick and the needy, and schoolchildren?

To make everyone suffer because the action of a local official aroused the ire of some Federal bureaucrat in Washington?

Yet we are about to give the Federal Government this power in title VI of this legislation that is called a civil rights bill.

What happens, Mr. President, to private property rights when the full force of this bill is brought to bear against the American people?

What will become of the oldest and most cherished right of all when the Federal Government can tell private businessmen whom they must hire, whom they may or may not fire, what salaries must be paid, what all conditions of employment must be?

I submit that the Federal Government will become a senior partner in every business in the Nation which employs 25 or more persons under title VII of this legislation that is called a civil rights bill.

What will be left of the right of a private individual to secure, hold, and control his private property as he sees fit when the mighty Federal Government can step in and dictate to businessmen whom they must admit to their premises, whom they must serve, whom they must lodge, and whom they must entertain?

This is the authority to be granted the Government by title II of this legislation that is called a civil rights bill.

Title VII, together with title II, enforced by a strong-arm Attorney General, would without a doubt destroy private property rights as we know them today.

Mr. President, embodied in this bill, particularly in titles VI, VII, and II, are provisions for an expansion of Federal power that is unparalleled in the history of our country.

It is undoubtedly punitive and coercive legislation at its worst.

It was shamefully railroaded through Congress under a protective cover of secrecy. To this date, not a single legislative hearing has ever been held on this bill, not on the version which came to the Senate from the other body, not on the so-called Dirksen compromise bill.

Moreover, the disgraceful manner in which the Dirksen substitute was achieved is a blot upon the legislative history of this body. It constitutes no legitimate legislature compromise. It makes no attempt to improve upon the original bill as it came to us from the House.

I submit that it is a sweet-tasting pacifier.

It is intended to placate those who protest that force legislation such as this may be all right for the South, but they would just as soon not have any part of it themselves.

Thus was the South offered as the sacrificial lamb. Thus will the South be placed in a stranglehold of Federal control.

However, it is my belief that not only the South, but the entire Nation—all of our people—will rue the day that this legislation was enacted.

I am shocked that the American people would allow this blackjack legislation to be perpetrated upon them.

The starvation provisions of title VI should be repugnant to everyone who believes in fair play and in constitutional government. The thought of such power so repelled the late President John F. Kennedy that he told a news conference on April 17, 1963, that no President should have that kind of power. Said our late President:

> I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power because it could start in one State and for one reason or another might be moved to another State which has not measured up as the President would like to see it measure up in one way or another.

The grant of power that was so soundly condemned by the late President is precisely that which is now about to be made law by the enactment of this bill.

Under title VI, the grant of power is so far reaching and absolute that the Federal Government could cut off the flow of the taxpayers' money to a given State or region of the country in the same way as Castro cut the waterline to Guantanamo.

If the potential force of title VI were applied, the full might of the U.S. Government and the power of a $100 billion pocketbook could be marshaled against entire States, entire counties and cities, and entire regions of the country to such a degree that it is frightening to the imagination.

Mr. President, I point out that the vast power that is delegated by title VI could be used by some future tyrant for political purposes, and its political advantage would be so enormous that it is even inconceivable to contemplate what that power might be.

The Chicago Tribune correctly summed up the effect of title VI; and I quote from its editorial:

> Considering the multitude of Federal spending programs, ranging from farm subsidies and defense contracts through school lunch programs and aid to dependent children, here is machinery of stunning political power. As Representative TUCK of Virginia commented, it puts into the hands of Washington factotums a $100 billion blackjack to club the American people into submission.

The proponents of this legislation have told us that it is not nearly so broad and sweeping as it would seem. They contend that it is not the intent of title VI that entire States and regions be denied their share of Federal assistance programs.

Mr. President, I cannot look into the future and into the minds of our future Federal officials to determine their benevolence and generosity in the enforcement of title VI. I have no way of knowing how considerate they will be or how rigidly or to what length they will choose to enforce its provisions.

I can only look to the language of title VI as it is now written. And it is unmistakably clear to me that this is the most vicious piece of legislation to ever be proposed in this Congress.

For example, although title VI purports to whip into line State and local administrators of Federal-aid programs, it is those who benefit from these programs who would be made to suffer.

The sick, the aged, and the infirm would be the ones to suffer from the denial of hospital funds. No matter who may be named in an action to withhold education funds, in the final analysis, it would be the schoolchildren who would really suffer.

State and county welfare directors are the ones against whom nominal action would be taken. But those who would really feel the wrath of the Federal Government, and suffer from their loss of aid, would be those unfortunate persons to whom the money was being paid—the disabled, the blind, the poor and needy children.

Where is the merit, where is the justice, where is the wisdom in punishing sick persons and schoolchildren because of the alleged action of some State, city, or county official?

What manner of force legislation is this?

Mr. President, the same could be asked of title VII of this bill, the so-called FEPC provision.

What are we coming to in this country when we allow the Government to set the employment policies of private business concerns, when we give some Federal officer authority to say who must be hired or fired, or promoted, or given a certain job assignment?

I, of course, cannot speak for President Johnson on this legislation, and I do not pretend to do so at this time. But I can tell Senators what he thought of FEPC proposals when he served in the U.S. Senate. He said it was the worst kind of law that could be enacted, and he was infinitely correct. Said President Johnson on the floor of the Senate on March 9, 1949:

> This, to me, is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee, and, virtually, every hour of an employer's and employee's association while at work. I do not think the proposed law is workable, Mr. President. I am convinced that it would do everything but what its sponsors intended. I feel certain that it would reverse our entire historical trend of progress. It would do nothing more than resurrect ghosts of another day to haunt us again. It would incite and inflame the passions and prejudices of a people to the extent that the chasm of our differences would be irreparably widened and deepened. I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again.

These were the words of then Senator Lyndon B. Johnson, who is now our President. I could not be more in agreement, and I believe a vast majority of the American people will come to share this view, if they do not already.

I do not believe that the citizens of the United States are ready to relinquish their individual freedom and private property rights to Federal control.

I do not believe they will be willing to be told with whom they must associate in every walk of life, in virtually every area of human conduct from the cradle to the grave.

I do not believe they will be amenable to turning private property into public property, to giving people the right to trespass and create disorder.

The people have been sold a bill of goods. They have been caught up in a whirlwind of emotional confusion. They have been coerced and intimidated and sweet-talked to the point that they apparently are no longer able to tell the difference between what are constitutional rights and what are special privileges.

This bill, Mr. President, is the product of the unbalanced times in which we now live. I know of no better summation of the bad times that have fallen upon the American people than that expressed recently by Dr. Walter Courtenay, the minister of the First Presbyterian Church in Nashville, Tenn. Said Dr. Courtenay in his sermon:

> So unbalanced are we in much of our current thinking that we now propose to pass laws forcing employers to hire people they neither want nor need; to force others to serve people they do not want to serve; to force others to work with people they do not want to work with; and to threaten honest citizens with fines, jail sentences,

and the loss of their livelihoods for enjoying what they have been trained to believe are the privileges of our American democratic, free enterprise system. We now propose to reshape the life of the entire Nation to suit the needs of one minority group and at the cost of depriving other groups of just rights under our Constitution.

Mr. President, I pray for a return to reason in the United States while there is still time, while the American people still have some of their freedoms.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator from Georgia has used 28 minutes.

Mr. TALMADGE. Mr. President, I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1030 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 70, lines 15 and 16, delete "Attorney General" and insert in lieu thereof "court wherein the suit was originally filed determines and".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for one-half minute.

Mr. THURMOND. Section 902 of the Dirksen-Mansfield substitute allows the Attorney General to intervene in any suit in which it is alleged by the complainant that he is being deprived of equal protection of the laws when the Attorney General certifies that the suit is of "general public importance." This amendment would require that the Court, rather than the Attorney General, determine and certify that the case is of "general public importance."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN] the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business. If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 29, nays 65, as follows:

[No. 424 Leg.]

YEAS—29

Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Gore
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Morton
Mundt
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—65

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, N Dak.
Young, Ohio

NOT VOTING—6

Dirksen
Engle
Goldwater
Hayden
Mansfield
Robertson

So Mr. THURMOND'S amendment was rejected.

Mr. KUCHEL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1031, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 70, between lines 18 and 19 insert the following new subsection:

"*Provided, however,* That no such action shall be classed as a class action, but the order therein shall be limited to the individuals named in the complaint."

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for one-half minute.

Mr. THURMOND. Mr. President, this amendment would add a new provision to title IX. Title IX as it is now worded would allow the Attorney General to intervene in any case in which the complainant has alleged denial of equal protection of the law because of his race, color, religion, or national origin. The provision contained in this amendment would prevent these suits from being turned into class actions. It is necessary to limit these cases to the specific individuals who originally filed suit.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was completed.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from West Virginia [Mr. RANDOLPH] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Illinois [Mr. DIRKSEN] are detained on official business. If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "nay."

The result was announced—yeas 25, nays 68, as follows:

[No. 425 Leg.]

YEAS—25

Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Gore
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters

NAYS—68

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Dodd
Dominick
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Hickenlooper
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Dirksen
Engle
Goldwater
Hayden
Mansfield
Randolph
Robertson

So Mr. THURMOND'S amendment (No. 1031) was rejected.

Mr. THURMOND. Mr. President, I call up my amendment No. 924 and ask that it be read.

The **PRESIDING OFFICER.** The amendment will be stated.

The Chief Clerk read as follows:

On page 72, line 20, change the period to a colon and add the following: "*Provided, however,* That nothing in this section shall be construed as making it unlawful for any employee to give any such information to any duly authorized committee or subcommittee of the Congress."

Mr. THURMOND. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. I yield myself 1 minute.

Title X, which would establish a Community Relations Service, makes it a criminal offense punishable by fine and imprisonment for any officer or employee of the Service to make public any information which comes to his knowledge by virtue of his employment with the Community Relations Service. This amendment states that an officer or employee of the Service may give any such information to any duly authorized committee or subcommittee of Congress without being guilty of a criminal offense. I believe it to be necessary that Congress have access to any pertinent information gained by the Community Relations Service at any time without jeopardizing any of the employees of the Community Relations Service.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If the Senator from Virginia [Mr. ROBERTSON] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The result was announced—yeas 38, nays 55, as follows:

[No. 426 Leg.]

YEAS—38

Allott
Bennett
Carlson
Cooper
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Fulbright
Gore
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Lausche
Long, La.
McClellan
Mechem
Miller
Monroney
Morton
Mundt
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—55

Aiken
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Dirksen
Dodd
Douglas
Edmondson
Fong
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Young, Ohio

NOT VOTING—7

Byrd, Va.
Engle
Goldwater
Hayden
Mansfield
Randolph
Robertson

So Mr. THURMOND's amendment (No. 924) was rejected.

Mr. CASE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, I yield myself 15 seconds; and before my time begins to run, I ask for order.

The **PRESIDING OFFICER** (Mr. MCINTYRE in the chair). The Senate will be in order.

Mr. LAUSCHE. Mr. President, I wish to explain my vote on this amendment. I voted for the amendment.

We know what happened in the Otepka case; we know he has been punished unjustly and has been relegated into oblivion because he appeared before a congressional committee and gave testimony.

The amendment of the Senator from South Carolina provided nothing more than the following: that when a committee or subcommittee of Congress calls upon a member or employee of the Commission to testify, nothing in this section shall be construed as making it unlawful for him to give such testimony, and he shall have no justification for refusing to give it.

The **PRESIDING OFFICER.** The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Then, Mr. President, let me ask whether some Senator will ask me why I voted as I did—so I shall be able to save some time.

Mr. CHURCH. Mr. President, on my time, will the distinguished Senator from Ohio explain, at such length as he desires, the reasons which led him to vote as he did?

The **PRESIDING OFFICER.** On whose time will that be done? Will it be done on the time of the Senator from Ohio?

Mr. MORTON. Mr. President, I rise to a point of order: A question cannot be asked by a Senator who yields time.

The **PRESIDING OFFICER.** The point of order is well taken.

Mr. LAUSCHE. Mr. President, it seems to me that some Members of the Senate are not receptive to intelligent advice.

Am I allowed to speak?

The **PRESIDING OFFICER.** The Senator from Ohio can speak on his own time.

Mr. LAUSCHE. But I have no time left. [Laughter.]

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

Mr. LAUSCHE. Mr. President, the Senator from Nevada [Mr. CANNON] today, under the same circumstances, yielded unlimited time to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Oh, no. The time was charged to me. I am sorry.

Mr. DOMINICK. Mr. President, I hope this is not on my time.

The **PRESIDING OFFICER.** The time is being charged to the Senator from Colorado.

Mr. DOMINICK. Mr. President, as the senior Senator from Ohio knows, I have great affection for him, and I agree with his position on this question 100 percent. I spoke on the same subject earlier today in relation to the same amendment. I tried to point out that the one thing that Congress has been trying to do, both in the House and in the Senate, namely, to enable employees of the executive department who can give information to Congress, so that Members of the Congress can form a basis for future proposed legislation, to give such information so that more problems will not be created in the overall governmental structure. I talked about it. The Senator from Ohio talked about it. We have talked about the Otepka case. We have talked about the McLeod case. We have had all kinds of reports in relation to that subject.

The other day I had printed in the RECORD an article——

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself another minute. I have a great deal of time remaining.

The **PRESIDING OFFICER.** The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. I put into the RECORD at that time an article showing that those who had given information to the Congress had been downgraded, or at least not promoted in the ordinary course of their work, and that those who had been trying to prevent others from giving information to Congress had been upgraded.

It seems to that when we have a provision, particularly in the pending bill, which states that person shall not make information public, we ought to make it crystal clear in the Record that when we talk about not making information "public"—and I am saying that an executive or an employee of the executive branch shall not make the information public—we are not referring to committees of Congress. It ought to be crystal clear in the Record that we shall still welcome the information that such employees may have. We still want it. We think it is necessary, we would like to have it. The word "public" does not include Congress.

As the distinguished Senator from South Carolina knows, I voted for the amendment on purpose in order to make it crystal clear, in case it is not now crystal clear, because the defeat of the amendment——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself another minute.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional minute.

Mr. DOMINICK. I attributed that solely to the fact that we are engaged in the business of trying to get a bill through. I should say that at least we ought to have the Record show that we do not include Congress within the meaning of the term "public."

Mr. CANNON. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I was given to understand that I may not yield.

The PRESIDING OFFICER. The Senator from Colorado may yield for a question on his own time.

Mr. DOMINICK. On my time, I am delighted to yield.

Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. Do I correctly understand the Chair's ruling to be that a Senator having time available may not ask a question of some other Senator and yield his own time for the answer to that question?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that last night a ruling was made that the Senator who has the floor may yield for a question, but it must be on his own time.

Mr. CANNON. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CANNON. The Chair did not answer my question. My question is—since I have been recognized at this moment—If I ask a question of any other Senator, may I not yield from my own time to that Senator for the purpose of enabling him to answer my question?

The PRESIDING OFFICER. Last night the Chair ruled that that could not be done. The Senator from Colorado has the floor. He may yield to the Senator from Nevada his own time, but he is not permitted to yield to the Senator from Nevada or to any other Senator on the time of any other Senator.

Mr. DOMINICK. I am glad to yield on my own time.

Mr. CANNON. The Chair made that statement or so decided last night. Who decided it? I would like to know what the ground rules are. Is that a fact or is it not a fact?

The PRESIDING OFFICER. Last night I believe the Senator from North Dakota [Mr. Burdick] was in the Chair at the time. The Chair ruled that the Senator who has the floor may yield—but it must be on his own time—for a question. The Senator from Colorado was willing to yield.

Mr. CANNON. The question which I directed to the Chair still has not been answered. Have I the floor at the present time?

The PRESIDING OFFICER. One Senator has the floor at the present time.

Mr. CANNON. Have I the floor at the present time?

The PRESIDING OFFICER. The Senator from Colorado [Mr. Dominick] has the floor.

Mr. DOMINICK. Whose time is the present discussion coming from?

Mr. MORTON. Mr. President——

Mr. DOMINICK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I now ask the Senator from Ohio a question on my own time.

The PRESIDING OFFICER. The Senator who has the floor may not interrogate another Senator.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. The Senator from Minnesota [Mr. Humphrey] stated that he answered a question of the Senator from Nevada [Mr. Cannon] and the time was charged to the Senator from Minnesota. I challenge the correctness of the statement made, and I wish the clerk to check the record and report tomorrow whether the time was charged to the Senator from Minnesota [Mr. Humphrey] or to the Senator from Nevada [Mr. Cannon].

Mr. HUMPHREY. Mr. President, will the Senator yield to me on my time?

Mr. DOMINICK. I yield.

Mr. HUMPHREY. I used 9 minutes of my time earlier today on the point which the Senator is now making. It was time of the Senator from Minnesota [Mr. Humphrey]—9 minutes. I went to the desk afterward and said, "How come?" The clerks at the desk said, "The time was used by you, Senator."

Mr. LAUSCHE. Mr. President, with due deference to the Senator from Minnesota, my recollection is that the time was charged to him, because I sat here seething, asking him to accord to me the same privilege that he gave to the Senator. I wish the clerk to check the record.

Mr. MORTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORTON. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. MORTON. As I understand the parliamentary situation, I can be questioned by one who has exhausted his time. Is that not correct?

The PRESIDING OFFICER. On the time of the Senator from Kentucky.

Mr. MORTON. I suggest to my good friend who comes from across the river—Kentucky owns the river, but he is just across the river—that if he wants any time, my time is available. I yield myself 10 minutes. Any Senator who wishes to ask me any question may use that time.

Senators may ask me any question they wish. If they do not wish to ask any questions, I shall take my seat.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUSCHE. Mr. President, I would rather express my views than have the Senator from Kentucky express his.

Mr. MORTON. I take it that the Senator does not wish any time, so I withdraw my statement.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. I hope that it will be possible to get on with the business at hand and see if it is not possible to make some progress tonight toward a culmination of a measure which has been with us for more than 3 months. I realize that Senators are tired. It is quite possible that some of us may become irascible as time goes on. I join the distinguished minority leader, the Senator from Illinois [Mr. Dirksen], in saying that the best thing we can do is to consider the three, four, or five amendments yet to be offered. The sooner we get on with them, the better off we shall be.

Mr. HOLLAND. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 seconds.

Mr. HOLLAND. We are now sustaining the unalloyed bliss of proceeding after having voted cloture under the cloture rule, and I do not wish any Senator to forget that fact.

The PRESIDING OFFICER. The question is on agreeing to the Mansfield-Dirksen substitute, amendment No. 1052, as amended.

Mr. THURMOND. Mr. President, I call up my amendment No. 1033 and ask that it be stated.

The Chief Clerk. On page 71, line 5, between the words "personnel" and "as" it is proposed to insert a comma and the following: "not to exceed 10,".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself one-half minute.

The Mansfield-Dirksen substitute contains no limitation on the number of employees of the Community Relations Service.

This amendment would limit the number of employees of the Community Relations Service, which is established by title X of the substitute, to 10. The original House passed version of H.R. 7152 limited the number of employees to six. I believe that Congress should limit the number by statute and I think that 10 is reasonable.

Mr. DIRKSEN. Mr. President, the answer to this argument is very patent. The Appropriations Committee can limit it by the amount of money it is willing to devote to this purpose. That is an automatic limitation in itself.

The amendment ought to be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina (No. 1033). The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. Robertson]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. Hayden], the Senator from Ohio [Mr. Lausche], and the Senator from Virginia [Mr. Robertson], are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. Engle], and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] and the Senator from Iowa [Mr. Hickenlooper] are detained on official business.

The result was announced—yeas 25, nays 67, as follows:

[No. 427 Leg.]

YEAS—25

Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fulbright
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Mundt
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.

NAYS—67

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—8

Engle
Goldwater
Hayden
Hickenlooper
Lausche
Mansfield
Randolph
Robertson

So Mr. Thurmond's amendment (No. 1033) was rejected.

Mr. KUCHEL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The substitute is open to further amendment.

Mr. THURMOND. Mr. President, I call up my amendment No. 1034 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 71, line 20, delete "or may affect".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 45 seconds.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 45 seconds.

Mr. THURMOND. The Community Relations Service, which would be established by title X, is empowered to provide assistance to communities which experience difficulties which affect "or may affect" interstate commerce. This amendment would delete the phrase "or may affect" and thereby limit the Community Relations Service intervention to cases which affect interstate commerce. It prevents the Service from making a prior arbitrary judgment that some difficulties may affect interstate commerce.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. Thurmond]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Virginia [Mr. Robertson]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. Hayden] and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from California [Mr. Engle] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. Engle] and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] and the Senator from Iowa [Mr. Hickenlooper] are detained on official business.

The result was announced—yeas 25, nays 68, as follows:

[No. 428 Leg.]

YEAS—25

Byrd, Va.
Byrd, W. Va.
Cotton
Curtis
Dominick
Eastland
Ellender
Ervin
Hill
Holland
Hruska
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters

NAYS—68

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Dirksen
Dodd
Douglas
Edmondson
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Engle
Goldwater
Hayden
Hickenlooper
Mansfield
Randolph
Robertson

So Mr. Thurmond's amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I call up my amendment No. 1035.

The Chief Clerk. On page 71, line 22, delete "in its judgment", and insert in lieu thereof "in the judgment of the community involved".

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield myself 1¼ minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1¼ minutes.

Mr. THURMOND. Mr. President, this is the last amendment I shall offer. Some Senators have given careful consideration to the amendments that I have offered. I express my appreciation to them. These amendments were calculated to improve the bill and I think they would have, but the steamroller was too strong.

As to amendment No. 1035, the Community Relations Service, which would be established by title X, is empowered to offer its services to a particular community when, "in its—Community Relations Service's—Judgment" peaceful relations among the citizens of the community involved are threatened. This amendment would substitute the judgment of the communty involved in place of the judgment of the Community Relations Service as to when peaceful relations are threatened. I think in each of the instances which may arise, the people of the communities are better able to exercise their judgment concerning the situation than is any employee of the Government whose home office is in Washington.

The **PRESIDING OFFICER.** The question is on the amendment of the Senator from South Carolina. The yeas and nays have been ordered.

Mr. **DIRKSEN.** Mr. President, the only trouble with the amendment is that before we can ascertain the spirit of a community, we must have an instrumentality with which to work. That is exactly what is provided in the bill. The Senator proposes to talk about the spirit of the community; and no instrumentality is provided with which to ascertain it.

The amendment ought to be voted down.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. **MANSFIELD** (when his name was called). I have a pair with the Senator from Virginia [Mr. ROBERTSON]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. **HUMPHREY.** I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is necessarily absent.

I further announce that if present and voting, the Senator from California [Mr. ENGLE] and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. **KUCHEL.** I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

The result was announced—yeas 20, nays 73, as follows:

[No. 429 Leg.]

YEAS—20

Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Walters

NAYS—73

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Engle
Goldwater
Hayden
Hickenlooper
Mansfield
Randolph
Robertson

So Mr. THURMOND's amendment (No. 1035) was rejected.

Mr. **HUMPHREY.** Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. **DIRKSEN.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER** (Mr. MCINTYRE in the chair). The amendment in the nature of a substitute is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the Dirksen-Mansfield-Humphrey-Kuchel amendment, as amended, as a substitute for the bill.

Mr. **HUMPHREY.** Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **TALMADGE.** Mr. President——

The **PRESIDING OFFICER.** The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **TALMADGE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** At the time the clerk was beginning the call of the roll——

Mr. **TALMADGE.** I was standing on my feet, seeking recognition.

The **PRESIDING OFFICER.** The Senator from Georgia was addressing the Chair. The clerk will now call the roll for a quorum.

Mr. **TALMADGE.** I thank the Chair.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The question is on agreeing to the Dirksen-Mansfield - Humphrey - Kuchel amendment in the nature of a substitute for House bill 7152. On this question, the yeas and nays have been ordered.

Mr. **MONRONEY.** Mr. President, I yield myself 2 minutes.

The **PRESIDING OFFICER.** The Senator from Oklahoma is recognized for 2 minutes.

Mr. **MONRONEY.** I wish to propound an inquiry, in order to keep the record straight in connection with the situation which will exist at the time when the amendment in the nature of a substitute is adopted. It is my understanding that when the Senate votes in favor of the pending Dirksen-Mansfield amendment in the nature of a substitute, the Senate will be voting in, as title XI, section 1101, the so-called Morton amendment, which provides for a jury trial in connection with all titles of the bill from I through VII, and provides, in connection with title I, which deals with voting rights, that, upon conviction of criminal contempt, the person so found guilty shall not be fined more than $1,000 or not imprisoned for more than 6 months.

Is that a correct statement of the substitute for the original bill on which the Senate is about to vote?

The **PRESIDING OFFICER.** Did the Senator from Oklahoma include title I in his question?

Mr. **MONRONEY.** Does title I provide for punishment, in case of conviction, by a fine not to exceed $1,000 or for imprisonment for not more than 6 months?

The **PRESIDING OFFICER.** The Parliamentarian informs the Chair that that is not a question for the Chair to answer.

Mr. **HUMPHREY.** Mr. President, I should like to respond to the question of the Senator from Oklahoma. The Senator from Oklahoma and other Senators may recall that when the so-called Hickenlooper package of amendments was before the Senate, I said that if any of that group of three amendments were adopted, we would feel honorbound to include it in the substitute package known as the Dirksen-Mansfield-Humphrey-Kuchel amendment in the nature of a substitute.

We did do that; and the Senator from Illinois incorporated the so-called Morton amendment into the substitute; he substituted it for the Mansfield-Dirksen so-called jury trial amendment, so that section 1101, on page 73 of the package substitute, now the pending question, is the Morton amendment, and reads as follows:

> TITLE XI—MISCELLANEOUS
>
> SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than $1,000 or imprisoned for more than six months.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court.
>
> Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

So the jury trial amendment, about which many Senators have been concerned, is in the pending amendment in the nature of a substitute.

Mr. **MONRONEY.** Mr. President, I wish to ask another question: In the original amendment in the nature of a substitute, the Mansfield-Dirksen jury-trial amendment was included. Later, the Morton amendment, of the Hickenlooper package of amendments, was substituted for the Mansfield-Dirksen jury-trial amendment. But the amendment which was in the original substitute package would have provided for a jury trial in all cases involving punishment exceeding a $300 fine or imprisonment for more than 30 days in jail; is that correct?

Mr. HUMPHREY. That is correct.

Mr. MONRONEY. So the choice was not between whether a jury-trial amendment would be included or would not be included; but the choice was as to which of the two jury-trial amendments would be included; is that correct?

Mr. HUMPHREY. That is correct.

Mr. MONRONEY. The Senate in its wisdom decided not to agree to the Mansfield-Dirksen jury-trial amendment, which provided that a jury trial could be had in all cases involving a fine of more than $300 or imprisonment for more than 30 days. Instead, the Senate adopted the Morton amendment, which provides for jury trial under all these titles except title I, and provides that in all such cases the fine shall not be more than $1,000 or imprisonment for more than 6 months. Is that correct?

Mr. HUMPHREY. Mr. President, on my time, I say that is a correct statement.

Mr. YARBOROUGH. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield.

Mr. YARBOROUGH. Where in the Morton amendment is the provision in regard to title I?

Mr. HUMPHREY. The Morton amendment does not apply to title I; the Morton amendment applies only to titles II, III, IV, V, VI, and VII.

Title I was excluded from the application of the Morton amendment; and title I remains as it was under the 1957 act.

Mr. YARBOROUGH. But in the first draft of the Dirksen-Mansfield-Humphrey-Kuchel amendment, the jury-trial amendment applied to all of the first seven titles of the bill, did it not?

Mr. HUMPHREY. That is correct; the original Mansfield-Dirksen jury-trial amendment applied across the board to all the titles of the bill. But that amendment was eliminated as a result of the action by the Senate in adopting the Morton amendment; and, on the basis of the understanding which was arrived at, the Morton amendment was incorporated in the substitute, which was resubmitted by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Mr. YARBOROUGH. And that left the jury-trial amendment, under title I, as provided under the 1957 act, did it?

Mr. HUMPHREY. That is correct.

Mr. RUSSELL. Mr. President, I yield myself 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS] was attempting to propound a question to the Senator from Minnesota. Therefore, if my time may be postponed, I am glad to defer to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator from Georgia.

Mr. President——

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. I wish to ask the following question of the acting majority leader: Is it true that by adopting the so-called Mansfield-Dirksen amendment in the nature of a substitute, the Senate will, in effect, be amending the House version of the bill with approximately 80-odd amendments?

Mr. HUMPHREY. That is correct.

Mr. WILLIAMS of Delaware. I thank the Senator from Georgia for permitting me to ask this question.

Mr. RUSSELL. Mr. President, if there can be a way to choose between two evils so great, I must say that I find the Dirksen-Humphrey substitute more obnoxious to me than I did the original House version of the bill.

It is true that some provisions of the substitute tighten up some of the provisions of the House version of the bill; but, in addition, the two principal provisions of the amendment in the nature of a substitute, titles II and VII, have been carefully drawn so as to confine their impact to the Southern States and to make of this measure a solely sectional one.

They are designed that way in order to afford a safe harbor for Senators from States that have some kind of public accommodation law, however weak it may be and however slightly it may be enforced, or some kind of employment law, however weak it may be, in order to give those Senators a safe harbor to come into so that they could be induced to vote for cloture.

But that procedure makes the bill a purely sectional bill. The Southern States have not had public accommodation laws. They do not have fair employment laws. Today's newspaper states that the civil rights section of the Department of Justice will move aggressively to enforce the bill. I predict that when they move to enforce the bill, they will send all of their enforcement officers into the Southern States.

Mr. President, I say that it is not fair. It is un-American. It is unjust deliberately to design a measure of this kind, as far reaching as it is, to the point at which the heavy hand of the Federal power will be applied only to the Southern States. We deserve better than that at the hands of the Members of the Congress.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. After the substitute is voted upon, and, if it prevails, after third reading of the bill, would a motion to recommit the bill with instructions for an amendment to be reported forthwith be in order?

The PRESIDING OFFICER. A motion to recommit would be in order at any time prior to the passage of the bill.

Mr. CURTIS. Would a motion to recommit with instructions be in order?

The PRESIDING OFFICER. The Senator is correct.

Mr. CURTIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Suppose the motion to recommit is with instructions to report back forthwith. Should that motion be agreed to, when the bill is reported back to the Senate, would the Senate operate under cloture?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the answer to the question of the Senator from Nebraska is "No."

Mr. CURTIS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. The Senator from Nebraska understands that a motion to recommit, with instructions to report back forthwith may be made, and if the motion is agreed to, when the bill is reported back to the Senate, the Senate will still be under cloture.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Senate would still be under cloture.

Mr. RUSSELL. Mr. President, not after the bill is reported back.

Mr. MANSFIELD. Mr. President, I would appreciate it if the Presiding Officer would discuss the question a little more fully with the Parliamentarian.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that cloture is in effect until the bill is disposed of.

Mr. KUCHEL. Good.

Mr. HUMPHREY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. I do so solely for the purpose of saying that it was with a heavy heart that I heard that the bill was a sectional bill, because it is not. I believe in one country, and I look upon the United States of America as one country, North, South, East, and West. What we sought to do in this particular measure was to provide for cooperation of the local and State governments with the Federal Government. The Senator from Minnesota was indeed well pleased with the House bill. The process of legislation requires accommodation. It is my view that it is better that we should seek the cooperation of State and local governments on a question of human rights in which people are involved than merely to have it done at the Federal level.

Mr. President, I will speak on the question when the bill comes before the Senate for final passage, because the bill will depend for its ultimate effectiveness upon Governors, mayors, local officials, and the people at the local level. There was not one scintilla, I say on my honor as a Senator, of sectionalism or regionalism of any sort in any action which the Senator from Minnesota has taken. I do not believe in discrimination by race, color, religion, or region.

Mr. RUSSELL. Mr. President, have I any time remaining?

The PRESIDING OFFICER. The Senator from Georgia has 20 minutes remaining.

Mr. RUSSELL. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 30 seconds.

Mr. RUSSELL. Tomorrow I shall offer for the RECORD the newsletter which the Senator from Minnesota sent to his people assuring them that they were not under the bill, and that under no stretch of the imagination could they be placed under the bill. Any way we look at it, it is a second effort at reconstruction.

Mr. MUNDT. Mr. President, I yield myself 1 minute for the purpose of propounding a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 minute.

Mr. MUNDT. I think we have established that if the Mansfield-Dirksen substitute is adopted, it includes the so-called Morton jury trial amendment. We have also established that it contains 60, 70, or 80—I am not sure of the exact number of changes—amendments which are included in that bill as compared with the House bill. I think we can also understand that all amendments which were added in the course of the debate during the cloture period are a part of the substitute package and will be a part of the bill if adopted.

Mr. HUMPHREY. The Senator is correct. It was made clear by the Presiding Officer that whether the amendments are to the original text of the bill as it came from the House or to the substitute, they will be included in the final bill.

Mr. President, I yield myself an additional minute.

HUMPHREY STATEMENT ON CERTAIN PROVISIONS OF TITLES II AND VII

Mr. President, in the course of discussion of the package substitute for H.R. 7152, questions have arisen concerning two provisions of the substitute and a number of requests for additional explanation of these provisions have been received.

Concern has been expressed because the Attorney General must show "resistance to the full enjoyment of any of the rights secured by this title" before prevailing in cases brought by him under titles II and VII. This concern is unfounded. This language is adopted to conform with the change that limits the Attorney General to cases involving a pattern or practice of violations of rights protected by these titles. It is meant to exclude action in sporadic instances of violation of rights, which will be left to correction by individual complainants under other sections of these titles. It would be clear that an establishment or employer that consistently or avowedly denies rights under these titles is engaged in a "pattern or practice of resistance."

Section 703(g) of the bill has been widely misinterpreted. Some statements have been made indicating that employers could, merely by invoking national security, exempt themselves from coverage of the equal employment provisions of the act. This, of course, is not so. This provision must be applied equally without regard to race, color, religion, or national origin. An employer could not deny employment to a qualified Negro on the ground that he does not have security clearance and employ a white person without clearance. Nor could an employer prefer one employee or applicant over another by seeking security clearance for him while refusing to request clearance for another, if such preference is based on discriminatory considerations. Since it is not likely that the Government will process a security clearance request except for a person who has been hired, the employer would generally make his decision as to whom he will employ before the security issue can be raised, and the issue of discrimination can be decided on the basis of the facts at that time. This amendment, in effect, is basically one of a clarifying nature. Even without it, employers would not, and could not, ignore valid national security regulations if they are engaged in governmental work involving the application of these regulations.

As floor manager of this bill, I thought this clarification of these two sections of titles II and VII would be helpful and appropriate.

The PRESIDING OFFICER. The question is on agreeing to the Mansfield-Dirksen substitute, amendment No. 1052, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. TOWER (when his name was called). On this vote I have a pair with the distinguished junior Senator from Arizona [Mr. GOLDWATER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. ROBERTSON] is absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Iowa [Mr. HICKENLOOPER] are detained on official business.

If present and voting, the Senator from Iowa [Mr. HICKENLOOPER] would vote "yea."

The pair of the Senator from Arizona [Mr. GOLDWATER] has been previously announced.

The result was announced—yeas 76, nays 18, as follows:

[No. 430 Leg.]

YEAS—76

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Gore
Gruening
Hart
Hartke
Hayden
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—18

Byrd, Va.
Eastland
Ellender
Ervin
Fulbright
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Walters

NOT VOTING—6

Engle
Goldwater
Hickenlooper
Mansfield
Robertson
Tower

So the Mansfield-Dirksen substitute (amendment No. 1052), as amended, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, may we have order? I ask for the yeas and nays on final passage.

Mrs. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator withhold his request?

If I may have the attention of the Senate, I should like to state, if I may, that it is anticipated there will be talks, both pro and con, on the Dirksen-Humphrey substitute, which is now the pending business.

It is not anticipated that there will be any further voting tonight. I am sure that we shall have no trouble getting the yeas and nays on final passage. I should like to urge, in view of the fact that we are all a little tired, because we have been under quite a strain for some time, that we take it easy and go home and get a good night's sleep, and come back in the morning at 11 o'clock.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. SMATHERS. Has the Senator any idea when we might anticipate a vote on final passage?

Mr. MANSFIELD. I would hope tomorrow, although I am doubtful. I would be more hopeful of some time on Friday. I would be grateful for any time this week.

Mr. President, I should like to put the Senate on notice that there will be quorum calls tomorrow because speeches of a very important nature will be made on both sides.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I could not understand everything the majority leader said. Is the Senate about to recess?

Mr. MANSFIELD. There will be no further votes tonight. If any Senator wishes to put something in the Record and make a few remarks, we shall recess after that.

Mr. MORSE. Will the Senate recess momentarily?

Mr. MANSFIELD. The Senator is correct.

SENATOR MUSKIE'S ADDRESS BEFORE POLISH-AMERICAN VETERANS OF MASSACHUSETTS ON CIVIL RIGHTS

Mr. HART. Mr. President, I yield myself 1 minute.

I am sure that many Senators have been asked, as have I, why the rights of one-tenth of our population are so important—why the securing of these rights should receive so much of our time and attention.

The answer, of course, is both simple and profound. That answer is that freedom is indivisible—that no man is free until all are free, that the dignity of none of us is assured as long as some of us are humiliated.

Recently, the Senator from Maine [Mr. Muskie], in a speech before the Polish-American Veterans of Massachusetts, developed this theme of civil rights for Negroes as a necessity for all Americans. In doing so, he made unmistakably clear the case, in both moral and constitutional terms, for the bill before us. In these weeks of debate there have been many speeches, but none more effectively or movingly speaks to the conscience and heart of America than does this.

Because I believe it is important that this speech, reflecting as it does the deep convictions of our distinguished colleague, Mr. Muskie, be widely read, I ask unanimous consent that it may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Civil Rights: A Necessity for All Americans

(An address by U.S. Senator Edmund S. Muskie, Democrat, of Maine, to the Polish-American Veterans of Massachusetts in Springfield, Mass., June 6, 1964)

The U.S. Senate is engaged in a debate on the future of our society. In its examination of the civil rights legislation now pending, it is determining the ability of the United States to achieve at home the goals of freedom for all men so boldly outlined in the Declaration of Independence and in the Constitution.

That debate is not taking place in a vacuum. The discussion in the Senate Chamber is an extension of the debate which permeates all America. In local political contests, in votes on local ordinances, in discussions of school policies, in sit-ins, picketing, interracial committees, and street encounters the American people are wrestling with the problems of equality and opportunity. We are gripped by a crisis which was not entirely of our making, but which is ours to solve.

Civil rights has a special significance for those of us whose forebearers recently sought freedom and opportunity on these shores.

My father's father was a farmer in Russian-occupied Poland prior to the turn of the century. He shared the intense patriotism and love of liberty which has preserved the identity of our ancestors as a people through centuries of oppression. He early determined that his youngest son, my father, should have an opportunity to build a better and freer life than appeared possible under the czarist tyranny.

In his early teens my father was apprenticed to a tailor. At the age of 17, having learned his trade, he left his home, embarking on a new life—preferring the bright prospect of the unknown and unfamiliar freedom to his oppression-darkened homeland.

What he found here forever justified his hopes and his father's faith. What he had lost in leaving the warmth of his family had been more than offset by what he had gained—for his father's dreams, for himself, and for his children.

Here, if a man had ability, he could apply it in a manner of his own choosing. Here, if a man had an opinion, he could express it without fear of reprisal. Here, if a man disagreed with governmental policy, he could say so, and, more than that, he could do something about it by casting his ballot at the polls. Here, a man was completely free to reap the fruits of his own integrity, intellectual and physical capacity, his own work. There were not heights toward which he could not strive. It mattered not what might be his national background, his religious or political beliefs, or his economic status in life.

In 1789, Benjamin Franklin described the America which was my father's life, when he wrote: "God grant, that not only the love of liberty but a thorough knowledge of the rights of man, may pervade all the nations of the earth, so that a philosopher may set his foot anywhere on its surface, and say, 'This is my country.' "

Everyone in America is a member of a minority group. It may be economic, social, political, religious, racial, regional, or based on national origin. It may not make us subject to discrimination today, but it could tomorrow.

The character of our minority status may vary in its impact upon our effective enjoyment of dignity, equality, security, and opportunity. It may not today constitute a disability in any of these respects, but it could tomorrow.

To those who say—and there are such—that certain national and ethnic groups are better and more desirable as Americans than others, let us ask: "Who is to make the selection, and at what point in history, and is the selection subject to revision as the majority coalition changes?"

To those who say that there are superior and inferior citizens, depending wholly upon race, national origin, religion, or color, let us ask: Who is to make the selection, and how can you be sure what your status will be when the majority coalition takes shape?

I am not suggesting that the case for civil rights should be based upon fear of each other.

I am saying simply this: Our differences have made our country great. They have done so increasingly because creative ability, intellectual capacity and high moral and spiritual principles, wherever found, have been allowed to seek their highest attainable level.

I am also saying this: Our differences can destroy us; and the instruments for such destruction are prejudice, fear, indifference, hatred, and retaliation.

This is why I believe the achievement of equal opportunity for the American Negro is so important to all of us.

On January 20, 1961, in the course of one of the most stirring inaugural addresses ever made by an American President, the late John F. Kennedy accepted, for all Americans, the responsibilities of leadership in a time of troubles. He said: "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation."

Although he could not at that time have foreseen the precise nature of this current controversy, John Kennedy's words are fully applicable today. To the Members of the U.S. Senate and to all Americans has come the responsibility and the rare opportunity to act decisively for the common good in a time of crisis. Let there be no mistake about it, the civil rights bill can be, and will be, a major outpost in our defense of freedom in this, a time of maximum danger.

There is—in every corner of America, on every continent in the world—a seething restlessness. It is the impatience of those who for years—even centuries—have suffered unfairly under the crushing yoke of poverty, discrimination and exclusion. That restlessness, that impatience will not be dissipated by words of promise and counsels of yet more patience. It will disappear only when firm action is taken; action which will tear up and cast aside forever the roots from which have sprung this blight on the face and conscience of America.

I find it hard to believe that there is a single American who really believes, deep down in his heart and soul, that another American citizen should not have the right to vote just because he is a Negro, or that he should not have the right to eat in a public place just because he is a Negro; or that he should not have the right to equal job opportunities just because he is a Negro. All the torrent of words, all the legalistic arguments, all the appeals to the Constitution cannot obscure this basic, simple truth:

Every American citizen has the right to equal treatment—not favored treatment—not complete individual equality—just equal treatment.

If we can at least agree that all men are truly entitled to equal treatment, then the civil rights controversy is over methods, not goals. It is over how best to guarantee to each American his birthright, not whether he is entitled to it.

If that is the true meaning of the civil rights debate—and I believe that it is—then we should address ourselves to the real question: How can this society best provide a framework within which each and every American is free to engage in the pursuit of happiness to the fullest extent that his talents make possible? And is the civil rights bill the very best method for achieving that objective?

The very best method would be for each of us to voluntarily accept our fellow citizens for their worth—without regard for their race, creed, or national origin. The very best method would make unnecessary any legislation which seeks to compensate for man's innate feelings. The very best method would mean the universal application of the Golden Rule, in every aspect of our daily lives.

But, we do not yet live in a perfect country, or a perfect world. As long as this Nation is made up of human beings, human failings will be with us. We know that in the harsh realities of the here and now—America in the spring of 1964—the very best method is not practical, because it is not possible.

Discrimination will not just disappear in time. It must be actively erased.

We must act—now—for those who should be acting in the States are simply not doing so. Too many of those who proclaim States rights are unwilling to insist upon the responsibility of the States to deal with the problem. The Constitution is not a warped shield behind which any State may acquiesce in any indignity upon its citizens, safely sheltered from the Central Government.

If we must act, is the civil rights bill a reasonable, responsible way to do so—not a perfect way, not the very best way, but a reasonable way, designed to provide effective legal guidelines without sacrificing any citizen's personal liberty?

I submit that it is. The bill is constitutional. The bill is responsible. The bill is reasonable.

I believe in the importance of strong State government. I believe in diffusing the base of power as broadly as possible in a democracy. I believe that the States should assume maximum responsibility in the protection of the rights of their citizens.

But I do not believe the Constitution of the United States was designed or intended to protect those who would block the doors of public educational institutions against the admission of qualified students because of race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would set different standards of qualifications for voters accorded to their race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would deny equal protection of the laws to individual citizens because of race or color.

I do not believe the Constitution of the United States was designed or intended to protect those who would discriminate against individuals in places of public accommodation because of race or color.

Discrimination exacts a terrible toll on our Negro citizens, in the deprivation of dignity, in inadequate education, in the loss of job opportunities.

Consider these facts:

1. Unemployment rates among nonwhites is double the rate among whites,
2. Forty-seven percent of all white workers hold white-collar jobs; for nonwhites the figure is 17 percent,
3. Twenty percent of all Negro women who graduate from high school can find only domestic work; for whites the figure is 2 percent,
4. Finally, the average Negro with 4 years of college will earn less in his lifetime than a white man who quit school after the 8th grade.

We must ask ourselves whether a person—otherwise qualified—should be refused a job simply because he happens to be a Negro?

Let me say, here, that I consider the question of job opportunities under the civil rights bill only part of our national problem. We need expanded job opportunities for all Americans, not just a redistribution and increased competition for existing jobs.

In words that will live as long as man cherishes freedom, the Preamble to the Constitution declares that "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." With these words our Founding Fathers formulated for us a standard by which our actions must be judged for all time. These men dreamed of creating a society which would provide its members with the basis for living their lives to the fullest. We now face a major challenge to this society to determine whether it is at long last ready to give to a significant segment the rights they were told were theirs 100 years ago.

If we are to make our Union more perfect, we must eliminate all obstacles to equal opportunity. If we are to establish justice, we must eradicate all injustices that deny men their dignity and human worth. If we are to insure domestic tranquillity, we must put an end to those practices which drive men into the streets in search of their rights. If we are to provide for the common defense, we must make all Americans proud to serve their country. If we are to promote the general welfare, we must make it possible for all Americans to gain the education and training necessary for them to find and obtain jobs utilizing their full potential.

And, finally, if we are to secure the blessings of liberty to ourselves and our posterity, we must take steps to guarantee the equality of all Americans, regardless of race, creed, or color.

McGEE SENATE INTERNSHIP CONTEST—ESSAYS OF TWO HONORABLE MENTION WINNERS

Mr. McGEE. Mr. President, I yield myself 1 minute.

Recently, I was pleased to have with me in my office for a week the winners of the McGee Senate Internship contest. It was an education in itself to watch these young people as they saw firsthand their Government in action.

My only regret in conducting this contest, Mr. President, is that I am able to bring back only two students, a boy and girl, each year. There are many wonderful entries in the contest, which is judged on the basis of an essay, "Making Democracy Work Better."

Mr. President, the understanding of the fundamental principles of our democracy shown by these young people is truly gratifying. To illustrate the quality of the work of these Wyoming students I ask unanimous consent to have the essays of two of the honorable mention winners, John Wyatt, of Greybull, and Gloria Leah Tracy, of Rock Springs, printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

MAKING DEMOCRACY WORK BETTER

(By John Wyatt)

Although some of the basic ideas of democracy are very old, the practice of democracy on a large scale is relatively new in history. Furthermore, democracy did not just grow. It was formed from long centuries of hard work and bitter struggle.

If we are to help make democracy work better, we must more fully appreciate democracy's blessings. We need to be better able to appreciate the value of our rights and freedoms, and the importance of safeguarding them at any cost because we live under a minority form of government in a world where there are many forces determined to have other forms of government prevail.

We should realize that democracy is not something to be taken for granted. Democracy is a very rare and precious living force. Of all the many people who have lived on earth since the beginning of history, only a small part have enjoyed the blessings of democracy—a greater number have known only the harsh rule of despots.

We must broaden our view of democracy. Many Americans tend to assume that democracy and the American way of life are one and the same thing. Of course, democracy is an important and essential feature of life in the United States but we do not hold a monopoly on democracy. There are many other countries with democratic governments.

We must learn to distinguish between the essential and the nonessential features of democracy. In this way we can improve our own democracy.

In order to broaden our views the people in a democracy should be well informed on the facts about the rest of the world.

Because schools are supported by all the people and are in the service of the people, the schools occupy a particularly central position in our Nation's current struggle to make democracy work better in more places.

The school must be made the weapon of democracy. "Education is a weapon whose effect depends on who holds it in his hand and at whom it is aimed." This was voiced by Stalin but its same effect can also be used for democracy.

Moreover, since democracy requires education on a large scale if its citizens are to be well enough informed to be in a superior position to all others, sufficient wealth for a widely based educational system is necessary.

As a nation we must invest in our youth to remain strong. We need special attention for potential dropouts and out-of-work youths. The future of a country that is dependent on the will and wisdom of its citizens is hurt when any of its children are not educated to the fullest extent of their capacity.

We must become more effective citizens of a democratic society. Democracy is never perfect and never final. There will always be unfinished tasks to be done. In a democracy, these tasks are the responsibility of every citizen. We must try without stopping to make our democracy better.

One of the greatest dangers to any government is an "I don't care" attitude on the part of its citizens. If everyone says, "Let John do it," the job will never be done—by John or anyone else. And society will be that much the poorer as a result.

As a citizen, each one of us has certain responsibilities. We can hardly carry out these responsibilities to the best unless we know why they are so important. By studying democracy, we will learn what our responsibilities are and how we can best fulfill them. Democracy is different from other forms of government because it requires the active participation of citizens if it is to work well.

"Let us have faith that Right makes might; and in that faith let us to the end dare to do our duty as we understand it"—Lincoln address.

As effective citizens we must make use of the legal force of public opinion. We can send telegrams to our Congressmen. We can organize protest meetings and political rallies. We can contribute money to worthwhile organizations representing our views. We can write letters to our newspapers. All these activities are not merely allowed—they are fundamental to the good working of a democracy.

We must meet the challenge posed by antidemocratic forces. Today the most powerful enemy of democracy is communism. One-third or more of the world's population live under communism. The Communist leaders have made no secret of their ambition to bring the rest of the world under communism.

In the recent struggle against antidemocratic forces, it is as important to know what we are fighting for as to know what we are fighting against. Just as we must know the basic doctrines of communism, so must we know the principles of democracy.

A thorough understanding of democracy will help us to counter misleading Communist propaganda at home and abroad. It will also help to prepare us for the sacrifices we may be asked to make in defense of democracy.

Opposition parties are among the best safeguards against the abuse of power by any one group. Only where power is shared by many different groups in society can democracy be furthered.

In the complex environment we live in, we must all take in a rather large amount of information in order to prepare for our part in promoting the success of democracy.

We live in a fast-changing world. Atomic energy, automation, space exploration—these and many other advances are offering new opportunities to man. They are also making new problems.

No one, I'm sure, can see into the future. But if you have the right information, you can at least make a well-informed guess about future trends.

In the midst of the nondemocratic nations we must keep on our feet to sustain the advantages and values that our democratic form of government has to offer no matter wherever or whenever they may be tested and attacked. And, at the same time, we must be of assistance to the less fortunate peoples of the world in achieving the better life that the democratic form of government has come to represent. In this world of dictatorship, no more is the narrowly democratic policy practical. We must keep our eyes and ears free from obstacles which may be of hindrance to our insight and judgment in order that we can survive for the benefit of mankind.

Making Democracy Work Better

(By Leah Tracy)

Democracy. When I say this word, I speak it with reverence, pride, and thankfulness, for I know that this wonderful institution is the force that preserves freedom. I know that democracy is the flexible power existing for the protection and benefit of the individual—it is the set of ideals which says that each individual has a dignity and worth. Democracy promises to give meaning to a man's life; it bends to the will of the people, changing with the times, adjusting itself to meet new situations, and under it is the supreme ideal of the good of the demos, the people.

Knowing that since democracy exists for me, as a person, rather than my existing for democracy, then I must play a part in making it work better. The integral part of democracy is the people comprising it—those who live and work under it and those elected to its guiding offices. To them belongs the pleasure and effort involved in making and keeping a successful government. Each and every person who lives in a democracy must give his best effort to making his part function efficiently to form the whole. If one vital part of the whole falters, then the basic machinery loses its total effect. The first and perhaps the most vital step in making democracy work better is that every person in a democratic government must do his part. This means that when he is called on to give testimony to his convictions, he must stand and firmly and bravely state his ideas to those who question him. He must also be willing to listen to both sides of an argument and then be able to wisely choose the better side—the right side. In other words, he must keep those three precious freedoms—religion, press, and speech—burning brightly.

When every person has begun to do his part in the government, then the body as a whole begins to function. From there, the government itself must go into action. A democratic government must be the force that protects and guards the free world from all adversity. Since a democracy is a government of the people, then the people must be its first concern. This means the people of the entire world, not just those fortunate enough to dwell under a democratic form of government. A democracy should give aid and help to weaker nations, protect them from the evils of the world against which they are defenseless, and give them the light which will guide them on the path of freedom.

The sacred fire liberty must be preserved by democracy—and it can be done, because democracy stands for high ideals. The supreme task of democracy is the task of providing world leadership, and the ultimate survival of the world depends upon this all-important task. I believe that when democracy leads the world, as it does now, then every day that it uses its leadership with high aims and a just code, it is being improved. When democracy helps a starving nation to get back on its feet, or restores a destroyed country, or sends food to a disaster area, then it is a step closer to the highest goal of all—perfection. But when it looks the other way, and ignores people who need its help, then it loses a step and regresses. The democracy I know does not do this sort of thing. When a nation calls for help, it answers. When people cry for aid, it comes to their rescue. And when a question is being asked as to which form of government is best, democracy answers the question by showing the questioner the answer: the form of government which stands for justice and righteousness and actually applies these principles is the better form, and democracy quite ably fits this code. My belief is that every day that the people of a democracy hold their aims high and strive for something better than the day before, democracy is being improved. Every day that the countries of democracy desire to make the world a better place in which to live by their aid, their justice, and their good will, then that principle goes one step further toward immortality.

These steps are being taken every day. They need only be intensified and increased, and democracy will work better, because it will be better. This transformation cannot possibly take place in a month, or a year. It may come about in a decade; it may take even longer. But the struggle for something better and the ultimate result will most certainly add to the betterment of mankind.

CIVIL SERVICE TO PROBE CHARGES OF $100 TICKETS TO DEMOCRATIC PARTY DINNER

Mr. MILLER. Mr. President, I yield myself 1 minute.

In this evening's Washington Evening Star there is published an article written by Joseph Young, entitled "Civil Service To Probe Charges of $100 Tickets to Party Dinner."

This is a probe which is long overdue. I believe that many Members of Congress have been expressing increasing concern in the past year over what appears to be an undue amount of pressure on career employees of the civil service to purchase expensive tickets for fundraising dinners, I regret to say, by the Democratic Party.

The distinguished Senator from Delaware [Mr. Williams] and myself, along with other Senators, have been repeatedly calling attention to these abuses.

I hope that this probe will put an end to this practice. Some time ago, I called upon the President to repudiate such a practice, and I regret that my plea was not heeded; but perhaps it has been answered, at least, in the form of this probe.

Mr. President, I ask unanimous consent that a portion of the article to which I have referred may be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The Federal Spotlight: Civil Service To Probe Charges on $100 Tickets to Party Dinner

(By Joseph Young)

The Civil Service Commission will investigate charges that Government career employees were pressured into buying $100 tickets for the recent Democratic gala honoring President Johnson.

It will be the first CSC investigation in history involving charges of this sort.

Such charges have cropped up in previous administrations, although the intensity of the pressure on Federal employees has seldom if ever equaled that of the past few years.

The CSC previously has said it would investigate if it got any specific complaints, but none were forthcoming. Employees were too afraid of losing their jobs by making such formal charges.

Now, however, Representative Nelsen, Republican, of Minnesota, is turning over to the CSC specific cases in which he charges that employees of the Rural Electrification Administration were coerced to buy tickets to the Democratic affair and that the sales were made on Government property, both violations of the law.

In reply, the CSC wrote Mr. Nelsen:

Consonant with the Commission's responsibilities under the Hatch Act, and within its jurisdiction over Federal employees in the competitive civil service, the Commission welcomes your cooperation. If you will furnish the Commission with the information in your possession, with appropriate identification of the persons and employing agencies, a thorough investigation will be made and you will be informed of the results.

Mr. Nelsen subsequently turned the information over to the CSC and the investigation will get underway.

Mr. Nelsen hopes that this will encourage other Federal employees who feel they were pressured to contact the CSC's legal division and furnish the necessary information. The investigation could then broaden into a governmentwide inquiry of such practices.

Persons found guilty of coercion in connection with political fundraising events could be ordered fired by the CSC, providing they are career employees. If the offending person is not under civil service, then the CSC would turn the case over to the agency with its recommendations for their dismissal.

Collecting funds on Government property for political events is a violation of the Corrupt Practices Act and subject to criminal penalties. Any information turned up in such cases would be turned over by the CSC to the Justice Department.

Recently, there was a report that President Johnson, after reading that General Services Administration employees complained of being pressured to buy tickets for his gala, wrote to GSA ordering that such tactics be stopped. GSA, however, denies that it ever received such a letter from Mr. Johnson.

TABULATION SHOWING AMOUNT OF TIME FOR DEBATE REMAINING TO EACH SENATOR

Mr. DIRKSEN. Mr. President, I ask unanimous consent that, under the order previously entered, the time remaining for each Senator under the cloture rule may be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

	Minutes
Aiken	52
Allott	53
Anderson	59
Bartlett	59
Bayh	60
Beall	58
Bennett	57
Bible	59
Boggs	60
Brewster	60
Burdick	60
Byrd of Virginia	60
Byrd of West Virginia	31
Cannon	51
Carlson	60
Case	31
Church	59
Clark	58
Cooper	31
Cotton	41
Curtis	56
Dirksen	38
Dodd	51
Dominick	48
Douglas	49
Eastland	17
Edmondson	60
Ellender	59
Engle	60
Ervin	0
Fong	54
Fulbright	58
Goldwater	60
Gore	18
Gruening	60
Hart	50
Hartke	60
Hayden	60
Hickenlooper	57
Hill	9
Holland	15
Hruska	60
Humphrey	14
Inouye	60
Jackson	60
Javits	48
Johnston	40
Jordan of North Carolina	60
Jordan of Idaho	60
Keating	48
Kennedy	60
Kuchel	58
Lausche	13
Long of Missouri	60
Long of Louisiana	11
Magnuson	32
Mansfield	47
McCarthy	58
McClellan	41
McGee	58
McGovern	57
McIntyre	60
McNamara	53
Mechem	60
Metcalf	60
Miller	36
Monroney	24
Morse	24
Morton	57
Moss	57
Mundt	45
Muskie	51
Nelson	60
Neuberger	57
Pastore	26
Pearson	60
Pell	57
Prouty	60
Proxmire	60
Randolph	58
Ribicoff	56
Robertson	41
Russell	19
Saltonstall	55
Scott	59
Simpson	60
Smathers	39
Smith	59
Sparkman	26
Stennis	23
Symington	59
Talmadge	37
Thurmond	28
Tower	26
Walters	60
Williams of New Jersey	60
Williams of Delaware	60
Yarborough	55
Young of North Dakota	57
Young of Ohio	60

STUDENT ASSISTANCE ACT OF 1964—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself half a minute. At its next printing, I ask unanimous consent that the name of the junior Senator from Michigan [Mr. HART], may be added as a cosponsor of the bill S. 2848, the Student Assistance Act of 1964, introduced by me May 14, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

KILLING THE GOOSE

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

I invite attention to an editorial advertisement entitled "Killing the Goose" published in the Washington Post on June 5, 1964, and written by Mr. A. N. Spanel the founder and chairman of International Latex Corp. This company presented it in paid space in the public interest.

Concerned with mounting unemployment in the midst of our booming economy, Mr. Spanel highlights the importance of independent inventors and their inventions in creating new employment opportunities with new products; and especially now if we are to counteract automation's growing threat.

The author's views cannot be easily dismissed. On the contrary, they are most compelling because Mr. Spanel is himself a creative inventor of long standing. His manufactured inventions currently give employment to 10,000 men and women. Thus, his presentation is not only persuasive, but authoritative as well.

Mr. Spanel pulverizes the false notion that independent inventors are a thing of the past and that only huge corporations and their hired brains are the fountainheads of inventions. His past writings clearly reveal a deep understanding of the dangers that growing unemployment pose to our society, and how important it is that we should not be influenced by those who treat America's unemployment problem with indifference or mistaken notions. One must agree with Mr. Spanel's concept that new business enterprises based on the inventions of America's independent inventors are bound to improve our pressing employment picture.

I therefore ask unanimous consent that this article by Mr. Spanel be printed in the body of the RECORD.

There being no objection, the editorial advertisement was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1964]

KILLING THE GOOSE

(By A. N. Spanel, founder-chairman, International Latex Corp.)

Growing unemployment on a continuous basis is as much an economic cancer for a nation as it is for its victims. Our country is plagued with 5½ million unemployed. This number is bound to swell as automation really takes over.

President Johnson deserves our gratitude for directing himself with such zeal to this grave problem. We applaud the President's plea to American business to assume some measure of responsibility toward these unemployed. This Nation can't afford to ease its conscience by giving handouts to people who need work; nor do we want to see the rebirth of an updated version of depression's WRA. For such "remedies" are certain to destroy morale, self-respect and human dignity of the workless.

If ever there was need for new enterprises for inventors and their inventions, if ever there was a time for encouraging inventors and the venture capital needed to manufacture new products that time is now, if we are to put the unemployed to work.

INVENTIONS CREATE WORK

Consider the millions of people working today because of inventors like Edison and his electric light; Morse, of telegraph fame; Bell and his invention of the telephone; Howe who dreamed up what became the Singer sewing machine; Goodyear, so famous in the rubber world; the Wright brothers and their flying machine; Zworykin and his television inventions; Marconi, De Forest, and hundreds of thousands of other inventors who gave birth to new ideas, resulting in new factories and the enormous employment needed to man them.

Are we today encouraging independent inventors in the United States? Judge for yourself. In 1962 the number of patent applications filed by U.S. citizens and foreigners in the U.S. Patent Office numbered 90,373. In Japan, having one-half the population of the United States, the number was 214,253 in the same year. And about 90 percent of these came from Japanese. Worse still, in our own country we are about to kill the goose that lays the golden eggs.

What does an invention mean and who benefits from inventors? It's as intriguing a story as you'll find anywhere, for our forefathers really understood and appreciated the enormous value of inventors and their brainchildren. So much so that when they framed the Constitution, they boldly put into article I (sec. 8) "The Congress shall have the power * * * to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries." What a wise provision that was. It helped make America great.

THE PUBLIC BENEFITS

As early as 1832 Chief Justice Marshall stated: "It [the patent] is the reward stipulated for the advantages derived by the public for the exertions of the individual (inventor), and is intended as a stimulus to those exertions." In short, the public benefits and therefore the inventor is rewarded with a patent the life of which is no more than 17 years, assuming the courts don't knock it out before that time; and more often than not our courts have done just that in recent years. If the inventor is lucky enough to enjoy the use of his patent for 17 years, anyone who wants to after that, can use it without paying a cent of royalties to anybody. Whether he wins or loses, the public is enabled to enjoy anything from a washing machine to a computer with enormous saving in time and energy.

The Supreme Court has repeatedly made it clear that the public is the real beneficiary from the U.S. Patent System, yet there are many in the Congress who have been led to believe that it is the inventor who is the beneficiary (if not the sole beneficiary) of patents.

Thus, instead of encouraging the independent inventor, the imaginative fellow with the ideas that could result in more jobs for more people, the Congress in Washington is right now in the process of planning to hike Patent Office fees which will shut out most of the independent inventors from even applying for patents. This is being done under the guise of "economy" because the Patent Office is operating on a deficit of about $20 million a year, which is nominal compared to the billions of dollars pumped into relief for the unemployed.

HOW THE GOOSE WALKS

Today, if a man has an idea that he thinks is patentable and his income is that of an average wage earner, this is what he has to do to have his idea patented:

(1) He finds a patent lawyer to whom he shows his invention.

(2) The patent lawyer orders a patent search from another patent lawyer or searcher in Washington, D.C. This also costs money.

(3) If no one else anywhere in the world had that idea or a very similar one in all recorded history, then the patent lawyer advises him that he has a fair chance if he applies for a patent, barring unforeseen obstacles in our Patent Office.

(4) The patent application is then prepared by the lawyer but if there are drawings, these have to be ordered from a patent draftsman, which costs the inventor that much more.

(5) The patent lawyer then files this application in the U.S. Patent Office in Washington and the inventor has to attach his check for $30 as the filing fee.

(6) Then comes the bill from the lawyer, for all this. The cost? Several hundred dollars or more, depending on how simple or complicated the invention may be. When his patent application issues as a patent, he has to pay the Patent Office another $30. And he may have to pawn his wife's engagement ring or sell his car to build his first working model.

Now begins the real struggle, for usually after his patent issues he has to interest people in either financing him to start manufacturing his patented product or process; or try to sell or license it to others. That's how so many new businesses are born, giving work to so many. The average length of time it takes an inventor to put his patent to work is 7 years. This means that of his original 17-year Patent Office grant, he has only 10 years left in which to reap any reward. For the independent inventor, it's no bed of roses; and any benefits he derives he pays for in sweat, work, frustration, and persistence.

Yet at this very moment the Congress in Washington is planning to hike the filing fee to the inventor from $30 to $50 and the issuance fee to $75. In addition, they propose to hit him with a brand new class of fees so that 5 years after his patent issues, he will be obliged to pay $50 more and on the 9th year $100 more and on the 13th year $150 more, all of these payments referred to as maintenance fees. These new fees add up to $300. In sum, this means that the Patent Office will make the inventor pay $50 filing fee instead of $30 and $75 issuance fee in place of the present $30, plus the $300 in brand new fees, so that he will either have to have enough money to pay his patent lawyers, plus Patent Office fees of $425 or be forced to forget about his invention.

WE CANNOT AFFORD THIS LOSS

What a way to kill initiative. What a way to kill a great national asset. What a way to to discriminate against the creative little fellow, the independent inventor. Obviously, the rich corporations can afford these fees thus enabling them with their hired inventors to garner new inventions and harvest their patents, while the independent inventor and the small company will be forced to give up because they will be unable to jump the high-fee-fence of the Patent Office which Washington is planning to erect against them.

If we permit this to happen our patent system and its dedicated handmaiden, the Patent Office, will exist for the benefit of those who can afford it: only well-to-do inventors and rich corporations. Thus, what our Constitution wisely gave to all the people, the fee hikers will destroy for the independent inventor and for those who want jobs.

Remember that Japan racked up 214,253 patent applications in 1962 compared to our 90,373. What a revealing story.

Does this comparison worry you? It worries us, too. We are endangering our country's future, we are failing to provide for our growing need for jobs when we permit the pinching off of new ideas, new inventions that flow from the fertile minds of independent inventors by erecting cost walls that deny them the chance for the reward that patents may bring them.

Frankly, the implications alarm us.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 17, 1964, he presented to the President of the United States the enrolled bill (S. 718) for the relief of W. H. Pickel.

RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 34 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Thursday, June 18, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 17 (legislative day of March 30), 1964:

Comptroller of Customs

Stanley E. Rutkowski, of New Jersey, to be comptroller of customs at Philadelphia, Pa.

EXTENSIONS OF REMARKS

ARA's OEDP Program Was a Farce

EXTENSION OF REMARKS

OF

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1964

Mr. TALCOTT. Mr. Speaker, communities scrambling for ARA benefits lost no time in filing their overall economic development plans. By May 1, 1963, 81 percent of the designated areas—850 areas—had filed OEDP's. Most of them involved only limited thoughtful analysis of community resources and contained little that would provide a blueprint for future community economic development. Many were poorly conceived and failed to contain essential economic data. Most were choked with information having no bearing upon the purpose of the OEDP. Since many of the filing organizations were direct successors of the established local economic development groups—by 1961 there were more than 3,000 in existence according to SBA estimates—it was not surprising to find that the OEDP's followed the long-established tradition of such groups by basing the "plans" for future development on enticing new manufacturing plants from some far-off place. In short, most of the OEDP's were "pie in the sky" documents. Actually, manufacturing employment is declining. ARA could scarcely base sound economic planning for its customers upon expanding manufacturing plants.

The community OEDP's also emphasized the need for more public works and facilities. A good many of the "needed" public works projects had little relationship to the future economic development of the community. Few promoters paid any attention to the potential cost of the proposed projects even when they had relevance to economic development. Few bothered to compute a cost-benefit ratio to justify the proposed public works. The planning process was not taken seriously; it was just looked upon as a preliminary hurdle to obtaining Federal largess.

Local communities of State economic development agencies often ignored the congressional and ARA desire for "grassroots" preparation. For one example, most, if not all, of the OEDP's for Kentucky were prepared by the State area program office in Frankfort. They were in such general terms that without basic changes they could have described almost any area.

Incredibly, the ARA went along with this cavalier attitude. It faced the choice of either approving inadequate plans or disqualifying areas for receiving ARA cash until better plans were produced. The ARA was no less anxious to help than the communities were to receive help. So it accepted the plans. The ARA had developed neither the expertise nor the staff to appraise the validity of the local programs and to offer sound suggestions for the development of more comprehensive plans.

ARA and its staff are inexperienced in the crucial business of economic development and planning. Their main objective is to stimulate and process applications for Federal cash. ARA does not let essentials interfere with spending.

ARA also dissipated funds on foolish engineering studies. For example, ARA financed one study of the feasibility and design of a multipurpose reservoir in the Willapa River Basin, Wash., the kind of job that Congress has the Corps of Engineers to do. It did the same thing in southern Illinois, where the Corps of Engineers has for several years been considering the building of a multimillion-dollar reservoir to supply industrial water and create a tourist attraction.

East Berlin Revolt in June 1953

EXTENSION OF REMARKS
OF
HON. FRANK J. HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 17, 1964

Mr. HORTON. Mr. Speaker, peoples in East European countries have shown their bravery and courage on numerous occasions since the end of the last war, since their subjection to Soviet-imposed Communist tyranny. Such an occasion was the revolt of workers in East Berlin in June 1953, which began as a protest demonstration, but soon became a mass revolt in many industrial centers of East Germany.

On June 15 it was announced that the production quotas of all industrial workers would be raised. But the people were already tired from overwork and lack of food. As the result of the announced raise in production quotas, industrial workers reacted swiftly. The first move was made on the next day by a group of workers on the building sites of the Stalinallee. The strike began by one group, and was rapidly followed by other groups. Then a banner was displayed, on which appeared the demands of the workers for better pay, better food, and better working conditions. The group began its march to the government building, where some 5,000 of them intended to deliver their demands to the heads of government. When the government leaders, Ulbricht and Grotewohl, refused (or did not dare) to be seen and disappeared through a cellar door, then the workers decided on a general strike for the next day and dispersed.

On the 17th about 100,000 strikers marched through the streets and courageously faced not only the firing by People's Police, but also the Russian tanks when they began appearing in all parts of the city. The clashes lasted all afternoon in the course of which more than 100 were killed and the government requested Soviet aid. Then the Soviet commandant proclaimed a state of emergency. The tanks began to move. By 9 o'clock the streets were cleared of strikers and a curfew was imposed, so that by nightfall the Soviet Army was in complete control. In these circumstances there appeared little prospect that the strike and demonstrations would spread to other towns, but on the 18th and 19th work stoppages took place in all the towns and cities in East Germany. Subsequently these were brought under control, but only by fierce methods with Soviet help. Thus came to an end the most outward show of courage and of love of freedom on the part of the German workers and German people enslaved by the Kremlin-sustained regime of East Germany.

Today, 11 years after that heroic show of courage by these daring and dauntless Germans, we observe the anniversary of that June 17, affirming our wholehearted and genuine admiration for their firm determination to carry on their fight for freedom against forbidding odds.

Maple, Beech, and Birch Hardwood Flooring

EXTENSION OF REMARKS
OF
HON. JOHN W. BYRNES
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 17, 1964

Mr. BYRNES of Wisconsin. Mr. Speaker, today I introduced a bill, H.R. 11645, which would equalize the tariff duty on maple, beech, and birch hardwood flooring as between the United States and the principal importer, Canada.

Presently, Canada has a rate of duty of 12½ percent on all imports of such hardwood flooring coming into that country. On the other hand, we have a rate of duty of only 4 percent on imports of Canadian hardwood flooring.

The bill would increase our duty from 4 to 12½ percent until such time as Canada lowers its duty. Upon a reduction in the Canadian duty, without the imposition of other import restrictions or export subsidies, the President is directed to reduce our duty by a comparable amount.

Available data from the U.S. Bureau of the Census shows that since 1948 domestic shipments of maple, beech, and birch hardwood flooring from our northern U.S. industry have been declining. At the same time, however, imports of such flooring from Canada to the United States have been maintained at about 4 million board feet per year. The resulting decline in the use of hardwood flooring has been shouldered entirely by our domestic industry.

The American request that the Canadians reduce their tariff of 12½ percent has been rejected. Our Wisconsin-Michigan flooring producers have requested the U.S. trade negotiators to ask Canada to reduce its tariff to that of the United States. For the second time in the past decade this request has been denied. In 1962 the Director of the Forest Products Division, U.S. Department of Commerce, expressed his disappointment to the domestic hardwood industry:

> We regret that a concession on maple flooring was not obtained from Canada. We assure you, however, that this matter was pressed most vigorously both here in Washington and by our negotiators in Geneva.

In the meantime, Canadian flooring has been continued to be imported into our country and sold at prices lower than our domestic product. This has led to financial losses and limited employment opportunities in the domestic industry. Due to the higher Canadian tariff, our Wisconsin-Michigan producers have been unable to develop Canadian markets. However, the industry is of the opinion that given a lower Canadian tariff such markets could be developed in that some Canadian hardwood flooring users are nearer to U.S. producers than to Canadian producers.

Our domestic producers should not be made to sacrifice their investment—built up over the years—in plants, equipment, and technical know-how, or should our workers lose their livelihood simply because the Canadian producers are under the protection of a higher tariff.

I feel that the equalization of the tariff between the United States and Canada will induce Canada to take the necessary steps toward reduction and perhaps even the ultimate removal of their tariff. Since all attempts to bargain down the Canadian tariff have failed, this bill is the only course of action that remains.

Opinion Poll Indicates Voters' Beliefs on Current Issues

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 17, 1964

Mr. BRAY. Mr. Speaker, I recently conducted an opinion poll among my constituents of the Seventh District of Indiana. I believe the results of this sampling are of significance and of interest to my colleagues.

SUMMARY OF POLL RESULTS

Public opinion is overwhelmingly in favor of budget reductions to offset the revenue loss caused by the Federal tax cut. The replies indicated 85 percent "yes"; 11 percent "no"; and 4 percent failed to express an opinion.

On a topic of current controversy, Seventh District voters strongly favor a constitutional amendment to permit optional and nonsectarian prayer in the public schools. The response was 81 percent "yes"; 16 percent "no"; and 3 percent undecided.

Despite claims that the administration has trimmed foreign aid requests to the bone, the respondents to my poll favor extensive reductions in such spending by better than a 4-to-1 margin. "Yes" answers totaled 81 percent; 15 percent said "no"; and 4 percent did not respond.

Seventh District voters display some of the same doubts and misgivings on the subject of civil rights legislation that polls in other parts of the Nation have indicated. Opinion for and against the new Federal civil rights proposals is sharply divided, and 1 in 5 persons is undecided.

Asked if they favored civil rights legislation similar to that passed by the House in February, 45 percent said "no"; 35 percent said "yes"; and 20 percent declined to express an opinion.

In supplemental comments, it was clear that there is confusion and doubt in this area. Several people asked for copies of the actual bill, having read various interpretations of the measure.

Others expressed support of full legal rights for all persons, but were cautious about new legislative attempts to guarantee such rights.

Compulsory medical care for the aged under social security, as is proposed in the King-Anderson legislation, is opposed better than 2 to 1. "Yes" replies totaled only 29 percent; "no," 62 percent; "no opinion," 9 percent.

Increased trade with the Soviet bloc, such as the wheat sale to Russia, is opposed in 69 percent of the replies. It is favored in 25 percent.

Hoosier voters are willing to support strong action in Vietnam to prevent a Communist takeover there, but they want to know just what is required and what can be expected. Asked if they would commit additional U.S. troops if necessary to protect South Vietnam from a Communist takeover, 62 percent of those responding said, "Yes." Only 26 percent replied in the negative; and 12 percent expressed no opinion.

Opinion is sharply divided as to whether we should withdraw from the United Nations if Red China is admitted. Forty-two percent said "Yes"; 50 percent said "No"; and 8 percent are undecided. Previous polls have shown overwhelming opposition to the admission of Communist China to the U.N. But voters are not sure that we should withdraw if China is admitted over our opposition.

A strong response supports our standing firm on our right to keep possession of the Panama Canal; 93 percent said "Yes."

Maintaining the U.S. naval base at Guantánamo, Cuba, regardless of Castro's threats and actions is supported by 94 percent of those responding.

POLL PROVIDES VALUABLE INSIGHT

We all recognize our duty to know the thoughts and beliefs of our constituents and to be the spokesmen of these views in the House of Representatives. It is not an easy task to keep well-acquainted with voter sentiments in districts that cover large areas and contain populations of 300,000 or more. In addition to the thousands of letters, telegrams, and telephone calls I receive, I greatly appreciate the many personal contacts I have with Seventh District people, including my customary tour of all the post offices in each of the 11 counties. I believe this poll is another worthwhile tool for keeping closely in touch with the legislative wishes of the people, and consequently being better able to represent them. Each of those who replied helped to form this cross-section of public opinion, and demonstrated the willing participation and interest in public affairs which has been the hallmark of American citizenship.

I commend this insight into the thinking of my constituents to all of my colleagues for I know these people to be truly representative of the finest traits and characteristics of this Nation.

Final summary of opinion poll conducted by Congressman WILLIAM G. BRAY, *7th District, Indiana*

	Percent		
	Yes	No	No opinion
Do you favor—			
1. A reduction in Federal spending to match the loss in revenue caused by the Federal tax cut?	85	11	4
2. A constitutional amendment to permit prayer, optional and nonsectarian, in the public schools?	81	16	3
3. Extensive reductions in our foreign aid?	81	15	4
4. Civil rights legislation similar to that approved by the House in February?	35	45	20
5. Compulsory medical care for the aged under social security as proposed by the King-Anderson bill?	29	62	9
6. Increased trade relations with the Soviet bloc, such as the wheat sale to Russia?	25	69	6
7. Commitment of additional U.S. troops, if necessary, to protect South Vietnam from a Communist takeover?	62	26	12
8. Withdrawal from the United Nations if Red China is admitted?	42	50	8
9. Standing firm on our right to keep possession of the Panama Canal?	93	4	3
10. Maintaining the U.S. naval base at Guantanamo, Cuba, regardless of Castro's threats and actions?	94	2	4

Lithuanian Victims of Soviet Deportations in 1940–41

EXTENSION OF REMARKS

OF

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1964

Mr. BARRETT. Mr. Speaker, the 3 million Lithuanians constitute the largest ethnic element among the three Baltic peoples, and Lithuania is the largest of the three small Baltic countries. These sturdy and stouthearted, dauntless, and daring people have had a long and turbulent history, extending back to the Middle Ages. They had their glorious days in the distant past, but during most of modern times they have been subjected to alien rule in their homeland, and therefore have suffered under oppressive foreign regimes. After enduring the autocratic rule of czarist Russia for more than a full century, toward the end of the First World War they regained their freedom, proclaimed their independence and founded the Lithuanian Republic.

Thenceforth for more than two decades they worked hard in rebuilding their homes and in strengthening their newly established democratic institutions. In that relatively short time democracy took firm roots in the country, and the people were enjoying their freedom. During all that time, however, Lithuanians were fearful of the rise of nazism in Germany as they were seriously apprehensive of the Soviet regime's evil intentions toward them. Unfortunately, their worst fears proved to be well founded, for by mid-1940 they were robbed of their freedom and independence.

By early 1940 the Soviet Union had already stationed Red army units in all strategic regions of the country, and in mid-June Lithuania was overrun and occupied by the Red army. From that time on Lithuania became, for all practical purposes, part of the Soviet Union, for independent Lithuania ceased to exist. From then on for a year terror reigned over the whole country. No one felt safe from arrest and imprisonment. The Soviet Government saw to it that there was no opposition to its treachery. The arrests and imprisonments of innocent and helpless persons, totaling perhaps over 100,000, went on. And in June of 1941 arrests were carried on on a wholesale scale, and all those arrested were deported to distant Soviet concentration camps, there to slave and suffer for wanting and wishing freedom.

On the observance of the anniversary of this cruelty by Soviet authorities, we all hope and pray that helpless Lithuanians in their homeland regain their freedom.

Some Good Can Be Done by ARA

EXTENSION OF REMARKS

OF

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1964

Mr. TALCOTT. Mr. Speaker, it is important to a strong economy to get ARA back on the track. The Federal Government has a legitimate role to play in aiding blighted regions by providing technical help, research and limited financial aid to the worst-hit communities. That is the role intended by Senator DOUGLAS and his colleagues when they set out in 1955 to pilot through Congress a program designed for the truly depressed areas of Appalachia, the declining New England textile towns, sinking farm counties of the Southeast and lumber regions of the Northwest. Their original plan would have qualified only 40 of the most distressed areas for aid.

But along the way the sponsors were forced to trade votes by adding more of what Senator DOUGLAS called "pass-the-biscuits-pappy amendments," including more and more congressional districts. As a result, their noble project has gone malignantly, tragically awry. Handed an impossible law to administer to begin with, the bureaucrats have done an appalling job of magnifying the horrible mess. They have gone trippingly through the Nation scattering bouquets of greenbacks to those comparatively healthy communities blessed with the leadership and organization necessary to put together sham development plans and to maneuver applications through the Potomac papermill. Meanwhile, the truly underdeveloped communities continue to wither in the shadows, blighted with unemployment and a lack of leadership and entrepreneurial talent. The result: less than $2 out of every $5 which ARA has broadcast has gone to those areas whose unemployment doubles the national average.

"The ARA has behaved like a not too virtuous girl who can not say no," one economist who helped the agency get started said, "But it must learn. It must establish priorities, pinpoint the causes of trouble and help communities organize to break the bottlenecks holding them back."

More money is not the answer. As an essential first step, Congress must drastically tighten the eligibility criteria, restricting ARA aid to the truly depressed areas and placing an absolute limit at any one time to the 150 counties—5 percent of the total—in the worst economic straits as determined on the basis of lowest median family income and highest unemployment. By passing such a loosely drawn law in the first place, Congress has succeeded only in dissipating millions of dollars and inspiring false hopes of cure-alls without really helping those in need. ARA can point to a few bright spots, but these are rare indeed for all the millions spent. If Congress does not decide to have a truly "depressed area program" instead of gigantic pork barrel "reelection agency," then the voters should insist that the entire mess be allowed to expire as scheduled.

Once the eligibility is limited, other steps should be taken to add to the ARA's kit of development tools:

First, Congress could remove the restriction limiting ARA loans to businesses that cannot get credit from conventional sources. This provision limits ARA to helping only new or marginal firms and forces it to deal with a horde of fast buck operators that can't get credit elsewhere.

Second. Congress could provide tax incentives for new business expansion in the depressed areas to draw the corporate giants of America into the fight and away from the overcrowded megalopolises which are crying for more Federal subsidies for mass transit and urban services. At present, nothing in the ARA act offers any real incentive to channel blue chip or established industry to the depressed areas. Four percent interest on venture capital is not an effective carrot to dangle before successful corporations. ARA officials after 3 years of experience should understand this.

Third. ARA could be given the funds and instructed to assemble a team of expert economists and technicians who could help local communities to do a meaningful job of appraising their assets, pinpointing the development bottlenecks, and marshaling resources for an effective attack on their problems. So far the research, technical aid, and local planning programs all have been largely a sham.

Finally, the ARA must find ways to tap the greatest underdeveloped resource in most of these troubled regions: the enormous potential entrepreneurial talent of the small businessmen and existing industries—already in the community.

One of their greatest problems is lack of modern financial prowess and managerial know-how. To solve this, ARA could emulate the Red Cross and community chest. Skilled business managers would volunteer not only from the ranks of retired but from active duty by "leaves of absence" to contribute to the public service thrill of helping troubled enterprises in depressed areas break through to prosperity.

SENATE

THURSDAY, JUNE 18, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, clouds and darkness are around Thee; yet righteousness and judgment are the habitation of Thy throne, which is established forever upon the moral pillars of the universe.

In times heavy with crisis, Thou hast called us, as servants of the people, to play our part in one of the creative hours in human history. In the midst of the startling changes of our day, may we be delivered from the paralysis of pessimism and cynicism.

Strengthen our hearts and minds, that we may worthily measure up to the role we are called to play in these solemn days, as in the name of a free people ours is the high privilege of signing anew, with our own dedication and sacrifice, the immortal declaration crimsoned with the devotion of the Founding Fathers, as for the perpetuity of this Union we mutally pledge to each other our lives, our fortunes, and our sacred honor. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 17, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 11376) to provide a 1-year extension of certain excise tax rates, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11376) to provide a 1-year extension of certain excise tax rates, was read twice by its title and referred to the Committee on Finance.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M., FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock, Friday morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REQUEST FOR COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Poverty, of the Committee on Labor and Public Welfare, be permitted to meet during the session of the Senate today.

Mr. KUCHEL. Mr. President, speaking for the minority, I have been requested to object. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1965, FOR VETERANS' ADMINISTRATION (S. DOC. No. 81)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1965, in the amount of $5 million, for the Veterans' Administration (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Teachers' Salary Act of 1955, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

CONCURRENT RESOLUTION OF NEW JERSEY LEGISLATURE

The ACTING PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on the Judiciary:

ASSEMBLY CONCURRENT RESOLUTION 31 OF THE STATE OF NEW JERSEY

A concurrent resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States of America authorizing the repeating of the Lord's Prayer and the reading of portions of the Old Testament of the Holy Bible in public schools and other public places

Be it resolved by the General Assembly of the State of New Jersey (the Senate concurring):

1. The Congress of the United States is memorialized to enact the required legislation to present to the States for adoption an amendment to the U.S. Constitution, to authorize the repeating of the Lord's Prayer and the reading of portions of the Old Testament of the Holy Bible without comment in any public school or other public place in the United States.

2. A duly attested copy of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Senators from New Jersey, and to each Member of the House of Representatives of the United States elected from New Jersey.

ALFRED N. BEADLESTON,
Speaker of the General Assembly.

Attest:

PAUL BACUTA,
Clerk of the General Assembly.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Commerce, with an amendment:

S. 1363. A bill to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes (Rept. No. 1096).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 2922. A bill for the relief of Lilliana Grasseschi Baroni; to the Committee on the Judiciary.

By Mr. STENNIS:

S. 2923. A bill to amend title 18, United States Code, to provide a new chapter 114 relating to transportation of persons or material to violate State law; to the Committee on the Judiciary.

(See the remarks of Mr. STENNIS when he introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY:

S. 2924. A bill for the relief of Elena Savino Coviello; to the Committee on the Judiciary.

ESTABLISHMENT OF BIG HORN CANYON NATIONAL RECREATION AREA — AMENDMENT (AMENDMENT NO. 1055)

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 2048) to provide for the establishment of the Big Horn Canyon National Recreation Area, and for other purposes, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958—AMENDMENT (AMENDMENT NO. 1056)

Mr. MORTON submitted an amendment, intended to be proposed by him, to the bill (S. 2844) to amend the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to enforce the duty imposed on each carrier to provide adequate service in connection with the transportation authorized by its certificate of public convenience and necessity, which was referred to the Committee on Commerce and ordered to be printed.

RESUMPTION OF HEARINGS ON ROLE OF GOVERNMENT IN PESTICIDE USE, REGULATION, AND RESEARCH

Mr. RIBICOFF. Mr. President, I announce that the Subcommittee on Reorganization and International Organizations of the Senate Committee on Government Operations will resume its hearings on the role of Government in pesticide use, regulation, and research. The purpose of the hearings will be to consider charges that the U.S. Public Health Service mishandled its investigation of the recent Mississippi River fish kill.

A chronology of events in that case might be in order for those who have not followed it closely.

On March 19, 1964, the U.S. Public Health Service and the State of Louisiana announced that "water pollution involving toxic synthetic organic materials appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico." The pesticides endrin and dieldrin were identified as having been found "in significant quantities in dead and dying fish and in the water environment."

On March 24, the British Ministry of Agriculture, Fisheries and Food placed three widely used pesticides—including aldrin and dieldrin—under "severe restrictions."

On March 27, I announced that the Subcommittee on Reorganization would investigate the fish-kill reports in connection with its continuing inquiry into interagency coordination of Federal pesticide programs.

On April 1, the U.S. Department of Agriculture announced it would hold public hearings on the question of restricting the use of aldrin, dieldrin, and endrin. Hearings were subsequently held in Washington on April 9, Memphis on April 16, and Baton Rouge on April 23.

On April 3, the Secretary of Health, Education, and Welfare called a four-State water pollution control conference, held in New Orleans on May 5 to determine the cause and extent of last winter's Mississippi River fish kill and to consider what steps, if any, needed to be taken under the Federal Water Pollution Control Act.

On June 1 the Department of Agriculture announced the results of its April hearings, and stated:

> None of the evidence presented either at the hearings or at the conference (conducted by PHS) was scientifically adequate, in the judgment of USDA, to justify withdrawal of endrin, aldrin, or dieldrin from farm use.

On June 9 spokesmen for one of the two companies making endrin in the United States charged gross error in the analyses used by the Public Health Service as part of its investigation of the fish kills.

That brings us to the present. Mr. President, Government and private industry scientists have collided head on over the cause of the recent Mississippi River fish kill. After nearly 3 months of charge and countercharge the public and Congress are entitled to firm answers.

Opinions vary widely in this case. This is not a matter of the minor and easily adjusted differences one usually finds in the science and Government arena.

The issues are both scientific-technical and legal-administrative. Among the main issues are the following:

First. Was the pesticide endrin responsible for the fish kill? The Public Health Service says "Yes"; the industry has said "No."

Second. If endrin was the cause, where did it come from? The Government—both PHS and USDA—has pointed the finger at the Memphis plant of one of the Nation's two endrin manufacturers as a major source. The company vehemently denies the charge.

Third. Were the Public Health Service analyses which measured and identified various pesticides in the case accurate? The Government says they were. Industry disputes the findings, claiming that what PHS identified as dieldrin in the sludge and mud near the Memphis plant is actually an alcohol known as 237 chlorhydrin, thus casting doubt on all the PHS findings in the case. What is more, the industry asks how dieldrin, which is made only in Denver, could be found in such large concentrations in Memphis.

Fourth. Did the Government exaggerate the extent of the fish kill in the first place? The first reports referred to 10 million dead fish. The PHS conference last month seemed to concentrate on only 175,000.

Fifth. Do the Federal agencies—both PHS and USDA—conduct their regulatory proceedings in a manner that is fair to both the public and the industry involved? The PHS conference in New Orleans has been compared to a "kangaroo court" by a chemical industry trade magazine. The USDA hearings in various parts of the country seemed to lack adequate efforts at thorough factfinding. When the hearing concluded, there were no specific findings by the hearings examiner, and the general conclusion was reported to the public in the middle of a USDA press release regarding the establishment of a pesticide monitoring program by that agency.

These are just some of the issues that the subcommittee will examine carefully. Government officials and industry representatives have been invited to appear.

The hearings will begin June 29. They will be held in room 3302, New Senate Office Building, starting at 10 a.m.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. COOPER:

Address on importance of the coal industry, delivered by Senator BYRD of West Virginia before the National Coal Association Convention, in New York City, on June 16, 1964.

By Mr. HOLLAND:

Copy of minutes of meeting of Panama Canal Society of Washington, D.C., on June 6, 1964, in celebration of 50th anniversary of the opening of the Panama Canal.

CIVIL RIGHTS BILL HAS NO EFFECT ON MINNESOTA

Mr. RUSSELL. Mr. President, last evening I referred to a newsletter forwarded to constituents of the Senator from Minnesota [Mr. HUMPHREY], in April 1964. I ask unanimous consent that the first three numbered paragraphs of the letter, which stress the fact that the civil rights bill has no effect in the State of Minnesota, be printed in the RECORD.

There being no objection, the excerpts from the newsletter were ordered to be printed in the RECORD, as follows:

[Special on civil rights, April 1964, Washington, D.C.]

NEWSLETTER FROM SENATOR HUBERT H. HUMPHREY

* * * * *

I. WHO SUPPORTS THE CIVIL RIGHTS BILL (H.R. 7152)?

President Kennedy gave the civil rights bill his unqualified support. Since assuming the Presidency, Lyndon Johnson has made passage of the civil rights bill the top priority item in his legislative program.

In February, the House of Representatives passed the civil rights bill by the overwhelming margin of 290 to 130. Voting for the bill were 152 Democrats and 138 Republicans—a truly bipartisan coalition for civil rights. The entire Minnesota State delegation to the House of Representatives supported the bill.

The civil rights bill is supported by the principal religious faiths—Protestant, Catholic, and Jewish. Over 80 religious, civic, labor, and fraternal groups (including the National Council of Churches, the AFL–CIO, the National Farmers Union, the National Catholic Social Action Conference, the American Jewish Committee, among others) have joined together in support of the legislation. Millions of Americans—in all sections of the United States—are working for a strong and effective civil rights bill.

II. HOW WILL THE PENDING CIVIL RIGHTS BILL AFFECT MINNESOTA?

Minnesota already has stronger antidiscriminatory laws in effect than are contained in the bill now before the Senate.

The Minnesota Constitution reads: "No member of this State shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof * * *," (art. I, sec. 2).

Minnesota statutes prohibit discrimination in schools, places of public accommodation (hotels, motels, restaurants, theaters, etc.) employment, housing, and in many other activities. There also exists a Minnesota State Commission Against Discrimination to enforce the laws against discrimination in employment and housing. (Source: "Antidiscrimination Laws of Minnesota," 1962 compilation by Attorney General Walter F. Mondale.)

In short, Minnesota antidiscrimination practices would not be changed by the pending Federal civil rights legislation.

III. WHAT ARE THE PROVISIONS OF THE PENDING CIVIL RIGHTS BILL?

Equal voting rights: This provides that all voters must be treated equally when qualifications are set for voting in Federal elections. If a voting applicant has passed the sixth grade, he would be presumed literate. Where local authorities violated this law, the Attorney General could request three-judge Federal courts to hear suits. (This section would have no effect on Minnesota elections, which have traditionally been open to all qualified voters.)

Equal access to public accommodations: This would prohibit racial discrimination in hotels, motels, restaurants, lunchcounters, theaters, sports arenas, gas stations, and specialty shops located within hotels. A person subject to discrimination would be able to secure these rights through the U.S. courts. (This section would have no effect in Minnesota since existing State laws are stronger and more comprehensive.)

Desegregation of publicity owned facilities: If citizens were denied access to tax-supported facilities such as public parks, playgrounds, or beaches, they could sue in Federal court or the Attorney General could sue in their behalf. (These tax-supported facilities also have always been open in Minnesota regardless of race or religion.)

Public school segregation: This section allows the Attorney General to bring suit to end segregation in schools which defy the 1954 Supreme Court decision. Also provides Federal help to districts which want to desegregate. (Minnesota has never segregated public school pupils.)

Discrimination in Federal aid: Directs agencies which discover that Federal funds are used on a discriminatory basis to seek to end such discrimination. If voluntary efforts fail, an agency may cut off funds after public hearings and a 30-day waiting period, subject to court review. (There are no known instances of Federal aid programs being denied to Minnesota residents on racial or religious grounds.)

Equal employment opportunity: Employers, labor unions, and employment agencies whose activities affect interstate commerce would be prohibited from discriminating on the basis of race, creed, color, sex, or national origin. An Equal Employment Opportunity Commission would be established to investigate and voluntarily settle complaints; upon failure to settle, the Commission would be authorized to file suit in the U.S. courts. (Once again, this provision would not affect Minnesota antidiscrimination practices concerning employment.)

CITIZENS DISTURBED ABOUT IMPLICATIONS OF THE CIVIL RIGHTS BILL

Mr. RUSSELL. Mr. President, among thousands of letters which have come to me from persons in the United States who are disturbed about the implications of this bill, I have received a letter from a man engaged in organizing and operating closed private clubs for recreational purposes. It so happens that his operations were carried on in the State of New Jersey, whose law has been stressed here as being perfect and workable. The letter states that the clubs are organized and operated as bona fide private clubs, but that the civil rights agency in his State has haled him into court, on the ground that these clubs cannot exclude anyone from membership on the basis of race. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MADISON, N.J.,
March 17, 1964.

Hon. RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: I am writing you in hopes that the facts of this letter will prove of use to you in the debate currently before the Senate regarding civil rights legislation.

As a resident of New Jersey I am subject to a law against discrimination as set forth in title 18, chapter 25, of the New Jersey Statutes Annotated. Among its provisions it establishes a division on civil rights. This creates an administrative body charged to investigate and eliminate discrimination within the definition or coverage of the law. It is a law which is quite specific in its wording and differentiates quite specifically as to its application to public and to private areas yet it fails completely to define what is considered public and what is private. This oversight has left the area of definition and determination to the administrative agency.

I raise this point for I would like you to know what has actually happened to me as a citizen, businessman, and property owner in a State which did not carefully define its terms or law.

I have been engaged during the last 10 years in development, formation, and operation of private family clubs organized for recreational activities over which I exercise control by virtue of ownership, even though most of the club activities are handled by committees comprised of the membership. These clubs are limited in membership to local families from the particular areas where the clubs are located. Each provides swimming, tennis, skating, and outside recreation for a select membership. Family recreation with children's developmental programs are the objective of the clubs and the social aspect is secondary, since liquor and adult dancing is not permitted on the premises.

Membership is determined by a membership committee who reviews each application and acts upon each application following a personal interview and a contact of references which are required on each application. Membership is limited to 400 families who subscribe to a $350 bond and pay annual fixed dues. There is no promotional advertising and club literature is sent only to those families who personally request it, or to the friends of members who ask that such information be sent to their friends. The club facilities are not open to the public, there are stringent guest restrictions limiting the number of times a guest may be introduced to the club by a member, and the club facilities are not rented to outside groups for a source of revenue.

Membership includes families of Protestant, Catholic, Jewish, and oriental backgrounds with the major criteria of membership being the basic compatibility of club families as well as similar educational and social background. Until late last summer no Negro family had ever applied for membership.

The newest club which was opened last spring for its first season and which is presently in the final stages of its membership subscription received an application from a Negro family who immediately claimed that they have been discriminated against because of race.

The male adult in this family is not the type of person with whom I would choose to associate. His attitude is not one which encourages friendship, and he has been described by his local minister as being "militant." His recent history includes an arrest for resisting a police officer (which arrest was subsequently squelched because of a legal technicality connected with the actual arrest), a family relationship where his wife does not reside in the same home with the man and infant child (although the application was made for family membership with the wife included), and his reputation among the local businessmen of his community is one of a troublemaker. He appears to enjoy a good professional reputation and is employed by the State as some kind of medical examiner or inspector outside of his local practice. He would not appear to have the attitude or the interest in becoming an enthusiastic member of a private club. He has not been able to furnish personal references of club members who know him on a social basis.

I have given you this explanation not to pass judgment upon this individual but rather to give perspective to my story.

The division on civil rights has made informal investigation on the basis of a formal complaint filed by the Negro. To date, this informal investigation has involved three or four personal conferences with club principals, attorneys, and representatives from the State. Countless telephone calls, letters, and discussions have resulted from this informal investigation. During this time the club disclosed all its records, including membership applications and private comments regarding membership interviews to the division's agent. All literature the club has prepared and sent to members and/or applicants was made available to the agent at considerable expense both in time and dollars for the club.

Subsequently we have been notified by subpena that we are to be tried before the division on civil rights because of the complaint and their informal investigation. We filed a court petition requesting that our case was not under the jurisdiction of the division, since we were a private organization. The court declined our petition on the grounds that they lacked facts to judge the case.

In taking this action the appellate court has failed to consider the facts as to whether or not the division on discrimination has the right to hear the case on the basis of constitutionality of the law.

The club is in the position of defending itself in the court of the accuser according to the rules of the accuser and lacking a definition upon which it can base its position.

The most interesting part of this affair is that we have been told by at least three of the agents representing the division that we have come under their jurisdiction because we are an organization operated for profit, and, therefore, the division considers us a public accommodation under the terms of their interpretation of the law.

We are appalled that the condition of profit should be a determining factor let alone the governing factor as to whether or not a club, organization, or institution is considered private or public. The New Jersey law does not mention profit or make it a criterion of public accommodation or definition. We have been told by an attorney from the division that in his opinion private camps, a private school, or any private organization or club, were it to be operated for profit and private gain, would automatically qualify it as a public accommodation and subject to the division's jurisdiction in the case of a complaint.

It is inconceivable to me that the New Jersey Legislature intended to define a profit-making institution as one which is public per se. Yet lawmakers in New Jersey acting from genuine concern for the rights of its citizens permitted a law to pass without insuring that it contained proper definitions or safeguards for existing social institutions.

We are proof of how an administrative agency empowered by the State can act under its own will and determination and without proper limitations and definitions enter into the area of established social custom and private concern to impose its will. Were the law of New Jersey intended to correlate profit organizations with public accommodations, then it should have stated this originally in the law. We would not have to be dissipating our limited strength and resources in determining what the State meant to write into its law.

Most small organizations or businesses are hard put to defend themselves against the powers of the State and the coercion which administrative agencies can bring to bear in various ways. The costs of appealing decisions and carrying appeals through the courts precludes most all small organizations from obtaining due rights. In fact, it would appear that the tradition of being innocent until proven guilty has given way to guilt through administrative proclamation and hearings where the presumption is that the accused is guilty until proved innocent.

The failure of small organizations or private citizens to carry their appeals to the higher courts has a secondary effect of further strengthening the administrative agency in that precedent has now been established whereby it becomes even more time consuming, futile, and costly for the next victim to appeal.

It is unbelievable that this great Nation has come to the crossroads where the condition of profit denotes something dirty, something undesirable, something not acceptable, or a condition which implies rights or control by public whim. Should not the criteria of whether or not an organization is public revolve around whether or not it is open to the general public, whether or not it receives public support through donation, taxes, or charity? Should not criteria include the character, purpose, and design of an operation? Should not the size, the limitation of membership, and the selection of members by contemporaries, one or more in number govern the definition of public when pertaining to public accommodations? Is not a private club still private whether operated for profit or not if it is select and not open to the general public?

I bring this matter to your attention since it is such an obvious example of well-intentioned law abused and used by those who would use it for purposes other than it was originally intended. It shows how administrative agencies, once created, interpret law as they themselves believe it to be interpreted and usurp the rightful area of the courts. It also indicates how the small individual or business lies naked to the power of such agencies and how one's normal recourse to the courts is curtailed by expense and loss of time necessary to pursue an appeal.

It is most important that our Senators and Congressmen recognize that our Constitution should protect all citizens and not create a privileged minority group. Rights must apply equally to all, and this includes the existing and established rights of the majority. We must not let the power of Congress default to administrative agencies or to the courts by enacting incomplete or faulty laws, or by not acting at all. It is imperative that laws when passed are as nearly perfect as possible and that definition, application, and scope are clearly spelled out by the lawmakers themselves.

Were you to want me to appear personally to substantiate my letter I would be happy to do so. Perhaps by having my little "tragedy" made a part of the Nation's record at the time of the great debate, those of us who realize what dangers confront our guarantee of constitutional rights will be able to point to this record in the future. We would at least have the satisfaction of being able to say that there were those who had the foresight to point out the assault on individual rights and liberties by those very persons who believed they were acting to further such rights and liberties. Those people who are advocating sweeping changes of the laws today are threatening the very social institutions and foundations of this country.

I would close my letter on the final thought that when a citizen of this great United States of America no longer has the right of choice in his selection of friends, the personal determination of his associates on the basis of accepted social standards and customs, then the greatness of our Nation has begun to fade. Our very greatness lies in the rights and liberties of the individual not subject to governmental intervention and control, and who acts within established law and order in his pursuit of happiness and self-determination.

Sincerely yours,

____ ____.

ENTRAPMENT BY CIVIL RIGHTS AGENCY INVESTIGATORS

Mr. RUSSELL. Mr. President, a number of the letters I have received reflect fear on the part of the authors of the letters that their names might become known either to the police or to other groups interested in this legislation.

I have received a letter—although I cannot offer it for printing in the RECORD, because the author of the letter asked me not to use his name—giving a statement as to biased probes at shore motels in New Jersey, showing the methods of enforcement that may be expected under the civil rights bill:

> The Wildwood motel owner was stunned. The State civil rights commission had charged him with racial bias in renting rooms. He'd been caught flatfooted and he knew it.
>
> The incident happened in August of last year. It will be repeated many times this year as the vacation season gets underway.
>
> A white man went to the motel to ask about accommodations for the following week. The owner showed him several different rooms that would be available. The white man said he'd think about it and went off.
>
> Then a Negro appeared and asked about accommodations. The motel was then "all booked up through October."
>
> The Negro left, only to reappear very shortly with the white man. The two informed the nonplused motel owner that they were a team of investigators from the State division of civil rights and charged him with a violation of the New Jersey public accommodations law.

Mr. President, I note that the State director said:

> "We've been using the new system of investigation for about 6 months now," says Pfaus, "and have had great success with it."

That shows, Mr. President, how people can expect to be entrapped by zealous investigators, even if no citizen has a valid complaint.

The **ACTING PRESIDENT** pro tempore. Under the morning-hour limitation, the time of the Senator from Georgia has expired.

AT LAST: A GOOD CIVIL RIGHTS BILL

Mr. GRUENING. Mr. President, I rise to commend the leadership on both sides of the aisle on bringing the Civil Rights Act of 1964 to its third reading and impending passage by the Senate in an unmarred and unemasculated condition.

It is a notable achievement. It has been floor-managed with skill, tact and gallantry. Too high praise cannot be accorded to the bill's floor manager, Hubert Humphrey. I hope that after its passage in this body, the bill will pass the House as soon as possible without any weakening amendments.

Above all President Johnson's superb leadership has been an indispensable driving force to bring about the successful adoption of this epochmaking legislation.

I should also commend the opponents of passage of this bill for their always courteous behavior here on the floor under trying conditions. As a veteran in the fight to amend the communications satellite bill 2 years ago, I am well aware of the tensions and frustrations of operating on the floor after cloture has been voted.

The opponents of the bill have fought a good, clean, and hard fight against its passage. They have exhausted every possible parliamentary device to secure its defeat. I say that in praise of the parliamentary skills and dogged determination they have displayed.

But now that they have had 82 days of debate prior to the passage of the bill—a record without precedent or parallel—I hope they will join with the rest of this body to exert their considerable influence in their home States to make the enforcement program under the bill workable.

For work it must.

The remedies this bill provides for the attainment for all our people of the full enjoyment of their constitutionally guaranteed rights must be implemented fairly, firmly, and quickly.

These remedies are too long overdue.

The need this bill fills is forcefully and tragically exemplified daily in the rising racial tensions and physical conflicts in all parts of the Nation—in the North as well as in the South—in the East as well as in the West.

Long before this, we should have seen to it that each and every person in the United States—regardless of race, color, sex, national origin, or religion—enjoyed the full measure of his or her constitutionally guaranteed rights.

I am not a newcomer in this fight for civil rights. As a newspaper editor I was engaged in it just 50 years ago. More recently in the field of civil rights, Alaska has moved far ahead of the Federal Government.

Almost 20 years ago, as Governor of Alaska, I recommended—and the Alaska Territorial Legislature passed—a strong public accommodations law. Alaska's public accommodations law is broader and more far reaching, in many respects, than this bill now before the Senate.

Alaska also has on its statute books a strong public facilities law.

Alaska also has on its statute books a strong equal employment opportunities law—stronger in many respects than the provisions in the bill we are about to pass.

I ask unanimous consent that two papers I have prepared entitled "Misstatements About the Civil Rights Bill" and "Analysis of Major Provisions of H.R. 7152" be printed in the Record at the conclusion of my remarks.

The long, hard, tiring fight for the passage of this civil rights bill not only disproved a myth about rule 22, but proved certain of my contentions.

The myth has been handed down from one Senate to another that unless the number of votes needed to impose cloture were lowered from two-thirds of those present and voting to some lesser figure, cloture would never be imposed.

Two years ago, when cloture was imposed on the debate on the communications satellite debate, I pointed to that action as proof that two-thirds of the Senate, when sufficiently moved, could shut off debate. In that instance, in my view, the Senate imposed cloture prematurely and unwisely.

But some of the proponents of lowering the number of votes needed for cloture insisted that the cloture on the communications satellite debate did not prove anything. That was not a civil rights bill, they said.

We have now had cloture on a civil rights bill. We have done it once—and we can do it again at the proper time and under the proper circumstances, should it be necessary.

One of my contentions against lowering the number of votes required to impose cloture was that it was imperative that this safeguard against hasty, panicky, precipitate action be preserved. The civil rights bill as it came from the House was not a perfect bill—very few are—and needed improvement. And yet when it was brought up and made the pending business, the hue and cry went up here on the floor and in the press urging the Senate to pass the bill, with all its imperfections, without delay and without a single change. Those urging this procedure did so because they feared changes would tie the bill up in the other body.

But many in the Senate recognized that some amendments were sorely needed and used the protection afforded by rule XXII to obtain needed changes. This they would never have been able to accomplish if a simple majority were all that was needed to shut off debate.

The result is that we now have a bill better in many respects, clearer in many respects, able to be more effectively implemented than the bill as it came to us from the other body.

I am glad that I voted against changing rule XXII. My opposition to any change in rule XXII, to reduce the number required to secure cloture to less than two-thirds of those voting is, I believe, fully validated by the experience this year on the civil rights bill. As this issue may nevertheless arise again, I think my reasoning for my stand is pertinent, and I ask unanimous consent that my remarks on this issue, as well as the ensuing colloquy made on January 25 last, be printed at the conclusion of my remarks.

As we come to the closing hours of this historic debate it would be well to sound a note of caution.

With the final passage of the Civil Rights Act of 1964, the millenium for our colored fellow citizens in the United States will not have arrived. The inequalities and inequities built up against them over a hundred years cannot be erased overnight by the mere passage of a law. I wish that were the case, but it is not.

More is needed to wipe away the century-old inequalities and inequities than the passage of this much-needed bill. There must be vigorous enforcement of its provisions.

But more is called for than vigorous enforcement. Inequalities have come about through lack of equal educational opportunities. Much more in the way of educational facilities must be made available. Negroes who cannot compete in the employment market because of missed educational opportunities must have readily available such training as is necessary to permit them to catch up. This will take time and patience and a desire to learn.

But a great step forward in the attainment and protection of the civil rights of all Americans will be taken with the enactment of this bill.

Its passage comes far too late and not a moment too soon.

I ask unanimous consent that the speech I made on this subject and the attendant colloquy be printed at this point in the Record.

There being no objection, the speech and the colloquy were ordered to be printed in the Record, as follows:

[From the Congressional Record, January 1963]

LET US USE THE TOOLS WE HAVE

Mr. Gruening. Mr. President, a great deal has been said about Senate rule XXII. Weighty and well-documented arguments have been and will be advanced as to why Senate rule XXII should be changed or maintained. Proponents and opponents are equally sincere.

I have listened to much of the debate to date, and I have read all of it as it appeared in the Congressional Record. I made an equally thorough study of the pros and cons 4 years ago. It was my privilege in 1959 as a new Senator from a new State—Alaska—to hear the debate which culminated in the adoption of the then Senate Majority Leader Lyndon Johnson's compromise language, which in essence returned the Senate rules on cloture to the original 1917 rule. I voted for that compromise.

The debate in which we are involved during these opening days of the 88th Congress goes to the very heart of our legislative system.

The U.S. Senate gives to each of the 50 States, regardless of size or population, an open forum; and within this forum it is possible for a Senator to explain the needs or the position of his State. The framers of our Constitution carefully established this forum so that all States regardless of size would be equal and have equal opportunity.

Through the Federalist we have access to the contemporary interpretation of the Constitution by men who were active and present when our Constitution came into being.

Letter 54 of the Federalist, by John Jay, contains this observation:

"As all the States are equally represented in the Senate, and by men the most able and the most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance. In proportion as the United States assumes a national form and a national character, so will the good of the whole be more and more an object of attention, and the Government must be a weak one indeed, if it should forget that the good of the whole can only be promoted by advancing the good of each of the parts or members which compose the whole."

Letter 54 was written nearly 175 years ago. The prescience it embodied is a clear and positive message to all men that the framers of our Constitution considered not only present but future times.

Thus, in 1963, the Senate of the United States continues as the bulwark of the States, small in population, which do not have large delegations in the House of Representatives. I represent, in part, one of those States.

When we examine the size of House delegations, we find that 23 of the 50 States have 5 or fewer Representatives per State for a total of 58 Members. Five States have but a single U.S. Representative. Alaska has the dubious honor of being one of those five. The others are Delaware, Nevada, Vermont, and Wyoming.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a listing of States and the number of Representatives from each.

There being no objection, the list was ordered to be printed in the RECORD as follows:

"Number of States Representatives

Alabama	8
Alaska [1] [2]	1
Arizona [2]	3
Arkansas [2]	4
California	38
Colorado [2]	4
Connecticutt	6
Delaware [1] [2]	1
Florida	12
Georgia	10
Hawaii [2]	2
Idaho [2]	2
Illinois	24
Indiana	11
Iowa	7
Kansas [2]	5
Kentucky	7
Louisiana	8
Maine [2]	2
Maryland	8
Massachusetts	12
Michigan	19
Minnesota	8
Mississippi [2]	5
Missouri	10
Montana [2]	2
Nebraska [2]	3
Nevada [1] [2]	1
New Hampshire [2]	2
New Jersey	15
New Mexico [2]	2
New York	41
North Carolina	11
North Dakota [2]	2
Ohio	24
Oklahoma	6
Oregon [2]	4
Pennsylvania	27
Rhode Island [2]	2
South Carolina	6
South Dakota [2]	2
Tennessee	9
Texas	23
Utah [2]	2
Vermont [1] [2]	1
Virginia	10
Washington	7
West Virginia [2]	5
Wisconsin	10
Wyoming [1] [2]	1

"[1] 5 States with 1 Representative.

"[2] States with 5 or fewer Representatives, 23."

Mr. GRUENING. Mr. President, let us look at this disparity in State delegations in the House of Representatives and see what it means in terms of the legislative process.

In the other body, 10 States—California, Illinois, New York, Pennsylvania, New Jersey, Michigan, Ohio, Massachusetts, Indiana, and Maryland—command 219 votes, enough to pass or block any legislation deemed disadvantageous to their States best interests. No special significance should be attached to my singling these particular States out for special mention. Other combinations of States are possible with substantially the same effect.

In the Senate, on the other hand, under existing rules, it would take the Senators from 17 States—not 10, as at the other end of the Capitol—to block legislation, and it would require the Senators from 26 States—not 10, as in the House—to enact legislation.

This has long been the deliberately conceived and established delicate balance between the interests of the States and the various population segments of the United States. This system of checks and balances, which lies at the very core of our system of government, and permeates every phase of it, cannot be disturbed without far-reaching consequences, consequences the very nature of which no one can foretell.

Not all matters upon which we act in Congress have equal effect throughout the country. Certain matters affect the rights and privileges of States as States. Thus States large in size but small in population—such as my own State of Alaska—have on certain issues much in common with other large and underpopulated States. On other issues we would have interests in common with large, densely populated States.

The Constitution was framed to take into account these differences. One body was to represent the interests of the States; the other the interests of the people. The present Senate rules have been framed accordingly.

The roster of Senators who have been outstanding champions of unlimited debate is impressive. It includes our esteemed and only recently departed colleague, Joseph C. O'Mahoney, of Wyoming; James Couzens, of Michigan; George Norris, of Nebraska; Robert La Follette, of Wisconsin; Charles L. McNary, of Oregon; Dennis Chavez, of New Mexico; William Langer, of North Dakota, to name only a few, men of both parties, who have been classed as liberals.

Another was the great William E. Borah, of Idaho. Senator Borah once wrote: "I am opposed to cloture in any form."

Senator Borah was an outstanding champion of every aspect of freedom. He had more to say about cloture, namely:

"I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.

"There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington."

Senator Couzens, of Michigan, a Republican and a great liberal, wrote: "When the importance of the occasion seems to demand it, all that has to be done is: 16 Senators making such a motion, same being approved by two-thirds of the Senate, they can prevent a filibuster. Two-thirds of the Senate should be required; otherwise the majority might ride roughshod over the minority at any time."

The late, magnificent champion of the rights of the people, Senator Joseph C. O'Mahoney, of Wyoming, a national figure, commented vigorously on the question of limitation of debate during the 1959 discussion on rules. His remarks about the opportunity to vote on rules is pertinent today. Senator O'Mahoney said: "I have heard some of my colleagues say to the newly elected Senators that they never have had an opportunity to vote upon the Senate rules. Neither have they ever had an opportunity to vote on 'Roberts' Rules of Order.'"

Senator O'Mahoney also was concerned about the possibility of sacrificing the constitutional principle that, in the Senate of the United States, the States shall be equal.

He sought to preserve the true meaning of free speech.

According to article V of the Constitution of the United States: "No State without its consent shall be deprived of its equal suffrage in the Senate."

Today, the principle of equal suffrage exists and is at issue in the current debate. We should remember, as has been pointed out, that today's majority can be tomorrow's minority.

Many definitions of the word "liberal" have been written. One of my favorites is the Webster three-word explanation—"independent in opinion." We are in perilous days, indeed, if this should become an archaic definition, for the end of independence of opinion is the end of thought, and ultimately the end of progress. The end of independence of opinion is the first step toward mediocrity and torpid conformity.

Our Nation was born of independence of opinion, and that has continued to be one of its distinguishing marks and one of its most priceless assets.

So I am glad to take part in this historic debate and to express my independent opinion, which, I am not unaware, will not coincide with the opinions of some of my friends in the Senate and some of my friends outside of it.

But as Alexis de Tocqueville, that perspicacious observer of, and commentator upon, the American scene, wrote: "If ever the free institutions of America are destroyed, that event may be attributed to the unlimited authority of the majority."

During the 1959 debate, the late, intrepid Senator William Langer, of North Dakota, offered these thoughts on cloture: "Mr. President, on March 11, 1949, I stated my position on rule 22 and again today (January 12) I reiterate the stand that I took 10 years ago. I was then and I am now unalterably opposed to any limitation of debate in the U.S. Senate, the only legislative body left in the world where a legislator can freely debate the merits of all issues."

Throughout the history of this Nation, there have arisen occasions when the need to "freely debate the merits and demerits of all issues" has arisen.

In his Pulitzer prize-winning book, "Profiles in Courage," President Kennedy described the filibuster by Senator George Norris against President Woodrow Wilson's proposed armed ship bill, in 1917.

Senator Norris and Senator Robert La Follette, Sr., used the filibuster technique to prevent armed neutrality:

"Senator Norris was fearful," wrote President Kennedy, "of the bill's broad grant of authority, and he was resentful of the manner in which it was being steamrollered through the Congress."

The House had approved the armed ship bill by a vote of 403 to 13.

Senator Norris held up passage of the bill unil the 64th Congress expired on March 4, following 2 days of filibuster, because he wanted the proposed legislation to receive careful consideration. As history recounts, the armed ship bill was passed shortly after the 65th Congress convened, and Senator Norris joined to vote in favor of the 1917 Senate cloture rule.

Senator Norris had used that technique to focus attention on a bill he felt had been insufficiently considered in the legislative chamber designed for free and open debate on all subjects.

Many Members of this body have supported free debate. Senator Langer on March 11, 1949, recalled that Senator Charles L. McNary, when minority leader of the Senate, told him that "in his judgment one of the greatest safeguards of democracy was the fact that the right of unlimited debate exists in this Chamber."

Senator Langer also noted that he had received from Senator La Follette identical advice not to sign the cloture petition.

I have previously cited Senator Norris' use of the filibuster against the armed ship bill which failed. Later, he was to use extended debate to prevent the U.S. Government from selling Muscle Shoals. Without Senator Norris, the great Tennessee Valley Authority might not have come into being.

This same deliberative filibuster procedure enabled the Senate to keep President Harry Truman from having the striking railway workers drafted into the Army. The House had rushed that hastily and unwisely conceived proposal to passage by an overwhelming vote of 306 to 13, following less than 3 hours of debate. The Senate killed the draft provision.

During the 1959 debate, Alaska's good friend, our recently departed colleague, Senator Dennis Chavez, of New Mexico, said:

"I personally do not think I would be here in the Senate and I do not believe that my colleagues from the State of Arizona would be in the Senate, if the Senate were as limited in debate as the House is. The big States would have blocked us. When the Senate was created, the Founding Fathers had the idea that, irrespective of how much population any State, the State of Illinois, might have, for example, each State should have equal representation in the Senate, now and forever."

George Washington correctly compared the Senate to the saucer which cools the hot coffee of the other body.

Mr. President, I deplore the fact that this fight to change the cloture rule has been oversimplified into a fight "for" or "against" civil rights.

During my period as editor, as Governor of the Territory of Alaska, and as a Member of the U.S. Senate, my record as a champion of individual rights, freedoms, and civil rights through the years speaks for itself. I admit freely that freedom of debate and the difficulty of applying cloture have been used in the past to block the passage of legislation deemed by many essential to insure the full exercise by all citizens of their constitutional rights, without regard to race, creed, or color.

But I remind my colleagues that the passage of civil rights legislation in 1957 was accomplished without applying cloture, and that cloture was applied last year on an issue involving economic rights.

Cloture has been applied in the past, and I have no reason to doubt it will be applied in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a list of Senate votes on applying cloture, which has been prepared by the Legislative Reference Section of the Library of Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"Senate votes on cloture [1]

"Congress	Session	Date	Subject	Senator offering motion	Yeas	Nays	CONGRESSIONAL RECORD		Cloture
							Vol.	Page	
66	1	Nov. 15, 1919	Treaty of Versailles	Lodge	76	16	58	8555–56	Yes.
66	3	Feb. 2, 1921	Emergency tariff	Penrose	36	35	60	2432	No.
67	2	July 7, 1922	Fordney-McCumber tariff	McCumber	45	35	62	10040	No.
69	1	Jan. 25, 1926	World Court	Lenroot	68	26	67	2678–79	Yes.
		June 1, 1926	Migratory-bird refuges	Norbeck	46	33	67	10392	No.
69	2	Feb. 15, 1927	Branch banking	Pepper	65	18	68	3824	Yes.
		Feb. 26, 1927	Retirement of disabled emergency officers of the World War	Tyson	51	36	68	4901	No.
		do	Colorado River development	Johnson	32	59	68	4900	No.
		Feb. 28, 1927	Public buildings in the District of Columbia	Lenroot	52	31	68	4985	No.
		do	Creation of Bureau of Customs and Bureau of Prohibition	Jones (Washington)	55	27	68	4986	Yes.
72	2	Jan. 19, 1933	Banking Act	Robinson	58	30	76	2077	No.
75	3	Jan. 27, 1938	Anti-lynching	Neely	37	51	83	1166	No.
		Feb. 16, 1938	do	Wagner	42	46	83	2007	No.
77	2	Nov. 23, 1942	Antipoll tax	Barkley	37	41	88	9065	No.
78	2	May 15, 1944	Antipoll tax	do	36	44	90	2550–51	No.
79	2	Feb. 9, 1946	FEPC	do	48	36	92	1219	No.
		May 7, 1946	British loan	Ball	41	41	92	4539	No.
		May 25, 1946	Labor disputes	Knowland	3	77	92	5714	No.
		July 31, 1946	Antipoll tax	Barkley	39	33	92	10512	No.
81	2	May 19, 1950	FEPC	Lucas	52	32	96	7299-7300	No.
		July 12, 1950	do	do	55	33	96	9982	No.
83	2	July 26, 1954	Atomic Energy Act	Knowland	44	42	100	11942	No.
86	2	Mar. 10, 1960	Civil rights	Douglas and Javits	42	53	106	5118	No.
87	1	Sept. 19, 1961	Amend rule XXII	Mansfield and Dirksen	37	43	107	20147	No.
87	2	May 9, 1962	Literacy test for voting	do	43	53	108	8058	No.
		May 14, 1962	do	do	42	52	108	8294	No.
		Aug. 14, 1962	Communications Satellite Act	do	63	27	108	16431	Yes.

"[1] Many cloture petitions have also been withdrawn or held out of order since 1917."

Mr. GRUENING. Mr. President, members of our great political parties have utilized the filibuster privilege for what they deemed important. I have not agreed, and in the future undoubtedly will not agree, as to the importance of all matters. At other times I may be on the other side of the filibuster question.

The Senate has the tools with which to work. Let us use the tools we have, and move ahead.

Mr. President, prior to 1917, the Senate had no rule regarding cloture. This did not appear to impede permanently the progress of legislation desired by the majority. According to a Library of Congress analysis, of 35 filibustered bills before the Senate from 1865 through 1946, 21 later passed. Congress has a way of passing proposed legislation which comes before it more often than not.

Mr. President, I ask unanimous consent that the Legislative Reference table detailing the history of the 35 bills previously referred to be reprinted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

"Later action on 35 filibustered bills

"Bills	Filibustered	Passed	Not passed (10)
Reconstruction of Louisiana	1865	1868	
Election laws	1879	1909 (repealed)	
Force bill	1890–91		X
River and harbor bills (3)	1901, 1903, 1914	At intervals	
Tristate bill	1903	1907, 1912	
Colombian treaty	1903	1903 [1]	
Ship subsidy bills (2)	1907, 1922–23	1936	
Canadian reciprocity bill	1911	1911 [1]	
Arizona-New Mexico statehood	1911	1912 (admitted)	
Ship purchase bill	1915	1916	
Armed ship bill	1917		X
Mineral lands leasing bill	1919	1920	
Antilynch bills (3)	1922, 1935, 1937		X
Migratory bird conservation bill	1926	1929	
Campaign investigation resolution	1927	1927 [1]	
Colorado River bills (2)	1927, 1928	1928 [1]	
Emergency officers retirement bill	1927	1928	
Washington public buildings bill	1927	1928	
Resolution to postpone national-origins provisions of immigration laws	1929	1929	
Oil industry investigation	1931	1935	
Supplemental deficiency bill	1935	1936	
Prevailing wage amendment to work relief bill	1935	1936	
Flood control bill	1935	1936	
Coal conservation bill	1936	1937	
Anti-poll-tax bills (4)	1942, 1944, 1946, 1948		X
FEPC bill	1946		X

"[1] In special or subsequent sessions.

"NOTE.—Numerous appropriation bills—at intervals—passed in special or later sessions.

"Source: 'Limitation on Debate in the Senate.' Hearings before the Committee on Rules and Administration, U.S. Senate, 81st Cong., 1st sess., on resolutions, relative to amending Senate rule XXII relating to cloture, January and February 1949, p. 42."

Mr. GRUENING. To sum up, Mr. President, 4 years ago this month, at the beginning of the 86th Congress and at the start of my senatorial service, the issue of changing rule XXII was before us. The alternatives then presented were: First, keeping the existing requirement of two-thirds of the total membership in order to apply cloture; second, changing it to two-thirds of those present and voting; third, changing it to three-fifths of those present; and fourth, changing it to a straight majority.

I was willing then to modify the existing procedure of cloture by two-thirds of the total membership to two-thirds of those present and voting, because I could not see the logic or justice of counting the votes of those absent.

But, Mr. President, beyond the change to invoke cloture by two-thirds of those present, I would not go. And my colleagues will recall that this amendment was adopted by a vote of 72 to 22. The current efforts are to reduce it, by the Anderson amendment, to three-fifths of the Senators present and voting, or, by the Humphrey amendment, to reduce it to a straight majority.

Then, as now, the reasoning for the further reduction had been largely premised on the need for civil rights legislation. Well, we had enacted civil rights legislation both before and after this change of 4 years ago—in the 85th Congress, when the requirement for cloture called for two-thirds of the total membership, and thereafter in the 86th Congress, when the requirement had been modified to require two-thirds of those present and voting. And while these two civil rights bills did not go as far as I would have liked, they were enacted after full debate and represented the reasoned and fully aired sentiments of the majority of the Senate.

I felt then and do now that issues other than civil rights are involved. A wave of hysteria, a recrudescence of McCarthyism, a sudden wave of national alarm, might sweep across the country, might panic the easily panicked, might stampede the doubting, and, as in the past, on previous occasions in the other body, cause the enactment of hasty and ill-considered legislation.

The Senate, under existing rules, will remain a safeguard and bulwark against such a calamity, although not an absolutely certain one, as I feel was demonstrated in the debate in the last session on the communications satellite legislation. My views have not changed in these 4 years. Indeed, they have been reinforced by what happened in the 2d session of the 87th Congress. Let me review that event briefly.

We had before us the first venture into the tremendous, vast and almost unexplored and unknown realm of space. It was the satellite communications bill. It came to Congress from the White House and carried the impressive authority of originating with the Nation's Chief Executive, the President of the United States. The bill had been passed by the House by the overwhelming majority of 354 to 9, after a discussion for only a part of 2 days.

It was by a similarly overwhelming vote, 306 to 13, some years earlier that the House had rushed through a measure, likewise originating with the President of the United States, which contained a section which would conscript striking railway workers and put them into the Army, where they would be subject to court-martial and similar military discipline. But on that occasion, as I pointed out earlier in my remarks, the Senate, after prolonged debate, was able to defeat this section of the bill—section (e)—effecting a decision which few today, including the Members of the House who voted for it, could now question.

The railroad workers' conscripting bill, in the judgment of the Senate, constituted a fundamental attack on freedom. It was an attack on the right of workingmen to strike. It was defeated because of the freedom to debate at length in the Senate. That freedom of virtually unlimited speech in the Senate defeated the move to destroy the freedom of freemen to exercise their rights under our Constitution and proceed against what they considered unjust working conditions.

Mr. ERVIN. Mr. President, would it interrupt the Senator's train of thought if I should ask him a question?

Mr. GRUENING. I am happy to yield to my friend, the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to make an observation on a subject which the able Senator from Alaska has been discussing without his losing the privilege of the floor or being prejudiced in any way by my observation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I was a Member of the House of Representatives at the time a bill was proposed to draft railroad workers into the Army. There had been a strike in the coal mines for 5, 6, or 7 weeks. As a result, a great deal of hysteria had been promoted in our country. The railroad brotherhoods had voted to go out on strike on a certain day. The President of the United States came to Congress and delivered an address to a joint session urging the enactment of a bill, which was immediately thereafter introduced in the House and forthwith considered.

Under the rules of the House of Representatives the discussion was limited to a comparatively few minutes. The House passed the bill by an overwhelming majority vote. Ever since, I have regretted that in the hysteria of the moment I voted for that bill. My vote for that bill represents the very worst vote I have ever cast as a member of a legislative body.

Shortly after the bill had passed and I had about 5 minutes to think about it, I realized that in voting for that bill, I had voted to impose involuntary servitude upon men who were entitled to be freemen, and who should not be compelled to work if they felt their surrounding working conditions were not appropriate.

As the Senator from Alaska has so well stated, under the Senate rules one Senator could interpose an objection to the immediate consideration of that bill. When the request was made in the Senate to consider that bill for immediate passage, a Senator objected. As a consequence of that objection, there could be no immediate action on the bill. After Senators really had an opportunity to analyze the bill, they voted against it, and it failed of passage.

I appreciate the fact that the Senator has put his finger squarely on the danger of a great wave of popular sentiment which sweeps legislators off their feet, as it does all other human beings at times, so that they do not think correctly.

With reference to the communications satellite bill passed by the Senate last year, although I favored that bill, I voted against silencing Senators who were opposed to it because I knew they were sincere. For that reason I felt they ought to be permitted to present their cause as they saw it to the Senate until they felt that they had had an adequate opportunity at least to educate those of us who were inclined to vote for the bill.

The Senator has presented a magnificent example of the danger of hasty cloture in both of his illustrations.

Mr. GRUENING. I thank my friend from North Carolina. His repentance for his unwise vote in the House has been suitably rewarded by his promotion to the Senate, where he can again exercise his restraining vote when such hasty legislation should come over.

Mr. ERVIN. Mr. President, will the Senator yield further under the same conditions?

Mr. GRUENING. I yield.

Mr. ERVIN. During my service in the House I wished to speak on what I thought was the most important bill that came before the House during the brief time I was there. That bill related to the importance of keeping the armed services strong at the end of World War II, when Stalin was virtual dictator of Russia. In order to express my views, which were out of harmony with those of the majority of the House, I had to apply to both parties to get time to speak. As the Senator knows, in the House a Member can ordinarily get only 5 minutes at best, to speak. I was able to get 4½ minutes to speak on the most crucial question that came before the House during that time by borrowing 2½ minutes from the Democratic majority and 2 minutes from the Republican minority. That was the only speech I could make on an issue which I thought was essential to the very preservation of our country.

Mr. GRUENING. The Senator has adduced further convincing evidence of the superiority of our system of operating in this body as contrasted with the hasty, controlled, and limited opportunities to speak which exist in the other body.

In the satellite communications case, the bill, as passed by the House with no significant amendments—although a number were offered—turned over the entire field of space communication to one company. In the name of free enterprise it established a monopoly. It established a monopoly in an area far larger than the planet on which we live whose potential man had barely begun to explore. It gave this one company—A.T. & T.—virtually unrestricted and unlimited authority. It gave the company the power to negotiate with sovereign nations concerning their potential space communication program—a prerogative that should have been vested in the Government of the United States. It provided, in the judgment of those of us who wanted to examine the legislation painstakingly, no adequate regulation as to the future character or cost of the service to be rendered.

It provided, in our judgment, no adequate protection for the taxpayers who had already invested hundreds of millions of dollars in a Government program preliminary to this enterprise, such as the launching of the satellite. It provided no adequate protection, either, as to future expenditures. We felt that the people of the United States were entitled to a number of safeguards and these were proposed in the form of amendments which attempted to provide such protection.

We had no objection to having the chosen instrument of this legislation operate the satellite. But we questioned, as I am confident we all still do—and as I know many House Members who voted for the bill now do—the wisdom of giving this company a blank check on the U.S. Treasury and on international negotiations.

We objected to the exclusion for all time, of possible competion—competition or regulation being traditionally hailed as one of the built-in essentials of our free enterprise system. We felt, in the absence of such competition, adequate provisions for regulation should be included and various other such safeguards. The evidence was for us conclusive that the FCC would not regulate adequately. Thus neither competition nor regulation existed as safeguards against monopolistic abuses.

What happened? Cloture was moved and voted in great haste under the prevailing rule—that of two-thirds of those present and voting. And, under this gag rule, every vital amendment proposed by colleagues, who I think we will agree are responsible Members of our body, was voted down.

Let me recall, for the record, the names of those who wanted further debate, consideration and amendment, and were not satisfied with the bill:

Senators Bartlett, of Alaska; Burdick, of North Dakota; Carroll, of Colorado; Church, of Idaho; Clark, of Pennsylvania; Douglas, of Illinois; Gore, of Tennessee; Gruening, of Alaska; Kefauver, of Tennessee; Long, of Louisiana; McNamara, of Michigan; Morse, of Oregon; Moss, of Utah; Neuberger, of Oregon; Yarborough, of Texas. They represented every section of our country.

Under the cloture gag, there was not adequate time to discuss many of these amendments, and so this legislation, of such tremendous import—unchanged and unmodified—was steamrolled through.

One of our Senate leaders in the present proceedings to change the rules and make cloture easier—one for whom I have the greatest respect, admiration, and affection, although I disagreed emphatically with his procedure on the satellite communications bill—said, in the course of the current debate on changing the Senate rules last Wednesday: "Let's get back to the principle of free speech. Nobody is talking about curbing free speech. No one is talking about denying the right to debate every question at length."

Well, less than a year ago, on this very important measure, free speech was curbed in the Senate. Fifteen of us were denied the right to debate every question at length.

Mr. President, I shall vote against any measure to diminish the right of extended debate. I shall again support the reform that was proposed by Vice President Lyndon Johnson, then majority leader, and adopted 4 years ago by a vote of 72 to 22, by which debate can be brought to a close by a vote of two-thirds of those present and voting. We need it to protect the public interest, and as has been demonstrated, even this procedure does not protect it fully, as it did not last year in the 87th Congress.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure to my colleague.

Mr. RUSSELL. Mr. President, I am proud to have this opportunity to express my profound admiration for the courage and statesmanship of the Senator from Alaska for the position he has taken and for the very able speech he has delivered.

I know something about the political pressures that are brought to bear in this country. I know something about the views of the Senator from Alaska on many political issues. His political philosophy is often in harmony with the positions taken by those who oppose us in this effort to bring about gag rule in the Senate.

This has not been an easy speech for the Senator from Alaska to make, and it is not an easy position for him to take. He is entitled to great credit for the courage and statesmanship that he displays.

There have been many instances when the Senator from Alaska and I have disagreed on legislative matters. But we are certainly in complete accord in the position that the issue now before the Senate transcends in importance any single specific bill or proposed legislation in any specific field that could come before this body.

It so happened that I differed with the Senator from Alaska on the so-called communications satellite bill, but I voted to give—and stated that I favored giving—those who opposed that bill the fullest opportunity to present their views to the country.

When one is in a position of opposing a bill of that kind, it takes a long time to get his views to the country. I say, with all respect to the press, that when a bill of that kind is being pressured and the cry of filibuster has gone out, the press seldom carries to the people substantial coverage of the views of honest and sincere Senators who stand on the floor and oppose the bill. Unless those Senators have a long time to speak, and to speak often, they cannot possibly get their views across. They must depend either upon the CONGRESSIONAL RECORD or upon mail-outs of speeches to the country, to inform the people of their position.

I differed with the Senator on that particular bill, but I voted against suppressing his right to speech by imposing the gag rule of cloture. Time may well prove that the distinguished Senator and the little minority who stood with him against that bill were correct and those of us who supported it were wrong.

There has been instance after instance in the proud history of this body—this once untrammeled Senate, before there were so many pressure groups in the country to pressure Senators on their views—when the minority has made a fight which history proved to be correct even though they lost when the vote was taken. That could well be true in regard to the satellite bill.

The Senator referred to the quick vote amendments after cloture was imposed. I believe the Senator served in the House of Representatives as the Delegate from Alaska before Alaska achieved statehood.

Mr. GRUENING. No, I was a Tennessee plan Senator before I was duly elected to the Senate.

Mr. RUSSELL. The Tennessee plan has now been vindicated.

In the other body, even in cases of vital importance, under the terms of certain rules, a Member of the other body cannot even offer an amendment, much less have an opportunity to speak. I was astounded the other day to hear one of the eminent movers of the proposal to gag the Senate use the House of Representatives and its rules as an illustration of rules we should follow in our proceedings here. Do Senators wish to adopt a course that could deny to them the right even to offer an amendment to a bill? Do Senators wish to follow a course which will lead to the requirement of Senators being forced to beg for 2 or 3 minutes' time to speak on a bill which is regarded as being of vital importance to the country, as was illustrated by the Senator from North Carolina?

If Senators wish those things to occur, they can keep on following these pressure groups that push them to vote for rules changes of the kind proposed.

There has been an unfortunate tendency to equate this fight with the views which individual Senators may hold on certain specific pieces of proposed legislation. There could not be anything more damaging to the country, anything to threaten us more surely with disaster, than for the Senate to undertake to frame rules that would enable us to hurriedly pass some one specific piece of proposed legislation.

Doubt it not, my colleagues. If ever that is adopted, the day will come when the Senators responsible for the change will be on the receiving end and will curse the day they were enticed into taking a position that the Senate of the United States should ever be subjected to gag rule.

The Senate was not designed to be gagged. It was designed to protect the States, both small and large. I have suffered through long debates with which I did not agree. Sometimes the Senate brings us many frustrations in that respect, but it is better to endure those long speeches with which we disagree than to destroy the last place in Government where minorities and States—particularly the small States—can make themselves heard.

At times legislation may be rushed through the House of Representatives under the pressure of a popular President, or a powerful President, or a ruthless political party organization. There may be times when those in high positions in the executive branch of Government may be corrupted. But so long as there is free debate on this floor there is hope for the perpetuity of our institutions and morality and honesty in administration. In the matter of time we have moved far from the tyranny which gave birth to our wonderful system of free government, perhaps so far that people do not really appreciate what tyranny can mean and the suffering and sorrow that this loss of individual rights and liberties can bring. We are prone to take them as much for granted as the water we drink or the air we breathe. But every one of those rights was earned by the blood and sacrifice of generations who have gone before. Now it is proposed that future generations should not have the same means to defend those rights on the floor of the Senate that we have heretofore enjoyed.

Mr. President, the day could well come when this floor will be the last place in this Government that tyranny can be opposed, and corruption exposed.

I hope the Senate will never yield to this demand for a violent change in its rules and procedures in the cause of specific legislation, and close the door to the one place where men of sincerity and conviction can rise to their feet and appeal to the American people not to follow the demagog, not to follow those who paint the mirage of something for nothing. Let us defend the Senate as a place of last resort for the defense of rights of minorities against a ruthless majority. This floor is the one place where that right exists today. It is the only place where it can be preserved. It is in our keeping.

I salute again the courage and the statesmanship of the Senator from Alaska for making this splendid presentation of the importance of maintaining this Senate as a place where Senators may discuss with their equals, without gags or fetters, the merits or demerits of vital issues.

Mr. GRUENING. I am very grateful to my colleague the senior Senator from Georgia. I deeply appreciate the pertinence, eloquence, and validity of what he has said.

Mr. HILL. Mr. President, will the Senator yield?

Mr. GRUENING. It is a pleasure to yield to the distinguished Senator from Alabama.

Mr. HILL. Let me commend and congratulate the Senator for the very fine, courageous, and inspiring speech he has made here today to protect free debate in the Senate and to preserve the rights of the States and the liberties of the people back home in the States. I certainly strongly congratulate and commend him.

Mr. GRUENING. Well, I think the discussion that has taken place this year, and that which took place 4 years ago, at least in my judgment, would lead inevitably to the conclusion that there was far more involved than the civil rights issue with which the cloture fight has been so much identified. I am partisan in my desire to want full civil rights granted. I have not been satisfied with the civil rights which have been afforded by existing civil rights legislation, but I think this issue of ample debate and cloture transcends the civil rights issue. It is far more important. As the distinguished Senator from Georgia [Mr. RUSSELL] has said, it is the most important single issue that can come before this body—the right to maintain the freedom of unlimited debate, and to act as a safeguard against hasty, ill-considered, panicky, unwise, unjust, and oppressive legislation, which we have seen happen, and on which occasions the Senate has served as a safeguard, as a shield, and as a bulwark to prevent it from being finally enacted into law.

Mr. President, I yield the floor.

Mr. EASTLAND rose.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, I certainly desire to join with the senior Senator from Georgia and the senior Senator from Alabama in the statements they have made about the speech of the distinguished Senator from Alaska. It was one of the ablest speeches ever made in this body on this subject. It was convincing and I think has made a real contribution to the question.

Mr. President, when I concluded my remarks Thursday, a week ago, in opposition to the motion to take Senate Resolution 9 off the calendar for consideration of the Senate, I was in the process of reviewing historical material demonstrating that the Senate had been a continuing body since its inception. I quoted from the report of the U.S. Constitution Sesquicentennial Commission, entitled "History and Formation of the Union Under the Constitution," wherein it was described that the act of the first convocation of the U.S. Senate was the election of a President of the Senate; then the tabulation of the electoral vote for a President and Vice President of the United States, and after inauguration of a Vice President, this Congress organized the Supreme Court and the necessary inferior courts. This history then goes on to describe what the Senate then did, in this language.

"It adopted complete rules for the government of the Senate. These rules remained substantially unchanged. There we find the rule providing for unlimited debate which has made of the Senate the greatest deliberative body on earth."

MISSTATEMENTS ABOUT THE CIVIL RIGHTS BILL

1. Question. Would this bill upset property rights?

Answer. No. It has no effect whatsoever on homes, apartments or housing. The civil rights bill only covers hotels, motels, and similar establishments serving transient guests. For example, the bill does not cover discrimination on the basis of race, creed, color or nationality in the sale of private homes. The Supreme Court has already outlawed the enforcement of restrictive covenants on homes.

2. Question. Would the bill lead to long bus rides to end de facto segregation in the schools?

Answer. No. The bill contains an express provision forbidding its use to achieve any kind of racial balance.

3. Question. Would local control of elections be threatened if the bill passed?

Answer, No. Local elections in Alaska would be handled exactly as they have in the past. The bill relates only to Federal elections. And then only to one phase of such elections—equal requirements for registration (see analysis of bill). The orderly conduct of the actual elections of Federal officials is already covered by Federal law.

4. Question. Was this bill railroaded through the House of Representatives without Congressmen knowing its contents?

Answer. Absolutely not. Hearings: The House Judiciary Committee held 22 days of public hearings on the bill, listened to 101 witnesses, and took 2,649 printed pages of testimony.

The Senate Labor and Public Welfare Committee held 7 days of hearings, heard 75 witnesses and took 578 printed pages of testimony on the need for a Federal equal employment opportunities law.

The Senate Commerce Committee held 22 days of hearings, heard 47 witnesses and took 1,524 printed pages of testimony on the need for a Federal public accommodations law.

Thus, between these three committees, 51 days of public hearings were held, 223 witnesses were heard, and 4,751 printed pages of testimony on various phases of the need for Federal legislation in the field of civil rights were taken.

Debate: The bill was publicly debated on the floor of the House of Representatives for 9 days. Many amendments were offered—some were approved—some were rejected. All of this is documented in printed publications.

Passage of the bill: The bill was passed by the House of Representatives on February 10, 1964, by a vote of 290 yeas to 130 nays. Voting for it were 59 percent of the Democrats and 78 percent of the Republicans.

5. Question. Would the bill grant unlimited dictatorial powers?

Answer. No. In every section, the only power granted is the power to bring suit in open court.

6. Question. Under the title dealing with discrimination in federally aided programs, would a citizen dealing with Federal agencies be subject to Federal retaliation for alleged discrimination?

Answer. No. The law would apply only to a unit of government, an institution, or an organization which received Federal aid money and then used that money to discriminate on account of race, religion, or national origin. The most the Federal Government could do would be to deny further aid to that specific program (school aid, hot lunch program, surplus food, etc.) until the local officials administering the program agreed to treat all citizens without regard to race or religion. Depositors using federally insured banks and farmers obtaining Federal loans, for example, would not be affected by this bill.

ANALYSIS OF MAJOR PROVISIONS OF H.R. 7152, CIVIL RIGHTS BILL PENDING IN SENATE

The bill now before the Senate deals with seven major topics:

1. Voting (title I): This provides that all voters must be treated equally when qualifications for votes are set for voting in Federal elections. If a voting applicant has passed the sixth grade, he would be presumed literate. Where local authorities violated this law, the Attorney General could request three-judge Federal courts to hear suits.

This provision would have no effect upon Alaska elections. We do not discriminate against voters or prospective voters on the basis of race, creed, color or nationality. The only literacy requirement for voters under Alaska law is that they must be able to "speak or read English unless prevented by physical disability or voted in the general election of November 4, 1924."

However, this provision is needed in Federal law to stop the practice in some States in the lower 48—especially in many sections of the South—of approving automatically any application for voting registration by a white man but of imposing ridiculous or impossible requirements upon Negro applicants.

2. Public accommodations (title II): This prohibits discrimination on grounds of race, color, religion, or national origin in specified places of public accommodation (hotels, motels, and similar establishments catering to transients). An exception is made for establishments having five or less rooms for rent where the building is occupied by the owner.

Almost 20 years ago, as Governor of Alaska, I recommended—and the Alaska Territorial Legislature passed—a strong public accommodations law. Alaska's law is broader and more far reaching, in many respects, than the pending Federal bill. It contains no exception for establishments having five or less rooms for rent. Our law applies to all public housing accommodations, without exception. We of Alaska have lived amicably under our law (Alaska Statutes, secs. 11.60.230 and 240).

It should be noted that the civil rights bill now before the Senate requires that the Federal Government defer to the State government in enforcing the public accommodations provisions.

Therefore, Alaska practice on public accommodations would not be changed upon the passage of the Federal civil rights bill.

3. Desegregation of public facilities (title III): This provides that if a person is denied access to publicly financed facilities on account of race, color, religion or national origin, he could sue in Federal court or the Attorney General could sue on his behalf. This would apply to such places as public parks, playgrounds, or beaches.

This same provision is on the Alaska statute books.

Many parks, playgrounds, and beaches in the South—even though established and maintained with tax funds collected from whites and Negroes—are barred to Negroes.

4. Equal employment opportunities (title VII): This part seeks to prevent discrimination in employment on account of race, color, religion, or national origin. It creates an Equal Employment Opportunity Commission to investigate complaints. The Commission is required first to seek to adjust complaints through mediation. Only if this fails can a suit for enforcement be brought in the Federal court by the Commission or by the complainant if a member of the Commission gives permission.

Alaska has a broader statute against discrimination in employment prohibiting such discrimination not only on account of race, religion, color, or national origin, but also on account of age. Alaska also has a law prohibiting wage discrimination against women (Alaska Statutes, secs. 23.10.190-235; 23.10.240–320; 23.10.155–185).

As in the case of public accommodations, the Federal bill provides for deferring enforcement of this part to State authorities.

5. Discrimination in Federal aid (title VI): This section directs agencies which discover that Federal funds are being used on a discriminatory basis to seek to end such discrimination. If voluntary efforts fail, an agency may cut off funds after public hearings and a 30-day waiting period. The agency's action is subject to court review.

There are no known instances of assistance under Federal aid programs being denied to Alaska residents on account of race, color, or national origin. If there are any such instances in Alaska, they should not be permitted to continue and outlawing them would be a progressive action.

6. Desegregation of public education (title IV): This title would authorize the U.S. Commissioner of Education to provide technical and financial aid to local school districts which want to desegregate and which ask for such assistance. It would also authorize the Attorney General to bring suits against schools which continue to defy the 1954 Supreme Court decision to desegregate public schools. At present such suits can be brought only by the parents of the children involved at their own expense.

Alaska does not segregate public school pupils.

Many school districts in the South continue to defy the Supreme Court's decision rendered 10 years ago. Such defiance of the Constitution should not and cannot be permitted to continue.

7. Commission on Civil Rights (title V): This Commission was established on a temporary basis in 1957. The pending bill would make the Commission a permanent Federal agency. The Commission makes studies and reports on matters concerning civil rights in the United States.

RECREATIONAL OPPORTUNITIES IN ALASKA

Mr. **BARTLETT**. Mr. President, while the Members of the Senate have been answering quorum calls and rollcall votes and engaging in debate, persons elsewhere have been thinking of other things, and some of them have been acting on the basis of those thoughts.

Some people have even been thinking about fishing and hunting. Some people have been fishing and hunting. Of course, when those objects come into consideration, Alaska is always thought of because there is to be found the best hunting and fishing on this continent, or probably any continent in the world.

So that Senators may know what awaits them when they go to the 49th State to fish, hunt, or both, I shall ask to have printed in the RECORD an article which appeared in the New York Times for June 16 by Oscar Godbout. Among other things Mr. Godbout relates that some brown bears, the largest carnivorous animals in the world, were awakened prematurely from their winter's sleep on Kodiak Island and on the Alaska peninsula by the great earthquake on March 27. The conclusions of the scientists of the Alaska Department of Fish and Game were that those brown bears were extraordinarily mean when they were prematurely awakened by the rolling earth. Having made that determination, the scientists went on to make further surveys and examinations, and they submitted a final report concluding that although those brown bears—the Kodiak brownies—might have been in a state of exceptional viciousness when their sleep was rudely shattered as it was in the earthquake, the definitive conclusion is that perhaps, even so, they are no meaner than bears that are awakened at the ordinary time.

Mr. President, I ask unanimous consent to have the article to which I have referred printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOOD, FIELD, AND STREAM—ALASKA'S GREAT FISH AND GAME RESOURCES WEIGHED FOR DOLLAR, RECREATION VALUE

(By Oscar Godbout)

There aren't many hunters and fishermen who haven't dreamed of sampling the fish and game to be harvested in Alaska. Each year more and more do so. American big game lists are headed by such animals as the brown and polar bears, Alaskan moose, sheep, and goats. The fishing is simply sensational.

A reminder of Alaska's great wildlife treasure came the other day in a copy of the Tundra Times, a Fairbanks newspaper. Alan M. Courtright, biologist of the Alaska Fish and Game Department, commented in an article on the State's fish and game resources.

Calculating at an "extra conservative" 50 cents a pound, Courtright figures the meat value alone of Alaskan fish and game at more than $5 million annually.

Using a standard rule that the average hunter spends $80 and the average angler $106 a year for their sport, an exchange of more than $9 million is marked in the books as recreational value.

About 40,000 Alaskans buy hunting licenses. Of that number, at least 2,500 "buy licenses because they must have game meat to continue their way of life." It's a curious comment that in the era of probes to the planet Venus, thousands still must hunt to live.

According to some calculations, the average nonresident big game hunter will spend $2,000 in Alaska for food, liquor, transportation, and other items connected with a hunting trip.

Courtright has a pretty clear picture of the future. He says:

"As animals have everywhere, Alaska's fish and game will become more important for recreation and less and less important as necessary food.

"As this change takes place, calculating the value of the fish and game will become increasingly difficult. In a way, it's unfortunate that it will be necessary to calculate such a dollar value at all: It's sort of like trying to determine the value of a smile of pleasure."

He warns that the fish and game compete for land and water that have commercial value readily figured in dollars.

Thus, he says, "Alaskans, if they want to reserve some topnotch recreation lands, are either going to have put a dollar sign on pleasure, or agree in large numbers that some game populations, some waters, some lands are of simply incalculable value, to the extent that to displace them or to use them for any purpose but recreation would be unthinkable."

Alaska would be unusual, indeed, if it escaped the same problems that face any land with increasing populations, increasing urbanization and industrialization, increasing agriculturalization. All these are intolerant to wildlife and conditions that support such life.

Alaskan brown bears, the giants properly classified as "horribulus," are generally conceded to be nastier and more difficult of personality than most other big animals. It doesn't seem possible that they could be made any more so. But an item in the same paper makes one wonder.

Some of the bears, the department of fish and game says, were prematurely awakened from their winter hibernation by the recent earthquake.

"But we really don't expect those bears to be meaner than the rest of them," the department explains.

About 500 will be taken by hunters this year.

ACA REPORT

Mr. **YOUNG** of Ohio. Mr. President, a radical rightwing group termed Americans for Constitutional Action and financed in large part by Texas oil millionaires and ex-generals and ex-admirals lacking in brains and judgment but loaded with money, recently accorded me the following low scores: 3 percent on my voting record in 1962 and 9 percent for 1963. That really is a D-minus for this Senator. It was surprising to learn that the votes of the junior Senator from Ohio were so overwhelmingly against "safeguarding the God-given rights of the individual and promoting sound economic growth by strengthening constitutional government."

Let us ascertain the yardstick these lunatic fringe rightwingers use to measure Senators' votes. According to them as an example of "wrong" votes, here is a partial list: To ratify the nuclear test ban treaty—they rate it was wrong to take this short step toward permanent peace. Then, they rated me other zeroes for favoring Federal aid to higher education, Federal water pollution control, foreign assistance, aid to medical and dental schools, aiding library services and construction, manpower development and training, area redevelopment, and support of the Youth Opportunities Act. Frankly, it is a good thing for our Nation that the majority of U.S. Senators voted "wrong," according to views of the small group of Fascist-minded individuals who operate this paper organization, this radical rightwing Americans for Constitutional Action, so-called, on these important issues for the welfare of the American people and the peace of the world. One wonders what Constitution the ACA refers to in measuring the degree of dedication and concern they claim a Senator manifests for the preservation of the basic values of our Constitution. In view of the positions they take, for example, that any Senator who voted to ratify the limited nuclear test ban treaty did violence to our Constitution, it is evident it must be some other constitution than that which a U.S. Senator has been sworn to uphold and protect.

Mr. **SALTONSTALL**. Mr. President, I ask unanimous consent that I may speak for not more than 4 minutes.

The **ACTING PRESIDENT** pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ATTAINMENT OF CIVIL RIGHTS GOAL

Mr. **SALTONSTALL**. Mr. President, we know full well that passage of a civil rights bill will not in itself bring about equal rights and opportunities for all Americans. It marks the real beginning rather than the end of the effort to attain that goal.

The real test is still before us. This bill is a first step but it is a giant step and it is taken with the knowledge that it represents the feelings of the great majority of the American people. We can take heart in the fine spirit and interest our citizens have shown in the debate on this measure and we can hope that this will be reflected in an understanding of the problems which must now be worked out and in a common effort to work toward the stated goal.

For soon the Nation will face the difficult task of implementing the most comprehensive civil rights act in the history of our Nation. I would hope that once it becomes law we would not attempt to amend it until we have given it a fair chance to operate, unless, of course, it is found to contain some grievous error. Implementing this legislation and making it function as an effective instrument of the national consensus which has developed around it is the Nation's first order of business. All of us must join in that endeavor because, fundamentally, real progress in this area demands the sympathetic understanding and cooperation of the American people. What we make of this opportunity, how we react to it, will test our strength as a nation.

We can all be glad that this bill has moved forward with the active cooperation of both political parties. It is in no sense a partisan measure. I am proud of the leadership which members of my party have displayed in the Congress on this issue and I was pleased to participate in the bipartisan Senate discussions which led to the introduction of the Dirksen-Mansfield substitute. I believe they contributed significantly to the development and passage of a meaningful bill. I believe that we modified and strengthened the House bill while preserving the important role of the States in matters affecting civil rights. Two weeks ago I discussed the bill title by title. As I stated then, this legislation deals with human rights and needs and provides no more than simple justice. It is concerned with respect for the dignity of the individual and with the protection of his rights. It is not an unwarranted invasion of the privacy of individuals, nor is it an attempt by the Federal Government to preempt the responsibility of State and local governments to secure the basic rights of all of their citizens. It provides the means to do the job which needs to be done and it does this while preserving the opportunity and authority of the State and local governments to work out their own problems so far as they are willing to do so. Throughout the bill an opportunity is provided to resolve disputes by means of mediation and conciliation, thus stressing the principle of voluntary compliance with the law. In these important areas especially, as well as in others, I consider the Dirksen-Mansfield substitute an improvement over the House bill.

The value of providing an opportunity for careful study of important legislation of this character is demonstrated clearly, I think, by the fact that the bill that will be enacted by the Congress is considerably broader in scope than that initially proposed by the Kennedy administration. I personally felt it would not be desirable to commit myself to every detail of that bill because I felt we needed time to study the effect of its various provisions and to make certain that it met the need that existed. Time has proven the wisdom of that decision.

Although I believe that Republicans were instrumental in insisting on a comprehensive bill, in broadening its scope, and in moving it forward, I say again that this is truly a bipartisan endeavor in which both parties can properly take pride and satisfaction. I am glad to have had an opportunity as a Senator to participate in this important legislative step in the history of our country. Our work, of course, is not over, for each of us bears a special responsibility to do what he can to increase human understanding so that the purposes of this bill can be fully realized.

With the passage of this important landmark the Congress can now turn its attention to completing the work of this session. I am hopeful that we can do this expeditiously, yet carefully, so that Congress can adjourn early enough to provide sufficient opportunity for a full discussion of the issues in this important election year.

RIGHTS BILL MAY BRING BACK THE TRAGIC ERA

Mr. HOLLAND. Mr. President, I note an excellent editorial entitled "Rights Bill May Bring Back the 'Tragic Era,'" which was published in the Florida Times-Union on June 16, 1964.

I ask unanimous consent that the editorial may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Florida Times-Union, June 16, 1964]

RIGHTS BILL MAY BRING BACK THE "TRAGIC ERA"

Striking down one amendment after another, the radical majority of the U.S. Senate seems headed for a final vote on the controversial civil rights bill sometime tomorrow. Among the changes killed, was a proposal to let the people speak on the act through a national referendum.

With that last semblance of democratic philosophy crumpled by the grab for personal and party political ambition, Senator HUBERT HUMPHREY has turned his thoughts towards a means of enforcing the vast police state rules of the bill. He wants a conference of States called to set up means of enforcing the rules, which seems to indicate that the bill may be unenforcible, and for the institution of a vast socialistic program which he thinks the law will require.

The Senator ignores the fact that his plan makes the States mere police agencies for the Federal Government, which they are not, and that it assumes the central authorities have the right and wisdom to establish the standard of living for each individual.

A frightening similarity exists between the modern bill and the Reconstruction Acts which were forced upon a chained South following the War Between the States. It may be that the Nation is about to see a rebirth of that "tragic era."

History-minded persons remember that in the Reconstruction era the Southern States were readmitted and then expelled from the Union when they failed to ratify the 14th amendment. Military governments were established and whites, who opposed the project, were disenfranchised.

When the reconstituted, puppet legislatures ratified the amendment, they were readmitted to the Union under strict Federal control.

The modern bill would subtly accomplish many of the historical inequities. Under the law, States could be denied Federal funds, but individuals would be still required to pay their taxes. Thus they would pay but receive nothing in a form of disenfranchisement; individuals could be summarily jailed without jury trials and the right of protest, now granted the Negro, effectively denied to States and individuals.

Hate and bitterness were the only products of the old Reconstruction Acts. The "tragic era" left a Nation and people divided because laws were unable to solve the problems of personal feelings. The new laws could well leave only hate, suspicion, and bitterness as their legacy to a people who truly seek a way to understanding.

A SUGGESTION FOR DRAFT REVISION

Mr. KEATING. Mr. President, the large volume of mail I have received as a sponsor of S. 2432, which calls for definitive study of the draft laws, suggests a widespread concern over the inadequacy and inequity of this outmoded method of military manpower procurement. People of all ages and from many walks of life sense the urgency of this problem and urge an early launching of this study.

Some have worked out serious proposals for modification or elimination of the draft. Whether or not one finds himself in agreement with a particular proposal, public discussion on this important subject is bound to be helpful. Mr. President, I request unanimous consent that the proposal of Mr. William Tyne, a trustee of Local 306 of the International Chemical Workers Union in Binghamton, N.Y., be printed in the RECORD. Mr. Tyne's interesting proposal is aimed at correcting the negative effects of the present draft system on school dropouts and youth unemployment.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

SELECTIVE SERVICE MODIFICATION

I. Deferment to be offered to a man who has attained the age of 20 years and 6 months regardless of marital status, which is also in compliance with (a) high school graduate, and (b) gainfully employed in a continuous position for at least 18 months subsequent to graduation.

II. Advantages to be realized would benefit:

(a) School dropout problem would be minimized in that an additional incentive for study and completion of basic academics would be found by the teenage high school youth who has the idea that he must quit school early to have any free life before he gets drafted.

(b) Divorce rate of parties between the ages of 26 and 30 years should decline. Many premature weddings of draft age men between the ages of 18 and 26 are taking place not because of love or "necessity" but as a convenient method of evading the conscription regulations.

(c) Employers frequently find they hire young high school graduates and train them to the company production standards only to find that 2 or 3 years hence the man is drafted. He is then granted a military severance allotment and the expenses of rehiring are then incurred to replace him while on active duty. Upon his discharge from active duty he displaces his industrial replacement who has also earned a sum in severance allotment. This temporary replacement is then dumped upon the open labor market, with great likelihood that he shall have to draw from his State's unemployment insurance fund which is financed by the employer.

III. Comments: It is disheartening to see the industrious and soberminded youth of our Nation who have completed their high school education satisfactorily but due to family or financial situations are unable to go on to greater educational attainments. These multitudinous groups of American citizenry who have been industrious enough to finish school and to find and secure steady employment for themselves in order to build a life of security with seniority and financial advancement should not be forced into military training programs at a time when the United States sees fit to conscript but 2,000 men as has been noted for the month of July.

A young man who is 20½ years of age that has been raised from a family of insufficient means but has nevertheless completed his public education and has held down a steady job for a year and a half, with a sane and competent outlook on the complexities of life and who wishes to accumulate savings and commonsense prior to his entry into the obligations of matrimony, should not have to experience the unnecessary intrusion into his plan of life by a 2-year compulsory service in the military services. This does not apply when draft requirements are heavy in volume, but when requirements are light the selective service should not be indiscriminate when it comes to the drafting of the clear-thinking youth of the Nation, who maintain visions of family and future.

LABOR-MANAGEMENT COOPERATION ON LONG ISLAND

Mr. KEATING. Mr. President, the Tri-County Long Island Labor-Management Institute has made a major contribution to better understanding of economic issues on Long Island. Sponsored jointly by the Long Island Press and the National Conference of Christians and Jews, the institute has run a number of very interesting and constructive seminars.

Meetings on June 9 featured an address by Raymond R. Corbett, president of the New York State AFL–CIO which offered a number of very pertinent observations on labor-management relations in the age of automation and also made several specific suggestions for Long Island. As Mr. Corbett rightly emphasized, the big problem in many industries today is not the size of the pay envelope but the kind of action necessary to provide job security in the face of automation and shifting technology. It is not fair to blame the collective-bargaining process for failing to solve issues which are the responsibility of the whole community, including educational institutions and government policymakers.

But it is necessary, as Mr. Corbett emphasizes, for labor, management, and local government forces to pull together. This is particularly important in an area like Long Island where Government contracts play a big role in the economic picture.

One very helpful suggestion made by Mr. Corbett was for the establishment of an "early warning system" to permit rapid recognition of and adjustment to economic changes. This is very much along the lines of a proposal I made April 11 in speaking to the Tri-County Labor Management Institute for a regional economic commission to meet the challenge of changing or diminishing defense work.

Mr. President, I give hearty endorsement to Mr. Corbett's plea for joint efforts by Long Island labor, management, and government leaders, and to meet the needs of displaced workers, and to match "the skills of the work force to the needs of industry."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, the text of the excellent address delivered on this occasion by Raymond Corbett.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT WE CAN DO TO STRENGTHEN THE LONG ISLAND ECONOMY

(By Raymond R. Corbett, president, New York State AFL–CIO)

It is a real pleasure and a privilege for me to be here with you at this Tri-County Long Island Labor-Management Institute and to share in this part of the program. This institute undoubtedly makes an outstanding contribution toward better understanding of the impact which the collective-bargaining process is having and I hope will continue to have on our social and economic system. I therefore congratulate the labor-business editor of the Long Island Press, Austin H. Perlow, the Chairman of the Institute, Commissioner Kramer, and their associates for their leadership in calling this conference and I express the hope that this type of meeting may serve as a model for similar discussions in other parts of our State and Nation.

I have been asked to discuss labor's program in the area of collective bargaining and industrial relations. But first, to clear the decks for an understanding of what we have here we should get rid of loose and useless gear, of faulty and false ideas, that poison the air, obscure the issues and blind the public to what is actually happening today in labor-management relations.

I am referring to opinions expressed by some professional intellectuals and some editorials in the newspapers suggesting that there is a crisis at the bargaining table, that the whole collective-bargaining process has already passed its time, and that it is now necessary to devise other institutions and methods for performing the service for which collective bargaining has provided.

Needless to say, we totally disagree with these prophets of doom. There is no crisis at the bargaining table. There are only new dimensions and new problems that reflect deep changes in the whole of our society and have great impact on the collective-bargaining process.

What actually happened in the area of public policy is that some people are unwilling or unable to do the things that must be done. Invariably they thrust the burden of unemployment upon the bargaining process and then they say the collective-bargaining process isn't working.

We all realize that if we had full employment, if we had full production, there would be no problem. But when you sit at the bargaining table—and I have sat there—and you represent two workers and there is only one job, there is no magic in the bargaining process that can solve this kind of problem.

For example, let's take the railroad industry and its problems. Wasn't it because we expected the collective bargaining process to find an answer when 30,000 workers were going to be displaced?

Why was there labor unrest at the Sperry Rand Corp., right here on Long Island? The size of the paycheck was only one and not the most important aspect of the controversy. The main issue there was job security for some 8,000 workers, the problem of conversion to nondefense production; in short, broad issues over which labor alone can hardly have any effective control.

What we have to recognize is that collective bargaining alone cannot solve this problem. It can make a contribution. But it should not be asked to carry the full load.

We have only to keep in mind the changes we are facing today in order to understand that we should not make such demands on the collective bargaining process it cannot possibly fulfill nor should we criticize it for failures in the economy that are no more the responsibility of labor or management than they are of the Congress, or the President, or of society as a whole.

From 1953 to 1962 factory production and maintenance jobs dropped by 1.6 million; farm employment declined by 1.4 million; railroad jobs were down 500,000; mining employment declined 200,000. During that same period the labor force grew by 8 million while employment—and most of that was inadequate part-time work increased only by 5.8 million.

The kinds of jobs for which industry needs workers are changing rapidly. The biggest increase occurs in occupations requiring the most education and training. In 1947, for instance, there were 31 professional and technical employees for every hundred operative and kindred workers; by 1962 this ratio had reached 67 for every hundred.

Technological changes, shift in military technology, development of new industries and services and the decline of others have contributed to the extensive relocation of industry from the older and highly unionized industrial areas of the North, the Northeast, and the Great Lakes to the less industrialized and only lightly unionized areas stretching from the South across the Southwest to the California coast.

How, then, does a union bargain collectively under these changing circumstances and what new forms of relationship with management should be adopted? Obviously, no overall pattern is possible in view of the variations from industry to industry, even plant to plant. But some elements are common, some basic principles upon which some betterment in the labor-management relationship can develop.

The first basis for good industrial relations is a full recognition by management of the existence, the validity, and the positive values that are inherent in free trade unionism. American employers are in the fortunate, and I may say, unique position of having in labor a partner who operates within the existing social framework of free enterprise and does not see in the corporation an "enemy" of democracy and civilization. But this recognition of fundamental rights must be mutual, and management must accept trade unions as an essential and desirable part of the economic and social structure of our free society. Management must understand that the clock cannot be turned back to the times of the first industrial revolution of the 19th century when the new technology employed and the enormous progress in the production of wealth marched side by side with widespread poverty, insecurity, unrest, and hardship.

Management must recognize the changes that have taken place in the social and economic life of America. It must recognize that in its responsibility toward the stockholders a new dimension has been added. It might be called social dimension. Management must assume responsibilities to the workers, the consumers, and the community. No more can business act as it pleases. It has to conduct its affairs so that it conforms to the public interest. Only full recognition of this new dimension of management's responsibility can bring proper balance into labor-management relations.

You may or may not be familiar with a favorite device of some economists to tell us what labor-management relations are. They tell us that American industry is a three-legged table, one leg, under this interpretation, is management; the second leg represents the stockholders; and the third leg represents labor.

Fair enough, but all too often at the bargaining table and outside the bargaining process some men in management act as though the legs of management and stockholders are supposed to be twice as high as that of labor, with the leg representing labor substantially cut down. Needless to say that these are the same men who are convinced that collective bargaining has failed in this country, and that some alternative method of settling labor disputes is inevitable and desirable.

And yet, if you examine what collective bargaining has accomplished in the last 50 years, it is impossible to talk of the end of collective bargaining and to speak intelligently. Paid holidays, improvement in vacations, pensions, the extension of health and sickness insurance to a majority of union wage earners, the virtual end of violence on the industrial scene, the supplementary unemployment program, the genuine advance being made against discrimination, the inauguration of a shorter workweek in some industries, in other words over the years, collective bargaining has provided labor and management with a beautifully balanced mechanism for achieving industrial stability.

In fact, despite all the highly sensationalized accounts of recent strikes, the total impact of strikes on the total economy is so microscopic as to make the current hysteria about a crisis in labor relations look ludicrous. Take the situation right here in Long Island. Official figures provided by the State labor department show that not only do the total man-days lost as a result of strikes in 1963 amount to merely eight ten-thousandths of 1 percent of all the time that is worked, but the trend throughout the years has been steadily down, especially during the last decade.

So you see collective bargaining is working, and working better every year. The so-called crisis in labor relations is a phony crisis. However, the grave danger that collective bargaining in this country may be recklessly destroyed is very real indeed.

But those who have tried to set the stage for the destruction of rights and freedoms of labor do not consider the price they will pay. This is one time the price is not right. The price is, of course, the eventual but inevitable loss of their own rights. If any one Congress or State legislature can act against the legitimate functions of organized labor, then another Congress and State legislature can act—and has a precedent for such action—against business, industry, or any other private institution.

So let me suggest that as a people we must decide what it is we seek in our labor-management relations. If our total goal is simply industrial peace at any price, the way to achieve it has been blueprinted by every totalitarian dictatorship in history. Nazi Germany and Fascist Italy had industrial peace in the days of Hitler and Mussolini. The Soviet Union, Franco's Spain, and Castro's Cuba, all have industrial peace right now. So industrial peace as such is not hard to come by. It can be achieved by any society that is willing to sacrifice the freedom of all workers.

But certainly this is not a legitimate goal for America. For it is obviously not possible to sacrifice the freedoms of labor without comprising those of business and management. And our goal is not to achieve an industrial peace based on submission and subjugation but to provide human beings with an effective voice in their own economic destiny.

Automation is another factor that has a tremendous impact on labor-management relations. Let me make it very clear that organized labor has no quarrel with technological development. We know that automation could become the key to greater abundance than the world has ever known. But we also know that a race made for more and more productivity with less and less labor and with no thought of what we are doing to the people or to the economy is a race toward national catastrophe.

Therefore, we must begin to seize the initiative in meeting the challenges of automation. We believe, for example, that we must take these three steps, first, to protect those in the direct path of automation; second, to better equip our work force with skills and education that are relevant to the needs of our fast-moving technology; and third, to adjust our economic theories and our moral values to the new conditions that technology imposes.

According to some estimates automation is eliminating jobs in the United States at the rate of more than 40,000 a week. But even this frightening estimate, according to others, is too conservative. Some scientists are now predicting that within far fewer years than we can imagine we will be able to perform all the work we need with less than 25 percent of our labor force.

So a number of relevant questions confront us. The first is how shall we cushion automation's direct impact upon individual workers—and whose responsibility shall it be?

Well, of course, both labor and management have a responsibility to such workers. The union's responsibility is to present—through collective bargaining—the worker's claim for such fundamental protections as severance pay, advance notice and consultation, transfer and relocation rights, preservation of pay rates, in case of downgrading, supplemental unemployment benefits, voluntary early retirement—continuation of insurance coverage and other fringe benefits during periods of layoff, and retraining for new jobs.

The employer's duty is to accept responsibility for those whose livelihood is destroyed by technological advance and to bargain all these issues objectively and in good faith.

This is part of what labor and management can do directly but even the best intentioned unions and employers cannot adequately meet the challenge of automation without a considerable degree of participation on the part of the Government, and by government I mean all its three levels—Federal, State and local, because they are all in a good position to coordinate efforts and cooperate with labor and industry when new technological developments require fast government action.

To test the effectiveness of a fast community action I would suggest the establishment in Long Island of an advance early warning system such as has been devised in New York City under the auspices of the American Foundation on Automation and Employment and in cooperation with labor, government, and management.

With such a system in effect here in Long Island it could be expected that you would be able to react more swiftly and efficiently both in meeting the needs of displaced workers and in matching the skills of the workforce to the needs of industry. Such joint efforts of leaders in business, labor, and Government are imperative in Long Island, particularly in view of the changing defense picture and of the existing necessity to coordinate declining defense production with booming civilian needs and to coordinate the workers with the jobs.

The latest figures released by the Department of Defense show that in the fiscal year 1964 New York firms have $8 million less in prime defense contracts than they did in the comparable period last year. The outlook nationally is for still sharper cutbacks in the years ahead. The proposed budget for fiscal year 1965 contains $13 billion less for defense activities than the 1964 budget.

So this is the problem that many defense industries, defense workers, and defense-oriented communities like Long Island are facing today. There is no doubt that a cooperative and coordinated effort of all your industrial, labor, and Government forces must be intensified to return Long Island to its rightful place in the defense and space programs. The first and foremost task of such a coordinating agency should be to see that Long Island's capacity to compete successfully for existing defense and space business be developed, coordinated, and promoted, and that Long Island develop an awareness of itself as a producing unit—ready, willing, and fully able to meet competition from any sector of our country. You must fight to neutralize any political influences in the awarding of contracts and learn how to stop competing against yourselves and rather unite to compete with the rest of the country.

At the same time this coordinating agency would have a duty to plan for the smooth transfer of defense resources to civilian use.

Now then, Long Island has unique assets. You have skilled manpower and natural resources, you have initiative and the economic know-how to adjust to changing industry patterns with a minimum of dislocation and unemployment. You only have to put the area's needs and prospects into an effective plan for economic growth.

The potential of the Long Island economy is enormous. Your efforts in the fields of electronics, aerospace, and other predominantly military fields could to a great extent be directed toward new opportunities and creating new demands for improved new products. Desalting sea water, the dire need for the construction of the Long Island-New England Bridge, extension of educational institutions all over the island—all these areas of development should be activated because every one of them offers tremendous promises for the future of this area.

At the same time you must redouble your efforts in helping your elderly, your sick, your underprivileged. You must convince your more fortunate citizens that in a civilized society social costs cannot be avoided and are in the long run beneficial to all.

These are gigantic problems, problems that can be solved only through a coordinated and comprehensive attack, a marshaling of all of your resources, good will, and ingenuity. Staggering though they are and fearful as they may be, these problems can be met. Providing jobs for all in a full employment economy is our common and mutual obligation that must weigh on the conscience of each of us. Management and labor are bound to cooperate on a field of mutual understanding with a firm resolve to find a solution to these basic problems.

From the growth of corporate social consciences, from cooperation of management and labor, from the expanded and strengthened collective bargaining process, we can build a form of American industrial democracy that will be a credit to our traditional concepts of fair play and decency.

In his two historical encyclicals Pope John the 23d shows us the way to alleviate the human toll of transition. Says the great Pope:

"We judge it * * * to be our duty to reaffirm once again that the remuneration of work, just as it cannot be left entirely to the laws of the market, so neither can it be fixed arbitrarily.

"It must rather be determined according to justice and equity. This requires that workers should be paid a wage which allows them to live a truly human life and to face up with dignity to their family responsibilities."

And in another place in the same encyclical we read the following:

"At any rate, every effort should be made that the enterprise become a community of persons in the dealings, activities, and standing of all its members.

"This demands that the relations between the employers and directors on the one hand and the employees on the other, be marked by appreciation, understanding, a loyal and active cooperation, and devotion to an undertaking common to both, and that the work be considered and carried out by all the members of the enterprise, not merely as a source of income, but also as the fulfillment of a duty and the rendering of a service.

"This also means that the workers may have their say in, and make their contribution to, the efficient running and development of the enterprise."

The great Pope and friend of all mankind has spoken. There remains now the test of all us to implement these noble and lofty words.

MULTISTATE TAXATION OF INTERSTATE COMMERCE

Mr. KEATING. Mr. President, Monday of this week, I spoke briefly of the report released by a special House subcommittee on the complex problem of multistate taxation of interstate commerce. I expressed the hope at that time that the revelations of the report would spur the States to get together on a uniform set of ground rules to lessen the paperwork and compliance burdens on the interstate businesses affected. That would certainly be preferable, in my judgment, to the Federal Government's having to step in under its commerce powers to untangle the massive conflicts and inequities of the present pattern. It should be altogether clear to the States that if they wish to preserve intact their traditional revenue powers, some self-restraint will be necessary to avoid undue interference with the free flow of commerce across State lines which, under the Constitution, is a legitimate concern of Congress.

I can think of few higher priority matters for the States to tackle than that of reforming and simplifying their own tax systems. I agree with the view expressed in an editorial contained in yesterday morning's New York Times that "the States have much to gain in added revenues by adopting the kind of tax system that will invite compliance."

There is a close relation, in my judgment, between this issue and that of legislative reapportionment which the Supreme Court dealt with this week in its historic decisions. If, as many predict, the effect of the Court's decisions will be to carve out a greater role for the States in meeting a broad range of fundamental needs of their citizens, the States can only accomplish these ends by putting their fiscal houses in order. Fair and equitable tax treatment of business can only result in the favorable climate for business that generates the jobs and the profits that can sustain the revenue for State activities.

I ask unanimous consent, Mr. President, that yesterday morning's Times editorial on the subject be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STRAIGHTENING A TAX MAZE

Corporations engaged in interstate commerce face a burdensome bedeviling maze of taxes levied by the States. The result, according to a special study made by a House Judiciary Subcommittee, is a big gap between what the States should get and what they receive. It is a thoroughly inequitable system, with some companies paying too much but many more paying too little. The shortfall in revenues has led the States to make things even more difficult; they have imposed new taxes that add more to the complexities and paperwork of corporations than to State treasuries.

Most of the trouble stems from the diversity of corporate taxation. With each sovereign State insisting on its own set of laws, noncompliance is encouraged and economic distortions made inevitable. Small companies simply cannot cope with the varying formulas; bigger companies have been concentrating their business where tax payments are least onerous. Clearly, the entire area of corporate taxation by the States must be so reformed as to benefit both the States and business.

The solution lies in a more uniform tax code applied across the board. Unfortunately the States have resisted any such code. But they may be spurred to action by the subcommittee report, for it demonstrates that the States are reaching a point of no return in their pursuit of independent taxing policies. The incredible hodgepodge they have created is unable to generate the revenues they need to improve and extend their own services. Unless they are prepared to carry out reforms, they will have to depend on Washington for funds, which means keeping up the level of Federal taxation.

Congress can help straighten out the maze of State taxation by establishing comprehensive guidelines. The States may object that this would encroach on their own rights of taxation, but it is painfully obvious that these rights have been abused and misused. A uniform tax formula written by Congress would give the States a greater share of tax revenues while easing the lot of corporations.

We have long urged that tax structure reform must go hand in hand with tax reduction. If Congress is prepared to make further cuts in Federal rates, including excise taxes, it must also produce a fairer and simpler tax system. This applies to the States as well as to the Federal Government. The States have much to gain in added revenues by adopting the kind of tax system that will invite compliance.

JIM PATTON'S TRIBUTE TO LEO SZILARD

Mr. McGOVERN. Mr. President, James Patton, president of the National Farmers Union, has written a moving tribute to the distinguished nuclear scientist, the late Leo Szilard, a man who played a key role in the development of our nuclear defense and then devoted the last efforts of his life to the prevention of nuclear catastrophe.

Mr. President, I ask unanimous consent that Mr. Patton's tribute entitled "One Man's Life Can Count," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE MAN'S LIFE CAN COUNT

Death took my old friend Leo Szilard, the eminent scientist, very recently. He died in his sleep of a heart attack.

One of our mutual friends, on learning of Leo's passing, observed: "I doubt whether Leo will accept this decision." Another friend had an equally perceptive reaction: "Death was lucky to take Leo while he was asleep. Leo would have fought back and probably won if he had been awake."

I couldn't help thinking back to the time 4 years ago when Leo entered a famous hospital in New York, seriously ill with what was quickly diagnosed as cancer of the bladder. The leading physicians consulted and decided on an immediate operation and informed Leo of their decision. They had misjudged their patient. Leo was a scientist, an individualist, and never a respecter of conventional authority or conventional wisdom. He asked the leading surgeon for a prognosis in his case based on previous statistics. The surgeon replied that there were no statistics available, but that the operation was invariably successful. Leo then asked how many patients had lived for a year or more following such an operation. It developed that this figure was miniscule. Leo's decision was quick and final: "No operation."

The head of the hospital came to visit Leo and reminded him that he was a patient in the hospital and that he, the director of the hospital, was in charge of and responsible for his case. Leo replied: "You are mistaken. I am in charge of the case. You are my consultant."

In the next 48 hours Leo turned his hospital room into a veritable research project on the use of radiation therapy for treatment of his condition. When he had gathered all of the relevant material he laid out a unique program of radiation therapy for treatment of his case and directed that it be followed. Over the protests of the physicians it was followed and Leo's cancer withered and died. He was free of all cancer and cancer symptoms for several years preceding his death.

I tell this story at perhaps undue length in order to illuminate some of the significant elements in Leo's character and career. He had an original and fertile mind. He had great courage. He was a leader. He was suspicious of unthinking majorities and generally accepted dogma. He was a lover of life for himself and for all peoples.

Leo Szilard will be more than a footnote in world history. His monuments are already clear and unshakable.

As all the world knows, it was he who inspired Albert Einstein to send his letter to Franklin Roosevelt which led to the Manhattan project and the controlled release of atomic energy. But it was also Szilard who, first among world scientists, perceived the threat of this development to the future existence of the world. Again, it was Szilard who, despite his lifelong passion for free exchange of scientific knowledge, insisted on secrecy regarding the project.

Leo had an abiding fear of the garrison state. Nothing that I have done in my entire life gives me greater satisfaction than to recall that I had the privilege of fighting with Leo for the civilian control of atomic energy, one great battle which we won in less than a year.

Leo Szilard's final monument is still in the process of growth and I predict that it, too, will stand through the years. It was Leo's fervor, enthusiasm, energy and vision which led to the creation of the Council To Abolish War and later of the Council for a Livable World, which devotes its efforts to reflect the desires and hopes of hundreds of millions of peoples all over the world for peace with justice.

Somehow I have a feeling that the legion of Leo's friends and admirers throughout the civilized world share with me the conviction that a great man has walked among us and that, as with all great men, his spirit will live on.

GREAT FALLS' SENIOR FBI AGENT RETIRES

Mr. MANSFIELD. Mr. President, Great Falls, Mont., is losing its senior FBI agent. Gene P. Fopp, special agent for the Federal Bureau of Investigation is retiring after 24 years of service to go into a private law firm in Great Falls.

Gene Fopp is a native of Somers, Mont., and was educated in the schools of the State. He is a recognized firearms expert and has been called upon for his services in every area of the country. I am indeed sorry that the Federal Government will be losing the services of this very capable agent. But at the same time, I wish to extend to him and his family every good wish in retirement and to express the hope that he will find the practice of law a fruitful and rewarding experience.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD a news story which appeared in the June 14 issue of the Great Falls Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Great Falls (Mont.) Tribune, June 14, 1964]

FBI AGENT GENE FOPP RETIRES, WILL PRACTICE LAW IN FALLS

Retirement of Gene P. Fopp, special agent of the Federal Bureau of Investigation after 24 years of service and senior agent in Great Falls for a number of years, was announced Saturday.

A native of Somers and 1940 graduate of Montana State University Law School, Fopp will join the law firm of James, Crotty, and Corontzos in the practice of law in Great Falls. He was admitted to the Montana Bar and to practice law in Federal Court in 1940. Fopp obtained his B.A. degree at MSU in 1938.

In his 24 years with the FBI, the veteran officer served at Washington, D.C., Philadelphia, New York, Salt Lake City, Las Vegas, Butte, and here. He has been a regular speaker for the FBI and a frequent instructor at police schools in many locations.

A firearms expert, Fopp has given demonstrations and has instructed in firearms use and on other subjects at Montana and Idaho law enforcement academies. He has demonstrated firearms use from New York State to Washington State.

The retiring FBI agent is an ardent sportsman, citing as one of his greatest thrills his encounter with a golden grizzly bear he bagged in Sun River Canyon in the fall of 1963.

Facing a cocked pistol in the hands of a berserk person, which the agent did in his career, was not as bad as when he encountered and conquered the grizzly, Fopp said. The bear's skin is still being processed for a rug.

A golfer, too, Fopp claims a hole in one at the Butte Country Club among his accomplishments.

Fopp, until his retirement from the FBI to join the local law firm, was the FBI liaison representative between the Bureau and Canadian Provinces of Alberta and Saskatchewan. He is an honorary member of the Blackfeet Tribe and was given their name, "Chief Wise Wolf."

Fopp is married to the former Joan Kennard of Great Falls. They have three daughters, Sandra, a student at MSU, and Carolyn and Shelley, students in the Great Falls school system. A member of the Cascade County and Montana Bar Associations, Fopp is a member of Phi Delta Phi legal fraternity, Phi Delta Theta social fraternity and the Meadow Lark Country Club.

U.S. OBSERVERS ON INSPECTION IN ANTARCTICA

Mr. HUMPHREY. Mr. President, the report of the U.S. observers on inspection of antarctic stations has just been released. Article VII of the Antarctic Treaty provides for this inspection. During the 1963–64 austral summer season U.S. observers visited 10 stations in Antarctic. The countries represented in these stations were Argentina, Chile, France, the United Kingdom, and the U.S.S.R.

The U.S. inspection team inspected all buildings and facilities, examined equipment and instruments, and held conversations with personnel to verify that all stations were engaged in peaceful activity only, and that they were complying with the treaty requirements.

In all places, the U.S. observers report that they were received courteously and helped in their work. They found no signs of military activity, no evidence of nuclear testing, nor disposal of radioactive waste.

The Antarctic Treaty is providing an example of international cooperation in the peaceful investigation of scientific problems. It is an example we can hope will grow. I ask unanimous consent to have the report of U.S. observers on inspection of antarctic stations, printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF U.S. OBSERVERS ON INSPECTION OF ANTARCTIC STATIONS 1963–64 AUSTRAL SUMMER SEASON

SECTION I. GENERAL

Pursuant to the provisions of article VII of the Antarctic Treaty, the stations tabulated below were inspected by designated U.S. observers during the 1963–64 austral summer season.

Stations inspected and date inspected

Argentina: Decepcion, January 22, 1964; Esperanza, January 24, 1964.

Chile: Gabriel Gonzalez Videla, January 21, 1964; Pedro Aguirre Cerda, January 22, 1964.

France: Dumont d'Urville (overflight only), January 10, 1964.

New Zealand: Scott, January 9, 1964.

United Kingdom: Base B, January 23, 1964; Base F, January 16, 1964.

Union of Soviet Socialist Republics: Mirnyy, January 15, 1964; Vostok, January 12, 1964.

Observer personnel

Inspections were accomplished by two groups of U.S. observers as follows:

Group A, stations of Argentina, Chile, and United Kingdom: Mr. Richard H. Hawkins, Jr., Dr. John L. Buckley, and Dr. George W. Rathjens.

Group B, stations of France, New Zealand, and U.S.S.R.: Mr. John C. Guthrie, Dr. Jack P. Ruina, Dr. Victor B. Scheffer, and Mr. Michel Ivy (interpreter).

The following personnel were designated as U.S. observers but did not participate in the inspections: Mr. Frank G. Siscoe and Dr. Charles C. Bates.

Transportation

The U.S. Coast Guard Icebreaker *Eastwind* transported U.S. observers to stations in the peninsular area of west Antarctica.

U.S. aircraft based at McMurdo Station, Antarctica, were utilized to transport U.S. observers to stations in east Antarctica.

Scope of inspections

All buildings and facilities with a few minor exceptions were inspected at each station visited. Equipment and scientific instruments were examined in sufficient detail to ascertain their use and intended purpose. Conversations were held with station leaders and key personnel to ascertain the nature of work programs and activities in order to verify that each Antarctic station visited was being used exclusively for peaceful purposes.

Observations were recorded in sufficient detail at each station visited to determine the general degree of compliance with article VII, paragraph 5 of the treaty which requires governments to submit advance information on activities, principal equipment, and arms at each station.

In those instances where air transportation was utilized, ground inspection of the stations was supplemented by aerial observation of the surrounding areas.

SECTION II. SUMMARY AND CONCLUSIONS

Summary observations

Attitudes of host government personnel to the inspections were frank, helpful, courteous, and in keeping with the already existing cordiality of international relations and cooperation in the Antarctic area.

Access was freely accorded to all buildings and rooms; and there were no prohibitions on examining equipment.

Observations revealed a variety of scientific and other peaceful activities; no evidence of measures of a military nature was found.

No evidence was discovered which would indicate utilization of Antarctica for nuclear explosions or the disposal there of radioactive waste material.

The scientific work programs, equipment and arms observed were found to be in general agreement with the advance information provided by governments.

In general, personnel in Antarctica were found to be adhering to sound practices regarding preservation and conservation of living resources in this area. The variations in such practices were extensive, however.

The atmosphere of cooperation which has characterized the relationship of all parties to the Antarctic Treaty in respect to matters affecting the Antarctic Continent continued to be evident during the conduct of these inspections.

Conclusions

Observations made by U.S. observers during the inspection of 10 Antarctic stations indicated that the activities of the stations visited were being conducted in consonance with the provisions and spirit of the Antarctic Treaty. No evidence was revealed by these inspections which would indicate that Antarctica is being used for other than peaceful purposes.

SECTION III. OBSERVATIONS

A. Argentine stations

Decepcion

The principal scientific activities at this Argentine station were observed to include meteorological, ionospheric, and seismologic observations and collection of geological and biological samples. This station was serving also as a communication center for Argentine activities in Antarctica.

Scientific work programs, equipment and arms observed were found to be in general agreement with advance information provided by the Argentine Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful research of the types described above.

A few small arms were the only weapons observed.

There were no indications of wildlife disturbance. Personnel evidenced an awareness of the need for preservation and conservation of living resources in Antarctica.

Esperanza

This Argentine station was observed to be serving as a base for exploration, mapping, and construction of emergency shelters on the Louis Philippe Peninsula. At the time of the visit, unpacking and storing of supplies were the main activities being undertaken.

Its scientific activities were found to include surface meteorology, glaciology, tide recordings, and visual observation of aurora. In the field of human physiology, the principal interest appeared to lie in the adaptation of organisms to low temperatures. Geological and biological specimens were being collected.

Work programs and equipment observed were found to be in general agreement with advance information provided by the Argentine Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful activities of the types described above.

A few small arms were the only weapons observed.

Work dogs were being kept under control. Seals were being killed and used for dog food.

A concrete obelisk had been constructed in 1963 adjacent to the stones which are said to be the remains of the Nordenskjold shelter for the winter of 1903. An inscription on the obelisk commemorates the sojourn of the early explorers.

B. Chilean stations

Gabriel Gonzalez Videla

This Chilean station was observed to be engaged primarily in scientific activities including synoptic meteorology, seismology, and general biology. Scientific activities during the winter months were said to have been substantially curtailed. Summer work was continuing, however, apparently with some increased emphasis particularly in the biological sciences.

Scientific work programs and equipment were found to be in general agreement with advance information provided by the Chilean Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful research of the types described above.

A few small arms were the only weapons observed.

Station personnel evidenced a keen interest in local wildlife and were careful not to disturb birds and seals unnecessarily.

Pedro Aguirre Cerda

This station was observed to be operating primarily as a supply depot for Chilean bases in Antarctica. Its port and airport facilities, although limited, were being used for transshipment of passengers and cargo between Chilean mainland or island ports and other Chilean Antarctic bases. Some scientific activities were being carried on (largely meteorology).

Following an inspection of the station, a visit was made aboard the naval transport *Angamos* where the observers were given a comprehensive briefing and viewed the discharge of cargo.

The work program and equipment and the armament of the naval transport *Angamos* were observed to be in general agreement with information provided by the Chilean Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful activities of the types described above.

A few small arms at the station and the armament of the *Angamos*, as reported, were the only weapons observed.

There were no birds nesting near the base and no evidence of wildlife disturbance. Seals were being killed for dogfood when available in the harbor.

C. French station

Dumont d'Urville

Inspection of the station was limited to an aerial overflight because of nonavailability of landing facilities at Dumont d'Urville. A C-121 aircraft carrying the U.S. observers circled overhead in the area of the base for approximately 1 hour. During this time four passes at altitudes ranging from 500 feet to 1,500 feet were made over the base for photographic and visual observation purposes. A representative photograph is reproduced in this report.

No indications of activities not permitted by the treaty were observed.

D. New Zealand station

Scott

This station was observed to be serving as an Antarctic research center. Its scientific activities included aurora and airglow observations, geomagnetic and ionospheric observations, meteorology, upper atmosphere physics, and biology. Biological activity was noted to be limited to the study of seal population.

Scientific work programs, equipment, and arms present were found to be in general agreement with the advance information provided by the New Zealand Government in accordance with article VII, paragraph 5 of the treaty. Scientific equipment observed appeared to be of the standard type generally used for the research activity noted above.

A few small arms were the only weapons said to be present at this station.

Work dogs were being kept under control. Seals were being killed and used for dog food, but the local seal population was said to remain constant.

E. United Kingdom stations

Base B

This station was observed to be engaged in scientific activities including synoptic meteorology, sea ice observations, glaciology, and general biology. United Kingdom aircraft utilized in the peninsular area were being supported from this base.

The scientific work programs, equipment, and arms observed were found to be in general agreement with the advance information provided by the United Kingdom Government in accordance with article VII, paragraph 5 of the treaty. Scientific equipment observed appeared to be of the standard type normally associated with the peaceful research activities listed above.

At the time of the inspection a temporary two-man party from RSS *Shackelton* was present. This team was utilizing mobile geophones and recording equipment in connection with seismic refraction studies of the Bransfield Strait.

A few small arms were the only weapons observed.

Ten tons of high explosives with detonators and primers were being utilized for seismic refraction work.

Station personnel evidenced both an interest in and knowledge of practices for preserving and conserving living resources in the Antarctic. Work dogs were being kept under control and seals were being killed only as necessary for dog food. Penguins did not appear to be molested by station personnel or dogs.

Base F

This United Kingdom station was observed to be engaged primarily in scientific activities including synoptic meteorology, upper air observations, geomagnetism, ozone, and solar radiation observations, seismology, ionosphere recording, oceanography, glaciology, sea ice observations, aurora and airglow observations, precipitation collections for isotope analyses, human physiology, and botany.

The scientific work programs, equipment and arms observed were found to be in general agreement with the advance information provided by the United Kingdom Government in accordance with article VII, paragraph 5 of the treaty. Scientific equipment observed appeared to be the standard type normally associated with the peaceful research activities listed above.

A few small arms were the only weapons observed.

Work dogs were being kept under control. Seals were being killed only as necessary for dog food. There was no evidence of disturbance of bird life.

F. Union of Soviet Socialist Republics stations

Mirnyy

This Soviet station was observed to be engaged in scientific activities including meteorology, upper air observations, cosmic ray research, geomagnetism, ionospheric and aurora observations, earth current research and seismology. It appeared to be serving as a principal scientific and logistical station and communication center for Soviet activities in Antarctica.

This station and surrounding areas were observed from the air. All buildings and areas of activity except for a few living quarters were inspected including the geomagnetic pavilion, cosmic ray pavilion, ionosphere pavilion, seismology station, radio theodolite station, and the weather balloons launching facility.

Scientific work programs and equipment observed were found to be in general agreement with the advance information provided by the Soviet Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful research of the type described above.

There were no arms seen at this station.

No biological program appeared to be in progress and no disturbance of wildlife was observed.

Vostok

This Soviet station was observed to be serving as an Antarctic research base. Its scientific activities were found to include meteorology, upper air observations, cosmic ray research, geomagnetism, ionospheric research, and geodetic surveying.

This station and surrounding areas were observed from the air; and all buildings were inspected including facilities for launching weather balloons, an underground magnetometer installation, and facilities for meteorological observation.

Scientific work programs and equipment observed were found to be in general agreement with advance information provided by the Soviet Government in accordance with article VII, paragraph 5 of the treaty. All equipment examined appeared to be of a standard type and typical of that used for peaceful research of the types described above.

There were no arms seen at this station.

Vostok was devoid of any form of Antarctic living resources. Therefore, observation of conservation practices was not relevant to this station.

TWENTIETH CENTURY ALCHEMY—FOOD-FOR-PEACE PROGRAM

Mr. HUMPHREY. Mr. President, on June 10, Mr. George Goss, assistant to the director, food for peace, delivered an address in Washington at Rural Electric Youth Day entitled, "20th Century Alchemy." His subject was based on comments by me that our food-for-peace program is "a 20th century form of alchemy."

In his talk, Mr. Goss clearly demonstrates how our food-for-peace program has provided the means for converting America's agricultural productivity and abundance into such things as schools and textbooks, hospitals, bridges, and roads. During this, the 10th anniversary of food for peace, I hope each of my colleagues has an opportunity to read Mr. Goss' remarks.

Mr. President, I ask unanimous consent that the speech by George Goss entitled "20th Century Alchemy" be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FOOD FOR PEACE—20TH CENTURY ALCHEMY

(By George Goss, Assistant to the Director, food for peace, the White House)

Senator HUBERT HUMPHREY has called the U.S. food-for-peace program "a 20th century form of alchemy." It is an apt characterization. Food for peace has provided the means for converting America's agricultural productivity and abundance into schools and textbooks, hospitals, bridges, and roads, the vital ingredients of economic and social growth in the developing nations of the world. This ingenuity of using food as a resource for development has been termed one of the most imaginative instruments ever created for the purpose of sharing agricultural abundance with undernourished people and emerging nations.

TO NARROW THE GAP

We have found in our great abundance of food one of our greatest resources for peace. The food-for-peace program was initiated, in the words of the late President Kennedy, "to narrow the gap between abundance here at home and near starvation abroad."

We are narrowing that critical gap. Food for peace is reaching nearly 100 million people in the world. In 85 countries, food for peace is contributing to the health and nutrition of some 40 million children through school lunch and preschool child-feeding programs. In Latin America alone, U.S. donated food is going to 1 out of 4 children of school age. We expect these school lunch programs in South America to be reaching 1 out of 3 within the next year.

The magic of school-feeding programs lies not only in the fact that food means life—and this is magic enough. But, in addition, a school lunch often means the difference between a child's going to school or staying at home. And a child who is relieved from the gnawing pangs of hunger is a child who is more alert and receptive to learning.

Joining the U.S. Government—the U.S. Department of Agriculture and the agency for International Development—in food distribution programs are the American oversea relief agencies, such as CARE, Church World Service, Catholic Relief Services, Lutheran World Relief, and the American Jewish Joint Distribution Committee—and the governments of the countries in which the programs are being conducted. Currently, 15 such agencies are distributing U.S. donated food valued at $379 million in 228 programs in 113 countries.

FOOD AS CAPITAL

Feeding the hungry is certainly one of the priority goals of food for peace. But it is not the only objective. Nor do we measure the success of the food for peace program in terms of the total tonnage of U.S. food shipped overseas in any given year.

Our primary goal is the effective use of our agricultural productivity to help the people of the developing countries help themselves to health, prosperity, and peace. We strive to use our resources of food as a vital tool for economic growth in the new and developing nations.

Local currencies, generated by the sale of food for peace commodities and loaned back to the purchasing country, provide essential capital for economic development. In 1963, for example, 76 percent of the more than $1.7 billion worth of commodities made available under the food for peace program, was sold for local currencies—and $746 million of this local currency was loaned back to the respective governments to finance economic development.

These local currencies are also used—instead of dollars—to pay the costs of U.S. installations and programs overseas: military housing, U.S. buildings, trade fairs, educational exchange, translation of books and periodicals, American schools. In fiscal year 1963, $211 million of U.S. bills overseas were paid for by local currencies, i.e., by American surplus food.

Surplus food is also providing capital for U.S. investment overseas. The "Cooley loan" section of Public Law 480 provides that up to 25 percent of the local currencies generated by the sale of surplus commodities may be used by the Agency for International Development for loans to U.S. firms or branches for business development in other countries. As of June 30 of last year, more than $149 million in Cooley loans had been invested by 232 firms.

THE VITAL SPARK

In 22 countries, U.S. surplus farm products are being used as a supplementary wage for an estimated 700,000 workers. These "food for work" projects provide an essential incentive for self-help community and economic development activity. The use of food as a catalytic force in economic and social development is one of the most exciting potentials of the program.

Food for peace is vigorously expanding programs that use food as partial payment for work done on a broad range of economic development projects: construction of schools, child-feeding centers, roads, bridges, irrigation projects, resettlement and land reform projects, livestock and poultry-feeding projects, reforestation and sanitation. All of these projects are ignited by a common spark—food from the United States through the food for peace program.

Throughout the world, in the new and developing nations, hundreds of thousands of men and women are pulling themselves up by their bootstraps—with the help of food for peace—helping themselves to a better life for themselves and their children.

This, then, is the 20th century alchemy we seek to perform through the food for peace program—an alchemy that changes food to textbooks, to schools, to hospitals, roads, to productive labor.

President Johnson said to the United Nations this past December: "Now, on a world scale, the time has come, as it came to America 30 years ago, for a new era of hope—hope and progress for that one-third of mankind still beset by hunger, poverty, and disease. * * * Any man and any nation that seeks peace—and hates war—and is willing to fight the good fight against hunger and disease and ignorance and misery—will find the United States of America by their side, willing to walk with them every step of the way."

Food for peace is one of America's greatest resources in this good fight. The people of the United States seek to share their agricultural abundance with their fellow men throughout the world—to make a world of healthier and stronger men, women, and children, and a healthier and stronger economy and society in which they may live in peace.

LATIN AMERICAN POLICY

Mr. HUMPHREY. Mr. President, during the past month, three important speeches have been delivered by U.S. officials on the subject of the Alliance for Progress. The first was President Johnson's eloquent address of May 12, in which he reaffirmed the commitment of the U.S. Government to the Alliance for Progress program as originally conceived by President Kennedy. I spoke on this speech in the Senate on an earlier occasion. During the same week of President Johnson's speech, Assistant Secretary of State Thomas C. Mann delivered a major policy speech in Washington outlining his views on the Alliance for Progress. Taken together with the President's speech, Mr. Mann's address clearly establishes that the Alliance for Progress remains the basis of U.S. policy in Latin America. Mr. Mann states:

> The ultimate purpose of the Alliance for Progress is to help the people—all the people—of the hemisphere to achieve a better life in freedom.

This definition of the purpose of the alliance deserves the support of all.

The third important speech on the alliance was delivered by Secretary Mann at the University of Notre Dame on June 7, entitled "The Democratic Ideal in Our Policy Toward Latin America." In this second speech Mr. Mann reaffirms the commitment of the U.S. Government to the promotion and defense of democracy in the hemisphere. He states:

> It has long been, and continues to be, our firm policy to discourage any who conspire to overthrow constitutionally elected governments. But if governments are overthrown, it has long been our practice, in ways compatible with the sovereignty and the national dignity of others, to encourage the holding of free and fair elections—to encourage a return to constitutional procedures. Other American Republics make equally valuable contributions to building a Western Hemisphere tradition of democracy by their example, by the strength of their moral positions, and by expressions of their principles.

This forthright statement outlines in eloquent and forthright terms our position on the crucial issues of U.S. policy in Latin America.

These official statements should leave no doubt in the minds of our Latin American friends as to where we stand on the question of defending democratic political institutions.

Mr. Mann, as Assistant Secretary of State for Latin American Affairs and as U.S. Coordinator of the Alliance for Progress, has two of the most difficult jobs in Washington. Secretary Mann has worked hard in his first 6 months in office. He has confronted the awesome duties of his office with sincerity, persistence, and courage. He has brought all the experience of 20 years of professional diplomatic experience to bear on the hemispheric problems now confronting the United States.

Mr. Mann is committed to implementing the Kennedy-Johnson policy for Latin America, as outlined by President Johnson in his brilliant speech of May 12. He deserves the sympathetic consideration and support of those in the Congress interested in maintaining good relations between the United States and Latin America.

Mr. President, I ask unanimous consent that two speeches delivered by Assistant Secretary of State Thomas C. Mann be printed at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

THE DEMOCRATIC IDEAL IN OUR POLICY TOWARD LATIN AMERICA

(Commencement address by the Honorable Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs, at the University of Notre Dame, Notre Dame, Ind., June 7, 1964)

Thirty years ago this month I received a law degree and started out as a young lawyer. Then we were in the throes of the great depression and preoccupied with our domestic economic problems. Students on campus were not greatly concerned about foreign affairs in those days.

Today the members of the graduating class of this great Christian university will start their careers at a time when our Nation marches forward to new horizons of economic opportunity, individual dignity, and social justice. Technological advances have, however, presented us with new challenges and new opportunities in our relations with other countries. We are caught up, as it were, in a shrinking, interdependent world in which we have great responsibilities and which has suddenly become complex. We can no longer afford to live apart from the rest of the world as if it did not vitally affect our national and individual well-being.

The problems which faced my graduating class 30 years ago, formidable as they seemed to us at the time, were certainly much more elementary, much more simple, and by comparison much less important, than those which face what Latin Americans would call your generation of 1964.

Within this framework, I would like briefly to discuss with you today one of the problems of our Latin American foreign policy—the problem of what it is we can do to bring about a more effective exercise of representative democracy in the Western Hemisphere. There is no subject concerning our Latin American foreign policy which has over the years generated more debate or a debate which has generated so much heat and, it seems at times, so little light.

I

The first point I wish to make is that U.S. foreign policy is firmly and irrevocably committed to the principles that every individual, no matter in what part of the world he lives, has an inalienable right to his individual freedom and to his individual dignity.

For his day, as well as for ours, Benjamin Franklin spoke for the Nation when he expressed the hope that "a thorough knowledge of the rights of man may pervade all nations of the earth, so that a philosopher may set his foot anywhere on its surface and say, 'This is my country.' "

More recently, President Johnson, in speaking of the Charter of the Alliance for Progress, expressed somewhat the same thought in different words:

"Our charter charges each American country to seek and to strengthen representative democracy. Without that democracy and without the freedom that it nourishes, material progress is an aimless enterprise, destroying the dignity of the spirit that it is really meant to liberate. So we will continue to join with you and encourage democracy until we build a hemisphere of free nations from the Tierra del Fuego to the Arctic Circle."

II

The example of a vigorous representative democracy in the United States that assures equality and dignity to all of our citizens will provide strong support for our policy. A policy of consistent persuasion in discussions with our Latin American friends is another way to help promote democratic progress in the hemisphere.

It has long been and continues to be, our firm policy to discourage any who conspire to overthrow constitutionally elected governments. But if governments are overthrown, it has long been our practice, in ways compatible with the sovereignty and the national dignity of others, to encourage the holding of free and fair elections—to encourge a return to constitutional procedures. Other American Republics make equally valuable contributions to building a Western Hemisphere tradition of democracy by their example, by the strength of their moral positions, and by expressions of their principles.

It is understandable that all of us sometimes become impatient with the rate of progress toward perfection in our own country. Many American Republics have made great progress in establishing a democratic tradition within the last few decades. In others, democracy seems at times to take two steps forward only to be temporarily pushed back a step. In Cuba, the light of democracy has temporarily been extinguished.

But we should not, I think, judge either the rate or degree of hemisphere progress toward democracy solely by the number of coups d'etat which take place. The degree of individual freedom which exists in the hemisphere, the average life span of de facto governments, the extent of political repression, the degree of freedom of the press and of peaceful assembly, and the growing number of people in the hemisphere who consistently support the principle of free and periodic elections, are also relevant yardsticks.

If one looks at the forest instead of the trees, he can see that these quiet, unpublicized efforts on the part of the United States and other American Republics have, along with many other factors, contributed to a wider and deeper observance of the forms of representative democracy in this hemisphere and, perhaps even more important, to a growing respect by governments, in deeds as well as words, for the dignity of man and for his basic human rights. I am confident that the general movement will continue to be forward; I hope it can be accelerated.

III

One way to bring about more rapid progress is by collective action of the community of American States.

As early as 1837, Pedro Vicuna of Chile urged the establishment of a General Congress of American States to oppose tyranny.

In 1945 the Uruguayan Government proposed the doctrine that there is a "parallelism" between peace and democracy. The United States supported this thesis. Only eight American Republics including the United States voted affirmatively for the Uruguayan proposal.

In 1960, at a meeting of Foreign Ministers in San José, the United States again supported collective action and introduced a new concept: Support of the ideal of representative democracy should not merely be negative in the sense of opposition to a particular dictatorial regime; it should positively insure, by collective action, that peoples have an opportunity, in free and fair elections, to express their will—so that a Batista will not again be followed by a Castro. There was little support for this thesis at the time although the majority, including the United States, did vote for sanctions against the Trujillo regime.

More recently, Venezuela has taken the lead in proposing informally that the American states agree to consult together when unconstitutional changes of government occur in the hemisphere. We have long since assured the Venezuelan Government of our support.

I would hope that the Venezuelan initiative will be but a step in a future process of developing a new international procedure which, while safeguarding the essential sovereign rights of every nation, defines with care and precision the kinds of violations of basic human rights which are, to use the phrases of a former Secretary of State, of such a "flagrant and notorious character" that they have a "relationship to the maintenance of international peace and security" and hence justify such collective action as may be agreed upon. If this were done, tyranny of the kind we saw under Trujillo and which we will see under Castro today, could be effectively and legally dealt with.

IV

It is sometimes said that since the American community of nations has failed to take effective collective action to eliminate dictatorships in the hemisphere, the United States—unilaterally and alone—should undertake to force all Latin American governments to stay on the path of constitutionality. The United States has had a rather full experience in attempting, with the best of motives, to impose democracy on other countries. It is worthwhile to recall them.

Monroe's Declaration of 1823, in its original intent, was a shield for Latin America against European powers seeking to recover lost colonies and to expand their territories. In the three instances in which it was applied in the manner originally intended—in 1864, 1895, and 1902—it was of considerable help to the Latin American states directly involved.

But in 1904 Theodore Roosevelt presented his now famous corollary:

"Chronic wrongdoing—may in America ultimately require intervention by some civilized nation in the exercise of an international police power."

The philosophy underlying the Roosevelt corollary was not new; the Platt amendment which impaired Cuban sovereignty was already an accomplished fact. But it did open the way for a number of new adventures. In 1906 and 1909 the Marines were sent to Cuba, in 1909 and 1912 to Nicaragua, in 1912 to the Dominican Republic, in 1915 to Haiti.

In 1913, a new moral dimension was added to the Roosevelt corollary in an attempt to justify additional U.S. interventions. It was stated in these words:

"Cooperation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force."

Under this doctrine we engaged in a new series of interventions in Mexico. These led to the occupation of Veracruz and to Pershing's expedition. They brought us to the verge of war with our southern neighbor at the very time we were being drawn into the First World War.

Arthur Whitaker in his book "The Western Hemisphere Idea," comes to this conclusion:

"Protective imperialism (under the 1904 corollary) would intervene to correct situations of chronic wrongdoing and chaos only to the extent necessary to prevent European intervention and then withdraw. The civilizing mission (the 1913 policy), on the other hand, had no such ad hoc character or limited objective. The missionary's work is not done when the devils have been cast out; it has hardly begun. He must stay on until he has taught his charges how to lead the good life, and that may take quite a long time."

And Howard Cline, in speaking of the 1913 doctrine, reminds us in his book, "The United States and Mexico":

"Thus there were good revolutions and bad revolutions. The latter brought only venal, unidealistic people to power, while the former put the particular nation back on the constitutional track. As events in Mexico and elsewhere ultimately showed, the test of 'constitutional legitimacy' was unworkable, especially in Latin America. The United States renounced it as a national policy in 1921."

The words of these two distinguished scholars may, from our point of view, seem rather harsh. Certainly our intentions were good. But few knowledgeable people will deny that they accurately reflect Latin America's bitter reaction to our interventionist activities under doctrines of 1904 and 1913.

Our interventions were, in the Latin American point of view, patronizing in the extreme. By making the United States the sole judge of Latin America's political morality, they were degrading to proud peoples who believed that, in their own wars of independence, they had earned the right to manage their own affairs—to be masters in their own houses. They produced schismatic tendencies in the inter-American family and brought our relations with Latin America to an all-time low.

These historical experiences suggest two things: Unilateral U.S. interventions in the hemisphere have never succeeded, in themselves, in restoring constitutional government for any appreciable period of time. And they have, in every case, left for our country a legacy of suspicion and resentment which has endured long after our interventions were abandoned as impracticable.

As Cline has observed:

"The lengthy record of discord during the years 1913 and 1914 carries its own lessons. One is that international problems are more complex than slogan-makers sometimes assume. A worthy set of attitudes is no substitute for coherent policy."

Franklin Roosevelt surely had these lessons of history in mind when he not only pledged the United States to the policy of nonintervention but defined his policy of the "good neighbor" as "The neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors."

Two wrongs do not make a right. We cannot achieve a peaceful world ruled by law if we do not live up to our own obligations.

As an answer to the U.S. interventionist doctrines, Latin Americans developed doctrines of their own. Let there be no mistake: these Latin American counterdoctrines were "tailormade" for the United States; their purpose was to bring an end to U.S. interventions. I shall mention only one:

By 1928, when the Sixth International Conference of American States met at Havana, a proposal was introduced which stated the simple proposition that "No state has the right to interfere in the internal affairs of another."

After a long and somewhat acrimonious debate the United States managed to prevent adoption of the resoultion, but the handwriting was on the wall. In 1933, at the Seventh Conference in Montevideo, the United States accepted the doctrine of nonintervention with qualifications. In 1936, at Buenos Aires, we accepted it unconditionally.

This Latin American doctrine of nonintervention is now written into the Charter of the Organization of American States. It is a treaty obligation. Allow me to read to you articles 15 and 16 of the charter:

"Article 15: No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic or cultural elements.

"Article 16: No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind."

As the scholars Thomas point out in their study of "Nonintervention": "The essence of intervention is the attempt to compel."

All of this does not mean that we will in the future recognize all governments which come into power in an unconstitutional manner. Each case must be looked at in the light of its own facts. Where the facts warrant it—where the circumstances are such, to use someone else's phrase, as to "outrage the conscience of America"—we reserve our freedom to register our indignation by refusing to recognize or to continue our economic cooperation.

It does mean that, consistent with our treaty obligations, we cannot put ourselves in a doctrinaire straightjacket of automatic application of sanctions to every unconstitutional regime in the hemisphere with the obvious intention of dictating internal political developments in other countries. As the facts amply demonstrate, this is no departure from the practice which has prevailed in the most recent years.

The third point to which I invite your attention is this: Unilateral intervention for the purpose of forcing constitutional changes in another country does not always serve either the cause of democracy or the national security interests of the United States.

To illustrate, not long ago a majority of the Guatemalan people voted in free elections for Arbenz, a candidate for president. Later the Guatemalan people discovered that Arbenz was a Marxist-Leninist. Colonel Castillo led a successful revolt and was widely acclaimed by his people when he marched into Guatemala City. Had we been unconditionally committed to the support of all constitutional governments under all circumstances, we would have been obliged to do everything within our power to bring about the overthrow of Castillo and to restore a Marxist-Leninist to power against the will of the Guatemalan people.

The question of our relationships with Communist regimes in this hemisphere is, of course, a separate subject and is beyond the scope of these remarks. It raises separate questions, such as our inherent right of self-defense and measures, under existing treaties, to deal with situations which threaten the peace and security of the hemisphere.

V

Against this background, what conclusions are to be drawn? What can we do to help make the democratic ideal a reality in this hemisphere? I offer the following suggestions:

First, we should continue, in our bilateral discussions with other governments, to encourage democracy in the quiet, unpublicized way and on the day-to-day basis that I have already referred to; and we should support parallel efforts of other American states. If there is no intent to force the will of a sovereign government this tactic is entirely compatible with our commitments and with the dignity and self-respect of others.

Second, we should support appropriate measures for broadening the scope of collective action with the aim of addressing ourselves first to those cases where repression, tyranny and brutality outrage the conscience of mankind. I can think of no way in which the American community of States can better serve the cause of human dignity, individual and national freedom and representative democracy than to develop a set of procedures for dealing with this type of problem. The United States has never believed that collective action for such purposes is prescribed by the Charter of the Organization of American States; but if the majority of the member States are of a contrary opinion, then let us amend the charter.

Third, in each case where a government is overthrown by force there should be a careful, dispassionate assessment of each situation in the light of all the surrounding facts and circumstances so that decisions concerning recognition, trade, aid, and other related matters can be made which are consistent with our ideals, with international law, and with our overall national interests.

In making this assessment, regard should also be paid to the fact that not only is each American Republic different from all the others but that each de facto government is likewise different in its aims, its motives, its policies, and in the kinds of problems it faces.

Fourth, if as a result of this appraisal, a decision is made not to recognize a regime—and this may well be the case in the future as it has been in the past—then it should be made clear that nonrecognition is based squarely on a failure on the part of another government to abide by the established rules of international conduct.

Fifth, when the decision is made to recognize a regime, it should be clear that there is no basis under international law for equating recognition with U.S. approval of the internal political policies and practices of another government. Resolution 35 of the Ninth Inter-American Conference of American States makes this point very clear. It declares:

"That the establishment or maintenance of diplomatic relations with a government does not imply any judgment upon the domestic policy of that government."

Sixth, we should continue our established practice of consulting with other American Republics whenever a question of recognition arises.

Finally, let there be no mistake about our consistent and complete devotion to the principles of human dignity and freedom of the individual. We believe that these principles can only be realized in a democratic political system in which governments are the servants of the people and responsive to their will. They are a central element in our foreign policy toward Latin America. We shall in every way consistent with our obligations continue our efforts to help make democracy a reality throughout the entire hemisphere.

As is often the case, there is more to be said than time allows for. I have already presumed on your courtesy by speaking so long. But if I am permitted one word of counsel, it would be this:

I hope you will feel a pride in your university, your church and your country and in the efforts they are all making to create a peaceful world, ruled by law and Christian charity, which is devoted to both the material and spiritual progress of all mankind in freedom. And I hope that you will look to the future with confidence that freedom and not tyranny is the "wave of the future" in this hemisphere. I think you will see even greater progress toward freedom in your generation than the impressive gains I have seen in my time.

The Alliance for Progress

(Address by the Honorable Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs, before the Washington Institute of Foreign Affairs, Washington, D.C., on May 13, 1964)

The ultimate purpose of the Alliance for Progress is to help the people—all of the people—of the hemisphere to achieve a better life in freedom. Both the Bogtá and Punta del Este charters speak not only about economic growth but about social justice and the dignity and freedom of the individual.

All of this is consistent with our tradition. As a nation and as individuals we have always been deeply concerned with the well-being of people in other lands as well as for those in our own. This is the concern of the good neighbor.

Being a good neighbor not only reflects our national character, but also serves our national interests. Our Latin American policy has as its principal objective the achievement of an American family of democratic, dynamic, prosperous, free nations, each capable of playing its role in a healthy and peaceful world community. This objective cannot be achieved in a hemisphere of frustration, stagnation and hopelessness.

THE ISSUE OF CHANGE

There are those who oppose any and all change—who seek to preserve archaic practices and attitudes which are the legacy of an age already past.

This group is few in number. Their influence on government policies throughout the hemisphere is diminishing with each passing day. As President Johnson said the other day:

"To struggle to stand still in Latin America is just to 'throw the sand against the wind.'"

I should like to state in the very beginning—and to say it very clearly—that the Government and people of the United States do not forget that their own Nation was born in revolution. Nor can we forget that the process of social, economic, and political change in our country has been continuous since 1776. It still goes on. We still seek that kind of change which will bring about the greatest good for the greatest number of our people.

We, therefore, have a natural sympathy and affinity for those governments who seek change and progress. Those governments which institute bold, soundly conceived programs of reform designed to achieve national and individual freedom, a high and sustained level of economic growth, a greater degree of social justice, and equal opportunity for all to rise as high in society as their talents and efforts will take them, will find warm-hearted sympathy in Washington. Those who seek to portray the United States as the defender of the status quo are deluding themselves. For as President Johnson has said, we, as a nation, are dedicated to "the principles of development, of diversity, and democracy." This dedication commands change. We are seeking, as the President also said, "to retain freedom and protect moral values while pursuing progress in a world on the march."

There is another group, equally small in number, who seem to favor any and all change without adequate thought as to whether it brings in its train the destruction of freedom, national and individual, political as well as economic, the destruction, root and branch, of established orders—of the good as well as the bad in existing political, economic, and social systems—the creation of a new, privileged class and inequality of opportunity instead of social justice, economic retrogression instead of progress.

At the same time our Government began, the French Revolution was temporarily diverted from its noble design into a reign of terror and chaos. In his analysis of how this came about, De Tocqueville reminds us:

"When we closely study the French Revolution we find that it was conducted in precisely the same spirit as that which gave rise to so many books expounding theories of government in the abstract. Our revolutionaries had the same fondness for broad generalizations, cut-and-dried legislative systems, and a pedantic symmetry; the same contempt for hard facts; the same desire to reconstruct the entire constitution according to the rules of logic and a preconceived system instead of trying to rectify its faulty parts. The result was nothing short of disastrous."

We need to ask ourselves whether it is really true that the basic tenets of independence, equality and freedom in which the peoples of our New World placed their trust are too "slow" and too "evolutionary" for our time. And as we do this, we need to ask for clearer definitions of terms, for greater specificity, for more detail and concreteness, about the other paths that are said to lead more quickly to progress.

I do not share the despair about change that I hear expressed in some quarters.

More and more responsible leaders of organized labor are emerging better able to participate in progress;

An ever-increasing number of hard-working men of conscience from industry, from commerce, from the professional groups and from agriculture are striving for reform and improvement in the established order;

The church, in many areas, is providing leadership in the fight for progress in freedom;

The military establishments are demonstrating an ever greater degree of social consciousness and political responsibility;

The number of qualified and experienced civil servants capable of coping with the complex economic and social problems of our time is rapidly growing;

Many schools and universities are striving for a higher standard of academic excellence. While our attention is more often drawn to irresponsible acts of a well-organized and noisy minority, the great majority of Latin American students are seriously working to acquire the skills and education necessary to improve themselves and their societies.

Our task is to work with all in every country who work for economic progress and for social justice—to work for unity rather than to encourage divisive hatreds—to help build a better hemisphere.

The Alliance for Progress is more than a statement of high resolve. It provides a program for progress consisting of specific, identifiable parts. One of these is agrarian reform.

THE FARMER

More than 50 percent of Latin America's population lives in rural areas. The Alliance, therefore, very properly gives a high priority to helping the farmer help himself. It seeks to do this by helping him to increase his production because this is the only way, under any economic system, to increase his income and the income of the society as a whole.

We seek, therefore, a technological revolution in Latin American agriculture such as the one that has taken place in many countries, including the United States. Supervised agricultural credit, various kinds of cooperatives, land improvement programs, technical assistance to farmers, agricultural research programs, diversification of product, wider use of fertilizers, better storage facilities, rural education, community development programs, farm-to-market roads are some of the components of soundly conceived agrarian reform programs.

Improved land tenure systems aimed at giving more farmers titles to the land they work and, hence greater security and dignity as well as an incentive to produce, are also essential ingredients. In some countries, land distribution programs are underway or have already taken place on a large scale; others have long had equitable and efficient land tenure systems. Some are now actively engaged in large-scale settlement of farmers in undeveloped portions of their countries in the general pattern of the western movement of farms in our country; fortunately, most countries have large public domains available for settlement and distribution.

Much has been said about the problems of latifundia. But we know from bitter experience that farms can be too small as well as too big. Minifundia—farms too small to be economically viable—also limit the ability of the farmer to earn an adequate income. Land distribution, as well as other facets of land reform programs, should have, as a principal objective, increased production which is the only path to higher levels of farmer income.

And helping the individual farmer also helps the nation. Increased purchasing power of the large farming segment of the population is essential to the creation of adequate domestic markets for the products of domestic industry.

THE WORKER

The alliance is as concerned about the worker as it is about the farmer. The alliance cannot succeed unless it develops a labor force of growing skills and increasing ability to produce in a modern society.

Free trade union organizations throughout the hemisphere work to insure that labor receives its fair share of increased productivity. As in agrarian reform, these efforts to achieve a better life for the worker also help expand the purchasing power of the people and hence contribute to the ability of domestic markets to support growing industries.

And the free labor movement has always had as one of its prime objectives the protection and enhancement of the dignity of the individual working man. As his education and standard of living improves, the worker is enabled to make his full contribution to his country's future.

THE NEED FOR CAPITAL

Another major factor in the Alliance is the need for capital for development both from internal and external sources.

The population of Latin America will, say the demographers, double in about 20 years. This is a fact of outstanding importance.

It means that jobs and food production must be increased at an extraordinary rate or unemployment and hunger will increase. It means that educational and health and all the other facilities required by civilized man today in our age of rising expectations must be built at the same rapid rate. It means that governments must also promptly provide additional infrastructure required by their growing agriculture and industry. Never in our history have political and economic systems been required to meet so many needs in such a short period of time.

If nations are to meet this challenge, their economics must obviously have very large amounts of capital for development.

TAX REFORM

One way to mobilize capital is, of course, to increase tax revenues substantially. In most countries tax systems still do not bring in sufficient revenues for governments to meet their social and economic responsibilities.

The Charter of Punta del Este speaks of the need to reform tax laws so that those who can afford it will shoulder more of the burden. It calls for the elimination of tax evasion and recognizes that taxes which impede growth must be discouraged. There is, I believe, general agreement that reforms in tax administration are essential so that effective tax collection can be achieved with all taxpayers meeting their obligations.

It is encouraging that many governments are already taking concrete steps to improve collection of taxes already on the books. Good initial results have been achieved in several countries. But these efforts must be continued and the techniques of collection constantly improved.

As the charter makes clear, tax policy as well as administration, is in need of reform. We have no preconceived notions of how quickly it is feasible to reform tax policy. Each country has its own peculiar problems.

Each country must decide for itself what tax system and tax rate can best provide the largest revenue possible without destroying incentives and without impeding a high and sustained rate of growth. Nearly everyone would agree, for example, that developing countries which need to attract capital for investment in productive enterprise should not have tax rates as high as those of countries which are in an advanced stage of industrialization.

Increased revenues from tax reforms must be accompanied by administrative reforms to assure that those revenues are used wisely for development and progress. If the confidence and cooperation of the taxpayers are to be earned, swollen bureaucracies, misuse of public funds, and deficits in public enterprises must be replaced by efficiency, probity, and sound fiscal practice.

Persons with large incomes serve their own interests by helping to bring about changes necessary if governments are to meet their growing responsibilities to their expanding populations. The middle and professional classes must also bear their fair share of the tax burden.

AID PROGRAM

If a greater effort is required of Latin American taxpayers it is equally essential that our country continue to meet its commitment to supply, through our foreign aid program, that vital margin of resources for development. We shall continue to meet our obligations under the Charter of Punta del Este.

At the same time, we must continue to do what we can to encourage other capital-exporting nations to provide a larger volume of capital for Latin America not merely in export credits but in long- and medium-term loans for development.

Loans, and in appropriate cases, grants from foreign governments are an essential ingredient of progress. But they can supply only a fraction of the capital needed. Unless they are accompanied by adequate self-help measures on the part of the developing country itself, the Alliance goals will not be achieved. We therefore must continue to relate the amount of our financial assistance to the efforts of the developing country to create conditions propitious for economic growth and social progress.

INTERNATIONAL TRADE

We must also address ourselves to the potentialities of trade as a major source of development capital.

We have entered the Kennedy round of tariff negotiations within the GATT framework which will, we hope, further reduce U.S. tariff barriers to Latin American exports. Meanwhile, developing nations are meeting at Geneva, under the auspices of the United Nations, to advance proposals of their own for increasing trade, for broadening their access to markets in the industrial countries. Some of the proposals have been supported by the United States for some time. Others are new and will require study. The Under Secretary of State, Mr. Ball, recently discussed some of the complex considerations which must be taken into account. We are participating in the conference with a sincere desire to search for sound, fair, and constructive ways to help Latin America acquire foreign exchange needed for development.

In order to expand exports from Latin America greater attention needs to be paid to developing mass national markets and in some cases regional markets, for the test of ability to compete in international trade is the ability to develop extensive markets for manufactures at home. This is one reason why high priority is being given to raising productivity and income in rural areas and to modernizing systems of marketing. It is also a reason why Latin America should aim at larger scale and lower cost production of manufactured goods.

A source of great encouragement in the field of regional trade has been the successful beginning of the Central American Common Market. The breakdown of trade barriers within that region is creating a larger market and thus providing the necessary incentive to greater investment and production.

Similarly, LAFTA provides an opportunity for greater regional integration and trade.

This hemisphere offers an ever-expanding market, and the development of trade within the hemisphere deserves and will receive our urgent attention.

COFFEE

Any mention of trade would be incomplete without specific reference to coffee which is of such importance to so many Latin American economies.

Unfortunately, the achievement of an international coffee agreement after years of effort, was accompanied by acts of nature which destroyed production and created a temporary imbalance in world supply and demand which, in turn, brought about rapid and sharp increases in coffee prices.

The agreement did not bring about the recent fluctuations in price. Once fully operative, it is expected to prevent violent price swings which historically have plagued the world coffee industry, at times have harmed the consumers, and at other times have plunged various Latin American economies into economic stagnation and recession.

Given a fair chance to prove its value to consumer and producer alike, and given the kind of cooperation and fair play we have the right to expect from both producing and consuming nations, this agreement can be an important factor for progress. We shall continue to support it.

DOMESTIC PRIVATE CAPITAL

Most industry and agriculture in Latin America is privately and domestically owned. About 90 percent of private sector capital investment in expanding industry and agriculture is domestic, not foreign.

If this hemisphere is to achieve and maintain the high and sustained rate of economic growth so urgently needed to meet rising expectations and to keep pace with the population increase, the role and responsibilities of domestic private capital in the development process needs to be better understood.

Clearly the tax revenues of governments, even when they are substantially increased, as they must be, will be inadequate to finance industrial and agricultural expansion; a large part of domestic public sector funds must be invested in economic infrastructure, education, health and social projects which the private sector cannot finance.

It is equally clear that public and private sector funds of foreign, capital-exporting nations, including the United States, can supply only a small part of the capital required to finance the rapid expansion needed to prevent rising unemployment and hunger.

Great dependence must therefore be placed on the domestic private sector.

If the domestic private sector is to play its vital role, it must be more venturesome, more imaginative and more willing than it has been in the past to risk its capital in job-producing industries which can supply the goods needed by their peoples.

Governments have a heavy responsibility in this regard. They must create the conditions favorable for expansion, growth and prosperity by giving to their own people a sense of faith and confidence; by following the fiscal and monetary policies which make large-scale domestic savings and private investments feasible; by giving leadership and direction to the development process; and by discouraging too much investment in real estate and other investments which are marginal from the standpoint of economic development.

How many times have we seen governments, in order to gain an imagined short-term political advantage, destroy confidence that the legitimate rights of their own private capital, and even the government's contracts, will be respected? How many times have we seen governments fail, for some imagined political advantage, to prevent runaway inflation? How many times have we seen governments destroy the confidence of their own people by openly collaborating with Communist political groups as if they believed tyranny rather than freedom is the "wave of the future," by issuing demagogic statements, by professing exotic doctrines and by promoting class hatred?

The result is always the same. Domestic capital takes flight to foreign countries. Domestic capital already abroad is not repatriated. Domestic capital which remains in the country is not invested in expansion and new enterprises. Economic growth rates decline. Balance-of-payments deficits grow. Confidence in the stability of currencies is undermined.

Neither economic nor social progress is possible when these conditions prevail.

FOREIGN PRIVATE CAPITAL

The foreign private investor contributes only about 10 percent of the total private sector investment in growth. But because the foreign investor brings with him his own capital, the benefits of research, advanced technology and know-how, he makes a much greater contribution than the percentage suggests.

Contrary to some assertions, the United States has no internal economic reason to urge its private investors on any foreign country. Any sovereign government has a right to decide for itself whether or not it will accept foreign investors. And we prefer that our investors go only where they are welcome even though this may remain a reduction in the rate of growth of those which reject it.

In our country we have reason to be proud of the modern role of our private sector. As our capital moves abroad, investors must be alert to the needs and aspirations of the countries in which they are to invest and work. The social consciousness of the foreign investor, his role in labor relations, and his attitudes toward the host country need continual review by the investor to assure that his investment will make a successful contribution to development.

We do believe, however, that when U.S. investors are invited to participate in the economic development of other countries they are entitled not to privileged but to fair, nondiscriminatory and nonconfiscatory treatment.

For those countries which welcome U.S. private investors, we offer, and will continue to support, investment guarantees and other incentives to encourage growth-producing private investment in this hemisphere.

SOCIAL JUSTICE

Economic growth is not, of course, the only goal of the Alliance for Progress. We place equal emphasis on social justice, for rising national incomes are not the only measure of the well-being of societies and the individuals that compose them. We seek societies based on social justice in which the fruits of production are widely and fairly shared, in which the farmer owns his own land and the worker benefits fairly from his labor, in which educational and health facilities are available to all, in which equal opportunity and individual dignity have real meaning in the life of all the people.

Each nation of the Alliance has its own problems in reaching the goal of social justice. Each must seek its national way. Neither conformity nor uniformity is desirable or feasible.

The experience of the United States has relevance. We have used our tax system, for example, as an instrument for achieving social justice, by placing the burden on those best able to bear it, by reducing excessive disparities in the income of our people, and by using the revenues from that system to provide for education, health facilities, and other services needed by the people, while at the same time maintaining the incentives of individuals and business to save and invest—to contribute, in a word, to national growth.

In the United States we still have far to go in eliminating poverty and assuring equal rights and opportunity for all. But it is also true that we have achieved a great deal. We need not apologize for our social and economic systems. Through our tax systems, our judicial systems, and a variety of other means, the record of social achievement in the United States has been impressive. This country has experienced a continuously rising curve of individual productivity and unmatched domestic purchasing power. No economic system in the world pays so well its workers in the factories and on the farms, its teachers, and its professional people—all of those who produce goods or render services. And under no other system has there been more success in achieving an equitable distribution of the national product and in preventing the exploitation of man by man. We have, under our system, achieved a large degree of social justice—and we have the framework under which more progress is made each day.

THE FUTURE

Finally, I should like to say a few words about the spirit of the Alliance and the hope which it inspired in the hearts of men throughout the hemisphere.

Hope and spirit are not only important, they are essential to the success of the Alliance. But in the long run the best way to nourish hope is by solid achievement. And the way to get solid achievement is to identify the obstacles in the way of progress and then to cooperate in their removal.

There is no quick, easy, cheap way to success. The road is long and our task will require courage, steady nerves, and sacrifice by all the peoples of the hemisphere.

I do not think we should arouse false hopes in this complex and dangerous world we live in. Nor do I think that the Alliance is on the road to failure.

Great progress has been made in the last few years. Many countries are marching forward in the quest for progress under the Alliance. Others unfortunately face internal problems at the moment, some serious and some less formidable.

But the nations of the hemisphere have demonstrated their firm intention of dealing with their problems and of trying to meet the challenges of the coming years. By common agreement, an Inter-American Committee for the Alliance for Progress has been established under the leadership of a distinguished hemisphere statesman, Senor Carlos Sanz de Santamaria. Its task is to provide leadership, guidance, and assistance to all the signers of the Charter of Punta del Este in the formulation and implementation of social and economic policies designed to bring a better life to all the peoples of the continent.

What is needed today is a rededication by all the American peoples from the Great Lakes to the Straits of Magellan to the noblest of all alliances: An alliance not to prepare for war but to make the blessings of peace available to all; not to defend what is bad in the established order but to defend freedom and produce what we need; not to deny opportunity to anyone but to make the circle large enough for everyone. Let us, through this Alliance, make the Americas one great community, where every man, woman, and child is free, equal, and as prosperous as enterprise and talent allow. This is the dream of Simón Bolívar and Thomas Jefferson.

The United States is fully and irrevocably committed to this program. Our pledge to cooperate with the nations of Latin America in making it succeed is secure. Our dedication has not slackened. The dream will come true. How soon will depend on our collective wisdom, our will, and our courage.

SALUTE TO AMERICAN GOLFDOM AND APPEAL FOR GOLF FACILITIES AND TRAINING FOR YOUNGSTERS' FITNESS

Mr. HUMPHREY. Mr. President, I will take just a moment of the Senate's time to mark an important event which is taking place in our area today. I refer to the opening of the 64th United States Golf Association Championship Tournament at Congressional Country Club.

Washington and nearby Bethesda are jammed with thousands of golf enthusiasts eager to see golfdom's greatest names in action.

Even "golf widows"—those unsung heroines whose husbands are so devoted to the game as to almost forget to come home—will follow with interest this stirring competition.

I particularly welcome the fine foreign contingent which will offer vigorous competition among the 150 stars on the fairways in these 3 days of the tournament.

In conveying this word of greeting to the leaders of golf, I also would like to mention the fine opportunity available to millions of Americans—young and old—to enjoy this wholesome game.

In connection with the opportunity for youngsters, in particular, may I invite attention to an article I have written, "A New Frontier for Golf." It appears in the current issue of Golf magazine. My theme is the need to introduce more and more youngsters to this splendid game which they can continue to enjoy throughout their entire lifetimes.

As my colleagues will recall, I have been interested for many years in promoting American fitness. In a few days, I am going to summarize in the Senate some of the excellent progress which has been made on the overall fitness-sports front, thanks, in large part, to leadership by President Johnson.

For the present, however, I mention this: In the next 72 hours, we will read and hear who is leading on the 72 holes of the United States Golf Association's great tournament. But let us remember that, while few players can be champions, millions of our people can be helped to enjoy this game. That is particularly true if civic-minded leaders, amateur groups, clubs, and communities take an active interest in encouraging young people in participation and by providing facilities and training.

On this issue we are united. Americans may differ as to who or what is in the "mainstream" of partisan politics. But there is unanimity that golf is in the "mainstream" of American recreation.

So I extend best wishes to the U.S.G.A. and to golf enthusiasts everywhere. I hope golf and America always will stay out of the "sandtraps."

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD my article in Golf.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW FRONTIER FOR GOLF

(By Senator HUBERT HUMPHREY, chairman, Senate Subcommittee on Reorganization and Internal Organizations)

(Senator HUMPHREY long has been an outspoken advocate of national physical fitness. Golf magazine is honored by his support of its effort to expand junior golf at the community level.—THE EDITORS.)

America's pattern of sports interests has been changing in recent years. One of the most wholesome changes involves increased interest in golfing. This is particularly true of younger people, but it has reached only a tiny fraction of its fine potential. The idea of millions of young Americans getting out on the fairways is a good idea—good for golf, good for young people, good for America.

It represents, in effect, a new frontier for golf—golf for youngsters in high school, in college and in early work years. I believe this brings a great opportunity to advance the well-being of our youngsters. Let me cite you a few facts:

1. Golf promotes mental and physical tone. It encourages what America needs most—a habit of pursuing excellence—a constant striving to meet and surpass one's highest standards.

2. Golf brings our young people exactly where they should be for many, many hours—to the fresh outdoors, to sunshine, clean air, green grass.

3. Golf builds men and women. It builds sportsmanship in the best sense.

4. Golf is a lifetime sport. Almost uniquely, it is good for health at virtually all ages. Because of this fact, it helps resolve one of the most widespread dilemmas faced by sports-minded Americans as they grow older:

"What sport can I turn to, now that high school and college athletics are just a fading memory?"

One of the best answers is: "Golf."

But millions of teenagers should never have to confront this dilemma in the first place.

The way to prevent their dilemma is simple: Introduce young people to golf—right now—in their formative years. Then, later on, they won't have to make any transition between sports. Very early, golf will have become their first, second or third sport; it will have become part of them—a lifetime sport to be enjoyed indefinitely.

What individual Americans do with their leisure time is, of course, their own business. Sport is a matter of taste and personal style.

But there is a national need which is also involved, and that's why I, as a U.S. Senator, am interested. I refer to the need for a more physically fit America—from youth onward.

"The Soft American" was a key concern of the late President John F. Kennedy. Softness, he recognized, was incompatible with health, as well as with national survival. He, therefore, inaugurated a national reexamination of physical education and sports activities. That reexamination has been continued by President Lyndon B. Johnson.

The Congress has shared this interest.

For a number of years, the Senate Reorganization Subcommittee, of which I am chairman, has encouraged Federal agencies to cooperate more closely with one another in strengthening national fitness and sports programs. I have personally urged that a White House Commission on Sports be considered in order to widen domestic participation in sports, as well as to improve our international athletic performance. In the event such a Commission or its equivalent is established, the world of golf should be and would be well represented.

Meanwhile, the U.S. Olympic Committee is showing new signs of life. This is the private organization which was chartered by the Congress over a decade ago. The Olympic Committee is retaining top management engineering talent in order to survey America's assets and liabilities in the 27 Olympic-recognized sports.

Golf is not an Olympic sport. This omission is regrettable—golf is too important, too beneficial, too widely enjoyed to be left out. International correction of this omission is long overdue.

I believe golf can have an important role in our domestic fitness programs. Until 1960, the overall U.S. fitness program had suffered from what amounts to "tired blood." Unfortunately, the program is still somewhat anemic. It could be revitalized by a new Foundation which I have long proposed—a

U.S. Fitness Foundation. Such an organization is coming closer to reality. It would raise and allocate money to expand fitness resources and programs at the grassroots in the 50 States. Golfdom's participation in such a Foundation is a must.

Fitness is not, of course, a matter of how well we, as a nation, do once every 4 years in the Olympics, or in any athletic competition; it is a matter of individual well-being, of soundness and tone in body and mind. It is a matter of top capacity for self-realization.

Golf serves ideally for these goals. Given the opportunity, young people will take to golf as naturally as they do to other sports.

But the unhappy fact is that millions of youngsters don't know how much they might enjoy golf because neither they nor their friends have ever hit a ball with a wood or iron. There is little organized encouragement for them to get out on the greens or, once there, to keep coming back, to learn and to improve.

There are some youngsters who don't need organized encouragement, but most of them do. And these youngsters aren't getting this encouragement from their communities; golf is absent from most youth recreation programs.

They aren't getting it from private groups, either. Baseball has its Little Leagues; other sports boast Junior Olympics.

But sympathetic support by adults for golfing by youngsters is notable for its rarity. Here and there, such support has been provided. But broadscale, adult leadership and initiative are still to come.

A junior golf program for America would be a national asset. But it will require more than pep talks. It will require close cooperation with educational institutions, recreation leaders and with youngsters themselves. It will need adequate facilities and careful scheduling of time periods for their use; sound organization for training and for competitions.

In facing up to this task, golf is not lacking in assets. Far from it. There is probably no sport in America which commands higher ranking or more universally respected civic leaders in its ranks.

Let's tee off, therefore, on this program. Our country has everything to gain from success with junior golf.

THE MEANING OF "PATTERN OR PRACTICE" IN CIVIL RIGHTS BILL H.R. 7152, AS AMENDED

Mr. HUMPHREY. Mr. President, it has been said during the debate that this bill gives the Attorney General vast and almost unlimited power to bring suit against private businesses for mere isolated acts of discrimination. That simply is not so.

The Attorney General may obtain relief in public accommodations and employment cases only where a pattern or practice has been shown to exist. Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all or a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

As a further safeguard, the bill requires a showing that those engaged in the pattern or practice had the intention to deprive others of their rights under title II or title VII. That is, where several companies are involved, the Attorney General could not show a pattern or practice by proving that one company refused to serve a Negro because of his race and several other companies also refused service but for legitimate reasons. That kind of a showing would not satisfy the requirement of intent; what is required is a showing of intentional discrimination. Intention could, of course, be proved by, or inferred from, words, conduct, or both. The issue would then be whether, as a matter of fact, there was a refusal of service or employment amounting to a pattern or practice, not whether the companies acted in concert or in a conspiracy. And the bill would authorize the Attorney General to join all or some of several defendants in the same action.

The point is that single, insignificant, isolated acts of discrimination by a single business would not justify a finding of a pattern or practice, and thus the fears which have been expressed in this regard are totally groundless.

VISIT OF BASQUE DANCERS REPRESENTING THE STATE OF IDAHO AT THE WORLD'S FAIR

Mr. JORDAN of Idaho. Mr. President, today we are fortunate in having with us a group of Basque dancers from the State of Idaho. They will perform in the rotunda of the Senate Office Building at 12:30.

They are a very fine group of entertainers who will represent the Gem State at the World's Fair observance of Idaho Day.

I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Idaho Daily Statesman entitled "Proudly Basque Dancers Will Represent Their Own Gem State at World's Fair Observance of Idaho Day."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROUDLY BASQUE DANCERS WILL REPRESENT THEIR OWN GEM STATE AT WORLD'S FAIR OBSERVANCE OF IDAHO DAY

The World's Fair at New York City will observe Idaho Day June 15. The Statesman takes note that it's an honor for both the Gem State and the fair, for a troupe of 50 Basque dancers will represent Idahoans with a performance of their classic traditional dances.

With no funds available for such activity and promotion, the State government could not put up the cash for the trip east, but Gov. Robert E. Smylie directed certain State agencies to give full cooperation to this official delegation.

In some ways, the means through which the Basque troups found its way back to New York is the authentic story of Idaho—not leaning on the government or dipping into the tax coffers. Idahoans do it themselves.

A sum of $22,000 was needed to send the Basques east. This includes the expense of a chartered plane for the 50 members of the troupe. Once designated as Idaho's official representatives to the fair, the dancers, ranging in ages from 14 to over 30, set up their own campaign. They incorporated first, then scheduled a program of dances in Idaho communities and cities. The admission charges went into the trip fund. Many civic and farm organizations assisted by sponsoring the troupe's appearances, or holding their own fundraising projects, with receipts sent to the dancers.

Businessmen and companies assisted, too. Private donations were gratefully acknowledged—but still Idahoans usually don't want something for nothing, so the income from the dance programs and appearances was the major source for the troupe's trip.

The Basque community in Idaho is a proud part of the State's people.

California's gold rush in 1849 brought the first Basques to North America. They emigrated from their homeland in the Pyrenees Mountains on the borders of Spain and France. Finding little gold in California, they moved into Nevada, Utah, and Idaho, where many accepted jobs as sheepherders, brought in fat lambs and reported little herd losses. Their reputation became widely known among wool producers. Second and third generation Basques are represented now in the many fields of American professional and cultural activities.

The largest colony of Basques is found in the Boise Valley. The second largest is in the San Joaquin Valley of California.

Music is very much a part of the Basques. They are renowned as strenuous and agile dancers. Their organized troupe, which will travel to New York, is known as Oinkari Basque Dancers. "Oinkari" means quick or fast feet in Spanish.

Al Erquiaga, coordinator for the Boise group, went to Spain several years ago to brush up on the traditional dances, many of them centuries old. He returned to teach the authentic versions and steps to the Basque young.

And the youngsters intend to preserve this music and dance heritage. Most of the Oinkari troupe are of high school age. The busy ending of the school term did not interfere with their resolve to practice and rehearse and give appearances locally. In fact, many won scholastic honors.

The acclamation for their dances is being heralded throughout the State. And when they return from New York City they'll surely be invited to give their stirring and beautiful performances in other Idaho towns and cities.

The Statesman hopes the trip to New York City will be a happy event for these Idahoans. The State did not find the means to spend on an extravaganza, but no production can be as stimulating as the Oinkari Basque dances. Again, both the fair and Idaho will be honored.

RADIOACTIVE VENTING: A CONTINUING HAZARD

Mr. BARTLETT. Mr. President, 1 year has passed since President Kennedy's speech at American University, a speech which led directly to the signing of the test ban treaty in Moscow.

As a result there has not been a major atomic test series undertaken by the United States or the U.S.S.R. since 1962.

This is a substantial blessing.

The effects of the atomic fallout on large scale populations are still all but unknown. Techniques for measuring these effects are still all but nonexistent. Certain it is, however, that such effects do exist and certain, too, is that had atomic testing continued, it would not have been much longer before extensive research and surveillance programs would have been needed.

Although there has been no atmospheric testing, the United States, and presumably the U.S.S.R., have continued to test atomic weapons underground. It is generally thought that these tests are harmless and that what radio activity is released by the explosion is kept beneath the ground. Such is not always the case. Numerous instances of underground tests venting prove otherwise—that is, they release radioactive debris, largely iodine 131, into the atmosphere. There were 17 cases of venting in the year starting September 15, 1961. These venting accidents continue to occur. No doubt they will do so in the future.

As a result of this continuing venting, substantial amounts of iodine 131 have been released into the atmosphere at the Yucca Flats Proving Ground and have been carried by the prevailing winds across Nevada and Utah.

Iodine 131 is a radionuclide with an extremely short half life. It is dangerous for only a few days. As the radioactive dust containing the iodine falls to earth, it may land on pasture grasses; cows eat this pasturage and thereby absorb the iodine. Part of this will end up in the cows' milk. Children who, because of their size have particularly small thyroids, tend, because they are growing, to drink a good deal of milk. The iodine they absorb in the milk tends to settle in their thyroid glands. It is possible that substantial amounts of iodine in the thyroid may cause thyroid cancer, leukemia, and perhaps congenital malformations.

The amount of exposure to radioactive contamination generally considered acceptable on an average basis to large population groups, as determined by the Radiation Protection Guide, is 0.5 rad.

Last summer the AEC admitted, reluctantly, and only after a good deal of prodding, that as a result of the atomic test venting accidents, "it may be that a few Utah infants received as much as 7 to 14 rads to the thyroid gland in the summer of 1962."

The Utah Health Department considered the situation to be far more serious than this and reported that an estimated 250,000 children in Utah had received thyroid doses of iodine 131 equal to 4.4 rads before they were yet 2 years old, with individual doses ranging from much higher to much lower. These children received from one source, before they were 2 years of age, the equivalent of a permissible 30-year dose of radiation from all sources.

It is only after this information became general, as a result of the constructive and useful hearings on fallout hazards, conducted by the Research, Development, and Radiation Subcommittee of the Joint Atomic Energy Committee under the chairmanship of Congressman MELVIN PRICE, that authorities decided to do something about it. They announced that the Public Health Service would undertake a medical survey of residents in the area. It has been a year since this announcement and results have yet to be announced.

Senators should keep in mind the blessings of the test ban treaty. They are many and they are important, but none so important as the end which it brings to the buildup of widespread radioactive fallout.

Fallout does constitute a substantial health problem.

Even the fallout from venting accidents presents substantial hazards.

Our Government is not adequately equipped to cope with these hazards and the Congress should be aware of the fact.

I ask unanimous consent that two articles from most respected journals may be made part of the RECORD at this point. The first, from the Bulletin of Atomic Scientists, April 1964 issue, is entitled "Nevada Fallout: Past and Present Hazards." It is written by Lindsay Mattison and Richard Daly. The second, from the magazine Science, January 10, 1964, issue, is entitled "Iodine 131 Fallout From Underground Tests." It is written by E. A. Martell.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Bulletin of Atomic Scientists, April 1964]

NEVADA FALLOUT: PAST AND PRESENT HAZARDS

(By Lindsay Mattison and Richard Daly)

The United States has fired the vast majority of its nuclear tests in a single Western State—Nevada. Under the present test ban, all our tests should occur there. After the first atomic shot, in New Mexico, in 1945, American testing moved to the Pacific atolls for several years. But transporting equipment and scientists to such remote areas was inconvenient, and the Atomic Energy Commission searched for additional sites. Finally, in 1951, a section of Nevada was chosen because "the prevailing winds blow from the test site for many miles across a relatively unpopulated region."

Since then, the Nevada test site has rocked under more than 218 nuclear explosions. Set in the air, on towers, on the ground, and underground, fission and fusion weapons have kicked up the sands and leveled the brush in this corner of the State for 13 years. Clouds—some mushroom, most formless—have risen from the tests to meet the winds crossing the site. And for 13 years, the AEC has battled with the Nevada winds, compiling weather charts, delaying tests, and chasing runaway clouds.

In the towns and ranches clustered about the test site, children take as little notice of a shudder in the earth as of the winds. For most of them, nearby nuclear blasts, like the wind, have always existed. The test ban last fall made little difference. The wind still blows and nuclear tests still rumble underground. The test site children grow up unmindful of either.

Such a child knows no reason to fear the tests. Since 1951, his parents have been assured that all hazards are confined to the test site. His family is probably not one of those evacuated from home or asked by the AEC to spend a few hours indoors. Only 50 people near the site were asked to take radiation shelter during the 1961–62 test series. Reports show only a few nearby residents have ever exceeded the AEC's radiation safety limit. Yet, today these children of the test site are under study by a Public Health Service team for diseases caused by radiation.

In spite of all efforts and assurances, the AEC has lost its battle with the winds. Nuclear weapons do create fallout and winds do shift and people do exist in the most remote places. All hazards were not, and probably cannot be, confined to the Nevada Test Site. The AEC's task is next to impossible; several thousand Nevada and Utah youngsters may have been exposed to carcinogenic doses of radiation.

THE THYROID HAZARD

What is known concerns the thyroid gland and especially children's thyroids. The thyroid hazard is not worldwide, but restricted to the area under local fallout patterns. Much radioactive material is raised to the stratosphere by the blast that creates it. Some radioisotopes, such as strontium 90 and carbon 14, last long enough to pose a worldwide hazard in the years they take to drop from the stratosphere. Others, such as iodine 131, are measured in days and pose little threat from the stratosphere.

However, all debris from a test does not go to the stratosphere. The gases and dust cloud from a test may be wholly or partly confined to lower air levels and deposit radioactive material immediately, wherever winds carry them.

Time after time, this type of fallout has occurred in Nevada, and within hours, or days, fallout has descended on nearby pastures. Short-lived isotopes, including iodine 131, are deposited almost full strength in this local fallout pattern. For 13 years, the AEC has followed the wind patterns and measured the levels of radioactivity laid down. Using their own safety guides for exposure, the AEC has sometimes moved people out of the path of excessive fallout. But local "hot spots" seldom exceed levels considered safe by the AEC. The AEC monitors only external radiation doses, and their external safety limit for 1 year—3.9 rads—can result in thyroid doses of 175 to 1,200 rads from iodine 131 in children.

Cows graze a wide area, picking up iodine spread over the pasture. Part of that iodine is concentrated in the cow's milk. Children, who drink more milk than adults, consume more iodine 131. The iodine is concentrated in one place in the body—the thyroid. And, children, having smaller thyroids, concentrate the iodine in a smaller area, giving them a higher radiation dose than adults. If each link in the chain is connected, from fallout to young thyroid, children can receive large internal doses of iodine 131 and never exceed the AEC external safety limit. For children who drink fresh milk in the area of local fallout, the cycle may take 3 days, leaving enough short-lived iodine 131 to create serious internal radiation hazards. If thyroid cancer does result, it may be latent for 10 years or more.

Scientists from several institutions suggested late last summer that, for many test site children, this iodine 131 cycle has been completed a number of times since 1951. In August, an AEC scientist, a professor from the University of Utah, and a physician from the Committee for Nuclear Information each presented to Congress an analysis of iodine-131 hazards. All agreed that some Nevada and Utah children may have received many times the 0.5-rad thyroid dose limit set by the Federal Radiation Council.

Charles W. Mays told members of a subcommittee of the Joint Committee on Atomic Energy how the local hazard posed by iodine came to the attention of Utah authorities. In July 1962, Robert C. Pendleton, a Utah professor, took a group of graduate students on a field trip. They were studying natural or background radiation in nearby rock formations. Some 20 miles southeast of Salt Lake City, "they saw the cloud from the July 6 'Sedan' shot move into the valley. When this cloud reached them, the radiation levels increased by a factor of 100," said Mays. It was this accidental discovery, reported to Utah Health officials, that led to diversion of thousands of gallons of contaminated fresh milk from Utah markets. Each year some 200 children are born into Washington County.

THE KNAPP REPORT

Also made public at the Radiation Subcommittee hearings was the first comprehensive study by the AEC of iodine from Nevada. Harold Knapp, of the AEC Fallout Studies Branch, studied one Nevada test explosion to discover what iodine 131 levels in milk may have resulted from it. Knapp developed a mathematical model for calculating milk and thyroid dosages where no direct measurements existed. He built his model on a relationship between gamma data and milk measurements taken by the AEC for two Nevada dairy herds. Knapp found that gamma readings taken near two pastures were directly proportional to the iodine 131 in milk of the cows grazing there. With his calculations, Knapp found many instances in which local milk may have contained tens of thousands of picocuries of iodine 131. According to Knapp, possible thyroid doses from the single test on July 14, 1962, were 10 to 20 rads. This is 20 to 40 times the 0.5-rad guideline set for the thyroid. In the one case where he estimated possible doses from earlier tests, Knapp found children in St. George, Utah, may have received 120 to 440 rads from one 1953 test.

While the AEC asserts that all test site fallout has been carefully monitored, Knapp was unable to discover more than a dozen milk samples taken sufficiently soon after the 1962 test to measure iodine 131 accurately. In the absence of direct milk samples, a post facto and imprecise approach such as Knapp's is the only means of assessing what may have occurred. As he said, the estimates are tentative, "but of interest in that they provide the best information currently available."

However, when the Knapp report was finally released by the AEC, it was in an extraordinary form. A special committee had been formed "in order to put this report in perspective and so that the readers may at the same time have available an independent interpretation of the data." Three AEC scientists, a Cornell professor, and the Public Health official responsible for monitoring Nevada fallout found much to criticize about the Knapp model. Their independent analysis prefaced the Knapp report "because of its potential significance." In this manner the AEC disowned its own study of iodine 131 fallout in Nevada and Utah. This was not the first AEC dismissal of the iodine problem, nor would it be the last.

CNI ESTIMATES

On the heels of Knapp's report, the Radiation Subcommittee heard from the Committee for Nuclear Information (CNI) in St. Louis. Eric Reiss reported the findings of the scientists of his group, explaining that the Utah milk scare had prompted CNI to examine past test site fallout. CNI reviewed the iodine problem for one issue of its journal, Nuclear Information, but found no data for milk except that of the Public Health Service network. This was inadequate for several reasons. The monitoring net was not begun until 1957, and until June 1960, milk was checked in only five cities in the country. By the end of 1960, the network covered 60 cities, but even these data were insufficient.

Original predictions that fallout would ride to the stratosphere and take months or years to descend were found inaccurate. Ralph Lapp pointed to "hot spots" where fallout arrived within days or hours after an explosion, and earlier assessments of the iodine 131 problem collapsed. For example, during the contamination of Utah milk in 1962, the network measured 2,050 picocuries of iodine 131 per liter of Salt Lake City milk. But examination of individual dairy herds showed that one reached 8,510 picocuries. The national network gives an inadequate picture of the iodine 131 problem because it samples from several urban dairies which in turn pool milk from dozens of farms. Such pooling dilutes the contaminated milk collection, and processing allows time for iodine 131 to decline. For these reasons, several States, including Utah, are constructing their own milk network. For the same reasons, Public Health Service data on milk were of little use to the St. Louis committee.

However, CNI developed an alternative approach to assess iodine exposures. In 1957, Dr. Dunning of the AEC explained to the congressional joint committee a method using known deposits of iodine. He used the English study of the Windscale reactor explosion, where a relation between amounts of iodine 131 on pastures and in milk was established. Information gathered from a number of AEC sources since 1957 allowed CNI to link iodine deposits and gamma measurements, and further improve on the Dunning model. Recent studies of iodine retention on plants, of ratios between gamma levels and deposited isotopes, and of concentration factors in cows and infants were used by CNI.

With its own model, CNI could make use of the only data available on Nevada fallout—external gamma measurements. Two sets of assumptions were available in the literature, and CNI chose to calculate the results from each. The examples below of CNI estimates show the thyroid dose children may actually have received (and should be compared to the 0.5-rad limit set).

St. George, Utah, March 17, 1953: 25 or 166 rads.

Rockville, Utah, March 17, 1953: 48 or 320 rads.

St. George, Utah, May 19, 1953: 111 or 735 rads.

Washington, Utah, May 19, 1953: 62 or 409 rads.

Cedar City, Utah, May 19, 1953: 36 or 240 rads.

Adaven, Nev., March 24, 1953: 14 or 91 rads.

Mesquite, Nev., April 25, 1953: 49 or 325 rads.

Alamo, Nev., March 29, 1955: 64 or 420 rads.

Elgin, Nev., April 9, 1955: 145 or 960 rads.

Reed, Nev., May 5, 1955: 119 or 785 rads.

CNI cited Washington County, Utah, as typical of communities near the site. At least seven times since 1952, Washington County youngsters received possible doses of 5 to 100 rads or higher. For May 19, 1953, doses for children in every part of the county are estimated at 50 rads or more. In 1957, the county was part of the 8,000-square-mile area covered by a 10- to 67-rad dose from shot "Smoky." That fallout pattern reached 700 miles north from the site to Rock Springs, Wyo. Farm children drinking milk fresh from the family cow were not the only Washington County children regularly exposed. Dairies in the largest town (St. George, population 5,000) take only 2 days to collect and process milk. One collects only in Washington County and the other from three surrounding counties.

Citing other towns and ranches in the test site area and the doses possible there, CNI concluded, "Past assurances of the safety to nearby populations of the Navada test program are not substantiated." CNI considered results of such exposures and found, according to one medical study, "1 in 286 children exposed to 100 rads of thyroid radiation may develop thyroid cancer." They also noted that the Federal Radiation Council reported in 1961 that 150-rad doses significantly increased thyroid cancer rates. The St. Louis scientists made two recommendations: that exposed children be medically examined to detect and treat possible disease, and that monitoring procedures be thoroughly reviewed and reconstituted.

AEC STATEMENTS

Senator BARTLETT, Democrat, of Alaska, asked nearly the same of the subcommittee in his testimony: "An article in the May 16, 1957, issue of the Reporter magazine by Paul Jacobs * * * points out the casual and inattentive manner in which the immediate country around the Yucca Flats Proving Ground in Nevada was monitored. This led to certain communities receiving extremely high levels of contamination during the atomic tests prior to 1957. Today, in 1963, we must not allow inattention or indecision to endanger again the safety of our people."

The article which prompted the Senator's plea tells of AEC battles, not just with the winds, but with test site residents in the early 1950's. Several ranchers joined to sue the AEC for losses in livestock which they felt were due to fallout. One nearby family lost their son, who died of leukemia, and they sued for damages. Some sued for loss of hair, and some for cancer blamed on fallout. In one case the AEC paid—for livestock showing skin burns from radiation. However, in most cases, scarcity of data supported the AEC position, and court cases gained nothing for area residents. Much of the data on fallout was not declassified until 1959. "Apparently the practice is to admit responsibility only for damage that can be seen—such as beta burns—and to deny everything else," concluded Paul Jacobs in 1957.

A year later, America declared a moratorium on testing. And in 1961, when nuclear explosions began again, an extraordinary change took place in procedures at the Nevada site. Testing went underground in an attempt to eliminate fallout. A recent AEC report shows the effort against fallout was none too successful—17 underground tests vented, that is, released radioactivity into the atmosphere, during the year starting September 15, 1961. This drastically revises the chart presented above from Public Health Service data. A great deal of the iodine 131 produced underground can be released to the atmosphere when a bomb test vents. One underground test may have contributed to the Utah milk incident, and another is known to have produced levels of 1,240 picocuries of iodine 131 in pooled milk in Spokane, Wash. As the AEC said of this 1961–62 Nevada series, "46 of these detonations occurred underground, a technique designed to prevent the release of radioactive material." Therefore, past experience suggests the test ban will not end thyroid doses for test site children.

However, from 1951 on, the AEC never failed to give the same assurances. To Congress, the press, and to area residents have gone AEC statements like the following:

"These two isotopes—radiostrontium and radioiodine—constitute the principal internal hazards from the radioactivities produced by the detonation of atomic weapons, both fission and thermonuclear. The Atomic Energy Commission has been engaged for 3 years in a broad study of the radioactive forms of these isotopes and conducts year-round monitoring of these radioactivities in many locations. Any accumulation of these materials can be detected with great sensitivity so that ample warning of potential hazard could be given long before any actual danger occurred from test detonations. The amounts of radiostrontium and radioiodine which have fallen outside the areas near the test site as a result of all atomic tests up to now are insignificant compared to concentrations that would be considered hazardous to health," and "the hazard has been successfully confined to the controlled area of the test site."

Throughout the hearings this same attitude was maintained by the AEC. The usual discussions of the care with which Nevada fallout is monitored were submitted to the subcommittee. The battle with the winds was described, with emphasis on the "wide expanses of sparsely populated land" around the test site. "Before each and every nuclear detonation at the Nevada test site, a panel of experts weighs carefully all of the factors that will insure safety. * * * As a result of these deliberations, more than 200 delays in firing have been made at a cost of millions of dollars, to insure safety." But iodine 131 was hardly mentioned as the AEC used the external dose standard to claim victory over the winds.

The efforts of the scientists who testified were not completely wasted, however. A day after the hearings recessed, the Public Health Service announced it was undertaking a medical survey of residents around the test site for cases of thyroid cancer, leukemia, and congenital malformation. Confronted with such consensus among scientists, even the AEC did not let the matter rest. The Commission developed two statements for the hearing record and released them to the press. These were blanket rejoinders, collectively criticizing all testimony heard by the subcommittee. These attacks even fell on their own fallout specialist Harold Knapp, who by then had left the AEC.

While admitting that "it may be that a few Utah infants received as much as 7 to 14 rads to the thyroid gland in the summer of 1962," the AEC proceeded to dismiss all arguments to that effect. Said the AEC, "The difficulties of estimating thyroid doses without adequate direct measurements are immense" and "The major difficulty arises when one attempts to estimate the total I^{131} intake without having available actual day-by-day measurements of the contents of the milk consumed."

When the Commission stated, "A proper starting point would require the exact knowledge of total iodine intake by a given individual; such data do not exist," what became of the old AEC arguments in Nevada courts? CNI found that milk samples which could measure iodine 131 fallout from 1951 to 1958 are nonexistent. And even in 1962, Knapp found only a few scattered samples to fortify his estimates.

The two AEC critiques produced a flurry of angry responses from the people who had testified before the subcommittee. The longer of the two, by Gordon Dunning of the AEC, argued among other things, that the national milk network showed few high iodine levels, that cows may have been absent when fallout levels were high, and that standards for radiation doses were not violated. CNI replied, citing the faults of the milk monitoring system, the agricultural census data which showed that there were 6,000 dairy cows in the areas of highest fallout, and the fact that no data on iodine 131 in the milk was gathered by the AEC, which made all reference to standards an empty gesture. And CNI reiterated that enough was known by 1954 to have recognized and combatted the iodine hazard. If children had simply switched to powdered milk for the several weeks of each contamination period, hazards from iodine 131 would have been completely eliminated. Only State-level officials—in Utah and Minnesota in 1962—have ever instituted this simple countermeasure. As late as 1962, discovery of high iodine levels came only by fortunate accident.

In the midst of his argument that no evidence of high doses to test site children existed, Dunning revealed that sheep grazing east of the site in 1953 received a 350-rad thyroid dose from one explosion. These AEC data strongly support the testimony given to the Radiation Subcommittee.

In his response, Mays said, "It is unfortunate that the attitude of the AEC reply seems to be that, since these early exposures were not measured, they did not happen. The persistent attempts to discredit all evidence that iodine 131 overexposures probably occurred and the refusal to acknowledge that past procedures were not designed to protect against iodine 131 is not likely to impress the public with the genuine concern of the AEC for protecting the popuation."

When Senator BARTLETT spoke out, he dealt only with what the AEC said of Alaskan fallout. However, he did lay bare the logic of the AEC critiques. "It is unspeakable that an agency of the American Government should refer to the potentially grave radioactive contamination of the Arctic food chain as favorable and that it should use as the principal argument for this favorability the sad fact that there is no evidence. There is no evidence because the AEC has not looked for it. What evidence there is, is both scanty and inadequate. It is, however, far from reassuring."

And so it is. Certainly the medical survey now underway is a commendable, if belated, response to the iodine 131 problem. The same can be said of efforts in Utah to establish a milk network there before the spring grazing season opens. The AEC now admits venting for at least one Nevada explosion since the test ban, and the pace of testing has not slowed. It still remains for the AEC to alter its attitudes toward the iodine hazard, and revise its own monotoring procedures to protect children around the test site. Perhaps even this will come about. After the August hearings, it may be as difficult to reassure families in the test site region as it was to conquer Nevada winds.

[From Science, Jan. 10, 1964]

Iodine 131 Fallout From Underground Tests

(ABSTRACT.—Evidence that the fallout of iodine 131 in the Midwest during May 1962 originated in Nevada is provided by data on air trajectories, radioactivity in milk, and other findings. Selective escape of radioiodine from vented explosions, and the rapid transfer of iodine from the lower atmosphere to the biosphere, place significance on even minor releases of radioactive fission products from subsurface nuclear explosions.)

(By E. A. Martell)

(References and notes are indicated in parentheses)

The highest levels of iodine 131 fallout in the United States prior to the end of 1958 were associated with tropospheric debris from nuclear tests in Nevada (1–4). However, when nuclear testing was resumed in September 1961, distant Soviet atmospheric shots were blamed for the iodine 131 fallout in Southeastern United States in late September 1961 (5, 6) and an atmospheric test at far-away Christmas Island was given as the source of the iodine 131 fallout over a part of Midwestern United States in mid-May 1962 (7–9).

It is my contention, first expressed in June 1962 (10), that underground tests in Nevada were, in many recent instances, the principal source of iodine 131 fallout in the United States. This view is supported by subsequent specific associations of domestic underground tests with iodine 131 fallout, as follows: (i) concentrations of iodine 131 in milk at Spokane and Seattle reached 1,000 picocuries per liter in late June 1962 and were attributed (11) to the vented Nevada underground test of June 13, 1962; (ii) the appreciable iodine 131 fallout in Utah during July 1962, was due in part to the underground cratering explosion (Sedan) of July 6, 1962 (12).

More recently, Penn and I (13) pointed out that the vented Nevada underground test of September 15, 1961, could reasonably be held responsible for most of the iodine 131 fallout in Southeastern and South Central United States during late September 1961. However, during the same period, surface air radioactivity originating from Soviet tests (13, 14) was experienced in some areas of Canada and Eastern United States. Because possible trajectories for the Nevada and Soviet sources intersect in Southeastern United States, the relative importance of these two sources for the appreciable iodine-131 fallout in this region is unlikely to be resolved on a meteorological basis. However, preliminary results from radiochemical analysis of filtered samples of surface air from the affected areas indicate that the vented underground test in Nevada of September 15, 1961, was an important contributing source (15).

The significance of iodine 131 in fallout is due to the fact that it readily finds its way to the thyroid glands of humans and animals (1, 2). The short-lived (8-day half-life) iodine 131 in thyroids is derived mainly from tropospheric fallout which deposits on the surfaces of plants which, in turn, are eaten by dairy animals. Iodine 131 in fresh milk is the main source of iodine 131 in many (5). Concentrations up to 0.06 microcuries of iodine 131 per liter of milk were observed in Utah during July 1962, corresponding to an infant thyroid dose of about 14 rad (16). Similar and higher doses have been estimated for other periods of fallout (4, 17).

Published records (7–9) reveal a number of unusual features in the mid-May 1962 appearance of iodine 131 in milk in several Midwestern States. These features are difficult or impossible to explain on the hypothesis that the iodine 131 originated from a test on Christmas Island, as advanced by Machta and others (7–9). However, they follow readily from the hypothesis that the iodine 131 originated from a vented underground test in Nevada. This hypothesis is supported by certain physical and chemical data which suggest that there is considerable selective venting of iodine 131 from underground tests.

Pertinent data of the U.S. Public Health Service and the St. Louis County Health Department are sumarized in table 1. The following peculiarities of this iodine 131 fallout seem difficult to account for on the hypothesis of a stratospheric cloud from Christmas Island.

1. The iodine 131 fallout was accompanied by an almost imperceptible increase in surface air radioactivity in the May 1962 instances (9, 14). By contrast, the September 1961 instance in southeastern United States, and the July 1962 instance in Utah involved 100 times larger relative increases in surface air radioactivity.

2. The initial rise in radioiodine in St. Louis and Kansas City (table 1), adjusted for the 1 to 2 days between grazing and the distribution of pasteurized milk, indicates fallout arrival in Missouri and Kansas areas on May 8 or 9. A similar fallout arrival time is indicated for the Wichita milkshed area (8), which received the heaviest iodine 131 fallout. Although there was widespread rainfall within and east of the fallout area during the period May 8–13, the iodine 131 fallout was confined to the Midwest.

TABLE 1.—*Iodine 131 in pasteurized milk, May 1962* (8)

Location	I^{131} pc/lit. (sample date)			
Little Rock, Ark	------	30(14th)	<10(23d)	40(24th)
Denver, Colo	<10(10th)	45(17th)	<10(24th)	------
Des Moines, Iowa	<10(10th)	300(17th)	60(24th)	75(28th)
Wichita, Kans	670(13th)	660(15th)	154(22d)	250(27th)
Kansas City, Mo	45(10th)	605(18th)	150(25th)	------
St. Louis, Mo	15(9th)	80(16th)	50(21st)	75(28th)
Minneapolis, Minn	<10(11th)	290(18th)	170(25th)	------
Cincinnati, Ohio	<10(10th)	50(17th)	20(24th)	------

3. The data indicate a later arrival for fallout in Minnesota, Iowa, and Colorado. Another increase of iodine 131 in milk occurred during the fourth week of May.

It seems difficult, if not impossible, to believe that a stratospheric cloud source passing overhead at a height of 15 kilometers could account for the repeated selective deposition of iodine 131 in this limited area of the Midwest in May 1962. Stratospheric penetration by thunderclouds suggested by Machta (7) should have led to fallout in the widespread rainfall areas to the east. The inappreciable rise in surface air radioactivity and the later fallout occurrences also are unexplained.

The phenomena, on the other hand, seem to fit well with the hypothesis of Nevada origin. Air trajectories by Penn (18) for low atmosphere levels following the May 7 and 12 underground tests are given in figure 2. Trajectories for the test on May 7 pass through and just north of the Missouri-Kansas area on May 8 and 9, consistent with the observed arrival of iodine 131 fallout. Similarly, trajectories for the May 12 shot pass through and north of the Iowa-Minnesota area on May 13 and 14.

The occurrence of heavy iodine 131 fallout without appreciable mixed fission products brings to mind the fallout resulting from the accident at Windscale No. 1 pile on October 10, 1957. By analogy, the selective release of iodine 131, and the activity of its parent tellurium 131, from vented underground tests in Nevada would be equally possible. During May 1962, four underground shots were fired at the Nevada Test Site, on the 7th, 12th, 19th, and 25th (19). Of these underground shots, the one on the 19th was actually reported to have vented (19) and to have produced a radioactive cloud. If the other underground shots in May vented even to a limited degree, the selective deposition of iodine 131 with only limited rise in surface air radioactivity, the arrival times and locations, and the repeated rises in iodine 131 fallout are explained.

Thus it seems that the occurrence of several peaks of iodine 131 fallout in the Midwest during May 1962 can be reconciled with the several underground shots in Nevada more readily than with the repeated selective deposition of stratospheric debris.

The radiochemical composition of contaminated substances in the atmosphere, which result from the venting of underground nuclear tests, depends mainly on the time-temperature history of the fireball, the time and extent of venting, and the nature of the explosion medium (20). The vented debris will be enriched with gaseous and volatile fission products and some of their radioactive daughter products. The chains of decay of the fission products which are of greatest interest for the evaluation of the venting process and the composition of the effluent radioactivity in the atmosphere are:

$$\begin{tikzcd}
 & & & \mathrm{Kr}^{85m}(4.4\ \mathrm{hr}) \arrow[dd] & \\
\mathrm{As}^{85}(0.43\ \mathrm{sec}) \arrow[r] & \mathrm{Se}^{85}(40\ \mathrm{sec}) \arrow[r] & \mathrm{Br}^{85}(3.0\ \mathrm{min}) \arrow[ur, "82\%"] \arrow[dr, "18\%"'] & & \\
 & & & \mathrm{Kr}^{85}(10.3\ \mathrm{yr}) & (1)
\end{tikzcd}$$

$$\mathrm{Br}^{89}(4.5\ \mathrm{sec})\rightarrow\mathrm{Kr}^{89}(3.2\ \mathrm{min})\rightarrow\mathrm{Rb}^{89}(15\ \mathrm{min})\rightarrow\mathrm{Sr}^{89}(51\ \mathrm{day}) \qquad (2)$$

$$\mathrm{Br}^{90}(1.4\ \mathrm{sec})\rightarrow\mathrm{Kr}^{90}(33\ \mathrm{sec})\rightarrow\mathrm{Rb}^{90}(2.7\ \mathrm{min})\rightarrow\mathrm{Sr}^{90}(27\ \mathrm{yr})\rightarrow\mathrm{Y}^{90}(64\ \mathrm{hr}) \qquad (3)$$

$$\begin{tikzcd}
\mathrm{Sn}^{131}(3.4\ \mathrm{min}) \arrow[d] & \mathrm{Te}^{131m}(30\ \mathrm{hr}) \arrow[dd] \arrow[dr] & & \\
\mathrm{Sb}^{131}(23\ \mathrm{min}) \arrow[ur, "5\%"] \arrow[dr, "95\%"'] & & \mathrm{I}^{131}(8.1\ \mathrm{day}) & \\
 & \mathrm{Te}^{131}(25\ \mathrm{min}) \arrow[ur] & & (4)
\end{tikzcd}$$

$$\mathrm{Sn}^{132}(2.2\ \mathrm{min})\rightarrow\mathrm{Sb}^{132}(2.1\ \mathrm{min})\rightarrow\mathrm{Te}^{132}(78\ \mathrm{hr})\rightarrow\mathrm{I}^{132}(2.3\ \mathrm{hr}) \qquad (5)$$

$$\mathrm{Te}^{137}(3\ \mathrm{sec})\rightarrow\mathrm{I}^{137}(22\ \mathrm{sec})\rightarrow\mathrm{Xe}^{137}(3.9\ \mathrm{min})\rightarrow\mathrm{Cs}^{137}(27\ \mathrm{yr}) \qquad (6)$$

$$\mathrm{Xe}^{140}(16\ \mathrm{sec})\rightarrow\mathrm{Cs}^{140}(66\ \mathrm{sec})\rightarrow\mathrm{Ba}^{140}(12.8\ \mathrm{day})\rightarrow\mathrm{La}^{140}(40\ \mathrm{hr}) \qquad (7)$$

Goeckermann (20) has described the venting process and the disposition of some of the radioactive products for underground tests in Nevada tuff. For low yield shots, the maximum radius of the underground bubble is reached within 10 msec. If the cavity collapses, it take place within tens of seconds, accompanied by a sudden release of pressure and the escape of high temperature water vapor and gases from the central cavity. The zone of rupture extends upward, sometimes to the ground surface.

All the fission products of biological importance that pass through the food chain (strontium 90, strontium 89, barium 140, iodine 131, and cesium 137) have volatile or gaseous precursors, or both. If rupture occurs, each of these activities will be enriched appreciably in the rupture zone and in the atmospheric fallout mixture. Goeckermann (20) gives the distribution of some of the radioactive bomb products in the glass shell resulting from the solidification of the fused tuff and in the rupture chimney. The vented material shows nearly tenfold enrichments for strontium 89, fivefold for strontium 90, and several fold for cesium 137 and barium 140.

The extent to which iodine and tellurium are released into the atmosphere by vented underground shots is of special interest in connection with the problem of iodine 131 fallout. The amount of iodine 131 which is formed directly by fission is very small. Most of the iodine 131 accumulates from the decay of its precursors in the mass-131 decay chain, No. (4). Most of the mass-131 chain is in the form of antimony 131 and tellurium 131 immediately after the nuclear explosion. Chamberlain (21, 22) showed that at Windscale, tellurium 132 and iodine 131 were selectively vented in nearly the same ratio that applied in the pile at the time of escape. The chemical form of the escaping tellurium is unknown, although elemental tellurium, Te_2, is a likely possibility. The initial yield of tellurium 131 for uranium 235 fission ranges from about 0.13 for thermal neutrons (23) to an experimental value of 0.44 for 14 Mev neutrons (24). Intermediate chain yield values should apply for fission spectrum neutrons on uranium 235 and plutonium 239. Thus the radioactive mixture vented immediately after underground nuclear explosions can release up to about one-fourth of the mass 131 chain into the atmosphere, as tellurium 131 principally.

Following the initial venting process, additional pressurized vapor and gas may continue to escape for hours, resulting in the further release of tellurium 131 and iodine 131 into the atmosphere. One possible chemical form of the escaping iodine 131 is the monochloride vapor (ICl, boiling point 97.4° C) in view of the relatively high natural abundance of chlorine. The iodine 131 also may be partially converted to methyl iodide and other alkyl iodides because of thermal and radiation-induced reactions with organic material during the venting process and subsequently because of photochemical interaction with trace organic constituents in the atmosphere (25).

The Windscale accident and vented underground explosions show only a limited parallel in behavior with respect to the venting process. Both have provided a chemical environment which has resulted in the selective venting of volatile and gaseous products, including radioiodine (20–22, 26). However, the composition of the atmospheric contamination mixture will vary widely for reactor accidents and vented shots due to differences in radioisotope content, chemical environment, and details of the venting process. Because the long-lived radioisotopes accumulate in reactors, there will be an extensive enrichment of cesium 137 and other long-lived volatile products in the effluent of reactor accidents. These considerations provide a basis for distinguishing the origin of the radioactive product mixture.

The release of radioactive debris into lower levels of the troposphere by vented underground shots, cratering shots, and nuclear reactor accidents results in a pattern of fallout behavior which enhances the significance of fallout for small amounts of radioactivity. Unlike tropospheric fallout, which is deposited over a wide latitudinal band completely around the earth with a mean atmospheric life of about 1 month, this "weather layer" fallout, enriched in the volatile and gaseous products, drifts downwind in surface air and can be deposited in high concentrations over areas of only tens of thousands of square miles within several days.

The Windscale accident (22) involved the emission of an estimated 27,000 curies of iodine 131 from the 130-m-high stack of the pile. About 5,000 curies, nearly 20 percent of the total, were deposited within the 0.1 $\mu c/m^2$ (microcuries per square meter) isopleth in northwestern England. It was concluded (22) that diffusion of iodine 131 gas or vapor from the lower atmosphere down onto the surface of vegetation was the main mechanism of deposition, although patchy, light rainfall could have contributed in some areas. Booker (27) indicated that about 80 percent of the total iodine 131 fallout per square meter was deposited on the vegetation. He also showed that the average concentration of iodine 131 in milk, in microcuries per liter, corresponds to about one-eleventh of the iodine 131 deposit in $\mu c/m^2$ on vegetation. The Windscale fallout of about 5,000 curies of iodine 131 over an area of 16,000 km^2 in northwestern England thus corresponds to an average concentration of iodine 131 in milk of about 23,000 pc/lit. This single iodine 131 fallout occurrence results in an estimated thyroid dose averaging 2 rad to adults and 17 rad to infants who consumed 1 liter per day of milk from the affected area.

By comparison, the iodine 131 fallout in Utah during July 1962, corresponded to an average infant thyroid dose of 1 rad. The very irregular distribution of the Utah fallout, leading to estimated infant thyroid doses up to 14 rad in some areas (16) illustrates a significant feature of fallout from clouds in the lower troposphere. Compared to Windscale, the average fallout in Utah was about one-seventeenth as high as that around Windscale, and covered an area nearly 14 times as large. Roughly 5,000 curies of iodine 131 was deposited in each instance. This amount is only about 3 percent of the iodine 131 produced by 1 kiloton of fission energy yield.

In the Plowshare cratering explosion (Sedan) in Nevada on July 6, 1962, a 100-kiloton thermonuclear device was used for which the fission yield was about 30 kilotons. The corresponding iodine 131 production amounts to about 5 megacuries, 1,000 times the estimates for the July 1962 fallout in Utah or the fallout in Windscale. The physical and chemical properties of iodine 131 in the atmosphere are too poorly known to predict its distribution in nearby areas and downwind. The relatively minor iodine 131 fallout attributed to the Sedan shot gives us no basis for complacency about similar shots at other times and for other environments.

Of the 51 announced Nevada tests from September 15, 1961, to August 24, 1962, a total of 10 produced radioactive clouds: on September 15, 1961, and on March 5, April 14, May 19, June 13, and July 6, 7, 11, 14, and 17, 1962 (26, 28). An additional 15 of the 51 are reported (29) to have vented to a limited degree on October 10 and 29, and December 22, 1961, and on January 18 and 30, February 9, 15, 19 (two), and 24, March 1 and 8, June 27 and 28 and July 27. To this list must be added the vented Plowshare shot (Project Gnome) at Carlsbad, N. Mex., on December 10, 1961 and the May 7, 1962, Nevada underground shot which seems to account for the subsequent iodine 131 fallout in the Kansas-Missouri area (table 1). This summary does not include those which may have vented among the 23 additional underground tests in Nevada during the period from August 1962 to June 1963, inclusive (26).

Of this total of 75 continental tests, 3 were surface explosions, several were shallow underground cratering explosions, and the remainder were underground shots. Those which resulted in atmospheric contamination either produced relatively low-lying clouds or vented small amounts of radioactive vapors and gases into the lower layers of the troposphere. Considering the small amounts of iodine 131 required to explain the highest observed levels of iodine 131 in fallout and the apparent ease in the selective venting of tellurium and iodine, there has been no lack of sources in the continental United States to explain most, if not all, of our iodine 131 fallout.

Prior to September 1961, when nuclear testing was resumed, the fallout of iodine 131 resulted principally from sources in the upper troposphere. The heavy fallout of radioactive debris over Troy, N.Y., on April 25, 1963, about 36 hours after the Simon explosion in Nevada (4), was largely due to a radioactive cloud with its base at an estimated altitude of 10 kilometers. The fallout in Southeastern United States in late September 1961 was similarly due to debris, initially in the middle or upper troposphere, carried down into surface layers of the troposphere by unusual meterological conditions (13). Most radioactive debris in clouds in the upper troposphere remains there for an average of about 1 month. Thus short-lived radioactive products like iodine 131 decay substantially before falling out and are widely dispersed at low intensity.

For underground explosions and low-yield surface tests the fate of the radioactive products is less predictable. Radioactive products pass into the lowest layers of the troposphere where they can be deposited over a smaller geographical area within a few days. This increases the concentration of fallout and renders more hazardous the effects of short-lived radioactive products like iodine 131. Even underground tests which are largely contained below ground with only a limited release of radioactive gases and vapors cannot be overlooked as sources of iodine 131 fallout. Selective venting must explain the appreciable fallout of iodine 131 without corresponding increase in surface air radioactivity as in Midwestern United States during May 1962.

Control of iodine 131 fallout will be more effective if we control its sources rather than the distribution and consumption of fresh dairy products. Better containment of underground tests will result from placing the shots at greater scaled depths (30), from avoiding areas of faulty soil structure, and from greater care in sealing access tunnels. Moreover, less damage will be caused by venting explosions if all tests are carried out during winter under favorable meteorological conditions so that iodine 131 is not deposited where dairy animals are at pasture.

The high frequency of venting of radioactive products from previous underground tests suggests that either there was no serious attempt to contain them, or that containment is difficult and uncertain. Atmospheric radioactivity from vented underground explosions may be detectable in the lower atmosphere at large distances and may be distinguished from that resulting from atmospheric tests or reactor accidents.

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29. G. M. Dunning, personal communication.

30. The scaled depth for underground explosions is defined by the product, $D \times W^{-1/3}$, with D, the actual depth in feet, and W, the energy release in kilotons. The scaled depth for containment is about 500 for bedded tuff in Nevada but varies widely with soil material and soil structure.

31. I am indebted to Samuel Penn of the Air Force Cambridge Research Laboratories, Bedford, Mass., for computing the tropospheric air trajectories, fig. 2, and for helpful discussion on the meteorological aspects of this paper.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold that suggestion until the Chair lays before the Senate the unfinished business?

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on the passage of the bill.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 431 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from California [Mr. ENGLE] is absent because of illness.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. PASTORE. Mr. President——

The **ACTING PRESIDENT** pro tempore. The Senator from Rhode Island.

Mr. PASTORE. Mr. President, may we have order?

The **ACTING PRESIDENT** pro tempore. The Senator will suspend until the Senate is in order. The Senate will be in order.

Mr. PASTORE. Mr. President, we have come to a commendable milestone in the discussion of civil rights in the Congress of the United States. It is not the millenium—but it is a milestone. The debate has been as historic as it has been exhaustive.

It is not necessary for me at this time to dwell upon the convictions of those Senators who have opposed this legislation. The record speaks for itself. No advocate and no group of pleaders could have advanced longer or stronger arguments than our friends in the opposition. Above all the heat of debate surely they remain our friends—and we trust they so regard us. Patriotism is above personalities and surely we have a common goal. This is the preservation of our country—not as a geographical expression—but as the mortal and moral entity of 190 million human beings—cosharers of what we like to call the American dream.

Therefore, I say the event is commendable too even for those who are apparently the losers. Here they have fought a battle valiant according to the values of their vicinage—the values set by the particular voters who sent them here.

But, truly, however, there can be no losers when we have been giving a fresh meaning to America's birthright of equality, opportunity, and the pursuit of happiness for all. For whatever State may have sent us here, above all, we are Americans.

I have said that the opponents of our civil rights measure possess strong convictions. To these convictions, I admit that they add their sincerity. But this sincerity and these convictions are committed to a way of life based upon the segregation of American citizens by arbitrary discrimination against race. They define their position as a stand for freedom of the individual as against equal rights written into the law.

I am sure that the opponents of the civil rights bill will accord to the proponents of the measure an equal sincerity of purpose, plus a recognition of recorded attendance and attention to the long and learned dissertations of our opponents.

It is the considered judgment of the majority that a case has not been made out by the opponents of the civil rights bill. We do not believe that any individual American will be deprived of his enjoyment of freedom if the rights of the others are written into the law of the land. It is a land whose soil has been enriched by those who lived and died to make freedom and equality and opportunity meaningful.

To say that Americans must choose between equality of rights written into the law—that they must make a choice between these universal rights and their own personal freedom—to say that Americans cannot have both is to repudiate the fundamental purposes of our Founding Fathers. That argument seeks to repeal the recorded history of the United States. It seeks to repeal a maxim that is as old as man's inhumanity to man—there is no right where there is no remedy.

Two centuries ago we initiated an experiment in popular freedom. A century ago we emphasized that we meant it to be freedom for everyone, but the realization has been retarded.

Seventeen years ago the President's Commission on Civil Rights spelled out necessary steps. Seven years ago in this Congress, at long last, we moved forward a little—and then a little more in 1960. Ten years ago our courts determined that there could be no segregation in education with the sanction of the law—and slow and painful steps mark the deliberate speed of that decision.

And, surely, none of my colleagues can argue that here we have been hurried.

Just a year ago on June 19, 1963, President John F. Kennedy sent us his message on civil rights to buttress his earlier message of February 28.

The President's June message will endure as a memorial, an historic document of the Constitution—the national conscience—our common concern for equality and opportunity.

President Kennedy asked us to look into our hearts—"not in search for charity, for the Negro neither wants or needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans; a sense of justice."

President Kennedy asked for this legislation and hoped to achieve its passage in his lifetime and in our session of 1963. But before the session was over, tragedy had terminated his power to persuade—and our power to respond has been delayed and delayed.

Here in the Senate we have acted neither in haste nor in hate. We have acted only in hope. It is our hope that once this measure is signed into law, it will be accepted without hate. We have surrounded it with safeguards so that it shall not be administered in haste. We have sought no velocity of change, but a voluntary choice of doing the right thing, not so much the prosecution of any person but the prevention of a pattern of discrimination.

We do not expect that overnight all wrongs will be righted. This is a big country and prejudice crosses State lines with the facility of human beings and with the frailty of human nature. No corner of our country has a corner on injustice.

As a people—as a whole people—beyond any sectionalism, the time of responsibility has come.

That responsibility is procedural, political, and, indeed, personal.

The responsibility is procedural as the law moves with majesty—slowly but surely with the painstaking steps spelled out in this bill.

The responsibility is political as the citizenry must peacefully make its demands on government, local, State, and Federal to give impetus to the realization of rights. Let us hold precious the right of peaceful assembly. Let it not be confounded in the violence of civil disobedience of those who despair in delay.

Lastly—and yet primarily—responsibility is personal. Wherever we live or labor we must remember that love of neighbor is not a law of our making—the penalty of its breaking lies not so much in any constitution but in the conscience of man.

We have put something of our national conscience into our Constitution; and the Constitution puts back some of that conscience into this recognition of rights—rights that are truly rights because they are remedies.

I would borrow John F. Kennedy's words of a year ago:

> Rancor, violence, disunity, and national shame can only hamper our national standing and security. Justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquillity—but above all, because it is right.

To those immortal words I would merely add: Our conscience tells us that this is right, but only our hearts can make it a reality.

Let us all, therefore, put our hearts in the legislation that I hope we will pass today. Let us have tolerance. Let us have justice. Let us have equality for all. Let us give meaning to all men who are created equal that they have certain inalienable rights—the right to life, liberty, and the pursuit of happiness.

Mr. RIBICOFF. Mr. President, last week a school girl in Manchester, Conn., wrote me the following letter:

> DEAR SENATOR RIBICOFF: Sixth-graders might sometime be Senators and it is very educating to write to a Senator himself, especially you. I think that by now our young minds know the contrast between the people of the United States, and this is the reason I am writing to you. I sometimes pretend to myself that I am a Negro and realize the terrible situations their future will be in. I know that a Senator helps his State and country so I am asking you to help me. I want the Negroes to have equal rights and would like you to help and approve the civil rights bill. Thank you for your time and effort.
>
> Your friend,
>
> PAULA RADDING.

I too, want Negroes—all Americans—to have equal rights. The laws of Connecticut many years ago secured for our citizens all of the rights which this civil rights bill will protect for all persons in the United States. Now is the time to make sure that these rights are protected everywhere in this land. Once these rights are protected in law, then all of us—in every State—must see to it that they are protected in fact.

Paula is right. Today's sixth-graders will one day be Senators. I want them to look back to this day and be able to say, "The Senate of the United States did what was right." I shall vote for this bill.

Mr. ELLENDER. Mr. President, I yield myself 30 minutes.

I am opposed to the pending bill because I firmly believe in civil liberties.

Civil liberties cannot be granted by acts of Congress nor even by constitutions. They are recognized in the Bill of Rights which is fundamentally a codification of inherent rights of English-speaking peoples incorporated into our organic law, the Constitution.

During the course of these historic debates, I have spoken of those civil liberties which have their origin in ancient Greece and Rome, their burgeoning growth in the Anglo-Saxon law of the late Middle Ages, and their fruition in the American Bill of Rights.

Mr. President, it is the wish of the Senate that my remarks today be brief. For the first time in our history a Senator is being denied the right to continue to speak at length on a subject of such profound importance to our Nation. If only the people knew what the bill seeks to do and the implications involved, they would march on Washington and demand its defeat by a resounding "No." I hope that I am in error when I say that its passage, followed by enforcement should the Supreme Court hold it valid, will bring on more strife than one can contemplate.

For those who see progress in this civil rights bill they will be sadly disappointed. The love of one's neighbor is not the product of legislation, but results from the mutual respect and understanding of each other. The moral, intellectual, and cultural standards of the white race perhaps leave a lot to be desired, but until the American Negro approaches this standard in large numbers, he will not be accepted. This he must do principally and primarily by his own efforts.

The Negro's political and legal acceptance was convulsively brought about by the American Civil War. His social acceptance must be earned by him. Make no mistake about it, that is what we have been debating these past weeks—the social acceptance of the American Negro by his white countrymen. The bill is called a civil rights bill, but in truth, it is a social acceptance bill. It is brought about by the exigencies of American politics. If the bill would accomplish even half what its proponents claim, I would look more kindly toward it. But I repeat, the social acceptance of the Negro will not become a reality under this or any other bill. Frankly speaking, Mr. President, it is not possible to force one, by law, to associate with another not of his choosing.

Mr. President, the vast majority of the people of Louisiana are against the bill. I believe the majority of the American people are against it, or at least they would be if they understood what it purports to do, as I previously stated.

I am not clairvoyant, but I will safely predict some of the results of the bill's effect if it is enacted. It will generate more strife between the white and Negro races than we have ever seen, as I have indicated heretofore. The bill will act as a huge wedge to further alienate and separate the two races. We need only to examine race relations here in Washington to demonstrate this. A majority of white residents have moved into the Maryland-Virginia suburbs to escape the impact of social mixing which was brought about by a more or less sudden influx of Negroes into our Capital City. The whites who remain are by and large the well-to-do, and the poor. The wealthy white people have mostly retreated to the splendid isolation of Georgetown, expensive apartments, and the Rock Creek Park area surrounded by a deep ravine and guarded by bridges not dissimilar to the drawbridges and moats of yore.

Only the poor white people of Washington are affected by forced association. It seems that the poor are always the ones who must submit to the experiments of governments.

I have not attempted to make a survey, but I would hazard a guess that the city of Washington has more window guards, door locks, door bolts, and German Shepherd police dogs per capita than any other city in America. There are three times as many policemen in Washington as in the city of New Orleans, cities of about the same population. I do not mention these things to disparage the Negro, but only to point out the facts of experiments in forced association.

Mr. President, the package substitute bill is a complete betrayal of the Negro. The changes made in the House bill exempted from its coverage, or lessened the effect of Federal interference in, the very States where most racial strife is taking place today, principally in the fields of fair employment and de facto segregation. All of the objectives which the Northern Negro seeks are circumvented by the changes in the package bill. These objectives are the actual desegregation of the neighborhood school system, equal employment opportunity supervised by impartial Federal officials, the right to seek public accommodations and be assured that their grievances are heard by a U.S. Civil Rights Commission.

Mr. President, a high price in political maneuvering has been paid for the votes needed to obtain cloture. I charge that this package bill incorporated language which constitutes a grand slam in the field of hypocrisy. The South has never treated the Negro this cruelly in its entire history. The Negro knows where the South stands. He is beginning to find out where the rest of the Nation stands.

I reiterate what I said on past occasions: that the package submitted and agreed upon makes this bill sectional, purely and simply.

Mr. President, I wish to point out at least six provisions of this bill which make it sectional.

First. Section 101 provides, on page 3:

> That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped (to) meet the purposes of this subparagraph and constitute compliance therewith.

There can be no doubt that this means the Attorney General can, at his discretion, exempt States which require literacy tests. I cannot imagine that the present Attorney General or any likely successor would exempt the South from this provision. The political necessities of the North require the Attorney General to meddle constantly in local southern affairs. By this type of misdirection, the Negro's attention is kept from the squalid conditions of northern ghettos and de facto segregation. The combined registration and voting irregularities of the South would never approach the ballot box fraud of certain large cities of the North, or the "cattle drive" registration efforts in the same areas.

I believe it is entirely improper for Congress to delegate its authority to the Attorney General, and probably it is an unconstitutional provision. All the laws of Congress should apply equally in every part of the Nation. Even Congress should not apply different standards in various parts of the country, and certainly the Attorney General should not be permitted to exercise such vast power. This and other similar sections of the bill make a mockery of the expression that this is a government of laws, and not of men. I would also point out another unconstitutional invasion of State power in title I; it is the provision establishing voter qualifications by requiring that literacy tests be conducted in writing. This is clearly a violation of article I, section 2.

Second. Another provision of the bill which treats the South unfairly is section 204(c), on page 10, the public accommodations title, which provides:

> In the case of an alleged act or practice prohibited by this title, which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of 30 days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

In States which have laws purporting to outlaw discrimination in public places, the Federal Government is denied jurisdiction for 30 days and more, on application, while the State considers the complaint.

Most cases which would arise when people were prevented from going into hotels and restaurants would be dropped and forgotten in prolonged State litigation, and there would be no redress of the grievances.

Mr. President, may we have order? I ask that the time required to obtain order in the Chamber not be charged to my time. I cannot even hear myself speak, although I am speaking as loud as I can.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana will suspend.

The Senate will be in order. This time will not be taken out of the time of the Senator from Louisiana.

The Senate will be in order.

The Senator from Louisiana may resume.

Mr. ELLENDER. Mr. President, this provision was inserted in the bill in the name of "States rights." Such outrage is an affront to the integrity of the legislative process and the intelligence of the Negro. When the Negro leadership wakes up to the facts of this bill, I fear that violence in the Northern States will increase, and the political casualties of our friends in the Congress will be heavy.

Third. Section 206(a) of the public accommodations title provides:

> Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General) (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

There is no doubt that the Attorney General will find "patterns and practices" of resistance to the equal-accommodations title only in the South, but will fail to find such patterns in the North. Before this section was added in the Dirksen package, the Attorney General could bring suit whenever he felt justified. Now he can do so only when he finds "patterns" of resistance to this title. It is clear, for all to see, that this section was designed to exempt the people in large cities—such as Chicago, New York, Los Angeles, and others—from the act's coverage.

If the drafters of this provision had the intention of doing a good job, they would have eliminated it entirely, because there is no reason whatever why an aggrieved person cannot file his own complaint. By including in this section this provision in regard to the Attorney General, the drafters intended that he conduct punitive expeditions into the South, in order to satisfy the Negro political-pressure groups.

In the desegregation of public schools, section 407, page 21, it is provided, in part, that:

> *Provided,* That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

Senators will remember that a similar provision was in the House version of the bill; but apparently the drafters of the package substitute felt that the language used was not sufficiently strong, so they spelled it out in greater detail by including a provision preventing the Federal courts from ordering the desegregation of neighborhood schools. This bill will insure the continuation of de facto segregation in all of the large Northern cities There is no doubt in my mind that this was the sole purpose of this provision.

Many of the racial demonstrations have been directed to this very thing of breaking down segregation patterns caused by the neighborhood school system. Senators will recall that this was one of the grievances in Chester, Pa., in New York City, in New Rochelle, in Cleveland, and in Chicago. The Negro will continue to be frustrated in his efforts to become a part of integrated society.

Mr. President, this civil rights bill reminds me somewhat of President Lincoln's original Emancipation Proclamation in that it purported to free slaves in parts of the country not under the control of the U.S. Government and it did not free the slaves in those parts of the Union where the Government could have acted. This bill purports to integrate Negroes in the Southern States, but attempts to specifically exclude their integration in the Northern States. As long as Negroes are contained in certain sections of the cities of the North, due to housing patterns, integration will never be achieved in those States under the terms of the pending bill.

Fourth. Another section of the bill which makes it abundantly clear that the Dirksen substitute is sectional in nature is section 706(b) (p. 51). This section provides in part that:

> In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of 60 days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such 60-day period shall be extended to 120 days during the first year after the effective date of such State or local law.

If a State fair employment practices agency is permitted to retain exclusive jurisdiction for 60 days, which period can be extended to 120 days, there will be no effective remedy open to the Negro in this bill. During that period of time, the Negro who was prevented from getting a job because of discrimination would not be able to sustain himself while his case was being held in the State agency. He would have to seek employment elsewhere and perhaps even in another city, and as a result the enforcement provisions of this bill would completely break down.

Title VII contains other inequities and in section 709 indicates the anti-South nature of this proposed legislation. That section provides in part—page 59—that:

> The Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section.

This is another unlawful delegation of legislative authority to the Commission. It is indeed a sad day when the laws of the United States can be suspended by a commission which has, as its duty, the nebulous task of preventing discrimination. It is well known that the Southern States do not have fair employment practices commissions, nor do I believe they intend to establish such commissions. It would not surprise me if we find ourselves in the absurd position where Negroes will be conducting street demonstrations in States where the Federal law has been suspended and the local law is not being enforced. I feel that without a doubt this will happen and probably much sooner than we realize.

Sixth. Another part of this same section 709 which points out the favoritism shown to the Northern States is that part which exempts employers from maintaining records required by the Employment Commission in those States which have FEPC laws. If the drafters of this section had been objective, they would have simply struck out the requirements for the maintenance of records, instead of using the devious method of having their States exempted from its coverage. Those who have said so often that "civil rights is a national problem" are going to find out how true that statement is when the Negro leadership discovers how their race has been denied the full protection of this bill. They are going to vigorously protest the enactment of purely anti-South legislation in the future.

I have discussed only a few of the more objectionable features of this bill—objectionable from the standpoint of being sectional in nature. I do not believe that there is any necessity for this legislation, but if those who insist upon its passage believe so, then they should have the honesty and sincerity to enact a bill which would be uniformly enforced throughout the country.

This bill raises many questions of constitutionality and I will mention only a few. One is the attempt to classify as State action local custom. Another provision which is doubtlessly unconstitutional is the unlawful delegation of power to the Attorney General and to the Commissions created by the bill. This has been recognized by the able and distinguished senior Senator from North Carolina [Mr. ERVIN], who is also a great jurist, but the Senate in its impatience voted down his amendment which would have at least made the bill more palatable from a constitutional standpoint. Another instance of the questionable validity of this bill is the attempt to maintain that small restaurants affect interstate commerce and thereby are within the power of Congress to regulate under the commerce clause of the Constitution.

Mr. President, I have indicated how the Northern States have virtually written themselves out of this bill. The demonstrations will continue, the boycotts will continue, the sit-ins in employers' offices will continue. There is no reason why they should not because this bill offers no redress to northern Negroes. It is only a mirage. It fades upon approach.

Mr. President, I would like to address myself to some most unpleasant facts which I ordinarly do not discuss, but considering the expectations surrounding this bill, I deem it necessary.

Those Senators and others who ascribe to the James Baldwin school of thought that the Negro's troubles are caused solely by the white man's wickedness are going to be greatly disappointed by the enactment of the pending bill. Worst of all, the Negroes are going to become further demoralized because this bill will not change overnight the current position of the colored race in America. Just as the expulsion of the British and other colonial powers from Africa did not bring economic plenty nor political freedom to the Africans, neither will this bill accomplish what the colored people desire here at home.

Neither this bill, nor the House version of the bill as it came to us, will make the unskilled, skilled; the illiterate, literate; the unemployed, employed; the poor, wealthy; nor the unaccepted, acceptable. These are hard facts which will be difficult to face by those who blame others for their plight. The hurt endured by being called a "nigger" will not be erased by this bill, nor any other legislation. When the time comes in the course of human development that terms of degradation do not strike a sensitive chord, they will fall justifiably into disuse.

I hope the day will not be long in coming when names such as "nigger," "blue bellied Cajun," and "red neck," will no longer be a part of our national vocabulary and that the assumed need for such words ceases to exist.

I fear that the bill's effect upon the South will be divisive and strife ridden. It will add to the discord which already exists today. I can well remember when I was a young boy playing baseball. In fact all sorts of games—with Negro boys. There was no real segregation then, defacto or otherwise. There were precious few schools in the State of Louisiana for people to worry about desegregating. A boy, white or colored, was extremely fortunate if he could attend any school and receive an education. Why, Mr. President, it is less than 50 years ago when the first public school building was constructed in the 6th Ward of Terrebonne Parish where I was born. Last year we celebrated the 50th anniversary of the construction of the first public school building in the 5th Ward of the Parish of Terrebonne, where I was reared. Prior to that time, public schools were conducted for 4 to 6 months each year in rented buildings, such as dance halls and abandoned residences. No, Mr. President, it seems that now too many people are more concerned with social status than with education. Education is still a do-it-yourself task and always will be.

It is difficult to predict what effect a bill enacted into law will have on those coming within its purview. I believe we can accept as fact that human nature is constant and that insofar as there are stable elements in man as recognized by experience, we can predict his actions. Upon this premise, I do not see any good effects coming from this bill in the South.

A great deal has been said in this Chamber about the moral issue of segregation and integration. This has been a favorite subject of the clergy, who only recently, it seems, have discovered this fact. What is not recognized is that in many parts of the Nation, and especially the South, integration is considered immoral. That this is accepted as a fact largely explains why there has been such violent resistance to Federal court decrees in the field of integration.

Racial pride has always been a factor in America. How often have we heard some of our friends say, "I am part English, part German, or part Irish." And this is said, not with a view toward racism, but of family pride, and pride in ancestry.

Max Weber, the noted German political scientist, has tried to explain why Americans are proud of their Indian blood, but reject the Negro, by saying that the American Indian was never in slavery. Whether this statement will bear analysis, I do not know, but we are the heirs, not only of Anglo-Saxon law, but also of Anglo-Saxon culture with all its attitudes of racial pride.

The Negro author, John Oliver Killens, in a recent New York Times magazine article, entitled "Explanation of the Black Psyche," states:

> My fight is not to be a white man in a black skin, but to inject some black blood, some black intelligence into the pallid mainstream of American life, culturally, socially, psychologically, philosophically. This is the truer, deeper meaning of the Negro revolt.

This represents what I have already alluded to as the James Baldwin school of thought. It represents little more than an examination of the frustrations of some Negroes and their desire to seek a scapegoat by claiming white culpability. This thinking returns us to the theme of forced association and forced acceptance.

Mr. Killens speaks of injecting "black blood" into American life culturally, socially, psychologically, and philosophically. This attitude goes to the heart of the problem of acceptance. Personally, I am not aware of any cultural, social, or psychological values which the Negro could contribute to our society, which are not American.

On the one hand, we hear of the Negro being culturally deprived and, on the other, that we must accept his cultural values. That these contentions cannot be reconciled is apparent.

Another allegation of the contemporary Negro literary community is that it is white America which has kept the Negro down and which has prevented his development and growth.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). The time the Senator yielded to himself has expired.

Mr. ELLENDER. Mr. President, may I have 20 additional minutes?

The PRESIDING OFFICER. Without objection, the Senator from Louisiana is recognized for 20 additional minutes.

Mr. ELLENDER. Mr. President, at first blush this may seem to have merit. But on comparing the American Negro with other Negroes in the world, this accusation is simply not true. The American Negro has achieved greater heights in terms of education, health, and material advancement than Negroes of any other country or area in the world. One need only to look to Ethiopia, Liberia, or Haiti to put an end to the charge that the white man has kept the Negro from improving himself. These three countries cannot be said to suffer from the "white domination" or "white repression"—which our American Negro leaders are constantly invoking to explain away the problems of their race.

During a tour of Africa in 1962, I visited Monrovia, the capital city of Liberia, a nation which has been free and independent for over 150 years—a nation which has been free of the white man's rule throughout its history, but which has had great opportunity to benefit from American aid. The Liberian people have long had the opportunity to exercise every "civil right" known to the mind of man. They have had complete freedom to develop themselves to the fullest and, as I pointed out, American friendship, good will, and aid on both the private and governmental level, have given them ample opportunity to do so.

I found that life in Monrovia left a great deal to be desired, from even the most elemental viewpoint. Sanitation facilities throughout the city were sadly lacking; the city markets were filthy in the extreme; and there was a great need for a dependable system of potable water.

Yet I found that the national government was not turning its attention to these needs, which could easily be met at little expense, but was, instead, in the process of building a huge mansion for the President and another grandiose building supposedly to house the Liberian Department of Justice. Across the street from these magnificent edifices, the people lived in squalor, with open sewers and shanty housing.

I noted in my report to the Senate that:

> Under reasonably good management this area could be made the showcase of democracy and free enterprise. It looks as though some of the leadership are more prone to make a big show, than to build for the needs of the people.

I mention these facts, not in a spirit of vindictiveness, but merely to point out that those who attempt to blame the white man for the condition of the Negro either simply do not know what they are talking about, or else are reaching out for the nearest scapegoat to cover up their own misgivings.

A situation very much similar to that of Liberia prevails today in Ethiopia, which is known as one of the oldest independent countries in the world, and has been entirely free of the white man's influence, except for a short period of Italian rule before the Second World War. In my 1962 report, I noted that:

> It was evident that if the work of the Italians—roads, houses, manufacturing, etc.—were taken away, together with the few things done by other Europeans, there would

be nothing left as a monument to the Ethiopian leaders of the past, as well as those of the present.

There is very little evidence that any lasting or viable economy has ever been developed by the natives, and this includes the last 18 years when Ethiopia has been the recipient of massive injections of aid from several countries, including the United States. One need only travel a few miles out of Addis Ababa—the capital of Ethiopia, or Asmara—the capital of Eritrea, to appreciate the lack of progress.

Mr. President, I could point out many other areas in tropical Africa where similar conditions exist. As I stated in my report, I found little progress made by the natives, on their own initiative.

Again, I am not seeking to criticize unjustly the vocal and militant Negro leaders of America. I am merely pointing out that when they attempt to blame the condition of the majority of their race in this country on discrimination, repression, and oppression, they are ignoring history and ignoring the facts in an effort to find an easy explanation for longstanding and difficult problems. They are attempting to foist easy solutions upon whatever followers they may have, and a disservice is being done to all their countrymen, white and black, and North and South. When the seeds of hatred are sown, a bitter fruit will come forth.

The truth is, Mr. President, that the white man is not to blame for whatever adverse condition the American Negro finds himself in today. Instead, it is to our credit that he has fared so well in a white society. In no other nation on earth today do two races, so completely different, live side by side with so little friction. Our accomplishment is no small one, but I fear that it is all too often overlooked, forgotten, and ignored. And when it is ignored, we see such legislative travesties as the pending measure brought forward. The Nation lends an ear to the dissident voices who speak on what they consider a sorry state of things, and call it the white man's fault. These voices overlook or ignore the fact that there are more Negro doctors, lawyers, dentists, and other professional people and skilled workers in Louisiana than in all of tropical Africa, which contains almost two-thirds of the population of that vast continent.

We in the South have borne this charge of oppression for many years. Now that the Negro has become more widely dispersed in our country, it is the white American, rather than just the white southerner, who is blamed for all the racial ills of the world. I believe that it is one of the shortcomings of human nature that, failing to find easy solutions, we strike out in blind accusation to console a superego of racewide proportions. This is true not only of just the Negro, but also of the white.

As I have said on many occasions, this civil rights bill will not create jobs, nor do I believe that it will be of any help to the Negro in acquiring jobs. The skilled Negro, like his white counterpart, will find employment. The unskilled of both races will not.

This problem of skill brings one to an important part of my remarks, Mr. President. It has been charged on the floor of this Chamber that there are few skilled Negroes in the South. This simply is not true. There are hundreds of thousands of them. Only a few days ago, it was claimed that the reason why employment is higher in the South among nonwhites than in the rest of the country is that we have many Negro sharecroppers who are technically considered employed. For your information, there are very few sharecroppers left in the South. They have been diminishing at a very rapid rate in the past 25 years.

Surely it should be recognized that mechanized farming, among other things, put an end to a system which sprang up out of the ashes of the Civil War. Farming in the South today is the same as it is in the rest of the Nation. It is a system of fairly large holdings with great investments in machinery, fertilizer, pest control, and a corps of intelligent workers, including thousands of Negroes. It has not yet approached the state of the large cattle corporations of the West. The small family farm in the South has all but vanished.

The displacement of the Negro farmworker in the South in the past 25 years by mechanization has, undoubtedly, contributed to the social and economic problems of our section of the country. It is true that many of them have sought to improve their lot in life in other sections of the Nation. We do not blame them, but on the contrary, we think that this is in keeping with the American tradition. When the western frontier land was occupied through immigration, our new immigrants of the late 19th and early 20th centuries had to find, as Samuel Lubell has pointed out, their frontier in the industrial centers of America. And so it has been with the Negro. He has moved into the cities of the South and the North. Thoreau's statement that a frontier exists where a man fronts a fact is still true. The American Negro is meeting his frontier today and he should be encouraged and helped. He has been cast adrift by technology and two world wars. We should do all we can to help him, and do it in a spirit of cooperation rather than one of self-accusation and blame.

It is only since World War II, Mr. President, that we in the South have had a growing economic base sufficiently broad to support a proper educational system for all our children. If we did not do a better job for the Negro children, it was not from hatred but from economic deprivation. Even today our schools have much room for improvement and the records will show that we are spending a much greater percentage of our revenues on education than the national average. The fact that in many cases this is not enough is not evidence of a lack of desire to improve the condition but only of our economic inability.

As has been pointed out on the floor of this Senate too many times, some Southern States receive more Federal money than they pay in taxes. We are rapidly changing from an agricultural to an industrial economy. Until this is completed we will not be on an economic par with the industrial States. I will not discuss the economic discrimination against the South because I feel that there have been far too many accusations of discrimination on both sides in this Chamber during the past few months.

Mr. President, the passage of the civil rights bill seems assured in spite of the fact that many of my colleagues and I have done everything we could to prevent its enactment. We feel it is unwise legislation and that it will cause even more bitterness and engender more strife.

In the months to come I hope that the Negro will not say "I demand my rights," claiming he has been denied his civil liberties. I sincerely and deeply hope that he will say, "I accept my responsibilities." This is the same fact which must be fronted by all our people from the standpoint of service to their country and to keep faith with our great tradition of responsible citizenship. In the debates on jury trials I pointed out that this is one area of our Government where every citizen can feel that he has a vital role in the governmental process.

I hope that the old cleavages which divided the North and South for so many years, will not be replaced by new ones, based on racial lines of enduring permanence.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. ELLENDER. I yield myself 5 more minutes.

Mr. President, as we begin this summer, I hope that it will not again be marred by racial demonstrations fomented by agitators, professional and otherwise. The college students, the clergymen, and the paid Negro organizers who plan to come into the South in caravans and create strife could better serve the cause of racial justice by staying at home and attending to their own race problems. I hope that we will not again have the spectacle of a northern Governor's mother traveling several thousand miles to engage in what to her must have been fun and entertainment, by participating in street demonstrations. She could have done more by going no further south than South Boston.

The deadly serious business of protecting life and maintaining order will not be abandoned. Those who make their living by agitation and those who relieve their boredom by creating racial unrest will not be accommodated. Law and order must be respected.

Martin Luther King has talked of "setting my people free." Has he ever enjoined them to set themselves free—free from those things which really keep them down? I hope to see the day when just one Negro leader will lead a demonstration against filth, illegitimacy, indolence, and crime. I would like to see just one sit-in for family responsibility, just one pray-in for spiritual and civil responsibility.

We hear too much these days about civil rights. It is time we hear more about civil responsibility.

I reserve the remainder of my time.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 432 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 23 minutes remaining.

Mr. STENNIS. Mr. President, before I proceed, may the Senator from Texas be recognized?

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY ACT OF 1964—STATEMENT OF SECRETARY OF LABOR WIRTZ

Mr. YARBOROUGH. Mr. President, I yield myself 1 minute. I understand that I am speaking on my own time, and not the time of the Senator from Mississippi.

Yesterday at the opening of the hearings before the subcommittee considering the poverty program of the Economic Opportunity Act of 1964, two witnesses testified, namely, Sargent Shriver and Secretary of Labor Willard Wirtz.

The statement of Secretary Wirtz was one of the finest I have ever heard before any committee on the great question of raising the standard of living and the standard of life and economic, social, governmental, and educational opportunities for the aproximately 30 million deprived persons now in our society.

I ask unanimous consent to have printed at this point in the RECORD the statement made by Secretary Wirtz before the Special Committee on Poverty of the Committee on Labor and Public Welfare, which is considering the Economic Opportunity Act of 1964.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF W. WILLARD WIRTZ, SECRETARY OF LABOR, BEFORE THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE ON S. 2642, ECONOMIC OPPORTUNITY ACT OF 1964, JUNE 17, 1964

Three months ago, on March 19, I appeared before the Subcommittee on the Poverty Program of the House Education and Labor Committee and said that testifying in support of the Economic Opportunity Act gave me more satisfaction than any other action as Secretary of Labor that I could remember.

I come before you today with feelings that go beyond satisfaction to a point that I can only describe as an immense pride in our country, in the Congress, and if you will permit me, in the administration.

At the 2d session, the 88th Congress has passed the tax bill—which assures, by its strengthening of the economy, fuller opportunity for every American.

It has brought dramatically forward toward enactment the civil rights bill—which will assure equal opportunity for all Americans.

It is now considering, with the overwhelming support of the Nation and at the express urging of the President, the Economic Opportunity Act—which will assure that every American has the opportunity to be equal.

Never, since the first 100 days of Franklin D. Roosevelt's New Deal, have three such massive pieces of domestic legislation been passed in such a space of time.

Never, since the deepest days of the depression, have the people, the Congress, and the President worked so closely together to create a new vision of the American opportunity.

What has happened, in a word, is that America has taken charge of its future. Six months ago we were entering our seventh consecutive year of high, persistent, degrading unemployment.

If the basic fiscal and monetary policies of the Nation had gone forward unchanged, there was no prospect whatever that the economy would begin to solve the problem of unemployment. The only question was whether we could keep it from getting worse. The Nation seemed to have responded not at all to President Kennedy's impassioned plea at Yale University to sort out illusion from reality in our thinking about economic matters, and to put behind us the persistent, pervasive myths of the past.

Yet now the greatest tax reduction program in history has been enacted. And already we have before us unmistakable evidence that this enormous act of faith in the intelligence and integrity and discipline of contemporary economic thinking is paying off beyond our greatest expectation. By last month the number of nonagricultural jobs had increase 2.2 million over the previous year. Unemployment reached the lowest point in more than 4 years.

Six months ago we were entering, to our shame, the second century in which the full meaning of the Emancipation Proclamation had still not been given expression in the laws, and institutions, and practices of our Nation and its people.

Yet last week the Senate took the decisive step that will lead to the greatest and most comprehensive civil rights bill in our history. Out of a babel of discord, the strong clear voice of sanity has at last been heard—declaring that one person's right are as important as another's.

Finally, it has become clear that America is not going to put up with the paradox of poverty amidst prosperity. We realize now that by itself prosperity is not going to get rid of poverty. In his state of the Union message President Johnson declared "all-out war on poverty," and in S. 2642, this declaration has been translated into an effective battle plan.

The war on poverty has been conceived around two central objectives:

First, to provide jobs and training, especially for those young people now growing up in poverty and increasingly condemned by lack of economic opportunity to repeat the cycle all over again.

Second, to begin the process of planning and organizing that will bring the entire resources of a community to bear on the specific problem of breaking the cycle of poverty in that community.

Most of the victims of poverty are today the sons and the daughters of poverty. Worse than that: Of the almost 3 million children in families receiving public assistance in 1961 under aid to dependent children programs, 40 percent were descended from grandparents who received this aid. To paraphrase Justice Holmes, three generations of poverty is enough.

In 1962, there were some 11.5 million young persons under the age of 18 living in families whose total money income was less than $3,000. Half these families had incomes below $1,800.

Almost two-thirds of the heads of poor families have only 8 years or less of schooling.

Nearly two out of five of these families are headed by persons who are not listed in the work force at all.

More than three-quarters of the poor families are white.

It is a false notion that the poor are concentrated in a few so-called pockets of poverty. They are everywhere in America. If they are out of sight, do not suppose that they are ever more than 5 miles away.

There is no more desperate plight than that of the poor families headed by women. About a third of the families with women breadwinners in 1962 had incomes under $2,000. About half a million women breadwinners whose husbands were absent were trying to raise school age children at the same time they support them.

In April of this year there were in fact 1 million families receiving assistance through the aid to dependent children program; 3.2 million children were living on ADC payments. The average payment to a family was $129 per month last October. This is $30 a week for a family to grow up on. That will keep people alive. It will not break the cycle of poverty.

It is possible not to face the responsibility of society to provide its children with the health and education and moral instruction that will enable them to become independent, self-sufficient citizens. But it is not possible to escape the penalties of failing to do so. Every undereducated, undertrained youth from a poverty background entering our work force today will cost us approximately $30,000 in various kinds of welfare payments in the course of his life. Either we help the youth or we support the adult. And every dollar we invest now in the youth will save us 10 to 20 times that before we are through.

In the 12 months that begin July 1, 2 weeks from now, a million more persons will turn 18 than in the current 12 months.

Nine and a half million teenagers will enter the work force during this decade without a high school education. The task of finding steady employment for this group will be exceedingly difficult. Although unemployment declined last month to the lowest point in 4 years, about one out of six teenagers in our labor force could not find a job in May.

On the 1st of July, the United States will begin one of the most important social experiments of the postwar period.

Beginning that day, all young men who register for selective service and who are out of school will be called in immediately and given the Armed Forces qualifications tests. At the present time many boys wait 4 or 5 years before being examined.

The object of these examinations will not be to find out which young men are qualified for military service. No one is going to be drafted any sooner than in the past. The purpose will be rather to find out who is not qualified—either for military service or for responsible life as a productive citizen.

We have already begun referring older boys who are rejected for the draft to our local employment service offices, so we have some experience with the program, and full confidence that it will work.

We have also some measure of the size of the problem we face.

In New York City—just as one illustration—during the 6-month period ending March 31 of this year, more than half—53.1 percent—of the young men called up for selective service were rejected because of physical or educational inadequacies. More than one boy in four who was called up could not meet the education standards of the Armed Forces. These are the equivalent—at the top—of about a seventh or eighth grade education.

You will see the kind of problem we are facing when I tell you that one New York City youth in every six scored so low on the mental test that the law prohibits the induction of such persons into the Armed Forces. This is the so-called 10th percentile group, whose education and training has not gone beyond the level of the fifth grade.

Our investigation of this general situation shows clearly that most of these boys are the products of poverty—of bad homes, bad schools, bad neighborhoods. There are vastly more of them than we have allowed ourselves to suppose.

As nearly as I can evaluate the available evidence we are right now—at a time of record prosperity—adding between 250,000 and 300,000 boys and girls to a human waste heap every year. This estimate is based on school dropout rates, increasing juvenile delinquency, illegitimate births, and narcotics addiction rates, unemployment rates—the cruelest statistics in the world. But the estimate is, if anything, low.

This is one part of the picture of the necessity for the passage of the Economic Opportunities Act.

Title I of S. 2642 contains provision for the assistance, though work and training programs, of between 300,000 and 400,000 boys and girls every year.

The Job Corps program provided for by title IA of the act will provide training and work camp experience for young men and women who need most of all to be given a new environment in which to develop their talents.

The job-study program set up by title I–C of the act will permit boys and girls who might otherwise have to drop out of school for economic reasons to meet their needs.

A third part of this youth training and work program, which will be administered through the Department of Labor, is provided for in title I–B. It contemplates the development of work-training programs for 200,000 boys and girls the first year.

We propose to put 150,000 of these young men and women to work in Neighborhood Youth Corps projects within 2 months of the day the Economic Opportunity Act is signed and funds are appropriated for it.

This may seem a rash commitment. But the situation demands this kind of action. We will be ready for it.

In general, the Neighborhood Youth Corps program will make available three types of jobs:

The first will be part-time employment after school and during summer for youngsters who are in school, who are doing all right, but who might otherwise be forced by economic need to drop out of school.

The second type will also be part-time work for students who are potential dropouts because they are losing interest in academic work. They will be given part-time work calculated to develop marketable vocational skills and work habits, with the expectation that they will eventually move into regular permanent employment. Every effort will be made to keep them in school. Work-study programs similar to this are now being successfully conducted in the school systems of at least 18 cities.

The third type of Neighborhood Youth Corps project will be designed for school dropouts who have no marketable skills. These youngsters will work on community projects in supervised work crews, where they can learn work discipline and basic vocational skills.

Every opportunity will be made to employ these youngsters in activities that will benefit the community and will lead to full-time employment. They may work as nursery school aids, teachers' aids, or research aids. Many will be in occupations for which there is a greatly increased demand such as auto mechanics, office workers, draftsmen trainees, cooks' assistants, waitresses, nurses' aides and hospital orderlies.

These projects can be sponsored by local governments, public institutions such as schools and hospitals, or private nonprofit agencies. The Federal Government will contribute 90 percent of the cost of the program, with the local sponsor being responsible for the remaining 10 percent.

A student in a Neighborhood Youth Corps project working part time during the school year, will be able to earn as much as $760. A young man or woman working in a summer program can earn as much as $350.

The possibilities for projects are limited only by local needs, imagination and resources. The projects must involve facilities that are publicly owned or run by a private, nonprofit organization. They must offer service in the public interest that would not otherwise be provided.

The Department of Labor recently conducted a series of surveys to determine the number and kinds of jobs which can be offered. The response from public and nonprofit organizations was instant and enthusiastic.

Suitable job opportunities were found in rural areas as well as urban communities, in schools, health facilities, parks, recreation areas, and seashore development. These are jobs which would not otherwise be available but which badly need doing.

Perhaps even more significant than their number and location are the types of jobs we found. Many of the jobs will be performed in low-income areas, and their performance will contribute doubly to the overall attack on poverty. Nursery attendants will free mothers who must go to work or receive training; teaching aids will free regular teachers to provide more individual attention in overcrowded classrooms. Ugly urban decay will be cleaned up.

The occupations range widely in terms of the entry skills and aptitudes required—from unskilled (messengers, groundskeepers, and cooks' helpers) to technical and subprofessional (lab assistants, tutors, and nurses' aids). Maximum use will be made of occupations which will equip young people with skills and experience increasingly in demand in the growing service and public sectors of the economy. Unskilled entry jobs will be chosen which give promise of advancement. Youth will be guided individually through a planned progression of jobs or tasks which tax and stimulate their abilities. The occupations which have been identified are the type which will make this possible.

We shall insure that on-the-job and supplementary training are provided when needed.

No job in this program will displace a regular worker. Nor will the Department approve any program which might substitute for regular full-time jobs that would otherwise be created. We are not going to meet this problem by robbing Peter of his job to give it to Paul's son.

Typically, the youth will serve as part-time aids or helpers in activities which are starved for additional help and for which full local financing is simply not available, and is clearly not going to be available.

Girls will participate fully in these programs. Poverty strikes often and hard at families headed by women. They, too, need skills and experience to discharge their increasing financial responsibilities. Neighborhood Youth Corps programs will serve them well.

Many of these locally conducted programs will be such that they can use the services of volunteer citizens. The spirit of the Peace Corps shows the incalculable energies and great willingness which await guidance into constructive leadership of these young people at work. It is a major objective of this entire program to help people become self-supporting and to concentrate on efforts which will do this. It is also a major objective to avoid the creation of a large Government bureaucracy. The program is for those in poverty status, not to put people on the Government payroll.

This program will be closely coordinated with the development of community action programs authorized by the bill.

The neighborhood Youth Corps programs are, of course, only one portion of the many-sided attack on poverty in S. 2642. They will be carried on jointly with the other programs proposed in the bill:

The job corps, which will bring together important work, training facilities, and volunteer trainees.

The special work-study programs for college students.

The community action programs, which will be multipronged attacks in areas where large numbers of the poor live.

The new tools to help low-income farm people.

The loan and guarantee provisions of the bill, which are designed to develop employment opportunities for long-term unemployed in community action areas.

And, finally, the special effort to provide temporary, public service employment for the unemployed heads of families receiving welfare assistance.

The enactment of S. 2642 will provide an arsenal of weapons from which to choose in mounting the attack on the various problems of youth, poverty, and unemployment.

To help us make the best provision for each boy or girl in need of assistance—we are planning to establish youth opportunity centers to be operated by the Federal-State employment service system. The centers will make possible the integration of existing manpower responsibilities for youth at the local level and will provide a functioning base for our added work in the war on poverty. They will be staffed by specialized personnel trained to assist youth, using diagnostic interviewing, occupational testing, and counseling. The functions of the centers will be (1) to screen, counsel, and refer youth to appropriate skill development services to prepare for employment, (2) to search out suitable job opportunities for youth, and (3) to place youth in regular employment. Comparable services will be provided to youth in smaller communities and rural areas through mobile youth service units.

I speak with every other Cabinet officer and member of the administration the deep conviction that the enactment of this legislation, now, without delay, is imperative. The infection of poverty undermines our national strength in many different ways, and only a unified counterattack will bring the victory we seek as a nation. When we fight poverty, we must fight the cumulative and interrelated effect of every aspect of it. To do less will be to lose.

S. 2642 promises no miracles, pretends at no panacea. It is, though, the product of a hardheaded idealism which is the truest expression of the American character. It offers a sound beginning, a careful plan, an attainable goal, a practical dedication of the Nation to the purpose of the great society.

The issue in S. 2642 is whether we propose, as a nation, to live by the same moral code we profess as individuals.

We do.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. **STENNIS**. Mr. President, I yield myself 20 minutes.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized for 20 minutes.

Mr. **STENNIS**. Mr. President, within this limited time, naturally one has an opportunity to address himself only briefly to a few of the major points involved.

Mr. President, may we have order? I ask that the time required to obtain order not be charged to the time available to me.

The **PRESIDING OFFICER**. The Senator from Mississippi will suspend. The Senate will be in order.

The Senator from Mississippi may resume.

Mr. **STENNIS**. Mr. President, the most extraordinary and outstanding development in connection with the bill, since its original introduction, is that there has been a conscious, deliberate, and bold plan to remove or delete from the bill the features to which the areas of the Nation ordinarily called the East and the North are opposed and the provisions which the people of those areas find objectionable. No doubt that action made it possible to obtain the necessary number of votes to invoke cloture in the Senate and to have the Senate pass the bill. However, Mr. President, I do not believe that procedure reflects credit on the Senate or the legislative branch of the Government. I do not make that statement in regard to any particular individual; but I think it clear that the bill was in trouble and difficulty until those steps were taken. I point out that I do not make that statement "out of thin air"; I refer to the statements made by the Senator from Minnesota [Mr. HUMPHREY] in his newsletter to his constituents on April 18. His letter was, in part, printed in the RECORD earlier today. In that letter, the Senator from Minnesota stated that the entire antidiscrimination practice in Minnesota would not be changed as a result of enactment of this bill.

I hold in my hand an article which was published on April 30 of this year in the New York Times. It states that the Senator from Indiana [Mr. BAYH] asserted that the proposed statute would have little effect on residents of the Hoosier State; and the Senator from Wisconsin [Mr. NELSON] said that none of the provisions of the bill would change the practices in Wisconsin.

Mr. President, those of us who know more about the problems in the South find that our advice is rejected. Then we find that Senators from States which evidently would be little affected by the bill have succeeded in having the bill written in such a way that it would not apply to their States, or at least would not apply to them to any appreciable extent. Yet they are the Senators who have succeeded in writing into the bill the provisions in regard to its enforcement. They are also the Senators who have succeeded in writing into the bill the FEPC provisions.

Mr. President, I ask that the Senate be in order.

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **STENNIS**. Mr. President, when the bill becomes law, in view of the precedents it will establish in the course of a few years, it will not be long until there will be total Federal control of all the fields the bill now covers, as well as other fields which may be covered by subsequent legislation, enacted as a result of continued pressure.

In this brief time, Mr. President, I shall address myself particularly to title VII, which changes the form, the mission, and the entire philosophy of our Government.

For the first time in the history of our Nation, the Federal Government will exercise an active day-to-day surveillance over the minute and internal operations of every little business and manufacturing plant in the Nation with as many as 25 employees. Soon, this 25 is certain to be changed to 15, then to 10, and then perhaps to 5.

This operation will be far removed from the power of the people. This officer will be a Federal officer. He will not be elected by the people. He will not be subject to the control of laws made by the State legislature. He will not be subject to the Governor of the State. His actions will seldom, if ever, be reviewed by a State court; they will be subject to review only by a Federal court, far removed.

Furthermore, Mr. President, the men and women employees will no longer feel the obligation and loyalty heretofore felt to their employer. This is a most important matter, in my opinion. Certainly it is in my part of the country, and I believe it is in other parts of the country. The employees will feel that the Government man got them the job. This will destroy initiative and pride in their work, and will rob them of a sense of responsibility to the owner or the operator of the business.

Let this system of Federal surveillance go on for 10 years, 15 years, or 20 years, and the entire concept of our Government will have changed. For countless employees, the entire concept of loyalty to the individual or company they work for will have been wiped out and destroyed.

Mr. President, I point out that the FEPC part of the bill refers to fair employment and to giving opportunities to all, regardless of race, color, or religion. I also point out that, according to the unemployment figures assembled by the U.S. Census Bureau, the very States which do not have FEPC laws have the best record for the employment of nonwhites. I repeat, Mr. President, that these are not figures I have assembled; they are the figures which have been developed by the U.S. Bureau of the Census. These figures have never been explained or answered. They are the U.S. Census Bureau figures for the year 1960. From them we learn that my State, Mississippi, which has the largest Negro population of any State of the Union, had one of the lowest nonwhite unemployment percentages—7.1 percent—whereas the national average is considerably higher. But in the States whose Members of the Congress are urging the enactment of this bill—States which have State FEPC laws—the situation is quite different. For example, in Minnesota, which has a State FEPC law, the unemployment rate of nonwhites is 12.8 percent—almost double that of Mississippi's; in Michigan, the unemployment rate of nonwhites is 16.13 percent; in California, it is 10 percent.

I could cite the figures for many of the other States. Those figures have previously been placed in the CONGRESSIONAL RECORD. They have never been explained or denied, and they cannot be.

So the very States that have the highest rates of nonwhite unemployment are, through the Senators who represent them in this body, forcing this bill on States which have the lowest non-white unemployment rates. In addition, the States which are forcing on the Southern States the application of this law have taken steps to make sure that the law will not apply to their own States.

Thus, people of the States that have a State fair employment law think that it will not apply to them. They have had assurance from many Senators to this effect. For the time being I believe that this is substantially correct under the announced intepretation of title VII as now written; but they might as well be warned that the Federal agency will finally take over. This question will be an issue in all congressional and national elections, and the pressure and favor of this Federal agency will finally assert themselves in additional laws; and the national FEPC will take over.

Also, through title VI we are now adding a loose, wide, general formula for the distribution of Federal funds and grants. In a large way, and as a practical matter, we are leaving it to the administration that may be in power at a particular time to write the final definition or conditions upon which Federal money, already appropriated, will actually be expended. This applies to all existing programs, as well as to those created in the future.

The other day I had a very fine colloquy with the Senator from Illinois [Mr. Douglas]. I am sorry he is not in the Chamber at this time; but he had to leave. However, I told him I was going to refer to this point, which relates to the unconstitutionality of these provisions.

We find that many Senators—all of whom swore to uphold the Constitution—now are saying, by means of this bill, "Let the courts uphold the Constitution."

I now refer to that statement.

[A disturbance in the gallery.]

Mr. STENNIS. Mr. President, that is a sign of the times.

I refer now to the speech of the Senator from Illinois [Mr. Douglas] which appears on page 13923 of the Congressional Record of June 16. In discussing title II, the public accommodations section of the bill, the Senator from Illinois said—and he was frank and honest about it:

> Why not pass this law and let the Supreme Court make the decision as to whether or not it is constitutional?

The Senator gave the real reasoning for the opinions of those cited by the proponents of the bill when they say it is constitutional. They believe that the Court, as presently constituted, will uphold it for reasons of their own; they say, further, that whatever the Court says is constitutional is constitutional, and therefore this bill is constitutional.

So, the membership of the Senate is asked to presume the public accommodations section of the bill to be valid because it is a constitutional question to be decided by the Court.

Then, the Court will say that the act starts with a presumption in its favor because it will be presumed the Congress would not pass an act unless the membership believe it to be constitutional. Thus, we have the unbelievable situation of an equation, as follows: One presumption plus another presumption equals a constitutional act.

And this will happen in the face of the fact that the last announcement on the question by the Supreme Court, in the Civil Rights Cases of 1883, was that the Congress had no power under the Constitution to pass such an act. This decision was challenged in the Howard Johnson case in 1959 and was expressly upheld by the circuit court of appeals. There was no appeal from this decision.

From many standpoints, our Constitution is now little more than a wreck. Many people realize this. Nonsouthern Senators tell me that they are more and more concerned regarding the broad holdings of the Court.

Let the Court uphold this act, and there will be nothing left.

Mr. President, I refer to a question which, it seems to me, is peculiar to my own State.

Mr. President, how much time have I remaining out of the 20 minutes with which I started?

The PRESIDING OFFICER. Eight minutes.

Mr. STENNIS. The civil rights groups and other pressure groups had the limelight for more than 1 year. They have enjoyed the publicity and the attention that they have received, and the money that they have collected. They will not voluntarily stop.

With their marches and demonstrations, many of which were unlawful, and with their threats and political blackmail, they have frightened the people of the Nation and have pushed the Congress and the President to the extreme.

They will want more fields to conquer.

Great publicity has been given to the invasion of my State, and perhaps some parts of Alabama and Louisiana. They are openly proclaiming their intention of going into these areas and creating civil rights disturbances.

This invasion of my State is sponsored by the Congress of Federated Organizations—COFO—the sponsoring group, which is made up of the following: Student Non-Violent Coordinating Committee—SNICK; Congress of Racial Equality—CORE; National Association for the Advancement of Colored People—NAACP; Southern Christian Leadership Conference—SCLC.

Others participating in one form or another and giving financial backing are the National Council of Churches, and the World Council of Churches. It is a shame that the members of churches affiliated with these two church organizations do not know what some of their money is used for when they place it in the collection plate on Sunday morning.

Recently Columnist Joseph Alsop had the following to say:

> The real aim of SNICK and other extreme Negro organizations is to secure the military operation of Mississippi by Federal troops.

They want to bring about a military occupation of the State by Federal troops after they know the bill will pass. I have appealed to those in the Federal Government for a word of discouragement and warning to such groups, but so far as I know, no such word has been given out.

I appealed to the Senate for the enactment of an amendment to the bill to make it a Federal offense to cross State lines for the intent purpose of violating State laws and inciting strife and lawlessness through civil disobedience. The Senate rejected that amendment.

As I save said, violence is continuing even after it is known that the bill will pass.

Mr. President, at the appropriate time I shall introduce a bill that would cover this situation, and ask for its enactment. I ask unanimous consent that I may be permitted, at the end of my remarks, to introduce that bill and ask for its appropriate reference, and that a statement pertaining to it may be printed in the Record. I will continue to try to make clear to the Senate the real gravity of the situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the invasion of any State by outside racial agitators, and the lawlessness that will rule this year, primarily under the so-called Mississippi summer project, presents prospects of violence, bloodshed, and loss of life. It is a matter that deserves the earnest attention of the Congress and I hope my bill will have the support of the sponsors of this proposed legislation now before the Senate.

Mr. President, my time is limited. As a parting word I point out with all the emphasis that I can that I totally reject the deadly and deadening philosophy of equalitarianism which is the foundation and cornerstone of this bill. I shall never believe that either justice, morality, or constitutional principles requires or justifies the reduction of all men to the lowest common denominator in the name of equality. Equality in this sense is a manifest myth and finds no support in either fact or logic.

For my entire adult life, I have had a deep appreciation of our cherished heritage, the common law of England, developed by trial and error over the centuries, and handed down to us as part and parcel of our system of jurisprudence and self-government.

The basic human and individual rights and liberties which came to fruition in the common law were not won easily or cheaply. I continue to marvel at and admire the foresight, the courage, and the determination of the countless generations which preceded the birth of this Nation and which forged and welded together this system which we inherited. I have never lost sight of the fact that this system was solidly based upon the premise that the rights and prerogatives of individuals are superior to those of an entrenched ruling class or an all-powerful centralized government.

Further, it is nothing short of amazing that this English system could develop, grow, and survive during the centuries in which it evolved. The Roman civil law had ruled and dominated the Western World from long before the commencement of the Christian era. Under the concept of the civil law, the central state was supreme. The individual was subordinate and subservient to state control—little more than a puppet or pawn to be manipulated at will. In view of its once unchallenged supremacy in its field, it was only natural that the civil law, as well as the canon law of Rome, sought to destroy and suppress any rival system which arose.

But somehow—perhaps because of the indomitable love of freedom that lies in the hearts of men—the English common law system survived and grew.

Out of this long and difficult struggle came many of the rights and guarantees which we enjoy today, including the right of trial by jury, the presumption of innocence, the protection against unreasonable searches and seizures, the right of assembly, the right to acquire, use, and enjoy property as one sees fit, and the right of an individual to choose his own associates. Out of it came personal pride, a sense of responsibility.

These and other rights, as we now know them, do more than protect the individual from arbitrary or tyrannical action on the part of the state. They are evidence of the fact that ours is a government of law rather than men and that the powers of the state rest upon the consent of the governed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, the crowning achievement of the English common law which grew so slowly over the centuries, is the cherished constitutional system of government of the United States of America.

The philosophy behind this bill reverses and renounces these common law principles. It reaches back over the centuries to introduce into the 20th century the long rejected theory of an all-powerful central state. It would make the state supreme and the individual subservient to its will. Its artificially created and untenable philosophy of equalitarianism would cut us all from the same pattern and fit us all to the same mold. It will stifle individual initiative, discourage free enterprise and all but extinguish the bold and adventurous pioneer spirit which has helped to make this Nation great. As I have said, it is designed to reduce us all to the lowest common denominator.

As I think the Senator from Ohio expressed it once in his argument with reference to the jury trial:

> One by one, this bill is blowing out the lights of liberty.

I issue this warning and this call back to reason and common sense, apart from the political pressures, apart from the turmoil and strife, apart from the marching, apart from everything, a call back to the great fundamental principles of our form of government. Let us not destroy the individual and his chance to grow and develop under our system, regardless of color.

Now we have blown out the light. We have closed the door. We have made the state supreme.

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO TRANSPORTATION OF PERSONS OR MATERIAL TO VIOLATE STATE LAW

Mr. President, I introduce, and ask that it be appropriately referred, a bill to make it a Federal criminal offense for any person to travel in interstate commerce for the purpose of taking part in any civil rights demonstration or action when the commission of such demonstration or action would constitute a violation of a criminal offense under the law of any State. Upon conviction of such an offense, the defendant may be fined not more than $5,000 or imprisoned not more than 5 years, or both.

There is nothing in this bill, Mr. President, to prevent any citizen of any State from engaging in any constitutionally legitimate means of seeking a redress of grievances. Such a person may petition his government through public meetings, parades, demonstrations or any other method which has historically been considered as a proper means of seeking enforcement of constitutional rights. Neither does this bill purport, as has been suggested, to authorize a Federal criminal prosecution for any act other than that which has been declared to be a criminal offense under a constitutional statute of a State. A State statute which is unconstitutional clearly could not be the basis for a prosecution under this bill.

What this bill would prohibit, Mr. President, is the moving in interstate commerce of persons or materials with the intent and purpose to violate a constitutionally valid State criminal statute. That is the sum and substance of this bill.

Their mission is advertised in the press by demonstrations in Washington, and featured by some of the leading columnists in their writings. Recently, Columnist Joseph Alsop had this to say:

> The real aim of SNICK and other more extreme Negro organizations is to secure the military occupation of Mississippi by Federal troops.

I have appealed to the Federal Government for a word of discouragement and warning to such groups. But so far as I know, no such word has been given out. I have appealed to the Senate for enactment of an amendment to this bill to make a Federal offense the crossing of State lines for the purpose of inciting strife and lawlessness through civil disobedience. The Senate turned me down. Perhaps when there is more time, I can make them realize the gravity of the situation. This plan of violence is continuing, even after it is known that this bill will be passed.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2923) to amend title 18, United States Code, to provide a new chapter 114 relating to transportation of persons or material to violate State law, introduced by Mr. STENNIS, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. RANDOLPH. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. RANDOLPH. Mr. President, in March of 1933, I came to the Congress of the United States as a Member of the House of Representatives from the Second District of West Virginia. It was my privilege to join the membership of the 73d Congress. Also coming to the Nation's Capital for the responsibility of legislative service was my colleague then, and my colleague now, Hon. EVERETT DIRKSEN, of Illinois. We entered the service in Congress on the same date in 1933.

Mr. President, I make reference to this situation not so much to call attention to the fact that we came together, but to state for the RECORD that I have had the opportunity to listen to and counsel with the Senator from Illinois on many occasions. I have never felt a sense of understanding of the very real greatness of the Senator from Illinois to a greater degree than I have during the progress of the more than 80 days of debate on the civil rights bill.

I cross the aisle, personally and officially, as it were, and I salute the leadership—a leadership of character, of conviction, of courage, and of compassion which has been exemplified, by not only the remarks, but the effective leadership of Senator DIRKSEN.

Mr. President, I desire also to express appreciation for the leadership of Senator MANSFIELD, the majority leader, for the sense of balance which he has exhibited during the tensions which understandably have come to the fore as we have considered, discussed, and debated the pending measure.

The astute generalship of Senator HUMPHREY in this battle—and it has been in a sense a legislative battle—has, I think, brought admiration, if not agreement, from all Members of the Senate.

We understand the situations which set us aside, one from the other. We understand the differences which arise as we consider this legislation. I cannot emphasize too strongly the effective manner in which Senator HUMPHREY has conducted the forces that would bring an affirmative action on this measure—I hope within the next few hours.

To attempt to name all the Members of the Senate who, by and large, stand together upon this proposal would be awkward and time consuming. There might be some whom I would want to mention, but whom I might overlook, at least momentarily; but I should add Senator KUCHEL's name. He has stood steadfast with Senator HUMPHREY and many others whom I have already mentioned in connection with the detailed and diligent fashioning in the Senate of this instrument for justice.

I wish to be especially clear on one point, and that is that I have a very genuine respect for every Member of the Senate. I believe this to have been true during my entire service in this body of something over 5½ years. I have not thought ill of a Member of this body, nor have I uttered any words toward a Member of this body even in the heat of controversy, that I would find necessary to withdraw. I respect the membership of the Senate. The understanding, the appreciation, and the respect which I hold for the membership of the Senate generally, are shared, I believe, by all Members. We must accord to every Member of this body the right not merely to an opinion—an opinion is not enough—but to a conviction on the subject matter which has been under discussion for such a lengthy period of time.

The Declaration of Independence established the American vision of life, liberty, and the pursuit of happiness. President Lincoln—by painful and deliberate steps—decided that this vision could not endure for some if not held open to all. John Kennedy reaffirmed this decision, and Lyndon Johnson makes its accomplishment a national goal.

In his Emancipation Proclamation, Lincoln recognized his own destiny and that of America, and in so doing he was—in the words of Ralph Waldo Emerson, "permitted to do more for America than any other American man."

The crusade continues—not the civil war of a nation divided against itself, but the effort which Walt Whitman extolled—the constant struggle to achieve the full dignity and self-realization of the individual, irrespective of race, color, creed, or station in life.

There is another more subtle, yet equally pervasive kind of problem which is fixed on the individual as a member of a specific social class or religious or racial group. This identification the individual wears as a badge, knowing that it is likely to mean unequal treatment before the law, inadequate opportunities for employment, and inferior conditions of health, housing, and education.

This is still the lot of the overwhelming majority of American Negroes—in the North as well as the South.

When we speak of equality of education and equal employment opportunities in America, we are, of course, essentially talking about implementing the American ideal for all persons, regardless of racial, ethnic, or religious identification. But it is mainly the Negro—and this cannot be denied or refuted, I believe, with validity—in numbers and in the quality of resistance—who has been and still is denied full participation in the American community of free men and women, and this is where the problem lies at this hour. For, until the children of the emancipation have become full participants in the entire range of community life in America, neither they nor the white majority in this Republic will be truly free.

The record shows that the old habits of thought and feeling, the patterns of segregation, and the cake of custom, remain largely unbroken for the vast majority of Negroes in this country. Because of the complexities of our law, the opportunities for delay, and the acceptance of "token" integration as compliance with the law, desegregation will probably not be greatly accelerated unless other remedies are brought to bear.

That is what we are attempting to do in the Senate in the passage of this proposed legislation.

I am inclined to question the meaning of the Supreme Court's injunction that desegregation should proceed "with all deliberate speed." I, for one, believe that it means considerably more speed than we have witnessed.

Segregation is clearly a national problem, not merely a regional one. Custom and economics operate almost as effectively to enforce it in the North as law and tradition do in the South. One needs only to view the operation of the natural selection of poverty in creating the Negro ghettoes of our northern cities to conclude that segregation is not solely, nor even principally, a legal problem.

The problem does not lie with inadequate enforcement of the law, but with the total matrix of inadequate economic, social, and welfare conditions imposed on Negroes.

The inequities and discrimination practiced against the Negro within this matrix vary only in degree from one region of America to another.

When one observes the struggle of the American Negro for full equality, especially during the 20th century, perhaps the most remarkable phenomenon is the patience—I repeat, the patience of our fellow citizens of the Negro race.

Charles Frankel, professor of philosophy at Columbia University recently stated:

> American Negroes have fought with admirable, almost incredible, restraint and self-control. They are still fighting for social emancipation, but they have demonstrated the qualities of self-emancipation, of spiritual emancipation, for which we remember and revere Lincoln. If they fail here in this country, having shown these qualities and having fought in this way, if they do not soon begin to win more quickly and more surely, it is unlikely that the people elsewhere who are also seeking emancipation will ever be tempted to follow their lead.

We must learn to practice that belief which we now profess. It is the belief not only of Christians and Jews, who believe in man out of love; it embodies also the belief of the Greeks, who believed in man out of pride.

The history of the American ideal has been always to advance the fundamental doctrine that man—as man—is a creature of worth and dignity, and that all men—as men—partake of these qualities.

The essential characteristics which we cherish are in all men and women, and we can no more create an aristocracy of human dignity than we can create an aristocracy of human love or human imagination or any of the other essential human characteristics.

This Senate, this Congress, our generation—more than any other since that immediately following the Civil War, has the opportunity to give new dimensions to the American ideal.

Jefferson spoke of this ideal as a "gift of God"—Emerson, as a "law of nature," and Justice Learned Hand, as the "spirit of liberty." But by whatever name, it is the thrust that gives direction and meaning to the principles of the pending proposal that we call the civil rights bill.

I shall support this measure, not because any pressure group in West Virginia or without West Virginia causes me to support it. My vote shall be cast, as my votes have been cast in the consideration of this bill, from the wellsprings of my own conviction, from a sense of what I believe to be justice for all people under the law.

Mr. HARTKE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HARTKE. I yield myself such time as I shall need.

Mr. President, in the tides of time and the affairs of men there are moments which are more than temporal. As we look upon the stage of history, we see such occasions as tableaux, or vignettes, timeless, scenes familiar from the lore of past events whose heritage we bear. The story of our freedom is replete with such events. One can see in his mind's eye the Pilgrim Fathers of 1620 signing the Mayflower compact; the shirt-sleeved patriots of 1773 protesting tyranny by violence against the established order, dumping the tea in Boston Harbor; the solemn white-wigged Founding Fathers signing the Declaration of Independence in Philadelphia, self-conscious in their realization of its historic ring of freedom; the assembly, on a funerary battleground, listening to the words of Abraham Lincoln's Gettysburg Address.

Only history's hindsight can tell whether enactment of the civil rights bill in 1964 will be another monumental milestone on freedom's forward march. But certain it is that in its entire 175 years, the U.S. Senate has never so exhaustively debated any measure, has never so conscientiously explored every nook and cranny of any bill, has never more thoroughly sought with gravity and conviction to widen deliberately the horizons of freedom for all its citizens. What we have wrought we cannot yet judge. But we know that in this hour the eyes of the Nation and of the world abroad are upon us.

In this day of instant communication, we approach a rollcall whose result is a foregone conclusion. There will be no surprise in the outcome. And yet as we move to the call of the roll there lies across the land, as it were, a hush of expectancy, a bated breath and a listening ear. Even as the citizen still goes about his affairs routinely, there will come an interruption of the programs from a thousand radio stations and a flash of announcement to every television set with lighted screen. For the Nation and the world has appraised the importance of this event and sees it as a moment of historical decision. When President Johnson confirms that decision by signing the bill into law, I would hope and urge that he might give consideration to share that event with the world not only at home but abroad as well, by means of Telstar.

There is little that I can say of substance on this historic bill other than to answer clearly "yes" when my name is called. For I believe with the majority who will vote likewise, that this bill is right, is necessary, is practical, is a belated recognition of, and a hope-filled effort to correct, some vital flaws in our democracy.

The tide of justice rolls slowly forward, but in a true democracy its force is inexorable. We have such a true democracy in these United States. We believe, before the world and in our own conscience, that this democracy of ours is needed to liberate all those who are in bondage to lesser freedoms throughout the world. Our action here is a vindication before the nations of all colors and of no color, a vindication of the faith we hold that under our law, as under our declared principles, all men are equal without regard to race, creed, or color.

Therefore, Mr. President, I shall be proud to cast my vote in the affirmative, for in doing so I reaffirm my faith in this Nation as the land of the free.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MORSE. I object. If it is not possible to wait for Senators to reach the

Chamber when quorums are called, the rollcall can continue.

The **PRESIDING OFFICER**. Objection is heard.

The legislative clerk resumed and concluded the call of the roll and the following Senators answered to their names:

[No. 433 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER**. A quorum is present.

Mr. **CASE**. Mr. President, I yield myself such time as I may require.

The passage at long last of an effective civil rights bill is imminent. Most Senators look forward to that historical event with a sense of real satisfaction. The Senate as a whole has, I believe, a sense of achievement after coming to grips with a great moral issue.

We who have struggled and worked down through the years for such legislation share a special feeling of anticipation with regard to its enactment. We are mindful, however, that its achievement is, in the larger sense, the achievement of the Negroes themselves and of millions of Americans, both Negroes and whites, who, individually and through their churches, temples, and community, social, and civic organizations, gave compelling voice to the conscience of the country.

The passage of the legislation will help to remove a stain on that conscience. Nothing can wipe out the wrongs committed, the injustices inflicted, the denial of rights that have occurred over the past hundred years. But the approval of the bill can and will, I hope, mark a turning point looking toward the day when every American can traverse the length and breadth of the land with confidence that his rights as a citizen, his dignity as a human being, will be respected.

The passage of the bill will not be a cure-all. Nor are the provisions of the bill revolutionary. Indeed, in many States, such as my own State of New Jersey, far broader protection with regard to public accommodations and employment, to mention only two areas, is already on the statute books. But the Federal legislation is, nonetheless, an important, indeed essential, step. It signifies, I hope, a renewed dedication to the ideals which guided the founding of this Nation and which remain the surest guide to the domestic tranquillity and the flowering of freedom in the Nation.

U.S. POSITION IN THE FAR EAST

Mr. **JAVITS**. Mr. President, I have made it a practice to have printed in the RECORD the magnificent and most important reports by the Republican Citizens Committee's Critical Issues Council, which now have covered a large part of the major issues before the Nation. I ask unanimous consent to have printed in the RECORD the press release of the Republican citizens on the U.S. position in the Far East, as well as the full text of the report.

There being no objection, the press release and the report was ordered to be printed in the RECORD, as follows:

REPUBLICAN CITIZENS PRESS RELEASE

WASHINGTON, D.C., June 18.—The Republican Citizens Committee's Critical Issues Council today recommended a sweeping revision of U.S. policy in the Far East to correct a record of "dismal failure * * * which if allowed to continue might well undermine the U.S. position throughout the world.

"Respect for American resolves * * * has been eroded dangerously," the council declared in another of its series of white papers on problems facing the United States. The council paper was prepared by a task force composed of: Clare Boothe Luce, former Ambassador to Italy and Member of Congress; Mr. Walter Robertson, former Assistant Secretary of State for Far East Affairs; Dr. Richard Walker, director, Institute of International Studies, University of South Carolina; Adm. Arthur Radford, former chairman of the Joint Chiefs of Staff; Dr. David Rowe, Yale University; and Mr. Stanley Hornbeck, former director, Office of Far Eastern Affairs, and special assistant to the Secretary of State.

"Over recent years our pose appears to have been one of timidity, fear of further involvement, and quest for popularity rather than respect," the council stated in surveying the current U.S. position in east Asia.

"Our policies and actions seem schizophrenic, as we seek to compromise with Communist aggression in some countries of the area while trying to promote active defense in others.

"Frequent wavering in our stance, as in Vietnam, has undercut our position in the entire Far East to the point that it now hangs in precarious balance. Allies doubt that they can depend on us, enemies are convinced that we are a 'paper tiger' in the Far East, neutrals believe that the United States is headed for disastrous defeat, and most free countries in the Far East view our policies with dismay.

"In short," the council paper continues, "the United States has been losing credibility in its constancy of purpose and in the effectiveness of its power, particularly in situations of limited warfare. As our credibility erodes, the cost and danger of restoring it escalates."

In this dangerous situation two major facts eclipse all others in importance, the council states—the threat of Communist China and the inescapable involvement of the United States in that threat.

"It is now clear that if the security of the western Pacific area is to be assured, the United States must further develop an overall strategy to cope with Chinese Communist aggression," the council warns. "The world awaits our decision."

The council stresses five major points in support of its criticism of U.S. policy in the Far East:

"1. We have backed away from commitment of the very force we helped to create for dealing with Communist aggression.

"2. Seemingly forgetting the lessons of history, we have pressured allies against action in response to Communist provocations and pressured strongly anti-Communist leaders to accept coalition governments with Communists.

"3. We have failed to condemn armed aggression when committed by neutralists and have frequently rewarded them with our military and economic aid even at the cost of cutting support to our allies.

"4. We have failed to relate events in the Far East to each other to understand the close interdependence which the Chinese Communist threat provides for the whole area. We have not related tactical situations, such as that in Vietnam, to the overall Communist strategy of protracted struggle.

"5. Our own planning has remained remarkably defensive, perhaps best symbolized by the new term pushed by the administration in the last 2 years, 'counterinsurgency,' which itself implies a defensive dealing with insurgency after it has arisen."

As corrective action, the council suggests a multipoint program embracing several broad areas.

To make clear U.S. commitment to the peace and security of southeast Asia and to develop a strategic framework for strengthening the position of the United States and allied countries in the Far East, the following policies and actions are recommended:

"1. A new initiative by the President, backed by congressional resolution, making unmistakable our determination to maintain peace, stability, and security in the Far East and southeast Asia and our firm intent not to allow the political or military security of the nations there to be jeopardized from outside their borders.

"2. To back up such a policy statement, the United States should undertake regular deployment of major forces near threatened areas—similar to the dispatch of Marines to Thailand in 1962—establishment of an effective naval presence in the southwest Pacific area, and the regular holding of joint maneuvers with allied powers.

"3. Embark on a comprehensive program to include other countries to help provide immediate economic and political support to the Government of the Republic of Vietnam in order to make clear U.S. determination to make that Government internally secure and viable.

"4. Revitalization, or if necessary, reconstitution of U.S. relations with those powers with the will, commitment, and area involvement to guarantee effective joint planning and action against Chinese Communist imperialism.

"5. Inauguration of a regular series of meetings, at the ministerial level, of regional leaders for developing programs of mutual defense, economic development, trade, and the training of political and administrative personnel.

"6. Increased emphasis on long-range development and planning for regional economic progress and defense, to include, in addition to the SEATO powers, other nations and territories threatened by Communist imperialism.

"7. To take advantage of the Sino-Soviet dispute and Soviet revelations of Peiping's commitment to violence and war, the United States should initiate from the highest levels an exposure of Peiping's strategy in order to encourage the building of mutual defenses in the threatened areas."

The council also suggests measures to coordinate arms policy; to develop and employ competent personnel; and, finally, to relate the problems in the Far East to a broad view of the world situation.

The U.S. Position in the Far East

It can only be with deep foreboding that we survey the position of the United States in the Far East in 1964. Respect for American resolve—built at great sacrifice in Korea from 1950 to 1953 and by unwavering firmness during the Taiwan Straits crises of 1955 and 1958—has been eroded dangerously. Over recent years our pose appears to have been one of timidity, fear of further involvement, and quest for popularity in place of respect. Our policies and actions seem schizophrenic, as we seek to compromise with Communist aggression in some countries of the area while trying to promote active defense in others. Frequent wavering in our stance, as in Vietnam, has undercut our position in the entire Far East to the point that it now hangs in precarious balance. Allies doubt that they can depend on us, enemies are convinced that we are a "paper tiger" in the Far East, neutrals believe that the United States is headed for disastrous defeat, and most free countries in the Far East view our policies with dismay. In short, the United States has been losing credibility in its constancy of purpose and in the effectiveness of its power, particularly in situations of limited warfare. As our credibility erodes, the cost and danger of restoring it escalates.

Thoughtful Americans want to know why our resources and lives are given to fight communism in Vietnam, yet efforts are made to prevent action against Communist insurgents in Laos; and why the most powerful Nation in the world cannot make its voice heard with sufficient strength to stop the flow of supplies to Vietcong forces through supposedly neutral states. Americans are not told what our stakes are in the Far East, what our strategy is, or how we plan to win.

I. THE FAR EASTERN CRISIS

A survey of current U.S. problems and policies in the Far East must begin with attention to two major facts which eclipse all others in importance: the threat presented by Communist China and the inescapable involvement of the United States.

The Chinese Communist threat

For 15 years the totalitarian regime of Mao Tse-tung in mainland China has been the central threat to stability and peace in the Far East. Its large military forces and its policies of aggression have threatened the security of surrounding nations. The Chinese Communists are convinced that through economic disruption, insurgency, loss of morale, and outright aggression they can bring about a Communist victory and the exclusion of Western influence. Mao Tse-tung is the leading advocate of the efficacy of armed violence to attain political objectives.

Military victory in China and successful employment of force around China's borders from Korea to India have inspired the Chinese Communists to proclaim an "inevitable victory" for their cause. This is a tremendously important point in gaining an understanding of the present situation in east Asia where the concept of face means so much. The rulers of Peiping insist that China is destined to resume its ancient position as the power in the Far East, and they urge surrounding states to make their peace with the Mao regime as quickly as possible on Chinese terms.

In the framework of their world view and their doctrine of historic inevitability the Chinese Communists have pursued policies that have been as consistent as they have been open. Their top spokesmen have made clear an intention to reassert the suzerainty which formerly put surrounding countries in the position of tribute bearers to the celestial court. The policies of the Mao regime toward its neighbors, particularly Japan and India, leave no doubt of its intention to dictate the course of events in Asia. The parallels with the policies of the ultranationalists in Japan in the 1930's, including militarism, racism, fanaticism and a doctrine of infallibility, are only too clear.

Peiping has utilized its mass, proximity, and manpower, as well as its doctrine of inevitability, to drive wedges between those who are allied against communism in the Far East. Against one country it adopts an attitude of truculent hostility while toward another it turns on the smile of peaceful coexistence. It argues that America and other Western Powers are fair-weather friends, destined to retreat from involvement in Asia, and not to be relied upon. Each small concession won, each occasion of wavering on the part of the non-Communist forces in Asia, is quickly played upon by Peiping as a further evidence of preordained victory for its cause.

Mao Tse-tung's Communist regime is committed to a doctrine of protracted struggle and war. This provides a strategic perspective within which it can accept temporary compromises and tactical changes in line, but the central concept of inevitable violence remains basic and constant. Communist China attempts to maintain the initiative by an aggressive approach; it seeks to intimidate the smaller powers; it threatens long-range hostility against those who would resist its ambitious demands; and it exploits unwarranted fears of China's size and great population by stressing its willingness to sustain great loss of human life. Peiping warns that resistance to its demands will result in protracted and costly conflict in which the numerical superiority of the Chinese will prove decisive.

This strategy enables the Chinese Communists to embark on calculated periods of tension and relaxation in which concessions can be won by intransigence or feigned reasonableness; dissatisfactions can be exploited, and divisions can be created within the alliances of opponents. Piecemeal reactions of the non-Communist countries have proved ineffective, and Peiping's forces seem destined for continued advance until confronted with an effective counterstrategy which can force them to realize the futility of their hegemonic ambitions.

The threat of Communist China has, of course, been enhanced by other factors of instability. The intense local nationalisms, which helped to precipitate Europe's withdrawal from her former international role following World War II, disrupted smoothly working economic and trade patterns and resulted in the loss of experienced personnel and functioning organizations before native replacements could be trained. In consequence, many nationalist leaders failed to fulfill promises they made to their people of a better life after independence. Their policies of self-sufficiency, which further encourage disruption, isolation, and inflation, promote the very chaos the Communists can exploit. The slow process of nation building has been constantly disrupted by Chinese Communist pressures. Instability has tended to lend attraction to totalitarian prescriptions, and this in turn has reinforced the influence of Communist China.

U.S. involvement

The other side of the coin of the Chinese Communist threat is the inescapable role which the United States must assume if this area of the world is to remain free from Communist domination. Our involvement as a Pacific power was demonstrated in World War II and in the Korean war. Chinese Communist imperialism today, however, makes the relationship of the Far East to U.S. security far more intimate than ever before. Withdrawal from commitments we have made in the western Pacific might well undermine our position throughout the world.

In the immediate post-World War II period the United States attempted to disengage from its position as a military power in the Western Pacific. But Communist aggression in Korea brought prompt abandonment of such policies and reassumption of the responsibilities necessary to check Communist advances in the Far East. We moved wisely and quickly to commit our full diplomatic and military power. We signed bilateral pacts with the Philippines, Korea, Japan, and the Republic of China, and we entered into the multilateral ANZUS and SEATO treaties. Major military and economic aid, the establishment of formidable bases, the building of indigenous military forces, the stationing of U.S. military detachments in the area all offered convincing demonstration that we were committed to defend the security of free peoples in the Far East. Such policies and actions did much to restore confidence in the United States, and when Mao Tse-tung tested American will in the first offshore islands crisis of 1955, it was not found wanting.

The high point in our determination to oppose Chinese Communist expansion came in 1958, when Red Chinese forces launched an all-out bombardment of the Nationalist-held islands of Quemoy and Matsu. During that second offshore island crisis, Secretary of State Dulles warned Peiping that aggression against Taiwan would result in a three-front war—referring also to Korea and Vietnam. This was as close as the United States came to developing a strategic concept for dealing with the centralized threat from Communist China. It is now clear, however, that if the security in the Western Pacific is to be assured, the United States must further develop an overall strategy to cope with Chinese Communist aggression.

Meanwhile, our problems in the Far East have increased because of the explicit Chinese Communist purpose to "drive the American imperialists out of the Western Pacific." Mao Tse-tung has made a "hate America" policy a consistent feature of his diplomacy and actions. The intensity of the hate campaign has been designed both for domestic purposes and to scare the smaller powers away from close relations with the United States and toward neutralism for fear of incurring Chinese wrath.

Peiping could not fail to observe the division which the crisis of 1958 created within the United States and between us and some of our European allies, not to mention the consternation in many of the neutralist countries. It has continued to challenge and test the resolve of the United States with an actively antagonistic program, including organized propaganda and demonstrations, and a stepped-up program of guerrilla violence in southeast Asia. The response of the United States can only be one of continued firmness, and hopefully, the developing of a strategy to counter Peiping's policies.

II. A DISMAL RECORD

When the new administration came into office in Washington in January 1961, the Chinese Communist hard line and attendant violence took on major proportions. Once again the United States was required to establish credibility for its commitment to the security of free peoples against Communist threats in Asia.

In a major foreign policy speech of the 1960 presidential campaign the Democratic candidate objected to our being "preoccupied with only responding to communism instead of also advancing freedom. We are," he maintained, "reacting too late in the cold-war crisis where cause of freedom is in serious trouble." Peace, he said, requires "more than talk, more than experience, more than effort. It also requires foresight." He called for action before a Communist threat reached serious proportions and plans for dealing with developments before they eventuate.

The Chinese Communists were quick to test the resolve of the new administration. Unfortunately, however, our commitment in the Far East has appeared uncertain and our position there is now dangerously weak.

Laos

The first major challenge came when the Pathet Lao Communists intensified their military action. On March 23, 1961, President Kennedy reported to the American people the seriousness of the Communist threat to Laos, and called attention to the number of Soviet planes which, in violation of signed agreements, were dropping supplies to the Pathet Lao. Laos was made a test case for future Soviet-American relations. In the complex subsequent developments, certain items stand out:

(1) When the SEATO Council met in April 1961, the Asian members urged common military action. The Philippines offered armed forces. Pakistan even designated the troops to be moved to the threatened country. The United States backed away in the face of British and French pressure.

(2) Soviet planes continued to fly supplies to the Pathet Lao rebels, and we pressured Prince Boun Oum to cease fighting the Communists and form a coalition government with them, eventually cutting off aid to his Government in order to force it out of power, a fact over which that Government complained bitterly.

(3) American allies in the Far East were disturbed by our pressures on the Lao Government. Prince Boun Oum, head of the Government—which the United States joined in labeling "rightwing"—toured the Far East in early 1962 seeking support against U.S. pressures. The President of the Philippines told him: "It is unfortunate that you and those who follow your leadership have not been given the full support of those who are leading the global struggle for human dignity and freedom. * * * Support for the neutralists in preference to those, like you, who are openly committed to freedom is a species of sophistry that can only weaken the defense of the free world and delay at such horrible cost the ultimate victory which free men are fighting for."

(4) In 1962 Assistant Secretary of State Harriman continued pressure on Laotian leaders to accept our solution for a neutral Laos. He proposed that Communist leaders be taken into the government and was so insistent that the anti-Communist General Phoumi was reported to have told him, "You know, Governor Harriman, we in Laos have many years' experience with colonial rule. But we were never spoken to in quite that fashion in colonial times."

(5) By July 23, 1962, we had forced Laotian leaders to sign, and we ourselves had signed, a 14-nation Protocol and Declaration of Neutrality for Laos, based on a Soviet "troika" proposal similar to that which we were at the same time resisting in the United Nations. The ink was not dry when the Communists began to violate the agreement. It is difficult to understand why the United States, after long experience with Communist duplicity, would sign an agreement without built-in guarantees of enforcement.

The denouement is clear. The agreement on Laos did not work from its inception. Polish representatives on the three-nation International Commission for Supervision and Control have blocked effective implementation of many provisions. The administration maintains that the Soviets are sincere in their wish to carry through the agreement, but has been unable to secure effective Soviet cooperation to do so and cannot explain the actions of the Polish representative.

In 1963 Communist forces felt strong enough to begin further operations for the elimination of the neutralists. The United States then pressured the neutralists not to fight, in order that the neutrality of Laos might be maintained. There has been no inspection of Pathet-Lao-held areas, and Communist guerrillas in neighboring South Vietnam continue to receive assistance through Laotian territory. Communist China has completed a road into Pathet Lao areas. The Government of Laos is threatened with collapse.

Once the American President had made an issue of Laos, any retreat from our commitment only undermined the morale of our allies in the Far East and encouraged further Communist blandishment. Deployment of SEATO forces to Thailand on a volunteer basis in the spring of 1961 would have been more effective than was the movement of Marines in 1962. The United States could have informed the Soviet Union and other Communist countries that aircraft flying military supplies to the Pathet Lao would be intercepted and shot down.

American will was tested and found wanting in Laos. The country remains in turmoil with little prospect for stable neutrality. Had our policies taken into account the strategic interrelations of the countries of southeast Asia and their intimate link to the central threat of Communist China, we would not have signed an agreement which failed to provide guarantees backed by armed sanctions against the violation of neutrality for Laos by Communists supporting insurgency in Vietnam.

Vietnam

If the performance in Laos left much to be desired, the story in South Vietnam, partially in consequence, has been even more dismal. The two cases symbolize the schizophrenia of U.S. policy in southeast Asia. For policy purposes, Vietnam was artificially separated from other areas, and while Ambassador Harriman was directed to achieve a political settlement at all costs in Laos, Gen. Maxwell D. Taylor was instructed to bring about a military decision over the Vietcong forces in the Republic of Vietnam. Since 1954, the United States had successfully helped preserve the independence of South Vietnam, and there has been encouraging growth in strength. The Kennedy administration rightly decided to continue our support—indeed, to increase it in view of an intensification of Communist pressures. Initial progress was encouraging. Government authority and services were restored to the people in nearly all provinces, schools were reopened, and economic advances were made. South Vietnamese armed forces were strengthened, and by 1963 some of the Vietcong forces were turning themselves over to the Vietnamese Government in response to an amnesty program.

Meanwhile, however, the infiltration of North Vietnamese Communist cadres and supplies continued. Political intrigue and plotting against the Government had been going on ever since President Diem took the helm in 1954, but by the summer of 1963, the enemies of the Diem government hit upon the religious persecution issue. Supported by an American press largely critical of the Diem government, aided by many emotional Vietnamese themselves and by the errors and growing estrangement of the Diem government from its own people, a few politically motivated Buddhist agitators managed to convince the American public and Government that the religious issue was crucial.

Encouragement from Washington helped precipitate the overthrow of the government of Ngo Dinh Diem and his assassination, before there was a well-prepared alternate government to move into the void. The results are plain. After two changes of government, and the loss of momentum, the Vietcong are growing in strength, much of the Vietnamese economy and countryside are controlled by Communists, desertions from the Vietnamese forces have doubled, American casualties have mounted, and agitation and plotting against the present regime continues. Many people in that troubled land, bewildered by American vacillation and tired of suffering, have begun to accept the thesis that a Communist victory is inevitable. Communist forces now violate both Laotian and Cambodian borders with impunity, while the United States plaintively protests in seeming impotence.

Vietnam has now become the focal point for testing the commitment of the United States to its allies in the Far East. The struggle against the Vietcong must be understood for what it is; a war forced upon the Vietnamese people from Communist-dominated areas of North Vietnam and mainland China. Contrary to the view frequently expressed by the administration, the major answer to Communist insurgency in Vietnam has lain beyond its borders, yet American leaders have given little indication they have an overall strategic concept with which to defeat this Communist aggression.

The direction and supplying of the Vietcong from outside the borders of Vietnam remains a key problem, requiring decisions which the administration has continually postponed. Given more than 3 years' failure of our will, and our readiness to compromise in Laos, Vietnamese can with warrant ask their American allies, "How can we win?"

West New Guinea

Perhaps equally indicative of American retreat from responsibility in the Far East was our attitude toward Indonesian expansion into West New Guinea. We prevented Dutch planes supplying their own forces there from landing at American bases, and, in a manner which made Australian leaders speak of a Far Eastern "Munich," we urged the Dutch to continue negotiating the Bunker Agreement at the very moment when Indonesian paratroopers were dropping into the disputed territory. Under the agreement, finally signed in August 1962, West New Guinea was turned over to the Indonesian Government on May 1, 1963, after an interim U.N. rule and with the specific provision that, after a period of years, a plebiscite would be held permitting the Papuan natives to determine whether they wished to remain under Indonesian rule. Exactly 2 weeks after the Indonesians assumed full control, their Minister of Information Abdulgani indicated that his government had no intention of honoring the agreement. He said his ministry would "kill any attempt to separate West Irian (New Guinea) from Indonesia. In other words, we must eliminate the referendum, or legal separation which is wrapped up in the right of self-determination." There was hardly a whisper of protest from Washington.

The United States could have stopped immediately all aid to Surkano and applied severe economic sanctions, including pressures on Indonesia's trading partners, to force the cessation of Djakarta's military action against West New Guinea. To pressure our allies to continue to negotiate in face of overt military action only further undermined our position in related areas and convinced the Chinese Communists that the American "paper tiger" could be blandished into further concessions.

The Sino-Indian conflict

Yet another example of failure to engage in effective forward planning involved the Chinese Communist attack on the Indian frontier in October 1962. Instead of utilizing the occasion to exert maximum influence on India to come to agreement with our ally, Pakistan, over the disputed Kashmir, we hastily rushed military aid to India.

Then after committing ourselves, we suggested a new round of talks on the Kashmir. Too little attention was given to the multilateral implications of Peiping's combination military-diplomatic power play. Negotiations to define the border between China and Pakistani-held areas of the Kashmir had opened in Peiping exactly 1 week before Chinese Communist forces struck. Obviously military aid to a major country threatened by Chinese Communist aggression was desirable, but Washington could have acted with more caution and deliberation in order to push for a settlement of the Kashmir dispute in accordance with the recommendations of the United Nations.

Indian forces would have made a better showing if they had not been mainly deployed against Pakistan. Pakistan was partially dislodged from its pivotal position as a member of both CENTO and SEATO, and cohesion within SEATO was further undermined. U.S. military supplies arrived too late to affect events on the Sino-Indian frontier. Smaller nations in the Far East observed the defeat administered to India at the moment we were proving ourselves unable to cope with insurgency in Laos and Vietnam, and Mao Tse-tung's strategy convinced some more leaders in the Far East that his is the future. This was a far cry from the planning and foresight the administration had promised in 1961.

Other areas

To the above dismal story of military assistance to Vietnam and India neutralized by diplomatic schizophrenia in Laos, Pakistan, and Indonesia can be added other mistakes in the Far East which indicate continuing lack of well-formulated plans for building defenses against the threat of Communist China:

(1) Despite extensive aid to Indonesia, our mediation has proved ineffectual in deterring Sukarno from his collision course with Malaysia. Sanctions have not been mentioned, nor has the administration given the new Malaysian state the expressions of firm support it deserves.

(2) There has been a continuing failure to take into consideration our strategic links with Australia and New Zealand and the relation of their security to developments in Indonesia and to our own position in the Far East.

(3) Inadequate attention has been given to the Republic of the Philippines which can only look with wonderment at the multibillion dollar U.S. commitment to India.

(4) In the Far East there has been little indication of U.S. initiative to take advantage of the Sino-Soviet quarrel, to exploit Soviet revelations of Chinese Communist ambitions in such areas as Japan, or to use Peiping's exposures of Soviet actions to discredit Moscow-supported front groups.

(5) Little consideration has been given to the important part which Japan must assume in building the economic and political defenses for the free world in the Far East.

Some main points

In contrast with the era when the Eisenhower administration moved imaginatively and decisively toward a regional defense in the western Pacific and developed interrelated treaty arrangements to deal with the central threat of Communist China, there has been in the past 3 years a singular absence of creative diplomacy and a failure to develop a strategic perspective in this critical world area.

Leaders in Asia, particularly in the smaller states under the shadow of Chinese Communist power, are especially sensitive to change. Many who have looked to the United States for support are now unsure of answers to some important questions. They want to know if the United States is the force of the future, whether we are a dependable ally, whether we can help them with pressing problems, whether we have the will to help defend them in the face of adversity.

The United States has expended more than $8 billion in southeast Asia since the Korean war and an equal sum elsewhere in the Far East. American troops have been deployed in the western Pacific for a decade and a half, and untold numbers of American civilians have devoted their skills toward the social and economic improvement of the area. Why, despite these efforts, has our position in the Far East eroded so rapidly? A few reasons deserve repetition:

(1) We have backed away from commitment of the very forces we helped to create for dealing with Communist aggression.

(2) Seemingly forgetting the lessons of history, we have pressured allies against action in response to Communist provocations and pressured strongly anti-Communist leaders to accept coalition governments with Communists.

(3) We have failed to condemn armed aggression when committed by neutralists and have frequently rewarded them with our military and economic aid even at the cost of cutting support to our allies.

(4) We have failed to relate events in the Far East to each other or to understand the close interdependence which the Chinese Communist threat provides for the whole area. We have not related tactical situations, such as that in Vietnam, to the overall Communist strategy of protracted struggle.

(5) Our own planning has remained remarkably defensive, perhaps best symbolized by the new term used by the administration in the last 2 years, "counterinsurgency," which itself implies a defensive dealing with insurgency only after it has arisen.

New policies are manifestly required, changes must be made, and initiative must be taken if the influence of the United States is to be restored in the Far East. Yet despite the lateness of the hour, there has been no indication of a new course. It is difficult to determine whether the administration is simply allowing a drift in policy or following a policy of drift.

III. WHAT CAN BE DONE

1. Making our commitment clear

The United States must, first of all, make clear our determination to sustain the security of the Far Eastern area as a whole and discard the tendency to treat the separate countries in isolation. The United States is a Pacific power and international security in the Far East is a vital interest of this Nation.

Making clear the commitment of the United States could involve such policies and actions as the following:

(1) A new initiative by the President, backed by congressional resolution, making unmistakable our determination to maintain peace, stability, and security in the Far East and southeast Asia and our firm intent not to allow the political or military security of the nations there to be jeopardized from outside their borders.

(2) To back up such a policy statement, the United States should undertake deployment of substantial armed forces near threatened areas—similar to the dispatch of marines to Thailand in 1962—establishment of an effective naval presence in the southwest Pacific area, and the regular holding of joint maneuvers with allied powers.

(3) Embark on a comprehensive program to induce other countries to help provide economic and political support to the Government of the Republic of Vietnam to make quite clear U.S. determination to make that Government internally secure and viable.

When our commitment to the security in the Far East as a whole is clear, it follows that each policy decision must deal effectively with the Chinese Communist threat at all points. Obviously we cannot have a purpose which is less than to effect abandonment of those actions, policies, and aims which make current Communist operations incompatible with national independence, military security, political order or economic and social development in the Far East.

2. Developing a strategic perspective

Given the vital relationship of the Far East to U.S. security, it is time to consider our involvement there within the framework of an affirmative strategy. The time to move toward the adoption of a strategic plan to check the Chinese Communist bid for hegemony and put a halt to Peiping's export of revolutionary violence is now. Adoption of a strategic goal can move U.S. policy in the direction of correctly appraising political, economic, and military interrelationships and understanding the mutuality of needs in the Far Eastern area, thus carrying forward the process which the Eisenhower administration began at the time of the 1958 Taiwan Straits crisis.

Perhaps even more important, the acceptance of the need for a strategic approach to our whole foreign policy in the Far East could help the United States influence future leadership within the individual countries. In the framework of their strategy, the Communists have been able to create and utilize tightly knit, indigenous political organizations such as Western policymakers have not had available. This brings out clearly the missing dimension in our capabilities: namely, the absence of friendly, well-organized, and powerful political movements, with independent appeal to wide interests of the native populations.

The thousands of students who come to the United States from the Far East, for example, have seldom been organized or given a sense of identification with a movement for the development of their own countries, linked to the cause of the free world—a movement to which they maintain their commitment as they rise to positions of influence. A strategic perspective requires planning not for months or years, but for decades. Its absence to date has contributed to our failure to develop a forward look regarding the organization of the personnel with whom we shall have to deal in the future.

Development of a strategic framework for strengthening the position of the United States and allied countries in the Far East would include such measures as the following:

(1) Revitalization, or if necessary, reconstitution of U.S. relations with those powers with the will, commitment, and area involvement to guarantee effective joint planning and action against Chinese Communist imperialism.

(2) Inauguration of a regular series of meetings, at the ministerial level, of regional leaders for developing programs of mutual defense, economic development, trade, and the training of political and administrative personnel.

(3) Increased emphasis on long-range development and planning for regional economic progress and defense, to include, in addition to the SEATO powers, other nations and territories threatened by Communist imperialism.

(4) To take advantage of the Sino-Soviet dispute and Soviet revelations of Peiping's commitment to violence and war, the United States should initiate from the highest levels an exposure of Peiping's strategy in order to encourage the building of mutual defenses in the threatened areas.

3. Coordination of arms of policy

Closely linked to the need for a strategy is the necessity to coordinate arms of policy. In 1963, there were 16 separate departments and agencies of the Government with direct major concern in foreign affairs, and another 20 with some responsibility.

In an attempt to establish some coordination among these many groups, President Truman set up the Psychological Strategy Board in 1950. While well conceived, interdepartmental and interservice jealousies were never ironed out. The Psychological Strategy Board proved its value, however, in a limited number of instances, such as evolving the "voluntary repatriation" formula for Korea. It never had, though, either the power or the commitment on the part of high officials to make its work effective.

In an effort to improve the situation, in September 1953, President Eisenhower replaced the Psychological Strategy Board with the Operations Coordinating Board. It served as a channel of communications among Government agencies operating abroad, and it provided some of the necersary staff work for the National Security Council. One of President Kennedy's first administrative changes was to abolish the Operations Coordinating Board, and most of the staff functions for the National Security Council were not even adequately located elsewhere. There is, therefore, no agency of the U.S. Government capable of long-range strategic planning and coordination so clearly necessary for marshaling our resources to meet the Chinese Communist threat in the Far East. Further, when Vietnam and Laos were being treated under separate policies in the early part of the present administration, the National Security Council was itself being given only perfunctory functions and had little opportunity for consistent staff work or strategic planning.

Aside from the development of short-range "task forces" on special problems, the major concept developed by the present administration has been the coordination of the work of various agencies within specific countries under the rubric of "the country team." But the country-team concept, while necessary for efficient U.S. operations within a given country abroad, can hardly be expected to make up for the lack of coordination in Washington. The country-team concept has led to playing down the regional and world interrelationships that have proved critical in the Far East.

Perhaps in the field of economic power the need to coordinate the operations of various agencies stands out most clearly. Our economic aid contributions and trade relations in the Far East are seldom approached in terms of long-range strategic goals. The great economic power of the United States has seldom been used to back up national interest through sanctions or threat of sanctions. Resources have frequently been squandered, almost as if on the assumption that any problem can be solved if enough money is spent.

A major step to be taken immediately, therefore, is the restoration of the full functions of the National Security Council together with the recreation of a Strategic Planning and Coordinating Board with the power and the mandate to enable the National Security Council to clarify procedures, to bring to bear the full range of our capabilities in world affairs. Under current organization, the Policy Planning Council of the Department of State is wholly inadequate for the task; its powers are limited and it lacks representation of other agency viewpoints.

4. Development and employment of competent personnel

We also require a clearly enunciated program for developing a national reservoir of trained language and area specialists for all of the countries and areas of the Far East. In this important field there has not been the advance planning or the imaginative effort promised. This may in part be a reflection of the administration's inability to clarify its own concept of the extent to which the Far East is and will remain vital to our national security. Although there has come an important, if tardy, realization of the role of military civic action and the constructive part which armed forces can and do play in nation-building, programs now being developed have had little backstopping with area specialists. The long-range challenge to U.S. security in the Far East calls for just as imaginative and far-reaching a program for training area experts as was developed during World War II.

Indeed, there has been inadequate application of existing expertise on the subject of Communist China, its strategy and its tactics on the Asian scene. Many top assignments have gone to inadequately equipped persons. Though it is not entirely surprising that the United States has been lacking in well-trained personnel for Far Eastern areas, this does not condone present inadequate attention to programs for developing the specialists on which the various branches of the Government can draw or the lack of full utilization of present expertise.

5. Relating the Far East to the world

Just as in the Far East our policies toward individual countries and subregions cannot be separated, so too, our policies around the world bear a relationship to each other. For more than 3 years, lack of strategic purpose and planning by the United States has resulted in loss of prestige, and not just in the Far East. As our position has eroded, so the price of restoring our credibility has increased. In the Far East the United States must now either reestablish its credibility or face the possibility of Chinese Communist totalitarian hegemony over the whole area. Necessary policy decisions will be difficult, and the risks will be great. The test is now before us: Vietnam and Laos must be made secure for the development of free institutions, and a large part of the answer to their problem of security lies beyond their borders. A demonstration of our willingness to repulse the Communist threat and reestablish faith in ourselves as a formidable foe and successful ally is now a "must."

The outcome of the test in the Far East, however, will be determined in part by our performance elsewhere. Our credibility in Vietnam is linked, for example, to the manner in which we handle Communist subversion and indirect aggression from Castro's Cuba in this hemisphere. Vietnamese, Koreans, or Thai are unlikely to evince great faith in the destiny of the United States if we prove ourselves incapable of dealing with Communist Cuba. More than a little, too, depends on how we perform in relation to the Soviet Union. Are we capable of evolving policies which take into account the dangers as well as the opportunities presented by the quarrel between Moscow and Peiping?

Throughout the world, but particularly in the Far East where the Communist China threat looms large, the United States, as leader of the free world forces, will have to face up to the conclusions that the Communist view of a decent world order is incompatible with ours. We are called upon to develop a strategy to check Communist imperialism. This means a willingness to make a commitment and stick to it, the development of an ability at strategic planning, the coordination of arms of policy, and attention to and long-range development of expertise. In the Far East such a new policy direction cannot wait. The stakes are too high and the pressure of time makes delay unacceptable.

(NOTE.—Not every member of the Critical Issues Council, its task force, or Republican Citizens Committee necessarily subscribes in every detail to all the views expressed. The council endorses its papers as a substantial contribution to public awareness of current critical issues and to the presentation of positive solutions.)

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. JAVITS. Mr. President, as we approach the close of this civil rights debate, which is a triumph of bipartisanship, I wish, first, to call attention to a frequently discussed matter, which is not particularly germane to the work of the Senate but is very important to the people of the Nation, that is, the question of what is the mainstream of the Republican Party. I believe it is now clear that the mainstream of my party is support of civil rights legislation, and, particularly, support of this bill. I am proud of the work done in this field by the most recent Republican administration, including desegregation of the Armed Forces, desegregation of the District of Columbia schools, and enactment of the first two Civil Rights Acts since Reconstruction days. I am proud of the very great spirit of cooperation and bipartisanship which animated the Members of the other body, particularly Members such as Representatives HALLECK, MCCULLOCH, LINDSAY, and MATHIAS, in addition to many others, in bringing about passage of the pending bill by the House, where some 78 percent of the total membership, including 81 percent of the Republican Members and 59 percent of the Democrtaic Members, voted for the bill. I also pay tribute to the spirit of cooperation and bipartisanship in the Senate, where 71 Senators—more than necessary for the two-thirds hurdle—voted to invoke cloture.

The support of 81 percent of the Members on this side of the aisle was mustered; and on the other side of the aisle a majority of 65 percent was developed.

I hope very much that in the days ahead this most auspicious bipartisan effort will be manifested in the way the new law is enforced. We hear predictions that this new law will cause disorder, opposition, and strife, and that there may be defiance of, instead of compliance with, the laws of the United States. I find that hard to believe about any part of the country. If the bill is defied and if segregation is continued, of course there will be strife and strain in connection with the efforts of the United States to assert the majesty of its law. But if a good-faith effort is made to comply with the law by people in every section of the country, in understanding that we are a total country, all one United States—although it required mountains of treasure and oceans of blood to prove it, it now has been clearly demonstrated again—I believe all parts of the country, including the South, will have the sympathy and the support of the entire country in the effort to effect good-faith compliance with the law.

Mr. President, this bill is not an oppressive or a strong measure. It is not nearly as strong as it could be made, matched against the 1960 platforms of both parties and the unanimous recommendations of the U.S. Commission on Civil Rights. Those of us who wish the bill were stronger could have made as strong a fight, if not a stronger one, than the fight made by those who are opposed to the bill. We did not do so because we wanted a minimally effective bill to be enacted as quickly as possible.

When I say the bill is not nearly as strong as it could be, I point out the following, as examples:

Title I does not cover State and local elections, although the 1957 act and the 1960 act, which title I amends, do cover State and local elections as well as Federal elections.

Title II, which deals with the much-controverted issue of freedom of admission to such public accommodations as hotels, motels, restaurants, gasoline stations, and motion picture theaters, could have covered all establishments affecting interstate commerce. But it does not; it covers only a limited series of enumerated ones.

Title IV, with respect to public school desegregation, could have required every school district to file a plan of desegregation to begin with the beginning of the next school year. Indeed, that was called for by the 1960 platform of the Democratic Party. But the bill does no such thing. It merely gives the Attorney General an opportunity to commence civil suits in each case.

Title V and title X could have been combined, so that the Conciliation Commission would have been consolidated with the U.S. Civil Rights Commission, instead of creating a new commission especially for conciliation. In view of the extensive investigations, findings of fact, and experience of the Civil Rights Commission, it is reasonable to assume that a commission formed by combining the Conciliation Commission and the U.S. Civil Rights Commission would have been a much more effective one. However, I hope the new Conciliation Commission will do a very effective job. Also the Civil Rights Commission could have been made a permanent agency, instead of requiring that it return to the Congress again for further extension in 4 years.

Title VII, the much-controverted equal employment opportunity title, could have been very much stronger. The Commission created under it—as I pointed out yesterday—has no real power, except to conciliate. Not only does it not have the power to issue cease and desist orders—as is possible now in many of the States—but it does not even have the power to sue. Suits can be brought only by the Attorney General, and under severe restrictions, notwithstanding the fact that the other body voted to give the Commission the power to sue.

There has been a great deal of debate over title IX, which deals with procedure in civil rights cases. It has been charged that section 902 is the old part III, which the Senate deleted from the House-passed 1957 act. However, that is not at all the case. Section 902 does not give the Attorney General authority to institute suits, whereas the old part III did. Section 902 gives the Attorney General only authority to intervene in privately commenced equal protection cases of national interest, and only when the intervention is timely.

In addition, I had some amendments which would have put some teeth into existing, little-used provisions of law in regard to cases of excessive police action. Certainly, much needs to be done in this field. For example, in the famous Screws case, involving the homicide of a Negro prisoner, the defendant was first convicted under the existing criminal statute, title 18, United States Code, section 242, but eventually was acquitted, as a result of a decision by the U.S. Supreme Court, which imposed a requirement of proof of specific intent to deprive the victim of a constitutional right. The Civil Rights Commission has found that this requirement has made the provision virtually unenforceable and has recommended an amendment. Similarly, under the existing civil statute, title 42, United States Code, section 1983, only the police officer found guilty of excessive action is personally liable, whereas in New York, and also in many other States, the doctrine of respondeat superior obtains, and the political subdivision which is his emloyer is also liable. Again, the Civil Rights Commission has found the provision virtually unused for this reason and has recommended an amendment.

So, Mr. President, it is clear that the pending bill is far less than a really tough civil rights law; but it is important to note that the bill does cover all the issues, and introduces the United States into every one of the cases, in which frustration and despair have been the fuel upon which Negro demonstrations and Negro resentments have fed. Therefore, if we make the new law effective, and if it receives good-faith compliance, and if we really try to do our best in that connection, it will be an enormous influence in the interest of stability in this country and will not constitute a sectional act.

Indeed—and I say this out of a sense of deep conviction—the new law will redeem the South and will enable it to go forward arm in arm with the rest of the Nation, not only in physical progress, but also in moral progress and in intellectual progress; and I hope and pray it will end in the South a system of society which I believe has held the South back, all these years, behind the march of progress and behind the march of the times.

It has been too little emphasized in this debate how far behind that section of the country is in regard to certain elementary rights. An effort has been made—and I think with some success—to gild the lily much too brightly. The 1963 report of the U.S. Commission on Civil Rights shows that as late as the 1962 voter registration in the 100 so-called black counties, which stretch across the South from the Mississippi to the Atlantic and in which there is a very large Negro population, only 8 percent of the Negro population of voting age was registered to vote. At the same time 89 percent of the whites of voting age were registered to vote. It is easy enough to attempt to lay that aside by saying that Negroes do not want to vote, do not come to register, neglect their civic duties, and so forth. But the same record is replete with instance after instance of intimidation to prevent people from voting. We now hear predictions that if a number of young college people go down to Mississippi this summer to try to teach Negroes how to avail themselves of their right to vote, they will be in danger of being killed. That is the danger against which they are being warned. Merely because they are strangers, foreigners having no business there? No, they are honorable citizens of the United States who are seeking to help other citizens of the United States to assert their basic constitutional rights.

So the picture is not a bit pretty, notwithstanding the fact that every effort has been made to pretty it up in this Chamber in the course of the debate.

Still, to this day, school desegregation proceeds at a snail's pace in the South. The Civil Rights Commission's figures show that in the 3,052 southern school districts which have both Negro and white students, only 979, or 32.1 percent, permit Negroes to attend formerly all-white schools. And only 8 percent of the Negro pupils in the South attend school with white pupils. In one State, the State of Mississippi, so far as I know now, there has still been no effort whatever at desegregation of the public schools, although a decade has passed since the Supreme Court's school desegregation decision.

Much has been made in the debate of the question of racial imbalance in northern cities, including mine; New York City has especially been singled out. Let us look at the record, as a famous Democratic Governor of New York, Al Smith, used to say. The record shows that in New York City only 19 percent of our total of 860 public schools can even be charged with racial imbalance—that is, where there is a greater than 90 percent concentration of Negro children, attributable to residential patterns. There is no question even of imbalance in the remaining 91 percent of our schools. In 100 of them, one-half are nonwhite. And in the entire public school system not a single school is all white or all Negro. The State and city governments are dedicated to eliminating both whatever imbalance exists and the housing patterns which created it.

This bill, on the other hand, is designed to eliminate racial segregation, where States attempt to maintain that unconstitutional system.

An amendment to the bill was offered to include racial imbalance, a red herring amendment, I called it, because it begs the question: neither the bill nor the Constitution requires that schools have any particular racial mixture. Instead, both prohibit only the denial of the right of a child to attend, without regard to his color, the school which under a normal school plan he has the right to attend.

Finally, fear has been expressed that there will be demonstrations and public anxiety, and that there will be an organized effort to test the bill. Again I say that it is high time that we awakened to the fact of the enormous resentment generated when there is an effort in a community to deprive people of a legal outlet for grievances which are reasonable and fair. The Supreme Court has held time and again that communities may not, under any laws which endeavor to suppress it, deny the first amendment right of free assembly to express grievances. It seems to me that the least that enactment of the bill into law should do is convince communities that people must at least be listened to. If we give them orderly conditions under which they may be listened to, the overwhelming majority will be content to accept those orderly conditions. With respect to those who may nonetheless be violent, whatever may be their reason, there will be all the more sympathy and support for restraining any such violence or illegality, where there is an elementary effort to do justice by allowing the reasonable demonstration, march, meeting on the courthouse steps or on the lawn of the legislature, which has been denied in many communities. If that statement is controverted, look at the case of Edwards against South Carolina, which was decided in the U.S. Supreme Court just last year. That decision freed 187 Negroes because they were unjustly imprisoned for the alleged crime of singing on the lawn of the State legislature.

So what we do with the bill will depend upon us. If we do our job as Americans by enacting law which the overwhelming national consensus approves, our country may, for all of its citizens, white and black alike, see a new burst of freedom and a new order of tranquility, justice, and opportunity for people who have for too long been denied opportunity.

Mr. President, I close by showing what that will mean in terms of opportunity—not in Georgia, Alabama, or Mississippi—but at home in New York. Yesterday in New York citizens of our city showed what is needed, beyond the law, in order to restore some measure of justice and balance to a situation which has cried out for justice and balance for so long. A group of distinguished New Yorkers have established an organization called the Interracial Council for Business Opportunity whose object is to get small business opportunities and loans for businesses in which Negroes participate. An appalling set of statistics in this newspaper story is the following: The council found that only 18 percent of the retail businesses in Harlem, which is a very heavily Negro-populated community in New York, are Negro owned; and in the whole city of New York only a dozen Negro-owned businesses employ more than 10 people. There are almost no Negro-sponsored manufacturing firms and distributors. In short, there is a tremendous task to be done beyond the law.

Because Negroes constitute today a very substantial part—about one eighth—of the population of New York City, the figures that I have mentioned indicate the formidable job which the citizenry still have to do in a private way and in a business way and in the way of being civic-conscious.

In this bill we have a law which will give stability, a law which is not excessively rigorous, which is certainly fair and which, if anything, errs in its various provisions on the side of a very gradual approach. We have an opportunity for stability in our country and for progress in an area which has plagued us very deeply as a nation, both in fact and in our consciences, for so long. Whether or not we can take advantage of this great opportunity as a nation will depend very heavily upon two things: First, those in the southern section of our country who have made their fight should, notwithstanding their deep convictions on the subject—and I respect their sincerity as completely as I hope they respect mine—comply with the law instead of defying it; second, the rest of us in every part of the country should understand that the law is only a beginning and only a basis. There is much that we need to do beyond the law in order to restore justice and opportunity to a large section of our population which wants nothing better than to be like everyone else—productive, useful, orderly, and law-abiding Americans in every sense of the word.

Mr. President, I ask unanimous consent to have printed in the Record, the article to which I have referred, entitled "Negro Businesses To Receive Advice and Financial Aid," by Edith Evans Asbury, published in the New York Times today.

There being no objection, the article was ordered to be printed in the Record, as follows:

Negro Businesses To Receive Advice and Financial Aid—Group Formed Here To Guide and Encourage Enterprise—Fourteen Banks Cooperate

(By Edith Evans Asbury)

Technical advice and loans for Negro businessmen who need them but don't know how to get them will be available here under a plan announced yesterday.

The aid will be given on the same basis as that on which the Federal Government provides technical assistance to underdeveloped countries.

Rodman Rockefeller, son of the Governor, and Harvey C. Russell, vice president of the Pepsi-Cola Co., are cochairmen of the organization that will administer the plan. It is the Interracial Council for Business Opportunity, and it is cosponsored by the American Jewish Congress and the Urban League of Greater New York.

FOURTEEN BANKS TO COOPERATE

Efforts will be made to assist Negroes already in business, and those who wish to go into business, to apply for financial assistance in the proper manner and to the proper places.

Many Negroes have been cut off "from the mainstream of business," Mr. Russell said, and do not understand how to obtain business loans from banks.

Fourteen leading commercial banks have agreed to cooperate with the council, which describes itself as "the Nation's first volunteer program of free direct technical assistance to underdeveloped business communities here in our own country."

The plan was announced at a press conference at the Overseas Press Club, 35 West 10th Street, by Mr. Rockefeller and Mr. Russell.

HELP WITH PROBLEMS

Economic independence is an important element in the achievement of civil rights for the Negro, Mr. Russell said, and a prime target in the strengthening of the Negro community's economy is the small businessman, who can and should play a key role.

Members of the interracial council will assist individual Negro businessmen in preparing loan applications. The 14 cooperating banks have assigned specific lending officers to handle these applications.

These banks are: Marine Midland of New York, American, Bankers, Chemical Bank New York, Irving, Manufacturers Hanover, Trade Bank & Trust Co.'s, Central State, First National City, Israel Discount, Franklin National, Sterling & Chase Manhattan Banks, and the Commercial Bank of North America.

The council will also help the Negro small businessman "find out just what his problems are, and then help him learn to solve them," Mr. Russell said.

"Only then can he qualify for a bank loan, and at that point he may find he doesn't really need it," Mr. Russell added.

The council will also supply guidance to senior workers who have acquired sufficient knowledge and skill to go into business for themselves.

It will seek to interest young Negroes in undertaking business careers. It has already undertaken a counseling program at Benjamin Franklin High School and plans similar ones in other schools, according to Mr. Rockefeller.

"Many young, bright Negroes have been leery of going into business," he said. "We intend to help them recognize the opportunities available."

STAFF BEING HIRED

The council was formed in October 1963, and has been operating on an experimental basis with help from the staffs of the American Jewish Congress, the Urban League and the New York State Commission for Human Rights.

A grant of $25,000 from the Rockefeller Brothers Fund and promised support from other philanthropic funds, corporations and the Federal Government have enabled the council to begin hiring an administrative staff.

The council has found that only 18 percent of the retail businesses in Harlem are Negro owned, and, in the entire city, only a dozen Negro-owned businesses employ more than 10 persons. There are almost no Negro-sponsored manufacturing firms and distributors.

With the assistance of 100 New York City white and Negro businessmen the council intends to compile a list of persons with capital who are interested in going into business with Negro businessmen. It will also seek to pinpoint new business opportunities for qualified Negroes throughout the city.

The council's temporary office is at 15 East 84th Street, where information can be obtained.

Mr. KEATING obtained the floor.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the distinguished Senator from Missouri.

A GREAT MAN AT 76

Mr. SYMINGTON. Mr. President, recently one of the outstanding newspapers of my State, or for that matter of the Nation, the St. Joseph News-Press, wrote an editorial about a great American who has been a friend of so many—and of mine—for a number of years.

James Aloysius Farley, known to his friends as Jim, represents all that is best in American life—an outstanding industrialist, able in the political field, one devoted to his family, and a true American patriot.

Mr. President, I ask unanimous consent that this editorial, "A Great Man at 76," be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Kennedy in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Great Man at 76

> Tomorrow is the birthday of James Aloysius Farley. He will be 76 years old. Who is James Aloysius Farley teenagers may have to ask.
>
> Jim Farley, as he was called by his President (for Jim Farley did more than any one man to make Franklin D. Roosevelt President), is one of America's great. He served in the Cabinet of Mr. Roosevelt as Postmaster General. He came to St. Joseph on April 3, 1940, to dedicate the present post office.
>
> Few men at 76 carry themselves as well, have so light and spry a step as his, this beloved James A. Farley. He walks to the Waldorf dining room with the step of a man half his age. His memory is phenomenal and he can ask about friends with correct names, of men in all parts of the country.
>
> Yes, James A. Farley's birthday is May 30. May all the blessings of the natal day be his. Democrat yes, but beloved by all, whatever their political creed, that's our Jim Farley.
>
> Congratulations to the genial, gay, charming, big 6-footer who is enjoying life day by day as a key executive of the Coca-Cola people.
>
> God bless you and keep you, Jim Farley. You are a joy forever to all who know you.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. KEATING. Mr. President, a historic moment approaches. I shall not delay the Senate excessively by a long speech on the bill. My views are well known on that subject. I think it is appropriate, however, to briefly consider two things: One, the work, cooperation, and the dedication that make this work.

Ten years ago the Supreme Court handed down its landmark decision in the Brown case declaring that the doctrine of "separate but equal" was incompatible with the Constitution. Even our own Capital City was, at that time, segregated. Discrimination was widespread, and was compelled by law in many of our States.

The two civil rights bills passed in 1957 and 1960 were the first of their kind since Reconstruction. They were the first legislative steps in elimination of the blot on our national image that is racial injustice. Because of many compromises, those laws were a modest beginning—concentrated, as they were, almost solely on voting rights—but they were, at least, a start toward the culmination of today, or perhaps tomorrow.

The segregated lunch counters which caused the student revolution of the early sixties seemed invulnerable a few years ago. The use of taxpayers' money to build and operate segregated facilities was an accepted practice. The difficulty of vindicating civil rights in court was, for many individuals, insurmountable.

The changes which we are about to effect are the fruit of the labors of many millions of Americans. They are the result of hard work, scholarship, dedication, determination and yes, restraint. For despite the well publicized excesses of a few, most Americans have waited long and patiently for this day. To the idealistic and zealous students who by peaceful demonstrations first brought this problem to the attention of the Nation, to the Leadership Conference on Civil Rights whose able representatives labored long and hard with us, and, perhaps most of all, to the clergy and the churches of all faiths who so forcefully presented to the American people the moral aspects of this problem, I extend my heartfelt personal thanks. And I know that I speak for many in this Chamber in doing so. This is a day for all America to be proud, but, most of all, it is their day.

Each of us, when June comes around, is given the opportunity to attend and perhaps address a number of college commencements—although we have missed a few, in a good cause this year. We have each heard the student complaint that after 4 years of hard work, the ceremony should be called conclusion rather than commencement.

Let us not fall into the same trap. Today is not the end of our work, but it is truly a commencement. We have worked hard. We have prepared ourselves and the country for this bill. After much delay, we have passed our final exams. But the enormous task of putting all this into practice is ahead. If this law is to be a dead letter on the statute books—like the diploma gathering dust, it will be useless. The bill is a tool with which to build a better America, and if it is not used, it will grow rusty. Like the Reconstruction Acts, it can become a quaint relic, an expression of hope, but not real dedication. This must not happen. I believe it will not happen if we are vigilant and determined as is our duty.

This day and this deed will go down in history, and I consider it a rare and personal privilege to have played a role in the passage of this bill.

As I have said, when we pass the bill our work is not completed. The elimination of prejudice, discrimination, injustice, and intolerance from our land will not be brought about solely by a statute. It must be eliminated primarily from the minds and hearts of men. And in that objective, we must all remember that none of us has participated in the completion of our necessary work by the passage of this bill. But the passage of the bill will be an important step in that direction. And I am happy that the day has arrived.

CIVIL RIGHTS: A MORAL IMPERATIVE

Mr. FONG. Mr. President, we have come a long way in our efforts to pass a good, strong civil rights bill. I commend in the highest terms the bipartisan leaders of the Senate who have given so much of themselves, their time, their energy, their strength, to bring the Senate to this critical juncture in the civil rights debate.

I extend my commendation to the distinguished majority leader, the minority and majority floor leaders, and particularly to the distinguished minority leader, without whose statesmanship and tireless efforts we would not have a civil rights bill.

Mr. President, the Republican Party from its very beginnings has been concerned with preserving and extending civil rights to all Americans. As the party of Lincoln, it is vitally concerned with the passage of this civil rights bill. As a member of the Republican Party, I subscribe to and believe in its humanitarian precepts.

This heritage of concern for one's fellow man has been a tremendous source of inspiration to Republicans everywhere. It has, I believe, influenced in no small degree my vote and the voting of my Republican colleagues on the issue of cloture, and, very soon now, on this civil rights bill.

Moreover, the fact that I was born and raised in Hawaii, where people of diverse ethnic backgrounds have lived together harmoniously for so long, augments additionally and fortifies greatly my concern as a Republican for equal rights to all Americans.

Long before my coming to the U.S. Senate, I had been greatly impressed from my reading of Hawaiian history of Hawaii's ancient traditions relating to civil rights as embodied in the institution of the city of refuge and the law of the splintered paddle.

In the period of Hawaiian history sometime before the 15th century, according to best archeological estimates, there was established in the ancient Hawaiian Kingdom the city of refuge—Hawaii's first institution devoted wholly to the cause of civil rights.

The city of refuge—called the pu'u honua—was an area of refuge established by the ruling king as a sacred temple, or a he iau, whose gods protected the place of refuge and whose priests had charge of the area. It was an area to which any person, be he a defeated warrior or a person who violated a tabu, could repair in search of sanctuary from the ruler. At least one of these places of refuge was to be found on each of the islands in the Hawaiian chain.

War in early Hawaii was frequent, expected, and part of Hawaii's politics and human ecology before 1819. One of its primary objects was to exterminate the enemy, including all the women and children of the enemy.

The eight major islands of the Hawaiian archipelago were divided into several rival kingdoms. Each one was ruled by an absolute monarch. Under them existed a cruel tabu system and a death penalty.

All who applied for admission into the pu'u honua were admitted. Once in the place of refuge, he became absolved of all punishment. War refugees stayed until the conflict was over, tabu breakers until they were dismissed by the priests. When they left, the sacred protection of the pu'u honua went with them, and they were free to return home in peace.

Here, in a Polynesian civilization far removed from the sophistication of the West and East, was developed an institution insuring any inhabitant the right of a place of refuge, security to his person, and the right to pursue his life in peace without molestation for his previous offense.

Here were rights of the individual which were absolute as against the absolute monarch. They were rights which were clothed with religious sanctity and were the common law of the land. They were protections known, understood, and sought when needed.

Through the incessant internecine strife among the rival kingdoms, there was a recognition that human life possessed value needed for the progress of society. Once a person entered the place of refuge, he escaped death. If he were an enemy, he was not slain. If he had violated a tabu, he was excused from all penalties, including that of death, and he forfeited no rights.

Here, though primitively expressed, were embodied in a sacred sanctuary the same guarantees of life, liberty, and the pursuit of happiness so eloquently proclaimed by our Declaration of Independence.

In 1797, Kamehameha the Great, who unified the islands of the Hawaiian archipelago under a single king, extended the concept of the security of a person against his ruler to the concept that all men are to be protected in their persons and belongings against all other men.

This concept was made manifest in the law of the splintered paddle, which was developed while Kamehameha was consolidating his rule on the Island of Hawaii. During this period, Kamehameha had engaged in raiding expeditions along the Puna coast. During one raid, he was set upon by Puna fishermen who resisted his efforts to plunder their village.

One fisherman, bolder and stronger than the rest, brought his canoe paddle down heavily on Kamehameha, splintering the weapon. When Kamehameha became undisputed ruler of the island, the fisherman was brought before him for sentence. Kamehameha, acknowledging that he, not the fisherman, was in the wrong, forgave the man and propounded the historic law of the splintered paddle.

He, Kamehameha, would guarantee to all his people their physical security from robbers and brigands. Indeed they might lie beside the highway and not be molested, on pain of death to any who might violate the edict.

Here was a law guaranteeing equal justice to all, a law insuring every person the right to be secure in his person and his belongings as he traveled the highways and slept on the side of the roads.

In thus acknowledging his sacred responsibility to protect these human rights in the spirit of the ancient religious place of refuge, Kamehameha promulgated Hawaii's first civil rights law.

Indeed, the law of the splintered paddle was one of the first civil rights laws in the United States, under which Hawaiians have lived for over 165 years—almost as long as the United States has been a country.

In the past century Hawaii has undergone great political change—from a kingdom to an independent republic, then to an incorporated territory of the United States, and culminating as a sovereign State of this great Union. Throughout this period, Hawaii's concepts of civil rights embodied in the institution of the city of refuge and the law of the splintered paddle, like its political status, have also improved in form and clarity.

Today, its radiant spirit of Aloha brings great warmth and deep meaning to all its citizens and to those who come to its shores.

Today, Hawaii is a showplace of racial harmony, a showplace of brotherhood, of love, of mutual respect, of cooperation.

It is a community in which one is accepted for what he is rather than for his ethnic origin. My presence here, as well as the presence of my distinguished colleague, Senator INOUYE, are eloquent testimony of this fact.

In the first election conducted in the State of Hawaii in 1959, the people chose a multiracial group of elected officials to lead them—to the U.S. House of Representatives, DANIEL INOUYE, an American of Japanese ancestry; to the U.S. Senate, OREN E. LONG, an American of Caucasian ancestry, and myself, an American of Chinese ancestry; to the State governorship, William Quinn, an American of Caucasian ancestry, Lt. Gov. James Kealoha, an American of part-Hawaiian and part-Chinese ancestry.

The election was described not as a victory for the Democrats, not as a victory for the Republicans, but as a victory for democracy.

Hawaii's modern society has been called the society of the 21st century, a racial utopia, a society which lives up to its reputation of brotherhood, a society which practices American preachments of brotherhood.

As a beneficiary of this heritage of the spirit of aloha, distilled from the concepts of the institution of the city of refuge and the law of the splintered paddle, and as a beneficiary of the humanitarian and civil rights traditions of the Republican Party of Abraham Lincoln, one can easily see that it is only natural for me to wish to insure to all Americans all the constitutional guarantees of equal opportunities and equal rights under the law.

It is therefore, Mr. President, very apparent to me that a Federal law prohibiting racial discrimination in voting, in education, in public accommodations, in public facilities, in Federal assistance programs, and in employment opportunities, is manifestly just, right, and proper.

Mr. President, I feel strongly that this civil rights bill will launch the Nation on a new birth of freedom, and on renewed paths of economic growth and unparalleled progress.

Twice before in American history the Nation has found it necessary to review the state of its civil rights. The first time was during the 15 years between 1776 and 1791, from the drafting of the Declaration of Independence, through the Articles of Confederation, to the writing of the Constitution and the Bill of Rights.

It was in this period of our country's founding that our distinctive American heritage was distilled into the principles of liberty, freedom, equality, and justice.

The second period of review was in the 1860's, when the Union was torn asunder over the question whether this Nation, "so conceived and so dedicated," could endure "half slave" and "half free." It was in this period of our country's history that the 16th President of the United States voiced the solemn hope that this Nation, under God, might have a new birth of freedom.

And having so spoken, President Abraham Lincoln issued the Emancipation Proclamation and launched the United States on new paths of freedom.

Over 100 years have passed since President Lincoln freed the slaves; yet their heirs are not fully free—indeed, none of us is yet freed from some social and economic injustices.

It is my profound conviction that we have come to a time for a third reexamination of the state of our civil rights. We have come to a third juncture in our Nation's history to complete what was begun over 175 years ago.

Mr. President, the great question is once again before the Nation and the U.S. Senate:

Are the hopes and dreams of the Founders of the Republic for human dignity, for equality, for justice, to be preserved to all Americans?

Are the promises of our Declaration of Independence, 175 years old, to be redeemed finally?

Our Nation was the first to dare ask this great question. One hundred and seventy-five years ago we proclaimed to the world that we held "these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In the 175 years since we launched our Nation with that creed, we have set for America a course toward human dignity, justice, equality, and freedom.

This course we have set over nearly two centuries is the course of today's America. To "secure these rights" we have instituted a government dedicated to the proposition that our Constitution and all other laws of our land have no regard for race, color, or creed; dedicated to the proposition that discrimination and prejudice are morally wrong, wherever and whenever they are practiced.

The decade 1954 to 1964 has been called the second era of emancipation. And so it would seem, for in that time we have made significant strides toward fulfillment of our ideals of dignity, justice, equality, and freedom.

Yet, more than 100 years after the Emancipation Proclamation, we still find large areas of our Nation's life where human dignity is derogated, justice is handicapped, equality is denied, and freedom is fettered because of racial discrimination. It is to secure precisely these birthrights that we have witnessed over the past few years a spirit of insurgency among many of our citizens across the face of the Nation—finally culminating in that climactic march on Washington for jobs and freedom.

No one present at that historic event could fail to understand the intense pleading of our fellow citizens for equal status.

They pleaded that our Nation live up to the guarantees of our national creed embodied in the Declaration of Independence and codified in the Bill of Rights. They pleaded that our Nation hasten the day when bias of race, color, and creed is no more.

Too long have we denied too many of our citizens the right to vote; the right to be served in places of public accommodation; the right to a decent education; the right to fair consideration for a job.

Too long have the lives of too many Americans belied our faith in human dignity and human equality proclaimed by the Declaration of Independence.

Too long has their treatment—simply because of the tint of their skins or the slant of their eyes or the shapes of their noses—offended our Constitution and our Bill of Rights.

It ought to be possible for Americans of any color to register and to vote in a free election without interference or fear.

It ought to be possible for Americans of any color to attend nonsegregrated restaurant when hungry, to be given lodging in a hotel at night, or to sit in any seat of a public bus, like anyone else.

It ought to be possible for Americans of any color to attend nonsegregated schools for a decent education.

It ought to be possible for Americans of any color to be fairly considered for a job, like anyone else.

In short, every American ought to be guaranteed his birthright—all the rights his citizenship entitles him to have.

We are now about to pass on what is perhaps the most significant legislation to confront the Senate in a century. In the civil rights bill we are confronted with a moral issue as old as the Scriptures and as clear as the Constitution of the United States.

I am confident that our decision will be guided by the spirit of love, and by the Golden Rule which runs as a common thread through seven of the world's great religions—Christianity, Buddhism, Confucianism, Judaism, Taoism, Islam, and Brahmanism—Do unto others as you would have them do unto you. For we seek justice, affording all Americans equal rights and equal opportunities; we seek to fulfill the commandment of love of our fellow men by treating our fellow Americans as we ourselves want to be treated.

I am confident that in the final analysis, the U.S. Senate will legislate what we all believe: That this Nation, for all its hopes and dreams and ideals, will not be fully free until all its citizens are free.

That while any American is under distaint or denial by reason of race, color, or creed, the rights of none of us are safe and the freedom of all of us is in doubt.

For we cannot deny to groups of our own citizens the essential elements of human dignity which a majority of our citizens claim for themselves. Civil rights is not a luxury to be accorded only the privileged majority. They are constitutional obligations owed to all Americans—and the civil rights bill now before the Senate is only the validation of our moral, national commitment.

In the ebb and flow of American history, no legislation of greater importance has come before the Senate than this far-reaching and comprehensive civil rights bill. The omnibus measure would prohibit discrimination in seven areas.

First. In voting: Many millions of Americans are being denied this fundamental right by unfair use of literacy tests and by registrars who discriminate against them.

The bill would create a legal presumption that anyone with a sixth grade education is literate. It would bar discriminatory use of literacy tests and direct election officials to disregard immaterial mistakes such as misspelling. It gives the Attorney General new authority to speed and simplify enforcement of voting rights laws enacted in 1957 and 1960.

Second. In public accommodations: Many Americans are barred from eating in many restaurants and lunch counters, sleeping in some hotels and motels, attending performances at some theaters and sports arenas, and buying gasoline at some gas stations.

As racial discrimination in these places of public accommodation is most irritating and humiliating, it is something which demands immediate remedy. It is a pivotal part of the civil rights bill.

Legislation to secure this right is no novelty in the United States. At least 30 States and the District of Columbia, with 70 percent of the country's population, and numerous cities already have statutes forbidding such discrimination.

Although this is true, and although it is encouraging that significant numbers of places of public accommodation in many big cities have voluntarily removed social barriers, progress of this kind is slow, uncertain, and occurs only in larger communities.

The civil rights bill meets these problems by declaring that none of the places of public accommodation can reject a customer because of his race or religion, if the goods it handles moves in interstate commerce. It exempts small boardinghouses and private clubs.

A person denied service can file suit in Federal court, where the Attorney General may intervene to help him. The Attorney General may initiate a suit if he finds a pattern of discrimination. If a State or community has a public accommodations law, Federal action must follow local enforcement efforts.

Third. In recreation facilities: Many Americans are barred because of their race from facilities owned by a city or a State—for example, golf courses, swimming pools, libraries, parks, and playgrounds.

Although the Supreme Court has said clearly that such racial barriers contravene the equal protection clause of the 14th amendment, the bill requires all public facilities be opened to all persons regardless of race or religion. It empowers the Attorney General to file suit in Federal courts to desegregate such facilities if the aggrieved person cannot afford the legal costs or is threatened with economic reprisal.

Fourth. In education: In the 10 years since the historic Supreme Court decision barring segregated public schools, the pace of desegregation has been painfully slow and enormously expensive. In the 11 States of the Deep South, the 10 years of litigation, injunctions, violence, demonstrations, biracial committees, Federal marshals, airborne troops, and federalized National Guardsmen have resulted in little more than 1 percent of the Negro students attending schools with whites.

The bill authorizes the Attorney General to bring lawsuits to end segregation in the public schools. It also authorizes the expenditure of Federal funds to help communities plan for desegregation.

Fifth. The bill extends the life of the Civil Rights Commission for 4 years. It gives the Commission the additional authority to look into cases of vote fraud. And it establishes a community relations service to help local areas voluntarily carry out their desegregation programs.

Sixth. In Federal assistance programs, as a matter of simple justice, public funds to which taxpayers of all races contribute ought not to be expended discriminatorily. As the former President Eisenhower has said:

> Whenever Federal funds are expended for anything, I do not see how any American can justify, legally or logically or morally, a discrimination in expenditure of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they all must share regardless of such inconsequential factors as race and religion.

The bill forbids discrimination in all programs receiving Federal funds. If a Federal agency learns that a program is being operated discriminatorily, it can take steps to end the practice, including conciliation, holding a hearing, notifying Congress, and, as a last resort, cutting off Federal funds to the program in the particular locality.

Seventh. In employment: unemployment falls with special cruelty on minority groups. The economic impact of discrimination is staggering. The President's Council of Economic Advisers, in 1962, calculated that because of racial discrimination and unrealized opportunity among nonwhite persons, the Nation's economy loses between $13 and $17 billion a year in national income and product.

Even more staggering are Labor Department figures revealing the tragic loss of national economic potential and the vast untapped labor market.

In 1962 the unemployment rate of Negro workers was more than twice as high as that of the working force as a whole.

On the average in 1962, there were about 880,000 nonwhites, mostly Negroes, in this country who were unemployed This means that 1 out every 10 of the nonwhites in the work force was unemployed. One out of every four nonwhite boys and girls between the ages of 14 and 19 who were looking for work was unable to find it.

In 1963 the white rate of unemployment went up from 22 to 33 per 1,000; the Negro rate zoomed from 37 to 75, more than double the white rate.

Among married men with family responsibilities the unemployment rate is today 3 percent for whites; and 8 percent for nonwhites.

In the 14- to 19-year-old group, the unemployment rate is 12 percent for whites; and 24 percent for nonwhites.

One out of every five of the unemployed and one out of every four of the long-term, hard-core unemployed is nonwhite. Put another way, approximately 90,000 of the 7 million nonwhites in the labor force are unemployed, a figure which represents more then 22 percent of the total unemployed figure. Thus, although Negro and other nonwhite Americans constitute only 10 percent of the labor force, they make up more than twice that figure in the ranks of the unemployed.

Even among the nonwhites who are listed as employed, 10 percent have only part-time work. The comparable figure for white workers is 3 percent.

And even when the Negro is employed, his is a significantly different kind of employment from what the white worker finds available. In 1962, 17 percent of the employed nonwhites had white-collar jobs; the corresponding proportion among whites was 47 percent. White workers in the white-collar occupational group thus outnumber nonwhites 29 million to 1 million. This is in marked contrast to their comparative representation in the civilian labor force in which there are nine whites for each nonwhite worker.

Among college graduates, 21 percent of the whites ended up as managers, officials, or owners of businesses; only 7 percent of the Negro college graduates made that economic level.

The educated, college-trained nonwhite American will earn less in his lifetime than the white pre-high-school dropout, according to Census Bureau projections.

Such is the high cost of intolerance revealed by these disturbing figures. How can a legislative program undo generations of discrimination against the nonwhite worker? How can such a deeply rooted problem be adequately met, if at all? These questions underscore the urgent need for a beginning in the lawful redress of discriminatory practices, the necessity of ending these tragically wasteful discriminatory practices if the country is to continue its economic growth.

The civil rights bill, I believe, provides such a beginning. It bars discrimination because of race, sex, or religion by employers in hiring, firing, or promoting, by employment agencies in job referrals, and by labor unions in admission to membership or apprenticeship programs.

It would apply immediately to all companies in interstate commerce having 100 or more employees and, after 3 years, to all such companies having 25 or more employees. Religious organizations, government agencies, and educational institutions are exempted in various extents.

The bill establishes a new Federal Equal Employment Opportunities Commission to receive and process complaints. As some 25 States—including my own—already have adopted laws prohibiting discrimination in employment, the bill requires that Federal action be deferred for a limited period until State laws have had an opportunity to operate.

If the Federal Commission's persuasion were ineffective, the aggrieved person could go to Federal court. If there were a pattern of discrimination, the Attorney General could file the court case. All enforcement authority is lodged in the courts.

Now that the Senate has debated this bill for 81 days, we face the task of passing a strong and effective civil rights bill. There is no doubt that the bill now before the Senate is one that is equitable in principle, sound in structure, and workable in practice.

Now that a careful record has been made; now that the bill has been closely and thoroughly analyzed and studied, and now that the Nation has been assured that the high idealism embodied in the bill has been buttressed by sound legislative judgment, it is imperative that the Senate pass the bill.

It is imperative in three aspects: those of self-interest, of survival, in a threatening world, and of conscience. Put in another way, there is an economic imperative, an international imperative, and, above all, a moral imperative.

First, we have already examined some aspects of the economic imperative, in connection with discriminatory employment practices. Another aspect of the impact of discrimination on our economy is the loss of a huge potential market for goods.

As a direct result of the racial discrimination we practice against our minority groups, a vicious circle is produced: discrimination depresses the wages and income of minority groups, as we saw earlier; as a result, purchasing power is curtailed, and markets are reduced. Reduced markets result in reduced production. This cuts down employment, which leads to lower wages and fewer job opportunities.

Thus, rising fear, prejudice, and insecurity aggravate the very discrimination in employment which sets the vicious circle in motion.

In addition, the discrimination practiced against minority groups in other sectors of society—in education, in voting, for example—further aggravates the situation, for many persons of minority background are ill-trained, ill-educated, ill-suited to fill the skilled job vacancies increasingly required in our economy.

Virtually every study projecting the occupational structure of our economy in the decade of the sixties shows a shift of employment toward occupations requiring high levels of skill, training, and education. While unskilled jobs are not expected to expand at all in terms of absolute numbers, professional and technical positions will be the fastest growing occupations.

Without proper educational background, and lacking the requisite skills of an increasingly automated economy, many persons of minority background are not able to take positions in our economy and our society consonant with their capacity, ability, intelligence, and potential skills.

But minority groups are not the only victims of this economic waste. Its impact is inevitably felt by the entire population.

Racial discrimination in our economy prevents the full use of our resources. Intolerance is a species of boycott; and any business or job boycott is a cancer in the economic body of the Nation.

Racial discrimination imposes a direct cost upon our economy, through the wasteful duplication of many facilities and services required by a "separate but equal" policy.

Racial discrimination in wage scales and hiring policies forces a higher proportion of some minority groups onto relief rolls, than corresponding segments of the majority.

Moreover, we are paying the high cost of intolerance every day—in high crime rates, high dope addiction rates, high rates of disease, high fire rates.

Intolerance is destructive. Prejudice produces no wealth. Racial discrimination, I am convinced, is a fool's economy.

Like the early Hawaiians, modern America should preserve and use the resources of all its citizens for its economic advancement.

The United States also is paying a high cost in its image abroad—among the two-thirds of the world's population whose skins are not white. There is an international imperative that we eradicate racial discrimination from our Nation's life.

Our position in world affairs is so vital to the future that our smallest actions have far-reaching effects. The existence of discrimination against minority groups in this country is a serious handicap in our relations with other countries.

To the many nations of the world, America exemplifies an amalgam of the many peoples of the world. Most of the people of America trace their origins to the people of the European continent. But into our stream of life has flowed every racial group of the world: East Indian, Latin American, Arabian, Negro, Oriental, Polynesian, Micronesian.

Discrimination against any racial, religious, or national group in the United States is not only our internal problem; the dignity of a country, a continent, or even a major portion of the world's population may be outraged by it. A relatively few individuals here may be identified with millions of people abroad; the way they are treated could have worldwide repercussions.

There are less than 4 million Americans of Mexican and Spanish background; but millions of Central and South Americans consider them kin. We number our citizens of Pacific and Oriental descent about 1,100,000; their counterpart overseas are numbered in the hundreds of millions. Throughout Micronesia and Melanesia of the Pacific Basin, Latin America, the Caribbean, Africa, the Near, Middle and Far East, the treatment of our American Negroes is taken to be a reflection of our attitude toward dark-skinned peoples.

It is an inescapable fact that America's race relations have been an issue in world politics. The international press is full of adverse criticism of our shortcomings, and perhaps not enough recognition for our slow but undeniable progress, our refusal to sweep our civil rights problems under the rug.

Nevertheless, America's role of leadership in the free world, in building a nation dedicated to freedom, liberty, justice, and equality, is a beacon light for other nations of the world. It is hardly enhanced by a racial policy which says that some ethnic groups are less deserving of the constitutional guarantees of liberty, equality, and justice than are other members of the American family.

America's struggle with totalitarianism is a struggle to vindicate democracy's belief in the individual worth of man, as opposed to the totalitarian concept that individuals have no identity except as components in the political and economic structure of society.

Our way of life, founded on the individual worth of each and every man, founded on freedom, justice, and equality, holds a promise of hope for all people.

These ideals, derived from our Judeo-Christian heritage, are the moral foundation of our free society. The great question posed by the civil rights debate is, "Shall we overcome?"

Our answer, so well known, rising from the hearts of a free people, is indeed, "We shall overcome."

"We shall overcome someday," the moving text of the civil rights anthem reads:

> Deep in my heart I do believe
> We shall overcome some day.
>
> The truth will make us free,
> The truth will make us free,
> The truth will make us free some day.
>
> The Lord will see us through,
> The Lord will see us through,
> The Lord will see us through some day.
>
> We shall live in peace,
> We shall live in peace,
> We shall live in peace some day.
>
> We are not afraid,
> We are not afraid,
> We are not afraid today.
>
> The whole wide world around,
> The whole wide world around,
> The whole wide world around some day.
>
> Oh, deep in my heart I do believe
> We shall overcome some day.

Mr. President, we are not confronted with a sectional issue, for discrimination happens in far too many places.

Neither are we confronted with a partisan issue, for we know only too well that discrimination hurts too many people, regardless of party or politics.

No, Mr. President, the issue before the Senate is neither of these. We are rather, confronted with an issue that is fundamentally a matter of conscience.

The issue is basically religious, a matter of theological conviction.

The U.S. Senate is now confronted with a moral imperative—no less fundamentally religious than ancient Hawaii's civil rights institution of refuge—to promulgate an historic civil rights law, thereby fulfilling the promise of 175 years: that this Nation under God grant equal rights and equal opportunity to all God's children, for we are, all of us, God's children. God is the Creator of all mankind, or He is the Creator of no part of it. God is the Father of all mankind, or He is the Father of none. The life of each and every person is sacred, or the life of no person is sacred. Under God, all men are brothers.

We are all of us His—Negro, Jew, Italian, Irish, Japanese, Hawaiian, Scottish, Mexican.

The Bible does not say that God created different kinds of men of different color and of different races. The Book of Genesis, rather, proclaims that God created one man, and from Adam are all men descended.

> There is neither Jew nor Greek—

Says St. Paul—

> there is neither slave nor free * * * for you are all one in Christ Jesus (Galatians 3: 28, R.S.V.).

Indeed, God "shows no partiality" among men—Acts 10: 34, R.S.V. He does not make distinctions on the basis of physical features. He does not look on the "outward appearance," but looks "on the heart"—I Samuel 16: 7 R.S.V. God "made of one blood all nations of men"—Acts 17: 26, K.J.V.

There is no insight more disclosing, more compelling: God is One, and humanity is one.

God is every man's pedigree.

And we are enjoined by the Prophet Amos to "Let justice roll down like waters, and righteousness like a mighty stream."

Righteousness and justice, as God's power in the world, a mighty torrent, an impetuous drive full of grandeur and majesty—charged with the omnipotence of God.

Mr. President, let us heed the moral imperative now before us. Let us heed the commandments to advance the cause of justice and righteousness in our land.

Let us renew our dedication to the ideals on which our Nation was founded.

Let us pray for His divine wisdom in banishing from our land any injustice, intolerance, and bigotry directed against our fellow Americans.

Let us recall the prayer of Chaplain Bernard Gittelsohn as he dedicated the 5th Marine Division Cemetery at Iwo Jima on April 20, 1945:

> Here lie officers and men, Negroes and whites, rich men and poor. * * * Here are Protestants, Catholics, and Jews. * * * Here, no man prefers another because of his faith or despises him because of his color.
>
> Here, there are no quotas of how many from each group are admitted or allowed. Theirs is the highest and purest democracy.
>
> Any man among us, the living, who * * * lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in the minority, makes of this ceremony and of the bloody sacrifice it commemorates an empty, hollow mockery.

I ask each and every American to cherish and hold dear the words of one of our greatest Presidents and looked to as the founder of the Republican Party, which has so long championed the cause of human liberty and freedom:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; * * * to do all which may achieve and cherish a just and lasting peace among ourselves.

I ask each and every American also to cherish and hold dear what was said by King Kamehameha III, a descendant of that illustrious King, Kamehameha the Great, who gave to the Hawaiian people the law of the splintered paddle. When Great Britain, after a 5-month seizure of Hawaii in 1843, restored to King Kamehameha III the sovereignty and independence of his kingdom, he said, with a thankful heart:

> Ua mau ka ea o ka aina i ka pono: The life of the land is preserved in righteousness.

Let us all now bind up our wounds and with firmness in the right preserve our land in righteousness.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FONG. I yield to the distinguished Senator from New York.

Mr. JAVITS. I compliment the Senator upon his moving and magnificent address. I know that the Senator has saved his time for this really great moment of his part in the debate. I congratulate him on the spirit, wisdom, erudition, and statesmanship which he has shown in his very fine address.

Mr. FONG. I thank the distinguished Senator for his very kind remarks. I commend him highly for his unwavering diligent, dedicated, and effective leadership in the field of civil rights.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. FONG. I yield to the distinguished Senator from Vermont.

Mr. PROUTY. Mr. President, I commend the Senator for having delivered a most scholarly and moving address.

As he has pointed out so eloquently, in the field of civil rights, his State and its citizens have practiced for many years that which too many have only preached.

Hawaii has established a pattern for the rest of the country to follow, and I am confident that with the passage of the civil rights bill equality for all citizens will become a reality throughout the length and breadth of this great Nation.

Hawaii and the country are to be congratulated for having one of Senator FONG's outstanding ability in Washington. I am proud indeed to have him as a friend and colleague in the U.S. Senate.

Mr. FONG. I thank the distinguished Senator. I appreciate his kind remarks very much.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. FONG. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I cannot at this time refrain from congratulating my friend on the speech he has made in behalf of civil rights. It is one of the most eloquent addresses heard in the Senate for a long time.

The reasoning and logic contained in this speech are ample evidence, if any were required, of the legal ability of the Senator from Hawaii. The fact that he has woven into this particular question the background of his own native State, which is an unusual State in this respect, brings added force to the arguments that we have heard in behalf of equal justice and opportunity for all. The people of Hawaii may very well be proud of the Senator and the very wonderful presentation which he has made today.

Mr. FONG. Mr. President, I thank the very distinguished Senator from Colorado for his very kind remarks.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. FONG. I now yield to the distinguished Senator from Delaware.

Mr. BOGGS. I congratulate the senior Senator from Hawaii on the most interesting, persuasive, and great address which he has just completed. Without a doubt, his address is an outstanding contribution to the discussions which we have been undertaking on the pending civil rights bill. I predict that it will be recorded as one of the most historic addresses ever made in this great body. I congratulate the Senator again. His speech has been very helpful indeed.

Mr. FONG. Mr. President, I thank the distinguished Senator from Delaware for his very kind remarks. I now yield the floor.

VISIT TO THE SENATE BY MEMBERS OF THE CHAMBER OF DEPUTIES OF BRAZIL

During the delivery of Mr. FONG's speech,

Mr. FONG. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alabama [Mr. SPARKMAN], so that he may introduce a delegation from the Chamber of Deputies of Brazil, without losing my right to the floor and without the time for the interruption being charged to my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, the Senate is honored today by the visit of a delegation from a friendly nation to the south—the great country of Brazil. The delegation is in the Senate Chamber at this time. I shall ask them to stand and be recognized by name:

The Honorable Adauto Cardoso from Guanabara, National Democratic Union Party—UDN.

The Honorable Raúl De Goes from Paraiba, National Democratic Union Party—UDN.

The Honorable Antônio Annibelli from from Paraná, Brazilian Labor Party—PTB.

The Honorable Milvernes Cruz Lima from Pernambuco, Brazilian Labor Party—PTB.

The Honorable Geraldo de Pina from Goiás, Social Democratic Party—PSD.

The Honorable Osiris Pontes from Ceará, Brazilian Labor Party—PTB.

The Honorable Jose Carlos Teixeira from Sergipe, Social Democratic Party—PSD.

The Honorable Benedito Vaz from Goiás, Social Democratic Party—PSD.

The members of the Chamber of Deputies are accompanied by the Honorable Jorge de Carvalho e Silva, Chargé d'Affaires of the Embassy of Brazil.

Mr. President, these gentlemen represent three different parties in the Brazilian Chamber of Deputies. They are on a visit to the United States that will take them to various parts of the country. We are delighted to have them with us and hope that they will have a most pleasant and profitable visit to the United States. [Applause, Senators rising.]

Mr. AIKEN. Mr. President, on behalf of Senators on this side of the aisle, I welcome our visitors from a country that is represented by three parties. I do not know what we would do if we had three parties. I suppose we would have to have another aisle. We are glad to have our neighbors from Brazil as our guests today.

Not many persons in this country realize that the area of Brazil is larger than that of the United States, excluding Alaska. I feel certain that not too many people realize the tremendous resources of the great country of Brazil. They are probably as great as the resources of any other country in the world.

The population of Brazil is now 80 million, and Brazil is rapidly becoming one of the largest countries in the world in that respect.

Although Brazil has been having difficult times politically, she is one of our friendliest neighbors, and we express our best wishes for the future of this great neighbor of ours.

Again I welcome our visitors. We are glad to have them with us today.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Alabama [Mr. SPARKMAN] and the senior Republican in this body, the distinguished senior Senator from Vermont [Mr. AIKEN], in extending our best wishes to our fellow parliamentarians from South America.

We have a fair idea of the difficulties which have confronted Brazil over the past several years; but we have high hopes that the fortitude, courage, perseverance, and ingenuity of the Brazilian people, who believe in constitutional government, will, as they do now, remain in the fore to the end. We are confident that Brazil will occupy her rightful place not only in the affairs of South America, not only in the affairs of the Western Hemisphere, but in the affairs of the world as a whole.

The Brazilians are a great people, and they have a great country. They have bountiful resources to develop.

We welcome our guests as friends and neighbors. [Applause.]

Mr. FONG. Mr. President, I, too, wish to join in welcoming the delegation from the Brazilian Chamber of Deputies to the Chamber of the U.S. Senate.

The State of Hawaii has in its population a very large number of Americans of Portuguese ancestry who are cousins of our Brazilian friends. They are an industrious and imaginative people and contribute significantly to the progress of Hawaii. I know that the persons of Portuguese descent in Brazil are just as industrious, imaginative, and progressive as are the American-Portuguese who live in Hawaii.

It is a pleasure to greet our distinguished brethren from the Southern Hemisphere. I wish them Godspeed and a fruitful visit here, and on behalf of the people of Hawaii, I send them aloha nui kako.

Mr. SPARKMAN. Mr. President, I thank the Senator from Hawaii for permitting this interruption in his speech in order to allow the Senate to welcome our visitors.

Mr. FONG. I was happy to yield.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

SENATE'S LONGEST DEBATE

Mr. RUSSELL. Mr. President, the moving finger is writing the final act of the longest debate and the greatest tragedy ever played out in the Senate of the United States.

Within a short time, the battle that began on this floor on March 9 will be concluded with the passage of H.R. 7152—a bill bearing the attractive but false title of the "Civil Rights Act of 1964."

The Senate will have no further opportunity to express itself on this proposed legislation. It has already been arranged for the other body to accept the bill in the form it leaves the Senate. It will then go to the President to be signed into law with the great fanfare, ceremony, pomp, and circumstance.

In view of the political nature of the proposed legislation, I doubt that the Executive Office—large as it is—can accommodate the rejoicing and admiring throng.

Today marks the 82d day this matter has been considered by the Senate. Some 6,300 pages in the CONGRESSIONAL RECORD and an estimated 10 million words have been devoted to the debate thus far.

In point of historical fact the longest previous debate in the history of the Senate was over the ship subsidy and took place in the early 1920's. However, that was an off-and-on discussion spread over 75 days with frequent interruptions including a Christmas recess. The only other two debates that have lasted as long as 2 months were the Oregon bill in 1846 and the communications satellite bill in 1962.

Mr. President, the historian of the future will find little significance in the duration of the debate, but he will find much to consider and study in the fundamental issues involved and the impact of this legislation upon our form of government. It will take little effort or intelligence to recognize that the year 1964 marked a turning point in our history. This legislation and other actions will profoundly affect the American way of life and the rights and individual liberties of every American of whatever race, religion, or place of residence.

Indeed, Mr. President, history may well record this as the last sustained fight to keep inviolate the federal system with its division of powers between the States and the Central Government, and the delicate system of checks and balances between the three branches of our National Government that have been dependent upon respect shown by each branch for the doctrine of the separation of powers between the three equal but coordinate branches.

All of the eloquence that has been poured out here in this Chamber this afternoon in behalf of the bill will apply to any piece of proposed legislation that may be brought forward to use the Federal power to enforce absolute conformity of thought and action by every one of our citizens.

CENTRAL ISSUE

I cannot escape the conclusion that the central issue at stake in this debate has been the preservation of the dual system of divided powers that has been the hallmark of the genius of the Founding Fathers.

I am proud to have been a member of that small group of determined Senators that since the 9th of March has given the last particle of ability and the last iota of physical strength in the effort to hold back the overwhelming combination of forces supporting this bill until its manifold evils could be laid bare before the people of the country.

The depth of our conviction is evidenced by the intensity of our opposition. There is little room for honorable men to compromise where the inalienable rights of future generations are at stake.

No group of men could have worked harder in a nobler cause. Undismayed and unintimidated by forces marshaling incomparably greater strength than available to us, we have fought the good fight until we were overwhelmed and gagged. With apologies to no one, the opponents of this legislation have since the 9th day of March presented, as forcefully and persuasively as our ability would permit, the reasons we believe that this bill is not only in conflict with the Constitution but also is not in the best interests of the people of the Nation, of any race, or any creed.

No little group has ever faced greater odds. The Wall Street Journal, in an article critical of the strategy of the opponents, described the forces arrayed against us as—

> The full force of an administration whose southern chief needed to establish his civil rights credentials; and the combined pressure of powerful unions, numerous women's groups, scores of civil rights organizations, and for the first time, intensive lobbying by organized religion.

That last line does not apply to all of the men of the cloth in this country, nor to those of any one creed or faith. Thousands of them did not permit themselves to have their vestments dragged in the mire of publicity seeking and political turmoil. All religious faiths have some expression of peace and good will in their creeds and support the rights of property. But there were many ministers who, having failed completely in their effort to establish good will and brotherhood from the pulpit, turned from the pulpit to the powers of the Federal Government to coerce the people into accepting their views under threat of dire punishment.

While there is a great deal of difference in the methods applied, the philosophy of coercion by the men of the cloth in this case is the same doctrine that dictated the acts of Torquemada in the infamous days of the Spanish Inquisition.

This is not all, Mr. President. The fact that the great metropolitan press, the radio and television, and other media of communicating news and formulating public opinion strongly support the bill made it all but impossible for us to get our case before the country. They magnified all that was said or done in the emotional appeals for support of the legislation and minimized or omitted the arguments as to its dangers. The same thing may be said about the efforts of many editorial writers, and the production of numerous columnists and commentators.

PEOPLE SHOULD DECIDE

Despite all of these odds, Mr. President, our presentation of the evils contained in the bill were finally penetrating to the American people. The people were beginning to stir. Indeed, the people were sufficiently informed to cause the chief proponents and the principal architects of the bill to deny them an opportunity to express their will in a national referendum for the unabashed reason that the people would defeat the bill if they were permitted to speak in a fair election.

It is impossible, Mr. President, to foresee all of the evils that are bound to flow from the enactment of this bill. It grants powers to appointive officials not only to pick the objects of their enforcement power, but to define the offense with which the alleged culprit will be charged.

We will see again and again the pathetic picture of the struggling individual citizen undertaking to defend himself against the vast and overwhelming resources and machinery of the Federal Government without a clear definition or a full comprehension of the offense of which he is accused, much less a comprehension of the charge that has been brought against him.

The limits of these offenses depend only upon the imagination of all future Attorneys General of the United States and their principal henchmen.

It opens up an area of political persecution that is wider than has ever existed before.

This bill is not only the greatest delegation of power and authority by the legislative branch to the executive ever seen; it represents an admission of inadequacy and an abdication of responsibility by the national legislature which to all intents and purposes amounts to surrender of any claim to equality with the other two branches of the Government. It is an abandonment by the legislative branch of any defense whatever of the principal doctrine of separation of powers.

This bill would empower the executive branch to reach the long arm of regulation and intimidation into labor unions, business, commerce and industry in many areas into which the Federal power has not heretofore been permitted to intrude.

It places onerous requirements upon all people undertaking to earn a living in the way of reports and recordkeeping, and requires almost weekly obeisance to some bureaucrat in Washington. All of this falls upon the once free enterprise system that is the genesis of our greatness.

It bestows greater powers upon the Attorney General to invade and control the private lives of the American people than has ever been exercised by any other individual in our free system.

It so greatly enlarges the powers of the Federal Government over affairs that, under our constitutional concept, have been the sole concern of States and local governments as to make those governments mere puppets of the gigantic bureaucracy which this legislation strengthens and enlarges.

The bill is a drastic infringement by the Federal Government upon the basic human rights of every American citizen of every race to own and control property honestly gained as well as to be selective in choosing those with whom he wishes to associate.

SPECIAL-PRIVILEGE LEGISLATION

In short, Mr. President, this is not a civil rights bill. It is a bill granting plenary powers to bureaucrats to enable them to create a horde of special benefits for a selected group of citizens in defiance of our exalted Jeffersonian doctrine of equal rights to all and special privileges to none.

It is impossible to exaggerate the latent opportunities for evil and oppression in the bill that are available to a power-seeking administrator.

This measure can be indicted on many other counts; and all counts could be sustained in the mind of anyone who examined it objectively. It should be defeated. It had its genesis in politics. It is punitive in its nature, and it is certain to be sectional in its application.

The South will be tossed from pillar to post in the tug of war between the two political parties. They will play as a record on a machine, again and again, the false picture of the South which has been established by constant years of propaganda in bidding for the favor of those who live in the more populous States.

The fact that this bill is more fraught with political implications and considerations than any that has been before Congress in generations is apparent from much of the strange maneuvering that took place in the Senate over the past several days.

No secret has been made of the fact that both political parties consider that there is a direct relationship between forcing and liquidating this issue and the approaching National Conventions of the Republican and Democratic Parties. Very few are so naive as to be unaware of the fact that those in high positions of both parties will immediately seek to derive some political gain from the passage of the bill.

I resent—and resent bitterly—the attempt to make the people and the section from whence I come, and whom I have the honor to represent, the eternal whipping boy for the political aggrandizement of any politician or official of any political party.

It is now accepted, after halfhearted attempts at denial, that the main thrust of this bill is aimed at the Southern States. This is especially true with regard to its harshest and most coercive sections.

Hypocrisy reaches a new high in this measure's undertaking to bring about a maximum degree of racial mixing in the schools and in the businesses of the South, while other States utilize as a defense against Federal invasion their so-called equal accommodations and fair employment statutes, which in many cases are more fiction than fact and have long been dormant.

The veriest tyro at the law—indeed anyone who is able to understand the English language—can grasp that the bill is so drafted as to exempt or delay the application of its worst provisions in every section of the country save the Southern States. Many Senators, in responding to the expressed fears of their constituents as to this extension of Federal power, have assured them again and again that the bill would not be applicable in their State, but is applicable only to the South. I have in my files the newsletters of several Senators from States, where minority groups are so small as to be inconsequential, solemnly assuring their constituents that the bill is aimed only at the white people of the South.

SOUTH A MISTREATED MINORITY

In all of the sanctimony about protecting the rights of minorities, let us understand fully that the bill is aimed at what has become the most despised and mistreated minority in the country—namely, the white people of the Southern States. The approach is more subtle and hypocritical in this bill, but its purposes are identical with those that prompted Charles Sumner, Thaddeus Stevens, and Ben Wade in the reconstruction legislation of the 1860's.

Mr. President, the people of the South are citizens of this Republic. They are entitled to some consideration. It seems to me that fair men should recognize that the people of the South, too, have some rights which should be respected. And though, Mr. President, we have failed in this fight to protect them from a burgeoning bureaucracy that is already planning and organizing invasion after invasion of the South, preceded by thousands of young people who have been recruited in the greatest crusade since the Children's Crusade of the Middle Ages, our failure cannot be ascribed to lack of effort. Our ranks were too thin, our resources too scanty, but we did our best. I say to my comrades in arms in this long fight that there will never come a time when it will be necessary for any one of us to apologize for his conduct or his courage.

Mr. President, those of us who have been upon this floor day after day for more than 3 months have used every weapon available. We have sought to appeal to the sense of fairness and justice of the Members of this body. Finding that the ears of our colleagues were closed and that a majority had already signed in blood to "follow the leaders," we undertook to go over their heads and appeal to the American people.

There is reason to believe that the long and arduous fight that we have waged has caused hundreds of thousands of people to look beyond the attractive and misleading title of this bill and to consider—objectively and dispassionately—the far-reaching implications of this measure and its effect upon the future of every American, no matter what the color of his skin or his place of residence.

Until we were gagged, we made no secret of the fact that we were undertaking to speak in detail and at length in an effort to get the message across to the American people. We did not deceive anyone as to our purposes.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the remainder of my remarks may be printed in the RECORD.

There being no objection, the remainder of the remarks was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR RICHARD B. RUSSELL, OF GEORGIA

PROUD OF FIGHT

Mr. President, I am very proud of the result of our labors and the case that we have made.

The CONGRESSIONAL RECORD for this period will show that we have stuck to the issue and avoided purely dilatory speechmaking.

My only regret lies in the fact that the very best that we could give was not enough. We have, however, alerted many rank-and-file Americans in every part of the country to the threat to the rights and freedoms of their children that lurks in every title of this bill.

When our fellow citizens in other sections of the country see the Federal bureaucracy closing in upon them, they will remember the alarm that we have sounded.

But, Mr. President, no 20 men who have ever served in this body could possibly overcome the unparalleled pressures that were brought to bear to force the bill through. The vote of last Wednesday on cloture and the foregone result of the impending vote on passage will signal our defeat.

I find little comfort, Mr. President, in the amendments to the bill. The guarantee of jury trial to any citizen charged with criminal contempt under most of the titles of the bill will seldom be involved under its peculiar enforcement procedures. It is, however, a recognition of the fact that the Senate, in striking down so many of the ancient landmarks, has not entirely abandoned the tradition of trial by jury and the right of protection against being placed twice in jeopardy for the same act. Even though it will be seldom utilized, I am very grateful indeed for the fact that a majority of the Senate at least refused to discard these basic tenets of the Anglo-Saxon system of jurisprudence. This bill is enough of a mockery of that system without striking down age-old rights and going all the way back to the Dark Ages of the star chamber.

Mr. President, many amendments to rectify injustices and to protect the rights of all of our people were summarily rejected after the imposition of gag rule. In calmer hours, and in the consideration of other bills, many of them would have been accepted without question. But the Senate's action on amendments makes a shambles of our once cherished reputation as a great deliberative body.

Mr. President, let those who will gloat with glee over the fact that gag rule has succeeded in silencing a minority who were opposed to the passage of this bill. As for myself, I cannot comprehend rejoicing over being able to gag an adversary before he has the fullest opportunity to defend what he regards as sacred rights. Let me say to those who jubilate today that I hope that there will not come a time on another day when they will have the halter drawn on them as they attempt to defend the convictions of those who have sent them to the Senate.

Mr. President, we have gone far in impairing the Federal system which enabled us to achieve our greatness. It may well be that before the conclusion of this drive to destroy the last remaining evidence of federalism, the Senate will adopt a previous question rule to suppress those who cry out against the acts of the Supreme Court in leaving the judicial arena to become the executioner of the States or against harsh and Draconian legislation.

NEW RULES FIGHT SEEN

It will be interesting to see the attitudes of some of our colleagues from the smaller States, whose sole protection resides in the Senate and in its rules, if its rules are changed and the little influence that those States exercise here when their population is weighed against that of the larger States is curtailed and tailored to fit the plan of centralism that is supplanting federalism.

Be that as it may, Mr. President, we will await with interest the imposition of majority gag rule, or a previous question rule in the Senate. For many years, this action has been urged on the grounds that without majority gag rule in the Senate this body would ever be a burial ground for civil rights legislation. This was refuted by the passage of a civil rights bill in 1957 and another in 1960. It will be refuted again by the passage of the pending bill.

But I fully expect to see our colleagues from the smaller States come into the next session of the Senate and fashion the gallows from which the rights of their people will swing upon the complete contralization of power here in Washington.

Many of them have been told that this bill does not affect them because they do not have the same problem that confronts the Southern States, but when they try to tell their people that this is a "moderate" bill, let me remind the Senate that no less an authority than the President of the United States described it the other day as the strongest civil rights bill in American history.

Mr. President, I hope that I may be pardoned a few personal words to those associated in the fight against this bill. I cannot see the record of this debate closed without expressing my boundless esteem, affection, and admiration for the members of the small group of constitutionalists who have stood shoulder to shoulder in this fight. While there were differing degrees of enthusiasm, no man failed to respond to any call. Individually and collectively they have been as dedicated and determined in a common cause as it is possible for humans to become. Our only weapon against the insuperable odds was the honest conviction of the righteousness of our cause. The magnificent speeches that have been made by these Senators are not only embalmed in the CONGRESSIONAL RECORD, but they will also echo down through the years as long as men love liberty and respect the institutions of free government. Some of the constitutional arguments that have been made in the course of this debate are the peer of the debates of Webster and Calhoun and the other giants who have graced this body in the past. Every member of our group has given unstintingly of such talents and energy as we possessed.

The victors rejoice today, but in retrospect history has not always awarded its laurels to the majority. Time and again history has vindicated the position of an overwhelmed minority.

I salute each and all of the 19 stalwarts with whom I have been associated in this fight with the assurance that I count it as one of the proudest experiences of my life to be numbered among their ranks.

Mr. President, while I am apprehensive that any words of commendation from me might well prove to be the kiss of political death to those who live in the self-righteous atmosphere in which this bill has flourished, I cannot refrain from a special salute to the small handful of Senators who rose above the mire of prejudice and emotion to measure up to their oath of office as they saw it. Ross of Kansas did not display a higher degree of courage and willingness to sacrifice when he voted to maintain the powers of the Presidency and the separation of powers of our Government than did the Senator from West Virginia [Mr. BYRD] when, after grappling with his conscience, he came to the conclusion that this bill was unconstitutional.

NO APOLOGIES

All of us who have borne the task of resisting this measure through these many bone-wearying weeks make no apology for the fight we have waged. We believe in our heart of hearts that we have held the high ground of principle. We have remained true to our understanding of the oath we have subscribed to uphold and defend the Constitution of the United States. We have discharged our duties with such strength and light as God has given us. No more could be asked, or fairly expected.

I would that I might be able to predict all of the results from the implementation of this bill. I shall watch with great interest to see if its passage brings to an end the demonstrations, boycotts, disorders, and violence that have been urged as reasons for its passage.

Mr. President, as I take my place in the small minority voting against H.R. 7152, my heart is heavy with premonitions of the violence that is being done to the fabric of constitutional government and for the wrong perpetrated upon our people.

My only solace and hope is in the words of Thomas Jefferson that "though written constitutions may be violated in moments of passion or delusion, * * * they furnish a text to which those who are watchful may again rally and recall the people."

May a benevolent providence give us stronger and abler leaders to rally the people before it is too late.

Mr. RUSSELL. I express the hope that those who are keeping the time will apply the same rules to others which they have applied to me.

I read in the RECORD this morning a statement to the effect that the Senator from Minnesota said that he yielded himself 1 minute—this appears on page 14239 of the RECORD—and then follows a statement that could not have been made even by the late Senator Tobey, of New Hampshire, in less than 5 minutes.

I feel, Mr. President, that I have been gagged in more ways than one.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. If a Senator yields himself 1 minute and speaks for 5 minutes, is he charged with 1 minute, or is he charged with 5 minutes?

The PRESIDING OFFICER. The Senator would be charged with the full amount of time.

Mr. PASTORE. Would that apply with reference to these speeches being made? If it did not, I would hope that it would.

The PRESIDING OFFICER. The Chair is informed that the Senator from Minnesota was charged with the complete time of the statement he made.

Mr. RUSSELL. I should like to know the amount of time with which the Senator from Minnesota was charged.

The PRESIDING OFFICER. The Senator from Minnesota was charged with 9 minutes.

Mr. RUSSELL. I am glad to hear that, because if the Senator has been charged with all the time that he actually used, we shall not hear from him any further.

Mr. HILL. Mr. President, Napoleon Bonaparte, in speaking of the importance of leadership, observed that as between an army of lions led by a lamb, and an army of lambs led by a lion, he would take the army of lambs led by the lion.

Those of us who have opposed this bill have been led by a lion. We have been able to wage the battle that we have against the bill because of the courage, the fortitude, the devotion, the skill, and the ability, and the magnificent leadership of the distinguished senior Senator from Georgia.

Surely every Georgian must be tremendously proud that Georgia has given to the South and to the Nation, RICHARD BREVARD RUSSELL.

Today those of us who have been privileged to fight under his leadership salute him and pay our tribute of appreciation and of affection to him.

Mr. SIMPSON. Mr. President, I yield myself whatever time is necessary.

Mr. President, soon we shall be taking the final vote on the so-called Civil Rights Act of 1964. No bill in recent times has received as much attention as this bill has received. Emotions have run high; sentiments have been strongly stated both in support and in opposition to this bill. We have been encouraged to pass strong legislation, and we have been encouraged to pass no legislation. Our job in the Senate is not to pass a strong or weak bill; our job is to pass legislation that is workable, equitable, and beneficial to all citizens regardless of race, color, or religion. Because this legislation will affect American living patterns for years to come, we must see that it is carefully worded, and completely free of legal pitfalls which will create problems as difficult as those it tries to solve.

Wyoming, the State I have the privilege of representing, is known as the Equality State. Our State constitution in article I, section II says that:

> In their inherent right to life, liberty, and the pursuit of happiness all members of the human race are equal.

And section III, article I says:

> Since equality and the enjoyment of natural and civil rights is made sure only through political equality the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex or circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

Our State, the Equality State, has adopted a public accommodations law which is better than the one being considered by the Senate. The State of Wyoming has for the most part an exemplary record.

Mr. President, the bill now before the Senate would have no significant effect on Wyoming's ability to provide for the voting, educating, serving, and employing of any minority group. We have handled whatever problems we had at the State level, and Wyoming has no need for a Federal civil rights act. Unfortunately, the racial problem is much bigger than any State and, therefore, I believe the Federal Government has a responsibility to act in this field.

I have shared the embarrassment of the Nation when Negro people were denied, ridiculed, and harrassed because of the color of their skin. I believe that discrimination in hiring, or in serving, or in any other field is morally wrong when such discrimination is practiced solely because of color. I have been shocked to see some of the injustices done to American citizens, as well as to foreign dignitaries, solely because their skin is black. These things are morally wrong and should be eliminated. But they cannot be eliminated by legislation alone.

We cannot legislate love, understanding, or respect. These things must come from the hearts of men. They must be dealt with on an individual basis.

The Federal Government does have a responsibility in seeing that rights which are guaranteed to us by the Constitution are given to all citizens. I am firmly committed to this principle. At the same time, I firmly believe that Congress does not have powers other than those enumerated in the Constitution. It is my belief that Congress clearly has authority in the following areas:

First. To act with all the power and authority at its command to protect Americans from the denial or abridgment to vote, which is secured by the 15th amendment.

Second. To regulate and protect the interstate transportation of persons.

Third. To guarantee that Federal assistance programs will not be utilized to subsidize and perpetuate discrimination.

Fourth. To prevent discrimination of any type in employment by the Federal Government or in Federal contracts.

There are other rights, but these serve as the basic framework for Federal activity.

The civil rights bill passed in haste by the House of Representatives, with the attitude of "let the Senate take care of it," is a bad piece of legislation. It shows a total disregard for the respective States and our citizens. After many days of debate, the leadership of both parties and the administration acknowledged that the House-passed bill was completely unsatisfactory.

The substitute bill now before the Senate is technically improved and has provisions which I support, such as judicial review and a trial by jury in criminal contempt cases. I feel that the new substitute bill is better than the original bill, but basically and fundamentally it is still the same bill as passed by the House of Representatives.

This omnibus civil rights bill is really 11 bills wrapped up in 1 package. Each title is important and takes dramatic, if not drastic, steps in an effort to upgrade the American Negro and other minority groups. I fully support the admirable objectives of this bill. Unfortunately, however, in my opinion, certain titles of this bill are objectionable because they would destroy civil rights rather than grant them. Consequently, because we cannot vote on each title separately, I am forced, not by my will, but by those who are attempting to force unconstitutional and unwise legislation through Congress, to vote against the whole bill. We must take it or leave it. That is their attitude.

This is most disturbing to me because I have always been proud of the record that I have made in the field of civil rights, and I feel that several of the titles of this bill, H.R. 7152, are not only desirable but needed.

For example, the right to vote should not be denied any American citizen who has met the qualifications of his respective State. The Constitution is clear on this; in fact, it is adamant. I would like to support Federal legislation which would help the minority groups which are denied the right to vote. I think title I is basically a good piece of legislation and would like to support it.

Title III involves the desegregation of public facilities. I do not believe that any government activity or the use of any government facility, area, or building should be denied any person solely because of his color or religion. I would, therefore, support it also.

Our Government is a government of one Nation and one people. Uncle Sam does not ask what your religious beliefs are or what the color of your skin is when he asks you to serve in the military service or to pay taxes. And, he should not ask you the color of your skin when there is a Government service to be used by American citizens.

Title VI of the bill has given me a great deal of concern, but even though it gives to the Federal Government great powers, I support it. This title calls for nondiscrimination in federally assisted programs. It provides that—

> No person in the United States shall, on the ground of race, color, or national origin, be denied the benefits or be subjected to discrimination under any program or activity receiving Federal financial assistance.

I support that statement even though I realize that whoever has the authority to spend money acquires great powers. The executive branch of our Government does the actual spending of the money appropriated by the Congress and thus does have great powers. This legislation gives the executive branch the power to terminate, or to refuse to grant, the payment of Federal funds—taxpayers' money—to any political entity or part thereof if a determination is made that the purpose of title VI is being violated. I feel that adequate safeguards are written into the law, with provisions for judicial review.

Basically, I object to Federal aid programs because under them control and power is assumed by the executive branch over our State and local governments. I feel strongly that Federal funds—taxpayers' dollars—should not be used for promoting unwarranted segregation. I think my good and respected friend from Texas, Senator JOHN TOWER, summed it up when he said:

> If the State and local governments are going to allow themselves to be reduced to a state of abject dependency on the Federal Government and to operate with Federal funds, they must be made to understand what the consequences will be.

Accordingly, he supports title VI.

One of the conditions placed upon any Federal aid program should be that Federal funds not be used in a discriminatory manner because of the color of a man's skin.

The two primary reasons why I must vote against this bill are titles II and VII. Title II is the public accommodations section which would ban discrimination by businesses if they are in interstate commerce or if their discriminatory policies are backed up by some State action. The objectives of this title are admirable. But, I do not know of any constitutional grounds upon which this title can be based. The proponents are attempting to tie this to the commerce clause of the Constitution and the 14th amendment. I do not believe that the commerce clause should be stretched to that extent, and, I do not believe that the 14th amendment is applicable in that the Supreme Court of the United States has determined that such a bill was unconstitutional when based upon the 14th amendment.

If I were to disregard the unconstitutionality of title II, I would still oppose it because it is plainly bad legislation. In this civil rights controversy we must remember that we are attempting to balance human rights. One of the fundamental rights that our people have is the right to own property. With that ownership comes a bundle of rights, one of which is to use that property as one desires. Do we, as a government of the people, have the right to eliminate or at least restrict that right which is inherent with the ownership of property? I do not believe that we do. If a member of the general public has the right to choose which business he will use, at which hotel he will stay, and in which restaurant he will eat, why, then, does the property owner not have the right to select the type of person he chooses to serve?

I am concerned that if we were to adopt the public accommodations section we would be adopting a principle which would enforce associations among individuals thus destroying areas of personal freedom, prove impossible to enforce effectively, and might worsen rather than improve the relationships among human beings. When we start tampering with the fundamental right to own property and to manage that property as the owner desires, we are treading on a right which goes to the very freedoms that we have cherished, protected, and preserved here in America. While I do not believe that it is morally right for a person to discriminate against another citizen because that person is colored, I do not believe that the Federal Government has the right to move in and dictate to its citizens the very way in which they should conduct their personal lives. It is one thing for the person to discriminate and another thing for the Government to discriminate. To me it is inexcusable for the Government to discriminate. Discrimination should never be tolerated in a free society. But, if the Government is to deprive the individual of the right to discriminate, he has denied that person freedom.

If we are to remain a free society with a republican form of Government which has vested within it certain limited powers and responsibilities, we must maintain personal liberty and the right to own and use property. The courts of this Nation have, since the beginning, consistently held that the fundamental maxims of a free government require that the rights of personal liberty and private property should be held sacred. A different doctrine is utterly inconsistent with the great and fundamental principle of a republican government, and with the right of the citizen to the free enjoyment of his property lawfully acquired. It is my judgment that title II is bad legislation; it is unconstitutional, impracticable, and unwise.

Title IV of the bill calls for the desegregation of public education and authorizes the Commissioner of Education to establish in colleges, universities, and secondary high schools courses for the training of teachers to deal with any special educational problems occasioned by desegregation. It is ridiculous to assume that because a person's skin is of a different color, he will cause new problems which will require an entirely new or different type of education in our newly integrated schools.

I consider this unlimited authorization an insult to our universities and a further inroad by the Washington bureaucrats who want to extend Federal aid to education. No limitations are placed on the funds that may be requested for these purposes, nor are there any limitations on the types of courses or programs that may be presented by the schools with Federal aid. I consider sections 404, 405, and 406 to be unnecessary, unwise, and unwarranted. They should never have been included.

Title VII of the civil rights bill is probably the most controversial section of the bill and, in my opinion, extremely unwise.

It concerns the "equal employment opportunity" section, more popularly called the FEPC section, which has been denied by Congress again and again. Standing alone it could not pass this Congress but because it is included in this omnibus bill it has acquired unwarranted respectability. Even President Johnson agrees with me on this point. When he was a Member of the U.S. Senate, he said:

> This is to me the least meritorious proposal in the whole program. In my way of thinking it is simple. If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave the minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and an employee and virtually every hour that employer and employees associate while at work.

I fully agree with that statement. I do not believe that this section is practical, workable, or justified.

Once again, I state that I do not believe in discrimination, but neither do I believe that the Federal Government has the right to dictate to an individual or a business, whom it shall hire and promote.

I am extremely disturbed by the fact that title II and title VII are in this omnibus bill, because if it were not for them, I could fully support Federal legislation which would assist a minority group in its quest for equality of opportunity. I am forced to oppose the whole bill because titles II and VII destroy freedoms—"civil rights"—that need not and should not be lost. The goals and objectives of the bill, as admirable as they are, do not justify the extreme provisions set forth in these two titles. Therefore, I must reluctantly vote against the so-called "civil rights bill."

I sincerely hope and pray to Almighty God that the civil rights bill will not become a "civil wrongs bill."

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 20 minutes.

Mr. McCLELLAN. Mr. President, at the beginning, let me say that I acknowledge and duly respect the right of my colleagues and others to disagree with me completely on the merits of the pending measure or on any other issue that may be presented to the U.S. Senate. In disagreement, I question only their discretion and judgment, not their integrity or sincerity. My duty, however, to express my views and to act in accordance with my own conscience and convictions is clear and compelling. I would, therefore, be derelict in meeting my responsibility if, in the present circumstances, I did not again protest, with all of the forcefulness that I can command, the action the Senate is about to take on the question of the passage of this so-called, and misnamed, "Civil Rights Act."

It is the most ill conceived, deceptive, vicious, and iniquitous legislation that ever engaged the serious consideration of the Congress of the United States. The evil consequences that its enactment portends cannot now be fully envisioned or comprehensively defined.

During the 22 years that I have had the honor to represent the sovereign State of Arkansas and her people in this body, I have participated, as have many of the other present Members of the Senate, in processing thousands of legislative proposals. Many of those measures provoked serious controversy—not only in this Chamber, but throughout the Nation. That honest differences of opinion will arise or may exist as to the wisdom of or the necessity for the enactment of particular legislation is to be expected, and is understandable. But never in my experience here have I witnessed in the legislative process a measure that contains more pernicious, brutal, and vindictive provisions than those embodied in the several titles of this act.

Its punitive objectives toward, and its effect on, the Southland and her people will forever characterize it as evil legislation. It obviously fails to establish and protect legitimate civil rights, as claimed by its proponents; instead, it assaults and destroys many of the constitutional rights guaranteed to all American citizens. Therefore, Mr. President, rather than being cited as the "Civil Rights Act of 1964," it might more appropriately be cited as the "Civil Rights Assassination Act of 1964."

I repeat that, Mr. President: This measure should properly be cited as the "Civil Rights Assassination Act of 1964."

Many things associated with and continued in this measure smack of intimidation, force, and punishment. It illegally — unconstitutionally — deprives American citizens of their fundamental right to be free from governmental coercion with respect to the unhampered use and enjoyment of the fruits of their labor, of the selection of their employees, and in the choice of their associates.

Mr. President, we should remember that House bill 7152 began its life in the Senate steeped in illegal and unauthorized procedures. Under an interpretation of the Senate rules, which was clearly erroneous and unjustified, the bill was taken from the calendar; and hearings and consideration by the appropriate committee were bypassed.

In the Senate, it has been debated under a gag rule which has prevented a full and adequate presentation of the vital issues involved. Many amendments of merit, offered in good faith, and designed to improve this act, have been arbitrarily and disdainfully rejected. Thus, subjected to such an unlawful procedure and processed under such a gag rule, this measure remains dedicated to the proposition that one minority group of our citizens is entitled to, and should be granted, special privileges that will transcend and abrogate the constitutional liberties of the majority. No real concern has been shown for the vast majority of the American people who will be deprived of the freedom that is their heritage. And, Mr. President, let us remember, and never forget, that freedom was purchased and, we thought, was made secure by the blood sacrifices of our Founding Fathers and the constitutional republican form of government they established and bequeathed unto us.

Mr. President,, this act was called up under a perversion of the rules of the Senate, with the result that no committee hearings were held, nor were committee hearings had on the bill by any committee of the House of Representatives. Neither have any hearings been held on the Mansfield-Dirksen substitute now before us. Therefore, the citizens of our Nation have been denied their constitutional "civil right" to appear and be heard on a measure which vitally affects virtually every aspect of their lives. By this procedure, they have been denied the rights of petition and free speech guaranteed by the first amendment to the Constitution.

It is ironic that this should happen in the consideration of a so-called civil rights bill. Orderly procedure under the rules in this instance was abandoned and sacrificed for political expediency. There do not now exist, and there will never be available, committee hearings or a committee report to aid the courts in their efforts to interpret correctly the intent and the application of this measure.

Mr. President, as I have stated before, this act denies to American citizens the freedom of choice to select their business employees, customers, and personal associates. Yet, it is described by its ardent proponents as a measure to advance human freedom.

This act distorts the delicate balance between the powers of the Federal Government and those which have been reserved to the States. Yet, it is hailed by its enthusiastic supporters as an implementation of rights guaranteed by the Constitution.

This act subverts the constitutional right and duty of the several States to determine the qualifications of voters. Yet, it is described by its sponsors as an enforcement of the constitutional right to vote.

This act will revoke the present jurisdiction of Federal district judges in certain cases. Yet, it is championed by its advocates as a reinforcement of the judicial process.

This act will further undermine the exercise by State and local governments of their traditional police powers as well as the traditional State and local control of public education. Yet, its authors claim it will advance the public policy of the United States.

This act will confer authority on bureaucrats in Washington to cut off Federal assistance to taxpayers who have paid for such benefits. Yet, we are told that this action will be "social justice."

Yes, this act violates the constitutional rights, privileges, and personal liberties of our citizens in many areas of human activities. Yet, there are those who insist and proclaim that its enactment will be a victory for the strengthening of democracy.

Mr. President, not only does this act limit, by the means of Federal intervention in areas which are clearly prerogatives of the State and local government, the free use and enjoyment of property; and not only are State and local governments being deprived of authority to act in accordance with the desires and will of a majority of their citizens; equally important is the fact that the full power of the vast Central Government will reach down into every State, city, village, hamlet, and community in our land to tell the people what they must do and what they may not do in their social, economic, and political relationships. The enforcement of this tremendous power of cantankerous interference and meddlesomeness is vested in the Attorney General of the United States and the Federal courts. The vesting of such enormous power in Federal authority is tantamount to sowing seeds of dictatorship in the field of our democracy. From these seeds can only grow the bramble and weeds of regimentation and oppression.

Mr. President, we are here attempting by law to make men equal in their social and economic relationships. This measure seeks in a fashion to make men equal in their material possessions. It seeks in some instances to take that which has been accumulated by those who have been industrious, by those who have toiled—possibly while others slept—and by those who have by their own ingenuity and thrift created property for their own use and enjoyment, and attempts to dispense it to those who have been indolent and irresponsible.

We are here proposing to legislate with respect to deep emotions, sensitive feelings, strong beliefs, and deep convictions of human beings. This effort, Mr. President, is vain and futile. It cannot succeed. This law will not pave the way to peace and understanding between the races. We cannot compel by statute brotherly love, fellowship, and good will. Mutual respect and tranquillity between the races will be achieved only by patience, tolerance, and the processes of evolution, and not by the forces of compulsion and revolution.

We have only to look at the experience of those States which have enacted statutes containing provisions similar to those in this act. Those States have no better race relations. In fact, in many instances they have greater tensions and worse race relations than do those States which have not legislated in this field. We read daily of racial strife, of demonstrations, of aggravated assaults, of murders, and of all manner of crime being committed in those States having so-called civil rights laws.

Mr. President, the force provisions of this act will not solve racial problems nor will they improve racial relations anywhere. Quite to the contrary, they will most certainly promote and engender even greater enmity, strife, and discord. Both black and white, in my judgment, are destined in the long run to suffer rather than to benefit therefrom. This law will be a great disservice to both races.

Finally, Mr. President, I venture to suggest that not only the South but other areas and sections of our land will experience greater trouble and more suffering by reason of the enactment of this ill-advised law. The tidal wave of civil disobedience and violence that its enactment encourages and invites will in all probability become a national rather than a sectional epidemic.

The agitations and, in some instances, mass demonstrations for the enactment of this law have already aroused passions and stirred instincts that are going to be difficult to subdue or control. I do not predict, but I am most apprehensive, that serious crime will greatly increase rather than diminish following the passage of this measure.

Mr. President, I stand firm and immovable in the position I have taken in opposition to the proposed legislation. I am proud to have been associated with those of my colleagues who share the convictions that have influenced me in my decision and together with whom I have labored and battled here in this Chamber in an effort to defeat this iniquitous proposed legislation. I am proud to have served under the leadership of the able and distinguished senior Senator from Georgia [Mr. RUSSELL], whose fortitude, courage, and tenacity have been a constant inspiration in this trying ordeal to which we, the minority in this body, have been subjected. All freedom-loving people in this great Nation owe to him a debt of everlasting gratitude.

Mr. President, in conclusion, although we who have opposed this measure are now destined to be overpowered and its proponents will win a temporary and dubious victory, I refuse nevertheless to accept or acknowledge as a final defeat the present success of their efforts. I am reconciled in the faith that time and subsequent events will prove the righteousness of our cause.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator has expired. Does the Senator wish to yield himself additional time?

Mr. McCLELLAN. Mr. President, I yield myself another 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas for 2 additional minutes.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a series of seven editorials published by one of the leading newspapers in my State, the Arkansas Democrat. The first of the editorials is dated February 22, 1964, and is entitled "Civil Rights Denies Older Rights."

The second editorial, dated April 29, is entitled "McCLELLAN Shows Up the Civil Rights Bill."

The third editorial, dated May 17, is entitled "Revolution in the Civil Rights Bill."

The fourth editorial, dated May 21, is entitled "Another Warning Against Civil Rights."

The fifth editorial, dated May 22, is entitled "Name of Civil Rights Misleads."

The sixth editorial, dated June 11, is entitled "Two Dark Days for Free Rights."

The seventh editorial, dated June 14, is entitled "Presidential Domination of Congress."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat, Feb. 22, 1964]

CIVIL RIGHTS DENIES OLDER RIGHTS

Liberalism becomes fanaticism, reform takes on the meaning of deform, democracy slants toward socialism when Washington undertakes to twist private enterprise into a means of forcing its social theories on the Nation. The civil rights bill does just that.

This bill would strip from private enterprise its ancient free rights to select its customers and hire a harmonious, efficient working force.

The bill would require a business to serve anybody who came along, regardless of how much this might cost in loss of patronage the owner had spent years to build. No right is more important than the right of an owner to manage property in his own way.

To destroy that right is to strike down a major incentive of private enterprise.

Equally vicious is the bill's forbidding of "discrimination" in employment. An employer would have to put skill, experience, and a congenial work force in second place to make sure that he turned down or fired nobody because of race, color, or religion.

Do the authors of the bill know what "discrimination" means? This compulsion would in many cases discriminate against a capable worker to give a job to a poorer one, so the employer could keep within the law.

America has prospered because enterprise was left to be enterprise. We'll rue it if enterprise is now despoiled of vital privacy rights and made to serve as an agency of socialistic reforms.

[From the Arkansas Democrat, Apr. 29, 1964]

McCLELLAN SHOWS UP THE CIVIL RIGHTS BILL

No speech, however eloquent, could have revealed the viciousness in the civil rights bill as vividly as Arkansas Senator JOHN L. McCLELLAN did with the 34 corrective amendments he proposed Monday.

Essentially, these amendments ask nothing more than that the bill be modified to respect rights of every citizen which are pledged by our National Constitution or are imbedded in the common law.

Included in the rights which the Senator would protect from the brazen Federal power grab of the bill, are such priceless ones as these:

The citizen's right to trial by jury; his right to free association with people of his own choice; his right to use his property in his own way, which is the life throb of private enterprise; the right of an employer to select a congenial, efficient work force.

Of similar high importance in the Senator's package of freedom, is the citizen's right to share fairly in Federal benefits financed with everybody's taxes. Federal power to shut off aid where it found discrimination, would be severely and properly restricted.

In short, the package restates and reaffirms every citizen's rights, not just the rights claimed by a turbulent minority threatening illegal disruption of peace and order with demonstrations and riots.

These amendments, with their insistence on safeguarding basic rights and freedoms dramatize the perils in the civil rights bill to the North. That section is waking up to the danger of defiant minorities, and it can see clearly what they threaten in the Senator's amendments.

Northern Senators who support the bill should be impressed. It wouldn't take a great loss of Democratic votes in a number of States to give the party's Senators a real battle for reelection.

Senator McCLELLAN has performed another signal public service for the South and the Nation.

[From the Arkansas Democrat, May 17, 1964]

Revolution in the Civil Rights Bill

Make no mistake about it—a revolution is underway in the United States. A powerful force, championed by—of all persons—President Johnson, and entrenched in the Federal bureaucracy, is striving to stamp the pattern of socialistic dictatorship on our free system.

This, and nothing less, is what the President's civil rights bill actually means.

In the Senate, now the main battleground, our Southern contingent, a thin line, stands against this assault on the rights and liberties of every American, white or colored. They're under a constant fire of undeserved criticism. They're pressured by the President and all the groups his powerful office can influence. But they've held firm.

Now, even from the President's office, the Nation is urged to deluge the Senate with letters demanding passage of the bill.

It hasn't been enough for this revolutionary movement to attempt to intimidate the public and Congress with marching columns and frequent scorn of law and authority; hasn't been enough to dress the wolfish nature of the bill's grasp for power in a sheepskin of misleading promises.

Be sure of this: If the bill is passed without pulling its fangs, we can take a farewell of America as we have known it. We will be shorn of priceless rights of selecting our associates and neighbors, rights of property, rights of private enterprise, the right, twice guaranteed in the Federal Constitution, to a jury trial of criminal charges—in short of the rights which are freedom.

We can't imagine many Americans asking for such a package of trouble. If they really understood the bill they would glory in its southern opposition.

But it's hopeful that high-up supporters of the bill ask the Nation to betray itself. The request confesses doubt that the bill can be passed.

This is the moment for every American to tell his Senators that he wants no revolution—that he cherishes America as it has been and not as the civil righters would pervert it.

[From the Arkansas Democrat, May 21, 1964]

Another Warning Against Civil Rights

In Maryland, as in Indiana and Wisconsin, Gov. George C. Wallace has successfully revealed that sentiment against civil rights isn't sectional and that it should be reckoned with politically even among those urbanized groups of workers who are traditionally Democratic. Governor Wallace got 42.7 percent of the Maryland Democratic presidential primary vote. President Johnson's stand-in, Senator DANIEL B. BREWSTER had a lead of some 51,000.

Maryland's Eastern Shore, as was expected, gave Governor Wallace heavy support. The region has an Old South character. Traditional conservatism, however, was only one of the factors that favored him. This region has had bitter firsthand experience with organized civil rights agitation for months and months.

Baltimore's large Negro population contributed substantially to the vote for Senator BREWSTER. Federal workers, residing near the District of Columbia, likewise cast votes for him.

But shipyard and industrial workers and families of Polish and Italian descent in Baltimore gave Wallace a big vote. This was in line with voting in the Wisconsin and Indiana primaries.

Contrary to psychological and sociological theories, industrial workers who came up the hard way as members of minority groups with a European background aren't identifying themselves with civil rights. These voters in Baltimore, like those in Gary and Milwaukee, have given politicians a clear warning.

They don't want the Federal Government to interfere with their jobs. They will resent the breaking up of their residential patterns. They believe the Negroes should improve themselves through their own efforts just as poor immigrants from Europe did.

While Democratic and Republican Parties crave the Negro vote and particularly cultivate it in the great cities, they had better be giving more thought to the preservation of individual rights for all citizens. Second and third generation Americans in the Northern cities are waking up to what the people of the South have known since the first civil rights bill was introduced—that this kind of legislation would destroy constitutional rights.

[From the Arkansas Democrat, May 22, 1964]

Name of Civil Rights Misleads

If the civil rights bill now before the U.S. Senate were an initiated measure to be submitted to Arkansas voters, its name would have to be changed. For its name misleads. It isn't a civil rights bill.

It would undermine and destroy more of everybody's rights, white and colored, than it promises to give to racial agitators. A particularly vicious feature is the limitation it would impose on the right of trial by jury as guaranteed in our National Constitution.

The bill would give Federal judges the power to say whether a person they charge with criminal contempt may have a jury trial. As Senator JOHN L. McCLELLAN sums up this grab for Federal power, it amounts to an accused person being tried by his accuser.

A charge of contempt is a charge of crime. And the National Constitution guarantees the right of a jury trial not only in criminal cases, but also "in suits at common law, where the value in controversy shall exceed $20." Southern Senators want to nail that protection into the civil rights bill with an amendment.

Many Northern Senators concede the peril to the citizens' rights in this feature of the bill, but would soften it down, not completely stop it.

The Senators should ponder a decision of the U.S. Supreme Court in its earlier, wiser days. It reversed, in 1866, a conviction of a civilian by a military court for disloyalty. Declaring that the citizen was entitled to a jury trial, the opinion said history taught "the great and good men" who wrote the Constitution that past infringement of rights would be attempted in the future, and it added:

"The Constitution is a law for rulers and people, at all times and in all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any exigency of government. Such a doctrine leads directly to anarchy or despotism."

Our Southern Senators are standing for the rights of all citizens, white and colored. They would be applauded by the founders of our Government.

[From the Arkansas Democrat, June 11, 1964]

Two Dark Days for Free Rights

Tuesday and Wednesday were 2 dark days for Americans who cherish their free inheritance.

On Tuesday the U.S. Senate refused to modify some of the drastic invasions of every citizen's liberties embodied in the civil rights bill.

On Wednesday the Senate voted 71 to 29 for cloture—for shutting off free discussion of this brazen grab for power to make the citizen a ward of overlording bureaucracy.

Free and full Senate discussion has become more than ever important. The House, reflecting the Nation's urbanization, is heavily weighted in voting power against the less populous States. But in the Senate these States have voting equality—can with free debate force wiser, fairer legislation.

And 71 Senators voted to strike down that bastion of rights and liberties. Our Arkansas Senators, to their honor, were among the 29 opponents.

Not sure of holding now, since the Senate has yielded so much to Executive pressure, is Tuesday's Senate vote for jury trials of all but voting cases under the civil rights bill. Jury trials are twice guaranteed by the National Constitution.

As appalling as the cloture vote, was the defeat Tuesday of an amendment to strike out of the civil rights bill its fair employment section. This section is a peril to private enterprise.

An employer, forbidden to "discriminate" against any race or creed, could no longer select a congenial and efficient work force, as the bill stands. Think of the opportunity for political favortism and pressure.

And only 33 Senators voted against putting that bludgeon in the power-hungry hands of Federal Government. Sixty-four approved it. Don't forget that it also applies to labor unions.

Defeated too were amendments to restrict this assault on freedom to employers of more than 100 workers, and to prohibit Federal funds for training teachers and other school officials to further integration.

Our southern Senators may yet wangle the defeat of this iniquitous bill. They may find northern allies who, as the final vote nears, will revolt from the huge and costly bureaucracy needed to enforce the bill.

[From the Arkansas Democrat, June 14, 1964]

Presidential Domination of Congress

Never in your lifetime have you seen such a spectacle as the U.S. Senate presents now.

You see that body which was proudly independent for so long, to which the National Constitution gives special coequal powers with the President, voting to deny itself full, free right of debate.

You see this restriction pressured on the Senate from the White House. You see it done as a maneuver in President Johnson's forcing through the Senate a bill which at least half of the Nation opposes or doubts or knows little or nothing about.

We mean the civil rights bill, of course. The only active demand for that measure comes from the leaders of a racial minority, which seeks by coercive, intimidating tactics to get the bill passed.

The big question is, How does President Johnson exert such dominance of Congress as you see dismally exemplified in the Senate?

Part of the answer is the man himself. He is vigorous and resourceful. He has old ties in the Senate, knows it from his experience there. He's a master politician and he has an impressive personality.

Another big reason comes home to the people. The aids and benefits we've so eagerly accepted from Washington have generated an enormous bureaucracy. And this jungle of officialdom with its pressure groups, headed by the President, gives him potent influence over Congress. It commands votes.

He can reward or punish a Member with his large control over spending and the huge patronage he can dole out to Congressmen.

What you see in the Senate is pretty much, in the words of Charles Shuman, head of the American Farm Bureau Federation, "the dictatorship of $99 billion," which is the size of the national budget.

That dictatorship is giving us the civil rights bill. We can't think of a stronger argument for economy and less bureaucracy in Washington.

Mr. McCLELLAN. Mr. President, I reserve the remainder of my time.

Mr. COTTON. Mr. President, I cannot vote for this civil rights bill.

Only a few words are necessary to state my reasons. I think I owe it to those I represent and to my colleagues here to say those words before the final roll is called.

This has been the most difficult decision I have had to make in all the years I have served in both branches of the Congress. For 18 years I have supported every measure to end discrimination between the races and guarantee the full rights of every citizen. I hoped and fully expected to vote for this one.

Months ago I stated that I would not be a party to killing the bill by indirection and that after sufficient time had been allowed to debate and amend the bill, I would vote to invoke cloture. That I did last week, and I did it with the full knowledge that it meant passage of the bill.

Until a few days ago, I had never doubted that the legislative process would be permitted to work on this bill and a chance given for real consideration of vital amendments. This course has been followed with every civil rights bill in the past, including those of 1957 and 1960. It was not followed in this case. As a result, vicious and dangerous provisions remain in this bill—provisions that go far beyond the question of civil rights and strike at the heart of free government.

Let us pass over all the complexities of this long and involved legislation and look for a moment at its bare fundamentals. The purpose of the bill is to establish, finally and for all time, equal rights and equal opportunity for every citizen of the United States regardless of his color, creed, or national origin. To put it another way, it is to turn the face of the Federal Government squarely against discrimination between the races. To this I subscribe with all my heart. We have made long strides toward this goal in past legislation, and by executive orders, but it is high time that we take the last full step.

Most of the titles of this bill relate to the Government and its citizens and strike out the last vestige of official tolerance of discrimination. These provisions establish voting rights, unrestricted either by intimidation or unfair literacy tests—integration not only in schools but in every public facility from parks to playgrounds, be they Federal, State, or local—withholding of Federal aid for any program in any locality which permits discrimination in its administration.

Titles II and VII, however, do not relate to Government's relation to its citizens, but deal with citizen's treatment of one another. It is here that the bill faces the delicate and dangerous task of dealing with private rights.

It must be admitted that in title II—privately owned public accommodations—the citizens dealt with are those who have elected of their own accord to furnish accommodations or services to the public. While extreme caution should be exercised in dictating the citizen's use of his own property, there exists moral justification and some legal validity in the object sought by this provision. I believe, however, the bill would be more clearcut, enforcible, and effective if it had been confined to publicly owned facilities.

Title VII, equal employment, in the form in which it appears in this bill, contains provisions subversive to the fundamental principles of this Republic, and so revolting that I cannot accept any bill that contains them, no matter how much I support the other elements of the bill. The civil rights bill submitted last year by the late President Kennedy contained an equal employment provision to be enforced by a Federal Employment Practices Commission, but the enforcement features applied only to those industries and establishments having contracts with or grants or loans from the Federal Government. This was entirely fair and enforcible and would not infringe on the rights of any man. I could even vote for a FEPC provision affecting the larger industries and business concerns in this country where employment is a general policy and does not involve a close personal relationship. This measure, however, will ultimately reach employers with as few as 25 employees.

The success or failure of such a business depends on the dedication, cooperation, and enthusiasm of its personnel. The men and women struggling in this competitive age to maintain themselves and furnish employment in the little concerns along the main streets of America are already subjected to enough tax burden and Federal harassments without having a Federal bureaucracy interfere with their choice of associates and employees.

To vote against the entire bill because of this feature might at a first glance seem unwarranted, but it is not. Title VII in the present bill is the last step in Federal control and coercion of its citizens. It is a trumpet call summoning more and bigger bureaucrats. This practice will extend far beyond civil rights. It is the triumph of the false principle that the citizen is the servant, not the master of his government.

I am compelled to say that the insertion of this provision in the bill and the dogged refusal of those in control to either revise or remove it is evidence that it was put there for a purpose—and that purpose was not civil rights but **Federal control.**

A legislative measure demanded by the awakened conscience of the Nation, with a powerful emotional appeal, is being used as an instrument to force us to take the last step in the control of the Federal Government over the individual American. That I cannot accept.

I cast my vote as a protest against the extreme Federal power in this bill, knowing full well that the bill will pass, and likewise knowing that, even if it were defeated due to this defect, it would be revised and confined to civil rights.

Mr. President, I reserve the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, I shall vote against H.R. 7152, the so-called civil rights bill. It is a bad bill in all respects. It does violence to the Constitution of the United States. And it subverts our system of Government.

The way this bill has been impaled on the country is shameful. People have been made insensitive to the unbelievable design for power which the bill concentrates in the Central Government.

We shall rue the day of its enactment. This bill caps a series of Federal power grabs to which the American people have yielded. Yielding again is umbrella-type appeasement. More demands will be made.

We regard ourselves as a free-nation leader in a world half enslaved by dictatorships of totalitarian power. It is hard to believe that our own Federal power could destroy the system which protects our liberties.

But this can be done under the lash of centralized authority which is now being assumed and seized in the pincer-like thrusts for power in the Federal encirclement of our way of life.

The force of power to be exerted through this bill will be imposed in tandem with compulsion under the power usurped by the Federal judiciary in a pattern of decisions it has been dictating in more recent years.

For example, the bill unconstitutionally delegates to Federal enforcement officers power to control purse strings. This is done in title VI which empowers them to cut off taxpayers' money appropriated for expenditure in programs authorized for Federal assistance.

Some window-dressing language has been added to the title to give a camouflage of validity; but proponents of the bill admit the intent; the bureaucratic power is clear; and its use with full and effective force is to be expected.

And running in tandem with this Federal agent's power to control the purse-strings, the Federal judiciary has usurped the power to impose local taxes for local purposes. It is doing this without approval by local government, or citizens, of either the taxes or the purposes.

I am not reading the rise and fall of the American system in some fiendish fiction; it is the terrible fact of a Federal Supreme Court decree of May 25, 1964, usurping the power to tax the people of the United States, and depriving them of the right of recourse by referendum.

John Marshall, in 1819, warned that "the power to tax involves the power to destroy." With this power usurped by Federal courts beyond the reach of the ballot, and the purse-string control exploited by Federal enforcement agents, the sources of brute Federal force are realities.

As another example: the bill, in title I, usurps more power for the Federal Government over State election requirements and confers new power on the Federal Attorney General and the Federal courts, neither of whom are answerable to the electorate.

At the same time, the Federal Supreme Court is assuming power to gerrymander districts within States from which people of the respective States choose those individuals whom they wish to represent their local interests in their own State legislatures.

Nothing is further from constitutional Federal jurisdiction than meddling with districts from which State legislators are elected. Gerrymander by Federal judiciary is new and dangerous in our system. It could be used to destroy the fundamental safeguards of our dual governments.

If Federal courts can devise a law-of-the-land scheme to reduce representation in one category of areas today, they can arbitrarily change the law-of-the-land scheme tomorrow. We have been through this with separate but equal education law of the land.

This bill, in title VII, subjects the hiring, firing, pay, and promotion of those employed by the Nation's larger business and agriculture enterprises to Federal agency approval, harassment, and punishment.

Great fanfare has been given the Senate proposal that imposition of Federal force be withheld temporarily under this title if Federal requirements can be exacted under State law. Some 30 States have FEPC laws.

But those seeking comfort in this alleged concession should be aware that Federal stopwatch surveillance will be kept on the State action, and remind themselves of the Federal Supreme Court's regard for State law.

For example: in the Nelson case the Federal Supreme Court threw out a State court decision and at the same time preempted—invalidated—the sedition laws in 42 States because there was a Federal law in the area.

The bill, in title II, imposes Federal authority to forbid small business men and women to trade with whom they please, with the same kind of State law concession proposed for title VII.

My same warning applies to those seeking comfort in this bogus title II concession. In addition, the Federal Supreme Court forbids police protection to small business premises against trespass by undesirables.

The bill, in title III, extends the long arm of Federal control over the administration of local public facilities, and grants special powers to the Federal Attorney General and courts to enforce it.

The bill, in this title, demands equal utilization of State and local public facilities for protection of those claiming to be threatened with loss of equal protection of laws on account of race, color, religion, or national origin.

But the Federal Supreme Court, in the Clarence Mallory case of 1957, denied innocent women protection against this confessed and convicted rapist, who, after he was freed, repeated the crime.

The chief justices of State supreme courts, in their Pasadena conference of 1958, found that the Federal Supreme Court "does not seem to have given any consideration whatsoever to the risks to society which might result from the release of a prisoner of this type."

The Federal Supreme Court, in that decision, established a rule which has impaired the efficiency of one of the most vital local facilities—the Nation's police departments.

The bill, in title IV, usurps more power for Federal agents—including the Federal Attorney General and Federal judges—to dictate local public school administration, and assert their authority over parental judgment and the lives of pupils.

Meanwhile, the Federal Supreme Court has assumed the power to outlaw prayer in public schools by children who wish to pray, and have their parents' permission. Foreclosure of this privilege is another Federal court law-of-the-land.

The history of the immediate past in this country bristles with concentration of power in the Central Government—both by usurpation and delegation. I have cited only a few examples more or less pertinent to circumstances surrounding the pending bill.

We cannot plead ignorance to the crime we are committing and condoning. Jefferson warned us:

> There was no danger he apprehended so much as the consolidation of our Government by the noiseless and, therefore, unalarming instrumentality of the Supreme Court.

And George Washington, the man we call the father of our country warned us:

> Usurpation of power is the customary weapon by which free nations are destroyed.

And he went a step further and added:

> That our Government will become despotic only when the people have been so corrupted as to need despotic Government, being incapable of any other.

Mr. President, I ask unanimous consent to insert the remainder of my speech in the body of the RECORD as a part of my remarks.

There being no objection, the remainder of the speech was ordered to be printed in the RECORD, as follows:

When I warn of the despotic rule of which the Federal Government of this country is capable, I am not speaking from flights of imagination. I represent a State which suffered some of the most terrible years of our history as Military District No. 1.

In a more recent reminder of how the whiplash of Federal power may be applied to a vital segment of the Nation's interests—our competitive enterprise system—I cite the experience which shocked the country in the spring of 1962.

At that recent date we witnessed the ruthless application of authority by the Federal Bureau of Investigation and the Federal grand jury, and the threat to withhold Federal contracts from some of the most competent suppliers who did not conform to the Federal orders.

And this Federal crackdown was ordered in the executive branch without the benefit of act of Congress or any so-called law of the land decreed by some Federal court. It was the use of naked force.

For some unexplainable reason, proposal and consideration of civil rights legislation—of all subjects—seem to generate inclination by the proponents to breach the tenets of orderly process from the Constitution on down.

The pending bill is a prime example. It does violence to our system from beginning to end—in its origin, in its provisions, and in its consideration. And there is reason to expect willful administration by Federal agents.

The origin of the bill lies in the intimidation of premeditated strife. It is a direct descendant of last year's sit-ins, lie-downs, march-ons, and other irresponsible demonstrations which are unworthy of enlightened people.

Prior to these demonstrations the Federal administration had indicated no inclination to force upon the country any so-called civil rights legislation, and certainly not proposals characterized by the intemperance of the pending bill.

In short, this bill is a product of civil disobedience of the kind promoted by the Federal Supreme Court when it forbade local police protection against trespass, and in effect invited breach-of-the-peace for so-called civil rights purposes.

The Federal court handed down a decision in six of these cases on May 20, 1963, and the President's message requesting civil rights legislation was submitted a month later when we began to hear about plans for the August 28 march on Washington.

And it should not be overlooked that before the Court's trespass on the right to protection against trespass, and the President's subsequent turnaround, the Chief Executive on May 17, 1963, had said: he "did not have the power—and that it would be unwise to give the President the power—to cut off payments in federally assisted programs."

But this provision is now in the bill, and so is title VII—the FEPC title—which he did not propose. There is much more that is questionable about the origin of proposals in this bill, and about the numerous substitutes that have come forth.

As might be expected, a bill of such origin and background does violence to the fundamentals of law and order, and established processes. With violence to law and order, the bill strikes destructively at States' control of their own voting requirements; stretches destructively the commerce clause beyond recognition; invokes destructively the 14th amendment; undermines destructively the rights of property; opens new doors to destructive centralization of power in Federal bureaucracy; and, to begin with, it tampered destructively with the right to jury trial.

As usual with civil rights legislation in recent years, the bill now before the Senate has had no committee consideration, and elements of the public who are severely affected have been given no opportunity to be heard.

The bill, as it now stands in the Senate, was actually put together in closed session by a select few among Members of the Senate with the approval of the Federal Attorney General. It was not introduced until May 26.

The only substantial change in this bill of such questionable background has been the restoration of jury trials for defendants in civil rights cases except those involving alleged crimes in voting rights cases.

The bill considered by the House Committee was thrown out for a substitute which was approved by the Federal Attorney General. And the bill, as passed by the House has now been thrown out by the Senate for another Attorney General's bill.

The importance of this unorthodox procedure lies in the fact that the provisions of the bill have been dominated by the Federal prosecutor who is not an elected officer, but the citizens whom he may choose to prosecute have been denied a hearing.

Members of the Senate who have been attempting to debate the bill, as a means of last resort to inform the public of what is being imposed upon it, have been cut short in their effort by a gag rule which was rammed down their throats.

When this was done, steamroller tactics were applied to defeat virtually all amendments without regard for merit in order to prevent orthodox House-Senate conference consideration before final enactment.

The result is the production of the most repugnant and unjustifiable legislation in the modern history of this country. The ends sought do not justify the means that have been used by both the administration and the Congress.

The Senate is passing a bill to outlaw discrimination. But proponents have refused to provide the public, the lawyers, or the courts, a legal definition of what it is that the Federal Government will fine and put people in jail for doing, or not doing.

Under the policy clearly established in the pending bill, it would best be described most accurately as the "Minority Preference Act of 1964."

Under the procedure followed for the imposition of this bill on the people of this country, it is those advocating the civil right of all citizens to equal protection under the laws who are being discriminated against.

Under its administration, the bill will be another highly effective weapon in the growing arsenal of Federal power which may yet destroy the American system which protects our liberties.

There are more—but under the conditions I have described, and for the reasons I have outlined, I want the people of Virginia and the country to know that my vote is against this bill.

THE SUPREME COURT AND THE BALANCE OF POLITICAL POWER

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

The very able and distinguished columnist, William S. White, has written a very fine article, entitled "High Court Unbalanced Political Power Balance," appearing in newspapers today.

I am very glad to ask unanimous consent to have this article printed in the body of the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

High Court Unbalanced Political Power Balance

(By William S. White)

Washington.—The historic balance of political power in the United States is being overturned by a half-dozen men on the Supreme Court who are amending the Constitution by judicial decisions expressing their own notions of what the proper balance should be.

Going where the judiciary has never before dared to go, they are destroying the ancient guardian of check and balance which has distinguished our oldest practicing democracy in the world.

The meaning of their course is ultimately to make the urban parts and interests of this Nation the unchallenged and total masters of our affairs, in the legislative arms of government—National and State—as the urban groups already master the selection of any President.

If these novel constitutional theories stand, the America of the 21st century will be governed on some vast postcard-poll principle in which nothing will matter except the ability to marshal the huge bloc votes of the cities. Minority rights in the conduct of government will have all but disappeared before the monoliths of megalopolis. The city-state will become superior in fact to the States of the Union as we have known them.

The extraordinary truth—and surely hardly one in 100 Americans is aware of what the Court is really doing—is now confirmed beyond further doubt in a new ruling of the Court. This is that both houses of the State legislatures hereafter "must be apportioned on a population basis."

That the Supreme Court was on the way to this unexampled assertion of dominance over the political processes of this Nation was foreshadowed last February, in its ukase that congressional districts, too, must be based strictly on population alone. Those who suggested as much at the time were cried down as anti-Court or as in favor of political sin.

The Court under Chief Justice Warren, against the solemn warnings of an anxious minority of the Judges is striking down the whole principle of a weighted democracy, which is to say of a responsible democracy. For nearly two centuries the practice has been this: to define the so-called popular legislative chambers—the National and State House of Representatives—roughly on the basis of population but to allow the upper bodies—the Senates, National and State—to be based in part on geographic interests.

This system has thus far prevented the total dominion of the increasingly huge urban voting complexes. It has also prevented occasionally uninformed and hysterical majorities, in times of crisis and passion and prejudice, from overrunning order and reason in this Nation.

The U.S. Senate, of course, is the ultimate expression of this check and balance. Nevada, with fewer people than live in a single small section of such a city as New York, is permitted by the Constitution to have equal representation with the biggest State. The Court cannot alter this arrangement, in the face of the explicit language of the Constitution. But as to the States, the old protections are now going forever.

The basic theory of the Court's majority is that one man's vote must in all circumstances equal another man's vote—though 1 man of 12 on a jury can still save a defendant's life. This is the oversimplification that has crumbled a hundred popular democracies over the world, notably France. That unhappy country has at last had to rescue itself from this demagogic idea of herd and irresponsible "democracy" by anointing an imperious, unchecked pseudo-king in Gen. Charles de Gaulle.

The Court's majority—six of nine men elected by nobody, serving for life, and accountable at last only to personal conscience—has said this: A State, even if this be the overwhelming and expressed wish of its own people, cannot balance its legislature between urban and rural and smalltown interests, even though for 18 decades this has been precisely what most States have done.

Is this a fair and reasonable dictate from men whose sole constitutional function is to interpret and not to alter that Constitution or to make their own laws? Let an expert reply. Says Supreme Court Justice Potter Stewart: "What the Court has done is to convey a particular political philosophy into a constitutional rule, binding upon each of the 50 States * * * without regard to and without respect for the many individualized and differentiated characteristics of each State * * * I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought."

GRADUATION ADDRESS AT THE CONGRESSIONAL SCHOOL BY JAMES E. PALMER

Mr. BYRD of Virginia. Mr. President, during this month of graduation exercises at our educational institutions there are hundreds of thousands of young people who need to pay attention to the fundamentals of life that have made this Nation great. I speak of thrift, honesty, loyalty, patriotism, brotherhood, and morality.

At the graduation exercises at the Congressional School at Falls Church, Va., on June 8th, Mr. James E. Palmer, Jr., a professional staff member of the Housing Subcommittee of the Banking and Currency Committee of the Senate, whom I have known for a number of years especially as the author of a biography of the distinguished late Senator Carter Glass, delivered an address that points out in a very direct way the need for our Nation to emphasize these fundamental qualities of character in our young people as well as in our national life.

I share this view and ask unanimous consent that this message be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address to Graduating Class, the Congressional School, Falls Church, Va., June 8, 1964

(By James E. Palmer, Jr.)

Youth today is fundamentally no different from the youth of bygone years. A mighty quest for the opportunity of self-expression and to try something in your own name and right surges strong in the hearts of all of you. The ever-increasing tide of a fast-growing population causes competition to be greater in the achievement of these ambitions, and it is natural that some among you tend to be extremists in mannerisms, in speech, and in conduct, as a result of the burning desire for self-expression. If some of you have gone too far in this direction and perhaps in this, your graduating hour, you are sorry that you were not more modest, then be not dismayed but merely humble, keeping your determination for achievement steadfast, yet tempered with moderation commensurate with your ability.

If there are others among you who have been too quiet, too modest, and now in your hour of graduation you, too, are sorry that you did not assert yourself more and attain more public recognition, then be not dismayed, because the qualities that you have shown in the field of restraint will stand you in good stead in years to come if balanced with a sincere desire for achievement and a lack of fear of speaking up and asserting yourself when the right occasion is at hand.

There are a few things, however, that apply to all equally, and the sooner you think about them, realize them, and live them, the better off you will be because someday inevitably you will come to realize their truth and significance.

I wish to ask you some questions:

Do you look down on or think that there is something odd about a young person who has never learned to get away with all that he can without being caught?

Do you think it strange that someone should volunteer to serve his country when he does not have to do so?

Do you laugh and think it silly of a person to get so lost in his work that he has to be reminded to go home?

Do you think that it is bad for a man to be so thrilled with living that he does not want to stop at a bar for a drink or a beer on the way home; or that he does not care for it at all?

Do you laugh at someone who gets all choked up and tears come to his eyes when the band plays "America"?

If your answer is yes to any of these questions or if you have any doubts about them, then you should start here and now to do some hard thinking about yourself.

The type of person whom I have just mentioned in these questions does not fit in too well with the current group of angle players, corner cutters, sharpshooters, and plain "goofers" who often, all too soon, become a burden on the community, especially the jails.

This type of person does not believe in opening all of the packages before Christmas. He does not want to take a trip now and pay later. He is simply burdened down with old-fashioned ideas of honesty, loyalty, courage, and thrift.

Our great country was discovered, put together, fought for, and saved by men who would be quite disgusted in a group of modern angle players and "goofers." It is quite easy to prove that Nathan Hale, Patrick Henry, Paul Revere, George Washington, Benjamin Franklin, Robert E. Lee, and almost anyone else you care to include among our national heroes, would be classed as different, odd, peculiar, and far behind the times by modern groups of angle playing, stupidly conceited young people, who are exactly the opposite of what I urge each and every one of you to be.

Nathan Hale never saw his 22d birthday. He could have blamed George Washington and might have lived to a ripe old age.

Paul Revere could have said: "Why pick on me? It is the middle of the night. I can not ride through every Middlesex village. Besides, I am not the only man in Boston with a horse."

Patrick Henry could have said: "Yes, I am for liberty but we must be realistic. We are small compared to the British and someone is going to get hurt." Instead he said: "Give me liberty or give me death."

I do not like the fact that in a recent survey made by This Week magazine comparing the history textbooks used in schools in 1920 with presently used books, this utterance of Patrick Henry was printed in 12 out of 14 textbooks in 1920 and in only 2 out of 45 recent ones. Nathan Hale said: "I regret that I have but one life to give for my country." This was printed in 11 of the old texts and in only 1 of the new ones. John Paul Jones, the great naval hero, set the record however. He said: "I have not yet begun to fight," in nine of the old texts and in none of the new ones.

This may be significant of something that should be corrected. It is obvious that what such great men actually said is being quietly sneaked out of our schoolbooks. Our Communist world adversaries perhaps appreciate this fact because these remarks fire up patriotism and American national pride.

George Washington could have said: "Gentlemen, you honor me. I am just getting some personal matters settled and have much to do at Mount Vernon. Why don't you try General Gates? Also, you might say that I have served my time against the French." Instead, he suffered untold hardships, led his men, and helped, perhaps more than any single individual, in establishing the greatest nation on earth.

Benjamin Franklin could have said: "I'm over 75 years old. What you need as a Minister to France in these strenuous times is a younger man. Let a new generation take over. I want to rest." Instead he negotiated most brilliantly the Treaty of Versailles.

Robert E. Lee could have gone into a high position with either the Confederacy or the United States. It would have been easier for him with the United States. He followed the dictates of his conscience and his loyalties. After Appomattox, despite the war, his name stood among the highest in the world because he was a man of character respected by everyone.

He could have said: "I've gone through the worst strain a man could endure. I've lost the cause and my personal affairs have suffered. I should cash in on my reputation and put myself and my family into continued wealth."

Instead he turned down the most lucrative of offers that would have paid him a fortune in money. He turned to the cause of urging brotherhood and understanding in this great Nation and gave his name and personal attention to the education of the young blood of the Nation at Washington and Lee University. He reaped his fortune in knowing that what he did was right. He bears a name that money could not buy.

Our country today needs patriotism, nationalism, morality, courage, dedication, and religion as never before. These verities are eternal. They are necessities if we are to survive as a free people and they should be taught from kindergarten through college.

College will bring you nothing more than a sharpened mind unless you seek the real verities of life and live them. Too much stress is placed in college by the so-called progressive educators on life adjustment instead of the preservation of a free nation and the building of stalwart individual character. Bear this in mind as you go through college and seek to cultivate there or elsewhere those sterling qualities of honesty, courage, and thrift that will be your Rock of Gibraltar in life from whence the extra talents afforded through higher education can bring you and those around you a more fruitful life.

Youth needs the right kind of heroes; shining examples to look up to. Find them. Study them. To be truly great, one must be truly good.

In closing, I would like to quote a prayer written in the Philippines by the late Gen. Douglas A. MacArthur:

"Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.

"Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fall.

"Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, one who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.

"Then, I, his father, will dare to whisper, 'I have not lived in vain.' "

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had concurred in the amendments of the Senate numbered 1, 2, and 5 to the bill (H.R. 221) to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period; that the House had disagreed to the amendments of the Senate numbered 3 and 4 to the bill, and that the House had concurred in the amendment of the Senate numbered 6 to the bill, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, was read twice by its title, and referred to the Committee on Finance.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. KUCHEL. Mr. President, I yield myself 2 minutes.

We have seen in this Chamber, during long, dreary days of debate, the birth throes of a sublime and endless American ideal. We are about to see freedom reborn.

Just a century ago, this country was torn and trembling by the fire and strife of civil war, but the Union survived. What we seek here now, in civil peace, is the full measure of equal dignity for each of our fellow citizens, under the Constitution and before the law. We strive to bring equal justice to all, even the most humble and lowly. That is what we are trying to do, and I am grateful to be here, and to play a role in the doing.

This will be an American achievement, for the leaders and the members of both parties have helped to fashion the pending bill. But I feel assured that no one will object for my signaling out that good and great man, EVERETT MCKINLEY DIRKSEN, as the driving, unremitting courageous Senator who has, once again, rendered enormous service to the Republic, and to the cause of free men. As a result, our heterogeneous American society may look forward to better days.

The sham and shame of unequal justice are about to be sheared away, for they have no place in our American system. This piece of legislation will help to accomplish just that. So the lights will shine more brightly on the United States and on the dream of freedom which brought us into being. And all around the world, the American banner of human dignity will stand, bold and resolute, for the doctrine of freedom we preach is the doctrine of freedom we practice.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may speak from the desk of the senior Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator is recognized for 25 minutes.

Mr. THURMOND. Mr. President, the Senate is on the brink of taking final action on the most radical and revolutionary legislation since the Reconstruction Acts of nearly a century ago. I am not so naive as to believe that anything I might say at this late hour will stay the apparently inevitable, now anticlimactical vote on final passage of the proposal before this body. Nevertheless, I am constrained to make one last plea against the calamitous course to which the Senate seems so blindly and irrevocably committed.

In a period when there is a fetish for criticism of extremes—a fetish which this Senate has not escaped—the Senate is moving toward passage of a bill that is extreme to the point of being revolutionary.

Underneath the platitudinous oratory of its proponents, lies the stark radicalism of the proposals in the bill itself.

This bill would renounce the safe, proper, and acceptable role for Government as a referee of disputes between the governed. It would interpose the Government as a biased protagonist, armed with the awesome authority of the Federal Government, in addition to rulemaking and umpire powers. The broad grants of power to the Attorney General to initiate and intervene in civil actions would go far toward transforming him into George Orwell's "Big Brother" of "1984," in the year 1964.

This bill would create a crime called "discrimination," which remains undefined in the bill—an omission which fails to conceal the arbitrariness inherent in the subjective judgment of the intention of an accused on which the existence of this crime must hinge.

For those accused of violating the manifold prohibitions and commands of this legislative decree, the substitution of the injunctive process and contempt proceedings for criminal sanctions denies many constitutional and traditional due process safeguards, such as grand jury indictment and the requirement of proof of guilt beyond a reasonable doubt.

This bill, by vesting the power to withhold or terminate Federal funds, creates a concentration of power of economic coercion unequaled in the history of governments—a power concentration which defies the experience of mankind with the temptation of power to corrupt.

By its attempt to regulate and govern the private businesses, which are miscalled public accommodations in the bill, this proposal would inject the Government into the most sensitive areas of human contractual relations—agreements for personal services. In so doing, constitutional interpretations of long standing are being swept aside in favor of tortuous rationalizations which studiously ignore the constitutionally-forbidden imposition of involuntary servitude on citizens.

Under the euphemistic title of "Equal Employment Opportunities," this bill would undercut the maturing institutions of labor-management relations, by giving to Government and taking from both management and labor, the joint decision-making power they now enjoy on hiring, firing and promotions. So broad and encompassing is this FEPC under a disguised name, that President Johnson, before his judgment was clouded by White House fever, said of such proposals:

> Such a law would necessitate a system of Federal police officers such as we have never seen before. It would require the policing of every business institution, every transaction made between an employer and employee, and virtually every hour of an employer's and employee's association while at work.

With one aspect of this justified indictment of FEPC proposals, the proponents apparently agree. I refer to the necessity of hordes of policemen required to enforce it. The bill contains a broad expansion of one police organization—the Civil Rights Commission—and the creation of two new police organizations, the Equal Employment Opportunities Commission and the Community Relations Service. There can be no doubt that these organizations, whose ill-camouflaged functions are set forth in the bill, will be nothing more than new sections of the Department of Justice.

It is not surprising that such a revolutionary proposal required a gross departure from normal legislative procedures in order to progress to its present status.

The measure before the Senate on the question of final passage is no product of legislative hearings; rather it is the product of a troika-type cabal, consisting of the minority leader, the majority whip, and the veto-empowered Attorney General, who for the purposes of this bill, assumed the role of legislative director. The Attorney General directed through the House of Representatives a bill which was a bomb of high megatonnage, but without any directional stability. It would have wreaked havoc over the entire country. The minority leader sagaciously perceived the dangers. The Senate would never launch such a weapon with a cloture vote. His proposal, or substitute, on which he sold the majority whip and the Attorney General, in no way reduced the destructive charge of the bomb; it merely attached to the bomb a guidance system which would only point toward the South. Thus does the Dirksen substitute now before the Senate confine its major blast to the Southern States and thereby did it garner the necessary votes for cloture.

Unfortunately, it will probably be only after passage that the voices from other parts of the country will make themselves heard about the dangers from the backlash of the afterburner and delayed fallout, which is bound to occur outside the southern target area from such a monstrous-sized weapon.

Mr. President, it really comes as no surprise to me that what appears to be the final form of the bill is so drafted as to concentrate the major impact of its atrocious provisions on the Southern States, while containing safeguards against interference with the de facto type of segregation practiced in the non-Southern States, particularly in large population centers of the North. While the bill is aimed at putting the full force of the National Government behind the effort for total integration in the South, the bill actually prohibits the Federal courts from upsetting the harsh de facto type of segregation existing in the geographically segregated, ghetto-type communities in the North.

I have previously discussed on the Senate floor the contrast between the type of racial segregation practiced in the South and that practiced in the North, pointing out that Federal legislation was almost invariably directed at the southern type of segregation and not the harsher, more cruel type practiced in the North.

In the South, the separation of the races—this is the more accurate term, though for the sake of habit and convenience we shall continue to say "segregation"—is a matter of public policy, regulated by law as well as by custom. Segregation in the South is honest, open and aboveboard. It is a less severe form of segregation than that which prevails in the North. While in the North there is almost always an actual physical, geographical separation of Negro residential areas from white, this is not so in the South—it is not necessary.

In contrast to the honest, aboveboard, and definite southern system, the northern type of segregation is founded on hypocrisy and deceit, and fundamentally on geographical separation which is either total or as near total as the northern ingenuity can make it in the face of mounting Negro immigration. The prevailing pattern in the North is segregation by flight. The Negro is told that he is equal; then he is simply avoided. The whites flee to the suburbs, and through the housing pattern, de facto segregation is maintained, except in a few unfortunate fringe areas which degenerate into centers of tension and crime and whose whites leave just as soon as they can accumulate sufficient funds to do so.

By and large, the northern system is eminently successful. It may be ruthless, it may be hypocritical and deceitful; but it works. It is tough on the Negroes crowded into the crime-filled ghettoes; it is tough on the comparatively few whites who are left in the fringe areas adjacent to these ghettoes. But never mind this: By and large, the system is a complete success. It works: The overwhelming majority of northern whites is enabled by this system to avoid almost all contact with the Negro.

Mr. President, of the two systems, or styles, of segregation, the northern and the southern, there is no doubt whatever, in my mind, which is the better. Our southern system too has stood and passed the pragmatic test. It works. And this time-tested southern system of ours has the advantage, so conspicuously absent from the northern system, of being both humane and honest, rather than hypocritical and deceitful.

It may well be that a result of this iniquitous legislation, on which the Senate is shortly to vote, will be to force in the South not integration of the races, but rather a change in style in segregation—from the open and honest separation of the races, under well understood rules of conduct, to the northern type of harsh and hostile de facto segregation, together with all the enmities which flow from its practice.

Despite all of the directional control written into the bill with the purpose of concentrating its impact on the Southern States, there will also be a tragic impact on non-Southern States, particularly on the big cities with their population concentrations of different races.

This measure will not in any way diminish the growing eruptions of racial violence stemming from illegal demonstrations in the non-Southern States. On the contrary, it will add impetus to such activities.

The bill will not satisfy the demands of the militant Negro organizations. It is not a cure-all for the matters of which they complain; it will merely whet their appetites for increased demands and further encourage the resort to mass demonstrations of an even more violent nature, because of the apparent success, as evidenced by this bill, of previous resort to so-called direct action methods.

This conclusion is reenforced by the public statements of leaders of the Negro agitational movement. James Farmer, national director of the Congress of Racial Equality, said in an interview with Esquire magazine:

> I can see nothing that will make our work less necessary. New legislation will help us to implement our efforts, but direct action will still be needed to make laws a reality.

Those who believe that the passage of this legislation will eliminate or even diminish the violent and agitational demonstrations, with which we have all become familiar, do not understand the view of the Negro movement which is held by its leaders.

Martin Luther King stated in the March 9 issue of Nation magazine:

> The Negro freedom movement reflects this world upheaval within the United States. It is a component of a world era of change, and that is the source of its strength and durability.

In the same article, King also stated:

> Congress has already recognized that this legislation is imbued with an urgency from which there is no easy escape. The new level of strength in the civil rights movement is expressed in plans it has already formulated to intervene in the congressional deliberations at the critical and necessary points. It is more significantly expressed in plans to guarantee the bill's implementation when it is enacted. And reserve plans exist to exact political consequences if the bill is defeated or emasculated.

Despite the directional provisions of H.R. 7152, as it is now written, these militant Negro groups have every intention of continuing their militant direct action, without confining it to the Southern States. The impact in the North will be severe, for unlike the South, there is little historical reserve of good will between individuals of different races to mitigate the passions which are sure to rise as a consequence of the militant Negro activities.

All of these realities have been studiously ignored by Congress during its action on the so-called "civil rights" bill. Congress has moved in a trancelike attitude of "see no evil, hear no evil, speak no evil," while it steadily moves toward the enactment of this potent potion of evil.

In no respect is this trancelike attitude more obvious than in the apparently firm resolve of the majority to ignore the obvious and dangerous existence of Communist influence in the Negro agitation movement.

Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. THURMOND. Mr. President, when the Senate is not in order, is the time then used charged against the time available to me? I want the Senate to be in order.

The PRESIDING OFFICER. The Chair observes that the Senate is in order.

Mr. THURMOND. I ask that when persons at the desk are talking, and are not in order, the time then used not be charged against the time available to me.

The PRESIDING OFFFICER. When the Chair sees the Senate not in order, the time then used will not be charged against the time available to the Senator who is speaking.

Mr. THURMOND. Mr. President, J. Edgar Hoover, Director of the Federal Bureau of Investigation, testified to the Congress on January 29, 1964:

> Turning to the subject of Communist interest in Negro activities, the approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the Communist Party, U.S.A. The infiltration, exploitation, and control of the Negro population has long been a party goal and is one of its principal goals today.
>
> The number of Communist Party recruits which may be attracted from the large Negro racial group in this Nation is not the important thing. The old Communist principle still holds: "Communism must be built with non-Communist hands." We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the party's propaganda lures.

Those are the words, Mr. President, of J. Edgar Hoover, Director of the FBI. Incidentally, that testimony is in contradiction of the response the Attorney General made to the Senate Commerce Committee when he undertook to answer an inquiry, directed to Mr. Hoover, about the Communist influence in the Negro movement and demonstrations.

So obvious is the existence of Communist influence in the Negro movement, that it has been reported openly in the press. For instance, it was reported that Mayor Ralph S. Locher, of Cleveland, Ohio, sent to the FBI a report charging that 38 members of subversive organizations took part in Cleveland's civil rights demonstrations this year.

Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. Let there be order in the Chamber.

Mr. THURMOND. Mr. President, I understand that the time used when the Senate is not in order is not charged against the time available to me. Is that correct?

The PRESIDING OFFICER. As the Chair stated a moment ago, when the Senate is not in order, the Chair will ask that the time used not be counted against the time available to the Senator who is speaking. Of course it is for the Chair to make that determination.

Mr. THURMOND. Mr. President, Columnist Joseph Alsop wrote in a column in the Washington Post on April 15, 1964:

> An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and dissarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.
>
> The Southern Christian Leadership Conference, headed by the Reverend Martin Luther King; the Students Nonviolent Coordinating Committee, more usually called SNICK; and the Congress on Racial Equality, more usually called CORE, are all affected in greater or less degree.

Those are the words of Joseph Alsop.

About Martin Luther King, who sanctimoniously seeks to conceal his manipulations behind the clergy's frock, Alsop stated:

> The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted, and is almost certainly still accepting, Communist collaboration and even Communist advice.

Those are the words of Joseph Alsop, the columnist.

In a column which discusses the increasing militancy of Negro agitational movements, Rowland Evans and Robert Novak reported in the Washington Post on April 4, 1964:

> However, it's questionable whether responsible Negro leaders could subdue demonstrations if they tried. Here, as elsewhere, the Negro establishment is in danger of losing control over the civil rights movement to thugs and Communists.

These reports, of course, deal only with the surface exposure of Communist influence in the Negro movement. The actual extent and degree, while obviously substantial, remain unknown, for Congress has chosen to pretend that there is no such problem, even while methodically and relentlessly seeking to satisfy the demands of the very militant groups in which the Communist influence exists.

Mr. President, the Nation, and even the Congress, once its hypnotic trance has passed, will find that in this bill are the seeds of destruction of a political system which has served its people better than has any other ever devised.

Also in this bill are the seeds of another political system—the authoritarian police state. The arbitrary powers concentrated in the executive by this bill will make a shambles of the delicate balances contained in the Constitution for the protection of individuals from the oppressive tendencies of Government. Once these safeguards have been trampled out of shape, even in one instance as would be occasioned by this bill, they lose their intended and requisite efficiency.

Negroes should have equality of opportunity in politics, economics, and education; but the approach embodied in this legislation will destroy the progress made locally in this direction, and, at the same time, it will undermine the very heart of our political system and the protection it affords the individual of any race.

Mr. President, passage of this bill will visit the heel of oppression on all the people, vitiate their constitutional shield against tyranny, and materially hasten the destruction of the best design for self-government yet devised by the minds of men.

Its passage will mark one of the darkest days in history.

Mr. President, I yield the floor.

Mr. MILLER. Mr. President, I intend to vote for the civil rights bill (H.R. 7152), which will be known as the Civil Rights Act of 1964.

The PRESIDING OFFICER. Does the Senator from Iowa wish to specify the amount of time he desires to use?

Mr. MILLER. Mr. President, I shall use such time as may be necessary for my remarks. I am sure it will be within the amount of time which now remains available to me.

The PRESIDING OFFICER. Very well; the Senator from Iowa may proceed.

Mr. MILLER. Mr. President, it should be pointed out that this bill contains over 80 amendments to the House version of the bill. These amendments do not diminish the rights covered by the House version, nor do they result in a failure to provide an adequate and decent remedy to secure these rights. Individually, however, some of them have transformed the House version of the bill from a piece of legislation which provided a foundation for the destruction, by executive fiat, of States rights and our traditional Federal-State relationship within the American constitutional system of government, into a piece of proposed legislation which preserves States rights, while at the same time providing a remedy for the failure of States to carry out their correlative responsibilities. Collectively, these amendments have molded the House version of the bill into a reasonably sound and workable piece of proposed legislation for which I can conscientiously vote.

Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. Let there be order in the Senate Chamber.

Mr. MILLER. Mr. President, it has taken a long time to reach this day of decision. Hundreds of hours have been spent by many Members of the Senate and their staffs, working in complete bipartisan harmony, in the offices, over the conference tables, and in the law libraries—all in a dedicated effort to produce the changes in the House version of the bill needed in order to prevent the loss, in the name of "civil rights," of basic rights of our citizens. Some superficial observers say the extended debate on the Senate floor has delayed our action on this bill. Such is not the case. If not a single southern Senator had made a speech against this proposed legislation, it is unlikely that the bill would have come to a vote before now. The reason is that all of the work—the days and weeks of work—needed to remake the House version of the bill had to be done; and this has been going on while news stories have been merely covering the debate on the Senate floor.

I regret that the attitude of the President in persisting in asking the Senate to rubberstamp the House version and to send it to him without change, caused some delay.

The President, of course, makes news whether or not what he has to say makes sense. Word that the President said he wanted the House bill "unchanged" quickly spread around the country. Many well-meaning but overly trusting citizens thereupon assumed that the Senate should bow to the wish of the executive branch of our Federal Government, close its eyes to the numerous defects in the House bill, and abdicate the independence of the legislative branch of our Government. A large amount of correspondence deluged the Senate, most of it from well-meaning citizens who had not even read, much less studied, the House bill, urging the Senators to pass the House bill. There was only one thing the Members of the Senate could do, and that was to give the people time to become familiar with the House bill and to realize why it could not be passed without considerable change. This could have been prevented if the President had forthrightly stated that he wanted a strong and meaningful civil rights bill, but recognized that amendments to the House bill were necessary. He failed to exercise this leadership. During the ensuing delay, the people did become more familiar with the House bill, and their letters changed from pleas to "pass the House bill unchanged" to requests that the Senate "pass a good civil rights bill," often coupled with helpful suggestions for needed amendments to the House bill. This correspondence was helpful and responsible.

Of course a large amount of correspondence has deluged the Senate, most of it also from well-meaning citizens, urging the Senate to not pass the House bill or to pass no civil rights legislation whatsoever. A goodly amount of this correspondence indicated little or no familiarity with the House bill, because it contained criticisms or expressed fears about provisions not contained in the bill. Some of these provisions were contained in earlier drafts of some of the numerous civil rights bills introduced last year, but either were never included in the House bill, or, if they were, they were removed by the House during its consideration of the bill.

A goodly amount of this correspondence pointed out genuine defects in the House bill and was thus helpful and responsive. To the extent that this correspondence opposed any civil rights legislation whatsoever, it was unhelpful and unrealistic.

This is the most significant piece of legislation produced by the Congress in the 20th century. It stands as a symbol of the conscience of a nation, long troubled by the realization that under our Constitution all citizens are guaranteed the right of equal protection of the laws, but that, in fact, some citizens were without an adequate remedy to secure this right; that, as a result, some citizens were not enjoying their rights to vote, to have an equal opportunity for education, to be served in places of public accommodation, to receive the benefits of tax-supported Federal programs, and to obtain employment on the basis of merit and merit alone. A right without a remedy is an empty gesture, and we, as a nation, knew it. And that is what this bill is all about. It translates our national knowledge that some of our citizens have rights without remedies into meaningful action by the Federal Government to provide remedies to secure those rights.

There has been much talk here about "States rights." But the point has been missed that along with States rights go State responsibilities. When those responsibilities are not exercised, an American citizen has no recourse except through action by the Federal Government.

Action by the Federal Government should, to the maximum extent practicable, be taken in consonance with the preservation of States rights. By and large, this bill gives the States an opportunity to carry out their responsibilities first; and then, if they do not do so, the Federal Government steps in.

Under title I, voting rights, for example, if a State wishes to have a literacy test requirement, it need have no fear of Federal Government action unless the test is conducted in a manner which discriminates against some of its citizens. In other words, all that State has to do is exercise its responsibility to see to it that such tests are conducted fairly.

I think it well to point out that this bill makes it very clear that such controversial and community oriented problems as the busing of schoolchildren from one district to another and the sale or renting of privately owned housing according to the preference of the owner are left to the State and local governments for resolution. Also, under the equal employment opportunities provisions in title VII, the bill makes it very clear that hiring, firing, suspension, promotion, and demotion on a merit basis will not be interfered with at all. Merit and aptitude-type examinations, drawn up and conducted in fact as well as name for the purpose of classifying job applicants or employees on the basis of merit and aptitude, are clearly permitted. Federal Government interference with private businesses because of some Federal employee's ideas about racial balance or racial imbalance is not authorized. Nor does this bill have anything to do with the freedom of association of private citizens in their private activities. Their privately practiced preferences, likes, and dislikes cannot be changed by law. They cannot be forced. But this bill does provide a foundation for the citizens of our country, regardless of race, color, religion, sex, or national origin, to work their way up to the final dignity of full acceptance as members of the community of Americans.

To those citizens who have been deprived of their constitutional rights, this bill is a national expression of good faith and trust that, upon securing their rights, these citizens will reciprocate this good faith and trust with the full measure of responsibility which must accompany the exercise of those rights.

The right to vote has a correlative responsibility to do one's political homework, to vote intelligently, to know whom and what one is voting for, to not vote superficially for the candidate who promises the most or to join the political party which promises the most, but to vote for the candidate and to join the political party which makes responsible promises and then matches its promises by deeds.

The right to equal educational opportunities has a correlative responsibility to work hard in school, to develop one's God-given talents, to seek advancement on merit, to not become a "dropout"; and this responsibility falls on both the student and the parent.

The right to be served in places of public accommodation and to enjoy public facilities has a correlative responsibility to conduct one's self with dignity and respectability.

The right to receive the benefits of tax-supported Federal programs has a correlative responsibility to pay one's taxes and to pay them on time, to shun the relief rolls as something to be avoided if at all possible rather than a source of something for nothing.

The right to equal employment opportunities has a correlative responsibility to develop one's talents, to acquire skills, to work hard and honorably, and to seek advancement on merit.

Finally, the enjoyment of all of these rights carries with it the responsibility to wholeheartedly join with one's fellow citizens in uplifting one's community, in exerting one's influence toward respect for the law and the preservation of law and order; and to not look the other way to avoid trouble when one's community's good name is being harmed.

The time for civil disobedience is over, for only through law can rights be secured—as they have been under this bill.

This bill is not perfect. It represents a consensus and, as such, there are things in it which some would prefer to not be in it; and there are things absent which some would prefer to see in it. In any monumental piece of legislation such as this, compromise is necessary; for compromise is the lifeblood of the legislative process without which no progress can be made. Changes and additions will no doubt be indicated as time goes on, but I believe we should give this new law a reasonable time to work. Patience and understanding—on both sides—will be required to enable it to work as Congress has intended.

Above all, we must never forget that the force of public opinion will make or break any law passed by a legislative body. At this point in our history, public opinion has decided that now is the time for all citizens to enjoy the full rights of American citizenship. But public opinion can change, and it will change if the enjoyment of these rights is not matched by the exercise of the responsibilities of good citizenship. We have taken a giant step forward with this bill. We could take a giant step backward in the public opinion needed to make it work. There are extremists among us who will try to aggravate and inflame public opinion toward this end. Communists and fellow travelers, paid agitators, and un-American groups such as the Black Muslims thrive on such activity. Responsible citizens will resist their efforts—not be fooled into joining them or tolerating them. They have received publicity out of all proportion to their significance, and this publicity has had a detrimental impact on public opinion insofar as the civil rights movement is concerned. I hope that members of the press will understand this and realize that they, too, have a great responsibility in avoiding a backward step in public opinion.

And so, as the hour approaches when the Senate will pass this Civil Rights Act of 1964, I say—

To my southern colleagues, who fought a good and honorable fight against this legislation, exercise the power of your leadership for, not against, an enlightened public opinion in your States so that the seeds of discontent which have fallen during this debate will never take root;

To those of our citizens who have not heretofore enjoyed the full rights of American citizenship, give this law an opportunity to work; and

To those of our citizens who have never known what it is like to be deprived of their rights of American citizenship, help this law to work.

To those who will be engaged in administering this law, realize that a good law poorly administered will fail. Exert the power of your office wisely and with restraint, for if you do not, the wrath of public opinion will descend not only upon you, but upon the law and those it has been designed to protect.

If these things are done, we can be confident in attaining our national purpose, which is a strong, a free, and above all a virtuous America—in a world where there is a just and lasting peace and where there is freedom and respect for the dignity of man.

Mr. President, on a different vein, I do not take the cynical view that Democrats welcomed the support of Republicans to help share the burden of a white backlash. In passing this legislation, Republicans joined with Democratic Members as a matter of sharing the responsibility for securing the rights of all of our citizens. The partnership was, of course, indispensable to the favorable consideration of this finally revised bill. I hope that this bipartisanship in the field of civil rights will not die upon passage of this bill. The temptation will be there for some Democratic partisans to claim that President Johnson's leadership was responsible for this bill. I hope that temptation will not be yielded to, because those who have followed this bill throughout its legislative consideration well know that it was the combined Republican and Democratic leadership in both the Senate and House, backed up by members of both parties, which was responsible.

If bipartisanship can exist on the Senate floor, it can exist off the floor in the political struggles which give strength to our two-party system. The civil rights issue has, for too long, been in the arena of partisan politics. Some self-proclaimed civil rights leaders have contributed to keeping it there. Others, more responsible and dedicated to human rights than to their personal profit, have bent over backward to avoid making civil rights a partisan political football. These are the leaders whose strong sense of responsibility should be followed.

Mr. President, I ask unanimous consent to have three articles printed at this point in the RECORD. They are: First, an excellent article by the distinguished columnist, Roscoe Drummond, appearing in the June 13, 1964, issue of the Washington Post, entitled "The Job Still Ahead"; second, along the lines of responsibility, which I have referred to earlier, an article by the distinguished columnist, William S. White, which appeared in the Washington Evening Star of June 3, 1964, entitled "The Passing Scene"; and third, a timely and perceptive editorial which appeared in the Sioux City Journal of June 12, 1964, entitled "Cloture Is Voted by the Senate."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 1964]

THE JOB STILL AHEAD: THE BILL AND EQUAL RIGHTS

(By Roscoe Drummond)

Passage of the civil rights bill, now assured by the 71-to-29 vote ending the Senate filibuster, will not be a magic wand waving out of existence all racial tension and violence.

We need to bear in mind that the goal of Negro citizens is not just an equal rights bill. It is equal rights—in voting, employment, public service accommodations, and schools. They are not going to take "no" for an answer.

We need to bear in mind that their grievances have been long endured and that a strong civil rights bill came before Congress only after the massive freedom demonstrations and street protests kept mounting.

We need to realize that in the wake of such justifiable public protests there would likely be some unjustifiable Negro hooliganism, as recently in the New York subways.

No responsible person can condone Negro hoodlums on the prowl, nor civil disobedience which imperils the community. But juvenile delinquency is not limited to Negroes and is in no way a valid argument against the civil rights bill.

It is understandable that the most responsible Negro civil rights leaders and their many white supporters should be cautious, even skeptical, about whether civil rights in law will produce civil rights in reality. Civil rights bills have been passed before and they haven't produced civil rights.

This means that the effectiveness of the new legislation will depend on how well and faithfully it is implemented and how many willfully obstructive roadblocks are put in its way.

It seems to me that the civil rights leadership groups have every reason to contribute to a national climate which will enable the Government to begin applying the new laws under the most favorable circumstances.

The best climate would be created by withholding mass demonstrations and protest marches so that the Nation can get its breath as it begins the next stage in carrying forward the equal rights revolution.

Is this too much to expect of the rights leaders and the long aggrieved Negro community?

It might well be if the Congress, in enacting the civil rights bill, were narrowly divided, if the two parties were fighting between each other, and if the Nation as a whole was reluctant to move forward.

The opposite is the truth. Congress is in process of passing this legislation with remarkable majorities, Both parties will go to the polls this fall after each voted overwhelmingly for the bill in House and Senate. This week 42 Governors asked its "prompt enactment."

In the House four-fifths of the Republicans and three-fifths of the Democrats voted for the civil rights bill. In the Senate the Republicans voted more than 5 to 1 to end the anticivil rights filibuster; the Democrats nearly 2 to 1.

The latest Gallup Poll shows that at least 60 percent of the voters favor a presidential candidate in either party who "supports civil rights," while only 25 percent prefer not to have such a presidential candidate.

Put all these facts together and they provide radiant proof that the Congress, both political parties, most of the Nation's Governors, and the country as a whole are overwhelmingly determined that the Negroes just grievances must, as a moral duty, be redressed.

It means that the equal rights revolution is not moving against the stream of American public and political opinion, but is moving with it.

[From the Washington Evening Star, June 3, 1964]

THE TRUE RIGHTS CRISIS

(By William S. White)

The true crisis on the civil rights issue is not the showdown coming next week in the Senate on the efforts of the bill's backers to invoke cloture and so end filibustering debate there.

This, tactically important though it is, is only a battle of the short term. Whatever happens here—whether the civil rights forces succeed or fail in this first attempt to put down the gag rule on resisting Senators—the great war itself will go on unchanged.

For even the imposition of cloture—and indeed even the eventual passage thereby of the bill itself—will settle nothing that is fundamental. The crucial question will yet remain. This is not whether a civil rights bill can in fact be passed. Rather, it is whether any civil rights bill that may be passed will become an actual and enforceable, and not merely a theoretical and nullified, part of the structure of law in this Nation.

What is still the heart of the matter, cloture or no cloture and bill or no bill, is the obtaining of the true consent of the country, North as well as South, to a legislative innovation that seeks by Federal force to overcome racial discrimination.

Laws of real meaning are laws based upon more than the decision of any Congress. They are based, at last, upon a consensus of the people. A law that may be violently unpopular even to a large and determined minority is no law at all, as we saw in the years of prohibition.

And the wise will see that nothing could be so bad as the passage of an act that became a dead letter. The anger and disillusion that would then inevitably follow among the minority groups would give reasonable cause to fear for the Republic itself.

VITAL DRAMA ELSEWHERE

Thus, while the parliamentary maneuvers in the Senate are at center stage in public attention, the vital drama is being played out elsewhere. It is being played out among the convictions of the American people: How far are they prepared to go to extend Federal force in this area?

Thus, too, the true debate is not within the Senate, but rather within the national community at large. Those who wish to see not simply an enacted bill but an effective bill resting upon real public acceptance need to lift their eyes far above the marching and countermarching in the Senate of the United States.

Most of all, the Negro leadership, which has provided the impelling force toward the bill now in the Senate, needs to seek understanding and reconciliation with the white public, northern perhaps even more than southern.

It would be unfair to blame the responsible Negro leadership for the now intolerable violence practiced in such human powder kegs as New York by marauding bands of Negro hoodlums.

To say, as some are saying, that brutal crimes of this sort are merely the result of Negro unemployment and so on is to speak dangerous nonsense. To say that racist gangsterism will not be halted until a civil rights bill has been approved is to deal in a moral blackmail that will recoil upon the civil rights movement itself.

BANKRUPT ARGUMENTS

But it is equally poor reasoning to suggest that simply because there are Negro hoodlums on the prowl there should be no civil rights action at all. Both arguments are logically bankrupt. But while the Negro leadership has accepted this truth so far as the second argument is concerned, it has not yet truly accepted it so far as the first argument is concerned. Too many Negro leaders still contend, against all commonsense, that if only a civil rights law were on the books, terrorist Negro bands would terrorize their white neighbors no more.

This, then, is what the Negro leadership must do to effect that reconciliation with the white community which is essential to any effective civil rights legislation: In rejecting the proposition that Negro violence should be punished by a denial of all legislation, the leadership must equally and in total good faith reject the proposition that such violence is, anyhow, more or less to be condoned.

[From the Sioux City Journal, June 12, 1964]

CLOTURE IS VOTED BY THE SENATE

There was only one slight element of surprise in the Senate cloture vote Wednesday; the margin was a bit larger than had been anticipated. Although perhaps nobody could prove it, most people believed it would be voted, and have so believed for the past several days. Still, a precedent was shattered by the vote.

The cloture rule has been in force not quite a half century. On an average of slightly less than once each 2 years, a cloture vote has been taken. Until this week cloture had been invoked only five times, an average of about once each decade.

One reason for this was proposed civil rights legislation. Twelve of the 29 votes taken to date have dealt with civil rights legislation and the first 11 of them failed. Thus was the precedent shattered.

As will be pointed out over and over, the invoking of cloture does not immediately shut off further debate; it will limit debate. But unless there is an entirely unexpected change of attitude on the part of a number of important Senators, the bill will be passed.

It also will be pointed out over and over again that the bill will not solve all civil rights problems. There are even now predictions that the bill will be killed off, by popular demand, within a period of 2 or 3 years and these predictions are coming from other than southern Senators and Governors. We are inclined to doubt such predictions but the possibility of the forecast must be recognized.

However, we continue to believe that most Americans want the Negro to have in actuality what he has had mostly in theory only, since the end of slavery. They want him to have all of a citizen's rights and to share all of a citizen's responsibilities. A great many Americans are against job discrimination on the basis of color; but they are equally against any person getting a job because of his color if he is not capable of performing the job.

In the area of housing there are probably more reservations on the part of many whites, but good experience can always erase those reservations. The Negro has gained an important point in the Senate action, and taken a gigantic step; how he uses this victory is likely to be very important to the future of racial peace.

Mr. MILLER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all of us know that S. 7152 will be passed. Over many difficult weeks we have finally fixed the form of a new law, on the basis of which the Federal Government will use its power to intervene in the personal relations of citizens who may differ from each other in race, creed, color, national origin, or sex. To some, this is a great victory; to others, it is a tragic defeat.

There are those who believe that we have finally slain the dragon, "discrimination," and stand on the threshold of a new era of domestic tranquillity in which the ideals of equality and brotherhood will prevail. There are others who see in this bill a monstrous grab for power at the Federal level which can lead to an almost fatal weakening of our constitutional system of "United States." For Senators who hold either of these views the choice is clear—and their votes are easy to cast.

But it is not so for the senior Senator from Utah. I am aware that the problem of discrimination exists—involving different groups and taking different forms with different intensities in different parts of the country. I share in and strongly support the high ideals which are the bill's laudable objectives. I hope that we may move steadily toward their realization.

But I am also deeply troubled by the many basic dilemmas inherent in any attempted legislative solution of an essentially subjective problem, the demand for which grows out of the inability of individuals to live up to these ideals. I do not believe that men's hearts can be softened—or their standard of values and their pattern of prejudices be recast—by legislative fiat. On the contrary, even while we have been legislating, tensions have increased; damage to lives and property has mounted; and respect for law has been eroded under the pounding of planned, open civil disobedience. Passage of this bill obviously will not halt these tragic trends.

Legislation attempting to set up legal patterns to control moral conduct rests on a contradiction. To paraphrase the words of Christ to the Pharisees, it is an attempt to render unto Caesar those things which are not Caesar's, but God's. Therefore, any bill written for such a purpose must have many essential weaknesses, which may well lead to forms of tyranny when the time of enforcement comes. That there were so many amendments offered is eloquent testimony that such fears exist with regard to this bill.

The Senator from Illinois [Mr. DIRKSEN] has rendered the Senate and the country a great service. By painful and painstaking labor, he and his staff discovered and corrected many unsatisfactory provisions that existed in the original bill which came to the Senate. The value of this service is underscored by the apparent willingness of the leaders of the House to accept the changes—as we have done. His is a great contribution; and as a friend and fellow Republican, I was happy and proud to support and vote for it.

One of its greatest values is that both its content and its presentation were well organized and well executed. There may have been many other amendments equally worthy which were lost because they had to be offered piecemeal in the frantic confusion of the postcloture voting—when there was no time even to describe them, let alone explain them. This week's spectacle of the meaningless marathon of votes makes me glad that I voted against cloture. Cloture may have stopped useless discussion of general ideas, but it also prevented useful consideration of specific proposals.

As I prepare to vote on final passage of S. 7152, my choice is painfully difficult. For me, the basic contradictions which I have attempted to describe briefly still remain in the bill, and will remain in the law through many years ahead. Yet, I must cast a vote one way or the other and be prepared to face those—and they will be many—who will regard my decision as a betrayal, as well as those who will interpret it as a vindication of their own ideas.

In this situation, I am constrained to look past the letter of the law we are about to adopt and look to its symbolic spiritual objectives. I try to make my decision on that plane. In this context, a negative vote would be, for me, an admission of despair—a vote of "no confidence" in the ability of the American people to face up to this problem and move definitely—and at long last—toward its solution. To do this, we must rise above the letter of the law we are about to approve, and be moved upon, rather, by the spirit of its purpose.

I have faith that, as a people, we do have the spiritual strength to do just that, and thus boldly meet the challenge of the problems of discrimination. The only way I can declare that faith is to vote "aye" when my name is called—and this I shall do.

Mr. BIBLE. Mr. President, I yield myself such time as I may require.

This Nation is about to take a century long stride toward the ideals of its own Constitution. I say this because slightly more than a century separates the historic Emancipation Proclamation signed by President Lincoln and the civil rights bill we will have ready soon for the signature of President Lyndon Johnson.

History may well regard this legislation with the same significance it has assigned to the Emancipation Proclamation. It is tragic that more than 100 years after our Nation broke the bonds of slavery it is still necessary to enact a law to help break the bonds of racial prejudice.

There have been charges that the civil rights bill of 1964 is unconstitutional. I, too, have been seriously concerned with the dangers of infringing on the rights of all our citizens in the name of protecting the opportunities of some of our citizens; but the bill, as it has been molded by our legislative process, is now a fair bill, a good bill, and a constitutional bill. I believe it is a bill with teeth in it, yet a bill which does not foster oppressive Federal power.

I am not persuaded that this is sectional legislation, as claimed by our southern friends. The bill will be sectional only to any area of the United States where citizens are denied their equal rights.

Neither am I persuaded that the bill will fall short of creating brotherhood and tolerance. Of course, we cannot legislate brotherhood and tolerance, but we can legislate equal protection and privileges under the law. I contend that this which we do legislate will foster that which we cannot.

Mr. President, I believe that I have acted as a moderate on the issue of civil rights. My position led me to support those changes in the House-passed bill which curbed the proposed powers of the Attorney General to initiate suits in civil rights cases. It led me to vote for changes which placed more reliance on State and local agencies. It led me to vote for the stronger changes insuring trial by jury in civil rights contempt cases.

My position also led me to vote against those many changes which would have cut arbitrarily into the objectives of the bill.

However, it was not as a moderate but as a U.S. Senator and a representative of Nevada that I voted against cloture. I remain steadfast in the belief that this unique right of free debate we have in the Senate is an invaluable protection of the minority which we should never surrender too easily—no matter what the issue.

Free debate—I would not call it filibuster in this issue—was productive, not obstructive. To my mind, it produced a better bill. I am sure that the bill would have prevailed without gagging those who opposed it.

Mr. President, this far-reaching social legislation has been shaped against a backdrop of extreme emotionalism. I know that I am not alone when I say I have had more correspondence on this bill than on any other single piece of legislation. Constituents have written in anger, in fear; with humility and outrage. I have been threatened, cajoled, abused, and praised. It is at a time like this that one must vote his conscience and his convictions. That is what I am doing.

I firmly believe that many of those who wrote opposing the bill were, instead, protesting the threat of overextended Federal powers. I cannot believe that my fellow Nevadans are against equality and dignity for all citizens. The civil rights bill, as it has been modified in this body, no longer contains many of the features I would have had to oppose—many, I believe, which my constituents opposed.

I would be derelict, Mr. President, if I did not include a few words of praise for the leadership on both sides of the civil rights issue. Leaders of the opponents and the proponents deserve the highest possible commendation for conducting the floor battle with dignity and restraint.

I cannot close, Mr. President, without mentioning that there is special meaning in this legislation for a Senator from Nevada. My State, now celebrating its statehood centennial, has been linked by destiny to this great civil rights struggle.

One hundred years ago, Nevada joined a Union torn by Civil War at a time when her vote was vitally needed to ratify the antislavery amendment; and one of my State's first two Senators, William Morris Stewart, authored the 15th amendment guaranteeing the right to vote regardless of race or creed.

Thus, there is for me a feeling of high historical drama and a definite sense of destiny as I prepare to vote for legislation. It is tragic, as I said, that this proposed legislation is still needed.

It would be still more tragic for Americans to believe that this proposed legislation is the answer, automatically and everlastingly. No cold law alone, but rather the warmth of human honesty and good faith behind it, will gage the success of what we do here. The workability of this pending law rests on its acceptance by the people and their willingness to make it a vibrant and meaningful law.

Mr. President, I am proud to join in this century-stride forward in the human relations of an indivisible nation which will, more than ever, have liberty and justice for all.

Mr. President, I reserve the remainder of my time.

I yield the floor.

Mr. MAGNUSON. Mr. President, I should like to inquire, on my own time, how many names of additional speakers the Chair has at the desk, in round numbers.

The **PRESIDING OFFICER.** About a dozen, in round numbers.

Mr. **MAGNUSON.** I suggest the absence of a quorum.

Mr. **GORE.** Mr. President, will the Senator withhold that suggestion for a moment?

Mr. **MAGNUSON.** I withhold it.

Mr. **GORE.** Mr. President, I yield myself 1 minute.

I submit for printing in the RECORD a motion to refer the bill, with instructions, to the Committee on the Judiciary, which I may or may not call up for a vote. We are undertaking to reach an agreement. We shall know by 6 o'clock. If, however, agreement is not reached by 6 o'clock, I should like to have it printed in the RECORD, so that Members of the Senate may read it in the RECORD tomorrow. I also ask unanimous consent that the motion and amendment may be considered as having been read and printed so as to comply with the provisions of the cloture rule.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The motion, ordered to be printed in the RECORD, is as follows:

> Mr. GORE. I move that the bill H.R. 7152 be referred to the Committee on the Judiciary with instructions to report the bill forthwith, with a further amendment to the substitute amendment No. 1052 as adopted, as follows:
>
> At the end of title VI add a new section, as follows:
>
> "SEC. 606. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or officials thereof, shall have failed to comply with an order by a U.S. district court relating to desegregation of public schools."

Mr. **MAGNUSON.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. **SPARKMAN.** Mr. President, I yield myself such time as I may require.

It is difficult in a few minutes to review a bill as comprehensive as the civil rights bill. Some of the highlights of this bill by this time have been touched upon from several points of view. By no means have many of the intricacies or possible ramifications of this measure been brought to light.

The Senate has been forced by the importance of the measure and the lack of committee reports to study the bill through floor analysis. I have endeavored to furnish my part of that analysis and to acquaint myself as far as possible with the meaning of the several titles of this most comprehensive proposal.

The more I have studied this bill the more I have realized how drastic it is. This is natural in many respects because when a legislative body attempts to write into law something that is supposed to regulate an intangible object that is not susceptible to regulation by law, one thought as to policy merely leads to another thought as to procedure. The result is a measure that is far too broad to be considered intelligently at one time and one that is in the main a proposal for power rather than for civil rights.

Sometimes I think that if we should pass a measure such as this for the benefit of minority groups, especially Negroes, we may be called upon at a future date to enact a civil rights bill for the majority or white portion of our population. Strict enforcement of the bill as now proposed, which could only be accomplished to a doubtful degree by a force equivalent to the Army, could conceivably lead to such demands. This thought may sound facetious to some people at this time, but it is worth bearing in mind before we enact into law the instant proposal. If and when such a thought should begin to glow in the public mind we in the Congress could, from the standpoint of a majority, have a different approach because the whites in this country outnumber the Negroes on a ratio of approximately 9 to 1.

Inasmuch as laws cannot answer racial feelings, are we doing anything but fanning the coals to engender greater racial animosities by enacting far-reaching laws such as this? Are we not furthering disrespect for the law by such processes?

On May 1 we observed Law Day U.S.A. on which date we were supposed to have dedicated ourselves anew to the principle of a government under law instead of a government by men. Respect for the law has been the Rock of Gibraltar of democratic governments throughout the world and today it is the keystone to the strength of the free world and of understanding among nations within that free world.

Prohibition was a dismal failure and it left a sad mark on the young generation of that era as to the dignity of the law and respect for it. As a nation we do not recover fast from experiences such as this, but yet today we are about to consider a measure that could, on the one hand, breed disrespect for the law because it cannot be enforced, or on the other hand, if it is enforced, could change our essential form of government and our economy as well, with serious repercussions as the ultimate result.

In this bill we are leaving much—far too much—to the judgment and determination of men. We are considering passing on to men determinations and the setting of standards that should be made here in Congress. That in itself is a step toward a government of men instead of a government under law.

I was interested in reading not long ago some of the debates in the House of Lords of England in 1962 when a public accommodations bill somewhat similar to ours in the instant bill was defeated. The thesis of many of these speeches, including that of the Lord Chancellor himself, was that it is somewhat beneath the dignity of the law to attempt to regulate civil rights by force and that, in so doing, traditional property rights could be violated. These things spring from the hearts of men and are not forced upon them with any degree of success by law. Discrimination is an overt act that springs from something else which is basic and which cannot be regulated by law; namely, racial feelings, anger, or racial hatred. It was interesting to me to notice the references to the United States as not being a proper guide or precedent on which the lawmakers of England should act. New York State was cited as an example of a State that had enacted civil rights laws on practically every subject with very little success in altering the ultimate result in racial relations and racial feelings. America in general was referred to in these debates as a land given to high-sounding legislation on civil rights so long as Americans were free to disregard it.

This observation from our fellow legislators across the sea should and may make us feel a little self-conscious about the instant proposal as it nears its final stage of consideration here in the Senate.

H.R. 7152 as it passed the House and was presented to the Senate was in reality 11 separate bills, each of considerable magnitude, with a general authorization for appropriations at the end as follows:

> SEC. 1104. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

We have not given much attention to the question of what this bill is going to cost in an attempt to enforce it. There has been no committee estimate or recommendation. If rigid enforcement is contemplated it could cost a staggering amount if Congress should be so disposed in future years to make such appropriations.

Section 715 of the House-passed bill contained an authorization of $2,500,000 for title VII for the first year after enactment, and for $10 million the second year. Remember, this was for only 1 of the 11 titles. In other words, FEPC was to operate like the camel that gets his nose under the tent, and receive an increase of five times in appropriations the second year of operation. The Dirksen substitute bill eliminated section 715, leaving FEPC like the other titles subject to the general appropriations authorization in section 1103, which remains an enigma. It seems to me that we should not pass a general appropriations authorization for a proposal such as this that could reach into practically every form of governmental as well as private business endeavor without more evidence and recommendations as to how extensive the authorization may be.

The authorizations for court actions in this bill are tremendous. The Attorney General has a full amount of authority under existing laws to go into court and to represent and protect the interests of the United States. In this bill, however, wherever an important right or authority is granted, the Attorney General is expressly authorized to institute lawsuits to enforce them. Moreover, he is authorized to enforce the various titles in equity, thereby avoiding jury trials on the merits of the various cases which is a question separate in itself from the jury issue on contempt cases covered in the Morton amendment which was adopted.

In titles I, II, and VII, the Attorney General can go into court and can get a three-judge court from which there is no appeal except to the Supreme Court. Moreover, these cases are to be given priority treatment. I am not an advocate of the three-judge court system on the original merits of a lawsuit. There are no juries. Exceptions made in open court are limited in value because the appeal of the case is exceedingly limited. Our district courts are far better equipped to handle these cases. I believe that lawyers throughout the Nation would prefer that the cases arising under this bill be tried in a court of original jurisdiction under normal rules.

The priority granted to civil rights cases is unfair to our judiciary and unfair to the thousands of parties litigant who have cases awaiting disposition in our courts that have been pending in our most overcrowded districts for too long a time. It is unjust and unfair to all of these parties litigant and to defendants involved in criminal cases, who are entitled to a speedy and impartial trial, to bring in a flood of civil rights cases—and we can expect a flood of them in all probability—and give them priority over other cases.

My time is limited but I cannot leave the field of the legal aspects of this unjust and far-reaching bill without pointing out that not only does the bill give the Attorney General unusual powers to start lawsuits and to intervene in any other lawsuit involving equal protection of the laws—section 902, page 70, line 10—but it actually invites private citizens to start litigation. I could hardly believe what was before me when I read page 53 of the substitute bill, lines 17–23, which provide that the court may appoint an attorney for the private complainant in title VII FEPC cases and that the lawsuit may be instituted "without the payment of fees, costs, or security." This, to me, is a very extreme provision to foster and invite litigation and the constant harassment of employers who should in this regard remain free of the Federal Government in the first place. Moreover, even here, the Attorney General is given the authority to intervene in the discretion of the court.

Mr. President, may I inquire how much time I have used?

The PRESIDING OFFICER (Mr. Bayh in the chair). The Senator from Alabama has used 13 minutes. The Chair understands he had 26 minutes; 13 minutes remain.

Mr. SPARKMAN. Mr. President, I shall summarize my opposition to the various titles of the bill briefly.

TITLE I

More than ample voting laws are already in force. The States have authority under the Constitution to determine the qualifications of voters.

TITLE II

Public accommodations is a field into which the Federal Government has no right to extend its strong arm. We cannot legislate social customs and personal preferences, especially to the detriment of private property rights. The 14th amendment does not authorize this title, and the Supreme Court has so held. If Congress extends the commerce clause of the Constitution successfully to this end, there will be no logical stopping point.

Furthermore, I believe it is quite clear that nothing in the commerce clause permits the broad coverage that is provided in title II.

TITLE III

Public facilities should be under the control of the local governments of the people who pay for them. There is no need to throw the power of the Attorney General into this local field.

TITLE IV

Desegregation of public schools started as a court matter, and should remain in that category. Wholesale enforcement by the Department of Justice, through an act of Congress, is not warranted.

TITLE V

The Civil Rights Commission should never have been brought into existence. It has been most prejudiced in its viewpoint, and has fomented trouble and racial disturbance since its inception. It should be abolished, not extended.

TITLE VI

This is an unprecedented threat to American traditions, and is aimed at forcing civil rights compliance in the South by authorizing the cutting off of funds in all financial assistance programs. Procedures in the title are devoid of due process of law. It states too broad a policy, without defining "discrimination." Moreover, it authorizes an alternative of court enforcement to bureaucrats who pronounce regulations approved by the President, whereas these matters should be promulgated, if at all, by act of Congress.

TITLE VII

An FEPC bill has never before been passed by the Senate, for the very good reason that employers, labor unions, and all concerned in purely private employment should not be regulated in employment practices by the Federal Government.

TITLE VIII

An expensive voting census survey can serve only to give the Civil Rights Commission and officials acting under other titles of this unwarranted bill more data, good or bad, on which to foment racial relations.

TITLE IX

To allow only civil rights cases taken over by Federal courts from State courts to be appealed when an order to remand is entered is unfair and is against normal legal procedures. This can serve to delay lawful and just action by State courts.

The power granted the Attorney General to intervene in all equal-protection-of-the-law cases is extremely broad and dangerous. Choices made by the Attorney General could follow a political and selected pattern.

TITLE X

The Community Relations Service would be another pro-civil rights Federal agency attempting to make people do what the policy of the Federal Government demanded that they do. Moreover, in title II of the bill, this Service is made an agent of the court without due thought as to the effect on legal and judicial procedures.

TITLE XI

This miscellaneous title contains authority for appropriations which I hope will not be used. It also contains a savings clause that all of the specific power given to the Attorney General shall in no way impair his existing authority, which is quite ample, to enforce the law.

In other words, this bill, taken as a whole, should be called a bill for a vast amount of more Federal power, rather than a civil rights bill.

Mr. President, I feel that the bill is uncalled for, that it cannot be the solution of the problems sought to be reached, and that it will not work.

But, Mr. President, as has been adequately pointed out on several occasions, and as was quite clearly pointed out only yesterday by the distinguished senior Senator from Georgia [Mr. Russell], this measure is a one-sided, sectional bill. On the floor of the Senate, great promises have been made in regard to what would be done in order to treat everyone in the country exactly alike; but the bill does not meet those promises. I predict that over the next period of years, as the Negroes of great Northern, heavily segregated cities, find that they have been exempted from coverage by most of the provisions of the bill, and find that they are going to continue to send their children to segregated schools—schools with segregation that cannot be broken down by court order, because of a provision in this bill forbidding any court to break down those segregated patterns in those schools; and when they find that there cannot be any application of the stiff terms of this Federal law to FEPC problems or to public accommodations problems or to various other problems which may arise—problems which normally would be covered by specific provisions of this bill, except for the exemption written into it—there will be a great wave of discontent among those disillusioned Negroes in the Northern cities. Therefore, I predict that in those Northern cities there will be demonstrations, riots, disturbances, and racial troubles that will go far beyond anything that ever has happened in the South.

Mr. President, it is tragic that this legislation is being imposed upon the people of this country. It is even more tragic that—if it is to be imposed—it is being imposed inequitably, not with equal force upon the people in all sections of the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

CIVIL RIGHTS

Mr. GOLDWATER. Mr. President, there have been few, if any, occasions when the searching of my conscience and the reexamination of my views of our constitutional system have played a greater part in the determination of my vote than they have on this occasion.

I am unalterably opposed to discrimination or segregation on the basis of race, color, or creed, or on any other basis; not only my words, but more importantly my actions through the years have repeatedly demonstrated the sincerity of my feeling in this regard.

This is fundamentally a matter of the heart. The problems of discrimination can never be cured by laws alone; but I would be the first to agree that laws can help—laws carefully considered and weighed in an atmosphere of dispassion, in the absence of political demagogery, and in the light of fundamental constitutional principles.

For example, throughout my 12 years as a member of the Senate Labor and Public Welfare Committee, I have repeatedly offered amendments to bills pertaining to labor that would end discrimination in unions, and repeatedly those amendments have been turned down by the very members of both parties who now so vociferously support the present approach to the solution of our problem. Talk is one thing, action is another, and until the Members of this body and the people of this country realize this, there will be no real solution to the problem we face.

To be sure, a calm environment for the consideration of any law dealing with human relationships is not easily attained—emotions run high, political pressures become great, and objectivity is at a premium. Nevertheless, deliberation and calmness are indispensable to success.

It was in this context that I maintained high hopes for this current legislation—high hopes that, notwithstanding the glaring defects of the measure as it reached us from the other body and the sledge-hammer political tactics which produced it, this legislation, through the actions of what was once considered to be the greatest deliberative body on earth, would emerge in a form both effective for its lofty purposes and acceptable to all freedom-loving people.

It is with great sadness that I realize the nonfulfillment of these high hopes. My hopes were shattered when it became apparent that emotion and political pressures—not persuasion, not commonsense, not deliberation—had become the rule of the day and of the processes of this great body.

One has only to review the defeat of commonsense amendments to this bill—amendments that would in no way harm it but would, in fact, improve it—to realize that political pressure, not persuasion or commonsense, has come to rule the consideration of this measure.

I realize fully that the Federal Government has a responsibility in the field of civil rights. I supported the civil rights bills which were enacted in 1957 and 1960, and my public utterances during the debates on those measures and since reveal clearly the areas in which I feel that Federal responsibility lies and Federal legislation on this subject can be both effective and appropriate. Many of those areas are encompassed in this bill and to that extent, I favor it.

I wish to make myself perfectly clear. The two portions of this bill to which I have constantly and consistently voiced objections, and which are of such overriding significance that they are determinative of my vote on the entire measure, are those which would embark the Federal Government on a regulatory course of action with regard to private enterprise in the area of so-called public accommodations and in the area of employment—to be more specific, titles II and VII of the bill. I find no constitutional basis for the exercise of Federal regulatory authority in either of these areas; and I believe the attempted usurpation of such power to be a grave threat to the very essence of our basic system of government; namely, that of a constitutional republic in which 50 sovereign States have reserved to themselves and to the people those powers not specifically granted to the Central or Federal Government.

If it is the wish of the American people that the Federal Government should be granted the power to regulate in these two areas and in the manner contemplated by this bill, then I say that the Constitution should be so amended by the people as to authorize such action in accordance with the procedures for amending the Constitution which that great document itself prescribes. I say further that for this great legislative body to ignore the Constitution and the fundamental concepts of our governmental system is to act in a manner which could ultimately destroy the freedom of all American citizens, including the freedoms of the very persons whose feelings and whose liberties are the major subject of this legislation.

My basic objection to this measure is, therefore, constitutional. But, in addition, I would like to point out to my colleagues in the Senate and to the people of America, regardless of their race, color, or creed, the implications involved in the enforcement of regulatory legislation of this sort. To give genuine effect to the prohibitions of this bill will require the creation of a Federal police force of mammoth proportions. It also bids fair to result in the development of an "informer" psychology in great areas of our national life—neighbors spying on neighbors, workers spying on workers, business spying on businessmen—where those who would harass their fellow citizens for selfish and narrow purposes will have ample inducement to do so. These, the Federal police force and an "informer" psychology, are the hallmarks of the police state and landmarks in the destruction of a free society.

I repeat again: I am unalterably opposed to discrimination of any sort and I believe that though the problem is fundamentally one of the heart, some law can help—but not law that embodies features like these, provisions which fly in the face of the Constitution and which require for their effective execution the creation of a police state. And so, because I am unalterably opposed to any threats to our great system of government and the loss of our God-given liberties, I shall vote "no" on this bill.

This vote will be reluctantly cast, because I had hoped to be able to vote "yea" on this measure as I have on the civil rights bills which have preceded it; but I cannot in good conscience to the oath that I took when assuming office, cast my vote in the affirmative. With the exception of titles II and VII, I could wholeheartedly support this bill; but with their inclusion, not measurably improved by the compromise version we have been working on, my vote must be "no."

If my vote is misconstrued, let it be, and let me suffer its consequences. Just let me be judged in this by the real concern I have voiced here and not by words that others may speak or by what others may say about what I think.

My concern extends beyond this single legislative moment. My concern extends beyond any single group in our society. My concern is for the entire Nation, for the freedom of all who live in it and for all who will be born into it.

It is the general welfare that must be considered now, not just the special appeals for special welfare. This is the time to attend to the liberties of all.

This is my concern. And this is where I stand.

RUSSIAN PAYMENT FOR WHEAT

Mr. McGOVERN. Mr. President I yield myself such time as I may require.

Because of statements made when the Russian wheat sales were under consideration that there were serious questions whether we would ever be paid for the wheat, I continue to get occasional inquires from citizens who want to know if the Russians are paying up.

I consequently inquired of the Department of Agriculture about the status of the sales. I have a reply which shows that as of June 1 the Continental Grain Co. and Cargill, Inc., had shipped 62.7 million bushels of wheat out of a total of 65.5 million bushels to be shipped and had been paid promptly upon completion of loading and presentation of documents. Payments to June 1 totaled $133.8 million.

I ask unanimous consent, Mr. President, to have printed in the Record, a copy of the Department of Agriculture letter setting out this and other information.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., June 17, 1964.

Hon. George McGovern,
U.S. Senate.
(Attention: Mr. Ben Stong.)

Dear Senator McGovern: This is in reply to your inquiry for information concerning payments in connection with the sale of U.S. wheat to the Soviet Union.

Enclosed are background statements on the two wheat sales concluded with the Soviet Union. These were commercial transactions between the U.S. exporters and the Soviet buying agency. Wheat for these sales could have been procured either from the open market or from Government-owned stocks held by the Commodity Credit Corporation.

The sales were both on cash terms. While commercial credit for these sales could have been guaranteed by the Export-Import Bank, we understand from the exporters that credit was not requested by the Soviet Union in their purchases here. Both U.S. exporters—Continental Grain Co., and Cargill, Inc.—have indicated that payments in dollars on individual cargoes have been received

> promptly in New York upon completion of loading and presentation of documents. Payments received to June 1 total $133.8 million. As of that date, 62.7 million bushels of wheat had been exported to the Soviet Union out of total expected exports, including allowable overage, of 65.5 million bushels.
>
> We are also enclosing a statement on the U.S. wheat supply and distribution which provides further background on these sales. It now appears that our total wheat exports this year will reach 850 million bushels. This would leave a June 30 carryover of approximately 880 million bushels, which is about 300 million bushels lower than a year earlier.
>
> Please let us know if we can be of further service.
>
> Sincerely yours,
>
> Dorothy H. Jacobson,
> *Assistant Secretary.*

AN ADDITION TO "THE WEEK THAT IS"

Mr. McGOVERN. Mr. President, yesterday the distinguished Senator from Vermont [Mr. Aiken] reviewed some of the startling developments of the current week under the heading, "The Week That Is."

I was much impressed by the wit of the Senator's satirical effort.

This morning's newspaper carries the news of another development which I think should be added to the list of remarkable events already cataloged by the Senator from Vermont. In the Washington Post of today's date is a story that to some will seem incredible. It is headed simply, "Birch Society Debt Increases."

For years, the John Birch Society has been the Nation's most ardent enemy of deficit financing. Indeed, a high percentage of the Birch Society's barbs have been aimed at those who would dare participate in any kind of program that would increase the Government's debt or its deficit. All the good Birchers tried and true have paraded under the banner of pay-as-you-go fiscal integrity—no debt, no deficit, no default. Yet, here it is in black and white under a Boston dateline of June 17, and I quote:

> Birch Society Debt Increases
>
> The John Birch Society went deeper into debt in 1963, a report on file in the State attorney general's office showed today.
>
> The figures indicated a cumulative deficit of $210,954, compared to a debt of $84,612 for 1962.
>
> Although expenses and total deficit rose, the militantly conservative organization reported income increase to $1,043,656 from $737,716 in 1962.

Mr. President, what could be a more surprising news development to add to "The Week That Is"? For the Birch Society to be caught with a growing debt and a mounting deficit is roughly parallel to Carrie Nation being picked up on a charge of public intoxication. Apparently the Birchers have been fighting the public debt so vigorously that they have forgotten to balance their own books. It only demonstrates again the wisdom of that old adage, "People who live in glass houses shouldn't throw stones."

Mr. President, I yield the floor.

McNAMARA'S WAR

Mr. MORSE. Mr. President, on the same basis that the Senator from South Dakota obtained the floor——

The PRESIDING OFFICER. The Senator has the floor in his own right; he has been recognized by the Chair.

Mr. MORSE. Mr. President, I think during this lull in the Senate it is very appropriate to discuss another subject matter for a moment. So I have a few comments to make about McNamara's war.

It was not my privilege to be present today in the Senate Foreign Relations Committee when Secretary of State Rusk began the administration's defense of its typically inflated foreign aid program. I was presenting my case before the Committee on the District of Columbia against violating a very precious liberty of freemen; namely, that every arrested person be entitled to be taken without delay before a committing magistrate. This precious safeguard of liberty is known as the Mallory rule based upon a unanimous decision of the U.S. Supreme Court. It is proposed to reverse that decision by the so-called omnibus crime bill. I shall oppose that evil and I argued against it in the District of Columbia Committee this morning. Therefore, I could not hear the testimony this morning of the Secretary of State.

I say, however, that his program is "typically inflated" because all the description of it as a "bare bones" measure cannot disguise the fact that a good third of it is going into military programs that are worthless to the United States and often harmful to the recipient country. We would have a much sounder foreign aid program if we terminated all military aid entirely. Perhaps then we could begin to get results from our economic aid.

It is also a typically inflated foreign aid program because it does not mention our already huge unspent pipeline of foreign aid appropriations that will greatly inflate the $3.5 billion the President is asking for in his so-called bare bone bill.

Secretary Rusk has made his most audacious attempt to date to present the illegal war in Vietnam, over which he helps preside, as a useful and desirable venture. It is too bad his statement comes on the same day as the more frank and realistic statements by an anonymous but high-ranking U.S. military adviser who admits that the outlook in Vietnam is much worse now than it was 3 years ago.

It was 3 years ago that McNamara's war began in Vietnam. As a result of the direct U.S. involvement, the situation has deteriorated. In this unattributed statement, the U.S. spokesman admits that "90 percent of the guerrillas' weapons came from the U.S. military assistance program to the South Vietnamese Government forces." I wonder if Secretaries McNamara and Rusk have given any thought to the possibility that by ceasing our military aid we could do more damage to the rebels than we are doing by increasing it because we would deny them their chief source of weapon supply.

Mr. President, I ask unanimous consent that an Associated Press article entitled "Vietcong Threat Worse, U.S. Aid in Saigon Says," published in today's New York Times, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, "American support—political, economic, and military—continues to be needed," said Secretary Rusk today of South Vietnam. "The Vietnamese Government and people cannot do the job alone. In Malaya it took extensive British assistance and a favorable troop ratio of about 24 to 1 to defeat the Communist guerrillas, and it required a 12-year period to do it."

What a deceitful statement. The Secretary of State knows very well that the Communist guerrillas in Malaya were foreigners—they were Chinese Communists. They were not local people at all. They did not present a civil war, but an infiltration of foreigners.

As such, they were easy to distinguish from the local population. And they did not represent indigenous opinion. It took 12 years to put them down, and thousands of lives.

In South Vietnam, the Americans are the only foreign troops on the scene. In South Vietnam, we are doing very much what Nazi Germany, Fascist Italy, and Communist Russia did in Spain during the Spanish Civil War. We are intervening in someone else's civil war. But this time we are doing it alone.

In Laos, the Secretary of State refers to military assistance we are providing in accordance with the Geneva accords of 1962. He conveniently ignores the military participation of the United States that is in violation of article IV of those accords. It is a shameful record that the United States is making as a violator of international law in Laos, as well as in South Vietnam. We are besmirching the United Nations Charter.

By what twisted and self-serving logic can the United States try to justify its violations of international agreements by pointing to the violations of others? The "he started it" charge has served countless nations as a sufficient pretext for war; it has killed millions of people. It was every nations' excuse for the bloodbath of World War I, and there are even people today who still claim Poland started something in 1939 that Germany had every right to finish.

Today, an American Secretary of State is dishing up the same old pretext for an American war in South Vietnam and Laos. And American boys are being killed illegally, unjustifiably, and, in my judgment, by way of a shocking betrayal of their own Government's obligation to them.

Under every section of the United Nations Charter and under every concept of American international policy, the nation that starts something should be called to account not by the United States but by the United Nations. President Johnson's advisers have sold him on a policy of striking blow for blow in Asia but admitting to nothing.

Such a policy is not only going to lead to disaster but it is also an insult to the American people. One expects to read of the Soviet Union or Hitler Germany deliberately concealing its military moves from its own people who must pay for them and die for them. But it is a sad day when the United States of America is guilty of the same deception.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an editorial from the Aviation Week on this subject, entitled "The Credibility Gap." It is an editorial that takes the Secretary of Defense, Mr. McNamara, and his press officer, Mr. Sylvester, to task for the great gap in their credibility as to the reports that they make to the American people on our operations in southeast Asia.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CREDIBILITY GAP

(By Robert Hotz)

There are disturbing indications that the credibility of Defense Secretary Robert Strange McNamara and his Pentagon spokesmen is diminishing rapidly at the very time President Lyndon Johnson needs it most to build public support for this Nation's campaign to repel communism in southeast Asia.

Lack of credibility of key Government officials is always a serious matter in a democratic society, but the deepening crisis, in Vietnam and Laos, which is certain to demand heavier sacrifices in blood and money from the American people, makes this problem particularly acute now. The American people have never flinched from paying whatever price was necessary to preserve liberty and prevent the spread of tyranny when they understood clearly the issues at stake. But there is diminishing public support for the southeast Asian ventures—at the very time that the crisis is reaching its peak—because of the lessening public belief in the world it is getting from the Pentagon's civilian leaders.

This may prove to be an extremely high price for President Johnson to pay for whatever success Mr. McNamara and his official mouthpiece, Arthur Sylvester, have achieved in their avowed intent to control Pentagon news to suit their own purposes. This policy backfired badly in the Cuban crisis. The sparse and misleading information dispensed from the Pentagon on Cuba reduced public credibility on official statements to such a low point that the late President Kennedy finally had to order Mr. McNamara to put on that extraordinary lantern-slide show on national television to convince the American people that the Soviet missiles were really being shipped out of Cuba. Ironically, this performance revealed more genuine intelligence secrets than would have been necessary if Messrs. McNamara and Sylvester had dispensed the facts as events occurred.

Both Mr. McNamara and Mr. Sylvester came to their Pentagon duties with an unusual belief in the use of the official lie as a national policy instrument. Mr. McNamara first made this clear in 1961 testimony before Congress on the Nike-Zeus when he said:

"Why should we tell Russia that Zeus developments may not be satisfactory? What we ought to be saying is that we have the most perfect anti-ICBM system that the human mind will ever devise." Mr. McNamara probably doesn't see any similarity in the tactics he proposed and Nikita Khrushchev's insistence that the Soviets have perfected an anti-ICBM system that can "hit a fly in the sky," but many Americans will. Mr. Sylvester expounded the right to tell official lies in his now infamous New York Deadline Club speech (AW Dec. 17, 1962, p. 35). Although he then maintained that this basic "right to lie" should be used only to avert nuclear war, he has in fact adopted it as a standard operational practice. His credibility has sunk so low that most Pentagon reporters really don't believe a story until it has been officially denied. Even his subordinates are apologetic for the more blatant episodes.

During Mr. McNamara's first appearances before Congress, its key leaders were impressed with his ability to answer on the spot any question they asked. It was not until several times around the same track that they began to develop misgivings over the accuracy of many of these answers and began to wonder if the Secretary's talents lay more toward glibness than research. Among the incidents that have shaken his once strong credibility with Congress are:

His claim that forcing U.S. Air Force and Navy to use the same F–111 (TFX) design would save a billion dollars. Later testimony showed that this was a rough calculation made by an aid on the back of an envelope before a contractor was even selected for the project.

The manner in which many of his economy claims for the Defense Department budget have evaporated under congressional scrutiny, and how many of them have simply turned out to be the difference between what might have been spent and what was ordered to be spent.

His public insistence that the Lockheed YF–12A (A–11) was developed from the start as an interceptor for U.S. Air Force, despite knowledge by key Congressmen that this aircraft was sponsored and funded by the Central Intelligence Agency as a super-spy successor to the U–2.

His repeated optimistic reports on the Vietnam war that are regularly contradicted by events occurring on the battlefront. It is ironic that his credibility has sunk so low on this score that even when he is right—as in the case of which aircraft types are proper for this operation—few believe him any more.

As the facts in all of these areas eventually emerge and erode the official position taken by Messrs. McNamara and Sylvester, their efforts to suppress and control the Pentagon information flow become more violent and ridiculous. Mr. Sylvester's internal Pentagon directive to all military public information officers ordering the F–111 to be portrayed publicly as a success regardless of what the facts may be (AW Apr. 27, p. 31) would read more appropriately in the Cyrillic alphabet than in English. The idea of proclaiming that an aircraft will meet all of the military service requirements before the first prototype has rolled out or made its initial flight is so ludicrous it belongs in a George Orwell book. The latest attempt by Mr. Sylvester to further tighten control of military news (AW June 8, p. 20) has been widely interpreted—and we think correctly so—as another indication of how badly the tide is running against our efforts in Vietnam.

Now we have the incredible spectacle of eight U.S. Air Force F–100 fighter bombers making a strike on foreign soil—the first U.S. offensive military action since Korea—and the Government trying to suppress this news and keep it from the American people.

Clearly it is time, not only for a reappraisal of the credibility of Messrs. McNamara and Sylvester, but also for a realistic examination of an official information policy that is widening the gap between a Government and its people at a critical time in the fate of this Nation.

Mr. MORSE. I shall read the last two brief paragraphs:

> Now we have the incredible spectacle of eight U.S. Air Force F–100 fighter-bombers making a strike on foreign soil—the first U.S. offensive military action since Korea—and the Government trying to suppress this news and keep it from the American people.
>
> Clearly it is time, not only for a reappraisal of the credibility of Messrs. McNamara and Sylvester, but also for a realistic examination of an official information policy that is widening the gap between a government and its people at a critical time in the fate of this Nation.

The credibility gap is illustrated also by the obvious misrepresentations of the Secretary of State in his testimony this morning in regard to American foreign policy in southeast Asia.

The President seems somewhat concerned that more people are not rising to the defense of his policies in South Vietnam. I am satisfied that as more and more American people discover the lack of justification for America's acts of illegality under international law in South Vietnam, they will register more and more protests against that policy.

Yesterday, I placed in the RECORD a large number of communications which I have received in opposition to the administration's illegal course of action in South Vietnam. A reading of them will show that they come from all over the United States and show a deep resentment concerning our policy in Asia.

I close by pleading with my President once again to live up to our country's obligations under the United Nations Charter, and to proceed forthwith to file a request with the United Nations for the United Nations to take over jurisdiction in southeast Asia. The United States should call upon the United Nations to seek to establish a peacekeeping corps in South Vietnam under the canopy of the United Nations. It offers the world the best hope of bringing an end to the killing and the war in southeast Asia.

I state once more to the American people that if we continue United States policy—and the United States must assume the primary responsibility for what is happening in southeast Asia—we shall run the great danger of forcing Red China into combat. This event could lead to the beginning of a third world war. Starting such a war would be to the everlasting discredit and shame of our country, and would result in the rest of the world hating us for at least 500 years.

Mr. President, it is not too late for the United States to reverse its thinking, and proceed to bring its foreign policy within the framework of international law; in keeping with its obligations when we signed the United Nations Charter, which we are now violating section after section.

EXHIBIT 1

[From the New York Times, June 18, 1964]

VIETCONG THREAT WORSE, U.S. AID IN SAIGON SAYS

SAIGON, SOUTH VIETNAM, June 17.—A ranking U.S. military adviser said today that the Communist threat to South Vietnam was far more serious than it had been when he first came here nearly 3 years ago.

The Vietcong guerrillas, who control much of the countryside, are "much better armed and professionally more competent" today than they were 3 years ago, he said at a news conference before his departure for Washington.

The biggest problem the United States faces in South Vietnam, the officer said, is the problem of getting the Vietnamese Government and army to accept American advice.

He said that the quality of Vietnamese Army personnel had improved since President Ngo Dinh Diem was overthrown last November and that the effectiveness of the Vietnamese Government forces was 50 to 100 percent better than 3 years ago.

"But this rate of improvement was not enough to win the war," he said.

HE MAY NOT BE IDENTIFIED

The officer's outspoken opinions were given to reporters on condition that he not be quoted by name. He was permitted to be identified as a U.S. Army officer of the grade of major or colonel. His comments were similar to informal comments heard from American military advisers in the field but were in sharp contrast to those of official U.S. military spokesmen in Saigon.

The Vietnamese must improve their management and direction of the war," he said. "They need dedicated, competent leaders and must arouse the same high degree of discipline and dedication in the armed forces as the Vietcong have aroused among their guerrillas.

"One of our main problems is to get the Vietnamese to establish some realistic priorities," the officer continued. "The leadership in South Vietnam thinks this war can be settled by political means."

"Politics, corrruption, and nepotism are the main Vietnamese vices. Many of the generals here have become generals through political intrigue and not because of their military talent. There are too many secondraters running the war on a provincial level."

The American said that the United States had been trying to persuade the Vietnamese Government to begin a coordinated national campaign plan for 3 years, and that the Government finally accepted the plan only a few months ago.

"Now we have a plan, but it still has to be implemented," he said. "Many of the Vietnamese officers still have done nothing about it. They're still shadowboxing."

The officer, who has served as a senior adviser on the corps level, said the Vietcong had proved more effective than Government troops because of the basic advantage of surprise a guerrilla force enjoys, plus a high sense of discipline.

"This country is right out of the Middle Ages," he said. "The Communists have introduced highly disciplined 19th-century techniques to seize and maintain control. The Vietcong are dedicated, they work at their jobs 7 days a week and 24 hours a day, and they're convinced their cause is right and that they will win.

"If we can arouse the same dedication among the Vietnamese we can win this war," he said.

[From the New York Times, June 18, 1964]

CAMBODIA SANCTUARY CHARGED

SAIGON, June 17.—A senior American military adviser said today that Cambodia was being used as a rest area and supply point for the Vietcong waging war in South Vietnam.

The adviser, who declined to be identified, said that although the Vietcong were hard hit by disease and bad conditions, they got rehabilitation, "and I know some of those rest areas are in Cambodia."

The officer also said that 90 percent of the guerrillas' weapons came from the U.S. military assistance program to the South Vietnamese Government Forces.

He pointed out that the Vietcong made expert and extensive use of mines and explosives. "They've got demolition experts," he said. "And those explosives are coming from somewhere. I'm sure a lot of them are coming from Cambodia."

[From the New York Times, June 18, 1964]

VIETCONG DRIVEN OFF

DUCHOA, SOUTH VIETNAM, June 17.—Vietnamese gunners manning two 105-mm. howitzers blasted a Communist Vietcong battalion from Duchoa today after the guerrillas had all but captured this government stronghold 10 miles west of Saigon.

The war's tempo was rising after a relative lull for a month.

About 600 guerrillas hit Duchoa at 3:30 a.m., setting off a 3-hour battle whose sights and sounds carried to Saigon like a thunderstorm on the horizon. The Vietcong was backed by mortars, recoilless rifles and machine guns.

The defenders suffered 51 casualties, including 15 dead.

Nineteen guerrillas were known to have been killed and U.S. advisers estimated the toll may have reached 50 or 60. Most of the Vietcong casualties were carried away on the retreat.

The artillerymen, whose two stubby, American-made 105's helped turn the tide at Duchoa, drew praise from an American officer who arrived on the scene with reinforcements a few hours later.

Operating at times under direct attack and shooting at point-blank range, the two gun crews fired 322 shells in less than an hour.

"It takes a few men with guts to hold out in a thing like this," the U.S. adviser said. "The Vietcong wanted to take his town. They have been bragging about it in leaflets for months. But they underestimated our will to win."

Bodies of guerrillas lay in the main square of Duchoa, a town of 7,000, where they had been cut down while trying to raise a Communist flag. Others, caught by a machinegun, had fallen along a water-filled ditch.

MOST BUILDINGS NICKED

Virtually every concrete building in the town was pockmarked with bullet holes. Blood soaked the muddy earth around the district chief's house, where Vietcong riflemen had massed for an attack on the government's artillery.

The guerrillas appeared to lose heart about 5 a.m. The attack slackened from then until dawn. At 6:30 a.m., defenders moved out of their positions and drew only light sniper fire. This soon ended.

A Ranger battalion summoned from nearby checked the surrounding countryside without finding any guerrillas.

However, six Vietnamese—two men, two women and two children—were killed in midmorning by a mine that wrecked a bus on a road a mile east of Duchoa. The Vietcong had apparently laid the mine prior to their attack.

MISSISSIPPI SUMMER

Mr. STENNIS. Mr. President, I yield myself such time as I have remaining to me.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STENNIS. The invasion of Mississippi this summer by outside racial agitators, primarily under the so-called Mississippi summer project, is sponsored by the Council of Federated Organizations—COFE. This is the official name of the sponsoring group made up of the following: Student Nonviolent Coordinating Committee—SNICK; Congress of Racial Equality—CORE; National Association for the Advancement of Colored People—NAACP; and the Southern Christian Leadership Conference—SCLC.

The National Council of Churches has announced adoption of a tentative budget of $250,000 to support a task force which will go to Mississippi this summer. The National Council of Churches will pay 60 percent of the above cost and the World Council of Churches will pay the remaining 40 percent. Apparently, this money will be contributed to the overall Mississippi summer project, although it could be a separate drive.

In this connection, an article was published in the Wall Street Journal of May 25, 1964, written by Burt Schoor, and entitled "Mississippi Summer—State Appears Ready To Tolerate Peaceful Civil Rights Invasion"; also an editorial published in the Shreveport Journal of March 27, 1964, entitled "Mississippi Marked for New Invasion"; together with an article published in the New York Times of June 14, 1964, written by Claude Sitton and entitled "South Girds for Crisis."

I ask unanimous consent that these items may be printed in the RECORD.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 25, 1964]

MISSISSIPPI SUMMER—STATE APPEARS READY TO TOLERATE PEACEFUL CIVIL RIGHTS INVASION—UP TO 1,000 OUTSIDE RECRUITS TO RUN FREEDOM SCHOOLS AND REGISTER NEGRO VOTERS—SOME STILL FEAR BLOODSHED

(By Burt Schoor)

JACKSON, MISS.—Vassar College Sophomore Susan Finnel, an English literature major whose personal knowledge of the South stems from a 2-week visit there when she was 10, is planning to stay in Mississippi this summer. As a member of the largest civil rights task force ever to converge on this unyielding State, Miss Finnel has no illusions about what may lie ahead.

"It's quite possible I will go to jail," she says.

However, the outlook for Miss Finnel and hundreds of other out-of-Staters planning to teach in Negro freedom schools or work on voter registration projects may not be so grim.

There's mounting evidence here in the State's capital that Mississippi officials, rather than attempting to interfere with peaceful activities of civil rights workers, will actually strive to protect them in the interests of preserving order—a mood that is spreading to city and county officials elsewhere in the State. If civil rights strategists here persist in plans to concentrate on voter registration and classroom activities rather than street demonstrations, such a task could be simpler than anyone envisioned a few months ago.

"We don't anticipate any trouble unless they do something like they've done in Cleveland or New York," says the city attorney for an agricultural trading center north of here where police recently permitted some 200 Negroes to congregate outside the local county courthouse during a registration attempt. "If they're going to conduct schools," the city attorney adds, "it seems to me the burden on them is to keep attendance up more than anything."

SOME CLOUDS ON THE HORIZON

While this apparent attitude of relative moderation represents a departure for Mississippi, it could be altered in coming weeks. If the civil rights bill passes Congress with the public accommodations section largely intact, it's expected to arouse nearly total resistance in many parts of this State.

Even without the impetus of Federal legislation, Negro youngsters released from high schools, along with local and outside college students, may be tempted to resume some of last summer's more aggressive protest activities. No one can discount the possibility that a single isolated incident of violence could trigger large-scale rioting and disorder.

Indeed, some here view the hot months ahead with foreboding. "When you consider all the forces at work, this summer could make last summer look like a birthday party," says Paul Anthony, director of field activities of the Southern Regional Council, a biracial organization which closely follows Negro-white relations in the South.

ORGANIZERS ARRESTED

Even now, the calm that prevails here is a relative thing. During the past 2 weeks, civil rights staff people organizing for the summer report there have been more than 25 arrests of fieldworkers. The charges range from improper parking to arrest for investigation of auto theft. A white Antioch (Ohio) College student who was driving back to Jackson from a meeting in Greenwood, Miss., with six fellow workers, all Negroes, had a car breakdown in a small farming town. The group split up in search of a place to sleep. Within an hour, all were in jail as burglary suspects and stayed behind bars until the following afternoon.

Nevertheless, in the high-ceilinged offices of the State capitol here, policies appear to be taking shape that would cast Mississippi in a more tolerant role than that which it played under former Gov. Ross Barnett. The present Governor, Paul B. Johnson, already has received national attention for the surprisingly conciliatory remarks on race in his inaugural address. Even more interesting is the speech he made to the legislature in March which attracted almost no notice outside the State.

Governor Johnson, of course, gives no indication he is about to defect from the segregationist camp. His March address referred to civil rights volunteers as organized revolutionaries who foment strife with the aim of substituting Federal law enforcement authority for State law enforcement authority. To frustrate this threat to States rights, the Governor asked that the State police be increased to 475 men from 275, that a training academy for them be established and that he be given the power (which he now lacks) to use the enlarged force for unrestricted enforcement purposes.

GOVERNOR WARNS VIGILANTES

The bill authorizing the police changes was signed into law Friday. Another bill providing $4 million to pay for the expansion seems certain to win legislative approval. Confidants of the Governor now are quietly emphasizing that the March speech also promised protection to Negroes and rights volunteers. "No one will have to fear the rise of unlawful paramilitary or vigilante groups" once the new State police powers are voted, the Governor said. This not-so-veiled reference is to the resurgence of night riders in the State's southwestern counties where recent cross burnings and threats against Negroes have troubled responsible whites. According to a reliable source here, one vigilante group even telephoned a threat to Governor Johnson himself not long ago.

"The State police are going to be used to protect anyone, whether white or black, native Mississippian or from out of State, as long as he's keeping the peace," maintains one State official here who's in a position to know. "You might have a situation where local officers refuse to act against our own people who cause violence. The Governor would move in such a case."

Another significant development here has been the fate of a State senate bill that would require all schools to be licensed by the local county school superintendent. Schools supporting disobedience to the laws of the State of Mississippi would be banned and teachers at unlicensed institutions subject to a maximum of 6 months in jail and a $500 fine. The proposed law obviously is aimed at blocking the freedom schools. But State administration forces have quietly buried the bill in committee on advice of Attorney General Joe T. Patterson that it could compromise the State's defense in pending Federal civil rights cases.

A still more important reason for believing Mississippi's reception of outsiders could prove kindlier than forecast earlier is the somewhat less militant stand in recent weeks of the Council of Federated Organizations (COFO), the group coordinating civil rights activities in this State. It's staffed chiefly by members of the Student Nonviolent Coordinating Committee (SNCC), the most militant of the major civil rights groups. COFO said earlier this year it was calling for an invasion of Mississippi by 2,000 volunteers. SNCC Chairman John Lewis said the aim was to saturate the State with voter registration workers, cause mass arrests, and force Federal intervention.

It appears now, however, that far fewer volunteers will be on hand than first anticipated, perhaps less than 1,000. Dr. Staughton Lynd, a history professor at Spelman College in Atlanta and codirector of the freedom schools, calculates that only some 350 volunteer teachers will be needed to instruct the approximately 1,000 local Negro teenagers expected to enroll at 24 locations around the State.

The youngsters, using Negro churches and meeting halls, will study such topics as Negro history and the impact of race relations on southern politics, subjects widely skirted by public schools here. They'll also receive remedial help in such areas as reading and composition. When the schools wind up in August, it's hoped students will carry on as civil rights cadres in their communities.

Another 600 to 700 volunteers are expected to work on other COFO projects, including one to obtain signatures of 400,000 Negroes to carry to the Democratic national convention as a protest against discriminatory voting barriers in the State.

One factor holding down the total number of those accepted for civil rights work in the State is the relatively small number of Negroes who have applied. "There has been growing concern in SNCC that too many northern whites are doing work that should be left to Negroes," says a white COFO fieldworker at the organization's bustling headquarters in a former Negro radio station here.

REJECTION OF WHITES?

Some 825 applications have been received from prospective volunteers thus far, but only about 15 percent of them from Negroes. Thus, whites may have to be rejected to keep the number of Negroes on COFO field projects close to the desired 40 percent ratio.

"We had plans to subsidize Negro undergraduates who often have to earn their next year's tuition by working at summer jobs," says Professor Lynd. "But the funds we were hoping to get haven't materialized as yet. The proportion of whites teaching in the schools is going to be higher than we thought, and from the standpoint of a thoroughly integrated staff as an example to the students, it could prove disastrously high."

Within COFO, a debate on what roles students and teachers at the freedom schools should play in Negro protest activities apparently has been resolved in favor of deemphasizing such activities. Plans originally called for students to be available for other COFO projects during the afternoons. But the academic day now is scheduled to run until 5 p.m., leaving less time for such work.

"There may be times when a class will feel the necessity of becoming involved in a local situation," says Mendy Samstein, a school coordinator for COFO. "But the objective of the students will be to learn and demonstrations will not be encouraged or urged."

OHIO IS STAGING AREA

The schools also will avoid dangerous rural counties where the sight of white teachers boarding with Negro families might be expected to stir local passions. And to help insure that summer workers don't undertake spur-of-the-moment protest activities, volunteers are expected to attend orientation sessions at Western College for Women, Oxford, Ohio, before moving on in small groups to assigned posts in Mississippi.

Applicants, too, are being screened by interviewers, many of them college faculty members; the National Council of Churches hopes to recruit some 75 ministers who will act as counselors to both volunteers and local students in Mississippi communities. COFO's own "guidelines for interviewing," cite the example of a recent volunteer who hotheadedly insisted on working in Yazoo City, a delta town that COFO leaders consider dangerous to enter, against the advice of his project director. He was finally assigned to Jackson headquarters.

If the problem presented by this volunteer were multiplied enough times, the guidelines warn, the whole program could be jeopardized and lives could even be lost. It adds, "A student who seems determined to carve his own niche and win publicity and glory when he returns home can only have harmful effects on the Mississippi program."

[From the Shreveport Journal, Mar. 27, 1964]

Mississippi Marked for New Invasion

Citizens of Mississippi have been warned to expect a bloody assault upon their State this summer by the National Council of Churches, the World Council of Churches, the National Association for the Advancement of Colored People, the Student Nonviolent Coordinating Committee and other integrationist, race-agitating groups.

The National Council of Churches has announced it will send a "task force" of men and money into the Mississippi Delta to wage war on what it describes as "persistent" poverty and racial injustice. The Delta project will call for a tentative annual budget of $250,000, with the National Council paying for 60 percent of the cost and the World Council picking up the tab for the remaining 40 percent. Officials of the National Council of Churches are entering into this project with the frank acknowledgment that they expect to become involved—on the Negroes' side—in clashes between white and Negro residents of Mississippi.

Complementing this racial agitation will be what the Harvard Crimson, Harvard University's daily newspaper, has described as an invasion by militant young Negroes of the NAACP and the SNCC. In its issue of March 11, the Crimson attributes to Claude Weaver, SNCC worker and Harvard student recently released from jail in Jackson, a statement that "Negroes might start killing the white people in Mississippi pretty soon."

"Yes," Weaver is quoted as saying, "if we wanted to get a small Mau Mau going, it wouldn't be difficult. Might be a nice summer project."

In an editorial of March 12, the Crimson speculates upon the coming invasion of Mississippi as follows:

"This summer will witness a massive, daring, probably bloody, assault on the racial barriers of Mississippi.

"The 1964 plan calls for an invasion of over 1,000 Peace Corps type volunteers, in order to shake Mississippi out of the Middle Ages.

"Where former projects concentrated on a specific grievance, such as voting or public accommodations, this summer's effort will cover the whole field at once. An accelerated voter registration campaigns aimed at the November elections has already begun. Freedom schools, stressing political education and the humanities, will be established in Negro areas. The project also provides for special community centers staffed by nurses, librarians, and social workers. Still more ambitious is the white community project, designed to organize poor white areas in order to eliminate bigotry, poverty, and ignorance.

"And, for the first time, active self-defense and actual retaliation, though not officially advocated, are being openly discussed.

"Civil rights leaders carefully weighed the possible consequences of the radical changes before endorsing them. They knew the program would alienate some northern white moderates, but they argued, and argued rightly, there is no other way to liberate Mississippi. Mississippi is the only State where a majority of whites don't consider desegregation 'inevitable.' Remembering that Reconstruction lasted only 17 years, Mississippians plan to resist until the North again tires of crusading.

"Central to the project is the anticipated lawlessness of Mississippi whites. The planners reason that massive nonviolence will precipitate a crisis of violence, which they consider prerequisite for further progress. Understandably, such candid reasoning disturbs moderates torn between respect for civil tranquillity and support for civil rights. In this case, however, rights and tranquillity are not compatible."

So there you have it. There is the explanation of why the National Council of Churches is lobbying alongside the NAACP for passage of the infamous civil rights bill in the Senate today.

No longer content to sponsor such mild interracial activities as its annual observance of "Race Relations Sunday," the National Council of Churches now espouses an integrationist movement which it expects to end in violence.

If your church is a member of the NCC, part of every church donation you make will be used to finance this racial strife. Is this what you want?

[From the New York Times, June 14, 1964]

South Girds for Crisis—Massive Assault on Racial Barriers Planned for This Summer Creates Atmosphere of Tension

(By Claude Sitton)

Jackson, Miss., June 13.—Whites and Negroes in the Deep South are braced for the social upheaval that they see as the inevitable accompaniment to a summer-long civil rights campaign. But the outcome may be far less violent than either side is now predicting and considerably more inconclusive.

The potential for serious conflict already has been demonstrated at such widely separate points as St. Augustine, Fla., and Canton, Miss. Intermittent terrorism plagues some areas of southwestern Mississippi. Other crises appear to be developing elsewhere.

The plans of civil rights advocates for this massive assault on racial barriers and the preparations of their opponents surpass anything seen in the decade since the Supreme Court's ruling against public school segregation.

However, some important differences from the pattern of the past have emerged. Negroes appear less inclined to take part in the type of large-scale demonstrations that have evoked a riotous response from whites.

RECENT PATTERN

If mass violence does take place, it is generally expected to involve civil rights demonstrators and the police rather than white mobs. This has been the pattern in recent months.

Such outbursts usually develop from action to halt demonstrations. The explanation given by authorities for prohibiting protests is that this is necessary to prevent violence. However, in most—but not all—cases in the Deep South, the threat of violence has come from the likelihood that demonstrations would cause a white mob to form.

The prohibition removes the target of potential aggression rather than the would-be aggressors. Thus civil rights advocates contend the police are doing the work of the mob and in some cases they are not less brutal and by far more effective.

This is by no means true of all southern law-enforcement agencies. Some of them have shown themselves to be well disciplined and fair in the face of extreme provocation despite the blanket accusations made against them.

AVOIDING VIOLENCE

Officials show an ability and a desire to avoid violence. This does not represent true progress in most cases because the announced method for achieving this goal is rigid enforcement of laws of dubious constitutionality and the suspension, where civil rights workers are involved, of the guarantees of freedom of speech and assembly.

Even the assurance of repressive law enforcement has failed to calm the fears of whites in some areas. Much of their anxiety results from rumor and misunderstanding. But it is nonetheless real.

The depth of this misunderstanding and apprehension is reflected in the reaction of many white Mississippians to the coming freedom summer operation. The project calls for a statewide program of voter registration drives, special academic training for Negro youths, adult citizenship classes, political action, a survey of the State's political and economic structure and a study of white attitudes.

SUPPORT EXPECTED

It is largely the brainchild of the Student Nonviolent Coordinating Committee, which is working with local chapters of the National Association for the Advancement of Colored People, the Congress of Racial Equality and the Southern Christian Leadership Conference. Support is expected from the National Council of Churches, the national NAACP, the NAACP legal defense and educational fund and the National Lawyers Guild.

Approximately 700 student volunteers from throughout the Nation are scheduled to begin arriving by June 22 after undergoing orientation at Western College for Women at Oxford, Ohio.

The atmosphere that has developed among whites in advance of this influx resembles that pervading the State before the desegregation of the University of Mississippi. Whites refer to it as "the invasion." More than a score of new laws have been passed to combat it. The strength of the State highway patrol has been almost doubled and Gov. Paul B. Johnson, Jr., has been given authority to employ troopers anywhere. County and city law enforcement agencies have added new men and equipment, and have developed riot-trained auxiliary units.

VIGILANTE GROUPS

Vigilante groups have sprung up across central and southern Mississippi. The State's long-dormant Ku Klux Klan has experienced a resurgence.

In recent weeks, countless rumors have been circulating. These spurious reports range from one involving a planned mass assault on white women to another that cooks were polluting food. So rife have they become that the Jackson Daily News, in a front page editorial, has urged its readers to ignore them. The tenor of thought in some circles is reflected in a letter from a Jackson resident published subsequently by that newspaper. It said in part:

"It is incredibly criminal and cowardly for a group calling themselves the Council of Churches to send young students out to prepare a blood bath that would invite a death-dealing shower of hot lead. Have these Marxist-mannered ministers who plan to flood our State with their guerrillas never heard of the Scripture, which warns, 'Whatsoever ye sow, that shall ye also reap?' We are glad that they served notice of their intention to bathe us in blood, otherwise we might not have been ready for our bath."

Elsewhere in the Deep South, reaction to the summer campaign has followed more conventional lines—increased police preparation, more frequent gatherings of the Ku Klux Klan and similar organizations and a barrage of statements from white leaders against civil rights workers.

The chief targets of the expected activity outside of Mississippi are Alabama and eastern Louisiana.

The Reverend Dr. Martin Luther King, Jr., and his Southern Christian Leadership Conference are pressing a drive against discrimination in public accommodations and employment at St. Augustine. While the Atlanta integration leader has vowed to remain there until major progress is achieved, observers believe the chief focus of the SCLC will soon shift to Alabama.

FREEDOM ARMIES

Dr. King's aids are now recruiting volunteers for so-called freedom armies in Birmingham and Montgomery, Ala. The absence of mass demonstrations in those cities and the relatively small turnout for the St. Augustine protests seem to reflect a lack of enthusiasm for this tactic.

The Congress of Racial Equality has established a headquarters in New Orleans under Richard Haley, its associate national director, to supervise the Louisiana campaign. It plans to put 48 workers into the field to organize voter registration drives and other projects in addition to those already underway.

The NAACP and the NAACP legal defense and educational fund will continue their work throughout the region and provide assistance to the other organizations in the concentrated campaign in the Deep South. Various registration drives sponsored by the Southern Regional Council voter education project will be carried on without letup.

Needless to say, passage of the civil rights bill now before the Senate will have little effect on the summer's events in these areas of bitter-end resistance to racial change. This may not be true of the South as a whole, however.

The outlook in other areas of the region is summed up, perhaps, in a remark by Burke Marshall, chief of the Justice Department's Civil Rights Division.

MASSIVE RESISTANCE

"A great deal of emphasis now is on the problems that people see for the summer," he said. "But I think that in contrast to the massive resistance of the summers of 1954 and 1955, this is going to be a summer of massive compliance with the new civil rights law, especially the public accommodations section."

It remains to be seen whether this optimism is justified. Much will depend upon the leadership provided by President Johnson, the debate and the outcome of the presidential campaign and the success of efforts to end discrimination and interracial violence outside the South.

Probably the best that can be hoped for realistically in the Deep South's pockets of defiance until these hurdles are cleared is a peaceful stalemate. There can be no substantial, lasting progress here so long as whites see signs of hope elsewhere that the Nation will eventually tire of the civil rights controversy and leave them to resolve the issue in their own way, as was done in 1877.

Mr. STENNIS. Mr. President, about a year ago, on May 12, 1963, the President of the United States entered an order directing that approximately 3,000 specially trained riot-control troops be sent to the Birmingham, Ala., vicinity. He did this in spite of assurances by State officials that the local authorities were capable of handling the disturbances created as the result of the provocative activities of outside agitators during the 2 days prior to that time.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent to have the remainder of my remarks printed in the RECORD.

There being no objection, the remainder of the remarks was ordered to be printed in the RECORD, as follows:

At that time, on May 21, 1963, I addressed the Senate and pointed out, as follows:

"The pattern of activities is clear. The agitators move into a peaceful community, hold meetings, make speeches, organize demonstrations, and otherwise play upon the emotions of both races and excite them to a fever pitch. The actions almost inevitably produce a powder keg situation in which riots, violence, and even bloodshed become almost inevitable.

"When this point is reached it then becomes necessary for the local law enforcement officials to take action to maintain law and order. The actions of the law officers in putting down the disturbances result in appeals to Washington for Federal intervention. These appeals—regardless of the merits—all too often receive a preconceived and sympathetic response."

Already these racial zealots are making their move which they hope will lead to the military occupation this summer of Mississippi and, perhaps, other Southern States. They have announced an elaborate so-called Mississippi summer project with plans to recruit and import young college students of both races into Mississippi, ostensibly for the purpose of helping to educate Mississippi Negroes and to assist them in complying with the requirements of law in order to register to vote. Perhaps the young people who have so anxiously accepted this challenging assignment honestly feel that they have enlisted in a worthy cause. But they are sadly mistaken. They are being used. They are being used as a tool in a much broader plan which those in charge hope will result in the complete takeover of Mississippi by the Federal Government.

Already they have had meetings here in Washington, attempting to build up public support for the sending of troops to Mississippi for the so-called purpose of protecting the swarm of recruits being sent to Mississippi to hold these meetings. Regardless of the announced purpose of this excursion, these groups will move into peaceful Mississippi communities, conduct meetings, make speeches, stir up the local citizens of both races, and otherwise provoke and incite incidents and trouble.

Already Members of Congress have fallen for this scheme. They have taken the bait. They have made public statements calling on the President to assure protection to these people going to Mississippi this summer. By protection I assume they want troops.

Already some ministers are busy. I was appalled to see on a Washington television station Sunday morning, June 14, a locally produced program sponsored by the National Capital Council of Churches. The minister who served as moderator interviewed several people, two of whom have enlisted in the army of zealots going to Mississippi this summer. The other person interviewed was a Negro who bragged about the fact that he was a veteran of the so-called freedom ride and rode one of the first buses which went down from Washington to Nashville, to Montgomery, and to Jackson, Miss. He said that others could help by writing to the Attorney General and the President and urging them to give protection to those going to Mississippi this summer as a part of the so-called summer project.

The minister who conducted the interview did not even try to conceal his glee and enthusiasim that a State of this Union was to be invaded this summer like it was some foreign country and we were in the midst of all-out war. He took up the call and urged his television audience to write to the President and the Attorney General and insist that these people be protected.

CIVIL RIGHTS

Mr. BARTLETT. Mr. President, the time for decision is at hand. Statements have been made and credible evidence has been presented to indicate that we are moving much more rapidly toward a conclusion on the civil rights issue than many of us would have expected only a few days ago.

Mr. President, I shall vote for the bill now pending before the Senate. I have come to the conclusion and the conviction that it is a moderate bill, one which holds great promise of substantial accomplishment in this troubled area of human relationships.

Mr. President, I voted for cloture. I did so with some degree of reluctance because philosophically I have an abiding belief in the validity of free debate in the Senate. We dwell too much, it seems to me, in these times, when the filibuster is considered only in terms of civil rights; but in many glorious days of the past the right of unlimited debate in the Senate on other progressive issues has meant much for the welfare of the country.

I voted for cloture only when the time came when I believed everything which needed to be said about the bill had been said. If I had been invited to cast a vote to break that filibuster at the end of a month's debate, I should have rejected it because I did not believe at that time that the subject had been fully discussed—even though to many the discussion had seemed to be reasonably adequate.

I believe it is pertinent to note, as so many before me have noted, that Senators in opposition to the bill were always germane in their arguments against it. No side issues were brought in for discussion. The opposition centered solely and exclusively upon the issue at hand. That issue was exhaustively explored, and when the time came to vote on whether cloture should be imposed, it seemed clear to me that an affirmative vote was not out of order, and I cast my vote accordingly.

I have been reluctant to vote for cloture for the reason that I have already mentioned—namely, the belief that unlimited debate has been useful, helpful, and even important in the past history of our Nation.

I freely confess that I have been against cloture philosophically, because I come from a State with a small population, and freedom of debate for such States is, as it always has been, of utmost consequence.

I do not propose during my period of service here to vote, ever, for a proposal which would bring cloture into effect by a simple majority vote. Let the Senate remain as the one parliamentary body in the world, so far as my knowledge runs, where the minority can make its voice heard effectively; this is my unchangeable opinion.

However that may be, the issue is now squarely joined. As I said at the outset, the time for decision is near. More properly and more factually, perhaps, I should have said that the time to record that decision is close upon us, for I am sure each Senator has already decided and is ready to register that decision. That time will come tonight or tomorrow. One need not be a prophet to predict that the bill will be passed by the Senate. I shall not go into exhaustive consideration of all my reasons for voting for the bill. But one reason I do wish to state specifically, because it has been mentioned on the floor of the Senate this afternoon and has been mentioned numberless times heretofore. One of the principal reasons why I propose to vote for the bill is that it contains a public accommodations section. I believe that to be an arch stone of the bill.

I am a member of the Commerce Committee. For several weeks the Commerce Committee held hearings upon a separate public accommodations bill before that part of the civil rights bill was put into the so-called package. At that time I became persuaded and was left with no doubt whatever that such a Federal act is not only justified, but necessary.

I have one memory that abides with me out of many, one that impressed itself particularly upon me during the Commerce Committee hearings. That was when Mr. Roy Wilkins, a Negro—intelligent, well dressed, and known personally by many Senators—came before the committee and described the agonies and embarrassments his wife and he suffered while they were seeking to make a transcontinental automobile trip.

That sort of thing should not be permitted to happen to anyone in this country. I made up my mind then and there I should do my part to prevent its happening in the future.

I do not know whether the desired changes will come overnight if the bill becomes law, but I am absolutely convinced that the situation will be vastly improved, and soon.

I do not wish to close these remarks without alluding to the Senators from the South who have opposed the bill. For these men I have great respect. I had that respect long before I ever entered this body. I have it now. I shall continue to have it. In my judgment, although they were badly outnumbered, although their army was numerically very inferior to the one that opposed them, they fought valiantly and well and cleanly. They represented what they considered to be the best interests of their constituents. They have a deep belief, in my opinion, in the validity of the arguments they presented to the Senate. To them I wish only to say that even if they and I should differ on this particular issue, I want them to know that I think that they are deeply patriotic citizens. They are men of vision, of rare ability. For their cause they fought a great fight, and I honor them for their valor in their fight, even though I was obliged to be on the opposite side.

My own State of Alaska has laws intended to provide equality among the races. Those laws have been in effect for about a quarter of a century. They have brought vast improvements. Very few cases arising from those laws have gone to court. The mere presence of the laws on the books of the then Territory and now State of Alaska has sufficed to improve conditions which in many cases were urgently in need of improvement.

I do not assert that those laws have provided all the beneficial results that we should desire in the field of human relationships. They have not. Neither will the bill upon which we are now acting do that.

A century ago the foundation was laid for equal treatment of Americans of whatever race. That foundation crumbled and virtually disappeared. This bill seeks to reestablish it, to build it strong and to build it sure, so that upon it can be erected the kind of edifice of respect for every American citizen that all of us should desire.

It will provide a blueprint, at least, for the future.

We shall have racial difficulties after the bill is signed into law. Let us not deceive ourselves about that.

This bill will not be a cure-all. However, it represents a significant step forward, in my judgment. I do not fear, as some apparently fear, that it will place within the Federal Government vast powers that will cause the Federal Government to become a police state.

Let us remember that we are the Federal Government. The Federal Government is not operated by tyrants whose capital place is in some distant land, whose officers care nothing about the American people, and whose aim is only to oppress them and beat them down and trample them under foot. Indeed not. In many cases the same people who have written me opposing the bill we are now considering, because they said it would mean a police state in this country and give the Federal bureaucracy untrammeled rights to do that which it pleases all over the land, have also written me urgently suggesting that the Federal Government be given some vast new powers which would make life more leisurely and more comfortable and more profitable for them.

So we operate in this Republic under a democratic form of government. The Federal Government, in the long run, does exactly what the majority of the people, operating through their Congress, desire to have done. The evidence is clear that in the present situation a large majority of the American people desire legislation on civil rights in the hope and belief that the passage of the bill will improve racial relationships.

I concur in that judgment. Because of that concurrence, and because I so deeply believe that we as a people are now certainly required to do everything we ought to do to make every American citizen equal in every way, my decision long since was made to vote for the bill.

COMMENT ON COMMENCEMENT ADDRESS BY DR. CHARLES S. CAMERON, PRESIDENT OF HAHNEMANN MEDICAL COLLEGE, TO GRADUATING CLASS

Mrs. SMITH. Mr. President, I yield myself 2 minutes.

It was my privilege to attend the commencement exercises of Hahnemann Medical College in Philadelphia on June 4, 1964, and the 117th of its long and distinguished history. This great medical institution has given to the world 7,200 doctors as graduates from its course.

The president of Hahnemann Medical College—Dr. Charles S. Cameron—is a most remarkable man of deep understanding. He has the kind of understanding that all doctors could well emulate. He projected that understanding in his charge to the members of the graduating class.

I was especially struck by the tone and spirit of the charge he made to the graduating class—because it involved the field of medical science and research. This is a field on which I have concentrated legislative appropriation efforts for a decade now.

President Cameron prefaced his charge with observations of the great medical discoveries and applications of those discoveries in the comparatively recent past—the products of medical research and medical science—such as penicillin, antibiotics, antihypersensitive or anticoagulant drugs, cortisone, antihistamines, tetanus toxoid, polio vaccine, tranquilizing drugs, heart surgery.

He then observed that "this unprecedented measure of mastery over illness is not without one important hazard—the displacement—downgrading might be a better word—the downgrading of the art of medicine at the hand of science."

Then he made his telling point that with all of this great advance in medical research and science, still the most important factor is for the doctors to have a deep feeling for their patients—to have a heart for their patients rather than taking a completely detached scientific attitude toward patients and letting medical science do the job. He put it most eloquently in saying:

> The art of medicine is the heart of medicine, and to be more specific it is the heart of the doctor. It is beyond sympathy, that is, feeling sorry for the patient. It is empathy—feeling with the patient. It is giving something of your spirit as well as something in the ampole. Empathy will not cure pneumonia as effectively as penicillin will, but there are components of every illness which it alone will manage. Recognize it for the good medicine it is and will always be, no matter what wonders science will work in the years to come.

Mr. President, I recommend the words of Dr. Cameron to all medical scientists, researchers, and doctors. I think that the National Institutes of Health particularly should heed these words of Dr. Cameron—and I particularly call upon the National Institute of Mental Health to study these words and take them to heart and practice them if some of us in Congress who have labored long and hard for appropriations for the NIH are to have faith and confidence in it.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HRUSKA. Mr. President, the Senate has been debating the civil rights bill for more than 80 days, as I calculate the time. In the course of the debate, more than 500 amendments have been submitted. More than 100 votes have been taken, not to mention the quorum calls which occurred. By any reckoning, this has been a gigantic effort, but the Senate measured up to it.

The procedures may have puzzled those who are unfamiliar with the profound issues which the bill raised regarding both Federal and State relationships and government and individual responsibilities. I recognize that those who were anxious about the outcome grew impatient with the process, but the time and effort have been well spent.

There has been far too wide a misconception as to the real nature of the bill. The bill is called a civil rights bill. Some may have been led to believe that we were granting rights to people who had not possessed such rights before. Far too widely, it has been accepted that we were creating rights where they did not exist at all. The fact is that the rights of citizens are the heritage of all Americans and are derived from the same basic law, the Constitution.

However, the efforts of the Senate have been directed, not toward granting or creating rights, but rather toward providing more adequate machinery to implement the rights which exist so as to enable more people to exercise them, and, in this way, to assure the blessings of liberty to all citizens.

The need for such additional laws to insure the privileges and immunities of citizenship has become apparent in certain areas as we witness a denial or deprivation of rights by some of our fellow citizens.

The principal areas of controversy in this body have concerned how to spell out those means in a sound legal fashion that will achieve adequate protection for those lacking it, while avoiding the obvious dangers of placing new powers in the hands of administrators and judges.

It was an important task to which the Senate addressed itself, notwithstanding the criticisms which have been leveled at it during the long weeks that the Senate was engaged in the consideration of the bill. I do not believe there is any necessity, however, to apologize for the length of time that has been taken, nor should we shrink from such tasks, if we are faced with them again.

Did the Senate suffer a filibuster during those weeks of debate? I have previously observed that a filibuster can be defined as a lengthy discussion, hour upon hour, day upon day, week upon week, for the purpose of obstructing action for the sheer sake of delay. But that has not been the case here. Those who make such claims overlook the unusual circumstances under which the bill came to the Senate. I can think of no other major piece of legislation that had neither House nor Senate committee hearings, and which very likely will lack the benefit of conference committee action as well. Amendments normally made in committee had to be hammered out on the floor of the Senate, as they were in large measure in the House. Thirty-five amendments were proposed and successfully adopted during the debate on the bill in the House. Substantially all of the points raised and issues discussed here in the Senate were made in good faith—not to prevent the passage of the bill, but rather to perfect it.

The relative rarity with which the Senate has voted for cloture demonstrates how reluctant this body is to limit debate. However, in the consideration of every measure, the time for action finally is reached. When the ground has been thoroughly covered and debate no longer contributes to the improvement or understanding of the legislation, cloture may be the only alternative available to secure action. As an added safeguard, two-thirds of the membership of the Senate present and voting must share this conviction before the limitation is imposed.

My vote for cloture on this bill was based on that judgment. The point was reached where advantage from further debate was clearly outweighed by the need to move ahead. Continuance of the debate would not have developed any new awareness or brought to light any additional problems with the language of the bill. In my judgment, additional debate would have served no constructive purpose. The issue before us was one that could no longer be ignored or evaded.

The value of a debate as extensive as this one is apparent. The bill came to the Senate with the incredible call by the administration and its spokesmen for immediate passage without amendment, in a way that was an affront to the character of this body. The impending vote is on a bill that has retained only the best features of the original House-passed version, and includes, not only much new language, but also many new approaches to the problems covered. This Dirksen-Mansfield substitute contains over 80 amendments and alterations of substantive nature which the Senate debate has shown to be necessary. In addition, we considered and voted on nearly 110 amendments here on the floor. Some of these also have been incorporated into the bill.

The Morton jury-trial amendment, originally rejected, but later adopted, illustrates the value of the extended debate. At first, a majority of the Members of this body did not feel that this safeguard was necessary. Upon further exploration, however, an overwhelming majority endorsed the inclusion of jury-trial provisions for criminal contempt proceedings which may result from enforcement of the provisions of this legislation. This is but one example of many changes that were made.

Similar analyses, already placed in the Record, point out the number of amendments made by the Senate in the House version of the bill. I understand that the Senator from Delaware [Mr. Williams] will shortly add another such analysis to those already printed in the Congressional Record.

Mr. President, none of the amendments which have been adopted by the Senate would have been considered had it not been for the weeks of debate that preceded the efforts of the special committee—an ad hoc committee, we could call it—in which part of the leadership of the minority and all of the leadership of the majority and, I understand, a Cabinet official, as well, participated. After several weeks of debate in this Chamber, they became aware that the bill had many inadequacies and that many changes should be made. That is why I believe there has been no filibuster, as the term is commonly understood. The extended debate bore results and served a very useful purpose.

During the course of this debate there have been opposing views as to what enactment of this legislation will mean. Some have considered it a means whereby the millennium will be achieved. They allude to it as a very auspicious first step and a grand and glorious advance to a goal long sought.

Then, Mr. President, there are those who have labeled it a second effort at Reconstruction, a harsh measure directed at a region of the United States. They have characterized it as a measure which will result in a police state.

In characterizing the legislation as either extreme, we ignore the wisdom of Lin Yutang, who derived the title "Between Tears and Laughter" for one of his books from an old Chinese proverb which went something like this: "Tears and laughter—both wrong."

Perhaps that proverb could properly be applied to the situation confronting us, when the pending bill is described as very bad or very good. In my opinion, neither extreme is correct.

I cannot accept the description of the bill as being "moderate." Neither do I regard the bill as one which will result in catastrophe.

I am pleased with the revisions made in the substitute and in the amendments which were adopted after the substitute was offered.

But, Mr. President, I would have been more assured if additional changes had been made, particularly in title II and title VII, the titles which deal with public accommodations and with employment practices, respectively. Both have gone a long way in interpreting and applying constitutional provisions which deal with congressional powers—to a degree that would be very harmful if they were followed to their ultimate conclusion. Certainly there is good ground for believing that both of these titles have gone farther, in those interpretations and applications, than would be permitted by sound policy, notwithstanding the existence of such constitutional precedent or power.

Mr. President, I say this because the logical result of the operation of title II and in title VII, by way of extending the jurisdiction of the Federal Government and expanding its powers, would eventually be a substantial change in our form of government. When the Constitution was written, and the article dealing with the powers of Congress was formulated, these words: "The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes" necessarily reflected the belief that there also was intrastate commerce—commerce within the States—which was beyond the jurisdiction of the Congress. Yet if we are going to press to its farthest reaches the philosophy found in title II and in title VII, Congress will have jurisdiction over, and ultimately will exercise its powers over, all commerce, whether interstate or intrastate, because the distinction will have become meaningless. If that happens, there will be a substantial change in the form of our government. We shall lose our character as a Republic of federated States. This is one of the qualities which give us the source of strength with which we are blessed and the freedom to enjoy it.

Mr. President, while many amendments for which I voted were not adopted, I propose to vote in favor of passage of the bill.

However, I should like to utter a word of caution. For the legislation to be a success, it will require broad public support derived largely from an intelligent administration of its provisions. All concerned with its administration should note that it will be necessary to take many factors into consideration, so as to insure a sensible result in situations where even reasonable men may reach widely different conclusions about human nature and its conduct.

They should also be mindful that Congress will remain in action. It has a continuing responsibility. It should be alert and responsive to the manner of enforcement of this law. Should there appear any fanatical or unfair enforcement of its provisions, it will be the duty of the Congress to inquire into such practices and to make such revisions as will be necessary.

The bill is not a perfect answer to all the problems that are pending, and it will not be a solution to many of the inadequacies existing in our ever-continuing effort to make available opportunities of citizenship for all Americans. This Senator would, therefore, counsel both proponents and opponents of the measure that the Congress will not stand by and watch its actions distorted by an overzealous application or blind resistance to the provisions of this bill.

The Senate, in my judgment, Mr. President, has measured up to the greatness of any self-governing society in considering this legislation. The words of Judge Learned Hand come to mind, however, as I close my remarks:

> Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.

Mr. President, I yield the floor.

Mr. MUSKIE. Mr. President, I yield myself such time as I shall use.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, Senate passage of the civil rights bill at this point is a foregone conclusion. Months of time and millions of words have been consumed here in discussions of the need for it, and of the purposes and merits of the bill. What remains for us to do but to cast that final vote which will be the reflection of the convictions which each of us has shaped over these days and weeks of study, contemplation, and soul-searching?

It is well, I think, that we should lift our eyes above the details with which we have been concerned for more than 100 rollcalls to consider the significance of what we are about to do, and the responsibility which every American will thereafter bear in applying our work to the realities of the problem.

The problem is that in America, the land of the free, the measure of freedom has varied, and still varies, for individual Americans for reasons which are inconsistent with freedom itself. I have heard no one in this Chamber argue that this is not so. I have heard no one argue that it can be justified. I have heard no one argue that the discrimination should not end.

It is our national objective, stated in the preamble to the Constitution, "to secure the blessings of liberty to ourselves and to our posterity." I have heard no one in this Chamber argue that some Americans, as of right, should forever have the power to exclude other Americans from the equal enjoyment of those blessings.

If then, we are agreed as to the objective, as I think we are, where do we disagree?

Differences have been pressed eloquently on this floor, with deep feeling, by Senators of ability, scholarship, and conviction. Who is right and who is wrong? How can we make sure that right prevails?

We all know that history does not always sustain the verdict of the majority. We know that the democratic process, as a decisionmaking mechanism, is fallible. But we also know that the democratic institutions we have devised, that the experience which we as a people have acquired in their use, are more likely to be productive of public policy which serves our common good than any other system of government yet devised.

It has been said, in criticism of the bill, that it is a product of emotion. It is in the nature of the problem that emotions should run high, and that those seeking to serve only noble purposes should find themselves allied with others of baser motives. Such circumstances should be a challenge to action to men of reason and understanding, not an excuse for inaction.

It has been said that the bill is imperfect and that it will be ineffective in dealing with the problem. That it is imperfect, we can all agree. Whether it will be ineffective, only history can better judge than we; and history may sustain either side. I suggest that history would judge us more harshly for failing to act than for acting less effectively than we might if we ourselves were perfect.

It has been said that the bill discriminates in favor of the Negro at the expense of the rest of us. It seeks to do nothing more than to lift the Negro from the status of inequality to one of equality of treatment. To the extent that this deprives any of the rest of us of anything, it is intended to deprive us of the power to treat him as a lesser and unequal American. Such a power is not ours as of right, either as Americans or as children of God. To the extent that any of us wield it, we have no right to retain it, and should be deprived of it.

It has been said that the bill deprives the States of the right to deal with the problem in their own way. The right to deal with this problem is not a right to ignore it. If it had not been ignored, we would not be dealing with it.

It has been said that time and evolutionary processes, working upon the relations between the races, will solve the problem. One hundred years of time and evolution have not solved it. A majority in this body believe that, unaided, they will not solve it in time; and the evidence supports that belief.

Disagreements such as these reflect differences of perspective, differences in background, differences in our impression of the urgency of the problem, and differences of judgment. We have discussed these differences, debated them, and finally resolved them in accordance with our rules and traditions. In accordance with those same traditions it is now our responsibility, whatever our differences, to make this new policy work effectively. That responsibility is shared by every American of every race, color, creed, region, and national origin. I am confident that this responsibility will be met.

It has been said that we cannot legislate love. As to that, we will all agree. But our national experience teaches us that a free people, living and working under a government of law, will grow in tolerance, understanding, and appreciation of each other.

TESTIMONIAL TO JUDGE JOSEPH LERNER AND BEATRICE LERNER

Mr. RIBICOFF. Mr. President, I call attention to the fact that the Presiding Officer is the distinguished Senator from New Jersey [Mr. Williams]. I realize the desire of the Senator to be with his close friends tonight, Judge Joseph Lerner and Beatrice Lerner, on a most important occasion for them. Yet his duties in this most historic time make it imperative that he be in the Senate Chamber. That makes it impossible for him to be in Newark, N.J.

Consequently, Mr. President, I ask unanimous consent that a telegram being sent by the Senator from New Jersey to Judge Joseph Lerner and Beatrice Lerner be printed in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

June 18, 1964.

Judge Joseph Lerner and Beatrice Lerner,
Essex House,
Newark, N.J.

Dear Bea and Joe: I'm writing you from the Senate Chamber as the historic debate on the civil rights bill moves into its final hours. Only the most fundamentally important national issues could keep me from the joy of your testimonial. Every soul before you, the hosts of friends with you in spirit and the meaning of your lives of devotion to people and our Nation's founding principles, dictate that I remain in the Senate tonight and use my voice to express our heart's longing for justice, and equality for all Americans. This priceless opportunity to be 1 of 100 in making this decision would not be mine without your friendship, devotion, the constancy of your efforts and support.

Senator Harrison A. Williams, Jr.

H.R. 7152

Mr. BREWSTER. Mr. President, as we reach the concluding hours of this long debate, I congratulate the minority leader, the junior Senator from Illinois [Mr. Dirksen], the majority leader, the senior Senator from Montana [Mr. Mansfield], and the senior Senator from Minnesota [Mr. Humphrey].

Their understanding, patience, courage, and dedication have enabled the Senate through these long days to hammer out a successful answer to the most difficult problem now facing our Nation.

I also commend our distinguished colleagues who opposed the will of the majority in these Halls. Their tireless effort, obvious sincerity, and complete dedication to their cause made this debate one of the great debates in the history of the Senate, and a most rewarding experience for this freshman Senator.

Mr. President, 1 year ago today, our late President, John F. Kennedy, delivered an eloquent and historic appeal to Congress and to the conscience of America. He proposed legislation which would guarantee the right of every American to a vote, an education, employment, and service in public places without arbitrary discrimination.

We are now in the final hours of this great debate. Each provision of the legislation that is now before us has received the careful consideration of two administrations, and of our colleagues in the House. Each provision has been discussed in the newspapers, on television, at meetings, and in homes throughout America. We have reexamined every section in the Senate and have modified some. We have done this with meticulous care throughout 83 long days of debate. No facet of this bill remains unexplored or unexplained. Each title must now be understood for what it is, what it does, and what it does not do.

In essence, this legislation is only the most recent restatement of the great principles upon which this Republic was founded. It seeks to guarantee that the rights provided by our Constitution be extended equally to all. It seeks to insure that every American will have an equal opportunity to make his full contribution to the future. It seeks to insure that ours will always be one nation with liberty and justice for all.

The legislation that we are about to enact is moderate, and defers to State action and local solution. It is designed to be effective wherever injustice and irresponsibility deprive American citizens of the pleasure of citizenship.

The time to vote is about to arrive. I shall vote for the proposed legislation now before the Senate, confident that its enactment is in the best interests of all Americans.

Mr. WILLIAMS of Delaware. Mr. President, when H.R. 7152 was passed by the House it represented the greatest and most unwarranted delegation of power to the Attorney General and other Federal agencies that has ever been proposed in the history of the United States.

In the name of protecting the rights of the minority, the rights of the majority were completely ignored and ofttimes destroyed. Not only were these rights destroyed but under the House bill the accused would not even have the right of a trial by jury.

When this bill passed the House, its supporters practically demanded that the Senate support this bill without any amendments and made the threat that any Member who opposed this procedure would be considered antagonistic to their cause. Such arbitrary approach to any legislation is unwarranted. I said from the beginning that I definitely would not support this bill as it came from the House. I said further that unless it was substantially amended I would do everything I could to defeat the measure.

Since that time the bill has been practically rewritten. Altogether 85 amendments have been adopted by the Senate to this bill, and many of the objections which I had raised earlier have been corrected. It is still far from a perfect bill, but all legislation is a compromise wherein no Member gets exactly what he wants.

With the improvements made by the Senate's 85 amendments I feel that it would be better to pass the bill. Our failure to act at all merely means that the courts can continue to fill the vacuum and render decisions, or in effect to make the laws.

I shall incorporate in the RECORD here today an analysis of this bill, H.R. 7152, both as it passed the House and as it appears in its amended form now before the Senate. I have broken it down by titles. This comparison will show the improvements that have been made in this bill by the adoption of the 85 amendments in the Senate.

I asked Senator DIRKSEN, of Illinois, to give me a letter answering several questions which had arisen as the result of the vague language of the bill as it passed the House.

Since he was the author of several of the amendments approved by the Senate I felt it was important that his interpretation of their legislative intent be incorporated in the RECORD.

I ask unanimous consent that his letter of June 18 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
June 18, 1964.

Hon. JOHN J. WILLIAMS,
New Senate Office Building,
Washington, D.C.

DEAR JOHN: I have your letter of June 17 raising questions which have been brought to your attention as the result of interpretations placed upon H.R. 7152 as passed by the House of Representatives. Let me set out your questions and then follow them with my views so that you will have a complete record in this letter.

1. That a property owner wishing to sell his home or a man who was subdividing his own property into building lots could be required to sell on a first-offer basis rather than exercising his right to choose his own buyer.

The Senate substitute bill would not affect the right of a property owner to sell property he owns to anyone he chooses and this applies to his home or building lots.

2. That the Federal Government could cancel a bank's deposit insurance under the Federal Deposit Insurance Act if the bank were charged with discrimination either in regard to its employment or its lending activities.

The insurance of bank deposits by the Federal Deposit Insurance Corporation would not be affected by this bill. Section 602 does not apply to any contracts of insurance or guaranty.

3. That veterans' benefits and pensions, social security benefits, farm price supports, etc., may be cut off by a Federal agency under the terms of the bill.

Veterans' benefits and pensions, social security benefits, and farm price supports are not affected by this bill. For instance, farmers who receive payments under various agricultural support and marketing programs cannot be denied the benefits of such programs or otherwise discriminated against.

4. That loans such as VA, FHA, FNMA, and SBA can be cut off under the terms of the House bill.

The loans or guarantees of loans by VA, FHA, FNMA, and SBA are not affected by this bill, nor are Federal savings and loan insurance corporations, Federal crop insurance, national service life insurance, and Federal employees group life insurance.

5. That an employer would be required to maintain a racial ratio in his employment roughly equivalent to the racial ratio existing in his community.

The Senate substitute bill expressly provides that an employer does not have to maintain any employment ratio, regardless of the racial ratio in the community.

6. That if a vacancy occurred, an employer would be required to hire a less qualified individual in order to meet racial percentage quotas.

Under the Senate substitute bill an employer is not required to hire any person who is less qualified than other job applicants.

7. That conceivably an employer could be charged with discrimination if he discharged an inefficient employee who was a member of a minority race if such an act would upset a racial balance in his employment.

The Senate substitute bill does not affect the right of an employer to discharge inefficient employees, regardless of their race and of the effect of the discharge on the racial balance in his employment.

8. That racial integration of privately owned and operated cemeteries, hospitals, nursing homes, and homes for the aged where all persons pay for the benefits they receive could be required by the Attorney General.

The Senate substitute bill does not give the Attorney General the power to require the integration of such cemeteries, hospitals, nursing homes, and homes for the aged.

9. That Federal legislation in the field of nondiscriminatory employment and equal access to public accommodations would supercede State laws covering the same areas.

The Senate substitute bill expressly recognizes the right of the States to pass public accommodation and fair employment laws and provides that any such laws must be used before the Federal law can be used.

10. That seniority in unions, civil service, and company employment would be jeopardized.

The Senate substitute bill expressly protects valid seniority systems.

11. That doctors and lawyers and similar professional men who rent office space in hotels and similar buildings could not choose their patients or clients.

Doctors, lawyers, and similar professional men are not covered by the bill unless they work for the hotel or other establishment which is covered by the bill.

I appreciate very much the time and effort you have given this matter and I hope that these answers will be helpful.

Sincerely,
EVERETT MCKINLEY DIRKSEN.

Mr. WILLIAMS of Delaware. To continue:

JURY TRIAL

House bill: Under the House bill a person could have been fined or imprisoned in criminal contempt cases without a jury trial.

Senate amendments: The Senate adopted the Morton amendment which would, under the six titles of the bill, guarantee the right of a trial by jury to any person in cases involving criminal contempt charges.

The right of a trial by jury is a basic American right, and it is ironic that those who are ofttimes most vocal in their support of civil rights legislation would even suggest that this inherent right of every American citizen to a trial by jury be destroyed in the name of political expediency.

This Senate amendment provided for a jury trial in criminal contempt cases under all titles except in voting cases under title I of the bill. A jury trial had already been approved for this section in the 1957 Civil Rights Act.

This jury trial amendment was approved over the determined opposition of the administration by the narrow margin of 51 to 48.

TITLE I—VOTING RIGHTS

House bill: Title I of the bill as it passed the House guarantees that every American citizen shall have the right to vote. It recognized the constitutional right of each State to regulate its own elections and dealt only with the right of the individual to vote in a national election.

Senate amendments: Senate amendments make it more difficult to deprive anyone of the right to vote because of errors in registration. It also provides for agreements between the Attorney General and State officials to exempt a State from the literacy test requirements of the bill when the State is conducting its literacy tests in such a manner as to constitute compliance with the bill.

Under title VIII the Senate amendments limited information to be obtained in any voting survey and guaranteed the right of privacy to individuals being interrogated. Under the Senate amendment no individual can be questioned as to how he voted or planned to vote. This protection was not in the House bill.

TITLE II—PUBLIC ACCOMMODATIONS

House bill: Without any question the language of title II as passed by the House of Representatives represented the broadest delegation of powers ever proposed to be given to any Attorney General.

Under the administration bill as first proposed, a widow who in order to supplement her income displayed a sign "room for rent" would have been forced to accept the first applicant, regardless of race, or run the risk of being taken into Federal court and charged with racial discrimination. This was obviously such a violation of property rights that even the Attorney General backed down when confronted with the indignant housewife.

Under the bill as passed by the House the language was so broad that the Attorney General could in effect have operated as a dictator, laying down rules for the operation of every type of business—barbershop, beauty parlor, or even hotdog stand—in America. The language of the House bill was so broad that some claimed it even included authority for the Attorney General to break up segregation in cemeteries. Just how a cemetery could have come under the interstate commerce clause is something that even the proponents of the bill could not explain.

There is no question but that the House bill would have permitted the Attorney General to bring suit against the owners of hotels, motels, roominghouses, restaurants, beauty parlors, barbershops, and other places of public accommodation anywhere in America.

Senate amendments: Title II of the House bill was practically rewritten in the Senate by its adoption of the four major amendments which were incorporated in the substitute bill. These four amendments take away this broad authority of the Attorney General as proposed in the House bill.

The Senate amendments preserve the sovereignty of the individual State if it wishes to exercise it. By these amendments, States are given exclusive control over the administration of public accommodation laws if they enact and are administering a State or local public accommodation law.

Delaware has a public accommodation law, and therefore the State rather than the Attorney General of the United States will have initial jurisdiction and an opportunity to handle the case without Federal interference.

The only time the Attorney General can intervene and bring suit is where there is a wholesale pattern or practice of discrimination or where a State refuses to act.

Simply stated, the Attorney General under the Senate bill is limited to those cases involving interstate commerce.

The Senate amendments specifically exclude from the provisions of the bill private clubs and other establishments not in fact open to the public.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

House bill: Title III provides that when a State uses public money, collected from all taxpayers, to finance a public facility, its services must be available to all citizens.

This merely restated what the courts in every case have been upholding, so in effect it makes no change in the existing law as it is being interpreted by our courts.

Senate amendments: The Senate adopted seven amendments to this section, several of which represent changes of substance.

The Senate eliminated section 302 from title III, which gave almost unlimited authority to the Attorney General to bring suits.

The Senate amendments further require that the Attorney General must have a complaint in writing before he can file suit. They also provide a penalty of $10,000 fine or 5 years imprisonment for any individual who knowingly files a false charge of discrimination.

TITLE IV—DESEGREGATION OF EDUCATION

House bill: Under this title, the Attorney General was given wide authority to file suits in any area of the country to force integration in either public or private schools.

Senate amendments: The Senate adopted 10 amendments to title IV, some technical in nature, but 5 made substantial changes. This section as approved by the Senate limited the expenditure of funds for institutions and drastically limited the proposed authority of the Attorney General to bring suits.

The Senate provided that no provision of the bill would empower any official or court to issue an order seeking to achieve a racial balance in any school by requiring the transportation of students from one school to another or from one school district to another in order to achieve such racial balance. I quote the exact language of the Senate amendment:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

The Senate also preserved the right of any school board to classify or assign students for any reason other than race, color, religion, or national origin.

The Senate specifically exempted private schools from the operations of this bill.

None of these restrictions was in the House bill.

TITLE V—COMMISSION ON CIVIL RIGHTS

House bill: Under title V, the House extended the life of the present Commission on Civil Rights and gave the Commission considerably more power.

Senate amendments: The Senate adopted 10 amendments to this section, amending it extensively in order to limit these powers and define the activity of the Commission and the conduct of its hearings. Substantial safeguards were incorporated in the bill to assure that no person could be defamed, degraded, or intimidated by the Commission in the exercise of its authority. It also gave witnesses compelled to appear before the Commission the right to counsel.

Under the Senate amendments, all of the employees of the Commission were made subject to the Hatch Act. This was an important amendment to prevent this agency from becoming a political football.

Another Senate amendment eliminated from the House bill that language which would have authorized the Census Bureau to conduct a poll to determine the voting habits of the minority groups. By what line of reasoning would the Attorney General need the authority to send Government agents all over the country to find out how they voted or how they intend to vote in the next election? The fact that such a provision was even suggested indicates that certain people were more politically motivated than they were interested in preserving the civil rights of any group.

This section, as finally approved by the Senate, carries more safeguards than does the existing law.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

House bill: Under the language of the House bill, the Federal Government would have been permitted to withhold all of the Federal funds going to a State under any program if it felt there was discrimination in any part of that program in the State. This meant that all Federal contributions toward the school lunch program, the welfare program, the program for aid to dependent children, the program for the blind, the farm program, the highway program, or any other federally supported program could have been stopped on a statewide basis solely upon the determination of the Attorney General or other agency head that a single entity, such as one school district or one local board, was in his opinion practicing discrimination. Some even suggested that insurance on bank deposits, insurance on VA or FHA loans could be canceled.

This would represent wholesale punishment of thousands of innocent people for something over which they had no control. Such widespread authority for the Attorney General could be used by some arbitrary person in that position as an excuse for political reprisals.

Under the broad language of the House bill, it was felt that the Attorney General or some agency head could have intervened in any sale of private property. Some interpreted the House bill to mean that a man selling his house could have been taken into Federal court and charged with discrimination solely because he exercised his right to select his buyer. A man who decided to subdivide his land into building lots could have been forced to sell those lots on a first-offer basis; otherwise, he could have been taken into Federal court and charged with discrimination. This was destroying the rights of the majority.

Senate amendments: The Senate adopted seven amendments to this section. These amendments provide that this bill does not give to the Attorney General or to any agency of the Government any authority to interfere in the sale of property by any owner. The bill as amended has no effect on the right of any person to sell his house to anyone.

An individual owning land that he wishes to subdivide into lots and then sell, may sell them to anyone he wishes. He is not limited in any way by this bill, nor is he deprived of any rights which he has under existing law.

These amendments drastically curtail other unwarranted delegations of authority to the Attorney General. The Senate amendments provide that the funds could only be withheld from the particular political entity or part thereof or the recipient against whom a finding of discrimination has been made, and not from the State as a whole.

The adoption of the Senate amendments makes it very clear that all activities of the banks—that is, their FDIC insurance, Government guarantees on VA, FHA, and SBA loans and contracts and their lending policies—are not covered or affected by any section of the bill.

Banks are not affected by any title of this bill other than the employment section, and only then if they employ 100 or more employees the first year, 75 the second, 50 the third, and 25 the fourth year. But at no time can they be required to employ unqualified persons.

The adoption of the Senate amendments guarantees that there is nothing left in this bill which would give to the Attorney General, or to any agency of the Government, any authority under any excuse to interfere with the payments of veterans' benefits, social security payments, payments under other pension funds or payments under the farm program.

Some doubt had been raised on these points as the result of the vagueness of the language of the House bill. The Senate amendments clarified these points.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

House bill: As it passed the House, this bill practically destroyed the working rights of American labor. Seniority rules of the unions would have been jeopardized, and it would have been practically impossible for an employer to fire an inefficient employee of a minority race without being charged with discrimination.

For example, an employer has 100 employees operating in an area in which 25 percent of the people are of the minority race, and all of his employees are white. The language of the House bill has been interpreted as being broad enough to require this employer to fill all vacancies with members of the minority group almost without regard to the individual's qualifications for the particular job.

This would have meant that an unemployed white person would have had no opportunity whatever to obtain a job, even though he had outstanding qualifications, solely on the basis of the suggestion as contained in the House bill that all employment must be racially balanced. Seniority rights of the present employees were in question.

The same situation would exist in areas where the present employees may be predominately colored. Then a colored applicant, even though his qualifications were equal or superior to those of another applicant, would be denied an equal chance.

In either instance, it represents discrimination in reverse, since all applicants should be considered on the basis of their qualifications and not selected or eliminated because of their color.

Under the House bill, the Attorney General would have been given the power to initiate legal proceedings on behalf of the complaining party.

The language in the House bill placed seniority, merit, and incentive systems in jeopardy.

The language of the House bill would have subjected employers who did not meet racial or religious quotas to a charge of discrimination.

Senate amendments: The amendments adopted in the Senate struck out this power of the Federal agency to initiate legal proceedings and limited its powers of investigations and record examinations to particular cases.

Senate amendments permit and protect seniority, merit, and all incentive systems, and also permit differences in pay and other terms of employment for employees whose work is in different locations. This point is important to the employer as well as to the employee.

Senate amendments specifically prohibit the Attorney General, or any agency of the Government, from requiring employment to be on the basis of racial or religious quotas.

Under the Senate amendments, an employer with only white employees could continue to hire only the best qualified persons even if they were all white and his factory was in an area with 50 percent Negroes.

Other Senate amendments prohibit the practice of persons or groups filing complaints on behalf of someone else—complaints can be filed only by the individual involved; provide a period of exclusive application and jurisdiction of State laws, such as we have in Delaware; and prohibit the Federal agency from making public, charges which have been filed against an employer.

This latter point is important, to prevent some irresponsible employee or other person from, in effect, conspiring to blackmail an employer with the publication of charges which later may be proved to be false.

The Senate amendments require that no employer can be held responsible for any violation, unless it can be proved that such a violation was intentional.

The Tower amendment authorized an employer to provide for employment tests to determine the aptitudes and qualifications of prospective employees without regard to race, color, or religion.

To clarify further this section, I quote a memorandum prepared by a staff member of the Judiciary Committee:

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

> The Senate amendment struck out the power of the Federal agency that was established to enforce this title of the bill in court suits. Under the Senate version the Equal Employment Opportunity Commission cannot bring suit against employers, nor for that matter can charges be filed by other groups, "on behalf of" aggrieved persons. Nor can the Commission conduct sweeping investigations of employers and their employment practices under the Senate version. Its function now is limited to an attempt at voluntary conciliation of alleged unlawful practices and the conciliation efforts must be conducted in confidence and not even the charge against the employer may be made public. It is restricted in its investigations to those records of an employer that are pertinent to the case. The power of the Commission to subpena individuals is greatly reduced and is now no greater than that of any other agency.
>
> Under the Senate amendment only an aggrieved person can bring suit against an employer unless there is a pattern or practice of resistance and then only the Attorney General can bring suit. The Commission cannot institute suit at all.
>
> One of the principal changes made by the Senate was to preserve State sovereignty. A State can maintain exclusive jurisdiction over unfair employment practices for a limited time if it has State or local laws prohibiting such practices. And, a State can if it wishes enter into agreements with the Attorney General which would foreclose any Federal intervention in the State at all and would deny any individual the opportunity to bring a suit in Federal court against an employer. Such agreements would provide for complete State jurisdiction over unlawful employment practices. Delaware has such a law and Delaware officials possess the authority to enter into such agreements.
>
> The Senate amendment preserved seniority, merit and incentive systems. These were jeopardized in the House bill. The Senate amendment also permits employers to have different wage rates for employees working in different locations.
>
> One of the more important changes made by the Senate was the protection provided for employers who operate in areas where minorities live. An employer cannot be forced to discharge employees or employ additional employees in order to achieve a racial balance. An employer with 100 employees who may all be white cannot be required to meet a quota even though his plant is located in a neighborhood that is 50 percent Negro. The right of the employer to employ anyone he chooses on the basis of ability is made crystal clear by the Senate amendment. The Senate amendment also forbids discrimination by unions, and relieves an employer of any liability where he is precluded by a labor contract from procuring employees, if there is discrimination in such a case it is the union that is responsible.
>
> The Senate amendment also defined an employer as one who has 100 employees during the first year of operation of the law, 75 during the second, 50 the third, and 25 thereafter, for each working day in each of 20 or more calendar weeks in the current or preceding year. This exemption for seasonal industries was not included in the House bill.
>
> A further safeguard that was provided by the Senate amendment deals with proceedings against employers in Federal court. It

provides that the unlawful employment practice complained of must be an intentional one: The employer must have intended to discriminate before a court could grant any relief.

TITLE X—COMMUNITY RELATIONS SERVICE

House bill: The House bill contained a provision authorizing the establishment of a Community Relations Service, but did not contain sufficient safeguards defining its field of operations.

Senate amendments: The Senate provided that the activities of the Community Relations Service be conducted in confidence and without publicity, and that any person who discloses information or makes public any matter in violation of this requirement shall, upon conviction, be fined not more than $1,000 or imprisoned nor more than 1 year.

No such restriction guaranteeing to keep this information confidential was in the House bill.

A second Senate amendment provided that the employees of this commission would be subject to the Hatch Act and thereby could not engage in political activities.

(At this point, Mr. WILLIAMS of New Jersey took the chair as Presiding Officer.)

Mr. WILLIAMS of Delaware. Mr. President, whether this proposed legislation will improve the status of the minority group will depend entirely upon how those who have been advocating extreme methods conduct themselves in the weeks to come.

Civil disobedience must be stopped. No man has the right to select the laws he would obey, nor would any responsible citizen support such anarchy. We are a government of laws and without respect for these laws there can be no respect for man.

NONDISCRIMINATION IN CERTAIN FEDERAL PROGRAMS

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a letter dated June 19, 1964, signed by the Senator from Illinois [Mr. DIRKSEN].

In this letter, Senator DIRKSEN answers certain questions as to the legislative intent of the substitute bill as approved by the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
June 19, 1964.

Hon. JOHN J. WILLIAMS,
New Senate Office Building,
Washington, D.C.

DEAR JOHN: I have your letter of June 18 raising a question which has been brought to your attention as a result of interpretations placed on H.R. 7152. Let me set out your question and my answer so that you will have a complete record in this letter.

Question. If a property owner decides to rent or lease his home for periods of a week, a month, or more, will the civil rights bill affect his right to rent or lease to a tenant of his choice?

Answer. Under the Senate substitute bill such a property owner may rent or lease to anyone he chooses.

I trust that the above answer is responsive to the inquiry that you received.

Sincerely,

EVERETT MCKINLEY DIRKSEN.

ON WATCHDOGS AND LAP DOGS—ARE WE COVERING NEWS OR COVERING IT UP?

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "On Watchdogs and Lap Dogs—Are We Covering News or Covering It Up?" written by Clark Mollenhoff, and published in the May 1964 issue of News Workshop of New York University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON WATCHDOGS AND LAP DOGS—ARE WE COVERING NEWS OR COVERING IT UP?

(By Clark Mollenhoff)

The future of our American democracy is contingent upon newsmen exhibiting the courage that Donald R. Mellett exhibited 38 years ago in Canton, Ohio. It is not necessary that all men display that great degree of courage, or that any great number make the ultimate sacrifice. However, it is essential that there be men who believe that our system of government—despite the weaknesses it possesses—is worth the risk of serious injury to person or career.

Unless there are men willing to take risks in fighting corruption and the political perversion of government, then it is inevitable that we will eventually let our government fall into the hands of the biggest political frauds and the greatest, most daring corruptionists. If the corruptionists do not meet a strong, courageous opposition, then it is inevitable that they will gain control.

Don Mellett crusaded for honest law enforcement. It was an important work in his community then. It is an important work today. It will be an important job in the future, for the problem will always be with us in some manner. There will always be some men seeking to twist the government to serve their own political and economic interests.

HOW DEMOCRACY TIES IN WITH LAW ENFORCEMENT

It should never be forgotten that honest law enforcement is vital to the proper functioning of our American democracy. If the annual Donald R. Mellett lectures did no more than emphasize that theme, they would be well worth while. For I am afraid that too many newsmen, too many educators, and too many citizens become so involved with complicated problems of the day that they forget how much our whole system depends on simple law enforcement. Too few stop to understand that without effective law enforcement we have chaos in which the rights of all persons are endangered.

Reflection on the simple facts of the Don Mellett story demonstrates that when racketeering elements—in business, labor, or in the vices—are permitted to disregard the laws, then democracy is diminished. In such circumstances a city, county, State, or Federal agency is only a short step removed from the brutal arbitrary control of Hitler Germany or Communist Russia.

Democracy was dying in Canton, Ohio, in 1926. A gang of racketeers controlled liquor, prostitution, and narcotics. Political figures were in league with the racket syndicate. A few business leaders found it convenient to do business with the syndicate racketeers. Many business leaders were afraid to express opposition to the evil that controlled the Ohio community.

It is worth reviewing today because it was so typical of what has happened in many cities, counties, and States of this Nation. It has even happened in some important spheres of the Federal Government from time to time.

In Canton, Ohio, democracy was not totally dead because there was a free and independent press, but most democratic institutions were dead or were dying. Donald R. Mellett tried to do something about the evil that existed in his community. As editor of the Canton Daily News, he carried on a crusade that disregarded warnings, and disregarded an unappreciative community. He believed the job of bringing back honest law enforcement was important, and he had the courage to continue against great odds. He was murdered for trying to salvage democracy for Canton, Ohio.

MELLETT AND HIS FAMILY PAID A HEAVY PRICE

Don Mellett paid a heavy price and his family paid a heavy price. I am sure there were men who said it wasn't worth it. I am sure there were the cynics of the time who declared that any man is a fool to take such risks for the principle of honest government. I am sure there were cynical men who said Don Mellett was a naive dreamer who didn't understand how things operate. He was raising too much fuss about a lot of corruption that some folks thought was good for business in the city.

I am sure there was the usual wise guy who scoffed at the young editor for trying to fight a corrupt city hall. He hadn't heard that you can't win that fight, so he was trying to do something about it. I am sure there were even some who confided that he got what he deserved for keeping everything stirred up with his crusades.

I am sure that Don Mellett did not expect to pay with his life, but he knew he was taking a risk. I am doubtful if many men would think in terms of paying that ultimate price. Most men are too optimistic, even when they realize the great force the corruptionists are using against them.

If we were to review the Mellett story, only for its application to local law enforcement and corruption, it would be worth the time. However, I believe that it involves principles that have lessons for us in our study of the coverage of national and international affairs.

As reporters, editors, educators, or citizens, we must view government and deal with government as it is, and not be misled by the self-serving declarations of those who tell us what it is in theory. In theory, Canton, Ohio, in 1926, was a democracy in the heartland of America. In fact, it was a corrupt and authoritarian government that was responsive to the will of a racket syndicate.

Democratic institutions were permitted to function only as long as they did not operate contrary to the interests of the racket syndicate and friends of the syndicate. In principle, this is little different from the Fascist and Communist governments that speak much of the theory of democracy, and only limit it where it interferes with the ruling political faction.

Travel in more than 40 countries—through Africa, the Middle East, and through Russia—has demonstrated to me that we have a system of government and a way of life that is worth a few risks. The travel and study also emphasized what a short step it is from our freedom to the authoritarian governments that rule so much of the world.

ROUGH ELEMENTS WORK ALONG WITH THE SMOOTH

Many of these authoritarian governments operate in nations that are really little more than overgrown Cantons. Law enforcement is permitted to function so long as it does not encroach upon the privileges of the ruling political elements or the racketeering syndicates. Always there are the rough elements using the direct threat or physical violence to intimidate the opposition or wipe it out. Always there are the smooth elements—political lawyers and public relations men—who manufacture the plausible arguments as to why a little corruption is inevitable and why a little brutality must be excused as a temporary step toward some rather favorable objective.

The battle that Don Mellett waged in Canton, Ohio, is only a miniature of battles being waged today in local communities, in State governments, in our National Government, and in 100 nations. When the battle is successful, men are reasonably free. When the battle is unsuccessful, men are slaves to the tyranny of partisan political law enforcement, partisan political courts, and partisan political decisions on the collection and spending of tax funds.

Canton was not an isolated case of corrupt government in 1926. There were too many cases of corrupt government then. There are too many cases of corrupt government today, for there are too few men such as Don Mellett who will take the risk of opposing the corruptors.

TOO FEW ARE WILLING TO TACKLE CORRUPTORS

There are too few people—reporters, editors, educators, and just plain citizens—who are willing to give the time and thought to even learning the identity of the corruptors. This lack of thought and work results in a superficiality that is made to order for the public relations men who specialize in brainwashing with sophisticated phrases that make black seem white and bad seem good.

It is reasonably easy for us to understand the picture of Canton, Ohio, for it was painted with bold colors. The evil of narcotics and prostitution syndicates is well recognized.

Unfortunately, most of our problems of corruption and mismanagement in government are not so easily identified. Too often the crimes are complicated, and the mismanagement is well camouflaged behind skillful public relations gimmicks. Often the public relations is so well managed that high officials are praised for actions that should be criticized.

When such deceptions are successful, all segments of our society must carry a part of the responsibility. However, a major part of the responsibility must fall on the Nation's press, for we have a duty to understand government and to cut through the Madison Avenue "snow jobs" that most political figures use to some degree.

ALL POLITICAL FIGURES USE PUBLIC RELATIONS GIMMICKS

I am not being critical of all political figures when I say that all political figures will to some degree use public relations gimmicks to make themselves look better than they are. I am being critical of the newsmen who take part in presenting one-sided hero images of high public officials, and end up as little more than high-level handout collectors. This may be a most convenient way to become the favorite columnist or the favorite reporter of public figures from the county courthouse to the White House. However, it is not filling the role that the press must fill if it is to be a true watchdog on government.

The press may fill many roles with its comic section, sport page, society section, humorists, and lovelorn columns. All of these may be important in giving a newspaper the broad appeal and the sound circulation base that it must have to be effective. But the real job of the newspaper is the coverage of government. This is the stuff upon which a democracy lives. This should never be forgotten.

Unfortunately, it is often forgotten. Reporters who are supposed to be watchdogs become the lap dogs of high political figures. Editors encourage the lap dog cult by buying columns from writers who have little to commend them except their close personal ties with the President, the President's wife, or some influential political figure.

There might have been some justification for Don Mellett to bend to the threats from the Canton underworld in 1926, but he remained firm and courageous in the face of real physical danger.

Don Mellett presents a rather sharp contrast to the Washington correspondents who restrict themselves to highly favorable explanations of the great deeds of the great man in order to remain on the White House social list.

MELLETT'S COURAGE PROVIDES CONTRAST

The courage of Don Mellett in the face of real danger stands out even more sharply when placed beside the White House reporters who won't ask the tough question or won't write of incidents that might be embarrassing to the President or his most powerful associates.

There is an overabundance of Washington newsmen who are afraid of the frown from the President, and who wince at an unkind word from other high government figures. There are too few who are willing to be identified as "an unfriendly questioner." There are too few who are willing to be singled out as fighting for any prinicple. "Crusader" has even become a derogatory term in some newspaper circles.

When a White House invitation becomes more important than aggressive reporting, the watchdog has become a lap dog.

When the easy story leaked from high administration sources is more important than independence, the watchdog has become a lap dog.

When general popularity with political figures is more important than principle, the watchdog is dead.

Two major stories of the last year—the TFX warplane case and the Otepka case—can serve to demonstrate how many Washington reporters and columnists failed in their role as watchdogs. They failed because they did not know their subject, or because they became propagandists for two political appointees. They failed despite the documented record made by committees of Congress.

LARGEST SINGLE CONTRACT IN ALL HISTORY

The TFX story involved the integrity of the spending practices in the Defense Department, and the judgment of Defense Secretary Robert S. McNamara. It involved a weapon system contract that would exceed $6.5 billion—the largest single contract in the history of the United States and probably in the history of the world. TFX involved the judgment of Defense Secretary McNamara.

McNamara overruled the top-level Pentagon Source Selection Board that had favored awarding the contract to the Boeing Co. on the basis of both price and performance. Testimony before the McClellan subcommittee indicates McNamara will waste more than $400 million by an arbitrary decision to hand the $6.5 billion TFX program to Texas-based General Dynamics Corp.

Despite the documented record, a few hero worshiping reporters and columnists, feeding on Pentagon press office distortions, have been giving the public the line that McNamara's decision will somehow save the taxpayers a billion dollars. They have taken the repeated factually inaccurate smears against the McClellan subcommittee members from anonymous Defense Department spokesmen. They have disregarded or rationalized the evidence of "conflicts of interest" that should have caused two of McNamara's top aides to disqualify themselves in the TFX decision.

McNamara overruled the unanimous recommendation that favored the Boeing TFX on the basis of a "superior performance" rating as well as a price that would be lower by $100 million to $415 million even by the figures available to McNamara at the time the decision was made.

It was possible that McNamara could have been right, but certainly the burden of proof was on him to establish that he was right since he overruled his subordinates to give the contract to General Dynamics. He signed a five-page memorandum of "justification" on November 21, 1962, that was loaded with errors, according to the McClellan subcommittee record. One of the errors was "a little slip up" on the entire performance rating of the General Dynamics plane. The performance rating was greatly inflated. Also, McNamara had a little error of $77 million and a little error of $29 million.

"COMMONALITY" OF PARTS JUSTIFIED DECISION

To justify his decision, McNamara made a claim that General Dynamics had greater "commonality" of parts in its Navy and Air Force versions that would result in great savings on maintenance, repair, spare parts, and training. The experts—civilian and military—testifying on enginering and military matters, have stated that the General Dynamics plane has little or no advantage over the Boeing plane in this area. One experienced aeronautical engineer declared that the idea of any substantial savings because of "commonality" was "poppycock."

McNamara stated he could disregard the low bid by Boeing because Boeing cost figures lacked "realism." Boeing officials stated they submitted detailed cost figures to the Defense Department, and had "backup material" available to demonstrate the realism of the bid. Boeing officials said the Defense Department never challenged their figures, but had arbitrarily tossed out their low bid. The McClellan committee proved the only Defense cost figures available had some rather dramatic errors—$291 million and $340 million.

M'NAMARA ADMITS LACK OF INFORMATION

McNamara could not have been right if he relied upon these figures, which he now admits were in error. What figures did McNamara have before him when he decided that Boeing lacked "cost realism" in making the low bid? When the auditors of the General Accounting Office questioned McNamara about his decision, he admitted he had no other cost study available. He said he made "a rough judgment" from his experience as an official at Ford.

McNamara told the GAO he got the figures out of his "head." Comptroller General Joseph Campbell expressed his "surprise" that McNamara had no cost figures for such an important decision and stated that the GAO feels there must be written documents to support such multibillion-dollar decisions. But this wasn't all.

McNamara downgraded the modern braking device—the thrust reverser—in the Boeing plane as being a risk engineering venture. The General Dynamics plane had a conventional dive brake that some say will make the plane obsolete before it is in production. The Navy and Air Force requested the "thrust reverser" in the General Dynamics plane because of its superiority. Experts have testified it will cost $446 million more to equip the General Dynamics plane with the "thrust reverser" at this stage.

CONFLICT ON RISK OF USING TITANIUM

McNamara contended that Boeing's use of titanium in the wing structure was also "risky." On this point, the McClellan subcommittee has produced expert testimony of metallurgists, including specialists in titanium, who disagreed with McNamara. The experts testified there was no unusual risk involved in the use of titanium in the wing structure, and that the use proposed by Boeing was conventional.

Gen. Curtis LeMay and Adm. George Anderson, then Chief of Naval Operations, approved the Boeing plane. They have told McNamara that they had reservations about the General Dynamics plane, and called it a "wrong decision."

Granted, this was a complicated and technical subject, but it was not impossible and the press, generally, failed to get to the heart of the matter.

There were only about a dozen reporters who read the whole record of the TFX investigation, and a few who read enough to be familiar with the weakness of McNamara's position. However, there were dozens of apologists for McNamara who have written authoritatively without benefit of reading the record. They have written from Pentagon handouts and from confidential inside information straight from McNamara, Assistant Secretary Arthur Sylvester, former Deputy Defense Secretary Roswell Gilpatric or former Navy Secretary Fred Korth.

Why would Defense Secretary McNamara overrule a unanimous recommendation to make what experts regard as a "wrong" decision to pay the highest price for the second best plane?

He had help on this case from Gilpatric, the former lawyer for General Dynamics, and from Fred Korth, whose Continental National Bank of Fort Worth had General Dynamics for one of its best customers.

And it should be no surprise, both Gilpatric and Korth recommended that the contract should go to General Dynamics, rather than Boeing. Chairman McCLELLAN and others have given the opinion that neither Korth nor Gilpatric should have had any role in the TFX contract in the light of their prior associations with General Dynamics. But many reporters and editorial writers—ignorant, gullible or lopsidedly partisan—could see no "conflict of interest" problem in the role of Gilpatric or Korth.

Reporters I had worked with, and I might say agreed with, on the "conflict of interest" in the Dixon-Yates case in the Eisenhower administration, had no interest in going into the details of the role of Gilpatric or Korth. Others who had been aggressive in pointing up the role of Adolphe Wenzell in the Dixon-Yates case, wrote apologies for Gilpatric and Korth.

In some cases it was ignorance of the facts. In some cases it was laziness in dealing with a complex record. I am afraid that in a few cases it was a foul political partisanship.

OTEPKA CASE FOLLOWS PATTERN

Most of these same factors were involved in the press failures in the coverage of the case of Otto F. Otepka. For more than a year now, Otto Otepka has undergone a most vicious and oppressive ordeal at the hands of his superiors in the State Department. He has been lied about, put under surveillance, had his room bugged and his telephone tapped. He has been removed from his position of responsibility, ostracized from his friends and in general treated in the manner one might expect in a police state.

If Otto Otepka had engaged in espionage, or had been suspected of being engaged in espionage, then there might be some justification for some of the steps taken against him. However, that is not the case. No one has alleged that Otepka has done anything disloyal to his nation. He is accused of being disloyal to the State Department superiors by telling the truth to a Senate committee, and then producing the documents to prove that his superior had given untruthful testimony under oath on a material matter dealing with the operations of the security program.

CAREER CIVIL SERVANT WITHOUT POLITICAL TIES

Otto F. Otepka, the chief security evaluator at the State Department, became a State Department employee in 1953 shortly after the Eisenhower administration came to power. Some reporters found this fact alone to be grounds for being hostile to Otepka, and they characterized him as the last vestige of McCarthyism at the State Department.

They did not know, or at least did not report, that Otepka was a career civil servant with no political ties who had been transferred from the Civil Service Commission to the State Department because of his experience as a lawyer and security evaluator. Otepka believed in a strict security operation, but he was not an irrational man who saw a Red under every bed. In fact, it was Otepka who had recommended clearance of Wolf Ladejinsky in 1954 when some more zealous persons sought to label the career agricultural attaché a "security risk."

He served with such distinction as a security evaluator that in 1958, Secretary of State Dulles awarded him the Department's Distinguished Service Award. Early in the Kennedy administration, Deputy Under Secretary of State for Administration Roger W. Jones commended Otepka as a skilled and balanced security evaluator. That was before direct conflicts of testimony developed involving Otepka and his superiors.

Otepka delivered three State Department documents to the Senate Internal Security Subcommittee to prove he was telling the truth. One of Otepka's superiors charged this was "insubordination" and violation of rules. To some reporters the delivery of documents to a Senate subcommittee was justification for firing.

They did not know, or at least did not report, that Otepka delivered the documents to prove that he was telling the truth with regard to the handling of a security matter. His testimony had been in conflict with the testimony of one of his superiors, and he produced the records to prove he was truthful.

Otepka delivered documents that also proved his superiors were wrong. To some State Department-oriented reporters and editorial writers, this was "McCarthyism."

There are veteran reporters and editorial writers who do not understand the vital function of Congress in checking the administration and operations of the executive branch. Many can't tell the difference between a responsible investigation as conducted by the late Senator Kefauver, Senator McClellan, or Representative Blatnik and one of the late Senator Joe McCarthy's free-swinging extravaganzas. Many didn't try to tell the difference. They are automatically against any investigations, and automatically mouth the executive branch line without regard for its inconsistency or provable fallacy.

In their eagerness to oust Otepka, two State Department officials—John F. Reilly and Elmer Dewey Hill—took part in attaching a listening device to Otepka's telephone. A third official knew about it.

All three testified under oath that they had no knowledge that any wiretap, "bug," or listening device had been attached to Otepka's telephone. Not until after a Senate floor speech warned of perjury, did these three high State Department officials write letters to the Senate committee admitting the use of listening devices on Otepka's telephone. However, in admitting the use of the listening device, the three high officials explained that there was no listening on the wire and no interception of Otepka's calls. Since then, these letters—prepared in the State Department legal office and approved by Rusk—have been established as being inaccurate.

Electronic expert Hill has testified that he actually recorded more than a dozen conversations on Otepka's wire as part of a plan to try to get evidence to serve as a basis for ousting the security evaluator. He testified that Reilly knew of the recordings, and had a special interest in one of them.

The documented record shows what is characterized by Senator DODD as "perjury," "falsification" and "lying" by three high level officials who were trying to "get" Otto Otepka. Yet some newspapers have ignored this story. Others have continued to take the State Department line that the proof of "false" testimony on the wiretaps is not connected with the charges against Otepka.

THEY'VE RESIGNED—BUT THEY WEREN'T CRITICIZED

Although Reilly and Hill have resigned, they have not been criticized by Secretary of State Rusk. Rusk allowed Belisle to remain in the State Department for weeks after becoming aware of the "untruthful" statements in the transcript. Secretary Rusk and his top aids continue ahead with the Reilly-initiated charges to oust Otepka for cooperating with Congress.

The activities of the State Department have been an outrageous, cynical, and brutal effort to crush a dissenter for telling Congress the truth. In many ways, it is as bad as anything Joseph McCarthy did in his most irresponsible moments.

But more outrageous than the State Department's action has been the press performance. Some newsmen accepted the State Department philosophy that dissenters like Otepka should be squelched, and Congress barred from the facts.

The Otepka case involves the effectiveness of the State Department security program. It involves the question of the integrity of many high-level officials in a department that is entrusted with vital foreign policy decisions. Yet, with only a few exceptions, the press has ignored this major investigation or has given it coverage warped to the State Department distortions.

Fortunately, most reporting has been better than the reporting on the TFX investigation and the Otepka case. Most stories are less complicated, and take less concentrated study.

The comments on the weaknesses of the press and the problems of the press should not discourage the young reporter. Where the job is being done poorly, there is great opportunity for those who will study and work on the complex jobs. There are always many reporters willing to cover the easy story—the story that takes only a small amount of background study and guarantees good play. There are always too few on the stories that take weeks of work, that have an uncertain future, make sources angry, and may be buried with the want ads.

For this reason, there will always be plenty of room for reporters and editors who will tackle the tough story.

Last October and November, the press demonstrated in the Bobby Baker case that it has the courage and the great capacity for a deep investigation when it has the will to do the job. In a few short weeks the press had a hundred or more reporters probing nearly every political, social, or business deal that Baker had touched.

AND THEN SEX REARED ITS LOVELY HEAD

Unfortunately, I must report that the interest of many others did not arise until after the appearance of a story about a German party girl who had been on the fringe of some of the Baker social action. She had also cavorted with some important political figures. Prior to this story there were only a handful of us doing any more than casual work on the subject. They included Julian Morrison of the Washington Daily News, Erwin Knoll of the Newhouse Washington bureau, and Larry Stern and Jack Landau of the Washington Post. It is amazing how a little sex angle stimulated editorial interest in good government.

I have been fortunate to work for publishers and editors who understand important stories about government without the necessity of being stimulated by a sex angle, a vicuna coat, a mink coat, or a crude payoff. It isn't that they are uninterested in sex, but simply that they don't need it to be interested in "conflicts of interest" and the more subtle forms of bad government.

Our editors understood when Senator JOHN J. WILLIAMS said the integrity of the Senate was involved in the Baker probe.

They understood that the evidence of arbitrary decision on a $6.5 billion TFX contract was important, even though complicated.

They understood that evidence of laxity in the State Department security division was vital, and that allegations of falsification by high officials was a grave matter.

If we are to have effective reporting of complicated issues of government, it is vital to have editors who understand what they are doing. It is necessary to have editors who understand and appreciate the watchdog role the newspapers should have.

MANY EDITORS AND NEWSMEN FOLLOW MELLETT TRADITION

This understanding of the watchdog role does not always manifest itself in a way that is as apparent to the general public as it was in the case of Don Mellett. But we are fortunate that there are many editors, publishers, and reporters who do have strong feelings about the responsibility of the press.

Some of those I hold in highest esteem are men who spent their student years here at the University of Iowa. I was hired by Kenneth MacDonald, now editor of the Des Moines Register & Tribune, and Frank Eyerly, now the managing editor of the Des Moines Register & Tribune. From the time I was a police reporter I have had the closest association with them in uncovering scandals in the Polk County Courthouse, at the Des Moines City Hall, at the Iowa state house, and in Washington. They believe in the watchdog role of the press. They had independence and courage on the toughest types of local stories that brought the downfall of the whole courthouse gang, and a wide assortment of city officials. They have tried to encourage these traits in others.

Dick Wilson, the chief of the Washington bureau, is another Iowa University man. He has a high competence, an independence, and a solid integrity that becomes more apparent each year I watch him move through the treacherous Washington waters avoiding the compromises that destroy so many.

Out of that same era at the University of Iowa came Kermit McFarland, now a tough-minded editorial writer for the Scripps-Howard chain; and Ted Koop, now a vice president for CBS in Washington and one of the few television executives with a real depth of understanding on the Washington information problem.

There are others, but those five men are enough to demonstrate that the spirit of courage and independence has come from this University in the past and has resulted in a significant contribution to the journalism profession and to the Nation. I am hopeful that their example and the reflection on the story of Donald R. Mellett will encourage some present student to approach newspaper work with a full understanding of what the press must be for the Nation.

At the time that these men—MacDonald, Eyerly, Wilson, McFarland and Koop—were students here in the mid-1920's or were starting their careers, the newspaper world was still engaged in discussion of the murder of Don Mellett in Canton and the aggressive reporting of the Teapot Dome scandals by the St. Louis Post-Dispatch.

I am sure that all of these men were influenced by the drama of these two great crusades—the work of Don Mellett that won the Pulitzer Prize for Meritorious Public Service in 1926, and the reporting of Paul Y. Anderson, of the St. Louis Post-Dispatch, that won the reporting award in 1929.

TRAITS OF INDEPENDENCE HAVE ENDURED

The American Mercury magazine under H. L. Mencken, the 18th amendment, the corruption of the Harding administration and the extreme conservatism of the Coolidge administration were all factors that influenced those men in that formative period. All of these forces forged a deep belief in independent thinking and in individual freedom of expression. Those traits have endured, and it is vital that they take permanent root in the students who are here today and tomorrow.

Newspapering is a profession that gives us the opportunity to be in day-to-day touch with the great people and the great moments of our time. It also brings us in contact with some worshippers of good and bad alike. It is a disservice to our profession if we mislead our readers about the crooks and the clever charlatans who often win public office.

Ours is a profession that gives us the opportunity to be a strong voice and a strong force for good government. We can mold good public officials into better public officials by demanding top performance. We can make bad public officials toe the line or risk exposure and ouster.

WHAT IS LOVED SHOULD BE PERFECT

It is in the power of each reporter and each editor to make his own choice. He can take the easy way and be a patsy for those in political power, but knowing in the end that he was a weak-kneed hero worshiper who bent to any political wind of strength. Or he can be a force for good and serve as a real check on government.

This is a business I love. I am submerged in it. If I am critical, it is because I know it can do so much more and can be so much more effective than it is. It has improved, but it needs more improvement. It needs people who will work in the face of the frustration of long and difficult tasks. It needs people of courage who will not flinch when the job requires risking the disfavor of the mighty, or the popular view of the moment.

The press needs, and always will need, the independent courage characterized by Donald Mellett in his crusade for decent law enforcement in Canton, Ohio. The least we can do for his memory is to remind ourselves of how important courageous and independent newsmen are to the future of our American democracy. It is our duty to understand our Government and to expose use of the big lie. It is our responsibility to oppose any practices that tend to muzzle or tame the watchdog.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, it has been said during the debate that this bill is purely a sectional bill. We have been told that if this legislation is passed, the Federal Government will become a monstrous and tyrannical bureaucracy—and that the Senate is attempting to force upon the South a new era of reconstruction.

I reject these contentions. Supporters of this legislation have no wish or intention to use one section of this country as a whipping boy in our effort to resolve what clearly is a national problem. Those who support the civil rights bill do not, and cannot, ignore the effects that passage of this legislation will have on the cities and towns in their States.

My own State of New Jersey long ago established State and local laws prohibiting discrimination in schools, in employment, and in places of public accommodations. These laws, some on the statute books for nearly two decades, have enabled New Jersey to make major breakthroughs in guaranteeing equal rights to all its citizens. We have moved ahead in the field of voting, employment, education, and public accommodations.

It would be unrealistic, however, for me to say that all the problems in my State have been resolved. We have much conflict still ahead, many problems still to work through. We intend to succeed—we will succeed. And we will be helped by the enactment of this civil rights bill, for it signifies national approval of the endeavor we began in my State over two decades ago.

We do not pretend that passage of this civil rights bill will eliminate discrimination overnight. Bad habits die hard. Bad attitudes die even harder. Many people cling tenaciously to the rigid belief that the mainstream of our society should be closed to an entire race. It is a difficult matter, indeed, to replace early formed, irrational attitudes of prejudice with the sensible dictates of reason.

These intangibles, these ingrained attitudes, are not within easy reach of statutory prohibitions—that we know. But they are within reach of the Community Relations Service provided by this bill. This Service offers the pragmatic, commonsense approach of working with individuals and groups on a personal basis—to secure voluntary compliance with the law of the land—as declared by the Constitution, the courts, and Congress. Although we are already using the conciliation approach in my own State, we believe that the Federal-State partnership evolving from this bill will enhance our progress even more. And someday soon we will be able to say that we have in truth and in fact put the spirit of civil rights into the letter of the civil rights law.

To my southern colleagues who fear that dire consequences will flow from this bill, I would like to offer—if I can—encouragement and hope. I would like to express to them my belief that this bill will usher in a new and better era for the South as well as for the Nation as a whole.

Great advances will occur, I believe, from putting to better use the vast amount of energy and intelligence that heretofore has been expended to shore up the ever-weakening barriers of discrimination in the South. Our most sophisticated computers could not calculate the maintenance cost, in terms of the human effort, that has been used to insure the survival of the southern fortress of racial prejudice. Yet we know from the lessons of history that the same quantum of human effort channeled toward accomplishing the higher purposes of mankind could lead the southern part of our Nation to a plateau of achievement—in government, in science, and in the arts, never before dreamed of.

As schools, jobs, and new opportunities are opened to Negroes, there will be more doctors, scientists, educators, technicians, and professionally trained individuals taking their place in southern society. From this influx of new talent, the South will receive a new impetus and a new strength.

Businessmen, too, will welcome the increased prosperity brought about by the contribution of additional brainpower. More and more businessmen will recognize that the only undesirable color on a profit-loss statement is red—not black.

Through such advances the South will move closer to the ideal of an aristocracy whose rationale is talent, where every man is free to prove his individual worth—the only justifiable aristocracy in a democratic society.

This new southern era will be built, as indeed it must, on the consciences of men. The true meaning of civil rights transcends the opportunities for new and better jobs, the greater economic prosperity that will come from enactment of this legislation. At the very heart of the issue is a basic moral question: Are men to be treated with equality and dignity?

Many courageous southerners have spoken out on the moral necessity of guaranteeing equality to our Negro citizens. These Southern citizens have felt and have shared the national conscience. Soon, I am confident, their neighbors too will feel and share their belief that Negro travelers are entitled to have equal access to public facilities. They will see Negro fathers and mothers taking their children to a previously segregated restaurant for the first time and feel that the precepts of equality, which we have all learned, have become a part of their daily lives.

For decades, some of the greatest southern leaders, some of the most highly qualified men in America, have been barred from making the full contribution of their talents to the service of their country. They could not erase the past, they could not sever the chains of prejudice which bound them to one section of the Nation.

When they contemplated the White House, the State Department, and other high offices in our National Government, they knew that they could not serve; they had disqualified themselves by their defense of racial segregation.

But for the tragic flaw of discrimination, how many great men from the South might have done much more to shape the lives and destinies of this great Republic?

There must be an end to men of selfish purpose and of small vision who trade upon the bigotry and prejudice of the weak and uninformed, who stir up bitterness and resentment to pave their path to elective office, the little men who bring public embarrassment to the truly great men of the South.

Now is the time to move forward into that area of progress and prosperity for the new South. Now is the time to begin to rebuild the bridges of close friendship among all regions of our Nation, and between men of different races.

Passage of this civil rights legislation will not bring the heavy hand of the Federal Government down upon the South; we are extending not the closed fist of hatred, but the open hand of friendship.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Solis Horwitz, of Pittsburgh, Pa., to be an Assistant Secretary of Defense, which was referred to the Committee on Armed Services.

ADDITIONAL BILL INTRODUCED

Mr. McGOVERN, by unanimous consent, introduced a bill (S. 2925) to amend title II of Public Law 480, 83d Congress, to authorize the use of foreign currencies by the President to carry out more effectively programs undertaken under titles II and III, which was referred to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF FOOD-FOR-PEACE LAW TO ASSIST FOOD DISTRIBUTION BY VOLUNTARY AGENCIES

Mr. McGOVERN. Mr. President, I am today introducing a bill to amend title II of Public Law 480, 83d Congress, to authorize the use of foreign currencies by the President to more effectively carry out programs under titles II and III of this act.

Title II of Public Law 480 authorizes the use of surplus agricultural commodities held in stock by the Commodity Credit Corporation for disaster relief and other assistance including self-help community works projects.

Under title III available surplus foods are donated to accredited nonprofit, voluntary relief agencies of the United States and to intergovernmental organizations, for the assistance of needy persons and use in nonprofit school feeding programs in friendly countries abroad.

For a number of years voluntary organizations have been limited in their programs associated with the distribution of donated foods because of a shortage of local currencies to cover the cost of many desirable activities. It is expected that these local currencies, made available by the President under the bill I have just introduced, will be used to pay the cost of internal transportation of food in some cases, and for tools, equipment, and for other local needs to more effectively carry out the programs of the voluntary agencies and the intergovernmental groups distributing the donated foods. Locally produced protein supplements could be purchased under this authority to improve the nutritional value of our food grants.

Mr. President, the wording of this bill was carefully worked out following hearings on the subject by the House Committee on Agriculture, and conferences with the legal counsels for the Department of Agriculture and AID.

Representative Matthews, of Florida, has introduced H.R. 10165, a bill identical to this, in the House of Representatives.

At a hearing before the Subcommittee on Foreign Agricultural Operations of the House Committee on Agriculture, Under Secretary of State Averell Harriman and AID Administrator David Bell endorsed this proposed amendment to Public Law 480.

Mr. Harriman said:

> I can say the State Department fully endorses the amendment as written and its objectives. It is not only humane, but also will further the objectives of these voluntary agencies, and also further our objectives, our worldwide objectives.

Mr. Bell said:

> We strongly support this proposal.

The Department of Agriculture subsequently submitted a statement which was made a part of the hearing record which said "the Department of Agriculture favors enactment of the amendment."

Mr. President, Public Law 480 will expire at the end of this year and there is wide bipartisan support for its extension. In view of the widespread agreement on the desirability of amending it in this way, I hope that title II of Public Law 480 can be amended as provided in this new bill when the act is extended by the Congress this year.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2925) to amend title II of Public Law 480, 83d Congress, to authorize the use of foreign currencies by the President to carry out more effectively programs undertaken under title II and III, introduced by Mr. McGovern, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, Eighty-third Congress), as amended, is amended as follows:

(1) After the third sentence insert the following new sentence: "In addition to other funds available for such purposes under any other Act, funds made available under this title may be used to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement, and not substitute for, funds normally available for such purposes from other non-United States Government sources."

(2) In the last sentence after "costs" insert "or for the purchase of foreign currencies".

CIVIL RIGHTS—AMENDMENT (AMENDMENT NO. 1057)

Mr. GORE submitted an amendment (No. 1057), intended to be proposed by him to House bill 7152, the so-called civil rights bill, which was received, read, ordered to be printed, and lie on the table.

TABULATION OF THE TIME FOR DEBATE REMAINING TO EACH SENATOR

Mr. HART. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement of the time for debate remaining to each Senator.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

	Minutes
Aiken	52
Allott	53
Anderson	59
Bartlett	42
Bayh	60
Beall	58
Bennett	50
Bible	53
Boggs	60
Brewster	57
Burdick	60
Byrd of Virginia	49
Byrd of West Virginia	31
Cannon	51
Carlson	60
Case	28
Church	59
Clark	58
Cooper	31
Cotton	32
Curtis	36
Dirksen	38
Dodd	51
Dominick	48
Douglas	49
Eastland	17
Edmondson	60
Ellender	7
Engle	60
Ervin	0
Fong	8
Fulbright	58
Goldwater	51
Gore	17
Gruening	60
Hart	50
Hartke	45
Hayden	60
Hickenlooper	57
Hill	8
Holland	15
Hruska	42
Humphrey	14
Inouye	60
Jackson	60
Javits	21
Johnston	40
Jordan of North Carolina	60
Jordan of Idaho	60
Keating	42
Kennedy	60
Kuchel	55
Lausche	13
Long of Missouri	60
Long of Louisiana	11
Magnuson	31
Mansfield	47
McCarthy	58
McClellan	19
McGee	58
McGovern	53
McIntyre	60
McNamara	53
Mechem	60
Metcalf	60
Miller	17
Monroney	54
Morse	13
Morton	57
Moss	57
Mundt	45
Muskie	44
Nelson	60
Neuberger	57
Pastore	16
Pearson	60
Pell	57
Prouty	60
Proxmire	60
Randolph	38
Ribicoff	53
Robertson	41
Russell	0
Saltonstall	55
Scott	59
Simpson	43
Smathers	39
Smith	56
Sparkman	3
Stennis	0
Symington	57
Talmadge	27
Thurmond	5
Tower	26
Walters	60
Williams of New Jersey	52
Williams of Delaware	40
Yarborough	54
Young of North Dakota	57
Young of Ohio	60

RECESS TO 11 A.M. TOMORROW

Mr. HART. Mr. President, if there is no further business to be transacted, I move, pursuant to the order earlier entered, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 51 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, June 19, 1964, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate June 18 (legislative day of March 30), 1964:

DEPARTMENT OF DEFENSE

Solis Horwitz, of Pennsylvania, to be an Assistant Secretary of Defense.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 18, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, offered the following prayer:

Colossians 3: 23: *And whatsoever ye do, do it heartily, as to the Lord, and not unto men.*

O Thou God of infinite grace, give us a calm and courageous spirit and an intrepid and an indomitable faith as we daily find ourselves challenged by Thy greatness and goodness, and constrained by Thy love and care to serve Thee and our fellow men.

May the least as well as the greatest, the weakest as well as the strongest have a share in rendering faithful and valuable service to our beloved country and all mankind.

Grant that our minds and hearts may never accept the verdict of those moments of futility and frustration or take counsel with our moods of anxiety and fear.

Inspire us to attempt great ventures in the ways of living that are noble and magnanimous and may our whole life be manifestly a glorious witness to the spirit of good will toward all the members of the human family.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the President pro tempore, pursuant to 49 Stat. 425, as amended by Public Law 85-474, appointed the following Members on the part of the Senate to the Interparliamentary Union Conference to be held in Copenhagen, Denmark, August 20 to 28, 1964: Mr. ROBERTSON, Mr. TALMADGE, Mr. THURMOND, Mrs. NEUBERGER, Mr. METCALF, Mr. LAUSCHE, Mr. KUCHEL, Mr. ALLOTT, Mr. MORTON, and Mr. TOWER.

IMMIGRATION HEARINGS DELAYED

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, hearings on pending immigration legislation were opened 1 week ago today by the Subcommittee on Immigration and Nationality. Our first witness was Congressman EMANUEL CELLER, chairman of the House Judiciary Committee and sponsor of H.R. 7700, the major pending bill. We were limited to 1 hour of testimony on our opening day due to the fact the House met at 11 a.m. Fifty minutes of that hour were taken up by the gentleman from New York [Mr. CELLER] reading a prepared statement, leaving 10 minutes for questions by members of the subcommittee. Our hearings were recessed subject to a date convenient for the gentleman from New York [Mr. CELLER] to appear and complete his testimony. Today was set as the time convenient, after agreement was reached with the gentleman from New York [Mr. CELLER]. But Mr. CELLER later refused to reappear and complete his testimony.

Mr. Speaker, our subcommittee has lost one week of hearings in an effort to accommodate the gentleman from New York [Mr. CELLER].

Therefore, I now ask unanimous consent that our subcommittee may, this afternoon, sit and hear testimony from interested Members of the House, while the House is in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. POFF. Mr. Speaker, reserving the right to object, and may I say further I shall not object, I understand that the request is confined to time during general debate in the House today?

Mr. FEIGHAN. Yes.

Mr. POFF. May I also say it has been the custom in the past to make such a request only on a day-to-day basis. I assume the gentleman expects to pursue that practice?

Mr. FEIGHAN. My request is for this afternoon only.

Mr. POFF. I understand the gentleman does not anticipate some time later to make the request beyond one day?

Mr. FEIGHAN. No, not at all.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may sit today during general debate in the House.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

VENEZUELA'S PROPOSED SANCTIONS AGAINST CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, latest reports that Venezuela has formally proposed that the nations of the hemisphere adopt strong sanctions against Cuba gives renewed opportunity for U.S. leadership within the Organization of American States.

The Venezuelan proposal calls for collective break in diplomatic relations with the Castro regime, thus affecting Mexico, Chile, Uruguay, and Bolivia, the only countries in Latin America continuing such relations. Venezuela also wants suspension of trade between OAS member nations and Cuba, and is also pressing for a halt to air and sea traffic to and from Cuba and Latin America.

Adoption of such steps would do much to further U.S. policy of placing Castro in solitary confinement within this hemisphere. I have long advocated strong action by the OAS in meeting the Cuban threat to this hemisphere, and have also urged that air and sea access to and from Cuba and OAS nations be closed, along with telegraph communications as well. The Venezuelan Government is to be commended for its initiative, and I certainly support adoption of these measures by the OAS.

June 24 marks the date when votes will be taken on the Venezuelan proposal to bring the matter before the OAS convened in Washington. I urge that the United States undertake new efforts to assure that the question be carried before the full Organization of American States, and that U.S. representatives will press vigorously for adoption of strong sanctions against Communist Castro.

GUNS IN AIRPLANES

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, since the recent slaying of pilot and crew of a commercial F-27 in California recently, the problem of passenger and crew air safety is recognized more clearly as serious and urgent. I have been drafting legislation in this field for some time. Today I am introducing this legislation, convinced that the proposals to date have not gone far enough in the public protection.

My bill will prohibit the act of carrying firearms or explosives on board commercial aircraft without first declaring them. It will apply to all except the Secret Service, the FBI, and FAA inspectors. It will give the carriers the right to search baggage and person at the carrier's option, and it will punish the act of taking firearms or explosives on board commercial aircraft independent of intent, by a fine of $10,000 or imprisonment for 10 years.

In addition this legislation requires amendment of the regulations of the FAA to prohibit any person not a member of the flight crew from entering on the flight deck at any time an engine is running except upon direct orders of the pilot. Unfortunately this will keep many harmless viewers and curiosity seekers and sometimes youngsters out of the cockpit, but the requirement is important to the safety of passengers. It will make it easier for the crew to say no.

I commend this important legislation to the consideration of my colleagues on both sides of the aisle. It is a tough law to meet a tough situation without hamstringing the commercial traveler.

CONGRESS NEEDS A HOTLINE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, it has been left to the Peiping Red Chinese radio to first inform the news media and the American people that U.S. planes have been bombing in Laos and that the Central Intelligence Agency has hired mercenaries, apparently, to fly U.S. planes on bombing and strafing missions in the Congo.

Mr. Speaker, I submit instead of a hotline from the White House to Moscow, we apparently need a hotline between Congress and Peiping, in Red China, to inform us and the citizens of this country what some Government agencies and officials are doing these days.

PROVIDING EDUCATIONAL ASSISTANCE TO CHILDREN OF PERMANENTLY AND TOTALLY DISABLED SERVICE-CONNECTED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 221) to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period, with amendments of the Senate thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 1, after "SEC. 3." insert "(a)".

Page 3, after line 14, insert:

"(b) Section 1712 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

" '(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection'."

Page 3, line 19, after "SEC. 5." insert "(a)".

Page 3, line 23, strike out "and below the age of twenty-three years".

Page 4, line 2, strike out "Act." and insert "Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his thirty-first birthday by reason of this section."

Page 4, after line 2, insert:

"(b) Any individual who is an 'eligible person' within the meaning of section 1701 (a)(1) of title 38, United States Code, due to his parent's death as a result of a service-connected disability shall be considered to be an 'eligible person' solely by virtue of the amendments made by this Act if his eligibility due to his parent's death occurred after the age limitation applicable to him under section 1712(a) of title 38, United States Code, and if he is an 'eligible person' as defined in the amendments made by this Act."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendments 1, 2, and 5 and disagree to the amendments 3 and 4 and concur in amendment 6 with an amendment as follows: In lieu of the matter proposed to be inserted by Senate amendment numbered 6 insert the following:

"SEC. 6. Section 1741(b) of title 38, United States Code, is amended to read as follows:

"'(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 1711 of this title, except that the Administrator may extend such period in the case of any person if he finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section.'

"SEC. 7. Section 1643 of title 38, United States Code, is amended by adding at the end thereof the following:

"'(c) In order that effective State control may be maintained over educational institutions participating in educational programs carried on under this title, the Administrator shall continue to utilize State approving agencies in the administration of such programs.'"

Mr. TEAGUE of Texas. Mr. Speaker, the Senate amendments 1, 2, and 5, to which I move concurrence, merely extend the age limit for educational assistance by the period of time required for final approval of the application by the Veterans' Administration. Very few cases would be affected by these amendments and the Veterans' Administration has no objection to them.

Senate amendment 3, to which I move disagreement, is a technical drafting amendment and does not affect the substance of the bill.

Senate amendment 4, to which I move disagreement, would bring about the abandonment of a long-standing congressional policy with respect to the age limitations applicable to children of veterans receiving educational assistance under the war orphans' educational assistance program. Section 5 of the House-passed bill—which would be amended by Senate amendment 4—is a transitional provision which will be effective for only 5 years. Section 5—without Senate amendment 4—would provide that an eligible individual—solely by reason of this legislation—who is over 17 but below 23 years of age on the date of enactment of this legislation would have 5 years from the date of enactment of this legislation in which to avail himself of its benefits. The Senate amendment would remove the limitation that such individuals must be below age 23 and would permit such individuals over 17 years of age on the date of enactment of this legislation to receive the benefits of the war orphans' educational assistance program until they attain their 31st birthday. The effect of the Senate amendment would be to greatly enlarge the temporary advantages given the individuals made eligible for benefits under this legislation and to totally abandon the period of eligibility—from 18 to 23 years of age—which has been an integral part of the war orphans' educational assistance program from its inception. It would result in many inequities as against war orphans for whom this program was primarily intended.

Senate amendment 6, to which I also move disagreement, is geared completely into Senate amendment 4 and as drafted would have no effect independent of that amendment. If modified so as to stand alone its effect would be similar to that of Senate amendment 4. It would for an arbitrarily determined class—those persons whose parents died as a result of a permanent and total service-connected disability but who would be ineligible for benefits under the program because of being beyond the maximum age—extend the benefits of the war orphans' educational assistance program until they reach age 31. The same considerations which require me to oppose Senate amendment 4 require me to oppose this amendment.

The amendment which I offer in lieu of the language in Senate amendment 6 consists of two parts. The first part would be an amendment to section 1741 (b) of title 38, United States Code. This is identical to S. 2636 by Senator HILL, of Alabama, and the Veterans' Administration has reported favorably on it. The effect of this amendment would be to permit the Administrator of Veterans' Affairs, in the case of a retarded or otherwise handicapped child receiving special restorative training under the war orphans' educational assistance program to overcome or lessen the effects of a manifest physical or mental disability, to afford more than 36 months' entitlement, or its equivalent in accelerated payments, if he finds that a longer period is needed to complete the special restorative program which has been authorized for the child. Under present law, such training may be afforded for a period not to exceed 36 months, and there is special provision whereby a parent or a guardian of a child pursuing an especially expensive course may accelerate the use of its entitlement in order to receive additional money to pay the tuition and other fees applicable to such course. Specifically, the basic rate of special training allowance is $110 per month. However, if the tuition fees applicable to any course are more than $35 per calendar month, the basic allowance may be increased by the amount that such charges exceed $35 per month, but the child's period of entitlement must be reduced by 1 day for each $3.60 that the special training allowance paid exceeds the basic monthly allowance. There is no provision permitting the Administrator to extend the period of entitlement even though a few additional months' assistance may enable the child to complete the course. This amendment would remedy this situation. The limited impact of this amendment costwise can be estimated by the fact that the number of handicapped children who have been furnished special restorative training since the beginning of the program in 1956 totals only 22 individuals.

The second part of the amendment is intended to insure State supervision and control of educational institutions participating in educational programs such as the one which is expanded by this legislation. Resistance to Federal control and the maintenance of State supervision and control of educational institutions has a long and firmly established legislative history in the Congress.

Public Law 550 of the 82d Congress, the so-called Korean GI bill, was designed to correct many of the abuses of the World War II program. One of the principal features of the Korean bill was the provision for establishment of State approving agencies so that the supervision of educational institutions and the approval of courses available to eligible persons receiving educational assistance would be within the control of the States.

In the 84th Congress educational assistance was provided for the orphans of veterans who died from a service-connected cause and this act invoked the provisions of the Korean Conflict Act which provided for State supervision and control.

For all practical purposes education under the Korean Conflict Act will terminate January 31, 1965. Since the war orphans' educational assistance program continues, it was necessary to provide that State supervision of schools and courses under that program should continue after January 31, 1965. This was accomplished by the enactment of Public Law 88-126.

The number of persons receiving educational assistance will be reduced after the termination of the Korean Conflict Act on January 31, 1965, and the Veterans' Administration has therefore indicated its intention to change its policy so that there will be practically no further utilization of State approving agencies. I, therefore, offer my amendment to provide that the Administrator of Veterans' Affairs shall continue to utilize State aproving agencies in order that effective State control can be maintained.

It is estimated that the bill, H.R. 221, now under consideration, will provide educational assistance to an additional 2,000 trainees the first year and will reach a maximum of approximately 4,600 trainees in fiscal year 1968. The increase in the number of persons to receive educational assistance from the Veterans' Administration emphasizes the importance of insuring that effective

State control of the educational institutions and courses will be maintained.

The State approving agencies do not supervise the individual receiving educational assistance but instead supervise the educational institution and it is clear that a reduction in the number of persons receiving educational assistance will not result in a corresponding reduction of the duties and the time required by the State approving agencies in the performance of their duties.

I ask unanimous consent that the report of the Veterans' Administration on the Senate amendments to H.R. 221 be included in the Record at this point.

Veterans' Administration,
Office of the Administrator
of Veterans' Affairs,
Washington, D.C., February 19, 1964.

Hon. Olin E. Teague,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, D.C.

Dear Mr. Chairman: I am pleased to respond to your letter of December 11, 1963, requesting my views with respect to the Senate amendments to H.R. 221, 88th Congress, together with an analysis of their effects.

The amendments made by the Senate to the bill may conveniently be considered to fall into two groups.

Section 1712 of title 38, United States Code, would be amended to add a new subsection (d) as follows:

"(d) Nothwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection."

The effect of this amendment is to add to the period during which an eligible person may receive war orphans' educational assistance under the basic provisions of section 1712 of title 38 (generally 18 through 23 years of age) the period that is required for the Veterans' Administration to process the claim to the point of determining eligibility for the benefit. In the event that an application for war orphans' educational assistance is made before the eligible child is 18 years of age there would be no addition to the period to which the educational assistance could be afforded because of processing time within the Veterans' Administration prior to the child's 18th birthday. While the report of the Committee on Labor and Public Welfare to accompany H.R. 221 (S. Rept. 753) is silent as to the reason for this limitation, we assume that this provision was designed to recognize the fact that any delay in processing the application prior to the child's 18th birthday would not deprive the child of a full 5 years to pursue a course of education as contemplated under the law.

To our knowledge there have been few instances in which eligible persons have lost benefits because of the Veterans' Administration's delay in processing a claim. However, the implementation of this amendment would require additional administrative processes but these, in our opinion, would present no particular difficulties. We have no means of estimating the numbers who would be affected or the possible increase in the administrative cost which would result from enactment of the amendment, but both the number and the amount would be small. Therefore, we have no objection to this amendment.

The remaining Senate amendments have the effect of amending section 5 of the bill to read as follows:

"Sec. 5. (a) In the case of any individual who is an 'eligible person' within the meaning of section 1701(a)(1) of title 38, United States Code, solely by virtue of the amendments made by this Act, and who is above the age of seventeen years on the date of enactment of this Act, the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his 31st birthday by reason of this section.

"(b) Any individual who is an 'eligible person' within the meaning of section 1701 (a)(1) of title 38, United States Code, due to his parent's death as a result of a service-connected disability shall be considered to be an 'eligible person' solely by virtue of the amendments made by this Act if his eligibility due to his parent's death occurred after the age limitation applicable to him under section 1712(a) of title 38, United States Code, and if he is an 'eligible person' as defined in the amendments made by this Act."

As it passed the House, section 5 of H.R. 221 was a standard "savings provision" designed to assure that any person above the age of 17 years and below the age of 23 years on the date of the bill's enactment, and who was first made eligible as a result of such enactment, would have a full 5 years to pursue a course of education. A provision of this nature was included in the basic War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) and has been made applicable to all extensions to the war orphans' educational assistance program which have been enacted subsequently.

The effect of the Senate amendments is threefold. Most importantly, they would permit a person over the age of 23, but under the age of 31 on the date of the bill's enactment to receive war orphans' educational assistance until the date 5 years after the bill's enactment, or until his 31st birthday, whichever was the earlier. The general principle of exclusion of time between the time of filing of claim and the time the Veterans' Administration determines eligibility would be made applicable to this 5-year period so that training could, in practical effect, extend longer than 5 years beyond the date of the bill's enactment. And, finally, the temporary authority to afford training to a person who became eligible after his 23d birthday would extend not only to individuals who were first made eligible by the enactment of H.R. 221, but would also be available to persons whose parents died of service-connected causes while a disability evaluated as "total disability permanent in nature" was in existence.

Section 5 of the bill, as amended by the Senate, would for the first time depart from the general principle applicable to the war orphans' educational assistance program that the benefit will only be available if the child becomes eligible prior to his 23d birthday. The report of the Senate Committee on Labor and Public Welfare to accompany H.R. 221—S. Rept. 753, 88th Congress—explains the reason behind the amendment in the following language:

"The rationale of a savings clause such as section 5 of H.R. 221 is that an eligible person should not have his rights reduced simply because the bill had not been enacted at an earlier date. In this instance the committee decided that this reasoning had equal validity in the case of an eligible person who was 23 or over on the date of enactment as it did in the case of an eligible person under the age of 23 on the date of enactment. Section 5 as amended applied only to those persons made eligible solely by the enactment of this act."

The report contains the further explanation that subsection (b) of section 5 was added "to avoid any unjust discrimination in the application of section 5 against the children of a parent who died as a result of his service-connected disabilities."

We are sympathetic to the purpose behind this Senate amendment and would not object to this exception from what would continue to be the general rule if true equality of treatment would result. Unfortunately this is not the case, since the amended section 5, even with the addition of subsection (b), would discriminate against children whose parents died from a service-connected disability but who at the time of death had a disability rating other than permanent and total. Moreover, there does not appear to be any practical way of revising the Senate amendment to achieve equality of treatment between the new groups which would be made eligible by H.R. 221 and the "war orphans," who are the primary beneficiaries of the program. The deletion of the 23-year age limit from section 5 for all eligible persons would be the most liberal possible approach, unless age limits are to be abandoned entirely, and thus would go the furthest toward eliminating all inequalities, but even this would not solve the problem. There would be individuals barred from the program because they were over the age of 23 upon either the date of the enactment of the original 1956 act or on the date of the applicable amendment, would still be barred because they now have passed their 31st birthday.

Under these circumstances it appears to us that the House version of section 5 of the bill, that is, limiting the savings provision to persons between the ages of 18 and 23 on the date of the bill's enactment, is the more equitable, since it affords the same treatment as was afforded the earlier classes of beneficiaries. I would see no objection, however, to the language added by the Senate which applies the principle of excluding processing time from the computation of the 5-year period following the bill's enactment. This would merely carry out the pattern of the proposed 1712(d) of title 38, United States Code.

We are unable to estimate the number of persons who would be affected by the additional Senate amendments, nor the cost involved. However, we do not believe the number and cost would be more than the estimates contained in my report to the chairman, Senate Committee on Labor and Public Welfare, which appear on page 6 of the report of that committee to accompany the bill.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the presentation of this report to your committee.

Sincerely,

W. J. Driver,
Deputy Administrator
(For and in the absence of J. S. Gleason, Jr., Administrator).

Veterans' Administration,
Washington, D.C., April 29, 1964.

Hon. Lister Hill,
Chairman, Committee on Labor and Public
Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We are pleased to respond to your request for a report by the Veterans' Administration on S. 2636, 88th

Congress, a bill to amend chapter 35 of title 38, United States Code, relating to educational assistance for war orphans to provide that the Administrator of Veterans' Affairs may afford special restorative training for an additional period of time when he finds such is necessary to overcome or lessen the effects of a physical or mental disability which handicaps the child in the pursuit of his educational program.

The basic purpose of S. 2636 is indicated by its title quoted above. In effect, it would permit the Administrator of Veterans' Affairs to increase the period of time during which a person may receive special restorative training. This training is a form of war orphans' educational assistance, and is designed to overcome or lessen the effects of a manifest physical or mental disability which would handicap an eligible person in the pursuit of a program of education. The nature of such training is indicated by the following excerpt from the report of the House Committee on Veterans' Affairs to accompany H.R. 9824, 84th Congress, the bill which became the War Orphans' Educational Assistance Act of 1956 (H. Rept. No. 1974, 84th Cong.):

"Since some eligible persons are certain to be suffering from physical or mental disabilities which handicap them in the pursuit of their education, this act contains provision for suitable training of such persons, called special restorative training. Special restorative training is intended to provide training or retraining to restore or improve the individual's ability with respect to physical or mental functions in which he is handicapped and which are essential to the normal pursuit of education. It would include courses of training such as language retraining, speech and voice correction, speech retention or voice retention, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, left-hand or non-dominant-hand writing, personal adjustment training, and so forth. Special restorative training means a plan of training activities and does not mean medical care and treatment."

The basic period of entitlement to special restorative training and the monthly monetary allowance payable, are both identical to those applicable to war orphans' educational assistance generally; namely, 36 months' entitlement and $110 monthly monetary allowance, respectively. However, if the tuition fees applicable to any course are more than $35 per calendar month, the basic allowance may be increased by the amount that such charges exceed $35 per month, but the child's period of entitlement must be reduced by 1 day for each $3.60 that the special training allowance paid exceeds the basic monthly allowance.

There is no provision currently in the law which would permit the Administrator to extend the period of entitlement to special restorative training, even though a few additional months' assistance may enable the child to complete the course. This bill is designed to authorize such an extension in cases where it would otherwise be impossible for the eligible child to complete the program, an authority similar to that provided by 38 U.S.C. 1502(b) with respect to the vocational rehabilitation program for service-disabled veterans. (Under that law the basic period of eligibility is set at 4 years but may be extended by the Administrator where a longer period is needed to effectuate rehabilitation.)

In our opinion, the enactment of S. 2636 would be desirable. It would provide financial aid to assist a handicapped orphan to complete the specialized restorative training necessary to continue his program of education and to assume a productive role in society. Moreover, it would eliminate the possibility which now exists that the training and monetary support furnished would be wasted because of the inability of the war orphan to complete the necessary training.

We noted that, under the subject bill, no limitations are placed on the number of months of entitlement except for the age limit now in the law. However, we do not foresee that abuses will occur in providing the additional educational assistance to those orphans for whom it is required. The Vocational Rehabilitation Board, set up in each regional office having vocational rehabilitation and education activities, determines need for special restorative training for orphans. Thus, the decision becomes that of a group of professionally qualified persons and the possibility of abuse is minimized.

Without more specific information on the probable numbers of additional persons who might avail themselves of the proposed benefit, and of the numbers who might want an extension of time and/or who might justify an increased rate of allowance while enrolled, we are unable to make a firm estimate of probable cost. However, based upon the information available, we believe it reasonable to assume that the cost under this proposal probably would not be more than twice the annual rate of cost for persons who would be enrolled for special restorative training under existing provisions of the program. Under this assumption, we would expect that the additional cost probably would not exceed $25,000 a year for an average monthly enrollment of approximately 20 persons.

In view of the foregoing, I recommend favorable consideration of S. 2636 by your committee.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the presentation of this report to your committee.

Sincerely,

J. S. Gleason, Jr.,
Administrator.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman.

Mr. ADAIR. Mr. Speaker, the minority has been consulted on this matter. We are completely in agreement with the views of the gentleman from Texas. We think that the proposed changes bring the bill back more closely in line with the original intent of the legislation as passed by this body.

Mr. Speaker, on August 19 of last year, this body passed H.R. 221. This bill, as it passed the House of Representatives, extended the provisions of the War Orphans' Educational Assistance Act to the children of veterans who had been rated as permanently and totally disabled from service-connected causes. The law, as it presently exists, authorized up to 36 months of educational assistance for the children of veterans who died in the service or as the result of service-connected disabilities. Under the law, this benefit is generally restricted to persons who had reached the age of 18 but had not yet reached their 23d birthday. H.R. 221, as it passed the House, did nothing to disturb the age group of the children enjoying the benefit, but merely extended the benefits to another deserving group—the children of service-connected, permanently and totally disabled veterans. The substantive Senate amendments with which the distinguished chairman of our committee has moved disagreement would depart from the longstanding eligibility requirements with respect to age and make the benefits available to persons up to 31 years of age.

The War Orphans' Educational Assistance Act, Mr. Speaker, contains a clear-cut declaration of purpose which in effect states that it will aid eligible children in attaining the educational status to which they might normally have aspired and obtained but for the death of their parent. Now, it is reasonable to recognize that a permanently and totally disabled veteran has problems in providing for the education of his children which are comparable to those his widow might face if he died. The House-passed bill will assist in solving their problem. It is completely unreasonable to assume, however, that a father would normally assume responsibility for his child's education in the case of a 30-year-old child. In short, Mr. Speaker, I believe the Senate amendments 4 and 6 will depart from the traditional concept of the Federal Government's obligation to the children of our war dead in extending the age limit for entitlement to educational benefits to 31 years of age. I concur in the gentleman's motion of disagreement with Senate amendments 3, 4, and 6.

Senate amendments 1, 2, and 5, on the other hand, to which the gentleman has moved concurrence, are reasonable in that they merely extend a person's eligibility beyond a person's 23d birthday by the time required to process an application for benefits. The extension of time allowed by these amendments would be merely a period of time equivalent to that period of time elapsing between the initial filing of the person's application and final approval by the Veterans' Administration. I support the gentleman's motion.

The language which has been offered as a substitute for section 6 will accomplish two purposes. First, it will permit the Veterans' Administration to provide more than 36 months of special restorative training under the war orphans' program in those cases where a longer period is deemed necessary to permit retarded or otherwise handicapped children to overcome or lessen the effects of their physical or mental defect. The existing law permits a maximum of 36 months of this special restorative training for handicapped children. Although precise cost estimates are not available, its effect costwise can be measured by the fact that only 22 individuals have been furnished this type of training since the war orphans' program began in 1956. The second part of the amendment is intended to insure State supervision and control of educational institutions participating in this program. Early last year, the Congress enacted Public Law 88–126 which, in effect, authorized the continuation of the role of State approving agencies in approving and supervising schools and courses under the war orphans' program after January 31, 1965, the scheduled date for completion of this function. Despite this clear indication of congressional intent, the Veterans' Administration regulations issued pursuant to Public Law 88–126 revised the ground rules for contracting with the State approving agencies and sharply curtailed their future participation in the war orphans' program. This amendment is merely a more clearcut expression of congressional intent that the Administrator should continue to utilize State approving agencies in the administration of the war orphan's program. Mr. Speaker, I support the motions offered by the distinguished chairman of the Committee on Veterans' Affairs and urge my colleagues to do the same.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. TEAGUE].

The motion was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. DEVINE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 161]

Anderson
Avery
Bass
Battin
Bennett, Mich.
Bow
Broomfield
Buckley
Burkhalter
Cederberg
Celler
Davis, Tenn.
Dent
Diggs
Fisher
Forrester
Gibbons
Gubser
Harsha
Healey
Hoffman
Hosmer
Johnson, Wis.
Kee
Leggett
Miller, N.Y.
Monagan
Morgan
O'Brien, N.Y.
O'Neill
Pilcher
Pillion
Pool
Powell
Quie
Rains
Roberts, Ala.
Rogers, Tex.
Springer
Staebler
Staggers
Steed
Toll
Tupper
Waggonner
Wallhauser
Wilson, Bob

The SPEAKER. On this rollcall 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROPOSED RECESS OF THE HOUSE OF REPRESENTATIVES

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that I may have possibly a long minute to make an observation and submit an inquiry to the majority leader about a matter of great importance to us on our side of the aisle.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALLECK. Mr. Speaker, as I am sure you and the majority leader know, for quite some weeks now at the insistent urging of many Members, certainly on my side of the aisle and I might add Members on the other side of the aisle who do not have exactly the same interest we have, a very live interest. I have been vigorously urging that we arrange here in the House of Representatives for a recess for the purpose of our Republican national convention, which will soon be meeting in San Francisco.

Mr. Speaker, without attempting to carry this on beyond any reasonable limit, I think I can observe that we worked in the first session right up to Christmas Eve, we had a few days off, we came back, and we have been here consistently since expect for a brief recess at Eastertime.

I think it is fair to say that on our side of the aisle we have cooperated in expediting the business of the House of Representatives certainly in many areas of legislation that I understood from the standpoint of the administration and the majority were of tremendous importance. Sometimes we have cooperated to the point where we have been criticized by our own people. But be that as it may, we have acted upon 11 of the appropriation bills and they have been sent to the other body. We all know the other body has been tied up with lengthy discussion of a matter before them, discussions which apparently are coming to an end, and on which, matter some action can be, I think, reasonably expected.

As to our convention, Mr. Speaker, we have on our side of the aisle at least 17 Members of what we call the resolutions committee, the platform committee. The chairman of that committee is our colleague from Wisconsin [Mr. LAIRD]. He has the gentleman from New York [Mr. GOODELL] and the gentleman from California [Mr. LIPSCOMB] assisting him as chairman. As I say, 17 other Members are committed to be there. Their deliberations start on July 6. In addition, we have many other Members here who have commitments that will necessarily require their presence in San Francisco starting not later than July 6.

Mr. Speaker, it has been my thought that for the convenience of all of us, and certainly with no idea of delaying any particular action here in the House of Representatives, we should recess beginning the 3d of July, which is the day before the 4th, and of course, I do not know whether we would be expected to be here working on the 4th of July, but that might be included, too. In any event, we should have 2 weeks in order that we may participate in our convention. I myself want to be there to participate. I think it is only fairplay that we be given that right. I do not think it would interfere at all with the ultimate outcome and adjournment sine die of this Congress.

Having said as much, Mr. Speaker, I want to make it clear that these suggestions on my part are not an effort to blackjack anyone, because that certainly has never been part of my nature. It is not now. It is simply that I feel a responsibility to Members, primarily on my side of the aisle, and as I say to Members on the other side of the aisle who have spoken to me who, as I have, feel they have had a justifiable reason to believe that we would have those 2 weeks off. I just want to bring this to the attention of the leadership here and trust that we can have some favorable response from the majority leader because since I have been on the floor of the House today I have had at least 15 Members come to me and say, "We must make our plans. We must know what we are doing." I think the time has come for us to make that determination.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, first of all, I must say that I must agree with the distinguished minority leader; that he has persistently and forcibly put this issue before the leadership on this side many times over the past several weeks. Of course, the matter of the national convention of either party is a matter of great importance as is the matter of getting to such conventions or assembling resolution or platform committees. I do know and my friend knows also that there are many considerations in addition to those mentioned by the minority leader which we must bear in mind in making a decision on the date of adjourning for the Republican convention. Frankly, I cannot say to the gentleman that we can give him a definite answer at this time to his inquiry. There are major matters of legislation still pressing so far as the House of Representatives is concerned, and the gentleman knows that there will be a campaign this fall, and we hope to adjourn in time to participate in it on both sides of the aisle. The distinguished minority leader also knows that there was, I will not say a tacit agreement, but a sort of friendly understanding on the other side of the Capitol that the Senate would not be in session or at least that it would be inactive between the 10th and 20th of July. I am sure that the same considerations which the gentleman has mentioned with respect to the Members of this body apply to the other body and, of course, to Members of his party in the other body. I wish I could give the gentleman a definite answer now. I am not prepared to do so. I think the gentleman will admit I have tried repeatedly to accommodate both sides of the aisle. I try, as does the entire leadership, of course, to invoke the same considerations when Members on this side of the aisle seek consideration with respect to vacations or other matters as we do with respect to those in the minority. That is our purpose and, certainly, we would apply the same yardstick in each instance, as we should.

Mr. HALLECK. Mr. Speaker, I have just one further observation.

I had rather anticipated, as a result of some of the conversations that we have had among us in trying to work this matter out, that reference would be made to the minority leader in the other body. As the gentleman from Oklahoma knows, I did not read his statement in quite the same way or put the interpretation on it that some other people put on it. But in order to be absolutely sure, I just talked to the minority leader on the other side, and he has told me in the most vigorous tones that he insisted to the majority leader of the other body that we be recessed from the 3d of July to the 20th because, just as is the case here in the House of Representatives, on the Senate side there are Members who want to go out and appear before the platform committee. There are those who are on the platform committee. So I must say to the gentleman that as of the last half an hour, the minority leader on the other side has stated to me that any contention that he equivocated or went along with the proposal that the other body be in session the week starting July 6 is just not in keeping with the true facts.

Mr. ALBERT. May I make this observation to my friend: I personally will do everything in my power to see that the petitions of the minority leader in the House of Representatives are as successfully carried out as are those of the minority leader on the other side of the Capitol. I will even go further, if I can.

Mr. HALLECK. I trust that certainly the people on my side of the aisle will conclude, from what I have said here, that so far as I am concerned there is no equivocation. I am urging this 2-week recess, because I believe it is only fair that this consideration be granted to us in connection with our convention.

PROVIDING FOR CONSIDERATION OF H.R. 11375, A BILL TO PROVIDE FOR A TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means. Amendments offered by direction of the Committee on Ways and Means may be offered to the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, House Resolution 745 provides for consideration of H.R. 11375, a bill to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act. The resolution provides a closed rule, waiving points of order, with 4 hours of general debate.

The purpose of H.R. 11375 is to provide a temporary debt limitation of $324 billion beginning with the date of enactment of this bill and ending June 30, 1965.

The temporary debt limitation for the fiscal year 1964 was $309 billion for the period of July through November 1963, $315 billion for the period December 1963 through June 29, 1964, and $309 billion on June 30, 1964. On July 1, 1964, unless this bill is passed, the debt limitation reverts to the permanent limitation of $285 billion. It is necessary that the statutory debt ceiling contained in this bill become effective before the present ceiling of $309 billion for June 30 becomes effective, since it is now estimated that on that date the actual debt will be $311.8 billion.

The $324 billion debt limitation provided by this bill is in accordance with the recommendations of the administration.

Mr. Speaker, I urge the adoption of House Resolution 745.

Mr. Speaker, I reserve the remainder of my time. I have no requests for time on this side. I yield 30 minutes to the gentleman from Ohio [Mr. Brown].

Mr. BROWN of Ohio. Mr. Speaker, I yield 10 minutes to the distinguished minority leader, the gentleman from Indiana [Mr. Halleck].

Mr. HALLECK. Mr. Speaker, I would like to begin my remarks by commending the Johnson administration and my colleagues on the other side of the aisle for one improvement that they have made over recent years in regard to legislative action on the statutory debt ceiling. The improvement to which I refer is concerned with the fact that last year the Congress was asked to act three separate times on legislation increasing the debt ceiling; the year before that we had to act twice. But now things have improved—today is the first time this year the House has been asked to enact an increase in the debt ceiling.

Regrettably, the improvement is only in the frequency with which we have been asked to act. There has been no improvement in the magnitude of increase in the debt ceiling that this legislation provides. The amount of increase we are asked to approve today is not a little less than the increase of last year or the year before. This bill is a record breaker. The ceiling it provides is $324 billion. The dollar amount of the increase over the previous temporary ceiling—the increase proposed in this bill—is $15 billion higher than the previous temporary ceiling. This bill would establish two new records: first, in the magnitude of the debt it authorizes, $324 billion, and second, in the amount of increase in any single peacetime year, $15 billion. In truth, in terms of the permanent debt ceiling of $285 billion, this legislation would provide an increase of $39 billion—to me an incomprehensible sum of money. Yes, my friends, this is recordbreaking legislation, all right, but the record is certainly not to our credit.

Mr. Speaker, I am sure we all agree that the U.S. Government cannot be allowed to default on its fiscal obligations. Our bills have to be paid and our maturing securities have to be either retired or refinanced. If the Congress took no action in regard to raising the debt ceiling, the statutory debt would revert to $285 billion on July 1, 1964. If this were to occur, approximately $23 billion of public borrowings would become extralegal. This would be an unthinkable consequence.

The course of action advocated by the Republican minority—and which I hope will be supported by a sufficient number of responsibly inclined colleagues on both sides of the aisle—is not directed toward the repudiation of our debt obligations. Instead, our objective is to eliminate some of the fiscal fat—the encouragement to spend even more—that is implicit in the excessively high ceiling approved by the Committee on Ways and Means in the bill that is now before us.

This bill in its present form is an acknowledgement that this Congress does not intend to insist that the Federal Government spend less than that requested in the extravagant budget for fiscal year 1965 submitted to us in January of this year. If we approve this administration request for a debt ceiling of $324 billion, we will be abandoning one of the few tools available to the Congress to cut spending and restore some semblance of restraint and responsibility to our disorderly fiscal affairs. If we enact this ceiling, we will be approving a limitation that really has no meaningful limit. Therefore, what the Republicans will propose later today is that this bill be recommitted to the Committee on Ways and Means so that the committee can report a bill back to the House which reduces to a more reasonable level the extent to which we are willing to go into debt as we pass today's bills on to succeeding generations to be paid by tomorrow's taxes.

Mr. Speaker, a few months ago, this House approved a tax reduction measure that was hailed by some as the greatest tax reduction in the history of our country. At that time, a distinguished Democrat member of the other body voted against that tax reduction bill with the admonition that, in view of the present persistent deficit financing, every dollar of tax reduction that we voted would add one dollar more to the public debt. His prediction will be made a little more true today if we pass the bill that is now before us. A few months ago, we were talking about the greatest tax reduction in our history; today we are talking about the greatest debt in our history—in the history of all mankind.

A few months ago, when we were talking about tax reductions, we heard a great deal about the two roads that our Nation could take in the pursuit of a fiscal policy leading to economic expansion and a balanced budget. The one road was represented as being increased Government expeditures; the other road was the route of tax reduction in lieu of higher Government spending. We were, in effect, told that if we voted for tax reduction, then we would have to forego voting for expenditure increases later.

A majority of this body chose the tax reduction route, but subsequent events have truly demonstrated the fact that a choice was really not made because not only did the House vote to reduce taxes, but the House has subsequently voted to spend billions on old programs and to spend billions on new programs. When we came to the division in the road, we went both ways at the same time—we are taxing less and spending more—and our public debt barometer is going up, and up, and up because of it.

Mr. Speaker, recordbreaking extravagance is bound to produce recordbreaking indebtedness. The only reason we are concerned with increasing the debt ceiling today is that we spent too much yesterday and apparently we intend to spend too much in the tomorrows that lie ahead. We are faced with this legislation today because we have used words like "austere," "prudent," and "frugal" to describe budgets and spending programs that were in fact bloated, wasteful and irresponsible. We are concerned with this legislation today because paying our own way is no longer a moral concern of ours as a nation.

We start with a budget deficit and instead of cutting spending to reduce the deficit or eliminate it, we pile new extravagances on top of new extravagances as we try to spend ourselves rich, smart, and comfortable with our youngsters' money.

The Federal Government is already spending at an annual rate of $150 billion when you take into account the budget, the trust funds, and public enterprise fund disbursements. Now we are asked to add billions and billions of dollars to the spending level and hence continue to force up the Federal debt limit. Why, we have right now in the House of Representatives in this session of Congress at various stages of the legislative process programs costing billions of dollars for urban renewal, mass transportation, accelerated public works, area redevelopment. We have an Appalachia package, a poverty package, an education package, a farm package, a depressed areas package, and a lights-out package to give the whole thing an economy twist. The only thing we do not have is the will to pay for it. So we go merrily down the path of expediency by deficit financing and soaring debt as we spend billions more each succeeding year.

Mr. Speaker, does anyone really doubt that we can do better in handling our fiscal affairs? Does anyone really believe that we have a "barebones" budget that cannot be cut? I doubt it. Therefore, I propose that we start some action right now in a bipartisan effort to do better, to spend less, to be less patient with waste, to be less willing to go into debt.

The last budget to be balanced was in 1960 and at that time our level of spending was $76 billion. We are now working on that budget for 1965—a half decade later—and we are spending at the rate of $100 billion with a deficit in the range of $10 billion.

I do not believe that the goal of a balanced budget is impossible. The esteemed chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures recently communicated with the President, pointing the way to a $10 billion reduction in new spending authority and $6.5 billion reduction in budget expenditures. In the House, an informed and concientious task force under the chairmanship of our able colleague from Ohio [Mr. Bow] has been working diligently to develop ways in which we could better handle our fiscal affairs, working on ways and means to find where reductions can be made and, may I say gladly, with some success.

Mr. Speaker, I, for one, am deeply concerned with our dismal record of past years in regard to our successive budgets. I am determined to do all I can to restore to our thinking an attitude of diligency and urgency in behalf of economy.

In past years I have reluctantly supported measures increasing our debt ceiling, but on those occasions I can say with knowledge and conviction that sincere efforts were being made to control our spending and to curb the bureaucratic appetite for a larger Government tax share of the productive endeavors of our citizens. Today, I find an apathy about actions, as distinguished from mere words, that will lead to true Government frugality and a fiscal program of paying our own way. Therefore, I am going to vote to recommit this bill so that the Committee on Ways and Means can work out a more stringent solution to our debt management problems. I want the Committee on Ways and Means to report a debt ceiling to the House that will tell the departments and agencies downtown that they have to economize—a ceiling that means something besides approval of fiscal mismanagement. This $324 billion ceiling symbolizes fiscal complacency and I am not complacent. It is time for us to act now to change our ways. It is time for an honest start at fiscal integrity and the way to make that start is to recommit this bill.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the distinguished Speaker of the House of Representatives the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, during the two administrations of former President Eisenhower the debt ceiling was increased on seven occasions and on every one of those occasions of the increase the Democratic Members of the House of Representatives cooperated without any argument or without any effort toward the frustration of the legislation.

Mr. Speaker, my friend the gentleman from Indiana [Mr. HALLECK] has talked about a budget. There is no one who has done a better job in reducing the expenditure budget for next year than President Johnson who submitted to the Congress a budget of $97.9 billion, a reduction of over $6 billion from what was submitted to him by the various agencies and departments of the Government.

Mr. Speaker, the passage of the pending bill is essential for responsible Government. If this bill does not pass and unless further action is taken before June 30 of this year, the debt ceiling will go back to $285 billion. And everyone knows that this would result in chaos here and abroad.

Mr. Speaker, the $324 billion provided for in this bill is deemed necessary in order to give the Secretary of the Treasury reasonable means so that he can adequately finance the operations of our Government in the least expensive manner and without disturbance of the money and security markets of our country.

I might say also that on every occasion that such a bill came up, as I said, while former President Eisenhower was in office, it was passed by strong bipartisan support with the Democratic majority or Democratic Members voting favorably. I know because I was the majority leader and we gave the leadership. The late Sam Rayburn and JOHN McCORMACK in this body gave stalwart support to the Republican leadership in this body and also to President Eisenhower. A clear majority of the Republicans on this occasion also voted favorably. Yet under the late President John F. Kennedy very few Republicans voted for such legislation.

Mr. Speaker, this bill comes up while President Lyndon B. Johnson is in office. I hope the Republican Members who voted for such legislation while President Eisenhower was in office will vote for the pending bill and be consistent in their vote and in their support of such legislation. However, I have no illusions in this respect. To say the least, it is noticeable that Republican Members voted for such legislation while a Republican was President and vote against it when a Democrat is President.

Mr. Speaker, everyone of us and all Americans without regard to political affiliation were greatly grieved at the tragic death of President Kennedy. However, the country and the world is fortunate indeed in having as his successor President Lyndon B. Johnson. The able and courageous manner under great strain, in which he brought about an orderly transition of Government was an outstanding accomplishment in itself. If President Johnson at that time had shown any uncertainty or failure of leadership, it would have resulted in great harm to the position and prestige of our country here and abroad. The leadership of President Johnson since he assumed office has been outstanding. He has shown our people and the people of the world that he clearly possesses the qualities of leadership so necessary in the office of the President of the United States, and particularly during this period of the world's history and in the national interest of our country.

A vote for the passage of this bill is a vote for fiscal responsibility. It is also necessary in the national interest of our country, in the field of foreign affairs and in the field of national defense.

Mr. Speaker, if a proper debt ceiling is not provided for, such failure would have serious if not fatal effect across the board, including our ability to meet our responsibilities in combating international communism.

President Johnson inherited the present world situation from his predecessors, including President Eisenhower. We hear much talk from some Republicans occupying prominent positions, for example, about South Vietnam; yet President Johnson is following the policy established by President Eisenhower. Yet they criticize President Johnson for adhering to the policy established by President Eisenhower. In different parts of the world serious tensions exist. President Johnson in his brief period in office has met them with excellent judgment, tact, and with courage.

While we need a President of ability, judgment, vision, and tact, above all we need a President who has courage. And we can all take pride in the fact that President Johnson is a warrior, and has unlimited courage. There will be no appeasement under President Johnson.

I have said previously this bill is necessary for President Johnson to carry out his duties and responsibilities, particularly in the field of foreign affairs.

While I urge all Members, without regard to party affiliation, to vote for the pending bill, and recognizing, regretfully, because it should not exist, the practicalities of life, I address myself to my Democratic colleagues to vote for this bill supporting President Johnson, enabling the President to carry out his grave and serious duties and responsibilities.

The American people recognize and appreciate the sterling and courageous leadership of President Johnson. They recognize the conditions under which he assumed office. Wherever he goes throughout the country, tens and tens of thousands of persons turn out to pay tribute to him, and to show the confidence they have in him.

The passage of this bill is vitally important for President Johnson to give to our people and the world the leadership that is needed.

Let us give President Johnson this necessary instrument or weapon so essential for the national interests of our country.

It is vitally important that President Johnson be given this increased debt ceiling during the next fiscal year in order that he might not only carry out the serious responsibility of the office on the domestic level but particularly in the field of foreign affairs.

I can assure my colleagues, as I have heretofore stated, knowing President Johnson as I do, and as we all do and should, there will be no appeasement of communism under President Johnson.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. KILBURN].

Mr. KILBURN. Mr. Speaker, I am a little embarrassed to have my time allotted just after the minority leader and the distinguished Speaker have spoken, but as Graham Barden said:

> When the eagles take to the air, the sparrows take to the ground.

However, the debt limit bill focuses something that revolts my mind and my heart. That is mass transit. That has to do with increasing the national debt.

The gentleman from Texas [Mr. PATMAN], chairman of our committee, reported this bill out on April 9, 1963, well over a year ago. In his report on the bill he states his position. I do hope that the Members, however, will read the minority views when they read Mr. PATMAN's report, because they are included in the report.

I realize very well that the mass transit problem is a problem in some cities, but I think we should get rid of the idea that we can settle all problems of the country simply by spending the taxpayers' money. I believe the biggest problem facing this country is our national debt and our high spending. That is the No. 1 problem.

I remember very well when the tax reduction bill was up here, and we had a great many pious speeches around here, "No new spending programs. We are going to cut down on spending, and we won't have any more new programs."

Well, the mass transit bill is a brand-new program. Nobody knows what it will cost, but I have heard estimates all the way from $12 to $18 billion. Of course, nobody can tell.

I realize, also, that there are a great many pressure groups that are pressing for this bill, like the railroads, the mayors, the equipment manufacturers, and so forth, for a selfish interest. But our interest should be fiscal responsibility. I think it is about time this House stood up to their No. 1 duty, even if it is not politically popular. This is the time when the men are separated from the boys.

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOREMAN. Mr. Speaker, we again find ourselves involved in a discussion of the need for a raising of the national debt limit, a discussion that places President Johnson's protestations of economy into somewhat better perspective. The limit has to be raised, for the simple reason that Congress has been voting and the administration spending consistently more than even a briskly expanding economy provides in revenues. In the past 3 Kennedy-Johnson years, the Federal debt has risen by nearly as much as it did in the preceding 8—and half the total Eisenhower deficit was in the single recession year of 1959.

The cumulative total of all 10 depression-era deficits—fiscal 1931–40, inclusive—was only $27 billion; in the past 3 years, the debt has mounted by $21 billion. And this has been a time of unprecedented prosperity. What this means is that in the past 3 years, the Federal Government has "given" us $21 billion of goods and services that we have yet to pay for. And now the administration is asking, and the House Ways and Means Committee has approved, a further rise in the debt ceiling from $315 billion to $324 billion to accommodate the added deficits expected in the coming year.

Much is made by apologists for deficit financing of a supposed parallel between Federal debt and corporate borrowing for investment. Since corporations recognize the good business sense of borrowing money and putting it to good productive use, the argument goes, why should not the Government?

But it is not that simple. Corporate debts are, in effect, self-liquidating; the borrowed money is plowed into ventures expected to return sufficient profit to meet the interest costs and then some. Government debts are simply a costly deferral of the payment of current bills. A better parallel, if parallels are to be drawn, would be with a company's trying to create a temporary illusion of well-being by borrowing money in order to pay out dividends. That $21 billion of unpaid-for largess has been nice while it lasted, but it is a little bit like living on somebody else's credit card. Sometime, somehow, somebody is going to have to face up to the reckoning.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I do not like to repeat myself too often, but I will have to say again today what I said yesterday when we had another tax bill before us, a bill from the Ways and Means Committee dealing with excise taxes under a closed or gag rule. I said then and I say now; here we go again, another gag rule, another closed rule that will prevent the House of Representatives, or the full membership and all the Members, except those who may do so under the direction of the Ways and Means Committee itself, to offer any amendments to this particular bill.

This of course is a very short measure. The only way it can possibly be amended if this rule is adopted, as it probably will be, because I am a realist and understand that the votes are here to again gag the House on this particular measure, just as it was gagged three times in the last calendar year when on three different occasions the House voted—or a majority thereof—to increase the national debt limit and raise the national debt ceiling so more and more money could be borrowed for future generations to pay in order to finance deficit spending, at the very time the Nation is enjoying the greatest prosperity in history.

I know the arguments which will be made in favor of this legislation, and against any motion to recommit this bill. The motion to recommit of course will be the only method by which an amendment, can be offered for consideration. It may be a straight motion to recommit, or it may be a motion to recommit with instructions to the Committee on Ways and Means to restudy, as the gentleman from Indiana has suggested, as to whether or not we should increase the national debt limit at this time, or if so, by how much.

Personally, I am opposed to increasing the national debt limit at this time, or at any other time unless there is a grave and a great national emergency that would require such action in order to preserve our own security and our own way of life.

I know the argument will be made by those who sponsor this legislation, by the chairman of the Committee on Ways and Means—and it is a great committee—that we must pay our bills; that we must raise the national debt ceiling so as to borrow more money to meet the obligations incurred by a more or less spendthrift administration.

I want to pause, if I may for a moment in this discussion, to assure the Members of the House that when I oppose this legislation and the increasing of the national debt limit, I am not helping communism, but instead I am trying to save my country from financial disaster that might bring with it communistic control, or some other sort of socialistic form of government, in this Nation unless we have the courage to face the facts of life as they are and to control our own spending habits.

I know my good friend, the chairman of the Committee on Ways and Means, will say, "Well, if you do not increase this national debt limit, or raise the national debt ceiling, we will not be able to pay our bills." Of course, this measure that is now before us would not only increase the national debt limit more than necessary, under any argument that may be made in favor of it, but would provide an opportunity to spend more and more money in the future than the administration has ever spent in the past.

But is it necessary to increase the national debt limit? The national debt limit at the present time is, as I understand it, $315 billion. It would automatically drop to $309 billion on June 30, and unless some legislation were enacted for a temporary debt limit or ceiling, it would drop back to $285 billion. Suppose the ceiling is left the way it is at the present time at $315 billion. Could we get along without this $9 billion increase, or a $15 billion increase if you consider the $309 billion debt ceiling as the limit on June 30? It is admitted the deficit in the coming year, as far as the budget is concerned, will run anywhere from $5.8 billion, I think that is the administration figure, up to $9 or $10 billion.

Well, suppose the administration is right in its budget figures, that the deficit will only be $5.8 billion. Over on the other side of this Capitol in another body, the chairman of a great committee, the Finance Committee, a member of another political party than my own, a member of the party that controls the other body by a 2-to-1 vote, has publicly stated that we can easily reduce the present budget for the coming fiscal year by $6 billion to $6½ billion.

Now if that should be done, there will be no need whatsoever for any increase in the national debt ceiling at this time, under present circumstances.

I know that Members will be told about all the dire things which may happen should Congress refuse to raise the national debt ceiling—that we will have fiscal chaos, that we will be unable to pay our bills, that somebody might not receive a check from the Federal Treasury promptly.

I believe I can answer such statements easily. I know what would happen. About the first thing that would happen if Congress refused to increase the national debt limit would be a message from downtown—it might emanate from 1600 Pennsylvania Avenue—saying to the Congress, to its proper officials, and committees of the House and the Senate, "Just forget about the mass transit bill now pending up there." That is the bill referred to by the gentleman from New York [Mr. Kilburn]. "We cannot afford it. We had better let it go. We do not have the money. Let us forget this spending and that spending."

It might even be said, "Perhaps we ought not talk about further Federal pay increases for a little while, until we balance the budget and until we are certain we can live within our income without borrowing money—for our children's children yet unborn to some day pay off as part of their national debt."

Yes, there are a great many other things before us now. There are many spending programs before the Rules Committee alone; legislation which will call for the expenditure of $7 billion or $8 billion a year in addition to what we are already spending.

I imagine that somehow or other, if the Congress of the United States had the courage and the intestinal fortitude to say, "We will not continue to increase the national debt or to raise the debt ceiling so as to borrow more and more money for deficit financing—we will not do it—you will have to live within your income," we would see a great deal of interest lost in some of those big spending programs now on the trestle boards, either in the legislative committees, or actually reported out and awaiting consideration, either in the Rules Committee or to be handed down from the Speaker's desk whenever someone is satisfied there are sufficient votes to put the bill over, sufficient votes to pass it, sufficient influence behind the measure to be certain it will be enacted into law.

So I express the hope, regardless of what may happen in connection with the rule, and I shall vote against its adoption, because I do not believe we should have a "gag rule" in the House of Representatives, when there is not one in the other body of the Congress, and when the Members of that body can offer any amendment they wish—so it cannot be said, "You Members of the House do not have the intelligence, the judgment, the wisdom to decide for yourselves. You must take the bill that is handed to you and, like the German Reichstag, say 'nein' or 'ja.' You must vote only one way or another, so be good little boys and answer. That is all you have to do, just do what you are told, one way or another."

I hope that if we cannot defeat the rule we will have the courage and the interest in the welfare of our country to say to the spenders, "You have come to the end of the road. You are going to have to live within your income. You are going to have to eliminate a lot of spending programs you now have on the trestle board or under design. You will have to reduce some of your spending ideas back into halfway normal limits."

As the great leader on the other side of this Capitol, the chairman of the Finance Committee of that body, has said, this can be easily done so as to balance the present budget without borrowing any more money to finance these great Federal spending programs.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Missouri.

Mr. CURTIS. I commend the gentleman from Ohio for again expressing the reasons why a closed rule is inappropriate and unnecessary in this matter. Lest the membership of the House believe that there are not those who serve on the Ways and Means Committee who feel that this is inappropriate, I wish to again raise my voice and to state that I have opposed this approach in the Ways and Means Committee and have gone before the Rules Committee time and again to argue that these matters should be brought to the House under an open rule.

I would ask the gentleman, of course, if we would vote down the previous question, then it would be appropriate to offer an open rule, would it not? This is a matter, in my judgment, that must be debated on the floor of the House. I happen to oppose the bill, but it is a matter that should be debated and debated under an open rule.

Mr. BROWN of Ohio. If the previous question is voted down, then it would be in order, of course, to amend the rule so as to provide for an open rule which would permit the offering of any amendment to the measure.

Mr. ALGER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas [Mr. Alger].

Mr. ALGER. Mr. Speaker, I want to record my views at this time in support of what the gentleman from Ohio has said and to thank him for his views and also to join with my colleague, the gentleman from Missouri [Mr. Curtis], in his statement. I thank you.

Mr. BROWN of Ohio. May I again express the hope that the House will not only have the wisdom, but also the courage, to vote down this rule in order to bring this measure up under an open rule, and either amend it properly or defeat it entirely so that we can say, as the true representatives of the people, to the spenders in this Government, that the end has come to big Federal spending in America. You are going to have to learn to live within your income, and your income is going to be limited to what you take in in the way of taxes and not limited to what you can borrow on the credit of your children's children yet unborn.

Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, in order to overcome some of the Republican gloom that we just heard, I went through some figures here and some statistics from the report. I find that in the year I came to Congress, in 1942, our national debt was $125 billion. In that year our gross national product was $159 billion, which made a difference between our gross national product and our national debt of $34 billion. That was in 1942. We should have been alarmed then. When we look at the figures for 1964, our gross national product in the year 1964 is $625 billion and, allowing for the increase which we are debating today, of a rise to $324 billion, the difference between our gross national product today, our business, you might say, our economy, and the national debt if this increase is granted is $311 billion. That is the difference between the gross national product, our business today, and our debt. Compared to the $34 billion difference of 20 years ago, in 1942, it is not great. In 1942 we should have been alarmed.

Now, we talk so much about spending. Let me say this about that: Since January 1961—and remember the date, January 1961—a new administration—we had a new policy of economic expansion. Economic progress began then. Our gross national product under this so-called Democratic spending program increased $100 billion. So when you are arguing and crying about expanding our operations here so that we can continue this kind of prosperity, I think that come next November the American public will know what is going on.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. CURTIS. The gentleman is aware, of course, that the year 1942 was a war year. I wonder if the gentleman would compare peacetime years with peacetime years in order to get the proper ratio. Or cannot the gentleman distinguish between an economy based on war and one based upon peace?

Mr. MADDEN. Mr. Speaker, in answer to that let me state that in 1942 we had not even begun to spend for war purposes compared to the following 3 years.

Mr. CURTIS. We were beginning. We had begun before then.

Mr. MADDEN. Mr. Speaker, I sat in this House in 1945 and in 30 minutes' time, as long as it takes to call the roll, Chairman VINSON, of the Armed Services Committee, had a $31 billion war authorization bill pased for the Army, Navy and Air Force. There was not a vote against it. Part of that $31 billion war bill is still in this $314 billion national debt. A very small percentage of our national debt is caused by domestic economy programs. War, defense, military, veterans, interest on our war debt make up 81 percent of our annual expenditures.

Mr. CURTIS. Because we were at war.

Mr. MADDEN. Economy conditions such as we are trying to expand now will lead possibly to less spending in future years.

Mr. CURTIS. The gentleman made the point that I was trying to make.

Mr. MADDEN. I just answered the gentleman.

Mr. CURTIS. He does not distinguish between an economy based on war and an economy based on peace.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Louisiana.

Mr. BOGGS. To supplement the figures given by the distinguished gentleman from Indiana [Mr. MADDEN] and those given by the distinguished gentleman from Missouri [Mr. CURTIS] a peacetime year was 1933, a little more than 30 years ago. The gross national product was $56 billion as compared to approximately $625 billion this year. And these are both peacetime figures.

Mr. CURTIS. What was the date?

Mr. MADDEN. And let me say that one of the reasons why our national production was so low is that we had 3 Republican administrations previous to 1933 that brought on the greatest depression in world history; over 14 million men and women were idle, factories closed, banks crashed, farms foreclosed by the millions, mostly caused by the Republican Party's policy to ignore our domestic economy and dry up purchasing power of the American public.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of the time on this side.

Mr. Speaker, the gentleman from Indiana [Mr. MADDEN] knows that I have the greatest affection for him and that I respect him very much. But I feel I must say I wonder what school of economics he attended that impelled him to quote those figures. I would like to remind him if I may, that the dollars that were given to buy the bonds which created this national debt were 100-cent dollars. That is the way we financed the war. That is the way we financed the depression during the thirties under a Democratic administration, with 100-cent dollars, paid in by the American people.

The gross national product the gentleman talks about is represented by 46-cent dollars. So the gentleman's figures people who own those bonds, when they fall due, with 46-cent dollars, not 100-cent dollars. So the gentleman's figures are awry, and if we may use a southern Ohio expression, they are just a bit screwy; for they do not make good sense.

Mr. MADDEN. Mr. Speaker, if the gentleman will yield, I should like to answer him in this way. After four depressions in the Eisenhower administration, which the gentleman remembers very vividly, we have not had any depressions since January 1961. There was a $100 billion increase in our gross national product since 1961. That is the reason we have not had any depressions and that is the reason why taxes are coming into the Federal Treasury.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. ALBERT. They may have been 100-cent dollars in 1933, but the trouble was that nobody had any of them.

Mr. BROWN of Ohio. Well, they had enough of them in Ohio to send down to Oklahoma to help bail you out. I remember that very, very well.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CURTIS) there were—ayes 60, noes 58.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PUBLIC DEBT LIMIT

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11375, with Mr. O'HARA of Michigan in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Arkansas [Mr. MILLS] will be recognized for 2 hours and the gentleman from Wisconsin [Mr. BYRNES] will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, the proposal pending before us today is not difficult nor complex. It provides for a temporary limit of $324 billion on the public debt through the end of fiscal year 1965.

Mr. Chairman, we have had considerable discussion about this proposal as we debated here a moment ago the adoption of the rule.

The distinguished Speaker of the House of Representatives pointed out the fact that measures similar to this have been considered by this Congress on numerous occasions since the early 1950's.

I would like to address myself, if I may for a few minutes, to the subject of what one might describe as "responsible action" in this area. Let us look at historical facts—yes, facts—and review the record of the past several years.

As Speaker MCCORMACK pointed out, from 1953 through 1960 under the administration of President Eisenhower and under the direction and at the request of two able Secretaries of the Treasury, Mr. Humphrey and Mr. Anderson, Congress extended the debt ceiling seven times. I know of no one who ever questioned the fiscal integrity or the so-called wasteful extravagance of Mr. Humphrey or Mr. Anderson or Mr. Eisenhower, although it is a fact that during General Eisenhower's administration we had the highest peacetime deficit in the history of the United States. Nevertheless, each time Mr. Anderson and Mr. Humphrey came before the Ways and Means Committee their requests were carefully listened to, hearings were held, testimony was taken, and the Committee on Ways and Means acted in nonpartisan fashion and the House of Representatives voted in a nonpartisan fashion—and the debt ceiling was extended.

In those 6 years, when the Democrats were in control of the Congress and the Committee on Ways and Means, we raised the debt ceiling in accordance with the requests of Secretary Humphrey and the requests of Secretary Anderson and the requests of President Eisenhower not once but six times. It was not necessary on those occasions for any of the esteemed gentlemen whose names I have mentioned to put pressure on the Democrats who were controlling the Congress in order to obtain this necessary legislation; it was not necessary for them to have to resort to unusual procedures of any kind in order to secure the legislation which they requested. The Democratic Congress responded in the only responsible way which a Congress should respond—it provided them the authority which they requested. Now, Mr. Chairman, why was this authority provided? Why was it that a Democratic Congress on six occasions sponsored and pushed through the Congress legislation which was requested by a Republican Secretary of the Treasury and a Republic President to increase the debt ceiling? Why was no partisan political issue made of this?

The answer is simple, Mr. Chairman. It is simply because we realized that the fiscal integrity of this Nation should not be risked because of partisan political maneuvering. We who were in control of the Congress recognized that there comes a time when partisan politics must be cast aside and when men must react in a responsible manner if the Government is to continue on a responsible course. We realized the ramifications which would ensue, the chaos which would result if the credit of the United States were risked because of some partisan political maneuver to place the Secretary of the Treasury in a straitjacket so he could not pay the bills of this great Nation when they were presented to him.

So, Mr. Chairman, the Secretary of the Treasury, whether he be Mr. Humphrey or Mr. Anderson or Mr. Dillon, is charged with the responsibility of maintaining the fiscal integrity of this Nation and of managing the debt of this Nation so that our credit is not impaired, so that wasteful expedients which increase the cost of government will not have to be resorted to, so that the financial stability of the Nation is not risked and so that the money markets of this Nation and of the world would not be rocked from their foundations.

Mr. Chairman, what does the record show? In the 84th Congress on June 27, 1955, a bill was passed to extend the debt ceiling for an additional year. The record shows that this measure passed by a vote of 267 to 56, and that the Democrats made up a majority of the 267.

Again, in the 84th Congress on June 21, 1956, we had before us a bill to temporarily increase the limitation by $3 billion for the ensuing fiscal year. This measure was passed by the Democratic Congress.

In the 85th Congress on January 23, 1958, we had before us a bill to provide for a temporary increase of $5 billion in the debt ceiling. What was the vote on that bill? The record shows that the motion to recommit was rejected by 275 to 115, and what do we find the party breakdown to be? An overwhelming majority of the Democrats, 167, voted against the motion to recommit. And on final passage of the bill, an overwhelming majority of the Democrats, 186, voted for passage. Again, in 1958, on August 6, we had before us legislation to provide an increase in the debt limitation so as to provide a limit of $288 billion for the balance of that fiscal year. The record shows that a majority of the Democrats voted for that bill and that more Republicans voted against the bill than there were Democrats voting against.

Again, Mr. Chairman, in the 85th Congress on June 19, 1959, we had before us legislation to increase the debt limitation by an additional $10 billion, and what was the vote on that occasion? On passage of the bill, there were 167 Democrats voting for passage and only 88 Republicans voted for passage.

Mr. Chairman, bear in mind that the record I am reading covers a period of time when the Democrats were controlling the Congress of the United States and were responding to requests of a Republican administration at 1600 Pennsylvania Avenue.

Again, in the 86th Congress on June 8, 1960, while President Eisenhower was still in the White House, Mr. Chairman, a Democratic Congress voted for a temporary increase of $8 billion by a vote of 140 Democrats with only 83 Republicans agreeing with us.

Mr. Chairman, I have reviewed this record in order to stress the subject of my remarks—responsibility. This is a record of responsible facing up to the requirements of our Nation. This is the record of the Democratic Congress on the requests made by a Republican President.

As a matter of fact, Mr. Chairman, in the 8 years of President Eisenhower's administration 6 of those 8 were years under the control of Democratic Congresses. After the first years of President Eisenhower the people turned control of this body and the other body over to the minority party, and had it not been for the responsible action of Democratic leaders, Mr. Eisenhower would have had no program on anything. The fact he got his debt ceiling extended was because of Mr. MILLS and his predecessor, and the rest of us on the Ways and Means Committee were convinced that Mr. Anderson and Mr. Humphrey and General Eisenhower were honest Americans; they had a job to do in administering the fiscal affairs of this Government.

Mr. Chairman, this really means, as I have already stressed, a question of responsibility. I was interested in the remarks made by my dear friend from Ohio [Mr. BROWN]. He made a speech that I have heard made here so many times alleging as to how wasteful all of us are, and how we have wrecked the country and how we are going to the dogs. Yet every other nation on earth looks at us and asks "How do they do it?" Why, the comparison of 1933 with 1963 and 1964 is one that no one can deny if they want to use peacetime figures. As I said, in 1933 we had a gross national product of $56 billion. Imagine that—$56 billion. Today the gross national product is $625 billion. That is in 30 years, and all of that under Democratic administrations except for the interim period of General Eisenhower.

Then, of course, we have suffered periodic recessions. Take a look at personal income. In 1933 personal income was $48 billion. That meant every living man, woman, and child in the United States of America—$48 billion. Today the personal income is $490 billion.

Well, now, that really describes a nation that has gone to the dogs, does it not. There has never been a time in the history of mankind where there has been an economy such as ours. I do not mean to say that we have reached a perfect society—quite the contrary.

We have many problems. I am proud of the fact that this administration is willing to recognize those problems. Despite the fact we have reduced unemployment from the time that Eisenhower went out, when it was over 7 percent, to about 5 percent, at a time when the population has been growing tremendously and when millions of people have been displaced through automation, I am proud of the fact we say we still have to do more about it. Despite the fact that we now have a personal income figure which I just gave as $490 billion, I am glad we recognize the fact that we have an economy that can do something about poverty, so if someone says something about the poverty bill, I say to you I am glad we have the poverty bill, and I hope we pass it, and I think we will pass it, because it is essential to the future expansion and growth and progress of this country of ours.

Now, let us take a look at a few other things.

We have had the longest sustained period of business increase since 1960 that this country has ever experienced. I saw some figures the other day before the Joint Economic Committee indicating that this increase will continue for at least 18 months, maybe 2 years. You know, it is easy to say this is not so but you cannot deny facts. You cannot deny that corporate profits are higher than they have ever been in history, that corporations had the finest quarter in the first quarter of 1964 than in all history.

If you want to make comparisons, compare corporate earnings in 1929 with 1963 or 1964. Comparison is quite easy. In 1929 it was a minus all the way across the board. Today it is the greatest plus that we have ever known.

We talk about the value of the dollar. We have had, relatively speaking—and I use the word "relatively" because everything in life is relative—the most stable period of prices that I have experienced in my lifetime. In 1929 through 1933 we had a period of great deflation. It is just as the gentleman from Oklahoma said a few minutes ago, nobody had a dollar. Why, homes were up for sale for mortgage payments, and land could be reclaimed for payment of taxes to the State. The deflation was so great, unemployment was so severe, the business recession and depression was so deep that people could not continue to function in that type of economy.

Today, relatively speaking, we have a dollar that buys as much as it bought 3 years ago. There are, of course, some areas where that is not entirely true. There are some areas where it buys more. There are other services that are cheaper than they were 3 years ago. There are others that are up. But relatively speaking, this is the first time in the modern history of this country that we have had an upturn without inflation. In the case of western Europe, Germany, France, and Great Britain, they have had a price increase which is much higher than ours, so much so that our exports today are much more competitive elsewhere on earth. So this song that is sung over and over today has been on the phonograph record ever since I can remember.

The best proof of its lack of validity is the kind of society we have. I say to you, frankly, it is hard for me to understand the kind of logic whereby the Congress would pass seven increases in the debt ceiling during President Eisenhower's administration when you take a look at some of the votes that we have had recently. Let me give you some of these votes now.

On November 7, 1963, on a motion to recommit a bill providing a temporary increase in the debt ceiling, the vote on the party of my friends on the minority side was 149 to 0 in favor of recommittal.

On the passage of the bill, the vote by the minority side was 147 against the bill and 0 votes for passage of the bill.

I cite these figures in the light of some remarks by our esteemed colleagues on the other side that were made during the Republican administration.

For instance, let me read a quotation from my distinguished and dear friend, the ranking Republican member of the Committee on Ways and Means, the gentleman from Wisconsin [Mr. BYRNES]. Here is what he said when he was championing Mr. Eisenhower's cause:

> Let us understand this fact. The money has been spent. There is nothing we can do about turning the clock back much as we might like to. But the money has either been spent or the orders for goods and services have been placed. The bills will be coming due. The issue before us is only whether or not the Federal Treasurer will have the capacity to meet those bills, to pay them when they are presented for payment. That is the fundamental issue here before us.

Those are not my comments. Those are the comments of the distinguished gentleman from Wisconsin made just a few years ago, in 1959.

As a matter of fact, as the distinguished chairman of the Committee on Ways and Means can tell you, Secretary Anderson actually did try this so-called stretchout arrangement. In 1958, if my memory serves me correctly, he delayed and postponed payment of Government obligations. The effect throughout our country can be described as catastrophic. That is the only word I can think of to describe the effect of that delay and postponement of payment on our Government obligations. The word spread out that there was some question of the integrity and the credit of the Government of the greatest country on earth. I am not saying that that brought about the recession that followed, but the recession did come.

I see the distinguished economist from Missouri laughing derisively.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am glad to yield.

Mr. CURTIS. I did not know that I was laughing derisively.

Mr. BOGGS. Maybe the gentleman was just laughing pleasantly. I will change the word.

Mr. CURTIS. The gentleman said this was catastrophic. I did not know that a catastrophe had hit the country in 1958. I was trying to think back as to what reporting there was of this great catastrophe. I agree, incidentally, that there was a mistake made and there was some serious problems created, but I did not know it was a catastrophe.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. MILLS. The gentleman referred to December 1958. Actually, the gentleman meant to say the fiscal year 1958.

Mr. BOGGS. That is right. I thank the gentleman.

Mr. MILLS. Because in December 1958 the Secretary of the Treasury found himself in difficult straits in the administration of the public debt.

Mr. BOGGS. As I said, when I made the remark, if my memory serves me correctly, I knew it was in the late fifties. The point is it was catastrophic and I stand on that word. I certainly make no apology for that word because it was catastrophic and we ended up with the largest peacetime deficit in history. There was a rising rate of unemployment and business failures all over the country. Maybe that action of Secretary Anderson in delaying and postponing the payment of Government obligations and the resulting catastrophic effect did not cause it, but in the next election that followed a Democrat moved back into the White House—and from the point of view of the other side here—that may have been catastrophic.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. MILLS. I think it is of some significance that the distinguished gentleman from Missouri admits that a mistake was made. The mistake that was made was in not having the debt ceiling as high as it should have been.

That is the mistake to which the gentleman has referred. That mistake cost us additional interest on the public debt. It is that mistake which I believe all of us who are informed should desperately attempt to prevent from repeating.

I feel certain that my friend from Missouri will agree with that.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the gentleman from Missouri.

Mr. CURTIS. Yes. I would say that is the purpose of the debate here. I regret to say that it has been painted in black and white colors, which rob us of an opportunity of trying to ascertain what the figure should be. I do agree with the gentleman it was too tight then. Likewise, it can be too loose. Congress has a responsibility of trying to exercise its judgment and establishing what it believes, after listening to a debate on the facts and figures, the amount should be.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the distinguished chairman of the Appropriations Committee.

Mr. MAHON. I have some distinct recollections about the distress occasioned in the defense programs by the postponement of the debt ceiling adjustment back in 1957. It was necessary for the Defense Department to get in touch with many of its contractors to explain the awkward situation as it affected their contract performance. Many programs had to be rather hurriedly modified and adjusted downward, impairing to some extent the efforts to get on with the missile programs and with some other essential undertakings.

Refusing to increase the debt limit to the minimum essential level is not the way to retrench expenditures or deter the rate of spending. The time to decide questions of spending is when the appropriations and the authorizations are pending. The appropriation is the license to obligate the Treasury. And once you obligate, good faith requires that the debt be honored and paid when it comes due. There is no painless way to save money. Reducing appropriations to save money is often painful. It is seldom popular. But it is the effective way when the facts warrant reductions. This bill is not the place. A crippling debt limit would not be the way.

I am in favor of sharply focusing on our fiscal situation through vigorous and penetrating debate of all the facts in the matter. Representative Government benefits from such a course. That, in my judgment, is a decided dividend of the current debt ceiling procedure. It is a sort of single-package vehicle through which and by which the Congress brings into focus, at one time and at one place, both the revenues and the expenditures—both sides, all sides of the budget and appropriation picture. It is here, through this device, that we can clearly see a summary of the overall results. It is here we can clearly see the extent to which we have not lived within our means. And by sharply crystalizing this fact, we better enable the press to project the situation to the people back home. The people back home need to know and have some understanding about these things so that they can be in a position to more intelligently let their Representatives here in the Halls of Congress know their view on fiscal matters.

I commend the Committee on Ways and Means for the statesmanlike approach it has taken. I unreservedly support the position of the gentleman from Louisiana and others who sponsor this bill. It is urgent that the legislation be passed. I am confident it will be passed.

It really should be a nonpartisan matter. We are living in a critical and dangerous period; we have for some years. To retard, to slow down, or to weaken confidence in our structure could have adverse implications for our national defense and the national economy. We cannot do other than go forward with this legislation.

Mr. BOGGS. I thank the gentleman from Texas.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I only wish to ask a question because we are discussing the situation in 1957-58, which did become a problem. We also have been discussing the cooperation which the Democrat Congresses in those days were giving to the administration on the matter of the debt ceiling.

I believe perhaps the Chairman might well also refresh our memories concerning the informal, at least, requests made by the Treasury Department, as it foresaw the difficulties. The Department came here and discussed with Members of Congress—in the now majority party and the then majority party in this body and the other—the matter of getting a further increase in the debt limit.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. MILLS. Mr. Chairman, I yield to the gentleman an additional 5 minutes.

Mr. BYRNES of Wisconsin. If my memory serves me correctly, the answer they were given was that they should not request an increase because of the fact that there was not a desire to give the increase.

Mr. MILLS. Mr. Chairman, will the gentleman from Louisiana yield?

Mr. BOGGS. I am happy to yield to the gentleman from Arkansas.

Mr. MILLS. My recollection is somewhat at variance with that of my friend from Wisconsin, but since it is recollection I feel sure that either one of us could be off a little as to what we recall.

Let me answer the gentleman in this way: When we passed the temporary debt ceiling for the fiscal year 1958 I believe it was some time early in June of 1957, and we provided the Secretary of the Treasury with exactly what the Secretary of the Treasury said he needed in the way of a temporary debt ceiling for that fiscal year. The Secretary of the Treasury should not at this late date be held responsible for having misestimated the receipts to come in during that fiscal year, because in June of 1957 there was no one of whom I know who predicted that we would have the downturn which followed during the course of the fiscal year 1958.

It was not his fault, but the Congress did adjourn without having made adjustments within that ceiling to take care of his then existing needs and prospective needs for December 15, 1957. The question came up as to whether or not the Congress should be called back into session some time in November to handle that problem. I frankly do not know whether a request was ever made of the Democratic leadership or not or whose decision it was that we were not called back into session, but this emphasizes—if the gentleman will continue to yield—this emphasizes the importance of having this flexibility that is provided in this bill.

If the Congress is to adjourn this year some time, I hope, around the time of the Democratic convention and certainly by the 15th of September at the latest, then we will be out of session again in the fall of the year when emergencies could arise and when something could develop that would justify what we refer to as this flexibility and what the Republican members of the Committee on Ways and Means in their report have referred to as a cushion.

Actually, this whole argument apparently is based upon this one point: Do we have flexibility within the ceiling, as we call it, or do we have a cushion, as they call it? If you do not have the flexibility or the cushion, we have no assurance that we will not be right back where Secretary Anderson found himself in December 1957, as the gentleman from Louisiana [Mr. BOGGS], has so graphically described.

Mr. BOGGS. I appreciate exactly what the gentleman has said and I might supplement his remarks by quoting directly from Secretary Anderson again during this same episode with reference to which the gentleman from Missouri objects to the use of the strong wording. Mr. Anderson, on January 27, 1958, said this, and I quote from him:

> We are of the opinion that a reasonable margin for contingencies and provision for flexibility in financing is very important in the public interest. What we mean by flexibility involves a rather technical explanation, but I will try to make it clear. For example, if we go into the market to refund an outstanding issue, regardless of the terms of the new issue, we must take into consideration the fact that in the normal course of business certain holders of these securities will need cash. Others will decide that the terms of the new securities do not meet their particular investment requirements and therefore they will take payment for their maturing securities in cash. So long as the debt margin is very narrow, and cash balances low, the Treasury has to estimate carefully what this attrition (maturing securities presented for cash payment) will be so as not to be in a position where the Treasury could not make payment for all maturing obligations presented.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BOGGS. Those are the arguments advanced by the distinguished former Secretary of the Treasury, Mr. Anderson, for this provision of this proposal which the minority criticizes so strongly.

I say to you, Mr. Chairman, that if these arguments were valid under Secretary Anderson in 1958, they are equally valid under Secretary Dillon in 1964.

Mr. MILLS. Will my friend from Louisiana yield further?

Mr. BOGGS. I will be happy to yield to the chairman.

Mr. MILLS. I think it should be borne in mind by all of us and I am sure we recall that this idea of flexibility within the ceiling or this cushion is not a new thing that has just recently developed. We have used it as one of the standards in determining what the ceiling should be ever since the days of Secretary Anderson. It should further be borne in mind that when we refer to a desire that the Secretary of the Treasury have $4 billion at least cash on hand, and this $3 billion of flexibility, we are talking about enough money for the Secretary of the Treasury to pay bills for slightly more than 2 weeks' duration.

Mr. BOGGS. Mr. Chairman, I thank the gentleman. I would like to say in conclusion that this is a matter that has been debated in the House on many occasions. I repeat that those of us in the majority over the past have attempted to approach this problem from the point of view of true fiscal responsibility. Everyone knows the Committee on Ways and Means is not the committee of the Congress which, as a committee, has jurisdiction over appropriations or over spending. Over the years, under Mr. Eisenhower, we voted not once but seven times—I repeat seven times—on this issue. I would hope that when the vote comes today it will not be as it was last fall when the members of the Republican Party voted solidly against something that the Government of the United States of America needs for its fiscal integrity.

I urge passage of this bill as reported.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I was pleased that toward the end of the remarks of the gentleman from Louisiana, and the colloquy that took place between him and the chairman, the gentleman from Arkansas [Mr. MILLS], and myself, we began talking about the issue. And I hope to continue the debate along that line. But let me clarify it a little bit further.

And, incidentally, I want to say one other thing; I was very pleased that the Speaker of the House recognized the seriousness of this issue so that he took the time to discuss it on the floor, as did the minority leader, the gentleman from Indiana [Mr. HALLECK]; because, indeed, this issue before us does involve basic philosophies and economic and fiscal policies. But I want to get it out in the open a little bit more.

The gentleman from Louisiana [Mr. BOGGS] said that the Democratic Party recognized that President Eisenhower, Secretary of the Treasury Humphrey, and Secretary of the Treasury Anderson were patriotic Americans. Is that an issue before us? In other words, carrying out the thought that was intended obviously, is it intended that those who disagree on this serious fiscal policy do not believe that President Johnson is a patriotic American? If that is the caliber of the debate that we are going to engage in then, of course, it is useless; and I might say regrettably that is too often the basis on which debate seems to go forward in the Congress.

Of course, that is not the point. I hope that we on the Republican side are patriotic and believe in turn that those who differ with us on these difficult issues are equally patriotic. I hope that the Republicans again will vote almost solidly against this increased debt ceiling.

What is the issue as I see it? Yes, we have had these debt ceilings before us periodically—was it six or seven times during President Eisenhower's administration? We had them before us three times last year under a Democratically controlled executive department and a Democratically controlled Congress. What is this exercise that we go through? I do not see present the gentleman from Texas, my distinguished colleague, the chairman of the Committee on Appropriations. He was pointing out that in the appropriations process the Congress appropriates funds for the executive department to spend; and indeed that is true. That is something with which we are familiar. When this Congress grapples with appropriations, which amounts to obligational authority to spend, gentlemen, under the procedure we have developed in the Congress and in this Government, this is not expressing ourselves on the expenditure level of any fiscal year, any given fiscal year. This is true because the money that we appropriate and authority to spend in any specific year is geared for expenditures over many years. The bulk of it will probably be expended in the oncoming fiscal year, but a great deal of it flows over into the next fiscal year and into the following fiscal years, sometimes for a period of 4 or 5 fiscal years.

Mr. Chairman, in the "Budget in Brief of 1965"—and I wish to commend I might say the Bureau of the Budget for the improvement of the caliber of the budgetary documents in the past few fiscal years—on page 62 there is a chart which explains quite clearly what this budgetary process is that we have developed:

> The new authority recommended to Congress for this year to spend—

If the administration wishes—

> is $103.8 billion. Only $70.5 billion is scheduled to be spent in fiscal year 1965. The balance, $33.2 billion will be carried on for expenditures in future years. The unspent authorizations enacted in prior years to coming into this fiscal year is $90.4 billion and then not all of that will be spent in fiscal 1965.

Only $27.4 billion. This leaves a balance of $61.8 billion to be carried on over into the ensuing fiscal years, incidentally, leaving us with this interesting picture.

Beginning this fiscal year 1965 we will have carryover authorities of $90.4 billion and $95 billion beginning in fiscal 1966. If Congress votes the $103.8 billion, NOA, we would have $194.2 billion in authority to spend that the Congress has granted to the Executive.

Now, this becomes the key. The Executive in his budget says, "I am only going to spend $97.9 billion of this $194.2 billion authority that I have in this fiscal year." But, my colleagues, the Congress has not developed or utilized any machinery to exercise its judgment over what it thinks the expenditure levels for a particular fiscal year should be. Should the expenditure level be $97.9 billion, or in light of the revenue which we can anticipate, should it not be $94 billion or $95 billion or even $92 billion? In other words, Congress has a responsibility to exercise its judgment on what it thinks the expenditure level should be in light of the anticipated revenues even having granted these authorities to spend. Also we must bear in mind that many programs can be moved up and are moved up, particularly in the military when they achieve a breakthrough in a new area, and then other programs may be phased out and some programs completely canceled.

Mr. Chairman, every President of the United States has at times frozen funds or accelerated programs. The debt ceiling legislation is the only mechanism that we presently have developed in the Congress to exercise our judgment over what we think the expenditure level of a fiscal year should be. This is true because the Committee on Ways and Means looks at the revenues that we estimate we are going to collect and being responsible for the amount of bonds that we sell to finance the deficits—because that is the way we must finance them—has to look at the problems involved in the field of debt management and so we say well, now, wait we must consider the problems we have in this business of handling a debt of some $315 billion.

We have about $80 billion of refinancing each year where the Government has to move into the money market. What economic impact does this have on the economy? That was the real argument in the tax cut bill, but I regret to say the argument did not ring through to enough of our Members. Maybe we did not express this strongly enough or couch it in good enough language to be understood. But when we cut $11 billion off of our revenues we of the Committee on Ways and Means knew that we were going to have to figure something out, how we were going to market these additional bonds and what might be the economic consequences of that. Sure, the tax cut would stimulate the economy, but what would be the effect of trying to hit the money market for $11 billion in bonds? What would it do? The debate never really came about. In my judgment we are in a very serious difficulty with the inflationary pressures lying at the base of our economy. The minority on the Joint Economic Committee points this up in its report this year and says: We feel what is happening now is we are going to overheat our economy. Sure, things were going to look good in June. We said that in January, and probably the economy will continue to look good on into the fall, but if this theory is correct and it deserves the attention of those who may disagree with it then we are going to taper off and really be in serious economic circumstances at the end of this year or early next year.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Before the gentleman concludes his remarks, is he going to make a recommendation as to what the permanent debt ceiling and what the temporary debt ceiling should be, in his opinion?

Mr. CURTIS. No, I will say to the gentleman, we are not, for this reason: We do not have the information. We should vote to recommit this, then we would call the Secretary of the Treasury before us and tell him: Now, the Congress has said that in its judgment these expenditure levels are too high, and it is necessary to figure out where we can cut back in an orderly fashion. So let us go into specific figures to indicate how much we can cut the expenditure level for the current fiscal year. We have to increase the debt ceiling. Make no mistake about that. We have already gone down the road too far. But again, as the gentleman from Arkansas pointed it up, how high should this be? We recognize the need for flexibility. There has never been any dispute about that. But again the question is how much should it be? In our previous recommendations of the minority we have actually said in a motion to recommit to cut it $2 billion. Another measure we had was to hold expenditure levels to certain points. That was in the tax bill.

But we do not have the information at this time to make a recommendation to the House. However, if the House in its wisdom should follow our advice we would have ample time to go back and figure this thing out. In fact, I suspect the chairman of the Committee on Ways and Means would ask for a temporary increase to take care of the next couple of months if we needed that time in order to get back into the details of it.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. Is my friend from Missouri suggesting to his colleagues that we consider the debt three times this year in the same way we did last year?

Mr. CURTIS. I certainly am. And having gone through that process last year, what happened? The President presented to us a budget of $98.8 billion in January 1963. Under this discipline of the debt ceiling he reduced that figure and the figure was given to us on the floor of the House the last time we appeared here on a debt ceiling increase in November 1963. We had expenditure levels down to $97.8 billion. Read the RECORD, and you will find there also was an anticipation which the administration gave us that they hoped to cut the figure even further from $97.8 billion to where I thought it might be, $97 billion. In my judgment, it was only because of this discipline that we did supply through the use of that debt ceiling that that came about.

The tragedy was that upon the unfortunate assassination of the President of the United States and the change of administration, within less than 3 or 4 weeks, at the same time that President Johnson was talking economy, this figure of $97.8 billion was increased to $98.4

billion—this is a matter of record—a $600 million increase in expenditure levels; by the Johnson administration passing it on to the administration of his predecessor, President Kennedy, when the Kennedy administration under the discipline of the debt ceiling was moving to cut expenditures down even further than the $97.8 billion.

So, yes, I would say to the gentleman from Arkansas, I would hope that we would continue to use this machinery of the debt ceiling, for the Congress to exercise its judgment over what it thinks the expenditure level of any fiscal year should be in relation to our revenues and in relation to the debts that we create.

Mr. MILLS. Mr. Chairman, on that point will my friend yield?

Mr. CURTIS. Yes.

Mr. MILLS. I think my friend misunderstood what I was asking.

Mr. CURTIS. I do not think I did.

Mr. MILLS. Yes. My reference was to the fact that we legislated on the debt ceiling three times in 1 year. That is what I was asking the gentleman, if we ought to do that again this year.

Mr. CURTIS. My answer was, "Yes." It was because of that discipline that this is the first time we actually saw a decrease in expenditure levels projected by the administration.

There has been a rosy picture painted of our economy. Thank goodness, our economy and our private enterprise system is much more powerful and more basically sound than we really have a right to anticipate, because it has survived a great deal of abuse. But it is our private economy that has moved forward in spite of, not because of, some of our governmental fiscal policies and expenditure policies.

One thing President Kennedy promised the people in his campaign for election was to do something about the balance-of-payments problem. This involves forces outside our society. Here is a discipline over which we have little control. There was an article appearing in the Wall Street Journal of May 20, 1964, commenting on this, and I shall include that at the conclusion of my remarks. We have not solved this problem of balance of payments at all. All we have done is bought time. It is worth buying time if you use the time to correct the basic problem, but as we have failed to do so our position actually is worse than before we bought the time.

Prof. L. Albert Hahn of Frankfurt University, in writing on the American economy, observed that much of the payments deficit, apart from Government spending abroad, lies in the Government's basically inflationary bias, with its huge domestic deficits and artificially easy money. He said that what is lacking "is not more international liquidity but the national monetary discipline which the Americans do not want."

Of course, the Democratic Party has traditionally been in favor of increased governmental expenditure policies. Of course they have approved under the debt ceiling limitations in the Eisenhower administration the Eisenhower expenditure policy. Actually the congresses under their control tried to increase the expenditures of the Eisenhower administration; they thought the errors lay not in spending too much, but too little. They actually voted expenditures which increased the deficits.

It is perfectly logical for Republicans, of course, to resist the expenditure policies of this administration, as we tried to under the Kennedy administration. This is a basic issue for the people to decide. I wish my colleagues on the Democratic side of the aisle would face it forthrightly. Their economic philosophy is to spend and finance it through deficits. The President does not submit a balanced budget to the Congress and has no intention of submitting a balanced budget in the foreseeable future.

What we Republicans are fighting for and what we regard as fiscal responsibility is balancing the budget. You Democrat leaders say that balanced budgets are not an essential feature of fiscal responsibility. Here is the debate and I hope it will be brought to the people this fall.

Mr. Chairman, the article which appeared in the Wall Street Journal of May 20, 1964, to which I referred earlier, is as follows:

WHAT IS LACKING

As with so many problems in political life, no one is attempting to attack the causes of the balance-of-payments deficit. Even assuming the officials understand the causes, they apparently fear the possible consequences of forthright action. So it is that confusion grows apace.

All this was well illustrated in a recent speech by Treasury Under Secretary Roosa. He concedes that some of the recent gains in the payments position are temporary. He stresses that "there can be no relaxation of effort on any front until the balance-of-payments deficit is entirely removed, gold losses are stopped, and our external accounts are securely in equilibrium."

Moreover, Mr. Roosa acknowledges that foreign investments, against which the proposed interest-equalization tax is aimed, are assets which will yield a return that will help balance the payments in the future. Yet he argues forcefully for the tax.

Why? For one thing, it seems these foreign investments are assets only if they are "soundly conceived," though who is supposed to make that judgment he does not say. More importantly, even the fact that the investments lead to a return flow does not alter the alleged necessity of holding the export of capital to amounts the nation can currently afford.

It's really a pity to find people making such arguments. One significant consideration absent from the argument is the connection between investment abroad and the exports the Government wants to increase.

The connection was shown by Prof. L. Albert Hahn of Frankfurt University soon after the tax was proposed. Writing in the Statist of London, Mr. Hahn observed that a country which increases its export of capital will tend to increase its export of goods and services. He uses the famed case of Ford's acquisition of English Ford shares, which the Washington officials regard as particularly unfortunate, as an example.

If the transaction had been prevented and other things were equal, the hundreds of millions of dollars involved would presumably have been used for investment at home. "This means," Professor Hahn writes, "that they would have been fed into the circulation of money at home instead of increasing, as they did, the circulation of money abroad.

"The modest inflation thus produced at home would have produced a tendency toward increased imports and decreased exports, and dollars would have again migrated. In other words, interference with capital movements would have tended to neutralize itself."

Needless to say, the proposed tax is a gross interference with capital movements. And in the professor's critique can be seen the root of the problem and the cure. Much of the payments deficit, apart from Government spending abroad, lies in the Government's basically inflationary bias, with its huge domestic deficits and artificially easy money. That policy is a main reason why American purchases of foreign securities, the specific target of the tax, rose so high in the first half of last year.

As Mr. Hahn observes, the balance-of-payments problem could be solved within a short period by a deflationary policy. But as he also implies, the fear in Washington is that such a course might take some of the boominess out of the domestic boom. Accordingly he foresees no early correction of the imbalance.

While we ourselves would not want to make a prediction, we are very sure that all the official action and all the talk to date is merely tinkering with the periphery. If the Government refuses to get down to causes, then at least the American people should understand the source of the trouble. It could hardly be more succinctly stated than in Professor Hahn's words:

What is lacking "is not more international liquidity but the national monetary discipline which the Americans do not want."

The CHAIRMAN. The gentleman from Missouri has consumed 28 minutes.

Mr. MILLS. Mr. Chairman, I yield to the distinguished member of the Committee on Ways and Means, the gentleman from Florida [Mr. HERLONG] 10 minutes.

Mr. HERLONG. Mr. Chairman, once again we have before us a familiar but still widely misunderstood measure—a bill to increase the public debt limit. The administration has requested and the Ways and Means Committee has favorably reported a bill to increase the temporary limit to $324 billion from the date of enactment through June 30, 1965.

I support this bill. It is essential, fiscally responsible legislation. I urge that we pass it promptly.

Existing law provides for a temporary debt ceiling of $315 billion through June 29. On the following day, the limit will drop to $309 billion. On July 1, the start of fiscal 1965, it will revert to its permanent level of $285 billion.

Treasury department projections of the debt subject to limit show that it will total $311.8 billion on June 30—$2.8 billion above the statutory limit for that one day and $26.8 billion higher than the permanent limit scheduled to take effect July 1.

Clearly, then, the Congress must act on the debt limit before the end of this fiscal year. If we fail to do so, if we fail to give the Secretary of the Treasury the margin required to finance the outstanding public debt economically, we face nothing less than the prospect of the United States defaulting on its obligations. This, of course, is unthinkable.

Failure of the Congress to provide an adequate new debt limit authority would be the height of fiscal irresponsibility—for which every Member of this House would be accountable irrespective of whether he voted previously for the spending authorizations which have made it necessary to increase the debt limit at this time.

In setting a new debt limit, we must consider the needs during the balance of this fiscal year, the deficit projected for fiscal year 1965, the seasonal variation in receipts which requires a temporary rise in borrowing even when the budget is in balance or surplus, and, finally, the need for a margin of flexibility.

It must be recognized the debt limit is not the way to reduce or control Government expenditures. Failure of the Congress to provide an adequate debt limit will not have any material effect on the rate of Federal spending. Furthermore, an adequate debt limit will not lead to higher expenditures than the Congress has authorized. The issue is not Government spending. We are faced by the fact that spending decisions have already been made by the Congress. The job now is to finance the resulting expenditures in the most fiscally responsible way. That is the issue—the only issue before us. A vote now to provide an adequate debt limit is not a vote to increase the debt. We decided to increase the debt when this and past Congresses voted the authorizations and appropriations that are now becoming expenditures.

If we want to cut back spending, we can do it. But we must do it the right way—by cutting appropriations and authorizations, not by voting, under the guise of conservatism, a debt ceiling that will force the Secretary of the Treasury to pay the bills we have authorized in a way that will result in a higher level of Government expenditure.

We have talked on this floor before about the kinds of expedients that have been forced at times in the past by an inadequate debt limit.

During the Eisenhower administration, in 1954 and 1955, $2,326 million was raised through the expedient of having the Commodity Credit Corporation issue and sell nonguaranteed, interest-bearing certificates in the open market so that this money could be paid over to the Treasury, thus reducing the Commodity Credit Corporation's use of the revolving fund it was authorized to use. The interest rate on these certificates, because they were not guaranteed, was three-eighths to five-eighths of a percent higher than on comparable Government securities. The extra cost of having to finance the Government in this way, rather than through normal channels, was $7 million.

In 1955, and again in 1958, it was necessary to use a similar procedure. This time Federal National Mortgage Association certificates were issued and sold in the market to raise $2,169 million. The interest rate on these certificates was from one-half to three-quarters of a percent higher than on direct Government obligations, and the extra cost—which again had to be met by the taxpayers of this country—was $25.5 million higher than if the Government had been allowed to borrow this money itself in the normal manner.

This was not fiscally responsible. By providing an inadequate debt limit and making the Secretary of the Treasury adopt certain of these expedients, which have been discussed on this floor before, the Congress did not hold down the real amount of the Federal debt. It simply increased the cost of running the Government. The amount of the real Federal debt is determined simply by the relationship between expenditures and revenues. As the Representative from Missouri [Mr. CURTIS] once pointed out—supplemental views of the Honorable THOMAS B. CURTIS on H.R. 13580, August 1, 1958:

> I believe, it is important to emphasize that this so-called debt limitation bill, H.R. 13580, and the previous acts bearing this title are really debt management bills, not debt limitation bills.
>
> The erroneous impression that many Members of the Congress and the general public have that this legislation is debt limitation has resulted in many Members of the Congress voting against the increase of the amount of bonds and other securities the Treasury may have outstanding against the full faith and credit of the United States at any one time. The amount of securities the Treasury of the United States may have outstanding at any one time against the full faith and credit of the United States in no way limits the debt of the United States; it only limits the flexibility with which the Treasury may treat the debt. Disturbing or impairing this flexibility makes the situation worse, not better.

I would say that I completely agree with the statement of the gentleman from Missouri in that connection.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I am glad to yield to the gentleman from Missouri.

Mr. CURTIS. Would the gentleman not also agree that is in complete context with the remarks I have made?

Mr. HERLONG. It is in complete context with the remarks the gentleman has made; that is true.

An adequate debt limit will not increase Federal expenditures unless this Congress votes to increase expenditures. If Congress votes to increase expenditures, they will increase whatever Congress does about the debt limit.

I was gratified by the new budget estimates which have just been released. Total expenditures for fiscal years 1964 and 1965 combined are now estimated at $195.6 billion, $700 million less than estimated in January. This is progress and I hope more progress will be made. The estimated deficit for the 2 years has also been reduced by $300 million. This is also progress and I hope there will be more of it.

An adequate debt limit will enable the Treasury to take advantage of favorable opportunities in the market to raise new money and to refund outstanding debt to improve the structure of the debt. An inadequate debt limit would have prevented the Secretary of the Treasury from carrying out his program of debt management which has greatly increased the average length of the debt and contributed the financial strength of the Nation.

An adequate debt limit will allow the Secretary of the Treasury the necessary flexibility to deal with our balance-of-payments problems. We have all been glad to see the positive results of policies adopted to improve our balance of payments and to prevent further losses of our monetary gold. It would be a serious lapse of fiscal responsibility now, when we have every expectation of success, to take away a degree of flexibility. This flexibility permits prompt response to money market developments affecting our balance-of-payments position. Without it we jeopardize our chances of success in dealing with this important problem.

If Congress does not act promptly, the temporary limit will drop to $309 billion on June 30. The debt subject to limit will be $311.8 billion on that date. If the Congress does not act, therefore, all borrowing will have to cease on June 30. This means the sale of savings bonds would have to cease immediately. We all know that the savings bond program is a keystone to the sound management of the public debts. Suspending savings bonds sales and payroll deductions on savings bonds, even for 1 day, would be disastrous to the program for years ahead. Would this be fiscally responsible?

The second effect of congressional inaction would be to prevent the normal investment of trust fund receipts in special obligations. The Secretary of the Treasury would then have the choice of leaving these funds uninvested, in which case the trust funds would be deprived of income, or buying outstanding marketable issues in the market, depleting the Treasury's cash and having severe effects on the Government securities market.

When the debt limit falls to its permanent level of $285 billion on July 1, the Treasury's position will become even more difficult. Regular weekly bills maturing on July 2 would have to be paid off in cash, with serious disturbance to the market. The Treasury would also have to cancel its normal issue of $1 billion of 1-year bills. On July 9, the next issue of regular bills would also have to be paid off in cash. And on July 15, when the next maturity came due, the Treasury would be out of cash and would have to default, for the first time in history, on a direct Treasury obligation. Would this be fiscal responsibility?

It is a congressional responsibility to provide funds needed for the operations of the Government, not to be a handmaiden to fiscal chaos.

The Secretary of the Treasury might, on the other hand, simply disinvest a sufficient amount of the interest-bearing special obligations now being held by trust funds for which he is trustee, such as the social security fund, and the like. There are, at this time, something like $45 billion of these special obligations held by the various trust funds. They could be called in and we could simply say to the beneficiaries of the funds that you no longer have an interest-bearing certificate to show for your money, you just have a credit on the books of the Treasury. Of course, the funds would be losing interest, which now contributes to their actuarial soundness, and, of course, when they needed their money, we would just have to say, Sorry, the Treasury just does not have the cash and we cannot pay you. This, too, can hardly be considered fiscally responsible.

There are some who may argue that the Treasury does not need a debt limit as high as $324 billion. Some lower figure will be enough, they claim.

Remember, a lower debt limit will not hold down spending. The only excuse for voting for a lower limit, then, has to be that the Treasury has underestimated its receipts. Perhaps, they will be higher than expected. But let me recall to the House that the projections of debt furnished by the Treasury last November turned out to be pretty accurate. I would rather trust the Treasury's present projections than to take the chance of having to come back again and again, as we did last year, to vote new ceilings that would be good for a month or 2 months or 6 months at a time. I only hope the Treasury has not overestimated its receipts. These estimates are uncertain, even though they are the best there can be made. I only hope that the expenditure estimates are too high, but who among us can today say with certainty what may lie ahead. I only hope that the margin for flexibility provided in the bill is adequate.

The debt ceiling is a good thing, if it makes the Congress focus on what the Congress has authorized in the way of expenditures and what the Federal Government owes. It is not a good thing, if we make these debates occasions to pretend to fiscal responsibility and economy while on other days we vote appropriations and authorizations that require the ceiling to be raised again and again. We have incurred the bills, and it is now up to us to provide the means to pay them. When the Congress provides an adequate debt limit, it provides the authority needed by the Secretary of the Treasury to manage the fiscal affairs of the Federal Government in a responsible and economical manner. This is the only issue on which we will vote. I urge that we pass this bill promptly.

I yield back the remainder of my time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. Knox].

Mr. KNOX. Mr. Chairman, once again today we are confronted with a requested increase in the national debt ceiling. I have been sitting here today listening intently to the remarks which have been made, and I might say at this time that I certainly wish to join with my colleague the gentleman from Missouri [Mr. Curtis] in the fine presentation which he has made to the Committee today regarding the debt ceiling.

It seems to me, in order to save some time, it is a foregone conclusion that, irrespective of what the minority may say, the skids are greased and this legislation before us today is going to slide through the Congress with a sizable majority. This is in opposition, of course, to my views. Many of us who are concerned over the fiscal health of the Nation are attempting to put on the brakes. They realize that if the past is prolog, our efforts will be futile. The attempt must be made nonetheless.

I agree, so far as the national debt is concerned, that it possibly does—I know it does—require a substantial increase.

However, I do not feel that the increase is necessary to the point or in the amount of $324 billion. A year ago, at the time that we had the Treasury Department before the Committee on Ways and Means, at which time we all had an opportunity to interrogate the Secretary of the Treasury, I predicated that with the trend of spending the national debt would reach $323 billion this year. Well, I was rather modest in my view on that matter, because I find today that we have a bill which is going to cost us $324 billion. Sure, we do have a $285 billion permanent ceiling, but to justify going to $324 billion on the temporary ceiling when we are unable to cut back from the $315 billion ceiling that the Congress voted a year ago is beyond me.

This is a camouflage as far as the actual responsibilities of the Government are concerned, because it is not $285 billion. If this bill passes, your national debt is going to be $324 billion, and that is what we will have to live with. When we look at $324 billion it makes one somewhat shudder to think of the fixed responsibility that this $324 billion brings to the American taxpayers in the form of interest alone. You cannot continue to increase the national debt and borrow money unless you are going to be able actually to pay it back, or else you will have to continue to pay the interest charges which the bonded indebtedness calls for.

It would seem reasonable to me that in the best interest of the American people we should take a good, hard, long look at some of the appropriation bills that are going through the Congress, which actually are the creator of this national debt. I listened to my good and humble and distinguished friend the gentleman from Louisiana [Mr. Boggs] mentioning the Eisenhower administration. Mr. Boggs claimed that during that period there were the highest increases in the national debt that we had ever had.

Well, back in 1957 we were in a slight recession and revenues fell off about $6 billion. At the same time, though, the Congress was controlled by the Democratic Party and they did some pump priming. Through that pump priming came another $6 billion of expenditures, which necessitated at that time an increase in the national debt of $12 billion.

Mr. Chairman, I respectfully request, and it would be my fond hope, that the House today would follow the suggestion of my distinguished friend from Missouri [Mr. Curtis] that we recommit the bill. This would give us an opportunity to go back into session on it and do the necessary analyzing as far as the expenditures are concerned with reference to the real necessity for the increase in order to hold it to the very least increase that we can possibly have. It would be a great day for the American people if this bill were referred back to the committee for further consideration.

Mr. Chairman, since this administration took office less than 3½ years ago, its spokesmen have found it necessary to make the trek up the Hill to plead for an increase in the debt ceiling seven times. While this Hill-climbing may be wonderful for the physical fitness of the bureaucrats, it is highly detrimental to the fiscal fitness of our Nation. There is only one reason for this repeated exercise, and that is the unprecedented and uncontrolled spending proclivities of this administration.

Make no mistake about it—despite the great show of "blackouts" at the White House and the fiscal shell game played by the L.B.J. image builder, the Treasury continues to keep the spending flow at flood levels. It used to be that the national debt ceiling legislation was intended as a checkrein on spending, or a plug in the dike. In recent years, however, this approach has undergone drastic revision, until we have reached the state in the bill before the House today where this will not be a plug in the dike, but rather a prop to hold the spending gates wide open. Only once in the entire 12½ months to be covered by this bill is it contemplated that even minimal spending restraints might be imposed by the ceiling, and even at that time, on March 15, 1965, there will still be over $3 billion of cushion available.

We have heard much about the "economy drive" and this myth is reiterated in the majority report on this bill. Yet even a cursory glance at the balance sheets reveals not only that there is a lack of economy, but that President Johnson in last month and this alone has outspent President Kennedy by over $2.5 billion more than last year. Furthermore, President Johnson is today spending at an annual rate of more than $105 billion per year. You will recall that yesterday we passed the excise tax extension, which put a $1.8 billion annual load on the taxpayers' backs for another year. The motion to recommit would have removed about one-half a billion dollars worth of retail excise taxes. Thus it is apparent that had President Johnson held his spending rate even to last year's levels for May and June, we could have more than financed the removal of these unjustifiable wartime tax rates. Yet the spending gusher flows on in the grand Texas manner.

While the current expenditure pattern is depressing enough, the outlook for the future is downright distressing to all those concerned with the economic and fiscal viability of this Nation. Last week, in spite of this fact, we voted 33⅓ percent pay increases for ourselves and similar boosts for top Federal officials and judges. We have heard requests follow request for new programs and increased spending authority in old programs that will swell the spending potential of the administration far beyond what it is even today. Yet the administration will not accept even the slightest check on its current spending, but seeks instead free rein. While the administration's desire for wide-open current expenditure ability is understandable in an election year, it points up the fact once again that this administration is far more interested in getting reelected than in preserving the fiscal integrity of the country and the soundness of the dollar.

It is crystal clear that the administration's concern for the American people, the soundness of the economy and the purchasing power of the dollar does not extend beyond November. This attitude of full-speed ahead on spending and the devil take the hindmost may not bring disaster today or next month or even 6 months from now. But some day in the near future the piper will have to be paid. In this century alone we have had repeated examples of the disastrous effect of unchecked spending and printing-press economies. We need only look to France and Germany in the 1920's. There are many people, especially in this administration, who say it cannot happen here. Yet, it is precisely this sort of cocksure attitude that makes it more likely than ever that it will happen.

There are but two ways to bring a slowdown and reversal of this disturbing trend. One is through the authorization and appropriation process. Most of the work in this area remains ahead of us this year. However, even if substantial cuts are made in this phase, their effects will not be felt for some time. The other method, and one which can have immediate effect if we let it, is through the debt ceiling. If it were made more realistic, it could act as an effective check on current expenditures. But that cannot be done with H.R. 11375 in its present state. Therefore, I would hope that we will reject this bill in order that it may be revised to carry out the job the debt limit was originally meant to fulfill. Only in this way can we make a meaningful start on restoring the fiscal fitness of this Nation. To each of my colleagues who are progressive enough to see beyond 6 months from now, and who are concerned enough to care for the economic health of this country and the well-being of our citizens, I extend my invitation, indeed my supplication to vote against passage of H.R. 11375.

Mr. MILLS. Mr. Chairman, I yield 15 minutes to the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, like the Kentucky Derby and the Atlantic City beauty contest, once again we have the annual go-around to raise the debt limit. We have to go through the motions to determine whether or not the U.S. Government will increase its debt limit to $324 billion.

Our Republican friends are going to howl louder than the rest of us. Before their howls are given attention by the public I would like to do a little howling myself. Where were these Republicans when the interest rates were being raised all during the Eisenhower regime? We did not hear a peep out of them when the Eisenhower Republican administration hiked the carrying charge on the national debt from approximately $5 billion a year to $11 billion. My colleagues, and particularly my Republican friends, should be reminded, and I am here to do the reminding, if the cost of carrying the debt, which is the real measure of this burden, had been kept at the Truman level, our public debt today would be $275 billion rather than $315 billion.

There is one other thing I want to remind my Republican friends about on interest hikes of the public debt. On three separate occasions in recent years an interest rate increase started off a recession. These three recessions cost the United States untold billions of dollars and added to the increase in our public debt, because when times are bad revenues fall off and budget deficits grow.

Here are the three recessions; in each one of them the interest rates shot up just before the recession. That is inevitable. It happens all the time. If interest rates are artificially increased it hurts business and stalls the economy.

If you will notice this chart you will see the three recessions that were caused by high interest rates. I am talking about the interest rates on Government bonds. All that I have been saying has been prepared for you to look at in the form of these three charts, which I consider amazing. Study them and you will get a lesson in how to overburden the American people with unnecessary interest charges on the national debt, from $5 billion to $11 billion during the Eisenhower regime. You will see the correlation between high interest charges and tight money and recessions. These charges are my answer to my Republican colleagues when they howl and weep and shed crocodile tears.

If they are so concerned, let them remember it was they who raised the national debt. Why were they not concerned about rising interest charges which more than doubled under Ike? We do not hear a word from them when the economic wounds are being inflicted. It is only much later after the damage is done. It is after their many errors of omission and commission that they beat their breasts and cry because the national debt ceiling must once again be raised.

Mr. Chairman, I have one more statistic. It is a whopper. It is incredible, but it is a fact. My source is the U.S. Department of Commerce. It is the gross amount of interest which the American people are paying this year on both the public and private debt. The figure is $75 billion, paid during the year 1963 in interest charges by the American people. That is what you would call a hidden tax. It is the sort of hidden tax that was $7 billion more than the aggregate taxes paid by all individuals and all corporations in the United States of America during the year 1963.

Now, of course, some of those interest charges were all right but some were very high and some were extortionate.

May I invite the attention of the members of the committee to the fact that in 1952 the total interest charges paid by all people, including corporations—everyone—was $27 billion. That was the year before the Eisenhower administration. That was in the last year of the Truman administration, $27 billion. However, by 1957, 5 years later, the amount had increased from $27 million to $45 billion, and from 1957, in the middle of the Eisenhower administration, to 1960 at the end, it went to $60 billion. So, the interest charges to all the people increased $33 billion during those 8 years, and do not forget that gross amount of interest was $7 billion more last year, than was paid into the Treasury by all income taxpayers in the United States of America, $7 billion more. So, it is a huge item. I want to emphasize this additional point, that when people speak about keeping down prices and wages, they should always add, and interest costs, because it has become a terrific burden and it is more important to keep down interest costs than anything else because it goes into the prices and wages of everything else. The more interest that is paid and the higher the charges, the more danger there is of inflation. Interest rates themselves can be inflationary, particularly high interest rates.

Mr. Chairman, for anyone to try to stop inflation by raising interest rates, it would be just as reasonable to pour gasoline on a fire in order to try to put out the fire.

Mr. Chairman, last year our total farm income was $12.8 billion. So, the amount of interest that is paid each year is 6 times the total farm income in the United States.

Now, when our Republican friends begin to howl about the increase in the national debt, I am going to remind them if they really want to hold the line, let them howl bloody murder along with me and 50 of my Democratic colleagues who are members of our steering committee to prevent further rises in Government interest rates.

The present ceiling is 4¼ percent. It has been that way since 1918. We have gone through depressions, inflation, and wars, 15 million unemployed, the worst time in our history, yet the rate has remained under 4¼ percent. But during the last days of the Eisenhower administration efforts were made to take that ceiling off. They tried to take it off. Sixty-five of us got together and we persuaded the leaders it was wrong, and they stopped it. Now another effort is going to be made. If you want to be a member of what I consider to be the constructive arm of the House in opposing those who are trying to step up that limit, we have a steering committee, and we would be pleased to have you with us.

I am now talking about Government interest rates, Government securities. Between the year 1939, when the war started in Europe, until 1959, we went through a great depression. Then, later, we were shooting away a billion dollars a day on the battlefields, and with the danger of inflation worse than it ever was before or since. We had good times, bad times, hard times—yet with the cooperation of the Federal Reserve, with Mr. Franklin D. Roosevelt in office, the rates were kept below 2½ percent, and no security was required to be sold for more than 2½ percent interest. During that time no security was sold below par. You cannot improve upon that. It shows what we can do if we want to do it.

If we had maintained the 1946 rate our national debt today would be $40 billion less than it is. The cause of this increase in the national debt has been excessive interest charges. If the interest rate had been maintained at the 1946 rate, the debt would be $40 billion less than it is today, and this increase would not be necessary.

So I say to our friends on the Republican side, since you have caused this increase with the Eisenhower hard-money, high-interest policies, do not oppose this bill. Certainly you should not vote against raising the debt ceiling because if you press now and squeeze out the ones that cannot be protected, you are not squeezing out these Government bondholders because they are going to get their $11 billion. When that increase goes clear across the board, when issues are refunded at present rates, the interest burden will be $13.5 billion a year, at least. The bondholders are going to get theirs. We are going to pay for national defense, we are going to pay the other running costs of Government. So who will be squeezed out under this pressure of keeping the debt limit down? The social security people, the retired people, old-age assistance, soil conservation, work projects of different kinds to give jobs to folks. All of the social security programs will be squeezed out. A lot of people here want to do that. There are some people in our country, I hope only a few, who are willing to make the fixed charges so high that the Government will not have the money to pay for any of these other programs that are deemed essential and necessary, particularly for the purpose of giving jobs to people so they can support themselves and their families.

So, it is a cruel approach, Mr. Chairman, to squeeze down on the debt limit now to where only the special few, the holders of Government bonds, will get theirs, and the others will get theirs, but the helpless people will not be protected. It is our duty to protect them. It is cruel to vote to keep the debt ceiling down to where our Government obligations to our people, like the aged people and the social security people in general, have to be squeezed out.

As I said, some people are so determined to stop these programs that they are perfectly willing to put any fixed charge on the budget by high interest rates in order to make it impossible for those programs to be financed.

Let us consider that this interest rate is an important part of our Government. If you would like to be a part of this group that is dedicated to keeping that interest rate down to 4¼ percent and not letting it go up—as some are trying to get it to go up—then join us. What our opponents are shooting for is not a $324-billion debt; they are shooting for a $600 billion debt. Why should they not? They want 6-percent interest instead of 4¼. Why should they not? They would get $36 billion then fixed into the budget, and you would have to pay that first before paying on any of these programs. So I hope that those of you who went along with the interest increases will change your ways in the future, and that you will take the responsible course now and vote to raise the debt ceiling.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. ALGER].

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from Illinois.

Mr. RUMSFELD. The gentleman from Texas [Mr. PATMAN] said that the whole cause of the deficit we are facing today is the history of excessive interest rates. I disagree, and would suggest that the fact that we have an $8.8 billion deficit this year, to be announced on June 30, 1964, making a total of $21.5 billion of deficits in the last 3 years—these deficits are the reason we are today raising the national debt limit, not solely excessive interest rates as was stated. I am confident that the gentleman from Texas [Mr. ALGER] will agree with me.

Mr. ALGER. I appreciate the gentleman's concern. I would not think of trying to explain the speech of the dean of the Texas delegation nor would I understand the economic phrases he used in the way he used them.

In the marketplace, interest has a value and money has a value. We are looking for American money to outflow to better earning places everywhere. I should like to see the marketplace play a part in the setting of value of interest rates rather than a political party, either party. As a matter of fact, I am concerned with the fact that Government bonds pay a smaller return, a smaller amount of interest rate, because of inflationary financing by the Government. The fact is that the bond financing comes out of the private money market, the same money we use to build business and buy something on credit, whether it be shoes for junior or investments for a business. Merchants have to have money for inventories. Then comes Federal bond financing and takes the money out of the private sector. It is parasitical and it impedes growth; but that is another matter.

I have been appalled by the fact there is no constitutional limitation on the power of the Government to tax, borrow and spend except this debt ceiling. If we use the debt ceiling to try to curb spending, I think it is a good way to do it. It is a way to be used to achieve expenditure control. This is a matter about which neither party must apologize any more than we need to apologize because clearly we Republicans stand together on this issue. I am proud of the minority of our committee standing together as we have on this one. I do not see why we cannot debate between our parties what we are doing, instead of doing as our President did when he was majority leader in the Senate in 1958. I was here then. He took a great hand in adding to the debt ceiling by advocating and supporting the accelerated public works bill, accelerated military construction and the highway bill. He did this ideologically, with the thought that somehow we would help the economy of our Nation by accelerating spending. I respect that view, though I disagree with it. So we had the highest debt in peacetime. It was a Democratic Congress, with Democratic leaders. But then, as if that were not enough, our then Democratic leader the President today traveled the country criticizing the Republican administration for this big increase in the debt. Senator Lyndon Johnson and his fellow Members on the Democratic side, believed obviously that it would help the country to pile on the debt.

I have been in the House 10 years, always under a Democratic leadership. I know what the differences between the political parties as to fiscal policy and the role of Federal Government.

But I do not think the Democrats can have it both ways. Then and now, if President Johnson and the Democratic leaders want deficit financing and a planned economy of deficit financing, and if they want increased debt that is their privilege. But some of us believe there is an alternative and I propose to speak up and support that alternative.

Now as I see it, we have increased the debt $31 billion in 40 months, in other words, almost a billion dollars a month. I disagree with that policy. Those on the Democratic side generally speaking believe that deficits are good for our country. This, of course, leads to inflation and we have seen that the policy of deficit financing under any administration that follows that policy and under any Congress that follows that policy merely leads to a reduced buying power of the dollar. I think this is very serious.

As a choice, of course, I would point out that Republicans have disapproved of an increase in the debt ceiling, and it is because they believe there can be control in the rate of expenditures even as we are deciding where to reduce the total expenditure itself.

We who are not responsible for this deficit financing believe that where it is legitimately and consistently possible, the debt ceiling increase can be opposed without being irresponsible.

Now I have heard today, as we have heard constantly in many recent months, the Democrats bragging about good times. I too am very glad about that. I hope our economy stays good. But my colleagues there is something I do not agree with because we fail to balance the budget over the years. As advocated by those approving debt increases in the past if you balance the budget on a cycle, money is put aside in good times and deficit financing occurs in bad times and we come out with a balanced budget all in all.

Now my Democratic friends want it both ways. They brag about good times, but they do not want to lay any money aside in these good times. On the contrary, in this year which we are told by the majority whip is the most prosperous year in history, we are running up a deficit of $9 billion.

This is contrary to my philosophy, although I respect their right to the view on the part of those who believe that this helps the country. I say on the contrary, it stultifies economic growth. I do not know why we have to have the debt go higher and why we have to have a poverty bill when we are doing so well, and are so prosperous.

In any event when the administration says so proudly to the American people that we are reducing spending and then turns right around and asks for a $9 billion debt ceiling increase, the American people are going to see through that double play and I propose to help them. The big spenders cannot have it both ways.

It strikes me also that the Government figures shown on page 13 of the report are not entirely accurate, or else are not complete.

I will ask when we go back into the House to submit the matter found in the daily CONGRESSIONAL RECORD on pages A3252 to A3254 of June 16 giving four tables showing the increase in Federal employment in four different areas embracing almost the entire Government:

FEDERAL EMPLOYMENT COSTS ARE INCREASING

(Extension of remarks of Hon. THOMAS B. CURTIS, of Missouri, in the House of Representatives, Tuesday, June 16, 1964)

Mr. CURTIS. Mr. Speaker, the administration's proposal for a salary boost for Federal employees recalls the fanfare of its earlier moves to cut Government spending. The President himself promised substantial savings from a program of personnel reduction. In view of the present proposal to increase sharply Government payroll costs, an evaluation of the results of the personnel reduction program is certainly relevant.

Claims made by administration officials must be analyzed carefully to determine their real substance; this is especially true of announcements of personnel reductions. Facts can be presented to prove a contention which, upon closer scrutiny, has little real meaning.

The President recently announced, for example, that there were 13,743 fewer employees in March of this year than in March 1963. However, funds for the public works acceleration program were almost exhausted by March 1964, and if the temporary employees under this program are excluded, Federal employment in March of this year actually exceeded that of the previous year by 1,105. The reduction that occurred was due to the nature of the program rather than to the effort of the administration.

Those who maintain that economy in Government can be realized by personnel cutbacks alone may be proved wrong in practice. A decrease in Federal employment will provide little or no savings if accompanied by an increase in overtime costs or in contractor personnel. The House Appropriations Committee has noted that, although the Department of Defense has eliminated some jobs, an increase of 2,322 man-years of contractor personnel is planned for 1965. We must be careful to consider all relevant factors in our efforts to economize to assure that savings achieved in one area are not offset by increased costs in another.

The administration also has a tendency to talk of only one part of the Federal employment situation; namely, employment in the executive branch. If a complete evaluation of the personnel picture is to be made, employees in the legislative and judicial branches, as well as members of the military services and foreign nationals employed by the United States overseas, must also be considered. Even though employment in the executive branch alone may decline, the Government may find overall employment and payroll costs increasing. In fact, the Tax Foundation has estimated that total payroll costs will rise from the $25 billion in 1963 to $27.4 billion in 1965 if the proposed pay bill is enacted.

The attempt to justify increases in Federal employment by increases in the total population is of little merit. Except for the postal service, Government activities are not closely tied to the country's population. National defense, interest on the public debt, and space exploration, for example, need not grow as the population increases. Moreover, under proper administration, personnel efficiency will increase, and worker productivity in all branches of the Government will rise making little or no increase in the size of the work force necessary to keep pace with the growth of population. Judging by the administration's claims, this is exactly what is happening in the Post Office Department, the Veterans' Administration, and the Internal Revenue Service, to name just a few outstanding examples.

Comparison of Federal civilian payroll increases to increases in the Nation's personal income also is of interest. Between 1960 and 1963; for example, when personal income rose by 14.9 percent, the Federal payroll went up 21.3 percent. Such a comparison seems more significant than relating Federal employment to population.

Success in reducing Federal civilian employment can be attained only by a far-reaching, sustained effort. The tendency to stress the number of civil employees alone or to relate Federal employment to the population can weaken the determination to reduce the Federal work force. It is most important that we approach all policies concerning Federal personnel, including pay-raise proposals, with all the relevant facts at hand in order to produce coherent action in this area.

A recent study by the Tax Foundation on "The Federal Budget for Fiscal 1965" develops this subject in detail and under unanimous consent, I place No. 7 of the foundation's series of budget briefs in the RECORD at this point:

"THE FEDERAL BUDGET FOR FISCAL 1965: FEDERAL PERSONNEL AND PAY COSTS ARE INCREASING—NO. 7 IN A SERIES OF BUDGET BRIEFS

"The January budget message points out that the proposals call for a substantial reduction in total civilian employment in the executive branch. In subsequent pronouncements the Chief Executive has stressed administration efforts to reduce Federal employment.

"Prior to the submission of the 1965 budget, the President directed Federal department and agency heads to make strenuous efforts to reduce employment. He indicated that employment ceilings would be set for the agencies. On March 31, 1964, the Bureau of the Budget issued a circular seeking to establish systematic methods for controlling and reporting on employment, improvement in manpower utilization, reductions in cost, etc.

"These efforts, and the attention repeatedly directed to them by the President and other officials, plus the administration's push for enactment of a half-billion dollar pay increase for Federal employees, naturally generate interest in the Government's employment and pay picture. Some pertinent questions arise.

"What are the prospects for achieving the substantial reduction in Federal civilian employment promised in the January budget message? How much progress has been made to date? To what extent, if any, will such personnel cutbacks lower Federal expenditures in fiscal 1965 and future years? These questions, and others, are considered in this, the seventh in a series of bulletins on the Federal budget for 1965.

"How much reduction in Federal civilian employment?

"Actually, the 1965 budget document indicated only a very modest reduction—1,200—in civilian employment in the 12 months following June 30, 1964. Budget tabulations, in fact, showed that the total number of Federal civilian employees on June 30, 1965, would exceed the total at the end of fiscal 1963 by almost 21,000.

"Table 1 provides a breakdown of civilian employment in the executive branch, by major agency, with actual data for fiscal 1963 and estimates for the current and 1965 fiscal years.

"These dates require explanation. Yearend personnel totals include temporary, part-time, and intermittent employees. The total employment of 2,490,288 shown in table 1 as of the end of fiscal 1963, for example, includes 2,231,519 full-time permanent employees, 65,737 classified as temporary (primarily seasonal), 87,797 part-time employees (principally in the Post Office and Veterans' Administration), and 105,235 classified as intermittent, including leave replacements, consultants, and others who may be employed for as little as a day or two a month. The budget document also points out that employment totals at the end of the fiscal year, since they include seasonal employees, are likely to be higher than the average for the entire year.

"In any case, the totals are imposing. And the figures in table 1 leave no doubt that an aggressive and sustained drive will be required to bring Federal civilian employment down even to the June 30, 1963, level. Some progress has been made. Early in March the White House reported that new end-of-year projected employment ceilings for 1965 were 7,265 below the estimate in the budget—bringing the estimated total reduction during fiscal 1965 to 8,465.

"TABLE 1.—*Civilian employment in the executive branch* [1]

"[Fiscal years as of June 30]

"Description	Actual, 1963	Estimate, 1964	Estimate, 1965	Change, 1965 versus 1963
Executive Office of the President	1,660	1,621	1,618	−42
Department of Agriculture	112,448	116,800	115,376	+2,888
Department of Commerce	32,338	34,603	34,945	+2,607
Department of Defense:				
Military and military assistance [2]	1,017,117	1,007,000	989,920	−27,197
Civil [3]	32,648	32,293	31,831	−817
Department of Health, Education, and Welfare	81,062	86,000	90,730	+9,668
Department of the Interior	69,558	72,592	72,774	+3,216
Department of Justice	32,081	32,759	32,759	+678
Department of Labor	9,567	10,016	9,954	+387
Post Office Department	587,161	593,100	597,900	+10,739
Department of State	24,519	25,324	25,320	+801
Agency for International Development	16,782	16,500	15,700	−1,082
Peace Corps	1,110	1,150	1,250	+140
Treasury Department	86,579	88,433	90,427	+3,848
Atomic Energy Commission	7,120	7,330	7,330	+210
Federal Aviation Agency	46,313	46,400	46,450	+137
General Services Administration	32,650	35,944	37,700	+5,050
Housing and Home Finance Agency	14,160	14,410	15,144	+984
National Aeronautics and Space Administration	29,934	32,600	33,800	+3,866
Veterans' Administration	172,864	173,021	173,754	+890
Other:				
Civil Service Commission	4,085	4,125	4,079	−6
Selective Service System	6,916	6,996	8,036	+1,120
Small Business Administration	3,387	3,500	3,500	+113
Tennessee Valley Authority	17,917	18,041	17,650	−267
The Panama Canal	14,966	15,083	15,228	+262
U.S. Information Agency	11,793	12,228	12,228	+435
Miscellaneous independent agencies and other	23,513	24,531	25,797	+2,284
Total	[4] 2,490,288	2,512,400	2,511,200	+20,912

"[1] The figures include tentative estimates for employment under appropriations proposed for later transmittal. In accordance with definitions of the Civil Service Commission, the figures cover both employees working on June 30, and part-time and intermittent employees who work at any time during the month of June.

"[2] Consists of civilian employment for military functions and military assistance.

"[3] Employment of the Panama Canal and the U.S. Soldiers' Home is included under 'Other' below.

"[4] Excludes 7,411 project employees for the public works acceleration program.

"TABLE 2.—*Employment increases and decreases by agency, June 30, 1964, to June 30, 1965*

"Description	Change, 1965 versus 1964	"Description	Change, 1965 versus 1964
Decreases:		Increases—Continued	
Department of Defense:		Veterans' Administration	+732
Military	−17,080	Department of Health, Education, and Welfare	+4,730
Civil	−462	Treasury Department	+1,944
Department of Agriculture	−1,424	All others	+5,500
Subtotal	−18,966	Subtotal	+17,706
Increases:		Net change	−1,260
Post Office Department	+4,800		

"Employment comparisons require analysis

"Budget data on Federal employment, comparisons of employment totals—and sometimes claims of personnel reductions—require examination and analysis every bit as careful as do other data in this huge and complex document.

"A case in point is provided by an announcment by the President in a recent press conference to the effect that there were 13,743 fewer Federal employees on March 31 of this year than for March 1963. The statement is accurate, but it requires analysis. The facts are these: In March 1963, overall Federal employment included 14,982 persons temporarily employed under the public works acceleration program. By March of 1964 funds for this program were about gone, and only 134 employees were included for this activity. If these temporary public works employees are excluded, Civil Service Commission data show that Federal employment in March of this year actually exceeded the comparable total 12 months earlier—by 1,105.

"Table 1 also reveals that—as in the case of the overall reduction in estimated Federal expenditures for 1965—the slight net reduction in Federal civilian employment projected in 1965 (as compared with 1964) is due mostly to a substantial cutback in civilian employment in the Defense Department. This decline will be almost entirely offset by increases in other agencies.

"Table 2 summarizes the major employment increases and decreases, by agency, as reported in the January budget document. (The estimates have not been adjusted for additional cuts announced by the President after submission of the budget.)

"These changes, however, do not tell all that is important. Will personnel cutbacks be accompanied by equal efforts to hold down related costs, so that savings achieved in one place will not be offset by increases elsewhere?

"TABLE 3.—*Paid civilian and active duty military personnel*

"[Fiscal years as of June 30]

"Description	1956	1960	1961	1962	1963
Civilian:					
Executive [1]	2,372,266	2,370,827	2,407,029	2,484,669	2,490,288
Foreign nationals	290,382	177,416	170,196	171,109	163,619
Legislative	22,115	22,886	22,621	23,974	24,523
Judicial	4,355	4,992	5,158	5,568	5,738
Subtotal	2,689,118	2,576,121	2,605,004	2,685,320	2,684,168
Military	2,805,541	2,475,225	2,482,421	2,805,978	2,697,689
Total	5,494,659	5,051,346	5,087,425	5,491,307	5,381,857

"[1] Excludes Central Intelligence Agency and National Security Agency employees.

"A case in point is provided by the recent report of the House Appropriations Committee on the Department of Defense appropriations bill for fiscal 1965. While the report endorsed efforts to eliminate unnecessary civilian personnel, it also included a pertinent example of how the savings from such personnel cuts might be dissipated. The report states: 'Mere reduction of civilian personnel does not mean a net saving to the Government if there is an attendant increase in overtime costs, if additional military personnel are used to perform work previously done by civilians, or if there is a marked increase in the use of contractor personnel. In this connection, the committee has noted testimony given during the hearings that an increase of 2,322 man-years of contractor personnel is planned for the 1965 year. It is the opinion of the committee that the same effort should be made to reduce contractor personnel as has been made to reduce Federal civilian personnel.' Difficulties in measurement of accomplishment cannot be overcome easily. Contract services can appear to be both more economical and more expensive, depending upon the quality of performance and the yardsticks by which costs and accomplishments are calculated.

"A look at other types of Federal employment

"Most of the publicity as to Federal employment and the material included thus far in this bulletin, has dealt with only civilian employment in the executive branch. Several groups of employees paid out of Federal funds are not included. For example, civilian employment totals do not include the employees of the Central Intelligence Agency and the National Security Agency. Nor do such totals include (1) foreign nationals employed by U.S. agencies overseas, (2) employees of the legislative branch, or (3) employees of the judicial branch. In addition, of course, the Federal Government pays the salaries and allowances of almost 2.7 million uniformed personnel in the military services—the Army, Navy, Air Force, and Marine Corps.

"TABLE 4.—*Civilian payroll and active duty military compensation*

"[Fiscal years as of June 30. In millions of dollars]

"Description	1956	1960	1961	1962	1963
Civilian payroll:					
Executive [1]	10,526	12,637	13,648	14,296	15,346
Foreign nationals	338	268	285	314	334
Legislative	129	154	164	172	178
Judicial	28	36	39	43	45
Subtotal	11,021	13,095	14,136	14,825	15,903
Military compensation [2]	9,059	9,435	9,542	9,826	9,704
Total	20,080	22,530	23,678	24,651	25,607

"[1] Excludes Central Intelligence Agency and National Security Agency employees.

"[2] Includes pay and allowances comparable to civilian employees—does not include subsistence or clothing allowances, change of duty travel allowances, or similar payments.

"TABLE 5.—*Federal civilian payroll and personal income*

"[Selected fiscal years, dollar figures in billions]

"Series	1956	1960	1963	Percent increase	
				1956 to 1963	1960 to 1963
Personal income	$322.1	$393.4	$452.1	+40.1	+14.9
Federal civilian payroll	10.7	12.8	15.6	+45.7	+21.3

"When these groups are included, the number of persons on Federal payrolls at the end of fiscal 1963—the last year for which such data are available—totaled 5.4 million. The combined payroll costs for all Federal employees, including military personnel, totaled $25.6 billion in the year ending June 30, 1963. Tables 3 and 4 provide data on the numbers and the payroll costs for all types of Federal employment for fiscal 1956 and also for the most recent fiscal years for which such data are available.

"*Impact of payroll costs on Federal expenditures*

"The 1965 budget document contains a special analysis of Federal civilian employment. This analysis notes that 'personnel compensation is a relatively small portion of the Federal budget. In the administrative budget for 1965 these costs amount to only 12.5 percent.' Since the analysis covers civilian employment in the executive branch only, it does not include the other categories listed in table 3. While complete data are not available for the current or 1965 fiscal years, it is possible to make some meaningful estimates.

"Civilian employment in the executive branch may decline. Actual payroll costs, however, are expected to increase as a result of pay increases recently enacted or currently proposed. To estimate the civilian payroll in the executive branch at $16.5 billion in fiscal 1965 does not appear unreasonable. In addition, 1965 military compensation is estimated at $10.9 billion, bringing the total to $27.4 billion—or 27.9 percent of total administrative budget expenditures.

"The actual total for fiscal 1963 was $25 billion—or 26.9 percent of administrative budget expenditures. Actually then, even though there may be reduction in the number of Federal employees, payroll costs are likely to increase in 1965.

"*Federal employment related to population growth*

"The current emphasis on reduction in number of Federal civilian employees, and the relationship of the Federal civilian work force to population increases, suggests another comparison. The 1965 budget—and statements of the President and other officials—have emphasized that Federal employment over the last decade has grown at a slower rate than population—that in 1955 there was 1 Federal employee (in the executive branch) for each 70 Americans, whereas in 1965 the ratio will be 1 to 77. Other statements have suggested that if Federal employment were to keep pace with population, an employment increase, rather than the planned cutback, could be expected. Except for the postal services, however, Federal Government activities are for the most part not tied closely to population. National defense, space exploration, interest on the public debt, and other activities need not grow with population.

"Moreover, it is of interest to compare payrolls as well as numbers of employees. It may be, for example, just as pertinent to compare the increase in Federal civilian payroll to the increase in personal income, as to compare Federal employment with population. Such a comparison is revealing.

"In fiscal 1956 personal income totaled $325.1 billion, the Federal civilian payroll $10.7 billion. By 1963—the last year for which actual payroll data are available—personal income had increased to $452.1 billion, a rise of 40.4 percent. The Federal civilian payroll had risen to $15.6 billion—a 45.7-percent increase. Between 1960 and 1963, when personal income rose by 14.9 percent, the Federal payroll went up 21.3 percent. The pertinent data are shown in table 5.

"*Conclusion*

"Current efforts to reduce Federal civilian employment may succeed. There is compelling reason to try to increase the productivity and efficiency of Federal employees. Little success, however, can be expected from sporadic efforts. Success requires a continuing determination and responsibility of all administrations, pressed vigorously at all times.

"The tendency to stress the numbers of civilian employees only, or to relate Federal civilian employment to population, could weaken determination to control the Federal work force. Moreover, the costs of Federal employment are significant, apart from the numbers employed. The arguments for upward adjustment in some Federal salaries are highly persuasive. But the great increase in Federal payrolls suggests that close attention needs to be given rates of pay and employment, as well as other Federal outlays, if effective control of Federal spending is to be achieved."

Now it strikes me further that it is wrong for Members of Congress to have consistently done this year what has been done in the Congress. We are borrowing money to give it away in foreign aid. We borrowed money for the big $11 billion tax cut. We are borrowing money for a pay increase for the classified workers, postal workers, and Members of the Congress.

And now some are coming in here saying to the American people that they want to increase the debt ceiling. And of course, borrowing money from the private money market hurts the growth of our country.

It strikes me that those who are running up our bills think they are dead right about it. Some of us on the minority are disagreeing. We are not for this bill. What we should do today is vote for the recommit, so that the Ways and Means Committee can set a lower level of debt ceiling increase.

I believe we should study further the information given to us by the administration so that we can come back here and lower the level of debt ceiling increase, and so that we can do something about reducing the rate of expenditure and have better control of the fiscal posture of this country.

I join with my colleagues of the minority and commend the minority report to the Members. I agree heartily with those views.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HARVEY].

Mr. HARVEY of Michigan. Mr. Chairman, I came to Congress in January of 1961, and this is the seventh time since then that we have been called upon to increase the national debt. During those 3½ years the limit will have increased from $293 to $324 billion, or up a total of $31 billion.

Why is this so? I think the reason is pretty obvious. Very simply, neither the Kennedy administration nor the Johnson administration—despite economy pledges and economy talk—have made any real bona fide effort to cut expenditures.

Some of us were shocked a few short weeks ago when the administration used "logrolling" techniques to get the wheat-cotton and food stamp legislation through the Congress—thereby ignoring the wishes of the farmers who voted in the 1963 referendum, as well as the tremendous cost of this new program. Yet, as I watched the ticker in the Speaker's lobby on Tuesday of this week and read where the administration is now planning to call up the mass transit bill and urge its support, I could only conclude that once again this same "trading technique" was being used to settle problems, regardless of the cost to the taxpayer.

If any of you doubt that this mass transit bill coming up is part of a trade, then I refer you to newspapers in April of this year. It was widely reported while the White House-railway-labor management talks were taking place—in attempting to achieve a settlement of the work rules dispute—that a part of the price the administration was prepared to pay management for the settlement of the dispute was administration support of the $500 million mass transit bill. Let me quote to you, for example, from the April 30, 1964, edition of the Wall Street Journal:

> NEW YORK.—President Johnson told railroad management just before last week's settlement of the work rules dispute that he would consider White House support of urban transit legislation.
>
> William White, chairman of the Delaware & Hudson Railroad, related this yesterday at the annual meeting of the road's parent, Delaware & Hudson Co. Mr. White was one of nine railroad presidents who participated in the White House rail-labor talks.

Now this urban transit or mass transit legislation was reported out more than a year ago by our Chairman of the Banking and Currency Committee the gentleman from Texas, [Mr. PATMAN] and has been languishing before the House Rules Committee ever since that time. Believe me, it will open the door to a tremendous new program of Government expenditures once it gets started. The ultimate cost will run into billions of dollars for the Federal Government to subsidize the performance of a function just as local as providing fire and police protection or collecting garbage and refuse.

This is what the public did not know when the administration was given credit in headlines in newspapers across the country for settling the 4½-year-old work rules dispute. Apparently, this was the "trade" and once again the taxpayers will pay the bill.

Mr. Chairman, it is no wonder that our national debt has been increased seven times in the short perior of 3½ years. If the administration is going to continue to trade its support for a program such as mass transit, at a cost of billions of dollars to the American taxpayers, you can expect the national debt to climb much higher in the months ahead.

Mr. Chairman, I urge that H.R. 11375 be defeated.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Collier].

Mr. COLLIER. Mr. Chairman, I am opposed to H.R. 11375 which would increase the Federal debt ceiling to $324 billion beginning June 30 of this year.

Because Congress has repeatedly increased the debt ceiling with little determination to curb deficit spending, we find ourselves hiking the national debt for the seventh time in 3 years. When this administration took office the public debt was less than $293 billion. This represents an increase of $31 billion and a hike of $15 billion since June 30, 1963.

The sole purpose of requiring an act of Congress to increase the debt ceiling was to provide some restraint in spending and curtail improvident fiscal policies. Congress has failed miserably to fulfill this responsibility. We have been on a spending binge despite the objection of many of the minority Members of this Congress for too long a time.

If we vote to give the administration the debt limit increase it requests today, we are merely approving the continuation of fiscal conduct which can only lead to disaster. There are those of us who consistently practice economy in Government through voting against programs which may be politically expedient but which we cannot afford if we are ever to emerge from the mire of indebtedness which we are merely passing on to the next generation as a rather sad heritage. I could repeat the comments which I have made time and time again as the debt ceiling continues to rise and our national debt now far exceeds the total indebtedness of every nation in the world combined, including the Soviet Union. We have spent the American taxpayers' dollars around the world at an almost unlimited pace for two decades; and at a time when we should be systematically retiring the public debt, the majority of the Members of this body continue to vote for larger Federal expenditures and larger deficits.

The time will come when we will realize that the fiscal conduct of those who are charged with its responsibility will feel and see the folly of our ways.

Because I have personally voted in a responsible manner on all authorization and appropriation bills since I have been a Member of this body and because I refuse to be a rubberstamp for any administration when the debt limit legislation is brought before us time after time, I reiterate my objection and my deep concern to this bill and to the spending habits of Congress and this administration. Instead, however, it is obvious from the pace of Federal spending at the present time and the new spending programs that are being proposed this election year that an additional increase in the national debt of $8 to $9 billion will be requested before the end of this fiscal year.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Ostertag].

Mr. OSTERTAG. Mr. Chairman, I rise in opposition to the bill, H.R. 11375, to increase the temporary limit on the public debt to an alltime high of $324 billion for the 1965 fiscal year. This would be an increase of $9 billion over and above the present ceiling, and $12 billion higher than the present level of the national debt subject to the statutory limitation. I believe this increase is excessive and encourages rather than restrains greater deficit spending by the administration in the next fiscal year. I believe it reduces the pressure on Congress to hold back Federal spending. Congress should take a stronger grasp on the national purse strings instead of further loosening its control.

Coming from an administration which has made so many claims recently about its economy measures and efforts to reduce spending, this request to push up the debt limit so sharply is cause for amazement and concern. The facts are, of course, that spending is being juggled and shifted rather than reduced, and the large Federal budget deficits are continuing unabated. While pennies may be saved on light bills, more millions are proposed for Federal programs which have not met the tests of necessity and achievement.

In the recent hearings on this bill, administration officials told Congress that the estimated debt for the present year will be $8.8 billion, and for the 1965 fiscal year it will be $5.8 billion. In each of the 2 previous years, Federal deficits of approximately $6.3 billion were incurred. Let me point out that these figures indicate the Kennedy-Johnson administration will compile the largest deficit for any 4-year period in our peacetime history: a total of $27.2 billion. And these record deficits have occurred in a period when the Nation's economy was reaching new heights each year.

As a member of the Appropriations Committee, I feel that one sure way to hold down the Federal deficit is to reduce the administration's requests for spending money. A particularly concerted effort last year produced more than $6 billion in reductions in the administration's requests, and is largely responsible for the administration's latest estimate that the deficit this year will be $3 billion less than originally forecast. This year the House of Representatives has cut $3.5 billion thus far from the administration's budget, and I hope we will add to that total.

Claims of decreases and increases are based on comparisons, of course, and the points of comparison are of key importance. The administration's claims of reducing the number of employees provide an excellent example of this.

In the recent hearings administration officials maintained overall employee ceilings of the Federal Government have been reduced by 73,324 jobs in the last year and a half. Yet the figures also reveal that the administration has really raised the employee ceilings a total of 140,000 jobs since it came into office. By contrast, the previous Eisenhower administration made net reductions of Federal employment in both of its terms; the reductions exceeded 200,000 positions.

One of the minor irritations in connection with these actions on the national debt ceiling is the insistence of referring to the ceilings as "temporary" while the "permanent" ceiling is maintained at $285 billion. Under present fiscal policies, there is little chance of the debt ceiling returning to its "permanent" level. The description of "temporary" for the debt ceiling means only that it will again be raised to a still higher level.

Last year when the debt ceiling was raised to its present "temporary" limit of $315 billion, the minority report stated:

> Prior to June 30, 1964, the expiration date under the bill for the authorization of the additional "temporary" increase of $6 billion (in the ceiling on the national debt), legislation will be required establishing a new and higher debt ceiling for fiscal 1965. If spending policies of the administration are not curtailed, the Congress, before June 30, 1964, will have to increase the debt limit to at least $325 billion for fiscal 1965.

That forecast has not missed by much. It is clear that as long as the administration insists and Congress approves of spending in excess of our revenues, the national debt will continue to climb. Instead of clearing the way for continuing these deficit policies, the ceiling provided by the bill should be reduced to a level which will really serve as a brake on Federal spending and not an invitation to still higher levels.

As a means of registering my protest against the policy and practice of more and more deficit spending, I intend to vote against this bill, H.R. 11375, designed to increase the temporary limit on the public debt.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, again this year I feel neglected, because the gentleman from Louisiana [Mr. Boggs], the Democrat whip, failed to send me a telegram, as he has on at least one other occasion, to be sure to be present to support an increase in the debt limit.

The gentleman from Texas [Mr. Patman] talked about some Members howling in protest to raising of the debt limit. I do not know of any reason why some of us, who vote against unnecessary spending, should not howl.

If I refer to some of the gentleman's votes incorrectly, I hope he will correct me.

The gentleman from Texas [Mr. Patman], who refers to some of us as howlers, only the other day—I believe it was last Wednesday—voted to add another $3.5 billion to the foreign giveaway program, and this on top of the fact that there is $6 billion, at least $6 billion, in the foreign handout pipeline unexpended.

My friend from Louisiana [Mr. PASSMAN] indicates there is at least $7 billion in the pipeline and unexpended. Then, less than 24 hours later, on last Thursday, the gentleman from Texas [Mr. PATMAN] voted for a pay increase for himself of some $7,500 a year and I understand that the other body has already tentatively agreed to increase that to a $10,000 annual increase. All of this out of borrowed money. The pay increase bill will add another half a billion dollars to the debt and the deficit of this country. Of course, that means additional increases in the debt limit.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Sure. I am glad to yield to the gentleman.

Mr. PATMAN. The gentleman stated that I voted for a giveaway. I did not vote for a giveaway. I voted for something that is in the direction of what is desired by all of the people of the United States.

Mr. GROSS. The gentleman is——

Mr. PATMAN. Wait just a minute now. That is my reason for voting for it. It is for permanent and lasting peace.

Mr. GROSS. I get the idea.

Mr. PATMAN. That is in the direction of the peace of the world.

Mr. GROSS. That is a play on semantics, and the gentleman knows it. I wish somebody would think in terms of the peace of mind and soul of the taxpayers of this country just once instead of always thinking of how many more billions they can give to foreigners all over the world.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield to the distinguished chairman of the Appropriations Subcommittee which deals with the foreign handout program.

Mr. PASSMAN. I am sure the gentleman would like to keep the record straight. The total amount of money in the foreign aid bill which I have the privilege of handling, as of June 30, is $7,133 million.

Mr. GROSS. I thank my friend from Louisiana for that information. The gentleman from Texas and others in the House are so worried about foreigners. I wish the Democratic leadership would take the lead in a real move to collect the billions they owe us, some of it from World War I days. I wish they would give some of us a little help and collect at least a substantial part of the $20 billion they owe us on legitimate loans. It would mean this debt ceiling increase would not be necessary today. Now, everybody has been quoting figures, and I want to quote a few right out of a "horse's mouth." I want to quote from the President's Economic Report to the Nation which was transmitted to Congress by the President, Lyndon B. Johnson, on January 20, 1964. His report shows that national income for the 3 years 1961, 1962, and 1963 increased approximately $63.9 billion. Let me repeat these figures: The national income increased in the last 3 years approximately $63.9 billion. Now, in the same 3 years, 1961, 1962, and 1963, what happened with respect to the net public and private debt as stacked up against national income?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GROSS. In those 3 years the public and private debt increased approximately $206.5 billion as against a national income increase of approximately $63.9 billion. You can go on and increase this debt limit from now until doomsday and you will never remove the evil that is spending beyond income, and mortgaging the future of your children and mine. Why not face up to the facts of life?

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman from Illinois.

Mr. COLLIER. Does the gentleman from Iowa recall the figure in numbers of millions of dollars of the British war debt which we waived payment on here 4 years ago, up to the year 2007?

Mr. GROSS. Yes. Approximately $4 billion.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, since 1961, this will be the seventh time that we will have increased the borrowing authority of the Government. Last year we did it three times. Since 1961 the national debt—and I am not talking now about the ceiling, but the national debt itself—has gone up over $31 billion. I think we have got to start asking ourselves whether this process of having a debt ceiling and then constantly increasing it really has any purpose. Does it have any meaning, or are we just going to periodically every 3 months or every 6 months or every year go through what, at least to me, is becoming an exercise in frustration.

Frankly, we have not used the debt ceiling for any purpose that I feel has been particularly rewarding or fruitful. Of course, there have been a few exceptions where it has proved fruitful, when we did use it properly. But on most occasions, what happens with the process that we follow?

As we approach June 30, the expiration date of the temporary ceiling, the Treasury gets together some figures as to what they think the Government is going to collect in revenues and spend in the ensuing 12 months. The difference is the budget deficit which in turn determines what the debt limit must be. Then they say in addition to that figure, allow us a cushion of about $3 billion in case our estimates are off one way or the other, and then give us a further latitude or a cushion of $4 billion of cash on hand or cash in banks. Then they request an increase in the debt ceiling to accommodate that situation.

They did that this year and the figure they came up with is a debt ceiling of $324 billion. So the majority on the committee simply gave them the $324 billion ceiling by reporting out this bill. Is there any restraint on the spending policies of the administration exerted by this ceiling? Of course not.

They simply made their plans as to what they are going to spend irrespective of expected revenues and that is how they came up with the figure of $324 billion. It is not that we gave them a debt ceiling or a borrowing authority ceiling and then they geared their expenditures somewhat into it. Oh, no. If you did that then your debt ceiling would have some meaning and would have some purpose.

Mr. Chairman, in my judgment, unless we use the debt ceiling to exert some influence on the level of spending of the executive branch, it is a meaningless exercise to come here and go through all this debate and pretend that we may be doing something to restrain spending, when we really are not.

Mr. Chairman, I would point out to the members of the Committee that this $324 billion ceiling permits the executive branch to spend every penny that they have any desire to spend between now and June 30, 1965.

Mr. Chairman, this ceiling includes expenditures for programs that the Congress has not even yet authorized. Nonetheless we are giving them the borrowing authority in this bill at this time by giving them the ceiling of $324 billion. We are giving them the wherewithal to spend on programs which we have not even authorized in the Congress—and may not.

Mr. Chairman, I refer to the bill which was mentioned by my colleague, the gentleman from Michigan [Mr. HARVEY], the mass transit bill. Also, it includes funds for an expanded Area Redevelopment Administration and some of the other boondoggles in which that operation has engaged. It contains the expenditures of funds for the Domestic Peace Corps, the resurrection of the old CCC camps of the thirties.

Mr. Chairman, everything that has been mentioned or requested by the President in expenditures, whether we have authorized them or not, is approved in a sense if we accept this figure of $324 billion as the degree to which the Government can borrow during the fiscal year of 1965.

Frankly, Mr. Chairman, I cannot vote and will not vote to give my approval to these debt ceiling increases in order to continue the spending programs that are contemplated. I believe some brakes should be put on. In my opinion this is the only break I have at my disposal. We should either use the ceiling in a meaningful way or the majority on the committee might just as well be honest with the Congress and with the public and say, "We are reporting out a bill repealing the debt ceiling legislation." That would be the honest thing to do, unless you are going to use it to exert some pressure on spending. But what kind of restraint is it if you give them everything they want for spending and in addition a $3 billion cushion in case they have incorrectly estimated their needs, and then another $4 billion in the banks?

Mr. Chairman, in my opinion it is meaningless.

If you who believe that all these programs that the President has recommended in the budget and since then are reasonable, and if you are for all these programs, then you have no alternative, frankly, but to vote for the $324 billion that the chairman of the Committee on Ways and Means brings before you. But I say to you on the Democratic side and my colleagues on the Republican side, if you do not approve of some of these new programs or expansion of existing programs that are contemplated for the fiscal year 1965, then you should vote to send this bill back to the committee. It should go back to the committee either by way of being recommitted to the committee or by defeating the bill on final passage. In either case, the committee will have to take another look at it, and we will all have a chance to take another look at it. We can then say what figure we can set as to how much they can spend in the fiscal year 1965, and we may have some control over this the last month in 1964.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. HALLECK. A little earlier I had some things to say about the situation that confronts us today. The beloved Speaker of the House followed me and he undertook to take some of us Republicans to task because he was trying to make it appear we just voted for an increase in the debt limit under President Eisenhower, but we did not want to vote for one now. I have had my office do a little checking, and in 1943 when Mr. Roosevelt was President I voted then to increase the debt limit.

Mr. BYRNES of Wisconsin. That was a war year too, and there was no question about need.

Mr. HALLECK. Coming down to more recent days, in 1961—that would have been President Kennedy—I voted to increase the debt limit. In 1962 I voted "yea" on the rule and I voted "yea" on passage of the bill. But starting in 1963 I voted "nay." I have explained my reasons. They are not political. I agree with the gentleman from Wisconsin; either this debt limit means something as a sort of restraint on overspending, or it does not mean a thing, and I think the time has come to find out.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Earlier it was strongly suggested that Republicans who now oppose this suggested increase are not playing fair because the Democrats and the Republicans voted for debt increases during the Eisenhower administration. I would refresh the memory of my colleagues a little bit by saying you then had an administration that was really attempting to be frugal in its expenditures. What was the criticism that we received from our Democratic friends during those years? They said we were acting too much of pennypinchers, we were not spending enough, we were not embarking on enough new programs. The environment was entirely different then than it is now. Now we have consistently presented to us new and expanded programs that, in my judgment, cannot be justified, particularly in view of the financial situation of this country, with debt being piled on debt. When you talk about frugality I would even point out that the spending programs of this administration in the last 2 months of this fiscal year, May and June, if continued on into the future would be running at an annual expenditure rate of $105 billion. We are spending in May and June of this year over a billion dollars each month more than we spent in May and June of a year ago, 1963. Nobody can say that the expenditures in 1963 were made on a frugal basis at any time.

I just cannot vote for this bill, as it is the same as saying that I approve of this projected rate of spending.

I have only one way to register my opposition, and I think if a majority voted that way it would have some effect. That is, either vote to send this bill back to committee or vote against it on final passage. Under either situation the committee then has to take up the matter again and take another look at it. They can then come back with a figure that should be more realistic and reasonable from the standpoint of our expenditure policy.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield. I hope the gentleman is not going to repeat the question we went over last November, because the answers are already in the RECORD; but go ahead.

Mr. JONES of Missouri. I was not here when the gentleman started his speech, but did the gentleman state today what he would consider the permanent debt ceiling?

Mr. BYRNES of Wisconsin. I think they could get along reasonably well under a $321 billion ceiling; in fact, they might not even have to cut back any further on expenditure programs. This would be at least $3 billion less than the ceiling authority we are giving them. However, I think they could get by with $320 billion if they really wanted to do some cutting.

Mr. JONES of Missouri. I am talking about the permanent ceiling.

Mr. BYNES of Wisconsin. What we are talking about is really permanent, anyway. As far as I am concerned, this talk of having a permanent ceiling of $285 billion when we already have a debt of around $312 billion is rather pointless. Furthermore, the gentleman knows that all fiscal estimates show a deficit next year of approximately $6 billion, and nobody sees a surplus in 1966. So why worry about a $285 billion permanent ceiling? We are going to have under this bill a $324 billion ceiling for this next fiscal year. Then if the spending program is projected at the base that the administration is projecting it, they will come in next year at this time for another $8 or $9 billion more, I assume, and come in again the following year for another $5 or $6 or $8 billion. I do not see where we are moving back. I would hope we could hold the line at around $320 or $321 billion. The gentleman asked me for a figure and I am giving it.

Mr. JONES of Missouri. Was an effort made in the committee to establish a permanent debt ceiling at say $320 or $321 billion?

Mr. BYRNES of Wisconsin. No, there was not. That is the same answer I gave the gentleman some time ago.

Mr. JONES of Missouri. Why does not the gentleman work for and recommend that as the responsible leader of the Republican leadership in that committee? I have not had that explained to me.

Mr. BYRNES of Wisconsin. I wish the gentleman would refresh his memory. We went over the same discussion 6 months ago, he and I.

Mr. JONES of Missouri. But the gentleman does not explain it to me now.

Mr. BYRNES of Wisconsin. The gentleman should know that we thoroughly went over this same matter before.

Mr. JONES of Missouri. It seems to me you have not exhausted your remedy in the committee.

Mr. BYRNES of Wisconsin. There is an old rule of equity that a person is not expected to perform a useless act. That is the basic reason we did not do it last time or this time. Prior to that we did try to do away with the fiction of a permanent and a temporary debt ceiling when the debt ceiling was up for consideration. But apparently the gentleman, along with the majority of this House, simply decided he wanted the figure as it came to them from the majority of the committee. If that is what any member of the committee wants, certainly he should vote for the bill as presented by our chairman. No question about it. But if you feel the figure is too high, then you should vote against it. It is just as simple as that. That is your alternative.

Mr. JONES of Missouri. What are you offering in place of it?

The CHAIRMAN. The time of the gentleman has expired.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD on the pending legislation at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in strong opposition to any further increase in the public debt limit.

Although I am one of the newer members of the Committee on Ways and Means, I have for some time viewed with alarm the spending policies of this administration. I cannot agree with those in the administration and in this body who would have us reduce taxes, increase spending, and finance resulting deficits by mortgaging our children's and grandchildren's future.

I need not remind my colleagues that this is the seventh increase in the debt limit under the Kennedy-Johnson administration, and even more concerning, it is the fourth increase during this Congress. This record clearly indicates the unwillingness of the administration to live within any particular debt limit for any length of time. This piecemeal approach has enabled the administration to inch up the limitation to a point where it greatly exceeds any limitation in our peacetime or wartime history.

When the last Republican administration left office the debt ceiling was $293 billion and the recommendation was made that it be allowed to return to its permanent statutory level of $285 billion. This reduction would have been possible due to a forecast budget surplus. However, the Kennedy-Johnson administration immediately turned this surplus into a deficit and turned a debt limit reduction into a debt limit increase.

The debt limit will have increased by a shocking $31 billion since 1960; that is, if we fail to meet our responsibilities here today and vote this $324 billion ceiling. Moreover, Government spending will have increased by almost $19 billion this fiscal year, and the actual expenditure rate is even higher if we take into account the speedup in the sale of Government assets. As my record will clearly indicate, I cannot assume the responsibility for these reckless policies. My position has always been that in times of prosperity we should live within our revenues.

I ask that my colleagues join with me in sending this bill back to committee. It is past time that we faced the issue squarely and put a halt to further deficits. It is obvious that the amount asked for refutes the false claims of economy being made by this administration. If these claims have any substance, the Congress would not have to increase the debt ceiling to $324 billion. Not only have the lights been turned out in the White House, but also in the Treasury Department and the Bureau of the Budget.

What are the facts with respect to the Johnson budget? The appropriations sought for fiscal 1965 exceeded by $6 billion the amount that Congress appropriated for fiscal 1964. In addition, if the customary practice had been followed of including 1964 supplemental requests in the 1965 budget, the increase would even have been greater.

On paper, the budget seeks to give the impression that Federal spending for fiscal 1965 will be slightly less than fiscal 1964. This is another myth. A supplemental of $1.4 billion was submitted for fiscal 1964 in backdoor spending authority for urban renewal for 1965 and 1966, and additional new programs will result in over $3 billion in new appropriations for fiscal 1965. The actual request for spending authority for 1965 is about $23 billion more than President Eisenhower proposed for 1962, just 3 years ago.

Budgetary requests have been designed to mislead and confuse rather than to inform the Congress. The "wheeler-dealers" have taken over Federal finances. These financial magicians in their sleight-of-hand tactics seem determined to outdo the riverboat gamblers and shell-game operators of another era.

Within a few weeks after the death of President Kennedy, President Johnson proposed increased spending for 1964 of $600 million. He then reduced his 1965 budget by some fancy bookkeeping and credits totaling $800 million, much of which related to legislation the Congress had refused to enact. Expenditures for 1965 were further reduced by scheduling a stepped-up program of selling Government loans and mortgages amounting to $2.3 billion, which is $700 million more than were scheduled to be sold in 1964.

I predict here today that if the Congress passes this bill, Federal expenditures for 1965 will turn out to be about $4 billion more than 1964. The bill contemplates this very fact. By no means is this a tight debt limit. The fat has not been trimmed off.

The Ways and Means Committee was told by the Secretary of the Treasury last fall that Federal expenditures for fiscal 1965 could not be reduced much below $102 billion. I have great respect for the Secretary's judgment in fiscal matters. I do not think that he could have been wrong by $4 billion. The so-called reduction for fiscal 1965 was achieved, not by any real reduction in programs or the rate of expenditures, but through the process of juggling the accounts.

Like the alchemist who could not turn lead into gold, this administration has not, and will not, be able to turn deficits into surpluses by reducing taxes while at the same time increasing spending. I say, let us fulfill our obligation to those we represent and send this bill back to the committee so that we can report back forthwith a bill which is more in keeping with the need to control spending. At the time of the House debate on the tax reduction bill, did this body not obligate itself to control over spending? What has happened to the choice between the two roads that the chairman told us we must make? A vote for this bill will amount to an abandonment of this commitment, and we will, in fact, be traveling both roads.

Mr. ROSTENKOWSKI. Mr. Chairman, congressional action to provide an adequate debt limit is urgent. Unless we act on the debt limit before the end of this fiscal year a crisis will occur in the finances of the Government. There is no time for petty, partisan bickering. We must act and act promptly.

These are the facts, Mr. Chairman: If Congress does not act, the temporary debt limit will drop to $309 billion on June 30. On the following day, July 1, it will revert to its permanent level of $285 billion.

As it now stands, the debt subject to the limit will total $311.8 billion on June 30—$2.8 billion above the temporary limit set for that day and $26.8 billion above the permanent limit scheduled to take effect on July 1.

These are the facts of the matter. To ignore them is to invite fiscal and financial chaos at home and abroad.

If Congress fails to act before June 30, all new Treasury borrowing will have to cease as of that day. The Treasury will simply have no authority to issue new debt, either to refund securities which are coming due and must be paid off, or to raise new cash to cover expenditures in excess of receipts.

The immediate effects of the Treasury's inability to issue new securities will be twofold:

First, the Treasury will have to take immediate steps to halt all sales of savings bonds and all payroll deductions for the purchase of savings bonds. The effect of this action, regardless of its duration would be disastrous to the savings bond program for years to come. Banks and other issuers of savings bonds would have to stop their sales. Businesses, including some of the largest corporations with payrolls of thousands of employees, would have to stop their payroll deductions and refund deductions which have already been made. The whole savings bonds program would be thrown into turmoil. Let us not kid ourselves. Once this happened could these companies ever be induced to start up their payroll deduction system again? It is very doubtful. The voluntary organization which has been built up over the years to support the savings bond program would be discouraged and demoralized to see its major effort dissipated. The savings bond program would be seriously crippled; an important and continuing part of the Treasury debt management program would be thrown into chaos.

The second immediate effect would be to prevent the normal investment of trust fund receipts in special obligations issued by the Treasury. The Treasury would then have the hard choice of investing these receipts in the market or leaving the funds uninvested. If the receipts were invested in the market this would deplete the Treasury's cash balance. It would also have unfavorable market effects requiring massive Federal Reserve intervention. The harmful effects of this would soon be felt throughout the economy. If the Treasury did not invest these trust fund receipts at all, this would deprive the funds of income and affect their actuarial soundness. This is the hard choice that the Secretary of the Treasury would have to face in his dual responsibility as chief fiscal officer of the United States and trustee for these trust funds.

If the Congress does not complete action to provide an adequate debt limit on June 30, the debt limit will then drop to its permanent level of $285 billion on July 1. The Treasury would still be unable to issue new securities to refund maturing issues or to raise new cash. The weekly bills coming due on July 2 and July 9 would have to be paid off in cash. This would use up the Treasury's cash balance and create further unfavorable market effects. The Treasury would be unable to issue a scheduled billion dollars of 1-year bills. Finally, on July 15, the Secretary of the Treasury would find that he did not have enough cash to pay off a maturity of $2 billion which was coming due. He would have to declare the United States to be out of money and in default on a direct obligation of the U.S. Government for the first time in history.

I will not dwell on the balance-of-payments effects that this financial crisis would be likely to have. It is enough to say that the inability of the Treasury Department to manage the public debt in a proper manner would have the most serious effects so far as foreign confidence in the continued value of the dollar is concerned. Our program to restore equilibrium in our balance of payments and to stem the loss of our monetary gold could be defeated by inaction at this time.

It is enough to point out that on July 15, when the Treasury Department ran out of cash to redeem its outstanding obligations and became in default, it would also run out of cash for paying the regular bills of the Federal Government—including payments to defense contractors, assistance to the States, employees' salaries, and so forth. The consequences of this are almost unimaginable.

These are the hard facts which the Congress has to face. Through its appropriations actions the Congress has obligated the Federal Government; we have incurred the bills, and it is now up to the Congress to provide the means for paying them. It is essential that the Congress provide an adequate debt limit—a debt limit sufficiently high to give the Secretary of the Treasury the necessary authority to manage the fiscal affairs of the Federal Government in a responsible manner and maintain the fiscal integrity of the Government. I urge that we pass this bill promptly.

Mr. LANGEN. Mr. Chairman, it is incredible that we should be gathered again today to conduct another chapter in "Operation Futility." It seems futile because six times since 1960 we have gathered for this same purpose and the proponents of fiscal sanity have lost each time. But perhaps today, as we consider the seventh attempt to increase the "temporary" national debt limit, it will truly be lucky seven for the American people. Perhaps we will at long last serve notice that the fiscal affairs of our Government are going to be run on the black instead of the red side of the ledger.

Even though hope springs eternal, my protestations today may be simply one more instance where I have voiced my opposition to deficit spending. But I must speak, if for no other reason than to register my displeasure in the hope that others eventually will join the cry until some reason has been restored to our national spending policies.

I am perfectly aware that putting a limitation on the national debt ceiling is not the best way to contain, reduce, or to control Federal spending. This, of course, should be done when money is appropriated. But apparently this method has failed. It seems ridiculous that the Congress would consider putting a ceiling on the debt below the amount of money the same Congress appropriates. But perhaps it is the only solution left.

Mr. Chairman, if the American public has somehow gotten the idea that their Federal Government was practicing frugality, that myth should be dispelled after today. What is going on in this Chamber this afternoon should graphically show that economy is only something you talk about, not something you practice.

I remember the President's last state of the Union message, delivered here less than 6 months ago. We should recall his words when he told us that his proposed sweeping programs on the domestic front could be achieved, and I use his own words:

> With an actual reduction in Federal expenditures and employment.

In the President's budget message in January he concluded by saying:

> A government that is strong, a government that is solvent, a government that is compassionate is the kind of government that endures.

Judging by the fiscal road we are following these days, the Government will not endure for long.

Please do not get the impression that this is another attempt to lay spending blame on the steps of the White House. I am as aware as anyone that the President cannot spend any more money than is appropriated by the Congress. We have issued a few grandiose statements of our own on this subject, one that was contained in the tax reduction bill approved last year. In the introductory statement to that bill it says:

> To further the objective of obtaining balanced budgets in the near future, Congress, by this action, recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective.

Obviously the Congress has not heeded its own admonition. By raising the debt limit by another $9 billion, we are serving notice that we intend to run well into the red for at least another year, spending money we do not have, money we are borrowing from our children and the unborn generations to come.

My blood boils anew every time I note that we spend $11 billion every year just to pay the interest on the national debt. This payment, which comes off the top of the budget, gets little or no attention in the news media. I can see the headlines now if we should appropriate $11 billion for foreign aid, for instance. Or $11 billion a year to wipe out poverty, or for a host of other programs. I wish some day the American public would be greeted with 3-inch headlines calling their attention to $11 billion a year for interest on the national debt. This is $11 billion of taxpayer money for which they get no return.

One further observation, Mr. Chairman. We, of course, all know that this is but a "temporary" increase in the debt limit. At least, that is what we call it. But there is nothing temporary about it at all. It is merely a little game we play to fool the people, and possibly ourselves.

Yesterday we approved "temporary" extensions of excise taxes. Some of them have been "temporary" for over 20 years.

Unless we stop this nonsense somewhere and nail limits on a few of these things, unless we quit putting off decisions until tomorrow, unless we stand up and tell the world we have gone far enough, we may some day look back on this day and realize we had nothing but a "temporary" Government.

Last November, when last we gathered for our little game of "Operation Futility," I said:

> One of these days we are going to turn down one of these debt-limiting bills. It will create a moment of panic within this Government when it happens. But it could herald the beginning of a new era of fiscal responsibility.

My feelings remain the same today. It is like the father who gives his child an allowance, but because good old dad is a pushover, junior lives way beyond his allowance, knowing that dad will either let him deficit spend or give him a supplemental appropriation later. The boy knows that the dollar-a-week ceiling is only a figure you talk about and that you can temporarily raise the ceiling to incorporate spending. But dad decided one one day he was going bankrupt, so he finally enforced the permanent ceiling on junior's allowance. The cries of anguish were heard a country mile, but the offspring got over it after learning that dad really meant business. And at that moment there was a new aura of respect for dad. Would that it could be thus for us.

Mr. JENSEN. Mr. Chairman, I can tell you, the Members of this House, and the American people, in a very few words, how I feel today, which is exactly how I have felt about raising the Federal debt ceiling ever since the shooting war stopped.

Mr. Chairman, it is crystal clear that the big spenders have long taken the position, that if Congress did not want them to continue to spend the people's tax dollars, like drunken billionaires, the Congress would not raise the Federal debt ceiling, hence they continue to carry on as though our money barrel was bursting at the seams, when the facts are, that the barrel is completely empty and worse to the tune of over $313 billion in the red, this very minute. "Oh," say the big spenders, "Uncle Sam must pay his bills." It seems it never occurs to them they must retreat before it is too late, and before our taxpayers' dollars are further greatly depreciated in value to the end that, instead of the American people buying more Government bonds, they will be forced to sell the bonds they have in order to buy their daily bread. They say it cannot happen here when the facts are, it is by degrees happening here right now. I refuse to be a party to it, hence, I shall vote "No" on this bill.

Mr. WHARTON. Mr. Chairman, the question has been raised as to any useful purpose of the Federal debt limit which is now proposed to be raised to $324 billion.

Similar action last year on three occasions and since 1961 on no less than seven occasions, gives considerable validity to such an inquiry.

Frankly, under the present administration, its heavy majorities in both Houses of Congress and the unbridled inclination of such majorities to profligate spending, little attention is likely to be paid to any debt limitation this year.

However, I definitely favor a stated ceiling because it is about the only practical method of bringing the amount of the debt to the public attention. Multiply it by 4 percent and you have the annual interest increment alone of about $13 billion. I have never voted for debt increases and do not intend to do so today.

Mr. SCHWENGEL. Mr. Chairman, today this House has under consideration what has become a perennial piece of legislation, the raising of the debt limit.

It was only 6 months ago that we were asked to raise the debt limit "temporarily" until the end of this fiscal year. Now, we are being asked to raise the debt limit once more. This time it is again called a "temporary" increase, only now it has been extended from 6 months to 1 year.

Judging from the record of the last 4 years it is apparent that the only way this country can prevent any more of these so-called temporary increases in the debt ceiling is to elect a Republican to the Presidency this fall. This is necessary if this country is to have any chance to return to fiscal soundness.

Last September and again this February when the House was considering the tax cut, I warned about the dangers of inflation. By raising the debt limit we are feeding again the fires of inflation.

Inflation costs this Government more money every year than any single item, other than defense, which you will see in the budget. The necessity for civil service and postal workers pay raises, military pay raises, increases in social security benefits, can be laid almost entirely at the door of inflation. All of this because Congress has failed to meet its responsibilities in this area.

Some may point a finger and say, but you voted for those raises; and I will tell you, yes, I did. But I did so reluctantly and each time pointing out why those raises were necessary. I did so because I do not feel we should penalize those who have suffered from inflation because of our own irresponsibility.

Today, I ask once more that this House take action which would indicate to the people of this country that we have some fiscal saneness left, that we still have some sense of economic soundness about us.

So I urge you to vote against this bill. Let us prove to the American people its Representatives in Congress still know what a minus sign looks like.

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

The bill we are considering today will raise the temporary debt ceiling from the present $315 to $324 billion. This increase in the public debt ceiling is for the period beginning with the date of enactment of this bill and ending on June 30, 1965.

Mr. Chairman, those who have preceded me in the course of this debate have already pointed to the fact that this legislation is simple, and easy of understanding by all of us.

However, Mr. Chairman, having heard the debate today and having heard the debate on a number of other occasions, when we have had this legislation before the House, I trust I can be pardoned if I say that I do not get the impression from this debate that the legislation is simple or that it is really understood by some here and perhaps throughout the country.

Frankly, I do not know of any legislative proposal about which there are more myths than there are about the legislation before the House today, namely, legislation proposing to place a ceiling on the authority of the Secretary of the Treasury to issue Government securities with the full faith and credit of the United States behind it.

If we had no ceiling, Mr. Chairman, some Secretary of the Treasury might want to keep a big cash balance. We had one such Secretary of the Treasury in recent years. He did not think the Secretary of the Treasury should be bound by legislation that would prevent him from having $10 or $15 billion on hand at any one time. He thought it was to the advantage, not of the Secretary of the Treasury, but to the advantage of the people of the United States for the Secretary of the Treasury to be in a position at all times in connection with the management of the public debt to take advantage of a change in the interest rate that might occur at any given time and permit the Government to save a half or one-quarter point by having the money at such time to put into additional bonds. That was Mr. George Humphrey who was a very knowledgeable Secretary of the Treasury in the early part of the Eisenhower administration.

I say that there are myths about this legislation. The fact that Secretary Humphrey had authority to keep a large cash balance during the early years that he was Secretary of the Treasury did not mean just because the ceiling was up to accommodate this possible cash balance that the debt itself went up. Mr. Chairman, such provision for a rise in the debt ceiling certainly does not raise the debt.

In fiscal year 1964, the maximum ceiling on the issuance of Government securities has been $315 billion. This is a period which my friends on the Republican side describe as a spendthrift period. They had authority, Mr. Chairman, to have had a debt at $315 billion but they did not have a debt, at any time during this fiscal year, of $315 billion. The maximum amount of the debt through the end of May was $312 billion.

Mr. Chairman, this is a myth that a low ceiling will keep the debt down.

It did not do it in fiscal year 1958, Mr. Chairman. The Secretary of the Treasury and the administration then in power, in the tightest squeeze under a debt ceiling any administration has ever been subjected to, did not reduce spending one penny in that fiscal year.

What did we do? We raked and scraped. Poor old Bob Anderson, one of our very astute Secretaries, just barely managed to live within the ceiling, by borrowing outside the statutory debt limit through FNMA and by postponing the payment of bills. He had no choice.

One of the early acts I had to perform as chairman of the Ways and Means Committee when we got back in session in January 1958 was to get the committee together to report a bill to increase the debt ceiling for that fiscal year.

Why is it a myth that a tight ceiling controls expenditures? What do we do in the Ways and Means Committee? We look to see what the actual debt is on June 30 of a fiscal year. We look then to see what the deficit is for the entire fiscal year. We look to see what the revenue take will be during the entire fiscal year ahead. We look to see what the projected spending will be during that fiscal year.

We now have an idea already what it will be for fiscal 1965 because every appropriation bill except one, as I recall, has already passed the House of Representatives.

The foreign aid bill has not yet passed.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. The only thing we do not know, and we will not know for quite a while, is what the supplementals will be.

Mr. MILLS. I am talking about the regular appropriation bills. Of course, some supplementals will be passed as always but we have already set the appropriation pattern.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. CURTIS. We know what the authority to spend will be, but we will not know the spending rate other than what the administration gives us.

Mr. MILLS. I am glad the gentleman points that out, because I want to get to that later on to show how it does work. I will say now that all administrations have always given us these figures.

We look at all of those figures. Where do we get them? It is not from outside witnesses but from the Secretary of the Treasury and from the Director of the Bureau of the Budget. Because it is the function and responsibility of the administration to set the spending within the appropriations we provide and direct them to spend. When we have held open hearings on the debt limit in the past, who has come before us? Perhaps one witness from some national organization, or none, and always the Secretary of the Treasury and the Director of the Bureau of the Budget. That is all.

Let us look now at the facts which I believe clearly show why the debt limitation of $324 billion is now necessary for fiscal 1965.

In this regard I would first like to remind you of the fact that the pattern of collection of receipts during a fiscal year is quite different from the pattern of expenditures. Expenditures, for the most part, are spread relatively uniformly throughout the entire year. The collection of receipts, on the other hand, tends to be concentrated heavily in the last few months of the fiscal year. Receipts are concentrated heavily in the period beginning on March 15 and extending somewhat past the 15th of June. This is because corporate income tax collections are quite heavy on the 15th of March; individual income tax payments are heavy around the due date for returns—the 15th of April—and both corporate and individual payments are large around the 15th of June.

Because of this seasonal pattern in receipts, we can normally expect either a larger deficit, or a smaller surplus, in the first part of the year than for the year taken as a whole. This is indicated by the fact that only from about 42 to 45 percent of our receipts normally are collected in the first 6 months of the fiscal year.

Because of this disparity of expenditure and receipt patterns, we can expect in the fiscal year 1965 a larger deficit at a point during the year than will occur for the year taken as a whole. The administration now estimates that the deficit for the year as a whole will be $5.8 billion. However, the cumulative deficit through the end of February 1965 is expected to be $11.9 billion and the cumulative deficit up to March 15 is expected to be $13.4 billion. After that time, the substantial receipts coming in can be expected to provide a surplus for the remainder of the fiscal year.

In setting a debt ceiling we must make allowance for the very highest point to which the debt can be expected to rise during the fiscal year. This point is March 15, 1965, when the cumulative deficit for the year is expected to reach a maximum of $13.4 billion.

The Secretary of the Treasury, Douglas Dillon, in his appearance before your committee stated that he expects the actual debt on June 30, 1964, to be $311.8 billion. This includes an allowance at that time for a cash balance of $7.9 billion. This relatively high cash balance on June 30, as a matter of fact is customary because substantial income tax receipts are collected just before that date and must be kept available for use in the early part of July when the receipts coming in can be expected to be quite low.

On page 7 of the committee report toward the bottom of the page, you will find a computation which—given the estimated debt of $311.8 billion at the beginning of the year and the cumulative deficit of $13.4 billion on March 15—shows exactly why we need the $324 billion ceiling for the entire year.

This computation also takes into account the fact that on March 15, 1965, we probably will not have as large a cash balance as we do on June 30, 1964. Assuming a cash balance on that date of $4 billion rather than the $7.9 billion estimated for June 30, indicates that the debt limitation can be $3.9 billion less than otherwise would be the case.

Adding the starting debt of $311.8 billion and the cumulative deficit on March 15 of $13.4 billion, and then subtracting the reduction in the cash balance gives us an estimated debt on March 15 of $321.3 billion. An additional allowance for flexibility and contingencies on that date actually would run this total requirement to slightly over $324 billion as is shown in the computation on page 7.

It is interesting to note in the separate views of the Republicans on H.R. 11375 that apparently there is almost complete agreement with the computation I have just shown you—assuming an allowance of $3 billion is needed for contingencies. On page 19 of the committee report, in the section devoted to the separate views of the Republicans, you will find a paragraph which states as follows:

> The position of the Republicans with respect to this bill (H.R. 11375) is predicated on the fact, as clearly established since the last deficit increase enacted November 26, 1963, that there is a cushion of $3 to $4 billion in the public debt ceiling which nullifies its effect as a deterrent on the rate of Federal expenditures. In increasing the limitation from $309 to $324 billion, the limitation for fiscal 1965 will again be $3 to $4 billion more than is required even if we assume that there will be a deficit of approximately $6 billion for the fiscal year 1965.

After I read this, it seemed to me that all we have left to debate is whether you need a $3 billion cushion, as they have called it, or a $3 billion allowance for contingencies and flexibilities, as I have called it.

This $3 billion allowance for contingencies is no new idea that we have dreamed up; such an allowance has been incorporated in all public debt ceiling requests for many years. The specific use of this $3 billion allowance in arriving at debt ceiling requests originated with the Eisenhower administration as a result of the very trying time Secretary Anderson had in late 1957 when he was so hard put to keep his head above water. It has been used by each Secretary of the Treasury in his appearance before your committee since Robert Anderson was occupying that position.

The $3 billion allowance for contingencies is needed—even though we always hope we will not have to use it—to cover unanticipated losses in receipts, should economic conditions turn down, or unanticipated expenditures should an emergency arise. The $3 billion allowance is also needed to permit fairly substantial variations in the cash balance, so the Treasury can time its borrowing to coincide with the time best suited to obtain an advantageous interest rate. This saves the taxpayers money. The Treasury also needs to have flexibility in timing its borrowing so that it can avoid any unnecessary market disturbance. If this allowance is not available, the Treasury may be compelled to borrow on short notice when market conditions are not suitable and the interest costs resulting from such borrowing could be expected to be higher than would otherwise be the case. In other words, this $3 billion cushion, as the other side of the aisle has called it, is needed to assure us that we do not spend funds unnecessarily under pressure. After my Republican friends think about this for a while I should think that this is an objective on which they would surely agree with me.

The Secretary of the Treasury, in his appearance before your committee pointed out an aspect of the debt limitation requirement in which I am sure you will be interested. Actually, the debt limitation requirement can be viewed as only to a limited degree dependent upon the deficit incurred in the current year. In large measure, the required ceiling can be determined on the basis of the debt at the beginning of the fiscal year in question plus the normal seasonal variation in the collection of receipts and payment of expenditures during that year. Therefore, to a substantial degree, the debt requirement for the fiscal year 1965 is influenced by the fact that for the fiscal year 1964 we are expected to have a deficit of close to $9 billion. This $9 billion when added to the debt ceiling of $315 billion prevailing in much of the fiscal year 1964, adds to exactly the debt requirement of $324 billion for the fiscal year 1965. This tends to bear out the Secretary's statement before our committee:

> Generally speaking, whenever we run a deficit in one year, the debt ceiling for the following year must be increased accordingly. Conversely, a surplus in one year would permit a reduction in the debt ceiling for the following year.

I wish my Republican friends on the committee could tell me—since the debt limit needed for the coming year depends very much on the prior year's deficit—how now are we to cut the deficit that has been projected all this present fiscal year here in the last two weeks of the fiscal year? How are we going to cut it?

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes; if you will answer my question on that and tell me how.

Mr. CURTIS. I will tell you. Exactly the way that President Kennedy did when he called in his Cabinet and said we have to cut back.

Mr. MILLS. I am talking about the effect of the current deficit on the fiscal year 1965.

Mr. CURTIS. I am talking about that, too, which will come in March.

Mr. MILLS. No, no. I do not yield further to the gentleman until I straighten him out on what I say. I am not talking about the deficit for the next fiscal year. I am talking about the $8.8 billion deficit that the gentleman and I understand will be the deficit on June 30 for this present fiscal year. How are we going to cut it?

Mr. CURTIS. I am talking about that, too, and I am saying if you will go through your formula, you will find one of the factors in it is expenditure levels beginning right away. Those are the expenditure levels that can be cut.

Mr. MILLS. The major factor I am talking about is the effect of the fiscal 1964 deficit on the debt requirements for fiscal 1965. Of course, to some extent the expenditures in 1965 will also affect the fiscal 1965 debt requirements. The gentleman and I have had our opportunity to work on those, because every appropriation bill affecting the departments of the Government, the regular ones, except one, has passed the House of Representatives already.

Mr. CURTIS. Mr. Chairman, if the gentleman will yield, he is not distinguishing between new obligational authority and expenditure levels for a specific year. And that is the key to this matter.

Mr. MILLS. Actually, this difference between obligational authority and expenditure levels is another point—one I will discuss later. But the Congress has been controlling appropriations requested by the administration. After we pass them, the administration must assume we have had our say.

My friend from Missouri should be aware of the fact that in this upcoming fiscal year we have a phenomenon, if you judge it by the past. We have a phenomenon because this is only the fourth time since 1948 that we have the prospect of a budget calling for spending at a lower rate than in the previous fiscal year. And the gentleman knows that that is correct.

Mr. CURTIS. Mr. Chairman, will the gentleman yield further?

Mr. MILLS. I yield.

Mr. CURTIS. I think along with some juggling that can be done in the bookkeeping——

Mr. MILLS. Of course, the gentleman may believe that whatever was done in a Democratic administration had to be juggling. I do not share that view.

Mr. CURTIS. I do not mean it that way. I mean juggling in the same sense that we use in selling off assets——

Mr. MILLS. Oh, my friend knows that that is not a major factor here. This always occurs in any fiscal year, as the gentleman knows.

Mr. CURTIS. Let me make the real point that I wanted to make. I think here is the issue, and I should like the gentleman to answer this question. President Kennedy, on his own initiative in November called in his Cabinet officers and said he wanted tighter budgets. They came back and the Secretary of the Treasury said that they cut the budget $1 billion on the expenditure level.

Now, President Johnson stated publicly that he did the same. All I am saying is that here is an opportunity for the Congress through the Ways and Means Committee to exercise its judgment on where we shall put the expenditure levels of this country. And if our judgment is that we shall follow in the same way, we are simply taking the place of these Presidents in both instances.

Mr. MILLS. Any expenditure ceiling set by the Committee on Ways and Means would be arbitrary. We cannot know exactly where to cut expenditures and in any event cannot determine who will take the cut. Besides the Congress sets the appropriations which the administration is to spend.

The only way we can cut $8.8 billion of budget deficit in 1964 in the last 2 weeks of the fiscal year would be, if that is what the gentleman means, to postpone the payment of bills until the first of July of next year. Now, I suppose we could do that.

Mr. CURTIS. The gentleman has pointed out that the $324 billion ceiling is necessary for the next fiscal year.

Mr. MILLS. Because of the deficit in 1964 which is reflected in the debt at the beginning of the fiscal year 1965.

Mr. CURTIS. I am pointing out that you have the other factor of expenditure levels beginning immediately in July.

Mr. MILLS. If we should have a balanced budget in the fiscal year 1965—and we do not have on the basis of the action of the House on appropriation bills—then I would admit with the gentleman that we could reduce this requested ceiling but only slightly, to about $322 billion. This is because we build on top of last year's debt and because even if we were to run a surplus for the year as a whole we would have to plan for the deficit sure to occur in the first part of the year.

Is the gentleman now suggesting to the extent the coming year's ceiling is dependent on future expenditure levels that this reduction be obtained by recommitting this bill to the Committee on Ways and Means so that the committee can advise the other body, which has not yet acted upon these appropriation bills, how the appropriation bills that have already passed the House can be reduced in the fiscal year 1965? That is giving use more authority than many might care to do.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. CURTIS. Yes; that would be one part; we could do it that way The second part is—and again I emphasize this—the gentleman must recognize this to be so, because it actually occurred last year. Under the three-time use of the debt ceiling, the Kennedy administration did cut our expenditures from $98.8 billion that they submitted to us in January to $97.8 billion. And I compliment the chairman of the committee, because it was his discipline that did it.

Mr. MILLS. Yes; it can be done. I appreciate the gentleman's flattering remark.

Mr. CURTIS. No; it is a true remark. I want to give the chairman credit.

Mr. MILLS. The gentleman knows that to the extent spending can be controlled the administration has been doing it.

Now, Mr. Chairman, I want to compliment the President of the United States for the expenditure policies he has followed so far. After having submitted his budget in January, before we ever talked about a ceiling for fiscal year 1965, and after having cut some $500 million under the rate of spending for the fiscal year 1964, he saw fit to further reduce his requirements by $600 million, making a total reduction under the current 1964 spending estimate of approximately $1 billion.

Now, Mr. Chairman, that is the type of economy that we want in Government. It may not be as much as others would like, it may not be as much as I myself would like, but certainly it is in the direction we want.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. CURTIS. That is not accurate, if I may say so

Mr. MILLS. What is wrong with it?

Mr. CURTIS. Well, in November when we had the debt ceiling up we had the figure of $97.8 billion which the Kennedy administration gave us, and we thought it could go lower. However, President Johnson immediately, within 3 or 4 weeks, increased that to $98.4 billion. So, actually, he increased it by $600 million. He did not decrease it.

Mr. MILLS. I referred to the January budget figure for fiscal year 1965. He has decreased it.

Mr. CURTIS. I do not agree with the gentleman.

Mr. MILLS. Certainly he has decreased it because his budget submitted for fiscal year 1965——

Mr. CURTIS. The year 1965?

Mr. MILLS. That is what I said as compared with that of 1964, whether he increased the 1964 figure or not, after having submitted the 1965 budget he further reduced his requests by $600 million, which is part of this myth about the debt ceiling. We did not even have a debt ceiling established at that particular point. He was not forced to do it.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, up to this point, we have been looking at the debt requirement assuming a deficit of $8.8 billion for the fiscal year 1964, and a deficit of $5.8 billion for the fiscal year 1965. These are the current estimates of the administration, and it should be noted that the combined deficits for these two fiscal years is now estimated at $300 million less than anticipated this last January. Certainly the economies in the budget presented this last January were appreciated by almost all of us, and I know that we are happy to see evidence that the economizing is continuing even after the budget document has been presented.

Actually, in the long run, it is the annual surpluses or deficits which determine the statutory debt requirement. As all of you know, I am sure, we have been through an extended period of time in which the budget generally has not been balanced. The administrative budget has been in balance only in 3 years since 1951; and, even in those 3 years, the surplus was relatively small. Recognizing the chronic character of these deficits, Congress passed the Revenue Act of 1964, which had as one of its principal purposes the stimulation of the private sector of the economy so that in the long run revenue would be sufficiently above the previous level to make it possible for us to overcome these chronic deficits.

We knew at the time—it was made quite clear here on the floor of the House—that with the passage of the Revenue Act of 1964 deficits would continue for a transitional period. We are now in that transitional period. We probably will still be in such a transitional period next year as well.

During this transitional period, both the President and the Congress have pledged themselves to making a maximum effort to hold down Federal expenditures. You will recall that such a pledge was contained in the first section of the Revenue Act of 1964. As I already have explained to you, the expenditure level presented in the January budget for the fiscal year 1965 was $500 million less than the total for the fiscal year 1964 and the current revision in expenditure totals shows a further decline of $600 million. These current estimates for the fiscal year 1965 are, as I indicated, $1 billion less than the expenditure level now anticipated for the fiscal year 1964. If these estimates prove correct—as I believe they will—this will be only the fourth time since 1948 that expenditures for any year have been below those of the prior year.

As was indicated in the House floor debate last year, the real way to hold down expenditures is through the appropriation process rather than trying to limit expenditures by a low debt ceiling. As the Secretary of the Treasury said in his appearance before your committee:

> No one is more dedicated to responsible finance and strict expenditure control than I am. But effective Federal spending cannot be achieved by restriction at the tag end of the appropriations process when bills come due and must be paid if the credit of the United States is to be maintained.

Actually much of what is spent in the fiscal year 1965 represents payments under obligations authorized by Congress in 1964 or still earlier years. To impose a ceiling which makes it impossible to make the expenditures where the amounts were authorized in earlier years is like refusing to pay charge account balances after previously authorizing the amount to be charged. It is, in fact, authorizing the purchase of goods and services and then refusing to pay for them.

You will find a table in your budget document, on page 48, which shows that of the $97.9 billion in expenditures, estimated last January to be spent in 1965, $70.5 billion came from new obligational authority recommended to Congress in the budget and $27.4 billion came from obligational authority already provided in prior years. In fact, of the $90.4 billion of this obligational authority provided in prior years which it is estimated will still be available as of the beginning of the fiscal year 1965, $61.8 billion is expected to still remain unspent after the end of the fiscal year 1965. I think this demonstrates quite clearly that trying to suddenly limit expenditures by providing too low a debt ceiling is too late to do the job. We must instead exert our influence and hold the expenditures down when appropriations are being considered.

It is important that the public understand that when we vote for a debt ceiling of $324 billion, we are not voting for a debt of this amount. The times when we actually vote on the size of the debt are when we vote on appropriations and when we vote on tax bills. The fact that a statutory debt ceiling of $324 billion is provided does not mean that the public debt will necessarily rise to this level. During the period from December 1, 1963 through June 29, 1964, the public debt limitation is $315 billion. However, the actual debt incurred during this period, up through the end of May, has in fact never exceeded $312 billion. Thus, the existence of the ceiling level of $315 billion did not mean an actual debt of this amount. A tabulation in the committee report at the top of page 10 indicates that the experience has been similar in other recent years.

I know, of course, that none of us are satisfied with the size of our debt; and that few things would please us more than to start retiring a portion of this debt each year. This is an objective that I hope we can attain after the private sector of the economy has fully realized the effect of the Revenue Act of 1964. For this to occur, however, we must keep our economy strong. The economic facts of life are such that we cannot make sizable payments on the debt except in times of relatively full employment. I hope that we are approaching such a period.

In the meanwhile, we must meet our fiscal commitments but we must not permit our natural desire to hold down the debt to permit us to provide too low a statutory ceiling. Any failure to raise the ceiling to $324 billion would seriously interfere with responsible debt management.

This $324 billion debt ceiling is based on practical reality. It takes account of the best possible estimate of our deficit for the fiscal year 1965. It takes into account seasonal variations in the collection of receipts and payment of expenditures and a $3 billion allowance for flexibility and contingencies—or a $3 billion cushion, if you will. This is a sound, factual analysis and it is on these grounds that I ask for your support of this bill.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. I yield myself 3 additional minutes.

Mr. Chairman, let me tell you what we are going to do one of these days if we follow the myth that this one vote—which many mistakenly view as an economy vote—will gain for us forgiveness on the part of the American people for times when we were not economical. We are going to bring a catastrophe upon our house. That is what we are going to do if we fail to provide an adequate debt ceiling.

I know that the membership of this House, when it fully understands any issue, is going to do the right thing about it. Let me tell you, the right thing is to destroy in the public mind the myth that we have created, that we can cast this so-called economy vote here and get forgiveness for everything else we have done during the year. If we do not do it and the American people do not understand what is involved here, we are going to create a catastrophe. We would then create a demand for too low a debt limit.

What would be the message to the American people? What would be the message to the world, if the American Congress became so disgusted with its record of appropriations that we finally decided we would not pay the bills we have authorized?

What confidence could we expect of a banker running his operation in such a manner as that? And do not forget, if you are concerned about balance of payments, and the drain on our gold the effect this would have. You are toying with an important drain on American gold. How much of it is subject to being called abroad? Practically every dollar we have. Why would it leave our shores? Because by not raising the debt limit we force the interest rates down by suddenly stopping our borrowing. Because they would then have lost confidence in our operating our house as it should be operated. Certainly they would lose this confidence, Mr. Chairman, in anyone who would pile up bills, then suddenly decide he will not pay them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Referring to the gentleman's analogy about wives going out shopping and paying the bills.

Mr. MILLS. No; I was talking about the man paying the bills.

Mr. GROSS. They will pay them, of course. But suppose my wife goes down and indulges in what the gentleman says and the gentleman does not permit his wife to go down and indulge in that, would you be willing to pick up the bills of my wife?

Mr. MILLS. The difference is this: It is not your responsibility to look after my household with debts my wife incurs. But you have an equal responsibility as every other American in the United States to see that this country is maintained on a fiscally responsible basis. You have that responsibility. Just because you do not vote for something does not, in my opinion, excuse you from the fact that if the debt is incurred by the Government and it has to be paid by all of us.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. If the gentleman will yield for me to make a brief statement, and then ask a question, I will appreciate it.

Since 1955 it appears to me that we have been "kidding" ourselves by following a so-called permanent debt ceiling which has been $285 billion since 1960. I would much prefer that we have a realistic debt ceiling that would be impressive upon the Executive and upon the Congress itself.

Will the gentleman explain to me why over this period of years we have not adopted a realistic, permanent debt ceiling that we could point to and say, "This is the lid; that is where we are going to stop"?

Mr. MILLS. Until about 1954 we did try to maintain a relatively permanent debt ceiling. It was decided then that the Congress would change its practice of upping the ceiling every 4, 5, or 10 years, to a policy of increasing it just enough to cover 1 year's needs. Presumably, this was done because the Congress wanted to review annually its fiscal policies. You cannot have that annual review, or a review every 3 or 4 months, as we did last year—as I would prefer not to do this year—and have a permanent ceiling. You cannot have it both ways.

Mr. JONES of Missouri. It seems to me what we are doing is, we have made an elastic ceiling, and last year we three times adjusted it. This time we have adjusted it once. The gentleman from Wisconsin says we ought to adopt a ceiling now, another one 2 months from now, and keep adjusting. What is wrong with fixing a permanent ceiling, because if there is anybody in this House that thinks we are not going to be less than $320 billion in debt during the foreseeable future, I think he is certainly an optimist of the first order.

Mr. MILLS. Is the gentleman from Missouri suggesting that the next time we look into this we think in terms of a permanent ceiling of some sort?

Mr. JONES of Missouri. I would think that would be practical, realistic, and effective.

Mr. MILLS. If the Congress wants us to do that, it would certainly relieve the job of the Ways and Means Committee but it would end this annual fiscal review.

Mr. JONES of Missouri. I had gotten the impression when I talked with the distinguished gentleman from Arkansas, the chairman of the committee, and the gentleman from Wisconsin last year, that there would be some hope of that being done. I have voted against debt ceilings not because I thought it was even a responsible vote but because it was the only way we had of expressing a real objection. I voted for the debt ceiling last year because it was just as irresponsible to vote for a $285 billion permanent ceiling. I cannot do that this year. You have got me in a box.

Mr. MILLS. The only thing to do is to go along with the committee. I think the ceiling increase is justified.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Illinois.

Mr. ARENDS. I want the gentleman to know that this is a serious inquiry on my part. As we figure the pattern of legislation that is to go through the Congress, with recurring costs that come year after year, does the gentleman by any stretch of the imagination think we can do anything about reducing this debt?

Mr. MILLS. Yes; I do. I expect our revenues, after passing the Revenue Act of 1964, to rise faster than expenditures if we hold down on the expenditure increases. The fact that we pass a new program may or may not be a good thing for us to do. It depends on the program. Not all programs are bad just because they are new. But it would be, I think, a very serious mistake for us to put the new programs into effect, even though they are good, and maintain all old programs at the existing rate of expenditure or at rising rates of expenditure. We can control our budget, if we hold all spending for all programs, old and new, down so that receipts are rising faster than our expenditures. In the near future this should give us a balanced budget barring an economic downturn or some major emergency. We are not going to do it, in my opinion, by any meat-ax approach to Government spending. I think the reduction, that is, of old programs if new programs are to be added, should be made on a selective basis.

I think there can be such reductions made. I am not a member of the Committee on Appropriations and I am not a member of the legislative committee that authorizes either small or large authorizations, but I think, between the Appropriations Committee and the authorizing committees that do handle these programs, that that result can be accomplished.

Mr. ARENDS. Let me just say to the gentleman, I think he is a little bit more hopeful than I am, looking down the road, under the procedures presently being followed and the things that we are trying to do.

Mr. MILLS. Mr. Chairman, if I may just say a word here, my friend, the gentleman from Wisconsin, advises me he intends to offer a motion to recommit the bill to the committee, just a general motion with no instructions. His thought is that we could conjure up out of thin air some figure that appears to him to be more nearly appropriate than the figure we have in this bill.

Mr. Chairman, the only thing I know that we could do if we went back to committee, would be to report out again almost the same debt limitation requirement we have here since we cannot control spending, or even revenues, at this time.

Now perhaps the committee could cut $500 million or a billion dollars or $2 billion or $3 billion off the level if the House so instructed it, although this would not be our best judgment, and I think we would be back before the end of the fiscal year. But if the House does not give us any instructions, what are we to do?

I firmly believe it is a serious mistake for the Secretary of the Treasury not to have as much as $4 billion in cash on hand. I firmly believe it is a mistake for us to put the Secretary of the Treasury, managing the public debt, in such a straitjacket that he cannot have flexibility of at least $3 billion to protect himself against declines in revenue or to permit him to vary his borrowing of funds from the public. I believe the House should reject the motion to recommit and pass the bill as reported by the committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, we have no further requests for time.

Mr. MILLS. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on the date of the enactment of this Act and ending on June 30, 1965, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757), shall be temporarily increased to $324,000,000,000.

The CHAIRMAN. Under the rule, no amendments are in order except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

Mr. MILLS. There are no committee amendments, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, pursuant to House Resolution 745, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BYRNES of Wisconsin. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BYRNES of Wisconsin moves to recommit the bill, H.R. 11375, to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 182, answered "present" 3, not voting 43, as follows:

[Roll No. 162]

YEAS—203

Addabbo
Albert
Ashley
Aspinall
Barrett
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cameron
Carey
Chelf
Clark
Cohelan
Cooley
Corman
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Denton
Dingell
Donohue
Downing
Dulski
Duncan
Edmondson
Edwards
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Flood
Flynt
Fogarty
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.

Hagen, Calif.
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hébert
Hechler
Henderson
Herlong
Holifield
Holland
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Kornegay
Landrum
Lankford
Lesinski
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Madden
Mahon
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Montoya
Moorhead
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Price
Pucinski
Purcell
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Senner
Sheppard
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Watts
Weltner
White
Wickersham
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NAYS—182

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baker
Baldwin
Baring
Barry
Bates
Becker
Beermann
Belcher
Bell
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bray
Bromwell
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burleson
Burton, Utah
Byrnes, Wis.
Cahill
Casey
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dorn
Dowdy
Dwyer
Ellsworth
Findley
Fino
Ford
Foreman
Frelinghuysen
Fulton, Pa.
Gathings
Glenn
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Halpern
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hoeven
Horan
Horton
Huddleston
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Kilburn
King, N.Y.
Knox
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
Lloyd
McClory
McDade
McIntire
McLoskey
Mailliard
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
May
Meader
Michel
Milliken
Minshall
Moore
Morse
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Passman
Pelly
Poff
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Rogers, Fla.
Roudebush
Rumsfeld
St. George
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Selden
Short
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Stafford
Stinson
Taft
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tollefson
Tuck
Utt
Van Pelt
Waggonner
Watson
Weaver
Whalley
Wharton
Whitener
Whitten
Widnall
Wilson, Bob
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

ANSWERED "PRESENT"—3

Auchincloss
Keith
O'Konski

NOT VOTING—43

Avery
Bass
Battin
Bennett, Mich.
Bow
Brock
Broomfield
Buckley
Cederberg
Celler
Curtin
Daddario
Dent
Diggs
Fisher
Forrester
Hoffman
Hosmer
Leggett
McCulloch
MacGregor
Martin, Mass.
Miller, N.Y.
Monagan
Morgan
O'Brien, N.Y.
O'Neill
Pilcher
Pillion
Pirnie
Pool.
Powell
Quie
Rains
Roberts, Ala.
Rogers, Tex.
Secrest
Springer
Toll
Tupper
Wallhauser
Westland
Williams

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Buckley for, with Mr. Auchincloss against.

Mr. Celler for, with Mr. O'Konski against.

Mr. O'Neill for, with Mr. Keith against.

Mr. Rains for, with Mr. Secrest against.

Mr. Leggett for, with Mr. Williams against.

Mr. Powell for, with Mr. MacGregor against.

Mr. Martin of Massachusetts for, with Mr. Rogers of Texas against.

Mr. O'Brien of New York for, with Mr. Bow against.

Mr. Toll for, with Mr. Westland against.

Mr. Pirnie for, with Mr. Broomfield against.

Mr. Monagan for, with Mr. Hosmer against.

Mr. Morgan for, with Mr. Cederberg against.

Mr. Daddario for, with Mr. Battin against.

Mr. Dent for, with Mr. Brock against.

Mr. Diggs for, with Mr. Hoffman against.

Mr. Bass for, with Mr. Quie against.

Mr. Roberts of Alabama for, with Mr. McCulloch against.

Until further notice:

Mr. Fisher with Mr. Miller of New York.

Mr. Pool with Mr. Bennett of Michigan.

Mr. Pilcher with Mr. Curtin.

Mr. Forrester with Mr. Pillion.

Mr. KEITH. Mr. Speaker, I have a live pair with the gentleman from Massachusetts [Mr. O'NEILL]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. AUCHINCLOSS. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. BUCKLEY]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. CELLER]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members speaking on the bill in general debate be permitted to revise and extend their remarks and include extraneous matter, including tables.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I have asked for this time for the purpose of inquiring of the majority leader as to the program for the balance of the week; and particularly if we are to be in session what we might expect in the way of action on the floor of the House for the balance of the week and then also as to the legislative program for next week as nearly as the gentleman can tell us.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. HALLECK. I yield to the gentleman.

Mr. ALBERT. In response to the first part of the question, the House will be in session tomorrow and there is a possibility the House may be in session on Saturday. There is no legislative business.

However, I have just talked to the leadership on the other side and it appears that the civil rights bill may be passed by the other body tonight or tomorrow.

I am sorry that I cannot advise the Members of the House as to just exactly when that bill might come to the House, but it is expected that it will come over sometime during the remainder of this week.

Mr. HALLECK. May I inquire, without undertaking to commit anyone to anything, if the bill were to be messaged over after it is finally acted upon in the other body would it be reasonable to expect that some unanimous-consent request would be made in respect to it?

Mr. ALBERT. May I qualify my statement that there was no legislative business to say that request would be made to call that bill up, of course. If the request were granted, it would be acted upon.

Mr. HALLECK. In other words, the request would either be to adopt the Senate amendments or to send the bill to conference?

Mr. ALBERT. Yes; the gentleman is correct.

Mr. HALLECK. I thank the gentleman.

Mr. ALBERT. Mr. Speaker, with respect to the legislative program for next week, the program for the House of Representatives for the week of June 22 is as follows:

Monday is District day. There are no bills.

H.R. 8954, transportation of house trailers and mobile dwellings of members of the unifomed services. Open rule, 1 hour debate.

H.R. 10314, continuing certain civil defense authorities. Open rule, 1 hour debate.

H.R. 10322, extending the act providing improved opportunity for promtion for certain officers in the naval service. Open rule, 1 hour debate.

Tuesday, H.R. 1835 to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court. Open rule, 1 hour debate.

House Joint Resolution 925, creating a joint committee to commemorate the 100th anniversary of the second inaugural of Abraham Lincoln.

Wednesday and the balance of the week—H.R. 3881—Urban Mass Transportation Act. Open rule, 4 hours' debate, waiving points of order.

This statement, of course, is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, I think it would be in order to advise Members that there might be a quorum call tomorrow and Members should be advised accordingly.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I am just wondering why all the rush here about this bill that has been kicking around here now for the better part of a year. I know that many of the Members in whom I am very much interested in seeing that they have their way would like to be off this weekend, particularly those who would like to go back and forth on Tuesdays and Thursdays. I am just wondering why we have to be in session tomorrow and possibly Saturday when there is still plenty of time to take care of this so-called business.

Mr. Speaker, I really asked for this time in order to advise the membership that there will be objection made in either event.

Mr. HALLECK. I had rather expected that.

Mr. Speaker, I cannot see why we need a quorum call for that purpose, but perhaps we will. I trust not.

THE ROSE—AMERICA'S FAVORITE FLOWER

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, today it is my pleasure to present each one of my distinguished colleagues in the House with a rose boutonniere. It is my hope that all Members will wear this popular flower, enjoy its delicate fragrance and beautiful appearance, and join me in recognizing the special place the rose has in the floriculture of our Nation.

The rose is the official flower of New York State. In the 36th Congressional District, the community of Newark, N.Y., in Wayne County is known as the Rose Capital of America. And, for the past 33 years, Newark has hosted an annual rose festival.

This year's rose festival, scheduled for June 20 through 28, is expected to be attended by more than 100,000 visitors from throughout the United States and many foreign lands. These flower lovers will see a floral exhibition of unequalled beauty—36,000 rose bushes in peak bloom filling the 17-acre display garden that is maintained for the public by the Jackson & Perkins Co., the world's largest rosegrower.

It was in 1872 that the Jackson & Perkins Co. began growing roses at Newark, N.Y. Today they distribute more than 12 million plants annually both to America's 40 million home gardeners and to the commercial growers who supply the Nation's florists.

Mr. Speaker, I am proud of the rose; proud because it is the flower of my State, proud because it contributes so much to the economic health of the district I represent, and proud because its history of combining the best traits of predecessors from many different countries is truly an American story.

While the early settlers brought to our shores cuttings of their favorite rose plants, actually this flower existed on the American Continent long before the beginning of written history. A fossilized rose found at Crooked River, Oreg., is estimated to have grown there some 35 million years ago, and species of roses are known to be indigenous to every State in the Union.

Because it represents the highest form of beauty the rose has been immortalized in prose and poetry. When the poetess Sappho dubbed the rose "queen of flowers," she echoed the sentiment of royalty everywhere. King Midas grew them in his garden; the island of Rhodes was named for the rose; Nero is reputed to have spent more than $85,000 on roses for one imperial banquet; and Cleopatra once filled her throneroom knee deep in rose petals as a greeting to Marc Anthony.

The rose is mentioned in the Bible, and has been a prominent part of Christian symbolism ever since, being depicted in paintings, stained glass windows, and other religious art forms.

Pliny, writing in A.D. 77, made frequent reference to the rose, both as a hobbyist and a historian. As a grower, he admonished the reader to dig beds deep enough to accommodate spreading roots—even as today's top garden writers.

He also makes note of the fact that oil crushed from the petals of roses was an important ingredient in many popular medicines of the day. In this respect, he was a true clairvoyant, because rose hips today are recognized as the most plentiful source of vitamin C, containing about 10 times as much as citrus fruits.

During Napoleon's time the Empress Josephine sent botanists all over the world to collect rare varieties of roses. These she planted in her garden at Malmaison, and began a program of hybridizing which was the beginning of the evolution of the modern rose. While the rose represents the height of perfection, scientists are still able to develop new and better varieties which have inbred resistance to diseases and insects, greater vigor, a wider range of colors, and equally important, the fragrance and perfection of form that has captured the minds and hearts of men and women through century after century.

Because of the symbolism that has become associated with the rose, it now represents something more than a flower—it is a form of communication. The armful of roses held by a national beauty, the single flower a youngster presents to his favorite girl, the bouquet sent to a hospitalized friend, each conveys a specialized meaning. During the War of the Roses in England a red rose and a white rose were chosen to indicate the loyalties of two warring factions. The symbolism of the rose is both personal and universal.

Mr. Speaker, the rose certainly is America's favorite flower. During this month of June, the rose is adding immeasurable beauty to the face of our land and giving enjoyment to home gardners from coast to coast.

THE DESTRUCTION OF OUR FEDERAL SYSTEM

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, the American Constitution made two vital contributions to the science of government. They were, first, the federal system, under which a group of free States associate themselves in a federal union to perform specific functions—primarily those of dealing with foreign affairs and retained to themselves all of the powers which they did not delegate—and, second, the division of powers, which, as outlined in our Constitution, gave the world the concept of separate and coordinate legislative, executive, and judicial branches or departments with no one branch controlling the activities of either of the others.

"Democracy" or the rule of the people was well known 2,000 years before the formation of the American Republic. "Republics," with an elective chief of state as distinguished from monarchies, had been existence in Europe long before the adoption of our Constitution. The great contributions to the science of government—the contributions which most nations have tried to copy were the two first above-described—not as so many assume, the concept of either a democracy or a republic.

On Monday, June 15, the Supreme Court went a long way toward destroying both of these two unique innovations. While I know of no provision in our Federal Constitution prescribing the form of government of a State other than that in section 4, article IV, which merely says that "the United States shall guarantee to every State in this Union a republican form of government," the Supreme Court has held that, regardless of State constitutions to the contrary, membership in both houses of every State legislature must be apportioned solely on a population basis.

This is, of course, not in keeping with the practices existing in many of the States at the time they entered the Federal Union, and it is not in keeping with the practice of the Federal Government itself, which the Court surely admits enjoys a "republican form of government." This much of the decision challenges the whole concept of a federal union and substitutes the idea that the States are nothing more than mere administrative "provinces" of a great centralized national government.

But the decision goes further and undermines our other major contribution to governmental science. It suggests that if the State legislatures do not act in keeping with the Court's views—even though to do so would in many cases violate their own State constitutions—and reapportion both houses of the legislature in keeping with the views of the Supreme Court, that the district courts should assume legislative powers and prescribe the districts within the States. This action clearly breaks down the distinction between the three branches of Government. Remember that in this case the courts are not simply saying that an act of the legislative branch is void, but the courts would be in effect writing the laws themselves. There is a great difference between deciding what laws are unconstitutional, and in actually writing these laws.

In a second decision on the same date, it was held that the fifth amendment to the Constitution, relating to the rights of persons accused of crime, limits the powers of the State courts, as well as the powers of the Federal courts, although for almost 200 years it has been construed to apply only to the powers of the Federal Government. Admittedly, this second decision will make it much more difficult to secure the conviction of many persons accused of crime. Personally, I think it is already too difficult in most cases; but, far more important, this decision again ignores the separation of powers between the States and the Federal Government. Surely, this decision must mean that in years to come Texas and other Southwestern States which have incorporated so much of the Spanish law in their judicial system will be required to abandon the rules which we conceive to be equitable and to accept whatever the Supreme Court wants us to accept.

Precisely because I believe in the separation of the powers of the three branches of Government, I have, heretofore, always rejected attacks on the Court, even though I have often disagreed with its conclusions. I have believed and still believe that we must accept the decisions of the Court on any interpretation of law or constitutional provision. I am even willing to accept the right of the Court to hold our existing legislative districts to be invalid—although I would question the Court's judgment. I am not, however, willing to accept the view that if another branch of Government fails—in the opinion of the courts—to carry out its obligations that this authorizes the judicial branch to assume and exercise either legislative or executive powers.

Just today we see the U.S. district court at Richmond, Va., under instructions from the Supreme Court, ordering the school trustees of a Virginia county to levy taxes—not to pay outstanding debts, but to maintain local public services which the local people say—whether wisely or not—that they do not want. Here again the Court is not simply preventing the doing of a wrongful or unconstitutional act. The judicial branch is actually trying to decide what rules of action—laws—the people shall have. If the courts can do this, they can decide that the city of Waco should build a fire station on a given site, that Bell County should build a given stretch of road and pave it with asphalt, and even though everybody in the county or city involved voted against the improvement, the court could levy and collect taxes to pay the bill.

As I see it, these are clearly decisions to be made by the legislative authorities. Definitely this is not the business of the judicial branch, and I feel that if we believe that our form of government is worth retaining—and I think that it is—that we should do what we can to stop this usurpation of power.

Historically, we have criticized the executive branch for grabbing legislative power. Now it is the judicial branch which is guilty of exceeding its authority. I would not suggest any disrespect of the Court or flaunting of its decisions, but I would, if necessary, favor amendment of our Constitution to reestablish the principles of government which that document originally proclaimed.

ADDRESS BY THE HONORABLE ROLAND V. LIBONATI BEFORE THE HOUSE PRAYER BREAKFAST GROUP ABOUT SOREN KIERKEGAARD

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, I am pleased to present a copy of the excellent remarks made by our colleague, the Honorable ROLAND V. LIBONATI, before our House prayer breakfast group, this past month. I believe my colleagues will find great value in reading the remarks that were made about Soren Kierkegaard, a very unusual man. The complete talk by our colleague, the gentleman from Illinois [Mr. LIBONATI], follows:

Kierkegaard's life was a singularly uneventful one as far as external happenings were concerned. He went to Berlin four times, otherwise 42 years were spent in Copenhagen. He led a rather wild life as a student at the university, and he was converted. He was in love, and for no apparent reason he renounced the girl and never married. A popular magazine caricatured him and he became an object of public ridicule. In the last year of his life, he launched a pamphleteering attack on the Danish State Church, in the midst of which he died. These are mostly the only events of importance, yet his life was one of the most dramatic ever known because of the depth and "power of his reflection." Everything took place inside his soul and what others regarded as trivial, or to be forgotten as soon as possible, was in him enhanced and magnified and penetrated by thought until it yielded the richest of poetic and philosophical treasures.

None of his thinking is judicious, calm, or objective. It all begins from his own subjectivity, his inner torment, his particular individual concern, and it terminates in what is at once the accentuation and the resolution of this ferment. He is existentialism of which Kierkegaard is justly regarded as the father, but there is something older and greater than that—an individual man, highly gifted, but terribly alone, struggling not with external forces, but with himself and God.

From the age of 21 onward, his writings tell his own story.

Born in Copenhagen on May 5, 1813, youngest child of an elderly father, who as a peasant youth came to the city, acquired considerable wealth as a merchant and had retired from his business to brood over his sins. The father was a man of strong character with considerable intellectual ability who brought up his children sternly in fear of God.

In "The Point of View" Soren Kierkegaard brings up enough about this crazy bringing up as a child. But the period of his youth, and the 10 years passed in the university, he barely refers to with the mere hint that he walked, alas, even in "the path of perdition." In fact he lived several years a disorderly life in revolt against his father and against God. A gradual return in the direction of his old home (the Christian position) culminated on his 25th birthday, May 5, 1838, in a thorough reconciliation with his father which was followed a few days later (May 19 at 10 a.m.) by a very striking and effectual experience of conversion, which he speaks of in his Journal as an indescribable joy. His father died soon after leaving him a considerable fortune. Thereafter, carrying out his father's wish, he began to apply himself to the study of theology and 2 years later passed his examination, cum laude. He never became a pastor, yet almost to the end of his life he cherished it as an ideal.

And yet his works are universally studied and discussed, even though his world of 100 years ago judged him as fantastic, eccentric in many of his ways and ideas, deeply sensitive, and morally courageous. Today he is being recognized as one of the most literary figures of the 19th century and one of the greatest individual thinkers of all time. Kierkegaard's position in the history of Western thought is assured; he is recognized as the greatest Protestant Christian of the 19th century and the profoundest interpreter of the psychology of the religious life since St. Augustine. The Communists have recently found him worthy of long and violent denunciation.

The tardy recognition of his genius is attributable to—

First, the fact that he wrote in a minor language; and second, to at least two characteristics of the writings themselves—their individuality of form and their content, which went strongly against the grain of most philosophical and religious thought of the time and only later could be recognized for its essential modernity.

Kierkegaard's passionate opposition to intellectualism and estheticism of his era assured the neglect of his works by his contemporaries. By some he was scorned and treated as a dangerous fanatic. Twenty years after his death he was discovered by the Danish critic and agnostic, George Brands, confirmed in his agnosticism by Soren Kiergegaard's uncompromising portrayal of Christianity. He spread Kierkegaard's fame through Scandinavia and Germany. The complete works were translated into German in 1900.

He gave new impetus to the revolt led by Schopenhauer and Nietzsche against the Hegelian philosophy of intellectualism and launched a countermovement in the direction of temporality, concreteness, and the individual. In America William James was a part of this movement, and in France Henri Bergson, but in Germany the new trend took the name of "existentialism," with Soren Kierkegaard, the Kierkegaard of the Unscientific Postscript.

If ever a man discounted popularity on principle it was he. He held that to read a man's works because of the reputation he has acquired is to read them in a way that prevents or seriously hinders one from reacting independently—and his own life carried this principle to fantastic extremes.

The only authority he ever coveted was the authority his words might have as they echoed through the consciousness of that solitary individual to whom they were all dedicated.

Kierkegaard was intellectually and spiritually great—his mind reflected an enormous range:

1. A masterly short novel—"Diary of the Seducer"—another the humorous part of the "Repetition."

2. The banquet scene from "Stages on Life's Way"—which has been hailed as the modern counterpart of Plato's "Symposium."

3. The subtle abstruce thinking of the "Philosophical Fragments" (an ironical title) and its great successor the "Unscientific Postscript."

4. The absorbing and astonishing modern psychology of despair in the "Sickness Unto Death."

5. The analysis of "the public" and the leveling process of modern society—an adumbration of Ortaga y Gossetts "mass man" in the "Present Age."

6. The various beautiful and moving religious discourses the tone of which moves constantly from impassioned utterance to strictest dialectic and back again.

7. The terse and biting satire of Soren Kierkegaard's final period, in the attack upon Christendom and many of the Journal passages.

His diversity of knowledge excelled that of any writer, ancient or modern.

He not only covered all these different fields, but was penetrating in each of them with penetration born of his one overmastering desire to become clear about himself through incessant reflection and self-analysis.

It was a way that led through suffering known only to himself. We can appreciate the cost to himself to become the "exception" and to be sacrificed for the edification of mankind.

What is it then to become a Christian in Christendom? In the "Point of View of My Work as an Author"—Soren Kierkegaard tells us the whole of his authorship centers about this question—everything he wrote is relevant to it, even the "Diary of the Seducer."

Soren Kierkegaard's great insight was into the fact that a Christian environment, far from helping one to become a Christian, puts special obstacles in the way, and particularly two:

The esthetic—the way of feeling and enjoyment of life.

Speculative obstacle—not only to accept the Gospel, but also that it appeals to their intellects as logical and reasonable. In early stages of Christianity to be a Christian meant to separate oneself from the crowd—to do what was not easy to do. It meant an effort, it meant a sacrifice, it cost something. Today the situation is exactly the opposite.

It was a way that led through conflict and bitterness of estrangement—and yet also to peace and joy. God knows well how to make it so blessed a thing to be sacrificed—His voice will be heard—proclaiming "God is love."

STATE AND LOCAL COMMUNITIES IN DANGER FROM FEDERAL GOVERNMENT INTERVENTION

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, it is increasingly apparent that State and local communities are in danger of being swallowed by the appetite of the evergrowing Federal Government. To end this tragic possibility, reemphasis of legitimate States rights and home rule is necessary and must include cooperation between the respective States and coordination between State and local governments.

A Thursday, May 28, editorial broadcast by station WIND in Chicago emphasizes a practical example of State cooperation that has recently been developed, and is the type of progressive planning that is needed to have our system of Government survive in the face of this massive, socialistic onslaught. I include the editorial at this point as part of my remarks.

STATE COOPERATION SETS EXAMPLE FOR LOCAL COMMUNITIES

We're glad to see five midwestern States moving cooperatively without Federal intervention in their affairs to solve their own problems. It all began with an agreement between Iowa and Missouri—and then in 1962 was extended to Illinois—and now Indiana and Kentucky have made a pact with Illinois. The two agreements are much the same—they provide for a tri-State sales and use tax collection plan.

Here's how it works—when a purchase is made in an Indiana or Kentucky store for shipment into Illinois, the Illinois use tax of 3½ percent is added to the sale. Sales in Illinois for Indiana or Kentucky will bear the Indiana or the Kentucky use tax. In each case, the merchant must register and report in the foreign State much as he does in his own State.

This procedure should ease tensions which exist between merchants on the borders of the States. It has proven successful in the initial Illinois-Iowa and Missouri compact. Through this compact, Illinois has gained as much as $8 million annually in use taxes which previously had escaped the State.

This cooperation has been a long time coming. We're glad to see it. It could be the harbinger of further mutually helpful agreements among the Midwestern States to solve problems troublesome to all. Unfair competition brought about by confusion in border areas of the neighboring States because of multitax situations is now being abated—and all without Federal action. If the States, as larger communities, can cooperate in this way, surely we in this sprawling megapolis on the west and south shores of Lake Michigan, as smaller communities, can find ways to work together to our mutual advantage. Abatement of air pollution, solving our water problems, our transit problems calls for this kind of cooperative effort. The good example set by the States should inspire similar efforts by local governments.

MORE ARA LIES AND EXAGGERATIONS ABOUT RESULTS

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. TALCOTT. Mr. Speaker, in February 1962 ARA Administrator Batt presented to Congress unsubstantiated conclusions of what purported to be a case study of the impact of one ARA loan:

> According to these claims—

Says Sar Levitan—

> an ARA loan of about half a million dollars was supposed to have resulted in hundreds of new additional jobs in the community and the savings of millions of dollars in terms of welfare and unemployment insurance benefits and taxes. All these claims were just imaginary since at that time the plant had not actually begun operation.

In sharp contrast was a Labor Department study suggesting that the multiplier effect of ARA-financed projects would be negligible in depressed areas due to existing underutilized capacity in service and trade industries. This study "never saw the light of day because the study was contrary to official ARA claims," says Levitan.

Mr. Levitan concluded:

> ARA spokesman contributed substantially to the confusion that existed in the public mind about the program and the frustrations of its friends concerning its progress. Instead of explaining and clarifying the real problems it faced, spokesmen for the agency displayed great dexterity in issuing exaggerated press releases about its accomplishments.

Until a Federal agency is willing to "level" with Congress and the public, its funds should be sharply curtailed. This potentially good program needs a thorough congressional investigation before any authorization is extended or increased.

PRAYER AND PUBLIC SCHOOLS

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, in my latest newsletter mailed to constituents of the 13th Congressional District of Illinois, I discussed the Supreme Court ruling concerning prayer and the public schools. The interest that has developed in the many bills and resolutions introduced to amend the Constitution in order to mitigate these decisions has been so great that a discussion of the matter is certainly necessary. For the possible interest of the readers of the Congressional Record, I am inserting that portion of my newsletter dealing with this question:

PRAYER AND PUBLIC SCHOOLS

The decisions: In 1962–63 the Supreme Court ruled that recitation of a nonsectarian prayer authored by a State educational agency, recitation of the Lord's Prayer, and Bible reading in public schools, all on a voluntary basis, were unconstitutional practices. The grounds for the decisions were that these practices constituted sufficient government participation in religious activities to constitute "the establishment of religion" as prohibited by the 1st and 14th amendments to the Constitution.

The proposed amendments: To date, 147 bills and resolutions to amend the Constitution have been introduced in the House of Representatives to mitigate these decisions. These bills, representing 34 different approaches, have been the subject of hearings before the House Judiciary Committee and have received widespread newspaper coverage and, perhaps, have been discussed in your place of worship. Leaders in government, constitutional authorities, and interested religious, civic, and citizens groups have testified on both sides of the issue.

The mail I have received on this subject—more than on any other issue—speaks well for the active interest of the people of our district in problems of national concern. Because of this interest, a brief review of some of the arguments pro and con seems timely.

The debate: Proponents of the amendments express the conviction that children should grow up in a school atmosphere which includes daily prayer and/or Bible reading of a devotional (not educational) nature. Opponents of the amendments suggest that it is impossible to draft an amendment which would accomplish the desired objective without equally bad side effects. For example, if Bible reading is permitted, which version of the Bible is to be used, or what type of prayer recited, and drafted by whom? Questions are raised as to whether prayers would have to be rotated to avoid partiality, and whether school boards might be ultimately selected, at least in part, on the basis of the type of prayer they would authorize.

Will prayer in public schools help or harm religion? Supporters of an amendment argue that prayer in public schools is necessary to supplement and emphasize the spiritual aspects of life and to identify the spiritual heritage of this country. Opponents argue that when Government steps into religion, religion may suffer, pointing to pre-Pilgrim history in England and experiences in early colonial North America where Government-sponsored religion was enforced by law. Opponents add that a separation of church and state protects both Government and religion and maintains devotional religious exercises in their proper place as a matter wholly private to each individual.

A question of educational policy: Opponents of the amendment argue that it is impossible to carry on religious exercises in the classroom without some, perhaps wholly unconscious, bias or emphasis on one sect or faith and that this can lead only to a divisive effect in our educational system. Secondly, they argue that the tendency of children to conform to the group is such that they are in effect coerced into these practices even though the practices are on a "voluntary" basis. To this, the supporters of the amendment argue that if the exercises are voluntary, nobody is hurt.

"In God We Trust": It should be noted that there is no legal connection between the "school prayer decisions" and moves to eliminate the phrase "under God" from the Pledge of Allegiance, the words "In God We Trust" from currency, singing of the "Star Spangled Banner," or invocations or oaths at public meetings. These references, I believe, should certainly remain and in no way conflict with any provision of the Constitution. Significantly, the Court expressly stated that patriotic exercises, such as the above, were clearly constitutional.

Comment: The hearings of the House Judiciary Committee and the debate and discussion taking place throughout the country have dramatized the complexities involved in tampering with the first amendment and the dangers inherent in some of the pending amendments. The debate has served the useful purpose of reemphasizing the importance of fulfilling our own responsibilities to our children with respect to religious training in our homes and places of worship.

A final determination of this matter must await the committee report, when any newly proposed language will be available for careful study. However, our Constitution and the principle of separation of church and state have served us well. Amendments to it are to be undertaken only after thoughtful deliberation. Those attempting to find suitable language are discovering the genius of the drafters of the Constitution. Amending the Constitution with imperfect language could, on the one hand, lead to State-prescribed religious exercises, unacceptable to many, or, alternatively, to a watered-down prayer or exercise so general and innocuous as to be meaningless. Any language which has been proposed or will be proposed must be carefully studied to assure that "freedom of religion" is maintained.

Illinois schools: In 1910, the Illinois Supreme Court held that prayer and Bible reading in public schools were unconstitutional under the Illinois Constitution. So, for over half a century, these practices have not been a part of the Illinois schools, and the Supreme Court decisions do not, therefore, directly affect the Illinois school system.

COMMENCEMENT ADDRESS BY HON. WILLIAM D. ROGERS

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MORSE. Mr. Speaker, during this period of controversy over the proper role for the United States in southeast Asia, it is instructive to look to the part we have played in aiding the underdeveloped nations of Latin America through the Alliance for Progress. In his commencement address at Illinois State University, the Honorable William D. Rogers, Deputy U.S. Coordinator of the Alliance for Progress, pointed out that the work of the Alliance is being carried on in the spirit of the United States devotion to the ideals of freedom and democracy, and with the belief that political and economic development must be one coordinated effort.

I believe that Mr. Rogers' observations on the potential as well as the difficulties inherent in any undertaking such as the Alliance for Progress will be of great interest to my colleagues in the House.

I ask unanimous consent that his address be included in the Record following my remarks:

THE TWILIGHT STRUGGLE

(Address of the Honorable William D. Rogers, Deputy U.S. Coordinator, Alliance for Progress at the Commencement Exercise Illinois State University, Normal, Ill., June 6, 1964)

We meet at a time of commencement, of beginning. For you in this graduating class—and for all graduating classes today—it is the beginning of a new time. For all of us who greet you, it is a vantage point on which we can pause to reflect on the changing world you are about to enter.

A century ago there were 2 or 3 dozen nations that mattered for much; today, there are over a hundred. A century ago, the world's people numbered something like a billion and a half. Today, we add that many every 15 years.

Most of these countries, and the vast majority of those people, have been and are being born to poverty.

While we in the developed countries in the brief span of a century have learned to accumulate wealth—and leisure—in ways which would have astounded our ancestors, the bulk of the world's people still live at income levels which have not changed much in 10 centuries.

We have reached a high plateau. We can think for the first time in our history of wiping out the remaining vestiges of poverty and civil injustice from our entire society, our whole Nation.

But at this moment we are discovering a new challenge—the challenge of the underdeveloped world. Suddenly and without much to guide us in our own tangled experience we are called upon to bear the burdens of what President John F. Kennedy called the long twilight struggle, a year in and year out * * * struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Affairs in Asia, Africa, and Latin America have become as consequential for the advance of our Western civilization as what happens in Berlin. Our fate is intimately connected not only with the people of Japan, Germany, and France—the developed world—but as well with those of the Congo, of Vietnam and of Venezuela and Brazil—the developing world.

We must help. In our own hemisphere we have come to learn that the aspirations of the campesino in the highlands of the Andes and of the slum dweller in Caracas, can be as fateful for our national future as what happens in our own land. Our hopes for ourselves and for our children are intimately woven in with theirs. Their just aspirations for a decent life we cannot ignore.

Picture this hemisphere, if you will, as a small town, a single community. Half the people live decently. Each family has a house or an apartment with running water. The father has a job. The children can go to a free school, and frequently, to college. They can call a doctor on the phone. Their average incomes are around $2,800. They can expect to live a rich and fruitful 70 years or more.

The other half of the population of the town lives, for the most part, in poverty. They get by on a few hundred dollars. For many, medical service is unheard of, and starvation is an always threatening possibility. They not only have little hope of higher education for their children, but, frequently, little hope for a pair of shoes.

Enlarge this picture manyfold, add the fact that in Latin America, though most people live in poverty, there is a thin veneer of privilege and wealth, and you have a fairly concise idea of the Western Hemisphere community in which we live.

A community of old, established, free nations, most of them independent for 150 years—but who somehow missed out on the great processes of economic democracy and social justice during the 19th century, who failed somehow to arrive at the point where they could provide for their own citizens the decent life which we have come to accept as commonplace.

We now know that this hemisphere—and each country in the hemisphere—cannot continue half rich and half poor. We now know that our destiny in the years and centuries to come is related to that of our neighbors. We now know that we cannot expect full security and happiness for our own people if it continues to be denied to those south of our own border. It is for this reason that we have committed ourselves to the Alliance for Progress. We have pledged our helping hand to the coordinated, comprehensive development efforts of the people of Latin America, to analyze the realities of development and to guide the riches and vitalities of the hemisphere in ways which build up the chances for a decent life for all its people. This is our response to the new challenge of the hemisphere.

We are, let us admit, new to the business—but then all mankind is new to the development business. The notion that we, the richest nation in all history, should ally itself with its hemispheric neighbors in a coordinated attack on poverty, ignorance, and disease, has no precedent. But ours is a challenge, an opportunity, and a crisis which also is new; and our response by the same token must be new.

To change the harsh facts and centuries-old rigors of life in our hemisphere—and indeed throughout the underdeveloped world—is hardly easy. Development—social and economic change—is a far more complicated process than the mounting of a military campaign, of the assembling of soldiers, of the construction of weapons. The dynamics of development—of this twilight struggle—are far more subtle, far less amenable to quick solutions or easy answers.

Dollars are important. We can supply, and indeed are supplying, material resources—generators, roadbuilding equipment, port facilities, credit to small farmers—which can provide a vital supplement to the savings and investment of Latin America itself. Our share in this process is on the approximate level of $1 billion a year—a staggering sum to be sure, but less by a third than the $1.5 billion the United States spends on its lawns and its crab grass. We can scarcely excuse our failure to meet the challenge of the hemisphere with the theory that we are straining ourselves. Our aid represents less than one-third of one-hundredth of our income each year. Just the yearly increase in our wealth is 15 times what we invest in Latin American development.

But dollars are not all. Essential to the development of Latin America is fundamental change—change in centuries-old institutions, ways of doing things in taxes and tax collections, changes in public education, changes in farming and land tenure, changes in private business. And dollars, no matter how generously provided, cannot of themselves engineer that change.

Latin America is hungry for change. As President Lyndon B. Johnson said a few weeks ago, "if a peaceful revolution is impossible, a violent revolution is inevitable." And we can help that peaceful revolution. We can export into the process of development under the Alliance for Progress not just our material wealth but something far more valuable, and at the same time far more difficult to define—something of the learning, the know-how, and the experience which we have accumulated in building the institutions of democracy, of economic strength and of social justice in our own land. The transference is not a simple process. Latin America's culture and ways of doing things are vastly different than ours. What works here will not always work there. Careful adaptation and selection are essential. Nonetheless, it is in this process of institutional change that we have most to give. It is in this field where the challenge is greatest, the problems most subtle, the opportunities most promising.

Essential to the transference of ideas are people. And it is in this effort that we are beginning to learn the great excitement, the great adventure of participating directly in the development efforts of the people of Latin America. In this area of challenge, we are finding our great response.

It is here that we can do some of the really exciting work of renovation within our hemisphere, by playing a part—a restrained part—in the fundamental reforms; the great institutional changes which must be carried out if Latin America is to enter fully into the richness of 20th century life—the changes in land tenure, the transformation of the private sector of industry and commerce, the upgrading of the processes and integrity of government and public administration, the improvement of tax justice and tax collection methods, the building of local centers of democratic action such as savings and loan associations, cooperatives, free labor unions. Here, I submit to you, is a great challenge for our age.

But this is no easy task; a rich partner's role is never easy. We must maintain a constant balance. On the one hand, we cannot impose our own views with a heavy hand. The fundamental responsibility for development rests with Latin America. We cannot develop people. They must develop themselves. But on the other hand, we cannot help by adopting the role of a passive lender who has no creative part to play in the development game. We are active partners.

We must constantly make clear our devotion to democracy and freedom, and our belief that political and economic progress go hand in hand. And we must always remind ourselves that this program is a human program. Its success will be measured not in dollars, not in statistics, but by the extent to which the Alliance for Progress can enhance the dignity and richness of individual life.

The frustrations of this new role of development partner are manifold. As we misunderstand our Latin American allies—and we sometimes do—so we are misunderstood. We are criticized for tying too many strings to our aid, and thus slowing down the improvement of the life of the people; at the same time we are criticized for failing to tie that aid strongly enough, for failing to insist before we provide assistance on the reforms and changes which are in the long run essential to real growth. We are often misunderstood when we discuss the threat of Communist subversion. There are those who say that we are mounting this great effort only because of our fear of Castro. And we are, according to others, interested in the Alliance only as a hoax, solely to further our own strict national economic interests.

But these frustrations are, I think, inherent in the challenge we face. If there were no problems, if the task were easy, we would not be here. Our response will be the response of understanding, patience, and efforts.

Patience and effort now, by all means, because after 2 years of the Alliance we are beginning to see results. Half the nations of Latin America have completed their development plans; half are beginning to meet the target of 2½ percent per capita increase. With U.S. aid, over 2,000 pure water systems have been built, 36,400 classrooms constructed, 11 million textbooks printed, nearly 300,000 agricultural credit loans made, 735 hospitals and health centers opened, and 326,600 homes erected. This is achievement. And we can take an even greater satisfaction in the growing sense of pride and responsibility in Latin America itself, a growing courage, a growing commitment to development and a growing willingness, as reflected in the recent establishment of the Inter-American Alliance for Progress Committee, to make this a truly multilateral program—a true partnership.

We have also joined as partners in this Alliance for Progress for reasons which are palpable and just.

Our economic interest in Latin America is immense. The United States has large investments there. We would be severely hurt if we were suddenly cut off from the oil and minerals and coffee which we import from Latin America. But it is more than this.

We are a generous people. Helping the poor, in our own land and in other lands, is a part of our blood. But it is more than this, too.

We now recognize both the dangers and the opportunities of continued sharp divisions between the rich and poor of the hemisphere. Our sense of history and of the future is being tested now in a way which it has never been tested before.

The possibility of total disruption of the social, economic and political fabric of the hemisphere is real, for the first time in history. And the consequences in this shrinking world of a disintegration of the hemispheric society are more serious today than they have ever been. We could not tolerate, nor long survive, in such an environment. Our fundamental national interest compels us to assist in the creation in this hemisphere—and indeed throughout the whole world—of free nations, self-reliant, self-respecting, capable of engineering through the process of orderly but rapid change a new opportunity for their own peoples and for themselves a new place in the world community. No civilization has a free ride to posterity. Here, in this struggle, is I think the challenge for our age.

We gain no national advantages from oppression, from war, from the poverty of our neighbors. Our society and our way of life can thrive best—and perhaps at all—only in such a world order united by the common bonds of economic self-interest in which each is enriched by its trade and business with the others, in which each has the opportunity to work out its own national greatness and through which the citizens of all have a decent chance for the decent life. If we fail now, in the Alliance for Progress, in this decade of development, we will have failed in what could be our last chance to create such a community.

Thus, at the same time that we are transforming our own society to insure full and equal rights, political and economic, to all our own citizens, we must work to insure a greater freedom, a greater justice to all the people of the world, so that by using our resources in ways which are sensible and wise, but which recognize the limitations of our own wisdom, we can 100 years from now say we played our part.

IOWA SOIL AND WATER CONSERVATION WEEK

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, during this week I have placed in the Record a number of articles dealing with different phases of soil and water conservation. Soil and Water Conservation Week in Iowa is now drawing to a close for another year; however, efforts to conserve this Nation's greatest natural resources go on year round.

Undoubtedly, the greatest work done in this field in this country is done by the Soil Conservation Service. In stories previously inserted this week, the work and history of the SCS were highlighted along with some of the problems they face in their work. The work done by the Soil Conservation Service has been outstanding. Their willingness to cooperate to do everything possible to bring the need of soil and water conservation to the people is greatly appreciated and sorely needed.

It was the Soil Conservation Service Information Service that helped write the articles I have inserted this week and am inserting into the Record today. They, along with their people out in the local soil conservation districts and working with the local work units, gave freely of their valuable time and effort to help my research team of college students at the State University of Iowa to prepare an information kit on soil and water conservation which was sent to all of the newspapers in the First District and also to all of the farm organizations in the State.

I would also like today to pay tribute to the members of my research team who spent many long hours in preparing the information kit, and especially to Charles Campbell, who organized the effort. Mr. Campbell did outstanding work and I am proud to have him and the other members of the research team on my staff.

The articles which I call to the attention of the House today deal with pollution control, which is closely connected to soil and water conservation; with "Wildlife and Conservation," with "Soil Loss—The Long-Range View," and with "Soil Conservation Practices." The one article points up the very close connection between conservation practices and the development and maintenance of wildlife populations:

Pollution Control

The primary causes of stream pollution in Iowa streams are:

1. Untreated or improperly treated sewage from urban areas;
2. Industrial wastes; and
3. Siltation caused by movement of silt from eroding lands.

In the past 10 years much has been accomplished in the control of pollution from industrial plants and municipal sewage from urban areas. A number of industries, along with local, State, and Federal agencies, are conducting research for ways to reclaim waste and purify the water used. There are still many problems.

Greater emphasis is required in many areas of research in order to permit more rapid and effective control measures. Some of the problems urgently needing special attention are:

The impact on public health of increased bacterial, virus, and chemical pollution, and the ability of present processes to cope with increased volumes and new types of pollution.

A redefinition of the natural purification phenomena of streams in the light of the new composition of wastes, including chemical loadings.

The development of more economical waste treatment methods—success in this area would save millions of dollars of treatment plant construction cost.

Adjustment of laboratory techniques for measuring pollution levels in streams and for determining efficiency of water treatment.

The effect of impoundments on pollution behavior in streams.

Silt from eroded land is one of the serious pollution problems. Soil and water conservation land-treatment measures (including the use of vegetation and contour farming) on upland areas, combined with a structural program of soil stabilization and water and erosion-control structures, is a most important solution to this problem, all across the Nation as well as in Iowa. Each year much progress is made in this soil and water conservation program. Much more needs to be done, however. Considerable research is underway to determine the rates and amounts of sedimentation within watershed areas with the use of various types and combinations of land treatment use and structural measures.

In recent years there has been concern expressed that some chemicals used as insecticides, fungicides, herbicides, and fertilizers washed from the land into streams and underground water supplies may contribute to polluting such supplies. Research and investigation to determine the extent of this type of pollution is underway.

Wildlife and Conservation

A majority of Iowa farmers, through their interest and work in soil and water conservation, are making a major contribution to the habitat development of such forms of wildlife as pheasant, ducks, squirrels, and deer.

Today, more than 54,000 farmer-district cooperators in the State have complete soil and water conservation plans, many of which contribute directly to the enhancement of land for the propagation, development, and maintenance of wildlife populations.

Conservation cropping systems, contour farming, terracing, and stripcropping are conservation practices which provide benefits to wildlife populations. Practices which are of most direct benefit to wildlife are as follows:

Field border plantings: grassy headlands around crop fields left unmowed until after oats harvest time. This allows time for young birds to hatch and leave the nest. Iowa farmers have installed more than 89 million feet of such borders.

Hedgerow planting: Oftentimes a row of trees and shrubs—for example, honeysuckle—planted on the border of a field or across it. It frequently occurs as one or two rows of shrubs planted around a windbreak. More than 9½ million feet of these plantings have been made.

Windbreaks: Trees and shrubs planted around farmstead and feedlot provide food and cover for wildlife. More than 1,000 acres are so enclosed in Iowa.

Wildlife habitat development: Improvements for wildlife to include food, shelter, water, nesting cover, and other desirable features in a designated area. There are now 65,000 acres so developed.

Farm conservation ponds: Water impoundments for livestock and other uses. Water and surrounding areas always attract wildlife. About 25,000 ponds have been built and 18,000 of them stocked with fish.

Grassed waterways and outlets: Shaped shallow channels used to remove surface water runoff from the farm without erosion damage. The amount of cover for wildlife depends on the management of the grass in the channel. There are about 140,000 acres of such waterways on farms of district cooperators.

In addition to the value of separate practices, these practices in combination as found on land with conservation plans have a cumulative effect. Rotation cropping provides more variety and creates more edges. More species of wildlife are attracted.

In Iowa and nationally, progress of watershed projects under the Watershed Protection and Flood Prevention Act is increasing the acreage of good wildlife habitat.

Soil Loss—The Long-Range View

Iowa's rich soils produce one-tenth of the Nation's total food supply. Much of Iowa soil is formed from material deposited, thousands of years ago, by the wind. This material is called loess. The loess soils are highly productive, deep, and easily eroded. Other Iowa soils will erode, too, when not protected by adequate conservation measures.

More than nine-tenths of Iowa land is in farms. And more than three-fourths of the farmland is used to grow crops—half of which are rowcrops that expose the soil to erosion unless conservation practices are carefully followed. Only about one-fifth of the farmland is in pasture and woods. And there is about 4 percent "other" farmland in farmsteads, lanes, roads, and some wildlife areas and idle land.

Iowa's highly productive soil is in demand and land prices are high. About one-half of Iowa's farmland is operated by tenants This means intense cropping of large acreages, much under tillage that encourages erosion.

Some farm owners and operators, especially those with deep soils, are not aware of erosion losses. Some farmers discount the loss of up to 20 tons of soil per acre per year. Yet a 5-ton loss is considered the maximum if continuing good yields are to come.

Nevertheless, a well-developed soil and water conservation program is expanding in the State. All Iowa counties are now soil conservation districts. More than 40 percent of Iowa farmland is under cooperative agreement with districts, with the farmers applying conservation plans worked out with the help of the Soil Conservation Service.

But much still remains to be done:

Treatment for erosion is the outstanding conservation requirement on Iowa's cropland with over 50 percent having this problem. Over 71 percent of the area on which erosion is the dominant problem is in need of treatment and feasible to treat.

Almost 11 percent of the cropland in Iowa is class I land with no problems that limit use.

The major treatment needed on pasture is the improvement and/or reestablishment of vegetative cover. Much of the pasture also needs some protection of vegetative cover from the hazard of overgrazing use, erosion, rodents, and encroachment of weeds.

Treatment needs on Iowa's woodlands involve establishment, reinforcement, and improvement of timber stands and protection against animals, insects, diseases, and fire.

Other land in the Iowa inventory includes mainly farmsteads and wildlife areas. Nearly two-thirds of this land needs protection against erosion and about one-fourth needs treatment to control excess water.

Another important part of the soil and water conservation program in the State revolves around the U.S. Department of Agriculture's upstream watershed protection and flood prevention activities (Public Law 566—1954), administered by the Soil Conservation Service.

Iowa divides naturally into 206 small watersheds that fit the watershed-size definition under Public Law 566. Of that number 201 watersheds need upstream watershed project action. And the people are acting. Applications from local sponsors in 57 of these watersheds have been approved through January 1, 1964, by the Iowa State Soil Conservation Committee, and planning is underway in 31 and 22 are in the operations stage.

In addition, the 4,500 square-mile Little Sioux flood prevention project, authorized by the 76th Congress (Public Law 534) and put into operation in 1946—with its many structures, diversions, dikes, grass waterways, terraces, etc.—serves as an example of what can be expected from conservation work in other watersheds. Its most recent test occurred in June 1963, when 11 inches of rain fell in 60 hours but no flood hurt the town of Anthon.

Another development during the past 2 years, involving only a small acreage so far but with a great potential as a way to conserve soil and water on Iowa land, is the shift of Iowa farmland to recreation. Vacation farms, picnic sites, golf courses, fishing and camping facilities, and hunting and shooting preserves are the sort of recreation attractions being provided. This trend will help, especially, in the conservation of rough or badly eroded land, and in preserving other land for future needs as cropland.

Soil Conservation Practices

Soil and water conservation practices in Iowa as throughout the Nation are designed to fit the conservation needs farm by farm, county by county, area by area. Some practices can be carried out on an individual farm by its owner. Others require a group attack. When conservation problems are especially complex or costly, they are sometimes best corrected through a watershed project. Watershed projects are often used to meet a combination of farm and urban needs for such things as water supplies, water control, and recreational opportunities.

Conservation practices are used to supplement and support good cropping systems on individual farms. Practices are tied into the overall farm conservation plans. Without conservation land treatment, many individual practices would not be effective.

The most common on-farm practices used in Iowa can be divided into two kinds—vegetative practices and mechanical or structural practices.

The following are the principal vegetative practices, their description, and approximate acreages or amounts that have been applied to date as part of Iowa district cooperators' soil and water conservation plans:

Stripcropping: The growing of field crops in approximately parallel strips to slow water runoff and increase soil absorption, also reducing erosion. In sloping fields, strips are laid out to fit the contour of the land. More than 343,000 acres are being stripcropped regularly.

Conservation cropping systems: Growing crops in an orderly sequence to provide erosion control, water conservation, and some measure of protection from weather and insect hazards along with economical production. The current total is about six and a half million acres.

Grassed waterways and outlets: Mechanically shaped channels seeded to grass and used as part of the water disposal system on the farm. Width, depth, and vegetation are designed for both water carrying capacity and control of erosion in the channel. There are 139,780 acres of such waterways.

Tree planting: The planting of trees, usually on steeper slopes, for erosion control and timber production. The current total is 14,800 acres.

Farmstead windbreaks: Enclosure of the farmstead area with trees and shrubs. More than 1,000 acres are thus enclosed.

Wildlife habitat developments: Improvements for wildlife to include food, shelter, water, nesting cover, and other desirable features in a designated area. There are now 65,000 acres so developed.

Pasture planting: Established long-term stands of pasture legumes and grasses on land converted to pasture or hayland from other uses. There are more than 20,000 acres.

Pasture renovation: Reestablishment of improved mixtures of grasses and legumes on existing hayland or pasture. This adds up to more than 300,000 acres.

The principal mechanical or structural practices in Iowa include:

Contour farming: Performing tillage and other regular field operations on the contour across the natural slope of the land. About 3,500,000 acres of Iowa cropland are being contoured when in grain crops.

Terraces: Constructed berms and channels in the approximate contour of the land used to slow water down and increase the insoak before conducting it safely from the land to a stable outlet. There are several types of terraces, but all of them have the effect of breaking long slopes into shorter ones. The increased use of parallel terraces has been one of the major recent conservation developments in Iowa. Parallel terraces went from 1,084,000 feet in 1962 to 1,752,400 feet in 1963. The total of all terraces established to date is 237,615,670. Terraces are a cropland practice.

Diversions: Similar to terraces, but designed to divert water off the land below. Size, grade, and use of grassed or ungrassed channel depends on the situation. Diversions are not limited to cropland. The present Iowa total is 18,440,000 feet.

Farm ponds: Constructed reservoirs for water impoundment. The number is 24,855.

Tile drains: Lines of field tile laid in the ground to remove excess water so that plants will grow better. The total to date is 876,105,700 feet.

Grade stabilization structures: Concrete, steel, and earthen installations of various types used at strategic or critical points to stabilize water runoff channels. More than 9,000 have been established.

Floodwater retarding structures: Concrete, steel, and earthen installations of various types used to impound water temporarily and release it at a measured rate. The number to date is 318.

Note.—Floodwater retarding structures are particularly useful in group watershed projects. Often structures are designed both for grade stabilization and floodwater detention. The Soil Conservation Service is now working with 62 community-type watershed groups in Iowa.

SABBATICAL LEAVE FOR FOREIGN SERVICE PERSONNEL

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Schwengel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, last month I appeared before the House Foreign Affairs Committee to propose a sabbatical leave program for Foreign Service officers. Today I have introduced a bill which would implement the proposal I made to the House Foreign Affairs Committee on May 4, 1964.

The legislation I have introduced would amend the Foreign Service Act of 1946 by permitting the Secretary of State to assign or detail officers or employees of the Foreign Service to educational institutions, trade, labor, agricultural, or other organizations.

I make this proposal because I feel strongly that there is a great need for more direct communication between the Foreign Service people and the American people at the grassroots concerning the objectives of our Government in the field of foreign affairs.

The sabbatical leave program that is envisaged in this bill would provide for a closer association between the people who represent our country on the foreign front and the people back home.

The strength of any nation's foreign policy lies in broad national understanding and support of that policy. I believe that if the legislation I introduce today is enacted, it will contribute immeasurably to a better understanding on the part of the American people of our involvement in foreign affairs.

But above and beyond the benefits to the American people, the Foreign Service personnel themselves would be helped immensely by a sabbatical leave program. By going out to the grassroots, these people would get a feel of what the American people are thinking by talking to PTA groups; to civic organizations such as the Lions Club, chamber of commerce, and others; and to farm organization meetings. After talking to these groups our Foreign Service people would be better prepared to represent this country on the foreign front.

I can envisage such personnel being assigned to a college in the first district such as Iowa Wesleyan or Parsons where they could teach some college courses according to their qualifications and where they could meet and talk to college students.

You will notice that my bill provides that institutions or organizations which utilize Foreign Service personnel in the manner described will help pay for the program through contribution to salary and travel expense. This would reduce the cost of the program.

The cost of the program will be worth every cent to the American people who will become better acquainted with our foreign affairs and to our Foreign Service officers who will be better prepared to represent us.

I sincerely hope that the Foreign Affairs Committee of this House will give prompt and serious consideration to my bill.

CONGRESSIONAL PAY RAISE

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CURTIS. Mr. Speaker, Mr. Leverett Chapin, associate editor of the Denver Post, has carefully and incisively analyzed the question of congressional pay raises. His remarks are pertinent and timely, and I recommend his observations to my colleagues:

This Is Frugality?

(By Leverett Chapin)

Since 1955, when Congress gave itself its last pay raise, the cost of living has gone up 15.4 percent so the House of Representatives thinks it would be nice to raise the pay of Congressmen and Senators 33.33 percent, to $30,000 a year, plus uncounted fringe benefits which Members don't like to talk about.

A proposal to that effect went sailing through the House on Thursday and if House Members, all of whom must face the electorate this fall, are willing to run the risk of looking grabby, there can be but little doubt that Senators, only one-third of whom are up for reelection this year, will follow suit.

President Johnson is credited with encouraging House Members who wanted more money, but were embarrassed to vote for such a gluttonous bite, to set aside their reluctance.

How the 33.33 percent pay raise will fit into the Johnson frugality-in-Government program, which was announced less than 2 months ago, has not been explained.

The time between congressional pay raises is becoming so short one is inclined to wonder whether House and Senate Members were listening when the late President Kennedy told us all, "Ask not what your country can do for you, but what you can do for your country."

Congress once showed commendable restraint by not upping its own pay oftener than every 20 or 40 years. For example, when Congress in 1866 increased its pay to $5,000 per Member per year, with relatively few fringe benefits except for free snuff for Senators, that scale remained in effect for 41 years.

The increase voted in 1907, to $7,500, remained unchanged for 22 years. The $10,000 pay, voted in 1925, lasted for 20 years until, in 1945–46 the amount was boosted to $15,000.

The next increase, from $15,000 to $22,500, came in 1955 after only 9 years and now, 9 years later again, the new pay raise—to $30,000—is well along toward enactment.

The worst feature of this latest raise is that it contains a provision which will give increases almost automatically to Congressmen and Senators in the future.

This will be accomplished by tying congressional pay to upper bracket civil service pay. Whenever these civil servants get more money, and they are constantly lobbying for that purpose, House and Senate Members will get more pay, too.

As raises become more frequent under this system, Congress can take the self-righteous attitude that it had to give increases to civil servants to keep good men in government and the fact that it gave itself a raise at the same time was merely incidental, hardly worth noticing, really of no importance.

It is gratifying to know that two Colorado Congressmen, J. Edgar Chenoweth and Don Brotzman, voted against the pay raise bill on Thursday. Representatives Wayne Aspinall and Byron G. Rogers presumably will have explanations of their votes in favor of the increase when they return to seek reelection.

WILL THE EDSEL FLY?

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Brock] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BROCK. Mr. Speaker, further study of the Pentagon's "public affairs plan" reveals an effort to feed the American public another one of Secretary McNamara's gross distortions of the TFX record.

A Pentagon memorandum of March 5, 1964—inserted in the Congressional Record by the gentleman from Wisconsin [Mr. Laird] on April 21, 1964—containing this news management scheme requires that in preparing information for release concerning the development of the TFX—F–111 tactical fighter—the Departments of the Air Force and Navy and their contractors adhere to the following guideline:

> The aircraft will be described in such a manner as to make it clear that the advanced fighter will meet the requirements of the Air Force's tactical air mission, the Navy's carrier-based fighter mission, and the fighter mission of the Marine Corps.

This directive refers to the "statement by Secretary of Defense Robert S. McNamara to the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate" dated March 13, 1963. In light of the McClellan Investigations Committee hearings it becomes evident that this is an effort to perpetuate another one of the gross distortions that Secretary McNamara made of the original TFX award record. This specific distortion was an obvious attempt to mislead Congress and the public into believing that there was "little to choose between" the General Dynamics and Boeing TFX proposals and that both would fulfill military needs.

Secretary McNamara made the statement on March 13, 1963, to the McClellan Investigations Committee:

> The report itself did not express a preference for either proposal, and indicated there was little to choose between the proposals. Both proposals were certified by General LeMay and Admiral Anderson to meet military requirements (p. 375).
>
> * * * * *
>
> At the risk of repetition, I want to read to you again the general conclusions of the evaluation group which were restated verbatim by the Air Council, with concurrence of Admiral Anderson, Chief of Naval Operations, and General LeMay, Chief of Staff of the Air Force:
>
> * * * * *
>
> The fourth evaluation report did not choose between the contractors. When I reviewed the report, I could see why. The question was a very close one (pp. 380, 381).

But McNamara failed to read to the committee the actual conclusions of the Air Force Council's report which were the recommendations for Boeing, page 1754. Nor did he read the important last paragraph which follows:

> (h) There is a clear and substantial advantage in the Boeing proposal over the General Dynamics proposal which is magnified by the environment found under the austere conditions usually inherent in limited war actions (p. 761).

He failed to read to the committee the actual recommendations of the Fourth Source Selection Board which states:

> 3. The Board unanimously recommend that X (Boeing) be selected as a source. Some considerations bearing on this decision are: (a) Superiority in all major aspects of operational capability, (b) lower quoted cost, (c) positive ground deceleration mechanism, (d) greater weapons selectivity and carrying ability, (e) less risk of foreign object damage and missile exhaust degradation of engine performance (p. 1164).

McNamara's distortion that both proposals would meet military requirements is based on the questionable assumption that the downgrade requirements which were met will be sufficient for future military needs, pages 723, 779, 780, 1393. The original Navy requirements were not met, page 328.

The Director of the Evaluation Division, Bureau of Naval Weapons, George Spangenberg, testified in reference to meeting Navy requirements that "Boeing comes closer to the original and to the revised and to all others," page 335. The then Chief of Naval Operations, Adm. George Anderson in explaining to the committee his reasons for recommending that the superior Boeing proposal be chosen stated that the downgrading of Navy requirements "magnified the import of small differences between the two designs in critical areas" and that "an edge of advantage is of greatest importance" in wartime, pages 78, 775. He further indicated that the weight and size of the TFX would restrict its use to the large carriers, page 779. Recent testimony before another congressional committee and George C. Wilson's recent article in Aviation Week indicate that the General Dynamics plans now may be too heavy for the Navy to use.

The American public is entitled to the truth behind the TFX affair. If we are going to spend $7 billion of the taxpayer's money to produce a "Flying Edsel," the American people have a right to know about it. In truth, we need to know, will the Edsel fly? Since Secretary McNamara's officialdom sees fit to give only half truth and distortion, I hope the McClellan committee will resume its investigations of the TFX contract award.

THE FUTURE OF EDUCATION

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Derounian] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, I am pleased to insert herewith for the edification of the House the commencement address of our colleague, the Honorable John W. Wydler, given at Nassau Community College on Thursday, June 11, 1964:

> On May 15, 1960, the then Nassau County executive, A. Holly Patterson, dedicated Nassau Community College with a call for "academic excellence."
>
> This week I celebrated my birthday. Since it was my 40th birthday, the word "celebrated" may be inappropriate, for I reached that magic number in life which is considered middle aged.
>
> I mention this because it illustrates that Nassau Community College has also in these last 4 years passed through its infancy, and its youth—and truly come of age.

It has rallied to meet the challenge of Mr. Patterson and has attained "academic excellence."

I am proud to be the Congressman from the Fourth Congressional District of New York—and among the proudest possessions of our district is the faculty and student body of this Community College.

I am also particularly happy to be here this evening to share with you the rich experience of a graduation—because I missed so many of my own. Because of the war I left for college to attend an accelerated course at Brown University before my graduation ceremonies at high school. I left Brown after 2½ years to go to Harvard Law School, and so had no graduation ceremony from college. And I left Harvard Law School to attend a bar review course and could not attend my graduation ceremony there.

Tonight, at long last, I have the pleasure of finally going to a graduation ceremony. And I thank you all for it.

My message tonight will be short and direct. It concerns the Federal Government and the future of education. But more than that, it concerns the status of our American way of life in 1964.

Nothing can reveal more about the way people live and think than the educational system they maintain.

The American system of higher education today offers educational opportunities to a larger fraction of the Nation's young people than any other system in the world. At its best it offers a quality of educational opportunity unsurpassed in the world. Our colleges and universities, through their teaching and research programs, have become the greatest intellectual, cultural, and economic assets of the Nation.

This last statement is not mine—it was adopted by the Association of American Universities in 1964—and this group is more noted for self-criticism than self-praise.

I fully support that statement. It means our administrators and faculty have been doing a good, sound job in offering higher educational opportunities to our young people. It means our young people have utilized them wisely. I congratulate you both.

This might be a good point to end my speech, but I must take a look at some ways to make our system better. That requires, first, that we ask the right questions, and second, that we get the right answers. These are equally hard to do.

Question. What is the Federal Government's role in higher education?

The answer is that it should make public funds available to help colleges provide higher educational needs insofar as it can do so without interfering in the legitimate aims of that education. This is not easy, and is a narrow line indeed. No Federal funds are given without some Federal controls. The nature and extent of these controls are always being balanced.

We did act in the last Congress to make available funds for the construction of needed buildings on U.S. college campuses. The Federal Government also has scholarship and student loan programs. These are well-known and useful programs that have been an unqualified success.

There is one part of the Federal program that is little understood by the public in general. It is heading, in my opinion, toward real trouble in the near future unless it is reexamined, explained and sold to the public.

These are the programs whereby the Federal Government is granting money to colleges to conduct research—specific and general—applied and basic.

As a member of the Science and Astronautics Committee in the House of Representatives, I have seen these programs at work and I believe they must be examined right away by Congress to insure that they will not come into public disfavor and lose general acceptance.

I differentiate between the research programs conducted by the National Aeronautics and Space Administration which lets research contracts to achieve specific results in attaining the conquest of space. Public acceptance or rejection of these projects are part and parcel of our national space programs and objectives.

The other type of research is that conducted by the National Science Foundation—also under the purview of our committee, but, in reality, uncontrolled. This agency spends hundreds of millions of dollars each year for basic type research—much of it of a "way-out" variety.

For example, Federal funds have been granted as follows:

1. For an analysis of nest building in Weaverbirds, $20,000.

2. For an investigation of the mating calls of Central American bufo (toad frogs), $21,200.

3. For the study of respiratory mechanisms in cultivated mushrooms, $8,000.

4. To study the distribution of turtles in Central America, $23,400.

5. For a study of the social behavior in population dynamics of the marmot, $15,000.

These are extreme examples—but there are many more. If questioned, the agency merely explains that great results often flow from basic research. Many Congressmen shrugged it off, not having the scientific background to question the grants. And these are grants—not contracts. The giving of Federal funds is final and irrevocable.

What guarantee does the Government have that these grants are wise—with a reasonable chance of being fruitful? I know of none. I believe it is time to ask some questions and get some answers. I would like to know what results have been achieved by these programs to date. I would like to explore the possibility of making them joint projects with the sponsoring universities. I would be greatly reassured to know a university head was willing to invest at least some of his hard-earned and valuable funds to further the project. Cost sharing may be the best guarantee of responsibility.

I think it's time to have full-dress hearings on this matter—time to study and review it—time to explore the possibilities of new guidelines and replacing grants with contracts that call for results. At the same time we should review administrative requirements and find ways to reduce paperwork and redtape imposed on colleges by these programs.

At a time when there are so many demands on our national treasure—we must guard it jealously.

And I'm saying this tonight because it concerns you graduates as future citizens who will be contributing your wealth to the National Treasury.

Now, I have talked a great deal about asking questions and getting answers. This is something you will be doing the rest of your lives. You will find out there are a lot more questions than answers. But you will be living in an age when we have more answers, and the right answers, than ever before.

You already have a big start down the road to success. You were blessed by God with good minds and have had a chance to develop them at this college. The union of college graduates is constantly getting more and more pay for its members—and it a great union with no dues and lifelong membership.

Only last night I heard the Secretary of Labor state that graduates of community colleges had more job opportunities than graduates of 4-year colleges.

At this point in your lives it appears that everything is going your way. Just remember that your education is not something for nothing. Tonight you will receive your reward for past effort and excellence, but tomorrow and every day thereafter the price you pay for it will be your citizen responsibility. That lies immediately ahead.

You are the products and beneficiaries of the great university of the State of New York. By 1970, it is estimated that half of all freshmen in New York will be enrolled in community colleges. There are more growing pains ahead, and you will be part of the public on whom rests the responsibility for meeting them. The competition and proper relationships of 2- and 4-year colleges, as well as public and private colleges, raises questions to which all of us here tonight must help to find the answers.

In my opinion, the State of New York has one more major job to complete before it can be truly convinced that it has the best State university in the country. I'm talking about the establishment of the New York Institute of Technology—similar to MIT and Cal Tech but second to none of them. It would be geared specifically to the space sciences. Today, the existence of such competence is necessary for the proper development of business and industry. The creation of such a center is so important to our future development, not only in education but in the competition for business development, that I believe the priority for the project must be raised. The wheels should be made to turn this year, and I believe we should bring it to Long Island to back up and complement our industrial competence. This calls for a team effort, as there is no partisanship in progress.

In closing tonight, I will mention some of the "shock" addresses made by speakers at graduation ceremonies. The officials of Columbia University seem to have a special proclivity for this type of shock treatment.

Last December, Jacques Barzun, dean of faculties there, said "the liberal arts tradition is dead or dying." Of course, this was good for some anguished outcrys from educators across the land. The statement is credible only because there are those who question the value of anything that has no direct, practical application.

Not to be outdone, just this month Dr. Grayson Kirk, the president, stated flatly that "the American dream was over." He went on to conclude that "many of the cherished beliefs of our national youth no longer seem to fit the condition of life in our time."

Now I don't want to accuse Dr. Kirk of being an intellectual beatnik, but I think his slightly jaded attitude is dead wrong.

He never defined the "American dream," but to me it was—and is—the desire to live better—both materially and in freedom. It is particularly distinguished, moreover, by the spirit of adventure, the zest, the enthusiasm to do something about it. The American dream is philosophy in action—and it is not dead.

We have great challenges ahead. In space, we can roll back the mysteries of infinity. On earth, we can first unleash and then harness the power of the atom for the betterment of mankind. If automation is a threat it is also an exciting idea with possibilities for the better life. If the population explosion is a problem it is one that can be met by enthusiastic action proven still possible in America by all our dedicated Peace Corps men and women around the world.

I'm shocked at Dr. Kirk for so misinterpreting the cut of the American character. Unable to find ready answers to some questions—there are those who change the questions.

For example, for years our most pointed national question was "How could we win the struggle with communism?" This has proved a very difficult question, and recently I've heard the question changed to "How can we live in peace with communiism?" We should not delude ourselves that by changing questions we have found answers.

Dr. Kirk now seems to want to change the question of "How can we make the American dream come true?" to "How can we dream in an atomic bomb age?"

I hope you will go on dreaming our national dream. We have realized much of it already. I also hope you will put that dream into action by a generous application of zest, enthusiasm, and the spirit of adventure. Ask the right questions and seek—eternally seek—the right answers.

A MANDATE TO INVESTIGATE
(PART II)

Mr. MATHIAS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CRAMER. Mr. Speaker, there was discussion on the floor of the House Monday concerning the need for the House to act in order to clear up certain questions concerning this body.

It was suggested that, as a result of the Bobby Baker hearings before the Senate Rules Committee, certain information has become public knowledge which reflected upon the activities of a former official of the House of Representatives.

The question was raised whether the official, William N. McLeod, Jr., former chief clerk of the House District Committee, was ably serving this body in view of his associations with other interests in the District of Columbia.

Specifically, there were these areas which in the opinion of many need further investigation:

First. The payment of $1,500 to McLeod by Silver Spring insurance agent, Don B. Reynolds. This payment reportedly was for McLeod's help in obtaining authorization for the construction of the District of Columbia Stadium.

Second. The payment of $1,000 to Mr. McLeod by the Metropolitan Police Relief Association in appreciation of services he performed while an employee of this body.

Third. McLeod's association with the pawnbrokers in the District of Columbia.

Fourth. McLeod's association with liquor distributors in the District of Columbia.

Fifth. The reason for the retainer which was reportedly paid McLeod for some period of time by a South Carolina insurance company.

Sixth. The report that McLeod received an expensive color television set from a Washington gambling figure.

Questions were also raised concerning the activities of Mr. Nathaniel W. Barber, an official of Household Finance Corp. here in Washington, especially since McLeod now has offices in the HFC and is a registered lobbyist for that company. Information is available to me that Barber was a frequent, almost constant, visitor to the House District Committee during a period of time not too long ago when certain legislation was under consideration affecting the finance companies in the District of Columbia.

These things caused concern by many of us in this House. I would like to mention two other areas which might be subjects for consideration by investigation by the appropriate agency of the House of Representatives.

First, it has been reported that a high official of the District of Columbia government, reportedly in the insurance department, was once summoned to McLeod's office. This official reportedly has said that McLeod told him that he was to favor a certain insurance agent in placing business for official fidelity bonds and insurance coverage for District of Columbia agencies. This is an astounding report and one which certainly calls for close scrutiny if we are to present the public with a House that is in order.

Second, in view of the close connection and interrelationship between vending machine companies and the Bobby Baker scandal, it has been suggested that it might be well to look into the Capitol Vending Co. contracts by which this company received certain exclusive rights to locations in the House Office Buildings. Were these contracts awarded after the receipt of bids? Were bids even advertised for in the papers as is usually done by all agencies of the Government when a concession is to be granted?

In this connection it might be interesting and informative for the House to look into the matter of vending machines in the District of Columbia police headquarters and in precinct houses across the city as well as in certain other Federal office buildings. Certainly, we should satisfy ourselves that everything has been done in accordance with normal business procedures in this regard.

Mr. Speaker, there are other matters which involve the Metropolitan Police Department and the District of Columbia government which need investigation insofar as they concern the House District Committee and its function as an integral part of the operations of this Chamber. I will not go into further detail at this time but I suggest that the public is not going to be satisfied with inaction, excuses, delays, or anything other than a complete and thorough investigation into these matters and other matters which shall be detailed at a later date.

ANNIVERSARY OF FOREIGN-TRADE ZONES ACT OF 1934

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Boggs] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOGGS. Mr. Speaker, it is a signal pleasure for me to call to the attention of my colleagues in the House that today, June 18, 1964, is the 30th anniversary of Public Law 397, the Foreign-Trade Zones Act of 1934, one of the most constructive pieces of legislation ever enacted by the Congress to further our country's foreign trade and commerce.

Most appropriately, this legislation is often referred to as the Celler Act in honor of its sponsor, our esteemed colleague in the House, the gentleman from New York, Emanuel Celler. Today I am happy, and proud, to salute Congressman Celler for his sponsorship of this vital legislation and to commend him for his foresight in promoting the passage of the Foreign-Trade Zones Act.

Under this imaginative and useful law, special areas, known as foreign-trade zones, may be—and have been—established in ports of entry of the United States where foreign and domestic merchandise may be introduced without being subject to U.S. customs laws governing entry or payment of duties.

In other words, under this law, firms are permitted to bring foreign goods into the United States duty free, and store them or process them for future shipment to another country, or for customs payment and entry into the United States when the time seems most advantageous.

Within a foreign-trade zone, a complete range of business functions may be performed on the commodities stored there—everything from basic warehousing to complex manufacturing to exhibition and then sale. It was my privilege to be the sponsor 14 years ago—June 17, 1950 to be exact—of the amendment to Congressman Celler's act which enlarged its scope and usefulness by permitting manufacturing and exhibiting to be added to the already lengthy list of permissible zone activities.

On this 30th anniversary of the Foreign-Trade Zone Act, there are six such trade zones in ports of our country: New York, New Orleans, San Francisco, Seattle, Toledo, and Mayaguez, P.R. There also are two special-purpose subzones—one in Penuelas, P.R., which contains a petro-chemical plant, and the other in San Francisco, which has a plant to manufacture women's coats and hats. All of these trade zones and subzones have contributed to the increase and variety of our Nation's foreign trade and commerce, and we are pleased to have them in operation.

I am particularly proud of the Foreign-Trade Zone No. 2 at the port of New Orleans, my home city. It was the second such trade zone established in our country, and it has been in continuous operation since May 1947. This excellent zone, an integral part of New Orleans' port activity, embraces about 25 acres. It contains first-rate facilities for receiving, handling, storing and processing foreign and domestic merchandise. The zone, operated as a public utility, offers its facilities and services at attractive rates to business firms, both large and small.

In the years 1947 through 1963, the New Orleans foreign-trade zone received more than 550,000 tons of cargo valued at more than $238 million. This means that the zone at New Orleans has received more than 32,000 tons of commodities each year, and the annual average value of the cargo has been close to $14 million.

The manager of the New Orleans foreign-trade zone, Mr. John H. Boyd, points out that in addition to the many advantages this zone already provides in the way of manufacturing, processing and packaging operations, the zone—in his words—"also has enticed many new items into the flow of foreign commerce here." Mr. Boyd notes that "consumer goods, processed merchandise, spices, nuts, bric-a-brac art ware, and many other items which normally do not flow through the regular commerce of the port of New Orleans are now commonplace because of our zone. Such a facility, providing as it does the individual handling and storing needs for such items," Mr. Boyd adds, "has opened up new and profitable fields in foreign trade."

As for foreign-trade zone operations across the Nation, the last few years have seen considerable growth in their activities. Much of the credit for this continued growth in operations should go to the Foreign-Trade Zones Board headed by our esteemed Secretary of Commerce, the Honorable Luther H. Hodges. The Board, under his guidance and leadership, has provided considerable impetus to a continuing program for enlarged and effective use of foreign-trade zones by all segments of the business community. This splendid effort already accounts for the greater employment of the Trade Zones Act for industrial purposes; this is evidenced by the fact that subzones already have been established, and will continue to be so, for major manufacturers.

For many reasons we are confident that this increased use of the trade zones will continue. Certainly the proof is there that the New Orleans Foreign-Trade Zone is attracting more and more interest by industry. I have been told that another new feature of the New Orleans zone, to be established in the near future, is the installation of a waterside refrigerated cargo terminal within the present zone. This dockside refrigerated zone should prove to be a boon to both zone and port business in general.

I am proud to represent the city of New Orleans and its great port, which offers so many advantages to business firms engaged in international trade, whether they be shippers, exporters, importers, or manufacturers. The operations of our Nation's No. 2 port are directed by one of America's leading port authorities—Mr. Walter James Amoss. Jim Amoss and the New Orleans Dock Board, chaired by Mr. Sam Israel Junior of New Orleans, are providing such wise direction and leadership that the port of New Orleans has a bright future of unlimited progress and prosperity. They are doing a splendid job of directing the best located and best installed port serving the vast midcontinent area of the United States. Trade is the very lifeblood of my city, and the port of New Orleans has in the past, and continues today to serve inland waterborne commerce and oceangoing commerce equally well. The international trade tradition of New Orleans is centuries old, and the wealth of time tested experience from its officers and officials, from New Orleans shipping companies and agencies, from its banks and so on enhances the excellent commercial services which are always provided to businesses, both large and small.

In conclusion, I would like to say that there is no doubt about the many benefits which have been, and are now being derived, by both management and labor through the growing activities of our Nation's foreign trade zones. Furthermore, these zones are definitely contributing to the overall expansion and variety of America's trade and commerce with the nations of the world.

I am very pleased and proud to have this opportunity to herald the 30th anniversary of our Foreign-Trade Zones Act, and to pay tribute once again to Congressman CELLER for his pioneering effort and to all other Members of the Congress for their encouragement and support in this most worthy activity for the benefit of our country.

At this point, Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a statement on this important anniversary by Mr. W. J. Amoss, director of the Port of New Orleans; a fine feature article from the New Orleans States-Item of October, 1963, by Bob Friedly, the newspaper's port reporter and columnist, and four feature articles from International Commerce of June 15, 1964, the fine weekly publication of the Bureau of International Commerce:

STATEMENT OF W. J. AMOSS, DIRECTOR OF THE PORT OF NEW ORLEANS

This 30th anniversary of the passage by the Congress of the initial Foreign Trade Zones Act gives us good cause to review the value of Foreign Trade Zone No. 2 at New Orleans to our community, State and Nation.

Over these 30 years, the United States has come to realize the vital necessity of our foreign trade and our great need to recognize such trade as a tool in the search for peace and prosperity in the kind of free world we seek to develop.

Our Foreign Trade Zone No. 2 at New Orleans has been a valuable tool in keeping this port flexible in its service, and has aided us in our efforts to provide fine service to the heart of the United States, which is our port's hinterland—the great midcontinent area.

The zone and permissible subzones have been, and are, a ready means of attracting cargo and developing valuable essential industry. We see in the zone idea a means to further develop essential trade to an increasing degree in the years ahead.

New Orleans is now spending over $3 million in expanding the features of our zone. Other zone expansion will follow. With the zone system and permissive State legislation now passed on the recommendation of our Governor, John McKeithen, Louisiana is assured of another $50 million industry, and we believe this is just the beginning.

As a self-supporting port, New Orleans is proud of being Foreign Trade Zone No. 2. We know this tool will be a great factor in our development in the years ahead, in the sound growth of our great State and Nation, and the successful discharge of our responsibilities for the maintenance and development of commerce and trade through this Nation's No. 2 port at New Orleans, where the great Mississippi Valley meets the open sea.

[From the New Orleans States-Item, Oct. 7, 1963]

EXPORTERS TRIM DUTY HERE 8 TO 10 PERCENT—NEUTRAL TRADE ZONE PROFITABLE

(By Bob Friedly)

You might call it the twilight zone. It is really neither here nor there.

An that's the advantage. You don't have to abide by all of the rules you would if it were here and yet you're not confined as you would be if it was still there.

Confuse you? Well, the little bit of limbo we are referring to is a 25-acre fenced waterfront site near the foot of Napoleon Avenue. It is called the Foreign Trade Zone No. 2.

CONTAINS SHEDS, CARGOES

In it are sheds and cargoes, just about like any other wharf in the port of New Orleans. But it is kind of an autonomous little kingdom where the commodities inside actually are considered never to have entered the United States.

And it is more than a wharf. There are various business operations going on inside, such as bagging commodities, finishing products, drying and repairing.

The purpose of it:

To allow firms to bring foreign goods here duty free and store them or process them for further transfer to another country or for customs payment and entry into the United States when the time is most ripe.

ADVANTAGES NUMEROUS

The advantages to the owner of the goods are numerous.

For instance, brazil nuts are brought into the zone from South America and dried. The evaporation of moisture in them decreases the weight and the duty, which is based on weight, by 30 percent. While they are drying the owner culls them, knocking down the duty he eventually will pay when he markets them by another 8 to 10 percent.

Then there is lumber. A great deal of Philippine and Honduran mahogany comes into the zone. There it is dried in a huge kiln. When ready to leave the zone to market, the duty saving is not the significant thing. It is the cheaper transportation cost to the midwest, as a result of the reduction in weight.

Many manipulations can be made to imports while in the foreign trade zone to get the commodity into the country under a lower tariff in the complicated U.S. duty structure.

INDEFINITE STORAGE

Storage in the trade zone can be had indefinitely, with no bond necessary on commodities, and free watchman service from U.S. customs agents around the clock.

No import quotas apply in the zone. Goods can be imported into the zone in any quantity and the excess over quota held until the next quota period if desired.

The businessman can even sell his goods from the zone, paying the duty when they leave. The buyer is free to inspect goods in the zone.

BOON FOR BUSINESS

This all adds up to a real boon for some commercial businesses, but what is the advantage to the U.S. Government in creating the zone and to the New Orleans port authority in operating it?

"It is designed to encourage business by making tariff applications more reasonable, more liberal," said John H. Boyd, manager of the foreign trade zone.

"It is basically not too much of a revenue-producing facility. But it has attracted goods here that wouldn't have come otherwise. And I'm inclined to think the zone has attracted trade to the rest of the port."

CREATED IN 1947

Boyd, who first became associated with the facility when it came into being in New Orleans in 1947, said business has had its ups and downs but is about 8 to 10 percent higher now than it was in the early years.

In the fiscal year ended June 30, the zone received 30,000 tons of goods and shipped 31,000. The incoming cargo was valued at $12 million, the outgoing at $9.5.

There are five such trade zones in the United States, New Orleans carrying the No. 2 since it followed the zone at New York in order of their establishment.

FEDERALLY AUTHORIZED

The Federal Government authorizes the zones. The local ports operate them and must pay the cost of the customs officers on guard.

Boyd said the trade zones stem from the old European free ports which were even more liberal in their allowing of foreign products to enter. Foreign governments still maintain some of the free ports.

New Orleans' Dock Board leases space in the trade zone up to 15 years. The lessee may bring in machinery to handle his products or, through arrangement with the Board, may construct his own building.

CONCRETE STRUCTURE

About half of the 25 acres is covered by a concrete warehouse structure. Eighteen firms lease stalls, separated by concrete walls, in the main building or occupy their own frame or metal structures.

Lumber is a big business. Two importers of Philippine and Honduran mahogany use a huge kiln, built by one of them, to dry their lumber before it is placed on rail cars and shipped inland.

Another company imports casein, a milk derivative for paints and plastic, removes it from burlap bags, refines away some of the debris and rebags it in brown bags.

Foreign automobile manufacturers touch up their autos damaged in shipment.

BATTERIES MADE

Another firm makes automobile batteries on the scene. The lead for the grids is imported, the other materials made in this country. But they are assembled in the zone. The manufacturer pays duty only on the lead when the batteries leave.

If a product is brought into the zone, held there and then shipped on to another foreign country, no duty is paid since the commodity, for all intents and purposes, never came to the United States.

Efforts recently to create a refrigerated "sub-zone" near the facility on Tchoupitoulas st. fell through. Boyd said difficulties arose in getting Agriculture Department inspectors to the private cold storage plant which was going to serve as the subzone.

Boyd said the Foreign Trade Zone No. 2 means about $250,000 a year in gross revenues to the dock board. About 200 persons work there, practically all of them employees of the companies leasing space.

Trade Act Has a Birthday: Old Law Creating U.S. Version of Free Port Is Like New Tool for Export Expansion

(By James Rourke)

It was the year Dillinger died and the Quints were born and Hitler proclaimed himself Der Fuehrer.

The great depression was on and the U.S. share of world trade had dipped to less than 10 percent.

Gable made a movie called "It Happened One Night," Robin and Rainger wrote a song called "June in January" and Congress passed a law called the Foreign-Trade Zones Act.

Today the movie's an anachronism from the world of midnight TV, and the song is so much sauce for sliced nostalgia. But the law, approaching its 30th anniversary this week, has the appearance of a tool only recently forged for the international trader.

AN OLD IDEA

The Foreign-Trade Zones Act became law with President Franklin D. Roosevelt's signature on June 18, 1934. Introduced by Representative EMANUEL CELLER, Democrat, of New York, it authorized a U.S. version of a trade device Europe had used for at least 6 centuries—the free port.

Thirty years later, with a single amendment which also marks an anniversary this week, the Foreign-Trade Zones Act still stands to do what its preamble says—"expedite and encourage foreign commerce."

U.S. businessmen, including those attracted to the export-expansion program, are learning—in some instances, for the first time—what that means.

In many ways, a foreign-trade zone is like a foreign country but you don't need a passport going in or out. Legally, it's part of the United States. Technically, it's another land entirely—a land outside U.S. customs territory, where goods may be handled and processed without being subject to customs duties, import quotas, and bonds.

A LITTLE OF EVERYTHING

Physically, it's a fenced, policed area without a resident population, located at or near a port of entry, operated as a public utility and open to the full range of business and industrial activity, from simple storage of raw materials to manufacturing and sales.

To the businessman operating there, the range of advantages starts with the little matter of saving money and extends to the prospect of new worlds for his wares.

On this 30th anniversary, foreign-trade zones are located in New York, New Orleans, San Francisco, Seattle, Toledo, and Mayaguez, Puerto Rico. In addition, there are two special-purpose subzones—one in Penuelas, Puerto Rico, containing a petrochemical plant, and the other in San Francisco, containing a plant manufacturing women's coats and suits.

They operate by authority of the Foreign-Trade Zones Board, which Congress established to administer the law. The board consists of the Secretaries of Commerce, Treasury, and Army, with the Secretary of Commerce as chairman. The secretariat of the board operates as an integral part of the Bureau of International Commerce of the U.S. Department of Commerce.

ONE AMENDMENT

As passed in 1934, the law allowed virtually every in-zone activity except manufacturing and exhibiting. Congress removed these limitations June 17, 1950, with an amendment introduced by Representative HALE BOGGS, Democrat, of Louisiana.

Today's foreign-trade zone has facilities for loading, unloading, handling, storing, processing and exhibiting goods from all parts of the world. It serves the businessman engaged in manufacturing, export, import, reexport, and transshipment. Or, as Richard H. Lake, executive secretary of the foreign-trade zones board, describes it in the board's latest report to Congress:

"Their activities ranged from warehousing and storage to manufacturing and marketing. Facilities used by these firms varied from less than 100 square feet of floor space for a small firm to a complete industrial plant.

"In fiscal 1963, over $87 million in materials and merchandise was delivered to the zones. Shipments from the zones during this period were valued in excess of $88 million."

In the same report, Lake notes that hundreds of U.S. businessmen are asking how a foreign-trade zone operates.

"These inquiries indicated interest in the zone concept for general manufacturing and assembly operations manufacturing for export, industrial development, marketing, and distribution," Lake says.

Why the surge of interest in a 30-year-old law? The manufacturer with an eye for export finds these accommodations under the Foreign-Trade Zones Act:

Operating in a foreign-trade zone is something like having an overseas plant without leaving home. In an area technically outside the United States, the businessman retains the advantages of U.S. labor skills, technology, machinery, and management.

SAVE ON DUTIES

Foreign goods may be brought into a zone and held indefinitely without being subject to U.S. customs laws governing the entry of goods and payment of duties. This means no capital outlay for duties.

So far as Federal tax laws are concerned, U.S.-made goods placed in a zone solely for export are considered to have been shipped out of the country. The manufacturer's money isn't tied up in bonds and excise taxes.

In-zone manufacturing may be with foreign materials exclusively, or a combination of foreign and domestic materials. If the merchandise is exported directly from the zone, there's no U.S. duty.

U.S. customs laws apply only when the product enters U.S. customs territory. In some instances, duty on the finished product is lower than on the raw material. If the manufacturing process leaves waste, there's no duty on the foreign material wasted.

"Imaginative use of the zone can readily result in its being a profitable tool for marketing and distribution of goods to local and oversea markets," Lake said in a paper presented to the Second Inter-American Port and Harbor Conference in Mar del Plata, Argentina.

Another way of putting it: After 30 years, the Foreign-Trade Zones Act remains a unique piece of legislation.

Action on the Waterfront: Operating in Foreign-Trade Zones, Maufacturers Save Redtape and Tariff While Producing for World Markets

Lloyd Sanderson was a young man working in the business office of a New York steamship company when the Foreign-Trade Zones Act became law June 18, 1934.

Three decades later, he is factotum with the title of traffic manager for an agency which has seen and made a chunk of the 20th century history of international commerce.

Sanderson's desk still is in Manhattan, but his career now is entwined with that of the oldest of all creations under the 1934 law—Foreign-Trade Zone No. 1, operating under a Foreign-Trade Zones Board grant to the city of New York.

STARTING IN NEW YORK

The New York zone opened its gates February 1, 1937, at Stapleton, Staten Island, a ferryboat ride from the Battery, across New York harbor past the Statue of Liberty. Facilities in its 92 waterfront acres include three steamship piers with literally miles of warehouse and work space; a railroad, administration and storage buildings and a manufacturing area.

About 500 firms use the zone in the course of a year. Last year they received $33.4 million worth of merchandise and forwarded $35.5 million worth. Cargo ranged from Brazil nuts to heavy machinery.

Some examples of manufacturing for export within the zone:

Using drugs from Burma, Malaysia, Italy, Switzerland, Germany and the United States, a U.S. pharmaceutical firm compounds pills and capsules for markets in the Far East.

Using juices from England and the United States, a U.S. soft-drink firm blends a beverage concentrate and ships to its agents in all part of the world.

Using watch movements from abroad and casings from the United States, a U.S. merchant turns out finished watches for short-order shipment to South America.

An advantage common to all three operations: No money is tied up in customs duties on the materials from abroad.

NEW ORLEANS

The New York zone was 10 years old when Foreign-Trade Zone No. 2, New Orleans, opened May 1, 1947, under a grant to the Board of Commissioners of the Port of New Orleans.

Its facilities include a lumber dry kiln and a vacuum chamber for fumigating cotton, burlap, and other commodities.

The New Orleans zone covers about 25 acres, more than half of which are under roof along the banks of the busy Mississippi River. Businessmen operating in this integral part of the port of New Orleans currently are receiving and shipping cargo valued at $10 or $15 million a year.

Principal commodities are lumber, cotton, steel pipe, automobiles, sports equipment, casein, and chicory. In-zone manufacturing includes firms which produce battery plates, electric storage batteries, and wire-rope bridles and slings.

SAN FRANCISCO

Foreign-Trade Zone No. 3, San Francisco, began operations June 10, 1948, under grant to the San Francisco Port Authority. Today it serves approximately 250 firms and individuals, and the value of goods received and forwarded is running more than $8 million a year.

Less than a year ago, the Foreign-Trade Zones Board issued a grant permitting the San Francisco Port Authority to establish a special-purpose subzone to contain the manufacturing plant of a firm producing women's coats and suits. A more detailed account of the subzone appears elsewhere in this issue of International Commerce.

PRESCRIPTION FOR PROFIT

Among manufacturers operating in the general-purpose zone is the American Transpacific Corp., producing pharmaceuticals for southeast Asian markets in which the European drug industry was entrenched.

Says company vice president Richard E. Sponholz:

"By selecting the foreign-trade zone, it is possible for us to utilize the entire free-world area as our source of supply, using as our criteria quality and price.

"It is possible to combine imported raw materials with those more advantageously available from within the United States for compounding into finished dosage form.

"The resulting savings, such as lower raw-material costs, could be passed on to the buyers and these, combined with American technical know-how so far as manufacturing and packaging are concerned, enable us to compete successfully with European manufacturers."

GETTING THE BUSINESS

Sponholz says the firm's annual sales range from $500,000 to $900,000 and "the business we have developed undoubtedly would have been placed with European manufacturers." He cites these advantages of in-zone manufacturing:

Supplies available from around the world "without tying up funds in the payment of import duties."

Easy access to export shipping facilities.

SEATTLE

San Francisco's trade zone was little more than a year old when the Seattle, Wash., foreign-trade zone opened September 1, 1949, under grant to the Port of Seattle Commission.

Today the Seattle zone serves about 95 firms which, in the fiscal year now ending, have received and forwarded an estimated $1.1 million in merchandise. The business of the more active firms in the zone consists of importing—automobiles, clothing, rainwear, and ball, needle and roller bearings.

One in-zone firm converts foreign-built compact trucks into "camper" vehicles for the outdoor sportsman.

"This permits manipulation within the zone, transforming high-tariff trucks into low-tariff passenger vehicles, and gives us the advantage of having local labor occupied," according to Frederick W. Short of the port of Seattle trade-development department.

MAYAGUEZ AND TOLEDO

The newest of the six foreign trade zones—Mayaguez, Puerto Rico, in the Caribbean, and Toledo, Ohio, on the Great Lakes—opened almost simultaneously in August 1961.

Nine months later the Foreign Trade Zones Board authorized the Puerto Rico Industrial Development Co., which holds the grant for the Mayaguez zone, to establish a special-purpose subzone embracing a vast petrochemical plant at nearby Penuelas, P.R. A more detailed account of this subzone appears elsewhere in this issue of International Commerce.

Of the Mayaguez zone, General Manager Arturo Febry says, "Our main interest is manufacturing because we need jobs badly in Puerto Rico."

Companies engaged in or preparing to start in-zone manufacturing in Mayaguez include firms producing window hardware; belts of domestic leather and imported buckles; concentrated orange juice and processed orange sections, and handtools.

MONEYSAVER

In Toledo as in Mayaguez, the in-zone manufacturer is attracted by provisions of the Foreign Trade Zone Act eliminating tariff on material wasted by the manufacturing process. S. Greg Weingardt of the Toledo-Lucas County Port Authority staff says:

"Alfa American Corp. is importing slabs of optical glass and machinery with which to rework this glass. The company later will convert the imported glass into semifinished lenses for use in various optical equipment.

"Duty on the unchanged imported glass would be 50 percent were it to enter this country in normal channels. By converting the glass into the semifinished lens products, Alfa American Corp. is able to reduce the duty.

"In addition to a savings on duty, the company realizes further economies in that its operations can be fairly consolidated at the zone; transportation routes to and from the port provide excellent distribution channels, and no duty is charged on scrap glass resulting from the cutting operation."

Last year the Toledo zone received $34.7 million worth of merchandise and forwarded $30.8 million.

The volume and value of cargo moving through the six foreign-trade zones and the two special-purpose subzones indicate at least this much:

The Foreign-Trade Zones Act of 1934 continues to serve the purpose set out in its preamble—"to expedite and courage foreign commerce."

Fashion Leader From San Francisco Lights Anniversary Candle In Foreign-Trade Zone

The lady's name is Lilli Ann. She's a fashion leader from the Golden Gate.

She was born in San Francisco in 1938 and subsequently joined a group of clothing designers and manufacturers whose goal was to make San Francisco "the Paris of the West."

Over the years, her name became a synonym for style and quality in women's coats and suits.

Next month, Lilli Ann will celebrate a birthday. Don't bother counting candles for the cake, though. There'll be just one.

OLD GIRL, NEW WORLD

It's not a matter of a matron coy about age. It's the case of a corporation which discovered a new world of markets and is marking the first anniversary of that profitable occasion.

The milestones:

By authority of the Foreign-Trade Zones Board, facilities of the San Francisco foreign-trade zone were expanded to take in a 4-story building which now houses a Lilli Ann Corp. manufacturing plant. It's called Foreign-Trade Subzone No. 3–A and it began operation July 9, 1963.

Here, free of U.S. customs duties, Lilli Ann is able to produce finished and semifinished coats and suits of imported cloth, both for export to foreign countries and import to the United States. Duty is levied only on goods that enter the United States.

Last November, for the first time, Lilli Ann entered the export field, under the aegis of the Department of Commerce at the Duesseldorf Trade Fair.

In the 7 months since, the firm has signed 40 new retail customers in 10 foreign countries; added $50,000 (at wholesale) to its sales figures; opened showrooms in Paris and London and participated in additional trade fairs in Duesseldorf, Berlin, and Paris.

Although the Lilli Ann trademark is new in the world of export, the name of company president Adolph P. Schuman long has been known in the international fashion world.

The 54-year-old native of San Francisco is chairman of the San Francisco World Trade Center Authority, a member of the National Export Expansion Council and former chairman of the San Francisco Regional Export Expansion Council.

THEY'LL RETURN

With other members of the San Francisco fashion industries, Schuman, and Lilli Ann vice president Daniel Benatar—who has charge of the firm's foreign-trade subzone operation—are out to organize an official Golden Gate delegation to the Duesseldorf fair next October.

Lilli Ann definitely will be there. Said Benatar:

"It is interesting to note that orders received from customers we originally sold in November 1963, have increased considerably, indicating a healthy reception to Lilli Ann merchandise in the Common Market.

"By this I mean that in November 1963, these new customers cautiously placed orders for 2, 3, or 5 pieces only. This year these same customers placed orders for 18, 23, and 31 pieces."

Today the Lilli Ann trademark appears in department and specialty stores in England, Sweden, Denmark, Austria, France, Belgium, Italy, Switzerland, West Germany, and South Africa. Negotiations are under way for representation in Hong Kong, Japan, Mexico, and Central, and South America.

BIG, BRIGHT IDEA

Said company officials: "Despite the fact that Lilli Ann has always imported its fabrics, furs, and trimmings from the four corners of the globe, it was not until 1963 that it became aware of the world of export as a natural market for its wares outside of the continental United States.

"Operating in the San Francisco foreign-trade subzone has permitted the company to achieve the unique situation of purchasing its raw materials in Europe, bringing them to the United States and, using American labor, handle, cut and assemble these raw materials, and return them to their place of origin for resale—all at competitive European prices.

"The foreign-trade subzone plant began with a handful of employees and has gradually blossomed into a thriving operation, providing employment for cutters, sewers, and handlers. As our foreign volume increases, additional personnel will be required."

Birthday? Lili Ann's a lady who doesn't mind having one.

THEY TURNED A KNOB AND RAISED A MILESTONE FOR FOREIGN TRADE

Men have made history in a variety of ways. The men of Union Carbide Caribe, Inc., did it by turning a knob.

The date was May 10, 1962. The place was Penuelas, P.R. The occasion was the opening of the first foreign-trade subzone established solely for industrial purposes.

The 62.5-acre subzone contains a multimillion-dollar petrochemical plant at which Union Carbide, using a combination of foreign and domestic raw materials, processes hydrocarbon products for use in Puerto Rico and the United States.

Under the Foreign-Trade Zones Act, there's no duty on the foreign materials until they enter U.S. customs territory.

The knob-turning ceremony consisted of opening a valve aboard a tanker anchored offshore from Penuelas. Hundreds of thousands of barrels of naptha from Trinidad flowed through an underwater pipeline to the plant.

Operating in a foreign-trade zone "solved a major materials-supply problem" for the firm, according to Charles H. Atwood, chairman of the board.

"Use of the special-purpose subzone made it possible for the company to enter into long-term contracts for obtaining essential raw materials that previously could be purchased only on a short-term basis," he said.

"Because the company now is assured of a constant supply of these raw materials, it can schedule its operations with greater certainty.

"As a result of the successful foreign-trade subzone operation, Union Carbide recently decided to expand its plant at Penuelas and to install new facilities to produce industrial alcohols.

"This represents an additional investment of $24 million—of which $8 million was for additional production facilities in the subzone and $16 million for related plant facilities near the subzone."

Last year the company received $3.8 million worth of raw chemicals in the subzone and shipped $7.4 million worth of finished products.

Among significant contributions it makes to the economy of the Commonwealth of Puerto Rico, this foreign-trade subzone operation provides employment for about 300 persons.

THE FOREIGN-TRADE ZONES ACT OF 1934

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CELLER. Mr. Speaker, 30 years ago, on June 18, 1934, President Roosevelt signed the Celler Foreign-Trade Zones Act. I fought hard for the legislation that was patterned after the ancient idea of the Hanseatic League—a combination of so-called free ports in Europe around the Baltic Sea and North Atlantic. The purpose of the act was to set up free ports or free zones into which goods could be imported and held in the zones duty free until taken into U.S. customs territory.

Almost 30 years of operation of these foreign-trade zones have proved how great a help they can be to our foreign trade and commerce. The Celler Act has been justified. Zones have been established in New York, New Orleans, San Francisco, Seattle, Toledo, and Puerto Rico.

Many are the advantages of such a zone. Goods from other lands can enter and be held until, for example, the quota on such goods is resumed. Goods can enter in large quantities and be broken down into smaller quantities and retransshiped to foreign climes without payment of duty. U.S. customs laws apply only when the products enter U.S. customs territory.

The foreign-trade zones provide an excellent opportunity for duty-free manufacturing for export markets at U.S. sites. Foreign commodities may be brought to a foreign-trade zone from abroad and used in the manufacture of finished goods, thus providing the opportunity to use American labor and American components in the production of these goods. These may then be exported to world markets. Many and varied are the permissible operations, all of which give a fillip to American foreign trade. May the foreign-trade zones go from strength to strength.

I also salute the executive secretary of the foreign-trade zones board, Richard H. Lake, for a job well performed.

FORMATION OF THE TEXAS PARTNERS OF THE ALLIANCE FOR PROGRESS

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, a little more than a year ago, Fernando Belaunde Terry, was elected President of Peru. In a year's time he has done a commendable job.

Friday, June 19, the State of Texas is formally announcing the formation of the Texas Partners of the Alliance for Progress at a dinner meeting in my city of San Antonio.

At that meeting, the brother-in-law of President Belaunde, Ambassador Celso Pastor, will speak. My State will be more closely linked with the country of Peru in assisting her through self-help programs as Texas has taken that country to be her responsibility in the Alliance program.

In honor of that occasion, I would like to bring to your attention, an article which appeared Sunday, June 14, 1964, in the Washington Post. It is as follows:

PERU'S PRESIDENT GAINS STATURE

(By Milan J. Kubic)

LIMA, June 13.—When he was elected Peru's President 1 year ago, Fernando Belaunde Terry had three big problems:

1. To provide popular government after a 30-year rule by oligarchs, judges, and generals.

2. To deliver on his election promise of social and economic progress despite majority opposition in Congress.

3. To overcome his reputation as an erratic political showman.

He has done a pretty good job tackling all three.

Under his leadership Peru has held its first municipal elections in 40 years, taking the townhalls out of the spoils system. Last month Peru launched the best land reform on the continent. And Belaunde's performance added inches to his stature, even in the eyes of his critics.

But he is still faced with the dilemma of a leader whose political interests differ from his own party's.

The handsome, graying Belaunde earned his reputation of political maverick beginning in 1956 when he left APRA, the strongest party on Peru's non-Communist left. The same year he founded his own Accion Popular, gave it a neo-Aprista program and ran in the presidential elections.

After he lost he devoted 6 years to stumping the coast, mountains, and jungle by mule, dugout, and on foot, until he visited virtually every village of the nation of 11 million people.

He ran again in 1962, prematurely declared himself elected and, when proved wrong, threw up barricades in defiance in his hometown. Last year he tried for the third time, running on a "New Frontierish" platform with the promise of "getting the country on the move."

He won a convincing victory. Immediately problems popped up. There was a nationwide demand for the annulments of subsoil rights of Standard Oil's Internation Petroleum Co., a touchy issue which, if handled wrong, could have stopped U.S. aid.

Then Indian invasions of large haciendas, an outgrowth of appalling poverty and Communist agitation, took off at a renewed clip.

But worst were the tangled politics. Leaders of APRA, the strongest congressional party, distrusted Belaunde so much that they chose an odd coalition with the rightwing Union National Odrista, a party which once jailed Apristas in droves.

This gave the opposition a majority, a serious setback for a president with a heavy legislative program. Moreover, Belaunde's own party was determined to fight APRA on the theory that in the long run it would absorb most of APRA's voting strength. As a starter, the government was to help break up CTP, a solidly Aprista central labor organization.

For a while Belaunde swam with the stream. International Petroleum's rights were suspended and a rebel labor group got government backing in efforts to split CTP. But at the same time Belaunde flooded Congress with scores of bills, including a wholesale land reform. And he called for municipal elections.

The sole issue of the December 15 election was Belaunde's request for a vote of confidence, and he won it overwhelmingly, when his party's candidates won more than 50 percent of the vote. From then on, the picture began to change.

First, Belaunde appointed a couple of businessmen with experience in the oil industry to study its problems, thus taking the question out of the nirvana where it had uncomfortably tossed for several months.

Negotiation of a new contract between the government and International Petroleum is expected before long.

Next, the CTP rebels found the government support drying up, and last month they lost it completely. A bankworkers' walkout which they instigated was declared illegal, and the employers were encouraged to make token firings. But the sticky split with APRA continued to dog the land reform. At the heart of the controversy were the large sugar plantations on the north coast.

As APRA said, there was every economic reason to keep them intact. Their productivity was the world's highest. They exported heavily and supplied Peru with extremely cheap sugar.

Belaunde's party insisted that the land be divided among the peasants. APRA won and the law which was promulgated on May 21 left the sugar estates intact.

For all its loopholes, the land reform was a long step forward. It made specific provisions for the expropriation of idle or ill-used land, and it discriminated severely against absentee landlords and feudalists.

If vigorously applied—and there were indications that it would be—it promised to make land invasions a matter of the past. Its passage also freed Belaunde to turn his hand to the independent elements in his own party

Last Sunday he called the first meeting of the party's plenum since his election and in a secret session on a farm near Lima he laid down the law. For the remainder of his term, he told them, the long-range aims of the party will take the back seat to his legislative program.

DRY PAPER PROCESS OF PRINTING CURRENCY INFERIOR TO WET PAPER PROCESS

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on June 8, 1964, I inserted in the RECORD a speech in which I questioned the new process being used by the Bureau of Engraving and Printing in printing currency. It is my belief that the dry paper process of printing currency is definitely inferior to the wet paper process, and I pointed out that the Bureau has almost completely converted over to the dry paper process. The danger is that it is easier to counterfeit currency printed with the dry paper process, and that the new currency will be met with a sharp rise in counterfeiting.

The day after I made my speech I was informed that it had been brought to the attention of the Secretary of the Treasury, the Honorable Douglas Dillon, and that the Secretary had initiated an inquiry into the matters raised. On June 13 I received a letter of transmittal from Secretary Dillon enclosing a copy of a report from the Director of the Bureau of Engraving and Printing, Mr. H. J. Holtzclaw. In the interest of fairness and so as not to take undue advantage of this great public forum, I include in the RECORD at this point the letter of transmittal from Secretary Dillon and the report of the Director of the Bureau. I also include following those two items, my letter of response to Secretary Dillon:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 12, 1964.

Hon. HENRY B. GONZALEZ,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. GONZALEZ: On reading your remarks in the CONGRESSIONAL RECORD for June 8, 1964, questioning the new processes used by the Bureau of Engraving and Printing in printing currency, I asked for a report from the Director of the Bureau. A copy of that report is enclosed for your information.

Mr. Holtzclaw states that the new processes will result in more, rather than less, protection from counterfeiting for our currency.

I am also sending a copy of this letter and Mr. Holtzclaw's memorandum to Mr. PATMAN for his information.

With best wishes.
Sincerely,
DOUGLAS DILLON.

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
June 10, 1964.

Memorandum for the Secretary:

In its continuing program of converting from the wet to the dry intaglio process of printing, the Bureau of Engraving and Printing has made no compromise whatsoever with the quality or security features of printed currency. The same engraved dies were used for making the plates for the dry process as were used for the wet process. Therefore, the engraved lines incised in the plates used in printing by the dry process are the same width and depth as the corresponding lines incised in the plates used in printing by the wet process. In converting to the dry process the Bureau refrained from the expedient of reducing the depth of the lines.

The difference between the wet and dry intaglio processes is, therefore, not one of engraving but one of printing. The new design presses acquired by the Bureau provide the pressure necessary for printing on dry paper. Furthermore, the dry printing process actually reproduces the engraved image with greater fidelity and uniformity than the wet printing process. Distortions of the image due to nonuniform shrinkage of the wet paper upon drying are avoided. The result is currency which is even more difficult to counterfeit than that produced by the wet process.

The high quality intaglio printed impression uniformly produced from well-executed engraved plates by either the wet or the dry intaglio printing process provides the chief safeguard against counterfeiting U.S. currency. Unlike cheaper processes of printing, the intaglio printed impression is characterized by a third dimension which defies photographic reproduction by the counterfeiter.

Counterfeiting of U.S. currency is now largely confined to the higher denominations, most of which are still being printed by the wet process. When the higher denominations are all printed by the dry process the resulting increase in quality and uniformity will constitute a timely deterrent to counterfeiting which, like crime in general, has been on the increase.

HENRY HOLTZCLAW,
Director.

JUNE 17, 1964.

Hon. DOUGLAS DILLON,
Secretary of the Treasury,
Washington, D.C.

DEAR SECRETARY DILLON: This is to acknowledge and thank you for your letter of June 12 concerning my remarks in the CONGRESSIONAL RECORD of June 8, 1964, questioning the new processes used by the Bureau of Engraving and Printing in printing currency. It was very thoughtful of you to enclose a copy of the report prepared by H. J. Holtzclaw, Director of the Bureau of Engraving and Printing. I am very pleased to know of your interest in this matter.

Out of fairness to your office and the Bureau of Engraving and Printing, in view of the fact that I have made certain charges in connection with the printing of currency, I would like to place your letter and Mr. Holtzclaw's report in the CONGRESSIONAL RECORD. I also intend to comment on the report at that time.

For now, I will express the hope that Mr. Holtzclaw's report has not completely settled the question in your mind. After all, a departmental report responding to charges leveled against that department is not likely to be the most objective evaluation of those charges. In the interests of impartiality, it would be far preferable if a disinterested party investigated the matters I raised in my remarks of June 8.

For example, I have stated that the dry paper process of printing currency is inferior to the wet paper process, which in the past has been used exclusively by the Bureau of Engraving and Printing. I have prepared exhibits of currency printed with both methods and it does not take an expert to see the differences in quality that results from the two methods. I would be happy to show these exhibits to you or any other person concerned with this problem.

Sincerely yours,
HENRY B. GONZALEZ.

Mr. Speaker, in commenting upon the report from the Director I feel it incumbent upon myself to point out that it is actually a statement in defense of a settled and well-entrenched policy, and not the result of a careful investigation into the charges I have made. It is a self-serving declaration, and as I stated in my letter to the Secretary, in the interest of impartiality it would be far preferable if a disinterested party inquired into the matters I raised in my letter of June 8.

It is beyond dispute that the new dry paper process of printing is producing inferior currency. One need not be an expert to be able to look at examples of money printed with both processes and to discern the differences in quality. Mr. Holtzclaw says in his report that the dry process produces the engraved image with greater fidelity and uniformity because there is no shrinkage of the paper as with the wet process. But I say that the shrinkage with the wet process was one of the factors which baffled counterfeiters and that it acted as a deterrent to counterfeiting. For the shrinkage resulted in an image slightly smaller than the plate which printed it and presented great difficulty when a counterfeiter tried to duplicate these steps. I say that with the dry process great uniformity is achieved, but that means only that currency of uniformly inferior quality is being produced.

I would also like to make the following points about the printing of currency with the dry and the wet processes and about the bills that have already been produced with the dry process.

First, in the production of the plates that are used to print currency the separate original male dies that are permanently retained are used to make a female master die. It is true that the same engraved permanent dies are used.

However, with the dry process, after the female master die is made it is necessary to alter and modify it by deepening and widening the lines engraved on it. These alterations are made by pouring acid into the lines and grooves in the female master die. The acid eats away at the lines and grooves and the effect is to widen and deepen them, thus coarsening the fine lines. It is necessary to coarsen the fine lines because even with the tremendous pressure exerted by the new presses, it is impossible to transfer these fine lines onto dry paper. Of course, it is easier to counterfeit currency that has wide, coarse lines.

Second, the design of the Federal Reserve notes produced with the dry process has been changed to eliminate fine details. The lettering has been substantially enlarged, and some details have been omitted altogether. Even the size of the portrait of George Washington has been altered so that it is now almost round rather than in the shape of an oval. It is believed that the widening of the portrait was necessary to facilitate the heavier and darker lines which were imposed upon the details of the portrait.

Third, the fine lines of the portrait have become heavier and thicker, darkening the face. The hard to attain contrast between the heavy and fine lines is thereby lost here as on other places on the bill. For example, the scroll border surrounding the portrait gives more of an appearance of a single dark line than double lines with a white space showing between them, as was intended. On the reverse or green side of the $1 bill, the foreground and background below and above the pyramid has become dark, shadowed and blurred with the dry process.

Fourth, white lines have been engraved into the surface of the title lettering, "The United States of America," on the front of the $1 bills. This had to be done because with the dry process the paper would not otherwise hold the ink. The result has been to dilute or reduce the color, that is the blackness, of the lettering. Again, quality has been sacrificed and unlawful duplication had been made easier. A closely related detail, the edges of the white-faced lettering are rougher and more ragged than in the bills produced by the wet process.

Fifth, bills printed with the dry process are not finished, except for numbering and cutting. Sizing, formerly done with the wet process, has been completely omitted. With sizing, the bills were coated with a mixture of alum and glue. This had the effect of protecting the clarity of the impression from soil and smear due to handling. Without sizing, the printing will tend to deteriorate faster. Sizing also had the effect of permitting easier handling of the bills as they otherwise tend to stick together.

Sixth, bills printed by the dry process, having been compressed and mashed down with tremendous pressure will tend to develop permanent creases more easily.

Seventh, the overall appearance of the currency produced with the dry process has been flattened and dulled. The third dimensional effect has been largely lost.

Many of these points can be seen with a reasonably good pair of eyes, without the aid of even a magnifying glass. I invite any person sincerely interested in preserving the integrity of our currency to obtain examples of $1 bills printed by both the wet and the dry process, and to examine them and compare the areas I have indicated. Such a comparison will be answer enough to those who doubt that the differences in quality are real, significant, and easily seen.

The great percentage of our currency is printed in $1 denominations. I understand that approximately 70 percent of our currency is printed in this lower denomination. It is well known that counterfeiters will not take the risk of violating the Federal law by counterfeiting these lower denominations. However, printing with the dry process in the higher denominations has already begun and these bills are scheduled to be placed in circulation in the near future. Obviously, if printing with the dry process is cheaper and results in a savings, the major portion of this savings will result in the printing of the $1 bills alone. Since there is little or no risk involved in printing the $1 bills, but there is a great risk of a great increase in counterfeiting with the printing of the inferior currency in the higher denominations, I urge that the higher denominations not be placed in circulation until the questions I have raised can be fully explored.

Further, since deliveries of currency is made by the Bureau of Engraving and Printing to the Federal Reserve banks, whereupon the Federal Reserve banks assume ultimate responsibility for the money, I am forwarding copies of the speeches I have delivered on this subject to the Presidents of each of the Federal Reserve banks, to the members of the Board of Governors of the Federal Reserve System, and to the Chairman of the Board of Governors, William McChesney Martin, Jr.

PRESIDENT'S VISIT TO CLEVELAND

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. VANIK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. VANIK. Mr. Speaker, yesterday on the occasion of President Lyndon B. Johnson's visit to Cleveland, over a quarter million people turned out to cheer and see their President. The enthusiasm of the crowds was overwhelming.

In the course of his address to the national convention of the Communications Workers of America, the President's speech was, on 22 occasions, interrupted by prolonged applause. The enthusiasm of the crowds in and out of the meeting hall was reminiscent of the Roosevelt visits of 1936 and 1940. President Johnson called for cooperation of labor, management, and the public in the development of a national manpower policy. The President's forthright statement follows:

REMARKS OF THE PRESIDENT AT THE CONVENTION OF THE COMMUNICATIONS WORKERS OF AMERICA, CLEVELAND, OHIO, JUNE 17, 1964

Mr. Beirne, your very own able Secretary Celebrezze, and my good friend Senator Steve Young, Congressman Charley Vanik, and Mike Feighan, Mayor Locher, Bert Porter, Bill Coleman, my fellow Americans, members of the Communications Workers of America, we have traveled a long road together, you and I.

In June 1938 your leaders met in Chicago to form this union, and then I was preparing to campaign for my first full term in Congress.

We started together, under the inspiration and ideals of that great President, Franklin Delano Roosevelt.

We have worked together through the darkness of depression, through the challenge of conflict, through the prosperity of an uneasy peace, to secure to every American the legacy of Franklin D. Roosevelt's leadership.

And I pledge you for the years to come we are going to build together the kind of Nation that he hoped for, that Harry S. Truman worked for, and that our beloved John F. Kennedy died for. We are going to build a great society where no man or woman is the victim of fear or poverty or hatred; where every man and woman has a chance for fulfillment and prosperity and hope. That is the direction in which America is now moving. That is the way that we are going to keep America moving. And I pledge you here today that no person, no group, no party is going to stand in the way of that forward march.

Your great president, Joe Beirne, asked me to come out here today, and I have come to ask your aid and to give you assurance that America is not going to return to economic stagnation or to national drift.

We will never go back to indifference toward the helpless and apathy toward the hopeless.

We are not going back to declining prestige abroad and declining strength at home.

We are a strong country but we will be stronger. We are a prosperous country, but we will be more prosperous. We are a compassionate country, but we will extend that compassion to all people who suffer from neglect and who suffer from fear. We are a great country, but the country and the land that our children live in will be an even greater country and an even better land.

In Franklin Roosevelt's time, there was a sense of crisis, of desperate danger, of threatening disaster. The need for action was plain.

Today as we meet here in this beautiful city of Cleveland many of the problems of our society lie—like some giant iceberg—largely out of sight beneath a surface of abundance and might. One of the principal tasks of leadership is not only to solve problems but to alert the Nation to the need to solve problems.

Then, too, the clash of interest was clear. Then, too, the opponents were obvious. Today, more than at any time in our history, labor and business, city and farm, rich and poor, share a common interest in the progress of all of our people.

The contest today is not so much between the aroused and the hostile, as it is between the concerned and the indifferent. It is not so much between the oppressed and the privileged, as between the farsighted and those without any vision. It is not so much between those who have little and those who have much, as it is between those who know that their future is tied to the future of all and those who ignore this great lesson of history.

And when the roll is called, when the trumpet sounds, when the strong of heart and the stout of spirit stand up to be counted, I have not the slighest doubt where this union will be or where American labor in the United States will be. You will be where you have always been: you will be on the side of compassion. You will be on the side of progress. You will be on the side of human rights. You will be on the side of the future.

I now need your help to bring the fruits of progress to those bypassed and forgotten in our forward march. This is not just my program but yours. It is not the program of a single group or party; it is the program not of Democrats or Republicans—it is the program for all Americans.

We have a program to give every American citizen an equal chance to hold a job, to vote, to educate his children, to enjoy all the blessings of liberty whatever his color or his race.

Is this your program, too?

We have a program to attack the conditions which cripple man's capacity to meet the demands of a swiftly moving society, to eliminate and to drive underground hopeless poverty.

Is this your program, too?

We have a program to give medical care to older Americans so that the ravages of illness will not destroy the rewards of a lifetime of labor.

Is this your program, too?

We have a program to extend minimum wage and unemployment benefits.

Is this your program, too?

Well, if this is so, let's roll up our sleeves and get to work to pass this program before this Congress adjourns. For I warn you that poverty and injustice and disease will not wait. And this same sense of urgency must guide us as we prepare for the vast and troubling changes of the rest of this decade.

The changes which confront the American economy are like three great rivers springing from sources that are deep in our history, swelling as they rush through our postwar boom, surging toward a meeting place in this decade where we must choose to subdue their power for our progress or find the hopes of millions submerged in the torrent.

They are, first, the replacement of man by machine; second, the decline of jobs for the unskilled; and, third, the growth in our labor force.

Thousands of jobs each week—more than 2 million a year—are being taken over by machines and, if anything, this rate will increase as technology advances.

At the same time, in the 1960's, the labor force is increasing 50 percent faster than it increased in the 1950's.

In 1965, 1 million more youths will be looking for jobs than in 1964. In this decade, 26 million young people will seek their first job. Ten million of them will not even have a high school diploma.

These workers will enter a job market almost closed to the man without a skill. Over the next 5 years, the demand for professional and technical people will go up 65 percent; for clerical workers it will go up 45 percent, but the demand for unskilled workers will not go up at all.

So, the challenge to our leadership is clear. We must continue to expand our economy, creating new jobs.

We must provide our workers with education and training to meet the needs of a new dynamic industry.

Your Government is moving ahead with programs which, when passed by the Congress, will retrain more than half a million workers a year.

I have proposed a special commission on automation. But this is not a job for Government alone.

Industry has a demand for skills and industry has a duty toward men and women who are displaced. Labor needs training for its members and owes talents to new workers. America needs full employment to sustain prosperity, and America has an obligation to give every citizen a chance to work.

So, it is time for labor and management and Government to cooperate in establishing a national manpower policy for the United States—a policy which will assess our future needs, a policy which will help aim all our programs of training and education, Government and private alike, toward meeting our needs.

The labor-management committees now working will contribute to such a policy. But I have appointed a Cabinet committee to consider the broadest aspects of such a policy. I will take further steps, in cooperation with labor and business, to make sure that the dignity and the right to labor is not lost in the currents of change; that every American who wants to work can work; that industry will not falter because it lacks the men and the women it needs.

Yes, we know how to conquer these challenges and all of the other challenges which face us today. The only real question is whether we have the will and the courage and the determination. And, standing here this morning, I know the answer to that question. The answer is yes.

For many long years, for more than 50, I have seen labor fight the lonely battle for man's freedom to eat, and to work, and to provide for his family and to pursue his happiness.

You are no longer alone. Most of the American people have joined you and most of your old adversaries are with you, and the President of the United States is with you.

And if there are any here today content with old conquests, I say to you do not forget the past from which we came. Do not forget the pains of hunger or the pangs of idleness. Do not forget the taste of hatred or the tears of hopelessness. Do not forget the emptiness on the faces of ragged children or the anguish on the faces of helpless fathers and mothers.

For they still threaten far too many of our people.

We have come a long way since we began. But the battle for the America that we believe in, the battle for the America that we have fought and died for will never be won until these blemishes have been stricken from the pages of American life.

Our course is set. We are moving forward. And nothing will stop us until we arrive at our distant destiny, a destiny filled with the promise of a civilization as enriching as man can hope to build on this earth.

You are the privileged members of a proud, progressive union. You have the opportunity to provide and to follow leadership in which every member of the Communications Workers of America can take great pride. No other leader in this country has stood up more forcefully or more successfully for his people than your own president, Joe Beirne.

So, as we go down the long, winding, uphill trail of a greater society, a better America, a place where every family has a roof over its head, where every child has an opportunity for an education, where there is a rug on the floor and a picture on the wall and a little music in the house—let's stand up behind that leadership of your country which says tomorrow will be better than yesterday.

(After presentation of two Princess telephones to the President for his daughters, the following statement was made by President Johnson:)

Mr. Beirne, I appreciate very much these beautiful phones for my daughters. I am glad that they will have title to them as a result of the generosity of the Communications Workers.

I hardly expected this great honor of membership in the Communications Workers of America, but I understand that it was voted unanimously based on my great experience on the telephone.

Thank you very much.

Mr. Speaker, the following editorial in today's Cleveland Press paid special tribute to the President's visit:

THE L.B.J. IMAGE—WHAT IS IT?

It became obvious in Cleveland yesterday that in the coming Presidential campaign, Lyndon Baines Johnson is holding the high ground.

Whoever his opponent will be it is not being partisan to say that this opponent is going to have trouble "retiring the side" that is in.

Thousands—perhaps hundreds of thousands—of Clevelanders poured out on a sunny June day to touch, to see, and jostle their President. Admiration ran rampant from people to President. It also ran from President to people. "We're all friends," said Lyndon Johnson at one point. Nothing yesterday disputed that.

Different leaders cast different images. Dwight Eisenhower was said to reflect the father image. Harry Truman the image of the "ordinary guy in a big job."

What is the sudden and gripping image of President Johnson? Is it professionalism, competence, or political know-how? Or a mixture of all these, along with a mystical rapport with people which quite defies name?

It was not, certainly, by chance that President Johnson declined to come here to visit Governors, choosing instead to come for a speech to a labor union.

Greater Cleveland enjoyed the Presidential drop-in and the Johnson informality. Is there an American alive though who doesn't shudder and cross his fingers when the President rides in an open car, leaps into chowds, and exposes himself to possible danger with utter abandon?

Mr. Speaker, the editorial in today's Cleveland Plain Dealer carefully analyzed his manpower policy statement and heralded the course which the President has taken:

PRESIDENT CALLS FOR COOPERATION

The key word in President Johnson's speech in Cleveland yesterday was "cooperation."

In calling upon labor, management, and Government to cooperate in establishing a national manpower policy, the President made clear his conviction that problems arising from current great changes in the American economy cannot be solved by Government alone.

The changes, as pointed out by Mr. Johnson, are the replacement of man by machines, the decline of jobs for the unskilled, and the growth in the Nation's labor force. Thinking men and women, whether alined with labor, management, or Government cannot but be concerned by these statistics the President cited to show that 26 million young people will be seeking their first job during the present decade and that 10 million of them will lack even a high school diploma.

Equally thought provoking is Mr. Johnson's statement that more than 2 million jobs a year are being taken over by machines and that the rate is expected to go even higher as technology advances.

If any substantial proportion of the 26 million young Americans seeking jobs during the 1960's fail to find gainful employment, the effect not only upon these youths but upon our entire economy and our system of government could be tragic.

The President has wisely noted that it is to the interest of both management and labor, as well as to the broader interests of the Nation as a whole, that the manpower problems of today and of the future be solved.

After recalling steps he had already taken to establish a national manpower policy, the President promised: "I will take future steps, in cooperation with labor and business, to make sure that the dignity and right to labor is not lost in the currents of change; that every American who wants to work can work; that industry will not falter because it lacks the money it needs."

These are encouraging words, particularly encouraging because of the use of that more important word "cooperation." If the President sticks to this approach and continues to realize that progress along the lines needed can be achieved better at being a team than by a governmental blackjack, the success which he seeks and the whole Nation wants should be attained.

POLISH WORKERS' REVOLT AGAINST COMMUNISM—POZNAN RISING IN JUNE 28–29, 1956

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, the Members have heard me speak often of the flame of freedom that continues to burn in the hearts of men enslaved behind the Iron Curtain. We are aware that the desire to be free and independent exists because on occasion men and women of the enslaved nations cannot control this desire and the fires burn fiercely. Such was the case 8 years ago when the workers in a state-controlled factory in Poznan, Poland, revolted.

Poland's workers have been suffering under communism for nearly 20 years. Since early 1945 they have been regimented, herded into nationalized, state-owned plants and forced to work under abominable conditions. These sturdy and stout-hearted Poles have not concealed their dislike of communism and of the Communist system. They have often expressed their feelings openly and actively. The best known of such instances was the uprising of factory workers in Poznan 8 years ago.

These workers were grossly underpaid for the work they did. Some could not even buy sufficient bread with their pay. They had complained time after time to the authorities, but all their complaints had gone unheeded by the Communist government. On June 28, the workers in the large steel plant, some 30,000 in all, staged a rising which was branded by the government as a revolt. Of course the authorities treated it as such, and did their worst to crush it with regular troops using artillery and tanks. The sad upshot was that in a couple of days these helpless Polish workers were beaten. More than 100 were dead, and several hundred were wounded. Thus ended this gallant rising, but it showed that the spirit to fight against their oppressors was not dead among Polish workers. It also showed that the Communist regime there could ignore complaints, but they did not ignore active resistance. So Polish workers, through their rising in Poznan, secured better pay, their working conditions were improved, and for a while at least the government saw to it that workers' complaints were given due and proper attention.

On the eighth anniversary of the Pozan rising we pay tribute to the victims of that daring deed and express our admiration to those who faced government artillery and tanks with rare courage.

CHARLES R. ROSS, MEMBER OF THE FEDERAL POWER COMMISSION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Vermont [Mr. STAFFORD] is recognized for 30 minutes.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I have taken this time in order to discuss the status of a member of the Federal Power Commission, Mr. Charles R. Ross, Republican, of Burlington, Vt.

Mr. Ross is a native of Middlebury, Vt., where he was born on February 24, 1920. After attending public schools in Vermont, he graduated from the University of Michigan with an A.B. degree in 1941.

Following service in the Army Air Corps in World War II, Mr. Ross returned to the University of Michigan where he received both his M.B.A. and LL.B. degrees in 1948.

After serving as an instructor in business law and government and business regulation at Oregon State College in Corvallis, Oreg., Mr. Ross entered into private practice of the law in Burlington, Vt., where he practiced until 1959.

In 1959, it was my privilege as Governor of Vermont, to appoint Charles Ross to a 6-year term as a member of the Vermont Public Service Commission and to designate him as chairman of the commission. I look back with particular pride upon that appointment, as Mr. Ross served the State as the chairman of the public service commission in a most distinguished and enlightened manner. His policies and actions as chairman brought much prestige to the commission.

In my judgement the President, who must take the ultimate responsibility for this appointment, would do well to give consideration to the fact that Commissioner Ross not only has strong support from such distinguished Senators as HUMPHREY, PROXMIRE, AIKEN, PROUTY, CLARK, HART, and KEATING, but also has strong support on a bipartisan basis for reappointment in the House of Representatives.

I urge the President, in the best interests of the United States, to reappoint this able, distinguished, fearless, and fair public servant for another term on the Federal Power Commission.

In 1961, Mr. Ross was redesignated as chairman of the Vermont Public Service Commission for an additional 2 years. He resigned from the Vermont Public Service Commission in order to accept nomination by President Kennedy to the Federal Power Commission on September 16, 1961, for the term expiring June 22, 1964.

His nomination was confirmed by the Senate on September 22 and he took office September 29, 1961.

Mr. Ross has served as a member of the Federal Power Commission with distinction from the day he took office until the present time. It is with deep regret as a personal friend, as a fellow Vermonter, and as one who has admired the objective fairness with which Charles Ross has executed his duties as a member of the Commission, that I learn that he may not be reappointed to succeed himself upon the termination of his present term next Monday, June 22.

During the period Mr. Ross has served on the Commission, he has added immeasurably to the increased statute which the Commission now enjoys.

I regret to learn that there appear to be powerful interests in the oil and gas industry who apparently are attempting to eliminate Mr. Ross from the Commission, since he has ably and conscientiously looked after the interests of the consuming public of the United States as well as those of industry itself.

Mr. Speaker, at this point I wish to include a few very fine articles on Charles R. Ross:

[From the Washington Post, June 2, 1964]

THE SECOND GAS CRUSADE

In 1956 a massive effort by the natural gas producers to destroy the basis of Federal price regulation foundered after the late Senator Francis P. Case, of South Dakota, revealed that an indiscreet attempt was made to buy his vote with a campaign contribution. Undaunted, the wellhead warriors are regrouped for a second crusade organized around a subtle strategy and devious tactics.

The first crusade sought by direct legislative action to overturn a 1954 Supreme Court decision ordering the Federal Power Commission to regulate natural gas prices at the wellheads. The second seeks to gain the prize through an assault on the FPC. While an effort is being made to discredit the Commission with charges that it is incapable of regulating gas prices, a simultaneous campaign is being conducted to overturn its consumer-oriented majority with an appointee from the industry's camp.

Since 1961 the FPC, under the able chairmanship of Joseph C. Swidler, has ordered pipeline companies and gas producers to refund some $600 million in excessive charges. Rate increases affecting more than 37 million consumers of natural gas would far exceed that sum. And where the financial stakes are so high, so is the pressure of the political tactics.

Last month the United Press International supplied its newspaper clients with a photograph of a petite young lady peering out from under a 10-pound questionnaire sent by the FPC to the gas producers. The accompanying caption explained what a burden the huge questionnaire imposed upon the industry. What was not added was the fact that the picture was supplied by a public relations firm representing one of the giants in the natural gas industry. And while the industry seeks by stealth to influence an unsuspecting public, its friends in Congress harass the FPC with malicious personal attacks.

This arrogant crusade deserves the fate suffered by its predecessor.

[From the New York Times, June 16, 1964]

Test Case for Regulation

A bitter controversy has been raging between supporters and opponents of Charles R. Ross, a Republican member of the Federal Power Commission, whose term expires on June 22. Mr. Ross, who served as chairman of the Vermont Public Service Commission before being named to the FPC by President Kennedy, is disliked by the powerful oil and gas lobby for supplying the key vote in a number of 3-to-2 decisions that have meant tighter regulation and lower rates for electrical utilities, pipeline companies, and gas producers.

The lobby is urging President Johnson to replace him. Meanwhile, a bipartisan group, led by Senators George Aiken and William Proxmire, fearing his departure would weaken the FPC, is working just as hard for his reappointment.

The spirited campaigns for and against Mr. Ross obscure the record he has made as a Commissioner. He has been a highly competent and knowledgeable regulator following an independent course. Sometimes he has defended consumer interests; at other times he has favored private rather than public power. His professionalism and independence, combined with his devotion to public service, are sorely needed in the regulatory agencies, particularly in the economically important sectors of electrical energy and natural gas.

President Johnson has the prerogative of picking his own man, but it will be hard to find one with attributes of the rare order that Mr. Ross has brought to his post. Unfortunately, Mr. Johnson has yet to prove that he does want the best possible men for regulatory jobs. We criticized one of his first choices, the naming of Joe T. Dickerson to head the Interior Department's Office of Oil and Gas; Mr. Dickerson resigned after it was disclosed that he was receiving a pension from an oil company. We also have questioned the recent nomination of Hamer H. Budge to the Securities and Exchange Commission because he lacks the professional background the position requires.

These lapses accentuate the importance of the President's decision on Mr. Ross. The appointment of nonprofessionals, with a passive or apathetic attitude toward the public interest, will inevitably lead to the atrophy of regulation. Constructive regulation depends on dedicated and alert public servants who are neither hostile nor overfriendly to special interests. Mr. Ross is in this category and deserves reappointment.

[From the Washington Post, May 18, 1964]

A Consumers' Man

President Johnson will decide whether the natural gas industry is to be effectively regulated when he makes a Republican appointment to the Federal Power Commission in June. There is now a consumer-oriented majority of three on the Commission, but the table may be overturned with the expiration of the partial term of Charles R. Ross.

Mr. Ross, a former chairman of the Vermont Public Service Board, joined the FPC in 1961, a time when the poor performance of that body brought its reputation to an alltime low. Since then Ross, who is a Republican, has ably supported Chairman Swidler in reviving the FPC. But in performing his duties in a forthright and independent fashion, he has incurred the wrath of the natural gas lobbyists who for years have attempted to wreck the regulatory machinery.

There are 34 million consumers of natural gas who rely on the FPC for protection against arbitrary price increases. Their interests would be served if the President reappointed Charles R. Ross to a new full term on the FPC.

Mr. SIBAL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Mr. Speaker, I take pleasure in yielding to my distinguished colleague from Connecticut [Mr. Sibal].

Mr. SIBAL. Mr. Speaker, there are three areas in which the President continually expresses great concern. I hope the President recognizes that the reappointment of Charles R. Ross to the Federal Power Commission would contribute, in very large measure, to the attainment of his professed objectives.

Again and again, the President expounds on his war against poverty. He mentions it in virtually every public speech. Also among the President's primary concerns is his interest in consumers. The President has sent a special consumer message to this Congress and has appointed a Special Assistant for Consumer Affairs. Third, the President has expressed disappointment over the refusal of capable men to accept Government posts.

A ringing blow can be struck in the war against poverty by the reappointment of Charles Ross to the Federal Power Commission. Only when all our citizens are able to pay for vital utility services—gas to warm their bodies, electricity to cook their meals—can any claim of victory be proclaimed. The impressive record of Mr. Ross, both as a member of the Vermont Public Service Commission and as a member of the Federal Power Commission demonstrates his intense awareness and contributions in this area.

Similarly, Mr. Ross has also shown his concern for the interest of consumers. And as the Supreme Court has insisted over and over and over again, the Natural Gas Act was enacted to protect consumers from exploitation at the hands of natural gas companies. It is precisely Mr. Ross' regulatory philosophy on this point—which totally conforms to that expressed by the President—which apparently has created the difficulty in his reappointment.

This is not to say that Mr. Ross votes blindly for any particular interests. And this brings us to the third point, the President's difficulty in finding capable public servants. This point was forcefully made in an editorial appearing in the New York Times on June 16, 1964. I would like to quote a portion of that editorial:

> The spirited campaigns for and against Mr. Ross obscure the record he has made as a Commissioner. He has been a highly competent and knowledgeable regulator following an independent course. Sometimes he has defended consumer interests; at other times he has favored private rather than public power. His professionalism and independence, combined with his devotion to public service, are sorely needed in the regulatory agencies, particularly in the economically important sectors of electrical energy and natural gas.
>
> President Johnson has the prerogative of picking his own man, but it will be hard to find one with attributes of the rare order that Mr. Ross has brought to his post. Unfortunately, Mr. Johnson has yet to prove that he does want the best possible men for regulatory jobs.

Mr. Speaker, Mr. Ross has demonstrated an unusual professionalism while a member of the Federal Power Commission. I am glad that we are taking this opportunity of pointing out for the benefit of the President the availability of Mr. Ross to serve a full term on the Federal Power Commission.

In an effort to keep America moving as the President has often mentioned—particularly in these three vital areas—Charles R. Ross should be reappointed to a full term on the Federal Power Commission. If he is not reappointed, what are we to conclude?

Mr. STAFFORD. Mr. Speaker, I thank the gentleman for his contribution.

Mr. BELL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Mr. Speaker, I yield to my distinguished colleague from California [Mr. Bell].

Mr. BELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BELL. I applaud the words of my colleague, the gentleman from Connecticut [Mr. Sibal]. Indeed, the issue of Mr. Ross' reappointment personifies a test between professionalism and clientism. The particular ability of Mr. Ross has been noted. It is further exemplified in an editorial appearing in this month's edition of Public Power which I would like to insert at this point:

Consumer Interest Backer

In an address to the American Public Power Association convention in Jacksonville, Fla., Prof. Horace M. Gray, of the University of Illinois, discussed the benefits of the competition provided in the electric utility industry by consumer-owned electric systems and remarked, almost casually, "Here I discount the protection afforded by public regulation, for I consider that well nigh worthless."

Although this may seem like an overly harsh appraisal of utility regulation, it should be remembered that it comes from a leading student of this field. Similar views are held by some others who have studied the history of utility regulation, and the record is replete with examples of regulatory failure compared with a far less impressive list of achievements.

Because regulation, both on the State and Federal levels, has not measured up to its expectations, it would be dangerous to conclude that the entire process of regulation should be scrapped. A more reasonable and realistic course for consumer interest groups to pursue is to be more vigilant about the process of regulation and to fight harder for

> an improvement in the caliber of men selected for regulatory positions.
>
> It is for this reason that considerable concern was expressed by various consumer groups last month about the reappointment of Charles R. Ross to another term on the Federal Power Commission. As Public Power went to press, President Johnson had not acted either to reappoint Mr. Ross to a new term on the Commission or to drop him. His present term expires June 22, and there were widespread reports last month that Mr. Ross' reappointment was "in trouble" because of opposition from the natural gas industry. The charge against Mr. Ross: He is a consumer man, rather than an industry man—or as one gas trade journal phrased it, he is a "strong consumer interest backer."
>
> We view Mr. Ross' record on the Commission with somewhat mixed emotions. We applaud his support for consumer positions in advocating flowthrough to the consumer of the benefits of the Federal tax concessions to utilities and in seeking stricter enforcement of licensing provisions for power company hydroelectric projects.
>
> Because many local publicly owned electric utilities also are large users of natural gas as a fuel in their generating plants, these utilities also have a big stake in the decisions made by the FPC in natural gas cases, and we applaud Mr. Ross' stand in protecting the consumer interest in such cases. In many instances, he, along with Chairman Joseph C. Swidler and Commissioner David Black (and his predecessor, Howard Morgan), has been the "swing" vote providing a 3-to-2 margin in favor of the consumer.
>
> On the other hand, we deplore Mr. Ross' stand for higher cost power to consumers and underdevelopment of a great natural resource in backing construction by a power company combine at the Mountain Sheep site.
>
> More important perhaps than even the record of votes on individual cases is whether Commissioner Ross has sought to regulate in the interest of consumers or whether he has succumbed—as have so many regulators through the years—to the thesis that what is good for the regulated utility is good for the consumer. The nature of the opposition to Mr. Ross' reappointment indicates that he is truly consumer minded.
>
> The Washington Post, in a editorial endorsing him, said that in performing his duties in a forthright and independent fashion, Commissioner Ross has incurred the wrath of the natural gas lobbyists who for years have attempted to wreck the regulatory machinery.
>
> If Mr. Ross is not reappointed, he will join a distinguished group of Federal Power Commissioners who incurred the wrath of the natural gas lobbyists and either were not reappointed to FPC or not confirmed for a new term by the Senate. This group in the last 15 years includes the late Leland Olds, the late Thomas Buchanan, Dale Doty, and William R. Connole. In their service on FPC, they all were guilty of being strong consumer interest backers.
>
> What is at stake in Mr. Ross' reappointment is not just the fate of this Commissioner or the fate of the Federal Power Commission. The larger issue here is the future of the regulatory process itself. The job of a regulator is a trying one under the best of circumstances, but if the conscientious regulator finds that his only reward is to get the ax at the conclusion of his term, then it is doubtful whether his successors will have any inclination to stand up for the consumer.
>
> Furthermore, if consumer-minded regulators continually are denied reappointment merely because they have committed the "sin" of choosing to regulate in the consumer interest, then it is questionable whether other "consumer-minded" men can be persuaded in the future to accept appointments to the Federal Power Commission or other regulatory agencies.
>
> In the final analysis, not only the consumers but the regulated industries themselves should have a vital, long-range stake in effective regulation. The regulated industries for some years have been countering charges that they are monopolies with the contention that they are "regulated in the public interest." In view of the past history of regulation, we have always considered this a somewhat specious argument. But if the public gets the impression that the regulatory agencies more and more are merely tools of the industries they regulate, then there will be a complete lack of confidence by the public in the argument that monopolistic public service companies are "regulated in the public interest."
>
> By the time this issue of Public Power reaches its readers, the question of Mr. Ross' reappointment may already have been decided. If so, we hope the decision will strengthen rather than weaken the public's confidence in the regulatory process.

The point that bears emphasis is that Mr. Ross wrote the opinion for a 3-to-2 majority in probably the most important case to come before the present Commission—and the decision was "deplored" by public power. Yet, this organization recognizes the merit, the honesty, the integrity of Charles Ross and supports his reappointment.

It is a rare day when organizations will support a man who votes against them. And it is a rare person who can command this type of respect. In the case of Mr. Ross, it is fully warranted. This is the type of regulator this country desperately needs. It does not need the type characterized in the Washington Post editorial of June 10, 1964:

> ### Weakening the SEC
>
> If Hamer H. Budge, recently nominated by President Johnson for a vacancy on the Securities and Exchange Commission, possesses any of the desirable attributes for that important post—such as a familiarity with the securities industry—they are obscured. Budge spent 10 years in the House as a Representative from Idaho, distinguishing himself only by the assiduity with which he supported the conservative wing of the GOP and his friendship with Charles Halleck.
>
> Until now the SEC has been winning its fight to institute long-overdue reforms in the operations of the organized security exchanges and the over-the-counter markets. But the President's unfortunate nomination of Budge is being interpreted in the industry as invitation to resist further proposals from Washington. And within the SEC, which will soon lose a distinguished chairman with the departure of William L. Cary, those staff members who would do more than a perfunctory job in protecting the investors see some ominous handwriting on the wall.
>
> The regulatory agencies are afflicted by a number of maladies. A couple have been rendered obsolete, or partly so, by technological change. And in others a failure to define specific goals leads to an obsession with trivia and the harassment of business. But the appointment of men such as Budge who are more interested in cooperation than in regulation can only make matters worse by interjecting a strong element of "clientism," the jargon word used to characterize the regulatory agency which protects the interests of its client industry rather than those of the public.

This country will be the poorer if Mr. Ross is not reappointed. His potential contributions as a fair and efficient regulator will be lost. Perhaps even more important, a failure to reappoint him would serve a clear, convincing and unequivocal notice to capable public interest minded citizens in every corner of this great Nation that their services are not wanted—that any contribution they would make would be rewarded by a vote of no confidence.

Mr. MATHIAS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I am delighted to yield to my distinguished colleague the gentleman from Maryland [Mr. Mathias].

Mr. MATHIAS. Mr. Speaker, I want to associate myself with the remarks which have been made by the gentleman from Vermont, the gentleman from Connecticut, and the gentleman from California.

Certain individuals have probably been fighting quietly against Mr. Ross' reappointment. Is it not remarkable, by the way, that despite the widespread public support of Mr. Ross recounted in newspapers all over the country, that it should be a close issue? Nonetheless, I strongly suspect that there are many elements in the gas and electric industry that would like to see him reappointed. They may not be vocal, but they are there.

Utilities have no reason to oppose effective regulation, provided it is sound, honest, and economic. Mr. Rose epitomizes these virtues. Utility executives recognize the dangers of excess. If Commissions are loaded with overly zealous persons with any particular orientation, excesses will follow and—as history clearly shows—the people revolt and shut the lid. They shut it tight and they shut it hard. Surely, this is not the road a sensible person would prefer to take.

It would be most unfortunate if Charles R. Ross were not reappointed to a full term as a member of the Federal Power Commission.

Mr. STAFFORD. I thank the gentleman for his contribution.

Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Lindsay] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I take this opportunity to commend my colleague from Vermont, Representative Robert Stafford, for the strong support he is giving to the reappointment of Charles R. Ross to the Federal Power Commission. I join Mr. Stafford in strongly urging this reappointment.

An historic tendency, Mr. Speaker, is for regulatory agencies to lose sight of the original purpose for which they were established. Indeed, it is not uncommon for regulatory agencies to end up in effect representing the interests and industries they were set up to regulate. This suggests the sad state of the FPC in 1961, when Charles Ross was appointed to fill an unexpired term which concludes June 22 of this year. At that time, the reputation of the FPC was at an alltime low. Since then Ross, who is a Republican, has participated in, and helped direct, the revival of this important agency.

One of the notable qualities of Commissioner Ross has been the independence of judgment he has demonstrated time and again. He has withstood the great pressures that beset anyone on the FPC, and, on crucial occasions, has joined Chairman Swidler and Commissioner Black in representing consumer interests. Since Commissioners O'Connor and Woodward generally support gas industry positions, Commissioner Ross provides the 34 million consumers who use gas with a slim 3-to-2 margin on the Commission. Should Ross not be appointed, the delicate balance favoring consumer interests very likely would be upset.

Mr. Speaker, Charles Ross is needed on the Federal Power Commission. In recent years the country has been well served by the FPC. Consumers, for example, are not likely to forget the Commission's recent action ordering pipeline companies and gas producers to refund some $600 million in excessive charges. As pressures build up for new price raises, the need for Charles Ross to continue serving on the FPC becomes obvious. I am pleased to join Representative STAFFORD in urging Commissioner Ross' reappointment.

VACATING SPECIAL ORDER

Mr. STAFFORD. Mr. Speaker, inadvertently time was requested for me for a special order on Thursday next.

I ask unanimous consent that the special order previously granted to me on that date be withdrawn.

The SPEAKER pro tempore (Mr. LIBONATI). Is there objection to the request of the gentleman from Vermont?

There was no objection.

TIPS SHOULD BE CONSIDERED AS WAGES FOR SOCIAL SECURITY PURPOSES

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I have joined in sponsoring legislation aimed at rectifying an equitable situation confronting employees of the hotel and motel trade in my own State of New York. This does not rule out the desirability of securing prompt administrative action which I sincerely hope may still be forthcoming.

The crux of the problem is that the Social Security Administration will not permit an accounting whereby tips, included as wages, may be credited for social security purposes. This is affecting 35,000 employees of New York hotels and motels.

It seems to me that the Government is sticking with an archaic argument which is also patently contradictory. It is clear that we have authoritative interpretation to the effect that tips are to be considered as wages. Any discussion of the matter must firstly settle this point.

Section 209 of the Social Security Act defines wages as remuneration "including the cash value of all remuneration paid in any medium other than cash." The exclusions set forth in furtherance of this section do not bear upon tips by word or implication. The interpretation of the expression "wages" is broad and general. It would seem to me that on this basis alone the Social Security Administration could justly include tips as wages.

It is a universally established principle that tips received by employees are part of their compensation. Certainly this is applicable in all labor contract negotiations where we find a considerable spread between the salaries of tipped and nontipped personnel. The source of remuneration is irrelevant. The fact is that in the relations between employee and employer, tips are considered as part of the employee's compensation.

The National Labor Relations Board in a pre-World War II case, *Club Troika, Inc.*, 2 N.L.R.B 90, 94 (1936), stated in part:

> In the restaurant trade tips received by a waiter are generally regarded as part of his salary, so that the wage paid by the employer is lower than what would normally and otherwise be paid.

This argument was upheld by the attorney general of the State of New York. In the field of unemployment insurance, tips are treated as general remuneration. Another New York case resulted in a similar ruling affecting workmen's compensation.

The most puzzling contradiction in the whole area is uncovered when we compare the regulations of the Social Security Administration with the criteria imposed by the Internal Revenue Service. Tips are considered wages for the purpose of Federal and State income taxes. In other words, the Internal Revenue Service interprets tips as ordinary income which automatically makes it taxable. The Service does not distinguish between tips and other income; its approach denies the relevancy of the source.

Thus we have two Federal arms of Government with opposed definitions as to what constitutes income. It is spurious and unrealistic for the Social Security Administration to rule that tips do not constitute a basic and fully accepted part of the employee's salary.

In effect, the Administration holds to the unreal and outmoded concept that employees in the hotel industry are paid a weekly wage approximating $40. These employees are limited to social security based on this earnings figure. Of course, this represents sharply reduced benefits for these workers under the act; it puts them on the lowest scale.

The irony here is that $40 can hardly be considered a living wage; and we are all aware that because of tipping, the figure is utterly unrepresentative of the employee's real income.

Recognizing this point, the New York Hotel Trades Council has negotiated a contract with the hotel association of the city incorporating a provision whereby $70 is determined to be the tipped employee's weekly salary. Employers shall pay and deduct for Federal social security tax purposes based on this wage of $70. Employees shall account for a total salary of $70, which includes their standard wage in addition to tips.

It seems to me that this arrangement meets the requirements of the social security regulations. Previous rulings of the Revenue Service dealing with New York minimum wage laws indicate that tips constitute wages, and that in this context it is not absolutely essential that tips must pass from employer to employee directly in order to be properly accounted for. I fervently urge that the method of accounting provided for in the aforementioned collective bargaining agreement be deemed acceptable. It is consistent with a number of past judgments and it is in the interests of simple justice. The trust fund which has been set aside represents a fair agreement and a proper vehicle through which the present inequities can be rectified. The fund has accumulated approximately $500,000.

Mr. Speaker, the simple facts of this case speak loudly and boldly in favor of the New York Trades Council membership and their settlement with the Hotel Association of New York City, Inc. In my judgment the Government must move swiftly to correct the injustice facing these tipped employees. A fresh and realistic decision is long overdue.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MINISH (at the request of Mr. SMITH of Iowa), for 60 minutes, on July 1.

Mr. RYAN of New York, for 1 hour, June 19, 1964.

Mr. PUCINSKI, for 1 hour, June 19, 1964.

Mr. EDMONDSON (at the request of Mr. PUCINSKI), for 1 hour, June 19, 1964.

Mr. O'HARA of Michigan, for 1 hour, June 19, 1964.

Mr. EVINS, for 20 minutes, June 19, 1964.

Mr. O'HARA of Illinois, for 1 hour, June 19, 1964.

Mr. HALPERN (at the request of Mr. MATHIAS), for 10 minutes, today.

Mr. GRAY, for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Fernós-Isern.

Mr. Curtis to include extraneous matter in his remarks in the Committee of the Whole.

Mr. Philbin.

Mr. Rhodes of Arizona.

Mr. Alger to include extraneous material in his remarks during debate on H.R. 11375.

(The following Members (at the request of Mr. Mathias) and to include extraneous matter:)

Mr. Martin of Nebraska.

Mr. Talcott.

(The following Members (at the request of Mr. Smith of Iowa) and to include extraneous matter:)

Mr. Powell in two instances.

Mr. Pickle.

ADJOURNMENT

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.) the House adjourned until tomorrow, Friday, June 19, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2189. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend the District of Columbia Teachers' Salary Act of 1955, and for other purposes"; to the Committee on the District of Columbia.

2190. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting additional information relating to case No. A8119886, involving suspension of deportation, pursuant to Public Law 87–885; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BUCKLEY: Committee on Public Works. Report on highway construction practices in the State of Arizona (Rept. No. 1494). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. H.R. 11522. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; without amendment (Rept. No. 1495). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9774. A bill to terminate the Columbia Plaza urban renewal project area and plan, to restore certain property in the District of Columbia to the former owners thereof, and for other purposes; with amendment (Rept. No. 1496). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 11659. A bill to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

H.R. 11660. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that certain provisions of insurance contracts covering loss of life or personal injury of passengers being transported in air transportation shall be null and void; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 11661. A bill making it a felony to carry firearms or explosives on board commercial aircraft and to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

H.R. 11662. A bill to amend title XI of the Federal Aviation Act of 1958 to provide that certain provisions of insurance contracts covering loss of life or personal injury of passengers being transported in air transportation shall be null and void; to the Committee on Interstate and Foreign Commerce.

H.R. 11663. A bill to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN:

H.R. 11664. A bill to establish a Commission on the Organization of the Congress; to the Committee on Rules.

By Mr. HALPERN:

H.R. 11665. A bill to authorize the payment of night differential to postal field service employees on annual or sick leave who are on regular tours of duty for which night differential is paid; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.R. 11666. A bill to provide for the detail of Foreign Service officers to private institutions and organizations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of California:

H.R. 11667. A bill to authorize the coordinated development of the water resources of the Pacific Southwest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 11668. A bill to establish, in the House of Representatives, the office of delegate from the District of Columbia; to provide for the election of the delegate; and for other purposes; to the Committee on the District of Columbia.

By Mr. WYMAN:

H.R. 11669. A bill making it a felony to carry firearms or explosives on board commercial aircraft and to amend the Federal Aviation Act of 1958 so as to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 11670. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Texas:

H.R. 11671. A bill to regulate the labeling and advertising of cigarettes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 11672. A bill to provide a uniform period for daylight saving time; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON:

H.J. Res. 1044. Joint resolution to provide for the display of the flag of the United States of America on Father's Day, the third Sunday in June; to the Committee on the Judiciary.

By Mr. LANGEN:

H. Res. 787. Resolution to inquire into the financial or business interests of any present or former Member, officer, or employee of the House of Representatives; to the Committee on Rules.

By Mr. LATTA:

H. Res. 788. Resolution to inquire into the financial or business interests of any present or former Member, officer or employee of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

Mr. BYRNE of Pennsylvania presented Senate Resolution 47 of the Senate of the Commonwealth of Pennsylvania, adopted June 10, 1964, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11673. A bill for the relief of Daisy Brown; to the Committee on the Judiciary.

By Mr. EDWARDS:

H.R. 11674. A bill for the relief of Helen Pappa Konstantinou; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11675. A bill for the relief of Giuseppe Biondi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

938. By Mr. BYRNE of Pennsylvania: Petition of the Council of the City of Philadelphia memorializing the House of Representatives of the United States to enact H.R. 3881, which provides Federal aid to communities in the solution of their mass transportation problems. This resolution was adopted unanimously by the council June 11, 1964; to the Committee on Banking and Currency.

939. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., relative to the Supreme Court decision of June 15, 1964, relating to State legislative reapportionment being based on population; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Results of 1964 Questionnaire

EXTENSION OF REMARKS

OF

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. MARTIN of Nebraska. Mr. Speaker, the response to my 1964 questionnaire gives a cross section view of the thinking in my district on serious questions facing our Nation. For the benefit of my colleagues, I insert in the CONGRESSIONAL RECORD, a copy of the results of my 1964 questionnaire:

RESULTS OF 1964 QUESTIONNAIRE

We have finally completed compiling the results of our questionnaire sent out in April. Slightly over 10,000 replies were received. In addition to answering the questionnaire, many of you wrote additional comments and notes, as well as letters, further explaining your views on the subjects covered. I appreciate your great interest in the serious problems facing our Nation, as exemplified by both the return of the questionnaire and your comments which have all been studied.

One of the most interesting results are the replies in regard to the civil rights bill and its provisions. In reply to question No. 7: "Do you favor the civil rights bill now before the Congress?"—31 percent voted "yes"; 40 percent voted "no"; and 29 percent "not sure." In question No. 8, however, which briefly describes five separate sections of the bill, the vote was overwhelmingly in favor of each of these sections. Ninety percent favored equal voting rights in Federal elections; 92½ percent favored equal educational opportunities; 83 percent equal employment opportunities; 61 percent nondiscrimination in public accommodations; and 72 percent nondiscrimination in federally assisted projects.

In regard to the wheat program now in effect, only 14 percent favor this program, with 64 percent opposed, and 22 percent not sure about it. In answer to the question: "Do you favor a gradual withdrawal by Government from the farm economy?"—77 percent answered "yes"; only 13 percent "no," with 10 percent "not sure." This is indicative of dissatisfaction with Federal farm controls and programs.

By a 2-to-1 margin, your replies indicated disapproval of the sales of agricultural products to Russia and Communist nations; and 91 percent disapproved of any sales to Communist nations on credit terms with the United States guaranteeing the loans.

Another subject, which at present is generating a great deal of mail, is the legislation to amend the Constitution and permit voluntary Bible reading and prayers in our public schools—77 percent approved of this with only 16 percent voting "no" and 7 percent "not sure."

The people of Nebraska are still not sold on the value of the foreign aid program, as 81 percent voted disapproval with only 8½ percent approving and 10½ percent not sure. Another significant feature of the poll has brought out that President Johnson has not completely sold his economy talks to the people of the country on the one hand while advocating, on the other hand, the passage of massive new spending programs. In answer to the question: "Do you agree with President Johnson that we can carry out his programs and still reduce the budget?"—82 percent voted "no"; only 7½ percent "yes"; and 10½ percent "not sure." This seems to me to be one of the most significant results of this questionnaire.

I want to thank all of you again for taking the time to fill out the questionnaire, as it is most helpful to me as your Representative in Congress. It enables me to better represent you and your thinking. The results of the questionnaire are tabulated in the table that follows.

Results of 1964 questionnaire

	Percent		
	Yes	No	Not sure
1. The administration has recommended enactment of essentially the same wheat program for this year which was rejected by the wheat farmers last May.			
(a) Do you favor this type of program?	14	64	22
(b) Do you favor flexible price supports and land retirement?	28	47	25
(c) Do you favor a gradual withdrawal by Government from the farm economy?	77	13	10
(d) Do you believe U.S. farmers should be permitted to produce a greater percentage of our sugar needs?	93½	1½	5
2. Do you favor selling agricultural products to Russia and Communist nations?	30	59	11
(a) Do you favor such sales on credit terms with the United States guaranteeing loans?	4	91	5
3. Should Congress pass my bill to restrict imports of all meats to the United States?	75	12	13
4. Should the Constitution be amended to permit voluntary Bible reading and prayer in our public schools?	77	16	7
5. Do you favor continuation of the nuclear test ban treaty?	43½	27	29½
6. A bill is pending before Congress to authorize veterans of World War I to receive a pension of $100 per month, unless other income exceeds $2,400 if single or $3,600 per year with dependents. The estimated cost of this program the first year, according to the Veterans' Administration, would be $1,266,247,000. Would you favor this bill?	31	54	15
7. Do you favor the civil rights bill now before the Congress?	31	40	29
8. Do you approve of the following section of the bill which would guarantee the same rights to all regardless of the color of their skin:			
(a) Equal voting rights in Federal elections?	90	6	4
(b) Equal educational opportunities?	92½	4	3½
(c) Equal employment opportunities?	83	10	7
(d) Nondiscrimination in public accommodations?	61	23	16
(e) Nondiscrimination in federally assisted projects?	72	14	14
9. Do you approve of the manner in which the President is handling—			
(a) The Panama situation?	28	43	29
(b) Cuba and Castro?	12	69	19
(c) Vietnam?	13	58	29
(d) Our entire foreign policy?	8	66	26
10. Do you believe that the Monroe Doctrine should be enforced as far as removing Communist governments from the Western Hemishpere?	79	10	11
11. The President's so-called "poverty" program would revive the CCC camps and WPA programs of the thirties at a cost of nearly $1,000,000,000 for the first year. Do you approve?	15½	73½	11
12. President Johnson has recommended $3,400,000,000 to carry on the foreign aid program next year. Do you approve?	8½	81	10½
13. Do you agree with President Johnson that we can carry out his programs and still balance the budget?	7½	82	10

Mali Independence Day

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. POWELL. Mr. Speaker, on June 20, Mali will celebrate the fourth anniversary of her independence. Since the House will not be in session on that day, we would like to extend warm felicitations today to His Excellency the President of Mali, Modibo Keita; and His Excellency the Ambassador of Mali to the United States, Oumar Sow.

Mali is a landlocked West African country straddling the divide between the arid Sahara to the north and the more cultivable savannah zone to the south. It lies across ancient trade routes between North and sub-Saharan Africa. The town of Timbuktu, long a symbol to the Westerner of exotic Africa, lies within its domains. Its name is taken from the powerful and rich empire of Mali which flourished between the 11th and 17th centuries, reaching its peak in the early 1200's. Around the turn of the century the French obtained control of Mali.

In 1958 Mali, along with most West African French territories, became an autonomous republic within the French community. The next year Mali and several of its neighbors attempted to form a Federation of Mali, but only Senegal and Mali actually united. On June 20, 1960, they became a sovereign state which, however, was dissolved 2 months later.

Since this time Mali has made valiant efforts to modernize. It is fully cognizant of its limitations. As a landlocked country, it must rely on the good will of its neighbors in order to keep trade routes open to the outside world. Lacking in natural resources, Mali's economy now and in the near future must rely on farming, livestock, and fishing.

Mali has chosen a socialist model through which to advance. A 5-year development plan through 1965 is concentrating on agriculture as a basis for increasing exports. Later, industry will be developed. Maintaining a strict neutrality, Mali has accepted aid from all sides, including the United States and France. Mali has "Africanized" the state, thus giving talented young Malians a chance to develop their skills.

We salute Mali on its fourth year of independence. With a minimum of corruption and a sense of self-reliance, austerity, and hard work, Mali is moving forward toward a brighter future.

The Foreign-Trade Zones Act

EXTENSION OF REMARKS

OF

HON. A. FERNÓS-ISERN

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. FERNÓS-ISERN. Mr. Speaker, two anniversaries occur this week which do great honor to two Members of the House. June 18 is the 30th anniversary of the Foreign-Trade Zones Act of 1934 authored by the gentleman from New York, the Honorable Emanuel Celler, and June 17 is the 14th anniversary of a significant amendment to that act which was sponsored by the gentleman from Louisiana, the Honorable Hale Boggs. The wisdom and foresight of these distinguished and highly esteemed colleagues is reflected by the fact that the Foreign-Trade Zones Act, as amended, is of ever-increasing usefulness to business firms engaged in international commerce and industry.

The Celler Act provided for the establishment of Foreign-Trade Zones in or adjacent to U.S. ports of entry, these zones being an American version of the classic trade device known as a free port which had served commerce abroad for several hundred years. The orginal act permitted foreign and domestic merchandise into these zones without payment of customs duties unless and until goods actually entered into the customs territory of the United States. The Boggs amendment enlarged the usefulness of the act by permitting manufacturing to be conducted in these duty-free foreign-trade zones.

Through the years we have seen an increased number of established foreign-trade zones, and ever-increasing interest in the value of the zone idea for industrial activity. In addition to foreign-trade zones in operation in New York City, New Orleans, San Francisco, Seattle, and Toledo, a new zone was established at Mayaguez, P.R., in 1961.

I am proud to cite the fact that the very first foreign trade zone established solely for industrial purposes is located at Peñuelas, P.R., in operation there since May 1962. This is a dramatic tribute to the imaginative and useful industrial development efforts of the Economic Development Administration of the Commonwealth of Puerto Rico.

Much of the recent activity and rising interest in the Foreign-Trade Zones Act may be attributed to increased attention to overall international trade and to more effective employment of the act for the purpose for which it was intended—to expedite and encourage our foreign commerce. Favorable developments in more effective use of the zone idea are in no small part due to the skillful and visionary administration of the Foreign-Trade Zones Act by the Foreign-Trade Zones Board headed by our distinguished Secretary of Commerce, Luther H. Hodges.

ARA, if It Could Eschew Crass Politics, Could Be Helpful

EXTENSION OF REMARKS

OF

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. TALCOTT. Mr. Speaker, a major persistent problem among small industries is their inability to diversify into new products and fields and to conduct research to keep up with changing technologies. ARA could help here. For example, in 1960 Kentucky was stimulated by a $750,000 Kellogg Foundation grant to launch a 7-year pilot program to develop the depressed eastern region of the State. Among the "resource development" team sent out was Gilbert Brown, a University of Kentucky forestry and wood utilization specialist, because three-fourths of the 33 eastern counties is forested. In 2 years Brown was able to talk scores of operators into adopting enough new methods and products to measurably increase production and employment through the eastern Kentucky wood use industry. He saw more was needed.

> The more I talked to the sawmillers and other lumber operators, the more I realized the need for something for small businessmen like our Agricultural Research and Extension Service which revolutionized our farming three decades ago. Most of these small businessmen are in the same state of anarchic independence our farmers were then. They run one-man operations with a total lack of research and marketing development facilities and the expert's broad knowledge.

So Brown turned to the ARA and in May 1962 got a $642,000 grant for the university to establish in Jackson, Ky., the nation's first Wood Use Demonstration and Training Center. Equipped with the latest machines, it will show lumber operators the most modern production techniques and product ideas and train their workers to use the new equipment and methods. Though the Center opened just last February—1964—Brown estimates it will release vast new energies to stimulate the surrounding Appalachian forest region in several States, adding over the next 5 years 3,000 new jobs and annual payroll of $7,500,000.

This is the sort of thing ARA should seek to inspire all over the Nation. For unless it gets back to the job intended for it, ARA could become the initial step toward a hierarchy of Moscow-style local planning soviets and state-financed industries that will spell the early demise of our free enterprise system.

A congressional investigation of the present operation of ARA should be made before any further moneys are allotted to it.

"Importance of the Coal Industry"—Address by Senator Byrd of West Virginia

EXTENSION OF REMARKS

OF

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Thursday, June 18, 1964

Mr. COOPER. Mr. President, the distinguished Senator from West Virginia, Robert C. Byrd, was recently one of the principal speakers at the 47th Annual Convention of the National Coal Association. Because the coal industry is one of the major foundations of a prosperous society, Senator Byrd focused his attention on the outlook for its future. He found that it now has all the elements needed to make it a success.

Senator Byrd said the coal industry could be the springboard to full employment in Appalachia. He said it holds the key to new developments in chemicals, medicines, and other necessary phases of our daily lives.

The studies now underway in the Office of Coal Research have more than justified the hopes of the men who sponsored the Government projects, the Senator added.

But, as we all know, much help is still needed to clear the way for a healthy growth of the industry, in keeping with the needs of an expanding population. Unfortunately, Senator Byrd found a formidable stumbling block, in the form of residual oil imports, thrown in the path of this development.

Mr. President, Senator Byrd said in one sentence what economists have tried to explain with complicated charts and figures, when he stated:

> It is obviously folly to force the taxpayer to underwrite artificial economic respiration when the natural, normal, reasonable, inexpensive road to recovery can be opened merely by reducing the tanker traffic that has saturated the Atlantic seaboard with an unneeded, objectionable, and injurious foreign commodity.

Because of the importance of this address to the problems facing the country at this time, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ROBERT C. BYRD BEFORE THE NATIONAL COAL ASSOCIATION CONVENTION, NEW YORK HILTON HOTEL, NEW YORK CITY, JUNE 16, 1964

If the computers used for predicting elections were to analyze the outcome of this convention on the basis of early returns, I am confident that they would forecast a great day for West Virginia. In a little more than an hour, our State has produced three speakers.

But we are a generous people and neither Mr. Salvati, nor Mr. Tierney, nor I have any intention of taking advantage of this forum to extol the virtues of West Virginia or to enter any special pleas for our State. As spokesman for commercial producers and sales companies throughout the country, National Coal has a national responsibility.

While I have in the past and will continue to work primarily in the interest of West Virginia, I assure you that I shall do everything possible to bring about the resuscitation of the coal industry in all our mining States. Because a going coal industry can contribute so importantly to the national economy and is a vital component of the defense structure, there is no gainsaying the truism that what is good for coal is good for America. I am confident, for instance, that there is a great potential for mining States in the Rocky Mountain area, and I believe its development should be encouraged.

The coal industry has always been an important part of my life. The head of my family was a coal miner. I know the disappointment of having an evening go by without the sound of the whistle signifying work on the morrow. I have lived through weeks, and even months, of that silence. It is an indelible experience. Perhaps, in balance, it tends to enrich one's life, to make him more appreciative of better times. Furthermore, those memories of workless days—and the knowledge that they continue to persist—strengthen one's determination to do everything possible toward improving the position of the coal industry and the lot of the miners.

Their fortunes—or misfortunes—are linked closely to the success of this convention. Your sessions on investments in the coal industry, on research, on market outlook as described by representatives of your industrial customers, on exports—what evolves in these sessions can have a most important bearing on the economic outlook of everyone who works in the mines, of all who transport coal, who produce supplies and equipment for the coal industry, whose bank or market or clothing store is located in a coal region.

The national coal convention has a collateral advantage. It provides the meeting place for exchanges of ideas during informal get-togethers. Conversations of this kind are often more productive than formal business sessions. I enjoy sitting down whenever possible with Steve Dunn and Bob Hall, whose judgment about the coal industry and the people in it is highly respected by everyone in Washington. We recently put together a list of recommendations for Government action that would benefit coal, and I have placed these suggestions before President Johnson.

Because of the administration's determination to improve the situation in Appalachia, there would seem to be definite hope for an acceleration of the economy of the coal industry in this area. I personally have felt that the Appalachia Commission committed a serious oversight in not declaring imported residual oil a major cause of unemployment. Because coal's resurgence would be the springboard to a healthy Appalachia, I have recommended that the Government undertake a thorough study of the impact of foreign oil in this region. You and I know the debilitating effect of too much foreign oil. I think that this phase of Appalachia's problems needs to be made an official part of the record. The study could be carried out either through the Area Redevelopment Administration or as part of the Appalachian program. I am convinced that such a study would show that coal sales could increase by almost a quarter of a billion dollars if this fuel were to serve the east coast markets captured by foreign oil shippers. Add $180 million for railroad freight traffic. When these figures become a part of an official Government document, I doubt that even the New York and New England oil merchants would dare protest cutbacks in residual oil imports. It is obviously folly to force the taxpayer to underwrite artificial economic respiration when the natural, normal, reasonable, inexpensive road to recovery can be opened merely by reducing the tanker traffic that has saturated the Atlantic seaboard with an unneeded, objectionable, and injurious foreign commodity.

Being realistic, we who are working for coal do not expect all competitive foreign residual oil to be kept from our shores, regardless of the justification of our cause.

Because of the rapid development in long-distance transmission of electricity, imported power is another competitor that could preempt a sizable proportion of the continually expanding energy market and seriously stunt coal's growth. Through tariffs and subventions, Canada has effectively blocked large volumes of the traditional flow of U.S. coal across her border. For this country to accept abnormal amounts of the Dominion's hydroelectric power while these conditions prevail must not be tolerated.

On the credit side, the State Department has been making a determined effort to convince foreign nations of the desirability of removing prohibitory tariffs, controls, and other devices that discriminate against our own coal exports. I have asked the President to take a personal interest in this program, for unless restrictions are removed it is a foregone conclusion that coal and oil from the Communist bloc will move into markets which the U.S. coal industry is prepared to serve. I have suggested that both the State and Commerce Departments distribute abroad wherever practical the brochure on coal exports prepared some months ago by NCA.

Adjustment of Panama Canal tolls to permit greater flexibility for U.S. coal shipments to Far East markets could also help the industry materially. I have also asked the White House to issue an Executive order compelling all Government agencies and defense installations to make fuel selections from fair and impartial evaluations of present and anticipated fuel costs and availability. Recent meetings I have had—and at which Mr. Coryell of NCA has been present—with Defense and other Department officials are already producing results: We have succeeded in halting conversions from coal at certain defense facilities, and we are getting the same consideration for coal or electric heating equipment as is given to other sources of heat in other Federal facilities.

Now let us look briefly at the atom, which was not expected to become a serious competitor of coal in the electric power market for some years to come. Developments within the past several months necessitate an immediate reappraisal.

The drastic reduction in cost of constructing nuclear powerplants has introduced a new form of competition in areas not too far removed from the mine mouth. The situation becomes more acute through direct and hidden subsidies provided by the Federal Government.

Rather than continue to use Treasury funds for the stimulation of coal industry competition, it would seem more logical to intensify research to find new and expanded uses for coal. As a member of the Senate Appropriations Committee, I stand ready to support any reasonable endeavor that may lead to the breakthrough coal needs. Some of the projects already initiated show encouraging signs. Some will unquestionably fail to meet feasibility examinations.

As you are well aware, the pace of projects originating in the Office of Coal Research has been agonizingly slow. Those of us who were responsible for getting the bill establishing the Office of Coal Research through Congress, while recognizing that research is time consuming and requires the utmost patience, had nevertheless anticipated quicker starts for the more attractive projects. We had in mind immediate rather than long-range results. In all of our hearings on appropriations for the Department of the Interior, I attempt to determine just how the Office of Coal Research program can be expedited.

Now I can report to the convention that the logjam appears to be broken and the Office of Coal Research program is being accelerated. The Office of Coal Research has provided the Senate Appropriations Committee with an up-to-date calendar of OCR's activities, and I am happy to say this month of June will go down as a landmark in the annals of coal research.

In the past week contracts have been signed for the Kellogg gasification project, the Consol lignite gasification program, and the Virginia Polytechnic Institute optimization of underground mining processes. These negotiations involve more than $2¼ million.

Unless unforeseen obstacles arise, these additional contracts will be signed before the month is out: The Institute of Gas Technology plan which—with the Kellogg and Bituminous Coal Research contracts—will complete our gasification package; the Atlantic Refining Co.'s research undertaking to use coal combined with residual oil for powerplants; the Penn State petrography project; and Battelle Institute's low ash market survey. These four contracts run into almost $3 million, bringing the total negotiated for the month of June to more than $5¼ million. Its presents a mighty encouraging outlook for the coal industry.

Last December I took advantage of an invitation from Steve Dunn to visit the Bituminous Coal Research Laboratory in Monroeville, near Pittsburgh. I congratulate the coal industry and supporting railroads, electric companies, and others involved in the construction and operation of this outstanding research facility. A person need not possess any technical background to appreciate the effort that is being expended at Bituminous Coal Research.

I should like to say parenthetically that I consider Bituminous Coal Research's activities prerequisite to Government interest in coal research. Members of the Appropriations Committee have shown considerable interest in the extent to which the coal industry is willing to invest in research and development, and it is always comforting to me to be able to point to the laboratory at Monroeville as a symbol of coal industry confidence in research potential.

Bituminous Coal Research's roster of scientists and engineers obviously does not include meteorologists, else I am sure that they would not have recommended a visit there on December 23, 1963. I left the laboratory to return to Washington shortly after noon in the worst snowstorm of the winter. Plows on the Pennsylvania Turnpike could not keep apace with the storm, and there was a very serious question as to whether I would be back with my family for Christmas.

To make matters worse, it was dark through the last 4 hours of the trip, making driving much more difficult in the blinding snow.

Ptolemy, the renowned mathematician, astronomer, and geographer, was handicapped in putting together his system of geography because he accepted as positions of latitude the computations from itineraries and statements of travelers. Now, I do not expect anyone to base his research effort on my experience of last December 23, yet I cannot recommend that you attempt a trip under similar conditions. So let me just inquire whether coal might not work itself into an important role in the Nation's highway program.

Why are modern highways not illuminated? I asked myself this question that night, and later I asked an engineer the same question. He said that the relatively small power load would not justify the expense of stringing lines along the distant roadways. So I asked another question that occurred to me on the drive from Monroeville.

Would the use of electricity to heat roadbeds—to keep them free of snow and to dry them off in rainy weather—be too limited to consider this additional safety factor? Probably, I was given to understand, yet the savings in human life and property is an important consideration.

But perhaps there are still other considerations that deserve looking into. The Keystone plant, east of Pittsburgh and the Allegheny System plant near Morgantown will generate electricity that is to be carried over long distance transmission lines into Philadelphia and New York. Could not planning for such cross-country lines coincide with highways designs so that the same towers could carry wires serving lighting and heating systems for the roadways? Or is it possible that the heat losses from those lines, if placed underground, would be sufficient to keep the road above free of snow?

The lines might serve yet another purpose. What about an electrified rapid transit system down the median, or even beneath the roadbed? Yesterday I had my first subway ride. I understand that the heat from the New York subways is a deterrent to snow and ice on the pavement above.

Powerlines, illuminated and dry roads, rapid transit—all on one right-of-way? What are the possibilities? I have not been able to get an answer to this question, but I find the whole picture somewhat alluring.

You and I know that in a few short years most of the Atlantic seaboard will be one great megalopolis, and a rapid transit system will connect this continuous swath of homes, plants, schools, offices * * * and humanity. It would require a good volume of coal to generate the electricity for our dream highway and rapid transit from Boston to Miami, though I suppose our friends in the foreign oil business would want increased quotas to serve this market.

Perhaps in the Bituminous Coal Research Laboratory, or maybe at the University of West Virginia, but so long as we are willing to conduct an intense research program for coal, the day cannot be far off when the breakthrough will come and open new vistas for the industry. The big payoff may evolve out of projects already underway—or from some of those for which the Office of Coal Research has just contracted. In the pursuit of these projects, our research teams might stumble over something not yet visualized, as in Alexander Fleming's accidental discovery of penicillin or William Perkin's recognizing history's first synthetic dye while experimenting with a coal-tar derivative in his search for synthetic quinine.

We cannot, of course, depend entirely upon research. We cannot relax in our crusades against unfair competitive practices that tend to coal's disadvantage. Thomas Jefferson, the first administrator of the American patent system, himself had a number of inventions, one of which was the revolving chair. This novel device made the third President a sitting target for criticism from his political enemies, who accused him of designing it so as to look all ways at once.

Coal people and their friends must continue to watch the established enemy—foreign residual oil—that moves relentlessly into the Atlantic seaboard, dumped, yes, with its double standard of pricing, the threat of hydroelectric power from the north, and subsidized atomic competition wherever it may emerge. But the industry will move forward only if we set our sights on the years ahead and join in common cause—operators, union, railroads, suppliers, equipment makers, and all allied industries—to achieve the production and the sales that can and will be available in America's growing economy. I am confident that this convention will provide an important springboard toward realization of this objective.

Public Opinion Poll

EXTENSION OF REMARKS

OF

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. RHODES of Arizona. Mr. Speaker, under leave previously granted, I wish to include the results of my public opinion poll, which I sent to my constituents on May 20, 1964. Tabulations made of the polls returned through June 12 totaled approximately 6,000, or about 22 percent of the number mailed:

	Percentage results		
	Yes	No	Not sure
1. How would you vote on a constitutional amendment to permit voluntary prayer in public schools?	75	21	4
2. How would you vote on the idea of paying for medical care of the aged through the social security system?	23	68	9
3. In the civil rights bill, which passed the House, there are 10 titles considered to be controversial. Please check how you would vote on each.			
(a) Voting: Strengthens previous laws; calls for standardized literacy tests for Federal elections; 6th-grade education is evidence of literacy	23	68	9
(b) Public accommodations: No discrimination by any establishment or service that has any contact with interstate commerce	36	57	7
(c) Public facilities: Permits the Government to file suit and argue cases, on complaint, of discrimination in any publicly owned facilities	36	58	6
(d) Education: The Attorney General can file suits to force desegregation; authorizes aid to communities that are trying to desegregate	36	58	6
(e) Civil Rights Commission: Continues the present Commission for 4 more years; prohibits it from investigating the policies of private groups	50	33	17
(f) Federal aid: Prohibits discrimination in distributing Federal aid. Agencies may cut off aid only after hearings, court review, notifying Congress, and receiving Presidential approval	61	31	8
(g) Employment: Prohibits discrimination by private employers and unions on the basis of race or sex. Nonemployment of atheists and Communists is not considered discrimination	61	31	8
(h) Voting census: Directs the Census Bureau to take a census of voters by race in areas designated by the Civil Rights Commission. This could lead to reducing representation in the House by invoking the 14th amendment	17	65	18
(i) Remand: Permits appeal, on a Federal court order that refuses to take a civil rights case out of a State court even though such appeals are not permitted in other legal cases	18	61	21
(j) Conciliation: Establishes a community relations and conciliation service in the Commerce Department to conciliate racial disputes	18	61	21
(k) How would you vote on the whole bill?	22	63	15
4. In regard to Cuba, would you—			
(a) Resume diplomatic relations to try to win her over?	7	89	4
(b) Go on trying to persuade others not to trade with her?	7	89	4
(c) Put on a blockade against strategic materials only?	40	55	5
(d) Put on a blockade against any commerce in any materials?	70	24	6
(e) Organize a Cuban emigre army and support an invasion?	70	24	6
(f) Use all conventional sources necessary to oust Castro?	88	7	5
5. In regard to Panama, would you—			
(a) Insist on strict enforcement of the 1903 treaty?	62	28	10
(b) Agree to renegotiate the entire treaty?	62	28	10
(c) Agree to renegotiate payments to Panama?	41	48	11
(d) Agree to a partnership arrangement with Panama?	21	67	12
(e) Have the United States build a new sea level canal?	21	67	12
6. In respect to Vietnam, do you believe we should—			
(a) Get out?	27	64	9
(b) Continue our support at the present rate?	13	78	9
(c) Increase our support?	13	78	9
(d) Strike at the bases in North Vietnam used to supply the Vietcong?	77	14	9
7. When a nation expropriates American property and holdings, should we—			
(a) Intervene militarily to satisfy our claims?	40	46	14
(b) Use all diplomatic channels to firmly insist on payment?	40	46	14
(c) Deny the nation all foreign aid until payment is made?	92	6	2
8. In regard to the North Atlantic Treaty Organization, do you think we should—			
(a) Abandon it?	19	65	16
(b) Strengthen it by dealing with the Soviets only after we have NATO approval?	19	65	16
(c) Increase economic ties through a NATO common market?	57	21	22
(d) Continue our present policy?	25	43	32
9. As to trade with Communist nations, would you believe—			
(a) It should be done only for dollars or gold?	25	43	32
(b) It should be done on the basis of loans and credits, as with our allies?	11	86	3
(c) Not at all?	50	36	14

	Percentage results		
	Yes	No	Not sure
10. Since 1960, do you feel the U.S. prestige in the world—			
(a) Has increased?	50	36	14
(b) Has decreased?	83	13	4
(c) Has not changed?	27	64	9
11. How do you feel in regard to disarmament?			
(a) It would be a mistake to consider disarmament at this time	27	64	9
(b) Universal disarmament should begin, but be done in stages, with thorough inspection and control	57	37	6
(c) The United States should begin disarming regardless of others, as an example to the rest of the world	4	94	2
12. In regard to unemployment, do you believe the Federal Government should—			
(a) Assume full responsibility for solving the problem?	4	94	2
(b) Share the responsibility with the States and free enterprise?	63	34	3
(c) Allow the States and free enterprise to solve the problem?	66	29	5
13. How would you vote on establishing a Job Corps with work-training camps throughout the country?	66	29	5
14. Should a Domestic Peace Corps be established to provide training and services upon local request?	34	53	13
15. How would you vote on a federally subsidized retraining program for people whose skills have become or will become outdated?	44	44	12
16. Generally speaking, would you consider yourself—			
(a) A liberal	44	44	
(b) A conservative	80	18	
(c) An independent	55	39	
17. To help analyze the results of this survey, please check one — *Male* 55 *Female* 40			
18. In terms of age, are you [1]—			
(a) Under 30?	10	---	---
(b) From 30 to 45?	30	---	---
(c) From 45 to 60?	30	---	---
(d) Over 60?	25	---	---

[1] 5 percent did not answer question 18.

Independence Day of Kuwait

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. POWELL. Mr. Speaker, tomorrow, June 19, Kuwait will celebrate the third anniversary of her independence. On this great occasion, I would like to extend warm and personal felicitations to His Highness the Ruler of Kuwait, Sheikh Sir Abdullah al-Salim al-Subah; and His Excellency the Kuwait Ambassador to the United States, Talat al-Ghoussein.

I was privileged to visit the wonderful country of Kuwait last year, and this memorable experience left me with a sincere feeling of admiration for a nation which has made great strides to assist the common man. I am very pleased, therefore, to congratulate Kuwait on this happy occasion.

On June 19, 1961, the Government of this tiny sheikdom assumed autonomy from British protection and guidance. Since that memorable date, magnificent and remarkable deeds have continued to occur within and emanate from this enlightened country. Established as a complete welfare state, Kuwait furnishes to its citizens health benefits, education, and housing. Even schoolchildren receive free clothing, food, and pocket money. Moreover, the per capita income of its citizens is $3,360, with a standard of living equivalent to or higher than the most industrialized nations of the free world.

The city of Kuwait, itself, has undergone an overwhelming and amazing transition. Wide streets, lined with gleaming concrete buildings, push into the desert tracts as the city limits expand. Parks and gardens give the city an oasis-like appearance, an expensive undertaking since the upkeep of one tree costs on the average of $250 a year. Electricity, telephone service, and running water, all free to the Kuwaiti residents, are now standard equipment in each home.

Recent decisions by the Government of Kuwait have made this small nation enormously important to the Arab world. As banker for many development schemes which have been initiated in the neighboring states, Kuwait has assumed the title "Wall Street of the Middle East." Sudan received a loan of $19,600,000 for the modernization of its railroads. Jordan was lent $21 million for agricultural and industrial projects. For its refugees, Algeria was granted $5.6 million. The latest loan was to Iraq, $84 million for reconstruction purposes. Financial backing for these projects originated with the Kuwait International Consultants, Ltd., a fund having a potential capital of $1.4 billion, whose purpose is massive finance for Arab progress. Dr. Eugene Black, former head of the International Bank for Reconstruction and Development and now in charge of this fund, declared that "This will be one of the world's greatest financial forces," truly a remarkable tribute to an agency which only came into existence 2 years ago.

The key to this success has been oil. Kuwait is now the largest oil producer in the Middle East and the fourth largest in the world. Its oil revenues total some $560 million annually. New fields have been discovered within territorial waters as well as in the neutral zones, whose revenues are shared equally by Saudi Arabia and Kuwait. With a known 62-billion-barrel oil reserve, the largest in the world, the revenues cannot but increase.

The Kuwait Government is presently planning for the future, a future when oil reserves will have been depleted. Fresh water distillation and powerplants are rapidly being constructed. Kuwait's harbor facilities entitle it to be called the world's largest oil port. Other industries, such as glass, tire, ship repair yards, textiles, paper, soap, and fish canning, are under proposal for immediate implementation, enabling Kuwait to have a diversified economy. Furthermore, the extent of the country's investments and holdings abroad are estimated to be around $1.5 billion.

It is therefore with deep admiration that I extend my greetings to the Kuwait people on their third anniversary of independence. With the implementation of proposed schemes by their astute leaders, they are assured for the future continued prosperity and security. It is my sincerest wish that the amicable relations which now exist between the United States and Kuwait continue to progress and flourish, thereby setting an example for the world community.

Let Us Demand Immediate End to Red Anti-Semitism

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. PHILBIN. Mr. Speaker, I am distressed as all true Americans are about the tragic plight of the Jewish people in Russia. More than 2 years ago I officially protested these intolerable conditions.

It is truly incredible that in this 20th century, in this advanced, atomic, nuclear age when people are considered to be so enlightened and civilized, that any government, however committed to totalitarian ideas, should be seeking and moving as the Russian Government is, to pursue a course which, in effect, in some respects constitutes ruthless, spiritual genocide against the great Jewish race.

To people inured as we are to American principles and ideals of free constitutional government, to religious and civic liberty and all the cherished safeguards of the American free way of life, the deliberate, systemized attacks upon Judaism, its social, cultural, and religious roots and practices, its very culture and spirit, attacks designed in time to stagnate and to obliterate the rights, privileges, and status of the Jewish people inside the Soviet Union, constitutes such an outrageous offense against human decency, the rule of law, the rights of minorities, and such flagrant disregard of human rights as to be totally beyond even our imagination in this enlightened day and age.

Religious intolerance, ruthless suppression of the individual, and racial and personal animosity and destruction is not new to the policies and action of the Soviet Union. But we of the free world are shocked to learn of such horrifying offenses against the Jewish people, a people who throughout all history, have made such fabulous contributions to the growth and development of civilized institutions and the free way of life.

Long since, the Soviet has acted to drive out practically every vestige of free, selective, religious worship, as we know it in this country and the free world, from the boundaries of Russia.

It is a startling and sobering fact that few evangelical churches of the Christian faith are allowed to exercise their sacred function in Russia. The autocratic, super-state strictly controls religious worship and practice in the Soviet Union within the framework of a state church that is a mere creature of the government.

While it is recognized that no freedom, as we know it, is permissible in Russia, except that which is autocratically directed, the American people and the free peoples of the world look with dismay, alarm, and incensed feelings upon the ruthless persecution being conducted against the Jews and their institutions in Russia.

I think it is our sworn duty as Members of Congress and as human beings interested in our fellow man and the cause of freedom, justice, and brotherhood in the world, to protest against the campaign which the Soviet Government is currently waging to destroy Judaism and all its works and cruelly and shamefully to persecute the Jews in the Soviet Union.

It is said that this persecution is an internal matter with which other nations have no concern. But this is brazen semantics, not a valid answer, when the rights of decent, religious-minded human beings are being so flagrantly denied and flouted by antireligious, antidemocratic, despotic leaders and by vicious persecution of a religious group that should not be tolerated in any civilized community.

We speak, not in behalf of political rights for the Jews, because we know that under prevailing conditions, they have no such rights in the Soviet Union. But we do speak in behalf of the human rights of the Jews which they and all peoples should have as members of the human race—rights that are recognized and honored by civilized nations, rights that draw their sanction from the moral codes of mankind from which all law in the world is drawn, and we speak for the helpless, the inarticulate whose voices and hands are stilled by brutal oppression and tyranny, whose right to worship is grossly violated by power-crazed dictators, a people whose very existence as human beings is challenged and threatened, whose status is unrecognized and obliterated.

If international law and convention is to have any force and effect, any respect in this world, some way must be found now without delay to bring about the cessation of oppression and persecution of the Jews in Russia.

With all my heart, I protest against these outrages and I am urging the great President of the United States, Lyndon Johnson, and our State Department, to take up this matter at once with the Soviet Government, to use its urgent good offices to bring to its attention the existing intolerable persecution of the Jews and, if necessary, to bring these violations of human rights before the United Nations so that in every way possible the organized forces of righteousness and morality of mankind may be given the opportunity to move speedily in a determined, collective action to end once and for all these outrages directed against the religious and racial practices and human rights of the Jewish people in the Soviet Union.

By no means is this situation an internal matter for the determination of the Government of the Soviet Union alone. This is a human question, one affecting profoundly vital human rights, precious and indispensable to every human being regardless of race or religion, and it is for the righteous, God-fearing, freedom-loving peoples of the world to lift their voices in protest and in unison, and make their strong wishes felt to succor, spare, and liberate the innocent victims of this astonishing, abominable persecution that smacks of the law of the jungle.

Mr. Speaker, under unanimous consent I wish to have included in the Record as part of my remarks the text of my statement to the House Committee on Foreign Affairs in June of 1962 on the subject of the captive European nations. I believe this statement was the first appeal submitted to the committee calling for full exposure of anti-Semitic activities in the Soviet.

The statement follows:

Statement of Hon. Philip J. Philbin, Member of Congress From the State of Massachusetts, Before the Subcommittee on Europe of the House Committee on Foreign Affairs of the Captive European Nations

I am honored and pleased to join today with my valued colleagues in this most impressive and convincing presentation on the vital subject of the "Captive European Nations." At the outset, I would like to express my warm appreciation to my very able and distinguished friend, the Honorable John S. Monagan, of Connecticut, who has assumed the direction of these hearings at the request of our able, distinguished colleague, the Honorable Edna F. Kelly, for the opportunity to be heard in support of freedom from Soviet imperialism for all the unhappy peoples behind the Iron Curtain. Let me commend the members of this outstanding subcommittee for their great work in holding out the hand of friendship, encouragement, and cooperation to the oppressed captive nations in their quest for personal liberty, justice, and peace.

As one of the original sponsors of the captive nations resolutions, I am particularly glad to commend and salute this great subcommittee, which has already heard valuable testimony from persons having a knowledge of conditions in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. The subcommittee is rendering great service by arranging these important hearings.

Mr. Chairman and members of the subcommittee, let us make it clear to the gallant peoples behind the Iron Curtain that we are truly inspired by their courage and their fight for freedom in the face of oppressions, tyranny, and terror.

Let us keep bright the burning flame of liberty and self-determination which the ruthless and powerful Soviet masters have been unable to smother despite their chains, their brainwashing, their malign persecutions, their mass starvation tactics, their brutal suppression of the individual, their harsh and brutal treatment of religion, their destruction of culture, and their relentless and incessant warfare against free institutions.

None of these brutal and horrible deeds, continuing to this day under the yoke of Red slavery and tyranny, has managed to suppress the shining armor of courage, spirit, and loyalty of the helpless small nations behind the Iron Curtain whose peoples look to America for hope, encouragement, and assistance in being liberated from Communist bondage.

Not too long ago the world was shocked by a renewed wave of anti-Semitism in the Soviet Union as part of the intensified atheistic propaganda campaign against all creeds. These outrageous incidents and malicious outbursts have left a deep sense of outrage among all enlightened peoples and races and serve as another reminder of the cynical duplicity of the Communists who constantly engender and promote racial hatred and strife in their unrelenting efforts to create misunderstanding and division wherever they have infiltrated.

The heart of every true American is stirred with profound indignation over these anti-Semitic incidents in the Soviet and I urge that this great subcommittee explore fully this latest example of Communist intolerance and assault upon human dignity and rights.

The liberation of enslaved millions who are the victims of cruel oppression, exploitation, and aggression remains the great challenge of the hour. I urge this outstanding subcommittee of the great and powerful House Committee on Foreign Affairs to let it be known in its report that the United States stands firm and resolute on a policy to give encouragement and help to the captive European nations and oppressed peoples everywhere. Let it be known throughout the world that our Nation is behind them in their efforts to restore freedom and liberty to their unhappy lands.

Let us pledge anew our hearts and hopes in the liberation and aspirations of the captive nations to help speed the day of their deliverance from tyranny and slavery. Let us hold out the hand of friendship and assistance to these helpless and downtrodden peoples so that they may soon regain in full measure the great liberties they cherish.

It is a great privilege for me to appear before this able and distinguished Subcommittee on Europe and I am very thankful to you, Mr. Chairman, and the other members of the subcommittee for this opportunity to be heard. Again, let me compliment and commend you for arranging these important and valuable hearings on the captive European nations.

Celebration of 50th Anniversary of Opening of Panama Canal by the Panama Canal Society of Washington, D.C.

EXTENSION OF REMARKS
OF

HON. SPESSARD L. HOLLAND

OF FLORIDA
IN THE SENATE OF THE UNITED STATES
Thursday, June 18, 1964

Mr. HOLLAND. Mr. President, one of the notable events occurring in Washington in recent days was the celebration of the 50th anniversary of the opening of the Panama Canal by the Panama Canal Society of Washington, D.C. I am indebted to the Honorable Joseph A. Cheeseman, the outgoing president of that organization, for his kindness in furnishing me a copy of the minutes of the meeting at which this celebration was held. Because of the great interest of Members of the Senate and the public in the Panama Canal, I ask unanimous consent to have a copy of these minutes printed in the RECORD.

There being no objection, the minutes were ordered to be printed in the RECORD, as follows:

TWENTY-NINTH ANNUAL MEETING OF THE PANAMA CANAL SOCIETY OF WASHINGTON, D.C., 50TH ANNIVERSARY OF OPENING OF PANAMA CANAL

The 50th anniversary of the opening of the Panama Canal was celebrated on June 6, 1964, at the National Lawyers Club, by the Panama Canal Society of Washington, D.C., at its 29th annual meeting.

The officers of the society, 1963–64, were Joseph A. Cheeseman, president; Andrew W. Dewling, vice president; and Matthew C. O'Hearn and Col. George S. Brady, secretary-treasurer. The committee on arrangements consisted of Col. David R. Wolverton, Col. George S. Brady, chairman, and George Colburg.

The toastmaster was the Honorable Maurice H. Thatcher, of Kentucky, former Member of Congress, Civil Governor of the Canal Zone, and sole surviving member of the Isthmian Canal Commission, serving more than 3 years during peak construction, 1910–13. He is also past president and honorary life president of the society.

President Johnson sent a telegram to the society in which he noted that "President Theodore Roosevelt referred to your members as 'good soldiers' and we do not forget that your hard work, sacrifice, and devotion 50 years ago were essential to this great engineering triumph." The telegram in full follows:

[Western Union telegram]

THE WHITE HOUSE, WASHINGTON,
June 6, 1964.

Col. GEORGE S. BRADY, USAR, Retired,
Secretary, Panama Canal Society of Washington, Bethesda, Md.:

Please convey to the members of the Panama Canal Society my warm greetings on this special occasion, the annual meeting of the Panama Canal Society, which this year marks the 50th anniversary of the opening of the Panama Canal.

President Theodore Roosevelt referred to your members as "good soldiers" and we do not forget that your hard work, sacrifice, and devotion 50 years ago were essential to this great engineering triumph.

I salute each of you and send to each of you my best wishes, for health and happiness.

LYNDON B. JOHNSON

All of the officers of the society were reelected for the ensuing year, except that Benjamin M. Williams, former superintendent of schools in the Canal Zone was elected president. Colonel Brady will continue as secretary-treasurer, until shortly someone is chosen to replace him.

In addition to former officials and employees of the construction era, the society also includes a number of those who have served the Panama Canal organization since the canal was opened to traffic in 1914, and members of the Department of Defense who have served on the isthmus. Thus, its membership is representative of various professions, businesses, and skilled trades in these connections, as well as members of the Army and Navy Establishments. Other Panama Canal societies are located in Arkansas, Chicago, Colorado, Florida, Massachusetts, New York, North Carolina, Seattle, and Virginia.

Called to order by President Cheeseman, the 29th annual meeting of the Panama Canal Society of Washington, D.C., opened with the pledge of allegiance to the flag, invocation, and enumeration of deceased members of the society during the past year, led by Col. David R. Wolverton. President Cheeseman made some remarks, now shown, and turned over the program to the toastmaster, Governor Thatcher.

PRESIDENT CHEESEMAN'S REMARKS

Members of the society and invited guests. As you may know, I have the honor of being President of the Panama Canal Society of Washington, D.C., and it is my duty to conduct the business of this meeting. During the course of the program, Governor Thatcher will act as toastmaster. The year of 1964 is the 50th anniversary of the formal opening of the Panama Canal, which occurred on August 15, 1914, and was marked by the passage of the first vessel, the *Ancon*, when it transited the canal from the Atlantic to the Pacific. All of you, of course, are welcome here. We are indeed very happy to have you present. It becomes my duty and pleasure to present as toastmaster, one who is, of course, well known to all of you, and who for more than a half century, has always sought to serve the best interests of the canal, both on the isthmus and in and out of Congress; and also the like interests of the builders of the canal; and those who since have operated and defended it. Indeed, he has always been the effective friend of the entire isthmus. As you well know, he was signally honored by the Congress of the United States, in naming for him the new $20 million bridge across the canal, which was dedicated on October 12, 1962. He served as a member of the Isthmian Canal Commission, of which he is now the sole survivor; and as Civil Governor of the Canal Zone, during the construction era. He needs no introduction. Permit me to present as toastmaster, the Honorable Maurice H. Thatcher.

REMARKS OF GOVERNOR THATCHER

Mr. President, members and guests, I am very glad indeed, to meet with you once more, and to act again as your toastmaster. This society, made up, basically, of surviving employees and officials of the Panama Canal enterprise of the construction era, has inevitably lost the greater number of the older members because of the relentless passage of time. Yet some of us of the oldtimer vintage yet survive, and we must needs throw the torch to those of the succeeding generations, the operators and defenders of the canal, beginning with its formal opening on August 15, 1914.

As to the oldtimers, they performed a truly great and unique task in the building of the great isthmian waterway—the greatest industrial enterprise of the ages. They have been characterized in congressional reports as "magnificent heroes." The task was accomplished by a great free nation, with free labor, made up of U.S. citizens and certain alien employees. The thanks of all are due all these, and also to all those who, since the canal was completed, have, with dedicated loyalty and efficiency, maintained, operated, and protected the Canal Zone in peace and war—indeed, a most notable achievement.

There will be this summer in the Canal Zone the celebration of this 50th anniversary of the formal opening of the canal, with its culmination on August 15 next, commemorating the date August 15, 1914, when the old SS *Ancon* transited, with complete success, the canal, from the Atlantic to the Pacific.

All of us are deeply interested in the celebration and most earnestly hope that it may be one of success. Today we have with us as guest speaker, a member of the Department of Defense who has been on the isthmus recently, and who knows all there is to know at this time of the plans for the celebration. He has served his country in various vital capacities, of which I shall give you a brief recital:

C. OWEN SMITH, SPECIAL ASSISTANT TO DEPUTY UNDER SECRETARY OF THE ARMY FOR INTERNATIONAL AFFAIRS

Born in Akron, Ohio, grew up in Cumberland, Md. Graduated from Phillips Exeter Academy, Exeter, N.H., and Harvard College.

Was lieutenant commander in Navy during World War II, awarded Commendation Medal at Battle of Leyte Gulf. During this period transited the Panama Canal three times, once with vessel under his own command.

After naval service worked as reporter for the Portland Press Herald, Portland, Maine. Married Jo Ann Perry, Camden, Maine. They have five children.

Established a trade paper, Maine Coast Fisherman, covering the commercial fishing and boatbuilding industry along the New England coast. Was editor and publisher of another publication, which he started, Outdoor Maine, writing about conservation, boating, camping, and fishing.

Was a member of the Board of Directors of the Panama Canal Company about 2 years.

Came to Washington as consultant to Assistant Secretary of Defense for Civil Defense in 1962. Was Director of Public Information for Office of Civil Defense. Last year named Special Assistant in the Deputy Under Secretary's office and has been working on Panama matters since.

The TOASTMASTER. I take great pleasure in presenting our guest speaker, Mr. C. Owen Smith.

REMARKS OF C. OWEN SMITH

Thereupon Mr. C. Owen Smith, in his address, gave the highlights on the forthcoming 50th anniversary celebration plans, to be held in the Canal Zone in August of this year. Because of present conditions the celebration will be very much restricted in size. The original plans developed by the Panama Canal Company's Coordinating Committee and industry's Trade and Travel Committee have been dropped because of the many new uncertainties growing out of the riots of January 9, 1964. The original plans called for an extensive golden anniversary celebration of the 50th anniversary opening of the canal to begin August 15, 1964, and extend through March 1965. The present reduced celebration plans are as follows:

A. Trade and Travel Committee and Ernest Wittenberg Associations, public relations firm, plan a special supplement to the Sunday New York Times about August 16, 1964. The supplement will feature pictures and stories concerning building and operation of the canal, and service it performs for shipping. Advertising support will come from companies with direct interest in the canal and the area.

B. The Panama Canal Company plans:

1. Stamps: Six airmail stamp designs to show views of Cristobal Piers, Gatun, Madden Dam, Gaillard Cut, Miraflores, and Balboa. These will be available by writing Philatelic Agency, Canal Zone Government, Balboa, C.Z.

2. Brochure: A commemorative brochure covering construction, operation, and improvement of the canal is being prepared and will be available in August.

3. Medallion: A bronze commemorative medallion featuring the "Golden Anniversary" on the obverse and the Panama Canal seal on the reverse will be struck.

4. Movie: Copies of the company's documentary movie have been mailed to the superintendent of public instruction in each of the 50 States.

5. Monument: A monument to the construction workers made of stone carrying a memorial plaque will be erected.

6. August 15, 1964: On that date the SS *Cristobal* will transit the canal. A special luncheon will be served to invited guests, local military officials and canal officials. There will be appropriate speeches and the monument to the construction workers will be unveiled.

The TOASTMASTER. Many thanks, Mr. Smith, for your informative address, and your kindness in joining us today. We are, indeed, very grateful.

At this juncture, President Cheeseman moved a vote of thanks for the guest speaker, which was unanimously adopted.

At the luncheon the toastmaster introduced those at the speaker's table in addition to Mr. Smith, the president of the society and himself as follows:

Alexander E. McClure, former president of the society.

Former Governor of the Canal Zone, Maj. Gen. Glen E. Edgerton.

Col. George S. Brady, former president of the society.

Col. David R. Wolverton, prominent attorney and former president of the society.

Andrew W. Dewling, former president of the society.

Fred G. Swanson, an oldtimer and former member of the Texas Legislature from Tyler, Tex., and a member of our society.

Col. Hugh M. Mitchell, former president of the society.

Ben M. Williams, former superintendent of schools in the Canal Zone.

Distinguished personages in the audience, noted by the toastmaster were:

Mrs. Aileen Gorgas Wrightson, past president of the ladies auxiliary of the society.

Walter G. Ross, business executive, who was the quartermaster during the construction era, and a former president of the society.

Capt. Miles P. DuVal, U.S. Navy, historian of the Panama Canal.

Clarence L. Chapin, former president of the society.

Edward H. Davidson, former president of the society.

Dr. John Shadrick, chairman of the executive committee.

Frank M. Hill, former president of the society.

George Colberg, former president of the society.

In closing the formal program Governor Thatcher turned the meeting over to President Cheeseman, who appointed Governor Thatcher as chairman and Walter G. Ross, Colonel Wolverton, Colonel Brady, and Mr. Dewling as members to serve on the 50th anniversary celebration committee for formulating plans to represent the Panama Canal Society of Washington, D.C., on the Canal Zone during the golden anniversary celebration in August of this year. These appointments were approved unanimously by the members of the society. During the business meeting the election of officers and members of the executive committee for the coming year took place. Dr. John H. Shadrick submitted a list of nominees. In conclusion the retiring president turned over the gavel to the newly elected president, who made a few brief remarks of acceptance and the meeting was adjourned.

Oil Imports

EXTENSION OF REMARKS

OF

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1964

Mr. PICKLE. Mr. Speaker, at a meeting recently held here in Washington a group of men deeply concerned about the domestic oil industry appeared before Secretary of the Interior Stewart Udall.

These men were particularly interested in two phases of the oil industry.

First. The continuous increase of quotas on crude oil imported into this country.

Second. The projected and contemplated increase into one district of some 98,000 barrels per day for the last half of this year to, as Secretary Udall expressed it, "fill a supply and demand gap in district V."

The domestic oil producers took the firm position that domestic oil must get part of this increased U.S. market and that by October 1, 1964, at least 50,000 barrels a day of domestic oil could be moved economically through existing pipelines to the west coast.

There seems to be a determined effort to keep the west coast market shut off from increased domestic supplies. This surplus domestic crude oil is being blocked out in the supplying of the oil deficit in the west coast area.

Mr. Speaker, may I point out the serious situation that exists today in the oil industry.

Prior to the conference with Secretary Udall, Governor of Texas John Connally wired the Secretary in part:

> As Governor of Texas, I strongly urge revision on U.S. oil import policy before the next quota period. Recent deterioration in Texas crude prices and declines in production threaten to erase the slight progress of 1963 and to assure a third consecutive year of decline.
>
> The domestic producing industry must grow in proportion to total imports, under a stabilized price structure. Otherwise, Texas will not be able to provide its vital share of the domestic oil-producing industry's defense burden.
>
> I particularly urge a change in the program to allow movement of oil from the surplus region to the west coast. This offers a real opportunity to alleviate our situation.

It was further developed, by those appearing for the oil industry that crude prices are down some 20 percent a barrel or about 7 percent from 1957.

Hourly wages paid to industry rose 15 percent and the overall cost of drilling and equipping a well increased 9 percent during the same period.

Crew months reached a peak in 1955 and dropped steadily since then with activity in 1962 down almost 50 percent.

Number of wildcat wells reached a peak of 13,000 in 1956 and dropped steadily since then to only 8,000 in 1963.

Total number of wells drilled—development and wildcat—hit an alltime high of 58,200 in 1956 and has dropped 14,500 or about 25 percent since then.

Employment in the producing branch is off 50,000 or 15 percent since 1957.

It was pointed out to Secretary Udall that a means be found of allowing domestic producers to enjoy their share of U.S. market growth, by curbing unnecessary foreign imports and making markets available to domestic producers.

Mr. Speaker, the reference to "defense burden" in Governor Connally's telegram to Secretary Udall is a timely warning that in the event of any situation that involves the United States that the domestic oil industry will be immediately called upon to step up production.

If the domestic oil industry is seriously crippled by failure to stimulate production, the the demand for such increase cannot be met.

This is a serious situation, Mr. Speaker; we must insure the continued production of domestic oil; and if this means curbing excessive imports, or other legislation, we should start reviewing this matter immediately.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 19, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Philippians 4: 19: *But my God shall supply all your need according to His riches in glory by Christ Jesus.*

Eternal God, our Father, who art acquainted with our many needs and canst supply them all, give us the faith that trusts and commits itself humbly and heroically to Thy guidance in these confused and troubled times.

Grant that the leaders and Members of this legislative body may be endowed with that wisdom which will enable them to bring to fulfillment all those noble aspirations which Thou hast planted within the soul of humanity.

Show us how we may banish from the mind and heart of man those attitudes which are alien to the spirit of our blessed Lord and at variance with His teachings of the Sermon on the Mount and the Golden Rule.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPROVAL OF WORK PLANS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

June 18, 1964.

The Honorable John W. McCormack,
The Speaker, House of Representatives,
Washington, D.C.

My Dear Speaker: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State, watershed, executive communication, and committee approval:

Mississippi, Bear-Tilda Bogue, No. 1801, June 16, 1964.

Arizona, Buckeye, No. 2043, June 16, 1964.

Oklahoma, Lower Bayou, No. 2043, June 16, 1964.

Oklahoma, Upper Bayou, No. 2043, June 16, 1964.

Oklahoma, Okmulgee Creek, No. 2043, June 16, 1964.

South Dakota, Turkey Ridge Creek, No. 2043, June 16, 1964.

Sincerely yours,
Charles A. Buckley,
Member of Congress,
Chairman, Committee on Public Works.

ADJOURNMENT UNTIL MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FURTHER TRAVEL TO CUBA, CONTRARY TO OUR NATIONAL INTERESTS, BY U.S. STUDENTS EVIDENCES CLEARLY THE NEED FOR LEGISLATION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, grist for the Communist propaganda mill is being ground out by U.S. citizens, so-called students, now visiting in Cuba, contrary to our best interests and to the U.S. travel ban to that country.

The statement of an American student, an admitted Communist, Edward Lemanski, of New York, according to the Washington Post article of this date, which I place in the Record at this point, states as follows:

[From the Washington (D.C.) Post, June 19, 1964]

STUDENT WANTS CUBA IDEAS HERE

Havana.—The leader of a group of 75 American students visiting Cuba in defiance of a State Department ban said today that the visitors want to take socialism back to their country.

"We want to know the correct methods used here as well as your mistakes to be well prepared to take socialism to our country," said Edward Lemanski, 23, of New York.

Lemanski said he donated to a Cuban blood bank yesterday because "my Government is responsible for the loss of much Cuban blood and I want to give back the Cuban people some of that lost blood * * * several others here think the same way."

Yvonne Bond, of San Francisco, said her blood donation represented to her "my biggest anti-imperialist gesture. I want it used in some Cuban wounded fighting against any eventual attack by the United States."

All of the students in the group donated blood except Scott Wilson, 16, of San Francisco, who was under the minimum donor's age. He called Communist Cuba "a wonderful thing."

Judy Chessman, of New York, who said she was a City College student, said her blood donation was in gratitude to the Cuban people.

Mr. Lemanski made this statement when he arrived in Cuba in a radio interview.

The article above states that the American students visiting Cuba in defiance of a State Department ban said today that the visitors want to take socialism back to their country.

I am placing at this point in the Record a letter from the Student Committee for Travel to Cuba, signed "Fraternally, the Student Committee for Travel to Cuba."

The letter follows:

Student Committee for
Travel to Cuba,
New York, N.Y., June 1, 1964.

Dear Friend: Because of space limitations on available transport to Cuba we have had to cut down considerably on the number we can take this year. Knowing how many people were counting on going made the task of selection an unpleasant one. We were not able to make a final list earlier as we were waiting for the number of candidates from the area representatives around the country. Frequently we were forced to conform to regional quotas, age, and other impersonal factors in making our decisions. We are sorry that you can't be included.

We know that all those who made applications were committing themselves to the struggle against the travel ban and the isolation of Cuba, and we appreciate the integrity and courage motivating this commitment.

The attack that we are making against our Government's policy is just beginning to gain momentum, and we are planning other trips and political activity to further our goals. We hope that you are interested in participating in these activities.

As soon as possible, we will refund your deposit.

Fraternally,
The Student Committee for
Travel to Cuba.

I testified today before the House Immigration Subcommittee on two bills which I have introduced which have as their objective tightening up the loopholes that prevent the Government of the United States from properly enforcing its travel ban to Communist countries from which we have withdrawn recognition, and in particular with relation to Cuba. I think this is one of the most vital issues facing the Congress of the United States, and I am hopeful that the committee will take proper action on the legislation proposed.

Mr. Speaker, the testimony I gave before the Immigration Subcommittee today is as follows:

TESTIMONY BY U.S. REPRESENTATIVE WILLIAM C. CRAMER, OF FLORIDA, BEFORE THE HOUSE IMMIGRATION SUBCOMMITTEE, JUNE 19, 1964, IN BEHALF OF HIS BILLS, H.R. 11603 AND H.R. 5320

Mr. Chairman, I am here today to testify in support of legislation which has, as its ultimate goal, the purpose of implementing the express policy of the State Department's ban on travel to Cuba and other countries with which we do not have diplomatic relations and in which travel is contrary to our interests.

In support of this legislation, I intend to exhibit the clear need for its passage, the present activities and backgrounds of some of the people it is aimed at, and the type of legislation which I believe will do the job.

Through a press release dated June 29, 1961, apparently aware of the number of U.S. citizens traveling to Cuba illegally, the State Department publicly announced the following:

"On January 16, 1961, the Department of State publicly announced that all U.S. citizens desiring to travel to Cuba must obtain passports specifically endorsed for such travel by the Department.

"The Department has recently received information that some U.S. citizens are being encouraged to travel to cuba via Central or South America without complying with the passport requirements.

"Travel to Cuba by a U.S. citizen, without a passport specifically validated by the Department for that purpose, constitutes a violation of the travel control law and regulations (title 8, United States Code).

"The Department warns all concerned that a willful violation of the law is punishable by a fine of not more than $5,000 or by imprisonment of not more than 5 years, or both."

On April 3, 1963, in testimony before the Senate Internal Security Subcommittee, I introduced into the record of that subcommittee, a list of 99 American citizens, many with Communist backgrounds, who traveled to Cuba illegally. The list only covered 9 months in 1962.

I also introduced into the record of that subcommittee advertisements which appeared in the Worker and the National Guardian wherein people openly advertised the fact that they went to Cuba. They returned to this country and were making speeches and showing films glorifying the Communist revolution in Cuba.

What do some of these people do when they get to Cuba?

This is answered by CIA Director John A. McCone who, in testimony before the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee, on pages 65 and 66 of the printed hearings, stated the following:

"At least 1,000 to 1,500 persons came to Cuba during 1962, from all other Latin American countries with the possible exception of Uruguay to receive ideological indoctrination or guerrilla warfare training or both. More have gone in 1963 despite the limited facilities for reaching Cuba at present."

And, the House Subcommittee on Inter-American Affairs, following its hearings on "Castro Communist Subversion in the Western Hemisphere" said, in part:

"International Soviet agents, experts in the field of revolutionary propaganda, terrorist tactics, and guerrilla warfare, are operating schools for violence in Cuba, training and indoctrinating Latin American subversives. The Soviet Union as well as its Cuban puppet regime must bear the responsibility and consequences for subversive attacks on nations of the Western Hemisphere."

I might point out that, at the time the committee reported its findings, it apparently wasn't aware that included in the list of subversives traveling to and from Cuba were U.S. citizens. I say this despite the fact that, as evidenced by their press release of June 29, 1961, the State Department was well aware of the illegal travel of U.S. citizens to Cuba.

Subsequent to all of the above testimony and committee findings, a large group of American students, under the name of the

"Permanent Student Committee for Travel to Cuba," ventured to Cuba, met with Castro, applauded when films were shown of American pilots being shot down in Vietnam, and then thumbed their noses at our laws when they returned. Many of us were present when, before the House Committee on Un-American Activities, these students showed their contempt for the Congress and their country.

To date, although it is against both the announced policy of the State Department and the law to travel to Communist Cuba and other countries such as Red China, the Justice Department has not been able to get one single conviction.

The one conviction the United States did get was reversed by the U.S. Court of Appeals, fifth circuit, on February 20, 1964. This was the case of *U.S.* v. *Worthy* (328 F. 2d 386, 1964) in which Worthy visited Cuba and then returned to this country without a valid passport.

The difficulty in getting convictions is the problem of establishing the traveler's intent to visit Cuba when he leaves the United States. In most instances, these people enter another country such as Mexico and then travel to Cuba.

Thus, it is claimed, they did not plan to visit Cuba when they left the United States but decided upon it after they reached another country.

Were these people who travel to Cuba a harmless and innocent group of young Americans seeking adventure, my fears would not be so great. But such is not the case.

Most of these people are carefully trained by persons whose avowed aim is to turn the minds of our Nation's youth against the policies and national interests of the United States. Many of the young people in this drive are recruited directly from our college campuses. The majority of them are probably dupes, unaware of what they're doing or whose goals they are furthering.

Nevertheless, dupes, or not, they are serving purposes alien to those of this country and effective laws should be put on the books whereby the leaders can be convicted and this practice brought to a halt.

I should emphasize that the problem of U.S. citizens traveling to countries illegally is not isolated to travel to Cuba. The most recent known group of so-called students to travel to forbidden countries went behind the Bamboo Curtain. They were two Puerto Rican students, Rabell Martinez, and Marta Sanchez Olmeda.

Both are members of FUPI (Federation of University Students), an organization which openly espouses strong, anti-American sympathies.

These students met with Mao Tse-tung, participated in a Communist youth movement in Budapest, toured North Vietnam, and North Korea.

In Peiping on March 30, these students issued a joint statement with the All-China Students Federation stating that both the Chinese and Puerto Rican students "will strengthen their unity and the cooperation between their organization in the common struggle against U.S. imperialism."

The joint statement also said: "The great Cuban revolution pointed out a correct path to national liberation for the students and other sections of the people of Latin American countries."

Such anti-American, pro-Communist statements were made, and speeches delivered, throughout their trek behind the Bamboo Curtain. They are now back in Puerto Rico, most likely fanning the fires of anti-Americanism and encouraging other young people to join them in their battle against the United States.

Incidentally, neither had a valid passport for travel to Red China.

A group of students in the United States, under sponsorship of the Committee for Nonviolent Action, are presently in Miami reportedly awaiting State Department approval for travel to Cuba. I am happy to say that, to date, this approval has not been forthcoming.

The group, in its March 20, 1964, bulletin said, however, that it would if necessary engage in "civil disobedience" in order to get to Cuba. They said: "If all reasonable efforts to secure permission from the State Department for the walk team to travel to Cuba have failed, a selected team will attempt to proceed to Cuba, using the most appropriate means of transportation available, and engaging in civil disobedience if necessary."

The group, on what it calls a "Quebec-Washington-Guantanamo peace walk," has been spending its time awaiting travel to Cuba by picketing various places in Miami.

I have here a number of photographs of the group in Florida. As can be seen from the signs they are carrying, their big push now is for the United States to get out of Vietnam.

The leader of this march group is Bradford Lyttle.

It has been reliably reported that other students active in this effort were recruited from the Young Peoples Socialist League and the Students Act for Peace group on the Florida State University campus and some of the members of these organizations are now in Miami and joining in the marchers' campaign to condemn U.S. intervention in South Vietnam.

Also tied in with this group, and a member of the Quebec-Washington-Guantanamo peace walk is one Perry Ray Robinson, Jr. Robinson has an FBI record ranging from felonious assault to possession of narcotics. He is pictured in a number of these photographs.

An insight into the future plans of these people was revealed by Mr. Scott Herrick, who is on the executive committee of the Committee for Nonviolent Action. In an interview aboard his boat, the *Mondivitano*, docked at Summerfield boatyard, Fort Lauderdale, on April 30, 1964, Herrick said that he will soon be sailing to California where he plans to round up support and money for a "peace walk" to Red China.

He also hinted that there were other ways to get these students into Cuba if permission is not granted by the State Department.

I am not suggesting, Mr. Chairman, that the Committee for Nonviolent Action is a Communist-front or Communist-sympathetic organization. Its leader is a Dr. A. J. Muste who is reportedly the world's leading pacifist.

The fact of the matter is, and as their behavior has well illustrated, organizations such as the Committee for Nonviolent Action are rapidly infiltrated by Communists and the goals of the committee are soon subverted to serve the ends of the Communist movement.

In addition, assuming these people are completely divorced from any Communist influence, the inability of the United States to protect them when they are in Cuba or Red China is reason enough to prevent them from going to these countries in the first place.

One member of the Permanent Students Committee for Travel to Cuba, while in Cuba last summer, mysteriously drowned in a hotel swimming pool. There have been persistent reports that he openly voiced his disillusionment with the Castro dictatorship and was murdered.

This brings us, Mr. Chairman, to the recent announced arrival of 75 U.S. citizens in Cuba. These people, members of the same organization that went to Cuba last summer, the Student Committee for Travel to Cuba, entered Cuba through Prague. The group's arrival in Cuba came as a complete surprise to our State Department, something that I find hard to believe.

Certainly it is unusual for 75 people who request visas to Prague to escape detection.

The group now in Cuba is led by Ed Lemansky, a self-admitted Communist.

On the day of his arrival in Cuba, in a radio interview, Lemansky said that: "The U.S. Government fears that those who return to the United States will tell publicly the truth about what goes on in Cuba. They think that if the people learn the truth about the Cuban revolution, the workers particularly will throw themselves into a struggle to attain socialism."

Apparently Mr. Lemansky knows what the truth is before seeing conditions in Cuba although viewing conditions is their ostensible purpose for going to Cuba in the first place.

Describing the Cuban revolution as "the beautiful thing that is taking place in Cuba," the students said that when they returned to this country they will spread the truth.

That this illegal trip was planned for some time is revealed by the letter from the Student Committee for Travel to Cuba of June 1, 1964.

I do not believe, Mr. Chairman, that one need stretch his imagination to see what is going on. The Communists, expert on infiltrating well-meaning but misguided student groups, are intent on keeping the door open for travel to Cuba and other nations which it is against our national interests to recognize and to allow American citizens to travel to.

While waging their war of propaganda for the minds of our youth, they have also succeeded in exhibiting that the immigration laws presently on the books are inadequate to prevent travel to these countries.

The bill I wish to testify in behalf of today I offer in the nature of a substitute to amend the Immigration and Nationality Act to authorize, in the national interest, restrictions on travel by nationals of the United States in certain designated areas of the world.

It was over a year ago that I introduced a bill (April 1, 1963, H.R. 5320) which embraced as its objective the upholding of the sovereign's interests in imposing restrictions and prohibitions on travel to or transit through any country with which the United States does not maintain diplomatic relations, or has canceled or suspended such relations.

In the interim, I have had time for reflection upon the cases in which Communists and those who would oppose normal procedures with reference to passports have attacked and blocked and evaded the authority and prerogatives of our country in controlling transit into troubled spots on our hemisphere and throughout the world.

I have been seriously concerned, Mr. Chairman, about the fact that "in the last analysis this power rests upon the right of self-preservation, the ultimate value of any society" (and I quote from the Supreme Court opinion in Barenblatt back in 1959, 360 U.S. 109). There appeared there a sensitive regard, to my mind, for the right of our country to exercise vigilance and to exercise it effectively.

Alleged loopholes coupled with an inordinate stress upon the rights of an individual to come and go as he pleases even in conflict with his country's best interests have made it imperative that we adopt legislation that will close the loopholes opened by technicalities and put the stress where it belongs * * * upon the right of self-preservation of the United States properly balanced with a maximum right of travel not inconsistent therewith.

I have had the advantage of ruminating over these points with constitutional law lawyers and I want to capitalize upon their recommendations and my own experience in studying cases. My present best judgment as to how we should proceed is embodied in the bill I first offered and in the substitute amendment I offer.

The expression of legislative intent in crystal-clear terms is needed. The Supreme Court has referred to "the right to travel," though without defining this "right" in any clear way. But the Supreme Court's own holdings make it clear that there is no absolute right to travel and we can work within the doctrine of the cases.

My new draft, offered here in conjunction with my original bill, will operate to separate passport questions from the problem of controlling U.S. nationals as our national interest may require.

By separating travel restrictions from any passport question, we can remove any possibility of a successful constitutional attack on refusal of a passport to a subversive person.

The control of passports can again become, as it should be, a matter for executive discretion. Passports can be regarded once more as cards of accommodation and endorsement issued by the State Department to worthy U.S. citizens but limited as the national interest requires with adequate penalties to protect those interests when illegal travel occurs.

My proposal calls for regulation of travel, in the national interest, by the executive branch, under specific authorization by Congress.

It would be impossible to set up, by act of Congress, a scheme of operation which would envision all possible contingencies where the national interest, in the conduct of foreign affairs, might require travel restrictions. Furthermore, I have come to the conclusion that a congressional attempt, as originally proposed, to ban all travel behind the Iron Curtain and in countries not within our favor from time to time is susceptible to attack in our courts possibly on grounds of arbitrariness * * * it could be argued with some force that such a rigid ban fails to take into account all conditions at all times, for example, the right of a newspaperman to "get a story."

Such a complete ban would not solve the problem with respect to Iron Curtain countries with which we do maintain diplomatic relations and is so rigid it might even interfere with travel of our own diplomats.

We focus here upon the right of the Government, in the national interest and in the conduct of foreign affairs, to supersede the travel desires of an individual when there is conflict between the two.

The type of statutory operation which I propose must pass the test of due process. My bill does this. The right of travel, as I have pointed out, is not an absolute right, but is a relative right, one that may be subordinate to the national interest.

The findings of the Congress, as set forth in this bill, and the Secretary of State's findings in specific cases, resting on the constitutional power of the President in controlling all foreign affairs, fulfill all the requirements of due process.

Let me implement this reasoning by quoting from the law authorities.

Chief Judge Prettyman in the *William Worthy* case in 1959 (270 F. 2d 905) treated of the Secretary of State's general policy (which I now wish to implement) of refusing Goverment sanction to travel by U.S. citizens in certain areas of the world, presumably under Communist control and deemed by him to be trouble spots.

Said the Chief Judge:

"Liberty itself is inherently a restricted thing. Liberty is a product of order. There is no liberty in anarchy or in chaos. Liberty is achieved by rules, which correlate every man's actions to every other man's rights and thus, by mutual restrictions one upon the other, achieve a result of relative freedom. The mere day-to-day maintenance of the order which insures liberty requires restrictions upon individual rights. Some actions, neither harmful nor potentially dangerous, must be restricted simply for the sake of good order in the community."

The circuit court of appeals concluded that the right to travel, like every other form of liberty, is, in our concept of an ordered society, subject to restrictions under some circumstances and for some reasons. Worthy was tried on his attempt to return to the United States without a passport.

The chief judge pointed out in that same case a potent reason why the bill I now introduce is so needed. The presence of American citizens in trouble spots on the earth's surface and the official approval of their presence in those areas will impede the execution of American foreign policy in relation both to these countries and to other countries.

By requiring a formal finding by the Secretary of State (subject always, of course, to Presidential control) and providing for publication of this finding and specific regulatory determination of travel controls, my bill meets the due process test. By reserving a measure of discretion to the Secretary, it retains essential flexibility.

A key criterion of the validity, legality, and constitutionality of the bill now introduced is to be found in the 14th paragraph of the syllabus of the February 20, 1964, decision of the Circuit Court of Appeals, Fifth Circuit, 238 F. 2d 386. This court, while upsetting Worthy's conviction of existing passport laws, concluded, however, that:

"Right of foreign travel may not be arbitrarily or unreasonably restrained but is not an absolute right, and right of Congress to require passports and to impose reasonable restrictions is not dependent on existence of state of war but may be exercised under broad power to enact legislation for regulation of foreign affairs."

The circuit court was speaking in the second William Worthy case and stated in its 15th paragraph of syllabus:

"Congress may punish violations of statutes imposing restrictions on right of citizens to travel in foreign countries."

Examination of my new bill will disclose, I am sure, that it embraces the very criteria of the courts themselves.

The initial bill, H.R. 5320 intends to add strength to section 125(a)(b) by making it a crime to falsely state in an application to depart or to falsely state at the time of his entry that he intends to travel or upon return that he has traveled to a restricted country and also to make it a crime to actually travel to any country with which the United States doesn't maintain diplomatic relations.

This bill is limited to national emergencies and to countries with which the United States does not maintain diplomatic relations.

H.R. 11603 is intended to supplement H.R. 5320, particularly in view of the court decisions and the difficulty of proof involved. It does not require the declaration of a national emergency, nor does it require that recognition be withdrawn in order to be operative. Thus, it gives the Secretary of State, obviously after consultation with the President, the power to determine countries or areas to which travel is restricted in the national interest and makes the actual travel there itself a crime. This avoids the constitutional and, as the Worthy case proves, the almost impossible proof burden of the intent existing before the party leaves the country. In the Worthy case, apparently the Justice Department chose to rely on the reentry rather than the leaving the country count because of the difficulty in proving intent to visit another country upon leaving.

Thus, I believe that a combination of the two bills that I have introduced will serve the best interests of the United States and still not unduly restrict travel or raise unnecessary constitutional "freedom of travel" questions.

CONGO PROSPECT

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, as I said 2 days ago when I inserted a letter from Monsieur Moise Tshombe in the CONGRESSIONAL RECORD, including an editorial from the Washington Evening Star, I am continuing to pursue my efforts in trying to discover the truth in this miserable and tragic situation.

The Star has now come out with another excellent editorial in the issue of the 18th of June 1964. Mr. Speaker, I call particular attention to the fourth paragraph in which the following statement occurs:

> There is terrible irony involved here. The U.N., with the support of our Government, is responsible for having destroyed the only stable element in the Congo—President Tshombe's regime and its efficient army in Katanga, by far the richest and most orderly part of the convulsed former Belgian colony. Neither the United Nations nor the United States has reason to be proud of this; the evil consequences are still in the making.

This is the same Tshombe who was refused a visa by our State Department 2 years ago, and would probably receive the same treatment today.

CONGO PROSPECT

It is a melancholy fact that there is nothing optimistic or congratulatory to be said about the Congo Republic as it prepares to mark the fourth anniversary of its independence from Belgium. Only the Communists, particularly the Chinese, can find the prospect pleasing.

As for the free world and the Congolese themselves, it is a bad prospect at best. The news speaks for itself. With the support of Red China's "diplomats" in the neighboring land of Burundi, primitive "rebels"—including pygmies armed with little more than spears and witch-doctor charms—have made a laughing stock of the military establishment that is supposed to uphold Premier Adoula's "central government" in Leopoldville.

This is a bleak fact of depressing importance. The Congolese army is such a completely mushy and uncertain thing, and it is so incompetently officered, that the future of the Congo seems to promise little more than bloody tribal warfare and anarchy—a period of turbulence and torment inviting a Communist takeover. The danger is both real and present. The United Nations is scheduled to withdraw all its forces from the country by the end of the month. What will be left then to hold the country together to keep provinces like Kivu and Katanga from being taken over by the "rebels" and put under Red control? Certainly a few U.S. civilians recruited by the CIA to fly reconnaissance planes over the troubled areas would not do the trick, even if they were permitted to continue operations.

There is terrible irony involved here. The U.N., with the support of our Government, is responsible for having destroyed the only stable element in the Congo—President Tshombe's regime and its efficient army in Katanga, by far the richest and most orderly part of the convulsed former Belgian colony. Neither the United Nations nor the United States has reason to be proud of this; the evil consequences are still in the making.

> What will happen next? The outsider can do little more than hold his breath and guess. All one can be sure of at the moment is that the Congo remains, perhaps more than ever, a cauldron—and a prime example of how independence can be a curse when it is imposed on a people too soon, when they are woefully unready for it.

FEED GRAINS PROGRAM

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the feed grains program, now entering its fourth year, is already a $2.5 billion dollar bust. It is too late to drop the program for 1964, but it should not be permitted to plague the taxpayers beyond this year.

According to U.S. Department of Agriculture estimates, the program cost $2.5 billion during its first 3 years, 1961–63. In my opinion, this is a very conservative estimate.

What did the taxpayers get for their money? There are two ways to evaluate the performance of the feed grains program, and either way it comes out a costly fizzle.

First, did it cut back total production of feed grains, and if so, how much? Here the program worked in reverse. Production is up, not down. Here is the sad story of the three crops under the feed grains program, taken from U.S. Department of Agriculture reports:

[In bushels]

Production	1960	1963
Corn	3,908,000,000	4,082,000,000
Barley	431,000,000	400,000,000
Grain sorghum	620,000,000	583,000,000
Total	4,959,000,000	5,065,000,000

Change, from 1960 to 1963: production increased 106 million bushels.

Second, did it result in a cutback in Government carryover stocks, and if so, how much? This too is a sad story even if one assumes that the Government program was responsible for every bushel cutback in stocks.

Figures just released show that the cutback in Government stocks during this 3-year period was only 514 million bushels.

Department estimates of Government carryover stocks, all positions, at the close of the marketing year:

[In bushels]

	1960	1963
Corn	2,008,000,000	1,550,000,000
Barley	153,000,000	140,000,000
Grain sorghum	703,000,000	660,000,000
Total	2,864,000,000	2,350,000.000

Change: Carryover down 514 million bushels.

With the program cost at $2.5 billion, and the cutback only one-half million bushels, each bushel cutback cost the taxpayers an average of $5, or about five times the market value of the grain.

Any fair evaluation of the program's performance must include the effect it has had on livestock prices. The Government's dumping of corn in 1961 and 1962 to get a good signup invited abnormally heavy livestock feeding. This, in turn, triggered today's disastrously low livestock prices. The exact pricetag of all this is impossible to fix, but it can be conservatively placed at $3 billion.

BRUCE SAGAN AND THE INCREASING POWER OF THE COMMUNITY NEWSPAPER

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, recently the President of the United States and Mrs. Johnson entertained at a state dinner in the White House one of the great royal heads of Europe. It was, of course, a social and state occasion of the first order. Among the 200 guests were Mr. and Mrs. Bruce Sagan of Chicago, residents of and voters in the district that I have the honor to represent in this distinguished body. When a young couple is included in the limited invitation list to a state dinner at the White House it does not go unnoticed. Some of my colleagues, who reside miles away from my beloved Illinois, have asked me who is Bruce Sagan.

I think you will be hearing much of him in the future. He is in his early thirties, and he is part, indeed a very potent part, of a new movement in our country, as yet unnoticed by many, that will mark an increasing transfer of journalistic influence from the large daily central newspapers to the community newspapers. Mergers of large newspapers in every city of the United States have resulted in concentrating the control of journalistic influence in a few hands. Chicago is an illustration. In former years there were many newspapers published in the city of Chicago. Now there are four newspapers, a morning and an afternoon newspaper under one ownership, and a morning and an afternoon newspaper under another ownership and control. Whether this is good or bad, I am not now debating. Certainly I have no complaint over their treatment of me. Indeed, I think all the newspapers of Chicago, even those who did not support the party of my faith and affiliation, have been fair to me personally.

But what is important is that as mergers have concentrated the control of large daily newspapers in a few hands, there has been a marked shift of journalistic influence to the community newspapers. In this shift I would say unquestionably Bruce Sagan has been the most important figure nationwide, as a study of his accomplishments will disclose.

Mr. Speaker, I wish to make it perfectly clear. I have no quarrel with the large centrally located daily newspapers. I think they will continue to make their contribution. But more and more I think the community newspapers will come to exercise an ever increasing influence on the thinking of the American people. And, Mr. Speaker, I am very, very proud of the community newspapers in my district, including the Daily Calumet.

Bruce Sagan is the publisher of Chicago's Economist Newspaper Group, publishing four weekly and three twice-weekly newspapers on Chicago's South Side and south suburbs. The group has a combined circulation of 210,000.

In the first week of June of this year, Bruce Sagan was proclaimed "publisher of the year" by the Accredited Home Newspapers of America.

It was a very different story just a scant 10 years ago. Sagan was a reporter on the staff of the city news bureau. But he was a man with a dream. The dream became reality in 1953 when Sagan plunged into the purchase of the Hyde Park Herald, a weekly with nothing but red ink on the books.

To say that he worked hard to make the Hyde Park Herald a working proposition is an understatement. Sagan actually breathed life into a corpse, a newspaper that was but one edition removed from extinction.

The rebirth of the Hyde Park Herald gave the people of the area a voice at a critical juncture in the development of their neighborhood. The Hyde Park-Kenwood area was deteriorating rapidly. As new groups moved into the area, established families panicked and fled. With them went the business strength of the community—and its spirit. Sagan had faith, and he gambled in that faith. He gambled that a hard core still existed which would strongly support private and Government renewal. The Hyde Park Herald became an outspoken advocate to this end, and by 1956, men and machines were pouring into the area, tearing up entire blocks to make way for urban renewal. Another newspaper would have only reported the events—the Hyde Park Herald helped create these events.

What the Herald has done for Hyde Park is to hold the community together. And thus it is with all of this publisher's work. His various papers hold 50 or more communities together on Chicago's mighty South Side. His newspaper enterprises cover Catholic neighborhoods and Protestant neighborhoods and Jewish neighborhoods. They serve them faithfully; they serve them critically; they serve them well.

Sagan's newspapers are a moving force wherever they are read. It is not at all uncommon for the Chicago daily newspapers to reprint stories run in the Hyde Park Herald, Economist, Bulletin, Booster, Sun-Standard.

Bruce Sagan plays no favorites. He is a newspaper man in every sense of the word: incisive, objective, informative, interesting, and interested in all facets of life on Chicago's South Side. In appearance, he is quiet, well mannered, with a quick, but warm wit. As a man, he has many friends, a myriad of interests, and rides a perpetual merry-go-round of activities. As an editor, Sagan will criticize anyone who needs criticism, defend those who cannot defend themselves, champion any cause which means the betterment of the South Side and fight any that will not. On occasions he has criticized me, not any too mildly, and I think he was right.

But Bruce Sagan is not a man content to shape his community's destiny from behind the typewriter. His boundless energy is providing direct leadership for the entire city of Chicago. He is free with his time. He is free with his funds. He demands in return only excellence of performance from himself and from his city.

Sagan was a prime mover in raising $120,000 in equity bond money to develop Harper Court, a not-for-profit group which will provide a plaza for the fine arts and the artisans displaced by urban renewal from that cultural melting pot of Hyde Park.

Sagan bought a rundown inoperative movie theater and has creatively remodeled it. Soon its once-dark stage will be lighted with an off-Broadway continuing theater that will serve all of Chicago.

Sagan backed with cash and inspired with his leadership the construction of Chicago's first 221(d)(3) moderate income apartment building and is now involved in a second project of this type.

The Hyde Park Savings & Loan Association stands as a monument to the personal character of Sagan and a small, but determined band of South Side businessmen and private citizens. These men worked against all odds to establish what is now a wholly successful financial institution serving the needs of this growing region of the city. Sagan served on the board of the Hyde Park Savings & Loan Association until the time he was appointed to the Federal Home Loan Bank of Chicago.

The Sagan style is well illustrated by his activities for the Ancona School. This pilot project of bringing new educational methods, the Montessori technique, was born with his help. He has not only spearheaded the fundraising efforts, the pupil registration efforts, helped select the teachers, but each weekend for the past 6 months he has with his own hands and hammer and saw and trowel been busy rebuilding a vacant school bought to house Ancona.

I could go on and on. I could talk about his fundraising efforts on behalf of St. Bernard's Hospital. I could tell you how he helped give the good Sisters of St. Joseph the tools they needed to serve their changing neighborhood.

I could mention his activities on behalf of the YMCA, Retarded Children's Aid, American Cancer Society, American Liberties Union, Hyde Park Neighborhood Club, Hyde Park-Kenwood Community Conference, and many others. Each organization mentioned represents not just an honorary title but work and effort and leadership provided by Bruce Sagan.

This recognition of his efforts that I have brought to your attention today is not the first. In 1963, he received the Chicago Junior Chamber of Commerce Young Man of the Year Award. Just recently, a banquet at McCormick Place honored him as Man of the Year. For all I know, another organization today is honoring him as Man of the Year. I think he is one of the men of the decade. I should say one of the persons of the decade since on a future occasion I shall tell my colleagues of another epoch-making constitutent of mine, Judge Edith Sampson.

I have never known a man who has accomplished so much before he has turned 35 years old.

His newspaper efforts have brought him not only monetary rewards, but State, regional, and national recognition for his profession in the form of honors and prizes without number.

Because of Bruce Sagan, the community newspaper is again raising its voice in Chicago. This is no mean achievement. All of you that live in or near major metropolitan areas are constantly informed by the daily newspapers on what is happening in Vietnam, Moscow, Malaysia—even an Italian movie set on the White House lawn. But you have not the slightest idea what is going on down the block. And yet, we are the elected representatives of the people. We are supposed to interpret the wishes of the people to the Nation and the world. The community newspaper is one way we can check the pulse of the people we represent. It is a forum where everyone can speak, and we can listen.

Determination is contagious. The dramatic rebirth of the Hyde Park Herald and the other Economist newspapers has been marked by a new spirit among other weekly newspaper groups throughout America.

Today, the network of weekly newspapers in our cities has grown and become stronger. Weekly newspapers speak out on pertinent community issues, take stubborn stands where warranted, and throw full support to meaningful community programs. This editorial integrity and independence has brought more, not less, advertising and circulation.

Everyone respects a man who fights for something in which he believes. Bruce Sagan believes the community newspaper is an indispensible part of our society. He has fought long and hard to prove his convictions.

JOHNSON VERSUS JOHNSON

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, our President has changed his position so many times on so many issues that it is difficult to keep track of where he is at any given time, politically and stancewise. He hailed the recent cloture vote with enthusiasm. This does not jibe with the printed record of his beliefs as enunciated when he was a U.S. Senator from Texas. In 1949, when the Senate was debating a civil rights bill much milder than the pending one, Senator Johnson said, in opposing cloture:

> If I were given a choice, if I should have the opportunity to send into the countries behind the Iron Curtain one freedom and only one, I know what my choice would be. I would send to those lands the very freedom we are attempting to disown here in the Senate. I would send to those nations the right of unlimited debate in their legislative chambers. It would go as merely a seed, but the harvest would be bountiful; for by planting in their system this bit of freedom we would see all freedoms grow.

The reference to the Iron Curtain countries was particularly valid. It seems that Mr. Johnson has changed not only his opinion on cloture but his concern for the Iron Curtain countries now that he has hailed Khrushchev for his role in promoting peace.

PULPWOOD PROCUREMENT—AN INTERESTING AND REFRESHING APPROACH FOR THE NORTHEAST

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it is refreshing to see plans for economic development formulated which do not rely upon the Federal Government for aid and fulfillment. John C. Calhoun, Jr., of Gilsum, N.H., a good friend of mine and an able and enterprising forester with wide experience in all aspects of forestry, has proposed a plan for the development of a pulpwood mill operation that is novel in concept and would be directly beneficial to southwestern New Hampshire, southeastern Vermont, and parts of Massachusetts. Other areas faced with similar problems would also benefit from such a plan.

Mr. Calhoun's idea shows that individual creative thinking can still pave the way to more jobs and to economic progress without the necessity of help from Government make-work projects or handouts. As a tree farmer myself with some knowledge of forestry, I believe that Mr. Calhoun's proposal is an excellent one, deserving of serious consideration.

Mr. Calhoun's proposal was presented to the Northeastern Logger's Congress in Utica, N.Y., last spring and I would now like to share it with my colleagues:

PULPWOOD PROCUREMENT: PROBLEMS AND AN OPPORTUNITY

(By John C. Calhoun, Jr., forester, Gilsum, N.H., presented to Northeastern Logger's Congress, Utica, N.Y., April 7, 1964)

When the chairman of this program asked me to discuss problems associated with the procurement of pulpwood, and do it in 20 minutes, I was hesitant to accept. This is a tremendous subject, and one which I was very close to for a number of years. But the subject lured me to accept, since it offered me an opportunity to put down some of my ideas. After all, anyone who has been connected with this business in any way, has ideas about the problems, and an opportunity to set these ideas forth in public is rare, perhaps fortunately so. But the subject itself, pulpwood procurement, is so large and complex that if I fail to clarify and support some of my admittedly new and untried ideas, I hope you gentlemen will believe that I ran out of time, rather than that I am unversed in the essential ground rules of the pulpwood game, some of which I intend to question here today.

EXPERIENCE

Now my credentials for approaching this job can be briefly summarized. I was an apprentice forester for several years with a large paper company. More recently I have been involved as a logger and pulpwood producer, on a very modest scale. And presently I am a consulting forester dealing with management of forests and associated problems, based in Gilsum, which is near Keene, in southwestern New Hampshire. I might say that in this capacity, one of my main concerns has been with the lack of markets for our locally abundant low-grade trees, mainly the hardwoods.

BACKGROUND OF PROBLEM

Keene used to be a center for modest shipments of pulpwood, back in the days when wood was scarce, and the price per cord was $5 and even $10 higher than it is today. But this has traditionally been a log country, and since there were alternative markets, 4-foot wood never caught on. And, anyway, the prices fell, and the game was ended. Today there is a relatively small trickle of 4-foot hardwood, peeled or rossed, that makes its way to Lawrence, Mass., 80 some miles away. Off to the west along the Hudson River, there are some pulpmills which draw to some extent on the western edge of the Connecticut Valley in Vermont. But for the most part we find ourselves in the center of a vacuum for pulpwood markets, which is perhaps unique in the Northeast.

MICOVA REPORT

Much attention was focused on this vacuum during the early fifties, when the New England council, encouraged by the newly perfected techniques of pulping hardwoods, published the Micova report which went into some details about the potential of the middle Connecticut Valley for attracting and supporting a hardwood pulpmill.

One of the great assets was an existing surplus of hardwood of pulpwood size and quality of some 11 million cords, with an annual allowable cut of 400,000 cords.

Time has undoubtedly increased these volumes and rates, since this was 18 years ago, and since then more land has been retired from farming and our lumber industry has declined, particularly for markets of lower grade logs, both hard and softwood.

The Micova report and publication by the Federal Reserve Bank of Boston, and others, painted such a glowing and convincing picture of this area, of its numerous and nearby paper manufacturers who buy pulp, the available water, the transportation edge over western and southern pulp, and the potential for pulp export, and other plus factors, that those of us who were concerned with the problem, and there were many, felt it was just a matter of time before some giant of the pulp and paper industry would jump in here, and presto, solve our problems. A few secret surveys were undertaken, or alleged, by out-of-State forestry consultants. There was considerable rumor and discussion, there still is, but no action. It seems that during the middle and late fifties the industry found itself overexpanded, and nobody felt in a position to pick this ripe plum.

OPPORTUNITY FOR NEW SYSTEM

Considerable regret has been expressed over this fact, and many feel that we have been deprived of our golden opportunity. But in retrospect, I for one, feel that it was for the best. I say this because I feel certain, that if a pulpmill had been set up in the last 10 years, along the Connecticut River, anywhere between Northampton and Lebanon, it would have saddled itself, and the entire area with the same wood procurement system that has been around the Northeast with little basic change in 40 or 50 years, and we would be in no position to take advantage of the developments in filling pulpmill raw material requirements that have emerged within the last very few years.

So instead of being committed to a system of pulpwood procurement that was conceived back in the days of the river drive and the teams and the strong and sometimes expendable backs of the loggers, we in the Connecticut River Valley, have an unusual and real opportunity to help develop a pulpwood system that can break with the past and bring the first substantial change to the industry that the Northeast has seen in a good many years. The resources and advantages pointed out in the Micova report are still intact, and if the production figures for the paper industry released at paper week in New York last month hold up, it would look as though more pulp facilities would soon be needed to keep up with the demand for paper products.

LAND PURCHASE NOT NECESSARY

Perhaps the reason offered as frequently as any for the reluctance of a pulp industry to settle in our region, is the apparent lack of available land which the traditional industry thinking would require as a basis for raw material to justify the initial $20 million investment. Now this has always been considered important, in spite of the fact that I have never heard a company pulpwood man say that wood from company-run operations, on company land, have ever been able to compete with costs of purchased wood, except where veneer logs or other incentives helped carry the freight. Only the fact that lately there has been a decreasing amount of wood to purchase, might cause a shift to rely more heavily on company woodland operations. And perhaps there are good reasons for the fact that sources of purchased wood are drying up.

Now with reference to our area, I would suggest that there are grounds for believing that a wood procurement program designed to really encourage loggers rather than discourage them, would make it possible to obtain all wood requirements for a modern pulpmill without the company owning an acre of land. Such a program must stress cooperation with not only the producer but the landowner, and it must work to insure a sustained resource growing in the supplying area.

HIGH LAND PRICES AVOIDED

To go a step farther with the land problem: Any company would rightly be discouraged at the prospect of buying up several hundred thousand acres of forest in the Micova territory. But even if the high prices of land that might suddenly develop were acceptable, the shifting land-use patterns, the unpredictable land taxes, and other associated problems would cool the enthusiasm, and might tend to make such large acreages appear as a true liability. Then to crown the possibilities, the land buyer might have to wake up some day to find that he had just assembled a new national forest, or a park, or wilderness area, which could be taken from him "in the public interest." How much safer the wood supply would appear to be back in the hands of a thousand Yankee landowners. At least here it would take nothing but the economics of the market to bring the wood in. In all honesty can the paper companies, at least of the Northeast, say that their large holdings are always an unmixed blessing?

How then could the prospective company design a system that would secure the 300 or 400 cords per day of raw material needed to supply the industry?

CHIPPING INDUSTRY GROWTH

The last half dozen years have seen a partial answer to the need for additional or cheaper raw material for woodpulp in the development of the chipping industry, based on bark-free mill residues. This has been of vital assistance in supplying existing northeastern companies with a relatively cheap and convenient substitute for the old round wood. Of course, during this period, it has solved many problems for the pulpwood men too. It has virtually dried up the market for pine pulpwood, and made it impossible to attempt to produce hardwood pulp outside of the shadow of the mill, if then. But all must agree that chips have helped the pulp industry during some difficult times, and this has been most important.

However, available mill residues suitable for chips are limited, and it would appear that it is now or soon will be all spoken for in Vermont and New Hampshire, at least. If this is the case, how long will it be before the numerous chipping centers will be forced to turn to round wood with which to supplement mill waste, as the demand for the product rises?

After a quick look at the prices at which chips are being delivered to pulpmills today, one could only conclude that it would be impossible to buy round wood and debark it, and process it into chips and deliver. There would not be enough money to attract any wood and pay for the processing. Chip prices are just too low today, and probably in the immediate future.

Now I have been told the reasons that the prices for chips are lower than logic might lead one to expect, since the chipper has performed functions for the mill that save the mill considerable processing. The explantion is this, and no one disputes the point: the buying pulpmills already have invested many thousands of dollars in wood handling and processing facilities, including the drum barkers, the chippers, the screens, the woodroom, etc. The overhead of these facilities have to be charged off against every ton of raw material that goes through the plant, whether it is chips or round wood Still one can't help thinking of the fact that these chips are from a "waste product," and have had a free ride to the sawmills. This is too hot a point to dwell on here, and fortunately it need not be our concern in the area I keep referring to.

CHIPPING CENTERS THE KEY

It is my contention that a new mill could be fully supplied with raw material consisting entirely of chipped hardwood pulp that would be provided through a ring of five or six chipping centers, which would take over for the mill the purchasing of wood, debarking, chipping, screening, storage, and shipping on schedule to the pulpmill. Because this proposed mill could do without any of these facilities and would be spared the initial investment and operating costs, one would expect that the price that could be paid for delivered chips would be high enough to make this scheme practical. It is at this point that the incoming pulp company would have to review this whole process and the savings that could be effected by this system. And the price for chips will have to reflect that, with the result that the price of the wood, plus the debarking, the chipping, screening, the carrying of inventory, the delivery will all be properly rewarded and the sysetm will be based on sound economics from the start.

LOCATING CENTERS IMPORTANT

The basic supply for a new pulpmill would not be a byproduct of the lumber industry, and subject to its fluctuations. It would be round wood, in this area hardwoods, but it could also be some softwood. Round wood coming into chipping centers on a concentration yard basis, from an area within a radius of 20 miles of the centers, would be the source of the chip supply. Perhaps six of these complexes would be needed to supply enough wood for a 350-ton pulpmill. Because of the advantages of delivery schedule some of these centers should be shipping chips by rail and some by trailer truck. In order not to leave areas without a short truck haul these centers would have to be carefully located. My idea is that this system should try, if at all possible, to avoid penalizing producers that are at a distance from the mill. All the chip centers would be within a 505-mile radius of the site of the pulpmill. Long truck hauls of pulpwood should be avoided. Any distance hauling should be done when the material is in chip form, where bulk handling is possible.

OWNERSHIP OF CENTERS

Who would own these centers and run them, and have the headaches of acquiring the basic resource? The present chip system here in New England has the chip companies separate from the pulp companies. Suffice it to say that this system would have enough features to attract the wood, assuming always that the industry could afford a price schedule that would underwrite the operation.

STEADY SUPPLY

What features would attract and guarantee a flow of material to these centers? In my view the most important feature is the log length wood. Because of the ease of handling both in yarding and in loading trucks, and unloading, the log length approach has proven to be thoroughly practical. And if great trucking distances are not involved, it is far more advantageous to the logger. A diameter limit of 20 inches would be needed, and logs could vary in length from 8 to 18 feet. Since the scaling should be on a weight basis, there would be no need for any particular length within the limits. The chip mill operation would be identical to that carried on in chip centers now, except that a debarker for logs would be added to the line, and the chipper modified and its power stepped up.

ADVANTAGES TO LOGGERS

When I start to enumerate the advantages for the logger, I am talking from personal experience, and the list is long. Using identical equipment in all respects, a logger would find himself ready to immediately integrate his operation to include delivery of saw logs and pulpwood. This would serve to stabilize his economic situation. His saw logs, for which there is a strong demand for higher grades, would be more acceptable to the sawmills. No longer would logs of No. 3 common hardwood grade be dumped into the mills, where they are often unwanted. No longer will this material be left to rot in the woods. Loggers going for two products would find it profitable to go for one product. If trucking distances were limited to an average under 15 miles, it would be possible to deliver pulpwood logs on relatively light trucks. Perhaps it is too obvious to mention that the heavy investment in specialized logging equipment, not truly justified in light of the economics of the industry, which are subject to change, have caused a rather high mortality among the loggers in the Northeast. And the trend has appeared to be toward heavier and more expensive trucks in recent years, all lured on by the need for the 100-mile hauls. If smaller trucks, and lighter equipment can be used again, as they would in this proposed system, it would, in my opinion, be a very healthy trend. With all the uncertainties of the woods business, of which the markets and the weather are the major factors, and to which must be added the inevitable equipment breakdowns, as well as the bookkeeping and records, it would certainly appear to follow that the logger had greater chance for success in the long run, if he stayed, "small and on the ball," as was stated to a loggers' congress some years ago by a Maine lumberman.

This suggested approach to buying pulpwood might be expected to attract a flow of wood from farmers and small loggers, who are balking at handling wood in the conventional manner, and are not equipped to handle short wood and truck it great distances. A new method could be expected to reverse this trend, and since farmers control considerable acreage in the Micova area, this would be important.

BENEFIT TO TIMBER STANDS

Now speaking as a forester and landowner, I know that our timber stands will benefit tremendously by the removal of trees that are suitable only for firewood, and with a new market, for pulpwood. In order to stimulate growth in developing stands, there must be a market for thinnings and improvement cuts, and this must be recognized even by the sawmill men in our territory. There must be a market for the culls that are left behind, in charge of the forest, after the prime saw logs have been removed. Now these fears of some sawmill men who will predict that saw logs and potentially good saw logs would go to the chipper rather than to its highest eventual market, the sawmill, might have some basis. It should be one of the real concerns of the pulp company and the supplying chippers, that the loggers and woodland owners be educated to this situation, so that generally, each tree cut will reach its highest market, solely on the basis of economic return.

To keep the peace, and to insure the future supply, this idea will have to be woven into the forest economy of the supplying area. Of course the final determination of what part of the tree will arrive at what market will be determined on the basis of the return, but the returns should be equally fair for the logger and for the landowner.

SHRINKING LABOR SUPPLY

In the age of expanding centralization, where the efficiency of the large production unit seems to go without question, I submit that the pulp and paper industry should review this trend in general, but with reference to the part urban, part woodland areas in particular. What causes men to leave the woods and turn to other pursuits, or never even consider woodland work when choosing a career? Could it be excessive labor and investment and risk compared with traditional returns? The easier and safer ways to earn a living are all too available in our area, and woods labor is by no means captive labor. In order to hold what labor we have and develop new woodsmen, the work will have to become more stable and attractive. If I interpret the signs correctly, the availability of woods labor is going to be an increasing problem in the Northeast. The supply of Canadians, who are imported and handle a very significant part of the pulpwood cut in northern New England, is not as plentiful as it was 10 years ago. And there are fewer young men all over the Northeast entering the woods. Only by revamping the whole system of the major wood-using industry will it be possible to reverse the trend.

EFFORTS TO TURN THE TIDE

Now there have been two significant efforts by two separate pulp companies to turn the tide, and there may have been others that I do not know of. These two operations were based entirely on purchased wood from surrounding producers. And it is important to recall that little or no company land was involved, and all of these producers had to be found, attracted, and trained to new systems of pulpwood production.

One was an operation based in Mechanicsville, N.Y., where the buying company went to great pains to work with the producers and landowners, and devised easier wood handling involving pallets and winch loading. The other case in point was a log-length pulpwood program at Bow, N.H. Both these operations have ceased now, but I feel sure that this was not due to lack of available wood. On the contrary, at least in Bow, there was a problem of oversupply, so popular was this approach. I might be bold enough to guess that the reason these two operations were folded involved problems with the wood yards at the mills, which were conventional in that they were receiving 4-foot wood and doing all the processing and chipping at that stage, in the old manner, except at Bow, where the wood went through an early model log debarker.

Of course I have simplified the two situations here, but I feel safe to say that these two pioneering efforts serve to prove some points in favor of what I advocate today; that ample wood can be provided from an area of small forest properties here in the Northeast; that log-length pulpwood coupled with short truck hauls would be very popular with the producers. Neither of these operations went as far as I suggest they should have. And I have heard it theorized many times that this might have been in large part the problem with these two projects, now defunct. They had some real promise, but perhaps they did not go far enough in breaking with the past.

BACKWARD STATE OF OUR HARVESTING SYSTEMS

Last fall a group of Scandinavian foresters toured the Northeast and the Maritimes in Canada. Toward the end of their journey I saw them, and in a candid moment one of these men expressed to me his great surprise at the really backward state of our wood harvesting systems. Apparently in Sweden, every farmer has a tractor with a radio-operated winch. There is no real backbreaking work involved in logging. I judged that wood harvesting technology was similarly advanced all along the line in Scandinavia. I was dismayed, but not entirely surprised, at this reaction from this Swedish forester, that we lagged in this respect. We can go to the South or the West in our country and see a contrast to our system. It is a paradox that our pulpwood industry lags so far behind others. Even the farmers in the Northeast appear to have advanced ahead of us in mechanization of material handling.

CONCLUSION

In trying to pull this paper together for conclusion, I realize that I have oversimplified many of the points mentioned, and I have failed to even mention other questions, such as the railroads and pollution problems, for new mills. There are many other problems which are central to this idea, all requiring answers.

I will not apologize for appearing to make a pitch for my area in trying to attract attention of a potential woodpulp industry. We have a unique opportunity here to break with the past, and to demonstrate to the pulp industry how it can catch up with the times. I only hope that in so doing I have discussed what will appear to be serious and deep-rooted problems in pulpwood procurement for the whole Northeast. In the process, I hope that I have pointed to possible solutions that will apply throughout our region.

Here we sit, gentlemen, with a tremendous and at present a practically useless surplus of hardwood pulp on our hands, a tremendous potential resource. And at the same time the Rural Areas Development Committees and our State and Federal Governments wring their collective hands over our economic situation—while the sleek automobiles of southern and western pulp salesmen cruise our highways selling their wares to our nearby paper mills, unable to keep up with the demand for their products. Isn't this a time in which all of us should be looking for some answers?

HENRY FORD SUPPORTED DEMOCRATS BEFORE PURPORTED "SWITCH" TO L.B.J.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a great amount of publicity has been accorded to the supposed defection of Henry Ford II to the camp of President Johnson. I suggest that he had been there a long time ago. As near as I can tell from figures which are available, Mr. Ford gave $1,000 to the Democratic National Committee in 1961 and in 1962 made contributions of $500 and $2,500 to the Democratic National Committee, as well as $2,500 to the Citizens for Kennedy-Johnson, whatever that was. In the past, Mr. Ford had been a generous contributor to the GOP but helped the Kennedy-Johnson ticket in 1960.

I certainly would not cast any doubts on Mr. Ford's motive. He is entitled to pick his party and support it like any other American. I do believe, however, that we should shoot down these stories that he has only recently come over to the L.B.J. side. The facts do not bear this out.

Mr. Talbot Peterson, Wisconsin State Republican chairman, made a perceptive statement on this matter which I include with these remarks.

STATEMENT OF TALBOT PETERSON

WASHINGTON, D.C.—"Henry Ford II's much publicized support for President Johnson and the suggestion that Mr. Ford 'bolted' the Republican Party is about as wild and dishonest as anything I've heard since the President disclaimed any personal connections with Bobby Baker," said Talbot Peterson, Wisconsin State Republican chairman in Washington today.

The Associated Press reported Saturday (May 23), and it was carried in hundreds of newspapers around the country, that Ford never before voted for a Democratic presidential candidate. The implication of course, is that Mr. Ford is a stanch Republican who has seen the light despite the darkness in the White House.

This is utter nonsense. Not only has Mr. Ford failed to support Republican candidates in the past, he has liberally distributed chunks of his vast family fortune to Democrats around the country.

We, in the Wisconsin Republican Party, have known for a long time that three members of the Ford family shipped big chunks of their money into our State to support the Democrat candidates in 1962. Henry Ford II, Benson Ford, and William C. Ford, each poured $2,500 into the Wisconsin Democratic Party 2 years ago. We did not publicize that fact and inquire into the reasons the Fords were dabbling in Wisconsin politics because we did not want to harm or embarrass the hundreds of Ford dealers in Wisconsin who, naturally, want to sell cars and not get caught in a political crossfire of the Ford family's making.

In addition to the Ford's subsidy to Wisconsin Democrats, it is a reliably established fact that Ford extracted the sum of $250,000 from top echelon executives of his own company to help finance the 1960 presidential campaign of John F. Kennedy. This hardly sounds like the work of a Republican who just now discovered the virtues of Lyndon Johnson. Coincidentally, Robert McNamara was Ford's top executive at the time this huge sum was raised. It is not surprising that following President Kennedy's election, McNamara was quickly appointed to Cabinet post of Secretary of Defense.

One additional point. The Ford Motor Co. has its own political action organization which, like the labor union's COPE, claims to be a nonpartisan, high-level, civic minded operation. But the simple truth is, the Ford political and financial support has gone almost exclusively to Democrats. And that is just about all that can be said for it's "nonpartisanship."

I have no intention of questioning Mr. Ford's right to support any candidate he chooses for political office. However, when he publicly indicates his support for President Johnson before either the Republican or Democrat National Conventions have been held—and bearing in mind Henry Ford II's record of financial support for Democrats, the implication that he has "bolted" the Republican Party is a canard that cannot be allowed to go unchallenged.

The record of Mr. Ford's contribution to Wisconsin Democrats is available for public inspection at the office of the Wisconsin secretary of state. (Election Financial Statement, Democrat Party of Wisconsin, dated November 20, 1962.)

STATE TAXATION NEEDS OVERHAUL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RODINO. Mr. Speaker, my district has many progressive businessmen. In recent years they have told me about the unsatisfactory operation of the taxing systems of States throughout the country on multistate companies. To me, these individual difficulties have seemed to be symptoms of the breakdown of State taxation systems as they affect interstate commerce. My belief has been that if this breakdown in State taxing machinery does exist, it is a threat to the economic well-being of our Nation as a whole.

With this in mind, today I rise to pay tribute to a monumental undertaking just completed by my colleagues on the Judiciary Committee. I am referring to the filing of House Report No. 1480, the findings of fact on the effect of State income taxes on interstate business. This study performed by the Special Subcommittee on State Taxation of Interstate Commerce describes the operation of State taxes on businesses selling across State lines. I am sure it will be the definitive work in its field for a long time to come.

This report describes in detail problems that must have been faced in my district countless times in the past few years. It shows my belief was true. In sum, it has found that the present situation does not work well either for interstate business or the States. A welter of conflicting rules and stands exists. Companies are required to comply with the uncompliable. We in Government have a duty to make compliance with the law as simple and effortless as possible. Now that we have the facts, Congress must get on with the work of fashioning a remedy.

OBITUARY OF THE REPUBLIC

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, are the American people being given a preview of the obituary of the Republic?

This somber question can be justified by the warning of Mr. Justice Harlan, in his eloquent dissent to last Monday's apportionment decisions, that "these decisions—cut deeply into the fabric of our federalism," and involve " a radical alteration in the relationship between the States and the Federal Government."

At least these warnings have the saving virtue, as I have said, of a vigorous dissent.

There was an editorial commentary on Monday's decisions in last evening's Washington Star which spells out the warning in far greater detail, but without the redeeming feature of indignant opposition to the current trend. Indeed, one is tempted to say that the editorial has a tone of almost whimpering resignation to a fatalistic inevitability.

Thus, the editorial states:

> It is no longer cause for surprise that the Court makes it decisions, not on the basis of interpretation of existing law, but on the basis of its personalized idea of what is right—what is good for us.
>
> That the Court does this is a fact of modern political life. We may experience a shudder of doubt when it shakes things as hard as it has done in its decision on legislative reapportionment in the States. For all that, it is done. As with the historical school decisions of a decade ago, things will never be the same again.

The real shocker in the editorial—and my reason for directing the attention of the House to it—is the following:

> At the same time, one may be pardoned the suspicion that what is ruled right for the States today may logically be ruled right for the Federal Government tomorrow. Why should not every vote, for example, have the same value when it comes to election of the President, who is the President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off. For that matter, what is the modern justification for the U.S. Senate, under the philosophy of these rulings? What indeed is the justification for the Federal system itself?

There it is, Mr. Speaker. There it is in black and white.

This, presumably, is not the conjecture of an eccentric or the alleged rantings of a Birchite.

This is an acknowledgment of the logical implications, if not the assured outcome, of the course being pursued with increasing momentum by the scandalous decisions of the U.S. Supreme Court.

Perhaps even more chilling is the Washington Star's conclusion of the matter:

> The Supreme Court has moved into uncharted territory. Whether the potential dangers materialize, as we move ahead, depends on the practical and moral judgment of nine very powerful men.

If the potential dangers so clearly described in this editorial are to be averted, it will not be through the Casper Milquetoast attitude of resigned acceptance so tragically reflected therein. Only the Congress can call a halt.

The first and immediate decision must be whether we act by the process of constitutional amendment or by statutory curtailment of the appellate authority of the Supreme Court.

That decision should be dictated by the practicalities and urgency of the situation, but the method, once chosen, must be pursued with speed and all-out effort.

Otherwise, we are indeed reading the obituary of the Republic—an obituary we have written by our own default here in the Congress of the United States.

Under permission to extend and revise my remarks, I include the June 17 editorial:

> THE REAPPORTIONMENT DECISIONS
>
> It is somewhat late in the day for handwringing over the leading role assumed by the Supreme Court in deciding what sort of country we are to live in. It is no longer cause for surprise that the Court makes its decisions, not on the basis of an interpretation of existing law, but on the basis of its personalized idea of what is right—what is good for us.
>
> That the Court does this is a fact of modern political life. We may experience a shudder of doubt when it shakes things as hard as it has done in its decision on legislative reapportionment in the States. We may wonder whether our system of government benefits when judges do what voters will not do. For all that, it is done. As with the historic school decisions of a decade ago, things will never be the same again.
>
> And, as with that earlier decision, to say that there is danger in the Court's assumption of power is not to say that the effects of the application of this power will be evil. That depends, in each particular case, on the practical and moral validity of the Court's collective judgment.
>
> Philosophical doubts about the function of the modern Court do not overweigh the feeling that, in the current reapportionment cases, the practical and moral effects of the rulings probably will be for the good. No one reading the analyses of rural-urban voting discrepancies that form the backbone of these opinions can fail to recognize the unfairness of the present system. No one who looks honestly at population trends can escape a realization that the situation was bound to become progressively untenable, and eventually would become intolerable.
>
> Locally, the effects of the new rulings cannot be anything but helpful. The nearby areas of Maryland and Virginia will gain new and deserved power in their State governments. Around the country, it seems doubtful that either political party will gain appreciable advantage from the change. The Democrats, it is predicted, will pick up city votes. But the Republicans may well gain as much in the even faster-growing suburbs.
>
> The Court ruled that from now on, so far as is practical, every vote must have the same value in balloting for the State legislatures. This means, of course, that each election district must have reasonably close to the same number of voters. And the Court went the whole way in applying this principle. It refused to exempt either house in a bicameral legislature from the "one person, one vote" requirement. It rejected the contention that State senates, like the one in Maryland, are justified by analogy to the Federal setup. That setup, the Court pointed out, was a compromise adopted so as to make it possible to bring the Federal Union into being. The considerations which prompted its establishment do not apply to State governments today.
>
> This is a reasonable argument—what was good for the Federal Government may not now be good for the States. At the same time, one may be pardoned the suspicion that what is ruled right for the States today may logically be ruled right for the Federal Government tomorrow. Why should not every vote, for example, have the same value when it comes to election of the President, who is President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off. For that matter, what is the modern justification for the U.S. Senate, under the philosophy of these rulings? What indeed is the justification for the Federal system itself?
>
> The Supreme Court has moved into uncharted territory in disposing of these cases. To repeat: Whether the potential dangers materialize, as we move ahead, depends on the practical and moral judgment of nine very powerful men.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.) under its previous order, the House adjourned until Monday, June 22, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2191. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary costs to the Government in the leasing of electronic data processing equipment by the Army Finance Center, Indianapolis, Ind., Department of the Army; to the Committee on Government Operations.

2192. A letter from the Comptroller General of the United States, transmitting a report on unnecessary costs for rebuild of used 9–97 track for tanks, Department of the Army; to the Committee on Government Operations.

2193. A letter from the Comptroller General of the United States, transmitting a report on a review of unnecessary payments to local housing authorities owning former Federal land to be used for low-rent housing project sites, Public Housing Administration, Housing and Home Finance Agency; to the Committee on Government Operations.

2194. A letter from the Acting Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KING of New York:

H.R. 11676. A bill to protect American Indians from the flooding of their lands by any department or agency of the United States before suitable provision has been made for their relocation; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 11677. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. SENNER:

H.J. Res. 1045. Joint resolution granting the consent of Congress to the States of Texas, New Mexico, Arizona, and California to negotiate and enter into a compact to establish a multistate authority to modernize, coordinate, and foster passenger rail transportation within the area of such States and authorizing the multistate authority to request the President of the United States to enter into negotiations with the Government of Mexico to secure its participation with such authority; to the Committee on the Judiciary.

MEMORIALS

Under clause 4, of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States of America authorizing the repeating of the Lord's Prayer and the reading of portions of the Old Testament of the Holy Bible in public schools and other public places, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PATMAN presented a bill (H.R. 11678) for the relief of Mrs. Willie Reese Sloan, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

940. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to a Florida law as it relates to a man's sanity, which was referred to the Committee on the Judiciary.

SENATE

FRIDAY, JUNE 19, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in a world so full of change and decay, by the still waters and green pastures of Thy abiding presence, we would keep alive our faith in values that are permanent, and our reliance on the Kindly Light which, if our hearts keep their meekness and purity, will shine through all the shadows of our confusions and uncertainties.

We lift our petitions for those who in such a day serve here in the ministry of national concerns, that their words and counsels, so laden with possibilities to affect the life of the Nation and of the whole earth, may add to the world's store of good will and be for the healing of the open sores which afflict mankind.

And now, as—after the wearying strife of tongues—each Member of this body of governance stands in the sovereignty of his own uncoerced conscience, may a voice resound in every individual soul standing in the valley of decision, saying with comforting and strengthening reassurance—

> Men may misjudge thy aim,
> Think they have cause for blame,
> Say thou art wrong.
> Hold on thy quiet way;
> God is the judge—not they.
> Fear not—be strong.

Amen.

THE JOURNAL

On request of Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 18, 1964, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there be a morning hour for 30 minutes, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Unnecessary Procurement of Photographic Supplies for the Atlantic Missile Range

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary procurement of photographic supplies for the Atlantic Missile Range, Department of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Costs in the Leasing of Electronic Data Processing Equipment, Department of the Army

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the unnecessary costs to the Government in the leasing of electronic data processing equipment by the Finance Center, Fort Benjamin Harrison, Indianapolis, Ind., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Costs for Rebuild of Used T-97 Track for Tanks, Department of the Army

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs for rebuild of used T-97 track for tanks, Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report of Unnecessary Payments to Certain Local Housing Authorities

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary payments to local housing authorities owning former Federal land to be used for low-rent housing project sites, Public Housing Administration, Housing and Home Finance Agency, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Disposition of Executive Papers

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. Johnston and Mr. Carlson members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

Petitions of C. R. Mead, of Westport, Conn., relating to his claim for a redress of grievances; to the Committee on the Judiciary.

Two petitions of Henry Stoner, Avon Park, Fla., relating to the use of Federal troops for the preservation of peace in Mississippi and the history of the Central Intelligence Agency; to the Committee on Armed Services.

The petition of Henry Stoner, Avon Park, Fla., relating to the floating of bond issues by all levels of government; to the Committee on Finance.

The petition of Henry Stoner, Avon Park, Fla., relating to the organization of Federal departments and agencies; to the Committee on Government Operations.

Four petitions of Henry Stoner, Avon Park, Fla., relating to apportionment of State legislatures, the arrest of Martin Luther King, Bible reading, and changing of all Federal corporations to Federal administrations; to the Committee on the Judiciary.

The petition of Henry Stoner, Avon Park, Fla., relating to the maintenance of Federal schools in Prince Edward County, Va.; to the Committee on Labor and Public Welfare.

The petition of Henry Stoner, Avon Park, Fla., relating to the chairmanships of Senate committees; to the Committee on Rules and Administration.

Four petitions of Henry Stoner, Avon Park, Fla., relating to the preservation of peace, constitutional rights for the mentally ill, and so forth; which were ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. 2464. A bill to establish the Roosevelt Campobello International Park, and for other purposes (Rept. No. 1097).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SALTONSTALL:

S. 2926. A bill for the relief of Manuel D. Karoghlanian; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 2927. A bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States; to the Committee on Commerce.

(See the remarks of Mr. Mundt when he introduced the above bill, which appear under a separate heading.)

UNDESIRABILITY OF ADVANCE BROADCAST OF ELECTION RESULTS

Mr. MUNDT. Mr. President, I send to the desk a bill and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2927) to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States, introduced by Mr. Mundt, was received, read twice by its title, and referred to the Committee on Commerce.

Mr. MUNDT. Since it is short and deals with a highly important subject, I shall read it. It is a bill to amend the Communications Act of 1934 in order to prohibit certain broadcasts of Federal election results until after the closing time of polling places in all the States.

I shall read the new section:

> Sec. 331. No licensee shall broadcast the results, including any opinion, prediction, or other matter based on such results, of any election of electors for President and Vice President of the United States or Senators or Representatives in Congress in any State or part thereof until after the latest official closing time of any polling place for such an election in any other State on the same day.

Mr. President, the country and the Congress is well aware of the repercussions which followed the California primaries and the sensational scoops of the Columbia Broadcasting System in particular and other networks in trying to foretell in advance on election night the results of an election on the day that it has been cast.

The election of a President is a serious exercise in self-determination and self-government. It was never designed primarily to become a television spectacular.

I am fortified in my conviction that something needs to be done in this area by the fact that Mr. James E. Hagerty, vice president of the American Broadcasting Co., former White House Press Secretary under President Eisenhower, said on June 17 that he would welcome proposed legislation to prevent television networks from announcing presidential election returns in an Eastern State while any west coast polls are still open.

To indicate that this is not merely one man's opinion, I should like to quote also from what Governor Sawyer, of Nevada, said the other day when he pointed out that he would very much favor having a system which would eliminate the announcing of election results in any area while other areas of the country are still voting.

Governor Sawyer points out that he has talked with campaign aids of both the Senator from Arizona [Mr. GOLDWATER] and Governor Rockefeller in the California primary and both had told him that when the Goldwater victory was announced on television more than a half hour before the polls closed, many voters in both parties, for both candidates, refused to vote. He said:

> There was "panic" among precinct workers on both sides, and he believes some persons changed their votes to catch the winners just as the State delegations do at the conventions when the trend becomes strong.

Mr. President, let me say that I introduce the bill with somewhat of an unusual feeling. Normally when a Senator or Representative introduces a bill, he is dead sure that he has found the final answer to some problem. However, I have no such certainty in my own mind in this case. I am not certain I have proposed the optimum solution.

I introduce the bill, however, in the hope that some hearings will be held, that some other solutions will also be discussed, and that my proposed solution will be considered among others. I emphasize, I am not sure in my own mind that this is the proper or the best approach, but I am perfectly sure that it is desirable that something remedial should be done by voluntary restrictions on the part of the television networks and the radio companies, by legislation, or by action of the FCC, or by an act of Congress.

Obviously, if we are going to continue to have election returns announced on the east coast 3 hours or more before the polls close in other parts of the country, for many American voters this makes an election something like a replay of a race which has already been run at the Kentucky Derby and the winner determined. The results have been announced, but people are privileged to vote in a sort of replay of an election where the results are already clear.

This has its impact in many ways. Many voters are not well informed on issues or deeply dedicated to candidates, so a premature announcement of results in the populous Eastern States has an important impact on many voters and discourages many others who come to feel their vote is useless if their personal preference is running badly in the eastern cities.

So here is a problem to which I believe serious-minded Americans should devote attention. I welcome other suggestions. I hope introduction of this bill will help stimulate constructive thought on the problem with which it deals. I introduce this suggestion as a starter, perhaps as a focal point around which hearings should be held. I repeat, I am not sure this is the proper answer, but I am sure there is a problem here which merits the serious attention of Congress, of Americans generally, and of the leaders of our great privately owned radio and television industry. I earnestly solicit discussion of this problem and other sugtions for its solution.

Mr. President, I ask unanimous consent to have included at this point in the RECORD an article containing the statement by Mr. James Hagerty from the New York Times of June 18, 1964; also an article containing a statement by Governor Sawyer, of Nevada; and also an article from the Associated Press, the headline of which is "Hagerty Recalls Efforts To Sway West's Voters," in which he gives us a peek behind the scenes when, as a politician, he tried to use the early announcement of returns on votes from the east coast in a deliberate effort to induce votes in the West, and which indicates a recognition of the significance of such reporting.

To a considerable degree, these "quickie returns" and the calculator evaluations of votes from large east coast cities gives the eastern seaboard an unfair and undersirable advantage in determining the winners of our presidential elections if they are publicized nationally while citizens are still voting in many States of this Republic.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MUNDT. I am glad to yield.

Mr. MAGNUSON. The Senator presents a very conspicuous problem. It has been one about which our committee has been thinking. The problem has been highlighted in the last few days. The networks are quite concerned about it. There is a difference of an hour or two between South Dakota and the East, for example.

Mr. MUNDT. The difference in time between the Senator's State and the East is even more.

Mr. MAGNUSON. At one time there was a difference of 4 hours between my State and the east coast.

Mr. MUNDT. I cannot at the moment calculate how Hawaii is affected by the time differential but it is many hours.

Mr. MAGNUSON. The news has quite an effect on people who get early returns, especially when the polls are open until 8 or 9 o'clock in the evening. We certainly should look into the problem.

However, I am sure the Senator from South Dakota joins with me in the statement that the networks, the Associated Press, and the other news-gathering media are helping as a result of their efforts, which apparently are going to be successful, to pool the reporting of the election. The problem will become easier because of the sharing and pooling of the returns.

Mr. MUNDT. The Senator is correct. Perhaps self-restraint is the answer if it is formalized by a publicized code to be self-enforced by the radio-TV industry. Otherwise if all the networks do is to pool their returns, the problems created by a premature reporting of them while others are voting could actually aggravate a situation which is already bad.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1964]

HAGERTY FOR LAW ON VOTE RETURNS—WOULD BAR BROADCASTS TILL ALL POLLS ARE CLOSED

FORT SLOCUM, N.Y., June 17.—James C. Hagerty, vice president of American Broadcasting-Paramount Theaters, Inc., said today he would welcome legislation to prevent television networks from announcing presidential election returns in Eastern States while west coast polls are still open.

Mr. Hagerty, who was White House press secretary under President Dwight D. Eisenhower, said there was no doubt that such announcements have "band wagon influence" on western voters and that this was to be deplored.

He made these remarks after relating that as press secretary for the Republican presidential candidates in 1948 and 1952 he had hoped to influence west coast voters by claiming a Republican victory in certain Eastern States on the basis of early returns.

"We said Governor Dewey was ahead in one State," he said, "even before we knew he was winning it. We claimed victory in States that we were sure Eisenhower would win before we actually knew he was winning."

He asserted that "the Kennedy people did the same thing in Connecticut in 1960."

Mr. Hagerty addressed the students and faculty of the Army's information school here. The school trains officers and enlisted men to staff the Army's radio and television facilities, newspapers and public information offices. Mr. Hagerty's topic was the military's use of commercial radio and television but, prompted by questions from the audience, he spoke also about other subjects.

One possible remedy to the problem caused by broadcasting early returns, he said, is legislation preventing such broadcasting until all polls in the Nation are closed. Another, he said, is rearrangement of voting hours in the various States to lessen the time gap between poll closings.

Mr. Hagerty deplored television predictions, based on early returns, of the outcome of a political contest. He criticized the Columbia Broadcasting Co. for its early forecast of the victory by Senator BARRY GOLDWATER in the recent California Republican primary. ABC, he said, would refrain from making such early predictions "even though this might hurt us competitively."

GOVERNOR SAWYER PLANS PLEA

Gov. Grant Sawyer, of Nevada, the Democrat who is chairman of the National Governors' Conference, said in an interview on the "Martha Dean Show" on WOR radio yesterday that he was planning to meet with representatives of the communications media to try to persuade them not to announce the winners of elections before the polls are closed.

He said campaign aids of both Governor Rockefeller and Senator BARRY GOLDWATER in the California primary had told him that when a Goldwater victory was announced more than half an hour before the polls closed, many voters in both parties refused to vote. There was "panic" among precinct workers on both sides, he said, and he believes that some persons changed their votes to catch the winner, just as State delegations do at conventions when a trend becomes strong.

[From the Washington Star, June 18, 1964]

HAGERTY RECALLS EFFORTS TO SWAY WEST'S VOTERS

NEW ROCHELLE, N.Y., June 18.—James C. Hagerty, broadcasting executive and former White House press secretary, told yesterday how Republicans claimed victory in some Eastern States on the basis of early returns in the 1948 and 1952 presidential elections—in the hope of influencing west coast voters.

Mr. Hagerty, vice president of American Broadcasting-Paramount Theaters, Inc., addressed students and the faculty of the Army's Information School at Fort Slocum.

Mr. Hagerty, who was White House press secretary in the Eisenhower administration, said he approves the proposal for legislation to prevent television networks from announcing presidential election returns in Eastern States while west coast polls are still open.

He said there is no doubt that such amendments have "bandwagon influence" on western voters, and that this is to be deplored.

Mr. Hagerty made these remarks after telling of attempts to influence west coast voters when he was press secretary to Thomas E. Dewey, who was beaten by President Truman in 1948, and to Dwight D. Eisenhower, who defeated Adlai E. Stevenson in 1952.

Mr. Hagerty said:

"We said Governor Dewey was ahead in one State even before we knew he was winning it. We claimed victory in States that we were sure Eisenhower would win before we actually knew he was winning."

Mr. Hagerty said "the Kennedy people did the same thing in Connecticut in 1960."

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1965—AMENDMENT (AMENDMENT NO. 1058)

Mr. SALTONSTALL (for himself, Mr. FULBRIGHT, and Mr. CLARK) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF SUBSECTION (B) OF SECTION 512 OF INTERNAL REVENUE CODE OF 1954 (AMENDMENT NO. 1059)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 6455) to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income), which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT (AMENDMENT NO. 1060)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H.R. 287) to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement, which was ordered to lie on the table and to be printed.

ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES—AMENDMENTS (AMENDMENTS NOS. 1061, 1062, AND 1063)

Mr. KEATING. Mr. President, I introduce, for appropriate reference, three amendments to H.R. 11376, which is a bill to provide a 1-year extension of certain excise tax rates and ask that they be appropriately referred.

The first of the three amendments deals with all four categories of the so-called retailers' excise taxes; that is, the 10-percent levy on jewelry and related items, on furs, on toilet preparations, and on luggage, handbags, and similar leather goods. The amendment, if adopted, would repeal all of these levies effective immediately, except that with respect to jewelry and furs, only the first $100 of the retail price would be excluded from application of the tax, only the excess of the price above $100 being taxable.

The second amendment, if adopted, would repeal in its entirety only the retailers' excise tax on luggage, handbags, and similar leather goods, effective immediately.

The third amendment, which is cosponsored by Senators JAVITS, WILLIAMS of New Jersey, and HRUSKA, would affect only the retailers' excise tax on ladies' purses and handbags. In effect, it would repeal the tax as applied to so much of the retail sales price of any of these articles as does not exceed $50. This is the same amendment which was offered but rejected in connection with H.R. 8363 earlier this year, which became the Revenue Act of 1964.

The merits of the case for all three of these amendments are well known, and I will defer further comment until after the Committee on Finance has had an opportunity to study them and determine whether or not the Senate will be given a chance to vote on them. Action to remove these grossly discriminatory levies is long overdue. Nearly everyone recognizes that as a fact, and I am hopeful that the Committee on Finance will lend its favorable consideration to these amendments at this time.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Finance.

SENATOR HARTKE'S ACCEPTANCE SPEECH AND LETTER FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, on June 12, our distinguished and outstanding colleague the senior Senator from Indiana [Mr. HARTKE], addressed the Indiana Democratic State convention, at Indianapolis. I ask unanimous consent that there be printed in the RECORD his acceptance speech on being accorded the unanimous endorsement of the convention for renomination to membership in the U.S. Senate, plus a letter addressed to Senator HARTKE by the President of the United States.

There being no objection, the speech and the letter were ordered to be printed in the RECORD, as follows:

ACCEPTANCE SPEECH OF SENATOR VANCE HARTKE, INDIANA DEMOCRATIC STATE CONVENTION, INDIANAPOLIS, JUNE 12, 1964

Thank you from the bottom of my heart. You have made this day a great one by your unanimous endorsement of my first 6 years in the U.S. Senate. You have testified to the strength of democracy in Indiana. You have affirmed that we are a united party, that we have a program, that we have goals, that we know where we are going, that we are above factions, above the divisive influences of selfish interests. We have but one objective—the welfare and strength of all of the people. There is but one way in which this can be achieved—and that is service—service without distinction as to race, creed, or color.

No nation can be healthy and strong if any one part is ill.

No nation can achieve true greatness unless the whole body of all its people is employed. This is our mission. This is our purpose, to which we here today rededicate ourselves.

If we carry this message to our citizens, if we explain the issues, if they understand our purpose and believe in our pledge, then and only then shall we be victorious.

My past record is not, however, my campaign document for this year. It is only my credentials, a pledge of good faith which I present to the American people and to the people of the State of Indiana as I ask for the opportunity to lead them into the new and greater society.

This will be a hard campaign, but it will be based upon information in which the keystones will be integrity, dedication, and the history of accomplishments.

You know me—my family—my record.

In 1958 you honored me by asking me to lead the campaign. Ours was an unequaled victory. In 1964 it shall be even greater, for heading our ticket is a proven leader and an acknowledged statesman, President Lyndon B. Johnson.

We cannot fail. We must not fail—for too much is at stake.

The ticket which is nominated here today is the answer to the needs of our people, the response to their aspirations. We shall go forth to this battle strong in your unstinting support, confident in our cause, and resolved to victory.

Now as a nation we are fortunate in being guided by a new brand of leadership—a leadership interested in the welfare of the people—(1) giving assistance where needed without encroaching upon the freedom of the individual; (2) attentive to the will of the majority without ignoring the rights of minorities; and (3) preserving the peace without sacrificing the beliefs of freemen.

The waters around us are not calm. It is the experienced navigators of the Democratic Party who are steering us clear of the rough waters. Now is not the time to change helmsmen.

In this year's campaign we will be working for more than the Democratic Party—we will be working to insure steady prosperity, to insure a frugal economy, to insure responsible effective control of Government adaptable to the wants of all the people, and to preserve and encourage the free enterprise system.

In a great country such as ours, there must always be a close link between the people and their elected representatives. I believe I have been close to all the people of Indiana. I shall continue to be that close link. We cannot, we will not permit that tie to be severed by men who choose to neglect the public, by men who are oblivious to the world situation, from poverty to the use of atomic power, and by men who offer to stand firm on their views, at least for a day.

We are moving forward and will continue to move this country into better times. I am honored to represent Hoosiers in their bid to improve the coordination between Government and the individual, and I am optimistic that all loyal Americans will give a hearty endorsement to the Democratic leaders who are forming an era of which our children will be proud, of which generations not yet born will be thankful.

Ours is an appeal to reason, an appeal to concern. Our record and our future is prudence and progress dedicated to peace and prosperity.

Hate and violence find no food on which to feed in our party. Those who would turn back the clock have no place on our ticket.

We seek men of good will who recognize the problems and the needs, the issues of the day and who will work to solve them. We ask that all people who are of good will and seek to solve problems with programs counsel with us, reason with us, debate with us, work with us—and share with us, and join us in the victory that can come for all the people.

I gratefully accept your mandate to head our ticket again. I promise you a cooperative, coordinated campaign dedicated to telling the truth, reciting the record, meeting the people and doing my part for total victory for all the people. And I tell you we are going to win that total victory.

THE WHITE HOUSE,
Washington, D.C., June 11, 1964.

DEAR VANCE: The spirit and dedication of Indiana Democrats is an inspiration to members of our party everywhere.

For you, Vance, Martha, and the family, I know this occasion is a proud and happy one. Especially so, since you are on the same day commencing your campaign for reelection and celebrating the 21st anniversary of your marriage.

Those of us who have worked in the Congress admire you as a leader who gets the job done for his State and Nation. I am proud of our years of friendship in the Senate. Your close association and counsel since that time has been a comfort to me.

The road ahead of us is filled with hope and opportunities. It is a road for all Americans to travel together. and I am proud to have you at my side.

Lady Bird and I give you our best wishes for every success.

Sincerely,

LYNDON B. JOHNSON.

ASSESSMENTS OF MONTANA FLOOD DAMAGE

Mr. MANSFIELD. Mr. President, the latest assessments of Montana flood damage and repairs are beginning to reach my office. These reports can now give more accurate estimates, and recommend appropriate action.

One of the most obvious conclusions reached in surveying this most devastating disaster is that wherever there was a large Federal storage project, it managed to reduce flood crests to manageable levels. However, in the Sun River area, where the flood damage was the greatest, there is no operational storage of any significance. Surveys have been made in the area by both the Bureau of Reclamation and the Corps of Army Engineers. Preliminary information indicated that the construction of a project on the Sun River above Gibson Reservoir would have alleviated a great part of the flooding. The Sun Butte site has been opposed in the past by some local and conservation interests.

In view of the unprecedented damage created by the flooding on the Sun River this year, I feel that we should again appraise the desirability of constructing this flood-control project. I have asked for, and received, comprehensive reports and analyses from both the Bureau of Reclamation and the Corps of Army Engineers. This is an area in which the Bureau has been most active; and I intend to discuss with the Senate Appropriations Committee the need for the necessary funds to permit the preparation of feasibility reports required for the necessary construction authorization.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD reports from the Bureau of Reclamation and the Corps of Army Engineers, dated June 17 and June 15, respectively.

Also, I have new, up-to-date reports, from the Farmers Home Administration and the Bureau of Public Roads, on their activities in Montana. These reports are additional evidence of the excellent cooperation that has been received from all Federal agencies in bringing relief to the victims of this disaster.

I ask unanimous consent to have these two reports, dated June 17, printed at the conclusion of my remarks in the CONGRESSIONAL RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C., June 17, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In response to your suggestion, the writer, in company with Commissioner Philleo Nash of the Bureau of Indian Affairs, conducted a thorough survey of areas in the State of Montana affected by recent floods on the Sun, Milk, and Marias Rivers in the Missouri River Basin and on the Flathead River in the Columbia River Basin.

In general, we found inundation and devastation essentially as reported by the news media. Flooding was widespread, and loss of life and property was of locally disastrous proportions. Reservoirs constructed by the Bureau of Reclamation performed to reduce flood crests to manageable levels in those cases where flood control has been included as a project purpose.

In the Marias River watershed, the surge from two upstream dams, which failed during the flood, was totally absorbed by our Tiber Reservoir. During the height of the flood, Tiber Reservoir's effect was illustrated by an inflow rate of 143,000 cubic feet per second being regulated to a flow of 1,200 cubic feet per second.

Near the end of the flood, Fresno Reservoir of the Milk River project was only about 75 percent filled and could contain remaining floodflows down the Milk River. Sherburne Reservoir, also in the Milk River project, retained storage space and absorbed the flows of Swift Current Creek without any problem.

Clark Canyon Dam in the East Bench Unit, Missouri River Basin project, contributed substantially to reducing peak flows of the Beaverhead River near Dillon, Mont., even though the structure is unfinished.

On the western slope of the Continental Divide, Hungry Horse Dam and Reservoir reduced floodflows of the South Fork of the Flathead River from 55,000 cubic feet per second to 500 cubic feet per second, the balance being stored in the reservoir. Flows of the Flathead River are receding, but were still above flood stage on June 11, when Hungry Horse Reservoir had 385,000 acre-feet of remaining storage space.

However, on the Sun River the only operational storage of any significance was about 15,000 acre-feet of unfilled space in Gibson Reservoir of the Sun River project. This space had been held for snowmelt runoff and proved to be quite inadequate to contain the flows developed by heavy rain on the snowpack at high elevations. Although we have not yet developed estimates of inflow to Gibson Reservoir, it was sufficient to completely fill available space, operate the spillway to full capacity, and overtop the parapet wall to a depth of approximately 1 foot. This resulted in flows passing Gibson Dam of 50,000 cubic feet per second or more, which, when augmented by local tributary runoff below the dam, contributed to river stages greatly in excess of the 8,000 to 10,000 cubic feet per second channel capacity of Sun River. Gibson Dam, being of concrete construction, sustained overtopping without significant damage. The Fort Shaw division of the Sun River project, however, sustained extensive damage to its diversion, conveyance, and distribution system.

An added effect of these flows in the lower lying areas of Great Falls was to produce stages from 5 to 8 feet higher than previous floods of record. Some reduction of these stages was achieved by restricting main-stem flows at Canyon Ferry Reservoir. It was possible to reduce Missouri River flows at its juncture with Sun River by approximately 75 percent by regulating Canyon Ferry inflow of 20,000 cubic feet per second to a reservoir release of about 3,000 cubic feet per second.

Our first analyses of this flood based on meager runoff data indicate that 240,000 acre-feet of storage on Sun River would have been adequate to regulate that stream to 10,000 cubic feet per second and thereby would have limited damage to that which might be expected from minor tributaries below Gibson Reservoir. The only physical opportunity for accomplishing this degree of regulation as identified by preliminary studies today is at the Upper Sun Butte site on the Sun River above Gibson Reservoir. An alternative site downstream but still above Gibson Reservoir is known to exist but has not been evaluated.

A reservoir at the Upper Sun Butte site, identified previously as Wilson Dam and Reservoir, was included as an element of the general comprehensive plan for the Missouri River Basin project authorized by the Flood Control Act of 1944.

Shortly after World War II, the Bureau of Reclamation undertook a program of investigations designed to amplify and perfect the plans presented in the original authorizing documents for the Missouri River Basin project. Included among these was a study of the Sun-Teton division which centered on the potential Upper Sun Butte Reservoir. The reservoir area extends into the Bob Marshall Wilderness Area and the Sun River Game Preserve, although the damsite is outside of these areas. Because of this potential intrusion upon wilderness areas, our program of investigation was opposed by recreation and fish and wildlife interests. When secretarial order No. 2618 was issued by the Secretary of the Interior in 1951, calling for discontinuance of investigations of water resources projects affecting national parks, monuments, or wilderness areas without the written approval of the Secretary, the program of the Bureau of Reclamation for the Sun-Teton division was affected. It is relevant to this report to observe that the reservoir would inundate only about 2,500 acres of the 950,000-acre total in the wilderness area.

With support by the affected irrigation districts and other State and local agencies, an appeal was made to the Secretary of the Interior, and permission was obtained from the Secretary to enable completion of a reconnaissance report to serve as a vehicle for presenting information on available opportunities and as a summation of engineering information. The plan of development set forth in the reconnaissance report contemplates a reservoir at the Upper Sun Butte site with a total capacity of 260,000 acre-feet at an estimated cost which, when indexed to current price levels, would be about $10,500,000. Of this storage capacity, 224,000 acre-feet would have been for flood control, partly on an inviolate basis and partly for joint use with irrigation. The remaining storage capacity would have been exclusively for irrigation regulation and, when used in conjunction with joint-use space, would have enabled irrigation of approximately 50,000 acres of land in the Teton Slopes area of the Teton River Basin.

It is credible to assume that Upper Sun Butte Reservoir would have accomplished, in a coordinated operation with Gibson Reservoir, sufficient regulation to have restricted flood damage along the lower Sun River and in the city of Great Falls to the economic minimum.

At your specific request, we have analyzed our program and our capabilities for sustaining an expedited program of investigations of measures and facilities to prevent recurrence of this damaging event. It is our belief that a program of $100,000 would enable us to compile sufficient information to produce a report of authorizing caliber on Upper Sun Butte Dam and Reservoir. Consideration of alternative sites, as now appears desirable, would have the effect of increasing fund requirements by $25,000 to $50,000. This amount of money would also finance a reconnaissance appraisal of the irrigation features of the Sun-Teton division in sufficient detail to support the inclusion of irrigation storage capacity in the reservoir at the time the dam is constructed. This would not be intended to support request for authorization of the irrigation facilities themselves, and an additional $150,000 over a 2-year term would be required when irrigation interest crystallizes to the point that such investigations are warranted.

Sincerely yours,

Floyd E. Dominy,
Commissioner.

U.S. Army Engineer District,
Corps of Engineers,
Omaha, Nebr., June 15, 1964.
Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: In accordance with your recent discussion with Colonel St. Clair at Great Falls, the following information is furnished with respect to initiating and completing studies of the Sun River Basin. Subsequent to this meeting we have made a rather rapid examination and evaluation of previous studies in this basin and it is our view that a detailed investigation could be essentially completed in about 1 year. However, in all past investigations we find that even though the studies may be complete, some period of time is required for final coordination between Federal and State agencies and local interests. Therefore, it is our view that about 18 months would be required on the Sun River investigation from inception to processing a report to higher authority. Of course, we will exert the utmost effort in order to process a report as rapidly as possible.

This office has requested funds and authority to proceed immediately with a postflood evaluation of both the Sun River and Marias River Basins. We expect to initiate necessary fieldwork with respect to these evaluations within the next few days. The type of data and the subsequent analyses would be instrumental in advancing the proposed Sun River investigation. The estimated cost of the latter is about $100,000, and since postflood investigation of the Sun River area would be equivalent to about a $20,000 to $30,000 effort, funds required for the formal investigation would approximate $70,000. Accordingly, this amount would be required for the Sun River study in order to complete it within the next 12 to 18 months.

During the postflood survey we would gather and accumulate basic hydraulic, hydrologic, and economic data which would provide a suitable basis for proceeding with the detailed project planning in the general area. Generally the investigation would be conducted along the following lines:

(a) Conduct a public hearing to solicit views of local interests with respect to the types of improvements desired.

(b) Complete basic engineering and economic studies leading to project development.

(c) Develop alternative project proposals. These will include local levee and channel improvements for each of the various urban areas, an evaluation of the need and value of upstream storage, and the possibility of diverting some of the flows to other areas or for temporary storage.

(d) Present alternatives to local interests and coordinate with other Federal and State agencies.

(e) Prepare report and submit to higher authority for processing to the Congress.

During your discussion with Colonel St. Clair you inquired as to the type of studies made in connection with Sun Butte dam and reservoir and the ultimate disposition of proposals relative to that project. The Sun Butte dam and reservoir has been studied by both the Corps of Engineers and the Bureau of Reclamation. The corps studies indicated that a large part of the rural flood damages along the main stem of the Sun River could be prevented but significant flood reductions could not be expected in the lower reaches, especially at Great Falls, and development of the project specifically for flood control was not economically feasible. Similar evaluations of the Sun Butte River Reservoir under consideration by the Bureau of Reclamation was made and the information furnished that agency. With respect to Bureau of Reclamation studies of this project you may wish to contact that agency for further information. Of course, you may be assured that during the investigation of Sun River Basin we will review studies of the Sun Butte project, in light of current conditions, in order to determine whether it now would be of value to go ahead with that project.

We trust that the above information clarifies and provides information that you desire. You may be assured that we will keep you informed of any significant developments with respect to studies and evaluations of the Sun River Basin. If we can be of further assistance please call on us.

Sincerely yours,

Lt. Col. Carroll C. Jacobson, Jr.,
Corps of Engineers,
Deputy District Engineer.

U.S. Department
of Agriculture,
Farmers Home Administration,
Washington, D.C., June 17, 1964.
Hon. Michael J. Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This is to inform you that the Department of Agriculture has authorized the making of emergency loans pursuant to section 321 of Public Law 87–128, through June 30, 1965, to eligible farmers and ranchers in the following counties in Montana: Cascade, Chouteau, Flathead, Glacier, Pondera, Teton, Toole.

This action was taken because of tremendous damage and losses to dwellings, farm buildings, livestock, farm machinery and equipment, irrigation systems, crops, and fences as the result of flooding which began on June 8. Emergency loans are already available in Glacier, Pondera, and Toole Counties through June 30, 1964. The current authorization extends the period for making loans in these counties.

Any farmer or rancher desiring information about emergency loans or other types of assistance available through this agency should get in touch with the local office of the Farmers Home Administration serving his county.

Please call on us whenever we can be of service.

Sincerely yours,

Floyd F. Higbee,
Acting Administrator.

U.S. Department of Commerce,
Bureau of Public Roads,
Washington, D.C., June 17, 1964.
Hon. Mike Mansfield,
U.S. Senate, Washington, D.C.

Dear Senator Mansfield: I appreciate receiving your letter of June 11 containing estimates of the extent of the damage due to the recent floods in Montana. Our field people met with the Governor on June 9 to brief him on procedures that are being used by the Montana State Highway Commission and Bureau of Public Roads, working together to assess damage to roads and bridges, to authorize temporary emergency repairs and to plan for permanent repairs or reconstruction. We understand that engineers of public roads and the State highway commission flew over the area on June 11 to establish priorities for the emergency repair work.

Section 125 of title 23, United States Code, "Highways" authorizes an appropriation of $30 million annually for the repair or reconstruction of highways, roads, and trails which have suffered serious damage as the result of disaster over a wide area. These funds are available on a 50–50 matching basis for the reconstruction of highways on the Federal-aid highway systems and on a 100-percent basis for the repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads, whether or not such highways, roads, or trails are included in the Federal-aid highway systems.

Roads and bridges not eligible for repair or reconstruction under section 125 may be eligible under Public Law 875 by the Office of Emergency Planning. The Bureau of Public Roads assists the Office of Emergency Planning by assessing the damage and providing such other technical assistance as may be required. Some roads not on the Federal-aid systems but within national forests or Indian reservations would have the option of repair under either law.

You may be assured Public Roads will fully cooperate with the Montana State Highway Commission in the restoration of travel at the earliest opportunity and the financing of reconstruction to the extent permissible under the controlling legislation.

Sincerely yours,

REX M. WHITTON,
Federal Highway Administrator.

THE 300TH ANNIVERSARY OF HOPKINS ACADEMY, HADLEY, MASS.

Mr. SALTONSTALL. Mr. President, Massachusetts has long been proud of its pioneering role in the founding of educational institutions traditionally dedicated both to the advancement of learning and to community and national service. Hopkins Academy, located in Hadley, Mass., and founded in 1664, was one of the first of such New England institutions.

Currently celebrating its 300th anniversary, the academy was one of several schools supported by a bequest from the estate of Edward Hopkins, an early Governor of Connecticut. The Governor's support indicated his belief in the importance of education and his firm desire, according to his own words, "to give some encouragement for the breeding of hopeful youths both at the grammar school and college, for the public service of the country in future times."

During the 300 years since its founding, Hopkins Academy has continued this early tradition of public service and concern for the well-being of the individual. Its graduates include many distinguished men and women, dedicated to the fields of law, government, science, medicine, and education. The spirit of patriotic and human concern which motivated the founders of the school continues today to inspire its students and alumni.

Massachusetts can indeed be proud of Hopkins Academy, a school which is endowed not only with a tradition of high educational standards, but also with a history of outstanding service to community and country.

LONG ISLAND PROGRESS

Mr. KEATING. Mr. President, Long Island's Tri-County Labor-Management Institute sponsored jointly by the Long Island Press and the National Conference of Christians and Jews has done a fine job in stimulating intelligent discussion and action on Long Island problems. Particular credit goes to Austin Perlow, of the Long Island Press and Jay Kramer, commissioner of the New York Labor Relations Board, for their energetic leadership.

Mr. President, among a number of significant speeches delivered at the Tri-County Labor Management Institute sessions at Hofstra College was one by Keith McHugh, New York State commissioner of commerce.

Commissioner McHugh emphasized the need for recognition by Long Island leaders of community problems and coordinated planning to meet them. He specifically endorsed my own proposal for a Long Island Economic Commission to chart the area's economic growth for the years ahead.

Commissioner McHugh also gave some very encouraging facts and figures on New York's export expansion office.

Mr. President, I ask unanimous consent to have printed, following my remarks in the RECORD, the text of Commissioner McHugh's address.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT CAN LONG ISLAND DO TO STRENGTHEN ITS ECONOMY?

(Talk by Keith S. McHugh, New York State commissioner of commerce, before the Tri-County Long Island Labor-Management Institute, Hofstra College, Hempstead, June 9, 1964)

I greatly appreciate being invited to speak to this forum today and wish to compliment the Long Island Press and the National Conference of Christians and Jews for sponsoring this labor-management institute. The institute's statement of purposes "that leaders of labor, management, and the public may discuss problems of mutual concern to insure industrial progress and labor peace" is, indeed, worthy and forward looking.

For a great many years, I have been deeply interested in Long Island, its extraordinary growth record and its great future potential. I lived and worked on the Island in the twenties and, later, as president of the New York Telephone Co. from 1949 to 1959, saw the population of Nassau and Suffolk Counties more than double in the decade of the fifties. To meet the telephone and communications requirements of the people on the Island, during those 10 years, we authorized capital expenditures of $772 million for communication plant and equipment. That is a lot of money to spend for improvement and growth; frankly, there were moments when I wondered if we were not overbuilding. But, happily, the Island kept growing and, today, has more telephones than 43 of the 50 States.

Long Island, indeed, has had a proud rate of growth; both of people and industry and its employment and unemployment records have generally been excellent. During the last 5 years, when, as State Commerce Commissioner, I have had a special interest in the State's economy, total employment in Nassau and Suffolk Counties has increased steadily from 534,000 in 1958, to 675,000 at the end of 1963. And each of the first 4 months of this year shows gains in total employment over the corresponding months of 1963. Further, during the last 16 months, from January 1963 through April, the rate of unemployment in the two counties has been quite favorable and better than the State average. Since the State average rate of unemployment is generally better than the national average, the Long Island record is indeed an enviable one.

While this is gratifying, it is natural that thoughtful leaders on the island want to do everything possible to insure its continued growth and prosperity. This problem is important, not only to the thousands now employed on the island and others dependent upon these payrolls but, also, to the thousands of stockholders and entrepreneurs who have their savings invested here. These two great counties have been outstanding for growth and progress—all of us want to see that continue.

I have been asked today to suggest lines of action which Long Island people might take to help strengthen your economy for the future. That is obviously a very large question if one were to explore the subject in detail. I must necessarily confine myself, therefore, to a few observations which I hope will prove useful.

At the outset, let me say that I do not intend to speculate on the magnitude and rate of speed of possible defense cutbacks—or the possible effects of such cutbacks on the economy of these two counties. This subject is obviously of deep concern to many on the island as, indeed, it is to others elsewhere in the State and the Nation. I will only say that, as desirable as it may be for all of us who pay Federal taxes to reduce the total cost of our defense effort, I hope that the executive leadership in the Federal Government will be wise enough to phase out any prospective cuts over a period of years, giving advance notice as early as possible to the companies and communities particularly affected.

Today, therefore, I will make suggestions which I hope will be helpful for the whole economic growth of the two counties, even though I fully realize that a substantial part of your present industry will always be interested in doing Federal work so long as such work exists.

What, then, are some of the things which you might consider for the future good of the region? Without submitting anything like a comprehensive list, here are a few:

First. I like Senator KEATING's suggestion, made at your last meeting, that you form an economic commission to take stock of your economic assets—and liabilities—and to help form sound judgments for future action.

There are, of course, a number of ways to accomplish this purpose.

One possibility might be to follow up a plan which has already been suggested by some of your county planning people to our State commerce planning bureau; namely, to create a bicounty planning agency and make a regional master plan study. If such a program could be set up and properly qualify under section 701 of the Federal Housing Act, substantial Federal, and State financial support would be available. As part of this study it might be possible to contract for an economic base study of the two counties, push this through as rapidly as possible, and complete other phases of the master plan later. This would provide useful economic information early and help guide other action, if needed. My people, of course, would be happy to cooperate fully should such a plan be seriously considered.

Second. Some genuine thought and consideration should be given to greater unity of action by all organizations working to promote industrial development and tourism.

Your present Long Island Association, of course, encompasses membership in and interest concerning the whole of the two counties. Both Nassau and Suffolk Counties have persons or groups charged with industrial development. The towns of Islip and Brockhaven and the area of Brentwood within Islip, have separate industrial development activities. The Huntington Township Chamber of Commerce and the Freeport Industrial Committee are both working actively. No doubt there are others that I have missed.

In addition, there are three nonprofit local development corporations organized to take advantage of loans for industrial development under our State job development authority lending program.

Far from decrying this multiple action by many people and organizations, I applaud it, for it shows an active interest in the growth problem. One's natural desire is, understandably, to secure all expansion, new industrial growth establishments, and vacation travelers for one's own area. But if this desire can be subordinated a bit and if pertinent information common to both industrial and tourism promotion is currently exchanged between all working groups, I believe greater total gains can be made and more employment will result. Site possibilities, labor, available market studies to pinpoint industrial sales—there are many examples of information which could be usefully exchanged.

After all, a businessman wishing to establish an important new plant is not too interested in the minutiae of comparisons between communities, but, rather wants to know about the region as a whole. He expects to draw employment in all probability from the region, not necessarily from the community alone, and the general business climate of the region, its markets and transportation, among other things, are the general factors which are apt to concern him most.

Similarly, the tourist or vacationist wants to know what the region has to offer in the way of recreational facilities, housing, and transportation. The private owners of resorts, motels, hotels, and attractions, can be counted on to advertise the merits of their individual establishments; business groups and associations and local government might best confine their efforts to bringing people into the region and making them want to come back again.

Some practical method or clearinghouse by which information and resources can be pooled by all groups interested in the promotion of both industrial development and tourism, would, I think, be helpful and productive of better results at lower cost. And this should actually strengthen the efforts of individual organizations which, naturally, wish to preserve their own identities.

Third. I urge that some plan be adopted for continuing action on a broad front to encourage the expansion of existing and the location of new research and development laboratories. This probably should be a joint effort combining the best resources of business, labor, your great universities and colleges, and of county government.

I cannot stress too strongly my personal belief that the best way to attract the new industry of tomorrow is to combine in this region the finest possible college and university facilities, including, especially, advanced degree centers, with a solid, growing base of research and development laboratories. This combination of assets has enormous attraction for research-oriented industry. Such industry, in turn, is generally the fastest growing in our industrialized society, for it is literally true that many of the products being sold today came out of the laboratory within the last few years.

I urge you to work hard to improve the present fine record of growth of such laboratories in Long Island.

In 1960, our State commerce department gathered and published a directory of all research and development laboratories in the State, both company-owned and those associated with universities and colleges. That survey showed a little over 1,100 such laboratories in New York which, even then, was nearly as many as the total of the next 2 leading States.

We are just completing a revised and updated statewide directory of such laboratories and the total will be, approximately, 1,200. In 1960 our directory showed 128 such laboratories in Nassau-Suffolk. The new directory, shortly to be published, will show the total here now to be 187, an increase of 59 over 1960, or a 46-percent increase in these 4 short years. This is an extraordinary record of growth of which all can be proud.

Some of you know that Governor Rockefeller appointed an advisory council for the advancement of industrial research and development some 4 years ago. It is composed of 40 of the leading scientists and laboratory directors in our State and has a number of representatives from Long Island including my good friend, Dr. Ernst Weber, of Brooklyn Polytechnic Institute. Last year, the council sponsored, with Dr. Weber's leadership, a most interesting symposium on research and development as a key to the future of Long Island. No doubt, many of you attended this symposium. The council has been extraordinarily helpful in our overall State objective of increasing the strength and number of research laboratories in the State and research activity generally. I think the council members could be helpful if you wish to carry on more active promotion in this area.

The State, too, has taken action, effective January 1, this year, which should help greatly in expanding or building research and development facilities. Now, all new capital costs of such research facilities can be written off, for State tax purposes, in 1 year.

Further, the new law permits industry to write off all other new depreciable plant and equipment at twice the rate permitted by the Federal Government.

Both these new tax provisions should help us in the competition for industry because no other State has such a favorable plan.

Fourth. My final suggestion today is that I believe it would be helpful to the future growth of industry and jobs in the two counties if you would encourage a wider and more active interest in export sales by manufacturers and suppliers of the two counties.

I base this recommendation on the actual experience which we have had in State commerce during the last 3 years in the promotion of increased export sales by New York firms. As many of you know, we are the first State to set up a division of international commerce, and the first to establish a permanent commerce office for Europe in Brussels, Belgium.

The results of this new State effort have been so extraordinary that I thought you might be briefly interested and might find them useful for consideration.

We began this operation on a test basis 3 years ago. The new division of international commerce was formally set up late in 1962, and fully organized by April 1963. Its principal purpose is to inform industrialists of the countries of the free world that here in the State of New York our manufacturers make 403 of the 416 nationally recognized classes of products for export; that if they have need of goods of U.S. manufacture we will, without cost to them, put them in touch with firms here which can supply them with quality products. We say to them, "Why bother going to all the other 49 States when you can find what you want here so easily?"

Here in the State we have a carefully checked list of approximately 9,500 manufacturers, suppliers, and exporters who have indicated an interest in selling certain types of goods abroad.

We began very modestly with small advertisements in newspapers in each of six countries. Today our State advertising appears in 49 newspapers in 30 countries. And the word has spread, for we are now receiving inquiries for New York goods from 80 countries of the free world. These cover everything from apples and milk products to the entire range of manufactured products.

In the first quarter of this year, we averaged 1,500 inquiries per month for New York goods. This was 2.5 times the number in the corresponding period of 1963 and 5 times the number in the test year—1962. And the rate is still going up, for in April we received over 1,800 such inquiries. Each letter inquiry, incidentally, will generally seek an average of between 2.5 and 3 different categories of manufactured items.

We sent out 27 Foreign Trade Opportunities bulletins in April to a total mailing of nearly 50,000 firms in the State.

Based on a careful survey of the firms on our list last year, we are confident that our sales leads were instrumental in selling $30 million worth of goods in 1962. To produce the goods for these sales, we estimate, requires about 4,500 manufacturing jobs. We know that 1963 results will be substantially above these figures, but the questionnaire to the manufacturers was only mailed last week, and we will not have complete figures until sometime in July.

Of the statewide list of 9,500 firms which receive our Foreign Trade Opportunities bulletins, 377 such firms are in Nassau County, and 70 are in Suffolk County.

While the 2 counties, therefore, have nearly 450 firms now receiving these bulletins, we are satisfied from our 3-year experience that there are many medium and small manufacturers which either could make more export sales with profit or are not in foreign markets at all and hence missing substantial profit opportunities. A relatively small number of firms in the State do a very large part of the total dollar volume of New York exports; there should be a much larger number.

With Europe, Japan, and certain other areas of the world growing at very rapid rates and with the enormous future markets which will come into being as the underdeveloped countries of the world begin to improve their economies, I, therefore, urge all manufacturers to take a new, hard look at the export possibilities.

There is another good reason for doing this. The competition today is getting tougher all the time—both between businesses in this country for domestic markets and from foreign imports. Further, we must consider the possibility of forthcoming results from the so-called Kennedy round of tariff discussions. While I do not predict the outcome of these discussions, it may well be that many industries in the State must expect increased domestic competition from firms abroad if we reduce our tariffs. By the same token, we ought to take a harder look at increased export possibilities since, presumptively, all countries involved in the agreement should be reducing their tariffs on our goods.

If you businessmen, or your organizations in Nassau-Suffolk, therefore, think well of these points and wish to become more actively interested in export possibilities, my Nassau-Suffolk regional office and international division people will be happy to assist in any possible way. I, personally, think this area of opportunity could mean much more business and many more jobs and help your growth problem.

I'd like to conclude this talk by saying that while there are things which State and local government can do, especially to create a good climate for our free competitive system to grow, flower, and prosper, I am convinced—from a long experience in both business and government—that in the end we must look to business management and farsighted labor leaders to keep our economic ship on an even keel, going ahead vigorously.

At the moment, for example, you and we are concerned about the economic effects of prospective defense cutbacks or the possible closing down of certain Federal establishments. This problem, of course, emphasizes a fact that many of us have always known, that is, that Federal business is great when you have it, and can be an awful headache when you lose it. But, more importantly, it underlines what every business manager worth his salary knows from experience, namely, that if he is to fulfill his obligations to his stockholders and to his employees and to continue to merit the respect and business of his customers, he must be alert to change of all kinds. He must anticipate change whenever practicable and plan his business' future accordingly. Change is not new in business. It is always with us. It comes from new competition in products or materials, from changing markets and, obviously, as in the case of defense contracts, from the changing requirements of the customer. Those who anticipate change from all causes, plan for it and are prepared to meet it, survive and grow and prosper, adding to the economy and to the general welfare; those who either fail to anticipate change or are unable to cope with it have a very bad time, give many other people a very bad time and, finally, the business goes the way of all mortals.

This may be a fairly brutal analysis but the history of business in our free competitive society shows it to be true.

While the fundamental responsibility to meet change, therefore, lies with the business manager, I believe it is also true that the wise leader of organized labor will also see these problems of survival under change, not only within the industry in which he is most active but, hopefully, even with a broader horizon. The business manager has a right to expect both understanding and cooperative action to help meet changing conditions, vital to the industry, from his counterpart, the leader of labor. The leader of labor, in turn, has the right to expect the manager to understand labor's problems. But both have a completely common interest in fundamental changes in the business, for if the business cannot remain competitive, it means loss to everybody—the shareholders, the employees and the public generally.

In the long run, labor does best in those businesses which are growing and prospering. No one in his senses wants to work for a company that is going downhill—if he can help it.

I close, therefore, with the hope that the suggestions I made earlier may be helpful in your consideration of the future of Nassau and Suffolk counties and with the personal plea for the closest possible understanding and cooperative action between business and labor for the common good and future welfare of all in the region.

VISITS BY AMERICANS TO CUBA IN VIOLATION OF PASSPORT AUTHORITY

Mr. LAUSCHE. Mr. President, on September 10, 1963, on the floor of the Senate, I made a statement concerning 59 young Americans who had visited Cuba in violation of their passport authority. Those 59 young men from various parts of the United States, paid their passage to New York City. In New York City they boarded ships going to the Hague, London, Amsterdam, and Prague. Their transportation was paid by the Communist Party or by others connected with the Communist Party.

From Prague they went to Cuba, and in Cuba began a practice of praising the Communist government of Cuba and denouncing that of the United States.

When they came back to this country the question was raised as to whether or not their disobedience of the law would go unchallenged.

I stated on the floor of the Senate on September 10:

> I say today on this floor, Mr. Attorney General Robert Kennedy, you must understand that our Government cannot survive if individuals can defiantly and brazenly violate the law without being required to pay the penalty for such violation.

When they were challenged on their return to New York, the officials contemplated stamping their passports as invalid. Fifty-nine of them sat down and indulged in a sitdown strike in the port of entry.

Action was taken against those 59 men but as of this date has not been adjudicated.

Now, in June of 1964, 73 young men, in a similar circuitous route, made a trip to Europe, and from Europe to Cuba. The report is that among those young men, while in Cuba, four of the students in substance argued that destruction of the U.S. Government was needed.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, may I have 3 additional minutes by unanimous consent?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. I read from an article which appeared in the Warren, Ohio, Tribune-Chronicle of June 13:

> Destruction of the U.S. Government is advocated by 4 students among 73 Americans visiting Cuba in defiance of State Department restrictions.
>
> A statement denouncing the North American racist government was issued by the four. It added, "We realize the U.S. Government is the biggest farce in history and must be destroyed.
>
> A 23-year-old New Yorker, Ed Lemansky, identified himself as the group's leader and a Communist.
>
> He distributed a statement declaring: "We have different reasons for coming to Cuba, but we are united in our opposition to our Government's efforts to prevent U.S. citizens from traveling to Cuba."

At this point we are again faced with the question, What will be done with these young men when they come back? Shall we deal with them with silken gloves, or shall we make certain that the law is obeyed and that order is maintained?

I now call upon the Attorney General to give attention to this matter immediately, to see that these deeds of deception and betrayal of our country shall not be countenanced by our Government.

THE PRESIDENT DOES WHAT IS NATURAL

Mr. WALTERS. Mr. President, I ask unanimous consent to have an editorial from the Nashville Tennessean of May 11, 1964, entitled "President Does What Is Natural" printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean, May 11, 1964]

PRESIDENT DOES WHAT'S NATURAL

Some of the stiffer collared members of the Republican press corps are beginning to look down their noses at President Johnson's talent for hitting it off with the common people.

It has been some time since these paragons of political manners have been able to find anything to criticize in the way Mr. Johnson does his job. So in their frustration they turn to the way he pulls the ears of his beagles, shows tourists about the White House grounds and invites families of newsmen to press conferences and permits their children to play with the beagles.

All of these acts, say some of the "stiff collars" are mere gimmicks which are beneath the dignity of a President. The voters like a dignified Chief Executive, said one critic, implying that the President is too folksy.

But it is no gimmick when a Chief Executive is just being himself and giving free expression to his warm regard for people and their problems. That is the kind of folksiness President Johnson exudes and he does it so easily because it is natural and he can't help it. When the occasion requires, he has great dignity.

The President's ability to blend dignity, sincerity, and genuine folksiness has been no better demonstrated than it was Friday in Georgia, where record crowds turned out in Atlanta and Gainesville to hear and applaud his forthright views on equal rights for all citizens. Despite the delicacy of the subject, the President did not pussyfoot about it. The people appreciated his honesty and sincerity and cheered him wildly.

This is genuine rapport with the people which the stiff collars misinterpret and decry as undignified folksiness. But the only thing about it that really bothers them is the fact that it wins for Mr. Johnson too many loyal and substantial friends.

Mr. WALTERS. Mr. President, I am glad to call attention to this fine editorial because it fittingly reflects the human qualities which are so much a part of President Johnson. Those who have met him, be they ordinary citizen or king, come away with the same feeling—that they have come in contact with an unusual human being, someone who is capable of communicating warmth and friendship through a handclasp or a sentence or two. This characteristic of the man at the head of our great Nation has endeared him to millions of Americans and has greatly added to our image with our oversea neighbors. President Johnson has the rare formula for combining all of the elements which should go into a man of the people without detracting in any way from the dignity of his high office.

THE FIRST LADY HAS PERSONIFIED THE BEST POLITICS

Mr. WALTERS. Mr. President, I ask unanimous consent that an editorial from the Louisville Courier-Journal of May 23 on the First Lady be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, May 23, 1964]

THE FIRST LADY HAS PERSONIFIED THE BEST POLITICS

Lady Bird Johnson has returned to Washington after her triumphal tour of eastern Kentucky, leaving in her wake throngs of slightly dazed admirers and a few frustrated critics. The First Lady came and saw, say the critics, but she conquered nothing beyond a few headlines. The poverty, the impoverished, the stubborn problems of the hills, they say, remain the same. They are not quite right.

True, the same problems beset the region that plagued it before she came—the same historic lack of roads, the same substandard schools, the flood-prone creeks and overcut hills, the same deep, lingering wants of jobs, the same lack of health and sanitary facilities. The visit of the President's wife will not convert the Lick Branch School into the modern school its children want and need. It will not turn the rocky road up Warshoal Branch into a hard-surfaced highway.

But perhaps Mrs. Johnson, in her kindly way, left something as precious as roads or schools. She left hope, and a reminder as real and solid as a Texas smile that there is someone in Washington who knows firsthand of the needs of the mountains, who cares about the people there, and who is determined to do something about them. Today, along the ridges and hollows of Breathitt County, it is a little more realistic to hope that the time is not too far off when the schools and roads and hospitals are better, when the towns are prosperous and there are jobs for those who will work.

There are lives, too, that will not be quite the same again. For hearts are kept warm by memories as the body is warmed by central heating. Wonder nourishes the spirit more than hot lunches. And years from today Breathitt Countians will recall memories of the great lady, the President's wife, sitting on the front porch, admiring a sweatshirt, complimenting a report card. If this be politics, Lady Bird made the most of it.

Mr. WALTERS. Mr. President, we are most fortunate to have Lady Bird Johnson as the First Lady of the land. This editorial from the Courier-Journal graphically illustrates how important a thing known to us as hope can be and how graciously and willingly Lady Bird gives of her time and energy to restore this vital human element to some of our less fortunate citizens. As the editorial states, it may be some time before we achieve the ultimate solution of the problems which beset the east Kentucky region, but I know the warmth of her smile and the firmness of her handclasp has done much to lift the pall of defeat and hopelessness that pervades and destroys the normal incentives toward a better way of life. Her gift of hope to the people of Breathitt County is a priceless one, bringing with it a reassurance that they are indeed not forgotten, and this in itself will generate a stronger desire to overcome their unfortunate deficiencies.

PRESIDENT JOHNSON'S PERFORMANCE IN OFFICE

Mr. MUSKIE. Mr. President, President Johnson's performance in office has been the subject of comment nationwide on a scale seldom seen in our history. The entire country is curious, interested, impressed, and somewhat awed by the man and his capacity for getting things done.

Two excellent articles on this subject have recently appeared in the San Francisco Chronicle and the Times Picayune.

I ask unanimous consent to have them printed in the Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the San Francisco Sunday Chronicle, May 24, 1964]

The Cool Mr. J.

(By Henry Brandon)

Washington.—What strikes me most after 2 months' absence from Washington is how lighthearted confident this usually excessively crisis-conscious Capital feels today under President Johnson's leadership. How much its ingrained skepticism has been swept away by an intoxication with the President's earthy Americanism, his human spontaneity, his power display in getting things done.

Mr. Johnson's seemingly inexhaustible kinetic energy now ranks with such awe-inspiring natural wonders as the Grand Canyon. But it all adds up to the important fact that he has now become President in his own right.

Mr. Johnson, who is his own sort of one-man public relations firm—but in blue jeans rather than gray flannels—continues to keep an extraordinarily high popularity rating: 75 percent give him their approval.

This he achieved not simply by being oblivious to Presidential dignity nor by being so uninhibited in the use of corn that the commonplace becomes the unique and inimitable, but by proving that he is a man who gets things done.

His performance is a demonstration of what a superb politician with long experience, with indefatigable industry and an intrinsic sense for the use of power can achieve.

Among Americans I think he is not really a popular figure, but an understandable one. They do not particularly care about style but about substance, and so far on that score he has done remarkably well.

His two great aims—and they are of far-reaching historic significance—are:

(1) To weld this country, which is still a confederacy, into a union. As a man with an unmistakable honeyed southern lilt, who has also strong support in the North, there is no one who has a better chance of accomplishing this. His appeal to reason the other day in Georgia showed both statesmanship and courage.

(2) To establish a better understanding between the White House and Congress.

At a time when this country is passing through one of its great historic tests—the Negro revolution—it is not surprising, therefore, that a great majority is anxious to see this kind of leader succeed. It is also reassuring that the economic boom looks as if it will hold up for the rest of the year and that the detente between East and West continues.

The crucial turning point in Mr. Johnson's position was his personal success in averting a railway strike. "It wasn't collective bargaining, it was compulsory Johnson," an official remarked later.

Unlike Mr. Kennedy, he did not question his advisers about the details of the strike issues, but merely asked what the consequences of a nationwide strike on the country would be. By dangling carrots and wielding the stick in the best Rooseveltian manner, he finally relieved the country of this nightmare of economic troubles.

This success also gave him that final inch of confidence in himself which he still needed. It led him to drop his grave self-conscious dignity, and to act entirely as himself. His speeches are still more pep talks than declarations of policy.

Except for what are more day-to-day problems, he does not have to think of new policies yet. He shrewdly chose to be the executor of the Kennedy legacy and he is managing this with great aplomb.

Nothing seems to nonplus Mr. Johnson, and wherever he has aroused criticism he has shown a touch of genius for turning it into laughter. First he angered all dog lovers by pulling his beagle up by the ears, but now he has owners of beagles holding up their dogs to him in the crowd to have their ears pulled.

"I found out," the President says to them, "that beagles have a constituency and I am glad to be out of the doghouse."

His answer to the reporters' early complaints that he did not hold enough press conferences was to dispense information at every possible or impossible opportunity. Their cry now is "freedom from information."

Meanwhile it is not surprising for him to ask, as he did recently, putting his arm around Republican Senator Everett Dirksen: "Don't you think I am quite a President?"

Even President Kennedy, if he has a chance to watch from somewhere, would, in his wry, detached way, have nodded.

[From the Times-Picayune, May 18, 1964]

L.B.J. Campaigns With an Object

What's all President Johnson's furious campaigning about—New York, Atlantic City, Appalachia, the Tennessee Valley, Atlanta, and so on, all in the space of a few days?

To hear the political analysts talk, Mr. Johnson isn't concerned about the Democratic Convention and a few southern delegations he might not get; he is looking forward to November. For when the election comes he may have to look south as well as east, north, and west.

The Republicans, of course, have not settled on a candidate. But they might well have one if Senator Goldwater wins the California primary 4 weeks hence.

It seems to be agreed that Goldwater might make the going hard for the Democratic campaign in parts of the South and West. What Alabama did in going 4 to 1, and in some districts 10 or 20 to 1, for unpledged delegates to the Democratic Convention, had some significance for Democratic campaign managers. It is not that the vote of Alabama, or such other Southern States as may follow suit, would be a Johnson problem in the convention. But it might mean, in conjunction with Governor Wallace's showing in Indiana and Wisconsin, that come November too many Democratic votes may be found slipping over into the Republican Goldwater column if he is the GOP nominee.

So it may be the part of wisdom for Mr. Johnson to drive as hard as he can from now on to induce as many Democrats as possible to quit threatening to jump the party fence.

TRIBUTE TO PRESIDENT JOHNSON

Mr. MORSE. Mr. President, the Nashville Tennesseean has published recently two fine editorials paying deserved tribute to President Johnson. The first is entitled "Second Johnson Visit Can Only Mean: Move." The second editorial is entitled "Mr. Johnson at Midyear Still Going Like Dynamo."

I am privileged to ask unanimous consent to put the two editorials in the Record. Although I vigorously disagree with some aspects of his foreign policy, I have the highest regard for the President as the leader of my party, and look forward, as chairman of my State delegation at the National Democratic Convention, not only to urging his nomination—which is a foregone conclusion—but to campaigning vigorously for his election when the campaign is on.

Mr. President, I ask unanimous consent to have these two editorials printed in the Record.

[From the Nashville Tennessean, May 5, 1964]

Second Johnson Visit Can Only Mean: Move

President Lyndon Johnson pays his first official visit to Tennessee, but his second to Appalachia, as Chief Executive, Thursday. The Volunteer State welcomes him.

Mr. Johnson is touring several Appalachian States caught in the throes of chronic poverty. He will stop in Knoxville for an hour or so, possibly to confer with Tennessee Valley Authority officials.

Though such trips always have political overtones, there is much to be gained by them. In this instance, the gain is the region's. This will be the President's second visit to Appalachia in a very short time. It is certain to alert the Federal establishment in Washington, a comparative stone's throw away, that it is not all politics; Mr. Johnson means business.

The chances for bureaucratic footdragging, frequent enemy of progress, are immeasurably reduced.

There are other enemies, to be sure. Senator GOLDWATER thinks it foolish to invest Federal dollars in public works for stricken mountain counties. His supporters oppose the sort of public welfare that has sustained the people of this region too long already. But when the economic base to make them self-sufficient—a base of dams and roads and other public works—is proposed, administration critics deplore this too as a doleful waste of dollars.

There are unthinking Americans who oppose the sort of program Mr. Johnson proposes on grounds that the region itself, and the people within it, are not worth the expense entailed to salvage both. Those in need should just move elsewhere and get themselves jobs, it is argued.

Second thoughts, of course, question where those jobs might be found for unskilled men and women confronting alien lives in urban centers crowded already with unemployed. And this force grows as automation cancels more and more job opportunities.

Up to this point, the Nation has engaged in foolish economics in dealing with Appalachia.

It has watched disastrous floods pour through and level such cities as Hazard, Ky. It has then rushed in with millions of dollars—an estimated $25 million after the 1956 flood—to sustain the stricken and build back the losses. Only to have it predictably happen again, all for want of a dam.

The Nation, again, has seen the bottomland farms that once sustained families wither beneath the impossible competition of flatland superfarms where much machinery and a few men pile up storehouses to overflowing.

Then the Government warns the mountaineer to compete, subsidizes the Midwestern competitor and sends his surplus grain to the hills for handout.

Congress has created a magnificent agency—the TVA—to demonstrate how to conserve and develop a region's resources. Then the Nation has allowed that agency to stimulate with its coal-purchasing policies one of the worst Appalachian conservation offenses—hillside strip mining—ever visited upon our land.

President Johnson, with his special Appalachian program, is headed in the proper direction. There is more needed, particularly in the areas of recreational and public power development, and these will come in due course. Visits such as President Johnson's Thursday will speed the day.

[From the Nashville Tennessean, May 24, 1964]

MR. JOHNSON AT MIDYEAR STILL GOING LIKE DYNAMO

President Lyndon Johnson has just completed the first 6 months in office and has established himself as a "can-do" President whose product of a half year is extraordinary.

He took over the Presidency under the most stunning of tragedies in Dallas last November. And the transition was so smooth that one cannot pay tribute to the wisdom of the Founding Fathers without regard for the political skill and acument of President Johnson.

White House newsmen have come to regard the President as a veritable human dynamo who works day and night, holds news conferences at the drop of a hat—18 so far—makes speeches at a lecturer's pace—in one spurt, he made 30 speeches in 13 days—skips around the country at a jet pace. He has traveled the Appalachian trail twice, opened the New York World's Fair and visited enough States to begin forming a travel map.

He is a political animal given to contemplation, but he nevertheless sticks his neck out and gets away with it. He vowed to close down unneeded military bases and trim the Federal payrolls and got little reaction, although such moves are guarded generally as risky. He went into Atlanta, Ga., and made a ringing civil rights speech and was hailed by enthusiastic Georgia crowds. He intervened personally in the long-stalemated and bitter railroad labor dispute, amid warnings he would fail and damage the prestige of his office. He went on anyway, insisting that the two sides could settle their differences, and they did.

His tangible accomplishments have reached from the restless seas of international relations to the turbulent halls of Congress. The President cooled the Panama crisis and brought it to the bargaining table. He extracted from Mr. Khrushchev a limited agreement on nuclear materials making and seems to have brought some added relaxation between the two countries.

In Congress, he broke the logjam on the stalled tax cut legislation and got it passed. When the House stalled his foreign aid bill at year's end, he managed to get a vote. When Congress has defeated or sidetracked important bills, he has insisted on another vote and has usually got them. Examples are the food stamp plan, wheat price supports, financing of the International Development Association and other measures.

Currently his administration is embroiled in a growing crisis in southeast Asia. A good many see the situation in that part of the world as hopeless, but Lyndon Johnson is a man who tackles hopeless situations hopefully. The rail strike settlement and the tax cut bill were regarded as minor miracles, so no one is betting against further miracles, even on the international scene.

At home and abroad, Mr. Johnson has completed 6 months as a man of action and a man of force and even his political foes grudgingly admit he's a hard man to slow down. If the various polls are any indication, the majority of American voters approve his efforts and seem willing to gamble that if anybody can solve the Nation's difficult problems at home or abroad, President Johnson is the man.

The coming 6 months will be tougher, filled with a great deal more political pitfalls for a President and a party standard bearer. But President Johnson's start has been auspicious. His leadership has given a sense of security both to the country and his own political party.

THE COMMUNITY COLLEGE IS PROVIDING BETTER EDUCATION AND TRAINING

Mr. BREWSTER. Mr. President, as our population and technology expand, we must recognize the needs of more Americans for better education and training.

One of the most encouraging developments in this important area is the community college.

Last Sunday, I had the pleasure to address the graduating class of the Essex Community College, Baltimore. Essex Community College is one of several educational institutions in Maryland, similar to hundreds across the Nation which are providing advanced education and training at the local level in rapidly growing suburban and exurban areas.

Mr. President, I ask unanimous consent to have my remarks on that occasion printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR DANIEL B. BREWSTER, COMMENCEMENT EXERCISES, ESSEX COMMUNITY COLLEGE, JUNE 14, 1964

Members of the class of 1964—congratulations. Dr. Koch, members of the faculty, parents and friends of the graduating class, I am pleased to be at an institution which represents one of the most exciting developments in contemporary American education.

In the past few decades, education in the United States has faced a critical challenge. In part, it has been a challenge of numbers. In part, it has resulted from the demands created by advancing automation. And in part, it represents a revolution of rising expectations on the part of American students and their parents.

Once only a small percentage of high school graduates could hope to continue their education. A college education is now the expectation of increasing numbers every year. This development has brought us to a crisis in education.

The nature of our educational crisis is this: We are required to educate more people than ever, better than ever, for more skills, vocations, and professions than ever; and we must give them an education which is flexible enough to meet the demands of the constant change which is the heritage of this century.

You represent the stunning response of private and public agencies to this crisis in education. Within remarkably few years, the community college has emerged as the institution which can help American education meet the needs of our changing civilization.

The rapid growth of the community college attests to its success. In 1900, only 8 schools existed in this country which could be described as community or junior colleges. By June 1963, 704 such schools were sending qualified men and women into all areas of economy, or on to institutions of higher learning.

As early as 1901, David Starr Jordan, president of Stanford University, recognized the potential of the 2-year college when he said: "We look upon the junior college movement which is now spreading throughout the United States as the most significant occurrence in American education in the present century."

In 1960, the President's Committee on National Goals underscored the importance of 2-year community institutions which provide terminal programs, programs for transfer to 4-year schools, vocational and subprofessional programs, and courses in adult education. In this context, the 2-year colleges have become known for their versatility and excellence.

The Higher Education Facilities Act of 1963 set aside funds to provide academic facilities for public community colleges. These funds will enable the construction of 25 to 30 new community colleges each year. President Johnson called this bill "the most significant education bill passed by the Congress in the history of the Republic."

I think that the phenomenal success of the community college comes directly from the fact that it is an institution uniquely suited to our educational needs at three critical levels—those of the individual, the community, and the Nation.

For the individual, the community college opens a door where formerly one was closed. Previously, a graduate who was unable to go to college, for any one of a number of reasons, reached an educational dead end upon graduation from high school. With the growth of the community college, the situation has changed.

In 1960, 227 members of the Essex community were enrolled in colleges, here and elsewhere. By 1962, this college alone accounted for 187 full-time students and 210 part-time ones. By 1975, 1,200 students are expected to be enrolled here.

No institution is better equipped to identify the specific needs of its immediate area, and to provide the kind of trained citizens who will meet the needs of that area. I am sure that the graduates of this fine institution could testify to that fact.

In this particular community, more than half of the labor force is employed in manufacturing. Such a community must be prepared for the unforeseen—for changes in methods of manufacture, in materials, for new process requiring new skills.

Education is always a continuing process. The existence of an institution such as this assures the members of its community that they will always be up to date, for the key to further training is within their grasp.

I was impressed to learn that, in addition to the 200 full-time students registered here in 1964, there are 200 part-time students. Many of both groups are adults. This indicates to me that this college is serving as a center for continuing education for all ages, and for people of diverse educational goals.

At the national level, the community college plays an increasingly crucial role in our complex educational scheme. All aspects of American life require a higher degree of education, of training, and of general awareness than was common a century ago. We are discovering, as George Meany, president of the AFL–CIO has said, that "modern technology has increased, rather than diminished the skills required of the individual craftsman."

This is an age which urgently demands an educated, alert citizenry. The social and political issues which face our Nation are at once complex and explosive. In this century, we find ourselves, as the most powerful nation in the world, acting with more restraint than ever before. It is a world in which the roles of large and small nations seem at times strangely reversed. Such a world requires of its citizens an ability to make subtle differentiations. We must possess a more than superficial understanding of our national and international scene in order to understand why large nations must act with restraint while small nations seemingly do not; to understand why our awesome nuclear power is not for casual use; to understand the complex social forces which make it necessary for the Government to help people who are unable to help themselves.

But these great international questions are not the only problems we face.

As our production efficiency increases, the workweek shrinks. Our problem is not simply how to spend our spare time, but how to allow for creative leisure. The increased amount you have for yourself may be a period of great personal productivity, or it may contribute only to the dulling of senses and muscles and a decline into mediocrity. Spare time in the future may well be the key element in creating what President Johnson has referred to as "the great society" which should characterize America.

In all these areas, the contribution of the community college is that it brings higher education to a greater number of Americans each year.

We have traditionally had a somewhat one-sided view of what education ought to do. It is my opinion that excellence in every walk of life produces an excellent nation. "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing * * * and tolerates shoddiness in philosophy * * * will have poor plumbing and poor philosophy. Neither its pipes nor its theories will hold water."

With this realization, the community college was free to develop, and its curriculum is notable for its excellence within diversity.

The significance of such diversity is far reaching. It assures the Nation of a well-trained force of citizens ready to serve in a variety of roles. It erases the fear of having a large sector of the Nation unemployable because they lack skills to compete in modern industry and business. It helps to resolve a more personal problem as well—that of individual significance in a massive and impersonal world. Men and women who are well trained for a specific profession, and who have readily available to them the means of further education, will never be unneeded.

As citizens of this changing world, we must be constantly aware of the direction and the quality of change. Such awareness can come from educated citizens—from citizens who have a source of information, culture, and further education readily available to them.

Allow me to recall the words of President Johnson when he spoke a few weeks ago at Ann Arbor, Mich.: "For a century we labored to settle and to subdue a continent. For half a century we called upon unbounded invention and untiring industry to create an order of plenty for all of our people. The challenge of the next half century is whether we have the wisdom to use that wealth to enrich and elevate our national life, and to advance the quality of our American civilization."

Graduates, you are the men and women who can meet this challenge. Whether or not further schooling lies in store for you, the education you now possess, and the key to continuing education which lies within your grasp assures you, and assures our Nation, of citizens who can meet the challenge of change. Your achievements, and the achievements of the Essex Community College, are sources of confidence and courage for all Americans.

My congratulations and best wishes go with you.

TRIBUTES TO PRESIDENT JOHNSON'S HANDLING OF HIS ADMINISTRATION

Mr. McGOVERN. Mr. President, the press of the Nation continues to pay tribute to the activities of President Johnson.

I ask unanimous consent to have an editorial published in the Philadelphia Inquirer on May 25, 1964, entitled "The Active Pursuit of Peace," relative to the President's activities in promoting the peace of the world printed in the RECORD, together with two articles—one from the Topeka Capital Journal, of May 10, 1964, entitled "President Manages To Turn Foibles to His Own Account," and written by Alvin Spivak, and one written by John C. O'Brien and published in the Philadelphia Inquirer on May 28, 1964, entitled "How President Uses the Folksy Approach."

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, May 25, 1964]

THE ACTIVE PURSUIT OF PEACE

In years to come, some may regard President Johnson's speech at the dedication of the George C. Marshall Research Library at the Virginia Military Institute as a turning point in American foreign policy.

It was undoubtedly an excellent presentation and an important one, in view of the recent drift of foreign affairs. And, as a tribute to the late General Marshall, architect of both war and peace, it was as timely as the praises of former Presidents Truman and Eisenhower.

However, it strikes us that, far from being a change, it is an intensification of long-established U.S. policy—the policy of reaching out with a friendly and helping hand, as exemplified by Marshall.

A key passage in Mr. Johnson's speech was this: "Peace is not a reward that comes automatically to those who cherish it. It must be pursued unceasingly and unswervingly by every means at our command."

Surely, that pursuit was diligently carried on by this country under the Marshall plan, and even those who are most reluctant to endorse other forms of foreign aid candidly admit that the immediate objectives of 1948 were handsomely accomplished. Shattered Europe rose from its ruins to great prosperity.

It is ironical, perhaps, that the offer of that helping hand was made, even then, to the equally prostrate Communist countries; only Czechoslovakia, of all the Red bloc, dared to accept the offer, then was bludgeoned out of it by Soviet pressures.

Now the offer is being renewed in the form of increased trade and cultural relations. It would be sanguine indeed to expect a wholesale flocking to the West by the Communist satellites, but the pressures on them today are of a different kind and quality. They are stirred by their own pride and patriotism.

The President, we believe, was quite right in stressing that our increased effort will demonstrate to these countries that their independence will not leave them isolated; and that the younger generations, not only in satellite countries but even in Russia, may be reminded of their ancient ties to the Western concepts of man and his destiny.

We do not look for instant miracles, but we believe this direction will be the most likely, in the long run, to provide durable peace—even as George Catlett Marshall's plan made peace possible.

[From the Topeka Capital Journal, May 10, 1964]

PRESIDENT MANAGES TO TURN FOIBLES TO HIS OWN ACCOUNT

(By Alvin Spivak)

WASHINGTON.—Backstairs at the White House:

By laughing in public at matters he has fumed about in private, President Johnson has managed to turn to his favor some foibles that otherwise might have been hurtful.

Published accounts of Johnson's speedy driving, and of how he pulled his beagles' ears, made the President furious. So did Republican taunts about "Lightbulb Johnson" keeping the White House in darkness.

"We get about 100,000 letters a week, and we get a good many criticisms—everything from beagles to speedometers," Johnson reported the other day.

Johnson's approach—after a day or two's cooling-off period—is to joke about such incidents. He makes himself the butt of those jokes.

Knowing exactly what the reaction would be, Johnson with a straight face announced at his Wednesday news conference he had just "accepted lifetime membership in the Vandenburgh Humane Society of Evansville, Ind." That was all he said, but there were loud laughs from the news contingent.

A reporter, renewing the point, asked Johnson—"Now that you have brought the subject up"—if he would tell the newsmen, and their children who were present, "the story of your beagles."

Johnson replied:

"Well, the story of my beagles is that they are very nice dogs and I enjoy them and I think they enjoy me. I would like for the people to enjoy both of us."

Over the previous week, Johnson twice took newsmen for walks around the White House lawn—inviting the beagles along each time, scratching their stomachs, and stroking their ears to show he never really hurt them.

In several recent speeches, Johnson has uttered quips about his fast driving—including one about his wife, Lady Bird, being willing to ride with him after lightning struck a plane on which she was flying.

He has wisecracked frequently, as well, about his campaign to cut the White House electric bill by ordering lights turned out. He bristled, however, when Republicans mounted a "Pennies for Johnson" drive to finance a relighting of the exterior.

This, he did not answer with a laugh. Instead, his press office insisted that Johnson never had turned off any outside lights—only inside. And indeed, now that spring is here there are floodlights illuminating the water fountains on both lawns.

Johnson brought the beagles episode to what may have been a fitting conclusion after his news conference Wednesday. While Johnson was posing on a bandstand with some of the hundreds of children of newsmen he had invited to the session, a caretaker brought over the beagles, "Him" and "Her."

While tots and teenagers crowded around him, and some of them petted the dogs, Johnson leaned over and fed the animals biscuits that the caretaker had provided.

Republicans watching the scene may well have pondered:

How are they going to fight a politician who was showing a coast-to-coast television audience of millions that he is a lover of dogs and children?

[From the Philadelphia Inquirer, May 28, 1964]

WASHINGTON BACKGROUND: HOW PRESIDENT USES THE FOLKSY APPROACH

(By John C. O'Brien)

WASHINGTON.—The folksy approach is a time-tested politician's artifice for establishing rapport with the voters.

Almost every officeseeker attempts to use it, but only a few succeed. The late Franklin D. Roosevelt was an expert practitioner, and President Johnson, an ardent admirer, is the equal of the four-term President.

To identify with the audience, the officeseeker claims or feigns intimate acquaintance with the local politicos. This inflates their ego and predisposes them to work for the candidate.

Another sure-fire way of putting the audience in a friendly frame of mind is to flatter their State or particular locality.

To display such intimate knowledge of local celebrities and terrain, a candidate must often rely on advance briefings. Herein lie pitfalls. Moving swiftly by airplane, as candidates do these days, it is not always possible for the candidate to be sure where he is.

Former Gov. Thomas E. Dewey was painfully embarrassed on one campaign tour when he got his briefings mixed up and expressed his pleasure on being in the wrong State.

President Roosevelt used to claim a relative in so many widely separated places that newsmen began to think the Roosevelts were the most widely dispersed clan in the country. Once, when he omitted mention of a relative in the community, the newsmen expressed surprise.

"Well," said the President, "I think there must be a third or fourth cousin around here somewhere, but I just can't remember the name."

President Johnson would not admit that the traveling he has been doing in recent weeks was in any way connected with politics. But he has been practicing the folksy approach in a big way and no one can say that it isn't paying off.

He opened up on an audience at the airport at Knoxville, Tenn., with this unabashed cajolery:

"It is wonderful to be back in Tennessee. I like your weather. I feel part of your soil. I have loved your people and I never cease to remember that if there had not been a Tennessee there never would have been a Texas."

The hearts of Tennesseans would have to be cold as ice if that did not kindle the fires of local pride.

And what could have warmed the cockles of the Tennessee Members of the Senate and the House who were there to greet the Chief Executive more than to hear him tell their constituents: "For many years Tennessee has had one of the most able, aggressive, and influential delegations in the Congress."

It's a short leap by air from Knoxville to Goldsboro, N.C., but these folks respond to flattery as readily as in Tennessee. They smiled happily when the President told them, "I don't know when I have ever spent a day that I have enjoyed more than the day that I spent in the great State of North Carolina."

Mr. MOSS. Mr. President, in the Salt Lake City Tribune on May 16, 1964, there is published an editorial entitled "Johnson Shows He Can Grow."

This great daily newspaper in my State has set forth the position taken by the President of the United States on a matter that has occupied the Senate during these last 2½ months—to wit, the civil rights bill.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake City Tribune, May 16, 1946]

JOHNSON SHOWS HE CAN GROW

Making the rounds of the usual conservative journals is a quote from former Senator Lyndon B. Johnson, now President:

"If the law can compel me to employ a Negro, it can compel that Negro to work for me."

The quote is circulated to embarrass President Johnson's recent promise to the Nation that "we are going to have a civil rights bill if it takes all summer."

Actually, the statement by Senator Johnson is at best only an oblique rebuttal to the civil rights bill in today's Senate. Nothing in that bill compels the employer to hire a Negro. What the bill forbids is discrimination against the individual on grounds of skin color. There is a difference, although it will be lost upon those opposed to equal rights for all Americans.

There is also a tremendous difference involving the person who uttered both quotations.

As a Senator, Johnson spoke for Texans, the majority of whom at that time (March 9, 1949) probably did hope to keep the Negro preserved in his condition of servitude.

As President, however, Johnson must speak for every American, and most Americans recognize the dreadful contradiction implicit in a citizen being forced, because of color alone without regard to his capabilities, to endure an inferior, second-class existence from the moment of birth to the agony of death—and in the case of segregated graveyards, even beyond death.

Far from condemning President Johnson for an inconsistency, the knowledgeable American will applaud him for his willingness to mature in an office whose responsibilities make change in opinions as inevitable as the aging process makes change in physical appearance.

Mr. MAGNUSON. Mr. President, along the same line, I ask unanimous consent to have the privilege of having printed in the RECORD two succinct editorials commenting on President Johnson and how he has handled his office in his first 6 months' tenure, one published in the San Antonio Express and News of May 24, 1964, entitled "First Half Year in Office Sees President Firmly in Command," and the other published in the Miami News in Florida of May 17, 1964, entitled "L.B.J., the People's Choice," which points out the result of the polls and how the people of the United States have put their definite stamp of approval upon the way the President has handled his vast responsibilities.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Antonio Express and News, May 24, 1964]

FIRST HALF YEAR IN OFFICE SEES PRESIDENT FIRMLY IN COMMAND

Texas' first occupant of the White House has marked his first half year in office. President Johnson has moved swiftly and forcefully, playing the strengths of his office with confidence and sureness that comes with the years of study he has brought to the job.

Mr. Johnson had a sympathetic nation behind him when he was jolted into office by the tragedy of President Kennedy's assassination. Mr. Kennedy's program had ground to a halt through a combination of many forces: His narrow mandate of victory; a seeming unsureness in the face of extreme bitterness by various not-so-small segments of the country; the overplayed victory over United States Steel and others.

Mr. Johnson has embraced the Kennedy program. He will win much of it by a combination of his undoubted powers of persuasion and his unsurpassed skill of applying the art of the possible where it does the most good.

The President's "albatros" is foreign affairs, but so it has been with every other President since World War II. The problem there is more in terms of frustration than in outright failure. The problems we deal with involve other nations where we do not hold decisive authority. They involve dealing with untrustworthy foes and unhappy allies. The alternatives are often less than delightful.

The President's strength is his inherent feel for domestic politics.

His greatest impression has been that he quickly grasped his awesome task and took unquestioned command of it. We hope he paces himself, which he apparently is, in order to carry on the job.

[From the Miami (Fla.) News, May 17, 1964]

L.B.J., THE PEOPLE'S CHOICE

If the presidential conventions were over and the fall campaign in full swing, it is difficult to see how President Lyndon Johnson, as the Democratic candidate to succeed himself, could be more politically active than he has been in recent weeks.

Perhaps it is unkind to attribute political motives to the busy life he is leading, but certainly his program will be reflected in the election results.

The President inherited potent issues from his predecessor and he is showing a canny realization of their political effect.

In recent weeks he has traveled more than 10,000 miles, visiting 10 States. He made 30 speeches in less than a month. He talked to the Nation's editors, to the U.S. Chamber of Commerce, to Chicago Democrats, to the League of Women Voters and to audiences in the poverty areas of Appalachia, to mention some.

As the first President from the South since Reconstruction he has not hesitated to voice his strong support of civil rights as President of all the people.

Certainly his support of the civil rights bill has not endeared him to the South generally, but the issue may be settled by election time and the good it has done him with civil rights supporters may give him a political dividend.

Certainly his war on poverty and his firm support of medicare can be translated into votes from the underprivileged and the elderly.

One thing is certain, long before the actual campaign starts, President Johnson has made his stand plain on all the issues before the people. He has made himself a leader on moral issues as well as the Nation's chief administrator.

Whoever the Republican nominee may be, he faces an enormous task to catch up with his opponent in the short time between convention and election day.

MINNESOTA AND CALIFORNIA POLLS SHOW DEMOCRATIC VICTORY THIS NOVEMBER

Mr. HUMPHREY. Mr. President, I am happy to invite the attention of the Senate to a poll published in the Minneapolis Tribune on May 24, 1964, entitled "78 Percent in State See Democratic Victory," which should be most reassuring to the President and to his administration.

It shows that 78 percent of the State see Democratic victory, that more than 3 out of every 4 Minnesotans believe the Democratic Party would win if a national presidential election were to be held today.

Mr. President, I ask unanimous consent to have this poll, together with one published in California in the Los Angeles Times on May 19, 1964, which shows that the President leads all his GOP rivals in the State, printed in the Record.

There being no objection, the polls were ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, May 24, 1964]

Seventy-eight Percent in State See Democratic Victory

More than 3 out of every 4 Minnesotans (78 percent) believe the Democratic Party would win "if a national presidential election were being held today."

That is what the Minneapolis Tribune's Minnesota poll finds in a statewide survey of voting-age residents. Premonition of a Democratic victory this fall is felt:

By more than 9 out of 10 supporters of the Democratic-Farmer-Labor Party;

By 3 out of every 4 independent voters (75 percent).

By more than 6 out of 10 Republicans (62 percent).

While a large majority of Minnesotans think the Democratic Party holds the advantage this year, far fewer people want them to win. On that score, the question put to a representative sampling was:

"What party would you personally prefer to see win the presidential election?"

The replies:

[In percent]

	Prefer to see Democrats win	Prefer to see Republicans win	Other and no opinion
All adults	52	31	17
Men	53	30	17
Women	51	33	16
DFLers	92	3	5
Republicans	5	84	11
Independents	40	19	41
Southern Minnesota	41	47	12
Twin Cities area	53	26	21
Northern Minnesota	60	25	15

The preferences given above are far closer together than are the responses to a "trial heat" type of question in which President Johnson is paired against one of the Republican contenders.

In the two previous presidential elections, the party favored at this time of year also triumphed in the November election. The readings were:

[In percent]

	Prefer to see Democrats win	Prefer to see Republicans win	Other and no opinion
April 1956	44	46	10
May 1960	48	37	15

President Eisenhower won for the Republicans in 1956 and the late John F. Kennedy won for the Democrats in 1960, in Minnesota and the Nation.

The question asked first in the survey was:

"If a national presidential election were being held today in the United States, which political party do you think would win—the Republicans or the Democrats?"

The answers:

[In percent]

	Total	Men	Women
Democrats will win	78	81	76
Republicans will win	15	13	16
Other	(1)		1
No opinion	7	6	7
Total	100	100	100

(1) Less than 1 percent.

A plurality of Minnesotans correctly predicted in May 1960 that the Democratic Party would win the following November. A higher proportion of State residents called the turn properly early in 1952 and 1956, which were Eisenhower victories.

But in May 1948, 6 out of 10 State residents forecast a Republican victory, as did many pollsters that year. President Truman was elected in November.

[From the Los Angeles Times, May 19, 1964]

California Poll: President Leads All GOP Rivals in State

(By Mervin D. Field)

President Johnson continues to run far ahead of any of his possible November opponents at this stage of the campaign in California.

When paired against Senator Barry Goldwater, President Johnson holds a 3-to-1 margin in voter popularity in California.

Ambassador Henry Cabot Lodge, who currently leads in most Republican popularity polls nationally, and in California as well, is the only GOP hopeful who gives Johnson a respectable run for his money at this time. Even so, however, Johnson has a 23-percent lead over Lodge.

Johnson's plurality over Nelson Rockefeller, Richard Nixon, and William Scranton, also, is substantial:

Latest Sounding

The latest California poll sounding of public opinion throughout the State is based on a scientifically designed cross section sampling of 1,200 registered voters. Proportionate numbers of members of both parties in all parts of the State and from all walks of life were interviewed. The question was put this way:

"Suppose the presidential election were being held today, which of these candidates would you probably vote for?"

Each survey respondent was then shown a series of cards on which were printed the following candidate pairings that might turn up in November.

	Percent
Johnson	72
Goldwater	22
Undecided	6
Johnson	58
Lodge	35
Undecided	7
Johnson	70
Scranton	21
Undecided	9
Johnson	69
Rockefeller	23
Undecided	8
Johnson	69
Nixon	25
Undecided	6
Johnson	71
Romney	20
Undecided	9

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Minnesota yield for a moment?

Mr. HUMPHREY. I am glad to yield.

Mr. WILLIAMS of Delaware. I was wondering whether the poll to which the Senator has just referred is the same one that gave the election to Tom Dewey in 1948?

Mr. HUMPHREY. This is the poll which predicted that a certain Mr. Humphrey running for the Senate in 1948 would win—and he did.

UNITED PRESBYTERIAN CHURCH REAFFIRMS STRONG CIVIL RIGHTS POSITION AT 176TH GENERAL ASSEMBLY

Mr. HUMPHREY. Mr. President, one of the most refreshing developments in recent years has been the courageous and outspoken position of the religious leaders and laymen of this Nation in behalf of racial justice. Their support of the civil rights bill has been acknowledged by both friend and foe of this legislation.

We have heard much talk about the probable white backlash against the civil rights movement and H.R. 7152. It is, therefore, particularly encouraging to note the decisions taken by the 176th General Assembly of the United Presbyterian Church in the United States of America supporting and reaffirming the bold actions which the church has taken in the field of civil rights over the past year.

We have, for example, heard that congregations do not support their religious leaders on the question of racial justice. One group from the presbytery of west Tennessee brought a motion of censure to the general assembly to reprimand Dr.

Eugene Carson Blake, stated clerk of the United Presbyterian Church, for his forthright actions in the civil rights movement. However, this motion of censure was tabled and, instead, the general assembly adopted by an overwhelming margin a motion commending Dr. Blake for his contribution to the cause of civil rights and social justice.

Finally, the United Presbyterian Church chose as moderator of the General Assembly the Reverend Edler G. Hawkins, minister of St. Augustine Presbyterian Church, New York City. The significance of this action is best understood by quoting from the recent issue of Presbyterian Life:

> Many men before him have been elected by a general assembly to underscore at a particular moment the church's interest in, say, the innercity ministry or oversea missions. Never before, however, has someone been called upon to symbolize a major denomination's unequivocal stand for civil rights. Edler Hawkins, a Negro, is that man, whether he likes it or not.

Mr. President, I urge every Senator to ponder the significance of these historic decisions by the United Presbyterian Church. They indicate the continued importance and urgency of making civil equality a living fact in America.

Mr. President, I ask unanimous consent to have printed in the RECORD three articles published in Presbyterian Life for June 15, 1964, outlining the decisions in behalf of racial justice taken by the United Presbyterian Church at the 176th General Assembly.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Presbyterian Life, June 15, 1964]

CIVIL RIGHTS: THE BACKLASH THAT WASN'T THERE

Civil rights was by no means the only issue faced by the Oklahoma City General Assembly, but it was the big issue. As it dominated the headlines on almost every newspaper that was printed in the last 12 months, it permeated the proceedings of the 176th general assembly.

Veteran observers were sadly predicting that this general assembly would be cautiously conservative. There was talk before the assembly of well-organized campaigns to scuttle the Commission on Religion and Race and to censure the stated clerk for his nationally prominent role in the racial crisis. There was supposed to be some kind of mild ecclesiastical backlash.

The backlash, the go-slow campaigns, the conservative reaction were illusions of anxiety, apparently, more than realities. They did not appear, at any rate. Had not the 175th assembly in Des Moines taken the many decisive actions that it did, the Oklahoma City commissioners would have done so. They were consolidators instead of bold initiators only because the courageous first steps had been taken before, and theirs was the task of consolidation. In its own way, the 176th general assembly had as impressive a score on civil rights as the 175th.

On the opening day of the assembly the still unofficial but powerful Presbyterian Interracial Council held a breakfast for almost 800 people. The main speaker at the breakfast was the Reverend John Lewis, the national chairman of the Student Nonviolent Coordinating Committee. At the breakfast, awards were presented to civil rights enthusiast and professional comedian Dick Gregory (in absentia), and to Dr. Eugene Carson Blake. In accepting his award, Dr. Blake addressed the meeting in terms that had a special poignancy: "Fellow jailbirds," he said, "the more I think about the wide publicity which I received as a result of my participation in the Baltimore demonstration last year, the more troubled I become about the Church of Jesus Christ. It is tragic that the secular press finds so much news when a Christian does what he says."

Dr. Blake was addressing many fellow jailbirds: men who as Presbyterian ministers and as members of the PIC had been in Hattiesburg, Miss., since January 1964, aiding the SNCC-sponsored local voter registration drive. John Lewis, it was revealed, had since 1961 been in jail 31 times for participating in peaceful demonstrations, sit-ins, and freedom rides. The Reverend Mr. Lewis, a 24-year-old Baptist minister, had the PIC on its feet and cheering at the close of his address, during which he said:

"In 1960 the movement for racial justice had dignity. We were respectable. We were well dressed and well mannered. But then the students joined the movement and went to the streets, and that encouraged more and more plain people. Now the movement is not so well dressed nor so respectable. Negroes have gotten involved, not cultured Negroes but the Negro masses. We wanted hamburgers in 1960. In 1964 we want our rightful free place in American society.

"The people against us say that we are going too fast; they say that we are violating law and order. Well, for a long time we have had order in the South but no law. The law was for some people. It protected them and guaranteed their rights, but it worked to deny our rights, and it did not protect us. This so-called order is false, one sided, and negative. In the New Testament, Jesus said that he came to bring not peace but a sword. He was talking about a spiritual sword, to be used against evil and unjust orders such as ours. We cannot sacrifice truth for a peace that is destructive to Negroes and good for the whites only. We have a spiritual sword and should aim at becoming inside agitators.

"Those of us in the Christian Church should be happy, feel happy, to be called agitators. Agitation is a device that is used in washing machines to clean clothes. We are engaged in agitation to cleanse and purify society. This is healthy agitation and costly. Over 50,000 of us have been arrested, mishandled, beaten, illegally jailed, assigned exorbitant bonds. But we have a divine mandate to destroy such a false order and to upset such an unreal peace. We must turn this Nation upside down in order to set it right side up. It is long past time when all of us must become involved."

Although forecasters seemed to think that Dr. Edler G. Hawkins was far ahead of Dr. A. Ray Cartlidge in the moderatorial campaign, there was uneasiness about the imponderable backlash as the assembly formally opened 15 minutes after the PIC breakfast closed. Dr. Hawkins' election allayed some fear but not all.

A sweeping series of actions finally demonstrated the baselessness of the fears.

It was announced that the constitutional amendments forbidding racial criteria in accepting people into the membership of the church had been ratified by the presbyteries of the denomination.

In the complicated matter of segregated synods and presbyteries, the assembly voted to hasten the day of absolute desegregation by (a) submitting an amendment of the Constitution to the presbyteries that deletes all legal grounds for segregated judicatories; and (b) setting January 1, 1967, as the date by which every presbytery in the synod of the mid-South must be geographically realined. This mysterious language means that every church within the geographical boundaries of a presbytery will be a functioning part of that presbytery without any regard to its racial composition, thus ending a scandal that has plagued nine previous general assemblies.

Commissioners from the Presbytery of Birmingham, the existing Negro presbytery that presently lies within the geographical boundaries of the Presbytery of Birmingham "A," an all-white presbytery, expressed sorrow at the recalcitrance of their white brothers, but admitted that there was no constitutional way in which final and complete desegregation could be accomplished any faster.

On Saturday morning, the Reverend Eugene S. Callender, pastor of the Church of the Master in New York City, conducted the morning devotions and roused the sensitivities of the assembly with these words:

"For 400 years Negroes in America have suffered all sorts of abuses, indignities, and injustices. The story of these numerous injustices is too well known to mention. But there comes a time when people get tired of being trampled over by the iron feet of oppression. There comes a time when people get tired of being plunged across the abyss of exploitation, where they experience the bleakness of nagging despair. There comes a time when people get tired of being pushed out of the glittering sunlight of life's July and left standing in the piercing chill of an Alpine November.

"What we are witnessing all over America today is the story of 22 million black Americans who are tired of injustice and oppression and who are willing to substitute battered bodies for tired souls until the walls of injustice are crushed by the battering rams of historical necessity.

"Sören Kierkegaard wrote about what he called the good news that with God we are always in the wrong. Kierkegaard did not belong to the Copenhagen chapter of the NAACP, but his words are peculiarly relevant to a denomination such as ours that too quickly has begun congratulating itself before our world, and would you believe it, before God, for its advanced position in the contemporary struggle for racial justice.

"Let us not too quickly consider ourselves in the right because of our illustrious moderator or our famed stated clerk. Let us not point too quickly with pride to our commission on religion and race or the Presbyterian Interracial Council. But let us remember that as long as we have segregated homes for the aged, as long as we maintain in our investment portfolios stocks of industries that do not have fair employment practices—we continue to be wrong in the sight of God. As long as white Presbyterians continue to move out of their neighborhoods when Negroes move in; as long as we continue to support backward local school boards back home, we are in the wrong."

The Reverend Mr. Callender's sermon effectively reminded the general assembly that thinking on the right side of the civil rights controversy is not enough. The doing is more important and costly. This point was made explicit by the moderator the next day as he preached first in the First Presbyterian Church of Oklahoma City, then in the Westminster Presbyterian Church of the city, and later in the day at the First Presbyterian Church of Tulsa. Dr. Hawkins said at the conclusion of his sermon:

"At one of the meetings of our National Council's Commission on Religion and Race, a young pastor expressed himself out of a deep frustration and despair—that the performance of so many church members is so far from their professing. He said he could understand why they would feel resentful, having been so little prepared for what the real mission of the church was in this area—that he could understand how they might feel—that the ground rules had been switched on them in the middle of the game. 'It was almost as if they had been called in to play hopscotch, and now they were being asked to face a cross.' " That the game was not hopscotch was manifest to the commissioners the next day.

The assembly heard the story of two white ministers who were beaten in Camden, Ala. The Reverend Geddes Orman, of the Norwood Presbyterian Church, Knoxville, Tenn., and the Reverend Alexander M. Stuart, Jr., of First Presbyterian Church, Oak Ridge, Tenn., were introduced to the assembly on Monday morning, May 25, during the report of the standing committee on national missions. The two ministers described to the incredulous assembly how they had gone to Camden, a Deep South Alabama county seat, in order to consult with members and representatives of four small Negro churches in that area who belonged to the Presbytery of Union. Their visit was "purely ecclesiastical" and had nothing to do with civil rights as ordinarily conceived.

But during the night of May 11, they were awakened by a room clerk in the Camden hotel and severely beaten, barely escaping with their lives and most bones intact. (Mr. Stuart's right arm was broken, and he was still wearing a cast.)

The assembly at that moment did not have to be told explicitly that this single story of irrational brutality could be multiplied endlessly had all the civil rights workers and Negro citizens of the South been invited to address the assembly. Suddenly "civil rights" became more than a slogan, or an issue, or an ecclestical matter that worries the folks back home; the reality of the struggle for civil rights came crashing in on the superquiet gathering.

Commissioners and guests attended a popular meeting on Monday evening, May 25, to hear Mr. Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, under the sponsorship of the Commission on Religion and Race. Any anxiety about having Mr. Wilkins address the assembly had pretty much evaporated during the Camden story told that morning, to the largest crowd of any of the nightly popular meetings assembled to hear the NAACP chief. On the passage of the civil rights bill he said:

"For Negro citizens, this Senate discussion and delay, accompanied by intolerable 'arguments' on the racial situation and the relationship of the Federal Government to it, has been a humiliating experience. It is galling to have one's rights as a citizen debated as though the Senate were discussing the eligibility of a Tasmanian to the right and privileges of U.S. citizenship. In truth, it is not at all farfetched to assert that a Tasmanian would have an easier time securing full American citizenship than a 10th-generation American Negro."

On national and denominational resolve: "Are we a people smug in our little ignorances, swollen in our manifold vanities, able to see a suffering in Chile, to feel an indignation over injustice in Arabia, to have a kinship with Kenya, to reach out, even, to the widow of the man alleged to have assassinated our President, and yet to proceed with tentative testament and hesitant step to relieving poverty in our own land, to rebuking selfish arrogance around the corner, to daring the stand-patism of the racist evil under our Northern and Southern noses?

"The kind of people we are can lead us to a world of light and love and justice or can put us in the ways of death. I suggest that the present travail, whose wrenching of the spirit I do not lightly estimate, is another in the long series of trials of us all and especially of the ministers of the hardest gospel of all—the gospel of love. The uplifting events of recent years in God's vineyard reassure all those who sink their roots, spiritual and temporal, in St. Luke's pronouncement, in the ninth chapter: 'And Jesus said unto him, no man, having put his hand to the plough, and turning back, is fit for the kingdom of God.' "

Perhaps not all United Presbyterians have attended meetings where at the end people stand, join hands, and sing "We Shall Overcome." Some were embarrassed and some may have been piqued, but most all soon joined in its deliberate cadences and came to experience the reality of integrated community, of integrated resolve, and of the prayer offered by Dr. Marshal L. Scott, chairman of the commission, when he prayed, "Have mercy on the church which dares to bear the name of Christ."

The general assembly adopted the recommendations of the standing committee on church and society concerning "racial freedom and justice." If any commissioners had come to the general assembly prepared to cut down the activities of the commission on religion and race, their resolve had weakened by Tuesday night, or they had changed their minds. The assembly voted to expand the commission's mandate.

But attempts were made to alter a recommendation of the standing committee that the position of the 172d general assembly on civil disobedience be reaffirmed. That assembly had affirmed, "Some laws and customs requiring racial discrimination are, in our judgment, such serious violations of the law of God as to justify peaceful and orderly disobedience or disregard of these laws." It deplored "the violent reactions that have produced assaults on the persons of student demonstrators and the unjust arrest in some cases of the victims rather than the assailants." It then commented "those who, when struck, did not strike back; who, when cursed, did not curse back; who acted with patience and dignity in the face of violence and hostility." The 176th general assembly reaffirmed that still controversial pronouncement in the face of attempts to modify and repudiate it.

Attempts were also made to strike down a recommendation that calls on all bodies of the denomination "to expand their recruiting activities so that their search for pastors, employees, board and staff members, faculty and students begins in the predominantly Negro institutions and communities." These attempts also failed.

All of the recommendations were adopted, so that the general assembly affirmed, down the line, every activity that will specifically support the drive for full racial freedom and justice in America today.

On the last day, the assembly voted to take no action on an overture concerning the activities of the stated clerk in the area of civil rights, and beyond that, commended him for those actions.

No general assembly could have been more forthright, more positive in affirming previous positions and endorsing previous policies. The country once again has heard just where the United Presbyterian Church stands in the present social revolution. Although not as flamboyant as their predecessors in Des Moines, the Oklahoma City commissioners had their hand on the plow, and they didn't look back.

[From Presbyterian Life, June 15, 1964]

OVERTURE 22: THREATENED CENSURE BECOMES A TRIBUTE

The mere presence of overture 22 in the official papers that were transmitted to the commissioners of the 176th general assembly promised trouble, or at least the excitement of a real nonstop debate.

Overture 22 originated in a meeting of the Presbytery of west Tennessee in Greenfield, Tenn., on September 16, 1963. It sought to deal with three definite matters: (1) To deny the invitation of the Reverend Martin Luther King, Jr., "and all others who share his persuasion to disregard law and violate constitutional laws" to speak at sessions of the general assembly. (2) To refrain from allocating funds to demonstrations, projects, marches, or sit-ins. (3) The most substantial matter of all concerned the stated clerk of the general assembly. The west Tennessee brethren wanted to "remind the Reverend Eugene Carson Blake that by virtue of his office, his actions reflect on the United Presbyterian Church as a whole and request and require him to cease and desist from all violations of duly enacted laws of this land, and from any action that would bring disrepute or lower the dignity of the United Presbyterian Church in the United States of America during such time as he is known as 'the chief executive officer of the general assembly.' "

Concurrence with that overture would have repudiated the stated clerk himself, general assembly pronouncements for the past few years, and the fledgling Commission on Religion and Race. Few people credited the chances of the overture to win concurrence, but there were equally few people who did not look for a showdown between antagonistic points of view when the overture came to the floor.

Because of the delicacy of the issues involved, and because so much material on the docket had bearing on the issues it raised, the Standing Committee on Bills and Overtures announced that it would report on overture 22 on the last morning of the assembly; and it hung like a vaguely disconcerting anticipation over every session of the assembly.

When finally the chairman of the standing committee, the Reverend John B. Macnab, reported the committee recommendation, the general assembly had already taken some rather decisive votes. A clear and passionate presentation of the theological validity of civil disobedience by Commissioner Alan J. Pickering had won the assembly's vote during the preceding session. But still no one had any definite idea what would happen.

The committee recommended "no action" on the overture, which had the effect of killing it. Immediately, Commissioner Omar R. Buchwalter made a motion to amend the motion with a commendation. He said:

"Mr. Moderator, our stated clerk has been praised and honored for his moral and spiritual leadership in the struggle for racial justice by Jewish and Roman Catholic groups, as well as by other Protestant groups around the world.

"I think it would be a very great mistake if all we did was to answer overture 22 by taking no action. Before this 176th general assembly adjourns, we should pay tribute to the magnitude of Dr. Blake's contribution to the civil rights movement and the cause of social justice.

"I would like, therefore, to make an amendment to the recommendation of the bills and overtures committee: That this general assembly commends Dr. Blake for his courageous action and witness in the area of race relations; that we affirm his right and his duty as stated clerk to speak and act in consonance with the pronouncements and actions of general assembly; and that we spread on the minutes of this general assembly * * * the tribute paid to him by Dr. Leslie E. Cooke, preacher to this general assembly, which he gave at a breakfast on Tuesday morning. Dr. Cooke said:

" 'This is a great church, and if I may speak as from the World Council of Churches at this time, then I would want to say, and I think I may say it on behalf of the Churches of the World Council, how much all of us are indebted to the vision and leadership which this church gives in the whole ecumenical movement.

" 'And this, of course, is incarnate in your leaders. I know many of them. And you would permit me, I'm sure, to say a personal word about your own stated "clark," as I would call him, but you call him stated clerk. I think all of us are indebted to the fact that you do not insist that your stated clerk should be simply a bureaucrat, handling the administration of this church, but that you permit him in the councils of the churches around the world to incarnate that vision and outreach and ecumenical intention and purpose of this great church. I've seen him at work, now, in councils of the world council, and you would have been proud of him at every turn, I'm quite sure, handling the finance and program committee, and as chairman of the finance committee in critical years between Evanston and New Delhi. I think you know how his own stand for Christian unity has had its reverberations around the world. He presides over this great deaconal ministry of the World Council of Churches. And now in these latter days, his voice and his stand have brought hope and encouragement to the hearts of colored peoples of all races in all churches around the world. And I hope that even sometimes if it may be of some costs and sometimes perhaps occasionally, a little embarrassment to the church, or maybe the administration of the church might suffer here and there, but I see no signs of it in this assembly * * * but even if it were, it would be worth while for you to bear that cost in order that you should be so incarnated in the councils of the churches and give this leadership.' "

The Reverend Mr. Buchwalter then concluded his statement by adding his personal thanks to the stated clerk for "putting his body where the general assembly's mouth was."

The vote was shortly taken, and four scattered "No" votes were cast against the amendment. As amended, the motion of no action on the west Tennessee overture was passed unanimously; and when the stated clerk returned to the platform from duties offstage, he was given a thundering, standing ovation.

Overture 22 did not, it turned out, provide the expected excitement of debate and parliamentary maneuvering. It provided the surprising and quiet different excitement of rendering spontaneous and passionate support of a man who the general assembly said is a great, brave, and good stated clerk.

[From Presbyterian Life, June 15, 1964]

EDLER G. HAWKINS: PASTOR, SPOKESMAN, AND MODERATOR

(Every Presbyterian body—whether it be a session, a presbytery, a synod, or the general assembly—must elect a moderator to preside over its deliberations. In the case of the general assembly, the moderator's most arduous duties begin after the assembly ends. During the following year, the moderator traditionally travels widely, both in the United States and overseas, in his capacity as unofficial ambassador and spokesman of the United Presbyterian Church U.S.A. This year, two outstanding pastors were endorsed months ago by their presbyteries for the office of moderator. They were the Reverend A. Ray Cartlidge, of the Church of the Covenant, Erie, Pa.; and the Reverend Edler G. Hawkins, of St. Augustine Presbyterian Church, New York. The nominating and seconding speeches over, the commissioners proceeded to ballot. Result: 368 votes for Dr. Cartlidge, 465 for Dr. Hawkins. The assembly then voted to make the balloting unanimous, and in a few moments the new moderator was acclaimed as he took office.)

The moderator of the 176th general assembly—Edler G. Hawkins—will doubtless carry out his new duties with the same gusto that has become his hallmark. Probably the only aspect of the moderatorship to which he doesn't look forward is that of being a symbol. Many men before him have been elected by a general assembly to underscore at a particular moment the church's interest in, say, the inner city ministry or oversea missions. Never before, however, has someone been called upon to symbolize a major denomination's unequivocal stand for civil rights. Edler Hawkins, a Negro, is that man, whether he likes it or not.

Frankly, he doesn't. He says: "I realize the subject of race relations is uppermost at present in both our church and our culture. It is frightening to think that I may be expected to have wisdom on subjects when I may have none. My life has simply been that of a parish minister."

As Dr. Hawkins would have to concede, his particular parish ministry is perhaps the best possible preparation for the coming year. Organizing St. Augustine Presbyterian Church, in New York City, was comparatively easy. Large numbers of Negroes began moving from Harlem to the southeast area of the Bronx only a short time before. White congregations, by refusing to welcome the newcomers, were left with two alternatives—merge or move out. The Presbytery of New York offered one of the closed churches, Woodstock Presbyterian Church, to the young pastor about to graduate from Union Theological Seminary. Dr. Hawkins enlisted nine Negroes who attended Woodstock to push doorbells and announce the forming of a congregation where their people would be welcome. More than 200 attended the first service on April 24, 1938. Numbers swelled quickly, partly because it was another 6 years before the second church to welcome Negroes opened its doors. Although there are 6 large congregations in the vicinity, St. Augustine (now more than 1,000) has never lost its numerical edge.

Helping to construct a community proved far more arduous for Dr. Hawkins than building a congregation. The area lacked the broad spectrum of social services essential to an overcrowded neighborhood, but most of all it lacked spokesmen. The pastor of St. Augustine Church became that voice before borough council and city agencies. He ran for the State assembly in 1948, not with the expectation of being elected, but to marshal the Negro community into political activity. Reflecting on the election, Dr. Hawkins says that it marked "the first time the people realized they would have to organize politically if they wanted to solve their problems."

These problems demanded solution: overcrowding, owing to illegal conversions of apartments; inadequate health services; ramshackle school buildings; no afternoon recreation programs for young people; a rising crime rate.

Dr. Hawkins founded, and until recently served as chairman of, the Forest Community Committee, a group with the following accomplishments to its credit: a health center, four new elementary and primary schools, an extension to the high school, a 1,300-family public housing unit, a cooperative apartment house for middle-income families.

The program at St. Augustine Church (165th Street and Prospect Avenue) helps fill gaps in community services. Elderly people, one of the most neglected groups in any city, meet twice a week at the church. A tutoring program, now taken over largely by the schools, had its inception at St. Augustine. Several hundred children would spend all summer on the streets were it not for a church-owned camp. Narcotics addicts have no place to turn except St. Augustine, which serves as a referral point and sponsors a weekly therapy session for former addicts. Fifteen years ago the church formed a credit union to counter complaints of gouging by small-loan companies. Two hundred youngsters, most of them not church members, belong to Scout groups which meet in the spacious basement. The church, in cooperation with a city agency, expects to open a service to which families may bring questions, such as: "Am I being overcharged for rent?" "How do I keep from being evicted illegally?" "How can I compel the landlord to make repairs?"

St. Augustine is the only predominantly Negro church in the area to welcome Puerto Ricans, the newest residents. Because of the language barrier, the Spanish-speaking members worship on Sunday afternoon.

Dr. Hawkins, although he keeps close tabs on all these programs, credits his staff of three men and one woman with their success. (Some salary assistance is provided by the board of national missions.) Even before he was elected moderator, Dr. Hawkins spent most of his time hurrying to board meetings of a score of church or community organizations.

Currently, his chief interest is civil rights. He is a member of the Commission on Religion and Race of the presbytery, of the United Presbyterian Church, U.S.A., and of the National Council of Churches. Speaking engagements, most of them in local churches, can average two or three a week. This winter he addressed all the area meetings of the United Presbyterian men. Invariably, he is asked to speak on the same theme—civil rights.

"I find most Presbyterians willing to move forward on civil rights, once they understand something of the problem," he states. Most persons, he feels, simply do not know about conditions either in the South or in Northern cities. "White Presbyterians take for granted community facilities unknown here in the Bronx."

Dr. Hawkins' gentle conversational pace accelerates. He ticks off the key problem areas on the fingers of one hand:

Schools: Teachers either are inexperienced or are substitutes; students attend classes in two or three shifts a day so that no one is in school more than 2½ hours; dropouts are high.

Employment: Poor education reduces chances for getting a job; also, the reluctance of unions to take on Negroes as apprentices precludes better-paying jobs. (As an adviser to the State human relations commission, Dr. Hawkins knows of one union which in its 45-year history has never had a Negro as an apprentice.)

Relief and narcotics indices: These are closely related to the rate of unemployment.

Housing: Fair housing laws do not eliminate a multitude of dodges which confine Negroes to ghettos.

Health services: Community services don't begin to meet the urgent need for assistance in many forms.

Dr. Hawkins feels that churches must help bridge the chasm between white and Negro America. This is the reason he seldom refuses speaking engagements. In the inevitable question-and-answer session, he is often told that whites favor civil rights but are tired of being annoyed with demonstrations.

He is patient but forthright. "I say they may well be annoyed, but they can't overlook the deep deprivation—not mere annoyance—endured by an entire racial group. I don't necessarily agree that every demonstration is wise strategy. But let us never lose sight of the civil rights struggle in a debate over tactics."

To his members and neighbors, Edler Hawkins is more than a spokesman for a cause, more than a community strategist. He is their pastor. On every trip he folds a copy of the sick list into his ticket envelope. Every person on it receives a letter. At home, he is willing to make calls at any hour and appears unafraid to venture onto dimly lighted side streets after dark. Hospitalized members aren't surprised to see him at 7 in the morning. Only once has Dr. Hawkins failed to return for a funeral; that time he was in Europe.

He refuses to delegate instruction of the communicants' class and will adjust his travels accordingly. Not long ago he returned unexpectedly and drove to the church camp for a young people's retreat. As a treat, he baked a batch of biscuits, not from a mix but from the flour up.

His split-second timing for trains and planes is legendary. Miss Olga Terry, the church secretary, reports that she often trails him to the door to complete his dictation or give him last-minute papers. Since he habitually fails to allow enough time for flights, Mrs. Hawkins is his chauffeur. One might question whether at 56 he should continue climbing stairs two at a time or sleeping 4 or 5 hours a night or skipping meals to attend meetings. But Dr. Hawkins seems to thrive on an accelerated tempo.

All it takes to halt him in full flight is for someone to ask, "Could I speak with you a moment?" He takes what time is necessary, and tries to make it up later. It's no wonder that for many members, loyalty to Dr. Hawkins and to St. Augustine Church are practically indistinguishable.

The ample sanctuary of St. Augustine is well filled every week. On Anniversary Sunday, the last Sunday of April, there is standing room only. Former members return from considerable distances to renew old ties and to hear Dr. Hawkins preach on the text he traditionally uses for this occasion. He has based 26 sermons on I Corinthians chapter 16: "For a great door * * * is opened. * * * Watch ye, stand fast in the faith, quit you like men, be strong. Let all your things be done with charity."

For a man who is to be both spokesman and moderator, Dr. Hawkins could hardly have chosen a more appropriate text as his guide for the 12 months which are to follow.

JOSÉ ARTIGAS OF URUGUAY

Mr. HUMPHREY. Mr. President, today, June 19, our sister Republic of Uruguay and Uruguayans everywhere commemorate the 200th anniversary of the birth of José Artigas, the soldier-statesman who was the father of Uruguayan independence.

This anniversary will be observed with reverence in all the other American republics as well, for Artigas was a figure of truly international stature, whose idealism and democratic fervor inspired patriots everywhere in Latin America during the wars of liberation of the early 19th century.

Artigas ranks with Bolívar and San Martín, with O'Higgins and Sucre, among the great leaders of South American independence. Bold, resourceful, tenacious, and determined, he was cut to the same heroic pattern, and history has found in him few of the flaws that all too often mar the image of the great.

Artigas was born in Montevideo, then part of the Spanish Viceroyalty of the River Plate, in 1764. His family was of modest means, but owned some ranchlands near Montevideo on which young José spent much of his boyhood. Born to a family of cattlemen and soldiers, he was attracted to the outdoor life. He understood and liked the gauchos—the cowboy of the Uruguayan pampa—and they, in turn, liked and admired him for his manliness and courage. That, undoubtedly, is why they later chose him as their leader and followed him with such devotion in the long struggle to free Uruguay from colonial rule.

From the Franciscan Fathers, Artigas learned his Latin, reading, writing, and arithmetic. He emerged into manhood a kindly, austere and silent figure, much given to solitude and contemplation. He was a listener, rather than a talker, but he was a doer as well as a visionary.

Artigas fought against four flags to consolidate his country's freedom. A soldier by heritage and instinct, he served with Spain in the defense of Montevideo against British attack in 1807. When the citizens of Buenos Aires rose in revolt against the Spaniards in 1810, Artigas offered his services to the patriotic junta in the campaign to liberate Montevideo from Spanish control.

His services were accepted, and he quickly recruited a small and doughty army from among his beloved gauchos. He won his first victory against the Spaniards at Las Piedras, and from there went on to lay siege to Montevideo, with such success as to compel the Spanish Viceroy to call on Portugese troops from Brazil to help him hold the city.

A truce between the Buenos Aires junta and the Spanish Viceroy required Artigas to lay down his arms. Unwilling to submit to what he considered alien domination, Artigas refused to acknowledge the truce and made an historic decision. He organized a mass exodus of his followers and led them in the long trek across Uruguay to the west bank of the Uruguay River. As he marched across mountain and valley, he drew additional partisans around him, until one-fourth of the population of the colony was following his standard.

His final conflict, after 10 more years of battle, was with his erstwhile allies in Buenos Aires. Artigas stood for a democratic, representative, federal system of government. His opponent stood for highly centralized government. For 4 years Artigas waged war at one and the same time against Spaniard, Portuguese, and Argentine. Finally, defeated by vastly superior forces, he once more withdrew across the Uruguay River, never to return to his homeland.

From a small farm in neighboring Paraguay, where he lived until his death in 1850, Artigas saw the struggle he had begun culminate in full independence in 1825.

Uruguay, from that time on, has enshrined freedom and democracy as its most cherished ideals. It is a model democracy, in which the utmost respect exists for the rights and dignity of the individual. It is a land of equality before the law, of freedom of thought, speech, and religion. It is a stanch and traditional friend of the United States, and has consistently supported the principles of our collective security within the United Nations, the Organization of American States, and in many international conferences.

The bicentennial of Artigas' birth is being commemorated in many ways, and in many parts of the United States. It is fitting that we should here pay just tribute to a great American figure, and to the free and democratic nation which he helped bring into being.

FEDERAL BAR ASSOCIATION—SYMPOSIUM ON CIVIL RIGHTS

Mr. HARTKE. Mr. President, within the last 2 weeks the Federal Bar Journal, a strictly legal journal published by the Federal Bar Association, has been distributed—volume 24, issue No. 1—to the more than 10,000 members of that association, and to a large number of additional subscribers, such as law libraries throughout the Nation. This issue is devoted entirely to an impartial legal presentation as a symposium on civil rights. Both sides are presented by an outstanding and distinguished array of authors, three of whom are Members of the Senate.

A vast amount of legal research is represented in this fine publication, which will be of value to lawyers and to all persons interested in this subject for years to come. This symposium was chaired by Justice Stanley Reed of the Supreme Court.

I commend the association and its president, Mr. Conrad D. Philos, for the most timely publication of this issue of the Journal. I recommend this well-documented publication to all interested parties for reference, and I ask unanimous consent that the foreword by the president of the association, the introduction by Justice Stanley Reed, and the table of contents showing the authors and the subjects covered in the various articles, may be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Federal Bar Journal, Winter 1964]

Symposium on Civil Rights

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"Political Rights as Abridged by Pending Legislative Proposals," Senator Sam J. Ervin, Jr ---------------- 4
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"Labor Looks at Equal Rights in Employment," J. Albert Woll ---------- 93
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Foreword

(By Conrad D. Philos [1])

During the debates and discussions on the civil rights bill the word "accommodations" is heard more often than any other. In fact, it seems to synthesize the whole subject—as well as all approaches to it. Every solution, fancied or real, is confronted with the threshold problem of making accommodations between philosophies, between institutional and constitutional principles, and between social and economic forces.

In a less important sense the planners of this issue also had to make accommodations. In the past, symposium issues have not been devoted to legislation which was still under consideration; however, in the case of the civil rights bill, it was concluded that the Federal Bar Association would not be discharging its responsibility to the public, to the profession, or to its membership, if it limited its role solely to an after-the-fact contemplation and dissection of a completed product.

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[1] President, Federal Bar Association.

It was self-evident, also, that our association has a unique capability for playing a more vital and current function in connection with the present bill, for our membership includes not only scholarly authors, but also the very men who have designed the structure and the foundation of the bill, or who are engaging in the day-to-day decisions which mold its shape and growth.

Still another accommodation was inevitably involved, and it, too, required an adjustment in this symposium issue. It was apparent that some of the articles could utilize footnotes to set forth cases and precedents in the orthodox law journal manner. Other articles, or portions thereof, could not; for they do not involve the scholar's attempt to state what the law is in the light of existing precedents. Instead, the articles involve the stateman's or legislator's view of what the law should be or what it is going to be. In other words, many statements, as projections will not cite precedents. They will make them.

Our project involved, then, a voyage through uncharted seas—and over a route where the waters are troubled and turbulent. It was obvious that the journey required a seasoned and trusted captain, and we are deeply grateful to Justice Reed for agreeing to serve as the chairman of this symposium. This is still another illustration of his dedicated efforts for his profession and for this association. I would like also to add my thanks to the authors for their outstanding contributions and to the personnel of the journal. However, I wish to add special words of gratitude to Vincent Doyle and Richard Reynolds for their unfailing assistance to me in a number of organizational tasks connected with this issue.

MAY 11, 1964.

INTRODUCTION

(By Stanley Reed [1])

The events of the last year with mounting interest in civil rights throughout the Nation, naturally led the Federal Bar Journal's Board of Editors to choose civil rights as the topic of this symposium. No more significant problem has faced the Nation in the last 100 years. No domestic problem has had so many international overtones. No problem has been more difficult to solve than the one the people and the Congress are wrestling with this spring.

It was somewhat less easy to decide how this symposium should attack the problem. Before plans had progressed very far, it became clear that the vehicle for debate in Congress would be H.R. 7152, the administration's civil rights proposal. Should H.R. 7152 also be made the vehicle for the symposium, with one article written on each title of the bill? Or on these issues, which tend to cause even the most well intentioned lawyers to lose their sense of objectivity, to sacrifice logic for interest, reason for rationalization, should there not be two articles on each title, one pro and one con? Whatever merit this proposal might have had (and no one thought it had much), 14 or 18 articles were simply too many to include in one issue of the Journal.

Some thought that if we identified the nature of our audience we might shape the nature of the articles to reach it. Were the articles to be of interest to judges? Then each article must deal with a well defined issue and deal with it in depth. Were they to be of interest to Members of Congress? Then each measure of the bill should be discussed—and not simply the law of it but the wisdom of it. Was the symposium to reach the Federal Bar member who had not been living with the civil rights problem in the same sense that some of the lawyers in the Justice Department or on the President's Committee on Equal Employment Opportunity had been? Then the symposium articles must be principally expository.

Because we wanted to interest each of these groups, because we hoped that each group would take something away from the symposium, our problem had not yet been solved.

It was Conrad Philos who was the principal architect of the grand design which emerged from these preliminary discussions. His was the suggestion that the symposium explore three broad areas—political rights, property rights, and employment rights—with two authors writing in each area. Selecting authors who were known to have somewhat differing points of view without trying to tie them to any particular issue would lend variety to the symposium and at the same time eliminate the danger of it degenerating into a debater's handbook. We hope that the judges, the Members of Congress, the Federal lawyers, the private practitioners, and others who read the articles might have a better insight into the broad issues and be stimulated to work out for themselves more precise solutions to the narrower ones.

The final shape of the symposium, like the final shape of almost every effort to improve conditions, is the result of compromise. As the success of a law is to be measured by its effect upon those to whom it is directed, so the success of this symposium is to be measured by its effect upon its readers whoever they are. If it be successful, that result is due, in no small measure, to Paul G. Dembling, the editor in chief of the Journal, his associates, and of course to the authors who have given freely of their time and abilities to provide an understanding of these complex issues.

DEPRECIATION GUIDELINES AND RESERVE RATIO TEST

Mr. HARTKE. Mr. President, in the 87th Congress I introduced a bill, S. 2231, to amend the Internal Revenue Code to stimulate replacement of equipment and machinery, and to simplify administration of the Treasury's depreciation guidelines. The same proposal was embodied in my amendment No. 319 to the tax bill passed this year, H.R. 8363, but was not adopted by the Finance Committee, despite a good deal of favorable testimony.

It has been Federal Government policy in recent times to try to provide investment and modernization stimulus to business through the 7-percent investment tax credit, and by other means. This was also the basic purpose of the new depreciation guidelines set by the Treasury last year in Revenue procedure 62–21. But these more liberal depreciation schedules stand in danger of nullification through the application, after a 3-year moratorium, of the Treasury's complex reserve ratio formulas as a test of the validity of guideline lives in particular cases. The uncertainties involved in application of these tests by field agents who may vary widely in their determination, and the complexity of the situation for the smaller companies in particular, has resulted in considerable failure to use the liberalized depreciation guidelines, thus depriving business of what has been estimated at more than $2 billion last year in investment capital.

My bill and amendment would have removed the uncertainty now present and would have encouraged new investment by requiring statutory guideline lives no longer than those now promulgated by ruling. These administrative depreciation schedules are subject likewise to withdrawal by ruling. Under my proposal, the reserve ratio test might still be used at the taxpayer's option, but it would not be mandatory and subject to the varying interpretations of Internal Revenue field officers.

These observations are stimulated by the publication of an editorial on this subject in the Journal of Commerce for Tuesday, June 16. That editorial contends—correctly in my opinion—that the present investment "boom" needs viewing in perspective, that it is too limited to require any artificial dampener, and that application of the reserve ratio rule should be held in abeyance, as my bill would have done by statute.

Mr. President, I ask unanimous consent that the editorial referred to may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PACE OF CAPITAL SPENDING

Should the Treasury extend the present moratorium on the so-called reserve ratio method it will ultimately use to determine whether depreciation charges turn out to be excessive in relation to new investments under the depreciation guidelines it laid down in 1962?

A good many business enterprises think it ought to. In the course of this 3-year stay in the disallowance of depreciation deductions by Internal Revenue Service field agents, the liberalized guidelines have proved quite helpful in stimulating capital investment. But they feel there are so many potential quirks in the application of the reserve ratio rule that if it goes into effect as to 1965 incomes (as now planned) it may curtail investment spending sharply.

The Treasury apparently also has some qualms on the subject. Thus its moves to circularize business this fall on the probable impact of this ratio in the event its implementation results in wholesale disallowances of corporate depreciation deductions by IRS field men. The problem is quite complex and does not lend itself readily to generalities. But one or two corollary factors merit consideration.

The United States is now in the throes of what some people call a boom in capital investment. The 1962 depreciation guidelines plus the more recent 7-percent investment tax credit undoubtedly stimulated this spending. Spending for new plants has accelerated this year to the point that total outlays will probably come very close to $44 billion by December 31. This would mark a new record, well above that of $39.2 billion established last year.

If these figures were as good as they look and if the economy, in consequence, were generating a heavy head of steam, they might in themselves suggest extreme caution in planning any extension of this moratorium. In such circumstances a strongly inflationary trend might be anticipated. In the course of it, any artificial stimulus of capital investment might exacerbate these trends and pave the way for a subsequent tailspin punctuated by overcapacity and more unemployment.

It could also be argued that if implementation of the reserve-ratio rule is going to put a damper on capital investment—even though temporary—it is better to apply the damper in boom times, when it will only slow the rate of acceleration, than in quieter periods when it might actually drive down the whole economy.

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[1] Associate Justice, Supreme Court of the United States, retired.

But the present investment "boom" is by no means the hot-and-heavy affair it is sometimes represented as being. This newspaper has noted that on several occasions in recent months, and we are glad to see that the economics researchers of the Chase Manhattan Bank, along with others, also believe it should be viewed in perspective.

The present boom is most impressive in terms of total spending. It was better last year than in 1957. But in 1957 the economy was smaller by nearly 25 percent than it is today. Only if total capital investment reaches the $44 billion mark this year will it beat the 1957 rate on the basis of this type of comparison.

Actually, business expenditures for new plant and equipment have tended to lag in recent years when subjected to the much more significant measure of their relation to the gross national product. In the early postwar years these exceeded 8 percent of the GNP, then they began to recede. From 1960 to the end of last year they accounted for less than 7 percent of the GNP.

Allowance must, of course, be made for the consideration that a great deal of investment capital had been dammed up between 1941 and the end of 1945 and that consequently the immediate postwar years could hardly be regarded as a normal period insofar as capital investment was concerned. Even so, a total outlay of $44 billion this year would not constitute a major investment boom. In its relation to GNP, as the Chase Manhattan Bank notes, it would still run below 12 of timespan and exceed the other 5 by not more than a "hairbreadth."

These are considerations that should be kept in mind when weighing the advisability of injecting the Treasury's reserve ratio procedure into the present investment picture. The "boom"—if such it is—is not only too limited a "boom" to require an artificial dampener, it is in all probability no more than is needed to keep the economy running with its present smoothness.

THE INTERNATIONAL EXECUTIVE SERVICE CORPS IS FORMALLY LAUNCHED

Mr. HARTKE. Mr. President, it is a most gratifying experience to see a dream become a reality. When I returned from a 5-week trip to Africa a year and a half ago, I proposed a new procedure for American aid—the establishment of a "businessmen's peace corps" which would send abroad to needy areas a commodity in very short supply—that is, executive and managerial knowledge, the famous know-how on which American commercial and industrial progress is firmly based. Explorations were undertaken by the Commerce Department and the Agency for International Development, and gradually the idea took shape.

Under the formal name International Executive Corps, the venture was chartered as a private nonprofit corporation on May 26. Last Monday, June 15, it was publicly launched in Washington with the first meeting of its newly elected board of directors, a press conference, a luncheon, and an address to the group by President Johnson in the flower garden. It was my privilege to be there, and to see this dream become a promising portent for assistance by American businessmen in the development of businesses and businessmen to strengthen the growth of nations abroad.

It is appropriate and desirable that this should take the form of a private, not a governmental, effort. It is significant that its board of directors comprises 38 of the top business leaders of the nations. In this private development, in which individuals give their time and valuable talents, and in which contributions from private sources will increasingly supplement the initial grant from the Agency for International Development made to the new organization last Monday, it is appropriate to recall the words of the late Pope John XXIII in the encyclical "Mater et Magister":

> First of all, it should be affirmed that the economic order is the creation of the personal initiative of private citizens themselves working either individually or in association with each other in various ways for the prosecution of common interests.
>
> But here, for the reasons our predecessors have pointed out, the public authorities must not remain inactive, if they are to promote in a proper way the productive development in behalf of social progress for the benefit of all citizens. Their action, whose nature is to direct, stimulate, coordinate, supply, and integrate, should be inspired by the principle of subsidiarity.

In the new Executive Service Corps, both conditions specified by the late Pope are met, with personal initiative of private citizens operating in conjunction with the public authorities.

President Johnson, in his foreign aid message on March 19, referred to the need for public-private cooperation, and made specific mention of his desire to see such an Executive Service Corps established. In that message he said:

> We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad.

He then spoke of the first new houses financed by private U.S. funds in Lima, Peru, under AID guarantees, and of the first rural electrification loan in Nicaragua, and the ties developed between California and Chile. He then said:

> This effort must be expanded.
>
> Accordingly, we are encouraging the establishment of an Executive Service Corps. It will provide American businessmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries.

President Johnson in the flower garden reception of the new corps board of directors, and in an informal conversational meeting afterward around the table in the Cabinet Room, made clear his faith in this kind of approach and in the new organization.

> The program that we are launching today—

He said—

> is, I think, an inspiring example of sane and sensible, responsible and constructive cooperation between Government and private enterprise.

Mr. President, because of the importance of this new organization, a private structure cooperating with the Agency for International Development, I ask unanimous consent to have printed in the RECORD the text of the remarks made by the President in the flower garden, and the responses of the organizing committee's cochairmen, David Rockefeller and Sol Linowitz, together with news reports published in the Indianapolis Star, the New York Times, the Washington Post, and the New York Herald Tribune. I ask unanimous consent, also, for publication of the list of directors of the International Executive Service Corps, of a letter addressed to its chairman, C. D. Jackson, by President Chiari of Panama, and the text of a short brochure about the corps.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT, AND DAVID ROCKEFELLER AND SOL M. LINOWITZ, INTERNATIONAL EXECUTIVE SERVICE CORPS, IN THE FLOWER GARDEN

The PRESIDENT. Ladies and gentlemen, we are delighted to have this talented group of businessmen visit us in the White House this morning. George Washington, our first President, once advised that we should let our discourse with business be short and comprehensive.

Brevity is always a good rule but, on the subject of free government and free enterprise working together, sometimes I am more comprehensive, I think, than I am short.

The program that we are launching today is, I think, an inspiring example of sane and sensible, responsible and constructive cooperation between government and private enterprise.

I have been somewhat amused in the 7 months I have been in this office that when you take the position that employers and employees should get along and can work together and that government need not be an irritant or an antagonist to either that they say you are talking out of both sides of your mouth, that you should either be for business and against labor or be for labor and against business, or for government and against them both.

Well, I believe that our strength in the world today will depend on our ability to unite all the strength of the free enterprise system which is made up of employers and employees, encouraged, led, and supported by their Government which is their servant and not their master.

You men are rendering a valuable service to our national objectives abroad which neither government nor business nor labor could do so well alone nor could do so well apart. You are making a most important contribution of high potential to the economic development of the free world, and the preservation of the free world may well depend on our success to see that economic development succeeds.

I want to express my appreciation this morning and my heartiest congratulations to the Congress, to all of those who have participated in this development, especially to Mr. Rockefeller, Mr. Linowitz, and the members of this committee, to the members of this board, to the organizations which have given their cooperation and their support, the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Industrial Conference Board, and to other groups.

From my perspective, it is the breadth of the consent rather than the details of the execution that is the most meaningful aspect of the International Executive Service Corps.

With man's knowledge and capacity changing so dramatically and so rapidly, we of the free industrialized nations must recognize the reality of a great and grave gap developing between ourselves and other nations and the world of the next 50 years—knowledge itself with the great power, knowledge itself with the great force and the great wealth of the earth.

So, unless we concentrate on diffusing knowledge and unless we concentrate on sharing it widely, we can foster a most unwelcome sort of structure among the nations of the earth.

The International Executive Service Corps is a most welcome pioneering effort to explore a new field, a field in which the horizons will broaden to infinity during the next half century. New nations cannot and will not develop new economies to support their independence and their freedom unless they have access to the kind of new information and new guidance which can only be imparted by exchanges such as this program contemplates.

While some may not see it yet, no sector of our society has changed more rapidly or will continue to change more dramatically than the private sector of our private enterprise system.

If I may, I would like this morning to pay my personal high regards to one man here who personifies the change that I am mentioning—the Administrator, David Bell. Mr. Bell occupies about the most difficult post in American public life. He is a whipping boy for everybody who wants to give anybody a whipping, but I am proud to say that he has brought to this post the kind of lean, tough, and forward-looking mind that characterizes both the new management of business and the new administrator of government.

Such men, I believe, represent the kind of excellence that we must set as our standard for the future.

I would say the greatest disappointment that I really had in government in 7 months is the request that I have made of other people to come in and help us do distasteful and disagreeable and tough jobs, but they have always found that their families had problems, their wife was sick or their daughter was going off to college, or they just couldn't spare the time to help save the Republic.

Now, I think that these men this morning are setting an example of can do people, and I hope that it will be an example that other men and women in private life will follow.

I am hopeful that as we progress in raising the remuneration of public service that we can attract to government many more men like Dave Bell, and I am hoping if the Senate acts favorably on the pay bill that we can keep the good ones we have now.

A few weeks ago, before the House defeated the bill, a few were leaving to go back to draw two or three times as much in private industry. Good men are not an expense in managing an operation so vast and as modern as government. Good men are the best investment that we can make.

So, I want to congratulate you, and I want to thank you and I want to express the hope that this program will pay generous dividends. I hope and expect it will set a pattern for the future which will benefit our country and our cause and all that we do.

I would like to ask Mr. Linowitz and Mr. Rockefeller if they feel free to do so to tell us about the plans of their corps. I know that they will bear in mind that some of you gentlemen who have just come from Florida and have not been exposed to this sun may not want to stay out here too long this morning, but we do appreciate your being here.

I hope to get to meet with you a few moments after the ceremony. I thank you for your public service and we will have pictures when Mr. Linowitz and Mr. Rockefeller conclude.

Mr. ROCKEFELLER. Mr. President, on behalf of Sol Linowitz, C. D. Jackson, and Ray Eppert, the members of our newly constituted board of the International Executive Service Corps, the affiliated organizations, and our three first voluntary candidates, I should like to express our very heartfelt thanks to you, Mr. President, for your gracious and encouraging remarks.

Of course, we have had wonderful government assistance from the very beginning in connection with the launching of this program. Everyone from Mr. Bell, for whom I share your enthusiasm, Mr. President, and all of his associates, Sy Peyser and others, we have had the fullest cooperation, also, of course, from Senator HARTKE and from Senator JAVITS, from the Commerce Department, and most heartening of all was your own endorsement in the AID message.

Of course, we are aware that Government for a long time has been working in the developing areas and has been encouraging private enterprise to do what it can in this area as well. I do think that the International Executive Service Corps could perhaps be particularly helpful from the private point of view in stimulating the private sector. It is an area where I am hopeful we can make a contribution.

Managerial experience and talent in our judgment is often less available and more urgently needed than capital itself. We have a big reservoir of managerial talent in the United States, and it could be tapped for the benefit of the developing nations to their great benefit, and I think ours also, and it is here that one finds the origin of the concept of the International Executive Service Corps.

Through the efforts of my associates on the organizing committee, the corps was very rapidly brought into being, and we have our first three volunteers with us today who were sent to start off on their tasks in the very near future. We hope they are only the beginning of a corps of perhaps several hundred who can be interested in taking part in this project in the years ahead.

We have great faith in these volunteers and in those who will come after them.

The task is a difficult one, and I am sure that we will probably make our mistakes—most people do—but we will try to minimize them, and I am sure that with your help, Mr. President, and that of your administration, we will make as few as we possibly can. All of us will work with fresh zeal and because of the faith that you have shown in the program, because we do know, as you have said repeatedly and have demonstrated that you have a real belief in the free enterprise system and in business and government cooperation; so do we, and we will demonstrate this to you as time goes on.

We are very thankful to you for your good wishes, Mr. President, and grateful for your support.

Mr. LINOWITZ. Mr. President, if I might just add a word to what David Rockefeller has said, on behalf of all of us, you have called, Mr. President, for the creation of a great society.

Prof. Alfred North Whitehouse, once said, as I remember, that a great society is one in which its men of business think greatly of its functions.

We hope this will prove to be an instance in which men of business have indeed thought greatly of their functions. Thank you, Mr. President.

[From the Indianapolis Star, June 16, 1964]

EXECUTIVE'S PEACE CORPS COMES TO LIFE

WASHINGTON.—Senator VANCE HARTKE, Democrat, of Indiana, saw his idea of a retired businessmen's executive service corps come to life Sunday.

President Johnson hailed the formation of the senior citizens' counterpart of the Peace Corps as "an inspiring example of sane, sensible, responsible, and constructive cooperation" between Government and private enterprise.

The first two volunteers are Omer C. Lunsford, 58-year-old Anderson, Ind., native, who is operations manager for the American Oil Co., in the New York area, and Benjamin B. Smith, Los Angeles, Calif., retired business consultant.

Lunsford, who expects to retire soon after moving his home 13 times as a management troubleshooter for the oil company, said he wants a "continuation of challenge and opportunity."

The executive service corps will operate outside the Government, but with help and guidance from Uncle Sam. The Agency for International Development will give the new program an initial boost with approximately $100,000; but afterward it will rely on its own merits.

HARTKE brought back his idea of the executive corps from Africa, where he made a trip 3 years ago. The Hoosier said he found the biggest need in the dark continent was for management skill and know-how.

"The biggest need in underdeveloped countries today," HARTKE said yesterday, "is not for handouts, not for sympathy. What they have told us they need most of all is a strong, vibrant economy built around the American private enterprise system. They want to know how we do it. They need to learn the methods and techniques which have brought us the highest standard of living in history.

This is what the International Executive Service Corps will help to bring about. By sharing our know-how we will build our neighbors' strength and, by the same token, we will expand our markets abroad."

The Executive Corps was formed officially in a White House rose garden ceremony yesterday. David Rockefeller, president of the Chase Manhattan Bank, and Sol Linowitz, chairman of the Xerox Corp., are the cochairmen.

Frank Cruger, president of the Indiana Manufacturers' Supply Co., Indianapolis, is a member of the 15-man executive committee. Cruger is chairman of the board of the National Small Business Association.

After the ceremony, Cruger said HARTKE "deserves a lot of credit for pushing this through." Cruger said the Executive Service Corps offered an opportunity to shift foreign aid out of Government into a people-to-people operation.

The Service Corps will compile a roster of Americans who have retired from regular business and are willing to devote a period of time to teaching their skills to businessmen abroad. They may give their services, receive partial compensation, or be kept on the payroll of private firms, Cruger said.

The first three volunteers are the Argentinian accountant who has retired after a long career with a famous firm of American accountancy; an American businessman who will go to southeast Asia, and an oil company executive whose assignment is presently indefinite.

[From the New York Times, June 16, 1964]

PRESIDENT HAILS BUSINESS CORPS—EXECUTIVE SERVICE GROUP TO AID DEVELOPING NATIONS

WASHINGTON, June 15.—President Johnson hailed a business executives counterpart of the Peace Corps today as "an inspiring example of sane and sensible, responsible and constructive cooperation between Government and private enterprise."

He met in the rose garden of the White House with members of the board and staff of the International Executive Service Corps, which plans to send management experts abroad to help speed economic progress in the world's developing nations.

The President said he considered this project a "most important contribution of high potential to the economic development of the free world."

He said this Nation's strength in the world would depend on ability to unite all segments of our society—employer and employee—to make the free enterprise system work.

GROUP'S MEMBERS PRAISED

Mr. Johnson said those who were joining in the businessman's service corps were "can-do people," who he hoped would set an example for other men and women in private life.

Since coming to the White House, Mr. Johnson said, he had been most disappointed by people who said they could not spare the time or, for personal reasons, could not come to help "save the Republic."

David Rockefeller, cochairman of the Executive Service Corps, told Mr. Johnson he hoped the group would help stimulate the private sector of the country to contribute in aiding underdeveloped nations.

He noted that managerial talent often was less available and more urgently needed than financial capital. Mr. Rockefeller is president of the Chase Manhattan Bank.

The service corps delegation went to the White House after a meeting of its board and selection of the first oversea volunteers.

[From the Washington (D.C.) Post, June 16, 1964]

FIRST BUSINESSMAN'S PEACE CORPS VOLUNTEERS SELECTED FOR OVERSEAS

(By David Fouquet)

The first group of volunteers who will lay the groundwork for the fledgling Businessman's Peace Corps program to aid progress in the world's developing nations, was introduced in Washington yesterday.

Called the International Executive Service Corps, the organization is a private nonprofit counterpart of its well-known forerunner. The Corps will recruit its members at the outset largely from the ranks of newly retired executives who will go overseas on assignment ranging from 3 months to 2 years.

Still in the formative process, plans for the Corps were announced in March and since then the organizers have received hundreds of applications and a "grubstake" of $100,000 from the U.S. Agency for International Development.

The organization is an outgrowth of proposals last year for such a group by Senator VANCE HARTKE, Democrat, of Indiana, and of David Rockefeller, president of the Chase Manhattan Bank, who was cochairman of the corps' organizing committee and is a member of its board of directors.

The corps hopes to give executive and management assistance to small and medium sized firms and has received notice of the need for its services from all parts of the world from such firms as food and metal processing plants, cement and textiles plants and breweries.

The first three volunteers, Omer C. Lunsford, who will retire shortly from the American Oil Co.; Benjamin B. Smith, who is a retired lawyer and business consultant, and William L. Chapman, an Argentine citizen who works for the Buenos Aires office of Price Waterhouse, Peat & Co., seem to have been motivated by the same enthusiasm which made the original Peace Corps successful.

Lunsford, 58, who has been a troubleshooter for his firm, and is being considered for an assignment in Panama, was wondering how to spend his retirement years after an active career. He said, "I am looking for continued challenging opportunity * * * it offers an opportunity to be productive and aid the free enterprise system."

Smith, 56, has traveled through all parts of the world, and said he was "bored of playing golf three or four times a week and I sought personal satisfaction in something in which financial gain did not play a part in. I started looking for something that I could get involved in." He will probably be sent to an Asian position.

Chapman, 41, will be on loan from his job to assist in the organization of the corps in its New York headquarters. He said he found a lot of enthusiasm for the corps plans in Argentina and added "I will be on the receiving end as well as the giving end," because his country will benefit from such aid.

These men and others who will be assigned overseas will be paid by the host company and it is anticipated the total force will number 1,000.

The leaders of the group met with President Johnson yesterday afternoon and he described the move as an "inspiring example of sensible, responsible, and constructive cooperation between government and private enterprise."

AID Administrator David E. Bell also said the venture "is a promising new idea * * *. We have been impressed by the enthusiasm and caliber of the American business leaders who have joined in establishing the corps and we look forward to cooperating with them as it gets underway."

The corps yesterday also named C. D. Jackson, senior vice president of Time, Inc., chairman of the board of directors.

[From the New York Herald Tribune, June 16, 1964]

PEACE CORPS IN BUSINESS

WASHINGTON.—A businessman's peace corps organized itself here yesterday, announced its first two volunteers for oversea assignments and received a warm sendoff from President Johnson.

Known as the International Service Corps, the organization is dedicated to the idea of using retired and active businessmen to spread the gospel of free enterprise in developing countries by providing managerial know-how for private companies.

David Rockefeller, president of Chase Manhattan Bank and one of the founders of the corps, said the aim is to have 100 management consultants active overseas within a year, with an ultimate goal of 1,000.

The first two volunteers, Omer C. Lunsford, of Anderson, Ind., and Benjamin B. Smith, of Los Angeles, called on President Johnson after the organization meeting had designated C. D. Jackson, senior vice president of Time, Inc., as chairman of the board.

Ray Eppert, president of Burroughs Corp. was named vice chairman.

Corpsmen will come from the ranks of retired business executives, supplemented by younger men whose companies are willing to lend them to the corps for a year or two.

Mr. Smith, 56, is a retired business consultant and lawyer who said he "became bored playing golf three or four times a week and started looking for something that I could get involved in."

He will be assigned to Asia, but the country has not yet been selected from among the dozen or more that have made inquiries.

Mr. Lunsford, 58, is operations manager for American Oil Co. in the New York area and he expects to retire soon. He said that as a management troubleshooter for American he had moved his home 13 times, and he wants "a continuation of challenge and opportunity."

The corps announced Dr. William L. Chapman, of Buenos Aires, as its third full-time volunteer worker and said he would be assigned to the New York office to supervise the processing of requests from abroad.

The corps is carrying out its organizational work with a $100,000 fund which came largely from U.S. foreign aid funds, but it hopes eventually to become self-supporting through money provided from private sources.

Mr. C. D. JACKSON,
Chairman, Board of Directors,
International Executive Service Corps:

I am gratified that Panama has been chosen one of the first countries to receive the volunteers of the International Executive Service Corps. I believe this new program of U.S. private enterprise can make an effective contribution to the commercial development and understanding between our countries.

Sincerely,

ROBERTO F. CHIARI,
President of Panama.

JUNE 11, 1964.

INTERNATIONAL EXECUTIVE SERVICE CORPS

The purpose of the International Executive Service Corps is to assist the developing nations of the free world by providing local enterprises with needed managerial knowledge and talent developed in the United States.

BACKGROUND

The basic concept of the International Executive Service Corps has evolved from several sources. Two proposals were especially prominent and received extensive consideration. In January 1963, following a 5-week inspection trip to Africa, Senator VANCE HARTKE, of Indiana, advocated the establishment of a corps to utilize overseas the skills and know-how of retired businessmen. The other major proposal was made by David Rockefeller, president of the Chase Manhattan Bank, in the keynote address at the 13th International Management Congress held in September 1963.

Mr. Rockefeller called for a managerial task force of free enterprise, a program whereby private companies in the industrial nations would provide volunteers from their management staffs to work in the developing areas. Serving by invitation only, individuals or team units would work in companies abroad for up to 2 years on projects beneficial to private enterprises and to national economic development.

These and other ideas were discussed at a meeting called by the Agency for International Development held in Washington, D.C., in March 1964. Attending were leaders of business, members of the administration, representatives of Congress and spokesmen of business and management organizations. As a result of this session, an organizing committee was formed under the cochairmanship of David Rockefeller and Sol M. Linowitz, board chairman of the Xerox Corp. Other members of the organizing committee are: Ray R. Eppert, president, Burroughs Corp.; C. D. Jackson, senior vice president, Time, Inc.; John H. Johnson, president, Johnson Publishing Co., Inc.; Dan A. Kimball, chairman of the board, Aerojet-General Corp., and William S. Paley, chairman of the board, Columbia Broadcasting System, Inc. The committee is now setting up the machinery to put the program in operation.

OBJECTIVE

One of the major factors limiting the growth of industrial enterprises in the developing countries is the shortage of appropriately skilled executive personnel.

It is the function of the International Executive Service Corps to help fill this need by providing qualified, volunteer, American executives (active or retired) to business firms overseas that ask for help and qualify for such assistance.

OPERATION

The International Executive Service Corps is a private, nonprofit organization incorporated under the laws of the State of New York, with operational headquarters in New York City.

The direction and control of this endeavor comes wholly from private business. The State Department and other Government agencies, as well as many business organizations, will be available for counsel and assistance.

IESC concerns itself not only with the careful screening and selection of foreign companies requesting experienced volunteers but also with the selection, training and placement of these volunteer businessmen.

In each country where it operates, IESC will establish some form of local representation which will provide a liaison between the foreign companies and IESC. The representative will initially screen requests for volunteers and will also assure the smooth progress of relationships.

FINANCING

The International Executive Service Corps will eventually be financed by voluntary contributions from private businesses and foundations. However, to enable IESC to begin operation as soon as possible, the Agency for International Development has agreed to finance a major part of the program until the organization is firmly established. Foreign companies receiving IESC volunteers will be expected to contribute some of the funds needed to meet the expenses.

THE VOLUNTEER EXECUTIVE

IESC volunteers will come from the ranks of qualified business executives who have the desire to assist their country in carrying out some of its objectives overseas by helping the people of lesser developed nations. Volunteer candidates will be able and energetic executives who have retired from active managerial and business careers, or are on loan from various U.S. companies.

Final selection of volunteers will be determined primarily by the requirements of the specific assignment to be filled. Generally, the volunteer will be chosen on the basis of his managerial experience, his availability, and the sincerity of his desire to contribute time and energy to the program.

IESC's operation will begin modestly—but soundly. Only a small percentage of applicants can expect to be selected initially. It is anticipated that within 3 years there will be at least 1,000 IESC volunteers working abroad.

Training: The degree of training and orientation the volunteer will receive will be determined primarily by the nature and location of the assignment and the volunteer's knowledge and experience. Before being sent overseas, each volunteer will be well versed in the history, culture, and business attitudes and practices of the country to which he has been assigned. Before arriving on the scene, he will be as familiar as possible with the nature of the assignment, the employing company and the people with whom he will work.

The assignment: An effort will be made to assign each IESC volunteer to the job, company, and country of his choice. But, assignments will be based primarily on the suitability of each volunteer to the situation.

Volunteers will work with enterprises in need of executive assistance that are not able to obtain this help from other sources. They will work as consultants or in operational management positions. They will be sent only in response to specific requests from oversea firms or organizations.

Known requirements call for men who are active or who were recently active as management executives in production, industrial finance, and marketing. Areas of interest include manufacturing, merchandising, commercial banking, communications, major service industries, etc.

Assignments may last from 2 or 3 months to a maximum of 2 or 3 years.

In most cases, an individual will be the sole IESC volunteer at a particular company or organization. In others, he will work as part of a team. And in still others, one volunteer or one team will assist more than a single company.

Status: Volunteers will act under the auspices of the International Executive Service Corps and serve as private individuals.

It should be added that even though the IESC volunteer is in no way an employee of the Federal Government, he will be carrying out many of the international objectives of the U.S. Government. As President Johnson said in his message to Congress on March 19, 1964: "We must do more to utilize private initiative in the United States—and in the developing countries—to promote economic development abroad. Accordingly, we are encouraging the establishment of an executive service corps which will provide American businesmen with an opportunity to furnish, on request, technical and managerial advice to businessmen in developing countries."

Finances: Funds will be provided by IESC to cover the volunteer's expenses for living at a suitable level while on assignment as well as transportation and incidental expenses.

APPLICATION

Application forms for volunteer candidates are available by writing to: International Executive Service Corps, Post Office Box 530, Grand Central Station, New York, N.Y., 10017.

INTERNATIONAL EXECUTIVE SERVICE CORPS DIRECTORS

INCORPORATORS

1. Mr. Ray R. Eppert, president, Burroughs Corp.
2. Mr. C. D. Jackson, senior vice president, Time, Inc.
3. Mr. John H. Johnson, president, Johnson Publications.
4. Mr. Dan Kimball, chairman, Aerojet General Corp.
5. Mr. Sol M. Linowitz, chairman of the board, Xerox Corp.
6. Mr. William S. Paley, chairman of the board, Columbia Broadcasting System, Inc.
7. Mr. David Rockefeller, president, the Chase Manhattan Bank.

ADDITIONAL DIRECTORS

8. Mr. Eugene R. Black, director and consultant, the Chase Manhattan Bank.
9. Mr. Marvin Bower, chairman, McKinsey & Co.
10. Mr. Sidney Boyden, Boyden Associates, Inc.
11. Mr. Marion Boyer, executive vice president, Standard Oil Co. of New Jersey.
12. Dean Courtney Brown, Columbia University Graduate School of Business.
13. Mr. Frank M. Cruger, president, Indiana Manufacturers Supply Co., Inc., Indianapolis, Ind.
14. Prof. Peter F. Drucker, New York University Graduate School of Business Administration.
15. Mr. Willard W. Garvey, president, World Homes, Inc.
16. Gen. James M. Gavin, president, Arthur D. Little, Inc.
17. Mr. Eldridge Haynes, president, Business International.
18. Mr. Harry M. Hopkins, vice president, the Tool Steel Gear & Pinion Co.
19. Mr. Norman O. Houston, president, Golden State Mutual Life Insurance Co.
20. Mr. Neil C. Hurley, Jr., chairman and president, Thor Power Tool Co.
21. Mr. Donald M. Kendall, president, Pepsi-Cola Co.
22. Mr. Albrecht M. Lederer, A. M. Lederer & Co., Inc.
23. Mr. States M. Mead, vice president, the Chase Manhattan Bank.
24. Mr. Frank Pace, Jr., former chairman of the board, General Dynamics Corp.
25. Mr. H. Bruce Palmer, president, National Industrial Conference Board.
26. Mr. Gordon O. Pehrson, vice president, International Minerals & Chemical Corp.
27. Mr. Richard S. Perkins, chairman of the executive committee, First National City Bank of New York.
28. Mr. Rudolph A. Peterson, president, Bank of America.
29. Mr. Theodore S. Petersen, former president, Standard Oil Co. of California.
30. Mr. John J. Powers, Jr., vice chairman of the board, Charles Pfizer & Co., Inc.
31. Mr. Philip D. Reed, former chairman, finance committee, General Electric Co.
32. Mr. Henry R. Roberts, president, Connecticut General Life Insurance Co.
33. Mr. Henry B. Sargent, president, American & Foreign Power Co.
34. Mr. Whitney North Seymour, senior partner, Simpson Thacher & Bartlett.
35. Mr. Charles W. Stewart, president, Machinery & Allied Products Institute.
36. Mr. Charles E. St. Thomas, senior vice president, Engelhard Industries.
37. Mr. Peter Volid, chairman of the board, King Korn Stamp Co.
38. Dr. Gerrit van der Wal, deputy president, KLM Royal Dutch Airlines.

INDUSTRIAL ARTS ASSOCIATION SUPPORTS COLLEGE STUDENT AID BILL

Mr. HARTKE. Mr. President, on several occasions I have invited attention to the remarkable unanimity of support for the Hartke college student assistance bill, S. 2490, among the responsible leaders of higher education in this country. They include the largest and most powerful voices of concern, such as the National Education Association, but they also number a variety of smaller professional educational groups, such as those concerned with pharmacy and home economics. Among these latter is the American Industrial Arts Association, which is an affiliate of the National Education Association.

This association took formal official action to endorse S. 2490 on March 28, early in the period of consideration before the Education Subcommittee. The association's executive secretary, Kenneth E. Dawson, informed Chairman Morse of the subcommittee of this action in a letter dated April 27, a copy of which he also sent to me.

Mr. President, I ask unanimous consent to have the text of that letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AMERICAN INDUSTRIAL ARTS
ASSOCIATION, INC.,
Washington, D.C., April 27, 1964.

Attention Dr. Clair M. Cook.
Hon. Wayne Morse,
Chairman, Subcommittee on Education,
4230 Senate Office Building,
Washington, D.C.

Dear Senator Morse: The American Industrial Arts Association of the National Education Association, by official action on March 28, 1964, endorsed S. 2490, the Higher Education Student Assistance Act of 1965. We appreciate the opportunity to express our views and congratulate Senator Hartke on introducing this important legislation. The Hartke bill prudently looks into the future needs of our college students and we believe S. 2490 is in the best interest of American education today and in the future.

We realize S. 2490 is very similar to S. 580 of last session. Our association supported that bill, likewise. We believe passage of No. 2490 will greatly strengthen the American educational program and the defense of our country. Of course, we realize this is a beginning and would like to see the student assistance program much stronger.

We, the officers and members of the American Industrial Arts Association, strongly support S. 2490, the Higher Education Student Assistance Act of 1965.

Respectfully,

KENNETH E. DAWSON,
Executive Secretary.

CIVIL RIGHTS LAW TO BE ENACTED ON ANNIVERSARY OF APPEAL BY J.F.K.

Mr. McGOVERN. Mr. President, by an unusual coincidence, it was just exactly 1 year ago today, on June 19, 1963, that the late President Kennedy sent his message to Congress calling for the passage of a comprehensive civil rights law. One year later that law, which will stand along with the test ban treaty as the greatest achievements of our late President, is about to become the law of the land.

President Kennedy told Congress a year ago why this law is necessary. He said then:

> Justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquillity—but, above all, because it is right.

His words have not lost their meaning, although our young President did not live to see his vision become law. The civil rights law will not solve all our problems in the field of civil rights. There will be much soulsearching before we all learn to accept each other for our value as human beings, regardless of our race. But under this law we shall have made a beginning. We shall have moved one step closer to our great goal, set forth in the Declaration of Independence as a self-evident truth that all men are created equal, endowed by their Creator with certain unalienable rights, among these, life, liberty, and the pursuit of happiness.

I believe that it would be especially appropriate for us to enact this charter of civil rights today, on the first anniversary of our late President's eloquent appeal to the Congress.

RECENT DEVELOPMENTS IN RUMANIA AND OTHER IRON CURTAIN COUNTRIES

Mr. DODD. Mr. President, there has been a good deal of discussion concerning the significance of recent developments in Rumania and in other Iron Curtain countries. Some people have argued that these developments indicate a trend toward greater independence from Soviet control. Others have argued that the developments in question are of minor importance, that there are no essential policy differences between the Soviet Union and its European satellites and that Rumania's greater economic independence, for example, might conceivably enjoy the concurrence of the Kremlin.

I would like to call the attention of my colleagues to an important contribution to this discussion which appeared in the New York Times of last Friday, June 12, in the form of a letter to the editor. The letter was written by Mr. Brutus Coste, secretary general of the Assembly of Captive European Nations, which is the central body of the various European liberation movements in exile. Mr. Coste, in the prewar period, was recognized as one of the ablest members of the Rumanian foreign service. I consider Mr. Coste one of the most knowledgeable and original political thinkers we have in our country today; and I believe the many Members of Congress who have come to know him in his present capacity as secretary general of the Assembly of Captive European Nations share this opinion of him.

I ask unanimous consent to insert Mr. Coste's letter into the RECORD at this juncture, and I hope that my colleagues will accord it the careful study which, I believe, it merits.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 12, 1964]

In a special dispatch from Washington you published on May 24 on the American-Rumanian negotiations your correspondent points out that "where possible, Washington would like to see national independence in Eastern Europe expressed also in terms of more civil rights and intellectual freedom domestically." Your correspondent adds that "by omitting that internal requirement, President Johnson's declaration made it clear that for the moment U.S. friendship would be exchanged for any sign of less dependence on Moscow."

The inference seems to be that human rights and fundamental freedoms are internal matters of the Communist regime in Rumania.

INTERNATIONAL OBLIGATION

The fact is, however, that human rights and fundamental freedoms in Rumania are not an internal matter but an international obligation of the 1947 peace treaty with Rumania, which reads in part:

"Rumania shall take all measures necessary to secure all persons under Rumanian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting."

In view of the general terms of this international obligation of Rumania, there can be no question that the enumeration of specific rights and freedoms in article 3 of the peace treaty is not exhaustive. It is merely indicative. Its true scope is as broad as the one given in the only authoritative definition of human rights, the Universal Declaration of Human Rights.

Accordingly, the Rumanian people and its free spokesmen hold that the United States is not only rightfully entitled, but even legally committed, to seek compliance with a treaty provision which the Rumanian regime has been flouting with impunity since 1947.

SOVIET ENDORSEMENT

The theory of an increasing assertion of independence by the Rumanian regime is based on a number of gestures which might be genuine, but might as well be calculated to achieve purposes the Soviet Union tacitly endorses. Among such purposes are that of giving the satellites a new international image to enable them to play a more effective role in the Communist political drive in the underdeveloped countries, as well as that of qualifying them for Western credits and economic aid the Soviet Union is in no position to grant. There is every indication that Moscow is no way opposed to efforts designed to bring about such results.

Since there is, to say the least, room for legitimate controversy on the independence theory, the one sure way to put it to the test is to ask compliance with a treaty provision assuring to the people of Rumania the enjoyment of rights which would provide the only solid foundation for national independence.

BRUTUS COSTE,
Secretary General, Assembly of Captive European Nations.

NEW YORK, *May 25, 1964.*

ONE HUNDREDTH ANNIVERSARY OF ARLINGTON NATIONAL CEMETERY

Mr. DODD. Mr. President, this week marks the 100th anniversary of the signing of the order by Secretary of War Stanton permitting the burial of Union soldiers at Arlington National Cemetery.

Prior to that time, one soldier had been interred at the estate owned by Gen. Robert E. Lee and his wife.

But since then over 124,000 Americans, from the humblest soldier to our beloved President, John F. Kennedy, have been buried at this beautiful and largest of all our national cemeteries.

Each year over 2 million people from all over the world visit Arlington, and they see 420 very beautiful and impressive acres located on gently rolling hills that overlook the Potomac River and the Nation's Capital, wherein are buried some of the great and some of the average Americans who have played an important part in protecting and preserving our country so it can be a good place to live, work, and raise our families.

Since Americans of all races, religions, and nationalities are buried at Arlington National Cemetery, indeed 231 out of the first 2,619 buried there were Negro soldiers, I think it is especially appropriate that this 100th anniversary should be observed during the same week that we are going to give final Senate approval to a historic civil rights bill.

Arlington National Cemetery is a magnificent and fully deserved shrine to those who have served their country, and an impressive and constant reminder to each of us that we are deeply indebted to many thousands of brave individuals, from all walks of life, for the freedom and the prosperity that we enjoy today.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the

Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent dsicrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. Gore] is recognized.

Mr. GORE. Mr. President, I send a motion to the desk and ask to have it stated.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Will the Chair direct that the proposal by the distinguished Senator from Tennessee [Mr. Gore] now be read, so that if there are any problems involved we then may have an opportunity to raise them.

The PRESIDING OFFICER. The motion will be stated for the information of the Senate.

The legislative clerk read as follows:

Mr. Gore. I move that the bill H.R. 7152 be referred to the Committee on the Judiciary with instructions to report the bill forthwith, with a further amendment to the substitute amendment No. 1052 as adopted, as follows:

At the end of title VI add a new section, as follows:

"Sec. 606. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or official thereof, shall have failed to comply with an order by a United States district court relating to desegregation of public schools."

Mr. KUCHEL and Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, is the pending business now the Gore motion?

The PRESIDING OFFICER. Will the Senator restate his point?

Mr. HUMPHREY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Tennessee has made a motion to commit the bill to the Committee on the Judiciary with instructions. That motion is now before the Senate.

Mr. HUMPHREY. I make the point of order that the motion of the Senator from Tennessee is out of order because the cloture rule provides that no amendment shall be received which has not previously been presented and read, and as the motion of the Senator from Tennessee directs the bill to be referred and reported with an an amendment, it would be out of order if that amendment had not been previously presented and read, before the vote on cloture.

I believe the motion is also subject to a point of order because it in effect is an amendment to the bill after the third reading had been had.

The motion is not debatable.

Mr. GORE. Mr. President, I should like to be heard on the point of order.

The PRESIDING OFFICER. The Parliamentarian advises that the point of order is not debatable.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Under the cloture rule, debate is not in order on this point of order. The point of order of the Senator from Minnesota is well taken.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Would it be possible, under the circumstances, for the senior Senator from Tennessee to call attention to the fact that, as reported on page 13823 of the Record, the Senate agreed to the submission of the motion, and it was considered as read for purposes of the cloture rule?

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from Tennessee had not been previously submitted and read before the cloture motion, and therefore would not be in order.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GORE. Did the Chair sustain the point of order of the senior Senator from Minnesota?

The PRESIDING OFFICER. The Chair has done so.

Mr. GORE. I appeal from the ruling of the Chair, and ask for recognition.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. No debate is in order.

Mr. KUCHEL. Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The suggestion of the absence of a quorum is in order.

Mr. KUCHEL. I do suggest it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, it has been brought to my attention by the Senator from Tennessee that as of yesterday he obtained unanimous consent to qualify his motion. While that may be somewhat unusual, it did happen; therefore, in justice to the Senator from Tennessee, I withdraw my point of order and I ask unanimous consent that the appeal may be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Reserving the right to object—and I shall not object—since the Senator spoke about this procedure being somewhat unusual, I wish to call attention to the fact that with respect to almost every amendment that was offered during the course of the debate—I offered only one and cosponsored one more—unanimous consent was requested to make the amendments conform to the Dirksen substitute, and so forth.

I conferred with the Parliamentarian. I waited until the Democratic leadership was on the floor of the Senate. I rose and obtained unanimous consent. I hope the Senator does not mean to make any snide remark. It was unusual to be sure. We are in an unusual situation. The whole procedure is unusual. I should like to know what the Senator meant by stating the procedure was unusual.

Mr. HUMPHREY. No snideness was intended. We are too good friends for that.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. Gore].

Several Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. GORE. Mr. President, the motion which I have offered, if agreed to, would bring instanter parliamentary procedure into play. If the motion is agreed to, the bill would never leave the clerk's desk. The pending business would be the amendment which the motion instructs the committee to report forthwith. So a second vote would be taken on the amendment.

The amendment would provide that financial assistance to public education and to the school lunch program shall not be denied to a school district which is not in noncompliance with Federal court order. I think all of us recognize—I surely recognize and believe—that upon the enactment of the pending bill, a great number of lawsuits will be brought to bring about desegregation of schools and school systems. I do not say that this would be wrong. It would be a natural consequence of the act, which I think will be passed by an overwhelming majority.

The people whom I have the honor in part to represent would much prefer to go before a Federal district judge whom they know and who has some knowledge of the situation prevailing in that vicinity, and submit a plan to him for the desegregation of their schools. If a Federal district judge approves the plan and enters an order with which the school system complies, a threat to terminate aid to the school lunch program, to the vocational educational program, the Federal assistance to federally impacted school districts should not be left hanging over the heads of the officials and citizens of the school district.

This week an order was issued affecting Memphis, Tenn. The court ordered that the schools be completely integrated by September 1966. That would appear to me to be a reasonably short time for a city of 600,000 people to complete this great change in its school program.

I daresay that the administration would not cut off aid in that case. I only say that we should write into the bill a provision that they shall not have the authority to do so, if Memphis, Tenn., complies with the order of the Federal district court.

In Nashville, Tenn., the court-approved plan of desegregation provided for desegregation of one grade a year. Nashville's schools are now desegregated up to the seventh grade. But Nashville still has some grades which are not yet desegregated.

This amendment would merely provide that aid would not be denied to a school district unless it were failing to comply with the order of a U.S. district judge.

I repeat that the people in my State—perhaps the people in States represented by almost every Senator—would prefer to submit their desegregation plan to a Federal district judge, for aproval or disapproval, and comply with the court orders, knowing thereby what they can do and what they cannot do, rather than have their case determined by some crusader from afar, perhaps from the Civil Rights Commission.

This is not a plea in abatement. I expect and hope that my State will comply with the law. I know that many citizens, many public officials were reluctant to consider the Supreme Court decision affecting school desegregation in 1954 as the law of the land. They felt that the Supreme Court had, in essence, exercised a legislative function. I did not so assert. From the beginning, I have accepted that decision as the law of the land. In my limited way, I have encouraged the people in my State to begin to comply. But as their representative in Washington I have pleaded and fought for time for my people to make the adjustment and accommodate to this change, in the light of the social mores and customs which have prevailed for many years. I plead now for this amendment.

The race problem will not be solved by riots in the streets, or wrestling matches in swimming pools. It must be solved in the hearts, the minds, and the conscience of the American people of both races. This will come only through tolerance, education, understanding, and good will.

I believe that my amendment would promote good will. I believe the people of almost any State would accept with greater grace an order of a Federal district judge, before whom they have gone to submit their plan for approval or disapproval, than they would accept an order from some source with which they are at least not as well acquainted.

This is not a complicated amendment. I do not wish to prolong the debate. I would like to state that, although many people would not accept the 1954 Court decision as the law of the land, this bill, which I predict will be passed by the Senate by approximately a 3-to-1 majority, will, upon enactment, become the law of the land.

We have all had our day in court, or rather in the legislative halls. The decision will have been made when the President signs the bill. I ask the people of my State to begin then to comply, to prepare their petitions, to prepare their plans to comply. But I do not want to see assistance withdrawn from the school lunch program, an act which would deny food to children of both races who may receive through that program their one good meal of the day.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield, on my time, for a question?

Mr. GORE. I yield.

Mr. LAUSCHE. Would the amendment submitted by the Senator from Tennessee apply to orders which now are in existence in Federal courts, and also to future orders which might be issued in connection with any new litigation brought after the bill was passed?

Mr. GORE. It would. If a school district were complying with the order of a U.S. district court, duly entered, financial assistance for the school lunch program could not be denied it.

Mr. LAUSCHE. What about orders made in the future, after the bill is passed?

Mr. GORE. It would so apply.

Mr. LAUSCHE. It would apply to both?

Mr. GORE. Yes.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. Mr. President, throughout this debate, it has been rather amusing to have people suggest to me that they know more about the race problem in Louisiana than I do.

When I was a very young boy, I was carried around by a colored woman, who was a servant in our home. She was everything a woman could be short of actually being the wife in the home and she would carry me in her left arm as she did housework. My right arm would be around her neck, and my left arm therefore was free. As a result, I reached for things with my left arm, and my family always suspected that to be the reason why I am lefthanded today. If in those days, perhaps when I was 2 years old, if I had been told that that colored woman was my mother, I would have probably believed it.

There have been good colored people in my home from that day to this.

I believe I know something about the colored people and about the race problem in my State. My home is in Baton Rouge, La. The Federal judge there, who was formerly my law partner, is a highly respected man, one of the most highly respected in that city. He ordered the schools in that city desegregated; and he established his own plan, beginning with the 11th grade, and working down each year to an additional grade, unless he finds it can be stepped up and can be done more rapidly. There was not so much as a picket in front of those school buildings, or so much as an argument, and no one so much as insulted anyone, believe it or not. Everything was completely harmonious—possibly because the people of that community realized that although the Supreme Court's decision might not be the law of the land, yet, as a former Governor of South Carolina once said, it is a fact of the land; and they complied with it.

But the people of my State are not going to integrate those schools just because some bureaucrat wants that done, and they are not going to integrate in order to qualify for hot lunches for the schoolchildren. If the bureaucrats demand that, the schoolchildren will have to go hungry.

Why do I say that? I say it because our people have already made that decision.

Go to St. Tammany Parish, which is just a short distance from my home. The people there were eligible for a large sum of Federal money as an impacted school area. The people there would not accept it or talk about it or even lay a predicate for it, because it would lay the foundation for the sort of thing that we find in this bill. So the children there will have to go hungry if this bill is to be used to force school integration. Who will be hurt the worst—the whites or the colored? Of course, the colored people will be hurt the worst. They have less money.

I am proud to state that my father, when he was Governor of Louisiana, instituted a free schoolbook program, which increased the school enrollment by 20 percent. About 80 percent of the additional number who then were able to go to the schools were Negro children whose families could not afford to buy them schoolbooks. Prior to that time, those children had not been able to attend school. That free schoolbook program helped the whites, but it helped the Negroes a great deal more.

Mr. President, if the motion and the amendment of the Senator from Tennessee are rejected, Senators who vote to reject may think they are hurting the South again and are drawing more blood from the southern people; but most of those who will be hurt will be the same Negroes who the proponents of the bill claim to be helping.

Mr. President, I hope the motion and the amendment will be agreed to.

Mr. PASTORE. Mr. President, I yield myself whatever time I need to make an explanation.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. First, Mr. President, let us remember that we shall be passing this bill today to allow the Negro woman who carried our good friend, the Senator from Louisiana, in her right arm, if ever she is thirsty, to go to a soda fountain in a drugstore and get a glass of water, in the way any white person can. That is why we are passing this bill; and fundamentally that is the moral thing we should do.

Second, let me advise Senators that the failure of a district court to desegregate the schools will not jeopardize the school-lunch program; it absolutely will not. Even if a community does not desegregate, that will not jeopardize the school-lunch program—unless in that particular school the white children are fed, but the black children are not fed; and I refer Senators to page 33 of the bill, which states very, very clearly: "which shall be consistent"—in other words, the orders and the rules—"shall be consistent with achievement of the objectives of the statute authorizing the financial assistance."

We have a school-lunch program, and its purpose is to feed, not to desegregate the schools; therefore, that would not be consistent. But if a school district did not desegregate, it could no longer get Federal grants, let us say, to build a dormitory—not unless it integrated; and a hospital could not receive 50 percent of the money with which to build a future addition unless it allowed all American citizens who are taxpayers, and who produce the tax funds that would be used to build the addition, to have access to the hospital.

So we must remember that the shutting off of a grant must be consistent with the objectives to be achieved. A school-lunch program is for the purpose of feeding the schoolchildren. If the white children are fed, but the black children are not fed, that is a violation of this law. But if both the black children and the white children are fed, then, even if the school does not desegregate, that has no connection with this part of the law; that would come under title IV. There is nothing wrong with a law that provides that from here on in, if Federal funds are accepted in order to build a school or a hospital, in that case the doors of that building must be open to all citizens, regardless of their nationality, race, color, or national origin. But the school-lunch program is not jeopardized in any way.

So we do not need this amendment. This amendment is a repetition of what we have already voted down; and I hope that at this 11th hour, Senators will not be swayed by the propaganda being given now—that in the absence of the amendment, the school-lunch program will be destroyed and the white children will go hungry because the black children are not being fed.

Mr. LONG of Louisiana. Mr. President, the Senator from Rhode Island has made a speech based on a view in direct conflict with the plain language of this bill. In my hometown, right now, this very week, in the Federal court an order was issued to admit seven Negro students to Louisiana State University. The university did not take advantage of the technical defenses available to it, because agents of the Federal Government, out of Washington, said, "We are going to cut off your money under the Land-Grant Act unless you admit those seven colored students."

So the university authorities said, "All right. We have Negro students here already; and, Your Honor, if you give us the order, we will just admit those other colored students."

The university authorities were under the hammer and the threat of having this Federal money cut off, insofar as the university was concerned, because those seven colored students were demanding admission; and the university was in the position of having those Federal funds cut off before that Federal judge could decide the lawsuit. That is exactly the kind of thing we are talking about.

Furthermore, Mr. President, the colored people such as our maid would never have gone hungry as long as my kind of people were around. The faithful servant and friend, the colored woman I have mentioned, who carried me in her arm when I was a young child, would never have gone hungry, because she was loyal to my family, and my family was loyal to her. When she was on her deathbed, she heard an airplane motor, and called out, "That is Huey Long coming back to Shreveport to take care of me."

She would never in all her life have gone hungry, not for a minute.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield, on my time?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. Does not the Senator from Louisiana think that colored woman had a right to go into a drugstore and get a glass of water at the counter, the same as a white person could?

Mr. LONG of Louisiana. She did.

Mr. SMATHERS. Of course she could; of course she could go there.

Mr. PASTORE. But if she went there, she could not get a glass of water. That is why we are passing this bill.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. The Senator from Florida.

Mr. SMATHERS. Mr. President, it irritates me considerably to hear someone from Rhode Island—who knows nothing about this particular problem—begin to tell us what is happening in Louisiana, Florida, Georgia, and other Southern States, when he does not know what he is talking about.

Not one word does he understand of what he is talking about.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SMATHERS. I was born in New Jersey and raised in North Carolina and Florida. I can tell the Senator that I have never in my life seen any colored person go into a drugstore who could not get anything that any white person could get.

Mr. PASTORE. Could he be served at the counter?

Mr. SMATHERS. He could be served at most of the counters.

Mr. PASTORE. Then I have been reading the wrong newspapers.

Mr. SMATHERS. That is the trouble with the Senator; he has been reading only the wrong newspapers.

Mr. PASTORE. I do not know about that.

Mr. SMATHERS. If the Senator would actually see what is happening, the Senator would learn something. The trouble is that he reads only articles which have been published by prejudiced people—people whose minds are already closed. They have made up their minds as to what kind of discrimination is going on.

Mr. President, the time has come when people are becoming tired of seeing a few isolated cases built up as though they represented a general pattern in Florida, Georgia, Louisiana, and all the other States of the South.

That is not the case; and I challenge any Senator to find that that is true anywhere. He cannot do it. There has been some discrimination. There has been discrimination in the Senator's State. There is discrimination in New York. There is discrimination in Illinois. There is more discrimination in the cities I have mentioned than any other cities in the United States. The Senator's holy, mighty, and majestic statements when he is talking about his love and his concern for the colored people do not even begin to measure the love and concern expressed by the Senator from Louisiana [Mr. LONG] and most of the white people who have lived with colored people all their lives.

Mr. President, the time has come for hypocrisy to stop.

Mr. PASTORE. Mr. President, I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. In a moment. We have reached a sorrowful ending when we begin to hear now, at the 11th hour, as we are ready to pass the civil rights bill, that there is no segregation in the country at all, and we discover that we have been wasting our time.

Mr. SMATHERS. There is segregation in the Senator's State.

Mr. PASTORE. We have all been reading the wrong newspapers. We have been debating in the Senate for 3 months to do what? To waste our time.

Of course there is segregation. There is as much of it in the North as there may be in the South.

I do not condone it in the North. There is nothing holy and mighty about the Senator from Rhode Island. Naturally the question must be answered in the sanctuary of people's hearts. The Senator from Rhode Island understands that completely.

But we must make a beginning by enacting a law that will give the fundamental rights to these people so that they can enjoy them, like all other citizens. That is why we are here. We are here so that if a person is denied these rights in Florida or in Rhode Island, he will be brought to account, because today we shall say that, as a matter of policy, every citizen in the United States has equal rights. That is why we are here. If there is no discrimination in the South, Senators from that area of the country will have no worry about the bill and will have nothing to fear.

I am beginning to think that Senators are trying to protect what is called a way of life. And what is that way of life that we have been talking about on the floor of the Senate if it does not exist? Senators wish to give the Negro what they think they should give the Negro. Senators wish to be noble to the Negro on Christmas Day, and we wish to be noble to Negroes and all Americans 365 days of the year—and not merely to those that we like or the ones under our charge but all of them, every child, man, and woman, regardless of the color of his or her skin. Those are the people we are trying to protect—not only the mammy who carried the Senator, but everyone's mammy.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLAND. What I am trying to do is to get a little more light and a little less heat.

Mr. PASTORE. The Senator asked me to yield. When the Senator from Rhode Island speaks, he speaks not only for the benefit of the Senator from Florida, but for all of his people, and he speaks so that even down in Florida he can be heard.

Mr. HOLLAND. Mr. President, I hope they are listening. If the Senator will listen to my question, I assure him that it is a respectful one. The Senator has dwelt entirely on the school lunch feature of the amendment and not at all on that part which disturbs me most. I wish to ask the Senator whether or not, without that amendment, funds from the Federal Government to help operate the agricultural departments in high schools all over the country and the ROTC departments high schools all over the country which are not completely integrated, but which are being integrated under Federal court orders, so that complete integration will be accomplished in 2, 3, 4, or 5 years, according to the program that has been laid down, could be cut off at the whim of the bureau that is handling the distribution of those funds?

Mr. PASTORE. The word I do not like is "whim." First of all, those charged with the administration of these programs are not monsters. I believe that any locality which is making a good attempt in good faith to carry out the spirit of the law will not be hurt in any way. But we are declaring it to be public policy today that all the money of all the people of the United States cannot be used for the benefit of only a section of those people. It must be used without discrimination for the benefit of all. That is all we are declaring today as our policy. There are provisions in the measure for voluntary compliance. There are provisions in the measure for hearings and for reviews. There are provisions in the measure that before any action can be taken, the issue will rest before the Congress for a period of 30 days, and even then an appeal can be taken from the ruling of the court. Therefore, I say to my good friend from Florida that anyone who is acting in good faith, and anyone who intends to carry out the spirit of the proposed legislation will not be hurt in the case that has been cited as an example, or the hypothesis that has been put before us by the Senator from Florida. Anyone who is of good heart need not fear the law. It is only those who will insist on a way of life that is not American.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PASTORE. Mr. President, how much time have I remaining?

Mr. HOLLAND. Mr. President, is not the time being charged to the Senator from Rhode Island?

The PRESIDING OFFICER. The time is being charged to the Senator from Rhode Island.

Mr. PASTORE. How much more time have I?

The PRESIDING OFFICER. The Senator from Rhode Island has 7 minutes remaining.

Mr. PASTORE. Mr. President, I yield. My present address is my valedictory.

Mr. HOLLAND. Do I correctly understand the distinguished Senator from Rhode Island to say that so long as school districts are desegregating, under the orders of the Court, and 4, 5, 6, or 8 years may be required to complete desegregation—but a district court of the United States has approved a particular program as to that particular school—so long as that is happening, no Federal funds under the proposed legislation could be cut off from such a school?

Mr. PASTORE. I shall not say for 5 or 6 years. That is too long a time. I do not see why we have to wait 5 or 6 years to desegregate. I can see how it might require 2 months, 6 months, or a year, but the process cannot take an eternity. Five or six years is not necessary.

Mr. President, all I am saying to the Senator that if he will read the measure from cover to cover, he will conclude that it is a reasonable bill. Every precaution has been taken in the proposed legislation not to make it a vindictive or punitive statute. No punishments are involved in the measure. Time and again we say that attempts must be made at voluntary compliance. We afford a hearing, an appeal, and an opportunity to have the matter come before the Congress.

I repeat. The Senator can state all all the hypotheses he desires. He can give me all the "ifs" and "buts."

I repeat that anyone who is of good heart need not fear the law. But the proposed legislation would enunciate the policy of the United States and proclaim, "You cannot use, under title VI, the taxpayers' money of this country unless you use it for the benefit of all citizens."

There are safeguards in the measure to make sure that no capriciousness will rule the land—that no whims will rule the land—for that is the word that is customarily used in the Senate. We hear about the whim of the individual.

Mr. President, who are those individuals? Is the Attorney General a monster? Is Secretary Celebrezze a monster? Those are men who have achieved prominence in our community because of public service. They will not push people around. They will not kick people in the face. They will make sure that the law is observed, and they will give people a reasonable opportunity to come into compliance. Those are the men who are representing our Government.

If we have lost faith in the mechanism of our democratic process, in the people who operate our Government, in the Senate and in the House of Representatives, then we are all wasting our time. But the law was never intended to do that. The law was intended to make people understand that, in 1964, we have reached the crossroads when the Declaration of Independence will mean and must mean something. That is equality of opportunity. That is all we are going to do in this law. We are trying to put in effect and are enunciating what our forefathers said many years ago when they said all men are created equal—and they meant whether a man was white or black.

Mr. HOLLAND. Does the Senator mean he has lost faith in district judges who have approved plans under which integration plans have been established?

Mr. PASTORE. I have not lost faith in any of them. All I am saying is that the proposed law provides for procedures even before the cases reach the judges. If they are not good enough, I think the Attorney General has still further ways to deal with problems in the departments.

Mr. HUMPHREY. Mr. President, I have very little time. I wish to yield myself 1 minute of time in order to make one clarifying statement as manager of the bill. I speak only for myself. I have studied the question raised by the Senator from Tennessee for long hours and have consulted many officials of our Government.

It is my view that title VI would not be used for action terminating, reducing, or refusing assistance in such a case as has been mentioned because of dissatisfaction with the terms of the applicable court order or the speed with which it directs desegregation procedure.

If there is dissatisfaction with the provisions of the bill, it seems to me the proper manner of proceeding would be to seek modification of the court order under title IV.

The Senator from Rhode Island is eminently correct. There must be some understanding and appreciation of fairness on the part of our officials. This is a highly complicated matter.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. I yield myself 15 seconds.

The question will not be settled in a half hour on the floor of the Senate. I believe we can trust our public officials in the various agencies, and the courts of our Nation.

Mr. LAUSCHE. Mr. President, on several occasions within the past week I stated that the most inspiring aspect of the 83 days of debate was the absolute absence of acrimony on an issue that is of grave importance, one that easily could have generated hostility and anger. Throughout 83 days, so far as I can recall, there was not a single manifestation of hate or insult among the Members of the Senate.

To myself, I said it was majestic and noble for men of deep convictions to debate for practically 90 days, finally lose the argument, and never reveal one sense of resentment, if I may put it that way. The decision was accepted as the judgment of the Senate.

Today is the first time that there have sprung into the Senate debates the flames of anger and passion. I hope that by the time the Senate concludes its deliberations today the spirit which prevailed until today will be reestablished.

I have not voted for some of the proposals made, but I have respected the arguments and I recognize that the view of Senators on the other side of the question may be a bit different from my view. I recognize that they are honest, and that Senators believe that my views are honest.

The thing to be done, if there are any wounds that have come from the debate, is to heal them, in the interest of the future of our country.

Mr. MORSE. Mr. President, I yield myself 2 minutes, if I need that much time.

We can all take judicial notice that there is a great deal of racial discrimination in all parts of the country. In the long debate of the past 2 months or more, there has been constant discussion of discrimination that exists in public accommodation facilities throughout the country. Recently a dramatic example of segregation was played up in the press in regard to serving Negroes in a public accommodations facility. One cannot read the accounts of a great American, Dr. Martin Luther King, without knowing that segregation still exists.

I invite attention to the amendment, and point out what I think is a serious defect that would result from its adoption.

When the bill becomes law there will be procedures for ultimate decision. If a proposal of an administrative body provided for in the bill or a finding of a court in the process of adjudication is unfair, there can be an appeal. But under this amendment, there must be compliance with the finding of the district court.

It would be a great mistake to adopt this amendment. We are in the process of passing a bill that provides, as was stated by the distinguished Senator from Rhode Island [Mr. PASTORE], for procedures of mediation, conciliation, and investigation to try to protect the accused from being brought into court.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I yield myself 1 minute more.

The retention of judicial procedures is also provided for in the bill, for procedures before the courts all the way up to the Supreme Court. We should not stop that kind of procedure by the new procedure at the district court level.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. LONG of Louisiana. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes remaining.

The Senator from Colorado was seeking the floor before the Senator from Louisiana.

Mr. ALLOTT. Mr. President, I yield myself such time as I may use.

Mr. President, I had not intended to speak further on this question, but the distinguished senior Senator from Florida [Mr. HOLLAND] has raised a question which I think is answered in the bill. He is entitled to an answer; and I shall state my understanding of that question.

He asked whether or not schools, or others qualified, would be shut off from funds if they were attempting to comply with an order of the court.

On page 34 of the bill there is the following proviso:

> No such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means.

It is inconceivable to me that this proviso could mean that the word "comply" means anything else or could mean anything beyond the lawful order of a court which had been properly entered.

I do not deem that it could be twisted or distorted in any such way that it could go beyond that meaning—in other words, that anyone who was seeking to cut off the funds of such a program could insist that any political unit of a State go beyond the lawful orders of a decree properly entered in a court.

I invite the attention of Senators to another point which has been repeated over and over again.

(At this point Mr. BAYH took the chair as Presiding Officer.)

Mr. ALLOTT. I invite attention to the last clause of that paragraph at the top of page 35: "and such action shall not be deemed committed to an unreviewable agency discretion within the meaning of that section."

What that clause means is that the review of this matter, under the Administrative Procedure Act, can even involve the discretion—I repeat—it can even involve the discretion of the agency that made the finding.

This is not ordinary law. This is contrary to the ordinary law that discretionary matters are not ordinarily reviewable.

I have just one other comment to make in conclusion. I am opposed to this particular motion and amendment and I invite attention to page 14317 of the CONGRESSIONAL RECORD of yesterday, to which the distinguished Senator from Tennessee [Mr. GORE] has referred, and in which his amendment is printed. Section 606 reads:

> No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or officials thereof, shall have failed to comply with an order by a United States district court relating to desegregation of public schools.

What this means is that under no circumstances could the provisions of title VI be brought into play until such time as each and every school district in the United States, where it was sought to enforce the provisions of title VI, had been brought into court and the proceeding terminated and decision or judgment rendered.

In other words—to repeat—if Senators will read this closely, it would mean that title VI would become effective as to any school district only after that school district had been brought into court and a final decree secured against it.

Mr. President, as earlier stated, I did not intend to speak further on this matter but I believe the question raised by the distinguished Senator from Florida was not completely answered.

I hope that my own explanation will help to clarify the matter and make legislative history concerning it.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield to me for 10 seconds?

Mr. ALLOTT. I am glad to yield to the Senator from Florida at any time.

Mr. HOLLAND. I wish to express my appreciation to the Senator from Colorado for his responsiveness, and for his courtesy. I am sorry we are not receiving that kind of treatment from other sources.

Mr. LONG of Louisiana. Mr. President, when Senators vote on any amendment, they should understand what it is they are voting on. A rather confusing argument is being made against the amendment by the Senator from Colorado [Mr. ALLOTT] and the Senator from Rhode Island [Mr. PASTORE] to the effect that the amendment is not really necessary, that the school lunch money would not be cut off from the little children because the school was segregated.

Yet that is an obvious purpose of the title. Certainly, the Senator from New York [Mr JAVITS] spelled this out to the Senate, if the Senator from Rhode Island did not, that the whole purpose of the title is to cut off all Federal aid in any program with respect to which there is discrimination.

It is clearly understood that the Supreme Court ruled any segregation of a school is discrimination.

We should understand that

Let us look at the situation in my State, there are two parishes—Orleans, where the great city of New Orleans is located, and East Baton Rouge—only 2 parishes out of 64 where there has been any desegregation of the schools at all, and even those 2 parishes are not completely desegregated.

New Orleans has desegregated the first few grades of its public schools, and East Baton Rouge has desegregated the 11th and 12th grades. Even those two parishes could be held to have complied with this title. The whole purpose of the title is to cut off all Federal aid, which means that people will be told in 62 parishes, and perhaps 64, poor though they may be, but proud as they are, that they must swallow their pride in order to get a hot lunch for their schoolchildren with the help of the Federal Government, or their children will have to go without insofar as Federal help is concerned.

What I am trying to say is that the people will obey a court order, but they will not integrate just to get their share of Federal money. If they are not in violation of any law, if they are clearly within their rights in doing what they are doing, they will not surrender their convictions in order to get a handout of some of their own tax money.

Mr. President, I am proud that my uncle started the school lunch program in Louisiana. I suspect that Louisiana was the first State in the Union to have a State school lunch program for all children in public schools. This program was started without any Federal aid. If Federal aid should be cut off, we should try to feed those children without Federal aid.

The people of the South are poor compared to the people of the North generally. Since Reconstruction days, most of the people of the South have been poor. But, we are proud. We shall not swallow our convictions merely to seek Federal money.

Mr. KEATING. Mr. President, this point may have already been made. If so, even if it is repetitive, I believe it should be made. In effect, we have already voted on this same question.

Three days ago, we voted down the amendment offered by the distinguished Senator from North Carolina [Mr. Ervin], which would have required a court order before Federal funds could be cut off under title VI.

We defeated the amendment with the jury trial provisions by a 68-to-16 vote, and the amendment with the court trial provision by a 65-to-19 vote.

Those amendments were quite similar to this one. They were somewhat broader, but the principle involved was the same, and I hope the result will be the same today.

Mr. ELLENDER. Mr. President, in my speech yesterday I attempted to reemphasize some of my objections to the bill before the final vote. I am amazed to note that at this late hour some of the proponents of the bill are still filled with emotion when discussing it. They seem to permit their emotions to override their reason. They will not attempt to argue an issue when raised but they resort to a discussion of other parts of the bill. This is plainly an attempt to divert attention from an indefensible position.

My good friend, the Senator from Rhode Island [Mr. Pastore], instead of relegating his remarks to the issue raised by the senior Senator from Tennessee, alleges that Negroes in the South are refused a drink of water if they go to a drugstore or to a motel or to a restaurant and ask for it. I doubt that, but the proprietor who owns and operates a drugstore, motel, or restaurant, is within his legal rights if he should refuse service of any kind.

As late as 1959 the Federal courts have held that a private business can refuse service to anyone. This was the Howard Johnson case. The Court held that the refusal to serve did not violate the 14th amendment nor the commerce clause of the Constitution.

It has been pointed out here on many occasions that Congress, in 1875, I believe it was, passed a law similar to title II that we are now attempting to enact, and which deals with public accommodations. The 1875 statute was litigated in the courts. It was not only unpopular, but the Supreme Court in 1883 declared it unconstitutional. That is still the law today.

Senators take the position that the "great" Dr. King is acting within the law when he attempts to force integration in motels, hotels, and other accommodations. I say he is acting against the law, because the Supreme Court of the United States decided in 1883 and later, as I have just indicated, that the owner of a restaurant, motel, or other accommodation is the master of it, and can serve anyone he chooses. He pays the taxes on these facilities. He manages them according to his own desires. There is still such a thing as private property. The people who participate in sit-ins on privately owned property are in violation of the law and the owners of such establishments have the right to have them prosecuted for trespass.

Many Senators do not seem to understand the problems with which the South has been confronted. They depend entirely too much on newspapers and other news media for their information. Newspapers, television, and radio are always eager to provide a big story. I saw a picture this morning, on the front page of the Washington Post, showing a policeman in St. Augustine, fully clad, minus his shoes, jumping into a swimming pool in order to arrest seven or eight Negroes who were in the pool in defiance of the law. I would not be a bit surprised to learn that the officer was induced to take the plunge by some photographer in order to obtain a dramatic shot. I know that the same sort of thing happened in Louisiana on two or three occasions. I saw pictures of cameramen from one of the national networks egging on a crowd, telling little children to scream and shout and wave their arms, when officers were attempting to clear the streets and maintain order.

There is no doubt in my mind—in fact I was told on two or three occasions—that some of the law enforcement officers were asked by a photographer to do such things to get a more sensational picture. That is the kind of claptrap that is printed all over the Nation and shown on television.

The South acted within the law with respect to school segregation. It has done so since the Supreme Court decided the case of Plessy against Ferguson in 1892 which provided that separate but equal facilities conformed to the Constitution. Our schools were constructed to provide facilities for both races strictly in accord with the law.

The Plessy case was followed by at least 30 other cases from that date until the Brown case of 1954.

Since the Court reversed the separate but equal facility doctrine, we from the South have been attempting to find a satisfactory solution to the problem of racial antagonism brought about by the Court. It will come in time, I hope. We are not going to help the process very much by sending the long arm of the Federal Government down there.

As many Senators and others have stated, we cannot force people by law to associate with people not of their choosing. I tried to make that clear in my speech to the Senate yesterday.

I hope my good friends in the Senate will take into consideration the fact that we have a vexing problem to deal with. We southerners may be a little hotheaded at times, but we have a serious problem in our part of the country. The North is beginning to have its troubles. I do not see the end of de facto segregation nor the attempts by Negroes to overcome it.

We have had the problems of a multiracial society in the South for 200 or 300 years, and we hope to solve them. I repeat, however, that it cannot be done by having the long arm of the Federal Government extend its force to coerce our people. I cannot understand how Senators can condone the encouragement of law violations such as sit-ins. Integration will come whenever the people of both races are prepared to accept it. Force bills such as the pending one will not accomplish this. It cannot change any hearts or minds.

The PRESIDING OFFICER. All time of the Senator from Louisiana has expired.

Mr. COOPER. Mr. President, when the Senator from Tennessee offered his amendment a few days ago, to strike from the bill title VI, I voted for the amendment, and I spoke in favor of it. I said then that the reason that I voted to strike title VI was that I believe title VI carries with it an element of coercion and an element of force which is alien to our system of government. I also supported the amendment of the Senator from Alabama [Mr. Hill], which would have assured that hearings consistent with Administrative Procedure Act requirements would be held under this title. That amendment also was defeated.

The Senate has expressed its will. The Senate will not amend the title, and it will not strike it out.

I must say to my friend from Tennessee that I do not think the amendment will be adopted. While I still believe that the title embodies the element of coercion and strikes at the innocent as well as the guilty, I shall not vote for the motion to recommit after all the many days of debate and discussion that have been held on the bill.

However, his effort should bear fruit, because when the regulations are issued under this title, they must be referred to committees of Congress.

I hope that when such regulations and orders are referred, that the committees of Congress and the Congress itself—perhaps by resolution or otherwise—will assure that title VI will be administered fairly; that it will not strike unduly at innocent people; and that the element of coercion may be limited. Therefore I must say that I believe the forthcoming vote is really a vote on whether to refer the bill.

I recognize the sincerity of the Senator from Tennessee, in offering this amendment, and I believe his efforts will bear fruit when regulations under title VI are issued and when the Congress passes on them. I have expressed my position in this debate and also by my votes on this title, but I cannot vote for the motion.

Mr. GRUENING. Mr. President, I yield myself such time as I may need to ask a question of the Senator from Tennessee. If the people of Memphis, in the example which he cited, are obeying the order of the Federal court, and are desegregating their schools, and have only 2 years to go to comply with the court's order, does he really believe that the Department of Justice would move in and overrule the judge's decision, which is being complied with by the people of Memphis, and penalize the city or the school district and the recipients therein of Federal aid for doing what the court had ordered to be done? I wonder whether the legislative history that is being written here would not obviate the problem. I hope it would.

Mr. GORE. Mr. President, in response to the question of the Senator, I would not assume that officials of the present administration or of any future administration would be cruel, partial, or arbitrary. However, I seem to recall what a great American statesman said—I may not be able to quote him exactly: "Where power is involved, trust no man."

We are writing a law. I am asking only for a simple amendment which would provide that in case the people of Memphis, or any other community, are complying with a court order, they will not be subject to this provision in the bill insofar as their schools are concerned. I should like to read the provision in the bill:

> Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guarantee, is authorized and directed—

This is the bill we are about to enact—

> to effectuate the provisions of section 601 with respect to such program or activity.

The bill before the Senate, to be voted upon, authorizes and directs every Federal agency and department that provides financial assistance to any program or activity to proceed to issue rules and regulations providing for the discontinuance of aid if there is discrimination.

Please understand, I do not support discrimination. This is not a perfect world in which we live. I did not rise to raise the entire civil rights issue. I seek adoption of an amendment which would give the people whom I represent some time to prepare their plans, go into court, and submit their plans for desegregation to the judge. Then if the court enters a proper order, which is subject to an appeal—if an appellate court does not agree with the order, it remands the case with instructions which then become the order—they would have time in which to comply. Once the Federal court approves their plan for desegregation, they can proceed in accordance with the terms of that order.

I do not assume that any official would be arbitrary, harsh, and unjust. But the point which is involved in the question of the Senator from Alaska and in the argument of the Senator from Rhode Island [Mr. Pastore] against my amendment is that the bill we are about to pass will not be enforced. I must assume that it will be enforced. I do not assume that it will be enforced harshly or arbitrarily. I am not here attempting to kill the bill or obviate the entire program about which we have been debating.

Have I answered the Senator's question?

Mr. GRUENING. Yes. I thank the Senator from Tennessee.

I would hope that his fears prove to be groundless and that if a school district was, in good faith, carrying out the orders of a Federal judge, who is a part of the machinery of Federal enforcement, no penalty would be imposed. I am hopeful that the legislative history which is being made in the Chamber now will support that view. For the Federal enforcement authorities to do otherwise would seem to be a travesty on justice and should not be countenanced.

Mr. GORE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 7 minutes remaining.

Mr. GORE. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 additional minutes.

Mr. GORE. Mr. President, I had intended to await the President's signature upon the bill, thus enacting it into law, before saying some of the things that I have said today, and some of the things that I am about to say.

The Senator from Minnesota [Mr. Humphrey] has advised his people that the bill would not affect them. I tell my colleagues that the bill will affect almost every single community in Tennessee. Tolerance, patience, and understanding on the part of the Senate would have borne good fruit. If, instead of arbitrarily voting down practically all amendments, the Senate had carefully considered each amendment on its merits, I am confident that I would now be making a speech in favor of passage of a much better civil rights bill. However that may be, that is now irrelevant.

When the bill becomes law, as I said earlier, I intend to urge, in consonance with my responsibility, that the people of my State undertake to comply with the law.

I say to my neighbor from Kentucky [Mr. Cooper], whom I love as a neighbor and a friend, that my people would prefer to submit to a Federal judge whom they know, and who has some knowledge of the circumstances that prevail, their plan for school desegregation, for approval or disapproval and the ultimate entering of an order. If they comply with the final order of the court, they should not be subject to denial, or the threat of denial of Federal aid.

I know there are some who prefer that an employee of the Civil Rights Commission fulfill this function, but I would like to ameliorate this issue that gnaws at the vitals of my country.

I say to the Senator from Minnesota that he probably has not had the experience of having leading citizens refuse to shake hands with him because he had not signed the southern manifesto. He has not had the experience of having leaders in communities of his State look the other way and cross to the other side of the street because he had voted for a civil rights bill.

I thought the southern manifesto was a great mistake for the South. It is my belief that this sweeping civil rights bill is now nearing enactment largely because of the massive resistance by the South to the 1954 Supreme Court decision. I believed that we should recognize that decision as the law of the land—and many of my people did so recognize it.

We have made great progress. We have much further to go. I wish to help my people make further progress. But it has been difficult, and it will continue to be difficult. Nevertheless, unless there is general compliance in the months ahead, enforcement procedures may become harsh indeed.

I urge adoption of an amendment which would provide that Federal assistance to public education, let me repeat, including Federal assistance to the school lunch program for children not old enough to vote, having no responsibility for what some official may have done, and no power to correct it, shall not be cut off, unless there is failure to comply with a desegregation order of a Federal court.

The PRESIDING OFFICER. The Senator from Tennessee has exhausted his time.

The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Bayh in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 434 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from California [Mr. Engle] is absent because of illness.

The PRESIDING OFFICER. A quorum is present.

Mr. YARBOROUGH. Mr. President, I yield myself 5 minutes on the motion.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I desire to point out that all the simple motion that has been made by the Senator from Tennessee would do would be to provide that no program for aiding a school district or Federal financial assistance for public education and the school lunch program shall be cut off from the school district unless such school district disobeys the order of a Federal court.

The question is not primarily one of civil rights; it is primarily an educational matter. I have reached that conclusion after 6 years' service on the Educational Subcommittee and experience in my own State. I have listened carefully to the arguments on both sides of the question of the Gore motion. They have been primarily civil rights arguments, but I think they have failed to touch what is going on in school districts in my State and in many other States.

This is an educational amendment, not a civil rights amendment. In my opinion most of the argument on this motion has been directed at the bill itself, or broader questions than Federal aid to a local school district.

In my State many of the richest districts will not accept and do not use the school lunch program. The city of Dallas does not use it and will not have it. Many school districts over the State will not accept any Federal moneys for anything. The ultraconservatives control many of the school boards, and they say that the school lunch program, or any program of Federal aid to a school district, is a dole. They say, "Federal money is involved and we will not have it." Moneys are cut off and students do not get the benefit of the school lunch program.

Now we hear the ultraliberals on the other side saying, "We will cut the money off from local school districts for another reason." The result will be that the poor schoolchildren will be caught between the upper and nether millstones and their educational opportunities will be ground down.

The amendment would help education. A vote for the amendment is a vote for education, and a vote against the amendment is a vote against education, because just as sure as night follows day, if the bill goes into effect, a threat to cut off moneys will only give encouragement to that portion of the community that is now fighting Federal school aid programs in practically every district in my State. They are saying—and they have said over and over, when this question has been the issue in school board elections—"If you take this Federal money, the next thing you know they will be trying to tell you how to operate the schools."

Mr. President, I have visited school districts in my State and begged them to accept the school lunch money so that the poor children in the district could get a school lunch.

In many districts, they have refused. They have said:

> If we take the lunch money, the next thing we know they will be telling us how to operate the schools.

So the passage of the bill with these punitive provisions will not result in a change of attitudes of school boards. It will only give encouragement to that minority on the school boards or in the communities that has been fighting all kinds of Federal aid to schools all the time.

As a member of the Subcommittee on Education, I am a coauthor of the National Defense Education Act of 1958. Two years ago I visited the superintendent of one school district and said:

> Do you have the science laboratories and the foreign language laboratories in your high school that are provided under the National Defense Education Act in your high schools?

The superintendent said:

> Certainly not. We take care of our own. We will not accept that Federal money.

That is the fight which those of us who have been working for education for years have on our hands. We have been going to those communities and begging them to accept the school lunch money and the National Defense Education Act teaching aids so that the poor children in the district who are hungry can get a lunch each day in schools. Some of the largest and richest cities in my State will not accept the school lunch program. Most of the richest school districts will not accept it. But there are poor children in those districts who are going hungry every day.

To reject this amendment would weaken education, because rejection would not result in a change in attitude on the question of segregation or integration. Such a change in attitude would have to come through persuasion, through court actions, or by other means.

I point out that people who have been fighting Federal programs for years will have their hands strengthened by the proposed legislation. More schoolchildren will be going hungry to bed every night. There will be more schools without equipment and teaching aids in the sciences and foreign languages under the National Defense Education Act. More schools will be without scientific equipment in their high schools. More school districts will lack the electronic facilities and tape recorders that are provided under the National Defense Education Act program with which students can learn foreign languages. The net effect of rejecting the amendment would be to weaken education, particularly in those States that need the assistance the most.

The vote of this limited amendment is an education or an antieducation vote. I repeat that it is not a civil rights or an anti-civil-rights vote.

The schoolchildren are being squeezed between the contending social forces. If the best interests of the schoolchildren is the only consideration, they will not be punished, hungered, and deprived because of the disagreements of their parents. If we think only of the educational interests of the schoolchildren, all schoolchildren, black and white, we will feed them and give them the best teaching aids we can, while the fight over civil rights is being settled. When two women each claiming to be the true mother of a child brought it before King Solomon for solution, he rejected the claim of the woman who would see the child cut in twain before giving it up, and awarded the child to the true mother who would surrender it before seeing it killed. As one who taught school for years, I put the interest of schoolchildren and education first. Those who would punish the schoolchildren, deny them training and learning aids, deny them a nutritious meal at noon, leave them hungry and huddled and afraid, are false friends of the children and of education. Those who treat small schoolchildren in this manner are like the false mother before King Solomon, if she couldn't get her way, she would kill the child.

Let us not weaken our schools, but keep this school lunch money for all children, black and white.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. TOWER. Mr. President, the motion is merely another assault on title VI, which I believe is a good provision of the bill. I think that if we had enacted a separate measure containing the provisions in title VI some time ago, we would not be asked to enact some of the other measures which we are asked to enact today. I believe that if people in the States and localities are going to accept Federal money and Federal support, they must not engage in any kind of discrimination which is contrary to Federal policy. Therefore I intend to vote against the motion of the Senator from Tennessee.

Mr. JAVITS. Mr. President, I yield myself 2 minutes and ask that the Chair notify me when I have used that time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. The difficulty with the amendment is that it would mean that title VI would not reach the schools in the enforcement gap. The schools in the gap are those which are not already subject to court orders to desegregate, or those which the Attorney General will not for a time catch up with by bringing desegregation suits under title IV of the bill. Under the amendment, segregation in such districts would simply continue until suits finally caught up with them. A school district which is actually in good faith beginning the desegregation process is fully protected by the present language of title VI because a district can get judicial review of any order to cut off Federal aid, whether or not the aid statute itself calls for judicial review; if it does not, the district could get review under the present terms of title VI. If judicial review were sought, no court which had already entered an order for desegregation would enter a conflicting order under title VI of the bill.

As the Senator from Rhode Island has properly pointed out, the following protective words, with which I do not agree but which nonetheless are in the bill, will be enforced by the courts; that is, that an order cutting off funds "shall be consistent with the achievement of the objective of the statute" under which the aid is authorized. Where the objective of the statute is to feed children rather than to educate children, those funds will not be cut off if there is good faith compliance with the other parts of the law with relation to desegregation.

The danger of the amendment is that schools in what I have called the enforcement gap, which may last for 5, 6, 7, 8, 9, or 10 years, will not be reached at all. That is wrong, because it would defeat the purpose we are trying to accomplish. If there is one thing upon which this Nation agrees, it is that at long last the money of taxpayers, black or white, of the United States shall not be used to promote the segregation of our schools or any other activity which is supported by public money. Therefore, the motion should be rejected.

The PRESIDING OFFICER. The 2 minutes of the Senator from New York have expired.

Mr. FULBRIGHT. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. First, I agree with the statement of the Senator from Texas [Mr. YARBOROUGH] about the significance of the amendment. I believe that one of the most unfortunate effects of past actions in this field has been its effect upon education. Basically, the whole civil rights controversy goes back to the neglect of our education in this country for 75 or 100 years. We have done a miserable job, both at the national and the local level, in the field of education. The backlog of neglect has caught up with us. I think that was one of the reasons for the 1954 Supreme Court decision.

But the particular amendment to which reference has been made should be judged upon its own merits. In that connection, and in order to clarify the record, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is it not a fact that if the motion were agreed to by the Senate, no substantial delay in the proceedings and the ultimate vote would result? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. In other words, the Members of the Senate can consider this particular motion on its merits without entailing any delay whatever to a final vote. Therefore it should be considered entirely on its merits, and not in the context of a delay of a final vote upon the measure.

I think it was wise of the Senator from Tennessee to put the proposal in the framework that there will be no delay in a final decision of the Senate, and that therefore, the motion should be considered on its merits.

It has been stated that this proposal was voted on a few days ago and rejected. That statement is quite irrelevant to this issue, because we know, under the parliamentary situation that developed, with the great many amendments being offered under a limitation of time, most of those amendments were voted upon not because of the context of the amendments, but because of those who offered them. Senators came into the Chamber and asked, "Who offered it?" and made up their minds on that basis, not knowing what was involved.

Now, because there is a little more deliberate approach in the last minutes, and because this is the only motion I know of—there may be one more—to come up, the Senate can review this question on its merits.

I cannot understand why, in the important area of education, the Senate should not be willing to restrict this drastic provision of the bill—one of the most objectionable—to conditions which the Senator from Tennessee has incorporated in his motion; that is, where a school district is in violation of a decree of a U.S. district court.

It has already been stated very eloquently by the Senator from Tennessee and other Senators that this is one of the most delicate areas of all, and one that cannot only cause great difficulty and trouble, but involve imposition upon innocent victims, and interfere with the orderly administration of our educational system. This is the heart of the controversy.

It is tragic that this very difficult social problem has been focused on education. There is no question that for the past 10 years our educational system has suffered because of the civil rights controversy being so intimately connected with our public education system.

So I hope Senators will look at this particular amendment with an objective point of view, and accept it. It would not delay final enactment of the bill as a whole. It would give some assurance to some school districts, certainly of my State, and I am sure of other States, that if they are in compliance with, or not in violation of, an order of the court, they may proceed in the development of their educational system.

In connection with what the Senator from Louisiana said, in many areas of my State we are making very satisfactory progress, in an orderly and quiet and effective way, toward the solution of the problem in the schools. There are other areas where it is not proceeding, and where it should not, because it would cause a great deal of trouble if forced prematurely. But on the whole, the progress is very satisfactory.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Is it not correct that a motion to commit with instructions is a parliamentary move made in the House—in which both the Senator and I served—on almost every important bill?

Mr. FULBRIGHT. That is quite correct.

Mr. GORE. From a parliamentary standpoint, is it not a fact that this is an instanter procedure? If the motion to commit with instructions is agreed to, the pending business before the Senate will then be the amendment. Some Senators apparently believe that a motion to commit to a committee with instructions to report forthwith involves a recess of the Senate while the committee meets.

Is that the case?

Mr. FULBRIGHT. It is my understanding that that is not the case.

In order to make it very clear, I will ask the Chair, as a parliamentary inquiry, to rule as to exactly what would happen if the motion should carry. Would it not result in making the substance of the motion the business of the Senate, so that there would be no delay?

The PRESIDING OFFICER. If the present proposal is accepted by the Senate; namely, to commit, and to report forthwith, the matter will come back to the Senate immediately on the question of agreeing to the amendment.

Mr. FULBRIGHT. Immediately?

The PRESIDING OFFICER. Immediately.

Mr. FULBRIGHT. Therefore, there would be no delay in the acceptance—assuming the Senate wishes to accept—of the motion. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. AIKEN. Mr. President——

Mr. FULBRIGHT. Does the Senator wish to ask me a question?

Mr. AIKEN. I wanted to ask a question of the majority leader.

Mr. FULBRIGHT. I am willing to yield for a question.

Mr. AIKEN. So long as the Senator yields, I will ask the majority leader, through the Senator, inasmuch as some of us are trying to make plans for the evening, how long the majority leader contemplates keeping us in session.

Mr. FULBRIGHT. I yield for that purpose.

Mr. MANSFIELD. Mr. President, on my own time, I will answer that it is the intention of the leadership to remain in session until a final vote is taken. At the present time, the best guess I can make is that the Senate could possibly finish by 4 o'clock. My judgment is it will be closer to 7 o'clock. But if disposition is not made by then, the Senate will remain in session.

Mr. FULBRIGHT. Mr. President, I hope the Sente will give this proposal serious consideration, because the situation now is quite different from the one which existed when similar amendments were offered a few days ago.

I see no reason why every Senator—even those who strongly favor the bill, and who wish to see it enacted as soon as possible—among whom I do not count myself—since they would not encounter any delay could not accept a vote in favor of the motion, and then vote on the question of accepting the amendment as reported by the committee, without in any way jeopardizing the bill itself, or even the time by which it will be voted on finally.

So I urge my colleagues in this particular case to at least accept the motion, after which, of course, I would hope they would approve the amendment.

Mr. GORE. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. GORE. Since the Senator represents a State in which this question is a serious problem, is it his opinion that the people of Arkansas, and the people of the respective communities of Arkansas, would accept an order of a court which had resulted from the submission of plans by leaders of the community with greater willingness and better grace than an order of a Federal official in Washington terminating Federal aid?

Mr. FULBRIGHT. The Senator is correct. It would be very assuring to the people. It would make the whole bill much more acceptable. There are other features in the bill which are not acceptable, but on the question of education, which is certainly one of the most sensitive areas, and has been since 1954, the acceptance of this amendment would make the bill much more palatable.

I have always thought that that was one of the reasons why there was great resentment in connection with the problem of integration. The pressure from the Federal Government arose from the fact that instead of leaving it to Congress as it should have done, the Supreme Court undertook prematurely to inject itself as a legislative body into this field. I believe that was most unfortunate. This body had been moving—gradually, it is true, but it had been moving; and the question had been brought up time after time. We enacted two bills, one in 1957 and one in 1960 in this general area; but if Congress had been able to work its will, I believe that the decisions in other fields would have been more acceptable. As in this case, if Congress itself—including the Senate—will support this particular amendment, I know that it will make the entire bill to that extent more acceptable, and will make for a more peaceful transition in the patterns which the bill seeks to reach in my State as well as in all the other States of the Union.

So I hope the proponents of the bill will give serious consideration to this particular motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee [Mr. GORE]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] would vote "nay."

The result was announced—yeas 25, nays 74, as follows:

[No. 435 Leg.]

YEAS—25

Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Fulbright
Gore
Hayden
Hill
Holland
Johnston
Jordan, N.C.
Lausche
Long, La.
McClellan
Mechem
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Walters
Yarborough

NAYS—74

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Goldwater
Gruening
Hart
Hartke
Hickenlooper
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Simpson
Smith
Symington
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—1

Engle

So Mr. GORE's motion was rejected.

Mr. HUMPHREY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HUMPHREY. As I understand, I have 13 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORTON. Mr. President, will the Senator from Minnesota yield me 3 minutes on my time?

Mr. HUMPHREY. I am glad to yield.

PERSONAL STATEMENT BY SENATOR MORTON

Mr. MORTON. Mr. President, I thank the Senator.

In today's issues of the Washington News there appears an article under the byline of Jack Steele, an able reporter and an old friend, but I wish to make a few clarifications of his observations.

He states that I was infuriated with the vote of my colleague and friend from Arizona [Mr. GOLDWATER].

I happen to disagree with my friend from Arizona in regard to the constitutionality of titles II and VI, but I was not infuriated.

The article further implies that I had been urging Senator GOLDWATER to vote for the bill. I have had no conversations with my friend from Arizona on the matter of this bill.

The article further states that I was absent from the floor when the Senator from Arizona made his speech indicating his position.

That is true. I understood that we would have no more votes. We had had plenty already. As many of my colleagues in the Senate know, my lady is unable to go out very much any more, but an old friend who had been in our wedding, was in town. I left the Hill, picked up my lady and was on my way to Bethesda to see our friend at her daughter's home when we heard the news on the radio.

My wife's comment was, "I'm proud of BARRY."

My comment was, "He is causing me trouble, but I am proud of him, knowing that this decision is 99 percent BARRY GOLDWATER and 1 percent politics."

I merely wished to set the record straight.

A REPLY TO SENATOR GOLDWATER

Mr. JAVITS. Mr. President, yesterday my distinguised colleague, Senator GOLDWATER, to whose every word the country now properly gives its attention, announced that he would vote "no" on this bill. I regret very much his decision and wish very much he had decided the other way.

This legislation has been before Congress for a year. Members of the Senate have labored long and hard for this bill under the leadership of Senator DIRKSEN, Senator MANSFIELD, Senator KUCHEL, Senator HUMPHREY, and others. During the past 3 months, they have examined every word and every comma. Certainly any fear expressed by Senator GOLDWATER that emotion has ruled should have been dispelled in all that time, in all that debate, in all that analysis, and in all that opportunity to amend.

Senator GOLDWATER made two points with repect to this bill which I believe urgently command reply in view of his important position in the Nation today. Both points have been raised many times before and answered many times, but since they come from so important a source, they must be answered again.

First, he stated that there is "no constitutional basis for the exercise of regulatory authority in" titles II and VII of the bill, dealing with public accommodations and equal employment opportunity, but that such action required a constitutional amendment; and, second, he stated that "to give genuine effect to the prohibitions of this bill will require the creation of a Federal police force of mammoth proportions" and will, in addition, he said, result "in the development of an informer psychology."

I rise to state my disagreement with both conclusions.

The always missing element in the arguments against this bill has been recognition that as to constitutional rights, we are a nation, not a collection of States; that there are national rights and national responsibilities just as sacred, just as vital as States' rights and just as fully entitled to protection by all the people.

The constitutional basis for both titles II and VII is sound; as a distinguished national panel of attorneys and law school deans and professors has confirmed, with ample citation of legal authorities, in a letter to the managers of this bill which has been referred to many times in this debate.

The public accommodations provision, title II, is squarely based on both the commerce clause and the 14th amendment to the Constitution. The equal employment opportunities provision, title VII, is squarely based on the commerce clause. The 14th amendment basis for the public accommodations provision was reaffirmed by the Supreme Court as recently as last year, in the sit-in decisions which struck down State-enforced discrimination in restaurants and lunch counters.

To challenge the commerce clause basis for either title II or title VII at the same time necessarily challenges the constitutionality of the entire range of existing Federal statutes based on that clause, such as the child labor and minimum wage laws, the pure food and drug laws, the labor-management laws, including the recent Landrum-Griffin Act and the Equal Pay for Women Act, the false labeling acts, and the antitrust laws, all of which also regulate the economic activities of individuals and private enterprise in their relations to other individuals and all of which also are deeply founded upon public morality.

All have been repeatedly upheld by the Supreme Court against constitutional attack. In addition to these, we have the wide range of existing State legislation covering both the subject matter of title II and the subject matter of title

VII, public accommodations and fair employment practices. All these have been upheld by State courts, under State constitutional provisions paralleling the Federal constitutional provisions, and have been upheld by the Supreme Court of the United States, under the applicable provisions of the Federal Constitution.

The State public accommodations laws now number 32, and go back to 1865. It should be noted that 18 of the 32 were enacted before World War II; and 16 of the first 18 were enacted by Republican State governments. Nineteen of the State fair employment practices laws were enacted under Republican governors or by Republican legislatures; and the first four were enacted when Republicans controlled both houses of the legislature as well as the governorship.

I point out that in New York, under Governor Dewey and a Republican-controlled State legislature, the first fair employment practices law in the Nation was passed in 1945. It has worked splendidly in that very important and very heavily populated industrial State.

The fears of the Senator from Arizona [Mr. GOLDWATER] of a "Federal police force and an informer psychology" are equally unfounded. Those fears are rebutted by the long experience to the contrary of a majority of the States with their existing public accommodations and fair employment practices laws, many of which carry criminal penalties and are otherwise considerably more stringent and more far-reaching than the pending bill.

The **PRESIDING OFFICER**. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 1 more minute.

The **PRESIDING OFFICER**. The Senator from New York is recognized for 1 more minute.

Mr. JAVITS. Mr. President, those fears are also rebutted by the Federal experience to the contrary under the Civil Rights Acts of 1957 and 1960, which dealt with voting, and of which the Senator from Arizona [Mr. GOLDWATER] says he approves. They are also rebutted by the experience under the many other Federal regulatory statutes to which I have referred. Our Nation's economy has grown and prospered because of, not in spite of, enforcement of these laws. Before the enactment of all these laws—State and Federal—the same bugaboos about Federal policing and enforcement were raised; but the experience of many years has proved that such fears were imaginary and groundless.

I conclude, therefore, that neither on constitutional grounds nor on the basis of fears about enforcement policy are the fears and the objections of the Senator from Arizona to title II and title VII tenable.

CIVIL RIGHTS ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. HUMPHREY. Mr. President, 83 days ago the Senate began consideration of the Civil Rights Act of 1964. The longest debate in the history of this body is now about to conclude with the passage of this measure.

These have been difficult and demanding days. I doubt whether any Senator can recall a bill which so tested our attitudes of justice and equity, our abilities as legislators, our sense of fairness as individuals, and our loyalty to the Senate as an institution of democratic government. In these historic circumstances, it seems necessary to ask the question: Have we fully met our responsibilities in this time of testing?

One must hesitate to attempt an answer when only history can be the authoritative judge of our efforts in this great debate. But if we are willing to look for more tentative answers, I suggest we consider the wisdom found in a little known address of Benjamin Franklin delivered to the closing session of the Constitutional Convention. The Convention, meeting in Philadelphia in 1787, had labored for many months—from May to September—just as we have labored many months. The Convention contained delegates of many persuasions and opinions regarding the question of Federal union—just as the Senate has been a body of divergent opinion on the issue of civil rights. Despite profound disagreements among the delegates, the Convention persevered—just as we have persevered—and eventually reached agreement on a Constitution to unite the several States.

At the conclusion of these months of bitter debate and frequent discouragement, Dr. Franklin addressed these remarks to the assembled delegates:

> Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? I therefore astonishes me, sir, to find this system approaching so near to perfection as it does. Thus I consent, sir, to this Constitution, because I expect no better and because I am not sure, that it is not the best.

This Senator finds the wisdom of Benjamin Franklin most reassuring in evaluating our months of labor devoted to passing H.R. 7152. If Franklin could express with such humility certain doubts regarding one of the most remarkable political documents ever written, perhaps we can view our respective concerns over the contents of this measure with similar forbearance, tolerance, and charity.

Each Senator must wish that certain decisions regarding H.R. 7152 had been otherwise. Some would desire no bill at all, others a bill with substantial modifications, and still others a far stronger and more comprehensive measure. Each Senator must bring to this moment of final passage—to paraphrase the words of Dr. Franklin—his prejudices, his passions, his errors of opinion, his local interests, and his selfish views. If this is the case, each Senator must be expected to doubt the perfection of the measure we are about to adopt. But this situation prevails with any political decision of historic magnitude.

Yet this Senator stands with Dr. Franklin in also asserting that I will consent to this measure, because I expect no better and because I am not sure it is not the best. I will consent to this measure, because for the first time in recent history the Congress of the United States will say in clear and unmistakable terms: "There is no room for second-class citizenship in our country." Let no one doubt the historical significance of this ringing affirmation which we now deliver to the Nation and to the world.

We shall demonstrate once again that the constitutional system bequeathed to us by such men as Benjamin Franklin remains a viable and effective instrument of government. We have read the political pundits who smugly proclaimed that Congress would never enact a meaningful and comprehensive civil rights bill. We have heard the extremists on both sides call for the defeat or emasculation of this measure. We have experienced our own moments of doubt as to whether or not the Senate would be equal to this momentous task.

So having heard these predictions of doom and collapse and having experienced these moments of doubt and concern, let us now acknowledge that democracy truly lives in the United States of America. The Senate has been equal to this mighty challenge.

What have we sought to do in the Civil Rights Act of 1964—the greatest piece of social legislation of our generation. First, we have dealt with the major problem areas in this Nation's struggle for human rights: voting, public accommodations, public facilities, schools, Federal assistance, and equal employment opportunity. We have attempted to establish a framework of law wherein men of good will and reason can seek to resolve these difficult and emotional issues of human rights. We have attempted to place the burden of this task upon the resources of our local communities and our States, providing for Federal action only when communities and States refuse or are unable to meet their responsibilities set forth in this act. We have placed emphasis on voluntary conciliation—not coercion. We have, in short, attempted to fashion a bill which is just, reasonable and fair to all persons.

In seeking the objectives, we have also sought to guarantee that the rights and prerogatives of every Senator would be fully protected at every state of this debate. We have attempted to work by the rules and I believe we have—in the main—conducted ourselves with dignity, courtesy, patience, and understanding. Whether we have won or lost on this particular issue, we have acquitted ourselves in a manner which speaks well for congressional government in the 20th century.

As the Senate approaches the rollcall on final passage, we must also recognize that this rollcall signifies only the beginning of our responsibilities to this measure. We know that law only provides a framework to which must be added the bricks and mortar of public opinion and acceptance. In this regard, the observations of Benjamin Franklin to the Constitutional Convention contained one final bit of wisdom:

> Much of the strength and efficiency of any government, in pronouncing and securing happiness to the people, depends on opinion—on the general opinion of the goodness of the Government as well as the wisdom and integrity of its governors. I hope, therefore, that for our own sakes, as a part of the people, and for the sake of posterity, we shall act heartily and unanimously in recommending this Constitution * * * and wherever our influence may extend, and turn our future thoughts and endeavors to the means of having it well administered.

The delegates who left Philadelphia in 1787 took with them the responsibility of fostering the favorable public sentiment necessary to transform the Constitution from a mere political document into the living compact binding diverse States and people into a true commonwealth. If we are to succeed in "pronouncing and securing the happiness of the people" in 1964, we have the similar responsibility of encouraging the public support which will make civil equality a living fact as well as written law.

In accomplishing this objective a mighty burden will be placed upon our elected leaders—our Governors, our mayors, and our local representatives. We expect these men to do their public duty and to carry out the law with the sense of justice and equity which is so vital to a democratic community. Our public officials, however, will only be able to do this if the religious leaders, the businessmen, the men of the professions, and the leaders of labor dedicate themselves to a total effort to create a nation of true opportunity.

To assist in this effort I have proposed that Governors' conference be convened in every State—north, south, east, and west—and that the U.S. Conference of Mayors and the U.S. Civil Rights Commission organize similar meetings. I am confident that a national conference on civil rights would also serve a most constructive purpose.

We have before us a great opportunity to strive for a true community of peoples, where neighbors regard each other with charity and compassion, and where Americans of all races live together in harmony and good will. We must go to the people of America with the message that men are needed to seek peaceful, constructive, and positive responses to the blight of discrimination, segregation, and prejudice. We must call upon every American—from the President in Washington to the schoolchild in Minnesota—to become active participants in this crusade for human dignity.

There are political theorists who claim that the essence of politics is power. They are wrong—even though power is a necessary element in the process of politics. The essence of politics in a democracy is the search for just solutions to the fundamental problems of society. The essence of politics is the asking and reasking of the most difficult of all questions: What is justice? What is right? Men of good will seldom differ about ultimate goals, but these men do differ vigorously about means, timing, and priorities. These differences are the stuff of unending political discourse.

The search for the public interest is an adversary proceeding among men of equal dignity. Deeply imbedded in our knowledge of the rightness of our present cause must be an awareness of the limitation of our own minds and the evil in our own hearts. If the time ever comes when, in our single-mindedness of purpose, we transfer the hatred of injustice to a hatred of the unjust, we will break the strands of political community which bind us together.

Those of us who are privileged to bear some of the burdens of this struggle must demonstrate by example that we can fight without rancor, win without pride, and, on occasion, lose without bitterness. Surely it would be one of the ironies of history if equality were purchased at the expense of the community. We must solemnly pledge that this will never come to pass.

What we are involved in, as Lincoln once said in an earlier conflict, is too vast for bitterness. We are engaged in the age-old struggle within all men—a struggle to overcome irrational legacies, a struggle to escape the bondage of ignorance and poverty, a struggle to create a new and better community where "justice rolls down like waters and righteousness is a mighty stream."

So much remains to be done in America. We must bring economic dignity and hope to the lives of the poor, the aged, the homeless, whether Negro or white. We must work together to bring the blessings of education and enlightenment to every American, regardless of race or color. The war against poverty and illiteracy must be waged and won.

As we enact the Civil Rights Act of 1964, then, let us be exalted but not exultant. Let us mark the occasion with sober rejoicing, and not with shouts of victory. And in the difficult months ahead, let us strive to preserve our sense of oneness, our attitude of mutual dependency, and our need for mutual forgiveness. For this is the eternal paradox of freedom. This is the message of the saints and sages which mankind has agreed to canonize. This is the only true hope for a joyful and just community of men.

Mr. SMATHERS obtained the floor.

Mr. SMATHERS. Mr. President——

Mr. KEATING. Mr. President, I was seeking recognition, in order to speak in my own time.

Mr. SMATHERS. Mr. President, I have the floor; and I wish to speak at this time.

The PRESIDING OFFICER. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, few realistic persons would deny that the Civil Rights Act of 1964 will shortly be enacted into law.

By taking this action, the Congress will again be attempting to solve a human, social, and racial problem in America by bringing to bear legal solutions.

I point out that I have participated in this "extended discussion" for 83 days, discussing the undesirable and dangerous features of the bill and offering some few amendments to the bill, motivated, not by prejudice or by a desire to discriminate, as has been claimed or suggested by some few, for, so far as I can honestly assess myself, there is none in my heart. But there is in my heart and my mind a genuine, deep-rooted fear that this bill violates and destroys the basic concept of our Federal-State dual system of government and the principles of individual choice and freedom so important to the men who founded this Government, and so important to those who would keep it alive today.

A free society by its very definition leaves man free to make his own choice as to whom he wishes to employ, to work with, to worship with, and to live with. Others sometimes call him discriminatory or call him prejudiced; but in a free society of free men, this is his essential freedom of choice: to live his life as he determines, so long as he does not trespass on the rights of others; to make up his own mind, even at the expense of being wrong. That is his decision, that is his freedom, that is his privilege under our system.

To the extent that we intrude into the personal lives of individual citizens, we shall contribute to the erosion of freedom in America, for the hand that seeks to eradicate the blight of human prejudice by coercive measures is not easily stayed from coercive measures to eradicate other human freedoms.

Some of the proponents of this civil rights bill were among those who represented to us that the 1957 Civil Rights Act would be the cure for the racial tensions and problems in America at that time. "Pass that bill," they said, "and we shall solve this long-unsolved and difficult problem." And it was passed.

But in 1960, back they came, and said, "The 1957 act did not provide the panacea we hoped for. The race problem and its many attendant problems are still with us. Give us the 1960 Civil Rights Act, and we shall finally solve this agonizing problem." And after much debate and considerable anguish, that bill was passed.

And now once again, the proponents of civil rights legislation have come back to the Halls of Congress and have, in effect, admitted that their statements and hopes in 1957 and in 1960 for the solution of the race problem in America were not achieved by passing those Civil Rights Acts.

In fact, today—June 19, 1964—we have more racial unrest, more demonstrations, more unruly mobs, and more violence in connection with the growing racial problem than we had before those two so-called Civil Rights Acts were passed.

This causes, or should cause, reasonable men to pause and reflect on whether such legislation contributes to the very problem its advocates say it will solve.

The extremists on both sides are much more in evidence today than they were 2 or 4 years ago.

No matter what assurances are given by some regarding the efficacy of this bill to solve the race problem, I can assure you, Mr. President, that the problem will persist; that if we pursue the present course, the problem probably will become worse; and that next year or the following year the same spokesmen for the 1964 so-called Civil Rights Act will be back again, asking Congress to pass an even more sweeping proposal, in the name of "civil rights." It, too, will be, as others in the past have been, a vain and futile effort to reach into the minds and hearts of men, legislating them into loving and respecting one another.

The problem of discrimination, Mr. President, is as old as recorded history.

It has occurred in every land and in every country on the face of the globe; and occurs in all those countries today. It is a problem that cannot be solved by a legislature or by a congress or by an executive edict of a chief of state or a chief of staff.

The best proof of this that I know of is that we already have on the Federal statute books many laws trying to outlaw discrimination and segregation. When we add those laws already adopted to the hundreds—even thousands—of laws passed by city governments, county governments, and State governments with respect to civil rights, we find that they add up to some 600 pages of fine print, enough to fill a large-sized legal document.

But, Mr. President, despite all those laws, we still have discrimination, intolerance, bigotry, and segregation. We still have segregation, in fact, in our schools, in our neighborhoods, and throughout our land; and I believe that even if we put on the statute books another 600 pages of laws with respect to the same problem, we would not come any nearer to its solution than we are at this moment.

The Civil Rights Commission Report of 1954, at the top of page 364, states:

> It is interesting to note that the maps show more racial concentration in northern cities and more dispersion of nonwhites in the southern cities.

The only conclusion that can be drawn is that there is actually less segregation in the South than there is in the major cities of the North; and this is true despite the fact that we have a much higher proportion of nonwhites in the South, in relation to the total population, than there is in the North.

The Civil Rights Commission report on page 365 further states:

> The general metropolitan residential pattern is shown by Chicago—now said, on the basis of census tracts, to be the most residentially segregated city in America.

The report goes on to state that in New York City much the same situation prevails.

These conditions of intense segregation exist despite the fact that there have been more laws put on the books in the cities of Chicago and New York and in the States in which they are located than in any other cities in the Nation.

But the discrimination goes on, not through a dearth of existing law, but rather because human beings will always cherish their right of choice, their right to associate with whom they please, their right to work and to worship with whom they choose, and their right even to be wrong in their judgment of their neighbors.

It seems to me that these rights of choice and decision are the very cornerstones of individual freedom in our free society. To attempt to legislate these rights away from the majority of our people in an effort to gain some rights for any minority group is indeed embarking on a dangerous course that will, if pursued, change the course of liberty, and finally strangle individual freedom in America.

This right to act as a free individual in a matter of private affairs is the philosophical basis of our Nation and our way of life. It is the freedom for which the American colonies rebelled, and fought, to throw off the yoke of British Government directed from across the sea.

It is the freedom which the disunited States hoped to preserve when they united and ratified a constitution based on the dual system of Federal-State powers.

It is the freedom for which Americans have lived, and died when necessary, and for which they have labored to build a mighty nation. It is the freedom which we endanger now by enacting legislation to further the rights of one minority group at the expense of the individual rights of all Americans.

Mr. President, for one who believes deeply and sincerely in all the implications of freedom—and as a personal matter stands against prejudice and discrimination where it exists—this civil rights bill, to me, poses a terrible threat. For I wish to see all Americans, irrespective of race, color, or creed, enjoy all of their constitutional rights, to the limit of their abilities.

But this bill, Mr. President, goes further than that. It clenches the heavy hand of the Federal Government into a fist; crushes the dual system of Federal-State division of powers; and seeks to impose absolute equality among men, when, in fact, there is no such thing.

We are not all born equal. By reason of our heritage, our physical and mental capacities, we are separate and distinct individuals, with separate and distinct abilities, and no amount of legislation can make us otherwise.

For us to try, through legislation, to deny a man's color, to equate his abilities, or to ignore his political and religious beliefs, is to make a mockery of our American dream of individual freedom of which we have, up to this point, been so proud.

Mr. President, despite my strong objections to this bill, there are portions of it which, if considered separately, I could have supported.

Certainly, I believe that every citizen, regardless of his race, color, or creed, should vote. Throughout my lifetime I have worked toward that goal in the State where I have been privileged to live. And in our State today all citizens do vote—if they wish to. I could support that provision of this bill which has to do with community relations services, for I believe that we must recognize that there do exist problems between citizens of different races and creeds; and these problems can usually be ameliorated, and with more certainty solved, on a voluntary basis of adjustment, than by the use of force or coercion.

However, the major provisions of this bill, Mr. President, are so dangerous and far reaching in their implications that this Senator, under no circumstances, could support them. I could not let this final opportunity pass without voicing my strong objections to them in the few minutes remaining to me under the gag-rule the Senate has adopted.

Title II, the public accommodations title, is basically wrong in many respects, but its essential evil lies in the fact that this will be only the second time in the history of this Nation that the Federal Government has reached its long, strong arm into the operations of hotels, motels, boardinghouses, resturants, barbershops, and so forth, in an effort to regulate their customers and the activities of those concerned. In 1883 the Court struck down the last attempt that was made by the Congress to do this, but in a realization of what the present Court would do, I do not look with hope to the expectations that it would strike out title II of the bill.

The fact that some 34 States have already adopted public accommodations laws does not justify this assumption of power by the Federal Government. In the first place, we are supposed to be operating under a dual system of the separation of Federal and State Governments. According to the 10th amendment of our Constitution, the States have retained all powers not specifically granted to the Federal Government. The States can properly legislate in certain fields, which the Federal Government cannot, or should not, invade.

Furthermore, in those States which already have public accommodations laws, either they do not have a racial problem of any consequence—they have a small percentage of nonwhite citizens—or, if they do, the public accommodations laws are simply not enforced.

Mr. President, we must not forget that title II takes away from all of us one of our basic human rights—the right to own property and to manage it according to our own discretions and judgments as we attempt to make a living for ourselves and our families.

To now say, as we do in title II, that we no longer have the human right to own and acquire property and to operate it in a manner which we decide, is to stretch the interpretation of Federal power under the commerce clause far beyond that point ever dreamed of by those who framed and ratified our Constitution.

Let us not delude ourselves into believing that title II, in an effort to satisfy the demands of some of the spokesmen for 10 percent of our citizens, will not result in the destruction of the basic and long cherished rights of all Americans to operate their own businesses free of Government dictation.

Title VI is probably the most dangerous and far-reaching provision of this so-called civil rights bill.

If a man should ever aspire to become a dictator in this land of ours, this title, and the authority it gives to a President, will be the Fiberglas pole with which he can vault over the bar of democracy into the seat of the tyrant.

For, in fact, title VI rewrites the terms and conditions of every joint Federal-State program which the Congress has adopted in the past 25 years.

It endangers the Federal-State impacted school area program, the Federal-State school-lunch program, the hospital building programs, the road programs, and all the rest. But, Mr. President, more than that, it represents for us legislators a complete abdication and capitulation of the power and authority of the legislative branch of the Government to the executive.

I prophesy without hesitancy, Mr. President, that we will rue the day we ever passed this particular section.

Even the late, great, much lamented President John F. Kennedy, at a press conference a little more than a year ago, when asked about this recommendation, which was in the Civil Rights Commission report, responded that he did not then have the authority proposed to be given in title VI and, furthermore, that he did not think it was a good idea for any President to have such authority. Yet today, high up on this emotional binge in which we find ourselves, we blithely pass this type of legislation, which could destroy us.

Title VII, the so-called fair employment practices title, is a giant step toward socialism in America. Any government that can tell a businessman whom he may hire and fire, whom he may promote, and how he shall classify his workers, is a police state government, or soon will be. Simply stated, this is exactly what the FEP title would do.

Mr. President, the final answer to the racial problem can only be understanding and tolerance. This so-called civil rights bill of 1964 not only does not contribute to these attributes of mind and heart, but by attempting to coerce racial good will, it stops the progress now being made, and creates suspicions, divisions, and violence.

The greatest obstacle to a better life for the nonwhite population of our Nation is the fact that there are not enough jobs, not enough good houses, and not enough good schools in the South or even in the North. The important consideration is whether the jobs, the housing, and the schools available to these people are good, not whether they are integrated.

If we create the economic climate which the American Negro needs to get a decent job, he can get what he needs out of life without Federal coercion or paternalism.

The recent passage of the tax bill is an excellent step toward stimulating the economy and producing the jobs needed for improving the economic status of American Negroes.

When a Negro citizen has the money to keep his children in school, when he has the money to feed, clothe, and house his family decently, when he has the money to obtain the medical attention he needs, he becomes a useful, productive, constructive citizen in the American tradition—and that is the kind of programs we should all strive for.

I know this bill will pass, as does everybody else. I deeply regret that it will. I deeply regret that it was not more substantially amended. I regret it was not given the consideration it deserved in a Senate committee, or even here on the floor of the Senate.

True, we Southerners debated and discussed it for a long time, but who seriously listened? Who was it that did not know the first day of the debate how he was going to vote on the bill's final passage?

The answer is, "No one." As the debate progressed and the inequities were pointed out, it was finally agreed that the bill was so raw and brutal in its original form that provisions would have to be changed in order to get cloture. So the simple expedient was adopted of excepting and excluding from the harshest provisions of the bill those States now having public accommodations or FEPC laws, at least for a while, so that its punitive provisions would be immediately and only directed at the Southern States.

For example, the Senate rejected an amendment to the public accommodations title that would have postponed its effective date until 1965, even though the employment title has a 1965 effective date. This time is badly needed in the South to prepare for the adjustments which will be needed when the public accommodations title goes into effect. But the time was not given, because the South did not have the votes.

On the other hand, the bill was amended to provide that there can be no busing of children to relieve racial imbalances in schools, because this would create a hardship upon northern communities. But the South, where there is less segregation in its living areas, is left to bear the brunt of the Attorney General's efforts.

Since it seems that this bill, despite its many undesirable features, is shortly to be enacted into law, one can well ask, How is it possible to get enough votes to pass this kind of legislation? And the answer has to be that many American citizens are riding a great emotional wave in connection with this civil rights issue.

They have been carried along on the propaganda of police dogs, bully sticks, and mass jailings on the one hand, and the lack of knowledge as to what is in the bill on the other.

For the past 83 days, the 18 southern Senators have sought to make clear to the Senate and to the American people the basic inequities and injustices in the bill.

Where we get printed and quoted, primarily in the South, we have been successful. In the North and West, where our statements, unless they are ridiculous, are usually blacked out—only the proponents' case has been presented. And in those areas, we have obviously failed. The people cannot understand why we are resisting so vehemently, because they do not yet understand what is in the bill—but they will.

But, Mr. President, time is on our side. I really wish it were not so. But in time, if there is ever a real attempt made to enforce these provisions, all over the Nation, there will emerge a backlash of tidal wave proportions, welling up from the people everywhere.

The emotions of this moment will have passed and when reason once again prevails, the so-called civil rights bill of 1963 will be either shelved, ignored, or repealed.

I think Shakespeare put it most appropriately when he wrote:

> Time's glory is to calm contending kings,
> To unmask falsehood and bring truth to
> light.

Mr. President, now that my time is just about up I would like to express my sentiments regarding the colleagues with whom I was privileged to join in opposing this civil rights bill.

It was a privilege, not only because my heart, mind, and conscience tell me I was on the side of right, but it was a privilege to be associated with such a valiant and courageous group of Senators who fought to the fullest extent of their abilities against the adoption of this legislation.

We were overwhelmed by the brute strength of numbers, but we have not been defeated.

I will always consider it a matter of great honor to have served under the leadership of the distinguished senior Senator from Georgia [Mr. RUSSELL]. His tactics and strategy throughout this contest have been superlative. His capacity to bring divergent views together, so we could muster the most out of our limited numbers, has been magnificent. The personal effort which his leadership required has been unsurpassed, and he will long be remembered, by those who cherish freedom and believe in the dual system of government, as one of its greatest spokesmen and champions.

I would just like to take a moment to salute my own division commander, my own general, if you please, the senior Senator from Alabama, LISTER HILL. A more able or charming or effective man has never graced this Chamber. His constancy and tenacity in this fight have been unparalleled. He has provided for his group a leadership far above and beyond the call of duty.

And, finally, to all others who have shared in this fight I want to congratulate them for a job well done in the certain knowledge that time and history will be our vindication; that the moments shared with them in this last-ditch effort to preserve the Jeffersonian type of democracy and individual freedom will be long remembered and applauded by future generations.

Mr. HILL. Mr. President, I want to join the distinguished Senator from Florida in the fine and richly deserved tribute which he paid to our leader, the great Senator from Georgia, RICHARD B. RUSSELL.

I express my deep appreciation to him for his generous words about me.

I deeply appreciate those words, not only because of the high esteem in which I hold the Senator from Florida, but also because no Senator could have been more able, more indefatigable, or more effective in waging the battle against the bill than was the distinguished Senator from Florida.

I thank him.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HILL. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, having no time of my own, I am grateful to the Senator from Alabama for permitting me to express my appreciation to the Senator from Florida.

While I am on my feet I should like to express my profound appreciation to the Senator from Alabama for the very kind words he said about me yesterday. Throughout history, more generals have been made by the fighting power and the courage of the privates and subalterns who served under them than by any other single factor, including the ability of those who, by circumstance, were cast in the role of leadership. That has certainly been the case in this instance.

While I am grateful for all these flowery tributes, I realize, after all, that the fight was sustained only by the dedication of Senators who served under the three team captains. The three team captains who led them will continue in the forefront of the parade.

Mr. HILL. All Senators who served under the distinguished Senator from Georgia realize the greatness and the magnificence of our leader.

Mr. DOUGLAS. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The Senator from Illinois may proceed.

Mr. DOUGLAS. The bill which the Senate will shortly pass is a substantial measure of atonement for three and a half centuries of wrongs committed by a large section of the white race against those of darker skins.

For two and a half centuries slavery was practiced and characterized by such unspeakable horrors that we do not like to talk about them, or even to think about them; but which, nevertheless, are deeply imbedded in the consciousness of the Negro race, and which, therefore, are still a part of the forces which are moving today.

We cannot escape history. We of the white race cannot escape responsibility for the acts of our ancestors or for the acquiescence of our ancestors in the slave trade, in the horrors of the middle passage, and for the brutalities of the slavery system and all that went with it.

Following the great Civil War, we emancipated the slaves with the 13th amendment to the Constitution. Following the 13th amendment, in order to protect the newly emancipated freedmen, the 14th and 15th amendments to the Constitution were enacted.

The 15th amendment prevents citizens from being denied or abridged their right to vote, either by the United States or by any State, on account of race, color, or previous condition of servitude, and gives to Congress the power to enforce the provisions of the amendment by appropriate legislation.

The 14th amendment, which is all too commonly ignored, provides:

> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein their reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provides that citizenship is a national as well as a State matter and that all are citizens on equal terms. None are to be second-class citizens. Moreover, the States are forbidden to deprive any person of the equal protection of the laws or to lessen his privileges or immunities. These provisions are specifically authorized to be implemented by appropriate legislation.

This part of the Constitution is studiously ignored by most Southern politicians, but it is an integral part of the Constitution and has been for nearly a century.

Beginning about 1877, the provisions of the 14th and 15th amendments were disregarded over wide sections of the country, particularly in those Southern States where slavery had formerly prevailed. A series of measures was passed which in effect disqualified Negroes, and in some cases poor whites, from the suffrage. Segregation laws were also enacted, making distinctions on grounds of color. The North lost its early enthusiasm for Negro freedom, and acquiesced. In 1883, the Supreme Court declared the public accommodations law of that time to be unconstitutional, on the ground that the amendment applied to acts of States and not to acts of individuals. But the noble Justice John Marshall Harlan dissented.

In 1896, the Supreme Court upheld the segregation laws under the delusively so-called separate-but-equal doctrine, Harland again dissenting, and this decision remained the law of the land until comparatively recently.

In the past 25 years there has been an increase in the awareness of the fundamental immorality of these practices by the American people. So gradually the 14th amendment has been brought to life, notably in the 1954 decision of the Supreme Court in the Brown or Topeka case, which declared that segregation as such in the public schools was a violation of the equal protection of the laws in drawing distinctions on extrinsic grounds which abridged the liberties of individuals, and that these were acts by the State and hence unconstitutional under the 14th amendment.

In 1957 and in 1960 we in Congress went on to protect the voting rights of citizens under the 15th amendment.

Now we deal with a bill which aims not only to protect voting rights under the 15th amendment but also to protect the right to desegregated education under the 14th amendment. I have not heard the constitutionality of those titles seriously challenged.

Titles II and VII which seek to prevent certain places of public accommodation from refusing service on the ground of race, creed, or color, and prevent businesses, ultimately employing more than 25 persons, from discriminating in employment on the grounds of race, creed, color, religion, or sex, are the ones which seem primarily to be attacked on constitutional ground.

In preceding days I have listened to arguments that titles II and VII are unconstitutional, and also to the charge, which has either been stated or implied, that the whole bill is motivated either by hatred of the South or vindictiveness toward the South.

I should like to try to answer both those charges.

Titles II and VII, dealing with public accommodations and fair employment practices are morally desirable and are constitutionally justified under the commerce clause. While these provisions would probably not have been held constitutional by the Supreme Court 35 years ago, because the commerce clause was then interpreted to refer merely to the movement of goods and persons moving across State lines; now, after the Wagner Act, the Fair Labor Standards Act, the Labor-Management Act, and other provisions, which have been upheld by the Court, it is perfectly clear that the commerce clause can cover conditions of employment and conditions of service within States which affect commerce.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. MORSE. Is the Senator going to base his discussion of the public accommodations title on the brief reply to the argument made by a Senator earlier today, in answer to the Senator from Rhode Island that of course in the South there is not any segregation against a Negro who might want to go into a restaurant and get something to eat?

Mr. DOUGLAS. I heard that, and I was startled when I heard it, because I have been in the South—I was quartered in the South for a year when I was in the military service. A few minutes later, that speaker was followed by my good friend, the Senator from Louisiana [Mr.

ELLENDER], who said that the acts of discrimination in the South were constitutional because they were legal under the 1883 decision of the Supreme Court. First, the reality is denied, and then it is admitted but justified.

Very few Senators are constitutional experts. But if Congress can pass, and the Supreme Court can validate, an act declaring it to be an unfair act to discriminate against men in employment or promotion because they are active in union affairs, Congress can also say it is an unfair act to discriminate against a person in certain respects because of the color of his skin. If the first is upheld as constitutional, as it has been, I predict that the other will be upheld as constitutional. And that does not depend upon the complexion or the political views of any set of people who are likely to be members of the Supreme Court.

Incidentally, this proposed act conforms to the meaning of the term "commerce" which was in common use at the time the Constitution was framed

Prof. Walton H. Hamilton, formerly of the Yale Law School, and Prof. W. W. Crosskey of the University of Chicago Law School, prepared, in past years, a thorough discussion of the meaning of the word "commerce" in the 18th century, based upon a study of contemporary newspapers, pamphlets, books, and judicial opinions Both have assembled an overwhelming mass of evidence to indicate that commerce at that time did not mean merely the physical transfer of commodities from one place to another, but referred to the whole range of economic activity.

If one wishes to base one's argument on etymology, the evidence is conclusive that the original founders and framers of the Constitution intended to grant very broad powers to the Federal Government when they said that Congress could regulate commerce among the several States and with the Indian tribes. And notice that the Constitution regulates commerce "among" the several States and not "between" as is sometimes assumed.

Later, upon the narrowing of the meaning of the term "commerce," the Supreme Court was led to restrict the application of the commerce clause.

But in addition to the commerce clause, there is the 14th amendment itself. While the Public Accommodations Act of 1875 was declared unconstitutional on the ground that it referred to the acts of individuals rather than to the acts of States, nevertheless, I should like my colleagues in the Senate to notice the fact that many, and perhaps most, of the businesses which are singled out for the nondiscrimination principle in the bill before us operate under licenses which are granted either by the State or by subdivisions of a State. I refer to hotels, motels, restaurants, and places of amusement, and similar establishments. Generally these must have licenses in order to operate and the State or a creature of the State, such as a city, grants the license. If the State then permits distinctions to be drawn between patrons on extrinsic and nonessential lines, such as race, religion, or color, very properly this can be said to be a violation of the 14th amendment, because that amendment provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We can confidently leave the constitutionality of these sections to the courts, which in due time will hand down their decisions, and can rest on the assurance that we have not legislated wildly or without due consideration of the confines of the Constitution itself.

Let me now deal with the charge, which has been flung around the Senate floor, that we who do not live in the South and who are supporting the civil rights bill are motivated by hostility to the South, or at least by vindictiveness toward the South.

I deny this in the most solemn terms. I do not believe that any northern Senator, in the 16 years that I have been in the Senate, has ever made a bitter reference toward the people of the South. I certainly never have.

Historically it is true that slavery flourished in the South and did not flourish in the North. Two and a half centuries of slavery brought a subsequent century of second-class citizenship to Negroes. It was not superior virtue on the part of northerners which caused them not to have slavery. It was merely because in the North it was colder, the snow was deeper, and the soil was less fertile; therefore, slavery was not a paying enterprise. If it had been a paying enterprise, I have no doubt that northerners would have had slavery to as great an extent as did the southerners.

One of the worst features of slavery was the slave trade, in which the slaves were purchased in Africa and crowded under the decks of slave ships, under unspeakable conditions of filth and degradation, with a half or two-thirds of them dying on the voyage. It is true that many, perhaps most, of the sea captains who were in this infamous trade were northerners. It is also true—and Harriet Beecher Stowe herself recognized this fact—that some of the most cruel overseers on the southern plantations were northerners.

I assure my southern friends that there is not the slightest touch of moral superiority claimed for the people of our area. We were spared the great curse of slavery by the accident of climate and geography. We have been spared most of the evil consequences of history which flowed from the terrors of that institution and which degrade both the oppressed and the oppressors.

What we are trying to do is to lay a floor, in conformity with the 14th amendment and the commerce clause, below which no State may fall and above which any State can rise by voluntary action and by action of individuals. This is to be a minimum floor of desegregation in education; in the right to vote granted regardless of color; the right to be served by a hotel, motel, or a restaurant, or to enter a theater or a filling station, or to use a comfort station; in the right to be given a fair break in employment. These are basic rights which we say every citizen in the United States should have, regardless of where he or she may live.

If in any of our Northern States we fall below these standards, we want the law to be enforced so far as the guilty parties are concerned.

Mr. MORSE. Mr. President, does the Senator have time to yield to me for one question?

Mr. DOUGLAS. I yield.

Mr. MORSE. Has the Senator heard it said several times in the debate that the majority whip has announced to his State that this law will have little application or no application in Minnesota? Is that not because in a few Northern States, his being one, mine, I proudly report, being another, we have already adopted civil rights statutes even more inclusive than the one before the Senate?

Mr. DOUGLAS. The Senator is correct. My own State of Illinois, which has difficult problems in this connection, has so far as the law is concerned, also adopted such standards.

Mr. President, as the Senator from Minnesota [Mr. HUMPHREY] has said, once we pass the measure, we shall have the problem of seeing that it is enforced. I make an appeal to my fairminded friends from the South that we should not repeat the experience which followed 1876 or indeed 1954. I hope that we can make the 14th amendment a living reality. To do that, we need the cooperation of the good people from the States which are now practicing segregation.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McNAMARA. The churches at this time have gotten solidly behind the civil rights bill which is now pending before the Senate. Does the Senator not have faith that the impetus of the religious organizations that are united as a whole will carry over after the legislation has passed and help to accomplish the very things that the Senator is now setting out?

Mr. DOUGLAS. I thank the Senator from Michigan. I believe that the active participation of the church people, which is really a new venture, and the decisive venture in the civil rights struggle, will be of tremendous aid in the years ahead, provided they do not go to sleep, as they did after 1877.

I take great heart in the fact that there is a strong body of opinion in the South which does not agree with the southern policy of segregation. I was greatly heartened some weeks ago when 335 Presbyterian ministers and laymen from the South presented a petition to some of us asking that the civil rights bill be passed. From personal interviews and correspondence with scores of southerners, I conclude that there is an inarticulate but real body of opinion in the South that wants to shake off the evil practice of second-class citizenship and come out into the broad sunlight of human equality, respect, and dignity.

I compliment the legislative leaders of both parties, on both the north and south sides of the Capitol, who have worked through the years for this measure, or a measure substantially similar. Some came in early, some came in late. But all have helped immeasurably. I pay tribute to them. I pay tribute to the organizations which have helped. But most of all, the passage of this bill has been assured by the heroic and patient acts of tens of thousands of people scattered over this broad land, people relatively unknown, who have risked their businesses, social esteem—indeed risked their lives, and in some cases, lost their lives, in order that this principle might be established.

It is invidious to single out specific individuals. But I should like to mention a few names of those who symbolize the great change that has come about through the acts and sacrifices of the great masses of the people of this Nation.

Mr. President, Mrs. Daisy Bates, of Little Rock, heroically faced the power of the State of Arkansas and helped to desegregate the high schools of Little Rock against enormous obstacles. We may have noticed in the newspaper a day or two ago that a Negro girl, Miss Evans, who graduated from this desegregated high school of Little Rock—and who has not had a very pleasant experience in that high school—was chosen as the presidential scholar for the State of Arkansas. In spite of all the obstacles which that girl faced, she went on to be judged as the ablest girl student in the State of Arkansas by an impartial committee who did not know her color. That gives hope that as we open up more opportunities other young men and women like this girl will emerge from what would otherwise have been a state of suppression into the full development of their faculties, not merely for their benefit, but for the benefit of the Nation.

I mention Medgar Evers, shot and killed last year for his struggle that the right to vote might be extended to those of black color. No one has been convicted for his murder as yet. I mention the four little Negro girls in Birmingham, killed by a bomb planted in the church where they were worshiping. The people of that church believed in desegregation and were trying to stir up public sentiment in its favor and someone bombed them for it and killed four innocent children. No one has been convicted of that crime.

I could mention hundreds of others—people who have borne the cross of sacrifice, and by their sacrifices and by their devotion have paved the way for the passage of this bill.

I say to my colleagues who have joined in this long struggle that, as the Senator from Minnesota has said, we should not exult, we should not revile, we should not heap humiliation upon those who have fought according to their lights. We should extend to them the hand of friendship and brotherhood. But we should insist that this law be a reality, and not merely something on the statute books which is ignored and not put into effect.

I say to our Negro friends that they should beware of falling into the traps which their enemies would like to set for them. If we were to have, in the days and months following the passage of this bill, large numbers of unprovoked acts of violence on their part, this would be used by the worst enemies of the Negro race in the attempt to discredit the act itself, and to stir up bitter strife among the whites who form nine-tenths of the population of the Nation.

I believe I can justly make this appeal to them, since I have been in this fight most of my life, and have worked for it in Congress ever since I came to the Senate 16 years ago as my wife did in the other body when she served there. I appeal to the Negroes not to make the mistake which their enemies would have them make, but to follow the policy of peaceful assembly and to petition for a redress of their grievances and the right to demonstrate, but not to initiate or willfully provoke violence.

If we can have such cooperation from the white South and from the Negro race, we shall shoot the rapids and move into a better period.

I can offer a word of consolation, perhaps, to my southern white friends. They say they are fearful of what will happen; but I do not think we should be afraid of justice, or of truth, or of the fundamentals of the American system. Ultimately, the good sense of the American people works these things out and—although with considerable intervening discord—we get an approach to a method of life which is superior to that which went before.

Mr. President, this morning, as I was thinking of what I should say this afternoon, I came across some lines from the gentle Quaker poet John Greenleaf Whittier which I believe are applicable to the present hour:

> The clouds which rise with thunder, slake our thirsty souls with rain;
> The blow most dreaded falls, to break from off our limbs a chain;
> And wrongs of man to man but make the love of God more plain.

This bill is a work of love, not of hate; a measure to help people surmount prejudice and not to marshal the law behind prejudice. It is a measure to furnish a standard beyond which individuals can go but below which they should not fall. It will help make some of the professed goals of American life realities. I believe the American people have decided that they want to move forward; and I hope and believe that the experience under this act will confirm and not reverse, that desire.

Mr. MUNDT. Mr. President, additionally, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. KEATING. Mr. President, will the Senator from South Dakota yield briefly to me, on my own time?

Mr. MUNDT. Mr. President, I ask unanimous consent that I may yield to the Senator from New York not to exceed 5 minutes, with that time to be charged to him, not to me, and with the further understanding that at the conclusion of his remarks I shall be allowed to resume my position on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. I thank the Senator from South Dakota.

Mr. President, it had not been my intention to speak again on this measure; but I am prompted to do so by the remarks made yesterday by the junior Senator from Arizona [Mr. GOLDWATER], in stating his opposition to this measure, specifically to title II and title VII.

I find myself in emphatic disagreement with the remarks of the Senator from Arizona.

I commend my colleague [Mr. JAVITS], who has so carefully delineated his differences with the Senator from Arizona.

Yesterday, we heard the Senator's remarks about a police state, about a society in which neighbor would be spying on neighbor, and in which businessman would be pitted against businessman, to the detriment of the entire Nation; and at one point the junior Senator from Arizona [Mr. GOLDWATER] stated:

> The two portions of this bill to which I have constantly and consistently voiced objections, and which are of such overriding significance that they are determinative of my vote on the entire measure, are those which would embark the Federal Government on a regulatory course of action with regard to private enterprise in the area of so-called public accommodations and in the area of employment—to be more specific, titles II and VII of the bill. I find no constitutional basis for the exercise of Federal regulatory authority in either of these areas.

Mr. President, in making that statement, the junior Senator from Arizona either overlooked or expressed disagreement with a memorandum submitted to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], and signed by more than 20 of the most distinguished lawyers in the Nation, including 2 former Attorneys General who served under President Eisenhower—Herbert Brownell and William P. Rogers; Francis Biddle, another former Attorney General; by 4 former presidents of the American Bar Association, and 3 deans of prominent law schools—men for whom all in the legal profession have the deepest respect, both for their integrity and for their legal acumen.

There is ample precedent for Federal action in these areas covered by titles II and VII. For example, food sold in restaurants throughout the Nation is subject to the quality regulations issued by the Food and Drug Administration. Meat is inspected by the Department of Agriculture.

As to title VII, employers throughout the Nation must comply with Federal minimum wage laws, health and safety standards, child labor laws, and Federal regulations relating to conditions of employment. They must pay social security taxes, and must withhold employee income tax payments. One could continue almost endlessly to speak of the precedent for and constitutionality of various measures similar to the provisions now embodied in title II and title VII of the pending bill. Businesses are subject to the antitrust laws and to Federal laws and regulations pertaining to unfair labor practices. All the laws pertaining to these matters and to many others which are similar have been tested in the courts, and have been found to be constitutional.

Mr. President, let me read a short excerpt from the letter signed by Mr. Harrison Tweed and Mr. Bernard G. Segal, and endorsed by many other distinguished legal figures. In their letter of transmittal to the Senator from Minnesota [Mr. HUMPHREY] and the Senator from California [Mr. KUCHEL], who had addressed to them this very question in regard to the constitutionality of these two titles of the bill, they replied, in part, as follows:

> Upon careful consideration of the established judicial precedence in this area and constitutional law and in full recognition of the vital importance of the legal issues which are the subject of this letter—

The **PRESIDING OFFICER.** The time of the Senator from New York has expired.

Mr. **KEATING.** Mr. President, may I have 1 more minute?

Mr. **MUNDT.** I yield 1 more minute to the Senator from New York.

The **PRESIDING OFFICER.** The Senator from New York is recognized for 1 more minute.

Mr. **KEATING.** I continue to read from the letter:

> We conclude that title II and title VII are within the framework of the powers granted Congress under the Constitution.

And they point out in detail the reasons why they reach that conclusion.

I believe it fair to say that their opinion and conclusion on this legal question of constitutionality can justifiably be pitted against that of any Member of the Senate. I do not question the sincerity or good faith of the junior Senator from Arizona [Mr. GOLDWATER] or, indeed, the popularity of his views in some quarters; but, Mr. President, in light of this legal opinion and the legal opinion of the vast majority of the Members of the Senate, on both sides, I do question the accuracy of the statement of the junior Senator from Arizona. Senate passage of the civil rights bill will be a vindication of the hopes and dreams and work of millions of Americans. It is not a victory for sectionalism or for one race alone, but a triumph for all America. It is not, as its opponents have claimed, an instrument for oppression, but a tool for building a better, more unified nation. Today is not the beginning of the end for America, but the end of the beginning of efforts to extend equal justice to all our citizens.

The **PRESIDING OFFICER.** The time of the Senator from New York has again expired.

Mr. **KEATING.** Mr. President, I ask unanimous consent to have printed in the Record the letter and memorandum of the lawyers referred to, in regard to title II and title VII.

There being no objection, the letter and the memorandum were ordered to be printed in the Record, as follows:

IDENTIFICATION OF SIGNERS OF LETTER

Joseph A. Ball: Ball, Hunt & Hart, Long Beach, Calif., past president, State Bar of California.

Francis Biddle: Washington, D.C., former Attorney General of the United States.

Herbert Brownell: Lord, Day & Lord, New York City, former Attorney General of the United States; president, Association of the Bar of the City of New York.

Homer D. Crotty: Gibson, Dunn & Crutcher, Los Angeles, Calif., past president, State Bar of California; member of council, American Law Institute.

Lloyd N. Cutler: Wilmer, Cutler & Pickering, Washington, D.C., president, Yale Law School Association.

Norris Darrell: Sullivan & Cromwell, New York City, president, American Law Institute.

James C. Dezendorf: Koerner, Young, McColloch & Dezendorf, Portland, Oreg., past president, National Conference of Commissioners on Uniform State Laws; vice president, American Judicature Society.

Erwin N. Griswold: Cambridge, Mass., dean, Harvard Law School.

Albert E. Jenner, Jr.: Thompson, Raymond, Mayer & Jenner, Chicago, Ill., past president, American Judicature Society; past president, American College of Trial Lawyers.

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Samuel I. Rosenman: Rosenman, Colin, Kaye, Petchek & Freund, New York City, former special counsel to President Franklin D. Roosevelt and President Harry S. Truman.

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Whitney North Seymour: Simpson, Thacher & Bartlett, New York City, president, American College of Trial Lawyers; past president, American Bar Association.

Charles P. Taft: Taft, Lavercome & Fox, Cincinnati, Ohio, former mayor of Cincinnati.

Harrison Tweed: Milbank, Tweed, Hadley & McGloy, New York City, chairman of council and past president, American Law Institute; chairman, Joint Committee on Continuing Legal Education (ALI and ABA).

John W. Wade: Nashville, Tenn., dean, Vanderbilt University School of Law.

MEMORANDUM

TITLE II

Title II enunciates a policy of the right of all persons to the full and equal enjoyment of service in hotel facilities, in eating places, in gasoline stations, and in premises offering entertainment, and prohibits discrimination or segregation in the access to such establishments on the ground of race, color, religion, or national origin. An establishment which serves the public is subject to the restrictions of title II if its operations affect interstate or foreign commerce or if the proscribed discrimination or segregation which it practices is supported by State action.

The kind of prohibited activity contemplated by the terms "discrimination" and "segregation" is sufficiently clear to withstand any possible charge of uncertainty. The courts have dealt with the concept of discrimination in the context of similar legislation, Federal and State, so as to fashion a measurable standard of conduct which constitutes discrimination and segregation on the grounds set forth in title II. For example, in *Boynton* v. *Virginia*, 364 U.S. 454 (1960), the Supreme Court concluded that the segregation of seating facilities at a bus terminal serving interstate travelers was in violation of the Interstate Commerce Act's prohibition against unjust discrimination.

The use of the commerce clause as one of the grounds for framing the public accommodations title is in accord with what has by now become a traditional pattern of regulatory legislation. In exercising its power to regulate commerce among the States, Congress has adopted laws applicable to a wide variety of commercial transactions. The mere enumeration of some of the better known statutes which have become accepted as part and parcel of our national economic structure demonstrates the broad range of the commerce clause.

In attempting to maintain free competition in the marketing of goods, in striving to assure the health of our people, in eliminating the abuse of working women, children, and others in the labor force, and in responding to many other economic and social problems, Congress has passed the Sherman Antitrust Act, the Robinson-Patman Act, the Fair Labor Standards Act, the National Labor Relations Act and its supplementary statutes, food and drug legislation, the Federal Trade Commission Act, laws regulating rail, motor, and air transportation, the Agricultural Adjustment Act, and countless other measures whose constitutionality is now beyond question.

Congress may select the objects of regulation, and it has broad power to determine the remedy best adapted to carry out the purpose of legislation enacted under the commerce clause.

In the case upholding the constitutionality of the National Labor Relations Act of 1935, *N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 36 (1937), Chief Justice Hughes, speaking for the Supreme Court declared:

"The fundamental principle is that the power to regulate commerce is the power to enact all appropriate legislation for its protection and advancement * * * to adopt measures to promote its growth and insure its safety * * * to foster, protect, control and restrain."

Likewise, in *United States* v. *Darby*, 312 U.S. 100, 114 (1941), Chief Justice Stone, in an opinion upholding the validity of the Fair Labor Standards Act, reiterated that "the power of Congress over interstate commerce is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed by the Constitution." The remedy which Congress selected for assuring decent wages and hours for a large segment of the American labor force was to regulate the working conditions in factories producing goods which may find their way in interstate commerce.

Under the authority of these and other cases, Congress, seeking to outlaw discrimination against interstate travelers, may cast its regulatory mold in the manner best calculated to achieve the desired result. Thus, Congress may determine, as in title II, that a hotel, motel, or similar establishment of more than five rooms offering lodging to transient guests is likely to be utilized by interstate travelers and thereby to affect interstate commerce. Eating places, gasoline stations, or facilities providing entertainment or sports events involve interstate commerce because they serve interstate travelers or because the food or gasoline to be sold, the motion pictures to be exhibited, and the participating artists or athletes normally move in interstate commerce.

Precedents in this field are abundant. By way of example, the courts have held subject to Federal regulation a restaurant in a bus terminal serving interstate travelers (*Boynton* v. *Virginia,* 364 U.S. 454 (1960)), and local establishments preparing or supplying food for consumption on interstate carriers (*Mitchell* v. *Sherry Corine Corp.,* 264 F. 2d 831 (4th Cir.), cert. den., 360 U.S. 934 (1959)). Restraints of trade on the manner or extent of the local exhibition of motion pictures (*Interstate Circuit* v. *United States,* 306 U.S. 208 (1939)), stage attractions (*United States* v. *Shubert,* 348 U.S. 222 (1955)), boxing matches (*United States* v. *International Boxing Club,* 348 U.S. 236 (1955)), and football games (*Radovich* v. *National Football League,* 352 U.S. 455 (1957)), have all been held to be subject to Federal legislation predicated on the commerce clause. The supporting theory is that the exhibitions, and those who take part in them, move from State to State and the particular restraint would limit the freedom or the volume of interstate transactions.

By similar reasoning, the courts have sustained the application of the antitrust laws to retail establishments serving people or selling goods that move in interstate commerce (*United States* v. *Frankfort Distilleries,* 324 U.S. 293 (1945)). An agreement which narrows the market for products or persons moving in interstate trade, such as a boycott or a joint refusal to deal, may be reached under the commerce clause. It follows that if Congress so desires, it should also be able to forbid an individual refusal to deal just as it now prohibits individual discrimination in prices under the Robinson-Patman Act.

Although racial discrimination may or may not have the same commercial motivation as the economic restrictions involved in antitrust and similar violations, a legislative judgment of the adverse effect of such discrimination on the freedom or volume of the interstate movement of people and goods cannot, under the decided cases, be subject to serious doubt. Whatever its nature, a practice which has a detrimental or limiting effect on commerce may be reached by the Congress under the commerce clause.

The extent to which the discriminatory action of any one of the establishments covered by title II adversely affect interstate commerce is not controlling provided there is some connection with such commerce. It is the "total effect" of many individual obstructions upon commerce (*United States* v. *Darby, supra* at 312 U.S. 123), and their recurring nature (*Board of Trade of Chicago* v. *Olsen,* 262 U.S. 1 (1923)), which are significant in determining congressional power. The Chicago case upheld an act regulating dealings in grain futures in an opinion by Chief Justice Taft. Justice Taft, recognizing that the transactions on the board of trade may not in and of themselves be in interstate commerce, posed the test of congressional power as to "whether the conduct of such sales is subject to constantly recurring abuses which are a burden and obstruction to interstate commerce in grain" (262 U.S. at 36).

Many small businesses comparable to those within the scope of title II are today subject to Federal statutes passed pursuant to the commerce clause. The corner general merchandise store is deeply immersed in regulation under the congressional commerce power. The food which it sells, the drugs it provides, the advertising it displays and the wages paid to its employees are all affected by Federal legislation premised on the commerce power. And this regulatory authority is not limited by the size of an enterprise or by the volume of its interstate business. Classic examples generally cited are the 23-acre wheatfield producing 239 bushels of wheat held to be subject to control under the Agricultural Adjustment Act (*Wickard* v. *Filburn,* 317 U.S. 111 (1942)), and the newspaper circulating a handful of 45 copies outside its home State held to be governed by Federal wage and hour regulations (*Mabee* v. *White Plains Publishing Co.,* 327 U.S. 178 (1946)).

The principle that it is the accumulated impact of individual obstructions upon commerce which justifies the exercise of congressional power was restated by the Supreme Court last year in *N.L.R.B.* v. *Reliance Fuel Corp.* (371 U.S. 224, 226 (1963)):

"Whether or no practices may be deemed by Congress to affect interstate commerce is not to be determined by confining judgment to the quantitative effect of the activities immediately before the Board. Appropriate for judgment is the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far reaching in its harm to commerce."

The fact that in exercising its indisputable power to remove obstructions to interstate commerce, Congress at the same time seeks to accomplish an additional purpose, such as the improvement of working conditions or the elimination of unequal treatment based on racial consideration, does not preclude reliance upon the commerce clause. Chief Justice Stone made this eminently clear in his monumental opinion upholding the validity of the Fair Labor Standards Act (*United States* v. *Darby, supra*). Justice Stone's language is particularly apt in considering the validity of title II:

"The motive and purpose of the present regulation is plainly to make effective the congressional conception of public policy that interstate commerce should not be made the instrument of competition in the distribution of goods produced under substandard labor conditions, which competition is injurious to the commerce and to the States from and to which the commerce flows. The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control. Whatever their motive and purpose, regulations of commerce which do not infringe some constitutional prohibition are within the plenary power conferred on Congress by the commerce clause" (312 U.S. at 115).

We have dwelt at length on the commerce clause basis for title II because this appears to be one of the key legal issues generated by the pending legislation. The second source of constitutional power cited in title II is the equal protection clause of the 14th amendment.

State or local legislation requiring discrimination in public accommodations is a denial of equal protection under the 14th amendment (*Peterson* v. *Greenville,* 373 U.S. 244 (1963)). A wide variety of other circumstances may meet the "State action" test of the 14th amendment. For example, in *Lombard* v. *Louisiana,* 373 U.S. 267 (1963), statements favoring segregation made by city officials during a period of racial unrest were held to have so affected the decision of a store owner not to serve Negroes as to make his action the result of invalid State discrimination rather than the product of purely private whim. The lease by a municipal airport, or by a public parking authority, of a restaurant located in its building was held in *Turner* v. *Memphis,* 369 U.S. 350 (1962), and *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961), to make the State responsible for the discrimination practiced by the tenant. According to the Burton case, any significant "degree of State participation and involvement in discriminatory action" may subject that action to Congress power under the 14th amendment.

Reliance upon the 14th amendment is consistent with the *Civil Rights Cases,* 109 U.S. 3 (1883). The Civil Rights Act of 1875 was declared invalid because it was not aimed at State action but rather at individual conduct. The defect found by the Supreme Court in the 19th century legislation would seem to have been corrected by predicating title II upon discriminatory conduct supported by State action.

In our considered judgment, the commerce clause and, where State action is involved, the 14th amendment are sound constitutional bulwarks supporting the validity of title II of H.R. 7152.

TITLE VII

Title VII of the proposed Civil Rights Act of 1963 enunciates a national policy of equal opportunity for employment free from discrimination. The equal employment title is based expressly upon the commerce clause. Section 701(b) also declares it to be the purpose of Congress to insure the full "enjoyment by all persons of the rights, privileges and immunities secured and protected by the Constitution of the United States."

The employers covered by the proposed legislation would ultimately be those having 25 or more employees. For the first 3 years after its effective date, title VII would cover those employers having a greater number of employees as prescribed in section 702(b). Also subject to this title would be employment agencies and labor organizations.

In the customary pattern of State and local fair employment legislation, title VII sets forth certain unlawful employment practices by employers, employment agencies, and labor organizations. Generally, these practices relate to discrimination, segregation, and other types of unequal treatment or withholding of privileges because of race, color, religion, sex, or national origin.

A procedure is established for the implementation of the purposes of the title by an Equal Employment Opportunity Commission and for resort to the courts when allegedly unlawful employment practices cannot be voluntarily eliminated.

The same considerations which support the conclusion that the public accommodations title is valid under the commerce clause, particularly the landmark Jones & Laughlin and Darby cases, are equally applicable here. Many of the prior statutes regulating labor relations under the commerce clause upheld by the Supreme Court are directly analogous to the provisions of title VII.

Starting with the National Labor Relations Act and continuing through the Labor Management Reporting and Disclosure Act of 1959, Congress has enacted comprehensive legislation regulating labor and management practices. The Fair Labor Standards Act and similar statutes, which have as their purpose the improvement of the condition of persons whose work affects interstate or foreign commerce, furnish ample authority for the attempt in title VII to prohibit discrimination in employment practices. It is but a short step to proceed from a statute which prevents the discharge of workers for union activity to one which seeks to outlaw discrimination in employment on account of race. In a case involving the applicability of the Norris-La Guardia Anti-Injunction Act to the picketing of a store denying equal employment opportunities to Negroes, Justice Roberts, speaking for the Court, said, with somewhat prophetic insight:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions of any force of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation" (*New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U.S. 552, 561 (1938)).

Employers, employment agencies as well as labor organizations whose business or activities affect interstate or foreign commerce are clearly subject to congressional legislative authority.

The decisions which have upheld statutes adopted under the commerce clause or other powers contained in the Constitution recognize that congressional authority is restricted by the due process of law guarantee of the fifth amendment. It is evident that most Federal regulatory statutes constitute a limitation to some extent on the use of private property or the exercise of private rights.

The National Labor Relations Act is an example of the type of Federal legislation upheld by the courts against the charge of interference with property rights (*N.L.R.B.* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1, 43 (1937)). The courts have dealt in the same manner with State legislation enacted under local police powers which has been challenged under the due process clause of the 14th amendment. In meeting this attack, the Supreme Court said in *Nebbia* v. *New York*, 391 U.S. 502, 538 (1934):

"The Constitution does not secure to anyone liberty to conduct his business in such fashion as to inflict injury upon the public at large, or upon any substantial group of the people."

Nebbia and cases of like import are relevant because the power of Congress to deal with interstate commerce is similar to the authority of the State to regulate activities within the State. Titles II and VII do not seem to involve any greater interference with private rights than many of the Federal regulatory statutes to which we have referred or similar State legislation. The Supreme Court has upheld State and local antidiscrimination measures in *Railway Mail Association* v. *Corsi*, 326 U.S. 88 (1945), a New York statute barring racial discrimination by labor unions, and *District of Columbia* v. *Thompson Co.*, 346 U.S. 100 (1953), a local law prohibiting discrimination on account of race in eating places.

We have not tried to provide in this memorandum an exhaustive discussion of the legal authorities in support of our views. From a review of the leading decisions of the courts, we have sought to cull out the fundamental principles governing congressional power under the Constitution and to refer specifically to a few cases which contain important holdings.

We are mindful of the heavy responsibility which each Member of Congress bears in acting upon this legislative proposal, and we hope that the above analysis will be of some assistance in discharging that responsibility. We are honored by the opportunity to be of help in attempting to clarify some of the legal issues involved in H.R. 7152.

Mr. KEATING. Mr. President, I am very grateful to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I yield myself initially 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. MUNDT. Mr. President, as we near the end of the long debate on civil rights, I shall not spend much time discussing the various titles, provisions, and sections of the bill, nor indeed the intricate questions of constitutionality which have just been mentioned by the junior Senator from New York [Mr. KEATING].

I have received a great deal of mail from lawyers in my own State and from other States dealing with the constitutionality of the measure as discussed by Senator GOLDWATER yesterday and it is quite obvious that the question is one on which the best legal minds of America disagree.

I have received numerous letters from able lawyers around the country who feel that title VII especially would violate the Constitution and others are dubious about title II. I have also received letters such as the junior Senator from New York has read into the RECORD, from equally eminent lawyers, to the effect that the measure is strictly within the confines of the Constitution.

Mr. President, the constitutionality question is one over which apparently lawyers of equal ability will argue for many years, and it ultimately will have to be decided by the higher courts. But it is certainly not a one-sided question, and it is not a question on which all the legal talent of America is on one side and laymen are arguing on the other. I believe no one, even a Solomon if he were in our midst today, could say with finality whether title II and title VII are in violation of the Constitution.

Each Senator, each lawyer, and each citizen is entitled to his educated guess, but no one can know for sure until the question has been decided by the courts. In the meantime, the debate among lawyers of equal talent and sincerity will continue as it properly should. Except for the happy, carefree disciples of the easy answer and the simple solution, there can be no question but what serious constitutional questions are involved.

However, I rise to speak on a subject on which I have more intimate knowledge and on which I can speak with more authority than trying to speculate upon future decisions of the Supreme Court of the United States.

Since the Senate is a very precedent-conscious body, I wish to point out two bad legislative practices which have been employed in arriving at the present stage of the debate. I point them out not to complain that they have been used, but to caution against their becoming a precedent for repetitious use in the Senate.

The first bad legislative practice to which I allude is what I refer to as the "third house," technique which was employed to write the substitute upon which we shall vote this afternoon or evening.

The "third house" was a group carefully screened and selected from among proponents of the proposed legislation—some Democrats, some Republicans, some Members of the Senate, some members of the executive agencies, some of our legislative leaders, the Attorney General of the United States—meeting in what has been in reality a third house of Congress for the purpose of putting together the substitute measure which was adopted yesterday as the vehicle upon which we shall express our individual viewpoints in connection with this particular civil rights bill. That I allude to as the first bad legislative practice.

The second bad legislative practice is the employment of cloture. Using these two unhappy legislative tactics together—first, the third house in an effort to bring about a unanimity of opinion, second, the invocation of cloture, in order to develop the urgency required to get on with the legislation—produced a procedure of which it might well be said that on this bill we employed both the tactics of the third House and also those of the roughhouse, neither of which should become precedent forming in this body.

The difficulty with the third house approach is that in a group meeting in secret and coming forth with a substitute bill we lose entirely the great benefit of two-party legislation in America. I believe that every Member of this body agrees with the present speaker that the two-party system is one of the great reasons that America has thrived and flourished. It has kept us from moving in the direction of an American totalitarian state, in which the minority viewpoint is not considered, and sometimes where it is not even permitted to be enunciated.

Every committee of the Congress has representation of both political parties, and that is a good thing, because it brings about necessarily a critical approach to every bill. Some incline to be proponents automatically; some incline automatically to be opponents; and out of it we come forth with a happy compromise which is the result of the meeting of minds which differ from each other at the start, and sometimes—usually—arrive at a constructive compromise conclusion.

Unhappily, the third house which operated to produce this substitute functioned with a one-party concept—not one political party, but a one-party viewpoint—with only the proponents, only those holding a certain attitude on the proposed legislation participating in the draftsmanship. So the proposed substitute bill suffers from the fact that it did not have the careful scrutiny and the sustained criticism which always exist when a government is operating under a two-party system, such as we have, and such as we have in every committee of the Congress.

I do not believe that the third house approach was necessary in the proposed legislation. In all events, I believe it is a bad practice, to be avoided in the future. I believe that bicameral legislatures are good, but that tricameral legislatures are unwise, especially when they provide a commingling of the executive and the legislative branches—putting appointive executive officials and Cabinet officers at work in the legislative body working with elected legislators to write the laws.

I believe that our constitutional forefathers were wise when they provided for a separation of powers. The legislative branch is one thing; the executive branch is another; the judicial branch is still a third. We should henceforth make certain that we keep them that way.

Today I want to caution as emphatically as I can against the "third house technique" precedent, because we shall destroy something very precious in America if we develop the precedent and follow the habit of the executive departments sitting in with members of the legislative branch to write the laws in committees set up to detour the regular two-party legislative committees of Congress.

The imposition of cloture is something else to which I wish to allude. I believe that the Senate necessarily had to vote for cloture on this issue in order to get on with the business of the legislative branch of Government. There was no other way in which we could ever have brought this legislation to a head. I voted for cloture, reluctantly, as one who is inclined to oppose it, because I believe that in the final analysis on a major legislative matter the majority should have a right to express itself. If the endeavor were to obtain cloture for the purpose of obtaining a change of the rules, in an effort to set up a new procedure so that hereafter the majority could always grind the minority into submission, I very much doubt that cloture would have ever been invoked, and certainly not with the vote of the present speaker.

When we arrive at a position in which proposed legislation has been before us for more than 3 months, and when it is necessary to get on with the housekeeping measures of the Congress and the legislative business of the country, there comes a time on an important substantive legislative proposal when there should be a counting of noses, when there should be consideration of amendments, when there should be a break in the deadlock, and when Senators should have an opportunity to voice and vote their viewpoints.

AS WE LIVE WE LEARN

But as we live we learn. One lesson that I hope we learn is the obnoxious feature of a third house operating in this legislative body. The other thing I hope we learn is the undesirable ramifications which inevitably flow from any legislative situation in which cloture is invoked. Almost inevitably when cloture is invoked we have a rampaging majority attitude tending to flaunt its power, tending to deny the minority viewpoint adequate opportunity to make its case and to plead its cause.

We had an example of that tendency on this floor, Mr. President, this very week, when, on last Tuesday night, the leadership, which had won its vote for cloture, held the Senate in continuous session for more than 13 hours, voting more than 30 times on individual amendments which had been offered. It was not until after midnight that some of us arose on the floor to call attention to the roughhouse tactics being employed by the devotees of cloture and pointing out how difficult it might be again to convince the Senate that this cloture could produce an orderly legislative process, with that kind of example written into the records of the Journal of the Congress.

I am happy to record for the permanent RECORD and for historians that our majority and minority leaders are reasonable, prudent and considerate men; and when the situation was summarily called to their attention, when it was pointed out that the abuses of the privileges and power given under cloture would bring their own dire dividends. the Senate was promptly recessed, and we proceeded the following day with something more normally resembling appropriate legislative procedure.

But there was the bronze light flashing for all of us to see, when it comes up again, that once we place ourselves in the straitjacket cloture we place ourselves in an iron vise choking us and gagging us, and have little cause to complain about the results which eventuate.

We have also learned to understand, therefore, how important it is in this body to keep rule XXII as it is, undiluted, unweakened, and unchanged, because our present rule on cloture and the fact that it was hard to get provided in this instance an opportunity to have a long, sustained debate on a highly controversial measure.

Had cloture been easy to obtain, I suspect that after the first 30 days or 6 weeks of the debate, it would have been invoked and in all probability the House bill would have been adopted without most of the more than 80 corrective and salutory amendments being approved.

But because cloture was difficult to obtain, the proposed legislation was carefully scrutinized. At this time more than 85 amendments have been added to it, because the Senate is a deliberative body, because cloture was not something "eager beavers" could quickly and readily obtain, because a number of Senators had to be satisfied that improvements were in the offing and were being drafted before cloture could be invoked.

I submit that the legislative proposal now before the Senate is its own best testimony of the value and the virtue of sustained debate on the floor of the Senate, and its own best argument against an easy curtailment of debate by easy-to-obtain cloture through a change weakening rule XXII.

Some of the amendments are minor in nature. Some are very major in nature. But together they have brought about a vast improvement in this legislation from the standpoint of what the bill was when it passed the House. We can give the present nature of rule XXII credit for that fact.

I regret that many amendments were turned down which I thought might have been added. But, under the restrictions of cloture, we have all discovered that it is extremely difficult to have even the best amendments receive adequate debate, careful scrutiny, and devoted intelligent attention.

I am convinced that, in the ordinary legislative process, another 10 or 15 amendments, as a minimum—good amendments and important amendments—should have been added to this bill. I shall not seek to enumerate them this afternoon, but as a rough rule of thumb for those who study and analyze the RECORD, I suspect that many of the amendments that received 35 or more votes on the long rollcalls might well have been adopted had we been confronted with fewer amendments, had they been more vigorously supported in debate, and had the time limitation been not so restricted.

I make these observations in this connection, Mr. President, not to complain, but merely to caution, because the Senate is a continuing body, and the same arguments for cloture, for speed, for "greasing the skids," will be made again. And it will be well that those who are here then can look back to see what happened to those of us who are not here before they change something as important and as basic to the operation of the Senate.

I shall vote for the bill on final passage, Mr. President. Sometimes bad methods can produce some good results.

While I have had some earnest and harsh words to say about the "third house" complex and the roughhouse techniques of cloture which were used to put the bill together and advance it, I think in the main some good results will flow therefrom. I pay tribute to those who sat in the "third house." But I point out that the victories they gained were not as important or as meaningful as would have been the case had a two-party system operated in the "third house," even though the second party had a minority no larger than the Republicans have in the Senate, namely, less than one-third. At least there would have been a voice of caution and of criticism. There would have been a call for more careful scrutiny. There would have been less need for changes that were added on the floor of the Senate and for some that were rejected here.

The "third house" eliminated some repugnant and distasteful features of the proposed legislation which were in the House-passed bill.

I pay tribute also to the minority leader, the Senator from Illinois [Mr. DIRKSEN], who probably knows more about what is in the bill than does any other Member of the Senate, who worked at it harder, who worked at it longer, who considered it more carefully, and who came forth with some very helpful suggestions. In a very real sense, he served as "the speaker of the third house" during these considerations.

I merely point out that the results were less desirable than they would have been, and less meaningful to the public than they would have been, had some other device been used whereby the critics of the bill as well as some of its most ardent supporters could have sat together to work out compromises and provisions in the measure, which now comes to us under the imprimatur of the "third house" of Congress.

Whether this piece of legislation cures more problems than it creates now will depend entirely on its administration. If it is administered by people who will temper justice with mercy—and in this instance also temper mercy with justice—I think it can have some good and salutary effects. If, on the other hand, it is administered by people with a punitive motive, with the diligence of a crusader who wants to do abrupty those things which normally take time, I can conceive that what we shall enact this afternoon will, in the long run, create more problems than we seek to solve by its enactment.

I was unwilling to vote for a "civil rights bill" as a slogan or a label on a bottle, although every time a civil rights bill has been in Congress in the more than 25 years I have served here I have voted for civil rights bills.

I wanted to see how much progress we could make toward having a workable, reasonable, constructive piece of legislation.

While, in my opinion, we have not moved in that direction as far as we should we have definitely moved in that direction; and a wise and prudent and dispassionate administration of the bill can make it a vehicle for good instead of an instrument to trigger off new controversies of new dimensions.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. MUNDT. Mr. President, I yield myself 20 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. MUNDT. This difficult drama is not one of those easy television scenarios in which the actors who participated can be divided into the "good guys" and the "bad guys." It is not quite so simple. Good Senators both from the South and from the North have opposed this bill persistently; and good Senators also have supported it. I certainly have no quarrel with any Senator on his vote on this measure where each of us must conscientiously do our best to arrive at a decision with which we can live. Each Senator, according to his own guidelights, provided by his conscience, his convictions, and his constituency—all of which I believe should be considered in a decision of this kind—will, I am sure, vote for what he believes to be the best interests of his country.

As I have indicated with many misgivings, especially title VII, and a few misgivings about other areas, I shall vote for the bill in the hope that it will move in the direction of providing greater equity and greater harmony of association between the races.

I shall vote for the bill because I feel it is necessary that some action be taken to correct certain distasteful and unconscionable situations which exist in certain areas of America today.

I shall vote for the bill because I believe it will set a standard for better public behavior on the part of everyone regarding racial problems.

VIOLATION OF VOTING RIGHTS

Now, Mr. President, I turn to a subject which is unrelated to the text of this bill, but is closely and intimately related to the principles and the philosophy of the bill as expressed in the title dealing with the voting rights of citizens.

I turn to a discussion of the most repugnant discrimination and the most iniquitous injustice in the voting rights area of civil rights which exist in America, both before and after the passage of this bill.

A FLAGRANT VIOLATION OF CIVIL RIGHTS CONTINUES

I invite attention to the most flagrant violation of the voting rights of individual citizens existing today in this Republic. If we pass the bill today, those violations will continue in existence tomorrow.

Unfortunately, nothing in this bill even remotely moves in the direction of correcting this dangerous and discriminatory situation. I refer specifically to the bloc system and the "winner take all" formula employed in the voting procedures of our electoral college in elections affecting our Presidents and Vice Presidents.

The basic philosophy of voting rights carried out in the current civil rights bill is that every American citizen should have an equal right to vote, and should be empowered equally to assert his influence in the polling place in this great American concept of self-government, and especially in the election of the President and Vice President.

I subscribe wholeheartedly to that philosophy. That is one of the motivating factors which induces me to vote for this civil rights bill on final passage.

However, the bloc system of voting in all the State presidential elections as a unit in the electoral college in support of a Presidential candidate scoring a bare majority of the votes of his State, nullifies to a considerable degree the equity provisions of the proposed legislation. The concept of "one citizen, one vote" is written out in the civil rights bill. Under the "winner take all" method of counting electoral votes, however, the winner gets not only the votes cast for him, but also the votes cast for his opponent. He literally can reach down into the polling place and steal every vote cast against him and have them added to his total as accounted for in the electoral college.

In no other branch of American activity would we stand still for 1 single minute and have the winner nullify and in fact appropriate the score and the results obtained by his opponent, listing them and reporting them as his own.

The last time the Washington Senators played a baseball game they lost by 5 to 3, but even the fans of the Washington Senators would resent with resounding voices any news reports published in the Washington papers that the Washington Senators had lost the baseball game by 8 to 0.

But that is what happens when an electoral vote is cast.

In 1960, Mr. Kennedy carried New York State by a scintilla of a fraction of 1 percent, but he received every electoral vote that was cast. Mr. Nixon carried California by about the same percentage point, but in California Dick Nixon got every electoral vote that was cast. No one in California voted for Kennedy according to the electoral college voting record. The electors for New York reported to the electoral college that Kennedy obtained every vote. No one in New York voted for that "outlander" Californian far out yonder in the West, Dick Nixon.

This system can lead only to the most serious results. In voting for a bond issue in a community where two-thirds of the majority is required to approve the bonds, who would stand for reporting the results of the community in which 100,000 votes were cast as 100,000 to 0, merely because a majority happened to approve?

I submit that giving multiple voting privileges to certain citizens because of the accident of geographic residence is as un-American as it would be to give multiple voting privileges to certain citizens because of race, color, creed, religion, educational degrees, or property ownership.

The American concept of "one citizen, one vote" has been highlighted by recent decisions of the Supreme Court, first dealing with the State legislative districts and then with senatorial districts. The basic concepts involved in these decisions are that because of the location of residence, an undue advantage should not be permitted to one group or to one voter against another. But this bloc system of "winner take all" electoral votes works to the disadvantage of millions of Americans, making them continue not as 2d-class citizens, not as 4th-class citizens, but in many instances 10th-, 12th-, 14th-, and even 15th-class citizens.

For example, a citizen who votes as an individual in New York State or in California today, actually pulls down 43 electoral levers, because he puts 43 electoral votes into the hopper of the electoral college where it counts and where they determine who is to be the President of the United States. But a neighbor in California who lives in Nevada, of equal capacity and equal patriotism, when he votes, pulls down only three electoral levers. He is therefore virtually a 15th-class citizen compared to his neighbor in New York, or in California.

The New York situation is similar. In New York, when an individual citizen votes, he has 43 punch keys moving in unison voting for his choice for President, but his neighbor in Vermont has only 3. Similar unconscionable discrepancies and inequities exist among all of our States and the term "first-class Senator" can accurately be used only for voters in California and in New York State.

By what right can we say we are passing civil rights legislation which continues to discriminate against the people of America because they are, necessarily, living geographically in a city with less than 43 electoral votes?

Under the "grandfather clause" in the old unreconstructed South at its worst, and under the greatest abuses ever perpetrated by a literacy test, whereby one white man would keep a colored man from voting, we had one man nullifying the vote of another citizen, but under the circumstances prevailing under our electoral college system one voter in California or New York actually nullifies the votes of 14 people voting in Nevada, Delaware, Alaska, Vermont or Wyoming.

Under this gross system of flagrant violation of the civil rights of Americans of all creeds and colors, one citizen in New York City, under the bloc system and the "winner take all" pattern of electoral college voting, nullifies the vote of 10 citizens living in Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota or Utah.

That New York or California voter alone could likewise nullify and completely outweigh the votes of eight citizens in Maine or of seven of the most careful and well-informed voters of Colorado, Nebraska, or Oregon.

I hope and believe that some Attorney General or some Governor of one of the smaller States in the Union will carry to the Supreme Court a challenge as to the validity of the unit-rule counting system employed under our electoral college process.

It seems to me inevitable that the Supreme Court will have to rule against this unfair and unrepresentative counting tactic. To be consistent with its "one citizen, one vote" attitude, to be consistent with its basic philosophy that accident of geography and residence should not give one citizen more franchise than another, it will have to rule that that system, whereby the winner adds to his column all the votes of his losing opponent, must be ruled to be against the Constitution. I hope the question will be brought to the courts very soon.

I should like to display a map to the Senate, showing what this means in the control of America. The red States are 12 in number. They include 20 of the great metropolitan areas of the country. The total vote cast by these States is 260 votes in the electoral college. It requires only 268 votes to elect. Any candidate on any ticket getting the votes in these 20 cities can literally thumb his campaign nose at every citizen in every other State of America, including the home State of the President, Texas.

Something is basically wrong.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, in any way the Public Printer thinks it can best be done, this chart, or map. It can be printed either as a map, or in any way that the Public Printer can figure out, or perhaps by blocks or columns, or in any way in which, exercising his initiative, he can represent the facts shown by this chart.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

THE VAST ELECTORAL POWERS OF THESE PIVOTAL STATES MUST BE CHANGED

The 12 States shown below are known as the pivotal "bloc vote" controlled areas. In these States and in their large cities are 260 electoral votes. Just eight votes shy of enough to win the White House in 1964. Listed are the States and cities:

	1964 electoral votes
New York: New York, Buffalo, Rochester	43
California: Los Angeles, San Francisco	40
Pennsylvania: Philadelphia, Pittsburgh	29
Illinois: Chicago	26
Ohio: Cleveland, Cincinnati, Columbus	26
Michigan: Detroit	21
New Jersey: Newark, Jersey City, Paterson	17
Massachusetts: Boston	14
Missouri: St. Louis, Kansas City	12
Wisconsin: Milwaukee	12
Maryland: Baltimore	10
Minnesota: Minneapolis, St. Paul	10
Total	260

In these areas are concentrated the "bloc vote" groups of voters the politicians are appealing to. They are controlling the election of the President.

These States have petitioned Congress by resolution to submit a constitutional amendment to the States for ratification: South Dakota, Montana, Utah, Kansas, Colorado, Texas, Arkansas, Minnesota, Wisconsin, and New Hampshire. Others will follow and Congress is compelled to submit.

We advocate the adoption of the district plan to make it possible to elect a President in as fair and representative manner as we elect a Congressman or Senator. Candidates for the electoral college would each declare his choice for President and Vice President and then run for election in a manner similar to Senators and Representatives. The district plan would restore the purpose of the electoral college by preventing distortions in the election of the President which arise from widely varying populations of the different States. Under this equitable plan most States would be sending electoral college members of both parties rather than a victorious all Democratic or all Republican panel which deprives the State's minority of all representation. Now is the time to let the thunder of your voices be heard in demand for this change.

It is not our purpose to elect any particular presidential candidate—our only interest lies in how he is elected. We believe the district plan is the solution.

ELECTORAL COLLEGE REFORM COMMITTEE,
HUGH MATLOCK, *Director*.

Mr. MUNDT. Mr. President, I should like to call something else to the attention of proud Members of the Senate. We are talking about first-class citizens. I shall vote to give every person, regardless of race, color, creed, or religion, a first-class status. However, let us talk about a bigger problem. Let us talk about a gross national injustice. Let us talk about something which is inimical to the whole concept of self-government in America. Let us talk about the fact that 1 voter's vote today can nullify the vote of 10 or 12 or 15 equally intelligent and able citizens merely because voters live within different States.

Five great cities; namely, New York City, Los Angeles, Chicago, Newark, and Philadelphia, together control the votes of States with a total electoral college vote of 156.

If one more person in each of those States votes in favor of a certain candidate, the capacity of those States in the electoral college is so strong as to nullify and overcome the unanimous votes cast by every voting citizen, moving in the same direction, in all of the following States: Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia.

VITAL IMPORTANCE OF THE BIG CITY VOTE

Introductory note: The election of 1960 was lost by Republicans in the relatively few big cities of the Nation. The following data represent how these cities can determine the outcome of the vote in the electoral college:

New York City, Los Angeles, Chicago, Newark, Philadelphia (total 156 votes, 5 cities), is equal to Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia (total 156 votes, 14 States).

The above five cities are the key to the electoral vote of their respective States. Total electoral votes of the five States represented is 156, equal to total of the 14 States listed below.

The same principle is true in schedules II, III, and IV following:

New York City, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, Philadelphia (total 217 votes, 8 cities), is equal to Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Maine, Oregon, Colorado, Nebraska, Rhode Island, Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Florida, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia (total 213 votes, 32 States).

III

Philadelphia alone (total 36 votes) or Detroit and Newark (total 36 votes), is equal to Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah (total 36 votes, 9 States).

IV

New York City, Philadelphia, Los Angeles (total 113 votes, 3 cities), is equal to Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico, North Dakota, Iowa, Rhode Island, South Dakota, Utah, Maine, Oregon, Colorado, Nebraska, Louisiana, Kentucky, Florida (total 110 votes, 21 States).

I should now like to beseech those who call themselves "liberals," albeit with a mistaken definition of the term, to support legislation which would give equal justice and first-class citizenship status to every American, regardless of where he lives. I can tell the Senate where they were a few years ago, when, with the cooperation of former Senator Price Daniel, of Texas, a number of us introduced a reform proposal and forced a yea-and-nay vote on this issue. Those who now protest most loudly that they are in favor of a vote for every American, voted almost unanimously against giving first-class status to American citizens regardless of the States in which they live.

They will have another chance. We have another constitutional amendment in the hopper to correct this situation. It is Senate Joint Resolution 12.

I hope the next time they will remember that the philosophy which motivates us to vote for the pending bill also motivated us in voting to eliminate the unfair, discriminatory, anti-American, anti-civil rights operation of the electoral college as it functions in this country today.

Let me give the Senate another illustration of what is wrong. Eight large cities in this country have 217 electoral votes, which they control because they predominate in the voting of their States. They are New York, Los Angeles, Cleveland, Detroit, Boston, Chicago, Newark, and Philadelphia.

If just one adidtional citizen—eight ordinary people—in each of these States vote a tie-breaking vote in each of these cities making it a tie-breaking vote within each State for the presidential candidate, those eight citizens alone, under our electoral college voting system, have more authority in the election of a President of the United States than every citizen voting unanimously in the following States for a differed choice: Delaware, Nevada, Vermont, Wyoming, Arizona, Idaho, Montana, New Hampshire, New Mexico North Dakota, Maine, Oregon, Colorado, Nebraska, Rhode Island, Tennessee, South Dakota, Utah, Arkansas, Connecticut, Kansas, Mississippi, South Carolina, West Virginia, Kentucky, Florida, Iowa, Louisiana, Alabama, Minnesota, Oklahoma, and Virginia, a total of 32 States.

We talk about having universal franchise in America. We concern ourselves, and rightly so, about a black man having the same vote as a white man. We should. We should also concern ourselves about a tie-breaking vote in eight vast cities, cast by a black man or a white man, which gives more authority to eight such citizens than is possessed by all the citizens in 32 States.

In this iniquitous situation, embodied in the greatest violation of civil rights of all Americans, except those living in California and New York, we find the taproot of almost every evil movement and policy developing in America today. It nullifies the processes of self-government. It glorifies the importance of pressure groups, which do not have to move outside the city limits of the great metropolitan fleshpots in this country to control and dominate American policies; determines presidential nominees in both our major parties, and determines who will win the presidential election and, indeed, dictates to the President after his victory what his policies must be if he intends successfully to seek reelection.

I am happy to say that there is a solution to this problem, that there is an answer to it. I refer to Senate Joint Resolution 12. I ask unanimous consent to have the text of the joint resolution printed in the RECORD at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"The electors to which a State is entitled by virtue of its Senators shall be elected by the people thereof, and the electors to which it is entitled by virtue of its Representatives shall be elected by the people within single-elector districts established by the legislature thereof; such districts to be composed of compact and contiguous territory, containing as nearly as practicable the number of persons which entitled the State to one Representative in the Congress; and such districts when formed shall not be altered until another census has been taken. Before being chosen elector, each candidate for the office shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. In choosing electors of President and Vice President the voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein.

"The electors shall meet in their respective States, fill any vacancies in their number as directed by the State legislature, and vote by signed ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, excluding therefrom any votes for persons other than those named by an elector before he was chosen, unless one or both of the persons so named be deceased, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors chosen; and the person having the greatest number of votes for Vice President shall be the Vice President, if such a number be a majority of the whole number of electors chosen.

"If no person voted for as President has a majority of the whole number of electors, then from the persons having the three highest numbers on the lists of persons voted for as President, the Senate and the House of Representatives, assembled and voting as individual Members of one body, shall choose immediately, by ballot, the President; a quorum for such purpose shall be three-fourths of the whole number of the Senators and Representatives, and a majority of the whole number shall be necessary to a choice; if additional ballots be necessary, the choice on the fifth ballot shall be between the two persons having the highest number of votes on the fourth ballot.

"If no person voted for as Vice President has a majority of the whole number of electors, then the Vice President shall be chosen from the persons having the three highest numbers on the lists of persons voted for as Vice President in the same manner as herein provided for choosing the President. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 3. This article supersedes the second and fourth paragraphs of section 1, article II, of the Constitution, the twelfth article of amendment to the Constitution and section 4 of the twentieth article of amendment to the Constitution. Except as herein expressly provided, this article does not supersede the twenty-third article of amendment.

"SEC. 4. Electors appointed pursuant to the twenty-third article of amendment to this Constitution shall be elected by the people of such district in such manner as the Congress may direct. Before being chosen as such elector, each candidate shall officially declare the persons for whom he will vote for President and Vice President, which declaration shall be binding on any successor. Such electors shall meet in the district and perform the duties provided in section 1 of this article.

"SEC. 5. This article shall take effect on the 1st day of July following its ratification."

Mr. MUNDT. Mr. President, this amendment would return America to the system of electing Presidents that was used in the first three great national elections in this country, with one man equal to one vote, and would provide for electing presidential electors from presidential electoral districts, each of equal size and of equal importance. Each person would vote for a presidential elector representing his Representative in Congress, because he has one, and for two presidential electors, representing his Senators, because he has two, and having as many electors as he has Representatives and Senators combined, with each equally important electoral district reporting that those three electors went pro or con, or A or B, or Republican or Democratic.

Every candidate would have to appeal to America as a whole, not to the determinative voters in the major cities who alone, by casting tie-breaking votes, can determine the policies of America.

I share with the editors of the Washington Evening Star the concern about this problem, recognizing what the Supreme Court decisions must inevitably mean if Vermont, Delaware, Rhode Island, or some other small State will have its attorney general take to the Supreme Court a challenge to this flagrant violation of the franchise of America.

I believe the Supreme Court will have to rule in conformity with its rulings in other cases that this kind of rigged, stacked electoral college system is unconstitutional.

Let me quote one sentence from the editorial:

> Why should not every vote, for example, have the same value when it comes to election of the President, who is President of all the people of the United States? The raising of this old issue, as a matter of law, may not be too far off.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUNDT. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 2 additional minutes.

Mr. MUNDT. Mr. President, may I point out one further illustration for those who read the RECORD, for those who really trust the people, for those who believe that the people should select the President, rather than have him selected by unfair electoral devices, and rigged systems of counting in the electoral college.

Permit me to show just how unjustly this system operates. Imagine with me, if possible, twin baby boys born in Omaha, who after graduating from a fine high school in Omaha, go to the University of Nebraska getting scholarships to attend Harvard University. They then graduate from the law school of Harvard University, graduating in a tie, at the top of their class, summa cum laude. The twin boys are still equally and identically intelligent, able, and skilled.

They then part company for the first time in their lives, brother Joe going to New York, and brother John going to Wilmington, Del., to practice law. Flip the calendar with me for 40 years. At the end of 40 years, each of them is a supreme court judge in his respective State—John in Delaware, and Joe in the State of New York. They are both still equally able, equally conscientious, and equally successful. They are equal Americans.

But when they go to vote on the first Tuesday following the first Monday in November, all semblance of equality goes down the drain. Brother Joe at 3 o'clock in the afternoon, voting anywhere in New York State, pulls an election lever which casts 43 votes for President. His brother John, voting in Delaware, at the same time pulls an election lever which casts a mere three votes for President. There is nothing fair, nothing right, or nothing just about such an election system. As a consequence, a system as wrong as that can lead only to trouble in America. In fact, it is already producing many deleterious repercussions in America.

I solicit the support of my colleagues and the country for Senate Joint Resolution 12, which would put the election of Presidents back in the hands of the people, all the people of America, with equal voting rights regardless of where they live.

That, to me, would be giving civil rights to all Americans, not merely civil rights to some.

Mr. MORTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MORTON. Mr. President, I commend my friend and colleague from South Dakota for a very clear exposition of the obvious injustices which prevail in our present electoral college system. The Senator has made the case and stated the case today as clearly as I have ever heard it. Furthermore, it was an appropriate time to make such a statement. For, as the senior Senator from Vermont [Mr. AIKEN] stated yesterday, "This is the week that is."

We are passing an historic bill which includes in title I the entire provision with respect to voting rights. Also, the highest Court of the land in the beginning of this week rendered a decision with regard to representation among the State legislatures—both the State senates, as well as the lower houses—which brings this matter home.

I personally do not see how, if a case such as was described by the Senator from South Dakota—involving such a State as Delaware, Rhode Island, or another State with a small electoral vote—should go to the highest tribunal, it could consistently rule any other way than that there should be equality, that each citizen should be equal in his choice in the selection of the President. That only means that each should be able to vote three members of the electoral college.

I again commend my friend the Senator from South Dakota on an excellent exposition. I was here hoping to help him if he needed help. But he did not need any.

I reserve the remainder of my time.

Mr. JOHNSON. Mr. President, this is indeed the blackest day in the U.S. Senate since 1875, when the Congress passed a civil rights bill similar to this one. It was 89 years ago that the Congress passed the nefarious Reconstruction era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. I predict that this bill will never be enforced without turning our Nation into a police state and without the cost of bloodshed and violence.

Ten years ago, in 1954, the Supreme Court took it upon itself to amend the Constitution of the United States and declare that segregation—that is, required separate but equal school facilities for the races—was illegal. Instead of promoting peace and harmony between the races, as a result of this decision we have seen racial violence, intolerance, bigotry, and hatred compounded and multiplied. Whenever Government decrees a social policy for people when the people are not behind such a policy, one can only expect as a result such violence and trouble.

Those who advocate passage of this civil rights bill need not expect this legislation to do anything for our country except to divide our people and rekindle the hatreds and prejudices of 100 years ago, to be perpetuated into the future for at least another 100 years. Contained in this legislation is not just a so-called framework for engendering equality among people of different races. This bill contains the equipment, tools, temptation, and power to establish a vast Federal network for controlling the people of every community. The damage this will do to our Government is incomprehensible.

There is no question in my mind but that the spirit of Thaddeus Stevens was present in this Senate Chamber when proponents of this civil rights measure buggywhipped to death every amendment offered by the opposition. The prejudice against all amendments, regardless of legislative merit, was obvious throughout our days of deliberation here.

There is no Member of the U.S. Senate that really knows what will happen after this bill is passed into law. It is a Pandora's box filled with unknowns that will return to haunt our countryside. It is a paradise of loopholes and unanswered questions which will wind up in the hands of the Supreme Court to be used in its obvious drive to become the oligarchic rules of this Nation. This entire bill is a patchwork quilt hastily thrown together, revised, changed, and substituted on the Senate floor without benefit of hearings and without benefit of proper legislative record.

When one talks of eliminating discrimination with this piece of so-called legislation, if it were not such a serious matter it would be fit for a good joke. For every ounce of discrimination eliminated under this bill, there is a pound of discrimination heaped upon the people by this bill. This bill sets up a prejudicial form of judicial proceedings in civil rights cases. It discriminates in civil rights cases. It brings a truly foreign form of so-called justice into our judicial system in the case of civil rights matters.

Proponents of this bill talk in terms of protecting the rights of the individual, but they do not mention the fact that for every right this bill may guarantee a person, there are a hundred rights being stripped from the people and their States.

If we sweep away the clutter of emotion and the clatter of the demonstrators and look at the legal aspect of this legislation, we can only come to the realistic conclusion that it is unconstitutional and will be recorded in history as the greatest robber of the rights of individuals and States and the most tremendous hoax ever perpetrated upon the people of the United States.

I want to discuss some of the unconstitutional sections of this bill, and to point out specifically why I am against it.

TITLE I

The substitute bill now before us makes some changes in title I, pertaining to voting rights, but still unconstitutionally encroaches the Federal arm and Federal jurisdiction over the State right to determine qualifications for voting. The Constitution clearly gives to the States the right to establish voting prerequisites; but this title of the bill would take away this State right. This bill is so prejudiced that it gives to Federal officials the right to determine what States may give oral examinations and what States must give written examinations. The political power in such a bill can open the door in some areas for people to vote, and close the door in others. This section is an unnecessary extension of the Federal authority over the State, county, and local affairs of our citizens, and an unconstitutional grab for power. It violates at least three clauses of our Federal Constitution. It also violates the basic concept of the balance of powers between separate and coordinate branches of Government. This is a terrifying assault upon our Constitution and our States rights, and is but one reason why I am opposed to this bill.

TITLE II

Title II of the bill is a bold attempt by the Federal Government to regulate the local customs and social practices of the people at large. Everyone realizes that if this title becomes law, restaurants, theaters, and all other places of public accommodations in their own communities will be under the doctrine of forced integration.

This section will cause nothing but turmoil, strife, emotionalism, and all of the other bad things that go to make up a disturbed population. The enforcement of this section will require a great army of officers, bureaucrats, and perhaps troops in uniform, if the executive branch of Government is determined to place it into full force and effect. I consider it utter foolishness for the Federal

Government in Washington to attempt to tell the owners of restaurants, gasoline stations, movie theaters, and all of the many other establishments covered by this title that they must suddenly open their doors to any and all comers.

I can see no purpose to title II other than a national attempt at social reform. It is an invasion of the private rights of all citizens by the Federal Government, and it constitutes an extremely dangerous thrust of Federal power into the normal and traditional domain reserved to State and local governments.

TITLE III

Title III of this bill gives to the Attorney General frightening powers to tamper in legal proceedings, beyond any authority ever before granted to him.

This section is an unconstitutional delegation of power to the executive branch, and would result in a preference for a special class of litigants. Congress has no power to legislate with regard to private lives, private business, and individual activity within and among the several States, for there can be no doubt that these essentially private matters have nothing whatever to do with interstate commerce.

How is it possible to define such private conduct so that it could become constitutionally amenable to Federal law, when the Constitution never gave the power to enact that law to the Federal Government in the first place? There are still in America many private rights which under our Constitution are beyond the power of the Government to regulate. One of these private rights is the right to pick one's associates and one's friends and one's customers in private business.

Title III grants blanket authority to the Attorney General:

> To institute for and in the the name of the United States

Action for the desegregation of

> Any public facility which is owned, operated or managed by or on behalf of any State or subdivision thereof.

The only requirement—and I believe this requirement is meaningless, as well as ineffective—is that the Attorney General certify that he has received a complaint, and that he is satisfied that if the individual filed a suit he would be unable, either directly or through other interested parties or organizations, to bear the expense of the litigation, or that the filing of the suit might jeopardize the employment of the individual or might result in his injury or in economic damage to such person or persons, their families, or their property.

It is true there have been amendments to this section under the substitute bill. These changes really amount to nothing but twisting of language. The great grab for Federal power under title III of this bill still remains. After Senators talked for weeks against title III of the House version of the bill, the substitute bill comes along and deletes from title III, section 302, which allowed the Attorney General to intervene in every case in which there was an allegation of denial of equal protection of the laws on account of race, color, religion, or national origin. The joker is that the authors of this substitute version slipped the same language into title IX. This, again, I believe, explains why I am against this section of the bill and, indeed, the entire bill.

TITLE IV

Title IV of the bill authorizes the Attorney General to institute suits seeking desegregation of public schools where the students or parents involved are unable to bring suit, and where the Attorney General considers that such a suit would materially further the public policy favoring the orderly achievement of desegregation in public education.

Mr. President, there can be no doubt that title IV, like title III before it, sets up a special category of privileged people with privileged interests. Legislative provisions providing for this type of discrimination are completely out of keeping with American tradition and American law and the laws of our 50 States. Furthermore, the bill establishes a basis for changing Americans from one people into arrogant and uncompromising factions.

Title IV of the substitute bill demonstrates the vicious approach of its authors in their attacks against the South. Not satisfied with pressing this desegregation of public schools section, they have included new language that prohibits the integration of schools in the North. In the South, our people live interspersed, or, if you please, integrated, in population areas all across the rural countryside, and even in our cities, white neighborhoods mix with Negro neighborhoods. In the North, the whites have fled from many areas populated by Negroes, and have moved into the suburbs, segregating themselves. The Negroes live segregated in the metropolitan cities of the North, not in the rural areas. Therefore, this "self-segregation" has resulted in school districts that are segregated by virtue of geographic position. The authors of this substitute bill incorporated section 407(a), which now establishes prohibition against the busing of students, to achieve racial balance or integration, if you please, in northern areas not desiring integration. This section now states:

> That nothing herein shall empower any court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

In other words, this bill is saying to the Supreme Court that, as much as it may like to enforce integration, or the 14th amendment, or whatever one wants to call it, it is the will of this Congress by this bill to continue to guarantee segregation in the North and to press integration in the South. I have said before, and I repeat now, this is a North-South bill, for the North and against the South. Again, this is a cause of my adamant and complete opposition to this bill.

TITLE V

Mr. President, title V deals with the Civil Rights Commission. Under this title, the Civil Rights Commission would be made a permanent body and would be given new and sweeping authority.

This new authority would convert the Civil Rights Commission from a temporary agency into a national clearinghouse for information concerning details of the equal protection of the laws.

The Civil Rights Commission really amounts to an Executive Commission with judicial powers. It will make investigations concerning violation of our Federal laws. I see no reason why the Attorney General should be dissatisfied with the work of the Federal Bureau of Investigation along these lines. I see no reason why an investigative agency such as the Civil Rights Commission, as proposed under this bill, should have the authority to subpoena witnesses to testify and to hold hearings and to gather raw, unverified information about individuals—without any protection being extended to any American.

Mr. President, the implications and dangers of these new, far-reaching powers granted under this bill to the Civil Rights Commission are all too obvious. Surely not even the most zealous proponents of this bill can realize what they are doing. I am compelled to be against such unconstitutional, unwarranted and prejudicial legislation.

TITLE VI

Mr. President, title VI, "nondiscrimination in federally assisted programs," concerns me as much as any other section of this bill. It gives unlimited power to the President, and, of course, by delegation to his subordinates, to cut off funds from practically every program enacted by Congress for the benefit of our citizens. Title VI grants a power we should be very reluctant to give any man. A power, I might add, described by our late President Kennedy as one which no man should be given.

Seniority rights of employees could be destroyed by title VI, as well as the rights of labor unions to choose members and determine their rights and relationships.

Title VI could affect the rights of farmers in their use of their land and the employment of helpers.

Title VI, in conjunction with titles II and VII, will drastically affect the rights of owners of hotels, motels, inns, restaurants, cafeterias, lunchrooms, soda fountains, motion picture houses, theaters, concert halls, sports arenas, and any other place of entertainment insofar as choosing their clientele and personnel for the mutual enjoyment of any one group.

Title VI makes available to the Executive the entire Federal budget for use to effect sociological concepts embraced by any current administration.

Title VI, in conjunction with titles IV and VII, grants unlimited authority to the President to take whatever action he determines appropriate concerning employment. This could result in tremendous influence that can be exerted on public and private schools and colleges benefiting from any Federal financial program, including the handling of pupils, placement of faculty members and other personnel.

One of the things about title VI, as well as about the entire bill, which concerns me deeply is the shocking lack of definition, lack of criteria, lack of direction, to guide the agencies as to what they are expected to do under this law. Many of these agencies operate under the theory that they possess expertise; that they have a great deal of understanding in the fields in which they operate, more even than the courts themselves; therefore they enjoy in many cases immunity from court review of their decision.

Mr. President, I am simply and flatly opposed to this legislation and any legislation of this type.

We have a varied and broad range of programs in our States which are federally assisted. We try to help everyone—from the dope addict to the aged, infirm and helpless. Each of these programs required careful and deliberate consideration by the Congress. Legislative hearings, lengthy debate, much work and serious thought went into the enactment of the legislation creating these programs. I am equally opposed to giving any bureaucrat the power to decide on such vague criteria as those included in this title to cut off the funds from any of these programs as any man could possibly be.

TITLE VII

In my opinion, title VII, which would create an Equal Opportunities Commission, is one of the worst sections of the bill. Under the guise of offering equal employment opportunities to certain persons, it infringes on many of the liberties enjoyed by all Americans, regardless of race, creed, or color.

Title VII sets up an Equal Employment Opportunities Commission to police and investigate all industries affecting commerce, which includes any activities, business or industry in commerce, and all persons, labor unions, partnerships, associations, corporations, legal representatives, joint stock companies, trusts, unincorporated associations, trustees, trustees in bankruptcies and receiverships and even churches. The wide range exercised in this title will affect virtually everyone doing business in the United States, limited in its scope only by the exclusion of businesses hiring small numbers of people, changing this number slightly over the early years of the law's function, and many of these are covered under other sections of this bill.

This title removes from the businessman the right to pick his associates, hire, fire, promote, or grant benefits according to his personal judgment or the judgment of his subordinates. When fully implemented, this Commission will have $10 million a year to create a big brother bureaucracy to meddle in the affairs of virtually every business or industry, labor union, organization or activity in the United States.

The passing of legislation such as this under the banner of equal rights is a mockery. Throughout the history of our country, the heritage passed from one generation to the next has been that of liberty, not the right to any specific job. Under the proposed terms of granting the right to specific jobs, this legislation removes much of the liberty Americans have associated with property since the acceptance of the Bill of Rights.

Many times in our history it has been pointed out that without property rights there are no rights, but here, in a single stroke, many of the property rights long held dear by the American people will be diminished for an objective which I believe will not be forthcoming if this legislation is enacted.

TITLE VIII

Mr. President, title VIII is a comparatively short provision pertaining to registration and voting statistics, adding provisions to the Census Act.

Mr. President, the mere fact that a section in the bill of this type is short does not necessarily mean that there are not boobytraps lurking in the dark recesses of the weird conceptions behind every word. But as far as I am personally concerned, I believe that title VIII has less boobytraps per word than the more lengthy sections of this bill.

There are, however, several possibilities for misuse inherent in this simple title. As originally appearing in the bill, title VIII required a voting census to be taken—period—and was not restricted to any areas designated by the Commission on Civil Rights. The very fact that the title has been changed to provide for censuses only in those areas recommended by the Commission on Civil Rights proves the possibility that this provision can be used as a tool or lever to embarrass any particular area the Commission may desire to intimidate and coerce, for reasons political or racial, or both.

If we need a survey, or a census on voting registration, we should have a national survey. An area or regional survey may indicate voter patterns that seem discriminatory on their face, but it may actually be attributable to nondiscriminatory factors. Under such circumstances, it is certainly unfair, to say the least, to empower any man or commission to single out any area in order to publicize, denounce, or commend it.

Title VIII is probably the least obnoxious section of this bill, but the way in which it is drafted, like the rest of the bill, could very easily lead to abuses against the people. Title VIII should be struck down along with the rest of the bill.

TITLE IX

Title IX of the original bill was bad enough until the substitute bill authors added into this section the "intervention by the Attorney General" section that was deleted from title III of the bill. In addition to this, though, title IX of the substitute bill contains probably the most radical departure from Federal rules and procedures of the entire bill.

Under our present law, certain actions brought in the State courts may be removed to Federal court in the district in which the action is pending. The law of removal provides that upon filing of a petition by the defendant and the posting of a bond, jurisdiction is taken away from the State court. No further process can proceed in the State court. No depositions can be taken. Any scheduled hearings or hearings underway must be suspended and the matter is completely removed from the State court until such time as remanded by the district court.

Any lawyer can easily see that jurisdiction of any given State court could be virtually stalled while endless litigation was carried forth in the Federal courts appealing adverse decisions all the way to the Supreme Court of the United States.

This radical departure from our orderly procedure in our Federal courts would place litigants bringing action in civil rights cases in a preferred position held by no other parties seeking redress of their grievances.

The advantage to be given to civil rights litigants under this proposed change is unfair to our State courts, our Federal district judges and all the litigants with matters pending that do not have similar rights, advantages, and protections.

TITLE X

Title X establishes in the Department of Commerce a Community Relations Service, headed by a Director who shall be appointed by the President, and additional personnel to be appointed by the Director.

This exaggerated superstructure of all human relations services is charged with assisting communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices, based on race, color, or national origin.

Mr. President, here again we see a weird, perverted design of the interstate commerce clause to allow the Federal Government to enter into a new field affecting the very relationship of neighborhoods on the local level—and with the Congress imposing virtually no restrictions on the jurisdiction of the new Community Relations Service.

Despite all the detailed objections to this section of the bill, the simple construction of a new Federal bureau with nothing more to do than to pry into the lives of our people is sufficient grounds for me to be completely opposed to it.

TITLE XI

Mr. President, title XI, of course, is the miscellaneous section, aimed at tying up loose ends. It contains the usual proviso which would allow this legislation to continue in force even if parts of it are declared unconstitutional.

The authors of this bill, I must admit, were farsighted enough to provide that such funds as may be needed, and not a specific amount, be appropriated to carry out this law, because no one on the face of the earth can estimate with any accuracy how much money this gigantic grab for power will cost the American taxpayer.

Furthermore, if all the insidious provisions of this civil rights bill were enforced to any extent at all, the authorization for appropriations contained in title XI could very easily exceed the national defense budget in coming years.

At this very time racial violence is flaring, not only in the South, where our well-founded institutions were removed by judicial decree, but all over the North where protection gimmicks similar to those contained in this civil rights bill are already in force. These Northern States that have attempted to solve the racial problem with civil rights legislation have themselves suffered more and more racial violence; and I fear, even as this bill is being passed, we are seeing an increase all across the North in racial violence.

This law we are about to pass—although I shall certainly vote against it—is no solution. The very advocates of this legislation who strongly urged its passage months ago to get the demonstrators off the streets and into the courts are now saying, with the bill's passage imminent and assured, that this is no solution but merely a framework within which differences must be resolved.

Mr. President, this is the very statement those of us opposed to this bill made from the beginning—that this bill was no solution to the racial problems confronting America today, but, indeed, would only multiply these problems.

Now that we are in the final hours of debate on this legislation and it is in fact about to become the law of the land, very little is heard from the proponents about the "magic effect" it would have in reducing the racial tensions of this Nation.

It amused me to listen to the Senator from Minnesota a few moments ago when he said nobody knew what was going to happen, or words to that effect.

Mr. President, in addition, this bill has had a most unusual trip in its journey through the legislative halls. Not one Senate or House hearing was held on this piece of legislation to allow the citizens of this great country of ours to bear witness to the far-reaching effects this bill would have on their homes, schools, businesses, neighborhoods, associates, or to call attention to the many rights that are actually being taken away by this bill.

When the proponents of this legislation spoke at length as to why they wanted it and refused to be interrupted for enlightening debate and no questions were allowed to be asked, not a word was uttered in the press claiming "filibuster, talkfest, or delaying tactics." But as soon as the Senators who are opposed to this legislation started point by point to clarify the provisions of this legislation and let the people know just exactly what was at stake, a great clamor arose to cut off debate.

I predict this bill is not going to solve the racial differences but will amplify them and it will cause more racial unrest in the months ahead than any of us have ever witnessed in our lifetime.

As the months pass and the bill is shown to be obviously unenforcible, as racial hatreds increase and racial violence multiplies, when the racial situation in the North becomes so explosive as to be intolerable, I remind my friends in the North that force legislation such as is being forced into law here, is not the way for a peaceful America. History will undoubtedly record this bill as the "Uncivil Riots Act of 1964."

Mr. HOLLAND. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. HOLLAND. I yield myself my remaining time, which is 15 minutes, as I understand.

In the beginning, I ask unanimous consent to have printed at this point in the RECORD a list of 106 amendments which were rejected by the Senate in the course of this debate.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 9, 1964

Hickenlooper amendment to eliminate special training for school officials to deal with school integration problems.

Cotton amendment to limit employment provisions to businesses with at least 100 employees.

Ervin substitute for Cotton amendment which would have eliminated title VII of the bill entitled "Equal Employment Opportunity."

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 10, 1964

Russell amendment providing that November 15, 1965, shall be the effective date of title II of the bill respecting public accommodations.

Gore amendment to eliminate title VI of the bill respecting nondiscrimination in federally assisted programs.

AMENDMENTS TO H.R. 7152 REJECTED BY SENATE ON JUNE 11, 1964

Cooper amendment to extend from 5 rooms to 10 rooms the exemption to operator of a transient lodging establishment.

Ervin amendment to eliminate language allowing Attorney General to enter into agreements with State or local authorities for conduct of voting tests.

Ervin amendment to strike language allowing Attorney General to intervene on certification of its general public importance in any Federal court action seeking relief from denial of equal protection of the laws under the 14th amendment to the Constitution.

Ervin amendment to eliminate language under title IX that would bar review on appeal or otherwise of an order remanding a case to the State court from which it had been removed.

Long (Louisiana) amendment barring Federal action to require any person in sale, lease, or other disposition of residential housing to negotiate or enter into any contract with a person not of his own choosing.

Ervin amendment outlining rights under existing law protecting ownership, enjoyment, and disposition of private property and providing for repeal of any laws inconsistent with such rights.

Ervin amendment providing that nothing in title II (public accommodations) shall be construed to require any operator of such a place to render any personal service to another against his will.

Smathers amendment to provide that there shall be no discrimination because of age.

Tower amendment providing that it shall not be an unlawful employment practice for an employer to give a professionally developed ability test for employment or promotion.

McClellan amendment respecting composition of Commission on Equal Employment Opportunity.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE ON JUNE 12, 1964

Stennis amendment to make it a Federal offense to cross State line for purpose of violating a State law.

Thurmond amendment to eliminate from the literacy test provisions in the bill the requirement that the voter must have been educated in the English language.

Thurmond amendment to eliminate the injunctive enforcement procedures as to public accommodations and to substitute criminal penalties therefor.

Tower amendment respecting agreements requiring membership in a labor organization.

Tower amendment providing that title VII will constitute the exclusive means whereby the Federal Government may grant or seek relief from any remedy respecting any employment practice of any employer covered by such title.

Russell amendment to provide that the legislation shall take effect only after the qualified voters have approved thereof in a national referendum.

Sparkman amendment to exempt from title II certain lunch counters, soda fountains, etc., operated within owner's own residence.

Sparkman amendment to make clear that under title II any person may take lawful action to protect or enforce any right, privilege, or remedy guaranteed by the Constitution or a Federal statute or a valid State law.

Thurmond amendment providing that coverage in title II of an inn, hotel, etc., shall be only as to interstate transient guests.

Stennis amendment providing that in certain cases the court, upon request by defendant charged under the legislation, shall assign counsel and at its discretion allow a reasonable attorney fee to the defendant.

Ervin amendment to eliminate coverage in title II of an establishment within premises of any establishment otherwise covered by the title.

AMENDMENTS TO H.R. 7152 REJECTED BY THE SENATE JUNE 13, 1964

Johnston amendment to exempt child care and foster homes from provisions for cutoff of Federal funds in cases of discrimination.

Tower amendment requiring any employee of the Equal Employment Opportunity Commission to identify himself when serving in official capacity as an investigator therefor or there can be no unfair employment practice finding.

Hill amendment to exempt from title on public accommodations such places as churches, cemeteries, or fraternities.

Hill amendment to require in hearings under the provisions for cutoff of Federal funds such guarantees in the Administrative Procedure Act as timely notice, right to counsel, subpena of witnesses, etc.

Ervin amendment to eliminate all of title I (voting rights).

Ervin amendment to eliminate from title I bars against nonuniform voting tests or certain nonmaterial errors or omissions.

Johnston amendment providing that proceedings under title I shall be before the district judge before whom the proceeding had been instituted rather than before any one of the district judges before whom instituted.

Ervin amendment eliminating from title I the provision that would make completion of a sixth-grade education a rebuttable presumption of literacy.

In addition to the actions above, Senate voted to sustain decision of the chair in upholding Humphrey point of order on ground of germaneness against Thurmond amendment barring abrogation or alteration of any treaty or agreement between United States and any Indian tribe or group except pursuant to legislation hereafter enacted.

Nine record votes were taken Saturday, June 13, 1964.

AMENDMENTS TO H.R. 7152 REJECTED BY SENATE, JUNE 15, 1964

Ervin amendment to eliminate language in title I (voting rights) providing for proceedings to be instituted by the United

States in any district court when Attorney General requests findings of a pattern of discrimination.

Byrd (West Virginia) amendment to eliminate title II (injunctions against discrimination in public accommodations).

Russell amendment to eliminate from title IV (public school desegregation) language that would bar courts from seeking to achieve racial balance in public schools by transporting pupils between school districts.

McClellan amendment (modified) providing that it shall not be an unlawful employment practice to hire anyone employer believes to be more beneficial to the particular business involved than another individual without regard to race, color, religion, sex, or national origin.

Ervin amendments, en bloc, requiring Attorney General when he institutes suits for designation of public facilities to establish by evidence rather than by certification that complaint on which he acts is meritorious.

Johnston amendment to eliminate all of title I (voting rights) except for the creation of three-judge courts.

Thurmond amendment to title II to eliminate requirement that for the operation of an establishment to affect interstate commerce within the meaning of the legislation a substantial portion of the products sold have moved in commerce.

Smathers amendment to exempt all barber and beauty shops from title II of the legislation.

Thurmond amendment to delete language that would give Attorney General power to institute suits against discrimination in public accommodations.

Long (Louisiana) amendment to substitute for title II language authorizing Federal loans to provide public accommodations which serve the public without discrimination.

Hill amendment to exempt from title II any business with more than five employees.

McClellan amendment to provide that title VII (equal employment opportunity) enumeration of unlawful employment practices shall apply only when discrimination is solely because of race, color, religion, sex, or national origin.

Ervin amendment to exempt from cutoff provisions as to Federal assistance nine specified Federal programs.

Thurmond amendment to allow court to appoint attorney for defendant in title II proceedings.

Amendments to H.R. 7152 Rejected by the Senate on June 16, 1964

Long (Louisiana) amendment to exempt from title on public accommodations places of exhibition or entertainment located in the residence of the owner or operator.

Ervin amendment to include religion in the prohibitions against discriminations that may cause cutoff of Federal assistance in certain programs.

Ervin amendment to allow any taxpayer to sue any Federal agency for use of Federal funds other than in pursuance of the Constitution.

Ervin amendment to authorize taxpayer suits to test the constitutionality of loans and grants to religiouosly affiliated institutions, or suits by publicly owned institutions on similar grounds.

Thurmond amendment to delete language authorizing Attorney General to intervene in cases involving denial of equal protection of the laws and for appeal of Federal court order transferring a civil rights case to a State court.

Byrd (West Virginia) amendment to delete authority for court to allow payment of a reasonable attorney fee to the prevailing party, other than the United States in a public accommodations suit.

Sparkman amendment to exempt doctors' offices, cemeteries, mortuaries from public accommodations title.

Long (Louisiana) amendment exempting all but willful violations of the public accommodations title.

Stennis amendment to provide that in situations where Attorney General is authorized to intervene under title IX the attorney general of the State involved may also intervene when the defendant is an officer or an employee of that State.

Thurmond amendment to conform with other statutes in requiring that administrative remedies be exhausted before resort to court action.

Ervin amendment providing that in intervention suits by Attorney General for violation of equal protection of the laws the Attorney General must certify, and the judge must determine, that the ends of justice require such intervention.

McClellan amendment barring Equal Employment Opportunity Commission from withholding any evidence, or testimony, or records from any court or congressional committee.

Thurmond amendment to delete language in title II providing that all persons shall be entitled in such places to be free from any discrimination or segregation required by any State law.

Thurmond amendment to title II to provide that the enforcement of State or local trespass laws by State or local police upon request of owner or operator of a privately owned establishment shall not be deemed to be discrimination or segregation supported by State action.

Ervin amendments, en bloc, to title II to require a close and substantial relation to commerce, to delete language that would cover, in the legislation, those who "offer to serve interstate travelers," and to define further the product sold and entertainment presented which move in commerce.

Thurmond amendment to title III to include sex among the conditions the Attorney General may protect by institution of suit in event of segregation.

Thurmond amendment to delete language to authorize Attorney General to institute suits in public school cases.

Long (Louisiana) amendment to provide that a substantial portion of the patronage of an inn, hotel, or other public lodging, to be included under public accommodations title must be interstate travelers.

Long (Louisiana) amendment to provide that a place of public accommodation is one "regularly engaged for profit in the business of serving the public" rather than "serves the public."

Thurmond amendment to title IV to eliminate from definition of a public school the language "or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source."

Long (Louisiana) amendment providing that in intervention by Attorney General in suits for preventive relief or injunctions there must be a showing of good cause therefor.

Thurmond amendment to delete language that would authorize investigation of citizens being unlawfully accorded the right to vote.

Thurmond amendment to title V by authorizing the giving of evidence or testimony by employee to any authorized congressional committee.

Long (Louisiana) amendment to provide that all persons shall be entitled in a "place of public accommodation" to be free from any discrimination or segregation required by State law, rather than all persons "at any establishment or place."

Thurmond amendment providing that the rules and regulations to be issued by Federal departments or agencies relating to cutoff of Federal funds for programs shall be approved by Congress rather than the President before becoming effective.

Thurmond amendment providing that rules and regulations to be issued by Federal agencies relating to cutoff of Federal funds for programs shall be approved by Congress rather than by the President before becoming effective.

Long (Louisiana) amendment requiring Attorney General before intervening in a public accommodations suit to conduct investigation to determine probable cause for belief that the alleged act or practice prohibited has occurred or is a threat.

Ervin amendment to eliminate title X.

Thurmond amendment directing Secretary of HEW to withhold funds granted or loaned under any Federal program from any school district which has voluntarily desegregated its public schools but does not attempt by busing, or otherwise, to correct racial imbalance in any of its public schools.

Ervin amendment to title VI providing that whenever there is reason to believe that discrimination is being practiced the agency concerned shall refer the question to the Attorney General for investigation, the result of which may be basis for trial by jury, with the burden on the Government to establish that the funds should be cut off.

Ervin amendment providing that whenever Federal agency believes discrimination is being practiced it will transmit the question to the Attorney General for investigation after which he may bring suit, the judge to issue order therein without trial by jury.

Thurmond amendment to include nonmembership in a labor union among the specified conditions against which there may not be discrimination in employment.

Thurmond amendment to title VII to provide that an employer is a person engaged in an industry "engaged in interstate commerce" rather than engaged in an industry "affecting commerce."

Thurmond amendment to provide that the Equal Employment Opportunity Commission shall elect its own Chairman and Vice Chairman rather than for the President to designate them as such.

Amendments to H.R. 7152 Rejected by the Senate June 17, 1964

Thurmond amendment to make violations of title VII (equal employment opportunity) subject to jury trial.

Thurmond amendment to eliminate language that would authorize Equal Employment Opportunity Commission to recommend to Attorney General intervention in or institution of an employment suit.

Ervin amendment to eliminate authority of a member of Equal Employment Opportunity Commission to file a complaint of discrimination in employment.

Ervin amendments, en bloc, specifying additional procedures to be followed in implementing provisions of bill providing for cutoff of Federal funds for certain programs.

Thurmond amendment to permit members of Equal Opportunity Employment Commission to provide information to congressional committees.

Thurmond amendment barring courts from assigning attorneys to complainants in employment cases.

Thurmond amendment to delete authority for courts to permit Attorney General to intervene in employment cases.

Thurmond amendment to eliminate language providing that Norris-LaGuardia Act shall not apply with respect to civil rights actions under section preventing unlawful employment practices.

Ervin amendment to title II to provide that before Attorney General may intervene in a lawsuit he must show there is substantial cause therefor.

Ervin amendments, en bloc to titles II and VII providing that court may appoint attorney for complainant only if such attorney consents.

Ervin amendment to eliminate provisions of title II which would allow attorney fee to prevailing party, other than the United States.

Thurmond amendment to title VII to provide that failure by employer to comply with requirement of posting of notice of pertinent parts of this title shall not constitute more than one offense until after written notice has been given the employer by the Commission as to existing noncompliance.

Thurmond amendment to eliminate title VIII (registration and voting statistics).

Johnston amendment modified to eliminate from title I (voting rights) provision for the three-judge court to hear cases thereunder upon request of the Attorney General.

Thurmond amendment to title VIII so that registration and voting statistics will be compiled on a nationwide basis rather than in such geographic areas as may be recommended by Commission on Civil Rights.

Thurmond amendment to title IX (intervention and procedure after removal in civil rights cases) to allow Attorney General to intervene in such cases upon determination and certification by court wherein suit was originally filed rather than upon certification by Attorney General only.

Thurmond amendment to title IX providing that no action thereunder shall be classed as a class action but the order therein shall be limited to the individuals named in the complaint.

Thurmond amendment to title X so as to allow employees of Community Relations Service to furnish information to congressional committee without being in violation of law.

Thurmond amendment to limit to 10 the number of employees of the Community Relations Service.

Thurmond amendment to limit Community Relations Service to disputes that affect interstate commerce.

Thurmond amendment to substitute the "judgment of the community involved" for the judgment of the Community Relations Service in determining in which disputes the Service's assistance will be offered.

Mr. HOLLAND. I placed in the RECORD Wednesday, June 17, the list of 65 amendments which the Senate adopted to the House bill and which were regarded by the professional staff of the Judiciary Committee as most substantial among the more than 100 amendments which were adopted.

It is interesting to note that 61 Members of the Senate voted for 1 or more of the 106 rejected amendments, indicating a very substantial dissatisfaction among Senators with many parts of this bill which has been so heavily amended since it came over from the House when we were told we should adopt it without dotting an "i" or crossing a "t."

Mr. President, in my opinion, the passage of this legislation will be a tragic mistake for our country—all of it. I have already stated during this long debate many reasons for opposing this so-called civil rights law and I shall not attempt to enumerate my specific objections again in the few minutes remaining to me. I will, however, make several brief observations:

First, in adopting this bill as a result of voting cloture, the Senate will violate, in my opinion, a cardinal principle of American democracy.

Mr. Walter Lippmann stated this principle well in a 1949 column from which I ask unanimous consent to have excerpts printed in the RECORD as part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ARTICLE BY MR. WALTER LIPPMANN IN 1949

> The American idea of a democratic decision has always been that important minorities must not be coerced.
>
> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.
>
> * * * * *
>
> For a decision which has to be enforced against the determined opposition of large communities and religions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.
>
> The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.
>
> For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.
>
> * * * * *
>
> The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negros will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is to be conserved.
>
> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. HOLLAND. Mr. President, I quote Mr. Lippmann's words briefly:

> The American idea of a democratic decision has always been that important minorities must not be coerced * * * for a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overriden will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision. For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained.

Please keep in mind that these are the words of Mr. Lippmann and not my own, but they are based on his wide knowledge of American history.

In spite of the fact that my own advice must be always that the laws which are passed should be obeyed, I believe that Mr. Lippmann was sound in his statement that a great area of the country should not be coerced and that such coercion would prove futile. That situation becomes even worse in the present case because of the unequal treatment in the pending bill under titles II and VII which is given to the Southern States and which has been so ably discussed by other Senators during this debate.

My second observation is that such a law as this in many of its contents is doomed to failure before it is enacted because it involves an attempted coercion of men's minds and hearts in a field where persuasion, education, good will and experience must prevail in the effort to determine what adjustments will be regarded as tolerable by citizens of both races in the solution of our difficult biracial problems. Coercion and compulsion in such a field will not work.

My third observation is that apparently we do not learn from experience. In the tragic era of Reconstruction, nearly 100 years ago, the last southern President to serve this Nation, prior to November of last year, was ignored by an inflamed majority of the Congress who repeatedly overrode the vetoes of President Andrew Johnson. The two offenses which Andrew Johnson committed against that overzealous majority of the Congress were these: He insisted, steadfastly, on following the conciliatory approach to Reconstruction which had been laid down by Abraham Lincoln and he stubbornly insisted that the Constitution should be observed. The history of our Nation shows all too tragically what resulted from the action of a transient majority of the Congress, led by the infamous Thaddeus Stevens and others equally intolerant, and yet that lesson of history, which should be so clear, is being ignored again today in the passage of this bill by a transient majority of the Congress.

Fourth, passage of this bill ignores the very great progress that has been made and would have continued to be made in the South through the efforts of moderates of both races within the last 3 decades, which progress has been made almost wholly by the southern people themselves and under southern leadership. The lynchings which were such a blot on the record of Reconstruction have ceased. The leadership came from southerners and I remind the Senators that the senior Senator from Virginia, HARRY BYRD, as Governor of that great Commonwealth, led the way by insisting upon the enactment of a strong antilynching bill which ended that crime in that State. Other Southern States followed. The poll tax system has largely been eradicated. In all but five Southern States it is gone entirely, and in most of these five, it has been greatly softened.

Nationally, as to Federal elections, it is now accomplished by constitutional amendment offered and insisted upon by southern leadership. In education, the improvement has been so vast as to have commanded the notice of educational leaders throughout the Nation. The use of public facilities is now generally open to citizens of all races as a matter of both law and practice. As to so-called public accommodations under biracial leadership in many southern areas, a course of trial and error experimentation is underway under which both races are finding out what they can tolerate on a permanent basis. Most of this change and adjustment has come about through the efforts of moderates in both races whose continued leadership and service will be made vastly more difficult by the passage of this legislation. How blind and heedless can zealots be? Why should we hopelessly handicap the moderates?

Those who read the history of our Nation will note that in many matters our philosophy has swung like a pendulum, back and forth, and such seems to be true in this case. The pendulum has swung far to the side of too great haste, too great coercion, too little persuasion, too little tolerance and understanding. It will swing back, inevitably, to something more moderate and in the meantime, all good Americans will have to summon all of the patience within us in the effort to head off disasters which may easily fall upon us as the result of the passage of this bill.

If I may speak for a moment about the area which I represent in part—the great Southland—which for the first three-quarters of a century of our Nation furnished so much of its leadership—I must say that we will not only survive this experience, but we will come through with flying colors, with continued development and prosperity, with continued biracial progress in many fields through conscientious and continuing efforts, and I believe without much of the disorder and lawlessness which has already reared its ugly head in other parts of the Nation and which I fear will vastly increase.

Mr. President, the Negro people of States outside the South are due to have a rude awakening, not just from the fact that the Dirksen-Humphrey rewrite of the House bill deliberately makes the impact of this proposed law less severe upon the non-Southern States, but also because there is little in this bill to affect most of the States outside of the South. Most of these States already have laws in the fields covered by this act which go as far or further than does this so-called civil rights bill. They all have public accommodations laws. They all have laws against segregation in schools. Most of them have FEPC laws which are more severe in their terms than is title VII of the pending bill. The record is all too clear that these laws have not worked, have not brought about the solution which they were intended to bring. Unemployment of the Negro people in the North is much worse than it is in the South, as shown by Federal statistics of the Census Bureau and Department of Labor placed in the RECORD during this debate. The evils existing in the de facto segregated schools of the northern cities are greater than those in most of the southern Negro schools, but there is practically nothing in this bill to affect in any way the problem of de facto segregation in the Negro slums of northern cities. This bill does not create a single job except for the personnel who shall be required to administer it. This bill cannot bring a solution of the serious racial disturbances now existing in the North. I strongly feel that the disappointment and frustration of unhappy, unemployed, poorly educated, ill-housed, and misled northern Negroes, when they find this out, will bring about greatly worsened conditions in the North, particularly in the great cities. I shall deeply regret that fact and shall do all within my power to bring about a remedy, but there is no remedy within the many pages of this pending bill.

The months that lie ahead of us will be trying ones—they will call for patience and more patience—they will call for leadership in the path of goodwill and tolerance which has been sadly lacking. I suppose most of us saw on television last night and this morning the sorry spectacle of Dr. Martin Luther King and his platoon of Negroes and misguided preachers and Rabbis insisting upon violating the law of Florida—and it is still our law—by forcing their presence into a segregated motel property and even into the segregated motel swimming pool. I could not help wondering whether the eager Negro youths who trespassed into the water of the swimming pool might have been reading of the well-publicized swimming pool antics which have marked some of the social activities of the Attorney General.

Mr. President, I urge that from this day forward the President and the Attorney General shall assert strong leadership, heretofore sadly lacking, to discourage such tactics as those to which I have referred, which are open invitations to violence on a scale which we have not seen. The question should become a legal one on the passage of this bill and every action, of all persons involved, should be directed to giving the courts a chance, and discovering as speedily as possible, and in an atmosphere of calm, what portions of this new and revolutionary law will be upheld by the courts as consistent with the Constitution of our land.

In closing I wish to state again what I have tried to say several times in the course of the debate; namely, that in this field, the mere passage of a law in Washington will not bring solutions; the mere handing down of a decree by a Federal court, even by the highest tribunal in the United States, the Supreme Court, will not bring solutions; the mere sending down of troops, or the use of economic coercion, or an Executive order, or any use whatever of coercion or compulsion will not solve these problems, deeply rooted as they are in the minds and hearts and souls of men and in the traditions of great areas of this country.

Anyone who thinks that solutions will come from such legalistic handling is baying at the wind, and failing to learn from the lessons of history, failing to realize that a kindly heart, a gentle disposition, personal good will, and the dedicated aim to try to find solutions of these problems will bring about results which the two races will tolerate.

That will be the real standard which this country must work toward—to find solutions that will be tolerable to both races, both the white race and the colored race.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, now the trumpet summons us again as a solemn invitation to bear the burdens of the long twilight struggle against the inequities of our times—a twilight struggle to help dissipate the Nation's long, hot summer of discontent.

We will all have to bear the burdens of this struggle in the months and years to come. This is not a regional responsibility—nor is it a sectional concern. Who is there among us today who has not been guilty of some act of transgression against the rights and liberties of his fellow men? Which are the States completely innocent of some degree of bias and discrimination against certain segments of its population in the past or in the present? The pristine and the pure are few among us.

For, as we have so often read, it is all who have sinned and come short of the glory of God. In this area, every section of the human race must plead to some degree of guilt. In this area, in every man the original image of Him is somewhat tarnished. As Paul said:

> No distinction is made, for all alike have sinned, and consciously fall short of the glory of God.

East, west, north, and south, and even into the Pacific, I may add, we all have had our weaknesses and failings. Tolerance and forbearance, therefore, must be our guidelines as, I am certain, graciousness and concession will be the virtues of others.

There are signs which I have seen together with many others during these past hours, days, and months of debate on the civil rights bill, which indicate the responsibility and gravity with which most of us have attempted to resolve this great issue of our times. We have managed to come through the heated arguments and impassioned speeches of the recent past with very little of the personal bitterness and rancor which many had direly predicted as the cost of this legislation.

This is not to say that among us there are not those who are still convinced of the unwisdom and imprudence of passing such legislation. But once the national will became manifest on June 10, there has come about a general realization that the law of the land will have to be that which has been argued and debated since the last few days of the past winter.

We must all calmly assess the personal and collective consequences of prejudice and discrimination to our fellow men, not only upon those unfortunate enough to be the targets of such practices but upon society as a whole.

I know something of the abject humiliation and empty sense of frustration which is often the human condition of the minority in America. I can sense a little of the ennui and aimlessness of those denied the facilities and opportunities which all others may take for granted. But have we begun to realize the tremendous personal sacrifices and costs which we ourselves incur by such practices? Discrimination permanently scars the very soul of those who practice it, as well as those upon whom it is practiced. No man's psyche can escape this brush of tar. Racial bias creates abnormal individuals and patterns of society for which all must ultimately pay.

Now, the moral conscience and strength of the entire Nation must be mobilized in support. I have no doubt but that we will succeed. Laws may not change the hearts of men but law backed by the moral conscience of society has always exerted a powerful force in the civic life of men.

For what is the promise of life, liberty, and the pursuit of happiness but a moral injunction that all should enjoy these values so long denied this country before 1776? It may take more than a generation to infuse substance into the concept of equality under the law but if that concept is the law and if it is supported by the combined moral conscience of all citizens, we can at least hope for the kind of growth and development which made our constitutional guarantees much more than any 18th century political philosopher ever dared to dream.

But we should also remember that habits ingrained and attitudes solidified through history cannot be broken without some pain and adjustment. We will need the patience of Job and the perseverance of Ruth to see to it that we succeed in minimizing the dislocations and disruptions which are inevitable while maximizing the area of equality for all. If change we must, we must use understanding and restraint to insure its permanence—for more than once in history have the gains of reasonable men been nullified by the vindictive few.

Yes; the trumpet summons us all—not as a call for personal revenge against the wrongs of the past, though many have suffered the anguish of daily injustice—not as a shrill clarion to trample upon the rights of others in correcting these long-endured wrongs—but as a plea to all men of good will to undertake the challenge of the long twilight struggle with reason, understanding, and a sense of justice for all.

Mr. HART. Mr. President, I yield myself 4 minutes. There is a truism in America, that America is where a man is judged for what he is as an individual, not by the way he spells his name, or according to the side of the railroad tracks he lives on, or which church he worships in, or by the accident of his color; but that in America he is judged only on his merits.

The only trouble with the truism is that it has not been true. But just how far short of truth it fell none could agree. It was in 1957 that Congress determined to get the facts on discrimination in this country.

The Civil Rights Act of 1957 established a Commission on Civil Rights to which were appointed distinguished Americans from all sections of the Nation. The charge given to the Commission was to: First, investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; second, study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and, third, appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission was instructed to submit to the President and the Congress a comprehensive report on its activities, findings, and recommendations.

Under the distinguished, patient, and able leadership of its Chairman, Dr. John Hannah, of Michigan, who has now served under three Presidents, the Civil Rights Commission faithfully and diligently has carried out its assignments.

The bill we shall pass today is shaped, in large measure, by the comprehensive hearings, findings, and recommendations made to the Congress by the U.S. Commission on Civil Rights.

The subject matter of every title of this bill—from voting to employment, from public accommodations to education, and the expenditure of public moneys—was thoroughly and carefully investigated and reported on by the Commission. Few major enactments by the Congress have been preceded by such careful and extensive hearings as those conducted by the Civil Rights Commission.

It is noteworthy that the debate on this bill has not been marked by a dispute over the basic facts concerning the denial of equal protection of the laws to many American citizens.

This is due in large measure to the mass of facts the Civil Rights Commission has placed before the President, the Congress, and the American people over the past 7 years.

The Commission's recommendations for legislative action have, in some instances, gone beyond what we will enact in the Civil Rights Act of 1964. Yet no major area of concern identified by the Commission in its 7 years of work remains untouched by the act we are about to send to the President.

For the Congress to have done less in the light of the Commission's work, the record of hearings held by the House and Senate committees, and the unprecedented debate and discussion—yes, to have done less would have been unconscionable.

The bill on which we are now to vote is clearly within the traditions of our laws and Constitution. Let not the flag of unconsitititutionality distract us from the real reasons for much of the opposition to this bill.

The public policy this bill will establish is clear. It seeks to make true the truism. But the verdict ultimately is with the people of this country. It is the day-to-day conduct of each of us which will write the final chapter to the Civil Rights Act of 1964.

In guiding our day-to-day conduct the strong voice of America's religious leadership emphasizes the moral issue involved. In the inner heart and conscience of each American I hope there is agreement that every American should be judged just as each of us ask to be judged. And how is that? As an individual who is either good or bad, qualified or unqualified, by our individual merits—and not by our religion, our birthplace and not, while we are still 50 feet away, by the color God gave us.

CIVIL RIGHTS NEWSLETTER

Mr. President, many persons have been interested in the Bipartisan Civil Rights Newsletters that the managers of the civil rights bill have distributed to Senate offices during the debate on the bill. The first 25 issues of the newsletter may be found in the RECORD for April 9, 1964, on pages 7474 to 7484. I ask unanimous consent that the remaining issues of the newsletter be printed in the RECORD at this point.

There being no objection, the newsletters were ordered to be printed in the RECORD, as follows:

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 26 THROUGH 33

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 26

(April 9, 1964, the ninth day of debate on H.R. 7152)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Because of ceremonies honoring General MacArthur, the Senate recessed for 2 hours Wednesday afternoon, and only two quorums were called during the day. Each was met in less than 20 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will be in session until late evening. Live quorum calls can be expected at any time during the day. Title II, the public accommodations section will be discussed by proponents of the bill. Senators MAGNUSON and HRUSKA have been assigned responsibility for this title. Floor captains for the day will be:

Democrats: CLARK (10 a.m. to 1 p.m.); BAYH (1 to 4 p.m.); MUSKIE (4 to 7 p.m.); MOSS (7 p.m. to recess).

Republicans: JAVITS (all day); ALLOTT (all day).

3. The following story is reprinted in its entirety from the Greenville, Miss., Delta Democrat-Times of Friday, April 3, 1964:

"Senate gives money for civil rights bill fight

"JACKSON.—The State senate gave unanimous and quick approval Thursday to an appropriation bill providing $50,000 for use in fighting the civil rights bill pending in the U.S. Senate.

"The measure was passed a few minutes after a special appropriations committee session at which the bill was approved. The funds were earmarked for the State sovereignty commission.

"Authoritative sources indicated the grant would be a donation to the Coordinating Committee for Fundamental American Freedoms, headed by Attorney John C. Satterfield, of Yazoo City."

4. More information on Negro voting: Opponents of the civil rights bill often claim that Negroes have no interest in voting and other civic duties.

Yesterday we presented some evidence on this point. Today we compare the voting records of Mississippi, Georgia, and South Carolina to predominantly Negro areas in States where voting discrimination does not exist. These figures compare the percentage of citizens actually voting in these three States with the voting participation in two assembly districts in Harlem and three wards on the South Side of Chicago.

Only 14 percent of the total population of Mississippi voted in the 1960 presidential election, compared to 30 percent of the 14th assembly district, located in the middle of Harlem. Only 16 percent of the population of South Carolina voted, compared to 40 percent of Chicago's fourth ward. The official voting records show that in the Negro areas in New York and Chicago the voting rate was about twice as high as in Georgia, Mississippi, and South Carolina. These States would have a better voting record if their Negro citizens were allowed to exercise their constitutional rights. The complete official voting figures are listed below:

	Total population (1960 census)	Total vote in 1960 presidential election	Percent
Georgia	3,943,116	733,349	19
Mississippi	2,178,141	298,171	14
South Carolina	2,382,594	386,688	16
11th assembly district, New York	90,318	42,344	47
14th assembly district, New York	139,440	37,344	30
2d ward, Chicago	75,361	26,664	35
3d ward, Chicago	53,160	25,172	47
4th ward, Chicago	83,398	33,159	40

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 27

(April 10, 1964, 10th day of debate on H.R. 7152)

1. Quorum scoreboard: There were two quorum calls yesterday. The first one took 19 minutes and the second was made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. and will stay in session until about 10 p.m. Live quorums should be expected throughout the day. Senator DOUGLAS will speak on the background and precedents for punishment for contempt of court without jury trial. Other than this, it is expected that the opponents of the bill will speak at length. The floor captains for the day:

Democrats: PASTORE (10 a.m. to 1 p.m.); KENNEDY (1 to 4 p.m.); BREWSTER (4 to 7 p.m.); LONG of Missouri (7 p.m. to recess).

Republicans: HRUSKA (all day); MILLER (all day).

3. Quote without comment: "Mr. EASTLAND. The Senator from Illinois is talking about nothing. There is no economic discrimination in the South." (CONGRESSIONAL RECORD, Apr. 8, 1964, p. 7265.)

4. Religious groups oppose racial discrimination: At a hearing on a fair employment practices bill held by the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, a statement was presented on behalf of the churches and synagogues of America. We reprint excerpts from this important document:

"The religious conscience of America condemns racism as blasphemy against God. It recognizes that the racial segregation and discrimination that flow from it are a denial of the worth which God has given to all persons. We hold that God is the Father of all men. Consequently in every person there is an innate dignity which is the basis of human rights. These rights constitute a moral claim which must be honored both by all persons and by the State. Denial of such rights is immoral.

"We hope that this committee will report favorably on the proposals for guaranteeing full and fair employment without regard to race, color, religion, or national origin. We hope also that Congress will enact them into legislation as a necessary step in the process of securing for all people the opportunity to exercise the rights guaranteed by the Constitution of the United States."

The following are among the dozens of religious organizations that endorsed this statement of principle:

American Baptist Convention.
Christian Methodist Episcopal Church.
Disciples of Christ.
Moravian Church in America.
The Right Reverend Arthur C. Lichtenberger, presiding bishop, Protestant Episcopal Church.
United Church of Christ.
United Presbyterian Church, U.S.A.
The National Catholic Conference of Interracial Justice.
National Catholic Social Action Conference.
National Council of Catholic Men.
National Council of Catholic Women.
The National Council of Catholic Youth.
The National Federation of Catholic College Students.
The Newman Club Federation.
Union of American Hebrew Congregations.
National Women's League, United Synagogue of America.
Union of Orthodox Jewish Congregations of America.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 28

(April 11, 1964, 11th day of debate on H.R. 7152)

1. Quorum scoreboard: There were three quorum calls yesterday. All three were made in 20 minutes.

2. Today's schedule: The Senate will convene at 10 a.m. with the usual live quorum call. It is hoped that the second live quorum will not come before 12:30 p.m. It is expected that the opponents will speak at length. The floor captains for the day:

Democrats: HUMPHREY, DOUGLAS, (10 a.m. to 1 p.m.); MCCARTHY (1 to 4 p.m.); LONG of Missouri (4 to 7 p.m.); WILLIAMS of New Jersey (7 p.m. to recess).

Republicans: JAVITS, JORDAN of Idaho.

3. Brief description of title VII:

Unlawful employment practices: It would be an unlawful employment practice in industries affecting interstate commerce to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, union membership, or apprenticeship or other training programs. It would apply to employers of more than 25 persons, employment agencies, and labor organizations with more than 25 members. Governmental bodies, bona fide membership clubs and religious organizations are exempted. Also exempted are situations in which religion, sex, or national origin is a bona fide occupational qualification, or in which a church-affiliated educational institution employs persons of a particular religion. Employers may refuse to hire atheists.

The Commission: A five-man Equal Employment Opportunity Commission would have power to investigate written complaints filed by individuals or by a member of the Commission. On completion of the investigation, the Commission by two or more votes would decide whether there was reasonable cause to believe the charge was true. If it decided affirmatively, it would then attempt to secure compliance with the law through conciliation and persuasion. It would have no power to issue enforcement orders.

Enforcement: If efforts to secure voluntary enforcement fail, the Commission may bring suit in a Federal district court where a full judicial trial would be held in which the Commission would have the burden of proof. If the Commission decides against filing suit, the individual complainant could bring a private suit only with the written consent of a member of the Commission.

Under title VII, not even a court, much less the Commission, could order racial quotas or the hiring, reinstatement, admission to membership or payment of back pay for anyone who is not discriminated against in violation of this title. The recommendation of the hearing examiner in the Motorola case would not be possible under this title. The only requirement of title VII under the act is that employers apply the qualifications or standards they set without regard to race, color, religion, sex, or national origin.

State laws: The Commission is directed to utilize existing State fair employment laws to the maximum extent possible. Present State laws would remain in effect except to the extent they conflict directly with Federal law.

Effective date: In order to enable employers, employment agencies, and labor organizations to bring their policies and procedures into line with the requirements of the title, and to avoid a multitude of claims while such adjustments are being made, the act would not become operative until 1 year after its enactment and then would apply initially only to employers of 100 or more employees and labor unions of 100 or more members. The coverage would increase year by year until, 4 years after enactment, the act would apply to employers of 25 to 49 employees and labor organizations of 25 to 49 members.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 29

(April 14, 1964, 13th day of debate on H.R. 7152)

1. Quorum scoreboard: Civil rights Senators continued their current winning streak, making four quorums in the average time of 23 minutes. The outstanding performance of the day came in midafternoon, when Senator HOLLAND suggested the absence of a quorum during the last half of the third inning of the opening game of the 1964 baseball season. Senators returned from the ball park so promptly that the quorum was made in just 23 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time. It is expected that the bill's opponents will talk at length. The floor captains for the day:

Democrats: DODD (10 a.m. to 1 p.m.); NELSON (1 to 4 p.m.); METCALF (4 to 7 p.m.); PELL (7 p.m. to recess).

Republicans: KEATING (all day); DOMINICK (all day).

3. The quorum record: "Mr. HUMPHREY. During the week we could have used at least two more sets of doors in this Chamber, because our distinguished colleagues came through the doors with such alacrity and speed that we have broken all records. Senators have set a new historic record in answering quorum calls. On one occasion a quorum was obtained in less than 5 minutes. That requires jet propulsion." (CONGRESSIONAL RECORD, Apr. 11, 1964, p. 7667.)

4. Another concession.

"Mr. ERVIN. I am in agreement with the Senator from Illinois that there is no constitutional right to a trial by jury in criminal contempt proceedings.

"Mr. DOUGLAS. Or in civil contempt proceedings.

"Mr. ERVIN. In civil contempt proceedings, or in criminal contempt proceedings.

"Mr. DOUGLAS. Either in the presence of the court, or outside the presence of the court.

"Mr. ERVIN. The Senator is correct. I entertain the opinion that the majority decision of the Supreme Court in the recent appeal of former Governor Barnett and present Governor Johnson, of Mississippi, holding that the constitutional right of a trial by jury did not exist in criminal contempt proceedings, accords with the precedents followed by that Court since virtually the foundation of our Republic." (CONGRESSIONAL RECORD, Apr. 11, 1964, pp. 7693–7694.)

5. Selections from the "Educational debate":

"Mr. Eastland. The Senator would now set up a dictatorship in this country.

"Mr. Humphrey. I do not believe an elected President is a dictator.

"Mr. Eastland. Under these powers we would have a 'Ja, Ja' election. That is what it would be. It would be a 'Ja, Ja' election. No one could stand up to a man who possessed the powers that would be granted under the bill. * * * The Federal bureaucrat is tyrannical. The Federal bureaucrat is arrogant. Tyranny would result under the bill if it were passed." (Congressional Record, Mar. 21, 1964, p. 5865.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 30

(April 15, 1964—31st day of debate on civil rights; 14th day of debate on H.R. 7152)

1. Quorum scoreboard: Kept in good shape by their sprints back to the Senate Chamber from the ball park and the theater on Monday, civil rights Senators averaged 19 minutes in two quorum calls yesterday.

2. Today's schedule: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Live quorums should be expected at any time during the session. It is expected that the bill's opponents will talk at length (see item 3). The floor captains for the day:

Democrats: Hart (10 a.m. to 1 p.m.); Pastore (1 to 4 p.m.); Church (4 to 7 p.m.); Ribicoff (7 p.m. to recess).

Republicans: Javits (all day); Morton (all day).

3. Quote without comment: "The 19 southerners, under the leadership of Senator Richard B. Russell, of Georgia, exhausted most of their arguments against the bill during their initial 16-day battle to prevent the Senate from taking it up formally.

"The southerners are now making their third and fourth speeches and signs are accumulating that they are finding it weary going." (New York Times, Apr. 14, 1964, p. 25.)

4. Equality in Mississippi:

"Mr. Eastland. I know of no discrimination on the basis of race. I disagree with the Senator on the definition of discrimination, of course.

"Mr. Humphrey. The unconstitutional part, the un-American part, of the whole proposal is that taxes are collected from citizens of the United States without regard to race, color, or creed, while the benefits of the taxes are used in certain States with discrimination based upon race or creed.

"Mr. Eastland. Do not look at me. That does not apply to me.

"Mr. Humphrey. I look right at the Senator.

"Mr. Eastland. That statement does not apply to me or to my State." (Congressional Record, Mar. 21, 1964, p. 5865.)

As an aid to our readers in assessing the foregoing debate, we repeat some data from newsletter No. 22 on the administration of the Federal school lunch program in Greenwood, Miss. Forty-three percent of the average daily attendance in the Greenwood schools is Negro, yet the Negro students receive only 20 percent of the free lunches. On the other hand, the white students comprise just over half of the total student body, but receive 80 percent of the free lunches. (Source: Department of Agriculture.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 31

(April 16, 1964, 15th day of debate on H.R. 7152; 32d day of debate on civil rights)

1. Quorum scoreboard: The civil rights supporters continued to meet quorum calls with amazing speed on Wednesday. At press time (9 p.m.) four calls had been met in an average time of 18 minutes. It is anticipated that live quorums will be called with increasing frequency.

2. Schedule for Thursday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m.

Floor captains for Thursday:

Democrats: Long of Missouri (10 a.m. to 1 p.m.); Moss (1 to 4 p.m.); Morse (4 to 7 p.m.); McIntyre (7 p.m. to recess).

Republicans: Kuchel (all day); Prouty (all day).

3. Public accommodations and private property rights: Opponents of H.R. 7152 continue to argue that freedom to engage in racial or religious discrimination by public establishments is a constitutionally protected property right. Our newsletter of March 17 (No. 7) pointed out that the Supreme Court has twice sustained the constitutionality of public accommodations legislation, and that such laws exist in 31 States and the District of Columbia. It is often overlooked (particularly by those opposed to the bill) that the Supreme Court of the State of Mississippi sustained the validity of a public accommodations law stronger than that proposed by title II of the pending bill. The Mississippi case—*Donnell* v. *State,* 48 Miss. 661 (1873)—involved a criminal prosecution against a theater that sought to segregate a Negro patron. The court, in a unanimous decision upholding the statute, addressed itself to the question of private property rights and stated:

"The assertion of a right of all persons to be admitted to a theatrical entertainment * * * in no sense appropriates the private property of the lessee, owner or manager, to the public use." (48 Miss. 661, 682.)

Mississippi no longer has a public accommodations statute.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 32

(April 17, 1964, 16th day of debate on H.R. 7152; 33d day of debate on civil rights)

1. Quorum scoreboard: Civil rights supporters made four quorum calls in 20 minutes each during the daylight hours yesterday, and then took 40 minutes to make a quorum called at 8 p.m.

2. Schedule for Friday: The Senate will convene at 10 this morning and will stay in session until at least 11 p.m. Once again the bill's opponents will have the floor. Six live quorum calls should be expected today.

Floor captains for Friday:

Democrats: Clark (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.); McGovern (4 to 7 p.m.); Hart (7 p.m. to closing).

Republicans: Cooper (all day); Saltonstall (all day).

3. They just can't get enough of that discrimination: Mr. Smathers, "I know that if anyone is generally discriminated against today it is the people of the South." (Congressional Record, Apr. 13, 1964, p. 7799.)

On April 11, Senator Javits inserted in the Record Treasury Department figures showing the total Federal grants to State and local governments, and compared these figures with the Federal tax burden to pay for such grants that is carried by each State. The two figures are the same for the country as a whole, of course; but for the 11 Southern States it is quite a different story. In the 1963 fiscal year, for instance, these States contributed $1,652.8 million for such grant programs, and received $2,172.2 million in Federal grants. (See Congressional Record, Apr. 11, 1964, p. 7686.)

4. "Mr. Smathers. We are integrating on a gradual basis * * *. We are making progress. We are doing something. We are doing as much as reasonable people can expect to be done." (Congressional Record, Apr. 13, 1964, p. 7799.) The following passage describes conditions in Sumter County, S.C.:

"Because he is a Negro, Columbus Cooper is worse off than most. The gap between Negro and white farmer increases constantly. In 1950 the median income of colored farm families was 52 percent of white southern farm families; 1960 it had dropped to 45 percent. Most southern farm counties are eligible for Federal agricultural aid because of their impoverished Negroes, but most of the aid goes to white families. In nine counties around Cooper's where Negro farmers are a majority, only one of the county committees that decide whether a farmer will get a Farmer's Home Administration Government loan has a Negro on it. A friend of Cooper's who had farmed 21 years and had good credit with the Federal Government was turned down by such a county committee and immediately thereafter one of the white members of the committee offered him $10,000 for his 100 acres. Cooper's friend had to borrow $5,400 at 25-percent interest to keep his farm." (From Ben H. Bagdikian, "In the Midst of Plenty: The Poor in America," 1964; pp. 94–95.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 33

(April 18, 1964, 17th day of debate on H.R. 7152; 34th day of debate on civil rights)

1. Quorum scoreboard: Something seems to happen to civil rights Senators when the sun goes down. They made three daylight quorums in 20 minutes each, but took 78 minutes when a quorum was called at 7:52 p.m. Do we have to wait for the midnight sun to pass this bill?

2. The Senate will convene at 10 this morning and will stay in session until at least 4 p.m. Once again the bill's opponents will have the floor.

Floor captains for Saturday: Democrats: Hart (10 a.m. to 1 p.m.); Bayh (1 to 4 p.m.).

Republicans: Fong (all day); Smith (all day).

A short course in American history

"Mr. Long of Louisiana. Would it not be fair to ask what kind of fix the colored folks would be in if they had not been brought to this country, but had been allowed to roam the jungles, with tigers chasing them, or being subjected to the other elements they would have to contend with, compared with the fine conditions they enjoy in America?

"Mr. Thurmond. Of course, the Negroes are much better off as a result of their coming to this country. The progress they have made has not been the result of activities on the part of people who are seeking votes by defending the so-called civil rights legislation. The people who are primarily responsible for the progress of the Negroes are the southern people, because the South is where most of the Negroes have lived until recent years. The South has had this problem. It is familiar with it and has had to bear it. The people of the South have borne it bravely. They have done much for the Negroes, especially in view of the economic condition brought about by Reconstruction.

"Mr. Long of Louisiana. Would the Senator say that the Yankee slave traders were doing the work of God when they brought Negroes to this continent and put them in chains?

"Mr. Thurmond. The British first brought Negroes to America. Then the Yankees found they could make money by selling them. The Yankees brought them to America to work in the factories, but they found that because of the language and other difficulties it was not practical to use them in northern industries. But they found that the Negroes could be used on farms, so they sold them to the southern farmers. That is how the Negroes got into the South.

"Mr. Long of Louisiana. Considering the charge of discrimination, is it not true that the southern white, having been held down by the armies of conquest, and having been discriminated against by the crooked carpetbagger politicians out of the North for a great number of years, have had all they could do to educate their own children, much less the poor Negro children?" (Congressional Record, Apr. 14, 1964, pp. 7903, 7904.)

Bipartisan Civil Rights Newsletters 34 Through 39

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 34, APRIL 20, 1964

(The 18th day of debate on H.R. 7152; 35th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was only one quorum call on Saturday. It was made in the customary daylight time of 20 minutes.

2. Monday's schedule: The Senate will convene at 10 a.m. and will stay in session at least 12 hours. This bill's opponents will have the floor again.

Procedural rules will be enforced somewhat more strictly this week. It is anticipated that some voting on amendments will take place "deep in the week."

Floor captains for Monday: Ribicoff (10-1); Burdick (1-4); Williams of New Jersey (4-7); Muskie (7-close).

3. News items:

(a) "In Canton, Miss., a crowd of 260 Negroes waited in line all day to register to vote. Only seven of them managed to get inside the registrar's office to take the literacy test."

(b) "Mr. Stennis. * * * Anyone who is qualified and is legally entitled to vote and has met the requirements of the law * * * should be entitled to vote. * * * I know, too, that there must be some legal machinery to enforce vested rights. * * * The Government may be charged with some responsibility in the voting field." (Congressional Record, Apr. 17, 1964, p. 8296.)

4. Quote without comment: "Mr. Long of Louisiana. Is the Senator familiar with the fact that the prod sticks have been described as cattle prodders because they have been used on cattle? Is the Senator further familiar with the fact that the prod sticks are not designed for cattle but are designed for exactly the kind of 'animals' that they are touching; namely, reluctant human beings who insist on getting in the way of a policeman?

"Mr. Thurmond. * * * It seems to me that a stick of that kind might be appropriately used. There is not very much electricity in one. I remember once going through a secret organization ceremonial—a fraternal organization. There was a man after me with one of those sticks, and I ran for about 100 yards. I had to run fast to keep ahead of that stick because while it mostly tickled, it tickled pretty much. It would force one to move—it does not hurt anyone—but it is a practical means of getting people to move on." (Congressional Record, Apr. 14, 1964, p. 7901.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 35, APRIL 21, 1964

(The 19th day of debate on H.R. 7152; 36th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: We did well yesterday, making three quorums in 20 minutes each.

2. Tuesday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 10:30 p.m. Live quorums should be expected at any time. The bill's opponents will have the floor again. Floor captains for Tuesday:

Democrats: Magnuson (10-1); McCarthy (1-4); McGovern (4-7); Bayh (7-close).

Republicans: Keating (all day); Boggs (all day).

3. Another concession:

"Mr. Proxmire. Does the Senator from Mississippi deny that the overwhelming majority of whites in Mississippi can register and probably do register, and that the overwhelming majority of Negroes are not registered?

"Mr. Eastland. Would I deny it?

"Mr. Proxmire. Yes; would the Senator deny it?

"Mr. Eastland. No; I would not deny it." (Congressional Record, April 18, 1964, p. 8348.)

4. True crime stories:

(a) "Mr. Eastland. * * * Washington, from the standpoint of crime, is the worst city in the world.

"Mr. Ellender. The worst in the world. That is correct." (Congressional Record, April 18, 1964, p. 8345.)

(b) The following data are from the "FBI Uniform Crime Reports, 1962," the latest available data on crime rates in American cities. These figures show the crime rate per 100,000 inhabitants for all criminal offenses and for various crimes.

	Total offenses	Murder [1]	Forcible rape	Burglary
Atlanta	1,796.3	10.3	16.2	692.3
Charleston, S.C	1,891.2	8.4	11.1	873.6
Charlotte, N.C	1,592.9	11.9	7.5	736.8
Jackson, Miss	997.1	8.0	.5	550.2
New Orleans	1,417.4	9.1	10.9	480.2
Richmond	1,593.0	10.7	10.5	791.6
Washington, D.C	1,384.0	6.0	9.9	502.7

[1] Includes nonnegligent manslaughter.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 36, APRIL 22, 1964

(The 20th day of debate on H.R. 7152; 37th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: We're doing well: Three calls; average time, 23 minutes.

2. Wednesday's schedule: The Senate will begin at 10 this morning and will stay in session until at least 10 p.m. The leadership will propound a unanimous consent for a 1-hour morning hour. The bill's opponents will have the floor again. Floor captains for Wednesday:

Democrats: Dodd (10-1); Nelson (1-4); Metcalf (7-4); Moss (7-close).

Republicans: Cooper (all day); Morton (all day).

A short course on title V

A. The need for title V: Information is always necessary for legislation; the more controversial the field, the more important reliable information becomes. This need was recognized and met in the 20th century's first civil rights legislation, the Civil Rights Act of 1957. This bill established the Civil Rights Commission, which has provided an enormous amount of useful intelligence about the many-sided evil of racial discrimination. For the first time Government officials and interested citizens had access to authoritative and comprehensive studies of prejudice in all parts of the country. The civil rights bill of 1960, H.R. 7152, and many policies made by executive action have been based on data supplied by the Commission. The need for such information has not diminished, and experience and changing conditions have suggested new ways in which it can be met.

B. The major provisions of title V: The title recognizes the value of the Civil Rights Commission by extending it for 4 more years. Since many private and public agencies are now collecting material on civil rights, the Commission is also authorized to act as a clearinghouse for information, in order to facilitate the most widespread dissemination and use of such knowledge.

The Commission is also authorized to investigate charges of denial of voting rights, when such charges are made in writing under oath.

The Commission is a bipartisan, independent agency. Far from being a bureaucratic octopus, it has only 76 employees and its 1964 budget amounts to less than a million dollars. There are State advisory committees in every State and the District of Columbia. In addition to its own research activities, the Commission has held a number of hearings for the purpose of gathering opinions, facts, and recommendations from interested parties. It has also sponsored several conferences on problems related to civil rights. Its recommendations have been reflected in legislative and executive action.

C. Objections to title V: The chief objection to this title seems to be that the Commission is unnecessary. But as even a casual observer of the civil rights debate can testify, there is a continuing need for information in this field, and it is reasonable and logical that a government agency should do this job.

Opponents of civil rights also criticize the Commission's authority to subpoena witnesses and records. Considering the fact that many State and local officials have refused to appear before the Commission voluntarily, there is no other way to obtain their testimony than by subpena. This is hardly unusual in American law.

Finally, the Commission's authority to testimony in executive sessions is attacked as a "star chamber proceeding." Closed sessions may be held when it is determined that testimony "may tend to defame, degrade, or incriminate any person." Once again, this is the reasonable and customary procedure, designed to give every protection to individual reputations. One can imagine the outrage of this bill's opponents if the Commission were to hear potentially incriminating testimony in public; the cries of outrage could be heard all the way from Yazoo City.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 37, APRIL 23, 1964

(The 21st day of debate on H.R. 7152; 38th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: The civil rights express is really going strong. We made four quorums in an average time of 22 minutes.

2. Thursday's schedule: The Senate will convene at 10 this morning and will stay at work until at least 10 p.m. The leadership will propound a unanimous consent agreement for a 1-hour morning hour. Once again the bill's opponents will have the floor. Floor captains for Thursday.

Democrats: Hart (10-1); Church (1-4); Ribicoff (4-7); Brewster (7-close).

Republicans: JAVITS (all day); PEARSON (all day).

3. A case study of voluntary desegregation: Some of the more moderate opponents of the civil rights bill admit that racial discrimination exists and is an evil, but claim that efforts are being made to eliminate discrimination by means of voluntary action at the local level. Such community action, they say, will quickly put an end to the problem and bring about racial equality, if only no trouble is caused by "Federal interference." Proponents of this point of view have been vague in their remarks; specific examples of this commendable approach are not often given.

Now, however, this lack of evidence is at an end. James V. Prothro, a nationally known professor of political science at the University of North Carolina, has written a scholarly and detailed study of the remarkable efforts of voluntary desegregation made in Chapel Hill, N.C. Here at last is a chance to judge the success of the voluntary method and to see whether legislation is necessary.

It would be difficult to find a town in which there were more favorable conditions for community action than there are in Chapel Hill. It has a population of 17,000, most of whom are students and faculty members at the University of North Carolina, an institution with a national reputation. If the voluntary approach would work anywhere, it would be in Chapel Hill.

There has been a civic group actively promoting integration in Chapel Hill since 1954, and it is composed mostly of whites. Every important leadership group in the city has taken a firm public stand in favor of integration, including the mayor, board of aldermen, school board, ministerial association, newspaper, and merchants association. There is an official mayor's committee on integration, and local governmental agencies practice racial equality.

Some of the first sit-ins occurred in Chapel Hill in 1960. These activities have resulted in the integration of movie theaters, lunch counters, and other facilities. The local newspaper supported and encouraged such peaceful demonstrations, and the police department had been scrupulously fair about the demonstrators' rights. In short, here was a community where everything was conducive to successful voluntary action. Prothro tells what happened next:

"The mayor's committee on integration recognized the impossibility of achieving an open city without a law requiring the few segregated establishments to comply with the generally endorsed policy. It accordingly recommended passage of a public accommodations ordinance by the board of aldermen. The State attorney general issued an advisory opinion, however, that the town probably did not have the authority to enact such an ordinance * * * the board of aldermen voted (4 to 2) to postpone action on an ordinance. Larger and more frequent protest marches followed this action.

"From the date of this failure of the aldermen, by virtue of legal uncertainty, to enact an ordinance requiring the few noncompliers to adopt the community's policy of nondiscrimination, race relations in Chapel Hill have deteriorated.

* * * * *

"Having failed to achieve their goals through the established leadership structure, leaders for civil rights shifted to new and more aggressive organizations.

* * * * *

"Chapel Hill has done almost everything that could be expected in an effort to solve its own racial problems.

* * * * *

"The principal lesson to be learned from Chapel Hill is that, even with a maximum of good will on all sides, a real solution to the problem of civil rights is possible only with the help of a Federal statute."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 38, APRIL 24, 1964

(The 22d day of debate on H.R. 7152; 39th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: The record continues well, with three quorum calls met in an average time of 23 minutes.

2. Friday's schedule: The Senate will convene at 10 this morning and will stay in session until at least 10 p.m. The leadership will propound a unanimous-consent agreement for a 1-hour morning hour. Once again the bill's opponents will have the floor. Floor captains for Friday:

Democrats: DODD (10–1); MCINTYRE (1–4); MCGOVERN (4–7); BAYH (7–close).

Republicans: HRUSKA and CURTIS.

3. Some fundamental differences about the judicial system: Following citation of the Supreme Court's decision in the Barnett case, holding that there is no constitutional right to trial by jury in criminal contempt cases, the following colloquy took place:

Opponent: "There was a 5-to-4 decision. The Senator knows well that one case decided by a 5-to-4 decision determines nothing."

Proponent: "It does; a majority decision does represent the law of the land."

Opponent: "No. It does not." (CONGRESSIONAL RECORD, Apr. 22, 1964, p. 8704.)

* * * * *

Opponent: "* * * I know of many men who, the very moment that they are appointed to one office, are candidates for promotion. They will decide any case in the way that the U.S. Government wishes it decided in order to gain promotion. * * * That is the trouble with Federal judgeships. That is one of the troubles in having trials by a judge. The average man does not get a square deal when his rights conflict with the ambition of a particular judge. I could name them by the dozen."

Proponent: "Is the Senator convinced that Federal judges, whose nominations the Senator * * * has helped to confirm, are as venal as he would indicate?"

Opponent: "I say that the Senator can find anything he wishes in the Federal judiciary." (CONGRESSIONAL RECORD, Apr. 22, 1964, p. 8756.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 39, APRIL 25, 1964

(The 23d day of debate on H.R. 7152; 40th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Saturday's schedule: The Senate will convene at 10 this morning and will stay in session through the afternoon. The leadership will propound a unanimous-consent agreement for a 1-hour morning hour. There will be at least one live quorum. Floor captains for Saturday:

Democrats: CLARK (10–1); METCALF (1–4); WILLIAMS of New Jersey (4–7); MCCARTHY (7–close).

Republicans: CASE and CARLSON.

2. The parliamentary situation: The pending business of the Senate is the Mansfield-Dirksen substitute for the Talmadge jury trial amendment. The bipartisan leaders supporting the civil rights bill hope for a vote early next week.

3. Employment tests under title VII—Fears raised by the Motorola case are groundless.

APRIL 21, 1964.

The EDITOR, THE WALL STREET JOURNAL,
Washington, D.C.

DEAR SIR: I note with some regret that the generally thorough and thoughtful discussion of the Motorola case in Todd E. Fandell's article, "Testing and Discrimination," in the Wall Street Journal of April 21, 1964, is marred by the failure of the author to explain that the issues involved are plainly not within the scope of the pending civil rights bill.

As one of the two bipartisan floor managers charged with special responsibility for title VII of the bill, I feel that I can speak with some authority as to what the title does and does not do.

The civil rights bill would not make unlawful the use of tests such as those used in the Motorola case, unless it could be demonstrated that such tests were used for the purpose of discriminating against an individual because of his race, color, religion, sex, or national origin. In other words, it is not enough that the effect of using a particular test is to favor one group above another, to produce a violation of the act; an act of discrimination must be taken with regard to an individual, "because of such individual's race, color, religion, or national origin," to quote from the language of the bill.

By contrast, the Senate's own FEP bill, S. 1937, which was the subject of extensive hearings in the Senate Employment and Manpower Subcommittee, which I chair, would cover the substance of the Motorola case. The Senate's bill expressly provides that discrimination "shall include any act or practice which, because of an individual's race, color, religion, or national origin, results or tends to result in material disadvantage, or impediment to any individual in obtaining employment or the incidents of employment for which he is otherwise qualified." Unlike title VII of the pending civil rights bill, this language would reach the situation where an ostensibly nondiscriminatory test did in fact place at a disadvantage members of culturally deprived minority groups.

The opponents of the pending civil rights bill have had striking success in stirring confusion about what the bill would or would not do, and the Motorola case has been a favorite hobbyhorse. Frankly, I prefer the Senate bill to title VII, and so, I believe, do the 12 members of the Senate Labor and Public Welfare Committee who voted to report it favorably to the floor. I believe that the situation presented in the Motorola case should be covered by Federal law.

But whatever my preferences, and those of my colleagues may be, the fact remains that the issues raised by the Motorola case have nothing to do with title VII of the pending civil rights bill, and are plainly beyond its scope.

Sincerely,

JOSEPH S. CLARK.

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 40 THROUGH 45

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 40, APRIL 27, 1964

(The 24th day of debate on H.R. 7152; 41st day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Senate supporters of the civil rights bill had no trouble making the one quorum on Saturday within 20 minutes.

2. Schedule for Monday: The Senate will convene at 10 a.m. today and remain in session until late in the evening. Floor captains for Monday:

Democrats: PASTORE, 10 a.m. to 1 p.m.; MAGNUSON, 1 to 4 p.m.; DODD, 4 to 7 p.m.; CHURCH, 7 p.m. to recess.

Republicans: ALLOTT, all day; BENNETT, all day.

3. "Pick and choose" police powers. The following article is reprinted in its entirety from the New York Times of April 23:

"MISSISSIPPI SENATE VOTES BILL TO WIDEN POLICE POWERS

"JACKSON, MISS., April 22.—The Mississippi Senate passed an amended bill today giving the Governor new police powers to deal with racial unrest in the State.

"The amendments, tacked on by administration leaders, specify that the Governor's police powers were extended primarily for dealing with racial disorders, and that they were not to be used for other purposes.

"The bill passed by a 36 to 13 vote. It will be returned to the house for concurrence in the senate amendments."

4. Court action under the 1957 Civil Rights Act: Opponents of the civil rights bill claim that the Justice Department has at hand all the legal tools needed to enforce voting rights of all Americans, and that no amendment of the 1957 act is needed to expedite these cases in the Federal courts. Gladstone said "Justice delayed, is justice denied." This then is the state of justice in the parts of this Nation where voting cases have been filed: Since 1958, the Justice Department has filed 44 suits under the 1957 act. Injunctions have been obtained in 15 cases, 8 appeals have been taken (5 by the Justice Department) and 21 cases are pending. Title I of the civil rights bill would give voting cases preference on court dockets, and speed the process of appeal by authorizing three-judge courts with direct appeal to the U.S. Supreme Court.

5. Latest anti-civil-rights lobbying figures: According to reports filed with the Congress, the Coordinating Committee for Fundamental American Freedoms spent $192,500 during the first 3 months of 1964 to lobby against the civil rights bill. Of this amount, $142,500 was contributed by the Mississippi State Sovereignty Commission, an agency of the State government.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 41, APRIL 28, 1964

(The 25th day of debate on H.R. 7152; 42d day of debate on civil rights)

1. Quorum scoreboard: Civil rights Senators easily made three quorums yesterday in an average time of just under 20 minutes.

2. Schedule for Tuesday: The Senate will convene at 10 this morning and will stay in session until at least 10 p.m. The pending business will be the Mansfield-Dirksen substitute to the Talmadge jury trial amendment. The bill's opponents are expected to speak at some length. Tuesday's floor captains:

Democrats: HART, 10 a.m. to 1 p.m.; BAYH, 1 to 4 p.m.; KENNEDY, 4 to 7 p.m.; RIBICOFF, 7 p.m. to close.

Republicans: COOPER, 10 a.m. to 6 p.m.; BOGGS, 10 a.m. to 6 p.m.; COTTON, 6 p.m. to close.

3. From the UPI ticker: "The southerners also said they would not permit a vote on the jury trial provision this week, which Senate leaders had hoped would be possible."

4. At 8 p.m. tonight the three major American religious faiths will present the national interreligious convocation on civil rights in the fieldhouse of Georgetown University. Dr. Eugene Carson Blake, Rabbi Uri Miller, and Archbishop Shehan of Baltimore will address the audience. The convocation will be attended by more than 1,000 clergymen of all faiths. The overflow crowd will be composed of delegations from all parts of the country who have come to Washington to give witness to the moral imperative for civil rights.

5. Fake public opinion: Some weeks ago a Senator from a large Northeastern State, a vigorous supporter of the civil rights bill, reported that his mail included a very large number of form letters expressing both intense opposition to the bill and incorrect ideas about the bill's provisions. Senate opponents of the bill seized on the Senator's honest description of his mail and repeatedly used it as an example of how northern public opinion was turning against the bill in response to their educational debate.

Last Thursday this Senator told the second chapter of this story. Being disturbed by the misinformation expressed in so much of this mail, he wrote back to these misinformed correspondents, giving them an accurate summary of what was actually in the bill. His letters brought a strange response. Many of the people to whom they were addressed replied that they had never written to the Senator in the first place. For instance, one gentleman, the father of a young girl, wrote as follows:

"I have not and will not sign any petition against civil rights. Further, I have never given permission to anyone to use my name, or my 11-year-old daughter's name."

This young lady's name had been signed to one of these fake petitions.

In other words, the educational debate has been so successful that it has produced public opinion where none existed before.

Another explanation might be that conditions in Mississippi are so perfect that there is nothing better to do with official State funds than to use them to buy northern telephone books.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 42, APRIL 29, 1964

(The 26th day of debate on H.R. 7152; 43d day of debate on civil rights)

1. Quorum scoreboard: We extended our current winning streak, making four quorums in an average time of 22 minutes.

2. Wednesday's schedule: The Senate will convene at 10 a.m. and will continue in session until a somewhat later time than on Tuesday. Floor captains for Wednesday:

Democrats: LONG of Missouri, 10 a.m. to 1 p.m.; MCCARTHY, 1 to 4 p.m.; BREWSTER, 4 to 7 p.m.; MCGOVERN, 7 p.m. to close.

Republicans: JAVITS, all day; FONG, all day.

3. The National Council of Churches will sponsor civil rights prayer services at 9 a.m. each day at the Lutheran Church of the Redemption, 212 East Capitol Street NE. Prominent clergymen from around the country will conduct these services, which will be held daily until the civil rights bill is passed.

4. Public opinion and the civil rights bill: For some weeks now the opponents of the civil rights bill have been announcing that the public opinion in the North is turning against the bill. According to these Senators, there is a great "backlash" against civil rights. Credit for this alleged shift in opinion is divided between the current "educational debate" and the notorious "$100 billion Blackjack" advertisement circulated by a Mississippi front group.

Now no one can deny that these two activities represent a tremendous effort. The current filibuster has broken all records for obstructing majority rule on civil rights; and the Coordinating Committee for Fundamental American Freedoms is just about the richest lobby in Washington. Nor can there be any doubt that this organization, financed largely by official State agencies in the South, has spread the misleading and abusive advertisement in every State in the Union.

But what have been the results of all this activity? What evidence is there of its impact, beyond the kind of forged letters received by one supporter of the bill?

On Monday there was an authoritative answer to this question. The well-known Louis Harris organization has conducted a series of nationwide polls to find out American opinion on civil rights. Fully 70 percent of the American public are in favor of the civil rights bill. Even more important, however, is the trend over time. This 70-percent approval rate reflects a 2-percent increase since February, when the educational debate and the Mississippi-based advertising campaign began.

In other words, the filibustering and distorted advertising have backfired; they have created a more favorable attitude than before. If the educational debate continues long enough, perhaps so many people will be educated that there will be unanimous support for the civil rights bill. As for the coordinating committee, we can only suggest that the people of Mississippi ask for a refund.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 43, APRIL 30, 1964

(The 27th day of debate on H.R. 7152; 44th day of debate on civil rights)

1. Quorum scoreboard: We made three quorums on Wednesday in an average of 19 minutes.

2. Thursday's schedule: The Senate will convene at 10 a.m. and will continue in session until at least 9:30 p.m. The bill's opponents will continue to hold the floor. Floor captains for Thursday:

Democrats: METCALF, 10 a.m. to 1 p.m.; PELL, 1 to 4 p.m.; LONG of Missouri; Moss, 7 p.m. to close.

Republicans: Scott, all day; DOMINICK, all day.

3. From the John Birch Society bulletin: "Our members are responsible for pouring more than half a million messages [against the civil rights bill] into Washington during the last month and will pour in many more before the fight is over."

Since the Birch Society takes pride in its unscrupulous tactics, perhaps it is responsible for the forged anti-civil-rights material we discussed yesterday. But whatever organization produced this forgery, Senate supporters of civil rights should take some comfort from the knowledge that much of the hostile mail that supposedly represents public opinion in reality reflects nothing more than the active extremism of the John Birch Society.

4. A selection from the educational debate: "Under this provision (title VI), if a Federal administrator were carrying out a contract with a hospital, under the Hill-Burton Act, and if a lady of one race came to work, and the administrator tipped his hat to her; and if thereafter, when a lady of another race came to work, he did not tip his hat to her, the second lady could charge that he was treating them differently; and then, under this provision, the Hill-Burton contract with the hospital could be canceled." (CONGRESSIONAL RECORD, Apr. 28, 1964, p. 9274.)

5. Signs of the times: The General Assembly of the Southern Presbyterian Church voted to disband all-Negro presbyteries and integrate them with existing white presbyteries. It also approved a recommendation to adopt a rule explicitly forbidding the exclusion of any person from participation in public worship in the Lord's house on the grounds of race, color, or class.

The New York Times, which reported this news in a story in its April 28 issue, described the reaction of one rural preacher who opposed the general assembly's actions. A rural preacher "slumped against a wall outside the auditorium after the vote today and stared at the floor. 'They just don't seem to care about us any more,' he said."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 44, MAY 1, 1964

(The 28th day of debate on H.R. 7152; 45th day of debate on civil rights)

1. Quorum scoreboard: Five for twenty-one on Thursday.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until at least 9 p.m. The bill's opponents will hold the floor again. Floor captains for Friday:

Democrats: PASTORE, 10 a.m. to 1 p.m.; MAGNUSON, 1 to 4 p.m.; LONG of Missouri, 4 to 7 p.m.; CLARK, 7 p.m. to close.

Republicans: KUCHEL, all day; JORDAN of Idaho, all day.

3. Selections from the educational debate: "The Senator has given a fine illustration. If I were to set out to communize America, I would first pass a Federal FEPC law and enforce it." (CONGRESSIONAL RECORD, Apr. 28, 1964, p. 9283.)

"I do not know of a more effective step which could be taken to socialize this country and bring about what the Communists call equality, than what the bill would bring about." (Ibid.)

4. A case of mistaken identity: "All any friend of the great Moses Cone Hospital in Greensboro can hope is that the institution, in refusing to give emergency treatment to a student from India because he was thought to be a Negro, suffered from a momentary lapse of judgment and was not officially guilty of inhumanity and hypocrisy.

* * * * *

"Yet the Associated Press reports that the director of the hospital says that nurses in this case 'were following directions and did not know' that this student who came with a broken and bleeding nose was an Indian and not a Negro. Such an excuse is worse than the refusal to treat the injured man. Not only American Negroes but American whites should resent the idea that a dark-skinned stranger should receive emergency care which is refused a dark-skinned native." (Raleigh (N.C.) News and Observer, Apr. 4, 1964, p. 4.)

5. From the UPI ticker: "Senator JACOB K. JAVITS, Republican, of New York, today reported a dramatic turnabout in his civil rights mail.

"He said most of mail recently has been opposed to the measure pending before the Senate.

" 'I am glad to report today that this trend appears to be shifted dramatically, he said.

" 'The count of New York State mail during the month of April—as of this morning—was 8,250 letters for the bill and 2,527 letters opposed.'

"He said this was new evidence countering claims that there is a so-called white backlash in the North that was supposed to be having an adverse effect on support of the pending legislation."

6. More visitors: Civic, business, and religious leaders from Arizona, Colorado, and New Mexico will be in Washington today to express support for the civil rights bill to their Senators.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 45, MAY 2, 1964

(The 29th day of debate on H.R. 7152; 46th day of debate on civil rights)

1. Quorum scoreboard: 3 for 20 on Friday.

2. Saturday's schedule: The Senate will convene at 10 a.m. and will stay in session until the latter part of the afternoon. There will be a quorum call when the session begins. The bill's opponents will speak at length again. Floor captains for Saturday:

Democrats, BREWSTER, 10 a.m. to 1 p.m.; HART, 1 to 4 p.m.

Republicans: CASE, all day; CURTIS, all day.

3. The outlook for next week: It is likely that the Mansfield-Dirksen substitute for the Talmadge jury trial amendment will come to a vote late Wednesday afternoon. Prior to this vote there will be other votes on perfecting amendments to the Talmadge amendment.

4. Regulations of private property: Opponents of the civil rights bill have often said that title II, on public accommodations, and title VII, on equal employment opportunity, are interferences with a businessman's right to make his own decisions about how he will use his private property. As a matter of fact, of course, all regulatory legislation imposes such restrictions on private property. Zoning laws, sanitation laws, wages and hours legislation, and literally hundreds of other laws limit the individual's right to use his property as he wants.

The Supreme Court has been very specific on this point: "The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases." (See *Nebbia* v. *New York*, 291 U.S. 502, 527, 528 (1934).) Since this opinion was stated 30 years ago, it should have extra authority for those persons who disregard all modern constitutional law.

5. Quote without comment: "The public debate over the civil rights bill, coinciding with the debate in the U.S. Senate, is being considerably distorted by exaggerated claims and charges. But much of the confusion arises because few people have actually read the bill itself.

"A good example of the pitfalls of making claims without reading the bill was the situation in which the Appleton and Neenah-Menasha boards of realtors found themselves last week. Their criticism of the bill, in an advertisement in this newspaper, was based on the measure as it was originally proposed in the House.

"Senator NELSON wired this newspaper pointing out that the advertisement was absolutely false. He released a letter from Attorney General Robert Kennedy stating that the bill in its present form 'would in no way affect or limit the freedom of anyone to sell or rent his home as he chooses' and that 'no right to trial by jury is diminished in any way by any provision of this bill.'

"The two realtor boards responded with a letter to the People's Forum of this newspaper retracting the charges published in the ad." (Appleton (Wis.) Post-Crescent, April 7, 1964.)

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 46 THROUGH 51

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 46, MAY 4, 1964

(The 30th day of debate on H.R. 7152; 47th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 1 for 21 for Saturday.

2. Monday schedule: The Senate will run from 10 a.m. until at least 9 in the evening. The bill's opponents will have the floor again. The floor captains for Monday:

Democrats: DODD (10 to 1), MORSE (1 to 4), MAGNUSON (4 to 7), MUSKIE (7 to close).

Republicans: ALLOTT (all day), BENNETT (all day).

3. Signs of the times: "The North Carolina Synod of the Lutheran Church of America has called on its members to welcome all worshipers of the denomination without regard to race."

Washington Post, May 2, 1964, page 7: "A resolution barring racial prejudice was approved by voice vote at the synod's 160th convention."

4. The voice of experience: Opponents of the civil rights bill are fond of saying that the bill's proponents, coming from the North, have no experience with "the problem" and therefore are unqualified to deal with civil rights. For this reason it should be interesting to look at the testimony of a southern mayor who not only knows about "the problem" but, unlike so many public officials, has done a great deal to bring equality to Negroes in his city. These are some excerpts from the testimony of Ivan Allen, Jr., mayor of Atlanta before the Senate Commerce Committee:

"The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure of Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

"Gentlemen, if I had your problem, armed with the local experience I have had, I would pass a public accommodations bill. * * *

"But the point I want to emphasize again is that now is the time for legislative action. We cannot dodge the issue. We cannot look back over our shoulders or turn the clock back to the 1860's. We must take action now to assure a greater future for our citizens and our country." (Hearings on S. 1732, pt. 2, pp. 866–867.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 47, MAY 5, 1964

(The 31st day of debate on H.R. 7152; 48th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Tuesday's schedule: The Senate will run from 10 a.m. until early in the evening. The bill's opponent's will have the floor again. Floor captains for Tuesday:

Democrats: WILLIAMS of New Jersey (10 to 1), PASTORE (1 to 4), KENNEDY (4 to 7), MOSS (7 to close).

Republicans: PROUTY (all day), SALTONSTALL (all day).

3. Legal rights and the southern way of life: The following editorial from the Washington Post illustrates two important truths about the opposition to the civil rights bill. The first point is that the same Senators who are so loud in their defense of "private property rights" when it comes to this bill have been strangely silent when Government power was invoked to eliminate discrimination against Mexicans imported to work on southern farms.

The second point is less obvious but just as important: discrimination against Mexicans had been part of community life for generations, yet when the Federal Government threatened to use its power to amend this way of life, there was an end to the discrimination. There is a lesson here for those people who say that "you can't put an end to discrimination by law." This enlightening editorial is from the September 18, 1963, issue of the Washington Post:

"A SOUTHERN PRECEDENT

"Of all the southern objection to the civil rights bill, one of the weakest is that the public accommodations provisions involve a wholly novel Federal infringement on property rights. It is pertinent to point out that southern legislators themselves have supported a public law that embodies the very philosophy that underlies the public accommodation section of the civil rights bill.

"This little-noticed precedent exists in Public Law 78, which governs the importation of Mexican labor for harvest work. Article 8 of the law contains a strong prohibition against discrimination, and empowers the Secretary of Labor to prohibit use of braceros in any community where Mexicans are subjected to discriminatory practices.

"The Labor Department has used this power to act on a number of complaints. In Stamford, Tex., barbershops and beauty shops were charged with denying service to persons of Mexican ancestry. The complaint was resolved when the mayor agreed to take steps to remedy the problem. In Levelland, Tex., a movie theater refused to admit Mexicans, but the owner changed his policy when he was informed of the sanctions that could be applied under article 8. In Salton, Tex., similar intervention by the Department of Labor led to the admission of Mexicans to a hitherto white-only city swimming pool.

"Yet the record does not disclose any outpouring of southern Democratic indignation over alleged infringements of property rights under Public Law 78. On the contrary, southern legislators have been among the strongest proponents of this measure to provide low-cost labor in rural areas. Are we to conclude that it is perfectly proper to use Federal power to protect the civil rights of foreign nationals—but that it is somehow un-American to protect the rights of citizens of the United States?"

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 48, MAY 6, 1964

(The 32d day of debate on H.R. 7152, 49th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 3 for 20 again.

2. Wednesday's schedule: The Senate will run from 10 a.m. until early evening. There will be rollcall voting on the Talmadge jury trial amendment (see 3, below). Floor captains for Wednesday:

Democrats: Muskie (10-1); Nelson (1-4), Burdick (4-7), Williams of New Jersey (1 to close).

Republican: Case (all day), Saltonstall (all day).

3. Parliamentary situation: The pending business is the Morton amendment (560) to the Talmadge jury trial amendment (No. 513). No. 513 would require trial by jury in all criminal contempt proceedings in Federal courts; it is not limited to civil rights. The Morton amendment would apply this requirement to all criminal contempt proceedings arising from the current civil rights bill. (The Morton amendment is similar to the other Talmadge amendment, No. 512, which was not called up by its author.) The bipartisan civil rights leadership is opposed to the Morton amendment.

After the Morton amendment is disposed of, any other perfecting amendments to the Talmadge amendment would be in order. One such amendment has been introduced by Senator Cooper (No. 558), although it is not clear that he intends to call it up. This amendment provides that the right to jury trial in criminal contempt cases would not necessarily be granted to public officials, except that the court could do so at its discretion. The Department of Justice has serious doubt about the constitutionality and practicality of the Cooper amendment.

When all perfecting amendments have been disposed of, the Mansfield-Dirksen substitute amendment will be considered. This substitute provides jury trials in criminal contempt cases arising under H.R. 7152 if the punishment imposed by a judge exceeds $300 or 30 days. This is similar to the Civil Rights Act of 1957 except that the earlier law has limits of $300 and 45 days. The civil rights leadership and the administration support the Mansfield-Dirksen substitute.

In short, the Morton amendment comes first. Any other amendments to the Talmadge amendment will be considered next. Then the Mansfield-Dirksen substitute will be voted on. If the Mansfield-Dirksen substitute is adopted, it will be the new Talmadge amendment, regardless of the outcome of votes on previous perfecting amendments.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 49, MAY 7, 1964

(The 33d day of debate on H.R. 7152; 50th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: 4 for 19.

2. Thursday's schedule: The Senate will convene at 10 a.m., and will stay in session until early evening. Live quorums should be expected. Floor captains for Thursday:

Democrats: McCarthy (10 to 1), McIntyre (1 to 4), McGovern (4 to 7), Douglas (7 to close).

Republicans: Cooper (all day), Morton (all day).

3. The parliamentary situation: On Wednesday the Morton and Cooper amendments to the Talmadge jury trial amendment was defeated. The pending business is now the Mansfield-Dirksen substitute. The present expectation is that this measure will be voted on by late next Monday or early Tuesday.

4. Setting the record straight: A supporter of the civil rights bill recently delivered a short speech entitled "The Myths Behind Civil Rights Bill Opposition." The first part of this speech does such a good job of refuting a common theme of anticivil rights propaganda that we think it should be repeated here. The following excerpts are from the Congressional Record, May 5, 1964, page 10056:

"Mr. President, southern opponents of the bipartisan civil rights bill repeatedly try to shift attention from the social order in their States, which in many cases is built upon denying the Federal constitutional rights to Negroes, by regaling the Senate with horror stories about conditions in the North in general and in New York City in particular. These attempts occasionally become so misleading that they must and should be answered. Two such cases have arisen repeatedly in debate in recent weeks.

"Opponents of the bill have, in the course of their lengthy discussions of title VII, the equal employment opportunity title of the bill, referred to U.S. Bureau of the Census statistics which indicate that unemployment rates are higher for nonwhites in some Northern States which already have FEP laws than in some Southern States, which dot not and in which discriminatory hiring policies are pursued. What they conveniently fail to point out is the difference in computing the unemployment statistics for States which have basically agricultural economies as compared with States which have basically industrial economies. Sharecroppers and other farmworkers in Southern States are included among the employed in the Census Bureau statistics even though they often work only 1 or 2 days a week and are often living at a bare subsistence level.

"I have asked the Census Bureau to confirm this and have received from the Bureau a letter quoting from a forthcoming report entitled 'Farm Population, Series Census-ERS (P–27), No. 34.' This report will be released jointly by the Economic Research Service of the Department of Agriculture and the Bureau of Census. The Bureau's letter quotes from the report as follows: 'Unemployment rates are typically about twice as high in the nonfarm population as in the farm group. The general explanation offered is that the large proportion of self-employed persons among farm people results in a low formal unemployment even during periods of economic difficulty. Also farmers who combine part-time farming with off-farm work are still technically employed (through their farming) if they lose their nonfarm job.'

"The relevant and revealing statistics are those which show the median income of whites and nonwhites in the several States and the estimated lifetime earnings matched against the years of school completed for whites and nonwhites in the several States. As the Senators in charge of title VII of the bill—Senators Case and Clark—have shown the statistics which correctly measure the real difference between the economic opportunities for Negroes in the Southern and Northern States do support our contention that fair employment practice laws are helpful in assuring equality of earning opportunity. The figures show that the discrepancy between the median earnings of white workers and those of nonwhite workers has been increasing in recent years and that this difference is much more pronounced in the South than in other parts of the country. They also show that, while in the Nation as a whole the lifetime earnings of nonwhites are 40 percent of those of whites, in the South they are 32 percent."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 50, MAY 8, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. It will help to keep Senators and their staffs fully informed on the civil rights bill and will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three for twenty.

2. Friday's schedule: The Senate will convene at 10 a.m. and will stay in session until early evening. Live quorums should be expected.

Floor captains for Friday:

Democrats: Pell (10 to 1), Moss (1 to 4), Long of Missouri (4 to 7), Morse (7 to close).

Republicans: Scott (all day), Pearson (all day).

3. The parliamentary situation: With the Morton and Cooper amendments disposed of, the pending business is now the Mansfield-Dirksen substitute. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to

the vote on the Mansfield-Dirksen substitute. The present expectation is that the Mansfield-Dirksen substitute will be voted on late Monday or Tuesday.

4. "All discord, harmony not understood * * *."

Opponent, page 7773: "The problem of racial and religious discrimination * * * is a problem in morality. * * * I do not believe discrimination is morally right. In my opinion it is morally wrong."

Another opponent, page 9636: "I am disappointed to note that many ministers and churchmen are more or less blindly advocating the passage of the bill, on supposedly moral grounds. * * * The clergy should stick to their own knitting."

Alexander Pope, "The Dunciad": "Religion, blushing, veils her sacred fires, and unawares morality expires."

5. Quote without comment: From the AP ticker, May 7:

"A delegation of Southern Presbyterian ministers called on the 2 managers of the bill to present a letter signed by 435 ministers and educators and laymen in support of the bill.

"One of the signers was the Reverend William D. Russell, Decatur, Ga., a nephew of Senator RICHARD B. RUSSELL, Democrat, of Georgia, leader of the Senators fighting the measure."

6. Hasty consideration? The RECORD, page 10209, contains a summary of the number of civil rights bills introduced in the House in the 88th Congress as of December 6, 1963, by month and party allegiance. Results: 172 bills introduced by 86 Members, Democrats and Republicans; 101 witnesses heard, 43 prepared statements accepted, and 2,649 pages of printed hearings in House Judiciary Committee.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 51, MAY 11, 1964

(The 35th day of debate on H.R. 7152; 52d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Notice to readers: The newsletter suspended publication for 1 day on the occasion of the Senate's first silent Saturday since Easter weekend.

2. Quorum scoreboard: On Friday, May 8, civil rights Senators made two quorum calls in 20 minutes.

3. Monday's schedule: The Senate will convene at 10 a.m. Length of session will depend upon agreements developed today. Live quorums should be expected. Floor captains for Monday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4), MAGNUSON (4 to 7), BAYH (7 to close).

Republicans: Not announced at press time.

4. The parliamentary situation: The pending business is the Mansfield-Dirksen substitute provision for jury trial in criminal contempt proceedings. However, any other perfecting amendments to the Talmadge amendment could be offered and called up prior to the vote on the Mansfield-Dirksen substitute. Two such amendments had been offered by the weekend. The present expectation is that the Mansfield-Dirksen substitute will be voted on late today or Tuesday.

5. We hear you, Duane—welcome to the club.

Opponent, page 10391: "Mr. President, I have been requested by a constituent named Duane Eckelberg, whose address is Manassas, Va., to have the CONGRESSIONAL RECORD show that he favors the passage of H.R. 7152."

6. A short course in jury trial "guarantees" in contempt cases.

"The trial of all crimes, except in cases of impeachment, shall be by jury * * *" (art. III, sec. 2, clause 3).

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial * *" (sixth amendment).

"In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved * * *" (seventh amendment).

"It is urged that those charged with criminal contempt have a constitutional right to a jury trial. This claim has been made and rejected here again and again. * * * It has always been the law of the land, both State and Federal, that the courts—except where specifically precluded by statute—have the power to proceed summarily in contempt matters" (*U.S.* v. *Barnett*, 1963).

"The issue we are dealing with is whether a jury shall be empowered to refuse to allow vindication of the authority of the court and of the judgment it has entered after a trial on the merits. * * * The broad Talmadge amendment—applicable to contempt trials of every kind in the Federal courts—by interposing another tribunal—the jury—between a court and enforcement of its orders weakens the enforcement of Federal law throughout the country. Such a proposal strikes at the integrity of the Federal courts and the respect which the country has for their decrees. What is a court which has not the power to compel obedience to its orders? It is for this reason that in practically all the States—including all the States of the South—the courts are empowered to punish for contempt without convening juries. The States don't leave their courts powerless. Why should the Federal courts be without sufficient authority?" (Department of Justice memo.)

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 52 THROUGH 56

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 52, MAY 12, 1964

(The 36th day of debate on H.R. 7152; 53d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum disaster: The first three quorum calls yesterday were made in 20 minutes each, but when the fourth one was called after 6 o'clock, it took 1 hour and 11 minutes for 51 Senators to get to the Chamber. A fifth quorum, called at 10:16, required more than an hour and a half.

Fulfillment of their quorum obligations is the only way that most supporters of civil rights can presently contribute to the passage of the bill. When they fail to meet these obligations, the civil rights struggle suffers a defeat, and the prospects for a post-convention session grow stronger.

2. Tuesday's schedule: The Senate will convene at 10 this morning and will stay in session until late tonight. Live quorums should be expected throughout the session. Floor captains for Tuesday:

Democrats: HART, 10 to 1; MORSE, 1 to 4; DODD, 4 to 7; PROXMIRE, 7 to close.

Republicans: JAVITS, all day; MILLER, all day.

3. In 1955 Justice William Douglas and Robert F. Kennedy, then a Senate staff member, toured the Soviet Union. A year later Mr. Kennedy described one of their interesting discoveries in the Soviet Union:

"In every city that we visited there were two different school systems. There was one set of schools for the local children—those of different color and race from the European Russian children. State and collective farms were operated by one group or the other, rarely by a mixture of both.

"Although work is supposedly being done to minimize the differences, many of the cities we visited were still split into two sections, with the finer residential areas being reserved for the European Russans. European Russians coming into the area receive a 30-percent wage preferential over local inhabitants doing the same jobs. The whole picture of segregation and discrimination was as pronounced in this area as virtually anywhere else in the world." (New York Times magazine, Apr. 8, 1956.)

4. More true crimes stories: The following remarks by a supporter of the civil rights bill may be interesting, in view of the attempts by the enemies of the bill to distract attention from racial discrimination by telling bloodcurdling stories about crime in New York City:

"The Federal Bureau of Investigation crime statistics indicate clearly that the streets of New York City are actually safer than those of a number of southern cities, including Atlanta and Savannah, in Georgia, from which some of the severest criticism on this issue has been directed toward us.

"New York City's crime rate for serious offenses * * * per 100,000 inhabitants was 1,509.7. What the southern Senators fail to note is that the crime rate was higher in the following 18 southern metropolitan areas:

"Amarillo, Tex., 1,751.1; Atlanta, Ga., 1,796.3; Baton Rouge, La., 1,654; Charleston, S.C., 1,891.2; Charlotte, N.C., 1,592.9; Corpus Christi, Tex., 1,920.6; Fort Lauderdale-Hollywood, Fla., 1,778.6; Galveston-Texas City, Tex., 1,529.5; Greenville, S.C., 1,639.1; Houston, Tex., 1,637.2; Jacksonville, Fla., 1,584.7; Laredo, Tex., 1,645.7; Lubbock, Tex., 1,713.9; Miami, Fla., 2,322.2; Pensacola, Fla., 1,631.5; Richmond Va., 1,593; San Antonio, Tex., 1,579.2; Savannah, Ga., 1,513.4." (CONGRESSIONAL RECORD, May 5, 1964, p. 10057.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 53, MAY 13, 1964

(The 37th day of debate on H.R. 7152; 54th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators got back on the track yesterday, making four quorums in an average of 22 minutes.

2. Wednesday's schedule: The Senate will be in session from 10 this morning until late tonight. Opponents of the civil rights bill have said that they will continue to prevent a vote on the Mansfield-Dirksen jury trial amendment this week. Floor captains for Wednesday:

Democrats: HART (10 to 1), KENNEDY (1 to 4), MUSKIE (4 to 7), NELSON (7 to close).

Republicans: COOPER (all day), CURTIS (all day).

3. A short lesson on evaluating the "Educational Debate." Opponent: "I have had the privilege of spending approximately 25 years of my life in courtrooms. * * * for 7 years I was honored to serve my State in the capacity of a superior court judge. Since North Carolina provides the right of trial by jury in respect to the issues of fact in all civil cases, regardless of whether they involve equitable or legal elements, and in all criminal cases whatsoever, I spent most of my time presiding over jury trials. There is no objection that can be urged against trial by jury in a civil rights proceeding that cannot

be urged against the right of trial by jury in cases involving murder, arson, burglary, rape, larceny, treason, or any other offense known to the catalog of crimes. It is surprising that any American would take such a position." (CONGRESSIONAL RECORD, May 8, 1964, p. 10425.)

The following is from an opinion by the North Carolina Supreme Court: "Under North Carolina General Statutes, section 5–1 which supplants the common law in authorizing contempt proceedings, the proceeding is sui generis, criminal in its nature, and which may be resorted to in civil or criminal actions and entitles persons charged to no jury trial. In contempt proceeding authorized by section 5–1 of the general statutes of North Carolina arising out of defendant's failure to obey an order restraining intimidation of employees crossing a picket line the court had jurisdiction to render a judgment of fine and imprisonment without a jury trial." (*Safle Mfg. Co.* v. *Arnold*, 228 N.C. 375; 45 S.E. 2d 577.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER, NO. 54, MAY 14, 1964

(The 38th day of debate on H.R. 7152; 55th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Three quorum calls were made on Wednesday within the allotted time.

2. Schedule for Thursday: The Senate will convene at 10 a.m. and will be in session until very late in the evening. Floor captains for Thursday:

Democrats: BURDICK 10 to 1, WILLIAMS 1 to 4, MORSE 4 to 7, MCCARTHY 7 to close.

Republicans: HRUSKA (all day), BOGGS (all day).

3. The first amendment in Mississippi: On April 8, 1964, Gov. Paul H. Johnson of Mississippi signed House bill 546 into law. It provides:

SECTION 1. It shall be unlawful for any person, singly or in concert with others to engage in picketing or mass demonstrations in such a manner as to obstruct or interfere with free ingress or egress to and from any public premises, State property[1] owned by the State of Mississippi or any county or municipal government located therein or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or interfere with free use of public streets, sidewalks, or other public ways adjacent or contiguous thereto.

SEC. 2. Any person guilty of violating this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500 or imprisoned in jail not more than 6 months, or both such fine and imprisonment.

On April 9, 1964, 52 people were arrested for picketing in Greenwood. This number includes five schoolchildren aged 9, 10, 11, 12, and 13, and a Negro minister who is a candidate in the June 2 primary congressional.

On April 10, 1964, 55 persons were arrested for picketing in Hattiesburg.

4. Quote without comment: "The power to fine and imprison for contempt, from the earliest history of jurisprudence has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge. It is a power inherent in all courts of record, and coexisting with them by the wide provisions of the common law. A court without the power to effectively protect itself against the assaults of the lawless, or to enforce its orders, judgments, or decrees against the recusant parties before it, would be a disgrace to the legislation, and a stigma on the age which invented it." Mississippi High Court of Errors and Appeals, *Waters* v. *Williams*, 36 Miss. 331 (1858).

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 55, MAY 15, 1964

(The 39th day of debate on H.R. 7152—56th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Four quorum calls were made on Thursday within the alloted time.

2. Schedule for Friday: The Senate will convene at 10 a.m. and will be in session until late evening. Floor captains for Friday:

Democrats: MCINTYRE (10 to 1), WILLIAMS of New Jersey (1 to 4), NELSON (4 to 7), CHURCH (7 to close).

Republicans: BENNETT (all day), CASE (all day).

3. Knitting that won't be stuck to: The opponent of H.R. 7152 who was disappointed to learn that American religious leaders are supporting civil rights on "supposedly moral grounds," and who suggested that they "stick to their own knitting," will be even more disappointed when he sees a collection of 53 statements representing 29 religious groups, to appear soon in the RECORD.

4. Recommended reading: From a group of articles on education and civil rights in the Saturday Review, May 16, 1964, by Ralph McGill, Harry Ashmore, and others:

"For a brief measure of time after the school decision by the Supreme Court of the United States in May of 1954, there was a period of silence and hope. But much of the silence was sullen. And hope was soon to be rebuffed by defiance and demagoguery at high-decibel levels.

"Statutory and constitutional segregation of U.S. citizens by race was dead and on view on the highest pinnacle of law. But the vultures of prejudice, hate, and greed were soon to come and tear at it, vainly seeking to destroy the evidence of that death.

"The decision of May 1954 * * * was as if a call loan, on which the South and the Nation had been paying exorbitant interest rates, had suddenly been called.

"There is no quick adjustment of this debt. But it should be obvious that the sooner the Negro comes to the ballot, to education, and to jobs, the better. Then, and only then, can the bill be settled. As the Negro rises in the economy and the life of the community, the fears and myths will mainly disappear." (Ralph McGill.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 56, MAY 16, 1964

(The 40th day of debate on H.R. 7152, 57th day of debate on civil rights)

(The bipartisan Senate leadership supporting the bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights supporters met five quorum calls with extreme ease on Friday. An average of only 11 minutes was required for each of the calls.

2. Schedule for Saturday: The Senate will convene at 10 a.m. and will be in session until late afternoon. Floor captains for Saturday:

Democrats: CLARK (10 to 1), DOUGLAS (1 to 4).

Republicans: CARLSON (all day), FONG (all day).

3. Southern Negroes at the bottom of economic ladder: The individual income of Negroes in the South is only two-fifths that of comparable whites. In other regions, the income of Negro citizens is about three-fourths that of whites.

Median income of persons 14 years and over with income by region and color, 1950 and 1960

1960

	White	Nonwhite	Dollar difference, white and nonwhite	Nonwhite percent of white
Northeast	$3,304	$2,441	−$863	73.9
North central[1]	3,090	2,263	−827	73.2
South	2,473	995	−1,478	40.2
West	3,298	2,474	−824	75.0

1950

	White	Nonwhite	Dollar difference, white and nonwhite	Nonwhite percent of white
Northeast	$2,246	$1,662	−$584	72.2
North central[2]	2,143	1,652	−491	77.1
South	1,647	739	−908	44.9
West	2,114	1,445	−669	68.9

SOUTH AS A PERCENT OF OTHER REGIONS

	1960		1950	
	White	Nonwhite	White	Nonwhite
Northeast	74.8	40.8	73.3	45.6
North central	80.9	44.2	76.9	44.7
West	74.9	40.2	77.9	51.5

[1] Includes also Maryland, Delaware, Texas, Oklahoma, West Virginia, and the District of Columbia.

[2] Ibid.

NOTE.—The table also shows that southern Negroes have incomes of about ⅗ that of nonsouthern Negroes. On the other hand, white persons in the South have incomes close to ⅘ that of white persons in the non-South.

Source: Hearings before the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, 88th Cong., 1st sess., on S. 773, S. 1210, S. 1211, and S. 1937, at p. 443.

Original source of figures: U.S. Department of Commerce, U.S. census, 1950 and 1960.

BIPARTISAN CIVIL RIGHTS NEWSLETTERS 57 THROUGH 65

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 57, MAY 18, 1964

(The 41st day of debate on H.R. 7152, 58th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: On Saturday, May 16, Senators met two quoroum calls within the allotted time.

2. Schedule for Monday: The Senate will convene at 10 a.m. and will remain in session

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[1] County or municipal courthouse, city halls, office buildings, jails or other public buildings or property.

until late evening. Quorum calls can be expected at any time.

Floor captains for Monday:

Democrats: BARTLETT (10–1), BAYH (1–4), SYMINGTON (4–7), INOUYE (7–close); Republicans: CASE (all day), BOGGS (all day).

3. Thus spake "Daddy Warbucks": Yesterday's Washington Post (p. A24) contains a series of 15 false charges by Governor Wallace against the civil rights bill, and rebuttals to each by Post staff reporters. We salute the good work of James E. Clayton and Robert E. L. Baker, and we point out a few of Wallace's gems just to get the week off to a proper start:

"Under the provisions of this section (title II) of the act, the lawyer, doctor, beautician or barber, plumber, public secretary-stenographer would no longer be free to choose their clientele.

"An employer can lose his right to hire whomever he might choose—this power being vested in a Federal inspector, who under an allegation of racial imbalance, can establish a quota system whereby a certain percentage of a certain ethnic group must be employed as supervisors, skilled and common labor.

"Union seniority systems will be abrogated under the unlimited power granted to Federal inspectors to regulate hiring, firing, promoting, and demoting.

"It will take white men's jobs and turn them over to Negroes.

"The U.S. Commissioner of Education would be empowered to enter a school and transfer children from one school to another to accomplish either racial or religious balance. In other words, your child could be transferred across town in order to meet the Government's requirement that a Protestant child be admitted for the sake of assuring that there are exactly the same number of Protestants, Catholics, and Jewish children enrolled.

"I state unequivocally that the jury system is on the verge of destruction."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 58, MAY 19, 1964

(The 42d day of debate on H.R. 7152, 59th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: No trouble with quorums on Monday.

2. Tuesday's schedule: At 10 a.m. the Democratic conference will meet in the Old Supreme Court Chamber and the Republican conference will meet in the new Senate Conference Room, S–207. The subject of both meetings will be the package of amendments intended to be presented by Senator DIRKSEN with the concurrence of the bipartisan managers of the bill.

The Senate will convene at 12 noon and will stay in session until well into the evening.

The floor captains for Tuesday:

Democrats: KENNEDY (12–3), HARTKE (3–6), PROXMIRE (6–9), HART (9–close); Republicans: CARLSON (all day), SCOTT (all day).

3. The parliamentary situation: The pending business is still the Smathers amendment to the Talmadge jury trial amendment. The bipartisan civil rights leadership is opposed to both of these proposals and supports the Mansfield-Dirksen substitute amendment on jury trials. The package of amendments mentioned in paragraph 2, above, does not include any of these jury trial amendments.

4. Slow learners: The National Association of Real Estate Boards, speaking through a North Carolina realtor, has denounced the civil rights bill because it allegedly threatens property owners' rights to use, rent, and dispose of property as they see fit.

Anyone who has read the bill knows that this is a preposterous statement. In the first place, there is nothing in the bill that has anything to do with the sale or rental of real estate. Furthermore, Federal mortgage insurance programs are excluded from the provisions of title VI.

The public accommodations title of the bill does not restrict any owner's use of his property except in that it prohibits him from refusing to serve a customer because of race or religion. Since such laws are already in effect in more than 30 States and have been approved by the Supreme Court, it does not appear that this is an unconstitutional restriction on private property rights.

Finally, the realtors, or their southern spokesmen, should remember that owners of places of public accommodation already have their property rights impaired by a variety of laws, such as those pertaining to health and safety, hours of operation, women and child labor, combinations in restraint of trade, and numerous other subjects. Should we follow the logic of the realtors and repeal all these laws?

As we reported some weeks ago, the real estate boards in Appleton, Neenah, and Menasha, Wis., made the same mistake that their national organization has. When the truth was pointed out to the Wisconsin realtors, they retracted their charges. We hope that the national association will be as ethical.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 59, MAY 20, 1964,

(The 43d day of debate on H.R. 7152, 60th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant; daily, if necessary.)

1. Quorum scoreboard: 3 for 20 on Tuesday.

2. Wednesday's schedule: The Republican conference will meet at 9:15 in the new Senate conference room, S–207, to continue discussion of the package of amendments.

The Senate will convene at 12 noon and will stay in session until evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Wednesday:

Democrats: RIBICOFF (12–3), BURDICK (3–6), GRUENING (6–close); Republicans: JAVITS all day), MORTON (all day).

3. A rare discovery from Alabama: Most Senators and their staffs get their day-to-day news about the South from Washington and New York newspapers. This has the effect of depriving us of the true flavor of the State of civil rights in the South. In an effort to correct this deficiency and provide our readers with a more authentic picture of conditions in Alabama, we will present over the next few days selections from the Birmingham News. Today's selection is several years old, and may throw some light on the outlook for local, voluntary action in Alabama. It comes from the July 21, 1955, issue of the Birmingham News:

"A legislative committee hearing brought to light today an officially reported threat to fire any Negro teacher in Macon County who supports a demand for nonsegregated schools.

"The disclosure came from Senator Sam Englehardt, who represented that county and who himself is an outspoken defender of the separate school system which the Supreme Court has said must end. He has introduced legislation to preserve classroom segregation despite the Supreme Court ruling.

"Reminding the Senate Education Committee that a petition has already been presented to the school board chairman in his county demanding admission of Negroes to white schools, Englehardt said: 'I got a call from the school board last Friday after the petition was presented. We've got 190 colored teachers in Macon County and the board tells me they'll fire every one of them that takes part in this agitation.'

"In Tuskegee, Supt. C. A. Pruitt declined to comment. He pointed out that the board itself hasn't received the petition—only the chairman—and the board isn't scheduled to meet again until September.

"Englehardt's remarks came in support of a bill by Senator Albert Davis, of Pickens County, which would let local school boards by unanimous vote fire any teacher for cause regardless of his standing under Alabama's tenure law.

"Davis, like Englehardt, a fiery advocate of white supremacy, omitted any mention of racial problems in explaining his bill. He said it would merely give school authorities a way to get rid of 'incompetent' teachers whose jobs are protected now by the tenure law.

"He said the board in his county had to close one school because they couldn't fire the teacher.

"Englehardt disclosed that he plans to introduce a similar measure applying only to Macon County, where Negroes outnumber white residents four to one and where famed Tuskegee Institute is located.

"Davis' bill was sent to a subcommittee for further study."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 60, MAY 21, 1964

(The 44th day of debate on H.R. 7152, 61st day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.

2. Thursday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents will continue to filibuster on jury trial amendments.

Floor captains for Thursday:

Democrats: MCGEE (12–3), JACKSON (3–6), LONG of Missouri (6–close); Republicans: COOPER (all day), JORDAN of Idaho (all day).

3. Separate but equal in Alabama: The following is from the December 4, 1963, issue of the Birmingham News:

"A ban continues for Alabama Negro high schools seeking full membership accreditation in the Southern Association of Colleges and Schools.

"The organization has adopted a resolution opening the way for such recognition to Negro schools, but the Alabama State committee turned thumbs down on full membership status for Negro schools in the State."

4. More selections from Birmingham newspapers: In order to help evaluate current southern claims about the benevolence and calm of race relations in the Old Confederacy, we are presenting a series of articles from Alabama newspapers. These articles, all of which appeared since the historic Supreme Court decision, make clear the need for Federal intervention in civil rights.

The first article revealed that Alabama State legislators proposed to override tenure regulations and fire any Negro schoolteacher who favored desegregation. This must have been quite an example of free speech for Alabama schoolchildren. The second article quoted below exposes a proposal to retaliate against an entire Negro college if there was any desegregation of white colleges. This article is from the Birmingham News for February 22, 1956:

"A veteran black belt legislator proposed today that the State cancel a $375,000 a year grant to Tuskegee Institute if a Negro student is allowed to remain permanently at an all-white college.

"Representative W. L. (Doc) Martin, of Greene County, made his suggestion during a legislative subcommittee session on school finance problems.

"He first asked Dr. A. R. Meadows, State school superintendent, if he would be willing to terminate a State contract with Tuskegee should such a situation develop, then proposed to offer a bill in the legislature to require it.

"Dr. Meadows said he wasn't prepared to answer the question at this time.

"The State has for many years entered into a contract with Tuskegee Institute to provide instruction in certain fields for Alabama students who can't get it at State-supported Negro colleges.

"Representative Martin, who represents a county in which Negroes outnumber whites about 5 to 1, told his colleagues he plans to offer a bill in an impending session of legislature to make the Tuskegee appropriation conditional on Negroes not breaking the color line at white institutions of higher learning."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 61, MAY 22, 1964

(The 45th day of debate on H.R. 7152, 62d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another 3 for 20.

2. Friday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents, having refused a unanimous agreement to vote on the pending jury trial amendments, will continue to filibuster on this issue.

Floor captains for Friday.

Democrats: Church (12–3), McGovern (3–6), McNamara (6–close); Republicans: Keating (all day), Pearson (all day).

3. Quote without comment:

"The Alabama Federation of Labor has directed attention to a serious need in the State when it calls for establishment of State parks and recreational opportunities for Negroes. The State's lack in this regard has long been conspicuous.

"Alabama has 10 major parks. They are all for white people. It has seven minor parks. Negroes are not admitted to them, either. There are three public fishing lakes and many historical sites and recreational areas, but not one is open to Negroes. And yet Negroes comprise about one-third of the State's population.

"The situation is a crying injustice and a shame upon the State.

"The State government cannot excuse itself on the grounds that the oversight has not been called to its attention. This is not the first time the Alabama Federation of Labor has urged action. Other citizens, white and Negro, have pointed to the need. Officials of the department of conservation have acknowledged the need.

"A detailed exploration of the subject was made in Public Recreation in Alabama, published by the Alabama State Planning Board in 1948. The board recommended four State parks for Negroes, one in Jefferson County, one in the central Black Belt, one in the Tennessee Valley, and one in the Mobile area. In some cases it went so far as to suggest specific sites.

"The need for Negro State parks in these areas is obvious. Parks should be relatively close to large numbers of people who might use them. That accounts for the proposed parks near Birmingham and Mobile. A State park for Negroes in the Black Belt would take care of the heavy Negro population in that area. And a park in the Tennessee Valley would serve the Negroes of north Alabama.

"In establishing a park in the Tennessee Valley (a site near Florence is proposed) the State could probably get help from the Tennessee Valley Authority. In its 1951 report the Authority noted that during the year Kentucky opened a State park for Negroes on TVA reservoir lands, being the third State to do this. Counties within the TVA territory in 1951 were developing 15 park areas, including two for Negroes. The TVA has cooperated with Alabama in opening up and developing the new State park (for whites) near Guntersville.

"Public recreation has become an important concern of Government in encouraging a better citizenship. Alabama cannot afford to continue to neglect this obligation respecting one-third of its population." (Birmingham News, Jan. 23, 1952.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 62, MAY 25, 1964

(The 46th day of debate on H.R. 7152, 63d day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Two quorums in 20 minutes each on Friday.

2. Monday's schedule: The Senate will convene at noon and will stay in session until early evening. The bill's opponents continue to filibuster jury trial amendments.

Floor captains for Monday:

Democrats: Bartlett (12–3), Bayh (3–6), Symington (6–9); Republicans: Keating (all day), Miller (all day).

3. The schedule for this week: The Senate will convene at noon Monday through Thursday and will go out fairly early each evening. There will be a recess from Thursday evening until Monday, June 1.

4. More news from Alabama: The news and editorial columns of the Birmingham News are an almost inexhaustible source of information about the systematic denial of equal rights to Alabama Negroes. The selection we have quoted in the past few days show that in Alabama there is little willingness to work out voluntary local solutions to racial problems, and all too much eagerness to suppress any protest by Negroes.

Today's installment from the Birmingham News reveals a new form of discrimination: 11 Negroes who tried to run for office in their local Democratic Party were not allowed to do so. The following is from an editorial in the March 12, 1962, issue:

"Eleven Negroes attempted to qualify in election of members of the Jefferson County Democratic executive committee.

"They have been refused qualification by the county committee. Papers had been sent to the committee as required, along with a $15 qualification fee. All were returned by the committee.

"But the committee approved qualification of one Negro for the county board of education. The committee was not unwilling to bar any or all Negroes from any or all offices. But the office for which a Negro was approved was a formal post of government itself—an agency governing county schools. Offices for which candidacies were refused were places on the party committee.

"Refusal of the 11 seeking county committee posts, according to a reason given to a news reporter, was that the Negroes did not subscribe to tenets of the party. This was, apparently, a county committee judgment about State party principles and beliefs.

"Meat of this reason lies in the statement printed in the ballot that the Alabama Democratic Party is founded on white supremacy. It is an interesting question, obviously, whether Negro would-be candidates would endorse or wink at such label. More to the point is whether they had to endorse it in any way or degree in order to become candidates.

"There is no doubt that at least some, perhaps all, of the Negro candidates are as qualified as many whites. One turned down is the most prominent Negro attorney in the city, for example.

"There may be argument that though courts have dealt with the white primary, they have never directly addressed themselves to the issue of Negroes' rights to party office as might be distinct from offices of government itself. But such party office selection is in the primary.

"Drawing a line obviously is difficult and possibly impossible in logic. Party, the State and nonparty offices are wholly tied up each with the others.

"This issue appears to be involved with now ancient legal dispute over the white primary. It may be said that in this instance disqualified candidates are not being denied right to participate, as voters, in the primary, but merely as being denied an opportunity to become part of the party's administrative machinery.

"White primary cases decided in the courts turned on Negro efforts to vote—not to become candidates of a party proclaiming white supremacy—and certainly not party officers. But voting is merely one side of the coin. Candidacies for which one may vote in the primary is the other side.

"Every lawyer in Birmingham knows these things. Jefferson County executive committee action is illogical, possibly illegal, and is bad strategy, playing into hands of those who want to charge willful denial of the simplest rights to Negroes. No cause is thus served except that of deliberate futility."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 63, MAY 26, 1964

(The 47th day of debate on H.R. 7152, 64th day of debate on civil rights.)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator Hubert H. Humphrey and Senator Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Quorum scoreboard: Another good day for our side.

2. Tuesday's schedule: The Senate will convene at noon and will stay in session until early evening.

Floor captains for Tuesday:

Democrats: Young of Ohio (12–3), Brewster (3–6), Douglas (6–9); Republicans: Carlson (all day), Javits (all day).

3. Parliamentary inquiry: The following colloquy took place in the Senate yesterday:

"Mr. Humphrey. I merely wish to summarize the situation which will exist in the event such amendments—as the proposed package—are offered to the bill, and thereby become the pending business, and if cloture is ordered.

"Is it correct that the substitute can be amended in two degrees, if the amendments have previously been offered and read?

"The Presiding Officer. That is correct.

"Mr. Humphrey. Second, is it correct that amendments already presented and read—such as those referred to by the Senator from Arkansas, applying to House bill 7152 can be offered to the substitute, as well?

"The Presiding Officer. That is the opinion and the ruling of the present occupant of the chair."

4. More news from Alabama: The following article is from February 27, 1964, issue of the Birmingham News:

"The chairman of the Jefferson County Board of Registrars has charged that Gov. George C. Wallace is attempting to remove him from the board because he registered Negro voters.

"M. L. Bearden made the accusation in a deposition taken last week by U.S. Justice Department attorneys. His testimony was filed in U.S. district court today.

"Bearden and other members of the board were questioned February 13 in connection with a Government voter registration suit pending against the board and the State of Alabama.

"He and the other registrars, Mrs. Nell Hunter and Wellington M. Gewin, were recalled for deposition taking today but newsmen were barred at the request of Justice Department attorneys.

"The earlier session was also closed to the press at the Government's insistence.

"In Bearden's deposition, he charges that Governor Wallace last December called on State Auditor Bettye Frink in an effort to persuade her to fire Bearden from the board.

"According to the testimony, Mrs. Frink appointed Bearden to the board last October. Mrs. Hunter was appointed by Governor Wallace and Gewin by State Agriculture Director A. W. Todd.

"'I was contacted by Mrs. Frink and told that the Governor had called her to his office to fire me for registering Negroes,' said Bearden * * * 'that his appointee (Mrs. Hunter) had registered no Negroes and I had turned the board over to the NAACP (National Association for the Advancement of Colored People).'

"'She told you this?' Bearden was asked.

"'Yes, sir, and he [Governor Wallace] was trying to get her to go along with him to fire me. I told her that was ridiculous,' Bearden said.

"He quoted Mrs. Frink as saying, 'Well, we have got to get together and come up with some kind of understanding. They are putting a tremendous amount of pressure on me.'

"To this Bearden said he replied, 'I would rather you just fire me rather than bring any pressure on you.'

"He said he invited Mrs. Frink to come to his office and she did on December 20 along with her husband, Bill Frink, Irondale radio station owner, and two Wallace aids.

"Mrs. Hunter's deposition, filed along with Bearden's, identified the two aids as Hunter Phillips 'from the Governor's office' and Robert Millsap, 'a representative of Governor from Jefferson County.' Mrs. Hunter said she did not know whether Millsap held an official position in the State government and did not know Phillips prior to the meeting.

"Bearden said that after being contacted by Mrs. Frink he discussed the matter with Circuit Solicitor Emmett Perry. He quoted Perry as saying, 'If you need me, call me and I will be in your corner.'

"Bearden said he told the Governor's aid that when they arrived that Perry would 'conduct this investigation.' But, he said, Phillips replied that he had not come for an investigation, but only 'to have a friendly talk,' Bearden said he agreed to talk.

"As the conversation got underway, Bearden said, Millsap asked to see records of voter applications which had been turned down since the chairman took office on October 1.

"Bearden said he got the records and they were separated into three stacks. One stack included applications turned down by Bearden and the other two contained applications rejected by Mrs. Hunter and Gewin.

"Bearden said that each stack was then counted and that Millsap and Phillips both took notes. He said he could not see if any of the notes taken showed the race of the applicant.

"Bearden also said that at the meeting 'they were very much disturbed' because the board had reverted to a policy of allowing rejected applicants to refile after 60 days instead of waiting for a year.

"Asked why, Bearden replied, 'Well, they said it was giving them [the applicants] too much leeway to come back too quick.'

"Bearden explained that since the meeting with State officers the board adopted a new policy requiring all three of the registrars to sign rejected applications. Under earlier policy only one signature was needed.

"Well after this came up and so much pressure got on me, I told them I wasn't going to be a 'monkey hanging on a limb,' Bearden said.

"He said he told the board, 'What we do we are going to do it as a board and then nobody could bring pressure to bear on me or the appointing officer.'

"Bearden confirmed that after December 20 the rejection of Negro applicants in Jefferson County rose from about 9 percent to about 26 percent and that the rejection of white people had not changed substantially.

"When asked if he had ever been contacted by State officials since the December meeting, Bearden said he was contacted by Mrs. Frink 'and she told me that they still wanted to get rid of me, and I wasn't going to change my way of doing. Evidently, I wasn't doing to suit them.'

"In addition to Bearden and the other registrars, Government attorneys subpenaed Millsap for the deposition taking here today.

"Mrs. Frink and Phillips have been subpenaed for deposition questioning Friday in Montgomery. Others to be questioned there include A. W. Todd and the secretary of state, Mrs. Agnes Baggett. The session will be closed.

"At one point Bearden said that during October and November the board 'a lot of times' pointed out minor mistakes to applicants 'if we felt like it was a misunderstanding or an honest error and they meant good.' But he said this is no longer done."

"Asked if the change of policy was a result of the meeting with the Governor's aids, he asserted, I will have to say 'Yes.'

"Bearden said that on the day of the meeting the board adopted the policy of making the rejected applicants wait for a year before reapplying, instead of 60 days.

"Under examination by Assistant Circuit Solicitor Burgin Hawkins, Bearden pointed out that he had discussed the question of giving assistance to applicants with the solicitor's office, and he agreed that it was then he was told no assistance could be given applicants for fear of a discrimination suit.

"However, Bearden pointed out that the board had never given assistance, and he said he did not consider pointing out minor errors as giving assistance."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 64, MAY 27, 1964

(The 48th day of debate on H.R. 7152, 65th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

1. Wednesday's schedule: The Senate will convene at noon and will stay in session until early evening.

Floor captains for Wednesday:

Democrats: Anderson (12–3), Brewster (3–6), McNamara (6–9); Republicans: Bennett (all day), Case (all day).

2. Too much deliberation and not enough speed: The following are excerpts from the opinion of the Supreme Court in the Prince Edward County School case delivered for the Court by Mr. Justice Black on Monday:

"This litigation began in 1951 when a group of Negro schoolchildren living in Prince Edward County, Va., filed a complaint in the U.S. District Court for the Eastern District of Virginia alleging that they had been denied admission to public schools attended by white children and charging that Virginia laws requiring such school segregation denied complainants equal protection of the laws in violation of the 14th amendment. On May 17, 1954, 10 years ago, we held that the Virginia segregation laws did deny equal protection, *Brown* v. *Board of Education*. On May 31, 1955, after reargument on the nature of relief, we remanded the case, along with others heard with it, to the district courts to enter such orders as 'necessary and proper to admit (complainants) to public schools on a racially nondiscriminatory basis with all deliberate speed.'

"We hold that the issues here imperatively call for decision now. The case has been delayed since 1951 by resistance at the State and county level, by legislation, and by lawsuits. The original plaintiffs have doubtless all passed high school age. There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in *Brown* v. *Board of Education* had been denied Prince Edward County Negro children.

"The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these Prince Edward County schoolchildren their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia."

3. Bipartisan leadership introduces omnibus substitute amendment: Senator Dirksen yesterday introduced for himself, for the majority leader, and for the majority and minority whips, amendment No. 656 in the nature of a substitute to H.R. 7152. The amendment has been sent to the desk, printed, and ordered to lie on the table, and will be considered as having been read in order that it may be called up after cloture is invoked. Senator Dirksen indicated that he intends to speak at some length next week in support of the amendment. It was also indicated that Senators would be given an ample opportunity to study the proposal before resort is had to a cloture motion. The presentation of this amendment, it was stressed, does not foreclose Senators from seeking consideration for amendments to it.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 65, MAY 28, 1964

(The 49th day of debate on H.R. 7152, 66th day of debate on civil rights)

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senators Hubert H. Humphrey and Thomas Kuchel, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant; daily, if necessary.)

1. Thursday's schedule: the Senate will convene at noon. At 12:15, the Senators will

go over to the House for a joint session to hear an address by President de Valera, of Ireland. The Senate will then be in session until midafternoon and will recess until Monday.

Floor captains for Thursday:

Democrats: McGovern (12-3), Church (3-6); Republicans: Allott (all day), Boggs (all day).

2. The quality of integrated education: The following is an excerpt from an address by Dr. Benjamin Spock, entitled "Children and Discrimination," delivered to the Church Assembly on Civil Rights on May 2, 1964:

"Actual studies of the effects of integration of schools, in Louisville and Washington, show academic improvement for the Negroes and no academic disadvantage for the white children. The improvement in the Negroes was anticipated, because a great majority of Negro schools in the past have been inferior—in equipment, in the level of training of their teachers, in the morale of teachers and pupils, as well as in the readiness of the pupils to learn. So integration provided better teaching and also new hope.

"As to why the school program of the white children was not slowed there are reasonable explanations:

"Since the work of the Negro children improved, the difference between them and the white children was minimized.

"Since the neighborhoods where Negroes of limited educational background live are usually nearest to neighborhoods where whites of limited educational backgrounds live, the Negro children who are less advanced scholastically will usually be integrated into nearby schools where the white children are also less advanced.

"Even when children with widely different aptitudes do go to the same school, as is true, for instance, of the single high school in small cities, they will usually become separated into more advanced classes.

"In other words, the quicker children and the slower children—either Negro or white—will rarely be combined in the same classrooms."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 66, JUNE 1, 1964

(The 50th day of debate on H.R. 7152; 67th day of debate on civil rights)

1. Monday's schedule: The Senate will convene at noon and will remain in session until early evening. Beginning Tuesday, the Senate will convene at 9 a.m., and extended sessions are anticipated. Floor captains for Monday:

Democrats: Metcalf, 12 noon to 3 p.m.; Williams of New Jersey, 3 to 6 p.m.; Bayh, 6 p.m. to recess.

Republicans: Saltonstall, all day; Keating, all day.

2. The quality of education in Prince Edward County: The following is an excerpt from a New York Daily News account of the opening day of the Prince Edward County free schools, 4 years after the county, rather than integrate its schools, had closed them:

"When the free schools opened on September 16, about 1,600 of the 1,700 Negro children eligible were registered. Eight white children soon joined them. The Prince Edward public school buildings, at least, were integrated.

"A generation of barely literate Negroes, now 11 to 17 years old, entered school for the first time. A 17-year-old returned to the third grade. A 22-year-old quit his job at the lumberyard to resume high school.

"'I thought it would be a good thing to mark the opening day of school if we said the allegiance to the flag together,' Superintendent Neil Victor Sullivan recalls, 'but the only ones who knew it were Bill vanden Heuvel, the newsman and myself.'

"Only one child recognized the national anthem when it was played—and then only as 'the baseball song.'

"'The damage was devastating,' Sullivan said. 'All we could do was jump in and start teaching.'"

3. Voter registration in Mississippi: Dr. Ernst Borinski, sociologist at Tougaloo Southern Christian College near Jackson, Miss., and Oscar Chase, a Yale Law School graduate, have described the voter registration process in Mississippi:

"The test," says Dr. Ernst Borinski, "requires the applicant to copy and interpret a section of the Mississippi constitution. A misplaced comma or incorrectly capitalized letter can result in a man being declared illiterate."

Explains Chase, "There are some 285 sections of the State constitution, and the document is one of the most complex and confusing in the Nation. The examiner points to a section and tells the applicant to copy and interpret it. On the tester's cognizance, you pass or fail. He has absolute power. His decision is not reviewable, and there are no standards by which it can be judged in court.

"In addition, a prospective registrant has to pay a poll tax of $2 or $3 for 2 consecutive years before he can vote. This is a lot of money to sharecroppers in the Mississippi Delta, and saving and paying it calls for more foresight than many people there are accustomed to.

"Finally, an applicant can be required to state the 'duties and obligations of citizenship' before he is registered. There is no established answer. The examiner sets his own."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 67, JUNE 2, 1964

(The 51st day of debate on H.R. 7152; 68th day of debate on civil rights)

1. Tuesday's schedule: The Senate will convene at 9 this morning and will stay in session until late this evening. The same schedule will be followed the rest of the week. Live quorums should be expected at any time today. Floor captains for Tuesday:

Democrats: Williams of New Jersey, 9 a.m. to 12 noon; Kennedy, 12 to 3 p.m.; Magnuson, 3 to 6 p.m.; Hartke, 6 to 9 p.m.

Republicans: Case, all day; Pearson, all day.

2. Cloture: According to present plans, the cloture petition will be filed on Saturday of this week and the vote will take place the following Tuesday, June 9.

3. News from the Mississippi front: Two recent reports from Mississippi reveal the continuing pattern of mob violence and official denial of civil rights in that State. There is no more persuasive argument for the civil rights bill than the news from Mississippi. The first of these articles is from the May 31, 1964, issue of the Washington Post. It describes another example of official indifference to lynch law.

"MISSISSIPPI MOB BEATS INDIAN

"CANTON, MISS., May 30.—About 15 white men in 3 cars forced another vehicle to stop near here last night, yanked an Indian student from the car and roughed him up, a white minister said.

"The student, who was not seriously hurt, was identified as Hamed Kizilbash. He attends Tougaloo College at Jackson, a predominantly Negro school.

"Witnesses said the men, all well-dressed, were beating the Indian student when one said, 'Hold it, he's an Indian.'

"The Reverend Ed King, a white chaplain at Tougaloo, said that he was in the car and he and his wife were not harmed.

"The three were en route to a mass meeting designed to cap a day of voter registration activities in Madison County.

"Reverend King said the license number of one of the cars was taken and a complaint was made to the highway patrol. A spokesman for the highway patrol said today, however, that there is no procedure for taking such a complaint. He added that the complaint would have to be reported to county authorities."

The second article is from yesterday's New York Times. It shows that the right of accused persons to be represented by legal counsel is not yet well established in Mississippi when civil rights is the issue.

"FIFTY-TWO DENIED COUNSEL IN MISSISSIPPI JAIL

"CANTON, MISS., May 31.—Two men representing the National Council of Churches and 50 Negroes arrested Friday in a demonstration here were held in jail for the third day today without being allowed legal counsel.

"Carsie Hall, a Negro lawyer of Jackson, said he had tried to visit those arrested at the county jail here yesterday and today and had been turned away.

"The Reverend Glenn Hosmen, a Methodist minister from Emporia, Kans., and Charles Mory, a theological student at Eden Seminary of the United Church of Christ at St. Louis, are the two National Council of Churches workers being held.

"Two other members of the council group picked up by the police Friday while standing on the street as observers during a voter-registration demonstration were released 2 hours later without charges.

"One of the two, the Reverend Darrell Yarney, a Presbyterian minister from Emporia, said today that he and the Reverend Robert Goodson of Hayes, Kans., had been pushed roughly with rifle butts by officers and taken into custody along with the demonstrators.

"The Reverend Robert Beech, formerly from Illinois, who has been working with the church council group in Mississippi, said he had not been able to learn the charges against those held. City Attorney Robert Goza said the charge was parading without a permit and those arrested were being held under $500 bond."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 68, JUNE 3, 1964

(The 52d day of debate on H.R. 7152; 69th day of debate on civil rights)

1. Wednesday's schedule: The Senate will convene at 9 this morning and will stay in session until evening. Live quorums should be expected at any time today. Floor captains for Wednesday:

Democrats: Nelson, 9 a.m. to 12 noon; Bartlett, 12 to 3 p.m.,; McGovern, 3 to 6 p.m.; McGee, 6 p.m. to close.

Republicans: Cooper, all day; Dominick, all day.

2. Quote without comment: The following is from the Washington Star for May 20.

"ANALYSIS OF DEFEAT—WALLACE BLAMES NEGROES

"His aids were trying to get him to eat his ham, but Gov. George Wallace was too interested in analyzing and reveling in the results of the Maryland Democratic primary.

"Thumping the tabulations from the predominantly Negro districts of Baltimore which voted overwhelmingly against him, the Alabama Governor commented:

"'Look here. If it hadn't been for the nigger bloc vote, we'd have won it all. We have a majority of the white vote. And, why, why if the Republicans could've crossed over, we'd have beaten the hell out of 'em, sure enough.'

"Governor Wallace paused as if inviting anyone present to challenge his conclusion. When no one did, he said in a low voice to his wife and a reporter sitting beside him in the roadside diner:

"'Incompetent press. They can fool some of the people some of the time but not all of the people all of the time.'

"To this paraphrase of Abraham Lincoln, he added: 'The press is beginning to see that they are not as influential as they think they are. Why, all the papers were against me. The church too. They brought in TED KENNEDY and 10 Senators and the unions. Look what happened.'

"Governor Wallace made a candid and colorful comment about what would have happened in Alabama had his Maryland primary opponent, Senator DANIEL BREWSTER, come here to campaign against him. Then, he quickly declared the remark off the record.

" 'It sounds like I'm gloating,' he explained.

"Governor Wallace revealed he already is thinking about other States.

"He intends to devote himself in the months before November to speeches throughout the country.

"He was vague about his purpose, but an assistant suggested that he will try to accelerate the southern movement to choose presidential electors who will not be obligated to vote for the candidate of either major party.

"Governor Wallace continuously was interrupted by admirers who came to his table to thank him for fighting in Maryland, to seek his autograph, or just to share in adulation.

"Before all of them, he assumed the modest, statesmanlike role he so carefully has cultivated in all of his public appearances in the North.

"When someone made a bitterly irreverent statement about the hostility of the churches toward him, he replied:

" 'There's nothing bad to say about the clergy. I think people should have a right to say what they want to say, to do what they want to do.'

"To a remark hostile to Negroes, he said: 'This is not a vote against any segment of the population.'

"Away from the crowd, Governor Wallace was more relaxed. Frequently using the term 'nigger,' he launched into a general discussion of big city crime and the race issue.

"He asserted that Alabama handled street crime more effectively than Washington and New York by being stricter in its punishment of Negroes. And he defended the use of hot sticks, as he called the electric cattle prods used against racial demonstrators in the South, declaring that they were more effective and humane than police blackjacks used in the North.

"As to the solution of the racial problem, he said education for the Negro was the ultimate key.

"When he finished dinner, Governor Wallace struggled through approving crowds to the American Legion hall in Towson, Md.

"There, a chanting throng greeted him with Confederate banners and great ovations. The shouting gathering several times tried to sing 'Dixie,' but the tune apparently was so unfamiliar to most of the people there that they never succeeded in completing a stanza.

"Earlier in his motel room, Governor Wallace had chortled as Senator BREWSTER in television interviews tried to explain away the significance of the Maryland vote.

"Now, he told his hundreds of sympathizers that his enemies couldn't alibi away his astonishing vote by calling him nasty names.

"He declared that the vote carried 'a message, loud and clear' to Washington."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 69, JUNE 4, 1964

(The 53d day of debate on H.R. 7152; 70th day of debate on civil rights)

1. Thursday's schedule: The Senate will convene at 9 this morning and will stay in session until late afternoon or early evening. Live quorums should be expected at any time.

2. Quote without comment. The following is an editorial from the July 26, 1963, issue of the Daytona Beach (Fla.) Morning Journal:

"A BLIGHT ON THE STATE'S NAME

"A staff member of the U.S. Commission on Civil Rights picked up his copy of the New York Times yesterday, and began to read accounts of the Nation's racial strife, and he noted the dateline of St. Augustine, Fla.

"What he read made him gasp, and he put in an immediate call to the secretary of the Florida Advisory Committee. 'Can such a thing be true in this country?' he demanded.

"The 'such a thing' was the act of County Juvenile Judge J. Charles Mathis in St. Augustine taking seven juveniles from their parents and lodging them in the county jail. He did so because the parents refused to sign a form the judge presented them that said they would keep their children from indulging in any more demonstrations against segregation until they were 21.

"Such an action as this is common under totalitarian systems. Fidel Castro has taken young children from their parents and sent them to Moscow for indoctrination. Dictators on the right and left think it is their prerogative to tell parents how to rear their children, or to restrict them in what knowledge they get or what actions they may perform.

"But to think that such tactics could be exercised in the United States—and in its oldest city.

"This ancient cradle of the New World has no right to expect that it is going to escape the drive for equality of American citizens that is being pushed down every American thoroughfare. It is doubly a target because there all the harsh methods of denial are being practiced, and are maintained by a combination of political and business power.

"This fact intensified the determination of young Negroes to demand change.

"The demonstrations last week were made by 16 Negro teenagers who visited a lunch counter. Wanting to keep their protest peaceful, they responded to a signal of a watcher and left the counter before a deputy arrived. But they were arrested anyway—arrested on the street as they were walking away from the place, and charged with trespassing.

"These cases were set for last Tuesday, and it was their attorney's understanding that they would get a continuance until their regular attorney returned to the city. But, when the hearing opened, Judge Mathis presented the promise to desist forms for the seven who were under 14—four girls and three boys. But because St. Augustine has no juvenile detention home for Negroes, they were lodged in county jail—a jail that supposedly is the place for common criminals.

"Florida is going to get a black eye over this case.

"Big brotherism of this stripe has no place in the American system of jurisprudence. It is abhorrent for a judge to decide he has the right to prevent young people from indulging in peaceful protest because their rights are being denied. It is a disgrace that he would take them from their parents because the parents refused to sign their rights away.

"Governor Bryant should inquire into this case immediately, and let the rest of the country know that the State does not countenance such a use of the Nation's system of law."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 70, JUNE 5, 1964

(The 54th day of debate on H.R. 7152; 71st day of debate on civil rights)

1. Friday's schedule: The Senate will convene at 9 a.m. and will stay in session until late afternoon. Live quorums should be expected at any time. Floor captains for Friday:

Democrats: HART, 9 a.m. to 12 p.m.; PROXMIRE, 12 to 3 p.m.; MORSE, 3 to 6 p.m.

Republicans: BENNETT, all day; HRUSKA, all day.

2. Opponents of the civil rights bill often say that the Federal Government should not interfere with local concerns. Their position seems to be that no higher governmental body should take any action on community issues. It is interesting to contrast this emphasis on the sacredness of local government with the actions of various southern Governors when local officials have done something that displeased them. When this happens, suddenly the doctrine of local rights goes out the window. Several instances of such State interference are discussed in today's newsletter.

Arkansas: In accordance with a plan submitted by the Little Rock School Board a Federal court ordered desegregation to begin at the high school level in the autumn of 1957. On the day before school was to open, Governor Faubus proclaimed a state of emergency and sent troops of the Arkansas National Guard to keep Negro students out of the one high school which was to be desegregated. The troops were withdrawn only after the Federal court issued an injunction. The Negro students subsequently entered the high school under the protection of the federalized National Guard. The following September (1958), after unsuccessfully attempting to have the desegregation order suspended by the courts, Governor Faubus invoked State law and closed the Little Rock schools.

Alabama: When Federal courts ordered desegregation of public schools in Birmingham, Mobile, Huntsville, and Tuskegee (Macon County) in the fall of 1963, Governor Wallace ordered postponement of school openings and sent hundreds of State troopers to the cities scheduled for desegregation to prevent the opening of schools and admission of Negroes. During a week of tension and disorders many local officials and parents protested the Governor's actions. Schools were eventually reopened after all five Federal district judges in Alabama had enjoined further interference by the Governor and President Kennedy had sent the federalized National Guard to preserve peace and order.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 71, JUNE 6, 1964

(The 55th day of debate on H.R. 7152—72d day of debate on civil rights)

1. Saturday's schedule: The Senate will convene at 9 a.m. Under the unanimous-consent agreement, the Chair will immediately recognize Senator HICKENLOOPER, who will reoffer his unanimous-consent request, providing for the limitation of debate to 4 hours each on (1) amendment No. 869, a modification of the original Morton jury trial amendment, (2) amendment No. 868, a Hickenlooper amendment to eliminate the provision for training institutes from title IV, and (3) amendment No. 606, the Cotton amendment to limit jurisdiction in employment cases to employers of more than 100 employees.

Senator HICKENLOOPER will then, by agreement, yield to Senator MANSFIELD, who will offer the cloture motion. The Senate will then consider the HICKENLOOPER request, and, if the request is agreed to, the cloture motion will be considered as having been withdrawn, and will then be filed on Monday. The Senate will convene on Monday at noon.

Floor captains for Saturday:

Democrats: HARTKE.

Republicans: MORTON.

2. Mississippi prepares to welcome summer visitors: The following excerpts are from a

New York Times article of May 30, describing the impending summer voter registration drive which has enlisted the support of student volunteers from outside the State:

"Officials of civil rights organizations contend that a reign of terror has been instituted against Negroes in the Counties of Pike, Amite, Wilkinson, Adams, Franklin, and Jefferson in the State's southwestern corner.

"Five Negroes have been reported slain in that area in the last 6 months. Others have been flogged. Still others have fled from their homes after receiving threats.

"Some homes have been fired into at night. A Negro cafe and a barbershop have been bombed.

"Economic sanctions have been imposed against Negroes and a few whites.

"Crosses were burned in 64 of this State's 82 counties the night of April 24.

"'There is something badly wrong here,' observed E. W. Steptoe, Sr., as he sat in the neat though unpainted living room of his tar papered home on his 240-acre farm in Amite County, on the Louisiana State line.

"'I do not know what the Negro could be doing to displease the white people,' he continued. 'Looks like they are trying to do everything to satisfy them.'

"'They are not asking for nothing out of reason—just the vote,' he said."

3. Voter registration in North Carolina: Following is an incident related by Luther J. Carter, Washington writer for the Norfolk, Va., Virginian-Pilot:

"One registrar once told me how exasperated he became during one of his ingenious literacy tests when a Negro schoolteacher answered every question propounded; being something of a student of American history, he tested the applicant on such fine points as the Missouri compromise and the Dred Scott decision.

"Finally, he simply told him: 'Well, you just can't register.' That was the idea in the first place."

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 72, JUNE 8, 1964

(June 8, 1964; 56th day of debate on H.R. 7152; 73d day of debate on civil rights)

1. Monday's schedule: The Senate will convene at noon and will stay in session until late afternoon or early evening. Live quorums should be expected at any time. Floor captains for Monday:

Democrats: PASTORE, 12 to 3 p.m.,; BARTLETT, 3 to 6 p.m.; PELL, 6 p.m. to close.

Republicans: HRUSKA, all day; BENNETT, all day.

2. Precloture schedule: Saturday's unanimous-consent agreement, requested by Senator HICKENLOOPER, provides for 4 hours of debate (divided equally between the majority leader and proponents of the amendments below) on each of three amendments, in the following order:

No. 869 (Senator MORTON): Providing jury trial in criminal contempt cases arising under the act except for title I (voting) cases, title I cases remain covered by the 1957 act.

No. 868 (by Senator HICKENLOOPER): Striking out sections 404, 405, and 406 of title IV of the House-passed bill.

No. 606 (by Senator COTTON): Limiting the coverage of title VII to employers with 100 or more employees.

Debate on No. 869 will occur today and a vote will be taken immediately after the opening quorum call on Tuesday. Debate and voting on the other two amendments will follow in order on Tuesday.

The cloture petition will be filed today. Under the rules, the vote on cloture will occur 1 hour after the Senate convenes on Wednesday.

Amendments to either the House-passed bill or to the Dirksen substitute are in order any time before the cloture vote, and either proposal may be amended in two degrees.

The following numbers of Senators are required for an affirmative cloture vote, under the two-thirds rule, assuming the numbers of Senators present and voting given at the left:

With 100 Senators present and voting, 67 "yea" votes required.

With 99 Senators present and voting, 66 "yea" votes required.

With 98 Senators present and voting, 65 "yea" votes required.

With 97 Senators present and voting, 65 "yea" votes required.

With 96 Senators present and voting, 64 "yea" votes required.

With 95 Senators present and voting, 63 "yea" votes required.

With 94 Senators present and voting, 63 "yea" votes required.

If the cloture vote succeeds, it applies to H.R. 7152 and all pending amendments, of which there are approximately 400 at the desk. Each Senator will have 1 hour of debate after cloture. If the cloture vote fails, the leadership would expect to file another cloture petition with all deliberate speed.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 73, JUNE 9, 1964

(The 57th day of debate on H.R. 7152; 74th day of debate on civil right)

1. Tuesday's schedule: The Senate will convene at 10 this morning. There will be a quorum call almost immediately thereafter. At the completion of quorum proceedings, the Senate will vote on the Morton jury trial amendment.

Following this vote, the Senate will debate Senator HICKENLOOPER's amendment to strike sections 404, 405, and 406 (pertaining to training institutes and Federal grants for training local school personnel in problems of desegregation). After 4 hours of debate the Senate will vote on the Hickenlooper amendment.

After this vote, the Senate will consider the Cotton amendment limiting title VII to employers with at least 100 employees. Once again there will be 4 hours of debate, followed by a vote.

2. The following remarks by the majority whip appear in the CONGRESSIONAL RECORD for June 4, 1964, page 12727:

"I have appealed to a number of my colleagues on the basis that we have debated the bill ad infinitum. We will have debated it for 3 months on June 9. I have assured every colleague that any amendment of substance that relates to a particular provision of the bill will be voted upon, that those amendments that seek to modify seriously or strike a title can and should be called up early under the cloture rules, debated, and voted upon on their merits.

"The Senator from Minnesota wants to reassure his colleagues—whatever is their persuasion on the bill—that they will be treated fairly. Every opportunity will be given to a Senator to present his amendment and be heard, and have his amendments voted upon. I assure the Senate that the Senator from Minnesota will do all he can to see that that is accomplished.

"I personally believe that the cloture vote will be the most important vote that any Senator will cast for many a year in this body. I cannot emphasize that fact too strongly—the most important vote to occur in this Chamber in many years, perhaps in this generation."

3. Fair employment laws and prosperity: The opponents of the civil rights bill claim that fair employment laws ruin business. For evidence they compare unemployment rates of States with FEP laws with those of Southern States. This is a misleading comparison, for there are a great many southerners engaged in marginal farming, working as sharecroppers, and the like, who are technically employed although they may be living in abject poverty. The Northern States, on the other hand, are highly urbanized. Agriculture does not play so large a part in their economies, and what farming there is tends to be highly mechanized—a far cry from conditions prevailing in parts of the South.

Today we present a more reliable yardstick of prosperity—median family income. This comparison of Southern States with some Northern States with FEP laws shows that government action to halt discrimination in hiring does not seem to lead to depressed economic conditions. These figures are taken from the 1962 edition of the County and City Data Book.

Median family income

Selected Southern States:	
Alabama	$3,937
Arkansas	3,184
Georgia	4,208
Mississippi	2,884
North Carolina	3,956
South Carolina	3,821
States with fair employment laws:	
California	6,726
Connecticut	6,887
Illinois	6,566
Michigan	6,256
Minnesota	5,573
New Jersey	6,786
New York	6,371

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 74, JUNE 10, 1964

(The 58th day of debate on H.R. 7152; 75th day of debate on civil rights)

1. Wednesday's schedule: The Senate will convene at 10 this morning. Thereupon there is to be 1 hour of debate on the cloture motion, divided evenly between the majority leader and the Senator from Georgia. A quorum call begins at 11 o'clock, and immediately after the quorum call there will be the vote on cloture.

2. What happens after cloture? If this morning's cloture vote is successful and cloture is imposed, the leadership expects that there will be voting on amendments soon thereafter. As the Senate convened on Monday, a total of 411 amendments had been offered; a substantial number have been introduced since then. For this reason Senators are urged to avoid engagements that will take them away from the Capitol when the Senate is in session.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 75, JUNE 11, 1964

(The 59th day of debate on H.R. 7152; 76th day of debate on civil rights)

1. Thursday's schedule: The Senate will convene at 10 this morning and will stay in session until early evening. There will be numerous votes on amendments to the civil rights bill.

2. Holding the line on civil rights: Now that cloture has been imposed, the pace in the Senate has changed drastically. Before cloture we went for weeks without a vote, and Senators had no obligation except to answer quorum calls. The present situation is the direct opposite of this lethargic pace. There will be a dozen or more votes every day. More votes will come with virtually no advance warning. Senators who are not on Capitol Hill when a vote occurs will not be able to get to the Senate Chamber in time to cast their votes.

Some of the amendments that may be offered are likely to have hidden dangers behind an appealing facade. Serious damage can be done to the bill if such amendments are accepted. Therefore all Senate supporters of the bill are urged to remain on the floor or in their offices while the Senate is in session.

BIPARTISAN CIVIL RIGHTS NEWSLETTER NO. 76, JUNE 19, 1964

(The 66th day of debate on H.R. 7152; 83d day of debate on civil rights)

FINAL ISSUE

The bipartisan Senate leadership supporting the proposed Civil Rights Act of 1964, H.R. 7152, headed by Senators HUBERT H. HUMPHREY and THOMAS KUCHEL, has distributed 76 issues of this newsletter to the offices of the Senators who support the legislation. Hopefully the newsletter has helped to keep Senators and their staffs informed on the bill and on the bill's detractors.

Now, joining the legions of other small rural dailies, we cease publication with our thanks to those who helped to produce it.

RECAPITULATION

The Senate formally took up H.R. 7152 on March 30, after having debated civil rights for 17 days. The first successful cloture vote (71 to 29) on a civil rights bill occurred on June 10—534 hours, 1 minute, and 57 seconds of debate after the bill was taken up. During this time, Senators offered well over 500 amendments. Of this number, the Senate considered 118 in 7 days of debate after cloture. Twelve amendments were accepted, including the Dirksen-Mansfield-Kuchel-Humphrey substitute.

Comprehensive summaries of the bill, as amended by the Dirksen-Mansfield-Kuchel-Humphrey substitute (not including the language of the Morton jury-trial amendment), can be found in the remarks of Senator DIRKSEN (June 5, pp. 12817–12820) and of Senator HUMPHREY (June 4, pp. 12709–12715) in the RECORD. The Morton jury-trial provision appears on page 14237 (June 17). Complete explanations of the Senate-passed bill will be available in a few days.

Oratory and rhetoric will be found in the RECORD in sufficient quantity to please nearly anyone. Suffice it to say here that the job was done. We have a good bill. We still have a Senate, and we have miles to go before we sleep, and miles to go before we sleep.

Mr. BYRD of West Virginia. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 31 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 25 minutes.

Mr. BYRD of West Virginia. Mr. President, on last Wednesday I voted for the Mansfield-Dirksen amendment to the civil rights bill. The amendment was in the form of a substitute bill. In my judgment, the amendment constituted a slight improvement over the bill passed by the House. For this reason, I chose the lesser of two evils and voted to displace the House bill with the substitute. The substitute having been accepted, I shall vote against the bill on final passage.

Any bill which bears a civil rights label automatically commands respect because every American values civil rights. Anyone who opposes a civil rights bill is labeled anti-Negro, a racist, and a bigot. The antibigot bigots in this country have so intimidated many men that they will not stand up and resist demands made in the name of civil rights.

I believe in equal justice for all, but the so-called civil rights bill goes beyond this. Its practical results will be special treatment for some people rather than equal treatment for all. It will accord no new civil rights to anyone. All Americans, white and nonwhite, today possess the same civil rights. These are guaranteed by the Constitution, the Federal Bill of Rights, and the subsequent amendments to the Constitution. What is needed is better enforcement and uniformity of application of the laws already on the statute books.

I voted for the 1957 and the 1960 Civil Rights Acts. I supported the resolution providing for a constitutional amendment to abolish the poll tax as a requirement for voting in Federal elections. But this bill contained provisions which I could not conscientiously accept. In reality, it consisted of several controversial bills rolled into one, and it should be remembered that the bill was never sent to a Senate committee in accordance with normal procedures. It was railroaded to the floor of the Senate over the objections of those of us who felt that in the interest of orderly legislative processes and in the interest of writing a workable bill which would not do violence to constitutional principles, it should receive committee consideration. But the proponents insisted that the bill was a perfect piece of work and that no amendments would be accepted. It was to be enacted precisely as it passed the House of Representatives.

The lengthy debate on the bill brought to light the glaring imperfections therein. Unlimited debate in the Senate is often criticized by the very people whose liberties are protected by Senate rules which permit unlimited debate. The same was true in this instance. There was bitter criticism of the debate, and the criticism heightened as the days lengthened. Some Members of this body even went so far as to refer to the debate as a "disgrace," but, as the senior Senator from Washington, Senator MAGNUSON, stated only a day or so ago on the Senate floor, the debate was remarkable in that it was consistently germane.

I think it would be apropos, as well as beneficial, Mr. President, to read what Woodrow Wilson wrote regarding legislative debate in his book entitled "Constitutional Government in the United States":

> We speak now always of "legislatures," of "lawmaking" assemblies, are very impatient of prolonged debates, and sneer at parliamentary bodies which cannot get their "business" done. We join with laughing zest in Mr. Carlyle's bitter gibe at "talking shops," at parliaments which spend their days in endless discussion rather than in diligent prosecution of what they came together to "do." And yet to hold such an attitude toward representative assemblies is utterly to forget their history and their first and capital purpose. They were meant to be grand parleys with those who were conducting the country's business: Parleys concerning laws, concerning administrative acts, concerning policies and plans at home and abroad, in order that nothing which contravened the common understanding should be let pass without comment or stricture, in order that measures should be insisted on which the nation needed, and measures resisted which the nation did not need or might take harm from. Their purpose was watchful criticism, talk that should bring to light the whole intention of the government and apprise those who conducted it of the real feeling and desire of the nation; and how well they performed that function many an uneasy monarch has testified, alike by word and act.

Mr. President, those who are quick to chastise the Senate for its seemingly slow but calm and deliberate pace in dealing with controversial and dangerous bills, would do well to reflect upon the words of Haynes in his book, "The Senate of the United States":

> It must not be forgotten that the rules governing this body are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls to conserve, to render stable and secure the rights of liberties which have been achieved by conflict. By its rules the Senate wisely fixes the limits of its own powers. Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this Chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

So, Mr. President, I think it can be rightly said that Senate rules which provide for unlimited debate—call it filibuster if you will—constitute the final weapon possessed by a minority of States for their protection against a temporary and tyrannical majority. The Senate is the last impregnable fortress against the storms of emotion and passion which have a way of sweeping over and engulfing the people, as we have seen happen in the wake of the so-called nonviolent demonstrations, the flagrant acts of civil disobedience, and the willful violations of law which have occurred throughout our land during the past 2 years.

But, in this instance, a minority of Senators, representing a minority of States, were unable to beat down the insatiable drive for cloture.

Realizing that a majority of Senators can ordinarily be expected to support any bill which bears a civil rights title, I was opposed to invoking cloture to shut off debate. I knew that if the debate were closed, the bill would pass substantially as written, because the leadership had the votes with which to defeat virtually all amendments it did not wish to accept. But cloture was invoked; and from the moment when 71 Senators voted to stop debate, the end was in sight, and the passage of the bill was only a matter of time.

Scores of amendments were offered by Senators who opposed certain parts of the bill. I did not oppose all of the bill; I think part of it is good. Nonetheless, it was and is a matter of taking all of the bill or nothing. The bill's supporters beat down all but a few inconsequential amendments. The bipartisan steamroller supplied the votes, as I had predicted that it would. The handwriting on the wall was as clear as the sun on a cloud-less morning. Meritorious amendments were defeated as a matter of course. Supporters of the bill voted "no"—often mechanically and perfunctorily, it would seem; and not infrequently some of them rushed into the Chamber and down the aisle, and voted "no," only to find later that it was merely a quorum call.

I offered an amendment to delete title II, the public accommodations title, because I deemed it to be unconstitutional and unwise, and I felt that it infringed upon the constitutional and natural rights of property owners, be they white or nonwhite. I supported an amendment to delete title VII, the so-called equal employment opportunity title, because I felt that the title infringed upon the constitutional rights of employers and labor unions; I felt that it constituted a blow to our free-enterprise system; and I felt that the practical result of the legislation would be that certain persons would be accorded special treatment in employment and promotion matters. Fortunately, the title will not affect employers who have less than 25 employees.

While the immediate effect of this bill upon West Virginia will be minor, because our problems in the civil rights field are few, we shall all pay a high price for this legislation in the loss of constitutional protection for each citizen in America. And just as it has been rightly said that the constitutional rights of Negro citizens cannot be encroached upon without endangering the constitutional rights of white citizens, so can it also be rightly said that the constitutional rights of white citizens to manage and control the use of private property—one of our basic natural human rights which existed long before written constitutions—cannot be ruthlessly trampled under foot without also destroying the same God-given rights of Negro citizens. When it is remembered that one's daily bread, secured through honest sweat and toil, constitutes property, then it is not difficult to comprehend the importance of property rights and to understand their high place in the scale of human rights. The Fifth Commandment, found in the Old Testament, "Thou shalt not steal"—recognizes without question the venerable and time-honored, natural and inherent, property rights of man.

Although the impact of the bill is directed largely at the Southern States, the constitutional rights of citizens in other parts of the country have also been impaired. The private rights of a widow who operates a six-room tourist home in the South cannot be invaded without negating the constitutional rights of property of individuals elsewhere. Federal powers of coercion cannot be brought to bear upon States and citizens in one part of the country without creating a reservoir of powers which will threaten other areas and other citizens.

Every journey toward a forbidden end must have a beginning, however slight it may be. This bill constitutes a long step toward the destruction of constitutional rights of all our citizens. If the bill is sustained in all of its parts by the Supreme Court—and this would be no surprise, in view of certain recent decisions based on sociological concepts, rather than legal precedents—then our course toward eventual and total destruction of constitutional government will be difficult to alter.

Having made reference to the Supreme Court of the United States, Mr. President, I wish to say that I view with growing concern the apparent arrogance and contempt with which that body increasingly seems at times to view the centuries-old doctrine of stare decisis. The reasoning behind some of the Court's decisions over the past 10 years carries mischievous, and even dangerous, consequences for our Federal system. As the distinguished columnist, Arthur Krock, stated only this week:

> Judicial supremacy over the acts of the other two Federal Government branches and the States has reached so high a degree of acceptance that the President automatically enforces the decrees of the Supreme Court, and appeals to Congress to exercise its limited power to vacate them get nowhere.

As Mr. Krock went on to say:

> When the Court proclaims, as it did Monday, revolutions in the American political process and in the legal process of the States, the revolutions are immediately accomplished. The only authoritative protest comes from within the Supreme Court itself, by the dissenters.

Mr. President, constitutional government in this Republic is in danger, and every sober citizen should consider this irrefutable fact with prayerful and grave concern, because, Mr. President, the beneficent blessings which the people of our land have so long enjoyed have been made possible largely because of a form of constitutional government unmatched and unequaled throughout all the hoary ages of time. If one might repair to the dusty pages of one of the great speeches of an earlier day, I think it would be most appropriate to read the words of Daniel Webster, uttered 114 years ago in the U.S. Senate:

> We have a great, popular, constitutional government, guarded by law and by judicature, and defended by the whole affections of the people. No monarchical throne presses these States together; no iron chain of military power encircles them; they live and stand upon a government popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles:
>
> "Now the broad shield complete,
> The artist crowned with his last hand,
> And poured the ocean round:
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound
> the whole."

But the day may not be far off, Mr. President, when the people shall awaken, perhaps too late, to find that constitutional government as we have known it and as our forefathers bequeathed it to us, and as Webster so eloquently referred to it, will have perished at the hands of men to whom it was entrusted.

No less a man than Woodrow Wilson emphasized the responsibility of the courts in protecting and preserving constitutional government:

> Constitute them how you will, governments are always governments of men, and no part of any government is better than the men to whom that part is intrusted. The gage of excellence is not the law under which officers act, but the conscience and intelligence with which they apply it, if they apply it at all. And the courts do not escape the rule. So far as the individual is concerned, a constitutional government is as good as its courts; no better, no worse. Its laws are only its professions. It keeps its promises, or does not keep them, in its courts. For the individual, therefore, who stands at the center of every definition of liberty, the struggle for constitutional government is a struggle for good laws, indeed, but also for intelligent, independent, and impartial courts.

This great former President, one of the eminent thinkers of all time, left no doubt as to the danger to American constitutional liberty which will surely confront—if it does not even now confront—our people in the form of an all-powerful Supreme Court over which there is no control other than the control which may be exercised by the members thereof themselves and which seems determined to complete the socialization of our society and our form of government. I refer to Wilson again, in his book on "Constitutional Government":

> Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Paternal morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interests; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control. You cannot atrophy the parts without atrophying the whole. Deliberate adding to the powers of the Federal Government by sheer judicial authority, because the Supreme Court can no longer be withstood or contradicted in the States, both saps the legal morality upon which a sound constitutional system must rest, and deprives the Federal structure as a whole of that vitality which has given the Supreme Court itself its increase of power. It is the alchemy of decay.

But the duty to protect the Constitution does not rest with the courts alone. The responsibility also devolves upon the executive and judicial branches, and we as Senators bear an awesome burden. Too often we perhaps cavalierly, say, "Let the Supreme Court decide the constitutionality of this issue." But the cup does not so easily pass from our hands. In the words of Benjamin Hill:

> Who saves his country, saves himself, and all things saved do bless him; who lets his country die, lets all things die, dies himself ignobly, and all things, dying, curse him.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BYRD of West Virginia. For these reasons, Mr. President, I think that we are witnessing something on this floor which goes far beyond the issue of civil rights. As William Jennings Bryan once said:

> Our Government, conceived in liberty and purchased with blood, can be preserved only by constant vigilance. May we guard it as our children's richest legacy, for what shall it profit our Nation if it shall gain the whole world and lose the "spirit that prizes liberty as the heritage of all men in all lands everywhere"?

I fear for that Government about which Bryan spoke, and I fear that it will not be preserved as our forefathers envisioned it. I have only the utmost respect, as a Member of this body, for other Senators, and I do not question the sincerity of purpose and the high loyalty to his Government with which every Senator has approached his duty. We are all but men, and we cannot all see alike. But I am afraid that, while we perhaps do not see it clearly today and may not be clearly conscious of it even a decade away, the inroads which this legislative act will make into the cement of constitutional Government will accelerate the erosion of that edifice though it be centuries away.

Mr. President, may I once again turn backward to recall that in the Senate Chamber, on March 2, 1805, Vice President Aaron Burr bade a formal farewell to the Senate over which he had presided for 4 years. Probably no other address ever cast such a spell upon the Senate. One of its Members wrote that the whole Senate was in tears and so unmanned that it was half an hour after his departure before they could recover themselves sufficiently to come to order, choose a President pro tempore and then adjourn.

In closing that address which had so hypnotized his hearers, the Vice President spoke as follows:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here, in this exalted refuge, here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and, if the Constitution be destined ever to perish by the sacrilegious hands of the demagog or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

I have lived to see the day, Mr. President, when I have come to believe that Aaron Burr's words were words of prophecy.

In conclusion, Mr. President, I must say that it is hard to vote against this bill and to take a stand against the viewpoint of my own President and my own party. It has been hard to say "no" to church and labor groups and others who have urged that I vote for the bill.

But based on my own careful study of the bill, I have no alternative but to vote "no." I do this realizing that my vote will not please everyone, but I feel that duty demands this course of me. For, as Ulysses S. Grant once said:

> He who undertakes to conduct the affairs of a great Government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people * * * and can bear with patience the censure of disappointed men.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Senator from Iowa [Mr. HICKENLOOPER].

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Iowa yield for the purpose of having a quorum call?

Mr. HICKENLOOPER. I yield for that purpose.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, today the Senate will act on one of the most vital propositions in our political and economic history. H.R. 7152 is called a civil rights bill, and in part that is correct.

However, cloaked in the mantle of civil rights, which in and of themselves appeal to the inherent devotion to freedom and equality fundamental in our system, this bill contains many provisions that go far beyond necessity for protection of rights and opportunity for a minority and lay the basis for assaults upon the inherent and self-evident rights of all of our people. These provisions will strike at the heart of our system of personal responsibility in our economic operation and will superimpose bureaucratic coercion upon our system of private responsibility—the system that has made us the strongest nation the world has ever seen.

If this bill were limited to the establishment, protection, and strengthening of basic rights and equality of opportunity, I would applaud it and gladly support it. In fact those provisions that go to these points have my full support, including adequate punishment for violations.

But in the scales of justice and law in this Republic, I must weigh the overall general effect and potential—in other words—will this bill, while correcting certain important deficiencies in our free system, at the same time create more overriding assaults and injustices on that system for the majority than it attempts to correct for a minority. I am compelled to conclude that the far-reaching authority given to the Attorney General—far beyond his accepted prosecuting responsibilities—and the discretionary powers to be lodged in an appointed commission and its inevitable army of bureaucratic investigators will establish the pattern by law for the erosion of those rights of personal decision and responsibility essential to a private economy and a free system.

It is not sufficient to say that the bill does not, in words, specifically authorize such a condition. The important consideration is that the bill gives such broad discretion as to enable whim, caprice, and personal philosophy of the administrators to go to great lengths.

Nor is it acceptable to say that administrative officials and their subordinates will "of course not abuse their discretion." We have seen too many examples in recent years of biased and capricious imposition of discretionary authority in conflict with the understood purpose of legislation when it was enacted.

Nor is it sufficient to say that "if abuses occur they can be later corrected by law." This is a frequently used argument to secure the passage of questionable legislation, but once passed every legislator knows of the practical difficulty of securing substantive corrections in a far-reaching statute of massive impact.

The time for correction is during the consideration of legislation, and bureaucracy is tenacious and usually successful in defeating substantive changes in its authority once it has enjoyed the power.

Such changes in this bill have not been made. I had hoped that they would be made—the substitute adopted yesterday did not grapple with the disease; it only mildly treated superficial symptoms and leaves the bill as the Attorney General and the administration wanted it.

To review the bill in detail here would be surplusage—the record has done that pro and con. A few references, however, may be in order.

The Senate refused to eliminate those provisions authorizing the Government through the Commissioner of Education to furnish funds to colleges and universities to set up departments to instruct teachers in the social problems of integration—to pay teachers' salaries while attending such institutes and to pay transportation for such students during such educational period—truly an innovation by Government into the teacher training in this country.

The Senate has refused to accept amendments that would give equality of rights and representation to litigants as parties involved in disputes.

The bill, in effect, shifts the burden of proof in most proceedings to the point where the accused will probably have to prove his innocence.

The cavalier treatment of numerous constructive amendments during these cloture proceedings is not encouraging, and I submit that objective examination rather than raw power opposition will convince anyone that many of these proposals would help rather than hurt this program—but such was not the case. The die had been cast and the result foreordained.

Under this bill, I anticipate an ever-increasing flood of court and commission proceedings—most of which will not be based upon merit but which nevertheless will harass citizens and in the end may create cleavages in our people in areas where they do not now exist.

And this bill will not, in my view, settle anything or bring tranquility, but may well feed the fires of greater disruption.

There is another slogan that one often hears to the effect that when moral rights come in conflict with property rights, the property rights must give way. This has an emotional appeal, but is it defensible as a proposition? I think not, because nowhere in history have inherent moral or personal rights been established except as the right of the individual to own and control the fruits of his own efforts have also been established coincidentally. Moral rights and property rights under our concept of freedom are and must remain inseparable.

In America a man must and should stand on his own feet—he should and must enjoy equality of opportunity, but beyond that he is not entitled to preferred treatment and his ability, ambition, and talents must measure his progress.

As I understand it, the FEP portions of this bill were not included in the measure sent up by the White House early in this Congress. Those provisions were inserted by the other body. So far as I know an authoritarian FEP provision has never been sent to the Congress by any administration. The House action this year inserted it. But it is in the bill, and it must be voted upon.

My decision in this matter has not been an easy one. Along with most of us here, I have supported civil rights legislation—limited to civil rights—in the past. I had earnestly hoped to support corrective legislation where necessary and provide for Federal authority where equality could not be attained otherwise.

I believe I am as sincere in my beliefs as any Member, and all Members are sincere even in disagreement. In my years of political life I have opposed unnecessary centralization of power in Washington, and I have maintained an abiding faith in our Federal system as opposed to concentration of authority in the Central Government. It appears however, that the Federal system is under constant threat both from congressional action and Supreme Court decisions. I hope this threat can be diminished, but, in any event, I cannot and will not stimulate it.

This bill, as I have said before, goes beyond civil rights and contains the means of further erosion of the inherent rights of all of our people. It will pass overwhelmingly, of course, because the pattern is set, but, as I conceive my responsibility to the people of my State and to the Nation, I cannot with my vote give impetus to legislation, the overall impact of which will adversely affect the fundamental rights of all of our people.

Therefore, I must regretfully vote "no" when my name is called.

Mr. MORSE. Mr. President, the Senate is about to pass a civil rights bill which, if it becomes law, will deliver, for the first time since Lincoln issued the Emancipation Proclamation 100 years ago, full constitutional rights to the Negroes of America.

As I have pointed out many times in my speeches in support of this civil rights bill, the Constitution of the United States is not self-executing. It is the duty of Congress to enact legislation implementing the Constitution in all instances in which such legislation is necessary to carry out court decisions or Executive policies which are based upon the recognition of constitutional rights.

Many people deserve the thanks of the American people for the enactment of this civil rights bill. All in the Congress who vote for it and the President who signs it, of course, in the last analysis, deserve the greatest credit, because they are the ones who bring the law into being.

However, the majority leader, MIKE MANSFIELD, the majority whip, HUBERT HUMPHREY, the minority leader, EVERETT DIRKSEN, and the minority whip, THOMAS KUCHEL, are the major legislative architects of the bill in the Senate, and all Americans who believe in equal rights for all as guaranteed by our Constitution, owe them a great debt of gratitude. I am sure that they would be the first to say that the able assistance they received from each of the assistant floor leaders they appointed to help carry the various sections of this bill through the Senate, who have also carved out for themselves a fine record of legislative statesmanship, was of great help during the course of the many weeks that this bill has been under consideration in the Senate.

Sometimes, I believe too frequently, we in the Senate are not so appreciative as we should be of the dedicated, able work of loyal staff members who serve, in fact, as the brain trust energizing every major legislative effort in the Senate. To a large degree, this bill in its final form is the product of many such able staff members.

However, when all is said and done, I believe that the legislative history of this bill will record that the President of the United States deserves the major credit for it. If it had not been for his leadership, his courage, his determination, I am convinced that the Negroes of America would have seen the year 1964 pass into history without the passage of this civil rights bill delivering their constitutional rights to them. His speech of a few weeks ago to the Georgia Legislature seems to have been one of the factors that solidified support behind this bill both in the Congress and in the country. By making that speech where he did, he made it clear that there was to be no retreat on the civil rights issue. That was an act of presidential leadership that has rarely been equaled in the history of the Presidency.

I have said before that, in my opinion, the greatest speech on civil rights which has been made in our country since the Emancipation Proclamation of 100 years ago was the speech that President Johnson delivered at Gettysburg, Pa., when he was Vice President on Memorial Day 1963. There is nothing more appropriate that I could say in my closing speech on this bill than to quote the following paragraphs from President Johnson's historic speech, and I ask unanimous consent, Mr. President, that the entire speech be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Oregon? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, at that historic Gettysburg speech on Memorial Day 1963, President Johnson, then Vice President, said:

> The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.
>
> Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the Proclamation of Emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.
>
> As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.
>
> One hundred years ago, the slave was freed.
>
> One hundred years later, the Negro remains in bondage to the color of his skin.
>
> The Negro today asks justice.
>
> We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "patience."
>
> Our Nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate.
>
> To ask for patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him—and of all Americans—perseverance within the processes of a free and responsible society would be to fail to ask what the national interest requires of all its citizens.

I salute President Johnson for that great plea for unity in this country, at long last to deliver to the Negroes of America what they have never been allowed to enjoy, their full constitutional rights.

I shall be glad to have my descendants read that I voted in 1964 to give the Negroes their constitutional freedom, as Lincoln a hundred years ago freed them from the bonds and chains of slavery.

EXHIBIT 1

REMARKS OF VICE PRESIDENT LYNDON B. JOHNSON, MEMORIAL DAY, GETTYSBURG, PA., MAY 30, 1963

On this hallowed ground, heroic deeds were performed and eloquent words were spoken a century ago.

We, the living, have not forgotten—and the world will never forget—the deeds or the words of Gettysburg. We honor them now as we join on this Memorial Day of 1963 in a prayer for permanent peace of the world and fulfillment of our hopes for universal freedom and justice.

We are called to honor our own words of reverent prayer with resolution in the deeds we must perform to preserve peace and the hope of freedom.

We keep a vigil of peace around the world.

Until the world knows no aggressors, until the arms of tyranny have been laid down, until freedom has risen up in every land, we shall maintain our vigil to make sure our sons who died on foreign fields shall not have died in vain.

As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.

One hundred years ago, the slave was freed.

One hundred years later, the Negro remains in bondage to the color of his skin.

The Negro today asks justice.

We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "patience."

It is empty to plead that the solution to the dilemmas of the present rests on the hands of the clock. The solution is in our hands. Unless we are willing to yield up our destiny of greatness among the civilizations of history, Americans—white and Negro together—must be about the business of resolving the challenge which confronts us now.

Our Nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate.

To ask for patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him—and of all Americans—perseverance within the process of a free and responsible society would be to fail to ask what the national interest requires of all its citizens.

The law cannot save those who deny it but neither can the law serve any who do not use it. The history of injustice and inequality is a history of disuse of the law. Law has not failed—and is not failing. We as a Nation have failed ourselves by not trusting the law and by not using the law to gain sooner the ends of justice which law alone serves.

If the white overestimates what he has done for the Negro without the law, the Negro may underestimate what he is doing and can do for himself with the law.

If it is empty to ask Negro or white for patience, it is not empty—it is merely honest—to ask perseverance. Men may build barricades—and others may hurl themselves against those barricades—but what would happen at the barricades would yield no answers. The answers will only be wrought by our perseverance together. It is deceit to promise more as it would be cowardice to demand less.

In this hour, it is not our respective races which are at stake—it is our Nation. Let those who care for their country come forward. North and South, white and Negro, to lead the way through this moment of challenge and decision.

The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.

Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact. To the extent that the proclamation of emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

Mr. CURTIS. Mr. President, I have voted for the civil rights bills in the past. There are provisions in this bill which are meritorious. They deal with genuine civil rights and should be enacted.

There are other provisions in the bill with which I disagree. My position did not prevail in the voting on many of the amendments. The task now faced is making a decision as to whether or not, on balance, the provisions which should be enacted call for a favorable vote or whether, on balance, the provisions which are objectionable call for a negative vote.

This is a close and difficult decision. It is so close and so difficult that I would brand no Senator's vote as wrong.

I call upon the President of the United States, the Attorney General of the United States, and every individual and group who have for so long and so diligently crusaded for this legislation and have carried on efforts to influence the public in favor of the legislation, and those individuals and groups who have crusade against it, to now mobilize their moral forces to bring about racial peace in the United States. The law, when enacted, should be given an opportunity to operate. Controversies should be settled in a manner set forth in the law.

Good and benevolent Uncle Sam is entitled to an image that reflects domestic peace and tranquillity.

Mr. MOSS. Mr. President, after 82 days of long, penetrating and often wearisome and frustrating debate the Senate today will face up to its duty and will vote. Each Senator today must search his conscience, review our course as a Nation, decide where the common good lies and then be counted in the vote. I shall vote "aye."

In the course of our long debate many Senators have protested that by this civil rights bill property rights would be infringed. Perhaps property rights will be slightly circumscribed, but human rights will be enhanced. No longer will America by law relegate some of our citizens to lesser status. With this bill we will reaffirm by law our proud proclamation in our Declaration of Independence—"All men are created equal, endowed by their Creator with certain unalienable rights."

One hundred years after emancipation equality will be guaranteed by law in the right to vote, the right to education, the right to employment, the right to public accommodation, the right to be a full U.S. citizen. The bill does not accord to any citizen advantage or preference—it does not fix quotas of employment or school population—it does not force personal association. What it does is to prohibit public officials and those who invite the public generally to patronize their businesses or to apply for employment, to utilize the offensive, humiliating, and cruel practice of discrimination on the basis of race. In short, the bill does not accord special consideration; it establishes equality.

The vote of the Senate to invoke cloture was the turning point in this struggle. To that point the Senate had been held captive and subservient to the views and will of a determined minority using the Senate rules to thwart the will of the majority. A vote against cloture was a vote for inaction, for surrender to the tyranny of the few. One of the Senate's finest hours came when the rollcall recorded 71 Senators insisting that the public business proceed. Representative government cannot survive if the chosen legislators cannot act upon the public's business.

The bill does not, nor was it ever intended that it could, resolve all of our racial problems. Not until each of us learns the lesson taught centuries ago, to do unto others as we would have others do unto us, will discrimination, hatred, humiliation, and oppression cease. Legislation does not change personal attitudes nor dissolve animosities. Human charity, love, respect and consideration come from the moral, cultural, religious heritage of a people. As a people we will be on trial. But at least we have taken this legislative step.

The bitterness of this long fight must not remain to contaminate our national life. We must put behind us the misrepresentations and emotional assaults made against this bill. Our duty will be to understand and to implement the law enacted by an overwhelming vote of our chosen representatives. We are a nation governed by law. Our duty and belief—indeed our way of life—requires honoring, obeying, and sustaining the law. This bipartisan bill represents a significant milestone in the march of humanity toward brotherhood and peace.

Mr. YOUNG of Ohio. Mr. President, early in 1959, shortly after I took the oath of office in the Senate, in a newsletter which I sent to my constituents in Ohio, as an additional service as their Senator, I wrote:

> This Congress should expand civil rights and protect civil liberties. We should support the Supreme Court of the United States and its decisions as the law of the land. Daily we hear and read arguments for and against segregation and suggestions to compromise troublesome questions of civil rights. There just cannot be any comprise on civil rights. Either you are for the Supreme Court decision or you are resisting law and order. Racial problems are, in reality, moral problems and not political issues. Let us remember at all times, we are the Nation which chiseled on our Statue of Liberty:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free;
Send these, the homeless, tempest-tossed to me;
I lift my lamp beside the golden door."

Today, after nearly 3 months of debate, the hour of decision is at hand. I would not feel right if I did not at this time manifest my complete admiration for the majority and minority leaders, the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], and also for the assistant majority leader, the Senator from Minnesota [Mr. HUMPHREY], and the assistant minority leader, the Senator from California [Mr. KUCHEL].

I wish at this time also to manifest my admiration for the diligence and the great work on this legislation which was done by so many of our colleagues in the Senate, including the senior Senator from Pennsylvania [Mr. CLARK], and the junior Senator from Michigan [Mr. HART].

In this hour of crowning glory, when after a worrisome debate of nearly 3 months we shall pass this amended bill—which is, in fact, a greatly improved bill over that which was sent to us from the other body—let us not forget that great President John F. Kennedy, who fought for all Americans and brought this matter to a focus within a few months after he became President of the United States.

He was a great spokesman and a great leader who advocated, as Chief Executive of our Nation, that we must accord to all citizens of the United States complete civil liberties and civil rights, and that there were to be no second-class citizens in this Nation.

From the sunshine of happiness and joy of Los Angeles in the summer of 1960, to that dark, bitter, desolate day of last November, as a humble Senator of the United States, I walked along with John F. Kennedy all the way from Los Angeles to Arlington. He was right at every turn of the road.

Within a short time we shall close this historic debate. We shall cast our vote. We shall demonstrate to the people of the world that ours must be and will be a nation in which no one is forgotten, where the young have faith, the aged have hope, and where all stand equal before the law, and protected in all their civil liberties.

For too long, 20 million Americans have been denied their basic rights, the basic rights that our forefathers envisioned when they conceived the Constitution of the United States and wrote the Declaration of Independence.

It is left to us to guarantee those rights for all citizens. They have been affirmed in the courts as belonging to all Americans, not to almost all of them.

The breathtaking pace of modern life no longer permits slow, leisurely adjustments to reality. We are not establishing any new rights. We are only seeking to preserve old rights, rights as old as mankind itself.

I have received many letters from uninformed and misguided constituents, as have many of my colleagues. Those people fear that the civil rights proposal will in some way infringe upon their liberty and their way of life, even in my State of Ohio. There is nothing whatever, of course, in the final amended bill, that has been so thoughtfully debated for a period of nearly 3 months, that would give to the Negroes of this Nation any rights or privileges which they have not enjoyed in my State of Ohio for many years past under the law of my State. I am proud that this is so. What this legislation will do will be to extend those rights to all Americans, regardless of the States in which they live or in which they travel.

I do not want to take much more time on this subject. All of us will agree that passing this fine, amended bill, agreement to it by the House of Representatives and then sending the bill to the White House so that it may be signed by our President and become the law of the land on a very fitting day indeed—July 4, 1964—will not immediately abolish injustice.

That must come, Mr. President, through the growing understanding and good will of the people of the 50 States of our Union. However, the legislation which we have worked on, and which we shall pass in this Chamber within a period of 2 hours or less, will at last extend the assurances of our Constitution, our Declaration of Independence, and our heritage of freedom to all Americans, regardless of their race or color. It will be a step forward on that long path toward mutual tolerance and understanding.

Along with so many of my colleagues, it will be a happy occasion when I cast my vote "yea" in favor of the bill.

Mr. MONRONEY. Mr. President, will the Senator from Ohio yield on my time?

Mr. YOUNG of Ohio. I yield.

Mr. MONRONEY. Mr. President, I yield myself 1½ minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1½ minutes.

Mr. MONRONEY. Mr. President, Senate passage of the civil rights bill clears the way for enactment into law the most carefully debated measure ever considered by the Senate. It marks the close of legislative deliberation on the most comprehensive civil rights legislation ever approved by the Congress. It represents further fulfillment of a promise made more than 100 years ago to the Negro slaves who had been transported unwillingly to this country and a reaffirmation of the high ideals of government upon which this Nation was founded.

This bill will soon become the law of the land. I know the people of Oklahoma will accept it as such and will comply with its provisions. Oklahoma's proud heritage of adherence to the principles of equality and justice is respected not only in other States of the Union, but throughout the world. Its record on nondiscrimination in the field of voting rights is among the best in the country. Our State has made tremendous progress in other phases of the civil rights problem.

While I cannot agree wholeheartedly with all provisions of the bill, my disagreements basically are about methods and procedures. I have long been committed to the cause of freedom and equal rights for all citizens regardless of race, color, religion, or national origin.

I prefer to have problems of discrimination in public accommodations and employment handled on the local level and governed by local laws. That is why I believe the amendments adopted by the Senate are such an improvement over the House version of the bill.

Many other amendments were adopted which I believe clarify the bill, render a jury trial possible in most cases, and provide further definitions in the bill that we shall pass tonight.

Under the Senate bill States which have public accommodations laws and equal employment laws will continue to solve problems of discrimination themselves. There is no need for Federal intervention into these delicate fields at all, if the States and communities take the initiative and enact laws under which they can govern themselves. This bill encourages mediation and conciliation at the local level, in place of Federal action. In this regard the Oklahoma Legislature will undoubtedly consider the desirability of taking action in this direction.

It is long past time for correction of conditions which have degraded some Americans. This is essentially a moral issue. Americans must always move to higher ground, toward a larger measure of fair and equal opportunity for all.

I think it is most important that the bill be recognized for what it is: It only provides protection to citizens of the United States against infringement of their civil liberties. It is not a panacea for the ills which plague some groups of our citizens, nor is it a destroyer of the cherished freedoms of other citizens.

The judgment which will be written in history will, I believe, confirm the wisdom and justness of the action taken by the Senate today.

To move the bill to final passage conforms to the inspiration given by the late President Kennedy, the present President Lyndon B. Johnson, and the legislative leaders.

Mr. YOUNG of Ohio. Mr. President, I express my appreciation for the magnificent statement made by the distinguished senior Senator from Oklahoma. I am in complete agreement with the conclusions he has reached and the statement he has made.

Mr. MONRONEY. I thank the Senator from Ohio for his kind words, and also for the great contributions he has made in connection with the Senate's consideration of the bill and its passage today by the Senate.

Mr. TOWER. Mr. President, I ask unanimous consent that remarks I have prepared relative to title VII and title IX of the civil rights bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

RIGHTS-FEPC—KEEPING AMERICA COMPETITIVE

Whether we like it or not, our American economy is engaged in a worldwide competition with the economies of other nations. All of us must be concerned with maintenance of a strong American position with regard to this economic competition.

And yet here we are today attempting to legislate still further harassments upon American employers and American workers and American unions. Here we are talking about the addition to our laws of a so-called equal employment requirement that is not only unconstitutional but also would operate as a massive depressant upon our economy.

Here we are, asked to further interfere with the free enterprise economic system which virtually alone distinguishes this Nation's successful economy from the static, socialistic economies of many world nations. And the worst thing about it is that this employment provision is not necessary to enable America to continue progress in the field of civil rights.

I already have discussed at length my views on the unconstitutionality of title VII. And I think I—and other Members of this body—have made a very good and very thorough case on that score. I already have commented also about why I feel this approach is unwise from the standpoint of domestic economics.

I think, however, that we have thus far ignored the full importance of another economic field in which the harassments of an FEPC law would prove crucially detrimental to our Nation. This is the field of international economics—a field vitally tied up with our role as leader of the free world.

Therefore, I want to discuss today some of the problems facing our Nation in the task of keeping America competitive. (In this undertaking I have been stimulated by a recent speech of Mr. George S. Moore, president of the First National City Bank of New York.) These are problems that must be solved by the free enterprise system. That system will have trouble enough solving these problems without being additionally subjected to Federal bureaucratic dictation of employment practices.

Let us address ourselves, then, to the question of keeping America competitive.

The United States finds itself today at the onset of the most competitive period in world economic history. We still are the leader, but we are strongly challenged.

While U.S. industrial output continues to race forward quantitatively ahead of the booming economies of Europe and Japan, most of these nations are expanding at rates which outstrip those of the United States. For America, the challenge is not so much to exceed the growth rates of oversea competitors. Rather it is to keep ahead of their achievements in productivity which have accompanied their rapid industrial growth.

In this competition it behooves the United States not to place additional roadblocks and restrictions upon private business.

As never before in history, the competitive atmosphere in the United States and overseas compels American businessmen to innovate and modernize—and to internationalize their entire business scope and philosophy.

History may well designate 1964 as the point in time in which the United States made the transition from a basically national, inward-looking economy that has been dominated by domestic issues to a truly international economy.

Consider these points:

(1) That 1964 will see many economic records broken; but without displaying the growth rates which government, business, labor, and the consumer yearn for. The expansion we seek must come from the world market where, currently, U.S. foreign trade amounts to only about 7 percent of our gross national product compared to 29 percent in Europe's Common Market and over 30 percent for the United Kingdom.

(2) That 1964 will not only be a year of transition but one which will find most Americans ill-prepared to master the international business environment in which we shall have to operate.

(3) That many American industries have already lost cost leadership to Japanese or European manufacturers.

(4) That while foreign costs have been rising at a faster rate than in the United States, nevertheless U.S. labor costs—when measured in absolute dollars-and-cents terms—are advancing faster than theirs.

(5) That overseas manufacturers have been expanding their productive capacity to the point where they will be pressured into an aggressive drive for new export outlets.

(6) That U.S. advantages in industrial productivity are being cut back by oversea competitors who are making much faster advances than we and who will find it quite easy to approach our levels. Indeed, the recent flow of American know-how to Europe and Japan represents a fantastic bargain for their producers, who can leapfrog technologies and dispense with research and development outlays that haunt the profit and loss statements of their U.S. competitors.

(7) That the effect of foreign penetration of American markets has not so much been the loss of domestic sales as it has been lower U.S. price and profit levels. In just a little over a decade, and despite record corporate profits overall, the profit rate on domestic investments has declined by more than one-third. And these depressed profits have come at the very time when more inducements are needed so that U.S. companies can invest more heavily domestically in their own productivity.

In capsule form, this is the challenge of keeping America competitive. It is a challenge of productivity. And productivity is more than a simple question of stepping up management efficiency or keeping labor costs down or going out after more of the export business. Increased productivity is a complex of factors such as these:

(1) Of investment policies by U.S. companies that will accelerate—drastically—improvements in productivity through introduction of new technologies;

(2) Of economic policies by the U.S. Government—tax, trade, labor, antitrust, fair employment practice rules—that will make possible this accelerated rate of investment in U.S. productivity or will needlessly harass productivity;

(3) Of labor-management policies that will relate wage rates and employment practices at home not just to domestic productivity, but to the crucial levels of labor costs and productivity in the countries with which the United States must compete.

The expression, "the American team"—meaning government, industry, and labor—has more often been a phrase than a fact, except during war and other periods of great challenge. Keeping America competitive qualifies as the kind of national challenge which should result—through desire, not Federal decree—in a closer partnership and a wider view of our individual responsibilities as Americans. Successfully met, the challenge can bring better business, more solid employment, and a strengthened position on the world scene. The alternative is lower productivity, reduced business, fewer jobs and lower incomes, and dangerously diminished U.S. strength in world affairs. This is the year of transition in the new world of international competition.

Trade

Let us talk for a bit about foreign trade and the ways it affects our national productivity.

Never in recorded history has there been such a period of economic interdependence among nations as there is today. International trade and investment have soared to record heights.

The benefits of expanded multilateral trade and investment can be seen most strikingly, perhaps, in the unparalleled living standards of the Western European countries. But they can also be seen here at home. Over 70 million of our people are gainfully employed. Our gross national product this year will reach a new peak; per capita consumption is the highest in our history. Unlike the frenzied decade of the twenties when post-World War I prosperity vanished in the waves of the great depression; the post-World War II era in which we find ourselves, has been one of more sound economic accomplishment.

The system and institutions of international finance on which world trade and investment depend have been planned with care to avoid the restrictive autarchy of the thirties. The International Monetary Fund and the World Bank are performing vital roles in spurring economic growth. Close cooperation among central bankers and finance ministries is marked. The growth and complex interlacing of private commercial banks that supply the bulk of the credit essential to expanded trade is healthy and reassuring.

This is not to say that all is perfect. On the contrary, many economic problems have yet to be solved.

Here at home we must strive to reduce our relatively high and persistent rate of unemployment a problem I do not feel would be helped by an FEPC law.

Our balance-of-payments position must be improved.

Abroad, the challenge of assisting the less-developed countries to reach the takeoff point of self-sustaining economic growth remains a serious one. Remaining barriers to international trade must be removed. In many countries that require the stimulus of foreign private investment, political instability and the absence of adequate protection to private foreign property have produced climates unfavorable for such investment.

In analyzing the prospects for keeping America competitive we must first look at our current position in today's world.

America's role

The U.S. economy is unique in the world community of nations. With only 6 percent of the world's population we account for over one-third of its industrial production. Unlike other countries, which either predominantly export raw materials and import manufactured goods, or vice versa, America is the world's largest exporter and importer of both raw materials and of manufactured goods. For a number of countries and a long list of commodities, we are the most important market. At the same time, we are the biggest supplier to many countries of a wide variety of raw materials and manufactured goods.

Many countries—especially those whose exports are dominated by one commodity—depend heavily on our purchases for their economic well-being. This is dramatically illustrated by taking one commodity, coffee, and imagining the repercussions that would follow the unlikely event that it suddenly lost favor among American consumers.

We import over half of the world's coffee production—$1 billion worth—every year. Were a successful synthetic coffee developed, the economies of Brazil, Guatemala, El Salvador, and Colombia would collapse. Mexico, Nicaragua, Costa Rica, Ecuador, Honduras, and the Dominican Republic, as well as Portuguese Africa and countries formerly comprising British East Africa, would suffer drastically. Coffee is an extreme example. But for many other commodities and countries, the picture is similar, if less striking.

United States investments abroad

The importance of our role in world trade cannot be appreciated fully without considering other basic facts. Americans invest more capital abroad than the citizens of any other country. Our total holdings in direct and portfolio investment overseas exceeded $50 billion at the beginning of last year. This tremendous sum not only contributes to economic growth in other countries, but also swells the volume of both our merchandise exports and our imports.

Our Government provides the largest amounts of aid to other countries, either to assist in their economic advancement or to safeguard their independence. Since World War II, this country has extended over $100 billion in economic and military aid to our friends and allies.

To complete the picture of American preponderance in the world economy today, we must remember that the U.S. dollar is the world's dollar. Not only is it used more than any other currency to finance international trade, but it is by far the most important currency in the monetary reserves of free world countries.

United States not as dependent

In striking contrast, the United States is not nearly so dependent upon the international economy, at least from a statistical standpoint, as other countries are on the United States. Although the sheer volumes of our exports and imports are higher than those of any other country, their ratios to our gross national product are much smaller than in many other countries. Our exports, for example, constitute only 4 percent of our gross national product. By comparison, Germany exports 16 percent of its gross national product, the United Kingdom 14 percent, and the Netherlands 35 percent. Our long-term private investment abroad in 1962—a large $2.5 billion—was still only some 3 percent of our gross private domestic investment of $79 billion.

Thus, we find a somewhat lopsided relationship between the American and the international economies. Our relative role in world trade is large. The dependence of other economies on our is striking. But our relative dependence on the rest of the world is far less pronounced.

Growing interdependence

Nonetheless, growing interdependence with the rest of the world is a requirement for continued prosperity and economic growth in the United States. The jobs of over 3 million workers—6 percent of our total private employment—are dependent, directly or indirectly, on exports. A large number of workers also depend upon imports for their employment. We rely on foreign sources for many essential commodities, without which our economy could not function. Without a large foreign trade in both directions, the United States could not be economically prosperous or militarily strong.

Increasing our trade surplus

Despite our large trade surplus, more sales of our products overseas are required to help reduce our balance-of-payments deficit. From 1950 through 1962, the cumulative total of this deficit was $26 billion; to finance it we have drawn down our gold stocks by $9 billion and increased our liquid liabilities to foreigners by $16 billion.

Until the late 1950's, these gold losses and expanded overseas liabilities could be considered a good thing. They made possible the return to convertibility of other major currencies in 1958. One might even say that our payments deficit has helped to set the stage for the unparalleled wave of prosperity that has swept Western Europe and Japan.

But our gold stocks, while still large at $15.5 billion, are nonetheless limited. We cannot go on year after year with continuing outflows of gold and increases in liabilities.

Exports comprise almost two-thirds of our total receipts from abroad. On the surface, our surplus of exports over imports appears eminently satisfactory. Each year since 1960 it has exceeded $4 billion. But one-tenth of our exports is paid for directly by Government programs. If we count only our commercial exports—sales of our products abroad in direct competition with those of other countries—the picture is not so favorable. Furthermore, although our exports are still larger than those of any other country, they have not been increasing as rapidly as those of most other trading nations.

Conditions for increasing exports

To increase our trade surplus, more American firms must become export minded. At the same time, firms already engaged in exporting must intensify their efforts to sell abroad. Just as at home, in oversea markets sales volume is a function of price, quality, design, service, and marketing skill.

More broadly speaking, our trade position hinges on three fundamental conditions. The first of these is continued business prosperity in our major markets of Canada, Western Europe, and Japan. Taken together, these countries absorb more than 50 percent of our exports. The volume of the goods we ship to them depends in large measure on their rates of economic growth.

The second condition is keeping our costs and export prices in line with those of our major industrial competitors. Here our record over the past several years is good. Manufacturing costs and wholesale prices in Europe have been increasing more rapidly than in this country. But price increases announced in 1963, while not yet widespread, indicate that we shall have to remain firmly on guard against inflation.

The third condition required to improve our position in world trade is freer access to the markets of other countries. Tariff barriers, already reduced considerably from prewar days, must be reduced still further. Nontariff trade barriers such as import quotas, discriminatory taxes, and a host of other regulations that bar imports even more effectively than tariffs, need to be swept away.

The Kennedy round of trade negotiations under the auspices of the General Agreement on Tariffs and Trade is especially important to our trade position for future years. Right now the outlook for lowering trade barriers is cloudy. The negotiations will be difficult and lengthy. Barriers to trade in agricultural products stem from deeply rooted social and political problems. We should realistically expect less progress in this category of goods than in manufactures.

The European Common Market

Until now, the high rates of economic growth in the six countries of the European Common Market have acted as a tremendous spur to our exports to them. Between 1958 and 1963, our sales to the six increased by well over 50 percent and last year totaled about $3.9 billion. In 1962 we ran a trade surplus of some $1.4 billion with the Common Market. But our future trade position with this regional economic grouping will depend on the level of common external tariffs erected around the Common Market and on the common agricultural policy which remains a thorny issue among the Common Market countries.

In 1962 the Common Market countries took $1.2 billion of our agricultural exports, one-third of our total commercial exports of farm products. But just as in this country, agriculture is a domestic political and social problem in each European country. There is a real possibility that the EEC will impose a combination of variable import levies and a common external tariff that would bar us from substantial sales of our agricultural products.

Even more striking than our increases in trade with the Common Market have been the very large amounts of direct private investment placed there by American firms. Between 1958 and 1962 such investments increased by $2 billion to reach a total of over $3.7 billion. Many of our firms have become internationalized in the process. Their earnings abroad make a positive contribution to our balance of payments.

To date, therefore, the high rates of growth of Common Market countries have stimulated our foreign trade. Whether this trend will continue will depend on the outcome of this year's approaching trade negotiations.

Less-developed countries

The vast potential markets of the less-developed countries—representing more than two-thirds of the world's population—will not be realized until their economies can reach the takeoff stage. Extremely low per capita incomes combined with inadequate export earnings will prevent large increases in sales of our products to these countries for years to come.

We have discovered, painfully at times, that assisting these countries to stimulate economic development is a difficult task at best. To date, foreign aid extended by this country and certain other industrial nations has not shown encouraging results.

Perhaps there has been too much emphasis on government-to-government grants and loans. In its idealism, the United States has probably overstressed social reform programs, be they concerned with land tenure or tax collections. But we can be justly proud of our postwar record of technical assistance to developing countries.

The major weakness in our aid programs to date has been our inability to harness our private enterprise system to encourage development goals.

Those aspects of our aid programs designed to encourage private investment should be retained and strengthened. The recent broadening of the investment guaranty program to cover not only risks of inconvertibility and war but also insurrection, rebellion, and other political hazards is a step in the right direction. Guarantees now cover over a billion dollars of foreign investment, with an additional $3.5 billion pending in applications. Direct investment provides capital resources for increasing output. In addition, and much more basic, is the contribution private investment makes in transferring modern technology and management practices to developing countries.

The outlook

Each year since 1959, America has produced a healthy surplus on its trading account. Exports in 1963 broke all previous records. Except for a brief period following the Suez crisis, they have risen at an average rate of 5 percent per annum. The value of our total commercial exports—leaving aside all Government-financed exports—indicates that we are maintaining our competitive position in world markets. But the question is not whether we can hold our own. It is, rather, whether we can improve on an already excellent record. The answer depends on trends and policies on both the domestic and international fronts.

On the domestic side, holding the lid on costs and prices and Federal harassments while improving our productivity is the key to maintaining our competitive position in world trade.

On the international side, we have yet to bring our balance-of-payments deficit down to manageable proportions.

Fundamental to maintaining and improving our competitive position is greater access to world markets through continued reduction of trade barriers. To achieve this we must be prepared to and able to meet more foreign competition in our home markets. The trade negotiations in Geneva will be difficult and prolonged; on their positive results rest world hopes for continuing the postwar blossoming of international trade and investment.

Protecting the dollar

Another very vital area in which the ability of the United States to compete is vividly pointed up is the matter of protecting the integrity of the dollar.

In today's international commerce, the United States is banker to the world. The U.S. dollar is the essential weight and measure that the rest of the world uses to evaluate men's labors and the worth of goods and services.

(In connection with these remarks, I have relied heavily upon the learned opinions of Congressman THOMAS CURTIS, an acknowledged fiscal expert of the other body.)

If we cannot handle our own fiscal affairs in a way which will maintain the integrity of the dollar, we cannot expect to hold our position of leadership in world trade for long.

The drain on our gold reserves is not a new phenomenon, but it is only within the last few years that it has reached serious proportions. Since 1949, the United States has had a net loss of nearly $9 billion in gold, reducing our reserves to $15.7 billion. Until 1958, the yearly deficits and the losses of gold related to them were necessary in order to increase international monetary reserves. Without the increases in liquidity provided by U.S. deficits and gold losses, it is difficult to imagine how a free and healthy postwar international trade and payments system would have been restored.

Increased gold outflow

Since 1958, however, both the deficit and the gold outflow have been substantially larger—around $3.5 billion per year—and have shown a stubborn resistance to improvement. We are left now with only $12 billion in gold to back our currency, and less than $4 billion with which to meet potential foreign claims of about $25 billion.

It is apparent from these figures that a sudden and large-scale liquidation of foreign dollar balances could lead to serious consequences, perhaps even to the collapse of the free world's entire trade and payments system.

One way to avoid a run on the dollar is by eliminating our balance-of-payments deficit as soon as possible. Another way is by avoiding inflation, which erodes the purchasing power of the dollar at home and which also decreases our competitive position in world markets. And, unfortunately, sales lost overseas would mean jobs lost at home.

FREE WORLD STAKE IN THE DOLLAR

Of course, the rest of the free world does have a vital stake in the integrity of the dollar, and will not deliberately bring about its collapse. What is happening instead is a gradual erosion process which can have, in the end, the same dire results as a sudden collapse. The United States is the showplace of the free enterprise system. If we are forced to devalue the dollar, that system as well as the prestige and power of the United States itself will be seriously diminished.

On the positive side, there are a number of important assets in our balance of payments. These include our favorable balance of trade, our income from foreign investments, and the income we derive as the world's banker. All these are in the private sector.

The negative influences

The negative influences are in the Government sector. Number one, of course, is foreign aid. While I am in favor of a properly administered foreign aid program, so far I think many of our efforts have been very wasteful. We may well have created damage instead of good in many cases.

The second important negative element on our balance of payments is the military spending overseas, including both our military aid to other nations and the maintenance of our own forces in other countries. It is these two areas of Government expenditure that have largely created our basic imbalance.

Here are some specific measures we should take to reverse the continuing outflow of U.S. gold, and the erosion of our international position.

First, we must recognize that our interest rate structure cannot be geared only to our domestic requirements. If we are to remain the world's banker, our interest rates must reflect the demand for money in the international marketplace.

Second, the time is long past for a thorough review of our foreign economic and military assistance programs. While these are indeed essential to our national security, they must be directly related to an amount we can afford.

Third, we must initiate vigorous efforts to equalize the competitive conditions which exist between U.S. exporters and those of other industrialized nations. We should encourage other countries to relate wage scales more closely to productivity. We must work toward a system which would measure the economic differentials existing between nations, and which would then apply this differential to goods traded in the international marketplace.

The fourth area is closely related to the third. More must be done to impress upon all sectors of our own economy the need to maintain our competitive position in world trade. Wage increases should be kept below the gains in productivity. Government harassment of business must be curtailed.

Part of the gains in productivity should be returned to the consumer—in the form of lower prices—and to the investor—in the form of a return on his investment. It takes about $25,000 of new investment money to create one new job, so if more jobs are to be created, we must offer investors attractive returns and freedom from unnecessary Federal controls.

The fifth area that needs attention concerns Government fiscal policy and inflation. The large and persistent series of budget deficits which have occurred in recent years are building up an inflationary pressure which we cannot ignore. It may blow up in our faces if we do not change course. We simply must stop spending more money than we take in.

Sixth, policies which will increase the productivity of American industry are essential. As a first step, depreciation schedules—revised just last year—should be examined again to make them even more realistic. Many of our major oversea competitors, recognizing rapid obsolescence, permit faster writeoff schedules than our Government does.

The most important need in this area, however, concerns manpower retraining. There are more jobs going begging today than there are people unemployed. Of course, we cannot train an unemployed laborer to fill a skilled technician's job. What we can do, instead, is to train a worker who already has some skill to fill the technician's job, then train the laborer to fill the vacated, less-skilled position. This would upgrade our labor force all along the line.

Fortunately, U.S. industry and labor unions already have programs of this nature underway. But they do not exist on the massive scale needed. The key is the development of a general movement in which a large cross-section of the Nation's labor force is actively engaged in job escalation.

The final point relates to the time when the U.S. balance-of-payments deficits are eliminated. We must develop, through the International Monetary Fund, mechanisms to provide sufficient international liquidity to meet the growing needs of world trade. Already our Government is discussing proposals of this nature with the International Monetary Fund.

While the nations study the problem of future world liquidity to finance balance-of-payments deficits, they should also direct their attention to improving the adjustment mechanism of the international payments system—the mechanism by which countries eliminate imbalances in their international payment, including exchange rate adjustments. A properly functioning adjustment mechanism would tend to prevent deficits from arising in the first place and would correct them quickly if they did develop.

Foreign productivity

Perhaps one of the most important aspects of this question of how American business can keep competitive is the matter of manpower and wages rates and productivity rates.

I do not think the manpower problems of American industry would be helped by passage of an equal employment law which would take employment out of the hands of business and place it in the hands of a bureaucrat not even answerable to the American voters.

(Dr. Yale Brozen, professor of business economics at the University of Chicago is one of our Nation's experts on manpower. I have been guided by some of his recent writings in preparing this portion of my remarks.)

American employers pay the highest wage rates in the world. In spite of this, the United States sells $18 billion worth of merchandise in other countries, in addition to the goods exported with the assistance of foreign aid funds. These sales are made in the face of transportation costs and tariffs, and against the competition of local firms and other foreign competitors with much lower hourly costs.

The magnificent record of the United States results from the much higher productivity of American firms and their development of superior and unique products. With their higher productivity, unit labor costs on many products are lower than those of foreign firms paying much lower wage rates.

The outstanding productivity flows from a combination of a better educated labor force (the average level of education in the United States is that of a high school graduate), a larger amount of capital per man, and excellent management.

However, we face foreign competitors whose productivity is growing more rapidly than our own. While this might be interpreted as a threat to American ability to continue selling abroad, it should not be. Rather, it is a threat to our ability to maintain the same margin of superiority in American over foreign wage rates.

As long as we continue to buy abroad, we shall continue to sell abroad, assuming that foreigners do not wish to hoard American dollars or use them only to invest in American-owned assets.

Productivity and foreign competition

Foreign firms succeed in penetrating the U.S. market when shipping the goods which they produce relatively more efficiently. The word "relatively" should be emphasized. We may be more productive in all lines than foreigners are. In some lines, however, we are only 10 percent more productive.

If foreigners tried to sell us these latter items, they could do so only if they were willing to take one-sixth the income per hour which Americans receive. If they sell us items in which we are only 10 percent more productive, they can compete and still obtain incomes per hour up to ten-elevenths of the American income per hour.

Herein, of course, is the primary reason wage rates in the United States are much higher than elsewhere in the world. We produce more per hour. The more we shift our resources—our manpower, capital, and natural resources—out of low-productivity industries into high-productivity industries, the higher our incomes and wage rates will be.

By allowing other nations to produce those items where our productivity is relatively low, we avoid being forced to use our manpower in low-productivity lines. As we contract our low-productivity industries and expand our high ones, our wage rates and incomes will rise.

Our export industries, such as mining and roadbuilding equipment, transport equipment, and chemicals and pharmaceuticals, have high productivity and pay wage and fringe benefits averaging about $3.50 per hour. Our protected industries, which are suffering a loss of their domestic markets in spite of the protection they are accorded—industries such as pottery, apparel, and textiles—pay wage and fringe benefits of less than $2 an hour. These latter industries are not competing successfully in spite of their low wage rates, because their productivity is relatively lower even than their wage rates, and often because Federal interference in their business has upset the free-market economy.

Research and competition

Research and development of better products and processes is becoming an increasingly important factor in maintaining sales and profits in the face of growing foreign and domestic competition. We have raised productivity in some industries by producing a more valuable product and thus kept, or created, a market.

Our export industries tend to be our intensive research industries. The development of new and improved products and of more productive processes, in addition to the flexibility of American manufacturing organizations, makes it possible to sell abroad goods which have little competition.

The share of intensive research industries in our growing export sales has risen from 23 percent in the late 1920's to 50 percent of a quadrupled amount of exports in 1962. At the same time, we are increasing our imports of the standard manufactured goods instead of producing them here.

The statement has become common in American corporate reports that "40 (or some comparable number) percent of our sales consists of products which did not exist 10 years ago." Producing these products has meant changes in processes and a flexibility of labor (including management labor) which requires a high level of generalized skill. It is this flexibility and mobility of labor adapting to changing markets which has made it possible to meet the changing character of foreign competition while still maintaining the superiority of American wage rates. This flexibility and mobility of labor must be maintained in the future if we are to continue to remain competitive—there can be little doubt that an FEPC law would adversely affect labor flexibility.

Labor mobility

To adapt to foreign competition, labor must transfer from our relatively less productive to our relatively more productive industries. In some cases, however, the transfer is restricted and, in a few instances, the reverse process is occurring. Because of the overpricing of manpower in such industries as steel and coal mining, men are losing jobs. To avoid unemployment, they are taking jobs where their productivity (and wage rates) are lower. The overpricing of labor in high productivity industries causes product prices to be higher than they need be—or should be—in the very industries which would normally enjoy high export sales.

Misallocation of capital

The overpricing of labor in some industries produces an additional effect, besides restricting job opportunities and the mobility of labor. It also causes capital to be allocated to inefficient uses and holds down the rise of productivity which would otherwise occur in our relatively less productive industries.

High rates set for skilled labor in some industries are also causing misallocation of capital. Auto plants and coal mines may be more highly automated, because of very steep wage rates, than they should be. And they are using capital which could be better employed elsewhere. If capital were not employed in these uses, it would be available for raising the level of automation and the productivity of workers in the less productive industries. These industries would then be less likely to lose their markets to foreign competition and could provide more jobs.

Supply of capital

Even with the present set of prices for labor, there would be less misallocation of capital and more employment if our present tax structure were less onerous. At present, there are three layers of taxation of income from capital—local property taxes, the 50 percent corporate profits tax, and the personal income tax.

The net result is a great slowing in the rate of saving and capital formation in this country, and an increased tendency to invest abroad rather than in the United States. This has slowed the rise of productivity (and real wage rates) and is making it possible for other nations to catch up with us.

With a lower level of business property taxes and corporate earnings taxes, the supply of capital would grow more rapidly. This could provide the capital demanded in sectors of industry where labor is now overpriced without draining it from alternate uses. With more capital available in the balance of the economy, productivity could be increased sufficiently in some lines to withstand foreign competition and to provide more and better paid jobs.

If the supply of new capital were augmented, wage boosts now causing unemployment would not do so.

Adapting to the new competition

Adaptability to the changing productivity among different foreign industries is the essential requirement for meeting the new competition abroad and in domestic markets. If prices and wage rates are allowed to move freely in response to the impact of changing conditions, free markets can serve as the primary mechanism for adapting the economy.

It is a familiar but disconcerting fact that in the last few years, the United States has been losing position among the trading nations of the world. While our foreign trade has generally kept pace with the overall growth of the U.S. economy since World War II, and in some years exceeded it, we nevertheless account for a smaller proportion of world trade than we used to—about 20 percent compared to 26 percent in 1953.

The productive capacity, developed by Western Europe and Japan to meet the needs of the reconstruction period following the war, is now looking for other markets. These countries are stepping up exports to the United States and to other nations. In this country, our relatively high levels of unemployment reflect, to some degree, the increase in imports from abroad and the drop in our share of world markets.

If we are honest with ourselves in our belief in the free enterprise system, we should not be critical of the new worldwide competition. Indeed, this country, through its vision and generosity during the postwar period, helped bring it about. From a broad viewpoint, this was precisely what had to be done, not only as an anti-Communist protective device, but also in the interests of world progress. So I do not look on this new competition as a necessarily bad development.

Improving our position

There are three principal points which are central to achieving the goal of an improved competitive position of the United States in world markets.

First is a growing recognition, not only in private industry, but in Government also, that there is an almost direct relationship between capital investment and economic growth. An FEPC law would not encourage new capital investment.

A dynamic equipment policy

The second point deals with the attitude of business management. If we are to have a growth-sustaining level of productive capital investment, American business leaders must adopt a dynamic equipment policy in a very real sense. They must understand what makes that policy tick in order to give it a personal leadership on a day-to-day basis. This involves a determination, not only to search our replacement opportunities, but to divest one's self of uneconomical investments already made.

Despite our advances in modern management, there remains in this country a good deal of folklore in the ideas and techniques governing business investment policy. Above all, there is frequently a lack of dynamism in searching out opportunities to modernize. An FEPC law hardly would encourage employer dynamism.

Producers of capital equipment

The third point applies to the producers of capital equipment as distinguished from the users. Obviously, the new equipment and the new techniques must be developed in a practical way—not because they are simply unique, but because they are uniquely able to solve the needs of a particular company or industry. In effect, we must have an equal and parallel determination on the part of the suppliers of productivity raising equipment to innovate at a greater rate, with more imagination, and with more reference to the needs of the user.

More professional managers in Europe

Overall, our competitors in Europe have developed a management know-how which is more professional and sophisticated than we have in this country. But at the same time, they have a great competitive disadvantage because they are so dependent on government regulation. They have come to accept government edicts as the end-all, and this gives us an important advantage.

If we do not stay on our toes, we may well lose this competitive advantage we have. To maintain our business system on a competitive, free enterprise basis, we must improve industrial self-regulation and actively work toward a lessening of government regulation.

And I submit to the Senate that one way to avoid additional governmental regulation of business—unnecessary regulation—is to refuse passage of title VII of this bill now before us.

It is abundantly clear that American free enterprise business must meet growing international competition in the near future. It is the business of this Senate to help the free enterprise system meet that competition. It is not the business of this Senate to further harass and hamstring business simply because we are being subjected to strong pressures in the name of "morality."

If American industry comes under Federal employment dictation and cannot compete in the future, the unemployment problem in this Nation will be a tragedy beyond imagination. If it is jobs for Americans we are concerned about, we must face up to the challenge confronting our business system. And we must help workers and employers—not doom them to bureaucracy and inefficiency and added expense and frustration.

I have stated many times on this floor that I regard it as morally wrong to discriminate in hiring. I also think it often is bad business.

But, I must insist with equal vigor that it is the ultimate in folly, the very repudiation of wisdom, for the Federal Government to fatally complicate the American economy in a time of worldwide economic challenge.

A strong legal case can, and has been, made for the unconstitutionality of title VII of this bill. We also have indicated that title VII would operate to the disadvantage of individual workers and labor unions. It also would clamp impossible requirements on small businessmen. It would be virtually unenforcible.

But perhaps all of these follies are exceeded by the "unwisdom" of hanging this title VII millstone around the necks of the larger American firms; those firms employing by far the majority of American workers and involving nearly all American unions; those firms which operate in both the domestic and foreign markets.

Let us meet the challenge of world competition with determination—not timidity. Let us likewise meet the challenge of equal opportunities for Americans with reasoned good will—not harassing Federal coercion.

STATE COURT—FEDERAL COURT REMOVAL

Certain sections of the pending civil rights package, other than those dealing with public accommodations and employment give, I believe, just cause for alarm. Title IX, defining procedures in removal to other courts of civil rights cases, is one such section. This title provides that a defendant who has sought removal of a State court suit to a Federal court on the ground that he would be denied his civil rights in the State court, may appeal to the Federal Court of Appeals, on order of the Federal district court sending the case back to the State court.

In other words, title IX makes reviewable in higher Federal courts the action of lower Federal courts in remanding a civil rights case back to the State courts. Under present law, such Federal court order is not reviewable. The case must be disposed of, as it should be, in the State courts before it can be again appealed to the Federal courts.

The enactment of title IX into law could easily paralyze the processes of all of our State courts in the field of civil rights. Conceivably, the delicate balance of power which has been maintained throughout the years between the jurisdiction and powers of the parallel system of Federal and State courts could be destroyed.

Present statute, title 28, United States Code Annotated, section 1447(d) now provides:

"An order remanding a case to a State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

Section 1443 of title 28 has to do with the removability specifically, of civil rights cases and provides as follows:

"Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) for any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law. (June 25, 1948, c. 646, 62 Stat. 938.)"

Title IX is highly discriminatory, giving certain minority groups a weapon all of their own. The new title could effectively prevent for a long period of time any trial, Federal or State.

Historically, the litigation of Federal questions was left to the State courts in cases filed in such courts, with recourse to the U.S. Supreme Court through appellate procedures. Then, as the process of removal and remand developed by trial and error, the present procedure was devised. Since 1887 it has proved to be the only feasible procedure and has been the law that the decision of the U.S. district judge, on the motion to remand, has the effect of revesting in the State court the power to proceed with the case, without suspending or destroying the power of that court, during an extended period of delay necessarily arising from an appeal to the Court of Appeals of the United States from the order remanding the case.

The devastating effect of this proposed amendment upon State courts is apparent when it is realized that under the present statutes, removal is accomplished by a simple act of the party, without the necessity of any order by either a State or Federal judge. One of the litigants, by a simple filing of the petition and appurtenant papers, automatically removes the case to the Federal court. Thereafter no process of any kind can issue from the State court, no depositions can be taken, hearings scheduled or in process must be suspended. The State court is powerless to maintain the status quo. Upon the return date of subpenas theretofore issued, witnesses need not appear, and there is no way to fix new return dates. Witnesses who are sought for cross-examination in the cause may not be served with State subpenas and they may not be reached by Federal process because there has been no determination by the Federal court of its jurisdiction. Restraining orders cannot be issued in the State court, although the Federal court has the power to do so in aid of its jurisdiction, pending a determination thereof.

The legal relief available is an immediate application to the Federal court for a remand, on the basis that the removal was improper and that the Federal court lacks jurisdiction. This is a matter presented to the Federal judge for determination by him as a part of procedure within the Federal judicial system. It is not within the control of the State courts.

Under the present statute, the litigant wishing the protection of the Federal courts already has two effective safeguards. The motion to remand is decided by a Federal judge. If the Federal judge determines that the Federal court does not have jurisdiction and that the State court should be permitted to proceed, the litigant still has the right to obtain a determination of Federal questions in due course of appellate review by the Supreme Court of the United States.

There is little justification for the proposed title IX. It flies in the face of the experience which resulted in the passage of the act of March 3, 1887, chapter 373, section 6, 24 Statutes at Large 552. This provided that an order remanding a case to the State court shall be "immediately carried into execution" and "no appeal or writ of error" from the order should be allowed. Thereafter the present wording was embodied in section 1447 of title 28 so that subparagraph (d) now reads: "An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise."

The practical effect of the amendment would be to place in the hands of a litigant in civil rights cases the power to destroy the power-producing effects of State proceedings, without any judge of any court having found that the State court was without jurisdiction, and in the face of a finding by a U.S. district court that the State court was vested with jurisdiction and the Federal court had no right to proceed in the cause. In a case where the State courts had enjoined the commission of unlawful acts, all process and all proceedings of the State court would be nullified for many months. By the time that the matter was reached on the appellate docket of the court of appeals of the particular circuit involved, the acts enjoined by the State court would have long since been carried to consummation in direct violation of orders of that court. The issues would have become moot.

Under present procedure, a case is removed from State to Federal court simply by the defendant's filing in the Federal court a "verified petition containing a short and plain statement of the facts which entitle him or them to removal, and other papers of the case, title 28, United States Code Annotated, section 1446(a). 'The petition for removal of a criminal prosecution may be filed at any time before trial,'" section 1446(c). Minimum bond is required, section 1446(d). Whether the Federal court has jurisdiction, that is, whether the case was properly removed, is a question for the Federal court.

It is obvious that to allow an appeal as to whether the case was properly remanded would cause great delay in the prosecution of the case.

A Federal court judge of the fourth circuit explained what is now section 1447(d):

"The purpose of the statutory provision * * * was to obviate the delay which would result over reviewing orders of removal." (*Ex parte Bopst*, 4th Circuit, 1938, 95 Fed. 2d 828, 829.)

On the other hand, not allowing an appeal merely requires that the litigation proceed. Any Federal rights claimed, can, under any circumstances, be reviewed by the U.S. Supreme Court by direct appellate procedure.

Mr. Chief Justice Fuller said in *Missouri Pacific Railroad Company* v. *Fitzgerald* (40 L. Ed. 536, 543 (1896)):

"So far as the mere question of the forum was concerned, Congress was manifestly of opinion that the determination of the circuit (now district) court that jurisdiction could not be maintained, should be final, since it would be an uncalled-for hardship to subject the party who, not having sought the jurisdiction of the circuit court, succeeded on the merits in the State court, to the risk of the reversal of his judgment, not because of error supervening on the trial, but because a disputed question of diverse citizenship had been erroneously decided by the circuit court; while as to applications for removal on the ground that the cause arose under the Constitution, laws or treaties of the United States, that this finality was equally expedient, as questions of the latter character, if decided against the claimant, would be open to revision under section 709, irrespective of the ruling of the circuit court in that regard in the matter of removal.

"It must be remembered that when Federal questions arise in causes pending in the State courts, those courts are perfectly competent to decide them, and it is their duty to do so.

"As this court speaking through Mr. Justice Harlan, in *Robb* v. *Connolly* (111 U.S. 624, 637) said: 'Upon the State courts, equally with the courts of the Union, rests the obligation to guard, enforce, and protect every right granted or secured by the Constitution of the United States and the laws made in pursuance thereof, whenever those rights are involved in any suit or proceeding before them; for the judges of the State courts are required to take an oath to support that Constitution, and they are bound by it, and the laws of the United States made in pursuance thereof, and all treaties made under their authority, as the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding'." If they fail therein, and withhold or deny rights, privileges, or immunities secured by the Constitution and laws of the United States, the party aggrieved may bring the case from the highest court in the State in which the question could be decided to this Court for final and conclusive determination."

The history of what is now 28 USCA 1447 (d) was explained by Mr. Justice Van Devanter in *Employers Reinsurance Corp.* v. *Bryant* (81 L. Ed. 289, 292–293. (1937));

"For a long period an order of a Federal court remanding a cause to the State court whence it has been removed could not be reexamined on writ of error or appeal, because not a final judgment or decree in the sense of the controlling statute. But in occasional instances such an order was reexamined in effect on petition for mandamus, and this on the theory that the order, if erroneous, amounted to a wrongful refusal to proceed with the cause and that in the absence of other adequate remedy mandamus was appropriate to compel the inferior court to exercise its authority.

"By the act of March 3, 1875, chapter 137, 18 Statutes at Large 472, dealing with the jurisdiction of the circuit (now district) courts, Congress provided, in section 5, that if a circuit court should be satisfied at any time during the pendency of a suit brought therein, or removed thereto from a State court, that 'such suit does not really or substantially involve a dispute or controversy properly within' its 'jurisdiction', the court should proceed no further therein, but should 'dismiss the suit or remand it to the court from which it was removed, as justice may require.' Thus far this section did little more than to make mandatory a practice theretofore largely followed. but sometimes neglected, in the circuit courts. But the section also contained a concluding paragraph, wholly new, providing that the order 'dismissing or remanding the said cause to the State court' should be reviewable on writ of error or appeal. This provision for an appellate review continued in force until it was expressly repealed by the act of March 3, 1887, chapter 373, section 6, 24 Statutes at Large 552, which also provided that an order remanding a cause to a State court should be 'immediately carried into execution' and 'no appeal or writ of error' from the order should be allowed.

"The question soon arose whether the provisions just noticed in the act of March 3, 1887, should be taken broadly as excluding remanding orders from all appellate review, regardless of how invoked, or only as forbidding their review on writ of error or appeal. The question was considered and answered by this Court in several cases, the uniform ruling being that the provisions should be construed and applied broadly as prohibiting appellate reexamination of such an order, where made by a circuit (now district) court, regardless of the mode in which the reexamination is sought. A leading case on the subject is *Re Pennsylvania Co.* 137 U.S. 451, 34 L. Ed. 738, 11 Supreme Court 141, which dealt with a petition for mandamus requiring the judges of a circuit court to reinstate, try and adjudicate a suit which they, in the circuit court, had remanded to the State court whence it had been removed. After referring to the earlier statutes and practice and coming to the act of March 3, 1887, this Court said (p. 454):

"'In terms, it only abolishes appeals and writs of error, it is true, and does not mention writs of mandamus; and it is unquestionably a general rule, that the abrogation of one remedy does not affect another. But in this case we think it was the intention of Congress to make the judgment of the circuit court remanding a cause to the State court final and conclusive. The general cbject of the act is to contract the jurisdiction of the Federal courts. The abrogation of the writ of error and appeal would have had little effect in putting an end to the question of removal, if the writ of mandamus could still have been sued out in this Court. It is true that the general supervisory power of this Court over inferior jurisdictions is of great moment in a public point of view, and should not, upon light grounds, be deemed to be taken away in any case. Still, although the writ of mandamus is not mentioned in the section, yet the use of the words "such remand shall be immediately carried into execution," in addition to the prohibition of appeal and writ of error, is strongly indicative of an intent to suppress further prolongation of the controversy by whatever process. We are, therefore, of opinion that the act has the effect of taking away the remedy by mandamus as well as that of appeal and writ of error.' "

In *U.S.* v. *Rice*, (90 Lawyers edition 982, 988 (1949)), Mr. Justice Stone said:

"Congress, by the adoption of these provisions, as thus construed, established the policy of not permitting interruption of the litigation of the merits of a removed cause by prolonged litigation of questions of jurisdiction of the district court to which the cause is removed. This was accomplished by denying any form of review or an order for remand, and before final judgment of an order denying remand. In the former case, Congress has directed that upon the remand the litigation should proceed in the State court from which the cause was removed. * * * But the congressional policy of avoiding interruption of the litigation of the merits of removed causes, properly begun in State courts, is as pertinent to those removed by the United States as by any other suitor."

It is readily apparent that title IX would allow civil chaos without giving State authorities any remedy. After the prosecution is prepared, a criminal defendant could wait until minutes before trial and have the case removed. Then, when several days or a week later the Federal court has decided it has no jurisdiction and an order of remand is entered, such defendant could appeal that order. Trial could be put off almost indefinitely, especially considering the congested dockets of the Federal courts of appeal.

The end will not justify the means, in this title of the bill, as it will not in other titles. In this case, the end itself is of highly debatable wisdom. Justice is delayed, and artificial obstructions are thrown in the path of the orderly disposal of cases.

It is very important that it be understood that an appeal from a remand is not necessary to protect Federal rights. A Federal judge does the remanding. The State courts can and will enforce the Constitution; if not, the Supreme Court of the United States can correct the mistake. Allowing appeal from remand, especially in a highly inflammable atmosphere, leaves a hiatus, a vacuum, in which law and order may well suffer irreparable harm.

I would like to close by again stating that in my opinion much of this proposed legislation is patently unconstitutional. To those who are advising us that the end will justify the means, I must say the proposed legislation is disregarding and destroying the wisdom written into the Constitution by our forefathers.

Mr. TOWER. Mr. President, I have selected certain letters from those writing to me expressing concern about the pending civil rights legislation. I ask unanimous consent they be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Dear Senator Tower: For the past 17 years my home has been in Texas. During World War II I served for a time in the 349th F.A. Regiment (colored) as a second lieutenant. Prior to my military service I had lived almost all of my life in Colorado.

I have observed segregation in various parts of the South during the war, and since, in addition to my service in 349th F.A. I have also seen it in northern Colorado, as practiced against the Mexicans. I have many friends among Texans of Mexican descent. I am proud to say that several years ago the Colorado State University football team itself selected a colored boy as its most valuable player.

I am very strongly against segregation or any other infringement upon the rights of any citizen. I believe, with the Declaration of Independence, that all men are created equal. and should so be treated.

I believe that justice—and injustice, too—comes first of all from the hearts of men; the mere passage of a law will not insure social justice. I believe that the Congress should exercise a great caution to avoid damage to the rights of any groups of citizens in an attempt to rectify wrongs against any other group.

I believe that passage of the civil rights legislation now before the Senate, as that legislation is now constituted, would be a grave error. As some wise man has said, the Congress is often more notable for legislation it does not pass than for what it does.

I urge you to work toward civil rights for all citizens of the United States, whatever their background. The only minority group we can afford is that composed of all citizens.

I further urge you to use every means at your command to prevent the passage of the pending civil rights legislation in its present form.

Sincerely yours,

———— ————.

Dear Senator Tower: I have conscientiously studied the text of the so-called civil rights bill and diligently reviewed a mass of public statements dealing with that bill, both pro and con, trying to find how the proposal actually improves the rights position of all citizens of our country.

In my humble opinion, this so-labeled civil rights bill no more preserves our true rights than the various forms of the proposed Fair Trades Acts would have preserved truly competitive forms of commerce and protected the consumer against the unscrupulous.

Time and diligence on the part of our supervisory organization, applied to the Civil Rights Acts of 1957 and 1960, could protect and grant personal rights without the socialistic influence proposed in this new bill.

I am a rancher-farmer, a director of a bank, a savings and loan association, a life insurance company, several finance companies, several manufacturing companies, and in my humble analysis, this proposed civil rights bill definitely suggests open Federal regimentation and restriction of constitutional rights of free choice and free trade. In a measure, and a great measure, it will restrict the right of personal judgment in management.

According to titles VI and VII, I cannot feel I would be free to handle my relations, as a landowner, in dealing with tenants or employees. I cannot understand why, as a taxpayer, I should not object to having the Federal Government underwrite the expense of a complaint when I, as a defendant, would have to stand my own expense. I refer to section 101, title IX. According to section 601 and 602, it would seem that our insurance company, our finance company, our building and loan, and our bank would not be free to transact business on the basis of good judgment, it would have to be with the sanction of some Federal agency. I have been a trustee of a private university for almost 20 years and it seems to me that titles IV, VI, and VII certainly proposes to enter into the life and management of the personal relations in schools.

Again referring to titles VI and VII, it would appear to me that seniority rights, as far as management is concerned is thrown out the window.

I ask that you, as a representative of all people in your good State, cause to have made a written list of rights which this proposed bill will take away from your constituents and weigh that loss of rights against the imaginary protections which the acts of 1957 and 1960 cannot give, if properly administered.

This is an evil bill and I hope you will do all within your power to see that this further federalization of our lives does not pass the Senate.

Sincerely yours,

———— ————.

Dear Senator Tower: A complaint must be registered with my Federal Government this morning, as I am being grossly discriminated against. I am a healthy female, well trained secretary, over 45 years of age, and would be capable of a topflight secretarial job, or I would make a fine airline hostess, for I have years of training as a cook, hostess, and maid as a long-term homemaker. In addition, I am a good bookkeeper. In my morning paper I find that if I were a male, I could interview for a good bookkeeping job that is open; if I were under 45 I could apply for a fine secretarial position that is in need of filling; if I were single and over 21 I could apply for a glamorous flying job. But of the 30 or more jobs advertised, which would be suitable from a training standpoint alone—I am excluded by age, marital status, or sex. One employer is so daring as to even specify that he would like a Christian (some absurd minister, no doubt, who might feel a Christian would be more satisfied with church work than perhaps an atheist) and one would like a Spanish-speaking person (that silly man probably writes to Latin American customers and thinks Spanish might be more understandable than English) and worst of all, one wants a German or Scandinavian on the flimsy grounds that his customers are lovers of German food, and anyone knows its no help to a German if you are to prepare and serve people seeking that specific type of cuisine.

All of the above is not to waste your time. It is merely the only way I know to point out how perfectly absurd it is to try to enforce by Federal edict, as is being attempted in the civil rights bill, what qualifications a man must set in seeking an employee, feeding a customer, or attempting to please his customers in the personality or type he employs for their service.

It would seem to me that if a man wishes a red haired, green eyed, single, 21-year-old, this should be his privilege, whether it would please his customers or clients better than another. It is up to the person who does not fit the qualifications to find a place where he does fit. If this is not the case, then most certainly one like me should have the right to complain to my Government equally with the man who is not suitable because his race or color makes him unsuitable for a desired situation. Isn't that just plain commonsense? We cannot all qualify equally for specific needs—and because I'm a good secretary does not make me desirable to all men or women needing a secretary—nor does it make me suitable to be a showgirl, just because I suddenly decided personally that would be fun.

American life in its greatness has depended upon freedom of choice and we must not take the freedoms of personal selectiveness from individuals, for in doing so we destroy freedom for all. This is the basic freedom which founded America—not license to force another's will or thinking (which cannot be done—only action can be forced, and rebellion follows surely, personally or collectively).

Please help us keep some commonsense and sanity in the midst of all of the prevalent theory. Do not permit this destructive bill to be the beginning of the end of our basic American personal freedoms.

Sincerely yours,

——— ———.

DEAR SENATOR TOWER: At the present time we are doing several things, most important of which are the following:

(1) Keep 20 employees off of relief.

(2) Pay our bills within the discount period.

(3) Increase our export business which is about 10 percent of our total volume.

(4) Keep our doors open.

In order to do this we are being burdened almost to the breaking point by the following:

(1) Income taxes and tax reports.

(2) Social security taxes and reports.

(3) Inspections and correspondence of the Food and Drug Administration.

(4) Inspections and correspondence of the U.S. Department of Agriculture.

(5) Many State taxes and inspections.

(6) Many city taxes and city inspections.

If it becomes necessary for us to be burdened with more control by the Federal Government through the civil rights bill and the Supreme Court it will be very doubtful if we can continue to be classed even as a small business. We have no subsidies such as the farmers have nor tax havens such as the cooperatives have.

Very sincerely yours,

——— ———.

DEAR SENATOR TOWER: Thank you very much for your informative newsletter. We read it with much interest. I notice that you oppose much of the civil rights bill.

I am a Texan but spent several of my growing-up years in Pennsylvania and attended an integrated school with 30-percent colored students. I am very grateful for the opportunity afforded me to associate and get acquainted with members of the Negro race. I am glad public school integration is becoming a reality throughout our country. Because tax funds support public schools I feel it is right to pass a law requiring that all students be given the same opportunity regarding public school education, and that they be allowed to attend any public school in their district.

At the same time I believe it to be a moral wrong to deny employment to a person strictly because of race. And at the civil service level, this should be enforced through legal means. But I don't think legislation is the answer in private enterprise. In fact I believe it to be a direct constitutional abortion.

And where can it all end? The old, the young, the disabled, the unattractive and in some cases the female, are all denied jobs for which they have otherwise excellent qualifications.

In the ultimate is the Federal Government going to require that a man hire a fat, unattractive woman of 50 as a secretary because she has the best qualifications of all other applicants? "Is it not lawful for me to do what I will with mine own?" This sort of legislation has no place in a democracy where freedom of the individual is upheld to the highest. Why is it moral for bureaucrats to steal the properties of businessmen and to take over the control of hiring, firing, setting wages, determining races, religious, etc.?

A governmental program of example and encouragement to the people (such as the one regarding the hiring of the handicapped) would be acceptable to those who still cherish personal freedom. Please use your influence to this end.

Sincerely,

——— ———.

AN OPEN LETTER TO SENATOR JOHN G. TOWER

I was proud to know that you have taken your place in that ragged southern line to help protect the rights of decent, Christian, and law-abiding citizens who are harassed, intimidated, and abused by the church, the press, the school, and the politicians simply because way down deep they still believe themselves masters of their own families, homes, and destinies; because they cannot equate equality as the politician, the clergy, and the liberal equate it.

At the Somme, at Verdun, at Shiloh, at Valley Forge, men died for something more than the whims of politicians or to follow the flag. They must have believed in something.

I believe that something to be a piece of land, a country, a constitution, a certain right. The civil rights bill now before Congress seeks to take away all these things.

True, there is discrimination, but prejudice is a natural part of man. To attempt to destroy prejudice through law is rape of the soul.

In the Army, in prison, wherever large numbers of people must be controlled, man is first stripped of his individuality through laws, uniforms, rules and regulations, and made obedient to one command. Then he dies as heroically as at the Somme or like sheep as at Auschwitz.

The civil rights bill will have a similar effect on the entire Nation.

I do not believe it possible for a nation to give up so much so easy, and am confident that the bill shall not pass in its present form.

Sincerely yours,

——— ———.

DEAR SENATOR TOWER: Although your record is plain and clear in matters where Federal intervention in States concerns is threatened, may I add my support to any move you might make to block passage of the so-called "Civil Rights Act of 1963."

Having read the bill, and several interpretations of its provisions, I believe that the bill is not in the spirit of the Constitution. It is nothing more than a Federal grab for more power. It does not give any minority group any rights, but takes rights away from those who now enjoy them. It is intended to buy votes in areas where opposition to liberal Democrats is gaining strength from minority groups.

God given rights cannot be pronounced by a State or government of any kind. Neither can morality be legislated. True civil rights, which I prefer to regard as liberties rather than rights, cannot be further extended than is provided in the Constitution. Any further extension infringes upon the rights intended for individuals. Not only is this, by the Constitution, illegal, but to my way of thinking, immoral.

Laws enacted contrary to the Constitution, such as the proposed "Civil Rights Act of 1963," can only be administered in a police state situation. It arouses an unholy fear in me when I think of how far we have already come in that direction.

May God help us, and direct the Government in Washington.

Sincerely yours,

——— ———.

DEAR SENATOR TOWER: This is not a letter prompted by any group or society. Instead, it is prompted by a growing fear for the preservation of the rights which millions of Americans heretofore believed had been forever made inviolate by our wonderful Constitution.

For 20 years, since attaining my majority, I have deplored the sinfulness of my fellow whites whom I have overheard uttering expressions of dislike of and prejudice against the Negro as a group. I have always keenly felt the injustice of group condemnation. Though born and reared in the South, and a grandson of slaveowners, I have yearned for the dissolution of prejudice between races of American citizens.

In the light of those thoughts, however, I fear and detest the encroachment committed upon our Constitution by the House of Representatives through its recent passage of the civil rights bill. As other lawyers have declared, it is the greatest violation of individual and States rights guaranteed in our Constitution yet to occur. If the Senate passes the bill, the way is paved for the landing of United Nations troops on American soil.

No loyal Negro American citizen doubts the basic honesty of the white man whose mind is properly adjusted. Without such a strike being made into our essential liberties, the lot of the Negro race in America has improved beyond all expectation in only a few years. The reason has been the basic honesty and fairness of the American people. No nation in the world has achieved the equality under the law that all races share in our country.

The passage of the civil rights bill will enable our enemies, foreign and domestic, to say "had we not pressed for the regulation of human conduct in America, the Negro would never have achieved his status." Therefore, they will also say "since we, the subversives, the enemies of the republican form of government have agitated the passage of the bill, you members of the Negro race should recognize this achievement by siding with us in the future in all things and causes we espouse." Such would be a lie. It is the ethics, morals, religious inspiration, and basic decency of the free men and women of America which has caused the progress Negroes have made to have been opened for their transit. Nothing else should be allowed to steal the credit.

Articles IX and X of our Constitution are still there. Don't let your colleagues remove them for all time. Don't allow the most serious inroad in history to be made on our rights as citizens under the banner of "national welfare." Let us permit the Negro's status as being equal under law, and the continued morality of the majority of our citizens have full credit for his rise to equality through his continued education in a free Nation.

Please continue your strong opposition to the civil rights bill.

Sincerely yours,

——— ———.

Dear Senator Tower: I believe that every Senator would like to discharge the duties and responsibilities entrusted to him by the constituents of his State. I believe that you would like to preserve our constitutional form of government in order that all Americans may enjoy the liberties and freedoms that were promulgated by the Founding Fathers. I do not believe that you would want to enact a law that would temporarily appease 10 percent of the people when it would seriously and permanently impair the freedoms and liberties of 90 percent of the people and, in the final analysis, destroy a free form of government that has made America the greatest Nation on earth.

If the proposed civil rights bill should become law, all States of the American Union would be little more than local governmental agencies, under the control of a powerful Federal Government, with unlimited authority to intervene in private affairs among men. It would impair property and personal rights; the right of freedom of speech and of the press; it would completely destroy free enterprise, individual liberty, and freedom of choice. It would seriously affect practically every American. In your own State, it would adversely affect the farmers, homeowners and realtors, banks and bankers, labor unions and members, merchants, hotel, restaurant and theater owners and employees, newspapers, radio and TV stations, teachers, schools, veterans—practically every conceivable employer and employee.

Operators of public accommodations businesses in your State, as well as mine, want to be free to choose their own customers or patrons. Many of these operators, if forced to comply with such a bill as is now before the Congress, would face the probability of bankruptcy if, by being forced to accept patrons against their own judgment, they would lose all other patrons who helped make their business grow. This would be a concrete example of the Federal Government putting a man, particularly a loyal, taxpaying American, completely out of business.

In Winona, Miss., one business has already been forced to close. A lady there operated a restaurant with separate facilities for the colored and white. The Federal Government required that she remove a partition that separated the colored and white and serve everyone in the same dining room. As a result, the Negroes and the whites refused to come back and she was forced to close her business. She was left with $20,000 worth of property on her hands, 8 or 10 people who worked in the restaurant were out of jobs, and the transients had no place to eat. Under the way she was operating prior to Federal interference, it was entirely satisfactory to both races. The same food and the same services were extended to all customers. Now there is no restaurant at the bus terminal in Winona, because of an act of the Federal Government. After several months, however, Mrs. Staley opened a white restaurant to serve white people on her own property at a different place.

This unconstitutional bill is not only a trespass, but a plain usurpation of the rights of the American people in order to increase Federal power and bring about a powerful centralized government in Washington.

This country was founded upon the principle of freedom under the law. The great task of statesmanship is not to remake the Constitution in the name of changing times, but to preserve American values in changing times by upholding the fundamental laws and the Constitution of the United States.

I know that you are extremely busy with many important matters, but I urge that you take time to make a careful study of this bill and in the name of liberty and the ideals and principles that have made our country great, vote against it, and use every influence that you have to defeat this dangerous, unconstitutional, and obnoxious legislation.

Sincerely yours,

——— ———.

March 25, 1964.

Dear Senator Tower: Please pardon the stationery, but I'm writing this at home, and I had to borrow this from my wife. You won't remember me, but I met you in the Kochler Hotel in Beeville, Tex., during your campaign and rejoice with you in your fine work.

For many months now I have been alarmed more and more with the pending civil rights bill. This editorial, which appeared in last night's Abilene Reporter-News, was the straw that broke the camel's back. Normally these papers here are very proadministrative. The fact that they would run it suggests a lot of liberals are beginning to worry, too.

I cannot believe a majority of U.S. Senators could or would pass a bill that would make us a police state. Are all of our people in the country informed about this bill, or do they feel it is simply a bill to make the southerners behave? Would this thing not be worth a nationwide hour on television to publicize the small print? Personally, I feel anyone who voted for this thing could be soundly defeated at the polls if only people knew what kind of dictatorial legislation was being passed. How long are our southern legislators going to have to carry the brunt of the fight for everybody's freedom?

I write this, not as an Episcopal minister, but as a private citizen who is scared to death at what is about to happen.

Sincerely yours,

Lee M. Adams.

Mr. TOWER. Mr. President, I ask unanimous consent that certain editorials and articles, some excerpted, that I have selected concerning civil rights be printed in the Record.

There being no objection, the editorials and articles were ordered to be printed in the Record, as follows:

[From the Dallas (Tex.) Morning News, April 1964]

Civil Rights—I

For the next several days the News will present a series of editorials on the civil rights bill, which has been called the most important piece of legislation ever to be considered by the Congress. It has passed the House and faces lengthy debate in the Senate. Each section of the bill will be analyzed editorially. The series represents weeks of digging and research, including a penetrating study of legal cases and court decisions back to 1875 pertinent to provisions of the bill.

We hope readers will find our conclusions logical and fair; certainly they are sincere and are expressed with the best of intent.

Our opinion of the bill is quite critical. We think that if our readers will take the time necessary to study this analysis, they will understand why we have formed this opinion. We further believe that they will probably reach the same conclusions, for to understand this bill is to oppose it.

Our opposition, like that of many other major dailies, is based upon many factors.

We question neither the motives nor the goals of the bill's supporters, but the methods they have chosen to achieve them. In a free and intelligent society the ends do not justify the means. We are convinced that many who support this measure today as a means to achieve civil rights will live to see it invade their own liberties tomorrow. Someday we fear they will regret what they are now doing.

From the beginning the measure has been shrouded in propaganda. It repeatedly was called a compromise or watered-down version of the original, though it is, in fact, much broader, and more radical.

It was hurried through the House without an opportunity for full discussion, debate, or amendment. Its sponsors adopted a policy of making no concessions because they felt that the Senate, in its long deliberation on the matter, would be able to catch their errors.

That is a poor way to legislate. In the Senate, supporters of the bill have tried to cut off debate and send the measure, unaltered, to the President—signed, sealed, and delivered as quickly as possible.

Is speedy justice a virtue? Apparently that is what some of the bill's sponsors believe, for they have urged haste at every turn, using the excuse that necessity and expediency demand it.

As Representative John Dowdy, of Texas, has wisely noted: "Necessity is the plea for every infringement on human liberty. It is the argument of tyrants and the creed of slaves."

If passed, this bill will represent a concession to pressure groups, rather than a reflection of faith in our own people and institutions.

Its passage may not mark the destruction of a free society or the burial of constitutional principles, but it surely will be an invitation for an insatiable assault upon what remains of them.

This is perhaps the most far-reaching bill that Congress has ever considered seriously. It will insure broad extension of Federal power over States, local government, businesses, unions and individual citizens. Most people have the impression that this bill would affect only the other guy—a handful of fat cats who own segregated theaters or hotels, or crooked politicians who won't count all the votes. Don't kid yourself.

Like an iceberg, 10 percent of this bill is on the surface and 90 percent below. If the 10 percent is "civil right," the 90 percent is a brazen grab of Federal power and an invasion of rights and liberties most of us take for granted.

The centralized government and authoritarian control this bill could make possible is the same kind of government and control that has produced slavery and oppression in the past.

Civil rights leaders who advocate this solution to their problems should take note of this, and pay heed to the advice of a young Congressman from Ohio, John Ashbrook, who remarked a few weeks ago that "there is no intolerance and injustice which can match that of an all-powerful government in the hands of men bent on imposing their will on a free people."

[From the Dallas (Tex.) Morning News, Mar. 31, 1964]

Civil Rights—II

The right to vote is basic to our society. Yet, that right is not absolute. Children and convicts, for example, are not permitted to vote. A resident of one State cannot vote for officials of other States. In all States a minimum term of residence is required to qualify as a voter. These limitations—and others—are set by the individual States, as the Constitution of the United States prescribes.

Title I of the civil rights bill now before the Senate deals with voting rights and broadens the power of the courts and the Federal Government to prosecute those accused of denying them.

It also lays down rules on the use of literacy tests as a requirement for voting, establishes a sixth-grade education as sufficient qualification for registering and would give Federal officials the authority to standardize other qualifications for voters throughout the United States.

Supposedly, the first section of the civil rights bill will apply only to Federal elections or to elections of Federal officials. And yet it would affect State and local elections in the 46 of our 50 States which hold State and Federal elections on the same day.

Even if this were not true, the bill would constitute a violation of constitutional intent. The Constitution clearly and carefully specifies that the power to set qualification for voting in all elections—including Federal elections—rests with the States, not with the Federal Government.

Article I, section 4 of the Constitution states: "The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof."

Article I, section 2 specifies: "Electors (voters) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In other words, those qualified to vote for State legislative candidates are qualified to vote in Federal elections, and whatever qualifications are required by each State for the first type of voters must be required for the latter type.

When Congress passed the 24th amendment, abolishing the poll tax, it acknowledged that the proper way to alter the authority of States to set election qualifications is by amending the Constitution. It is, in fact, the only way.

A major criticism of the civil rights bill is that it changes by legislative fiat parts of the Constitution that can be altered only by the amendment process. In their haste, civil rights advocates are taking the low road.

The Supreme Court, in a series of decisions stretching from 1884 to 1959, repeatedly has declared that the States possess the right and authority to set voting requirements, and that this right and authority cannot be usurped by the Federal Government short of a constitutional amendment.

The Supreme Court has also uniformly upheld that States have the constitutional right to use and require literacy tests for voting, yet this bill would virtually abolish them.

Perhaps the most pertinent criticism of this portion of the bill is that there is already abundant law on the books to deal with vote fraud, intimidation and chicanery. There was sufficient law on the books even before the 1957 and 1960 civil rights acts were passed.

The real purpose behind this section is not to protect voting rights, but to transfer the authority for setting voter qualifications from the State to the Federal level. Once this transfer of power is granted, it will not be long before the Federal Government will control and standardize every aspect of voting in the United States—age limits, residence requirements, precinct convention rules, primary filing fees, and the rest.

And once that happens, the States will have lost one more of the prerogatives granted to them by the drafters of the Federal Constitution.

[From the Dallas (Tex.) Morning News, Apr. 1, 1964]

Civil Rights—III

"It is part of man's civil rights that he be at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice or malice."

This statement was recorded years ago by an eminent jurist, Thomas M. Cooley, chief justice of the Michigan Supreme Court, professor of law, history and political science at the University of Michigan. Cooley also served 4 years as Chairman of the Interstate Commerce Commission.

Ironically, the interstate commerce clause of the Constitution is one of the two principal props on which supporters of the civil rights bill justify the provisions of title II, dealing with "public accommodations."

This section would compel most private business to serve all comers, with a threat of fines and jail sentences for all who refuse to serve customers on the basis of race, religion, color or national origin.

The commerce clause gave Congress the power "to regulate commerce among the several States." But the purpose of this bill is not to regulate commerce; it is to prohibit discrimination.

It may be argued that the clause has been misapplied before, but two wrongs—or rather four—do not make a right. Twisting of the purpose of this clause began a long time ago: first, to regulate carriers in which goods were hauled, then the goods themselves, and later the conditions under which they were manufactured. Now the civil rights bill would use the clause to impose a requirement to serve.

The only time this requirement to serve has been imposed before has been in the area of public utilities, which usually have been granted exclusive, monopoly franchises and are placed in a special category before the law.

Since their customers are guaranteed—and have nowhere else to go for service—the Government has rightly imposed a requirement to serve. No parallel can be drawn here to justify imposing this requirement on all other private, competitive businesses.

The second prop on which title II rests is the 14th amendment, which prohibits the States from denying citizens "equal protection of the laws."

The 14th obviously refers to State-enforced discrimination, but this bill proposes to deal strictly with private acts of discrimination. Wherever State governments require private businesses to discriminate or segregate, there is room for Federal action. But that is not the issue here.

Sponsors of this portion of the bill make no distinction between private acts of discrimination and State action. They assume, in fact, that the two are the same. Such an assumption can lead only to the conclusion that private acts and private property, in reality, no longer exist.

The Supreme Court repeatedly has held that the 14th amendment applies only to discrimination enforced or required by a State. The Court consistently has said that private acts of discrimination cannot be punished. In an opinion frequently cited, the Court declared that the 14th amendment "creates no shield against merely private conduct, however discriminatory or wrongful."

When Congress passed a force bill in 1875 almost identical to the public-accommodations section of the current civil rights bill, the Supreme Court declared it unconstitutional, ruling that "no countenance of authority for the passage to the law in question can be found in either the 13th or 14th amendment."

It is possible to defend the right of a man to discriminate privately without defending discrimination itself. Part of everyone's freedom is his right to choose or be prejudiced.

The man who buys union-made products only, or buys Fords instead of Chevrolets, discriminates—and probably imposes a more direct burden on interstate commerce when he does so.

When prejudice is made a crime, how much longer will it be before it is also a crime to hold unorthodox political or religious views? After the Government makes it compulsory for a businessman to sell to certain groups, will it next compel him to buy from them?

Representative John Ashbrook, Republican, of Ohio, notes that supporters of the civil rights bill have argued that the Government must protect human rights to the point even of abolishing property rights, if necessary.

"History," Ashbrook reminds, "indicates that there have never been human rights in any society or Government which did not have respect for property rights." The Congressman summed up his own opposition to this section of the bill by quoting from a 1950 circuit court ruling which brings the whole issue into proper focus: "We had supposed," said the court, "that it was elementary law that a trader could buy from whom he pleased and sell to whom he pleased, and that his selection of seller and buyer was wholly his own concern."

[From the Dallas (Tex.) Morning News, Apr. 2, 1964]

Civil Rights—IV

Not long ago, Attorney General Robert Kennedy told the House Judiciary Committee that the proposed civil rights bill contained provisions which would grant more power than he needed, or wanted, and more than any Attorney General should safely have. "One result," he said, "might be that State and local authorities would abdicate their law-enforcement responsibilities. * * * This, in turn, if it is to be faced squarely, would require creation of a national police force."

One of the portions he may have had in mind is title III of the civil rights bill, which deals with desegregation of public facilities and would grant the Attorney General vast new powers.

An idea of the extent of those powers, the scale of Federal intervention involved and the size of that "national police force" which may be necessary was suggested by a proposed amendment to the bill offered a few weeks ago in the House. The amendment specified that the President would be empowered to appoint 500 additional Federal district judges to handle the anticipated increase in civil rights cases and to spend $100 million for the erection of jails, prisons, and compounds to hold those found guilty of violating the act.

Among the vast new powers granted to the Attorney General in this section of the act is the authority to initiate suits—even though no complaint may have been registered—in any matter he believes to involve the denial of rights or equal protection of the laws.

Similar powers were sought when Congress considered civil rights legislation in 1957 and 1960. In both instances, they were rejected.

In effect, the Attorney General could drum up all the business his office could handle and shop around the country for judges to try his cases. "This section of the bill," says Senator Ellender, Democrat, of Louisiana, "is tantamount to giving official recognition to the NAACP as a legal aid society of the Federal Government, while at the same time relieving it of any of the hardships litigants in court cases normally bear."

In civil rights cases, the Justice Department would handle the plaintiff's case or pay the expense, while the defendant would be left to his own resources. This, in itself, is judicial discrimination of the worst kind.

But that's not the least of the hardships to be borne by the accused. While under other provisions of the bill jury trials would not be guaranteed, under this section they are specifically denied.

One of the bill's supporters, Representative Gilbert, of New York, explained that jury trials are unnecessary because title III involves the enforcement of existing constitutional rights. Representative Celler, of New York, added that jury trials had been authorized for other parts of the bill "as a matter of grace, not a matter of right."

Thus, in their quest to secure what is called a civil right, supporters of this bill are willing to ignore or deny other existing constitutional rights—which, in case Representative Gilbert has forgotten, the guarantee of a trial by jury also happens to be.

Only limit on the Attorney General's power to bring suits under this provision is that he must make certain findings and certifications first. But this requirement would amount to virtually nothing.

A report prepared by the House Judiciary Committee's majority which endorsed the bill let the cat out of the bag by stating: "It is not intended that determination on which the Attorney General's certification is based should be reviewable."

In other words, the basis for his findings—the only limit imposed on him by the bill—is not to be made public, is not subject to review and might as well not exist, for all practical purposes.

On the basis of unknown, unnamed and perhaps nonexistent complaints, the full power of the Attorney General's legal facilities can be unleashed on a defendant who may never know the identity of his accuser or the nature of the accusation.

Talk about discrimination. In the hands of an unscrupulous Attorney General such powers would be dictatorial. This even proponents of the bill concede, though they quickly assure that there is nothing to fear. Such powers, they insist, will only be used in a worthwhile cause.

These assurances are not sufficient. Liberty is too precious to take the slightest gamble that a tyrant will never be in a position to wield powers given to a benevolent ruler. If history has taught us one lesson, it has demonstrated over and over again that powers granted have been powers used.

[From the Dallas (Tex.) Morning News, Apr. 3, 1964]

Civil Rights—V

Benjamin Disraeli once remarked that he hated definitions, and Samuel Johnson declared almost a century earlier: "It is one of the maxims of the civil law that definitions are hazardous." Though they may be both hated and hazardous, definitions are often a necessity. Surely when we are dealing with a law which would affect most of our citizens, the essential terms of that law should be defined.

This is one of the major faults of the civil rights bill. Though the bill, if it becomes law, will make discrimination a crime, there is not a single adequate explanation or definition of the word "discrimination" in the bill.

Every person accused of committing a crime in this country has the constitutional right to know the nature of the accusations brought against him. And every citizen has the right to know what the law considers to be a crime, so as to avoid committing one.

Nowhere in the bill is this problem of definitions more severe than in title IV, which deals with desegregation of public education. This portion of the bill would speed up the process started by the Supreme Court 10 years ago when it handed down the historic *Brown* v. *Board of Education* ruling. Under the old "carrot and stick" theory of government, title IV of the bill (and to some extent title VI) would combine attractive inducements with a threat of penalties to "achieve desegregation" in our schools.

But what is desegregation, at what level is it achieved and when is the process complete?

Does desegregation mean the ending of de facto segregation or the ending of racial imbalance by shuffling school districts and shuttling schoolchildren from one part of a city to another? If this is the case—and it appears to be—then the bill is devoid of legal, judicial or commonsense precedent.

Both the aims and the emphasis of the so-called Negro revolution have changed radically in the past decade. Where civil rights advocates once asked for "equality before the law" and called for an end to State enforced acts of discrimination, they are now demanding that the State discriminate in their favor by trampling on the rights of other citizens. Back in the old days when the Supreme Court was more interested in law than election returns and sociology, it declared that there must be some point on the road to equality at which the Negro "takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights, as a citizen or a man, are to be protected in the ordinary modes by which other men's rights are protected."

But even as recently as 1954 in its famous school decision, and in subsequent rulings, the Supreme Court has not told local school boards what they must do; it has told them what they must not do. There is an important difference.

The Court has merely said that public schools cannot enforce segregation. It has not told the schools or the States to achieve anything, or to balance school enrollment by race. Laws which say it is a crime to libel an individual do not mean you have to say something nice about him.

Under this section of the bill, the Commissioner of Education would be authorized to spend whatever amount of money he chooses to "overcome special educational problems" which accompany desegregation.

The Attorney General could throw the full weight of the Justice Department behind any person in search of a free lawsuit. Even private schools would be affected if they or their students received any form of aid from the Federal Government. This part of the bill could, and probably will, result in interference by Federal officials in the hiring of teachers by local school boards.

Are these matters the sort of thing intended by those who wrote, passed, and ratified the 14th amendment, now used to justify this section of the bill? That question can be answered by citing a simple historical fact: Many of the States which ratified the 14th amendment had totally segregated schools.

[From the Dallas (Tex.) Morning News, April 1964]

Civil Rights—VI

Civil rights leaders say that what Negroes need more than a seat at the front of the bus or at the counter of a segregated lunchroom is jobs. This is true, for stable and adequate employment is necessary for economic and social progress. Negroes suffer more than any other group from unemployment.

The supposedly all-encompassing civil rights bill now before the Senate unfortunately would do almost nothing to relieve this No. 1 problem of the Negro.

While one section of the bill deals with employment, the bill itself would not create a single bona fide job for members of a minority. As Representative Albert Watson, Democrat, of South Carolina, remarked recently in the House: "The only jobs it will create will be those on the commissions established therein and the additional Federal marshals and judges necessary to enforce it."

Several sections of the bill—notably titles V and X—would create new jobs, in the form of new additions to an overstaffed Washington bureaucracy. Title V would extend the life of the U.S. Commission on Civil Rights for 4 years. Title X would establish a new Federal Community Relations Service to aid local communities in resolving their racial disputes.

Both sections are innocuous. Neither, as far as we can determine, is unconstitutional or would seriously impinge on the rights of some of our citizens while promoting the rights of others.

There are already 179 community relations commissions working on racial problems at the local level of government in the United States. Is another really needed in Washington?

The proposed Federal Commission is almost sure to foist more unwanted paperwork on businessmen and other private citizens, as well as the bureaucrats. It is doubtful whether services of this new agency would be any help to southern communities trying to solve the problems which uninvited outsiders have already intensified.

One of the few major achievements made by the Civil Rights Commission since its establishment almost 7 years ago was the drafting of a series of proposals sent to the late President Kennedy a year ago. The main item was a recommendation that the President cut off all Federal funds to any State or area where discrimination can be found.

President Kennedy rejected the proposal, saying "it would probably be unwise to give the President of the United States that kind of power." In spite of this rebuff, the Commission has been successful in convincing authors of the current civil rights bill to incorporate "that kind of power" into one of the 11 titles of the bill.

Another example of the Commission's work came to light last year, when one of its subordinate agencies in Utah sent out questionnaires to sororities and fraternities in that State demanding to know how they select and screen members.

This drew sharp protests from Congressmen who felt that prying into the affairs of strictly private social organizations was not part of the role assigned to the Commission when it was set up in 1957. Commission officials insisted they had the right to do this kind of thing—and plenty more.

Just what other things the Commission—and the Community Relations Service—will do in the next 4 years is anybody's guess. But Representative William Tuck, Democrat, of Virginia, predicts that they could "turn loose on the people of the Nation a swarm of investigators, detectives, hawkshaws and inspectors with unlimited authority to harass the people, to issue subpenas, to bring miscreants before Federal judges and have them enjoined, fined, and imprisoned and otherwise to intimidate, bullyrag and torment an already aggravated citizenry."

Mr. Tuck's fears may be exaggerated, but they sound familiar. As the Chicago Tribune has noted editorially, another group of "aggravated" citizens once charged that their ruler had "erected a multitude of new offices, and sent hither swarms of officers to harass our people." The ruler was George III, the grievances were listed in the Declaration of Independence and, who knows, Jefferson, Adams, Hancock, Franklin, and other signers might feel the same way about the civil rights bill if they were alive today.

[From the Dallas (Tex.) Morning News,
Apr. 6, 1964]

Civil Rights—VIII

Fifteen years ago, on March 9, 1949, Lyndon B. Johnson rose in the Senate to speak against the Fair Employment Practices Commission section of a civil rights bill.

"To my way of thinking," he said, "it is this simple: If the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me * * *. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and employee * * * I do not think the proposed law is workable * * * I am convinced it would do everything but what its sponsors intend."

Senator Johnson concluded his remarks on the FEPC proposal by saying: "I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again."

Everyone, of course, has a right to change his mind, and many things can be altered over the period of 15 years. But it is ironic that the man who hoped the Senate would never have to consider FEPC again is today urging the Senate to approve it.

Title VII of the civil rights bill—a revival of the old FEPC plan—would establish an Equal Employment Commission with powers to police employment and membership practices of private businesses, unions, and employment agencies. The Federal Government, which is already a silent partner in American business—taking more than half of all corporate profits—is going to assume a larger role.

Though there is no constitutional authority to justify it, no precedent, no Federal money or contracts involved, the power to dictate hiring, firing, and promotion policies of businesses, labor unions, and even employment agencies is asked.

The Commission's agents could invade private business property, rummage through the records, question employers and employees and conduct investigations. It will be authorized to do these things even if no complaints are made alleging discrimination.

Competence and experience no longer will be the keys to employment. Race will become the primary criteria. With virtually unlimited powers, the Commission could require businesses to go out and recruit workers of a certain race if those businesses have what Washington considers to be an imbalance in employment. And this won't affect just wage earners. The Commission could decide that every fair-sized bank or corporation in the country must hire at least one Negro vice president.

Under title VII, the Government could presume that an employer or a union is discriminating if the percentage of minority workers or members fails to match up to the Commission's standards or quotas, irrespective of any other facts involved.

Yet, nowhere in title VII—or any other part of the bill, for that matter—are any standards or definitions given for judging what discrimination is. No quotas are set. And no proof or evidence is required of the Commission before it can accuse an employer, a union, or an agency of bias.

At best, businessmen and union leaders will have a difficult time knowing what is expected of them. At worst, they could be summoned to court, tried without a jury and fined or imprisoned. Even if acquitted, the accused will have to bear legal and court expenses. In fact, it is entirely possible that a malicious group of persons could make repeated charges of discrimination against a guiltless employer for the sole purpose of tying him up in endless and costly litigation.

With respect to unions, no matter how careful and spotless their records, they will be affected whenever the companies which employ their members are accused of discrimination.

If an employer is ordered to hire, say, 100 Negro workers, the union which supplies his labor must supply only members of that race—though union members of other races may have more seniority or better qualifications.

But, all things considered, labor gets off, under title VII, with a relatively light sentence. Drafters of this section, for example, might have tried to stamp out discrimination against job applicants who don't want to belong to a union. One might think that would be a logical part of any equal employment law. Instead, civil rights proponents have limited their concern to race—a concern which could lead to preferential hiring and promotion practices for minorities.

We're reminded of the famous line from George Orwell's "1984" to the effect that everybody is equal, but some are more equal than others.

[From the Dallas (Tex.) Morning News,
April 7, 1964]

Civil Rights—IX

A major fault of the civil rights bill now before the Senate is that some of its provisions, which appear to be innocent reforms of minor problems, would open a wedge for considerable mischief or could be used for purposes which even the strongest supporters of this bill do not advocate.

This is the main defect of both title VIII and title IX—probably the least understood sections of the bill. They might be called the bill's "sleeper" provisions.

Title VIII would direct the Secretary of Commerce and the Census Bureau to conduct voting surveys "in such geographic areas as may be recommended by the Commission on Civil Rights." There is no doubt at all what geographic areas would be the targets of title VIII: the Southern States, and the Southern States alone.

When an attempt was made in the House to amend the bill so that it would cover all areas of the country, outlawing vote frauds in Chicago as well as Birmingham, northern liberals complained that this would be an invasion of their States rights and promptly voted down the amendment. In their desire to end discrimination, civil rights advocates have become discriminating themselves.

The purpose of the voting surveys? It is to invoke a punitive provision of the 14th amendment which has never been used since its ratification in 1868. Section 2 of the 14th amendment says that when the right to vote for Federal and some State officers is abridged or denied, the number of seats in Congress held by the offending State or States shall be reduced in proportion to the number of citizens disfranchised.

Taking a hypothetical case, let's say there are 1,500,000 Negroes in Texas eligible to vote in a certain year. Suppose a Census Bureau survey shows that only 250,000 of them are registered. The Civil Rights Commission might conclude that the rest were disfranchised and decide that Texas should lose three seats in Congress, since the number of Negroes not registered would about equal the population of three average congressional districts. This sort of thing probably won't happen, but it could.

Aside from making the point that the Census Bureau is not and should not be a civil rights agency—though this part of the bill would make it one—the major argument against title VIII is that the size of each State's congressional delegation, as the 14th amendment itself explains, is based on the total population of each State, not the number of people who vote or register to vote. This includes children, convicts, and others who are legally ineligible to vote.

In States where one party is dominant and election results are foregone conclusions, fewer people are interested in casting a ballot. Should those States be penalized by losing representation in Congress? Since the people in those States would still be required to pay taxes, they would be justified to revive the rallying cry of the American Revolution—"taxation without representation"—which our forefathers called tyranny.

Title IX of the bill is equally discriminating, though it would touch virtually every part of the Nation. It would give civil rights defendants special permission—not granted to any other litigant—to have their cases removed from State courts to a Federal court of appeals even after those cases have been taken to a Federal court but returned to a State court by a Federal judge.

This, in effect, would strip the Federal district judiciary of the right to decide whether a case belongs in State or Federal court. It would also strip State and local governments virtually of all of their power to deal with the unlawful aspects of civil rights demonstrations. Representative William Tuck, Democrat, of Virginia, says: "It leaves the States and the local law-enforcement authorities of the States absolutely without any police power."

The purpose of this section obviously is to permit sit-inners, lay-downers and other such demonstrators almost unlimited legal delay so that no effective action can be taken against them in the interest of law and order.

It is doubly discriminatory, in that it gives civil rights litigants a privilege enjoyed by no other group and attempts to slow down the judicial process for them where, in almost every other respect, the bill calls for judicial haste.

According to the Chicago Tribune, this section of the bill "constitutes a license for virtually unlimited civil disorder and makes racial agitators a privileged class before the law. * * * It turns communities over to street mobs."

[From the Dallas (Tex.) Morning News,
April 1964]

Civil Rights—X

The Dallas News today concludes its editorial series analyzing the civil rights bill now before the U.S. Senate. The analysis has covered every portion of the bill except title XI—a catchall section designed to square the bill with other Federal laws, court decisions, and State ordinances, and to appropriate funds for its enforcement.

Only criticism of this section is that it would authorize an open-end appropriation—giving enforcers of the law a blank check to spend whatever funds they desire, rather than a limited, specified amount.

In this series, we have pointed out many of the bill's faults and shortcomings. Objections fall logically into three categories:

1. Parts of the bill—notably titles II and VII (public accommodations and FEPC)—are clearly unconstitutional. They deal with discrimination by individual citizens in their own affairs and on their private property. There is no need, no precedent, no justification for the Federal Government to become involved in this area or to attempt to control this type of discrimination.

2. Other parts of the bill—on voting, schools, public facilities, etc.—are aimed at discrimination which is wrong in an area where the Government has a legitimate excuse to act. But in most cases, the remedy is worse than the illness, for it would dangerously increase the powers of the Federal Government and its executive branch. It would upset our vital system of checks and

balances and violate rights which are every bit as important as civil rights.

3. The remainder of the bill, while not unconstitutional and partially justified, is, for the most part, unnecessary, costly and would encourage meddling in private affairs by Federal agencies which are already overstaffed.

Other specific faults pinpointed in the series include: Definitions are not supplied and grants of power are vague or without limit; States would be stripped of their enforcement powers; the courts would be clogged; the President and the Attorney General would be given powers never before contemplated; minorities would be given rights and privileges enjoyed by no one else, while property rights, the guarantee of a trial by jury and other basic liberties were destroyed; due process would be denied, punishing the innocent along with the guilty.

A basic pillar in American liberty is the proposition that a citizen is presumed to be innocent of any charge, until he is proved guilty. But there are places in this bill where the innocent are presumed to be guilty—and must prove themselves innocent at their own expense.

For these and many other reasons, this newspaper strongly opposes the civil rights bill and trusts it will be defeated, or at the very least that the worst sections will be eliminated before passage by Congress.

We question neither the motives nor the goals of the bill's supporters. We do question legislation which would require 90 percent of the population to accommodate itself to the desires of 10 percent. If this were based on sound constitutional methods, perhaps it could be justified. But as we have noted, it is not.

This bill attempts to do by force what can be achieved only by voluntary compliance and good will. It is doubtful whether its provisions could ever be fully enforced. It follows demands of sit-downers and chaininners who have said, in effect, they will not obey laws or customs of which they disapaprove. Appeasement of these people can only breed more disrespect for our laws—a civil rights law included.

Too many people seem to hold the view that for every human desire and for every problem we must always turn to the Federal Government for a remedy. As Representative JOHN ASHBROOK, Republican, of Ohio, has noted: "No society has ever done more for the downtrodden than has America. No society can ever look more proudly at its humanitarian record." That record, we hasten to add, was achieved principally by the voluntary actions of our free and independent citizens, not by a series of decrees from Washington.

Individuals of every race have only one sure road to social acceptance, economic well-being, and success. That road is paved with hard work, honesty, frugality, and perseverance.

It is a hard road, but it is one we must all travel. Neither the Supreme Court nor Congress nor the President can make it smoother by passing a decision, a law, or a decree which promises instant success.

[From the El Paso (Tex.) Sun News & Shopper]

H.R. 7152: THE CIVIL RIGHTS BILL

(EDITOR'S NOTE.—If we were to write an editorial on civil rights, we couldn't do a better job than Congressman ED FOREMAN has done here.)

Mr. FOREMAN. Mr. Speaker, we must recognize the civil, individual and property rights of all people, regardless of race, color or creed. I am proud to represent the progressive area of west Texas where, within our own local communities, we have, and are, solving our own differences.

I do not believe new Federal laws can legislate social equality. This is a matter that only the people themselves—in our churches, civic clubs, schools, libraries, public meeting places, etc.—can, must and will solve.

Two titles of this proposed legislation, H.R. 7152, title II—injunctive relief against discrimination in places of public accommodation, and title VII—equal employment opportunities, concern me greatly because in them, I find discrimination against the private property rights of all people, including colored and white.

We must clearly understand that there can be no distinction between property rights and human rights. There are no rights but human rights, and what are spoken of as property rights are only the human rights of individuals to property.

The Bill of Rights in the U.S. Constitution recognizes no distinction between property rights and other human rights. The ban against unreasonable search and seizure covers "persons, houses, papers, and effects," without discrimination.

The Founding Fathers realized what some present-day politicians seem to have forgotten: A man without property rights—without the right to the product of his labor—is not a freeman. Unless people can feel secure in their abilities to retain the fruits of their labor, there is little incentive to save to expand the fund of capital—the tools and equipment for production and for better living.

I would like to briefly discuss the so-called human rights that are represented as superior to property rights. By these, I mean the "right" to a job, the "right" to a standard of living, the "right" to a minimum wage or a maximum workweek, the "right" to a "fair" price, the "right" to bargain collectively, the "right" to secure against the adversities and hazards of life, such as disability and old age.

Those who wrote our Constitution would have been surprised to hear these things spoken of as rights. They are not immunities from governmental compulsion; on the contrary, they are demands for new forms of governmental compulsion. They are not claims to the product of one's own labor; they are, in some if not in most cases, claims to the product of other people's labor.

The "human rights" are indeed different from property rights. They are not freedoms or immunities assured to all persons at the expense of others. The real distinction is not between property rights and human rights, but between equality of protection from governmental compulsion on the one hand and the demands for the exercise of such compulsion for the benefit of favored groups on the other.

This, then, gentlemen of the Congress, I believe, should be the light and guidelines by which we reach our decision on this legislation, or for that matter, any legislation with which we may be confronted. We must exercise care not to violate the rights of all Americans in our efforts to secure equality for some. Thank you.

[From the Billings (Mont.) Gazette, Mar. 26, 1964]

LETTERS TO THE EDITOR: READER CONCERNED ABOUT SIDE EFFECTS OF RIGHTS LEGISLATION

EDITOR, THE GAZETTE:

Nowadays, before marketing drugs, they receive exhaustive research and must pass two stringent tests: First, they must be proven effective as remedies; secondly, they must be proven to have no harmful side effects. It is a pity that the standards set for drugs in our Nation are not also applied to political remedies.

For instance, we once tried prohibition. Its aims (preventing alcoholism, broken homes, wasted lives) were commendable. But the medicine was ineffective, and among its adverse side effects were the monstrous crime organizations which we still have with us.

Now comes the civil rights issue. I agree with civil rights proponents in sentiment and principle, and I believe in their sincerity, but apparently, these people in their enthusiasm for the cause have failed to give the proposed legislation an honest examination.

We all know what the civil rights bill is supposed to do. Will it? Or will it cause more strife and prejudice than it cures? And what will be the side effects of this drastic medicine? We might just end up all equal—equal under the thumb of a powerful political machine, our lives controlled by "thought police."

Before taking another wrong cure (with the best possible intentions) let us give this important medicine at least as much scrutiny as was given thalidamide. Remember, its purpose was beneficial.

PETE STORY,
Emigrant.

[From the Wolf Point (Mont.) Herald-News, Feb. 27, 1964]

ATTORNEY FINDS PROPOSED CIVIL RIGHTS MEASURE OBJECTIONABLE

(By Keith L. Burrowes)

With the civil rights measure gaining momentum in the U.S. Congress, a Roosevelt County resident, County Attorney Keith Burrowes has called for interested persons to express their views in letters on the bill to their Senators and Congressmen.

DEAR EDITOR: I would like to express, to your readers, my views concerning the Civil Rights Act of 1963. My reasons for writing this article are twofold: (1) As a citizen of the United States I am vitally interested in individual liberty and freedom of choice; and (2) as a law-trained individual and a practicing attorney I am forever fearful of the continued extension of Government control over individuals and business which destroys this liberty and freedom of choice.

The act itself is titled: "A bill to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for 4 years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes."

The policy of the act is declared to be to promote the general welfare by eliminating discrimination based on race, color, religion, or national origin in voting, education, and public accommodations through the exercise by Congress of the powers conferred upon it to regulate the manner of holding Federal elections, to enforce the provisions of the 14th and 15th amendments, to regulate commerce among the several States and to make laws necessary and proper to execute the powers conferred upon it by the Constitution.

We need go no further in reading this act to find my first serious objection to it. I am not in favor of discrimination based on race, color, religion, or national origin, but I firmly believe that government cannot and should not legislate morals. The history of governments have many examples of prior attempts to impose social standards on the population not in keeping with the general standards of the times. The hearts and minds of men need changing, through education, but leave the U.S. Constitution alone, unless changed by amendment.

At the time the Constitution of the Untied States was written, the people of the Nation demanded, and got assurances that certain individual freedoms and liberties would be protected against the politically organized society. These assurances are commonly known as the Bill of Rights. In my opinion the Civil Rights Act of 1963 violates the Constitution of the United States.

Further, the Civil Rights Act of 1963 gives power to the executive department of our Government which is in violation of our expressed policy of checks and balances. It does this by the provisions of the act (legislative) granting to the President (Executive) power to establish a commission which "shall have such powers to effectuate the purpose of this title as may be conferred upon by the President." Included in these powers would be that of changing the present rules and regulations of our court system (judicial) which is actually done in other sections of the act as it is presently before the Congress of the United States.

It is my sincere belief that the title of this act is misleading. The title tends to lull individuals into a false security that the act will help straighten out the Negro problem of our Nation, when in reality it is a bill which can change the basic freedoms of every man, woman, and child of this Nation. I believe there is no individual of this county who could not be immediately affected by the passage of this act.

I urge that all readers examine the act as is now before Congress and write our Congressmen in Washington, letting them know that the proposed bill is objectionable.

KEITH L. BURROWES.

[From U.S. News & World Report, Mar. 30, 1964]

THE BIG CHANGE

(By David Lawrence)

A fundamental change in our constitutional system of government is underway.

Neither the Congress nor the State legislatures have adopted an amendment providing for such a change.

Yet the States have, in effect, lost rights specifically granted or reserved to them in the Constitution itself.

The people's representatives in Congress, though doubtful of the constitutionality of the civil rights bill, for example, have been threatened with demonstrations and violence in the streets of their cities back home unless they accede to the demand for the passage of the pending measure.

The so-called intellectuals insist that to fail to interpret our written Constitution in conformity with the spirit of the times is to be reactionary or old fashioned. The end is supposed to justify the means.

The Supreme Court of the United States has fallen victim to this insidious doctrine. It has yielded to sociological or even political tides in reversing decisions previously established as the law of the land.

Assuming that each period in history does need different laws and perhaps even new functions for the Federal Government to exercise, is it not desirable to give the people a chance to express their agreement or disagreement by submitting to them specific changes in the Constitution for approval or disapproval?

The liberals cannot have it both ways—insist that the Constitution be obeyed in upholding the civil rights of the citizen and yet permit the laws to be written by means of decrees issued by the lower courts at the behest of the Department of Justice or by rulings of the Supreme Court, which now has assumed the right to pass on what is or is not discrimination or integration or racial imbalance.

The change in our system—from a government of laws to a government of men—has been developing gradually over the last three decades, but never before have the American people been confronted as they are today with such a flagrant intrusion by Government into the private rights of the citizen.

The present civil rights bill, if passed by Congress, would bestow on the courts the power to compel anyone engaged in business to give up his privacy—the right to hire the employees of his choice or to serve whatever customers he wishes.

A retired Justice of the Supreme Court, Charles E. Whittaker, in an expository address—delivered recently at Southeast Missouri State College—touched on the difference between the words "public" and "private" in the eyes of the law. He said:

"Many people seem to be quite nonspecific and unclear in their use of the term 'public accommodations.' Those espousing passage of the pending bill seem to take the view that all, or nearly all, entrepreneurial establishments that do business generally with the public are, or ought to be held to be, 'public.'

"Those who resist passage of the pending bill seem to take the view that, in the presently existing legal sense, as in the dictionary sense, only those enterprises which are carried on by, or are lawfully and fully regulated by, the State or Federal Government—usually tax-supported or subsidized enterprises—are 'public,' and that all others, such as one's home, club, store, shop or office, or his restaurant or hotel, are 'private' enterprises, to which only those who are expressly or impliedly invited may, of right, come and enter.

"And they contend that, inasmuch, and so long as, this is so, any invitation expressly or impliedly extended to members of the public may be withdrawn or negated by any private entrepreneur for wholly arbitrary reasons, or for no reason, simply by the giving or posting of a notice accordingly, and that it is beyond the constitutional power of the Federal Government—distinguished from the State government—as held by the Supreme Court in the civil rights cases in 1883, to do anything about it."

Justice Whittaker added that the proponents of the pending bill "seem to hope that the Court, if again presented with the question, would find its 1883 opinion to be erroneously narrow interpretation of the Constitution."

Obviously, if it is desirable to overthrow the decision of 1883, there's a lawful way to do it—by a constitutional amendment. The American people would then have a chance to decide whether they wish to surrender their rights of privacy.

But today the Constitution is ignored by a stampeded, if not intimidated, majority in Congress and by a Supreme Court obsessed with the idea that it has the right to override at will any previous rulings.

This is a profound change in the American system of government. But even more startling is the seeming acquiescence of so many citizens in the idea that, if the objective seems worthy, it does not matter what lawless methods are used to achieve the desired result. This, too, is part of the big change that has come over the American scene.

[From the Wall Street Journal, Mar. 26, 1964]

DISCRIMINATION AGAINST ABILITY

One section of the civil rights bill now in the Senate would create an Equal Employment Opportunity Commission similar to several existing State commissions. So a number of lawmakers have been watching developments at the State level.

Of particular interest to some Congressmen was a recent Illinois case in which Motorola, Inc., was charged with discriminating against a Negro job applicant. The issue turned largely on a preemployment test devised by an Illinois Institute of Technology professor and used to determine the trainability of a prospective employee.

After the test was administered, the company said the applicant had failed and thus rejected him. But the applicant claimed he had in fact passed the test and had been turned down because of his race.

Before an examiner of the Illinois Fair Employment Practices Commission, the company vigorously denied the charge. It said that the test, which is used by several other companies, is completely race free and administered fairly to all applicants. The company also noted that it employed Negroes at all job levels.

The FEPC examiner, nonetheless, ruled that the company in this case had been guilty of discrimination. That is a question often difficult to settle conclusively in this touchy area. But the examiner by no means stopped there.

He went on to direct the firm to stop using the test altogether, on the grounds that it was unfair to hitherto culturally deprived and disadvantaged groups, that it failed to take into account inequalities and differences in environment, and that it thus favored advantaged groups.

If this judgment is approved by the Commission and stands up on appeal, the company thus will have to disregard its established standard of ability in selecting new employees. "That," comments Ohio's Representative ASHBROOK, "is a long step away from saying an employer should not have prejudicial policies."

There's no way to tell how a Federal commission would work out in practice, but such State experiences show all too clearly what it could mean: Government dictation of private hiring policies and discrimination against ability.

THE PROBLEM OF EQUALITY

(Sermon delivered from the pulpit of the First Presbyterian Church, Franklin Road at Tyne Boulevard, Nashville, Tenn., by the minister, Dr. Walter R. Courtney, on September 15, 1963)

During the past summer the air was filled with the raucous sounds of conflict in Birmingham, Chicago, New York, and Danville. It was also redolent with discord within the United Nations, and within the backward countries demanding recognition. Accompanying these was the endless struggle of labor and capital, and the seemingly endless drain of our resources into the giveaway programs at home and abroad. The air was charged with social electricity as individuals, groups, and nations fought for new status under the banner of equality.

Equality has intoxicated the modern world. Men walk starry eyed through the streets and halls dreaming of new days and improved status. The whole world seems in a pep rally mood, and the bonfires grow larger and burn more fiercely, even as the songs, chants, and shouts of the participants become louder and more fervent. In a thousand tongues men scream their demands for equality, for place, for recognition, for rights, for privileges.

As one listens he frequently hears the words, "All men are created equal, and are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." But the words never end there, but hurry on to declare that it is the responsibility of government to make all men equal and to maintain equality amongst men. Still other words are heard, declaring that democracy has failed to establish equality, and that men therefore must now turn to socialism and communism.

In my summer setting, close to nature, I looked around for evidences of equality in nature, and found none. Trees and hills are not the same in breadth and height. Rivers and lakes are not of uniform size. Not all animals and birds are swift and beautiful. The lion does not recognize the equalness of the antelope, nor the fox the rabbit. Some fields are fertile and others sterile, and clouds and puddles are not the same, though both are water created. In nature inequality seems to prevail, and yet the inequities of nature produce the beauty we admire.

As I thought of it the same seemed to be true of history. Nations and races do differ in size, wealth, prestige, power, creativity, and vision. Some soar like eagles. Some build like beavers. Some grow like vegetables and weeds in the garden called the earth. Between individuals, races, groups, and nations there are broad differences, and equality is not a characteristic of either nature or human nature.

Having reached this point my mind asked the question, Can we have both freedom and equality? Someone has said, "Freedom without equality tends to become license. Equality without freedom tends to produce stagnation." How can these great objectives be secured without damage to the highest social system men have yet devised, democracy?

Looking back across history, I realized that the Jews preached concern for the poor, but not equality. The Greeks preached democracy, but not equality. The Romans preached justice under law, but not equality. The Middle Ages in Europe preached Christ, but not equality. In fact, not until the French Revolution did men openly reaffirm that "Men are born and always continue free and equal in respects to their rights," and not until our Declaration declared that "All men are created equal" did the world come alive to the possibilities of equality. These two events placed a new chemical in the cup of life, and the contents of that cup are changing men.

Here I paused to rethink the words, "All men are created equal." Are they? I could see that all men are created equally helpless, equally ignorant, equally inexperienced, equally sin touched, but I could not see how they could be said to be created equal in any other sense. Men do not begin life with an even start for all. Their beginnings are marked by differences in pedigrees, health, educational and moral levels, economic strength, social status and personality potentials. There are broad differences in temperament, talents, drives, and desires. They do not begin life on a common line.

And what of the so-called unalienable rights, such as "life, liberty, and the pursuit of happiness"? Life is the gift of God, and so are liberty and happiness—in a certain sense. But being born is never enough. Getting here alive is only a beginning. In order to really live one needs medical science, proper nutrition, adequate care, and a chance to become educated and equipped for adult responsibilities. As to liberty, it is not something that comes with birth. Liberty is man created, man achieved, and man maintained. God approves it, but man must win it. Happiness is a byproduct of a way of life rather than something granted us by birth. It, too, is something we achieve by effort. It depends on many things: employment, purpose, personal development, and the right use of the opportunities and duties of life. Life God gives, but liberty and happiness we must achieve.

Having reached that state of mind, I wondered why men ever thought that government could make man equal and keep them equal. How can mere laws produce equality amongst men on a heart level? How can coerced fellowship ever become real fellowship?

That government has a role to play in the mighty, moving drama of man's progress is not to be denied. Our Constitution and our Bill of Rights stand to affirm it. It is the function of government to state the conditions of liberty, equality, and responsibility, but unless it is the will of the people to give life to the law, it will not work. The prohibition era proved that beyond our contesting.

Then why do we believe and state in our legal documents that "all men are created equal" and have "unalienable rights"?

I presume it is because we must find some means of limiting the powers of the powerful and of protecting the rights of the weak. Great power, unpoliced, tends to become destructive power. The rights of the weak tend to be lost in a land where only the strong prevail.

We all understand this, even as we all realize that the clamor for equality is always a push from below rather than a pull from above, although it has often been both in these United States. Slaves have never enjoyed being slaves. The poor have never enjoyed being poor. The exploited have never been happy with exploitation. Those who fail have never been proud of their shortcomings, and the employed have always felt that it would be better if they were the employers. It is from this level of life that the hunger for equality rises. It is here that utopia displays its broad green fields and still waters. It is from here that the valley of Shangri-la appears as the answer to all the ills of man. It is the hopelessness of the masses that provides the soil for hope in those who will not surrender to the accidents of birth and environment, and it is well that it is so.

And yet one must face facts. In any classroom of pupils only a few qualify under the letter A. Below these leaders of the class are the B students, and then the C's, and then the D's, and then F's. Some by ability and effort rise to the top, while others because of lack of ability or application take their places on the descending curve of scholarship.

In every nation it is the same. Only a small percentage of people have the ability, the desire, the drive, the willingness to work and sacrifice, to foresee and prepare for success in any realm. The people who struggle to succeed are never interested in equality but in superiority. Their goal is never the level of the masses, but a level above the masses. They endorse and espouse liberty, because it creates for them a favorable climate in which to think, plan, create, work, and achieve according to their abilities and desires. They never pace themselves by the speed of the mediocre, but by the speed of the best. They are never satisfied by crumbs; they want half loaves and whole loaves.

It is such people who made America possible, and who have always led men in the upward climb. They are in truth the benefactors of the race. It is their ideas and creativeness that establish businesses and industries, thereby providing employment for others, and the taxes that make community and national progress possible. They furnish our best leadership, and give to the Nation our best guarantee of security. It is because of them that progress is produced in all areas of life, the intellectual, the artistic, the economic, the governmental, and the social. While they did not build America alone, they provided the means whereby our Nation came into existence and has continued on its upward way.

Looking critically at such a line of thought, I suddenly realized that the success of the few creates the inequalities that loom large in the minds of the many. The "haves" highlight the "have-nots." It is the successful who outlive the failures and all others who take their places on the curve of life as it sweeps downward.

During my summer days it seemed to me that:

It is the nature of some men to succeed, and others to fail.

It is the nature of some men to get by, and others to achieve.

It is the nature of the "have-littles" to want more.

It is the nature of the successful to seek to dominate.

It is the nature of those who are unsuccessful to resent it.

It is the nature of the poor to envy.

It is the nature of the wealthy to assume unjust privileges.

It is the nature of those who inherit wealth to use it well, to misuse it, or to feel guilty because they have it.

It is the nature of the intellectuals who receive their compensation from taxes or the gifts of the economically successful to advocate a change of system in order to get one wherein the intellectuals will be as generously rewarded as business executives under free enterprise.

It is because men are unequal in ability and drive, in opportunities for recognition and advancement, in rewards for work done and services rendered that people become restless socially. It is the inequalities of humanity that create the crusaders for equality. In the 18th century men looked to democracy as the answer to the inequalities amongst men, and now in the 20th men look toward socialism and communism.

Democracy as we have tried to shape it in America has been heavily impregnated with the Ten Commandments of Judaism and the spirit of Jesus. Because of this we are suspicious of any system that advocates the big lie, covetousness, greed, the stealing of property, the destruction of life, and the taking away of liberties. Democracy condemns without reservation the confiscation of private property and capital by the state and the regimenting of human beings like animals on a farm. Our democracy is not perfect. Imperfections exists, but its virtues exceed those of any other system mankind has tried.

These observations moved me then to reach certain opinions concerning American democracy:

1. Democracy was never created to be a leveler of men. It was created to be a lifter, a developer of men.

2. Democracy was created to let the gifted, the energetic and the creative rise to high heights of human achievement, and to let each man find his own level on the stairway of existence.

3. Democracy was created to help men meet responsibilities and shirk no duties. That is why our Nation has been concerned about the honest needs of its citizens. We lead the world in justice, even though justice does not always move with prompt alacrity. Our Nation has been noted for the size of its heart and not merely for the size of its pocketbook.

4. Democracy demands that the Nation be governed by the capable, the honorable, the far seeing, the clear seeing, and not by mediocre men. In the beginning it was so. May it be so again.

5. Democracy demands more from men than any other system in the realm of self-discipline, dependability, cooperativeness, industry, thrift, and honor. Democracy will not work when party politics are not guided by basic ethical principles. For a party to foster class consciousness, class conflict, misrepresentation, covetousness, violence, theft, and an open definance of established law is to breed anarchy.

6. Democracy must give to all its people the following rights: The right to equal learning, the right to equal employment, the right to equal treatment, the right to equal justice, the right to adequate housing, and the right to vote.

The meditations of the summer convinced me that governments of themselves cannot make men equal or remake men into the beings they ought to be. That is a spiritual venture, not an economic and political one. A change from democracy to either socialism or communism, or a change from private capitalism to state capitalism, will not solve the basic problems of mankind; it merely shifts the areas of power.

I am disturbed, therefore, when church leaders and church groups seem to advocate socialistic means and objectives as the answer to the problems of democracy, and especially the problems of equality. This is especially true when certain leaders voice slogans that appear logical and Christian, but are not. Let me name four.

1. "The world owes every man a living." No, it doesn't. Christian ethics have never said so, and I have never known any man worth his salt who has claimed special rights under such a slogan. It is the cry of the lazy, the inept, and the failures. Such a slogan is a far cry from our meeting the needs of the needy, which, of course, is our duty.

2. "Production for use, and not for profit." That sounds good, but it is as phony as a Russian promise. It is profits that have produced the blessings of our Nation and enable her to be a blessing to the nations of the world. Profits are essential to the general well-being of society. When the state takes over under the slogan of "use, not profits" men lose their liberties and their standard of living. Such a switch merely augments the insatiable appetite of the state.

3. "Human rights, not property rights." As I look out over the world, one thing is clear: where there are not private property rights there are no human rights. Private property rights form the seedbed in which human rights mature. As long as private property rights are clear human rights will flourish.

4. "The end justifies the means." According to Christian ethics the statement is not true. It was just such a statement that produced the crucifixion of Jesus, the torture of the martyrs, the burning of witches, and the denial of life and liberty to the inhabitants of current communistic lands.

Churchmen, whether lay or clerical, who seek to solve the problems of our society through socialistic processes rather than democratic ones within the free enterprise system are heading down a road that leads toward darkness. Only by encouraging Christians to envy, to covet, to be class conscious, to foster class conflict, and to approve stealing and even murder, can such objectives be attained. To realize them would bring about a broad denial of law and order, and the orderly handling of social problems. Whenever we as a church, an educational system or a supreme court encourage people to misrepresent facts, to use force wrongfully, to flaunt law and order and to stimulate bitterness and hatred, we depart from logic, Americanism and Christianity.

I unhesitantly oppose the use of socialistic and communistic methods in the solving of the problems of our free enterprise democracy. Our problems are problems of human nature rather than of economics and sociology. The man who has two cars is not preventing another from having one. The man who earns, $50,000 a year is not robbing him who receives $300 a month. The man who owns a good house does not thereby force another man to dwell in the slums. And the people who prosper under our system cannot be blamed for the problems that plague the lives of those who compose the lower 25 percent of the Nation. The so-called "privileged" are not always a credit to either church or state, but they are not in the main parasites on the body politic. We are therefore wrong when we damn the successful, the wealthy, the enlightened and the patriotic in order to gain what we call equality.

Having said that let me hasten to add that the redistribution of wealth will not solve the human problem that plagues us. Wealth is not fairly distributed in any land under the sun; it never has been and I presume never will be. Nor do we solve social predicaments when we blame the top 20 percent of our people for the inequities that seem to mark the 80 percent. Nor is it logical for our Government to be forever emphasizing the neglected duties of the employer while ignoring almost totally the neglected duties of the rest of us. The wealthy have many sins to confess, but so do we all. And when we come to the advocacy of moving from private capitalism to State capitalism, and the listing of the sins of democracy while ignoring its multiple virtues, and assuming that virtue resides in the "have-nots," but not in the "haves," I can only shake my head at the presumed wisdom of such positions.

Let no one hearing my voice conclude that I am speaking as a "have" or a defender of the "haves." Let no one believe that I am unconcerned about those in our midst whose rights are often ignored and whose status is questioned. I am not blind to the sins of the privileged any more than I am the sins of the underprivileged. The business leaders do not need my voice to defend their position; they are strong defenders of themselves. But I have walked the roads of life with men of all classes, and have reached one conclusion, "there is none righteous, no, not one." We are all bearers of the telltale gray of selfishness. The 5 o'clock shadow is on all our faces.

The Lord I love and serve was not overly optimistic about humanity. He knew man as he is, and worked with him for what he could become. He ministered to the multitude, teaching, healing, feeding, encouraging, comforting, but he never assumed that equality was part of the human scene. He talked of love and neighborliness, but not equality.

Perhaps that is why the New Testament puts the emphasis on brotherhood and not equality. It emphasizes responsibilities, not privileges. It stresses love toward God and love toward neighbor. It seeks to create a church that will be brotherly within, and concerned for those without. It urges men to find the God way to selfhood, success and happiness and offers a heat-treated cell to all who misuse life, be they rich or poor.

Paul, in his letter to the Church of Corinth, denounced the lack of brotherhood within the church, and urged men to be concerned for one another, but he did not assume equality to be of the "must" characteristics of Christianity. It was not a matter of love without differences, but love in spite of them.

The church, as someone has said, learned a long time ago that it is easier to create liberty than it is to establish equality. It has always known that equality can only be had by a loss of certain liberties. If men want equality above all else they may best find it in communism. If men want liberty and a fair portion of equality they must turn toward democracy.

What the world needs is a change of heart, a change of climate born of faith in God, a reaching up that there may be a reaching out, a confession that produces a new dedication. This governments and laws cannot create, for governments and laws are but the reflection of the standards of a people. Everything in social Christianity depends on the wise use of possessions, time and talents, and only when we, Christian members of a democracy, become good stewards of the things that bless life do we begin to move in the direction of righteousness and justice, peace and true prosperity.

The problem of equality may be in many ways the greatest problem of our day. We cannot solve it by government, and we shall not solve it en masse. Only when we as Christians take seriously the teachings and example of Jesus shall equality and liberty exist without detraction or subtraction. Only when we stand before God confessing our needs shall we be empowered to meet the needs of others.

If I must choose between liberty and equality, I must choose liberty and then hope and work for equality, for such seems to me to be the Christian's way.

[From Realtor's Headlines, Washington, D.C., sec. 1, vol. 31, No. 22, June 1, 1964]

CIVIL RIGHTS BILL[1]—A BLUEPRINT FOR FEDERAL CONTROL

("It (H.R. 7152) involves broad extensions of Federal power over States and local communities, over business, and labor unions, over private establishments and private citizens, over parents and pupils, and quite probably over the recipients of a host of Federal financial grants. Thereby, this legislation disrupts or threatens to disrupt the delicate balancing of powers within Government and the delicate balancing of rights as between citizens."—Representative AUGUST E. JOHANSEN, Republican, of Michigan.)

TITLE I—VOTING RIGHTS

The bill requires the application of uniform standards for voting in Federal elections and imposes Federal standards for qualifying voters, notwithstanding article I of the Constitution giving each State the power to fix qualifications requisite for electors of the most numerous branch of the legislature.

When Congress sought to remove the poll tax, it restored to a constitutional amendment. However, under title I the Congress is being asked to reject this amendatory process of the Constitution, notwithstanding a series of decisions of the U.S. Supreme Court, ranging from 1884 to 1959, respecting these rights of the States.

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS

Here the bill invokes the commerce clause of the Constitution to compel private business to serve all comers. Thus, for example, the owner of a diner is compelled to serve anyone if any item of food on the menu has moved across State lines. (If this is constitutional, then real estate brokerage is interstate commerce and subject to Federal regulation if the sales contract form, purchaser's check, mortgage, or the material used to construct the house has moved in interstate commerce.)

The listed public accommodations run the gamut from hotels, restaurants, and theaters to "other places of exhibition or entertainment." Excluded are rooming houses of not more than five units and which are actually occupied by the owners as their residences.

The authors of the bill, concerned that the commerce clause may not stand up as a basis for Federal control of such private dealings, also invoke the 14th amendment by forbidding any discrimination "supported by State action" or carried on "under color of any law, statute, ordinance, or regulation, or * * * of any custom or usage required or enforced by officials of the State."

The bill thus rejects the traditional concept, affirmed repeatedly by the U.S. Supreme Court, that the 14th amendment does not run against acts of an individual. However, the authors of the bill seek to overcome this probable constitutional impediment by making any licensee (hotel, restaurant, theater, and the like) an agent of the State. If this is constitutional, then the Federal writ could extend to doctors, lawyers, realtors, and others who are licensees of the State.

If this title stands up under the certain attacks which will be launched challenging its constitutionality, then it would be difficult to imagine any area of economic or business activity that would not be subject to Federal regulation. The 9th and the 10th amendments to the Constitution, eroded pillars as they are to the principle of States rights and the concept of limitation of the powers of the Federal Government, would become completely inert. The victory of the Federal Government over States rights would be complete. The language of title II defies any other conclusion.

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[1] This analysis is based on the bill as it passed the House. Parenthetical comments refer to certain bipartisan amendments which have been introduced but not adopted as this issue goes to press.

The Attorney General is authorized to initiate action for injunctive relief upon the complaint of any person who asserts that he is the object of discrimination. (A bipartisan amendment eliminates this authority, but empowers the Attorney General to intervene on behalf of individuals in cases where there is a pattern or practice of resistance.)

Injunctive actions may result in fine or imprisonment without a jury trial. The defendant will pay the costs of litigation whether he wins or loses; the Federal taxpayer will bear the costs of the complainant. (A bipartisan amendment would limit punishment in nonjury cases to 30 days' imprisonment or $300 fine.)

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

Here the bill authorizes the Attorney General to bring suit to desegregate public facilities which are owned or operated by State or local governments. In addition, the Attorney General is authorized to initiate suit on the complaint of any person who says "that he is being deprived of or threatened with the loss of his right to the equal protection of the laws."

In testifying on the bill in the House, the Attorney General advised that the proposed grant of power was more than he wanted or than any other Attorney General should have. Nevertheless, the House-passed bill grants him this power.

Defendants are not allowed a jury trial. Title III would generate government by injunction and make the Attorney General the personal lawyer for everybody he chooses to represent with power to file suits promiscuously, to shop for judges of his choice, and to select the forum for trial. A practicing lawyer pursuing such a course of action on behalf of a private citizen would very likely be disbarred. (See title II, above, for bipartisan amendments on limitation of punishment in nonjury trials, and actions initiated by the Attorney General.)

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

Desegregation was ordered by the U.S. Supreme Court 10 years ago. The bill endeavors to speed up the operation by offering inducements on the one hand and threatening penalties on the other. It authorizes the Attorney General to bring civil suits on complaints of the failure of a school board to achieve desegregation. Here the bill contradicts another provision of this title that "'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

TITLE V—COMMISSION ON CIVIL RIGHTS

This title extends the life of the Commission for an additional 4 years and would give it new authority (1) to serve as a national clearinghouse for information concerning denials of the equal protection of the laws, and (2) to investigate allegations as to patterns or practices of fraud or discrimination in Federal elections.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

This title (sec. 601) prohibits discrimination "in connection with activities receiving Federal financial assistance" and authorizes and directs the appropriate Federal agencies to take necessary action but excludes any Federal program involving a contract of insurance or guarantee (FHA, VA, savings and loan associations, national banks, and the like).

Three U.S. Senators during the current debate in the Senate entertained divergent views as to the effect of this title on home purchases made with FHA-insured or VA-guaranteed loans, or mortgages originated by federally chartered savings and loan associations or national banks.

If Senator Albert Gore's, Democrat, of Tennessee, interpretation is correct, the President could issue, under section 601, a much broader Executive order against bias in housing, extending it to sales of existing houses financed with mortgages which involved any Federal financial assistance.

Senator Hubert Humphrey, Democrat, of Minnesota, accuses NAREB of a blatant distortion of the bill in implying that it extends to the sale of private housing. Yet no amendment has been adopted to date which would remove the legal basis for the President to extend the November 1962 Executive order to the sale of existing housing. (The bipartisan amendment fails to include the language of the McClellan amendment No. 524 which would have resolved this ambiguity.)

The bill has been appropriately described as an iceberg with nine-tenths of its meaning hidden beneath the surface of soothing language allegedly enhancing the civil rights of minorities.

If three U.S. Senators (Humphrey, Sparkman, and Gore) are unable to agree upon the meaning of the language of this title, how can millions of Americans involved annually in the sale of their homes be certain of their rights as freemen exercising a fundamental right to dispose of their property to whomsoever they desire?

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

The purpose of this title is to eliminate, through the utilization of formal and informal remedial procedures, discrimination in employment. A Federal Equal Opportunity Commission would be created with the primary responsibility for preventing and eliminating discrimination in employment.

Any business employing 25 or more persons will be covered by the 4th year after enactment. The Commission would be authorized to enter upon business property, have access to business and union records, question employees, and conduct investigations on their own determination of reasonable cause. If persuasion fails, the businessman or union is hauled into court and denied a jury trial.

Any business affecting commerce comes within the scope of this title. Discrimination may be unlawful even though it is not unfavorable to the employee. Intent is not a necessary element of a charge; thus, an employee's good faith would not be a defense. This means that when a complaint is filed, the employer is presumed guilty and the burden of proving otherwise is upon him.

An employer could be fined or imprisoned without a jury trial if he refused to discharge employee A for alleged inefficiency on the ground that employee B who was in line to be promoted to A's position might charge discrimination and the Commission and judge agreed. (See reference in title II to bipartisan amendment on jury trials which would apply also to this title.)

An employer could be penalized for intentionally hiring a number of employees from a minority group to achieve a racial balance in his shop as this would be conferring a special privilege of employment upon a certain group. An aptitude test might be deemed unlawful because it could be construed as unfair to culturally deprived and disadvantaged groups.

A $500 fine could be levied upon an employer for not posting in a conspicuous spot such notices as the Federal Equal Opportunity Commission might require.

Although the title addresses itself to equality and discrimination, it defines neither. Its standards are subjective and vague. No employer can be sure that he is not inviting the Commission's displeasure. As one Congressman remarked recently, you may need a Ph. D. to stay out of the penitentiary.

WHAT REALTORS CAN DO

The fate of the bill will be decided on a vote to limit debate—probably around mid-June. If the vote to limit debate is defeated, the bill is dead.

Assuming all 100 Senators are present, the proponents of a motion to limit debate need 67 votes. The fate of the bill will be determined by the votes of a majority of these Senators: Dominick, of Colorado; Miller and Hickenlooper, of Iowa; Mundt, of South Dakota; Bennett, of Utah; Simpson, of Wyoming; Mechem, of New Mexico; Yarborough, of Texas; Monroney and Edmondson, of Oklahoma; Morton, of Kentucky; McGee, of Wyoming; Cotton, of New Hampshire; Williams, of Delaware; Lausche, of Ohio; Carlson, of Kansas; Jordan, of Idaho; Curtis and Hruska, of Nebraska; Cannon and Bible, of Nevada. The others are publicly committed for or against a motion to limit debate, and their views are known to their constituents.

Realtors are urged by NAREB President Ed Mendenhall to write their U.S. Senators urging rejection of the so-called civil rights bill, H.R. 7152.

[From Realtor's Headlines, Washington, D.C., Sec. 1, Vol. 31, No. 20, May 18, 1964]

NAREB Fights Civil Rights Bill; Trend Is Against Forced Housing

A dramatic turn of public opinion in the Nation against the forced housing laws adopted or proposed by a number of States and cities was reported last week by Ed Mendenhall, president of NAREB, at the annual banquet of the Chicago Real Estate Board.

"Fortunately, the American public seems to be awakening at last to the threat of forced housing laws, as real estate boards and others point out how they shatter the cherished human right of private property ownership, despite the emotional appeals of many well-meaning but unthinking people," Mr. Mendenhall said.

"Four recent actions illustrate how the tide is turning dramatically as the public begins to comprehend the specifics of the too-often deceptive catch phrases of 'fair housing' and 'antibias laws.'"

He said that 2 months ago voters in Seattle, Wash., emphatically rejected a forced housing ordinance by a 2-to-1 margin in a referendum, just a month after Tacoma, Wash., had crushed a similar proposal by a 3-to-1 vote. Last month the Rhode Island House of Representatives turned down a forced housing bill by a 2-to-1 margin, while last December the Wisconsin Legislature voted down a similar bill with the same decisiveness.

The NAREB president expressed confidence "that the voters of Illinois and California will express their resounding accord when they cast their ballots on upcoming referendums on the same subject.

"If so," he added, "it will be a reassurance that Americans cannot be swept completely off their feet by slogans and catch phrases, but that they are still determined to preserve cherished freedoms and human rights."

Rejection by the Congress of the so-called civil rights bill, H.R. 7152, is being urged by NAREB which is encouraging its nearly 77,000 members to contact their Senators, Ed Mendenhall, High Point, N.C., president, announced today.

This move follows action last week by the directors in Chicago condemning the bill now before the Senate as one that would, "under the guise of civil rights legislation, result in an unlimited extension of Federal power into the civil liberties of every citizen."

Mr. Mendenhall emphasized that NAREB is not opposed to civil rights but that the type of bill now before the Congress would destroy civil liberties. "That kind of victory is hollow, and the cost is too great," he added.

While NAREB had not taken a stand on the Federal "civil rights" bill previously, recent debate has disclosed the wide divergencies in opinion among Senators on its effect in many areas, including real estate, and the broad-brush intent to interject the Federal Government into the everyday life of most segments of our economy, he added.

However, many real estate boards and State associations have been fighting at the local and State level forced housing laws and proposals which strip the property owner of his traditional human right of real property ownership—the right to use, rent, and dispose of property as he sees fit as long as it does not threaten the public health or safety—under the guise of creating a new right for individuals of minority groups.

NAREB espouses equal opportunity in housing for all Americans, he said, but being realistic, is convinced that social acceptance can come only through understanding and education.

[From Realtor's Headlines, Washington, D.C., sec. 1, vol. 31, No. 20, May 18, 1964]

CIVIL RIGHTS VERSUS LIBERTIES

(By Lyn E. Davis)

The recent decision of NAREB to oppose the pending so-called civil rights bill (H.R. 7152) was made after months of studying the measure and weighing its broad implications on our society. The decision was not provoked by the passions which this issue has generated, but flowed inescapably from the sincere and abiding conviction that the bill is little more than a gigantic attempt on the part of the Federal Government to remove the last vestiges of States' rights and local determination. There is no other conclusion which can reasonably be drawn from a bill which would project the powerful writ of the Attorney General into the day-to-day lives of American citizens.

Opposition to the bill must not be construed as an attack against civil rights. Realtors insist that all Americans, regardless of race, creed, color, or national origin, have a right to equal protection under the laws of the United States and an equal right to share in the blessings of our democracy; and we concede—regrettably—that our society is not without inequity and deprivation. We insist, however, that these inequities in our institutions will not vanish from the American scene by extending the power of the Federal Government to the homes and the small businesses, the schools, and the ballot boxes of every town and hamlet in these United States.

We insist that the civil rights of any group in this great country will not be enhanced by trampling on the civil liberties of another group.

The bill in the form that is being debated in the Senate poses a serious threat to the economic survival of a small businessman who would be pitted against the resources of the Department of Justice in replying to allegations of discrimination. The firing of an incompetent employee, the promotion of another, the conduct of the lowliest employee of a motel owner in his relation with a customer, the operation of a service station, the letting of a room in a boardinghouse—all would invoke the writ of the Central Government.

Fundamental to our system of jurisprudence is the right of a person to certainty in the law which governs the relations of a man to his fellows and man to the State. Yet during 1 day's debate in the Senate three Members of that august body entertained divergent views as to the meaning of "shall" and "may" in sections 601 and 602 of the bill relating to federally assisted programs. Thus, delicate graduations of meaning cast a cloud over the concept of homeownership, as the omnipotent arm of the Attorney General is raised over the relations between homeowner and neighbor, realtor and home purchaser, mortgage lender and borrower.

Realtors should rise to the challenge posed by this bill to our fundamental liberties by writing their Senators to reject a bill which under the pretext of granting a civil right to some would trample on the civil liberties of all.

Mr. TOWER. Mr. President, we are being asked today to vote for passage of the most comprehensive and sweeping civil rights bill ever to be deliberated upon by this body.

Furthermore, Mr. President, I submit that this is probably the harshest and most punitive civil rights bill we have ever seen, and I believe it comes at an inopportune time. It comes at a time when great progress is being made voluntarily in connection with many civil rights—progress that has been continuing over the past decade, and progress to which I believe we can look forward for many years to come.

I do not believe every provision of the bill is bad. Indeed, I think some of the provisions of the bill are merited.

But, Mr. President, we are also being asked to enact, along with the good provisions of the bill, some provisions which have some rather sinister aspects and implications, which go beyond the mere enforcement of the constitutional rights of minorities; and I believe that in connection with the enforcement of this measure and in its application we can look forward to harassment of businesses and individuals; we can anticipate that burdens of administration and recordkeeping will be imposed on businessmen, particularly small businessmen; and we can see them involved in litigation for days on end, months on end, and years on end.

Yesterday, we were told on this floor by the distinguished senior Senator from Minnesota [Mr. HUMPHREY]:

> The Attorney General may obtain relief in public accommodations and employment cases only where a pattern or practice has been shown to exist. Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all or a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

Those were the words of the Senator from Minnesota.

Mr. President, either the Senator from Minnesota is wrong, or the Department of Justice intends to act contrary to the legislative intent, for I have here, from the Department of Justice, a release which reads as follows:

> WASHINGTON.—The Government plans to seek court tests of the civil rights bill as soon as possible after it takes effect, Assistant Attorney General Burke Marshall said today.
>
> Marshall, who will be charged with enforcing much of the bill, said he expected a great deal of voluntary compliance with its provisions.
>
> But he added that he was sure there would be some who would resist the bill and challenge various parts of it.
>
> The dark-haired, mild-mannered Government lawyer, Chief of the Justice Department's Civil Rights Section, said he expected most questions about application of the measure to stem from its provisions outlawing discrimination in places of public accommodation.

And he is quoted as follows:

> "In all cases we will seek voluntary compliance first," he said. "The bill makes the choice clear—either a person complies or we will file a suit."

The Senator from Minnesota [Mr. HUMPHREY] has referred to patterns of discrimination, and he has said that suits will not be brought against individuals. But today, Burke Marshall announces the intent, as soon as the bill goes into effect, to start suits against persons.

So I submit to the Senate that the distinguished Senator from Minnesota has been sadly mistaken about the application of the bill, and all Members of the Senate have been "led down the garden path" in regard to how the bill will be administered and how it will be applied and how it will be enforced.

So let us not be deceived in regard to what we are about to vote for today, Mr. President. We have not seen the entire picture. Senators should read what Mr. Burke Marshall says:

> The bill makes the choice clear—either a person complies or we will file a suit. In cases where we can't obtain voluntary compliances, we will bring suits as quickly as possible.

Then let Senators remember what the Senator from Minnesota [Mr. HUMPHREY] said:

> * * * only where a pattern or practice has been shown to exist. Such a pattern or practice would be present only when the denial of rights consists of something more than an isolated, sporadic incident, but is repeated, routine, or of a generalized nature. There would be a pattern or practice if, for example, a number of companies or persons in the same industry or line of business discriminated, if a chain of motels or restaurants practiced racial discrimination throughout all or a significant part of its system, or if a company repeatedly and regularly engaged in acts prohibited by the statute.

So, Mr. President, we do not really know how the bill is to be enforced; and, as many of us suspected, we find that it is to be enforced in a harsh, police-state, and punitive manner that the proponents of the bill have not told us about. This is what we are up against.

Mr. President, I do not think any Senator really and sincerely believes in discrimination. We abhor discrimination. For myself, I think discrimination is morally wrong. Discrimination on the part of a businessman who serves the general public is morally wrong. I believe that discrimination on the part of an employer, because of race, color, or creed, is morally wrong.

But, Mr. President, we are bringing in an element of compulsion that will not eradicate prejudice or eradicate bigotry.

It will not eradicate discrimination. It will create a new kind and a new class of discrimination.

The distinguished Senator from Arizona [Mr. GOLDWATER] was eminently correct when, yesterday, he said it would require a virtual police state to enforce this measure. What he has said now is coming home to roost, because although the distinguished Senator from Minnesota [Mr. HUMPHREY] said this would not happen, today Mr. Burke Marshall, of the Justice Department, says it will happen, and that immediately test cases will be initiated against persons, without waiting to discover patterns of discrimination.

Mr. President, a while ago I noted that we have made progress in this country. In my State, Negroes comprise approximately 12 percent of the population; 14.9 percent of the vote in the last general election in Texas was cast by Negroes. So although Negroes comprise only approximately 12 percent of the population of Texas, they cast 14.9 percent of that vote.

There is no pattern of discrimination in my State in voting practices, and yet individual administrators of the election code and of elections in my State will be subject to harassment by the Department of Justice if the bill is passed.

Mr. President, I think that if we are ever to eliminate discrimination in this country we must create an atmosphere of good will and a climate in which reasonable men can get together and resolve racial differences.

That has been done successfully in many areas of the country. I believe my State has made commendable progress in that field. But in the bill, we would take the approach that created the problem to begin with. We would take the Thaddeus Stevens and Charles Sumner approach, which brought us where we are. At the conclusion of the great War Between the States it was Lincoln's contention that the South should be brought back into the Union as a full partner with the other States of the Republic. It was Lincoln's contention that the Negro, under the tutelage, guidance, and leadership of the white, should be brought to a position of responsible citizenship. But then Lincoln's untimely death, and there was imposed on the South the radical reconstruction, more harsh than the United States has ever imposed on any alien enemy after a war.

The army of occupation was sent down to the South. The Reconstruction Acts were passed. A military dictatorship was established in the South. Native citizens were disenfranchised, and segregation was started. We were not segregated in the South prior to that time, but they started it. Why? Because mean, wicked, avaricious, and self-seeking men wished to perpetuate themselves in political power and they wanted to bring the Negro under their domination and influence to the extent that he would never act as an individual American citizen, but would act as his slave, as his minion, and as a cog in his political machine. Remember the Freedman's Bureau. It was this army of occupation, this tragic era, this period of bitterness that resulted in the passage of the "Jim Crow" laws in the South.

Mr. President, I am compelled to note that those of us of the South are victims of circumstances not of our own making, nor of our own choosing.

I hasten to say that as a native southerner I am deeply ashamed of the way that we have treated our Negro citizens in the South. I cannot justify that. I feel as deep a sense of depression and revulsion as anyone else when I see the pictures of a restaurant owner turning a Negro away, or when I see policemen setting dogs on demonstrators. I do not like that. We have held them down. We have not given them equal educational opportunities or equal job opportunities. But in a generation we have made genuine progress in that direction. The southern people are goodhearted people. They are not cruel people basically. They are a kind, warm, and hospitable people. They are a people who wish to see the genuine resolution of these difficulties, but they wish to see them resolved in a peaceful, orderly, and lasting manner. They know that prejudice and bigotry cannot be eliminated until the hearts and minds of the southern people are prepared for it. We cannot overturn the mores of a whole society overnight, and that is what we are trying to do in this punitive bill that has been so carefully and cleverly drawn so that it will not apply to discrimination in the North or outside of the South. It will apply only to discrimination in the Southern States.

Is it not convenient for northern politicians to make the southerners the scapegoats? That appears to be what we are doing. I know that men who have prepared the bill are honestly motivated, and that the goal is laudable. But we have been told that if we oppose the bill, we oppose the objective. I point out that the bill is only a suggested means to an end. Let us not regard it as an end in itself. We all deplore discrimination, or most of us do. I, for one, do. But I do not subscribe to the idea that if I am opposed to discrimination I must accept measures aimed at destroying discrimination that I consider to be unconstitutional, punitive in character, and destructive of the final end itself.

The bill is not an ultimate. The bill will be much worse than any Senator has said it will be. I again refer to the fact that the distinguished deputy majority leader, the Senator from Minnesota [Mr. HUMPHREY], yesterday told us that only when patterns of discrimination were established would the Department of Justice move in; and now we are told that the Department will move against individuals immediately with test cases. So let us not be deceived. Let us know what we can expect from the bill.

Mr. President, as a native southerner I passionately desire to see the racial issue resolved. It has been a stinking albatross about our necks for lo these many years. But let us resolve the problem in the right way, and not in a way that will leave an atmosphere of bitterness and rancor that may make it impossible for Christian men of good will to resolve it peacefully to the greater good of the American Republic.

Mr. LAUSCHE. Mr. President, in every Government the people who live under it have rights and obligations. It is anticipated that the people of the particular government will respond in the performance of their obligations and will have accorded to them on an equality basis the rights that are vested in them by the basic law of the particular government. In our system it is anticipated that each citizen will contribute toward the financial management of the Government in accordance with his responsibilities. Each citizen is expected to perform his civic functions in the manner prescribed by law. Finally, each citizen in times of stress and war must respond to the call of the Government, and on the battlefield give of himself for the preservation and the defense of the country.

I was Mayor of Cleveland during World War II. For 3 years, on every morning, when the youth of Cleveland assembled at the terminal depot I was there, as Mayor, to bid them goodby. I witnessed thousands of parents, brothers, sisters, and friends, assembled at the station, bidding farewell to the young men who were going to war. I saw fathers hide behind pillars, weeping, not wanting to depress their sons while they were about to board the train. Mothers, on the other hand, stood by, weeping, most often, but not ashamed to display the fact that they were shedding tears at the thought that the young men might never come back.

I tried to stand up bravely, but frequently my emotions were so great that I likewise departed into some hidden corner so that my reaction would not be seen.

When I beheld such scenes, more than ever did I realize how, in hours of trouble, whether it be within the home, with individuals, or with the people of the country, we are all reduced to equality.

When our men fought on the battlefield, they were ministered to by rabbis, priests, and ministers, without question about their religion. When the young men lay prostrate because of injuries, whether the words were from a priest, rabbi, or minister, those words of solace, those words of comfort, were equally acceptable. And when the Negro boy fell on the battlefield, the white boy did not question whether he should go to help him on account of the color of the lad who was lying in agony, bleeding for his Nation. When he begged for water, it was given to him. When he begged for strength, it was provided for him. No question was asked about religion, national background, or color.

They were all supporting one cause—to preserve the country, fighting valiantly, and giving of themselves without limitation.

Today we have before us the question: Shall we implement the Constitution by law and make possible, through legislative action, the granting of rights which are in a measure a compensation to a citizen for the obligations which he performs for his country?

When the hearings on the original bill began, frankly, I had some misgivings about the ability, under the Constitution, to enact valid legislation on this subject.

My doubts arose because of the 1883 decision, which, in effect, covered the same fields as does this bill. The Court at that time stated that, constitutionally, the law was invalid.

I listened to the arguments about the commerce clause giving foundation for the valid adoption of such a law. After having heard the arguments, after having read the decisions, whether I subscribe to them or not, the evidence is clear that, under the commerce clause, the bill before us, if adopted, will be valid law.

Beginning in the early 1930's, the Supreme Court of the United States ruled that activities affecting interstate commerce came within the provisions of the Constitution. Whether we like it or do not like it, that is the Constitution as it is written today.

As for myself, on this floor I have in the past made statements that I want to accord to every citizen the full enjoyment of his constitutional rights. I made the statement that law and order must be obeyed.

If I voted against the bill on the ground that it was unconstitutional, I would have to distort my honest judgment; and that I am unwilling to do. The Constitution must be obeyed. If we feel that it should not be, it is our responsibility to amend it.

I am of the opinion that the grave apprehensions that have been expressed about what the consequences of adoption of the bill will be are misfounded. Time will not permit me to go into detail, but I went through the whole gamut of operations while I was mayor, when people told me that if "course A" were followed, it would create trouble.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. My time is up.

I shall vote for this measure. I shall vote for it because it contemplates according, not to the Negro alone, but to every member of a minority group, the enjoyment of his rights under our Constitution.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. PELL. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island. Will our guests in the galleries refrain from conversation so we can hear the closing statements being made?

Mr. PELL. Mr. President, we are coming to a historic moment—the passage of the Civil Rights Act of 1964.

Now that this legislation is about to be passed, the job of all of us is to insure compliance with its provisions. And let us remember that we in the North have great responsibilities in this regard, just as do all the citizens throughout the length and breadth of our land.

This bill confirms certain God-given rights. Let us remember, too, that it implies, equally, responsibilities. These are the responsibilities of the white majority of our Nation to comply with its provisions. And, too, these are the responsibilities of our Negro minority to take advantage of the opportunities that are open or opened to them, particularly to finish school, to register, and to vote. In this regard, I believe we in the North could serve as a better example than we presently do.

I believe, too, that the passage of this bill is a great tribute to the tact, withal tenacity, the patience, withal strength, the good humor, withal determination, of the bipartisan civil rights leadership, Senator HUMPHREY, Senator DIRKSEN, Senator KUCHEL, and my own senior colleague, Senator PASTORE. And, throughout, practicing the patience of Job, with a marvelous sense of timing and steadfastness, led our majority leader, Senator MANSFIELD, whose guidance gave so much toward the passage of this act.

I would like to acknowledge, too, the hard fought, withal losing, battle of those who disagreed with this legislation.

Finally, the passage of this act is a memorial to President Kennedy, who believed in the purposes of this act with his whole heart and soul. It is an equal tribute to President Johnson, a national President, in every sense of the word, who stood so solidly and foursquare behind this legislation.

SENATOR JACKSON'S SPEECH BEFORE THE FOREIGN SERVICE INSTITUTE

Mr. PELL. Mr. President, on June 11, at the Foreign Service Institute of the Department of State, the Senior Seminar in Foreign Policy held its sixth graduation exercises. A timely and penetrating address entitled, "Executives, Experts, and National Security," was delivered on that occasion by my able colleague, the junior Senator from Washington [Mr. JACKSON]. I commend his analysis to all Senators.

The Senator from Washington, as chairman of the Subcommittee on National Security Staffing and Operations, is performing an outstanding service to the Nation in the collection of materials and testimony relating to the effective and efficient operation of the Department of State and the Foreign Service. It is a privilege to serve with Senator JACKSON on this subcommittee. I hope that he will continue to take the lead in further exploration into the problems of security staffing and related areas.

I ask unanimous consent that Senator JACKSON's address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXECUTIVES, EXPERTS, AND NATIONAL SECURITY

(Commencement address by Senator HENRY M. JACKSON, to the Foreign Service Institute Senior Seminar, Department of State, Washington, D.C., June 11, 1964)

I am highly honored to join in this graduation ceremony and to address this select gathering.

You are professionals, or experts—diplomatic, military, economic—and what I am primarily interested in this afternoon is the relationship between you as professionals and the executives for whom you work.

In policymaking we start with the facts. The situation is what it is. If it is good, we hope to keep it that way. If it is bad, we hope to change it for the better. Facts are facts, and pigs is pigs, but the facts are not immutable and bacon may be the destiny of a pig.

If it were otherwise, to make policy would be to pound one's head against the wall. Although that description sometimes seems all too accurate, the mutability of facts lies at the heart of policymaking.

It is worth underscoring this bit of wisdom. There are some people who speak of facts as something we ought to adjust to, not as something we ought to adjust. Some people think of policy as a mere response to facts, not as a line of conduct to influence the facts. Some of them are even getting headlines as the "new realists."

Now, as you well know, a good deal of time in Government is spent in trying to decide what the facts are, why they are what they are, and what may be the consequences of choosing one course of action or another.

Here, then, is where the executive needs the expert's help. Unfortunately, the experts often disagree, and it seems to be a rule that the more important the issue, the more likely they are to disagree. If every event had a Pearl Harbor clarity, policymaking would be a lot easier than it is. But, as the citizens of Troy discovered, appearances may be deceiving.

When the experts disagree, how do we proceed? Hitler tried intuition. But the only sound way we have discovered is to grant the experts a full hearing within the councils of Government. The experts who make the most convincing case may be right, or they may be wrong; the process is not guaranteed to produce the correct results, but it is the best process we have been able to devise.

All this underlines the importance of a certain amount of contention in the system. We need more than one intelligence office, more than one hierarchy of experts, if we are to get all the issues out on the table, where they can be recognized. "Streamlining" and "unifying" can be carried to costly lengths. The life and death issues of national security are too important to sacrifice a healthy competition in the name of efficiency.

The executive has to weigh the competing views before making his choice. He has to function as a generalist—a generalist being a specialist on the sum total—for at the point of decision, he must make a net calculation of advantage and disadvantage. Like the business executive, he is trying to maximize—to make the choice which, all things considered, will maximize the difference between the credits and the debits. The task of the businessman is far easier in making the profit-maximizing choice—because the variables are fewer and more predictable—than the problem of the policymaker in maximizing the net national interest. But even businessmen have been known to make mistakes.

One reason, I think, why men who have distinguished themselves in the law or in investment banking have often distinguished themselves in government is that success in their private careers is closely correlated with their skill and shrewdness in judging the competence of experts—in sensing when to have confidence in expert testimony and when not to. It is a skill that comes from dealing with people rather than with numbers or things or production lines.

If I were to stop here, however, I would have left the most important things unsaid. As always, these are the hardest to say. They concern the quality and nature of the relationship between political authorities and professional authorities and do not, therefore, lend themselves to precise statement.

First: Let me say that in my judgment the question of civilian, or political, control is not a real issue. The key decisions in national security affairs have been and will be made by the political authorities.

We have in this country a healthy distrust of the concentration of power. I say "healthy" because it is so easy for a man to confuse his possession of power with the possession of wisdom. The tendency is difficult to resist, as every parent knows. The American people wisely suspect claims to omniscience.

One of the great advantages of civilian supremacy is that truly democratic politics rests on that old principle known as "throwing the rascals out." If power must be concentrated—and it must—we want to concentrate it in the hands of men who can be turned out of office at the next election.

And not being wholly confident even of the efficacy of this principle, we have also built into our system a division of political authority, of what we call "checks and balances." Within the executive branch one department debates with and checks another; the legislative branch checks and balances the executive; and an independent judiciary branch is alert to the abuse of power by the other two.

If some of you think this system sometimes functions less than perfectly, you might ponder Winston Churchill's observation that democracy is the worst form of government ever devised by man—except for all the others.

Second: The new developments in science and technology mean that a greater centralization of authority is possible now than ever before. In particular, systems for storing and retrieving information and for testing quantifiable hypotheses are giving the political authorities, especially the chiefs of the great executive departments, means of central control that differ in kind, not just in degree, from those of an earlier day.

These changes are long term and largely irreversible. We find them in business, in education, and in government. They profoundly affect the relation of the executive to his advisers. The executive can know more details than he used to; he can ask more questions and get more answers before making his decisions. And although specialties are becoming more specialized, it is also true that advice is no longer so neatly compartmented into diplomatic, economic, military, and scientific pigeonholes as it once was. The closed societies of experts are being opened up and exposed to competition. This is true in all fields. The physicist has something to say about biology. The sociologist has a lot to say about economic development. The diplomat and the scientist and of course the economist have contributions to make in an area that the military once thought was its almost exclusive preserve.

On the whole this intermingling is desirable. It should make possible a better understanding of our problems and a better integration, a better coordination of the factors bearing on a decision.

Particularly in the cases of the professional military officer and the professional diplomat, these developments present a difficult dilemma. The military officer serves in an old profession concerned with the "management of violence;" the diplomat's calling, equally ancient, might be described as the "management of national interests" in a world in which such interests are often in conflict. Because of the nature of their responsibilities, discipline, honor, a sense of duty have been, and remain, of major importance.

The dilemma of the diplomat, as for the soldier, is to preserve and conserve the values of his profession with its special duties and disciplines and skills, while opening it up to new influences, to the challenge of fresh ideas, to the competition of men from other disciplines. The adjustment is not made easier by the fact that, as is so often true in life, the newcomers are inclined to be a bit brash, a bit disrespectful of established ways, a bit overconfident in their approaches, a bit skeptical of the lessons of experience.

No one really has a right to be the trusted adviser. It is a privilege that must be earned by showing that one's views merit attention. Of course, it is also true that those who are in positions of authority have an obligation to seek advice. And they will. A President or a Secretary of State or a Secretary of Defense will turn to the people who they think can help them. They will seek where they can find—or hope that they can find.

In all frankness, I think some career men have been a little too inclined to complain that they are not being listened to—instead of buckling down to the job of competing with experts from other fields, learning enough about other disciplines to enrich the advice they have to give, while introducing valuable insights derived from their own professional experience.

I am confident that the future of the diplomatic profession—and the military—lies with those young men and women—young in spirit, that is, not necessarily young in years—who are receptive to new ideas and prepared to learn and appropriate good ideas from a variety of sources while remaining respectful of those qualities and faithful to those values which have distinguished their professions and which ought to be preserved.

Third: Science and technology, as I have said, have contributed to a centralization of authority, and herein lies a danger—the old, familiar danger of excessive concentration of power. Centralization yields dividends, and therefore we will centralize. But there is a corollary danger: the possibility that power can be misused or abused is an increasing function of the concentration of power.

What can usefully be said about this ancient subject? Perhaps not much that is new. The more concentrated power is, the more restraint, the more humility, should be shown by the holders of power. In his own interest, the executive needs to show respect for his advisers, or he will find that the advice they give him will be corrupted. It is difficult in the best of circumstances for the powerful to escape the yes-man hazard. One of an executive's major tasks is to create a climate in which dissent is encouraged and welcomed, even though the recommendation of the dissenter is rejected. The clear-eyed executive will understand that he should be concerned about the possibility that he may, with the best of intentions, misuse his power—through some lack of sophistication, some mistake in judgment, or some shading of the truth to protect his personal reputation—and that the right of his advisers to differ is a healthy check on his exercise of the powers entrusted to him.

An executive should, therefore, scrupulously avoid retaliatory or vindictive measures against those who disagree with him. He should be loyal to his subordinates if he expects loyalty of them.

More than that, in our system of divided political authority, he should accept and even champion their right to give their honest advice when they appear, in accordance with our constitutional processes, before congressional committees. For the ability of the Congress to avail itself of honest testimony is a necessary requirement for sound legislation and for dependable appraisal of national problems. Furthermore, it is the only insurance the Congress has that it will get enough information to meet its constitutional responsibility to exercise financial control of the Federal budget—including the defense budget.

It is no secret that executive authorities may destroy a good idea whose time has really come. The merit of a new idea can never be absolutely established in advance. No idea is so good that it cannot be killed by overanalysis—or stunted by compromise in the process of winning acceptance.

For example, have we been imaginative in applying new doctrine and new technology to the waging of counterinsurgency actions? Have we substituted a hasty review of foreign aid—aimed at passing a particular appropriation bill—for a basic look at the role of economic assistance as a tool of American foreign policy? Are we really exploring the possible lines along which satisfactory understandings might be found with our NATO allies—understandings reflecting the growing power of Western European countries and reconciling the members' divergent conceptions of their national needs?

Indeed, the diplomatic or military bureaucracy itself—like any big bureaucracy—actually stultifies much creative effort. In this regard, the need is for more top career officers who measure up to the high standard set by Gen. George C. Marshall. As Robert Lovett has described him for us, General Marshall recognized that: "change is, indeed, one of the primary laws of life. His receptiveness to new ideas * * * for example, in the use of airpower and in the Marshall plan, was made easier by this philosophy, for he was not burdened with the attitude of mind which regards any change as a threat to the established order—or vested rights, if you choose—which must, therefore, be automatically, even blindly resisted."

One of this country's great economists spoke of capitalism as a process of "creative destruction." This was, as he saw it, the basis of the extraordinary economic progress made by capitalist systems. It was possible because free enterprise permitted the good new idea to destroy the obsolete idea. The vested interest could not block the upstart.

We need to find the equivalent of this process of "creative destruction" in government. In particular, our career services must become more hospitable to new concepts. I would like you to think about the possibility of developing what might be called a venture capital philosophy for the career services, in terms of which the creative and talented mind is not discouraged—but is positively encouraged.

Fourth: With the increased concentration of power in the heads of our great executive departments and the President, Congress has an enhanced responsibility to play its checking and balancing role—that is, to subject to its tests the judgment of those in positions of authority in the executive branch.

Under our Constitution, Congress is the creator of executive departments, the source of their statutory mandates, and the monitor of their operations; it authorizes programs and it appropriates funds. In our system, the Secretaries of State and Defense and other department chiefs are not only responsible to the President, but they are also accountable to the Congress for the discharge of their constitutional responsibilities—for the excellent reason that we do not place unlimited trust or power in any one man.

At the very heart of the American system of government—in contrast to dictatorship—is the principle and practice of congressional review—the duty of the legislature to cross-examine the powerful.

And let me add that if the Congress is to be effective in its vital function of review of executive activities there is no satisfactory substitute for Members of Congress, particularly those on the key committees, personally involving themselves in the day-in-and-day-out pick and shovel work.

No doubt Congress can and should improve its procedures. For one thing, we are now much too easy on executive branch officials who come up to the Hill and say "if you will just give us the money, we can do it"—and then they don't do it. But, back they come, the next year, singing the same kind of song and making the same kind of rosy promises. We need to find better ways to get across to executive branch officials that if they don't bestir themselves and implement the assurances they give us, their presence for future false assurances will not be welcomed. We also need to strengthen our means to audit, through the appropriate congressional committees, the actual accomplishments of executive programs.

One of the major purposes of congressional consideration is an educational one. So long as we rely on the democratic system, the ultimate test of a policy is its acceptance by the people. In the final analysis, the people must be persuaded of the wisdom of the policies and programs they are asked to support—and to pay for. Congressional study and debate can be a vital element in this educational process.

My last point is this: With the greater and graver responsibilities of today's government officials, our system of free elections takes on added importance.

An illustration of how things can go from bad to worse in the absence of free elections is provided by Hitler's Germany—where the people lost the means to call the tyrant and his retainers to account and to retire them from office as their program unfolded.

This year I and one-third of my colleagues are standing for election, as Senators do every 6 years; every Member of the House must stand for election every 2 years; and every 4 years the people choose their President. This series of elections is essentially an audit of performance—the method by which the American people inspect the record of their legislators and their executive authorities, and then render a judgment.

As career officers you do not have to meet the test of election—or re-election. But you can understand that those of use who do stand for election have a lively interest in the kind of job you do to serve the national interest. After all, I am going to have to defend it as best I can—or to criticize it when I cannot honestly defend it. It used to be said that the Supreme Court reads the election returns. Well, I am sure you do, also. And it is by that process that the people, whom we serve, seek to preserve their security and their liberty.

THE CIVIL RIGHTS ACT

Mr. McCARTHY. Mr. President, I yield myself such time as I may require.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota may proceed.

Mr. McCARTHY. Mr. President, the Senate of the United States is about to approve the Civil Rights Act of 1964. This is not an action which is being taken without thorough consideration and study and reflection, as some have charged. It is not an action in which the will of the people is not fully and adequately known, as some Members of the Senate have suggested. It is not an action which is beyond the responsibility of the Federal Government, and hence not beyond the responsibility of the legislative branch of that Government, as some have suggested.

The need for this action has been demonstrated in the depth of over 100 years of American history and it has also been demonstrated in the breadth of contemporary America. It has been petitioned not only in words but also in the actions, even the sufferings, and in some cases by the death of American citizens.

The legislatures of the majority of States of the Union have shown their will and judgment through the years in passing laws against discrimination. The courts of the land have not only struck down segregation laws, but have also ruled against the practice of discrimination. Teachers and educators, who know that discrimination cannot be reconciled with the truths which they teach, have called upon us for action; and religious leaders have asked us to sustain in the law of this land the moral principles and precepts of reason and also of faith. Artists and those who are students of the arts have demonstrated and declared that excellence and creative ability are not the quality of a race but rather the quality of the individual.

Four Presidents of the United States have asked the Congress to close the gap between executive actions, the decisions of the courts, and the statutes of this land. We are here today taking action to close that gap, and to meet our responsibilities. Finally, there are those who have in person in the North and South, and in the East and West, given public demonstration that they believe in human dignity and in equality. Their leaders, more than any others, have called upon us to take action here today.

This long debate in the Senate has been in the best tradition of American disagreement and political controversy. The leaders on both sides have demonstrated their realization that this is a historic decision of great moral and cultural importance—as well as political significance. They have known that they dealt in the very substance of the democratic life of the United States, and that what was being tested was not just the reality and the practice of American democracy, but the fundamental principles on which this democracy has been built.

Those who have opposed the passage of this proposed legislation, or who have advocated that it be significantly modified, have not questioned the strength and the appropriateness of the Bill of Rights and the 14th and 15th amendments. On the contrary, they have, for the most part, raised practical questions as to the lines of authority between the Federal Government and State governments, as to the limitations of the authority of the Federal Government and of the executive branch of that Government; and they have raised honest questions as to whether the new procedures would be effective and as to whether the execution of this law might not result in the impairment or loss of other rights and privileges.

Certainly these are proper questions to raise—and these are questions which have been properly and adequately answered.

Why, some have asked, should the Federal Government now intervene in areas which traditionally have been State and local areas of responsibility; and why, they ask, should accepted or established arrangements—arrangements which have existed without disturbance for 50 years or more—now be declared not only to be unlawful, but also immoral?

The answer to these questions is to be found, in part, in principle and belief, and in part, also, in the very context of history itself. The search for freedom and for a world in which freedom and equality can be enjoyed has been the preoccupation of civilized people throughout the history of the world. Certainly, it has been the preoccupation of Americans since this country was first settled. One man has said: once we have declared for liberty and for freedom and for equality, we have declared for an unending war in an unending revolution. Certainly, we in the United States have declared more often, more consistently and more loudly, for equality, for liberty and freedom; and, consequently, we must bear the burden of that revolution and give the example.

The Declaration of Independence and the rights of that Declaration were not based on any reference to a papal bull or any kind of royal grant, nor of any ancient scroll which had been found.

These rights were not claimed because the people of this continent were once English, or because they were Christian, or because they were white, or because they were North Americans. These rights were claimed on the basis of the nature of man and the nature of a person. All of these rights to which we now refer today, on another occasion were declared to be the inalienable rights of all men. These civil rights do not derive because of law but, rather, derive from the very nature of man himself. They have their basis and they rest in that nature. We have made these basic human rights civil rights, and we have sought to guarantee and protect them through the Constitution of the United States and of the States, and through the laws of the land.

The moral basis of these civil rights and of this pending civil rights bill is expressed most clearly in the Declaration of Independence and in the Constitution, and affirmatively included in the moral and religious principles which the great majority of the citizens of the United States have accepted and do accept.

The formalization of these beliefs and of these principles in law has been a progressive one, depending upon events and the movement of history itself. The Constitution, we know, recognized slavery; the Emancipation Proclamation and the 13th amendment abolished it.

No new rights are created by this bill. The debate has not been over an abstract list of rights but over those changes in procedures and in law which may be necessary to facilitate and, in some cases, to insure the enjoyment of fundamental human rights.

It means little to speak about inalienable rights of life, liberty, and the pursuit of happiness, if there exist no opportunities for education or for useful employment—if those who speak of them or in whom these rights theoretically inhere do not have a chance to vote or to be educated or to participate in the economic efforts of the country, and on the basis of that participation to establish their claim to a share of the goods of that system.

Any venture of law in the field of human relations is a difficult and a dangerous one. This is a dangerous venture. The enactment of this law will not solve all problems of this kind. But this is, nonetheless, a necessary and an all-important law.

This is an imperfect law, as is any law which ventures into the difficult area of human relations. It is a law which will be subject to review by the courts and again by the Congress—perhaps again and again by the Congress. It is a law which, if it is to be reasonably effective, will depend for administration upon dedicated and prudent men.

It is a law, I insist, which is not directed against the people of any one region of this country, but one which calls for moral and intellectual response from all the people of the United States.

It is a law which could not be postponed, for both principle and the movement of history itself cry out for its passage in this year of 1964.

Mr. President, I reserve the remainder of my time.

Mr. CARLSON. Mr. President, I yield myself such time as I may need.

After weeks of debate, we are approaching a final vote on probably the most significant proposal to be considered by the Congress in this generation.

It is most difficult to legislate in the field of civil rights because of the emotional nature of the issues involved.

Many of the citizens of Kansas—both proponents and opponents—have written to me of their sincere concern about many of the provisions of the bill and its effect on the rights of citizens of our Nation.

To them I say that the bill is not as bad as its enemies claim; nor will it produce the benefits the proponents anticipate. In my opinion, the amendments approved by the Senate have made this a constitutional and effective civil rights bill.

In the final analysis, governmental coercion through legislation will not of itself bring an end to discrimination and insure equality of treatment to every citizen.

The end of discrimination and inequality of treatment among our citizens will come only when all of us are willing to lay aside bigotry and prejudice and give full credence to the Golden Rule.

I shall vote for this bill with some misgivings, but with the hope that it will bring about closer cooperation and good will among our citizens.

Mr. COOPER. Mr. President, we have spent many days in debating this important bill. At this late hour there is little that anyone can add to the long debate.

It is true that there are provisions in the bill which do not meet with the approval of many Senators, both those who support the bill, as well as those who oppose it. I respect the convictions of those who oppose the bill. I am led to say, however, that I do not know how Congress could agree upon any civil rights bill which could receive the approval of more Members unless it were so diluted that it would be ineffective.

I have some understanding of the problems of the Southern States. Having lived my entire lifetime in the border State of Kentucky, I know the emotions and the convictions and, I may say, the prejudices which are bound up in the issue of civil rights.

If I had lived in one of those States and were speaking and voting tonight, I could not say that I would hold the same position that I do, although I hope that I would. For years ago I reached the conviction that these great issues of human rights must be faced and must be solved within the framework of law. Time and again in this debate concern has been voiced about the incidents of violence which have grown in our land in recent years. I have been concerned about the trend toward violence. If it should become a practice in our country to employ violence to settle great governmental questions, it would seriously alter a distinguishing characteristic of our country—that of change and progress by the processes of law. Nevertheless, I know that protests, which sometimes lead to violence, are generally the constitutional demonstrations of men and women who are objecting, and objecting rightfully, because they are being denied their constitutional rights. These demonstrations will not end until these rights are assured by law, and not offered as a matter of grace.

This bill in three of its major sections, titles I, II, and IV deals with rights that have been declared constitutional rights by the Bill of Rights, and by the courts. If the titles against which complaint has been made—title II and title VII—have not yet been judged to be constitutional rights, nevertheless they are rights of equal opportunity, they are moral rights and rights of decency which should be accorded every citizen of this land. If they are not accorded, we will deny the promise of this land, the promise which our country has held for its people and the people of the world, as a country of freedom and justice.

Consent is a necessary element to law. Consent to law comes through education and through the leadership of those who govern; it comes through the leadership of people in every walk of life; but it must also come from a willingness to accept law, and from enforcement of the law.

Consent develops as Justice Frankfurter in the famous case, Cooper against Aaron, once declared, with the help of men who are charged with the responsibility of official power, as used in the leadership of people.

In speaking of consent, Justice Frankfurter said:

> Local customs, however hardened by time, are not decreed in heaven. Habits and the feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education. And educational influences are exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political official power, and from the almost unconsciously transforming actualities of living under law.

I believe that Congress, in passing this civil rights bill, will exercise its responsibility to assure the rights and opportunities of all of its citizens. We have placed these rights, as the great Justice said, in the "transforming actualities of living under law."

This is the final hour of decision. It is an hour which requires us, now that the bill is to be passed, to put our hands to the plow and to work together in the days ahead as men of good faith, and with faith in our system of law, which protects the equal rights of all our citizens.

Mr. THURMOND. Mr. President, I yield myself such time as I may use.

This bill is the greatest grasp of Executive power conceived in the 20th century. It will make of the President a czar and of the Attorney General a Rasputin.

This bill is drafted with the clear, deliberate intent to destroy every effective constitutional limitation upon the extension of Federal Executive power over individuals and States. While the Federal controls created by the bill apply primarily to discrimination on the grounds of race, color, religion, sex, or national origin, they would set a precedent for the expansion of Federal dictation into almost every phase of business and individual relationship.

The powers given to the Attorney General under the bill are enormous. The bill would grant to the Attorney General unprecedented authority to file suits against property owners, to file suits against plain citizens, to file suits against State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayer's expense.

The bill grants to the Attorney General the unprecedented power to shop around for a judge that he prefers to hear a voting suit; the right to sue an owner of public accommodations before the owner is accused of a discriminatory practice; the right to sue State and local officials concerning public facilities and against local school boards, although no suit has been filed by any schoolchild, parent, or any other person.

The bill would give unprecedented power to the Federal Government to withhold funds that are justly due the States or their political subdivisions. I again remind Senators that title VI of the bill amends every Federal law—and that means more than 100—that deals with financing, to require each Federal agency to issue regulations defining for itself "discrimination," and, "race, color, religion, or national origin." Subject to ineffective limitations, each agency is permitted to set up its own controls, sanctions and penalties, including "termination of, or refusal to grant or to continue assistance," and, "any other means authorized by law."

Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. THURMOND. Mr. President, I wish again to remind the Senate that this bill is clearly unconstitutional.

It would seek to permit Congress to establish qualifications for voting, although this power is reserved to the States under the Constitution. This is in violation of section 2 of article I, and the 10th and 17th amendments.

The bill attempts to apply the provisions of the 14th amendment to "private actions" although it is applicable on its very face only to State action. This bill is in direct conflict with the 1883 Civil Rights cases, and the 1959 Howard Johnson case.

The bill would deny the right of trial by jury in a criminal prosecution in violation of the sixth amendment.

The bill would deprive a person of property without due process, in violation of the fifth amendment. The bill would deprive a person of property without just compensation in violation of the fifth amendment.

The bill makes an offense of speaking or writing against the objects sought to be accomplished by the bill. This is a violation of the first amendment.

The bill seeks to regulate businesses which are solely local in character. This is in violation of section 8 of article I, which regulates commerce among the several States.

The bill seeks to subject citizens to "involuntary servitude" by making them render personal services against their own choice, in violation of the 13th amendment.

The bill attempts to delegate legislative powers to the Attorney General and other officials of the executive branch in violation of section 1 of article I of the Constitution.

Mr. President, I hope that the Senate will defeat the bill.

THIS THING THAT WE DO

Mr. PROUTY. Mr. President, 103 years ago—when the House of this Nation was divided—to serve the cause of freedom and to make our people one, a man came out of Illinois.

One hundred and three years later, to open the doors of our National House and to serve the cause of freedom, another man has come out of Illinois.

True it may be that no one man was responsible for the abolition of slavery. True it may be that no man is responsible for our statute to prohibit discrimination. But, without Lincoln there would have been no Emancipation Proclamation, and without DIRKSEN there would have been no civil rights bill.

From Jefferson to Johnson, from Lincoln to Dirksen, the roads are long and the journeys arduous.

Twice an assassin's bullet struck down the guiding spirit of liberty and twice the Nation moved on. Frederick Douglass, Abraham Lincoln, John Fitzgerald Kennedy—all these are gone. How I wish they could know that in 1964 when there was heard the cry "freedom now," the Congress answered "ever more."

"Ever more" is the solemn pledge we make this day. It is ours to keep—it is ours to bequeath to the yet unborn.

History will long remember the sturdy stewards of this undertaking—DIRKSEN, MANSFIELD, HUMPHREY, KUCHEL, and all the rest—but the journey will go on. Indignities will not end in this generation, nor in the next, but let it go out to all the world that we have begun their undoing.

One hundred years ago man in bondage was set loose. Perhaps 100 years hence man in prejudice will be set free—free in every inch and corner of this vast earth; free in full measure; free for all ages and times. These are the aims of a mighty and majestic people.

Mr. President, I have often wondered during the course of these proceedings whether there was present some hand more splendid than our own. For, if not, even the falling of a sparrow could escape His note. I expect that He observes our feeble endeavors to restore what He intended and which man has taken away.

This thing that we do—if it be an act for vengence or gain—will surely fail. But if it be an act of love—it will surely succeed.

May our aim be noble and our law just, and may we have the touch of His blessing for "Except the Lord build the house, we labor in vain that build it."

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes or less.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 10 minutes.

Mr. MANSFIELD. Mr. President, this is the first anniversary of the late President John F. Kennedy's submission of the present legislation to Congress. In presenting it, President Kennedy asked for a law to provide "reasonable men with the reasonable means" to soothe the Nation's racial malady "however long it may take and however troublesome it may be."

Mr. President, the Senate is about to fulfill its responsibilities in the resolution of the most divisive issue in our history. The attainment of this moment, in my judgment, is perhaps of even greater significance than the outcome of the vote itself, for it underscores, once again, the basic premise of our Government—that a people of great diversity can resolve even its most profound differences, under the Constitution, through the processes of reason, restraint, and reciprocal understanding. And what has been done in the Senate on the issue of civil rights can and must be done throughout the Nation. The differences on civil rights run as deep in this body as elsewhere; but no blood has been shed in this Chamber, and blood need not be shed elsewhere.

Like other exceptional accomplishments of this body, this moment is the work, not of one, but of both parties. The course of the entire debate makes clear that there has existed, as the paramount consideration on both sides of the aisle, an awareness of a paramount need of the Nation.

This moment belongs to the Senate as a whole. Senators of the Republic have put aside personal inclinations. All Senators have endured frustrations, disappointments, and inconveniences along the arduous trail which has led to this vote.

But I want to say, in particular, of the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], that this is his finest hour.

His concern for the welfare of the Nation, above personal and party concern, has been revealed many times in the Senate, but never before in so vital and difficult a context. The Senate and the whole country are in the debt of the Senator from Illinois.

And we are in debt, too, to the distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY]. He has rendered a great service under difficult personal circumstances, to the Senate and the Nation through his patience and dedication. He has performed Herculean feats in maintaining the Democratic share of a quorum day after day and night after night, in acting as the principal exponent and defender of the bill in debate, and in general floor management. He has served with a deep understanding of the Senate's ways and with the tremendous energy, intelligence, skill, and good humor which have characterized him in many other situations.

Others, too, have done exceptional service in these critical months. There has been the work of the distinguished minority whip, the Senator from California [Mr. KUCHEL], who filled the job of floor leader for the Republicans. The floor captains, both Democratic and Republican, made the major speeches to explain and to defend in detail the particular titles, and served long hours on the floor. There has been the good sense of the Senator from Vermont [Mr. AIKEN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Michigan [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois, [Mr. DOUGLAS], the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. ALLOTT], the Senator from Kansas [Mr. CARLSON], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], and other Senators—all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. HICKENLOOPER], and certain of his Republican colleagues who, despite personal reservations, in the end, found the route to agreement which made cloture possible. In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings. The courage and dedication displayed by Senator CLAIR ENGLE were contributions, too, which should not and will not be forgotten.

And finally, Mr. President, there has been the insistence of the opposition on prolonged debate. It was learned and thorough, and it played an essential role in refining the provisions of the bill. But, in my judgment, its most important function was to discourage self-righteousness on the part of the majority. There is no room for unwarranted sentiments of victory if the legislation we have molded is to be given constructive meaning for the Nation in the years ahead. If we are about to enter upon a second Reconstruction—as the Senator from Georgia [Mr. RUSSELL] called it—then it must be a reconstruction of the heart, a reconstruction involving, not one section, but all sections of the Nation. The dimensions of the problem with which we have been struggling these past months stretch the length and breadth of the Nation. An accurate appraisal of them leads, not to a sense of triumph over the passage of this bill, but to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as the Senate's.

Mr. President, William H. Stringer wrote an excellent article, entitled "The Senators' Creed," which was published earlier this week in the Christian Science Monitor. I quote from the article by Mr. Stringer:

> One of the observations that Americans can proudly make about the Senate's battle over cloture was that vituperation was held in check.
>
> Nearly everyone seemed to recognize that this was a solemn, poignant moment in the history of the United States—this struggle over a far-reaching civil rights bill, this wrenching change in the customs of proud people—and the Senators conducted themselves honorably.
>
> This is a behavior in American politics that needs to be cherished and cultivated. Politics is not always so practiced in heated election campaigns. But the Senate—that "gentlemen's club"—usually sets a standard.

Mr. President, it will soon be time to call the roll, to record the yeas and nays, and then to proceed to the other business of the Nation, which, of necessity, we have put aside for so long.

Mr. DIRKSEN. Mr. President, we are on the threshold of what I suppose everyone will consider a historic vote.

I am deeply grateful to the majority leader [Mr. MANSFIELD] for his patience, his tolerance, and his sense of self-effacement in all the tedious struggle that has gone on for nearly 100 days; and I am truly grateful to the deputy majority leader [Mr. HUMPHREY], because of the attributes he has brought to this struggle. He has been fair, tolerant, and just, and always has brought to this problem an understanding heart.

To my revered assistant, the distinguished whip on the minority side [Mr. KUCHEL], I say with equal accolade how grateful I am for the way he stood by under every circumstance and for the rare patience he has displayed in all this difficult time.

Mr. President, it has been a tedious matter. It has been a long labor, indeed. On looking back, I think a little of the rather popular television program called "That Was the Week That Was." I think tonight we can say, "That was the year that was," because it was a year ago this June that we first started coming to grips with this very challenging controversy on civil rights.

On the 5th of June, my own party, after 2 days of labor and conference, came forward with a consensus to express its views on the subject. That consensus is printed in the CONGRESSIONAL RECORD. I shall read only a portion of what we said in the course of that statement. Before I do so, I wish to say that prior to the conference I had worked out on a portable typewriter what I thought was a general and acceptable statement of principle. In the course of the conference, a word was removed, and then it was restored; a phrase was removed, and then it was restored. Finally, we came up with a declaration of which I think we can all be proud, for among other things, the statement included the following:

> It is the consensus of the Senate Republican conference that: "The Federal Government, including the legislative, executive, and judicial branches, has a solemn duty to preserve the rights, privileges, and immunities of citizens of the United States in conformity with the Constitution, which makes every native-born and naturalized person a citizen of the United States, as well as the State in which he resides. Equality of rights and opportunities has not been fully achieved in the long period since the 14th and 15th amendments to the Constitution were adopted, and this inequality and lack of opportunity and the racial tensions which they engender are out of character with the spirit of a nation pledged to justice and freedom."

I recite one other paragraph from that statement of principle:

> The Republican Members of the U.S. Senate, in this 88th Congress, reaffirm and reassert the basic principles of the party with respect to civil rights, and further affirm that the President, with the support of Congress, consistent with its duties as defined in the Constitution, must protect the rights of all U.S. citizens regardless of race, creed, color, or national origin.

Mr. President, that conference took place on June 5, 1963, and this is June of 1964. So with a sense of propriety I can say for the bone pickers who will be setting it down on the history books that "this is the year that was."

After this statement of principle came the conferences at the White House. Those also occurred in the month of June. I remember how patient the late President of the United States was when he met first with the joint leadership, and then with individual Members, and then with the minority Members in the hope that his message and his bill to be presented to both branches of the Congress could be scheduled for early action.

I recited once before that I and my party had chided the late President of the United States for his dereliction in the matter, and said that there was a promise and a pledge that when a new Congress began in 1961 there would be early action on the civil rights issue.

When that action was not forthcoming, we were unsparing, of course, in our criticism, until at long last that bill was submitted.

Then came the grinding of the legislative mill. That mill grinds slowly but it grinds exceedingly fine. What has happened in "the year that was" is a tribute to the patience and understanding of the country, to the Senate, and generally the people of this Republic. It was marked, of course, by demonstrations and marches, and on occasion by some outbursts of violence. But the mills have ground before, Mr. President, where a moral issue was involved, and it is not too far from fact and reason to assert that they will continue to grind in the history of this blessed and continuing Republic.

For example, I mention that in the field of child labor, when even President Wilson observed, years ago, that the Beveridge bill was obviously absurd, the mill continued to grind, and at long last the Congress undertook to prevent the shipment in interstate commerce of goods that had been produced by the sweated toil of children. There was a moral issue.

In 1906, after the reports of Harvey Wiley—President McKinley had gone before—there were fulminations on the Senate floor. The speeches that were delivered about the intrusion of Federal power sound absolutely incredible today when we undertake to reread them. But there was an inexorable force. In the past 30 years, while I have been here, I have not seen a single Congress that has not added to the Pure Food, Drug, and Cosmetic Act.

I mentioned on the floor of the Senate once before that when the legislature in New York State inhibited work in the bake shops of that State beyond 10 hours a day and 6 days a week, the law was stricken down by the highest tribunal in the land. Then in the Wilson administration came the Adamson law, which provided for an 8-hour workday on the railroads. Today who will stand in his place and quarrel with those limitations upon the workday and the workweek?

I was in the House of Representatives in 1934 when the Social Security Act was placed upon the statute books. I remember the fulminations, the castigations, and the averments that the act was unconstitutional. But it is on the books and it is accepted; and all the trenchant editorials, all of the truculent statements, and all the speeches on the floor of the House and Senate were swept away by some inexorable force. I do not remember the beginning, but I mentioned before that in 1888, when a group of crusaders went to Chicago to enlarge, if they could, an interest in the civil service system, there were only six people who attended the meeting, but it required only one bullet—a bullet from an assassin—to reach President Garfield's heart to completely change the mood of the country and, as a result, in 1883 the Pendleton Act went on the books.

Will any Senator stand in his place today in this or any other body and undertake to sweep it aside and call for repeal of the civil service system?

Theodore Roosevelt and Gifford Pinchot argued and worked to get into the public domain great quantities of ground for the benefit of the people, and were met by every barricade and obstacle.

But truth and righteousness and a sense of justice prevailed, and it required no constitutional amendment to bring it about. Nor did it require a constitutional amendment to bring about these forward thrusts in the interest of the people and in the interest of the expansion of enjoyment for the living of our people.

The same thing can be said about the minimum wage. I had my fingers crossed about it many times. My friend from West Virginia nods his head in approval. He remembers very well when we were on a subcommittee together. We accepted that proposal as a matter of course.

These are programs that touch people. Today they are accepted because they are accepted as a part of the forward thrust in the whole efforts of mankind to move forward.

I reemphasize the fact that it required no constitutional change to bring this about, because it appeared there was latitude enough in that document, the oldest written constitution on the face of the earth, to embrace within its four corners these advances for human brotherhood.

It leads us—it leads me, certainly—to the conclusion that in the history of mankind there is an inexorable moral force that carries us forward.

No matter what statements may be made on the floor, no matter how tart the editorials in every section of the country, no matter what the resistance of people who do not wish to change, it will not be denied. Mankind ever forward goes. There have been fulminations to impede, but they have never stopped that thrust. As I think of it, it is slow. It is undramatic. Somebody once said that progress is the intelligent, undramatic application of life on what is here.

It is a good definition. When I think of the word dramatic I think of what Woodrow Wilson said in World War I. I was in uniform on the Western Front. There was a movement in this country to send Theodore Roosevelt there to head a division. That suggestion had great appeal. Letters by the hundred of thousands moved into the White House. Woodrow Wilson settled the issue with a single sentence. He said, "The answer is 'No' because the business in hand is undramatic."

This is not dramatic business. Here we are dealing with a moral force that carries us along.

Argue and fuss and utter all the extreme opinions one will, Mr. President—our people still go forward, and we will not be worthy of our trust if we do not give heed to the great, mobile force that carries humankind along its path.

There was a time when the attributes of life, when life itself, when all those things we hope for a human being, did not count too much in the scale of everyday values. When Peter the Great went to Poland on a visit, he was told, "We have invented a new torture machine. We put a body on the rack and tear it asunder." He said "I would like to have a demonstration." He was told, "We have nobody in prison on whom to demonstrate." He said, "It is all right. Take one of my retinue and break his body."

That is all life amounted to only a few hundred years ago.

There was a queen named Marie Antoinette. History records that as she was going through the countryside she saw groveling peasants trying to subsist on roots and herbs and whatever nature had to offer them. One of the servants said to her, "They are groveling peasants, without bread to eat." History records the cynical answer that she gave in response. She said, "Let them eat cake."

What an answer. But history would not accept that answer, because the thrust of humankind has been ever forward and upward.

I remember the day when I sat with General Eisenhower in his office. I saw a picture on the wall. I said, "That looks like Marshall Zhukov to me." He said, "It is. I want to tell you a story about him and when they gave me my decoration"—I forget whether it was the Red Star, or the Order of Lenin. He said, "You know, he is a great general, and he is an intriguing fellow, but he is very cynical. He has little regard for human life on the battlefield. When I told him of one of our forays and I told him we sent a minesweeper into the area so our soldiers could proceed, Zhukov said, 'Oh, you sent in your minesweepers? We do not do that. One life—what is it? One thousand lives—what are they? Ten thousand lives—what are they? Poof.'" That shows a disregard for human life and for all the attributes that go with it.

So today we come to grips finally with a bill that advances the enjoyment of living; but, more than that, it advances the equality of opportunity.

I do not emphasize the word "equality" standing by itself. It means equality of opportunity in the field of education. It means equality of opportunity in the field of employment. It means equality of opportunity in the field of participation in the affairs of government, and the day in the life of a citizen when he can go to the polls, under a representative system, to select the person for whom to vote, who is going to stay in that position for a period of years, whether it is at the local, State, or National level?

That is it.

Equality of opportunity, if we are going to talk about conscience, is the mass conscience of mankind that speaks in every generation, and it will continue to speak long after we are dead and gone.

Every generation, of course, must march up to the unfinished tasks of the generation that has gone before. Often times I have puzzled about the Tower of Babel which stood on the Plain of Shinar—that great work on which they labored in the hope that all those in that area might wander afield. Always there was a high beckoning tower to bring them back to the point of orientation. But then came the confusion of tongues, for that is exactly what "babel" means. That is the greatest unfinished project in the history of mankind. There probably will be greater, unfinished projects, and every generation will have to confront them.

They will also be found in the domain of freedom. They will be found in the pursuit of happiness as the Declaration of Independence asserts. They will be found in expanded living for people, for that is one of the goals of mankind. They will be found in the field of equal opportunity. They will be the unfinished work of every generation.

Mr. President, I must add a personal note, because on occasion a number of the "boys" up in the gallery have asked me, "How have you become a crusader in this cause?"

It is a fair question, and it deserves a fair answer.

That question was asked me once before. It was many years ago. I was then in the House of Representatives. I went to a meeting, and I listened to a Chinese doctor from the front at the time of the Japanese invasion of China come in and plead for money, for bandages, for medicine, in order to carry on. There was one line he used in his plea that seared itself indelibly into my memory.

He said, "They scream, but they live."

I carried those words with me for days and weeks, and when finally I was requested to go into the country for a number of speeches in the interest of Chinese relief, I did so.

A friend said to me, "Why do you waste your time on so remote a project? After all they are people with yellow skins, 12,000 miles from home. You are wasting time which you might well devote to your own constituents."

I said, "My friend, as an answer, there occurs to me a line from an English poet, whose name was John Donne. He left what I believe was a precious legacy on the parchments of history. He said, "Any man's death diminishes me, because I am involved in mankind."

I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant that we have made with the people, and if we are to honor the pledges we made when we held up our hands to take an oath to defend the laws and to carry out the Constitution of the United States.

Eight times I did it in the House of Representatives.

Three times—God willing—my people have permitted me to do it in the Senate of the United States.

There is involved here the citizenship of people under the Constitution who, by the 14th amendment, are made not only citizens of the State where they reside, but also citizens of the United States of America.

That is what we deal with here. We are confronted with the challenge, and we must reckon with it.

I was heartened by a telegram dated June 10—I do not know whether other Senators received copies of it—datelined Cleveland, Ohio. It was addressed to me. I read it to the Senate:

> We, the 40 undersigned Governors of the United States of America record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President.

Who were those Governors?

I shall not spell out the list in detail.

The Governors of Alaska, Ohio, and Connecticut.

The Governors of Pennsylvania, Hawaii, and Kansas.

The Governors of Indiana, South Dakota, and Kentucky.

The Governors of Wyoming, Massachusetts, and Maine.

The Governors of Missouri, Nevada, and Michigan.

The Governors of New Jersey, North Dakota, and Washington.

The Governors of Wisconsin, Guam, and California.

The Governors of Colorado, Delaware, and Rhode Island.

The Governors of Illinois, Oregon, and Iowa.

The Governors of Idaho, Maryland, and Utah.

The Governors of Minnesota, Arizona, and Nebraska.

The Governors of New Hampshire, Oklahoma, and New Mexico.

The Governors of Vermont, West Virginia, and American Samoa.

The Governor of the Virgin Islands.

There they are—40 of them.

What did they say?

Quick approval of the pending bill.

That is what they suggested to the Senate of the United States.

I believe that this telegram should be made a part of the RECORD, and I ask unanimous consent that the telegram be printed in the RECORD as a part of my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

GOVERNORS' CONFERENCE—BIPARTISAN STATEMENT OF PRINCIPLE

CLEVELAND, OHIO,
June 10, 1964.

Senator EVERETT DIRKSEN,
Senate Office Building,
Washington, D.C.:

We, the 40 undersigned Governors of the United States of America, record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation now pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President of the United States and to each Member of the Senate of the United States.

Gov. William A. Egan, Alaska; Gov. James A. Rhodes, Ohio; Gov. John Dempsey, Connecticut; Gov. William W. Scranton, Pennsylvania; Gov. John A. Burns, Hawaii; Gov. John Anderson, Jr., Kansas; Gov. Matthew E. Welsh, Indiana; Gov. Archie Gubbrud, South Dakota; Gov. Edward T. Breathitt, Kentucky; Gov. Clifford P. Hansen, Wyoming; Gov. Endicott Peabody, Massachusetts; Gov. John H. Reed, Maine; and Gov. John M. Dalton, Missouri; Gov. Grant Sawyer, Nevada; Gov. George Romney, Michigan; Gov. Richard J. Hughes, New Jersey; Gov. William L. Guy, North Dakota; Gov. Albert D. Rosellini, Washington; Gov. John W. Reynold, Wisconsin; Gov. Manuel Flores Leon Guerrero, Guam; Gov. Edmund G. Brown, California; Gov. John A. Love, Colorado; Gov. Elbert N. Carvel, Delaware; Gov. John H. Chafee, Rhode Island; Gov. Otto Kerner, Illinois; Gov. Mark O. Hatfield, Oregon; Gov. Harold E. Hughes, Iowa; Gov. Robert E. Smylie, Idaho; Gov. J. Millard Tawes, Maryland; Gov. George D. Clyde, Utah; Gov. Karl F. Rolvaag, Minnesota; Gov. Paul Fannin, Arizona; Gov. Frank B. Morrison, Nebraska; Gov. John W. King, New Hampshire; Gov. Henry Bellmon, Oklahoma; Gov. Jack M. Campbell, New Mexico; Gov. Philip H. Hoff, Vermont; Gov. William W. Barron, West Virginia; Gov. H. Rex Lee, American Samoa; Gov. Ralph M. Paiewonsky, Virgin Islands.

Mr. DIRKSEN. Mr. President, in line with the sentiment offered by the poet, "Any man's death diminishes me, because I am involved in mankind," so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

There is the moral basis for our case.

It has been long and tedious; but the mills will continue to grind, and, whatever we do here tonight as we stand on the threshold of a historic rollcall, those mills will not stop grinding.

So, Mr. President, I commend this bill to the Senate, and in its wisdom I trust that in bountiful measure it will prevail.

I close by expressing once more my gratitude to the distinguished majority leader for the tolerance that he has shown all through this long period of nearly 100 days.

But standing on the pinnacle of this night, looking back, looking around, looking forward, as an anniversary occasion requires, this is "the year that was," and it will be so recorded by the bone pickers who somehow put together all the items that portray man's journey through time that is history. I am prepared for the vote.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

[No. 436 Leg.]

YEAS—73

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Cannon
Carlson
Case
Church
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Douglas
Edmondson
Engle
Fong
Gruening
Hart
Hartke
Hayden
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Keating
Kennedy
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smith
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—27

Byrd, Va.
Byrd, W. Va.
Cotton
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hickenlooper
Hill
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mechem
Robertson
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters

So the bill (H.R. 7152) was passed. [Applause in the galleries.]

The ACTING PRESIDENT pro tempore. The guests in the galleries will refrain from conversation and comment. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM — ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with regard to the schedule for next week. I would like to know whether the Senate will adjourn until Monday.

Mr. MANSFIELD. Mr. President, in view of the circumstances, there will not be the usual Saturday session.

I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 noon, on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the atomic energy authorization bill, the National Aeronautics and Space authorization bill.

I would also, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

NATIONAL COMMISSION ON FOOD MARKETING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, amending the joint resolution (S.J. Res. 71) to establish a National Commission of Food Marketing to study the food industry from the producer to the consumer, which was, to strike out all after the resolving clause and insert:

That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

SEC. 2. ORGANIZATION OF THE COMMISSION.—(a) The Commission shall be composed of fifteen members including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.

(c) Eight members of the Commission shall constitute a quorum.

Sec. 3. Compensation of Members.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at the rate of $100 for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

Sec. 4. Duties of the Commission.—(a) The Commission shall study and appraise the marketing structure of the food industry, including the following:

(1) The actual changes, principally in the past two decades in the various segments of the food industry;

(2) The changes likely to materialize if present trends continue;

(3) The kind of food industry that would assure efficiency of production, assembly, processing, and distribution, provide appropriate services to consumers, and yet maintain acceptable competitive alternatives of procurement and sale in all segments of the industry from producer to consumer.

(4) The changes in statutes or public policy, the organization of farming and of food assembly, processing, and distribution, and the interrelationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency.

(5) The effectiveness of the services including the dissemination of market news, and regulatory activities of the Federal Government in terms of present and probable developments in the industry; and

(6) The effect of imported food on United States producers, processors, and consumers.

(b) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and conclusions to the President and to the Congress by July 1, 1965.

Sec. 5. Powers of the Commission.—(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff: *Provided, however,* That the Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

Sec. 6. Administrative Arrangements.—(a) The Commission is authorized, without regard to the civil service laws and regulations or the Classification Act of 1949, as amended, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 under the Classification Act of 1949, as amended.

(b) The executive director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided,* That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46c) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *Provided further,* That the Commission shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 4(b), the Commission shall cease to exist.

Sec. 7. Authorization of Appropriations.—There is hereby authorized to be appropriated such sums not in excess of $1,500,000 as may be necessary to carry out the provisions of this joint resolution. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 6(e).

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the action of the Senate in respect to the appointment of conferees be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, the action is rescinded.

Mr. MAGNUSON. Mr. President, I move that the Senate accept the House amendments to Senate Joint Resolution 71.

The motion was agreed to.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 936, H.R. 10433, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, be made the pending business.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 10433), which had been reported from the Committee on Appropriations with amendments.

RESOLUTIONS OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS CONVENTION

Mr. MORSE. Mr. President, the National Congress of Parents and Teachers, as Senators know, is an organization composed of hardworking men and women devoted to the best interests of the American public schools whether it be found in Oregon, Oklahoma, New Jersey, or on an isolated base of our military services overseas.

I am pleased to learn that under the leadership of its new president, Mrs. Jennelle Moorhead, of Eugene, Oreg., the 12 million membership National Congress of Parents and Teachers—PTA—is reaffirming its support for needed improvements in the oversea dependents' schools. The NCPT's oversea branch, the European Congress of American Parents and Teachers, with its 82,608 members serving in 16 countries where the Department of Defense operates schools for the children of American parents serving the United States abroad, has compiled its firsthand observations in a series of resolutions designed to provide academic training at least equivalent to these schools' stateside counterparts.

Mr. President, I ask unanimous consent that the resolutions submitted to the 1964 convention to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas education is an important means through which the American people strive to provide opportunity for every citizen to become a productive member of society; and

Whereas some children who suffer physical or mental limitations will not fulfill the academic promise of their innate ability unless they receive compensatory health, welfare, and educational services from the school and the community; and

Whereas the European Congress of American Parents and Teachers serves as a bridge to link home, school, and community in a comparative effort to provide equality of opportunity for all children; and

Whereas this conference has underscored the urgency for positive action to achieve quality education for all and also compensatory services for disadvantaged children; and

Whereas the delegates of the 1964 spring conference affirm their support of the need for classes for handicapped children: Be it

Resolved, That delegates of the 1964 spring conference strongly support military regulations which provide that when parents of handicapped children leave the CONUS for overseas assignment every effort be made to assign the parents to bases providing appropriate classes and facilities; and be it further

Resolved, That the European Congress of American Parents and Teachers petition the National Congress of Parents and Teachers, through its representation in Washington, D.C., to seek the financial aid and teacher staffing necessary to provide adequate academic training for handicapped children; and be it further

Resolved, That the military services look toward action that will discourage assignment overseas of parents of handicapped children

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EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas the safety and physical well-being of children while in school is a recognized part of American educational service; and

Whereas the services of a qualified nurse are an integral part of the maintenance of this safety and physical well-being of schoolchildren: Be it

Resolved, That the European Congress of American Parents and Teachers again petition the National Congress of Parents and Teachers to utilize the full weight of that organization to insure that all children in dependents' schools have easily available to them the services of registered nurses with sufficient medical supplies and, further, that the National Congress of Parents and Teachers, through its representation in Washington, D.C., seek to have a program of this nature included in the budgetary request for appropriation from the Congress of the United States.

EUROPEAN CONGRESS OF AMERICAN PARENTS AND TEACHERS

Whereas teachers' working practices and salary schedules are determined by Public Law 86–91; and

Whereas the Congress of the United States has not fully implemented the intent and purpose of this public law: Be it

Resolved, That this European Congress of American Parents and Teachers reaffirm its belief that full and immediate implementation of Public Law 86–91 is in the best interests of the oversea dependents' schools; that this European Congress of American Parents and Teachers petition the National Congress of Parents and Teachers to undertake to assist in bringing about the necessary implementation of Public Law 86–91.

STUDENTS' ASSISTANCE—HIGHER EDUCATION

Mr. MORSE. Mr. President, Mr. Robert B. Frazier, associate editor of the Oregon Register-Guard, on May 24, 1964, published an article in which he detailed the difficulties faced by individuals serving on scholarship selection committees caused by the lack of funds to assist the able and deserving student who has applied for scholarship assistance.

The experience which has been so lucidly and concisely set forth by Mr. Frazier is one which I am sure is shared by any individual who has been given this type of responsibility.

The article points up, in my judgment, the importance of having recognition and substantial aid given to our young people with talent but without money through the establishment by the Federal Government of a broad-scale scholarship incentive program.

It is my hope that in the near future the Education Subcommittee of the Senate Committee on Labor and Public Welfare can bring to the floor legislation incorporating such a scholarly component. Certainly Mr. Frazier's experience is strong testimony upon the need for such a program.

Mr. President, I ask unanimous consent that the article to which I have alluded be printed in the RECORD at this point in my remarks, together with an article which appeared in the June 4, 1964, issue of the Machinist under the byline of Mr. Sidney Margolius.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregon Register-Guard, May 24, 1964]

TUITION BOOSTS DON'T HELP: LACK OF CASH FOR COLLEGE CAUSING WASTE OF TALENT

(By Robert B. Frazier)

A boy in southern Oregon will graduate from high school next month with a grade point average of 3.8. (A 4.0 is perfect.) This boy is president of the student body and has played football. His test scores, another indication of promise, are very good. He'd like to be a lawyer. But lawyers have to go to college, and therein lies his problem. Both his parents are dead. He can hardly stay in high school.

A few miles away there lives a farmgirl who, because of chores, has only a limited amount of time. Yet, she has been president of the student body and editor of the yearbook. Because she once got a B in gym her grade point average is "only" 3.97. She'd like to come to the University of Oregon and study social science. But, with three younger brothers and sisters and a family income of $6,550, she will need help.

These cases and dozens more came to my attention this spring when I served as representative of the University of Oregon Dad's Club on the University Scholarship Committee. The dads give 1 scholarship of $500 and 16 more for full tuition, which is $330 this year and may be as much as $496 next year. I had to pick out the most deserving applicants for those awards. And I had only 16 to give out. Every application screamed for a richly deserved award.

The job was both heartwarming and heartbreaking. Will that orphan kid get a chance at law school? Can America afford to waste the talents of that brilliant farm girl?

Look at this one. Boy. GPA of 3.59. Test scores are 676 and 703, with 800 being perfect and 500 quite good. Father and stepfather dead. Mother, older than most mothers of teenagers, lives on social security. The boy wants to study journalism or law. I don't know about the law business, but my business needs people like that.

Girl. Perfect 4 point. President of the Girls' League. Wants to be a nurse. Family income, $2,500 a year.

Boy. Active in sports and works on school paper. Vice president of class. Wants to be an architect. At home are six brothers and sisters competing for a share of the family's $4,500 income.

Eastern Oregon boy in broken home. Good grades, high test scores, fine activity record. First member of his family ever to graduate from high school. Family income: $4,100.

Boy in the valley. His principal says he supports a car, which he keeps piling up. GPA of 3.63. President of his class. Four brothers and sisters. Family income $6,900. Wild he may be, but maybe college is just what he needs to give guidance to the brains and energy.

There are more—the alcoholic fathers, the abusive stepfathers, the mothers in mental hospitals, the sickness in the family, the business failures, the fires that have destroyed homes, the pitifully small incomes. Running along with these misfortunes are the high test scores, the good grades, the activity records, and the ambition and hope.

And I had only 16 scholarships.

Senior classes grow bigger every year. Scholarship money doesn't increase that fast. And every time Oregon decides to take another $50 or $100 out of the hides of its children for tuition, the available money helps even fewer students.

Somewhere, this country has lost its sense of values.

[From the Machinist, June 4, 1964]

SCHOLARSHIPS FOR THE WEALTHY?

(By Sidney Margolius)

Education experts have become seriously concerned that the majority of college scholarships go to relatively well-to-do families, not to the low- and moderate-income families who most need financial aid.

In an analysis of "Who Gets the Scholarships?" in Financial Aid News, Elmer D. West and Charlene Gleazer, of the American Council on Education, reported that at 65 colleges they studied, financial aid was offered to only 63 percent of new students who applied for aid from families with incomes from $3,000 to $4,999, and 59 percent to those below $3,000. In comparison, 62 percent of those from families with incomes from $9,000 to $10,999 were offered aid; 57 percent of those from $11,000 to $12,999 families, and an even 38 percent of those with incomes of $13,000 or over.

In numbers the contrast is even more drastic. Of the total of 7,844 students offered aid by the 65 colleges, only 1,264 were in the under $5,000 group, or 16 percent. But in real life, 40 percent of all American families have incomes under $5,000.

In comparison, about 1,700 students whose families had incomes over $11,000, were offered aid.

This report clearly shows "that too many rich families are getting too many scholarships and too many poor families are getting nothing," charges Richard Deverall, staff representative of the AFL–CIO Education

Department. Previously, AFL–CIO Education Director Lawrence Rogin had warned that by their very nature scholarships go only to the most brilliant and do not reach down to the many still capable and even above normal students from moderate-income families who often cannot continue their education without such aid.

That actually is the heart of the problem for the record number of youngsters graduating from high school this year and hoping to go on to college, and the even greater number that will come out of the high schools in 1965. There is a genuine four-alarm crisis in the making as this tidal wave of education-seeking kids beseige the colleges both for admittance and assistance in paying today's record-high tuition fees.

The College Scholarship Service, a cooperative activity of over 500 colleges which published the analysis by West and Gleazer, itself is concerned about the urgency of providing more aid for families who need it most. In fact, the CSS was established to help colleges award student aid on the basis of actual need as shown in the parents confidential statement that families of applicants for aid are asked to fill out. The CSS seeks to provide a fair, uniform standard for awarding student aid, which today often is a combination of scholarships or outright grant plus campus employment plus part low-interest loan.

The problem is that academic achievement still is a basic consideration in awarding aid, and kids from middle and higher-income families usually have the edge here. Their families give them more early educational advantages; they go to better schools in the well-to-do suburbs than the often crowded and rundown schools in many city neighborhoods; they have more motivation to do well in school because they expect to go to college, and sometimes get more attention and assistance from teachers and principals than the kids who don't get good marks early.

The hopeful trend for moderate-income families, says Rexford A. Moon, director of the College Scholarship Service, is that more and more, the colleges and other scholarship donors are giving greater consideration to actual financial need. Of two similarly qualified applicants for aid, one may be awarded a larger amount than another because of his greater financial need. As well as income and family assets, the CSS analysis considers the number of children and other dependents, special family problems such as unusual medical expenses, working mother's expenses and other out-of-the-ordinary problems affecting your ability to pay for college.

Moon points out that all but 8 percent of college scholarships today are awarded with some consideration for actual need as well as academic qualification. For some years, the typical family income of students getting aid from CSS members has held steady at $8,000 even though average incomes of families as a whole have risen in that period.

College financial-aid experts we have consulted advise that kids who are qualified academically should not be afraid to apply for aid and to stress their need.

At that, colleges may be trying more efficiently to stretch their scholarship funds by gaging the applicant's relative need, than many noncollege donors of scholarships who may use academic achievement or some personal characteristic as the basis for awards. Some very bright kids may walk off with several scholarships from local organizations as well as a grant from a college, and thus are enabled not merely to go to college but to an expensive college away from the home area, or to get to college with more outright cash grants than are urgently needed.

Labor's education experts are determined to see that children of working families get a fair chance at higher education. Rogin has warned that "Increasing costs and more rigid admissions policies will make college education more difficult for the 'good' student from a low-income family while those of high income will always be able to find a place. In the United States, the labor movement is not prepared to accept higher education as the prerogative of the well to do and the very bright. We regard equality of opportunity for college education as an essential of a democratic society."

Mr. MORSE. Mr. President, Mr. Margolius has raised a very serious question which, in my judgment, should concern all of us. As I have indicated many times before, this Nation cannot afford to waste the talents and abilities of its young people through denying them the training which allows them to function at their highest level of skill. I thoroughly concur in his view that a scholarship program should be broadly based and I would hope that we can give assistance to the "C" student who, when all is said and done, is the backbone of our higher education student body.

CIVIL RIGHTS ACT OF 1963

Mr. CHURCH. Mr. President, the Senate has just enacted the most comprehensive civil rights bill in history. We have reaffirmed our faith in the great principle of equality under law, which has long been the cornerstone of our Constitution, and was once the rallying cry in our war for independence. It is this principle, more than any other, which sets us apart as a nation, and the success or failure of the great American experiment largely rests upon our ability to press forward toward a fuller realization of this precious goal.

I pray, Mr. President, that this bill will open a fissure in the glacier of racial prejudice which burdens us, and that a prolonged thaw in racial tension may follow its enactment. If so, domestic peace will be preserved; the rights of all citizens will be confirmed through the orderly processes of the law; and the march toward more perfect freedom will proceed again. If not, hatreds will harden, violence will spread, and the voice of the demagog will be heard throughout the land.

Never was the time more urgent for the conscience of the American people, whether black, white, red, or tan, to prevail, nor the need more pressing for passions to subside. It is a time for each of us to turn to the inner voice which speaks silently, but which leads along the paths of righteousness.

COMMENCEMENT EXERCISES OF LAFAYETTE COLLEGE, EASTON, PA.

Mr. CHURCH. Mr. President, on June 5, 1964, I was present at the commencement exercises of Lafayette College, in Easton, Pa., where I was privileged to receive an honorary degree.

The commencement address was delivered by Mr. Thomas J. Watson, Jr., chairman of the board of the IBM Corp. It was one of the finest statements I had ever heard given at a graduation exercise, and it contained words of advice which seem to me to have special applicability to those of us who are engaged in public life.

For this reason, I ask unanimous consent that this outstanding address may be printed at this point in the Record, and I highly commend it to the attention of my colleagues.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Thomas J. Watson, Jr., Chairman of the Board, IBM Corp., at Lafayette College Commencement

Twenty-seven years ago I sat where you now sit in the graduating class of 1937 at Brown University. I'm sure I seem several generations away from you in age, but those 27 years have gone by so quickly that it's not at all hard for me to remember that vivid day of my own graduation. Strangely enough, the one thing about that day that I cannot remember is what the commencement speaker had to say. My thoughts, like yours, were targeted upon my family and my friends and my plans for the summer. But of one thing I'm sure: If the speaker made a short speech, I know I blessed him.

Therefore, I surmise there is only one sure way to earn a place in your memory and that is to be brief. I will.

My subject today is in the general area of self-protection. I want to spend a few moments contrasting the drive for physical protection in and out of college with the great difficulty all of us have through life in protecting the nonphysical parts of our being.

In college sports, one is constantly protecting one's body with all kinds of devices, from shoulder pads to shinguards. Even in later life, we continue this drive for physical safety with such things as padded dashboards and shatterproof windshields. All these things help to keep one's body safe and unmarked, and they are good things.

However, all of you graduating today possess something much more important than your body. I am speaking of your mind, your spirit, your ability to think and speak independently, and your ability at this point as college seniors to stand up and be counted with a clear and firm position on nearly any of the issues which affect your life or the life of the Nation.

The fundamental convictions and principles which help you form your firm, clear position are your most precious possession. Paradoxically, all the wonderful equipment available for shielding the body is worthless for protecting the spirit and the mind.

What then can you do to protect these priceless personal assets? You can't hide them; you can't smother them; you can't rely on some kind of padding. On the contrary, you can protect them only by exposing them to danger, only by defending your personal beliefs regardless of opposition and, like tempered steel, toughening your convictions by the hot shock of conflict.

If you succeed in preserving your principles in the years ahead, without becoming so radical that nobody will listen or follow your example, you will become a part of that elite group in the world which Crawford Greenwalt, chairman of the Du Pont Co., calls the "uncommon man."

The world's destiny will, to a great extent, depend on how many of these uncommon men and women we have. If there are enough of them and they assume their rightful role of leadership, our future will be secure. If we fail to produce them in sufficient numbers, we will fail as a nation.

It may seem fantastic to you that you could lose this outspoken ability you have been developing throughout your scholastic career. Yet it's a fact that the mass world in which we live tends to etch away the tough hard bumps of conviction and belief. I venture to predict that not one of you will be at work very many years before you will have to look into your heart and answer some very difficult questions. Your answers will, in a very real sense, begin to determine whether your parents, this institution, and the world in which you have lived have produced a common or uncommon human being.

You will have to choose between the safe, conservative, silent position and the choice of speaking your mind, of stating your true position and thereby earning yourself some enemies.

Will you develop the reputation of being outspoken, sometimes uncooperative but always honest in supporting what your beliefs indicate is right?

Or will you be a steadfast, reliable fellow who can always be counted on to cooperate?

If you take the safe choice, you may well get a promotion or two, and get it faster than less diplomatic people, but in the end you will never fulfill the best that's in you.

If you take the bold choice, you may find yourself temporarily stymied, but a quote which was a favorite of President Kennedy's suggests the importance of the bold choice. It is from Dante and goes:

"The hottest places in Hell are reserved for those who, in times of moral crisis, preserved their neutrality."

If you make the bold choice you will be taking the only road men have ever found toward true success and greatness. And I might even say—true happiness.

All of the great men of history have had to answer the same critical questions. Each had to choose between the safe protection of the crowd and the risk of standing up and being counted. And you can find no truly great men who took the easy way.

For their courage some suffered abuse, imprisonment, or even death. Others lived to win the acclaim of their fellow men. But all achieved greatness.

Through history, examples are abundant: Columbus, Charles Darwin, Galileo, who confirmed the theory that the earth traveled about the sun, and who for his affirmation became a prisoner to the inquisition. Socrates, who told his judges at his trial: "Men of Athens, I honor and love you; but I shall obey God rather than you, and while I have life and strength, I shall never cease from the practice and teaching of philosophy."

If we turn to our own times, we can all of us recall other men of other lands who refused to take the easy way out, who stood up against the current for what they believed right and just. Nehru in India, De Gaulle in France, Churchill in England.

And in our own country, it wasn't easy in 1956 when the British, French, and Israel, forces invaded Egypt—in the midst of an American presidential election—for the President of the United States, Dwight D. Eisenhower, to condemn the use of force and to call upon the aggressors to get out. But he did it—and the electorate overwhelmingly upheld his courage.

And it wasn't easy for another American President of a different political party—John F. Kennedy—to take an unequivocal stand on civil rights, when that stand might have cost him the votes of the South, which in the 1960 election gave him his tiny margin of victory. But he did it and thereby added a postpublication chapter to "Profiles in Courage."

All these men, despite their great variety, had something in common. Every single one of them put principle first, safety second; individuality first, adjustment second; courage first, cost second.

We need more such men, more than ever before, living at this hour. The issues are the biggest in history—the need for courageous dialog greater than ever.

I'm not arguing for nonconformity in everything. I'm not urging you, for example, to refuse to be polite, to pay your bills, to stand in the line at a supermarket. I'm not even suggesting that you should debate every issue, for if you take a minority position on everything, you won't be a leader—you'll be a crank. But I am calling on you to be shrewd enough to recognize those things upon which agreement and compromise are sensible, and bold enough to take a stand on those issues on which you feel disagreement and differences are not only possible but necessary.

Now suppose you try, in your own manner, to follow this course. What will happen to you?

Well, Nicholas Murray Butler, the great president of Columbia University at the beginning of this century, said that the world is made up of three groups of people:

A small elite group who make things happen.

A somewhat larger group who watch things happen.

And the great multitude who don't know what happens.

This means that the leaders, the makers of opinion in the world, are a very limited group of people.

So as you stand and are counted, you will first run into the group who equate newness with wrongness. If it's a new idea, it's uncomfortable and they won't like it. These are the conventionalists.

Second, you're sure to meet cynics, people who believe anyone who sticks his neck out is a fool. I am sure all of you have heard of measures which passed the Congress in a breeze on a voice vote, and later go down to crashing defeat when some Congressman insists that every vote be recorded in the CONGRESSIONAL RECORD.

Third, you'll run into the group of people who believe that there are certain taboo questions that should not be debated. These suppressors of dissent think that once a stand has been taken it is forever settled. Disarmament, the admission of Red China to the U.N., a change in policy toward Castro or Vietnam—all such touchy subjects, these people warn, should be left alone.

A few months ago, as you probably know, the chairman of the Senate Foreign Relations Committee, Senator WILLIAM FULBRIGHT, raised some of these questions and gave his own answers in a forthright speech on the Senate floor. He called upon Americans to think some "unthinkable thoughts." Some Senators and some writers attacked his opinions, as is their right and indeed their duty. But others refused to discuss the questions and instead merely condemned the Senator for mentioning them in public.

Now, what's wrong with shutting off all such discussion? John Stuart Mill in his "Essay on Liberty" gave an argument for freedom of speech which described three possible effects of speaking out—and I would like to apply these to Senator FULBRIGHT's action:

In the first place, the Senator may be a hundred percent right. If so, the popular current opinion is nearly a hundred percent wrong, and in the national interest it deserves rejection.

Second, the Senator may be partially right. If so, the current opinion is partly wrong and in the national interest requires revision.

Third, the Senator may be a hundred percent wrong. If so he still serves the national interest. How? By driving the defenders of the current opinion to go back and look at the facts, to rethink their reasons, to express their conclusion so that people can accept it with greater conviction.

Now, if you buck the conventionalists, the cynics and the suppressors of dissent, here's what may well happen: Sometimes you may look foolish; sometimes you may lose some money or even your job; sometimes you may give offense to others. There's no getting around it.

Strangely, the expounders of many of the great new ideas of history frequently were considered on the lunatic fringe for some or all of their lives.

If you stand up and are counted, from time to time you may get yourself knocked down. But remember this: A man flattened by an opponent can get up again. A man flattened by conformity stays down for good.

Therefore, I'd like to reverse a traditional piece of commencement-time advice. You know it well, it goes: "Make no little plans." Instead, I'd like to say this: Make no little enemies—people with whom you differ for some petty, insignificant, personal reason. Instead I would urge you to cultivate "mighty opposites"—people with whom you disagree on big issues, with whom you will fight to the end over fundamental convictions. And that fight, I can assure you, will be good for you and for your opponent. And it will honor your college and your country.

Why? The answer brings us back to where we started, to the subject of self-protection. Debate won't destroy the United States of America. For if the United States is any one thing, it is this: Freedom of the mind. Preserve it, and we preserve the Union. Lose it, and the Union is lost.

And how about the individual? How can he protect himself? Well, in the end, despite all the buffetings and scorn and ridicule he may have to take, intellectual courage won't destroy the American citizen. But intellectual cowardice will. If you want a sure prescription for hurt and defeat, it is this: Play it safe, stifle your thoughts, hold your tongue, flatten your intellectual profile.

But if you want to protect your precious heritage, the great gifts of principle and conviction which you take with you from this college today, then make the bold choice. Follow the path of the unsafe, independent thinker. Expose your ideas to the dangers of controversy. Speak your mind and fear less the label of "crackpot" than the stigma of conformity. And on issues that seem important to you, stand up and be counted at any cost.

If I could leave with you one thought, one guide, one goal, one overriding objective toward which to aspire, it would be that you live your life so that you could be described in old age in the words of Robert Frost:

"You won't find him changed from the boy
you knew,
Only more sure of what he thought was
true."

APPORTIONMENT OF STATE LEGISLATURES

Mr. THURMOND. Mr. President, the people in South Carolina have been shocked and appalled by the recent Supreme Court decisions on apportionment of State legislatures. Even in areas of South Carolina which might benefit by more representation in the General Assembly of South Carolina, these decisions have not been accepted because of the realization that they strike at the very foundations of our political system and are beyond the scope and power of the U.S. Supreme Court.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks an editorial from the News and Courier of Charleston, S.C., of June 17, 1964, entitled "Shaking off the Republic"; an editorial from the June 17, 1964, issue

of the Spartanburg Herald of Spartanburg, S.C., entitled "Startling Decision by Supreme Court"; an editorial from the Greenville News of Greenville, S.C., printed on June 18, 1964, entitled "The Runaway Supreme Court"; and another editorial from the Spartanburg Herald dated June 18, 1964, entitled "Court Has Gone Far in Reversing Balance."

I also ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of these remarks an outstanding column on this same subject by the distinguished news columnist, Mr. David Lawrence, entitled "The Omnipotent Supreme Court: Apportionment Ruling Cited as Latest Example of Power Grab by Justices," from the June 17, 1964, edition of the Evening Star of Washington, D.C.

There being no objection, the editorials and column were ordered to be printed in the RECORD, as follows:

[From the Charleston (S.C.) News and Courier, June 17, 1964]

SHAKING OFF THE REPUBLIC

The U.S. Supreme Court ruling that membership in both houses of every State legislature must be based solely on population is another in a long series of constitutional repeals by judges.

In assuming authority to rewrite the U.S. Constitution without observing the amendment procedure provided by the Constitution itself, this Supreme Court has set up a pattern for dictatorship and the death of the Republic.

If these remarks seem old fashioned and repetitious, it is because the public has become accustomed to the notion of government beyond the limits of the Constitution. We do not question the popularity of some of the Court's recent decisions. The same sort of laws might have been voted into effect had they been submitted in constitutional manner. But they were not so enacted.

The current decision will have the effect of transferring greater weight to voters in the cities and reducing the political advantage of sparsely settled rural centers. The notion of "one man, one vote" has settled so deeply into the consciousness of modern Americans that the decision no doubt will seem reasonable and just to many of today's citizens. The decision is, in fact, further implementation of the principles of unlimited democracy.

This is not what was intended by the U.S. Constitution. The United States is—or rather was—a republic, not a democracy. Section 4 of article IV of the Constitution says:

"The United States shall guarantee to every State in this Union a republican form of government, and shall protect them against invasion, and, on application of the legislature, or of the executive (when the legislatures cannot be convened) against domestic violence."

Elsewhere the Constitution sets out in plain terms what is meant by a republican form of government. This includes the creation of a Senate, with two Members from each State, regardless of population. The Senate is part of the intricate system of checks and balances devised by the Constitution to curb the evils of pure democracy.

In guaranteeing a republican form of government to the States, the Constitution assured the same protection for local government. This same section—additionally guaranteeing protection from civil disturbance—already is being ignored by the encouragement of demonstrations and the like in many ways, including court decisions.

Despite modern communications, the American people seem strangely unaware of what is happening to their Republic. Perhaps they do not care. The founders of the Republic no doubt suspected the public would turn fickle. They would grieve to see their handiwork today. The disturbance of a delicate balance of political forces is bound to create trouble. The decree on State legislature is one of the most serious shocks yet to occur. It will not be the last.

SOUTH CAROLINA SENATE

If South Carolina is forced to change the makeup of its Senate to meet requirements imposed by the U.S. Supreme Court, the politics of this State could be markedly affected.

The options in senatorial reapportionment, as carried out in other States, include changing the size of counties, forming senatorial districts that encompass more than one county, or allotting more than one senator to large counties.

Whatever the manner of change, it would alter the political structure. If Charleston, Richland, Greenville, Spartanburg, and other heavily populated counties had more than one senator, the authority of senators from small counties would be lessened. If senatorial districts were created, each incumbent would be faced with a new bloc of voters with whom he was unfamiliar.

If a large county gained another senator, it would mean that the undivided power now enjoyed by a State senator would have to be shared. This, in turn, would tend to strengthen the position of House members of the legislative delegation. A more numerous State senate, in which political control was divided in the case of large counties, also might shift more power to the State House of Representatives.

These are some of the possible developments that must be taken into consideration if and when South Carolina is compelled to alter its present senatorial arrangements.

[From the Spartanburg (S.C.) Herald, June 17, 1964]

STARTLING DECISION BY SUPREME COURT

In the beginning, the States of the United States formed a Federal Government and told that Government what form it should have and what the limitations of its powers would be.

Each State was initially independent. Some were large, some were small. There was a good deal of maneuvering by the large States to see that the Central Government was organized so that they would be in control; small States worked for a system that would give them an edge.

American history books record "The Great Compromise," a unique balance that helped to make the U.S. system distinctive and workable. The States agreed to have a legislative branch composed of two houses. The lower House of Representatives was based strictly on population, the upper Senate having two Members from each State regardless of size.

The result has been stable government, responsive to popular demand but tempered with protection for the minority. This is one of the important balance wheels in American democracy.

The U.S. Supreme Court now has rejected the validity of that concept. It has pulled a turnabout on the States so that the Federal Government presumes to tell the States what form of organization they may have.

Its ruling this week was that in States which have two houses of legislature, both of them must be apportioned according to population.

In South Carolina, we have nearly a duplicate of the Federal Congress. The house of representatives is based on population, while each of the 46 counties has 1 senator.

Presumably, the South Carolina Senate would be ruled unconstitutional if challenged in Federal courts. The threat might move the State toward some needed consolidation of extremely small counties, but this is not a proper matter for Federal determination.

Chief Justice Earl Warren's explanation of the majority decision (6 to 3) could be applied as logically to the U.S. Congress as to a State legislature.

The Supreme Court did not declare the Constitution to be unconstitutional, but it's coming close.

Justice Potter Stewart, vehemently disagreeing with his colleagues, made a most appropriate point:

The ruling "can find no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of the Federal Union."

The Supreme Court apparently isn't going to be bothered by any such trivialities as that.

[From the Greenville (S.C.) News, June 18, 1964]

THE RUNAWAY SUPREME COURT

Even though Greenville County stands to gain by it, most Greenvillians will join those who love the Constitution in deploring the Supreme Court's decision on legislative apportionment.

The Court's decree that State senates, as well as State houses of representatives, must be elected on an equal population basis, will give Greenville County a larger voice in South Carolina's upper chamber.

But it will create turmoil and rancor in this State and in almost every other State in the Nation as attempts are made to undo what experience and custom have built up during the past century and three-quarters.

Of all the 50 States, perhaps only Nebraska will not feel the effect of this momentous and unprecedented intrusion into State legislative affairs. Nebraska has only one legislative body, the senate. All other States have two and the great majority if not all of them have based one house on population and the other on geography.

The precedent for this arrangement seemed ample to those who have written State constitutions over the years. The U.S. Constitution provided for just such an arrangement in creating the House of Representatives and the Senate.

While the Constitution does not so provide in the case of the States, it has been felt that permission is granted by example.

For some 176 years, the two-house, population-and-geography system has been condoned by the Federal Government. In practice it has been adequate. Although it has been exploited to some degree, the disadvantages have never been felt to be so burdensome as to require action by the Supreme Court.

The men who believed the work of our Founding Fathers to be worthy of emulation could not, of course, anticipate the arrogance of the Warren court. Swollen by conceit and consumed with impatience, the majority of that body will not be content until they have completely revamped our entire political and social system to suit their predilections.

The grave danger of this frame of mind was clearly pointed out in dissenting opinions by Associate Justices John M. Harlan and Potter Stewart.

Justice Harlan decried the weakening of the political system which the majority opinion makes inevitable.

He declared that if the Court continues on its present course, a complacent body politic may result. For why should the States, or any other political agency, take action when in the end it will be the Supreme Court which will speak with final authority?

The Constitution, Justice Harlan said, is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

"This Court," he continued, "limited in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its views of what should be so for the amending process."

Justice Stewart, in a separate dissent, added: "With all respect, I am convinced the decisions are a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says but by their own notions of wise political theory."

This decision, like too many another of the Warren court's excursions outside proper judicial waters, will take years of effort and legal wrangling to become accustomed to. We are not so pessimistic nor so doubtful of our basic democratic institutions, as to believe the Republic cannot survive it.

We should even like to be a little optimistic.

Perhaps this time, at long last, public revulsion will be complete. The Warren superschool board was bad; the Warren superboard of elections is even worse. Perhaps its effect will be felt by so many that some safeguards will finally be erected to contain, if not roll back, the runaway Supreme Court.

[From the Spartanburg (S.C.) Herald, June 18, 1964]

Court Has Gone Far in Reversing Balance

Just how far the U.S. Supreme Court has gone in reversing the traditional and constitutional balance of power between State and Federal Governments is shown in a few striking decisions over the past few weeks.

Begin with the integration of the University of Georgia. The State talked about withdrawing funds appropriated to the institution.

The Federal Court moved in with an order that said the State could not take back money it previously had allocated to such an institution. Even then, it seemed obvious that if the Supreme Court presumed authority to so rule it holds equal power to require a State to appropriate and expend money.

This is precisely what it did do only a few days ago, when a Federal court not only said that Prince Edward County must appropriate funds for public schools but stipulated how much.

Then there was the Tennessee congressional district case. The Supreme Court required redistricting, a function that had been considered strictly a prerogative of State legislatures. Admittedly, there was logic in the need for redistricting, but that was not the major principle. The basic question was the Supreme Court's constitutional authority to make the determination.

The same is true in the latest decision that State senates, as well as their lower houses, must be apportioned according to population. It is true that corrections are badly needed in some States (South Carolina being in relatively good condition). But does the Constitution grant the Supreme Court power to make the States act in this field?

This would seem to be logically impossible, since the State legislatures now overruled were in existence prior to the adoption of the Constitution itself. State governments hardly could have meant to adopt a Constitution that would outlaw the form of their legislatures.

Another stark example of Federal court preemption was in the contempt cases against Gov. Ross Barnett, of Mississippi, and his Lieutenant Governor. The Constitution specifically provides that disputes between States and the Federal Government shall come before the Supreme Court. This provision was rejected and a lower Federal court found the two State officials guilty of contempt.

The Supreme Court itself denied that they had any right to a trial by jury.

One wonders where this development of the Supreme Court omnipotence is likely to end.

[From the Washington (D.C.) Star, June 17, 1964]

The Omnipotent Supreme Court: Apportionment Ruling Cited as Latest Example of Power Grab by Justices

(By David Lawrence)

A majority of the Supreme Court of the United States has again overstepped the bounds of judicial self-restraint. This time the Court has chosen to ignore the language of the Constitution itself which gives to the States the right to fix their own voting districts for the two houses of each legislature.

No such usurpation of power by the judicial branch of the Government has been recorded before in the whole history of the Republic as is being manifested by the present Court. The Supreme Court by its recent decisions has taken upon itself to tell the board of supervisors in a county how it shall tax and appropriate its money. It, moreover, has told the American people, in effect, that there must be no prayer in the schools during school hours. And now it has undertaken to say that the 50 States of the Union cannot have their legislative houses based upon any form of representation the constitution of the State may proclaim, but must conform to a formula set forth by the Supreme Court of the United States itself.

If the foregoing observations are considered too critical of the Court's decisions, any doubts are dispelled by the actual words of the Justices who dissented in the reapportionment cases handed down on Monday of this week.

Justice Harlan, for example, declared that the failure of the Court to consider the language of the 14th amendment—on which the Court's opinion was based—"cannot be excused or explained by any concept of 'developing' constitutionalism." He added:

"It is meaningless to speak of constitutional 'development' when both the language and history of the controlling provisions of the Constitution are wholly ignored."

Justice Harlan further declared that the Court's action "amounts to nothing less than an exercise of the amending power by this Court," and said:

"For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process."

Justice Harlan pointed out that the decisions this week "give support to a current mistaken view of the Constitution and the constitutional function of this Court." He continued:

"This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle' and that this Court should 'take the lead' in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements."

Justice Stewart, in a dissenting opinion in which he was joined by Justice Clark, declared:

"With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory. The rule announced today is at odds with long-established principles of constitutional adjudication under the equal protection clause, and it stifles values of local individuality and initiative vital to the character of the Federal Union which it was the genius of our Constitution to create.

"What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem."

Thus, three justices of the Supreme Court criticized their six colleagues for having overstepped the bounds of the Constitution.

What can the people throughout the country who disagree with the Court do about its rulings? For one thing, they can urge Congress to pass a law taking from the Supreme Court all jurisdiction in apportionment cases. But an even more effective course would be the passage of a new constitutional amendment reiterating that the States of the Union have a right to apportion legislative districts under their own constitutions.

VISIT OF U.S. CITIZENS TO COMMUNIST CUBA

Mr. THURMOND. Mr. President, the Times and Democrat of Orangeburg, S.C., has published in its June 17, 1964, issue an outstanding editorial in support of the position taken by Congressman Albert Watson against permitting U.S. citizens to visit Communist Cuba and agitate there in favor of communism. I concur fully with the sentiments expressed in this editorial and also with a letter which Congressman Watson has addressed to the Secretary of State and the Attorney General urging that passports of these disloyal citizens be revoked and that they be denied reentry into this country. The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of communism and socialism or whether they are going to be on the side of capitalism and freedom—and I might add, God.

I ask unanimous consent that this editorial entitled "He Tried—We Should, Too" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[The Orangeburg (S.C.) Times and Democrat, June 17, 1964]

He Tried—We Should, Too

U.S. Second Congressonal District Representative Albert Watson has the unusual knack of expressing himself well on matters with which we agree. Reading of an unauthorized visit to Cuba of a group of 73 American students who, according to news reports, have denounced the American Government as the "biggest farce in history" and advocated its destruction, Representative WATSON got his dander up.

He did what you and I should but don't. He wrote Secretary of State Dean Rusk and Attorney General Robert F. Kennedy, urging that their passports be revoked and that reentry be denied them.

Here is what he wrote:

"Dear Sirs:

"It is with disbelief and disgust that I read the Associated Press report from Havana where several students from a group of 73 Americans visiting Cuba in defiance of travel restrictions had denounced the American Government as 'the biggest farce in history' and had further been so brazen as to advocate 'its destruction.'

"While every citizen is free to criticize his government, we must not allow this group to defy American law in traveling to a country which has illegally expropriated our property and threatened our people, and while there called for the destruction of our Government. That this would happen on our very doorsteps in Communist Cuba makes the act more despicable and contemptible.

"This letter is to urge you, as heads of the State and Justice Departments, to institute immediate proceedings revoking the passports of this group and barring their reentry into the United States. If citizens, even public officials, of a sovereign state can be threatened with jail for alleged defiance of a Supreme Court decision, then certainly we shall not allow anyone to reenter our country who has advocated 'the destruction of our Government.'

"Additionally, America has just experienced the tragic assassination of her President by an avowed young Marxist, and under no circumstances should these so-called students be allowed to reenter our Nation.

"No doubt, the recent Supreme Court decision, freeing the members of the U.S. Communist Party from registration under a law passed by Congress, has contributed in large measure to this open defiance by the current group of so-called Americans traveling in Cuba. To permit them to reenter the United States would, in my judgment, be a possible act in aiding another would-be assassin.

"The reason we are again plagued with such a law-defying Communist group is because others have gone unpunished by the United States. Witness the other group of so-called American students who went to Cuba last year and apparently nothing has been done to them other than their appearance before the House Un-American Activities Committee last fall when they heaped all types of abuse and vilification upon that committee.

"Should we bar reentry of these would-be traitors, I believe it will bring them and others of like mind to their knees. If, according to their statement, 'our Government is a farce and should be destroyed' then let these people stay in Cuba and enjoy the privation and enslavement under a true Communist dictator.

"Unless these steps are taken immediately to revoke their passports and bar reentry into the United States, this Nation will be the laughing stock of Cuba and the world.

"There will be those who will come to the defense of the students, perhaps some in high authority like the nine men who now rule our destiny. They will be pictured as 'harmless,' 'misled,' 'seeking publicity,' and the like. And they will undoubtedly be greeted back by Messrs. Rusk and Kennedy (the name doesn't make him perfect). Perhaps the State Department will send them taxpayers' funds to enable them to return, just as it did in the case of Lee Oswald."

While we agree 100 percent with Representative WATSON, we do not believe that his protest will be given much consideration. But at least he tried. And that's what the rest of us should do.

VIEWS OF A LAYMAN WHO DISAPPROVES

Mr. THURMOND. Mr. President, I have been very impressed with an article which has been printed in the News and Courier of Charleston, S.C., of June 14, 1964. The article is entitled "Views of a Layman Who Disapproves" and was written by Mr. W. W. Taylor of Raleigh, N.C. Originally the statement was broadcasted on station WRAL–TV in Raleigh.

Mr. Taylor does a very eloquent job of discussing the question of the so-called moral issue which has been raised about the so-called civil rights legislation. I ask unanimous consent, Mr. President, that this article be printed in the RECORD at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston, (S.C.) News and Courier, June 14, 1964]

VIEWS OF A LAYMAN WHO DISAPPROVES

(By W. W. Taylor, Jr.)

(EDITOR'S NOTE.—This statement was prepared by Mr. W. W. Taylor of Raleigh, a member of the law firm of Maupin, Taylor, and Ellis.

(Mr. Taylor served three terms in the North Carolina House of Representatives. He is a former president of the North Carolina Bar Association. He is the grandson of an Episcopal minister and an active layman in his church. His statement was broadcast by WRAL–TV station in Raleigh, N.C.)

I have been requested to express the views of a layman who disapproves strongly of some of the positions and activities of the church today. With the few opportunities for expression afforded by the church leadership to those who disapprove, this opportunity carries with it an obligation.

Although I do not presume to speak for anyone but myself, I believe that there are many laymen and some clergymen who share my views that the church—in which my grandfather was a priest, in which I was reared, and in which I have participated actively—has in recent years departed from its primary function of teaching the Gospel of Jesus Christ and has, instead, concentrated its efforts on promoting social and economic theories about which there are wide differences of opinion among those who consider themselves Christians and has, to a large extent, made itself an appendage of the liberal political movement in the United States, which at all levels depends for its existence upon the bloc vote of minority groups.

My concern has increased progressively, year by year, as I have observed individuals, claiming to speak for the church, appearing before legislative committees in support of or opposition to controversial legislation, stirring up racial discord, publishing an inflammatory magazine called "Church and Race," lobbying for the passage of the pending civil rights bill, leading unlawful mob activities, and supporting and subsidizing, with church funds, criminal conduct on the part of clergymen paid by the National Council of Churches to come into this State and openly defy our laws.

All thinking persons are concerned with the present race problem. Most are aware that such problems have always existed where people of different races have lived side by side. The hatred and contempt of the Jews for the Samaritans had endured for centuries before the birth of Christ.

Racial attitudes will not, however, be changed by laws or decrees, regardless of their source. On the contrary, attempts at enforced solutions will only magnify existing problems, produce increased ill will, and create unyielding opposition among those normally tolerant.

Serious though the race problem may be, there are other questions arising from the church's attitude and activities that are, in my opinion, more fraught with dangers of harmful and lasting consequences.

What has become of the separation of church and state? What will become of our society if open defiance of law is tolerated? What will be the lot of individuals and minority groups if constitutional guarantees of life, liberty, and property are swept away? The church appears to me to be taking an active part on the wrong side of each of these questions.

The church leadership seems fully committed to seeking the passage of the civil rights bill, the true purpose of which is to attract minority bloc votes having the balance of power in a few States which, in the main, hold the balance of power in national elections. A Congressman from New Hampshire, a former attorney general of that State, recently stated unequivocally on the floor of the House that this legislation is purely political and that it would not get 50 votes from the 435 House Members if they voted by secret ballot.

I do not know what Jesus Christ, if alive, would have to say about the race problem and the civil rights bill—and I do not think that anyone else does, either.

While His views may be subject to different interpretations, Christ's statements to the Samaritan woman at the well and the Canaanite woman, whose sick child He first refused to heal, and His admonition to His disciples, as He sent them forth to spread the Gospel, "Go not into the way of the gentiles, and into any city of the Samaritans enter ye not," certainly seem to indicate that He felt no obligation to tear down racial barriers then existing between the Jews and their neighbors. Peter and Paul, after His death, apparently conceived that their mission was to carry the gospel only to the Jews, until the Jews refused to accept it and they turned to the gentiles.

I find nothing in the Bible to indicate that Jesus Christ was either revolutionist or an advocate of civil disobedience. Had He, with His miraculous powers, been the former, the Jews, seeking a military leader to drive out the Romans, would have made Him a king, instead of sending Him to the cross.

His submission to duly constituted authority was a far cry from illegal trespasses on private property, or from support of a Negro leader in Williamston, N.C., who recently called for the violation of all laws that did not agree with his interpretation of the 14th amendment. It was not popular for Jesus, in the presence of His nationalistic, captive countrymen, to counsel, "Render unto Caesar the things that are Caesar's," but by so doing He helped to create a respect for law and order in Christian countries that made possible the development and survival of Western civilization.

Those who advocate the unlawful blocking of streets and the highhanded invasion of private property will look in vain to find support in the teachings of Him who counseled obedience to the unpopular laws of the Roman conquerors and to every jot and tittle of the Mosaic Code.

Mob violence and anarchy are no less mob violence and anarchy because the leaders of the mob wear clerical collars instead of hoods and bedsheets. What would be the attitude of the church if the Ku Klux Klan was leading mobs in the street and urging defiance of the law and contempt for private property rights? Can there be one law for the clergy and another for the Ku Klux Klan?

I, for one, am unwilling to condone such behavior, whether by the Ku Klux Klan or by the wife of a retired bishop. The next step after the breakdown of the civil law is rule by the mob. To aid or abet those who defy the law is, itself, a violation of law. And yet, if I participate in the activities of the church and contribute to its support, I find myself forced into that position.

One would think that, with a knowledge and understanding of the lessons of history, the leaders of all denominations would take a firm stand on the side of long-established constitutional principles. One would expect them to speak out against open defiance of the law, fighting in the streets and invasion of private property.

They have, I believe, in the past condemned such activities when carried on by the Ku Klux Klan. Today, though, inconceivable as it may be, they seem to be in the van of those promoting them.

With what fire are they playing? Who will compose the mobs of the future, and on whom will they wreak their fury? The protest against social injustice that started with the mob at the Bastille ended with Napoleon's cannon and barricades in the streets of Paris.

History records that when violent political or social upheavals have taken place the Christian church is frequently one of the first institutions to be banned. The Russians experience is still very close to us.

It is conceivable that in this country we could ever have a complete breakdown in law enforcement, or that constitutional rights could ever be swept away, or that the church could ever be destroyed by forces from without or schisms from within, or even that the right to say a simple prayer in school could ever be denied? We know the answer to the last question. How would we have answered it 10 years ago? What will be our answers to the others 10 years from now?

My concern over current trends and my interest in the preservation of the orderly society of which I am a part, and of the church of my forefathers, make me increasingly reluctant to participate with and support those who, though well-intentioned Christians, are, in my opinion, blind to the dangers of the course which they are pursuing.

CONSIDERATION OF CERTAIN CALENDAR MEASURES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected-to items on the calendar, beginning with Calendar No. 922, and going through in sequence.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered; and the measures on the calendar, commencing with Calendar No. 922, will be stated.

MARY LANE LAYCOCK

The bill (S. 2170) for the relief of Mary Lane Laycock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary Lane Laycock, of Washington, District of Columbia, is hereby relieved of all liability for repayment to the United States of the sum of $217.60, representing overpayments of salary which she received as an employee of the Department of Justice for the period from December 9, 1962, through August 3, 1963, following her promotion from grade GS-4 to grade GS-5, effective December 9, 1962, such overpayments having been made in violation of section 802(b) of the Classification Act of 1949 (5 U.S.C. 1132(b)) as a result of administrative error in determining the rate of basic compensation to which the said Mary Lane Laycock was entitled upon such promotion. In the audit and settlement of the account of any certifying or disbursing office of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Mary Lane Laycock, the sum of any amounts received or withheld from her on account of the overpayments referred to in the first section of this Act.

JOHN F. WOOD

The bill (H.R. 2726) for the relief of John F. Wood of Newport News, Va., was considered, ordered to a third reading, read the third time, and passed.

ELMER J. AND RICHARD R. PAYNE

The bill (H.R. 2818) for the relief of Elmer J. and Richard R. Payne was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I now move that the Senate turn to Calendar No. 991.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; the clerk will call the calendar measures beginning with Calendar No. 991.

LEASING OF REAL PROPERTY FOR NOT MORE THAN 30 YEARS BY THE POSTMASTER GENERAL

The Senate proceeded to consider the bill (H.R. 9653) to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years and for other purposes which had been reported from the Committee on Public Works with an amendment on page 1, after line 5, to strike out:

> Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964.

And, in lieu thereof, to insert:

> Agreements may not be entered into under sections 2104 and 2105 of this title after July 22, 1964, and under section 2103 after December 31, 1966.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1049), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The purpose of this legislation is to continue beyond the current expiration date of July 22, 1964, the authority under title 39, United States Code, section 2103, for the Postmaster General to enter into lease agreements for postal buildings for periods up to 30 years and the authority under such section for condemnation and other land acquisition and related land disposition.

ROBERT S. KERR WATER RESEARCH CENTER

The concurrent resolution (H. Con. Res. 189) resolution expressing the sense of Congress that the Southwest Regional Water Laboratory should be known as the Robert S. Kerr Water Research Center was considered, and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1050), explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The resolution would designate the Southwest Regional Water Laboratory of the Department of Health, Education, and Welfare, at Ada, Okla., as the Robert S. Kerr Water Research Center in honor of the late Senator Robert S. Kerr, of Oklahoma.

STUDY OF DUST CONTROL MEASURES

The bill (H.R. 9720) authorizing a study of dust control measures at Long Island, Port Isabel, Tex., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1051), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The purpose of the bill is to authorize the Chief of Engineers to undertake a study of the adverse effects of duststorms from Long Island at Port Isabel, Tex., with a view toward establishing such remedial and protective measures as in his judgment may be deemed necessary to prevent such adverse effect.

CONSTRUCTION OF DAM ON THE ST. LOUIS RIVER, MONT.

The bill (H.R. 9934) to authorize the construction of a dam on the St. Louis River, Mont., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1048), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The bill would grant the consent of Congress for the purposes of section 9 of the act of March 3, 1899 (33 U.S.C. 401), to the Eveleth Taconite Co., a Minnesota corporation, its successors and assigns, to construct a dam on the St. Louis River, Minn., townships 56 and 57 north, range 18 west, St. Louis County, Minn. The authority granted by the bill would terminate if the actual construction of the dam is not commenced within 5 years and completed within 10 years from the date of passage of this act. Plans for construction of the dam are required to be submitted to and approved by the Chief of Engineers and Secretary of the Army.

Mr. MANSFIELD. Mr. President, I ask that the Senate turn next to the consideration of Calendar No. 998.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered; and the clerk will call Calendar No. 998.

CONVEYANCE OF CERTAIN REAL PROPERTY FOR PUBLIC AIRPORT PURPOSES AT GRAND PRAIRIE, TEX. — BILL SUBSEQUENTLY PASSED OVER

The Senate proceeded to consider the bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in Grand Prairie, Dallas County, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered 517.

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwest Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, said point being the northwest corner of lot 17, block 9, of the Indian Hills Park addition to the city of Grand Prairie:

thence south 0 degree 33 minutes 30 seconds west along the east right-of-way line of Carrier Parkway a distance of 2,683.0 feet to the southeast corner of Grand Prairie Airport;

thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

thence north 1 degree 19 minutes 30 seconds west and parallel to said centerline a distance of 2,670.35 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

thence north 0 degree 52 minutes west, 1,050 feet to a one-half-inch rod, said point being the easternmost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard:

thence north 8 degrees 20 minutes 30 seconds west a distance of 691.70 feet to a point on the south right-of-way line of Jefferson Avenue;

thence north 81 degrees 39 minutes 30 seconds east along the south right-of-way line of Jefferson Avenue a distance of 249.06 feet to the northwest corner of land known as General Services Administration land acquisition;

thence south 8 degrees 20 minutes 30 seconds east a distance of 330 feet to a point for General Services Administration land's southwest corner;

thence south 44 degrees 41 minutes 30 seconds east following General Services Administration land's southerly boundary line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less,

together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed without warranty dated January 12, 1961, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty from the United States of America to the said Jerome K. Dealey providing that the construction of buildings or improvements on the land therein and thereby conveyed shall be restricted in height so that there will be no obstructions above the plane of an approach zone with a glide angle of 20:1 where the zero elevation beginning point for the glide angle is fixed by starting at a 1¼-inch iron pipe, being the northwest corner of the Indian Hills Park addition (abstract 517) to the city of Grand Prairie, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the northwest corner of lot 17, block 9 of said Indian Hills Park addition; thence, north 40 degrees 3 minutes west 905 feet, more or less, to the intersection of such line with the centerline of an existing asphalt runway; said approach zone plan to be 250 feet wide, extending 125 feet on either side of point of beginning and 410 feet wide at 20:1 slant distance of 1,600 feet along the runway centerline extending from the point of beginning.

(b) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States, acting by and through the Secretary of the Army, all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 67.83 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, the exact legal description of which property is contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract of land situated in the county of Dallas, State of Texas, and being part of the McKinney and Williams survey (A–1045) and part of the Elizabeth Gray survey (A–517), and being more particularly described as follows:

Beginning at a 1¼-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly locally called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabeth Gray survey;

thence along the boundary line of a 195.82-acre tract of land conveyed by the United States of America to the city of Grand Prairie by deed without warranty dated May 22, 1962, and recorded in volume 5810 at page 206 of the Deed Records of Dallas County, Texas, as follows: along the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 1,545.45 feet to a five-eights-inch pipe, said point being the southernmost corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the boundary line of said 42.39-acre tract as follows: north 29 degrees 32 minutes 30 seconds east, 981.15 feet to a one-half-inch rod, said point being perpendicular to and 400 feet west of the centerline of a north-south runway;

thence north 01 degrees 19 minutes 30 seconds west, along a line parallel to and 400 feet west of said centerline, 1,476.75 feet to a one-half-inch rod on the south boundary line of the most western ramp;

thence north 81 degrees 59 minutes 30 seconds east, 614.10 feet to a one-half-inch rod, said point being the easternmost southeast corner of said 42.39-acre tract, and a reentrant corner of aforesaid 195.82-acre tract;

thence departing from the boundary line of said 195.82-acre tract and said 42.39-acre tract, severing said 195.82-acre tract, south 00 degrees 52 minutes east, 1,050 feet to a five-eighths-inch pipe, said point being 200 feet easterly of and perpendicular to the centerline of said runway;

thence 200 feet easterly of and parallel to said centerline and its southerly extension, south 01 degrees 19 minutes 30 seconds east, 2,670.35 feet to a railroad spike set in a south boundary line of said 195.82-acre tract, same being the south boundary line of the Elizabeth Gray survey;

thence along the boundary line of said 195.82-acre tracts as follows: along the south boundary line of said Elizabeth Gray survey, north 89 degrees 34 minutes 30 seconds west, 47.5 feet to a point in the east boundary line of the William C. May survey (A–890);

thence along the common line between said May and Gray surveys as follows: north 00 degrees 02 minutes west, 138.4 feet to a three-fourths-inch rod for the northeast corner of said May survey and a reentrant corner of said Gray survey;

thence north 89 degrees 26 minutes west, 1,091 feet to the point of beginning, containing 67.83 acres, more or less.

(c) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States such avigation, clearing, and restrictive easements over the 127.99 acres described in section 1(a) of this Act, as the Secretary of the Army, after consultation with the Administration of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airstrip (runway) located within the 67.83 acres of land described in section 1(b) of this Act.

SEC. 2. (a) The sale referred to in subsection (a) of the first section of this Act shall be authorized in writing by the Administrator of the Federal Aviation Agency, only after—

1. a site for a new airport has been selected and the Administrator, Federal Aviation Agency, has determined that such site is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

2. a plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency;

3. the city of Grand Prairie has, through advertising and sealed bids, provided assurances that construction of airport facilities can be accomplished in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

4. the city of Grand Prairie has, after advertising, received sealed bids on the 127.99 acres to be sold and determines that the bid to be accepted is in an amount equal to or greater than the combined costs of acquiring land for a new airport site and constructing the airport facilities thereon in accordance with plans submitted to and approved by the Administrator, Federal Aviation Agency.

(b) Airport facilities constructed with the proceeds of the sale authorized in section 1(a) shall be only those kinds of facilities which are eligible for construction with Federal funds under the Federal Airport Act. Any proceeds of the sale of the 127.99 acres in excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section 6(b) of the Federal Airport Act.

(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (a) of the first section of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by such city for public airport purposes; and also subject to the condition that the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

(d) Subject to the approval of the Administrator of the Federal Aviation Agency with respect to the coordination of the sale authorized by him under the foregoing provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, that tract of land containing 67.83 acres, more or less, situated in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act; together with all such avigation, clearing and restrictive easements described in section 1(c) of this Act.

(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: *Provided further,* That the city shall continue to provide, without cost to the Department of the Army, for the repair, maintenance, and operation of the existing Grand Prairie Airport and related facilities until such time as the same is reconveyed to the United States, and/or the civilian use of this airfield is transferred to the proposed new city airport.

SEC. 3. The provisions relating to the reversion to the United States of legal title to certain real property in the event it is not used for airport purposes contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, are hereby declared to be null and void from and after the date of the disposal of said property in compliance with the provisions of this Act, to the extent such provisions apply to the 127.99 acres, more or less, described in subsection (a) of the first section of this Act.

SEC. 4. The Administrator of the Federal Aviation Agency shall issue and obtain such written instruments as may be necessary to carry out the foregoing provisions of this Act. However, prior approval of the Secretary of the Army shall be obtained as to those instruments of direct concern to the Department of the Army, and the Secretary of the Army is hereby authorized and directed to accept, on behalf of the United States, all instruments of conveyance of such real property and real property interests as are conveyed to the United States pursuant to the foregoing provisions of this Act, and to accept custody and control of such property.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORSE subsequently said: Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I did not know there was to be a call of the calendar. Let me ask whether Calendar 998, House bill 8462, has been reached?

Mr. MANSFIELD. Yes; and it has been passed.

Mr. MORSE. Mr. President, I wish to object to the consideration of that bill, as of now. I am not ready to have the bill passed, without first making provision for inclusion of the Morse formula, and without inquiring about the Morse formula.

Mr. MANSFIELD. Very well.

Mr. President, I ask that the action taken by the Senate on Calendar 998, House bill 8462, be rescinded, and that the bill be restored to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I wish to make a statement in regard to Calendar No. 998, House bill 8462. I hope we can reach an understanding in regard to this bill, in connection with an amendment I propose to offer.

In its present form, the bill violates the Morse formula—clearly, unquestionably.

I am in a predicament in connection with this matter, even though last year I made clear what my position would be. I think the Senator from Texas [Mr. YARBOROUGH], with whom I work very closely, and for whom I have a high and very affectionate regard, probably would be willing to accept my amendment. However, it does no good to accept, on the floor of the Senate, such an amendment to a House bill, and then, when the conference is held, have the House conferees take an adamant position in regard to the amendment, and thus defeat the purpose of the Morse formula amendment.

If the House conferees and the Senate conferees are not willing to bring back to us a conference report on a House bill which conforms to the Morse formula, I do not propose to let this kind of runaround of the Morse formula prevail. It has happened several times, and I am fed up with it; and I am going to object unless we work out an understanding that the Morse formula will be included in these bills before they come over from the House, or get assurance that I will not be thwarted in my desire to protect the taxpayers' money in connection with these giveaway bills—thwarted by having them passed by the House without inclusion of the Morse formula, and, although subsequently getting the Morse formula added by the Senate, later having it stricken out in conference. However, that is the situation which prevails. Certainly it is not fair to many Senators who say to me, "Stick by your guns"—as I have done since 1946, to the tune of $800 million of savings, on the record; and we do not know how many millions of dollars more have been saved as a result of the introduction, during this period, of bills containing the Morse formula.

I do not like this development in regard to the Morse formula. I am not only fighting to protect the Morse formula in connection with these bills; I am also fighting to protect the interests of other Senators who recognize the soundness of the Morse formula and have been keeping faith by bringing in bills with the Morse formula in them.

So I am objecting, tonight; and I hope we can work out some understanding—through the Senator from Texas [Mr. YARBOROUGH]; and I know he is anxious to work it out—on the House side, because I am not willing to vote in favor of such bills, only to have the Morse-formula provision or amendment defeated in conference.

Mr. MANSFIELD. Mr. President, had I known of the Senator's objection to the bill, I would not have brought up the bill.

Mr. ALLOTT. Mr. President, what is the present status of Calendar No. 998, House bill 8462?

Mr. MANSFIELD. The action taken by the Senate has been rescinded, and the bill has been restored to the calendar.

PERIODIC CONGRESSIONAL REVIEW OF FEDERAL GRANTS-IN-AID TO STATES AND LOCAL UNITS OF GOVERNMENT

The Senate proceeded to consider the bill (S. 2114) to provide for periodic congressional review of Federal grants-in-aid to States and to local units of government which had been reported from the Committee on Government Operations, with amendments, on page 2, line 9, after the word "purpose.", to insert "It is further the purpose and intent of this Act to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof."; on page 3, line 5, after the word "expire", to strike out "on" and insert "not later than"; in line 11, after the word "of", where it appears the second time, to strike out "four" and insert "three"; in line 13, after the word "the", to strike out "twelve-month"; at the beginning of line 14, to insert "of not less than twelve months or more than twenty-four months"; on page 4, after line 3, to strike out:

(3) Whether or not any changes in purpose or direction of the original program should be made.

And, in lieu thereof, to insert:

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto to conform to recommendations by the Comptroller General under section 4, should be made.

After line 10, to insert:

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations.

In line 17, after the word "than", to strike out "ninety" and insert "one hundred and twenty"; after line 19, to insert:

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 4. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which program conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

On page 5, after line 12, to insert:

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

On page 6, after line 3, to insert:

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

And, on page 7, at the beginning of line 2, to change the section number from "4" to "7"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF PURPOSE

SECTION 1. It is the purpose and intent of this Act to establish a uniform policy and procedure whereby programs for grant-in-aid assistance from the Federal Government to the States or to their political subdivisions which may be enacted hereafter by the Congress shall be made the subject of sufficient subsequent review by the Congress to insure that (1) the effectiveness of grants-in-aid as instruments of Federal-State-local cooperation is improved and enhanced; (2) grant programs are revised and redirected as necessary to meet new conditions arising subsequent to their original enactment; and (3) grant programs are terminated when they have substantially achieved their purpose. It is further the purpose and intent of this Act to provide for continuing review of existing Federal programs for grant-in-aid assistance to the States or their political subdivisions by the Comptroller General with a view to the formulation of recommendations to assist the Congress in making changes in requirements and procedures applicable to such programs in the interest of eliminating areas of conflict and duplication in program operations and achieving more efficient, effective, and economical administration of such programs, and greater uniformity in the operation thereof.

EXPIRATION OF GRANT-IN-AID PROGRAMS

SEC. 2. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid to two or more States or to political subdivisions of two or more States and no expiration date for such authority is specified by law, then the authority to make grants-in-aid by reason of such Act to States, political subdivisions, and other beneficiaries from funds not theretofore obligated shall expire not later than June 30 of the fifth calendar year which begins after the effective date of such Act.

COMMITTEE STUDIES OF GRANT-IN-AID PROGRAMS

SEC. 3. Where any Act of Congress enacted in the Eighty-ninth or any subsequent Congress authorizes the making of grants-in-aid over a period of three or more years to two or more States or to political subdivisions of two or more States, then during the period of not less than twelve months or more than twenty-four months immediately preceding the date on which such authority is to expire the committees of the House and of the Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made with a view to ascertaining, among other matters of concern to the committees, the following:

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met.

(2) The extent to which such programs can be carried on without further financial assistance from the United States.

(3) Whether or not any changes in purpose, direction, or administration of the original program, or in procedures and requirements applicable thereto to conform to recommendations by the Comptroller General under section 4, should be made.

(4) Whether or not any changes in purpose, direction, or administration of the original program should be made in the light of reports and recommendations submitted on request by the Advisory Commission on Intergovernmental Relations.

Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire.

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 4. The Comptroller General shall make continuing studies of presently existing and all future programs for grant-in-aid assistance from the Federal Government to the States or their political subdivisions concerning the extent to which program conflict and duplication can be eliminated and more effective, efficient, economical, and uniform administration of such programs could be achieved by changing certain requirements and procedures applicable thereto.

In reviewing such programs the Comptroller General shall consider, among other relevant matters, the equalization formulas, and the budgetary, accounting, reporting, and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 5. Upon request of any committee referred to in section 3, the Advisory Commission on Intergovernmental Relations (established by Public Law 86–380) shall, during the same period referred to in such section, conduct studies of the intergovernmental relations aspects of programs which are subject to the provisions of such section, including (1) the impact of such programs, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such programs with State and local administration thereof, and shall report its findings and recommendations to such committee.

RECORDS AND AUDIT

SEC. 6. (a) Each recipient of assistance under (1) any Act of Congress enacted after the effective date of this Act which provides for a grant-in-aid from the United States to a State or a political subdivision thereof, or (2) any new grant-in-aid agreement, or extension, modification or alteration of any existing grant-in-aid agreement pursuant to existing law shall keep such records as the Federal agency administering such grant shall prescribe, including records which fully disclose the amount and disposition by such recipient of such grant-in-aid, the total cost of the project or undertaking in connection with which such grant-in-aid is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The head of the Federal agency administering such grant and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant received.

DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) The term "State" means the government of a State, or any agency or instrumentality of a State.

(2) The term "political subdivision" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

(3) The term "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State or political subdivision of a State; or

(B) to a beneficiary under a State-administered plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States, or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the State, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues, (2) payments of taxes, (3) payments in lieu of taxes, (4) loans or repayable advances, (5) surplus property or surplus agricultural commodities furnished as such, (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private, or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1056), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill, as amended, is to establish a uniform policy and procedure for periodic congressional review of grant-in-aid programs which are designed to assist States and their political subdivisions in meeting recognized national needs. Such reassessment by Congress is necessary to insure that the effectiveness of Federal grants as instruments of intergovernmental cooperation is improved, that such programs are revised and redirected to meet changing conditions and challenging new national problems, and that grant programs are terminated when they have substantially achieved their purpose. This legislation is intended neither to encourage nor discourage the use of the grant-in-aid device, but only to improve it when Congress deems it desirable.

AMENDMENT TO REORGANIZATION ACT OF 1949

The bill (H.R. 3496) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 6237) to amend section 503 of the Federal Property and Administrative Services Act of 1949, to authorize grants for the collection, reproduction, and publication of documentary source material significant to the history of the United States was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 WITH REGARD TO PROCUREMENT OF PROPERTY AND NONPERSONAL SERVICES BY EXECUTIVE AGENCIES

The bill (S. 1232) to amend the Federal Property and Administrative Services Act of 1949 to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 302 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is amended to read as follows:

"SEC. 302. (a) Executive agencies shall make purchases and contracts for property and nonpersonal services in accordance with the provisions of this title and implementing regulations of the Administrator; but this title does not apply—

"(1) to agencies and activities specified in section 2303(a) of title 10, United States Code; or

"(2) when this title is made inapplicable pursuant to section 602(d) of this Act or any other law, but when this title is made inapplicable by any such provision of law sections 3709 and 3710 of the Revised Statutes, as amended (41 U.S.C. 5 and 8), shall be applicable in the absence of authority conferred by statute to procure without advertising or without regard to said section 3709."

SEC. 2. Subsection (c) of section 302 of said Act is amended as follows:

(a) By revising paragraph (4) to read:

"(4) for professional nonpersonal services;".

(b) By revising paragraph (15) to read:

"(15) otherwise authorized by law, except that section 304 shall apply to purchases and contracts made without advertising under this paragraph."

SEC. 3. The second sentence of subsection (a) of section 307 of said Act is amended by inserting immediately after "section," the following: "and except as provided in section 205(d) with respect to the Administrator,".

SEC. 4. Subsection (b) of section 307 of said Act is amended by striking out the second sentence thereof.

SEC. 5. Section 310 of said Act is amended to read as follows:

"SEC. 310. Sections 3709, 3710, and 3735 of the Revised Statutes, as amended (41 U.S.C. 5, 8, and 13), shall not apply to the procurement of property or nonpersonal services made by any executive agency pursuant to this title. Any provision of law which authorizes an executive agency (other than an executive agency which is exempted from the provisions of this title by section 302(a) of this Act), to procure any property or nonpersonal services without advertising or without regard to said section 3709 shall be construed to authorize the procurement of such property or services pursuant to section 302 (c)(15) of this Act without regard to the advertising requirements of sections 302(c) and 303 of this Act."

SEC. 6. Title III of said Act is amended by striking out the words "property and services" wherever they appear in that title (except where such words appear in section 304 (b) of that title), and inserting in lieu thereof the words "property and nonpersonal services".

SEC. 7. Subsection (d) of section 602 of said Act is amended as follows:

(a) By striking out the semicolon at the end of paragraph (15) and inserting in lieu thereof a comma and the following: "and the leasing and acquisition of real property, as authorized by law;".

(b) By striking out the word "or" where it appears at the end of paragraph (18).

(c) By striking out the period at the end of paragraph (19), and inserting in lieu thereof a semicolon and the word "or".

(d) By adding at the end of that subsection the following new paragraph:

"(20) The Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1059), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The primary purpose of this bill is to make the modern code of procurement procedures contained in title III of the Federal Property and Administrative Services Act of 1949 directly applicable by statute to executive agencies of the Government not now so covered. At the present time, use of this modern code by such agencies is entirely on a permissive, delegated basis. This code will replace use of the limited provisions of section 3709, Revised Statutes, governing advertising and negotiation. A common statutory foundation of procurement authority will further enable the Administrator of General Services to prescribe uniform procurement policies and procedures for agencies and so to develop uniform procurement practices for the benefit both of the Government and the businessman contracting with the Government.

The bill also proposed certain less significant improvements in procurement. The bill would exclude the procurement of personal services from the operation of title III, which is essentially a property management code of procedures. It would make certain limitations of section 304 of the Federal Property and Administrative Services Act of 1949 (concerning fees of cost-type contracts, contingent fees, examination records, etc.) applicable to contracts negotiated by executive agencies under any law, not only title III.

AMENDMENT OF TITLE V OF THE FEDERAL AVIATION ACT OF 1958

The bill (H.R. 8673) to amend title V of the Federal Aviation Act of 1958, to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1060), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The bill would create a uniform Federal rule which would provide that the validity of certain instruments affecting title to or interest in aircraft shall be governed by the laws of the State, District of Columbia, territory, or possession in which they are delivered. Designation of the place of delivery in the instrument would constitute presumptive evidence that the instrument was delivered at the place so specified. The bill makes clear that this legislation in no way affects the Convention on the International Recognition of Rights in Aircraft. In addition, the Administrator of the Federal Aviation Agency would be authorized to except certain instruments from the present statutory requirement that they must be notarized before recordation.

COST TO THE PUBLIC OF COAST AND GEODETIC SURVEY RADIO NAVIGATION CHARTS

The Senate proceeded to consider the bill (S. 1336) to provide that the price at which the Coast and Geodetic Survey sells radio navigation charts and certain related material to the public shall not be less than the cost thereof which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That section 76 of the Act entitled "An Act providing for the public printing and binding and the distribution of public documents", approved January 12, 1895 (28 Stat. 620; 44 U.S.C. 246), as amended, is amended to read:

"a. The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and bindery operations; the full postage rates, according to the rates for postal services used; and any additional cost factors deemed appropriate by the Secretary, such as overhead and administrative expenses allocable to the production of the charts and related reference materials: *Provided*, That the costs of basic surveys and geodetic work done by the Coast and Geodetic Survey shall not be included in the price of such charts and reference materials. The Secretary of Commerce shall publish the prices at which such charts and reference materials are sold to the public at least once each calendar year.

"b. There shall be no free distribution of such charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce may direct; but on the order of Senators, Representatives, and Delegates not to exceed one hundred copies to each may be distributed through the Director of the Coast and Geodetic Survey."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof."

Mr. ALLOTT. Mr. President, I would like to say a word about the bill.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLOTT. Mr. President, this is a bill which has had very widespread significance and involves one of the real areas where the Federal Government has attempted to compete with private enterprise in direct competition with private enterprise.

I want to say a word on behalf of the distinguished Senator from California [Mr. Kuchel], who has contributed so much to the passage of this bill. I think this is a real milestone toward stopping Government competition with private enterprise.

Mr. ALLOTT subsequently said: Mr. President, I move that the vote by which Calendar No. 1004, Senate bill 1336, was passed be reconsidered.

Mr. KUCHEL. Mr. President, I move to lay on the table the motion to reconsider.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1061), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The bill would amend the act of January 12, 1895, so as to conform the law with existing administrative practice with respect to the pricing of charts published by the Coast and Geodetic Survey. The bill would make clear that the price of such charts to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography such as photography, opaquing, platemaking, etc.

REAL PROPERTY TRANSFERRED BY THE RECONSTRUCTION FINANCE CORPORATION TO OTHER GOVERNMENT DEPARTMENTS

The bill (H.R. 9964) to extend for 2 years the period for which payments in lieu of taxes may be made to certain real property transferred by the Reconstruction Finance Corporation to other Government departments was considered, ordered to a third reading, read the third time, and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures "1965", and inserting in lieu thereof the figures "1967".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1964", and inserting in lieu thereof the figures "1966".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1063), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of this bill is to extend for 2 years, from December 31, 1964, the period in which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government with respect to certain real property on which payments were authorized by Public Law 388, 84th Congress.

Public Law 388, which became law on August 12, 1955, was designed to furnish temporary relief for local taxing authorities which were under an undue and unexpected burden as the result of the transfer of taxable real property from the Reconstruction Finance Corporation, or its subsidiaries, to another Federal agency or department, which transfer operated to take such property out of taxation. The act authorized payments in lieu of taxes with respect to such property only if it was transferred by the RFC, or one of its subsidiaries, to another Federal agency or department on or after January 1, 1946, and only if title to such property has been held continuously by the United States since such transfer.

MRS. AUDREY ROSSMAN

The bill (H.R. 9090) for the relief of Mrs. Audrey Rossman was considered, ordered to a third reading, read the third time, and passed.

GIH HO PAO

The bill (S. 584) for the relief of Gih Ho Pao and his wife Joanie T. Pao was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 2 of the Act entitled "An Act to facilitate the entry of alien skilled specialists and certain relatives of United States citizens, and for other purposes", approved October 24, 1962 (76 Stat. 1247), Yih-Ho Pao shall be held and considered to be an alien eligible for a quota immigrant status under the provisions of section 203 (a)(1) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to April 1, 1962.

CZESLAW (CHESTER) KALUZNY

The bill (S. 2629) for the relief of Czeslaw (Chester) Kaluzny was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Czeslaw (Chester) Kaluzny shall be held and considered to be the natural-born alien son of Mr. and Mrs. Joseph D. Malinowski, citizens of the United States: *Provided*, That the natural father of the said Czeslaw (Chester) Kaluzny shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

AZIZA (SUSAN) SASSON

The Senate proceeded to consider the bill (S. 2149) for the relief of Aziza (Susan) Sasson, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Aziza (Susan) Sasson shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXA DANIEL

The Senate proceeded to consider the bill (S. 2163) for the relief of Alexa Daniel, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of section 322 of the Immigration and Nationality Act, Alexa Daniel shall be held and considered to be under eighteen years of age.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNA SOOS

The Senate proceeded to consider the bill (S. 2320) for the relief of Mrs. Anna Soos, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Anna Soos. From and after the date of the enactment of this Act, the said Mrs. Anna Soos shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID LEE BOGUE

The Senate proceeded to consider the bill (S. 2354) for the relief of David Lee Bogue, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That David Lee Bogue, who lost United States citizenship under the provisions of sections 349(a)(1), (2), and (3) of the Immigration and Nationality Act of 1952, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such Act. From and after naturalization under this Act, the said David Lee Bogue shall have the same citizenship status as that which existed immediately prior to its loss.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILAGROS ARAGON NERI

The Senate proceeded to consider the bill (S. 2374) for the relief of Milagros Aragon Neri, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 202(a)(5) and 202(b) shall be inapplicable in the case of Milagros Aragon Neri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARDIROS KOUYOUMJIAM

The Senate proceeded to consider the bill (S. 2378) for the relief of Mardiros Kouyoumjiam and his wife, Mamj Kouyoumjiam, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Act of September 26, 1961 (75 Stat. 650, 657), Mardiros Kouyoumjiam and his wife, Manig Kouyoumjiam, shall be deemed to be without the purview of section 25(a) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERARD PIULLET

The bill (H.R. 6308) for the relief of Gerard Piullet was considered, ordered to a third reading, read the third time, and passed.

DAVID SHEPPARD

The bill (H.R. 6843) for the relief of David Sheppard was considered, ordered to a third reading, read the third time, and passed.

DIEDRE REGINA SHORE

The bill (H.R. 8964) for the relief of Diedre Regina Shore was considered, ordered to a third reading, read the third time, and passed.

ELISABETE MARIA FONSECA

The bill (H.R. 9220) for the relief of Elisabete Maria Fonseca was considered, ordered to a third reading, read the third time, and passed.

STATE TAXATION OF EMPLOYEES ENGAGED IN REGULATED INTERSTATE TRANSPORTATION

The Senate proceeded to consider the bill (S. 1719) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 26. (a) No part of the wages or salary paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia."

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after "Nothing in this part" a comma and the following: "except as provided in section 226A,".

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 226A. (a) No part of the wages or salary paid by any motor carrier subject to the provisions of this part to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means any possession of the United States or the Commonwealth of Puerto Rico."

SEC. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 323 as section 324 and by inserting before such section a new section as follows:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"SEC. 323. No part of the wages or salary paid by any water carrier subject to the provisions of this part to an employee who performs his regularly assigned duties as such an employee on a vessel in more than one State, shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence."

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

"Sec. 323. Separability of provisions."

and inserting in lieu thereof:

"Sec. 323. Exemption of certain wages and salary of employees from withholding by other than residence State.

"Sec. 324. Separability of provisions."

Sec. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

"EXEMPTION OF CERTAIN WAGES AND SALARY OF EMPLOYEES FROM WITHHOLDING BY OTHER THAN RESIDENCE STATE

"Sec. 1112. (a) No part of the wages or salary paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier; nor shall such carrier file any information return or other report for tax purposes with respect to such wages or salary with any State or subdivision thereof other than such State or subdivision of residence.

"(b) For the purposes of this section, the term 'State' also means the District of Columbia and any of the possessions of the United States."

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following:

"Sec. 1112. Exemption of certain wages and salary of employees from withholding by other than residence State."

Sec. 5. The amendments made by this Act shall become effective on the first day of the first calendar year beginning after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1076), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The bill would exempt the wages and salary of certain employees of regulated interstate transportation carriers from the withholding tax requirements of States and local subdivisions, except in the State or local subdivision of the employee's residence. It would also relieve these carriers of any duty to file information returns for tax purposes on the wages and salary of certain employees, except in the State or local subdivision of such employee's residence. In so doing, the bill would remove the substantial burden to interstate commerce which the imposition of withholding taxes on the nonresident employees of these carriers by States and local subdivisions has caused. The bill will not impair the general taxing authority of State and local governments, nor will it relieve the affected employees of their liability to pay taxes properly due.

LIBERALIZATION OF CONDITIONS OF LOANS BY NATIONAL BANKS ON FOREST TRACTS

The bill (H.R. 8230) to amend section 24, of the Federal Reserve Act (121 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1077), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The bill would amend the terms under which national banks may make real estate loans on properly managed forest tracts, (1) by broadening the basis of the loan security from "economically marketable timber" to "growing timber, lands, and improvements"; (2) by increasing the permissible loan term from 10 to 15 years in the case of amortized loans and from 2 to 3 years in the case of unamortized loans; and (3) by increasing the maximum permissible loan ratio from 40 to 60 percent of the appraised fair market value in the case of both amortized and unamortized loans.

AMENDMENT TO FEDERAL CREDIT UNION ACT

The bill (H.R. 8459) to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organizations and operations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1078), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

H.R. 8459 would amend the Federal Credit Union Act so as to provide for Federal credit unions additional investment powers, greater administrative flexibility, and additional protection against false statements or willful overvaluations in connection with applications, loans, and the like.

Section 1 of the bill would extend the investment powers of Federal credit unions so as to include authority to invest in obligations issued by banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 101 of the Government Corporation Control Act as a wholly owned Government corporation.

Section 2 of the bill would authorize Federal credit unions to establish supervisory committees of not less than three members nor more than five members, instead of the present requirement that the supervisory committee must consist of three members.

Section 3 of the bill would authorize the payment of interest refunds at the close of any dividend period, instead of permitting such refunds only on December 31 of each year.

Section 4 of the bill would authorize Federal credit unions, subject to regulations prescribed by the Director of the Bureau of Federal Credit Unions, to treat as security for a loan, insurance on home improvement loans obtained under title I of the National Housing Act.

Section 5 of the bill would make it an offense under the United States Criminal Code for anyone knowingly to make a false statement or report or willfully overvalue any land, property, or security to influence the action of a Federal credit union in connection with any application, loan, or the like.

AMENDMENT TO RESOLUTION WITH RESPECT TO PROMOTION OF HIGHWAY TRAFFIC SAFETY

The bill (S. 2318) to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution approved August 20, 1958 (72 Stat. 635), is amended by inserting in the resolving clause after the word "States" the phrase ", and one or more of the several States and the District of Columbia,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1079), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 2318 would include the District of Columbia within the provisions of a 1958 joint resolution authorizing interstate traffic safety compacts. The District of Columbia, for example, would be allowed to enter into an agreement concerning the posting of collateral by nonresidents arrested for certain traffic violations. The purpose of such an agreement would be to permit residents of Maryland or Virginia who are arrested in the District the privilege of receiving citations in the same manner as residents of the District of Columbia, in exchange for similar treatment to be afforded District residents.

BILL PASSED OVER

The bill (H.R. 287) to amend title II of the Social Security Act to include Nevada among those States which are permitted to divide their retirement systems into two parts for purposes of obtaining social security coverage under Federal-State agreement was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

EXPORTATION OF WORKING PARTS OF AIRCRAFT

The bill (H.R. 1608) to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1081), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill would provide that aircraft engines, propellers, and parts and accessories thereof may be imported into the United States for purposes of repair duty free if such articles are subsequently removed as part of an aircraft departing the United States in international air traffic.

DUTY-FREE IMPORTATION OF CERTAIN WOOLS

The bill (H.R. 2652) to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1082), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would provide for the duty-free treatment of Karakul wools and certain other coarse wools imported for use in the manufacture of pressed felt for polishing plate and mirror glass.

EMPLOYEES COVERED BY STATE OF MAINE RETIREMENT SYSTEM

The bill (H.R. 3348) to amend section 316 of the social security amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old age, survivors, and disability insurance program was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1083), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Section 1 of H.R. 3348 reinstates a provision of law which permitted the State of Maine to treat teaching and nonteaching employees who are actually in the same retirement system as though they were under separate retirement systems for social security coverage purposes. The original provision, enacted as part of the Social Security Amendments of 1958, expired on June 30, 1960. The Social Security Amendments of 1960 reopened the provision until July 1, 1961. H.R. 3348 would reopen the provision until July 1, 1965. Section 2 of the bill amends title II of the Social Security Act to include Texas among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen under retirement systems.

FREE IMPORTATION OF SOLUBLE AND INSTANT COFFEE

The bill (H.R. 4198) to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1084), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would provide for the free importation of soluble or instant coffee (containing no admixture of sugar, cereal, or other additive).

"Soluble" coffee and "instant" coffee are synonymous terms and will hereinafter be referred to as soluble coffee. The soluble coffee (containing no admixture of sugar, cereal, or other additive) to which this bill applies is the "dried water-soluble solids derived from roasted coffee."

SUSPENSION FOR TEMPORARY PERIOD IMPORT DUTY ON MANGANESE ORE

The bill (H.R. 7480) to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1085), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry-cell batteries and in the manufacture of manganese chemicals.

Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese.

During 1962 domestic ore accounted for only about 1 percent of the manganese ore consumed in the United States for metallurgical purposes; only about 12 percent of consumption in the manufacture of dry-cell batteries; and about 4 percent of the ore used in producing chemicals and for miscellaneous applications. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Ghana, India, Morocco, and the Union of South Africa.

H.R. 7480 would temporarily suspend the present reduced rate of duty, established pursuant to trade agreement concessions, on manganese ore, including ferruginous manganese ore, and manganiferous ore, containing over 10 percent by weight of manganese. This reduced rate of duty is presently one-fourth cent per pound on the metallic manganese content of the ore.

PREVENTION OF DOUBLE TAXATION IN CASE OF CERTAIN TOBACCO PRODUCTS

The bill (H.R. 8268) to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1086), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory.

TARIFF CLASSIFICATION OF CERTAIN PARTICLEBOARD

The bill (H.R. 8975) to provide for the tariff classification of certain particleboard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1087), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would provide for the tariff classification of certain particleboard imported during the period beginning July 11, 1957, and ending August 31, 1963.

PLACEMENT AND FOSTER CARE OF DEPENDENT CHILDREN

The bill (H.R. 9688) to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1088), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provision of the Public Welfare Amendments of 1962 (Public Law 87-543 as extended by Public Law 88-48) which permits the responsibility for the placement and foster care of dependent children under the program of aid and services to needy families with children (title IV of the Social Security Act) to be exercised by a public agency other than the agency which regularly administers this program.

CONTINUATION OF EXISTING SUSPENSION OF DUTIES FOR METAL SCRAP

The bill (H.R. 10463) to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1089), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would continue for 1 year (from the close of June 30, 1964, to the close of June 30, 1965) (1) the existing suspension of duties on metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States, and (2) the existing reduction of duties on copper waste and scrap, etc., provided by items 911.10 and 911.11 of such schedules.

EXTENSION FOR TEMPORARY PERIOD OF FREE IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS

The bill (H.R. 10465) to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under

Government orders was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1090), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill would amend item 915.20 of the Tariff Schedules of the United States to continue for 2 years (from the close of June 30, 1964, until the close of June 30, 1966) the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

EXTENSION OF PERIOD FOR TEMPORARY ASSISTANCE FOR U.S. CITIZENS RETURNED FROM FOREIGN COUNTRIES

The bill (H.R. 10466) to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1091), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The purpose of this bill is to extend for 3 years, from June 30, 1964, until June 30, 1967, the provisions of section 1113(d) of the Social Security Act which authorized provision of temporary assistance to U.S. citizens returned from foreign countries under certain circumstances.

CONTINUATION OF SUSPENSION OF DUTY ON CERTAIN COPYING SHOE LATHES

The bill (H.R. 10468) to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1092), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill would amend item 911.70 of the Tariff Schedules of the United States to continue until the close of June 30, 1966, the existing suspension of duty on copying lathes used for making rough or finished shoe lasts from models of shoe lasts and capable of producing more than one size shoe from a single size model of a shoe last.

EXTENSION FOR TEMPORARY PERIOD SUSPENSION OF DUTY ON CERTAIN NATURAL GRAPHITE

The bill (H.R. 10537) to continue for a temporary period the existing suspension of duty on certain natural graphite was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1093), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill would continue until July, 1966, the present suspension of duty on natural amorphous graphite, crude and refined, valued at $50 per ton or less.

TWO YEARS' SUSPENSION OF DUTY ON CERTAIN ALUMINA AND PERMANENT SUSPENSION OF DUTY ON CERTAIN BAUXITE

The Senate proceeded to consider the bill (H.R. 9311) to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite, which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert:

> That (a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963) are each amended by striking out "On or before 7/15/64" and inserting in lieu thereof "On or before 7/15/66".
>
> (b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1094), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> This bill would continue for 2 years, until July 16, 1966, the suspension of duty on alumina when imported for use in producing aluminum, and on bauxite ore and calcined bauxite. The committee amendment deletes that provision of the House bill which would have placed bauxite permanently on the free list.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for himself and Mr. Douglas):

S. 2928. A bill to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Dirksen when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY:

S. 2929. A bill to amend subtitle C of the Consolidated Farmers Home Administration Act of 1961 in order to authorize the Secretary of Agriculture to make emergency loans to producers who suffer severe production losses, and for other purposes; to the Committee on Agriculture and Forestry.

THE GEORGE ROGERS CLARK RECREATION WAY

Mr. DIRKSEN. Mr. President, for myself and Senator Douglas I introduce, for appropriate reference, a bill to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois.

One of the necessary prerequisites of a satisfactory recreation way is public control of the right-of-way and adequate lands along it to assure scenic conservation and development of desirable public recreation areas. Last year, the National Forest Reservation Commission extended the Shawnee National Forest purchase unit to connect the two segments of the national forest.

This 100-mile proposed recreation way, sometimes referred to as the river-to-river road, would extend from Fountain Bluff on the Mississippi River to the general area of Old Shawneetown, Ill., on the Ohio River.

This preliminary survey would be a major step toward accomplishing the desires of the local sponsors of this scenic highway. The study is estimated to cost approximately $40,000. This road and the attractions along the way cross lines of seven counties, and Federal and State agencies are involved. It also has an important place in the State's program of development through the board of economic development in Illinois, the department of conservation, and other agencies. George Rogers Clark, a Revolutionary War figure, is closely associated with this general area of southern Illinois. Mr. John Allen in his book, "The Legends and Lore of Southern Illinois," stated:

> It was through his efforts, more than those of any other, that Illinois along with the remainder of the whole northwestern territory became a part of the United States. Most of the military activities that Clark conducted to accomplish this objective were enacted in Illinois.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2928) to authorize and direct the Secretary of Agriculture to make a preliminary survey of the proposed George Rogers Clark Recreation Way within and adjacent to the Shawnee National Forest in the State of Illinois, introduced by Mr. DIRKSEN (for himself and Mr. DOUGLAS), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

NOTICE OF HEARINGS BY COMMITTEE ON BANKING AND CURRENCY

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold hearings on the nomination of Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission. The hearing is scheduled to be held on Wednesday, June 24, 1964, in room 5302 New Senate Office Building at 10 a.m.

In addition, immediately following the hearing on the nomination the committee will hold hearings on H.R. 10000, a bill to extend the Defense Production Act of 1950; and it will consider H.R. 11499, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; and House Joint Resolution 1041, temporarily extending the program of insured rental housing loans for the elderly in rural areas.

Any persons who wish to appear and testify in connection with this nomination, or these bills are requested to notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone 225-3921.

I should like to add for the information of those interested that I am sending notices to the members of the Banking and Currency Committee of a meeting in executive session on S. 750, to be held Tuesday, June 23, at 10 a.m., in the committee room.

ADJOURNMENT TO NOON ON MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I now move—and with a sense of relief—that the Senate stand in adjournment until 12 o'clock noon, on Monday next.

The motion was agreed to; and (at 8 o'clock and 10 minutes p.m.) the Senate adjourned to Monday, June 22, 1964, at 12 o'clock meridian.

SENATE

MONDAY, JUNE 22, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of grace and glory, by thronging duties pressed, we pause reverently for this dedicated moment at our daily altar of prayer.

We are grateful that amid all life's vicissitudes and buffetings, its strain and stress, "from every stormy wind that blows, from every swelling tide of woes, there is a calm—a sure retreat."

And so, facing tests of wisdom that are beyond our puny, fallible powers, for the solving of national problems which loom before those whom the people have chosen, we ask for them a strength that is not their own. We fain would join the exultant company who, across all the centuries, have been able to chant with victorious gladness, "I sought the Lord, and He heard me, and delivered me from all my fears."

Give us a common faith that any tyranny over the bodies and minds of men carries with it its own death germs, and that at last on the calendar of the future the coronation of Thy truth is sure. In that confidence we march on to the coming kingdom of Thy grace. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 19, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in exective session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer, and it was signed by the Acting President pro tempore.

ORDER DISPENSING WITH CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under rule VIII, be dispensed with for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that morning business be proceeded with, under the rule as amended by the Church resolution, and under the usual 3-minute limitation on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. This will permit committees to sit until the morning hour is concluded.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM—REQUEST BY A SENATOR

Mr. MANSFIELD. Mr. President, before the Senate proceeds to the consideration, later in the afternoon, of the Interior Department appropriation bill, I wish to note that a Member of the Senate approached me last week in connection with the program for this week, and made a request which I agreed to honor; but I must confess that I have forgotten who the Member was, what the request was, and what it was that I agreed to do.

I trust that I shall be forgiven for this lapse of memory, in view of the intensity of the situation which prevailed at the time. I trust, too, that by calling up the Interior Department appropriation bill, I shall not be violating a commitment which I may have made. Finally, I trust that the Member who spoke to me will remind me of what transpired between us. In the more subdued atmosphere of this Monday afternoon, I ought to be able to do a little better with my memory.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations, and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July 1963–April 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON COMBAT READINESS OF AIRCRAFT OF THE 1ST AND 2D ARMORED DIVISIONS IMPAIRED BY INADEQUATE MAINTENANCE AT FORT HOOD, TEX.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on combat readiness of aircraft of the 1st and 2d Armored Divisions impaired by inadequate maintenance at Fort Hood, Tex., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXCESSIVE OCEAN FREIGHT CHARGES ON COMMERCIAL SHIPMENTS MADE BY THE PANAMA CANAL COMPANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive ocean freight charges on commercial shipments made by the Panama Canal Company, dated June 1963 (with an accompanying report); to the Committee on Government Operations.

Report on Equipment Titled in Nonprofit Educational Institutions and Other Nonprofit Organizations

A letter from the Acting Assistant General Manager, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report on equipment titled in nonprofit educational institutions and other nonprofit organizations, for the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter in the nature of a petition signed by Miss Judy Rebecca Henger, of Brooklyn, N.Y., relating to a weekly payment for unemployed persons and their children; to the Committee on Finance.

A petition, signed by Zenko Shinzato, chairman, Kunigami Village Assembly, of the island of Okinawa, relating to the return of the administrative authority over Okinawa to Japan; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 4364. An act to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University (Rept. No 1098).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 2930. A bill to repeal certain acts relating to containers for fruits and vegetables, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. AIKEN:

S. 2931. A bill to amend section 4294 of the Internal Revenue Code relative to nonprofit educational organizations; to the Committee on Finance.

By Mr. SALTONSTALL (for Mr. Kennedy):

S. 2932. A bill for the relief of Jeanette Shamash; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 2933. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

REPEAL OF CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill to repeal certain acts relating to containers for fruits and vegetables, and for other purposes. I ask unanimous consent that the letter from the Secretary of Agriculture, requesting the proposed legislation, be printed in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2930) to repeal certain acts relating to containers for fruits and vegetables, and for other purposes, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. Magnuson is as follows:

Department of Agriculture,
Washington, D.C., May 20, 1964.

Hon. Carl Hayden,
President pro tempore,
U.S. Senate, Washington, D.C.

Dear Senator Hayden: There is enclosed a proposed bill to repeal the Standard Container Acts of 1916 and 1928, Tobacco Plant and Seed Exportation Act of 1940, U.S. Grain Standards Act of 1916, Naval Stores Act of 1923, and Wool Standards Act of 1928.

Over the years, economic conditions and marketing practices have changed so that the need for these acts is no longer as great as when the legislation was passed. Therefore, to promote greater efficiency and economy in Government, in accordance with the President's request, we are recommending the repeal of these acts. The portion of these activities that needs to be continued will be performed under the Agricultural Marketing Act of 1946. This would include financing the grain inspection service on a voluntary fee basis. Savings in appropriations realized by repeal of these acts, involving limited or special interests, would be available for use in areas of more vital public importance.

The following paragraphs set forth in more detail the reasons for the Department's proposal:

Standard Containers Acts of 1916 and 1928 prescribe standard sizes and capacity for certain types of baskets and hampers used in shipping fresh fruits and vegetables. When these laws were enacted, baskets and hampers were used for a large part of the fresh fruits and vegetables shipped in containers and standardization of the volume capacity was needed to prevent deception. Since that time, there have been many changes in shipping containers for fresh produce. Containers not in existence at that time have been developed and have become important. The containers now most commonly used are crates, lugs, boxes, and bags. Also, the construction material has changed significantly with fiberboard, paper, and film now being commonly used. These containers have not been standardized by Federal law as to capacity or shape. Most fresh fruits and vegetables are now sold by weight or count rather than by volume measure so that deception due to slight variations in container volume is no longer an important marketing factor. Less than 10 percent of the fresh fruits and vegetables are now marketed in the regulated types of baskets and hampers. This act, therefore, is of very limited usefulness and the cost of administering it is no longer justified.

Tobacco Plant and Seed Exportation Act of 1940 was intended to protect American tobacco growers by restricting the exportation of tobacco seed and plants to experimental purposes only, with a written permit granted by the Secretary of Agriculture. Since 1940, tobacco production outside of the United States has expanded considerably and research in tobacco seed breeding and production is now well established in most of the tobacco producing countries of the world. As other countries have succeeded in producing Flue-cured tobacco (the type that the act was primarily intended to protect), the need for restricting American exports has practically ceased to exist. This act, therefore, is of very limited usefulness and the cost of administering it is no longer justified.

U.S. Grain Standards Act of 1916 makes it mandatory, with specified exceptions, that grain sold by grade and shipped in interstate or foreign commerce be inspected and graded by licensed inspectors according to U.S. standards.

When enacted in 1916, the law was intended to eliminate confusion resulting from the use of many different sets of standards. Grain marketing is more complex today than it was in 1916 and there are many transactions where the official grade has no meaning. The grain industry should not be forced to obtain, and pay for, inspection and certification under the official standards unless inspection and certification serve a useful purpose.

Repeal of the U.S. Grain Standards Act will bring grain inspection under the Agricultural Marketing Act of 1946 where inspection can continue to be provided but on a voluntary basis. Under this act, use of the U.S. grade standards would be voluntary and official inspection and certification would be required only if the U.S. grades were used in the transaction. The segment of the cost of Federal supervision of licensees which is of special benefit to the users will be paid from fees rather than from Federal appropriations. The inspection and certification of grain would then be performed on a basis similar to that for rice, beans, eggs, dairy products, fruits, vegetables, and most other agricultural commodities.

Naval Stores Act of 1923 provides for establishment of standards for naval stores (spirits of turpentine and resin); authorizes the Secretary to provide a grading and certification service on request and on a cost recovery basis; requires the use of the official naval stores standards in selling naval stores in commerce; and prohibits false or misleading practices in sale of naval stores in commerce. When enacted, the law was needed to provide a basis for attaining uniformity in these products and in marketing practices related thereto. Since that time significant changes have occurred in the handling and marketing of naval stores. Further, the Agricultural Marketing Act of 1946 provides authority for the establishment of standards and for inspection and grading on a fee basis. It also prohibits fraudulent actions related to inspection such as false labeling of products as being officially graded or inspected. Therefore, the retention of the Naval Stores Act is no longer necessary.

Wool Standards Act of 1928 provides for the development of standards for wool grades, and for educational and demonstrational programs on wool standards. The authority contained in this act is also contained in the Agricultural Marketing Act of 1946. Currently, there are no active Federal grading programs for wool and wool products. Adequate grade standards are available for trade operations and a deemphasis of this work is planned for the future. The necessary periodic review and maintenance of the standards can be performed adequately under the Agricultural Marketing Act of 1946. The repeal of the Wool Standards Act will reduce the number of laws administered by the Department without restricting the Department's authority to establish and maintain wool standards.

Presently, under the U.S. Grain Standards Act of 1916, fees collected for appeal inspection, amounting to about $600,000 per year, are deposited into miscellaneous receipts of the Treasury. After repeal of the act, if the amount of grain inspected should continue at its present level, an additional $1.3 million in fee revenue would be collected. This total revenue of approximately $1,900,000 would be made directly available for financing costs of the service. Reductions in net Federal expenditures of about $1.3 million would occur. Reductions in employment would occur to the extent that more effective inspection arrangements can be adopted or that the volume of inspected grain declines under a voluntary program. In addition, the combined result of repeal of the other five acts would be a reduction of $113,000 in Federal expenditures and related employment.

The repeal of the above acts would result in a reduction in direct appropriations from the general fund of the Treasury of about $2,013,000 on an annual basis.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES—AMENDMENT (AMENDMENT NO. 1064)

Mr. SMATHERS submitted an amendment, intended to be proposed by him, to the bill (H.R. 11376) to provide a 1-year extension of certain excise tax rates, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF SUBSECTION (b) OF SECTION 512 OF INTERNAL REVENUE CODE OF 1954 (AMENDMENT NO. 1065)

Mr. FULBRIGHT submitted an amendment, intended to be proposed by him, to the bill (H.R. 6455) to amend subsection (b) of section 512 of the Internal Revenue Code of 1954—dealing with unrelated business taxable income—which was referred to the Committee on Finance and ordered to be printed.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1965 — AMENDMENTS — (AMENDMENTS NOS. 1066, 1067, AND 1068)

Mr. PROXMIRE submitted three amendments, intended to be proposed by him, to House bill 10532, making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes, which were ordered to lie on the table and be printed.

EXEMPTION FROM TAXATION OF CERTAIN MASONIC PROPERTY IN THE DISTRICT OF COLUMBIA—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of June 15, 1964, the name of Mr. LONG of Missouri was added as an additional cosponsor of the bill (S. 2914) to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation, introduced by Mr. DOMINICK (for himself, Mr. ALLOTT, and Mr. CURTIS) on June 15, 1964.

NOTICE OF HEARINGS ON PROPOSED CONTRACT, WESTLANDS WATER DISTRICT OF SAN LUIS UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. MOSS. Mr. President, I wish to announce for the information of the Senate and others who have expressed an interest in this matter that the Senate Subcommittee on Irrigation and Reclamation has scheduled an open hearing for July 8, 1964, on a proposed contract to be entered into by the Department of the Interior and the Westlands Water District of the San Luis unit, Central Valley project, California.

There has arisen a great deal of controversy with reference to this proposed agreement over the distribution of water which will be impounded by the San Luis Dam, now under construction. This announcement is made in order that those who wish to be heard at the hearing can make their desires known to the subcommittee.

NOTICE OF HEARING ON NOMINATION OF EDMUND PORT TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF NEW YORK

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Monday, June 29, 1964, at 10:30 a.m., in room 2228 New Senate Office Building, on the nomination of Edmund Port, of New York, to be U.S. district judge, northern district of New York, vice Stephen W. Brennan, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND] chairman, the Senator from South Carolina [Mr. JOHNSTON], and the Senator from New York [Mr. KEATING].

NOTICE OF HEARINGS ON CERTAIN NOMINATIONS BY COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Monday, June 29, 1964, beginning at 10:30 a.m. in room 2228 New Senate Office Building, on the following nominations:

Dorwin W. Suttle, of Texas, to be U.S. district judge, western district of Texas, vice Ben H. Rice, Jr., deceased.

Walter Ely, of California, to be U.S. circuit judge, ninth circuit, vice Oliver D. Hamlin, Jr., retired.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND] chairman, the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Nebraska [Mr. HRUSKA].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 22, 1964, he presented to the President of the United States the enrolled joint resolution (S. J. Res. 71) to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer.

"LAND OF THE SHINING MOUNTAINS"—POEM BY PATRICIA D. MARTIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a poem entitled "Land of the Shining Mountains," which has been written by Patricia D. Martin, of Deer Lodge, Mont. Her poem tells of the beauty of Montana, its attributes, and the fact that Montana is open to visitors at all seasons of the year.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

LAND OF THE SHINING MOUNTAINS

(By Patricia D. Martin)

If you have never seen,
This Land of Shining Mountains,
Nor drank of my blue swift streams,
Of crystal clear tumbling fountains.

You'll never hear the westwind song,
Until you hear it here,
When stars of night shed their light,
They seem to bring Heaven near.

Come to my "Land of the Shining Mountains,"
Lay your weary head upon my breast,
Beneath the arms of my towering pines,
Here, the weary traveler rests.

I am beautiful Montana,
A poet's dream and a song unsung,
I was born one hundred years ago,
A treasured past, a promise to the young.

My arms enfold the sleeping warrior,
On my bosom rests the boys in blue,
And I proudly wear my emblems,
Of defeat and victory too.

For I have heard the battle cry,
I have heard the bugles blown
Where sleeps the alien and native Son,
Beneath the markers of my stone.

Some only known to God and I now,
As I my earthly vigil keep,
And I guard well these warriors,
Where they lay in peaceful sleep.

I have seen happiness and laughter,
I have known heartaches and tears,
I have said "goodbye" to those I loved,
I have welcomed the pioneers.

I have felt the miners steel,
As I reluctantly gave up my gold,
And I have given gladly,
Countless other treasures told.

I have been the beginning for many,
For those who lost a dream,
I have rested the weary and lonely,
And stilled a child by a whispering stream.

The moon often rests awhile,
Upon my Shining Mountains high,
And the sun will pause to peek,
Where my lush green valleys lie.

Here the Deer will often rest,
Just to hear a Robin's song,
The thirsty Coyote stops to drink,
From the streams that flow along.

The giant Moose and antlered Elk,
Pass like shadows in the night,
And the great Horned Owl will startle,
The Blue Grouse into flight.

My trails wind toward the Heavens,
Etched with borders of Goldenrod,
Here one walks a little taller,
Feeling mighty close to God.

God set apart for me this land,
Tall and mighty with room to grow,
Here I was born and named Montana,
One hundred years ago.

TRIBUTES TO SENATOR MUNDT

Mr. DIRKSEN. Mr. President, today is an event in the life of one of our colleagues and also in the history of his State.

This day, Senator MUNDT, of South Dakota, will have served longer in the Congress—meaning his service in the House of Representatives and the Senate—than any Member from that State since it was admitted to statehood.

It was in November of 1889—75 years ago—that South Dakota joined the sisterhood of the Union. Since that time, 18 different Senators have served that State. But Senator MUNDT, with 10 years of service in the House and 16 years in the Senate, has thus served his State at the Federal level longer than any other person.

This is indeed a tribute to his service to his State. During his service as a Congressman, his constituency embraced one-half of a State which has an area of 77,000 square miles. This in itself gave him a large area to represent. When he came to the Senate, he became a Senator for the entire State.

Today, after more than a quarter of a century of service, he is in prime health. He is vigorous and happy. He has an unfailing sense of humor; and today he merits from his colleagues in the Senate a truly royal salute for the way in which he has represented not only the people of South Dakota, but the people of the United States as well.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am glad to yield.

Mr. MANSFIELD. I join the distinguished minority leader in extending felicitations and good wishes to the distinguished senior Senator from South Dakota [Mr. MUNDT]. I have had the honor of serving with Senator MUNDT in both the House of Representatives and the Senate, and I have come to know him very well during the years of our service in both Houses of Congress. This is a momentous occasion; and it marks a milestone, not only in the history of South Dakota, but also in the history of the Congress of the United States.

Mr. DIRKSEN. I thank the distinguished majority leader.

Mr. AIKEN. Mr. President, I join the leadership in extending congratulations, perhaps not so much to Senator MUNDT as to the people of South Dakota, who have been privileged to enjoy his representation of them in the Congress longer than any other Member of Congress from that State.

Senator MUNDT's record, of course, is well known both nationally and internationally, as well as in his home State of South Dakota. The people of South Dakota have been very fortunate in having the benefit of Senator MUNDT's services for this great length of time.

Mr. COOPER. Mr. President, I join my colleagues in paying tribute and congratulations to Senator MUNDT, of South Dakota, on completing a longer term of service in the House of Representatives and the Senate than any other Member from South Dakota.

It was my pleasure to serve with Senator MUNDT on the Committee on Agriculture for several years. I do not know of anyone who made a harder fight for the farmers of his own State, of our country, and for agriculture in general. He is a strong fighter for his State and for our country.

We are happy to commend him on this day.

Mr. YOUNG of North Dakota. Mr. President, I salute the senior Senator from South Dakota [Mr. MUNDT] for two important milestones, that of having served his State of South Dakota in the two Houses of Congress for more than a quarter of a century. This is longer than any other South Dakotan has ever served.

The Senator from South Dakota was elected to Congress during the depression years of the 1930's. Anyone who was elected at that time from an agricultural State such as South Dakota had to be not only familiar with farm problems but sympathetic to them.

One of the things I like about the Senator from South Dakota is that through all the years since that time he has not forgotten the problems of the principal industry of his State; namely, that of agriculture.

He has distinguished himself in many fields, largely as a great investigator and also as an accomplished debater.

I know the Senator best for his services on the Appropriations Committee and the Agriculture Committee where I have served with him during most of my 20 years in Congress. As a member of the Appropriations Committee, he has always been prudent with the taxpayers' money. He is probably one of the best posted members on the Appropriations Committee. Largely through his efforts, appropriations are hundreds of millions of dollars less than they would otherwise have been.

He has made many marked contributions to agriculture through his long years of service on the Agriculture Committee and since. Agricultural programs have many faults but they would have been much greater if it were not for the many fine contributions of the senior Senator from South Dakota on the Committee on Agriculture and Forestry.

Mr. SCOTT. Mr. President, today marks the day on which the distinguished senior Senator from South Dakota [Mr. MUNDT] will have served longer in Congress than any previous Member from South Dakota since statehood, based on his combined record of service in the House and Senate.

Senator MUNDT has been a useful, effective, and acknowledged leader in the Senate. He has a distinguished service record in and out of Congress. He has served on leading committees of both the House and Senate and has been a prolific writer. He has had a continuing and very deep interest in the concerns of his State and the Nation.

He is the author of a number of important bills and resolutions. He has had more years of experience in serving on investigative committees of the Senate and the House than any other Member in the history of Congress.

I congratulate Senator MUNDT on this milestone in his career.

Mr. DOMINICK. Mr. President, I wish to join with my colleagues who have congratulated the very distinguished Senator from South Dakota [Mr. MUNDT] who has, as of today, served longer in Congress than has anyone else from his particular State.

I have had the opportunity of being with my colleague only for the past 3 years. During that process I have had an opportunity to work with him. Both of us have tried to persuade the administration to formulate some foreign policy in connection with giving the Cubans a chance to recapture control of their own government.

I have also had the opportunity to work with him in connection with his efforts, which almost met with success, to prevent the Export-Import Bank from using its credit to guarantee Russian credit for sales of wheat to Russia by this country.

In both activities the Senator from South Dakota distinguished himself in his clear and analytical thinking and his concern for the welfare of the country.

In addition to my own statement, I had spoken with the distinguished Senator from Kentucky [Mr. MORTON], just before he had to leave, and he asked me to include a statement which he had prepared in recognition and honor of Senator MUNDT.

I ask unanimous consent that the statement by the Senator from Kentucky be included at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORTON

As of today, our esteemed colleague from South Dakota, Mr. MUNDT, has served longer in Congress than anyone else from that State. Congratulations are in order, but I am not sure where they belong. Perhaps they should go to the voters of South Dakota for their good judgment; perhaps to us in Congress for our good fortune, or perhaps to the Senator for his unstinting service to the country.

His record commends him to all of us. He has authored more than his share of important legislation. At present, the Mundt bill for electoral reform is pending in the Judiciary Committee. It has been my great privilege as a cosponsor to be associated with the Senator for this legislation. He has worked tirelessly and at length in its behalf, and if it eventually becomes law, it would effect a momentous change in the manner we choose Presidents.

He wrote the resolution by which Congress approved an International Organization of Educational and Cultural Affairs. The heart of this resolution was incorporated into the United Nations Charter, and the United Nations Educational Scientific and Cultural Organizations (UNESCO) was the result.

The Smith-Mundt Act gave birth to the Voice of America in 1948.

In 1945 he was a member of a congressional delegation traveling extensively in Russia. The resulting report warned particularly against appeasement of the Soviet Union.

He was an original sponsor of the initial section of the Internal Security Act. His legislation was the first introduced by a Republican and passed by a Democratic Congress over the veto of a Democratic President since the turn of the century.

Legislation he coauthored led to the agricultural surplus disposal program, which in turn led to the food-for-peace program.

He fought for the establishment of the governmental motor pool. The General Services Administration estimates that this has saved taxpayers $15 million.

Besides being a first-rate legislator, he is an orator, educator, conservationist, and writer of distinction.

He is also a friend with whom I am proud to serve as a Senator and a Republican.

Mr. HRUSKA. Mr. President, I am pleased to join this salute to our distinguished colleague, KARL MUNDT, on the occasion of his 26th year of service in the Congress. With a record of five consecutive terms in the House, followed by 16 years in the Senate, KARL MUNDT has earned the title of "Senior Statesman" and has set a new record for congressional service in his State as well.

In addition to sharing a common boundary between our two States, I have worked side by side with the senior Senator from South Dakota on the Appropriations Committee. I know him to be both a responsible guardian of the Nation's pocketbook and a dedicated proponent of progress. His efforts have resulted in incalculable savings of the taxpayers' dollars while accomplishing lasting improvements on our national scene.

As the moving force behind many significant legislative measures, he can point with pride to their success and renewed support. The agricultural surplus disposal plan, which paved the way for the food-for-peace programs, and the Voice of America, which was sent on its way by the Smith-Mundt Act of 1948, are but two programs for which he is directly responsible. The United Nations Educational, Scientific, and Cultural Organization—UNESCO—prospered from Senator MUNDT's work very early in the life of that organization. His interest and activities in presidential electoral college reforms have made him an acknowledged leader in this much needed movement.

Perhaps, more than anything else, as a member of the Foreign Relations Committee, KARL MUNDT has earned the title of "Statesman." Keenly aware of the dangers of communism, he has nevertheless maintained the presence of mind which has provided an effective voice above the frenzied. Likewise, highly controversial congressional investigations have benefited over the years from his resourceful and responsible leadership.

In honoring him for his new milestone in achieving the longest tenure in the Congress of any South Dakotan, I know I express the sentiments of all my colleagues in saying, well done. We wish you, KARL, many more years of distinguished service.

Mr. CURTIS. Mr. President, a quarter of a century ago, on January 3, 1939, I was sworn in as a Member of the House of Representatives. On that same day, our colleague in the Senate, Senator KARL MUNDT, of South Dakota, was likewise sworn in.

He has served the State of South Dakota continuously for a longer period of time than has anyone else in the history of that State.

It had not been my privilege to meet Senator MUNDT prior to the date upon which we were both sworn in, in the House of Representatives. I had heard a great deal about him, because at that time he was a well-known speaker throughout the United States. He had gained considerable prominence in the field of conservation. He had been elected as State president of the Izaak Walton League in South Dakota. He had served as national vice president of the Izaak Walton League. He was one of the editorial writers for Outdoor America. He had gained much prominence in many lines.

No doubt there are many accomplishments that stand out in the congressional service of the distinguished Senator from South Dakota. He has authored important legislation. He has served on committees that had much to do with framing the policy of Congress. But perhaps the one service that stands out almost uniquely is his record of investigative work.

Soon after coming to the House of Representatives, he was appointed to a place on the Committee To Investigate Un-American Activities. This was known as the Dies committee. Senator MUNDT lent his great influence to that committee as a diligent and effective questioner, as a persistent worker, and as a digger for facts, yet balanced with a sense of fairness and a sense of appropriateness, nevertheless driving ahead that the investigation might be a success.

Since then he has served on many investigations, including the work of the special investigative subcommittee of the Committee on Government Operations, of which he is the ranking minority member. He served on the Select Committee To Investigate Improper Activities in the Labor or Management Field.

Many of the important investigations that have taken place in the last quarter of a century have borne the imprint of our colleague Senator MUNDT.

Not only is Senator MUNDT rightly heralded as an able legislator; but, because of his many contributions in many lines of activities, as one who has contributed to the welfare of our country.

One activity I may mention is that he was one of the organizers of the National Forensic League, a nationwide honorary society recognizing meritorious work in high school competitive forensics. Since his work in organizing this society, 600 chapters in 42 States have been created. He has served continuously as its national president for more than 20 years. He was the editor of its magazine, the Rostrum.

His activity as a citizen includes such posts as past district governor of Kiwanis.

As a lecturer, he has appeared in at least 48 of the States of the Union. He has also spoken in Canada, Great Britain, Scotland, France, Belgium, Holland, Norway, Finland, Russia, Poland, Czechoslovakia, Switzerland, Germany, Yugoslavia, Hungary, Greece, Turkey, Iraq, Saudi Arabia, Egypt, and Portugal.

Senator MUNDT is a successful writer. His works have appeared in Reader's Digest, the American Legion, Collier's, Coronet, the Nation's Schools, Outdoor America, Mechanix Illustrated, Successful Farming, the Country Gentleman, the Forensic, U.S. News & World Report, the Christian Advocate, Pathfinder, Fairplay, Vital Speeches, Education, This Week, the Catholic Educator, Liberty magazine, Yale Political, the Kiwanis magazine, and many others.

This distinguished colleague of ours has a record of service that not only is long in years, but rich in its contributions to our country.

The Senator is to be congratulated upon this period of service. Not only that; the State which he so ably represents should be congratulated, and we congratulate it.

Senator MUNDT has a number of very fine hobbies, one of which is fishing. I know he enjoys it. I am unable to vouch for his proficiency in it, although I have observed him in that hobby on many occasions. I am reminded of the wisdom that has been handed down through the ages—"If at first you don't succeed, try, try again." This distinguished man has succeeded in everything else he has undertaken.

Mr. SIMPSON. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. SIMPSON. I wish to endorse what the Senator from Nebraska has said about the distinguished Senator from South Dakota, and also to associate myself with his remarks.

If the Senator from South Dakota wishes to indulge himself in his hobby, let him accept my invitation to come to my ranch in the State where there is the best fishing in the Nation—Wyoming.

Mr. CURTIS. I thank the distinguished Senator.

I close on a more serious note by saying that throughout his career, one thing that stands out above everything else is the patriotism of Senator MUNDT and his devotion to our system of government, our economic system, and the American tradition.

We are happy to extend him our congratulations.

Mr. BIBLE. Mr. President, if I may add a word to what has been said in tribute to the Senator from South Dakota, we have very frequently worked together in the Appropriations Committee, and I have always found him faithful to the arduous tasks that face us in the committee.

Mr. ALLOTT. Mr. President, I wish to join my colleagues in paying tribute to the distinguished Senator from South Dakota [Mr. MUNDT].

Those of us who work with him, particularly on appropriations, know how effective he can be in looking after the financial business of the country, but also how well he can support his own point of view and his own thoughts on the floor of the Senate.

He is a real working Senator, one whom we all count on. I am sure everyone will agree that once he espouses a cause he does it to the absolute limit and to the best of his abilities. This is the kind of Senator we like to have in the Senate. This is the kind of Senator we ourselves would like to be.

I wish to add my congratulations to those of the many other Senators who have congratulated him today.

Mr. KEATING. Mr. President, I congratulate the distinguished Senator from South Dakota on the record which he has set as one who has served longest in the Congress from his State since its beginning.

It is indeed a high honor and a well-deserved tribute to the hard work and dedicated service which the Senator from South Dakota has rendered.

Those who serve with him know how extremely able, articulate, and conscientious he is. We rejoice with him in any record that he sets—this one particularly.

Mr. JACKSON. Mr. President, I should like to associate myself with the remarks that have been made this afternoon about the distinguished Senator from South Dakota [Mr. MUNDT].

Like many other Senators, I had the privilege of serving with him in the House of Representatives, and now for 12 years in the Senate.

I have always found the Senator from South Dakota to be not only an able and capable Senator, but also one who makes service in this body a very pleasant one indeed.

It has been a great privilege and a great opportunity for me to be able to serve with him for almost a quarter century in the House and Senate. I am proud of that association.

Mr. LAUSCHE. Mr. President, tribute is being paid to the distinguished Senator from South Dakota [Mr. MUNDT] because of his long and distinguished service in the Senate.

My contact with him has not been so lengthy as that of other Members of the Senate. I have enjoyed his dynamism, the preciseness of his mind, and the facility with which he presents his views on problems coming before the Senate.

Above all, I have learned to admire him for the fortitude which he possesses in taking positions on the important pieces of legislation which are pending before the Senate.

I salute him. I wish him many years of good health and many more years of service in the Senate.

Mr. McGOVERN. Mr. President, I want to join in the congratulations that are being extended to my colleague from South Dakota [Mr. MUNDT] on his long years of Senate service.

Although he and I frequently differ on public issues, I have appreciated his congenial and courteous attitude toward me as a freshman Senator.

I wish him good health and Godspeed in the years ahead.

Mr. MUNDT subsequently said. Mr. President, during the course of the day a number of my colleagues took the floor to comment on the fact that as of today the senior Senator from South Dakota has established a new record of longevity in the Congress as a Representative and Senator from the State of South Dakota.

I did not hear many of those who spoke. I was detained because of official business. I did hear what some of them had to say. I would certainly be insensitive and ungrateful were I not to express my appreciation for those generous and warmhearted expressions from my associates in the Senate on both sides of the aisle.

I appreciate very greatly their remarks, and I also appreciate the forbearance and support of my South Dakota constituents whose confidence in me during the 26 years I have been in public life in Congress has made this record possible.

On this the 9,303d day of my service in the Congress of the United States, I simply want to say that I have enjoyed every hour and every day of that service. Each day has been an interesting, informative, and challenging experience.

I am grateful to Senators who took the floor to take part in the testimonial speeches this afternoon.

SEA TRIALS OF POLARIS NUCLEAR SUBMARINE U.S.S. "JAMES MADISON"—LETTER FROM ADMIRAL RICKOVER

Mr. AIKEN. Mr. President, from time to time, I have received from Admiral Rickover reports of the sea trials of our nuclear fleet; and it is reassuring to know that the United States is making great strides in this area of our security.

I have received another such report of the first sea trials of the U.S.S. *James Madison*, our 23d Polaris nuclear submarine, which, together with the 20 attack-type nuclear submarines now in operation, makes a total of 43.

I ask unanimous consent to have printed in the RECORD an excerpt from Admiral Rickover's letter, which honors the memory of one of the founders of our Nation and its fourth President.

There being no objection, the excerpt from the letter was ordered to be printed in the RECORD, as follows:

> U.S.S. "JAMES MADISON" (SSBN-627),
> *Fleet Post Office, New York, N.Y.*
>
> DEAR SENATOR AIKEN:
>
> * * * * *
>
> Each member of the small band of gifted and patriotic men who shaped the American political system made his own unique contribution to the great constitutional task. Madison had the brilliantly logical mind that made him the chief theoretician of the principles of republican government; he is rightly called the father of the Constitution. He was also that rare man of intellect who knows how to persuade men by appealing to their reasoning capacity rather than to their emotions. His essays in the Federalist are as pertinent today as when he wrote them. No one has stated more clearly than he that in a democracy the people are the sole source of all political power—that a free society pivots on the autonomous citizen whose essential human rights must be forever inviolate. No more persuasive case for our system of government has been made than Madison's words in the Federalist:
>
> "It is evident that no other form would be reconcilable with the genius of the people of America * * * with the fundamental principles of the Revolution."
>
> Today freedom is on trial over vast areas of the world. Even in our own midst there are fainthearted and impatient men who question the ability of democracy to survive. Let us ponder Madison's words written when he was President:
>
> "The American people * * * have had experience of their * * * Constitution, the offspring of their undisturbed deliberations and of their free choice * * * it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established."

INVASION OF MISSISSIPPI

Mr. STENNIS. Mr. President, again I bring the attention of the Senate to the mass invasion of my State by certain so-called civil rights leaders and a thousand or more students and former students and others who have formed what they call a "crusade" in invading the State of Mississippi, which they began yesterday.

These students are being misled by their leaders. Actually, they are pawns in the hands of skillful operators. The students have been led to believe that they are on a patriotic mission and will be able to render a service to the colored people. While their leaders preach peaceful means and passive resistance, their real plan is to arouse strife and violence. This will be the inevitable result if their plan is continued.

This invasion of my State is sponsored by the Congress of Federated Organizations—COFO—which is made up of the following: Student Nonviolent Coordinating Committee—SNICK; Congress of Racial Equality—CORE; National Association for the Advancement of Colored People—NAACP; and Southern Christian Leadership Conference—SCLC.

The National Council of Churches has announced adoption of a tentative budget of $250,000 to support a task force which will go to Mississippi this summer. The National Council of Churches will pay 60 percent of the above cost and the World Council of Churches will pay the remaining 40 percent. Apparently, this money will be contributed to the overall Mississippi summer project, although it could be a separate drive.

It is clear now that the real purpose of these groups is to seek to obtain Federal intervention in the State of Mississippi. They will create conditions that will provoke hostility and then they will seek to induce the President of the United States to send Federal forces of some kind into the State.

Columnist Joseph Alsop in a recent column pointed out that this was their purpose. He had this to say:

> The real aim of SNICK and other extreme Negro organizations is to secure the military occupation of Mississippi by Federal troops.

Briefly, these leaders seek Federal intervention and direct Federal control by the President of the United States over all major activities in my State.

To be successful in this goal or aim, they must arouse strife and provoke violence. Otherwise, their mission will be a failure.

Mr. President, the invasion by a thousand or more individuals, under present conditions, will necessarily stir emotional feelings and create strife—and may lead to violence.

Let there be no mistake about it. Mississippi is being used as the "whipping boy." For weeks it has been almost impossible to pick up a newspaper of any day which did not have at least one story about the plans of racial organizations to invade Mississippi this summer.

Day after day, the headlines have read: "Mississippi Marked for New Invasion"; "Focus on Mississippi"; "SNCC Headquarters Moving to Mississippi"; "South Girds for Crisis"; "Rights Campaigners Off for Mississippi"; "Mississippi Fears Violence in Invasion by Student Volunteers."

These conditions are further accentuated by the fact that the majority of the leaders of this group are not responsible people. Few, if any, are versed at all in the customs and habits of the people, either Negro or white.

A further condition that will inflame the passions and tend to create strife and turmoil will be the intensified news coverage that will be given this invasion by all news agencies. Each and every small incident which may occur will daily be recited in 100 ways throughout the news media of the Nation, thus creating more conflict and rising tension.

These people—or self-styled "crusaders"—were not invited to the State of Mississippi by either the responsible white or Negro people.

It is time for commonsense and the lessons of human experience to be used.

It is ridiculous on its face for a group of 1,000 or more people, led as these are, to go into a State in time of emotional stress and strain—under conditions of this kind—to talk about peace and passive resistance when everyone knows that their leaders have these other purposes in mind.

Therefore, I appeal to these students and young people going into Mississippi on this mission to reconsider and revise their plans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, if they wish to spend the summer months in what they may consider civic endeavors, I believe that each individual in the group can readily find some endeavor in their own home State which offers opportunities that will be both constructive and helpful.

As this plan has as its real purpose creating conditions where the President of the United States will be called on to send Federal force to aid and protect the group, I call on the President now to at least say a word of advice and counsel to the members of this group in an effort to prevent the carrying out of this mission.

The people of Mississippi do not know what to expect. Frankly, as one of their Senators, I am not able to advise them just what to expect. I do advise them that, so far as they can, they should ignore this group. This cannot always be done. But, if possible, I advise them not to give them an incident.

In my most recent Washington Report, dated May 28, 1964, I advised the people of Mississippi as follows:

> Over the past several years, our people have shown remarkable patience and restraint, under the most severe provocation. During demonstrations by imported racial agitators in many of our Mississippi communities, our mayors, sheriffs, and other local officers have done an excellent job. Their success in coping with these lawless activities has reflected great credit on themselves, their communities, and our State. Those looking for something to criticize have found little comfort in the way our local law enforcement officials have dealt with these trying ordeals in Jackson, Greenwood, and other areas.
>
> The word has already gone out that attempts will be made again this summer to use Mississippi as the whipping boy—for civil rights demonstrators to invade our State again, and on a larger scale than ever before. Our citizens will thus be confronted with new and trying ordeals.
>
> More than ever, it is essential that we exercise judgment, discretion, and restraint. We can best serve and help the cause by leaving these matters to our State and local officials who are the ones to cope with the situation. We must back them to the limit. We must not try to take the law in our own hands.

Mr. President, our officials have prepared and continue to prepare for this invasion of strifemakers as best they can. I know the Governor of Mississippi is deeply concerned as I have personally discussed the matter with him many times over a period of many months. I know that he will endeavor in every way possible to carry out his responsibilities and to maintain law and order.

Our law enforcement officers at the county level are carrying on as best they can and will go the limit in preserving law and order.

Mr. President, typical of the attitude of officers in other counties in the State, and the State law enforcement officers, is the statement of a fine law enforcement officer, Sheriff Arnold Simpson of Chickasaw County, Miss. This statement was published in the Times Post of Houston, Miss., on June 18, 1964.

I ask unanimous consent that this statement may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> *To the People of Chickasaw County:*
>
> In recent weeks newspapers and television commentators have given State and even National notoriety to the prospect of Mississippians playing unwilling hosts to great numbers of nonresident visitors this summer. We hear on one hand they will number in the hundreds, and on the other hand they will number in the thousands.
>
> As is often the case in such matters, perhaps this number is greatly exaggerated in either event.
>
> Be that as it may, as chief law enforcement officer of our county, and speaking for all law enforcement officers, including town marshals, deputies, and bailiffs, I want to take this opportunity to assure the people of our county that we are confident that we will maintain law and order in Chickasaw County this summer. Our job will be much easier, however, if all citizens will cooperate with us by following a few simple rules:
>
> 1. Let us above all keep cool heads.
> 2. In any disturbance let an officer of the law handle the situation.
> 3. Immediately obey any instruction given by any officer of the law. Do not make his job harder by having to take time from serious problems to deal with you.
> 4. Keep my office immediately informed of any matter which needs attending to. The officers of Chickasaw County are at your service 24 hours a day.
> 5. Pay no attention to idle rumors or gossip.
>
> Now is the time for all residents of Chickasaw County, white and colored, to stop, pause and think. We must remember that long after this summer comes and goes, we will still be living in Chickasaw County.
>
> We have had marvelous race relations in Chickasaw County since I moved here as a young boy many years ago. This has been no accident. Good people, white and colored, who wanted peace, harmony, and progress for all the people of Chickasaw County, have brought this about.
>
> I know that all of you want the good relations which have existed in the past to continue. The thinking members of both races in our county can see that agitation and trouble-brewing is kept out of our county. All patriotic citizens sincerely concerned with the best interests of Mississippi devoutly hope there will be no outside agitators come to our State to plague our people. Certainly their being here serves no good or useful purpose, but rather, does incalculable harm, particularly to the colored race of Mississippi.
>
> We law officers of Chickasaw County, however, are pledged to do, and certainly will maintain law and order, regardless of what transpires in Chickasaw County this summer.
>
> I know I can count on the complete cooperation of all good citizens.
>
> Respectfully,
>
> ARNOLD SIMPSON,
> *Sheriff, Chickasaw County.*

Mr. STENNIS. Mr. President, I directly appeal to every parent to use what influence they may have with their sons or daughters in this group in pointing out other opportunities for service in their home State, as well as the possibility and danger of doing great harm rather than good in the field of race relations about which they know nothing. I also appeal to the parents of the members of this group to point out the possibility and danger of physical harm which could come to the members of the group or which they may bring to others.

I appeal to the Governor of every State to really acquaint himself with the actual facts of this so-called "mission" and to issue a word of caution and warning to the young people of their State who may be taking part in this "summer project," appealing to them to express their patriotism closer to home with problems in their own home State.

I know that the Governor of Mississippi has made the same appeal to many of his fellow Governors at the recent

Governor's conference at Cleveland, Ohio.

I appeal to each of my fellow Senators to advise their constituents who may be participating in this project of the possibility of doing far more good at home than away in Mississippi participating in a mission of this kind which cannot succeed unless strife and violence is aroused. This fact alone should rule out such a mission.

Mr. President, as evidence of the good faith and high purposes of the people of Mississippi in their effort to cope with this problem, as well as others, I ask unanimous consent that there be printed in the Record at this point a statement by the Governor of Mississippi more than a month ago with reference to the so-called coming invasion. This statement was published in the McComb, Miss., Enterprise Journal of May 14, 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Enterprise-Journal, May 14, 1964]

Governor Declares State Has a Policy on Rights Invaders—Will Tolerate No Violence, He Says

(By Oliver Emmerich)

Gov. Paul Johnson declared today that the State has a definite and official policy dealing with the impending threat of a Mississippi invasion this summer by thousands of civil rights demonstrators.

"This policy is founded in law and order, in the preservation of peace and in avoiding violence in our State," the Governor said.

In an exclusive telephone interview with the Enterprise-Journal, Governor Johnson added, "This policy applies to everyone * * * my own brother. We will counsel no insubordination whether by white, Negro, or Chinese. We will not tolerate anyone taking the law into his own hand."

Said Governor Johnson, "We suggest that private groups and individuals avoid taking the law into their own hands. There is no exception to this rule. The policy applies to everyone."

QUICK AFFIRMATIVE

The Enterprise-Journal requested Governor Johnson to say if the State of Mississippi had an official policy dealing with the expected invasion of demonstrators. His quick and certain reply was "Yes."

Then he added, "As Governor I have been hesitant to make statements. The more you talk about climbing the mountain the harder the mountain is to climb."

The Enterprise-Journal had suggested editorially that the State should have a public policy and that the people should be made aware of the policy so as to free the people from the fear of doubt, the confusion of misunderstanding and the potential of chaos which could lead to catastrophe. The Governor indicated that he realized the truth of this position. He said further regarding the State's official policy:

TO HELP LOCALS

"The State's policy will be applied swiftly and firmly." In support of this policy it is known that law enforcement officers have been given special schooling in the handling of any situation which may arise.

Governor Johnson said, "The State under this policy will move in only when a county or municipality cannot cope with the situation. The State will not take the lead at the local level. But the State will back up the sheriffs of our counties and the mayors of our towns and cities when they need help."

ENTERPRISE-JOURNAL EXCLUSIVE

Governor Johnson said, "If we divide the people the State will go to pot."

The Enterprise-Journal sought this interview with Governor Johnson with the purpose of informing its readers that the State does have an official policy, that this policy is studied and founded upon a knowledge of the problems involved and that it is purposed to avoid violence through strict, prompt, and effective law enforcement.

Mr. STENNIS. Mr. President, in this statement, the Governor says among other things:

> This policy is founded in law and order, in the preservation of peace, and in avoiding violence in our State. This policy applies to everyone * * * my own brother. We will counsel no insubordination, whether by white, Negro, or Chinese. We will not tolerate anyone taking the law into his own hand.

In other words, the Governor of Mississippi is giving notice that, impartially, and with rigidity, he is going to do what he can do as an individual and as Governor to preserve law and order, and protect all the people.

Mr. President, I also ask unanimous consent to have printed at this point in the Record a statement to the people of Mississippi made by Mr. Balmer Hill of Natchez, Miss., president of the Mississippi Economic Council, which is the equivalent of the State chamber of commerce. This statement was published in the Jackson, Miss., Clarion Ledger, on June 19, 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

MEC President Asks Calmness Over State

Balmer Hill, of Natchez, president of the Mississippi Economic Council, today called on all Mississippians to be calm, patient, and law abiding in the face of the expected civil rights demonstrations by outsiders coming into the State this summer. Mr. Hill's statement was released following a meeting in Jackson with his advisory committee, composed for the most part of past presidents of the council.

Mr. Hill said:

"Within the next few weeks the patience and self-control of Mississippians will, no doubt, be taxed to an extreme degree by the unfriendly activities of many outside students and adults coming into our State.

"It is imperative that we conduct ourselves with dignity, poise, forbearance, and, if possible, even good humor. We should not gather into curious crowds or allow ourselves to be provoked into impulsive acts that would reflect discredit of our State. We should support the Governor in his declarations that law and order will be maintained and leave law-enforcement duties in the hands of those trained to handle these matters.

"We have great confidence that the sound judgment, self control and good sense of all our people of all races will prevail so the goodwill and good feelings which have always existed will continue among the races.

"We urge the citizenship in every community to be alerted to the importance of these matters."

Mr. STENNIS. Mr. President, I again appeal to the President, the Governors, my fellow Senators, the parents, and others who can do so, to counsel and advise with these misled and misguided young people, urging them not to participate in this mission.

CIVIL RIGHTS—CIVIL DISOBEDIENCE

Mr. COOPER. Mr. President, last Friday evening in the Senate, after months of long debate, the Senate approved the civil rights bill, by a vote of 73 to 27. Now, compliance with the bill will be the issue before the Nation. I have no doubt that the peaceful demonstrations of people seeking their constitutional and legal rights are constitutional manifestations under the first amendment—the right of assembly, the right to petition, the right of free speech.

The bill which we have passed places in a legal and statutory framework the constitutional rights of our citizens and, beyond that, rights of opportunity. It was necessary to do this, and far better than to leave the issue outside the law. I hope not, but we may enter a difficult period. It is necessary that every effort be made to secure compliance by the States and our fellow citizens, and, if it is not obtained, through the orderly enforcement processes of law.

I hope that these younger people and all others will give an opportunity for the processes of compliances and enforcement, which are provided by law, to be undertaken.

It will be easier for the rightful and legal processes of our system to achieve success if they are given time to come into play. Violence cannot be condoned.

The Congress has passed the bill. Let the people of our country, Negro and white, give it the chance to work. I hope the demonstrations will be called off.

POWER COMPANIES GAIN AS TAX SAVINGS BYPASS OREGON ELECTRIC CONSUMERS

Mrs. NEUBERGER. Mr. President, the Tax Revision Act of 1964 is pouring millions of dollars into the coffers of franchised public utility companies throughout the United States. On the basis of 1963 earnings, it has been estimated that the 2-percent reduction in the Federal corporation tax rate will add $50 million to funds of private electric utilties this year, and $100 million in 1965. These figures, of course, do not include the amounts by which other franchised, public service monopolies such as telephone, gas, and water companies also will benefit.

When the tax revision bill was before the Senate, many of us objected because the measure did not specifically provide "flow through" of the corporate tax saving to customers of licensed utilities. The regulatory agencies of the several States now have the responsibility to decide in what manner, if at all, the consumers of electric power, the users of telephones, gas and water are to benefit from these vast tax savings of monopolies.

An article in the New York Times of Thursday, June 18, 1964, had the headline, "Utilities Pressed To Share Tax Gain." The article stated:

> Public service commissions and local authorities in 50 States are pressing utility com-

panies with varying degrees of success to pass on to consumers their 2-percent cut in Federal income tax.

Rate reductions with estimated annual savings to consumers of $24 million have been reported in California. An almost equal success has been registered by the public service commission in Pennsylvania. In a majority of the States, the utility companies have already signified a willingness to cooperate.

The New York Times survey went on to report:

> A great number of utility companies had already passed on their tax savings to the consumer or had requested permission to do so.

But I was appalled the article made no mention of the State of Oregon as one of those where consumers would enjoy lower rates on their monthly power bills. Indeed, the Times writer was correct in this omission, because the Oregon State administration has taken the position that the money collected from power users to cover the companies' Federal income tax bill need not all be used for that purpose. In Oregon, the tax cut will flow through to the power corporations, and not the power consumers.

Utility rates in Oregon are based on the cost of doing business with a 52-percent corporate tax rate, and this is reflected in the monthly bill of householders. In Oregon, the householder will continue to pay the power companies on the basis of the 52-percent tax rate, although the companies actually pay at a 50-percent tax rate to the Internal Revenue Service.

Oregon Gov. Mark O. Hatfield's public utilities commissioner has decided to forgo rate cuts for utilities' customers and pass along the Federal income tax savings to the corporations. This will constitute a grant of money collected from Oregon householders for the purpose of defraying corporation tax costs, so that the corporations can use the money for other purposes. This is contrary to sound and equitable regulation of utilities by the State of Oregon, in my opinion.

It will be argued that the private power companies will use this tax bonanza from its customers for new construction and services. But the Oregon State administration has responsibility for proper regulation of its franchised utilities, and passing the tax saving along to the corporations is in defiance of that responsibility. Oregon power companies have the public utility responsibility to provide the services required by customers within their operating areas. As reward for fulfilling this responsibility, the utility corporations are guaranteed a fair rate of return on the investment required to provide the necessary service. If the Oregon corporations require more investment funds to meet service requirements, this should be handled through the normal ratemaking procedures, and not through surrender of regulatory jurisdiction as has been done by Governor Hatfield's administration.

Mr. President, I ask consent to include in the RECORD with my remarks, the New York Times article of Thursday, June 18, 1964, entitled "Utilities Pressed To Share Tax Gain" and an article from Federal Power Commission News Digest of April 3, 1964, entitled "State Official Says Oregon Utilities To Use Tax Cut Savings for Programs."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 18, 1964]

UTILITIES PRESSED TO SHARE TAX GAIN—SUCCESS OF OFFICIAL EFFORTS TO HAVE SAVING PASSED TO CONSUMER HAS VARIED—MANY ARE COOPERATIVE—BIG RATE REDUCTIONS HAVE BEEN MADE IN CALIFORNIA AND PENNSYLVANIA

(By M. S. Handler)

Public service commissions and local authorities in 50 States are pressing utility companies with varying degrees of success to pass on to consumers their 2 percent cut in Federal income tax.

Rate reductions with estimated annual savings to consumers of $24 million have been reported in California. An almost equal success has been registered by the public service commission in Pennsylvania. In a majority of the States, the utility companies have already signified a willingness to cooperate.

The economic motivation of the Federal Government's $11 billion tax reduction was to impart a new impulse to the national economy by increasing the consumer's purchasing power. It was generally assumed that corporate tax savings would be passed on to the consumer and would thus increase the amount of cash at his disposal.

SOME HAVE PASSED SAVINGS

A New York Times survey indicated that while a great number of utility companies had already passed on their tax savings to the consumer or had requested permission to do so, many others preferred to invest tax savings in new capital construction and equipment.

In about a dozen States, the companies' ambiguous reactions to urgings from their public service commissions are under careful scrutiny.

The survey disclosed that the reaction patterns of the utility companies predominantly reflected their financial and economic considerations and did not reflect images of the States in which they conduct their business.

A QUICK RESPONSE

The responses of utility companies in some States generally considered to be politically conservative were liberal and swift in support of the Federal Government's policy to stimulate the national economy through tax savings.

These States included Mississippi, North Dakota, Oklahoma, Tennessee, Virginia, North Carolina, Florida, Maryland, Colorado, and Kentucky.

Utility companies in other States that cooperated to one extent or another with their public service commissions in reducing rates or proposing reductions were those in West Virginia, Delaware, Iowa, Illinois, California, Connecticut, Pennsylvania, Kansas, Utah, Nebraska, and Minnesota.

In New York State, traditionally considered a stronghold of liberalism, only two utility companies have so far cooperated with the public service commission and requested reduction of rates following the Federal tax cut. They were the Brooklyn Union Gas Co. and the Long Island Lighting Co.

On May 26, the State public service commission approved a rate reduction by the Brooklyn utility that would save the consumer an estimated total of $1,125,000 in 1964, of which $822,000 is represented by the tax savings. A million-dollar tax savings expected in 1965 will also be passed on to the consumer.

On June 1, the Long Island utility applied new electricity rates that will save the consumer an estimated total of $2,367,300 and an additional $550,700 in reduced gas rates. According to the public service commission, $525,000 in tax savings went into the total savings projected by the Long Island Lighting Co.

RATES UP FOR CON. EDISON

The Consolidated Edison Co., of New York, has been granted a 5-percent increase electric rate since the Federal corporate income tax reduction went into effect. It is reasonable to assume that the effects of the tax cut were taken into consideration by the commission.

The New York Telephone Co., one of the giants in the communications industry, took the position that it would invest its tax savings in a presently planned major capital construction and equipment program. On March 3, the company said that it planned to apply the tax savings to a $50 million addition to its construction program over the next 3 years.

The original plan was to invest an average of about $350 million a year for 3 years in new constructions. Clifton W. Phalen, president, said he estimated that the construction program would create more than 2,000 additional jobs within and outside the company.

Other telephone companies in the country shared the position of New York Telephone, but there were exceptions. The Southwestern Bell Telephone Co., for example, was authorized by the Oklahoma Corporation Commission to reduce rates, saving users about $400,000 annually.

STATEMENTS REQUESTED

Like all other public service commissions in the country, the New York State commission sent inquiries to the utility companies doing business in the State requesting a statement of their intentions.

Officials of the commission said many replies had been received and were being studied carefully by the appropriate experts of the commission. The commission has the legal authority to enjoin a utility to reduce its rates.

The major utilities in New Jersey have taken the position that recently enacted State surtaxes and their investments in new construction programs made it impossible for them to reduce rates despite substantial Federal tax savings. The New Jersey Bell Telephone Co. believes its estimated $2.5 million tax reduction will be largely offset by the New Jersey State surtax. It is also planning an investment of $130 million in new constructions.

The Public Service Electric and Gas Co., of New Jersey, maintains that the estimated $1.5 million Federal tax savings will be offset by the New Jersey surtax by at least $2 million.

According to the survey, no rate-reduction requests have been received from utility companies nor are likely to be received from any in Nevada, Missouri, Rhode Island, and South Dakota.

In Utah, Arkansas, and Vermont, the responses of the utilities have been mixed. In Utah, one company recommended a rate reduction while two refused. Similar patterns were found in Nebraska.

Alaska and Texas are in special situations. In Alaska, the utilities are generally cooperatives, while in Texas each municipality regulates utility rates.

In the final analysis, the public service commissions in all the States, with the above two exceptions, have powerful leverage on the utility companies and can use this leverage if the commissions are satisfied that the financial conditions and plans of the utilities still warrant rate reductions.

CAREFUL SCRUTINY

According to officials of the New York State Public Service Commission, the cases of all the utility companies with the exception of Brooklyn Union Gas and Long Island Lighting are under the most careful scrutiny and the problem of rate reductions for the citizens of New York may require extensive study before decisions are rendered.

The officials indicated that the commission was by no means satisfied with the results thus far.

States in which no action has been recorded and where the position of the utilities are under active consideration by the respective public service commissions include Michigan, Wyoming, and Louisiana. The local authorities in Texas are concerning themselves with the rates in their local jurisdictions.

The survey reports also indicated that the cases in the States where some utilities have responded to their commissions with requests for rate reductions were still open.

TOTAL MAY BE IMPRESSIVE

The projected savings to the consumer cannot be estimated until all the decisions have been made in the 50 States, but early decisions in the first months after the Federal income tax reduction indicate that the final amount may be impressive.

In the initial round, the estimated savings range from many millions to small amounts, depending on the size of the utilities.

In Pennsylvania, for example, 15 companies reduced their electric rates by almost $20 million and the Bell Telephone Co. of that State reduced its rates on May 1 by $2.1 million.

In Kentucky, three companies reduced their rates aggregating more than $2 million. In Colorado, the Public Service Co. reduced its rates by $1 million, while the Mountain States Telephone & Telegraph Co. announced it would plow back its $20 million savings into expansion and service improvement.

Other early rate reduction savings by States were as follows: North Carolina, $6 million; Minnesota, $3.7 million for 1964–65; Maryland, $1.6 million; Florida, $10 million of which $4 million represents tax savings; Virginia, $8 million; Utah, $420,567; Kansas, $2.1 million; California, $24 million; Iowa, $160,000; Oklahoma, $2.5 million; West Virginia, $873,000; North Dakota, $1.7 million; Mississippi, $1.7 million.

[From Federal Power Commission News Digest, Apr. 3, 1964]

State Official Says Oregon Utilities To Use Tax Cut Savings for Program

(Reprinted from the Portland Oregonian, Mar. 27, by Harold E. Hughes)

Oregon expects to forgo rate cuts for utilities customers in order to encourage the use of Federal income tax savings in new construction and improved services, Jonel Hill, public utilities commissioner, indicated Thursday. The reduction in Federal income taxes of February 26 will give Oregon utilities millions of dollars that could be used for rate cutting, expansion of services, or investments.

Hill said he thought the economy of Oregon would be more stimulated, in keeping with the intent of Congress, if the money is used for new construction and improved services. "If the income tax cut were related back to each utility customer," Hill said, "his savings would be only a few pennies." The PUC plans to look at each utility on its own facts. He said consideration would be given to: (1) Using the money for construction and improved services; (2) if conditions warrant, to look at rate cuts; (3) use the money to head off rate increases. "We are not taking the same position as California," Hill said, "because the Oregon companies are smaller and the total dollars involved are not as large."

He referred to an announcement William M. Bennett, California Public Utilities Commission president, said California utility customers would get a $50 million cut in rates by July 1. Bennett's staff estimated rate reductions of one-half of 1 percent to 2 percent for large firms and somewhat smaller cuts for smaller utilities. Hill pointed to the $7 million construction program in Oregon planned by the Pacific Northwest Bell Telephone Co. with savings out of the income tax cut as the kind of effort that fulfills congressional objectives and is in line with Oregon PUC policy.

In Washington, the utilities and transportation commission first moved in the direction of rate cutting, but then reversed its field after Gov. Albert Rosellini urged pressure on the utilities to put the money into construction so that more jobs would be created. In early March, Francis Pearson, chairman of the Washington Utilities and Transportation Commission had supported rate cutting, but under the amended order this week said that in addition, the tax savings may go into expanded services.

"This is what Oregon had in mind all along," Hill said Thursday.

GUADALUPE MOUNTAIN NATIONAL PARK

Mr. YARBOROUGH. Mr. President, as author of S. 2296, to create the Guadalupe Mountains National Park in Texas, I am very pleased to note that one of the Nation's leading newspapers, the Houston Chronicle, has published a fine editorial in support of the bill.

The bill would create a 75,000-acre park in the mountain range in Culberson and Hudspeth Counties, 100 miles east of El Paso and 30 miles from Carlsbad Caverns in New Mexico, thereby adding greatly to the park complex that also includes the Big Bend National Park.

In view of the growing need for tourist and recreation areas to be preserved for public use now and in the future, the article by the Houston Chronicle is most timely—Texas and the Nation already benefiting from the establishing of Padre Island National Seashore, off the Texas gulf coast. Tourists from all over the Nation are already making use of the fine seashore area, although negotiations for purchase of the land by the Government are still underway.

Today our population reaches a total of 190 million. I believe that under the Department of Commerce estimates, today is the day on which the population of this country will reach 190 million. The filling up of the open spaces makes the preservation of the few available remaining good prospective national parks imperative.

Last November the National Capital Parks Advisory Board visited the site and spent a night in the mountain peaks, where the elk and black-tail deer and other large animals roam, in the timber and vegetation peculiar to those mountain peaks.

The need exists. The park site is available. I ask unanimous consent that an article by Associate Editor Harold G. Pyle, which appeared in the Houston Chronicle of June 13, 1964, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Guadalupe Mountains National Park Is Needed To Spur Tourist Industry

(By Harold G. Pyle)

Friday was the 20th anniversary of the Big Bend National Park. It was on June 12, 1944, that the approximately 700,000 acres was transferred to the Federal Government.

This grand tourist attraction was acquired by Texans through public subscription and a legislative appropriation of $1.25 million to be added to the national park system. It has been an asset and will be a greater one in years to come because the population is growing rapidly, tourism is developing even faster, and the land available for such huge publicly owned areas where people may take vacations is necessarily limited.

The occasion is a reminder that congressional action has not been completed on the bills to create another national park in the same general area, the proposed Guadalupe Mountains National Park. This wildly beautiful terrain embraces the State's highest peak. It should be public property. It not only would be a strong attraction for tourists in itself but it also would increase the volume of visitors to the Big Bend Park. For it would be located between the Big Bend Park and the Carlsbad Caverns National Park; and one such tourist magnet attracts visitors to others.

Precious few people will travel a thousand miles or more to visit the Big Bend National Park only, even if they are enthusiastic tourists who already have seen most of America's other vacation beauty spots.

But add the proposed Guadalupe Mountains Park to the national system, and then get the word out over the country that three such great tourist attractions are available within a short distance of each other, with a side trip to Mexico as an extra added inducement, and business would pick up.

It isn't often that a word of caution is sounded regarding expansion of any sort of business activity in this State. Texas continues to grow in population at a rate considerably above the national average. Our problem in the past has been to supply places for more people to live, more jobs for them to hold, and services of all sorts required to fill their needs, such as highways, more adequate water supply, etc.

Consequently the construction industry has been extremely active in Texas in recent years. As was pointed out recently by Dr. John R. Stockton, director of the University of Texas Bureau of Business Research, the construction index in this State during 1963 averaged 125 percent of the 1957–59 base; in April the index stood at 143.9 percent.

Total construction expenditures in Texas have been more than $11 billion in the past 11 years, he stated.

In one respect Dr. Stockton sounded a note of caution; perhaps warning would be the better word. The large number of apartment houses under construction and planned is "the most disturbing feature" of the building situation in Texas, he asserted.

"There is every indication that the population will continue to grow, but it is important to realize that the need for construction due to the shift of the population to the cities is likely to become less.

"This is true simply because there are fewer persons left in the rural areas to move to the cities; in other words, this phenomenon of the postwar years is coming to an end because most of the persons in the State have already moved to the cities.

"Analysts of the industry are becoming worried about the vacancy rate in the newly constructed apartments and the increasing difficulty of getting an occupancy rate high enough to make them profitable."

But Dr. Stockton has pointed out a situation which, as he said, "should be watched carefully in the future." It could be that the construction of apartment houses is being overdone for the time being.

THE 20TH ANNIVERSARY OF GI BILL

Mr. YARBOROUGH. Mr. President, today is the 20th anniversary of the enactment of the GI bill, the greatest educational measure in American history. Under the measure more than 11 million veterans of World War II and the Korean war went to school and received educational advantages.

I shall have something further to say on the subject later today, but early in the day I want to call attention to the fact that this is a momentous and memorable day in American history. The measure opened the doors to higher education for many millions of American families of which no member had ever up to that time been to an institution of higher learning.

UNJUST AND INEQUITABLE OPERATIONS OF THE AREA REDEVELOPMENT PROGRAM

Mr. LAUSCHE. Mr. President, I desire to speak briefly on the unjust and inequitable operations of the area redevelopment program. I have in mind the experience of the Bellefontaine area of Ohio. In my hands I have a letter written by the chamber of commerce of Bellefontaine. The letter indicates that Logan County, where Bellefontaine is located, recently was in contact with a national industry which was seeking a site for the establishment of a branch. The person who was in charge of the work of seeking the site initially came from Bellefontaine, Ohio. He went to Bellefontaine and was in contact with the civic leaders and bankers of that community, discussing the practicability of establishing this industry in that area.

All went well. Indications were that the plant would be established in Bellefontaine. But along came the specter of ARA, and soon Bellefontaine learned that it was out of the running; that the plant was to be established in an area where ARA funds were made available by the Federal Government.

In the letter it is stated:

> However, we now find that we are completely "out of the running" on this program as they are desirous of going into an ARA area, where basically "free" funds are available to buy land, construct a building, and train employment.
>
> We are fully aware of the many problems and disappointments involved in the field of industrial development.
>
> However, our bone of contention is that this field is enormously competitive enough between cities and counties throughout the United States, without the Federal Government stepping in and adding to the local competition by offering almost endless funds to specific "designated areas" for their development. We sincerely feel this is an infringement on the free enterprise system.
>
> We have lost this prospect and lost it due to the very source that we are supporting through our taxes. We are not cognizant of how you have ever voted on ARA proposals or what your feelings are on this program.

(At this point Mr. Inouye took the chair as Presiding Officer.)

Mr. LAUSCHE. Mr. President, with respect to that statement, I am glad to tell the executive manager of the Bellefontaine Chamber of Commerce that I have fought ARA. I did so on the basis that I did not believe it was right for the money of Ohio taxpayers to be used to take industry away from Ohio and send it into other areas where ARA, with its largess, was doing the financing.

We shall have many more instances of this type. In this case, it has now affected my State. I am sure that other States will have a similar experience. It is wrong. It should not be condoned. The whole program should be eliminated.

COMPREHENSIVE DRAFT STUDY ON MILITARY MANPOWER

Mr. KEATING. Mr. President, I am delighted to learn that within the last 5 days apparently the Pentagon has decided to undertake a full and comprehensive study of the draft which is somewhat along the lines recommended in a letter of May 28 to the President signed by 18 Senators of both parties. Just 5 days ago, on June 17, I received a reply from the Director of the Bureau of the Budget suggesting that the study then underway was adequate and that there was no need for an independent study by an impartial commission.

Althought I am glad that the Defense Department has, over the weekend, decided to revamp its study to include many of the other aspects of the problem, I still find it hard to see any valid reason to oppose a Presidential commission, including qualified outside experts. To say that such a commission would become a political football, whereas a study conducted entirely within the confines of the Pentagon would not be a political football is a very strange argument indeed, and hardly one that stands up to objective evaluation.

The fact is, Mr. President, if a thorough and wide-ranging study of military manpower is to be conducted and to win nationwide bipartisan backing, it is more important than ever that it be conducted independently of the Pentagon, where it is well known that top civilian officials do not relish having their views or decisions questioned by anyone else in the Department. A top-level Presidential commission, perhaps including such figures, for instance, as Ralph Cordiner, former chairman of the board of General Electric, Gen. Lucius Clay, and possibly even former President Eisenhower, if he would consent to perform such an important public service, as well as Defense Department, Labor Department, and other Government officials, would be far less likely to become involved in politics and would carry far greater weight in the country and in the Congress than the current Pentagon study, hastily concocted and apparently expanded within the last 5 days to meet some of the objections raised in the letter of May 27, signed by 18 Senators of both parties.

Mr. President, the recent decision makes it all the more imperative that the draft study, now designed to cost $1 million, be impartially carried out. I ask unanimous consent to have printed in the Record, the text of the letters referred to which were sent to President Johnson and the reply received from the Director of the Budget Bureau, dated June 18.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 27, 1964.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We would like to commend your efforts to secure a study of the operations of our draft laws. We feel that a comprehensive review of current procedures for the procurement of military manpower is very much in order.

As cosponsors of S. 2432, however, we are disappointed that the Pentagon is apparently scheduled to have full responsibility for an evaluation of its own operations. We feel that an independent commission, consisting of military men and civilians, legislators, and executive branch officials, as well as outside experts, could more effectively consider the broad implications of our present system and whatever changes or reforms might be helpful. We are disturbed that the Defense Department is opposed to an independent evaluation, as proposed in S. 2432.

Just as even in the conduct of war, civilian control of policy continues, so military manpower policy should not be left solely in the hands of the Defense Department, but should have a broader base. Civilian participation is required, we feel, by the very scope of the problem of military manpower procurement, which affects significantly not only our military posture, but also our economic posture, particularly in the areas of employment and vocational training.

We believe this issue deserves further attention and wider study, and we urge that the Defense Department and the Bureau of the Budget be asked to reconsider their opposition to this legislation.

Respectfully yours,
E. L. Bartlett, J. Glenn Beall, Wallace F. Bennett, Clifford P. Case, John Sherman Cooper, Peter H. Dominick, Paul H. Douglas, Ernest Gruening, Jacob K. Javits, Kenneth B. Keating, Thomas H. Kuchel, George S. McGovern, Jack Miller, Thruston B. Morton, Gaylord Nelson, Maurine Neuberger, Winston L. Prouty, Hugh Scott.

Executive Office of the President,
Bureau of the Budget,
Washington, D.C., June 17, 1964.

Hon. Kenneth B. Keating,
U.S. Senate,
Washington, D.C.

Dear Senator Keating: This is in reply to a letter of May 27, 1964, which you and 17 other Senators addressed to the President, concerning the administration's position on S. 2432, "To provide for a comprehensive study and investigation of the adequacy of the present system of compulsory military training under the Universal Military Training and Service Act, and for other purposes."

We completely share your conviction that policy questions concerning the draft law must be evaluated in terms of their broad implications for the Nation as a whole, rather than exclusively in military terms. You may be assured that the study currently underway, in fact, provides fully for civilian participation and control. The Defense Department aspects of the study are being conducted in the immediate Office of the Secretary of Defense under the close supervision of the statutory civilian officials responsible for military manpower policies. The Secretary of Defense has specifically called for "a thorough and objective assessment of all aspects of our military manpower procurement and utilization policies—the broad national implications of alternative courses of action, as well as the more limited impacts upon military requirements and cost effectiveness within the Department of Defense."

As stated in a letter from the Defense Department to the chairman of the Senate Armed Services Committee on S. 2432, the study will be conducted in close collaboration with other agencies of the executive branch concerned with manpower problems, including the Departments of Labor and Health, Education, and Welfare and the Selective Service System. For example, those aspects of the study relating specifically to the impact of the draft system upon civilian employment and training will be developed by the Labor Department. Consultants and advisory committees of these interested agencies will be utilized, as needed, in carrying out the agencies' responsibilities in connection with the study. Since the President has directed that the results of the study be reported to him, such results will receive the broadest possible review before being approved.

Finally, it should be emphasized that the administration has not expressed opposition to the objectives of S. 2432. Rather, we consider that establishment of a separate commission to study the problem at this time is not the best means to achieve the purposes for which the bill was designed. The study currently underway will include a very comprehensive compilation and assessment of all of the facts relevant to the problem. It is scheduled for completion in less than 1 year's time. The results of this study will, of course, be made available to the Congress along with any appropriate recommendations for legislation. The Congress would then be in a position, through its regular legislative mechanisms or otherwise, to give consideration to this whole subject within the 2-year period contemplated for study by S. 2432.

I am sending a copy of this letter to the 17 other Senators, who joined in your letter to the President.

Sincerely,

KERMIT GORDON,
Director.

ELMIRA'S 100TH YEAR

Mr. KEATING. Mr. President, this year represents the 100th anniversary of the incorporation of the city of Elmira. Elmira, in the county of Chemung, will celebrate its birthday this summer. A part of the celebration will be a soaring meet at Harris Hill on the 4th and 5th of July, another on Labor Day, and a third at the end of November.

Mr. President, Elmira was the birthplace of the sport of soaring about 34 years ago, and enthusiasts from all over the country frequently gather at Harris Hill for the exhilarating experience of a skysailing ride in a motorless plane.

Mr. President, my congratulations to Elmira on its 100th anniversary, and my heartiest good wishes for the glider and other celebrations which will accompany this event.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of an article which was published in the New York Times, Sunday, June 21, describing the joys of skysailing and the attractions of Elmira, which is one of the gateways to the Finger Lakes country of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIRDMEN OF ELMIRA TO SOAR AT JULY FESTIVAL

(By Ed Van Dyne)

ELMIRA, N.Y.—A soaring meet at nearby Harris Hill on July 4 and 5 will be part of the celebration of Elmira's 100th year as an incorporated city. Sailplane or glider pilots from all parts of the eastern United States will compete in goal-and-return speed flights and other events. The annual week-long Soaring Camp will follow.

Modern American soaring began here about 34 years ago, and since then Elmira has been the site of many of the national meets of the Soaring Society of America. The Harris Hill field has some of the finest facilities for soaring to be found, and the Schweizer Aircraft Corp., near the hill, is the largest manufacturer of sailplanes in this country. It also operates a soaring school during the summer.

Thousands of spectators are attracted to Harris Hill for major soaring meets. There will be three this season—the one on July 4–5, another on Labor Day and a "snowbird" meet on November 26–29. Harris Hill also is a popular county-maintained park for year-round activity, including picnicking and summer and winter sports.

ON CLEAR DAYS

Sailplane rides of at least 15 minutes are offered on clear days. The price is $7.50.

First-time sky sailing is an awesome experience. At the start, there is the security of the tow cord, which is attached to the rugged little tow plane ahead. When enough altitude is gained, the cord is released, an operation that is accompanied by a startling thump as the mechanism disengages.

The passenger then may experience a moment of doubt as he wonders what will keep the frail craft aloft, but the solid feel of air under the plane is reassuring. So is the thought that soaring in approved craft is extremely safe; there have been few serious soaring accidents at Elmira, and none in the soaring school's 17 years of operation.

There is a special exhilaration in motorless flight. There is little vibration and no sounds other than that of the wind in the plane's rigging and perhaps train whistles and the roar of aircraft warming up on the airport runways.

Soaring is often a family affair in which all members take part, and children can earn soaring licenses at 14 years of age.

A power pilot can learn to soar in 2 or 3 days, while a person with no flying experience can learn in 10 to 14 days. The cost of a sailplane ranges from $2,000 to $10,000.

NOT AS POPULAR HERE

Sky sailing in America has never reached the popularity it enjoys in other parts of the world, presumably because of our national predilection for things mechanized. The Soaring Society of America has about 5,000 members; European sky sailors number in the hundreds of thousands.

One of the first sustained soaring flights in this country was made by a German pilot at Cape Cod in 1929. The following year, the first national soaring meet was held in Elmira.

Also in 1930, the first known deliberate sustained thermal flight was made by the late legendary German pilot, Wolf Hirth. He flew from Elmira to Apalachin, N.Y., a distance of about 35 miles. The current distance record, held in Germany, is well over 500 miles.

There are three basic methods of sky sailing—ridge, thermal, and wave soaring.

In ridge soaring, the pilot takes advantage of wind deflected by a mountain ridge and flies parallel to the edge of the ridge. Thermal flying involves the use of columns of warm, moist air, which rise from sun-heated fields, pavements and the like. One flies in circles inside the column and rises with it; then the pilot glides out in search of another thermal column, regains altitude and repeats the process.

The latest development in soaring is wave flight, or the use of air currents that flows up and over mountains. It is not yet fully understood, and is being studied and developed in California, where winds from the Pacific flow over the High Sierras, and at Sugar Bush Ski Center, Vermont, which has a soaring facility.

SOARING RECORD

The soaring altitude record of 46,000 feet was made at Bishop, Calif., by wave soaring.

For the visitor here, there are other nearby attractions. Mark Twain, who married an Elmira woman and spent many summers here, is buried in Elmira. The octagonal study in which he wrote "Tom Sawyer" is now on the campus of Elmira College.

A few miles to the west of Harris Hill is Corning, with its glass works, glass museum and summer theater. Elmira also is one of the gateways to the Finger Lakes country, including Watkins Glen State Park and the wineries that produce New York State's white wines and champagnes.

General information is obtainable from the Elmira Association of Commerce, 224 William Street, Elmira, and data on soaring is available from the Elmira Area Soaring Corp. at the same address.

THE SHORTAGE OF RAILROAD FREIGHT CARS

Mr. HRUSKA. Mr. President, this morning the Interstate Commerce Commission issued its report in the matter of Ex parte 241, Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices.

Since I came to the Senate and during my previous service in the House, we have had a constantly recurring freight car shortage affecting shippers in my State on many occasions. Years ago, these freight car shortages were confined primarily to boxcars moving agricultural commodities. But that is not true today because shortages occur in all areas of the country and many different types of equipment are involved.

At the last executive meeting of the Senate Commerce Committee, S. 1063, the incentive per diem bill was ordered reported. Briefly, that bill would permit the establishment of new criteria which could be utilized by the Interstate Commerce Commission to aid them in dealing with car shortage problems.

This legislation is a sound and constructive transportation measure. The Interstate Commerce Commission has repeatedly requested enactment of legislation in this area. I am looking forward to the report of the Senate Commerce Committee and it is my earnest hope and desire that the chairman, the senior Senator from Washington [Mr. MAGNUSON], will consult with the majority leader in an effort to obtain an early date for consideration of this most needed measure by this body.

In today's report of the Commission, we again find strong evidence of the deficiencies existing in ownership of cars by individual railroads throughout the United States. In almost every area there is a shortage of some type of car.

Now, Mr. President, this problem has been studied on many different occasions by the industry and by the Commission. Most thinking management people in the railroad industry realize that something has to be done to prevent any further deterioration in the Nation's car fleet. It is essential that the railroad car fleet be maintained at a high level to meet the needs of our industrial and commercial shippers and the needs of our national defense.

During last year, I met with representatives of the Interstate Commerce Commission and the Association of American Railroads. We had on three separate occasions a serious shortage of boxcars in Nebraska and other areas in the West. At that time, prompt action by the then chairman, Laurence K. Walrath, resulted in the issuance of car service orders which were effective and which would help to alleviate the shortage. Mr. President, such assistance can only be of temporary nature because there simply are not enough railroad cars in existence at this time. When the Interstate Commerce Commission directs that cars be sent to a certain area or designation under car service orders, they are merely reshuffling the car fleet and in almost every instance, some other area of the country and other shipper's needs are not met.

The problem is not a simple one. It is directly related to the per diem charge which is the daily car rental which one railroad pays to another railroad for the use of the latter's car. Efforts through the Association of American Railroads, while commendable, have not stemmed the attrition rate, and as a result the car situation gets worse and worse as time goes on.

Action must be taken now to prevent any further worsening of this situation. The Commission's report is a very valuable contribution and it certainly shows the extent of the seriousness involved in the shortage of cars. But mere studies are not enough. Something more must be done.

Many railroads have placed orders for new cars, but I have noted that in many cases they are for special types of cars and that some cars will not be placed in general service, but will be restricted in their use.

Prompt consideration of S. 1063 by this body would be of material assistance to the Interstate Commerce Commission in finding an effective way to deal with this most serious transportation problem. I am hopeful that we will enact S. 1063 into law this year. It is badly needed and it is constructive transportation legislation.

Mr. President, because of the wide interest in this matter I ask unanimous consent that the Interstate Commerce Commission's press release which is explantory, and its report of the Commission in Ex parte No. 241, may be printed in the RECORD.

There being no objection, the release and report were ordered to be printed in the RECORD, as follows:

RAILROAD FREIGHT CAR SUPPLY FOUND INADEQUATE FOR FUTURE NEEDS

An Interstate Commerce Commission investigation of the adequacy of railroad freight car ownership shows the railroad industry's supply of freight cars is not sufficient to handle future traffic demands.

The report of Division 3 by Commissioner Rupert L. Murphy, in Ex parte No. 241, Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices, calls for further study to determine what rules, if any, may be necessary to alleviate this chronic freight car shortage.

The division's report points out that the national freight car fleet as of May 1, 1964, has dwindled to a new low of 1,503,318 cars, compared with a total of 1,667,176 cars on January 1, 1947.

"Since 1947 the economy of the country has grown and the gross national product has doubled. At the same time the carriers' car fleet has been reduced by over a quarter of a million cars, although there has been a relative increase in capacity per car. The railroads have consistently assured Congress that they would conduct studies of the freight car situation but have apparently failed to implement such studies," the report states.

In view of serious recurring freight car shortages in all areas of the country, the Commission on December 23, 1963, instituted an investigation to obtain specific and current information on the adequacy of freight car ownership. All class I and certain class II railroads and switching and terminal companies were directed to file with the Commission prior to April 1, 1964, data on revenue carloadings and actual average daily shortage of cars for the 5-week peak harvest period from September 29 through November 2, 1963.

Carriers were requested to estimate the percentage increase or decrease anticipated in freight car needs for a comparable 5-week peak traffic period in 1964. The required statistics included installation and retirement of cars during 1963; ownership of cars on January 1, 1964; estimated installation and retirement of cars during 1964; and estimated ownership of cars as of January 1, 1965.

The returns show that in 1963, in addition to severe and damaging shortages of boxcars to move agricultural products, there were not enough gondola cars for hauling bar and coil steel, as well as carbon plate and tinplate. There also was a lack of cars to haul iron ore. Coal mine operators lost production in Indiana, Kentucky, Missouri, Oklahoma, West Virginia, and Pennsylvania because coal hopper cars were not available. In addition, shortages of covered hoppers and flatcars were reported.

The report notes that at present, "there is a deficiency in the boxcar fleet which has seriously affected the assembling of cars by granger roads in sufficient numbers to meet the initial impact of the winter wheat harvest. Also complaints are again being made by lumber shippers in the Northwest because they cannot obtain an adequate supply of wide-door and double-door boxcars.

"To meet the estimated requirements during the 1964 test period, 33,000 more boxcars and 21,000 more gondolas will be required," the report estimates. On the same basis, an estimated 37,000 hopper cars will be needed to meet 1964 needs.

"The returns confirm in more specific terms our previous information as to the existence of a substantial inadequacy of ownership in more than one category of freight cars throughout the United States * * *. The problem obviously requires a solution. Managerial discretion has not been able to solve it. The service order technique does not add cars; it simply requires all shippers to share in this freight car poverty. (The Commission's Bureau of Safety and Service issued four service orders in 1963 to promote more efficient utilization of the existing freight car supply.)

"Car shortages of varying duration and severity have been with us for decades and in every national emergency. They have occurred each year during periods of peak loadings and in about every producing area of the country. Formerly they were confined to agricultural production and overlapping harvest seasons in particular areas. They are no longer a local problem and they are no longer limited to particular types of equipment.

"To meet shipper needs, and competition within the industry and from other modes, there has been a trend toward the purchase of specialized freight cars attractive to individual shippers, with less emphasis on the replacement of plain boxcars. Special equipment has only a limited effect in reducing the existing shortages as only a relatively few large shippers are afforded relief by the new cars," the report notes.

"With the tax credits and depreciation allowances now available some carriers have increased their orders for new equipment. The equipment on order for the most part comes under the specialized classification. The need for so-called specialized equipment to meet customers' requirements is readily recognized, since this equipment is designed to reduce or eliminate damage and to increase the cubic capacity. Increased capacity of cars should reduce the demand for numbers of cars; but this does not eliminate the requirement of shippers for the conventional type car.

"We are now convinced that a different and more comprehensive approach to ownership and control of freight car supply is necessary if the shippers of this country are to have the adequate national transportation system envisioned by the national transportation policy."

[Interstate Commerce Commission, June 22, 1964; decided June 18, 1964]

EX PARTE NO. 241; INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Respondents as a group found to lack an adequate supply of freight cars. Further study leading to prescription of rules to alleviate the car shortage problem approved.

REPORT OF THE COMMISSION: DIVISION 3, COMMISSIONERS TUGGLE, MURPHY, AND WALRATH

Commissioner Murphy: This investigation was instituted by order dated December 20, 1963. Our purpose in instituting the proceeding was to obtain specific and current information on the adequacy of freight car ownership. Another objective was to develop facts leading to the prescription of rules for alleviating the recurring problem of shortages of freight car equipment.

This phase has included a review of information contained in our files covering car ownership in addition to that which respondents[1] supplied in response to a questionnaire. See appendix B to the order of December 20, 1963. The questionnaire was designed to obtain specific information, from individual carriers, on the use of various types of cars during stated peak loading periods in 1963 and estimates for corresponding periods in 1964. A precise determination on an individual carrier basis of the adequacy of the car fleet has not been made during this phase of the investigation. However, we have determined during a test period in 1963 on an overall basis and by districts the extent to which carriers were unable to meet shipper requirements for cars.

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[1] The respondents are the class I railroads, and a selected group of class II railroads and switching and terminal companies.

General background

Before considering the results of the returns to the questionnaire a review of the subject of freight car shortage is pertinent. Efficient use of cars has been a major concern for many years. To cope with this problem railroad management voluntarily established car service rules to promote prompt handling, movement and return of freight cars. For many years those rules and their accompanying per diem schedules have provided the best plan that railroad management has been able to devise for efficient car utilization. An inherent weakness in those rules is that there are no sanctions which encourage adherence and at times there has been widespread disregard of the rules.

In docket No. 29669, Car Service, Freight Cars, 268 I.C.C. 687, decided July 25, 1947, the Commission conducted an investigation for the purpose of determining, among other things, whether common carriers by railroad had been and were providing themselves with safe and adequate freight cars. The Commission determined that the respondent railroads as a group had failed to furnish adequate car service, to the detriment of the shipping public. However, no attempt was made to prescribe rules designed to correct this deficiency since we were led to believe that maximum efficiency in the utilization of freight cars would be accomplished through the wholehearted cooperation by all concerned in the loading and unloading of cars. Moreover, respondent railroads urged that the handling and distribution of freight cars be left to the system of private management which would be compatible with the principle of private operation of the railroads.

Since 1947 the economy of the country has grown and the gross national product has doubled. At the same time the carriers' car fleet has been reduced by over a quarter of a million cars, although there has been a relative increase in capacity per car. The railroads have consistently assured Congress that they would conduct studies of the freight car situation but have apparently failed to effectively implement such studies.

We have attempted to alleviate the car-supply problem largely through the issuance of service orders, which is the medium by which the Commission, through its authority, may enforce upon the carriers changes in the published rules and regulations and, when emergencies exist, order the railroads to perform certain functions or to prohibit practices which, in the Commission's opinion, are detrimental to efficient freight car handling.

Service orders have been issued requiring the prompt handling of cars by carriers, return of certain specific ownerships to owning lines, restricting the loading of certain cars to specified areas, imposing against shippers and receivers increased demurrage charges for detaining cars,[2] restricting light loading of cars, reducing free time on cars held awaiting unloading, restricting the circuitous routing of traffic, and many other items tending to improve utilization of the freight car fleet.

Moreover, although freight car shortages[3] may develop in particular situations even though car ownership is adequate, it is impossible to prevent shortages if car ownership is inadequate.

Hence, the fundamental importance of this investigation is to determine whether ownership of freight cars by respondents is sufficient to enable them to furnish adequate car supply.

Car shortages of varying duration and severity have been with us for decades and in every national emergency. They have occurred each year during periods of peak loadings and in about every producing area of the country. Formerly they were confined to agricultural production and overlapping harvest seasons in particular areas. They are no longer a local problem and they are no longer limited to particular types of equipment.

In 1963, in addition to severe and damaging shortages of boxcars to move agricultural products, there were shortages of gondola cars used to haul bar and coil steel, as well as carbon plate and tinplate. There was a tightening of the supply of cars to haul iron ore. Coal mine operators lost production in Indiana, Kentucky, Missouri, Oklahoma, West Virginia, and Pennsylvania because adequate coal hopper cars were not available. In the fall there were also shortages of hoppers, covered hoppers and flatcars. As this report is being written, there is a deficiency in the boxcar fleet which has seriously affected the assembling of cars by granger roads in sufficient numbers to meet the initial impact of the winter wheat harvest. Also complaints are again being made by lumber shippers in the Northwest because they cannot obtain an adequate supply of wide-door and double-door boxcars.

To us there is no uncertainty as to the major reason for these recurring shortages. The national car supply has dwindled to a new low as illustrated in the following tables:

Ownership of unserviceable and serviceable freight cars, class I railroads

TOTAL FREIGHT CARS

	Ownership	Gain or loss [1]	Unserviceable	Percent	Serviceable	Gain or loss [1]
Jan. 1, 1947	1,667,176		66,475	4.0	1,600,701	
Jan. 1, 1952	1,776,017	+188,841	87,637	4.9	1,688,380	+87,679
Jan. 1, 1957	1,707,683	−68,334	68,104	4.0	1,639,579	−48,801
Jan. 1, 1962	1,606,696	−100,987	141,128	8.8	1,465,568	−174,011
Jan. 1, 1964	1,515,139	−91,557	103,003	6.8	1,412,136	−53,432
May 1, 1964	1,503,318	−11,821	93,602	6.2	1,409,716	−2,420
BOXCARS						
Jan. 1, 1947	698,849		23,678	3.4	675,171	
Jan. 1, 1952	731,957	+33,108	35,621	4.9	696,326	+21,155
Jan. 1, 1957	725,477	−6,480	28,430	3.9	697,047	+721
Jan. 1, 1962	663,762	−61,715	53,714	8.1	610,048	−86,999
Jan. 1, 1964	615,887	−47,875	41,637	6.8	574,250	−35,798
May 1, 1964	607,100	−8,787	36,761	6.1	570,339	−3,911
Jan. 1, 1965 [2]	609,523	+2,423	19,915	3.3	582,514	+12,175
HOPPER CARS						
Jan. 1, 1947	[3] 516,683		[3] 20,640	4.0	496,043	
Jan. 1, 1952	558,121	+41,438	28,219	5.1	529,902	+33,859
Jan. 1, 1957	507,619	−50,502	19,150	3.8	488,469	−41,433
Jan. 1, 1962	465,342	−42,277	42,668	9.2	422,674	−65,795
Jan. 1, 1964	434,516	−30,826	26,277	6.0	408,289	−14,385
May 1, 1964	437,981	+3,465	26,713	6.1	411,268	+2,979
Jan. 1, 1965 [2]	439,693	+1,712	18,270	4.2	421,423	+10,155
GONDOLA CARS						
Jan. 1, 1947	315,192		16,196	5.1	298,996	
Jan. 1, 1952	301,888	−13,304	17,643	5.8	284,245	−14,751
Jan. 1, 1957	277,430	−24,458	12,893	4.6	264,537	−19,708
Jan. 1, 1961	256,749	−20,681	33,666	13.1	223,083	−41,454
Jan. 1, 1964	237,127	−19,622	26,463	11.2	210,664	−12,419
May 1, 1964	228,757	−8,370	22,114	9.7	206,643	−4,021
Jan. 1, 1965 [2]	228,715	−42	17,959	7.9	210,756	−4,113

[1] Gain or loss in relation to previous period.
[2] Estimated by respondents.
[3] Includes covered hoppers.

To meet shipper needs, and competition within the industry and from other modes, there has been a trend toward the purchase of specialized freight cars attractive to individual shippers with less emphasis on the replacement of plain boxcars. Special equipment has only a limited effect in reducing the existing shortages as only a relatively few large shippers are afforded relief by the new cars.

With the tax credits and depreciation allowances now available some carriers have increased their orders for new equipment. The equipment on order for the most part comes under the specialized classification. The need for so-called specialized equipment to meet customers' requirements is readily recognized, since this equipment is designed to reduce or eliminate damage and to increase the cubic capacity. Increased capacity of cars should reduce the demand for numbers of cars; but this does not eliminate the requirement of shippers for the conventional type car.

We are now convinced that a different and more comprehensive approach to ownership and control of freight car supply is necessary if the shippers of this country are to have the adequate national transportation system envisioned by the national transportation policy.

Summary of the returns to the questionnaire

This inquiry was designed to obtain more specific information on freight car ownership. The test period covered was from the week ending October 5 through the week ending November 2, 1963, hereinafter called the 1963 test period. The freight car ownership was reported by respondents as of January 1, 1964, hereinafter called reported ownership. Respondents also reported estimates of loadings during the corresponding 5-week period of 1964, and of their expected freight car ownership as of January 1, 1965, hereinafter called the 1964 test period and the 1965 ownership, respectively. In addition we computed adjusted potential loadings which represent our estimate of reasonable shipper freight car requirements. This computation is based on those loadings during the 1963 test period as reported by respondents plus 50 percent of their reported average daily shortages. Reports of ownership were separated between serviceable and unserviceable cars. As used herein serviceable freight cars means cars in serviceable condition and in service or available for service, including serviceable cars stored.

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[2] A somewhat similar sanction against carriers—penalty per diem charges—was held unlawful in *Palmer* v. *United States*, 75 F. Supp. 63.

[3] Car shortages: The number of freight cars ordered by shippers which they could load and ship each day in excess of the serviceable revenue freight cars available.

In our discussion of the results of the returns to the questionnaire, we treat those of the class I respondents by districts as shown in the Official Railway Equipment Register. Those of the other respondents are treated on an overall basis.

The returns to the questionnaire indicate that nationwide respondents would have needed approximately 36,000 more serviceable boxcars and 19,000 more serviceable gondolas than were then available to meet traffic demands during the 1963 test period. To meet the estimated requirements during the 1964 test period, 33,000 more boxcars and 21,000 more gondolas will be required over and above the 1965 ownership.

The analysis of the returns on hopper cars indicated that sufficient cars were owned by carriers in two districts far in excess of the loading requirements. Carriers in the remaining five districts needed 29,600 additional hopper cars to meet their traffic requirements during the 1963 test period.

Shortages occurred in all areas of the country, including the two districts with surplus ownership, due to severe dislocation of this type of equipment. To meet the estimated requirements during the 1964 test period and based upon the 1965 ownership, 37,000 additional hopper cars will be needed by carriers in other than the two districts previously mentioned.

Eastern district

Boxcars: Based on reported serviceable ownership, respondents needed in excess of 10,000 additional serviceable boxcars to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed in excess of 21,000 more cars. If they are to meet their estimates for the 1964 period, they will need 4,000 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 16,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 40 to more than 3,000 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from more than 200 to approximately 18,000 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Reported ownership was sufficient for traffic originated in the 1963 test period. However, estimates by respondents indicate that during 1964 there will be a decrease of 3,000 in total ownership, and more than 2,400 in serviceable ownership. Based on such estimates there will be a deficiency of 3,000 serviceable hoppers to meet the estimated traffic for the 1964 test period.

On individual lines the range in deficiencies was from 400 to 4,500 serviceable hoppers, at the reported ownership and for the 1963 test period; and they will be from 10 to 2,500 at the 1965 ownership and for the 1964 test period.

Gondolas: As a group, respondents had and will have a surplus of gondolas. Based on reported ownership, and the 1963 test period traffic, deficiencies on individual lines ranged from 10 to in excess of 1,700 serviceable gondolas; and at the 1965 ownership such deficits will range from 10 to 1,800 serviceable gondolas.

For the 1964 test period with 1965 ownerships, deficiencies of 100 to 2,400 serviceable gondolas are indicated.

Estimates by respondents indicate total ownership of gondolas will decrease by 600 in 1964, but ownership of serviceable gondolas will increase by 1,000 through repair of unserviceable gondolas.

Allegheny district

Boxcars: Based on reported serviceable ownership, respondents needed 12,000 additional serviceable boxcars to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 16,000 more cars. If they are to meet their estimates of originated traffic during the 1964 test period, they will need 13,000 additional cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 16,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 200 to 9,000 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 400 to 10,000 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Reported ownership was sufficient for traffic originated in the 1963 test period and for adjusted potential loadings. Also the 1965 ownership will be sufficient for the 1964 test period.

On individual lines the range in deficiencies was from 30 to more than 1,600 serviceable hoppers, at the reported ownership and for the 1963 test period; and they will be from 80 to more than 1,900 at the 1965 ownership and for the 1964 test period.

The respondents estimate that during 1964 they will increase 5,400 in total and 6,900 in serviceable hopper ownerships.

Gondolas: As a group respondents had a surplus of serviceable gondolas, based on reported ownership and the 1963 test period or the adjusted potential loadings. They also had and will have sufficient gondolas for the 1963 or 1964 test period traffic, based on 1965 ownership.

A few of the respondents indicated deficiencies in serviceable gondolas ranging from 20 to 400, based on 1965 ownership, to meet the traffic demands of either the 1963 or 1964 test periods.

Estimates by respondents indicate total ownership of gondolas will decrease by 2,200 in 1964, but ownership of serviceable gondolas will increase by 900 through repair of unserviceable gondolas.

Pocahontas district

The respondents had a surplus of serviceable boxcars, hoppers and gondolas to meet the 1963 test period traffic. Such surplus will extend through the 1964 test period.

Southern district

Boxcars: Based on reported serviceable ownership, respondents needed 21,000 additional serviceable boxcars to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 37,000 more cars. If they are to meet their estimates for the 1964 period, they will need 18,000 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need more than 34,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 100 to 1,500 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 100 to 6,000 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Based on reported serviceable ownership, respondents needed 5,000 additional serviceable hoppers to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed in excess of 14,000 more cars. If they are to meet their estimates for the 1964 test period, they will need 1,700 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 10,000 more cars over the 1965 ownership.

On individual lines the range in deficiencies was from 20 to more than 2,500 serviceable hoppers, at the reported ownership and the 1963 test period; and they will be from 20 to more than 3,000 serviceable hoppers at the 1965 ownership and for the 1964 test period.

Gondolas: Based on reported serviceable ownership, the respondents needed in excess of 13,000 additional serviceable gondolas to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 14,500 more cars. If they are to meet their estimate of traffic for the 1964 test period, they will need 14,200 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 14,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 20 to 6,400 serviceable gondolas to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 20 to 6,000 serviceable gondolas to meet traffic estimates for the 1964 test period.

Northwestern district

Boxcars: These respondents owned and will own sufficient serviceable boxcars, at both reported and 1965 ownership, to meet 1963 and 1964 test period traffic. For adjusted potential loadings, 10,000 additional serviceable boxcars were required, based on reported ownership. Based on 1965 ownership, an additional 8,000 cars will be required.

There were deficiencies in ownership by individual roads ranging from 100 to 500 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 100 to 800 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Based on reported serviceable ownership, respondents needed 17,000 additional serviceable hoppers to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 17,000 additional serviceable hoppers. If they are to meet their estimates of originated traffic during the 1964 test period, they will need 18,000 additional hoppers over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 18,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 200 to 9,000 serviceable hoppers to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 200 to more than 10,000 serviceable hoppers to meet traffic estimates for the 1964 test period.

Estimates by respondents indicated total ownership of hoppers will decrease by 1,700, and ownership of serviceable hoppers will decrease by 350, in 1964.

Gondolas: Based on reported serviceable ownership respondents needed 16,000 additional serviceable gondolas to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 16,000 additional serviceable gondolas. If they are to meet their estimate of originated traffic during the 1964 test period, based on 1965 ownership, 17,000 additional serviceable gondolas will be needed. Using the adjusted potential loadings, they will need 17,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 20 to 10,000 serviceable gondolas to supply the demand during the 1963 test period, based on reported ownership. With the 1965 ownership, there will be deficiencies in serviceable ownership ranging from 20 to 10,800 serviceable gondolas to meet traffic estimates for the 1964 test period.

Estimates by respondents indicated total ownership of gondolas will decrease by 800, and ownership of serviceable gondolas will decrease by 300, in 1964.

Central-western district

Boxcars: Based on either reported or expected 1965 serviceable ownership, respondents had and will have sufficient boxcars to load traffic originated during the 1963 or 1964 test periods. Using adjusted potential loadings, they would have needed 8,000 additional cars, based on reported ownership; based on 1965 ownership, they will need 9,000 more cars.

There were deficiencies in ownership by individual roads ranging from 150 to 2,000 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 200 serviceable boxcars to 2,000 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Based on reported serviceable ownership, respondents needed in excess of 11,000 additional serviceable hoppers to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed in excess of 12,700 more cars. If they are to meet their estimates of originated traffic during the 1964 test period, they will need 13,000 more cars over the estimated 1965 ownership. Using the adjusted potential ownership they will need 14,000 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 200 to more than 5,000 serviceable hoppers to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 200 to in excess of 5,400 serviceable hoppers to meet traffic estimates for the 1964 test period.

Estimates by respondents indicated total ownership of hoppers will decrease by 1,000, and ownership of serviceable hoppers will decrease by 900 in 1964.

Gondolas: Based on reported serviceable ownership, respondents needed 4,800 additional serviceable gondolas to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 4,800 more cars. If they are to meet their estimate of originated traffic during the 1964 test period, they will need 5,700 more cars over the estimated 1965 ownership. Using the adjusted potential ownership they will need 5,500 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 60 to 2,600 serviceable gondolas to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 10 to 2,900 serviceable gondolas to meet traffic estimates for the 1964 test period.

Estimates by respondents indicate total ownership of gondolas will decrease by 1,100, and ownership of serviceable gondolas will decrease by 700 in 1964.

Southwestern district

Boxcars: Based on reported serviceable ownership, respondents needed 17,000 additional serviceable boxcars to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 27,000 more cars. If they are to meet their estimates of originated traffic during the 1964 test period, they will need 19,000 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 28,000 more cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 10 to 5,000 serviceable boxcars to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 10 to 6,000 serviceable boxcars to meet traffic estimates for the 1964 test period.

Hoppers: Based on reported serviceable ownership, respondents needed 600 additional serviceable hoppers to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed in excess of 2,800 more cars. If they are to meet estimates of originated traffic during the 1964 test period, they will need 300 more cars over the estimated 1965 ownership. Using the adjusted potential loadings, they will need 2,400 more cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 50 to 900 serviceable hoppers to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 50 serviceable hoppers to 1,500 serviceable hoppers to meet traffic estimates from the 1964 test period.

Estimates by respondents indicated total ownership of hoppers will decrease by 1,085, and ownership of serviceable hoppers will decrease by 416 in 1964.

Gondolas: Based on reported serviceable ownership, respondents needed 2,600 additional serviceable gondolas to load traffic originated during the 1963 test period. Using adjusted potential loadings, they would have needed 2,600 more cars. If they are to meet their estimates of originated traffic during the 1964 test period, based on 1965 ownership, 2,400 additional serviceable gondolas will be needed. Using adjusted potential loadings, they will need 2,400 cars over the 1965 ownership.

There were deficiencies in ownership by individual roads ranging from 10 to 1,200 serviceable gondolas to supply the demand during the 1963 test period, based on reported ownership. With 1965 ownership, there will be deficiencies in serviceable ownership ranging from 50 to 1,000 serviceable gondolas to meet traffic estimates for the 1964 test period.

Estimates by respondents indicated total ownership of gondolas will decrease by 70, and ownership of serviceable gondolas will decrease by 200, in 1964.

GENERAL STATEMENT AS TO OWNERSHIP OF FREIGHT CARS BY CLASS II, TERMINAL, AND SWITCHING CARRIER RESPONDENTS

Although we have not discussed ownership by class II, terminal, and switching carriers, and have made no separations among such respondents based on the districts in which they operate, it is appropriate to comment generally on their ownership. An analysis of the returns indicates that they needed 15,000 more boxcars above the reported ownership to meet the level of traffic originated in the 1963 test period. They will need 15,000 more boxcars above the 1965 ownership to meet the estimated traffic demands for the 1964 test period. They needed 11,000 more serviceable hoppers above the reported ownership to meet the level of traffic originated in the 1963 test period. They will need 10,000 more serviceable hoppers above the 1965 ownership to meet the estimated traffic demands for the 1964 test period. They needed an additional 37,000 serviceable gondolas to meet the level of traffic originated in the 1963 test period or that estimated for the 1964 test period.

CONCLUSION

The returns confirm in more specific terms our previous information as to the existence of a substantial inadequacy of ownership in more than one category of freight cars throughout the United States. One exception is the respondents operating in the Pocahontas District. It is not necessary here to go into the various causes or the extent thereof; this can await the second phase of the proceeding. The problem obviously requires a solution. Managerial discretion has not been able to solve it. The service order technique does not add cars; it simply requires all shippers to share in this freight car poverty.

In due course we will call upon all respondents for additional information with a view to determining what rules, if any, we can or may prescribe to alleviate this chronic freight car shortage.

By the Commission, Division 3.

HAROLD D. MCCOY,
Secretary.

PENNSYLVANIA'S MUSHROOM INDUSTRY

Mr. SCOTT. Mr. President, the growing threat of imports to Pennsylvania's mushroom industry has been a source of great concern to me. On June 8, the Senate of Pennsylvania adopted a resolution memorializing Congress for assistance in protecting the domestic mushroom industry and in improving its competitive position in commerce.

I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE SENATE OF PENNSYLVANIA

Whereas the mushroom growing and canning industry is one of the foundation stones of Pennsylvania's agricultural economy, gainfully employing thousands of workers who produce a useful and unique product consumed throughout the Nation; and

Whereas the continued existence of this great Pennsylvania industry as a viable force in our economy is now in dire jeopardy due to a torrential flood of low-priced imports from a single cheap labor country which have mounted to nearly 50 percent of domestic production in less than 3 years; resulting in wholesale bankruptcies and hardship to Pennsylvania farmers and canners; and

Whereas every factor indicates even greater future onslaughts which will surely sound the death knell of a great American industry located primarily in the State of Pennsylvania: Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania requests his excellency, William W. Scranton, Governor of the Commonwealth of Pennsylvania, to intercede on behalf of the people of this Commonwealth and the mushroom industry with the President of the United States and the U.S. Tariff Commission to impose tariffs on the import of mushrooms of a sufficient amount to make them competitive with the domestic mushroom industry; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to take whatever steps may be necessary to protect the weakening and declining domestic mushroom industry, and restore the same to a competitive market; and be it further

Resolved, That a copy of this resolution be transmitted to Gov. William W. Scranton; President Lyndon B. Johnson; U.S. Tariff Commission; the presiding officer of each House of Congress of the United States; and to each Senator and Member of the House of Representatives from Pennsylvania in the Congress of the United States.

Attest:

MARK GRUELL, Jr.,
Secretary, Senate of Pennsylvania.

INVESTIGATION OF ROBERT G. BAKER BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCOTT. Mr. President, the Bobby Baker case is not yet closed. Considerable monkey business is going on, on which I shall have a report later.

SALARY INCREASE BILL AS PASSED IN HOUSE OF REPRESENTATIVES SHOULD BE DEFEATED

Mr. YOUNG of Ohio. Mr. President, the House of Representatives recently passed a pay increase bill applicable to all three branches of the Federal Government, which, if enacted into law, will be an unconscionable raid on the public Treasury. The legislative proposal will cost American taxpayers more than one-half billion dollars a year. This would be only the beginning. History teaches we may be assured that within the next 2 years another pay increase bill will be introduced in the Congress. Also, as the Federal bureaucracy grows, the price tag for this increase will grow with it.

I cannot in good conscience support the proposed pay increase bill in its present form. I will vote against it. It is my feeling that at least four separate legislative proposals were arbitrarily lumped together in one bill providing a pay increase for: First, postal employees, classified civil service employees, and all other members of the executive branch; second, the Federal judiciary; third, employees on the staffs of Members of the House of Representatives and of the Senate; and fourth, Members of Congress.

As for the so-called overworked staff assistants, they always seem to have plenty of time to line the walls of the Chamber in the afternoon and evening when business is being conducted here and when Senators are working. These staff members are listening out of curiosity. They would receive an increase under the bill.

Of these four general groups, it is my judgment that postal employees, including letter carriers, are the most deserving of a further increase in pay at this time. As for classified civil service employees, I do not believe that it is necessary to raise the salaries of all Federal employees in order to lure competent people for the 1,000 or 2,000 positions for which increased salaries are justified. If there are certain Federal positions for which there is proof that a higher salary level is needed to attract competent people, then let these jobs be named specifically and let specific legislation be enacted to correct the problem.

It is my observation that most Government employees in Washington and elsewhere are and have been well paid in comparison with those doing the same work in private industry. Furthermore, those who are in the classified civil service have job security and fringe and retirement benefits far superior to any employees in private industry.

Mr. President, those most deserving of a pay raise are postal workers, including letter carriers, clerks, and supervisors and perhaps some civil service employees whose services really merit increased compensation. A legislative proposal to accomplish this should be debated and enacted upon separate and apart from the present bill. I had hoped to have an opportunity to vote on a bill which would include a pay raise for postal employees and certain civil service employees. Such legislation, I believe, would pass overwhelmingly.

As for congressional salaries, it is my view that the Congress must set an example by holding the line on wage costs. The proposed $7,500 increase for Representatives and Senators is a 33⅓-percent increase at a time when the President has urged a maximum hold-the-line raise of 3.2 percent in wages and prices. I seriously question whether there would be any additional candidates for election to the Congress because of the proposed pay raise. No doubt the same men and women would be elected or returned to the Congress. The fact is that very few men and women of high achievement in private life would at the present time refuse appointment or certain election to the Senate of the United States or the House of Representatives.

The bill passed by the House of Representatives contains a device for automatic pay increases for Members of Congress. It provides for automatic adjustment of salaries of Members of Congress, Cabinet members, and top Government officials whenever pay increases are given to all Government employees in the future. This is laden with serious consequences. It would relieve Members of Congress of the necessity of proving that they are entitled to future increases. It would severely damage the prestige which the Congress holds and should hold in the estimation of Americans. It might tempt subsequent Congresses to grant employees raises indiscriminately. It is interesting to note that no provision is made for lowering the salaries of the Members of Congress when the cost-of-living index goes down. This is an interesting type of sliding scale; it only slides up.

Regarding Federal judges, it is well known that whenever there is a vacancy on the Federal bench, many, sometimes hundreds, of competent lawyers seek the appointment. There are at most but a few hundred lawyers in our Nation, who, if offered an appointment to the Federal bench, would not accept. Although there may be some, it is extremely doubtful that a lawyer would refuse appointment as U.S. judge at $22,500 a year and agree to accept were the salary to be increased to $30,000. I would like to know the name of one man in the Nation who would refuse appointment to the U.S. Supreme Court, the highest honor a lawyer may receive, solely because this position pays $35,000 a year and not $42,500.

It should be remembered that in addition to the prestige and other emoluments that accrue to a member of the Federal bench, these judges enjoy their salaries as long as they live whether they continue to serve actively or whether they retire following 10 years of service having attained the age of 70. Furthermore, following 10 years' service as Federal judge, in event of permanent disability may be retired at full salary. Talk about job security, they have it for life with all the trimmings.

There are Federal judges today in Ohio and in most other States who have reached retirement age and could have retired years ago. Evidently, they do not feel that they are being underpaid as many continue to serve actively well beyond the retirement age of 3 score and 10.

We constantly hear that the Federal Government must be competitive with private industry. Private industry bases its pay scale on profits. Where profits are great, salaries in many instances are supercolossal. I make no complaint about this. However, no such factor governs the Federal Government's payroll. Our Government's only source of income for paying salaries is the taxpayer who already is bearing a heavy burden.

The purpose of Government is service whereas the purpose of industry is profit. If the goal is to try to match the pay scale of private industry, then we must accept the fact that the proposed bill is only the first installment. Further requests will make the present legislative proposal look miserly. We should realize that the Federal Government should not match the salaries of private industry. We shall always have to rely to a marked degree on many citizens to serve their government as their lives' work. That is as it should be.

It is fair to say that citizens generally wish public officials to be paid adequately. It would be foreign to our American way of life were Congressmen, for example, to be denied adequate compensation. It would be unfortunate were only men and women born to great wealth, or who had acquired great wealth, able to afford to occupy public office, elective, or appointive. No one wants that. On the other hand in my judgment the House of Representatives has come forth with overly generous and, in fact, outrageously high salary recommendations. It appears to me that there should be separate legislative proposals for the different categories of Federal employees involved.

Having studied the present proposal, it is my judgment that this is not the time to indulge in self-indulgence. This is not the time to indiscriminately fatten the already well-larded Federal payroll. Our national economy simply cannot afford the luxury of this bill at this time.

Therefore, after full and thorough consideration, I cannot, I repeat, in good conscience vote for the bill as passed by the House of Representatives.

Mr. President, on June 13, 1964, there appeared in the Plain Dealer, one of the great newspapers of the Nation, an excellent editorial entitled "House Builds in Pay Raises." I commend this to my colleagues and ask unanimous consent that it be printed at this place in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, June 13, 1964]

HOUSE BUILDS IN PAY RAISES

The device for automatic pay raises for Congressmen should be soundly defeated in the U.S. Senate.

The latest House wrinkle, whereby elected and appointed officials from the Vice President down would get a proportionate increase every time Congress voted a pay boost for classified Federal Government workers, is reprehensible.

Congressmen, under the House-approved pay boost measure, would not have to make a public or convincing plea for more money. The bill could tempt subsequent Congresses to grant employee pay raises, in effect voting itself bigger paychecks, too.

It would severely damage the image of Congress in the eyes of the taxpayer.

In approving a salary boost for Federal employees that included a large increase for all legislators, the House continues to ride on the coattails of Federal Government personnel clearly deserving greater financial reward.

The Plain Dealer repeats its stand. Many of the most competent people in the Nation cannot afford to stay in Government because of salaries not commensurate with services rendered or the expense involved. The responsibility assumed by Cabinet members, for example, is far greater than the current $25,000 salary.

But a wage increase for top Government personnel and other Federal employees should be a separate measure, apart from a raise, however valid, for Members of the House of Representatives and the Senate.

The House-approved measure would raise Congressmen's salaries by $7,500, from $22,500 to $30,000 per year. In March the House, by rollcall vote, defeated a proposal which would increase such salaries by $10,000. That measure did not contain the automatic raise amendment.

Among northeastern Ohioans in the House, only **Charles A. Vanik**, Democrat, of Cleveland, voted for this week's bill. Ohio's Senator **Frank J. Lausche** has been quick to point out that $7,500 would be a 33-percent salary increase at a time when President Johnson has urged a maximum hold-the-line raise of 3.2 percent in wages and prices. He also has recalled that when Congress voted itself a raise in 1954, it was from $12,500 to $22,500, a whopping 80 percent. Under the House-passed pay hike bill, Congressmen would benefit from a 113-percent increase in 10 years.

The case for the increase in pay for most Government workers, from Cabinet members to postal employees, is strong.

The Senate should approve this without question. If it decides to go along with the raise for Congressmen, it at least should knock out the built-in raise provision.

COMMENDATION OF LEADERSHIP AND STAFF ON HANDLING OF CIVIL RIGHTS BILL

Mr. MOSS. Mr. President, in the closing hours of the debate on the civil rights, a great deal was said about the contribution that had been made by the majority leader, the minority leader, the majority whip, and the minority whip. I concur in all that was said about the devoted and perceptive work done by these Senators. They deserve every word of praise that has been given to them. May I add just a footnote. I would like to say something about the work that was done by the devoted staff who worked so tirelessly and yet so effectively on the civil rights bill. The bipartisan Civil Rights Newsletter that came to us daily brings this to my mind. These staff people not only knew the provisions of the bill down to the most minute detail, but they were in constant communication with all segments of the Senate at all times and provided the background and information that were needed by the Senators who were carrying the debate on the floor of the Senate. No one who has functioned as an executive of any type, and particularly a Senator, could fill adequately his position if he did not have devoted and able staff. In the bipartisan staff the Senate leadership had the best of help. I pay my tribute to these people.

INVESTIGATION OF PARTISAN POLITICAL FUNDRAISING IN THE CIVIL SERVICE—RESOLUTION CARRIED OVER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate Resolution 332, requesting the Attorney General to investigate partisan political fundraising in the civil service, which appears on page 12 of the Calendar of Business for today, not be laid before the Senate today under the rule, but that it be carried over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, the resolution, as I understand, will go over but will retain the same status when it is laid before the Senate following the next adjournment.

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. I shall not object, because I realize that in the excitement and press of business last week, notice was not given that the resolution would come before the Senate today. Several Senators who are interested in the resolution are not present today. I shall not object to the resolution going over.

Mr. MANSFIELD. I appreciate the statement of the distinguished Senator from Delaware, because it clarifies the situation. The consideration of the resolution deserves a little notice ahead of time.

INCREASING PARTICIPATION BY COUNTIES IN REVENUES FROM THE NATIONAL WILDLIFE REFUGE SYSTEM

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1039, S. 1363, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The **Legislative Clerk**. A bill (S. 1363) to increase the participation by counties in revenues from National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which has been reported from the Committee on Commerce with an amendment. On page 2, after line 23, to strike out:

(c) The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, to those counties in which the aforesaid areas of the system are situated, which funds shall be expended solely for the benefit of the public schools and roads in those counties, as follows:

(1) an amount equal to 25 per centum of the net receipts collected by the Secretary under subsection (a) of this section from the reserved public lands in those areas of the System within each county: *Provided*, That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

(2) an amount equal to three-fourths of 1 per centum of the cost of those areas of the System in each county acquired in fee by the United States, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

And, in lieu thereof, to insert:

(c) The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, which funds shall be expended solely for the benefit of public schools and roads as follows:

(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided,* That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

(2) to each county in which areas in the System are situated that have been acquired in fee by the United States, either (A) three-fourths of 1 per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter, or (B) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935, as amended (49 Stat. 378, 383; 16 U.S.C. 715s), relating to the participation by the counties in revenues from wildlife refuges, is amended to read as follows:

"Sec. 401. (a) Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the

National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "System") includes those lands and waters administered by the Secretary as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive or public land order.

"(b) The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing measures set forth in subsection (a).

"(c) The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, which funds shall be expended solely for the benefit of public schools and roads as follows:

"(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided,* That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

"(2) to each county in which areas in the System are situated that have been acquired in fee by the United States, either (A) three-fourths of 1 per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter, or (B) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

"(d) The payments under subsection (c) of this section to the counties in the United States for any one fiscal year shall not exceed the amount of net receipts in the fund for that fiscal year and, in case the net receipts are insufficient for a particular fiscal year to pay the aggregate amount of the payments for that fiscal year to the counties, the payment to each county shall be reduced proportionately.

"(e) Any moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703–711).

"(f) The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sale in the open markets, as the Secretary shall determine to be in the best interest of the United States. Further, the Secretary may dispose of such surplus animals by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife in accordance with such regulations as he may prescribe.

"(g) Beginning with the first day of the next full fiscal year hereafter, the provisions of this Act shall supersede and repeal the provisions of the paragraph entitled 'Management of National Wildlife Refuges' in the General Appropriations Act, 1951, approved September 6, 1950 (64 Stat. 595, 693–694)."

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1363) was ordered to be engrossed for third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1096), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

Four bills were introduced in this Congress in an endeavor to provide a more equitable formula for payments to counties as compensation for loss of taxable properties that have been acquired by the Federal Widlife Refuge System.

The bills are: S. 179 by Burdick, Young of North Dakota, and McGovern; S. 1363 by Metcalf; S. 1720 by Humphrey and McCarthy; and S. 2498 by Burdick, Young of North Dakota, and McGovern.

S. 1363, as reported by the committee, was amended to meet certain objections expressed during the hearing held on the legislation.

At present, the 1935 act (under sec. 401 of the act of June 15, 1935) provides that 25 percent of the net proceeds from the sale or other disposition of surplus wildlife, timber, hay, grass, or other products of the soil, mineral, shells, sand or gravel, from other privileges, or from leases for public accommodations, is to be paid to those counties in which the refuges are located for the benefit of the public schools and roads therein.

The remaining 75 percent of these net proceeds is appropriated by a permanent indefinite appropriation item in the Interior Department Appropriation Act, 1951 (64 Stat. 693–694), for the management of the refuges and the enforcement of the Migratory Bird Treaty Act.

However, some counties throughout the country receive little, if any, revenues under this formula, because the refuges therein have little or no revenue-producing activities.

The basic purpose of S. 1363 as amended by the Committee on Commerce, is to provide a more equitable formula for all counties. The "option plan" as proposed in the amended version of S. 1363 would provide for payment annually to each county of either 25 percent of the net receipts from national wildlife refuges located in that county or three-fourths of 1 percent of the adjusted cost of acquired lands, whichever is higher.

There appears to be ample net revenue from the National Wildlife Refuge System now and in the foreseeable future to cover payments on this basis and to have a safe margin besides. This being the case, it seems fair and equitable to adopt a formula which will solve the problems faced by the accelerated wetlands acquisition program by removing the basis for opposition of county commissioners in the vital northern prairie States and elsewhere, while at the same time avoiding the hardship which some counties would suffer from a change in the formula to place it on a single basis of three-fourths of 1 percent of the adjusted cost of acquired lands.

Testimony at the hearings brought out that 18 counties of the 243 in which lands had been acquired for the National Wildlife Refuge System would have their payments reduced under the terms of S. 1363 as introduced as compared to the present system. We are advised that this reduction would amount to approximately $340,000 annually, based on figures for fiscal year 1963. Some would suffer severely. In one case, a county would get only 3 percent, under the three-fourths of 1-percent formula, of what it received under the persent formula in 1963.

Under the option plan, however, no county will get less payments from the refuge recepits than it now gets. Some will get more, but the increase will only be equitable and there will be no windfall or bonanza. As previously indicated here, many of the counties in which units of the Refuge System are located get little or nothing from the receipts because there are no receipts. Other counties, in which refuge units which have substantial income are located, receive substantial funds.

The net annual revenues from the operation of the National Wildlife Refuge System in 1963 were $2,350,840. The counties were paid one-fourth of this amount, or $587,710. Under the proposal recommended by the committee, the counties would have been paid $1,067,528 in 1963. This, it will be noted, is a good deal less than one-half of the net receipts. The figure is about $490,000 over the existing formula, but only $331,377 above the cost of the straight three-fourths of 1 percent of adjusted cost formula as contained in the original version of S. 1363 and as recommended by the Department of the Interior. This seems to be a moderate extra expenditure in order to avoid the destructive effects of abruptly decreasing the revenue payments to 18 counties.

According to the departmental witnesses who have analyzed the matter, net annual recepits of $3 million annually may be expected at the conclusion of the accelerated land acquisition program. The estimated annual payments to the counties under the option plan at that time would be approximately $1,671,000. Thus, it is apparent that the integrity of the refuge receipt fund will be safeguarded.

PREVENTION OF INJURY TO FISH AND WILDLIFE FROM USE OF INSECTICIDES, HERBICIDES, FUNGICIDES, AND PESTICIDES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 996, S. 1251.

The **PRESIDING OFFICER**. The bill will be stated by title.

The **Legislative Clerk**. A bill (S. 1251) to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported to the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 2 of the Act of August 1, 1958, as amended, providing for continuing studies of the effects of insecticides, herbicides, fungicides, and other pesticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources and for other purposes, is amended to read as follows:

"Sec. 2. There is authorized to be appropriated the sum of $3,200,000 for fiscal year 1965 and thereafter annually a sum of not exceeding $5,000,000 to carry out the purposes of this Act."

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1251) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "To amend the act of August 1, 1958, as amended, to increase the authorization for pesticide research by the Secretary of the Interior."

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1053), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to increase the authorized annual appropriation for pesticide research by the Department of the Interior from $2,565,000 to $3.2 million for fiscal year 1965 and thereafter $5 million annually.

NEED FOR THE BILL

On May 15, 1963, the President's Science Advisory Committee issued its report on the "Use of Pesticides." The Committee cited the compelling need for participation by the Interior Department in the establishment of a "continuing network to monitor residue levels in air, water, soil, man, wildlife, and fish." This Committee similarly urged "expanded research and evaluation by the Department of the Interior of the toxic effects of pesticides on wild vertebrates and invertebrates."

"The study of wildlife," the President's Committee concluded, "presents a unique opportunity to discover the effects on the food chain of which each animal is a part, and to determine possible pathways through which accumulated and, in some cases, magnified pesticide residues can find their way directly or indirectly to wildlife and to man."

Since the issuance of this report, there has been a proliferation of evidence incriminating pesticides in the death and debilitation of fish and wildlife.

The recent massive fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico are now believed to have been caused by pesticide pollution. The Mississippi River situation is symptomatic of conditions in many parts of the country which may be the result of the use of pesticide under "normal" and "controlled" conditions rather than accident or deliberate misuse.

Many forms of fish and shellfish are peculiarly sensitive to pesticides. At present, waters with certain pesticides in proportions of less than one part per billion are lethal to some fish varieties.

During the Committee hearing on S. 1251, Rachel Carson, the famed biologist whose "Silent Spring" alerted millions of Americans to the potential danger from the uncontrolled use of pesticides, cited the "need for research on the effect of pesticides on fish and wildlife and for public education in these matters." As Miss Carson noted, fish and wildlife possess not only "sentimental and esthetic importance" but are critical "to the national economy and to the revenues of our States."

During 1962, 19,403,465 of our Nation's residents purchased fishing licenses in our 50 States, paying for these licenses a total of $54,163,163. This revenue will be lost if the fish disappear.

In this same year 13,996,353 bought hunting licenses, according to the latest, but incomplete, information from the Fish and Wildlife Service, paying for these licenses the total sum of $63,983,798. Again, this revenue will be gone if our game birds and animals are exterminated.

Our commercial fisheries employ directly 212,000 of our citizens and last year produced fishery products valued at $381 million harvested in this country.

The Committee believes that the recent tragic fish kills in the Mississippi River, together with the rapidly increasing numbers of new pesticides proposed for registration, lend urgency to the recommendations of the Science Advisory Committee.

The President's 1965 budget includes $3,592,000 for pesticide research by the Fish and Wildlife Service. Both the full House and the Senate Appropriations Committee, without questioning the need for such funds, were constrained by the present authorization ceiling ($2,565,000) to limit fish pesticide and wildlife pesticide research to $2,563,000 for fiscal year 1965.

COMMITTEE CONSIDERATION OF THE BILL

S. 1251, as introduced, had a twofold purpose (a) requiring pesticide labels to disclose information relating to fish and wildlife hazard, and (b) expanding pesticide research by the Interior Department. By letter of April 2, 1964, Senator Warren G. Magnuson, chairman of the committee, was notified by the Secretary of the Interior that "the purposes of section 1 of S. 1251 (cautionary labeling) are now being carried out administratively through an agreement among the Secretaries of Agriculture, Health, Education, and Welfare, and the Interior. Therefore, we believe that this section can be omitted from the bill."

The interagency agreement and new regulations for enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, promulgated pursuant to that agreement, appear in an appendix to this report.

The committee intends to exercise continuing oversight of these labeling enforcement procedures to insure that warnings adequate to protect fish and wildlife from pesticide misuse are required.

Section 2 of S. 1251 as introduced would authorize (1) a program of "evaluating chemicals proposed for use as pesticides," (2) the distribution to "interested persons * * * of data * * * showing the effects of pesticides," and (3) the construction, operation and maintenance of pesticide research facilities.

The committee is of the opinion that such authority already exists under the terms of the Fish and Wildlife Act of 1956, and the Pesticide Research Act of 1958. The committee, therefore, did not include section 2 in the bill ordered favorably reported.

The original section 3 of S. 1251 would authorize to be appropriated "such sums as may be necessary to carry out the purposes of this act." The 1958 act provided $280,000 per annum for pesticide research. This was increased in 1959 (Public Law 86-279) to an annual appropriations authorization of $2,565,000. The committee was of the opinion a ceiling should be placed on the authorized appropriations in line with the President's 1965 budget request and the foreseeable future needs for such research.

Therefore the committee recommends the adoption of an amendment in the nature of a substitute increasing the authorization to $3.2 million for fiscal year 1965 and $5 million annually thereafter.

Mr. **MAGNUSON**. Mr. President, the action which the Senate has just taken, in passing S. 1251, sponsored by the very able junior Senator from Oregon [Mrs. Neuberger] and modified by the Commerce Committee, merits the gratitude of all who are concerned with the preservation of our threatened fish and wildlife resources.

Chemical pesticides have contributed dramatically to our standard of living. Through the use of chemical insecticides, typhus, yellow fever, and malaria have virtually disappeared. Without pesticides our agricultural production would be insufficient to sustain even our own population, much less the underfed populations of underdeveloped countries.

But the development of chemical pesticides has not been an unmixed blessing. The recent tragic fish kills in the Mississippi River testify to the great hazards inherent in the blind use of chemical pesticides.

No matter how essential to the maintenance of our food supply, these new chemicals must be used intelligently, with full understanding of the risk to humans, domestic animals, and our Nation's fish and wildlife resources. To achieve these objectives, we need greatly expanded knowledge of the effects of the many new pesticides on fish, birds, mammals, and food organisms in areas where such chemicals are used. It is a fact that a number of pesticide chemicals now used pose severe hazards.

These can be avoided by the discovery, development, and substitution of new materials that are highly specific in their effects and readily broken down.

S. 1251 is designed to promote these aims, to acquire and disseminate new knowledge of chemical structures, formulations, and the application of techniques by which pesticides can be used safely, as well as effectively.

This is not an enforcement measure. Nor is it designed to regulate an industry. Rather it is designed to promote a more adequate and efficient research program for the benefit of all Americans.

PROTECTION OF CONSTITUTIONAL RIGHTS OF MENTALLY ILL PERSONS, THEIR CARE, TREATMENT, AND HOSPITALIZATION

Mr. **MANSFIELD**. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 900, S. 935.

The **PRESIDING OFFICER**. The bill will be stated by title.

The Legislative Clerk. A bill (S. 935) to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

Short title

Section 1. This Act may be cited as the "District of Columbia Hospitalization of the Mentally Ill Act".

Definitions

Sec. 2. As used in this Act—

(1) the term "mental illness" means any psychosis or other disease which substantially impairs the mental health of an individual;

(2) the term "mentally ill person" means any person who has a mental illness;

(3) the term "physician" means an individual licensed under the laws of the District of Columbia to practice medicine, or an individual who practices medicine in the employment of the Government of the United States or of the District of Columbia;

(4) the term "private hospital" means any nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped and qualified to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(5) the term "public hospital" means any hospital or institution, or part thereof, in the District of Columbia, owned and operated by the Government of the United States or of the District of Columbia, equipped and qualified to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(6) the term "administrator" means an individual in charge of a public or private hospital or his delegate; and

(7) the term "chief of service" means the physician charged with overall responsibility for the professional program of care and treatment in the particular administrative unit of the hospital to which the patient has been admitted or such other member of the medical staff as shall be designated by the chief of service.

Commission on Mental Health

Sec. 3. The United States District Court for the District of Columbia (hereinafter referred to as the "court") is authorized to appoint a Commission on Mental Health, composed of nine members. One member shall be a member of the bar of such court, who has engaged in active practice of law in the District of Columbia for a period of at least five years prior to his appointment. He shall be the Chairman of the Commission and act as the administrative head of the Commission and its staff. He shall preside at all hearings and direct all of the proceedings before the Commission. He shall devote his entire time to the work of the Commission. Eight members of the Commission shall be physicians who have been practicing medicine in the District of Columbia and who have had not less than five years' experience in the diagnosis and treatment of mental illnesses. Each member of the Commission shall hold office for four years, the appointments of physician members to be staggered. The physician members shall serve on a part-time basis and shall be rotated by assignment of the chief judge of the court, so that at any one time the Commission shall consist of the Chairman and two physician members. Physician members of the Commission may practice their profession during their tenure of office, but may not participate in the disposition of the case of any person in which they have rendered professional service or advice. The court shall also appoint an alternate lawyer member who shall serve on a part-time basis and act as Chairman in the absence of the permanent Chairman. The salaries of the members of the Commission and its employees shall be fixed in accordance with provisions of the Classification Act of 1949, as amended. The alternate Chairman shall be paid on a per diem basis at the same rate of compensation as fixed for the permanent Chairman. It shall be the duty of the Commission on Mental Health to examine alleged mentally ill persons, inquire into their affairs and the affairs of persons who may be legally liable for their support, and to make reports and recommendations to the court. Except as otherwise provided in this Act, the Commission may conduct its examinations and hearings either at the courthouse or elsewhere at its discretion. The court may issue subpenas at the request of the Commission returnable before the Commission, for the appearance of the alleged mentally ill person, witnesses, and persons who may be liable for the support of the mentally ill person. The Commission, or any of the members thereof, shall be competent and compellable witnesses at any trial, hearing, or other proceeding conducted pursuant to this Act and the physician-patient privilege shall not be applicable.

Voluntary hospitalization

Sec. 4. (a) Any individual may apply to any public or private hospital in the District of Columbia for admission to such hospital as a voluntary patient for the purposes of observation, diagnosis, and care and treatment of a mental illness. Upon the request of any such individual eighteen years of age or over (or in the case of any individual under eighteen years of age, upon a request made by his spouse, parent, or legal guardian), the administrator of a public hospital shall, if an examination by an admitting psychiatrist at such public hospital reveals the need for such hospitalization, and the administrator of a private hospital may, admit any such individual as a voluntary patient to such hospital for observation, diagnosis, and care and treatment of a mental illness in accordance with the provisions of this Act.

(b) Any voluntary patient admitted to any hospital pursuant to this section shall, if he is eighteen years of age or over, be entitled at any time to obtain his release from such hospital by filing a written request with the chief of service. The chief of service shall, within a period of forty-eight hours after the receipt of any such request (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday), release the voluntary patient making such request. In the case of any voluntary patient under the age of eighteen years, the chief of service shall release such patient, according to the provisions of this section, upon the written request of his spouse, parent, or legal guardian. The chief of service may release any voluntary patient hospitalized pursuant to this section whenever he determines that such patient has recovered or that his continued hospitalization is no longer beneficial to him or advisable.

Hospitalization of nonprotesting persons

Sec. 5 (a) A friend or relative of an individual believed to be suffering from a mental illness may make application on behalf of that individual to the admitting psychiatrist of any hospital by presenting the individual, together with a referral from a practicing physician. Such individual may be accepted for examination and treatment by any private hospital and shall be accepted for examination and treatment by any public hospital if, in the judgment of the admitting psychiatrist, the need for such is indicated on the basis of the individual's mental condition and such individual signs a statement at the time of such admission stating that he does not object to hospitalization. Such statement shall contain in simple, nontechnical language the fact that the individual is to be hospitalized and a description of the right to release set out in subsection (b) of the section. The admitting psychiatrist may admit such an individual without referral from a practicing physician if the need for an immediate admission is apparent to the admitting psychiatrist upon preliminary examination.

(b) Any person hospitalized under the provisions of subsection (a) of this section shall be immediately released upon his written request unless proceedings for hospitalization under court order pursuant to section 7 have been initiated.

Emergency hospitalization

Sec. 6. (a) Any duly accredited officer or agent of the Department of Public Health of the District of Columbia, or any officer authorized to make arrests in the District of Columbia, or the family physician of the individual in question, who has reason to believe that an individual is mentally ill and, because of such illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take such individual into custody, transport him to a public or private hospital, and make application for his admission thereto for purposes of emergency observation and diagnosis. Such application shall reveal the circumstances under which the individual was taken into custody and the reasons therefor.

(b) Subject to the provisions of subsection (c) of this section, the administrator of any private hospital, may, and the administrator of any public hospital shall, admit and detain for purposes of emergency observation and diagnosis any individual with respect to whom such application is made, if such application is accompanied by a certificate of a psychiatrist on duty at such hospital stating that he has examined the individual and is of the opinion that he has symptoms of a mental illness and, as a result thereof, is likely to injure himself or others unless he is immediately hospitalized, not later than twenty-four hours after the admission pursuant to this section of any individual to a hospital, the administrator of such hospital shall serve notice of such admission, by registered mail, to the spouse, parent, or legal guardian of such individual and to the Commission on Mental Health.

(c) No individual admitted to any hospital under subsection (b) of this section shall be detained in such hospital for a period in excess of forty-eight hours from the time of his admission (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday) unless the administrator of such hospital has, within such period, filed a written petition with the court for an order authorizing the continued hospitalization of such individual for emergency observation and diagnosis for a period not to exceed seven days from the time such order is entered.

(d) The court shall, within a period of twenty-four hours after the receipt by it of such petition (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday) either order the hospitalization of such individual for emergency observation and a diagnosis for a period of not to exceed seven days from the time such order is entered, or order his immediate release. In making its determination, the court shall consider the written reports of the agent, officer, or physician who made the application under subsection (b) of this section, the certificate of the examining psychiatrist which accompanied it, and any other relevant information.

(e) Any individual whose continued hospitalization is ordered under subsection (d) of this section shall be entitled upon his request to a hearing before the court entering such order. Any such hearing so requested shall be held within a period of twenty-four hours after receipt of such request (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday).

(f) The chief of service of any hospital in which an individual is hospitalized under a court order entered pursuant to subsection (d) of this section shall, within forty-eight hours after such order is entered, have such individual examined by a physician. If the physician, after his examination, certifies that in his opinion the individual is not mentally ill to the extent that he is likely to injure himself or others if not presently detained, the individual shall be immediately released. The chief of service shall, within forty-eight hours after such examination has been completed, send a copy of the results thereof by registered mail to the spouse, parents, attorney, legal guardian, or nearest known adult relative of the individual examined.

(g) Any physician or psychiatrist making application or conducting an examination under this Act shall be a competent and compellable witness at any trial hearing or other proceeding conducted pursuant to this Act and the physician-patient privilege shall not be applicable.

(h) Notwithstanding any other provision of this section, the administrator of any hospital in which an individual is hospitalized under this section may, if judicial proceedings for his hospitalization have been commenced under section 7 of this Act, detain such individual therein during the course of such proceedings.

Hospitalization under court order

Sec. 7. (a) Proceedings for the judicial hospitalization of any individual in the District of Columbia may be commenced by the filing of a petition with the Mental Health Commission by his spouse, parent, or legal guardian, by any physician, duly accredited officer or agent of the Department of Public Health, or by any officer authorized to make arrest in the District of Columbia. Such petition shall be accompanied (1) by a certificate of a physician stating that he has examined the individual and is of the opinion that such individual is mentally ill, and because of such illness is likely to injure himself or others if allowed to remain at liberty, or (2) by a sworn written statement by the petitioner that (A) the petitioner has good reason to believe that such individual is mentally ill and, because of such illness, is likely to injure himself or others if allowed to remain at liberty, and (B) that such individual has refused to submit to examination by a physician.

(b) Within three days after the receipt by it of any petition filed under subsection (a) of this section, the Commission shall send a copy of such petition by registered mail to the individual with respect to whom it was filed.

(c) The Commission shall promptly examine any individual alleged to be mentally ill after the filing of a petition provided by subsection (a) of this section and shall thereafter promptly hold a hearing on the issue of his mental illness. Such hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the individual named in such petition. In conducting such hearing, the Commission shall hear testimony of any person whose testimony may be relevant and shall receive all relevant evidence which may be offered. Any individual with respect to whom a hearing is held under this section shall be entitled, in his discretion, to be present at such hearing, to testify, and to present and cross-examine witnesses. The Commission shall also hold a hearing in order to determine liability under the provisions of subsection (g) of this section for the expenses of hospitalization of the alleged mentally ill person, if it is determined that he is mentally ill and should be hospitalized as provided under this Act. Such hearing may be conducted separately from the hearing on the issue of mental illness. If conducted separately, it may be conducted by the Chairman of the Commission alone.

(d) The alleged mentally ill person shall be represented by counsel in any proceeding before the Commission or the court, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Any counsel so appointed shall be awarded compensation by the court for his services in an amount determined by it to be fair and reasonable. Such compensation shall be charged against the estate of the individual for whom such counsel was appointed, or against any unobligated funds of the Commission, as the court in its discretion may direct. The Commission or the court, as the case may be, shall, at the request of any counsel so appointed, grant a recess in such proceeding (but not for more than five days) to give such counsel an opportunity to prepare his case.

(e) If the Commission finds, after such hearing, that the individual with respect to whom such hearing was held is not mentally ill or if mentally ill, is not mentally ill to the extent that he is likely to injure himself or others if allowed to remain at liberty, the Commission shall immediately order his release and notify the court of that fact in writing. If the Commission finds, after such hearing, that the individual with respect to whom such hearing was held is mentally ill, and because of such illness is likely to injure himself or others if allowed to remain at liberty, the Commission shall promptly report such fact, in writing, to the United States District Court for the District of Columbia. Such report shall contain the Commission's findings of fact, conclusions of law, and recommendations. Any alleged mentally ill person with respect to whom such report is made shall have the right to demand a jury trial and shall be advised of that right by the Commission orally and in writing. A copy of the report of the Commission shall be served personally on the alleged mentally ill person and his attorney.

(f) Upon the receipt by the court of any such report referred to in subsection (e), the court shall promptly set the matter for hearing and shall cause a written notice of the time and place of the final hearing to be served personally upon the individual with respect to whom such report was made and his attorney, together with notice that he has five days following the date on which he is so served within which to demand a jury trial. Any such demand may be made by such individual or by anyone in his behalf. If a jury trial is demanded within such five-day period, it shall be accorded by the court with all reasonable speed. If no timely demand is made for such trial, the court shall determine such individual's mental condition on the basis of the report of the Commission, or on such further evidence in addition to such report as the court may require. If the court or jury (as the case may be) finds that such individual is not mentally ill, the court shall dismiss the petition and order his release. If the court or jury (as the case may be) finds that such individual is mentally ill and, because of that illness, is likely to injure himself or others if allowed to remain at liberty, the court may order his hospitalization for an indeterminate period, or order any other alternative course of treatment which the court believes will be in the best interests of such individual or of the public. The Commission, or any member thereof, shall be competent and compellable witnesses at any hearing or jury trial held pursuant to this Act. The jury to be used in any case where a jury trial is demanded under this Act shall be impaneled, upon order of the court, from the jurors in attendance upon other branches of the court, who shall perform such services in addition to and as part of their duties in such court.

(g) The father, mother, husband, wife, and adult children of a mentally ill person, if of sufficient ability, and the estate of such mentally ill person, if such estate is sufficient for the purpose, shall pay the cost to the District of Columbia of such mentally ill person's maintenance, including treatment, in any hospital in which such person is hospitalized under this Act. It shall be the duty of the Commission to examine, under oath, the father, mother, husband, wife, and adult children of any alleged mentally ill person whenever such relatives live within the District of Columbia, and to ascertain the ability of such relatives or estate to maintain or contribute toward the maintenance of such mentally ill person; except that in no case shall such relatives or estate be required to pay more than the actual cost to the District of Columbia of maintenance of such alleged mentally ill person. If any individual hereinabove made liable for the maintenance of a mentally ill person shall fail so to provide or pay for such maintenance, the court shall issue to such individual a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of such patient. The citation shall be served at least ten days before the hearing thereon. If, upon such hearing, it shall appear to the court that the mentally ill person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degree hereinabove referred to who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by such relative of such sum or sums as it may find they are reasonably able to pay and as may be necessary to provide for the maintenance and treatment of such mentally ill person. Such order shall require the payment of such sums to the Department of Public Health annually, semiannually, or quarterly as the court may direct. It shall be the duty of the Department to collect such sums due under this section, and to turn the same into the Treasury of the United States to the credit of the District of Columbia. Any such order may be enforced against any property of the mentally ill person or of the individual liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.

(h) No petition, application, or certificate authorized under sections 6(a) and 7(a) of this Act may be considered if made by a physician who is related by blood or marriage to the alleged mentally ill person, or who is financially interested in the hospital in which the alleged mentally ill person is to be detained, or, except in the case of physicians employed by the United States or the District of Columbia, who are professionally or officially connected with such hospital. No such petition, application, or certificate of any physician shall be considered unless it is based on personal observation and examination of the alleged mentally ill person made by such physician not more than seventy-two hours prior to the making of the petition, application, or certificate. Such certificate shall set forth in detail the facts and reasons on which such physician based his opinions and conclusions.

Periodic examination and release

SEC. 8. (a) Any patient hospitalized pursuant to a court order obtained under section 7 of this Act, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, shall be entitled, upon the expiration of ninety days following such order and not more frequently than every six months thereafter, to request, in writing, the chief of service of the hospital in which the patient is hospitalized, to have a current examination of his mental condition made by one or more physicians. If the request is timely it shall be granted. The patient shall be entitled, at his own expense, to have any duly qualified physician participate in such examination. In the case of any such patient who is indigent, the Department of Public Health shall, upon the written request of such patient, assist him in obtaining a duly qualified physician to participate in such examination in the patient's behalf. Any such physician so obtained by such indigent patient shall be compensated for his services out of any unobligated funds of such Department in an amount determined by it to be fair and reasonable. If the chief of service, after considering the reports of the physicians conducting such examination, determines that the patient is no longer mentally ill to the extent that he is likely to injure himself or others if not hospitalized, the chief of service shall order the immediate release of the patient. However, if the chief of service, after considering such reports, determines that such patient continues to be mentally ill to the extent that he is likely to injure himself or others if not hospitalized, but one or more of the physicians participating in such examination reports that the patient is not mentally ill to such extent, the patient may petition the court for an order directing his release. Such petition shall be accompanied by the reports of the physicians who conducted the examination of the patient.

(b) In considering such petition, the court shall consider the testimony of the physicians who participated in the examination of such patient, and the reports of such physicians accompanying the petition. After considering such testimony and reports, the court shall either (1) reject the petition and order the continued hospitalization of the patient, or (2) order the chief of service to immediately release such patient. Any physician participating in such examination shall be a competent and compellable witness at any trial or hearing held pursuant to this Act.

(c) The chief of service of a public or private hospital shall as often as practicable, but not less often than every six months, examine or cause to be examined each patient admitted to any such hospital pursuant to section 7 of this Act and if he determines on the basis of such examination that the conditions which justified the involuntary hospitalization of such patient no longer exist, the chief of service shall immediately release such patient.

(d) Nothing in this section shall be construed to prohibit any person from exercising any right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus.

RIGHT TO COMMUNICATION—EXERCISE OF CERTAIN RIGHTS

SEC. 9. (a) Any person hospitalized in a public or private hospital pursuant to this Act shall be entitled (1) to communicate by sealed mail or otherwise with any individual or official agency inside or outside the hospital, and (2) to receive uncensored mail from his attorney or personal physician. All other incoming mail or communications may be read before being delivered to the patient, if the chief of service believes such action is necessary for the medical welfare of the patient who is the intended recipient. However, any mail or other communication which is not delivered to the patient for whom it is intended shall be immediately returned to the sender. But nothing in this section shall prevent the administrator from making reasonable rules regarding visitation hours and the use of telephone and telegraph facilities.

(b) Any person hospitalized in a public hospital for a mental illness shall, during his hospitalization, be entitled to medical and psychiatric care and treatment. The administrator of each public hospital shall keep records detailing all such care and treatment received by any such person and such records shall be made available, upon that person's written authorization, to his attorney or personal physician. Such records shall be preserved by the administrator until such person has been discharged from the hospital.

(c) No mechanical restraint shall be applied to any patient hospitalized in any public or private hospital for a mental illness unless the use of restraint is prescribed by a physician and, if so prescribed, such restraint shall be removed whenever the condition justifying its use no longer exists. Any use of a mechanical restraint, together with the reasons therefor, shall be made a part of the medical record of the patient.

(d) No patient hospitalized pursuant to this Act shall, by reason of such hospitalization, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license, unless such patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity. If the chief of service of the public or private hospital in which any such patient is hospitalized is of the opinion that such patient is unable to exercise any of the aforementioned rights, the chief of service shall immediately notify the patient and the patient's attorney, legal guardian, spouse, parents, or other nearest known adult relative of that fact.

(e) Any individual in the District of Columbia who, by reason of a judicial decree ordering his hospitalization entered prior to the date of the enactment of this Act, is considered to be mentally incompetent and is denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, or hold a driver's license solely by reason of such decree, shall, upon the expiration of the one-year period immediately following such date of enactment, be deemed to have been restored to legal capacity unless, within such one-year period, affirmative action is commenced to have such individual adjudicated mentally incompetent by a court of competent jurisdiction.

(f) Any patient, and the patient's spouse, parents, or other nearest known adult relative, shall receive, upon admission of the patient to the hospital, a written statement outlining in simple, nontechnical language all release procedures provided by this Act, setting out all rights accorded to patients by this Act, and describing procedures provided by law for adjudication of incompetency and appointment of trustees or committees for the hospitalized individual.

VETERANS' ADMINISTRATION FACILITIES

SEC. 10. Nothing in this Act shall be construed to require the admission of any individual to any Veterans' Administration or military hospital facility unless such individual is otherwise eligible for care and treatment in such facility.

PENALTIES

SEC. 11. (a) Any individual who, (1) without probable cause for believing a person to be mentally ill, causes or conspires with or assists another to cause the hospitalization of any such person under this Act, or (2) causes or conspires with or assists another to cause the denial to any person of any right accorded to him under this Act, shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding three years, or both.

(b) Any individual who, without probable cause for believing a person to be mentally ill, executes a petition, application, or certificate pursuant to this Act, by which such individual secures or attempts to secure the apprehension, hospitalization, detention, or restraint of any such person, or any physician or psychiatrist who knowingly makes any false certificate or application pursuant to this Act as to the méntal condition of any person, shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding three years, or both.

Nonresident

SEC. 12. If an individual ordered committed to a public hospital by the court pursuant to subsection (f) of section 7 is found by the Commission, subject to a review by the court, not to be a resident of the District of Columbia, and to be a resident of another place, he may be transferred to the State of his residence if an appropriate institution of that State is willing to accept him. If the person be an indigent, the expense of transferring him, including the traveling expenses of necessary attendants, shall be borne by the District of Columbia. For the purposes of this section, a "resident of the District of Columbia" means an individual who has maintained his principal place of abode in the District of Columbia for more than one year prior to the filing of the petition referred to in subsection (a) of section 7 of this Act.

Witness fees

SEC. 13. Witnesses subpenaed under the provisions of this Act shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States.

Not to be confined in jail

SEC. 14. No person apprehended, detained, or hospitalized under any provision of this Act, shall be confined in jail or in any penal or correctional institution.

Forms

SEC. 15. All applications and certificates for the hospitalization of any individual in the District of Columbia under this Act shall be made on forms approved by the Commission and furnished by it.

Surety

SEC. 16. The court in its discretion may require any petitioner under section 7 of this Act to file an undertaking with surety to be approved by the court in such amount as the court may deem proper, conditioned to save harmless the respondent by reason of costs incurred, including attorney's fees, if any, and damages suffered by the respondent, as a result of any such action.

Individuals previously hospitalized

SEC. 17. The provisions of sections 8, 9, 12, 14, 15, and 16 of this Act shall be applicable to any person who, on or after the date of the enactment of this Act, is a patient in a hospital in the District of Columbia by reason of having been declared insane or of unsound mind pursuant to a court order entered prior to such date of enactment; except that any request for an examination authorized under section 8 may be made by such person, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, after the expiration of the thirty-day period following the date of the enactment of this Act and not more frequently than every six months thereafter.

Appointment of conservators

SEC. 18. The first section of the Act of October 24, 1951 (65 Stat. 608), is amended by adding after "mental weakness (not amounting to unsoundness of mind)" the following: "mental illness (as such term is defined in the District of Columbia Hospitalization of the Mentally Ill Act)."

Acts repealed

SEC. 19. (a) Except as otherwise provided in subsection (b) of this section, the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved June 8, 1938 (52 Stat. 625), as amended, and the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939 (53 Stat. 1293), as amended, are repealed.

(b) The repeal of the Act of June 8, 1938, and of the Act of August 9, 1939, shall not be construed to affect (1) any action or proceeding brought or existing on the date immediately preceding the date of the enactment of this Act, or (2) any liability incurred by any person for the payment of the costs of maintenance and treatment of an insane or incompetent person hospitalized in the District of Columbia prior to the date of the enactment of this Act, and any such action or proceeding shall be heard and determined and such liability continued in accordance with the provisions of such Acts in the same manner and to the same extent as if they had not been repealed.

(c) The Act entitled "An Act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes", approved April 27, 1904 (33 Stat. 316), is hereby repealed.

(d) Sections 4849, 4856, and 4857 of the Revised Statues are hereby repealed.

(e) Sections 115(b), 115(c), 115(d), and 115(e) of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), as amended, are hereby repealed.

(f) The last sentence of section 1 of the Act of February 23, 1905 (33 Stat. 740), as amended (D.C. Code, sec. 21-307), is hereby repealed.

(g) The Act of March 3, 1927 (44 Stat. 1383; D.C. Code, sec. 21-302), is hereby repealed.

(h) Sections 1 and 2 of the Act of June 22, 1948 (62 Stat. 572), as amended (D.C. Code, sec. 32-412-413), are hereby repealed.

Continuance of Commission on Mental Health

SEC. 20. The Commission on Mental Health to which reference is made in section 3 of this Act is the Commission established by the Act of June 8, 1938 (52 Stat. 625), as amended. Nothing contained in any amendment made by this Act shall be construed to affect or impair the existence of the Commission so established, or to alter the pay or the terms of office of the members of such Commission serving as such on the day preceding the date of enactment of this Act.

Mr. ERVIN. Mr. President, the bill was introduced by me for myself and the able and distinguished Senator from South Carolina [Mr. JOHNSTON], the able and distinguished Senator from Arkansas [Mr. MCCLELLAN], and the able and distinguished senior Senator from Nebraska [Mr. HRUSKA].

In effect, the bill is to revise the commitment laws of the District of Columbia and to secure to the inmates of institutions for the mentally ill in the District of Columbia certain civil rights.

I observe the distinguished senior Senator from Nevada [Mr. BIBLE] in the Chamber. I consulted with him in his capacity as chairman of the Committee on the District of Columbia and invited his committee to participate in the hearings. The Committee on the District of Columbia participated by sending members of its staff to observe the hearings. It is my understanding that the District Committee has considered the bill carefully. The Subcommittee on Constitutional Rights of the Committee on the Judiciary conducted the hearings after I was assured that that was entirely satisfactory to the chairman of the Committee on the District of Columbia.

Mr. BIBLE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. BIBLE. We have been in constant consultation about the bill. The staff members of the Committee on the District of Columbia attended the hearings before the subcommittee of which the Senator from North Carolina is the chairman. We join the Committee on the Judiciary in recommending the bill.

Mr. ERVIN. A statement of the purpose of the proposed legislation appears on pages 9, 10, 11, and 12 of the committee report, which is Report No. 925, and is followed by an analysis of the provisions of the bill and a summary and a statement of the changes made in the existing law. The analysis begins on page 13 and continues through the first five lines of page 24 of the report; the summary and changes in existing law are found on page 42 and continue to the end of the report on page 64.

I ask unanimous consent that these portions of the report be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The purpose of this bill, S. 935, is to revise the procedures for the hospitalization of the mentally ill in the District of Columbia and to guarantee to those hospitalized certain civil rights. The bill would repeal the act entitled "An act to provide for insanity proceedings in the District of Columbia," approved June 8, 1938 (52 Stat. 625), as amended; the act entitled "An act to provide for insanity proceedings in the District of Columbia," approved August 9, 1939 (53 Stat. 1293); and the act entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes," approved April 27, 1904 (33 Stat. 316); and sections 4849, 4856, and 4857 of the Revised Statutes, and sections 115(b), 115(c), 115(d), 115(e) of the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189), as amended; the last sentence of section 1 of the act of February 23, 1905 (33 Stat. 740), as amended; the act of March 3, 1927 (44 Stat. 1383); and sections 1 and 2 of the act of June 22, 1948 (62 Stat. 572), as amended.

LEGISLATIVE HISTORY

On May 28, 29, and 30, 1961, the Subcommittee on Constitutional Rights held hearings on the civil aspects of the law relating to mental illness. Twenty-two representatives of the medical, psychiatric, and legal professions were invited to describe the problems in this area of the law and to present their recommendations for appropriate legislative action. Reflecting these recommendations, S. 3261 was introduced in the 87th Congress, 2d session. Only 1 day of hearings was held on the bill because of the pressure of other business. However, substantially the same measure was reintroduced in the 88th Congress, 1st session, as S. 935. On May 2, 3, and 8 of 1963, public hearings were conducted by the Subcommittee on Constitutional Rights on the bill to receive testimony from 20 witnesses, with expert knowledge or experience in the field. On the basis of these hearings, S. 935 was substantially revised in subcommittee. Several minor amendments were made in full committee.

STATEMENT

Although S. 935 applies only to hospitalization of the mentally ill in the District of Columbia, it is hoped that the bill will serve as a model for revision of State hospitalization laws.

Hospitalization of the mentally ill has become a problem of enormous national scope. It is estimated that 1 out of every 12 children born today will, at some time during his life, be treated in a mental institution. Approximately 250,000 persons are hospitalized in the United States each year; mental institutions currently care for approximately 800,000 patients. Nor do the statistics show that the problem is of lesser magnitude in the District of Columbia. Approximately 2,000 persons are admitted to St. Elizabeths Hospital every year. Presently, the total patient population at St. Elizabeths, including outpatients, is 7,700.

In recent years great strides in the medical treatment of the mentally ill have been made. However, all too often, society's attitude toward the mentally ill and the legal procedures which reflect that attitude have not kept pace with advances in medicine and psychiatry. The basic law, operative today, dealing with hospitalization of the mentally ill in the District of Columbia, was enacted in 1939 (53 Stat. 1293). Witnesses testified that while laudable in some respects, District procedures are procedurally cumbersome and inadequate for protection of certain rights of hospitalized individuals.

Dr. Winfred Overholser, then Superintendent of St. Elizabeths Hospital, told the subcommittee at its 1964 hearings that "the District of Columbia, the laws of which are enacted by the Congress of the United States, has, to my mind, one of the least desirable procedures of any jurisdiction in the Union. It is cumbersome, unduly legalistic, unnecessarily distressing to the patient, and tends to delay rather than facilitate early hospital care of those patients who need it."[1]

Dr. Overholser stressed that the right to prompt treatment is a right of the mentally ill often overlooked and pointed out that "burdensome formalities in connection with the admission make a family reluctant to send the patient to the hospital; they are painful to the patient himself and tend to foster the stigma of mental illness."[2]

One very serious inadequacy in present District law described to the subcommittee is its requirement that one who is committed to a mental hospital be automatically adjudged an incompetent. Not all persons who are in need of hospitalization are unable to carry on their affairs or exercise the privileges of citizenship, it was stated.

The present law in the District of Columbia provides that a person is automatically declared to be incompetent upon judicial finding of his need for hospitalization. Thus, an individual loses the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license, because it has been determined that he is in need of hospitalization. Witnesses told the subcommittee that there is no necessary correlation between mental illness and ability to exercise these rights. In fact, it was stated, inability to exercise these rights often impedes a patient's recovery upon release from the hospital. Present District law provides that an individual must be released for at least 6 months before he can petition the court for restoration to competency. The separation of adjudication of the need for hospitalization from the determination of incompetency embodied in S. 935 was uniformly welcomed by witnesses testifying at the subcommittee hearings as a desirable change in the District of Columbia law.

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[1] Hearings, 1961, p. 20.

[2] Hearings, 1961, p. 21.

Mr. Colman B. Stein, president of the District of Columbia Association for Mental Health, Inc., told the subcommittee:

"We strongly endorse the separation of incompetency and mental illness. This is a progressive proposal which would be a boon not only to patients while they are in the hospital but also would be of great assistance to them in the period following hospitalization."[3]

The Honorable Alexander Holtzoff, U.S. district judge for the District of Columbia submitted to the subcommittee a draft proposal which also embodied the concept of separation.

Commenting on the separation of a finding of the need for compulsory hospitalization from a judicial finding of incompetence, Dr. Dale Cameron, Superintendent of St. Elizabeths Hospital, stated:

"This, we think, is a very marked improvement over the present situation."[4]

VOLUNTARY ADMISSION

Voluntary admission, experts agree, is the most desirable method of accomplishing hospitalization of the mentally ill. Since it does not involve legal proceedings, this form of admission is nontraumatic to the patient and avoids the stigma of enforced hospitalization. Furthermore, extensive use of voluntary admission procedures will insure that patients may be treated at a time when prognosis for recovery is greatest—before they become very seriously ill.

At the present time, approximately 200 patients a year are admitted voluntarily to St. Elizabeths.[5] Present District law provides that the Superintendent of St. Elizabeths may admit any adult who makes written application for admission.[6] S. 935 puts voluntary admission on a more secure footing by requiring that the Superintendent admit all voluntary applicants who have been shown, by examination, in need of hospitalization. Some have criticized this provision on the ground that in view of overcrowded conditions, the hospital authorities should be free to decide which patients need treatment the most. The problem with this argument is that the practical result would be the discouragement of voluntary admissions. Since the hospital must admit those patients who come in through judicial hospitalization procedures, if it is sufficiently overcrowded those whom there is no duty to admit will be turned away. The policy of S. 935, of encouraging voluntary admissions, dictates that voluntary admittees be given the same status as those who enter through compulsory process.

NONPROTESTING ADMISSION

S. 935 also makes provision for admission of nonprotesting persons through nonjudicial procedures. Nonprotesting persons are those who lack the capacity to apply for hospitalization but do not object to being hospitalized when application is made on their behalf. The purpose of this procedure is to provide for a simple and nontraumatic method by which to hospitalize individuals who are willing to be hospitalized. Such a procedure is not only therapeutically sound, but enhances the probability of early admissions. This is true because relatives and friends are more likely to bring a sick person to the hospital when there is no prospect of hearings and lengthy procedures which may embarrass them and upset the ill individual. Yet the rights of the patient are protected in the bill by the requirement that the admittee sign a statement at the time of admission declaring that he does not object to hospitalization, and by the stipulation in section 5(b) that he be immediately released upon written request.

PATIENTS' RIGHTS IN THE HOSPITAL

Too often the concern of the legal profession with the constitutional rights of the mentally ill stops at the hospital door. There is concern about the procedures by which an individual is hospitalized but once he is admitted attention is not paid to protecting his rights within the institution. S. 935 seeks to remedy this situation.

RIGHT TO TREATMENT

One right of patients too often overlooked is the right to treatment. Several witnesses told the subcommittee that to hospitalize a person on the basis that he is in need of treatment and then not afford him the requisite treatment is a violation of due process.[7] Therefore, the argument proceeds, a person who is hospitalized but given only custodial care should be entitled to release on writ of habeas corpus. The courts have not yet vindicated this position. However, the moral obligation to afford adequate treatment to those hospitalized for mental illness is not disputed. S. 935 would recognize this moral right to treatment by providing that patients hospitalized under court order be given a current examination of their mental condition by a physician at least once every 6 months.

These are only examples of some of the reforms contained in S. 935. There follows an analysis of the bill's provisions with a comparison of existing law.

ANALYSIS OF PROVISIONS

Section 1 states the title of the act as the "District of Columbia Hospitalization of the Mentally Ill Act."

Definitions

Section 2 sets forth definitions for terms used in the bill.

Subsection (1) defines "mental illness" to be any psychosis or other disease which substantially impairs the mental health of an individual.

This section differs from the original bill which had excluded epilepsy, alcoholism, drug addiction, or mental deficiency from the definition of "mental illness." Witnesses testified that these symptoms often accompany mental illness and that persons who are mentally ill and have one or more of these conditions should not be excluded because of such a condition.

Subsection (2) defines "mentally ill person" as anyone who has a mental illness.

Subsection (3) defines the term "physician" as an individual licensed under the District of Columbia laws to practice medicine or an individual who practices medicine in the employment of the United States or District government.

This provision changes the original text of S. 935 by adding the latter qualification. It was pointed out at the hearings on S. 935 that there are many physicians in the District of Columbia who are employed by the Government and are fully competent to practice medicine but who, because they are not in private practice here, have not been licensed by the District. Present District law provides that certification as to sanity or insanity can only be issued by a physician licensed in the District of Columbia or employed by the Veterans' Administration, or by a commissioned surgeon in the U.S. military service.[8] It was felt that there is no reason to include certain physicians employed by the Government and to exclude others.

Subsection (4) defines the term "private hospital" as a nongovernmental hospital in the District of Columbia equipped and qualified to provide inpatient care and treatment for individuals suffering from physical or mental illnesses.

This differs from the original text of S. 935 in the addition of the words "and qualified."

Subsection (5) defines the term "public hospital" as one owned and operated by the Government of the United States or of the District of Columbia. Otherwise the definition is the same as that of "private hospital."

Subsection (6) defines the term "administrator" as an individual in charge of public or private hospital or his delegate.

Subsection (7) defines the term "chief of service" as the physician in charge of a patient's care in the particular unit of the hospital to which the patient has been assigned or his delegate.

This term was not included in the original bill. Its inclusion was the suggestion of Dr. Terrell Davis, vice president of the National Association of State Mental Health Program Directors who until 1961 was secretary of the New Jersey State Commission on Mental Health.

Dr. Davis testified that centralization in our mental institutions results in the making of decisions regarding a patient's welfare by persons who are not directly involved with treating the patient. S. 935 therefore vests certain authority given by the act in the chief of service rather than in the Administrator.

Commission on Mental Health

Section (3) provides for the retention of the Commission on Mental Health as it is presently constituted. No substantive change is made in existing law affecting the Commission.

This provision amends the original bill to create a new section and was necessitated by the fact that section 19 of S. 935 repeals the entire 1939 act[9] including those provisions which established the Mental Health Commission.

Voluntary hospitalization

Section (4)(a) provides that upon the request of an individual 18 years of age or older or upon the request of the spouse, parent, or legal guardian of an individual under 18 years of age, a public hospital shall and a private hospital may admit the individual for observation, diagnosis, care, and treatment. Since there are some mentally ill individuals for whom hospitalization can be harmful, however, the public hospital must only admit those who upon examination by an admitting psychiatrist, are found in need of hospitalization. In addition to this last proviso, the subcommittee amendment makes two other changes in this section of the bill. The requirement that voluntary applicants have "a mental illness" or "symptoms of a mental illness" was deleted, inasmuch as it is the presence of mental illness, which is the very thing to be determined by hospitalization.

The age limit at which an individual can make application for himself was lowered from 21 to 18 years on the advice of witnesses who testified that an 18-year-old is capable of making the decision to hospitalize himself. It was pointed out that many persons between the ages of 18 and 21 are not living with their parents and, under the original language of S. 935, would not be eligible for voluntary admission.

Present District of Columbia law does not provide for mandatory admission to public hospitals, but leaves admission of voluntary patients to the discretion of the administrator of the public hospital. The current law establishes 21 as the age at which an individual may admit himself.[10] However, 21 District of Columbia Code 310, provides that "any person" believing he is or is about to be mentally ill may request admission to Gallinger Municipal Hospital.

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[3] Hearings, 1963, p. 39.

[4] Hearings, 1963, p. 127.

[5] Hearings, 1961, p. 36.

[6] 32 District of Columbia Code 412, 62 Stat. 572.

[7] Hearings, 1961, pp. 276–277.

[8] 21 District of Columbia Code 330, 33 Stat. 318.

[9] 53 Stat. 1293.

Section (4)(b) provides that the chief of service shall release, within 48 hours, any voluntary applicant 18 years old, or over, who makes written request for release. Patients under 18 are to be released upon the written request of spouse, parent, or legal guardian. The chief of service may release any voluntary patient whenever he determines that continued hospitalization is no longer beneficial.

As in subsection 4(a), the age limit has been lowered from 21 to 18.

Present District of Columbia law provides that a voluntary patient shall be released within 72 hours after written notice has been given, unless judicial proceedings for his continued hospitalization have been undertaken, in which case he may be detained pending the outcome of the judiciary proceedings.[11]

The policy of S. 935 to encourage voluntary admissions deterred the subcommittee from providing for detention of voluntary admittees when judicial proceedings for their hospitalization are initiated. It was thought that if individuals realize that there are absolutely no restraints on their release, they will be less hesitant to apply as voluntary patients. It was felt that the emergency hospitalization procedures established in the bill were adequate to deal with detention of persons dangerous to themselves or others.

Hospitalization of nonprotesting persons

Section (5)(a) provides that a friend or relative of a person believed to be mentally ill may present that person to a hospital together with a referral from a practicing physician. If the individual presented signs a statement that he does not object to hospitalization, he may be accepted by a private hospital and must be accepted by a public hospital if examination by an admitting psychiatrist indicates the need for hospitalization. The statement for his signature must set out in simple language the fact that the individual is to be hospitalized and state the release procedures of subsection (b).

Referral from a practicing physician is not necessary if the need for immediate admission is apparent to the admitting psychiatrist.

This provision was not included in the original bill. There is no comparable provision in existing law.

Section (5)(b) provides that any individual hospitalized under subsection (a) shall be immediately released on his written request, unless proceedings for hospitalization under court order have been initiated.

Emergency hospitalization

Section (6)(a) provides that officers of the Department of Public Health, officers authorized to make arrests in the District of Columbia, or the family physician of the individual in question may, without a warrant, take into custody an individual believed to be mentally ill and because of such illness, likely to injure himself or others if not immediately detained. The individual is to be taken to a public or private hospital where an application for his admission for purposes of emergency observation and diagnosis is to be made. This section contains two amendments to the original bill. The addition of the family physician as a person authorized to take an individual into custody was made on the recommendation of Dr. Zigmond Lebensohn, who represented the Committee on Mental Health, the Medical Society of the District of Columbia, the American Psychiatric Association and the Washington Psychiatric Society. Dr. Lebensohn pointed out that in emergencies of this type, people generally turn first to their family physician for aid and are hesitant to call in the police or other authorities.

The addition of the requirement that the likelihood of injury be immediate was made on the recommendation of Miss Elyce Zenoff, representing the American Civil Liberties Union. She pointed out that since emergency admission procedures lack some of the safeguards of judicial hospitalization, they should be utilized only in situations which are clearly emergencies.

Present Distirct law provides that any officer authorized to make arrests in the District of Columbia can arrest without a warrant any insane person or person of unsound mind found in a public place. The officer must file an affidavit stating that he believes that the individual is incapable of taking care of himself or his property, and if allowed to go unrestrained, rights of persons or property or the public peace will be jeopardized and the commission of crime rendered probable.[12]

Another section of the code provides for arrest without warrant at other than public places of indigent persons alleged to be of unsound mind or any person alleged to be insane with dangerous or homicidal tendencies. When two District of Columbia residents file affidavits that the person is believed to be insane or of unsound mind, and that they believe the person to be incapable of managing his affairs, and if permitted to remain at liberty would jeopardize the rights of property of others and the public peace or render the commission of crime probable, two physicians must also examine the person and certify that he is of unsound mind.[13]

Section 6(b) provides that a public hospital shall, and a private hospital may, admit an individual in respect to whom an application has been made if examination by an admitting psychiatrist indicates that the individual has a mental illness and is likely to injure himself or others if not immediately hospitalized.

Notice of the admission must be served on the family, legal guardian, and Mental Health Commission. The original bill required notice to be sent to the District Commissioners. It was felt that the Mental Health Commission is a more appropriate agency to receive notice since judicial hospitalization of emergency admittees would proceed through the Commission.

Present District law provides that notice be given to the spouse or other responsible individual of an arrest under section 326. There is no provision for notice under section 327.

Section (6)(c) provides that individuals shall not be detained in the hospital more than 48 hours unless the Administrator has filed a petition with the court for an order authorizing continued hospitalization for a period not to exceed 7 days.

The original bill required the petition to be filed within 24 hours. This short period of time, according to testimony, would place an undue burden on the hospitals.

Existing law provides that within 48 hours a petition must be filed with the district court for commitment of the individual for a period not to exceed 30 days.[14]

Section (6)(d) provides that within 24 hours after receipt of the petition, the court shall either order the continued hospitalization of the individual for emergency hospitalization and diagnosis for a period not to exceed 7 days or order his immediate release.

The original bill provided for detention for a period not to exceed 96 hours. Witnesses testified that this period does not always allow sufficient opportunity for diagnosis or treatment. Several witnesses suggested that this period be extended to 2 weeks or 30 days so that time would be afforded for treatment. It was asserted that such treatment is often sufficient to enable the individual to be released and that therefore, if the individual is hospitalized for this length of time, judicial hospitalization may not be necessary. However, balanced against this view is the fact that the rationale behind the emergency admission procedure with less procedural safeguards than judicial hospitalization is that it is necessary to give the individual immediate attention. To do more than this under emergency procedures would therefore violate the individual's rights.

Existing law provides for commitment for 30 days.[15]

Subsection (6)(e) provides that an individual hospitalized under subsection (d) is entitled to a court hearing within 24 hours after making such a request.

This section is new to the bill. It was added because it was the opinion of the subcommittee that under these circumstances, no person should be deprived of his liberty, even for a short period of time, without a hearing if he wishes to contest his hospitalization.

Section (6)(f) provides that the chief of service shall have the individual ordered examined within 48 hours after the order is entered. If the physician finds that the individual is not mentally ill to the extent that he likely to injure himself or others if not presently detained, he shall order his release. A copy of the results of the examination is to be sent within 48 hours after it, to the spouse, parents, attorney, or legal guardian of the patent.

The new bill substitutes chief of service for the Administrator as the official authorized to act.

Existing law provides that if examination of an individual for whom a petition has been registered under 21 District of Columbia Code 310 reveals that the individual is of sound mind, he shall be immediately released.[16]

Section (6)(g) provides that any physician or psychiatrist making an application or conducting an examination under this section shall be a compellable witness at any hearing held pusuant to this section.

This section is new to the bill and has been added to obviate any potential problem concerning physician-client privilege.

Section (6)(h) provides that an individual may be detained during the course of any judicial hospitalization proceedings commenced for him under section 7.

Hospitalization under court order

Section (7)(a) provides that judicial hospitalization shall be commenced by filing a petition with the Mental Health Commission accompanied (1) by a certificate of a physician stating that he has examined the individual about whom the petition is filed and is of the opinion that the individual is mentally ill and likely to injure himself or others or by a sworn written statement of the petitioner that the individual is mentally ill and likely to injure himself or others and that such individual has refused to submit to a physician's examination. Persons who may file such petitions are the spouse, parent, legal guardian, physician, officer authorized to make arrests, and officer of the Public Health Department.

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[10] 32 District of Columbia Code 412.

[11] 32 District of Columbia Code 413.

[12] 21 D.C. Code 326.

[13] 21 D.C. Code 327.

[14] 21 D.C. Code 310–311.

[15] 21 D.C. Code 311.

[16] 21 D.C. Code 311.

The original text of S. 935 required that petitions be filed in the U.S. District Court for the District of Columbia. The role of the Commission on Mental Health was not made clear. Many witnesses testified that this led to confusion as to the role to be played by the Commission, and it was urged that the Commission be continued in its present role.

Existing law provides for application of a writ de lunatico inquirendo in the U.S. district court. The court then refers the application to the Commission on Mental Health.

Section (7)(b) requires within 3 days of receipt of the petition, the Commission shall send a copy of it by registered mail to the individual involved.

Section (7)(c) provides that the Commission shall promptly examine an individual about whom a petition has been filed and promptly hold a hearing on the issue of his mental illness. It further requires that the hearing be informal and be conducted in a setting not harmful to the health of the individual named. The individual is entitled to be present, to present evidence and to cross-examine witnesses. At the same hearing or at a separate hearing, liability for hospitalization expenses under subsection (g) shall be determined.

The original text made provision for appointment of two physicians to examine the condition of the alleged mentally ill person.

No provision was made in the original bill for determination of obligation for payment for care of the hospitalized individual. Such a provision has been included because section 19 repeals the existing law in this regard.[17]

This section does not differ materially from the present law.[18] However, existing law provides that the individual need not be produced at the hearing if the Superintendent testifies that to do so would be harmful to him.

Section (7)(d) provides that the individual shall be represented by his own or by court-appointed counsel at hearings before the Commission and the court. Compensation for counsel may be from the estate of the individual or out of unobligated funds of the Commission as the court may direct. Court-appointed counsel is entitled to a 5-day recess to prepare his case.

The original bill provided that compensation should be charged to unobligated funds of the Department of Public Health. The change was made to Commission funds to conform with existing law.[19]

No provision was made for a recess in the original bill. Existing law makes appointment of an attorney discretionary with the court.[20]

Section (7)(e) provides that if the Commission determines, after the hearing, that the individual is not mentally ill to the extent that he is likely to injure himself or others, if allowed to remain at liberty the individual should be released. If the Commission finds that the person is ill to the extent that he is likely to injure himself or others if allowed to remain at liberty the Commission shall report such fact to the court. Any person about whom a report is made shall be entitled to a jury trial and shall be informed of this right by the Commission orally and in writing.

The original bill did not expressly provide for a jury trial. The original bill provided that the court-appointed physicians should report their findings as to mental illness to the court. If one or both of those findings were in the affirmative, a court hearing was to be held on the issue of hospitalization. If the findings were in the negative, the individual was to be released.

Existing District law is similar to this section. However, the Commission must only notify the individual of his right to a jury trial by written notice instead of orally and in writing as provided by S. 935.

Section (7)(f) provides for hearing by the court if no jury trial is demanded within 5 days after notice of that right has been received. If a jury trial is demanded, it shall be granted with all reasonable speed. If the court or jury finds that the individual is not mentally ill he shall be released. If he is found to be mentally ill to the extent that he is likely to injure himself or others, the court shall order his hospitalization for an indeterminate period or order any other alternative course of treatment.

The original bill did not provide for court order of any course of treatment besides indeterminate hospitalization. This provision was included to cover those cases where such treatment as placement in halfway houses or outpatient care may be indicated.

Existing law requires that the court or jury find the individual "insane" in order to order his hospitalization.[21] Procedurally, no material changes are made.

Section (7)(g) reestablishes the requirements of the existing law regarding financial responsibility for care of hospitalized persons.

Section (7)(h) provides that petitions, applications or certificates authorized under sections 6(a) and 7(a) of the act may not be considered if made by physicians related by blood or marriage to the allegedly mentally ill person, or by physicians financially interested in the hospital in which the person is to be detained, or, except in the case of physicians employed by the United States or District of Columbia, physicians professionally connected with such hospital. The petition, application or certificate must be made on personal observation within 72 hours prior to its making.

This section is new. This section is a subcommittee amendment which is similar to existing law, with the exception of the provision that certificates be made after personal examination and within 72 hours of making the application. Judge Alexander Holtzoff of the U.S. District Court for the District of Columbia, indicated the need for such an addition to exclude some loose certificates which occasionally have been presented.

Periodic examination and release

Section (8)(a) provides that any person hospitalized pursuant to section 7 shall be entitled to an examination of his condition at the expiration of 90 days and not more frequently than every 6 months thereafter. The patient is entitled to have a physician of his choice participate and, if the patient is indigent, the physician is to be compensated out of unobligated funds of the Department of Public Health. If the chief of service decides after considering the reports of the physicians that the patient is no longer mentally ill to the extent that he is likely to injure himself or others if not hospitalized, he must order the release of the patient. If the chief of service believes that the individual is not entitled to release, but one or more physicians who made the examination disagree, the patient may petition the court for release.

There is no comparable provision in existing law.

Section (8)(b) provides that the court shall consider the reports of the examining physicians and their testimony to determine whether the patient shall be released or detained.

Section (8)(c) provides that the chief of service must, as often as practicable, but at least every 6 months, order examination of patients admitted pursuant to section 7 and release those for whom examination shows continued hospitalization is no longer justified.

Section (8)(d) expressly preserves any preexisting rights to obtain release presently available, including the right to habeas corpus.

This section was not contained in the original bill. It was included at the suggestion of witnesses who pointed out that there was a possibility that courts would interpret the fact that one release procedure was expressly set out as an indication that all others were excluded.

Right to communication—Exercise of certain rights

Section (9)(a) provides that persons hospitalized under the act shall be entitled to communicate by sealed mail or otherwise with any individual or official agency and to receive uncensored mail from his attorney or personal physician. Other incoming mail may be read before delivery, if the patient's welfare so dictates. Mail not delivered is to be returned to the sender. The hospital may make reasonable rules regarding telephone and telegraph facilities.

This section is identical to the text of the original bill, except for the addition of the provision for reasonable rules regarding telephone and telegraph facilities. This was added to make it clear that hospitals may insure that these facilities will not be overburdened.

Section (9)(b) provides that patients hospitalized in public hospitals shall be entitled to medical and psychiatric care and treatment. The hospital is required to keep reports detailing the treatment accorded to the patient. The reports are to be preserved until the patient has been discharged and made available, on the patient's authorization, to his attorney or personal physician.

The original bill provided for monthly reports to be filed with the District Commissioners. The subcommittee was informed that opening hospital records to authorized individuals would better protect the patient and would constitute less of an administrative burden on the hospital.

Section (9)(c) provides that mechanical restraints shall be used only when prescribed by a physician and that the use and reasons therefor be made a part of the patient's medical records.

Subsection 9(d) provides that no patient hospitalized pursuant to the act shall be denied, by reason of such hospitalization, the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license unless such patient has been adjudged incompetent by a court of competent jurisdiction. If the chief of service believes the patient is unable to exercise any of these rights, he shall notify the patient and his attorney, spouse, parents, or other nearest known adult relative.

This section was amended by the addition of the right to hold a driver's license. Present District regulations preclude incompetents from obtaining a driver's license. The subcommittee was told that deprivation of this right often handicaps patients in obtaining employment or in otherwise carrying out normal activities when released.

The requirement that notice be given to the patient is also new to the bill.

Section 9(e) provides for automatic restoration to legal capacity at the expiration of 1 year after the date of enactment of this act, of individuals hospitalized prior to its enactment who are considered to be incompetent solely by reason of a decree of their hospitalization. Automatic restoration does not take place if affirmative action is taken within this yearlong period to have the individual adjudged incompetent by a court of competent jurisdiction.

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[17] 21 D.C. Code 318.

[18] 21 D.C. Code 311.

[19] 21 D.C. Code 308.

[20] 21 D.C. Code, 308, 311.

[21] 21 D.C. Code 312.

This subsection is an amendment to the bill. It was included at the suggestion of Dr. Dale Cameron, superintendent of St. Elizabeths Hospital, who told the subcommittee at the hearings held on the bill that provision should be made for restoration of the rights of patients presently hospitalized.

Section (f) provides that upon admission to the hospital, the patient and his spouse, parents, or other nearest known adult relative shall receive a written statement outlining in simple language all release procedures provided by the act, all rights accorded by the act, and procedures provided by law for adjudication of incompetency and appointment of trustees or committees for the hospitalized individual.

This section was not included in the original bill. Testimony was received by the subcommittee at its hearings on the bill from Miss Elyce Zenoff that often patients do not know of the existence of rights to which they are entitled. Thus these rights may prove illusory if they are not made known.

Veterans' Administration facilities

Section 10 provides that nothing in the act shall be construed to require admission of any individual to a Veterans' Administration or other military hospital unless the individual is otherwise eligible.

Penalties

Section 11(a) provides that any individual who without probable cause for believing a person to be mentally ill, causes or conspires with another to cause the hospitalization of any such person or any person who denies to any person rights accorded by the act, shall be punished by a fine not to exceed $5,000 or imprisonment not to exceed 3 years or both.

This subsection, together with the following one, changes the standard for wrongful conduct contained in the original bill. There, the standard was willfully cause or conspire to cause unwarranted hospitalization. The subcommittee was told that this standard was vague.

Section 11(b) provides that any individual who, without probable cause for believing a person to be mentally ill, executes a petition, application, or certificate to secure the hospitalization of any such person, or any physician who knowingly makes any false certificate as to the mental condition of any person shall be punished by a fine not to exceed $5,000 or imprisonment not to exceed 3 years or both.

This section is an amendment to the bill. It is substantially similar to existing law.[22]

Nonresident

Section 12 retains the provision in existing law with respect to nonresidents committed to public hospitals, which otherwise would be repealed.[23]

Witness fees

Section 13 retains the provision in existing law with respect to witness fees, which otherwise would be repealed.[24]

Not to be confined in jail

Section 14 provides that no person apprehended, detained, or hospitalized under this act shall be confined in jail or in any penal or correctional institution.

This section is a subcommittee amendment. It is substantially similar to existing law.[25]

Forms

Section 15 retains existing law requiring that certificates and applications for hospitalization be made on forms approved and furnished by the Commission. This is a provision which otherwise would be repealed.[26]

Surety

Section 16 retains existing law allowing the court in its discretion to require a petitioner, under section 7 of the act, to file an undertaking with surety, to protect the respondent in the event of costs or damages from the action. This requirement would otherwise be repealed. [27]

Individuals previously hospitalized

Section 17 requires that the provisions of sections 8, 9, 12, 14, 15, and 16 of the act shall have retroactive effect.

This section is new to the bill.

Appointment of conservators

Section 18 provides that mental illness shall be a criterion on which appointment of a conservator can be based. It amends 21 District of Columbia Code 501.

This section amends the original bill. It is necessitated by the fact that since status as an incompetent does not automatically follow from hospitalization under the bill, provision had to be made for those who are mentally ill and who are not competent to manage their affairs. The existing law establishes as criteria, advanced age, mental weakness (not amounting to unsoundness of mind), or physical incapacity.

Acts repealed

Section 19 repeals the following acts:

1. "An act to provide for insanity proceedings in the District of Columbia," 52 Stat. 625, as amended.
2. "An act to provide for insanity proceedings in the District of Columbia," 53 Stat. 1293, as amended.
3. "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes." Approved April 27, 1904 (33 Stat. 316).
4. Sections 4849, 4856, and 4857 of the Revised Statutes.
5. Sections 115(b), 115(c), 115(d), and 115(e) of "An act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1189), as amended.
6. The last sentence of section 1 of the act of February 23, 1905 (33 Stat. 740), as amended.
7. The act of March 3, 1927 (44 Stat. 1383).
8. Sections 1 and 2 of the act of June 22, 1948 (62 Stat. 572), as amended. This section is a subcommittee amendment. The original bill provided for repeal of "any act or part of an act which is inconsistent with any provision of this act." The subcommittee was told that this created confusion since it was not clear which provisions of existing law continue to apply.

Where repeal of an entire act causes repeal of those provisions proposed to be retained under the new act, the bill expressly provides for their retention.

Continuance of Commission on Mental Health

Section 20 expressly retains the Commission on Mental Health as presently constituted.

This section amends the original bill.

The Commission on Mental Health consists of a lawyer-chairman and eight physicians who serve in rotation. In proceedings for judicial hospitalization, the lawyer-chairman and two physicians examine every individual for whom judicial hospitalization proceedings are brought. If the Commission finds that the individual is sane, the proceedings are dismissed. If the Commission finds that the individual is not sane, the Commission applies to the court for a hearing on the issue of hospitalization. The court considers the report of the Commission in making its determination—but the recommendation of the Commission is not binding on the court. An individual who has been found to be in need of hospitalization by the Commission is entitled to a jury trial and to present evidence and cross-examine witnesses at the court hearing. Witnesses at the subcommittee's hearings uniformly approved the role of the Mental Health Commission in District commitment proceedings.

* * * * *

SUMMARY

The subcommittee, on the basis of its study of procedures affecting the rights of the mentally ill in the District of Columbia, believes that the provisions embodied in the amended bill constitute a substantial improvement over existing law.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: new matter is printed in italic, matter proposed to be stricken is enclosed in black brackets, and existing law in which no change is proposed is printed in roman.

ACT OF OCTOBER 24, 1951, 65 STAT. 608 (21 D.C. CODE 501)

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That if an adult person residing in or having property in the District of Columbia is unable by reason of advanced age, mental weakness (not amounting to unsoundness of mind), *mental illness (as such term is defined in the District of Columbia Hospitalization of the Mentally Ill Act)*, or physical incapacity properly to care for his property, the United States District Court for the District of Columbia may, upon his petition or the sworn petition of one or more of his relatives or any other person or persons, appoint some fit person to be conservator of his property.

Section 4849 of the Revised Statutes (21 D.C. Code 319)

[Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia that he is able to defray a portion, but not the whole of the expenses of his support and treatment in the Government Hospital for the Insane, the board of visitors of the hospital is authorized to inquire into the facts of the case; and if it appears to the board, upon such inquiry, that such insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which such insane person, admitted or to be admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable, under all the circumstances.]

Section 4856 of the Revised Statutes (21 D.C. Code 332)

[If any person will give bond with sufficient security, to be approved by the supreme court of the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond.]

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[22] 21 D.C. Code 324.

[23] 21 D.C. Code 317.

[24] 21 D.C. Code 321.

[25] 21 D.C. Code 333.

[26] 21 D.C. Code 323.

[27] 21 D.C. Code 322.

Section 4857 of the Revised Statutes (21 D.C. Code 333)

[No insane person not charged with any breach of the peace shall ever be confined in the United States jail in the District of Columbia.]

Act of February 23, 1905, 33 Stat. 740 as amended (21 D.C. Code 307)

Last sentence of section 1 [In case any such person adjudged to be of unsound mind has property, real or personal, the equity court of said District shall have full power in the same cause to appoint a committee or trustee of the person and estate of such person, according to the provisions of said code, and such committee or trustee shall reimburse out of the funds of the lunatic, the District of Columbia for all court costs expended or incurred by it and for all moneys by it expended or costs incurred in caring for and treating such insane person up to the time of such appointment.]

Act of March 3, 1927, 44 Stat. 1383 (21 D.C. Code 302)

[That no person shall be appointed by any court of the District of Columbia as committee or trustee if such person is serving as committee or trustee of as many as five non compos mentis persons.]

AN ACT TO ESTABLISH A CODE OF LAW FOR THE DISTRICT OF COLUMBIA, APPROVED MARCH 3, 1901, 31 STAT. 1189

Section 115(b) as added by 32 Stat. 524, and amended by 44 Stat. 1067 (21 D.C. Code 301)

[ESTATES OF LUNATICS. The said court shall have full power and authority to superintend and direct the affairs of persons non compos mentis, and to appoint a committee or trustees for such persons after hearing the nearest relatives of such person, or some of them if residing within the jurisdiction of the court, and to make such orders and decrees for the care of their persons and the management and preservation of their estates, including the collection, sale, exchange, and reinvestment of their personal estate, as to the court may seem proper. In the event that the person has no known relative residing within the jurisdiction of the court, then the court shall appoint some disinterested person to act as guardian ad litem for such person in the proceedings for the appointment of a committee or trustee. The committee or trustee shall account for all profit and increase of the estate of such person and the annual value thereof and shall be credited for taxes, repairs, improvements, expenses. The court shall allow a reasonable compensation for services rendered by the committee not exceeding a commission of 5 per centum of the amounts collected if and when disbursed. The court may, upon such terms as under the circumstances of the case it may deem proper, decree the conveyance and release of any right of dower of a person non compos mentis, whether the same be inchoate or otherwise.]

Section 115(c) as added by 32 Stat. 524 (21 D.C. Code 303)

[The court shall have the same power in respect of the freehold or leasehold estates of such persons as is provided for in relation to the estates of infants, to be exercised upon the application of the guardian, trustee, or committee of such person; and upon the death of any such person non compos mentis the proceeds of any sale of his estate which may have been invested otherwise than in real estate shall be deemed real estate, and shall descend as the property or estate would if it had not been sold.]

Section 115(d) as added by 32 Stat. 524 (21 D.C. Code 304)

[The said court may order any part of the estate of a person non compos mentis, for whom a committee, guardian, or trustee has been appointed, to be sold, when necessary for his maintenance, upon application of said committee, guardian, or trustee, and full proof of the necessity of such sale. Upon the application of any judgment creditor or mortgagee of a person non compos mentis the court may decree a sale of the real or personal estate of such non compos mentis, or such part thereof as may be necessary to pay the claim of such creditor, upon being satisfied that such claim is just and there are no other means of paying the same.]

Section 115(e) as added by 32 Stat. 524 (21 D.C. Code 305)

[No sales of the property of infants or persons non compos mentis made by authority of the aforegoing sections shall be valid and effectual to pass title to the property sold until they have been reported to and ratified by the court.]

ACT OF JUNE 22, 1948 (62 STAT. 572) SECTION 1 (32 D.C. CODE 412)

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Superintendent of Saint Elizabeths Hospital may receive therein as a boarder and patient any adult person who appears to the Superintendent to be in need of mental care and treatment in a mental hospital, and who makes written application therefor and who is determined by the Superintendent to be mentally competent to make such application; and any person, under the age of twenty-one years, who appears to the Superintendent to be in need of mental care and treatment in a mental hospital, and whose parent, legal guardian, or other legal representative makes written application on behalf of such minor: *Provided,* That no such person shall be received as a boarder and patient in Saint Elizabeths Hospital under authority of this Act unless the certification provided for in subsection (b) of this section shall have been made with respect to him: *Provided further,* That no person shall be permitted to remain in such hospital as boarder and patient after the need for his treatment at a mental hospital has ceased: *And provided further,* That no person shall be permitted to remain in such hospital as a boarder and patient after the Superintendent of Saint Elizabeths Hospital or his authorized representative has been notified that the certification provided for in subsection (b) has been revoked.

[(b) Upon request therefor by the Superintendent of Saint Elizabeths Hospital, the Board of Public Welfare, if it finds that any person with respect to whom the application described in subsection (a) has been made was a resident of and domiciled within the District of Columbia for one year next preceding the time of such application, shall certify to the Superintendent that it will reimburse Saint Elizabeths Hospital the cost of caring for such person as provided in section 3 of this Act; except that if the Board finds that such person, or any other person legally responsible for his care, is able to pay all or any part of the cost of such care, the Board shall not be required to make a certification unless it has, pursuant to section 3, made an agreement satisfactory to it for payment to the District of Columbia of the cost of such care or such part of such cost.]

Section 2 (32 D.C. Code 412) as amended by 62 Stat. 991, 63 Stat. 107

[Any person received at Saint Elizabeths Hospital for mental care and treatment under section 1 of this Act shall not be detained there more than three days after having given written notice to the Superintendent thereof requesting his release, or, in the case of any such person who is under the age of twenty-one years, more than three days after he or his parent, legal guardian, or other legal representative gives such notice: *Provided,* That (a) if within such three-day period there shall be filed in the United States District Court for the District of Columbia a petition with respect to such person, as provided by the Act entitled "An Act to provide for insanity proceedings in the District of Columbia", approved August 9, 1939, or (b) if an authorized representative of the Board of Public Welfare, upon receipt of a notice signed by the Superintendent of Saint Elizabeths Hospital or his authorized representative stating that in his opinion said person is of unsound mind and should not be allowed to remain at liberty or go unrestrained, shall within such three-day period file a verified petition for a writ de lunatico inquirendo, or for an order of commitment, accompanied by the aforesaid notice, in the said District Court, alleging upon information and belief that such person is of unsound mind and should not be allowed to remain at liberty or go unrestrained, such person shall be detained by the Superintendent of Saint Elizabeths Hospital until a final judgment is entered by the Court upon any such petition and any petition filed in accordance with clause (b) of this proviso, accompanied by the aforesaid notice, shall forthwith be referred by the Court to the Commission on Mental Health, which said petition and notice shall be sufficient to initiate proceedings before said Commission. Pending the hearing upon the petition, such person need not be sent to Gallinger Hospital for observation and treatment, but shall be detained in Saint Elizabeths Hospital for observation and treatment.]

AN ACT TO AUTHORIZE THE APPREHENSION AND DETENTION OF INSANE PERSONS IN THE DISTRICT OF COLUMBIA, AND PROVIDING FOR THEIR TEMPORARY COMMITMENT IN THE GOVERNMENT HOSPITAL FOR THE INSANE, AND FOR OTHER PURPOSES. APPROVED APRIL 27, 1904, 33 STAT. 316

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any member of the Metropolitan police of the District of Columbia or any other officer in said District authorized to make arrests is hereby authorized and empowered to apprehend and detain, without warrant, any insane person or person of unsound mind found on any street, avenue, alley, or other public highway, or found in any public building or other public place within the District of Columbia; and it shall be the duty of the policeman or officer so apprehending or detaining any such person to immediately file his affidavit with the major and superintendent of said Metropolitan police that he believes said person to be insane or of unsound mind, incapable of taking care of himself or herself or his or her property, and if permitted to remain at large or to go unrestrained in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable; *Provided, however,* That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife or some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.]

Section 2 (21 D.C. Code 327)

[That the major and superintendent of said Metropolitan police is hereby authorized to order the apprehension and detention, without warrant, of any indigent person alleged to be insane or of unsound mind or any alleged insane person of homicidal or otherwise dangerous tendencies found elsewhere in the District of Columbia than in the places mentioned in section 1 hereof whenever two or more responsible residents of the District of Columbia shall make and file affidavits with said major and superintendent of the Metropolitan police setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and if such person is permitted to remain at liberty in the District of Columbia the rights of persons and of property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable, and that such person is a fit subject for treatment on account of his or her mental condition: *Provided, however,* That before the major and superintendent of the said Metropolitan police shall order the apprehension and detention of any person upon the affidavits of the aforesaid residents or in case of arrest as provided in section 1, he shall, in addition thereto, require the certificate of at least two physicians who shall certify that they have examined the person alleged to be insane or of unsound mind, and that such person should not be allowed to remain at liberty and go unrestrained, and that such person is a fit subject for treatment on account of his or her mental condition.]

Section 3 (21 D.C. Code 328, superseded by 21 D.C. Code 311)

[That the Commissioners of the District of Columbia are hereby authorized to place in the Government Hospital for the Insane in said District, and the superintendent of said hospital is hereby authorized to receive, upon the written request of the said Commissioners, for a period of time not exceeding thirty days, indigent persons alleged to be insane or of unsound mind, residents of or found within the District of Columbia, and alleged insane persons of homicidal or otherwise dangerous tendencies, residents of or found within the said District, so apprehended and detained as provided in sections one and two of this Act, pending the formal commitment of such persons to said hospital as provided by law, or their transportation to their homes when their places of residence are ascertained by the proper officials charged by law with that duty.]

Section 4 (21 D.C. Code 329, superseded by 21 D.C. Code 311)

[That the Commissioners of the District of Columbia may authorize the temporary commitments of any of the above-mentioned insane persons or persons of unsound minds so apprehended and detained as provided in sections one and two of this Act (for a period of time not exceeding thirty days) in any other hospital in said District which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons pending the temporary commitments or the formal commitment of such persons, as provided by law, to the Government Hospital for the Insane or to any other hospital or insane asylum; or any such alleged insane person or person of unsound mind apprehended under sections one and two of this Act may be detained in any police station or house of detention in said District pending the completion of arrangements for his or her temporary detention in the Government Hospital for the Insane or any other hospital or insane asylum; and such persons may be detained in any police station or house of detention in said District until formally committed to the Government Hospital for the Insane or any other hospital or asylum, in the manner provided by law, in case he or she can not be provided for by the said Government Hospital for the Insane and no arrangement can be made for his or her temporary detention in any other hospital or asylum: *Provided, however,* That if, pending the formal commitment of such alleged insane person or person of unsound mind to the Government Hospital for the Insane or to any other hospital or asylum, the superintendent of said Government Hospital for the Insane, in the case of the commitment of a person to said hospital under the provisions of this Act, or if two or more physicians in regular attendance at any other hospital or asylum where any person is committed under the provisions of this Act, or if two or more surgeons of the police and fire departments, in the case of any person detained at any police station house or house of detention under the provisions of this Act, shall certify in writing to the Commissioners of the District of Columbia that such person is not insane or that he or she has recovered his or her reason, the official in charge of the Government Hospital for the Insane or the hospital or asylum in which such person is confined, or the major and superintendent of said Metropolitan police, if such person be confined in a police station house or in a house of detention, shall discharge such alleged insane person or person of unsound mind forthwith and immediately report such action to the Commissioners of the District of Columbia.]

Section 5, as amended by 37 Stat. 309, 65 Stat. 150 (21 D.C. Code 330)

[That for the purposes of this Act no certificate as to the sanity or the insanity of any person shall be valid which has been issued (a) by a physician who has not been regularly licensed to practice medicine in the District of Columbia, unless he be a commissioned surgeon of the United States Army, Navy, Air Force, or Public Health Service, or a physician employed by the Veterans' Administration; or (b) by a physician who is related by blood or by marriage to the person whose mental condition is in question. No certificate alleging the insanity of any person shall be valid, which has been issued by a physician who is financially interested in the hospital or asylum in which the alleged insane person is to be confined; nor, except in the cases of physicians employed by the United States or the District of Columbia, shall any such certificate be valid which has been issued by a physician who is professionally or officially connected with such hospital or asylum.]

Section 6 (21 D.C. Code 331 superseded by 21 D.C. Code 324)

[That any person who makes an affidavit, as required by section one or two of this Act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than five hundred dollars or imprisoned not more than three years, or both.]

Section 7

[That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.]

AN ACT TO PROVIDE FOR INSANITY PROCEEDINGS IN THE DISTRICT OF COLUMBIA, APPROVED JUNE 8, 1938, 52 STAT. 625, AS AMENDED

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person with whom an alleged insane person may reside, or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of lawful age of any such person, or the nearest relative or friend available, or the committee of such person, or an officer of any charitable institution, home, or hospital in which such person may be, or any duly accredited officer or agent of the Board of Public Welfare, or any officer authorized to make arrests in the District of Columbia who has arrested any alleged insane person under the provisions of the Act of Congress approved April 27, 1904 (33 Stat. 316), may apply for a writ de lunatico inquirendo and an order of commitment, or either thereof, for any alleged insane person in the District of Columbia by filing in the equity court of the District Court of the United States for the District of Columbia a verified petition therefor containing a statement of the facts upon which the allegation of insanity is based. All writs de lunatico inquirendo shall issue from the equity court of the District Court of the United States for the District of Columbia, and a justice holding said court shall preside at all inquisitions of lunacy.]

Section 2 (21 D.C. Code 308)

[There is hereby established a Commission on Mental Health (hereinafter referred to as the Commission), which shall examine alleged insane persons, inquire into the affairs of such persons, and the affairs of those persons legally liable as hereinafter provided for the support of said alleged insane persons, and make reports and recommendations to the court as to the necessity of treatment, the commitment, and payment of the expense of maintenance and treatment of such insane persons. The said commission shall be drawn from a panel of nine, who shall be appointed by the judges of the United States District Court for the District of Columbia.

[Eight members of said panel shall be physicians who have been practicing medicine in the District of Columbia, and who have had not less than five years' experience in the diagnosis and treatment of mental diseases, none of whom is financially interested in the hospital in which the alleged insane person is to be confined, and the ninth member shall be a member of the bar of the District Court of the United States for the District of Columbia who has been engaged in the general active practice of law in the District of Columbia for a period of at least five years prior to his appointment. Each physician member of the panel shall be assigned by the chief judge of the United States District Court for the District of Columbia to active service on the Commission for three months in each calendar year, and the chief judge may change such assignments at any time at his discretion. The two physician members on active service and the lawyer member shall constitute the Commission for the purposes of this section. The members to whom any case is referred shall continue to act in respect to that case until its final disposition, unless the court shall otherwise order. Physician members of the Commission may practice their professions during their tenure of office. The lawyer member of the Commission shall be Chairman thereof, and it shall be his duty, and he shall have authority to direct the proceedings and hearings in such a manner as to insure dependable ascertainment of the facts, by relevant, competent, and material evidence, and so as to insure a fair and lawful conduct and disposition of the case. The lawyer member shall devote his entire time to the work of the Commission. The judges, who shall also appoint an alternate lawyer member of the Commission, who shall have the same qualifications as that member, and who may be designated by the chief judge to act as a member of the Commission in absence of the lawyer member; for such service the alternate shall receive for each day of actual service the same compensation as fixed in accordance with the provisions of the Classification Act of 1949, as amended, for the lawyer member of the Commission. Original appointments of physicians shall be two each for one, two, three, and four years, respectively, the lawyer member to be appointed for four years. Thereafter appointments shall be for four years each. The salaries of the members of the Commission and of employees shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended.

[The said Commission shall act in all respects under the direction of the equity court. The court may compel, by subpena, the appearance of alleged insane persons before the Commission for examination, and may compel the attendance of witnesses before the Commission. If it shall appear to the satisfaction of the Commission that the appearance before it of any alleged insane person is prevented by reason of the mental or physical condition of such person, the Commission may, in its discretion, examine such person at the hospital in which such person may be confined, or, with the consent of the relatives, or of the person with whom such person may reside, at the residence of the alleged insane person.

[The court may in its discretion appoint an attorney or guardian ad litem to represent the alleged insane person at any hearing before the Commission or before the court, or before the court and jury, and shall allow the attorney or guardian ad litem so appointed a reasonable fee for his services. Such fees may be charged against the estate or property, if any, of the alleged insane person, or taxed as costs against the petitioner in the proceedings, or in the case of an indigent person, charged against the funds of the Commission, as the court, in its discretion may direct.

[The office and records of the sanitary officer, District of Columbia, are hereby transferred from the Metropolitan Police Department to the Commission and the sanitary officer shall be Secretary of the Commission. Suitable quarters shall be provided for the Commission by the Commissioners of the District of Columbia.]

Section 3

[Upon the filing with the court of a verified petition as hereinabove provided, accompanied by the affidavits of two or more responsible residents of the District of Columbia setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his or her own affairs, and that such person is not fit to be at large or to go unrestrained, and that if such person be permitted to remain at liberty the rights of persons and property will be jeopardized or the preservation of public peace imperiled or the commission of crime rendered probable, and that such person is a fit subject for treatment by reason of his or her mental condition, the court, or any judge thereof in vacation, may, in its or his discretion, issue an attachment for the immediate apprehension and detention of such person in Gallinger Municipal Hospital, or any other hospital, for the purpose of preliminary examination. Any person so apprehended and detained shall be given an examination within forty-eight hours of his admission into Gallinger Municipal Hospital by the staff of Gallinger Municipal Hospital. If, as a result of such examination, the said staff of Gallinger Municipal Hospital shall certify that the said person is a proper subject for commitment the case shall be forthwith referred upon said certificate to the Commission; but, if as a result of such examination, the said staff shall find that the person is of sound mind he shall be discharged forthwith by said Gallinger Municipal Hospital and the petition dismissed. Nothing contained in this section shall deprive the alleged insane person of the benefit of existing remedies to secure his release or to prove his sanity, or of any other legal remedies he may have.]

Section 4

[Any petition filed in the equity court for a writ de lunatico inquirendo or for an order of commitment of any alleged insane person, unless said person shall have been discharged by the staff of Gallinger Hospital in accordance with the provisions of section 3 hereof, shall be referred by the court to the Commission for report and recommendation within such time as the court may designate, which time may be extended by the court for good cause shown. The Commission shall thereupon examine the alleged insane person and any other person, including any suggested by the alleged insane person, his relatives, friends, or representatives, whose testimony may be relevant, competent, and material upon the issue of insanity; and the Commission shall afford opportunity for hearing to any alleged insane person, his relatives, friends, or representatives. At all hearings the alleged insane person shall have the right to be represented by counsel.

[The Commission is hereby authorized to conduct its examination and hearings of cases elsewhere than at the offices of said Commission in its discretion, according to the circumstances of the case.

[The Commission shall determine (1) the sanity or insanity of the alleged insane person, (2) the length of time the alleged insane person has resided within the District, and (3) the ability of the relatives mentioned in section 11 of this Act, or the committee of the alleged insane person to pay all or a portion of the maintenance of such person if confined to Saint Elizabeths or any other hospital; and shall include such findings in its report.]

Section 5

[Notice of the filing of any petition hereinbefore provided shall be served personally upon the person alleged to be insane, at least three days (exclusive of Sundays and legal holidays) before the time set for hearing by the Commission as provided in section 4 of this Act. If the petition be made by a person other than the wife, husband, father, mother, or other nearest relative, such notice shall also be served upon either such wife, husband, father, mother, or other nearest relative of said alleged insane person, if there be any such relative known to be within the District of Columbia; if not, upon the person with whom such alleged insane person may reside, or at whose home he may be or in their absence upon a friend of such alleged insane person; and if there be no such person or persons such service shall be dispensed with.]

Section 6

[Recommendations of the Commission must be the unanimous recommendation of the three members acting upon any case. If the three members of the Commission be unable to agree upon the recommendation to be made in any case, they shall immediately file with the court a report setting forth the fact that they are unable to agree on the case, and in that event the court shall hear and determine the case, unless the alleged insane person, or someone in his behalf, shall demand a jury trial, in which event the case shall be heard and determined by the court and a jury.

[If the Commission shall agree upon a recommendation, it shall file with the court a report setting forth its findings of fact and conclusions of law and its recommendation based thereon which recommendation shall be in one of the following forms:

[(1) That the person is of sound mind and should be discharged forthwith and the petition dismissed.

[(2) That the mental condition of the alleged insane person is such that definite diagnosis cannot be made without further study, or that the mental incapacity of said person will probably be of short duration, and that said person should be temporarily committed to Gallinger Municipal Hospital or any other hospital in the District of Columbia, as provided in the Act approved April 27, 1904, for observation or treatment for a period of not more than thirty days, during which said period the Commission shall examine the said person and make a recommendation as to the final disposition of the case.

[(3) That the person is of unsound mind and (a) should be committed to Saint Elizabeths Hospital, or any other hospital provided by section 4 of the Act approved April 27, 1904, (1) at public expense, or (2) at the expense of those persons who are required by law, or who will agree to pay for the maintenance and treatment of said insane person, or (3) that the relatives of the said insane person, mentioned in section 11 of this Act are able to pay a specified sum per month toward the support and maintenance of said insane person; (b) is harmless and may safely be committed to the care of his relatives or friends (naming them) who are willing to accept custody, care, and maintenance of said insane person under conditions specified by the Commission.]

Section 7

[Upon the receipt of the report and recommendation of the Commission, a copy of which shall be served personally upon the alleged insane person, his guardian ad litem or his attorney, if he have one, together with notice that he has ten days within which to demand a jury trial, a demand for hearing by the court or a demand for jury trial for the purpose of determining the sanity or insanity of the alleged insane person may be made by the said alleged insane person or by anyone in his behalf, or a jury trial may be ordered by the court upon its own motion. If demand be made for a jury trial, or such trial be ordered by the court on its own motion, the case shall be calendared for trial not less than ten days after demand for hearing by the court or for a jury trial, or unless the time is extended by the court. The Commission, or any of the members thereof, shall be competent and compellable witnesses at any trial or hearing of an alleged insane person. In any case in which a commitment at public expense, in whole or in part, is sought, the corporation counsel or one of his assistants shall represent the petitioner unless said petitioner shall be represented by counsel of his or her own choice.

[The jury to be used in lunacy inquisitions in those cases where a jury trial shall be demanded or ordered shall be empaneled, upon order of the court, from the jurors in attendance upon other branches of the District Court of the United States for the District of Columbia, who shall perform such services in addition to, and as part of, their duties in said court.]

Section 8

[If no demand be made for a hearing by the court or by the court and a jury, the judge holding equity court shall determine the sanity or insanity of said alleged insane person, but such judge may, in his discretion, require other proofs, in addition to the petition and report of the Commission, or such judge may order the temporary commitment of said alleged insane person for observation or treatment for a period of not more than thirty days. The judge may in his discretion, dismiss the petition notwithstanding the recommendation of the Commission. If the judge be satisfied that the alleged insane person is of sound mind, he shall forthwith discharge such person and dismiss the petition.]

Section 9

[If the judge be satisfied that the alleged insane person is insane, or if a jury shall so find, the judge may commit the insane person as he in his discretion shall find to be for the best interests of the public and of the insane person. In case of a temporary commitment, the court may make additional temporary commitments upon further examination by, and the recommendation of, the Commission.

Section 10

[If an insane person be found by the Commission, subject to the review of the court, not to be a resident of the District of Columbia he may be committed by the court to Saint Elizabeths Hospital as a District of Columbia patient until such time as his residence shall have been ascertained. Upon the ascertainment of such insane person's residence in some other jurisdiction, he shall be transferred to the State of such residence. The expense of transferring such patient, including the traveling expenses of necessary attendants to insure his safe transfer, shall be borne by the District of Columbia only if the patient be indigent.

[Any insane person found by the Commission to have been a resident of the District of Columbia for more than one year prior to the filing of the petition, and any person found within the District of Columbia whose residence cannot be ascertained, who is not in confinement on a criminal charge, may be committed by the court to, and confined in, said Saint Elizabeths Hospital, or any other hospital in said District, which, in the judgment of the health officer of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons.

["Resident of the District of Columbia", as used in this section, means a person who has maintained his principal place of abode in the District of Columbia for more than one year prior to the filing of the petition provided for in section 1 of this Act.

[If it appears that a person found to be insane is harmless and his or her relatives or committee of his or her person are willing and able properly to care for such insane person at some place or institution other than Saint Elizabeths Hospital, the judge may order that such insane person be placed in the care and custody of such relatives or such committee upon their entering into an undertaking to provide for such insane person as the court may direct.]

Section 11

[The father, mother, husband, wife and adult children of an insane person, if of sufficient ability, and the committee or guardian of his or her person and estate, if his or her estate is sufficient for the purpose, shall pay the cost to the District of Columbia of his or her maintenance, including treatment, in Saint Elizabeths Hospital, or in any other hospital to which the insane person may be committed. It shall be the duty of said Commission to examine, under oath, the father, mother, husband, wife, adult children, and committee, if any, of any alleged insane person whenever such relatives live within the District of Columbia, and to ascertain the ability of such relatives or committee, if any, to maintain or contribute toward the maintenance of such alleged insane person: *Provided,* That in no case shall said relatives or committee be required to pay more than the actual cost to the District of Columbia of maintenance of such alleged insane person.

[If any person hereinabove made liable for the maintenance of an insane person shall fail so to provide or pay for such maintenance, the court shall issue to such person a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of such patient. The citation shall be served at least ten days before the hearing thereon. If, upon such hearing, it shall appear, to the court that the insane person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degrees hereinabove mentioned who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by such relatives of such sum or sums as it may find they are reasonably able to pay and as may be necessary to provide for the maintenance of such insane person. Said order shall require the payment of such sums to the Board of Public Welfare annually, semiannually, or quarterly as the court may direct. It shall be the duty of the Board to collect the said sums due under this section, and to turn the same into the Treasury of the United States to the credit of the District of Columbia. Any such order may be enforced against any property of the insane person or of the person liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.]

Section 12

[Any insane person who has been committed to Saint Elizabeths Hospital, or any other hospital, and who shall have been released from such hospital as improved, or who shall have been paroled from such hospital (but who shall not have been discharged as cured), and who shall have been absent from the hospital on release or parole for a period of six months or longer, shall have the right to appear before the Commission for a hearing to determine the sanity and right to restoration to the status of a person of sound mind of said insane person by filing a petition therefor with the court upon a form to be provided by the Commission for that purpose. It shall be the duty of the Commission to make such examination and observation of the insane person as may be necessary to determine such questions, and to make a report and a recommendation to the court. In the event the Commission shall find that the said person is of sound mind and shall recommend to the court the restoration of said person to the status of a person of sound mind such recommendation shall be sufficient to authorize the court to enter an order declaring such person to be restored to his or her former legal status as a person of sound mind. In the event the Commission shall find such person to be of unsound mind, it shall report that finding to the court. Upon the filing by the Commission of a report finding such person to be of unsound mind, the insane person shall have the right to a hearing by the court or by the court and a jury. For the purpose of making the examination and observations required by this section the Commission shall have the right to examine the records and to interrogate the physicians and attendants at Saint Elizabeths Hospital or any other hospital in which such patient shall have been confined, who have had the insane person under their care, and the Commission may recommend to the court the temporary recommitment, for a period of not more than thirty days, of such person for purposes of observation, and the court is hereby empowered to order the temporary recommitment of such person for said purpose. At such trial by the court or by the court and a jury an adjudication shall be made as to whether the person is of sound mind or is still of unsound mind.]

Section 13

[The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpenaed under the provisions of this Act.]

Section 14

[The court in its discretion may require the petitioner to file an undertaking with surety to be approved by the court in such amount as the court may deem proper, conditioned to save harmless the respondent by reason of costs incurred, including attorney's fees, if any, and damages suffered by the respondent as a result of any such action.]

Section 15

[Any person who executes a verified petition or affidavit as provided in this Act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificate or affidavit, as to the sanity or insanity of any other person shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.]

Section 16

[All Acts or parts of Acts in conflict herewith are hereby repealed.]

Section 17

[If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.]

AN ACT TO PROVIDE FOR INSANITY PROCEEDINGS IN THE DISTRICT OF COLUMBIA, APPROVED AUGUST 9, 1939, 53 STAT. 1293 AS AMENDED (21 D.C. CODE 310–318, 320–325)

[*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person with whom an alleged insane person may reside, or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of lawful age of any such person, or the nearest relative or friend available, or the committee of such person, or an officer of any charitable institution, home, or hospital in which such person may be, or any duly accredited officer or agent of the Board of Public Welfare, or any officer authorized to make arrests in the District of Columbia who has arrested any alleged insane person under the provisions of the Act of Congress approved April 27, 1904 (33 Stat. 316), may apply for a writ de lunatico inquirendo and an order of commitment, or either thereof, for any alleged insane person in the District of Columbia, by filing in the United States District Court for the District of Columbia a verified petition therefor, containing a statement of the facts upon which the allegation of insanity is based.

[Any person believing he has, or is about to, become mentally ill may, upon his own written application, in the discretion of the chief psychiatrist of Gallinger Municipal Hospital, enter Gallinger Municipal Hospital for observation and place himself subject to examination and commitment as hereinafter provided.]

Section 2

[Upon the filing with the court of a verified petition as hereinabove provided, accompanied by the affidavits of two or more responsible residents of the District of Columbia setting forth that they believe the person therein named to be insane or of unsound mind, the length of time they have known such person, that they believe such person to be incapable of managing his own affairs, and that such person is not fit to be at large or go unrestrained, and that if such person be permitted to remain at liberty the rights of persons and property will be jeopardized or the preservation of public peace imperiled or the commission of crime rendered probable, and that such person is a fit subject for treatment by reason of his or her mental condition, the court, or any judge thereof in vacation, may, in its or his discretion, issue an attachment for the immediate apprehension and detention, for preliminary examination, of such person in Saint Elizabeths Hospital and, unless found by the staff of Saint Elizabeths Hospital to be of sound mind, therein for a period of not exceeding thirty days. Any person so apprehended and detained shall be given an examination within five days of his admission into Gallinger Municipal Hospital by the staff of Gallinger Municipal Hospital. The superintendent of Gallinger Municipal Hospital may transfer such person to Saint Elizabeths Hospital at any time within thirty days after his apprehension and detention, and shall report the fact of such transfer to the Commission on Mental Health as established by the Act of June 8, 1938 (52 Stat. 627, ch. 326), and hereinafter referred to as the Commission. The superintendent of Saint Elizabeths Hospital is hereby authorized to receive and detain persons so transferred, at the expense of the District of Columbia.

[If any person while a patient in Gallinger Municipal Hospital being observed for his or her mental condition cannot be cared for or treated adequately in said hospital or if such person be in need of treatment which cannot be given properly in said hospital, then the superintendent of Gallinger Municipal Hospital may effect the transfer and temporary commitment of such person to Saint Elizabeths Hospital by executing a petition as provided by section 1 of the Act approved June 8, 1938, accompanied by the certificate of the chief psychiatrist of Gallinger Municipal Hospital setting forth that said patient is of unsound mind, cannot be cared for or treated adequately in Gallinger Municipal Hospital, should not be allowed to remain at liberty and go unrestrained, and that said patient is a fit subject for treatment in Saint Elizabeth Hospital on account of his mental condition. The superintendent of Saint Elizabeths Hospital is authorized to receive and detain any patient so transferred from Gallinger Municipal Hospital at the expense of the District of Columbia pending his formal commitment or other order of the court.

[Persons arrested under the provisions of the Act of Congress approved April 27, 1904 (33 Stat. 316), shall be detained in Gallinger Municipal Hospital pending the filing of a petition as provided in section 1 of this Act. Such petition shall be filed within forty-eight hours after such person shall have been admitted into Gallinger Municipal Hospital, or, if such forty-eight-hour period shall expire on a Sunday or legal holiday, then not later than noon of the next succeeding day which is not a Sunday or legal holiday. The court, or any judge thereof in vacation, may, upon being satisfied of the sufficiency of the petition, sign an order authorizing the continued detention of said person in Gallinger Municipal Hospital and, unless found by the staff of Gallinger Municipal Hospital to be of sound mind, in Saint Elizabeths Hospital for a period not exceeding thirty days from the time of his apprehension and detention. If such petition be not filed, and such order of court obtained within the aforementioned period, the person shall be discharged forthwith. If said staff shall find that such person is of unsound mind and suitable for treatment by reason of mental illness, the superintendent of said hospital may immediately transfer such person to Saint Elizabeths Hospital, and shall report the fact of such transfer to the Commission. The superintendent of Saint Elizabeths Hospital is hereby authorized to receive and detain persons so transferred, at the expense of the District of Columbia.

[If as a result of examination, the staff of Gallinger Municipal Hospital, or St. Elizabeths Hospital, shall find that any person detained in Gallinger Municipal Hospital, or St. Elizabeths Hospital, pursuant to the provisions of this section is of sound mind, he shall be discharged forthwith by said Gallinger Municipal Hospital, or St. Elizabeths Hospital, and the petition, if any, shall be dismissed.

[Any petition filed in the equity court for a writ de lunatico inquirendo or for an order of commitment of any alleged insane person, shall be referred by the court to the Commission for report and recommendation within such time as the court may designate, not exceeding seven days, which time may be extended by the court for good cause shown, and in such event the period of temporary commitment in Saint Elizabeths Hospital may be extended by the court for such additional time as the court shall deem necessary. The Commission shall examine the alleged insane person and any other person, including any suggested by the alleged insane person, his relatives, friends, or representatives, whose testimony may be relevant, competent, and material upon the issue of insanity; and the Commission shall afford opportunity for hearing to any alleged insane person his relatives, friends, or representatives. At all hearings the alleged insane person shall have the right to be represented by counsel.

[The Commission is hereby authorized to conduct its examination and hearings of cases elsewhere than at the offices of said Commission in its discretion, according to the circumstances of the case.

[If in the determination of the Commission he be found not to be sane, then it shall be the duty of the Commission to apply to the court for a date for a hearing. In all cases before said hearing, the said Commission shall cause to be served personally upon the patient a written notice of the time and place of final hearing at least five days before the date fixed. Five days' notice of the time and place of the hearing shall in all cases be mailed to or served upon the applicant, but in case the applicant is not the husband, wife, or nearest relative, the notice shall be mailed to or served upon the husband, wife, or nearest relative, if possible. The notice shall contain a statement that if the patient desires to oppose the application for a final order of commitment, he may appear personally or by attorney at the time and place fixed for the hearing. Proof of service shall be made at the hearing. The court may in its discretion appoint an attorney or guardian ad litem to represent the alleged insane person at any hearing before the court, or before the court and jury, and shall allow the attorney or guardian ad litem so appointed a reasonable fee for his services. Such fees may be charged against the estate or property, if any, of the alleged insane person.

[If a demand is made for a jury trial, the superintendent of Gallinger Municipal Hospital or Saint Elizabeths Hospital shall see that the patient has been given opportunity to appear personally or by attorney at the hearing and assist him in communicating with his friends, relatives, or attorney. If the superintendent shall certify that in his opinion it would be prejudicial to the health of the patient or unsafe to produce the patient at the inquiry, then such patient shall not be required to be produced.

[Proof of service of the required notices shall be made at the hearing.]

Section 3

[Upon the receipt of the report and recommendation of the Commission, a copy shall be served personally upon the alleged insane person, his guardian ad litem, or his attorney, if he has one, together with notice that he has five days within which to demand a jury trial. A demand for hearing by the court, or a demand for jury trial for the purpose of determining the sanity or insanity of the alleged insane person may be made by the said alleged insane person or by anyone in his behalf, or a jury trial may be ordered by the court upon its own motion. If demand be made for a jury trial, or such trial be ordered by the court on its own motion, the case shall be calendared for trial not more than ten days after demand for hearing by the court for a jury trial, unless the time is extended by the court. The Commission, or any of the members thereof, shall be competent and compellable witnesses at any trial or hearing of an alleged insane person. In any case in which a commitment at public expense, in whole or in part, is sought, the corporation counsel or one of his assistants shall represent the petitioner unless said petitioner shall be represented by counsel of his or her own choice.]

Section 4

[The jury to be used in lunacy inquisitions in those cases where a jury trial shall be demanded or ordered shall be empaneled, upon order of the court, from the jurors in attendance upon other branches of the United States District Court for the District of Columbia, who shall perform such services in addition to and as part of their duties in said court.]

Section 5

[If no demand be made for a jury trial, the judge holding court shall determine the sanity or insanity of said alleged insane person, but such judge may, in his discretion, require other proofs, in addition to the petition and report of the Commission, or such judge may order the temporary commitment of said alleged insane person for observation or treatment for an additional period of not more than thirty days. The judge may, in his discretion, dismiss the petition notwithstanding the recommendation of the Commission. If the judge be satisfied that the alleged insane person is of sound mind, he shall forthwith discharge such person and dismiss the petition.]

Section 6

[If the judge be satisfied that the alleged insane person is insane, or if a jury shall so find, the judge may commit the insane person as he in his discretion shall find to be for the best interests of the public and of the insane person. In case of a temporary commitment, the court may make additional temporary commitments upon further examination by, and recommendation of, the Commission.

[The judge may commit the insane person to the custody of the Veterans' Administration for care and treatment in a Veterans' Administration facility, if there has been filed with the court or the Commission on Mental Health, acting under the direction of the court, a certificate executed by the Administrator of Veterans' Affairs, or his duly authorized representative, showing said insane person to be entitled to such care and treatment, and that facilities therefor are available.]

Section 7

[Recommendations of the Commission must be made by the unanimous recommendation of the three members acting upon the case. If the three members of the Commission be unable to agree upon the recommendation to be made in any case, they shall immediately file with the court a report setting forth the fact that they are unable to agree on the case, and in that event the court shall hear and determine the case, unless the alleged insane person, or someone in his behalf, shall demand a jury trial, in which event the case shall be heard and determined by the court and a jury.

[If the Commission shall agree upon a recommendation, it shall file with the court a report setting forth its findings of fact and conclusions of law and its recommendations based thereon which recommendation shall be in one of the following forms:

[(A) That the person is of sound mind and should be discharged forthwith and the petition dismissed.

[(B) That the mental condition of the alleged insane persons is such that a definite diagnosis cannot be made without further study, or that the mental incapacity of said person will probably be of short duration, and that said person should be further detained and committed in Saint Elizabeths Hospital as hereinbefore provided for, or in any other hospital in the District of Columbia as provided in the Act approved April 27, 1904, for further observation or treatment for such period of time as the court may determine, during which said time the Commission shall from time to time examine said person and make a recommendation to the court as to the final disposition of the case.

[(C) That the person is of unsound mind and (1) should be committed to Saint Elizabeths Hospital, or any other hospital provided by section 4 of the Act approved April 27, 1904, (a) at public expense, or (b) at the expense of those persons who are required by law, or who will agree to pay for the maintenance and treatment of said insane person, or (c) that the relatives of said insane person, mentioned in section 11 of this Act are able to pay a specified sum per month toward the support and maintenance of said insane person; (2) is harmless and may safely be committed to the care of his relatives or friends (naming them) who are willing to accept the custody, care, and maintenance of said insane person under conditions specified by the Commission; (3) should be committed to the Administrator of Veterans' Affairs for care and treatment in a Veterans' Administration facility: *Provided*, That there shall be filed with the court or Commission a certificate executed by said Administrator or his duly authorized representative, showing said person is entitled to such care and treatment and that facilities therefor are available.]

Section 8

[If an insane person be found by the Commission, subject to the review of the court, not to be a resident of the District of Columbia, he may be committed by the court to Saint Elizabeths Hospital as a District of Columbia patient until such time as his residence shall have been ascertained. Upon the ascertainment of such insane person's residence in some other jurisdiction, he shall be transferred to the State of such residence. The expense of transferring such patient, including the traveling expenses of necessary attendants to insure his safe transfer, shall be borne by the District of Columbia only if the patient be indigent.

[Any insane person found by the Commission to have been a resident of the District of Columbia for more than one year prior to the filing of the petition, and any person found within the District of Columbia whose residence cannot be ascertained, who is not in confinement on a criminal charge, may be committed by the court to, and confined in, said Saint Elizabeths Hospital, or any other hospital in said District, which, in the judgment of the Commission of said District, is properly constructed and equipped for the reception and care of such persons, and the official in charge of which, for the time being, is willing to receive such persons.

["Resident of the District of Columbia", as used in this section, means a person who has maintained his principal place of abode in the District of Columbia for more than one year prior to the filing of the petition provided for in section 1 of this Act.

[If it appears that a person found to be insane is harmless and his or her relatives or committee of his or her person are willing and able properly to care for such insane person at some place or institution other than Saint Elizabeths Hospital, the judge may order that such insane person be placed in the care and custody of such relatives or such committee upon their entering into an undertaking to provide for such insane person as the court may direct.]

Section 9

[The father, mother, husband, wife, and adult children of an insane person, if of sufficient ability, and the committee or guardian of his or her person and estate, if his or her estate is sufficient for the purpose, shall pay the cost to the District of Columbia of his or her maintenance, including treatment in Saint Elizabeths Hospital or in any other hospital to which the insane person may be committed. It shall be the further duty of said Commission, to examine under oath, the father, mother, husband, wife, adult children, and committee, if any, of any alleged insane person whenever such relatives live within the District of Columbia, and to ascertain the ability of such relatives or committee, if any, to maintain or contribute toward the maintenance of such alleged insane person: *Provided*, That in no case shall said relatives or committee be required to pay more than the actual cost to the District of Columbia of maintenance of such alleged insane person.

[If any person hereinabove made liable for the maintenance of an insane person shall fail so to provide or pay for such maintenance, the court shall issue to such person a citation to show cause why he should not be adjudged to pay a portion or all of the expenses of maintenance of such patient. The citation shall be served at least ten days before the hearing thereon. If, upon such hearing, it shall appear to the court that the insane person has not sufficient estate out of which his maintenance may properly be fully met and that he has relatives of the degrees hereinabove mentioned who are parties to the proceedings, and who are able to contribute thereto, the court may make an order requiring payment by such relatives of such sum or sums as it may find they are reasonably able to pay and as may be necessary to provide for the maintenance of such insane person. Said order shall require the payment of such sums to the Board of Public Welfare annually, semiannually, or quarterly as the court may direct. It shall be the duty of the Board to collect the said sums due under this section, and to turn the same into the Treasury of the United States to the credit of the District of Columbia. Any such order may be enforced against any property of the insane person or of the person liable or undertaking to maintain him in the same way as if it were an order for temporary alimony in a divorce case.]

Section 10

[Any insane person who has been committed to Saint Elizabeths Hospital or any other hospital, and who shall have been released from such hospital as improved, or who shall have been paroled from such hospital (but who shall not have been discharged as cured), and who shall have been absent from the hospital on release or parole for a period of six months or longer, shall have the right to appear before the District Court of the United States for the District of Columbia for a hearing to determine the sanity and right to restoration of the status of a person of sound mind of said insane person by filing a petition therefore with the court upon a form to be provided by the Commission for that purpose. It shall be the duty of the Commission to make an examination of the records of Saint Elizabeths Hospital of the insane person as may be necessary to determine such questions, and if necessary have the person examined by the members of the staff of Saint Elizabeths Hospital and to make a report and recommendation to the court. In the event the Commission shall find from the records and examination that the said person is of sound mind and shall recommend to the court the restoration of said person to the status of a person of sound mind such recommendation shall be sufficient to authorize the court to enter an order declaring such person to be restored to his or her former legal status as a person of sound mind. In the event the Commission shall find such person to be of unsound mind, it shall report that finding to the court. Upon the filing by the Commission of a report finding such person to be of unsound mind, the insane person shall have the right to a hearing by the court or by the court and a jury. For the purpose of making the examination and observations required by this section, the Commission shall have the right to examine the records and to interrogate the physicians and attendants at Saint Elizabeths Hospital or any other hospital in which such patient shall have been confined, who have had the insane person under their care, and the Commission may recommend to the court the temporary recommitment of such person for said purpose. At such trial by the court or by the court and jury, an adjudication shall be made as to whether the person is of sound mind or is still of unsound mind.]

Section 11

[The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpenaed under the provisions of this Act.]

Section 12

[The court in its discretion may require the petitioner to file an undertaking with surety to be approved by the court in such amount as the court may deem proper, conditioned to save harmless the respondent by reason of costs incurred, including attorneys' fees, if any, and damages suffered by the respondent as a result of any such action.]

Section 13

[All applications and certificates for commitment and confinement of any patient to any hospital in the District of Columbia for the care and the treatment of the insane must be made on forms approved by the Commission and furnished by it.]

Section 14

[Any person who executes a verified petition or affidavit as provided in this Act, by which he or she secures or attempts to secure the apprehension, detention, or restraint of any other person in the District of Columbia without probable cause for believing such person to be insane or of unsound mind, or any physician who knowingly makes any false certificates or affidivit as to the sanity or insanity of any other person, shall, upon conviction thereof, be fined not more than $500 or imprisoned not more than three years, or both.]

Section 15

[Nothing contained in this Act shall deprive the alleged insane person of the benefit of existing remedies to secure his release or to prove his sanity, or of any other legal remedies he may have.]

Section 16

[Section 2 of the Act approved June 8, 1938, is hereby amended by deleting the words "for such service the alternate shall receive $10 for each day of actual service" and inserting in lieu thereof the following: "For such service the alternate shall receive, for each day of actual service, the same compensation as fixed in accordance with the provisions of the Classification Act of 1923, as amended, for the lawyer member of the Commission".]

Section 17

[All Acts or parts of Acts in conflict herewith are hereby repealed.]

Section 18

[If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.]

Mr. ERVIN. The bill is in the nature of a committee substitute. All after the enacting clause has been stricken, and the bill is in completely revised form.

The Subcommittee on Constitutional Rights of the Committee on the Judiciary conducted hearings on the bill during a period of 2 years. We had the benefit of the advice of those who work most intimately with the mentally ill and the laws concerning them. We heard from judges, hospital authorities, the District of Columbia Commissioners, psychiatrists, other members of the medical profession, lawyers, and a great many other persons. The consensus was that this is one of the finest bills of this nature ever presented to a legislative body in the United States. I am proud of the work of the subcommittee, especially of the work of the chief of staff, Mr. William A. Creech, and all the staff members who worked on this measure. I should like to acknowledge also the contributions of two former staff members, Mrs. Elyce Zenoff Ferster and Mrs. Linda Rosenberg Sher.

Mr. JOHNSTON. Mr. President, the Senator from North Carolina, in his usual way, performed excellent work on the bill. As he has already said, hearings were conducted over a term of about 2 years.

The bill ought to be called especially to the attention of the officials of the various States. The Subcommittee on Constitutional Rights paid a great deal of attention to the subject and spent much time and energy in drafting the bill. The various States of the Union can find much in the bill that will be beneficial to the States in attending to matters concerning mental illness. Few States have any laws of this nature on their books. If they would only examine and get the benefit of our hearings on this subject with a view to passing similar laws in the States, great benefits would result throughout the United States.

Mr. ERVIN. Mr. President, I should like to add a word to the statement of the Senator from South Carolina. The Senator from South Carolina, the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Nebraska [Mr. HRUSKA] deserve the thanks of the Senate, of the Congress, and the country for their fine work in connection with the preparation of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 935) was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 937, Senate bill (S. 2755), authorizing appropriations to the Atomic Energy Commission.

The motion was agreed to; and the Senate proceeded to consider the bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. ANDERSON. Mr. President, I ask that at the conclusion of my remarks, the Joint Committee on Atomic Energy be discharged from the further consideration of the companion bill, House bill 10945, and that the Senate proceed to consider the House bill, inasmuch as the House bill, as passed by the House, is identical with the Senate bill, as introduced.

Mr. President, this year, pursuant to legislation enacted during the last session of the Congress, the Joint Committee on Atomic Energy, for the first time, reviewed the entire AEC budget, including both operating and construction funds. Our hearings were extensive. They were held over a period of 6 weeks, occupying a total of 60 hours in public and executive sessions. We compiled a hearing record of more than 2,000 pages and issued a comprehensive report on this legislation.

This bill was reported by the Joint Committee without dissent. It represents the agreed views of members of the Joint Committee from both sides of the aisle and both Houses. It was passed in the House of Representatives by a vote of 340 to 3. In summary, this bill has the wide, general support which it deserves.

In general, the bill would authorize total appropriations in the amount of approximately $2.6 billion for "operating expenses" and "plant equipment" for the fiscal year 1965 atomic energy program. This amount is about $28 million less than that requested by the AEC for the coming fiscal year. It sets a ceiling on appropriations which is about $60 million less than the appropriations for fiscal year 1964. The action of the committee clearly demonstrates that the Congress has carefully reviewed the budget for the national atomic energy program.

Section 101(a) of the bill authorizes about $2.3 billion for "operating expenses" under the AEC's 13 major programs. There are several highlights worth noting:

First. In the civilian power program the committee has allowed an authorization of $1 million for a cooperative program with Canada in the development of heavy water reactors. The Commission had requested $5 million for the conduct of this 5-year program. It was the committee's view that because this is a 5-year program, the Congress should have an opportunity to review it on a yearly basis.

Second. Although no new authorization was requested for the cooperative power reactor demonstration program, the committee expressed clear policy guidelines for the future course of this program.

Substantial gains have been made in recent years in producing competitive electricity from the atom. These gains led President Johnson, in a recent speech, to refer to:

> Our new capability to use the power of the atom to meet human needs.

The President also stated:

> It appears that the long-promised day of economic nuclear power is close at hand.

We are all proud of the developments referred to by President Johnson. Although no power reactor is yet producing competitive electricity, we do hope that the plants which are now planned and under construction will prove to be competitive. It is clear, however, that we are on the threshold of competitive nuclear power.

On this basis the Joint Committee stated that:

> Further assistance in the cooperative power reactor demonstration program for light water, moderated and cooled reactors of the type proposed by utilities in the past year cannot be further justified.

Our committee report emphasized a "shift in emphasis" toward reactors which show the promise of significantly increasing the Nation's energy resources—the so-called advanced converter and breeder reactors which produce almost as much, or more fuel, than they consume. I am hopeful that nuclear power will not only prove to be competitive but also open up a virtually unlimited source of energy for future generations of Americans.

Third. In the merchant ship reactors program, the Joint Committee turned down a $13.5 million request by the AEC for the construction of a merchant ship reactor prototype. The AEC's request for this program was received by the committee after the completion of our hearings. It was our belief that a wide-ranging program of this type should be reviewed in the public record before final approval. If, and when, the Atomic Energy Commission is able to present the full details of this program in public hearings, the committee will be receptive to giving further consideration to this matter.

Fourth. The Joint Committee added $14.6 million for a flight test of the SNAP 10-A reactor. I believe that a word of background is necessary here.

Over the last 7 years we have spent almost $100 million on SNAP 10-A—a compact source of nuclear energy for use in the space program.

Last year, just as it was ready for a pathbreaking flight test in outer space, the Department of Defense decided that there was no "urgent requirement" for this reactor.

As one who has been closely associated with research and development programs—both in the atomic energy and space fields—I have seen programs which cost hundreds of millions of dollars cancelled just as we were about to get a return on our investment. All too often we see the user agency, at the critical point of demonstration, declaring that no requirement exists for the product of a research and development program.

We know all too well that "requirements" are not developed—particularly in "first of a kind devices"—until they are demonstrated in their intended environments.

Therefore, the committee provided the necessary funds for the flight test of a SNAP 10–A reactor. This test will be a "first in space" for the United States and a demonstration of the practical use of nuclear reactor systems for power in outer space.

To partially offset these increased costs, the committee has recommended a $10 million reduction in other advanced SNAP work. It was our view that this advanced work be deferred as a matter of priority in order to finance the SNAP 10–A flight test.

Fifth. The committee rejected the AEC's request for funds to develop an advanced Pluto reactor. Pluto is a project aimed at the development of a nuclear reactor to power a supersonic military vehicle in the earth's atmosphere.

Pluto has been highly successful. Only recently the AEC conducted an extremely successful ground test of the Tory II–C reactor—a reactor designed to meet all the necessary requirements to fly a vehicle at supersonic speed. Everyone who has closely followed this program agrees that the next logical step in the Pluto program is a flight test of the Pluto reactor. Since the AEC and DOD have not been able to reach agreement to proceed with a flight test, the Joint Committee did not believe the program should be authorized at the level requested. We, therefore, cut the funds for Pluto by $1.5 million, leaving a $6.5 million program.

Sixth. In the physical research program the Joint Committee recommended a reduction of $4 million below the AEC's request. Specifically, we provided an $1.8 reduction in the high energy physics program.

Basically, we felt that a definitive and approved national policy on high energy physics was essential before further increases in this program could be allowed. Because of the tremendous growth in this program it is absolutely vital that we know where we are going in this field. The Joint Committee therefore asked for a study in the high energy physics program to be conducted by the AEC and other Federal agencies and to be submitted to the President and the Congress.

Seventh. Finally, in recent years, Members of the Congress have become increasingly concerned about the growth in the number of Federal research contracts at university campuses. This was a matter of special interest to the committee this year in reviewing the atomic energy program. The committee indicated its concern with the large number of offsite research contracts in such programs as biology and medicine, high energy physics, and chemistry. We enforced our recommendation for a tightening up on these contracts with significant reductions in all three programs below the request of the AEC. We also recommended a substantial cut of $1.5 million in training, education, and information programs, under which scholarships and other forms of academic assistance are provided.

In discussing the atomic energy authorization for fiscal year 1965 it is important to keep in mind that more than 60 percent of the appropriations authorized by this bill are for the military aspects of the atomic energy program. These funds are used for the development, storage, and testing of nuclear weapons and the production of weapons material. They are also used to implement the safeguards under the test ban treaty. This authorization, therefore, provides the essential ingredients for a sound program in both the peaceful and military applications of atomic energy.

Section 101(b) of the bill would authorize appropriations in the amount of $338,110,000 for "plant and capital equipment" in the fiscal year 1965 AEC program. This amount is $3 million less than that requested by the Atomic Energy Commission. Our principal cut in this area was in the special nuclear materials program, where the committee believes savings can be realized, in part, as a result of the cutbacks in the production of special nuclear materials announced by the President in January, and more recently on April 20. In following fiscal years, further savings will be realized as these cuts are implemented.

Section 102 of the bill rescinds the authorization for a number of projects authorized in prior years. The committee has rescinded authorizations for eight projects, amounting to $35,550,000. These projects have either been deferred or canceled, and these recisions will properly reflect their current status.

Sections 103, 104, and 105 of the bill provide certain limitations and conditions on the funds authorized by this bill.

Section 106 of the bill extends for 1 year, to June 30, 1965, the date for approving proposals under the third round of the cooperative power reactor demonstration program. Although the Commission's authority under this program is extended for 1 year, I believe it is important for me to emphasize the point I made earlier; namely, that further assistance for "established" light water reactors is not contemplated. Our effort will now be shifted toward the development of breeder reactors—reactor concepts which may give America an unlimited supply of energy to supplement our coal, oil, and gas resources.

Finally, section 107 of the bill provides the Commission with special authority to enter into arrangements with industry for the construction of an isotopes production and packaging facility. This facility would be used to extract and package the waste fission products coming out of the Commission's production reactors. These packaged fission products could be used for a wide variety of applications, such as isotopic power sources for the space program, and for such applications, here on earth, as remote weather stations and marine buoys.

The Commission intends to solicit proposals from industry for commercial participation in the construction and operation of these facilities with private funds. Section 107 provides the Commission with the necessary authority for this purpose. Any proposed contract developed by the Commission will have to be submitted to the Joint Committee for review.

In summary, Mr. President, I would like to reiterate that this bill was reported out by the Joint Committee without dissent and has the overwhelming endorsement of the other body. I believe we have provided the type of authorization which will allow atomic energy to make a maximum contribution to the general welfare, as well as the common defense and security. Therefore, Mr. President, I hope the bill will be passed.

Mr. JACKSON. Mr. President, along with my colleagues on the Joint Committee on Atomic Energy, I strongly support the fiscal year 1965 AEC authorization bill. This bill received the unanimous support of the members of the Joint Committee on Atomic Energy.

As the distinguished senior Senator from New Mexico has mentioned, the Joint Committee for the first time has reviewed the entire atomic energy budget, including both operating and construction funds. The detailed record of the hearings, consisting of three volumes of printed publications, I believe, will document the conscientious manner in which the committee undertook its new responsibilities.

There is one project I should like to bring to the attention of the Senate—project Pluto—because it is a project which will require close attention during the forthcoming consideration of the AEC appropriation bill.

To date, AEC and DOD have invested $195 million during a 7-year research and development program for a nuclear-powered ramjet engine. From a technical point of view, the project has been extremely successful. However, the Defense Department has not made up its mind as to whether it actually wants this new weapon system. By July 1, the Defense Department is supposed to have completed a study and made a decision as to whether it will support a flight test of the successful nuclear engine developed for it by the Commission. I strongly believe that such a flight test should be conducted, to fully demonstrate the unique characteristics of what could become a revolutionary weapon system. Past experience has amply demonstrated that requirements for new weapons systems come about after a project has been successfully demonstrated and not before.

I am concerned that the other body, in considering the AEC appropriations bill provided only $1 million for this program. When the Senate Appropriations Committee considers the appropriation bill as distinct from the authorization bill, which is presently before us, I would hope that this money can be restored. While I hope that the Defense Department will decide to support a flight test of the nuclear engine, I am concerned that the extreme cut, made by the other body, will not permit scientists to carry the program to a logical termination point if a decision is made not to support the flight test. I am concerned that a drastic cut in the level of support for this program would make it impossible for us to correlate the technical information developed for possible future use. I expect to have more to say about this matter when the appropriations bill is up for consideration.

The PRESIDING OFFICER. Without objection, the Joint Committee on Atomic Energy will be discharged from the further consideration of House bill 10945.

Is there objection to the request of the Senator from New Mexico for the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill (H.R. 10945) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 10945) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2755 will be indefinitely postponed.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 997, House bill 10456, authorizing appropriations for the National Aeronautics and Space Administration.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, which had been reported from the Committee on Aeronautics and Space Administration, with amendments, on page 1 at the beginning of line 5, to strike out "$5,193,810,500" and insert "$5,246,293,250"; in line 6, after the word "development", to strike out "$4,327,950,000" and insert "$4,354,150,000"; on page 2, line 3, after the word "missions", to strike out "$22,100,000" and insert "$26,000,000"; in line 4, after the word "astronomy"; to strike out "$174,200,000" and insert "$180,700,000"; in line 6, after the word "exploration", to strike out "$283,100,000" and insert "$295,400,000"; in line 8, after the word "program", to strike out "$46,000,000" and insert "$40,000,000"; on page 3, line 1, after the word "acquisition", to strike out "$255,900,000" and insert "$265,400,000"; in line 5, after the word "acquisitions", to strike out "$248,335,000" and insert "$262,880,500"; in line 7, after the word "California", to strike out "$3,038,000" and insert "$5,668,000"; in line 8, after the word "Center", to strike out "(location to be inserted)," and insert "Boston, Massachusetts, area,"; in line 15, after the word "Florida", to strike out "$83,594,000" and insert "$87,070,000"; in line 21, to strike out "$22,649,000" and insert "$23,907,500"; in line 23, after the word "Alabama", to strike out "$13,759,000" and insert "$14,523,500"; on page 4, line 2, after the word "Louisiana", to strike out "$5,881,000" and insert "$6,207,500"; in line 4, to strike out "$55,792,000" and insert "$58,891,500"; in line 7, after the word "locations", to strike out "$32,362,000" and insert "$35,352,500"; in line 10, after the word "operations", to strike out "$617,525,500" and insert "$629,262,750"; and on page 6, line 12, to strike out "$238,335,000" and insert "$252,880,500".

Mr. SYMINGTON. Mr. President, we have before us today H.R. 10456, which as amended by the Aeronautical and Space Sciences Committee, authorizes expenditures by the National Aeronautics and Space Administration of $5,246,293,250 for research and development, construction of facilities, and administrative operations for the fiscal year 1965.

In bringing this bill to the floor, I am acting in behalf of the committee's chairman, the distinguished senior Senator from New Mexico, who at the request of the President is engaged in emergency work vital to the Nation and to the earthquake-ravaged economy of the State of Alaska.

This, NASA's seventh annual budget, will be the first to authorize less than its immediate predecessor and that is because the 1965 NASA budget is designed to preserve the momentum of existing programs, rather than to provide funds for newly approved programs.

We are still carrying out, however, the broad-based national space program proposed by President Kennedy on May 25, 1961, when he said to the Congress:

> I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish.

Later in that special message the President said:

> But in a very real sense it will not be one man going to the moon—if we make this judgment affirmatively, it will be an entire Nation. For all of us must work to put him there.
>
> I believe we should go to the moon.

President Kennedy added:

> But I think every citizen of this country as well as Members of the Congress should consider the matter carefully in making their judgment * * * because it is a heavy burden and there is no sense in agreeing or desiring that the United States take an affirmative position in outer space, unless we are prepared to do the work and bear the burdens to make it successful. If we are not, we should decide today and this year.

The people and the Congress considered carefully this proposal by the President, and accepted the challenge, and today NASA is carrying out the program.

A manned lunar landing, an operational weather satellite system, and an operational communications satellite system are now within reach.

NASA emphasizes that it has done its level best to hold its requests for funds to the absolute minimum needed to carry out the programs during the next fiscal year. The Administration requested $5,304 million of which $4,382 million was for research and development, $281 million for construction of facilities, and $641 million for administrative operations, the latter including all salaries.

The House, by a vote of 283 to 73, authorized $5,193,810,500, of which $4,327,950,000 was for research and development, $248,335,000 for construction of facilities, and $617,525,500 for administration.

The Senate Space Committee then held 7 days of public hearings on the NASA budget; and 5 days of executive sessions and during these sessions we studied the budget, line by line, in effort to establish the best possible balance between economy and need.

With few exceptions, we agreed with the House, and recommend that their reductions be accepted. It was felt, however, that in a few places the House cut too deeply.

On the other hand, there are two items which we recommend be reduced below the figures of the House.

Mr. HOLLAND. Mr. President——

Mr. SYMINGTON. I am glad to yield to the able Senator from Florida.

Mr. HOLLAND. Mr. President, I am called from the Chamber, to be elsewhere momentarily. Will the Senator from Missouri yield for a colloquy with me?

Mr. SYMINGTON. I yield.

Mr. HOLLAND. I appreciate the courtesy of the Senator from Missouri.

Because of the great public interest shown in the John F. Kennedy Space Center, the House in its consideration of the fiscal year 1965 NASA authorization bill authorized the construction of public facilities at the Cape Kennedy Space Center, and added $1 million to the construction of facilities budget for that purpose.

Will the Senator from Missouri please explain the status of those public facilities in the Senate bill?

Mr. SYMINGTON. I shall be glad to do so. The committee carefully considered the proposed public facilities at the Kennedy Space Center and agrees with the House as to the great public interest shown in that Center. However, because there has been no planning for public facilities and as no one knows what kind of public facilities are justified, it was the committee's position that it should not add a million dollars to the bill for such facilities.

However, the committee restored one-half of the funds cut by the House for manned space flight facilities at that Center. Therefore, with the deleted million dollars for the public facilities we made a net restoration of $3,467,000 for construction at that Center. If NASA should decide that public facilities are needed it could take the funds for construction out of that restoration.

Mr. HOLLAND. Do I understand correctly, then, that the Senate bill does authorize public facilities at the John F. Kennedy Space Center?

Mr. SYMINGTON. Yes; the Senator from Florida is correct, but the decision as to what is needed will be made by NASA.

Mr. HOLLAND. I thank the Senator.

Mr. SYMINGTON. Mr. President, the committee agreed, without dissent, to recommend restoring $52,482,750 of the $110,189,500 reduction by the House; and the committee's report recommends an authorization of $5,246,293,250: $4,354,150,000 for research and development, $262,880,500 for construction of facilities, and $629,262,750 for administrative operations.

Last year, Congress authorized $5,350,820,400 for the fiscal year 1964, of which $4,119,575,000 was for research and development, $713,060,400 for construction of facilities, and $518,185,000 for administrative operations.

No reductions were made this year by the House in the two largest research and development items in the 1965 budget—the two current manned space projects, Gemini and Apollo. With this your committee agrees; and we now recommend authorization of the full $308,400,000 requested by NASA for Gemini, and the full $2,677,500,000 requested for Apollo during the 1965 fiscal year.

I emphasize this agreement and recommendation because these two projects are the focal point of our entire space program.

They have been called a crash program to place a man on the moon by the end of the decade. That characterization is neither accurate or justified. The manned space program is an essential part of any balanced effort to achieve preeminence in space.

Such effort must lay the groundwork for the day when man will be able to use space for his own purposes, as he now uses the land, sea, and air.

In only 7 years, the age of space has already been transformed from one of promise to one of performance.

Communications satellites have carried live television across the Atlantic and Pacific; and when this system is fully operational, it will unite every region of the world in an all-weather telephone, radio, television, and photo-relay network.

It is estimated that a fully operational weather satellite system, capable of accurate worldwide forecasts 5 days in advance, can save the United States $6.7 billion a year in such fields as agriculture, retail marketing, and water resource management.

And most important of all, the men already orbiting the earth are planning to go to the moon and beyond.

Some believe our manned space program should concentrate on earth orbital capacity only, because from the standpoint of national security it would be more useful than moon flights.

From the standpoint of security, however, it makes little sense not to send freemen wherever any man can go; and just as there was a time when those who controlled the ground controlled the world—and then the sea, and now the air—some of our finest military experts believe that in the future those who control space will control the world.

How can we assume that man will stay near the earth if he is capable of going to the moon, the planets and the stars?

Our space program is based on the assumption that man will do what he can in space; and that the American people want this country to lead the way into space, not follow.

If that assumption is correct, then a manned lunar landing is an obvious early step in the conquest of space, because the moon is our closest neighbor; and to reach it, man must learn things essential for him to know on many other future space projects. The moon itself may be of great use in such future projects.

Obviously the most effective and efficient way to land a man on the moon is to work and plan for it. This NASA has done and is doing.

Its 1970 deadline represents, not a crash program, but an incentive for working at maximum efficiency. To plot any slower schedule would only increase cost at the rate of $1 billion a year, with no increase in safety. Nor should it ever be forgotten that all the leading NASA experts testified that at least 90 percent of the $20 billion allocated to the lunar landing project would have to be spent in a space program even if we did not plan landing on the moon.

The date was chosen as the one most likely to give the manned program both a framework and an incentive. The 1970 schedule is tight, but at least nothing has occurred so far to make the 1970 deadline unrealistic. Dr. Wernher von Braun recently estimated our chance of meeting this deadline as 50–50; and he opposed canceling it or moving it into the next decade.

Administrator Webb estimates the total cost of the manned space program at $19.5 billion, spread over 13 years from 1958 through 1970. This includes Mercury and Gemini as well as Apollo; and also all the research that would have to be carried out and all the hardware and facilities that would have to be built if we are to have any kind of manned space program at all.

We should never forget that much of the cost represents an investment in capital goods than can be used as part of the space program for many years to come; and that is why some 90 percent of this money will be spent on the development of hardware and technology and facilities so as to insure our position in space.

This is our goal. To gain this preeminence, we must commit $17.5 to $18 billion, whether we try to land men on the moon or not.

As someone has well said, however, to spend this amount without going ahead with the relatively small additional amount needed to accomplish the lunar landing would be as if Columbus had sailed to within sight of San Salvador, and then turned around and sailed back to Spain.

The point, therefore, and it could not be more important, is that the additional cost required to develop the lunar landing equipment, over and above what we would be spending anyway in any space program is only about $2 billion, not $20 billion.

While the proposed authorization for research and development has increased from $4,119,575,000 in 1964 to $4,354,150,000 in 1965, the construction of facilities authorization has dropped sharply from $713,060,400 to the committee's proposed figure of $262,880,500. This indicates that most of the facilities now planned have already been provided for in past budgets.

The increase in funds for administrative operations—from $518,185,000 to $629,262,750—reflects NASA's decision to save money in the long run by purchasing rather than renting data-processing equipment during the next fiscal year, as recommended by the General Accounting Office.

To conclude, Mr. President, this budget reflects NASA's plans for a well-balanced national space program, manned and unmanned, a program designed in the hope that the United States will be the leading space-faring nation.

The fact that the House trimmed NASA's request by only 2 percent, of which we recommend the restoration of 1 percent, indicates continued faith in NASA's competence; growing efficiency, less waste as the national space program matures.

It is for these reasons that we recommend the Senate pass H.R. 10456 as amended by the Aeronautical and Space Sciences Committee.

In addition to Report No. 1054, which, of course, is available to every Senator, the committee has prepared a detailed summary of its actions in regard to NASA's requests for fiscal year 1965. I ask unanimous consent that this summary be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

RESEARCH AND DEVELOPMENT

GEMINI PROGRAM—$308,400,000

The Gemini program bridges the gap between Project Mercury, which sent spacecraft containing one astronaut into orbit around the earth, and Project Apollo, which will send spacecraft containing three astronauts to the vicinity of the moon and will land two men on the moon's surface. The Gemini program will include long-duration and rendezvous missions for a two-manned spacecraft with the first long-duration flight being planned for 1965. The spacecraft will be launched by a Titan II ICBM booster modified for greater reliability and astronaut safety. The astronauts will control and maneuver the spacecraft, and missions even contemplate the astronauts leaving the spacecraft for short periods of time. Rendezvous missions will be accomplished using a standard Atlas launch vehicle and an Agena target vehicle.

The funds allocated for the Gemini program break down into spacecraft, launch vehicles, and Gemini support. The Administration's request was for $308,400,000. The House approved the entire amount, an action which was concurred in by your committee.

APOLLO PROGRAM—$2,677,500,000

The Apollo program will culminate in the landing of men on the moon and returning them safely to earth. The accomplishment of this goal will provide our Nation with the capability to achieve and maintain a position of space leadership. The program is boken down into three flight phases: (1) Unmanned suborbital and earth-orbital flights; (2) manned earth-orbital, long-duration flights and earth-orbital rendezvous flights; and (3) manned lunar flights. The final flight will be accomplished by utilizing the Saturn V which will boost a spacecraft into a lunar orbit. Once in this lunar orbit a lunar excursion module (LEM) will separate from the command and service modules and perform the lunar descent landing, ascent and rendezvous and docking with the mother craft. The total breaks down into funding requirements for spacecraft, the H-1 engine being used in the Saturn I and IB program, the RL-10 engine to be used in the second stage of the Saturn I vehicle, the F-1 engine which will be clustered in the first stage of the Saturn V vehicle, the J-2 engine which wil be used in upper stages of the Saturn IB and the Saturn V vehicles, the Saturn I development program now in its second phase of hardware development involving flight testing with live second stages, the Saturn IB which is an uprated version of the Saturn I vehicle and is being utilized as a test bed for Saturn V components and to provide the capability for earth-orbital flight testing of the Apollo spacecraft, the Saturn V for which contracts have been let for all major components, and vehicle support which will provide services and equipment that are common to more than one stage or system of the vehicle.

The Administration requested $2,677,500,000 for funding for the Apollo program during fiscal 1965. The House approved the total amount requested, an action which was concurred in by your committee.

ADVANCED MISSIONS PROGRAM—$26 MILLION

This program contains funds with which NASA will conduct planning for future programs in space beyond the Apollo mission. In order for our Nation to utilize its space capabilities in the future it is necessary for NASA presently to begin looking into long-range programs and projects. Specific areas of investigation include manned satellites, manned lunar missions, and manned planetary missions.

The Administration requested $26 million for this program and the House cut $3,900,000, feeling that NASA had not made a substantial case for increasing the program over its fiscal 1964 level. Your committee, after analyzing NASA's needs, has recommended restoration of this $3,900,000. Your committee feels that in order for NASA to carry on a substantial program in the future in the most economical manner it is necessary at this time to begin consideration of what should be done following a successful lunar landing.

GEOPHYSICS AND ASTRONOMY—$180,700,000

Under this program NASA seeks to increase the Nation's knowledge and understanding of space environment of the earth, the sun and its relationships to the earth, geodetic properties of the earth and the fundamental physical nature of the universe. To carry out this program NASA has a substantial program involving solar observatories, astronomical observatories, geophysical observatories, explorers, and sounding rockets.

The Administration requested $190,200,000 to fund this program for fiscal 1965. The House committee cut a total of $16 million in the various observatory programs feeling that most of the cuts would be applied to launches planned for the future and NASA could defer action until future year presentations. Your committee, after reviewing this program, agreed with the decision of the House with respect to cutting a total of $9,500,000 out of this program. However, with respect to a $6,500,000 cut made by the House in the geophysical observatories program, your committee recommends its restoration. Your committee felt that the launch schedule for the geophysical observatories was a realistic one and that this program would provide timely and properly phased support to the Apollo program. Cutting this money would result in scientific data coming in spurts leaving intervals of 1 year when no data would be available. Your committee, therefore, recommends that $180,700,000 be approved for NASA for fiscal 1965 to fund this program.

LUNAR AND PLANETARY EXPLORATION—$295,400,000

This program is being carried out to obtain scientific data from the Moon and other bodies of the solar system and interplanetary space. The program breaks down into the Ranger program, for which NASA's fiscal 1965 request will complete funding, the Surveyor Lander, the Lunar Orbiter, the Mariner, and the Pioneer programs. The objective of the Surveyor Lander is to make the first controlled landing on the Moon, the objective of Lunar Orbiter is to obtain vital data necessary to support the requirements of the manned lunar landing, the objective of the Mariner is to conduct flight missions in the vicinity of the planets Venus and Mars, and the objective of the Pioneer program is to permit simultaneous measurements of interplanetary phenomena at widely separated points in space.

The Administration requested $300,400,000 for this program for fiscal 1965. The House cut a total of $17,300,000 out of the Surveyor Lander and Lunar Orbiter programs. In each case the House's action was based on requests for future launches and the House felt that NASA could defer any action until future year presentations. While your committee agreed that the action of the House in cutting the $5 million from the Lunar Orbiter program was sound and should be sustained, it recommends that the $12,300,000 cut by the House in the Surveyor Lander program should be restored. Your committee therefore recommends this restoration be made and a total of $295,400,000 be approved for fiscal 1965 funding in this program.

SUSTAINING UNIVERSITY PROGRAM—$40 MILLION

In order for our Nation to carry out its role of space leadership it must help train the necessary scientists and engineers. The sustaining university program was planned and initiated in fiscal year 1962, to increase university participation in aeronautical and space science and engineering endeavors and to broaden NASA's sponsored research activities. Under this program NASA makes training grants to qualified individuals, facilities grants to universities heavily engaged in NASA's programs, and research grants to universities in order to expand and improve their capabilities to conduct research in the space sciences and technology.

The Administration requested $46 million for this program. The House agreed to the funding of the entire amount. While your committee recognizes the importance of this program, it also recognizes the difficulty of justifying this program because of its magnitude in comparison with other Federal agencies' contributions to education. Your committee recommends that this program be held to the level of NASA's fiscal 1964 effort and therefore recommends a cut of $6 million.

LAUNCH VEHICLE DEVELOPMENT—$128,200,000

NASA in carrying out its launch vehicle development program carries out a supporting research and technology program geared at (1) developing launch vehicles for support of unmanned spacecraft missions, (2) procuring of launch vehicles for unmanned flight missions, and (3) modifying and improving the existing stable of vehicles and ground systems to support these projects. Included in this program are funds to continue the Centaur development, the purpose of which is to develop a high-energy upper stage utilizing liquid hydrogen and liquid oxygen. Included also in this program are efforts by NASA to "flox" certain vehicles now using liquid oxygen as an oxidizer in order to increase payload capability.

The Administration requested $128,200,000 for this program. The House approved the entire amount, an action which is concurred in by your committee.

BIOSCIENCE—$31 MILLION

Within this program NASA carries out its basic scientific research in the life sciences, carries out biospace missions in the search for extraterrestrial life, studies the effects of space environment on living organisms, and performs basic biological research related to support of man in space.

The Administration requested $31 million for this program. The House approved the entire amount, an action which is concurred in by your committee.

METEOROLOGICAL SATELLITES—$37,500,000

NASA coordinates its meteorological satellite program with the Weather Bureau and the Department of Defense, so that it will be responsive to the requirements of the operational users of meteorological satellite data. In carrying out this program, NASA engages in synchronous meteorological satellite experiments, continues to carry out developmental research in connection with the Tiros spacecraft which has been so successful in providing data in weather analyses, and performs developmental work in connection with Nimbus, a follow-on program to Tiros.

The Administration requested $37,500,000 for this program. The House agreed to fund the entire amount, an action concurred in by your committee.

COMMUNICATIONS SATELLITES—$11,400,000

NASA in this program carries out certain basic technology to permit the full exploitation of communications satellite potential for operational systems. In carrying out its responsibilities, NASA continues to carry out basic research in areas such as advanced passive satellite development, the investigation and development of spacecraft subsystems, frequency-sharing criteria, and studies on navigational traffic coordination satellite systems.

The Administration requested $12,600,000 to fund this program for fiscal year 1965. The House eliminated $1,200,000 which would have been used for studies relating to various economic considerations affecting communications satellites. The House felt that primary responsibility for such studies should rest with the Federal Communications Commission and the Communications Satellite Corp., rather than with NASA. Your committee agrees with the action taken by the House in cutting $1,200,000 from this program.

ADVANCED TECHNOLOGICAL SATELLITES—$31 MILLION

The objectives of this program are (1) to develop spacecraft technology particularly suited for space applications, (2) to provide capability for experimental testing, and (3) to provide basic technological and scientific data on gravity gradient stabilization in the 6,500-mile orbit.

A planned series of launches is devoted to the development of advanced technology for a number of applications, and includes research, development, tests, and data analysis. Fiscal year 1965 funds will be used to continue work on the design and development of three of the five planned spacecraft, ground station equipment procurement, and incremental funding of the first three launch vehicles.

The full amount requested by NASA was passed by the House and also approved by your committee.

BASIC RESEARCH PROGRAM—$21 MILLION

The purpose of the basic research program is to initiate and administer fundamental research to obtain basic knowledge for our rapidly advancing technology. Examples of some of the projects (and the particular emphasis to be given to them during fiscal year 1965) include the measurement of radiation characteristics, the experimental measurement of convective and radiant heat transfer on spacecraft nose shapes for Earth, Venus, and Mars entry, and the assessment of the effects of ablation products on convective and radiant heat transfer. Basic research will be conducted on the mechanisms of energy transfer in atoms of solids and gases, on the reaction between ionized gases and magnetic fields, and on superconductivity theory and practice.

The full amount requested by NASA was passed by the House and also approved by your committee.

SPACE VEHICLE SYSTEMS PROGRAM—$37 MILLION

The objectives of the space vehicle systems program are to identify and solve critical technical problems bearing on present space vehicles, and to further the development of more advanced space vehicles.

NASA requested $38,800,000 for this item, but this was reduced by $1,800,000 by the House because it was felt that certain economies could be effected. The Senate committee concurred with the action of the House.

ELECTRONIC SYSTEMS PROGRAM—$27 MILLION

This is a research program for developing reliable and efficient components, and flexible and proven techniques for use in guidance, control, communications, tracking, instrumentation, and data processing systems.

Fiscal year 1965 emphasis will be placed on testing of electronic and mathematical models of control tasks, to examine quantitatively the effects of display dynamics upon the analytical manual control system models developed to date, to continue work in a laser signal transmission program, to improve the state of the art in sources and detectors, and to continue the effort carried on by NASA in its tracking and data acquisition systems research.

Two small flight projects are contemplated by NASA with fiscal 1965 funds: (1) A radio attenuation measurements flight project, and (2) a scanner flight project.

The House reduced by $1,400,000 NASA's request of $28,400,000 for an electronic systems program, feeling that $27 million would be sufficient to perform the tasks outlined in this area in fiscal 1965. The Senate committee concurs in the action taken by the House.

HUMAN FACTOR SYSTEMS PROGRAM—$15,500,000

The success of many future aerospace programs depends on the proper utilization of men and their efficient integration into man-machine systems. This modest research program is designed to identify and to help solve some of the problems in this area.

Intraagency coordination of supporting research and technology is conducted through the Life Sciences Subpanel of the Supporting Research and Technology Panel, Aeronautics and Astronautics Coordinating Board. Experiments will be included, where the flight characteristics and engineering design features are compatible, in ongoing flight projects as piggyback payloads.

Other experiments will be coordinated with F–104 and X–15 flights being conducted at the Flight Research Center in California to obtain improved psychological and physiological data. Biotechnology experiments such as heat transfer and fluid flow experiments, will be integrated in biosatellite project flights to obtain data required for design of advanced space suits and life-support systems. Experiments utilizing small mammals are being planned for integration with Saturn flights.

The House cut $700,000 from the $16,200,000 requested by NASA, concluding that the remaining $15,500,000 would be sufficient to permit the planned experiments to go forward in a logical manner. The Senate committee concurs in this reduction.

NUCLEAR-ELECTRIC PROGRAM—$47,100,000

Electrical power is needed on board spacecraft to operate equipment. If available in sufficient quantity, it could also be used to provide small amounts of thrust over extended periods of time. Nuclear systems appear to offer the most promising method for the generation of such power.

The nuclear-electric program is intended to explore and evaluate the advantages and disadvantages, the limitations and problems of the various power and propulsion concepts and their subsystems, and develop the most promising concepts for mission use. Funding requirements are based on mission use of nuclear-electric systems in 1970–80.

The nuclear-electric power program provides the technology needed for the design of the energy conversion equipment of advanced nuclear-electric power-generating systems that will be higher in power, lighter in weight, and with longer operating lives than systems now being developed.

The NASA budget contains the request for a total of $48,100,000 for its nuclear-electric program in fiscal year 1965, or a 7.6-percent increase above the planned expenditures for fiscal year 1964. The House reduced this amount by $1 million to $47,100,000. The Senate committee concurs in the reduction made by the House.

NUCLEAR ROCKETS PROGRAM—$57 MILLION

Nuclear energy also shows the greatest promise for providing higher thrusts more efficiently than conventional chemical fuels, thereby allowing for heavier payloads for a given vehicle weight.

This program provides the research, design and engineering data, the test hardware, and the general technology required to assure that nuclear rocket systems can be developed at the power levels, operating times, restart conditions, and specific impulse values needed in advanced space exploration missions.

It is necessary to obtain a better understanding of nuclear reactors and the interaction of the components in a nuclear rocket system before a useful operational system can be designed and developed. To accomplish this, an extensive ground testing program is underway.

This is a joint AEC–NASA program wherein the AEC has primary responsibility for the nuclear reactor research and engineering work, and NASA is responsible for the nonreactor components of the system, for combining the reactor and other components into engine systems, for vehicle development and for providing propellants that are used throughout the program.

The House, in considering NASA's request for its nuclear rocket program for fiscal year 1965, reduced by $1 million the total of $58 million requested. The House indicated that more economies could be effected by NASA and that more emphasis should be placed on the work toward gaseous core reactors. The House, therefore, stipulated that $1,500,000 of the funds authorized for this program be added to the amount already planned for studies on this promising reactor concept. Your committee concurs with the action taken by the House with respect to the reduction of $1 million in this program. The committee also agrees that every effort should be made by NASA to emphasize the work on gaseous core reactors, as well as any other advanced nuclear propulsion concepts. The committee questions, however, the advisability of stipulating that an additional $1,500,000 be earmarked specifically for studies in these concepts, particularly when money in the nuclear rocket program is being reduced. Your committee therefore recommends that NASA place more emphasis on studying advanced nuclear propulsion concepts including studies on gaseous core reactors and that not to exceed $1,500,000 over and above the amount already planned for these studies may be utilized for this purpose, but that the total amount utilized by NASA should be determined on the basis of how much NASA can intelligently spend in carrying out these programs and advancing the state of the art.

CHEMICAL PROPULSION PROGRAM—$62,800,000

While nuclear propulsion definitely shows the greater theoretical promise, it is clear that chemical propulsion systems will be used for certain applications for many years to come. Furthermore, we are still a long way from utilizing chemical fuels up to their maximum potential. Consequently, NASA has been pursuing a vigorous program in these areas.

In the coming year more emphasis will be placed on research and technology applicable to very large boosters and problems associated with their use.

This year represents the first year that NASA is requesting funding for the 260-inch motor program, this funding having previously been handled by the Department of Defense. The fiscal year 1965 NASA request is based on the DOD estimate of the amount required to complete the current phase of the 260-inch motor program.

The M–1 turbopump-fed-rocket engine is being developed for single or multiple use in upper stages of large launch vehicles. This engine will develop 1,500,000 pounds of thrust, using liquid hydrogen-liquid oxygen propellants.

During fiscal year 1965, the program will emphasize component testing, with a limited effort in engine systems.

NASA requested $59,800,000 for the total chemical propulsion program. The House reduced the funds allocated for the M–1 engine by $1 million back to the fiscal year 1964 level of funding. The Senate committee concurs with the action taken by the House in connection with the funding for the M–1 engine.

The House further increased by $4 million the supporting research and technology funds for chemical propulsion, earmarking $3 million for liquid propellants and $1 million for solid propellants.

For some years there has been considerable controversy among propulsion engineers over the relative merits of solid- versus liquid-chemical propellants. While most attention up to the present time has been paid to the liquid-chemical propellants, proponents of solid fuels have contended that really large solids would be peculiarly suitable as booster stages for heavy payloads. In May of 1961, President Kennedy stated that the Administration proposed "to develop alternate liquid- and solid-fuel boosters much larger than any now being developed until certain which was superior."

Up to the present time NASA has had the primary responsibility for large liquid development and the Defense Department the responsibility for large solids. The development of the 120-inch-diameter solid by the Air Force for the Titan III "strap on" has progressed satisfactorily and an effort was begun in June 1963 to proceed with feasibility demonstrations of the larger 156-inch and 260-inch motors. In fiscal year 1963 and fiscal year 1964 the Defense Department obligated almost $30 million for the 260-inch motor program. In November 1963, however, the Department of Defense requested that NASA fund the 260-inch motor program in their fiscal year 1965 budget. Consequently, the budget this year for NASA shows NASA's first request for funds for this project of $13 million to complete the first phase of "feasibility demonstration" of the 260-inch motor.

The committee has noted this request and approves of the funding of this amount for this project. The committee also understands that at the present time there are two contractors working on the 260-inch motor program and that there are no funds requested beyond the $13 million requested to finish the phase I feasibility demonstration.

It would be unfortunate if phase I resulted in an outstanding success; a decision was made to go into phase II and then the agency found that there was not adequate funding to accomplish an orderly transition. It is therefore requested that prior to March 15, 1965, NASA report to the Congress on this program outlining its decision whether or not it will enter into phase II of the program and indicating whether sufficient funds are available to provide for an orderly transition into phase II.

The committee agrees to the additional amount added on by the House committee for chemical propulsion. The committee feels, however, that too fine a line of definition was made in earmarking $3 million additional specifically for liquid propellants and $1 million additional specifically for solid propellants. The committee, therefore, recommends that the additional $4 million be lumped together and identified as additional funds for chemical fuel research (which would apply both to liquid and solid propellants), leaving it to the discretion of NASA to determine the proper proportion of these funds into those areas which appear to be the most promising. The total amount of funding would remain the same as approved by the House, $62,800,000.

SPACE POWER PROGRAM—$12,500,000

As mentioned above, electrical power is necessary for on-board use in spacecraft. At the present time, much developmental work remains to be done to make practical the use of nuclear sources. Also, there are applications for which other power sources are more suitable. The space power program provides research and technology to advance our knowledge by providing new and improved methods of chemical and solar power generation for space exploration.

Under this program NASA continues to carry out research on solar cells, improvements in thermionic converter design, work on rechargeable batteries, and on improving engine efficiency in an experimental hydrogen-oxygen internal combustion engine.

The House reduced the NASA request of $13 million for its space power program by $500,000, concluding that economies could be made by NASA in this prorgam. Your committee concurs in the action taken by the House.

AERONAUTICS PROGRAM—$37 MILLION

The first "A" in NASA stands for "Aeronautics," and it is worthwhile to reiterate that NASA has an important responsibility and, in fact, a substantial research program in this area.

The objective of the NASA aeronautics program is to conduct the research necessary to generate information for the design, construction, and operation of advanced aeronautical vehicles. This research program supports current and projected civil and military requirements to maintain U.S. leadership in these fields.

NASA is continuing research in basic areas such as studies of new materials, aircraft noise, propulsion cycles, and engine components to permit the design of efficient lightweight engines for V/STOL (vertical/short takeoff and landing) aircraft, supersonic transport, and hypersonic aircraft. Also work is continuing on wind tunnel and related studies in direct support of the development of military aircraft and missile systems.

Work is also continuing on the highly successful X-15 research aircraft, support of the FAA in the development of a supersonic transport, and promising configurations for V/STOL aircraft.

The House approved the NASA request for a total of $37 million for the aeronautics program for fiscal year 1965. However, in the distribution of funds the House increased from $2,510,000 to $4,510,000 the authorization for aircraft operating problems for the expressed purpose of accelerating the NASA effort to reduce aircraft noise. The House indicated that the funds originally requested for noise studies as well as the stipulated increased funding is authorized for this purpose only and may not be applied to other portions of the aeronautics program.

Your committee took testimony from NASA in connection with this allocation of funding and while NASA agreed that noise abatement was a necessary research program, it felt it could not intelligently spend an additional $2 million for this program.

Your committee, therefore, recognizing that this is an important research program involving a very real problem affecting the welfare of many U.S. citizens and their property, recommends that NASA, in addition to spending the approximate half million dollars for noise research of a general nature and another half million dollars budgeted under supersonic transport research, which research is directly applicable to noise abatement of present aircraft engines, utilize an additional 400,000 of the total amount budgeted for aeronautical research for an extensive aircraft noise reduction program.

One final point should be made in connection with the aeronautics program. While the $37 million requested is only 0.7 percent of the total budget, this does not give a fair representation of the level of NASA effort in aeronautics. A more accurate picture is obtained by comparing the number of people NASA has working on aeronautical programs as compared to all NASA program personnel. This analysis reveals a figure of 6.6 percent.

TRACKING AND DATA ACQUISITION—$265,400,000

The object of this program is to provide operational ground instrumentation support required by all NASA flight projects.

The administration requested a total of $267,900,000 for this item. The House authorized $255,900,000 or $7 million reduction in network operations and $5 million reduction in equipment and components. Your committee restored the full $7 million House reduction for network operations in view of convincing testimony by NASA as to the accuracy of their projected needs in this area. Your committee believes, however, that in the category of equipment and components, economies could be effected; therefore, from the overall NASA request of $267,900,000, reduction of $2,500,000 is approved by your committee.

TECHNOLOGY UTILIZATION PROGRAM—$4,750,000

The objective of this program is to accelerate the infusion of the technology generated by NASA research and development into the civilian sector of the economy.

NASA's request of $5 million for this program was reduced 5 percent, or $250,000 by the House and this action was concurred in by your committee.

CONSTRUCTION OF FACILITIES

The NASA construction of facilities request of $281 million for fiscal year 1965 is 65 percent less than was request for construction of facilities in fiscal year 1964. The House approved $248,335,000, or a reduction of $32,665,000. Your committee approved $262,880,500 for construction of facilities, or a reduction of $18,119,500.

Ames Research Center

For Ames Research Center, located 35 miles southeast of San Francisco, Calif., NASA requested $6,081,000 for the construction of three structures. One of these structures was a flight simulator which was denied by the House and restored by your committee. While the House felt the simulator could be deferred because of lack of justification as to need this year, your committee is of the opinion that for NASA to carry out its responsibilities in aeronautical research such a simulator is necessary. There is no existing simulator either in the military or NASA capable of being used for experiments in connection with the supersonic transport and other requirements of the FAA and DOD. Your committee concurred with the House in the percentage of cuts to be applied in constructing the administrative management building and the instrument building extension.

Electronics Research Center

At the Electronics Research Center, to be situated in the Boston area of Massachusetts, NASA requested $10 million for the construction of three buildings and support facilities. This amount was approved by the House and your committee.

Goddard Space Flight Center

For the Goddard Space Flight Center in Greenbelt, Md., $1,300,000 was requested for three items. These items were approved by your committee and the House after a reduction of $79,000 was applied, leaving a net approved figure of $1,221,000.

Jet Propulsion Laboratory

At the Jet Propulsion Laboratory in Pasadena, Calif., the four items requested by NASA were approved subject to a reduction amounting to $132,000. Your committee concurred with the House action by reducing the JPL request from $3,714,000 to $3,582,000.

John F. Kennedy Space Center

Eleven items were requested by NASA for the John F. Kennedy Space Center located in Florida. Your committee approved all these items but recommends a cut of $3,476,000. The House added to the NASA budget an item for $1 million to provide facilities for the public at the Space Center. Your committee feels that any such construction by the NASA should be accomplished by utilizing funds restored by this committee to the net House cut of $7,967,000.

Langley Research Center

The Langley Research Center, in southern Virginia, requested $4,454,000 for four construction items which were approved subject to a reduction of $516,000. A similar reduction was approved by the House.

Lewis Research Center

Lewis Research Center at Cleveland, Ohio, requested $810,000 for an electrical power substation. This was approved by both the House and your committee with a reduction of $40,000 for a net figure of $770,000.

Manned Spacecraft Center

Manned Spacecraft Center at Houston, Tex., requested eight construction items totaling $25,166,000. The House and your committee approved all these items subject to a reduction. The House reduction amounted to $2,517,000. Your committee cut $1,258,500 for a net approved figure of $23,907,500.

George C. Marshall Space Flight Center

The George C. Marshall Space Flight Center at Huntsville, Ala., requested six construction items totaling $15,288,000. The House cut to these items amounted to $1,529,000. Your committee cut $764,500, or a net approved figure of $14,523,500.

Michoud Plant

The Michoud Plant, situated near New Orleans, La., requested four construction items totaling $6,534,000. The House reduction amounted to $653,000. Your committee cut $326,500 for a net approved figure of $6,207,500.

Mississippi Test Facility

The Mississippi Test Facility, situated in southwest Mississippi, request amounted to $61,991,000 for four construction items. The House applied a reduction amounting to $6,199,000. Your committee's reduction amounted to $3,099,500 for a net approved figure of $58,891,500.

Wallops Station

The Wallops Station, situated in southern Virginia, requested $1,804,000 for two construction items. A reduction of $55,000 was approved by the House and your committee for a net approved figure of $1,749,000.

Various Locations

Under various locations nine construction items were requested totaling $37,297,000. Included was an Apollo network station for the Northwest Pacific area which was disapproved by the House at this time as being a deferrable item. Subsequent to the House hearings your committee ascertained that a site location at Guam had been selected for this station. Your committee restored this item believing that it is necessary to start construction now if the station is to be operational at the time it is needed. Total reduction by the House amounted to $4,935,000, including the $1,670,000 for the Apollo Pacific station. Your committee made a net reduction in the various locations request amounting to $1,944,500 after restoring the Apollo Pacific station. Thus the net approved figure amounted to $35,352,500.

Facility Planning and Design

Facility planning and design funds are used in planning and design on projects for which authorization may be requested in subsequent budgets. The $15 million requested for this purpose appeared excessive and your committee concurred with the House and cut this amount by $5 million for a net approved figure of $10 million.

ADMINISTRATIVE OPERATIONS

NASA requested $641 million in administrative operations funds for personnel salaries and fringe benefits, travel and other administrative support costs associated with program planning, direction and administration; for capital equipment not included in construction projects; and for supplies and services to maintain and operate the several NASA facilities.

The largest single amount within this category is $349,500,000 for personnel costs, an increase of $40 million over fiscal year 1964. The increase is principally to support a projected increase of 1,200 people—1,000 distributed between the Manned Spacecraft and the Kennedy Space Centers, and 200 planned for the proposed Electronics Research Center. All other centers, as well as NASA headquarters, are planned for substantially the same staffing level as fiscal year 1964.

The next largest cost element is $90 million for capital equipment acquisitions of which $73,700,000 is projected for the purchase rather than the continued lease of automatic data processing equipment. Purchase of this equipment will be made when economic studies prescribed by the Bureau of the Budget show it is economically advantageous to do so. Normally it is planned that this procurement cost would be equivalent to the cost of leasing for a 4-year period, after which the Government would achieve operating economies. In addition, the Government would have a residual equity through ownership of the equipment which it does not now realize.

The House felt that economies could be achieved and assessed a $23,474,500 cut—$15,228,500 against manned space flight and $8,246,000 against advanced research and technology—as an effective way of creating economies and a strict control of fund allocation within NASA. This cut was across the board. Your committee endorses the need for the utmost economy in the administration of Government programs. Your committee also believes NASA should have sufficient personnel to properly direct the administrative and technical aspects of such a large and important program. But although the committee is most appreciative of the need for adequate personnel, our review of the staffing plan indicates that insufficient lapse allowance was projected by NASA for fiscal year 1965. Therefore, although we feel the House cut was excessive, we believe NASA has been overoptimistic in its recruitment planning—thereby overstating its budget somewhat—and accordingly we recommend a reduction of $11,737,250 for a total authorization of $629,262,750. We recommend that the allocation of the reduction be left to the discretion of NASA management with the admonition that funds have been provided to accommodate the purchase of data processing equipment when dictated by economic studies.

Mr. SYMINGTON. I yield now to the distinguished Senator from Maine [Mrs. SMITH], one of the ablest and hardest working members on our committee.

Mrs. SMITH. Mr. President, the distinguished acting chairman of our committee has given a fine summary of the highlights of the bill before us, H.R. 10456. As the ranking minority member of the Senate Space Committee I would like to take this opportunity to make several general observations in considering this mid-1960's NASA authorization.

Of course the lunar landing mission, which is scheduled for completion during the 1960's, is only the beginning step in man's exploration of the universe. I do not believe for a minute that a landing on the moon is an end unto itself. However, this goal has aroused and excited the public. It has increased greatly the capital improvements necessary for other space progress and has stimulated technological and scientific endeavors thought impossible only a few years ago. Above all else, this momentum which is being generated toward our ultimate conquest of space should not be lessened for lack of planning beyond this decade. What is our national space program beyond this decade? The Congress and the public must soon have the answer to this question lest we lose that momentum which has thus far been so successfully initiated.

There are several areas in which NASA, in addition to its activities in manned space flight, has made especially worthy contributions. Immediately I think of the technology developed in the meteorological satellite field and the tremendous strides in the area of communications.

In the international aspects of our space program, NASA is to be congratulated for the many, many agreements it has worked out with foreign countries. These agreements have been mutually beneficial and have been accomplished with very little fanfare. I recognize that most of these agreements have been technical in nature and involved countries who had longstanding cordiality toward the United States. It should be noted that recently some of the agreements have become more involved with basic foreign policy considerations of our country, including those of national defense. NASA should be ever alert to the limits of its authority under the Space Act of 1958, as well as the authority of the Senate in this area.

In closing, Mr. President, I would like to commend the acting chairman for his grasp of the intricacies of this bill before us, his fairness, his consideration and his patience in the conduct of the hearings. I would also like to commend all the members of the staff for their usual conscientiousness and assistance in reducing the complexities of a very technical bill.

Mr. SYMINGTON. Mr. President, I wish to express my appreciation to the senior Senator from Maine for her constructive approach to these problems and her hard work in developing this particular presentation this year before the Senate.

Mr. ANDERSON. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the able and distinguished chairman.

Mr. ANDERSON. Mr. President, I take this opportunity to congratulate the Senator from Missouri for the fine work that he has done. I was unavoidably absent during the time a great deal of the work was done on these items. The Senator from Missouri has carried the load, and carried it extremely well.

I have had compliments for him from the staff; and everyone concerned thanks him for what he has done. I personally add my thanks to the Senator for the work he has performed.

Mr. SYMINGTON. Mr. President, I appreciate the by no means accurate remarks of my good friend, the Senator from New Mexico, who is generally quite accurate. I wish to thank him for his efforts and work on the bill. I wish to thank the staff, and the head of the staff, Mr. Frank DiLuzio.

Mr. PROXMIRE. Mr. President, I join the distinguished Senator from New Mexico [Mr. ANDERSON], the chairman of the Aeronautical and Space Sciences Committee, in complimenting the distinguished Senator from Missouri [Mr. SYMINGTON] for his excellent presentation and the fine job done in the hearings on the bill.

I am happy to say that this is the first year, as the Senator has said, in which the authorizations for NASA will go down, and not up. They will go down substantially. Is that correct?

Mr. SYMINGTON. That is correct.

Mr. PROXMIRE. At the same time, I am concerned about several parts of this program. I notice that in some of the major research and development programs, that the amounts requested, and they are in the billions, have, in project after project, been allowed to the penny with not a nickel cut out by the House or the Senate.

Gemini requested $308,400,000 for research and development. They received $308,400,000.

Apollo requested $2,677,500,000. They received all of that almost inconceivably huge sum. On launch vehicle development, they requested $128 million. They received all of that.

On basic research, they requested $31 million. They received all of it.

On meteorological satellites, they requested $37,500,000. They received all of that.

Advanced technological satellites requested $31 million. They received $31 million, or all of it.

Chemical propulsion requested $59,800,000. And the tabulation on page 2 of the committee report indicates that it was increased to $62,800,000 by both the House of Representatives and the Senate. This amounted to an increase of $3 million above the amount the administration indicated they could wisely use.

Aeronautics requested $37 million. They were granted all of their request.

While it is true that not quite as much overall is being appropriated this coming year as was appropriated for last year, this has been by far the most rapidly growing agency in the Federal Government. It has been up until this year. It has now reached a massive size. The amounts involved are perfectly fantastic. We are asked to provide $4.45 billion for research and development without any kind of a manpower study to show the effect that this program will have on the very limited supply of scientists and technicians this Nation has. I realize that the Senator from Missouri and his committee cannot do anything about such a study in this particular bill, but 2 years ago the Senator from Wisconsin pleaded with the Senator from Oklahoma [Mr. Kerr] who was then handling the bill, to accept an amendment.

Can the Senator from Missouri give the Senator from Wisconsin any answer as to the intention in the future so that some assurance that as the program proceeds and make enormous demands on scientific and technological manpower, it will be done with a view toward its impact on our entire economy, education, and defense power?

Mr. SYMINGTON. Mr. President, there is mounting evidence that NASA is not using a disproportionate share of the national supply of scientists and engineers.

As of January 1, 1964, approximately 74,000 scientists and engineers were employed on the NASA program, which was only 4.9 percent of the 1.5 million such personnel in the Nation's work force. It is expected that this requirement will rise to 5.2 percent by January 1, 1965, and even with new space missions in the post-Apollo period will not exceed 5.5 percent.

There is no evidence that NASA recruitment is adversely affecting other programs requiring scientists and engineers. An estimated one-fourth of NASA's increased workload last year was absorbed by NASA contractors without adding new personnel, due primarily to reductions in Department of Defense programs being handled by these contractors.

Those who are particularly concerned about a drain on the universities will be encouraged by the fact that only 30 of approximately 3,700 scientists and engineers recruited between July 1961 and September 1962 were teaching professors at universities at the time they were hired by NASA. In addition, NASA is increasing the supply of scientists and engineers at the doctorate level by about 1,000 per year through its training grant program.

Rather than using too much of the Nation's technical manpower, our space program may prove to be the force which sustains this great national asset.

The Wall Street Journal and major employment agencies have recently reported a surplus of applicants for available engineering jobs. The House Select Committee on Government Research heard testimony confirming this from Dr. William J. Harris, Jr., chairman of the government liaison committee of the Engineers Joint Council. His position was, and I quote:

> Were it not for the growing space program, the country could be in a period of declining utilization of scientists and engineers.

A review of the current situation, particularly with respect to engineers' indicates that utilization of technical manpower in the space program does not constitute a hazard as far as other types of programs are concerned. It might even be argued that if it were not for the existence of an aggressive space program, the country might even now be facing a critical unemployment situation with respect to this great national asset.

NASA'S SUSTAINING UNIVERSITY PROGRAM

As the able Senator from Wisconsin knows, NASA has a formidable sustaining university program.

We all know one of our great national assets is our trained manpower.

Our national space program will add to this asset by encouraging our colleges and universities to expand and modernize their facilities and by encouraging the young people to study in the fields related to space.

To expand the supply of scientific and technological manpower NASA in fiscal year 1962 created its sustaining university program which is divided into facilities, training, and research components.

The facilities program builds and equips laboratories both to replace current facilities absorbed in NASA-sponsored research, and to provide additional facilities for the schools involved. This program has provided $29 million through fiscal year 1964 to construct 855,000 square feet of laboratory space at 26 universities; NASA requests and your committee approves $10 million to construct another 275,000 square feet at 11 universities during fiscal year 1965.

The training grants directly increase the Nation's scientific and engineering manpower by providing funds for highly qualified undergraduates to take 3-year training courses leading to doctor of philosophy degrees. During the first 3 years of this program, nearly 2,000 trainees began advanced studies at more than 130 schools; there were funds for 1,071 to begin work during fiscal year 1964, and your committee feels that NASA should be authorized the $20 million required to maintain this program at that level during fiscal year 1965.

The purpose of the research grants is to finance the consolidation of related but diverse proposed research projects into a smaller number of more broad-based projects that combine the efforts of biologists, metallurgists, chemists, electrical engineers, physicists, and the like into joint efforts. NASA spent $18 million at some 70 universities on this program through fiscal year 1964 and your committee recommends $10 million for fiscal year 1965.

NASA's program is but one part of a broad general program being coordinated among Government agencies by the President's Office of Science and Technology to meet this Nation's goal of 7,500 scientific and technological Ph. D.'s a year by 1970—about twice the number we are currently graduating. Our country must nourish and encourage its brainpower if it is to survive and compete in an increasingly technological age. NASA is helping to meet this need.

I have tried to answer the Senator's question to the best of my ability.

Mr. PROXMIRE. I think the Senator has answered it well, but there are certain facts that are very disturbing to me. One fact is that the most recent figures I have seen show that we are graduating fewer engineers and scientists than we were 5 or 10 years ago. As the Senator knows, there is a great demand by industry for scientists and engineers.

The Wall Street Journal, to which the Senator has referred, had an article on August 9, 1963, the headline of which read "Space, Military Work Cutting Into Research for Civilian Economy."

I read two short lead paragraphs:

> "How did we ever get suckered into sinking so much of our national prestige on getting a man to the moon?"
>
> A quote, no doubt, from an economy-minded Senator or a military man anxious to divert funds to other projects? No such thing. The gripe comes from Donald Collier, research vice president of Borg-Warner Corp. And like many other executives, Mr. Collier worries that the moon race creates a real danger of stagnating the economy.

The Senator has made a very persuasive and eloquent argument. He is an extraordinarily able, as well as a thoroughly honest man; but it seems to me that what we need is not an apology for NASA. I think it has made a contribution to graduate study in our universities. It seems to me what we need is a dispassionate, authoritative, objective study that will give us an answer to the very perplexing problem of whether or not in fact NASA has been draining this trained manpower not only from industry, but from education, and also possibly from defense.

What the Senator has said is completely satisfactory for the purposes of this bill. We should not amend the bill on the floor of the Senate on the basis of colloquy. But I hope the colloquy will have the effect of persuading the Aeronautical and Space Sciences Committee or some other committee to investigate the problem, because it can be a very serious problem.

The Senator from Missouri is an outstanding expert in the area of defense, certainly in the field of the Air Force, because he was a great Secretary of the Air Force. I am sure he recognizes that this matter could develop into a serious problem.

Mr. SYMINGTON. Mr. President, I say to my able and very conscientious and hard-working colleague from Wisconsin—who, in my opinion, has made speeches on the floor that have been at least as constructive as any others with respect to conserving the taxpayer's dollar—that the problem has changed, and may be changing much more basically and rapidly. I noticed an article in Foreign Affairs, written several months ago, by a former Deputy Secretary of Defense, Roswell Gilpatric, one of the most experienced men in this field, and a brilliant lawyer, in which he predicted that defense spending would be reduced, very possibly as much as 25 percent.

I also noticed that, while the Secretary of Defense did not necessarily agree that there would be that heavy a reduction, he said it might be as much as 25 percent if a ratio were established against a growing gross national product.

Inasmuch as the space budget is at best a little less than 10 percent of the defense budget, the able Senator from Wisconsin can see very rapidly that we would run into a very heavy surplus of scientists and engineers as a result of any reduction in the defense budget; a reduction which has been prophesied by no less than the former Deputy Secretary in that department, and has been agreed to, at least partially, by the current Secretary of the department.

Mr. PROXMIRE. There is a good possibility of the leveling of defense appropriations so that they do not increase, and so that they may even decline to some extent, but I do not think they will decline to anything like the extent mentioned. Perhaps they will. But what worries the Senator from Wisconsin is that these thousands of scientists and engineers taken out of industry, defense, and education by NASA are of a particular kind and skill and training. Furthermore, we know that, while there may be defense cutbacks, it is very unlikely that the cutbacks will be made in research and development; and that is exactly where a huge $4,350 million is recommended for NASA. Any cutbacks likely to be made would be in hardware and other such areas, rather than in research, which is, of course, crucial to our defense and an area where we must keep apace and ahead of the Soviet Union.

Let me go into one other area. I apologize for detaining the Senator. What has concerned the Senator from Wisconsin greatly is the fact that the space agency up to a year or two ago had no real fiscal discipline of the kind other agencies had. As I understand, the space agency did not have the Budget Bureau moving in to reduce the amounts recommended. Space and defense were in a special position in which they did not have that kind of discipline.

The Defense Department has been operated by a Secretary who has had the sharpest eye for economy in Government. The space agency has been in the control of fine people who have been great enthusiasts and have asked for a great deal and are asking for more. I am disturbed about the fact that neither House nor Senate reduced any of the projects I listed. They did reduce others, but an aggregate of less than a tiny 1 percent.

(At this point Mr. Walters took the chair as Presiding Officer.)

Mr. SYMINGTON. Not only is the Space Administration being operated by a former Director of the Bureau of the Budget, but I can also speak from actual past experience that he is one of the toughest Directors of the Bureau of the Budget who held that position at the time I was Secretary of the Air Force. Therefore, he has a natural background for cutting out all unnecessary expenditures wherever he finds them. I have been over this authorization with him in detail, and he has pledged that he has already taken out any possible "water," we might say, in the budget.

In addition, it was cut considerably in the administration, as against NASA's original request. The amount for research and development that is in the space agency authorization is natural, because this is a research and development program. There is no production line to speak of in this business.

I now yield to the able chairman.

Mr. ANDERSON. The budget originally drafted for the space program next year was over $6 billion. It has certainly been cut back, by virtue of action within the administration and then by action of the House committee. Then there were extensive hearings in the Senate committee, in which the able Senator from Missouri participated, so that it now calls for $5.246 billion; and we thought that was a fairly good reduction.

Mr. PROXMIRE. What the Senator from Wisconsin is talking about is the fact that the specific projects on Gemini, Apollo, the biosciences, launch vehicle development, chemical propulsion, and others, have been given all of the immense, huge amounts they have asked.

I notice that, in addition to many other items for research and development, this authorization involves a great deal of money, with something like $24 million for supersonic transport. That is an authorization with which I am deeply concerned. It seems to me to constitute a direct subsidy to private industry, to a private industry which, if it succeeds in building a supersonic mach 3 aircraft, will carry people who are well able to afford it better than anyone else in the economy, especially in view of the information in the House report. I quote two short paragraphs:

> NASA's role is to provide the research information necessary to meet the goals of the FAA supersonic transport development project. Work in various areas will be intensified in fiscal year 1965, and will be concentrated mainly on improvements in the areas of propulsion, aerodynamic efficiency, dynamic stability, noise, sonic boom, and structural materials.
>
> A major increase is required in fiscal year 1965 for work in support of supersonic transport propulsion. At present, the most advanced high mach number engine available in the United States is not suitable for the supersonic transport because its thrust level is too low and it has a high specific fuel consumption. A new, advanced engine will be required for an economically feasible supersonic transport airplane. Work will be increased to the level required to produce the supersonic transport engine that is required, and will be done in-house and on contract in the areas of inlets, compressors, gas generators, turbines, and exits.

Mr. President, we were told, as I understand, that the administration was having second thoughts about a supersonic project and was going to take a long and careful look at it. We know that it will involve a billion dollars of the taxpayers' money if we proceed with the NASA authorization to go ahead and authorize this vast sum. I wonder whether once again we are not getting ourselves committed to a project with which, regardless of its wisdom, we shall have to proceed.

Mr. SYMINGTON. I am glad now to yield to the distinguished Senator from New Mexico.

Mr. ANDERSON. The Senator from Missouri knows, as does the Senator from Wisconsin, that at one time NASA was the National Advisory Committee for Aeronautics. If someone comes in with a project for spending $200 or $300 million on a supersonic air transport, a great deal of general research will have to be done, and that is work with which NASA is familiar. That is why this money is in the authorization.

Mr. SYMINGTON. NASA was once NACA. It has had more to do with research and development in aircraft and space missions than any other single organization in the world. I am sure that the chairman of the committee will agree with me. I am also sure that the senior Senator from Wisconsin will agree with me. This is a case in which, under the budget, NASA is the builder and not the architect.

Mr. PROXMIRE. In all these areas I am deeply concerned. I recognize that this is an authorization bill and that we shall have another opportunity to consider how much we appropriate when the appropriations bill comes to the floor of the Senate. My present disposition is to prepare and submit and ask for a rollcall vote on a series of amendments when the appropriation bill comes up for consideration, because there is a great deal of "water" in the authorization, and that it will be reflected in the appropriation bill. We can save a great deal of money in this particular area.

Mr. President, I ask unanimous consent to have printed in the Record the article from the Wall Street Journal from which I read.

There being no objection, the article was ordered to be printed in the Record, as follows:

Scientist Shortage—Space, Military Work Cutting Into Research for Civilian Economy—Industry Blames Government Contractors for Bidding Up Wages, Pirating Personnel—Will Mashed Potatoes Suffer?

(By Robert L. Bartley)

"How did we ever get suckered into sinking so much of our national prestige on getting a man to the moon?"

A quote, no doubt, from an economy-minded Senator or a military man anxious to divert funds to other projects? No such thing. The gripe comes from Donald Collier, research vice president of Borg-Warner Corp. And like many other executives, Mr. Collier worries that the moon race creates "a real danger of stagnating the economy."

Top research men in industry reason this way: Frantic bidding, by space and military contractors, for scientists and engineers is creating a big shortage for industry. This scarcity, along with the skyrocketing salaries it is provoking, is bringing almost to a halt the hitherto rapid growth of company-supported research. This development hampers efforts to develop new products and processes for the civilian economy.

And it's not just the moon race they question. In general, they wonder about the wisdom of the Nation's continually increasing concentration of research effort on Government-sponsored projects.

PERSONNEL LIMITS EXPANSION

Samuel Lebner, vice president of Du Pont Co., puts it this way: "Government research programs serve as a brake on research in the private sector." Even if corporations had unlimited money to spend, they could not find the personnel to expand research indefinitely, Mr. Lebner says.

Some Congressmen also are expressing concern with increasing Government-financed research and development. Representative HOWARD W. SMITH, chairman of the House Rules Committee, disclosed last month that his panel was considering an investigation encompassing all Federal agencies which finance research and development in an attempt to clarify their overall activity and its effects.

Company spending on private research and development at last count in 1961 came to $4.5 billion, a scant 1 percent above the previous year, according to the National Science Foundation. This increase far from offset a rise in research salary costs in excess of 5 percent and fell far short of the earlier 10 percent a year average gain in spending, the Foundation reports. Many major companies declare that after allowing for cost increases their non-Government research continues to show little growth.

Meanwhile, Government-supported research under contract with private industry had expanded to $6.4 billion by 1961, nearly four times what it was in 1954. Space research by industry and the Government itself will run over $4 billion in the current fiscal year, dwarfing the $204 million outlay of the fiscal year ended June 30, 1959.

RISE IN GOVERNMENT-PAID RESEARCH

The space program alone could gobble up nearly all of the 30,000 new professional workers expected to enter research this year, if Commerce Department calculations are correct. Personnel working on Government research contracts rose 317 percent to 190,000 between 1954 and 1961, while industry increased its private research payrolls only 30 percent to 130,000.

While the need for technical manpower is expanding, the growth in supply is slowing. The demand for new engineers alone now runs close to 60,000 a year, but only about 33,700 will be graduated this year, down from as many as 38,134 in 1959. While accurate figures are not available, the situation appears to be nearly as acute in the physical sciences such as chemistry and physics.

Not surprisingly, many companies report they are falling far short of their goals in their recruiting drives.

Xerox Corp., which is trying to expand its research and development in line with booming sales of its office copiers, fell short of its 1962 goal by about one-third and so far this year is lagging about the same amount. Du Pont says it probably will get only 75 to 80 percent of the 1,100 new technical graduates it is seeking this year. Adds the research manager of a major oil producer: "Like most companies, we haven't met our goals. The growth rate in our department has been up and down with the availability of technical personnel and right now it's down."

HOLDING STAFF IS COSTLY

Many companies also are faced with the problem of holding present staffs against recruiting for Government projects. "A major space contractor put a lab right next to one of ours in Los Angeles and hired away 20 percent of our staff at a 15-percent premium," complains Borg-Warner's Mr. Collier.

Space research often can attract top personnel because of the "exotic nature of the problem," asserts Roland Lex, director of development for Leeds & Northrup Co., Philadelphia instrument and controls producer. Adds Justin Neuhoff, manager of engineering for General Electric Corp.'s Switchgear Division: "All of these people in school want to go into the missile business."

There's solid evidence that the shortage of scientific talent is slowing private research. Minneapolis Honeywell Regulator Co. says unfilled openings for technical specialists have forced delay of its study of the nature of flame, which it considers vital to its basic heat control business. According to Mr. Lebner of Du Pont, in recent months 3 of the company's 12 industrial departments have said "they can't push as rapidly as they're being urged because they don't have the people." Joseph C. Wilson, president of Xerox, says lack of personnel last year meant "we didn't get to start some projects we wanted to."

Not all companies attribute slower growth in research and development directly to unfilled jobs. Many say big expansions can't be justified at this time by the profit possibilities from research. Part of this concern over profit potential reflects rising research costs, stemming primarily from the bidding up of salaries.

The National Science Foundation reports the median salary for scientists in research and development was $10,000 last year, up $1,000 just since 1960. The Engineering Manpower Commission says starting salaries for engineers in research and development rose 34 percent between 1956 and 1962, to a median of over $6,800.

GOVERNMENT CONTRACTORS BLAMED

Corporate executives are quick to blame Government contractors for big salary boosts. They say Government contractors can justify higher salaries because their projects frequently are of a rush nature and because research cost increases often are covered in the Government contract rather than deducted from profits.

With growth in private research and development lagging, officials in both Government and industry are worried about the possible effects on the general economy. The Commerce Department estimates that one-third of the Nation's past economic gains can be attributed to technological improvements. It adds, however, that space and military research merely diverts talent from the type of effort which creates the new products and improved productivity that fosters growth.

President Kennedy himself has mentioned this diversion as a price the Nation pays for the space program. But space officials contend that, in the long run, their program will benefit the economy through development of civilian products which normally would not evolve without space research.

FRUITFUL FOR CONSUMERS?

Some industrialists agree. The space program will create products "we wouldn't have had for years if we'd gone along taking the lumps out of mashed potatoes and making better root beer," declares James M. Gavin, a retired general who is president of Arthur D. Little, Inc., Boston research consultants. In any event, General Gavin adds, space exploration is needed to satisfy man's curiosity and to compete with Russia, and the important thing is to "force-feed" space research back into the consumer economy.

Robert Solo, who studied the problem for the National Planning Association, reports in the Harvard Business Review, however, that spin-off benefits are about as likely to make up for lost civilian research as consumer-oriented efforts would be to spin off moon rockets. William Meckling, an economist for Franklin Institute's Center for Naval Analysis, writes in the Bulletin of the Atomic Scientists that it seems unlikely that spin-off benefits will repay the investment or even a very large part of it.

While some research executives view the space program as the chief culprit, others complain about other Government agencies as well. Some contend that projects in the Defense Department, the biggest spender for research and development, are even less likely to help the consumer economy.

Some drug manufacturers criticize the concentration of research funds with the National Institutes of Health, which has requested $930 million in research funds for next fiscal year, compared with only $71 million in fiscal 1954. While NIH research is directed at civilian needs, executives say its dominance may lead to neglect of useful ideas which would be developed by more diversified research support. Comments Harry M. Weaver, research vice president of Schering Corp.: "I think it's dangerous to get the direction of research into too few hands, even if they are well intentioned."

Mr. SYMINGTON. I am grateful to both the Senator from Wisconsin and the Senator from New Mexico for their comments. I am now glad to yield to the senior Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON. I should like to ask this question: Will this program go to the Appropriations Committee later for the appropriations?

Mr. SYMINGTON. The Senator is correct.

Mr. JOHNSTON. But when we find anything connected with defense, anything relative to appropriations, the Appropriations Committee hesitates a long time before it cuts down on the authorization; is that not correct?

Mr. SYMINGTON. The Senator is correct.

Mr. JOHNSTON. That being so, it behooves us, as Senators, when the authorization comes up, to study it that much more carefully and to see that everything in the authorization that has been called for should be in there, and that there is no overauthorization for any particular department of the Government; is that not correct?

Mr. SYMINGTON. The Senator is correct.

Mr. JOHNSTON. That being so, we shall have to watch in the future, not only in the committee but also on the Senate floor, when anauthorization bill such as this comes up. In dealing in any way with our Defense Department, it behooves each committee—especially the Senator's committee—and I am not criticizing the Senator—in the future to study the program more carefully than we have done in the past, and authorize only the appropriations that are absolutely necessary.

Mr. KEATING. Mr. President, I shall be very brief. It has been an interesting experience to participate in the hearings on this authorization bill. There is one additional feature of NASA's activities which I believe should be the subject of comment.

I am deeply concerned about the concentration of NASA's work in a relatively small number of States and with an extremely small number of companies.

For instance, in the first half of fiscal year 1964, a single State, California, received exactly 50 percent, or one-half, of all of NASA's procurement funds. Moreover, a single firm, North American Aviation, received well over one-half of all the funds that went to California. Of $717,250,000 spent in California, North American received $422,958,000, for work ranging from the Apollo spacecraft—$248 million—to rocket engine development ($90 million), to paraglider landing systems ($11 million). Although competition in large engine development may be limited, there are many other firms that are qualified in other areas of space know-how.

The entire State of New York received $83,826,000 in this period, or approximately one-fifth of that received by a single company, North American Aviation, in California.

North American Aviation received 28.8 percent of all of NASA's funds, nearly one-half billion dollars.

This matter has no direct relation to the recent revelations about the representative of North American in Washington. I have no information one way or another on that subject, or its connection, if any, with this tremendous allotment of work. Entirely apart from considerations of North American Aviation—and I am not directing any particular criticism at this company—the fact is that a single firm, whatever it is, is getting a tremendously disproportionate volume of NASA work. Such a degree of concentration is very disturbing and not in the national interest, especially when contracts are negotiated, rather than formally advertised.

In my view, NASA should make a much more determined effort to advertise widely and to increase competition and provide nationwide participation in its work. I have no amendment to offer to the bill at this time. Whether I shall do so when the appropriation bill comes up for debate, remains to be seen.

I do feel deeply about this matter. I believe that this concentration of work in one State and in one company should be brought to the attention of the Senate.

I wish to express to the chairman of the committee and to the present acting chairman of the committee and to the ranking Republican member of this committee, the distinguished Senator from Maine [Mrs. Smith] my appreciation for the many courtesies extended throughout the hearings. Many technical subjects were considered and their patience and assistance, as well as that of staff members, were very valuable.

Mr. SYMINGTON. Mr. President, I am grateful to the Senator from New York for his very valuable contribution. I respectfully present to him the fact that only two companies in the country operate in the field of large liquid enengines; namely, North American and Aerojet. That thoroughly justifies the situation to which the Senator refers.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection.

There being no objection, the committee amendments were considered and agreed to en bloc.

Mr. SYMINGTON. Mr. President, I request approval of the authorization.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10456) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the votes by which the five bills passed this morning be reconsidered.

Mr. SYMINGTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION—CONSIDERATION OF TREATIES—ORDER FOR YEA-AND-NAY VOTE TOMORROW

Mr. MANSFIELD. Mr. President, after discussing the matter with the distinguished minority leader and other interested Senators, I ask unanimous consent that the Senate proceed to the consideration of executive business dealing with two treaties on the Executive Calendar, which are noncontroversial and which have been reported by the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

PROTOCOL MODIFYING AND SUPPLEMENTING THE CONVENTION OF FEBRUARY 20, 1950, BETWEEN THE KINGDOM OF GREECE AND THE UNITED STATES OF AMERICA RELATING TO TAXES ON ESTATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in Committee of the Whole, proceed to the consideration of Executive A, 88th Congress, 2d session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the protocol—Executive A, 88th Congress, 2d session—a protocol between the United States of America and Greece, signed in Athens on February 12, 1964, modifying and supplementing the convention of February 20, 1950, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates of deceased persons, which was read the second time, as follows:

Protocol Modifying and Supplementing the Convention of February 20, 1950, Between the Kingdom of Greece and the United States of America, Relating to Taxes on Estates

The Government of the United States of America and the Government of the Kingdom of Greece, desiring to conclude a Protocol modifying and supplementing the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, signed at Athens on February 20, 1950 have appointed for this purpose their respective representatives, who have agreed as follows:

ARTICLE I

The Convention of February 20, 1950 for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons is amended as follows:

"(a) The title of the aforesaid Convention is amended as follows:

"'Convention between the Kingdom of Greece and the United States of America for the avoidance of double taxation and the prevention of fiscal evasion with respect on taxes on the movable property estates of deceased persons.'"

Moreover, the Preamble to the Convention is similarly amended:

"The Government of the Kingdom of Greece and the Government of the United States of America, desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the movable property estates of deceased persons * * *"

(b) Article III of the said Convention shall be deemed to be deleted and of no further effect.

(c) Subparagraphs (a) to (i) inclusive of paragraph 2 of article IV of the said Convention shall be deemed to be relettered (b) to (j) inclusive and there shall be deemed to be inserted in Article IV a new subparagraph (a) reading as follows:

"(a) The provisions of the present Convention shall be deemed as not applicable to immovable property situated in either Greece or the United States.

"Immovable property shall be deemed to be situated at the place where the land involved is located. The question whether any property or right in property constitutes immovable property shall be determined in accordance with the law of the place where the land involved is located."

ARTICLE II

1. The present Protocol shall be ratified and the instruments of ratification shall be exchanged at Athens as soon as possible.

2. The present Protocol shall enter into force upon the exchange of instruments of ratification.

3. The present Protocol shall continue in effect as long as the aforesaid Convention of February 20, 1950 remains effective.

Done at Athens, in duplicate, in the Greek and English languages the two texts having equal authenticity, this 12th day of February 1964.

For the Government of the United States of America:

Henry R. Labouisse.

For the Government of the Kingdom of Greece:

C. Palamas.

Mr. MANSFIELD. Mr. President, the main purpose of the tax protocol with Greece is to bring the Estate Tax Convention of 1950 between the United States and Greece into conformity with the Revenue Act of 1962—Public Law 87-834, approved October 16, 1962; 76 Stat. 960. The protocol also makes minor changes in the title and preamble of the 1950 convention.

Prior to the enactment of the Internal Revenue Act of 1962, real property situated abroad and owned by U.S. citizens or residents at the time of their death was exempt from U.S. Federal estate tax. This exemption was incorporated in article III of the Estate Tax Convention of 1950 with Greece. However, with the enactment of section 18 of the 1962 Revenue Act, such property is now subject to U.S. Federal estate tax.

This protocol would repeal article III and include new language providing that real property located in Greece would be includible in the gross estate for Federal estate tax purposes of a decedent who was a citizen or resident of the United States at the time of his death. It would also permit Greece to include real property situated in the United States in the gross estate of decedents who are citizens or residents of Greece at the time of their death.

The Revenue Act of 1962 also provides that its provisions shall have precedence over prior treaty commitments. Such being the case, approval of the pending protocol, which will enter into force by an exchange of instruments of ratification, is required in order to avoid placing the United States in the position of violating a treaty commitment. I hope, therefore, that the Senate will give its advice and consent to ratification of this protocol.

Mr. President, I wish to point out that there is a typographical error in the President's message transmitting the tax protocol with Greece to the Senate. The words "with respect on taxes" which appear in the first line on page 4 of the document printed as Executive A, 88th Congress, 2d session, should read "with respect to taxes." I ask unanimous consent that this correction be made.

The PRESIDING OFFICER. Without objection, the correction will be made.

PROTOCOL TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in Committee of the Whole, proceed to the consideration of Executive B, 88th Congress, 2d session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the protocol—Executive B, 88th Congress, 2d session—a protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals and was signed July 15, 1963, for the United States of America and 11 other governments, which was read the second time, as follows:

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention, as amended, is hereinafter referred to as the Convention, desiring to extend the provisions of the Convention to harp and hood seals, agree as follows:

ARTICLE I

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

ARTICLE III

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depositary Government from all the Contracting Governments participating in the Panel for harp and hood seals.

ARTICLE IV

1. This Protocol shall be open for signature and ratification or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications deposited and adherences received and of the date this Protocol enters into force.

ARTICLE V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

In witness whereof the undersigned, having deposited their respective full powers, have signed this Protocol.

Done at Washington this fifteenth day of July 1963 in the English language.

For Canada, July 15, 1963:
C. S. A. RITCHIE.

For Denmark, July 26, 1963:
T. DAHLGAARD.

For the Federal Republic of Germany:
——— ———.

For France, July 29, 1963:
BRUNO DE LEUSSE.

For Iceland, July 22, 1963:
INGVI INGVARSSON.

For Italy, July 26, 1963:
G. L. MILESI FERRETTI.

For Norway, July 19, 1963:
ROLF HANCKE.

For Poland, July 16, 1963:
E. DROZNIAK.

For Portugal, July 29, 1963:
PED. TH. PEREIRA.

For Spain, July 25, 1963:
ANTONIO GARRIGUES.

For the Union of Soviet Socialist Republics, July 18, 1963:
G. KORNIENKO.

For the United Kingdom of Great Britain and Northern Ireland, July 20, 1963:
DAVID ORMSBY GORE.

For the United States of America, July 26, 1963:
FRED E. TAYLOR.

I certify that the foregoing is a true copy of the Protocol to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Protocol was signed at Washington under date of July 15, 1963, in the English language, the signed original of which is deposited in the archives of the Government of the United States of America.

In testimony whereof, I, Dean Rusk, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this thirtieth day of July, 1963.

DEAN RUSK,
Secretary of State.
By BARBARA HARTMAN,
Authentication Officer, Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an excerpt from the report of the Foreign Relations Committee on this protocol be printed in the RECORD at this point.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE PROTOCOL

This protocol will bring harp and hood seals under the provisions of the Northwest Atlantic Fisheries Convention of 1949 in order to make it possible to study and make recommendations for the conservation of these seal herds.

BACKGROUND

The 1949 convention sought to conserve the depleting stocks of cod, halibut, rosefish, and haddock in the northwest Atlantic—an area described by the convention as extending due east from the southernmost point of New Jersey to a point in the Atlantic due south of the tip of Greenland and then north to Greeland. The territorial waters of the contracting parties are excluded from the provisions of the convention. Contracting parties at present are Canada, Denmark, France, West Germany, Iceland, Italy, Norway, Poland, Portugal, Spain, the U.S.S.R., and the United Kingdom.

The convention established a Commission on which each party is represented to collect, collate, and disseminate information for maintaining fish stocks in the convention area. The Commission has no direct regulatory powers, but any of its panels may transmit through the Commission to the governments of that panel for appropriate action recommendations for measures which are deemed necessary to maintain the stocks of fish which support fisheries in the panel subarea. A regulatory measure so initiated will become effective only upon the consent of all governments represented on that panel. The convention divides the northwest Atlantic into five subareas and provides for a panel composed of governments with interests in the fisheries of the subarea.

The protocol will serve to bring hood and harp seals under the provision of the 1949 convention and provides for an additional panel to be set up to deal with the seals. The protocol will necessitate minor changes in the Northwest Atlantic Fisheries Act of 1950.

Although no U.S. nationals participate in the seal catch, the United States, as the depository government was requested at the 1961 plenary session of the Commission to formulate and circulate an appropriate amendment to the 1949 convention covering the seal herds, which had been falling off. The present protocol is the result of this action, and has been ratified to date by 5 of the 13 parties to the convention.

COMMITTEE ACTION AND RECOMMENDATION

The protocol was transmitted to the Senate on April 1, 1964, and was the subject of a public hearing on May 27, at which William C. Herrington, special assistant for fisheries and wildlife to the Under Secretary of State, was heard. His statement is appended to this report.

The committee knows of no opposition to the protocal and Mr. Herrington testified to the same effect. U.S. contributions to the International Commission for the Northwest Atlantic Fisheries, which run to about $6,000 a year, will not be affected in any way by the protocol.

Although, as has been noted, there is no direct U.S. interest in the harp and hood seals, the United States will be indirectly benefited by the extension of conservation practices to fish and wildlife anywhere. For these reasons, the Committee on Foreign Relations concurs in the recommendation of the executive branch that the protocol be ratified and urges the Senate to give its advice and consent thereto.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the yea-and-nay vote on these two protocols be taken at 12:30 o'clock p.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE BUSINESS

The PRESIDING OFFICER. Without objection, the Senate will resume consideration of legislative business.

THE VITAL IMPORTANCE OF THE POSITION OF AGRICULTURE AS THE GATT NEGOTIATIONS CONTINUE

Mr. SYMINGTON. Mr. President, I am delighted to note in the recent publication of the Committee for Economic Development entitled "Trade Negotiations for a Better Free World Economy," additional, and thoughtful endorsement of the views I expressed on the floor of the Senate last December 19, as a part of a series of talks on the balance-of-payments position of the United States.

At that time I put forth, among others, the positive recommendation that we should be prepared to delay negotiations under the Trade Expansion Act until a satisfactory solution of the problem of agricultural access to the EEC was made an integral part of such negotiations.

I was gratified to have this recommendation reaffirmed and supported by Mr. Christian Herter, Special Representative for Trade Negotiations, in a speech before the Economic Club of Detroit on March 30, 1964; and brought this speech to the attention of my colleagues in the CONGRESSIONAL RECORD of April 17, 1964. In that address, Mr. Herter said:

> We cannot expect to move toward freer trade in industrial products if we at the same time leave agriculture stagnating in a morass of protectionism, or even sinking deeper into it. That is why I have said, often and emphatically, that the United States will enter into no ultimate agreement unless significant progress is registered toward trade liberalization in agricultural as well as in industrial products.

Mr. W. Michael Blumenthal, Deputy Special Representative for Trade Negotiations, reiterated this position in a talk before the American Club of Brussels, Belgium, on June 4, 1964. In this address, Mr. Blumenthal said:

> In view of the great importance of agriculture and some of the special problems and difficulties involved, we believe the area must have priority equal to—and in fact inseparable from—our progress in the industrial sphere.

Mr. Howard C. Petersen, chairman of the subcommittee of the Committee on Economic Development responsible for the preparation of the CED publication, is well known as President Kennedy's special assistant to help pass the Trade Expansion Act of 1962. The CED report states as one of its major policy recommendations:

> The United States and other exporters of agricultural goods should use every possible inducement in the trade negotiations to secure competitive access to the share of the European Economic Community's market for farm goods that they have enjoyed (p. 8).

Summing up, the report continues:

> 1. The Community should guarantee to permit net imports equal to the present share of imports in domestic EEC consumption.
>
> 2. While we regard this as a minimum condition we regard it as only a stopgap because we do not want to freeze the historical shares, but rather to adapt production, exports, and imports continuously to the changing pattern of efficiency (p. 58).

This sort of realistic thinking is essential, if we are to be effective in our bargaining with other nations. In our previous efforts to be constructive in our trade relationships, we have perhaps conceded too much on a unilateral basis. This is one area where such concessions have no place.

OPPOSITION TO GOVERNMENT ACCIDENT PREVENTION CENTER

Mr. HRUSKA. Mr. President, during this session of Congress we have seen an unusual number of proposals to establish within the Federal Government research and information centers for a wide variety of activities. Examples which come quickly to mind are requests for $100,000 to collect financial information on the Nation's largest companies, an effort to establish a so-called Government Accident Prevention Center, a huge Federal Information Center on Drug Information, a Fire Research Prevention Laboratory in the National Bureau of Standards, and a massive information collection proposal for the construction industry.

Each of these proposals presumes that private enterprise in America is not doing the job; that only the Federal Government has the capability to perform these functions.

Mr. President, no one quarrels with the need for research and information collection in order to progress. The question is whether this function is best performed by the bureaucracy or by business.

Fortunately, the Congress has already rejected the proposals concerning the housing industry and the Fire Prevention Laboratory on the sound reasoning that industry is now filling the function capably.

Today, I wish to focus my remarks on legislation pending in the other body to create the Government Accident Prevention Center.

The bill, H.R. 133, appears to ignore completely the existence of large-scale accident prevention programs in business and industry and the exceptional work done by the National Safety Council.

What are the facts? The facts are that fewer persons die in accidents today than died 25 years ago. This is in absolute terms, and this progress was achieved despite a ballooning population, a dramatic increase in highway travel, and the hazards associated with a more mobile, industrial way of life.

In terms of accident rates, an even more impressive record has been compiled. Work accidents are down 50 percent in the past quarter century, from 14.8 accidental deaths per 100,000 population to 7.4; home accidents are down 38.3 percent; deaths caused by public accidents have declined from 14 per 100,000 population to 9.1, a drop of 35 percent; and even motor vehicle accident deaths are down 28.5 percent.

These victories over accidental deaths have been achieved in large part by concerted and cooperative action of industry, the insurance companies, and local, State, and national safety councils.

Mr. President, it is well to examine the reason why the average individual's chances of escaping death in an accident have improved more than a third since 1936. The reason is that private business, industry, and the insurance companies have a vital stake in education and training toward preventing accidents. Put quite bluntly, it is the profit motive, the essence of our economic system.

In view of private enterprise's commendable record and its dollars and cents motivation, is it reasonable to assume that the Federal Government can do a better job of accident prevention? I think not.

What would the result of a Federal program be? It would mean that the widespread activities now being carried on not only by industry, but by State and local governments, as well, would be abandoned, since Washington will have assumed the responsibility.

It is my hope that the Congress will have the wisdom not to tinker with an effective program now being admirably operated within the private sector. Few activities which the Government has assumed in recent years have been more successful than private operation of the same activity.

The administration professes adherence to a policy of noncompetition with private industry. It appears that this policy is ignored more often than it is observed. I trust that Congress will display better judgment.

Mr. President, this month's issue of the Journal of American Insurance contains an excellent article on this general subject. It is entitled "This We Don't Need." The thrust of its message is that such a Government accident prevention center would be a costly and unwise duplication of established, well-working programs. The Journal is to be commended for this very effective article, bearing so incisively on the proposed measure.

Mr. President, I ask unanimous consent that the text of that article be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of American Insurance, June 1964]

THIS WE DON'T NEED: GOVERNMENT ACCIDENT PREVENTION CENTER WOULD BE A COSTLY AND UNWISE DUPLICATION OF ESTABLISHED PROGRAMS

In recent testimony before the House Appropriations Committee, the head of one Federal agency pleaded for $100,000 to collect financial information on the Nation's large companies. His agency needed the information, he said, and he didn't feel that he should "have to go to a rack and buy Fortune and pay $1 for it to find out which are the 500 biggest corporations."

The comment is revealing, and the attitude it represents seems to permeate the Federal Government generally. Uncle Sam is moving rapidly toward monopoly control over the discovery and dissemination of research information in this country. Federal agencies already have more than 70 percent of the Nation's research and development people—scientists, engineers, technicians, doctors—tied up on Government-sponsored research projects.

Much of this research is necessary for military purposes, the space program and other activities clearly under Government control. But there is also a growing tendency for Federal agencies to take on new activities that duplicate and supplant efforts already being performed satisfactorily by State or private agencies.

A prime example of this trend is the Federal Government's current attempts to establish major new programs in the accident prevention field. One proposal, being pushed by Representative KENNETH A. ROBERTS, of Alabama, calls for establishing a grandiose National Accident Prevention Center in the Public Health Service. This center would spend massive amounts of tax money to find out what causes accidents of all kinds and to tell the Nation how to prevent them.

Specifically, the bill containing the proposal provides that the new Center would: (1) Conduct, assist and foster research, investigations and studies relating to the causes and methods of preventing accidents; (2) promote the coordination of research and control programs conducted by public and private agencies, organizations and individuals; (3) make available research facilities of the Public Health Service to appropriate public authorities and to health officials and scientists engaged in special studies; (4) make grants-in-aid to universities, hospitals, laboratories, and other agencies for accident research, including grants for building or acquiring research facilities; (5) establish an information center on causes and prevention of accidents and collect and make available, through publications and other appropriate means, information on how to apply the research findings; and (6) hire experts in accident prevention to carry out the Center's purposes.

Federal leadership in carrying out these activities is being urged on the assumption that nothing very effective is being done to control accidents, that not very much is known about how to prevent them, and that a Federal crash program conducted by the Public Health Service, therefore, is needed to provide the necessary technical knowledge and leadership.

This assumption is wrong. The fact is, fewer persons die in accidents today than died 25 years ago. This is true despite the rise in population, the increase in highway travel, and the hazards associated with a more mobile, industrialized way of life. Accident rates have shown an even more dramatic improvement. The worst year for accidents in the Nation's history was 1936, when 110,052 persons were killed—a rate of 85.9 fatalities per 100,000 population. Since then, only in 1937 and 1941 has the number of accidental deaths exceeded 100,000, while the rate has been dropping steadily. In 1962 the death toll from accidents was 97,000, and the rate was 52.2 per 100,000 population. This means the average individual's chances of escaping being killed in an accident have improved by more than one-third since 1936.

This improvement has been wrought, not by Federal crash programs, but by the sustained efforts of employers, insurance companies, trade associations, State and city regulatory agencies and voluntary citizens' organizations. The Federal Government has contributed its share through the accident prevention efforts of such agencies as the Bureau of Mines, the Interstate Commerce Commission, the Civil Aeronautics Board, the General Services Administration, and the military services.

All of these groups have a rallying ground in the National Safety Council, founded in 1912 to serve as a forum and clearinghouse for safety information of all kinds. Today its membership includes more than 9,000 business firms, associations, insurance companies, and Government agencies. More than 3,000 persons—all volunteers—take part in running council programs in a year's time, supplementing the work of 370 full-time employees. The council's National Safety Congress annually draws together 12,000 safety experts from all over the world to exchange ideas and report on their research findings; the council's library fills 20,000 requests for safety information every year.

Since this effective channel already exists for collecting, coordinating, and disseminating safety information, it hardly seems desirable to establish a Federal center in the Public Health Service to perform the same functions at the expense of taxpayers.

Another fallacy in proposals for a National Accident Prevention Center lies in the idea that most accidents occur because nobody knows how to prevent them. The fact is that most accidental deaths and injuries occur because someone failed to observe simple, elementary safety rules. This is not to imply that no further research is needed. A substantial amount of research is being done and will continue to be done. But the real need is for more effective use of knowledge already available and readily accessible to the people who should be putting it to use.

Voluntary efforts and local enforcement are far more likely to accomplish this result than research reports issued from Washington. Occupational safety is a case in point. Work injuries and occupational diseases have been reduced by 50 percent in the past quarter century, and the rate is still headed steadily downward.

Responsibility for preventing on-the-job accidents lies with the employer, subject to State regulatory action. However, employers are encouraged to improve their accident experience by insurance credits for favorable experience, by employee insistence on safe working conditions, and by such voluntary agencies as the National Safety Council and industry trade associations.

Effective action also is being taken to cope with auto accidents, the largest single cause of accidental deaths and injuries in this country. One notable effort is the work carried out by the Insurance Institute for Highway Safety, organized in 1959 by the American Mutual Insurance Alliance, Association of Casualty and Surety Companies, and the National Association of Independent Insurers. In 1963 the IIHS distributed more than $1.6 million to support research and action programs to improve traffic safety. The funds went to such organizations as the Northwestern University Traffic Institute, American Association of Motor Vehicle Administrators, the Traffic Court Program of the American Bar Association, New York University's Center for Safety Education, National Committee for Motor Fleet Supervisor Training, Yale University Bureau of Highway Traffic, President's Committee for Traffic Safety, and to numerous other national, State, and local groups engaged in worthwhile safety programs.

IIHS is the largest single contributor to several of these organizations. Its contributions usually stimulate the organizations to find other funds as well, since the IIHS makes a basic grant and then offers to give additional money on a matching basis.

Even in those areas of accident prevention that require additional research, there is ample reason to question whether the Public Health Service is the logical agency to do it. Oddly enough, this point was raised by a representative of a sister Federal agency during hearings on H.R. 133 last spring. Kenneth Holum, Assistant Secretary of the Interior, noted that PHS is "primarily concerned with environmental control of health problems and has developed an expertise in this field." He questioned the advisability of establishing an accident prevention center in an agency that had nothing to do with property losses. "Even in the case of personal injuries," he added, "much of the research connected with the cause and prevention of accidents appears to be more nearly associated with the field of engineering than with the medical profession."

From the standpoint of costs, too, the Federal Government tends to take a somewhat more grandiose approach than private industry, even when tackling similar problems. One specific facility planned for the National Accident Prevention Center, for example, is an auto driver simulator for research on drivers, autos, and highways. The Public Health Service estimates it will cost about $6 million. Liberty Mutual Insurance Co. recently set out to design its own driver simulator, for much the same purposes, and was able to build one for less than $10,000.

COMMENDABLE STRIKE LOSS RECORD OF TOLEDO, OHIO

Mr. LAUSCHE. Mr. President, from Toledo, Ohio, has come information that is pleasing to me. That city has achieved distinction in avoiding strikes which result in the loss of labor and work.

It appears that strike losses in Toledo last year were the second lowest of Ohio cities, as well as the lowest since detailed records were first started in 1937.

An analysis of statistics recently compiled by the U.S. Department of Labor's Bureau of Labor Statistics shows that in Ohio only the Hamilton-Middletown area, which is near Cincinnati, had lower strike losses than Toledo in 1963. In the Nation as distinguished from Ohio in 1963 Toledo was in 99th place; in 1962 it was 39th; and in 1961, in 47th position. The interesting aspect of Toledo's experience is that it has a labor-management committee that functions efficiently when strikes are threatened or are in existence.

In 1963, Toledo had a total of only 12 strikes, involving 1,781 workers and a man-day loss of 10,100. This exceeded only the Hamilton-Middletown area, which had 7 strikes, involving 900 workers, and a man-day loss of 3,510.

Ohio cities exceeding Toledo in strikes losses were: Akron, 19 strikes, with 1,750 workers involved, and a total man-day loss of 29,200; Canton, 11 strikes, involving 3,550 workers, with a man-day loss of 29,600; Cincinnati, 35 strikes, involving 5,700 workers, and a man-day loss of 51,500; Cleveland—my home city—56 strikes, involving 8,680 workers, and a man-day loss of 312,000; Columbus, with 13 strikes, involving 5,240 workers, and a 43,900 man-day loss; Dayton, with 14 strikes, involving 7,010 workers, and a total loss of 84,700 man-days; and Youngstown-Warren, with 16 strikes, involving 4,700 workers, with a man-day loss of 57,600.

I commend the officials of the city of Toledo and the labor-management committee for their extraordinary achievement. I do so particularly because while I was Governor of Ohio, I visited Detroit and tried to induce the automobile manufacturers to establish plants in the Toledo area. To my great amazement, those with whom I spoke discussed the strikes which had taken place in Toledo during the 25 years before my visit. I point that out because of the odium that falls upon a community concerning the willingness of industry to move into an area when prolonged and destructive strikes have taken place.

THE CRISIS IN SOVIET-CHINESE RELATIONS

Mrs. SMITH. Mr. President, rarely few people have ever possessed the perspective, clarity of thought, mastery of expression, articulation and courage of convictions that Clare Boothe Luce has in such great abundance. Time and again she has demonstrated this rare combination of talents in her pronouncements.

I think that her most recent demonstration of this came on June 14, 1964, in the commencement address that she gave at St. John's University in Jamaica, Long Island, N.Y., when she was awarded an honorary doctorate degree of which she is so richly deserving.

Not only was the subject of her pronouncement—"The Crisis in Soviet-Chinese Relations"—of premium timeliness, but she spoke the truths that none of our national leaders have dared to speak for fear of political repercussions. It is high time that someone did—and no one could have done it with more telling effectiveness than Clare Boothe Luce.

By it, she has rendered our country a distinguished service. Because I feel that it should have the greatest possible circulation—both with the American public and with our national leaders who formulate national policy—I ask unanimous consent that it be placed in the body of the CONGRESSIONAL RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CRISIS IN SOVIET-CHINESE RELATIONS

(Commencement address by Hon. Clare Boothe Luce at St. John's University, Jamaica, Long Island, N.Y., June 14, 1964)

Your Excellencies, Very Reverend President, Right Reverend and Very Reverend Monsignori, beloved sisters, distinguished faculty, ladies and gentlemen, I do thank you with all my heart for the honor you have just conferred on me. My sense of unworthiness is outweighed only by my gratitude. I am doubly honored by having been chosen as your commencement speaker.

To the graduating class of this noble institution of learning, my warmest congratulations. In this unforgettable hour of your well-earned triumph, I rejoice for each of you, and with all you professors and parents. The degrees you have worked for for so long are now yours. They are the keys, swords, maps, compasses—the good tools you will now use as you go into the world to begin the hard and exciting business of living.

The story is told of a young man, who upon receiving his degree rushed out and joyfully exclaimed, "Here I am world, I have an AB." And the world replied, "Sit down, son, and I'll teach you the rest of the alphabet." I wish you all, in God's love, happy and meaningful lives as your education progresses from alpha and beta to omega.

My subject today is the crisis in Soviet-Chinese relations and the dangers and opportunities it presents to America.

What a dark and heavy subject to lay before you on this bright and lighthearted occasion. But I have chosen it because it is bound to be a significant part of that alphabet of living you will soon be learning.

Let me say at once, I make no pretense to being a Kremlinologist or Far East expert. I speak with humility on the rostrum of this university whose Institute of Asian Studies is so respected in the academic world. But I dare to think that a lifelong concern with the threat that international communism poses to our country gives me some small right to discuss it with you.

As you well know, a great quarel has been raging for some time now between Moscow and Peiping. What is the quarrel about between the two Red giants? We know, of course, what it is not about. It is not about the ultimate goal of communism. Moscow and Peiping are passionately agreed that their common goal is world supremacy—sempter aeternatatis.

Only last year, Western correspondents reported, at a Moscow reception for the King of Laos, the Soviet Premier, Nikita Khrushchev, fervently embraced the Communist Chinese Ambassador and said, "When the last spadeful of earth is thrown on the grave of capitalism, we will throw it, with China."

At the ideological level, Khrushchev and the Red Chinese leader, Mao Tse-tung, are quarreling about how to bury us the fastest. At the political level, they are quarreling about who is going to be head gravedigger and inherit the spoils.

The stake that both have in the outcome of this double-barreled quarrel is the leadership of a victorious Communist world.

What the United States has at stake is its very survival. What each of you young Americans has at stake is your entire future—indeed, your lives. For the seeds of World War III have been thickly sown by this quarrel. And they are already beginning to sprout in the jungles and rice paddies of southeast Asia. For there, every passing day brings us closer to the risk of major war with Red China.

This audience understands well the all-important part that theology plays in religion. In that upside-down religion called communism, ideology is equally important. Within the party structure, which is communism's church, ideological disputation is always a dangerous business, for it is never without political and personal consequences to those who engage in it. Exile, excommunication, execution often await them.

The bone of ideological contention between Khrushchev and Mao is no small one. It is whether nuclear war is inevitable as a condition of the triumph of world communism. The Soviet Premier holds that it is not inevitable, that a correct reading of the gospel according to Marx and Lenin shows that it teaches there are "different roads to socialism," and that in the nuclear age, Moscow's policy of "peaceful coexistence" is the only safe road.

"Only people who consciously close their eyes to facts," Khrushchev has warned the Communist parties of the world, "could conceive of a Communist civilization built on the ruins of the world cultural centers, upon an earth deserted and poisoned by nuclear fallouts." In such a world, Khrushchev says, in which 700 or 800 million people would perish, "the question of socialism would have no meaning at all."

The Chinese leader is in violent disagreement: Khrushchev's policy of peaceful coexistence, Mao insists, is a false interpretation of Marxist-Leninist scripture, which teaches that "political power comes out of the end of a gun."

"Peaceful coexistence," says Mao, "cannot replace the revolutionary struggles of the people * * * the old government never topples, even in a period of crisis, unless it is pushed * * * this is a universal law of class struggle. We (the Chinese) say that if imperialism should unlease a nuclear war, and the worse comes to worst, (only) half the world's population would be killed. * * * We are optimistic about the future."

The question of nuclear war, which is the gravamen of the ideological dispute, has been hanging on the Communist air for over a decade.

As far back as 1951, Mao Tse-tung insisted that (I quote again), "Mankind will not be destroyed, even though a nuclear war would cost the sacrifice of hundreds of millions." And "World War III," he said, "would only hasten the complete destruction of the capitalist system."

In 1951, Stalin publicly agreed with Mao. And, publicly, so did Khrushchev after he came to power. We all remember the 1950's as the great decade of "bomb rattling" by Moscow. We can now assume that as Khrushchev became acquainted with the appalling power of Russia's own nuclear establishment, he came, privately, to hold a different view from that of his Chinese ally.

"It is easy," he said recently, "for certain people to talk about nuclear weapons who know nothing about them except from literature."

What a study of the present Sino-Soviet quarrel suggests is that Khrushchev never came clean with Comrade Mao about just where he stood on the subject of nuclear war. Indeed, a lot of Khrushchev's bomb rattling may have been intended to allay Mao's suspicions on the score of his nuclear valor. Certainly, so long as the Red Chinese leader could be made to believe that Moscow had no fear of war with the West, he could have no ideological grounds on which to challenge Khrushchev's revolutionary leadership.

But then came the moment of truth: the 1962 Kennedy-Khrushchev showdown. When this ended in Khrushchev's withdrawal of his missiles from Cuba, the whole world knew—and Mao knew at last—that Khrushchev had no stomach, no stomach at all, for a nuclear contest. In any event, the Cuban crisis was the catalytic event which brought the latent ideological and political Sino-Soviet struggle out into the open.

The official spokesman of Mao fired the first salvo at the man who, until that moment, all Communists had accepted as their Pope: (I quote) "In recklessly introducing the rockets into Cuba and then humiliatingly withdrawing them," said the Chinese, "the Soviets moved from adventurism to capitulationism, and brought disgrace to the Soviet people, the Cuban people, the peoples of the countries in the Socialist camp * * * The Soviets have reflected unprecedented shame and humiliation on the international proletariat."

Since then the two heroes of the revolution and their official spokesmen have been nothing if not verbose. Thousands of state papers, party tracts, open letters, pamphlets, speeches to the comrades, inspired editorials, and broadcasts have been devoted to the question of coexistence versus coextermination. Each side has poured out literally millions of words attacking, denying, charging, countercharging, refuting, contradicting, rebutting, denouncing, damning and double damning the nuclear views of the other.

On the Chinese side, the argument has been characterized by a good deal of the gutter talk dictators specialize in. "Liars," "cowards," "murders," "idiots," "fools," "filthy frauds," "exploiters," "profiteers," "slanderers," "docile slaves of capitalism," and "lackeys of imperialism" are only a few of the choice epithets Mao's spokesmen have hurled at Khrushchev and company. But the words which have hurt the man in the Kremlin most are those which the Chinese theoreticians have used to impugn Khrushchev's orthodoxy. In addition to adventurism, Peiping has charged him with the following unorthodox isms: deviationism, divisionism, revisionism, opportunism, imperialism, nationalism, chauvinism, Titoism, racism, and for the final crusher, "splittism." "Splittism," one supposes, is Communese-Peipingese for schism. But Peiping defines it so: "Opportunism and revisionism are the political and ideological roots of splittism." Other sins imputed to the man in the Kremlin are the "bourgeoisization of the Russian economy," "creeping capitalism," "prettifying American imperialism," and "economic collaborationism" with the enemies of the international working class movement.

In the early stages, Comrade Khrushchev sought to damp down the debate, charging Mao with nothing much worse than nuclear ignorance and dogmatism. But when the passage of time made it clear that Peiping itself was bent on "splittism," the Soviet Premier let himself go: he pronounced anathema on Mao: Mao is a Trotskyite.

As you all know, in the Communist church, this is the dread word for heretic, and traditionally it carries the death sentence. And no doubt Splitter Khrushchev would split Splitter Mao's head with considerable pleasure. But it will take more than the axe that Stalin swung on Trotsky to dispose of Mao. For Mao's heretical operation is launched from a great land base, and he is backed by a tremendous army.

But, as the Moscow-Peiping dispute reached its climax, both leaders ominously hinted that only the death of the other could hope to heal the breach between Moscow and Peiping.

Speaking, for example, to the Chinese charge that racism was at the root of Khrushchev's peaceful coexistentialism with the West, Moscow said "the very resort (by Mao Tse-tung) to racist-hued theories * * * is by no means novel, and there is no need to recall the names of those who tried to base their policies on this man-hating foundation, and how they ended up." This was a clear reference to the fate that had overtaken Hitler.

There is no doubt that of all the charges that Mao has leveled at Khrushchev none is likely to do more damage to Khrushchev's Communist image than the charge of racism. Today, Asiatic Communists outnumber white Communists by hundreds and hundreds of millions. If the brown and black Communist cadres should now swing in heavily behind Mao on the racial issue, the split in the Communist church will be all but impossible to repair, and Moscow will lose control of the world revolutionary movement.

The question of whether Mao is a heretic to Marxism-Leninism need not concern us. But at this point, a remark Bishop Fulton Sheen once made to me about heretics is relevant. "A heretic," he said, "is generally a man who wants something—something for himself—that his church forbids to him. So he outs and ups and founds his own church. And, mirabile dictu, the church he founds interprets Scripture in such a way as to permit him to have what his old church had denied him."

Certainly there are things Mao wants for himself and the Chinese people which the Moscow Communist church refuses to give him. And these things are the bones of the political centention between Moscow and Peiping.

First, there is the matter of ancient Chinese territories which are presently ruled over by Soviet Russia. This is no trifling matter: Czarist Russia's 17th and 19th century land grabs from China rank as the largest imperialist seizures in all history. Comrade Stalin himself made the last land grab during World War II, when he extracted territorial concessions from Generalissimo Chiang Kai-shek as the price of military assistance to China. Today Soviet Russia holds sway over once-Chinese realms that the Kremlin itself boasts are "twice as big as the territory of all China." These lost lands are rich in raw materials and are still sparsely settled. China wants and desperately needs them back. Certainly, commonsense suggests that China must want and need these contiguous Asiatic lands now held in thrall by Russia far more than she wants overcrowded splinters of India, or even overcrowded Formosa.

Again, China wants, and sorely needs economic and technological aid. For without either this aid or her lost lands, the specter of mass starvation must continue to haunt her.

But, most of all, Mao himself wants the nuclear bomb—that very symbol of national prestige and substance of modern power.

During the long doctrinal debate on war, Peiping has made some interesting revelations on all these matters. It has disclosed that Moscow has not only cold-shouldered Peiping's desire to reexamine the "unequal treaties" the czars concluded at gun point with the weak Manchu emperors, but it has also stubbornly refused to support Chinese revolutionary ambitions in Korea and territorial claims in Taiwan and India. And while Moscow has been generous to the Western comrades, especially Cuba, and to countries like Iraq and Egypt, Peiping insists that it has been downright niggardly with aid to China. Every year since 1957 the U.S.S.R. has cut back or reneged on promised assistance. In 1960 alone Moscow cancelled dozens of trade agreements and hundreds of technological contracts, and yanked home thousands of Soviet technicians with all their blueprints for Chinese industrial development. All this at a time when Mao's great economic "leap forward" was ending in a monumental pratfall.

Moscow's most perfidious action came in June of 1962 when (I quote) "the Soviet Government unilaterally tore up the agreement on new technology for defense * * * and refused to provide China with a sample of an atomic bomb."

Moscow, on its part, claims that aid to Peiping has been, and continues to be, substantial, but that more would be to pour rubles into a bottomless pit and a well of ingratitude, since Comrade Mao has misused its aid, abused its materiel, and refused its advice in all matters, especially in the conduct of economic and military policies.

The Soviets have also revealed that since 1960 their fraternal allies have "systematically" violated Russian borders. (In passing, the 4,500-mile Sino-Russian border is the longest border in the world shared by two nations.) In 1962 alone, 5,000 border violations by China were registered; and (I quote the Soviets), "There have been attempts in the most flagrant manner to appropriate individual sections of Soviet territory." This, too, is no trifling matter.

Lenin once said that the road to Russia's conquest of the West lay through Peiping. What Mao Tse-tung seems to be saying today is that the Chinese road to the same goal lies through Moscow. And for this view there is some historical justification. Did not the great Genghis Khan take this route successfully in the 13th century?

Every educated Chinese child knows the story of this great Mongolian conqueror whose invention of the stirrup was the nuclear bomb of its age, and how Genghis Khan's pony-back hordes, standing in their stirrups and shooting as they rode, swept across the endless Asian steppes and reached the very gates of Vienna. But no Russian child is ever allowed to forget that before the West turned him back, the hordes of Genghis Khan occupied all that has ever been known as Russia.

Who will say that Mao Tse-tung might not be tempted to follow Genghis Khan's route to the conquest of the West if he had the military means for the undertaking? And who will swear that if Mao had the bomb he would not drop it as cheerfully on Moscow as on Washington? Certainly not Khrushchev. The Soviet Premier has more than once voiced the suspicion that Mao's desire to see the U.S.S.R. and the United States trade nuclear knockouts is born of his conviction that the not-so-meek Chinese will then inherit the good earth of Russia.

The revelations made during this historic dispute have clarified Khrushchev's position: Like the czars and Stalin before him, he plainly believes that Russian patriotism dictates his policy of a weak China. And today, his prestige as the No. 1 man in the Communist world demands this same policy.

The climax of the Moscow-Peiping quarrel was reached in 1963, when the Soviets signed the test ban treaty with the United States. Its most important provision, from the Soviet view, was the permanent exclusion of China from nuclear information. And the split passed the point of no return.

Said Mao's official press organ, People's Daily, "While fraternizing with U.S. imperialism on the most intimate terms, the Soviet leader and the Soviet press showed their 'hatred' of Socialist China. The (test ban) treaty is a United States-Soviet alliance against China, pure and simple."

Today there are two Romes in the Communist world. But while ideological dispute has given the split its irrational character of a religious war, its real cause lies in the savage hostility between Russian and China, which is deeply rooted in historic, geographic, and demographic conditions. As nations and races, each has had good reasons in the past to hate and fear the other. The reasons persist and will probably do so for the foreseeable future. Today neither Khrushchev nor Mao Tse-tung conceals their passionate desire to bury one another. But both of these Communist overlords know that they will never be free to war against each other until the strength of America has been broken.

The first danger inherent in this situation is that their struggle for Communist leadership will step up the tempo of violent revolution and national liberation movements everywhere in the world as each Communist camp seeks to gain converts and to prove the superiority of its own methods of burying the West.

The star weapons in Khrushchev's arsenal are trade, technological assistance, and massive economic and military aid to the neutrals, especially in the Middle East.

Mao's best weapons are his theories of "instant revolution" and racism. These are already having great appeal to Communist cadres in the backward Afro-Asian and Latin American nations, and even in the United States, in Puerto Rico. But both sides will use, wherever and whenever possible, all the classic Communist tactics: subversion, propaganda, agitation, infiltration, boring from within, coups d'etat against established governments, and guerrilla operations. In short, Mr. Khrushchev's coexistential smile to the contrary, the Moscow-Peping split means the cold war will be very much with us.

The second danger is that Mao's aggressive theories and his aggressive actions, especially in southeast Asia today, will end in a Sino-American conflict.

But here let us remind ourselves again of China's predicament. She is isolated militarily and economically by both U.S.S.R. and U.S.A. policy. The alternatives facing the Chinese people today are death by mass starvation, or an internal revolution against Mao, or wars led by Mao for more raw materials and living room. If death is to be the daily diet of a people, we must not be surprised if they choose to die fighting like men for the means of survival.

This is one reason U.S. threats against China are not likely to halt her expansionism into southeast Asia. Moreover, we must take Mao at his word: China can easily afford any casualties we may be able to inflict on her, at any rate, in a nonnuclear war.

I am reminded here of a story relevant to this point about a sociologist who was expounding to his audience on the perils of the population explosion.

"Do you realize," he cried, "that day and night, night and day, every 30 seconds, there is somewhere a woman who is giving birth to a baby? What are we going to do about that? A voice from the back of the room cried out, "We should go find that woman and stop her immediately."

The name of that woman is Mother China, and nothing—short of nuclear annihilation—can stop her from breeding by the end of this decade a billion children. And we must not deceive ourselves, it will take the Chinese time, but they will find the means of creating a nuclear arsenal sooner or later.

This is why the late President Kennedy expressed the view that a continuation of China's aggressive policies into the seventies could create "a potentially more dangerous situation than any we faced since the end of the Second World War."

But the greatest danger of all is that we will be tempted to commit ourselves to a conflict with China in the utterly false hope that because Russia and China are natural enemies, the Soviets will come down on our side.

Khrushchev means what he says. Both Russia's national interests and, if you will permit, Khrushchev's own integrity as a Communist, dictate this policy. The Soviet Union cannot afford to have the United States present in China as a military conqueror. This would be the encirclement of Soviet Russia by the West. And, if we have understood the implications of the Moscow-Peiping split, we know now that the only way Moscow can "get Mao" and recapture the leadership of world communism is, paradoxically enough, to come to the aid of the Chinese comrades in a conflict with America. The price Khrushchev would ask them—and they would no doubt willingly pay—would be the head of Mao Tse-tung in a basket.

We need only remember that not long ago the White House asked for the end of President Diem's regime in South Vietnam, as the price of continued aid, and Diem's own countrymen promptly obliged us.

Beginning with Teheran and Yalta, the United States has made many costly mistakes in misjudging Soviet intentions. So far in the present situation, we have made no fatal error. But to base our policy in Asia on the hope of Soviet neutrality could well be that fatal error.

At best, it is to invite a second Korea. At worst, it is to back into world war III with our eyes closed.

Today we are on the eve of a presidential election; none of the candidates is going to tell you how close we are to a confrontation with Red China. There are no votes for President Johnson in this news. We have already seen how unpopular Mr. GOLDWATER's strong stand on using every means to win in South Vietnam is with many Americans. Nevertheless, as we shall see, perhaps before November. Strong means will have to be used if we hope to contain the Communist tide in Laos and Vietnam. We must not withdraw from southeast Asia—we must hold firm, even if it becomes necessary to wield a nuclear stick over the head of Mao Tse-tung. But, since the Moscow-Peiping split, there are other ways which, combined with the stick do offer hope of stopping Chinese expansionism. We can hold over Mao's head an offer to the Chinese people themselves of some carrots. For example, what argument can be made for our present policy of trading with the Russians or selling them wheat that cannot also be made for trading with Red China, and feeding her far hungrier and far more desperate people? Plainly, there are no votes to be got for the White House from saying this today. But it will have to be said, after November.

Long before the young men in this audience are old (by which time I will certainly have finished this talk), China will account for half the population of the whole world. We must soon find ways of living at peace with half the human race, or your generation will know nothing but endless war in the Orient.

Strangely enough, almost all the nations of the world, including the satellite countries, understand better than we do that if China is ever to be brought back into the family of nations, short of war, the ways of peace—aid and trade—to the Chinese people, must be explored. The Sino-Soviet split has now permitted them to seize this opportunity.

The dispute over Khrushchev's policy of peaceful coexistence has not only weakened Moscow's control over the Asiatic Communist parties, but curiously enough over the Western Communist parties as well. Indeed, the Kremlin's boss, once revered as communism's pope, might be better described today as the president of the "Council of Western Communist Churches." This is because his doctrinal insistence, during the dispute with Peiping, that there are "different paths to socialism," has encouraged Western Communists, inside and outside the Iron Curtain, to explore these "Tito-ist" roads, safe at last from the Kremlin's ideological thunderbolts. And, sad to say for Mr. K., most of these different roads seem to be leading back along the good old trade routes toward the West—and out to China. This is also the very wise course that our Allies—Great Britain and France and Germany—who certainly have as much cause to fear Moscow and Peiping as we do, are now assiduously taking.

To sum up: The Moscow-Peiping split means that while the key to peace in Europe still lies in Moscow, today the key to peace in Asia lies in Peiping. Let us be no less ready, and no more afraid than our allies to discuss ways of relaxing tensions with Mao Tse-tung than with Khrushchev. As Sir Winston Churchill said, "Jaw, jaw, is better than war, war."

There is every reason to have hope that we can avoid nuclear war, and a second Korea in China, provided we keep our nuclear guard up, while seeking—on a nation-to-nation basis, truly peaceful solutions with Soviet Russia and China. If we do so, time will be working with us. For with every passing year it is becoming clearer to the peoples who live under the Communist system that if gross inefficiencies and brutal injustices cannot provide them with food, with freedom, with peace, and with a faith worth living and dying for.

Again, my warmest congratulations to you as you take up the task for which the great university has educated you: the responsible leadership, under God, of a new generation of Americans.

DANGERS OF EXTREMES IN POLITICAL THOUGHT

Mr. KUCHEL. Mr. President, extreme positions on public questions, left or right, are a potential source of danger to the Republic and to the proper solution of critically important questions which plague us, both abroad and at home.

This was the theme used by a young graduating senior at the 101st commencement exercises of the University of California, at Berkeley, Calif., on Saturday, June 13, 1964.

The young man is Mel Levine, who spoke as the retiring president of the associated students of this renowned campus. His comments are sharply perceptive, and I commend them to my colleagues.

I feel somewhat assured when college and university graduates who are about to become voting citizens have spokesmen such as this college graduate, who used the rule of reason in all he had to say.

I ask unanimous consent that the text of Mel Levine's address be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I welcome this opportunity to share with you some of my reflections from the 4 years that I have spent both as a student at this great university and as a citizen of our United States.

I have become in these years increasingly aware of the fact that we are living in a complex and a dynamic society that is faced with the most tortuous problems that the world has ever known, but that also has the potential for not only solving these problems but for achieving, through liberty and freedom, the most glorious heights that man has yet seen. But at the same time, a very alarming trend is threatening the viability of that society and acting as an impediment to its potential success a trend that could cause the very foundations of our Nation to crumble.

That tendency—that phenomenon which we are witnessing to an evermore fearful degree each week—is the rapid polarization of political and social thought into dangerous extremes. This is being manifested most seriously in our own political situation in which we have been witnessing the alarming oversimplification of complex political problems into black and white solutions which ignore the more subtle and, indeed, more important ramifications of most questions.

In the minds of many liberals the term "conservative" is assuming an ever more odious connotation and in the minds of many conservatives the word "liberal" is acquiring that same unhealthy air. When these terms—"conservative" and "liberal"—become dirty words to American citizens because of the radical implications that have been imputed to them, our political structure is in dire need of an immediate reevaluation.

People demand that a choice be offered in the solution of our foreign and domestic problems, and a choice, indeed, is necessary. But the choices that have made our American heritage and our past political tradition viable, successful, and dynamic have not been choices that have bordered on reaction as opposed to radicalism. The most extreme choice that can be offered is one between a radical and a reactionary, and the closer one comes to either of these positions, the more zealously and close-mindedly he defends his predispositions, the more simple and attractive do solutions appear, and the more dangerous and unworkable do they actually become.

The complex problems which we have repeatedly faced never have been and never will be solved with the sweeping solutions which we are now tending to accept. Moreover, the exponents of these positions have consistently contradicted—in practice, if not in theory—the basic freedoms that our Nation has always cherished.

These freedoms—so vital to the success of any democracy—include the rights of dissent—opposing the prevailing opinion and resisting conformity; and of the free and open expression of all points of view. These freedoms must be vigilantly protected from those who would ride them to power and then attempt to undermine them. We cannot allow ourselves to be sold by people whose direct and radical philosophy engenders this possibility.

Nevertheless, the simplicity and directness of these polarized solutions makes them attractive to many people. It is, however, only by exploring beneath the surface—discerning the pressing realities that preclude simple solutions—that we will acknowledge the potential to which we must aspire.

The University of California has been a driving force in this direction, and there are three men in particular who, in my opinion, are among those most influential in igniting an analytical and responsible spark in the minds of the future leaders of our Nation.

It is difficult for me to express my personal thanks to and respect for Prof. Alex Sherriffs, Prof. Raymond Sontag, and President Clark Kerr, three men whose abilities and dedication radiate through this great university. These three in particular have inspired me and I am sure a great many others to explore in greater depth the pressing problems which we now face and to eschew the simple panaceas that have been offered.

In times such as today's—times when right-wing political groups within our own Nation join extremist groups in other nations by using antidemocratic methods to elect political candidates—our own citizens must wake up to the very real danger of oversimplification and political polarity which inevitably leads to extremism and which has already gained frightening momentum.

Much of the burden of guaranteeing to our Nation—and, indeed, to the world—indispensible reflection and analysis of the intricate problems that we face rests on the universities and their graduates. If we cannot meet this challenge—if we cannot defeat and unsettle those individuals whose philosophy demands simplicity and encourages polarity—our democratic heritage, our experiment in self-government, will have been for naught. If we can meet it, there shall be no limits to the continued expansion of our glorious civilization.

The task of awakening to this threat, of understanding its implications, and of defeating its exponents, both of the right and of the left, rests squarely upon our shoulders. It is critical that we succeed at a time in which failure will preclude all other attempts at success. Let us arise to this challenge as we have to all others, overcome this impediment that stands in our way and continue to expand the frontiers for mankind.

SENATOR McNAMARA HAILS PASSAGE OF CIVIL RIGHTS BILL

Mr. McNAMARA. Mr. President, the long fight on the civil rights bill that began in the Senate on March 9 has now ended in victory.

It is a victory in which every American who believes in the fundamental constitutional promise of equal rights for all citizens, can rejoice.

In the course of this longest of all debates, the Senate has taken two historic actions. For the first time in history, the Senate has voted to impose cloture on civil rights legislation. Second, the bill that we have approved is by far the most comprehensive and far-reaching civil rights law ever approved by the Senate.

This action culminates a fight that has been going on for more than 100 years. I considered it a real privilege to participate in this historic vote, since I have been supporting this legislation since first coming to the Senate 9½ years ago.

The bill we have approved will not automatically guarantee full constitutional rights for all Americans. But it is a giant step forward to the achievement of that goal.

And it is a blazing beacon around which all who believe in equal rights for all Americans can rally.

THE NEW PHYSICIAN IN OUR CHANGING SOCIETY

Mr. CASE. Mr. President, I ask unanimous consent to place in the RECORD a recent address by Mr. John T. Connor, president of Merck & Co., of Rahway, N.J., to the 117th graduating class of Hahnemann Medical College in Philadelphia. Mr. Connor received the honorary degree of doctor of science on that occasion.

Mr. Connor's address represents the concern and foresight of one of America's forward looking young industrial leaders. Mr. Connor is in a unique position to comment on the developing problems and issues of health and medical care in the coming years. As president of the Merck pharmaceutical firm, he has had both the opportunity and the obligation to examine these problems and to comment on them.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW PHYSICIAN IN OUR CHANGING SOCIETY

(Commencement address by John T. Connor, president of Merck & Co., Inc., Hahnemann Medical College, Philadelphia, Pa., June 4, 1964)

It is usual for commencement speakers to look beyond their audiences in planning their remarks.

The reason for this is apparent. It is a time for a new beginning, a time for looking ahead. As commencement speakers reflect on tomorrow, their thoughts usually range across the broad spectrum of social, political, and economic forces that will affect or govern society. And their talks are likely to reflect their own concern with the great issues of the day.

Yet a commencement audience has an intensely personal character, very much like those that gather for a wedding, or a christening. As I thought about this commencement at Hahnemann, I found myself thinking more and more about you—the members of the graduating class—and about the issues that will confront you as you become physicians.

You had your good reasons for choosing Hahnemann, just as the college had its own reasons for choosing you. At that moment of decision, your interests were permanently blended. You will carry the imprint of Hahnemann education with you for the rest of your lives, just as Hahnemann will always reflect in some measure your presence here.

You who have studied at Hahnemann know that it provides a rich medical experience, with an appropriate blend of undergraduate and postgraduate education in medicine, research in the health sciences, and care of the sick and the afflicted. In addition, it makes an important contribution as a community resource in meeting the health and welfare needs of Greater Philadelphia. These four functions—teaching, research, medical care, and community services—are the essentials for a modern medical center. The year 1964 finds all four of these essential functions in a state of change at Hahnemann.

There is widespread belief that Hahnemann has the administrative and faculty leadership—and can get the public and private resources—that are required to reach its objectives. The new Elmer Bobst Clinical Research Institute, now under construction, is one evidence of Hahnemann's ability to obtain the necessary financial support from interested private individuals, corporations, and government, when it has a worthwhile plan whose fulfillment is in the public interest. You who have been students here know that Hahnemann is an outstanding medical college, with an ever-growing national and international reputation. You will have even more reason to be proud of your school in years to come, after the changes now underway have been completed.

Your graduating class consists of 92 new doctors of medicine. I understand that after internship 21 of you intend to become general practitioners, while 71 will take residency training in specialty fields. Most of you will go into private practice, but a recent survey of medical school graduates indicates that 12 of you may well do research, 11 may teach medicine, and 4 may enter public service.

It might be asked whether such distribution properly reflects the public interest. Certainly, in our kind of society, the individual physician must have freedom of choice to use his talent and training as he wishes. After his investment of many years of his life in preparation for a medical career, it is unthinkable that it should be otherwise. If we believe that in the final analysis freedom of choice on the part of the individual members of society supports instead of opposes the common good, then we must conclude that the health needs of all of the people will increasingly be met by maintaining this system of informed free choice. As the health needs of the people change, the new needs and the new opportunities can be met successfully by the individual members of the medical profession as soon as they are defined and made known.

There is reason for concern, however, about both the number and the distribution of physicians in the years ahead. The needs will be accented by the anticipated increase in population to 350 million by 2000, compared with 192 million in the United States today. They will be further accented by an increasing predominance of people at both ends of the age spectrum—the young and the elderly, those who require the most medical care. And, finally, they will be accented by an increasing expectation on the part of every individual of high-quality medical services, an increasing ability on the part of the individual to pay for such services, and an increasing number of conditions to which the physician can apply effective preventive or therapeutic measures.

Offsetting to some extent those factors which suggest a "doctor shortage," will be an increase in the number of physicians graduating each year, and an increase in the capacity of each physician to serve more patients in his daily practice by virtue of a vast array of new techniques, facilities, and medicines. Yet the best estimates available indicate that, if the present rates of growth continue, the "average" physician in the year 2000 will have to serve about 800 patients, as compared with about 700 today. If any of you think my projections to the year 2000 are meaningless, please remember that most of you will still be practicing in that year, and hopefully for some years thereafter.

The qualitative demands on the physician in the years ahead will be perhaps even greater than the quantitative demands. You will be expected to keep abreast of swiftly advancing fields of medical science and to make contributions of your own to that advance. How will you be able to keep pace with the changes in medicine, to add substantially each year to the fund of basic knowledge you have gained here? One way of keeping informed, of course, is through the medium of postgraduate education—a field in which Hahnemann has distinguished itself, particularly in recent years. We certainly hope that you will keep up with developments in your fields, and participate also in the training of young medical students coming along after you—so that they may have the benefit of your experience.

Both the quantitative and the qualitative stresses pose still another problem: How will you be able to keep whatever you do in the practice of medicine on a personal basis, despite the forces that work in the opposite direction? You have learned here at Hahnemann that medicine is a blend of science and art. As we look ahead, it seems to be inevitable that medicine will be increasingly dominated by science. Such emphasis may be the best medicine. But you will always be treating people, not biological organisms. Health is a personal, not an impersonal matter.

As we move further into the age of specialization, of group practice, of swift therapeutic agents and long-term preventive measures, of automated diagnostic aids, some new ways must be found to maintain the patient's identification with what he will always want to feel is "his" doctor. This is unquestionably one of the greatest challenges in what we hope will be "the golden era of medicine." If the number of young doctors entering general practice continues to decline as it probably will, some alternative will be required to provide the needed integrated care of the whole man in relation to his environment. Perhaps the answer will lie not so much in what you practice, or in where you practice, as in how you practice.

During your 40 or so years of practice, both you and your patients, and the society of which you are a part, will expect more uniform medical care of high quality for all people in the country, irrespective of personal ability to pay. How can this be accomplished without at the same time sacrificing essential freedoms of physician and patient? A definitive answer to that question is beyond my competence and my vision, but I do have a point of view about it, as I'm sure you all have. My opinion is simply this.

We have many things to be proud of in our short history as a Nation. One of them is our advance in medicine and public health. The advance has been achieved in large part by private means—by an independent and highly capable medical profession, by industrial growth, and by Government cooperation that has stopped short of domination. By and large, the system has worked and is still working very well indeed. It includes the concept that the ability to pay should not be the governing factor in the availability of high-quality medical care. What it needs, then, to be even more effective, is Government encouragement, including financial assistance, but not Government competition or domination. The record in other nations reveals that nationalized health services are more expensive, more pervasive, and seemingly irreversible. I don't know of any country that has released to private hands any part of medical care that has been nationalized; indeed, the zone of compulsion usually has expanded. Thus, while I endorse the concept of continuing to broaden the availability of sound medical care, I do not believe the proposition that it can come only through Federal intervention and control.

In this connection, let me quote from my old friend and distinguished colleague, both in government and in industry activities, Dr. Vannevar Bush. Dr. Bush commented recently on the interesting distinction between the welfare state and the Socialist state, as follows:

"A welfare state is one that uses the taxing power to give relief to those in distress. * * * It merely indicates a state where there is public activity to relieve poverty and distress by putting burdens on the prosperous. The United States is a welfare state, and so is every other country I know of. I know of no one who is opposed to the welfare state, carried out with some moderation. It is just a question of degree.

"A socialistic state is a very different concept. In extreme form, it means that every activity in the country is centrally controlled and operated. There is no private enterprise; there are no labor unions. At the top is a government which controls industry and everything else. Every citizen's actions are controlled by an enormous bureaucratic machine.

"It is strange that many who consider themselves liberals advocate not only an extensive welfare, but also a socialistic state concept, although to my mind the extreme Socialist state concept is the exact opposite of liberalism. It inevitably involves almost complete surrender of personal freedom."

In this connection we should remember that those who wish to see individual freedom and democracy fail usually focus their attention on the best educated and most individualistic members of our society—the professional people. It is fundamental in Marxist dogma that, "come the revolution," professional people are the first who must be disposed of in one way or another. They are just too individualistic in their thinking and actions to follow Communist Party discipline blindly. We have seen this happen time and time again—most recently in Cuba, where Castro was shrewd enough to realize that he had to exile, imprison, or even kill many, many doctors in order to consolidate his position of power, despite the desperate health needs of the Cuban people.

As we meet here—you to graduate, I to wish you well in the years ahead—the line that divides public from private responsibility is gradually being obliterated. One of the great imperatives of our times, in my judgment, is to halt this trend toward more and more government control of the individual and his activities.

This leads me to comment briefly on the physician as a member of society—as a citizen, and as a participant in the social and political and economic affairs of our times. You who are today acquiring those long-sought letters after your names—M.D.—have a particular need to understand what the letters mean, and don't mean, to the average layman.

It seems clear that the public image of the physician is in a state of change. There are almost overwhelming forces that tend to cause withdrawal of the physician from those aspects of his environment unrelated to medicine. There are the pressures of time, the traditions of avoiding public limelight, the seeming inevitability of misunderstanding when the physician speaks or acts in matters of politics, economics, or public policy. But you must not permit those forces, or temporary public misunderstanding of your activities as citizens, to govern your judgment about continued participation. As Mrs. Jacqueline Kennedy recently reminded us, the late President felt that we should all do something to right the wrongs we see and not just complain about them. She stressed his belief that "one man can make a difference, and every man should try."

Our history is replete with instances in which silent nonparticipation has led to ignorance, which has led to distrust, which in turn has led to decisions that did not represent true public consensus. Nothing has changed since Thomas Jefferson formulated our country's basic concept of strengthening the democratic process by increasing enlightenment.

So I urge you—not just on issues related to medicine, but on all public issues—to assert the leadership for which you are uniquely qualified by virtue of your background, your education, your insight, and your prestige. Despite the occasional blasts from cynics and malcontents, you hold a special place in the eyes of all who are dependent on you, at least in part, for the assurance of the "life" that precedes "liberty and the pursuit of happiness" in the Declaration of Independence.

Finally, a word about the worth of the individual. You in medicine are especially privileged to understand the significance of this. In your practice, because it has been built into your education and because it is basic to the sacred tenets of your profession, you will treat each patient with the same degree of wisdom and care and concern. One reason you can do so, however, is that our particular society places a premium on the innate worth, the fundamental dignity of man. I do not need to tell you how this differs in other societies—some where as a matter of plan and design the individual is subordinated to the group, others where life is so marginal that the individual simply has never had a chance to develop his inherent value. For us, concern for the individual colors everything we do. In a true sense, there is no such thing as a group here, just aggregations of individuals. The practice of medicine is ideally suited to the demonstration of this truth.

As you go forward to further education and service in practice, teaching, and research, you know that you will be participating in a dynamic scene. As the 1960's become the 1970's, 1980's, and 1990's, you will serve in a vastly different world. Yet, for your generation and for succeeding generations, there can be no change in the age-old obligation of the physician in his practice of the healing arts: to save life, to end suffering, to open new horizons of usefulness to the sick and the maimed, to offer the hope of good health to people who need you. You are very fortunate in this ever-changing world to have opportunities to be of help to so many human beings. The rest of us are deeply appreciative of your willingness to dedicate your lives to the benefit of mankind.

THE PRAYER DECISIONS

Mr. ERVIN. Mr. President, in a recent edition of the North Carolina Law Review, Prof. Frank Hanft has contributed a very thoughtful and timely article concerning the Supreme Court's prayer decisions.

The controversy over the prayer decisions, Vitale and Abington School District, has caused much comment, both legal and editorial. As a result of these decisions, over 150 resolutions proposing amendments to the Constitution have been introduced during the 88th Congress. Professor Hanft feels that "what is needed more than a new amendment is a construction of our present first amendment which does not do violence to tradition." He contends that "the best solution may well be a return by the Court to a policy of judicial self-restraint, motivated by a principle of constitutional interpretation to the effect that long-established practices of the people deeply imbedded in their way of life should not be declared invalid in the name of constitutional provisions not intended to have any such effect." This thesis is one which I wholeheartedly endorse.

Professor Hanft received the LL.B. and LL.M. degrees from the University of Minnesota, and the S.J.D. degree from Harvard University. He has been teaching at the University of North Carolina Law School since 1931. As a member of the North Carolina's General Statutes Commission, he has worked tirelessly to develop North Carolina's laws into the best in the Nation.

Mr. President, I ask unanimous consent that the article by Prof. Frank Hanft which appeared in the April 1964 edition of the North Carolina Law Review be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRAYER DECISIONS

(By Frank W. Hanft*)

Contrary to popular belief the Constitution does not specifically provide for the separation of church and state. Further, no where in the Constitution is there mention of a "wall of separation between church and state." Instead, the first amendment opens with the words, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The provision that Congress shall make no law respecting an establishment of religion is commonly referred to as the establishment clause, and the provision that Congress shall make no law prohibiting the free exercise thereof is called the free exercise clause. These terse provisions are to be borne in mind along with the due process clause of the 14th amendment containing the prohibition: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law," in the discussion which follows, for they are the sole constitutional provisions on which rest the decisions of the Supreme Court on the subject of prayer and Bible reading in the public schools.[1]

The first of the recent decisions of the U.S. Supreme Court concerning prayer in the public schools was made in the case of *Engel* v. *Vitale*,[2] decided in 1962. A district board of education in the State of New York, acting in its official capacity under the State law, directed that the following prayer be said aloud by each class at the beginning of each school day:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."[3]

This prayer was composed and recommended for such use in the public schools by the State board of regents, a body having supervisory powers over the State's public schools. No student was obliged to participate in the prayer or to be present when it was said if he or his parents objected.

The Supreme Court of the United States, with only one Justice dissenting, decided that such composing and use of the prayer was a violation of the above-quoted establishment clause of the Constitution. The Court reasoned that the use of the prayer was a religious activity; that it was part of a governmental program to further religious belief, and that therefore it was a breach of "the constitutional wall of separation between church and state."[4] Further, it emphatically stated that the establishment clause plus the due process clause prohibit government, State or Federal, from composing[5] or prescribing[6] official prayers for use as part of any program of governmentally sponsored religious activity.

In the course of its opinion the Court expressed principles and views which would do far more besides outlawing prayer in the public schools. In comparing the meanings of the establishment clause and the free exercise clause the Court used this significant language: "When the power, prestige, and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain."[7] In this language, as will be explained later, the Court laid down a basis for invalidating, if it chooses, many other long-continued religious practices and expressions in American public life.

The second of the Court's recent decisions concerning prayer in the public schools was made in *School Dist.* v. *Schempp*,[8] decided in 1963. This decision arose from two lower court cases.[9] In the first of these a statute in Pennsylvania required that at least 10 verses from the Bible be read at the opening of each public school on each school day. At the school involved, the daily opening exercises included Bible reading and also recitation of the Lord's Prayer. The students and their parents were advised that any student might absent himself from the classroom where the reading and prayer took place, or if he remained, he might refrain from participating. In the second case the Board of School Commissioners of Baltimore adopted a rule providing for opening exercises in the city schools including Bible reading and/or the Lord's Prayer. Students whose parents so requested were excused. The Court in each case held that the prayers and Bible reading violated the establishment clause of the Constitution. Again only one Justice dissented.

The Court, in its discussion of the establishment clause, expressed far-reaching views and principles. First it pointed out that it had already been stated that neither a State nor the Federal Government can pass laws which aid one religion or all religions.[10] Then quoting with emphatic approval from a previous dissenting opinion of Justice Rutledge,[11] the Court stated that the purpose of the first amendment "was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."[12] To this end the test of invalidity under the establishment clause was stated to be: "[W]hat are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution."[13]

The majority opinion quoted the statement in the Engel case concerning placing "the power, prestige, and financial support of government" behind a particular religious belief.[14] Further, Justice Brennan, in a concurring opinion, commented on the Engel case, stating that New York, in authorizing the regent's prayer, had acted contrary to the establishment clause "when it placed the 'power, prestige, and financial support of government' behind the prayer."[15]

The constitutional ground for both decisions is the provision of the first amendment that "Congress shall make no law respecting an establishment of religion." When local school authorities provide for voluntary prayer and Bible reading in a school's opening exercises it is obvious that Congress has not made a law, and the constitutional provision appears not even remotely applicable. But the 14th amendment reads, "[N]or shall any State deprive any person of life, liberty, or property, without due process of law." What is included in the "liberty" here mentioned? The Supreme Court in *Cantwell* v. *Connecticut*[16] said that the liberty embodied in the 14th amendment includes the liberties guaranteed by the first amendment, and therefore the 14th makes the State legislatures as incompetent as Congress to enact laws respecting an establishment of religion or prohibiting the free exercise thereof.[17] There is plausibility in saying that "liberty" includes the constitutional prohibition against laws impairing the free exercise of religion; and under the facts of the Cantwell case which directly raised this question,[18] that was all the Court needed to say. But the Court went beyond what was actually before it for decision and stated that the liberty protected by the 14th amendment includes the prohibition against laws respecting an establishment of religion.

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[1] The only other constitutional provision relating to religion is the prohibition found in article 6 against any religious test for office under the United States. This provision, of course, is not applicable to the present discussion.

[2] 370 U.S. 421 (1962).

[3] Id. at 422.

[4] Id. at 425.

[5] The Court stated that the establishment clause, "must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government." Ibid.

[6] Id. at 430.

[7] Id. at 431.

[8] 374 U.S. 203 (1963).

[9] *Schempp* v. *School Dist.*, 201 F. Supp. 815 (E.D. Pa. 1962), aff'd, 374 U.S. 203 (1963) and *Murray* v. *Curlett*, 228 Md. 239, 179 A. 2d 698 (1962), rev'd 374 U.S. 203 (1963).

[10] 374 U.S. at 216, citing *Everson* v. *Board of Educ.*, 330 U.S. 1, 15 (1947).

[11] *Everson* v. *Board of Educ.*, *supra*, note 10 at 31–32.

[12] 374 U.S. at 217.

[13] Id. at 222.

[14] Id. at 221.

[15] Id. at 264.

[16] 310 U.S. 296 (1940).

Later in *Murdock* v. *Pennsylvania*,[19] another case involving only the free exercise of religion, not the establishment clause, the Court again said that the 14th amendment makes the first, including the establishment clause, applicable to the States.[20] Other cases,[21] including both prayer decisions, have repeated the same doctrine, usually citing one or both of these earlier cases.

The process has, then become one of broad synthesization in the decisions involving the religious provisions of the first amendment. Moreover, as demonstrated, the Court in a particular decision has made statements going far beyond the case in hand. Then it has used such statements as authority for later holdings, thus extending the area of the constitutional prohibitions.

Since in each case the point was irrelevant to the decision, the Court did not explain in either Cantwell or Murdock why "liberty" in the 14th amendment includes the establishment clause of the first.[22] The opposite would seem to be true. The language that a State shall not deprive any person of liberty "without due process of law" does not appear to have any relation to the prohibition against making any law respecting an establishment of religion. Could such a law be made with due process of law? Certainly if the framers of the 14th amendment really had intended by it to prohibit the States from making any law respecting an establishment of religion it would have been easy for them to say so, with the first amendment before them as a model,[23] rather than leaving the prohibition to be arrived at by the Court by a dubious interpretation of their language.[24]

Moreover, the establishment clause is a prohibition on Congress in making laws. If the 14th amendment extends the first to the States it would seem, as stated in Cantwell,[25] to be a limitation on legislatures in making laws. But the Court in later cases said that the limitation is on the conduct of governments, State and Federal.[26] Thus the Court makes the establishment clause apply not just to Congress, or State legislatures, but also to school boards. Probably under the Court's view, even a teacher could not voluntarily say a prayer in a public school classroom, since she is an agent of the government. There are those who think this is a very good thing, but it is a long way from anything said in the Constitution.

By prohibiting laws respecting an establishment of religion the framers of the first amendment did not intend to prohibit prayer and Bible reading in the public schools. This is obvious, since at the time of the enactment of the amendment there was no public school system.[27] At that time schools were private, and they were largely owned and operated by religious groups and denominations.[28] Prayer in these schools was accepted practice,[29] and religion was regarded as a principal subject for study.[30] If the 14th amendment did make the establishment clause applicable to the States, its intended meaning was made applicable too, and as demonstrated it could not have been intended to mean that prayer in any of the schools was prohibited.

If no support can then be found for the conclusion that the framers of the 1st and 14th amendments intended to invalidate prayer and Bible reading in the public schools,[31] it remains only to examine the broad principles the Court has laid down to justify the holdings, in order to see if such principles are supported by the language of the amendments, the intent of their framers, or the history, traditions, practices, and beliefs of the Nation.

The Court repeatedly refers to the "wall of separation" between church and state prescribed by the Constitution.[32] As previously noted, no wall of separation is mentioned in the Constitution. Instead the phrase comes from a letter written by Jefferson years after the adoption of the first amendment, in which he stated that the purpose of its provisions was to erect such a wall.[33] In opinions on the religion provisions of the first amendment the Justices have given great weight to views expressed by Jefferson and Madison on the ground that both were influential in bringing about adoption of the provisions. The Court has referred to Madison as the author of the amendment,[34] and also as its "architect."[35] However, Madison was not the draftsman of the amendment. He did draft a proposed amendment, but it was not adopted. The adopted amendment was instead drafted in committee[36] at a time when Jefferson was not even in the country.[37] This does not indicate that his views were not influential—doubtless they were—but his absence impairs his position to state with authority what the amendment as drafted was intended to mean. It seems unwarranted to ascribe the views of these two Virginians to the representatives of the other States who participated in drafting and ratifying the first amendment. Especially is this true in view of the fact that a number of those States had established churches at the time,[38] and the amendment's provision that Congress shall make no law respecting an establishment of religion not only prevented Congress from making an establishment of religion but also from interfering with those established.[39]

If Jefferson and those who felt as he did wanted to provide a wall of separation they could have framed a provision saying so, but whether they could have had it adopted is another matter. The long and short of it is that no such provision was adopted. "[W]hat was submitted for ratification was the text of the first amendment, not Jefferson's figure of speech."[40]

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[17] Id. at 303.

[18] The case involved a prosecution for violation of a statute requiring permission of an administrative officer to solicit funds for a religious cause.

[19] 319 U.S. 105 (1943).

[20] Id. at 108.

[21] *School Dist.* v. *Schempp*, 374 U.S. 203, 215 (1963); *Engel* v. *Vitale*, 370 U.S. 421, 430 (1962); *Torcasso* v. *Watkins*, 367 U.S. 488, 492 (1961); *McGowan* v. *Maryland*, 366 U.S. 420, 429–30 (1961); *Zorach* v. *Clauson*, 343 U.S. 306, 309 (1952); *Illinois ex rel. McCollum* v. *Board of Educ.*, 333 U.S. 203, 210 (1948); *Everson* v. *Board of Educ.*, 330 U.S. 1, 8 (1947).

[22] It has been pointed out that the establishment clause was applied by the Court to the States without argument or reasoning. Comments, 57 Nw. U.L. Rev. 578, 585, 590 (1962). Thus, this exceedingly important constitutional doctrine came about by statement and reiteration, not by reasoned decision.

[23] An amendment called the Blaine amendment which did provide that no State shall make any law respecting an establishment of religion was before Congress in 1876, but was lost in the Senate. Down to 1929 it was reintroduced 20 times without result. Corwin, "The Supreme Court as National School Board, 14 Law & Contemp. Prob. 3, 17 (1949); Comment, 64 Harv. L. Rev. 939 (1951). What could not be enacted into the Constitution by the constitutional processes, the Court read into the Constitution.

[24] Dean Griswold points out that it took "some rather broad construing" to make the first amendment applicable to the States. Griswold, "Absolute Is in the Dark—A Discussion of the Approach of the Supreme Court to Constitutional Questions," 8 Utah L. Rev. 167, 171 (1963). "To get the establishment clause 'incorporated' into its [the 14th amendment's] words call for quite a constructional wrench." Sutherland, "Establishment According to Engel," 76 Harv. L. Rev. 25, 41 (1962). Corwin, supra note 23 at 19, and Long, "Is the 1st Amendment Made Applicable to the States by the 14th?" 49 A.B.A.J. 345 (1963), argue that "liberty" in the 14th amendment does not include the establishment clause.

[25] 310 U.S. at 303.

[26] *Everson* v. *Board of Educ.*, 330 U.S. 1, 15–16 (1947); see notes 5–6, supra.

[27] *School Dist.* v. *Schempp*, 374 U.S. 203, 238 & note 7 (1963) (concurring opinion); Comment, 63 Colum. L. Rev. 73, 81 (1963).

[28] *School Dist.* v. *Schempp*, supra note 27. The public school system in this country is there shown to date from the 1820's and 1830's. Justice Jackson dates it from about 1840. *Everson* v. *Board of Educ.*, 330 U.S. 1, 23 (1947) (dissenting opinion).

[29] *Engel* v. *Vitale*, 18 Misc. 2d 659, ——, 191 N.Y.S. 2d 453, 470 (Sup. Ct. 1959), aff'd, 11 App. Div. 2d 340, 206 N.Y.S. 2d 183 (1960), aff'd, 10 N.Y. 2d 174, 176 N.E. 2d 579, 218 N.Y.S. 2d 659 (1961), rev'd, 370 U.S. 421 (1962).

[30] The Northwest Ordinance for the government of the territory of the United States northwest of Ohio, adopted in 1787 by Congress under the Articles of Confederation, provided, "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." 1 Stat. 51, 52, note (a), art. III (1787).

[31] Justice Brennan concurring in *School Dist.* v. *Schempp*, 374 U.S. 203, 237–38 (1963), concedes that the framers of the establishment clause gave no "distinct consideration" to whether the clause forbade devotional exercises in public institutions.

[32] *Engel* v. *Vitale*, 370 U.S. 421, 425 (1962); *Illinois ex rel. McCollum* v. *Board of Educ.*, 333 U.S. 203, 211 (1948); *Everson* v. *Board of Educ.*, 330 U.S. 1, 18 (1947); *Reynolds* v. *United States*, 98 U.S. 145, 164 (1878).

[33] The letter was written by Jefferson in 1802. Comment, 63 Colum. L. Rev. 73, 82, note 66 (1963).

[34] *Engel* v. *Vitale*, 370 U.S. 421, 436 (1962).

[35] *McGowan* v. *Maryland*, 366 U.S. 420, 430 (1961). In *Everson* v. *Board of Educ.*, 330 U.S. 1, 31 (1947) (dissenting opinion joined by Justices Burton, Frankfurter and Jackson), Justice Rutledge refers to the first amendment as "the compact and exact summation of its author's [Madison's] views formed during his long struggle for religious freedom." By the double-jointed process of first naming Madison as the author and then importing his views into the amendment the Justices read into the amendment much more than it says. The dubious validity of so doing is emphasized by the fact that Justice Rutledge conceded in a footnote that Madison's draft of the amendment was not adopted. Id. at 39 note 27.

[36] Corwin, supra note 23, at 11–12.

[37] He was in Paris. Id. at 13.

[38] Id. at 11–12.

[39] Id. at 12.

[40] Fahy, "Religion, Education, and the Supreme Court," 14 Law & Contemp. Prob. 73, 83–84 (1949). That Jefferson's views were not

The Court has not stopped with construing the first amendment to require this wall of separation. No church was involved in the prayer decisions. Religion was. The Court has made separation of church and state mean separation of government from religion. Certainly no such thing as this was intended by those who framed and enacted the first amendment. The first Congress which proposed the amendment also provided for chaplains in both Houses and the Armed Forces.[41] It is unlikely that the same Congress which made such provisions also intended to make them unconstitutional under the amendment it proposed. The Declaration of Independence had already announced the common conviction of our revolutionary forefathers as to the source of the rights later contained in the Constitution when it was stated that "[A]ll men are created equal; that they are endowed by their Creator with certain unalienable Rights."

Beginning with George Washington and continuing to John Kennedy it has been the practice of Presidents of the United States upon taking office to ask the help of God.[42] Oaths of office by Federal statute conclude with the words, "So help me God."[43] The sessions of the Supreme Court itself are opened with the cry, "God save the United States and this Honorable Court."[44] Our Presidents annually proclaim a national day of thanksgiving, and Thanksgiving Day is a legal holiday by resolution of Congress.[45] It is prescribed by resolution of Congress that the President shall proclaim 1 day each year as a National Day of Prayer.[46] Both Houses of Congress have chaplains and open their sessions with prayer.[47] There is compulsory chapel at the Army, Navy, and Air Force Academies.[48] Our official national motto is "In God we trust."[49] The same words appear on our coins and currency by statutory requirement,[50] and they are sung in our national anthem. The pledge of allegiance to the flag includes the words "under God."[51] Sunday observance laws existed in all the States at about the time of the adoption of the first amendment,[52] and still do in almost all the States.[53] Christmas is a legal holiday,[54] and in North Carolina, for example, Easter Monday is a bank holiday.[55] Public schools, colleges and universities have baccalaureate services. There are departments of religion in some State universities.[56] Deductions from income for contributions to religious organizations are allowed by law for income tax purposes.[57] Church property and income is exempt from taxation.[58] These are no mere collection of isolated examples. They are part of a continuing stream of religious thought and expression in the life of the Nation. They are part of the American tradition. They demonstrate that neither was there in the beginning nor is there now a wall of separation between our Government and religion.[59] This position is substantiated by an opinion in 1892 by the Supreme Court in which it summarized important documents and practices[60] verifying its conclusion that "this is a religious Nation."[61]

Our Presidents, courts and legislatures have acknowledged our dependence on God and invoked his aid. The tradition was continued by President Lyndon Johnson when, on the tragic day of the assassination of President Kennedy, Johnson concluded his brief airport statement to the American people with the words, "I ask your help, and God's."[62] Like our revolutionary forefathers who framed the Constitution, President Johnson sought the support of God at a time of great crisis, and did not seem worried about thus lending the prestige of Government to belief in Him. Acknowledging their dependence on God and seeking His blessing is what the schoolchildren did in reciting the regents' prayer. In so doing they were completely in accord with the concensus of religious beliefs found in those utterances and manifestations which are part of our religious tradition and its official expression.

Briefly, by way of review, the Court has repeatedly stated that the first amendment erects a wall of separation between church and state, and has interpreted this to mean separation between religion and government. It has said, however erroneously, that the purpose of the amendment was to create a complete separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. It has indicated that the power, prestige and financial support of government may not be put behind a particular religious belief. Further, not only may there be no aid to one religion, there may be no aid to all religions. If the Court adheres consistently to such principles, what will the effect be on the many expressions of religion in our public life?

Chaplains for legislatures and the Armed Forces, and compulsory chapel in the Army, Navy, and Air Force Academies, are plainly inconsistent with a "wall of separation" between religion and government, and it is also clear that in these instances "the power, prestige and financial support of government is placed behind a particular religious belief," namely belief in God.[63] In a footnote in *School Dist.* v. *Schempp*,[64] the Court stated that it was not passing upon a situation such as military service where unless the Government permit voluntary religious services to be conducted with use of Government facilities, military personnel would be unable to practice their faiths. This bodes ill for chaplains in legislative bodies and compulsory chapel in the academies of the Armed Forces, for no such rationalization would be applicable to them, nor would it be available when military units are not stationed in isolated places.

Thanksgiving Day proclamations and laws making Thanksgiving a legal holiday certainly lend support to a religious belief,[65] namely that God exists, otherwise there is no one to thank on such a day. Of course, to avoid reaching an unpopular and perhaps, to the Court, disastrous conclusion that official Thanksgiving is unconstitutional, the Court might find a secular purpose for such a day, as it found a secular purpose as the basis for sustaining Sunday observance laws against attack on first amendment grounds.[66] Doubtless thankfulness is a human trait to be encouraged, and has psychological and social value, but thankfulness with no one to thank would be a futile thing not likely to further any social or psychological values. And what about Christmas and Easter Monday as legal holidays? These holidays are Christian in origin and present meaning, although the Court might conceivably sustain Christmas as an aid to commerce. Doubtless it is, but such a judicial recognition of the corruption of the meaning of Christmas would be no forward step.[67]

May there be Christmas and Easter observances in the public schools? If these days so important to children go unobserved, while much to-do is made over Columbus Day, Veterans' Day, and Arbor Day, the children are likely to absorb the impression that their schools disfavor religion, not that the schools are neutral. But to observe them as anything but days of religious significance would be to distort their meaning and again leave the impression of hostility to religion.[68]

Baccalaureate services are occasions where public schools and colleges give expression to a religious point of view; that is what such services are for. Our national motto and its presence on coins and in our national anthem are inconsistent with any "wall of separation" between religion and government, and they put the power, prestige, and financial support of government behind a particular religious belief, namely

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fully shared by his contemporaries is made plain even by a writer arguing for his views. Konvitz, "Separation of Church and State: The First Freedom," 14 Law & Contemp. Prob. 44, 57, notes that Jefferson, as President, refused to proclaim fasting and thanksgiving "as my predecessors did."

[41] *Engel* v. *Vitale*, 370 U.S. 421, 437, note 1 (1962) (concurring opinion).

[42] Id. at 446 (dissenting opinion).

[43] Rev. Stat. § 1757 (1875), 5 U.S.C. 16 (1958).

[44] *Engel* v. *Vitale*, 370 U.S. 421, 446 (1962) (dissenting opinion).

[45] 55 Stat. 862 (1941), 5 U.S.C. 87b (1958). One of the last messages of President Kennedy to his countrymen was his Thanksgiving Day Proclamation issued November 4, 1963. In it he recalled that "our first President in the first year of his first administration proclaimed November 26, 1789, as 'a day of public thanksgiving and prayer.'" Pres. Proc. No. 3560, 28 Fed. Reg. 11871 (1963).

[46] 66 Stat. 64 (1952), 36 U.S.C. 185 (1958).

[47] *Engel* v. *Vitale*, 370 U.S. 421, 446 (1962) (dissenting opinion).

[48] Id. at 437 n. 1 (concurring opinion).

[49] 70 Stat. 732 (1956), 36 U.S.C. 186 (1958).

[50] 69 Stat. 290 (1955), 31 U.S.C. 324a (1958).

[51] 68 Stat. 249 (1954), 36 U.S.C. 172 (1958).

[52] *McGowan* v. *Maryland*, 366 U.S. 420, 433 (1961).

[53] Id. at 435.

[54] 52 Stat. 1246 (1938), 5 U.S.C. 86a (1958).

[55] N.C. Gen. Stat. secs. 103–104 (1958).

[56] Including the University of North Carolina.

[57] Int. Rev. Code of 1954, sec. 170(c).

[58] Such laws, State and Federal, are cited and discussed by Paulsen, "Preferment of Religious Institutions in Tax and Labor Legislation," 14 Law and Contemp. Prob. 144 (1949).

[59] Much less has any such wall been kept "high and impregnable" as the Court said it must be. *Everson* v. *Board of Educ.*, 330 U.S. 1, 18 (1947).

[60] *Church of the Holy Trinity* v. *United States*, 143 U.S. 457, 465–471 (1892).

[61] Id. at 470. Governmental expressions, practices and laws favorable to religion are listed in *Engel* v. *Vitale*, 370 U.S. 421, 437–443 (1962) (concurring opinion), and also in the dissenting opinion, 370 U.S. at 446–450.

[62] New York Times, Nov. 23, 1963, p. 1, cols. 2 and 3.

[63] The writer of a note in 24 Ohio St. L. J. 173, 177 (1963), thought that prayer in convening the sessions of Congress may well be a violation of the Constitution under the decision in Engel, but doubted whether any party would have standing to challenge the practice.

[64] 374 U.S. 203, 226, note 10 (1963).

[65] In the 1963 Thanksgiving Day proclamation of President John F. Kennedy are the words, "On that day let us gather in sanctuaries dedicated to worship." Pres. Proc. No. 3560, 28 Fed. Reg. 11871 (1963). Surely this was governmental support for religion.

[66] *Gallagher* v. *Crown Kosher Super Market*, 366 U.S. 617 (1961); *Braunfeld* v. *Brown*, 366 U.S. 599 (1961); *Two Guys from Harrison-Allentown, Inc.* v. *McGinly*, 366 U.S. 582; (1961); *McGowan* v. *Maryland*, 366 U.S. 420 (1961).

[67] "Christmas, I suppose, is still a religious celebration, not merely a day put on the calendar for the benefit of merchants." *Engel* v. *Vitale*, 370 U.S. 421, 442, note 8 (1962) (concurring opinion).

[68] See Comment, 57 Nw. U.L. Rev. 578, 593 (1962).

that we do trust in God. Equally inconsistent with the Court's announced principles is our Pledge of Allegiance to the Flag. Our Presidents apparently have been violating the Constitution in their inaugural addresses for generations, for their expressions of faith in God beyond doubt have put the power, prestige, and to some degree, the financial support of Government behind belief in God. And what of such great utterances as the Declaration of Independence, with its avowal that men are endowed by their Creator with unalienable rights, and Lincoln's Gettysburg Address, which exhorted the people to resolve "that this Nation, under God, shall have a new birth of freedom?" True, the Court in a footnote in Engel[69] indicated that schoolchildren might be officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Diety, and the Court conceded in the same footnote that there are many manifestations in our public life of belief in God. The Court referred to these as patriotic or ceremonial occasions. But suppose someone were to take the glowing religious spirit in these documents seriously and recite them meaning every word, and not as a mere patriotic or ceremonial expression? Would the Constitution then be violated?[70] And even though these great utterances of the past may be recited, from now on no more such great utterances may be made by our leaders in their official capacities in times of national crisis if the Court is to be taken at its word.

It may be argued in connection with some of these practices that their effect in impairing the requirement of separation of religion from government and in putting the power, prestige, and financial support of government behind a religious belief is minimal, and the Court may perhaps not invalidate them for that reason. However, in Engel the Court considered the view that the regents' prayer was so brief and general that it created no danger to freedom of religion, and the Court answered by quoting Madison: "[I]t is proper to take alarm at the first experiment on our liberties."[71] This leaves the Court in a position to take alarm at even our national motto and our flag salute if it wants to. Nor would the fact that some of the religious practices in our public life, such as Thanksgiving Day proclamations, have been of long standing prevent the Court from taking belated alarm at them. As already pointed out, prayer and Bible reading have existed in our schools from the beginning of the Nation, and in many of our public schools since their infancy.

It may also be argued that in the case of some of the expressions of religion in our public life no one would have standing to sue to prevent the practices, and therefore no case could be presented to the Court wherein it could hold them unconstitutional. Such an obstacle furnishes no secure barrier against such holdings by the Court unless it wants to find such a barrier.[72] The Court in the Schempp case[73] made the point that the laws and practices there involved could be challenged only by persons having standing to complain, but found such standing in school children and their parents although they were not obliged to participate in the prayer and Bible reading. If the Court were to conclude that any of the various expressions of religion in our public life amount to an establishment of religion it could find that such establishment put official and public pressure against the views of a dissenter, such as an atheist, and interfered with his right to be free from any such governmental establishment and its pressures toward conformity, and that this impairment of his rights gave him standing to sue.[74]

In support of the Courts' position it can be argued that although the framers of the first amendment did not have in mind such results as outlawing prayer and Bible reading in the schools, still changes in the character and religious beliefs of our population justify different results in the application of the old principles contained in the amendment.[75] With the immigration of people from all over the world there have come to this country groups whose religions are diverse, and there is a strong moral case, so it can be argued, against conducting in the public schools religious exercises which are contrary to the beliefs of children and their parents belonging to various minority groups. Thus the Court's position, though it be a departure from previous concepts of what the first amendment requires can be ascribed to a growing public and judicial sensitivity to the beliefs and feelings of all manner of people, and a mounting belief that respect for the inherent worth and dignity of every person requires that his religious views be not affronted in our public institutions and practices. As we grow more truly moral old principles gain greater content.

Such a moral case for the Court's expansion of the meaning of the first amendment is appealing. But decent regard for the religious beliefs of other people is not a moral requirement only on majorities in their conduct toward minorities. Such a moral principle also makes its demands on minorities in their relations with majorities. The minority groups which have come to this country from many lands to enjoy the religious freedom which prevails here do not themselves display any great sensitivity to the feelings and beliefs of others when they set about impeaching the expression in our public life of the religious views which have from the beginning been part of the American tradition. The Jew or Moslem or Buddhist may choose to witness with tolerance practices in which he does not participate, and when he does so he gives better witness for his own religion than when he seeks to suppress the religious practices which are traditional in the public life of the people among whom he dwells. Such religious expressions can be respected without being embraced. When a Christian people[76] opens its doors to men of all views and creeds, affording them the religious freedom denied them in other lands, that people ought not by so doing to lose its right to carry out its own previous practices because the newcomers hold different religious views.

Moreover, the minorities which seek by lawsuits to remove expression of our religious tradition from our public life may in the end help destroy the foundations of the religious freedom in the name of which they make their attacks.[77] The American people from the beginning have grounded their belief in freedom on their religious faith. The Declaration of Independence asserted that men are endowed by their Creator with unalienable rights, including liberty. The preamble to the Constitution of North Carolina recites, "We, the people of the State of North Carolina, grateful to Almighty God * * * for * * * the existence of our civil, political, and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings."[78] Comparable provisions are to be found in the constitutions of other States.[79] In the Gettysburg Address, Lincoln called upon the people to resolve: "[T]hat this Nation, under God, shall have a new birth of freedom."[80] President Kennedy in his inaugural address declared: "The world is very different now. * * * And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe; the belief that the rights of man come not from the generosity of the state but from the hand of God."[81] Religious convictions are the declared foundation of our American liberties. If our public life may no longer embody and declare such religious convictions, then they can no longer effectively play their historic role in furnishing the foundation for our belief in freedom.

The prayer and Bible reading held invalid in the Court's prayer decisions were wholly voluntary. No pupil was obligated to participate or even to be present. Each enjoyed religious freedom in the matter. In his concurring opinion in the Schempp case,[82] however, Justice Brennan pointed out that the participation of the group as a whole puts a pressure on each child to participate since there is in children a desire to conform. Justice Brennan amassed behind this familiar fact an impressive array of support from behavioral scientists showing that children are disinclined to flout "peer-group norms."[83]

It is true that withdrawal from the opening exercises in the school marks the withdrawing child as someone different from the group. However, the Jew, the atheist, and members of other minority groups are persons who are different and intend to be. If their children are to become members of such groups they will have to choose to be different also, and to resist their inclinations to conformity with the mass. The student who asks to be excused from attendance on a Jewish holiday voluntarily marks himself as different, but no one contends that all the other students should be excused too so that no one will notice that the Jew is a Jew. No constitutional provision can protect persons, who are different from being seen to be different. We cannot by constitutional provision protect a child from being black or white, male or female. If the public schools were to try to convince the children that they are all the same color, sex, or religion the schools would be trying to implant patently absurd notions. If the schools lead the children to understand that they are diverse in many ways, but that no one should be subjected to any disesteem, indignity or rejection on account of such diversity they will be preparing the pupils for life in a democracy such as ours with its great variety of people.

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[69] 370 U.S. at 435 n. 21.

[70] The question may seem fanciful but Sutherland, supra, note 24, at 37, note 34, brings out that after the Engel decision the New York Commissioner of Education forbade the Hicksville public schools to use part of the third verse of the Star-Spangled Banner as an official prayer, but allowed it to be sung or recited. Perhaps the Commissioner, in permitting the words to be used in song but not in prayer, overlooked the fact that prayers are frequently sung or chanted.

[71] 370 U.S. at 436. Again in *School Dist.* v. *Schempp,* 374 U.S. 203, 225 (1963), the Court said that it was no defense that the religious practices were minor encroachments on the first amendment, and used the same quotation from Madison.

[72] Kurland, "Of Church and State and the Supreme Court," 29 U. Chi. L. Rev. 1, 17–22 (1961), discusses the problem of standing to sue, and notes that sometimes the Court ignores the problem. He finds in the Court's decisions on the matter a confusing diversity rather than clear precedent.

[73] 374 U.S. 224, note 9.

[74] Sutherland, supra note 24, at 35 raises the question, "Where a State does something amounting to 'establishment', will the Supreme Court enjoin it on the suit of any member of society who dislikes the policy?"

[75] Such a view was expressed by Justice Brennan. *School Dist.* v. *Schempp,* 374 U.S. 203, 240 (1963) (concurring opinion).

[76] Griswold, supra note 24, at 173–174, points out that virtually all of the immigrants who came to this country by the time of the adoption of the Constitution were Christian.

[77] "This * * * has been, and is, a Christian country, in origin, history, tradition and culture. It was out of Christian doctrine and ethics, I think it can be said, that it developed its notion of toleration." Id. at 176.

[78] N.C. Const. preamble.

[79] Justice Froessell in *Engel* v. *Vitale,* 10 N.Y. 2d 174, 183, 176 N.E. 2d 579, 582, 218 N.Y.S. 2d 659, 663 (1961) (concurring opinion), points to a similar provision in the preamble to the constitution of New York and adds that virtually every State constitution contains similar references.

[80] Am. Jur. 2d, desk book 76 (1962).

[81] Lott, "The Inaugural Addresses of the American Presidents." 269 (1961).

[82] 374 U.S. at 289–292.

[83] Id. at 290.

If the influx of minority groups does not afford a convincing basis for the Court's version of the meaning of the first amendment, can its version be justified by pointing to a change in attitude on the part of the people as a whole? It is said that it is a constitution which the Court is expounding.[84] By this is meant that the document contains broad principles which have to be adapted to the changed conditions and views of later generations.[85] It is true that the U.S. Constitution, although it is a written one, is in operation partly an unwritten one. What it means depends not just upon its literal words and the intent of those who enacted them; the interpretation arises partly out of the life of the people. Their deeply held convictions on fundamental principles may change and develop, and the changes may represent permanent growth, not mere transient fluctuations in public opinion. Their way of life may also change, requiring new adaptations of old constitutional provisions.

No such considerations support the principles laid down by the Court as to the scope and meaning of the religion provisions of the first amendment. There is no movement in our national life with which the decisions keep the Constitution up to date. The decisions keep the Constitution up to date only with the changing views of the Court. There is nothing to show that the people have changed their deeply held views on the relation of government and religion. As already brought out, with numerous examples, there has been up to the present moment a continuous interrelationship between the religious convictions of the people and their public institutions, life, and official pronouncements. Chaplains in the Armed Forces and legislative bodies, Thanksgiving Day proclamations, Christmas, and Easter holidays, baccalaureate services in the public schools and colleges, and the like are still part of the American scene and will be unless the Court says, "No." It was in 1954 that the words "under God" were added to the pledge of allegiance to the flag,[86] and in 1956 Congress made "In God We Trust" our national motto.[87] The report of a nationwide Gallup poll dated August 11, 1962, showed that 80 percent of parents of public schoolchildren approved religious observances in the public schools and only 14 percent disapproval. The figures for the views of all people were 79 percent approval, 14 percent disapproval.

The reverent, spontaneous, nationwide turning of our people to God in the dark days following the assassination of President Kennedy showed that religious faith is still an inextricable part of our national life. This turning to God for guidance, this spontaneous upsurge of prayer, was participated in by multitudes of people, and also by their government officials speaking in their official capacities. There was no separation of government from religion in this time of crisis, and it is fortunate for our country that there was not. One of history's recurrent and most insistent lessons is that when a people's spiritual life wanes their nation perishes.

The American people do indeed believe in separation of church and state, and this writer shares the belief. We want no church established by the state. But the people do not want separation of belief in God from our public life, as they have abundantly demonstrated. Every prayer and expression of faith in God is not necessarily a church.

The writer does not believe that the Court is authorized to make its own views as to policy into constitutional requirements; nevertheless the underlying policy concerning exclusion of prayer and Bible reading in the public schools will be further examined. First, is there a need for a national policy in the matter which ought to be enforced on all localities? There is diversity of general opinion concerning allowing or forbidding such prayer and Bible reading,[88] just as there has been diversity in the holdings of the State courts on the subject. Most of the State courts have sustained such practices.[89] Since there are different views and local practices, there is no visible reason why one view and one policy ought to be imposed.[90]

Far the most serious criticism of the Court's decisions and opinions concerning the application of the religion provisions of the first amendment to public school education is that the Court is making a major contribution to the secularization of our way of thinking. The Court is sensitive to the religious conflicts of earlier centuries and to the persecutions of dissenters when particular religions were officially established.[91] This historical background weighs heavily in the Court's decisions on the meanings of the religion provisions of the first amendment. The Court, though, does not appear to be equally sensitive to a far more deadly conflict of global dimensions going on in our own time. It will be tragic if by overextension of constitutional provisions arising out of the religious conflicts of earlier centuries the Court prevents the people from coping successfully with the perils of a desperate ideological conflict in our own day.

Part of the present all pervading worldwide clash called the cold war is a conflict of basic ideas about the nature of man and the final nature of reality. From ancient times materialists have held the view that the ultimate reality in the universe is matter and force. Man himself is but matter and force in highly intricate arrangement. Opposed to materialism has been the religious view that the final reality is God, who is infinite mind and spirit. The essential nature of man is not in the matter of which he is composed, but is in his mind and spirit, made in the image of God. The 20th century has seen a mounting tide of secularistic thought, i.e., thought excluding religion. Communism is a militantly materialistic and avowedly atheistic ideology, which has already impressed its beliefs on a considerable portion of mankind, and proposes to capture the minds of all men. To do so it is pressing its world revolution. But materialism and secularism are not confined to Communists. They are pervading also the thought of the non-Communist world. In this country one reason is the change in the nature of education in the schools.

In the early years of this Nation's life the schools were largely established and maintained by religious groups, and religion and religious versions of truth were part of the thought presented in the schools. Then came the rise of the system of public schools founded and supported by government. Being secular in origin, what they taught became increasingly secular.[92] Now the Supreme Court in the name of the first amendment is insisting that education in the public schools be wholly secular.[93] The inevitable result will be further secularization of our ways of thinking.[94] Plainly if from the first grade through college a student is presented all knowledge and all thought from a purely secular viewpoint, in the end his thought about all realities, including himself, will be secular in nature. This follows logically, and the logic is verified by what is going on in American ways of thinking. Newspapers, magazines, books, radio and television—the media through which the people express their thoughts—increasingly reflects the secular nature of our thinking. To develop in detail this point would require more than the space here available, but the point will be illustrated by one extremely important example.

Basic in the life of any people are its convictions concerning what is morally right and what is wrong. There are many secular versions of the nature of right and wrong. One of these is that what is right and wrong for a particular people at any given time is a matter of their accepted beliefs. These vary. For example, the ancient Germanic tribes, the Japanese in the Middle Ages, and the American people of today have had widely different beliefs as to the nature of right. The set of beliefs of each group constitute what is right for that group. As the beliefs of the group change, right for them changes also. Right is the mores of a time and place.

Such a version of right makes moral nomads of the human race. Since there is no right existing as a reality in and of itself, there is no moral destination for humanity and no moral progress since there is no right to progress toward. If all the people come to accept evil practices, then the practices ceases to be evil. Being accepted they become a new mores. When a Kinsey report shows that most American men have sex relations outside marriage,[95] we ought not to condemn such practices as wrong. Thus any imaginable moral evil can justify itself by becoming widespread enough. Nevertheless this variety of thinking is permeating popular thought and expression, and we hear much about shifting moral values, as if such shifts were self-justifying.

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[84] Id. at 241 (concurring opinion).

[85] "We can live in the atomic age under a horse-and-buggy constitution only because the Supreme Court has kept the Constitution up to date, so to speak, through constant revision by means of interpretation." Konvitz, supra note 40, at 50.

[86] 68 Stat. 249 (1954), 36 U.S.C. 172 (1958).

[87] 70 Stat. 732 (1956), 36 U.S.C. 186 (1958).

[88] The divergent opinions of important persons, religious groups, and publications are noted by Butler, "The Regent's Prayer Case: In the Establishment Clause 'No Means No,'" 49 A.B.A.J. 444 (1963).

[89] 16 Vand. L. Rev. 205, 206–207 (1962).

[90] Baker, "The Supreme Court and the Freedom of Religion Mélange," 49 A.B.A.J. 439 (1963); see Griswold, supra note 24, at 173.

[91] *Engel* v. *Vitale*, 370 U.S. 421, 432–433 (1962). See *Everson* v. *Board of Educ.*, 330 U.S. 1, 8–11 (1947).

[92] See Comment, 36 So. Cal. L. Rev. 240, 246 (1963). In Illinois ex rel. *McCollum* v. *Board of Educ.*, 333 U.S. 203, 216 (1948), Justice Frankfurter, concurring, refers to "The sharp confinement of the public schools to secular education."

[93] "Our constitutional policy * * * does not deny the value or the necessity for religious training, teaching, or observance. Rather it secures their free exercise. But to that end it does deny that the State can undertake or sustain them in any form or degree." *School Dist.* v. *Schempp*, 374 U.S. 203, 218 (1963), quoting with approval from a dissenting opinion in *Everson* v. *Board of Educ.*, 330 U.S. 1, 52 (1947).

"Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the first amendment." Id. at 225.

[94] In *Engel* v. *Vitale*, 10 N.Y. 2d 174, 184, 176 N.E. 2d 579, 583, 218 N.Y.S. 2d 659, 664 (1961), Justice Burke, concurring, referring to the contention that the first amendment requires rejection of any religious element in the public schools, wrote, "This, of course, would force on the children a culture that is founded upon secularist dogma."

Such views have consequences. If people are persuaded that there are no right and wrong existing as such, but only current beliefs, the obligation to do right is relaxed, since we may as well change our moral beliefs to more pleasurable ones. The general moral decline in our time, with its rapidly growing crime rate,[96] has accompanied the loosening of moral convictions. But of course if right is only the mores of time and place there is no moral decline, just a new kind of mores.

Vastly different from this and other secular versions of right and wrong and far more exacting is the religious version. Great religions of the world teach that right and wrong, good and evil, are realities in and of themselves and that righteousness is part of the nature of the supreme mind and spirit, God, Who is the ultimate reality in the universe. God requires of man that he do right and abstain from wrong. From this viewpoint the deliberate wrongdoer puts himself in defiance of reality, as does one who jumps from the top of a tall building in defiance of the law of gravity.

The writer believes that a far better case can be made for this version of right than for any secular one; further that morality wanes when the religious version is discarded. Washington in his Farewell Address warned: "[R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." [97] Nevertheless, under the Supreme Court's version of the first amendment, religion cannot be taught as truth in public schools. Courses can be taught about religion, but religion cannot be taught.[98] Secular versions of all reality may be taught as truth; religious versions as such may not be, if our public school education is to be secular.

The Court has intimated that the place for religion is the church and home, not the public school.[99] Many agree. It cannot be gainsaid that home influence is critical in the training of a child. Why, then, do we not leave secular instruction to the home? Because if that were done the great majority of children would be poorly educated. Parents have neither the time nor the knowledge required to educate their children in all the manifold subjects which make up their secular education from the first grade through college. It must be remembered that education of a religious nature does not include only the instillation of religious belief. It includes presenting bodies of knowledge from a religious standpoint, not a purely secular one. How many parents are qualified to do this? For example, in the matter of the nature of right and wrong, already noted, how many parents are qualified to teach the various secular versions, such as utilitarianism, pragmatism, moral relativity, and ideological concepts of right and wrong such as those found in nazism and communism, and to show that all of these are inadequate and incomplete without the truths contributed by religion? Or suppose a parent does not accept psychological determinism, with its teaching that conduct depends on such factors as heredity and environment, and that individual power of choice in making moral decisions is a myth.[1] Suppose the parent thinks that acceptance of such a doctrine leads to individual irresponsibility and is a corrupting influence on persons and societies. Assuming that the average parent knows that there is such a thing as psychological determinism, how many would be qualified to show that it is only a disputed theory, not established truth, and that the individual's responsibility for his moral choices taught by religion is part of the total truth? From the practical standpoint the education of children in the various subjects of study will be received in the schools, which for most children means the public schools. If all the subjects are presented in school from a purely secular standpoint, the child becomes an adult with a secular outlook on reality as a whole, with his religion narrowed to an area of diminishing importance. The Communists, being unqualified materialists and secularists, have gone all the way and ascribe to religion no importance at all.

It is true that the churches afford religious education in the Sunday schools. These are of great value. But when a young person is taught secular courses by paid teachers educated for the purpose, is compelled by law to attend, and in high school and college is taught by persons expert in particular fields of secular knowledge, some of them outstanding authorities in these fields, all of them paid professional people, and such study is the students' full-time occupation until he reaches adult life, all supported by the vast resources of government, the volunteer Sunday school teacher, given half an hour of the students' time a week if he chooses to attend, is under a considerable handicap.

The parent who wants his child to be instructed in various fields of knowledge in the light of religious understanding can, legally, send his child to a school or college maintained by a church or religious organization.[2] The Supreme Court has held that a State may not require that school attendance be at a public school.[3] But jurisprudential experience shows that an abstract legal freedom of choice does not result in actual freedom to choose if economic necessity dictates the choice.[4] To most of our citizens the choice to set up denominational schools and send their children to them is not a free choice. Parents in their capacity as taxpayers must contribute to public schools and colleges. If a group of religious persons wants to maintain a denominational school for their children, and besides that are obligated as taxpayers to contribute to the public schools their children do not attend, they carry a heavy double burden. The result is that most students receive public school education, which means secular education. Religious persons are being compelled to pay for teaching a secular version of truth whether they like it or not.

The Court's insistence on secularization of public school education is part of its more general insistence on secularization in law and governmental activity. The Court has held that laws banning commercial activities on Sunday do not violate the first amendment.[5] Its opinion in the first of the companion cases on the subject brought out that at about the time of the adoption of the first amendment each of the States had laws restricting work on Sunday,[6] and almost every State now has some type of such Sunday regulation.[7] This should have sufficed for the decision of the case, because such an almost universal practice showed that the 1st amendment was not intended to invalidate such laws, nor was the 14th, nor is there any shift in public beliefs and practices justifying a changed interpretation of the 1st amendment to make it condemn such laws. But the Court chose to go on to find that there was a secular purpose to be served by a weekly day of rest, and to hold the Sunday laws valid by reason of such secular purpose. Thus the Court, without any necessity for so doing in order to decide the case, read into the first amendment a prohibition of State laws which serve religious purposes without being justified by secular objectives.

The Court has held that the first amendment does not prohibit a State from spending tax funds to pay bus fares of parochial school pupils as part of a general program for paying bus fares for children to go to school.[8] The Court said that the State could not contribute tax funds to support an institution which teaches the tenets of any church,[9] but viewed paying the bus fares as an aid to parents in getting their children, regardless of their religion, safely to school. The Court had earlier held that tax funds could be used to supply free schoolbooks to schoolchildren, although some of the children went to sectarian schools. The books were not religious in nature and were for the use of the children, not the schools.[10] The Court in the Schempp case, citing its decisions on Sunday laws and bus transportation, said flatly, "[T]o withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion." [11]

The people are sensitive to the danger arising from the secularization of our system of education, and have resorted to various devices to prevent religion from being kept out. One scheme has been a program whereby for one class period each week children whose parents so desired were released from their regular classes to attend, in the school building, classes for religious instruction by persons supplied for the purpose by religious groups. A plan of this kind was held invalid by the Court as contrary to the establishment clause.[12] The Court, however, held valid a similar scheme which provided for religious classes off the school premises.[13] Prayer and Bible reading as part of opening exercises are another device to bring religion into the educational system.[14] Such devices as these are woefully inadequate to offset the secular nature of the instruction in the regular classes, but at least they prevent the children from absorbing the impression that religion has no truth at all to offer if it is given no place in their education. Some State universities have departments of religion,[15] but these are under a serious handicap if they must only teach about religion, and may not teach religion. Other departments may offer their intellectual wares as truth, but departments of religion may not, if they are confined to showing what various religions are and may not show that there is any truth in them.

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[95] Kinsey, Pomeroy and Martin, "Sexual Behavior in the Human Male" 392 (1948).

[96] Serious crimes reported increased 98 percent between 1950 and 1960. Uniform Crime Reports 1 (1960). Part of the increase is obviously due to population growth, but crime outstripped population growth by over 4 to 1.

[97] Quoted in *School Dist.* v. *Schempp*, 374 U.S. 203, 280 n. 56 (1963) (concurring opinion). Jefferson regarded religion as the alpha and omega of the moral law. Corwin, supra, note 23, at 14.

[98] *School Dist.* v. *Schempp*, 374 U.S. 203, 225 (1963).

[99] See id. at 226, and the concurring opinion of Justice Brennan, 374 U.S. 230, 273–274. See also Illinois ex rel. *McCollum* v. *Board of Educ.*, 333 U.S. 203, 218, 220 (1948) (concurring opinion).

[1] "[I]n certain psychiatric groups, it has become a sign of modernity and scientific maturity to go all out for determinism, to believe that man is a helpless victim of his genes and his environment." Guttmacher, "The Psychiatric Approach to Crime and Correction," 23 Law and Contempt. Prob. 633, 635 (1958). In Hartung, "A Critique of the Sociological Approach to Crime and Correction," 23 Law and Contemp. Prob. 703, 725 (1958), free will is referred to as mysticism.

[2] See *School Dist.* v. *Schempp*, 374 U.S. 203, 242 (1963) (concurring opinion).

[3] *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925).

[4] See Pound, "The End of Law as Developed in Legal Rules and Doctrines," 27 Harv. L. Rev. 195, 195–198 (1914).

[5] Cases cited note 66 supra.

[6] See *McGowan* v. *Maryland*, 366 U.S. 420, 430 (1960).

[7] See id. at 435.

[8] *Everson* v. *Board of Educ.*, 330 U.S. 1 (1947).

[9] Id. at 16.

[10] *Cochran* v. *Board of Educ.*, 281 U.S. 370 (1930).

[11] 374 U.S. at 222.

Religious educational institutions are indirectly subsidized by government in many ways, such as tax exemption [16] and deductions of contributions to them from income for income tax purposes. [17] The recent Federal legislation setting up an approximately $1,200 million program to help colleges build classrooms, laboratories, and libraries makes the program available to privately endowed and church-connected schools as well as those publicly owned and financed. [18] Perhaps the only way of putting religious schools and wholly secular schools on exactly the same basis would be for school tax laws to provide that the taxpayer may designate whether his payment is to go to secular schools or some designated denominational school. If, as the Court has decided, he may send his children to a parochial school, why not his money? At least this would embody in practice the declared principle against forcing a person to pay for teaching what he does not believe. [19] However, the purpose of this article is not to present or advocate particular plans for keeping religion from being pushed out of the education of our children. Such plans are emerging out of the give and take of popular movements and views. The purpose of the people to find ways and means, consistent with their religious liberty, of preserving their religious beliefs now imperiled in the worldwide ideological struggle, should not be thwarted by the Supreme Court in the name of principles read into, rather than derived from, the first amendment. The people are trying to reconcile the great values of religious freedom with the great values of religion. It is a task the Court cannot perform. The Court should not needlessly raise constitutional obstacles to its performance. [20] That the people can work out the problem of the place of religion in our national life was illustrated when for the first time a Catholic was elected President of the United States. The Court could hardly have required the election of an occasional Catholic as President as a means of eliminating in practice religious qualifications for office.

It is uncertain what the Court will decide as to the validity of the many interrelationships between religion and Government it has not yet passed upon, some of them enumerated in this discussion, if cases calling them into question come before the Court. If it applies the principles it has stated requiring the complete separation of government from religion it will invalidate many of the manifestations of religion in our public life. But the Court has not consistently adhered to the position that there must be an impregnable wall of separation between religion and government. As previously indicated, the Court long ago pointed to the religious influence which has been part of the country's history and tradition, and concluded that "this is a religious nation." [21] The Court and individual Justices have repeatedly noted the many fashions in which religious belief is incorporated into our official pronouncements and public life.[22] In *Zorach* v. *Clauson* [23] the Court declared that the first amendment does not say that in all respects there shall be separation of church and state,[24] and in the same case the Court said: "We are a religious people whose institutions presuppose a Supreme Being." [25] It may be that the Court will not press on with decisions eliminating religion from our public life.

One problem remains. What can be done about the prayer decisions? And if the Court does make further decisions holding unconstitutional traditional manifestations of religion in our public life, what can be done about that, if it turns out that the people want no such destruction of the American tradition?

One course is disobedience. Constitutional requirements have in the past been abolished by the people through the process of disregarding them. Thus at the turn of the century legislation for the improvement of the condition of workers was frequently held unconstitutional by the courts on the ground that the legislation impaired the freedom of contract guaranteed by the Constitution. Nevertheless the tide of popular support for such legislation continued to rise, and in the end it was the courts which gave way and changed their decisions.[26] At one time the courts held invalid the use of subpenas by administrative agencies in making investigations not related to adjudicating cases or law enforcement. But popular attitudes and statutes reflecting them persisted in supporting such power in administrative agencies without the limitations imposed by the courts, and again it was the court decisions which changed.[27]

The people drank the 18th amendment out of the Constitution. But it is uncertain whether there will be any such revolt against the Court's spiritual prohibitions as there was against the prohibition of alcoholic beverages. The type of person who believes most strongly in religious values is likely also to be foremost in respect for law, and to realize that general disregard for law is itself an evil. Disobedience to law as laid down by the Court is not a remedy to be advocated with any enthusiasm.

There is the remedy of amending the Constitution, and after the first prayer decision literally dozens of amendments on the subject were proposed in Congress.[28] But it is hard to capture the full American tradition on the matter of the relationship between government and religion in any short set of words to be inserted in the Constitution. Of course, though, specific decisions can be overturned by specific constitutional amendments. The Constitution could be so amended as to provide that nothing in the Constitution shall be interpreted to prohibit prayer and Bible reading in the public schools. But the Constitution is not the place to provide and change specific rules of law; it is instead the place for basic principles. What is needed more than a new amendment is a construction of our present first amendment which does not do violence to tradition.

Reexamination of the powers and functions of the Court by the people and by the Court could be fruitful. The Court ought not to sit as a continuing constitutional convention. The constitutional function of the Court is not to make the Constitution. The judicial power extends only to cases and controversies.[29] In cases concerning the religion provisions of the first amendment the Court at times has seemed more concerned with announcing constitutional doctrines than with simply deciding the case at hand on the basis of principles necessary to the decision. Thus in the bus transportation case [30] the Court, besides pointing out that the bus fares were paid for the purpose of getting the children safely to school, which was the basis for the decision, said by way of dictum:

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[12] *Illinois ex rel. McCollum* v. *Board of Educ.*, 333 U.S. 203 (1948). The released time plan is discussed by Justice Frankfurter. Id. at 222–225.

[13] *Zorach* v. *Clauson*, 343 U.S. 306 (1952). Comment, 57 Nw. U.L. Rev. 578, 594 (1962), refers to a "shared time" arrangement receiving limited trial in Pennsylvania, under which students are allowed to take "objective" courses such as mathematics and the physical sciences in public school while taking "value content" courses such as social studies and religion in parochial schools.

[14] By 1962 at least 22 States had by statute or court decision required or permitted either Bible reading or prayer or both in the public schools. Only a few States had expressly prohibited either one. See Comment, 63 Colum. L. Rev. 73, 87 (1963).

[15] The teaching of religion in State colleges and universities is discussed by Louisell and Jackson, "Religion, Theology, and Public Higher Education," 50 Calif. L. Rev. 751 (1962). The authors argue that "The Dialogue of an intellectual community is not complete without the participation of theology." Id. at 792.

[16] See Paulsen, supra note 58.

[17] Int. Rev. Code of 1954, sec. 170.

[18] 77 Stat. 363 (1963). This legislation appears to fall within the condemnation of the Court's declaration: "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." *Everson* v. *Board of Educ.*, 330 U.S. 1, 16 (1947), quoted in *Illinois ex rel. McCollum* v. *Board of Educ.*, 333 U.S. 203, 210 (1948). If the Court were to hold this legislation unconstitutional such a decision would make an additional road block in the way of working out solutions for the problem of avoiding the danger of secularization while preserving religious freedom.

[19] See *Everson* v. *Board of Educ.*, 330 U.S. 1, 60 (1947) (dissenting opinion of four Justices).

[20] There is a wide difference between a broad interpretation of constitutional principles to enable the people to realize their purposes through the action of their representative bodies, and a broad interpretation to deny them such realization of their purposes, especially so vital and proper a purpose as that of preserving a spiritual outlook on life against the rising worldwide tide of materialism.

[21] See note 61 supra.

[22] See, e.g., *School Dist.* v. *Schempp*, 374 U.S. 203, 213 (1963); *Engel* v. *Vitale*, 370 U.S. 421, 446–450 (1962) (dissenting opinion); *Zorach* v. *Clauson*, 343 U.S. 306, 312–313 (1952); *Illinois ex rel. McCollum* v. *Board of Educ.*, 333 U.S. 203, 253–255 (1948) (dissenting opinion).

[23] 343 U.S. 306 (1952).

[24] Id. at 312. In *School Dist.* v. *Schempp*, 374 U.S. 203, 303–304 (1963), Justice Brennan, concurring, tentatively suggests certain religious manifestations in our public life which may not be unconstitutional.

[25] 343 U.S. at 313.

[26] See Pound, supra note 103.

[27] Davis, Administrative Law, sec. 31 (1951).

[28] Sutherland, supra note 24, at 50–51. He states that there were "50 or so" amendments to overrule the prayer decision in the Engel case. Butler, supra note 88, at 444, states that one of the proposed amendments had the endorsement of 49 State Governors. Only Rockefeller of New York abstained.

[29] U.S. Constitution, art. III, sec. 2 (1); *Interstate Commerce Commission* v. *Brimson*, 154 U.S. 447 (1894).

[30] *Everson* v. *Board of Educ.*, 330 U.S. 1 (1947).

"The 'establishment of religion' clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state.' "[31]

Most of what the Court said in this often quoted dictum had very little to do with whether school authorities could pay bus fares to transport children to parochial schools, which was what the Court had before it to decide. But in *Illinois ex rel. McCollum* v. *Board of Educ.*[32] the Court held the classes in religion on the school premises fell under the ban of the first amendment, "as we interpreted it in *Everson* [the bus case]." Then the Court repeated the above quoted statement from *Everson.*[33] Thus the Court in the bus case made statements vastly beyond the case before it, and then used its statements as authority for a later holding.

Of course interpretation of the provisions of the Constitution applicable in a particular case requires some creativity. If no such case as a particular one before the Court has been decided by it before, the decision will add something to the content and meaning of the constitutional provision involved. However, the creativity should be within the guidelines of the constitutional provisions and their intended meaning. Interpretation should not become invention.

One who reads the religion decisions of the Court is likely to be impressed with the sincerity of the Court's views and with the fact that it has conscientiously sought to promote what it conceives to be policy best serving the national well-being. But convictions of a court are not necessarily constitutional requirements.[34] Constitutional fundamentals ought not to shift with transient currents of public opinion, much less should they shift with the changing personnel of a court.[35] Further, the constitutional function of the Court is not a matter properly to be decided by turning the issue into a debate on the relative merits of a "broad" construction of the Constitution versus a "narrow" construction.[36] The question is one of the Court's constitutional power. Going beyond that power cannot be justified by labeling the result "broad construction."

If it be true that rapid, even revolutionary changes in our way of life and our beliefs make imperative constitutional changes which cannot await the slow and cumbersome process of amending the Constitution, then serious consideration should be given the question whether the Supreme Court is the appropriate body for making the changes. The Preamble to the Constitution indicates that the power to make the Constitution is in the people. The Court has a narrow base of representation. Its members are appointed by the President, by and with the advice and consent of the Senate.[37] Approval by the Senate is given in the great majority of cases.[38] Further, constitutional changes by the Court cannot be made as need arises, but must await the bringing of lawsuits. If indeed prayer in the public schools is unconstitutional, we had this unconstitutional practice for generations before a few persons decided to bring a lawsuit. We would have had the practice for the indefinite future if these few private parties had not gone to court. In their lawsuit conducted by their lawyers not only were their constitutional rights settled but so were the rights of millions of persons not before the Court and whose lawyers were not there either. In his first inaugural address Lincoln said: "[T]he candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."[39]

This statement of Lincoln's may not be favored by many modern liberals, but at least they are unlikely to prove that he was a member of the John Birch Society.

There have been proposals for curtailing the power of the Supreme Court.[40] It has been proposed that Congress have authority by two-thirds vote to overrule decisions of the Court.[41] The general assembly of the States proposed an amendment to the Constitution of the United States setting up a Court of the Union composed of the chief justices of the highest courts of the several States to review judgments of the Supreme Court relating to the rights reserved to the States or to the people by the Constitution.[42]

Objections to these suggestions are apparent. Against making Congress the court of last resort is historical experience abundantly showing that decision of cases by legislative bodies has not worked well.[43] The proposal for a Court of the Union has been objected to on the ground that it would result in adjudication of national constitutional questions, not by a national court, but by judicial representatives of the States.[44] However, there is a converse objection[45] that the present Supreme Court, resting on a purely national base, is rapidly destroying the constitutional plan of a federation of States with a central government confined to the powers granted in the Constitution, and with the other powers, unless prohibited to the States, reserved to the States or to the people.[46] To meet such objections, a body could be devised with a broad base of representation, for example, a body composed of representatives one or more to be appointed by each of the following: the President, Congress, the Supreme Court, the State Governors as a group, and the State chief justices as a group. The purpose here, however, is not to advocate any particular plan, but to suggest that if this is an age making rapid constitutional change necessary and if such changes are to be made other than by constitutional amendment, there should be careful and intensive public consideration as to the kind of body which should exercise such power. If the power is to remain vested in the Supreme Court this should be the result of a thoroughly considered national decision, not of inertia in leaving the power with the Court because it seems to have come to rest there now.

Concerning future decisions on the constitutionality of particular aspects of religion in our public life, the best solution may well be a return by the Court to a policy of judicial self-restraint,[47] motivated by a principle of constitutional interpretation to the effect that long established practices of the people deeply imbedded in their way of life should not be declared invalid in the name of constitutional provisions not intended to have any such effect.

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[31] Id. at 15–16.

[32] 333 U.S. 203 (1948).

[33] Id. at 210–211.

[34] Justice Holmes wrote concerning the 14th amendment: "I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions." *Baldwin* v. *Missouri,* 281 U.S. 586, 595 (1930) (dissenting opinion).

[35] "All these cases reveal the Justices at sixes and sevens in interpreting religious liberty. Their interpretations involve shadings and nuances baffling even the sharpest intellects. They frequently depend on the oscillation of a Justice or two, or the fortuitous advent of a new member to the bench." Baker, supra note 90, at 442.

[36] Comment, 36 So. Calif. L. Rev. 240 (1963), contrasts the views of the "broad constructionists" and the "narrow constructionists."

[37] U.S. Constitution, art. II, sec. 2[2].

[38] Hyneman, "The Supreme Court on Trial," 45–46 (1963).

[39] Lott, "The Inaugural Addresses of the American Presidents," 121 (1961).

[40] Hyneman, op. cit. supra note 136, at 48–53.

[41] See Sutherland, supra note 24 at 50, note 76. Such proposals are discussed by Hyneman, op. cit. supra note 136, at 52.

[42] The General Assembly of the States is a biennial convention of State legislators and officials sponsored by the Council of State Governments. The amendment to establish a Court of the Union is one of three amendments proposed by the assembly. As of June 17, 1963, this amendment had been approved by the legislatures of five States. Shanahan, "Proposed Constitutional Amendments: They Will Strengthen Federal-State Relations," 49 A.B.A.J. 631 (1963). Mr. Shanahan presents the case for the amendments. The case against them is presented by Black, "Proposed Constitutional Amendments: They Would Return Us to Confederacy," 49 A.B.A.J. 637 (1963).

[43] Pound, "Justice According to Law," 14 Colum. L. Rev. 1, 1–12 (1914).

[44] See Black, supra note 140, at 639. Professor Black does a better job of showing the defects in the suggested amendment than of showing that all is well at present.

[45] See Shanahan, supra note 140.

[46] U.S. Constitution, amendment X.

[47] See Sutherland, supra note 24, at 40-41. The Conference of Chief Justices (of the State supreme courts) in 1958, by a vote of 36 to 8, adopted a resolution urging the U.S. Supreme Court to exercise judicial self-restraint by recognizing the difference between what the Constitution may prescribe and that which a majority of the Court may deem desirable when the Court determines questions as to the extent of national as against State powers and as to the validity of the exercise of powers reserved to the States. The resolution of the Conference also approved a committee report urging self-restraint on the part of the Court and declaring, "[T]he Supreme Court too often has tended to adopt the role of policymaker without proper judicial restraint." "What 36 State Chief Justices Said About the Supreme Court," 45 U.S. News & World Report, Oct. 3, 1958, 92.

Judicial self-restraint would be furthered by a change of policy in selecting the judges for the Supreme Court. The majority of the members of the Court should be selected from among the ablest judges to be found on the State and Federal appellate courts. For the country's highest court are needed those who have demonstrated ability as the country's ablest appellate judges. Judicial self-restraint is likely to be a developed capacity, and to be found in such judges. Political leaders, eminent practitioners, and law professors should not make up a majority of the Court. This view is not to be equated with merely requiring judicial experience for appointees to the Supreme Court, a much discussed subject. Experience as judges and achieved eminence as judges are not one and the same.

THE NATIONAL CONFERENCE ON BAIL AND CRIMINAL JUSTICE

Mr. ERVIN. Mr. President, the Department of Justice and the Vera Foundation, under a grant from the President's Committee on Juvenile Delinquency and Youth Crime, cosponsored the National Conference on Bail and Criminal Justice on May 27, 28, and 29, here in Washington. Invitations were extended to Federal, State, and local law enforcement officials, judges, and prosecutors, as well as defense lawyers, bondsmen, probation officers, juvenile authorities, law schools, community organizations, and others concerned with the administration of criminal justice throughout the United States.

The purpose of the conference was to "examine the bail system, review its criteria for pretrial release, consider the law enforcement stakes involved, assess the human as well as monetary costs of pretrial detention, and explore the available alternatives." The fact that this conference was held shows a growing awareness of the defects in our bail system and the need for its overhaul. Particularly, the conference exposed the inequities which existing bail laws place on the indigent in comparison with those who are financially secure. There were a series of panel discussions on such appropriate subjects as factfinding; release on recognizance; summons in lieu of arrest; setting high bail to prevent pretrial release; pretrial release based on money or other conditions; and pretrial release for juveniles.

The National Conference on Bail and Criminal Justice illustrated the widening effects of the fine work done by the Vera Foundation on the Manhattan bail project. Incidentally on May 16, I introduced in the Congressional Record a report of the Vera Foundation on that project. The conference was fortunate in having as participants a number of the outstanding authorities on the administration of criminal justice. One of the speakers, Justice Bernard Botein, of the New York Supreme Court, reviewed very succinctly the historical development of bail and pointed out the harshness of our bail system as compared with that of other countries. He illustrated the necessity for enacting legislation in this area, such as bail bills S. 2838, S. 2839, and S. 2840, which Mr. Hruska, and Mr. Fong, Mr. Bayh, Mr. Williams of New Jersey, Mr. Johnston, Mr. Kennedy, Mr. Long of Missouri, Mr. Hartke, and I have joined in introducing.

In view of the timeliness of this speech, Mr. President, I ask unanimous consent that the address of the Honorable Bernard Botein before the National Conference on Bail and Criminal Justice, May 27, 1964, be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Hon. Bernard Botein, Presiding Justice, Appellate Division, Supreme Court, New York, Before National Conference on Bail and Criminal Justice, May 27, 1964, Washington, D.C.

There could not be found a group of persons more distinguished and expert in all facets of the administration of criminal justice than the one assembled here this afternoon. During the working sessions of the next 2 days your collective experience and skills will expose the faults and the virtues of the bail system in the United States. The devoted personnel of the Department of Justice and Vera Foundation have worked hard and intelligently in organizing this conference; and if through our participation and contributions we are persuaded that change is required, I am sure they hope that we will spread the gospel when we return home.

I imagine I have been accorded the honor of addressing you because the first substantial experimentation affecting the bail processes in this century originated in New York County a few years ago. In something like an opening statement I shall try to unroll the broad canvas of bail procedures in the United States, hopeful that in the next 2 days of the conference it will help you relate in greater depth and detail the separate parts to the whole picture.

Now let me make it clear at the outset that I regard myself as a fairly tough-minded and hard-nosed judicial administrator. As the administrative head of the first judicial department of New York State, which includes the exciting and important county of New York in which the experimentation was conducted, I and my associates would not dare to tinker lightly with existing machinery. Were we in New York City to embrace all ideas for the improvement of the judicial process that are so earnestly pressed upon us, our courts would soon be in a sad state.

Therefore, when Louis Schweitzer, the dedicated philanthropist who established Vera Foundation, first came to me and other officials of New York City a few years ago with his ideas about reforming bail procedures, we did not plunge in blindly. He convinced us that a fresh look at the bail system was long overdue; but before we moved we explored every aspect of the proposal with Mr. Schweitzer, Herbert Sturz, the highly competent director of Vera Foundation, representatives of the Institute of Judicial Administration, and many others. And when we did decide to conduct an experimental project, to be called the Manhattan bail project, we proceeded very cautiously. Before this conference ends you'll hear a great deal about the Manhattan bail project and other programs already in action or which soon will be underway to revise bail procedures in a dozen communities.

Why this sudden, swelling chorus of concern with a bail system that has persisted fundamentally unchanged in this country for a century and a half? I think the answer is the old story of unthinking acceptance of the status quo by those wedded to it, until along came a newcomer like Louis Schweitzer, with a sensitive concern for implementing the rights vouchsafed an accused by the sixth and eighth amendments. He saw the reality missed by those of us so close to the situation that we could only see the emperor fully clothed.

When appraising the current ferment in the light of previous inaction, we must appreciate that bail reform has always dragged and been achieved infrequently.

At the turn of the 17th century Lord Coke wrote a treatise on bail for the guidance of those entrusted with bail-setting powers. Coke translated the meaning of bail literally from the French word "bailer," to deliver; and defined the bail function as delivering the prisoner, "as it were into the prison of the sureties." This simile, representing the surety as the substituted jailer for the accused, conveys some idea of the latter's appearance resting upon the surety; and the penalties for nonappearance visited upon him were correspondingly harsh. Centuries before Coke the surety had, in effect, been a hostage, who could be jailed in place of the fugitive from justice. Later this sanction was relaxed but the surety still suffered the penalty of forfeiture of all his property. And still later the liability became one of paying only a specified sum of money in case of failure to appear. The personal exposure of the surety was usually deemed a better guarantee of the continued presence of the accused in the jurisdiction than the loosely guarded prisons or the corrupt sheriffs of that period. It is interesting to note that even in those days Lode Coke made it evident that he did not regard bail as a punitive device.

Three and a half centuries later every civilized country in the world shares or at least purports to share this enlightened solicitude that no person should be unnecessarily held in prison while awaiting trial. But only a few nations even begin to approach this ideal in practice; and definitely, quite definitely, the United States has not achieved it. A brief glimpse at the pretrial release procedures of some other countries might help us in appraising our own systems. Let us start with England.

Despite their common origin, bail as it is furnished in England is today quite different from bail in this country. Generally, release in England is conditioned upon the accused, or the acccused and one or two sureties, furnishing a personal recognizance; that is a contract, under which they agree to forfeit a stated sum—the specified amount in which bail is fixed—if the accused fails to appear subsequently in court. There is no posting of cash, real estate deeds, or security of any kind with the court—a radical departure from present American practice. A defendant may not deposit collateral with or agree to pay a fee to or indemnify his surety in England. It follows therefore that bail may not be posted by insurance companies; and so there are no professional bondsmen in England. In fact, the only two countries in which professional bail bondsmen can operate are the United States and the Philippines.

Rarely are forfeitures required in England because of nonappearance of the defendant—so rarely that they are not even reported for statistical purposes. And this although bail is usually set at only a fraction of the amount ordinarily fixed for similar charges in the United States—and without collateral. It should be noted, however, that judges, usually magistrates, release on bail only about 60 percent of defendants charged with indictable offenses, although there is growing sentiment that this ratio should be larger. One factor in this statistic may be that the police, who in England perform many of the functions of our district attorneys, including actual prosecution of trials, usually make the bail recommendations; and I am informed their recommendations are followed in 95 percent of the cases.

In Italy there is statutory provision for bail, which is, however, never utilized in actual practice. The Italians regard the bail concept as undemocratic, as favoring the rich over the poor. This, mind you, in a country with an inquisitorial prosecuting procedure, in which the prosecutor is given unreviewable power to detain an accused for a long period of time—power which would be regarded as unconscionable in this country. And yet, as I read the criminal statistics of Italy, 90 percent of defendants charged with what we would regard as minor or moderately serious crimes are released unconditionally pending trial, without furnishing bail or any other form of pledge. This is a much higher ratio of release than obtains among defendants charged with comparable crimes in the United States.

In Sweden and Denmark, because of the egalitarian philosophy pervading governmental thinking, one is not surprised to learn that they also reject bail as placing the poor in an unfavorable position in comparison with the rich. And again, although these countries employ an inquisitorial criminal procedure, they too appear to hold comparatively less defendants in pretrial detention than do we in the United States. The minimal incidence of flight to avoid trial in all these countries may in part be due to the frequent use of fines where some imprisonment might usually be imposed in this country; 40 percent of all persons convicted of indictable offenses in England are sentenced to pay fines only. Also, much milder sentences are imposed in these countries, as compared with ours, for comparable crimes—so that a defendant does not apprehend such severe punishment as he does for a similar offense in the United States.

For comparison, here are a few figures about the heavy incidence of pretrial detention in the United States.

A 1958 study of bail in New York City disclosed that 28 percent of the defendants were unable to raise bail in so low an amount as $500, and 45 percent could not raise bail when it was set at $2,000. In St. Louis 79 percent of the defendants could not raise bail, and so with approximately 75 percent in Baltimore and Philadelphia, and with 65 percent held in the District of Columbia District Court. In a survey made of four Federal judicial districts, the percentages of defendants who could not raise as little as $500 bail ranged from 11 percent in one district to as much as 78 percent in another.

Here are some New York City figures. In 1962, 58,458 persons, of whom 12,995 were adolescents, were confined to prison while awaiting disposition of criminal charges pending in city and State courts. The adults spent an average of 28 days apiece in jail, the adolescents an average of 32 days. The total, staggering number of days spent in jail by these 58,000 presumably innocent individuals during the year was 1,775,788. Persons accused of Federal offenses in 1963 spent an estimated 600,000 days in local prisons. I need not dilate on the many millions it costs the taxpayers to maintain these persons in New York City jails each year, to support their dependents who are forced onto relief rolls, and the tens of millions it costs to build bigger jails to lodge the constantly increasing detention population. Much more important, often tragic and irretrievable, is the damage done the community through ruination of members of the family and the family unit itself, the debasement of human dignity and moral values and the disillusionment with the processes of American justice.

Although our bail system was originally imported from England, it is not surprising that procedures suitable to that tight little isle developed differently in a huge sprawling country that leveled its frontiers as rapidly as has the United States in the past two centuries. The practical difficulties, often the unfairness, of holding a personal surety to his bargain by demanding that he produce a defendant who had all too easily slipped through the loose boundaries of his community soon became apparent. As a result, the professional bondsman, who made it his impersonal, balance sheet business to produce the defendant in court, gradually began to replace the friend or relative surety—to an extent where he has virtually taken over the bail posting process in the United States and turned it into an enormous business for profit. A person not owning real estate will seldom qualify as a surety, and not many defendants can enlist property owners who will risk their equities by assuming a bail obligation when there is a simpler alternative. Acting as agent for a surety company, the commercial bondsman, for a cash premium, will issue a bond guaranteeing the defendant's future court appearance—but under conditions that are often oppressive.

Now we must ask the qeustion: Why has this complex of American bail procedures, originally designed to improve existing methods and afford the accused a simple, uncomplicated method of procuring bail on payment of a modest fee, turned into an instrument of oppression? True, we are liberal and eloquent and certainly sincere in enunciating the right to bail through constitutions, statutes, and decisional law. But underscore this, because it goes straight to the heart of the objective of this conference. The right to bail is quite different from the ability to furnish bail.

At common law, in England and this country, the right to bail in all cases is vested in the discretion of the courts. We are granted protection, by the eighth amendment and through State constitutions and legislation, against excessive bail. The Federal Judiciary Act of 1789 provided for the right to bail in Federal courts in all but capital cases. Over 40 States make similar provision, by constitution or statute, except possibly in capital or treason cases.

And the decisional law echoes in ringing tones the mandates of constitution and statute. The Court of Appeals of New York State has set forth the guidelines usually observed in this country in setting bail. It has said: "The factual matters to be taken into account include: The nature of the offense, the penalty which may be imposed, the probability of the willing appearance of the defendant or his flight to avoid punishment, the pecuniary and social condition of the defendant and his general reputation and character, and the apparent nature and strength of the proof as bearing on the probability of his conviction." But while holding that a "judge is not free to make the sky the limit" in fixing bail, because of the constitutional prohibition against excessive bail, the courts have held that the inability of a defendant to raise bail does not in and of itself stamp such bail as illegally excessive. So Justice Douglas has been prompted to ask: "Can an indigent be denied freedom, where a wealthy man would not, because he does not happen to have enough property to pledge for his freedom?"

The answer unhappily is "Yes." The harsh facts give our legislative and judicial pronouncements about the right to bail a hollow ring. Pronouncements do not furnish defendants with the cash premiums and substantial, often full collateral demanded by bondsmen; and which in actual practice constitute the ability to furnish bail. Hundreds of thousands of persons each year in this country who are charged with minor and moderately serious crimes are held in jail awaiting disposition of their cases because they are unable to raise bail in moderate, low, or even nominal amounts. And their neighbors, charged with crimes of the same gravity, sometimes codefendants charged with the same crime, but possessed of sufficient means to secure bail, remain at liberty.

These are facts—indisputable facts, unfair, undemocratic and unhealthy facts. Surely, this alone should command a conference such as we are now attending.

In contrast, England, Italy, Sweden, and Denmark, which were selected for comparative study on behalf of this conference, reflect no such economic dichotomy. As in the United States, their attitudes emphasize release during the critical pretrial period of the large number of persons charged with minor offenses and with moderately serious crimes who have no serious criminal records and enjoyed previous good character.

It was reported to this conference, and I quote:

"These two categories constitute an overwhelming majority of the persons charged with criminal offenses in all countries; and in Sweden, Denmark, Italy, and England we found that these persons were in fact usually given their liberty prior to trial, whereas in the United States we too often fail to realize this objective, and many persons in these categories remain behind bars."

I do not doubt that our bail procedures derive from a genuine concern to make a reality of the entire bundle of rights afforded an accused during the period between arrest and trial. But in molding the procedures to accomplish this objective I believe the architects in large measure defeated their own purpose.

It is my belief that a major reason why the European pretrial detention experience is in many respects more favorable to the accused than ours is that European officials have to make the hard choice between pretrial jail or freedom. There is no easy judicial compromise, as in this country, by fixing low or moderate bail—which, as we have seen, defendants are so often unable to raise. Freedom or jail is a more uncompromising challenge to the judicial conscience than bail or jail.

Now, I have been a long way getting to the point of what is being done and what is being proposed to remedy these conditions; because I have endeavored to brief you on the background and dimensions of the problems with which we will grapple in the next 2 days.

First of all, and speaking only for myself, I do not advocate the outright scrapping of financially secured bail. I am not prepared now to say that financially secured bail is not appropriate in many cases; and that properly administered might not even help maintain the integrity of our overall bail system. But I do believe that hundreds of thousands of persons are jailed each year in this country because of inability to raise bail who should be released on parole or on their own recognizance.

The Manhattan bail project, which I mentioned earlier, commenced functioning about 2½ years ago in New York County. The project's staff, after swift but adequate investigation, furnishes the arraigning judge with enough verified information on the defendant's personal, financial and community background to enable a knowledgeable decision on the question of bail. I do not propose to take the edge off tomorow's working session by describing the operation in detail. Suffice it to say that to date, 2,600 persons have been released on Vera recommendations; and only 24 have willfully failed to appear. or, in other words, jumped parole. This represents less than 1 percent—much lower than the ratio of bail jumping in New York County. Controlled experimentation revealed that judges armed with project reports released four times as many defendants on parole than when they made the bail or jail decisions in the blind. In other words, three-fourths of defendants thus held in bail on the old uninformed basis should have been released on parole.

One more finding. Controlled analysis of the final dispositions revealed that two and one-half times as many parolees were found not guilty than defendants who were in detention from time of arraignment to adjudication. This experience suggests some interesting speculation on the greater effectiveness a defendant at liberty possesses in cooperating toward the preparation of his defense than a defendant confined in prison.

The city fathers of the city of New York were so impressed that they recently made a substantial appropriation to the office of probation to maintain, on a permanent and expanded scale in all five counties of the city, the services previously rendered by the Manhattan project. Also, 10 widely separated communities have started projects designed to explore the efficiency of their bail procedures. A highly effective one is in progress right here in the District of Columbia, headed by Judge Danaher.

Much of the report of the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice was devoted to the bail bond situation. One of its recommendations was for the increased use in Federal courts of the practice of releasing defendants on their own recognizance. A highly significant recommendation of the Committee reads that to "insure sound bail decision, more effective factfinding devices are required than those currently employed in the Federal Courts." Factfinding, it would seem, rather than bail in the blind, is the key to sensible decisions on release pending trial. This conclusion is so intrinsic to the program of the conference that it will bear repetition.

We all know from our own experiences that tax-conscious governing officials in many communities regard even conventional probation services, not to mention their extension to bail procedures, as an unnecessary frill. This too will pass; but in the meantime much can be done without elaborate and expensive factfinding facilities to implement the bail decision. Police, prosecutors and defense counsel can collaborate to furnish the judge swiftly with at least some of the essentials of the defendant's background. Judges should articulate for the record the bases upon which they set bail. Periodically, there should be a review of the bail decision when a defendant is unable to raise bail. And when bail cannot be furnished, every effort should be made to afford the defendant a speedy trial.

A study is currently being conducted by the Police Department of the City of New York in conjunction with Vera Foundation into the use of the summons in lieu of arrest in certain categories of minor offenses and crimes. In Denmark the authorities estimate that about two-thirds of all prosecutions originate with a summons. A first offender is arrested only when charged with a very serious crime. The New York experiment commenced a few months ago, and was limited at first to the issuance of summonses instead of making arrests in disorderly conduct cases. It has recently been extended to charges of simple assault and petit larceny. The results thus far have been highly gratifying, but it is too early to attempt any long-range predictions. Tomorrow morning you shall hear a full report on the Manhattan summons project from the able police commissioner of New York City, Michael J. Murphy.

Unlike many European countries we reject, at least on the record, such reasons for detaining an accused as the likelihood that he will commit another crime while at liberty, or the fear that he will tamper with the prosecution's witnesses or because of the desire of the police to detain the accused in the hope of developing a case against him where one does not as yet exist. In Italy we were told that the prosecutors held persons in detention to induce cooperation. It is also not uncommon in England for the police to detain the accused pending further investigation.

One of the working sessions tomorrow will treat with this type of pretrial detention for dangerous offenders. This practice is called euphemistically preventive detention—to prevent the release of a person who may be expected to commit anticipated crimes. Ordinarily this is effected by either denying bail outright or setting it at so high an amount that a defendant cannot raise it. Variants of this practice include detention of suspects, under the label of material witnesses, again by fixing bail too high to be furnished. Alternatives to bail include the proposed hospitalization of sexual psychopaths and narcotics addicts with criminal tendencies and in another aspect, commitment of defendants incompetent to stand trial. As explained in one of the papers prepared for this conference, the justification advanced for preventive detention of a person with compulsive criminal tendencies "flows from a decision that the value of protecting innocent individuals from anticipated crime outweighs the value of preserving pretrial liberty for those likely to commit the crime." Perhaps tomorrow's highly qualified panel will succeed in reconciling these measures with Federal and State constitutional provisions prohibiting excessive bail or cruel and inhuman punishments.

This subject is not unrelated to that of the third panel, which on Friday will discuss pretrial release based on money, and also supervised release and release on nonfinancial conditions. I imagine this group's agenda will include methods of court-controlled release after arraignment and before trial, such as release supervised by probation officers, release in the custody of third parties (private persons, officials or organizations), and a sort of hybrid release to work during the day and return to detention at night. There has been little experience or interest in this country in applying these techniques to adults at the pretrial stage, and it will be interesting to observe whether this conference will stimulate some wholehearted efforts to try out these procedures. The experience we have gained from our enlightened use of various forms of supervised liberty prior to disposition for youth in trouble and with probation and parole after sentence for adults should furnish valuable guidelines. In this area the Tulsa, Okla., County Bar Association inaugurated an apparently successful program a little less than a year ago. About 200 defendants charged with misdemeanors are released to their attorneys each month without the requirement of cash bond—a procedure permitted under Oklahoma law. You will no doubt also hear about the experience under the new Illinois statute, which permits release upon cash, refundable deposits with the court of 10 percent of the amount in which bail is fixed.

Such measures are evidently aimed at diminishing the power of the professional bondsman. Circuit Judge Wright of this district stated a year ago: "Certainly the professional bondsman system as used in this district is odious at best. The effect of such a system is that the professional bondsmen hold the keys to the jail in their pockets." I shall not burden you with a sordid recital of the charges and findings in recurring investigations of overreaching by bondsmen. In certain communities many first offenders cannot secure bail unless they deposit with the bondsman full or substantial collateral. Yet racketeers and members of the crime syndicates seem to encounter no such difficulties, despite the fact that their incidence of bail jumping is very high. Commissioner Giordano, of the U.S. Bureau of Narcotics, has recently stated:

"Another graphic example of the mob's desperation is the epidemic of bail jumpings. In some cases, the bonds forfeited are astronomical—$20,000, $50,000, and even as high as $97,000. As a matter of fact, in a recent survey of our New York office, we found that one-third of our fugitives are men who have forfeited substantial bail rather than face trial."

Finally, Friday's working session on pretrial release for juvenile offenders may present one of the most provocative and challenging programs of the entire conference. We, like all civilized countries, exhibit a special solicitude for youngsters in trouble, whether they are of an age bringing them within the jurisdiction of the juvenile courts or whether they are old enough to be charged with crime in criminal courts. The common law minimum age for criminal responsibility is 7 years; most States have raised this minimum to 16 or 18 years.

The governing philosophy of juvenile courts is to offer treatment, not punishment, in the best interests of the child. Generally juveniles may be apprehended or detained by courts, often police, in two categories of charges. One is loosely known as juvenile delinquency—acts which usually would be crimes if committed by adults or which could injure or endanger the morals or health of the youth himself or others. The second embraces those who are designated in most juvenile court jurisdictions as neglected or dependent children—whose surroundings and exposure are such that their own health, morals or safety are endangered, and who may therefore require protective custodial care. We should scrutinize the norms for detaining these children innocent of any wrongdoing, the facilities in which they will be detained, and the company to which they will be exposed in those facilities.

What is particularly distressing is that there is such wide but poorly defined latitude afforded police officers in deciding whether to apprehend a youngster in the first instance and to social workers and judges in making the detention decisions at intake and subsequent court procedures. And the decisional standards for detention seem so vague and invite such subjective value judgments that one wonders how much uniformity and what controls restrain this vast grant of power to disrupt the life of a child, perhaps permanently scar him. And remember, children alleged to be neglected as well as delinquent may be detained by police or often by probation officers and social workers without previous judicial order.

Since the sanctions of a juvenile court are not criminal in nature, professedly not punitive, and in theory at least are nonadversary, youngsters coming within the court's jurisdiction are generally not clothed with many of the constitutional safeguards and basic rights afforded an adult offender. This is rationalized on a variant of the benevolent parens patriae philosophy of the juvenile courts; the State is the legal guardian of all children and will if needs be assume the role of father to protect the child. Now the bland assumption that the father State knows best would be fine if in this area the State really did know best or if it had the facilities to implement its alleged omniscience. Instead, too often juveniles are detained, before and after adjudication, in obscene quarters which are even more dangerous and degrading than the unsuitable surroundings from which they were so protectively retrieved. Over 100,000 children each year are detained in ordinary jails or similar structures in which adults are confined, although none will dispute that juveniles should be lodged in separate facilities, maintained by public or private agencies, and with medical, phychological and other auxiliary services. Can we possibly shrug off these conditions when there can be no doubt that many adult criminal careers with which the other panels will be concerned were shaped by such irresponsible and damaging detention in childhood?

No large country has yet resolved satisfactorily the problem of treating with youth in trouble. If any nation can break through, it should be the United States, the wealthiest and the one enjoying the greatest resources and the highest standards of living; because lack of education, bad housing, inadequate recreational facilities, and other deficiencies peripheral to law enforcement all play a part in drawing youth into trouble. We men of law and law enforcement should take the lead, and enlist the cooperation of all other implicated callings and disciplines in meeting this challenge.

I am confident that the present unsophisticated public attitude of indifference will be reversed; that officials will in time be accountable to public opinion for unnecessarily detaining an accused; and that there will be an understanding forbearance, absent official corruption, for the occasional abuse by a defendant of his pretrial liberty. To achieve this community awareness and tolerance, however, the cooperation of the communications media and other opinion molding agencies is required. Once convinced of the humane, democratic, and economic imperatives for radical revision of our bail procedures, they could perform an important service by enlightening the public.

In concluding, I would like to take you back to the year 1801. That year 104,250 persons were arrested for debt in England—60,000 of them for indebtedness under £30. Dickens, in "Little Dorrit," and Charles Reade wrote about the inhumanity and degradation of debtor prisons; and they are often credited with so arousing the sympathies and indignation of the public that the law permitting imprisonment for debt was finally repealed in 1869.

Let us not, a century later, wait for a latter-day Dickens to wrench the banner from our faltering hands and lead the charge in our stead. He would have plenty of shocking case material in the wrecking of lives and the crushing of human dignity through the unnecessary pretrial jailing of persons accused of crime.

It is high time that we who are entrusted with the administration of the bail procedures cleaned our own stables. And speaking of some detention prisons, that is no figure of speech.

A BREAKTHROUGH ON PRESIDENTIAL INABILITY: THE ABA CONFERENCE CONSENSUS

Mr. ERVIN. Mr. President, as the Members of Congress very well realize, there is an urgent need to scrutinize and take action on the problem of Presidential inability. The framers of the Constitution, in a rare oversight, provided little help in solving a burdensome problem which has faced the American Presidency on several occasions; this uncertainty will continue to plague us until intelligent, careful action is taken.

This pressing sore spot of Presidential inability is well illustrated in an article entitled "A Breakthrough on Presidential Inability: The ABA Conference Consensus," which appeared in the Vanderbilt Law Review, volume XVII, No. 2, March 1964. This article is authored by James C. Kirby, Jr., professor of law at Vanderbilt University. Mr. Kirby previously served as chief counsel of the Subcommittee on Constitutional Amendments and was a member of the American Bar Association conference. Mr. Kirby's expertise in this area of the law uniquely qualifies him to render an enlightened view of this subject. This he has done. Accordingly, Mr. President, I commend this scholarly and concise article to my colleagues. I feel it is particularly timely inasmuch as we shall be asked to consider a resolution dealing with this subject at an early date.

Mr. President, I ask unanimous consent that Professor Kirby's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BREAKTHROUGH ON PRESIDENTIAL INABILITY: THE ABA CONFERENCE CONSENSUS

(By James C. Kirby, Jr.)

On February 17, 1964, the house of delegates of the American Bar Association recommended amendments to the U.S. Constitution to deal with the problem of Presidential inability.[1] Of itself, this is not necessarily of unusual significance. The ABA takes many official positions. This was its third position in 4 years on this particular subject.[2]

This most recent action, however, may signal a permanent solution to a problem which has frustrated Congress and constitutional scholars for many years. The 1964 ABA position may be a great leap forward for two reasons: (1) the new recommendation takes a fresh approach to the problem, combining the principal features of the two competing proposals which have had widest acceptance and greatest acclaim in the past, and (2) the recommendation was evolved by a method which inherently carries promise of widespread acceptance of its product—a "consensus" of a special task force conference of consultants.

The house of delegates adopted recommendations embodied in the consensus of a Special Conference on Presidential Inability and Succession which met in Washington on January 20 and 21, 1964.[3]

The conference members, appointed by ABA President Walter E. Craig, were practicing lawyers and law teachers who had been concerned with the problem in a variety of ways. The group included former officials of the Eisenhower administration, present and past officials and appropriate committee chairmen of the American Bar Association, teachers of constitutional law, a former counsel to the Senate Subcommittee on Constitutional Amendments, and several writers on the subject. They represented a variety of viewpoints and most were on record as favoring particular solutions, and opposing others, from the diverse and conflicting proposals which had been made in the past.[4] Previous efforts in Congress to secure passage of a constitutional amendment had been stalemated by the widespread and seemingly hopeless disagreement among the experts. No significant new ideas had come forward and it was thought that all possibilities had been exhaustively examined and found wanting. Nonetheless, after 2 days of intensive deliberation and consultation with key Members of Congress, and spurred on by public interest in the subject following the Kennedy assassination, the conference came to a consensus of recommendations which is a new approach to the problem.

The conference consensus is truly "new wine in a new bottle." Its merits will be better appreciated after a brief review of the need for constitutional amendment and the reasons why Congress has not yet dealt with a problem of such seriousness and long standing.

THE NEED

The problem stems from a rare oversight in draftsmanship by the framers of the Constitution. An excessive concern for conciseness and brevity led them to wrap up the entire matter of Presidential succession in the following short clause:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said Office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.[5]

The inherent inadequacy of this clause for instances of Presidential inability has been exposed by an abundance of sound scholarship and need not be restated at length.[6] Most difficulties result from the framers' lumping together all four contingencies for devolution of executive power and providing that the same consequences flow from inability as from death, resignation, and removal—despite a difference in kind. The latter are factual events whose occurrence can rarely be disputed, but inability is a condition whose existence might well be in doubt—especially to the party whose condition is in question. Also, death, resignation, and removal will result in a permanent succession to the powers and duties of the Presidency, but inability might be temporary, leaving the possibility that a disabled President might resume the exercise of his office.

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[1] 50 A.B.A.J. 237 (1964).

[2] In 1960 the house of delegates approved an amendment which would empower Congress to provide by law a mechanism for determining inability of a President. (46 A.B.A.J. 449 (1960).) This is the enabling amendment, discussed at p. 473 infra, which was approved by the Senate Constitutional Amendments Subcommittee in 1963. In 1962 the house of delegates approved a recommendation of the ABA Standing Committee on Jurisprudence and Law Reform which called for enactment of a statute but by a further resolution added that this proposal was not to be construed to modify the previous recommendation. (48 A.B.A.J. 364 (1962).) The 1964 action of the house of delegates included a resolution that the ABA reaffirm in principle * * * the need for * * * statutory clarification * * * after the constitutional proposals have been submitted by Congress. (Report and recommendations of the Standing Committee on Jurisprudence and Law Reform of the American Bar Association, as adopted by the house of delegates, Feb. 17, 1964.)

[3] The house of delegates acted upon a subsequent report of the ABA Standing Committee on Jurisprudence and Law Reform which had concurred in the consensus recommendations.

[4] The conferees were Herbert Brownell, former U.S. Attorney General and president of the Association of the Bar of the City of New York; Walter E. Craig, American Bar Association president; John D. Feerick, New York attorney and author of the "Problem of Presidential Inability—Will Congress Ever Solve It?" 32 Fordham L. Rev. 73 (1963); Paul A. Freund, Harvard University professor of constitutional law; Jonathan C. Gibson, Chicago, chairman of the American Bar Association Committee on Jurisprudence and Law Reform; Richard H. Hansen, Lincoln, Nebr., attorney and author of "The Year We Had No President" (1962); Ross L. Malone and Sylvester C. Smith, Jr., former ABA presidents; Charles B. Nutting, Washington, D.C., dean of the National Law Center; Lewis F. Powell, Jr., Richmond, Va., president-elect of ABA; Edward L. Wright, Little Rock, Ark., chairman of the ABA house of delegates; Martin Taylor, chairman of the New York State Bar Association Committee on the Federal Constitution, and this writer. Caveat: The consensus indicates that it is based upon general agreement and that all conferees do not necessarily subscribe to all portions.

[5] U.S. Constitution, art. II, sec. 1, clause 6.

[6] The burgeoning literature on the subject includes: Corwin, "The President: Office and Powers" 53–59 (1954); Hansen, "The Year We had No President" (1962); Silva, "Presidential Succession" (1951); Brownell, "Presidential Disability: The Need for a Constitutional Amendment," 68 Yale L.J. 189 (1958); Davis, "Inability of the President," S. Doc. No. 308, 65th Cong., 3d sess. (1918), reprinted in Hansen, op. cit. supra, at 136; Feerick, "The Problem of Presidential Inability—Will Congress Ever Solve It?" 32 Fordham L. Rev. 73 (1963); Gasperini, "The Presidential Inability Riddle," 31 N.Y.S.B. Bull. 258 (1959); Hansen, "One Strike and You're Out—The Constitution and Executive Disability," 40 Nebr. L. Rev. 697 (1961); Heinlein, "The Problem of Presidential Inability," 25 U. Cinc.

The clause is ambiguous as to whether the "office" itself or merely "the powers and duties" thereof devolve on the Vice President in each of the four contingencies. If the office of a disabled President devolves upon the Vice President and he becomes President, rather than merely acting as President, may the disabled President regain the office upon recovery? Eight Vice Presidents have become President upon death of the incumbent. This is obviously untenable for an inability situation and is a prime cause of the inoperativeness of the inability contingency. In two instances of Presidential inability, those of Garfield in 1881 and Wilson in 1919–21, there was near paralysis in Government because Vice Presidents failed to act as President. These failures were due in large part to uncertainty as to whether Wilson and Garfield could have resumed office upon recovery.

The most serious defect in the clause is the lack of any method for determining the existence, duration, and termination of inability. This is no problem if a disabled President is aware of the fact and is able to communicate it so that there is no possibility of disagreement or misunderstanding. But one can conceive of a President's insisting on exercising the office despite an inability, or, worse still, allowing the executive power either to go unexercised[7] or to be exercised by unauthorized persons.[8] The prospect of an elected President being involuntarily divested of the powers of office on grounds of inability is not pleasant, but the missile-age alternatives, if such an inability actually occurs, are much more somber.

There are no legal authorities, in the sense of controlling precedents, on any of these points. Fortunately, none has been tested by litigation. Nonetheless, what might be called a weight of informed opinion has emerged along the following lines:

1. In the case of Presidential inability only the powers and duties of the Office, not the Office itself, devolve on the Vice President.[9] It is generally agreed that this was the framers' intent for all successions by the Vice President and that President Tyler erred in 1841, by becoming President rather than a Vice President acting as President.[10] This precedent has been followed seven times and must be deemed established for succession by reason of death. It has served the Nation well where there was no possibility of an incumbent President reasserting his right to the office and could well apply also to removal or resignation. But policy coincides with the intentions of the framers in inability situations. A disabled President should continue to hold that Office and the Vice President merely carry out a constitutional duty of his own office—that of exercising the powers and duties of the Presidency during any period of inability. Upon termination of a temporary inability the President should resume the exercise of his Office. This construction for inability, different from that for the other succession contingencies, may appear to conflict with the apparent symmetry of the succession clause of the Constitution, but it can easily be rationalized. The devolution of executive power in each instance is commensurate with the contingency which induced it. A temporary inability logically should cause only a temporary devolution of power. This consequence is inherently impossible for death, resignation, or removal, which are all permanent in effect.[11]

2. The Constitution now vests in the Vice President the power to determine that an inability exists requiring him to exercise the powers and duties of the Office. This was the conclusion of Attorneys General Brownell[12] and Kennedy[13] who advised Presidents Eisenhower and Kennedy accordingly. They relied on the principle that the grantee of a contingent power has the right and duty to determine when the contingency arises requiring him to exercise the power.[14] This fits well with the first proposition and is another assumption underlying the Eisenhower-Nixon agreement.

3. The Constitution authorizes the President to determine when his inability has terminated so that he may resume the exercise of the office. This follows from propositions one and two and is also a premise of the Eisenhower-Nixon agreement.[15] This makes the President the final authority as to his own ability and leaves impeachment as the only recourse if a President insists upon exercising the Office despite an inability.

There is sufficient uncertainty on each of these propositions to require constitutional clarification, and the third should be modified to provide some effective means for resolving disagreements as to the existence of inability.

THE EISENHOWER PROPOSAL

President Eisenhower has been justifiably described as "the first President to take positive action on Presidential disability."[16] The absence of Executive leadership on a subject so delicate and so intimately executive in nature had doomed to failure the weak previous efforts toward constitutional reform.

The Garfield crisis produced little more than some generalized urgings in President Arthur's annual messages to Congress,[17] sporadic congressional discussion,[18] and an inconclusive public symposium of constitutional authorities.[19] During Wilson's illness legislation was introduced in Congress to give the Cabinet power to determine inability and hearings were held on the general subject but no committee action resulted.[20] Inability received passing reference on the few occasions when Congress considered the statutory line of succession but no committee of Congress came to grips with the problem.

Members of Congress of the President's own party are understandably reluctant to raise the delicate issues here involved without positive encouragement from the White House incumbent. The opposing party risks charges of playing politics and attempting to alarm the country about Presidential health. A President is understandably reluctant to suggest the possibility that he may become unable to carry out the duties of the Office. He is equally reluctant to take the lead in establishing machinery which conceivably could remove him from the powers of that Office. Although Eisenhower made the first Executive assault on the problem and was prepared to give the sort of leadership which seems essential to a solution, other considerations caused him to stop short of clear-cut personalized, affirmative support.

In January 1956, on President Eisenhower's return to Washington after recovering from his September 1955 heart attack, he directed the Department of Justice to conduct a full-scale study of the inability problem. Election year considerations caused some delay but by early 1957 an administration proposal for a constitutional amendment had evolved. It provided that a Vice President would become President upon death, resignation, or removal but would only serve as acting President for the duration of an inability. The Vice President would be authorized to discharge the Office either upon the President's written declaration of inability or upon approval by a majority of the Cabinet. The President would be authorized to resume the Office simply upon his written declaration

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L. Rev. 310 (1958); Hofstadter & Dinnes, "Presidential Inability: A Constitutional Amendment Is Needed Now," 50 A.B.A.J. 59 (1964); Leavitt, "A Solution to the Presidential Inability Problem," 8 A.B.A.J. 189 (1922); "The Problem of Presidential Inability," 17 Record of N.Y.C.B.A. 185 (1962); Silva, "Presidential Inability," 35 U. Det. L.J. 139 (1957); "Symposium—Presidential Inability," 133 No. Am. Rev. 417 (1881); Wickersham, "Presidential Inability: Procrastination, Apathy and the Constitution," 7 Vill. L. Rev. 202 (1961). The Silva treatise is a thorough and exhaustive treatment of the pre-Eisenhower history of the subject. Although no one has since attempted a comparable study, the Feerick article is the most complete recent contribution.

[7] The title of Hansen's "The Year We Had No President" is based on the sum total of seven periods when the Chief Executive was "too sick to be capable of exercising the powers vested in him" which includes the last 80 days of the Garfield administration, 280 days of Wilson's, and 143 days of Eisenhower's administrations. (Hansen, op. cit, supra note 6, at 1.)

[8] The Wilson illness has been called the "Mrs. Wilson Regency." See Hansen, op. cit. supra note 6, at 29–42. This thesis is further documented by Smith, "When the Cheering Stopped" (1964), a new account of Wilson's last years. Allen Nevins' introduction of the Smith book concludes that "this book will confirm students in their belief that the country should be armed against the recurrence of such a lapse in executive authority as that here traced." (Id. at x.)

[9] This is a basis of the Eisenhower-Nixon agreement, note 32 infra, which was adopted also by the Kennedy and Johnson administrations. It is thus accumulating some force as precedent, one of the values ascribed to it by the opinion of Attorney General Robert F. Kennedy. (42 Ops. Atty. Gen. No. 5, at 26 (1961).)

[10] See e.g., Corwin, op. cit. supra note 6, at 54; Hansen, op. cit. supra note 6, at 13–20; Silva, op. cit. supra note 6, at 4–13.

[11] But cf. Silva, op. cit. supra note 6, at 75–76.

[12] Brownell, supra note 6, at 204.

[13] 42 Ops. Atty. Gen. No. 5, at 20 (1961). (See also Silva, op. cit. supra note 6, at 101–02.)

[14] *Hampton & Co.* v. *United States*, 276 U.S. 394, 405–10 (1928); *Field* v. *Clark*, 143 U.S. 649, 682–94 (1891); *Martin* v. *Mott*, 25 U.S. (12 Wheat.) 19, 31–32 (1827); *The Aurora* v. *United States*, 11 U.S. (7 Cranch) 382 (1813). A persuasive argument to the contrary is made by Martin Taylor who distinguishes these cases as involving express grants of power by Congress to the Executive. (Hearing before the Special Subcommittee on Study of Presidential Inability of the House Committee on the Judiciary, 85th Cong., 1st sess., ser. 3, at 25–36 (1957) (hereinafter cited as 1957 House hearings).)

[15] See note 32 infra.

[16] Hansen, op. cit. supra note 6, at v.

[17] See Feerick, supra note 6, at 94.

[18] See Silva, op. cit. supra note 6, at 67–68, 73.

[19] Symposium—Presidential Inability, 133 No. Amer. Rev. 417 (1881).

[20] Silva, op. cit. supra note 6, at 86–87, 108.

that the inability had terminated. Eisenhower wanted to send this proposal to Congress with a special message urging its adoption. House Speaker Sam Rayburn discouraged this because of fear of alarming the public which might have mistakenly concluded that the President's health was again impaired. It was then decided that the administration's plan would be announced in congressional testimony by Attorney General Brownell.[21] Thus, the proposal became the Brownell plan and it was never clearly identified in the public or congressional eye as that of President Eisenhower personally. This undoubtedly contributed to the failure of Congress to accept it while Eisenhower was President.

As a result of Eisenhower's illness, Chairman EMANUEL CELLER, of the House Judiciary Committee, had appointed its ranking members to a Special Subcommittee To Study Presidential Inability. Late in 1955 views of a select group of leading political scientists and constitutional law professors had been obtained in response to a questionnaire. Their replies were published in January 1956,[22] preparatory to hearings in April 1956, at which no administration witness testified.[23] An analysis of the questionnaire replies and the testimony at the hearings by the Legislative Reference Service of the Library of Congress was published March 26, 1957.[24]

Chairman CELLER has since indicated to the author and others that it was the widespread variance in expert opinion disclosed by this analysis which caused the committee to throw up its hands in frustration and abandon hope of arriving at any generally acceptable solution. This is understandable. The 68-page analysis was almost as long as the testimony and replies. On the question of how to determine cessation of inability there was found "such a wide variety of proposals that analysis does not yield particularly significant results.[25] The 26 persons who either testified or replied to the questionnaire proposed 9 different methods for determining commencement of inability and 8 methods of determining its cessation.[26]

Against this background, the subcommittee heard Brownell present the Eisenhower proposal at a special hearing on April 1, 1957. Brownell's testimony was received critically and he was questioned pointedly. At one point the chairman questioned whether Brownell was actually presenting Eisenhower's views.[27]

In any event, disclosure of the administration position did little to lift the uncertainty caused by the wide divergence of expert opinion. This testimony ended House Judiciary Committee activity on the subject. The special subcommittee made no recommendations and there has since been no significant activity in the House of Representatives.[28]

Early in 1958 the stage shifted to the Senate where the permanent Judiciary Subcommittee on Constitutional Amendments, under Senator Estes Kefauver, held hearings on the subject.[29] The Eisenhower administration continued to press the matter and Attorney General William P. Rogers presented a modified Eisenhower proposal to that subcommittee on February 18, 1958.

Apparently in response to some of the critical questioning at the 1957 House hearings,[30] the Eisenhower proposal now included a provision for resolving disputes over termination of a President's inability which made it possible to prevent a disabled President from resuming Office merely by his own declaration. In essence the revision authorized the Vice President and a majority of the Cabinet to submit the issue to Congress where a two-thirds vote under the procedures used for impeachment could establish that the inability had not terminated. Brownell later stated the reasons for this revision:

"Thus, in the presentation of President Eisenhower's original proposal for a constitutional amendment in 1957, it was stated that any dispute between the President and the Vice President regarding termination of the President's disability could be resolved by Congress taking impeachment proceedings against whichever official was wrongfully attempting to exercise the powers of the Presidency. In subsequent public discussion of the proposal, however, it was pointed out that impeachment and trial are complicated and lengthy processes, that the Congress is not always in session, and that nothing in the Constitution now empowers the Vice President to call Congress into special session. Furthermore, conviction would remove the President permanently, and the odium attached to impeachment might very well cause many Congressmen to hesitate to take such action—especially against an ill man." [31]

Two weeks later the historic memorandum of agreement between President Eisenhower and Vice President Nixon was announced.[32] The next day a bipartisan majority of the Senate Judiciary Committee introduced a proposed amendment containing the essentials of the revised Eisenhower proposal.[33] The Subcommittee on Constitutional Amendments quickly approved this resolution and reported it favorably to the Judiciary Committee on March 12. Despite its impressive support and sponsorship the proposal's momentum was lost in the Judiciary Committee, and when the 85th Congress adjourned in August the amendment was still pending without having been acted upon.

In the 86th Congress the Eisenhower proposal was reintroduced by Senator Kefauver.[34] The Subcommittee on Constitutional Amendments issued notice of public hearings on March 12, 1959, but no witnesses came forward. Chairman Kefauver then inquired of Attorney General Rogers whether he had supplemental testimony to that given in 1958. Rogers replied on April 6, 1959, that his support of the amendment continued to be enthusiastic but that he was content to stand on his prior testimony without a further personal appearance.[35] On May 11 the subcommittee again approved the amendment and reported it to the Senate Judiciary Committee. There it languished without action for almost 16 months until the 86th Congress adjourned sine die on September 1, 1960. The committee's Legislative and Executive Calendar shows only that the proposed amendment was discussed July 20, 1959. This bare entry is the high water mark of congressional consideration of Presidential inability. It is the only record of either the House or Senate Judiciary Committee considering a favorable subcommittee report on a proposed constitutional amendment on the subject. It was an obscure climax to the gallant efforts of the Eisenhower administration.

THE KENNEDY ADMINISTRATION POSITION

The constitutional challenge of Presidential inability was of low priority on the New Frontier. The Kennedy administration took a somewhat passive attitude toward the entire problem. In its early days the White House press staff was severely criticized for withholding the news that the President had aggravated a back injury during a tree-planting ceremony in Ottawa, Canada.[36] The President's widely known war injuries and protracted illnesses while a Member of Congress made Presidential health a delicate subject.

Although it has been reported that a tentative informal agreement similar to the Eisenhower-Nixon pact was made between

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[21] For the evolution of the Eisenhower proposal and this strategy, see Brownell, supra note 6, at 196.

[22] Staff of the House Committee on the Judiciary, 84th Cong., 2d sess., "Presidential Inability" (committee print 1956).

[23] Hearings before Special Subcommittee To Study Presidential Inability of the House Committee on the Judiciary, 84th Cong., 2d sess., ser. 20 (1956) (hereinafter cited as 1956 House hearings).

[24] House Committee on the Judiciary, 85th Cong., 1st sess., "Presidential Inability: An Analysis of Replies to a Questionnaire and Testimony at a Hearing on Presidential Inability," 13 (committee print 1957) (hereinafter cited as 1957 Analysis).

[25] Id. at 43.

[26] Id. at 44.

[27] 1957 House hearings 27. CELLER's question followed an observation that only former President Hoover had previously recommended involving the Cabinet in inability determinations. This should be no surprise in an executive branch proposal. Silva reports that the 1920 congressional hearings disclosed beliefs that the Cabinet is "the safest body" in which to vest the power to determine inability and the group in the best position to know the President's condition. Silva, op. cit., supra note 6, at 108. CELLER had indicated that "the solution should be wholly Executive." CELLER, "The Problem of Presidential Inability—A Proposed Solution," 19 F.R.D. 153, 156 (1956).

[28] Reported opposition from Speaker Rayburn undoubtedly contributed to the lapse of interest in the House. (See Adams, first-hand report 201 (1961). Chairman CELLER's personal position was that Congress should legislate on the subject without amending the Constitution. (1957 House hearings 12.) He recommended a procedure which he favors for inability determinations in his speech of August 2, 1956. (CELLER, supra note 27, at 153 (1958).)

[29] Hearings before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 85th Cong., 2d sess. (1958) (hereinafter cited as 1958 Senate hearings).

[30] Representative KENNETH B. KEATING (now a Senator) criticized this feature of the plan, and Representative Francis E. Walter suggested "the advisability of having the President, when he feels he is able to act again, submit his case to the Cabinet." (1957 House hearings 29.)

[31] Brownell, supra note 6, at 201.

[32] The complete text of this agreement, which has since been duplicated in the Kennedy and Johnson administrations is:

"SECTION 1. In case of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired portion of the then current term.

"SEC. 2. If the President shall declare in writing that he is unable to discharge the powers and duties of his Office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 3. If the President does not so declare, the Vice President, if satisfied of the President's inability, and upon approval in writing of a majority of the heads of executive departments who are members of the President's Cabinet, shall discharge the powers and duties of Acting President.

"SEC. 4. Whenever the President declares in writing that his inability is terminated, the President shall forthwith discharge the powers and duties of his Office."

According to Nixon, President Eisenhower personally composed the agreement and delivered it to him and Attorney General Rogers in early February 1958. (Nixon, "My Six Crises," 178 (1961).)

[33] S.J. Res. 161, 85th Cong., 2d sess. (1958).

[34] S.J. Res. 40, 86th Cong., 2d sess. (1959).

[35] Senate Judiciary Subcommittee on Constitutional Amendments," Constitutional Amendments," S. Rep. No. 1200, 86th Cong., 2d sess. 7 (1960).

[36] Hansen, op. cit. supra note 6, at 69.

Kennedy and Johnson in December, 1960,[37] before their taking office in January 1961, it was August 10, 1961, before it was officially announced that such an agreement had been formalized. The opinion of Attorney General Robert F. Kennedy which was released at the time concluded that the agreement was constitutional in that it was based upon valid interpretations of the succession clause and that it came as close to spelling out a practical solution to the problem as is possible.[38] The only reference in the opinion to a possible need for constitutional amendment was a statement that the agreement may prove to be a persuasive precedent of what the Constitution means until it is amended or other action is taken.[39]

In the meantime, Senator Kefauver had reintroduced the Eisenhower proposal in the 87th Congress[40] and had begun attempts to secure a statement of position from the Kennedy administration. On March 9, 1961, the Senate Judiciary Committee requested a routine report from the Department of Justice on the proposal; it reported almost a year later that no response was ever received.[41] Nothing further occurred in the 87th Congress.

The administration first took a position on the constitutional amendment question on June 18, 1963, when Deputy Attorney General Nicholas de B. Katzenbach testified at hearings of the Constitional Amendments Subcommittee.[42] Mr. Katzenbach opposed the Eisenhower proposal on the grounds that it would be unwise to freeze into the Constitution a fixed procedure for inability determinations. However, he gave a guarded acquiescence to the simpler enabling amendment[43] which was endorsed at that time by the American Bar Association.

This proposal, which Katzenbach considered the best of the three pending before the subcommittee, authorizes Congress to provide by law a method for determining commencement and termination of inability. It also clarifies the status and tenure of a Vice President who acts as President during Presidential inability.

The enabling amendment has both respectable bar support and an impressive recent history. It originated in 1957 in a special subcommittee of the New York State Bar Association composed of Arthur Dean, Elihu Root, and Martin Taylor.[44] It was endorsed by that association in 1957, by the American Bar Association in 1960,[45] and by the Bar Association of the City of New York in 1962.[46] It was cosponsored in 1963 by Senators Kefauver and KEATING, who had previously sponsored competing proposals which specified procedures for determining inability.[47]

(Each reserved the right to support his previous plan for the implementing legislation if the enabling amendment were adopted.)

Although this approach merely postpones an ultimate congressional decision on method, it has the obvious advantage of flexibility for the future. Katzenbach suggested no particular procedure for future legislation, but he did not disapprove the Cabinet-Vice President method of the Eisenhower proposal and left the way open for it to be selected by a future Congress as the statutory method if the enabling amendment were adopted. The principal objection to the enabling amendment has been that in violation of the separation-of-powers principle it would permit Congress to vest in itself the power to make inability determinations and thus would jeopardize the independence of the Executive. Katzenbach viewed the power of the President to veto such legislation, subject to being overridden by a two-thirds vote, as sufficient protection against inability legislation unacceptable to the Executive.

This slight boost from the administration was enough. The enabling amendment sponsored by the ABA was quickly approved by the Subcommittee on Constitutional Amendments and reported to the full Judiciary Committee on June 25, 1963. Further favorable action was considered likely until the untimely death of Senator Kefauver in August removed the responsible subcommittee chairman and the most active Senate proponent of the measure. No action was taken in the Judiciary Committee. The matter was at a virtual standstill when the first session of the 88th Congress adjourned in the fall.

AFTERMATH OF THE ASSASSINATION

The circumstances of the Kennedy assassination and the Johnson succession to the Presidency produced unparalleled public interest in the problems of Presidential succession and inability. But the Eisenhower years had proved that temporarily aroused public interest alone is not sufficient. The fact that a Senate subcommittee had approved an inability proposal had failed twice in the recent past to herald further action. Although the Kennedy administration had indicated passive approval of a proposed amendment, much more aggressive executive support in the past had failed to break through congressional resistance. Also, the Eisenhower and Kennedy administrations had approved different proposals and there was little affirmative indication of any substantial lessening of the general disagreement which stultified the House Judiciary efforts in 1957.

These are some of the considerations which led President Walter Craig of the American Bar Association to convene the special 2-day Conference on Presidential Inability and Succession in Washington, D.C., on January 20, 1964. Like President Johnson's admonition, "Come let us reason together," it was an attempt to find a consensus of informed and interested lawyers through a deliberative process of give-and-take discussion. No comparable effort had ever been made in this area. It offered a fresh opportunity to cut through the conflict and divergence which had caused many to abandon the cause.

A consensus emerged which, upon analysis, essentially weds the Eisenhower and Kennedy positions. The specific inability procedure of the Eisenhower proposal is combined with a grant to Congress of a residual power to alter it. This combines the flexibility of the enabling amendment with the substantive inability procedure which was so carefully evolved by the Eisenhower administration.

THE ABA CONFERENCE CONSENSUS ON PRESIDENTIAL INABILITY[48]

1. Agreements between the President and Vice President or person next in line of succession provide a partial solution but not an acceptable permanent solution to the problem.

The agreement has never been claimed to be a solution to the underlying constitutional problems. It is primarily valuable as an advance indication of the understandings of the parties of their relative positions in the limited situations which it contemplates. In the Garfield crisis such an agreement would probably have led Vice President Arthur to act as President. In the Wilson crisis it is doubtful that it would have caused any change.

It provides no check against a President who is determined to exercise his Office although he is in fact disabled. In all events, it depends upon the good faith of the parties and has no force of law.

2. An amendment to the Constitution of the United States should be adopted to resolve the problems which would arise in the event of inability of the President to discharge the powers and duties of his Office.

Although there is a respectable body of opinion that Congress presently has power to legislate to provide an inability procedure, the majority view is negative[49] and it is generally conceded that all uncertainties should be settled by a comprehensive constitutional amendment. The argument in favor of legislative authority is based upon the necessary and proper clause which authorizes Congress "to make all laws which may be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof."[50] The assumed power of the Vice President to undertake the exercise of the Office in the event of a Presidential inability is viewed as a power vested in an officer of the United States for which Congress may legislate a means of execution. The same argument would permit statutory regulation of the resumption of Office by the President when he recovered from an inability.

The persuasive answer to this argument is the structure of the succession clause itself, which by specifically granting to Congress the power to legislate concerning the inability of both the President and the Vice President implies that such power is withheld when only one of the two executive incumbents is disabled. This distinction takes added weight from the fact that when the succession clause was drafted the Vice President was to be the person who received the second number of votes for President in the electoral college.[51] The clause thus indicates an intention to insulate these two, both of whom were in office as the result of receiving votes for the Presidency, from legislative inference.

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[37] Id at 78.

[38] 42 Op. Atty. Gen. No. 5, at 26 (1961).

[39] Id at 27.

[40] S.J. Res. 19, 87th Cong., 1st sess. (1961).

[41] Senate Judiciary Subcommittee on Constitutional Amendments, "Constitutional Amendments," S. Rep. No. 1305, 87th Cong., 2d sess. 26 (Mar. 15, 1962).

[42] Hearings before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 88th Cong., 1st sess. 32 (1963).

[43] S.J. Res. 35, 88th Cong., 1st sess. (1963).

[44] Statements of Cornelius W. Wickersham and Martin Taylor, 1957 House hearings, 32, 35.

[45] See note 2 supra.

[46] 17 Record of N.Y.C.B.A. 185, 202(1962).

[47] Kefauver had supported the Eisenhower proposal. KEATING had proposed an amendment which would establish a Presidential Inability Commission composed of the Speaker of the House, the House minority leader, the Senate majority and minority leaders, the Secretaries of State and the Treasury, and the Attorney General, with the Vice President as nonvoting Chairman. (S.J. Res. 125, 87th Cong., 1st sess. (1961).)

[48] A point of the consensus outside the scope of this paper concerns filling vacancies in the Vice Presidency. It provides:

"It is highly desirable that the office of Vice President be filled at all times. An amendment to the Constitution should be adopted providing that when a vacancy occurs in the office of Vice President, the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall become Vice President for the unexpired term."

[49] See Hansen, op. cit. supra note 6, at 101; 1957 analysis 58; Silva, op. cit. supra note 6, at 91.

[50] U.S. Constitution, art. I, sec. 8, clause 18.

[51] U.S. Constitution art. II, sec. 1, cl. 3; superseded by the 12th amendment in 1804.

3. The Constitution should be amended to provide that in the event of the death, resignation, or removal of the President, the Vice President or the person next in line of succession shall succeed to the Office for the unexpired term.

The first of the substantive recommendations, this would embody the Tyler precedent in the Constitution for all cases of succession to the Presidency for reasons other than inability.

4. The amendment should provide that in the event of the inability of the President the powers and duties, but not the Office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office.

This is a corollary to the third point. As an interpretation of the Constitution it now is an underlying assumption of the Eisenhower-Nixon agreement. Placing it in the Constitution would insure that the basis of the Tyler precedent would never be extended to inability situations to preclude a disabled President from resuming office upon recovery. This would remove the uncertainty which has contributed so heavily to the failure of Vice Presidents to act in serious cases of Presidential inability.

Points 3 and 4 are largely noncontroversial and are included in virtually all proposed amendments.

5. The amendment should provide that the inability of the President may be established by a declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of the majority of the Cabinet,[52] or by action of such other body as the Congress may, by law, provide.

Upon ratification, such an amendment would provide an immediate self-implementing procedure whereby the Vice President and a majority of the Cabinet could determine the existence of an operative inability requiring the Vice President to act. In this respect, it follows the initial Eisenhower proposal and reflects a widely held opinion that this decision should be within the executive branch, respecting the separation of powers and insuring that the decision is made by persons in close proximity to the President and presumably loyal to him.

The provision also incorporates the principle of the enabling amendment previously supported by the ABA and by the Kennedy administration. It authorizes Congress, by law, to substitute some other inability determining body for the Vice President and a majority of the Cabinet acting concurrently. This provides the flexibility for future circumstances which Deputy Attorney General Katzenbach thought to be imperative. If Congress attempts by law to prescribe an unacceptable procedure or to reserve the determination to itself the veto power should protect the Executive.

6. The amendment should provide that the ability of the President to resume the powers and duties of his Office shall be established by his declaration in writing. In the event that the Vice President and the majority of the Cabinet or such other body as Congress may, by law, provide shall not concur in the declaration of the President, the continuing inability of the President may then be determined by a vote of two-thirds of the elected Members of each House of Congress.

This point deals with the most difficult problem, the disabled President who nonetheless attempts to resume the exercise of his Office. There is understandable reluctance on the part of many to deal with this contingency by constitutional provision. It ultimately could be the means of preventing an elected President from exercising the Office against his will. It is included for much the same reasons the Eisenhower proposal was revised in 1958 to include a similar provision. The power is so closely guarded that it surely would be used only in a compelling case. The Vice President, a majority of the Cabinet and two-thirds of Congress must concur to prevent a President from resuming office. The congressional participation is consistent with the concept underlying veto and impeachment; the President is subordinate only to a two-thirds vote of each House of Congress.

Unlike the previous ABA-proposed and Kennedy-approved enabling amendment, points 5 and 6 have the Eisenhower proposal's advantage of being self-executing. They could not fail because of congressional stalemate or inaction. The power of decision is lodged in a body which is reasonably certain to be in existence. The chief effect upon the procedures of the memorandum agreement would be the cautious check upon a disabled President's returning to office.

Like most new and prospective enactments, this one undoubtedly contains some difficulties and pitfalls not now foreseeable. If so, the power of Congress to establish a different procedure should be sufficient protection.

CONCLUSION

As a marriage of the two proposals which have the greatest past acceptance, the consensus recommendation should receive widespread acceptance. It meets the objections which the Kennedy administration had to the Eisenhower proposal and the objections of supporters of the Eisenhower plan to the enabling amendment. It does not appear to be subject to any legitimate criticism which executive branch spokesmen have leveled in the past at proposed amendments. The method by which it evolved should indicate widespread acceptance in academic and professional circles.

Executive support continues to be the key. Experience has shown that no proposal so intimately concerned with the internal affairs of the Executive can secure congressional approval without affirmative Presidential encouragement. Time may also be of the essence. If public interest subsides and general apathy and indifference return to the subject of Presidential succession, the Eisenhower experience shows that executive voices can go unheard in Congress. Only another crisis could then arouse the necessary public concern. We cannot be sure that our present incomplete and makeshift methods will let us escape the next executive crisis without serious damage to the Republic.

DEPARTMENT OF INTERIOR APPROPRIATIONS, 1965

The **PRESIDING OFFICER.** The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. **MANSFIELD.** Mr. President, I suggest the absence of a quorum.

Mr. **MORSE.** Mr. President, will the Senator withhold his suggestion of the absence of a quorum? Before the quorum call, I wish to make a brief speech.

Mr. **MANSFIELD.** I withhold it.

U.S. ASIAN POLICY

Mr. **MORSE.** Mr. President, President Johnson's comments in San Francisco about our Asian policy grossly overstepped his moral and legal rights. His reference to an "offensive in pursuit of peace based on overwhelming military power" is as artful a piece of doubletalk as has been uttered in the cold war. No President is alone entitled to threaten war or to commit the United States to war. Before he undertakes to rattle the American saber, as he did in San Francisco, he is obliged to take up the matter with Congress, because under the Constitution only Congress can make war.

The President's lamentable excuse is said to be that the Southeast Asia Treaty Organization gives him all the power he needs. But he should read the treaty again. It makes no provision for war by the Organization as a whole, much less by the United States acting alone. It calls for nothing more than consultation.

If the President wishes to lean on SEATO as the excuse for what he is doing in Asia, he is at least bound to obtain the participation of all the members of the Organization. SEATO is not coping with the southeast Asian crisis; there has been no SEATO action either in Vietnam or in Laos.

The only way the President can act in Asia under the SEATO treaty is to get agreement from all its members for a joint war effort in Laos or Vietnam or both. Until he does that, he is only seeking to deceive the American people by referring to it.

The SEATO organization is in fact defunct. It was never anything more than a subterfuge of John Foster Dulles for American action in a part of the world we had not entered before. This administration is following a policy born in deception, and it is tearing up the U.S. Constitution in the process, to say nothing of violating our commitments under the United Nations Charter, particularly in articles 33, 37, and 51. We also are in clear violation of the Geneva accords.

President Johnson is making the United States the world's leading threat to world peace; and he will discredit himself and his administration in the eyes of history if he leaves our people the legacy of a unilateral war in Asia. Even President Eisenhower declined in 1954 to commit this country to a unilateral war in Indochina, unsupported by allies or a specific mutual defense treaty.

There is not now, and had never been, an American interest in the mainland of Asia, either military or financial, that would justify our waging war on the Asian mainland.

No such interest has ever been spelled out in any treaty that could be remotely called binding on this country to commit acts of war. No such interest has ever been described to Congress or to the American people.

A unilateral American war in Asia could not possibly be called defensive.

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[52] Since the Cabinet is not a constitutional term, the amendment itself should refer to "heads of the departments of the executive branch of the Government." As a statement of substantive principles, the consensus deliberately left draftsmanship problems to future implementation.

There is no territory of the United States that is threatened, and there is no treaty commitment to defend by war other nations in the area. To the contrary, what the President and his military advisers are proposing is the entry of the United States into areas it has not entered before in Asia.

Surely China will not sit calmly by while the United States takes over southeast Asia, and moves huge additional military forces into one point after another around her borders.

The only possible result of such an American adventure would be that the United States would do Russia's "job" on China, leaving the Soviet Union free from confinement on both her borders. I cannot imagine a greater service the United States could do the Soviet Union than to whittle down her Chinese adversary, at a huge and bloody cost to ourselves.

I trust neither China nor Russia; but, Mr. President, I think we are walking into a trap, and I think we are walking into a trap while at the same time we are in clear violation of our international law obligations.

To say we are defending freedom in southeast Asia is the greatest hypocrisy of all. As one Republican Congressman wrote me last week:

> The Governments of North Vietnam and South Vietnam are just about tweedledum and tweedledee, and neither the people nor the governments on either side would recognize democracy if they should meet it in broad daylight and on the main street of Saigon.

It is time for the American people to demand that their representatives in Congress stand up and be heard on this usurpation of the power of Congress and on the issue of war in Asia. They should demand to know where Members stand now, before the election—not afterward, when it may be too late.

The threats of war made by Admiral Felt make all too clear that American policy in southeast Asia is being made by the Pentagon.

Mr. President, I never expected to live so long as to hear an American admiral announce to the world that we are going to war in Asia if we do not have our way. I never believed that a man in the uniform of our country would be allowed to exercise that function, power, which he pretended he had the right to exercise, in his statements in Taipei. Admiral Felt had no authority or right to announce in behalf of the United States that we will go to war in Asia. Mr. President, if such announcements are to be made, they should come from the President and from Congress, not from the American military. In my judgment, Dean Rusk has become little more than an Assistant Secretary of State, carrying out the war plans of the Pentagon.

If the President has fallen in line with those plans, then the American people will have to save themselves by making their voices heard now, not only to the President, but to Congress.

Mr. President, last night, in a speech I made at a Presbyterian Church in Washington, D.C., I discussed what I consider to be some of the basic problems of morality involved in America's course of action. I expressed concern about the principles of American Christendom and the position of American churches in regard to the great moral issue that is raised in South Vietnam. I now repeat on the floor of the Senate what I said last night in that Presbyterian Church speech: I am greatly concerned about what is happening to the sense of American moral values, to the extent that apparently we are willing to stand silently by, while our Government leads us into a war which can be of major consequence in southeast Asia. If it is not stopped, American men by the hundreds of thousands will be killed in southeast Asia, while fighting ignorant, illiterate Chinese and other Asians who do not know the difference between totalitarianism and freedom, and who are led by a group of desperate Communist leaders who no longer place any value on human lives. But in spite of the immorality of it, apparently the U.S. Government is bent on making war on them.

I say, Oh, God, what has happened to the United States, and to our sense of values, that we would conduct this warmaking operation of immorality, when the door of the United Nations is open to us for an attempted peaceful settlement of the crisis in Asia. There rests upon us the clear responsibility of first laying the problem before the United Nations, to see what the rest of the world will be willing to do in trying to stop the holocaust that now even the President of the United States seems to be encouraging.

It is not too late to return to our senses. It is not too late to return to American ideals and to America's past record of morality and commonsense.

The proposed unilateral warmaking action of the United States in Asia will be naught but an act of international outlawry, in clear violation of our treaty commitments. I pray to my God that before it is too late, the President will see the error of his ways, and will start leading us back into the framework of international law.

TWENTIETH BIRTHDAY OF GI BILL OF RIGHTS

Mr. YARBOROUGH. Mr. President, as we celebrate the 20th anniversary of the original GI bill today, it marks a special event, for we are witnessing the dying flame of the last birthday candle of what once was a glowing torch of hope for millions of veterans. The accomplishments of the GI bill are of such vast consequence that it warrants a place in the legislative history as one of the most successful laws ever enacted by the Congress of the United States.

On June 22, 1944, the GI bill was signed into law, and was to become a major factor in building the future of 8 million Americans as well as enhancing the human resources of this great Nation. This was a bill of phenomenal accomplishments, and yet one which has paid for itself by increased revenues to the government. When combined with the Korean GI bill, this legislation has increased the resources of this country by almost 1½ million skilled university educated citizens in the fields of teaching, engineering, science, and medicine alone, and in doing so we have increased the tax revenues of this country by more than a billion dollars a year in additional taxes.

Twenty years ago today, President Franklin D. Roosevelt signed into law this historic bill, which stands as a monument to the foresighted legislators of the 78th Congress who provided the opportunity for these 8 million World War II veteran Americans to reenter civilian life with hope for the future. These men, of whom eight still lend their talents to the present Senate, realized the need to give readjustment assistance to our servicemen returning to civilian life.

On this 20th anniversary of this successful bill, we are nearing the end of an era, as the educational readjustment benefits for returning veterans cease next January. As this historic period draws to a close, I can think of nothing more appropriate in building the future of our Nation than to reaffirm the faith that our predecessors showed in our veterans, by passing the cold war GI bill, S 5. As we reach this day in history, our foresighted assistance to our young veterans would mark the dawn of new progress for our Nation, if we pass S. 5. The cold war GI bill has been pending on the Senate Calendar since last July; today there are almost 5 million veterans who are waiting to see if we have the same concern for them as was shown by the 78th Congress under the original GI bill.

In the light of the phenomenal success of the GI bill in boosting the progress of our Nation, I believe the time has come to reignite that torch of opportunity for our cold war veterans. When the need for educational opportunities for these veterans is so apparent, and when previous GI bills have proven themselves to satisfy these needs, there is no alternative but to place kindling on the burning pace of progress by the passage of the cold war GI bill. In the words of President Roosevelt, as he signed the original bill into law 20 years ago today, this measure would give "emphatic notice to our men and women in our Armed Forces that the American people do not intend to let them down."

Mr. President, in commemoration of this worthy bill, I ask unanimous consent that an article from the Army Times of June 17, 1964, entitled "The GI Bill Is 20," and an article from the Veterans of Foreign Wars magazine of June 1964, "The GI Bill of Rights: Landmark of Opportunity," be printed in the RECORD, as impressive descriptions of the accomplishments of the GI bill.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Army Times, June 17, 1964]

THE GI BILL IS 20

WASHINGTON.—Within 2 weeks after troops stormed ashore at Normandy to begin the invasion of Europe, President Roosevelt was signing legislation to give them a well-rounded program of special benefits when they returned home.

The President signed the original GI bill of rights on June 22, 1944, exactly 16 days after D-day landings in France. This year marks the 20th anniversary of not only the historic D-day landings but of the special veterans programs established to help make the transition from khaki to civvies when the war ended.

The program, more than 2½ years in the making, provided returning servicemen with loans, education, readjustment allowances, and expanded veterans hospitals and employment service. Mustering-out pay was also provided but it was not part of the GI bill package.

More than 7.8 million veterans took advantage of the educational provisions of the GI bill alone. Benefits for Korean veterans were patterned after the World War II veterans benefits program. This program is due to expire on January 31, 1965.

With the exception of the service-disabled and war orphans training programs, the VA will be out of the education business entirely after that date, Veterans' Administrator James Gleason told the House Appropriations Committee recently.

An effort is being made by Senator RALPH YARBOROUGH, Democrat, of Texas, to extend the education and loan benefits of the GI bill to cold war ex-servicemen but because of administration opposition passage seems unlikely. Cold-war disabled veterans have vocational rehabilitation available to them. Cold war GI bill legislation was passed by the Senate Labor and Public Welfare Committee last year. It is being tied up by the Senate Democratic policy committee which so far has refused to permit the full Senate to vote on the measure

The original GI bill began to become law in 1942 when President Roosevelt appointed a committee, headed by Army Special Services Director Brig. Gen. Frederick H. Osborn, to study the problem of educating veterans after the war.

The Osborn committee made its preliminary report, recommending a federally sponsored education and training program for war veterans on October 27, 1943. One month later, President Roosevelt asked Congress for legislation providing veterans with (a) mustering-out pay when they leave service; (b) unemployment allowances for those unable to find work, and (c) social security credits for time spent in the Armed Forces.

A Senate resolution introduced still 1 month later called for a congressional study of problems relating to the readjustment of World War II veterans to civil life. As a result, a subcommittee of the Senate Committee on Finance held extensive hearings in late 1943 and 1944. The first version of what later was to become the GI bill was introduced in the House as H.R. 3917. It included all the basic provisions that later became law, plus a provision for mustering-out pay. A similar measure, S. 1617, was introduced in the Senate.

Mustering-out pay, one of the original sections of the proposed GI bill became law on February 3, 1944, as a separate measure. The GI bill was finally approved by Congress and sent to the White House for the President's signature on June 13, 1944.

President Roosevelt, in signing the GI bill, said the measure gives "emphatic notice to the men and women in our Armed Forces that the American people do not intend to let them down."

During the 2 years the original GI bill was under discussion, more than 600 bills were introduced in both Houses of Congress to provide benefits for servicemen and women.

The GI bill was in sharp contrast to the bonus scramble of World War I.

[From VFW magazine, June 1964]

THE GI BILL OF RIGHTS—LANDMARK OF OPPORTUNITY

Born in the holocaust of the greatest war ever visited on the world, one of the most remarkable of all veterans' programs reaches its 20th birthday this year. When June 22 arrives, few perhaps may recognize or celebrate the birthday of the World War II GI bill, yet for America and its veterans, the GI bill will rank among the most important pieces of legislation ever to flow from the Halls of Congress.

To appreciate fully how farsighted were the creators of this significant legislation, we need to recall the conditions that existed at the time it was passed.

The GI bill became law on June 22, 1944, just 16 days after the invasion of Normandy, and no one at that time with any accuracy could predict when the war against Germany and Japan might end.

But even in the midst of this great war, the sponsors of the GI bill realized the critical need to plan ahead for the greatest demobilization in the Nation's history. The eventual demobilization witnessed as many as a million men a month being discharged from service.

There was an equally urgent need to plan ahead for readjustment. Converting combat veterans back to civilians was vital.

The average length of service for World War I veterans was about 12 months. However, World War II veterans were to remain away from the mainstream of civilian life almost three times longer, more than 30 months on the average. Moreover, they would be returning to an uncertain economy as it was just beginning to retool for peacetime production.

When President Franklin D. Roosevelt signed the bill, he declared that "this law gives emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down."

The Nation had faith in the young men and women who would soon be returning after smashing the power of fascism and nazism. And the veterans have kept the faith, for they in turn certainly have not let the American people down.

Farsighted though they were, I doubt that even the most ardent supporters of the GI bill could have predicted the tremendous impact the law has had on our veterans, and on our national life. Let us take a quick look at the record and see why.

In the period after the war, the GI bill readjustment allowance program helped tide nearly 9 million veterans through the initial period while they looked for jobs. Although $3.8 billion was expended in this program, only 900,000 veterans or about 5 percent of the total, exhausted their full rights to unemployment benefits. Most veterans just weren't content with $20 a week, when they could be bringing home $100 from a job, or improving their skills and education.

Under the education and training provisions of the bill, 7,800,000 veterans—nearly half of all who served during the war—received training. With well over 2 million in college and another 3,500,000 in other schools, veterans filled every nook and corner of the dormitories, laboratories, and classrooms. They attended classes at 19,000 trade and technical schools, and quonset huts dotted 2,600 campuses from the University of Maine to the University of Southern California.

About 1,400,000 veterans increased their skills in on-the-job training, and about 700,000 learned the newest agricultural techniques in on-the-farm training.

Altogether it was the largest program of adult education ever undertaken.

Some feared that the quality of education would be submerged in the flood of demobilized veterans, agreeing with one prominent educator's dour prediction that veterans returning to school under the GI bill would breed "intellectual hobo jungles" on the campuses.

But instead of hobo jungles the colleges were filled as never before with mature, serious-minded, studious men. Professors saw that the force that overcame the dreaded Wehrmacht and withstood Kamakazi attacks were not daunted by assignments and examinations. Soon educators were united in praising the no-nonsense attitude of this new breed of American student.

Today, we are a far stronger nation for the infusion of the skills and knowledge gained through the GI bill. In our present time of national need, we could not do without the 450,000 engineers, 180,000 doctors, dentists, and nurses, 360,000 school teachers, 150,000 scientists, 243,000 accountants, 711,000 mechanics, 383,000 construction workers, 288,000 metal workers, 138,000 electricians and the thousands of other trained men and women who are helping to demonstrate to the world that our system can outproduce and outbuild the regimented hordes of communism.

The GI bill gave the entire country an intellectual uplift, raising the national educational level about a year and a half, and stimulating large-scale school construction projects.

In addition, the GI bill may turn out to be the biggest bargain since the Indians sold Manhattan Island for $24. For the GI bill is paying for itself at close to $1 billion a year from the additional income tax paid by better educated, higher earning GI bill veterans. Soon it will be paid for, and the returns in higher taxes will be coming into a happy Treasury for decades to come.

Also of vast benefit to the country has been the long-range effects of the GI bill loan program, the program that literally changed the landscape of America. One out of every five homes built since the end of World War II has been financed with a GI loan.

More than 5,400,000 World War II veterans were granted Veterans' Administration home, farm, or business loans totaling more than $43 billion. The 5,127,000 home loans helped touch off a postwar housing boom that turned Americans into a Nation of homeowners. This, of course, resulted in an enormous stimulus to our national economy. For purchases of new housing dilate the economic arteries. Purchases of new furniture, new appliances, new cars follow; and school construction and other public works are not far behind as new suburban communities mushroom.

Today, all America is reaping a harvest of jobs, higher income, and higher living standards, because of special legislation for one group of Americans—our veterans.

Tomorrow's harvest will be gathered in by our children. In fact, they are already beginning to reap the richest benefit of all * * * the real wealth that springs from the better educational system and environment that the GI bill built.

Through the instrument of the GI bill a generation of veterans has strengthened the belief that faith in the young people of America, and freedom for the exercise of their energies and talents will reward the Nation as well as the individual.

As we look at the record of the last two decades, no one can deny that America is a far richer Nation than it would have been without the GI bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MORSE. The Senator is a very able member of the Subcommittee on Education, of which I have the privilege to serve as chairman. He has pressed for action on what is known as the GI education aid bill, not only in the 88th Congress, but in several preceding Congresses.

I reinforce his argument today by saying, as chairman of that subcommittee, that we could not possibly pass an education aid bill that would be more broad, uniform, and democratic in its application than this GI bill.

We passed a previous GI bill that brought educational benefit to many thousands of GI's who served in World War II. That bill has not cost the American taxpayers 1 cent. It is said, "Yes, Senator, it has. It carried with it huge appropriations that involved millions of dollars." Those appropriations were in effect only loans. The money that was appropriated to finance the GI educational bill in the beginning has been repaid into the Treasury of the United States. It will continue to be repaid into the Treasury over and over agan. Testimony has been given before my subcommittee by witness after witness—and it has withstood all challenge—that we cannot change the law that 2 plus 2 equals 4.

This is a matter of simple arithmetic. When we take into account the average lifetime earning of a college graduate, the average lifetime earning of a high school graduate, and the average lifetime earning of a school dropout, then we understand the mathematics of the argument that I now make. It is mathematically unassailable.

The testimony shows that the average college graduate earns in the neighborhood of $470,000 to $490,000. The average lifetime earnings of a high school graduate are in the neighborhood of $270,000, $275,000, or $280,000. The average lifetime earnings of a high school dropout are in the neighborhood of $100,000 to $125,000. The average lifetime earnings of the grade school dropout—and there are thousands of them—are in the neighborhood of $70,000 to $90,000, if they earn anything at all. Of course, thousands of them are on public welfare, in prisons, and other public institutions.

All we have to do is take our lead pencil and see what the Federal Treasury received in increased tax payments that the GI college graduate is pouring into the Treasury of the United States, which never would have been paid had he not had the benefit of the GI education bill. That is why the senior Senator from Oregon points out that the Senator from Texas for some years has been a militant, and effective authority on the GI bill. The Senator from Texas is asking the taxpayer to make another investment by way of what amounts to a loan. He is also asking for an investment—not in terms of dollars and cents—that will repay itself over and over again as college graduates pay taxes in increased amounts over what they otherwise would be able to pay. He is also asking for something else that is pretty precious in democracy. He is asking for an investment in human value.

If we consider the problem of automation that confronts us, and realize what the Yarborough bill would do to help solve some of the great problems of automation that will confront us in the next quarter of a century, we see that his argument is unanswerable. We have to save not only tens of thousands, but hundreds of thousands in the next quarter of a century from being economically drowned in a pool of unemployability.

The Senator from Texas and I are not talking about general unemployment. We are talking about a great social and economic problem that will face hundreds of thousands of our young people, in that they will not even be employable. Unless they are trained for employment, they will walk the streets and byways of America, unemployable, unfit for employment, untrained for employment, regardless of the economic health of the country.

Take a look at another vital statistic that keeps coming up before my subcommittee. That is the matter of training technicians. In this day of science, scientists ought to be trained at the ratio of 4 to 1, whereas they are being trained at the ratio of 1 to 1.

That cannot be justified either from the standpoint of human values or from the standpoint of the public welfare of this Republic.

The Senator from Texas has been trying to get Congress, before it is too late, to face the facts involved in the so-called GI education bill. His case is unanswerable.

I am at a loss to understand the lethargy that characterizes Congress. I am at a loss to understand the opposition of the administration. But I say to my colleagues that we ought to pass the bill and put it on the President's desk. That is where the bill belongs.

We talk about problems of poverty. We talk about problems of economically depressed areas. This bill will go a long way toward alleviating many of the problems consonant with and germane to these problems. We have an opportunity to pass a bill that will bring educational assistance to a group of people who highly deserve it. Arguments may later be made about what our veterans are entitled to, but I am at a loss to understand one kind of opposition to the bill—namely, that, after all, the Senator is not talking about veterans who served in time of war.

These are dislocated veterans. They are men who are victims of an unfair draft system. Congress is also derelict for not doing something to make the Selective Service System equitable. It is not equitable.

I listened to the testimony of the critics of the Selective Service System. If these boys are to be drafted under an unfair Selective Service System, if their lives are to be dislocated as we are dislocating them, this Government at least owes them the obligation of giving them an opportunity to obtain an education when they get out of that service. It is said that military service is a duty of citizenship. But it is a duty shared by every single citizen and yet only a small handful actually perform it. How do the rest of our citizens perform it except by equalizing the burden through a GI bill?

I know of no argument, and I have listened to no argument, throughout the hearings on the GI bill that stands up against analysis. We owe a duty to these servicemen, and we ought to pass this education bill in this session of Congress without further delay.

Mr. YARBOROUGH. I thank the Senator from Oregon for his very persuasive and effective comments. I wish to associate myself with the comments which the very able Senator has made about the bill.

Mr. HARTKE. Mr. President, will the Senator yield for a brief observation in connection with the statement made by the Senator from Oregon [Mr. MORSE]?

Mr. MANSFIELD. Mr. President, I call to the Senator's attention the fact that the rule of germaneness is in effect, and that if he speaks on a subject other than the Interior appropriation bill, he will have to do so under unanimous consent.

Mr. HARTKE. Mr. President, I ask unanimous consent that I may speak briefly concerning the remarks made by the Senator from Oregon heretofore.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HARTKE. Mr. President, I wish to comment briefly upon the bill introduced by the Senator from Texas [Mr. YARBOROUGH]. This is a very necessary bit of legislation. It is very important to our young people. Although there are many pressing problems, I know of no more pressing problem at the moment facing many of our young people than the problem of providing themselves with education and training.

The unemployment rolls today, more than ever before, demonstrate that there should be a method of providing our young people with an education, and that the problem is going to become increasingly more difficult in the years to come than it has been in the past.

I should also like to comment on the statement by the Senator from Oregon concerning the draft law. I think it is highly important that we modernize the approach for obtaining the young men who are to give of their time, brains, and their future in many cases, in the field of selective service.

I can only say that I hope the Senator will continue to make his fight. I would like to join him in his fight for a modernization of the system of taking our young men into the service.

Mr. MORSE. Mr. President, will the Senator yield in order that I may make a reply?

Mr. HARTKE. I yield.

Mr. MORSE. There is in the committee a companion bill that is on a par with the Yarborough GI bill, and that is the bill of the Senator from Indiana [Mr. HARTKE], the student loan bill. That bill is before my subcommittee. Committee hearings have been held on it. I hope that within the next week it will be in condition to be reported to the full committee. I hope it can be placed on the calendar within the next 2 weeks.

If Congress could pass the Yarborough cold war GI bill and the Hartke student loan guarantee bill, we would strike two terrific blows in the struggle of many young men to obtain an education. There are two needed pieces of legislation.

Mr. HARTKE. I thank the Senator.

In addition to what the Senator has said, I point out that if we do not get into the question of the Selective Service System, modernize it, and approach it from an objective viewpoint, even though the Yarborough bill and the bill I introduced are passed, they will not, in and of themselves, provide a solution to the very pressing problem.

ORDER OF BUSINESS—INDEFINITE POSTPONEMENT OF S. 1937 AND S. 1732

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Interior appropriation bill, H.R. 10433.

Mr. MANSFIELD. Mr. President, in view of the fact that the Interior appropriation bill is the pending business, I should like, with the consent of the Senate, to make a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. The unanimous-consent request is that Calendar No. 844 (S. 1937) and Calendar No. 848 (S. 1732) be indefinitely postponed and taken off the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bills will be indefinitely postponed.

Mr. MANSFIELD. Mr. President, is the Senate now operating under the rule of germaneness? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MORSE. Mr. President, I am sure it is all right, but could we have a brief identification of those two bills?

After seeing what those bills are, Mr. President, I have no objection.

Mr. SALTONSTALL. Mr. President, simply for clarification on this side of the aisle, those two bills are now rendered unnecessary by the passage of the civil rights bill the other day.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. HOLLAND. Mr. President, will the Senator yield in order that I may ask that the rule of germaneness may be waived for an insertion in the RECORD?

Mr. HAYDEN. I am glad to yield.

Mr. HOLLAND. Mr. President (Mr. MCGOVERN in the chair), I am sure that the people of this country are watching with interest and with concern the inflammatory antics of Dr. Martin Luther King in St. Augustine.

I frequently hear the question asked: What are the people of Florida thinking about that situation? To answer that question, in part, I ask unanimous consent to have printed in the RECORD an able editorial published in the Tampa Tribune, entitled "The Fire Walker," of last Saturday, June 20.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FIRE WALKER

The Reverend Martin Luther King is a professional fire walker, who dances barefooted over the glowing coals of racial passion.

If the fire goes out, so does the act. That would leave the Reverend Mr. King with no audience—a dreary prospect, indeed, for one who has helped make a President and bailed himself out of jail a few days ago to pick up an honorary degree from Yale.

Thus, when the red-hot conflict at St. Augustine appeared to be at the point of cooling, the King forces applied themselves to the bellows. Demonstrators leaped into the pool of a segregated motel, sending the manager into a foolish frenzy and bringing police on the run to strike out wildly at the trespassers in the water.

It would have been all quite comical—except that it came at the very time that the St. Johns County grand jury and community leaders were proposing measures to restore racial peace. King made sure that the fire would keep burning by delivering a demand that the grand jury reconvene to appoint a biracial committee now, instead of after the 30-day truce the jury had proposed. It was, quite properly, rejected.

It's true that St. Augustine law enforcement officers and community leaders have shown a muddleheaded response to the integration assault. They should have recognized that, as the oldest city in the United States, preparing to celebrate next year its 400th birthday with Federal help, St. Augustine was peculiarly vulnerable to publicity-seeking racial demonstrations. Earlier efforts toward biracial talks on desegregation of motels and restaurants, and a sterner hand in controlling white hoodlums, would have frustrated the play for national attention.

But the largest blame must rest upon Martin Luther King.

His demonstrations cannot possibly be justified as a means of gaining the Negroes right of access to public accommodations.

It has been known to him and the Nation for the last 10 days that the passage of the civil rights bill by the Senate was assured. It is expected to become law July 4. A major provision of the bill prohibits discrimination by hotels, motels, restaurants, lunch counters, theaters and other "places of public accommodation." A committee representing such businesses in St. Augustine—including the motel which was the target of the swimming pool jump-in—already had publicly promised that they would abide by "present and future laws."

So what could the Reverend Mr. King expect to gain for the St. Augustine Negro by his continuing inflammatory campaign?

Nothing—except bitterness from white citizens of previously tolerant mind. The only person who could benefit from the senseless tumult is Martin Luther King, in nationwide publicity which will help tie on his self-sewn mantle of Negro leadership.

After the public and press become bored with the performance at St. Augustine, we can be sure that Fire-walker King will move on to new stands and fresh audiences. He'll go unscarred—but his discarded coals will sear racial relations at St. Augustine for a long time to come.

Mr. HOLLAND. Mr. President, this editorial was written by a moderate, peace-loving gentleman of the highest standing, who is known as a friend of the Negro race.

I hope that Senators will read this editorial with interest and concern, because it shows what the best thinking of the people of Florida is, and how they feel about these interruptions to their local affairs in Florida by the invader and troublemaker, Dr. King.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield without losing his right to the floor?

Mr. HAYDEN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, House bill 10433, the bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, is now before the Senate.

I ask unanimous consent that the committee amendments to H.R. 10433 be agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order against legislation in an appropriation bill be waived.

Mr. MORSE. Mr. President, as I understand the request of the Senator from Arizona, these amendments are to be agreed to en bloc, and in no way forecloses subsequent amendments and in no way forecloses a motion to suspend the rule which has already been previously filed at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. MORSE. With that understanding, I have no objection.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 5, line 18, after the word "museums", to strike out "$95,200,000" and insert "$97,010,000".

On page 6, line 2, after the word "law", to strike out "$40,178,000" and insert "$40,490,000".

On page 6, line 13, after the word "contract", to strike out "$46,700,000" and insert "$47,315,000".

On page 7, line 5, after "section 203", to strike out "$17,000,000" and insert "$17,210,000".

On page 10, line 10, after the word "Basin", to strike out "$29,000,000" and insert "$29,150,000".

On page 11, line 5, after the word "rights", to strike out "$23,800,000" and insert "$26,006,600".

On page 11, line 13, after the word "property", to strike out "$3,700,000" and insert "$4,700,000", and in line 15, after the word "to", to strike out "$11,300,000" and insert "$12,300,000".

On page 11, line 21, after "section 203", to strike out "$29,000,000" and insert "$29,122,500".

On page 12, line 14, after the word "exceed", to strike out "ninety-four" and insert "one hundred and fifteen", and in line 15, after the word "vehicles", to insert "of which ninety-four shall be".

On page 12, line 22, after the word "Recreation", to strike out "$2,700,000" and insert "$2,322,000".

On page 13, line 1, after the word "Samoa", to strike out "$15,300,000" and insert "$16,300,000".

On page 14, line 13, after "1963", to strike out "$10,000,000" and insert "$11,464,000".

On page 18, line 6, after the word "activities", to strike out "$65,930,000" and insert "$67,682,000", and at the beginning of line 7, to strike out "$10,800,000" and insert "$11,000,000".

On page 19, line 13, after the word "substitutes", to strike out "$30,100,000 and insert "$30,295,000".

On page 19, line 18, after the word "law", to strike out "$9,300,000" and insert "$9,485,000".

On page 21, line 10, after "(74 Stat. 337)", to strike out "$6,336,000" and insert "$6,836,000".

On page 22, line 22, after the word "law", to strike out "$17,832,900" and insert "$18,669,900".

On page 24, line 18, after the word "Refuge", to strike out "$33,550,000" and insert "$34,330,000".

On page 24, line 24, after the word "therein", to strike out "$6,074,700" and insert "$7,275,300".

On page 25, line 13, after the word "exceed", to strike out "one hundred and twenty-four" and insert "one hundred and twenty-nine", and in line 14, after the word "vehicles", to insert "of which one hundred twenty-four shall be".

On page 27, line 2, after "(42 U.S.C. 1958a–1958g)", to strike out "$2,250,000" and insert "$2,300,000", and in line 3, after the word "exceed", to strike out "$230,000" and insert "$250,000".

On page 27, at the beginning of line 8, to strike out "$4,173,000" and insert "$4,230,600".

On page 27, line 19, after the word "expenses", to strike out "$4,065,000" and insert "$4,110,500".

On page 30, at the beginning of line 15, to strike out "$148,596,000" and insert "$150,419,000", and in line 20, after the word "than", to strike out "$500,000" and insert "$730,000".

On page 31, line 3, after the word "law", to strike out "$30,019,000" and insert "$32,728,000".

On page 33, line 22, after the word "exceed", to strike out "one hundred and fourteen" and insert "one hundred and forty-four", and in line 23 after the word "vehicles", to insert "of which one hundred and fourteen shall be".

On page 35, line 8, to strike out "$65,000" and insert "$70,000".

On page 36, line 6, after the word "Act", to strike out "$61,500,000" and insert "$61,730,000".

On page 36, line 15, after "(42 U.S.C. 2004a)", to strike out "$8,000,000" and insert "$8,085,000".

On page 37, line 19, after "(5 U.S.C. 2131)", to strike out "$650,000" and insert "$725,000".

On page 38, line 2, after "(43 Stat. 463)", to strike out "$500,000" and insert "$550,000", and in line 3, after the word "available", to insert a colon and "*Provided,* That of such amount $50,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1464)."

On page 38, line 14, after the word "amended", to strike out "$2,000,000" and insert "$2,175,000", and in line 15 after the word "available", to insert a colon and "*Provided,* That of such amount $175,000 shall be available only for the purpose of making relocation payments comparable to those provided for in title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1464)."

On page 40, line 10, after the word "Park", to strike out "$1,275,000" and insert "$1,776,000".

At the top of page 43, to insert:

"ALASKA TEMPORARY CLAIMS COMMISSION

"Salaries and expenses

"For expenses necessary to carry out the provisions of section 46 of the Alaska Omnibus Act (73 Stat. 152–153), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $33,000, to be immediately available."

On page 43, after line 7, to insert:

"COMMISSION ON THE STATUS OF PUERTO RICO

"Salaries and expenses

"For expenses necessary to carry out the provisions of Public Law 88–271, approved February 20, 1964, $250,000, to be immediately available and to remain available until June 30, 1966."

Mr. HAYDEN. Mr. President, the committee, as indicated on page 1 of the report, considered budget estimates in the amount of $1,035,961,000, including indefinite appropriations of receipts, for the agencies and bureaus of the Department of the Interior and for the related agencies listed on page 2 of the report. Excluded from this bill are the Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Bureau of Reclamation.

Also included in this bill are supplemental appropriations in the amount of $35,672,000. The amount of the budget estimates for these supplemental appropriations was $37,058,000, of which $283,000 came to the Congress after the House had acted on this appropriation bill and thus were not considered by the other body.

The committee recommends definite appropriations of $1,014,116,400, including supplemental amounts for fiscal year 1964. This is $20,050,800 more than the House allowance; and is $6,734,600 under the budget estimates.

The committee recommends the following major increases over the House allowances:

Bureau of Indian Affairs, $2,947,000, which includes $1,810,000 for educational and welfare services; National Park Service, $3,479,100, which includes $2,073,600 for reconstruction of Ford's Theater in Washington, D.C.; Office of Territories, $2,464,000; Geological Survey, $1,752,000, including $1 million for a nuclear research building in Denver; Bureau of Sport Fisheries and Wildlife, $1,980,600; and forest protection and utilization, $4,532,000.

It is the committee's opinion that the changes recommended will set up a desirable and balanced program for the agencies provided for in the bill, and will make possible better conservation and utilization of the natural resources of this country.

Mr. SALTONSTALL. Mr. President, I should like to offer an amendment under my own name and that of the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Pennsylvania [Mr. CLARK] to the bill.

I have taken up this amendment with the chairman of the committee and with the senior minority member on the committee, and I believe there is no objection to this amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 39, it is proposed to strike out all after the comma in line 2 down to and including the colon in line 4, and insert in lieu thereof the following: "received by the Board for the benefit of the John F. Kennedy Center for the Performing Arts prior to July 1, 1965:".

Mr. SALTONSTALL. Mr. President, the purpose of the amendment is to change the language offered by the House with relation to private contributions to the John F. Kennedy Cultural Center. Under the authorization bill, the Government puts up $15.5 million, or so much of the amount that is met by private contributions.

Under the language which came from the House in the pending bill, and which was not called to my personal attention until after the Senate committee had acted, no money that was raised by private subscription and expended prior to July 1, 1965, would be eligible to be considered in matching contributions put up by the Government.

That money was raised by private subscription. It amounted to more than $1.5 million, and it was raised to stimulate the cultural center before it became a memorial to the late President.

My amendment is approved by the Bureau of the Budget, as shown by a statement made by Elmer B. Staats, Deputy Director of the Bureau of the Budget. I ask unanimous consent to have the statement printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 19, 1964.

Hon. LEVERETT SALTONSTALL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SALTONSTALL: Your telegram of June 18, 1964, requests comments from the Bureau of the Budget concerning language proposed to amend H.R. 10433, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes. The bill, as passed by the House of Representatives, would appropriate funds to the John F. Kennedy Center for the Performing Arts to match the amounts received by the Center in gifts, bequests, and devises. I am informed that the General Accounting Office has indicated that the language of the bill will not provide for the matching of funds received and expended prior to July 1, 1964.

The proposed amendment would cause the pertinent provision on pages 38 and 39 of the bill to read as follows:

"For expenses, not otherwise provided, necessary to enable the Board of Trustees of the John F. Kennedy Center for the Performing Arts to carry out the purposes of the Act of September 2, 1958 (72 Stat. 1698), as amended, including construction, such amounts which in the aggregate will equal gifts, bequests, and devises of money, securities, and other property, received by the Board for the benefit of the John F. Kennedy Center for the Performing Arts prior to July 1, 1965: *Provided*, That the total amount appropriated by this paragraph shall not exceed $15,500,000."

Our review indicates that the amended language would accomplish your objective—to enable funds received and expended before July 1, 1964 (as well as funds received during the fiscal year 1965), to be included in those to be matched by the appropriation. The Bureau of the Budget favors the proposed amendment.

Sincerely,

ELMER B. STAATS,
Deputy Director.

Mr. SALTONSTALL. I have taken this matter up with the chairman of the Committee on Appropriations and with the ranking minority member. They have no objection to the amendment.

Mr. HAYDEN. I have no objection.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. McNAMARA. I understand the amendment would not change the figure that has been authorized—$15.5 million. Is that correct? The amendment the Senator suggests would be within that limitation. Is that correct?

Mr. SALTONSTALL. The Senator is correct. This would not change the Government contribution in any way. It would permit private contributions which were made and expended to be included as a part of the total which will be matched by the Federal contribution.

Mr. McNAMARA. I have no objection.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. MORSE. This is a very sound amendment, and I commend the Senator for offering it.

Mr. SALTONSTALL. I thank the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. PROXMIRE. I call up my amendments No. 566. I ask unanimous consent that they be not read at this point but printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, ordered to be printed in the RECORD are as follows:

On page 5, line 18, strike out "$97,010,000" and insert in lieu thereof "$95,200,000".

On page 6, line 3, strike out "$40,490,000" and insert in lieu thereof "$40,178,000".

On page 6, line 13, strike out "$47,315,000" and insert in lieu thereof "$46,600,000".

On page 7, line 5, strike out "$17,210,000" and insert in lieu thereof "$17,000,000".

On page 10, line 10, strike out "$29,150,000 and insert in lieu thereof "$29,000,000".

On page 11, line 5, strike out "$26,006,600" and insert in lieu thereof "$23,800,000".

On page 11, line 21, strike out "$29,122,500" and insert in lieu thereof "$29,000,000".

On page 14, line 1, strike out "$16,300,000" and insert in lieu thereof "$15,300,000".

On page 14, lines 13 and 14, strike out "$11,464,000" and insert in lieu thereof "$10,000,000".

On page 18, line 6, strike out "$67,682,000" and insert in lieu thereof "$65,930,000".

On page 18, line 7, strike out "$11,000,000" and insert in lieu thereof "$10,800,000".

On page 19, line 13, strike out "$30,295,000" and insert in lieu thereof "$30,100,000".

On page 19, line 19, strike out "$9,485,000" and insert in lieu thereof "$9,300,000".

On page 21, line 10, strike out "$6,836,000" and insert in lieu thereof "$6,336,000".

On page 22, line 22, strike out "$18,669,900" and insert in lieu thereof "$17,817,900".

On page 24, line 18, strike out "$34,330,000" and insert in lieu thereof "$33,485,000".

On page 24, line 24, strike out "$7,275,300" and insert in lieu thereof "$3,593,000".

On page 27, line 3, strike out "$2,300,000" and insert in lieu thereof "$2,250,000".

On page 27, line 3, strike out "$250,000" and insert in lieu thereof "$230,000".

On page 27, line 8, strike out "$4,230,600" and insert in lieu thereof "$4,173,000".

On page 27, line 19, strike out "$4,110,500" and insert in lieu thereof "$4,065,000".

On page 30, line 15, strike out "$150,419,000" and insert in lieu thereof "$148,596,000".

On page 30, line 20, strike out "$730,000" and insert in lieu thereof "$500,000".

On page 31, line 3, strike out "$32,728,000" and insert in lieu thereof $29,944,000".

On page 35, line 8, strike out "$70,000" and insert in lieu thereof "$65,000".

On page 36, line 6, strike out "$61,730,000" and insert in lieu thereof "$61,500,000".

On page 36, line 15, strike out "$8,085,000" and insert in lieu thereof "$7,715,000".

On page 37, line 20, strike out "$725,000" and insert in lieu thereof "$650,000".

On page 38, line 2, beginning with "$550,000" strike out all through the period in line 7 and insert in lieu thereof "$500,000, to be immediately available."

On page 38, line 14, beginning with "$2,175,000" strike out all through the period in line 18 and insert in lieu thereof "$2,000,000, to be immediately available."

On page 39, line 21, strike out "$15,000,000" and insert in lieu thereof "$14,700,000".

On page 40, line 10, strike out "$1,776,000" and insert in lieu thereof "$1,275,000".

Mr. PROXMIRE. Mr. President, my amendment would cut more than $22 million from the Interior Department appropriation bill. The amendment would eliminate all items not requested in the President's budget as well as budgeted items not approved by the House of Representatives.

The Congress and the American people enjoyed the biggest tax cut in history this year. The other side of the tax cut coin must be economy if this Congress is to be responsible and avoid inflation.

House and Senate Appropriations Committees have included in the Interior appropriations bill dozens of items which were not a part of the President's budget. This is the old "you scratch my back I'll scratch yours" pork barrel.

My amendment would eliminate 82 items, none of which appear in the President's budget, representing $13,712,000 of taxpayer money. It would also cut almost $9 million added to the House bill by the Senate committee.

For example, $3,593,000 was provided in the budget for the construction of sport fish facilities. The House added a number of unbudgeted projects and increased these appropriations by $2,481,000 over the budget estimate. The bill as reported from the Senate appropriates $7,275,300, which represents an increase of 22 projects and more than 100 percent in the budget request for sport fish, hardly an iron necessity. My amendment would reduce these funds to the budget figure of $3,593,000.

These increases include increases made by the House. I wish to list them briefly.

Construction of Narragansett Marine Game Fish Research Laboratory, Rhode Island	$500,000
Continuing construction at following hatcheries:	
Cheraw, S.C	61,000
Saratoga, Wyo	188,000
Cortland, N.Y	210,000
Mescalero, N. Mex	266,000
Dale Hollow, Tenn	214,000
Harrison Lake, Va	78,000
Wytheville, Va	190,000
Quilcene, Wash	44,700
Quinault, Wash. (planning)	50,000
Greers Ferry Dam, Ark	177,000
Coleman, Calif	247,000
Lamar, Pa	256,000
Subtotal	2,481,700

In addition, the Senate increased budget estimate by adding the following:

Continuing construction (improvements) at following hatcheries:	
Natchitoches, La. (ELLENDER)	$175,500
Leetown, W. Va. (BYRD of West Virginia)	180,000
Fish Genetics Research Lab, Beulah, Wyo. (MCGEE)	100,000
Bozeman, Mont. (MANSFIELD)	183,000
Corning, Ark. (FULBRIGHT, MCCLELLAN)	99,000
Mammoth Spring, Ark. (MCCLELLAN)	55,500
Carbon Hill, Ala	36,000
Springville, Utah (MOSS)	168,000
Berlin, N.H	203,600
Subtotal	1,200,000
Grand total of both House and Senate	3,682,300

As I say, not one penny was requested by the Johnson administration for these items; yet the Senate and House have added them.

The President's budget request is the end product of an exhaustive examination of budget priorities by experts with no special-interest ax to grind. The Budget Bureau gives every agency full consideration but must keep overall spending within the Nation's capacity to pay. It must say no to the strongest type of political pressure.

This year especially, the Senate has a responsibility to stay within the Presidential guidelines forged by this rigorous budget process unless there is overwhelming evidence that the public interest would suffer.

I hope that those who so strongly attack budget deficits and increased Government spending will join me in my attempt to keep Federal expenditures within reasonable limits.

It is true, and no one can deny it, that the overall effect of the bill is a small decrease in the budget request of something like 1 percent. However, I call attention to the fact that there is an increase over last year's appropriation. On the basis of the report, at page 43, according to the table there, there was an $82 million total increase, which includes about $47 million in the 1965 appropriations and $35 million in the supplemental appropriations of 1964.

In other words, for the Interior Department in the pending bill the Senate provides an additional $74 million. If we include the borrowing authorization, it is an additional $82 million more than was appropriated last year.

My amendment reduces each item to the level requested by the administration, or to the level the Senate and House had cut, whichever is lower.

Mr. WILLIAMS of Delaware. Mr. President, I wish to support the amendment offered by the Senator from Wisconsin. I hope the Senate will approve it. The bill, as reported, carries a proposed increase of between 7½ and 8 percent over the amount appropriated last year.

The President, in his message in January, made much of his intention and his desire to hold spending down to last year's level; yet we find the administration consistently asking for increases.

Expenditures cannot be held down to last year's level if we are going to appropriate 7 or 8 percent or more on each appropriation bill during the year.

This is the place to start our reductions. I think this amendment should be adopted. It would merely roll the appropriation back toward last year's level by cutting off $22 million. It would still leave the total at $52 million over last year.

Before this week is out we shall be asked to increase the debt ceiling by about $9 billion to allow the Government to finance last year's deficit. Certainly if we continue to increase as proposed in the various appropriation bills, next year we shall have to increase the debt limit again by another $8 or $10 billion.

Sometime this will have to stop. The time to stop it is now, and the place is here in Congress on the appropriation bills. I shall certainly support the amendment of the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator from Delaware. I appreciate his statement. It seems to me that in a year in which we have given ourselves and all other taxpayers a substantial tax cut, a part of that tax cut should include keeping faith by keeping spending down as much as we possibly can.

It is true, as President Kennedy said before his assassination, that there is spending which is vital to our Nation. In President Kennedy's view this includes defense, space activities, and interest on the national debt. It was only in these areas according to President Kennedy in which there would be spending increases, not in spending for the Interior Department.

President Johnson has made an emphatic and popular case for spending less. Here is an opportunity for Congress to reduce with a sharp, precise, discriminating scalpel, not a meat ax.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am glad to yield to the Senator from Utah.

Mr. MOSS. I should like to have the Senator from Arizona yield, because I am opposed to the amendment.

Mr. HAYDEN. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I oppose the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE], which would cut back the 1965 fiscal year appropriations for the Interior Department and related agencies (H.R. 10433) as recommended by the Senate Appropriations Committee, and slow down both resource development and conservation in the western part of this country.

The amounts by which the Senate Committee has increased these appropriations are very modest, and the totals are still considerably below the budget estimates. The amount which would be appropriated for the Interior Department is $11 million below budget estimates, and the totals in the entire bill some $12 million below.

H.R. 10433 provides funds for all Department of Interior activities except reclamation and power, and all Forest Service activities except forest highways, as well as funds for some related agencies. It is one of the most important which comes before the Senate each year so far as western development and progress is concerned. It is our "meat and potatoes" bill—as important to us as would be a dairy and corn bill rolled up in one to the Midwest, or a composite tobacco and cotton bill to the South.

The West could never have been opened up and made a participating part of this great country without some of the programs funded in this bill. We are still dependent on them for the orderly and full development of our area. In fact, if anything, some of them are more important now than they were when they were first established.

During the last half of the 19th century, and the first years of this century, when the West was being pioneered and plowed and logged, we wasted and plundered our resources as if there were no end to them. We used what we had indiscriminately. We allowed some resources to be depleted and others to deteriorate through lack of care. It was not until President Theodore Roosevelt instituted a giant conservation program and we began to carry it out, that we arrested our resource exploitation. We must continue to protect our resources, and to do so we must finance at a reasonable level the programs designed to conserve and develop them in an orderly way.

The Department of the Interior budget request for the fiscal year 1965 was a "bare bones" request to begin with. As we all know, President Johnson made a heroic effort in submitting his budget requests to keep them as low as possible because he anticipated a loss of revenue through a reduction in Federal taxes. Everybody supports him in his efforts to hold the line on Federal spending—we all know he is doing what must be done.

On the other hand, we also know we must continue to face up to the changing needs and problems of the times, and that means we must be realistic as to how and where our cuts are made. Certainly all thoughtful people agree it would be foolish in the extreme to neglect our natural resources.

Also, there is another point to be taken into consideration. It is now about 6 months since the fiscal year 1965 budget requests were submitted to Congress. During that time there have been new developments which have changed our requirements, and increased some of our problems. This is to be expected, and I am glad that the members of the Appropriations Committee faced up to the fact that by the time this bill became law some adjustments would have to be made. The additional amounts recommended for appropriation to meet these growing needs are modest indeed.

The Senator from Wisconsin argues that we should cut even below the Presidential budget requests because of the tax cut which reduced revenues. The President anticipated what the tax cut would do to our revenues when he prepared the budget—but the bill is already below the levels suggested by the President. Also, there is every evidence that the increased economic activity which it was expected the tax cut would engender is showing up even earlier and stronger than was expected. So the economic outlook of the country has never been better.

It seems to me, therefore, that we would be most shortsighted and unwise to reduce below levels in this bill as reported the funds for activities which the Department of the Interior and related agencies bill finances—the management of our public lands, our Indian affairs, our national parks, our territories and possessions, our mines and geological surveys, our fish and wildlife, our forests and some of our other park and planning agencies.

At my request, two amendments were added by the Appropriations Committee for my State of Utah, and I feel they can be amply justified.

The first was an amendment providing $168,000 for the rehabilitation of the Federal fish hatchery at Springville, Utah, and the second, an amendment increasing by $250,000 the amount proposed for the watershed research program at the new Forestry Sciences Laboratory at Logan, Utah. I would like to discuss each very briefly.

The Springville National Fish Hatchery has been a Utah landmark for many years. It is running out of water, and the hatchery building, a 47-year-old wooden structure, is outmoded and badly deteriorated. The Fish and Wildlife Service says the hatchery needs a complete renovation.

At present the hatchery produces rainbow and brook trout, and some warm water fish for distribution to waters in national forests, Indian reservations, and military reservations. The decreasing water supply makes it more and more difficult to meet current production levels of 75,000 pounds of trout a year.

The Appropriations Committee agreed to make available in the fiscal year 1965 the sum of $168,000 to undertake the first phase of the rehabilitation of the Springville Fish Hatchery, with the second phase, costing only $78,000, to be undertaken later on. This is a small increase in the appropriation levels of the Interior bill, but a most urgent one, in my estimation.

An additional $250,000 recommended for the Forestry Sciences Laboratory at the Utah State University in Logan is programed for research in watershed management, range management, insect and disease control, and recreation. Improving the vegetation and water yield of the high mountain watersheds above the Great Basin, which includes parts of Nevada and Wyoming, as well as Utah, is most important. The laboratory is designed to get answers to the problems in this area, and to develop techniques to meet them. Only by increasing the research budget for the Forestry Sciences Laboratory can we be assured that we will produce the answers as soon as we need them.

I commend the members of the Senate Appropriations Committee, and particularly of the Interior Subcommittee, for the realistic bill which was reported to the floor for action, and I ask that the efforts of the Senator from Wisconsin [Mr. PROXMIRE] to reduce the appropriation levels in the bill be rejected.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. PROXMIRE. It seems to me that if we are to consider this kind of proposal, we must discuss it in more than generalities. The Senator from Utah has made an excellent, pursuasive, and appealing statement.

If we consider the particular items that my amendment proposes to cut, we can say that this really does not constitute any cutback in appropriations for the necessary and vital program for natural resources.

Let me take up individually the few items which would be cut below the budget estimate.

Funds for the operation of Indian school facilities and improvement of operations of existing facilities: The House cut this item $1,710,000. It did so because there were 571 vacant positions as of December 31 that had not been filled. In other words, the money had been appropriated, and teachers had been sought, but they could not be found.

The amount that would be appropriated in the bill, after the House cut, if my amendment should be adopted, would still provide for an additional 2,253 positions. So no one can argue that this bureau is being starved or cut to the bone. There is still an allowance for a substantial increase.

The next item which would be cut below the budget request is the management of park and other areas, for commercial power and telephone connection charges.

The House reduced that amount, but gave $100,000 additional. It did so because the agency itself, the National Park Service testified its top priority costs would be covered by a 5-percent increase. This the House and my amendment allows.

It seems to me that in this year, when we have, as the Senator from Utah said, a booming country, when we have every reason for keeping Government spending within limits, the top priority requirements are all that should be allotted for the Park Service, important as the Park Service is. It is not so essential as defense. If we give it top priority based on a 5-percent increase allowed by the House, that is sufficient.

The next item is national science and wildlife management studies. This is a fine program, one to which no one can object.

The House allowed $100,000, which is enough to start a new program. My amendment allows that. The additional $50,000 the Senate would allow is certainly not essential.

A large item is for the rehabilitation of Guam. The House had deleted funds due to slippage. After a study, the House indicated that $2,464,000 was not necessary on the basis of past experience with unobligated balances.

The next item is in the Geological Survey—surveys, investigation, and research. For work on the National Atlas, the House appropriated $140,000; $206,000 was eliminated, because $140,000 was about the current level, and it was felt that that was adequate. Last year, the Senate eliminated the entire item. On the basis of experience, it seems that the current level—the House appropriated $140,000—would be a reasonable amount.

The next item is the Water Resources Investigations, for the expansion of primary networks for studies at the surface and ground water resources of the Nation. The House increased the amount for this work over last year by $500,000. The House felt that that amount was adequate, on the basis of the Bureau's estimate that it met priority needs. It is true that this amount is $346,000 below what the Deparament would like to have, but it still seems to be a very modest reduction.

The House disapproved the item for the construction of a nuclear research laboratory at Denver because it had not been approved by the Committee on Interior and Insular Affairs. The committee has since approved the item after extensive hearings. Nevertheless, an additional objection was that this work on nuclear technique solutions to problems in geology and hydrology could be done or should be done by contract rather than by additional Federal investment and expenditure.

For the Bureau of Mines, for the oil shale investigation in this area, permitting the investigation of the feasibility of extracting oil from deep-lying shale, the amount voted by the House is sufficient to finish the existing contracts; and it seemed to the House, and it also seems to me, that this process has been proved, and that it is time for private industry to take it over, if it is ever going to take it over. This item calls for an amount of $195,000; and rather than continue this subsidy to the oil industry, the richest industry in America, it seems to me it is time to conclude it.

There is also the item of $185,000 requested for fine-coal float-dust explosion investigation and research, with the money to be used to rehabilitate and to modernize a mine at Bruceton, Pa. This amount was not allowed by the House. The House felt—and I agreed—that it is not sensible to modernize an old mine for this purpose. Therefore the House voted not to allow the $185,000.

For the "Office of Coal Research, salaries and expenses," there was an item of $500,000. The House felt this item would be amply provided for, because of $2 million remaining unobligated on February 28. This makes sense to me, because I think the amount available following the amendment to set aside $500,000 for additional research in conversion of lignite to gas and the $2 million remaining unobligated will make sufficient funds available.

Next, I refer to the item of $50,000 to cover the upkeep of equipment remaining at San Diego after water-conversion equipment was moved to Guantanamo, and to provide for planning a new plant. The House report indicates that $2,500,000 has been set aside for replacement of this facility. So the $50,000 additional does not seem to be necessary. My amendment eliminates the $50,000.

I also wish to refer to the item of $36,500 for the Office of Survey and Review. The testimony taken before the House committee indicated that this Office had not done as much as had been hoped for. There is also the item of $9,000 for the Division of Management Research. The House criticized this work for insufficient coordination.

A series of cuts is made by my amendment in the items for the Forest Service. In view of the colloquy, I believe I should take up briefly at least four of the items.

On the item of $100,000 for reforestation and stand improvement, I point out that in view of the fact that $7 million has been made available for this activity from accelerated public works funds, the House cut the request, a relatively modest $100,000; so did my amendment.

On the item of $700,000 for recreation through use of campground and picnic facilities, the House made the same argument, and said that $10,500,000 in APW funds had been made available.

On the combined regional office and research station in Pennsylvania, there were two items—one of $23,000; the other $60,000—making a total of $83,000. The planning cost for this program seemed to be ridiculously excessive. The House requested that the Bureau return with a more realistic estimate, and meanwhile the House would not agree to vote to appropriate the $83,000.

As for the item of $500,000 for insect and disease control, this item is to increase the detection; and the House had already increased this item by $171,000. In view of the experience, the increase seemed to be substantial.

There are a few other items; but I think I have stated the principal ones in connection with which my amendment would cut back the amounts below the amounts requested by the Bureau of the Budget. In each case the House made very careful and thorough investigation, and made a recommendation which seems to be wise, in view of experience.

So when my amendment is examined item by item, Senators will find that the individual reductions are small or modest or very limited, and in each case there is a justification. There is no attempt to gut the research program or hurt the West or damage any State; but it seems that in 1964 it would be sensible for both the House and the Senate to require these agencies to make full justifications.

I point out that in the case of every other reduction I make in this amendment, I simply go back to the level requested by the President.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I yield, if I may have the permission of the Senator from Arizona to do so.

Mr. HAYDEN. Of course.

Mr. DOUGLAS. I did not hear the first part of the statement of the Senator from Wisconsin. Will he state again the total amount of reduction proposed by means of his amendment?

Mr. PROXMIRE. Yes; a total of $22 million.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. HAYDEN. Mr. President, I suggest an absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays have been ordered; and the clerk will call the roll.

Mr. LAUSCHE. Mr. President, I will support this amendment, having in mind that the appropriation for the fiscal year 1965 will be $74 million more than the appropriation for the fiscal year 1964. In the items that are to be stricken by the amendment, there are many which were not at all included in the present budget, but were inserted in the appropriation bill by the House and Senate Appropriations Committees.

I yield the floor.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. Proxmire]. The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Nevada[Mr. Cannon], the Senator from Connecticut [Mr. Dodd], the Senator from Minnesota [Mr. Humphrey], the Senator from North Carolina [Mr. Jordan], the Senator from Louisiana [Mr. Long], the Senator from Arkansas [Mr. McClellan], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Rhode Island [Mr. Pastore], and the Senator from Connecticut [Mr. Ribicoff] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], the Senator from Minnesota [Mr. Humphrey], the Senator from Louisiana [Mr. Long], the Senator from New Hampshire [Mr. McIntyre], and the Senator from New Jersey [Mr. Williams] would each vote "nay."

On this vote the Senator from Connecticut [Mr. Dodd] is paired with the Senator from Massachusetts [Mr. Kennedy]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. Cotton] is absent on official business in the State.

The Senator from New Mexico [Mr. Mechem] and the Senator from Kentucky [Mr. Morton] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is absent on official business.

Also the Senator from New York [Mr. Javits] and the Senator from Iowa [Mr. Miller] are necessarily absent.

If present and voting, the Senator from New York [Mr. Javits] and the Senator from Iowa [Mr. Miller] would each vote "nay."

The result was announced—yeas 11, nays 58, as follows:

[No. 437 Leg.]

YEAS—11

Beall
Byrd, Va.
Cooper
Dirksen
Lausche
Pearson
Proxmire
Thurmond
Tower
Williams, Del.
Young, Ohio

NAYS—58

Aiken
Allott
Anderson
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Case
Church
Curtis
Dominick
Douglas
Edmondson
Ellender
Ervin
Fong
Goldwater
Gruening
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Magnuson
Mansfield
McGee
McGovern
McNamara
Metcalf
Monroney
Morse
Moss
Mundt
Neuberger
Pell
Prouty
Randolph
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Yarborough
Young, N. Dak.

NOT VOTING—31

Bartlett
Bayh
Cannon
Carlson
Clark
Cotton
Dodd
Eastland
Engle
Fulbright
Gore
Hart
Hartke
Humphrey
Javits
Jordan, N.C.
Kennedy
Long, La.
McCarthy
McClellan
McIntyre
Mechem
Miller
Morton
Muskie
Nelson
Pastore
Ribicoff
Robertson
Russell
Williams, N.J.

So Mr. Proxmire's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. METCALF. Mr. President, on behalf of myself and the senior Senator from Montana [Mr. Mansfield], I send an amendment to the desk, and ask to have it stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent to dispense with further reading of the amendment, and to have it printed at this point in the Record.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment offered by Mr. Metcalf, for himself and Mr. Mansfield, is as follows:

On page 5, line 18, strike out "$97,010,000" and insert in lieu thereof "$97,578,500," an increase of $568,500;

On page 6, line 13, strike out "$47,315,000" and insert in lieu thereof "$55,009,000", an increase of $7,694,000;

On page 11, line 5, strike out "$26,006,600" and insert in lieu thereof "$28,049,125", an increase of $2,042,525;

On page 36, line 6, strike out "$61,730,000" and insert in lieu thereof "$61,935,000", an increase of $205,000;

On page 36, line 15, strike out "$8,085,000" and insert in lieu thereof "$10,385,000", an increase of $2,300,000.

Mr. METCALF. Mr. President, I shall explain the amendment in detail.

Mr. President, the senior Senator from Montana [Mr. Mansfield] and I propose an amendment to H.R. 10433, to provide for restoration of some of the tragic flood loss in Montana and to augment the Indian sanitation facilities program provided by Public Law 86–121.

Our amendment would provide $8,262,500 for the Bureau of Indian Affairs, $2,042,525 for the National Park Service, $2,505,000 for the Public Health Service, a total of $12,810,025.

I shall later ask permission to insert in the Record the detailed justification for these appropriations which have been furnished the distinguished chairman [Mr. Hayden] and the ranking minority member [Mr. Mundt] of the Interior Appropriations Subcommittee.

The June 8 flood caused more than a score of millions of dollars in damage suffered in Montana. More than 25 persons have already been identified as dead, and scores are still missing. The actual death toll may reach over 50.

The flood was by far the most devastating ever to strike Montana. The flood was caused by the melting of a 15-foot pack of snow and 3 days of continuous heavy rains. Three small headwater dams failed, with substantial loss of life and property and severe damage to public facilities and land.

Here, in summary, is what our amendment would provide:

BUREAU OF INDIAN AFFAIRS

Welfare and guidance services, $568,500: This will provide monthly grants for 5 months for flooded families, assistance on funeral expenses, replacement of crop losses, chiefly purchase of hay to sustain livestock not lost in the flood.

Buildings and utilities, $1,724,000: Of this amount, $1,220,000 would be used to replace homes that were washed away, $444,000 for other units of the farms which were destroyed, $60,000 for restoration of picnic and camping grounds.

Irrigation, $5,970,000: $4 million would replace the Lower Two Medicine Dam, which washed out; $600,000 would be used to repair the irrigation system, and $1,370,000 would be used to rehabilitate some 20,000 acres of trust land covered with debris and subject to further erosion.

PUBLIC HEALTH SERVICE

An estimated 200 Indian homes on the Blackfeet Indian Reservation were damaged or destroyed by flood waters.

Approximately 160 of these homes were scattered throughout five rural areas of the reservation—Babbs-St. Mary's, East Glacier, Seville Badger Fisher, Heart Butte, Upper Two Medicine. There were 40 other homes located in 2 communities of Starr School and Browning which have community water systems.

The Starr School water system was 50 percent destroyed, the Browning water and sewer system was moderately damaged. The estimated cost of community facility repair and replacement of sanitary facilities for damaged homes on the systems—40 homes—is $25,000.

The estimated cost of repair and replacement of sanitary facilities serving 160 rural Indian homes is $195,000.

The estimated cost of temporary supervisory staff and support for emergency works is $30,000; total estimated cost is $250,000.

The foregoing work would be accomplished under the authority of Public Law 86–121, the Indian Sanitation Facilities Construction Act. It would be coordinated with the housing rehabilitation work being planned by the BIA for Indian flood victims.

Our amendment provides a total of $2.3 million for sanitation and water supply facilities in Indian communities and $205,000 for additional staff of 21 persons. Of the $2.3 million, $250,000 would be used for replacement and rehabilitation of Indian sanitation facilities destroyed during the Montana flood. The remaining $2,050,000 would be a major budget activity, to provide assistance to the Federal Indian housing program in a number of States. The backlog of this needed health improvement that can be accomplished by this appropriation, and the reservations and States on which the work would be done, are included in the materials which I shall submit for inclusion in the RECORD.

NATIONAL PARK SERVICE

The $2,042,525 appropriation for the National Park Service would be used for restoration of Glacier National Park facilities destroyed or damaged in the flood. The amount would be broken down as follows: Minor roads, $164,996; trails, $702,220; buildings, utilities, and other facilities, $1,174,900.

I am advised informally by the Bureau of Public Roads that its emergency funds will be available for $2,407,475 in major road repair in Glacier National Park. Bureau of Public Roads has also informally advised the Bureau of Indian Affairs that BPR emergency funds can be used to restore the Blackfeet Indian Reservation road system. Therefore, our amendment does not include any funds for these park and Indian highways.

Mr. President, I ask unanimous consent to have printed in the RECORD the supporting material which my colleague, the Senator from Montana [Mr. MANSFIELD] and I requested from the Bureau of Indian Affairs, Public Health Service, and National Park Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.

BLACKFEET RESERVATION FLOOD

The recent flood in northwestern Montana was the most devastating flood ever suffered by that section of the country. The flood was caused by the melting of a 15-foot pack of snow and 3 days of continuous heavy rains. This tremendous volume of water topped the Two Medicine earth-filled dam causing it to give way and allow the raging flood waters to rush across the Blackfeet Indian Reservation leaving death, destruction, suffering, and a large loss of personal property in its wake. There follows by appropriation item and activity estimated amounts of funds that will be needed to replace or repair destroyed or damaged facilities, assist the Indian people with their immediate needs and to help them reestablish their homes, farms and way of life.

Education and welfare services	$568,500
Welfare and guidance services	568,500

The amount requested ($199,500) includes $7,500 to partially assist bereaved families in meeting funeral expenses. This is based on a flat rate of $250 per funeral (currently there are 12 known dead and 19 missing). The other $192,000 will be used to assist 300 families, with an average of six each, for a period of 5 months. An average monthly grant of $128 will be required to sustain subsistence through this period.

This amount ($369,000) is needed to replace crop losses, chiefly hay that is essential for livestock wintering needs. These crops were lost due to flooding, silting and erosion on 20,800 acres. Unless this feed supply is replaced, a severe winter will seriously endanger the Indian livestock industry.

Construction	**$7,694,000**
Buildings and utilities	1,724,000

This amount ($1,220,000) is needed to construct 129 new homes to replace Indian houses that were completely demolished and to rehabilitate eight homes. There is included in this amount $88,000 for the necessary Buttler-type buildings and equipment to establish a temporary housing prefabrication plant at Browning, Mont., so that the Indian people will have necessary basic housing before winter.

This amount ($444,000) is needed to replace farm improvement losses exclusive of houses but including barns, other outbuildings, corrals, and fences. The need for this amount is based on total losses on 44 farm units and partial losses on 32 farm units.

This amount ($60,000) is needed to replace picnic and camping grounds. Essentially, all recreational facilities along the flooded streams were completely inundated and lost. Major developments were at Twin Lakes, Two Medicine Reservoir, and Duck Lake.

Irrigation	$5,970,000

Of primary concern to the irrigation project is the loss of Lower Two Medicine Dam. The facility that was washed out and is counted as a total loss stored 15,000 acre-feet. Replacement of the Lower Two Medicine Dam with a similar structure, except for larger spillway capacity, will require $2,500,000. However, to alleviate the shortage of water needed for lands served, it is planned to construct a dam with a storage capacity of 40,000 acre-feet at a cost of $4 million.

This amount ($600,000) is needed to repair and rehabilitate the damage to the canal and lateral systems under the three active units of the project, including repair to the diversion works, rehabilitation of the delivery channels, and replacement and repair of structures of all types including the Four Horns feeder canal siphon. There is included within this amount $150,000 to provide for pumping water from Spring Lake into the main Two Medicine Canal for a temporary water supply until the dam can be replaced.

This amount ($1,370,000) is needed for the rehabilitation of approximately 20,800 acres of Indian trust lands, including clearing, leveling, debris removal, and reseeding to prevent further land erosion. Stream bank realinement will also be needed in many cases.

In addition to the above the flood washed out six bridges and various size portions of the reservation road system. It is estimated that $875,000 will be needed to rebuild the road system. We have been informally advised that the Bureau of Public Roads will supply these funds from emergency funds that are available to them.

Total request for the Bureau of Indian Affairs	$8,262,500
Funds to be supplied by Bureau of Public Roads	875,000
Total estimated needs	9,137,500

INDIAN SANITATION FACILITIES FOR FEDERAL INDIAN HOUSING PROGRAMS

Estimated costs of Indian sanitation facilities were made on the basis of the attached listing of housing units entitled "Indian Public Housing Program." The list was received by the Division of Indian Health from the Public Housing Administration on February 27, 1964, at a program coordination meeting called on that date by the Commissioner of Indian Affairs.

Mutual-help units: Basis of computation for water supply and other sanitation facilities per attached list:

591 units require complete facilities at $1,500	$886,500
645 units require waste disposal facilities and limited modification of water supply facilities at $800	516,000
285 units require only service connections to existing water and sewer services in addition to plumbing materials at $300	85,500
Total (1,521 units)	1,488,000

Low-rent units: Estimates provide for water service to subdivision sites and sewerage service from such sites. Engineering data is preliminary in some instances. Therefore, flexibility is essential to assure completion of the program. Estimates are based upon cost experience to date in the program conducted under authority of Public Law 86–121.

Navajo Reservation: 10 communities in Arizona and New Mexico	$150,000
Blackfeet Reservation, Browning Mont	20,000
Fort Peck Reservation, Poplar, Mont	20,000
Omaha Reservation, Macy, Nebr	20,000
Mescalero Reservation, Mescalero, N. Mex	30,000
Cherokee Reservation, Cherokee, N.C	20,000
Fort Berthold Reservation, White Shield, Mandary, and Twin Butte, N. Dak	125,000
Turtle Mountain Reservation, Belcourt, N. Dak	88,000
Cheyenne River Reservation, Eagle Butte, S. Dak	20,000
Yakima Reservation, Wash	20,000
Bad River Reservation, Wis	123,000
Oneida Reservation, Wis	45,000
Wind River Reservation, Wyo	20,000
Total	701,000

Total construction funds for sanitation facilities to meet mutual-help and low-rent housing projects, $2,200,000.

IMPLEMENTATION OF PROGRAM

To implement the above program staff support including 22 positions (engineers, aids, and construction supervisors, and procurement and clerical staff) is required. Staff will negotiate agreements with local housing authorities, design and construct facilities in cooperation with Indian groups, and train beneficiary personnel in operation and maintenance of completed sanitation facilities.

Funds to support this effort through the Field Health Services line item in the Indian health activity budget total $220,000.

INDIAN PUBLIC HOUSING PROGRAM[1]

The Public Housing Administration has approved program reservations for 1,700 low-rent housing units with an estimated value of $24,650,000. One thousand five hundred and twenty-one mutual-help houses have been approved. These have an estimated value of $12,700,000 of which over $3 million will be contributed by the participants in labor and land. These housing projects will be on 49 Indian reservations in 17 States.

In the mutual-help units the participating families will contribute an estimated $2,000 per unit in labor and land and the PHA will furnish about $6,400 for materials, skilled labor, supervision, and equipment.

The PHA has executed contribution contracts for about 1,100 low-rent units and 50 mutual-help units. Two hundred and five low-rent units are completed or under construction at Pine Ridge, Fort Peck, and Blackfeet and 10 mutual-help houses are under construction at San Carlos.

Indian public housing program

State and reservation	Mutual help units		Low-rent units	
	Number	Value	Number	Value
Alaska:				
Metlakatla	15	$125,000		
Alaska State Housing Authority: HHFA demonstration grant, $179,000				
Arizona:				
Colorado River	70	588,000		
Fort Apache	150	1,260,000		
Fort McDowell	10	84,000		
Gila River	75	630,000		
Hualapai	10	84,000		
Navajo			510	$3,495,000
Salt River	60	504,000		
San Carlos	150	1,260,000		
Total	525	4,410,000	310	3,495,000
California: Fort Yuma	30	252,000		
Florida: Miccosukee	20	168,000		
Idaho:				
Coeur d'Alene	30	$252,000		
Nez Perce	50	420,000		
Total	80	672,000	0	0
Montana:				
Blackfeet	50	420,000	50	725,000
Flathead	40	336,000		
Fort Belknap	70	588,000		
Fort Peck	50	420,000	56	812,000
North Cheyenne	50	420,000		
Rocky Boy's	25	210,000		
Total	285	2,394,000	106	1,537,000
Nebraska: Omaha			30	435,000
Nevada:				
Carson Colony	10	84,000		
Dresslerville	10	84,000		
Duck Valley	30	252,000		
Pyramid Lake	15	126,000		
Total	65	546,000	0	0
New Mexico:				
Acoma	50	$420,000		
Cochiti	30	252,000		
Jicarilla	75	630,000	25	$362,500
Laguna	25	210,000	40	580,000
Mescalero			56	812,000
Nambe	30	252,000		
Navajo			190	3,755,000
Tesuque	25	210,000		
Zuni	35	294,000		
Total	270	2,268,000	311	5,509,500
New York: Seneca			60	870,000
North Carolina: Cherokee			50	725,000
North Dakota:				
Fort Berthold			60	870,000
Standing Rock			65	942,500
Turtle Mountain			60	870,000
Total	0	0	185	2,682,500
South Dakota:				
Cheyenne River			54	783,000
Crow Creek			50	725,000
Lower Brule			50	725,000
Pine Ridge			149	2,160,500
Rosebud			150	2,175,000
Standing Rock			85	1,232,500
Total	0	0	538	7,801,000
Utah: Uintah and Ouray	30	252,000		
Washington:				
Swinomish	20	168,000		
Yakima	70	588,000	30	435,000
Total	90	756,000	30	435,000
Wisconsin:				
Bad River	11	92,400	14	203,000
Lac du Flambeau	40	336,000	20	290,000
Oneida	40	336,000	26	377,000
Total	91	764,400	60	870,000
Wyoming: Wind River	20	168,000	20	290,000

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., June 19, 1964.

Flood damage, Glacier National Park, Mont.: Disastrous floods within and in the vicinity of Glacier National Park during the period June 8–11 brought about by unprecedented heavy warm rains on heavy snow pack, coupled with warm temperatures, resulted in extensive loss in park facilities. Reconstruction or replacement of damaged or destroyed facilities is estimated to require about $4,500,000.

Emergency measures taken for public safety and protection of Government property: Immediately upon notification of the disaster, the park Superintendent was advised to proceed with all steps necessary to protect human life and Federal property. Technical and other assistance was provided the park by assignment of personnel from the Western Office of Design and Construction, from various regional offices, and from the Washington office of the Service.

Steps taken to restore essential public service: The Superintendent was authorized to take steps to restore essential public services immediately following measures taken to safeguard human life and public property. Service personnel, together with Bureau of Public Roads representatives, proceeded with the inventorying of damage and estimating reconstruction or replacement costs, which are summarized in the following. At the time this information was submitted from the park (June 17) rain had continued to fall intermittently since the major storm, and the waters in rivers and creeks remained at high levels. Some areas were still inaccessible for purposes of surveying damage or loss; accordingly, the estimates submitted are not as complete as they otherwise might have been, and are subject to adjustment.

The estimates were prepared by competent professional personnel, based upon their observation of conditions by limited horse and foot patrol, automobile, helicopter, and fixed-wing aircraft. The summary of estimated costs is broken down into two main categories: (1) To show those costs required to protect human life and public property and to restore essential public services, and (2) to show those necessary to restore facilities to their former state to permit normal park use.

Construction classification	Safeguard life and property and restore essential services	Restoration of facilities for normal park use	Grand total
Major roads	$672,872	$1,734,603	$2,407,475
Minor roads	52,150	112,846	164,996
Trails		702,200	702,200
Subtotal, roads and trails	725,022	2,549,649	3,274,671
Buildings, utilities, and other facilities	197,880	976,520	1,174,900
Grand total	922,902	3,526,669	4,449,571

Financing costs: Costs of this magnitude cannot be absorbed without seriously impairing work programs in other parks. This is particularly true at this time when emergency situations prevailing in other parks will also require financing. Total emergency costs not financed during the past year, and for which funding must be arranged now total in excess of $9 million, including $4,449,571 for Glacier. The foregoing tabulation shows that $3,275,171 of the total is for roads and trails reconstruction. Of this amount, $2,407,475 is applicable to major roads, or those which are constructed and reconstructed for the Service by the Bureau of Public Roads. The Service has made application to the Bureau of Public Roads for an allocation of funds from the emergency reconstruction fund of that Bureau and which is available to meet emergency situations under certain situations pursuant to the provisions of sections 120 and 125(c) of title 23 of the United States Code.

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[1] The Division of Indian Health received this list of housing projects from the Public Housing Authority on Feb. 27, 1964, during a program coordination meeting with BIA, PHA, and PHS. The meeting was called by the Commissioner of Indian Affairs.

If these funds are secured, only $867,196 would be required for reconstructing the remaining minor roads, trails and bridges. This amount together with the requirement of $1,174,900 for buildings, utilities and other facilities totals $2,042,096. No steps have been initiated to secure these additional funds at this time.

Availability of park facilities for public use: More than 810,000 visitors were recorded in the park during the 1963 travel year. Every effort is being and will be made to accommodate the visitors who are starting to visit the park at this very time. More than 314,000 overnight visitors were recorded last year, many of whom were campers. Although assurance cannot be given that "business as usual" will prevail, it is reported that the Village Inn Motel at Apgar will be in operation about June 25; the Many Glacier Hotel has already opened; the Belton Bridge (West Glacier), being made serviceable by the Bureau of Public Roads, is scheduled for opening between June 22 and 25; emergency measures are being taken to put the Lake McDonald Hotel kitchen and dining room into operation; and utilities and sanitary facilities are being given high priority in campgrounds, although some campgrounds have been completely destroyed. It may be some time before certain portions of the park can be made available for public use because of loss of road and trail bridges of all types, complete washouts of sections of roads and trails, etc.

A breakdown of the total estimate, by facility affected, is as follows:

Preliminary flood damage estimates, Glacier National Park

Facility affected	Buildings, utilities, etc.	Roads and trails			Grand total
		Major roads	Other	Total	
Protection of human life and property, assessment of damage, etc.	[1] $55,800				$55,800
Park headquarters and Apgar	63,800	$75,675		$75,675	139,475
Lake McDonald Hotel grounds, utilities, and related facilities	428,800	174,200	$4,864	179,064	607,864
Sprague Creek campground	5,300		7,432	7,432	12,732
Flathead			33,783	33,783	33,783
Avalanche campground	800				800
Cutbank			4,729	4,729	4,729
Logging Creek campground	13,000				13,000
Going to Sun Highway		1,672,700		1,672,700	1,672,700
Quartz Creek campground	7,500				7,500
Bowman Lake campground	27,400				27,400
Kintla Lake campground	8,100				8,100
St. Marys headquarters	90,200				90,200
Two Medicine	97,700	349,800		349,800	447,500
Many Glacier campground	49,500	135,100		135,100	184,600
Waterton ranger station	127,900				127,900
Walton campground	7,600		84,459	84,459	92,059
Rising Sun campground	31,000				31,000
Reconstruction of facilities in outlying areas	(11)				
Park, general, buildings, etc.	160,500				160,500
Park, general, minor roads, trails, and bridges			731,929	731,929	731,929
Total	1,174,900	2,407,475	867,196	3,274,671	4,449,571

[1] Arbitrarily applied to this category.

INDIAN SANITATION FACILITIES

Mr. GRUENING. Mr. President, I am happy to join in support of the amendment sponsored by the two Senators from Monana. I believe it is highly desirable, and I believe recent events make it almost imperative that it be adopted.

Among the legislative proposals I have cosponsored during my service in the Senate, there was one introduced during the first session at which I had the honor to represent Alaska as a Senator—which has proved to be of special value, and of which I am very proud to have been an advocate.

I refer to Public Law 121 of the 86th Congress. This bill, which became law, has served the useful purpose of authorizing construction, by the Surgeon General, of sewage and sanitation facilities on Indian reservations and Indian communities. The need for this authority was always clear to those acquainted with the myriad problems of providing our Indian citizens with a healthful, progressive environment. There is no doubt of the importance to the advance of underprivileged people to provide sanitary facilities taken for granted by most of our affluent society.

We learn with shock that elementary necessities of sewage disposal and sanitary water supplies are lacking in many places in our otherwise prosperous country. Among the places most deprived of these facilities are the Indian reservations of our Western States and the native communities of Alaska. In Alaska, our problems are complicated not only by lack of funds, but also by serious handicaps of climate and environment that make our sanitation problems especially difficult.

The elimination of unhealthy living conditions of the people which the proposed legislation would benefit is extremely important. It is essential to the President's war on poverty.

In addition, tragic disaster was wrought in Montana by floods of unprecedented magnitude. We in Alaska, who have suffered the greatest disaster through earthquake and subsequent seismic waves, can well sympathize with the plight of our sister State, and with the suffering of its people. Therefore, I am more than happy to join with my distinguished colleague in supporting an increase in the appropriation for the Indian sanitation program of the Surgeon General.

I hope that the amendment will be accepted.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. METCALF. I am happy to yield to the Senator from Louisiana.

Mr. ELLENDER. Was this matter submitted to the Appropriations Committee?

Mr. METCALF. No. The flood occurred only on June 8. We have had a great deal of difficulty in obtaining the information. Some of the information came to me only this morning by telephone from Montana.

Mr. ELLENDER. Were any hearings held on the question of the amount requested?

Mr. METCALF. No hearings were held on the amount.

Mr. ELLENDER. Who made the investigation?

Mr. METCALF. These are investigations made by various Federal and State agencies who have been doing a magnificent job of rehabilitation and work on the flood damage in Montana. As I stated, some of the information came to me by telephone only this morning.

Mr. ELLENDER. Where were the funds obtained for the rehabilitation work up to now; does the Senator know?

Mr. METCALF. The State was declared by the President to be a disaster area.

Mr. ELLENDER. I understand.

Mr. METCALF. Immediately upon the request of the Governor of our State. Then disaster funds are made available as soon as an area becomes a disaster area, for such items as removal of debris, which work went forward immediately upon declaration of a disaster area.

Mr. ELLENDER. I understand.

Mr. METCALF. Other agencies moved in. These are programs that cannot be taken care of by a strictly disaster program.

Mr. ELLENDER. Why?

Mr. METCALF. Because there is involved the destruction of other facilities that do not come under the disaster program.

Mr. ELLENDER. Am I to understand that the damage done here was to the Indian reservation only, and that the Senator is now seeking to obtain money for that?

Mr. METCALF. Yes; in this bill.

Mr. ELLENDER. How is that?

Mr. METCALF. In this bill, which applies only to the Interior appropriation, we are seeking money only to take care of the damage to the Blackfeet Indian Reservation and some of the tribal wards of the Government, and also damage to the National Park Service in Glacier National Park.

Mr. ELLENDER. How will the money to be spent in the national parks affect the Indian tribes?

Mr. METCALF. That part——

Mr. ELLENDER. As the Senator has said, a fund is provided in order to take care of disaster loans and emergency rehabilitation. But I am wondering about the extent to which the funds which the Senator is now asking for would be used to rehabilitate any of the damage done off the Indian reservation.

Mr. METCALF. For example, the disaster funds, are being used by the Bureau of Public Roads to build roads on the Indian reservation and in the national park. We are not asking for money for that purpose. We are asking only for additional money necessary to take care of our Indian wards of the Blackfeet Indian Reservation, to take care of the Indians traced to their Indian irrigation districts, and also to take care of the special damage in Glacier National Park.

Mr. ELLENDER. In other words, the $12 million the Senator is asking for would be used to provide rehabilitation for the Indians on their reservations. Is that correct?

Mr. METCALF. On the reservation only; yes.

Mr. ELLENDER. And for no purpose other than that. Is that correct?

Mr. METCALF. That is correct.

Mr. ELLENDER. The rehabilitation work in the park is what I am trying to reach. Why is it that the Senator is requesting money for the Park Service? Why could not the money for that purpose be taken from the regular funds that we have provided in the past for such damage?

Mr. METCALF. Because largely the flood originated in the park. We had thought that we were fortunate to have a heavy snow pack in Glacier National Park. Then 3 days of warm rain came and it washed out bridges and other facilities, as well as roads and trails. In addition to what is covered by the disaster funds of the Bureau of Public Roads, we must remember that we are already going into the tourist season, and we are trying to get the park ready so that we can restore some of these things for the use of tourists.

Mr. ELLENDER. The amount of money that has been set aside by Congress for such rehabilitation in the park has run out, is that correct; or not enough money has been provided?

Mr. METCALF. There is no money available for this sort of rehabilitation.

Mr. ELLENDER. The Senator means it is not provided for in the law?

Mr. METCALF. It is not provided for in the law or by any appropriation.

Mr. ELLENDER. Where is the authorization for the appropriation? That is the purpose of my question. It seems to me that the Senator is broadening the basis for this request. Insofar as the amount which the Senator is asking for Indian reservations is concerned, I realize that Indian reservations are not included in the disaster relief fund. However, with respect to what the Senator would spend in the parks, that is not the case.

If we were to follow the practice the Senator is suggesting, and if a calamity happened anywhere in the country, any Senator could ask for a certain amount and get a sympathetic reception. In this case, as I have said, it seems to me that we ought to use whatever money we have on hand. Then if the funds available are not sufficient to meet the need, let us ask for a supplemental fund. I do not believe this calls for a special appropriation.

As I see it, there is no authorization for the money the Senator is requesting. If any can be pointed out, I shall apologize to him. I do not know of any authorization to spend money in the parks over and above what is usually provided for.

Mr. METCALF. The Senator has pointed to the essence of the difficulty of the problem. There was such a major disaster in one of our larger parks that we shall exhaust the entire rehabilitation fund which is set aside for disaster relief.

Mr. ELLENDER. Then let us supplement the amount, and not make a special case of it. We have been through many disasters. I went through one in Louisiana only 3 years ago, but we went through the regular channels to get the needed money. Here the Senator would make a special case of it, and money would be appropriated without authorization. The case is being based only on the suggestions made by Government officials and State officials who made broad estimates of what is needed.

It seems to me that, insofar as the rehabilitation of the parks is concerned, it might be the better part of wisdom for us to proceed to supplement the fund rather than to make a special category out of the disaster to which the Senator refers.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield to my senior colleague.

Mr. MANSFIELD. This unfortunate flood disaster hit the Blackfeet Indians, many of whom are dead or missing. Strangely enough, the name of one of the little girls who died in this disaster was a Blackfeet girl by the name of Lorraine Long Time Sleeping, from the Two Medicine Lake area.

I point out to my distinguished friend from Louisiana that the figures used were requested by my distinguished colleague and myself. I point out further that on Sunday, June 14, I left Washington and landed at the Malmstrom Air Force Base and had a chance to go over the devastated area east of the mountains, including Glacier National Park.

To understand what happened out there one must really see the situation from a helicopter at close hand. The devastation was terrible, particularly among the Blackfeet people, who are members of a hard working nation, and who have made many contributions to the welfare and betterment of our State. They are under the direct control of the Government. They need this assistance. Had there been time, we would have appeared before the Appropriations Committee. However, as the Senator knows, for many weeks the Interior appropriations bill has been on the calendar. This is the first time that we have had an opportunity to bring this matter to a head.

We have asked that this amount be supplied us. These are the figures in addition to those which I brought back after a firsthand consultation with agencies of the Government and representatives of the Blackfeet Nation while I was in Montana.

This is an extremely meritorious case. It does not enter the public sector. It affects Glacier National Park and the Blackfeet Indian Reservation.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. ELLENDER. I say to my good friend from Montana that I am very sympathetic.

Mr. MANSFIELD. I know the Senator is.

Mr. ELLENDER. There is no doubt about the degree of the disaster. However, as the Senator knows, in the past we have authorized and provided a special fund to take care of this kind of situation. The Senator states that the Indian reservation is not covered.

Mr. MANSFIELD. It is covered.

Mr. ELLENDER. But the regular law for disaster loans, and so forth, does not apply. Is that correct?

Mr. METCALF. That is correct.

Mr. MANSFIELD. Yes.

Mr. ELLENDER. With reference to the rehabilitation of the parks, it seems to me that so far as the parks are concerned, the funds could be obtained from the regular appropriations. That is the proposition I am addressing myself to. I am sure there are funds already authorized for that purpose, so why not augment those funds and not come to Congress without an investigation being made and without testimony having been taken? It would seem to me it would be more orderly to proceed in that fashion. If we progress as the Senator is suggesting, the chances are that whenever a disaster happened in any part of the country, a Representative or Senator might be prone to come before Congress and say, "This is the damage that was done. We estimate so much is needed. We want so much." This would establish a very bad precedent, I believe.

Mr. MANSFIELD. The Senator realizes that this proposal does not touch the private sector. It covers the responsibilities of the Federal Government.

Mr. ELLENDER. Glacier National Park is a Federal responsibility; it is not a private sector.

Mr. MANSFIELD. It is not a private sector.

Mr. ELLENDER. The amendment does not touch the private sector?

Mr. MANSFIELD. The Flathead Indian Reservation and the Glacier National Park are Government responsibilities.

Mr. METCALF. Mr. President, I grant that there is much merit in the argument the Senator from Louisiana is making; but there have been two major disasters, and the disaster fund has been completely wiped out. In March there was the disaster in Alaska; in this month there has been the Montana disaster.

The Senator from Louisiana recalled a disaster which took place a few years ago in another national park. Montana also had other disaster damage. We suffered great damage at Yellowstone National Park, and that was taken care of.

Mr. ELLENDER. From a special fund.

Mr. METCALF. By a special fund; but there was money in the fund.

Here are items for the repair of Sprague Creek, Logging Creek campground, Going to the Sun Highway, St. Mary's headquarters, and others, all outside the fund. They are outside the Bureau of Public Roads fund and the disaster fund.

If we cannot obtain this amount in this bill, and have to await a supplemental appropriation bill, the work that is necessary will not be done this summer.

Mr. ELLENDER. Would there be any way to supplement the fund already established, so that those who have charge of such funds can proceed with the work, rather than having to wait for a supplemental appropriation?

Mr. METCALF. That is not the question before us. We must deal with the bill now before us, and that is the Department of the Interior appropriation bill.

Mr. SIMPSON. Mr. President, will the Senator from Montana yield?

Mr. METCALF. I yield.

Mr. SIMPSON. Does not the damage in a park area constitute a great economic loss, plus the immediate activities in the park with respect to summer tourist traffic?

Mr. METCALF. The Senator from Wyoming is correct. This is Montana's centennial year. We have received a large amount of publicity all over America, urging tourists to come and help us celebrate our centennial year. One of our principal tourist attractions is Glacier National Park. Its roads and trails, which have been destroyed, will be highly important in the next few weeks, when the tourist season begins. So we should begin to rehabilitate them immediately for the benefit of the tourists who will soon be arriving.

Mr. SIMPSON. Nothing for the private sector is involved in this amendment?

Mr. METCALF. Nothing. The funds sought are for Government responsibilities—the Indian reservation and the national parks.

Mr. ELLENDER. Even in the parks?

Mr. MANSFIELD. Yes.

Mr. METCALF. Yes. We are not helping people who operate hotels or concessions. These funds are solely for Federal responsibilities—for roads and trails.

Mr. ELLENDER. But the park is supervised and operated by the Federal Government, just as any other park, is it not?

Mr. METCALF. Oh, yes.

Mr. MANSFIELD. Yes.

Mr. ELLENDER. Are not funds provided for the purposes the Senator is now mentioning?

Mr. METCALF. The Senator is correct; and the Senators from Montana have sought the use of those funds when they were available and could be used.

Mr. ELLENDER. Have attempts been made to supplement those funds rather than to seek direct appropriations?

Mr. MANSFIELD. This is a matter in which time is a factor. In addition to what has happened in Glacier National Park itself, 30 miles of the main line of the Great Northern Railway were washed out and destroyed, and 20 miles of Highway No. 2 were destroyed. Those are matters which are being taken care of, on the one hand, by the Great Northern Railway and, on the other hand, by the Bureau of Public Roads and the State Highway Commission of Montana.

If Montana did not have both public and private high dams, the situation would have been far worse and far more devastating than it is. This is a request which cries out because of its urgency. It is something which we believe we must bring before Congress at this time and have discussed on the Senate floor. We would have liked to appear before a committee, but there was not time. We hope the Senate will have the condition investigated upon our request.

Mr. MAGNUSON. Mr. President, unfortunately, I was in attendance at a committee meeting and did not hear all that has been said; but I think I know what the two distinguished Senators from Montana have had to say about the amendment. I wish to associate myself with the real problem that presents itself in Montana. The disaster there was almost like the Alaska earthquake. It is a marvel to me that hundreds more people were not hurt or killed. The full extent of the damage and loss of life is not yet known.

This area of Montana is such that in order to rehabilitate it quickly it is necessary to act now. We cannot wait. Whatever is to be done, I am hopeful that it will be done with due dispatch.

Mr. MANSFIELD. I thank the Senator from Washington.

Mr. MUNDT. Mr. President, the Senators from Montana have discussed this proposal with me, as the ranking Republican member of the Subcommittee on Department of Interior appropriations.

While I believe there is considerable logic in what has been said by the distinguished Senator from Louisiana [Mr. ELLENDER], and while it is somewhat unusual to propose an appropriation item of this large amount on the floor of the Senate without hearings, without an opportunity for the Senate committee to study the details, I must also say in simple candor that the conditions precedent to the request also were a bit unusual.

The flood occurred and the damage was done after our hearings had been completed. Our subcommittee was the first to complete its hearings, and the bill has been on the calendar for a long time.

The Senators from Montana have made a persuasive plea for urgency in dealing with this subject. Neither I nor any other Senator would be able to evaluate the rectitude of any particular request for a specific amount, because we have not had hearings and have not had an opportunity to consider the proposal it detail. But it seems to me that under these unusual circumstances our committee would be justified in accepting the amendment and taking it to conference, in the realization that between now and the time of the conference there will be time for members of the staff and members of the House committee and the Senate committee, and others who are interested, to investigate the specific recommendations. If fat is found in them, they can be reduced. They cannot, under any parliamentary situation, be extended beyond this amount. In order to meet an unusual situation of this kind, I think the subcommittee should not oppose the amendment. I suggest that the Senate approve the amendment and send it to conference, where it can receive additional deliberation. If the findings then are borne out as they are believed to be by those preparing the reports, the conferees undoubtedly will approve them.

Mr. MANSFIELD. Mr. President, I am grateful for the remarks just made by the distinguished senior Senator from South Dakota. I point out that the flood took place 2 weeks ago today. It is estimated that as of now the damage will be in excess of $75 million, which, of course, includes the private sector. So far as the private sector is concerned, it has no recourse except through loans from the Small Business Administration and other Government agencies. Such loans call for the payment of interest at 3 percent.

The Metcalf amendment seeks to place emphasis on Glacier National Park, which is under Government control, and the Blackfeet Nation, which is also under the control of the Federal Government and, therefore, within the sector over which the Government has primary responsibility.

Had it been possible, the junior Senator from Montana [Mr. METCALF] and I would have been glad to appear before the committee, but because this tremendous flood occurred only 2 weeks ago today, that has not been possible. So we have had to appeal to the Senate as a whole rather than to the particular committee charged with responsibility.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SIMPSON. As I understand, the damage in both the public and the private sectors were terrific. We have heard much about it. The private sector is undertaking its own rehabilitation and restoration work at the present time, is it not?

Mr. MANSFIELD. Yes.

Mr. SIMPSON. Will not much of the summer tourist traffic depend on the private activity with respect to the rehabilitation of roads and other facilities?

Mr. MANSFIELD. It will, indeed.

Mr. SIMPSON. The Senators from Montana did the only thing they could with respect to procuring the best available financing at hand from the various governmental agencies involved.

It seems to me that if there is a method which can be used to place this item in a conference report, so that the money can be appropriated and the work done immediately, because of the impending tourist traffic, it should be used.

This disaster has wider repercussions than the impact in Montana. It affects all of America. People from all over the country will be going to that area. It seems to me that if the conference procedure could be used, it would be of immediate help, not only to Montana, but to other parts of the Nation.

Mr. **MANSFIELD**. The Senator is correct.

Mr. **MUNDT**. Mr. President, I wish to add, in conclusion, that these arguments convince me that it would be appropriate for the Senate to accept the amendment and take it to conference, and consider the items at that time, and, if further study indicates that these are correct items, to proceed accordingly.

I do not believe the Senate wishes to adopt this amendment as a formula for adding such amounts to appropriation bills under normal circumstances. However, these are abnormal circumstances; the situation was created by an act of God.

Therefore, in this instance, I believe the Senate would be justified in approving the amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senators from Montana.

The amendment was agreed to.

The **PRESIDING OFFICER** (Mr. BREWSTER in the chair). The bill is open to further amendment.

Mr. **BIBLE**. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 5, it is proposed to strike out the numeral and to insert "$28,368,700."

Mr. **BIBLE**. Mr. President, I have discussed this amendment with the chairman of the full committee. I wish to give a brief explanation of the reason for this item.

It was impossible to submit the amendment to the Appropriations Committee during its regular sessions, because this is also an emergency matter, not too dissimilar from the one covered by the amendment of the Senators from Montana.

I believe it might be well to read into the RECORD an excerpt from a letter I have just received from the Secretary of the Interior. The letter is dated June 19, and is directed to the chairman of the full committee. I read from the letter the following:

> As stated in your letter, impoundment of water in Lake Powell behind Glen Canyon Dam results in problems further down the Colorado River in the Lake Mead National Recreation Area. The water level at Lake Mead had been lowered previously to the 1,123-foot level which necessitated many emergency measures to provide adequate service to the hundreds of thousands of recreation seekers. If the water level is lowered to 1,083 feet, or by 40 more feet, it will result in wide expanses of mudflats between previously constructed public-use facilities and the water. The further lowering will require major expenditures for the extension of boat launching ramps, waterlines, sewerlines, and powerlines; in addition to dredging for docking facilities, grading of beaches, removal of debris, and general cleanup.

The justification for the appropriation of this sum of money is contained on page 2 of the letter from the Secretary.

The purpose of the amendment is to attempt to take care of a problem facing us in the next few weeks and months. The lowering of the water level in Lake Mead will cause many hundreds of thousands of dollars of damage to the public facilities in the Lake Mead area.

To date, the Federal Government has expended approximately $8 million on public facilities at Lake Mead. I believe the investment of private concessionaires is in the neighborhood of $3 million to $3.5 million.

The problem has urgency, because the water level of Lake Mead is dropping every day. The Secretary's letter is dated May 11; and on that date, the level of Lake Mead was 1,124 feet. As of today, June 22, the level of Lake Mead is 1,114 feet. It is anticipated that if the filling at Glen Canyon is to continue, the level of Lake Mead will drop to about 1,080 feet by October of this year. It is easy to see the damage that is caused by the lowering of the lake level.

I believe the amendment to be a meritorious one. It is one in which the Secretary of the Interior concurs. I believe this expenditure of money would enable the National Park Service to do its level best in the Lake Mead recreation area to keep these facilities operational and to keep them from being put completely out of business.

Mr. **MORSE**. Mr. President, will the Senator from Nevada yield?

Mr. **BIBLE**. I yield.

Mr. **MORSE**. I rise to support the amendment, because it is supported by a factual situation which, in my judgment, the Senate cannot ignore.

For years in the Senate, I have tried to stress the point that we must protect the water level of this country. I have pointed out that when the water level of a country recedes, its civilization cannot climb, for civilizations do not climb on falling water tables. That is the indisputable teaching and lesson of history.

In this case we are dealing with an amendment which is engineeringly sound; it is designed to do something about a falling water level in this particular area of the country.

Again I stress the point that the amendment calls upon us to carry out a trusteeship obligation which we, as lawmakers, owe to future generations of Americans living in this area; and I do not know of a single vote I have ever cast, in 20 years in the Senate, in opposition to protecting water levels.

When I think of the many millions of dollars our Government wastes abroad, and sometimes at home, too, I am always aghast when it is suggested that we should not take action to protect the water level in this country, which is one of God's greatest gifts to us, on the preservation of which so much of our longtime civilization depends.

So, Mr. President, I support the position taken by the Senator from Nevada on this amendment, and I hope the amendment will be adopted.

Mr. **DOMINICK**. Mr. President, will the Senator from Nevada yield for several questions?

Mr. **BIBLE**. I yield.

Mr. **DOMINICK**. I did not have an opportunity to hear as clearly as I wished the Senator's statement in regard to the effect of his amendment. Will he state again the amount of money involved?

Mr. **BIBLE**. Yes. The amendment would increase the amount now contained in the bill by $3,262,100. That is an over-the-line item.

Mr. President, I wish to modify my amendment, because by adopting the Mansfield-Metcalf amendment the Senate has increased the previous item to $28,049,125, on page 11, in line 5. So I should like to have my amendment modified, in line with that amendment, to call for an increase by an additional $3,262,100, which would bring the first amendment up to $31,311,225, in order to conform to the amendment previously adopted by the Senate.

When I prepared my amendment, I did not anticipate the adoption of the Mansfield-Metcalf amendment.

Mr. **DOMINICK**. Do I correctly understand that this money would be used entirely by the Interior Department on public facilities?

Mr. **BIBLE**. This is correct. This is my understanding. The table of the breakdown itself, I think, will clear it up.

Mr. **DOMINICK**. Did the Department of the Interior bring this request before the Interior Appropriations Subcommittee?

Mr. **BIBLE**. It did not.

Mr. **DOMINICK**. It has known about this situation, or a possibility of it, since March. Does the Senator have any idea why it did not bring up anything in this connection?

Mr. **BIBLE**. I cannot answer that. I should say that as a member of the Interior Appropriations Subcommittee, I sat rather faithfully through the hearings. Nothing of this kind came before the committee. The committee finalized its action. It was not until May 11 that the Secretary of the Interior announced his decision as to the impounding of the waters at Glen Canyon.

I for one had no knowledge of this particular problem at the time that the matter was before the Interior Appropriations Subcommittee.

Mr. **DOMINICK**. That is the timing that I wanted the Senator to bring out. I think it was important. The Interior Department, as such, did not present a request for that amount of money until after the closing of the Glen Canyon Dam. Is that correct?

Mr. **BIBLE**. To my knowledge, that is absolutely correct. I have no knowledge otherwise.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield?

Mr. **BIBLE**. I yield.

Mr. **WILLIAMS** of Delaware. Did the Interior Department request this increase or did it merely endorse it following an inquiry from the Senate?

Mr. **BIBLE**. I think it was done rather simultaneously. Just as soon as the Secretary of the Interior promulgated his ruling or decision of May 11, it became very apparent that if any of these facilities were to be saved in the Lake Mead Recreation Area, additional amounts of money had to be expended. That was called to my attention. I called it to the attention of the Secretary of the Interior, and the Director of the Park Service, George Hartzog. I presume that they were told about it independently of that.

Mr. WILLIAMS of Delaware. I notice a letter from the Secretary dated June 19. I wonder why that was not mentioned to the committee between May 11 and June 19. Apparently no member of the committee had ever heard of this before this afternoon.

I think this is a very unusual way to proceed. The project may be meritorious but why such a rush?

Why not follow the orderly procedure? After all, this involves a request for $2.3 million at a moment's notice.

Mr. BIBLE. I am the first to agree with the Senator from Delaware that this is somewhat of an unusual proceeding. This is an unusual situation, one that was not anticipated, one that broke upon us in a matter of 2 or 3 weeks. It is a matter that broke around us after the hearings on the Interior appropriations had been completed.

If there were another appropriation bill that would be coming before the Appropriations Committee for proper action before sine die adjournment this year, I would be the first to admit that we should go before the committee and ask for money at that time. But I do not know of a single appropriation bill that will come before Appropriations Committee with respect to which this would be a proper subject of inquiry.

Mr. WILLIAMS of Delaware. It may be an appropriate amendment. We do not know. But I wonder why they waited from May 11 to June 19 to call attention to it. What national catastrophe happened that they did not know about when they were before the committee?

Mr. BIBLE. I think the answer to that question lies in the promulgation of the Secretary of the Interior Department, dated May 11. Even up to that date, until only a few days before that, the exact filling criteria of Glen Canyon was by no means certain. Certain levels had to be maintained at Lake Mead in order to make the Boulder Dam, the Hoover Dam, operational. The Secretary himself is dependent upon the water studies from the Colorado into the months of May and June, and even into the month of July, before he knows definitely what he will do about the Colorado.

I say to my distinguished friend from Delaware that the last 2 years, if I am correctly advised, were probably the all-time dry years along the Colorado. This has made water along the Colorado in extremely short supply.

For those reasons this could not be reasonably anticipated in advance of this date.

Mr. WILLIAMS of Delaware. I notice that the letter of the Secretary of the Interior is dated June 19, apparently in reply to an inquiry which he received on June 15. It took him but 4 days to agree that he could use another $2 million. And yet there was a dry spell 2 years ago. Someone must have gone to sleep on the job. I believe that this subject deserves considerably more study. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BIBLE. First, I shall yield to the Senator from Colorado for a question.

Mr. DOMINICK. Mr. President, I shall ask one or two more questions in order to clear up my own mind. The money will be expended for waterlines, sewerlines, and dock facilities. Is that correct?

Mr. BIBLE. And landing facilities, and the extension of launching ramps for boats, so that they may be launched into the water.

Mr. DOMINICK. Does the Senator know how much is to be used for the benefit of concessionaires, and how much is to be used for department-operated facilities, if any?

Mr. BIBLE. As the breakdown will show, most of this is contained in Boulder Harbor and Las Vegas Wash facilities. Perhaps, as is often the case, it will benefit the concessionaires as well. But I could not give the Senator the exact percentage.

Mr. DOMINICK. Does the Senator happen to know how much is to be used for waterlines or sewerlines? If any sum is to be used for this purpose no computation was made as to what should be done to provide for it.

Mr. BIBLE. This has been a problem that has plagued us on the Interior Appropriations Subcommittee for many years. I say very frankly that the problem that has occurred at Lake Mead is one that we are attempting to guard against in the future. This attempt is being made so that this very problem at Glen Canyon, for example, may be avoided.

Mr. DOMINICK. I thank the Senator.

Mr. WILLIAMS of Delaware. It has been called to my attention that an amendment to this section has already been adopted by the Senate. In addition to that, this is above the budget request. On both points, it is subject to a point of order. I make the point of order.

The PRESIDING OFFICER. The Chair hears the point of order. The Chair is obliged to sustain the point of order on the ground that it is an amendment to an amendment, the Metcalf amendment, heretofore adopted.

Mr. STENNIS. Mr. President, I rise to speak briefly in strong support of an appropriation of $35,000 which is included in this bill to provide planning funds for a Forestry Soil and Hydrology Laboratory at Oxford, Miss.

This project has been given a high priority by the U.S. Forest Service because of the urgent need to accelerate research on the twofold problem of providing an adequate water supply and preventing erosion of our soils. In the South, we have an abundant rainfall as compared with other sections of the country. But the very abundance of rainfall sometimes creates serious problems of excessive storm runoff and erosion that continue to damage our soil resource and impair the quality of the water supply. We need the abundance of water, but we also need greater protection of our watersheds to stabilize soils and improve water quality.

Some work on these problems is now underway at Oxford. Scientists are adding to the information available to landowners and the application of results can be observed on a considerable acreage. But a forest hydrology laboratory and related auxiliary facilities are urgently needed to provide the necessary space and equipment for the watershed research program. A laboratory, greenhouse, and service building would enable scientists to move ahead much faster and with greater economy in manpower than is now possible in the crowded, outmoded facilities available. No other forest watershed laboratory of this type is planned for the Southern Coastal Plain.

The laboratory and auxiliary facilities are estimated to cost $450,000. They would immediately increase the effectiveness of the present research. A building site has been acquired at an excellent location where cooperation with the University of Mississippi and other programs will be very effective. These funds in the amount of $35,000 which have been approved by the House of Representatives and the Senate Committee on Appropriations, will provide the necessary planning funds. I strongly support this appropriation so that all architectural and engineering work may be performed this year, with a view to the commencement of actual construction in fiscal year 1966.

Mr. BIBLE. Mr. President, I should like to address myself for just a moment to the ruling of the Chair on the point of order raised by the Senator from Delaware. It occurs to me it was a completely correct ruling or decision. I brought the matter to the floor today in order to alert my fellow Senators to a problem in the Lake Mead recreation area.

I have since consulted with members of the committee. I feel that there will be one more opportunity this session of presenting this case before the Appropriations Committee. When the Public Works Subcommittee considers the bill, I believe it may be properly heard at that time.

I defer to and respect the decision of the Chair. As I stated, I think it was a correct decision. I take this opportunity to point out a problem of great seriousness in the Lake Mead recreation area. We shall pursue the suggestions that have been made to have the case developed at the Public Works Subcommittee level.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. ALLOTT. I congratulate the distinguished Senator for the decision he has made. In a sense, I suppose we could say it was made for him. I am very sympathetic toward the problem facing him.

The Department of the Interior has been somewhat remiss in dealing with such problems. The problem with which the Senator from Colorado is faced at the moment is one that could have been foreseen months ago, and is one which almost everybody on the Colorado River anticipated, even though the Department of the Interior did not.

The point was properly sustained. Unfortunately, the chairman, the distinguished Senator from Nevada, has not had an adequate opportunity to make any kind of record on this subject, other than the presentation of the letter of the Secretary of the Interior. I believe the course he has chosen is wise. It is a good one. It will enable him to present before the Public Works Appropriations Committee testimony that is needed in that committee to support his claim, and which I am sure probably will not run him afoul of the rule which has just been used in the Senate—and quite properly.

Mr. BIBLE. I appreciate the sentiments of the Senator from Colorado. I do not wish to go into the problem of earlier filing the criteria set out by the Secretary of the Interior. Suffice it to say that we have a problem, and those of us interested in the full and complete development of the Colorado River must work shoulder to shoulder if we are to harness the power, the water, and the vast resources of this great river.

Mr. MORSE. Mr. President, I send to the desk my amendment No. 491 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk read as follows:

> On page 6, line 13, it is proposed to strike out "$47,315,000" and insert in lieu thereof: "$52,278,000, of which $4,963,000 shall be used for the conversion of a portion of Tongue Point Naval Base, Oregon, to a boarding high school for Indian children,".

Mr. MORSE. Mr. President, this amendment is subject to a point of order under rule XVI, in that the amount of $4,963,000 is requested for the Tongue Point Indian School project. The President's budget request for fiscal 1965, for the item designated as construction for the Bureau of Indian Affairs, was $51,176,000. The $47,315,000 approved by the Senate Appropriations Committee for construction for the Bureau of Indian Affairs, if increased by $4,963,000 would total $52,278,000.

On April 14, 1964, I served notice of intention to suspend rule XVI, and that written notice is at the desk. A two-thirds vote of the Senate to suspend the rule is necessary.

I invite the attention of the majority leader for a moment to a speech that I shall make, which will take all of 2 hours or longer. I propose to speak for the Record so that Senators at least will have available the information to read before they vote, because my speech will be highly critical of the Appropriations Committee of the Senate.

The people of Oregon and I, in my judgment, have been unfairly dealt with by the Senate Appropriations Committee, not only with respect to this matter, but also with respect to a good many other matters in recent years.

I have no choice but to warn the Senate with respect to what I consider to be unfair, discriminatory policies which have developed in the Senate Appropriations Committee against deserved projects in the State of Oregon. The State of Oregon is at the bottom of the "totem pole" so far as the expenditure of such Federal tax dollars is concerned.

I am fed up with treatment of this type. It is about time for some Senator to rise on the floor of the Senate and point out to the Appropriations Committee that it is not a legislative committee, that it has a responsibility to give careful consideration to authorization bills that come before it, and to deal fairly with the States in regard to such authorization bills.

For too long a time the State of Oregon has suffered at the hands of the Senate Appropriations Committee, and in this speech I intend to make my record. I say to the Senator from Montana [Mr. Mansfield], the majority leader, that I very much prefer that there be no vote on this question tonight. When I am through, it will be well after 6 o'clock—perhaps 7 o'clock. At least I am entitled to have the points I make in my speech made a part of the Congressional Record, before Senators come to a vote on the issues which I shall raise in my speech.

Mr. President, the latest injustice which has been done the State of Oregon by the Appropriations Committee, in the opinion of the senior Senator from Oregon, is the rejection, for no good or sound reason, as I shall show before I finish this speech, of an appropriation for Tongue Point.

The Senator from Oregon has waged a battle on the floor of the Senate for the past 2 years on Tongue Point, which is located in the deepest pocket of poverty in the United States. There is no pocket of poverty in Appalachia which compares with the pocket of poverty at Astoria, Oreg.; yet the Senate Appropriations Committee uses one false excuse after another to gut the Tongue Point project. The Senator from Oregon received the approval of the late President, President Kennedy, to reactivate it as a Federal facility after the senior Senator from Oregon stopped a group of businessmen in his own State from trying to conduct a political steal against this great facility, in which the American taxpayers have an investment of between $13 million and $18 million. In my judgment, the facility is worth more than $18 million.

In one little part of this great facility there is contained stone of roadmaking quality which cannot be found within a hundred miles of Astoria, Oreg. A leading highway official of my State has told me that that stone in that quarry alone is worth from $1 million to $1½ million.

Yet this group of businessmen, which is trying to get by with this political steal, wanted to get it for $920,000. The businessmen followed an illegal subterfuge. They got the mayor of Astoria and the City Council of Astoria to permit themselves to be used as an illegal conduit in an attempt to transfer this property, which had been declared surplus to the needs of our Government, to the city council. Within a short time it was to have been transferred to this group of businessmen, under the guise that they were going to turn it into an industrial area. The senior Senator from Oregon was reliably informed that what they intended to do was to salvage the facilities.

Before I finish the speech I will let the Senate take a look at pictures of this facility. It contains buildings so fine and permanent in their architectural structure that they could be put on Constitution Avenue as Federal Government buildings and be a credit to Washington, D.C. That is the kind of facility the senior Senator from Oregon has crusaded to protect in the Senate for the past 2 years.

I am not at all happy at the treatment that I have received in the Senate with regard to this matter. I have battled in the Senate for men into whose faces I am looking, as well as for many absent Senators. That is why I do not propose to let this matter go to a vote tonight. I have battled in the interest of men on the floor of the Senate who have had equally legitimate claims for help, and I have supported them. I shall continue to support them, in spite of the treatment that they have given me in connection with the Tongue Point issue.

I have a trust in the Senate. Even though I get what I consider to be an inexcusable raw deal, I shall never be a party to giving a raw deal to a colleague in the Senate on any basis of recrimination.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. In view of the circumstances, I assure the distinguished senior Senator from Oregon that there will be no vote on the Interior appropriation bill this evening.

Mr. MORSE. I thank the Senator very much. My trust in the Senate is to pass judgment on the merits of each item that comes before us for appropriation, testing the merits against the public interest.

The senior Senator from Oregon is proud of the fact that in 20 years he has never scratched a back in the Senate. He has never traded a vote in the Senate. He has never gone to a Senator and said, "If you will give me support for this, I will give you support for that." I do not believe in that kind of inexcusable politics. What I do believe in and what I will fight for is fair treatment for my State. My State has not had fair treatment from the Appropriations Committee in regard to Tongue Point. I will make the record tonight to show that.

I have not yet even started my fight on Tongue Point. I intend to stop the scuttling of this facility, which the Appropriations Committee is now aiding and abetting by its refusal to carry out an understanding the Senator from Oregon had with President Kennedy. I shall put into the Record that understanding.

My State has been raided. My critics in Oregon charge that I have permitted my State to be economically raped by the State of Washington and the State of California, particularly, time and time again.

My State has received the least consideration from the Senate Appropriations Committee and other committees of the Senate of any Western State.

Early in the battle on Tongue Point, when I was asking President Kennedy to have this facility taken off the deactivation list and put on the list for use as a Federal facility, I told the President he ought to post a man of the West on the wall of every officer of the administrative branch of the Government who has anything to do with determining policy as to the location of Federal facilities, and then put a ring around the State of Oregon with a note on it, with the President's initials attached thereto, reading: "The State of Oregon is still a member of the Federal Union."

The senior Senator from Oregon wonders if that is appreciated in the administrative and executive branch of the Government. I sometimes wonder if it is appreciated by the Senate Appropriations Committee and by some of the authorizing committees of the Senate.

I have pointed out to the people of my State that I believe they are entitled to fair treatment in regard to the allocation of Federal dollars. It has taken me a long time to come to the conclusion that a good many of the critics of the policy of Congress in regard to the allocation of Federal funds have some merit in their criticism.

I do not like to criticize the treatment that my State has received. But the evidence is so cumulative and so massive that this rejection by the Appropriations Committee is the straw that broke the camel's back so far as the senior Senator from Oregon is concerned.

The merits of our request for the establishment of an Indian school at Tongue Point are so overwhelming in support of the school that, in my judgment, the Committee on Appropriations does not have a leg on which to stand. Moreover, the Committee on Appropriations has dredged up some of the most interesting non sequiturs to alibi and rationalize their turning down of the Senator from Oregon in regard to Tongue Point.

Let me, at the early part of this speech, make the point that the Indian school for which the senior Senator from Oregon is fighting will be built. Senators can get that admission from most of the members of the Committee on Appropriations. But where? In Arizona? In Nevada? In Washington? In Alaska? Or in other States having high Indian populations and having Senators who are members of the Committee on Appropriations? Oregon has no Senator who is a member of that committee.

The senior Senator from Oregon is up against partisan criticism, for let me say to Senators that I have enemies in my State who certainly would like to substantiate the charge that the senior Senator from Oregon cannot get fair treatment from the Senate. Their accomplices at the present time, in my judgment, happen to be members of the Committee on Appropriations, no matter how innocent they may be in their intention or desire to do this kind of irreparable damage to the senior Senator from Oregon.

I have never asked, in all my years in the Senate, for a project for the State of Oregon that could not be justified on the merits. I am asking for a project for Oregon now that can be substantiated on its merits. I shall now proceed to discuss the facts in regard to the project. I am satisfied that any Member of this body who wishes to go into the merits of Tongue Point, who wishes to go into the merits of equally sound projects in this appropriation bill that have been approved, and that I have supported, including those I have supported just this afternoon in the Senate for additions to the appropriations, will find these projects consistent with the 20-year record I have made in getting up on the floor of the Senate and working for, speaking for, fighting for, and voting for sound natural resource development projects that come under the jurisdiction of the Committee on Interior and Insular Affairs, and other committees of the Senate, just as this particular educational project of a special nature comes under the jurisdiction of the Committee on Interior and Insular Affairs.

I have fought for these projects. I think I am entitled to have this proposal considered on its merits and to receive equal fairness on the part of my colleagues; but I have not been getting it.

Of course, there will be a denial of this speech; but I say to my associates in the Senate: You can deny it until doomsday, but the fact is that Oregon is at the bottom of the totem pole. It is far below other States, and without justification. The time has come for the speech that I am making. I have never been guilty of a proposal to raid an installation in a single State, and I never will. Yet Oregon has been put pretty much in the position of having its pockets picked by Washington, California, and some other States. Its installations have been moved for no good cause. I recognize what political pressure can do sometimes. But I do not believe in political pressure.

I am quite a horse trader outside my work in the Senate. I have traded horses for some 50 years, starting as a youngster. But I do not believe in David Harum tactics in the Senate of the United States, for I do not believe they can be reconciled with good, clean government. I believe every project should be considered on its merits. I favor on its merits the proposed Indian school for Tongue Point.

I say again that such an Indian school will be built. I ask the question: Where? I shall point out that the Committee on Appropriations, even this year, is in favor of building Indian school facilities, each seat of which will be at a substantially higher cost than the cost of the seats involved in this school.

Let me make perfectly clear at the outset the exact nature and purpose of the Indian school which the administration has requested to be established at the deactivated Tongue Point Naval Base near Astoria, Oreg.

The proposed Tongue Point Indian School is to be a boarding high school for Indian students, and operated by the Bureau of Indian Affairs. It is designed to meet certain special educational needs of the Indian young people of this country which cannot be met in public schools or at the day schools operated by the Bureau of Indian Affairs.

The Indian children who would attend this school live primarily in isolated rural reservation areas, where both schools and roads are often lacking. Some are from broken and undesirable homes, and some have failed in public schools or for social reasons must be removed from their homes in local communities. Almost all the children enrolled in Federal schools must learn English as a second language after they start school.

Let me make it clear to the Senate that we are not dealing with first-graders alone. We are dealing here with the need to put 14-, 15-, and 16-year-old Indian boys and girls in a school, who, in many instances cannot speak a word of English.

Yet we hear alibis from some members of the Committee on Appropriations that we ought to put the children in public schools. What nonsense. What a lack of knowledge of the problem. The Committee on Appropriations was told the facts, and the Committee on Appropriations has flown in the face of the facts. We are dealing with a special educational need of the Indians of this country.

I repeat, almost all the children enrolled in Federal schools must learn English as a second language after they start to school. Generally speaking, accepted standards of health, sanitation, and modern living are completely foreign to the background of this group of children.

These and similar conditions constitute handicaps that must be reckoned with in a school setting. A traditional public school is not prepared to meet problems of this type. The boarding schools operated by the Bureau of Indian Affairs are designed to help the youths overcome such handicaps so that they may become useful citizens in today's world. Thus, Tongue Point and similar Indian boarding schools are designed to fill an education gap. That gap must be bridged if we are fully to assimilate our Indian young people into the world of today and tomorrow.

There are members of the Committee on Appropriations who, I say most respectfully, are apparently so misinformed in regard to the facts involving Indian education that they oppose the proposal of the senior Senator from Oregon on the ground that the school at Tongue Point would be a segregated school. Imagine that. Imagine members of the Senate Committee on Appropriations, who have had Indian problems before them for untold years, opposing a school that the senior Senator from Oregon is asking to have located at Tongue Point on the basis of the argument of segregation.

There are 19 special Indian schools. Has the Committee on Appropriations submitted any recommendation to integrate them? Of course it has not. Why? Because they know that under the law that cannot be done. That is why.

Senators know that under existing Indian law we are obligated to supply the schools, and that under existing law the Indian chiefs of these reservations have a right to have the kind of school I am urging.

Mr. President, I do not propose to forget my knowledge of Indian law just because members of the Senate Appropriations Committee wish to ignore it. Any member or members of the Appropriations Committee who use the segregation argument are just dead wrong. Yet, as I shall show, that argument was the basis of one of the arguments used by a Congresswoman, and it was picked up by a member of the Senate Appropriations Committee as an alibi and an escape hatch for not voting for this school for Tongue Point.

Mr. President, for the benefit of the members of the Appropriations Committee, which is in such dire need of information on Indian affairs, I shall read a telegram I have received from Bruce A. Wilkie, executive secretary of the National Indian Youth Council, second vice president of the Intertribal Council of Western Washington Indians, and secretary of the Makah Tribal Council. I respectfully submit that it is impossible to find a better informed person on Indian problems than Mr. Wilkie, who has sent this telegram to me. It is dated June 22 and I ask Senators to listen to it as I read it:

> All major Indian organizations support Indian school proposal.

Mr. President, I say to the Appropriations Committee that if any of its members deny that, I should like to have them state the name of any Indian group that opposes this proposal.

Now I shall read the entire telegram:

> SEATTLE, WASH., *June 22, 1964.*
>
> Senator WAYNE MORSE,
> *Senate Office Building,*
> *Washington, D.C.*
>
> All major Indian organizations support Indian school proposal. Support of the Makah Tribe, that of the Intertribal Council of Western Washington Indians, National Indian Youth Council and National Congress of American Indians assured fully. Public school system not successful to a great extent. Lack of opportunity makes difficult for Indians to compete in a public school system atmosphere. Fact: 50- to 70-percent dropout rate in public schools by Indian students. Public schools not geared to familiarity of the Indian community. Many Indian students view the public school situation with apathy. Indian schools provide a familiar atmosphere for the students. Vocational and academic training much easier arrived at because of more familiar surroundings. Opportunity provided through Indian school system gives greater advantages for students. The fact that public schools are not doing the job, that the dropout rate continues to climb among Indian students, that the Indian educational problem is steadily growing worse, that the Indians desire Indian schools because of obvious success, would in our opinion warrant the appropriation to construct or rehabilitate all areas available for Indian school projects. Included in this is Tongue Point Indian school proposal. We can assure you full support of all local, regional, and National Indian organizations. Would suggest you contact Mr. Robert Burnett, National Congress of American Indians, Washington, D.C., immediately.
>
> Best success,
>
> BRUCE A. WILKIE,
> *Executive Secretary National Indian Youth Council, Second Vice President Intertribal Council of Western Washington Indians, Secretary, Makah Tribal Council.*

Mr. President, talk about integration. The problem is to integrate the Indian into our society; but that cannot be done if we send him to a public school, where, because of his rearing to date, he cannot compete. It will be found that our educational authorities recognize this fact.

I know whereof I speak, because, as chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, I have discussed this matter for some years with school administrators who have some Indians in their student bodies. Their testimony always has been the same kind, and has been consistent—namely, that, by and large, the Indian boys and girls, because of the great cultural differences in their early background, are not in a position to compete with other boys and girls in the public schools. Thank goodness there are many exceptions, of course.

Our problem is to see to it that every Indian boy and every Indian girl has a chance to develop to the maximum possible extent of his or her intellectual potential. That is why the Indian chiefs are entitled to what they ask for, under Indian law, now statutory, and under the early treaty law—namely, the kind of educational facilities about which so many of them are adamant. If we give the Indian children the kind of educational training for which I am pleading, we shall hold these young people in school, shall develop their potentials, and shall train them in vocational skills.

Let us never forget—and I shall stress it over and over again in this speech on the Tongue Point Indian school proposal—that a large part of this program will be a vocational training program by which we shall seek to train the Indians, to develop in them the necessary skills, so that they can integrate themselves economically into our society.

Mr. President, there is no hope for the integration of the Indians into our society unless they become employable; and there is no chance that they will become employable unless we take care of the special educational needs about which I am speaking in regard to the Indians.

I believe it is laughable to hear any member of the Senate Appropriations Committee talk about opposition to my bill on the ground of segregation, when I am fighting, through this bill, for the educational program that offers the only hope for the integration of these Indian students into our society. Let us not forget that this is not just an ordinary Indian school; this is not Chemawa; this is not any one of the other 18 Indian schools. This is a proposal to deal with special educational problems involving special Indian students.

Mr. President, this is the way to integrate these people. If they are able to attend this kind of a special school, they will develop the skills and the training and the ability required in order to enable them to go out into our society and hold jobs.

What happens to the school dropouts among the Indian students? What does the record show, Mr. President? The record shows that they go back to the reservations, and return to the Indian type of living. That does not make them wage earners; that does not make it possible for them to integrate themselves into the economic life of our society.

That is why I am aghast when I hear members of the Senate Appropriations Committee state that one reason why they opposed my bill was that it would put the Indian students together.

Mr. President, I repeat that as a matter of legislative law and treaty rights, they happen to be entitled to this kind of education. Second, I point out that they need this kind of education so that we can ultimately integrate them into society.

I point out further that the argument of any member of the Committee on Appropriations about segregation falls flat on its face unless we have a recommendation from them to take away the funds for the existing special Indian schools that total, as I recall, 19 in this country, of which Chemawa, located near Salem, Oreg., is one.

I shall have something to say about Chemawa when I reach the part of my speech that relates to the fallacious statements of the Representative from Washington, Mrs. HANSEN, in her action on the House side of knifing of the administration's budget request for the Tongue Point Indian school.

It must, of course, be borne in mind that policy of the Bureau of Indian Affairs is to enroll Indian children in public schools whenever possible. This has long been an objective of the Bureau and for several generations countless Indian young people have done so. Today about 60 percent of all Indian children attend public schools. Many of the remaining children are enrolled in day schools operated by the Indian Bureau on the reservations.

As I have pointed out, however, there are cases of special educational needs that cannot be met either at public schools or at the Bureau's day schools. It is these cases that Tongue Point and the other Indian boarding schools are designed to accommodate.

OUR FEDERAL OBLIGATION TO THE INDIANS

I have long taken the position that we should stop treating Indians as wards of our Nation. I believe our Indian people should be absorbed into our society and should assume the rights and obligations of full citizenship. In furtherance of this objective, I have supported in recent years a number of bills designed to terminate Federal supervision of our Indians. For example, I was a strong supporter of the legislation to terminate Federal supervision of the Indians located in western Oregon. This termination was found in Public Law 588 of the 83d Congress. Also, I supported the Klamath termination act which was adopted in 1954 and perfected by amendments in 1957, 1958, and 1959. To the critics of Indian vocational education schools, I say that I shall continue to support termination of Federal supervision and full integration of Indians into our society. But until the day upon which these fine objectives are accomplished, I intend to do everything I can to support education benefits for our Indian youths so that they can be trained in those skills that will make it possible for them to become integrated into our economic society.

We have a job of education to do among the adult Indians. We must get their support for education. It would be a shocking thing if the Federal Government tried summarily to end Indian reservation rights. I can tell you where we would end up. We would end up in the Supreme Court. And we would take a legal shellacking.

Mr. President, it would be necessary for us—as was done in the two reservation termination bills to which I have just referred—to obtain the consent, the approval, and the cooperation of the tribes themselves.

But, Mr. President, lacking that cooperation and consent, all we would do would be to buy a mass of litigation, going back over many decades of Indian war; and we would lose before the Supreme Court.

I intend to continue to help prepare the Indians for the termination of the reservations, but only so fast as we can place the Indians in a position where the termination will be to their interest and where the Indians will agree to it. In the meantime, I do not intend to sell Indian youths down the river, so to speak. I do not intend to walk out on my Government's obligation to supply facilities, such as the Tongue Point School, to take care of the special educational needs of a large number of our Indian students.

As will be seen before I am through with the speech, the Indian Bureau plans to start out with 1,000 of these young Indian boys and girls, and hopes to enlarge the school within the next few years to take care of 2,000. May I say—and I cannot stress this too much—that the vocational training facilities that can be developed at this school under the administrative jurisdiction of the Indian Bureau do not prevent in the future the inclusion of non-Indians for training within the facility.

Mr. President, that is a way to approach the integration problem. We will find after we get this vocational training program developed that there are a good many non-Indians who can be brought into it. Their needs are almost identical. And they can be treated alongside of the Indian youths. That will be helpful to both groups, in my judgment. It will help prepare both groups for employment.

Earlier today, on an entirely different subject matter, I joined with the Senator from Texas [Mr. YARBOROUGH] in making a plea for the passage of the G.I. educational bill that is sorely needed now in order to save so many of our young men from being drowned in a pool of unemployability as far as their economic life is concerned. For, unless we can give these young people the ability to develop the skills necessary for employment we will be confronted in the next quarter of a century with thousands and thousands of young people in this country that will be unemployable because they cannot meet the problems of an automated age.

This will be a serious problem among our young Indians, too. That is why I am at a complete loss to understand the shortsightedness of the Appropriations Committee. That is why I find it impossible to comprehend the failure on the part of the Appropriations Committee to appropriate the necessary money to carry out President Kennedy's pledge to provide these young Indians with an opportunity to be brought together, as special educational problems, in the type of special training that this special Indian school comprehends.

Our national policy for 150 years or more has been to treat Indians as wards of the Federal Government. Until 1871 we entered into, and solemnly ratified in the Senate, numerous treaties with various Indian tribes from coast to coast. Under those treaties, the Federal Government bound itself to provide certain services and benefits and payments to Indian tribes in return to dispossessing them of their sovereign rights as the original occupants of the territory that became the United States.

Here are only a few of the treaties: Treaty with the Sioux on boundaries, August 19, 1825 (7 Stat. 272); treaty with Creek Nation on claims arbitration, January 8, 1821 (7 Stat. 217); treaty with Nez Perce on fishing rights, June 11, 1855 (12 Stat. 957); treaty with Wyandots on hunting rights, August 3, 1865 (17 Stat. 206); treaty with Cherokees on land allotments, July 8, 1817 (7 Stat. 156). After 1873, no further treaties of this type were entered into. All subsequent rights and obligations relating to Indians are now covered by Federal statutes.

Periodically we hear of the huge settlements that the Federal Government has to make as a result of successful lawsuits that various Indian tribes have brought against the Federal Government on the basis of the allegation that their treaty or statutory rights—rights of wardship—have not been carried out under the full terms and commitments of the Federal Government.

There are many unfortunate pages of American history of which we cannot be very proud, spelling out a rather sordid record from time to time of economic exploitation of Indian tribes. I support the proposition that, as rapidly as possible, we should reach a settlement with the various Indian tribes, under the applicable Indian treaties and agreements, so that all Indians will enjoy the benefits of first-class citizenship and complete equality of rights with the rest of us.

However, we should not forget that we cannot impose integration upon them, and we cannot literally abrogate our treaty and contractual obligations to them. Many of the Indians, particularly of the older generation, want none of the status of integrated equality with the rest of us. They prefer to maintain their rights in accordance with the reservation and wardship obligations which the Federal Government negotiated with their forebears.

The program I am working for when I seek an Indian vocational school at Tongue Point will help get many of the young Indians off the reservation and off the streets and into a school program that will prepare them for lives of successful economic competition with American citizens of all colors.

The controlling question that confronts us is simply this: Is the Government of the United States at the present time doing a good job in fulfilling its commitments and obligations under the treaty and contract relationships with the Indians which are legally binding upon the Government? In my judgment, we should be doing a much better job. Therefore, for as long a time as we continue to be obligated as a Government to carry out wardship obligations to the Indians of the country, I intend to do what I can to help the Indians, and thereby help all of us.

TONGUE POINT INDIAN SCHOOL WOULD FOSTER INTEGRATION

From what I have said already, Mr. President, it should be quite clear that it is definitely not the purpose of the Tongue Point school to separate Indian children from the rest of the community. Quite to the contrary, it is the goal of this school to give these young people the education and training they need in order to live and work as responsible citizens with the rest of the community.

This school and others like it are in the nature of private schools, with curriculums designed to meet the requirements of their special clientele. As many parents find it necessary to determine that their children require special schooling, so the Congress has authorized these programs for particularly handicapped children whose educational needs cannot be met elsewhere.

In order to correct such deficiencies, the fully accredited Indian school at Tongue Point would offer a program of high quality geared to the demands of the modern world and to the particular requirements of the Indian students attending it. While the Tongue Point school would provide for 1,000 to 2,000 students with a basic high school education on a par with schools throughout the United States, it would also be designed to provide much more. It would differ from the traditional public school in that every effort would be made to gear the curriculum offered to meet the specific needs of Indian students functioning in a modern world.

In addition to English language capabilities, emphasis would be placed on mathematics, science, career counseling, physical fitness, the practical arts, vocational training, and social guidance. The fact that the boys and girls would be on the campus 7 days a week for almost an entire year would permit the intensive personal counseling and guidance that day schools seldom can provide. This is the type of program that presents the challenges, opportunities, and experience necessary to enable students to graduate from school and to qualify for further education and training beyond high school.

With graduation from high school as a minimum requirement for each youngster, the acquiring of professional, technical, or vocational skills to facilitate employment beyond high school would become an important goal for these young people. As I shall point out shortly, the facilities at Tongue Point are particularly well adapted for the development of such skills.

In performing this function, the Tongue Point school would serve as an integral part of the Federal Indian high school system. It would provide initially for 1,000 students, and could easily be expanded to include an additional 1,000, thereby greatly reducing costs per pupil.

The Bureau of Indian Affairs assures me that that is exactly what it is planned to do. In fact, it may be possible within perhaps a year to add another thousand students, because the facilities are there to accommodate that many.

It is not intended to serve any particular reservation or area wherein our Indians reside. The students might come from any part of the country.

I shall have more to say about that later in this speech, because that is one of the objections that has been reported to me by some members of the Appropriations Committee, which I think was dredged up by staff members of the Appropriations Committee, for being against my bill. But the fact is that Indian school after Indian school in this country has Indians coming from a long distance. Chemawa in my own State is an example of it, as I shall indicate later.

I say most respectfully that this is my opinion based on my observations and experience. In my judgment, too, many of the decisions of the Appropriations Committee come from the staff members and are underwritten by the members of the committee. The time has come to bring the staff under control and make clear to the staffs of the committees that they do not make policy, and they do not have the prerogative or right to attempt to make policy. The responsibility rests upon the members of the committee.

In the opinion of the Senator from Oregon, that there is developing on too many committees in the Senate too much of a takeover by staff members of policymaking. In the judgment of the Senator from Oregon, he would not be having the problem he is having in connection with this matter if the staff of the Appropriations Committee had not meddled beyond what I consider to be the prerogative of the staff.

Before this session is over, the senior Senator from Oregon intends to make some suggestions for changes in the rules in regard to the conduct of staff members, not only those on the committees, but also those on the floor of the Senate. I have become a little weary of some of the arrogance and insubordination that has been exhibited within the last year, and the last couple of years, on the floor of the Senate by members of the staff. The staff members had better be told, and understand, that they work for the Senators, not the Senators for the staff members. No staff member of the Senate, or of any committee, has any authority, prerogative, or right to undertake policy determining matters.

Each member of every committee, in my opinion, has a duty to see to it that policy decisions are the decisions of Senators, and not of members of the staff.

INDIAN SCHOOLS NEAR POPULATION CENTERS FOSTER INTEGRATION OF INDIAN YOUTHS INTO OUR SOCIETY

It is true that many of the students would have to travel some distance from their homes to attend the school. If the establishment of an Indian boarding school at Tongue Point were an innovation, there might be some merit in exploring the concern expressed by the House Appropriations Committee over the fact that the school will be at a distance from some of the student's homes. But the Tongue Point school proposal is not novel. The Bureau has successfully conducted such schools for many years.

As I mentioned earlier, there are at present 19 of these schools. The Indian Bureau has long operated a highly successful boarding school at Chemawa near Salem, Oreg. It also operates boarding schools in such widely separated States as North Dakota, Kansas, Oklahoma, New Mexico, Arizona, Utah, California and Alaska.

Most of these schools, of course, are designated primarily to serve Indian children in nearby areas. In order, however, to provide certain types of special training or education, or to meet unusual personality problems or family situations, it is frequently necessary to place children in schools at some distance from their homes. In fact, some Eskimo children now travel 1,300 miles from the Arctic coast to Bureau schools in southeast Alaska. Some Navajo children travel 1,100 miles to Oregon to attend the Chemawa School. Other Navajos travel as much as 800 miles to Haskell Institute in Kansas or the Chilocco School in Oklahoma.

Another fact to be recognized in this connection is that most Indians who want career-producing jobs must travel great distances from their reservations. Only a few of the reservations have natural resources sufficient to support their rapidly increasing populations. The students who graduate from Tongue Point would find themselves in the expanding agricultural-industrial complex of the Pacific Northwest. About 3,800,000 people live within a 3,000-mile radius of Tongue Point. Experience at Haskell and other senior Indian schools shows that vocational training graduates ordinarily have no difficulty in getting jobs. Indeed, the Chemawa School in Oregon has a 10-year record of exceptionally successful placement of its graduates.

We must never forget that if our Indian young people intend to break away from the restrictions, the isolations, and the segregation of reservation living, they must travel hundreds of miles from their old homes to take up lifetime careers. The Tongue Point school would be the first step in assimilating these Indian young people into our society so that they can assume first-class citizenship.

Mr. President, a Tongue Point Indian high school will fill a very definite need, a need which is, in fact, rapidly increasing. In the last decade the Indian Bureau has nearly caught up with the fast-growing Indian population's demand for elementary schools. It is now entering a period when high school construction must be greatly increased to accommodate the increasing number of elementary school graduates.

Mr. Nash, Director of the Bureau of Indian Affairs, testifying before the Interior Subcommittee of the Senate Appropriations Committee, described how the Tongue Point school would act to relieve these increasing needs of Indian education when he said:

> There is no getting around the fact that if the home does not have the value of education, is overcrowded and does not have light and heat and a place to study, they are not going to get good results with home living. If there has to be travel to distant boarding schools, we think it ought to be the older children, and, therefore, we are expecting to send the older children to Tongue Point if the committee gives its approval. And this would open up spaces in existing boarding schools close to home for the younger children. And this is the way in which the Tongue Point would favor the total Bureau system.

All of my comments to this point serve to indicate, Mr. President, just how the Tongue Point school will act to meet the grave and growing needs in the education of the Indian youths of this country. If the Tongue Point Indian school is denied the Bureau of Indian Affairs and the Indian community, these compelling needs will still remain. A new Indian high school of the type envisaged for Tongue Point must be constructed some place in the United States. We are not going to deny our Indian young people this educational benefit to which they are entitled.

WHERE SHOULD THIS INDIAN HIGH SCHOOL BE BUILT?

The question to be answered is where such a school will be built. It is my firm conviction that the Tongue Point installation affords an excellent location for this much-needed school, both from the point of view of the Federal Government and from the point of view of the Indian community and the Bureau of Indian Affairs. This view was shared with me by the late President Kennedy before his death and is still shared by Interior Secretary Udall. I am convinced that an appreciation of the excellent opportunity afforded by the Tongue Point facility for the creation of a first-rate Indian school will demonstrate what a grave mistake has been made by the Appropriations Committees of the Senate and the House in failing to support the Tongue Point project.

Now, Mr. President, I wish to discuss briefly the late President Kennedy's visit to Tongue Point and his enthusiastic support of its reactivation after he discovered that the facts I had previously given to him were borne out by what he saw with his own eyes.

THE LATE PRESIDENT KENNEDY'S VISIT TO TONGUE POINT—HIS ENTHUSIASTIC SUPPORT OF ITS REACTIVATION

It was our late beloved President Kennedy who approved the reactivation of the Tongue Point Naval Base when he visited the base on September 27, 1963. The President saw Tongue Point at first hand and he expressed not only surprise, but delight, when he observed a large number of permanent buildings in excellent condition at this installation. It was readily apparent to the President that we have in the Tongue Point installation a fine multipurpose Federal project having scores of years of usefulness.

In his press release of September 27, 1963, the late President made it clear that he desired prompt reactivation of the base for multipurpose use, and he indicated initially his desire that the base be used for a weapons system acquisition management school and a Coast Guard helicopter reserve base. I still recall the President's very wise words when he said at the outset of his press release,

> I have been convinced that it would be more economical and efficient to use these facilities, and the skills available in the area, than to build new ones elsewhere.

On the return trip from Tongue Point to Tacoma, Interior Secretary Udall, who accompanied the presidential party on the visit to Tongue Point, pleased me very much when he stated to the President that he was very favorably impressed with the Tongue Point facilities, and that in view of its fine potential for Federal use, he planned, upon his return to Washington, to recommend to his assistants that they look into the possibility of using Tongue Point for a contemplated project of the Interior Department. That project turned out to be the proposed new Indian high school that is included in the budget now under consideration by the Senate.

How well I remember the conversation that took place between President Kennedy, Secretary Udall and myself on that trip from Tongue Point to Tacoma, when the President—talking with the Secretary and with me about the use of this facility for such an Indian school as Secretary Udall had suggested—made it very clear to Secretary Udall that he wished him to proceed immediately with a study of it. He told Secretary Udall that he had appointed Ralph Dungan of the White House staff as his special aid to work with me to find a Federal use for Tongue Point.

President Kennedy, some months before his visit to Tongue Point, had appointed Ralph Dungan as his special aid to work with me on Tongue Point, and had notified the General Services Administration that they should stop the proceedings which called for a sale of the facility. He had made it very clear that on the basis of the study already made, subject only to his final confirmation after his personal inspection, he thought Tongue Point should be reactivated and put to Federal use.

During that summer, pending his trip to Tongue Point in September, the President personally issued the order which stopped the General Services Administration from proceeding with the sale of the facility under the surplus property act.

I know how close to the heart of the President this particular project was. On more than one occasion the President told me that he thought the State of Oregon was entitled to the use of the facility as I had recommended, and wanted me to know that he would do what he could to see to it that it was used.

The President was greatly concerned about the poverty pocket in Astoria, Oreg. He discussed it with me several times. In the next to the last conference I had with President Kennedy, we talked at some length about this facility and the recommendation of Secretary Udall that it be used for this special Indian school.

The President, who used to serve on the committee in the Senate which handled our educational problems, and who was one of my greatest strengths in working as chairman of the Subcommittee on Education, demonstrated time and time again, as a Senator, his interest in Indian education. In the next to the last conference we had he was particularly concerned about the information he had received, as he said, "which completely squares with and verifies the information you have given me concerning the economically depressed condition of the Astoria area."

In that conference he was very much concerned about putting Tongue Point to an economic use to help alleviate the plight of the economic depression that is coming to characterize Astoria, Oreg.

We had an opportunity to do something for the deepest pocket of economic depression and poverty in the United States. The Appropriations Committee of the Senate, as a part of its alibi for not approving this program, which was close to the heart of President Kennedy, has something to say about maintenance costs. I shall come to that in some detail later in this speech.

I wonder if the Appropriations Committee is concerned about maintenance costs in West Virginia, in Appalachia, and in other areas where we know we have a clear obligation to go in and help to install facilities, installations and programs which will retrain people and provide jobs. Even if the committee were right as to the maintenance cost—and it is dead wrong—we have a clear duty to go into this poverty pocket and do something to provide the facilities, the income and the economic resources that will help alleviate the worst economic conditions in that part of my State.

We do not find the Appropriations Committee becoming very much excited and concerned about voting hundreds of millions of dollars for depressed areas around the world, in what in many instances amounts to more or less a wasteful program of foreign aid. But when we come to depressed areas in the United States, we encounter the kind of foolish argument that we are getting from the Appropriations Committee in regard to the problems of this poverty pocket and this depressed area in our own country. They cannot justify it.

I am making this record tonight to express at least one Senator's complete and thorough disagreement with the policies of the Appropriations Committee, not only with respect to this mistake, which they have made, but also, in my judgment, with respect to many other mistakes that they are making in the handling of taxpayers' dollars for some projects to which funds are being appropriated.

In order that the Senate may have complete background information on the considerations that led up to the plan to reactivate this facility, I ask unanimous consent that the President's press release of September 27, 1963, and portions of my newsletter of October 7, 1963, be included in the RECORD at this point in my remarks.

There being no objection, the news release and newsletter were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

For some time I have been concerned over the failure of the Federal Government to make use of the excellent facilities available at Tongue Point. On the basis of my talks with Senator MORSE and reports by the appropriate officials, I have been convinced that it would be more economical and efficient to use these facilities, and the skills available in the area, than to build new ones elsewhere.

The best first step in reactivating this facility appears to be multipurpose use. It is, therefore, a pleasure to be able to tell you that both the Department of Defense and the Coast Guard will shortly initiate activities here.

Early next year the Department of Defense will establish a Weapon System Acquisition Management School here at Tongue Point. This school will be jointly staffed by our military departments and will provide training for senior civilian personnel and senior military officers for all the services and the Defense Department.

Shortly after this training activity begins, the Coast Guard will establish a helicopter rescue base here.

Both agencies will soon begin their planning in cooperation with the General Services Administration.

I am particularly happy to make this announcement—not only because it will enable the Government to put to effective use part of an excellent facility in which many millions of dollars have been invested over a period of years—but also because it will bring to Astoria economic benefits your community sorely needs.

The establishment of these activities at Tongue Point is a fortunate concurrence of efficient Federal use of facilities and of local needs. It is in no small way a tribute to the alertness and persistence of your senior Senator, WAYNE MORSE. His deep awareness of the interests of the people of Astoria—and of Oregon—and his strong advocacy of efficient Government operations are, I am sure, well known here in Oregon.

Our long efforts to bring Tongue Point back to life have shown again the necessity for persistent attention to economy in Government. Anyone who has seen Tongue Point—as I have today—knows that it makes little sense to build new facilities for new or expanded Federal activities when existing, but unused, installations can be modified to meet the need.

With this in mind, I have instructed the Director of the Bureau of the Budget to take whatever steps may be necessary to make certain that this kind of choice is made systematically and objectively—with economy and efficiency as the standards.

Again, I want you to know how delighted I am that part of Tongue Point will soon be reactivated, and I can assure you that we shall continue our efforts to take advantage of the full potential of this installation.

SENATOR MORSE REPORTS

OCTOBER 7, 1963.

DEAR FRIEND: On September 27, President Kennedy visited Tongue Point, near Astoria, and announced the renewal of Federal activities at the former naval base.

The Weapon System Acquisition Management School and the Coast Guard Helicopter Rescue Base will not, of course, come anywhere near making full use of the available facilities. However, the President has made clear that Tongue Point is to be reactivated on a multiuse basis. It is the plan to locate at Tongue Point additional Federal activities just as rapidly as the various agencies and departments find that they have need for any of its facilities.

President Kennedy made clear such a policy when he stated: "I can assure you that we shall continue our efforts to take advantage of the full potential of this installation."

I have been assured that both the General Services Administration and the Bureau of the Budget have been instructed to work to this end. Mr. Ralph Dungan, White House aid to the President, acting under instructions from the President, has been working on the Tongue Point reactivation problem for many months. We are all greatly indebted to Mr. Dungan for his very effective work in response to the representations I have made to the White House on the behalf of the Oregon delegation in respect to reactivation of Tongue Point.

The most important immediate effect of the President's action is that Tongue Point has been saved from being dismantled, its buildings razed, its equipment sold for salvage prices, and the real estate divided up and sold for much less than a fair return to the taxpayers. We who opposed the junking of Tongue Point pressed upon the President and his advisers the importance of retaining it as a Federal facility. This does not foreclose future lease arrangements for use of some portion of the property by Oregon municipal, county, or State governments; nor does it exclude the possibility of lease arrangements with private industry for use of portions of the facility consistent with Federal use of other portions.

The American taxpayers have more than $14 million invested in this facility. What I have sought to do in my endeavor to save it as a Federal installation has been to protect that economic interest, and by so doing, provide the best assurance to the people and business interests of Oregon and the Astoria area that Tongue Point would be put to such uses as would maximize the economic contribution of the facility to the economy of the area and of the State.

The decision to reactivate Tongue Point for multipurpose Federal use does not mean that overnight, or within the next few weeks or months, Tongue Point is going to be teeming with Federal activity and personnel. It will take time to establish new Federal activities there. But the important thing is that it has been saved for Federal uses. In due course of time, it once again can become an important economic asset to our State, far in excess of any economic return that would have resulted from any of the proposed private projects or uses for the property that were proposed prior to the President's visit.

Speaking for myself, I am very encouraged about the economic potential of Tongue Point. Mr. Harry Swanson, who served as chairman of the local committee of Astoria businessmen, made a very effective statement to the President. He pointed out the varied and manifold facilities that were available, including the docks, warehouses, harbor advantages, extensive housing, administration buildings, shop repair facilities, potential stone quarry and all the other economic advantages of Tongue Point. Mr. Swanson also submitted to the President a memorandum brief which was very effectively prepared. The President read it, and turned it over to one of his aids with instructions that it be given to Mr. Ralph Dungan for his careful consideration.

President Kennedy spoke very favorably about the brief. I want to thank most sincerely Mr. Swanson and his committee for the splendid cooperation they extended to us on the inspection tour of Tongue Point. Their efforts were very helpful to me in presenting my case on behalf of Tongue Point to the President.

We also discussed Mr. Swanson's memorandum after we got back into the helicopter, following the President's visit. Secretary of the Interior Udall pleased me very much by stating to the President that he was very favorably impressed with the Tongue Point facility. In fact, he said, he had no idea that it had such fine potential for Federal use.

Secretary Udall expressed interest in part of the facility for possible use in a contemplated project of the Interior Department. He advised the President and me that when he got back to Washington he was going to recommend to his assistants that they look into the possibility of using Tongue Point for this particular project.

In conclusion, I express thanks again to Senator Neuberger, Congresswoman Edith Green, Congressman Ullman, and Congressman Duncan for the wonderful and cooperative assistance they have given me throughout the many months in which I have made repeated representations to the White House on behalf of Tongue Point. This is but another example of the close cooperation that prevails among the Democrats on the Oregon delegation whenever any matter involving the interests of Oregon is presented to it.

Sincerely,

Wayne Morse.

Mr. MORSE. Mr. President, the facilities of this 81-acre Tongue Point installation are not temporary wartime structures. They are not World War II barracks. They include buildings that were made to last indefinitely. They are attractive and ideally situated for an educational institution.

I wish the Record to show that there is at the desk of the Senator from Oregon, for inspection by his colleagues, a series of pictures of the Tongue Point facility.

These are buildings that, if they stood on Constitution Avenue or Pennsylvania Avenue or on the Mall, or anywhere else in Washington, D.C., would not be in the slightest degree inferior for Federal use to the buildings in which we are already housing facilities of the Federal Government.

The hospital facility is one of the finest physical hospital plants in that area of the country. It is true that the equipment has been removed. However, with the equipment put back in this facility, I say most respectfully that the hospital could be used.

I ask Senators to take a look at the photographs which are at my desk. This is a fine hospital. It could be used to help the program for the Indians of this country. It is made to order.

If we do not stop the Committee on Appropriations in its handling of the Tongue Point facility, I forewarn tonight that we shall end up with this facility being junked or salvaged for a few cents on the dollar. That is the kind of wasteful action the Committee on Appropriations is preparing for in connection with the Tongue Point project.

I am only pleading that we stop the shortsightedness of the Senate Committee on Appropriations in regard to this facility, that we put it to the use Presiden Kennedy envisioned and make it one of the great centers, not only for Indian education or Indian vocational training, but also for Indian health services, because the facilities are there.

A new Indian high school, of the type envisioned for Tongue Point, must be constructed somewhere in the United States. It will be constructed somewhere in the near future. I know that Members of the Senate, of both parties, are genuinely interested in economy in our Federal budget. So am I. From that standpoint, we cannot afford to bypass the use of this ideal base for the Indian school that has been proposed in the administration's budget.

TONGUE POINT IDEALLY SUITED FOR INDIAN HIGH SCHOOL PURPOSES

The important thing to remember is that many of the facilities needed in a boarding school are already constructed and in operating condition at Tongue Point. Thus, by converting the Tongue Point installation to such a school, some of the initial expense of providing a similar educational facility elsewhere could be saved.

For instance, two buildings, one the former bachelor officers' quarters and the other the former enlisted men's barracks, could provide some of the needed dormitory space. These are permanent, attractive brick buildings. An existing kitchen-dining hall could be equipped and reactivated for the student feeding programs.

The utility systems are in place and while requiring some repair work, are adequate in size to serve the total needs of the school. In fact, I was very much impressed by the following statistics contained in the General Administration's brochure on Tongue Point. It states:

> Utilities: Steam generation—central heating plant with six oil-fired boilers, capacity of 60,000 pounds steam per hour at 100-pounds-per-square-inch pressure in distribution. The water system * * * consists of the lines and mains, two 400,000 gallon steel storage tanks and related facilities. Sewage disposal—modern sanitary and storm sewage disposal system, designed to accommodate a population of about 2,500.

Two hangars on the site are in good condition and could be used for practical art shops, storage area, and for indoor play.

I have spoken with vocational educational experts who have inspected the facilities, and they say it is almost unbelievable that such fine, excellent facilities could be available for the use of vocational educational training.

To the nucleus of existing buildings, a new classroom building containing all of the spaces outlined previously would be provided. Two additional dormitories, each providing space for 168 girl students, would be constructed also. The 500 boys and the 168 of the 500 girls who would be initially attending the school would be taken care of by using the bachelor officers' quarters and the enlisted men's barracks for dormitories, as previously stated.

Housing for teaching and operating personnel is available at the base and would require a minimum of expenditure to be placed in fine condition. On the hillside overlooking the base are more than a hundred homes, some duplex, some fourplex, consisting of two-bedroom units and a few three-bedroom units. These have been kept in excellent condition during the custodianship of the General Services Administration, and the nucleus of fine family community is at hand within easy walking distance of the school. These are attractive homes and would be very much desired by administration and school personnel.

Mr. President, if this facility is sold for any such giveaway price as that for which a group of Oregon businessmen tried to get it by way of a political steal, I will tell you what will happen to those homes. They will be junked. They will be salvaged; they will be torn down. I cannot imagine a more inexcusable economic waste involving this excellent permanent institution.

That is what President Kennedy came to understand. I hope that personal remark will be understood, but I shall always cherish it. President Kennedy expressed to me his deep personal thanks and gratitude for the fact that I made this fight and stopped the sale of Tongue Point. I demonstrated its illegality, and when I did so, the President ordered the General Services Administration to desist from its plans to sell it and to desist from any attempt to remove the illegality by proposing some other form of sale.

In his conversations with me, the President said I had saved a great sum of money for the taxpayers of the country, and that I had offered a program for Federal activity that was sorely needed in an area that he had come to recognize as being a seriously depressed one.

Tongue Point contains an extremely attractive permanent brick hospital which was used during the naval base period as a medical and dental clinic. This building would do justice to any community as a hospital facility and when supplied with the essential hospital furnishings and equipment, it could serve not only the Tongue Point Indian School, but could be put to use by the Bureau in furtherance of medical, hospital and health assistance for our Indians. This remarkable building is far too valuable to be permitted to stand idle or be junked.

Moreover, the Tongue Point facility is particularly well adapted to programs for developing vocational skills. In this connection the announcement in the Tongue Point project brochure prepared by GSA on the subject of shop facilities is especially interesting. The brochure points out that there are three shop facility buildings totaling nearly 70,000 square feet, steam heated, with electrical service and plumbing.

It is conceivable that under the poverty program, which the Congress will soon consider, students at the Tongue Point school will be able to undertake extracurricular activities to develop vocational skills. For example, we have a built-in laboratory on the base itself which will provide an opportunity for full development of skills in forestry management, timber harvesting and conceivably, the manufacture of this timber into wood products. According to the latest estimates there are approximately 10,089,000 gross feet of timber on the Tongue Point Base, which would be within the jurisdiction of the Bureau of Indian Affairs. Under proper forest management, this timber could be harvested. Some of it could be used in vocational activities at the school.

Listen again to what this great asset consists of in quantity. Ten million eighty-nine thousand gross feet of timber was a part of the scheme to sell this facility for the paltry sum of $950,000. I did not make some people in Oregon very happy because I stopped that sale. I have learned some interesting lessons in this fight. The number of people who were involved represented an infinitesimal fraction of 1 percent. But I never would have believed that there were so many people in Oregon who apparently had yielded to the temptation to take while the taking was good. That was very disappointing to me.

Nineteen hundred and forty-six was the year when the Morse formula first came into existence. That is a formula which involves the regulation of surplus property. In case after case, I have opposed the disposition of surplus property either for nothing or for a small fractional part of its market value. When I first came to the Senate in 1945, I became greatly disturbed by the number of bills that were dropped into the hopper by Senators and Representatives who were seeking to obtain for their constituents, constituent groups, or local governmental agencies and organizations surplus Federal property for nothing.

As the RECORD will show, I said at that time, and I have said in all the years since then, that all the taxpayers of the country were entitled to a fair return for the sale of surplus Federal property. In this fight concerning Tongue Point, I pointed out to the people of my State that they did not own Tongue Point. Tongue Point belongs to all the taxpayers of the country. I said that I had a duty as a U.S. Senator to do what I could to protect the economic interests of all the taxpayers of the country and that I had no right to sit in the Senate and permit, without protest, an attempt to commit what I call a stealing of public property at Tongue Point by a payment far below what would have been a fair payment.

Not only was I concerned about the payment that was offered, Mr. President; I was also concerned about the use to which the property would have been put if it had been bought. For in that proposed deal there was no safeguard or assurance that the property would be put to an economically productive use—nothing that would have prevented the purchasers from proceeding to salvage, scuttle, and sell for junk prices these wonderful facilities.

The Astoria area needs employment; it needs income; it needs stimulation of its economy. But junking the facility would not have provided them.

There was some talk by some of the editors—based upon a completely false assumption—to the effect that the proposed purchasers would use the facility for private industry. However, there was no proposal or commitment for its use for private industry.

I say now, as I said then, that if we cannot find a suitable Federal use for the Tongue Point facility and if the Appropriations Committee continues to do what it can to deny me the fair treatment to which I think I am entitled, in regard to putting the Tonge Point facility to an appropriate Federal use, then, of course, I shall do anything I can to help turn the facility over to a private industry enterprise—although, Mr. President, not unless we can have some commitment and some guarantee that the facility will be used to expand the economy of the area, not to make a "quick buck" for a few salvagers and economic scavengers who might be able to get title to the property. I shall continue to fight against such use of the facility; and it is very sad that I have not had the assistance of the Senate Appropriations Committee. What a remarkable position the Senate Appropriations Committee has taken in regard to alleged economic reasons for denying funds to the program which was approved by President Kennedy, and which I have fought so hard to bring about.

I wish to say again to the people of my State and I wish to say again to the businessmen of the Astoria area that if we cannot get a Federal use for this facility, or if we cannot get a combined Federal-State use for it, or if we cannot get a State use for it, I shall continue to be willing to do what I can to help get the facility turned over to private industry—but to private industry, for use as a place at which to expand our economy and to create jobs and wealth for this economically depressed area of my State. So long as I can prevent it, I shall never give support to a sale of this property for salvage purposes.

It is also important to bear in mind that the Tongue Point installation offers unusual opportunities for expansion and diversification of the Bureau's educational services at low future costs. This is highly important, because in the future there will be demands to provide Indian high school students with more extensive vocational and academic training.

Up to this point, I have dealt primarily with the facilities necessary for educating 1,000 high school students. It would, in fact, be feasible at a later date to expand this school by another 1,000 students, without doubling the cost of construction.

This would be possible because the basic utility systems and housing units would not be utilized to full capacity with 1,000 pupils. Tongue Point has a large number of units for family living, ranging from one bedroom to three bedroom suites. Only 120 units would be needed to house teachers and other staff members for the initial 1,000 pupil enrollment. The remainder of the living accommodations could be remodeled, to provide cottage-type quarters for older married Indians or single Indians, who could receive experience in community living, as well as vocational training, high school, or even college level instruction. College instruction would be possible because of the presence in Astoria of a fully accredited community college which offers 2 years of college level work.

If the Bureau's plan for an additional 1,000 students were followed, the construction costs of the Tongue Point installation would be reduced by $1,000 per pupil. With a greatly decreased per-pupil cost of construction and modest increases in operation and maintenance costs, the Tongue Point facility could be expanded to a 2,000-pupil school.

The Bureau of Indian Affairs has demonstrated its ability to adapt its programs to successfully utilize such abandoned military installations for educational purposes. The Bureau operates two such installations now—the Mount Edgecumbe School at Sitka, Alaska; and the Intermountain School, at Brigham City, Utah. Both were built as World War II facilities.

So, Mr. President, there is nothing new in my proposal; it is only for a needed expansion of an Indian Bureau program which has been in existence for a long time. The trouble is that we have not helped the Indian Bureau keep up with the need.

TAXPAYER SAVINGS THROUGH USE OF TONGUE POINT FOR INDIAN HIGH SCHOOL

Mr. President, at this time I wish to say a few words about the savings for the taxpayers by means of the use of the Tongue Point facility for an Indian high school.

Just as important as these considerations of the suitability of the Tongue Point installation for use as an Indian boarding school, however, is the question of the costs involved in the project. It is my firm conviction that the utilization of the Tongue Point station by the Bureau of Indian Affairs would result in a net saving, over the cost of construction of an entirely new school at any location.

In denying the administration's budget request for funds for the Tongue Point Indian school project, the House Appropriations Committee cited two reasons for its adverse action. The first of these was that "the initial savings expected, compared with all new construction, would soon be offset by excessive annual operation and maintenance costs." The second concerned the advisability of "relocating the Indian students to this location, far removed from their homes."

I have already pointed out that the practice of relocating students is not new for the Bureau of Indian Affairs, that it has never in the past presented problems to Indian students, and that it is a necessity for the economic and social assimilation of these young people.

I wish now to speak to the first of these objections to the Tongue Point project: namely, that the initial savings in converting the station would soon be offset by excessive operation and maintenance costs. After careful study of the economics of this project, I am firmly convinced that the very large initial savings would, in fact, not be offset by operation and maintenance costs. On the contrary, there is strong evidence that the conversion of Tongue Point to an Indian school would mean a net saving to the Federal Government and to the taxpayers of this country.

Let me make one further point in regard to the matter of cost, which was completely overlooked by the Appropriations Committee. This is a huge installation. It is not contemplated that the installation will be limited in use to an Indian school. It never was President Kennedy's intention that it should be limited to use as an Indian school. It was President Kennedy's intention that only those parts of the facility needed for an Indian school would be used for an Indian school.

Some Government agency must be given administrative jurisdiction over the facility. It was the decision of President Kennedy that the administration of the facility should be turned over to the Bureau of Indian Affairs, that it would not be sound administrative policy to have part of the facility administered by the Bureau of Indian Affairs and another part of the facility administered by some other agency.

Once the Indian school is located there, there still will remain other facilities that could be used for other Government purposes—for example, the dock facility. There are defense facilities, helicopter facilities, and the so-called marine rescue squad facilities. There are certain uses by the Coast Guard to which this facility still can be put. When we talk about the maintenance cost, we must figure on the savings to the Federal Government that will accrue from a totality of the use of the facility. All the Appropriations Committee did was to limit itself to a consideration of the school—and it was wrong on that.

I point out that the objective of the reactivation of Tongue Point, and what the President had in mind, was eventually—within the next few years—to put the total facility to various Federal uses.

Despite the convincing evidence of taxpayer savings and ideal educational opportunities to be afforded through the use of Tongue Point as the site of the new Indian school, the project was attacked by Representative JULIA BUTLER HANSEN, of Washington, and Representative BEN REIFEL, of South Dakota, in the House Appropriations Subcommittee.

They talked about costs in this fashion:

> Mr. REIFEL. * * * Why can't we here again take a different look at this business and put some dormitories in a place where there are jobs, where there are some good high schools, cooperate with the school board and take these Indian children in? Do we have any cost studies which would show what the cost per pupil would be in a place like that?

I have pointed out that these Indian children cannot be placed in a public school. That fact has been completely overlooked. As I stated earlier, we are dealing with special students that have special educational needs. Many of them have already been unable to adjust to public schools. They need further training in the English language. They need training in a different curriculum in order to place them in a position in which they can integrate into our society on an economic basis.

Reading further, Mr. Nash, the Director of the Bureau of Indian Affairs said:

> Mr. NASH. We have our cost experience in the dormitory program around the Navajo Reservation where we are operating seven dormitories and where we are paying 100 percent of the education costs. Those are younger children, are they not, Mrs. Thompson? How many of these go to high school?
>
> Mrs. THOMPSON. About half of them go to high school.
>
> Mr. NASH. What is our cost experience?
>
> Mrs. THOMPSON. Our cost experience, Congressman REIFEL, is that it costs as much and more in some of the schools especially in the higher grades or where they are carrying on strictly a high school program, than the cost in our own schools.
>
> Mr. REIFEL. Even if it costs more—this is the thing I am getting at—here we have a child for whom we want some experiences that will fit him into our society. If we take one off of the plains of the Dakotas or the Navajo country and take them even to a place like this, again they are segregated out to one side and out away from I don't know how far from a town, 25 or 30 miles?
>
> Mr. NASH. No. It is right on the edge of Astoria, which is a community of about 15,000 people.
>
> Mr. REIFEL. Having had some boarding-school experiences as a child, one is out there, still not a part of the community. It seems to me if you had a dormitory in Chicago, let's say, which is where some of these kids are going to go, and work out something with the school board so those kids could go to whatever school seemed to meet their needs—here are all kinds of schools. Vocational training, art instruction, and fields in which there is an interest, aptitudes, and demand for the developed skill.
>
> You would have a wide choice. Even if it did cost more, you would have a wide choice. Once you got through if you didn't need it any longer, all you would have is an investment in the dormitory. I would think the cost experiences should be looked into. I am not concerned about what the Government is paying for that building out there. Dry it up. Do with it whatever seems otherwise appropriate but don't use the Indian kids as a reason for this sort of thing. If this is to save the Defense Department, or whoever has it, let them take care of it some other way. Don't use the Indian kids for this. Put up a dormitory to take care of the need. It doesn't make any difference what city it is. It seems to me much better than continuing this business of isolation. I think you ought to study those experiences costs you have had. If it is 10 percent more, still it seems to me the important thing is to be concerned about the education of the Indian children.
>
> Mrs. HANSEN. I want to agree with Mr. REIFEL.

Unbelievable. Two Members of Congress are flying directly in the face of decades of experience with the type of children that are involved in this bill. These are special Indian students. There is talk of putting them in Chicago. We would have to put many of them in juvenile delinquent institutions in short order.

These are Indian students, most of whom cannot even speak the English language. They have dropped out of school. Many of them have been tried in the public schools.

I say to the two Members of the House of Representatives that they are completely overlooking the fact that this type of program exists in some 19 other schools. Are they worried about transporting these children long distances? The Bureau of Indian Affairs has been doing it for decades. Why would I challenge the woman Member of Congress from my part of the country? Her position on this question is beyond the pale of understanding.

I received a letter from her. She said:

> I have many concerns relative to Indian schools and the affairs of our Indian people. In an era of desegregation for our public school systems, I think we should begin to move in this direction also for the oldest Americans of us all.

I speak most respectfully. But by that statement she shows that she is not even aware of Indian law. She is not even aware of our commitments under the old treaties, and the many Indian statutes since 1873. I am surprised that she would raise the desegregation issue in connection with the legal obligation of the Government of the United States to provide Indian children an education in keeping with legal commitments made by our Government over the years. She can walk out on Indian law, but the senior Senator from Oregon has no intention of doing so.

I say to both Mr. REIFEL and Mrs. HANSEN that from their testimony they apparently are not concerned with the question of costs involved in any project so long as the interests of Indian young people are served.

I could not agree more with that, although, let me say for the benefit of members of the Interior Committee, the costs are not to the disadvantage of the Federal Government. But I say to my two colleagues in the House, Mr. REIFEL and Mrs. HANSEN, that the education programs they are recommending for the Indian children are based on a lack of understanding of the need of the particular students we are talking about for training in this school program.

Mrs. HANSEN had some other interesting observations in her letter to me:

> The second thing that concerned me about Tongue Point was the contrast in climate between the arid Southwest and our Pacific Northwest as it would affect these transplanted young people. Frankly, I questioned their happiness and welfare as I also would question any white child's happiness and welfare.
>
> No one knows better than I how Astoria needs help but it seems to me that the location of Tongue Point on our magnificent river and so close to Astoria's splendid harbor would lend itself ideally to a Department of Fisheries laboratory, an Oceanographic laboratory, a Geological Survey laboratory, a Geodetic Survey laboratory, or any number of related marine activities which would be of enormous benefit both to your State and mine.

That is an old escape technique—proceed to knife and scuttle a project, and then try to smooth it over by saying: "I think there are some other uses to which the project can be put."

For the benefit of Mrs. HANSEN, let me say that some of the uses to which she refers can still be adopted in the wharf and dock and marine facilities of the Tongue Point project that will not be used by an Indian school. So that part of her argument is entirely irrelevant to the Indian school issue.

But one of the most remarkable observations of Mrs. HANSEN's comments is about the climate. She comes from Cathlamet, Wash. During the war thousands of American boys from all over the country were located at Tongue Point, and a good many of them sought to stay there after they got out of the service, until they saw there was not an economic opportunity to stay, although some of them stayed and are still struggling on.

If I ever heard a non sequitur argument, it is Representative HANSEN's argument about the climate. It happens to be a wonderful climate. There are Indian children at boarding schools from the arid area of the country in that climate, and they love it. If I ever heard a subjective, emotional, escapism argument, it is that of the Representative from Cathlamet, Wash., up river from Astoria.

I hope the Chamber of Commerce of Cathlamet, Wash., has taken note. It is one of the most beautiful sections of our Nation. To argue that Indian boys and girls would not be happy if they were brought into an area where it rains once in a while is beyond me. There are many Navajos, there are many Indian boys and girls from all over the arid parts of our country, at Chemawa. I visited Chemawa. We Oregonians are called Webfeet. The Indian boys and girls love to be called Webfeet. That is their response to Representative HANSEN, about the rain.

She showed her hand with that argument. As I said to her in a communication, her objective was to scuttle my bill; and I hope her constituency will take note of it.

She goes on to say in her letter:

> I feel that the maintenance costs for Tongue Point as an Indian school are going to be increasingly rising and will, over the years, be larger than the maintenance costs for a school specifically designed for educational purposes.

She could not be more wrong.

She continues:

> I reiterate, I think the answer for the long-range future of Indian education is in more and better public schools and access to these schools by more and better roads and I know that you, as a longtime friend of education, join with me in wanting only the very best type of program for the Indian child.

I reply to Representative HANSEN that I want the best program for the Indian children, educationally speaking, but her program will not do it. Her program would discriminate against the opportunity of special Indian students who need the special training we seek to give them in Indian schools.

If she wants to talk about discrimination, let me say that the program of Representative HANSEN is a program of discrimination, because it denies to Indian boys and girls the help they sorely need.

I am keenly disappointed that Representative HANSEN has permitted herself to be used in support of a program that will discriminate against the opportunity that these Indian boys and girls need.

I wonder if Mrs. HANSEN would oppose a school in Washington. Mark my word, Mr. President, if the Appropriations Committee gets by with killing this school at Tongue Point, the drive will be on to place the school in some other State in that area, and that drive will include the State of Washington. I wonder what Mrs. HANSEN will say then.

It is a sorry thing, when there is a need for so many facilities in every State in the West, that my State is to receive the singular treatment that the Appropriations Committee has been giving it in recent years in regard to the expenditure of Federal dollars.

I never have asked, and I never will ask, for a project for my State that is not meritorious; but I am entitled to, and I shall fight for, fair treatment for my State from the Appropriations Committee and every other committee of the Senate whenever I encounter the kind of unfair policy I am encountering in connection with this project, and some of the projects of the past.

Yet, with all due respect, I must ask why is the House Appropriations Committee in its report objecting to the Tongue Point project primarily on the question of cost? Why did this committee, after observing the statements I have just quoted, object to the Tongue Point school on the basis of cost consideration, when President Kennedy, Mr. Udall and, as we shall see, many members of the Indian community have stated that Tongue Point is an ideal location for this school, when the immediate vicinity of Tongue Point is a depressed area in great need of Federal investment, and when, in fact, there is strong evidence that the Tongue Point school will mean a savings to the Government? Why is it that in such an unlikely spot as Chicago, cost is an irrelevant matter, while in such an excellent location as Tongue Point, the mere suggestion that there might be additional costs involved—even though there is strong evidence that the opposite is true—is the controlling factor?

I turn now to the evidence that the establishment of this school at Tongue Point would, in fact, mean a net savings to the Government.

The cost of remodeling and construction to convert some of the fine facilities at Tongue Point into a school for 1,000 Indian young people will be about $5 million, or a cost of $5,000 per pupil. The cost of an entirely new school at a new, unimproved location would be from $7,500 to $20,000 per pupil, depending on the location. For example, Commissioner Nash of the Bureau of Indian Affairs pointed out that in Alaska the cost of an entirely new Indian school could amount to as much as $20,000 per pupil. In testimony before the Senate Appropriation Subcommittee Mr. Nash said:

> We have a good many facilities that run as high as $7,500 and when you get into Alaska, where construction costs run about 2½ times as high, you have to go up as high as $20,000 a seat-bed. But I think a minimum of $7,500 would be your most comparable figure for new construction in the Southwest.

Let me say something about the project in the Alaskan school. I am for it. In spite of the unfair treatment I am receiving from the Appropriations Committee, I am for it. I have no intention of opposing a program of a member of that committee seeking to get a needed Indian school in Alaska.

The cost of that school in Alaska per seat-bed will be several times the cost of $5,000 per seat-bed at Tongue Point. Let us keep our eyes on the Appropriations Committee, because it will be only a matter of time before they will approve the school for Alaska, which goes back to the early criticism of this committee which I made at the beginning of my speech.

I have no doubt what the result would be, if someone from Oregon were on the Appropriations Committee. I know exactly the implication of what I have said; but I know the treatment I have received, too.

Mr. President, I am for putting an Indian school where it is needed. I have gone into the Alaskan situation, and I am satisfied that the Senators from Alaska are entitled to an Indian school in Alaska because the Indians need it. But, do not talk to me about cost, because as Commissioner Nash has pointed out, it can very well go up to $20,000 per seat-bed.

Of course, the higher costs in Alaska are attributable to the added costs of transportation of materials and supplies, higher labor costs, and the type of construction required due to the severity of the climate, but they certainly stand in stark contrast to the per pupil cost of $5,000, or possibly $4,000, at the Tongue Point base.

The Tongue Point school would entail a savings to the Federal Government, at the lowest estimate in initial construction costs, of $2,500,000, or $2,500 per pupil.

Economy in the cost of construction at Tongue Point was emphasized by Commissioner Nash in his February 21, 1964, testimony before the Senate Appropriations Subcommittee. In answer to Senator HAYDEN's question, "How much more would this high school cost if you were to build it as a new facility?" Mr. Nash answered, in part:

> I think a minimum of $7,500 would be your most comparable figure for new construction in the Southwest.

And in answer to Senator BARTLETT's question relative to the cost of constructing a new high school in the Tongue Point area, the Commissioner said:

> I would say that you could not expect to build there new for less than $7,500 per seat-bed.

In other words, for a thousand-child school, $7.5 million instead of $5 million.

Even this estimate of an original savings of $2.5 million, however, is conservative. Secretary of the Interior Udall, in his letter to the Appropriations Committees of both Houses in December of 1963, urging the appropriation of funds for the Tongue Point project, estimated "that a savings of approximately $3 million in construction costs could be made over the construction of a completely new high school plant." Also, as I mentioned earlier, the future expansion of the Tongue Point school to 2,000 students would lower the initial cost per pupil by an additional $1,000, from $5,000 to $4,000, or close to one-half of the per-pupil cost of an entirely new school.

I digress for a moment to point out that when we come to cost accounting, we must take into account the advantage to the Federal Government by way of financial savings which will accrue from an ultimate total use of the facility by other Government agencies as well as by the Bureau of Indian Affairs.

The Bureau of Indian Affairs will become the administrator of the entire facility, but the savings which will accrue to the Federal Government as a result of the total use of the property must be taken into account when we come to figure the cost of the Indian school, because the Federal Government will be saved great sums of money by total use of the facility.

As we save the Federal Government money from a total use of the facility, some credit, as we know, in cost accounting, necessarily should accrue to the Indian Bureau as a result of its administration. Then, too, there are some other facilities from which some revenue will be obtained, separate and distinct from the use of the facility either for Indian school purposes, or for defense purposes.

It is not possible to say when, if ever; but the information I have received is that the material will be used in that part of the area in which exceptionally valuable highway stone is located. It may very well bring in income to the Federal Government, from an outright sale, or on a lease-use basis which will accrue to the financial benefit of the Government.

Not only that, but I point out also that there are other facilities, such as the forests, which, under sustained yield care will produce some revenue to the taxpayers of this country, as this is kept as a Federal facility, and will be a part of our forest domain.

I respectfully say that there is no evidence in the report of the Appropriations Committee, and certainly no enlightenment given to me by any member of the Appropriations Committee with whom I have discussed my disagreement with the committee over Tongue Point, that the committee ever took out a lead pencil and went into these aspects of the financial values of Tongue Point to the taxpayers of the country, if we follow the sort of wise management of the facility that I have just outlined.

In our generation, and perhaps never, would the savings in construction costs be outweighed by higher operation and maintenance cost of an Indian school at Tongue Point. In fact, it is my opinion that when the full potential of the Indian school has been worked out and when the compatible uses of Tongue Point base have been put into operation, substantial savings in operation and maintenance costs of the Indian school will continue for the full life expectancy of the installation. I say most respectfully that the House and Senate Appropriations Committees overlooked some very important savings incident to the use of Tongue Point.

Savings that would be derived from the $2.5 million lower cost of the Tongue Point school conversion are very impressive. Taking an average 4-percent cost of interest to the Government, the $5 million conversion cost of the Tongue Point base would amount to $200,000 per year in interest, as compared to $300,000 per year in interest on funds to be expended in the construction of a $7.5 million new Indian school, be it Nevada, Arizona, Washington, or elsewhere.

The interest saving to the Government through use of the Tongue Point facility would amount to $100,000 annually. To that extent any alleged higher operation and maintenance cost of the Tongue Point facility would be reduced.

In addition to these high annual interest savings to the Government, we must also consider relative depreciation costs in order to fairly assess the allegation of higher operation and maintenance expenditures at Tongue Point.

Based on an estimated life of 50 years—and this is conservative for these fine, well-kept buildings—the straight-line depreciation would amount to $100,000 per year on the Tongue Point property. Straight-line depreciation on a new $7.5 million school at some other location would be $150,000. Thus, the lower annual depreciation charge at Tongue Point would be $50,000 per annum.

Of special interest is the fact that these two lesser annual charges, over a 50-year useful life of the facility, would amount to a total of $7.5 million.

The House and Senate Appropriations Committees have also overlooked the fact that the Tongue Point facility would easily accommodate a number of compatible uses, which would serve to reduce the operations and maintenance costs of the Tongue Point Indian school through the allocation of proportionate costs for the use of other portions of the base as I have already explained.

For example, the Coast Guard has installed a helicopter rescue station at the southeast corner of the base, a considerable distance from the Indian school.

Also, the mooring basin, berthing piers, and marginal wharf adjacent to the river are in excellent condition. Their use would contribute greatly toward reducing the proportionate operating costs of the school.

The quarry operation at the tip of Tongue Point is yet another asset that could be put to use. The revenues from the sale of crushed rock, or from a lease of the quarry, would reduce the costs of the school still further.

All of these factors—interest costs, depreciation and compatible uses—must be considered in comparing the cost of operation and maintenance at Tongue Point with those at an entirely new facility. When the savings from all of these factors are fully assessed, I am certain that a net savings to the Government by the utilization of the Tongue Point installation will be found.

Mr. President, the establishment of an Indian high school and the installing of compatible uses would preserve and put to work an asset that cost the Federal Government an estimated $13 million to $18 million. The alternatives—sale of Tongue Point at "bargain basement" rates—would net the Federal Government less than a million dollars, upon the basis of bid offers that were received last year. It would constitute a shameful waste to junk this base through a sale on the auction block when an investment of $5 million for the Indian school would give the Federal Government an asset worth more than double the $5 million invested.

ASSISTANCE FOR THE DEPRESSED ASTORIA AREA

Finally, it is important to note that the reactivation of the Tongue Point station as an Indian high school would mean savings and benefits not only to the Federal Government, but also to the people of the town of Astoria, which fronts the Tongue Point base property. For the fact is, Mr. President, that the city of Astoria is a poverty pocket. It is a depressed area. The deactivation of Tongue Point in 1961 pulled the economic rug out from under Astoria. We have in the establishment of an Indian school at Tongue Point a much needed Federal use, involving savings to the Government, to which the abandoned facility can be put. For this reason alone we ought to comply with the administration's request for funds for the Indian school at Tongue Point.

What I have said about the Astoria area being a depressed area is of special significance at this time.

The administration supports the very commendable proposition that we should incur extra costs in helping the people of our depressed areas.

I repeat that statement for the benefit of the Senate Appropriations Committee. The administration recommends that in dealing with the proverty stricken areas of this country, we must face extra costs. Apparently it is all right to support extra costs in West Virginia and Appalachia, and apparently it is all right to support extra costs in every other poverty pocket in the country, except in Astoria, Oreg.

Mr. President, the Appropriations Committee can follow that policy of unfair discrimination against my State, but never with my approval and support, but constantly with every bit of opposition that I can muster, because it is unfair. The most devastating thing I can say about the conduct of the Appropriations Committee in the handling of this matter is that it has been unfair, because it had the facts. Every member of the committee knows that the senior Senator from Oregon can be counted upon to support the committee in every poverty stricken area of this country in connection with any recommendation it makes to carry out the administration's program for facing up to extra costs.

Being unfair to my State will not cause me to cast a vote of unfairness to any other State. But the poverty pocket of Astoria ought to have been helped when the Committee on Appropriations had an opportunity to help by approving funds for this meritorious school project. In my testimony before the committee, I explained why, in all fairness, consideration should be given to this seriously depressed area.

Consider the substantial assistance we are proposing for West Virginia and the rest of Appalachia. As I say, I am all for it. This fine proposal will involve extra costs. I hasten to add that I fully support these programs in combating poverty anywhere in my country. I said many times last year during consideration of the foreign aid bill that we had better face the fact that charity begins at home. We ought to do something about coming to the assistance of our own underdeveloped areas, our own poverty stricken areas, before we become so anxious to throw millions of dollars abroad when we know that the reports of the Comptroller General, time after time, show a shocking waste of millions of dollars in the foreign aid program.

The projects for aid at home are completely justifiable, just as the Tongue Point project is justifiable from the standpoint of assisting a depressed economic area in Oregon. It is certainly justifiable from the standpoint of a sound educational program for the group of special Indian students who would be served at the special school that the Bureau of Indian Affairs is seeking to establish at Tongue Point, a school which President Kennedy enthusiastically supported and recommended.

Mr. President, I am deeply concerned that the Appropriation Committees have seen fit to haggle over future costs at Tongue Point, when they fail to make a clearcut case concerning their alleged excessive operating costs.

I am convinced that the committees have seized on this alleged excessive operating cost allegation in an effort to kill the project without having established its proof. In fact, I am satisfied that if the Indian high school had been proposed for Alaska, Arizona, Nevada, South Dakota, Washington State or some other State that has strong representation on the Appropriations Committee, the result would have been different.

These are, in Mr. President, the economic facts relating to the Tongue Point project, which in themselves are compelling reasons for the school. There are, however, other reasons which go beyond the cold economics of the case.

ASTORIA, A CENTER OF EARLY INDIAN CULTURE

Mr. President, what about Astoria as a center of early Indian culture? It is a little realized fact that the area surrounding Tongue Point, Oreg., was a focal point in the history of the North American Indian. Tongue Point, adjacent to Astoria, Oreg., lies a few miles upriver from the mouth of the Columbia River. At this location it is situated at what was the approximate center of one of the most powerful and highly developed Indian cultures. These Indians were the Chinooks, whose settlements spread from the mouth of the Columbia River upstream for some 200 miles, and along the Pacific coast both north and south for dozens of miles from the mouth of the river.

These peoples numbered more than 16,000 at the time of the arrival of the Lewis and Clark party. As Edward Thomas in his history of the Chinooks says:

> The Chinooks of the lower Columbia were one of the most powerful tribes on the Pacific Northwest coast and by virtue of numbers and warlike qualities held sway over much of the region.

The Chinooks were the major traders among the Northwest Indians, and the trade vocabulary which they developed, known as the Chinook jargon, was the commercial language of the Indians throughout the Pacific West from California far up into Alaska. This language was used both among the Indian tribes and later between the Indians and the European and Russian traders.

With the coming of the white traders, the Chinooks assumed a central role in the intercourse between the two cultures, and the mouth of the Columbia became the location of what Thomas calls "the world's greatest fur marts." It was, in fact, at Astoria that John Jacob Astor established the center of his Pacific coast fur empire, which existed through trade with the Indians.

Unfortunately, the subsequent arrival of white settlers from the east coast meant the destruction of the Chinooks, as was the case with so many of the North American tribes. In 1829 the Chinooks were swept by an epidemic that killed four-fifths of the entire native population of 16,000 within the period of a single summer. By 1854, there were only a little over 300 Chinooks left.

Despite the destruction of the Chinook people, the region of Astoria and the mouth of the Columbia remains steeped in the history of the American Indian. Mr. President, I submit that the establishment at this historic spot of a school designed to help the Indian young people adjust to the modern world would be a fitting tribute to the ancient culture which existed there.

OTHER BENEFITS OF TONGUE POINT LOCATION

Besides the historical significance of the area, there are still other reasons why Tongue Point is an ideal location for an Indian school. One of these reasons is the abundance of natural benefits that that location provides. This is an area which my good friend, the Senator from Alaska [Mr. BARTLETT], has called "one of the most beautiful spots in the world."

The Astoria area is described in part by Weather Bureau reports as follows:

> Astoria's perennially verdant landscape is hemmed by rather low mountains on the north, east, and south. On the west it is open to the Pacific Ocean over 4 miles or more of the low green dunelands and the first 10 miles of the Columbia River. From there northward to the south bank of the Columbia are 18 miles of sandy beaches; and beside them a 2- to 3-mile wide stretch of dunal lands. Homes and farms shelter in the depressions which parallel the crests of the undulating terrain. Here also are shallow fishing and swimming lakes and cranberry bogs.

In short, Mr. President, the Tongue Point area abounds in scenic beauty and recreation areas. A more ideal spot for a boarding school is difficult to imagine.

Students at the Tongue Point Indian school would enjoy one other special advantage; namely, the proximity of the school to metropolitan areas, such as Portland and Seattle and other nearby cities of smaller size.

I especially urge the Representative from Cathlamet, Wash., and the Representative from South Dakota to take note of this, because their statements in the other body have sought to leave the impression that Indian students at a school at Tongue Point would be marooned, far removed from civilization, in a place inaccessible to higher educational institutions and to metropolitan areas.

The Representative from Cathlamet, Wash., ought to know her geography. Let me place in the RECORD some geographical facts that will correct the completely false impression that these Members of Congress have sought to leave in the RECORD.

Students at the Tongue Point Indian School would enjoy one other special advantage; namely, the proximity of the school to the metropolitan areas such as Portland, Seattle, and other nearby cities of smaller size. The Indian students would be able to visit those areas from time to time to enjoy their cultural advantages and to plan for careers involving possible employment there in industry, business, or the professions.

A fine highway connects Astoria and Portland. I have driven over it many a time. It requires only a short period to traverse the distance.

As I said earlier in my speech, Astoria has a fine community college. That community college, I may say as chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, will, like other community colleges, be expanded greatly in the next 10 years.

Do not forget that in the next 10 years, as educational experts without exception have testified before my Subcommittee on Education, more students will be attending community colleges in America than will attend all the standard universities and colleges, public and private, combined. The trend in American higher education is in the direction of community colleges. To seek to leave in the RECORD the false impression that Indian boys and girls would be marooned in Astoria, Oreg., if they were to attend an Indian school there is so inexcusably unjust and unfair that I protest it with great emphasis and vigor.

It is unfair to my State and it is unfair to this area of my State.

In addition, the Tongue Point Base is located just 3 miles from the business center of Astoria, and is adjacent to the city limits of Astoria. It is beyond question that civic, professional, and business groups of Astoria would cooperate in every way to bring to the Tongue Point Indian School the community relationships that are so important to high school students. This would be of vital importance in molding the careers of the Indian young people attending the school; and there would be great interchange between this school and other schools, not only schools in this area, but also schools throughout Oregon. There would be great interchange cultural in nature, and there would be great interchange in athletics.

So I am sorry that an attempt has been made by some to leave the false impression that we are proposing to send these Indian students to a wilderness area. Instead, we would be sending them to an area of my State most accessible to educational, cultural, and recreational opportunities of an exceedingly high order.

In fact, Mr. President, thus far I have said nothing about the recreational opportunities, except by clear implication. But the recreational opportunities which would be made available to these Indian students are all inclusive—fishing, mountain climbing, hiking, camping—all types of sports. The facilities to be found there can be equaled elsewhere, but they cannot be excelled.

The desire of the community of Astoria to aid the students of the proposed school was proven to me beyond a doubt by a letter I recently received from Mr. Harry Swanson, the very capable president of the Astoria Chamber of Commerce. In reply to the prediction by Representative REIFEL that the Indian students would be segregated from the community, Mr. Swanson made the following comments:

> We would protest Mr. Reifel's remarks that these students would be segregated from the community. There are five high schools in the immediate area for academic and sports competition. The Community College, and others in both Washington and Oregon, would provide the same activity for older students as the school develops. We also would point to the obvious advantages of the small town homey atmosphere, more closely associated with their present environment, rather than a large sprawling crowded metropolis. Clatsop County abounds in recreational assets, miles of beautiful ocean beaches, mountains, rivers and lakes, suitable for any outdoor activity and enjoyed by thousands of Northwest visitors.
>
> We have been informed by the Lions, Kiwanis, Rotary, Optomists, Exchange, Zontas, and other civic groups, they would work wholeheartedly in welcoming this group to our city and assist the staff of the schools in any endeavor possible. It goes without saying, they would have the complete support of both the Astoria and Seaside Chamber of Commerce, as well as the junior chambers.

One last factor in this case must not be overlooked. This is the support that has been given to the Tongue Point project by many in the Indian community. For example, from Warm Springs, Oreg., Mrs. C. C. Courtney wrote on April 4, 1964:

> WARM SPRINGS, OREG.,
> *April 4, 1964.*
>
> Senator WAYNE MORSE,
>
> SIR: In reading your latest report dated March 25, 1964 I was pleased to note your efforts toward the use of the Tongue Point facilities for an Indian school.
>
> We in Warm Springs are greatly interested. As it is now, we have to send our Indian students to school in Kansas and Oklahoma. It would be more appropriate and convenient for our students to attend a school in Oregon.
>
> I believe that our tribal education committee, of whom Lloyd Smith is chairman, is also watching news releases on the Tongue Point facilities.
>
> So, good luck on your efforts in the Senate.
>
> Respectfully,
>
> MRS. C. C. COURTNEY.

From reading that letter, Senators will note that its author enthusiastically supports the proposal, for which I have been working, to establish an Indian school at Tongue Point.

Mr. Bruce Wilkie, of the Makah Tribe, Neah Bay, Wash., whose telegram I inserted in the RECORD earlier today, commented in May of this year on the Tongue Point school. A May 13 newspaper report of Mr. Wilkie's comments, from the Daily Astorian reads:

> TRIBAL LEADER RAPS CONGRESSWOMAN—J. HANSEN CRITICIZED IN DEATH OF TONGUE POINT INDIAN SCHOOL PLAN
>
> WASHINGTON.—A young Washington State Indian leader today criticized Representative JULIA BUTLER HANSEN, Democrat, of Washington, for her role in the killing of a proposal to convert an abandoned naval station at Astoria, Oreg., into an Indian school.
>
> Bruce A. Wilkie, a member of the Makah Tribal Council at Neah Bay, Wash., said the defeat of the $4.9 million project had been a disappointment to Indians throughout the State.
>
> The proposal to convert the Tongue Point Station into a school for 1,000 Indian youths was pushed by Senator WAYNE MORSE, Democrat, of Oregon, and had the support of the late President John F. Kennedy. It was rejected by both the House and Senate Appropriations Committees on the grounds that higher maintenance costs would wipe out any savings over new construction.
>
> However, Mrs. HANSEN—a member of the House group—also questioned the project on grounds that an effort should be made to desegregate Indian schools and because plans called for most of the students to come from the Southwestern States.
>
> Wilkie, here to attend the American Indian Capital Conference on Poverty, said the school was needed and many western Washington Indians had hoped to attend it.
>
> In fact, he said, the Intertribal Council of Western Washington Indians had been about to pass resolutions calling for the opening of the school to Washington Indians when the proposal was rejected by the committees. Wilkie, 25, is second vice president of the intertribal group.
>
> He said he knew of some Indians from the Quinault Reservation in Mrs. HANSEN's district who had hoped to send their children to the school.
>
> "Mrs. HANSEN's idea of desegregation just won't work," Wilkie said. He said Indians preferred separate schools to avoid anxieties resulting from attendance at public schools.
>
> As an example of why attendance at public schools won't work, Wilkie cited six suicides of 14- to 22-year-old youths on the Quinault Reservation during the past 2 years.
>
> "They were all brought about by a feeling of anxiety," he said.
>
> Wilkie said Indians should not be forced to join the dominant American society until they are prepared to accept it voluntarily.
>
> He also said be believed there would have been enough Indian youths in the Pacific Northwest to make up most of the enrollment of the school within a few years. He said a school at Salem, Oreg., was overcrowded and some of the students at that school could have been transferred to the new school.

That was his answer to Representative REIFEL and Representative HANSEN, when Mr. Wilkie commented on what I consider to be their specious arguments against my proposal. This statement by the Indians' leader, as set forth in the newspaper article I have just had printed in the RECORD, answers them.

While I have the opportunity to do so, Mr. President, I wish to quote one more article from an Oregon newspaper, which summarizes very accurately the present situation with the Tongue Point project. The following is an editorial from the Benton County Herald:

> WE TOOK THEIR LAND
>
> First Americans were the Indians. After Columbus discovered America we gradually kept moving westward until we reached the Pacific Ocean.
>
> We took the land of the Indians and when they wouldn't move we waged war until we had killed most of them and could move them with the aid of soldiers to the many reservations.
>
> By law we must educate the Indians but our duty to teach them has been sadly neglected. In Arizona and in New Mexico we have the Indian families living on some of the

most worthless, sunbaked, desert land that there is in our entire Nation.

If the editors of the several newspapers right here in Oregon would have seen the hovels, about the size of a single car garage, in which these Americans which we drove from their homes live they would never write editorials saying: "We don't need Tongue Point for an Indian school." The way we treat the Indians in some States is a disgrace. Unless you have seen their small huts on a treeless desert you can't begin to imagine how terrible the conditions are.

Two local families have Indian girls staying at their homes while they are attending school here. These girls are the lucky ones. They had relatives who lived in Oregon and took them from the reservations in the desert country.

In talking with these girls the editor learned that very few of the children on the reservations can speak English and fewer yet can even write at all.

Senator Wayne Morse can get an Indian school here in Oregon at Tongue Point that will have 1,000 students to start with and another 1,000 in a few years.

The establishment of the Indian school will save the taxpayers some $5 million. It is much more profitable for Oregon to have this school than to sell the site for a mere pittance to a group of men who hope to make a huge profit after they get it.

At Tongue Point it will cost less than half as much to house and properly educate Indian students as is now being paid out in smaller, inadequate schools in desert lands.

It is just plain stupid for Oregon editors to write editorials and news stories saying, "We don't want an Indian school at Tongue Point. There are several other States that do want the Indian school."

Senators in other States will argue in committee meetings, "If Oregon doesn't want this school why give it to them? Our State will be glad to get it."

The Indian school at Tongue Point was promised and was an assured fact until certain newspapers for some unknown reason started a campaign saying: "We don't want an Indian school at Tongue Point."

CONCLUSION

It would be a tragic mistake to discard the administration's proposal to convert this ideal facility to an Indian school. I urge the Senate to correct what I believe to be a serious mistake on the part of the House and Senate Appropriations Committees in failing to utilize the Tongue Point Naval Base for the advantage of our Indian young people and the taxpayers of the United States.

Mr. President, I have no illusions about the power of the Senate Appropriations Committee. I have not been in the Senate for 20 years without having learned that when one takes on the Senate Appropriations Committee, one takes on a group with a powerful leverage in the U.S. Senate. I voice my opinion; and, Mr. President, my opinion is that many of my colleagues do not like to cross the Appropriations Committee. I, too, prefer not to cross the Appropriations Committee or any other Senate committee, unless I have cause to do so. But, Mr. President, when I have cause to do so, so far as I am concerned, there is no committee of this body that I consider so powerful that I would run away from taking it on.

Neither have I any illusions when I do so, I may very well be beaten. But, Mr. President, I will not be beaten on the facts, and I will not be beaten on the record. I may be beaten by their powerhouse influence. However, Mr. President, beating me on this occasion will not change the fact that the Senate Appropriations Committee has engaged in an inexcusable discrimination against my State. In my judgment President Kennedy was right when he recommended this appropriation; and Secretary Udall was right when he recommended the appropriation; and the senior Senator from Oregon was right when he recommended the appropriation.

So I will continue to fight for an Indian school at Tongue Point, because I am satisfied that, if I am defeated tomorrow, that will not be the end of the fight; and I am satisfied that when the State of Oregon understands what the Senate Appropriations Committee has done to it, this administration will understand that the State of Oregon understands it.

In the last analysis, fights like this will be won at the ballot box. The American people will not put up indefinitely with unfair treatment in any State or across the Nation.

So I say to the Johnson administration now: "What do you propose to do about the Tongue Point facility in view of the proposal of your predecessor, Mr. Kennedy?" I repeat my question to the Johnson administration: "What do you propose to do about the Tongue Point facility in view of the scuttling of the Kennedy program by the House, and now by the Appropriations Committee of the Senate, unless the Senate has the wisdom and the courage to reverse the Appropriations Committee on tomorrow?"

I will tell the people of the State of Oregon what their senior Senator proposes to do. He proposes to keep right on fighting to prevent the salvaging, the junking, the scuttling of an excellent facility which is worth $13 to $18 million that ought to be put to work for the benefit of the taxpayers of this country as President Kennedy envisioned it.

I want the people of my State to know that I have been at work on this matter since the unfortunate vote of the Appropriations Committee of the Senate. I have been calling the attention of the Johnson administration to what I consider to be a public trust that it owes the people of my State to try to get the Indian school located there. And failing in that, to get other Federal facilities located there in order to help meet the economic emergency that confronts the people of Astoria now living in this economic depressed area.

The depression is caused by the fact that this fine facility was closed as a naval facility. Let me say again, as I have said in past speeches in the Senate, that the senior Senator from Oregon supported the deactivation of this facility for the then naval use to which it was being put. I studied the facts, and I was satisfied the Navy was right—that the use to which it was then being put had become obsolete to the Navy. I do not need to tell the Senate that there was terrific pressure put upon me to fight the deactivation. The Congressional Record is clear that within a few days after the deactivation, I walked on the floor of the Senate and I announced to the people of my State that the Kennedy administration was correct in deactivating that installation along with some others, because its then use had become obsolete to the need of the Navy.

I never have asked, and I never shall ask, to continue operation of a facility that has become obsolete. The Record will also show that the day on which I said that I considered the Kennedy administration was right in deactivating the facility for the then naval use, I stated that we ought to proceed to find some other Federal use for the property. At that time, I went to the chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. Hayden]. I told him of the problem. I told him that I would appreciate his keeping me advised as to any request for new construction on the part of the Defense Establishment, or any other agency for a facility to be built anew, and any situation in which Tongue Point could be used in lieu of a new facility.

The chairman of the Appropriations Committee wrote me a letter at the time—which I deeply appreciated—in which he advised me that he was aware of the situation. He stated that he was glad that I had called it to his attention. In effect, he stated in the letter that he would do what he could to keep me advised.

I am very critical of the Appropriations Committee. But I say in all fairness that the chairman of the Appropriations Committee recognized the situation in regard to Astoria and Tongue Point. He recognized that an attempt ought to be made to find a use for it. I am keenly disappointed that the chairman of the Appropriations Committee and his colleagues have not seen fit to take advantage of this opportunity to help out with this poverty-stricken pocket in Astoria. But I shall continue to press the Johnson administration for a Federal use of this facility.

I have already presented to the Johnson administration a recommendation in case there is an ultimate loss of this facility—to the great disadvantage of the American taxpayers—as the site for an Indian school, that the facility be used in case a poverty bill is passed, as a western installation center for a poverty program. But we have no assurance that such a program will be adopted. It is still a bird in the bush. But, Mr. President, we had a bird in the hand and the Appropriations Committee let it fly away.

I believe in fairness. I say to the Johnson administration that the Kennedy administration was both understanding and fair in its handling of the Tongue Point issue with the senior Senator from Oregon. I hope that I can count on the same fair treatment from the Johnson administration.

Mr. President, I am about to yield the floor.

I have instructions, unless some other Senator wishes to speak, to move that the Senate adjourn until 12 o'clock noon tomorrow.

BATTLE OF LAKE ERIE SESQUICENTENNIAL CELEBRATION COMMISSION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof, which was, on page 2, line 7, strike out "$25,000" and insert "$13,533.23".

Mr. DIRKSEN. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

ADJOURNMENT

Mr. HAYDEN. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 21 minutes) the Senate adjourned until tomorrow, Tuesday, June 23, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 22, 1963:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

To be captains

Don A. Jones
David M. Whipp
Francis X. Popper
Howard S. Cole
Raymond M. Stone

To be commanders

Arthur R. Benton, Jr.
Eugene A. Taylor
William D. Barbee
Herbert R. Lippold, Jr.
Roger F. Lanier
John B. Watkins, Jr.
Jack E. Guth
Robert E. Williams

To be lieutenants (junior grade)

Charles G. Bufe
John W. Carpenter

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR PERMANENT PROMOTION

To be medical directors

Pasquale J. Ciccone
William A. Walter, Jr.
Carl G. Baker
Gerald D. Barton
Arnold W. Pratt
Robert W. Hartley
Roger M. Cole
Katherine M. Herrold
Leroy E. Duncan, Jr.
Erwin S. Rabeau
Donald B. Tower
Edwin M. Lerner II
Joseph F. Wilson
Raymond T. Moore
Stephen Hajdu
Jack Orloff
Howard C. Goodman

To be dental director

Louis L. Murzin

To be sanitary engineer directors

Francis A. Jacocks
William Q. Kehr
Henry J. L. Rechen
Carl A. Lindstrom
Charles L. Weaver
Norman E. Tucker
Frederick K. Erickson
Israel Bernstein
Arve H. Dahl
Jens A. Jensen

To be senior sanitary engineers

William N. Long
Gordon G. Robeck
Gerald N. McDermott
James A. Westbrook
Wilbur J. Whitsell
Charles E. Sponagle
Lester E. Blaschke
Donald A. Pecsok
Robert P. Morfitt
William H. Davis
Ronald G. Macomber

To be sanitary engineers

Joseph P. Schock
Robert E. Novick
Robert H. Neill
Richard L. O'Connell
Thaddeus A. Wastler III
Ian K. Burgess
Leo A. St. Michel

To be senior assistant sanitary engineers

John A. Little
H. Clayton Ervine
R. Frank Grossman
Ralph W. Buelow
Albert C. Printz, Jr.
Donald F. Maddox
Jack R. Farmer
Lowell A. Vandenberg
Guntis Ozolins
Paul B. Smith
Robert S. Runkle
Malcolm C. Bruce
Elmer G. Cleveland
John E. Hagan III
Clarence C. Oster

To be assistant sanitary engineers

Sidney E. Clark
William J. Keffer
Leroy C. Reid, Jr.
Donald S. Baker
Fred O. Bridges
Walter S. Smith
Walter W. Liberick, Jr.
Edgar D. Preissner
Bernard R. Sacks
Kenton Kirkpatrick
L. Russell Freeman
James W. Carpenter, Jr.
Wayne A. Blackard
Robert L. Thoem
Darwin R. Wright

To be pharmacist director

William E. Dudley

To be senior pharmacists

John A. Scigliano
Richard F. Bolte
Allums F. Smith
Henry W. Beard
Alfred A. Rosenberg

To be scientist directors

John A. O'Donnell
Charles S. Richards
Andrew R. Fodor
Sanford M. Birnbaum
William F. Buren
Melvin H. Goodwin, Jr.

To be sanitarian director

William C. Miller, Jr.

To be senior sanitarians

Wilfred H. Johnson
Donald R. Johnson

To be veterinary officer director

Ernest S. Tierkel

To be senior dietitians

Eileen M. Reid
Rebecca T. Crockett
Geraldine M. Piper
E. Grace Gibson

To be senior therapist

Nellie L. Evans

To be senior health services officers

Jessie P. Dowling
Marjorie C. Zukel
Jeanne E. Wright
Marion Andrews
Jason N. Calhoun
Wallace W. Jonz

To be nurse directors

Margaret E. James
Helen M. Danley
Elsie E. Richardson

To be senior nurse officers

Tabitha W. Rossetter
Philomene E. Lenz
Madge M. Neill
Jennie H. Rakich
Margaret M. Cahalan
Lillian S. Dick
Florence E. Gareau
Mary E. Allen
Mildred E. Barnett
Margret F. Carroll
Mary J. McGee
Frances S. Wolford
Catherine N. McDuffie
Grace E. Mattis
Mary G. Demian
Mary R. Lester
Dorothy L. Connors
Ina L. Ridlehoover
Lucile G. Buderer
Mary S. Romer
Mary E. McGovern
Verna B. Grimm
Hilda A. Nivala
Myra I. Johnson
Merilys E. Porter

To be nurse officers

Margurite M. Albrecht
Barbara T. Lanigan
Dorothy C. Calafiore

To be assistant nurse officers

Sara G. Giles
Richard A. Lindblad

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR PERMANENT PROMOTION

To be senior surgeons

G. Gilbert Ashwell
Winthrop E. Hoyle
Robert M. Chanock
Jack D. Davidson
Tracy Levy
Sarah E. Stewart
Kamehameha K. L. Wong
Ernest C. Siegfried
John M. Buchness
John J. Walsh
Joseph A. Gallagher
Alexis I. Shelokov
Miriam D. Manning
Sigurd E. Dahlstrom
Robert N. Philip
John K. Irion
John M. Lynch
David R. Kominz
Daniel Steinberg
William H. Stewart
Franz W. Rosa

To be surgeons

C. Lowell Edwards
Michael W. Justice
John R. Trautman
Gordon S. Siegel
Emery A. Johnson
Jack C. Robertson
Clement P. Cotter
Robert W. Weiger
James M. Miller
Herschel C. Gore, Jr.
Douglas K. Powers
Carroll B. Quinlan
Louis Gillespie, Jr.
Charles E. Koch, Jr.
Albert D. Bloomstrom
Andrew F. Horne
Lawrence F. Dietlein, Jr.
William R. Martin
Maurice B. Burg

To be senior assistant surgeons

John R. Furman
Robert K. Heide
George A. Reich
David L. Child

To be senior dental surgeons

Stanley Raynor
Oswald Spence
Robert L. Weiss
Carl J. Witkop, Jr.
Biagio J. Cosentino
John E. Frank
James E. Kelly

To be dental surgeons

Selvin Sonken
Anderson F. Williams
Christopher E. Kennemer
Robert J. Lucas
Edward M. Campbell
Gunnar E. Sydow
Anthony A. Rizzo

To be senior assistant dental surgeons

Rudolph E. Micik
Ronald J. Wroblewski
Jack L. Cox
William S. Driscoll
Paul J. Carr
Richard P. Frank
Richard F. Rappl
Robert F. Williams
Louis S. Vodzak
Sheppard M. Levine
Fred D. Greenblatt
Robert H. Dumbaugh
Joseph Schwartz
John A. Matis

To be pharmacists

Thomas D. DeCillis
Frank W. Hollister
James E. Bleadingheiser

To be senior assistant pharmacists

Ray D. Crossley II
Jerome A. Halperin
Gary J. Wold
Donald E. Hill
Michael J. Tuohy
Arthur C. Willman
Jon R. May

To be assistant pharmacists

James C. Yatsco
Gerald A. Mankowski

To be senior scientists

Harold J. Fournelle
William R. Carroll
Roy W. Chamberlain
Robert K. Ness
Clarence A. Sooter
William F. Durham
Leo Kartman
Jack J. Monroe
Bill H. Hoyer
Robert Holdenried
Ernestine Thurman
Charles R. Maxwell

To be scientists

Herbert F. Hasenclever
Gerald Berg
William J. Goodwin, Jr.
Robert S. Shellow
Julius A. Kasel
Donald S. Boomer
Kenneth W. Walls

To be sanitarians

Joe L. Perrin
William A. Mills

To be senior assistant sanitarians

Vernon R. T. Bergman
George J. Butler

To be senior veterinary officers

Robert E. Kissling
Karl R. Reinhard

To be veterinary officers

Paul Arnstein
Anton M. Allen
Kenneth D. Quist

To be senior assistant veterinary officer

Leonard C. Marcus

To be dietitians

Vilma C. Grassi
Mary E. Ferrell

To be therapists

Walter S. Sekiya
John B. Allis
Dean P. Currier

To be senior assistant therapist

Lauren E. Lane

To be assistant therapist

George H. Hampton

To be health services officers

John E. Baker, Jr.
Daniel Sullivan
Ernest D. Ficco
Cecilia C. Conrath
Mary L. Skinner

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 22, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 4: 1, 3: *I beseech you to walk worthy of the vocation wherewith ye are called, endeavoring to keep the unity of the spirit in the bond of peace.*

Most merciful and gracious God, may our moments of prayer draw us together in a greater unity of spirit as we plan and labor for the welfare of our Nation and all mankind.

May all who represent our beloved country in the business of statecraft and in the affairs of government be guided in some special way by the eternal truth and wisdom of God.

Inspire us to strive more earnestly for universal peace and may we do all within our power to lift and lead humanity out of the bondage of hatred and selfishness into the glorious light and love of Thy truth and righteousness.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, June 19, 1964, was read and approved.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Florida makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

Abbitt
Abele
Addabbo
Andrews, N. Dak.
Ashbrook
Avery
Baring
Barrett
Barry
Bass
Battin
Beermann
Bennett, Mich.
Blatnik
Bolling
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Brown, Ohio
Broyhill, N.C.
Buckley
Cahill
Cameron
Cederberg
Collier
Corbett
Corman
Daddario
Davis, Tenn.
Delaney
Dent
Derwinski
Diggs
Dingell
Dorn
Downing
Dulski
Dwyer
Edwards
Elliott
Fallon
Farbstein
Flynt
Fogarty
Foreman
Forrester
Fraser
Frelinghuysen
Friedel
Gallagher
Garmatz
Grabowski
Gray
Hall
Halpern
Hanna
Healey
Hoffman
Jennings
Joelson
Kastenmeier
Kee
Keith
Keogh
Kilburn
Kluczynski
Kyl
Landrum
Lesinski
Lipscomb
Long, La.
McCulloch
McDowell
Macdonald
MacGregor
Martin, Calif.
Martin, Mass.
Michel
Miller, N.Y.
Milliken
Monagan
Montoya
Morrison
Morse
Morton
Multer
Nedzi
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Mich.
Olson, Minn.
O'Neill
Pilcher
Pillion
Pirnie
Pool
Powell
Price
Pucinski
Quie
Quillen
Rains
Reifel
Rooney, Pa.
Roosevelt
Rostenkowski
Roudebush
Roybal
Ryan, Mich.
St Germain
St. Onge
Schenck
Scott
Sheppard
Slack
Smith, Va.
Snyder
Springer
Staebler
Staggers
Stratton
Taft
Thompson, La.
Toll
Wallhauser
Watson
Weaver
Weltner
Whalley
Wright

The SPEAKER. On this rollcall 293 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1608. An act to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes;

H.R. 2652. An act to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts;

H.R. 2726. An act for the relief of John F. Wood of Newport News, Va.;

H.R. 2818. An act for the relief of Elmer J. and Richard R. Payne;

H.R. 3348. An act to amend section 316 of the Social Security Amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program;

H.R. 3496. An act to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965;

H.R. 4198. An act to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee;

H.R. 6308. An act for the relief of Gerard Puillet;

H.R. 6843. An act for the relief of David Sheppard;

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products;

H.R. 8230. An act to amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts;

H.R. 8268. An act to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory.

H.R. 8459. An act to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations;

H.R. 8673. An act to amend title V of the Federal Aviation Act of 1958 to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes;

H.R. 8964. An act for the relief of Diedre Regina Shore;

H.R. 8975. An act to provide for the tariff classification of certain particleboard;

H.R. 9090. An act for the relief of Mrs. Audrey Rossmann;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9688. An act to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.;

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minn.;

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 10463. An act to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap;

H.R. 10465. An act to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H.R. 10466. An act to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries;

H.R. 10468. An act to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes;

H.R. 10537. An act to continue for a temporary period the existing suspension of duty on certain natural graphite; and

H. Con. Res. 189. Concurrent resolution expressing the sense of Congress that the Southwest regional water laboratory should be known as the "Robert S. Kerr Water Research Center."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 7152. An act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes;

H.R. 9311. An act to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite; and

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 71. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;

S. 1232. An act to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies, and for other purposes;

S. 1336. An act to provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof;

S. 1719. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence;

S. 2114. An act to provide for periodic congressional review of Federal grants-in-aid to States and local units of Government;

S. 2149. An act for the relief of Aziza (Susan) Sasson;

S. 2163. An act for the relief of Alexa Daniel;

S. 2170. An act for the relief of Mary Lane Laycock;

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety;

S. 2320. An act for the relief of Mrs. Anna Soos;

S. 2354. An act for the relief of David Lee Bogue;

S. 2374. An act for the relief of Milagros Aragon Neri;

S. 2378. An act for the relief of Mardiros Kouyoumjiam and his wife, Manig Kouyoumjiam; and

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government", appointed Mr. JOHNSTON and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 64-17.

CIVIL RIGHTS ACT OF 1964

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes, with Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from New York [Mr. CELLER]?

Messrs. **COLMER, WILLIAMS, HALEY,** and **WAGGONNER** objected.

CONTINUING APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that on Thursday, June 25, it may be in order to consider a joint resolution making continuing appropriations for the various departments of the Government.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman explain what the continuing resolution may do?

Mr. MAHON. The gentleman from Iowa knows that the House has done an excellent job in handling appropriation bills this year. All but one of the major bills have been handled by the House and have been sent to the other body. The other body, of course, has been involved at great length in another matter.

This is the usual continuing resolution to enable the Government departments to function beyond the beginning of the new fiscal year, starting on July 1, which is fast approaching.

Mr. GROSS. I do not care to prolong this discussion, but can the gentleman give us an idea what period of time the resolution will cover?

Mr. MAHON. This has been discussed with the gentleman from Iowa [Mr. JENSEN] and with other committee members. I do not presently know, but I would think it would have to go to at least September because of the Republican convention in July and the big logjam in the other body which has yet to report many authorization and appropriation bills.

Mr. GROSS. The gentleman does not anticipate it will be necessary until next Christmas, as was the situation last year?

Mr. MAHON. I do not think we will have a repetition of the difficulties we had last year. I think we will be able to settle in conference within the next few weeks many of the appropriation bills, and they will go through in regular order in due course.

Mr. GROSS. The gentleman thinks it will extend until September 1 or September 15?

Mr. MAHON. I do not know. That has not been considered or decided. I personally do not know.

Mr. JENSEN. Reserving the right to object, Mr. Speaker, of course we must adopt the continuing resolution. I anticipate there will be many appropriation bills that will not have cleared the other body by July 1, so the only question is the date of expiration of this continuing resolution. I shall cooperate fully with the gentleman from Texas [Mr. MAHON], the chairman of the Committee on Appropriations, in working out a termination date for this continuing resolution.

Mr. MAHON. I thank the gentleman from Iowa and I and members of the committee, in consultation with the leadership, will be able to work out something that will be agreeable to all of us. I know that is his view and that is my view

Mr. HALLECK. Reserving the right to object, Mr. Speaker, I make this reservation for the purpose of asking a question and then making an observation. The gentleman from Texas has suggested that the continuing resolution that will be adopted probably would be running until September.

Mr. MAHON. I would say, if I may, that no fixed date has been considered. I would think the possibility of its running to September 30 might be greater. This is a matter which has not been discussed. I do not think it would be proper for me to undertake to bind myself and other Members who will join in making the decision.

Mr. HALLECK. In making this observation I am not undertaking to bind the gentleman from Texas, because I know he cannot make that sort of a binding agreement.

I also should like to observe that in matters of this sort, whether we on our side have been in the majority or the minority, we have in the past cooperated because these things have to be done. But now, as I understand it, 11 of the 12 regular appropriation bills have already been passed by the House of Representatives. How many have been passed by the other body?

Mr. MAHON. None of the regular 1965 appropriation bills have been passed by the other body. There is a possibility that one may pass later today. There has been a deficiency bill passed by the other body, and agreed to in conference, and that bill has become law.

Mr. HALLECK. Two bills have been approved by the Senate Appropriations Committee, as I understand it, but none of the other regular bills have been approved by the other body.

Mr. MAHON. That is correct.

Mr. HALLECK. In line with what I have to say and what I said last week, I want to observe once again that on our side of the aisle many Members have an official part in our convention to be held in San Francisco. The work of the convention starts on July 6. It is very obvious from this request that is here being made that we are way ahead of the other body and will continue to be ahead. In view of this development today, I just want to urge again, Mr. Speaker, with all humility, that I think we are clearly within our rights in suggesting that at some very early time we get some assurances about the matter of our leaving to go out to our convention not later than the day before the 4th of July. I do not think that is an unreasonable request. It is not as if we wanted to go fishing somewhere or just go off on a slight vacation. This has to do with matters of extreme importance to many, many Members on our side of the aisle.

I am going to withdraw my reservation of objection very shortly, and I trust this request will be granted, but if we are willing to go along in matters of this sort, attempting to work out the business of the House of Representatives, then I think it is no more than fair that other people be willing to go along with us on what I insist again is a reasonable request.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LATE CLARENCE F. LEA, FORMERLY A REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. DON H. CLAUSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, it is my sad duty to advise the Members of the House of the death Saturday of Clarence F. Lea, one of your former colleagues, a very distinguished Member, who had served as a Representative in Congress for 32 years from California's First District, the district which I now have the honor of representing.

This fine gentleman, who served for 32 years as a Member of this House was well known and respected by many of you. His tenure extended from 1916 until his retirement in 1948.

For some of you, who like me, are more recent Members of the House, Clarence Lea left a record of accomplishment that we would all like to follow and one which I would feel highly pleased to emulate.

As chairman of the Interstate and Foreign Commerce Committee, he coauthored the Pure Food and Drug Act, also the legislation that established the Civil Aeronautics Administration which was the forerunner of the present Federal Aviation Agency. The CAA served as the basis for providing an agency to deal with civil aviation matters and it has now grown to the current Federal Aviation Agency which combines consideration of civil and the military aviation matters.

Former Congressman Lea also authored the Lea amendment to the Federal Trade Commission Act.

The death of Clarence F. Lea Saturday night in his home at Santa Rosa, Calif., at the age of 89 is a great personal loss to me, to the people of my district and to the entire citizenry of the United States.

In the past, I often sought and received his advice and counsel. He freely granted it in the same nonpartisan spirit which marked his own tenure in the House and the bipartisan support that he received from the electorate of the First District of California.

My heartfelt sympathy goes out to his wife Daisy. I know that everyone who knew him on a personal basis—as did our present Speaker, the gentleman from Massachusetts [Mr. McCormack], will join me in paying tribute to this fine gentleman, an eminent public servant.

Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to include their remarks on the life and character of our late, beloved Congressman Clarence F. Lea.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentleman from California in this word of tribute to a very distinguished, able, and beloved former Member of the House of Representatives. When I first came to the Congress some years ago, Mr. Lea was one of the ranking Members of the House. He served for 30 years. He was a man who was compassionate, warm, friendly, and effective. I remember the work he did on the presidential electoral college amendment. He along with others did a great deal of research in that area.

Clarence Lea was a great Member of the House of Representatives and I join the distinguished gentleman in this expression of sorrow and extend to his loved ones my deepest personal sympathy and in this, I know I express the feelings of all of our colleagues on both sides of the aisle who knew Clarence Lea.

Mr. DON H. CLAUSEN. Mr. Speaker, I thank the distinguished majority leader.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, supplementing what the gentleman from California has said and the distinguished majority leader, the gentleman from Oklahoma, has said, I just want to observe that I served on the Committee on Interstate and Foreign Commerce with Clarence Lea. I served when he was chairman of that great committee. He was one of the most gentle, finest, and courteous men I have ever known in my life. I remember one time we went to Baltimore to a dinner that was being given in his honor. I believe it was Bill Cole, a Member on the Democratic side of the House, who was in charge of the dinner. I was called upon to say a few words about Clarence Lea, and I said then, and I meant it, that if I could not have had my own father, I would have been really glad to take Clarence Lea; he was that fine a man.

Mr. DON H. CLAUSEN. I thank the distinguished gentleman from Indiana.

Mr. HARRIS. Mr. Speaker, I want to join in the sentiments expressed by the Members of the House on the death of Clarence F. Lea, one of our former colleagues.

Clarence, as he was affectionately known, served as a Representative in the Congress from California's First District for 32 years. I had the very great privilege of serving on the Interstate and Foreign Commerce Committee under the chairmanship of Mr. Lea during the 78th and 79th Congresses. During the 80th Congress, he was the ranking minority Member and at the end of that Congress he retired after 32 years of service.

Clarence Lea presided over the Committee on Interstate and Foreign Commerce with the same nonpartisanship which led both parties in his district to give him their endorsement.

He was a great legislator. His personal characteristics eminently qualified him to be a legislator. His patience and forbearance made possible for him the securing of agreements where other men might have failed.

Clarence Lea devoted a great deal of time to a study of our presidential electoral system. He was convinced that this system would have to be modified by a constitutional amendment and the work which he has done in this field may yet come to fruition someday.

I join the Members in expressing my heartfelt sympathy to his wife, Daisy. I know how close these two were to each other and I hope she will find comfort in her sorrow that the Lord granted the two of them many years of togetherness in happiness and contentment.

Mr. JOHNSON of California. Mr. Speaker, Clarence Lea was one of the ablest, most farsighted Representatives in Congress that California has ever known. In the 32 years which he served the First District of California before his retirement in 1948, he left a lasting mark upon the history of our Nation.

During this long and productive service to his Nation, Representative Lea performed his most outstanding work as chairman of the House Interstate and Foreign Commerce Committee.

Under his leadership, the Congress established the Civil Aeronautics Board, the Food and Drug Administration, and modernized the Federal Trade and Commerce Act. Representative Lea was the principal author of the legislation which achieved these goals and his was the helmsman who steered this legislation through the Congress.

I was privileged to know Clarence Lea and I always admired the manner in which he represented the people of his congressional district and in many ways have tried to pattern my own actions after the example he set for all of us. In 1948, the First District contained one of the counties which now is a part of the Second District I now represent. In Butte County, the name of the man who represented it so long in Congress, Clarence Lea, is always spoken with respect and admiration which is due an outstanding legislator.

Clarence Lea was born in a small community. He received a fine education from California's schools, graduating from Leland Stanford University. He served his country in local government as district attorney of Sonoma County for 10 years prior to his 1916 election to Congress. Probably the greatest tribute given to the man was extended by the voters of the First Congressional District. After his first term, Clarence Lea received the nomination of both his own Democratic Party and the Republican Party for 15 consecutive terms.

In the death of Clarence Lea a few days ago at the age of 89 we lost a fine man, a strong friend, an advocate of good government. The legislation which he steered through the Congress will remain with us for decades to come. He truly has left a great mark upon the Halls of the Congress.

Our deepest sympathies are extended to his wife, Daisy, and his sister, Mrs. Elizabeth Taylor.

WORK PLANS TRANSMITTED PURSUANT TO PROVISIONS OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER laid before the House the following communication from the chairman of the Committee on Agriculture [Mr. COOLEY] which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., June 19, 1964.

Hon. JOHN W. MCCORMACK,
The Speaker,
The House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on June 18, 1964, considered the following work plans transmitted to you by executive communication and referred to this committee, and unanimously approved each of such plans. The work plans involved are:

Prairie Creek watershed, Indiana, executive communication No. 2042, 88th Congress.

Patterson, Brixius, Grey Creek watershed, New York, executive communication No. 2042, 88th Congress.

Nanticoke Creek watershed, New York, executive communication No. 2288, 87th Congress.

Lyon Swamp-White Oak Swamp watershed, North Carolina, executive communication No. 2042, 88th Congress.

Little Choconut, Finch Hollow, and Trout Brook watersheds, New York, executive communication No. 2042, 88th Congress.

Lee-Phillips, Dunn Swamp, and Cedar watershed, Arkansas, executive communication No. 2042, 88th Congress.

Branch tributraies watershed, North Carolina, executive communication No. 2042, 88th Congress.

Sincerely yours,
HAROLD D. COOLEY,
Chairman.

ADDITION TO LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time for the purpose of advising the House of an addition to the program.

We will add to the program for tomorrow H.R. 9124, a bill to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes; a bill that will be considered under an open rule and with 2 hours of general debate.

CASTRO'S SUBVERSIVE TACTICS NOW BEING APPLIED AGAINST THE BRITISH

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, Castro's subversive tactics are now being applied against the British, and it is time the British stopped aiding Castro and started cooperating with U.S. efforts against Cuba.

For some time now the United States has been trying to get our good "friend" Great Britain to prohibit trade and shipping to Cuba. Each month, for example, the number of vessels flying the British flag into Cuba is significantly higher than those of our other allies.

Yet most of our other allies have either stopped shipping to Cuba, or given assurances that they will stop in the near future. But we have received no such assurances from Britain. In fact, British officials have in some cases indicated the contrary, despite strong indications of displeasure from the President himself.

According to latest intelligence estimates of ship traffic to Cuba a total of 58 British vessels have called in Castro's ports between March and June 12 of this year. In comparison, 60 Russian ships have gone to Cuba during May and early June.

The only practical way to keep the island of Cuba supplied is by ship. When a British ship goes into Cuba it just means one less the Russians have to send.

Yet Great Britain now has good reason to reassess her policies toward Castro. British Guiana's Cheddi Jagan is an open Castro admirer, and like Castro, claims himself to be a Marxist. And who is helping Jagan in his efforts against the British? No one but Communist Castro himself. Just last week the tiny Dutch territory of Surinam, lying adjacent to British Guiana, called for help from the Dutch Navy because of intensified Castro-directed arms shipments to Jagan followers.

Here is a situation which clearly threatens the British interests in this hemisphere. England is now in a position where further assistance to Castro only boomerangs against her.

Britain should not only end its shipping, but its trade with Castro as well. You will recall the sale of British buses to Cuba. That is only part of the picture—last year Castro was aided by a total of $34.7 million in British purchases from Communist Cuba.

Ironically, Britain suffers an imbalance in trade with Castro, as exports to Cuba last year amounted to some $6 million.

In light of these facts, I feel certain the British people would support a quick halt to further aid to Castro.

SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY OF THE COMMITTEE ON THE JUDICIARY

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration and Nationality of the Committee on the Judiciary may be permitted to sit this afternoon during general debate while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs may be permitted to sit this afternoon during general debate while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SOVIET ANARCHY ON THE HIGH SEAS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, American halibut fishermen report that Soviet fishing vessels are trying to run them off traditional American fishing grounds in the Gulf of Alaska. Soviet fishing vessels are showing no regard for our American boats. The Russians crisscross over American fishermen's gear causing great and deliberate loss of property.

Mr. Speaker, I have called on the State Department for prompt and vigorous action to afford American citizens with constitutionally guaranteed protection on the high seas.

It is time that the Soviet Union is told in no uncertain terms to end its high seas "anarchy."

LIMITING RUINOUS BEEF IMPORTS

Mr. BERRY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. BERRY. Mr. Speaker, the heat must be having its effect on some Government officials.

True to the ADA philosophy, Secretary of Agriculture Freeman has refused to do anything about limiting ruinous beef imports, in spite of the fact that 11 percent of the domestic consumption of beef last year was imported.

In an effort to defend this liberal position, the Secretary has been trying to make the American farmer believe that these beef imports have not damaged the domestic market or the domestic price. But last week he came out with a big statement that he was going to save the beef industry by having the Government buy up tons of beef, give part of it away under the school lunch program, and then he will give tons and tons of it away under Public Law 480.

What do you suppose is the first country to get virtually free beef under Public Law 480? You are correct. It is Uruguay in South America. Last year Uruguay sold on the American market 12.2 million pounds of beef, most of it canned beef or, if you please, 24 million pounds of carcass weight equivalent. Now Mr. Freeman proposes to sell back to them for their currency which cannot be taken out of their country—in other words, we are going to give them 8 million pounds of beef, probably some of it their own beef which was shipped up here last year.

Possibly it is the heat, possibly it is a philosophy of government.

IMPROVED PROMOTION OPPORTUNITY FOR NAVAL OFFICERS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 784 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10322) to extend the provisions of the Act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]; and, pending that, I yield myself such time as I may require.

Mr. Speaker, House Resolution 784 provides for consideration of H.R. 10322, a bill to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended—74 Stat. 396—to provide improved opportunity for promotion for certain officers in the naval service. The resolution provides an open rule with 1 hour of general debate.

The purpose of H.R. 10322 is to extend to June 30, 1970, the provisions of Public Law 86–155, the so-called hump law. This law was enacted in 1959 to provide equitable opportunity for promotion to regular officers of the Navy and the Marine Corps who are in or behind the World War II hump. Unless extended, these provisions will expire on June 30, 1965.

Obviously and unavoidably the officers commissioned during World War II, whether initially Regulars or augmented from the Reserves, were all of approximately the same age, length of service, and experience. They constitute the "hump."

The Committee on Armed Services was convinced in 1959 that the authority to retire captains and colonels involuntarily prior to the completion of 30 years of service and commanders and lieutenant colonels prior to the completion of 26 years had to be granted through fiscal year 1970 to provide for phasing the officers in the hump into and through those grades in an orderly and fair manner. The only change in the situation facing the Navy and the Marine Corps is that the problem with respect to promotion to commander and lieutenant colonel appears for the most part, to have been solved. A very serious problem continues to exist in the grades of captain and colonel.

Mr. Speaker, I urge the adoption of House Resolution 784.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from Indiana [Mr. MADDEN], this resolution provides a 1-hour open rule for the consideration of the bill H.R. 10322. I commend the gentleman from Indiana on his fine explanation of the bill. It is completely in accord with my understanding and therefore, in the interest of saving time, I join in his remarks and simply add that the cost of this particular program will range from $497,000 in the fiscal year 1966 to $4,774,000 in the fiscal year 1970.

Mr. Speaker, I know of no objection to the rule, and I know of no objection to the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTINUING CERTAIN CIVIL DEFENSE AUTHORITIES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10314) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 783 provides for consideration of H.R. 10314, a bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes.

The purpose of H.R. 10314 is to extend for 4 years three civil defense authorities which would expire on June 30, 1964. These authorities are:

First. The program to provide financial assistance to States for necessary and essential State and local civil defense personnel and administrative expenses;

Second. The program to make payments for travel and per diem expenses of trainees at civil defense schools; and

Third. The program to procure and maintain radiological equipment and to donate it to States by loan or grant.

The bill as submitted requested that the authorities proposed for extension be so extended for 6 years. The Committee on Armed Services felt that a shorter period of 4 years was both adequate for the purposes sought and more desirable from the standpoint of earlier reexamination of the program.

The bill will provide no new authorities of any kind nor will it increase the ceiling on expenditures which has been in effect since the authorities were first granted. The bill represents merely a continuation of existing authorities for an additional 4-year period.

Mr. Speaker, I urge the adoption of House Resolution 783.

Mr. Speaker, I have no further requests for time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the gentleman from Indiana [Mr. MADDEN], this resolution provides for a 1-hour open rule for the consideration of H.R. 10314, to continue certain civil defense functions.

Mr. Speaker, there is set forth on the first page of the report my understanding of the bill, and the purpose is identical with the explanation as given of the bill by the gentleman from Indiana [Mr. MADDEN].

Accordingly, Mr. Speaker, I associate myself with the remarks of the gentleman from Indiana.

I have no further requests for time and know of no objection to the rule and, for that matter, I do not know of any objection to the bill.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRANSPORTATION OF HOUSE TRAILERS OF THE UNIFORMED SERVICES

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 781 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8954) to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes of my time to the gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 781 provides for consideration of H.R. 8954, a bill to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes. The resolution provides an open rule with 1 hour of general debate.

The primary purpose of H.R. 8954 is to amend section 409 of title 37, United States Code, by increasing the maximum allowance payable to members of the Armed Forces who transport their mobile homes or trailers upon change of their permanent duty stations.

The changes proposed in the bill would provide adequate reimbursement and equal treatment with the member who has his household goods shipped at Government expense.

There is no present authority for movement of trailers to Alaska or within Alaska. However, because of the critical housing shortage near bases in Alaska, many members of the uniformed services turn to trailers as the only means to obtain suitable housing. Many trailer owners who are transferred to Alaska move the trailer at great personal expense to keep their families together in the only suitable housing available.

A change is also included in this bill which would authorize shipment by the Government as well as by commercial means. This will permit movement by Government vessel to places which are inaccessible by highway, such as Adak and Kodiak, Alaska.

Mr. Speaker, I urge the adoption of House Resolution 781.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use

Mr. Speaker, I again find myself in the position of being able to completely agree with the distinguished gentleman from Indiana in his explanation of the rule and the purpose of the bill. I associate myself with his remarks.

The only addition I would add is that there is an actual cost in this of approximately $1,246,000 more per year.

I know of no objection to the rule or no objection to the bill.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IMPROVED PROMOTION OPPORTUNITIES FOR NAVAL OFFICERS

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent that this bill, H.R. 10322, be considered in the House as in the Committee of the Whole in order to conserve time.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina [Mr. RIVERS]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396), is amended by striking out "June 30, 1965" and inserting in place thereof "June 30, 1970".

SEC. 2. Section 3 of the Act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396), is amended to read as follows: "Notwithstanding section 1431 of title 10, United States Code, a change or revocation of an election, an original election, or a new election after a revocation of an election made under that section by—

"(1) an officer who is retired under this Act; or

"(2) an officer who has been considered but not recommended for continuation on the active list under this Act and who retires voluntarily before the date specified for his retirement under this Act;

is effective if made at such a time that it would have been effective had he been retired on the date prescribed by section 6376 or 6377 of title 10, United States Code. However, an original election or a new election made after a revocation is not effective unless made before the convening date of the board that considered the officer for continuation."

Mr. RIVERS of South Carolina. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 10322 is a bill to extend the provisions of the so-called hump law for an additional 5 years.

The committee spent a considerable amount of time in 1959 on the bill that eventually became the "Hump" Act.

The Navy and the Marine Corps faced a very serious problem with respect to the officers who were commissioned in the Navy and Marine Corps during the period 1941–45, and that it is this group of officers that constitute the so-called hump.

The hump is the excess number of officers of approximately the same age and experience who were commissioned over a relatively short period of time. As a matter of fact, about 70 percent or more of the officers of the Navy and Marine Corps today serving in the grade of lieutenant colonel and commander and above were commissioned in about a 4-year span.

In 1959, we found that because of the Officer Grade Limitation Act, which limits the number of officers who may serve on active duty in the grade of major and lieutenant commander and above, and because of the Officer Personnel Act which permits a lieutenant colonel or a commander to complete 26 years of service before being retired involuntarily for nonselection, and which permits colonels and captains to complete 30 years of service before being involuntarily retired for nonselection, that there would be extremely limited promotion opportunity for officers in the grade of major and lieutenant commander.

This legal framework, of course, would have had a limiting effect upon promotion opportunities for these officers because there were just not enough vacancies being created to permit an orderly flow of promotion. As a matter of fact, had we not passed the "hump" legislation in 1959, approximately 70 percent of the majors in the Marine Corps who were commissioned in 1942–46 would have failed of selection for promotion to the grade of lieutenant colonel because there would have been no vacancies. Likewise, a very high percentage of the lieutenant colonels would have failed of selection in the Marine Corps because there would have been no vacancies.

The situation was even worse in the Navy with respect to promotion from lieutenant commander to commander where approximately 73 percent would have failed of selection.

To solve these problems, we enacted the "hump" law which expires on June 30, 1965.

Under this law, officers in the grade of colonel in the Marine Corps who have twice failed of selection can be involuntarily retired in the year in which they fail of selection for the second time. The law permits these officers to be continued if a board selects them for continuation, but very few Marine colonels have been continued under this authority simply because of the requirement for vacancies in order to permit lieutenant colonels to anticipate a reasonable promotion opportunity.

Getting enough vacancies by retiring colonels early was possible in the Marine Corps because their legal promotion zones were in the 24th and 25th year of service. Therefore, officers serving in the grade of colonel who were not selected for promotion to the grade of brigadier general in their 24th and 25th year created an inventory of passed-over colonels.

This was not true in the Navy because the Navy did not impose an actual legal passover on their captains until approximately their 29th year of service.

The reason this happened is that the Navy, for quite a few years, used the below-the-zone selection method for promoting a substantial number of captains to the grade of rear admiral and, as you know, an officer who is not selected below the zone is not considered to be legally passed over until he comes into an actual legal zone for selection.

As a result, the Navy had to have a different type of authority which permitted officers who had served in the grade of captain for a period of 5 or more years to be considered for continuation on active duty in the grade of captain. Thus, there were continuation boards in the Navy.

In the Marine Corps, we gave them the authority to involuntarily retire colonels who had twice failed of selection to the next higher grade of brigadier general.

In the grade of commander and lieutenant colonel, those who had twice failed of selection were eligible for noncontinuation prior to the completion of 26 years of service, and this authority was exercised in the Navy and Marine Corps in order to create the very badly needed vacancies in those grades in order to reduce an unacceptable attrition among lieutenant commanders and majors eligible for promotion.

In addition, we allowed the Marine Corps to set up zones of consideration for majors which enabled the Marine Corps to select certain outstanding majors for promotion as early as their 16th year and as late as their 18th year of commissioned service, for the average major, without being considered to have legally failed of selection if they were not promoted in that period.

For any officer whose active service was terminated prior to the completion of his 30 years of service, if in the grade of colonel or captain, or 26 years if in the grade of commander or lieutenant colonel, we provided a lump sum benefit of $2,000. We did this because we felt that they were entitled to some benefit as a result of terminating their active duty sooner than they had reason to expect under the law in effect when they were promoted.

Equally important, is the fact that the Committee on Armed Services was truly convinced in 1959 that the authority to involuntarily retire these officers prior to the completion of 30 and 26 years, respectively, had to be granted for a period of 10 years. The bill that passed the House contained an expiration date of June 30, 1970. The Senate amended the bill, presumably on the theory that they wanted to reexamine the matter, and put in an effective date of June 30, 1965. We agreed to the 1965 date.

The Navy and Marine Corps now seek a 5-year extension, as we expected they would, and we recommend this bill which will approve once again what we originally approved in 1959.

The only difference in the situation is that the Navy and Marine Corps have, for the most part, solved their problem with respect to promotion to lieutenant colonel and commander, but they have a very serious problem in the captain and colonel grades. In order to maintain the Navy and Marine Corps promotion flow, it would be necessary to exact an attrition of about 71 percent for the Navy and Marine Corps if the vacancies they need through noncontinuation do not materialize.

If you will add 30 years to 1942 and 1943, you will come out with 1972 and 1973. If we do not pass this bill, the Navy and Marine Corps will face the very serious problem of losing a very substantial number of captains and colonels during those years over a very short period of time. As a matter of fact, over half of the colonels in the Marine Corps will leave the Corps in 1 year. This, of course, could have a very serious impact on the combat structure of the Marine Corps. It would likewise have a very serious effect with respect to captains in the Navy, since more than 40 percent of our Navy captains would be required to retire in the same period of time.

It is also important to note that the colonel and captain vacancies needed by the Navy and Marine Corps in extension of this law are for the orderly promotion of those lieutenant colonels and commanders in the "hump" year groups who have already been subject to attrition and screening in promotion from major to lieutenant colonel, and lieutenant commander to commander under the "hump" legislation since 1959. These officers are experienced, combat trained and tested in two wars, and their services cannot be lost without impairing the combat effectiveness and readiness of the Navy and Marine Corps.

To avoid these unacceptable situations was one of the original intents of the House legislation. In other words, this legislation was intended to provide for retention of experienced officers by permitting a reasonable promotion opportunity for officers in the hump and, at the same time, provide a management tool for the Navy and Marine Corps that would permit them to promote officers to the grade of captain and colonel in an orderly fashion so that they would have a proper grade distribution spread over a reasonable period of time.

The letter from the Department of the Navy indicates that the bill will involve an additional cost of about $500,000 in fiscal year 1966, and approximately $4,800,000 in fiscal year 1970. However, these figures include costs which would have to be paid eventually and so cannot be considered as costs solely attributable to the hump legislation. For example, the costs of unused leave, separation travel, and replacement travel will eventually have to be paid even if the humped captains and colonels were to remain until they completed 30 years of service.

In addition, the cost shown in the Speaker letter does not take into consideration the reduced retirement cost that will result because these involuntarily retired officers will have a lesser number of years of active duty to use as a multiplier in determining their retired pay. Witnesses from the Marine Corps and Navy stated that, in their opinion, the proposed legislation may actually result in a savings to the Government over a long period of years.

I would like to mention that while the bill before us merely extends existing law which applies to colonels and lieutenant colonels, and captains and commanders, there is no present intention to continue the humping of Marine lieutenant colonels and Navy commanders at this time. However, the authority will be contained in the law and it might be necessary to use it at some period during the next 5 years. For that reason, we suggest extending the present law as it is written.

There will only be a very few persons who will qualify for the $2,000 lump-sum payment provided for those who are humped. The reasons for this are due to the fact that the section of law which authorized this payment states that it is only applicable to those persons who were selected for, or serving in, the grade in which they were humped on the effective date of the act. In other words, an officer who has been selected for, or promoted to colonel in the Marine Corps after the hump law became effective and who thereafter is humped, is not entitled to the lump sum payment of $2,000 because he has been on notice that there is a possibility his service career will be terminated short of the normal 30-year point, and since his last promotion may well be attributed to the vacancies created by the "Hump" Act.

Finally, I would call your attention to section 2 dealing with the Contingency Option Act, or the retired serviceman's family protection plan, as it is now known.

Since we passed the "Hump" Act in 1959, we amended this law to permit persons to elect to be covered by this program after they had completed 18 years of service provided they did not retire within 3 years after having made the election. The amendments to that law also permitted a change, or revocation, to take effect within 3 years rather than the old 5 years contained in the original law, provided the individual was not retired prior to the lapse of that 3-year period. There is a provision in the proposed legislation which would permit these changes to go into effect for the officer who had made such an election, or who had revoked a plan and was subsequently forced to retire under the hump law, on the same basis as if he had continued on active duty for the required period of time.

The Navy and Marine Corps seek extension of the law at this time to provide sufficient time for personnel planning before expiration on June 30, 1965, and to provide those officers who may be affected by such action adequate time for planning and arrangement of their personal affairs.

The Committee on Armed Services unanimously recommends that the bill be enacted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Iwoa.

Mr. GROSS. As I recall, this bill passed the House some time ago.

Mr. RIVERS of South Carolina. In 1959.

Mr. GROSS. I supported it. I think it is a good bill. I merely wanted to make the observation that I am glad the House has been able to convince the other body that it made a mistake.

Mr. RIVERS of South Carolina. They made a mistake, because it will take 10 years to solve this problem. We told them that in the first place, and now we are coming back for the remaining 5 years. This is all the bill does.

Mr. GROSS. All this does is convince the other body that it made a mistake; that it takes 10 years instead of 5, which the other body insisted on.

Mr. RIVERS of South Carolina. The gentleman is entirely right.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION OF HOUSE TRAILERS OF THE UNIFORMED SERVICES

IN THE COMMITTEE OF THE WHOLE

Mr. PHILBIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8954) to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8954, with Mr. Fascell in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PHILBIN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the purpose of this legislation is to amend section 409 of title 37 of the United States Code by increasing the maximum amount payable to members of the Armed Forces who transport their mobile homes or trailers upon change of their permanent duty stations.

At the present time a member of the uniformed services is entitled to the smallest of:

First. The current average cost for commercial transportation;

Second. Thirty-six cents per mile; or

Third. The cost of transporting his baggage and household goods plus the amount of his dislocation allowance which would otherwise be allowable.

The ceiling which applies in most cases is therefore 36 cents a mile, an amount which is quite inadequate for transportation of larger mobile homes and trailers. This is evidenced by the fact that the joint travel regulations contain a predetermination that current average costs do in fact exceed 36 cents a mile.

Detailed studies made by the uniformed services reveal that as a consequence of limiting this payment to 36 cents per mile most uniformed services personnel experience substantial out-of-pocket expenses not compensated by the Federal Government.

For example, a recent study of 1,823 trailer moves indicated that 93½ percent of these moves resulted in out-of-pocket expenses to the members concerned. These out-of-pocket expenses varied from as little as $10 to as much as $850 per move.

Civilian personnel employed by the Federal Government are authorized actual costs of commercial transportation of their mobile homes. This cost is limited only by the maximum transportation allowance payable to the employee which otherwise would be payable for the transportation of his household goods and personal effects.

Under the terms of the proposed legislation, members of the Armed Forces would be placed on substantially the same basis in this regard as is provided for civilian members of the Federal Government.

Another change proposed by this legislation relates to the geographical areas to which, and in which, the transportation of mobile homes are authorized.

At the present time, the authority for the Government to defray the costs of movement of trailers and mobile homes of members of the Armed Forces is limited to such transportation within the United States and specifically excludes Hawaii and Alaska. On the other hand, civilian employees of the Federal Government are eligible for the transportation of their trailers or mobile homes within, to, or from Alaska.

The proposed legislation would overcome this difference in the transportation authority for military and civilian employees of the Government by providing authority for the transportation of trailers and mobile homes of military members within, to, and from Alaska.

In summary, the proposed legislation would provide:

First. Transportation of trailers of members of the Armed Forces on substantially the same basis as is provided for civilian employees of the Federal Government.

Second. Alaska to be included among the geographical areas within, to, and from which trailers are authorized for Government-paid transportation.

Third. Use of United States or commercial means of transportation of trailers. This feature permits shipment of trailers and mobile dwellings by water on Government vessels to such areas as Adak and Kodiak, Alaska, that are not accessible from the mainland by highways.

Fourth. The cost of transporting a trailer may not exceed the cost of transporting the member's baggage and household effects as authorized by the joint travel regulations, plus the authorized dislocation allowance.

In the event that this proposed bill is enacted, it is estimated that it will result in an additional annual increased cost of approximately $1,246,000, or distributed as follows:

Air Force	$561,000
Army	435,000
Navy	250,000
Marine Corps	Negligible

This legislation is strongly supported by the Department of Defense and approved by the Bureau of the Budget. The Committee on Armed Services unanimously approved this legislation and urges favorable action by the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PHILBIN. I am pleased to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does this provide a limit on the weight of the trailers as well as length?

Mr. PHILBIN. Yes, in effect it includes both the length and the weight of trailers that are now used by members of the armed services by providing that the ceiling on household goods shipment cost will prevent.

Mr. GROSS. In other words, there is a restriction both ways?

Mr. PHILBIN. That is right.

Mr. GROSS. I wonder if the gentleman from Massachusetts would yield to me so that I may ask the author of the bill a question.

Mr. PHILBIN. Yes; the gentleman will be pleased to yield for that purpose to the gentleman from Iowa.

Mr. GROSS. I would like to ask the author of the bill a question as to the meaning of the language to be found on page 2, line 17 of the bill which states as follows:

> Including the payment of necessary tools.

Mr. PHILBIN. If the gentleman from Iowa will give me his attention, I will say that was a typographical error. At the proper time we expect to make the correction.

Mr. GROSS. I am glad to hear it is not the fault of the distinguished gentleman from Wisconsin [Mr. O'KONSKI], whose name is on the bill.

Mr. PHILBIN. It is no fault of the gentleman from Wisconsin, and it will be corrected by an appropriate amendment.

Mr. GROSS. I thank the gentleman.

Mr. PHILBIN. I thank the gentleman from Iowa.

Mr. NORBLAD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in support of H.R. 8954, a bill authorizing an increase in the allowance for the movement of trailers and mobile homes of Armed Forces personnel.

There is considerable inequity in the reimbursement allowed to trailer owners under existing laws. This inequity is highlighted when civilian employees and military personnel serve in the same locations and only the civilian employees are authorized actual costs of commercial transportation not to exceed the cost of moving household goods. This authority also applies to moves to and within Alaska. On the other hand, military personnel who serve in these same locations are precluded by existing law from reimbursement of actual costs of trailer moves.

As the gentleman from Massachusetts [Mr. PHILBIN] the chairman of our subcommittee, so adequately described, most trailer moves made by military personnel result in out-of-pocket expenses to the members concerned.

The committee report, on pages 3, 4, and 5, reflects an analysis made by the Department of Defense of a substantial number of trailer moves and indicates that in almost every instance the individual member incurred out-of-pocket expenses ranging from $10 to $300.

It makes no sense whatsoever to discriminate against this group of service personnel who elect to provide their shelter by way of a mobile home.

This inequity becomes completely ridiculous when we realize that civilian employees of the Federal Government, under the same circumstances, receive reimbursement of actual costs of their trailer moves.

This bill will do nothing more for our military personnel than is given our civilian employees. I therefore urge its unanimous support by the House.

Mr. Chairman, I have no further requests for time.

Mr. PHILBIN. Mr. Chairman, I have no requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 409 of title 37, United States Code, is amended to read as follows:
>
> "§ 409. Travel and transportation allowances: trailers
>
> "Under regulations prescribed by the Secretaries concerned and in place of the transportation of baggage and household effects or payment of a dislocation allowance, a member, or in the case of his death his dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may transport a house trailer or mobile dwelling within the continental United States, within Alaska, or between the continental United States and Alaska, for use as a residence by one of the following means—
>
> "(1) transport the trailer or dwelling and receive a monetary allowance in place of transportation at a rate to be prescribed by the Secretaries concerned, but not more than 20 cents a mile;
>
> "(2) deliver the trailer or dwelling to an agent of the United States for transportation by the United States or by commercial means; or
>
> "(3) transport the trailer or dwelling by commercial means and be reimbursed by the United States, including the payment of necessary tools, charges, and permit fees. However, the cost of transportation under clause (2), or the reimbursement under clause (3), may not exceed the cost of transporting the maximum weight allowance of baggage and household effects prescribed by the Secretaries concerned for a member of his pay grade, or the cost of transporting the baggage and household effects of his dependent, plus an amount equal to the dislocation allowance authorized in section 407 of this title. Any payment authorized by this section may be made in advance of the transportation concerned. For the purposes of this section, 'continental United States' means the 48 contiguous States and the District of Columbia."

Mr. PHILBIN (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. PHILBIN

Mr. PHILBIN. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

> Amendment offered by Mr. PHILBIN: On page 2, line 17, delete the word "tools" and substitute in lieu thereof the word "tolls".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8954) to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes, had directed him to report the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CONTINUING CERTAIN CIVIL DEFENSE AUTHORITIES

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10314) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House for the consideration of the bill H.R. 10314, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

(By unanimous consent, the first reading of the bill was dispensed with.)

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. HÉBERT] will be recognized for 30 minutes and the gentleman from New York [Mr. BECKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. HÉBERT].

Mr. HÉBERT. Mr. Chairman, H.R. 10314 is a very simple bill. And I will stress at the outset that it has nothing to do with the fallout shelter bill which we reported out and the House passed.

The bill merely extends three authorities of the Civil Defense Administration, authorities which they have had since 1958.

The three authorities, or programs, involved are:

First. The program to provide financial assistance to States for necessary and essential State and local civil defense personnel and administrative expenses;

Second. The program to make payments for travel and per diem expenses of trainees at civil defense schools; and

Third. The program to procure and maintain radiological equipment and to donate it to States by loan or grant.

The extension of the first of these programs is intended to continue the joint responsibility of the Federal Government and the States in the performance of civil defense functions so far as personnel and administrative expenses are concerned. Under this program the Federal Government cannot contribute more than one-half of the cost of such expenses.

The second program to be continued is to make payments for travel and per diem expenses for trainees at civil defense schools. Here again the Federal Government pays only one-half of these expenses and there is a limitation of $300,000 on the amount which can be appropriated each year for these travel expenses.

The third program relates to the donation or loan of equipment which detects and measures nuclear radiation. Through December 1, 1963, about 1.6 million of these instruments have been distributed throughout the United States.

As to cost, the total request for all three programs for fiscal year 1965 is $24.4 million, of which by far the greater part is found in the first of the three programs: the 50 percent contribution for State and local civil defense personnel and administrative expenses.

The Department requested an extension of these authorities for 6 years. The committee recommends that the extension be limited to 4 years and the reason for this recommendation is simply that the committee felt that it would be a good idea to have a review of these programs in a somewhat shorter time.

As I said at the outset, Mr. Speaker, there is nothing new being placed in the law—merely an extension of basic civil defense authorities which permits civil defense as an organization to continue throughout the country.

Appropriations must be obtained each year for these programs and it is, of course, the intention of my own subcommittee to maintain overall cognizance of civil defense activities every year whether legislation has been presented to it or not.

Without this legislation, civil defense would virtually end in this country. I urge your support in extending these important existing authorities.

Mr. Chairman, at this time I yield 5 minutes to the distinguished gentleman from Alaska [Mr. Rivers].

Mr. RIVERS of Alaska. Mr. Chairman, one of the best demonstrations of the worth of Federal assistance to State and local governments for civil defense preparedness was occasioned by the recent earthquake in Alaska.

Shortly after the earthquake struck, Alaskan State and local civil defense staffs quickly expanded from small professional cadres—made possible in great part through partial Federal funds—and moved rapidly to assess damage and coordinate relief activities.

In a summing up following the immediate earthquake emergency period in Alaska, Gov. William A. Egan stated that:

> Civil defense was the key operational unit working directly from my office. And while coordination between State and local civil defense units was quickly established, the local units worked exceedingly well on their own.
>
> If this type of disaster agency had not been fully functioning at the time of the Alaska earthquake, I personally believe the first hours following the earthquake would have been ones of tragic confusion. Local organizations would have been formed on an ad hoc basis, but without familiarity with available means of communications, transportation, supply, and all the other essential ingredients that went into the total operation.
>
> Now that the dust has cleared, I want to say that all those in Alaska and all those having friends and relatives here owe a debt to civil defense organizations that can never be repaid.

I am sure that, in the judgment of Governor Egan, of Alaska, the cost of hiring and training people to coordinate disaster-recovery operations is well worth the money spent.

I urge enactment of this bill to continue Federal financial assistance to State and local civil defense.

Mr. BECKER. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I simply want to state that no one has been a greater believer in civil defense in this country than I. I believe we must have it as an arm of the national defense. Like most people, I am not satisfied with the progress of civil defense in our country, but I doubt seriously that any administration in the past has been able to achieve too much success, because we always have to wait for some catastrophe to happen before we really get to the problem to make a program effective.

Mr. Chairman, I believe this is a good bill. I believe it is in the national interest and that the bill should pass.

Mr. Chairman, I yield back the balance of my time.

Mr. HÉBERT. Mr. Chairman, I have no further requests for time.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended by striking the date June 30, 1964, where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h), and substituting in lieu thereof the date June 30, 1970.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

> Page 1, line 8, strike out "June 30, 1970" and insert "June 30, 1968".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert) having resumed the chair, Mr. Fascell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10314) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes pursuant to House Resolution 783, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

HON. JOHN W. McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. EVINS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, as we approach a period of recess and reflect upon our work during the last 6 months, it is appropriate that we pay tribute to the man who has done so much to make this session of Congress so successful.

I refer to our beloved Speaker, the Honorable John W. McCormack.

Almost 2½ years have elapsed since Speaker McCormack was elected to the high office which he so ably fills. Our great esteem for this distinguished son of Massachusetts has been heightened steadily by the outstanding service he has performed for our country, and by the wise and effective leadership he has given to the Congress in this momentous period.

The life of John McCormack is truly an inspiration to all who know him, and indeed to every citizen who is familiar with the history of our country.

His life is a success story. His work and his achievements provide living evidence that ours is a land of opportunity and achievement.

John McCormack was first elected to the 70th Congress in 1928. He took his seat in the House at a time when John Nance Garner, of Texas, was the floor leader of the Democrats in the House. Sam Rayburn, of Texas, was then a rising star in the national political firmament, and a recognized Democratic leader. Both of these eminent men of the House of Representatives took a liking to John McCormack, of Boston. They recognized his superior qualities and talents.

At the beginning of Massachusetts Congressman McCormack's second full term, he was named to the powerful Committee on Ways and Means. His colleagues in the House, recognizing his exceptional abilities, selected him as Democratic whip in the 80th Congress—the year that I first served in the Congress.

I still have a vivid recollection of the stirring message which John McCormack delivered to his Democratic colleagues at that time, upon assuming his new responsibilities as Democratic whip.

He became majority leader in the 81st Congress. Because of his consistently outstanding performance as majority leader, he has been repeatedly reelected to that post. He held the position of majority leader for a longer period than any man of either party in the history of the Congress.

The sterling qualities he displayed as majority leader made him the logical and unanimous choice of the House of Representatives to succeed the late, great Sam Rayburn, of Texas, as the Speaker the House.

In the exacting post of the Speaker, John W. McCormack has been tolerant of the beliefs of others, a sage counsel to all. He has been a kindly and gracious gentleman to both those with whom he differs and those with whom he agrees. He has always been held in the highest esteem and regard by his colleagues. He has a lasting hold on our affections.

The annals of the House contain the record of John McCormack's accomplishments as chairman of the Special Committee on Un-American Activities. Under his leadership, this committee performed a great service of enduring value to our country through the light shed on the extent, character, and purpose of subversive activities in the Nation. The McCormack committee's investigations produced indisputable evidence that the Communist Party had as its objective the overthrow by force and violence of the democratic form of government guaranteed by the U.S. Constitution. The committee established beyond question that the Communist Party in America was controlled by the Communist International in Moscow.

One result of the committee's work was the Foreign Agents Registration Act of 1938, better known as the McCormack Act. This law requires public disclosure of persons engaged in propaganda activities in behalf of foreign governments, parties, or other foreign principals.

Throughout his years of public service, John McCormack has been a prime mover for progressive legislation.

He assisted materially in the establishment of the Securities and Exchange Commission.

He performed more than yeoman service for the enactment of legislation creating the numerous Federal housing programs.

He has been a consistent champion of the Tennessee Valley Authority, the agency responsible for the conservation and development of our natural resources in a seven-State area of the South.

Speaker McCormack has never been provincial or narrow in his outlook. He has a national viewpoint—the whole American view.

As evidence of the breadth and wisdom of this great man, he fought for Boulder Dam, for agricultural supports, and for many other projects which had no specific connection with his constituency in the State of Massachusetts.

His first interest is, and has always been, the public good—the welfare of all the people of the entire United States.

It is well known that Lyndon B. Johnson's nomination as Vice President at the 1960 Democratic National Convention was due in a great measure to John W. McCormack's influence.

The Speaker of the House of Representatives, under our system of government, holds the second most powerful office in the land. Only the Vice-Presidency and the Presidency stand higher in our political system. In the event there is a vacancy in the office of Vice President, as now, the Speaker is next in the line of succession, under a law that was passed during the 80th Congress.

Selection as their presiding officer is the highest tribute that the Members of the House of Representatives can make to one of their colleagues. Election to this high office is recognized universally as the stamp of exceptional merit.

The Speaker of the House of Representatives throughout the history of our country have been men of true distinction. John W. McCormack fills the office of Speaker in the very highest tradition of the House, and of our country.

It is indeed a source of comfort and strength to know that in the person of Speaker McCormack our country has a man admirably qualified by training, experience, and wisdom to discharge all the great responsibilities that go with the speakership. He has been tested time and time again, and has never been found wanting. He has given full proof of his intrinsic qualities as a truly great American statesman.

SUPREME COURT REDISTRICTING DECISIONS IN STATE LEGISLATURES PROTESTED

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a statement by Senator Parkhouse of Dallas, Tex.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I am inserting herewith an article that appeared in the Dallas News, Dallas, Tex., on Saturday, June 20, as follows:

Parkhouse Raps Ruling

State Senator George Parkhouse said Friday that legislatures throughout the United States should approve a constitutional amendment which would cancel the legislative redistricting decisions of the U.S. Supreme Court.

The Supreme Court said Monday that each senator in a State must represent the same number of persons. The ruling would give Dallas County three senators, instead of the one to which it is now limited by the State constitution.

"The Supreme Court went too far," Parkhouse said. "I don't like what it did, and I agree with Preston Smith (Texas Lieutenant Governor) that we should do something about it."

Parkhouse said State legislatures could ratify a constitutional amendment which would cancel the Supreme Court decisions.

If the decisions stand, he said, he would favor increasing the size of the legislature.

"Otherwise, some of our rural districts will be 300 miles wide," he said. "It would be absurd to have districts that big."

Mr. Speaker, Senator Parkhouse has posed some important questions that should have early attention in Congress.

The Journal of Commerce published in New York today, June 22, has the following article on the front page, column 1:

As Cities Gain More Power State Legislature Redistricting Could Promote Bank Branching

(By Ed Tyng)

The decision of the U.S. Supreme Court last week that State legislature representation must be recalculated upon a basis of population, while apparently a political one, promises to have wide economic effects, particularly in the field of banking. It promises to give the biggest boost ever to banking reform at the State level, currently one of the most controversial factors in banking.

A shift of voting power from rural areas of all States to the larger cities, where banking is dominated by big banks, could destroy the ability of small banks, predominantly rural to block extension of branch banking and mergers by which big banks take over little ones.

STATEWIDE BANKING

It could end, within a period estimated at not more than 2 years, the current quarrel between the Comptroller of the Currency James J. Saxon, and State supervisors over the alleged failure of States to conform to more liberal Federal policies, as reflected in the supervision of national banks. It could provide, within a short period, for statewide branch banking, which up to now has been blocked chiefly by rural legislators.

It could also, for example, end the anachronism which exists in Illinois, and in other States, where a bank cannot even have a branch across the street from its main office, let alone branches in rapidly growing new centers of population around shopping centers.

With legislators representing predominantly metropolitan areas, bank mergers, now artificially held down by both political and Supreme Court decisions and merger and bank holding company legislation, would gather much greater popular support. This might not be great enough to overthrow existing Supreme Court rulings on bank mergers, as indicated in the Philadelphia National Bank Girard Trust case, but liberalized State laws might induce the U.S. Supreme Court to take a new look at the whole merger situation.

BANK BRANCHING TO GAIN STRENGTH

Actually the highest U.S. Court's decisions on mergers have not been favorable to the perpetuation of small town or regional bank monopolies which have been the chief source of the rural legislators' power to block reform in State banking practices. They have, however, been distinctly against creation of dominating positions for big city banks.

However, the definition of what constitutes domination of competition depends upon the area dominated. Two banks in New York, in Philadelphia or in Chicago or San Francisco might conceivably have a dominant position that is antitrust within the limits of those cities, but might have a most innocuous position, so far as dominance was concerned, if the area of competition was statewide.

That, of course, is the theory that favors expansion of banks statewide, which seems to be the only feasible way now, in the light of U.S. Supreme Court decisions, for large banks to expand further. The feeling among bankers and security analysts is that the political representation formulas as set by the highest Federal court offer almost a guarantee of early statewide banking, favored by the big city populations.

OTHER IMPLICATIONS

There are, of course, further economic implications to be drawn from political reapportionment of voting power. Measures to aid cities and railroads, in such things as mass transit, stand a greater chance of enactment, it is believed, once legislators generally represent more people in urban areas. So also will there be greater chance for reapportionment of State revenues, now derived largely from big cities, for the benefit of metropolitan areas. Budget balancing should be easier for cities and harder for small municipalities.

Deductions that are being widely made, that the future of banking, and of some other industries, will now be just a bed of roses in the light of the U.S. Supreme Court ruling on population representation, is viewed in many financial circles as unrealistic, since so large a segment of the whole future of the Republican Party is at stake. The U.S. Supreme Court ruling is fundamentally favorable to Democrats, who dominate most of the big cities, and against the Republicans, who dominate in smaller centers.

OPPOSITION EXPECTED

Therefore, it is reasonable, so the financial analysts say, to expect laws to be introduced in Congress to override the Supreme Court, which Congress can do, particularly when it comes down to a question in which the minority of the court holds that the majority is making new laws and is not interpreting the Constitution. So all the effects of the reapportioning of voting power, however beneficient they may be to big town banking, probably will not be accepted without a fight, the outcome of which cannot now be foreseen.

These fights take a long time, however, and in the meantime reapportionment will take place, and the question may arise whether something legal can be done by bodies of legislators whom the Court, by a literal interpretation of its decision, holds must be illegal. So the lawyers of the Nation may be confronted with the necessity of proving that an illegal body can make legal decisions.

There are, also, other ancillary effects to be expected from the U.S. Supreme Court decision so far as banking is concerned. The National Association of Supervisors of State Banks is in deadly peril on its program, which is to fight for States rights, which are largely upheld by small rural banks.

OTHER IMPLICATIONS

State banking departments, fundamentally in favor of liberalizing State laws, in the future will have power behind recommendations which they have previously espoused with the belief they would certainly be vetoed.

In New York State, in particular, it seems likely that, when legislative voting is reapportioned, new bank branching and merger laws can be enacted which may eliminate banking "districts," a relic of the past, and pave the way for statewide branching and the encouragement of bank holding companies.

Sentiment in favor of wider development of bank holding companies will, of course, increase in relation to the greater legislative voice of cities in legislative councils.

The general expectation in financial circles is that this wider future for banking and for bank holding companies will be fought by Republicans and that the Utopian conditions which the Supreme Court decision seems to promise, from the standpoint of major banks, won't come until Congress tries to override the Supreme Court and either succeeds or fails.

Mr. Speaker, consideration is now being given by Members in both Houses of Congress to the introduction of bills and joint resolutions that will deal with the problems presented by the Supreme Court decisions in redistricting cases.

CIVIL RIGHTS BILL

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, here is what I had to say after listening to the debate in the House on the so-called civil rights bill. Mr. Speaker, after listening 10 long days to the pro and con debate on the so-called civil rights bill, I have come to the firm conclusion that if this bill, H.R. 7152, is made the law of our land, the very people it seeks to benefit will soon learn it has done untold harm to all the people, regardless of race, color, or creed, by placing every American under dictatorial Federal control to a far greater degree than we are experiencing at the present time.

Mr. Speaker, if for no other reason than I have just stated, I could not find it in my heart after prayerful thought to support this bill in its present form.

Let us think ahead for a moment to the time when good, patriotic Americans nationwide will be accused of discriminating against a person, be he or she white or colored, brought into court, fined or jailed for exercising the greatest of all our American rights and privileges, the right to choose our associates in business, be they employees or employers.

When that right to choose is denied our people, be they white or colored, and the Federal Government dictations take precedence over the civil rights laws of the States, then many States rights as provided by our U.S. Constitution, become mere scraps of paper, and a forerunner to the abolition of all States rights; to that I refuse to be a party.

I yield to no man in my desire that every American of qualified voting age has the right to vote in every local, State, and national election, and in accordance with our U.S. Constitution.

Also, Mr. Speaker, to deny any American youth an equal opportunity for an education with others because of the color of his skin does not square with my idea of our American way of life.

Relative to the public accommodations section of this bill which plainly provides Federal jurisdiction and control over who shall be employed by private business whether or not that business deals in interstate commerce, is, in my studied opinion, an infringement on the commerce clause of our U.S. Constitution, which I have taken the oath many times to uphold and defend, so help me God.

In conclusion let me say, Mr. Speaker, that along with the blessings and benefits of American citizenship, it follows that to be worthy of those blessings and benefits, every American, irrespective of race, color, or creed, must accept and practice, day in and day out, the full responsibility of American citizenship.

Now, after carefully studying the bill passed by the Senate on last Friday, I find little difference in that bill as compared to the House bill, especially in the sections pertaining to public accommodations and the FEPC.

The Senate bill, for example, says quite plainly that where any food that has crossed a State line is served in certain public eating places, or a pair of clippers that has crossed a State line is used by a barber or a lady hairdresser, the purveyors of the food and the users of the clippers are engaged in interstate commerce, and they must hereafter be controlled by the Federal Government. Hence the food dispenser, the barber and the hairdresser who does not comply with the provisions of that law are subject to prosecution, which to me does not square with American justice by any stretch of the imagination as we have known it.

Relative to the FEPC section, former President Kennedy said publicly that FEPC had no place in a civil rights bill; but the proponents of the bill, with his brother Bob's approval, did include FEPC, but cleverly used another name in lieu thereof; namely, EOC.

Mr. Speaker, I had sincerely hoped that the Senate would adopt a bill I could conscientiously support, but such is not the case. I am well aware that the bill will be enacted into law, but regardless of my fears that it will create more problems and dissension among our people than it will solve, yet I hope and pray that it will prove beneficial to all.

I shall support and defend the law just as I do every law, while at the same time I reserve the right inherent to every bona fide American to speak out pro or con on any and all vital issues of importance to the people.

In conclusion, I can truthfully say no man can cite a single instance when I did not treat every law-abiding American, regardless of race, color, and creed with equal courtesy and consideration.

I like all people who want and try to be liked and respected, and in God's sight are worthy to be liked and respected by Him and his fellow man.

URBAN RENEWAL IS WAGING WAR ON HOUSEWIVES

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, I am in receipt of a letter from a housewife living in Catonsville, Md., in which she enclosed an article she has written, entitled "Urban Renewal Is Waging War on Housewives."

She asked that all Members of Congress be given an opportunity to read the article in order that, in her words, "you will see that we are fighting for our lives and our homes. Maybe we can help to save other communities who find themselves face to face with this cancerous enemy. We are so small, so fearful, so tired of working against such preposterous odds—greed, money, subversion. We cannot stop now even if we wanted to. We live with constant fear, fear of reprisal, physical danger, job stoppage as well as bulldozed homes. Our county executive is furious with us, but he cannot find us. This is because we must be nameless. Therefore, could you put 'The Little People,' instead of the name signed to this letter?"

I ask unanimous consent that the mentioned article be incorporated as a part of my remarks, as follows:

URBAN RENEWAL IS WAGING WAR ON HOUSEWIVES

When we took a look at what urban renewal is doing to Baltimore City we housewives in Baltimore County decided that we just don't want it. We call ourselves "The Little People." We are nameless. In fact we are reduced to numbers. The Constitution of the United States guarantees its people "life, liberty, and property." Take away the property and freedom is gone. When freedom is gone we are reduced to slavery or serfdom. Thus we are numbers and not names.

We learned from friends living in one of Baltimore City urban renewal areas that private homes, many of which were in good condition, were condemned. The owners were ousted and paid less than the market price that competitive selling would have brought. The houses were eventually bulldozed and a token number of apartments were built in the area. In one section alone 60 small businesses were demolished and only 4 merchants could afford the relocated high rentals. The houses which were permitted to stand have been subjected to frequent inspection under the urban renewal ordinance for the last 2 years. Some were inspected as often as 20 times. The owners were required to upgrade their homes by spending their own money to make improvements that the inspectors arbitrarily told them to make. It was learned that the homeowners had spent an average of $3,000. If the owner did not have the money he was told to borrow from the FHA. He would be then further beholden to a Government agency. Anyone who refused to conform to the demands of the inspector was threatened with either a fine or jail—even if all of the conditions were met the house could still be condemned arbitrarily. Thus, honest hard working, taxpaying citizens are forced to give up their homes, properties, businesses and jobs. To make matters worse their own tax money is used to put them out of their homes. Two-thirds Federal money (Federal income tax out of their right pocket) and one-third local money (State income tax out of their left pocket).

Who is responsible for this nightmarish scheme of the landgrab by our very Government which shouts "war on poverty"? Now President Johnson wants to give a billion dollars to urban renewal to fight poverty. Urban renewal is putting people into poverty. According to Reader's Digest, March 1964, page 54, the urban renewal "program operates like Robin Hood in reverse. It approves the taking of property by police power from ordinary citizens and selling it by advance arrangement to other, often wealthy, private citizens at prices frequently as low as 30 percent of acquisition costs." Urban renewal is a corollary to that agency of the Government which subsidizes farmers for not raising crops which the world desperately needs to fight communism.

Over a year ago, just before Christmas 1962, it was discovered by accident that two sections of Baltimore County were slated for urban renewal. Two maps appeared. One was the center of Towson, the seat of Baltimore County, and the other was the heart of Catonsville, a village proud of the fact that its inhabitants are stable citizens. Heavy dotted lines designated the exact renewal areas in the center of each map. Underneath were these words: "Towson/Catonsville Urban Renewal Area, Redevelopment and Rehabilitation Commission, Baltimore County, Md., May 24, 1962."

We were mystified as to why these areas were included. It is our understanding that urban renewal was originally intended for city blighted areas or slums, never for the counties, suburbs, or villages of private homes and small businesses. The word "urban" is derived from the Latin "urbanus" a city. Neither of these areas is blighted. Many homes have been designated by the R. & R. commission itself as excellent with grounds and gardens in fine condition. Why then, are they marked for demolition? A closer look revealed the fact that both areas are made up of private homes bought and paid for by hard work and thrift either by the present owners or their parents, without the aid of FHA loans. In many dwell elderly people who are living very comfortably on pensions. Their homes are not mortgaged. They are solvent and self-respecting. When we visit these solid American citizens they ask with fear in their eyes: "What will become of us? Where can we go? Why is our Góvernment taking our homes away from us? We can't afford the high rentals in the new apartment houses they tell us they will build. This is confiscation. Our roots are deep here and we love our homes." We cast an eye toward Baltimore City's Sutton Place, a high-rise apartment built for medium income tenants. This monstrosity was built by private builders with FHA loans upon land that urban renewal had cleared of slums. The idea had been that it would yield a greater tax income benefit. The resultant? The city was compelled to reduce the assessment to the extent of $1 million because of the plaintive's complaint that Sutton Place was only 40 percent occupied. Bachelor apartments rent for $150 monthly with benefit of the swimming pool. Rentals run to $400 a month. The neighborhood is still a hazardous slum area in spite of urban renewal's assertion that it would upgrade the tax structure and would appeal to the middle income group. This building is quite an embarrassment to renewal agents.

So we, "the little people," were determined upon a counteroffensive on urban renewal. We have the purest battle cry in the world: "Save our homes." Essentially this is a woman's war. Men can back a man down but who can stop an angry woman who is fighting for her home? A man's home may be his castle, but a woman's home is her kingdom. In ancient times when the cave man was out hunting food the little woman was defending her home from wild beasts and wild men. Many centuries have passed since those early days. Society has made phenomenal progress in all directions: culture, education, science, medicine, engineering, technology, communications, astronomy, outer space, ocean bottom exploration, ad infinitum. You know what? With all of this wealth of experience and knowledge the little woman finds herself again back in the caveman days of defending her home. The only difference is that she can't see her enemies, whether they be wild beasts or wild men. Did you ever hear of a general who stops fighting to cook dinner, or a field marshal who leaves the front lines to go to the supermarket?

Most of us "little people" had never paid much attention to politics, naively believing that if we voted for good men then government would take care of itself. We began to read articles and books on urban renewal—three Reader's Digest articles threw a great deal of light on the subject:

"The Mounting Scandal of Urban Renewal," Representative JOHN DOWDY, March 1964, page 51.

"The Right Way To Save Our Cities," Jane Jacobs, April 1964, page 229.

"Is This the Way To Fight the War Against Poverty?" Charles Stevenson, May 1964, page 51.

Two books which were very helpful are:

"None Dare Call It Treason," John A. Stormer.

"Terrible 1313 Revisited," Jo Hindman.

Next we called the county office building and asked for copies of the "Proposed Housing Code." We learned that our seven councilmen were to vote for or against it at their next monthly meeting. When we read the code we just couldn't believe it. If the code was voted in urban renewal would automatically come to the entire county, not just to the stated Towson and Catonsville areas.

Among other things the code provided:

1. The building engineer, an appointee, could come into your home without a search warrant.

2. The building engineer could condemn your home even though it is in good condition.

3. If you violated the provisions of the housing code you could be put in jail for 3 months and fined $500 for each day.

4. You would be forced to fix your house to bring it up to such standards as the building engineer would set even if you didn't have sufficient funds when you were told to do it.

The building engineer interpretes the code, makes rules and regulations to enforce it and your only appeal is to the same building engineer who told you you were wrong in the first place. He is the legislator, the executive, and the judge. Thus you are criminals by reason that you own your own home, and the building engineer, an appointee, has dictatorial powers over you.

We nameless "little people" really got busy. We urged our neighbors to write, telephone, or wire the seven councilmen to vote "no." In addition we arrived 300 strong at the council meeting where the code was to be voted in or out. The county executive who had been urging the passage of this bill became alarmed and withdrew it. This was announced hourly by radio the day of the meeting. Now we had a month or two before the reworded housing code would be reintroduced.

The insidious thing about urban renewal is that it creeps in silently, secretly and stealthily and most Americans don't know what it is until they are hurt by it. Then it is too late. The hierarchy is appointed, not elected. Once in it is impossible to get them out. It is a creeping paralysis attacking most of America including Alaska and Hawaii, and even the islands of Guam and Wake.

A word about our seven councilmen. They are all honest men of high integrity. Never for a moment did we doubt this. We believed that they, like we, a few weeks before, did not know what urban renewal really was. We became well acquainted through letters and telephone calls. We knew that one had a new baby, another's children had the measles, a third was a bachelor and that another was attending law school. So we sent them books and articles and, bless them, they read them; that is most of them did.

It likewise occurred to us that our fellow countians did not know about urban renewal either, so we arranged meetings wherever we could find a free hall. Our problem then was to get a speaker—also free. The urban renewal agents have our tax money to pay for their meetings, we housewives have only our grocery money. Audiences were shocked when they learned what urban renewal really is. More "little people" joined the ranks and wrote to the councilmen to vote "no."

Two months after the code had been withdrawn, it was to be reintroduced with amendments. Something dramatic had to be done. We "little people" had a parade, probably the first antiurban renewal parade in history. It was planned to end in front of the county office building just before the councilmen's meeting. The county executive again suddenly withdrew the housing code because he had discovered that the majority of the seven stalwart men were with us and opposed to the housing code per se.

We had our parade and everyone enjoyed it, especially the councilmen who viewed it from the steps. Although it was gay and festive there was no doubt in anyone's mind of the utter seriousness of the event. There were four bands, one with bagpipes and kilts. Nearly a hundred women and a few men marched with brooms. They swept urban renewal right out of the County. We hope. Two shapely girls rode lawnmowers to mow down the housing code. A clown distributed balloons and lollipops to the children. One float featured a wigwam with authentic, feathered, Indians. A big sign said: "We were in the First Land Grab." Another displayed a huge open Bible over which was printed: "Thou shalt not covet thy neighbor's house," and "Thou shalt not steal." Still another float contained a table and seven empty chairs with the name of a councilman written on each. Those known to be against urban renewal had "OK" under their names, and the others had a big question mark. The sign read: "Who will fill these chairs next election?" Two of our "little people" are TV folksong singers. They composed a clever theme song to the tune of "Oh Suzannah" and sang it from a sound truck.

The big feature of the parade was a burial service. Three black wooden coffins with clusters of white lilies on top were carried by blacksuited pallbearers. They were labeled: "Urban Renewal," "Proposed Housing Code," and "Amendments." At the feet of the amused councilmen a "preacher" performed the last rites by saying:

"In God is our trust
Our cause it is just
Ashes to ashes and
Dust to dust
The burial of urban renewal's a must"

We, "little people," have a real war on our hands. If we lose we will go down fighting. If we win we will know that we have preserved the American way of life for all of the homes in Baltimore County.

The county executive can't understand why the people of the State of Maryland voted in the R. & R. Commission in 1961. The answer is simple. It was never told to us that urban renewal is an octopus which confiscates good sound homes and ushers in the police state. The bill provided only for slum clearance.

The county executive is mustering "big people" with terrific financial backing who can buy newspaper space, radio and television time to fight us. They will fight not for a pure and just cause such as ours but for their own interests and gain. The building code will next be introduced, which very much resembles the housing code. It costs $15 apiece, not for the asking as was the now dead housing code. Also, we must alert our fellow countians to vote against the $3,800,000 urban renewal bond issue which is expected to appear on the November ballot. This is needed before the Federal Government will allocate the two-thirds Federal funds to usher urban renewal into Baltimore County.

We urge all the "little people" in these wonderful United States to join with us and fight for your homes, and your threatened freedoms which our forefathers wisely wrote into the Constitution. Fight for your life, your freedom, and your property, and pray to God to deliver us from evil. God and a few are a majority. This we "little people," believe.

AN OPEN LETTER TO THE U.S. HOUSE OF REPRESENTATIVES

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, I am in receipt of a communication from Hon. Hamilton A. Long, a distinguished New York attorney and recognized expert on constitutional law. It is an open letter to the Members of the House of Representatives of the U.S. Congress, dealing with the pending civil rights bill.

I am pleased to call this letter to the attention of my colleagues with the fond hope that it will cause a reconsideration of the constitutional questions involved in this unconstitutional proposal.

I include the letter as a part of my remarks:

AN OPEN LETTER TO THE U.S. HOUSE OF REPRESENTATIVES

1. Every Member of Congress, sworn to support and defend the Constitution—in its original, true, and only meaning (per the intent of those who framed and adopted the initial instrument and later each amendment)—are thus by oath and morality required to oppose everything in conflict therewith such as the now-pending bill falsely labeled civil rights, because the Constitution as amended grants no power to the Federal Government to enact legislation or enforce it as pretended law in violation of the constitutional rights of individuals in various respects. Morality supports this conclusion firmly, as is self-evident, because there can be no constitutional right which conflicts with other constitutional rights: the rights of others.

2. The initial Constitution, as framed and adopted in 1787–88, granted no power to the Federal Government such as is assumed to exist as the basis for the bill; and the 13th and 14th amendents created no such Federal power. Neither did the initial instrument or these amendments create any constitutional rights such as the bill contemplates. This is true according to the controlling intent above mentioned; and no branch of the Federal Government—least of all the strictly limited power judiciary—nor all three branches combined, could have any power to change the true and only meaning, per that intent, which can be accomplished only by the people and by them only by the amending process. For anyone, including judges—who are themselves sworn to support and defend the Constitution (in that original meaning of course)—to pretend to the contrary is a fraud on history, on the American philosophy and constitutional system of strictly limited-power Government, on this basic law of the people and therefore on the American people today and posterity. Any and all officials, including judges, who grasp power beyond that granted by the Constitution as amended thereby make of themselves usurpers acting outside of the law and so outlaws as the Founding Fathers asserted long before 1776; usurpers are outlaws.

3. The 14th amendment changed nothing in this regard except to guarantee that each State's own standard of liberty and justice, under its own constitution, should apply equally to every person within its borders; without regard to the Federal Government as a whole, much less to the Supreme Court, and without regard to different standards in any other State. Each State is thus fully empowered, due to limited Federal powers granted by the initial instrument in 1787–88 (subject to implied denial of all powers thus excluded—made express by the so-called Bill of Rights, in reality a bill of prohibitions directed against the Federal Government only). The truth of these conclusions, as to the 14th amendment, is proved conclusively by law Profs. Charles Fairman and Stanley Morrison in articles in Stanford Law Review, December 1949, in the light of their assembled evidence (available in such form for the first time) as to the intent of the ratifying States, which controls. As to the 13th amendment, see law Prof. Alfred Avins' article in Cornell Law Quarterly for winter, 1964. The bill has no support in the 13th or 14th amendments, as adopted.

4. As a member of the New York bar (retired) and writer on constitutional law, I urge that the Constitution be upheld and this bill therefore defeated.

HAMILTON A. LONG.

NEW YORK CITY, *June 19, 1964.*

THE LATE JOHN FITZGERALD KENNEDY AS A FATHER

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, one of the most interesting articles concerning the life interest of our beloved, martyred President, John F. Kennedy, as a father, was given by the talented and gentle Mrs. Evelyn Lincoln, his personal secretary—to the Chicago Tribune, and published in the Saturday edition of June 20, just before Father's Day. His love of family was the high mark of his love of life. Even in our great sadness then, and in our continuing depressed feeling now over this terrible tragedy, we are lifted in spirit to read of such incidents in his life that reflected the vibrant sparkle of his own personality, and the antics of a loving father, playfully mussing up his darlings.

Much of the greatness in a leader stems from his love of family. President John F. Kennedy's determination of measures for the salvation of humankind in general, and our Nation, will mold the minds of successors to the Executive leadership for many generations.

Mrs. Lincoln is to be complimented for giving the public a true picture of a young American father, showing his deep love for his lovely Caroline and John-John. One can never forget John-John's salute while the funeral cortege was in front of St. Matthew's Church, and Caroline holding close to her mother, Jacqueline Kennedy, and the Attorney General, Robert Kennedy, by her side. Only the good Lord knows the reasons that control the destiny of a man—and yet, the Nation suffered so much and continues to bemoan his fate and, by the thousands, to pay their personal respects at his gravesite. The loyalty to his principles of government and policies, at all levels, and the veneration of his memory, are exemplified in the speeches given by President Lyndon B. Johnson who, with great humility and with deep emotion, eulogizes his works on every public and private occasion—with God's blessing.

The Chicago Tribune article follows:

SECRETARY RECALLS KENNEDY AS A FATHER

WASHINGTON, June 19.—For Mrs. Evelyn Lincoln the past is still the present and the memory of the late John Fitzgerald Kennedy is a living thing.

Mrs. Lincoln, who was personal secretary to the slain President, recalled her long association with him as she sat in her office in the Executive Office Building.

For the man who torched the free world with inspiration, his secretary had a simple summation: "I recognized from the very beginning that he was going to be a truly great man because of his interest in the welfare of everyone."

DWARFED BY DESK

The slight, brunette, bespectacled woman, who was almost dwarfed by her executive-sized desk, looked from her window toward the office of her late boss and said, "Right now I think he might come in—I catch myself almost keeping things I think he would like to see."

The office that Mrs. Lincoln now occupies also is a living reminder of John Kennedy.

With a slight sweep of her dark brown eyes, she said with complete composure, "You are sitting in his Harvard chair; there is the rocker, like the President's, that used to be in my office, and that leather sofa is one that I would make up for him during the Senate days for his 45-minute nap after lunch."

The cheerful office that gets its homey facade from Mrs. Lincoln has become a calling spot for Caroline and John-John.

RECALLS FIRST VISIT

With a wistful smile, Evelyn Lincoln recalled the first time the President's son came for a visit to room 300 in the Executive Office Building.

He settled himself with his customary ease in the mulberry covered rocker and after getting under way at top speed asked when he could see his father. It was obvious wherever Evelyn Lincoln was, the little boy thought his father would be just a room away.

The late President's secretary tried to quietly explain to her young caller why he wouldn't see his father but apparently with little success.

Caroline Kennedy also made a recent visit and obviously is concerned with slender Evelyn Lincoln's weight.

TAPES UP WORK

Caroline came equipped with four pieces of paper that she had been working on. Two were triangular with holes in them and the other two were square with dots. She explained that they were Swiss cheese and crackers. Then she marched over to the wall and taped up her work.

Mrs. Lincoln recalls that Mr. Kennedy's office did not always echo the serious voices of world leaders and top U.S. officials but often the squeals of delighted children.

On many occasions the entire White House nursery school came bounding in to see Caroline's father. That confusion was enough to shelve any world crisis for a short period.

CALLED IN EVENING

It was a common practice for Caroline and John-John to come calling at their father's office at about 7:15 in the evening, said Mrs. Lincoln.

Caroline would clamber up into her father's Harvard chair and recite a bit of poetry she had learned that day as lively John Jr., crawled under his father's desk.

Mrs. Lincoln laughed as she recalled a game the President never tired of with his son. On occasions the youngster would come over to see his father and wait in the secretary's office until the President was free.

MISCHIEF IN HIS EYE

Mr. Kennedy would wander out of his office with mischief in his eye and turn to his son saying, "Hello, Sam." This invariably brought the rise that was wanted as the boy with determined annoyance would reply, "I am not Sam, I'm John."

One evening, Mrs. Lincoln remembers, the children were in the office with their father and the laughter was particularly high pitched.

She wandered in to find the President of the United States rolling around on the floor with Caroline and John-John.

"Really, Mr. President, what would the people think if they could see you now?" she asked.

"Well, they do know I'm a father, don't they?" was his reply.

STAMPS, LIKE MONEY, REPRESENT FACE VALUE

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, I am very interested in the possibility of the Post Office Department providing our citizens with the most convenient method of obtaining postage stamps—through all-weather, patron-operated, outdoor stamp machines.

Just imagine the day when you can walk out to your corner mailbox, at any time of the day or night, and purchase a stamp and mail your letter, on the spot.

The concept of U.S. post office outdoor stamp machines, which dispense stamps at face value, is certainly not a far-off dream. Right now, the Post Office is testing this idea with eight prototype stamp machines, placed outside of the new post office at the New York World's Fair. Postmaster General Gronouski and his staff of engineers are to be complimented on this forward-looking service—we hope that the results of the experiment are favorable.

Tourists from foreign lands cannot understand the proselytism practiced here in stamp sales marked up for profit—a business practice forbidden in their native countries.

THE PROBLEM

At present, U.S. postal stamps are sold at face value in the 44,845 Government post offices, branches, and stations throughout the country. Generally the postage stamp department in the post office closes at the end of the regular working day—approximately 5:30 p.m.

In addition, first-class stamps can be purchased in various non-Government locations, such as drugstores, department stores, and hotels. In the non-post-office locations, stamps are dispensed through vending machines and the purchaser must pay a premium over and above the face value of the stamps.

The profit, ranging from 25 to 33⅓ percent, on each U.S. postage stamp sold through non-Government vending machines goes either to the vending machine manufacturer or the place of business in which the machine is located. As drugstores, department stores, and other indoor places of business also observe certain hours, there is a certain time period in a 24-hour day during which stamps cannot be purchased even at additional expense.

The two obvious problems presented by the present stamp sale program are: First, inconvenience to the purchaser, whose ability to purchase stamps is restricted by limited hours and insufficient locations; second, the inability of the Post Office to provide postage stamps at face value to the public on a 24-hour basis, particularly now with the recent Post Office economy drive which has further curtailed post office hours.

An accepted fact is that the flow of mail delivery is affected by the restricted hours for stamp purchasing. Mail traffic is heaviest during business hours when stamps are available. Night mail traffic is light because consumers cannot purchase stamps easily and consequently, cannot mail letters after hours.

Coupled with this problem, the congestion in the post office is heightened during stamp purchase hours, particularly during heavy seasonal periods, such as the Christmas season.

THE SOLUTION

It is proposed that proper action be taken, which will direct the U.S. Post Office Department to provide 24-hour, easily accessible stamp-purchase service to the public.

Toward this end, the concept of outdoor stamp machines, placed adjacent to every U.S. mail collection box located on street corners, in airports, train and bus stations, is suggested. The machines, to be owned and operated by the U.S. Post Office Department, would make first-class stamps available to the public on a 24-hour basis at face value.

The various stamp vending-machine companies, which presently provide stamp dispensers for indoor, nongovernment locations, would continue to provide service to those customers willing to pay a premium for stamps. There are presently less than 10 such vending machine companies providing this service. Although the vending machine industry would not be particularly affected, the placement of Post Office Department stamp machines at outdoor locations would be significant additional convenience service for the public.

The potential market, based on the sale of first-class and airmail stamps during 1963, is upwards of $380 million dispensed through more than 300,000 outdoor stamp machines located adjacent to U.S. mail collection boxes.

The timesaving factor of post office personnel, the lightening of congestion at peak seasons inside the post offices, the boon to the greeting card industry, the overall convenience to the taxpayer, and the ability of the post office to offer postage stamps at face value on a 24-hour basis are significant factors to be taken into consideration.

The U.S. Post Office Department is testing such a concept at this time. Details of the Post Office study, the physical aspects of the stamp machine and pertinent Post Office statistics follow:

BACKGROUND

At the request of the U.S. Post Office Department, a project to research and develop a prototype all-weather, outdoor stamp vending machine was undertaken by Triner Scale & Manufacturing Co. in 1962.

The Post Office stated that the purpose of the project was to "develop a nonproprietary, all-mechanical, patron-operated, single demonstration stamp-vending machine capable of reliable performance when installed out of doors."

During a 13-month period, Triner completed the research and development on the project, developed the design and operating techniques and submitted the finished design to the Post Office. On receipt of the Post Office's approval of the design, a working model was developed and thoroughly tested for satisfactory operation under simulated weather conditions.

The testing requirements of the Post Office met by the first prototype machine included: outdoor operation and capability of dispensing stamps through the year in any location within 50 States and capability of operating in temperatures ranging from minus 30° to plus 110° F. and in relative humidity ranges from 10 percent to falling rain and snow.

Following approval of the first prototype, the Post Office contracted for eight all-weather, outdoor stamp machines, which were completed within a 5-month period.

The Post Office Department has placed the eight stamp machines outdoors in the area immediately adjacent to the new post office at the New York World's Fair. The Post Office is utilizing the eight machines as a pilot test of public reaction to this additional Post Office service.

THE OUTDOOR, ALL-WEATHER STAMP MACHINE

The nonproprietary, patron-operated, outdoor stamp-vending machine, which has been developed for the U.S. Post Office, will "sell" single stamps at face value.

The machine is a single unit, constructed of all-weather resistant, polished stainless steel. It has been designed to dispense one 5-cent stamp for each nickel inserted in the coin slot. It has been built in such a way that it is adaptable, also, to dispense an 8-cent airmail stamp and refund two pennies, upon receipt of a dime or two nickels.

The stamp-vending machine is simple to operate. One merely inserts a nickel in the coin slot, presses the operating handle down, then releases it and removes the stamp from the stamp hopper when it appears.

The outdoor stamp-vending machine is sealed against moisture. To guard against theft, it has a catch-lock feature that insures against pilferage. It has been designed so that it can be permanently mounted on walls, pedestals, or posts. The mounting bolts are inside the case, to prevent removal without first unlocking the access door of the unit. All external parts are corrosion resistant and sufficiently sturdy to withstand severe weather and normal patron abuse.

It has been designed with the idea that such a machine could eventually be placed by every mailbox in the country and at well-trafficked locations, such as airports, bus, and train terminals.

The machine has a coin-acceptance unit which will accept only standard U.S. coins of appropriate denomination. Foreign, counterfeit, or defective coins will be rejected through a coin-return door.

The machine will need minimal maintenance and service. With the exception of normal cleaning service, stamp refill and coin collection, it can handle 250,000 transactions before any major service may be required. It holds a standard 3,000-stamp roll. When the roll has been used up, clear indication that it is out of stamps will appear in the "sold out" window on the front of the unit.

POST OFFICE STATISTICS, 1963

Post Office Department employees total 587,491, of which 578,417 are located in post offices, in branches, and 9,074 are located in regional offices, facilities and headquarters.

The total number of post offices, including branches and stations throughout the country, is 44,845. This breaks down to 34,498 post offices and 10,347 branches and stations.

Besides those collection points actually located in post offices, there are 323,771 collection boxes maintained by the Post Office in this country. This breaks down to 207,852 large corner boxes—that are placed in bus depots and train stations as well as outdoors—101,965 small mail boxes and 13,954 receiving boxes or mail chutes in hotels, office and other commercial buildings.

The total number of stamps supplied postmasters in 1963 was 32,211 million at a selling value of $1,382 million. The total number of stamped envelopes printed for the Post Office was 2,345 million. The total number of post cards printed for the post office was 2,487 million.

The Post Office issued 13.6 billion in sheet stamps of all denominations, exclusive of commemorative ones, at a value of about $647 million in 1963. The Post Office issued 1.1 billion airmail sheet stamps at a value of $94 million in 1963.

By adding outdoor stamp machines to the present indoor post office stamp selling facilities, it is estimated that 42 percent of the present total first-class and airmail stamp sales will be transferred to outdoor machines and, in addition, there will be a 10-percent increase in stamp sales.

Therefore, there is a potential market of over $380 million in sales of first-class and airmail stamps distributed through outdoor stamp machines.

WOULD PEOPLE WRITE MORE LETTERS IF STAMPS WERE MORE ACCESSIBLE?

The scene is at home.

Mr. Smith is about to write post cards to the folks back home, when he remembers he has not any stamps, and so he loses interest and puts the cards back in the drawer, where they remain.

The scene is at home.

Mrs. Jones has just written a long overdue letter to a friend. It is signed and sealed and she is about to go out to the corner mailbox with it, when she realizes she has not got a stamp, so she puts it in her purse instead, and it never does get mailed.

The scene is anywhere.

And since the scene is anywhere, it could well be you. You purchased a bunch of greeting cards this afternoon and you are sure your Uncle Harry and Aunt Selma and their kids will all get a big kick out of your thinking of them, but you forgot to buy stamps and the post office is closed now, and so is the drugstore with its more convenient stamp machine. Pretty soon you lose the spirit of the occasion and abandon the cards to the desk.

How many more letters would be written if stamps were more available?

If you could conveniently buy a stamp right at the mailbox where you mail your letter, would not it make the whole letter-writing process more enjoyable?

You want to drop Sam a note? Write it—then buy a stamp right at the mailbox and send your letter off to California, or Florida, or wherever Sam happens to be.

Mail is still the least expensive way of getting the word to someone. And whether the word be "hello" or "get well" or "congratulations" or "having a fine time wish you were here," they are still important to the sender and the receiver.

"Do you happen to have a stamp?"

That is a question we are all bound to hear and to ask at one time or another.

And now we have an answer.

The U.S. Post Office is testing eight patron-operated outdoor stamp machines at the New York World's Fair.

These weather-resistant units will dispense stamps at face value whenever a consumer wishes to buy.

If the public responds favorably to these post office stamp vending machines, some day in the near future we may no longer have a "where can I get a stamp at this time of night?" problem.

There may be a stamp machine by every mailbox.

And, in that case, you had better find another excuse for not having written Cousin Kate in years.

If you go down to the corner drugstore to change a $10 bill, most likely the neighborhood merchant will be happy to change it for you and he will give you full value for your money, maybe a $5 bill, four singles, and four quarters, or whatever you want.

But, if you go down to that same store to get a couple of postage stamps—as much a part of our Federal Government as the Federal Reserve notes that they issue—you are likely to come up against a privately owned and operated stamp machine that will issue you an 8-cent stamp for 10 cents—a 25-percent markup—or three 5-cent stamps for 20 cents—a 33⅓-percent markup.

Why should we have to pay a premium on U.S. postage stamps simply because we are not buying them at a post office?

When we change money at a bank, we get exact change. Most any store will be glad to make change for us as a complimentary service, knowing full well that such services lead to customer good will.

There are dollar bill changing machines and coin changing machines located in numerous department stores, airports, waiting rooms, and near pay telephones. When we put 50 cents into a coin changer, we expect to get 50 cents in change back, and not pay a premium which would return 42 cents back instead.

Is not the Post Office Department interested in good will?

People are often irritated at having to pay 25 percent over the cost of stamps, simply because there is not a post office handy or it is after post office hours.

Why should not the Post Office Department install its own stamp vending machines that sell stamps at face value by every outdoor corner mail box?

If the Post Office Department approves that idea through the tests of eight machines presently operating at the New York World's Fair, there is no question that the public will greet this service with great enthusiasm. We hope that someday in the near future we will find that the Post Office has installed outdoor stamp machines by every corner mailbox as handy and convenient as the corner drugstore.

SHOULD UNCLE SAM PROVIDE STAMPS AT COST?

How much does an airmail stamp cost? Eight cents you say? Only if you buy it at a post office. If you need a stamp in a hurry, and if you are not near a post office—as is frequently the case—you will have to go into a store—if it happens to be during store hours—and put a dime into a stamp vending machine, from which you receive an 8-cent airmail stamp, but no change.

We are the only country in the world that allows its own stamps to be sold at a premium. For the sake of convenience—and it is for this sake alone that we use the vending machines—we are paying a 25 to 33⅓ premium on a Government issue stamp.

Should not Uncle Sam provide stamps to us at cost in more places than post offices? Should it not be easier and handier for us to buy stamps at the same price as they were issued by the Government? Should we have to stand in line at a post office window—when we get to one during its "open" hours—while people in front of us wait to insure parcels, collect mail, and take care of their other post office business?

Since we must have stamps in order to mail our letters, would it not be sensible for the Post Office Department to follow the example set by the private vending machine manufacturers who make stamps available inside stores? Why does not the Post Office place stamp machines outdoors by every mailbox, so we can buy our postage 24 hours a day?

And since the Post Office is a branch of our Federal Government, does it not seem only right that we should have these stamps made available to us at the price for which they were made to sell?

The U.S. Post Office Department alerted to the problem is experimenting with such an idea now. Their placing of eight outdoor, patron-operated stamp vending machines, selling stamps at cost, at the New York World's Fair will give the answer.

We salute the idea. We expect there will be favorable response from all who use the machines at the fair. We hope that some day, in the very near future, we may see similar models mounted on or near every mailbox in the country.

The press and public response has been favorable throughout the Nation. The following sample clippings reflect the thinking of the press in their editorial approach:

[From the Christian Science Monitor, June 8, 1964]

STUMPING FOR STAMPS

We are not trying to stamp out private enterpise. We have often been glad to pay a 25-percent markup to a vending machine when we have needed a stamp and the post office was closed or far, far away.

But we cannot help recalling that in Britain, when a post office is closed, we can buy a stamp at face value from a machine just outside. The United States is "the only country in the world that allows its own stamps to be sold at a premium," writes Congressman Roland V. Libonati, of Illinois, with an exclamation point that suggests the intensity of his feelings.

Now he has got us excited. Why not have, as he suggests, all-weather, face-value stamp machines at every mailbox? Not primarily as a "boon to the greeting-card industry," which he mentions as one of the things to be taken into consideration. But for such other reasons as "timesaving factor of post office personnel, the lightening of congestion at peak season inside the post offices * * * the overall convenience to the taxpayer and the ability of the post office to offer postage stamps at face value on a 24-hour basis." He estimates a potential market "upward of $380 million dispensed through more than 300,000 outdoor stamp machines."

Such machines are being given a trial at the New York World's Fair. We'd like to see them tried out in a whole city—ours.

Coddling, you say? The next thing will be a change machine on every corner, you say? Then free delivery of stamps? Then a high-salaried government employee to lick them for us?

Shortsighted nonsense. The Libonati plan is simply a stopgap measure until every American home has a postage meter.

LIBONATI OUT TO LICK COSTLY 5-CENT STAMPS

(By Robert L. Asher)

Representative Roland V. Libonati, Democrat, of Illinois, hates to take a licking when he buys a postage stamp.

What this country needs, the Congressman says, is a good 5-cent stamp—24 hours a day and for a nickel.

Libonati says he is satisfied with the face-value sales of stamps at post offices but objects to paying extra at vending machines in stores.

To save time, trouble, money, and congestion at post offices, Libonati is pushing the idea of "all-weather outdoor postage stamp machines," owned and operated by Uncle Sam. He wants them placed at every mail collection box in the Nation.

Buying your stamps where you mail your letter would make the "whole letter-writing process more enjoyable," the Congressman suggests.

Both Libonati and the Post Office Department are quick to note that experiments with outdoor mechanical clerks are underway.

A number of machines are in use at the New York World's Fair and have been bestsellers, officials report.

Edward E. Harriman, director of engineering and research for the Post Office Department, said yesterday that the main thing gumming up the works in the past has been the "stickum" on stamps.

"We're testing moisture-proof machines in our lab and at the fair," he pointed out. "So far we've had no serious trouble, but we have to evaluate the machines over a long run to be sure."

The machines have special sealing devices to protect the stamps from humidity "such as Washington's in the summer," Harriman explained. "You put in a nickel, a nice little door opens, gives you your stamp and seals up."

Postal officials acknowledge that outdoor machines—there already are a number of machines in lobbies—would be a partial answer to complaints about the curtailment of post office hours.

[From the Chicago Sun-Times, June 16, 1964]

A 5-CENT STAMP FOR 5 CENTS?

The U.S. Post Office is testing the concept of selling stamps at face value from vending machines located outside a post office that has been installed on the grounds of the New York World's Fair.

There is no reason why stamps should not be available, at face value, from vending machines outside every post office in the country.

It is possible to buy stamps at face value now, in regular post offices, during the hours the post office is open. But if one goes to the familiar vending machines installed in various business places a large premium must be paid to purchase a stamp. An 8-cent airmail stamp costs 10 cents, a markup of 25 percent. Three 5-cent stamps cost 20 cents, a markup of 33⅓ percent.

The post office is now experimenting with a vending machine built to withstand bitter cold and extreme heat, very dry weather and falling rain and snow. If the design proves practicable the possibility exists that the U.S. citizen may be able to buy postage stamps 24 hours a day from vending machines outside post offices without paying a high premium. The convenience is long overdue.

CONGRESSIONAL DISTRICTS AND THE FEDERAL JUDICIARY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. Meader] is recognized for 60 minutes.

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, I direct the attention of the House to a historic matter of surpassing importance involving the structure of our Government, namely the assertion by the Federal judiciary of authority in private litigation to determine the composition of legislative bodies, including the House of Representatives.

Mr. Speaker, when the decision in *Baker* v. *Carr*, 369 U.S. 186, was handed down by the U.S. Supreme Court on March 26, 1962, I recognized it as a radical departure from longstanding principles of separation of powers in our unique tripartite system of government and a dangerous and unhealthy intrusion by the judiciary into legislative processes. I discussed the subject at some length on the floor of the House on July 16, 1962, and my remarks appear on pages 13745–13754 of the Congressional Record of that date—Congressional Record, volume 108, part 10, page 13745. In those remarks, I referred to legislation pending before the House Judiciary Committee to establish criteria for congressional districts. That measure is still pending before the committee and the chairman has scheduled an executive meeting of the subcommittee for Wednesday, June 24, 1964, to consider that legislation.

Because of my firm conviction that the courts should not inject themselves between the people and their representatives in legislative bodies, I sought to devise legislation which could be offered as a substitute for the Celler bill establishing the criteria for congressional districts, and, on Wednesday, June 17, I introduced in the House of Representatives, H.R. 11650, to insure that congressional districts meet certain standards and for other purposes. The text of that measure is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Congressional Districting Act".

SEC. 2. (a) Every State shall establish, for the Ninetieth and for each subsequent Congress, a number of congressional districts equal to the number of Representatives apportioned to such State. Each such district—

(1) shall elect one Representative,

(2) shall be composed of a compact and contiguous territory,

(3) shall have boundaries which to the extent practicable coincide with boundaries of local units of government, and

(4) shall have contained in the preceding decennial census a number of persons not more than 120 per centum nor less than 80 per centum of the number of persons in the State divided by the number of Representatives to which the State is entitled.

(b)(1) Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a (c)), is repealed.

(2) Paragraph (1) of this subsection shall not take effect until noon on January 3, 1967.

SEC. 3. (a) The House of Representatives shall conduct investigations with respect to the boundaries of congressional districts. If the House finds that the congressional districts of any State do not meet the requirements of section 2(a), the House shall declare such finding in a House resolution. The Clerk of the House shall notify the Governor of such State of the adoption of such resolution.

(b) If such State fails, within one hundred and eighty days after the passage of a resolution under section 3(a), to change the boundaries of such districts so that they conform to the requirements of section 2(a), the House, by House resolution, shall prescribe the boundaries of such districts so that they conform to such requirements. A House resolution changing the boundaries of a congressional district in accordance with this subsection shall have the full force and effect of law with respect to elections to the first Congress beginning more than eight months after its approval.

SEC. 4. (a) Clause 12 of rule XI of the Rules of the House of Representatives relating to matters within the jurisdiction of the Committee on the Judiciary is amended by adding at the end thereof the following:

"(t) INVESTIGATIONS AND RESOLUTIONS UNDER THE CONGRESSIONAL DISTRICTING ACT.—The committee shall conduct investigations pursuant to section 3(a) of the Congressional Districting Act. In conducting such investigations, the committee shall give notice to and hear all interested parties, and shall determine whether the districts being investigated conform to the requirements of section 2(a) of the Congressional Districting Act. If the committee finds that such districts do not so conform, it shall report such findings to the House, and shall report to the House a House resolution stating that the House finds that the boundaries of such districts do not conform to section 2(a) of the Congressional Districting Act. If the House approves such resolution and if the committee finds that the State has failed within one hundred and eighty days after passage of such resolution to change the boundaries of its congressional districts to conform to the requirements of section 2(a) of the Congressional Districting Act, the committee shall, after holding such additional hearings as it deems necessary, report to the House a resolution prescribing the boundaries of such districts in conformity with such requirements."

(b) This section is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this section at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

SEC. 5. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1361. Congressional districts

"A district court shall not have jurisdiction of any action to enjoin, suspend, or modify the operation of any law or resolution respecting the boundaries of any district from which Representatives are elected to the Congress of the United States."

(b) The table of contents of chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following:

"1361. Congressional districts."

SEC. 6. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Exception to appellate jurisdiction in cases involving congressional districts

"The Supreme Court of the United States shall not have appellate jurisdiction of any action to enjoin, suspend, or modify the operation of any law or resolution respecting the boundaries of any district from which Representatives are elected to the Congress of the United States."

(b) The table of contents of chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following:

"1259. Exception to appellate jurisdiction in cases involving congressional districts."

It was my belief that this measure was of the utmost importance to every Member of the House of Representatives and, accordingly, under date of Thursday, June 18, I sent to each of my colleagues in the House a letter advising them that I would discuss this subject on Monday, June 22, 1964, on a special order on the floor of the House. The text of the letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 18, 1964.

DEAR COLLEAGUE: The U.S. Supreme Court and lower Federal courts have asserted dominion over Congress and State legislatures by undertaking to determine the composition of legislative bodies.

This unfounded assumption of authority by the Federal judiciary strains the equilibrium which holds together our unique tripartite system of government; disdains the comity through which alone the autonomous separate branches of government can function smoothly and effectively in concord; and poses the most serious threat to self-government by the people through elected representatives in the 175-year history of our Republic.

In *Baker* v. *Carr,* 369 U.S. 186, decided March 26, 1962, and *Wesberry* v. *Sanders,* 376 U.S. 1, decided February 17, 1964, the Supreme Court invaded the "political thicket." A rash of "citizens" suits obviously well-prepared and well-financed, erupted overnight. The unprepared, unorganized common people were caught unawares and—States now have litigation pending which threatens to undermine the whole electoral process and attacks popular determination of areas from which legislative representatives are chosen.

What to do about it? I have prepared a bill (H.R. 11650) which will:

1. Establish criteria for congressional districts.

2. Allow State legislatures a reasonable time after apportionment of Representatives among the several States after each decennial census to delineate congressional district boundaries according to those criteria.

3. Provide a mechanism for review of State legislative action in congressional districting to determine whether the statutory criteria have been applied correctly and to establish congressional district boundaries by congressional action in those States where State legislative action has violated statutory criteria.

4. Withdraw jurisdiction of lower Federal courts and the appellate jurisdiction of the U.S. Supreme Court in all legislative districting matters.

This subject will be discussed at length on the floor of the House on Monday, June 22.

It is my hope that other Members interested in this subject (and all 435 should be) will be present to the end that we may discuss my proposal and develop support for its passage. We, in Congress, can put an end to the intrusion of the judiciary into legislative processes.

Sincerely,

GEORGE MEADER.

Mr. Speaker, my own State of Michigan has been sorely beset by litigation in Federal district court not only with respect to its congressional districts, but also districts of the State senate. In my remarks in July of 1962, referring to the above, I set forth some of the pleadings in the case of Calkins against Hare, challenging Michigan's congressional districts. They appear in the CONGRESSIONAL RECORD, volume 108, part 10, page 13746. The proceedings at that time resulted in the denial of a motion for a temporary injunction requiring all Michigan Congressmen to run at large in the 1962 election, and no further action was taken in the matter which lay dormant until this spring.

After the decision of Wesberry against Sanders on February 17, 1964, the plaintiffs in Calkins against Hare, moved to amend their pleadings to attack the congressional districting act passed by the Michigan Legislature in 1963, and after the attorney for Alvin M. Bentley, intervenor in the case, had been afforded an opportunity to file a brief opposing the relief requested the three-judge court on Good Friday in a 2-to-1 decision held the 1963 Michigan congressional districting act unconstitutional and ordered that unless the legislature enacted another congressional districting act, Michigan

Congressmen would run at large. The text of the decree and the decisions of the three-judge court are as follows:

U.S. District Court, Eastern District of Michigan, Southern Division—Donald A. Calkins and Karl J. Jacobs, Plaintiffs *v.* James M. Hare, Secretary of State, for the State of Michigan, Defendant; Alvin M. Bentley, Intervenor

(Civil action, No. 22720)

Decree: At a session of said court, held in the courthouse, city of Port Huron, Mich., on March 26, 1964.

Present: Hon. Clifford O'Sullivan, circuit judge; Hon. Talbot Smith, district judge; and Hon. Stephen J. Roth, district judge.

This cause came on for trial on March 23, 1964 at which time all parties were present by counsel and the court having considered the pleadings, the stipulations, and the arguments of counsel, and, the court being of the unanimous view that Act 249 of Public Acts of 1963 is unconstitutional, and, a majority of the court being of the view that a decree should now be entered in the terms as hereinafter set forth, it is therefore ordered, adjudged, and decreed by the court:

First: The court hereby decrees that the present apportionment of congressional districts under Act 249, Public of Acts of 1963, is unconstitutional and therefore the said Act 249 is void and invalid in its application;

Second: That in conducting primaries for the nomination of candidates for, and elections for the election of, Members of Congress from Michigan, the defendant Hare, individually and in his official representative capacity, his respective agents, officers and employees, are hereby enjoined and restrained from enforcing applying or following the said Act 249 of the Public Acts of 1963;

Third: Pending enactment by the State of Michigan of substitute legislation in the place of said Act 249 of the Public Acts of 1963, all Members of Congress for the State of Michigan shall be nominated and elected from the State at large;

Judge O'Sullivan concurs in the view that Act 249, Public Acts of 1963, is unconstitutional but dissents from the entry of a decree at this time with the remedies provided in paragraphs second and third for the reasons set forth in an opinion filed contemporaneously herewith,

Fourth: The court retains jurisdiction of the cause for such other and further orders as may be required.

The opinions of the court will follow in due course.

Talbot Smith,
U.S. District Judge.
Stephen J. Roth,
U.S. District Judge.

U.S. District Court, Eastern District of Michigan, Southern Division—Donald A. Calkins and Karl J. Jacobs, Plaintiffs, *v.* James M. Hare, Secretary of State, for the State of Michigan, Defendant; and Alvin M. Bentley, Intervening Defendant

Civil action No. 22720

The plaintiffs have challenged the constitutionality of the congressional districting in this State.

The action had been started on June 29, 1962, plaintiffs alleging in their original bill of complaint that the congressional districts then established (by act 20, P.A. 1931, as amended by act 64, P.A. 1951) were unconstitutional. A preliminary injunction was denied by this court on July 10, 1962. In June 1963, effective September 6, 1963, the Michigan Legislature enacted the congressional districting bill now under challenge, act 249, P.A. 1963. Following the decision in the case of *Wesberry* v. *Sanders,* 32 USL Week, 4142 (U.S. Feb. 17, 1964), plaintiffs, upon leave granted, amended their complaint, now attacking the constitutionality of the most recent act, No. 249, P.A. 1963, in the light of Wesberry.

A hearing was had on March 2, 1964, upon the motion for preliminary injunction. Plaintiffs based their case upon the population figures, from the 1960 census, for the various districts, pointing out the various discrepancies thus disclosed, and asserting, upon the authority of Wesberry, that constitutional requirements had not been met. The attorney general, appearing for defendant secretary of state, conceded that the criterion of "one man, one vote" had been, prima facie, violated and could offer no explanation of the reasons for the population variances shown "without an examination of the legislative history" of the act. The intervening defendant was represented by counsel whose relationship to the act under consideration was of substantial aid to the court, he having (in 1962) "entered full-time public service, when one of my objectives was to achieve the redistricting of Michigan on a basis as nearly to population as practicable." (Tr. 64.) His explanation of the criterion employed by the legislature in drawing the district lines was illuminating:

"But so far as the legislature was aware when it took action in 1963—and it was one of the most difficult accomplishments of that legislative session, the objective of equal population was satisfied if it hit a 15-percent standard, and with the exception of the 15th district and the Upper Peninsula district and ignoring some fractional deviations—there are some that go a fraction over 15 percent—they came within that standard for all but two of the districts of the State, and they hit an average deviation of less than 10 percent."

It was also suggested to the court that a proper element of "practicability" was consideration of the legislative problem of just what kind of districting the legislature would accept, in short, what bill the votes could be obtained for.

At this juncture it was the opinion of a majority of the court that a prima facie showing of unconstitutionality had been made, that the motion for preliminary injunction should be denied, and that the matter be set down for hearing on the merits on March 23. The parties were cautioned by the court to consider the matters of proof upon the merits—"it will be for them to decide whether they wish to make any factual showing of the considerations that went into the apportionment as it was made for the purpose of asserting that the apportionment was done within reasonable and practicable limits obedient to the Constitution of the United States." (Tr. 92.)

We have now held the hearing on the merits. No testimony was tendered by any party. The attorney general stated to the court that no legislative history of the challenged act was available. The intervening defendant argued the contents of his brief. The plaintiffs did likewise. Upon the showing thus made the court considered the matter as submitted.

The plaintiffs, then, have challenged the constitutionality of the congressional districting in this State.[1] They point out that certain districts in the Detroit area alone differ in population by over a hundred thousand,[2] that there is a variation from the smallest to the largest district in the State of almost 200,000,[3] and that the Wayne County (Detroit area) districts average 444,000 persons, whereas the out-State average is approximately 397,000. Even if apportionment were based upon some factor other than population it would be impossible, in our judgment, to justify such variations in the Wayne County area alone. Thus, geographically, there are no intervening mountain ranges between districts, as in Colorado, no rivers or plains. Yet some districts in the County of Wayne (13th and 15th) have the greatest debasement of vote values found anywhere in the State, while another district in the county, a suburban area adjacent to the 13th, namely, the 14th, has the third-greatest enhancement of voting power in the State. Thus the fact of residence in the 15th District means that one's vote is diluted more than in any other district in the State, while a few miles away, in the 14th district, one's vote is weighted higher than in any of the other areas in the State, save two.[4]

That a constitutional right is involved is clear. Article I, section 2 of the U.S. Constitution, "that Representatives be chosen 'by the people of the several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."[5] The intervening defendant professes to find in Wesberry a "strange inconsistency." If the clause above quoted, we are told, "means what it says, then raw population statistics are irrelevant" and "voting population" becomes relevant. (All emphasis in original.) To make his point, intervening defendant cites the vote for secretary of state in Wayne County in 1962. Just why this official's vote was selected, among the host of others running, including a Governor, does not appear. Or why registered voters were not used, or persons over 21 eligible to vote. Each of such latter categories might find theoretical justification. But we are a district court. We take Wesberry as our precedent. It is apparent from the majority opinion that this issue had consideration in the Supreme Court in Wesberry, since Justice Harlan's dissenting opinion (n. 4) raises this precise question, "Is the number of voters or the number of inhabitants controlling?" The answer, in our judgment, is found again and again in the Wesberry opinion, from the opening paragraph, referring to the 1960 census by districts and averages and referring to "this inequality of population", to the closing paragraph which speaks of "equal representation for equal numbers of people." We find no inconsistency in the opinion.

In our consideration of this case, we start with the principle that the right of franchise is "a fundamental political right, because preservative of all rights".[6] This being the case we do not equate the presumption of constitutionality in this situation to that employed in the general police power cases, involving the regulation of health or morals, or the fixing of guidelines for a State's experimentations in matters of social welfare or economic controls. In these cases the States are properly given a wide latitude.[7] But where we are concerned with a basic constitutional right our requirements are infinitely more rigorous. Here the cloak of constitutionality is not loosely worn. There is little elbow room for freedom of movement. The fit must be precise. We do not experiment with freedom of speech, freedom of worship or freedom to vote. These are among the basic civil rights of man. Cf *Skinner* v. *Oklahoma*, 316 U.S. 535, 541 (1942).

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[1] Act 249, P.A. 1963, Mich. Stat. Ann. Cum. Sup. sec. 422, et seq.

[2] Fourteenth District, 372,624; 13th, 474,133.

[3] Fifteenth District, 494,068; 11th district, 305,984.

[4] The index of representation is the measure of a district's representation, relative to the ideal. It is determined by dividing the average population per district (411,790), by the actual population of the district under consideration. Thus the 15th district, with a population of 494,068, has an index of representation of 411,790 divided by 494,063, or 83.35 percent. The 14th district, with a population of 372,624 has an index of representation of 110.51 percent.

[5] *Wesberry* v. *Sanders,* 32 U.S.L. Week, 4142, 4143 (U.S. Feb. 17, 1964).

[6] *Yick Wo* v. *Hopkins,* 118 U.S. 356, 370 (1886).

[7] E.g., *Railway Express Agency* v. *New York,* 336 U.S. 106 (1949).

Plaintiff here has established that gross population inequities exist in the congressional districting of this State. To us it is inexplicable, for example, that there should be a difference of almost a hundred thousand people between the adjacent 13th and 14th districts in Detroit. At this point the burden is upon the State to come forward with some rational explanation for what has been done.[8] In reply we are told by the attorney general that he "has been unable to find any committee reports or legislative debates which reveal the specific causes or reasons which led to the formation of the congressional districts provided in Act 249 and must forgo any factual presentation as to this aspect of the matter."

The intervening defendant is but little more helpful. He argues principally the questions raised in footnote 4 to the dissenting opinion of Mr. Justice Harlan in Wesberry. However persuasive these considerations may have been in conference in the Supreme Court prior to the Court's vote on the case, they are of little help to a district court that is attempting to apply the Wesberry decision, not to rehear it.

Two arguments are suggested by intervening defendant in addition to Mr. Justice Harlan's questions. He states, without documentation or proof of any kind, that the Legislature took into account population trends in creating certain districts, and asks if the Legislature were not "entitled to anticipate a further drop" in the population of some districts and further growth in others. The difficulty with the argument made is that it is totally devoid of any tie to the realities of the case at bar. No proofs are before us, merely questions and conclusions, all of which are disputed or denied by plaintiffs. Any districting, however disparate with respect to population, may conceivably be justified by saying that the Legislature expected the area to either shrink or to grow. If such a suggestion, without more, suffices to justify gross population disparities, then an easy answer to a constitutional denial has indeed been found. We do not intimate that population trends either are or are not significant and usable. But the difficulty in respect of their use is that a basic constitutional right may be lost to a speculative future event, and unequal trade at best and at worst a cynical deprivation. The proof of a "trend" must be compelling, immediate, and inescapable to justify disfranchisement. We find here, on the other hand, no proofs whatever. As a matter of fact the point is not raised in the intervening defendant's answer.

The intervening defendant urges also that in construing Wesberry's "as nearly as practicable" language, we should take into account that "if it appears to the court that the "fundamental goal' of the legislature and the Governor in the enactment of an apportionment statute was 'equal representation for equal numbers of people,' then the courts should not substitute their judgment for that of these elected officials. What may seem clearly practicable to a 3-judge court, or an 8-judge court, or a 9-judge court may not be realistically practicable for 144 elected representatives of 8 million people." (Brief of Intervening Defendant, p. 15.) The point here, as made abundantly clear upon oral argument, is that if you can't get the votes for equal districts, you have done the best you can and the courts should stay out of it. This is a pre-*Baker* v. *Carr*, [9] indeed pre-*Brown* v. *Board of Education*,[10] argument. It is self-answering.

Finally, it is urged to us that despite unexplained and apparently unexplainable variations between districts of 10,000, 50,000, and even a 100,000,[11] there is, after all, an "average departure" of only 9.2 percent from equality. We do not propose to be drawn into a sterile controversy over averages and percentages, whether 9 percent, 15 percent, or other. We do not measure constitutional rights in these terms. They set up wholly false standards. That the average man gets due process in our courts does not justify railroading some luckless scoundrel every now and then. Nor is it an answer to a charge of unconstitutional disfranchisement that only 10,000 people are deprived of their right to vote, this being but a small percentage of the entire voting population. These 10,000 have a right to vote equally with others, no matter what percentage of the total they comprise. We take this to be as clear as the proposition that none of our people can be denied their free right of worship no matter how small the sect, and that none of our people shall be deprived of their right of free speech, no matter how obnoxious to most of us their doctrines.

The short of the matter is that a citizen can either vote equally with his peers or he cannot. If he cannot, and we find that he cannot with respect to congressional elections in Michigan, his constitutional rights have been abridged. The statute here complained of is unconstitutional.

The constitutional guideline may be simply stated: the legislature may not "draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others."[12] A man's vote may not be taken from him. It may not be diluted or debased, nor, on the other hand, magnified nor enhanced. Our Constitution's "plain objective" is that of making "equal representation for equal numbers of people the fundamental goal for the House of Representatives." [13] One factor and one alone is controlling, the factor of population.[14] It is true that the Wesberry court speaks of one vote being "as nearly as practicable" worth that of another, but we do not see in these words an escape hatch for the reluctant. Nor in the caveat that the weight of votes need not be mathematically precise. What is meant here is merely that the ideal district lines enclosing mathematically equal areas of population may make minor departures here and there from such ideal, in accordance with the needs of the situation, and without "unnecessarily" (Wesberry, p. 16) abridging the people's rights. But these are minor concessions to practicability, the avoidance of ideal mathematical precision, merely. They are the application in this field of the well-known de minimis doctrine. Should the concessions made result in substantial (not minimal) and unnecessary inequalities between the districts, the lines of unconstitutionality will have been crossed. This concept of equality, which some profess to find so puzzling, is not an alien doctrine, newly imported to our shores. Long before Wesberry, we knew of the doctrines of equal rights and opportunities, of equal treatment in our courts, and of equal schooling for our children. We need not exhaust the litany. If there is one dominant social and political belief held by all our people, it is that we are both free and equal. Its implementation with respect to voting rights should present no insurmountable obstacles to those minded to pursue it.

The matter of remedy remains. It is urged to us that it is now too late for remedial action by the legislature in time for the forthcoming congressional elections and that our citizens must rest with their disfranchisement until the elections in 1966, a period of over 2 years. This we cannot accept.

Of course, as Judge Brown of the fifth circuit held for the court in *Bush* v. *Martin* (S.D. Tex. 1963), 224 F. Supp. 499, aff'd and remanded, per curiam, sub. nom. *Martin et al.* v. *Bush*, 32 U.S. L. Week 3303 (U.S. Mar. 2, 1964), "the easy way out is to take no action or formally defer action. But this court no less than the Supreme Court of the United States is charged with serious obligations under article III of the Constitution and under the implementing statutes of Congress to afford to litigants appropriate relief in vindication of constitutional and civil rights. We must therefore balance the relative advantages, disadvantages, the relative injuries to the parties, and perhaps even more so to the whole State" (224 F. Supp. at 513).

Upon balance, therefore, we have a deprivation of the constitutional rights of thousands of our people, remedial by setting up districts of equal population. As against these interests, it is urged to us that the matter is one of such extreme complexity that the legislature either cannot or will not act without delay, thus forcing the State into undesirable elections at large.

The need for and propriety of immediate relief is evident when consideration is given to the obvious advantage, (1) to the people of the State, whose interests are our primary concern, and who have a right to expect stability and continuity in the districts in which they reside, and in their representation in the Congress; (2) to the incumbent Congressmen who are entitled to have a determination of their districts and a designation of the people they are expected to service; and (3) to those persons who may wish to become candidates for the office of Congressman, who should not be exposed to imminent prospective changes in district lines and constituencies.

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[8] *Mann* v. *Davis* (E.D. Va. 1962) 213 F. Supp. 577, 584: "Plaintiffs here proved the inequity of the allotment of representatives on the basis of population. Thereupon the burden to adduce evidence of the presence of other factors which might explain this disproportion passed to the defendants. But none was forthcoming, if indeed it was available."

See, also, *Maryland Citizens Committee for Fair Congressional Redistricting* v. *Tawes* (D. Md. 1964) 226 F. Supp. 80, 81: "In our view the burden rests initially on the plaintiffs to show unconstitutionality, but when the mathematical imbalance between districts is of sufficient magnitude the burden shifts to the defendants to justify the disparity. Where the vote of a citizen in one district counts for significantly less than a vote in another district, as is manifestly now the case in Maryland, the disproportion rebuts the presumption of the constitutionality of the statute and requires the State to show that there is a rational basis for the disproportion."

Cf. *Bates* v. *Little Rock*, 361 U.S. 516 (1960): "Where there is a significant encroachment upon personal liberty, the State must prevail only upon showing a subordinating interest which is compelling."

[9] 369 U.S. 186, 208 (1962).

[10] 347 U.S. 483 (1954).

[11] E.g., 15th District, 494,068; 11th District, 305,984. The intervening defendant explains the large 15th District figure by, in part, stating that an error in tabulating had included in the 15th the city of Southgate, with a population of 29,404 persons. The error remains uncorrected at this time. As to the 11th District, the intervening defendant points out, in a "practicability" argument, that it comprises the entire Upper Peninsula of Michigan, and only this area. Yet for some three decades the old 11th Congressional District (even before the Mackinac Bridge) spanned the straits and included lands on both sides of it. Impracticability of including land in the Lower Peninsula is obviously not the answer.

[12] Wesberry, supra, p. 13.

[13] Wesberry, supra, p. 17.

[14] "It was population which was to be the basis of the House of Representatives." Wesberry, supra, p. 7.

It is true, of course, that the legislature may refuse or neglect to amend the now-specified dates for certain steps in the electoral process; it may refuse or neglect to reapportion in accordance with the Constitution; or, having done so, it may refuse or neglect to give such reapportionment act the immediate effect it should have in order to insure to our people the basic rights involved and avoid an election at large. We do not assume that any of these refusals or neglects will take place, preferring, rather, to assume that the legislature will act with alacrity once its constitutional duty is made clear to it. But should, regrettably, the legislature so fail the people, our duty becomes the greater, not the lesser. Under such circumstances, the "vindication of constitutional and civil rights," which it is our duty to sustain, can be accomplished only through the process of election at large, a procedure the choice of which will rest with the elected representatives of the people.

We do not read the per curiam opinion in *Martin* v. *Bush*, supra, as a nationwide directive to the district courts to leave things be. The district court opinion in Martin pointed out that under Texas law, reapportionment must be accomplished by February 3, 1964. Yet the case in the Supreme Court was not reached and decided until a month after February 3, 1964; namely, until March 2, 1964. We do not see how the Supreme Court could, as it put the matter, "in the light of the present circumstances," have done other than remand with the instructions embodied in it. In our case, however, there is ample time to act, should the legislature be so minded, as we believe they should be and are.

The constitutional deprivation is clear and the legislative duty is manifest.

TALBOT SMITH,
U.S. District Judge.
STEPHEN J. ROTH,
U.S. District Judge.

Dated March 27, 1964, Detroit, Mich.

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION—DONALD A. CALKINS AND KARL J. JACOBS, PLAINTIFFS, *v.* JAMES M. HARE, SECRETARY OF STATE FOR THE STATE OF MICHIGAN, DEFENDANT, AND ALVIN M. BENTLEY, INTERVENING DEFENDANT

(Civil action No. 22,720)

O'Sullivan, circuit judge, concurring in part.

I concur in the view of my brothers of the majority that, in the light of *Wesberry* v. *Sanders*, 376 U.S. 1, act 249 of the Public Acts of Michigan, session of 1963, violates article I, section 2 of the Constitution of the United States. It will be sufficient for me now to say that I consider that the Wesberry case commands such a holding.

I cannot, however, join my brothers in the remedy they choose to implement our holding. Unable to persuade them to my position, I feel I should speak separately. I would order the Michigan Legislature to reapportion, but would allow it adequate time in which to do so. Even though the pressure of time denies me opportunity for careful and contemplative study and better composition, I am constrained to now say why I do not join my brothers in the remedy they decree. In my view, the command they place upon the Legislature of Michigan and the election officials of Michigan is needlessly and dangerously precipitate.

The decree they propose impresses me as evidencing undue haste to place heavy burdens upon a branch of Michigan's government that is entitled to the respect we would like to have accorded to us. As a court of equity we are not expected to, nor should we, be vindictive in the relief that we accord to litigants.

This action was originally commenced on June 29, 1962. We were asked to strike down the then Michigan congressional apportionment statute, and to issue commands not unlike what my brethren have now decreed here. Petitioners' then request for an injunction was, however, closer to imminent primary election dates than is the situation now before us. We refused to act without a longer time to consider the matter. The 1962 congressional elections then went ahead. Recognizing that a charge of unconstitutionality had been lodged against the then existing Congressional Apportionment Act, and aware of *Baker* v. *Carr*, 369 U.S. 186, the Michigan Legislature set about, with study, legislative deliberation and partisan contesting, to formulate a new apportionment of congressional districts. This was accomplished on June 13, 1963, by adoption of Act 249, now under attack.

There has been no showing that in considering and adopting this act, the Michigan Legislature was flouting law already announced or proceeding otherwise than within the then known "guidelines" as furnished by *Baker* v. *Carr*. It appears that except for making Michigan's Upper Peninsula a single congressional district and some mathematical errors in Wayne County, whatever departures there are in Act 249 from strict mathematical equality are within the limits then thought to be permissible by the American Political Science Association. The act thus constructed was promulgated on June 13, 1963. No attempt was then made to revive this litigation to charge that the new 1963 act was unconstitutional. This case remained dormant from July 10, 1962, until the *Wesberry* v. *Sanders* decision came down from the U.S. Supreme Court on February 17, 1964. On March 2, 1964, the plaintiffs here were given leave to amend their complaint to attack the 1963 act in the light of Wesberry. This Court shortened the time ordinarily allowed to bring a cause to issue and trial and heard this case on March 23, 1964.

My brothers would now issue a mandatory injunction under which the 110 members of the Michigan House of Representatives and the 34 members of the Michigan Senate would have to (notwithstanding whatever other important problems of State government now occupy their time and abilities), proceed forthwith to construct a plan of apportionment suitable to us "or else." The "or else" is an election at large. We, however, furnish them no "guidelines"—a now much-used word in contemporary judicial literature. We tell them only that they must insure that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as anothers."[1] A search for just what is "as nearly as is practicable" is presently taxing the minds of judges and professional political scientists.[2] Neither of the plaintiffs, political science professors, nor their knowledgeable counsel, have offered any guidelines that we could, through our decree, pass on to the nonprofessionals who make up our legislature. Thus, we hand them no small task to be accomplished, against an uncertain deadline.[3] This they must do, lest we apply the lash of our judicial whip. My respect for the men who make up our State legislature forbids my placing them under such an interdiction without giving them an adequate opportunity for orderly and deliberative legislative procedure. It is unreal to expect sound legislation from a legislature thus proceeding in terrorem.

Becoming restraint has always marked equity's employment of its extraordinary writs. There is nothing about the facts of this case that should, in my view, cast us in the role of avenging angels. The vice which we now find in act 249 is actually much less than what has been traditional in the great majority of the States of the Union in the many years that comprise the political history of Michigan[4] and the United States.[5] We now find errors in the practices of such history. This fact, however, does not, in my view, compel us to command almost instant action by the complex machinery of a State government lest the setting of tomorrow's sun leave unrepaired even one small error. I would be ill at ease in such an enterprise.

We should never withhold our writs when serious damage would flow from such withholding, nor should we hesitate to command instant obedience when public good or private call for it. But such is not the case before us. The malapportionments that were involved in the cases we follow, *Wesberry* v. *Sanders* and *Martin* v. *Bush*, were glaring in comparison to the act we now strike down.[6] Taking into account the imbalance that resulted from Michigan's Upper Peninsula being given one Congressman and mathematical errors in Wayne County, the maximum disparity between the extremes under the act before us is 1.6 to 1. The average disparity runs about 1.092 to 1. I cannot believe that toleration of this disparity for a reasonable time would be a wrong commensurable within the burdens that the majority's writ would place on the Michigan Legislature. Likewise, the immeasurable wrong to the voters of the entire State which would follow an order that the coming elections be at large, far outweighs quixotic and dramatic vindication of the hypothetical voter whose vote might be diluted to the extent of the above ratios.[7]

New definitions and new guidelines have put the Federal courts into position of unprecedented power over State legislatures. The respect that we owe to our coequals in the grand scheme of our Government suggests avoiding unseemly displays of power or the flexing of our judicial muscles.

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[1] Literal, exact and possible quick conformance to the suggested formula could be accomplished with the help of a staff of surveyors and mathematicians. Nineteen districts of various sizes and shapes could be outlined so as to have 411,790 people contained within each district. All agree, however, that such a performance would not be practicable or desirable.

[2] Distinguished members of the supreme court of Michigan, with becoming deference, await the arrival of "guidelines" to help them resolve a somewhat allied problem. In Wesberry itself, the supreme court refrained from a definition of its own words, "as nearly as practicable."

[3] We seem to have no exact information of when the legislature must complete its work. The Secretary of State's answer to the application for a preliminary injunction says that the earliest date on which he may give notice for the congressional primary is May 5, next, and that he may defer such notice to June 5, 1964. We assume, too, that by hasty revision of Michigan's election laws some further time might be provided.

[4] Michigan's apportionment during the time that Congress required equality of population in congressional districts contained larger departures than we deal with here.

[5] See appendix, Wesberry against Sanders.

[6] In Wesberry, the range from the most to the least populous district was from 823,680 to 272,154. In *Martin* v. *Bush*, these figures were 951,527 to 216,371.

[7] No one, in this law suit, has attempted a projection to demonstrate that Michigan's congressional delegation would be substantially different under a hastily reconstructed apportionment statute from what it would be under Act 249.

The landmark case of *Baker* v. *Carr* began its journey in the Federal courts sometime prior to July 31, 1959. Since then it has been considered in decisions reported at 175 F. Supp. 649 (July 31, 1959); 179 F. Supp. 824 (Dec. 21, 1959); on the Supreme Court level as *Baker* v. *Carr*, 369 U.S. 186 (Mar. 26, 1962); and on remand at 206 F. Supp. 341 (June 22, 1962); and 222 F. Supp. 684 (Oct. 10, 1963). As of the date of the last decision, October 10, 1963, an acceptable reapportionment of the Tennessee Legislature had not been accomplished. But no elections at large have been held in Tennessee.

Baker v. *Carr* was first argued in the Supreme Court on April 19, 1961, and was set for reargument on October 9, 1961. On March 26, 1962, the Supreme Court spoke its views in some six separate opinions. *Scholle* v. *Hare*, 360 Mich. 1, began its journey in the Michigan courts sometime prior to its first decision, expressed in five separate opinions on June 6, 1960. Upon remand, it was decided in July 1962, through six separate opinions by the members of the court. *Scholle* v. *Hare*, 367 Mich. 176. It still pends in the U.S. Supreme Court. Wesberry was first reported as *Wesberry* v. *Vandiver*, 206 F. Supp. 276, on June 20, 1962. It was reversed by the U.S. Supreme Court just short of 2 years later. *Bush* v. *Martin*, 224 F. Supp. 499 (affirmed by the Supreme Court on March 2, 1964) decided October 19, 1963, gave the Texas Legislature until February 3, 1964, to reapportion. Such order was stayed, pending appeal, by Mr. Justice Hugo Black, and such stay continues in force. At this writing, we do not know what the Texas district court will utimately do.

Thus are exposed the complex questions of apportionment and the time taken by learned judges to come near to a final resolution of them. The writ which my brothers employ will give the sharply divided Michigan Legislature from now, March 26, to sometime in June, to come to a common definition of, "as nearly as practicable" and to construct a plan of apportionment that will be approved by the majority or, more likely, two-thirds, of the members of both Houses. The forbearance that I recommend has been in practice in most of the Federal courts which were faced with the situation here involved.[8] It may be argued that now there is a clear standard, but the debate as to what is "as near as practicable" continues.

I would in this case make a finding that act 249, P.A., 1963, is unconstitutional, but would stay final judgment until the Michigan Legislature has had proper time to reapportion to conform to Wesberry or any other more definitive decision that may soon be forthcoming from the U.S. Supreme Court. I would allow the 1964 congressional elections to be conducted under the present law. Such forbearance would in no event, however, extend beyond such time as we consider essential in order to insure the holding of the 1966 congressional elections under an apportionment plan acceptable to us. It might be, notwithstanding our forbearance, that the Michigan Legislature, advised of our holding that act 249 is invalid, will be able to enact a new statute in time for the 1964 elections. I would, however, leave that in their hands.

It might be suggested that if a stay is in order, application therefor can be made to the U.S. Supreme Court. I think we are sufficiently informed to determine this on our own, without adding to the now adequate burdens of that Court and its members.

CLIFFORD O' SULLIVAN,
U.S. Circuit Judge.

Dated: Port Huron, Mich., March 26, 1964.

Unlike the three-judge courts in other States, including Maryland, Texas, Kansas, Indiana, Idaho, Colorado, et cetera, the Michigan three-judge court refused to stay its proceedings so as not to affect the 1964 elections and, under pressure, the Michigan Legislature adopted a new congressional districting statute, Act 282 of the Public Acts of 1964, signed by Governor Romney on June 11, 1964. The legislature was unable to muster the two-thirds vote required by the Michigan Constitution to give the statute immediate effect.

I desire to comment briefly on the manner in which the Michigan litigation was conducted. The defendant, Secretary of State James M. Hare, and the attorney general of the State of Michigan, Frank J. Kelley, in what I consider a flagrant disregard of their official duties and responsibilities as officers of the State of Michigan, in effect confessed judgment and failed to defend the State and its 8 million inhabitants, and the only contest was provided by the intervenor, Alvin M. Bentley and his attorney, Richard C. Van Dusen. Even this defense, however, was somewhat less vigorous than might be expected and seemed to be involved in political considerations such as perpetuating pressure on the Michigan Legislature to pass a new congressional districting law, rather than the forceful and effective defense of the case.

As a Congressman, and one who was concerned about this historic development in relations between the Federal judiciary and the House of Representatives, I urged at all times that the case be defended vigorously, including the prompt and timely filing of a motion for rehearing and the taking of testimony to enlighten the Court as to the consequences of its decision upon the conduct of the 1964 election in Michigan. Unfortunately, from my point of view, this recommendation was not followed, no motion for rehearing was made by the intervenor, although a prospective candidate for Congress sought to intervene and move for a rehearing, which motion was denied.

Intervenor Bentley did file claim of appeal within 30 days of the Good Friday decision and subsequently made a motion before the three-judge Federal district court for a stay of its decree which was forthwith denied by a 2-to-1 decision. As far as I know, there are no plans to perfect the appeal in the light of the new statute passed by Michigan.

Mr. Speaker, last Monday, the Court in a series of decisions involving legislative bodies of six States, in effect held as unconstitutional under the equal protection clause of the 14th amendment any State statute regarding districts of the State legislatures which failed to conform to the one-man, one-vote principle, not only for the more numerous bodies of State legislatures, but for the so-called upper houses as well.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I wonder if the gentleman feels that under the application of this same principle the Court might be inclined in future times to rule that the U.S. Senate would be subjected to the same provisions.

Mr. MEADER. Far be it from me to attempt to predict what the present Supreme Court will do, but I would say that it would be a little difficult for them to declare the U.S. Senate unconstitutional since it is expressly provided for in the Constitution itself.

Mr. WAGGONNER. Having a Court that from time to time tends to ignore the Constitution, then it would not appear to me it would be too far-fetched.

I should like to commend the gentleman on the work he has done in this behalf toward trying to limit the powers of the Court and remove them from this field of reapportionment. I think he has done a tremendous job. I believe the problem we face here is trying to quit each of us having our own way as to how to curb the powers of the Court, and let us compromise a few of the plans we have and finally do something about curbing the power of the Court and remove them from this field of reapportionment.

Mr. MEADER. I know the gentleman is probably aware that in my bill, which I will discuss in a little more detail later on, I do provide for the withdrawing of jurisdiction of the lower Federal courts and the appellate jurisdiction of the Supreme Court in matters relating to congressional district legislation. I do not deal with the districts of State legislatures in this legislation because I think it would be inappropriate to do so. Others, however, have introduced bills, and I may myself introduce a bill, withdrawing the jurisdiction of the Federal district courts and the appellate jurisdiction of the Supreme Court in all matters relating to the establishment of districts for State legislatures. Such legislation is pending. I know of no intention on the part of the Judiciary Committee to hold hearings on that legislation, yet an executive session with respect to congressional districts is now pending. Hearings have been completed. The record will be completed when I insert this material I am presenting on the floor here today. The committee will probably act on the bill on Wednesday; at least, they will consider it on Wednesday.

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. MEADER. I thank the gentleman for his contribution.

While considerations are different with respect to State legislatures and the Federal judiciary on the one hand, and the Federal judiciary and the U.S. House of Representatives on the other, in the Wesberry case, the Court interpreted article 1, section 2 of the Constitution providing for the election of Representatives by the people, to likewise require with respect to the election of House Members, the one-man, one-vote principle. Prof. Alfred de Grazia, professor of political science at New York University, wrote in February of 1963 for the American Enterprise Institute, a book entitled "Apportionment and Representative Government." In this book, Professor de Grazia, with inexorable logic decimated the one-man, one-vote theory of legislative districting.

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[8] *Baker* v. *Carr*, 206 F. Supp. 341 (M.D. Tenn., 1962); *Maryland Committee* v. *Tawes*, ——— F. Supp. ——— (— Md., Mar. 21, 1964); *Wisconsin* v. *Zimmerman*, 209 F. Supp. 183, 188, 189 (W.D. Wis., 1962); *Nebraska League of Municipalities* v. *Marsh*, 209 F. Supp. 189, 195, 193 (D. Nebr., 1932); *Lisco* v. *McNichols*, 208 F. Supp. 471, 478, 479 (D. Colo., 1962); *Moss* v. *Burkhart*, 207 F. Supp. 835, 898 (W.D. Okla., 1962).

I requested Professor de Grazia to comment on certain bills providing for establishing criteria for congressional districts and received from him a letter dated March 31, 1964, which reads as follows:

NEW YORK UNIVERSITY,
GRADUATE SCHOOL OF ARTS AND SCIENCE,
New York, N.Y., March 31, 1964.
The Honorable GEORGE MEADER,
House of Representatives,
The Capitol, Washington, D.C.

DEAR CONGRESSMAN MEADER: Thank you for sending me copies of H.R. 10181, H.R. 2835, H.R. 1128, H.R. 699, and H.R. 7343, all of which provide for the apportionment of congressional seats within States and all of which are attempts to introduce some rationality into a confused situation created by the Supreme Court in the Baker and Wesberry cases.

Frankly, I do not see much hope in any method of response to the Supreme Court except a political one. The Court has so forcibly twisted the principles of separation of powers, the Federal system, and the rule of law that discussion within the framework of constitutional law, historical jurisprudence, sociological jurispudence, the principle of stare decisis or any other logical system is useless. In addition, the Court has made almost all experimentation with improved forms of representation practically illegal. Any reasoned approach to a solution on apportionment in State or Nation is rapidly becoming impossible.

The only alternative to surrender is legislative action by Congress. This could take the form of (1) seeking to amend the Constitution to remove apportionment questions from court purview, or (2) determining a formula for congressional apportionment and admitting to Congress only such persons as are elected by this method and by no other method, whether court endorsed or not.

As an instance of such a formula, I would suggest the following: That candidates elected to the House of Representatives from the several States would be admitted to the House only upon demonstrating that their individual constituencies did not vary in population more than 20 percent from the average of districts in the State (computed on the basis of the census preceding the session of Congress), provided, however, that candidates from multimember districts be grouped together and the total population of their district be used for the purpose of qualifying hereunder, and provided furthermore that the deviation of 20 percent may be extended to 30 percent whenever the cause of the additional deviation is reasonably attributable to an attempt to make constituency lines conform to metropolitan districts, counties, economic regions, and other natural boundaries.

The question of denial of admission to any candidates under this law will be voted upon by the whole House at the beginning of each session without debate, and, if affirmed, the State(s) involved will be notified and requested to reapportion the State and hold a special election in the constituency under the new apportionment most closely corresponding in population to the one denied representation under the old apportionment within 90 days, placing the denied candidate first in line on the ballot.

I doubt seriously the resolve of many Congressmen in respect to the issues of apportionment. They do not see the dangers inherent in the Court's arrogation of powers in this area. Therefore they cannot make the necessary moves against those dangers. Etched in the recent decisions of the Supreme Court is the fall of the legislative system of government.

Sincerely yours,
ALFRED DE GRAZIA,
Professor of Social Theory.

The American Enterprise Institute had also requested Prof. Howard Penniman, of Georgetown University, to make a study of the legal aspects of legislative districting and, at my request, the American Enterprise Institute forwarded to me a brief statement by Professor Penniman on the problem of redistricting, the text of which is as follows:

AMERICAN ENTERPRISE INSTITUTE,
Washington, D.C., April 10, 1964.
The Honorable GEORGE MEADER,
House of Representatives,
Washington, D.C.

SIR: Prof. Howard Penniman has requested that the enclosed memorandum on "The Problem of Redistricting" be forwarded to you.

Sincerely yours,
THOMAS F. JOHNSON.

THE PROBLEM OF REDISTRICTING

Now that the Court has spoken, it is clear that Congress will have to act with respect to redistricting in order to prevent further incursions by the Court into the legislative realm.

In many respects it is unfortunate that discussions of districting both inside and outside the Court have tended to be tied in with the slogan "one man, one vote." It may have been useful for organizing laymen, but it is too bad that professionals in the field have sometimes apparently been misled by its simplicity.

Everyone, or at least nearly everyone, surely has always believed that "all things being equal," it would be desirable to have congressional districts of roughly similar population. The use of the slogan, however, has tended to suggest that equality of district size somehow assures equality of representation for the individual voter. This is clearly not true.

We may take, for example, a city of 300,000 like-minded people and add to it 125,000 from a neighboring district which has been too large, having, let us say, a population of 550,000. Have we, by moving the 125,000 people into a smaller district, actually increased their voting power? Or have we in reality largely disfranchised them by making them a permanent minority? Examples abound where such permanent minorities have been created and where, therefore, the voter has little or no influence on the outcome of the elections.

If we wish to create something like equality, we might want to so organize the voting pattern that it provides normally about a 52–48 percent margin of Democrats in Congress. This at least, seems to be about the normal voting margin in congressional elections. The only way that is available to make sure of absolute equality of representation, however, would mean creating an electoral system which has traditionally been abhorrent to Americans. In other words, it would require setting up some system of proportional representation with the parties, providing long lists of potential Congressmen in the order of the party's choice. Obviously, Americans do not want such an arrangement since they view their Congressmen as more or less personal representatives of the citizens of a district.

In line with the American tradition, therefore, we must retain the district system and keep the control of the districts as close as possible to the people and at the same time attempt within these limitations to secure roughly the same ratio of party strength among Congressmen as among the actual voters. This means establishing the districts by the legislatures and not by the courts.

In the immediate future, the lower courts should follow the example of the courts in Maryland and Texas. This means that they should refrain from redistricting prior to the 1964 election and also should refuse to order elections at large. They should follow this course of action because prior to any court action there should be time enough allowed for Congress and the State legislatures to act.

The courts should refuse to require at-large elections because in many States the requirement of an at-large election merely rewards the delinquent legislative majority of a State for its very delinquency. In other words, in a State that has as much as a 55-45 margin among the voters, the legislature is almost certainly controlled by the 55 percent, but an at-large election would probably mean that all or nearly all the Congressmen would come from the majority party. Thus, for example, in Texas or in Maryland an at-large election would have wiped out any Republican representation, while an at-large election in Kansas or Iowa would prevent Democratic representation in the Congress.

Nor would the matter be any better in closely contested States like Illinois or New York. There, the two parties might be represented in the Congress, but Congressmen representing particular minorities might be defeated. In other words, in Illinois it is quite possible that an at-large election would assure the defeat of WILLIAM DAWSON, whereas in his own district Mr. DAWSON receives one of the largest majorities of any Member of the House. In New York the same thing might be true in the case of Congressman ADAM CLAYTON POWELL.

Without attempting to write a law, still I might suggest some guidelines which would be useful in congressional preparation of legislation.

1. Congress should, of course, provide once more for the creation of "compact" and "contiguous" districts, as had been required by law prior to the 1929 Reapportionment Act.

2. Where there is a serious imbalance State legislatures should be required to redistrict during the next regular session of the legislature. In the future they should be required to redistrict, when necessary, during the first regular session following a decennial census.

3. In the establishment of districts, the State legislature should be instructed to keep the districts within 15 to 20 percent of the average for all the districts in the State.

4. Existing boundaries of counties, cities, towns, and so on should be maintained wherever possible. Counties and cities should be divided only if more than one district is to be drawn from that jurisdiction.

5. As nearly as possible, the present congressional district lines should be maintained.

6. As nearly as possible, the partisan strength of the two parties should be reflected in the estimated outcome of the elections. (It is recognized that State legislatures will always act in a partisan manner, but it is preferable that the partisanship be on the part of those who are elected rather than on the part of courts. For the latter to get into partisan activities would be dangerous to the very system itself.)

7. After action by the legislature, the proposed districts should be forwarded to the House of Representatives, which in 30 days could act to negate the decision of the State legislature if it felt that the districts

> did not comply with the standards laid down in the Reapportionment Act. Failure of Congress to act negatively would be taken as approval of the districts as set forth in the State legislatures. In any event would no appeal need to go to the courts.
>
> In the event the State legislatures failed to redistrict when population changes made such redistricting necessary, the House of Representatives still would retain the authority to refuse to seat persons elected from that State until such time as acceptable redistricting had taken place.
>
> Legislation following generally these guidelines would be within the letter and the spirit of the Constitution. It would retain control where the Constitution originally put it in the hands of the legislature and the Congress—the legislatures because this was where it was initially placed, and the House of Representatives because the Constitution has provided that each House shall be the judge of its own Members. It would likewise increase the probability not only of numerical equality among the districts but also improve the chances of a similar ratio between voters and their elected representatives. Finally, and perhaps most important, it would retain the political power where it should be; namely, in the hands of the political branches of the government—the Congress and the State legislatures.

Mr. Speaker, I would like to say a few words about the provisions of my bill, H.R. 11650.

With respect to the criteria for establishing congressional districts, there are only two major differences between my bill and the Celler bill: First, my bill provides that congressional districts "shall have boundaries which to the extent practicable coincide with boundaries of local units of government," and, second, instead of the 15-percent variation from the average population in districts, my bill provides for 20 percent.

I believe the gentleman from New York [Mr. CELLER] has indicated that he is agreeable to the provision regarding boundaries of local units of government. From the point of view of the identity of a community and its economic, social, and political interests, and from the point of view of facilitating the conduct of elections, this standard is highly desirable. Geographical factors, plus tradition and historical development of centers of population provide important influences on the character of a community which should be recognized in any representative system through which national policies are adopted.

The greater latitude provided in my bill with respect to the population differential would facilitate complying with the standard of recognition of boundaries of local units of government and should not be regarded as too great a variation in populations of congressional districts, since the testimony in our committee's record shows that in the apportionment of the number of Members of Congress, among the several States there is a discrepancy in population of congressional districts approximately 18 percent above and 26 percent below the average.

Probably the most novel feature of my bill is the provision of a mechanism for the House of Representatives itself to establish congressional districts in those States which fail within a reasonable time to create districts according to the criteria the bill sets forth. This idea was first suggested to the committee by the Honorable JOHN P. SAYLOR, Representative from the State of Pennsylvania, in testimony before the committee. The provisions have been worked out very carefully with the help of the minority counsel of the Judiciary Committee, Mr. William Copenhaver, and the legislative counsel of the House of Representatives.

It is founded, of course, upon the legislative powers vested in the Congress and on article I, section 5, which reads as follows:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Perhaps the most important feature of my bill which differs widely from the Celler bill, is the provision withdrawing jurisdiction of the Federal courts and the appellate jurisdiction of the Supreme Court in congressional districting litigation.

Nothing, of course, is said about litigation in State courts which, of course, would be beyond the reach of Congress to affect.

The Celler bill, in contrast, expressly vests in the Federal district courts, jurisdiction to determine in litigation whether or not the criteria contained in the bill have been met by the State legislatures.

It is undoubtedly within our power under article III, section 2, clause 2 of the Constitution, to make exceptions and regulate the appellate jurisdiction of the Supreme Court. The inferior Federal courts are creatures of the Congress—article III section 1.

Mr. Speaker, it is my hope that when Subcommittee No. 5 of the Judiciary Committee meets on Wednesday, it will substitute my bill for the Celler bill and report it to the full committee. Under the recent decision of the Supreme Court, based upon the 1-man, 1-vote theory, every one of the 50 States will be affected and time is of the essence if the Congress is properly to discharge its function and to preserve its prerogatives from judicial usurpation. I hope this bill will become law in this session of Congress.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I am delighted to yield to my colleague on the Judiciary Committee, the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. I thank the gentleman for directing our attention to this important question. I note that the gentleman has outlined his bill, H.R. 11650. He has previously pointed out the differences, in some respects, as compared to the bill of our chairman, the gentleman from New York [Mr. CELLER], the main portion being on page 2, section 2, under subparagraph (3).

The language in the gentleman's bill states:

> (3) shall have boundaries which to the extent practicable coincide with boundaries of local units of government, and
>
> (4) shall have contained in the preceding decennial census a number of persons not more than 120 per centum nor less than 80 per centum of the number of persons in the State divided by the number of Representatives to which the State is entitled.

I take it from that language that the gentleman's first objective relates to a governmental unit. It so happens that in my State, in my district, there is a combined county government and city government, in what we call the city and county of Denver. That is a local unit of government which is unique, and different from any other county in the State.

With a State average of about 438,000 per district in 1960, for population, there were 493,000-plus in my district. Perhaps the variation allowed, of from 120 to 80 percent, would bring us within the census of 1960. My question is: If there should be a variation in the 1970 census, in excess of 120 percent, then could my legislature still say that the local unit of government, which constitutes the First Congressional District, would continue to be such even though it might vary a little more than 120 percent?

Mr. MEADER. Well, we dealt with this problem in the committee, as the gentleman will recall, and it seemed that we had to have that phrase in there, "to the extent practicable," because if it were hard and fast, you might have conflicting criteria. As the gentleman probably realizes, if the State should, for instance, in your case, provide for a congressional district for the city and county of Denver, Colo., even though its population exceeded the 120-percent figure, there would still have to be action taken by the House of Representatives to overturn that provision by the State legislature. We would have to make a finding here in the House that their plan did not meet the criteria established in this bill. I would think there would be some kind of leeway there for the House of Representatives to refrain from taking action if the failure to meet the criteria were of a minor character.

Mr. ROGERS of Colorado. Now, my State legislature did apportion the congressional districts based upon the 1960 census. My district had 493,000. They increased the fourth district until it had 408,000, so you have a difference of about 85,000 between the two. If you put it on a 20-percent variation, perhaps it would meet this standard, but anticipating the future, as the city and county of Denver grows, and if they have annexation, the population will no doubt be much greater in 1970, and it will still have a county unit instead of a city and county together. Your thought is if that should arise in 1971 and the State Legislature of Colorado has not taken any action, then this committee provided herein should make a recommendation as to whether or not that is a fair apportionment, and if they arrived at a conclusion that it was a fair apportionment, then, if we adopted it, the congressional district could remain. Would that be accomplished under your legislation?

Mr. MEADER. Section 3 of the bill says:

> The House of Representatives shall conduct investigations with respect to the boundaries of congressional districts. If the House finds that the congressional districts of any State do not meet the requirements of section

2(a), the House shall declare such finding in a House resolution. The Clerk of the House shall notify the Governor of such State of the adoption of such resolution.

The reason why I answered the gentleman's question the way I did before is that it takes affirmative action on the part of the House to overturn any existing congressional district patterns in any State. The House itself, after debate, if we found that the deviation from the criteria was of a minor character, might refrain from taking action. It would be a decision for the Members of the House to make.

Mr. ROGERS of Colorado. But it would take affirmative action by the House of Representatives pursuant to section 3 of your bill?

Mr. MEADER. That is right.

Mr. ROGERS of Colorado. Before the legislature of my State would be required to comply with the findings of this commission. Is that your position?

Mr. MEADER. It would take affirmative action by the House of Representatives before any effect upon existing State patterns of congressional districts could be felt. Unless the House of Representatives did something, whatever the law was regarding congressional districts within the State would remain that way.

Mr. ROGERS of Colorado. It would remain that way?

Mr. MEADER. That is right.

Mr. ROGERS of Colorado. Now, you and I recognize that one of the reasons that the Supreme Court took jurisdiction in Wesberry against Sanders, which is a Georgia case, is because there was a great disproportion of population in congressional districts. At least one of the rights they asserted was that when Congress in 1929 passed this legislation, that in actuality the State of Georgia was not complying with so-called statutes that we passed in 1929.

If the gentleman's bill were passed and jurisdiction were taken from the district court and from the Supreme Court, could the gentleman envision that this House of Representatives would in the future continue to apportion representation in the respective States as nearly as possible to population, as nearly as possible to compact and contiguous territory, and as nearly as possible to local units of government? And does the gentleman feel that the House would measure up to its responsibility which is given them under the Constitution and concerning which apparently they failed to act upon, which caused the Supreme Court to take its action in the case of Wesberry against Sanders? What is the gentleman's thought as to whether, projecting this into the future, the House of Representatives would perform its duty under this proposal?

Mr. MEADER. Of course, I cannot predict what any legislative body will do in the future. I will say this, that if there is any concern about the autonomy of a legislative body, if there is any concern about the House of Representatives maintaining its balance in our tripartite system of government, it will make certain that the courts do not inject themselves into this matter which is so basic to the vitality and autonomy of a legislative body, namely: its composition; and I think there is plenty of incentive for the House of Representatives to carry out its duties which are expressly and mandatorily imposed upon it in section 3 of this bill.

Mr. ROGERS of Colorado. One other question, if I may. As the gentleman knows, the Supreme Court in Wesberry against Sanders based part of its decision at least on article I, section 2 of the Constitution. Does the gentleman feel that if we enacted his proposal withdrawing jurisdiction from the district court and jurisdiction from the Supreme Court, that would prohibit them from accepting jurisdiction in the future?

Mr. MEADER. I should hope that the Court would recognize the act of Congress, that we were exercising power expressly vested in us in the Constitution to regulate and make exceptions to the appellate jurisdiction of the Supreme Court and to do what we please with respect to the lower Federal courts that derive their power under article III, section 1, from the Congress. We have created all of them; we could abolish all of them, if we wanted to go that far. We have the power to do it. I would hope the Court would not attempt to get around any provision of this kind—I do not say they will not try. They have stretched some clauses of the Constitution so far that they are almost unrecognizable as having any legal foundation, in my judgment. But I cannot predict that they will not try to get around this withdrawal of jurisdiction. But I do not know what else there is for us to do.

Mr. ROGERS of Colorado. I thank the gentleman for yielding to me. We know that this is a problem that the Congress should meet.

Mr. MEADER. I thank the gentleman.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Speaker, I want to compliment the gentleman on his interest in these problems which are so vital to every American. I have read his bill with great interest and understanding. While I am not a lawyer I have studied common law, quite religiously, during my younger years. I do know something about common law and jurisprudence.

Mr. Speaker, the gentleman from Michigan who is now addressing the House from the floor is an able, conscientious member of the House Judiciary Committee. He is known to be a very able constitutional lawyer. I commend him most highly for studying this entire matter relative to the Supreme Court ruling.

Mr. Speaker, I am sure I speak for a great majority of the Members of this House when I say that we are not yet ready as representatives of the people to give away the prerogatives which we have taken an oath to perform but which the recent Supreme Court ruling has indicated they are more able to perform than the representatives of the people.

Mr. Speaker, I shall follow the gentleman in this great debate very carefully. I know that every Member of this House on either side of the aisle does appreciate the gentleman's great interest and his explanation of his bill and what the effect will be if made the law of the land.

I thank the gentleman for yielding.

Mr. MEADER. I thank the gentleman from Iowa very much for his contribution and his expression of his views on this most important matter.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to my colleague the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman for bringing this very fundamental question to the attention of the House at this time because certainly if the power of the Congress in our system of the three coordinate branches of government is to be maintained it must assert some control at least over the composition of the House of Represenatives.

I note with approval the provision in the gentleman's bill which would withdraw from the Federal Judiciary any jurisdiction over apportionment cases insofar as the composition of the House of Representatives is concerned.

I agree with the gentleman that at least in my opinion the Congress specifically has this power granted to it in the Constitution to limit the appellant jurisdiction of the lower Federal courts which it has created.

There is a problem in my opinion in section 5 of the gentleman's bill insofar as his bill specifically recognizes the retention of judicial power in State courts.

Now, permit me to pose this hypothetical situation to the gentleman in order to obtain his reaction. Suppose that his bill should become law with the criteria which are set forth in here relative to a disparity of from 80 percent to 120 percent of a true ratio as being proper, and then suppose that a State court accepts jurisdiction of the case involving a congressional apportionment system within a State and the State court says that in its opinion the congressional act is unconstitutional because it violates the standard set forth by the Supreme Court of the United States in the Georgia case which was recently decided which stated that the Constitution requires an equal apportionment, as near as practicable?

My question is this: Since the gentleman's bill does not foreclose all judicial performances in this area, does he not yet leave the door open for a judicial declaration which, much as he and I might agree with the correctness of the decision, might judicially throw this whole act of his out the window?

Mr. MEADER. It is true this bill does not withdraw jurisdiction of State courts to entertain suits relating to congressional districting, yet I doubt we could do anything here in Congress to affect the powers of State courts other than this:

Article VI, clause 2, provides:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all treaties made, or which shall be made, under the Authority of

> the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

So I am assuming that if this bill becomes law the State courts under article VI would be obliged to follow that law and apply it in any litigation which arose in the States. I would think it would be quite unlikely a State court would hold that this law would be unconstitutional. Of course, you cannot predict what any court will do with certainty, but I would not be too concerned that a State court in litigation would hold this law unconstitutional.

Mr. HUTCHINSON. I would hope that the gentleman is right in his observation; but the basic question, it seems to me, and a very fundamental question that must be resolved in this country before long, is this one: whether or not some of the rights of citizens, the people, which are so political in character rather than legal in character, that some way or other must be found to remove the decisions of political matters from the court. If we can somehow or other remove from the court the making of political decisions, the deciding of political questions, is that not really the very basis of the problem that somehow or other we have to face and meet?

Mr. MEADER. I cannot help but say that since the Baker against Carr decision came down in March of 1962 I have been concerned about the courts invading the legislative branch of the Government in those decisions. The gentleman and I apparently both agree with Justice Harlan and Justice Frankfurter. Those are matters which are between the people and those they elect to represent them in legislative bodies in policymaking. Whether you call it political or national policy or State policy, legislation, laying down the law, it is a matter between the legislative body and the people. The legislative body owes its allegiance to nobody but the people. The legislative branch is responsible to the people and to the Constitution. However, after the Baker and Wesberry decisions it comes under the dominion of the judicial branch of the Government. That is the danger I saw when Baker against Carr came down. The only way to protect ourselves from further invasion by the Federal judiciary is to withdraw the Court's jurisdiction, which we have the power to do under the Constitution.

I do not believe that in any legislation we pass we could affect the jurisdiction of any State other than the limitations that are imposed upon States by our U.S. Constitution. I think that is a matter beyond our sphere of authority or jurisdiction, just as I believe the Court by stretching some broad phrases, "Elected by the people," or "Equal protection of the laws," has stretched its authority as a part of the Federal Government beyond the proper limits of Federal power.

Mr. HUTCHINSON. The gentleman would agree that it would be within the power of the people of the States to withhold from the State courts jurisdiction over that matter?

Mr. MEADER. I would assume that would depend on the constitution of each State and the people's right to alter or amend their constitution.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I, too, want to join my other colleagues on the floor in commending the gentleman from Michigan for his study of this question and his able leadership in trying to lead the Supreme Court out of the political thicket into which it has ventured.

I, too, have a question as to how effective we would be if we did try to withdraw this matter from the jurisdiction of the Supreme Court, although I would agree with the gentleman that section 2, article III, of the Constitution says very clearly that Congress can make such exceptions to the appellate jurisdiction.

I also note, of course, that the Constitution specifically provides that the Supreme Court shall have original jurisdiction in any case in which a State is a party. Would it be a concern or a possibility that the effect of the gentleman's bill might be circumvented by actually making the State a party to the suit and bringing the question before the Supreme Court in that way?

Mr. MEADER. The gentleman has raised a technical legal question which has been discussed not only with the minority counsel of the Judiciary Committee but also with a very well informed professor of law at the University of Michigan, Prof. Jerold Israel, who is teaching Federal procedure and constitutional law at the University of Michigan and has been quite a student of apportionment cases. That very question was discussed with him not long ago. While it is a question that lawyers would argue about, I am not too fearful that anybody, such as our friends from Dearborn, Mr. Calkins and Mr. Jacobs, are going to walk down here and start a case in the U.S. Supreme Court against the State of Michigan. First of all, there is the question of sovereignty and the State's immunity from being sued against its will. Ordinarily in legislative districting cases the secretary of state is the defendant and the action is to enjoin him from carrying out duties vested in him by State law. In a sense, the State is a party there. But I do not think that is the situation in which the Supreme Court has original jurisdiction in cases in which the State is a party. It may relate to cases where one State is suing another State; that could have been in the minds of those who drafted the Constitution. I do not believe, and I think this was also Professor Israel's offhand opinion, that the original jurisdiction of the Supreme Court, where a State is a party, would be included within the type of case challenging State laws on congressional districting or a State legislative body's districting.

Mr. GRIFFIN. It is very obvious the gentleman has given this matter very deep and thorough study. I think the House is indebted to him. I especially commend him for imposing the standards for congressional districtiing and bringing forth this legislation which has been long overdue. We can, and we have a right to, criticize the Supreme Court for its decisions, but I also think that the Congress itself has been derelict in its responsibility for not moving earlier in setting up standards which were more meaningful, to which we could have pointed.

I commend the gentleman for his leadership in this field.

Mr. MEADER. I thank the gentleman for his contribution to this discussion which has been very, very useful. I hold no brief for the failure of Congress to take action except to say this—that probably there has not been a demand that the Congress take action until this rash of lawsuits broke out. You could also argue that we look upon this as a matter for the States themselves to decide. When we reapportioned the number of representatives among the States according to the decennial census the Congress may have felt that we had discharged our responsibility and more or less looked to the States to meet their problems in complete freedom and using their own discretion, even if it meant that Representatives had to run at large, which has happened a few times, or that some Representatives might represent a particular congressional district while some had to run at large, whatever the wishes of the people of that State were. It might be out of inaction or a lack of any drive for any action by the Congress or it may have been out of a desire on the part of the Congress not to invade areas of discretion which we believed were properly within the jurisdiction of the several States.

Mr. Speaker, I thank all of my colleagues who have participated in this discussion and I hope some action will come out of it.

FEDERAL RESERVE MONSTER AND HIGH INTEREST RATES—ANGUS McDONALD AND THE NATIONAL FARMERS UNION ARE TO BE CONGRATULATED FOR A SUPERB ANALYSIS OF FEDERAL RESERVE MANIPULATIONS AS THEY AFFECT INTEREST RATES

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, some material compiled by Angus McDonald, associate director of legislative services for the National Farmers Union, is herewith read into the RECORD.

This material comprises, I believe, as fine an analysis of the manipulations of the Federal Reserve as I have seen, particularly as those manipulations affect interest rates which, of course, affect the pocketbook of every American citizen.

It is heartening to know that what I have been preaching for so long has found such a receptive ear, and is backed up so convincingly by independent research and documentation presented by Angus McDonald.

To followers of the splendid work done by the Farmers Union under the very able leadership of Jim Patton, I wish to say that you are the privileged few who are adequately informed about a subject on which, generally speaking, the Nation is grossly uninformed. If more people were aware of what Angus McDonald has compiled, the select few of our money managers responsible for high interest rates would be on the defensive. They would not dare to attempt any further rise. They are indeed too high today—needlessly and recklessly they have risen the past few years—particularly under the Eisenhower Republican regime.

Interest on Federal Government securities has now reached the legal limit. Further rises would be disastrous. For the influential members of the banking community—the money managers of the Fed—to perpetrate a breakthrough in the 4¼-percent ceiling on Federal securities which has been in effect for half a century would prove, I believe, to be an act bordering on the immoral.

I should be happy to hear from those of you who read the Angus McDonald analysis, both members of the Farmers Union, labor union groups, and others interested in the people's benefits rather than those of special interests.

The Federal Reserve Board and High Interest Rates

(Legislative Analysis Memorandum No. 3–64, compiled by Angus McDonald, associate director, division of legislative services)

THE GREATEST MONSTER OF ALL

I have not mentioned the greatest monster of all that operates from Wall Street through the Open Market Committee and the Federal Reserve Board and the private banking system which regulates the supply of money, credit, and interest. Interest rates and control of the entire monetary system set by the Federal Reserve Board determines the economic life of every city, town, and hamlet in the United States. The Federal Reserve Board through its monetary controls has pushed the country into every depression and recession of the last 50 years. It caused the agricultural depression of 1920 by raising the discount rate to 7 percent which simply meant that the country banks had to pay 7 percent on all their funds received from the central system. As a result they were forced to call all the paper held by the farmers.

The Federal Reserve Board caused the recessions of 1954, 1958 and 1960 by decreasing the money supply by selling Government bonds and raising the discount rate. During the years of the Eisenhower administration the Secretary of the Treasury cooperated with Federal Reserve policy by driving up interest rates on Government bonds to more than 4 percent.

During these 8 years interest rates spiraled. Farmers paid not 4 or 5 percent but, 8, 9, or even 10 percent. All Government agencies had to raise their interest rates to be competitive in the money and bond markets. Finally, the Treasury offered to pay 5 percent on an intermediate bond which meant that other interest rates had to be much higher.

The whole thing was planned just as was the administered price inflation of U.S. Steel. Competition or natural economic forces had little to do with interest rates, credit, money supply. All are determined by the Wall Street bankers who sit on the Open Market Committee of the Federal Reserve Board. This group constitutes a fourth branch of Government, responsible to no one, not even the President.

When Walter Heller, Chairman of the President's Council of Economic Advisers was asked by Congressman REUSS, of Wisconsin, to try and find out if the Federal Reserve Board was going to raise interest rates again (thus canceling out the effects of tax reduction), Heller said he couldn't find out—that Congress might since the Board was supposed to be responsible to Congress.

Then, Congressman REUSS said Congress couldn't find out either—that the only time he received any information about what the Board was going to do was when he read it in the papers.

Like the Bourbons, the Federal Reserve Board has learned nothing and forgotten nothing. It is now planning another increase in interest rates, I think. It has sent up two trial balloons by planting articles in the Wall Street Journal and the New York Times which said that interest rates were going up this year. William McChesney Martin has hinted to a congressional committee that he may act to check inflation. In other words, Congress acts to lower taxes and pump more money into the bloodstream of business and Martin plans to take this money out of the bloodstream by tightening up credit and contracting the money supply.

This is where we came in. The Federal Reserve Board is still playing the old shell and pea game as it did in 1920, 1930, 1954, 1956, and 1960, only the date is changed. Martin and the big bankers are obsessed with the idea that the economy can be controlled by monetary tinkering. They have no business messing with the economy. Their ideas are as obsolete as a dodo or a kerosene lamp on an electrified farm.

The National Farmers Union has supported legislation which would abolish the open market committee and require farmer, labor, and small business representation on the Federal Reserve Board. Thus we are in favor of reforms which would replace on the Board a small group of bankers who run our money system for their own benefit.

Until something is done to restrict, amend or do away with the power of the bankers it is doubtful if the country can ever get back on a full employment basis. It is doubtful if the farmers can ever secure a rightful share of the national income and it is doubtful if the pockets of poverty in our economic system can ever be eliminated. The only authority for regulation of the monetary system is in the Full Employment Act of 1946, and the Constitution of the United States which says that money matters are the responsibility of the Congress.

Congress should act and act now to check the power of the Federal Reserve Board and the eastern banks who, if the consumer gets a tax cut, will reach its hand into his pocket and take it out before he has a chance to spend it. (Extract from the address of James G. Patton, at Cheyenne, Wyo., February 17, 1964.)

THE 12 MEN WHO DECIDE

The 12 men who decide how credit and money shall be influenced are relatively unknown to the public. But these 12 men—the Federal Reserve's Board of Governors and members of the Federal Open Market Committee—wield great power over the economy.

Seven are appointed by the President of the United States as members of the Board of Governors of the Federal Reserve. The other 5 are selected from the Presidents of the 12 regional Federal Reserve banks to serve with the Board of Governors as the 12-man Federal Open Market Committee. Their power pervades every part of American economic life.

Mortgage rates, length of credit terms, the interest on auto payments, the cost of borrowing money—these are everyday effects of Board decisions. Federal Reserve actions also affect business and Government credit terms and supplies of credit. In turn, these influence the momentum of the whole economy. Both production and employment feel the impact of monetary decisions. As the Federal Reserve Board's official publication, "The Federal Reserve System," explains: "The Federal Reserve, through its influence on credit and money, affects indirectly every phase of American enterprise and every person in the United States."

The Fed has several mechanisms to influence interest rates and the course of economic activities.

By determining the interest rate banks must pay to borrow money from the Fed (the discount rate), this Government agency affects the cost of all borrowing—the general level of interest rates.

By its open market operations—buying and selling Federal Government securities—the Fed affects the amount of money available to banks for lending and therefore the supply of credit. By this open market operation, the interest rates on Government securities may be lowered—much demand or buying by the Fed pushes up the price of securities and therefore reduces the interest rate. Or, with a reverse effect, interest rates may be raised by the Fed—little demand or buying by the Fed reduces the price and therefore increases the interest rate.

By setting the size of reserve requirements—the percentage of deposits that commercial banks must keep in cash or on "reserve" with Federal Reserve banks—the Fed also influences the supply of credit.

Altogether, these three mechanisms of the Fed strongly influence the amount of credit and therefore the price of money.

With this extensive influence on the lending power and interest rates of banks, the Fed can tighten money (with banks lending only to good customers at high interest rates) or loosen it (with banks seeking to lend money at lower interest rates). Equally important, the Fed's purchases of long-term Government bonds can set a general tone for long-term interest rates. This means that bonds which mature in 10 or 20 years—the basis of many bond issues for schools, roads, turnpikes, etc.—can have lower interest rates. Therefore such projects would be encouraged. These large-scale programs mean economic expansion; their absence means contraction. Moreover, interest rates on long-term Government bonds affect the interest rates on long-term business loans. (Extract from "Gearing Money Policy to Economic Growth," American Federationist, May 1964.)

TIGHT MONEY POLICY COSTS FARMERS BILLIONS

The rising interest rates on one- to four-family nonfarm home mortgages during the period 1952–63 as a whole have cost home owners $6 billion more than they would have had to pay if their interest rates had been held at 1952 levels. This $6 billion alone is enough to cover the capital cost of between one-half a million and a million new homes for middle- and low-income families.

Carrying this particular analysis one step further * * * viewing a new home in 1963 valued at $10,000, the total mortgage payments by the homeowner would range from $576 higher in the case of a 10-year mortgage to $2,196 higher in the case of a 30-year mortgage, than if the 1952 level of interest rates had been maintained.

Due to rising interest costs, those who borrow in the form of consumer credit have paid out almost $2.6 billion more in interest during the period 1953–63 than they would have paid if the 1952 levels of interest rates had been maintained. Projecting ahead, the same chart shows that this type of borrower, if prevalent monetary policies continue, will pay out more than $5.5 billion in excess (compared with 1952 rates) interest during the period 1964–70, thus involving an excess interest toll of more than $8 billion for the period 1953–70.

Those paying interest on the farm mortgage debt have paid out almost half a billion dollars in excess interest costs during the period 1953–63 and would pay out more than another 1¼ billion in excess interest costs during the period 1964–70 if prevailing monetary policies persist. These estimates are horrible to contemplate, particularly in view of the terrible deflation in the farm income during the past decade and still in process.

Of course, the monetary policy under review has not been bad for everybody * * * comparing 1963 with 1952, while total national production measured in current dollars rose 69 percent, the earnings of Federal Reserve member banks on their loans rose 179 percent, and their earnings on U.S. Government securities—really windfall earnings—rose 82 percent. Their net current earnings rose 92 percent, and their net profits after taxes rose 105 percent. Their cash dividends declared rose 113 percent.

Interest payments on total private and public debts during the period 1953–63 as a whole were $50.1 billion higher than they would have been if the 1952 levels of interest rates had been maintained * * * the regressive distribution of income resulting from these higher interest rates, along with other regressive policies, have done grave damage to the whole economy. But first, let us examine how this $50.1 billion in excessive interest payments might have been put to better use by means of alternative national economic policies.

As a starting point, in view of the high current interest in the poverty problem, let us assume that our national policies had held interest rates at the 1952 level, and utilized other policies and programs to direct a $50.1 billion flow of additional income into the hands of those who need income supplementation far more than the recipients of higher income payments. My chart 13 shows the number of Americans living in poverty in 1961—about a fifth of a nation. The bottom half of my chart 14 shows that, if the $4.6 billion average annual amount of excess interest payments during 1953–63 had been used to supplement the incomes of multiple-person families with incomes under $4,000 in 1961, this would have lifted the average $2,513 income of these families by $442. If the same amount of excess interest payments had been directed to the 6.3 million multiple-person families with incomes under $3,000, it would have lifted the average $1,849 income of these families by $730. If the same amount had been applied to the 3.2 million multiple-person families with incomes under $2,000, it would have lifted the average $1,217 income of these families by $1,438. This should give pause to those who have so blithely assented to the rising interest rate policy. It should indict those who have been responsible for this policy. (Testimony of Leon H. Keyserling before the House Banking and Currency Committee, Apr. 22, 1964.)

THE FEDERAL RESERVE BOARD ABOUT TO RAISE INTEREST RATES AGAIN

Signs point to a likelihood that the Federal Reserve Board is about to raise interest rates again, and whether their motives are good or bad, the effects will be the same—our pocketbooks will be pinched.

Farmers and the public generally will have less money to spend for luxuries and groceries and the other necessities, including farm supplies and equipment, because more of the consumer dollar—and more of the producer's dollar, too—will go to pay interest charges. The same is true of the consumer's tax dollar, as more of that dollar will go to pay interest of Federal, State, and local debts, rather than to pay for schools, roads, and so on. Another result will be, for many workers, the lack of a job and no income at all.

Only 6 weeks ago, the Chairman of the Federal Reserve, William McChesney Martin, publicly stated that since the recent tax cut was not having any inflationary effect, contrary to his previous expectations, it would not be necessary to raise interest rates after all. This statement was made shortly after Mr. Martin had had a long conference with President Johnson. It was also after a long series of hearings by the House Committee on Banking and Currency, under the chairmanship of Representative **Wright Patman**. Representative **Patman** has been trying for 20 years to nationalize the Federal Reserve banks, and his hearings were on bills introduced for this purpose.

So, in a very unusual public statement on May 6, before the Advertising Council in Washington, Mr. Martin indicated that the Federal Reserve would not raise interest rates—at least not any time soon. But there are now some definite signs that he is changing his mind.

First, several of the nations of Western Europe have recently raised their interest rates, and others are predicted soon to follow. Furthermore, the improvement in the U.S. international balance-of-payments registered in the first quarter of this year now appears to have been only a temporary improvement; while we had a dramatic improvement in our payments balance in that quarter, and also a net inflow of gold, preliminary figures for the second quarter of the year indicate a worsening of our payments position and also a net loss of gold. Under these circumstances it's a very good bet that the Federal will act to raise U.S. interest rates, in the wake of the general increase in Europe.

Second, quite a few big industries—coal, aluminum, chemicals, and others—are now announcing price increases. The Fed's usual response to such announcements is to raise interest rates, even when there is no balance-of-payments problem. The Board seems not to have learned the difference between 19th century theoretical economics of competitive markets and the world of today, and it keeps trying to prevent monopolistic industries from raising their prices by squeezing the money supply and raising interest rates. This helps to hold down average prices, it is true, by lowering prices in the more competitive segments of the economy, particularly those of the farmer and small businessman.

All of this does not mean that we can do nothing but hold our pocketbooks and groan. There are four things we can do.

We can let our Senators and Representatives in Congress know, and let the White House know, how we stand on three issues.

First, we should support prompt passage of H.R. 8000, the interest rate equalization bill, which is now pending in the Senate Finance Committee. This tax will help our balance-of-payments problem by dampening the flow of dollars going into investments in the highly developed countries of the world, especially Western Europe. It will thus free the hands of the Federal Reserve to some extent so that it will not have to push up interest rates in this country every time interest rates are raised in Europe. However, we should insist on an amendment to H.R. 8000 to make the tax apply to the export of dollars to the developed countries by American companies, just as the bill now applies to such exports of dollars by foreign companies and governments.

Second, we must let it be known most emphatically that we are completely opposed to legislation being proposed to Congress by the Federal Reserve, and by many of the bankers, to drop regulations over the maximum interest rate the banks can pay on time and savings deposits. Repeatedly raising this rate, under the so-called regulation Q, since World War II, has been one of the main ways the Federal Reserve has gotten interest rates up in the whole economy. Taking the regulations off entirely would send interest rates through the ceiling.

Third, we should support three proposals being made for reforming the Federal Reserve System. These are:

(a) Change the Federal Reserve Act to make the 4-year term of the Chairman of the Federal Reserve Board end at the same time the term of office of the President of the United States ends. This will give a new President an opportunity to appoint a new Chairman and, in doing so, to choose a man who will cooperate with his administration.

(b) Support Representative **Patman**'s bill to abolish the so-called Federal Open Market Committee and transfer its duties to the Federal Reserve Board. This committee is a group within the Federal Reserve System which actually makes monetary policy and determines interest rates. It includes in its membership presidents of the Federal Reserve banks, and these presidents are put into their jobs, indirectly, by the private banks they are supposed to help regulate. This is obviously wrong. The people who determine this Nation's supply of money, and level of interest rates ought all be appointed by the President and confirmed by the Senate, like the people who head the other Federal agencies.

(c) Support Representative **Patman**'s bill to pay back the stock which the private banks now own in the Federal Reserve banks. These banks do not need this capital, and it is costing the taxpayers a high rate of interest—6 percent.

Finally, we can watch our pocketbooks more carefully and protest every time they are being pinched by another raise in interest rates. And we don't have to wait until the horse is stolen before locking the barn door.

For example, last week the dealers in commercial paper announced that they were raising the interest rate on such paper by one-eighth of 1 percent. This is not the result of the working of any natural law of supply and demand; it is the working of the man-made law of the Federal Reserve who carefully and deliberately determine the supply of money and—by determining also the price—have a great influence on the demand. Interest rates are raised by subtle means and by little amounts that seem unimportant to the ordinary citizens. But these little amounts are just as important as little boll weevils in the cotton, little fever ticks on the cattle, and little droughts on the wheat crop.

Here is one way to consider what the little raises in interest rates made since 1952 have meant. In 1952, net personal income from interest was equal to less than one-half of the total farm income of the country. By last year, 1963, net interest income to individuals was more than twice the total farm income of the country.

If the reasons for taking the actions mentioned above are not already completely clear, some more detailed considerations will make them so.

H.R. 8000, THE INTEREST EQUALIZATION TAX BILL SHOULD BE IMPROVED AND PASSED

The interest rate equalization tax bill was requested by President Kennedy almost a year ago, and it has since been requested by President Johnson, but it now rests in the Senate after a slow passage through the House.

This bill would place a tax on certain foreign securities sold in this country. It would place a tax on foreign securities sold here to raise funds for use in the economically developed countries, which do not need our funds, anyway, Canada being excepted. It would not apply to funds used in any underdeveloped country.

The bill would in no sense close our capital markets even to France or any other Western European nation. It would only take away the incentive for Europeans to come here for funds, rather than raise the funds in their own capital markets, by reason of lower interest rates here. On a long-term loan the tax would be equal to an interest yield of one-half of 1 percent per year.

Passage of this bill will not only help us, it will also help the Europeans. The European nations are, of course, not only enjoying full employment, they are also suffering from overheated economies—excessive spending and a rapid rate of inflation. Accordingly, they keep tightening their own money supplies and raising interest rates in an effort to dampen their investment boom. But as they raise interest rates, more U.S. dollars flow in, feeding the investment boom and the inflation those countries are trying to dampen.

On the other side of the coin, the United States is suffering from wholesale unemployment and tremendous amounts of idle plant and machinery. According to all accepted principles, our central bank—which is in Federal Reserve—should follow a policy of easy money and very low interest rates, to permit an increase in production and employment. But the Federal Reserve officials feel that because of our balance-of-payments problem, and the threat of losing more of our gold, they cannot permit our interest rates to fall much below those prevailing in Europe, otherwise more dollars would go abroad and worsen our payments position. In party, they are right; but also in part our balance-of-payments problem gives these officials an excuse for following what seems to be ingrained bias in favor of high interest any way.

But the interest rate equalization tax will help correct both parts. It will free the hands of the Federal Reserve, to a large extent, to manage our money system independently of Europe.

Of course, the Wall Street bankers don't like the proposed tax, because it would take away some of their business which is selling bonds and stocks; and they are raising all kinds of objections to it. But the truth is this bill does not go far enough. It applies only to foreign corporations and governments who raise money in this country. It does not apply to U.S. corporations that take money out of this country for investment in those same countries. In other words, it does not apply to what is called "direct" investment. It does not apply, for example, to the Ford Motor Co.'s sending dollars to England, as it did a few years ago, to buy up the remaining stock in English Ford. It does not apply to Chrysler sending dollars to France, as it did last year, to buy up the stock in Simca. It does not apply where an American company or individual sends dollars abroad to build new plants, to buy up existing businesses, or to buy stocks and bonds abroad. But it ought to. The effect on our balance of payments is exactly the same whether a dollar is lent to a European for investment in Europe, or whether the dollar is invested in Europe by an American company. In fact, the much greater part of the outflow of dollars which has actually been taking place over the past 10 years consists of the so-called "direct" investments, which H.R. 8000 does not touch.

The Senate Finance Committee should be urged to act promptly on H.R. 8000 and to amend it to apply the tax to direct investments as well as to indirect investments.

REGULATION Q—PUBLIC REGULATION OF BANK INTEREST RATES MUST BE DROPPED

The proposal to drop the historic regulation of the maximum rates banks can pay on time and savings deposits may sound like an innocent proposal, because the most obvious result would be that depositors in the bank would get more for their money. But to anyone familiar with the long and practical history of this matter, it is a shocking proposal. The result would be exactly like taking regulations off what the telephone company or any other utility can charge the public.

The banks are the money creators in our monetary system, and they don't pay any interest at all on most of their deposits. They are prohibited by law from paying any interest on demand deposits. For this reason, and also for the reason that they are limited local monopolies, protected from competition by law, they can afford to pay a higher rate on savings deposits than can other types of financial institutions, which have to pay interest on all of the funds they receive.

Accordingly, the rate that the banks pay on savings deposits is the bell weather. When the banks raise the rate they pay, they automatically goose up the rate paid by other institutions, such as the savings and loan associations, and the rates paid on bonds as well. And the catch is, of course, when these rates are forced up, so too are the rates charged the borrowers, with allowances for a margin of profit, of course.

If the Congress repealed the law which prohibits the banks from paying interest on demand deposits, at the same time it removed regulations over what the banks can pay on savings and time deposits, then the repeal would be all to the good. But the bankers would not be in favor of that. So the best way we can protect our pocketbooks is to oppose any and all efforts to take regulations off the rates the banks can pay on time and savings deposits and, at the same time, demand that the Federal Reserve keep these rates at reasonable levels.

EVERY RAISE IN INTEREST RATES SHOULD BE PROTESTED

During the past year or so Federal Reserve officials—and some of our other Government officials, too—have become very fond of saying the Federal Reserve is keeping funds readily available, suggesting that the Federal Reserve had merely gotten interest rates up without denying anybody needed funds. This is the same as saying that the public has been priced out of the market for the use of its own savings.

In truth, the Federal Reserve has, by various manipulations, been able to raise interest rates to a higher level than would normally be expected on the basis of the supply of money. It has accomplished this largely by raising the maximum rate the banks can pay, under regulation Q, on time and savings deposits. Although the discount rate has been raised, too, this rate actually has much less effect than the public is led to believe. The reason is that the Federal Reserve Banks do not actually lend very much—certainly not all that the banks would borrow at the prevailing discount rate—if they were freely permitted to borrow.

On the other hand, the Federal Reserve has very drastically shortened the money supply, relative to the volume of goods and services requiring money transactions. It has been reducing the money supply consistently since the end of World War II. To illustrate, in 1947, the money supply (demand deposits and currency) was equal to approximately one-half (48 percent) of the gross national product of that year. Last year, 1963, the money supply was down to approximately one-fourth (26 percent) of the gross national product.

How does all this pick the consumer's pocketbook?

Consider this: A 1-percentage-point increase in the interest rate on an FHA or Farm Home mortgage of 30 years meant that the family buying a home has to make monthly payments that are 10 percent higher than the payments of the family who bought before the rate went up.

Also consider this: Between 1952 and March of 1964, the average interest rate paid on the Federal debt increased by only 1.208 percent, which doesn't seem like much. But this increase means that on a debt of $310 billion, the taxpayers are paying an added $3.1 billion annually—to say nothing of the added amounts they are paying on the State and local debts. When so many people think that $1 billion is too much for the Federal Government to spend for a war on poverty, what do they say of paying an extra $3.1 billion a year to make the rich richer just on the Federal debt alone. (Stated William Summers Johnson, economic consultant and former Director of the Joint Economic Committee.)

A BILL TO PROVIDE FOR STUDY OF A PROPOSED SEA-LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

The **SPEAKER** pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Tennessee [Mr. EVINS] is recognized for 20 minutes.

Mr. EVINS. Mr. Speaker, supplementing my statement of June 16, last, when the House passed the public works appropriations bill for 1965, carrying funds for the Panama Canal and other public works projects, I wanted to discuss further today the proposal to build a sea-level canal which will be needed for the future.

Our Subcommittee on Public Works Appropriations during hearings on the Panama Canal Company and the Canal Zone Government developed considerable facts regarding this problem—the amount of traffic through the existing canal, and the growth needs for a sea-level canal.

In the light of the evidence presented to our Subcommittee on Public Works Appropriations, and in view of recent events in Panama which, unfortunately, led to the present deterioration of good international relations between the Republic of Panama and the United States, I have today introduced a bill authorizing the President to appoint a commission to investigate the feasibility of the construction of a sea-level canal connecting the Atlantic and Pacific Oceans and to determine its most suitable location. This bill is identical to S. 2701 which the Senate passed on March 30, 1964, having had the administration's full support and affirmative votes from both sides of the aisle.

The importance of the canal can best be gaged by the amount of traffic it carries. During 1962, the Panama Canal transited approximately 11,000 oceangoing vessels at the average rate of 30 vessels per day. There were about 2,800 different vessels bearing foreign flags, chiefly Norwegian, British, German, Liberian, and Japanese, in that order; 377 U.S.-flag vessels made 1,788 transits. Despite the preponderance of foreign-flag vessels, approximately two-thirds of the 65 million cargo tons consisted of intercoastal U.S. traffic.

The Panama Canal set a new record in February of this year for the total number of transits in 1 day and during 1 week. In that 1 day, 47 ocean-going ships went through the canal, and during 1 week in that month 284 ships transited from ocean to ocean.

The physical limitations of the Panama Canal are beginning to pinch. It has been forecast that by 1980 interoceanic traffic will exceed the canal's capabilities. Thereafter ships will be required to wait in line for the privilege of passage, at great expense to shipowners and, ultimately, to consumers.

Hon. Cyrus R. Vance, Deputy Secretary of Defense, in testifying before a committee of the Congress on March 3, 1964, stated:

> Twenty-four of our carriers cannot transit the canal; that is 15 attack carriers and 9 ASW carriers. There are 50 commercial-type ships, or carriers, tankers, and large passenger ships which cannot transit. And there are 556 ships which must transit the canal with less than full loading in order to get through. Some of them have to reduce as much as 30 percent.

The canal has inherent physical limitations due to its intricate and complex locks which measure 1,000 feet in length and 110 feet in width. Its channels have a minimum depth of only 42 feet. Thus, the Panama Canal is rapidly becoming inadequate.

The Panama Canal basically consists of two separate agencies. The Panama Canal Company, which is a corporation wholly owned by our Government and utilizes its own revenues to carry out its own operations. It is a self-sustaining enterprise. The Panama Canal Government—the other agency is responsible for the functions normally performed by State and local governments. It meets its operating and capital program requirements with funds appropriated annually by the Congress.

A combination of economic, political, and strategic considerations makes it highly desirable that we proceed without delay with a study and investigation in the vital issues involved in this matter. There is the proximity of Communist Cuba; the recent riots in Panama which appeared to have been aided and abetted by Red agitators; and the realization that military experts have told us that the Panama Canal is vulnerable to lengthy interruptions of service through sabotage or accident, an event which would be prejudicial to our strategic and military interests and to international commerce as well.

One should remember that during World War II and later, during the Korean crisis, the Panama Canal was the logistic lifeline for moving our military personnel and equipment from the east coast to the combat areas of the Pacific and Asia. Today, ships carrying defense materiel to and from our country, pass through this manmade waterway to help stem the tide of Communist aggression. There is no area outside of our continent that is as vital to the well-being and survival of the United States as is the Canal Zone.

Further evidence of urgency can be seen in the fact that President Johnson has instructed the Secretary of Defense to immediately dispatch a survey team to Colombia to explore the possibility of constructing a sea-level canal in that country. Close collaboration with the Colombian Government has already begun by a 10-man American survey team.

These are the main reasons that impelled me to introduce a companion measure to S. 2701 in the House. Moreover, I feel that such action might accelerate the passage of this legislation and its enactment into law.

My distinguished predecessor in the Congress, the late Secretary of State Cordell Hull, of Tennessee, contributed mightily to the good neighbor policy of our country with Latin America. The furthering of the Good Neighbor policy and the fostering of foreign trade is of tremendous importance to all segments of our economy. The Panama Canal has been an important factor in stimulating and facilitating this commerce. The availability of intercoastal steamship service has been of great value to our country, and the Panama Canal has made this traffic considerably easier and freight charges more reasonable.

It would not be amiss to review briefly events leading to the creation and subsequent development of this important waterway. It was universally conceded—more than 100 years ago—that it would be eminently desirable that a canal be built somewhere across the isthmus which connects the Americas. This feeling was greatly heightened during the Spanish-American War when it became necessary to transfer U.S. Navy ships from the Atlantic to the Pacific Oceans in order to obviate the necessity of the very long voyage around Cape Horn.

The present canal that runs across Panama was originally planned to traverse Nicaragua. The House of Representatives passed a bill in favor of a Nicaraguan canal when a French company that had a concession for a canal in Panama, which was started by Ferdinand de Lesseps, offered in 1898 to sell it for $109 million.

The effect of the House action was to bring the French asking price down to $40 million. The Senate thereupon amended the House bill to favor a Panama canal provided the French concession could be bought for $40 million and perpetual control of the canal vested in the United States.

Shortly after the United States recognized the independence of Panama in November 1903, the two countries signed the Hay-Bunau-Varilla Treaty providing for the construction of a lock canal across the isthmus. By the terms of this treaty a strip of land extending for 5 miles on either side of the canal—the Canal Zone—was acquired for $10 million cash, plus $250,000 per year. For this the Republic of Panama agreed to give the United States perpetual sovereignty "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

By virtue of a treaty with Colombia which was signed on April 6, 1914, and which became effective on March 1, 1922, we paid the Republic of Colombia $25 million to compensate her for the loss of Panama.

The first substantial revision of our 1903 treaty with the Republic of Panama was on March 2, 1936, when a new treaty was signed in which we made generous concessions to Panama, including the abrogation of the right and authority of the United States to maintain public order in the cities of Panamá and Colón, and the territories and harbors adjacent thereto, should Panama be unable to maintain such order.

This was followed by an Executive agreement of May 18, 1942, which dealt with the working relationships between Panama and the United States, such as water supply, use and transfer of land on which the Panama Railroad was located, post exchanges, and other related matters.

The United States made further concessions to Panama in 1955 through another treaty, the principal provisions of which, together with an accompanying memorandum, increased the annuity payments to Panama from $430,000 to $1,930,000 as of 1956; gave recognition of the right of Panama to impose taxes on the income of its nationals working in the Canal Zone; and granted other substantial benefits to the Republic of Panama.

It should be obvious to anyone that the Republic of Panama derives very substantial benefits from the Panama Canal Company and the Canal Zone Government, as well as from the proximity of the United States presence in the Canal Zone. The direct financial benefits accruing to the Republic of Panama from Canal Zone sources in 1960 amounted to $65,530,000; in 1961, $75,582,000; in 1962, $85,155,000; and the preliminary figures for 1963 reflect that these benefits reached $90,876,000.

Our treaty with the Republic of Panama in 1903 provides that "the United States would possess and exercise as if it were the sovereign of the territory to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

Our treaty gives to the United States exclusive sovereignty over the Canal Zone.

Notwithstanding the provisions of this treaty, on September 17, 1960, President Eisenhower granted a further concession to the Panamanian Government. He directed that the Panamanian flag be flown together with the U.S. flag in a single place in the Canal Zone. This was done as visual evidence of so-called Panamanian titular sovereignty. The number of places from which the Panamanian flags could be displayed in the Canal Zone was subsequently increased. I believe that these several actions and concessions, including especially the flying of the Panamanian flag within the Canal Zone, gave some recognition of titular sovereignty to the Panamanian Government and led directly to the riots that broke out in the Canal Zone in January of this year.

The need for a new sea level canal is pressing, not only because of overriding logistic and defense considerations, but also in the interest of the expeditious movement of new and large commercial vessels. Obviously, a sea level canal would require far less maintenance than a lock-type canal. It is significant, also, that the time of transit through a sea level canal would be reduced by approximately 50 percent, with consequent reductions in costs of shipping. In addition, such a canal would not have the security problem that exists with a lock canal such as the present one.

At this time, I want to make it abundantly clear to our good Latin American neighbors, as well as to the world at large, that our seeking other possible routes for a sea level canal must not be interpreted as any affront to Panama. It is merely a matter that the United States has been considering during the past 20 years. In fact, during 1938, the House Naval Affairs Committee, of which President Lyndon B. Johnson was a member at that time when he was a Congressman, went to Nicaragua looking for a suitable location for a new canal. So, it is not due to any political emergency or pressure that we now increase the intensity of our search for a new route for a canal. It is simply because we need one.

Fortunately, our technological advances in the use of atomic energy for peaceful purposes have provided us with a safe and relatively inexpensive means for the construction of a sea level canal. Nuclear excavation, it is estimated, would permit construction of a sea level canal in one-fifth the time and at one-quarter the expense of excavation by conventional means. In fact, Dr. Glenn T. Seaborg, Chairman of the U.S. Atomic Energy Commission, stated that, depending on the route of a new canal, excavation by nuclear method would be from 50 to 90 percent cheaper.

The Atomic Energy Commission is now engaged in the study and development of the peaceful use of nuclear explosives. This study is known as the plowshare program since its beginning in 1957 because it is derived from the Biblical term of "beating swords into plowshares." It was recognized from the conception of the plowshares program that the limitation and control of possible radioactive fallout would be of great concern to many people—as a consequence the major thrust of the experimental program of the Atomic Energy Commission has been and continues to be toward reducing radioactivity and fallout to a minimum. It is the opinion of experts that nuclear excavations are feasible and can be done safely.

However, before atomic energy can be utilized for such a peaceful purpose as the construction of a much-needed new sea level canal for use by all the nations of the world, the question must be resolved as to whether the treaty banning nuclear weapon tests in the atmosphere in outer space and under water of August 5, 1963, would have to be amended.

When the new canal is built, a new treaty will have to be negotiated. This is true even if it should be decided to locate this new canal in Panama. Regardless of what action our Government may take on the future needs of a sea level canal, the United States must continue to exercise full sovereignty and control over the Canal Zone.

We are doing this and our country has notified all shippers and users of the canal that the United States will continue to maintain, operate, and control the Panama Canal.

My appeal is that the United States not only maintain, operate, and control the canal, but that we plan ahead and look forward to construction of the needed sea level canal which will be required for the future.

Friendly and amicable relations between the United States and the other American countries are of the utmost concern to this Nation since we believe that mutual problems of the various republics must be resolved in a spirit of friendship and understanding. The links between North America, Central America, and South America are not merely geographical, but ideological as well. The ideal of a united, progressive hemisphere originated early in American history with the efforts of one of the greatest of Americans—Simon Bolivar.

I am convinced from the testimony before our committee and from a study of this problem that the future free flow of transisthmian commerce so important to the world, as well as our defense posture will dictate that the sea level canal must be built.

I urge the enactment of the measure which I have today introduced, which is identical with the bill which has passed the Senate—providing for a commission to study this matter and with an on-site investigation to determine the feasibility of a second canal to connect the Atlantic and Pacific Oceans.

DAIRY AND POULTRY PRODUCTS BARGAIN BUYS

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the fact that June is Dairy Month serves to remind us that vital food products can still be bargains. Milk, eggs, and poultry are some of the best food buys on the market. In contrast to the price rises of almost everything else, the price of milk, eggs, and poultry has changed little for consumers during the years since World War II or even World War I. Poultry and eggs have even declined in price since the last war. The price situation of these farm products has represented quite a bargain to the American grocery buyer.

While retail food prices have increased 29 percent in the past 16 years, the retail price of dairy products increased only 18 percent. The retail cost of poultry and eggs has declined 26 percent from 1947–49 to 1963.

It is a testament to the productivity of our poultry and dairy farmers that prices have remained so reasonable through the years despite inflation and a pattern of rising prices.

Food prices in general rose 213 percent between 1913 and 1963, but dairy products during the same period rose an average of only 158 percent, poultry only 90 percent, and eggs only 58 percent. The average delivered price of milk per quart was 8.9 cents in 1913, 26 cents in 1963, and 25.9 cents in April of 1964. Store bought milk per quart was 24.3 cents in 1963 and 24 cents in April of this year. The average annual retail price of eggs per dozen in 1913 was 34.5 cents and in 1963 this price had risen only to 55.1 cents. In April 1964 eggs had fallen to 52.5 cents per dozen. Roasting chickens were selling for 21.3 cents a pound back in 1913 and 50 years later in 1963 frying chickens were selling for 40.1 cents per pound. This price fell to 38.4 cents in April 1964.

These are average national prices. In certain areas of the country such as in New Hampshire, the American public has received an even bigger food bargain. On February 20 I placed a letter in the CONGRESSIONAL RECORD—page 3231—from J. Prentice Weston who pointed out that in December 1963 eggs were selling for the same price in Manchester, N.H., as they were 50 years ago in 1913. Mr. Weston came across this information in the 50-years-ago column of the Peterborough Transcript, and he noted that today's eggs were better eggs, too.

The efficiency and hard work of our poultry and dairy farmers should be praised, and American consumers can only express their appreciation by saying "well done" and by continuing their patronage.

MASS TRANSPORTATION ACT

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HARSHA. Mr. Speaker, the Mass Transportation Act is nothing more than a tool to drive private transportation systems out of existence and to establish a Federal czar over local development and planning. And, for the good not only of the transportation industry, but also for the welfare of this Nation, Congress should reject this legislation.

The legislation to be considered by the House of Representatives this week establishes such power and authority in a Federal Administrator that he can override plans of locally elected officials for the development of their own local areas, not only with respect to mass transportation, but even with respect to the comprehensively planned development of the whole urban area.

The power of the Federal Administrator to set rates, fares, schedules, and mode of operation, is the power to break a private transit system and force it into Government ownership.

Presently, 95 percent of all the operating transit companies are privately owned and operated and that hardly suggests the existence of a problem of Federal responsibility.

For the almost 97 percent of our transit systems that are all bus systems, the problems are supportable route and time schedules, reservation of lanes for bus travel, one-way streets, reversible lane use of streets to accommodate flow of traffic into the central city in the morning rush hour and out of the central city in the evening, and the many other ingenious devices that local communities have devised to facilitate the flow of traffic in their own particular areas. There are the local problems arising from the pattern of community development, the dispersion of commerce, professions, and industry to outlying areas, dramatized particularly in recent years by the development of mammoth shopping centers in suburban areas.

A transit system is comparable to a utility and if adequate fares are charged the users or beneficiaries of these services as in the case of other utilities, there would be no need of Federal subsidization. Why should the taxpayers of the Sixth District of Ohio be required to subsidize the transportation of persons in New York and Philadelphia or areas where they fail to accept and meet their local responsibilities?

Furthermore, more than 6,000 communities would be made eligible for grants under this bill and the contemplated $500 million authorization is merely the "camels nose under the tent." It is only a fraction of the total cost of such a program. Involving this many communities, the price tag for such a proposal could easily exceed $20 billion, a sum the Federal Government neither has nor can afford to borrow. I urge the defeat of this legislation, Mr. Speaker.

CAMPAIGN AGAINST POVERTY

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. HARRISON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HARRISON. Mr. Speaker, we are witnessing today an incredible situation in which the national administration is preparing to mount a costly campaign against poverty while at the same time it rigidly adheres to policies that promote conditions which help create poverty.

It is not news to anyone that the principle reason the Appalachian area suffers from joblessness and economic malady is the strangulation of the coal mining industry. What is true of Appalachia in this particular respect is also true in other parts of the Nation where the coal mines have shut down.

What has hurt, and continues to hurt, the market for coal is the increased dumping of foreign residual fuel oil in this country. Pursuing a policy in which, apparently, the interests of foreign nations are placed ahead of those of our citizens, the New Frontier raised the import quotas on foreign waste oil from 154 million barrels annually to 191.8 million. This policy is being continued under President Johnson, and only recently the Secretary of the Interior announced that an additional 23 million barrels of foreign waste oil will be allowed to be imported during the rest of this year and part of next.

Every million barrels of foreign waste oil displace about 250,000 tons of coal. Each million tons of coal displaced costs the jobs of about 427 miners and 200 workers in transportation industries.

Increased oil imports have also had a damaging effect on another segment of our economy, the domestic petroleum industry. Hit hardest have been the small independent producers who, with their backs to the wall, are appealing to their Government for help—so far, apparently, to no avail.

I note that as a part of its antipoverty program the administration proposes to create, at taxpayer expense, small acreage farms in the mountainous Appalachia area for families who might want them. Whether this will add to the already troublesome and costly problems of overproduction in agriculture in general remains to be seen, but I am astounded to learn that the Secretary of Agriculture has recommended expansion of livestock production, feeder calves in particular, for the Appalachian area as a means for improving farm income.

It is truly incredible. In one breath the administration condemns our livestock producers for overproduction and says their difficulties are caused by their own actions, and in the next breath the administration says it wants to expand the production of feeder calves which can only add to the present desperate plight of the livestock industry.

This brings me back to the assertion that the administration is rigidly adhering to policies that promote conditions for creating poverty.

The administration has made it abundantly clear that it has no intention of limiting, even temporarily, the record tonnages of foreign meat imports to the United States. Moreover, the signs are that it seeks to block any action by the Congress to restrict these imports.

One would almost be led to think that the administration is willing to stand by and let the livestock industry sink deeper into economic distress so that there will be new and bigger areas of poverty for its bureaucratic practitioners to doctor with injections of public money and welfare planning.

The livestock industry has asked for no handouts, no subsidies, nor any special tax concessions because of its present plight. It seeks only to protect its own market which it has materially helped to build up against cheap foreign meat imports.

It is plain that if cheap meat imports are allowed to undermine and destroy the American livestock industry, economic distress with joblessness and poverty will be extended to many farm and ranch communities in the cattle producing States.

What has happened to our coal, oil, and livestock industries has also been happening, in varying degrees, to our textile, lumber, glass, shoe, and other industries. As one segment after another of our national economy is reduced to economic dependence upon a paternalistic Federal Government, other industries will be weakened from the increased burden and be dragged down too.

It is high time we came to realize that we cannot be strong, we cannot create jobs, and we cannot hope to reduce poverty with policies that give primary consideration to building up foreign industries at the expense of and the detriment to great numbers of our own citizens and their private enterprise.

MOBILE VOTING: CONSTITUTIONAL AMENDMENT NEEDED TO PERMIT CITIZENS TO VOTE IN THEIR LAST PLACE OF RESIDENCE UNTIL NEW VOTING RESIDENCE IS ESTABLISHED

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, in a very short time Congress will complete action on one of the most meaningful civil rights bills proposed in this country since the passage of the 13th, 14th, and 15th amendments. When enacted, this civil rights bill will place the legislative branch of this Government squarely and solidly on the side of justice and equality of opportunity for all people of this country without regard to race, color, or creed.

One of the most important provisions of the civil rights bill is title I, which deals with voting. The opportunity to vote is both a right and a responsibility. I trust we now have insured as best we can that the opportunity to vote will be unbiased by color or race. However, there is one vestige of discrimination in voting that needs the attention of Congress.

Because of the archaic State laws that deal with residency requirements and absentee voting, millions of American citizens are not permitted to cast their ballots and are thereby deprived of the full rights and responsibilities of citizenship.

Estimates of the number of people deprived of their votes because of residency requirements run as high as 10 million. This is an inconceivable figure.

Because I believe that every American should have the right to vote for President, Vice President, a Congressman, and a Senator, I introduced on April 6 a resolution calling for an amendment to the Constitution which would provide that every American citizen eligible to vote in his last place of residence would retain his right to vote in all Federal elections in that place of residence until he fulfills the requirements necessary to become eligible to vote at his new place of residence.

The "movers" in this country need our help.

IMPORTANCE OF VOTING

One of the most basic and cherished rights in this country is the right to vote. One of the best expressions of the importance of this right is found in the report of the President's Commission on Registration and Voting Participation. It states:

> Voting in the United States is the fundamental act of self-government. It provides the citizen in our free society the right to make a judgement, to state a choice, to participate in the running of his government * * * in the community, the State, and the Nation. The ballot box is the medium for the expression of the consent of the governed. The citizen who does not vote relinquishes the opportunity to govern.

The norm of "one man, one vote," is the recognized law of the land. The U.S. Supreme Court has construed article I, section 2 of the U.S. Constitution which provides that Representatives shall be chosen "by the people of the several States" and shall be "apportioned among the several States according to their respective numbers" as giving persons qualified to vote a constitutional right to vote and have their votes counted—see *United States* v. *Mosley*, 238 U.S. 383; *ex parte Yarbrough*, 110 U.S. 651; *Wesberry* v. *Sanders*, February 17, 1964.

Total participation in the electoral process is of the greatest importance. The right of every citizen to participate in the governmental process is an essential feature of our form of government. The political philosophy of the Declaration of Independence is that governments derive their just powers from the consent of the governed; and the right to a vote in the selection of officers of government on the part of all citizens is important, not only as a means of insuring that government shall have the strength of popular support, but also as a means of securing to the individual citizen proper consideration of his right by those in power. The disfranchised can never speak with the same force as those who are able to vote—*Rice* v. *Elmore*, 165 F. 2d 387, 392, 4th Cir. 1947.

Just recently, in the Wesberry case, supra, the U.S. Supreme Court observed that:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as a good citizen, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right.

In urging the people to adopt the Constitution, Madison said in No. 57 of the Federalist:

> Who are to be the electors of the Federal representatives? Not the rich more than the poor; not the learned more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States. (The Federalist, No. 57 [Cooke ed. 1961], at 385.)

Readers surely could have fairly taken this to mean "One person, one vote."—Compare *Gray* v. *Sanders*, 372 U.S. 368, 381.

Unfortunately, throughout this country's history there have been many barriers to full participation of the populous in the selection of elected officials.

Property and tax paying requirements were a prohibitive factor in vote participation in the early days of this Republic. Soon, however, the inequity of these requirements was recognized and by 1850 these requirements had been largely removed.

Surprisingly enough, residency requirements became more stringent once property requirements were relaxed. The Southern States were foremost among the States which adopted more restrictive residency requirements. It was during the last part of the 19th century and during the first decade of the 20th century that most of the Southern States revised their constitutions—most often for the expressed purpose of disenfranchising the Negro.

Recently the bars to voting in this country have been gradually lowered. Discrimination in voting on the basis of race is abating. This House in 1957, 1960, and again this year took steps to insure equality of the individual at the polls, to erase discrimination on the basis of race. But the "movers" also need our help. Twenty percent or almost 36 million people in this country move during any given 12-month period. The number being disenfranchised because of residency requirements is growing. In 1950 it is estimated the 4 million people could not vote because they could not meet residency requirements; by 1954 that number had grown to 5 million people; and in 1960 it is believed that 8 million people lost their vote because they moved. We are penalizing the people in this country for being successful, for having the motivation to try to do better, to get ahead. This should not be done.

The Iowa motto as inscribed on my State's seal and her flag reads:

> Our liberties we prize and our rights we will maintain.

Liberty is offered by a good society, but it must be achieved and practiced by each citizen of this country. Citizens in this Republic of ours are expected to take an active role and interest in the political process. We should be concerned about the low voter turnout in this country; people need to be encouraged to vote. But we have a responsibility to make as simple and easy as possible the opportunity to vote. This is what I am attempting to do. I believe that every person has a right to vote for President, Senator, and Representative.

THE SITUATION NOW

Since the Constitution of the United States indirectly places with the States the responsibility for setting voter qualification in Federal elections, we have a hodgepodge of election laws in this country today.

Today there are 40 different combinations of State, county, precinct, and city residency requirements in existence in the 50 States. State residence requirements range from 6 months to 2 years; however, some States have waived all or part of their requirements for voting in Presidential elections. Residence requirements in counties vary from none at all to 1 year; requirements for other local jurisdictions cover the same range. The most popular requirements for voting used by the States are: residence in the State 1 year; in the county, 3 months; in the locality, 30 days. In fact, six States—Delaware, Illinois, North Dakota, New Mexico, South Dakota, and Washington—actually have all of these provisions.

Alabama and Mississippi have the most severe State residency requirements. Both require 2 years of residence before allowing an individual to vote. These two States also have the most stringent county and district requirements for voting, Alabama stipulating that you must live within a county 1 year before you can vote and Mississippi imposing that same qualification on its voters within congressional districts.

Let us face it; the States have not modernized their residence requirements to meet the increased number of people who move, or what is often termed our mobile population. Only 12 States allow new residents to vote if they have lived within that State for 6 months. The rest of the 38 States require residence of more than 1 year; at least 1 State requires 2 years of residence before allowing a "mover" to vote. The situation becomes even more muddled when the additional requirements of county and precinct obligations are considered. In fact, precinct requirements vary as much as 10 days to 1 year and county requirements range as high as 1 year or 6 months in 11 States.

I am placing in the RECORD a summary of the residency requirements of all the States. I believe on the most part you will find them to be rather stringent. It can be seen rather easily how people are deprived of a vote in Federal elections by these State requirements. Something can be done; something must be done.

WHO IS AFFECTED

Mobility has become a dynamic characteristic in this country; it is part of our collective personality. American traits which have distinguished this country's record such as courage, sense of adventure, ambition, willingness to move, to strike out to better one's self today are costing millions of our fellow citizens the right to vote. According to the Census Bureau, in 1960, 19,800,000 American adults changed their place of residence. Of this number, 13.2 million moved from State to State.

It is estimated that 8 million of the 19.8 million people were disenfranchised because they were unable to meet the residency requirement imposed upon them. Five million additional voters were kept away from the polls due to illness and 2.6 million were traveling for business or pleasure and were unable to obtain absentee ballots. The American Heritage Foundation estimates that various voting restrictions kept 19,590,000 people from the polls in 1960. Certainly, with only 112,000 votes separating the two party's candidates in 1960, the votes of these people conceivably could have changed the outcome of the election.

TABLE I.—*Residence requirements*

State	Requirements			
	State	County	Election district, precinct, or ward	Township, municipality, town, or city
Alabama	2 years	1 year	3 months [1]	
Alaska	1 year		30 days [2]	
Arizona	do.[3]	30 days	do.	
Arkansas	do.	6 months	do.	
California	do.[4]	3 months [5]	54 days	
Colorado	do.[6]	do.[5]	15 days	30 days.
Connecticut	do.[7]			6 months.[8]
Delaware	do.	3 months	30 days	
Florida	do.	6 months		
Georgia	do.	do.		
Hawaii	do.		3 months	
Idaho	6 months [7]	30 days		
Illinois	1 year [7]	3 months [5]	30 days	
Indiana	6 months		do.	2 months.[9]
Iowa	do.	2 months [9]		
Kansas	do.[10]		30 days	30 days.
Kentucky	1 year	6 months	2 months [9]	
Louisiana	do.	do.	3 months	4 months.[11]
Maine	6 months [12]	3 months [8] [13]		3 months.
Maryland	1 year	6 months	6 months [5]	
Massachusetts	do.[12]			6 months.[8]
Michigan	6 months			30 days.
Minnesota	do.		30 days	
Mississippi	2 years		1 year [14]	
Missouri	1 year [7]	2 months [9]	2 months [9]	
Montana	do.	30 days		
Nebraska	6 months [3]	40 days	10 days	3 months.
Nevada	do.	30 days	do.	
New Hampshire	do.		6 months	6 months
New Jersey	do.[15] [16]	2 months [9]		15 days.[17]
New Mexico	1 year	3 months [5]		
New York	do.[19]	4 months	30 days	
North Carolina	do.		do.	
North Dakota	do.	3 months [5]	do.[5]	
Ohio	do.[3]	40 days [9]	40 days	
Oklahoma	do.	6 months	30 days	
Oregon	6 months [3]	30 days	do.	
Pennsylvania	1 year [18]		2 months	
Rhode Island	do.			6 months.
South Carolina	do.[3] [20]	6 months	3 months	
South Dakota	do.	3 months [5]	30 days	
Tennessee	do.	do.		
Texas	do.	6 months	6 months	
Utah	do.	4 months	2 months [9]	
Vermont	do.			3 months.
Virginia	do.	6 months	30 days	6 months.
Washington	do.	3 months [5]	do.	
West Virginia	do.	2 months [9]		
Wisconsin	do.[21]		10 days	
Wyoming	do.	2 months [9]	do.	
District of Columbia	do.			

[1] Otherwise qualified electors who have moved to a new precinct in the same county, town, or city may vote in their old precincts.

[2] In election district.

[3] New residents may vote for presidential electors if they were or would have been qualified to vote in State from which they moved.

[4] New residents in the State may vote for President and Vice President only, after 54 days of residence.

[5] 90 days.

[6] New residents may vote for presidential electors after 6 months in State if otherwise qualified.

[7] New residents in the State may vote for President and Vice President only, after 60 days of residence.

[8] No elector who has changed his residence from one county, precinct, or town to another loses his right to vote in his former county, precinct, or town until he acquires voting residence in the new one.

[9] 60 days.

[10] New residents with 45 days' residence in township or precinct may vote for presidential electors only.

[11] Municipality.

[12] New residents may vote for presidential electors after 30 days' residence in State.

[13] "Plantation."

[14] Ministers and wives may vote after 6 months' residence.

[15] 40-day residence requirement when voting for President and Vice President.

[16] State constitution amended but further legislative action necessary.

[17] In city of 4th class.

[18] New residents may vote for presidential electors after 90 days if otherwise qualified.

[19] 6 months if previously a qualified elector or native of Pennsylvania.

[20] Public schoolteachers and spouses may vote after 6 months' residence.

[21] 10-day precinct residence requirement when voting for President and Vice President.

TABLE II.—*Residence requirements by States*

Required duration of residence	Number	Place where voter must reside for period indicated		
		In State	In county	In locality [1]
Years	2	2		
	1	36	1	1
Months	6	12	10	3
	5			
	4		2	
	3		10	4
	2		5	[2] 5
Days	40		2	1
	30		5	17
	15			1
	10			4
No requirement			15	14

[1] Election district, precinct, or ward. Does not include District of Columbia.

[2] Includes 1 State requiring 54 days.

Experts see that the percentage of voters being disenfranchised has been rising about 1 percent every 2 years. Commenting on these figures, the President's Commission on Registration and Voting Participation predicted that "a high rate of mobility is likely to continue." Certainly the bustling internal mobility is greater in this country than in any other free country in the world.

Migratory laborers and Negroes are two groups that come to mind immediately as those who possibly suffer a great deal because of stringent voting requirements. The rate of mobility is also high among those who live in the urban areas of this country as well as among the people who are moving from the farms to the city. But these groups are not exclusive. Many experts maintain, and I believe rightly so, that professional and business people are among those hardest hit. One national magazine has asserted:

> By and large, the "lost voters" * * * are the better educated, more-informed people who reasonably could be expected to ballot with the welfare of the Nation in mind and not for selfish reasons.

W. Ross Yates, in a paper delivered at the 1962 annual meeting of the American Political Science Association, said:

> By comparison with the movers in 1900, the migrant of the 1960's is less likely to be an unlettered farmhand or factory worker and more likely to be an educated businessman, white-collar worker, or skilled laborer.

Certainly many of the victims of the outmoded residency requirements include those citizens who are best equipped to vote. People on their way up the "ladder of progress" who are seeking to better their own interests and, concommitantly, the Nation's best interest, by moving to take advantage of the best opportunities available, should not be penalized in this way.

It is clear that the States are not responding with the rapidity of action that the Congress called for in passing House Concurrent Resolution 94 in the 84th Congress. At that time Congress recognized the right of every American to vote for the President and Vice President and failure to meet a State residency requirement should not deny them this right.

WHAT THE STATES HAVE DONE

As I stated earlier, in 1954 Congress called upon the States to ease residence requirements. However, relatively few advances have been made.

One movement of reform has been to lower State residence requirements. Louisiana, Rhode Island, and Alabama have reduced their State requirements from 2 years to 1 year. New Jersey reduced its requirements from 1 year to 6 months. Local residency requirements have been lowered by North Carolina, Tennessee, Louisiana, and South Carolina.

Intra-State movers have found relief in changes of residency requirements in the States of Alabama, California, North and South Dakota, Maine, Massachusetts, Maryland, and Connecticut.

A third type of reform has been to try to ease voting restrictions on interstate movers in presidential and vice presidential elections. Here again there has not been any coordinated legislation by the States. Two fundamentally opposite approaches have been taken. The great State of Connecticut was the first to pass legislation of this general character.

The so-called Connecticut plan allows a person who is a registered voter in his last place of residence to vote by absentee ballot in Presidential elections up to 2 years after moving out of the State of that residence. In order to take advantage of this law, former residents of Connecticut must get certification from an election official in their new place of residence that they will be unable to vote due to a residency requirement. Seven other States have followed the patterns set by Connecticut. Vermont has set a 15-month limitation on its former residents and also requires them to:

> File with their own town or city clerk a written declaration of intention to retain such Vermont residence for the purpose of casting a vote for presidential and vice presidential electors.

However, a letter I have received from Howard Armstrong, secretary of state of Vermont, states that he feels that this provision nullifies the effect of the law and believes it may be repealed during the next session of the Vermont Legislature.

Arizona has adopted Vermont's 15-month limitation while New York and Wyoming provide a 1-year grace period. Two other States—Maryland and New Jersey—have eliminated all time limits provided the voter has not yet qualified in his new place of residence.

A second approach to the problem of interstate movers was inaugurated by Wisconsin in 1954. Wisconsin law waives part of its residency requirements for new residents in presidential elections. If a person has lived in Wisconsin 1 year and in his precinct 10 days and is otherwise qualified to vote—age, and so forth—he can vote in a presidential election but not in a congressional, senatorial, State, or local election. A total of 15 States have followed Wisconsin's lead. California and Missouri approved constitutional amendments in 1958 that granted new residents the right to vote in presidential elections. California only requires 54 days residence and Missouri only 60 days. Ohio allows its new residents to vote in presidential elections after living in the State only 40 days. Three States—Arizona, Nebraska, and Oregon—provide no time limit on incoming residents. Other States which have adopted similar provisions are: Massachusetts, Maine, Kansas, Connecticut, Illinois, Idaho, Colorado, and New York.

In summary, eight States have followed the "Connecticut plan" by allowing former residents to vote. However, since each State differs in the details of the laws they have enacted, the situation is still muddled. Sixteen States have allowed new residents to vote in presidential elections; but, as in the case of the States who allow former residents to vote, there are almost as many variations as there are States.

National organizations of local and State officials have also been active in efforts to ease residency requirements. In 1953 the National Institute of Municipal Clerks adopted a committee report that urged the Federal Government "to act to make it possible for 'interstate movers' to vote" in elections of officials of the Federal Government. The National Association of Secretaries of State has consistently since 1953 gone on record in favor of relaxation of State residence requirements for voters. The Council of State Governments has also been active in this field.

WHAT THE CONGRESS CAN DO

Several attempts have recently been made by the Congress to deal with the problem of residency requirements. As I mentioned earlier, the Congress in 1956 completed action on a House concurrent resolution which asked the States to allow a former resident to vote until he fulfilled the residency requirements of his new State.

Since then similar resolutions have been introduced in both the House and the Senate. I have introduced such a resolution. Resolutions proposing Constitutional amendments have also been introduced, and I have also proposed such an amendment.

One other question must be disposed of; that is: can Congress regulate by legislation the residence qualifications of voters in Federal elections? Historically, traditionally, and constitutionally legislation in this field is not within the scope of action by Congress.

CONSTITUTIONALITY OF FEDERAL LEGISLATION

May Congress regulate by legislation the residence qualification of voters in Federal elections? Apparently it may not. Other than unenforcible recommendations to the States such as the previously described House Concurrent Resolution 94 of the 84th Congress, it would appear that an amendment to the Constitution of the United States is the only method available to Congress for modifying such requirements.

Under the terms of article I, section 2, clause 1, and of amendment XVII of the Constitution, the people of the several States are guaranteed the right to vote for Representatives and Senators. But in both instances the Constitution states further that:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature(s).

Thus, while the States may not directly prescribe the qualifications of voters as such, the qualifications the States prescribe for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose.

The Supreme Court of the United States discussed the point in *ex parte Yarborough,* 110 U.S. 651, 663;

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualification of its own electors for Members of Congress.

It would appear, therefore, that the right to vote for Members of Congress is derived from the U.S. Constitution, and Congress may legislate to protect the rights of those who qualify under State law. But Congress may not legislate as to the qualifications of the voters since this power is given by the Constitution to the States. As in the case of the 15th and 19th amendments, which forbid the States to deny any citizen the voting privilege on account of race, color, previous condition of servitude, or sex, it would require a constitutional amendment to effect any change in the residence requirement for electors of Senators and Representatives.

Insofar as the election of the President and Vice President is concerned, article II, section 1, clause 2 of the Constitution of the United States provides:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The word "appoint" in this clause has been interpreted in its broadest sense. Thus, the appointment and mode of appointment of presidential and vice-presidential electors are said to belong exclusively to the States. If this be so, in a State which selects as its mode of appointment election by the people, the qualifications of the voters are part of this mode. Such qualifications are therefore State responsibilities reserved to them by the Constitution.

WHAT I PROPOSE

I have introduced two resolutions, one a House joint resolution which proposes an amendment to the Constitution, the other a House concurrent resolution which petitions the States to act.

But how would my resolution amend the Constitution and what directions would I have the States take?

I believe that every American citizen should have the right to vote in presidential, congressional, and senatorial elections. In order to protect this right and privilege I propose to allow an eligible voter who has moved between States to vote in a presidential, congressional, or senatorial election in his last place of residence until he fulfills the residence requirements of his new place of residence.

House Joint Resolution 981 was introduced on the 6th of April 1964. I ask unanimous consent that the text of that resolution be placed in the Record at this point.

> Joint resolution proposing an amendment to the Constitution of the United Sates relating to residence requirements for voting in the case of presidential and congressional elections
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, and shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:
>
> "ARTICLE —
>
> "SECTION 1. If a person who is eligible to vote in any State (or the District of Columbia) for any candidate for elector of President and Vice President, or for a candidate for election as a Senator or Representative in Congress, shall move to another State (or the District of Columbia) and is there prevented from voting for any such candidate solely because he fails to meet any residence requirement for so voting, such person shall have the right to vote for any such candidate

in the State (or the District of Columbia) where he was last eligible to so vote.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

There are two sections to the amendment I propose. Section 1 would allow a person to vote for President, Vice President, Senator, or Representative in his last State of residence if, after moving, he is prevented from voting in elections for those offices solely because of failure to meet residency requirements. He could vote in this manner until he fulfilled the residency voting requirements of his new place of residence.

Section 2 of the proposed amendment would give the Congress the power to enforce the amendment by appropriate legislation. This section is included because I believe the procedures and regulations that would implement section I of the amendment should be as uniform as possible. People would know that regardless of where they moved in the United States the procedures for obtaining and casting their absentee ballots would be the same. The diversity that now exists among the State election laws is detrimental to maximum participation under those laws. In Connecticut, for instance, that State which allows former citizens to vote in presidential elections, only 2,946 citizens took advantage of the law. Uniformity would be essential to maximum participation and benefit from the amendment.

House Concurrent Resolution 286 was also introduced on April 6, 1964. It, if passed, would express the sense of Congress that the States press for the goals of fuller citizen vote participation as I have outlined them. I ask unanimous consent that this resolution be inserted in the Record at this point.

Whereas one of the most basic and cherished rights in this country is the right to vote; and

Whereas voting in the United States is a fundamental act of self-government which provides the citizen the right to participate in the running of his government, the ballot box being the medium for the expression of the consent of the governed; and

Whereas total participation in the voting process is of the utmost importance, indeed, of critical importance, to the continued wellbeing of this country; and

Whereas all barriers to total voting participation should be removed and no citizen otherwise qualified to vote should be denied that right because of his race, color, or national origin, nor should any citizen be denied the right to vote because of outmoded residency laws which have now long outlived their usefulness; and

Whereas establishing voting qualifications has been historically a State matter; and

Whereas State inaction in amending outmoded residency laws is more a matter of legislative inaction than deliberate policy: Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress that each of the several States should take immediate action to consider appropriate legislation to enable a person who has moved from that State and cannot yet qualify to vote in the State into which he has moved solely because he does not meet the residence requirements of the new State, to continue to vote in congressional and presidential elections in the State from which he has moved until he can meet the residence requirements in the new State.

On the point of presidential elections there is nothing new in my proposal. Many able Members of Congress, notably the late Senator Estes Kefauver and Senator Keating, have been active in this field.

Including congressional and senatorial elections in my proposal is a new and not yet tried proposal. I have several reasons for including these elections; most importantly, I believe that every American citizen of voting age has a right to representation in Congress by a Senator or Representative, but unless he can vote for those offices he really cannot claim such representation.

A second reason is more practical than theoretical. The respective States do not directly establish the qualifications for voters in their congressional and senatorial elections, but do so indirectly when determining the qualifications for those eligible to vote in State elections of those who are to serve in the most numerous branch of the State legislature. Thus, in order to change eligibility for voting in congressional elections, the States would also have to change their voting requirements for their State legislatures. It is very unlikely that the States would do this, and I do not advocate that the States do this. This is why my proposal for a constitutional amendment takes the form that it does. I do not want to disturb purely local elections. This should not be done. Only a constitutional amendment can allow every qualified citizen to vote in congressional and senatorial elections without disturbing State and local elections.

The argument that residence requirements permit citizens newly arrived in a particular State time in which to become intelligently informed about local issues is not disturbed by my amendment. Voters would be casting their votes in districts with which they are familiar and from which they have only very recently moved.

One other point remains to be made. Only in the most unusual circumstances would one be able to vote in more than one election under the provisions of this bill. The most stringent and restrictive residency requirements declared 2 years residency in order to vote. Since congressional elections are held every 2 years, presidential elections every 4 years, and senatorial elections every 2 or 4 years, it is not likely that one citizen could cast ballots in two different States.

There would be little danger of fraud. I would envisage that the procedures under this law would be similar to those in effect in Connecticut where, in order to vote by absentee ballots, former residents must obtain an affidavit signed by an election official from their new place of residence stating that they cannot vote in that State due to residence requirements.

Representative government demands not only that each citizen shall be represented in the Government; but even more importantly, that each citizen shall have the right to participate in the selection of those who are to govern him. To deprive any American of his voice in selecting members of his Government simply because he has moved from one place to another within the boundaries of the United States is to deprive him of a basic privilege of citizenship.

It is time that the Congress comes to grips with this problem. We must meet it head on. I urge this House to take prompt action on the proposals I have introduced.

CALL FOR FAIRPLAY

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Johansen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, paraphrasing the opening statement of the editorial I am placing in the Record, "To avoid any misunderstanding—let me declare that Barry Goldwater is my candidate."

The fact that Publisher John S. Knight, in his Editor's Notebook comment published in yesterday's Detroit Free Press, made it clear that he is not a supporter of Senator Goldwater lends further weight to what he has to say and is a tribute to Mr. Knight's fairness.

I believe Publisher Knight's analysis of the treatment accorded Senator Goldwater by many of the columnists and commentators is not only eminently fair, but devastatingly objective and accurate.

I further believe, as I stated in a recent newsletter to my constituents, that the function of the American two-party system is to provide maximum opportunity for real choices and genuine alternatives. I believe that "to deny or minimize—whether by design or default—this opportunity for such real choices can destroy or gravely weaken the two-party system, reduce elections to a futility, and seriously impair the ultimate safeguard against governmental power."

Under permission to extend my remarks and include extraneous matter, I insert the editorial by Mr. Knight.

Commentators Ought to Play Fair, Even if They Don't Like Goldwater

To avoid any misunderstanding of what I am about to say, let me declare that Barry Goldwater is not my candidate and I have done nothing to promote his presidential aspirations.

But I do think the Arizona Senator is getting shabby treatment from most of the news media.

Day after day, there are loud lamentations from the newspaper columnists to the effect that a Goldwater nomination will destroy the Republican Party.

Their deep concern for the GOP's future would be more persuasive if any considerable number of them had ever voted for a Republican nominee, or perhaps, ever voted at all.

In Life's current issue, Walter Lippmann opines that, "There is only one man who at this 11th hour can save the Republican Party from what may be an irreparable disaster, and that man is General Eisenhower."

Poor old Ike. He has sought to stay above what Lippmann calls "the sordid and sweaty battle of the politicians." But they never let him alone, and try to use the Eisenhower prestige for their own selfish ends.

Last summer, Walter Lippmann said on "CBS Reports" that BARRY GOLDWATER was the logical Republican presidential candidate for 1964 if the Republicans really wanted to test the issues and give the voters a real choice.

It was not long before Lippmann had a change of heart and declared GOLDWATER to be a "radical reactionary." He said GOLDWATER'S views "are a vast confusion and a recipe for panic * * * the Republican Party would be a shambles after a GOLDWATER nomination."

Lippmann now daclares that the GOLDWATER "adventurers" want "to seize and use the old historic name and the political assets of the Republican Party * * * to take over and make over the party."

This is an idle charge since GOLDWATER'S Republican colleagues in the Senate selected him as chairman of their campaign committee for 5 years. In 1960, GOLDWATER made 200 speeches for the Nixon-Lodge ticket.

Raymond Moley reminds us that when GOLDWATER resigned from this post last year, his fellow Republican Senators gave him a glowing resolution of appreciation.

The record would indicate that BARRY GOLDWATER is less of an adventurer than the gutless wonders who were willing to let Nelson Rockefeller take him on singlehanded while they stood by hoping to pick up the marbles.

Of the syndicated columnists, I can think of only a few who are not savagely cutting down Senator GOLDWATER day after day.

Some of the television commentators discuss GOLDWATER with evident disdain and contempt. Editorial cartoonists portray him as belonging to the Neanderthal age, or as a relic of the 19th century.

It is the fashion of editorial writers to persuade themselves that GOLDWATER'S followers are either "kooks" or Birchers.

This is simply not so. The Goldwater movement represents a mass protest by conservatively minded people against foreign aid, excessive welfare, high taxes, foreign policy, and the concentration of power in the Federal Government.

These people are, as Don Shoemaker, of the Miami Herald has said, those many Americans who are "weary with the present, fearsome of the future and enamored of the past."

They are also those Americans who yearn for solutions to what are actually insoluble problems. They are those Americans who tend to oversimplify issues and demand an end to our ever recurring crises.

Senator GOLDWATER'S adherents may fail to understand the nature of world change and the significance of our social revolution at home.

Yet their love of country and patriotism cannot be impugned. If they are mistaken in their concepts of modern times and like not what they see, this is their undeniable right.

And so it is with GOLDWATER. His vote against the civil rights bill and his public attitudes on TVA, the United Nations, relations with Russia, and the war in South Vietnam may give us pause but he has the right to be heard on these questions.

As Columnist Robert G. Spivack has said: "Whether or not GOLDWATER should be President, he is entitled, as spokesman for one segment of American political thought, to a fair hearing. Fair play is an inherent part of the American political tradition, and those who violate that tradition do so at their own peril."

The superior attitude displayed toward GOLDWATER by so many columnists and commentators is already resulting in a backlash of sympathy toward the man from Arizona.

When these "opinion makers" refer disdainfully to "the kind of people" who were for GOLDWATER in California, they insult the intelligence of more than a million voters who said with their ballots that they didn't want Governor Rockefeller as the Republican candidate.

The pundits who are presently proclaiming that a GOLDWATER nomination will hopelessly divide the Republican Party should be fair enough to concede that precisely the same division will occur if he is not nominated. And they couldn't care less.

The fact that Senator GOLDWATER enjoys such a long lead over his rivals in delegate strength would indicate that some people must like him.

He holds this advantage because he fought for it and won. The other candidates, excluding Rockefeller, meekly declined the issue.

Gov. William Scranton's challenge to GOLDWATER is to be welcomed. His belated bid for the nomination insures discussion of all issues prior to the convention. This can be informative and useful.

But I fail to understand why the hesitant gentleman from Harrisburg is suddenly the hero of the hour in most of the press, and GOLDWATER the party leper.

There was certainly nothing in Governor Scranton's performance at the recent governors' conference which would suggest that he is the strong, decisive character now being portrayed in the public prints.

Some editors are disturbed because BARRY GOLDWATER is teeing off on the newspapers and other news media for failing to present the news of his candidacy fairly and objectively. I can't say that I blame him. He hasn't had a fair shake.

GRADUATION ADDRESS, INDUSTRIAL COLLEGE OF THE ARMED FORCES, 1964

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, it is singularly appropriate that the graduation address for the Industrial College of the Armed Forces in 1964 was by Hon. W. J. McNeil, former Assistant Secretary of Defense and Comptroller of the Department of Defense, and now president of the Grace Lines.

Admiral McNeil's record of experience in banking, business, and publishing, in the Navy and Defense Department, is distinguished and entitles his views to great weight.

I like especially two points of the address: his emphasis on the dangers of "yes men" in the Armed Forces and the necessity for high civilian officials to learn to evaluate military judgment. The indicated address follows:

GRADUATION ADDRESS, INDUSTRIAL COLLEGE OF THE ARMED FORCES, 1964

(By W. J. McNeil)

General Schomburg, distinguished guests, faculty, gentlemen of the student body, it was a great honor for each of you to have been selected to attend this school. It is a still greater honor to be graduating today, and I consider it a unique privilege to be able to join with you in this graduation ceremony.

You have had the opportunity of a year's study seldom available in the business world or elsewhere for that matter. To many an individual, this year would be something to cherish all one's life and many a commercial enterprise could well and profitably undertake such a program.

With a year's hard but satisfying work behind you, you may properly return to your careers with pride and a sense of accomplishment. Certainly, you go to your new duties better equipped to contribute to the solution of the problems of national security.

Postwar, James Forrestal, then Secretary of the Navy, felt deeply that a true way to achieve a more effective military establishment was to create an environment where responsible officers of each of the military services—together with a leavening of senior people from other Government agencies—might live and work together in an academic atmosphere of the broadest character. He collaborated with Secretary of War Stimson in broadening the field of the industrial college, and in establishing the National War College, your sister school across the way. While the industrial college had a long and illustrious career under Army cognizance it is gratifying to see the results of this effort to broaden its field and encouraging to find the close and cooperative relationship that exists between these two senior schools today.

It is often the habit of a graduation speaker to compare the problems that faced graduates of other years. Let us look at those that existed at the time that the college was first identified as the Industrial College of the Armed Forces. There were many grievous problems confronting the Nation. Greece was fighting the Communist insurrection; Iran was being pressed by Stalin for an oil agreement; Turkey was under direct Soviet pressure; Hungary had just succumbed to the Communists and freedom in Czechoslovakia was being rapidly undermined; Britain was virtually bankrupt; Italy was near chaos, the De Gasperi government, Italy's eighth since the liberation, was under violent attack by the Communists; the Yugoslavs were threatening the free territory of Trieste; south China was hard pressed and the unification of Korea had reached a stalemate.

Many of the problems of that day were solved. Economies of many of those countries are at new high levels. In many, political stability—then only a distant goal—has been achieved. Today, the names and some of the problems are different, but they are no less in significance. Then, as now, the broad viewpoint, the mutual understanding and the trained mind offer the best chance for successful solutions.

The Department of Defense must ever be more dependent upon those who are competent in matters you have studied here. With rising costs, increasing complexity of equipment, greater problems of logistic support, those in charge must have adequate knowledge and background to insure effectiveness.

The present tendency to increasingly greater civilian control, over both defense planning and execution, must be tempered by an increasingly skilled and competent officer corps. The need was never greater for fully professional men. There is a necessity for the realism of the true professional.

Civilian control is a principle, of course, that underlies our military forces. But compatible with this must be recognition of the fact that the most effective defense establishment is one where the skills and talents which can be found only among uniformed personnel, are integrated with other skills which normally are more highly developed in civilian enterprises.

The military must accept the fact that participation in more precise and objective ways of service and joint planning is now an essential element of their military profession and their duty. On the part of civilian authority, there must be an enlightened attitude toward acceptance of advice in planning and in operations, together with an understanding of what it takes beyond material resources to build and direct fighting forces. They must learn to evaluate military judgment.

Our national defense is as much a matter of strong and dynamic ideas as it is weapons systems, bases, and manpower. If we lack a wealth of ideas, our wealth of the material means of defense will be meaningless.

These ideas must be cultivated at every level of our defense system. They must be encouraged and must flow with relative freedom to the very top levels of government where they can compete for acceptance.

Recently, there seems to be a dangerous tendency in our defense to try to anticipate what is wanted from the top and then supply it. In this kind of "give me what I want" atmosphere we lose many valuable ideas and the benefit of many points of view, each based on a particular perspective and framework of experience. And perhaps, of greater importance, well-trained and incisive people are discouraged from further attempts at unpatterned thinking.

Not only is it important to encourage this upward thrust of ideas in order to select and implement the best but it is also important that we use this process to develop alternate means of action. Circumstances and technology are moving too rapidly for us to rely on any single concept as the "only" or the "ultimate" means of national defense. In our arsenal of ideas there must be material that can be adapted and used to meet any threat and varied circumstances. The speed at which these technological changes and shifting circumstances occur make the need for the free development of ideas even more imperative.

The proof of these maxims is all around us. Many a business, nation, civilization lies buried because there were too many people saying "yes" when they should have been presenting vigorously alternate views and ideas.

Over the years I have been impressed by the quality of many of the reports coming from the several committees of students. They have shown original and provocative thinking. In fact, some have been so timely and dealt so competently with problems that were so troublesome that it was a great temptation not to ask that they be made available for staff use in the Government. As a matter of fact, and as an exception, one report was so outstanding that Secretary Wilson and Admiral Radford made it "required" reading for senior civilian and military officials in the Pentagon. While the college is right in taking the position that such reports should not generally be circulated outside the school, I fervently hope that ideas of the kind introduced in such studies are injected into the workstream from your new duty stations.

In the high tradition of this college, you have been able to let your mind range over a wide variety of complex problems in this business of defense. Yours has been the task, as Admiral Macdonald said on opening day, of learning to appreciate the interdependence, one upon the other, of all the varied components of our overall national strength.

I am sure that many outstanding lecturers who have appeared before you have made you more aware of the political and economic factors that affect military decisions. You have had the opportunity—both factual and psychological—to examine more freely the elements that foster economic growth and stability in a free enterprise economy such as ours. You know that military policy can never be divorced from economic and fiscal policy. You are better able to realize the value of the proper management of resources and the importance of sound judgment in their allocation and use. There is no more unproductive way of spending money and wasting resources than to undertake programs which lack supervision and skill in the preparation or which are unwisely directed.

Wise old Benjamin Franklin wrote a parable on this point which is worth repeating. He describes "how to make a striking sundial by which not only a man's own family, but all his neighbors for 10 miles round, may know what o'clock it is, when the sun shines, without seeing the dial.

"Choose an open place in your yard or garden, on which the sun may shine all day without any impediment from trees or buildings. On the ground, mark out your hour lines, making room enough for the guns. On the line for 1 o'clock, place one gun; on the 2 o'clock line two guns, and so of the rest. The guns must all be charged with powder, but ball is unnecessary. Your style must have 12 burning glasses annexed to it, and be so arranged that the sun shining through the glasses, one after the other, shall cause the focus or burning spot to fall on the hour line of one for example, at 1 o'clock, and there kindle a train of gunpowder that shall fire one gun. At 2 o'clock, a focus shall fall on the hour line of two, and kindle another train that shall discharge two guns successively; and so of the rest.

"Note, there must be 78 guns in all. Thirty-two-pounders will be best for this use; but 18-pounders may do, and will cost less, as well as use less powder. Note, also, that the chief expense will be the powder, for the cannons once bought will, with care, last 100 years.

"Note, moreover, that there will be a great saving of powder in cloudy days.

"Kind reader, me thinks I hear thee say, that is indeed a good thing to know how the time passes, but this kind of dial, notwithstanding the above-mentioned savings, would be very expensive, and the cost greater than the advantage. Thou art wise, my friend, to be so considerate beforehand; some fools would not have found out so much, till they had made the dial and tried it. Let all such learn that many a private and many a public project is like this striking dial, great cost for little profit."

The points to remember are that you are the trustees of the confidence and support which the public gives you; that there is the wrong way and the right way to size up and approach a problem; that objective analysis as well as competent performance are your duty; that no degree of genius or expertise is too great to be challenged and that ideas should be filtered through the only policy computer yet devised—the minds of responsible leaders.

As General Wheeler pointed out to last year's graduation class: "You have had the opportunity to attain a broad viewpoint and to develop a trained mind which Clausewitz said is essential to survive in the element of war." May you continue to develop these attributes, for they are essential to our Nation and its safety.

You take with you from this college, a knowledge of the close relationship between command and management. In fact, in many fields these terms are almost synonymous. You know the great progress that the theory and capabilities of the management of resources has made in the military services since World War II. You are aware of the dangers of overmanagement and overcontrol. You will avoid situations where the computer becomes the master—not the servant, because you know the value of people and the application of judgment. You know that technology can fail, but leadership as characterized by the individual, must not. With this background, you have an unusual opportunity for service.

This college has given you the unequaled ability of knowing each other and those you serve. The mutual understanding and the broadened viewpoint that must be a product of your year here, will be reflected in your future service. I would hope that these qualities are never lost as you again become involved in the day-to-day problems of command and staff.

From every viewpoint, you return to other duties with greatly enhanced qualities for service to your country, and as you go, I congratulate you and your family and wish each of you good fortune and success.

JUNE 9, 1964.

SUGAR

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Washington [Mrs. MAY] is recognized for 30 minutes.

Mrs. MAY. Mr. Speaker, it has come to my attention that another voice of the consumer has been heard on the sugar question, and again it is a voice asking for legislation to permit the domestic sugar-producing industry to market the sugar that has been produced and is being produced at the urgent request of the Government—because of the continuing need of American consumers for ample supplies of sugar at reasonable prices.

In the special order of June 8, Mr. Speaker, I spoke briefly of how the consumer interest would be served by such legislation. This report to my colleagues today is, therefore, an extension of my comments during that special order.

Mr. Speaker, I wish to report that the National Confectioners Association, meeting recently in New York City at the association's 81st annual convention, adopted a policy statement asking for legislation that would provide for unlimited marketing of all domestically produced sugar during this year and the following 2 years, and asking for substantial permanent quota increases for domestic sugar producers.

The National Confectioners Association, Mr. Speaker, is one of the oldest and most respected of all industry organizations in the United States. It is nationwide. Its members manufacture 85 percent of all the candy that is made in this country. This is one of the largest sugar-consuming groups in the United States. The National Confectioners Association has made a thorough study of the sugar question, and the sugar-supply problem as it affects consumers. To supplement the study the association itself has made, a panel discussion on the sugar question was presented at the annual convention in New York City, with speakers representing all views taking part. On the panel were representatives of sugar brokers, cane sugar refiners, the cane sugar molasses industry, former Cuban interests, and the producers of beet sugar. After the seven members of the panel presented their statements, they were subjected to questioning from the association membership for nearly an hour.

I am sure that no other industrial sugar-consuming group in the Nation has made a more thorough and determined effort to obtain for its members and to present to its members such a complete and objective view of the sugar picture—so the members could arrive at their own decisions, and express those decisions in association policy. It is my understanding that after the panel of outside sugar experts, representing all points of view, presented their discussion, the members of the association went into executive session, and thoroughly discussed the question again among themselves. And only then was the sugar policy statement of the National Confectioners Association officially determined and adopted.

It should be noted that for this group of sugar consumers the supply and price of sugar are matters of no small moment—they are vital factors in the conduct of their businesses. I am sure that for no other group of industrial users of sugar is the sugar content of the final product, for each unit, higher than for our Nation's candymakers. This gives additional significance to the confectionery industry's conclusion, reached after weighing all the factors, that greater reliance on domestically produced sugar is in their interest as sugar consumers.

It should also be noted that the National Confectioners Association's policy statement urges more marketing of domestically produced sugar than the bills now pending in the Congress. My bill, and the similar bills introduced by my distinguished colleagues, would increase the basic quotas of the domestic beet sugar and mainland cane sugar producing industries—but the confectioners, in addition to urging such basic quota increases, also urge unlimited marketing of domestically produced sugar for 1964, 1965, and 1966.

Mr. Speaker, since the candy manufacturers' policy statement makes other proposals concerning the sugar program which the Members of this body will want to see, I ask permission to insert at this point in the RECORD the entire statement. It is brief.

POLICY STATEMENTS ADOPTED BY THE MEMBERSHIP OF THE NATIONAL CONFECTIONERS ASSOCIATION AT ITS 81ST ANNUAL CONVENTION, JUNE 10, 1964, NEW YORK CITY

SUGAR

The confectionery industry seeks to obtain for the manufacturers of confectionery, as well as all other sugar users, an adequate supply of sugar at a fair price to consumers in all parts of the United States. The provisions of the existing Sugar Act fall far short of accomplishing this objective. The following are recommended:

1. Allow unrestricted marketings of domestically produced sugar during 1964, 1965, and 1966. In addition there should be provided a substantial increase in the regular quota for the domestic sugar producing industry. With the tight price situation in the world market, which, in turn, affects the domestic market when the world price is near or higher than the U.S. price, it is in the interest of U.S. consumers to obtain as large a portion of sugar as is possible from domestic producing sources. The greater our U.S. demands are on the world market, the more this price will be stimulated with an adverse price effect in the United States.

Also, increased marketings of sugar in the United States are necessary in the interest of consumers to promote free competition in the marketplace and to prevent monopolistic pricing. Unrestricted marketings would enable consumers in all parts of the country to have a more equal opportunity in acquiring their sugar supplies on an equitable and competitive basis.

2. The current global quota concept of the Sugar Act should be replaced by individual country quotas as a source of obtaining that portion of our regular sugar needs, which are of foreign origin. Only if a country is assured of a regular market in the United States when world prices are lower than the U.S. price will such country be willing to sell in the U.S. market when the world market price is higher than the U.S. price.

3. Global quota sugars should continue to be acquired, but under different circumstances and for a different purpose. With the formerly almost unlimited supply of sugar from Cuba no longer available, the United States should maintain its own reserve. This should be done by authorizing the Department of Agriculture to acquire and warehouse approximately 2 million tons of raw sugar. Such sugar should be obtained only when it may be purchased on the world market for a price at least 1 cent per pound below the domestic price. There should not be authority to release such sugar from stockpile until and when the U.S. spot raw price is one-fourth of 1 cent per pound above the price objective of the Sugar Act. In addition, when such sugar is released from stockpile, the storage charges incurred by the Government should be added to the price for which the Government releases the sugar, not to exceed 1 cent per pound.

Congress is urged to act without delay to amend the Sugar Act in accordance with these recommendations.

Of course, Mr. Speaker, in order to permit the domestic sugar-producing industry to market its increased production, and thus to benefit the consumers of America, we will have to pass legislation. There are several bills which would achieve increases in the basic beet sugar and mainland cane quotas now reposing in the Committee on Agriculture, of which I am privileged to be a member. We could and should begin consideration of those bills immediately. And there is nothing on the committee calendar that would prevent us from doing so.

Therefore, Mr. Speaker, I was shocked and surprised to see in the press one day last week, a report of an interview with an influential member of that committee, who said, according to the press report, that the best that could be achieved in sugar legislation this session would be a simple 1-year extension of the foreign quotas in the present Sugar Act, with no regard for the domestic quotas in the law.

Now, Mr. Speaker, what would such a simple extension do?

It would continue to force our consumers to depend for 40 percent of their sugar supplies on foreign countries—some of them threatened with revolution—in a world in which reserve stocks are dangerously low, a world in which production for the current crop year will fall short of consumption by about a million tons.

It would deprive American consumers of access to sugar which has been produced and is being produced right here in the continental United States.

It would force a continued accumulation of sugar supplies representing the additional production the domestic producing industry has achieved at the express request, the urgent request, of the Government of the United States.

An extension of the foreign side of the law without change would also continue the so-called "global quota" which I understand is anathema to the member who was quoted in the news dispatch.

Now what were the reasons given for saying that full consideration of sugar legislation could not be given during this session of the Congress?

The member was quoted as saying that only a simple extension was possible because the executive branch of the Government had not yet come forth with its recommendation—there still seemed to be lack of full agreement between the Departments of Agriculture and State—and also because the sugar industry itself was not in agreement. Such reasons are inconsequential, to say the least.

Can this body consider only legislation on which full agreement has been reached in the executive branch? Can this body consider legislation only on which the competing interests involved, outside Government, have reached full agreement?

I say a resounding "no" to both those questions. I am not afraid of controversy on the floor of the House, and I am sure the great majority of my distinguished colleagues are not afraid of controversy. It is a strange philosophy, indeed, that propounds the argument that we cannot even consider legislation unless there is full agreement on it outside the Congress. The long and distinguished history of this body shows that engaging in controversy is one of its outstanding characteristics—and by thrashing out divergent views through vigorous debate we in this body have contributed immeasurably to the welfare of our great country.

So the argument that we cannot consider legislation because there is not full agreement on the shape of that legislation is, it seems to me, a false argument, a subterfuge proposed for other purposes.

Let us see who would be hurt by and who would benefit from a simple 1-year extension of the foreign side of the present law.

As I have pointed out, it is plain that the consumers of the United States would be hurt. It is also plain that the domestic sugar-producing industry would be hurt, because it would be forced to carry excess stocks it could not legally sell, and this in turn would force drastic acreage reductions.

A simple 1-year extension of the foreign side of the act would benefit the cane sugar refiners, who would maintain their present monopoly of 70 percent of the total U.S. sugar market for another year; and such an extension would benefit the foreign sugar interests who would deign to sell to us under the global quota provision. But such an extension would not be in the interests of the United States.

Mr. Speaker, I should like to direct the attention of my distinguished colleagues to the immortal words of Daniel Webster, graven above your rostrum—words at which we look every day but all too often do not see—words which we should now heed, and act upon:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

WILL THE FEDERAL URBAN RENEWAL COMMISSIONER BUILD A FOURTH STADIUM IN PHILADELPHIA WHILE MILLIONS OF AMERICANS DESPERATELY NEED GOOD HOUSING?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. WIDNALL] is recognized for 30 minutes.

Mr. WIDNALL. Mr. Speaker, some time ago in a newspaper interview, I indicated my opposition to the attempt by Philadelphia municipal officials to obtain funds—in the millions of dollars—from the Federal Urban Renewal Administration for the purpose of constructing a fourth stadium.

Today, William L. Slayton, Federal Urban Renewal Commissioner, will tour the site of the proposed stadium. The questions which must be asked are: Will the Federal Urban Renewal Commissioner build a fourth stadium in Philadelphia while millions of Americans desperately need good housing? How can the provision of a fourth stadium in Philadelphia by means of the Federal urban renewal program be justified? What possible connection does such a project have with the national housing policy? Why is a fourth stadium necessary?

At the present time Philadelphia has three stadiums of adequate size and seating capacity: Connie Mack Stadium, the University of Pennsylvania's Franklin Field, and the Municipal Stadium. These stadiums are unoccupied much of the time. The owner of one stadium has offered it to the city for a nominal sum. If a fourth stadium is necessary, why should funds provided by the Congress to rehouse slumdwellers be used in its construction? Is not the provision of a fourth stadium more properly a function of private enterprise, since the principal users of the new stadium are highly profitable ball teams?

There would seem to be more pressing needs in Philadelphia. Newspapers of Philadelphia have called attention to a new 2-year program to enforce housing code requirements within the city. Considering the size and extent of Philadelphia's slums, this new program should be, if properly organized, of sufficient size to provide much more construction activity and jobs than will result from the building of a new stadium.

Philadelphia residents opposed to this proposal to burden them and all other American taxpayers, including slumdwellers, with the cost of a fourth stadium have protested to the Federal Urban Renewal Commissioner. In a letter to Commissioner Slayton the directors of the Powelton Village Development Associates, Inc., said the proposed stadium would cut property values in an area which has been built up with Federal assistance, and would be incompatible with the renewal program already begun in the University City area of West Philadelphia. The directors said, too, that they were disturbed by reports that Philadelphia city officials are about to propose to the Federal Urban Renewal Administration that three renewal areas are to be combined, and gerrymandered, with the proposed stadium site to make the stadium proposal more acceptable to the Federal Government.

In a recent speech in the Senate a leading proponent strongly denied that there was any "extravagance, waste, favoritism, graft, and corruption in the Federal urban renewal program," but said that mistakes have been made in redeveloping cities under the Federal urban renewal program.

Perhaps this administration, interested as it is in poverty, will come to the conclusion that providing a fourth stadium in Philadelphia by means of the Federal urban renewal program is a mistake. On the other hand, it may not, in view of the current proposal to provide a new home for the New York Stock Exchange by means of the Federal urban renewal program. Perhaps the Federal Urban Renewal Commissioner will find that this fourth stadium can be justified as directly in line with the national housing policy to provide decent, safe, and sanitary housing for every American family. Perhaps the Philadelphia Phillies and the Philadelphia Eagles—both highly profitable private enterprises—which are being pressured by Philadelphia city officials to use this fourth stadium, need a decent, safe, and sanitary home. Maybe the Federal urban renewal program was intended by the Congress to be a vehicle for providing new homes for athletic teams and stock exchanges, but I have never understood this to be the case. If these projects are approved by the Federal Urban Renewal Commissioner, perhaps President Johnson will undertake to explain to all American taxpayers, including our slumdwellers, at an early date, why they should help pay for this fourth stadium in Philadelphia, as well as for a new home for the New York Stock Exchange.

A recent business newsletter declared that there is big money to be made in the housing program. The fourth stadium in Philadelphia would seem to be adequate proof that this is so. I read in the June 22, 1964, issue of Scope, the Washington newsletter of the National Association of Home Builders, that the House Housing Subcommittee may make a tour of up to 15 cities before elections to study housing programs, FHA foreclosures, and urban renewal. It would seem to me that the matter of the big money to be made in the housing program also should be made a part of the agenda on this tour of the House Housing Subcommittee, and the place to begin this phase of the study would be Philadelphia and its fourth stadium urban renewal project, and the New York Stock Exchange project.

I am enclosing articles from Philadelphia's leading newspapers, for the information of my colleagues, on this stadium project.

[From the Philadelphia (Pa.) Sunday Bulletin, June 14, 1964]

TATE FACES UPHILL FIGHT IN COUNCIL PUTTING OVER HIS NEW STADIUM PLAN

(By Philip Fine)

Mayor Tate faces an uphill battle Tuesday when he asks the Democratic majority in city council to support his plan for a sports stadium at 30th and Arch Streets.

The 13 councilmen have taken no public stand in deference to Tate's request for a chance to present his case for the project personally.

This presentation will be made in a closed luncheon meeting Tuesday in the Warwick Hotel.

SOME OPPOSED

However, a number of the councilmen privately have questioned parts of Tate's plan and some have said they are opposed.

On Friday Tate conceded there was opposition in council but said it was "a minority point of view" expressed by councilmen who "do not like sports." He was hopeful that this opposition could be overcome.

Council approval is required before the city can join with the Pennsylvania Railroad and its partners to construct the $25 million, 60,000-seat stadium-on-stilts. Democrats hold 13 of the 17 council seats.

The four Republican councilmen are not invited to the Tuesday caucus. Opposition to the stadium project has been reported among them, too.

NEW PACKAGE

Some of the objections raised by councilmen may have been dispelled by the new financial package Tate proposed last Wednesday.

Councilmen were unhappy with the original plan which would have made the PRR and its partners the owners of the stadium.

They also challenged the tax-exempt status proposed for a privately owned stadium, and the possibility of direct city contributions to buy air rights over the PRR tracks for $4 million.

AUTHORITY BONDS

Tate now is proposing that the Redevelopment Authority be the owner of both the stadium and the air rights on which it would be built.

The tax-exempt status would be applied to a publicly owned facility.

His plan calls for the Redevelopment Authority to issue $16 million of bonds to complete the financing of the project. The stadium would be leased to the Stadium Corp., set up by the PRR group, which in turn would lease to the "Phillies" and "Eagles."

The Stadium Corp. would put up an additional $13 million. The only direct city contribution would be for $6 million of access roads.

Rentals and a 25-cent surcharge on admissions would be used to repay the Redevelopment Authority bonds. Annual payments on the bonds would be guaranteed by the Stadium Corp., and secondarily by the city to keep the interest rate down.

OPPOSITION'S VIEW

There is some feeling in council against the city making any contribution to a stadium for professional baseball or football teams.

Tate has contended that Philadelphia needs professional sports and that the teams will leave unless a modern facility is provided, as other cities have done. The "Phillies" have set a July 1 deadline for a firm commitment on whether a stadium will be built.

Some councilmen who are questioning Tate's plan say they agree with him that a stadium is needed.

They say that if they find that they cannot support his plan, they intend to provide such alternatives as rehabilitation of Connie Mack Stadium or using sites in Fairmount Park, Broad Street and Lehigh Avenue, or Broad Street and Pattison Avenue.

[From the Philadelphia (Pa.) Sunday Bulletin, June 14, 1964]

POWELTON UNIT PROTESTS TO UNITED STATES ON STADIUM

Opponents of the proposed 30th Street sports stadium have protested to the Federal

Government that the project would cut property values in an area built up with Government assistance.

Powelton Village Development Associates, Inc., said the proposed stadium would be incompatible with the renewal program already begun in the University City area of West Philadelphia.

The corporation voiced its complaint in a letter to William L. Slayton, Commissioner of the Urban Renewal Administration.

It said the directors of the corporation "are disturbed by reports that Philadelphia city officials are about to propose to your agency that three renewal areas here be combined with the proposed stadium site at 30th Street to perhaps make the stadium proposal more acceptable to the Urban Renewal Administration."

The directors said they were dismayed that city officials, after showing themselves to be responsible in laying out the three original renewal areas, could later lump them in with the stadium proposal.

"We feel that including a sports stadium in this cluster would negate progress already made here and would amount to little more than an effort to gerrymander the urban renewal program."

Powelton Village, the letter continued, was certified by the urban renewal agency for FHA financing as a nonassisted rehabilitation district.

[From the Philadelphia (Pa.) Inquirer, June 19, 1964]

POWELTON NEIGHBORS ASK STATE TO PROBE STADIUM PLAN

(By C. Allen Keith)

The Powelton Village fund on Thursday filed formal requests with the general State authority and the State bureau of community development asking for an investigation of the Philadelphia Redevelopment Authority's "role in the railroad stadium deal."

At the same time, the fund filed another request with Joseph Sharfsin, chairman of the State public utility commission, to investigate the "role of the Pennsylvania Railroad to set up a straw corporation" to operate the proposed 60,000-seat stadium at 30th and Arch Streets.

Hilburn Harbidge, builder and acting chairman of the fund's steering committee, also charged that the straw corporation—Stadium Corp.—proposed by the railroad, Madison Square Garden Corp., and McCloskey & Co. would be "liable unto itself" and not backed by the credit of the railroad or the other two firms.

Harbidge's announcement followed by several hours a caucus of the 13 Democratic majority members of the city council in city hall. At this meeting it was decided that the councilmen would meet with Jerry Wolman, Philadelphia Eagles owner, and Robert R. M. Carpenter, owner of the Phillies, next Thursday. The ball teams are prospective tenants of the stadium.

Next Friday, the Democratic majority will meet with Thomas D. McBride and Robert B. Wolf, counsel for the Powelton Village fund. The Powelton Village fund is composed of six organizations in West Philadelphia. The group engaged McBride and his legal partners to block the stadium in court on the ground it would be detrimental to the Village community.

Harbidge said his formal request to the GSA and the bureau of community development asks the agencies to answer three questions:

"1. Does the Philadelphia Redevelopment Authority have the right to become partners with a private enterprise such as the Pennsylvania Railroad?

"2. Does the redevelopment authority have the right to purchase 'air rights' over the 30th Street tracks of the railroad?

"3. "Does the redevelopment authority have the right to hold title for 40 years to these 'air rights' and the proposed stadium structure?"

Harbidge also said his group had filed protests with the Urban Renewal Administration in Washington and the Interstate Commerce Commission.

The railroad, through the redevelopment authority, is attempting to have 94 acres of tracks declared "eligible" for an urban renewal or slum clearance program in conjunction with the stadium construction.

Harbidge said his group informed the URA that the railroad's application for the stadium project represented "subterfuge" and that the road's "real interest" was in URA clearance to permit construction of apartments and office buildings over the tracks as a "redevelopment program."

Under the original proposal introduced by the Citizens' Council of City Planning, drawn up by Frederick Sass, PRR economist and a member of citizens' council, the stadium project would seek $4 million from the Federal Government and the city of Philadelphia to buy the "air rights."

In this arrangement, the URA would put up $2.7 million and the city $1.3 million. The original proposal also called for creation of a stadium authority by city council to float a $12 million bond issue to defray about half of the $25 million cost of the outdoor arena.

The Stadium Corp. would provide $13 million of the stadium cost while the city would provide $6 million from its capital fund for access streets.

However, on June 10, Mayor James H. J. Tate introduced a "parallel proposal" which scrapped the stadium authority idea. Tate's new plan would require the redevelopment authority to float a $16 million bond issue to raise the $12 for stadium construction costs and $4 million for "air rights."

The city still would be required to spend $6 million for streets and the Stadium Corp. $13 million as its share. The redevelopment authority would own the air rights and the stadium for 40 years or until the bonds were paid off.

Under both the "original" and "parallel" proposals suggested by Tate, the stadium property owned by the redevelopment authority would be exempt from real estate taxes. Tate, however, said the "tax exempt" status would be negotiated although he did not explain how this would be done.

David C. Bevan, PRR's chairman of finance, on Tuesday characterized the mayor's "new plan" as a "pretty expensive alternative." Bevan noted that the railroad and its partners would be required to "pay off the $16 million bond issue" of the redevelopment authority from rentals and a 25-cent surcharge on stadium admissions.

Bevan did not explain at that time why it would be necessary to "repay" the $4 million to be received by the railroad for the "air rights."

Prior to the caucus of the Democratic members of council on Thursday, Republican minority councilman Thomas M. Foglietta announced that he "favored" the 30th and Arch Streets site for a stadium and would vote for the proposal if it came before council.

Foglietta, a lawyer, said all he knew about the proposal is what he read in the newspapers. He criticized Tate for "taking so long to develop a definite plan," and assailed council president Paul D'Ortona for "using the stadium project as a vehicle to get his name in the newspapers."

This brought an immediate retort from D'Ortona who said "it was a shame that all Foglietta knows is what he reads in the newspapers."

"He knows no facts," D'Ortona said. "I feel sorry for his clients if that's how he handles his cases. We are dealing with millions of dollars of the taxpayers' money and Foglietta cannot speak for the majority members of council.

"Moreover, Foglietta never spends any time in council except on Thursday when council meets."

[From the Philadelphia (Pa.) Inquirer, June 11, 1964]

SECOND PLAN OFFERED FOR STADIUM

(By C. Allen Keith)

Mayor James H. J. Tate on Wednesday announced a "parallel proposal" by which the Philadelphia Redevelopment Authority would float a $16 million bond issue to help finance construction of a 60,000-seat stadium over the Pennsylvania Railroad tracks at 30th and Arch Streets.

The mayor made his disclosure just 6 days before he was scheduled to explain the "financial details" to city council. A meeting had been set up for Thursday but was postponed until next Tuesday. The mayor would not discuss the meeting, but City Council President Paul D'Ortona said it would be held at the Warwick.

Tate also said the city would put up $6 million more for construction of service streets, while the railroad and its associates would contribute $13 million toward the stadium construction.

The parallel proposal differs from one now before the Urban Renewal Administration seeking $4 million in Federal funds for air rights above the PRR tracks. Under the plan announced Wednesday the redevelopment authority would own the stadium and lease it to the railroad and its associates.

The mayor said he was not in a position to say at this time whether the stadium property would be exempt from city real estate taxes.

Meanwhile, in Washington, Representative WILLIAM B. WIDNALL, Republican, of New Jersey, ranking minority member on the House Subcommittee on Housing, which supervises urban renewal matters said he may oppose the plan to use Federal funds in the purchase of air rights over the railroad tracks.

WIDNALL said Wednesday he would "blast and expose the Urban Renewal Administration for not complying with the law," if the URA approved the Philadelphia stadium project.

"The original purpose of the law was to clear urban blight and to provide a fresh opportunity to the people caught in these depressed areas," WIDNALL said.

Tate said the proposal to have the redevelopment authority move forward on the stadium project was conceived by Finance Commissioner Edward J. Martin, who heads the city's stadium committee.

He also said that the door had not been closed on the stadium being built as an urban renewal project.

"If the URA approves this plan—which might take 18 months—the city could be reimbursed for its share of the money allocated to air rights," Tate said.

Should the URA approve the project, the Federal Government would contribute $2.7 million toward the "air rights" and the city $1.3 million.

URA Commissioner William L. Slayton is scheduled to inspect the railroad site on June 22. A new "informal application" was submitted to the URA, expanded from the original 17½ acres required by the stadium to 94 acres of tracks.

The 94 acres were incorporated in 336 acres of already defined redevelopment areas, including University City and Powelton Village. The latter is not an urban renewal area. It is being modernized under a Housing and Home Finance 220 mortgage plan whereby homeowners borrow funds to remodel their own properties.

Mayor Tate said the project could be undertaken in September if the "railroad approved the parallel proposal."

"I expect a final answer from the railroad officials some time next week," Tate said.

Tate said the Redevelopment Authority would retain title to the stadium property for 40 years or until the bonds had been retired. After 40 years, Tate said, the Stadium Corp. would be given the opportunity to renew its lease on the stadium.

The original proposal for construction of the stadium called for the creation of a Stadium Corp., comprised of the railroad, Madison Square Garden Corp., and McCloskey and Co., to build and operate the sports arena.

The mayor said the rental paid by the Stadium Corp. would depend on the rental arrangements with the Philadelphia Eagles and the Phillies, presuming they became tenants.

He said he had "no solid commitment" from Jerry Wolman, owner of the Eagles and Connie Mack Stadium. Wolman previously announced that he would not rent the stadium facilities if public funds were used to build it, while the "benefits would accrue to private interests."

Tate said he would like to "dispel doubts about the purchase of air rights in Pennsylvania."

"Such purchases are legal in Pennsylvania by statute and by common law," Tate said.

In Washington, WIDNALL said he did not believe the plan tying in the stadium with University City and Powelton Village should be declared eligible for U.S. aid any more than the original proposal. "They're hookings on things, trying to justify a lot of things all around the country," he said.

The Congressman said his quarrel was with those who attempt to "stretch" the urban renewal law beyond the intent of Congress, which was on residential renewal.

"During the Eisenhower administration, the law was provided to permit 10 percent of the funds to be used for commercial renewal," WIDNALL said. "Now the Johnson administration wants 35 percent for commercial renewal.

"My contention has been that human needs should be emphasized in this program. If a commercial project is feasible, in many instances it can be financed with private funds and not make the American taxpayers suckers in the process."

[From the Philadelphia (Pa.) Evening Bulletin, June 16, 1964]

"PHILLIES" SAY PENNSYLVANIA RAILROAD STADIUM IS BEST SITE

(By Philip Fine)

A spokesman for the "Phillies" baseball club today described the proposed 30th and Arch Streets site for a new sports stadium as "the best location in the city."

George L. Harrison, "Phillies" treasurer, also said the team would be willing to pay the "highest rental" of a major league club to play in the proposed $25 million, 60,000-seat stadium on stilts.

Harrison spoke to newsmen after he met with representatives of the Pennsylvania Railroad group on terms for a 40-year lease for the "Phillies."

The stadium sponsors were represented at the session in the Transportation Building, Penn Center, by David C. Bevan, chairman of the Pennsylvania Railroad finance committee; Ned Irish, president of the Madison Square Garden Corp., and Thomas D. McCloskey, president of McCloskey & Co.

HARRISON COMMENTS

Discussing the "Phillies" willingness to pay a high rental, Harrison said:

"We consider this to be fair. We think the 30th and Arch Streets site is the best location in the city and certainly will attract a much greater number of people."

Harrison said the negotiators are "close to terms" which the "Phillies" regard as realistic but that the negotiations are so detailed it may take some time to complete them.

"We are not far apart," he said. "The rental would be more than we are now paying in Connie Mack Stadium."

Harrison was asked whether he is hopeful that the deadline recently set by the "Phillies" for a firm commitment will be met.

"The July 1 deadline still holds," he replied. "We are now getting an idea where we are heading, but we have not heard definitely from the city—and this affects the final decision."

He added: "There's no question about playing in a new stadium. We are hopeful there will be a new stadium, and that we will play in it."

VERY OPTIMISTIC

Bevan, speaking for the PRR group, said he was very optimistic, but that the Phillies cannot be given a definite guarantee at this time because of other factors involved—including forthcoming talks with the Eagles football team, another potential tenant, and a final agreement with the city on how to proceed.

A new financial plan announced last week by Mayor Tate was described by Bevan as "a very stiff one from our point of view."

He said he referred to the mayor's proposals that the PRR group pay off the $4 million in bonds that would be issued to buy air rights from the PRR and that title to the stadium be held by the redevelopment authority.

Bevan pointed out that the mayor wants the authority to hold the title although the PRR group would put up $13 million in construction costs and would be responsible for paying off all of the $16 million in bonds to be issued by the authority.

"I'm not saying this in criticism of Mayor Tate," Bevan said, "But this is a business proposition and we will have to study it closely. It's a pretty expensive alternative as far as we are concerned."

MAYOR'S PLAN

Under the mayor's plan, $4 million of the $16 million authority bonds would be used to purchase the air rights from the PRR and the other $12 million would be for construction costs.

The authority would own the stadium and lease it to the PRR group which, in turn, would lease it to the Phillies, Eagles, and other tenants.

The revenue from the leases first would be used to pay off the $16 million in bonds before any of the revenue goes to the PRR group as return on its $13 million investment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HAYS (at the request of Mr. ALBERT), for 30 minutes, tomorrow, June 23, 1964; and to revise and extend his remarks and include extraneous matter.

Mr. PATMAN, for 30 minutes, tomorrow, June 23, 1964; and to revise and extend his remarks and include extraneous matter.

Mr. FEIGHAN, for 10 minutes, today; and to revise and extend his remarks.

Mr. PATMAN, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. EVINS, for 20 minutes, today, vacating his special order for Friday, June 26.

Mrs. MAY (at the request of Mr. MORSE), for 30 minutes, today.

Mr. WIDNALL (at the request of Mr. MORSE), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

(The following Members (at the request of Mr. PICKLE) and to include extraneous matter:)

Mr. PEPPER.

Mr. MONAGAN.

Mr. TUCK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao; to the Committee on the Judiciary.

S. 1232. An act to amend the Federal Property and Administrative Services Act of 1949, to make title III thereof directly applicable to procurement of property and nonpersonal services by executive agencies, and for other purposes; to the Committee on Government Operations.

S. 1336. An act to provide that the price at which the Coast and Geodetic Survey sells certain charts and related materials to the public shall not be less than the cost thereof; to the Committee on House Administration.

S. 1719. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; to the Committee on Interstate and Foreign Commerce.

S. 2114. An act to provide for periodic congressional review of Federal grants-in-aid to States and local units of government; to the Committee on Government Operations.

S. 2149. An act for the relief of Aziza (Susan) Sasson; to the Committee on the Judiciary.

S. 2163. An act for the relief of Alexa Daniel; to the Committee on the Judiciary.

S. 2170. An act for the relief of Mary Lane Laycock; to the Committee on the Judiciary.

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety; to the Committee on Interstate and Foreign Commerce.

S. 2320. An act for the relief of Mrs. Anna Soos; to the Committee on the Judiciary.

S. 2354. An act for the relief of David Lee Bogue; to the Committee on the Judiciary.

S. 2374. An act for the relief of Milagros Aragon Neri; to the Committee on the Judiciary.

S. 2378. An act for the relief of Mardiros Kouyoumjiam and his wife, Manig Kouyoumjiam; to the Committee on the Judiciary.

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; to the Committee on the Judiciary.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 71. Joint resolution to establish a National Commission on Food Marketing to study the food industry from the producer to the consumer.

ADJOURNMENT

Mr. PICKLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 23, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2195. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the July 1963–April 1964 report on Department of Defense procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2196. A letter from the Comptroller General of the United States, transmitting a report relating to unnecessary procurement of photographic supplies for the Atlantic Missile Range, Department of the Air Force; to the Committee on Government Operations.

2197. A letter from the Comptroller General of the United States, transmitting a report on a review of excessive ocean freight charges on commercial shipments made by the Panama Canal Company; to the Committee on Government Operations.

2198. A letter from the Comptroller General of the United States, transmitting a report on a review relating to combat readiness of aircraft of the 1st and 2d Armored Divisions impaired by inadequate maintenance at Fort Hood, Tex., Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. House Joint Resolution 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed; without amendment (Rept. No. 1497). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 11679. A bill to amend the Tariff Act of 1930 to clarify the treatment of ball or roller bearings and parts thereof; to the Committee on Ways and Means.

By Mr. EVINS:

H.R. 11680. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. MATTHEWS:

H.R. 11681. A bill to amend the Antidumping Act, 1921; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 11682. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 11683. A bill to amend section 218 of the Social Security Act to reopen and extend the period during which a State may elect to make retroactive certain special computations of the payments required of it pursuant to its agreement thereunder, and to extend the retroactive period to which such computations apply; to the Committee on Ways and Means.

H.R. 11684. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement of such deduction; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 11685. A bill to provide for the relief of certain enlisted members of the Air Force; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 11686. A bill to authorize the appropriation of the receipts of the Colorado River development fund for the purpose of making allowances to the Hoover Dam powerplant for deficiencies in firm energy generation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 11687. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans for waste disposal systems and other facilities providing community services, and for additional financial aid; to the Committee on Agriculture.

By Mr. BALDWIN:

H.J. Res. 1046. Joint resolution proposing an amendment to the Constitution relating to the apportionment of districts from which members of a State legislature are to be elected; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.J. Res. 1047. Joint resolution proposing an amendment to the Constitution relating to the apportionment of districts from which members of a State legislature are to be elected; to the Committee on the Judiciary.

By Mr. COHELAN:

H.J. Res. 1048. Joint resolution authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy at West Point two citizens and subjects of the Kingdom of Thailand; to the Committee on Armed Services.

By Mr. PATTEN:

H.J. Res. 1049. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. CELLER:

H. Res. 789. Resolution to provide for the concurrence of the House of Representatives to the Senate amendment to H.R. 7152; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11688. A bill for the relief of Carlo Zangrilli; to the Committee on the Judiciary.

By Mr. GRIFFIN:

H.R. 11689. A bill for the relief of Mr. and Mrs. Bernard Zuchowski; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 11690. A bill for the relief of Gary Rosenhagen Wong; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 11691. A bill for the relief of Carmela Santoro; to the Committee on the Judiciary.

H.R. 11692. A bill for the relief of Arina de Sousa Gouveia and Alda Maria Santos Gouveia; to the Committee on the Judiciary.

H.R. 11693. A bill for the relief of Guiseppina Gesualdi; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 11694. A bill for the relief of Loder L. Patterson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

941. By the SPEAKER: Petition of William Netschert, M.E., Daytona Beach, Fla., requesting the 88th Congress to formally recognize the sovereignty of all the States of the Union, as guaranteed by the Constitution of 1787, section 4 of article IV, and to declare any decision of the U.S. Supreme Court affecting such sovereignty to be null and void; there being no provision in the Constitution for prescribing the manner in which members of a State legislature should be elected or apportioned, either according to population or to geographic area; to the Committee on the Judiciary.

942. Also, petition of Henry Stoner, Avon Park, Fla., to take proper steps in the State of Florida to enforce the eighth amendment to the Constitution of the United States in the case of Henry Stoner, petitioner; to the Committee on the Judiciary.

943. Also, petition of Zenko Shinzato, Kunigami-son, Okinawa, requesting the return of the U.S. administrating authority over Okinawa to Japan; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Sad Anniversaries

EXTENSION OF REMARKS

OF

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1964

Mr. MONAGAN. Mr. Speaker, although subjected to alien rule for centuries, the peoples of the countries on the eastern shore of the Baltic—Lithuania, Latvia, and Estonia—have maintained their dignity and their identity.

During the month of June, Baltic-Americans marked sad anniversaries of two events that took place more than 20 years ago. In June of 1940, forces of the Soviet Union occupied the Baltic States, and in June 1941, the Kremlin ordered mass deportations of the Baltic people. We are told that in the interim the Communists deported, exiled, or killed more than 25 percent of the entire population of Lithuania, Latvia, and Estonia.

I can think of no more effective way to pay our respects to the memory of those Baltic peoples who have suffered the hardships of oppression, and I can recommend no better way to keep alive the hopes of their countrymen and the endeavors of their spokesmen in this country, than to urge the adoption of

House Concurrent Resolution 293 which is my proposal to bring the forces of world public opinion to bear on behalf of the restoration of the rights of freedom to the Baltic peoples. I include herewith a copy of House Concurrent Resolution 293:

H. CON. RES. 293

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion, at appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world public opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Washington Report

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1964

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of June 20, 1964:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

JUNE 20, 1964.

DEMOCRATS EXTEND WAR TAXES AGAIN

By an almost 100-percent straight party line vote in the House the Democrats extended for another year the war excise taxes on cosmetics, jewelry, furs, and leather goods. The amendment to eliminate these taxes, sponsored by all 10 Republican members on the Ways and Means Committee, was defeated 207 to 185 with only 1 Republican in the House voting against.

These so-called "temporary" taxes are extended year after year through pressure from the White House and the big Federal spenders. President Johnson's refusal to accept a cut in these consumer taxes makes his claim to be for economy and for tax cuts a hollow claim at the very least.

The taxes the Republicans tried to cut are retail excise taxes, the consumer sales taxes levied by the Federal Government. The Republican position is that consumer sales taxes should not be levied by the Federal Government. These consumer taxes cover five categories, four directed against women.

1. Tax on diesel fuel used on highways.
2. Tax on toilet articles or cosmetics. Items found in drugstores, grocery stores, and most retail establishments, by arbitrary Government definition.
3. Tax on jewelry covering everything including costume jewelry which accounts for 90 percent of the tax.
4. Tax on furs whether it is a fur coat or a cloth coat with a fur collar.
5. Tax on luggage and handbags.

There may be justification for maintaining at this time the tax on diesel fuel because it does have a relationship to the gasoline tax imposed by the Federal Government. There is no justification for the Federal Government to continue Federal retail taxes on the other items. The American people accepted, without complaint, these taxes in time of war, but 20 years after D-Day we believe it is time to rid the people of a burden they have stood long enough. They were imposed during wartime, not to raise money but to curtail production.

The Republican position of eliminating these taxes within the framework of a balanced budget is entirely consistent as I explained during debate. Rather than further imbalance the budget by denying tax revenue, these tax reductions could well increase Federal revenue.

1. Lower sales prices of goods could result in greater sales volume, higher profits, and greater tax revenue.
2. Less tax collection effort with its endless forms will be required by the retail merchant, freeing him for other productive sales work.
3. A balanced budget cannot be achieved just by increased taxes. Spending is basic and this administration is increasing spending in every direction with no regard for income, inflation, or a rising public debt.

OOPS, YOU'VE JUST BEEN HIT WITH $9 BILLION MORE DEBT

President Johnson got his way in the House when his demand for a $9 billion increase in the national debt was approved 203 to 182. Again this was almost a party line vote with the Democrats for lifting the lid on spending and the Republicans battling to protect the people. Again this is called a temporary increase. I remind you these temporary increases have come along every few months under the past two Democrat administrations and Congresses until we now have the debt limit up to $324 billion. This from an administration that is trying to sell the American people that it is economy minded.

I have been in the House 10 years, always under a Democrat leadership. I know the difference between the political parties as to fiscal policy. The Democrats have always tried to have it both ways—freely spending the peoples' money and then criticizing the increase in the public debt. But they cannot continue to have it both ways—they are either for deficit financing, a planned economy, and increased debt, or they are for the exercise of responsibility in spending, a balanced budget, a lowered debt, and decreased taxes. Here's a clear choice between political philosophy of the two parties.

Here are some arguments brought out in debate on the debt ceiling increase:

1. We have increased the debt $31 billion in 40 months, almost a billion dollars a month.
2. Republicans have opposed these increases because we believe there can be control in the rate of expenditures.
3. The Democrats brag about the good times we are now enjoying but the Johnson administration refuses to use the good times to lay aside money to cut down our debts, instead they squander money.
4. We borrowed money for the $11 billion tax cut. We will borrow money for a pay increase for Federal workers, as well as for foreign aid including aid to the Communists.
5. It is almost certain the administration will be back within less than a year for another increase in the debt ceiling as there is no indication the President has any intention of cutting spending.

A MORAL GIANT

BARRY GOLDWATER, in his statement on why he opposes the civil rights bill makes him a moral giant with outstanding courage in defending the basic principles of the Constitution. Under the bill which BARRY opposes we set up the machinery for a police state in which any citizen charged with a violation of the act will be considered guilty until proven innocent. The American people now have a clear choice between the high moral leadership offered by BARRY GOLDWATER and those whose policies spawned and then covered up the Bobby Baker and Billie Sol Estes scandals.

Baronial Order of Magna Carta Honors Senator Harry F. Byrd

EXTENSION OF REMARKS

OF

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1964

Mr. TUCK. Mr. Speaker, the Baronial Order of Magna Carta is a patriotic organization made up of descendants of the sureties chosen at the time of the promulgation of the famous Magna Carta adopted by the English barons at Runnymede on June 15, 1215. This famous document greatly curbed the arbitrary powers of the King of England, and established trial by jury and other features of basic liberty which descended ultimately to the American Colonies, and became basic principles of our Declaration of Independence and Federal Constitution.

On Sunday, June 14, 1964, in Old Christ Church in Philadelphia, there was conducted the annual commemorative ceremony, wherein the banners of the Magna Carta sureties were displayed and the annual Magna Carta Day award bestowed. This year, Senator HARRY F. BYRD, the able and distinguished senior Senator from Virginia, was the recipient. Because of press of senatorial duties, Senator BYRD was unable to be present to receive the award, but his representative, Marshall J. Beverley, former mayor of Alexandria, Va., was present and accepted the award for and on behalf of Senator BYRD.

Under leave accorded there is included herewith the letter from Senator BYRD to William Hannis Perot, marshal of the baronial order, the remarks of Mr. Beverley, and the response of Senator BYRD read by Mr. Beverley in the Christ Church ceremonial:

MAY 11, 1964.

Baron WILLIAM HANNIS PEROT,
Drexel Hill, Pa.

MY DEAR BARON PEROT: I hope you will pardon me for my delay in writing you further in reference to your kindness in presenting me with the Magna Carta Award.

The Hon. Marshall Beverley, a former mayor of Alexandria, Va., and a former vestryman of George Washington's church—Christ Episcopal Church of Alexandria—has agreed to come to Philadelphia to deliver the speech I will prepare.

I trust this will be agreeable to you and we will be in touch with you later on as to the time of his arrival.

I want to tell you again how grateful I am for the high compliment you have paid me.

With my warm regards, I am

Faithfully yours,

Harry F. Byrd.

Former Mayor Marshall J. Beverley, of Alexandria, Va., Representing Hon. Harry F. Byrd of Virginia at the Magna Carta Day Award at Christ Church, Philadelphia, Pa., June 14, 1964

It is indeed a privilege for me to be asked by our beloved Senator, Harry F. Byrd, to represent him here today and accept for him the Magna Carta Day Award.

The Commonwealth of Virginia is proud that you have bestowed this high honor upon one of her favorite sons.

We in the Old Dominion feel he possesses the high ideals and statesmanship of Washington, Jefferson, Lee, and other Virginians who have devoted their lives to protecting the freedoms which make our land so great.

I can tell you how disappointed Senator Byrd is over his inability to be here today. He personally has asked me to tell you how much he appreciates this honor you are bestowing upon him.

If he were here, he would speak to you in these words:

To be chosen by the Baronial Order of Magna Carta for its Magna Carta Day Award is indeed an honor to be cherished. It is with deep regret that I am unable to be with you for the June 14 ceremony.

We think of the Magna Carta, of course, as the source of inspiration for our own liberties, which we asserted in the great American Declaration of Independence.

Thinking forward from the early Roman republic, and the enlightened Athens over which Pericles presided, there has been great difficulty in preserving human liberty. We can never let down our guard.

After Athens there appeared in Rome an emperor who claimed he was God, and by a combination of military force, public bribery, through bread and circuses, and superstition, he implanted an imperial standard that was to remain for centuries.

But Christ was born to teach the dignity of man, and be crucified.

As history moved, Anglo-Saxon institutions slowly took form in the common law which served as men's sole guard against arbitrary authority.

Then came the immortal Magna Carta. No history of civilization can omit the importance of this document which was wrung from the tyrant John in 1215. It was a charter of liberty, guaranteeing the rights of subjects against the Crown.

And after that, we find Simon de Monfort and Edward I creating a partially representative body—the English Parliament. But four centuries passed before Englishmen exacted the Petition of Right from Charles I.

Next came the "Glorious Revolution" in which the English established their Bill of Rights.

Then came our revolution in which the United States was conceived in liberty, but almost at the same time we saw freedom in France die of its own excesses.

In receiving your Magna Carta Day Award, I am thinking of the liberties we enjoy in the United States, and wish all of us would stop more often to give thanks for the blessings of liberty.

We hear much these days about "freedom" * * * and I am afraid there is more talk about "freedom" than there is thinking. Consider for a moment the difference between "freedom" and "liberty." In this difference lies a thought I want to leave with you.

You will remember that the second sentence of the Declaration of Independence holds that "life, liberty, and the pursuit of happiness are among the unalienable rights of man." It says "liberty," not freedom.

The Preamble to our Constitution says a basic purpose for the formation of the United States was to secure the blessings of "liberty" (not freedom).

The epitaph on Thomas Nelson's tomb at Yorktown says, "He gave all for liberty." We call the great bell in Philadelphia the "Liberty" Bell. We have the Statue of Liberty in New York harbor.

There is good reason to believe that the Founding Fathers of our country deliberately chose the word "liberty" for use in our basic documents, and elsewhere.

They understood the word "freedom" to carry the connotation of unrestrained. They understood the word "liberty" to mean freedom restrained by the responsibilities of citizenship and orderly self-government, under law.

There is an interesting distinction between these words—"freedom" and "liberty"—in the Episcopal "Book of Common Prayer."

As you know, before the Revolution religion in the Colonies was largely that of the Church of England. After we won our independence, it was necessary to revise the preface to the prayer book for use in this country—now independent of England.

Changes made by representatives of the church at that time included this significant language:

"Liberty wherewith Christ hath made us free." I think that language is still at the beginning of the preface of the Episcopal "Book of Common Prayer."

The restraint imposed by responsible self-government was clearly foreseen in our Declaration of Independence. It says governments are instituted among men, deriving their just powers from the consent of the governed.

We—the people—are the governed. And under the Constitution all power in this country flows from us. And under our system the States are the basic units. The powers of the Federal Government are those ceded to it by the States. Our Bill of Rights says:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

And I continue quoting the Bill of Rights. It says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This is the constitutional basis for our adherence to States rights. As you know, when the Federal Government was formed, Thomas Jefferson counseled, "Make the States one as to everything connected with foreign relations, and keep them the several States as to everything purely domestic."

Jefferson feared the concentration of power in the Federal Government and advocated retention of governmental power in in the States where it was closer to the people. As late as 1821, in his autobiography, he still said, and I quote:

"It is not by consolidation, or concentration of powers, but by their distribution that good government is effected."

Ours is not a pure democracy, but as a republic it is a brilliant and practical variation of it. We fought the Revolution to be free of the tyranny of remote central government, and divided authority to prevent its return; but we restrained our freedom by assuming the responsibility of self-government.

To insure against concentrated power, the framers of our system not only decentralized it as between the Federal and State Governments; they also took precaution against usurpation of power by providing for three separate branches of government at each level.

Adhering to these fundamental principles, we became the greatest world power in relatively few generations. These principles are a source of our strength at home and our prestige abroad. They are not deterrents to progress. They are the basis for it. But we are allowing dangerous departures to accumulate.

The challenges we face today were well summarized earlier in this century by Teddy Roosevelt. He said:

"The things that will destroy America are prosperity at any price, safety first instead of duty first, the love of soft living, and the get-rich-quick theory of life."

I have great confidence in this Nation and its people. We have the elements for sound moral leadership in the world. We have the people, the resources, the climate, and the geography. And our system is designed for liberty and profitable enterprise.

We are in a new era of atomic energy, rockets, and space. We have the capacity and know-how for development. Where there is a will, there is nothing to prevent our people from starting at the bottom and rising to the top. We are a God-fearing people who have demonstrated our courage.

With responsible citizenship, responsible government, fiscal soundness, and adherence to the principles of our system, there should be no fear for the future. Without these, there will be neither solid progress nor security with military preparedness.

These are our alternatives as we face the challenges of today. It is our responsibility to choose. And we may still choose so long as the Government of this country must have the consent of the governed. May that never change.

Address by Hon. Claude Pepper, of Florida

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1964

Mr. PEPPER. Mr. Speaker, the AFL–CIO has been a leader in the support of community services all over America. On May 5, 1964, the AFL–CIO held such a conference in the Carillon Hotel at Miami Beach in my district. I had the privilege to address a luncheon session of this conference. My address follows:

Address by Hon. Claude Pepper of Florida

Chairman Leo, reverend clergy, Governor Leader, distinguished guests, and friends, I am deeply indebted and most grateful to my old friend and your distinguished director, Leo Perlis, for those very generous and moving words of introduction.

I would recommend to all of you that you adopt a schedule of hearing me which Leo Perlis has followed, just once every 20 years.

I guess by now Leo has sufficiently recovered. Perhaps he can stand the medicine again. I have happy memories of that visit to Boston and Phil Murray and all those dear friends of the steelworkers and the inspiration of that occasion.

I have enjoyed very much this very interesting and delightful, stimulating talk about the purchase of savings bonds made by Mr. Heasley.

I think all of us will take home the lesson that he has left with us. If I am a little nervous today, why you have already been informed that this is election day down here.

The returns will start coming in about 7:30 this evening. I hope we will be able with the wonderful help of labor, so many of you being here who contributed so much to it, that things will be all right.

I would like to begin by saying how proud I am to be here today at this annual AFL–CIO Conference on Community Services, how proud I am of this great organization of labor.

But I want to be sure that I would not be misunderstood as a well-intentioned husband was here at Miami a little bit ago who was having lunch over on the roof of one of our mainland hotels looking out over our beautiful bay.

As this elderly couple sat there and enjoyed their lunch, the eyes of the husband rolled out toward the bay and over the beautiful scene.

And as he observed the loveliness of it, he was stimulated to romantic thought. Then when he turned and looked at this lovely lady who for almost 50 years had been his wonderful wife, shared his problems and his triumphs with him, he thought his heart wanted to say something.

So he looked her right in the eye, and with the utmost of seriousness said, "I am proud of you." She had grown a little hard of hearing in later years and evidently misunderstood what he said.

She looked him right back in the face and said, "I'm tired of you too." [Laughter.]

Well, I shall never tire of the friendship of labor. I am proud of it in America for what labor has done.

In every religion and code of ethics there is the recognition of the basic principal of the fatherhood of God and the brotherhood of man.

In the Declaration of Independence, Thomas Jefferson wrote those immortal words, "All men are created equal and endowed by their creator with certain inalienable rights, amongst which are life, liberty, and the pursuit of happiness," one of the first times that the aspiration of happiness was recognized in a State document.

In the preamble to our United States constitution, you will recall, are these words, "We the people of the United States in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution."

There, a great Nation aborning declared to the world that it was not only a champion of liberty, but it was designed to promote the general welfare of the people of this land.

That Declaration of Independence was far from true in the statement of fact if it be regarded as intended to be a statement of fact.

For the Negro part of our population was largely in slavery when Thomas Jefferson wrote those words. He had slaves, and so did George Washington, even if both freed them at their death, but it was the aim of this great country, the liberty of which was then being declared, to make all men aspire to and finally enjoy those high objectives.

It took a long time for those dreams to come true, even partially. It took a civil war to break the bonds of slavery and the shackles of subjugation.

Then it took three constitutional amendments to make citizens out of the emancipated slaves and to give them the right to vote and to give them the protection of that Constitution.

But even now, 100 years later, we are still struggling with the realization of the dream of the Declaration of Independence and the objectives of our Constitution.

It took a long time, also, for the concept of the function of the Government, to promote the general welfare, to become the established policy of our Federal Government, particularly.

Thomas Jefferson realized that all of the children of the Nation had the right to an education, and he sponsored the public-school system in Virginia and gave an example of it to the rest of America.

Old Andrew Jackson fought monopoly and the vast concentration of power. And in his ruggedness he recognized the worth of the common man and gave him a dignity and power which he had not previously known.

And when the frontiersmen poured over the good furniture and broke the windows in the White House at the Jacksonian Presidential reception after his inauguration, it was the poor people of America coming into a new recognition, even if they did treat the furniture pretty badly on that occasion.

There was some progress in the intervening years, but Woodrow Wilson was the first President in modern times to speak moral sentiment into the Government of the United States, to recognize the worth of women and to give them the franchise, to give a new recognition to the rights of labor—an 8-hour day, which at that time seemed a monstrous departure from the policies of the past—and the right of every American to enjoy the best that was possible for him and the fullest development of his or her own power.

But we all know that history shall record that it was Franklin D. Roosevelt who gave a new meaning to these old precepts and principles.

For prior to his coming to power (I charge him with no moral delinquency) but a President of the United States thought it was no concern of the Federal Government if people went hungry or starved, if men lost their farms and their homes and their jobs, if children became roving packs of wolves almost, delinquents all over America.

Shacks grew up on the roadsides and everywhere was the flotsam and jetsam of an uprooted people in movement looking somewhere for mere nourishment.

But the administration of that time thought it was not the concern of the Federal Government. They were sorry but there was nothing the Federal Government could do.

No doubt, privately, they would help make some contributions, but it was no concern of the Federal Government that America collapsed economically and morally.

But Franklin Roosevelt, coming to power with a mandate from the American people, recognized new obligations and new responsibilities on the part of the Federal Government.

And he set out to do everything that would be embraced in Thomas Jefferson's aspirations of the pursuit of happiness and that was embodied in the preamble of our Constitution that would affect the general welfare of our people.

So whatever would help business, agriculture, save peoples' homes, help them to build better homes, and enable children to go to school, giving them jobs to do so as best they could, even protect and promote the arts and the sciences, give jobs to those who needed employment, stimulate business—everything that would make a better America, make men and women live better, healthier, and happier—these things—these things President Roosevelt gallantly undertook.

Those things came to be the stirring program of the Government of the United States, and the States and the local government participated or followed the example of the Government of the United States.

And today, thanks to Franklin D. Roosevelt, the Federal Government is still the moral and spiritual leader in America, striving to make things better for all of our people.

And so today, embraced in the Federal progress with assistance from State and local authorities, we find day centers, recreation areas, better schools and everything that tends to make things better, social security, unknown until Roosevelt came along, yet Germany had it in Bismarck's time.

And so today, we have a vast complex of services which are performed by the Federal, the State and the local government.

Great as they are, in the contributions that they make to the betterment of our people, we know they are not yet adequate.

Our citizens still do not have all the jobs they should have. Social security is still not adequate in the amount it provides to the retired person.

We have not yet bridged the obstacles and overcome the obstruction of those who have tried to deny through social security an assurance of hospital and eventually medical care in an honorable way for all the people of this country.

We still have not made it possible for every American boy and girl to develop his or her brain and carry it to the greatest possible degree, and therefore utilize the noblest and most valuable asset we have in our country, the brains of our boys and girls as our future citizens and leaders.

But we are making progress. This present Congress has made commendable progress, and now President Johnson, taking up an echo and developing a principle that President Kennedy had inaugurated prior to his lamented departure, has declared open war upon poverty, a third of a nation ill clad, ill housed, and ill fed in President Roosevelt's time, now one-fifth of a nation, but still a fifth. President Johnson is now mobilizing the moral favor and the support of the American people in that drive upon poverty, to try to lift the people in the lowest brackets of our income groups to a higher enjoyment of life and a greater contribution toward the progress and the productivity of this leader of the free world.

We know all of these things, of course. They are commonplace to you because you have been a significant part of them. But beyond what the Government does, we know there must always be the concern of our private society.

We certainly will not excuse the churches from their charitable leadership and contributions nor deny to civic minded citizens the opportunity for the special kind of leadership which they are so qualified to give.

For giving is in the heart of our people. Generosity is the characteristic of the American's concern for his fellowman.

The Good Samaritan is coming more and more to be the symbol of America.

No nation in all the history of the earth has helped so many people abroad, over a hundred billion dollars spent out of the pockets of our taxpayers since World War II.

Without denying our duty to those abroad, we are hurrying to a more serious concern for our people here at home as well.

I think that is a desirable emphasis for us to give to our problems at home without shirking our responsibilities abroad.

But what you are here today to find ways and means of doing is to stimulate in every community in America the programs that will make things better for all of our people.

You have magnificently advanced these causes which have been led and carried forward by the Government.

For in my 16 years in the Congress of the United States, no individual, no groups have contributed more and more loyally supported all the programs to make things better for all of our people than the AFL–CIO, your leadership and your membership all over America. [Applause.]

And I am proud to say here, as I have said so many other times to nonlabor audiences, that in my years in the Congress, I have never heard a labor leader come over to the Congress and stand in the way of Congress doing something that would build and make for a better America.

Your leadership has supported farm programs to help the farmer and his family live better when the inevitable economic effect of it was to raise the cost of living in the budget of the workman's home.

But you have not taken the narrow view that I am only interested in labor, not the farmer. You have helped everybody.

Unhappily, all of them have not reciprocated the support that you have given their program, but labor has always had a large horizon, a great and warm heart and high and noble objectives.

They realize if the people of America were well off, upon that solid foundation everyone would prosper.

And so it is that you fought for decent minimum wages, fair and protected right of collective bargaining, full employment at decent wages and everything else that would stimulate and make stronger the vast free economy of this mighty Nation.

Here in our own community we have had splendid examples in Bill Owens and Ed Stephenson—and others who are in this audience today—of what labor has meant, not only in making Government programs better, standing behind men and women who sought to build a better America, a better community, but in our civic activities here at home.

They have loyally supported every program that would make charity and generosity in our community do its full and fair part.

And by the way, your distinguished director here, Mr. Leo Perlis, delighted me a few moments ago by telling me that of the $540 million raised every year by the United Funds and the Community Chests of America, labor, AFL–CIO, has contributed $175 million.

Isn't that a splendid response on behalf of the working people who are a part of this splendid and noble federation?

And so my friends, you have done a great part in the past, but yet there is still much to be done. There are many whom we continue to miss.

There are still many who need so much more than they have. There are still so many whose opportunity for good health, good education, good recreation, wholesome environment, the things that make life more meaningful to them is too narrow, and through government, through charity, through civic pride, through civic generosity, through personal assistance and concern, through all these many avenues and doors, must we continue to labor, to try to make things better for all of our people.

And so your mission is to find what needs to be done and then as citizens and as civic minded citizens help to accomplish those great objectives.

I conclude by saying that what you are determined to do is to do what Maxwell Anderson in his play "Valley Forge" said that George Washington did.

In one of the despairing periods of the Revolutionary War, a very insidious temptation was visited upon George Washington to try to induce him to abandon the struggle because it was hopeless.

George Washington listened to the entreaty and the temptation, and of course out of his intrepid character and courage, he disdained the appeal and went on to the great victory for liberty and freedom and independence and democracy in the world which the American Revolution meant for the race of man.

And Maxwell Anderson, commenting upon what this great and good man did, said "There are some men who so lift up the age they inhabit that all men walk on higher ground."

What you are determined to do and are doing so valuably is to help make all men walk on higher ground. Thank you very much. [Rising applause.]

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 23, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Amos 5: 24: *But let judgment run down as waters, and righteousness as a mighty stream.*

O Thou who art our Creator and gracious Benefactor, establish within our hearts that faith which cannot be shaken and those loyalties and integrities of character which shall remain steadfast when the winds are contrary.

May the spiritual ideals and principles of righteousness and justice, of respect for human personality and reverence for God become and remain regnant in the life of all mankind.

Show us how our beloved country, so richly endowed by Thy grace, shall be a glorious channel through which as a mighty stream shall flow the blessings of freedom for the oppressed and enlightenment for all who wander and walk in darkness.

We offer our prayer unto Thee through the merits and mediation of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following titles:

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 935. An act to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, hospitalization, and for other purposes;

S. 1251. An act to amend the act of August 1, 1958, as amended, to increase the authorization for pesticide research by the Secretary of the Interior; and

S. 1363. An act to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1828. An act to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

SUBCOMMITTEE NO. 2, SELECT COMMITTEE ON SMALL BUSINESS

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. MULTER], I ask unanimous consent that Subcommittee No. 2 of the Select Committee on Small Business may sit while the House is in session today during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMERICAN CITIZENS MISSING IN MISSISSIPPI

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, at this time three U.S. citizens are missing in the State of Mississippi—Andrew Goodman, age 20, Michael Schwerner, age 24, both of New York City, and James Chenny, age 21, of Meridian, Miss. These three young people have been participating in the voter registration drive in that State. Last Sunday they went to Philadelphia, Miss., where a church had been burned. The three young people were arrested for allegedly violating the speed limit or some other traffic violation. They were released by the sheriff that night at about 10 p.m., but from that time on there has been no reliable information concerning their whereabouts.

Last week, Mr. Speaker, I called the attention of the Members of the House to the situation in that State and to the hearings which had been held under the auspices of the Council of Federated Organizations in Washington outlining a pattern of violence and a breakdown of law enforcement. At that time I again urged that Federal marshals be sent to Mississippi.

Mr. Speaker, it seems to me that this House and the Government must make every effort to see that citizens are protected as they assert their constitutional rights.

I know that the Justice Department and the Federal Bureau of Investigation are working hard in the matter. I call upon them to intensify their efforts and to use all equipment and facilities of the Armed Forces, if necessary, to locate the missing individuals. The same level of activity should be exerted as though a child or a famous person were kidnaped.

Mr. Speaker, I hope as a result of this that Federal marshals will be stationed in Mississippi to provide protection for those hundreds of courageous young people and others who will be there in an effort to insure democracy. They deserve the Nation's fullest support and protection as do those who live and work in Mississippi all year.

NATIONAL CONCERN OVER ATTACKS ON THE CITIZENRY OF NEW YORK CITY

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I am sure that the entire country shares the concern that has just been expressed by the Representative from New York [Mr. Ryan] over the safety of three individuals reportedly missing in Mississippi. I would remind him, however, that these people went to Mississippi to create trouble. It looks as if they succeeded in their mission. Even so, Mr. Speaker, we hope and pray that they have not met with violence, for in spite of the current "hate Mississippi" campaign, our people do not condone violence.

However, Mr. Speaker, I would like to express concern also, which apparently is not shared by the Member from New York, for the hundreds of unfortunate white people who are being stabbed and beaten on the streets and in the subways of the city of New York every year by marauding Negro gangs.

If the gentleman is serious in his suggestion that troops be sent into Mississippi, I think he might well consider first sending troops into his own congressional district in the State of New York. Lawlessness and violence are much more prevalent there than in Mississippi.

Mr. Speaker, I would suggest that he clean up his own mess before he tries to take care of Mississippi's problems.

MISSING PERSONS IN MISSISSIPPI

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, I want to join the gentleman from New York [Mr. Ryan] in deploring the fact that three young men from the State of New York who have joined those who are seeking equal recognition, equal citizenship, for those citizens of the United States who are residents in Mississippi, should at this time be missing after a period of over 48 hours.

Mr. Speaker, I had occasion to speak with Mr. James Farmer, head of CORE, who lives in the congressional district which it is my privilege to represent. He and the families of these young men are very much disturbed about their apparent disappearance in view of the fact that these young men have continually been in touch with the central headquarters of CORE in the past. They have not heard from them for what they consider a long while in these circumstances and in my opinion have cause for alarm.

Mr. Speaker, I, similarly, have been in touch with the Attorney General's office and I understand they are making every effort to try to locate these young people.

Mr. Speaker, it seems to me they could also be more diligently assisted by the authorities in Mississippi who I might say have contended they are doing so in an effort to try to locate these young men, who are very fine citizens.

Mr. Speaker, the situation in New York City referred to by the distinguished gentleman from Mississippi [Mr. Williams] is something that has been occurring lately throughout the entire country and the entire world. The fact that there might be some juvenile delinquency in New York is not peculiar to that city alone.

We in this Congress are trying to cope with that. That has nothing to do with the situation of three young men who are missing in the State of Mississippi.

Mr. Speaker, it seems to me that a more extensive search should be made by the authorities in Mississippi, in cooperation with other authorities.

LOTTERIES IN MIDDLE EAST GROSS OVER $56 MILLION

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we continue to wear blinders and refuse to accept the obvious, most of the foreign countries throughout the world recognize and enjoy the fiscal advantages of Government-operated lotteries.

Out of all the countries throughout the globe, 81 nations have found that lotteries not only yield high revenues but also help eliminate underworld and gambling problems.

Today, I would like to point out the lottery operations in the Middle East. In this area, eight countries have accepted the fact that gambling is a normal way of life and should be regulated and controlled so that gambling funds are used to work for the people rather than against them.

In 1963, these eight countries, listed below, took in gross receipts of over $56 million from its Government-run lotteries. The net income to the Government came to over $22 million which was properly and wisely used for hospitals, schools, welfare, culture, development projects, and other worthwhile activities.

Mr. Speaker, if we opened our eyes and followed the example of these countries we could easily, painlessly, and voluntarily pump into the U.S. Treasury over $10 billion a year in additional revenue. Why are we so blind?

Country	Gross receipts	Net income	Purpose used
1. Cyprus	$1,859,616	$893,012	Development.
2. Iran	21,110,000	10,296,000	Hospitals and schools.
3. Iraq	840,000	420,000	Hospitals, welfare.
4. Israel	18,000,000	5,300,000	Hospitals and schools.
5. Jordan	54,643	2,763	Hospitals, junior clubs.
6. Lebanon	3,900,000	903,000	Schools and development.
7. Syria	1,830,000	460,000	Damascus International Fair.
8. Turkey	9,300,000	4,200,000	General Treasury.
Total	56,894,259	22,474,775	

CONTINUING FOR 2 YEARS EXISTING SUSPENSION OF DUTY ON CERTAIN ALUMINA AND BAUXITE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9311) to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Strike out all after the enacting clause and insert: "(a) items 907.15, 909.30, and 911.05 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, pages 432 and 433, Aug. 17, 1963 are each amended by striking out 'On or before 7/15/64' and inserting in lieu thereof 'On or before 7/15/66.'
>
> "(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1964."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

The title was amended to read as follows: "An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite."

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as the Members will recall, as unanimously passed by the House on April 30, 1964, H.R. 9311 provided for the continuation for 2 years of the suspension of duty on certain alumina and would have made permanent the suspension of duty on certain bauxite. In the absence of legislation, the suspension of duty on alumina and bauxite would expire at the close of July 15, 1964.

The bill has been amended in the other body to delete the provision of the House bill which would have placed bauxite permanently on the free list, providing instead a 2-year continuation of the suspension of duty presently in effect, so that as passed by the other body the bill would continue for 2 years, until July 16, 1966, the suspension of duty on alumina when imported for use in producing aluminum and on bauxite ore and calcined bauxite.

I urge that the House accept the amendments of the Senate.

SAVING 14,000 LIGHT-BULB-YEARS

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Bow] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOW. Mr. Speaker, the great economizer in the White House has recently attracted considerable attention by turning out the lights and saving $3,000 a month. Over a 12-month period that is a saving of $36,000 per light-bulb-year.

Now we are told the great economizer is supporting a vast new spending program. He wants to see the juice turned on for a new half billion dollar mass transit program. According to my arithmetic it would take the saving of 14,000 light-bulb-years to offset just the initial $500 million spending under this new program.

Mr. Speaker, when this new program is brought before the Congress each of us will have our own opportunity to make our own record for economy. We can make a saving of equivalent to 14,000 light-bulb-years by voting down the program.

HABEAS CORPUS

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 747 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1835) to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on the Judiciary now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. Smith], and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 747 provides for consideration of H.R. 1835, a bill to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court. The resolution provides an open rule with 1 hour of general debate, making it in order to consider without the intervention of any point of order the substitute amendment now in the bill.

The purpose of H.R. 1835 is to restrain the abuse of the use of the writ of habeas corpus in lower Federal courts by prisoners who have been convicted in State courts and who seek to have the action of the State courts reviewed and reversed by the lower Federal courts.

This legislation has been sponsored by the Judicial Conference of the United States in the 84th, 85th, and 86th, as well as in the present Congress. Similar bills passed the House in the 84th, 85th, and 86th Congresses, but no action was taken by the Senate on the measures.

Mr. Speaker, I urge the adoption of House Resolution 747.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may desire, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of California. Mr. Speaker, as stated by the distinguished gentleman from New York [Mr. Delaney], House Resolution 747 provides a 1-hour open rule for the consideration of H.R. 1835, which is a bill to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court.

The purpose of the bill, H.R. 1835, is to amend appropriate sections of title 28, United States Code, relating to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court. It has no relation to Federal prisoners. Bills of this character have been introduced in the House in the 84th, 85th, 86th, and 87th Congresses and have passed the House in three of those Congresses; namely, the 85th, the 85th, and the 86th.

The basic purpose of the legislation is to restrain the abuse of the use of writs of habeas corpus in lower Federal courts by State prisoners and who seek to have the action of the State courts reviewed and reversed by the lower Federal courts. This subject has been under study by the Judicial Conference of the United States since 1953 and it has also been extensively studied by the Committee on the Judiciary.

As a result of recent Supreme Court decisions a flood of petitions for writs of habeas corpus have reached the Federal courts which have caused great concern both to State enforcement authorities and State judicial officers. The applications resulted in delay of execution of State judgments. Moreover, it raised the problem of having the decisions of judgment of the States highest courts being reviewed by a single Federal judge.

The amendments made by this bill are designed to cure, to a great extent, the evils which I have just outlined. Section 1 of the bill adds provisions for limiting application to the doctrine of res judicata. When a State prisoner has been denied habeas corpus by a Federal court or a Federal judge, a subsequent application shall not be entertained except on grounds not presented at the hearing and then only on a showing of a reasonable excuse for failure to have presented them. Also, in a Federal habeas corpus proceeding on behalf of a State prisoner a prior Supreme Court judgment sustaining a State court decision shall be conclusive as to all matters adjudicated by the Supreme Court, except as to material matters not in the record and which could not have been placed in the record with reasonable diligence.

Section 2 of the bill provides that where a three-judge court has been convened in a habeas corpus proceeding the final order of that court shall be reviewable only by the Supreme Court by writ of certiorari which must be applied for within 30 days after the entry of the order.

Section 3 of the bill provides for preliminary examination of the application of habeas corpus and if it is determined that the application should be entertained it is then heard by a three-judge court with direct review by the Supreme Court of the United States. Thus, the State court's decision will never be reversed by a single judge.

There is an additional provision to the effect that in any Federal habeas corpus proceeding on behalf of a State prisoner the State court's findings of fact shall be presumed to be correct and the burden is placed on the applicant to establish that they are erroneous unless the applicant establishes that one or more of seven enumerated conditions, all of which add up to a lack of due process, are made to appear.

I know of no objection to the rule and urge its adoption.

I reserve the balance of my time, Mr. Speaker.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1835) to amend section 2254 of title 28 of the United States Code in reference to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1835, with Mr. CAREY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 30 minutes and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill, H.R. 1835, as has been stated very succinctly by the gentleman from California [Mr. SMITH] restrains the abuse of the use of the writ of habeas corpus in the lower Federal courts, particularly by prisoners convicted in State courts and which prisoners seek to have their convictions in the State court reviewed in a Federal court.

The bill has been offered by the distinguished chairman of the Committee on Rules, the gentleman from Virginia [Mr. SMITH].

This legislation has been sponsored by the Judicial Conference of the United States. It was reported unanimously by the Judiciary Committee.

Similar bills, as has been indicated by those who preceded me, passed the House in the 84th Congress, the 85th Congress, and the 86th Congress.

The writ of habeas corpus is one of the oldest writs in judicial history. It is a time-honored safeguard of individual liberty. But it was never designed to be a writ of review in the Federal courts of convictions in the State courts.

For want of a better term, I use the words "guardhouse lawyers." So-called "guardhouse lawyers" in prisons frequently induce fellow prisoners to sue out these writs. Actually, this is not to determine whether the prisoner is properly or improperly in custody or properly or improperly in prison. It is not on the ground that a constitutional right was violated, but is merely as a sort of review from the decisions of convictions in the State courts.

What has been the result? I am told the result has been that more than 10,000 writs of habeas corpus have been filed. Only a few of them have been actually granted. Only a few have been successful.

All these writs must be examined carefully, checked, and investigated, though, as I say, only a miniscule number are successful. Meanwhile, consideration of this avalanche of writs is time-consuming and causes a great deal of delay, taking time of judges which might well be occupied on other important matters.

This has been a problem for the Judicial Conference of the United States, as it is for the Conference of State Chief Justices and as it is for the National Association of Attorneys General.

The bill before the House now is the result of the deliberations of these august bodies.

The bill in essence provides that when a writ is offered it must indicate that a provision of the Constitution has been violated or that the laws and treaties of the United States have been violated. The application must be presented to a Federal judge, who will conduct a preliminary examination to determine whether or not there is any merit in that application. If the judge feels there is merit in that application, then he must route the application through a three-judge court. The three-judge court finally will pass upon the writ to determine whether there is merit or no merit in the writ.

In order for the writ to be finally granted, it must appear, as I say, that there was some violation of a Federal statute or the Constitution or treaties under the Constitution.

One of seven factors must also appear. I shall read those factors, which are found on pages 6 and 7 of the bill.

It must be established:

> (1) that the merits of the factual dispute were not resolved in the State court hearing; or
>
> (2) that the factfinding procedure employed by the State court was not adequate to afford a full and fair hearing; or
>
> (3) that the material facts were not adequately developed at the State court hearing; or
>
> (4) that the State court lacked jurisdiction of the subject matter or over the person of the applicant in the State court proceeding; or
>
> (5) that the applicant was an indigent and the State court, in deprivation of his constitutional right, refused to appoint counsel to represent him in the State court proceeding; or
>
> (6) that the applicant did not receive a full and fair hearing in the State court proceeding; or
>
> (7) that the applicant was otherwise denied due process of law in the State court proceeding.

If there is to be an appeal from the three-judge court, it must be directly to the Supreme Court. That is, in essence, the purport of the bill, and we members of the Committee on the Judiciary feel that the time is now ripe to scotch this plethora of useless and unfounded application for writs of habeas corpus brought in the Federal courts which clog up the courts. Every safeguard is maintained so that the individuals right is protected. We can assure you of that. I do hope that the bill will pass with a preponderating majority.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the writ of habeas corpus is one of the most important safeguards of individual liberty, but it was never designed to be a writ of review in the Federal courts. Until recent years a judgment of a court, having jurisdiction of the parties and the subject matter, was binding everywhere until reversed on appeal by usual appellate procedures or on writ of error. A person imprisoned under the judgment of a court could be released on habeas corpus, only on a showing that the court was without jurisdiction to render it. However, recent decisions of the Supreme Court hold, in effect, that even though a court may have had jurisdiction at the inception of a case, it may lose jurisdiction as the result of the violation of a defendant's constitutional rights in the course of the proceedings, and that a person imprisoned under its judgment may seek relief through the writ of habeas corpus and establish the violation of such constitutional rights by evidence outside of the record made in the case.

These decisions led to the frequent use and abuse of the writ of habeas corpus by prisoners after conviction for a crime.

It is rather startling that a single Federal district judge may in effect undertake to review a decision of the highest court of a State on a writ of habeas corpus.

On December 4, 1963, the administrative office of the U.S. courts submitted a draft of legislation which the Judicial Conference had approved amending the habeas corpus provisions of title 28, United States Code. That proposal, however, was never introduced as a bill in this Congress.

Bills of this character—amending the procedure applicable to writs of habeas corpus on behalf of persons in custody pursuant to the judgment of a State court—were introduced in the House in the 84th, 85th, 86th, and 87th Congresses and passed the House in the 84th, 85th, and 86th Congresses.

The last such passage was achieved by H.R. 3216, 86th Congress, introduced by Judge SMITH, but amended by substituting the provisions of H.R. 6742, which had been proposed by the Judicial Conference and introduced by the chairman by request. The purpose of the legislation was to restrain the abuse of the use of writs of habeas corpus in lower Federal courts by prisoners who have been convicted in State courts and who seek to have the action of the State courts reviewed and reversed by the lower Federal courts.

Fundamentally, H.R. 6742, 86th Congress, would have made the following changes in existing law:

Section 1 of the bill adds provisions for limited application of res judicata. When a State prisoner has been denied habeas corpus by a Federal court or a Federal judge, a subsequent application shall not be entertained except on grounds not presented at the hearing and then only on a showing of a reasonable excuse for failure to have presented them. Also, in a Federal habeas corpus proceeding on behalf of a State prisoner a prior Supreme Court judgment sustaining a State court decision shall be conclusive as to all matters adjudicated by the Supreme Court, except as to material matters not in the record and which could not have been placed in the record with reasonable diligence.

Section 3 of the bill provides for preliminary examination of an application for habeas corpus—on behalf of a State prisoner—by the Federal judge to whom the application is presented. If he determines that the application should be entertained it goes to a three-judge district court whose decision—under section 2 of the bill—goes directly to the Supreme Court in review. The result is that State court decisions will never be reversed by a single Federal judge. If the examining Federal judge denies the writ, appeal goes to the court of appeals but only upon issuance of a certificate or probable cause from the judge who denied the writ or from a judge of the court of appeals.

The new proposal of the Judicial Conference makes three amendments to the foregoing. Two of these are technical. The third would add a provision that in any Federal habeas corpus proceeding on behalf of a State prisoner, State court findings of fact shall be presumed to be correct and the burden shall be on the applicant to establish that they are erroneous, unless the applicant establishes that one or more of seven enumerated conditions—all adding up to lack of due process—are made to appear.

Mr. Chairman, this bill was considered by Subcommittee No. 5 of the House Committee on the Judiciary and unanimously reported by that subcommittee to the full committee. The report of the full committee to the House was likewise a unanimous report. The bill is supported by the members of the Committee on the Judiciary on this side of the aisle, and I hope that the bill will be adopted.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I would like to comment to the gentleman that the National Association of Attorneys General for years past, as the gentleman knows has long supported this legislation, and so has the Jurisprudence Committee of the American Bar Association, which, incidentally, is meeting here in Washington today at American Bar Association headquarters.

I have just been excused from the meeting of that committee at the committee's direction to come up here and express the support of the ABA Committee on Jurisprudence and Law Reform for this bill.

Abuses of the writ of habeas corpus by multiple writs in the Federal courts long after conviction in a State court are designed to be met by this bill. Here again is legislation to undo decisions of the Supreme Court, particularly *Fay* v. *Noia*, 372 U.S. 391, decided March 18, 1963, wherein the unrealistic and exaggerated attention to an individual situation at the expense of our jurisprudence resulted in a decision holding that the Federal courts had power under Federal law to grant a writ despite the fact of failure by the applicant to pursue a State remedy not available to him at the time he appeals for the writ, as well as that a failure to appeal from an applicant's conviction in a State court was not a failure to exhaust State remedies which must be still open to the applicant at the time he files his application for habeas corpus in the Federal court. In his dissent in this decision, Mr. Justice Clark said in part:

> MR. JUSTICE CLARK, DISSENTING
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> The Court today in releasing Noia makes an "abrupt break" not only with the Constitution and the statute but also with its past decisions, disrupting the delicate balance of federalism so foremost in the minds of the Founding Fathers and so uniquely important in the field of law enforcement. The short of it is that Noia's incarceration rests entirely on an adequate and independent State ground—namely, that he knowingly failed to perfect any appeal from his conviction of murder. While it may be that the Court's "decision today swings open no prison gates," the Court must admit in all candor that it effectively swings closed the doors of justice in the face of the State, since it certainly cannot prove its case 20 years after the fact. In view of this unfortunate turn of events, it appears important that we canvass the consequences of today's action on State law enforcement.
>
> First, there can be no question but that a rash of new applications from State prisoners will pour into the Federal court, and 98 percent of them will be frivolous, if history is any guide. This influx will necessarily have an adverse effect upon the disposition of meritorious applications, for, as my Brother Jackson said, they will "be buried in a flood of worthless ones. He who must search a haystack for a needle is likely to end up with the attitude that the needle is not worth the search." *Brown* v. *Allen*, 344 U.S. 443, 537 (1953) (concurring opinion). In fact, the courts are already swamped with applications which cannot, because of sheer numbers, be given more than cursory attention.
>
> Second, the effective administration of criminal justice in State courts receives a staggering blow. Habeas corpus is in effect substituted for appeal, seriously disturbing the orderly disposition of State prosecutions and jeopardizing the finality of State convictions in disregard of the States' comprehensive procedural safeguards which until today, have been respected by the Federal courts. Essential to the administration of justice is the prompt enforcement of judicial decrees. After today State judgments will be relegated to a judicial limbo, subject to Federal collateral attack—as here—a score of years later despite a defendant's willful failure to appeal.
>
> The rights of the States to develop and enforce their own judicial procedures consistent with the 14th amendment, have long been recognized as essential to the concept of a healthy federalism. Those rights are today attenuated if not obliterated in the name of a victory for the "struggle for personal liberty." But the Constitution comprehends another struggle of equal importance and places upon our shoulders the burden of maintaining it—the struggle for law and order. I regret that the Court does not often recognize that each defeat in that struggle chips away inexorably at the base of that very personal liberty which it seeks to protect. One is reminded of the exclamation of Pyrrhus: "One more such victory * * * and we are utterly undone."
>
> These considerations have been of great concern to the Judicial Conference of the United States, which has frequently sought to have Congress repair the judicial loopholes in Federal habeas corpus for State prisoners. Likewise, the Conference of Chief Justices at its annual meeting has officially registered its dismay, as has the National Association of Attorneys General. Proposed legislation sponsored by one or more of these groups has passed in the House in three separate sessions, but inaction by the Senate caused each bill to die on the vine. Those proposals apparently were sparked by our decision in *Brown* v. *Allen, supra,* but the Court today goes far beyond that decision by negating its companion case, *Daniels* v. *Allen*, 344 U.S. 443, 482–487 (1953). While I have heretofore opposed such legislation, I must now admit that it may be the only alternative in restoring the writ of habeas corpus to its proper place in the judicial system. That place is one of great importance—a remedy against illegal restraint—but it is not a substitute for or alternative to appeal, nor it it a burial ground for valid State procedures.

The House Judiciary Committee report refers specifically to this decision as well as to *Gideon* v. *Wainwright*, 372 U.S. 335 and *Townsend* v. *Sain*, 372 U.S. 298, at page 6 of the report. This bill (H.R. 1385) is desirable to reduce both an abuse of the writ of habeas corpus and unwarranted and substantial increases in baseless writs unnecessarily burdening the workload of the judiciary. Passage of this legislation is clearly in the public interest.

Mr. MEADER. I thank the gentleman for his comments.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, this bill in substance was before a subcommittee of which I am chairman three times. It was approved by that subcommittee three times. It passed this House on three different occasions and now for the fourth time it bears the approval of the full Committee on the Judiciary.

It has the approval of the Judicial Conference. As my distinguished friend from New Hampshire, the former attorney general of that great State, just said, it has had over the years the approval of the Association of Attorneys General of the States. It has the approval of the American Bar Association. It has the approval of the Association of Chief Justices of the States. It has the approval of the Department of Justice.

As we know the writ of habeas corpus is known as a great writ. Of late, however, a practice has developed to use the writ of habeas corpus as a writ of review. We all know that the writ of habeas corpus is one of the most important safeguards of our liberties. We also know that it was never designed to be used as an instrument to use the lower Federal courts to sit as courts of appeal to review the decisions of the highest courts of the several States. If a person has been convicted in a State court he, of course, on constitutional grounds, may appeal to the highest court of our land, the Supreme Court of the United States. Then after the Supreme Court of the United States has spoken that, of course, terminates the appellate review. That is the end of it.

Now, of late, what has been happening is that people, having had their day in court, including all constitutional challenges offered before the State courts and the Supreme Court of the United States, turn around and have applied and are continuing to apply for writs of habeas corpus from the lower Federal district court to start all over again. A lower Federal judge, after appellate review is over, will grant a writ, an application for a writ, and then having again rehashed it and lost the application, the prisoner will take an appeal to the courts of appeal and to the Supreme Court. That should end the matter, but it does not.

Later on, another lawyer comes into the case and another writ is applied for in the lower Federal court. The case goes to the court of appeals again, then to the Supreme Court. Not satisfied with that they try a third, a fourth, and a fifth time.

So, this bill of course would preserve the right of the writ of habeas corpus as originally designed, both initially and after conviction. For example, even under the bill, after the review procedures, including a hearing before the U.S. Supreme Court has been gone through, a writ of habeas corpus may still be applied for.

The bill, again, does not reach that, but it is subsequent applications that the bill reaches. In other words, if the first writ is denied then the bill goes on to say that a subsequent application for a writ of habeas corpus on behalf of such person could not be entertained by a court of the United States or justice or judge of the United States, except on a factual or other ground not presented at the hearing of the earlier writ.

So, Mr. Chairman, I say all of the elements of the great writ of habeas corpus are preserved. But in order to attempt to stop these repetitious applications to use the writ as a writ of review, this bill is designed to accomplish that.

Mr. MEADER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, the enactment of H.R. 1835 will restrain abuses of the use of the writ of habeas corpus in lower Federal courts by prisoners who have been convicted in State courts and who ask to have the actions of the State courts reviewed and investigated by the Federal courts.

The writ of habeas corpus is without doubt one of the greatest safeguards of individual liberty. There is no intent or purpose through enactment of this bill to undermine or in any way impair this safeguard. In recent years, however, abuse and misuse have crept into the use of the writ of habeas corpus. This in itself can damage it.

The writ has been used as a vehicle to review decisions of State courts in a manner which should more properly be left to proper appellate review procedures. Matter extraneous to the record of the State court proceedings and evidence from outside the record are being relied upon to question the jurisdiction of State courts or to overturn State court decisions. Too frequently a lower Federal court reviews and overturns decisions of the highest State courts of States even though certiorari has been denied by the Supreme Court of the United States.

The heavily expanded use of the writ of habeas corpus in ways never intended has produced a sharp increase in the number of applications to Federal courts from persons convicted in State courts. While only a small number of these applications have been favorably considered, they have imposed a heavy burden upon the work of the Federal courts and have greatly interfered with the procedures and processes of the State courts—frequently by delaying the proper enforcement of their judgments.

Basically, H.R. 1835 provides that when a person who is in custody pursuant to State court decision seeks a writ of habeas corpus in a Federal court after a Federal court has already reviewed the matter either by way of separate review or an earlier writ of habeas corpus, the new application shall be denied unless the applicant can show new factual data and can also show a reasonable excuse for failing to present the new data at the earlier proceeding.

The bill also provides that an appeal may not be taken to the court of appeals from the final order in the habeas corpus proceeding where the order is issued by a Justice of the Supreme Court, a circuit judge or district court of one judge. In addition, in a habeas corpus proceeding before a district court of three judges, the final order of that court shall be reviewable only by the Supreme Court by a writ of certiorari which must be applied for within 30 days after entry of such order.

The third section of the bill provides that when a person in State custody files an application for writ of habeas corpus in a Federal court, the application shall be reviewed initially by a single judge. If the judge believes a writ should be granted, he shall certify that fact to the chief judge of the circuit who in turn will convene a three-judge district court. In the three-judge proceeding, a determination on the merits of a factual issue made by a State court of competent jurisdiction shall be presumed to be correct unless the applicant proves otherwise.

Mr. Chairman, this is a good bill and a bill that needs to be passed. The rights of individuals remain absolutely safeguarded while the procedures and sanctities of Federal and State judicial bodies are granted greater protection.

The Judicial Conference of the United States supports this bill as needed and overdue. I urge its enactment.

Mr. MEADER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Chairman, I take this time to ask a couple of questions of the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], if I may have his attention.

An objection has been raised to this bill by sources for which I have great respect to the effect that a three-judge court is an unwieldy forum in which to conduct an evidentiary hearing. An objection has been made to the bill on that basis.

Would the chairman please comment on that?

Mr. CELLER. The reasoning for the condition that a three-man court should hear the writ is the following: The State officials claim that it would be unseemingly and improper, for example, to have a single Federal judge like a district court judge overrule the action of a court of appeals or the court of last resort of the State. Therefore, it was felt it would thwart with the dignity that one must attach to the highest courts of the States and that with their ruling it should not be possible of being changed unless it were by at least three Federal judges and not one.

And, in the case of the three-man court one of the judges must be a member of the court of appeals. So, that was the reason why we insisted or, rather, the sponsor of the legislation and the Judicial Conference insisted upon the three-man court. Also the provisions for the preliminary examination should lessen the problems of the evidentiary hearing. Our experience of present three-judge courts doesn't warrant such a conclusion.

Mr. ELLSWORTH. I thank the gentleman and appreciate his fine answer. That clarifies that question, I believe.

Another objection which has been related to me in connection with this measure is with respect to the workload that this bill allegedly would cast upon already overburdened circuit judges.

Is it the purpose of the bill to allow appeals to circuit courts from a district court when the circuit court judges refuse to reconvene a three-judge court?

Mr. CELLER. If the gentleman will yield further, as to workload, the very purpose of the bill was to reduce the workloads in the Federal courts.

As I indicated in my statement, over 10,000 applications are filed each year. This should boil down these writs to a very small amount. That in and of itself would reduce the workload. But only one of the judges, as I indicated before, on this three-man court must be a court of appeals judge.

These writs should not take a long while to determine so that I cannot conceive how there would be an increase in the workload. There would be a great diminution in the workload.

Mr. ELLSWORTH. I thank the gentleman.

Now, a final question which has come to me with respect to this measure is this: If a three-judge court is not convened—in other words, if they refuse to convene a three-judge court, as I understand the measure, an appeal must be taken to the Supreme Court, which is also overburdened, and this will add to the burden.

Mr. CELLER. The appeal must go directly to the Supreme Court from a three-judge court. But a Federal judge, like a U.S. district court judge, as a preliminary step must consider the application. If he denies the application that is the end of it. There can only be an appeal if he grants a certificate of reasonable doubt. Then the appeal goes to the court of appeals and perhaps on to the Supreme Court. But if the district court refuses to grant a certificate of reasonable doubt the prisoner can make application to the court of appeals for a certificate of reasonable doubt and permit that court to pass upon the denial by the district judge; but the district judge himself cannot grant the writ. The grant can only be by a three-man court.

Mr. ELLSWORTH. I understand that, and I thank the chairman of the Committee on the Judiciary for his answer to my questions.

Mr. MEADER. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I am pleased to see the gentleman from New York [Mr. CELLER], supporting a bill that has been introduced by the distinguished gentleman from Virginia [Mr. SMITH], and also supported by the gentleman from Louisiana [Mr. WILLIS]. I am delighted to see this situation develop here today. This has not always been true in the past. So I compliment the gentleman from New York.

But I arose to say something else. I heard someone say a few moments ago that the U.S. Supreme Court is overburdened with work. It is my understanding the Supreme Court has taken off for the summer, and will not be in session again until September. If it is so overburdened, I wonder why it could not work a month longer this year and clear up the docket?

Moreover, if the Supreme Court is overburdened with work, why does the Chief Justice go to Dallas, Tex., to interview a common criminal in a jail cell, as he did only recently? I wonder if the Chief Justice might not someday be called upon to pass judgment in the case of the criminal he visited in Dallas? What would be the situation if he is called upon to do that?

The Supreme Court would not be so overburdened if it would work during the summer, as most other Government agencies do, and if the members did not indulge themselves in such decisions as the one rendered yesterday dealing with passports.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Ohio.

Mr. ASHBROOK. I want to make sure the RECORD is correct. The gentleman said the Supreme Court took off until September. They do not convene until the first week in October.

Mr. GROSS. I thank the gentleman for his correction. That means a vacation of at least 3 months.

I wonder if consideration of this bill is not an exercise in futility—the adoption of this legislation today, because the Supreme Court will write the kind of law it wants the country to operate under anyway. Apparently the Congress has abdicated its rights. It seems willing to sit supinely by and permit the Supreme Court to write the laws of the land.

And if the Supreme Court does have a little time, the Chief Justice might explain why it is that there is a man on his special investigating commission by the name of Redlich who has a record of affiliation with various Communist-front groups. The time is long overdue for the Chief Justice and the members of the investigating commission to explain why this individual was employed in the first place and why he has not been fired for the facts of his previous activities have long been a matter of record.

Mr. MEADER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have in my hand some tables which give statistics on the number of habeas corpus proceedings commenced in Federal district courts in the years 1941 through 1963, and two other tables concerning the volume of habeas corpus cases for the same years. These tables are the foundation for the statement in the committee's report that there has been a great growth in the number of habeas corpus proceedings in the Federal district courts, which I referred to in my previous remarks. I shall include these tables at the end of my remarks.

These tables were prepared by the Administrative Office of the U.S. Courts. I think they should be in the RECORD so that the factual foundation for the concern of the Judiciary Committee and the Judicial Conference over the abuse of the writ of habeas corpus can be shown by statistical tables.

The tables referred to are as follows:

TABLE 1.—*Federal question habeas corpus cases commenced in the U.S. district courts and in selected districts, fiscal years 1941 through 1963*

Fiscal year	Total, all districts	New York, northern	Pennsylvania, eastern	Virginia, eastern	Michigan, eastern	Illinois				Indiana, northern	Missouri, western	California, northern	Washington, eastern	Kansas	Other districts
						Total	Illinois, northern	Illinois, eastern	Illinois, southern						
1941	127	----------	3	1	3	2	----------	----------	2	4	5	9	14	28	58
1942	130	1	5	6	4	1	----------	1	1	17	11	3	16	3	62
1943	269	1	3	3	6	126	125	----------	1	13	10	2	33	3	69
1944	605	1	3	6	6	448	342	71	35	17	21	10	15	----------	78
1945	536	2	5	24	13	311	231	51	29	40	6	10	16	1	108
1946	492	6	12	34	32	259	204	44	11	20	3	2	29	1	94
1947	485	10	16	8	17	267	238	27	2	24	10	11	27	17	78
1948	543	13	12	17	29	248	200	45	3	33	13	34	12	17	115
1949	584	12	13	19	56	226	189	35	2	41	10	18	20	23	146
1950	560	19	30	27	29	128	107	16	5	42	6	18	37	23	201
1951	482	19	19	16	35	77	50	25	2	33	10	44	9	27	193
1952	541	13	18	20	53	101	75	26	----------	39	21	45	12	11	208
1953	548	24	19	6	45	151	114	34	3	16	9	42	25	19	192
1954	597	23	13	23	65	130	92	37	1	15	18	47	28	19	216
1955	660	24	22	27	58	117	92	23	2	14	10	69	24	27	268
1956	734	35	35	27	37	111	90	20	1	18	15	86	19	14	337
1957	778	77	31	27	49	82	48	31	3	20	18	64	34	14	362
1958	755	49	47	27	54	86	50	34	2	35	22	56	18	12	349
1959	822	90	51	34	54	57	28	28	1	29	21	49	11	30	396
1960	871	98	41	29	38	52	17	35	----------	16	13	62	11	30	481
1961	984	74	34	48	37	83	43	36	4	24	12	78	46	43	505
1962	1,247	73	41	71	50	141	102	36	3	31	23	82	23	41	671
1963	2,146	186	58	145	40	190	143	40	7	18	43	140	24	57	1,245
Total (23 years)	15,496	850	531	645	810	3,395	2,580	695	120	559	330	981	503	460	6,432

TABLE 2.—*Disposition of Federal question habeas corpus cases in the U.S. district courts, fiscal years 1941 through 1963*

Fiscal year	Total number	Judgment without contest or by consent		Contested judgment						Other disposition	
		Number	Percent	Total	Percent	Before trial		After trial		Number	Percent
						Total	Percent	Total	Percent		
1941	134	36	26.9	92	68.7	76	56.7	16	11.9	6	.4
1942	134	15	11.2	119	88.8	86	64.2	33	24.6		
1943	265	105	39.6	160	60.4	136	51.3	24	9.1		
1944	551	81	14.7	470	85.3	454	82.4	16	2.9		
1945	469	63	13.4	402	85.7	382	81.4	20	4.3	4	.9
1946	505	51	10.1	454	89.9	421	83.4	33	6.5		
1947	481	60	12.5	419	87.1	369	76.7	50	10.4	2	.4
1948	487	86	17.7	399	81.9	344	70.6	55	11.3	2	.4
1949	610	84	13.8	523	85.7	472	77.4	51	8.4	3	.5
1950	642	106	16.5	536	83.5	472	73.5	64	10.0		
1951	469	61	13.0	408	87.0	379	80.8	29	6.2		
1952	510	72	14.1	434	85.1	409	80.2	25	4.9	4	.8
1953	532	36	6.8	494	92.9	465	87.4	29	5.5	2	.4
1954	615	40	6.5	572	93.0	552	89.8	20	3.3	3	.5
1955	668	53	7.9	614	91.9	589	88.2	25	3.7	1	.1
1956	710	54	7.6	655	92.3	636	89.6	19	2.7	1	.1
1957	814	91	11.2	721	88.6	693	85.1	28	3.4	2	.2
1958	728	86	11.8	641	88.0	613	84.2	28	3.8	1	.1
1959	835	83	9.9	745	89.2	729	87.3	16	1.9	7	.8
1960	868	45	5.2	821	94.6	798	91.9	23	2.6	2	.2
1961	956	49	5.1	907	94.9	855	89.4	52	5.4		
1962	1,124	31	2.8	1,093	97.2	1,033	91.9	60	5.3		
1963	1.889	37	2.0	1,852	98.0	1,772	93.8	80	4.2		
Total (23 years)	14,996	1,425	9.5	13,531	90.2	12,735	84.9	796	5.3	40	.3

TABLE 6.—*Federal question habeas corpus appeals commenced in the U.S. courts of appeals, fiscal years 1943 through 1963*

Fiscal year	All circuits	Circuit									
		1st	2d	3d	4th	5th	6th	7th	8th	9th	10th
1943	18		1		4	3	1	6	1	1	1
1944	27		1			1	4	15	5	1	
1945	33	1	1	2		3	3	21	1	1	
1946	69	1	1		6	2	8	46		4	1
1947	55	1	2	2	7	5	2	27	3	6	
1948	43		2	5	4	3	1	20	4	3	1
1949	74		6	6	2	10	7	31	2	7	3
1950	70	4	5	7	7	1	8	15	7	10	6
1951	40	3	3	7	5	1	7	3	4	4	3
1952	63		5	8	10	9	7	2	9	10	3
1953	49	2	5	6	7	11	1	4	3	4	6
1954	49	2	7	5	7	5	1	12		8	2
1955	70	4	13	8	10	11	4	7	3	7	3
1956	50		5	6	3	4	5	12	2	6	7
1957	91	2	17	5	10	7	12	17	1	13	7
1958	77	2	3	8	14	11	5	12	1	20	1
1959	89		24	6	12	8	9	8	4	8	10
1960	111	1	30	4	18	10	12	4	2	15	15
1961	103	2	14	9	29	8	13	6	2	6	14
1962	111	2	15	21	31	7	3	13	2	11	6
1963	229	2	36	29	60	20	18	16	11	22	15
Total (21 years)	1,521	29	196	144	246	140	131	297	67	167	104

Mr. MEADER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will now read the substitute committee amendment printed in the reported bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2244 of title 28, United States Code, is amended (a) by inserting at the beginning of the text thereof the subsection designation "(a)", (b) by striking out of such section the words ", or of any State," and (c) by inserting in such section at the end thereof two additional subsections to read as follows:

"(b) When a person in custody pursuant to the judgment of a State court has been denied after a hearing by a court of the United States or a Justice or judge of the United States release from custody or other remedy on an application for a writ of habeas corpus, a subsequent application for a writ of habeas corpus in behalf of such person shall not be entertained by a court of the United States or a Justice or judge of the United States except on a factual or other ground not presented at the hearing on the earlier application for the writ and then only on a showing of a reasonable excuse for failure to present such factual or other ground at the hearing on the earlier application.

"(c) In a habeas corpus proceeding brought in behalf of a person in custody pursuant to the judgment of a State court, a prior judgment of the Supreme Court of the United States on an appeal or review by a writ of certiorari at the instance of the prisoner of the decision of such State court shall be conclusive as to all rights, questions, and facts actually adjudicated by the Supreme Court therein unless the applicant for the writ of habeas corpus shall plead and prove the existence of a material and controlling fact which did not appear in the record of the proceeding in the Supreme Court and which the applicant for the writ of habeas corpus could not have caused to appear in such record by the exercise of reasonable diligence."

SEC. 2. Section 2253 of title 28, United States Code, is amended (a) by inserting in the third paragraph thereof, immediately after the words "in a habeas corpus proceeding", the words "of a Justice of the Supreme Court, a circuit judge, or a district court of one judge", and (b) by inserting an additional paragraph in such section, at the end thereof, to read as follows:

"In a habeas corpus proceeding before a district court of three judges under section 2254 of this title the final order of such court shall be reviewable only by the Supreme Court by writ of certiorari which shall be applied for within thirty days after the entry of such order."

SEC. 3. Section 2254 of title 28, United States Code, is amended—

(a) by amending the catchline of the section to read as follows:

"§ 2254. State custody; remedies in Federal courts; three-judge district court required for hearing";

(b) by inserting in such section, immediately after the catchline thereof, the following new subsections:

"(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

"(b) If an application for a writ of habeas corpus is made to a Justice of the Supreme Court or a circuit judge in behalf of a person in custody pursuant to the judgment of a State court, the Justice or judge to whom the application is made shall make or, if the application is made to a district court or is transferred to a district court pursuant to section 2241(b) of this title, a judge of such district court shall make a preliminary examination of the application to determine whether the writ should be granted and may, in his discretion, issue an order to show cause why the writ should not be granted. Such examination may be made upon the allegations of the application only, or upon the allegations of the application, the return to the order to show cause if such an order was issued, and any admissions of fact, original or certified copies of State court records, other pertinent documentary matter, and oral testimony. On completion of such preliminary examination the Justice or judge shall determine whether the application shall be dismissed or the writ shall issue. If the writ is issued it shall be made returnable for hearing and determination in the district court having jurisdiction to entertain it, and in the case of an application entertained by a Justice of the Supreme Court or a circuit judge the proceeding shall thereupon be transferred by his order to such district court. The Justice or judge issuing the writ shall immediately notify the chief judge of the circuit who shall designate a district court of three judges under section 2284 of this title to hear and determine the issue of whether the prisoner shall be released from custody and all other issues remaining in the proceeding and enter final judgment therein. The circuit or district judge granting the writ shall constitute one member of such court and if such judge is not a circuit judge at least one of the other judges shall be a circuit judge"; and

(c) by inserting at the beginning of the two paragraphs thereof existing on the day preceding the date of enactment of this Act the subsection designations "(c)", and "(d)", respectively; and

(d) by inserting immediately after such paragraphs the following new subsections "(e)" and "(f)":

(e) In any proceeding instituted in a Federal court by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination on the merits of a factual issue, made by a State court of competent jurisdiction in a proceeding to which the applicant for the writ was a party, evidenced by a written finding, written opinion, verdict of a jury, or other reliable and adequate written indicia, shall be presumed to be correct, unless the applicant shall establish or it shall otherwise appear, or the respondent shall admit—

(1) that the merits of the factual dispute were not resolved in the State court hearing; or

(2) that the fact finding procedure employed by the State court was not adequate to afford a full and fair hearing; or

(3) that the material facts were not adequately developed at the State court hearing; or

(4) that the State court lacked jurisdiction of the subject matter or over the person of the applicant in the State court proceeding; or

(5) that the applicant was an indigent and the State court, in deprivation of his constitutional right, refused to appoint counsel to represent him in the State court proceeding; or

(6) that the applicant did not receive a full and fair hearing in the State court proceeding; or

(7) that the applicant was otherwise denied due process of law in the State court proceeding:

And in an evidentiary hearing in the proceeding in the Federal court, when due proof of such factual determination has been made, unless the existence of one or more of the circumstances respectively set forth in paragraphs numbered (1) to (7), inclusive, is shown by the applicant, otherwise appears, or is admitted by the respondent, the burden shall rest upon the applicant to establish by convincing evidence that the factual determination by the State court was erroneous.

(f) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, verdict of a jury, or other reliable written indicia showing such a factual determination by the State court shall be admissible in the Federal court proceeding.

SEC. 4. Item 2254 in the analysis of chapter 153 of title 28, United States Code, immediately preceding section 2241 thereof is amended to read as follows:

"SEC. 2254. State custody; remedies in Federal courts; three-judge district court required for hearing."

Mr. MEADER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. CAREY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1835) to amend section 2254 of title 28 of the United States Code in reference to application for writs of habeas corpus by persons in custody pursuant to the judgment of a State court, pursuant to House Resolution 747, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill relating to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court."

A motion to reconsider was laid on the table.

RESERVE OFFICERS' TRAINING CORPS PROGRAM

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 782, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule making in order the bill, H.R. 9124, the Hébert bill, and provides for general debate not to exceed 2 hours.

The bill has for its purpose the amendment of title 10 of the United States Code to vitalize the Reserve Officers' Training Corps programs for the Army, Navy, Air Force, and for other purposes.

Mr. Speaker, from my casual examination of the proposed legislation, I think it is a good bill and I expect to support it. I urge the adoption of the rule.

But, Mr. Speaker, in the meantime, and I apologize although belatedly, I yield to the gentlewoman from New York [Mrs. ST. GEORGE] 30 minutes, and reserve the balance of my time.

Mrs. ST. GEORGE. Mr. Speaker, H.R. 9124 is a bill which would provide substantial changes to both the senior and junior Reserve Officers' Training Corps programs as presently conducted by the Department of Defense and the respective military departments.

I would like to briefly summarize the principal features of this legislation.

First. It will provide for the future expansion of the junior ROTC program.

At the present time this worthwhile program is limited to 254 schools throughout the country. Under the terms of the legislation it could be expanded on a voluntary basis to as many as 2,000 schools.

Second. The bill provides for an optional 2-year senior ROTC program.

This program would permit junior college transferees to become members of the senior ROTC program without having to perform the first 2 years of ROTC.

Third. The bill provides a scholarship assistance program for each of the military departments for students in the 4-year ROTC program.

Stated simply, the bill authorizes each of the military departments to provide a Navy-type ROTC scholarship program to its students. However, the program is made so flexible that it will permit scholarships of as much as 4 years or as little as 1-year duration.

Fourth. The bill would provide by statute that the senior ROTC program can be either compulsory or elective at the option of the institution or the State concerned. In other words, the Federal Government keeps its hand off this important policy matter.

Fifth. The bill provides that all ROTC graduates, whether commissioned as Regular or Reserve officers, would be entitled to the same uniform allowance of $300 per student upon graduation and call to active duty.

Sixth. The bill will increase the present monthly payment to ROTC students in the advanced course from the present $27 to a new allowance of $50 per month.

This increase is long overdue and should provide a genuine incentive to students to participate in the advanced course.

Seventh. Finally, the bill would permit the respective military departments to realine and adjust their ROTC curriculum so as to best satisfy their military requirements and also eliminate possible conflict with the academic pursuits of students in ROTC training. At the present time there is an existing statutory requirement that each student must perform at least 3 hours per week in ROTC training.

FISCAL ASPECTS OF THE BILL

Under the proposal as reported by the Committee on Armed Services the ROTC budget requirements would be increased by approximately $11 million annually.

I believe that the Committee on Armed Services has done a good job of developing an important and long overdue change to the ROTC program. I believe it will receive the overwhelming support of the Congress.

I know of no objection to the rule.

Mr. Speaker, I yield back the remainder of my time.

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the resolution may be corrected, on line 11, page 1, by deleting the word "Forces" and inserting in lieu thereof the word "Services", since the reference is to the Committee on Armed Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESERVE OFFICERS' TRAINING CORPS PROGRAM

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9124), with Mr. Carey in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ASHBROOK. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Evidently, a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 164]

Alger
Ashley
Auchincloss
Avery
Baring
Barrett
Barry
Bass
Bennett, Mich.
Bolling
Bolton, Oliver P.
Bow
Brock
Brown, Calif.
Buckley
Cameron
Corman
Dent
Diggs
Dingell
Dorn
Evins
Fallon
Forrester
Fraser
Frelinghuysen
Fulton, Pa.
Gathings
Goodell
Grabowski
Gray
Green, Oreg.
Gubser
Hall
Halpern
Harding
Harsha
Healey
Hoffman
Horton
Kee
Kilburn
Landrum
Lankford
Lipscomb
Long, La.
MacGregor
Miller, N.Y.
Moss
O'Brien, N.Y.
O'Neill
Osmers
Pepper
Pilcher
Powell
Quie
Reid, N.Y.
Roybal
Scott
Secrest
Senner
Sheppard
Shipley
Sibal
Smith, Calif.
Smith, Va.
Springer
Staggers
Taft
Thompson, La.
Thompson, N.J.
Toll
Tollefson
Wallhauser
Watson
Widnall
Wilson, Bob

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Albert] having assumed the chair, Mr. Carey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9124, and finding itself without a quorum, he had directed the roll to be called, when 357 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. Hébert] will be recognized for 1 hour, and the gentleman from Indiana [Mr. Bray] will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I do not believe that in the almost quarter of a century that I have had the privilege of serving in this body has there come before this body for consideration a bill as important as the one which is now before us.

This will affect not only those who are living now it will affect, yes, a generation unborn. Its effect will dip into the home of every American. Its effect will have its impact on the future defense of this country. Its effect will be the salvation of the free world and a free nation as we know it.

The gentleman from Mississippi [Mr. Colmer] was generous enough to refer to this as the Hébert bill. I could have no higher compliment paid me than to have my name associated with this legislation and be the instrument by which it comes before you for action today.

We are all familiar, more or less, with the ROTC program in this country in our high schools, in our colleges, and in our universities.

What does this proposed legislation accomplish and what is its goal?

The committee sat for many weeks and explored every facet of the problem and ventilated every problem and came up with an entirely new piece of legislation in this field.

To begin with, we set about to repeal every law on the statute books as related to the ROTC program. Having done that, we set as our goal and as our objective to have a uniform program embracing the Navy, Air Force, and the Army, and to give to each service an opportunity to develop in its ranks the best talent and career officers that could possibly be found in this country.

With that basic objective for the ROTC program as our guide, we examined what is known as the Holloway plan which is used by the Navy to recruit young career officers. This program to refresh your memories is a very highly selective program. It is a very highly competitive program by which young men in various sections of the country are selected by a board of local citizens and community leaders and are given an opportunity to follow a Navy career in the college or university of the individual's choice. Under this plan, which those of us who are familiar with it in the years of its origination refer to as a "little Annapolis plan" in the various colleges of the country, the individual is given the same curriculum and the same training that the young man is given who enters Annapolis to pursue a naval education. His tuition cost is paid for by the Government and he is given $50 a month expenses or salary, if you please. The individual selected in this program is not told which school he must matriculate in or enter. He has his choice of any school offering the so-called Holloway plan. He enters that school; he is graduated; and he is commissioned and has an obligation of 4 years' service in the Navy. The plan is now limited to some 6,000 individuals, at one time, in the various schools in the country.

Now take this plan—translate it into adaptation by the Army and by the Air Force and you have a complete across-the-board opportunity for the young man of talent and proven ability and avocation to pursue a military career while not actually attending one of the service academy schools.

Having applied this to all the services, we then approached the program of the ROTC which is now in existence. The ROTC program is best known to you, perhaps, from schools like the Texas Aggies, one of the great schools of our country, and in my own State of Louisiana, Louisiana State University, Mississippi State, Maryland, Georgetown, Ohio State, Indiana, and so forth. These schools have the 4-year ROTC program. Under this 4-year ROTC program, the young man enters his freshman class, is given 2 years' basic training and the last 2 years of military science, at which time he is graduated and offered a commission.

The records will reveal that from these ROTC schools and particularly the land-grant colleges have come some of our greatest officers and some of our greatest leaders and some of our greatest fighting men in time of war.

So we take this program and perpetuate it as such, giving any other school or university in the country an opportunity to adopt the program.

There are some who believe a 2-year scientific program is all that is necessary. To those institutions which believe in the 2-year program we say, "You may adopt such a program, but you will not have available any scholarship grant under the Holloway plan, which now is to be spread to all services."

In other words, any school which prefers only a 2-year basic program may have that program, but the scholarship features will not be available to them, and an individual coming into such a program must take a summer course of 6 or 8 weeks' basic training, which will compensate for the lack of the 2 years' on-campus training which his opposite number obtains in the basic course of the 4-year school program.

Here we have the program spread over the entire country. We have available the 4-year program. We have available the 2-year program. We go further than that. We open a reservoir of manpower which has heretofore been untapped in this country, in which is to be found some of the finest potential material available. I refer to the junior colleges of the Nation.

Junior colleges are spreading and expanding all over the country today, but under the present system the junior college graduate is not eligible to enter the 4-year training program of ROTC. Therefore, he is not eligible for a commission under that program.

Under the present system we deny to this individual this right, and we deprive ourselves of his talent. Under the proposal in this legislation an individual from a junior college will have open to him the gates, the portals and the doors of the 4-year program, and he will be able to enter any one of these schools with a 4-year ROTC program and make up his 2-year basic, which he missed, in the same manner as an individual who enters a 2-year-program school—in other words, by summer training.

Here we will advance to the front this talent which is so desirable, which is lacking in so many areas; and we will make these young men available to become career officers serving in the uniform of their country.

We even will go beyond that. We will turn our attention to what I consider to be the most important and most vital part of the whole program, the expansion of the junior ROTC program.

Under the present law and present system there is a junior ROTC program in 254 of our high schools in the country, engaging approximately 65,000 young men. As a supplement to this there is a cadet training corps—NDCC—which is subsidized by the individual schools. These are few in number. There are only 25,000 young men in the program.

Under the terms of this legislation we will broaden the base of the junior ROTC program and open the program to as many as 2,000 secondary schools in the Nation, schools which take these young men in at a formative period in their lives. We will take these young men when they are looking out into a world unknown to them, and provide them with the basics of patriotism, discipline, and recognition of authority. In other words, we will ground and inculcate into these young people those basic principles which are so necessary to perpetuate the ideals of government and the form of government under which we have lived. This I consider the most important part of the program.

What else will we do? At the present time in the senior program and in the junior program there are active military people who are on active duty.

Some 700 of these people are involved in the junior program; 5,000 more are involved in the senior program. These men are charged against the active military component of the Defense Department. This legislation opens the door to retired officers and noncommissioned men. We have heard a great deal of conversation about the young man retiring in the military when he has the best years of his life ahead of him and contributes nothing to the defense of the country and draws his pension up to 75 percent of his salary in retirement. So now we say to the Defense Department you may utilize the talents of these retired people and where you are paying them 75 percent of their salaries and receiving nothing in return as a contribution to the Defense Department, you may recall these active duty people on a voluntary basis and place them in charge of these ROTC units in high schools and in the senior colleges. Here in the junior ROTC program a high school may participate by paying not more than one-half of the difference between the retired member's retired pay and the amount he would draw if on full-time active duty.

The Defense Department will pay the other half. Thus, for 12½ percent of the retired members' active duty pay entitlement the Defense Department has the opportunity of getting a 100-percent effort. These are individuals who now receive 75 percent of their basic pay without the opportunity to render any service to the Government.

As I envision this program, it is something which will bring about a resurgence in this country toward making our youth, not from the cradle, but certainly from the playground on up, conscious of their duty to their country and eager to perform in the service of their country and to be motivated by the highest ideals of citizenship.

How important is this? I stress this. In Castro's Cuba today Castro has been there for some 5 years and the youngsters in the high schools of Cuba have been subjected to a type of instruction and brainwashing for that period of time. If they were 12 years old when he came into power, 5 years from that age would make them 17 or 18 years of age now and they know nothing except for his type of government. What did Hitler's Germany do to the youth of that nation? They were trained and brainwashed and directed into avenues of nazism. Why should we not, why do we not take the youth of this Nation in these formative years, these impressionable years, and train them from the very beginning in the fundamentals of a free democracy? That is why I say this bill reaches into every home in the country and affects, yes, generations unborn. Because of your judgment—and I hope it is your judgment—that this legislation should be adopted, we have set a pattern for the future and for years to come which will guarantee to every young man the right to know his country, to understand his country, and to respect his country and what his Government stands for.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Chairman, I want to compliment the gentleman and express my appreciation to him for bringing out this bill. I have talked recently with a number of presidents of schools who have large enrollments. The president of Penn State is one of them. He told me unless something was done, he expected their senior ROTC enrollment to drop 50 percent in the next year.

I wish to compliment the gentleman from Louisiana and say that although I do not agree with everything in the bill, I certainly support it.

Mr. HÉBERT. I thank the distinguished gentleman from Texas and I am sure that all of you who recognize the great war record that the gentleman from Texas has will know the meaning of what he just said. I may expand on that to tell you that in the colleges of this country today and in the ROTC program the attendance and enrollment are on the downgrade. Perhaps one of the most important reasons why is the Executive order exempting married men from the draft. The youngster, if he gets married and has a marriage license, is free from his military liability. He is home free. However, I believe that youngsters taught from the ground up of their duty to their country will not attempt to escape behind a marriage license but will be eager to give to their country all that they can give.

This, members of the Committee, is in broad scope what this bill attempts to do.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Yes. I will be very happy to yield to the gentleman from Ohio.

Mr. VANIK. I would like to commend the gentleman. I appreciate his very comprehensive analysis of this bill, which is a very good piece of legislation, but in connection with the bill, the section dealing with financial assistance to the 4-year ROTC candidates, I would like to know, how are these people selected? Is there some uniform method of selection, or is it an arbitrary determination by a group of citizens?

Mr. HÉBERT. I will be very happy to explain it. This program is patterned on the Holloway program. This program is perhaps the most competitive selective program of that type in the military. In each community a certain group of citizens who are leading businessmen, community leaders, church leaders——

Mr. VANIK. Who selects the group of citizens?

Mr. HÉBERT. They are selected by the Department of the Navy; in the other instances it would be the Army and the Air Force. They come together and every young man who wants to follow this career makes application. Each individual is screened with a fine-tooth comb.

Mr. VANIK. Does he take a competitive examination, or a civil service-type examination?

Mr. HÉBERT. He takes a competitive written examination. His background is considered; his school marks are considered; this is very important. His attitude and his aptitude are considered. After personally interviewing each one of these young men, a certain number are selected for each section of the country. Then an alternate is selected behind each of them. After that the individual young man selects the school of his choice. He enters that school. His tuition is paid and he receives $50 a month after which, at the end of 4 years, he is commissioned, with a 4 years' obligation to serve as an officer.

Mr. VANIK. Mr. Chairman, if I may pursue this just a bit further. Members of Congress in selecting candidates for the Academies have used the civil service examination to screen out or to screen in candidates. Is this same method available to the board selected by the military department?

Mr. HÉBERT. It is available to them. However, the college board type examination is used.

Mr. VANIK. They do have access to it?

Mr. HÉBERT. Yes.

Mr. VANIK. I thank the gentleman.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. PIKE. Mr. Chairman, is it not a fact that for the 2,000 appointments which were available last year under the Holloway plan there were some 20,000 applicants who took written examinations?

Mr. HÉBERT. I think the gentleman is accurate in his figures. And I am glad the gentleman brought that point out, because you can see the competitive element that is present in this program.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. JONAS. Would there be any opportunity for a student who finishes, let us say, the junior ROTC course, the 2-year course in college, then to transfer to the so-called Holloway program?

Mr. HÉBERT. No; not to the Holloway program. He may transfer to the senior ROTC program. That is what I am indicating now. The junior college reservoir is open from which we may draw these students.

Mr. JONAS. I was thinking about a lad who has had a senior college course and who took the first 2 years of ROTC. How could he qualify?

Mr. HÉBERT. At any time during the program the talented young man can be picked up in the program.

Mr. JONAS. So he could be picked up even if he were in the junior program?

Mr. HÉBERT. The junior program does not figure into this, except if he is in high school and has had this basic training to tone him up.

Mr. JONAS. I was referring to the junior program; I suppose I am using the wrong term. He has had, in my illustration, the first 2 years in the regular ROTC program.

Mr. HÉBERT. The first 2 years represent the basic training. This is what we are hoping for in this day of science and high competition for the young men with unusual talents. We want to give him that opportunity.

Mr. JONAS. After he finishes this basic 2-year course either in junior college or in a 4-year college?

Mr. HÉBERT. He can be picked up but he must compensate for the 2 years which he missed in the basic training through the summer training program.

Mr. JONAS. If the gentleman will yield further, he could go on into the regular program?

Mr. HÉBERT. Yes; he could go on.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to the gentleman from Indiana.

Mr. BRAY. As to the junior program, we have no ROTC program in junior colleges.

Mr. HÉBERT. That is right.

Mr. BRAY. If the gentleman will yield further, and I believe this is correct, under this program the person that goes to a junior college and then he goes on to a 4-year college will have the opportunity of going into the 2-year program. Of course, he cannot go into the 4-year scholarship program.

Mr. HÉBERT. That stands to reason because he has 2 years behind him, but he picks up the program. This is one of the important and salient features of the bill. But this young man—and there are hundreds of thousands of them in the country today who are deprived forever of the opportunity of going to an ROTC school—under this legislation he will be able to attend that school and make up for the 2 years which he missed in this crash program.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Yes; I yield to the gentleman from Ohio.

Mr. VANIK. I would like to inquire again with respect to the financial assistance program of the 4-year program. There are some 24,000 military scholarships that are contemplated in this section. Are these geographically distributed or are they distributed without respect to the various geographical locations?

Mr. HÉBERT. No; they are for practical purposes geographically distributed.

Mr. VANIK. They are allocated by States?

Mr. HÉBERT. By States. They are allocated by States in respect to opportunity to compete. However, the actual selection necessarily is based upon the results of the competition.

Mr. VANIK. If the gentleman will yield further, Is the allocation to States related to population, or will they receive an equal number?

Mr. HÉBERT. I understand it is by population.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. This is the same piece of legislation that on December 2 last the House rejected, is it not?

Mr. HÉBERT. No, I would not say that is the correct term to use with reference to this legislation. The House did not reject it. As a matter of fact the House approved it, in essence.

Mr. KASTENMEIER. I mean under a suspension of the rules.

Mr. HÉBERT. Let me clear the record. The House voted in favor of the legislation but failed to pass it under a suspension of the rules which requires a two-thirds majority and where no amendments could be offered to the bill. However, the House voted in favor of this legislation on a rollcall vote.

Mr. KASTENMEIER. As a matter of fact, by a vote of 76 to 154 it failed under suspension of the rules?

Mr. HÉBERT. But it passed by a majority.

Mr. KASTENMEIER. My point is that this is the same piece of legislation, is it not?

Mr. HÉBERT. Exactly the same piece of legislation, but it was brought in under a different procedure.

Mr. KASTENMEIER. If the gentleman will yield further; has anything changed in the meantime to warrant a different result?

Mr. HÉBERT. I think so.

Mr. PIKE. Mr. Chairman, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. PIKE. I believe I can say that at least one thing has changed in the meantime and that is the fact that the reason this bill was defeated, in my opinion, the last time was because some of us felt very strongly about the concept of allowing a junior high school or a junior ROTC program to be taught in segregated high schools. However, now since the passage in this body and in the other body of the civil rights bill, I believe that question is now moot. I offered an amendment to this effect to the bill in the committee based upon a matter of principle. At that time I was told I was trying to defeat the bill. All I can say is I believe with the passage of the civil rights bill, such an amendment is no longer necessary. I do not propose to offer any such amendment today. I do support the bill today.

Mr. HÉBERT. I thank my colleague, a member of the committee.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield further?

Mr. HÉBERT. Yes; I yield further to the gentleman from Wisconsin.

Mr. KASTENMEIER. Will the gentleman from Louisiana agree with the gentleman from New York in the terms of his analysis of the civil rights bill and its application to this legislation?

Mr. HÉBERT. I may not agree with its effect, but I will have to agree with his explanation. There is no alternative, I believe.

Mr. Chairman, I say to the members of the Committee of the Whole House on the State of the Union that I have tried in as simple a way as I know how to explain the bill. I hope the House today, with this impediment withdrawn and with the support of the distinguished gentleman from New York, my colleague on the committee [Mr. PIKE], a very able opponent and proponent of anything he undertakes, that the House will go along and give this bill the vote of confidence which it deserves and open the way to build up a stronger youth in this country, a stronger military organization, a stronger determination to preserve our way of life, and a complete understanding that we owe our personal freedom to the fact that our country has continued to maintain the military forces so necessary and essential to the security of a free nation.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, I want to compliment the distinguished chairman of this subcommittee and the full committee for bringing this legislation to the floor under this procedure. We are all delighted that our distinguished colleague from New York has recognized that what was perhaps objectionable to some Members of the House is now for all practical purposes a moot question.

I have had considerable experience with this program in my own State and in my own hometown.

Let me tell you what it means in a few words to the young people who are inclined to drop out of high school. We need an enlarged concept of respect for the flag, we need a new concept of discipline of our young people.

I recall on two occasions two great American generals coming to my hometown to make the annual presentation to the outstanding cadet of our ROTC Corps. General Marshall was one who came to make this presentation one year, and then there was Gen. Mark Clark on another occasion, just to mention two.

I do not know, Mr. Chairman, of a finer thing than the expansion of the junior ROTC program to the high schools and the secondary schools of our country. It would mean a grand thing, and it is aimed directly at the problem of dropouts at high school levels. I may say to you and to the Congress of this country the passage of this legislation will be a final obligation to do what we have to do.

Mr. HÉBERT. I thank the gentleman.

Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. TEAGUE] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, the World War II education and training program was the greatest Federal scholarship undertaking in the history of our country. When this legislation was enacted in 1944, there was very little experience to draw on and the original World War II program had a provision almost identical to this bill, that is, the veteran student was paid subsistence and the Veterans' Administration dealt separately with the educational institutions on payments for tuition, fees, books, and laboratory expenses. This program created one of the most difficult administrative problems with which we were ever confronted. The General Accounting Office, in its investigation, estimated that this method of handling payments cost the Federal Government over $100 million.

Many serious problems developed in the procurement of books and supplies. Outlined below are some of the problems encountered.

First. Special cooperative book stores were organized where students were required to purchase books and supplies and profit rebates were made in the form of a percentage refund, but only to nonveteran students.

Second. Some book stores followed the practice of using blank requisitions which were filled in later and the students had no knowledge of items billed to their accounts.

Third. New books and supplies were required in practically every instance and no provision was made for the use of used books and equipment.

Fourth. Veteran students were required to have supplies not required of nonveteran students, such as microscopes, law libraries, slide rules, and so forth.

Fifth. Books were issued in duplicate. In other words, a veteran might be required to have a dictionary in one English course and when enrolling in another English course the following semester he was required to have another dictionary. These duplicates were paid for from Government funds.

When education and training benefits were extended to Korean veterans this was one of the problems that received a great deal of attention. It was the subject of special hearings in the Veterans' Affairs Committee and was the subject of intensive study. As a result, the system was changed and when education and training benefits were extended to Korean veterans, all payments were made directly to the veteran in an amount of $110 a month for the single veteran. Out of this the veteran made his own arrangements for tuition, books, fees and laboratory expenses.

This system has been very successful. It has eliminated the costly administration involved in making separate payments for tuition, fees, books and laboratory expenses to each separate institution.

Following the enactment of the Veterans' Readjustment Assistance Act of 1952, providing education and training for Korean veterans, an attempt was made to amend the law to provide for separate payments of subsistence and allowance for tuition, books, and fees. Lengthy hearings were held in the House on several bills. In connection with these hearings, the representatives of the Bureau of the Budget appeared and opposed changing the policy and pointed out that the system of one payment to the student was less costly to administer and should be retained. The statement of the Bureau of the Budget appears below:

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 23, 1953.

Hon. OLIN E. TEAGUE,
House of Representatives,
Washington, D.C.

MY DEAR MR. TEAGUE: This is in reply to your letter of June 12, 1953, requesting the views of the Bureau of the Budget on H.R. 2827, H.R. 2978, and H.R. 3167, and on the so-called Springer-Nixon amendment providing for variable tuition allowances, which was proposed and rejected at the time the Veterans' Readjustment Assistance Act of 1952 was under consideration in the Congress.

With respect to the three bills referred to, information has subsequently been received informally that Bureau reports on these bills might be deferred, since the subcommittee will not be considering them on June 23 as originally anticipated. Accordingly, the following comments cover the Springer-Nixon amendment and reports on H.R. 2827, H.R. 2978, and H.R. 3167 will be transmitted to you at a later date.

There is not, to our knowledge, any specific bill embodying the concepts of the Springer-Nixon amendment now before the Congress. In the absence of a specific proposal, it is our assumption that the subcommittee will be giving consideration to the general concept of the rejected amendment. To make clear the basis of our comments, we define this concept as involving:

1. Abandonment of the existing concept of a single uniform education and training allowance payable to all similarly situated full-time institutional trainees.

2. Establishment of a variable scale of payments in behalf of such trainees, with the variation dependent on the tuition charged by the institution the veteran has chosen to attend. Such payment might be made either in a monthly lump sum to the veteran, in separate amounts for tuition and for other expenses to the veteran, or in separate amounts to the school (tuition) and the veteran (other expenses).

We believe that proposals for a variable tuition allowance must be evaluated in relation to two fundamental principles upon which the present law is based.

First, Public Law 550 is intended to restore "lost educational opportunities to those service men and women whose educational or vocational ambitions have been interrupted or impeded by reason of active service in the Armed Forces during a period of national emergency and for the purpose of aiding such persons in attaining the educational and training status which they might normally have aspired to and obtained had they not served their country" (quotation from sec. 102 of the law).

In our view, the law as it now stands is more consistent with this principle than it would be if amended to embody the variable tuition allowance concept. Had the veteran not entered the service he would presumably have had at his disposal a sum of money to be used as he saw fit to further his education. He would have had to decide the portion of this fund and increments thereto which would be used for tuition and the portion which would be used for other purposes. His choice of schools would undoubtedly have been influenced by the tuition charged as well as by the location of the school, the type of course he wished to pursue, and his evaluation of the merits of the various schools. Under Public Law 550 his situation is exactly the same except that he has at his disposal a substantial additional sum provided by the Government.

The variable tuition allowance, on the other hand, introduces a new element into the situation. Tuition charges are no longer a factor in his decision as they would have been normally and his interest in them is correspondingly diminished. In brief, the effect of the variable allowance is not to restore lost opportunity, but to provide the veteran with an opportunity which would not normally have existed, namely to select a school without regard to the tuition and fees involved.

Second, the legislative history of Public Law 550 makes it clear that the uniform education and training allowance was broadly intended to simplify the administration of the new program (in relation to the World War II program), to minimize abuses, and to reduce controversy between the Veterans' Administration and schools. It was one of several similar "self-administering" features and specifically transferred from the Veterans' Administration to the veteran the administrative burden associated with the calculation and payment of tuition, fees, and supply and equipment costs. To the best of our knowledge, the provision has achieved its objectives.

In the absence of a specific proposal, we are unable to estimate the cost or savings associated with the variable tuition-allowance concept. It appears, however, that any such proposal would inevitably increase the administrative cost of the program, and that benefit costs might be increased also.

To summarize, the existing provision for a uniform education and training allowance from which the veteran pays his own tuition and other expenses appears more consistent with the sound statement of policy in section 102 of Public Law 550 than a variable allowance would be. The existing provision is likewise easier and less costly to administer, since the Veterans' Administration is relieved of the administrative problems associated with determination and payment of tuition and fees. To the extent that administrative or benefit costs are increased, the administration's announced budgetary objectives are made more difficult of achievement. In view of these facts, the Bureau of the Budget sees no reason for amending the law in this regard.

Sincerely yours,

ROWLAND HUGHES,
Assistant Director.

The Comptroller General of the United States made an extensive investigation of the World War II education and training program and documented in great detail the troubles that arose through the Federal Government attempting to reimburse educational institutions directly for books, supplies, and fees. The Comptroller General appeared in hearings when this matter was under discussion and urged strongly that all educational and training assistance allowances be paid directly to the student. A copy of this statement by the Comptroller General follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., June 22, 1953.

Hon. OLIN D. TEAGUE,
House of Representatives,
Washington, D.C.

MY DEAR MR. TEAGUE: I have your letter of June 12, 1953, enclosing copies of H.R. 2827, H.R. 2978 and H.R. 3167, together with copies of certain reports thereon. You request an expression of my views on the merits of these bills. Also, you state it is your understanding that the Subcommittee on Education and Training of the House Veterans' Affairs Committee expects to hear testimony advocating an amendment to Public Law 550, 82d Congress, similar to the so-called Nixon and Springer amendments proposed to Public Law 550 at the time that law was under consideration. My views on the various proposals are as follows:

H.R. 2827

The purpose of this bill is to repeal section 226 of the Veterans Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.) and thus remove the requirement of that act that, generally speaking, a veteran may not be enrolled in a nonaccredited course unless at least 15 percent of the students are nonveterans paying their own tuition and other charges.

As you are well aware, the General Accounting Office made a rather comprehensive survey on the veterans education and training program under the 1944 act known as the GI bill of rights. One of the most serious problems encountered in that survey was the finding that only approximately one-third of the trade schools accepting veterans for training were in existence prior to the enactment of the 1944 act. The courses offered by these schools included almost every conceivable type of trade or vocation which human ingenuity could devise. There was no doubt, of course, that many of these schools were established and carried on not for the purpose of providing educational or training benefits to veterans but solely for the purpose of making financial profit. The report of your select committee clearly substantiates these findings.

In the consideration of legislation to afford educational assistance to veterans of the service during the period commencing June 30, 1950, these matters were carefully considered. The bill H.R. 7656, which became Public Law 550, would have required a 25-percent minimum nonveteran enrollment. After careful consideration by the committees of the Congress this percentage was reduced generally to 15 percent. However, a careful review of the documents which constitute the legislative history of the act shows that there was substantial agreement on the principle of requiring a school offering nonaccredited courses below the college level to demonstrate the soundness of the training therein offered and the reasonableness of the charges made therefor by attracting a minimum number of students in such course paying their own way. The history does not indicate that any of the representatives of the various school associations heard by the committee questioned the application of this basic principle.

It is my feeling that the adoption of said principle in the act added an effective safeguard to the legislation to insure proper educational facilities to the veterans and therefore I am opposed to the elimination of this provision.

H.R. 2978

The purpose of this bill is to postpone for 12 months the application of the periodic reduction in the education and training allowance payable to a veteran pursuing institutional on-farm training under the Veterans Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.). Section 232(d) of that act establishes the rates of education and training allowances payable to veterans pursuing institutional on-farm training under the act in accordance with their dependency status. It further provides that such allowance shall be reduced at the end of each 4-month period by an amount which bears the same ratio to the subsistence factor of the basic education and training allowance as 4 months bears to the total duration of the veterans program. The proposed amendment would allow payment of the full education and training allowance during the first 12 months of training to allow for completion of the first crop year or animal cycle.

The reduction formula provided by the act was adopted by the Congress in recognition of the increased earning capacity which it assumed would occur as the veterans training program progressed. A similar principle was incorporated in the World War II education and training program. However, under that program the subsistence allowance was reduced when a veteran's income reached fixed ceilings determined from a combination of his subsistence allowance and earnings from productive labor. Experience showed that that type adjustment involved many administrative complexities to relate the reduction in the allowance to the veteran's increases in earnings. For this reason and to provide a clear incentive for the veteran to achieve success in the operation of his farm the provisions of section 232 (d) of the act were adopted.

The need to postpone any reduction of the allowance so provided for a period of 12 months involves questions with which I am not generally familiar. However, there have not been developed, to my knowledge, any compelling reasons for postponing the reduction of the allowance. Therefore, and since obviously such action would increase substantially the cost of the farm training program, I would recommend against favorable consideration of the bill H.R. 2978.

H.R. 3167

The purpose of this bill would be to amend section 232(d) of the Veterans Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.) to eliminate entirely the reduction formula established therein for veterans pursuing institutional on-farm training. Thus, farm trainees would receive for the full duration of their programs the applicable maximum allowance rate presently payable only during the initial 4 months of training. The nature of the reduction formula and the reasons for its adoption are set forth in my comments with respect to H.R. 2978 above. As noted therein, while such formula is not consistent with the formula provided under the educational program provided by the 1944 act, the basic principle of adjustment of the allowance to take into consideration earnings of the veteran has been consistent in the two acts. This basic principle is based on the premise that the allowances made to veterans are for supplementary support only and to assist the veteran in receiving education and training. This philosophy has not been applied alone to the on-farm trainees but has been applied as well to the other types of training for which allowances are authorized under the act such as on-the-job training. This underlying philosophy obviously seeks to take account of the progress and the increased earning capacity of the veteran in those areas where he is gainfully employed during the tenure of his training.

I feel very strongly that this basic philosophy is sound and should be continued.

SPRINGER-NIXON AMENDMENT

The amendments referred to were proposed amendments to the bill H.R. 7656, which became Public Law 550 of the 82d Congress. As I recall, the Springer amendment would have provided for splitting the allowance authorized by the bill—a part to be paid directly to the veteran for subsistence and a part to be paid directly to the institution for tuition and other charges. The Nixon amendment was similar thereto except that the two allowances—one for subsistence and one for tuition and other charges—were proposed to be paid directly to the veteran.

As you well know, it has been my consistent view that any educational assistance payment authorized by the Congress should be paid directly to the veteran. Thus, in my report to the Committee on Labor and Public Welfare of the Senate on the bill S. 1940, a bill designed to extend in a modified form the educational assistance provided by the 1944 act, I suggested that serious consideration be given by the committee to a program which would grant educational assistance to veterans by payment directly to the veteran of an amount designed to cover the cost or a portion of the cost of his education. Also, in a report dated March 18, 1952, to the Committee on Veterans' Affairs of the House on the bill H.R. 6425, introduced by you, which bill provided for assistance payments to be made directly to the veteran, I noted that such a program would provide a more realistic approach to granting educational subsistence to veterans than the then existing program. I stated that undoubtedly such a program would eliminate vast amounts of administrative detail in eliminating almost entirely the negotiation of contracts with educational institutions; the auditing and checking of monthly bills from thousands of educational institutions; and the constant review by the Veterans' Administration of data of institutions seeking changes of rates and the substantial attendant costs thereof. This same general observation was restated in my report of May 16, 1952, to the Committee on Veterans' Affairs of the House on the bill H.R. 7656.

At the time of the consideration of the bill H.R. 7656 in the Senate you requested my views on the propriety of the amendment proposed by Senator Nixon. In a letter to you dated June 30, 1952, I pointed out that the adoption of the Nixon amendment would bring the Federal Government back into the educational and training business to a large extent in that an administrative determination would be required as to the established charges for tuition and fees payable for each course of each institution in the country at which veterans are enrolled. I expressed the view that inasmuch as the additional allowance would be based on established charges for tuition and fees for a particular course it might well inject the Government into matters concerning claims by institutions for the payment of such charges in cases where veterans may have delayed or neglected to make payment.

I am sure you will recall the many questionable and irregular practices on the part of educational institutions disclosed by our survey report on the operations of the education and training program provided by the GI bill (House committee print 160, 82d Congress), as well as in the report of the select committee headed by you. These reports show many abuses were prevalent such as, misrepresentation and overstatement of costs; general increased charges paid by the Government for veterans over those charged nonveterans; excessive charges for books and supplies; and numerous others. A return to a program under which such types of abuses could recur manifestly would be most undesirable.

Certainly one of the primary, if not the most important, considerations of the original plan of authorizing the payment of an allowance directly to the veteran was to give the veteran a stake in his educational program with an opportunity and incentive to hold his expenses—with the assistance of the allowance authorized—within the bounds of his own resources, thereby removing the Federal Government from the operational field of education. Statistical information is not available in this Office from which it could be determined what administrative savings have been accomplished under Public Law 550 when compared with the provisions of the 1944 act. However, I have no doubt that it is substantial. As an example I may say that numerous claims by institutions for charges for educating veterans in some instances going back several years still are under development and consideration both in the General Accounting Office and the Veterans' Administration.

I feel very strongly that the payment of the educational and training assistance allowance should be paid directly to the veteran leaving with the veteran and his individual initiative the responsibility of selecting the school he wants to attend, providing for the cost of his books, his tuition and his subsistence. Thus, he is free to exercise his own judgment and rely upon his own capabilities with regard to these matters just as does the nonveteran student.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

It seems to me that we should benefit from our own mistakes. We gained a great deal of experience in the operation of scholarship programs through the World War II and Korean education and training programs. I believe that the policies that operated so well in those programs should be applied to this one.

Mr. BRAY. Mr. Chairman, I yield myself as much time as I will consume.

Mr. Chairman, the gentleman from Louisiana has already covered the subject very fully through the questions that have been asked and the answers that have been given. There is very little to be added to the matter unless there are some more questions to be asked.

I am happy that the junior ROTC that has done such a wonderful job is going to be given a chance to expand. We have made an improvement in this bill in the matter of giving scholarships only to the 4-year program, otherwise we would defeat the 4-year program. We have given the schools that wanted a 2-year program the opportunity to proceed with it, and I believe that this legislation will improve the 4-year program.

Mr. Chairman, I now yield 5 minutes to the gentleman from New York [Mr. PIRNIE].

Mr. PIRNIE. Mr. Chairman, at this time I would like to pay tribute to the distinguished chairman of our subcommittee, the gentleman from Louisiana [Mr. HÉBERT], who has so effectively explained the provisions of this bill. There is no doubt that his thoroughness and objectivity during the conduct of our hearings added immeasurably to the constructive result we believe we have obtained.

It was pointed out to us that the ROTC as a source of officer material has become increasingly deficient and, unless some program is adopted which gives life and vitality to that important reservoir of officer strength, our armed services will suffer. Those of us who have seen this training at close range through the years, and who have analyzed the excellent officer leadership it provided in World Wars I and II, and the Korean conflict, know that we have depended largely upon the civilian soldier for our officer material so we must meet this danger promptly in the most effective way.

We are told that the requirement for officers from the ROTC program is approximately 14,000 officers a year, with the expectation that only 12,000 will be provided from this source. This indicates several things, one of which may not be corrected by this bill. It may be that our young people have not fully understood the responsibility of leadership that falls upon those privileged to have a college education. In our modern Army you must have officers who are properly trained and highly educated, and they should be deeply motivated. Since our universities aim to produce men to lead in all walks of life, there is no reason why responsibility in this field should be neglected.

It is my hope that this bill which we have brought to the floor will serve to underscore the need which exists and emphasize that the young man who is dedicated and is willing to accept this leadership responsibility can receive aid in his education provided he will give to his country 4 years of commissioned service following his graduation.

We know that we have on the campuses of this great Nation young men who are in need of this financial aid, young men who have the ability to be leaders, young men who have a patriotic spirit. This bill is going to provide a vehicle for channeling such men into fulfilling a great need while at the same time conferring on them a great benefit.

I do not think more need to be said of the detail of the bill after the comprehensive analysis of our colleague from Louisiana. This bill did not come into being very easily. Many ideas were explored, many complications reviewed, many criticisms were analyzed. That we have come up with a bill which I believe meets the need and satisfies these criticisms is due largely to the sincere objectivity of all the people concerned with the hearings. I consider it a privilege to have participated in them and to support this bill, because I believe it will give necessary officer strength from the right source. I think the campuses of our Nation should be the training ground for this type of leadership. We have great potential in the college youth of our Nation. I feel this bill will encourage them to follow the course we so desperately need.

Mr. RIEHLMAN. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from New York.

Mr. RIEHLMAN. I want to commend the gentleman from New York for the splendid statement he has made with respect to this legislation. I know his dedication to the service of his country and the educational systems in our Nation. I would again commend him and state that I concur in what he has had to say. I support this piece of legislation. I think it provides an excellent program for the youth of America in which to participate. Thus they may serve their country by training for the armed services while they continue their education. After graduation they are qualified to wear the uniform. Both fields of endeavor are of immense value to the United States.

Mr. BRAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Maine [Mr. McIntire].

Mr. McINTIRE. Mr. Chairman, I rise to commend the gentleman from Louisiana and other members of the committee relative to this legislation. It has been of interest to me that I have in my district a junior ROTC in the Bangor High School. It constitutes one of the oldest units in the country. We also have at the University of Maine the basic senior program of ROTC.

I again wish to say that I commend the committee for bringing out this legislation, and I assure them of my support of the bill.

Mr. HÉBERT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Cohelan].

Mr. COHELAN. Mr. Chairman, I should like to take this opportunity to congratulate our distinguished chairman for the fine work he has done on this bill. I would also like to associate myself with the remarks of the gentleman from New York [Mr. Pike].

Mr. Chairman, this legislation represents the first essential change in the Reserve Officers' Training Corps program since its inception in 1916; it contains a number of constructive changes and needed improvements, particularly in relation to the senior ROTC program, and I urge its passage by the House today.

Mr. Chairman, the Reserve officer training program has made a major contribution to our national security over the years. While much of the general public may believe that our armed services are officered primarily by graduates of the service academies, the record shows that the chief source of Regular officers and Reserve officers on active duty for both the Army and the Air Force is the ROTC. The Army ROTC, for example, annually provides about 1,000 new Regular officers—twice the number available through the service academy route.

But changing times, changing requirements, and changing patterns of higher education necessitate changes as well in the training program for Reserve officers.

The basic purpose of the National Defense Act of 1916 was to provide a steady flow of selected, high-quality junior officers to the Armed Forces. This legislation will, I believe, allow this flow to continue, and even facilitate it, in a world which has changed drastically in nearly 50 years.

Mr. Chairman, as Members will recall, when this bill was considered in December of last year, I joined several of my colleagues on the committee in opposing it, both because under suspension of the rules adequate consideration could not be given to it and because the junior ROTC program could be conducted in schools actually practicing discrimination.

Both of these objections are, I think, now being met—the bill is being considered under a rule which permits adequate debate, and with the imminent passage of the civil rights bill adequate assurance is provided that discrimination will not be allowed. Therefore I withhold my earlier objection.

But I do believe that we must give this new program our continuing and critical attention, particularly the expanded junior and the new 2-year senior operations. We are breaking new ground and we need to be prepared to move in new directions. We need to follow its progress and effectiveness, as measured by such criteria as officer production, retention, and program cost, closely, and be prepared to make whatever changes our resulting experience indicates will be in the best interest of our national security.

Mr. Chairman, it is important to note that this legislation is supported by the 97 member Association of State Universities and land-grant colleges and by a wide range of public and private institutions. I think our colleagues may be particularly interested in two letters I have received which are representative of many more—one from Clark Kerr, the distinguished president of the University of California, and the other from John T. Wahlquist, of San Jose State College.

THE UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., September 17, 1963.

Hon. F. EDWARD HÉBERT,
Chairman, Subcommittee No. 3, House Armed Services Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN HÉBERT: I am writing to you on behalf of the University of California to urge favorable action on H.R. 8130, which revises the ROTC program in colleges and universities.

The regents of the University of California determined that the ROTC program should be elective on campuses of the University of California beginning with July 1, 1962. This action was taken after very careful consideration by a special committee of members of the faculty appointed by me and chaired by Prof. Robert B. Brode. It was the considered recommendation of that committee that the most satisfactory program for officer training in the university should cover subjects of general military concern only, such as military history, strategy, national policy and the like, and that strictly technical and professional training should be reserved to summer camps and the initial period of active duty. It is our belief that the proposed program now before your subcommittee for consideration achieves much better than the present 4-year program the objectives which I have just outlined. We believe further that the departments giving ROTC instruction will recruit much more qualified men at the junior level than at the freshman level. If the program be reserved to the last 2 years, during the first 2 years the departments can find among the freshmen and sophomores the best qualified students for preprofessional training.

For these reasons, we earnestly urge favorable consideration of the proposed bill.

Sincerely,

CLARK KERR.

SAN JOSE STATE COLLEGE,
San Jose, Calif., September 12, 1963.

Hon. JEFFERY COHELAN,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. COHELAN: Recently I received the welcome news that a bill to provide for an ROTC 2-year program has been presented to Congress. This bill, H.R. 8130, is one in which I take particular interest and which I feel is vital to the future success of all ROTC programs. I am moved by deep conviction therefore in asking you to support the bill and insure its early approval.

As you know, I have been a member of the Air Force ROTC Advisory Panel for the past 3 years. In this capacity I have been closely associated with the development of the 2-year ROTC program, and I have watched the concept grow to maturity. In its present form, I consider it to be an especially appropriate addition to the curriculum of San Jose State College because it complements so well the evolution of this college into a predominantly upper division institution.

I can assure you that you will have the backing of the San Jose State College administration in your support of H.R. 8130. I look forward to hearing a favorable report on the bill when it is considered.

Sincerely yours,

JOHN T. WAHLQUIST.

Mr. Chairman, this bill is good legislation. It deserves to be passed and I urge that it be passed. But I also urge that we give this new program our closest attention, that we measure its values carefully, and that we stand ready to make further improvements.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Stratton].

Mr. STRATTON. Mr. Chairman, I was of the fearless four, or was it the fearless three, who opposed this legislation when it was brought up under suspension of the rules some months ago, to be specific, on the second day of December 1963. I did so not only because I supported the position taken by the gentleman from New York [Mr. Pike] who opposed the legislation being brought to the floor without the opportunity to offer a so-called Powell amendment to it, but also because I had some further questions about one feature of the operation of the so-called Holloway plan, which is being extended by this legislation to the Army and to the Air Force.

I may say, Mr. Chairman, for the Record, that I certainly would agree with what the gentleman from New York [Mr. Pike] said a moment ago; namely, that title VI of the civil rights bill, if it is enacted into law, as I think we can almost certainly assume it will be, would be applicable in this case, so that if the junior ROTC were to be carried out as it apparently is being carried out today in some Southern States on a segregated basis, it would be contrary to that civil rights law and, therefore, all funds allocated to those States could and, indeed, should be taken away. And only because I strongly feel, Mr. Chairman, that instead of having separate Powell amendments offered to every piece of legislation as we have had them offered in the past both from the distinguished gentleman from New York [Mr. POWELL] and from others on the other side of the aisle in past years, we ought to have one general piece of legislation to cover this whole problem, and this piece of legislation is now to be title VI of the civil rights bill and it will therefore apply to all programs and legislation in the future. Only because I feel this is the best way to handle the problem of segregation in the junior ROTC am I going along now with the decision not to raise this particular question with regard to this particular bill. It is my firm belief and hope, and I think it ought to be made now a part of the legislative history, that with the adoption of the civil rights bill, it will in the future be impossible for the junior ROTC program to be carried out anywhere on a segregated basis.

At the time I participated with the gentleman from New York [Mr. PIKE] and others in opposing the offering of this legislation under suspension of the rules, I also referred to something that I think the House ought to be aware of, Mr. Chairman, and that is that the junior ROTC program has no military value. We are being asked in this bill to appropriate more money for the program than has been appropriated in the past. I am a realist. I recognize that probably without this concession on the part of the Department of Defense it would be difficult for them to get other provisions of this ROTC legislation which they favor passed, but I think the attention of the committee ought to be invited once again to the letter from Assistant Secretary of Defense, Norman S. Paul, contained on page 28 of the committee report in which he says:

> It is the view of the Department of Defense that while there are benefits that accrue to the Nation as a whole—

And perhaps these are the benefits that the distinguished gentleman from North Carolina [Mr. LENNON] was referring to a moment ago—

> while there are benefits that accrue to the Nation as a whole, there is no direct military requirement for this program.

The junior ROTC program. Now another point I would like to comment on, Mr. Chairman, and on which I intend to offer an amendment under the 5-minute rule, is the extension of the Holloway plan of 4-year scholarships to the ROTC students from the Navy to the Air Force and to the Army.

There is no question about the fact that the Navy has been quite fond of the Holloway plan. It has proved to be immensely popular. It has given to the Navy, perhaps, some added inducement for those who wish to follow a career in the Navy, and it has certainly been of value to the colleges and universities. As one who has some eight universities and colleges in my district, I have recognized the interest of the colleges themselves in having the military pick up the tab for those who wish to go to college under this program and hence their interest in this bill.

But there is one thing which disturbs me, Mr. Chairman, about the Holloway plan as it has actually operated under the Navy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STRATTON. Mr. Chairman, I wonder if the gentleman from Louisiana will yield to me 2 additional minutes

Mr. HÉBERT. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. STRATTON. I appreciate the courtesy of my distinguished friend from Louisiana.

Mr. HÉBERT. I always like to yield to the gentleman from New York. The longer he talks, the better our argument gets.

Mr. STRATTON. Mr. Chairman, it is always difficult to win in any exchange with the gentleman from Louisiana.

Mr. Chairman, the difficult aspect of the Holloway plan as it has operated under the Navy is that of those whose college education is thereby paid for by the Government, only 38 percent remain in the career military service, though this program is supposed to supplement the service academies at Annapolis, at West Point, and at Colorado Springs in bringing into the Regular service career Regular career officers. Only 38 percent of those whose college education is paid for under this program, in other words, stay in and make a career of the armed services, in contrast to a figure of something like 80 or 85 percent of those who get their Regular commissions through the Regular service academies.

I really wonder, Mr. Chairman, whether, from a strict defense point of view, we are really getting our money's worth out of this program which we now propose to extend and expand?

Perhaps there are other benefits to be gained from it. Perhaps we ought to consider the program after it has operated a bit longer. Certainly this program is an indirect form of Federal aid to education. The colleges favor it. And certainly there is no reason why what is available to the Navy should not be extended also to the Air Force and to the Army.

But I do believe that in the next few years we ought seriously to consider whether a return of just 38 percent on our investment in trying to get full-time service officers is a fair return of the taxpayers' money

Mr. Chairman, a few months ago there was enacted into law H.R. 7356, a bill to increase the number of cadets assigned to the Air Force Academy and the Military Academy at West Point. In fact many of us already have appointed our additional applicants under that program.

But let me point out that when that bill was passed, we changed the period of obligated military service for those going into the service academies from 4 years to 5 years. I intend to offer an amendment to make the same extension of obligated service for those who will get a free education under this legislation and who will thereby become career officers, as now applied to career officers who have graduated from our service academies.

Mr. HÉBERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. PIKE].

Mr. PIKE. Mr. Chairman, on December 2 of last year, during the course of the debate on this very bill under a suspension of the rules, I said some things which some people considered to be a little unkind about the distinguished gentleman from Louisiana, the chairman of the subcommittee. I conjured up some visions of a gambling man which some people thought were inappropriate.

I wish to say at this time that I do not withdraw any of these in any sense of the word, but I will say that I have an additional vision today. I see him as a somewhat more saintly gentleman walking on the broad Mississippi instead of riding on a steamboat down there.

I believe there is no logic in going over the items which we discussed on December 2. The civil rights bill has passed. I agree with the gentleman from New York [Mr. STRATTON]. I believe that all of us—even those who oppose that bill—will find some fallout of benefit in the fact that we will not be confronted with the so-called Powell amendment on everything that comes along. Among other things, we will not have the question of the motives of people who offer such an amendment—are they really sincere in caring about the civil rights aspects, or are they merely trying to kill the legislation?

Today I am happy to join with those who have preceded me in presenting the merits of this legislation. I think it is a good bill. I think it is good for the students and for the colleges and, above all, I think it is good for the country. However, I also want to join in praising the chairman of the subcommittee for the patience and the perseverance he has used in creating this bill in the first place and in getting it to the floor in the second place. I think it is a high tribute that it is referred to as the Hébert bill. The Hébert bill, I believe, will in future years be synonymous with a good ROTC program in this country.

I am delighted to be here today supporting it and not throwing rocks at it.

Mr. HÉBERT. Mr. Chairman, I yield myself 1 minute in order to say with the deepest gratitude to my distinguished colleague from New York that no greater compliment can be paid to a man than that he can be brought so close to the Diety that he can walk on the waters.

Mr. VINSON. Mr. Chairman, I rise in support of H.R. 9124.

I wish to take this opportunity to congratulate both Mr. HÉBERT, the chairman of the subcommittee that is responsible for the development of this legislation, and his ranking minority member, the gentleman from Indiana [Mr. BRAY], for their magnificent accomplishment.

The bill, as stated in its title, is designed to vitalize the Reserve Officers' Training Corps program of the Armed Forces.

It is not my intention to repeat details of the program as recommended in H.R. 9124 since that task has already been most admirably performed by the gentleman from Louisiana [Mr. HÉBERT]. Rather, I would like to stress the vital role played by the ROTC program in our total planning for national security.

The Reserve Officers' Training Corps program prepares young men for military leadership.

This leadership is reflected in the young officers who, subsequent to their graduation from our colleges and universities, enter our Active Armed Forces, and later return to their homes and become members of our Reserve components; there to make themselves available for any eventuality.

The training of military leaders is a constant requirement in our society. Prudence dictates that we stockpile materials, machine tools, and equipment for purposes of possible mobilization.

How much more important are the stockpiles of leadership and of skills which must be available and in being in our society if we are to have the responsive military capability so urgently needed in times of national crisis.

These skills of military leadership are a perishable commodity that must be nurtured, sustained, and renewed by constant training and by the infusion of young leaders on a continuing basis.

The ROTC program, as part of our educational system, meets this requirement.

Before our society with its free institutions can flourish in peace, it must make certain that it can survive in time of war.

The Nation's security and the preservation of our democratic ideals depend in a large measure on every young man's accepting the responsibilities of vigorous and active citizenship. This implies the contribution of every young citizen's talent for leadership and his willingness to contribute these talents to the limit of his capabilities.

The concept that every citizen owes a duty to participate in the common defense is rooted in American tradition.

In his historical paper on "Sentiments on a Peace Establishment," written to Alexander Hamilton before the adoption of our Constitution, George Washington declared:

> It may be laid down, as a primary position, and the basis of our system that every citizen who enjoys the protection of a free government, owes not only a proportion of his property, but even of his personal services to defense of it.

Washington also recognized the interchangeability of the soldier's and citizen's roles as he observed:

> When we assumed the soldier we did not lay aside the citizen.

Perhaps I can emphasize the importance of the ROTC program by citing the essential role played by these graduates during World War II.

In the case of the Army, during World War II, the officer corps was expanded from 12,000 to 800,000.

Twelve percent of all World War II officers were ROTC graduates.

General of the Army George C. Marshall, himself a product of civilian-military training, repeatedly emphasized that the available pool of 140,000 Reserve officers spelled the difference between victory and defeat in World War II.

Now, despite the tremendous technological changes that have occurred since the end of World War II and the Korean conflict, there is no evidence that our requirement for trained military leaders will have diminished. Rather, the concept that man is "the ultimate weapon" becomes more evident with each passing day.

Continuation of the ROTC program will insure to our Nation in the future the development of young leaders on a continuing basis.

The ROTC program has been the subject of some criticism from many sources. These criticisms range from a basic rejection of the military requirement for ROTC training to the simple criticism that military training on campus is a rejection of the principle of academic freedom.

The military requirement for a Reserve Officers' Training Corps program is adequately sustained by both history and the obvious needs of our Military Establishment.

I see no conflict in incorporating into our educational system a program of military training.

If we concede an obligation to serve our country in principle, how can we deny in practice such a principle on the grounds that it will interfere with academic freedom.

Remember that there can be no freedom, academic or otherwise, if we fail to meet realistically the communistic threat to our survival.

The cold war as it exists today, is more than a mere static standing at arms between the free and Communist worlds.

Our military posture must be dynamic and responsive to this fundamental conflict and constant confrontation.

In the final resolution of this conflict, our entire educational system, whether we like it or not, is deeply involved.

The educational systems of the Iron Curtain countries train their men as soldiers of the state first, and then as scientists, technicians, even painters and poets, as part of their overall plans for world domination.

From the privileged sanctuary of our campus quadrangles, laboratories, and study halls, dare we forget for whom the bell tolls?

It tolls not for the murdered students in Prague, Riga, Warsaw, and Budapest, but for those now bent to the task of the extinguishment of man's hopes and dreams for everlasting peace.

It tolls for those "who don't have the time"; and for those who cynically ask "What's in it for me?"

It tolls for all, every man, woman, and child in America who fails to realize the true nature of this supreme contest of our times.

Despite the criticism which we sometimes encounter among our sophisticated undergraduates, I am convinced that the vast majority of young Americans are no less patriotic than their forebears.

Their willingness to serve and participate in the ROTC program will, in my judgment, be eloquently demonstrated in the response that they and our educational institutions will give to the new vitalized ROTC program recommended by this legislation.

I urge your unanimous support of this vital and important legislation.

Mr. VANIK. Mr. Chairman, I take this time to direct attention to the fact that the legislation before us today provides for a program of financial assistance to college students in the 4-year ROTC program. With the expanded provisions of this bill, 24,000 college scholarships are being made available to young men who agree to commit themselves to 4 years of active duty in the military service. These scholarships come complete with tuition, books, laboratory fees, up to a cost of $850 per year, and a monthly retainer payable in the amount of $50 for 10 months of each academic year at an annual cost of $500 per student. Total allocations per student could total $1,350 per year.

As was pointed out during my colloquy with the chairman of the subcommittee, the gentleman from Louisiana [Mr. HÉBERT], the persons receiving these scholarships will be selected by the military services from among candidates recommended by civic boards appointed by the military departments.

It is my hope and expectation that these military scholarships will be distributed by the military services with some degree of apportionment so that young men from all sections of the United States may have a fair and equal opportunity to compete for selection.

As a Representative of a central city district, I am extremely anxious that this program be accessible and available to qualified young men of my district who are in need of every kind of scholarship help which can be made available.

I will be very carefully watching the administration of this program to determine what efforts are made to apportion the scholarship program which we have today made available.

Mr. O'HARA of Illinois. Mr. Chairman, I commend the distinguished chairman of the subcommittee, the renowned son of Louisiana [Mr. HÉBERT] and all his fellow members of the full committee, for bringing to us a bill that truly vitalizes the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force. I am happy to give it my full and enthusiastic support and am happy, too, as are all my colleagues, that the problem that occasioned its previous defeat under suspension of the rules, which, of course, required a two-thirds affirmative vote, now has been resolved by the passage of the civil rights bill by both branches of the Congress.

Mr. Chairman, the ROTC has done a great work. It has made a large contribution to national security and the preparation of our youth to meet intelligently and with adequate training the situations that unhappily might arise in a troubled and uncertain world. Bowen High School is in the district that I have the honor to represent, and it is a source of pride to me that the Bowen High School ROTC recently was declared one of the two top Reserve Officers Training Corps among those of the Chicago area. My hat is off to the ROTC of Bowen High School, and, Mr. Chairman, to all the Reserve Officers Training Corps in all our schools and colleges throughout the Nation.

Mr. Chairman, I have no further requests for time.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reserve Officers' Training Corps Vitalization Act of 1963".

TITLE I—POLICY AND INTENT OF CONGRESS

SEC. 101. (a) The Congress hereby affirms its conviction that the primary source of commissioned officer personnel for the reserve components of the Army, Navy, Air Force, and Marine Corps shall continue to be the Senior Reserve Officers' Training Corps program. Therefore, this Act is designed to continue in effect the four-year Senior Reserve Officers' Training Corps program with modifications that will make the program responsive to the requirements of our students, our civilian educational institutions, our Army, Navy, Air Force, and Marine Corps, and our national security.

(b) The Congress believes that all commissioned graduates of the Senior Reserve Officers' Training Corps program should be required to perform a period of active duty or active duty for training in the Army, Navy, Air Force, or Marine Corps and that each year a substantial number of these graduates should be offered commissions in the regular components of those armed forces.

(c) The Congress believes that each of the military departments should be authorized to provide substantial financial assistance to specially selected students in the four-year Senior Reserve Officers' Training Corps program so as to enable the armed forces under their jurisdiction to satisfy their requirements for highly qualified junior officers who agree to remain on active duty for four or more years.

(d) The Congress believes that the military and citizenship benefits which result from providing a program of military training to students at the secondary school level not only justify a continuation of the Junior Reserve Officers' Training Corps program but require its ultimate expansion and availability to students at all qualified schools as provided in this Act.

TITLE II—JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 201. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 101:

"CHAPTER 102.—JUNIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.
"2031. Junior Reserve Officers' Training Corps.

"§ 2031. Junior Reserve Officers' Training Corps.

"(a) The Secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and qualify under regulations prescribed by him. However, the total number of institutions in which units may be maintained by all of the military departments may not be more than 2,000.

"(b) No unit may be established or maintained at an institution unless—

"(1) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States; and

"(2) the institution provides a course of military instruction of three academic years' duration as prescribed by the Secretary of the military department concerned.

"(c) The Secretary of the military department concerned shall, to support the Junior Reserve Officers' Training Corps program—

"(1) detail noncommissioned and commissioned officers of an armed force under his jurisdiction to institutions having units of the Corps as administrators and instructors;

"(2) provide necessary text materials, equipment, and uniforms;

"(3) establish minimum acceptable standards for performance and achievement for qualified units; and

"(4) request from Congress necessary annual appropriations.

"(d) Instead of, or in addition to, detailing noncommissioned and commissioned officers on active duty under subsection (c)(1), the Secretary of the military department concerned may—

"(1) authorize qualified institutions to employ, as administrators and instructors in the program, retired noncommissioned and commissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve, whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following—

"(A) retired members so employed are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between their retired pay and the active duty pay and allowances which they would receive if ordered to active duty, and one-half of that additional amount shall be paid to the institution concerned by the Secretary of the military department concerned from funds appropriated for that purpose; and

"(B) notwithstanding any other provision of law, such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose; or

"(2) recall retired members of an armed force under his jurisdiction to active duty for instructional and administrative duties at qualified institutions, but a member so recalled—

"(A) notwithstanding section 1402(a) of this title, is entitled, upon release from that active duty, to the same retired or retainer pay to which he would be entitled had he not been recalled to active duty;

"(B) is entitled to the benefits of section 1402(b)–(d) of this title, if applicable to him; and

"(C) is not counted in computing strengths under any law."

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

"102. Junior Reserve Officers' Training Corps---------------------- 2031".

SEC. 202. Regulations implementing section 2031(a) of title 10, United States Code, shall be issued by the Secretary of each military department not later than January 1, 1966.

TITLE III—SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 301. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 102:

"CHAPTER 103.—SENIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Eligibility for membership.
"2104. Advanced training; eligibility for.
"2105. Advanced training; retainer pay.
"2106. Advanced training; failure to compete or to accept commisssion.
"2107. Advanced training; commission on completion.
"2108. Financial assistance program for specially selected members.
"2109. Advanced standing; interruption of training; delay in starting obligated service; release from program.
"2110. Field training; practice cruises.
"2111. Logistical support.
"2112. Personnel: administrators and instructors.
"2113. Limitations on numbers in the programs.

"§ 2101. Definitions

"In this chapter—

"(1) 'program' means the Senior Reserve Officers' Training Corps of an armed force;

"(2) 'member of the program' means a student who is enrolled in the Senior Reserve Officers' Training Corps of an armed force; and

"(3) 'advanced training' means the training and instruction offered in the Senior Reserve Officers' Training Corps to students in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course.

"§ 2102. Establishment

"(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each military department, under regulations prescribed by the President, may establish and maintain a Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities of that institution.

"(b) No unit may be established or maintained at an institution unless—

"(1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;

"(2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and

"(3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training in military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

"(c) At those institutions where a unit of the program is established membership of students in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned.

"§ 2103. Eligibility for membership

"(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

"(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of the State.

"(c) A medical, dental, pharmacy, or veterinary student may be admitted to a Medical, Dental, Medical Service, or Veterinary Corps unit of the program for a course of training consisting of ninety hours of instruction a year for four academic years.

"(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, or veterinary student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a Medical, Dental, Medical Service, or Veterinary Corps unit of the program.

"§ 2104. Advanced training; eligibility for

"(a) Advanced training shall be provided to eligible members of the program and, if the institution concerned so requests, to eligible applicants for membership in the program, who have two academic years remaining at such educational institution.

"(b) To be eligible for continuation, or initial enrollment, in the program for advanced training, a person must—

"(1) be a citizen of the United States;

"(2) be selected for advanced training under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the Armed Forces for the period prescribed by the Secretary; and

"(6) complete successfully—

"(A) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

"(B) field training or a practice cruise of not less than six weeks' duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course.

"(c) A member of the program who is ineligible under subsection (b) for advanced training shall be released from the program.

"(d) This section does not apply to cadets and midshipmen appointed under section 2108, or foreign students enrolled under section 2103(b), of this title.

"§ 2105. Advanced training; retainer pay

"Except when on active duty, a member of the program selected for advanced training under section 2104 of this title is entitled to retainer pay at the rate of $50 a month beginning on the day he starts advanced training and ending upon the completion of his instruction under the program, but not for more than two years. Retainer pay under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 456(d)(1) of title 50, appendix.

"§ 2106. Advanced training; failure to complete or to accept commission

"A member of the program who is selected for advanced training under section 2104 of this title, and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than two years.

"§ 2107. Advanced training; commission on completion

"(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under twenty-one years of age.

"(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the Military Academy, the Naval Academy, or the Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(c) In computing length of service for any purpose, an officer appointed under this section may be credited with enlisted service for the period covered by his advanced training.

"§ 2108. Financial assistance program for specially selected members.

"(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the Reserve of an armed force under his jurisdiction any eligible member of the program who will be under 25 years of age on June 30 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be. However, a member whose enrollment in the Reserve Officers' Training Corps program contemplates less than four years of participation in the program may not be appointed a cadet or midshipman under this section, or receive any financial assistance authorized by this title.

"(b) To be eligible for appointment as a cadet or midshipman under this section a member must—

"(1) be a citizen of the United States;

"(2) be specially selected for the financial assistance program under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in the Reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

"(4) contract, with the consent of his parents or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the Reserve component of that armed force and not resign before that anniversary; and

"(6) agree in writing to serve on active duty for four or more years.

"(c) Except when on active duty, a cadet or midshipman appointed under this section is entitled to retainer pay at the rate of $50 a month beginning on the day he starts his first term of college work under this section and ending upon the completion of his instruction under this section, but not for more than four years.

"(d) A cadet or midshipman appointed under this section is entitled to the same allowances as are provided for cadets and midshipmen at the Military, Naval, and Air Force Academies for—

"(1) initial travel to the educational institution in which matriculated;

"(2) travel while under orders; and

"(3) travel on discharge.

However, no allowance for travel on discharge may be paid to a discharged cadet or midshipman who continues his scholastic instruction at the same educational institution.

"(e) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses.

"(f) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

"(g) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the Military Academy, the Naval Academy, or the Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(h) A cadet or midshipman who does not complete the four-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than four years.

"(i) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service.

"§ 2109. Advanced standing; interruption of training; delay in starting obligated service; release from program

"(a) The Secretary of the military department concerned may give to any enlisted member of an armed force under his jurisdiction, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by his education and training.

"(b) In determining a member's eligibility for advanced training, the Secretary of the military department concerned may credit him with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while he was taking a course of instruction in a program under the jurisdiction of another armed force or while he was on active duty in the armed forces.

"(c) The Secretary of the military department concerned may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any person found qualified on the basis of his previous education, military experience, or both. A person accepted for advanced training under section 2104 of this title may be allowed to delay the start of that training and to interrupt it if, under the rules of the institution, there will be time enough, after any delay or interruption and before graduation, for him to complete the advanced training.

"(d) A person may become or remain a member of the program after receiving a baccalaureate degree or completing pre-professional studies if he has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary of the military department concerned. If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty until the member has completed that study.

"(e) The Secretary of the military department concerned may, when he considers that the interest of the Service so requires, release any person from the program and discharge him from his armed force.

"§ 2110. Field training; practice cruises

"(a) For the further practical instruction of members of the program, the Secretary of the military department concerned may prescribe and conduct field training and practice cruises (other than field training and practice cruises prescribed under section 2104 (b)(6)) of this title which members must complete before they are commissioned.

"(b) The Secretary of the military department concerned may—

"(1) transport members of the program to and from the places designated for field training or practice cruises and furnish them subsistence while traveling to and from those places, or, instead of furnishing them transportation and subsistence, pay them a travel allowance at the rate prescribed for cadets and midshipmen at the Military, Naval, and Air Force Academies for travel by the shortest usually traveled route from the places from which they are authorized to proceed to the place designated for the training or cruise and return, and pay the allowance for the return trip in advance;

"(2) furnish medical attendance and supplies to members of the program while attending field training and practice cruises, and admit them to military hospitals;

"(3) furnish subsistence, uniform clothing, and equipment to members of the program while attending field training or practice cruises or, instead of furnishing uniform clothing, pay them allowances at such rates as he may prescribe;

"(4) use any member of an armed force, or any employee of the department, under his jurisdiction, and such property of the United States as he considers necessary, for the training and administration of members of the program at the places designated for training or practice cruises.

"(c) A member of the program is entitled, while he is attending field training or practice cruises, to pay at the rate prescribed for cadets and midshipmen at the Military, Naval, and Air Force Academies. An applicant for membership who is attending field training or practice cruises to satisfy the requirement in section 2104(b)(6) of this title for admission to advanced training is entitled, while so attending, to pay at the rate prescribed for enlisted members of the armed forces in pay grade E-1 (under 4 months' service).

"§ 2111. Logistical support

"(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

"(1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and educational materials; and

"(2) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

"(b) The Secretary of the military department concerned may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the program. The Secretary of each military department shall report to Congress in January of each year on the progress of the flight instruction program.

"(c) The Secretary of the military department concerned may transport members of, and designated applicants for membership in, the program to and from installations when it is necessary for them to undergo medical or other examinations or for the purpose of making visits of observation. He may also furnish them subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

"(d) The Secretary of the military department concerned may authorize members of, and designated applicants for membership in, the program to participate in aerial flights in military aircraft and in indoctrination cruises in ships of the Navy.

"(e) The Secretary of the military department concerned may authorize such expenditures as he considers necessary for the efficient maintenance of the program.

"(f) The Secretary of the military department concerned shall require, from each institution to which property is issued under subsection (a), a bond or other indemnity in such amount as he considers adequate, but not less than $5,000, for the care and safekeeping of all property so issued except uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction. The Secretary may accept a bond without surety if the institution to which the property is issued furnished to him satisfactory evidence of its financial responsibility.

"§ 2112. Personnel: administrators and instructors

"The Secretary of the military department concerned may detail regular or reserve members of an armed force under his jurisdiction (including retired members and members of the Fleet Reserve and Fleet Marine Corps Reserve recalled to active duty with their consent) for instructional and administrative duties at educational institutions where units of the program are maintained. Notwithstanding section 1402(a) of this title, a member recalled to active duty for duty under this section is entitled, upon release from that active duty, to the same retired or retainer pay to which he would be entitled had he not been recalled to active duty. However, such a member is entitled to the benefits of section 1402(b)-(d) of this title, if applicable to him. Retired members recalled to active duty in connection with the program will not be counted in computing strengths under any law.

"§ 2113. Limitations on numbers in the program

"Not more than the following numbers of cadets and midshipmen appointed under section 2108 of this title may be in the financial assistance programs at any one time:

"Army program: 8,000.
"Navy program: 8,000.
"Air Force program: 8,000."

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

"103. Senior Reserve Officers' Training Corps.......................... 2101".

TITLE IV—CONFORMING AMENDMENTS AND REPEALS

SEC. 401. Title 10, United States Code, is amended as follows:

(1) Section 1475(a)(4) is amended by adding at the end thereof the words "any applicant for membership in the reserve officers' training corps who dies while attending field training or practice cruises under section 2104(b)(6) of this title or while performing authorized travel to and from the place where the training or cruise is conducted; or".

(2) Section 1478(a)(4) is amended—

(A) by striking out "section 4385(c) or 9385(c)" and inserting in place thereof "the first sentence of section 2110(c)"; and

(B) by adding the following sentence at the end thereof: "A person covered by section 1475(a)(4) of this title who dies while attending field training or practice cruises under section 2104(b)(6) of this title or while traveling directly to or from the place where the training or cruise is conducted is considered to have been entitled, on the date of his death, to the pay prescribed by the second sentence of section 2110(c) of this title."

(3) Section 1481(a)(4) is amended by striking out the words "of the Army Reserve Officers' Training Corps, Naval Reserve Officers' Training Corps, or Air Force Reserve Officers' Training Corps" and inserting the words ", or applicant for membership in, a reserve officers' training corps" in place thereof.

(4) Section 3201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (5) of subsection (a); and

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(5) Section 3355 is repealed.

(6) The analysis of chapter 337 is amended by striking out the following item:

"3355. Commissioned officers; Army Reserve: appointment; R.O.T.C. graduates."

(7) Section 3540 is repealed.

(8) The analysis of chapter 343 is amended by striking out the following item:

"3540. Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics."

(9) Chapter 405 is repealed.

(10) The chapter analysis of subtitle B, and the chapter analysis of part III of subtitle B, are each amended by striking out the following item:

"405. Reserve Officers' Training Corps...... 4381".

(11) Section 5404(b) is amended—

(A) by inserting "and" at the end of clause (3);

(B) by striking out "; and" at the end of clause (4) and inserting a period in place thereof; and

(C) by striking out clause (5).

(12) Section 5504(h) is amended by striking out "5573, 6904, 6906" and inserting "2107, 2108, 5573" in place thereof.

(13) Chapter 541 is amended—

(A) by striking out the following item in the analysis:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title."

and inserting the following item in place thereof:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 2107, 2108, 5573, or 6909 of this title."; and

(B) by striking out from the catchline and the text of section 5652b "5573, 6904, 6906" and inserting "2107, 2108, 5573" in place thereof.

(14) Section 6023(a) is amended by striking out clause (2) and renumbering clause (3) as clause "(2)".

(15) Section 6387(a) is amended by striking out "6904, 6906," and inserting "2107, 2108," in place thereof.

(16) Chapter 601 is amended by repealing sections 6901, 6902, 6903, 6904, 6905, 6906, 6908, and 6910.

(17) The analysis of chapter 601 is amended by striking out the following item:

"6901. Naval Reserve Officers' Training Corps: administration.

"6902. Transfer of graduates of Naval Reserve Officers' Training Corps to Regular Navy.

"6903. Officer candidate training program: administration; qualifications for enrollment.

"6904. Officer candidate training program: members enrolled from Naval Reserve Officers' Training Corps; appointment as midshipmen; pay; allowances; commissioning.

"6905. Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances.

"6906. Officer candidate training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns.

"6908. Officer candidate training program: naval aviators; retention or transfer to Reserve.

"* * * * *

"6910. Payment of expenses."

(18) Section 8201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (6) of subsection (a); and

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(19) Section 8355 is repealed.

(20) The analysis of chapter 837 is amended by striking out the following item:

"8355. Commissioned officers; Air Force Reserve: appointment; A.F. R.O.T.C. graduates."

(21) Section 8540 is repealed.

(22) The analysis of chapter 843 is amended by striking out the following item:

"8540. Educational institutions: detail of members of regular or reserve components as professors and instructors in air science and tactics."

(23) Chapter 905 is repealed.

(24) The chapter analysis of subtitle D, and the chapter analysis of part III of subtitle D, are each amended by striking out the following item:

"905. Air Force Reserve Officers' Training Corps.............. 9381".

SEC. 402. Title 37, United States Code, is amended as follows:

(1) Section 209 is repealed.

(2) Section 415 is amended by striking out the words "a reserve officer of armed force or an officer of the Army, or the Air Force, without specification of component," and inserting in place thereof the words "a reserve officer of an armed force, an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2107 or 2108 of title 10".

(3) Section 422 is amended by repealing subsections (c) and (d).

(4) The analysis of chapter 3 is amended by striking out the following item:

"209. Members of naval officer candidate programs."

SEC. 403. Section 4 of the Act of August 1, 1956, chapter 830 (5 U.S.C. 802), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) The Federal Employees' Compensation Act (ch. 458, 39 Stat. 742), as amended (5 U.S.C. 751–793), applies in the case of the disability or death of the following members and applicants for membership in the Reserve Officers' Training Corps of the Army, Navy, and Air Force:

"(1) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while engaged in a flight or in flight instruction under chapter 103 of title 10; or

"(2) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while performing authorized travel to or from, or while attending, field training or a practice cruise under chapter 103 of title 10.

For the purposes of this section, an injury shall be considered to have been incurred in line of duty only if it is the proximate result of the performance of military training by the member concerned, or of his travel to or from that military training, during the periods of time indicated in clause (2). Any member or applicant for membership who contracts a disease or illness which is the proximate result of the performance of training during the periods of time indicated in clause (2) shall be considered for the purposes of this section to have been injured in line of duty during that period."

(2) The last sentence of subsection (d) is amended to read as follows: "However, reimbursement may not be made for any hospitalization or medical or surgical care provided a person while attending field training or a practice cruise under chapter 103 of title 10."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. All payments made and supplies issued under sections 9385–9387 of title 10, United States Code, in connection with the training of a person at an Air Force Reserve Officers' Training Corps unit while he was a student at a civil educational institution where a unit of the corps was not established, are hereby validated.

SEC. 502. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SEC. 503. This Act becomes effective on enactment.

Mr. HÉBERT (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in full at this point in the RECORD and now be open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 14, line 25, strike out "four" and insert "five".

Mr. STRATTON. Mr. Chairman, this amendment is a very simple one. It deals with requirements for eligibility for appointment as a cadet or a midshipman under this provision. Mr. Chairman, let's make no mistake about it, this section provides for a regular service ROTC program that we are talking about here. Those who go into this program are those who are going to get their college education paid for by the Government and in return for that education they are accepting an obligation to serve in the Regular components of our military services, not as Reserve officers to be available on call in the event of an emergency, but as Regular officers. They are getting a free college education just as those men are getting a free college education who go to the service academies. But they are getting it under somewhat less severe circumstances. It is a whole lot easier to become an officer in the Army, the Navy, and the Air Force at Harvard, Yale, or the University of Rochester or the University of California, for example, than it is to go through the heavy and tough regime, laid on at West Point, Annapolis, or Colorado Springs.

Now those who are going to accept this kind of program must commit themselves to do certain things. These things are set out on page 14 of the legislation. One of them is that they must agree in writing to serve on active duty for 4 or more years. Now, Mr. Chairman, under legislation recently signed into law for those who go to our service academies the service requirement has been upped from 4 years to 5 years, because this House and the other body both felt that if you are going to get a free education, then you ought at least to serve a reasonable length of time. I think there is no excuse, therefore, for not having the same requirement apply to those who are being accepted for Regular commissions under the somewhat easier Holloway plan as it is now to be extended both to the Army and the Air Force.

What my amendment would do is simply bring the 4-year service requirement up to 5 years and thus bring it in line with the same requirement made for those who are going into our service academies. My amendment tries to deal with the serious problem we have already encountered in the Navy, Mr. Chairman, that only 38 percent of those who have gone into this program and thus have gotten a free education from the Government have elected to stay on as career officers, in contrast to those who have gotten their education from the service academies and who elect to stay in the service at the rate of some 80 to 85 percent.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield.

Mr. COHELAN. Mr. Chairman, I wonder if the gentleman can cite statistics on how many individuals who graduate from the service Academies remain in the service? In other words, what is the rate of attrition?

Mr. STRATTON. Mr. Chairman, the gentleman has asked the question, What is the rate of attrition for those who get their regular commissions by way of the service Academies? I do not have the exact figure but, as I have just indicated in my remarks, it is something on the order of 80 to 85 percent who stay in the service. We all wonder, I am sure, in making our appointments to the various academies, whether the boys we appoint really want to become career officers or whether they just want a free education. Well, it is amazing, I think, to realize that 80 to 85 percent of them who go into the Academies do stay in the service and make a career of it. I think it is a little shocking that only 38 percent of those who get their free education from a civilian institution, however, under the Holloway program, elect to make a career of the service.

Mr. COHELAN. Mr. Chairman, may I say to the gentleman that I am disturbed by both figures. I am not sure that the gentleman is correct in his figure of 85 percent. I would suspect that the attrition is much higher. But in any case, when you compare it with those who receive their military education in the colleges, I should think that it could be considered comparable. Being so it would seem to me rather odd that we would lay a heavier requirement on the college-trained ROTC individual in whom we have much less invested; we have only $9,000 invested in him even under the so-called Holloway program as opposed to some $45,000 per cadet in the academies programs.

Mr. STRATTON. I am not suggesting that we lay a heavier burden on them. I am suggesting that we apply the same requirement to both types of officers. In other words, 62 percent of the people who now get their education paid for under the Holloway program do not serve as regular officers, although the only purpose of this program is to get regular officers for our armed services. Is this a good return of a dollar of value for every dollar spent?

Now, if this program is really to be an indirect form of aid to education for the colleges, perhaps it is a good idea; the colleges certainly like it and maybe we ought to support it for that reason. But the purpose of the program, and I am sure it is the only reason the distinquished gentleman from Louisiana—whether he stays on top of the water or rides in it—the only reason the gentleman is supporting this bill today is to get career officers for our services. And yet the fact is that almost two-thirds of those who enlist in this program fail to serve on a career basis.

I urge the adoption of my amendment.

Mr. PIKE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that those who have watched my friend, the gentleman from New York, and me on this floor before will come to the conclusion that this is the first time that the "fearless five" have gotten down to one. This is an amendment which on the surface seems to make sense. It may seem to be all right and really a better deal to educate these people in the ROTC program and then demand 5 years of service from them instead of 4 years of service. At first blush it may appear attractive, but let us look at the actual cost in dollars. Let us look at what actually happens to the people who go through the ROTC program and the people who go to the service academies. The retention rate in the service academies is not 85 percent; it is 78 percent. The retention rate in the ROTC programs is 37 percent. That is a ratio of almost exactly 2 to 1 favoring the academies over the ROTC program. But look at the cost. The cost of those whom we educate in the Academies is approximately $31,000 per student. The cost of those whom we educate under the ROTC program is about $9,000 per student. The cost ratio is better than 3 to 1, almost 3½ to 1 on those who are educated in the service academies as compared to those who are educated in the ROTC program.

The Government has a far better deal under the ROTC program when you cost it out than it does under the Academy program even with the lower 37 percent retention rate.

Now, Mr. Chairman, what is going to happen if we increase this mandatory service to 5 years? We will not be able to obtain the same number of applicants in these ROTC programs.

Mr. Chairman, we will not receive the choice of the most desirable applicants in the ROTC programs. The very people whom we are most anxious to attract are not going to be interested in this program.

Mr. Chairman, I believe that this amendment is a very well intentioned one but I think it would hurt rather than help the cause of the military in the United States of America.

Mr. Chairman, I urge that the amendment be defeated.

Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, I want to echo the remarks made by the gentleman from New York [Mr. Pike] to the effect that this indeed may be strange to find the gentleman from New York [Mr. Stratton], the gentleman from New York [Mr. Pike], and me in this particular situation.

However, I want to make my own position clear. I share the concern that has been expressed by the gentleman from New York [Mr. Stratton]. I really believe that this is an alarming figure at the university level. However, I also feel on the basis of my experience in this field—and it has been rather substantial in recent years—that the figure is very bad at the service academies as well. I wish to emphasize, however, that the business of moving into this area by just laying on further requirements is not going to accomplish the goal that we all have in mind, which is to improve the quality and the quantity of the officer corps.

What I am saying amounts to this. I am not going to support the gentleman's amendment, but I believe we have to watch this very carefully. If we do not find an improvement in these figures, I very difinitely think that this committee should take appropriate action to correct the situation. However, on the basis of our experience in the hearings and our studies of the program and knowing how really serious the problem is in the long term, it is my feeling as we come before you today that we ought to give this a trial. If it does not work I believe it is our obligation to come back to the House and seek further amendment in order to correct the problem.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not use my entire 5 minutes.

I merely rise to associate myself with the very cogent, valid, and impressive arguments which have been made by the two gentlemen who have preceded me, the gentleman from New York [Mr. Pike] and the gentleman from California [Mr. Cohelan].

Mr. Chairman, I therefore move that we reject the amendment.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

In committee we went into the matter as to the length of time that a graduate should serve on active duty. The gentleman from New York never suggested that the officer be required to serve more than 4 years.

The entire purpose of the Holloway plan, as we call it, is different from the purpose which is sought to be achieved by the service academies. If a person serves 4 years and if he so desires, he can serve longer, if the Government wants that.

Mr. Chairman, I can see no particular objective to be attained by increasing the required service from 4 to 5 years. In fact, at the service academies the amount of compulsory time that an officer must serve has been changed at various times. In the future, if we do believe it should be 5 years instead of 4, we can increase it to 5 years. However, in my opinion it would be a mistake to increase it to 5 years at this time and would injure the plan instead of helping it.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the chairman of the subcommittee, the gentleman from Louisiana [Mr. Hébert], a question concerning the provisions to be found at the bottom of page 3, beginning on line 21. I believe this is a very wise provision. It says:

> There must be at least 100 physically fit male students at least 14 years of age and citizens of the United States—

And so on and so forth, this dealing with requirement for establishment of a junior Reserve Officer Training Corps.

Do I understand correctly that the provision with respect to the senior training program has been repealed in this bill, but is it the intent of the subcommittee—and I am asking this question for the purpose of history attending this bill—that the senior program also have a minimum of 100 physically fit to constitute a unit for purposes of training?

Mr. HÉBERT. The gentleman is correct. The committee had no intention of repealing any of these existing laws. It follows the regulations now in existence which require 100 students each year for the senior program. The committee has every intention of pursuing that in the senior program.

Mr. GROSS. With respect to the senior program?

Mr. HÉBERT. Yes.

Mr. GROSS. As well as the legal provision dealing with the junior program in this bill?

Mr. HÉBERT. Yes.

Mr. GROSS. I thank the gentleman.

Mr. HÉBERT. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. Libonati] may extend his remarks at this point in the Record.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **LIBONATI**. Mr. Chairman, the purpose of H.R. 9124 is to enable the continuance under modern changes of the military system of instruction the support of the junior ROTC units in approximately 255 schools in the Nation. The proposals submitted by the Department of Defense after a thorough study are as follows:

First. The establishment of a new 2-year senior ROTC program and continuing the present 4-year program.

Second. In addition, authorizes the establishment of a program of scholarship assistance for students in the Army and Air Force program:

First. Payment of tuition, books, and so forth, not to exceed $800 per year for each of the 2 academic years.

Second. Also retainer pay of $50 per month for 10 months in each academic year—in lieu of existing $27 per month.

Third. Travel allowance of 6 cents per mile.

Fourth. Increased summer training camp pay from $78 per month to $111.15.

Fifth. Also Department given authority to increase retainer pay from $27 to $50 per month for all students in the ROTC program if justified.

The salutary effect of this program will improve the quality of young men as officer material for the armed services. These modern changes will give impetus to the ambition of young men to follow military careers and give to them the necessary training to develop their abilities in this field without the handicap of financial worries and incidental loss of time hours in earning their way to pursue their studies.

The precommission courses in the colleges and universities would broadly enhance the interest of junior ROTC candidates to pursue further the military training provided for in the proposed programs to compete for commissions. The one requisite on the part of the candidate under the scholarship and retainers proviso is the agreement to serve a 4-year tour of active duty and to accept a Regular or Reserve commission, if offered.

It is said only 37 percent of these candidates remain in the service but this small investment is not only an aid to education but also prepares an emergency reserve in case of a national emergency when officer-trained personnel among the civilian population will be the greatest asset to the national defense. The chairman of the committee, the gentleman from Louisiana, EDWARD HÉBERT and the members of the committee are to be complimented on reporting H.R. 9124 favorably as an important contribution to the national defense and the educational development of our youth not only at the military level but in fields of special or general education including the professions.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from New York [Mr. STRATTON].

The amendment was rejected.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. CAREY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes, pursuant to House Resolution 782, he reported the bill back to the House.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **HÉBERT**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE TO COMMEMORATE THE 100TH ANNIVERSARY OF THE SECOND INAUGURAL OF ABRAHAM LINCOLN

Mr. **MADDEN**. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent for the immediate consideration of House Joint Resolution 925, which would create a joint committee to commemorate the 100th anniversary of the second inaugural of Abraham Lincoln.

The Clerk read the House joint resolution, as follows:

> Whereas March 4, 1965, will be the one hundredth anniversary of the second inauguration of Abraham Lincoln as President of the United States; and
>
> Whereas President Lincoln in his inaugural address looked to the end of a great fratricidal struggle and spoke, "with malice toward none and charity for all," of "a just and lasting peace among ourselves and with all nations"; and
>
> Whereas, in the administration he had completed, Abraham Lincoln had preserved the Union of the States, protected the Constitution of the United States, and demonstrated to all men everywhere the success of the American experiment in popular government; and
>
> Whereas the previous actions of the Congress in observing the one hundred and fiftieth anniversary of the birth of this unique American and the one hundredth anniversary of his first inauguration as President had a vast and dramatic impact upon the people of this Nation and throughout the world; and
>
> Whereas these observances advanced the appreciation and understanding of the history and heritage of this Nation; and
>
> Whereas today a part of the aspirations which Abraham Lincoln held for the people of the United States has been achieved: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That on Wednesday, March 4 next, the one hundredth anniversary of Abraham Lincoln's second inauguration shall be commemorated by such observance as may be determined by the committee on arrangements in cooperation with the National Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia.
>
> Immediately upon passage of this resolution, the President of the Senate shall appoint four Members of the Senate and the Speaker of the House shall appoint four Members of the House of Representatives jointly to constitute a committee on arrangements.
>
> Immediately upon passage of this resolution and after the Members of the Senate and House have been appointed, the Speaker shall direct the committee on arrangements to meet and select a chairman from one of their own group and such other officers as will be appropriate and needed who will immediately proceed to plan, in cooperation with the National Civil War Centennial Commission, the Civil War Centennial Commission of the District of Columbia, and the Lincoln Group of the District of Columbia, an appropriate ceremony, issue invitations to the President of the United States, the Vice President of the United States, Secretaries of departments, heads of independent agencies, offices, and commissions, the Chief Justice and Associate Justices of the Supreme Court, the diplomatic corps, assistant heads of departments, Commissioners of the District of Columbia, members of the Lincoln Group of the District of Columbia, centennial commissions from the various States, Civil War roundtables, State and local historical and patriotic societies, and such other students and scholars in the field of history as may have a special interest in the occasion, organize a reenactment of Mr. Lincoln's first inauguration on the eastern portico of the Capitol, select a speaker and other participants, prepare and publish a program and submit a report not later than June 1, 1965.

The **SPEAKER**. Is there objection to the request of the gentleman from Indiana [Mr. MADDEN]?

There was no objection.

Mr. **MADDEN**. Mr. Speaker, this House joint resolution creates a joint committee to commemorate the 100th anniversary of the second inaugural of Abraham Lincoln. March 4, 1965, will be the 100th anniversary of the second inauguration of the martyred President. In 1960 a resolution commemorating the first anniversary was enacted and the ceremony on March 4, 1961, extended to millions of people throughout the United States a reminder of historical facts concerning the great contribution Abraham Lincoln made to the Nation and the world.

This resolution will set up another commemoration of his accomplishments which will expand the appreciation and understanding of the history and heritage of the Nation during the period this great man was our leader.

There will be a special joint committee made up of four Members from the Senate and four Members from the House, and they in turn will select a chairman of the special committee to supervise this historical occasion.

This celebration and ceremony will take place on the East Portico of the Capitol on March 4, of next year.

Mr. Speaker, there are two technical and grammatical amendments to be considered. I yield to the gentleman from Iowa [Mr. SCHWENGEL] to offer those amendments.

Mr. SCHWENGEL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Page 2, line 10, strike out "Immediately upon" and insert in lieu thereof "Upon".

Page 2, line 15, strike out "Immediately upon" and insert in lieu thereof "Upon".

Page 3, strike out line 2 and insert in lieu thereof the following: "the committee on arrangements shall".

The amendment was agreed to.

Mr. GROSS. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MADDEN. I yield.

Mr. GROSS. What is the cost of this piece of legislation? Is there going to be any additional cost to the taxpayers?

Mr. MADDEN. I yield to the gentleman from Iowa to explain that matter.

Mr. SCHWENGEL. There is no anticipated cost for this legislation. There was not in connection with a similar observance carried out more than 4 years ago, on March 4. There was some cost afterward to write a report. However, there is no appropriation called for in this joint resolution, and we hope there will be no expense.

Mr. GROSS. Is it proposed to tap some other fund around here for money to cover this enterprise?

Mr. SCHWENGEL. No, there is no anticipated need for asking any other money for this.

Mr. GROSS. I am glad to see the repeated reference to "immediately" taken out of this resolution. I could not understand why those words were in there in the first place.

Mr. MADDEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, this has been cleared with the minority side of the Committee on Rules and has been approved. I take this opportunity to congratulate the gentleman from Iowa [Mr. SCHWENGEL] on his initiative in sponsoring this joint resolution. I recall well the ceremonies that were held in 1961 commemorating the first inauguration of President Lincoln. I think they were handled very capably, very well done. As I recall it, something like 20,000 people attended that ceremony. It was widely publicized in the press, on the radio, and on television. I think a great purpose was served. Coming as I do from the land of Lincoln, I am happy to rise in support of this joint resolution.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Secretary of the Senate requests the House of Representatives to return to the Senate the bill (H.R. 10456) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes," together with all accompanying papers.

ADDRESS BY LT. GEN. GEORGE W. MUNDY, AT MARITIME DAY LUNCHEON OF MASSACHUSETTS PORT AUTHORITY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCORMACK. Mr. Speaker, in my remarks, I include an interesting and informative address made by Lt. Gen. George W. Mundy, U.S. Air Force, retired, Special Assistant to the Director, Office of Civil Defense, at the Maritime Day luncheon of the Massachusetts Port Authority, in Boston, Mass., on May 21, 1964:

It is a pleasure for me to join you today for the 1964 Maritime Day celebration and to bring you greetings from Civil Defense Director William P. Durkee and Secretary of the Army Stephen Ailes.

As you know, a few weeks ago Defense Secretary McNamara transferred responsibility for the Nation's civil defense program to Army Secretary Ailes, and named Mr. Durkee to head the Office of Civil Defense.

Civil defense functions were originally assigned to Secretary McNamara's immediate office back in 1961 when the late President Kennedy put the program into the Defense Department. This action represented official recognition by our national leaders, civilian, and military, that civil defense was an essential part of our total national security and therefore should be coordinated with our military programs and made an integral part of our national Defense Establishment.

I would like to mention some of the civil defense progress that has been made in the past 3 years, and also point out the important contribution that the transportation industry can make in helping the Nation achieve full civil defense preparedness.

The nationwide fallout shelter program, which is the core of the new U.S. civil defense effort, is now well underway. More than 100 million public shelter spaces have been located. Our program for marking and stocking the licensed buildings is progressing on schedule. The civil defense goal is 240 million fallout shelter spaces to take care of the Nation's population both at home and at work; 90 million usable spaces are expected to come from the shelter survey, 90 million from the shelter development program, 55 million from private initiative, and 5 million from Federal buildings.

The substantial progress reflected in these figures is due in large part to the efforts of State civil defense organizations, local community civil defense units, and industrial firms and business leaders throughout the Nation.

Here in Massachusetts you are fortunate to have as your State Civil Defense Director Dan Finn, who only recently was elected as the 1965 president of the National Association of State Civil Defense Directors when they convened in Washington. The job he has done in helping to accelerate the licensing, marking, and stocking of public fallout shelters in Massachusetts has been notable. Dan Finn has traveled through every town and city from the Berkshires to Cape Cod enlisting support for civil defense, and his efforts are paying off. We in the Pentagon, who are charged with the nationwide responsibility of making this program effective, believe that he and his staff have done a very good job.

Mr. Finn while in Washington recently discussed some of the support that the Massachusetts Port Authority can provide to the civil defense program in your State.

The port authority, as a legal subdivision of the Commonwealth, possesses an important capability for helping Massachusetts citizens survive and recover from either a nuclear attack or a natural disaster.

Your airports, your harbor facilities, and your experienced technical and administrative staffs are all valuable resources for coping with either natural or wartime emergencies. These resources are already tied in closely with civil defense programs in Massachusetts, and full utilization of them is being assured.

Looking again at the national picture, those civilian and military leaders who are responsible for our national security seek to assure peace and freedom through a combination of several factors—that is, military strength; economic progress, both at home and abroad; diplomacy; and arms control. But it is becoming more and more evident that our military strength must include both active and passive measures.

Civil defense, understandably, has never been a popular program with the public. Our Nation, however, is gradually accepting the unpleasant fact that, however unlikely the occurrence, the United States could be hit by nuclear weapons. Ordinary prudence therefore dictates that we prepare to the fullest feasible extent to cope with the effects of such an attack.

The Department of Defense has made—and continues to make—many detailed studies of possible nuclear attacks on this country, covering a wide variety of hypothetical attack patterns and circumstances.

The studies are made for many purposes, including analysis of military strategy; evaluation of new weapons systems for development; and civil emergency planning.

The hypothetical attacks presume many different military, urban, and industrial targets, with various mixtures of air and ground bursts as well as sizes of weapons.

Other variables include such matters as how war starts; enemy abort rates; attrition from U.S. military action; duration of the attack; weapons accuracy; wind direction and velocity.

The studies indicate that a fallout shelter program is an essential part of our total defense, since about 75 percent of the land area of the continental United States could be covered by dangerous to lethal fallout from a possible nuclear attack.

Since fallout is subject to wind direction and velocity, there is no area in the United States where fallout shelters are not needed.

Other studies demonstrate that while the effects of a nuclear attack would be widespread and extremely damaging, survival and recovery would be possible, especially if advance preparations had been made to protect as many people as possible from radioactive fallout, and to help them carry on recovery and reconstruction work in a hostile environment.

The late President Kennedy placed civil defense in its proper perspective in 1961 when he said: "When the skies are clear, no one is interested in civil defense. Suddenly then, when the clouds come—after all we have no assurance they will not come—then everyone wants to find out why more has not been done about it * * *. It may be that there does not seem to appear to be a need as of today, but that does not mean that there may not be a need for it at a later date."

The Speaker of the House of Representatives, Congressman John W. McCormack, has given his strong support to the national shelter program.

Before the House overwhelmingly approved the fallout shelter development program last September, Congressman McCormack, in a rare move, left the Speaker's chair and took the floor of the House of Representatives and told his colleagues:

"For many years I have considered the shelter program to be the fourth arm of our national defense. This bill is to save American lives in case of an emergency. We are spending $57 to $58 billion for our Army, Navy, and Air Force, and that is necessary. We have to maintain military strength to deter aggression and to deter war.

"But we are faced with vicious and evil minded individuals and forces throughout the world * * * If a potential enemy were to hurl a bomb on Boston, they are not attacking Boston or Massachusetts. They are attacking the United States of America.

"There are those with whom I cannot agree who in good faith say it is hopeless. I think that is a very unfortunate and materialistic approach, that it is hopeless to render protection to American citizens in case of attack by a potential enemy * * * I do not see how anyone having regard for the fact that it may mean the saving of millions of American lives in the future can vote against this bill. Certainly if a bomb is dropped we cannot consider a program of this kind then. We have to consider it now."

As you know, Defense Secretary McNamara considers civil defense an indispensable component of our national defense posture. In his testimony before the House Armed Services Committee in January 1964, Secretary McNamara said:

"Civil defense is an integral and essential part of our overall defense posture. I believe it is clear from my discussions of the Strategic Retaliatory and Continental Air and Missile Defense Forces that a well planned and executed nationwide civil defense program centered around fallout shelters could contribute much more, dollar for dollar, to the saving of lives in the event of a nuclear attack upon the United States than any further increase in either of those two programs. Indeed our studies indicate that an effective civil defense program could increase the number of persons surviving a determined Soviet nuclear attack in the 1970 period by tens of millions, at a total investment cost to the Federal Government of about $3.5 billion.

"An effective civil defense program requires two major elements: A nationwide system of fallout shelters, properly equipped and provisioned, to protect our population from the fallout effects of a nuclear attack; and planning and organization of the capabilities essential to the effective use of this system, including the ability to carry out essential postattack emergency operations."

This statement by the Secretary of Defense clearly defines the goal of a balanced civil defense program for the United States—to save American lives in the event of a nuclear attack on this country.

Being transportation people, I'm sure you can appreciate the disruptive effect that such an attack would have on all modes of transportation. I'm equally sure that you recognize the need for the earliest possible resumption, after an attack, of transportation services. There is much that is now being done on this, and more can be done. Let me mention just a few items.

The National Defense Transportation Association is working very closely with the Office of Civil Defense. Last year an agreement was signed between OCD and the NDTA for local NDTA chapters to identify and obtain transportation personnel, equipment, and facilities for use during civil defense emergency operations. Only last week, I understand, the Greater Boston chapter of NDTA was highly commended here by city, State, and Federal civil defense officials for the outstanding job it has done in providing transportation and manpower, free of charge, to stock fallout shelters in Greater Boston.

Approximately 40 ports in our country, including the port of Boston, have civil defense plans completed or in some stage of development.

In the field of motor transport, private industry is called upon to provide the necessary protection of its properties and operations to assure continuity of transportation services. Management and its employees have vital roles in the planning and maintenance of protection and rehabilitation programs. Thus it is important that protection planning for motor transport industries be undertaken now.

The railroads of the United States are aiding the fallout shelter program in various ways, including the licensing of their buildings and tunnels as fallout shelters for public use in emergency.

In the field of air transportation, airports all over the country—including not only those of metropolitan cities such as Boston, but also in smaller cities—are involved in disaster planning. The Federal Aviation Agency has for several years encouraged airport managers and other local officials to prepare to protect their facilities and assure continuity of operations in the event of disaster.

So we see an expanding participation of responsible transportation leadership in the whole range of civil defense activities, aimed at insuring the survival and rehabilitation of these vital facilities if a national emergency ever comes.

You have in your hands an important resource, vital to the everyday needs of mankind. In time of disaster, it could mean the very lifeblood of your Commonwealth. Make sure that if that time should come, you can respond and fulfill the task you are called upon to perform.

We have recently seen in Alaska the great need for disaster preparedness. There we had a practical demonstration of civilian authority and operations being maintained and conducted by Governor Egan and the mayors, using their civil defense organizations as a coordinating and directing arm, supported by military units and resources.

Except that there was no radioactive fallout, Alaska's violent earth shocks were similar to near misses by thermonuclear weapons.

When Governor Egan and several Alaska mayors came to Washington seeking Federal aid after the earthquake and tidal waves, the Governor had this to say: "When we were dropped to our knees by the earthquake and tidal waves in Alaska, the civil defense organization was there to pick us up and get us started on the road to recovery. Anyone in Alaska who had reservations about civil defense, I am sure has changed his mind now after seeing the great job this agency did and is continuing to do for our people."

In conclusion, I want to emphasize that the civil defense program of the United States can be effective only if there is teamwork at, as well as between, the three levels of government—Federal, State, and local, under civilian leadership but with military support. We all have a responsibility to protect our Nation and our people, whether it be from a nuclear war or a natural disaster. The time to prepare for this is now, not after we are struck. We must work together to meet any challenge which may face us. Our success in reaching this objective is in the hands of people like you who have the equipment, the staffs, and the will to survive.

TELEVISION PROBLEMS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, today I have submitted to Congress a concurrent resolution calling for a study and report by the FCC with respect to regulations of community antenna television systems.

The various systems have grown in the last few years into a vast industry, a portion of which is regulated by FCC and a portion which is not. In the public interest a firm policy should be adopted to assure equal opportunities within the industry, avoid monopolies in any area, and to assure the viewing public the broadest coverage possible.

In this connection, I am submitting the speech of FCC Commissioner Fred W. Ford delivered June 18, 1964, in Philadelphia, Pa., which is an outstanding address on this most important subject:

Television: Divided or United—Some Problems in Television Growth

I

Television has had many problems since the first commercial television station was authorized by the Commission in 1941, only a few of which were solved by the sixth report and order[1] of 1952. In fact, it appears that even though our television system as we know it today stems from that report, barely 12 years old, the problems of television seem to increase the older, more popular, and universal it becomes. I would like to talk to you today about one of these problems which is almost as old as commercial television itself and that is the impact upon our broadcast television structure of a system whereby the public pays for its television service. It has a number of names such as phonevision, toll vision, pay-TV, fee-V, subscription television and your own community antenna television. The mention of any of these names arouses what appears to be a torrent of emotion and fear on the part of many traditional television broadcasters and their spokesmen. This fear is easy to understand, but I believe it is unjustified. I have no doubt that those who espouse these various newer forms of television react in support of them with equal emotion.

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[1] Sixth report and order, Apr. 14, 1952, 1 Pike & Fischer RR 91: 620 (1952).

It is my purpose here today to undertake an analysis of this problem and to delineate the most important issues presented and their relationship to our national objective, which in the language of the Communications Act is, "to make available so far as possible, to all the people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communications service."[2]

Before proceeding further I think it would be desirable to define a few terms.

First, I would like to classify under the term "pay-TV" all forms of television broadcast service in which some system is employed whereby the public, in order to receive the program, must pay a fee either at a flat rate, by program, or a combination of both.

Second, I would like to classify arbitrarily as subscription television—STV—all systems using wire for distribution of programs from the local point of program origination to the point of reception for which a fee is charged at a flat rate or by program or a combination of both.[3]

Third, I would like to classify as CATV[4] all systems which receive programs broadcast by licensed television stations and distribute them by wire to individual customers at a flat rate.

Fourth, I would like to classify as "cablecasting" the distribution over a CATV system of programs that are originated in some manner other than by a broadcast, payment for which is made at a flat rate or for each program accepted. From time to time I will refer to STV, CATV, and cablecasting as wire television.

Fifth, I would like to refer to the television broadcast service licensed to use channels 2 through 83, excluding pay-TV experimental authorizations, translators, and satellites, as television.

Aside from the early experiments authorized by the Commission in pay-TV with limited facilities,[5] there were no actual experimental pay-TV systems authorized until the General Tire Co. was given an experimental authorization on WHCT in Hartford, Conn., on February 24, 1961.[6] On October 3, 1962, the Commission granted authority for the second public pay-TV test on KCTO, channel 2, Denver, Colo. On May 1, 1964, the permittee advised the Commission that it would not seek a further extension of time in which to commence operation.

Subscription television or STV on the other hand is just getting started in Los Angeles and San Francisco and little is known about what its success or impact will be. Its proponents have great confidence in its success as an intrastate service free from the jurisdiction of the Federal Government. If STV is initially successful I doubt that it can grow and prosper outside the total national television system as a completely intrastate operation beyond the reach of congressional regulation.

During the early phases of television another form of delivering television programs came into existence. The public in unserved areas and fringe reception areas were impatient for television service during the 1948–52 "freeze" on television grants and American ingenuity as usual supplied the demand by devising a common antenna system at a favorable site many miles away.

The first community antenna was installed on an experimental basis at Astoria, Oreg., in 1949 and the first commercial system at Lansford, Pa., in 1950. Today there are 1,295 CATV systems serving an estimated 3,300,000 viewers in something over 1 million homes, creating a $51 million industry.[7] Of the 1,295 systems, about 250 use a microwave service to bring signals to their systems which cannot be received satisfactorily off the air.

These microwave services are furnished by independent common carriers, by affiliated common carrier and by private microwave. Some of these systems have the facilities to originate programs. Most systems receive from 1 to 10 stations with an average of about 4. I am told that the number of systems is growing rapidly. It is worthy of note that CATV is the only television service which grew up in the "grassroots." All other forms of television have been or are being developed in the great population centers.

For several years CATV systems operated in many communities without any great amount of friction. Beginning in 1957, however, it appeared that a number of sharp conflicts were developing between local TV stations and the CATV system operating in the same or a nearby community. These conflicts led to a hearing before the Subcommittee on Communications and Power of the Senate Interstate and Foreign Commerce Committee in 1958, and the Commission's own inquiry into the impact of community antenna systems, TV translators, TV satellite stations and TV "repeaters" on the orderly development of television broadcasting.[8] In the report and order issued in 1959 on that inquiry, the Commission concluded that "it would not constitute a legally valid exercise of regulatory jurisdiction over common carriers to deny authorization for common carrier microwave, wire or cable transmission of television programs to CATV systems on the ground that such facilities would abet the creation of adverse competitive impact by the CATV on the construction or successful operation of local or nearby stations."[9]

On February 16, 1962, the Commission denied the application of Carter Mountain Transmission Corp.[10] for a microwave facility on the ground that improved service to the CATV would probably force the local TV station off the air. The denial was without prejudice to refiling the application when the applicant was able to show that CATV would not duplicate the programs of the local TV station and would carry that station on its CATV system. On appeal the court found that the Commission was fully warranted in its action.[11] On December 12, 1962, the Commission issued its proposed rulemaking in the Business Radio Service[12] relating to the duplication of programs and carrying the local stations on the CATV systems. Pending applications would be held until the conclusion of the proceeding. Exceptions would be made, however, where applicants voluntarily accepted the contemplated conditions. On December 13, 1963, a further notice was issued with respect to the Business Radio Service and a new notice of proposed rulemaking[13] was issued in the Common Carrier Service used to relay television broadcast signals to CATV systems proposing substantially the same rules for this service.

On October 3, 1963, an application was filed for consent to the transfer of control of H. & B. Microwave Corp. from H. & B. American Corp. to Video Independent Theatres, Inc., a wholly owned subsidiary of RKO General, Inc. H. & B. Microwave Corp. owns 37 CATV systems in 12 States and at least an additional 8 systems under construction. RKO through subsidiaries now owns 27 CATV systems. Moreover, RKO General, Inc. already owns four VHF and one UHF television station in the United States and one VHF station in Canada which serves Detroit, Mich.[14]

As a result of this application and other matters the Commission issued its notice of inquiry on April 15, 1964, entitled "In the Matter of: Acquisitions of Community Antenna Television Systems by Television Broadcast Licensees."[15] It there stated that "Before it acquiesces in the formation of such an entity, the Commission believes it to be necessary to seek a basis for estimating the impact that acquisitions such as that contemplated by RKO General might have on its multiple ownership policies and on the television broadcast structures as a whole, as well as the impact on more specialized problems."

Finally, the Commission now has under consideration the question of allocating spectrum space to a CATV microwave service. These discussions are not sufficiently crystallized at this time to warrant more than recognizing that they are in progress.

Although Congress has shown a continuing interest in pay-TV and CATV, no legislation has been enacted. Bills were introduced in 1959 to regulate CATV and, after hearings, the Communications Subcommittee of the Senate Interstate and Foreign Commerce Committee introduced its own bill, S. 2653,[16] which was defeated. Following that, I suggested a bill[17] which the Commission sponsored, but no action was taken on it.[18] Recently, however, Congressman WALTER ROGERS indicated that the problems of pay-TV, STV, and CATV "must come before the Congress in not too distant future and will pose some most serious problems."[19] Moreover, representatives of the Commission, your association, and the National Association of Broadcasters have had a series of discussions in recent months looking toward legislation, but no draft bills have been agreed upon at this time.

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[2] 47 U.S.C. section 151.

[3] See prospectus of Subscription Television, Inc., Oct. 30, 1963, for a description of this business.

[4] See *Clarksburg Publishing Co.* v. *F.C.C.* 225 F. 2d 511, 517, note 16 (1955) for definition of CATV; also, see S. 2653, 86th Cong., 1st sess. (1959).

[5] These early systems were the Skiatron system which was tested in New York City over WOR–TV in 1950, the Telemeter system which was tested over KTLA–TV in Los Angeles in 1951 and the Zenith system which was tested over its own experimental station in Chicago the same year.

[6] In re application of Hartford Phonevision Co., docket No. 13814.

[7] "Community Antenna Television: Survey of a Regulatory Problem," by Palmer, Smith & Wade, 52 Georgetown Law Journal 136 (Fall 1963). I have also used the figures furnished by A. D. Ring & Associates to the NCTA. These figures are contained in their comments on dockets Nos. 14895 and 15233. Cf. figures contained in the June 15, 1964, issue of Television Digest which are slightly higher.

[8] Docket No. 12443.

[9] Twenty-four F.R. 3004, 18 Pike & Fischer RR 1573 (Apr. 14, 1959), par. 77.

[10] Twenty-two Pike & Fischer RR 193 (1962). It is interesting to note that the grant to Carter Mountain had been aside on July 29, 1959, on a protest by station KWRB–TV a little over 2 months after the final report and order in docket No. 12443.

[11] *Carter Mountain Transmission Corporation* v. *F.C.C.*, 321 F. 2d 359 (May 23, 1963).

[12] Docket No. 14895.

[13] Docket No. 15233.

[14] WOR–TV, New York; WNAC–TV, Boston; KMJ–TV, Los Angeles; WHBQ–TV, Memphis, Tenn.; WHOT, Hartford, Conn.; CKOW–TV, Windsor, Ontario.

[15] Docket No. 15415.

[16] 86th Cong., 1st sess. (1959).

[17] Address before Eastern Regional Management Conference, NCTA, Shoreham Hotel, Jan. 9, 1961.

[18] S. 1044, 87th Cong., 1st sess., 1961, H.R. 6840, 87th Cong., 1st sess., 1961.

[19] Address before the Station Representatives Association, Apr. 28, 1964.

This completes a brief description on where we are today and how we got here.

II

Our country is growing rapidly and with it is growing the demand for improved television service in communities across the land. The basic problem which the Commission and the communications industry faced in 1941 and still faces today is how that demand is to be best satisfied.

In seeking to satisfy this need must we consider only the use of radiofrequencies or should we follow literally the national policy of providing an "* * * efficient, nationwide, * * * wire and radio service?"

It is my belief that an adequate nationwide competitive television system with an increased choice of program service can only be achieved by an integrated and federally regulated system of both wire and radio.

It is clear to me that the priority set forth in the sixth report and order for the assignment of at least one television station to each community can never be realized by the use of the allocated frequencies alone. The radio spectrum neither can be nor should be expected to satisfy that objective. In the first place it is not physically possible with the present state of the art to assign 82 channels to the 4,699 communities with a population of more than 2,500 each in the United States. There are now 536 VHF stations and 118 UHF stations on the air in 365 communities. Even with a recent proposal to expand the assignments contained in the sixth report and order to about 700 VHF stations and 1,980 UHF stations to 1,294 communities, the priority on its face is not attainable.

Even if it were possible to add enough additional spectrum space to provide one television station to each community in the United States, I do not believe that sound frequency management would permit such an inefficient use of this valuable national resource, to say nothing of the economic unsoundness of making such an attempt. I have reference here to the basic principles followed by the Commission in making the overall frequency allocation in its major allocations proceedings in 1945, docket No. 6651. You will recall that this was the proceeding that established the uses of the radio spectrum by various services that is still in effect today. It must be remembered that because the demand for frequency space far exceeded the space available the primary principle that guided the Commission in making its determination was, "The dependence of the service on radio rather than wire lines." In fact the report stated in section 4:

"There were six general principles that guided the Commission in making this determination. In the first place, the Commission examined each request to determine whether the service in question really required the use of radio or whether wire lines were a practicable substitute. Obviously, with the severe shortage of frequencies, it would not be in the public interest to assign a portion of the spectrum to a service which could utilize wire lines instead. The Commission's determination was not limited to technical considerations but also took into account economic and social factors and considerations of national policy. For example, while fixed point-to-point service between countries could be carried on by cable as well as by radio, the great disparity in costs between the two types of service and considerations of national policy clearly required the assignment at least at this time of frequencies for such fixed point-to-point service."

This principle was not applied to television and I would not suggest that any dogmatic application of this principle would be proper now. I am concerned here only with satisfying the need for expanded television service over and above what can be provided by the present allocation. As I view it this expanding need can and should be satisfied by the use of the alternate means, namely wire.

The CATV industry has demonstrated that it has the capacity, desire, and ability to furnish that additional service in the public interest. They have done it and undoubtedly will continue to do it on an ever-increasing basis.

III

Let us now turn our attention to a consideration of whether Federal regulation of wire television is necessary or desirable. At the outset the touchstone of our judgments must be the same for all forms of television. This guiding principle is our present statutory standard of the "public interest, convenience, and necessity."[20] Regulation of wire television is only appropriate if it is necessary to serve the public interest. It would appear that such regulation is essential if the congressional policy of providing a rapid efficient nationwide wire and radio communications service is not to be frustrated.

The purpose of the Commission's efforts to regulate wire television has been based solely on the impact which it may have on the television stations which it has licensed. At the same time the Commission recognizes the desirability of urban areas having the widest choices of service possible unless that choice destroys television service to rural areas, and perhaps prevents the full development of a competitive nationwide television service.

Arguments have been made that regulation is also necessary to insure the effectuation of our allocations of frequencies to the television service. It is also contended that in our attempts to regulate about one-fifth of the CATV systems, that is, those requiring microwave licenses, we create unfair competitive conditions as a result of the uniform application of our policies. The more I have studied these problems, the more I am inclined to doubt the wisdom of trying to regulate one-fifth of an industry through a technical legal device rather than by seeking legislation to subject the entire industry to regulation. CATV systems are engaged in interstate commerce since, thus far at least, they are basically extensions of the interstate service of the television broadcast stations whose signals they carry.

As time passes and the problems of wire television become more complex, it is becoming clear that regulation of a service which has the potential impact that wire television has on television should not be left to 50 diverse State jurisdictions and countless cities. The very nature of a nationwide television service, even if radio frequencies were not involved, dictates that we could not have 50 different systems and 50 different ways of meeting the problems of a nationwide service.

One of the purposes of the Communications Act of 1934 was to secure "a more effective execution of [national] policy by centralizing authority" in a single agency. The time has come it seems to me to recognize the development of wire television as a significant national force and to establish a comprehensive regulatory scheme that will provide one fully integrated and unified television system. In short, preemption of this field by the Federal Government is essential.

IV

In any Federal system for the regulation of wire television the form of that regulation presents many problems. The formula for the solution of these problems will depend to some extent on whether it is determined that wire television is a supplemental service or whether it is a new service. Will this industry be content to fill in the gaps of television coverage or has a new force come into existence, the ramifications of which have not yet become clearly defined? Will your industry continue as an antenna service or will you begin cablecasting local programs on at least one channel, and in the course of events seek interconnection with other systems and finally become a nationwide multiple program service competing for national program product as well as a conduit for television stations to home receivers?

In any case questions will arise on the type of authority to be issued. Should CATV or other types of wire systems be licensed, issued certificates of public convenience and necessity, franchises or some other form of authority? Should whatever form of authorization is used be on the basis of geographical or political areas? Should the term of such authority be unlimited? What should be done about mutually exclusive applications for franchises? Should comparative hearing procedures and criteria similar to that used by the Commission be adopted or some other form of selection process provided? What should be done about the limitation on holding and transfer of licenses or certificates of authority? Should some standards of legal, technical, financial and other qualifications be considered necessary? What sanctions, if any, should be available to the regulatory authority? What reports and other types of information should the regulatory agency be authorized to require? Is any type of program review such as that presently exercised by the Commission appropriate or reasonable? Should such things as political broadcasts, announcements of sponsorship identification and the "fairness doctrine" be matters of regulatory concern? What will the role of networks be? Should they not be permitted to gain know-how in the wire television field to the extent perhaps of owning systems, or affiliating with individual systems which do not otherwise receive their program service?

Although the reasons for the Communications Act specifically declaring that "a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier,"[21] would seem to be equally applicable to wire television,[22] at least as to the origination of programs, should the rates charged the public nevertheless be subject to some type of regulation such as now contained in some city ordinances? Should some provision be incorporated requiring the extension of service or furnishing of service on a nondiscriminatory basis to the public? If so, what, if anything can or should be provided relating to the use of telephone or power poles for wire systems? Should the consent of television stations for the use of programs be required? If so, should the regulatory authority be empowered to order consent and on what basis in view of the conflict over property rights in programs? Should there be authority to order a station on a system or off a system? If cable casting becomes common on one channel of a CATV system should advertising be permitted in order to boost the local economy? Should there be authority to impose technical standards, type approval of equipment to minimize interference to the reception of signals off the air and inspections of installations?

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[20] See, "The Meaning of the 'Public Interest, Convenience, or Necessity,'" Journal of Broadcasting (summer 1961), p. 205.

[21] U.S.C. 153h.

[22] I am informed that the attorneys general of the following States have rules that CATV systems are not public utilities: New Mexico (1954), Washington (1954), Utah (1956), Arizona (1955). The Pennsylvania Public Utility Commission ruled in 1964 that CATV is not a public utility. The District Court for the First Judicial District of Wyoming ruled that CATV was not a public utility (1958). The Supreme Court of California decided that CATV was not a public utility (1956). Eleven State legislatures in the past 6 years have considered the regulation of CATV but have not enacted laws. In 1963 Connecticut enacted a law permitting the public utility commission to grant franchises to CATV although the latter were not public utilities.

Each of these questions deserves far more careful and complete analysis than would be possible here. I have posed them only for the purpose of trying to stimulate organized research and thought about them. These and many more questions must be faced and resolved in one fashion or another in deciding what form Federal regulation will or will not take.

V

With the growth and increasing importance of wire television a question has arisen with respect to the multiple ownership of wire systems and television stations, and cross ownership between them. The Commission's rules on the limitation of the multiple ownership of television and radio stations[23] is based on the fundamental theory of the Communications Act that the public interest is best served by a diversity of opinion and voices in this powerful medium rather than concentration of control. Therefore, to the extent that wire television has the possibility of engaging in cablecasting rather than merely delivering programs from multiple voices the same underlying principle would apply.

It is my present belief that the Commission's multiple ownership rules are adequate in most respects for television, but that they are not adequate for wire television. One of the deficiencies of our rules is that five VHF stations in small markets reaching a minimum number of viewers are equated with the 5 largest markets in the country which could reach more than 25 percent of our population. I am told that all 1,295 CATV systems on the other hand reach only 2 percent of the population. I do not mean to suggest that one person could own all existing CATV systems but I do suggest that the same multiple ownership rules now in effect for television would be unrealistic if applied literally to wire television. For example, ownership of five average sized CATV systems would deliver a signal to 4,000 homes or roughly 12,000 viewers which would seem minimal when compared with the population in the grade B contour of most television stations. The multiple ownership problem of CATV systems would, therefore, be a completely different problem than that of television stations and should be solved in a different way. I am not prepared to offer a solution today, but the number of systems owned, population served, other services available, and political and geographical areas involved, are factors which should be considered in finding a solution. Whatever the solution may be if cablecasting becomes an important service there probably will be some kind of limitation on the multiple ownership of wire systems in any Federal regulation of the industry.

Another factor that may affect the multiple ownership principle is that of joint or common ownership of wire and radio television systems. At the time that I was Chief of the Hearing Division of the Broadcast Bureau, when our first comparative television cases were being tried in 1952, I took the position that pioneer radio broadcasters should receive credit for their past performance. If this were not done, the Commission in effect would be telling radio broadcasters that as a reward for their efforts and experience in building the radio industry, a new group would be selected to bring television to our country.

It seems to me that the exclusion of television broadcasters from your industry or you from the television industry may likewise be unfair. In that way we may in ultimate effect be excluding those well-qualified individuals who risked their money to develop television and wire television from participation in the final forms that it may take. At this time, therefore, I would not discourage television broadcasters from entering your field as many have already done,[24] nor would I discourage you from seeking television licenses. Eventually however, the cross ownership or common ownership of television stations and CATV systems may have a bearing on the expansion of individual companies. It is possible that the results would depend on whether the common ownership was in the same or different markets. If common ownership were in the same market the service could very well be offered to fill in the gaps of coverage whereas if it were in different markets the question of diversification might control. If in the same market the question of area concentration of control may be involved depending on the form wire television takes, whereas this question would not be in issue if different markets were involved. From these observations it is apparent that this is a basic and difficult question which should be resolved. To this end, the Commission instituted its inquiry to which I have referred. It is now under study and we are seeking all the information possible to enable us to determine what, if any, action, or recommendations for legislation that we should make.

VI

Finally, I would like to discuss the competitive impact which CATV could have on television. For example, in single station markets which for the most part are relatively small markets, a CATV system may bring into the urban area as many as 10 program choices to compete with the television station for viewers. It is contended that only about 10 percent of a station's listeners are involved, however, it does not take much imagination to visualize this 10 percent growing much larger. If other communities in the station's service area are wired and if advertisers in those communities stop buying advertising on the local station the economic consequences to the local station are obvious. Ultimately, the ability of the station to adequately serve the public or even survive could become questionable.

It should be observed that wire systems are not yet ready to serve all of the people served by a television facility. Rural areas still depend on television stations for their service. This is in large part the basis for the protection we have given television stations. This position would probably be revised if the technical developments should permit the delivery of a television signal to all by CATV systems on an economical basis so that the public would not suffer. The competitive factors then would not be of such concern to the Commission. Therefore, until such time as wire systems are able to deliver to a reasonable degree the service that a television station can furnish, it is likely that some form of protection to a television station in a single station market will be afforded if the facts justify it.

Considerable stress has been placed on the limitation or containment of CATV in order to stimulate the full development of UHF and give the all-channel receiver legislation an opportunity to develop an adequate nationwide competitive television system. It is argued that if microwave authorizations are issued to bring programs to communities where UHF stations are authorized or assignments made that this will prevent the development of UHF stations and frustrate the Commission's allocation and assignment policies to the detriment of the public. It is also argued that UHF needs this protection from competition to survive economically. This is still an open question because it might well be argued that in some instances UHF needs CATV at this point in order to reach an audience in being and to survive.

Let me pose to you what very well may be a solution to one of the basic problems we face of giving urban areas a choice of service with no loss of service to rural areas. How many of you would establish UHF stations and carry them on your CATV systems, if the Commission rules permitted it? Where assignments are available you may do this today. I have in mind, however, the possible modification of the Commission's rules on assignment, height, power, and a liberalization on the number of UHF stations permitted one owner for this purpose. Would such modification of its rules on the part of the Commission result in the immediate construction of hundreds of UHF stations and help achieve the priorities of the sixth report and order and the all-channel receiver law? I think it would if such changes were properly designed. Thus, I must ask, are the CATV industry and the television industry really basically divided? I submit that the answer is no—they are both a part of the same industry and I see no reason why they should not be unified if both are equitably and fairly regulated by the same agency. In achieving this result, however, these problems must be approached objectively and dispassionately by all including the Government with the one common purpose of seeking solutions which will give the best service to the public.

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[23] Sec. 73.636 of the Commission's Rules provides that, (a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if: (1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or (2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, concentration will be given to the facts of each case with particular reference to such factors as the size, extent and location of area served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the VHF band. (b) Paragraph (a) of this section is not applicable to noncommercial educational stations. NOTE 1.—The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

(NOTE 2.—In applying the provisions of paragraph (2) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.)

[24] The June 8, 1964 issue of Sponsor magazine reports that there are 43 instances of joint broadcaster-CATV interests. Only 22 occur in the same market and only 6 involve 100 percent ownership of the station and CATV system.

VII

In conclusion, I would like to make two suggestions.

First, that a separate division be established in the Commission's Broadcast Bureau whose primary function would be to study the future of television, to accumulate technical data, to serve as a point of contact for industry and the interested pubiic concerned with the various new television systems, to develop information on the issues presented, to study the technical, legal, and policy problems in pay-TV, STV, and CATV, to plan for the orderly development of television and to keep the Commission informed of the technical, legal, ethical, social, and economical problems in this field.

Second, that an ad hoc committee be formed composed of representatives of pay-TV, STV, CATV, broadcasters, manufacturers, networks, and other interested groups to study all of the technical, legal, social, economical, and political questions arising from the developments in this field, and to make recommendations for the future orderly growth of a total television system in the United States including perhaps a revision of our allocation table for lower powered UHF stations, multiple ownership rules and concepts relating to the concentration of control of mass media; in short, to study and make recommendations on what form the regulation of wire television should take.

I do not pretend to know what the future of television will be. I do know that wire television is becoming increasingly important in our national scheme. I doubt that it will ever replace broadcasting, but I cannot be sure even of that. This is perhaps the most dynamic, powerful, and influential of all the means of mass media in existence today. In the United States we have developed the greatest television system in the world. I think it will become greater, but it will require skill and wisdom in the years to come to keep television the servant of the people.

I have no preconceived notions of what the optimum system should be except that it should provide the greatest service to the greatest number of people. I am firmly convinced that all forms of television must constitute a unified and integrated system—that it should be united not divided in its objectives. I am also convinced that out of the caldron of conflict and uncertainty that exists today will emerge a total system best suited to serve the public interest, convenience, and necessity.

JUNE 15, 1964, A SAD DAY FOR MISSOURI (AS WELL AS MOST OTHER STATES) WHICH SUGGESTS THE NEED FOR REMOVAL OF "WILD-EYED NINCOMPOOPS"

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I can remember the time when almost without exception the people of this Nation had an abiding respect, approaching even a reverence, for the U.S. Supreme Court, but that day is past.

We have reached a dangerous period in our history when the legislative responsibilities of the Congress are being usurped, not by a group of distinguished jurists but by a band of politically motivated power-hungry individuals who are demonstrating their contempt for the very Constitution, whose preservation should be their first obligation.

Of course, I am speaking of the decision of the majority of the "Warren Court" on June 15, which would have the effect of ruling unconstitutional practically every constitution of the several States of this Union. Mr. Speaker, I would suppose that most Members of this House have read the article in the current—June 29—issue of U.S. News & World Report, titled "High Court: Its Growing Impact," wherein it is stated:

> These latest decisions point up a strong trend—now a decade old—toward an expansion of power on the part of a Federal judiciary appointed to office and serving for life.

Mr. Speaker, I would commend a rereading of some of the statements included in the dissenting opinions of some members of the Court, such as:

Justice Harlan says:

> What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible.

Justice Stewart, in even stronger language, says:

> The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union.

Mr. Speaker, I think Justice Harlan sums up the case when he stated:

> This Court, limited in function in accordance with that premise—that the Constitution is an instrument of Government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens—does not serve its high purpose when it exceeds its authority, even to satisfy judicial impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process.

We are beginning to hear from the people, Mr. Speaker, and as an indication of the grassroots opinion of the Supreme Court's latest brainstorm, I am including herewith two editorials, written by Jack Stapleton, Jr., editor of the Daily Dunklin Democrat of Kennett, Mo., in the June 16 and June 18 issues of that newspaper. I commend them to your reading.

The editorial of June 16, 1964:

A SAD DAY FOR MISSOURI

The U.S. Supreme Court, in a historic ruling yesterday, sounded the death bell for good government in the State of Missouri.

In its ruling, which while expected was not expected to be so all encompassing, the Federal judiciary ruled that both houses of State legislatures must be based on population.

The Court has ruled that the so-called little Federal system in which one house of the legislature is based on population and the other house based on units of government, is unconstitutional for the States.

In other words, the States are forbidden by the Court to pattern their State legislatures after the National Congress.

Instead, they must organize their systems of legislature on a pattern based only on population—and nothing else.

In the opinion of this newspaper, the Monday opinion of the Supreme Court is shameful, disgraceful and without regard for other important considerations of State legislative bodies.

The ruling this week is as revolutionary as the one in 1954, when the Court reversed its earlier held findings concerning the separate-but-equal school doctrine. In the long run, this week's ruling may be more disruptive to the States than the one 10 years ago.

What the Court said Monday will, in effect, change to a very great degree the present makeup of the Missouri House of Representatives It has been this body which has, over a long period of years, represented clearly the sentiments of millions of Missourians and has served, for the most part, as a balance wheel against inappropriate and unwise decisions of the State senate.

The State's house of representatives, based on 1 representative per county—and Missouri has 114 of them—is also based, to some degree, on population as well, since it provides additional representatives from counties with large populations. St. Louis County, for example, has 14 State representatives; St. Louis City has 15. Kansas City and Jackson County have 13.

But what is more important, small counties in the State have at least one representative. Counties with less than 5,000 population still retain the right to have one representative in the house—and this fact alone, is essential for good government in Missouri.

This newspaper holds that the citizens of Worth County, the State's smallest county, have a right to be represented in the general assembly. We hold that this right should not be voided by the fact that St. Louis County does not have as many representatives in proportion to its population as does Worth County. We believe this should be true because the State Senate of Missouri is based strictly upon population, and metropolitan areas of the State are proportionately represented in the State's upper legislative chamber.

The one-representative-per-county formula is essential because there are needs of Missourians based upon county units rather than population blocks. The Supreme Court, however, has said that legislative needs are based entirely upon population without giving any credence at all to the needs and requirements of county units of government. This is blind, foolish reasoning.

One effect of this week's ruling will, unquestionably, be the enlargement of the house of representatives in Missouri. The lower chamber is already too large; further dilution of the counties' representation will make this legislative body all but unmanageable.

One other major effect of the ruling will be the wholesale entrance, from metropolitan areas, of special interest legislators, politicians who have an obligation to some special group for their election to the general assembly. The metropolitan delegation is now filled with these types—politicians who are merely puppets of labor unions, political coalitions, and special interest organizations. Increased representation will mean a greater influx of political hacks and know-nothings.

The metropolitan press, for the most part, will hail the Supreme Court ruling. They will see it as a blow for good government. Well, they will be wrong, and time alone will prove them wrong. For time will prove that this week's Supreme Court ruling will make this State's legislature even more ineffective in the years ahead, diluting it with such unsavory political errand boys that this State—and many other States in the Nation—will be hard pressed to enact decent, needed, and progressive legislation.

That the U.S. Supreme Court should deny the States the right to organize their legislatures on the same basis as the Federal Congress is almost unthinkable. And yet that is exactly what the Court has done this week.

It is a sad day in the history of this State.

The editorial of June 18, 1964:

Wild-Eyed Nincompoops

As this column predicted earlier this week, big-city politicians, newspapers, and special interest groups are having a field day with the announcement by the U.S. Supreme Court that State legislatures shall be apportioned on nothing but population.

The Supreme Court ruling suits the metropolitan politicians of Missouri to the letter. It hardly suits those who are interested in good government, however, and indeed, it can prove only displeasing to those who hold any desire that Missouri will raise from its generally mediocre ranking in such important fields as higher education, industrial development, and general welfare.

The reasoning employed by Chief Justice Earl Warren seems to us to be particularly absurd. For example, Justice Warren comments that "legislators represent people, not trees or acres." This begs the point—and those who believe in the so-called "little federal system" for their State legislatures have never said either house should represent either acres or trees. If this is illustrative of Justice Warren's understanding of the problem, then he is less intelligent than his past critics have given him credit for being.

Missouri's house of representatives, which bases its representation both on county units of government and population, does so from a sensible and commonsense tradition. A vast amount of legislation in the Missouri General Assembly deals with the counties, county units of government and county services. Failure to represent each county, then, is a direct and overt denial of representation for all citizens of the State.

St. Louis, St. Louis County, and Jackson County all have additional representatives in the lower chamber, based upon a population formula. But Worth County, the State's smallest county, also enjoys representation in the house—as indeed it should. Denial of Worth County's representation in the general assembly would be a more serious denial than has existed in rural-dominated legislatures in the past.

One metropolitan newspaper has already called on Missourians to institute the unicameral, or one-house, legislative system. Only one State in the Nation, Nebraska, has the unicameral system, and a vast majority of the citizens of that State don't like it, regardless of what the governmental liberals of the Nation claim.

The unicameral system in Missouri would place all of outstate Missouri at the mercy of big-city legislators, politicians, and special-interest groups. It would eliminate the State's quite effective system of checks and balances which it now enjoys with both the house and the senate.

In short, the unicameral system looks good on paper—perhaps even better after Monday's absurd ruling from the Supreme Court—but it doesn't work well in actual practice.

Justice Warren can discuss representation for trees all he wants, but if this Eisenhower-appointed jurist can find anything in the U.S. Constitution that says State legislatures must be based on the "one person, one vote" theory, then we'll change our mind about wanting to impeach him. The "little federal system" provides equal protection for all residents and all units of government, and it also provides some protection for the public from wild-eyed legislation. The wild-eyed liberals don't like this and neither do they like to have conservative government where budgets are balanced and half-baked schemes seldom get by a two-house legislature.

The High Court has, in our opinion, gone one step too far in this week's ruling. As we stated earlier, this ruling is perhaps the most far reaching of any since the 1954 integration manifesto. In the long run, it will do more damage to representative government than any ruling ever handed down by any Supreme Court.

Steps need to be taken, during this session of Congress, to put some sense back into the States legislative systems. And if necessary, to remove some of the wild-eyed nincompoops from the Federal bench.

THE MYTH OF MODERATION

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in two instances and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on June 14, the Cincinnati Enquirer carried an excellent editorial which hit at the heart of one of the political semantic terms of the day, the word "moderation." I suppose everyone feels they are moderate in temperament, political outlook and general belief but when liberals try to use it as a cover for their own philosophies, it bears some close scrutiny. The Enquirer does a penetrating job of peeling off the veneer and taking a real look at the term as used by political opportunists.

Roger H. Ferger, president, Brady Black, editor and vice president and Charles W. Staab, executive vice president and the entire Cincinnati Enquirer editorial staff are to be commended for this excellent statement which helps bring clarity to a confused political spectrum. I commend it to all of the Members of this body.

The Myth of Moderation

A magic new word now is much in vogue amongst those who write the speeches for many of our highly placed politicians. It is "moderate." In their lexicon, anyone venturing to seek public office must be a "moderate."

In actuality, this means he must be faceless, gutless, devoid of a sound sense of history and judgment, and not too far right of Gus Hall. He must be a man who mouths words without meaning, who cheerfully embraces coexistence with the devil himself who shrinks from any hazard.

This "moderate" is the most dangerous figure in American politics since the turn of the century. He has wasted away the blood and expense of two World Wars we won, and a limited war we refused to win. Presently he is ushering in a new form of nonwar, in which we have no hope of ultimate victory, but in which our defeats will come in easy installments. Easy, that is, for those who aren't sacrificed on the altar of expediency, and who are shipped home unheralded in GI coffins.

There was a time when America believed in peace—and if that failed, in victory.

There was a time when men in high places had the courage of their convictions, and exercised them without playing word games with the American people. That time is not now.

Now the frantic emphasis is upon preserving a sort of "popular front" type of government—the kind of government that rotted France for immediate surrender to Adolf Hitler and his Moscow ally in the wings.

A political columnist for the New York Herald-Tribune, wringing his hands over the prospect that Senator Barry Goldwater is "on the 5-inch line and can step over the goal at will," asks: "What has brought about this total impotence on the part of the Republican moderates who have dominated the party for years and have controlled every national convention since 1940?"

Let's run that up the flagpole and have a look at it.

If the moderates dominated the national convention in 1940, it was they who packed the galleries with a claque that chanted "We Want Willkie"—previously unheard of west of Rushville—until the convention was stampeded. Mr. Willkie, who wound up with 82 electoral votes, later made famous the phrase that much of what he said while seeking the Presidency was "just campaign talk."

Then the kingmaker himself, Thomas E. Dewey, had two tries at the office and couldn't even defeat Harry S. Truman when the latter was heading a badly split Democratic Party.

The convention-controlling Republican moderates pulled a spectacular in 1952 when Mr. Dewey and Henry Cabot Lodge masterminded the "thou shall not steal" smear of Senator Robert A. Taft. Is there anyone in the United States who thinks they could have won without the services of a military hero (who at the outset had to ask a bystander what "parity" meant when a question regarding farm parity prices was addressed to him)?

In the last few days we have heard a great deal about a moderate candidate, instead of Senator Goldwater. The maneuverings against him have resembled a comic opera—with the music missing. If you ever have need of a baffling study in semantics, there are the statements in which former President Eisenhower said he didn't intend to try to dictate to the convention, and earlier said Senator Goldwater wasn't the "radical" some people thought, and then said that he wasn't trying to block or boom anyone but only have an open convention as he denied trying to prod Gov. William Scranton into the contest. And the statements of former Vice President Richard M. Nixon, who positively wouldn't ever be a candidate for anything but wound up playing patsy with the element that had cut him up—but good.

These mysterious tides in American politics are reflected in many ways. More spending—in the interests of economy. More government, whether the people want it or not. Secretly negotiated treaties with Soviet Russia to give the U.S.S.R. consulates in the United States where espionage operations can be carried on under diplomatic immunity. Patient waiting, in vain, for Russian troops to leave Cuba. Uninvestigated scandals—and scandalous treatment of those who try to do a decent job in screening security risks from the State Department.

Trip after trip after trip to South Vietnam, with assurances that all goes well and our servicemen have the best in equipment. (The 20-year-old B–26's were grounded after so many wings fell off. And after continued public outcry, the big banana-type helicopters incapable of quick maneuver are being replaced.) Meanwhile, we're spending more than $50 billion—that is $50,000 million—a year for arms and defense.

Yet anyone who mentions these things is not a "moderate," and must be headed off at all costs.

In our opinion, the vast majority of the American people are moderates, and the self-serving politicians and their Little Sir Echoes are practicing a colossal conceit. Two of the outstanding members of the Eisenhower Cabinet—George M. Humphrey and Arthur Summerfield—are Goldwater supporters. They are moderates in the true sense of the word. On the contrary, many of Senator

> Goldwater's vilifiers are moderate in no sense of the word. Except that they are moderately good at wrecking parties, character assassination, and selling our Nation down every one of the seven seas.

PROJECT RANGER

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wydler] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WYDLER. Mr. Speaker, I support the recommendations contained in the report on Project Ranger submitted by the Subcommittee on NASA Oversight, House Report No. 1487, Union Calendar No. 657.

I feel it necessary, however, to go further and explicitly state that the present relationship between NASA and the Jet Propulsion Laboratory should be ended with reasonable speed.

The fact that one quarter of a billion dollars is being spent at this center each year raised in my mind the obvious question of the justification for the continuance of this unique relationship.

As I stated on the floor during debate on the authorization bill on March 25 of this year:

> I directed many inquiries during our hearings this year to the unique relationship between NASA and the Jet Propulsion Laboratory. I am not convinced that there is justification either in past performance or future benefits to be derived for its continuance. I believe NASA should instigate an immediate review toward this end.

This report confirms my judgment. Regardless of any historical reasons or value from this arrangement in the first instance, it is now time to normalize the relationship between NASA and JPL. That does not mean that JPL should cease to exist or function but rather that it should do so within existing operational procedures.

This would save time and effort and increase management efficiency by applying to this Laboratory the expertise gained and applied throughout our space program management.

IS WELFARE A WAY OF LIFE?

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TALCOTT. Mr. Speaker, charity is given in the name of God. Relief and welfare are given in the name of the State. The former is more munificent and beneficent than the latter—both to the donor and to the donee.

Welfare and relief are—unfortunately—related to the bracero program—although the bracero program involved neither charity nor welfare. The bracero program alleviated the need for both; it is still the best solution yet devised for solving the very tough socioeconomic problem of supplying adequate farm labor at peak harvest seasons to prevent tremendous spoilage of necessary food products.

The following editorial from the California Farmer of June 6, 1964, should be enlightening to Congressmen, consumers, and taxpayers—as well as tax users:

> Alameda County is lucky. They have a director of their county welfare department who believes that an able-bodied man who applies for relief should work if work is available.
>
> Alameda County has 160 acres of strawberries. The county has 1 million people. The county has 26,780 welfare cases, which isn't excessive as some are old and some are blind and some disabled. But the shocking thing is that this country alone has a welfare bill of $50 million a year. The county pays 18 percent and the rest is from State and National funds.
>
> We do not want to steal all the thunder from Don Razee who ran down this story. Don will give you all the painful details, but we did want to point out to the fatheads and diehards and bleeding hearts who murdered the bracero program that here is classic proof of the impossibility of forcing our unemployed to do the farm jobs.
>
> But to get back to the story. First of all, the Farm Placement Service made a big effort to get domestic help for the strawberry growers. In spite of the use of all the news media and some big personal bills by the farmers involved, they were unable to scratch anything out of the million population of their own county or, for that matter, out of the entire State.
>
> Then the Alameda County Welfare Department got into the act. Remember our editorial in the May 2 issue where we mentioned the new aid for unemployed families bill that went into effect February? Well, Alameda County picked up 613 new welfare cases under this program and Harold B. Kehoe, the courageous director of Alameda's welfare department, tried to get some of these able-bodied people to pick strawberries. The results were almost nil.
>
> The crazy part of the whole yarn was the interference in the effort to put these welfare people to work by some outfit called the Welfare Rights Committee who threw pickets around the welfare office in Oakland and vigorously protested the efforts of the welfare department to send these able-bodied people out to work. Now isn't that about the goofiest protest you ever heard of?
>
> Among those leading the protest was Henry Anderson, and this name seemed to ring a bell. He is the same guy that appeared before the Governor's hearing on agricultural labor in Sacramento on March 13. Anderson was then representing the Citizens for Farm Labor and he outlined a program for agriculture that would have put the State's biggest industry right out of business.
>
> Boy, we have come to a pretty state of affairs when the bleeding hearts protest putting people on welfare to work. Do they consider welfare a way of life or do they think these people have a vested interest in public funds? The implications of this incident are frightening and should shake up the entire State.

URA VERSUS THE PEOPLE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Dowdy] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, I am in receipt of a letter from Mrs. William O. Butts, of Jeffersonville, Ind., in which she briefly outlines the treatment afforded herself and others by URA. She has also been to my office, seeking help. I could advise her only to seek relief from her city council—that as things presently stand, it is her only possible source of relief.

With the thought that my colleagues may be interested, I ask unanimous consent that Mrs. Butts' letter be made a part of my statement.

> Jeffersonville, Ind., *June 12, 1964.*
>
> Hon. John Dowdy,
> *Congressional Office Building,*
> *Washington, D.C.*
>
> Dear Mr. Dowdy: Our town, Jeffersonville, Ind., with a population of about 16,000, has an urban renewal program. The first phase of the plan is almost completed (the Port Fulton area). Now UR wants to move in on another area, the central business district and the west end (Riverside Central). This would require demolition of 500 homes and 100 businesses. In about 30 days the city council is to vote whether to extend the program or to abandon it.
>
> We citizens have no voice in the matter, because the UR people and one of the councilmen went to the State legislature and headed us off at the pass—it cannot be put to a referendum.
>
> Our Riverside Central Citizens Committee To Protect Property Rights is opposing this wasteful program with all its might, secretly helped by a number of businessmen who are afraid to come out in the open. Neighboring New Albany refused UR and has a do-it-yourself program which is far more successful and economical than ours and the town is tranquil.
>
> Our town is at the boiling point; 27 homeowners in Port Fulton are still refusing to pick up their checks and move; they swear they will never do so; we have mass meetings, petitions, and constant yack-yack all over town. Old friends aren't speaking any more and the whole place is one vast rumor mill. I'm afraid he is in for a surprise, when he finds we don't really love urban renewal.
>
> We are loyal Americans. Why are we being kicked around like dogs?
>
> I am 55, a university secretary; I planned to have my little brick house paid for and remodeled by retirement age. If it is taken, my plans will be demolished along with the house, but there are many far worse off than I, particularly old couples on pensions.
>
> Can you help us? Will you help us?
>
> Everyone we appeal to just passes the buck to someone else.
>
> Sincerely,
>
> Mrs. William O. Butts.

POLARIS ATOMIC SUBMARINE SS BN 636 TO BE CHRISTENED THE "NATHANAEL GREENE"

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Kornegay] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, in January of 1963, I learned with great interest that the Polaris atomic submarine SS BN 636 was to be christened the *Nathanael Greene*. At that time it was stated that the keel had been laid and the submarine scheduled to be launched in May 1964.

On January 23, 1963, I wrote the Honorable Fred Korth, the then Secretary of the Navy, expressing my gratification over the choice of the name for the submarine and pointing out that my home city of Greensboro, N.C., was named for Gen. Nathanael Greene in 1808 when it became the county seat of Guilford County.

In my letter to the Secretary, I also mentioned that General Greene, commanding the Southern Army of the American Revolution, in March 1781, took his position at Guilford Courthouse, which lies within the environs of what later became the city of Greensboro. Lord Cornwallis, commanding the British troops, advanced to meet Greene and there ensued the battle of Guilford Courthouse, described by historians as second to none in its results on the American Revolution. Historians state that although Cornwallis remained master of the field, the battle was a tactical victory for Greene. Dr. R. D. W. Conner, a native of North Carolina and the first Archivist of the United States, wrote that General Greene's raw recruits and few veterans "outmarched, outmaneuvered, and outfought Cornwallis' trained soldiers." And Lord Cornwallis himself is quoted as saying after the battle, "I never saw such fighting since God made me. The Americans fought like demons," while over in England, Horace Walpole declared, "Lord Cornwallis has conquered his troops out of shoes and provisions and himself out of troops."

I informed Secretary Korth that this significant battle and its commanding General Greene are forever commemorated in the Guilford Battleground National Military Park, maintained by the Federal Government, and that a fine equestrian statue of General Greene is placed in a commanding position in the park.

Secretary Korth cordially responded that it was particularly appropriate at a time when the importance of the sea continues to grow for America and the free world that many of the Polaris submarines should receive names of heroes of the American Revolution. The Secretary told me that my letter depicting the close relationship which the memory of General Greene has with my home city of Greensboro would be made a permanent part of the ship history folder when the submarine was completed.

The building of the submarine continued according to schedule and in April of this year I was invited to the launching of the *Nathanael Greene* at the Portsmouth Naval Shipyard, Portsmouth, N.H., which was scheduled for May 12. I had the privilege of flying up to New Hampshire with Gen. Wallace M. Greene, Jr., Commandant of the U.S. Marine Corps, who was the principal speaker at the launching and who is a collateral descendant of Nathanael Greene. The sponsor for the launching was Mrs. Neander W. Wade, a great-great-great granddaughter of Gen. Nathanael Greene, who christened the submarine in his honor.

The mayor of Greensboro and other interested citizens and officials provided me with a volume on Greensboro, N.C. written by Mrs. Ethel Stevens Arnett, under the direction of W. C. Jackson, to be presented on the occasion of the launching of the *Nathanael Greene*, which was very graciously accepted by Comdr. Robert E. Crispin, U.S. Navy, the commanding officer of the submarine, who stated that it would become the No. 1 volume of the ship's library.

Mr. Speaker, my purpose is to insert in the RECORD the text of the address made by Gen. Wallace M. Greene, Jr., Commandant of the U.S. Marine Corps, on the occasion of the launching of the SSB (N) *Nathanael Greene*, on May 12, 1964. The Commandant's talk was most impressive, both in delivery and in substance. General Greene paid a rich tribute to the fine teamwork between the naval services and civil industry which has been responsible for our Nation's sea supremacy, and he pointed out that the manufacturers of the vessel and the shipyard workmen who labored on building this ship shared the credit and felt pride and interest as the *Nathanael Greene* was prepared to breast the waves.

Further, the general, in paying tribute to the character and patriotism of Gen. Nathanael Greene, stated that it was this same spirit which imbued the officers and men manning the submarine and which guarantees that our national heritage and traditions shall continue.

He expressed in forceful terms the hope that this ship and the crews which will man it will continue to demonstrate the courage of our people in the unsettled world today and in all the places where lurks the ugly threat of communism.

He closed his most admirable address with the hope that the ship would never sail on an actual combat mission, or launch a missile in anger; but, he said, if it became necessary that the ship sail to troubled seas, she would not fail to respond to this challenge to strike swiftly and surely against those who transgress against the rights and liberties of freemen.

General Greene emphasized, however, that it was his hope, in the long shadows of the cold war, that the *Nathanael Greene* would play a greater role, one which would keep the peace and deter a shooting war. I am sure every Member of this House fervently joins General Greene in this hope, while rejoicing in the capabilities of our Polaris submarines if an aggressor threatens the security of our country.

The general's address follows:

ADDRESS BY GEN. WALLACE M. GREENE, JR.

It is indeed a privilege and an honor for me to return to Portsmouth and to be present as another mighty ship makes its eventual move along the ways toward joining the ever-growing fleet of ballistic missile submarines.

You'll note that I've said "to return to Portsmouth." If you will permit a personal observation by way of introduction, I'd like to recall that it was only 33 years ago that I reported for duty to the Marine Barracks at this navy yard. This was my first real duty station after completing the Naval Academy at Annapolis and the Marine Corps Basic School at the Philadelphia Navy Yard. I can well remember inspecting sentry posts in this very vicinity when I was a second lieutenant and officer of the day.

I have many fond memories of that tour here at Portsmouth and I'm sure you can appreciate that I have been looking for old landmarks and familiar sights. Even during the short time I've been here I have found, as we usually do when we return to places where we have lived and served, that there are many changes; and yet some things are very much the same.

The most dramatic change, I believe, is in the type of ships which sail from our navy yards. I left here in 1932 to serve in that grand old ship-of-the-line—the battleship *Tennessee*, which in her day represented the very essence of power at sea.

Today I return to see launched the Polaris submarine—*Nathanael Greene*—which will be one of a series of the most advanced operational submarines in the world, incorporating as she does many of the results of the technological revolution of the past decade.

I must admit that I have had a particular interest in this ship since I first learned that a nuclear submarine was to be named for Nathanael Greene.

The name itself gives me a proprietary interest, of course, but beyond this I have always considered that Nathanael Greene exemplified those attributes of truthfulness, patriotism, dedication, and courage which are so basic and vital to our Nation and to the naval service.

Many ships have been named for great patriots. Nathanael Greene was one of these, and this is why it is most fitting that a ship of this class be named in honor of him. I am sure that if Nathanael Greene were here today he would approve of this Polaris submarine—and the manner in which it was constructed. Ingenious minds conceived it; American know-how made it possible; skill and powerful muscles constructed it.

It is this teamwork between the naval services and civil industry which has kept our Nation supreme at sea. This is why the manufacturers who were involved in this construction—and the workmen of the Portsmouth Naval Ship Yard who actually labored on it—must share not only credit for a job well done, but also pride and interest as *Nathanael Greene* goes forth.

I would like, at this point, to say to Mrs. Wade, for all of us here, that it is indeed an honor to have with us today a direct descendant of such a distinguished American as Nathanael Greene to christen the ship which is to be named for him.

It was because of the patriotism and dedication of men such as Nathanael Greene that this Nation was able to achieve its destiny as the greatest Nation in the world.

It is these same qualities, imbued in our citizens today—and so impressively represented by the crews manning these submarines—which guarantee that our heritage and our traditions shall continue.

It would be superfluous for me to speak before this audience about the role of submarines and submariners in the past—and you need no reminder of the key role they play on our national defense team and in our national defense posture today.

As a professional military man, I would like to acknowledge, however, the contributions of the many intelligent, competent and brave men who have served in submarines through the years. It should be gratifying to all Americans to know that this service will continue as long as there is need for it.

It is interesting to remember that two previous ships have been named for General Greene, one a 10-gun revenue cutter which had a short but active commissioned life from 1798 to 1799, and the second a frigate which was commissioned in 1799 and stricken from the active roles in 1814.

In recalling the events which marked the life of Nathanael Greene and in reading of the ships named for him in the past, I could not help but be struck by the great similarity between the qualities demonstrated by him so many years ago and those required by nuclear submariners today.

Ships like this one will continue to play an important role in contributing to the security of our country. However, it has been said that, "as great as these ships may be, they are turned by a small helm, and the helm responds to the will of man. Without that will, without determination, without courage, and without skill and noble purpose to guide it, this hull, its speed, its power are as nothing."

No matter how sophisticated this ship may be, there can be no projection of the naval power it represents without many highly trained men to man and to operate it efficiently.

However, training and professional ability alone are not enough—these qualities must be based on a dedication to selfless service and love of country.

Through the years many Americans have personified these characteristics. I count Nathanael Green among them.

Gen. Nathanael Greene is acknowledged as the true military strategist of the Revolutionary War. He was born in 1742 in Warwick, R.I. He served in the State assembly, and commanded militia during the seige of Boston.

While with the Army in the North, he masterminded—for the most part—Washington's campaigns. He rendered outstanding service as quartermaster general. At one point he sold his estates to honor personal notes given to secure supplies for the Continental Army. Later in the Carolinas he became the commander of the Army of the South. There his brilliant strategy and daring maneuvers played a major role in the final undoing of British power in America. With an army which was at first almost completely on paper he provided the spirit and leadership, which, combined with the valor of other patriots, persisted and gained victory, despite the most adverse conditions.

In a series of battles the British fell back toward Charleston until their fighting potential was bled dry at Eutaw Springs, in a fight which is acknowledged along with the arrival of the French fleet and the surrender of Cornwallis, as a deciding factor in ending the Revolutionary War.

But more important, in my judgment, are the qualities which Nathanael Greene demonstrated as an individual, for I would like to believe that this Quaker from New England, turned warrior, left more than military victories as his legacy and claim to fame.

Historian Theodore Thayer reports that "as the battlefield of the American Revolution spread from Boston to South Carolina, the name of Nathanael Greene became a household word throughout the Colonies. He enjoyed George Washington's friendship and admiration from the very beginning of the war. He was selected by Washington to be his successor should the need arise." The Continental Congress concurred in Washington's choice and there is reason to believe that Greene might have been a prominent candidate for the Presidency had it not been for his untimely death in 1786—a few weeks short of 45 years of age. He would not have received such recognition—he would not be remembered today—if he did not represent the best of soldierly virtues and the highest of personal standards.

This, then, is why I believe that naming this ship Nathanael Greene is more than appropriate. It is a tribute to a great American.

I trust that the name and heritage of this great patriot will ever be symbolic to its crew of those qualities which are so vital to our Nation, and I hope that his image will provide inspiration if they should have occasion to question their own adequacy.

Yes, our ships may change in type, and in means of propulsion and in armament, but one thing does remain constant, and that is the basic American values which are so necessary to motivate a man for service to his country.

In the face of an unsettled world, with crisis after crisis, in Cuba, Panama, Cyprus, and Vietnam, and in all the shadows where there lurks the ugly threat of communism; in the face of those who cry moral degeneration and weakening moral fiber; in the face of those who say that vital values have been relegated to the scrap heap—in the face of all this, may this ship, and the crews which will man it, continue to demonstrate that the courage of our people, proved again and again from the days of Nathanael Greene, until today in the pestholes of Vietnam, still endures.

In my judgment this cold war situation in which we exist is one which places demands on the individual serviceman which are only slightly less than those experienced in an actual shooting war. The necessity to maintain a high state of readiness, not just for a few hours or days, but continually and indefinitely, requires the very finest standards of performance which in turn must be based on the highest of personal standards.

These are times, as Thomas Paine might have written if he were with us today, that try men's moral courage. Fortunately, this country has always produced men of moral as well as physical courage when it was most needed; whether we continue to do so may well determine whether freedom and liberty survive. I for one have no doubt that they will.

No one abhors the thought of war more than those of us who have seen it firsthand. That is why we hope this ship will never sail on an actual combat mission or launch a missile in anger.

And so in the long dark shadows of the cold war, may the *Nathanael Greene* play an even greater role, one which keeps the peace and deters a shooting war.

If, however, and God forbid, it is necessary that this ship sail to troubled seas, may her speed help protect those she carries. Together with the other great ships and aircraft of our fleets, in combination with other loyal Americans, may she strike swiftly and surely against those who transgress against the rights and liberties of freemen.

Submariners have never failed to respond to this challenge. We in the brotherhood of the sea salute them as they continue the tradition of duty, professional competence and self-sacrifice which has always been the hallmark of the submarine forces of our Navy. Thank you.

THE SIXTH CAPTIVE NATIONS WEEK OBSERVANCE AND A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, this coming July 12–18 will be the sixth observance of Captive Nations Week. As in previous years, Americans across the Nation will observe the week in accordance with Public Law 86–90. Regardless of the so-called changes in Eastern Europe and Asia, the supreme fact remains that the nations in these areas are still very much and totally captive. Captive Nations Week will emphasize this brutal reality and will remind our citizens that any changes in relations between Communist governments do not mean any change in the captive status of the nations upon which such governments have been imposed.

Captive Nations Week this year will again provide us the opportunity for some sober thinking in regard to our relations with the captive world. It cannot be too strongly emphasized, for example, that to impute nationalism to the Communist governments in Eastern Europe, Asia, or in Cuba is a gross fallacy of misplaced concreteness. Socialist patriotism, whatever that means, is not the national patriotism we are accustomed to and live by. This national patriotism, the force of nationalism itself, resides in the captive nations, the captive peoples, and certainly not in their imposed, oppressive Communist governments. This fact applies to Rumania as it does to North Korea, to Poland as to Armenia, to Cuba as to Ukraine.

NEED FOR A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

Mr. Speaker, this is just one among many realities that deserve our constructive concern today. And the best means for us in this Congress to show such concern for the captive nations, as against their unrepresentative governments, is through a Special Committee on the Captive Nations. As we have pointed out time and time again, there are many other new dimensions of thought regarding the captive nations that must be explored with legislative intent.

I call upon the majority of our members in the Rules Committee, who have expressed their support of House Resolution 14 and 40 other resolutions proposing the special committee, to consider the measure and report it out favorably for the House to act upon it. I have no doubt about its final outcome.

In this connection, Mr. Speaker, I request that the following letter, written by Dr. Lev E. Dobriansky, Chairman of the National Captive Nations Committee, and addressed to the Honorable HOWARD W. SMITH, chairman of the Committee on Rules, be appended to my remarks. I urge each Member to read this revealing letter.

APRIL 17, 1964.

Hon. HOWARD W. SMITH,
Member of Congress, Chairman, Committee on Rules, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I want you to know my deep appreciation for your kindness in recently affording me the time to discuss with you your committee's consideration of House Resolution 14 and the 39 other resolutions calling for the creation of a Special Committee on the Captive Nations. It was indeed a great pleasure for me.

Your frankly stated position of not being opposed to such consideration if other members so desire it was, of course, most gratefully received. By your permission in the matter, this has been conveyed to the following Members, who either in writing or orally have expressed their support of the measure: Ray J. Madden, James J. Delaney, Thomas P. O'Neill, Jr., B. F. Sisk, Katharine St. George, H. Allen Smith, Elmer J. Hoffman, and William H. Avery. I feel certain one or two other Members are inclined to similar support.

We look forward to an early consideration and favorable decision on this vital subject. I cannot believe that while forces in both the totalitarian and free worlds seek to silence attention given to 1 billion captive people, we would forget our own heritage of freedom and, equally unconscionable, deny ourselves the constructive opportunities in legislative and popular effort that a special committee would unquestionably generate. It is no exaggeration in the least that such a working legislative body would open up vistas and dimensions of fact and thought that too many of our people in the highest ranks of Government are unfamiliar with.

With warm regards and best wishes.

Sincerely,

Lev E. Dobriansky.

FLOOD CONTROL—LOWER MISSISSIPPI RIVER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Davis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I have today introduced for appropriate reference a bill, H.R. 11695, which would implement the recommendations of the Chief of Engineers in his recent comprehensive review report for flood control and other purposes on the lower Mississippi River.

Additional improvements recommended by the Chief of Engineers will cost an estimated $155 million including some $9 million for fish and wildlife improvements. The study leading to the report was begun by the Mississippi River Commission nearly 10 years ago.

The economic development of the seven-State area is so closely related to the Mississippi River and its tributaries as to make imperative early enactment of the legislation and the earliest possible construction of the various features of the projects he recommended.

This report and the legislation which will follow marks another step in a long process to secure the lower Mississippi Valley from floods and fully develop its resources to the ultimate economic gain of the entire Nation.

The Congress, acting on the seasoned advice of the Corps of Engineers, has thus far wrought well in achieving these objectives. What has been done since the devastation of 1927 when the entire area was prostrated is a marvel both of engineering achievement and economic and political vision. Few, if any, public investments have ever earned such rich dividends. The annual benefits from the existing projects—flood control, drainage and navigation—total about $500 million or a return of 6 to 1 over annual cost. The Ohio Valley was ravished this year by floods which rendered thousands homeless, destroyed property in the millions and disrupted trade and transportation, yet those waters were passed safely through the lower Mississippi Valley without the damage which would have been untold in other years.

Our agriculture has progressed from the one-crop cotton system to one which finds cotton, grains, and cattle flourishing in year-round farm activity. Industry, no longer fearful of flood, is taking advantage of our stable navigation, abundant water supply and ample raw materials to the betterment of the Nation's economy. The port projects we have built, such as those in my home city of Memphis, in Greenville, Miss., Vicksburg, Miss., and Baton Rouge, La., are contributing handsomely to this economic betterment. In the upper reach, above Memphis, the river is now carrying commerce at the rate of 36 million tons annually and growing each year.

We must be ever vigilant against the raw forces of nature as represented by the ever-menacing Mississippi. This report is another "call to arms." It dramatizes our advances and highlights our weaknesses. We must respond for the good of the Nation and her people.

I have introduced this bill at this time to serve as a vehicle for discussion and consideration of the report. This is one of the most voluminous reports in the field of flood control and related activities ever submitted to the Congress, and for that reason, it will require careful and considered study by the affected Members of Congress and the local interests involved. It is my hope to begin now to stimulate the thinking of my colleagues and the local people so we may enact reasonable and adequate legislation.

At such time as my Subcommittee on Flood Control can conduct hearings, a number of the recommendations surely will require searching inquiry. For example, the recommendations concerning the Birds Point-New Madrid Floodway require local interests to obtain new flowage easements throughout the area. They will want to be heard on this provision. There are a number of other items involving local cooperation which will require careful study involving, among other things, pumping plant operations, road relocations, and other maintenance features.

The Bureau of the Budget, in its comments on the report, has suggested standards of local contribution toward construction of improvements for fish and wildlife enhancement. These recommendations are certain to provoke interest among those concerned with that aspect of conservation.

It has been our experience through the years that often our major drainage projects prove inadequate by the time the work has been completed because of increased volumes of water which have resulted from unforeseeable improvements by local drainage districts and individual farmers. In many cases, it has been necessary to seek a new authorization immediately. Many areas have been sorely afflicted awaiting new studies. I have, therefore, included a provision which would make existing authorizations more flexible and, with proper safeguards, shorten the period of time which they would require.

The oldest board dealing with resource development in the Nation is the Mississippi River Commission. From 1879 until the present time it has done an outstanding job in meeting the flood control, navigation, and related problems of the lower Mississippi River Valley. I hope that in the consideration of this legislation it will be possible for us to include some provisions which will strengthen that fine group and make it possible for it to continue to perform its vital function.

The report of the Chief of Engineers recommends channel stabilization at an estimated cost of $119,447,000 below Baton Rouge. Other major items recommended, in addition to the some $9 million for fish and wildlife purposes, include the modification of the Birds Point-New Madrid Floodway; improvements of the levees of the south bank, Arkansas River and the south bank, Red River; drainage for Mound City, Ill.; improvements in the Big Lake area of the St. Francis Basin; channel improvements in the St. Francis Basin of Arkansas and Missouri; a large drainage project in the Big Creek Basin of Arkansas; improvement of Mill and Vidal Bayous in Louisiana; a pumping plant in the Red River backwater area; improvement of Obion Creek, Ky.; and extension of drainage works in the Yazoo headwater area.

The report should be available in printed form in about 30 days. It is being printed in six volumes. It will require a great deal of study on the part of our congressional staff and the local interests before we can begin hearings on this legislation. I hope we can proceed to the point that such hearings can be held early in the next session of Congress so that the works authorized can be considered for appropriation next year.

My subcommittee will welcome the comments and counsel of Members of Congress and their constituents in our consideration of this legislation which means so much to the future of one of the greatest agricultural and industrial areas in the Nation.

ROBERT SARGENT SHRIVER, JR.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOGARTY. Mr. Speaker, an outstanding American was honored in my home State of Rhode Island recently, when he was awarded an honorary degree of doctor of humanities from Providence College. His remarks upon that occasion were so noteworthy that I would like to assure that the Members of the

Congress of the United States have an opportunity to read them, and to this end I am asking that they be inserted in the CONGRESSIONAL RECORD.

Robert Sargent Shriver, Jr., while still in his 40's, has deservedly been recognized as a humanitarian and as a man who gets things done. It is this rare combination of qualities which has taken him so far in so many things so fast—as lawyer, as executive director of the Joseph P. Kennedy, Jr., Foundation, as Director of the Peace Corps, and as Special Assistant to the President in charge of the war on poverty.

In his undergraduate days at Yale, Sargent Shriver demonstrated that he was capable of uncommon things by taking his B.A. cum laude. During World War II he served with distinction from 1940 to 1945, and still holds the rank of lieutenant commander in the U.S. Naval Reserve.

In 1961 it was Sargent Shriver who presented to Congress the plan of the late President Kennedy for a Peace Corps to provide a pool of trained men and women to be sent overseas by the United States to help foreign countries meet their urgent needs for skilled manpower. There was strong support for the idea of a Peace Corps from universities, voluntary agencies, student groups, labor unions, business and professional organizations—but the masterly presentation of the needs before the Congress by Sargent Shriver helped speed the measure through the legislative process. As one who voted for the measure, I recall him as particularly convincing and effective.

Because I am primarily concerned with health legislation, I have long been aware of Mr. Shriver's work as executive director of the Joseph P. Kennedy, Jr., Foundation. Sargent Shriver has been one of the Nation's outstanding advocates of a concerted attack on the tragic problem of mental retardation, which afflicts more than 5 million Americans. Both he and his wife have devoted much time, energy, and imagination in the support of research for the cause of mental retardation and in support of effective means of alleviating the plight of those afflicted.

The amazing breadth of Sargent Shriver's activities is part of a pattern: that of service to humanity. Not only his work in the Peace Corps but his present efforts in the war on poverty proclaim it. His winning of the Magsaysay Award for his outstanding contributions to international peace proclaims it. And behind these better known activities are others less well known but in the same constructive vein: He is director of the Catholic Charities of Chicago; is concerned with the Chicago Maternity Center; and is president of the Catholic Interracial Council.

And still he has another recognition of which he is understandably proud: this father of four was named Father of the Year by the National Father's Day Committee in New York on May 28.

The thought-provoking address of this public servant, organizer, planner—and father—at Providence College, June 2, should serve as inspiration and stimulus to people everywhere.

I would also like to include the news item from the Providence Evening Bulletin of June 2, 1964, containing the honorary degree citation and also an editorial from the Providence Visitor of June 5, 1964:

ADDRESS BY SARGENT SHRIVER, PROVIDENCE COLLEGE, PROVIDENCE, R.I., JUNE 2, 1964

Today, after 4 years of college, of studying, and exams, and essays, and term papers, you probably feel like the infantryman in the old war story. After too many campaigns, one day he began wandering around the frontlines, with a strange look in his eyes. Every now and then he'd stoop over to pick up a scrap of paper, stare at it and say, "This isn't it." Then he'd throw it away, pick up another scrap and say, "This isn't it." He kept repeating this for days until finally they came and led him gently away to the psychiatric ward. Doctors tried to establish contact with him there. But he kept going around with the same glassy stare, picking up scraps of paper and saying, "This isn't it." After 2 months of this the doctors gave up. They called him into the office, and told him sadly, "You can go now." But as he stared at the discharge they'd handed him the strange look suddenly left his eyes and he said, "Ah-hhh, this is it."

Well today at long last they hand you that little piece of paper you've all been looking for. How many of you looked at it and said, with a sigh of relief, "Ahhh, this is it." How many of you, I wonder, are going to regard that piece of paper as a license for private practice * * * for a return to private life, and private pursuits. How many are going to use it as a letter of reference for the first available job. How many are going to view it as a discharge—from responsibility, from the need to be engaged with important issues, from the search for truth "Veritas," the motto of Providence College?

The great 13th century Dominican theologian, St. Thomas Aquinas, said, "Three things are necessary for the salvation of man: to know what he ought to believe; to know what he ought to desire; and to know what he ought to do."

How many of you here, I wonder, really know what you believe, what you want, what you ought to do in life? How many of you realize that what they're giving you today is no ordinary piece of paper. They're not handing you a license, or a letter of reference, or a discharge. What they're handing you is a ticket—an admission pass to history. What they are saying is, "Here is history—there is the American of your generation * * * make of it what you will." You are the inheritors. What America is—what it becomes in the next 50 years, is what you make of it.

What is America now? It is an America of the fruited plain and the shining seas. It has always been that. And now it is also an America of the blast furnace, of the oil wells and the great cattle ranches, of the huge dams and the hydroelectric power projects, of the high standard of living, of the Polaris subs and the nuclear aircraft carriers, of the 19-story rockets, and the 60-story temples of finance. But it is also, I am proud to say, an America of concern for the aged and the disenfranchised, of the Peace Corps, and the war on poverty. It is an America that is beginning to shake off the despair and cynicism born out of the cold war and to think and act again as if there were hope for the world. It is an America, in short, as it was when it started—a land of ideas and ideals. And some oversea observers, especially where we have Peace Corps volunteers working, have made eloquent recognition of this truth.

A few months ago I received an honorary degree at Chulalongkorn University in Thailand, in recognition of the work of our volunteers in that country. I want to quote to you something the Foreign Minister of Thailand said during the presentation ceremony, some remarks that were more significant, I felt, than the award itself. "It is indeed striking," he said, "that this important idea, the most powerful idea in recent times, of a Peace Corps, of youth mingling, living, working with youth, should come from the mightiest nation on earth, the United States. Many of us who did not know about the United States thought of this great Nation as a wealthy nation, a powerful nation, endowed with great material strength and many powerful weapons. But how many of us know that in the United States ideas and ideals are also powerful? This is the secret of your greatness, of your might, which is not imposing on or crushing people, but is filled with the hope of future good will and understanding."

The foreign minister of Thailand is not the only man to recognize this secret of America's greatness. In towns and villages throughout Asia, Africa, and Latin America where our volunteers are at work, people are becoming acquainted for the first time with this true source of America's power—ideas and ideals.

How many of the 579 degree holders here are going to share the secret of America's greatness? How many are going into the world of ideas and ideals? I am told this is the largest graduating class in the history of Providence College.

Father Henri Pire, the Dominican priest who won the Nobel Prize in 1958, had an idea. He had many ideas, and ideals. After World War II he started an organization called Aid to Displaced Persons that helped resettle homeless and uprooted victims of the war. He also founded a home for aged refugees, and helped these old people to find jobs to sustain themselves. He organized the so-called European villages where displaced persons could settle and raise their families. And he launched a kind of crusade to awaken public opinion in the European nations about the plight of the displaced persons. He called this crusade, "A Europe of the heart." Through it he tried to interest all Europe in the work of resettling refugees, and in the general idea of service to all persons in need.

Last December Father Pire visited Seton Hall University and told the students: "We must, before all, create a public opinion, objective and constructive, expressing clearly the will to live in a world free of racism, hunger, and war."

This is the kind of crusade I would like to enlist all of you in. Today I was presented an honorary degree as doctor of humanities. I would like all of you—whatever degree you have received—to be honorary doctors of humanity. I would like you to join in creating an America of the heart, an America free of racism, hunger, and despair.

We have let ourselves fall into the notion that these things can be done from the top of society, that Government or business or science can improve the human condition by hiring enough administrators, or stepping up the production of autos, or developing new vaccines. But real changes, real improvements have to come from the depths of society, from the confrontation of person. This is something we have learned in the Peace Corps.

Today our volunteers are hard at work as vocational teachers in Thailand—as nurses and biochemists in Malaysia—as irrigation workers in Morocco—as nurses, teachers, civil engineers, community development workers and rural public works assistants in Pakistan—as heavy machinery mechanics in Tunisia—as nurses and teachers in Tanganyika—as agricultural extension workers in India—as chemistry teachers in Ghana—and as rural youth workers and community development workers in Brazil, home economists in Chile, public health workers in Bolivia, and in many other jobs in many other countries.

Two graduates of Providence College have already completed 2 years' service with the Peace Corps and come home—Jim Sheahan, who worked as a teacher and educational broadcaster in Sierra Leone, and Frank Krajewski, who taught school on the island of Catanduanes in the Philippines and was made an honorary citizen of that remote island. Six other Providence College students are now serving abroad with the Peace Corps, in Ethiopia, the Dominican Republic, Colombia, Afghanistan, and the Philippines.

Wherever they are serving, whatever they are working at, the volunteers are speaking the language of the country; they are eating the local food and living in local housing. They are assimilating completely into local cultures. In short, they are living at the level of the people—they are having a confrontation with persons. And what this can mean is indicated in the requests we have received for more and more Peace Corps volunteers, more than we can possibly supply. And it is indicated in the heartfelt tributes and expressions of gratitude the Peace Corps has received from all over the world—even from countries in which we have no volunteers at present.

Last year, one of the most significant of these tributes, the Ramon Magsaysay Award, sometimes called "Asia's Nobel Prize," was presented to the Peace Corps on behalf of the volunteers serving in 11 Asia nations. The citation accompanying the award reads in part:

"The problem of achieving peace amid the tensions and dangers of a nuclear age occupies the mind of much of the human race, yet few within it discover a useful way to contribute. In reaffirming the essential community of interest of all ordinary people, regardless of creed or nationality, the Peace Corps volunteers belong to that small but growing fraternity who by their individual efforts do make a difference."

And the Manila Evening News, in taking note of the award, commented: "Peace Corps workers achieved in less than 2 years an understanding with Asian peoples that promises to pass all tests."

So the world is discovering an America of the heart, of ideas, and ideals. The world is discovering the secret of America's greatness. And now we must put that secret to work in America itself.

This is the chance we have in President Johnson's proposed war on poverty. This is the chance all of you have.

This program is aimed at wiping out the whole subculture of poverty in America.

You are not poor, or you would not be here today, equipped with a splendid education. But one third of all the poor are children. They were born poor. No one can claim they got to be poor because they were lazy, shiftless, drunken or profligate. They have had no spokesman, no lobby. We haven't even seen them—we are so enclosed in our middle-class life. Yet there are 25 to 30 million poor—shutout, broken and demoralized.

Fortunately today the poor of America finally have a voice. It is a remarkable, memorable fact that our Government has so concerned itself with the poor—from the vision of John F. Kennedy, to the action of President Johnson, to the concrete legislation of our Congress—that I can come before you today to speak for the poor in our war against poverty.

The poor are the hardest people in our society to reach. It is like going down in a diving bell. The farther you get down into this alienated subculture, the harder and harder it is to penetrate another foot. But we must bring the poor back into our society.

We can do it today because we have the wealth to do it. We have the knowledge of economics and the fiscal and monetary tools and techniques to do it. We have the new educational training techniques to do it. We have the means of communication and the mobility of population to do it. And finally—for the first time in our history—we have the will to do it.

But who will be the executors of this will? We are not going to do this from the top down. We are not looking for more administrators, or autos or vaccines. We need people—we need you—for this crusade, just as we needed you and continue to need you in the Peace Corps. You must be the teachers of remedial reading, the retrainers of new jobs, the workers by the thousands to remake our society.

The new antipoverty program will give us a Job Corps in which young people from 16 to 22 can get work experience, with special emphasis on conserving our natural resources and recreational areas, along with general education. It will provide for part-time employment for students from low-income families who need to work their way through school. In these and other community action programs there will be many opportunities for you to teach and to serve.

We will also have volunteers in service to America—VISTA—our own grassroots Peace Corps—to work in State, local, or nonprofit programs to wipe out causes of poverty. To work with impoverished Indians on reservations. To bring help to migratory workers and their families. To work with the poor in the District of Columbia, Puerto Rico, Guam, Samoa, the Virgin Islands, the Pacific Islands. To work with the mentally ill, the mentally retarded, and the culturally deprived. To work with all the poor and the forgotten—perhaps right here in Providence.

In the Peace Corps we asked people to volunteer for work all over the world, not for money or glory, not even for comfort and convenience, but only to help others who needed and wanted their help. Helping others is not a new idea. It is very old, as old as the Old Testament. It was old when St. Thomas wrote in the 13th century, "So powerful was the appeal of man's needs and so eloquent was the cry of man in his distress, in his poverty, in his sin, in his helplessness, that God heard this and was unable to resist it to the point that He sent his only begotten Son to come into the world to seek and to save that which we lost."

Is the appeal of man's needs any less powerful today? Is his cry of distress, of poverty, of helplessness less eloquent? Can any of us resist it?

Someone wrote once that the old man wants peace and quiet, the middle-aged man wants love and respect, but the young man wants challenges. Well you are two things above all today. You are bachelors of arts—and you are young. So I leave you with these challenges—the challenge of St. Thomas, the challenge of Father Pire, the challenge of the Peace Corps and the challenge of the war against poverty. The challenge to heed an eloquent cry—the most eloquent cry of all—the cry of human beings in distress, here in America and across the world.

[From the Providence (R.I.) Evening Bulletin, June 2, 1964]

R. SARGENT SHRIVER, DOCTOR OF HUMANITIES

("You have valiantly guided the Peace Corps from a skeptically viewed experiment to an outstanding success.")

"The skeptics said it couldn't be done, but you did it."

That succinct phrase from the honorary degree citation of R. Sargent Shriver, Jr., summarizes his administration of the Peace Corps as its director for the past 4 years.

From the sign on his office door ("There is no room on this team for good losers") to his big, energetic appearance, everything about Mr. Shriver spells hard work and success.

He has been a lawyer, a business executive, a magazine editor, an educator, a working politician (during the 1960 campaign of his brother-in-law, the late President John F. Kennedy), and a sailor.

Mr. Shriver is a native of Westminster, Md. He was graduated cum laude from Yale in 1938 and then from the law school of Yale University. He enlisted in the Navy as an apprentice seaman before Pearl Harbor, and served aboard submarines and battleships continuously from 1941 to 1945. He was returned to inactive duty as a lieutenant commander with a number of decorations.

He likes to say that he didn't join the Army, because he doesn't like 50-mile hikes.

At a party in New York City in 1947, Mr. Shriver met Eunice Kennedy and later helped her to organize a national conference on juvenile delinquency. They were married in 1953 at one of the biggest social weddings of the year in New York. One of the ushers was then Senator John F. Kennedy. The Shrivers now have four children.

Mr. Shriver spent a year as an associate editor of Newsweek magazine and then became associated with the Joseph P. Kennedy Enterprises in Chicago. In 1956, he was elected president of the Chicago Board of Education, the youngest man to hold that office in any major city in the Nation. He is now 48 years old.

After the 1960 presidential campaign ended, Mr. Shriver returned to business as assistant general manager of the Merchandise Mart in Chicago, a huge wholesale furnishings concern operated by Kennedy Enterprises. Soon after being sworn into office in 1961, President Kennedy asked Mr. Shriver to organize and administer the Peace Corps.

President Johnson recently chose Mr. Shriver to head up the administration's campaign against poverty.

Mr. Shriver's honorary degree citation follows:

"Robert Sargent Shriver, you have valiantly guided the Peace Corps from a skeptically viewed experiment to an outstanding success. Under your courageous leadership, an ever-growing number of young adult Americans continue to volunteer for Peace Corps service in distant lands.

"You have proven to the world that young American men and women can meet any challenge, assume any responsibility, and make any sacrifice to preserve and disseminate throughout the world our democratic way of life. The Peace Corps is winning major victories in the titanic world struggle for the minds and hearts and souls of men and nations."

"The skeptics said it couldn't be done, but you did it. And now, President Johnson has appointed you to direct a second first-of-its-kind task as his special assistant in his antipoverty campaign, charging you to seek out the causes and cures for poverty so that we may raise the standard of living of the 20 percent of our American fellow citizens who are not sharing in our Nation's affluence."

[From the Providence (R.I.) Visitor, June 5, 1964]

SARGENT SHRIVER AT PROVIDENCE COLLEGE

This is the commencement season and the air is filled with the traditional oratory. Much of what is being said may soon be forgotten, but it will be a long time before those who were present at Providence College's 46th commencement forget the striking address given by Mr. R. Sargent Shriver, Director of the Peace Corps and Special Assistant to the President in the campaign against poverty.

What Mr. Shriver told the graduates applies to all of us. The real strength of this Nation, he said, lies in the ideas and ideals of its people and in their willingness to give of their time and talent to rid the world of war, racism, and crushing poverty. The thousands of young people who are graduating from high schools and colleges this month do carry with them much of our hope for the future. But older citizens can also help to make that future brighter, as the Peace Corps has proven time and again when it has made excellent use of the experience of older Americans who have won friends for this Nation by using their skills to help meet the needs of less fortunate people all over the world.

As at Providence College so at almost every other commencement the number of graduates has been described as the largest in the history of the institution. The growing army of graduates enriches those human resources which Mr. Shriver described. But it also reminds us that the number of those who enter our high schools and colleges every year is also growing. One of the first sacrifices that we must all make to insure a better future is, of course, that of support for education. Voters who turn down school bond issues, as happened in Johnston, are practicing a very short-sighted economy. Appeals for aid to education—both public and private—that have been and will be made are appeals for the tools and the trained minds that are essential to winning the battle against poverty, prejudice, and the causes of international conflict.

The history of the Peace Corps proves that there is an enormous supply of talent and genuine love for humanity in this country. Constructive work done by people for other people—and with them—in every corner of the world has done more to prove what America really is than all our diplomacy and public relations campaigns. Mr. Shriver suggested that the same thing can be done here at home in the war on poverty. We are sure that he is right and we remain confident that most Americans will be ready to pay more than lip service to the ideals of humanitarianism which Mr. Shriver so eloquently stated at Providence College.

FEDERAL RESERVE BOARD

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Under previous order of the House, the gentleman from Ohio [Mr. HAYS] is recognized for 30 minutes.

Mr. HAYS. Mr. Speaker, it is very rarely, in fact if my memory serves me correctly, this is the first time in almost 16 years that I have been here that I have used a special order. But there was an article in the Washington Post last week, apparently inspired by my colleague the gentleman from Texas [Mr. PATMAN] which baldly states there is some kind of conspiracy going on here between the gentleman from New York, Congressman KILBURN; the gentleman from New York, Congressman MULTER; Judge SMITH of Virginia, Senator ROBERTSON of Virginia, and myself to prevent the gentleman from Texas [Mr. PATMAN] from investigating the Federal Reserve Board. Now the article states that the gentleman from Texas [Mr. PATMAN] would like to see the Federal Reserve Board under greater control of the President and the Congress. Strangely enough, I feel the same way about it. That is one of the few occasions, I think, in which I might agree with some of the financial policies of the gentleman from Texas. So, therefore, I am sure I can speak for myself as well as the other gentlemen in saying that there is no sinister conspiracy whatsoever to keep him from investigating the Board. What it boils down to is that the chairman of the Committee on House Administration, being obliged under the law to approve all contracts entered into by other chairmen and because he thought that there were a great many of these contracts, particularly from two committees, set up a couple of years ago a subcommittee on contracts to screen these contracts and to recommend which should be approved and which should not.

I believe it is pertinent and significant to point out that the two committees in question were the Committee on Education and Labor and the Committee on Small Business, of which the gentleman from Texas [Mr. PATMAN] was the chairman. I believe it is significant to point out that since he has been replaced on the Small Business Committee by another chairman that committee now has only one contract over and above its regular staff.

I believe it is also significant to point out that that committee had when the gentleman from Texas [Mr. PATMAN] was chairman of it 28 employees, which now have been cut down to 20.

I believe it is also significant to point out that the Committee on Banking and Currency, before the gentleman from Texas [Mr. PATMAN] became chairman, asked for and got from the Committee on House Administration the sum of $5,000 over and above its 10 regular employees. I believe it might be significant that the Committee on House Administration gave the gentleman from Texas [Mr. PATMAN], his first 2 years as chairman, a figure of around $400,000 over and above his 10 employees.

I believe it is also significant that he has escalated that staff from 10 employees to not the 23 he told us the other day, but to 38 employees. When he came in before my committee, when we were querying him on these contracts, he said he had 23 employees.

Now, where did I get the figure of 38? I got it from the payroll of April 30 of this year.

Now, the only quarrel between the gentleman from Texas [Mr. PATMAN] and myself is that if he wants to investigate the Federal Reserve Board it would seem that these 38 employees which he has under his jurisdiction would be ample and adequate to do that job.

As a matter of fact, in Mr. PATMAN's conversation before the subcommittee and in a letter which he sent to all members of the House Administration Committee he did not say anything about these people investigating the Federal Reserve Board, which he told the newspaper he was being hindered from doing.

It is said we turned him down on making a study of bank management succession and the market for bank stock, at a cost of $6,000. I submit to you that the matter of bank management succession, under a free enterprise system, is none of Mr. PATMAN's business. That is up to the individual bank. Whenever a president dies, or whenever a cashier dies, I presume another one is hired, or someone is promoted from within. So far as the market for bank stock is concerned, if any of you have tried to buy any, you know there is an adequate market, because there is hardly any of it for sale.

We just did not beileve that the gentleman from Texas [Mr. PATMAN] made an adequate case for putting a couple of people on the payroll—not on the payroll, actually, for it was to allow a contract for $3,000, to write some kind of report which later he would ask us to print at Government expense, with the seal or imprimatur, you might say, of the Congress on it, to be put out as some kind of gospel about bank stock and bank management.

Mr. PATMAN, according to this article in the Post—I am sure, from what I gather, he talked to this reporter—alleges that he is being hampered, as I said, in his investigation of the "Fed." That is what they call it. I am really not that familiar with it. I do not know anybody on the Federal Reserve Board. If I ever met any of them, it escapes my attention. They call it the "Fed," and he says we are trying to hamper him in investigating it.

He goes further and says that we made an unreasonable request from him, that is, that he get the minority of his committee, the minority side, to agree to this. That was not the request at all. The request was that he get a majority of his committee. We asked the gentleman from New York [Mr. KILBURN], the ranking minority member, to come there, and he did, and he said that he knew nothing about this. I made it my business to talk to the two ranking Democrats, and they told me that they knew nothing about it. So that the gentleman from Texas [Mr. PATMAN's] allegation that we are trying to thwart him in his duly ordained rights is no more true than that we are trying to thwart any other chairman who must come before this subcommittee and tell us, if he wants to enter into a contract with someone, how much it is going to cost and what the man will do and for what duration it will be. Then we either say, "OK, enter into it," or "Do not enter into it."

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I will be glad to yield to the gentleman from Iowa, who is a member of the subcommittee.

Mr. KYL. I want to concur completely in what the gentleman from Ohio said. In fact, I want to be a little more brutally frank than he has chosen to be. I do not know anything about any investigation of the Federal Reserve System by this committee. I have steadfastly refused to go along with any additional contracts for the committee of the gentleman from Texas for the simple reason that none of the committee ever knows what any of the staff members is doing, where he is or why he is there, and because in the past the gentleman from Texas has used this device to build a little empire for himself carrying on operations for his individual benefit, apparently, because at least no other member of the committee has ever known what was going on in this committee activity. If a case can be made for any consultant, this Committee on House Administration will be glad to consider it. It should be noted, I think, that there are two chairmen of committees in the House who have used this technique to a large extent. One of them, as I remember it, had 36 such contracts and another one had 42. It should be noted all the rest of the committees of the House combined did not have anywhere near this many consultants on their committee staffs.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HAYS. I appreciate the remarks of the gentleman from Iowa, who, as I say, is a minority member of this subcommittee and also sits on the Committee on House Administration.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I am unable to understand, I will say to the gentleman, why the Banking and Currency Committee should go out and contract for services. I have here a list of the committee employees, and I find at least 12 employees of the Committee on Banking and Currency who are paid at least $18,000 a year. As a matter of fact, all but 1 of the 12 are paid $18,884.97. This is a pretty lush payroll, I would say to the gentleman from Ohio, and I cannot understand why, with this kind of a payroll—and there are some 40 employees—I cannot understand why the chairman of the committee would go out and hire contract employees.

Mr. HAYS. Mr. Speaker, I agree with the gentleman, and, as I said earlier, when the gentleman from Texas was the chairman of the Select Committee on Small Business, that committee had 32 contracts in the 87th Congress, outside its regular staff, which I think was another 28 people. Now, under the chairmanship of the gentleman from Tennessee [Mr. EVINS] in this Congress, they have exactly 1 contract, not 32, and that was approved by this committee. They have 20 regular staff employees and not 28. Since the RECORD ought to be complete, I would point out in the 88th Congress the contracts are as follows: the Committee on Armed Services has one; the Committee on Banking and Currency has two that have been approved; the Committee on the District of Columbia has two; the Committee on Government Operations has three; the Committee on the Judiciary has four; the Committee on Merchant Marine and Fisheries has one; the Committee on Post Office and Civil Service has three; and the Committee on Science and Astronautics has four.

As to those, I might say the chairman came in on each and every one of them, which is something that the gentleman from Texas [Mr. PATMAN] has resented doing. At least, he told me he resented having to come in. He said it demeaned him.

The chairman of the Committee on Science and Astronautics came in each time and said he had some specialist whom he wanted to do a job and told us what it was, and he got an OK for the contract.

The Committee on Un-American Activities leads the list in this year. They have had five. The Veterans' Affairs Committee has had one; the Select Committee on Government Research, one; and the Small Business Committee, one.

In the 87th Congress—and that is what caused this committee to be set up—the Education and Labor Committee had 23; the Select Committee on Export Control had 19; the Select Committee on Small Business, which was then the gentleman from Texas' [Mr. PATMAN] committee, had 32. The Banking and Currency Committee, of which he was not then chairman, had one contract.

I just resent completely the insinuations in this article which the gentleman from Texas [Mr. PATMAN] inspired that I am somehow or other a member of——

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes, I yield.

Mr. PATMAN. I certainly do not feel the gentleman is justified in saying that I inspired the article. It is absolutely untrue.

Mr. HAYS. Well, did you talk to the reporter?

Mr. PATMAN. I did not talk to him. I knew nothing about it. I knew nothing about the editorial. I was not consulted.

Mr. HAYS. Did your staff talk to him?

Mr. PATMAN. Not to my knowledge.

Mr. HAYS. I think you had better find out what your staff is doing.

Mr. PATMAN. I hope the gentleman retracts his statement that it was inspired by the gentleman from Texas, because it is absolutely untrue.

Mr. HAYS. If the gentleman says he did not inspire it, I take his word for it.

Mr. PATMAN. I say that. I think the gentleman should not have made the statement.

Mr. HAYS. I say to you that you had better find out what that 38-man staff of yours is doing, because they talked to the reporter; some of them did. He did not suck this out of his teeth. He did not come up with these so-called allegations from just nowhere.

Mr. PATMAN. The gentleman brought up the——

Mr. HAYS. Just a minute; are you asking me to yield or are you making a speech?

Mr. PATMAN. I am asking you to yield.

Mr. HAYS. Is it not true that I notified you that I was going to do this?

Mr. PATMAN. Yes. Did you notify the gentleman from New York [Mr. KILBURN], too?

Mr. HAYS. No, I did not. I was not going to talk about the gentleman from New York [Mr. KILBURN] so I did not notify him. Is it not true that you have 30 minutes following me?

Mr. PATMAN. I certainly have.

Mr. HAYS. Do you expect to yield to me at that time?

Mr. PATMAN. Certainly, if it has to do with something appropriate and timely on the subject that I will be discussing.

Mr. HAYS. I yield to the gentleman.

Mr. PATMAN. These contracts about small business, I never heard that mentioned until the other day in the gentleman's committee; I never heard of it before. I never heard of any complaint about it. When were those contracts made?

Mr. HAYS. The gentleman was chairman of the committee and he entered into the contracts. He signed them.

Mr. PATMAN. That was over a period of years.

Mr. HAYS. I am talking about the 87th Congress, 32 contracts.

Mr. PATMAN. But what is wrong with them? Did the Government fail to get value received for them?

Mr. HAYS. Nobody knows whether they did or did not.

Mr. PATMAN. It is presumed that they did.

Mr. HAYS. The House Administration Committee and the chairman thereof thought that these things were coming too rapidly, there were too many of them, and he set up this committee to screen them.

Mr. PATMAN. There was no complaint made to me.

Mr. HAYS. I made complaints to you, plenty of them.

Mr. PATMAN. Just the other day you did.

Mr. HAYS. No, over a period of the last year.

Mr. PATMAN. I never heard a word about it. The gentleman cannot show a thing wrong with any of them. I challenge him to show anything wrong with any of the contracts.

Mr. HAYS. Do you want to tell us about some of the people you have under contract?

Mr. PATMAN. You thought it up, so you better show something that is wrong.

Mr. HAYS. I would like you to tell us something that they did. Do you want me to read off some of them and tell us what they did with the money?

Mr. PATMAN. That is incidental. Nobody has ever charged me with doing anything wrong.

Mr. HAYS. Nobody is charging you with doing anything wrong, but is it incidental that we may want to know what these people did that cost this money?

Mr. PATMAN. That is water over the dam. That is years ago.

Mr. HAYS. You do not want to tell us what they did?

Mr. PATMAN. You make a charge and I will tell you pretty fast.

Mr. HAYS. I do not want to read off the whole list. You had one fellow in Washington under contract last year for a total of $14,000, on your Small Business Committee. And, you had Buddy Vaughan down in Texas on for a month for $1,500 and then another month for $1,500. I do not know whether he did any work or not.

Mr. PATMAN. Wonderful work; value received.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I would like to comment on that. I am sure if I put some people on the staff out in Ohio and I could get somebody around here to pay for them that they would do wonderful work and they might help get me elected. I do not know whether the Government would be getting value received.

Mr. PATMAN. Will the gentleman yield further on the Buddy Vaughan deal?

Mr. HAYS. No; you did not want to talk about it.

Mr. PATMAN. I will talk about it. I will let you know something about it.

Mr. HAYS. I will yield to you in a minute. I am now yielding to the gentleman from Iowa.

Mr. KYL. I believe the gentleman from Ohio has a legitimate question which he has directed to the gentleman from Texas when he asked him what these people did, because when he next came to the committee, he did not know that he had people stationed out in Cleveland doing work for his committee and had to check the record to find out exactly what they were doing. He himself did not know what they were doing without looking up the record.

Mr. PATMAN. Of course, I had people in Cleveland doing the work and I knew all about it. If the gentleman had asked me the right question, I would have answered it. I answered every question asked. The Cleveland people did not last long. It lasted 30 to 60 days. However, it was a particular type work that required certain trained people to do.

Mr. HAYS. This puts the matter pretty well in perspective. Instead of coming in and volunteering what he wants these people for, as every other chairman does, the gentleman says, "If you ask me the right question I will give you the answer." In other words, presumably, in order to find out what these people are going to do, we will have to employ a staff of investigators to go out and ascertain this so we will know the answers.

I believe the gentleman is convicting himself. The more he talks, the more he is convicting himself.

Mr. PATMAN. You know I am forthright about these things. I tell you everything, and I am glad to do it. I have always done it. You will not find a thing wrong with those contracts, nothing. I challenge you to find something wrong with them. You brought it up. You are charging me. Why do you not prove something?

Mr. HAYS. I am just saying that there seems to be a couple of committees that had an excess number of contracts. We talked to the chairman of the other committee and told him if you want people on your payroll, you come in, as every other committee does, and get a resolution through the House to get *x* number more employees and then you put them on. But, it was very convenient—it became very convenient not to have to go through that process of asking the House to approve them. You simply hire them and shoot them up to the House Administration Committee for it to approve them willy-nilly, per se, and without any questions.

I want you to have all the staff you need. But I think it is fair to point out, as I have pointed out, when you become chairman of a committee the numbers on the staff go up astronomically and when you cease to be chairman of the committee the numbers on the staff go down.

Some people around here have been unkind enough to say that the gentleman has a proclivity for empire building. I would not say that. I will let the RECORD speak for itself.

If the gentleman has a proclivity for empire building, why do you not build your empire in the same way that everyone else around here builds theirs?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman.

Mr. PATMAN. Why does not the gentleman state the facts? When the gentleman from Texas has received a certain appropriation—authorization and appropriation—for so much money, he can spend that as chairman of the committee either of two ways.

Last year, 1963, no contracts at all were allowed. Beginning this year, contracts, we were told, would be allowed. We made some. Here is the reason they are important. We could put them on the payroll or we could have a contract. In dealing with these people, you know, economists and people like that who have a special knowledge of matters which we are investigating, they are employed. It is awfully difficult to get them. We are in competition with foundations, with banks, and with all kinds of organizations. You just cannot hardly get them.

Mr. HAYS. What you are really saying——

Mr. PATMAN. You get some part time and then contract the other.

Mr. HAYS. What you are really saying is you are trying to get around a conflict of interest by doing this.

Mr. PATMAN. Oh, no.

Mr. HAYS. The committee does not give you this money to spend as you see fit.

Mr. PATMAN. That is correct.

Mr. HAYS. The committee says you can enter into contracts.

I might say the committee did not make this rule to be nasty. The committee is doing this because it is required to do it by the United States Code, which says in section 72(b) of section 95:

> No payment from the contingency fund, regardless of how many contracts were entered into, can be paid without the approval of the House Administration Committee.

The chairman of the House Administration Committee simply felt like he was signing a lot of authorizations he did not know anything about. I think it has been for the good of the Congress that we have cut down on these contracts.

As far as going out and hiring an economist or anybody else to write a 10-page paper on bank management succession or market for bank stocks for $3,000, it seems to me like you could get some of these high-priced experts of the kind the gentleman from Iowa [Mr. GROSS] mentioned, on your staff to do this.

Another thing that has come to the attention of the committee and received complaints from both the majority and minority is that the gentleman from Texas hires these people who agree with his views, pays them out of committee funds, then brings them before the committee as expert witnesses. If you want to have a hearing on bank management succession, I will tell you how to do it at no cost to the Government. You set up this hearing, you subpoena the doctor, you let him tell the story before the committee giving him his witness fees and per diem and send him home, and you have the story for $50 instead of $3,000. And he would be a more reliable witness because he would not be paid to say what somebody wants him to say.

I agree with you that the Federal Reserve should be amenable to the wishes of whatever administration is in, but that does not say I agree to every contract that you send up as long as I am chairman of this subcommittee unless you can prove that it has a value and purpose, and you are going to do a job.

As far as economists are concerned, it is like when I went back to my university after some years to make a speech, I asked about my old professor of economics. He was not a young man when I was there, and I knew he must be at least 85 years old. And they said:

> He is not only still living, but he is teaching economics. He retired, there was a shortage, and we brought him back, and he is still giving the same 10 questions in final examination that he gave when you were here.

I said:

> That is odd. Have not the students caught on to the fact he gives the same 10 questions?

I was told:

> Yes, they know it, but he changes the answers every year.

I do not know exactly what you have when you get an economist to write a paper for you at Government expense to the extent of $3,000.

I might say one other thing. Although I might agree with the gentleman on his theory about the Federal Reserve Board being more responsive to the money policies of the Government, that may be the only place that the gentleman and I agree on money matters. I served on the Committee on Banking and Currency with the gentleman. There are many organizations in this country. For example, there is one called the CSA. I thought that stood for Confederate States of America, but it stands, I understand, for constitutional something or other. They say I am a flaming liberal, but I suppose everything is relative. I am not quite as liberal on money as the gentleman from Texas. I really believe when you contract a bill you have to pay it. I do not agree with his principles on money management which seems to be summed up from his numerous and lengthy speeches that when the Government needs any money start the printing press. I do not represent that policy which went through a couple of campaigns. In fact, my party had a standard-bearer who wanted to more or less espouse that philosophy, but instead of printing it he wanted to coin them. We did not get very far with that. I really do not think it is a very popular theory even among the people who are debtors, and I happen to be one of them.

I have to carry a pretty big roll of money now when I buy groceries but I do not want to have to use a wheelbarrow.

So, if the gentleman has any people he wants to put under contract, as long as I am chairman of this subcommittee and he can come in and show they are going to do a job, and there is a need for them, and his staff of 38 people, which has escalated from 10 to 38, cannot do the job, we will give him a fair hearing and we will give him permission to put them on. But until he does convince that committee, I am not going to be browbeaten by newspapers, by editorials, by the gentleman or anybody else, and he should have known better after 16 years than to try to bend me to his will in that fashion.

COMMITTEE STAFF MEMBERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I listened expecting to hear some definite charge made against me as chairman of different committees.

In 1941 I sponsored the resolution to set up a Small Business Committee of the House. The week before Pearl Harbor the Honorable Sam Rayburn, the great beloved Speaker of this House, appointed the first Committee on Small Business and he made me chairman of that committee. I was chairman of that committee from 1941 until the end of the 87th Congress, except for the two Congresses which were under the control of the Republicans. They were the 81st and 83d only.

During that time I believe you will find that our committee consistently turned back at the end of the year more money than any committee of this House. We turned back $25,000, $50,000, and even more per year. We were so careful with the expenditure of funds given to us that it was common knowledge that we would spend it only for a good purpose and we would return the remainder. We built up a good reputation that way.

I never heard of any criticism of a contract until the other day in a committee in which two members were sitting, the gentleman from Ohio [Mr. HAYS] and the gentleman from Iowa [Mr. KYL]. The gentleman from Iowa mentioned contracts. I never heard them mentioned in a critical way before. Today I challenged the gentleman from Ohio to bring out any contract in which anything wrong was done or where the Government lost money or a contract that I should not have approved as chairman of the committee.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. If the gentleman can present such a contract.

Mr. HAYS. I do not charge——

Mr. PATMAN. I asked you if you can present a contract on which I have done something wrong.

Mr. HAYS. I am not saying anything was done wrong, I am saying nothing was done for the money, that is all.

Mr. PATMAN. It was done. Everyone was pleased but the gentleman from Ohio, and as a kind of afterthought, I am afraid, that he is not pleased. I think he has been pleased before.

CONTRACTS PREFERABLE

The gentleman said that he asked that the committee be consulted about these contracts. First let me explain to you about the contracts. It is always better to have people who cannot work for you the whole year, month in and month out, under contract. That is better than putting them on the payroll. If I did not have a contract I would have to put them on the payroll, but you have wastage that way. You have waste of funds, because you cannot keep them employed all the time. But by having a contract they are committed to do a definite thing at a definite time at a certain amount. You save a lot of money by contract. That is the reason the gentleman's committee recognized contracts as a good way. There are certain instances where it is in the interest of the public and of the general welfare to use contracts. That is the only time I use them. When I filed these contracts I did not hear a word from him. I sent one after another; not even an acknowledgment was received.

SAVINGS AND LOAN LEGISLATION

Not until there was a savings and loan bill coming up here, on February 17, and the gentleman came charging back at me just like a bully saying, "Don't take that bill up." And he was very emphatic saying, "Don't take that bill up. It will hurt the banks. Don't take that bill up."

I said, "I am going to take it up." And he said, "I will object. I will object." I said, "Object—that is your privilege." I went ahead and took the bill up. The gentleman objected. But one objection did not do any good. That was on February 17.

Mr. HAYS. Is the gentleman talking about me?

Mr. PATMAN. I am talking about the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. All I can say is—you are completely senile or you do not know the truth when you see it. I never said any such thing to you, and you must know it.

Mr. PATMAN. Well, the members of the committee were there and my staff and they remember it. It was no halfway business. It was not even close. The gentleman had blood in his eyes. He did not want that done—"It will hurt the banks."

DEMANDED MINORITY CONCURRENCE

Of course, the gentleman probably has another afterthought on that. Then I asked the gentleman about these contracts. He said, "What about CLARENCE KILBURN?" I said, "Well, I cannot ask CLARENCE KILBURN." He is a mighty fine man. He is the ranking minority member, but he is against these investigations we are conducting—the Democratic members. He is not agreeing to anything. He went before the committee in the early part of this Congress and asked them not to give us anything. He is against any bill.

Why ask me to ask CLARENCE's approval? So I went to the gentleman from Ohio [Mr. HAYS] and he said, "No, call on the ranking minority member." In order to refresh the gentleman's memory, these contracts were turned down back in March. I was never notified.

Mr. HAYS. Yes, you were.

Mr. PATMAN. Not one bit.

Mr. HAYS. Oh, yes, you were notified about it. You were told in the committee and it hit like a bomb. You have forgotten about it. I am telling you, you had better have somebody with you to keep your memory straight because you do not seem to have any.

Mr. PATMAN. Wait just a moment. I believe my memory is good and straight and I know better in some instances because the gentleman was there—charging at me right back there. Of course, ordinarily I would have been intimidated. Wait, just a minute now. I am not yielding right now. Of course, I had the Sergeant at Arms back here and the Doorkeeper with the mace up there and all that gave me courage and I stood my ground—I did not yield. I was not intimidated. The gentleman's main beef is to say that some people are senile. I did not accuse the gentleman of that, I did not say the gentleman was senile by any means.

Mr. HAYS. I cannot remember things you make up out of whole cloth—you would not expect me to; would you?

Mr. PATMAN. Take this organization that has the initials "PHP," meaning past his peak. Some people qualify to join that at about 30 years or 40 years or 50 years of age. It does not depend simply on age as it does on other things. I want to refresh the gentleman's memory. It is in the record. This is not WRIGHT PATMAN talking. This is the gentleman's own committee. These minutes say:

> The Special Subcommittee on Contracts March 10, 1964. The contracts requested by the Committee on Banking and Currency list as follows were denied. There is one for $1,000 and one for $4,000 and one for $5,000.

This is your language:

> The subcommittee agreed if Chairman PATMAN and ranking minority Member KILBURN appeared jointly before the Special Subcommittee on Contracts and be in full agreement upon the request, further consideration would be given by the subcommittee.

Now here the gentleman was contradicting himself. He asked me to have a majority of the committee over there to agree.

Then you only asked me for the ranking minority member to agree with me. This is the gentleman's writing—not my writing.

Mr. HAYS. Yes, that is the whole committee that decided that and you said you did not know anything about it. Now you are saying you were notified.

In other words, I do not think anything you say today can have very much substance.

Mr. PATMAN. What was that—November, that was the last time?

Mr. HAYS. No, you were notified in March. You had the date on that.

Mr. PATMAN. I lost sight of the date. There is some more to that. But let us go ahead. Anyway, the gentleman said, "Clear it with CLARENCE." I am not going to say anything derogatory to my good and distinguished and esteemed friend, CLARENCE KILBURN.

I am not going to violate the rules of this House, but I am going to talk about Statesman HAYS and I am going to talk about Banker HAYS. You see, the gentleman has two hats; one of them for Banker HAYS and one of them for Statesman HAYS.

The gentleman from New York [Mr. KILBURN] has two hats. He has a statesman's hat. He is a wonderful gentleman and everything else as a statesman, but he has another hat, a banker's hat. I am going to talk about both of them as bankers, in order to bring this thing out.

Who is CLARENCE? You have heard it said, "Clear it with Sidney, clear it with Sidney." This is "Clear it with CLARENCE." Now, who is CLARENCE?

Mr. GROSS. Who said, "Clear it with Sidney"?

Mr. PATMAN. I will tell you who CLARENCE is.

CLARENCE is one of the owners of the largest holding company in the East—the largest holding company in the East, Marine Midland. They have 200 banks in New York State, run by a little handful of bankers in Dover, Del.

You know, it used to be, in times gone by, that these 200 different communities and little towns had their own separate little banks. But now there is the great Marine Midland, and Banker KILBURN was in on that. They go in and buy them out, or in different ways, get charge of them.

Now, then, those 200 banks and those 200 communities do not have 200 presidents and 200 chairmen of the board and boards of directors of local people who walk around with pride, who have something to point to—a great bank in their community, with the people looking up to them. But after the great Marine Midland moves in, with the "Bosses" over in Dover, Del., they pull the strings and tell them what to do. You know they are no longer free. They are no longer free. They are stooges. They are puppets.

Mr. GROSS. Mr. Speaker——

Mr. PATMAN. I do not yield right now.

NO CLEARANCE

They are puppets. They are absolutely puppets. I do not believe in that kind of holding company deal, and I am not going to clear anything in the public interest with one who has spent his lifetime doing that.

Mr. GROSS. Mr. Speaker, a point of order.

I make the point of order that the gentleman is referring to a Member of the House who is not present and who apparently has not been notified he was to be referred to.

Mr. PATMAN. I believe the gentleman might have something there. That is the reason why I asked the gentleman from Ohio [Mr. HAYS] if he did not notify him.

Mr. GROSS. Why did you not tell him?

Mr. PATMAN. I thought they were working together pretty well. They agree together.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. They agree together when we have committee meetings. I did not invite the gentleman from New York [Mr. KILBURN] the other day.

Mr. GROSS. Mr. Speaker, a point of order. The gentleman is referring to a Member who is not present, and admits he did not tell him he would attack him this afternoon.

Mr. PATMAN. I believe the gentleman has something there. I will leave CLARENCE off. I like CLARENCE, anyway. I am going to make a special speech on CLARENCE. He has it coming to him, because he has been putting things in the RECORD time after time, claiming I was a laughingstock in these investigations and claiming everything was wrong, when absolutely nothing was wrong. I am going to make a special speech on CLARENCE, and I am going to ask him to be here. I thought the gentleman had asked him to be here, because he usually asked him to be here.

Mr. HAYS. I had not.

Mr. PATMAN. He had him there at our hearing. I thought he would.

Mr. HAYS. Mr. Speaker, will the gentleman yield? He has referred to me several times.

Mr. PATMAN. I yield to the gentleman.

Mr. HAYS. First I wish to point out that the gentleman from Maryland [Mr. FRIEDEL] is present. Every time a chairman comes before our committee we ask him to bring the ranking minority member of the committee with him. This is not unique.

Mr. PATMAN. This is an exceptional case.

Mr. HAYS. Let me plead with the gentleman to proceed. I did not know he would refer to the gentleman from New York's [Mr. KILBURN] wealth, yet the gentleman talks about how much he is worth.

Mr. PATMAN. I did not say how much he is worth.

Mr. HAYS. If the gentleman is going to compare me, with my little 4 percent interest in a bank, with the gentleman from New York [Mr. KILBURN], it would be too embarrassing. I kind of got a "kick" about that piece in the paper which said, "a hierarchy of powerful bankers." I think if that gets to my bank at home—and I am going to see it does—the bank may take on a little more stature.

Mr. PATMAN. It would take on a little more stature.

I do not yield further.

Mr. HAYS. I do not want the gentleman to humiliate me by showing how poor I am.

Mr. PATMAN. No. The gentleman is able to take care of himself. You know, if our country, if our Republic, ever falls, conflict of interest is going to be the principal contributing factor that caused it to fall. Conflict of interest, my friends, in Government in any category, I mean. I am not specifying anyone.

Mr. HAYS. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I am not yielding now. I am going to answer the gentleman. I have a right to talk a little, too.

Mr. HAYS. You talked on about half of my time.

Mr. PATMAN. No. I am not yielding right now.

Mr. HAYS. I did not think you would.

Mr. PATMAN. The gentleman is on the committee. He is right about it. He served on the Committee on Banking and Currency, coming on in 1952, and commenced immediately wanting bank charters. Bank charters. Every time the Comptroller of the Currency was there or anyone else, he wanted bank charters. You know, finally he got one, on December 5. He made application in May 1953 and got one on December 5, and got two bank charters. So he is head of two national banks, and he is right.

Mr. HAYS. The gentleman had better stop right there, or I will have his words taken down, because I am not the head of two national banks. We do not have two charters. You had better either stick to the facts, or you will stop talking; one or the other.

Mr. PATMAN. If the gentleman will retract his own words, I cannot help that.

The SPEAKER. The gentleman will suspend. Both gentlemen will suspend.

Mr. HAYS. Will the gentleman yield?

Mr. PATMAN. I will not yield until I finish my statement.

The SPEAKER. The Chair suggests that the rules are established as the law of the House and the Chair is not passing at this time on any question in connection with the rules, but the Chair suggests that there has been a very close approach in more than one way or two ways to a violation of the rules. The Chair suggests that the gentleman from Texas proceed in order and, if he yields, that the gentleman from Ohio make his observations in order.

Will the gentleman from Texas yield to the gentleman from Ohio?

Mr. PATMAN. I do not, Mr. Speaker, I respectfully decline to yield at this point.

I want to tell something about those bank charters. The gentleman got them. That is one main bank and then a branch bank in the county seat town. He has been, of course, the chairman of the board. That is a very fine and high position, and I commend him for being the head of a bank in his hometown. It is wonderful. I assume it is his hometown. I do not even know that. But I have the record of this bank here.

Now, going back to the savings and loan question, the gentleman from Ohio [Mr. HAYS] did not like the savings and loans. He does not like them. All right. Now, this bank—I cannot tell whether it is a savings and loan or a commercial bank to save my life, but here is what it is. The Citizens National Bank of Flushing, Ohio. It has total deposits of $2.7 million. That is the statement of that bank, and it is in the county seat.

Mr. HAYS. Your statement is not right to start with, but go ahead.

Mr. PATMAN. I got it from the latest report.

Mr. HAYS. You did not get it from the latest report, or it would not be that.

Mr. PATMAN. Anyway, the figures, the absolute figures, do not mean too much.

Mr. HAYS. I think that is the most accurate statement you have made today.

Mr. PATMAN. I am talking about the ratio, and that is the reason why I said the absolute figures do not mean very much. But I am not yielding to the gentleman now. If he will take his seat, then I will proceed, and I will yield to him later on. Take a seat. That is right. Now, then, be a good boy now and sit down. Sit down.

THE REAL ISSUE—CONTROL OF MONETARY POWER

You see, he has brought all kinds of smokescreens in here to obscure the issue. Bringing up all these contracts—that is not part of the issue at all. The issue is who is going to run this country. A few men in New York, or will the Congress have something to do with it? That is the issue. The way he starts out reminds me of down in our country where we take great pride in having fox dogs for fox hunting. Now and then we have a community fox hunt and every fellow brings his good dogs and gets them in the fox hunt, and they go out after the fox when they shoot the gun. You know, we have cottontail rabbits down there, too, and we have coons and we have possums and everything else. Sometimes a cottontail rabbit will run across the fox trail ahead of the hounds and some hounds are foolish enough to take off after that cottontail rabbit. Of course, they are never in another fox chase, because the owners get rid of them right away, because they cannot stay on the trail. They cannot stay on the trail, that is, on the fox trail. They cannot stay on the fox trail. That is the way it is here. We are on a certain trail. We are investigating the Federal Reserve banking system.

Mr. HAYS. Mr. Speaker, will the gentleman yield now?

Mr. PATMAN. Not now; sit down now; be good and sit down. I am not yielding.

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. PATMAN. We are investigating the Federal Reserve banking system. I will yield to the gentleman when I have finished. Take your turn; I took my turn when I asked you to yield.

Mr. HAYS. And I yielded to you several times.

Mr. PATMAN. You yielded to me when you wanted to. When I want to yield to you, I will yield to you.

Mr. HAYS. Then on another day I will get a special order.

Mr. PATMAN. That is the way to do it.

THE BANK STATEMENT

Now, there are $700,000 of demand deposits. How much are the time deposits? Two million dollars. In other words, 74 percent of the deposits of this bank are time deposits. You are hiring your money, paying for it. I venture to say that you do not find many banks in the entire Nation in that condition—74 percent—that is more like "savings and loan" while the bank part is only 26 percent. So you cannot tell whether this is a "savings and loan" or a commercial bank, because most of it is "savings and loan." Therefore I say that you should not be against the "savings and loan" because your own bank indicates that it is more "savings and loan" than it is a commercial bank.

Now, the gentleman, after he got these charters, got off the Banking and Currency Committee, which is his privilege. I am not saying that he should have stayed on.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HAYS. In the first place, the first charter—and I had this put to me in a campaign; they said, "Did you use political influence to get the charter?" I said, "All the political influence that I as a Democrat had in the Eisenhower administration." The permit for the branch bank was gotten about 2 years ago and I have not been on the Banking and Currency Committee for 8 years. So you should have known that, if you bothered to look at the record at all. As far as the amount of money that is on time deposits is concerned—you are supposed to be an expert on banks, although most people in the country think you are more of an enemy than an expert—nearly every bank in a little town in the State of Ohio or in the United States has more time deposits than commercial deposits. And you know it.

Mr. PATMAN. Not 74 percent; not any that has 74 percent of time deposits.

Mr. HAYS. There is one right next door to us.

Mr. PATMAN. No, that is 70 percent. I happen to have that one here.

Mr. HAYS. That is a big difference, is it not—4 percent difference?

Mr. PATMAN. The banks are going out of the banking business up there.

Mr. HAYS. No, they are not going out of the banking business.

Mr. PATMAN. That is, the ARA counties. This is one of the first counties that qualified under ARA.

Mr. HAYS. That is right.

Mr. PATMAN. Why? The banks would not make loans to farmers; the banks would not make loans to small businessmen. They have just gone out of the banking business.

Mr. HAYS. The amount of deposits that a bank has is no indication of how many loans they make to small business people. Even as chairman of the Bankink and Currency Committee you cannot get that information, so you are talking about something you do not know anything about. You cannot own a bank outside of your own county in Ohio.

Mr. PATMAN. I have yielded longer than I intended. You can tell them about that in your own time. You can get plenty of time here.

CONGRESS HAS BEEN ASLEEP

The question here is, Mr. Speaker, that for the last 50 years the Congress has been a great big Rip Van Winkle, asleep, absolutely asleep. I am not attacking any Member of Congress. I would have to attack myself if I did and I certainly do not want to attack myself or any other Member of Congress. I have never served in any body—and I served in the Legislature of Texas and with a lot of fine people; and I have served here for 36 years with a lot of fine people—I am not going to attack a one of the Democrats or Republicans, unless they attack me. Of course, if they attack me, I have got to defend myself.

Mr. Speaker, with reference to this Federal Reserve System, the last 50 years Congress has been looking the other way and the bankers have been playing for keeps. They have been getting what they wanted.

What has happened during those 50 years? The Federal Reserve System originally was 12 autonomous regional banks; regional banks they were and connected together; Mr. Woodrow Wilson, the President, said when Mr. Carter Glass went down there to see him with Mr. Warburg and other prominent New York bankers—fine gentlemen they were—Mr. Carter Glass said:

> Mr. President, these gentlemen believe they know more about money than anyone in the United States and they feel like this Federal Reserve Act should be written to where all the resources would be together and that they would be on the boards to help fix interest rates and the volume of money; they know more about it than anyone.

Then President Wilson looked at each one of them carefully and he said:

> Which one of you gentlemen would have me put presidents of railroads on the Interstate Commerce Commission to fix railroad freight rates and passenger rates?

Well, Mr. Speaker, the report is that they looked at one another and they talked about the weather and they finally slunk out and they have never pursued that course any more. But the truth is Mr. Wilson had his way, 12 separate banks. Then, of course, the bankers did not like it. They fought it, they fought it hard. And, you know, in this body there are very few Republicans who voted for it. They voted against the original Federal Reserve Act. Only three Republicans in the Senate voted for it. They were against it because there were no bankers on the board to help fix interest rates and the volume of money.

BANKERS GAINED CONTROL OF FIELD

They went ahead though, those 12 banks—New York did not have charge—but in 1923, without sanction of law, without permission, they organized an unofficial steering committee of five members, bankers, and they got these 12 banks to agree that all business of the open market, that is, buying and selling Government bonds, would be done in a New York bank. They agreed to that, but it was unofficial; it was not legal, they were not secure, but they could see a little gleam of hope that they could get charge of the Federal Reserve System that way. Then, the MacFadden Act came on the floor of this House in 1927 and they got that 20-year limit taken out of the Federal Reserve Act and made it permanent succession, permanent charter, because they could see they were getting charge of it.

Then in 1933 when we were on our backs in a depression and everyone was voting for anything—Members of Congress were doing so to get us out of the depression. They got up a bill, the 1933 act, which put the private bankers back on these boards and they got it through so fast it would make your head swim, in both bodies, and all of the Republicans voted for it at the time. Why? Because bankers were on the boards and they were going to fix interest rates.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I do not yield now. I have got to finish my story.

Mr. HAYS. How many Republicans were in Congress in 1933? I do not normally defend them, but there were not very many.

Mr. PATMAN. I am getting up to you. You will be reached. I will reach you in just a minute.

The 1933 act was written perfectly; what did it do? They had 12 bankers on the board, advisory, and the Federal Reserve Board could not do anything unless they told it to. During those 2 years they did not get very good cooperation out of the board. So they did not have it 100 percent like they wanted it.

Then in 1935 they got up another bill and they got it perfect this time. They got the bankers back on the board from here on out to help fix interest rates and the volume of money, and since then they caused depressions every few years. They were manmade depressions. They squeeze people out of business. They destroy people's values and create depressions every few years.

BANKING COMMITTEE A WATCHDOG OF MONEY POLICY

Mr. Speaker, we have the longest period right now without any depression that we have had in a long time. Some people think, Mr. Hays, that our committee is entitled to some credit because if we had not been after them with a sharp stick, they might have caused a depression before now.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Wait until I get to you.

Mr. HAYS. Let me ask a question right here.

Mr. PATMAN. Not now. Wait until I finish this part.

Mr. Speaker, I ask unanimous consent to proceed for 15 additional minutes.

The SPEAKER. There are three other special orders following the gentleman.

Mr. PATMAN. Excuse me. I did not know that.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I cannot yield. I only have 5 minutes left.

Now, then, when these banks got in that position, the New York bank was running the show. The members of the Federal Reserve Board have a meeting every 3 weeks. Who is at that meeting? Twelve banker representatives, seven public members. They meet in secret. They pass on whether or not we have good times or bad times, high interest or low interest. They are in secret. Nobody knows what they are doing. They are not telling anybody. They refuse to tell anybody. They are having these secret meetings and their instructions are carried out in the New York Federal Reserve Bank. They have practically closed the other 11 banks. These other 11 banks do not have anything to do except clear checks, which cost $140 million a year, as far as the public is concerned. They are not doing anything except making change. They are practically closed at the discount window. There is not any of the 11 banks that know their condition until the Federal Reserve Bank in New York wires them at the end of the business day as to what their position is. The gentlemen cannot deny that. The books are all kept right there in New York.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I do not yield for the present.

The SPEAKER. The time of the gentleman has expired.

Mr. PATMAN. I thank the Speaker.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. Michel], is recognized for 30 minutes.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. HAYS. If all the things the gentleman from Texas has said about the Federal Reserve Board are true, and I have no way of knowing whether they are or not, I think this puts the issue of what this debate has been squarely before you. Why does not the chairman of the Committee on Banking and Currency hold hearings where the gentleman from New York [Mr. Kilburn] and the minority members can be present and ask questions, where the gentleman from Alabama [Mr. Rains] who said he never heard of these contracts, can be present? Why does he not hold hearings and bring this out? Why does he want to hire somebody to write a report which confirms his viewpoint? If they are doing what he says they are doing, I will be the first one to support him on legislation to correct it, and maybe if I support him he will get a bill through for once in his life.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. PATMAN. For the information of the gentleman and the Members of the House, we have had hearings, not continuously, but week after week, since January 21. We have had wonderful hearings, and we are going to make a report. That report will be made soon, and it will be in the public interest and it will help everybody.

Mr. HAYS. And if he wants some extra printing done for his committee, as chairman of the Printing Committee I will see that he gets it.

THE PRINCIPLES OF LINCOLN AND GOLDWATER

Mr. MICHEL. Mr. Speaker, the notions of morality and principle as applied to the civil rights bill now before this Congress present a real difficulty as they did to Abraham Lincoln facing the slavery issue.

Lincoln was ready to give the slave States any possible guarantee that the Constitution should not be altered so as to take away their existing rights of self-government in the matter of slavery. He remained coldly aloof from the abolitionist propaganda, feeling, it seems, that agitation in the free States against laws which existed constitutionally in the slave States was not only futile but improper.

With all his power he dissuaded his more impulsive friends from lending any aid to forcible and unlawful proceedings in defense of freedom in Kansas. "The battle of freedom," Lincoln exclaimed in a vehement plea against radical policy, "is to be fought out on principle." If this is moderation, then Barry Goldwater is a moderate.

In other words, Lincoln felt the sure way and the only way to combat slavery lay in the firm and the scrupulous assertion of principles which would carry the reason and the conscience of the people with them. The repeal of the prohibition of slavery in the Territories was a defiance of such principles, but so too, in its way, was the disregard by abolitionists of the rights convenanted to the slave States.

This side of Lincoln's doctrine is apt to jar upon us. It would have been unusual indeed if the North had not bred abolitionists, and it requires some effort to sympathize with Lincoln's rigidly correct feeling—sometimes harshly expressed and sometimes apparently cold.

Nor can we wonder that, when he was President and Civil War was raging, many good men in the North mistook him because he persisted in his respect for the rights of the slave States so long as there seemed to be a chance of saving the Union in that way.

It was his primary business, he then said, to save the Union if he could:

> If I could save the Union by emancipating all the slaves I would do so; if I could save it by emancipating none of them, I would do it; if I could save it by emancipating some and not others, I would do that too.

However, his forbearance with slavery cost him real pain, and we misread both his policy as President and his character as a man if we fail to see that in the bottom of his mind he felt this forbearance to be required by the morality which aroused him against the extension of the evil.

A letter written August 25, 1855, to an old and dear friend, and slaveowner, Joshua Speed, points this out. Lincoln wrote in part:

> It is not fair for you to assume that I have no interest in a thing which has, and continually exercises, the power to make me

> miserable. You ought rather to appreciate how much the great body of the northern people do crucify their feelings, in order to maintain their loyalty to the Constitution and the Union. I do oppose the extension of slavery because my judgment and feelings so prompt me, and I am under no obligation to the contrary. If for this you and I must differ, differ we must.

Lincoln added later on in the letter:

> When I was at Washington I voted for the Wilmot Proviso as good as 40 times.

The proviso prohibited the extension of slavery in any territory to be annexed, and although Lincoln supported it while in Congress, it was always voted down. We note a constitutional argument was involved.

However, after Lincoln became President he obviously did not view the issue in the same light as he did as a Member of Congress. He deliberately concentrated his mind, or, as his critics would have said, narrowed it down to the sole question of maintaining the Union, and was resolved to treat all other questions as subordinate to this.

On July 4, 1861, the President, in his message to Congress, set forth the nature of the struggle as he conceived it. Congress then, by a resolution of both Houses, defined the object of the war; the war was not for any purpose of conquest of subjugation, or of "overthrowing or interfering with the rights or established institutions" of the Southern States; it was solely "to preserve the Union with all the dignity, equality, and rights of the several States unimpaired."

The resolution was obviously in accord with Lincoln's principles. More than that, it was the position which, as he thought, his official duty as President imposed on him.

Mr. Speaker, I wrestled for some time with the issues prior to my vote on the civil rights bill. It was a close decision. As a Member of Congress, I could not vote "55 percent 'aye' and 45 percent 'nay.'"

It had to be a simple yea or nay vote. I voted "yea" in keeping with my conscience, and Senator BARRY GOLDWATER after supporting the civil rights bills of 1957 and 1960 voted "nay" in 1964 in keeping with his conscience.

ABRAHAM LINCOLN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 10 minutes.

Mr. SCHWENGEL. First, Mr. Speaker, I want to respond to the distinguished and able gentleman from Illinois who just spoke to commend him for his remarks and to say to him and to the audience that he has quoted Lincoln correctly. He may not have left the impression I think would be completely accurate so I take the liberty first to commend him and to say I appreciate his interest in Lincoln and his willingness to present the Lincoln story here. I think whenever we understand Lincoln better, and he is very hard to understand at times, but when we get at the roots of his thinking and if we ponder what he is thinking, we will all be better citizens and I think better Republicans as well.

The gentleman spoke of Lincoln in his statement and, of course, Lincoln at that time was speaking as a citizen and not as a Senator and the question of the vote was not at stake. So far as Lincoln is concerned, I think he was admonishing the abolitionists, as he did so often in the Congress at the time the gentleman was speaking of. They were the extremists of that time. He listened to them patiently and he was concerned about their problem. But, he realized that they did not have the right approach and the right answer and he abhorred those things that led to violence at that time. There were many occasions—John Brown was probably the outstanding example and he just abhorred this trend. From that we can learn. But I should like to point out to the gentleman and to the House that when Lincoln became President and when he was an official, then he had an attitude that was a little different from the impression that the gentleman left and an impression that he might not have wanted to leave with the House. But he was the President and he did recommend that the slaves under the law be freed in the District of Columbia and the Constitution provided for that. The Congress agreed with that and the slaves were emancipated in the District of Columbia. So his desire to work through legislation was very great.

Then later on, after he issued the Proclamation of Emancipation, and constitutional lawyers say that it was not constitutional and it did not have the effect of law and could not apply, but only would apply to the warring sections. It was only issued and asked for enforcement under war powers that are granted a Chief Executive. But later on he did recommend the provisions of the 13th amendment and I am sure would have recommended and supported, had he lived, what became the 14th and 15th amendments, that is, to give the Negroes the right to vote and to give them civil rights and he would support, also, the sections in the law which clearly gives the Congress the authority to enforce the provisions of the act. That cannot be argued or dispelled, I think, and those who say that our new law is unconstitutional; that is, the law we have passed on civil rights, I think, do not really understand what they are talking about and are not making themselves aware or talking about those sections that give the Congress the right to enforce the intent of these amendments; that is, the 13th, 14th, and 15th amendments. So much for that.

REGARDING THE CIVIL RIGHTS BILL

Now, Mr. Speaker, I want to talk about something else very briefly which relates to the civil rights bill that I already mentioned.

So I rise today with a sense of both relief and gratitude in regard to this. You know last Friday the Senate of the United States advanced one more step by the passage into law of the greatest advance toward the realization of equal rights in this Congress since the Congress approved the resolution that became the 13th, 14th, and 15th amendments.

This civil rights bill has been maligned. It has been misconstrued and I believe today is misconstrued.

But the support of this legislation has never faltered. Republicans and Democrats alike have stood together to meet this great moral issue foursquare.

Legislatively this battle is all over. But the battle won in the House on February 10 and in the Senate on June 19 of this historic year, 1964, is only one more battle but perhaps the major battle in the war that has been in progress for centuries. The battle against discrimination on the basis of race is as old as the ages and it will not be won by this civil rights bill. It will not be completely won by this and in this generation.

But each generation, I believe, has tried to do just a little more to try to do away with racial bias, and this is as it should be. It could well be that this civil rights bill will be the major effort by this generation to do just that. Names such as MCCULLOCH, CELLER, DIRKSEN, and HUMPHREY will be treated kindly by history, just as the names of great leaders of 100 years ago, who sponsored and voted for legislation which became the 13th, 14th, and 15th amendments, are remembered and their efforts applauded. The leadership supporting H.R. 7152 has been of the highest caliber and of a quality rarely achieved in American politics.

On a foundation established by the 13th, 14th, and 15th amendments we have had to continue to build. Legislatively I believe we have built well. For many years progress was slow—inexcusably so—but since 1957 the pace of advancement has quickened, thanks to the leadership, to a large extent, on the Republican side of the aisle.

I should like to say at this point it is pretty clearly evident and generally agreed that but for the Republican leadership on our side of the aisle there would have been no civil rights legislation in this Congress.

Throughout, the goal of Congress has been most ably described, I believe, by Supreme Court Justice Harlan when, in 1883, in reference to the civil rights bill of that era, he said:

> The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens.

Our purpose, our goal, our aim could not be stated more succinctly nor with more clarity.

Perhaps the pinnacle has been reached and I do not know it. If not, I am confident that we are not far away.

There will be those who will try to destroy what we have built. They will cry "States rights" and they will cry "unconstitutional," but these arguments, as stated so well by Senator DIRKSEN, of Illinois, are not valid. They will not stand the test of time. They do not reflect the thinking of the majority of the people of this country.

Equally dangerous to the structure that we have labored to build are those who preach violence and disorder to test that structure, or who do those things that lead to violence and disorder without first appealing to the commonsense and better nature of people.

The mortar must be allowed to set; it must be allowed to harden. Extremists on both sides, exerting pressure on what yet is not a completely finished structure, could cause that structure to fall.

This is why I take the floor today—to plead, to ask that reason, moderation, and that calm wisdom to which I referred last week be allowed to prevail.

I call upon the people of this country to live within law and to live within order. I believe that the citizens of this country who will be most affected by this legislation are good, sound, and decent people. They must be given an opportunity to ponder on the virtues and the values of the legislation which is about to become law. If this is done, I am confident that the better natures of these people will respond to the challenge which lies before them and that the legislation will be enforced using the excellent tools of mediation provided in the bill. I am equally confident that the bill, if so enforced, will be obeyed.

Violence and disorder, we should remember, beget the same. They build resistance. They make an already unpleasant situation intolerable. Resistance to this law can only do the same.

Change will be and must be gradual. History proves that is the sound and lasting way to do things. Change does not come overnight. Change which comes gradually comes much more surely and will be more permanent. Then and only then will we have real progress in this area.

Leadership—and I appeal to leadership on both sides of this question in America today—must be responsible leadership now more than ever, and it must be sensible. It must realize that what has not been accomplished in 100 years cannot now be accomplished overnight.

Abraham Lincoln, writing on August 5, 1863, to Gen. Nathaniel Prentis Banks—a Democrat, three times Governor of Massachusetts—advised, when referring to the then acting military governor in regard to the adoption of a new constitution in Louisiana, that that State "adopt some practical system by which the two races could gradually live themselves out of their old relation to each other and both come out better prepared for the new."

It is a sad comment on our progress in race relations that this piece of Lincoln advice is still applicable today. Sad because it was written 100 years ago; sad because we did not follow it.

Yet, for all our sadness, all our regret, it is as applicable now as it was then. The emphasis now, as it was then, must be on gradual change. We must now give the people of decency, honesty, and goodwill a chance to ponder on and consider ways and means to best accept and implement the provisions of the new civil rights legislation.

Lincoln's plea to General Banks was characteristic of our 14th President. It was a plea for moderation, for reason, for calm wisdom.

These are the characteristics that will stand us in good stead today.

Massive demonstrations without resorting first to an appeal to the better natures and commonsense will bring violence and disorder. That removes a favorable atmosphere where commonsense and cool judgment can prevail.

Massive resistance to the new law breaks down the foundation of law and order on which the society of this Nation has been built. Massive demonstrations and massive resistance if not necessary will contribute nothing to the eventual solution of the problem.

No new rights have been created or given away in this legislation. No old rights have been taken away. What we have done, is something this country should have done many years ago—guarantee the law to all citizens, regardless of color, the rights that are theirs under the Constitution.

With these rights go responsibilities. All citizens regardless of color must be prepared to accept those responsibilities; fulfill all the obligations of citizenship.

We are told this is to be a long, hot summer. I would hope not. All I ask is that those people most directly concerned by the effect of the civil rights bill use restraint in their actions. Do not push too fast and yet not let the pace be too slow.

Let us always remember that there is a right way and a wrong way to do what is right at the right time. This is what must be sought—the right way to do the right thing at the right time.

Moderation, reason, restraint, and calm wisdom. These are the tools that must be used if we are to live ourselves out of old relationships to each other that will better prepare us for the new.

DECISIONS OF THE SUPREME COURT

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Louisiana [Mr. WAGGONNER], is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, yesterday was a red letter day at the Supreme Court, with the accent on the red.

The Communist Party and members of other similar subversive organizations dedicated to the overthrow of the U.S. Government were given another boost in prestige and power when the Court struck down a 1950 law barring passports to members of the party or other subversive groups. Prior to yesterday it was a crime for a party member or a person belonging to a subversive group to apply for a passport. Two of America's top-ranking Communists protested this law and the Court found in their favor. Now, the Court has decreed, it is perfectly permissible for known Communists to travel to and from the United States in pursuit of their sworn duty to overthrow our Government.

This decision was not unexpected and ties in very neatly, I am ashamed to say, with the Court's longstanding record of finding in favor of the Communist Party and against the U.S. Government in such disputes.

It was also a banner day at the Court for sellers and traders in obscenities and pornography. By reversing a lower court ruling declaring a particular French film to be obscene, the Court made it possible for the traffickers in this filth to use the U.S. mails to carry on their trade. The movie in question had been found to be lacking any redeeming social importance and, when judged by the lower court by current standards, found to have gone beyond the customary limits of frankness and decency.

Taxpayers who subsidize the annual Post Office Department deficit will not relish having to contribute further tax dollars to support the mailing of this and similar obscene matter.

In a third finding, the Court struck down the conviction of almost 100 persons who had been found guilty in lower courts of violating traditional property rights by obstructing business, causing open disturbances in the streets and otherwise endangering public safety with sit-ins, kneel-ins, swim-ins, and crawl-ins. These violations now have the blessing of the "honorable" Court and we can be assured of an avalanche of similar disturbances this summer and in time to come.

Mr. Speaker, this Congress not only has the power, it has the duty to curb the Supreme Court when it so obviously rules against the public welfare. This shameful string of decisions, added to those of recent years, palpably runs counter to the best interest of Americans and the U.S. Government. The Congress is long overdue in asserting its power and duty.

The Swiss Government, almost 150 years ago, found a way to guard against the usurpation of powers by its Federal tribunal. It denied to its high court the power to determine constitutional questions judicially.

Their action is all the more noteworthy because the Swiss Constitution is patterned after ours and the cases are parallel.

It cannot be questioned but that their action was wise and has been successful. The Swiss are a free and united people and, most important of all, a nation apparently safe from any internal, subversive threat.

We took an oath when we became Members of this body and it included our pledge to support and defend the Constitution of the United States against its domestic enemies. Only an ostrich with its head buried up to its heels in the sand would deny that the Constitution is under a withering attack by the Supreme Court. The only protagonists who seem to enjoy complete success before the present Court are atheists, Communists, pornographers, and members of diverse, subversive groups.

Their victories are neither isolated nor sporadic; they are handed down with deadly regularity and in an unbroken skein.

There is no support among the people for the abusive, despotic actions of the Court. Confidence and respect are thus lost and counteraction by the Congress must be undertaken or the order of law and justice in this Nation are doomed.

Mr. Speaker, I rise to urge and if necessary, beg, that this Congress call for public hearings toward the end that some restraint be imposed upon these nine men. Perhaps the solution found by the Swiss Government is a good and necessary one. Perhaps there are other ways compatible with our Constitution. I am not an attorney and do not presume to judge which solution is best.

One thing, however, is brazenly clear: the sun is over the yardarm. It may, even, be later than that. We may now be beyond midnight and past zero-zero-zero-one.

A proper, constitutional bridle must be put upon the Supreme Court. Let us not avoid the issue, avert our eyes or turn a deaf ear any longer to the cries of outrage of the people. The job must be done and I suggest we set about it.

THE CIVIL RIGHTS BILL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. Matsunaga] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, passage of the civil rights bill by the Senate has won the laudatory applause of millions of people, not only in the United States, but throughout the world. Editors of magazines and newspapers have praised the long-awaited action of the Senate.

It is for us in this House to carry out the expected action by agreeing to the Senate amendments and have the bill on the President's desk on or before July 4.

Once enacted into law the civil rights legislation should serve as a guide to conduct for all Americans so that there will be little need to enforce the new law.

Through respect for the law, we must seek to avoid the ugly incidents of civil disorders. Unless we do this we shall have labored all these months in vain to enact a meaningful civil rights legislation.

The Honolulu Advertiser in an editorial entitled "Civil Rights: Next Step," published on June 20, 1964, reviews the problem of enforcement of the new law after its enactment and concludes that the necessity for equal rights is a fact of life which it is imperative to face in the world of today. The editor properly notes that the Civil Rights Act will not solve our racial dilemma, but it does lay the groundwork for its solution.

The editorial follows:

Civil Rights: Next Step

Senate passage of the strongest civil rights bill since Reconstruction is a great tribute to the Nation's most powerful legislative body and a reaffirmation of the American ideal of fair play for all.

The vote of 73 for, 27 against, reflected not only the will of a great majority of the Senators but also of most citizens.

It is regrettable, although not surprising, that Senator Goldwater alined himself with the diehard band of Southern opponents. If he is the GOP nominee, this will help him with the segregationists, but with no one else. (What's happening to the party of Abraham Lincoln?)

The Senate's action does not end the civil rights struggle; it marks the end of one dramatic chapter in its history—and the beginning of another.

The chapter now closed began 10 years ago—on May 17, 1954—when the U.S. Supreme Court banned public school segregation. The official resistance to this in much of the South led inevitably to the broadening of the Negro revolution for equal rights.

The Negro was far behind, due in large measure to inequality of opportunity, and his patience had worn thin.

The late President Kennedy, replying last spring to Alabama Governor Wallace, said:

"The Negro born in America today * * * has about one-half as much chance of completing high school as a white baby born in the same place on the same day; one-third as much chance of becoming a professional man; twice as much chance of becoming unemployed; life expectancy which is 7 years less; and the prospect of earning only half as much.

"The time has come for this Nation to fulfill its promises."

President Johnson, in continuing the fight for the civil rights bill, declared, "We have talked long enough in this country about equal rights. We have talked for a hundred years or more. It is time now to write the next chapter * * * in the books of law."

The Senate, after the filibuster, after cloture, has now done this. (House approval of Senate amendments is expected to be routine.)

What's the next chapter? Here is what several thoughtful commentators anticipate:

Benjamin Muse, a former Virginia State senator, in his new book, "Ten Years of Prelude" (Viking), says "the revolt will tend to diminish as Negroes find racial exclusions ended in one community after another" but he sees it taking a long while.

"Shortcomings in training and experience will delay the full integration of the Negro in the national economy beyond the day when restrictions on account of race shall have been removed.

"The time when a Negro is able to choose his home in accordance with his wishes and his means is probably even farther off. * * * What miracles lie ahead no one can say."

Geoffrey Gorer in a revision of his book, "The American People" (Norton) writes that "the achievement of Negro equality demands a generation of family and social stability, of adequate education and training for the great majority of American Negroes after the disappearance of discrimination backed by law or customs with the force of law.

"Even were all the injustices under which the Negroes suffer removed forthwith, they would still be the most disadvantaged section of the American population."

A Negro writer, Simeon Booker, chie Washington correspondent for Johnson Publications, has just finished a hard-hitting book, "Black Man's America" (Prentice-Hall) and in it he says:

"My advice to whites is: Face the fact that the day of Negro slavery, legal or otherwise, is over. The new Negro is going to fight for his rights. He carries deep scars and is bitter over mistreatment. He is sensitive, far too sensitive. He is often uneducated. He is blinded by anger at racial setbacks. * * *

"The years ahead will be eventful. There will be racial clashes and the violence and brutality that go with change." But "as barriers lower and equal opportunity develops, the tone and mood of race relations can change. America can then, and only then, be a symbol to the world. The power of love and brotherhood is the real strength of mankind."

And finally, historian Gerald W. Johnson in his book "Hod-Carrier, Notes of a Laborer on an Unfinished Cathedral," (Morrow) puts it this way:

"The prudent forecast is for a period difficult enough to subject the patience of the whole American public to a severe test. But what of it? What are we here for, if not to learn by trial and error the utmost of which the political method of representative democracy is capable?" The work of carrying out the preamble to the Constitution, he notes, is hardly half done.

The unanimous viewpoint of these perceptive observers recognizes that while Congress' long-needed action does not solve the racial dilemma, it does lay the groundwork for its solution.

Nine years ago the late William Faulkner said: "To live in the world of A.D. 1955 and be against equality because of race or color is like living in Alaska and being against snow." Facing that fact of life becomes even more imperative today.

By enacting the civil rights bill, the Nation has passed one rigorous test. How we live under that bill will be the test from here on out.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Ichord, for June 24, 25, and 26, on account of un-American activities hearings in Minneapolis, Minn.

Mr. Willis, for 4 days, on account of official business of the House Committee on Un-American Activities.

Mr. Staggers (at the request of Mr. Albert), for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Passman, for 1 hour, on Monday, June 29.

Mr. Gross, for 60 minutes, June 29, 1964.

Mr. Michel (at the request of Mr. Schwengel), for 10 minutes, on Tuesday, June 23; and to revise and extend his remarks and include extraneous matter.

Mr. Schwengel, for 10 minutes, on Tuesday, June 23; and to revise and extend his remarks and to include extraneous matter.

Mr. Waggonner, for 15 minutes, today; and to revise and extend his remarks.

Mr. Flood, for 1 hour, on Wednesday, July 1, on the subject of the Captive Nations Week program.

Mr. Carey (at the request of Mr. Gonzalez), for 30 minutes, on June 24, 1964; and to revise and extend his remarks and to include extraneous matter.

Mr. Dowdy, for 60 minutes, on June 25; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks, was granted to:

Mr. Meader to include certain tables in his remarks in Committee of the Whole on H.R. 1835.

(The following Member (at the request of Mr. Schwengel) and to include extraneous matter:)

Mr. DAGUE in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DADDARIO.
Mr. PEPPER.
Mr. RAINS.
Mr. PATTEN.
Mr. SIKES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 935. An act to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, hospitalization, and for other purposes; to the Committee on the District of Columbia.

S. 1363. An act to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1608. An act to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes;

H.R. 2652. An act to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts;

H.R. 2726. An act for the relief of John F. Wood, of Newport News, Va.;

H.R. 2818. An act for the relief of Elmer J. and Richard R. Payne;

H.R. 3348. An act to amend section 316 of the Social Security Amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program;

H.R. 3496. An act to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965;

H.R. 4198. An act to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee;

H.R. 6308. An act for the relief of Gerard Puillet;

H.R. 6843. An act for the relief of David Sheppard;

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products;

H.R. 8230. An act to amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts;

H.R. 8268. An act to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory;

H.R. 8459. An act to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations;

H.R. 8673. An act to amend title V of the Federal Aviation Act of 1958 to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes;

H.R. 8964. An act for the relief of Diedre Regina Shore;

H.R. 8975. An act to provide for the tariff classification of certain particleboard;

H.R. 9090. An act for the relief of Mrs. Audrey Rossmann;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9688. An act to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.;

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minn.;

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 10463. An act to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap;

H.R. 10465. An act to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H.R. 10466. An act to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries;

H.R. 10468. An act to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes;

H.R. 10537. An act to continue for a temporary period the existing suspension of duty on certain natural graphite; and

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1828. An act to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 24, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2199. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report that the Export-Import Bank of Washington on June 18, 1964, issued its guarantee with respect to certain transactions with the country of Hungary as follows: (1) The sellers being H. Kemper Cotton Co., Galveston, Tex., commodity of cotton, at a contract price of $150,000; (2) Starke Taylor & Son, Inc., Dallas, Tex., commodity of cotton, at a contract price of $210,000; (3) Anderson, Clayton & Co., Houston, Tex., commodity of cotton, at a contract price of $50,000; and (4) Esteve Bros. & Co., Inc., Dallas, Tex., commodity of cotton, at a contract price of $350,000, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2200. A letter from the Comptroller General of the United States, transmitting a report relating to overpricing of contracts DA-20-089-ORD-8406 and DA-36-034-ORD-897 with Chrysler Corp., Newark, Del., Department of the Army; to the Committee on Government Operations.

2201. A letter from the Comptroller General of the United States, transmitting a report on a review relating to unnecessary planned procurement of AN/UPM-98 radar test sets, Department of the Army; to the Committee on Government Operations.

2202. A letter from the Comptroller General of the United States, transmitting a report on a review relating to deficiencies in the administration of construction contracts and right-of-way activities of the Federal-aid highway program in the State of Oklahoma, Bureau of Public Roads, Department of Commerce; to the Committee on Government Operations.

2203. A letter from the Comptroller General of the United States, transmitting a report on a review relating to uneconomical contracting for service-station-type vehicle maintenance at Olmsted Air Force Base, Pa., Department of the Air Force; to the Committee on Government Operations.

2204. A letter from the Comptroller General of the United States, transmitting a report on a review relating to overpricing of reactor weldments procured from the Aluminum Co. of America under 14 purchase orders awarded by the E. I. du Pont de Nemours & Co., Inc., Atomic Energy Commission; to the Committee on Government Operations.

2205. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Mont."; to the Committee on Interior and Insular Affairs.

2206. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to restore to the heirs of the Indian grantor certain tribal land of the Iowa Tribe of Oklahoma"; to the Committee on Interior and Insular Affairs.

2207. A letter from the Acting Assistant General Manager, U.S. Atomic Energy Commission, transmitting a list of the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested by the Atomic Energy Commission for the calendar year 1963, pursuant to Public Law 85-934; to the Committee on Science and Astronautics.

2208. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered under the authority contained in section 13(b) of the act as well as a list of the persons involved, pursuant to the provisions of section 13(c) of the act of September 11, 1957; to the Committee on the Judiciary.

2209. A letter from the Secretary of the Treasury, transmitting a report on the activities of the National Advisory Council on

International Monetary and Financial Problems for the period July 1 to December 31, 1963 (H. Doc. No. 200); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 6007. A bill to permit the vessel *SC–1473* to engage in the fisheries; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1499. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. PHILBIN: Committee on Armed Services. House Concurrent Resolution 300. Concurrent resolution authorizing the disposal of approximately 98,000 long tons of pig tin from the national stockpile; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 6299. A bill to authorize the Secretary of the Navy to produce and sell crude oil from the Umiat field, Naval Petroleum Reserve No. 4, for the purpose of making local fuel available for use in connection with the drilling, mechanical, and heating operations of those involved in oil and gas exploration and development work in the nearby areas outside Naval Petroleum Reserve No. 4, and for other purposes; without amendment (Rept. No. 1501). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 10328. A bill for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 11235. A bill to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile; without amendment (Rept. No. 1503). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 11257. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; with amendment (Rept. No. 1504). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H.R. 11626. A bill to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus; with amendment (Rept. No. 1505). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 319. A bill to protect postal patrons from obscene mail matter and Communist propaganda; with amendment (Rept. No. 1506). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2500. A bill to equalize the treatment of Reserves and Regulars in the payment of per diem; with amendment (Rept. No. 1507). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2501. A bill to authorize the promotion of qualified Reserve officers of the Army and the Air Force to existing unit vacancies; without amendment (Rept. No. 1508). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2502. A bill to provide for the remission or cancellation of an indebtedness due the United States by enlisted members of the National Guard; with amendment (Rept. No. 1509). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 2509. A bill to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance; with amendment (Rept. No. 1510). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8676. A bill to amend section 2634 of title 10, United States Code, so as to authorize the military departments, in certain cases, to ship automobiles to and from the State of Alaska by commercial motor carrier via highways and the Alaska ferry system; with amendment (Rept. No. 1511). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 9021. A bill to authorize the conveyance of two tracts of land situated in Salt Lake City, Utah, to the Board of Education of Salt Lake City; without amendment (Rept. No. 1512). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 9634. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1965 International Senior Girl Scouts roundup encampment, and for other purposes; with amendment (Rept. No. 1513). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10467. A bill to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay; without amendment (Rept. No. 1514). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 11004. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Material Stock Piling Act; without amendment (Rept. No. 1515). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Tennessee:

H.R. 11695. A bill to authorize modification of the project for flood control and improvement of the lower Mississippi River and tributaries adopted by the act of May 15, 1928, as amended; to the Committee on Public Works.

By Mr. FINDLEY:

H.R. 11696. A bill relating to the tariff treatment of parts designed for use or chiefly used in agricultural or horticultural implements or in tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. HALEY (by request):

H.R. 11697. A bill to provide for guarantee and insurance of loans to Indians and Indian organizations; to the Committee on Interior and Insular Affairs.

By Mr. TOLLEFSON:

H.R. 11698. A bill to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITE:

H.R. 11699. A bill to authorize the use of certain lands in Nez Perce County, Idaho, for educational purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL of Virginia:

H.R. 11700. A bill to reduce the time in standby status of firefighting personnel of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.J. Res. 1050. Joint resolution proposing an amendment to the Constitution relating to apportionment of State legislatures; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.J. Res. 1051. Joint resolution designating the 10th day of August 1964 as Herbert Clark Hoover Day; to the Committee on the Judiciary.

By Mr. DEVINE:

H. Con. Res. 315. Concurrent resolution expressing the sense of Congress with respect to regulation of community antenna television systems by the Federal Communications Commission; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 11701. A bill for the relief of Kim Kwang Mo; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11702. A bill for the relief of Reuven and Ella Glancz; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11703. A bill for the relief of Dr. Jesus F. del Pozo; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 11704. A bill for the relief of Dr. Eulalia Sayas DiBattiste; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 11705. A bill for the relief of Mr. and Mrs. Shimon Beatus; to the Committee on the Judiciary.

By Mr. WHITENER:

H.R. 11706. A bill for the relief of George Nickolas Kerhoulas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

944. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to the Chief Justice of the United States and his majority opinion in having mentioned

the ordinance of 1787, and relating to many early States requiring populational proportionality, which was referred to the Committee on the Judiciary.

SENATE

Tuesday, June 23, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we thank Thee for the sweet refreshment of sleep, restoring the frayed edges of care, and for the beckoning glory and the fresh vigor of a new day.

Kindle, we pray, on the altar of our hearts a flame of devotion to freedom's cause in all the world, that in its white heat shall be consumed every grosser passion.

True to that cause, to which we commit our all, enable us to fill swift hours with worthy deeds, and to bear the fret of care, the sting of criticism, and the drudgery of unapplauded toil.

May our one passion be to strike our blow for freedom and to keep to the end of our brief day the unbroken vigil of the inner light, leaving the world the better for our sojourn in it.

As Thou dost override the errors of our faulty judgments, help us to heal the divisions which shorten the arm of our national might as we stand at the crossroads of history.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 22, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9311) to continue for 2 years the suspension of duty on certain alumina and to make permanent the suspension of duty on certain bauxite.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8954. An act to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes;

H.R. 10314. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; and

H.R. 10322. An act to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396), to provide improved opportunity for promotion for certain officers in the naval service.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1828. An act to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof;

H.R. 1608. An act to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes;

H.R. 2652. An act to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts;

H.R. 2726. An act for the relief of John F. Wood of Newport News, Va.;

H.R. 2818. An act for the relief of Elmer J. and Richard R. Payne;

H.R. 3348. An act to amend section 316 of the Social Security Amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program;

H.R. 3496. An act to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965;

H.R. 4198. An act to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee;

H.R. 6308. An act for the relief of Gerard Puillet;

H.R. 6843. An act for the relief of David Sheppard;

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products;

H.R. 8230. An act to amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts;

H.R. 8268. An act to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory;

H.R. 8459. An act to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations;

H.R. 8673. An act to amend title V of the Federal Aviation Act of 1958 to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes;

H.R. 8964. An act for the relief of Diedre Regina Shore;

H.R. 8975. An act to provide for the tariff classification of certain particleboard;

H.R. 9090. An act for the relief of Mrs. Audrey Rossman;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9688. An act to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.;

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minn.;

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 10463. An act to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap;

H.R. 10465. An act to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H.R. 10466. An act to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries;

H.R. 10468. An act to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes;

H.R. 10537. An act to continue for a temporary period the existing suspension of duty on certain natural graphite; and

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Armed Services:

H.R. 8954. An act to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes;

H.R. 10314. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes; and

H.R. 10322. An act to extend the provisions of the act of August 11, 1959, Public Law 86–155, as amended (74 Stat. 396) to provide improved opportunity for promotion for certain officers in the naval service.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. HUMPHREY. Mr. President, I ask unanimous consent that statements during the morning hour be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO NOON ON WEDNESDAY, JUNE 24

Mr. HUMPHREY. Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate today, the Senate stand in adjournment until Wednesday, June 24, at noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Export-Import Bank of Washington on Guarantees of Certain Transactions

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank on June 18, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

Report of National Advisory Council on International Monetary and Financial Problems

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Foreign Relations.

Report on Deficiencies in Administration of Federal-Aid Highway Program in State of Oklahoma

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies in the administration of construction contracts and right-of-way activities of the Federal-aid highway program in the State of Oklahoma, Bureau of Public Roads, Department of Commerce, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Uneconomical Contracting for Service-Station-Type Vehicle Maintenance at Olmsted Air Force Base, Pa.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on uneconomical contracting for service-station-type vehicle maintenance at Olmsted Air Force Base, Pa., Department of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Unnecessary Planned Procurement of AN/UPM-98 Radar Test Sets

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary planned procurement of AN/UPM-98 radar test sets, Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Overpricing of Certain Contracts With Chrysler Corp.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpricing of contracts DA-20-089-ORD-8406 and DA-36-034-ORD-897 with Chrysler Corp., Newark Del., Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Overpricing of Reactor Weldments Procured From the Aluminum Company of America

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpricing of reactor weldments procured from the Aluminum Co. of America under purchase orders awarded by E. I. du Pont de Nemours & Co., Inc., Atomic Energy Commission, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

Disposition of Judgment Funds on Deposit to the Credit of Certain Indians

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Mont. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Restoration to Heirs of the Indian Grantor Certain Tribal Land of the Iowa Tribe of Oklahoma

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to restore to the heirs of the Indian grantor certain tribal land of the Iowa Tribe of Oklahoma (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Adjustment of Immigration Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting pursuant to law, copies of orders relating to adjustment of the immigration status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2630. A bill to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Wash., and for other purposes (Rept. No. 1099).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2533. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and for other purposes (Rept. No. 1101).

AMENDMENT OF MERCHANT MARINE ACT, RELATING TO CONSTRUCTION DIFFERENTIAL SUBSIDIES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1100)

Mr. BARTLETT. Mr. President, from the Committee on Commerce, I report favorably, without amendment, the bill (H.R. 10053) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER (Mr. WALTERS in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alaska.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated June 18, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING (for himself and Mr. JAVITS):

S. 2934. A bill to provide for the establishment of a mint of the United States in the State of New York; to the Committee on Banking and Currency.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. DOMINICK:

S. 2935. A bill for the relief of Wie Lie Bong and Jenny Kim-Yang (nee Lie) Bong; to the Committee on the Judiciary.

(See the remarks of Mr. DOMINICK when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE:

S. 2936. A bill for the relief of Jovan Janos Bunyik; to the Committee on the Judiciary.

By Mr. ROBERTSON (by request):

S. 2937. A bill to authorize checks to be drawn in favor of certain organizations for the credit of a person's account, under certain conditions; to the Committee on Banking and Currency.

(See the remarks of Mr. ROBERTSON when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 2938. A bill for the relief of Dr. Manuel Tayko; to the Committee on the Judiciary.

ESTABLISHMENT OF A U.S. MINT IN THE STATE OF NEW YORK

Mr. KEATING. Mr. President, on behalf of myself, and my colleague, the senior Senator from New York [Mr. JAVITS], I introduce, for appropriate reference, a bill to provide for the establishment of a Federal mint in the State of New York, and ask that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2934) to provide for the establishment of a mint of the United States in the State of New York, introduced by Mr. KEATING (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. KEATING. Mr. President, the current coin shortage has been building up for some years now and is fast reaching critical proportions. Coins are, of course, a most important medium of exchange and virtually indispensable as a lubricant of commerce and trade. It is a deplorable occurrence when coins are running so short that everyday transactions are impeded. The other day I received a letter from a lady who said that she had gone into a bank to get some change and the bank did not have any coins.

A new class of money merchants is in business selling bulk coinage at premium prices. One particular grocery chain was seriously considering the issuance of its own script in small denominations until the Treasury Department ruled this out as an illegal form of paper currency.

Public Law 88-102, approved last August, authorized a 10-year, $30 million program for expanding the present facilities or for replacing inadequate facilities at the two existing mints at Philadelphia and Denver. Today, the

Senate will consider the Treasury, Post Office, and Executive Office appropriation bill for 1965, which includes an item of $16 million under the 1963 legislation to construct a new mint to replace the present building in Philadelphia in order to increase productive capacity to satisfy the public requirements for coinage. I fully support this item. I am hopeful that the modern new mint building in Philadelphia may be in operation by 1966 to help increase production to six billion coins a year. Yet, even with upgraded facilities at Philadelphia, and even with operation of both the Philadelphia and Denver Mints virtually 24 hours a day and 7 days a week, this country's exploding demand for coinage is expected to continue to outpace our productive capacity.

There are, after all, some 8 million coin collectors in this country. There are probably millions of children with piggy banks and other vehicles for putting away small coins that are commonly distributed by banks and other commercial institutions. There is, of course, general economic growth and population increase. And there is, finally, immense technological changes, most prominently the growth of automatic vending machines and coin receptacles, which temporarily withdraw coinage from circulation.

By conservative estimates, this country will need to mint annually 7 billion coins by 1975, 9.6 billion coins by 1980, and 17.8 billion coins by 1990.

Quite obviously, this exploding demand for metal currency must be planned for well in advance. I am happy to note, for example, from the report of the Appropriations Committee which is before us today in connection with the Treasury appropriation bill, the suggestion to explore the feasibility of using the building and equipment of a former mint in New Orleans, La. I hope the committee will also look into the feasibility of making use of a few of the 108,847 acres of land which the Defense Department is now maintaining in the State of New York which are currently inactive or scheduled for inactive status at this time, in at least seven different locations. Some of this inactive land could readily be turned back right now either to private enterprise or to other Government agencies for erecting new Federal facilities. Certainly the possibilities of building a third U.S. mint on some of this land or at another suitable location should be thoroughly explored.

No State requires or uses more coinage than New York.

The financial and commercial preeminence of the State of New York, with its extraordinary need for coinage, certainly makes it a logical choice for the site of a new mint.

I hope both the Treasury Department and the Committees on Public Works and Banking and Currency will give careful study to all the possible alternatives in founding a third mint to keep pace with the expected expansion of this country's need for new coins.

WIE LIE BONG AND JENNY KIM-YANG (NEE LIE) BONG

Mr. DOMINICK. Mr. President, I sent to the desk, for appropriate reference, a bill which, if enacted, would permit permanent residence to Dr. and Mrs. Wie Lie Bong, who are presently active in Phoenix, Ariz.

It is a quite curious case and deserves a little explanation. Dr. Bong is an Indonesian, as is his wife, but they are both Chinese by nationality. They were educated in Leiden University in Amsterdam, and then came to this country. He is now a general surgeon at the hospital in Phoenix.

His wife and he have two children, both of whom were born in the United States, and who therefore became natural U.S. citizens.

Under our present immigration laws, Dr. Bong and his wife would have to go back to Indonesia for 2 years in order to come back to this country under permanent resident visas. Yet it is well known that people of Chinese extraction in Indonesia are being so badly discriminated against that it would be extremely risky for the doctor and his wife to even think about going to Indonesia again.

We have tried all the methods we can think of within existing rules and regulations to enable Dr. Bong to stay in this country.

I feel very strongly that this is a deserving bill. If he is required to go back, he will be in danger of his life, as will his wife. If he takes his children with him, who are American citizens, he will be endangering them. Therefore, we think the passage of the bill will be almost indispensable.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2935) for the relief of Wie Lie Bong and Jenny Kim-Yang (nee Lie) Bong, introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on the Judiciary.

AUTHORIZATION FOR CHECKS TO BE DRAWN IN FAVOR OF CERTAIN ORGANIZATIONS FOR THE CREDIT OF A PERSON'S ACCOUNT UNDER CERTAIN CONDITIONS

Mr. ROBERTSON. Mr. President, I have received from the Department of the Air Force a letter transmitting a draft of a proposed bill to authorize checks to be drawn in favor of certain organizations for the credit of a person's account, under certain conditions.

By request, I introduce the bill, for appropriate reference, and I ask unanimous consent that the letter from the Department of the Air Force may be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2937) to authorize checks to be drawn in favor of certain organizations for the credit of a person's account, under certain conditions, introduced by Mr. ROBERTSON, by request, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The letter presented by Mr. ROBERTSON is as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., June 16, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate.

DEAR SENATOR HAYDEN: There is forwarded herewith a draft of legislation to authorize checks to be drawn in favor of certain organizations for the credit of a person's account, under certain conditions.

This proposal is a part of the Department of Defense legislative program for the 88th Congress. In accordance with the recommendation of the Treasury Department, the proposal was made applicable to all Government agencies. The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Air Force has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

Generally, the purpose of the proposed legislation, which is Government-wide in scope, is to authorize Government agencies, under regulations to be prescribed by the Secretary of the Treasury, to draw checks in favor of banking organizations for the credit of a person's account, under certain conditions. Specifically, it would permit the heads of departments, agencies, independent establishments, boards, commissions, and offices in the executive, legislative, and judicial branches of the Government, wholly owned or controlled Government corporations, and the municipal government of the District of Columbia to authorize the drawing of a check by a disbursing officer in favor of a bank, savings institution, or Federal or State chartered credit union which represents payments to one or more persons who use that organization as a depository. In other words, if more than one person designates the same banking organization as a depository, a single check may be drawn in favor of the banking organization for the total amount due to such persons and transmitted to the banking organization, identifying each person, and the individual amount to be deposited to his account. The method of payment authorized by this proposal would cover payments of a repetitive type (payroll, retirement, pension, etc.) and apply to persons who are (1) civilian officers or employees in or under the executive, legislative, or judicial branch of the Government; (2) Members of Congress; (3) civilian officers or employees of the municipal government of the District of Columbia; and (4) members or former members of the uniformed services. It would also apply to persons who are retired.

This procedure has been used by the Department of the Army since 1913 in administering officers' pay and since 1956 in administering the pay of other personnel. It has been used by the Air Force since 1955. Although this procedure has not been specifically authorized by the Department of the Navy, it has been used by the Marine Corps since 1958 and by a few Navy activities in the payment of military personnel.

As background, using one service, the Department of the Air Force only, as an example to eliminate duplication of remarks, the following information is submitted:

(a) Paragraph 70401.1, AFM 173–50 (now par. 30316, AFM 177–108), Finance Systems and Procedures, permitted the drawing of checks payable to banking organizations for the credit of the account of a civilian employee on his request. It also provided that when more than one person designated the same banking organization, a single check could be drawn in the total amount, if each employee and the amount to be deposited to his account was identified with the check.

(b) The Comptroller General of the United States, in Decision No. B–141025, November 12, 1959, took specific exception to the procedure contained in paragraph 70401.1, AFM 173–50. He held that drawing checks covering salary payments of civilian employees, in favor of banks, for deposit to the employee's account, is in contravention of law. Sections 3477 and 3620 of the Revised Statutes (31 U.S.C. 203 and 492, respectively) were cited.

(c) After intensive study, the Assistant Secretary of the Air Force (Financial Management) dispatched a letter to the Comptroller General of the United States on May 13, 1960, citing the benefits of the single check procedure and enclosing a savings study and an opinion of the Air Force General Counsel. Reply to this letter was dated August 3, 1960, and held that there was no legal basis for modification or revision of his original decision.

(d) Again on September 29, 1960, the Assistant Secretary of the Air Force (Financial Management) requested reconsideration of the opinion and placed questions for clarification in the event the decision was confirmed. The decisions of November 12, 1959, and August 3, 1960, were sustained by the Comptroller General on December 20, 1960. In this letter it became apparent that the applicability of the original decision would have to be extended to the procedure for the payment of military members. Paragraph 30406b, AFM 173–10 (now par. 30316, AFM 177–108), Organization, Functions and Responsibilities of Finance Offices, permitted the same procedure as contained in paragraph 70401.1, AFM 173–50 for drawing checks payable to banking organizations for the credit of the military member.

(e) Finally, the Comptroller General has agreed with representatives of the Department of Defense that present procedures in the military departments may remain unchanged pending actions on the proposed legislation. The procedure will not be expanded until legislation is obtained.

The proposed legislation permitting the drawing of checks payable to banking organizations has been drafted to permit use of a single check when more than one person has designated that banking organization. The practice of consolidating payment of multiple vouchers into one check to one payee is presently encouraged in settling commercial invoices throughout the Government in paragraph 5010.40, title 7, General Accounting Office Manual.

The mailing of payroll checks to an address designated by the employee or military member has become increasingly prevalent within the Department of Defense. The advantages to the Government are manifold.

(a) Payroll action is complete at the time the check has been drawn, enveloped, and dispatched. The civilian personnel office staff is not involved in the distribution.

(b) Circumstantially, banking facility hours are normally within the working day. Although no valid computation of working time lost by individuals in banking or cashing of payroll checks during duty hours can be made, this cannot be ignored. By mailing checks to a home address or to a bank, this problem of lost time is materially reduced. When mailed to the bank, no occasion for a visit to the banking facility arises to dispose of the check. When the check is mailed to the home address, cashing or depositing is usually conducted during other than duty hours.

(c) Persons normally designated to distribute checks need not leave their place of duty either to pick up, distribute, or return undelivered checks. Factually, at Warner Robins Air Force Base, Ga., with a civilian payroll of 15,000 civilians (all of whom are now paid by checks), 350 man-hours were used each week in the distribution process, under the individual check system. In addition to the monetary saving, which is obvious, under the single check system, these individuals are now available for their primary duty during the time which was formerly used for the distribution of checks.

(d) At Warner Robins Air Force Base, with 15,000 civilian employees on the payroll, more than 6,000 had designated banks as mailing addresses. This designation was completely voluntary and can be considered as a reasonable percentage of a typical civilian employee group. If the mailing service is made available, it can be assumed that there is a potential of 120,000 persons within the approximately 300,000 Air Force civilian employees who would designate a bank as a mailing address. Among military members in the Washington area paid through the Bolling and Andrews Air Force Base offices, approximately 2,500 of 6,000 Air Force officers have designated a bank as a mailing address. Although the use of banks as a mailing address by enlisted Air Force personnel is not as prevalent as among civilians and officers, approximately 8 percent in the Washington area have designated banks as mailing addresses.

(e) The factual data obtained at Warner Robins Air Force Base reveals that 3,000 employees are being paid each week by the use of 11 checks payable to banks. Approximately 155,000 fewer Treasury checks are drawn each year at that base by use of the single check procedure.

(f) At Bolling Air Force Base, the single check is employed for 4 banks paying 1,182 officers with 4 Treasury checks. At Andrews Air Force Base, 414 officers' accounts are settled each month with a single check to each of 2 banks. Neither of these two bases has expanded the use of the single check pending resolution of the Comptroller General's decision, and implementation for enlisted payrolls has been restricted to 1 bank for 50 airmen. Despite a restricted program, 19,080 fewer checks per year need be drawn at these 2 bases.

(g) Assuming that the experience data furnished by Warner Robins Air Force Base is typical of civilian payrolls and the conditions of Bolling and Andrews Air Force Bases are typical for military payrolls then:

1. Elimination of 155,000 checks per year in the payment of 15,000 civilian employees would indicate that if the single check program is extended to cover all 300,000 Air Force employees then a substantial savings in the drawing of 3,100,000 Treasury checks per year will result.

2. An officer payroll of 5,819 makes possible a saving of 19,080 checks each year. When the procedure is applied to approximately 132,000 officers it is possible that the drawing of 431,208 Treasury checks each year will be unnecessary.

3. The following is a computation of the cost of mailing a Treasury check to a banking organization and ultimate cancellation by Treasury:

Cost of printed check	$0.00250
Cost of window envelope	.00300
Postage	.05000
Treasury processing [1]	.004
Machine preparation [2]	.01330
Cost of Treasury check	.07280

[1] Provided by Treasury Department.

[2] Cost data from Air Force Accounting and Finance Center.

4. Use of the single check for only civilian and officer payrolls within the Air Force can produce a substantial savings each year in the basic cost of processing and mailing of Treasury checks. Expansion of the program to enlisted payrolls will not be computed as available data is not considered typical for the entire Air Force. However, semimonthly payments of a very small percentage of the enlisted strength would generate measurable savings.

COST AND BUDGET DATA

The cost of drawing and processing a Treasury check by mechanical or electronic means has been greatly reduced during the past several years in Government offices and commercial institutions. However, the basic cost of a printed check and envelope, postage, and processing must be considered when the quantity is significant. The use of the single check procedure will produce sizable savings to the U.S. Government. Enactment of the proposed legislation will be extremely advantageous to civilian employees and military members and will generate sizable savings to the U.S. Government through the use of the single check when banking organizations are designated as a mailing address. No compromise of payroll computation procedures or change to these procedures is necessary.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

MRS. GERTRUDE RESKIN—EXTENSION OF SOCIAL SECURITY FILING PERIOD FOR SURVIVING PARENTS (AMENDMENT NO. 1070)

Mr. KUCHEL. Mr. President, under our social security laws as they now stand, a surviving parent must apply for a deceased child's social security benefits within a period of 4 years after the death of the supporting child. If the surviving parent does not apply within this time period, the social security benefits to which he or she might otherwise be entitled are lost forever.

For one reason or another, surviving parents often are unaware that they are entitled to social security benefits earned by their deceased children, provided of course that the deceased child was supporting the surviving parent at the time of death. This lack of knowledge of the benefits available stems from a variety of reasons—illness, ignorance, lack of immediate need, and so forth—but in each case the result is the same. The surviving parent discovers he or she is entitled to the benefits, but the 4-year period for filing has expired and the parent is no longer legally eligible to apply for the benefits.

I, for one, see no reason why surviving parents should be denied their deceased children's social security benefits simply because they failed to apply for these benefits within the allotted time period. In many instances, the surviving parents have little money and badly need the social security benefits which their children worked for and earned. The 4-year period for filing seems arbitrary and somewhat unfair.

For this reason, I offer an amendment to House bill 4768, for the relief of Mrs. Gertrude Reskin, which will amend the social security law by extending the period for filing without limit. As a result of this amendment, parents who discover they are eligible for benefits more than 4 years after the death of their supporting child can apply for the benefits without penalty.

The Department of Health, Education, and Welfare and the Bureau of the Budget both have recommended the passage of this proposed legislation. I hope the Senate will act on it favorably.

The **PRESIDING OFFICER**. The amendment will be received, printed, and appropriately referred.

The amendment (No. 1070) was referred to the Committee on Finance.

AMENDMENT OF SECTION 502, MERCHANT MARINE ACT, 1936, RELATING TO CONSTRUCTION-DIFFERENTIAL SUBSIDIES (AMENDMENT NO. 1069)

Mr. **LAUSCHE**. Mr. President, I submit an amendment to section 502 of the Merchant Marine Act of 1936 relating to construction-differential subsidies. This amendment would extend the Merchant Marine Act for a period of 1 year instead of 2 years, as is provided by the bill recommended by the Commerce Committee of the Senate.

I also ask unanimous consent to have printed in the Record the dissenting opinion which I have filed in connection with the recommendation by the Commerce Committee.

The **PRESIDING OFFICER**. The amendment will be received, printed, and appropriately referred; and, without objection, the opinion will be printed in the Record.

The amendment was referred to the Committee on Commerce.

The individual views of Mr. **Lausche** are as follows:

Individual Views of Senator Frank J. Lausche on H.R. 10053, Merchant Marine Construction-Differential Subsidy

This bill, H.R. 10053, as cleared by the Senate Commerce Committee, would again extend for 2 years the authority of the Maritime Subsidy Board to grant construction-differential subsidies up to a limit of 55 percent for the construction of new merchant ships and up to a limit of 60 percent for the reconversion of certain passenger ships. The subsidy represents the differential in cost of the construction or reconstruction of ships in the United States as distinguished from the cost of building in a foreign country. This large cost difference is basically due to labor costs and to some extent the difference in materials and finished shipboard equipment.

In 1960, in 1961, and again in 1962 amendments to the Merchant Marine Act of 1936 have been enacted extending the original construction-differential subsidy ceiling of 50 percent. I vigorously opposed the enactment of these previous rate extension amendments and I must reiterate my opposition to the present bill, H.R. 10053.

The need for these extensions has been caused by the growing difference between United States and foreign shipbuilding costs. While the original act provided subsidies to bridge the large gap between foreign and domestic costs, it is unreasonable for the Government to accept the entire burden of the ever-increasing cost differentials. The annual expenditures for ship construction subsidies have risen from $16,379,076 in 1957 to $90,514,302 in 1963.

In spite of this increase, during the same period expenditures to cover operation differential subsidies have risen from $108,292,274 to $220,676,685. Total ship construction and reconstruction subsidy expenditures between 1936 and 1963 have been $659,512,385 while the total operating subsidies have been $1,532,443,081 in the same period. Individual ship construction subsidy rates have risen from approximately 45 percent in 1957 to the present range of 53 to 55 percent. During the same period the shipbuilding costs in the United States have risen some 12 to 15 percent, with the expectation of a minimum 2-percent increase per year. While the actual ship selling prices have not increased at the same rate, due to somewhat improved productivity of the shipyards, nevertheless shipbuilding prices are continuing to rise at a faster rate than foreign prices so that the price differentials will shortly exceed the presently proposed limits.

I am opposed to the further extension of this 55- and 60-percent authority because, as I stated in 1962, it is my firm conviction that it provides an extra incentive to interested parties to press for the highest differential percentages obtainable.

I believe that the Government should establish a limit in which it will participate to retain a strong and economic merchant marine. This limit should certainly not exceed the original 50-percent ceiling as established in the original Merchant Marine Act of 1936 and serious efforts should be made to reduce the subsidies further.

Shipping costs—and especially shipbuilding costs—in the United States have risen to where they are positive threats to the future of U.S. shipping. The adequacy of our merchant fleet today has been in large measure hampered by the shipyard subsidy that gives us but one ship for every two built by other maritime nations for the same cost. I consider that these high ceiling extensions will boost rather than encourage reductions in high construction and reconstruction costs in the U.S. shipyards. The best incentive for lowering costs would be to deny extension of the 50-percent ceiling.

We must distinguish between our shipping and our shipbuilding needs. Until it is demonstrated that our national defense or economic needs require 21 major shipyards (now operating at 42 percent of capacity) we should not legislate that all American ships must be built in this country. Most of our commercial yards are principally supported by Navy contracts representing in excess of $1 billion of unfinished shipbuilding work as of January 1964. The 17 to 18 commercial merchant ships under the Maritime Administration's program contribute relatively little to sustaining these yards. If they can compete for this work—with 50 percent of the cost being paid by the Government—well and good. If 50 percent is not enough, I believe we should seriously reevaluate whether we can afford, or need, such a shipyard subsidy program.

There are a number of things available within the shipbuilding complex to lower the cost of construction of ships. For the shipyard management there is the need to continue improving shipbuilding techniques. For the shipyard unions there is the need to simplify work rules. For the shipowner there is the need to standardize ships and components. This would assuredly lead to greater productivity and lower cost.

Continuing rise in labor costs and the increasing disparity between the U.S. and foreign hourly earnings should concern all of us. Shipyard labor costs vary over a wide range as is shown below (average hourly earnings in U.S. dollars):

Country	Year		Increase
	1959	1962	
United States	2.68	3.01	0.33
Japan	.66	.73	.07
Netherland	.76	1.00	.24
Germany	.79	1.08	.29
United Kingdom	.82	.96	.14
Sweden	1.42	1.69	.27

Of particular interest is the fact that Sweden, which has the highest wage rate in Europe, constructs ships at a lower price than the United Kingdom, at one time the leading shipbuilding country in the world, and constructs ships at about the same price as Germany. This competitive capability was strongly influenced by recent change in the shipyard work rules permitting more liberalized job interchangeability, which substantially increased productivity and resulted in insuring continued employment and retaining the more highly skilled workmen.

The subsidized shipowners have a substantial responsibility in lowering the operating cost of their ships. The searfaring unions must also contribute to increase productivity so as to enable the United States to maintain an economic and competitive merchant marine rather than continuing to rely on increased subsidies. It is ironic that the United States, which is able to compete internationally with so many commodities, is unable to even reduce to any degree the difference that exists between American and foreign shipbuilding costs.

The Maritime Administrator had asked for a 1-year extension limit on the premise that this would provide greater flexibility pending the outcome of his present studies relating to methods of computing the construction-differential subsidies and pending the outcome of other basic issues in the maritime program. It is gratifying to also note from the testimony that the Administrator is undertaking a program to reduce costs of building ships and to make the industry more nearly competitive in the world.

The maritime subsidy program is becoming more and more costly. The emphasis in the maritime industry must be on attaining an economic and competitive merchant marine with decreasing subsidy. H.R. 10053 should be rejected by the Senate.

AUTHORIZATION OF APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—AMENDMENT (AMENDMENT NO. 1071)

Mr. **FULBRIGHT** submitted an amendment, intended to be proposed by him, to the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

Mr. **HICKENLOOPER** submitted two amendments (Nos. 1072 and 1073), intended to be proposed by him, to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which were referred to the Committee on Foreign Relations, and ordered to be printed.

NOTICE OF HEARINGS BY PUBLIC LANDS SUBCOMMITTEE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. **BIBLE**. Mr. President, I take this opportunity to announce the scheduling of certain bills for public hearings before the Public Lands Subcommittee of the Interior and Insular Affairs Committee.

On June 29 and 30, I expect to take up H.R. 5198, to provide temporary authority for the sale of certain public lands, and H.R. 5159, to authorize and direct that certain lands administered by the Secretary of the Interior be classified in order to provide for their disposal or management under principles of multiple use.

On July 1 and 2, I anticipate taking testimony on H.R. 8070, the bill to provide for a Public Land Law Review Commission.

On July 6 and 7, hearings have been scheduled on S. 606, to authorize the establishment of the Tocks Island National Recreation Area. This measure has been pending before the subcommittee since January 1963, and is the subject of considerable interest in the States of Pennsylvania and New Jersey.

Mr. President, it is my hope and expectation to schedule hearings on the very important Assateague Island proposal some time in the early part of August. A more definitive date will be announced on that at a very early time.

I urge that any persons interested in testifying on any of these matters contact the staff of the committee at the earliest possible date so that a complete record can be made on all of these proposals.

NOTICE OF RESCHEDULING OF HEARINGS ON IMMIGRATION BILLS

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, on June 17, 1964, it was announced that hearings on pending immigration and naturalization legislation would be resumed on June 25, 1964. This is to announce that the hearing on that date has been rescheduled and will be held on Monday, June 29, 1964, at 10:30 a.m., in room 2228, New Senate Office Building.

PROPOSED LEGISLATION TO AMEND THE FEDERAL BAIL LAWS—ADDITIONAL COSPONSOR OF BILLS

Mr. ERVIN. Mr. President, a few weeks ago the senior Senator from Indiana brought into sharp focus the discomforting fact that our Nation, which is dedicated to making justice equal and accessible to all, has tolerated Federal bail procedures under which the amount of money a citizen can raise controls his pretrial freedom—a time during which, I might emphasize, he is presumed innocent.

As the senior Senator's statement points out, I, along with Senators BAYH, WILLIAMS of New Jersey, JOHNSTON, DOUGLAS, KENNEDY, LONG of Missouri, HRUSKA, and FONG, have introduced three proposals to correct the injustices that our Federal bail laws impose upon indigent American citizens. It is imperative that these laws be corrected, for, as the senior Senator from Indiana emphasized, "justice should never be weighted against the poor just because of their poverty."

Mr. President, I ask unanimous consent that the senior Senator from Indiana be added as a cosponsor to S. 2838, S. 2839, and S. 2840 at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 23, 1964, he presented to the President of the United States the enrolled bill (S. 1828) to amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.

WAR IN ASIA

Mr. MORSE. Mr. President, this morning I listened to the briefing before the Foreign Relations Committee by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. After listening to that briefing, I said to the Secretary of Defense and to the Chairman of the Joint Chiefs of Staff that I am now convinced that the greatest threat to the peace of the world is the United States. I am convinced that if the United States continues to follow the course of action thoroughly implied by that briefing, we are headed straight for a major war in Asia, and we will be hated for the next 500 years by the overwhelming majority of mankind. Further I am convinced that if we follow the clear implications of the briefing of this morning, we will go down in history as the nation chiefly responsible for scuttling the United Nations, for, as I have said for these many past weeks on the floor of the Senate, we are acting outside the framework of international law in southeast Asia. After the briefing this morning, I am satisfied that at the present time we have no intention of acting within the framework of international law. Instead of living up to our treaty commitments as well as the obligations of the President under the Constitution of the United States, we are making war in Asia. In my judgment, we are headed straight for a major war in Asia unless Red China runs for cover.

I say to the American people that a war in Asia will be stopped only if the people of the United States stop it. If they do not stop it, hundreds of thousands of their boys are going to die before we are through with a bogged-down war in Asia. Let the American people not forget that France lost 240,000 of the flower of her manhood in a war in Indochina. I am at a loss to understand why we have developed the grandiose delusion that the United States can conduct a major war in Asia and not suffer the loss of hundreds of thousands of American boys.

Mr. President, we have the duty to exhaust all the potentials of international law. Perhaps all the potentials of international law will not save us from a war; but we have the clear duty to write in history a glorious page that at least we attempted to do so.

Mr. President, the fact remains that the White House is not attempting to go through the United Nations and to keep faith with what we prate and profess is our dedication to the substitution of the rule of law for the rule of military might. The American rule of military might as is true of military might envisioned by any other country is still the rule of the jungle. There is no justification for the course of action the United States is following in southeast Asia which is threatening the peace of the world.

AIR POLLUTION

Mr. MUSKIE. Mr. President, Americans are more and more conscious of the impact of air pollution on their lives. Recognition of this problem led to the enactment of the Clean Air Act of 1963. The act, in turn, has focused public attention on the need for action to curtail harmful air pollution.

One of the best articles I have seen on air pollution was printed recently in Labor's Economic Review. Prepared by the Department of Research of the AFL-CIO, and entitled "The Polluted Air We Breathe," the article presents a balanced statement on the problems of air pollution and the steps we need to take to abate this hazard to health and property.

I ask unanimous consent that the article, "The Polluted Air We Breathe," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Polluted Air We Breathe

Thousands of years ago, one of our ancestors ran coughing and choking out of a smoke-filled cave. This was the small, unrecorded but ultimately significant beginning of manmade pollution of the air we breathe, one of the most urgent environmental problems of America today.

An Englishman named John Evelyn wrote in 1661 of the smoke of London which he described as "The hellish and dismal cloud of sea-coale," emanating from the establishments of "brewers, diers, lime burners, salt and sope-boylers" and other enterprises.

As a result, wrote Evelyn, "The city of London resembles the face rather of Mount Aetna, the Court of Vulcan, Stromboli, or the suburbs of hell than an assembly of rational creatures and the imperial seat of our incomparable monarch." Evelyn added that a person approaching London "sooner smells than sees the city to which he repairs."

The indignant Englishman held forth on the effects of this blight on people's health and appearance and upon growing things as well as the "hands and faces and linnen of our fair ladies and nicer dames."

Three centuries have gone by and matters have become worse than John Evelyn possibly could have foreseen.

They have become worse because in the United States and other industrialized countries the environment has not only been mastered by means of the industrial and technological revolutions but is being rapidly changed.

As Rachel Carson recently wrote: "It seems to me that air pollution should be viewed in the larger context to which it belongs. It is part of one of the most vital problems that confront mankind today: How to control the spreading contamination from many sources that is rapidly causing the deterioration of our environment. In biological history, no organism has survived long if its environment became in some way unfit for it. But no organism before man has deliberately polluted its own environment."

The air we breathe, like the land and the water that are the foundations of our life and work, has been altered. The very characteristics of a modern society—increasing population, industrial development, rising standards of living, advancing technology, mass transportation, great cities—have resulted in nearly 190 million Americans presently living at the bottom of a sea of air which is becoming burdened with an ever increasing amount and complex variety of polluting agencies.

It must be realized that air itself is a limited resource, like water or fossil fuels. Furthermore, only a small part of total air supply is available in any one place. Both as to quantity and quality, air must be considered and dealt with on sound conservation principles just as is done with other natural resources. This fact is particularly significant in view of the mass movement of people into the great metropolitan areas. Nearly one-half the total population is crowded into only 10 percent of the Nation's land area.

There are several similarities between air and water pollution, but also one major difference. Polluted water can be treated to purification processes and made fit for drinking. People must breathe the air, polluted or otherwise, as it comes to them. There is no opportunity for treatment to remove pollutants before the air is taken into the lungs unless everyone constantly wears a gas mask.

Like river systems, air moves with great disdain of local and State boundary lines, often carrying a burden of pollutants to cities, farms and forests. Since it is impossible to eliminate impurities already discharged into the atmosphere, the effort to control pollution must be aimed at the source—at preventing pollutants from being released in the first place.

Air never cleans itself. Particles are thrown off by gravity. Chemicals are changed by interactions among themselves. Ultimately, both chemicals and particles are washed away by rain.

How is the air polluted? Pollution comes from the burning of fuels in the home, in factories and in motor vehicles. It comes from chemicals released or used in mines and factories. It comes from the disposal of waste materials. It comes from the new processes developed by scientific research in creating new products. These factors interact and lead to a growth in other factors governing the kind and amount of pollutants released to the air.

The consequences of air pollution are now suffered throughout the Nation—in the cities and small towns, on the farms, and in the forests. It is truly a national problem.

Air is vital to the functioning of a modern society since the use of fuel depends on it. A ton of air occupies a volume of about 25,000 cubic feet. Motor vehicles burning about 60 billion gallons of fuel a year use 94 trillion cubic feet or 640 cubic miles of air. The combustion of a ton of coal requires about 27,000 pounds of air, the burning of a gallon of fuel oil takes 90 pounds of air and a pound of natural gas requires 18 pounds of air.

All told, about 3,000 cubic miles of air are necessary to meet the annual requirements for oxygen of all the fuels used in the United States alone. Other industrialized nations make equivalent demands—all of which contribute to a growing global problem.

Plant life using solar energy takes in carbon dioxide and converts it into oxygen. Man and other animals consume the oxygen, and in the process release carbon dioxide, the supply of which is augmented by burning fossil fuels. This causes an increase in the carbon dioxide content of the air, which is believed by many scientists to be causing a gradual warming of the earth's atmosphere with still unassessed modifications of climatic cycles.

Natural pollution is seldom significant in terms of the overall problem. It is man who has created the dilemma.

In the United States the quantity of pollutants thrown into the air is fantastic. Motor vehicles alone discharge each day: 250,000 tons of carbon monoxide, 16,500 to 33,000 tons of hydrocarbons and 4,000 to 12,000 tons of nitrogen oxides.

These releases, to use an illustration, can provide a concentration of carbon monoxide gas every day to contaminate the air as a concentration of 30 parts to 1 million of air to a 400-foot height over a 20,000-square-mile area, equivalent to the combined areas of Connecticut, Massachusetts, and New Jersey. According to air quality standards developed in California, 30 parts per million is termed "adverse" to the public health.

Concentration of particles of all known contaminants in the air measured by the U.S. Public Health Service between 1957 and 1961 would worsen this picture since it would include pollution released from metallurgical, chemical, and refining processes as well as from automotive combustion.

U.S. Public Health Service data show a variation between 63 micrograms of pollutants per cubic meter of air in communities of 10,000 to 25,000 population to 176 micrograms for cities over 3 million population. Thus it is clear that air pollution is directly related to the concentration of population.

In 1960, about 96 million people resided in 213 large communities covering an area of only 25,500 square miles. Put another way, 53 percent of the total U.S. population lives on less than 1 percent of the total land area. Many of these population concentrations are so clustered that air pollution from one cannot only affect another but extend such effects across State lines.

Smaller communities, as a rule, suffer from one or a relatively few sources of air pollution, usually affecting only their immediate areas. However, studies show major air pollution problems existed in 1960 in 308 urban places, an increase of 84 during the past 10 years and involving about 25 percent of the total U.S. population.

All in all, about 7,300 communities comprising 60 percent of the total U.S. population are facing one kind of air pollution problem or another.

The Surgeon General's 1962 Report on Motor Vehicles—Air Pollution and Health pointed out that more than 75 million motor vehicles of all kinds were registered in 1961, with an estimated 79 million for 1962. The report estimated that by 1977 there will be 113 million motor vehicles registered, a 43-percent increase within 5 years, together with an accompanying increase in discharges of hydrocarbons and carbon monoxide gas.

Wind speed and the height into the atmosphere to which pollutants from the earth's surface will mix limit the amount of pollutants capable of release without adverse results on human, animal, and plant life.

Fresh winds will disperse concentrations of noxious matter released from below, but winds are variable.

The atmospheric mixing depth under normal conditions is a product of the day-and-night cycle. In clear weather during daylight the sun warms the earth's surface and the air nearest to it. Warm air rises until it has cooled to the same temperature as the upper air and will then rise no further. This is the mixing depth.

During darkness, however, the earth's surface and adjacent air cools off until it is at a lower temperature than the upper air and a temperature inversion occurs. Heavier air close to the earth will not rise and there will be little mixing of any pollutants discharged into the atmosphere.

However, under normal conditions the morning sun will begin to break up the inversion of the previous night by warming the earth once again and recommencing the upward currents of warm air.

In summer, the mixing depth is higher, particularly in mountainous areas. In winter, with less heat from the sun, it is much lower, from 800 to 2,500 feet above ground level.

Sometimes these temperature inversions will persist over a large geographical area for a long time during periods of stagnant air movements associated with high barometric pressure weather conditions. Photochemical smog in the Los Angeles area is the most familiar example.

During such periods polluted air becomes more than a stealthy menace to human health, to the economy, and to recreational and esthetic values. It becomes in some instances a deadly killer.

In Donora, Penn., in October 1948, smog settled down in the valley for 3 days; 20 people died and 4,000 became acutely ill.

In the winter of 1952, polluted and stagnant air caused over 4,000 Londoners to die in a single week.

In December 1953, New York City sustained a week of smog which caused 200 people to die from its effects, their deaths not noted until brought to light by a statistical study 9 years later.

In December 1962, another smog gripped London. British medical officials finally estimated a death toll of 750.

During that same month—December 1962—while the U.S. Public Health Service was holding a second National Conference on Air Pollution, a mass of stagnant air came to rest along the heavily populated Atlantic seaboard. Pollution levels rose alarmingly all the way from Boston to Richmond over a weeklong period.

The same set of weather conditions that brought about the London smog could have caused this country to suffer its greatest air pollution disaster in history. By great good fortune winds blew the toxic air mass off to sea and the eastern seaboard was spared.

In 1962 a panel on the health effects of air pollution concluded in its report to the National Conference on Air Pollution: "The evidence that air pollution contributes to the pathogenesis of chronic respiratory diseases is overwhelming."

In other words, low-level air pollution can cause, contribute to, or aggravate chronic respiratory diseases, including the common cold, chronic bronchitis, chronic constrictive ventilatory disease, pulmonary emphysema (attacking lung tissues), bronchial asthma, and lung cancer.

Incidence of emphysema has been increasing rapidly in the United States. In 1960, of some 180,000 persons receiving social security disability payments, about 12,400 had as primary medical diagnosis pulmonary emphysema. This was exceeded as a disability cause only by arteriosclerotic heart disease, including coronary disease. Medical payments to these emphysema sufferers totaled $60 million per year.

There are many complex and yet unsolved enigmas concerning the basic causes of lung cancer. Like many ailments which appear to rise from our new ways of living, there may be a number of complex environmental factors contributing to this disease, including air pollution.

This much is known, however. Lung cancer occurs with greater frequency in cities. Such differences cannot be accounted for by cigarette smoking, population density, or occupation. It also has been shown in laboratory experiments that airborne polluting carcinogens (cancer-causing agents) are more highly concentrated in urban than in rural areas and do cause cancer in laboratory animals. One compound emitted from vehicle exhausts (benzopyrene) is particularly suspect.

Another effect of large-scale air pollution has been that of altering the climates of urban areas.

The U.S. Weather Bureau estimates that in winter cities have 100 percent more fog than do rural places. Sulfur dioxide and carbon monoxide concentrations and dust particles also are many times greater in city areas than in farming regions.

In winter, cities have 50 percent less ultraviolet radiation than country areas and cloudiness occurs 5 to 10 percent more often. Such climatic situations add to the hazards of vehicular travel and the incidence of accidents, both on the ground and in the air. Based on a 1962 study by the Civil Aeronautics Board, 15 to 20 plane crashes in that year could have been caused by low visibility resulting from smoke, haze, dust, and sand in the air.

The economic cost of air pollution has been estimated by the Department of Health, Education, and Welfare at about $11 billion annually or approximately $65 per capita.

In this enormous toll is included about $500 million to agriculture. Pine forests have been heavily damaged by ozone deposits coming from motor vehicles. Fluorides originating from industrial processes have injured livestock, crops, fruit trees, and flowers. There are other chemicals, some of which have been identified, which damage vegetation.

The pollution of air also produces an accelerated corrosion of metals, fading and weakening of fabrics such as leather and rubber and decomposition of building materials and paints. Precision instruments and control systems often require replacement or expensive protective devices because of air pollution.

Homes exposed to air pollution require more frequent cleaning and painting, inside and out. Clothing and furnishings also must be cleaned more often.

In low-income neighborhoods where families cannot afford to maintain their property thus damaged, their own and the neighborhood property values drop, providing an additional and heavy cost to people, their communities, and the Nation itself.

To the mounting cost of air pollution in the United States can be added the effects on recreation, fish and wildlife. A forest ruined by ozone is not only destroyed as a natural resource but also as a source of human enjoyment. Areas that cannot be used for urban recreation because of smoke, dust, and smog represent needlessly lost opportunities.

Flowers and plants that refuse to grow in a city; public buildings and memorials that are defaced and corroded by smog; birds and animals poisoned by airborne pesticides sprayed on crops—all are part of the heavy price America is paying for air pollution.

Awareness of air pollution as more than a purely local problem did not emerge until after the Second World War. Pioneering work among municipalities was begun by Los Angeles and a smoke abatement program was instituted in the Pittsburgh, Pa., area. Other cities, notably St. Louis, Chicago, Cleveland, New York City, San Francisco and a few others have followed suit.

The first States to move toward control of air pollution were California in 1947 and Oregon in 1951, but the comprehensive California program has not spread.

It was not until 1955 that Congress enacted Public Law 85–159 to provide for the first Federal program to provide research and technical assistance relating to air pollution control. Prior to 1955, Federal efforts in this field had been confined to a few special studies by the U.S. Public Health Service and the Federal Bureau of Mines.

Until this year the new Federal program was carried on with only two amendments to extend its authority, first to 1964, and then to 1966. An amendment was passed in 1960 to authorize a study by the U.S. Surgeon General on the problem of automotive fuel exhausts.

In the last several years, however, the $5 million research and data collecting program plus similar efforts by private industry, the States and localities, and universities and colleges, have produced a considerable body of knowledge of air pollution, its causes, effects, and what can be done to abate it.

Much of this knowledge has come from research and analysis of continuous or special data collected by the Public Health Service's National Air Sampling Network covering 250 urban and rural places in 50 States and Puerto Rico.

The point has been reached where a broad attack on all fronts can be mounted in a nationwide program of control.

In 1962, Harold W. Kennedy, county counsel for the Los Angeles County Air Pollution Control District told the second National Conference on Air Pollution:

"One issue usually arises in any discussion of adopting regulations or legislation. This issue is whether or not we possess enough scientific knowledge upon which to base regulatory action. The answer is that we do."

AFL–CIO testimony on Federal air pollution control legislation this year pointed out that "We cannot afford to wait to have all the answers to all the questions and we should not yield to those who wish simply to fight a delaying action against effective regulation."

Much research has been done on various chemical compounds and their relationship to respiratory disease and cancer. The science of meteorology also has contributed to better understanding of the factors bearing on the movement of air masses containing contaminants and more reliable forecasting of abnormal stagnation periods.

The increasing size of coal-burning powerplants means a larger volume of sulfur dioxide is discharged into the atmosphere, particularly near or in heavily populated areas. To cope with this problem, taller exhaust stacks have been and are being built and planned in order to disperse the contaminant before it can return to ground level. But such stacks—some as high as 800 feet have been proposed—are costly. And even high stacks may be ineffective if unfavorable conditions do not provide enough air currents to disperse the pollutants.

There are two approaches being attempted on this problem: Removal of the dioxides from the stack gases and their elimination from the fuel before burning. Expanded use of nuclear power in and around large cities would eliminate air pollution entirely from powerplants so fueled.

As for motor vehicle exhaust fumes, it is quite unlikely that America will ever be reasonably free from air pollution unless these noxious releases can be feasibly controlled. Some motor car companies are equipping new models with blowby devices in crankcases. California law requires them but they reduce pollutant releases by only 20 percent. Only in California are older cars required to use blowby devices. Even with older cars going off the road, decreases in their volume of pollution will be more than offset by emissions from the new ones. Research is now being undertaken to develop mass-produced "afterburners" for more complete burning of exhaust fumes.

Longer-range alternatives to these approaches lie in shifting to other sources of propellant energy which would largely eliminate air pollution, including electric battery-powered cars, fuel cells, thermoelectric generators, advanced gas turbine engines and steam power.

Capital costs involved in control equipment used by industry vary from a small fraction of total basic equipment to amounts approaching and occasionally exceeding all other basic production equipment outlays combined.

Such added costs are passed on to the consumer by industry. In order to meet the situation in another way by having the taxpayers shoulder the burden of reducing air pollution from industrial sources, legislative proposals are seeking rapid tax amortization writeoff for air pollution control investment.

Since 1958 and 1962, when the first and second National Conferences on Air Pollution were held under sponsorship of the U.S. Public Health Service, much progress has been made in recognizing that pollution of the Nation's air is neither a local problem nor the inevitable price tag of progress.

The late President Kennedy's public health message to the Congress in early 1963 asked for expansion of air pollution control programs of the Public Health Service, with proposals patterned after Federal legislation on control of water pollution.

The President's message urged expansion of research efforts, a Federal grants-in-aid program to assist States and localities in initiating and strengthening control programs, expanded Federal studies involving interstate and nationwide air pollution problems and strengthened Federal enforcement powers.

A number of bills to broaden the Federal effort were introduced in the 87th Congress.

After passage in the House, a considerably amended bill was given Senate approval in November after which the final bill was agreed upon in conference and signed by President Johnson on December 17 as Public Law 88–206.

The Clean Air Act of 1963 amends the law to:

1. Provide the Federal Government with greatly broadened powers to conduct research, investigations, and development programs in the air pollution field, with particular emphasis on motor vehicle discharges and on sulfur extraction from fuel.

2. Provide expanded Federal enforcement powers to abate both interstate and intrastate air pollution situations, including any from Federal installations, with legal action by the U.S. Attorney General authorized if the pollution is not abated.

3. Establish a 3-year $90 million Federal grants-in-aid program to State air pollution agencies for starting or maintaining abatement activities beginning in fiscal 1965 and terminating at the end of fiscal 1967.

The current situation, as described by AFL–CIO testimony on the Clean Air Act, is that "only 12 States have legal authority to enforce air pollution regulations anywhere in those States and only 4 of these 12 have any regulatory programs to give that authority any meaning."

A 1963 study of air pollution undertaken by the Senate Public Works Committee showed that in 1961 only 17 States were spending as much as $5,000 a year on air pollution control. Of $2 million spent by these States, 57 percent was spent by California.

Some 85 cities, counties, and metropolitan areas spent in excess of $5,000 a year on their air pollution control programs, but only 34 had annual budgets of more than $25,000. Total budgets for the 85 amounted to only $8.2 million, of which 41 percent was spent by Los Angeles County alone and 55 percent by the 7 local units in the State of California.

Of 218 urban localities with 50,000 population or greater, only 119 have any air pollution control agencies. All told, there are 1,155 communities with 2,500 population or more which have some kind of air pollution problem, but only 497 have control agencies, most of these lacking money, staff, and strong laws or ordinances to accomplish an effective jobs.

4. Take a first step toward establishment of national quality standards of air by authorizing HEW to conduct research on causes and effects of air pollution, publish resulting criteria and make them available to non-Federal control agencies, including new interstate agencies authorized by the act if approved by the Congress.

The Clean Air Act of 1963 still contains serious limitations on Federal enforcement powers, curtails Federal financial incentives to States and localities under a short-term program and goes only part of the distance toward establishment of Federal standards.

Nevertheless, the Federal role has now become one of action, no longer the mere gathering of data. The new law recognizes air pollution as a serious national problem affecting the national economy and the national health. A beginning has been made and the foundations for a more adequate program are laid.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA AUTHORIZATIONS, NOTICE OF INTENT TO SUBMIT MOTION TO RECONSIDER ACTION ON HOUSE BILL 10456

Mr. MORSE. Mr. President, yesterday, when some of us who are opposed to the NASA appropriation, insofar as the $5 billion appropriation for putting a man on the moon is concerned, were absent from the Chamber the authorization bill for NASA appropriations was passed. Following its passage, a motion to reconsider was made; and a motion to lay on the table the motion to reconsider was made and agreed to—which, of course, puts the opponents of this wasteful appropriation in a very difficult parliamentary position.

However, we felt that at least we should attempt to get a record vote in the Senate, so that our constituents can judge for themselves the representation they are getting in the Senate.

I am advised by the Parliamentarian that the following two steps must be taken: Inasmuch as the bill has now been sent to the House, a motion must be made, and agreed to, to ask that the House return the bill to the Senate. Thereafter, there must be filed at the desk a written motion to reconsider the action by which the bill was passed by the Senate—which, of course, will require a suspension of the rule and a two-thirds vote.

Mr. President, I wish to make very clear that I do not criticize my leadership. The leadership is pressed for action on a logjam of bills.

However, I am speaking about one of the most important major pieces of proposed appropriation legislation to come before the Senate to date. It is a piece of proposed legislation with regard to which there are great differences of opinion. Many people in our country share the position of those of us who think that when we consider the economic problems that confront this country, we should not be appropriating some $5 billion for sending someone to the moon, and that we had better be spending that $5 billion, or a good part of it, to bring some relief to some seriously depressed areas in our own country and to meet some of the problems we have on earth before considering problems on the moon.

I believe I am in order—if I am not, the Parliamentarian may so advise the Chair—to make the request that the NASA bill be returned from the House of Representatives, and to file a motion at the desk for reconsideration of the bill after the lapse of 1 day.

Mr. HUMPHREY. Mr. President, I was engaged in a conference. Will the Senator from Oregon please restate his request?

Mr. MORSE. Yes. The parliamentary situation is as follows: Since some of us who are opposed to the bill were absent from the Chamber, but were performing official Senate business, we did not know that the NASA appropriation authorization bill was going to come up when it did. I wish the whip to know that I make no criticism of that. I am disappointed that there was not a quorum call prior to the vote on the NASA appropriation authorization bill. In order that there may be a debate on the NASA appropriation authorization measure, and that we may make a record of opposition to the NASA authorization, the Parliamentarian advises me that I first must move that the Senate ask that the bill be returned from the House of Representatives.

It then must remain at the desk for a day. I am also filing a motion at the desk to reconsider the vote by which the authorization bill was passed, which would require a two-thirds vote of the Senate. But at least that action would give those of us who are opposed to a $5 billion appropriation to put a man on the moon an opportunity to present our argument as to why we think that would be unsound public policy at this time.

Mr. HUMPHREY. Mr. President, on the evening of Friday of last week I believe that the majority leader, the Senator from Montana [Mr. MANSFIELD] announced what the program would be on Monday of this week. My recollection is that at that time he listed the Interior Department appropriation bill, the Treasury and Post Office appropriation bill, the Atomic Energy authorization bill, and the National Aeronautics and Space authorization bill. I refer to page 14511 of the CONGRESSIONAL RECORD for June 19, where the following statement appears:

> Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the Atomic Energy authorization bill, the National Aeronautics and Space authorization bill.
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> I would also, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

So that the record may be clear, on Friday of last week the majority leader gave notice to the Senate of these four important legislative items: The Interior Department appropriation bill, the Treasury and Post Office appropriation bill, the Atomic Energy authorization bill, and the National Aeronautics and Space authorization bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. There is no question about it. I raise no question about the notice being given. I merely point out that when the NASA authorization bill was taken up we thought the Senate was taking up the Interior appropriation bill first. When it was taken up there was no quorum call. There was no quorum call that would have brought us to the floor of the Senate. We had no right to a quorum call. I do not allege that but I think it would have been better to have one.

Mr. HUMPHREY. I understand.

Mr. MORSE. I am merely talking about the fact that it certainly must have been known by the leadership that there were strong objections within the Senate to an authorization of $5 billion for NASA. I have read the debate. The opposition was not present. The other side of the case was not made. All I am asking for today is parliamentary consideration that would permit those of us who are opposed to an authorization of $5 billion for what I consider to be an expenditure that far exceeds the negative connotations of a boondoggle to have the bill brought back to the floor of the Senate so that we can make the case against such a wasteful expenditure of $5 billion.

Mr. HUMPHREY. Mr. President, I ask the Senator from Oregon if he will withhold his motion until the majority leader, the Senator from Montana [Mr. MANSFIELD], who was present yesterday at the time of the action on the authorization bill, is present. The Senator from Minnesota was unavoidably absent yesterday because of personal matters.

Mr. MORSE. Certainly. I always cooperate with the leadership.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for a half minute?

Mr. HUMPHREY. I yield.

Mr. LAUSCHE. Yesterday the measure went through the Senate like lightning. We changed from one bill to another. In defense of the supposed prudence of this body I believe that we ought not to allow the Nation to say that in a meager discussion, the Senate passed a bill which would authorize the spending of more than $5 billion for NASA. There are aspects of that proposed legislation which ought to be discussed, and I join the Senator from Oregon in the proposal which he is making.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon withhold his request until a little later?

Mr. MORSE. Mr. President, if the Senator will yield——

Mr. HUMPHREY. I yield.

Mr. MORSE. I do not speak for him, but one of the Republican leaders commented on the subject in the Foreign Relations Committee this morning. I believe the Senator will find that a substantial number of Senators believe that at least we should be given an opportunity to make our record against the measure and give the Senate an opportunity to vote, on a yea and nay vote, to reconsider the vote by which the bill was passed. I will withhold my motion.

Mr. HUMPHREY. I thank the Senator from Oregon. I have just examined the Record, and I see that there was considerable discussion yesterday. I am sure that there will be more in the light of the motion of the Senator from Oregon.

But I do not wish the Record today to show that the measure was called up and automatically put through. The truth is that there was a substantial amount of discussion of the NASA authorization, as there was of the Atomic Energy authorization. I am sure that there will be no difficulty with respect to the request of the Senator from Oregon. These questions are questions of courtesy. I appreciate the Senator's willingness to withhold his request until the majority leader returns.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LAUSCHE. My feeling yesterday was that there was an atmosphere of doubt in the Senate among those of us who were present when the $5 billion authorization bill was passed by a voice vote. I say to the majority whip that the Senate ought to reconsider the entire subject.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I have nothing further to say at this time.

NEED FOR INDEPENDENT DRAFT STUDY

Mr. KEATING. Mr. President, the Defense Department now plans to spend about a million dollars on a "comprehensive" study of the draft. Yet there is serious doubt about the wisdom of a study of the Defense Department, by the Defense Department, and for the Defense Department. This is the second study on the same subject that the Defense Department has announced in less than a year.

Mr. President, the refusal of the Government to back an objective or detached study of the draft is puzzling to me and the 17 other Senators who recently wrote to the President on this matter.

In a recent editorial in the New York Times the need for a Presidential commission is stressed, including experts outside the Government.

Mr. President, I ask unanimous consent to include following my remarks in the Record the New York Times editorial of June 21, 1964.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Military Manpower Study

The broadening of the Pentagon's study of the draft coincided yesterday with the 20th anniversary of the GI bill of rights.

The two are not unrelated. The Servicemen's Aid Act, passed while the Nation was still engaged in World War II, helped the Nation as well as the veterans. It contributed to a more stable, more productive America by helping to build almost 6 million homes and to send more than 2 million former GI's to college.

Some of the features of this act can well provide patterns for tomorrow as possible inducements to military professionalism if the Nation decides it can safely eliminate the compulsion of the draft. These inducements plus many other suggestions for improving the rate of voluntary enlistments and for retaining qualified men in military careers, should be considered by the Pentagon in what it projects as the most thorough study of the draft and related problems ever attempted.

This study is much needed. But one caveat requires reemphasis. The draft and the recruiting of military manpower affect, directly and indirectly, so many aspects of our society that a Pentagon study should serve only as groundwork for a far broader, more comprehensive and—most important—more detached, survey by either a Presidential commission or a joint committee of Congress.

MULTIPURPOSE WATERSHED PROJECTS

Mr. TALMADGE. Mr. President, as chairman of the Subcommittee on Watershed Development, it is my privilege to keep abreast of trends in multipurpose watershed projects.

I believe Members of the Senate would be particularly interested in a double-page advertisement by the Caterpillar Co. that appeared in the May 30 issue of the Saturday Evening Post. This advertisement called attention to the striking benefits of the Little Tallapoosa watershed project in my own State of Georgia.

The fact that a major industrial company would expend thousands of dollars to advertise the benefits of a single watershed project indicates the value of this program to all citizens everywhere.

This is but one example of the many benefits of watershed projects. A compendium of such benefits has been assembled by Don Williams, the Administrator of the Soil Conservation Service.

This information, in my opinion, is important to all the Members of the Senate. Therefore, I ask unanimous consent that the text of the illustrated advertisement from the Saturday Evening Post be inserted in the Record. I have asked the Administrator of the Soil Conservation Service to send each Member of this body a copy of the compendium on watershed project benefits.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

Multipurpose Watershed Projects

WE NEEDED NEW INDUSTRY BUT THE LITTLE TALLAPOOSA STOPPED US COLD

The Little Tallapoosa has always supplied water to Temple, Villa Rica, and Carrollton in Carroll County, Ga. In 1954 it nearly dried up, as the citizens of Temple found when they turned on their faucets. In 1961 it went wild, washing out 17 bridges and miles of roads.

Today, it would take a rain heavier than any on record to damage Carroll County. And a 6 months' drought would only curtail lawn sprinkling.

The credit goes to the Little Tallapoosa watershed project.

But Carroll County got more than freedom from flooding and sediment damage. The project helped prevent an economic disaster. After cotton, the county's No. 1 crop, died, the dairy industry that replaced it could not absorb the unemployed.

ORGANIZE TO ATTRACT INDUSTRY

Concerned citizens organized to attract new industries to the area. They found there was barely enough water to handle existing needs. "We thought we were ready for new industry," said Chester Roush, chairman of the area's planning commission, "but the Little Tallapoosa stopped us cold."

THE TOWNS ACT

In the meantime, work started on the watershed project, which involved 14 flood-retarding dams. The city and county authorities found that towns could pay for the enlargement of certain structures to include water storage for as little as $4,363 instead of paying as much as $250,000 for a new pumping station. This economy saved the lives of the county's major towns.

HUNDREDS OF JOBS CREATED

Temple benefited first. It got enough water to meet its future needs. It also added a company payroll of 300 to the 50 employed by the town's only other industry.

Villa Rica needed water to keep its industries. Just when it was about to invest in the watershed project, a legal problem blocked needed funds. But Frank Green, farmer, and Harold Smith, service station operator, knew they couldn't wait. They canvassed the town and raised the money. Certificates were issued to be redeemed with interest from water revenues. Green also got perpetual easements for the reservoir site at no charge from neighboring farmers. Villa Rica's industries stayed and another has located there as a result of having enough water to meet all future needs.

GAINS EIGHT NEW INDUSTRIES

Carrollton, largest town in the area, could not supply 2,000 gallons a minute when Trent Tube considered moving there. But the town wanted the firm to locate there.

Because of the watershed project, Carrollton got the water it needed. Today, Trent Tube is not only established in the area but planning to expand. Since 1959, the town has gained eight new industries. Four other established firms, including Southwire, the largest, have expanded substantially.

Manufacturing employment in the county has risen 30 percent.

THE NATION'S WATER OUTLOOK

Problems like these aren't limited to one area of the country. Has your community reached the point where there's no safety margin? No reserves to attract new industry? By 1980, our Nation will need twice the water we're using now. Is someone doing the job where you live? To see what you can do, write for "Water Crisis, U.S.A." to Department P-24, Caterpillar Tractor Co., Peoria, Ill.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. JOHNSTON. I commend the Senator from Georgia for bringing this matter to the attention of the Senate. I have heard nothing but good about the watershed projects in the United States. They are building up the economy of our country, helping us to meet our debts, and are also bringing industry into the areas affected.

Mr. TALMADGE. I thank the Senator from South Carolina.

VARIATIONS IN FOOD COST INCREASES AMONG CITIES—A SUGGESTION FOR THE NATIONAL COMMISSION ON FOOD MARKETING

Mr. McGOVERN. Mr. President, acceptance by the Senate of the House-passed version of Senate Joint Resolution 71, to establish a National Commission on Food Marketing, should be welcomed by consumers throughout the country. I hope the resolution will be speedily implemented, that an appropriate staff will be appointed, and that they may soon undertake the study of many perplexing questions relating to food marketing.

For a number of years now, many of us have become increasingly aware of the growing spread between retail prices of food and the prices received by the farmers who produce it. We have heard testimony regarding increased concentration among buyers of a high percentage of food sold through retail outlets. We have speculated on the effect on prices of vertical integration in food production, processing, and marketing. I hope that the Commission will be able to provide answers to these, and many other questions which have been suggested in the field of food marketing. To this long list, I should like to suggest an inquiry for the Commission's consideration.

It has come to my attention that, while the index of prices paid by consumers for food has been rising, there is a substantial difference in the rate of increase among major U.S. cities. Moreover, it seems to me, this variation is wide enough that it should command the interest of the Commission. Let me briefly explain:

Since 1957-59, retail food prices in Detroit have increased only 1.4 percent—1963. Yet in Los Angeles, San Francisco, and New York City, prices have increased five times as much or 7 percent.

As compared with 1947-49 food prices last year in Los Angeles and San Francisco were 30 percent higher, while in Detroit, Atlanta, and Chicago, the rise was only 20 to 21 percent. Food prices in New York City in 1963 were 27 percent higher than in 1947-49; in Philadelphia, 26 percent higher; and in St. Louis, 24 percent higher. Thus, we see a wide range in retail food price increases in the past 16 years of from 20 percent in Detroit to 30 percent in Los Angeles and San Francisco.

Another interesting aspect of these city differences in food price increases is that a large part of the spread in differences has occurred in the last few years. In the 10-year period ending in 1959, retail food prices increased 18 percent in Detroit, Baltimore, Boston, and St. Louis, while the average increase for 20 large cities was 16 percent. In Los Angeles, San Francisco, and Philadelphia, the increase in this 10-year period was 21 percent.

The question occurs to me, "What are the conditions that have prevailed in the past few years in Detroit and Chicago which have kept food prices from rising, as they have done in New York City, Los Angeles, and San Francisco, or, conversely, what has happened in Los Angeles, San Francisco, and New York City that has caused food prices to increase 7 percent?"

There may be a simple explanation for these variations, but the statistical evidence suggests a play of forces which, it seems to me, will be of interest to the Commission.

EXECUTIVE SESSION—PROTOCOL MODIFYING AND SUPPLEMENTING THE CONVENTION OF FEBRUARY 20, 1950, BETWEEN THE KINGDOM OF GREECE AND THE UNITED STATES OF AMERICA RELATING TO TAXES ON ESTATES—PROTOCOL TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION

The Senate, as in Committee of the Whole, resumed the consideration of the protocol—Executive A, 88th Congress, 2d session—a protocol between the United States of America and Greece, signed in Athens on February 12, 1964, modifying and supplementing the convention of February 20, 1950, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates of deceased persons; and the protocol—Executive B, 88th Congress, 2d session—a protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals and was signed July 15, 1963, for the United States of America and 11 other governments.

Mr. HUMPHREY. Mr. President, do I correctly understand that there is a unanimous-consent agreement?

The PRESIDING OFFICER. The hour of 12 o'clock and 30 minutes p.m. having arrived, the Senate, under its order of yesterday, will now proceed, in executive session, to vote on the question of advising and consenting to the ratification of two protocols transmitted to the Senate by the President relating to, first, the convention between the United States and Greece realting to taxes on estates; and second, the Northwest Atlantic Fisheries Convention.

The yeas and nays have been previously ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the vote is taken—and the vote will be on the treaties en bloc—the votes be listed separately as for each treaty.

The PRESIDING OFFICER. Without objection, it is so orderd.

Mr. HUMPHREY. Mr. President, I think it would be well if there were a brief quorum call to alert Senators. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. The yeas and nays are ordered. I ask that the roll be called.

The PRESIDING OFFICER. If there be no objection, the treaties will be considered as having passed through their various parliamentary stages, up to and including the presentation of the respective resolutions of ratification. The resolution of ratification of Executive A, 88th Congress, 2d session, will be read.

The legislative clerk read as follows:

EXECUTIVE A

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the protocol between the United States of America and Greece, signed at Athens on February 12, 1964, modifying and supplementing the convention of February 12, 1950, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons. (Ex. A, 88th Cong., 2d sess.)

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the resolution of ratification?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], and the Senator from Connecticut [Mr. DODD] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from

Indiana [Mr. Bayh], the Senator from California [Mr. Engle], the Senator from Massachusetts [Mr. Kennedy], the Senator from West Virginia [Mr. Randolph], the Senator from Rhode Island [Mr. Pastore], and the Senator from Connecticut [Mr. Dodd] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. Mechem], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent, and if present and voting, would each vote "yea."

The yeas and nays resulted—yeas 83, nays 0, as follows:

[No. 438 Ex.]

YEAS—83

Aiken
Allott
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Simpson
Smathers
Smith
Sparkman
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—17

Anderson
Bayh
Cannon
Clark
Dodd
Eastland
Edmondson
Engle
Gore
Kennedy
Mechem
Morton
Pastore
Randolph
Russell
Scott
Stennis

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification of Executive B, 88th Congress, 2d session, will be read.

The legislative clerk read as follows:

EXECUTIVE B

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the Protocol to the International Convention for the Northwest Atlantic Fisheries, signed at Washington under date of February 8, 1949, which protocol relates to harp and hood seals and was signed at Washington under date of July 15, 1963, for the United States of America and 11 other governments. (Ex. B, 88th Cong., 2d sess.)

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the resolution of ratification?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Rhode Island [Mr. Pastore], the Senator from West Virginia [Mr. Randolph], the Senator from Georgia [Mr. Russell], the Senator from Mississippi [Mr. Stennis], and the Senator from Connecticut [Mr. Dodd] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], and the Senator from Tennessee [Mr. Gore] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], the Senator from Massachusetts [Mr. Kennedy], the Senator from Rhode Island [Mr. Pastore], the Senator from West Virginia [Mr. Randolph], and the Senator from Connecticut [Mr. Dodd] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. Mechem], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent; if present and voting, each would vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 439 Ex.]

YEAS—83

Aiken
Allott
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McoGvern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Ribicoff
Robertson
Saltonstall
Simpson
Smathers
Smith
Sparkman
Symington
Talmadge
Thurmond
Tower
Walters
Will'ams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—17

Anderson
Bayh
Cannon
Clark
Dodd
Eastland
Edmondson
Engle
Gore
Kennedy
Mechem
Morton
Pastore
Randolph
Russell
Scott
Stennis

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Without objection, the President will be immediately notified of the consent of the Senate to the ratification of the two protocols.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on State, Justice, and Judiciary Appropriations of the Committee on Appropriations be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, is the Senate operating in the morning hour?

The PRESIDING OFFICER. Morning business is in order.

EDUCATIONAL ASSISTANCE TO CHILDREN OF CERTAIN VETERANS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House: the bill (H.R. 221) to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period, with amendments by the Senate, in which the House concurred, and with House amendments.

The PRESIDING OFFICER (Mr. Walters in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 221, which was read as follows:

Resolved, That the House concur in the amendments of the Senate numbered 1, 2, and 5 to the bill (H.R. 221) entitled "An Act to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period."

Resolved, That the House disagree to the amendments of the Senate numbered 3 and 4 to aforesaid bill.

Resolved, That the House concur in the amendment of the Senate numbered 6 to aforesaid bill with an amendment, as follows: In lieu of the matter proposed to be inserted by said Senate amendment, insert the following:

"Sec. 6. Section 1741(b) of title 38, United States Code, is amended to read as follows:

"'(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 1711 of this title, except that the Administrator may extend such period in the case of any person if he finds that additional assistance is necessary to accomplish the purpose of special restorative training as stated in subsection (a) of this section.' "

"SEC. 7. Section 1643 of title 38, United States Code, is amended by adding at the end thereof the following:

" '(c) In order that effective State control may be maintained over educational institutions participating in educational programs carried on under this title, the Administrator shall continue to utilize State approving agencies in the administration of such programs.' "

Mr. YARBOROUGH. Mr. President, I agree with both parts of the amendment placed in the bill (H.R. 221) by the House. The first part would be an amendment to section 1741(b) of title 38, United States Code. This is almost identical with a bill offered by Senator Hill, S. 2636, and the Veterans' Administration has reported favorably on it. The effect of this part of the amendment would be to permit the Administrator of Veterans' Affairs, in the case of a retarded or otherwise handicapped child receiving special restorative training under the war orphans' educational assistance program to overcome or lessen the effects of a manifest physical or mental disability, to afford more than 36 months entitlement, or its equivalent in accelerated payments, if he finds that a longer period is needed to complete the special restorative program which has been authorized for the child. Under present law, such training may be afforded for a period not to exceed 36 months, and there is special provision whereby a parent or a guardian of a child pursuing an especially expensive course may accelerate the use of its entitlement in order to receive additional money to pay the tuition and other fees applicable to such course. Specifically, the basic rate of special training allowance is $110 per month. However, if the tuition fees applicable to any course are more than $35 per calendar month, the basic allowance may be increased by the amount that such charges exceed $35 per month, but the child's period of entitlement must be reduced by 1 day for each $3.60 that the special training allowance paid exceeds the basic monthly allowance. There is no provision permitting the Administrator to extend the period of entitlement even though a few additional months' assistance may enable the child to complete the course. This amendment would remedy such a situation. The limited impact of this amendment costwise can be estimated by the fact that the number of handicapped children who have been furnished special restorative training since the beginning of the program in 1956 totals only 22 individuals.

I ask unanimous consent that the report of the Veterans' Administration recommending favorable action on S. 2636, by Senator HILL of Alabama, which is the same as this amendment, be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF
VETERANS' AFFAIRS,
Washington, D.C., April 29, 1964.

Hon. LISTER HILL,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report by the Veterans' Administration on S. 2636, 88th Congress, a bill "to amend chapter 35 of title 38, United States Code, relating to educational assistance for war orphans to provide that the Administrator of Veterans' Affairs may afford special restorative training for an additional period of time when he finds such is necessary to overcome or lessen the effects of a physical or mental disability which handicaps the child in the pursuit of his educational program."

The basic purpose of S. 2636 is indicated by its title quoted above. In effect, it would permit the Administrator of Veterans' Affairs to increase the period of time during which a person may receive special restorative training. This training is a form of war orphans' educational assistance, and is designed to overcome or lessen the effects of a manifest physical or mental disability which would handicap an eligible person in the pursuit of a program of education. The nature of such training is indicated by the following excerpt from the report of the House Committee on Veterans' Affairs to accompany H.R. 9824, 84th Congress, the bill which became the War Orphans' Educational Assistance Act of 1956 (H. Rept. No. 1974, 84th Cong.):

"Since some eligible persons are certain to be suffering from physical or mental disabilities which handicap them in the pursuit of their education, this act contains provision for suitable training of such persons, called special restorative training. Special restorative training is intended to provide training or retraining to restore or improve the individual's ability with respect to physical or mental functions in which he is handicapped and which are essential to the normal pursuit of education. It would include courses of training such as language retraining, speech and voice corrections, speech retention or voice retention, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, left-hand or non-dominant-hand writing, personal adjustment training, and so forth. Special restorative training means a plan of training activities and does not mean medical care and treatment."

The basic period of entitlement to special restorative training, and the monthly monetary allowance payable, are both identical to those applicable to war orphans' educational assistance generally; namely, 36 months' entitlement and $110 monthly monetary allowance, respectively. However, if the tuition fees applicable to any course are more than $35 per calendar month the basic allowance may be increased by the amount that such charges exceed $35 per month, but the child's period of entitlement must be reduced by 1 day for each $3.60 that the special training allowance paid exceeds the basic monthly allowance.

There is no provision currently in the law which would permit the Administrator to extend the period of entitlement to special restorative training, even though a few additional months' assistance may enable the child to complete the course. This bill is designed to authorize such an extension in cases where it would otherwise be impossible for the eligible child to complete the program, an authority similar to that provided by 38 U.S.C. 1502(b) with respect to the vocational rehabilitation program for service-disabled veterans. (Under that law the basic period of eligibility is set at 4 years but may be extended by the Administrator where a longer period is needed to effectuate rehabilitation.)

In our opinion the enactment of S. 2636 would be desirable. It would provide financial aid to assist a handicapped orphan to complete the specialized restorative training necessary to continue his program of education and to assume a productive role in society. Moreover, it would eliminate the possibility which now exists that the training and monetary support furnished would be wasted because of the inability of the war orphan to complete the necessary training.

We noted that, under the subject bill, no limitations are placed on the number of months of entitlement except for the age limit now in the law. However, we do not foresee that abuses will occur in providing the additional educational assistance to those orphans for whom it is required. The Vocational Rehabilitation Board, set up in each regional office having vocational rehabilitation and education activities, determines need for special restorative training for orphans. Thus, the decision becomes that of a group of professionally qualified persons and the possibility of abuse is minimized.

Without more specific information on the probable numbers of additional persons who might avail themselves of the proposed benefit, and of the numbers who might want an extension of time and/or who might justify an increased rate of allowance while enrolled, we are unable to make a firm estimate of probable cost. However, based upon the information available, we believe it reasonable to assume that the cost under this proposal probably would not be more than twice the annual rate of cost for persons who would be enrolled for special restorative training under existing provisions of the program. Under this assumption, we would expect that the additional cost probably would not exceed $25,000 a year for an average monthly enrollment of approximately 20 persons.

In view of the foregoing, I recommend favorable consideration of S. 2636 by your committee.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the presentation of this report to your committee.

Sincerely,

J. S. GLEASON, Jr.,
Administrator.

Mr. YARBOROUGH. Mr. President, the second part of the amendment is intended to insure State supervision and control of educational institutions participating in educational programs such as the one which is expanded by this legislation. Resistance to Federal control and the maintenance of State supervision and control of educational institutions has a long and firmly established legislative history in the Congress.

Public Law 550 of the 82d Congress, the so-called Korean GI bill, was designed to correct many of the abuses of the World War II program. One of the principal features of the Korean bill was the provision for establishment of State approving agencies so that the the supervision of educational institutions and the approval of courses available to eligible persons receiving educational assistance would be within the control of the States.

In the 84th Congress, educational assistance was provided for the orphans of veterans who died from a service-connected cause and this act invoked the provisions of the Korean Conflict Act which provided for State supervision and control.

The educational provisions of the Korean GI bill, for all practical purposes, will terminate January 31, 1965. Since the war orphans' educational assistance program continues, it was necessary to provide that State supervision of schools and courses under that program should continue after January 31, 1965. This was accomplished by my bill, S. 330, which was enacted as Public Law 88-126.

The Veterans' Administration has indicated that since the number of persons receiving educational assistance will be reduced after the termination of the Korean Conflict Act on January 31, 1965, it will change its policy so that there will be practically no further utilization of State approving agencies.

I feel that this is contrary to the intent of Congress in enacting Public Law 88-126, together with the entire legislative history on the matter since the Korean GI bill was enacted. Therefore, Mr. President, I concur in the House amendment providing that the Administrator of Veterans' Affairs shall continue to utilize State approving agencies in order that effective State control can be maintained.

It is estimated that the bill (H.R. 221) now under consideration, will provide educational assistance to an additional 2,000 trainees the first year and will reach a maximum of approximately 4,600 trainees in fiscal year 1968. The increase in the number of persons to receive educational assistance from the Veterans' Administration emphasizes the importance of insuring that effective State control of the educational institutions and courses will be maintained.

The State approving agencies do not supervise the individual receiving educational assistance but instead supervise the educational institution and it is clear that a reduction in the number of persons receiving educational assistance will not result in a corresponding reduction of the duties and the time required by the State approving agencies in the performance of their duties.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the report of the Veterans' Administration on the Senate amendments to H.R. 221.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES

VETERANS' AMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D.C., February 19, 1964.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your letter of December 11, 1963, requesting my views with respect to the Senate amendments to H.R. 221, 88th Congress, together with an analysis of their effects.

The amendments made by the Senate to the bill may conveniently be considered to fall into two groups.

Section 1712 of title 38, United States Code, would be amended to add a new subsection (d) as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to him under such subsection by a period of time equivalent to any period of time which elapses between the eighteenth birthday of such eligible person or the date on which an application for benefits of this chapter is filed on behalf of such eligible person, whichever is later, and the date of final approval of such application by the Administrator; but in no event shall educational assistance under this chapter be afforded an eligible person beyond his thirty-first birthday by reason of this subsection."

The effect of this amendment is to add to the period during which an eligible person may receive war orphans' educational assistance under the basic provisions of section 1712 of title 38 (generally 18 through 23 years of age) the period that is required for the Veterans' Administration to process the claim to the point of determining eligibility for the benefit. In the event that an application for war orphans' educational assistance is made before the eligible child is 18 years of age there would be no addition to the period to which the educational assistance could be afforded because of processing time within the Veterans' Administration prior to the child's 18th birthday. While the report of the Committee on Labor and Public Welfare to accompany H.R. 221 (S. Rept. 753) is silent as to the reason for this limitation, we assume that this provision was designed to recognize the fact that any delay in processing the application prior to the child's 18th birthday would not deprive the child of a full 5 years to pursue a course of education as contemplated under the law.

To our knowledge there have been few instances in which eligible persons have lost benefits because of the Veterans' Administration's delay in processing a claim. However, the implementation of this amendment would require additional administrative processes but these, in our opinion, would present no particular difficulties. We have no means of estimating the numbers who would be affected or the possible increase in the administrative cost which would result from enactment of the amendment, but both the number and the amount would be small. Therefore, we have no objection to this amendment.

The remaining Senate amendments have the effect of amending section 5 of the bill to read as follows:

"SEC. 5. (a) In the case of any individual who is an 'eligible person' within the meaning of section 1701(a)(1) of title 38, United States Code, solely by virtue of the amendments made by this Act, and who is above the age of seventeen years on the date of enactment of this Act, the period referred to in section 1712 of title 38, United States Code, shall not end with respect to such individual until the expiration of the five-year period which begins on the date of enactment of this Act, excluding from such five-year period any period of time which may elapse between the date on which application for benefits of chapter 35, United States Code, is filed on behalf of an eligible person and the date of final approval of such application by the Administrator of Veterans' Affairs; but in no event shall educational assistance under chapter 35, title 38, United States Code, be afforded to any eligible person beyond his thirty-first birthday by reason of this section.

"(b) Any individual who is an 'eligible person' within the meaning of section 1701 (a)(1) of title 38, United States Code, due to his parent's death as a result of a service-connected disability shall be considered to be an 'eligible person' solely by virtue of the amendments made by this Act if his eligibility due to his parent's death occurred after the age limitation applicable to him under section 1712(a) of title 38, United States Code, and if he is an 'eligible person' as defined in the amendments made by this Act."

As it passed the House, section 5 of H.R. 221 was a standard "savings provision" designed to assure that any person above the age of 17 years and below the age of 23 years on the date of the bill's enactment, and who was first made eligible as a result of such enactment, would have a full 5 years to pursue a course of education. A provision of this nature was included in the basic War Orphans' Educational Assistance Act of 1956 (Public Law 634, 84th Cong.) and has been made applicable to all extensions to the war orphans' educational assistance program which have been enacted subsequently.

The effect of the Senate amendments is threefold. Most importantly, they would permit a person over the age of 23 but under the age of 31 on the date of the bill's enactment to receive war orphans' educational assistance until the date 5 years after the bill's enactment, or until his 31st birthday, whichever was the earlier. The general principle of exclusion of time between the time of filing of claim and the time the Veterans' Administration determines eligibility would be made applicable to this 5-year period so that training could, in practical effect, extend longer than 5 years beyond the date of the bill's enactment. And, finally, the temporary authority to afford training to a person who became eligible after his 23d birthday would extend not only to individuals who were first made eligible by the enactment of H.R. 221, but would also be available to persons whose parents died of service-connected causes while a disability evaluated as "total disability permanent in nature" was in existence.

Section 5 of the bill, as amended by the Senate, would for the first time depart from the general principle applicable to the war orphans' educational assistance program that the benefit will only be available if the child becomes eligible prior to his 23d birthday. The report of the Senate Committee on Labor and Public Welfare to accompany H.R. 221 (S. Rept. 753, 88th Cong.) explains the reason behind the amendment in the following language:

"The rationale of a savings clause such as section 5 of H.R. 221 is that an eligible person should not have his rights reduced simply because the bill had not been enacted at an earlier date. In this instance the committee decided that this reasoning had equal validity in the case of an eligible person who was 23 or over on the date of enactment as it did in the case of an eligible person under the age of 23 on the date of enactment. Section 5 as amended applied only to those persons made eligible solely by the enactment of this act."

The report contains the further explanation that subsection (b) of section 5 was added "to avoid any unjust discrimination in the application of section 5 against the children of a parent who died as result of his service-connected disabilities,".

We are sympathetic to the purpose behind this Senate amendment and would not object to this exception from what would continue to be the general rule if true equality of treatment would result. Unfortunately this is not the case, since the amended section 5, even with the addition of subsection (b), would discriminate against children whose parents died from a service-connected disability but who at the time of death had a disability rating other than permanent and total. Moreover, there does not appear to be any practical way of revising the Senate amendment to achieve equality of treatment between the new groups which would be made eligible by H.R. 221 and the "war orphans," who are the primary beneficiaries of the program. The deletion of the 23-year age limit from section 5 for all eligible persons would be the most liberal possible approach, unless age limits are to be abandoned entirely, and thus would go the furthest toward eliminating all inequalities, but even this would not solve the problem. There would be individuals barred from the program because they were over the age of 23 upon either the date of the enactment of the original 1956 act or on the date of the applicable amendment, would still be barred because they now have passed their 31st birthday.

Under these circumstances it appears to us that the House version of section 5 of the bill, that is, limiting the savings provision to persons between the ages of 18 and 23 on the date of the bill's enactment, is the more equitable, since it affords the same treatment as was afforded the earlier classes of beneficiaries. I would see no objection, however, to the language added by the Senate which applies the principle of excluding processing time from the computation of the 5-year period following the bill's enactment. This would merely carry out the pattern of the proposed 1712(d) of title 38, United States Code.

We are unable to estimate the number of persons who would be affected by the additional Senate amendments, nor the cost involved. However, we do not believe the number and cost would be more than the estimates contained in my report to the chairman, Senate Committee on Labor and Public Welfare, which appear on page 6 of the report of that committee to accompany the bill.

We are advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the presentation of this report to your committee.

Sincerely,

W. J. DRIVER,
Deputy Administrator
(For and in the absence of
J. S. Gleason, Jr., Administrator).

Mr. YARBOROUGH. Mr. President, I move that the Senate recede from its amendments Nos. 3 and 4, and concur in the amendment of the House to Senate amendment No. 6.

The motion was agreed to.

PRESIDENT LYNDON B. JOHNSON MAKES STIRRING ADDRESS AT LOS ANGELES

Mr. YARBOROUGH. Mr. President, the address by President Lyndon B. Johnson at the Palladium in Los Angeles, Calif., on June 20, was a stirring call to the hearts and minds of the people of America.

It was a white paper on democracy, a Magna Carta for the good of the people.

It set forth the high goals of progress, prosperity, peace and strength, social justice, compassion for the less fortunate among us, that bind Americans together; that mark the true path to glory of a nation.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT DEMOCRATIC FUNDRAISING DINNER AT THE PALLADIUM, LOS ANGELES, CALIF.

Governor Brown, Mr. Six, former secretary and future Senator Pierre Salinger, General Mosk, Senator Byrnes, my great friends, the members of the California delegation in the Congress, ladies and gentlemen, it is good to be here in the largest county in the largest State in the most powerful and prosperous country in the world, speaking to my fellow members of the largest political party in the Nation. I came out here to tell you that we are going to keep it that way. I understand there has been a lot of debate here recently about the mainstream. I have no opinion about who is in the mainstream of the other party, but I do know it is the Democratic Party which is in the mainstream of American life. And we are going to prove that once again next November.

I brought my press secretary, George Reedy, with me, I was a little afraid to do this, but Pat Brown said it was all right, that you didn't have another Senate race until 1968—although it was nice of Jesse Unruh to offer a job to him in the movies.

I want you to know this, that despite what I have read recently in the papers about what is going to happen next month, I am not yet ready to declare the San Francisco Cow Palace a disaster area.

You and I share a great tradition, the tradition of the West. Here in California, and in my home State of Texas, brave men carved an empire from the emptiness of the land. Some say that the West is gone, that the pioneer spirit perished when the frontiers were finished. But they were wrong. For the West is not just a place. The West is a vision of the mind, a vitality of the heart, a vigor of will. The West prefers courage to cowardice, and enterprise to ease, adventure to restfulness, the challenges of the future to the comforts of the present. This is still the spirit of California and Texas. It is still the spirit of the Democratic Party. And this November we are going to see again that it is the entire spirit of the entire United States of America.

We remember and praise the heroes of the West. But the West was not built by heroes alone. It sprang from the work of millions of men and women—unknown and unsung—who came together to build homes and churches, and schools, who cooperated to end lawlessness and develop resources, pursuing progress and raise communities on the edge of conflict.

The keystone of our conquest was cooperation. That cooperation, that sense of brotherhood and unity, was possible because they shared a common enterprise and they shared a common enemy in the wilderness. As a nation we had this same sense of unity in time of war. Then, too, we shared a common enterprise and a common enemy.

Tonight, I have again called on that tradition, I have called for national unity, for an end to difference and division, for an end to rancor and reproach. I base this call on the hard fact that today, for almost the first time in our peacetime history, the great majority of the American people have a common enterprise and a common enemy. They have essentially the same goals. They harbor the same fears. They hold the same high hopes. If we can transform this unity of interest into unity of purpose, there is no limit to the greatness that is within our grasp. What are the goals on which the great majority of the American people agree?

First, we want peace. We want an end to the threat of nuclear destruction. In the past 4 years we have taken more tangible steps toward this goal than at anytime in our postwar history. We intend to continue to seek a world where men and women are free from the fear of war.

Second, we want America to be strong. We know, as George Washington said, that "to prepare for war is one of the most effectual means of preserving peace."

Today, America is first among the nations in strength. California is first among the States in contributing to that strength. And I tell you tonight that America and California are going to always remain first.

Third, we want to continue the upward progress of prosperity. In the past 4 years national income has gone up. Unemployment has gone down. Recessions have become a memory. And the rising tide has lifted nearly all the boats. Business knows its market depends upon fair wages for workers, and labor knows a business must have the incentive of profits if it is to create new jobs. Nearly all Americans know that the prosperity of each individual depends upon the health of every part of the economy. We will continue, as long as we are in office, to pursue the policies which have created prosperity for all of us in America. One of those policies has resulted in the largest tax cut in American history. Next year alone in the six major metropolitan areas of California—including Los Angeles—this tax cut will put an extra $840 million in the hands of citizens and businesses in California.

Fourth, we want to and must eliminate poverty. We want this out of compassion for the oppressed and the awareness that the entire economy will rise as more people share in the benefits of our society. And we are going to wage war on poverty until we finally win.

Fifth, we want every American of every race and color to enjoy the full blessings of American liberty. I know that contending passions and prejudices are deeply woven into the fabric of our Nation. But I believe that the basic sense of decency and human dignity, of justice and moral truth is in the hearts of the great majority of our people. This basic sense of decency commands that every American shall have his full constitutional rights.

Sixth, we share a care and a concern for the elderly, for the sick and for the handicapped. We will not turn our back on those who through no fault of their own can no longer sustain themselves. Our party, the Democratic Party, has always been the special agent of the American aid toward compassion. To us the old, the sick, the hungry, the helpless have represented not failures to be forsaken, but human beings to be helped. This Nation will never again fall into indifference toward the distressed and the despairing.

Since 1960 we have increased or extended social security benefits to 5 million additional people. We have increased housing for the elderly four times. We have allowed older workers to earn more while receiving benefits. We have launched a council on the aging. But this, all this, is just the beginning. We are also writing a new chapter of opportunity for older Americans. That chapter includes: medical care through social security. This will help 17 million Americans meet the crushing costs of hospital care.

High quality medical services through renovating and constructing hospitals and nursing homes. They will benefit all the people of our Nation and will give increased benefits under the social security program in addition. We promised an expanded volunteer program for senior citizens to use the wisdom and the energies of older Americans to help the underprivileged here and to help them throughout the world.

So with this charter of opportunity for our older citizens we can move toward the day when advancing years will not mean fear and loneliness but will mean a bright renewal of hope and a rebuilding of happiness. All these shared American goals underlie my hopes for national unity. We must now work to show the American people that our test of greatness will come not from open conflicts between fellow citizens, but from facing the forces of poverty and racial injustice; not from the ambitions of our neighbors, but from the abundance that we must use to enrich the life of our Nation. By understanding this, we can turn unity of interest into unity of purpose, and unity of goals into unity in the great society. That achieved, we will eliminate racial injustice from our society. We will be able to abolish poverty from our land. We will remove fear from our future. We will remain strong while finding the path to peace.

In the last few decades, California has exploded with the energy of a growth which has brought a better life to millions. This is a great achievement, and the entire country is proud of what you have done here. But tonight I ask you to join with me, and join with your country, on the path of a united nation pursing the great society. Then it will be that future citizens of California—in a day not too distant—will look back at 1964 and say not "That was our golden age"—not "That was the good time"—not "That was the height of our greatness." Then we will all be able to look back and say, "That was only the beginning."

Thank you, and goodnight.

TEXAS AND SOUTHWESTERN CATTLE RAISERS' ASSOCIATION DIRECTORS CALL FOR LIMITATION OF FOREIGN MEAT IMPORTS

Mr. YARBOROUGH. Mr. President, the Texas and Southwestern Cattle Raisers' Association at a directors meeting in Bay City, Tex., on June 13, 1964, has reaffirmed its strong support for legislation restricting future foreign imports of beef to the average of the 5 preceding years.

I strongly support the Southwestern Cattle Raisers' Association, which I believe to be representative of the cattle industry throughout the United States.

That is why I have cosponsored with Majority Leader MIKE MANSFIELD, of Montana, and others, the bill, S. 2525, which would achieve the nominal and justifiable goal of the cattle industry.

I ask unanimous consent that the text of S. 2525 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total quantities of beef, veal, and mutton (in all forms except canned, cured, and cooked meat, and live animals) originating in any country which may be entered, or withdrawn from warehouse, for consumption during any period of twelve months shall not exceed the average annual quantities of such products imported from such country during the five-year period ending on December 31, 1963: *Provided,* That beginning January 1, 1965, there may be an annual increase in the total quantities of such products which may be entered, or withdrawn from warehouse, for such purpose, corresponding to the annual rate of increase in the total United States market for such products, as estimated by the Secretary of Agriculture.

Mr. YARBOROUGH. Mr. President, the cattle industry in Texas and elsewhere is suffering unjustly from heavy importation of foreign meat. The production of meat is a vital segment of the American economy. To illustrate the position of the Texas and Southwestern Cattle Raisers' Association, which I believe is deserving of the fullest support by this Congress, I ask unanimous consent to have printed in the RECORD a letter from Joe S. Fletcher, secretary-general manager of that distinguished organization and the text of the resolution which it adopted.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

TEXAS AND SOUTHWESTERN
CATTLE RAISERS ASSOCIATION,
Fort Worth, Tex., June 19, 1964.

Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Please find attached hereto a copy of the resolution that was adopted at our directors meeting in Bay City, Tex., on June 13, 1964, concerning the reaffirmation of the position of the Texas and Southwestern Cattle Raisers Association in regard to legislation restricting the importation of beef and beef products into this country.

Although we heartily agree with the administration that every potential market should be developed in order that as much of our surplus domestic production might be disposed of, we still feel that legislation is the only answer to the controlling of the importing of beef and beef products into this country.

With kindest personal regards,

JOE S. FLETCHER,
Secretary-General Manager.

RESOLUTION BY SOUTHWESTERN CATTLE RAISERS ASSOCIATION

Whereas the American beef cattle industry continues to be faced with serious and detrimental effects from the foreign beef and veal imports entering this country, and

Whereas the welfare of the American beef cattle industry is of importance to the general economy of the Nation: Now, therefore, be it

Resolved, That the Texas and Southwestern Cattle Raisers Association reaffirms its position of strong support for legislation now under consideration of Congress which would restrict future foreign importations of beef to the average of the 5 immediately preceding years. The association applauds and pledges its cooperation to the efforts of groups such as President Johnson's team of ranchers, feeders, packers, and Government officials which are engaged in efforts to develop outlets for American beef in the European market. However, the association is convinced that these programs, as valuable and as important as they are, will not provide a total immediate or long-term answer to the problems facing the domestic beef cattle industry; nor do they in any way eliminate the responsibility of the Congress of the United States itself to recognize the importance of the welfare of the domestic cattle industry to the general economic well-being of the Nation and to evidence this recognition by providing adequate protective beef import legislation at an early date.

A TRIBUTE TO THE LATE FORMER GOV. WILLIAM P. HOBBY, OF TEXAS

Mr. YARBOROUGH. Mr. President, the passing of former Gov. William Pettus Hobby, of Texas, was a saddening loss to the State he had loved and served so well, not only as Governor in the troubled years of World War I but as head of newspapers and television and radio media.

Governor Hobby contributed greatly to the growth of the State during the years of change from 1917 to 1921, and was also influential in the remarkable post-World War II growth and development of the Texas gulf coast, where he was owner of the Houston Post, the Galveston News, the Texas City Daily Sun, and radio and television stations, all of which have won honors for public community service of State and National significance.

I ask unanimous consent that the following articles, telling something of the life and works of this great man, be printed in the RECORD: "Former Gov. W. P. Hobby Dies Quietly at Age of 86," the Houston Post, Sunday, June 7, 1964; "Gov. W. P. Hobby's Funeral Is Today—State in Mourning," the Houston Post, Monday, June 8, 1964; "Houston's Leaders Pay Tribute," the Houston Post, Monday, June 8, 1964; "William P. Hobby, 86, Is Dead—Governor of Texas, 1917 to 1921," the New York Times, Monday, June 8, 1964; "Governor Hobby Is Buried After Solemn Rites," the Houston Post, Tuesday, June 9, 1964; "Governor Hobby's Lasting Legacy," San Antonio Express, Tuesday, June 9, 1964; "Trustees' List Honors Governor Hobby," the Houston Post, Tuesday, June 9, 1964; "Tribute Is Paid Hobby in Senate," the Houston Post, Tuesday, June 9, 1964.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Houston Post, June 7, 1964]

FORMER GOV. W. P. HOBBY DIES QUIETLY AT AGE OF 86—POST'S CHAIRMAN STARTED AS A CUB

Former Gov. W. P. Hobby, whose foresight opened the door to the most momentous era of change in Texas history, died Sunday at his home after a long illness. He was 86.

Death came quietly at 1:45 a.m. to former Governor Hobby, who had been the guiding hand of the Houston Post since 1924 and its board chairman since 1955.

Governor of Texas from 1917 to 1921, he led the State into a great period of expansion and saw it rise in his lifetime to the industrial empire it is today.

Survivors include his wife, Oveta Culp Hobby; a son, W. P. Hobby, Jr.; a daughter, Mrs. Henry Edward Catto, Jr.; two granddaughters, Laura Poteat Hobby and Heather Catto, and four grandsons, John Hobby Catto, William Halsell Catto, Paul William Hobby, and Andrew Purefoy Hobby.

Funeral arrangements will be announced.

Governor Hobby's death—most people had called him Governor since 1915—marked the end of a distinguished career both as a newspaperman and as a civic and political leader of his State.

He was one of the best known and most beloved Texans of his generation, and in a period of the State's history that produced many giants, he contributed largely to the development and progress of Texas as it moved forward in the exciting 20th century.

Governor Hobby's career as a newspaperman began as a cub reporter and ended as the publisher of his own newspaper. In the governmental field, his career began with his work as a political reporter and culminated in his occupancy of the governor's office in Austin. As a leader of his community, he watched and helped Houston grow from a modest if bustling city of 50,000 to its present large and even spectacular estate.

He was so kind a man that kindness became a fault, possessed of so direct and spontaneous a wit that his friends feared it little less than his political adversaries did, the owner of a talent, more classic than modern, for coming straight to the point in the manner of Caesar or Nathan Bedford Forrest.

In his rise to the top level in politics and publishing, Governor Hobby remained totally without the pretension that success brings to many men.

Once, in a hurry to keep a luncheon engagement and unable to find his driver, Governor Hobby intercepted a copyboy who was on his way downtown with a bundle of advertising proofs.

"Have you a car, son?" he asked.

"Yes, sir," the boy replied with some embarrassment, "but I don't think you'll want to ride in it."

His car was ancient and dilapidated. It had no top, only three fenders, and the windshield was broken.

When the boy brought the car around, Governor Hobby smiled.

"Will it get me to the Rice?" he asked.

It got him to the Rice, where the towering and replendently uniformed doorman did his best to conceal his bewilderment as he struggled with the car's balky door.

William Pettus Hobby—to give him his full name—was born on March 26, 1878, in the little logging and sawmill town of Moscow in Polk County. That is in deep east Texas on the fringe of the Big Thicket country.

His father was Capt. Edwin E. Hobby, a veteran of the Confederate Army who later was a State senator, a district judge and the presiding member of the temporary State commission of civil appeals.

His mother was Eudora Adeline Pettus, the daughter of a Virginia physician. Her family home was on a plantation at Sartartia, often called Walker Station.

Will Hobby had three brothers and two sisters. One sister, Miss Laura Aline Hobby, and a sister-in-law, Mrs. Alfred M. Hobby, survive him. They both live in Dallas.

Another sister, Mrs. Mary Hobby Aims, died February 18, 1958.

Most of Will Hobby's early boyhood was spent in Livingston, the seat of Polk County government and of his father's court. In 1893, when the boy was 15, Judge Hobby, defeated for reelection, decided to move to Houston and become the law partner of John Henry Kirby.

The Houston of that day—portly Grover Cleveland was in the White House and Charles A. Culbertson had succeeded Jim Hogg as Governor—was a bustling little city of 50,000 and notable chiefly as the capital of the lumber industry.

The Hobbys moved into a house on McKinney Avenue, and young Will enrolled at Houston High School, which was then in a temporary building next to the Post on Congress Avenue.

Perhaps he dawdled at the Post on his way to and from school and got caught up in the excitement a newspaper shop generates when a big story is breaking.

But, whatever beckoned him, on March 2, Texas Independence Day, in 1895, Will Hobby took advantage of the holiday to lay down his books and go to work for the Post as a circulation clerk for $8 a week.

Though his job was in the business end, Will's heart was in the editorial room. There he met a young columnist whose debonair manner and gift for words greatly impressed him.

He hung around his talented friend, fetching him coffee and sandwiches and generally making himself useful.

When, one day, an authoritative caller asked to be directed to a Mr. Porter's desk, Will was happy to oblige.

The caller was a deputy sheriff from Austin—a fact he didn't make known—come to arrest Will's friend, William Sidney Porter, on a charge of embezzling money from a bank. Porter jumped bond and fled to Honduras.

He later won literary fame as O. Henry.

In a few years young Will was a reporter himself—at the then princely sum of $22.50 a week.

When young Hobby joined the Post, it was owned or directed by Judge E. P. Hill. Soon afterward J. L. Watson became the principal owner.

In 1896, Will helped move the equipment from the Larendon Building at 1111 Congress Avenue to the McIlhenny Building at Fannin Street and Franklin Avenue. A year later, Watson became seriously ill and retired to North Carolina, where he died. He left the paper to his son, Roy, but named three trustees, Col. Rienzi Johnston, G. J. Palmer, and H. F. MacGregor.

By 1900 Colonel Johnston, who had taken an interest in Will, made the young man, then 22, a part owner by selling him 10 shares of stock.

The paper prospered under the trustees and all the more so when the Spindletop oil boom started in January of 1901.

Marcellus Foster, then the business writer, scored a scoop with a story on the formation of the Houston Oil Co. and the Kirby Lumber Co. But he needed background information on Kirby, and it was Will Hobby who interviewed Kirby and got it for him. Colonel Johnston promoted Foster to city editor, and the latter then hired Hobby as business writer. That was in August of 1901.

A year earlier, Will Hobby had made his first appearances on the political scene. In the county convention of the Democrats, as often embattled then as nowadays, there was a struggle between the Brashear forces and the Brown forces over a resolution directed against the Post.

The 22-year-old Hobby got up and said: "I think we should have harmony." Right there he enunciated a lifelong policy, one of seeking to reason with an opponent.

(A few years ago Governor Hobby used his peacemaking talents to end a feud between a couple of prominent Houston businessmen whose intemperate public quarreling had alarmed their friends. The two were persuaded to attend a truce dinner at which Governor Hobby was toastmaster. "Gentlemen,"— he began, then paused to look at each of the feudists— "and I hope to include you, Mr. ———, and you, Mr. ———. in that category." The feud dissolved in a roar of laughter.)

With much help and advice from Colonel Johnston, young Hobby took a more and more active interest in politics, as a participant and as a reporter. With J. B. Marmion and Chester Bryan he was a founder of the Young Men's Democratic Club of Houston. In 1904 he became secretary of the party's State executive committee.

In the meantime Hobby had become the city editor. Marcellus Foster had made money at Spindletop and gone on to organize the Houston Chronicle. Clarence Owsley was hired as managing editor of the Post.

Two of Hobby's feats of editing were long remembered. In 1905, when he had become acting managing editor after Owsley left for another job, there was a courtroom shooting affray in Hempstead. Congressman John M. Pinckney and three other men were killed. The tip came from a railway telegrapher.

The young editor sent his ace reporter, Harry Daugherty, to the scene and organized the rest of the staff to get background material. He had to hold the presses until daybreak. It was not until 3 a.m. that Daugherty got the story to him over the nearest available telephone several miles south of Hempstead.

The editor covered most of the front page of the paper with the story. The Post scooped the world, being far ahead of the wire services and a day ahead of any other morning paper. The presses rolled most of the morning, printing thousands of extra copies. For this feat Colonel Johnston made Will Hobby managing editor.

The other spectacular story came in covering the Joe Bailey-M. M. Crane debate in the city auditorium in 1906. Hobby had a dozen stenographers taking down every word and sending copy to the printers in takes. The Post carried pages of information and sketches of the debaters and the crowd, leaving little for the Chronicle. The debate was considered a triumph for Senator Joe Bailey.

Hobby's opportunity to rise from editor to publisher came in 1907 and took him away from Houston for 17 years.

One day a group of Beaumont men, headed by his friend Walter Crawford, called on him and invited him to take over the Beaumont Enterprise. The oil boom had moved away from Beaumont, and the panic of 1907 was on. The group had saved the Enterprise from bankruptcy. Its members offered Hobby a salary of $200 a month and an opportunity to buy half the newspaper's stock on credit at once, with an option to buy the rest of it.

Editor Hobby accepted the offer. His fellow workers gave him a surprise party and then a farewell dinner.

It was hard to meet the payroll during that first year in Beaumont. One day A. L. Williams, president of the First National Bank and also a director of the paper and a large stockholder, said to him: "Look here, Will, you've got to quit making overdrafts on the bank. I'm not going to pay any more hot checks."

With a $2,000 payroll due, Hobby had the checks drawn, told the business office to pay the employees and caught a train for New Orleans. He stayed there a few days to let things blow over. The bank cashed the checks. Not too long afterward, the Enterprise was making money.

Hobby prospered in Beaumont. He became president of the chamber of commerce and took the lead in many other civic undertakings. With John Henry Kirby and others, he played a large part in making Beaumont a major port and industrial center. He became one of the leaders in the Associated Press in Texas and was the prime organizer of the Texas Election Bureau, set up to collect statewide election returns.

In 1913, Hobby and his brother, Edwin, bought the Waco News for $75,000. They had the idea of promoting a railroad between Waco and Beaumont, running through a rich farming belt to the port. But the idea never quite took hold and in 1914 the brothers sold the News for a profit of some $10,000.

It was in the same year that Will Hobby, somewhat unpremeditatedly, ran for lieutenant governor and was elected. His decision to become a candidate was not reached until a few hours before the filing deadline on May 31.

A group of Beaumont friends later said it was they who first suggested that Hobby make the race and attempted to persuade him. They pointed out that his many friends over the State and his knowledge of State politics would be assets in the campaign. They felt he would receive substantial support from fellow publishers.

As Hobby told it, he finally decided to make the race while visiting his brother, Edwin, in Dallas to discuss the sale of the Waco News. He was preparing to catch a train back to Beaumont when he was hailed in the lobby of the old Oriental Hotel by Rawlings Colquitt, son of the Governor, and asked to join a group of friends who were discussing the year's political races.

James E. Ferguson and Tom Ball had announced for Governor. Senator B. B. Sturgeon, a strong prohibitionist, was expected to win the lieutenant governorship easily. The talk centered on what would happen if Ferguson, opposed to prohibition, became Governor while Senator Sturgeon, as Lieutenant Governor, presided over the senate.

Hobby, also opposed to prohibition, was persuaded to offer himself against Senator Sturgeon. The filing deadline for State offices was only hours away. Edwin Hobby was called in to approve the plan. A messenger was put on the last train for Hillsboro, where the filing had to be done before midnight.

It was the young publisher's first campaign. Walter Crawford, one of those who had persuaded him to take over the Beaumont Enterprise, was his manager. He was, of course, aided by influential friends like Colonel Johnston of the Post and John Henry Kirby.

The race was a close one. Hobby's margin was 12,000 votes out of 350,000 cast. Jim Ferguson was elected Governor. In January of 1915, Lieutenant Governor Hobby—to be known thereafter as Governor all his life—called the Texas Senate to order in the chamber which he had visited only a few times since childhood, when his father had been a member.

After the close of the legislative session, the Lieutenant Governor went back to Beaumont. On May 15, 1915, he and Miss Willie Cooper went to New Orleans and were married. Several friends went along, among them the bride's father, former U.S. Representative Samuel Bronson Cooper, who was one of Judge Hobby's former law partners.

Cooper had long been prominent in the politics of southeast Texas. He had served as county judge of Tyler County and as a State senator, haivng been elected president pro tem of the senate at the end of the 18th legislature. Later President Grover Cleveland named him district internal revenue collector. Between 1893 and 1909 he served 14 years in Congress as representative of the Second Texas Congressional District and helped bring deep water to the ports of the Sabine area.

Cooper was one of the authors of legislation which authorized the building of the Intracoastal Canal. In 1910, President William H. Taft appointed him a member of the Board of General Appraisers of the United States with headquarters in New York. He headed the Texas delegation to the Democratic National Convention in 1904.

Lieutenant Governor Hobby had no opposition for reelection in 1916. Governor Ferguson also was reelected after a close race against Charles H. Morris.

The new session of the legislature in 1917 brought trouble. Europe had been at war for 3 years. Governor Ferguson was accused of mismanaging State funds. Then he threatened to veto appropriations for the University of Texas and set up an uproar among students and alumni. Impeachment proceedings were brought, and Ferguson was removed from office. Lieutenant Governor Hobby automatically became Acting Governor.

A little earlier, President Woodrow Wilson had appointed the Lieutenant Governor secretary of the first Federal land bank in Texas, and he had expected to resign his State office at the end of the legislative term to devote full time to the bank. The United States had declared war on Germany in April, only 6 days after the close of the regular session.

At 39, Will Hobby was the youngest man to become Governor of Texas up to that time and was the 26th man to hold the office. He and the legislature faced many problems. The country was at war. Texas was its chief training ground for troops. The pink bollworm threatened the cotton crop; in those days the State's principal moneymaker rather than oil. There was a serious drought over a great part of Texas.

Governor Hobby's skill in negotiating with the lawmakers then and later was greatly admired. The 4th called session of the 35th legislature was the most productive of the kind in Texas history. In 30 days, 95 general laws were enacted, among them the ratification of the 18th or prohibition amendment to the U.S. Constitution.

A State law against liquor sales near army camps had virtually dried up the State since the camps were so numerous. Governor Hobby, hitherto a lifelong antiprohibitionist, suggested a statewide, wartime prohibition law, and the legislature enacted it. It was drafted by Senator W. L. Dean, of Huntsville, who later remembered with amusement that Governor Hobby suggested to him: "Don't make it too drastic, Luther."

Governor Hobby also submitted and had passed at the special session a law giving women the right to vote in primary elections. There was considerable opposition to it.

Other major legislation at that time included drought relief, the law requiring runoffs when candidates lacked clear majorities in party primaries and State aid for schools and highways.

Many legislators favored a law to keep Jim Ferguson from ever holding office again. Governor Hobby opposed it on the ground that the voters should be allowed to express themselves. Farmer Jim did run again, and the contest between him and Governor Hobby was an exciting one. Hobby won by the biggest majority ever returned in a Texas Governor's race up to that time or for years thereafter.

Governor Hobby's full term in office was occupied largely with the problems of wartime, the drought and the pink bollworm. Half of the country's military camps and most of its airfields were in Texas. The State had 204,000 men in the armed services. Ferguson had opposed the draft and had campaigned against it. Governor Hobby, after taking office, set up the system quietly and effectively.

As a newspaperman himself, Governor Hobby was candid and open with the capitol press. His office was never closed to a reporter. His administration had brought the enactment of the law on privileged matter, which forbids star chamber sessions of city, county, and State official bodies.

Other important laws included that for oil conservation and the establishment of the oil and gas division of the railroad commission, the creation of the State board of control, and legislation for free textbooks in the public schools.

Governor Hobby ended his term with 95 percent of his program adopted. He was urged to run for Governor another term but declined. He also declined to offer as a candidate for the U.S. Senate, to head the Texas delegation to the Democratic National Convention or to let his name be presented for the vice-presidential nomination. He said he wanted to go back to Beaumont and his newspaper.

Back in Beaumont and before he finally returned to Houston in 1924, he bought the Beaumont Journal and combined its operations with those of the Enterprise. It was an idea that was to spread widely in the newspaper industry, although not always executed with the same success.

Advertising was sold for both papers, morning and evening, instead of for only one. The total rate was lower for the advertiser, and the market coverage was complete. The editorial staffs were separate and competitive.

Governor Hobby visited Houston frequently during this period. The Post, as he had known it, had changed. Colonel Johnston and many of the others had gone. Young Roy Watson, whose property had been operated in trust for 20 profitable years, had returned to take over. His chief interest, however, was in the church.

Eventually, Ross Sterling, oil operator and later Governor of the State, bought the Post and combined it with his own newspaper under the name of the Post-Dispatch.

Sterling had known Hobby as Governor and had supported him for office. He invited his friend to return to Houston and become president of the combined Post-Dispatch. Governor Hobby accepted, leaving Jim Mapes in charge of his Beaumont papers. Ray Dudley, who later built up a big printing and publishing business, was the general manager of the Post-Dispatch.

The first sputterings of radio were being heard about that time, and Governor Hobby was determined that his newspaper would have the first station in Houston. A hole was knocked through the roof of the Post's old building on Polk and Dowling and a broadcasting studio built.

On May 9, 1925, KPRC (Kotton Port, Rail Center, were what the call letters were supposed to stand for) went on the air with the President Calles' First Garrison Band of Mexico City providing the music.

"We can conceive of no greater service we can render our city, our State and our Nation than to pledge this station to the cause of better understanding," said Governor Hobby at the ceremonies.

Though audience ratings were then undreamed of, the Post knew with a fair degree of accuracy how many listeners were tuned in to its infant station—it had given away 12,000 crystal sets as subscription premiums in a day when radios were uncommon.

Houston grew rapidly during that period, more than doubling in population and becoming Texas' largest city. In 1928, Governor Hobby and Jesse H. Jones were thrown together in planning for the Democratic National Convention that Jones had underwritten for Houston. A lasting friendship resulted.

On January 15, 1929, Mrs. Willie Cooper Hobby died unexpectedly of a cerebral hemorrhage at the Hobby home on Montrose Boulevard. It was the end of a happy and devoted marriage, and a second blow to the Governor, coming little more than a year after the death of his beloved brother, Edwin.

The end of 1929 brought the beginning of the depression, and by the middle of the next year the Post-Dispatch had begun to feel the pinch.

In the same year, Ross Sterling was elected Governor. The State's economy had been badly weakened. The great east Texas oil field had been brought in, and there was much confusion before orderly proration was instituted. Sterling was beaten in his race for reelection by Mrs. Miriam A. Ferguson, wife of the former Governor.

A change in the ownership of the Post brought in J. E. Josey as titular head of the newspaper. Governor Hobby retained the presidency and executive control. Indeed, Josey announced that Governor Hobby would be in absolute charge, since he himself was occupied with his own business and had no experience in newspaper publishing.

During the worst of the depression, the paper had a grim struggle for survival, and on one occasion Governor Hobby called a meeting of the editorial staff, and put the plain facts before them all. They all did their best to help, and they got out a first-class paper for him with a short crew.

In February of 1931 in Temple, Governor Hobby was married to Oveta Culp, the daughter of an old friend who had once served in the legislature. Miss Culp had been a parliamentarian for the Texas House of Representatives.

Mrs. Hobby was intensely interested in both politics and journalism. She and the Governor were a team.

As the years went by, Governor Hobby increased his holdings in the Post, and by 1939 he owned it. He had changed its name back to the Post, the name it had held when he first went to work on it as a boy of 16 for $8 a week.

When Governor Hobby went to work for the Post in 1895, its circulation was only a few thousand. When he returned to the paper in 1924 the circulation was less than 40,000. By 1940 its readership was 100,000. By 1961 it had become the largest newspaper in Texas in daily and Sunday circulation—its daily circulation 227,627 and its Sunday circulation 247,741.

A year after their marriage, on Oveta's birthday in 1932, Governor Hobby's son and heir, William Pettus Hobby, Jr., was born. 5 years later, to the day and almost to the hour, Jessica was born.

As Mrs. Hobby became more skilled in the intricacies of newspaper publishing, the Governor constantly added to her responsibilities.

Now Mrs. Hobby is president and editor of the Post.

As the children grew up, they took an interest in the business. While in college William, Jr. worked on the Post as a general assignments reporter and rewrite man, and at various times he has worked in every department of the paper. Now he is executive vice president and executive editor. Jessica (now Mrs. Catto), who has also worked on the paper, is now assistant secretary of the company. William, Jr.'s wife, Diana Poteat Hobby, is book editor.

As Oveta Culp Hobby accepted more responsibilities on the paper, the Governor was able to give more attention to civic affairs in Houston and in Texas.

The Governor had a continuing interest in the development of an adequate and modern highway system for the State and the gulf coast area. He served as chairman of the highway committee of the Houston Chamber of Commerce for 12 years. When he retired from the position, he was presented with a certificate which said in part: "Realizing that no community lives unto itself alone, he has long recognized that the progress of one community is an index to the welfare of all."

The Governor expected to be called, whatever the hour, when a big news story broke. Very late one night in the 1930's such a story did break, and the night editor asked the telephone operator to get the Governor. The operator put the call through.

"Hello? Governor?" asked the editor.

"Yes," a sleepy voice answered.

The night editor launched into a recital of the story. But in a little while the listener interrupted him.

"That is very interesting," said the listener. "But why are you telling me about it?"

"Is not this Governor Hobby?" asked the astonished night editor.

"No," said the listener. "This is Governor Allred in Austin."

The night editor apologized. Then he called the operator again, explaining as tactfully as he could that on the Post and for some distance all around the word "Governor" was synonymous with Governor Hobby.

When the Post moved into its new building in 1954, the Governor was a proud man. It was the building his Post had built. All the other homes of the Post, and he had worked in all of them, had been built or chosen by others. The new building was his.

The Governor had been instrumental in bringing the Post and KPRC together as mass media partners. In 1951, he saw in television another great mass medium and realized that a newspaper and a radio station needed such a third partner to be a complete service to the public. He purchased station KLEE from the late W. Albert Lee and converted channel 2 to KPRC–TV.

The story is that his interest in television was first aroused when young Bill, his son, was confined to his room by a spell of illness. Governor Hobby borrowed a small receiving set from his staff at KPRC to help keep Bill entertained. Bill became a television enthusiast. He asked his father: "Why does not KPRC get a TV station?"

And that is what happened.

Governor Hobby's personal interests were as broad and as diversified as the news which his newspapers collected and printed. He made it a point to keep completely informed about all issues—international, national, State and local—and he took seriously his responsibility as a publisher not only to inform the public but to see that it was not deceived.

Throughout his life, he maintained a special interest in education. Some of the most notable legislation enacted during his years in the Governor's office benefited the public schools and State-supported colleges and universities.

His successor as Governor, Pat M. Neff, in recognition of this interest, appointed Governor Hobby a member of the first board of the Texas Technological College at Lubbock. Governor Hobby spent considerable time helping to get the new school organized.

His outlook always was progressive, based on confidence in the future.

For the Post's special "This Is Texas" edition of 1955, he wrote this message: "Within my children's lifetime—by 2000 A.D.—I see a Texas with riches of the mind and spirit to match today's material wealth. Leading to that day, I see a steady improvement in Texas schools. I see these schools and the improving newspapers and TV as the bulwarks of a new and enlightened Texas.

"I see growing from this happy situation a political system completely responsible and wholly in tune with the wishes of the people. Then Texas will reach the full flower which today is merely a promise. Then Texans can truthfully say, 'We have arrived.' "

Governor Hobby's record as Governor was memorable for the large volume of constructive legislation which was enacted and for the degree of cooperation between the executive and legislative branches of the State government.

Some of the legislation he proposed and which failed to win acceptance then was adopted years later.

He advocated, in his first political campaign, State aid to promote farm and home ownership. A constitutional amendment to put a program of this kind into effect failed by only 821 votes. Some years later, the Federal Government undertook programs with these objectives on a national scale. And, after World War II, the State adopted a comparable program to help veterans buy land.

It has been said that there was not a single proposal advanced by Governor Hobby while Governor which did not become law, State or Federal, either then or later.

Although Governor Hobby's interest in civic and political affairs was unlimited, he maintained few personal affiliations. Other than the Houston Chamber of Commerce, they included the Methodist Church, the Masons, the Houston Club, the Ramada Club, the Houston Country Club, the Tejas Club, and the Beaumont Country Club.

Because of his genial but dry and penetrating wit, he was much in demand at public ceremonies and especially as a toastmaster for dinners.

Tribute often was paid to Governor Hobby's ability to grasp a situation and to get to the heart of a matter. Usually quiet while others debated a problem, he would listen to all sides and then break his silence with a concise analysis of the situation and solution.

Once he reached a decision, he promoted it vigorously. Neutrality on an issue involving the public interest was not an attitude which he liked although he felt that the question was one which could best be decided by the people when given all the facts.

He chose as the inscription to be placed above the entrance to the Post's new building the words from the Declaration of Independence: "Let facts be submitted to a candid world."

Governor Hobby's career as a newspaperman spanned Houston's growth from a city of about 50,000 people to one of approximately a million. He found it an exciting epoch because it was a constructive one.

As both a citizen and a publisher, he undertook to contribute to that growth.

And, as a publisher, he undertook to keep pace with it in the service rendered by his newspaper, the Post.

He saw many of his ambitions for Houston and Texas realized.

And he had the personal satisfaction of seeing the Post, under his direction, become one of the important newspapers of the Nation.

[From the Houston Post, June 8, 1964]

GOV. W. P. HOBBY'S FUNERAL IS TODAY; STATE IN MOURNING—PRESIDENT LEADS IN PAYING TRIBUTE

President Lyndon B. Johnson, one of many persons throughout Texas and the Nation whose lives were touched by William P. Hobby, joined Sunday in mourning the loss of the former Governor of Texas.

"Texas and the Nation are diminished by the loss of Governor Hobby," said the President.

"Throughout the last 30 years he was a wise, charitable and loyal friend to me. He viewed the world with tolerant eyes and his wit and humor always salvaged a time of crisis and made it endurable.

"As a Governor, as a publisher, as a counselor to the Nation's leaders," said President Johnson, "as a father, husband and friend, what he did in his lifetime and the honorable way in which he did it should serve as an inspiration to young men in our land.

"For the achievements of Governor Hobby are the works of good citizenship in its noblest form."

The President's reference to Hobby's personal warmth and humor was one of several such references made by business, civic and political leaders who knew him. They most remembered these qualities in the man some others knew only as a newspaperman and Governor.

Gov. John B. Connally, in Cleveland, Ohio, to preside at a session of the National Governors' Conference, called Hobby one of the great Texans of all time.

"His influence extended over a period of many years and made a lasting impression on his city, State and country," said Governor Connally.

"He became Governor at a time when strong leadership was especially needed, and he fulfilled his obligation with courage, integrity and exceptional ability. The Hobby administration will be remembered for its firm hand on the State government during the strife and uncertainties of World War I and a period of political crisis in Texas.

"We will greatly miss his devoted leadership. * * *"

Former Gov. Allan Shivers said, "Texas has lost one of its truly great leaders. He was also one of Texas' most delightful and charming people. Mrs. Shivers and I have lost a dear friend.

"I sought his advice on numerous occasions and he was always willing and ready to give of his time and counsel."

Representative Albert Thomas, of Houston, said in Washington, "All of Texas has lost one of her greatest sons.

"For at least 50 years Governor Hobby had been on the active political and civic stage in Houston and Harris County and all of Texas. Certainly he left an indelible impression on the whole country."

Also in Washington, U.S. Representative Bob Casey, of Houston, expressed his sorrow.

"Up until the time he was confined to his home he was vitally active in furthering the development of our State and city," Casey said.

"Our present great Texas highway system owes its birth to Governor Hobby. He was truly one who has left his footprints in the sands of time. Texas has been a better place in which to live, due to this great man."

John Nance Garner, former Vice President of the United States, who now lives in Uvalde, said simply, "He was a great man."

Senator John Tower said from Washington, "All Texas will be distressed to learn of the passing of one of our greatest citizens. He served his State well as Governor. He brought honor and responsibility to that office. And he also served as publisher of one of our greatest newspapers. His death will be mourned by Texans everywhere."

Senator Ralph Yarborough, of Texas, remembered that Hobby gave Texas "leadership without egotism" during the troubled years of World War I—through the draft, rationing, mobilization, and then drought, followed by great floods.

"It was a period of change with automobiles coming into widespread popular use," said Yarborough, "and airplanes and airfields beginning to dot Texas. Governor Hobby was a friendly, broadminded Governor, giving all of his talents to his State and wasting none of them in petty, personal vendettas.

"He has a place in Texas history for his leadership without egotism and his ability to govern his State well in a period of rapid transition with a minimum of friction. His thoughtful leadership made his administration a credit to Texas.

"Following his service as Governor," said Yarborough, "he served in Texas as a publisher in the State's largest city. As editor of the Houston Post, he was a moving influence, not only in metropolitan Houston, but in the State and Nation as well."

Former Gov. Price Daniel, of Liberty, said:

"All Texans will join in mourning the passing of one of our State's greatest leaders, Governor Hobby. History will record him as a progressive and courageous Governor, an outstanding publisher and always a dedicated leader.

"Mrs. Daniel and I join his many friends in extending hearfelt sympathy to Mrs. Hobby and all members of the family."

Former Lt. Gov. Ben Ramsey, now chairman of the State railroad commission, remembered his long-time friend as a man with one of the finest senses of humor he's ever seen, as well as a man with a keen intellect.

"As Governor of this State and publisher of a great newspaper, Governor Hobby left the people of Texas an inheritance that will be beneficial to generations to come," Ramsey said in Austin.

John T. Jones, Jr., president of the Houston Chronicle, was traveling to Europe and was in the mid-Atlantic.

He was unable to comment, but Marshall P. Wells, administrative executive for Houston Endowment, Inc., a part of the Jones interests, said:

"John Jones had great respect and fond personal admiration for Governor Hobby, as did his uncle, the late Jesse H. Jones.

"I have heard Mr. Jones say many times that Governor Hobby was one of the great public servants and statesmen of Texas.

"He gave of his time and resources unselfishly to better Houston, Harris County, and Texas.

"We all mourn his passing."

"Governor Hobby's influence as a publisher and a statesman were rather a rare combination and good for the country. It is to be hoped that we will have more like him in the future," said W. St. John Garwood, one of the most distinguished lawyers and jurists of Texas, in Austin.

Garwood, a retired justice of the Texas Supreme Court and a former resident of Houston, said his friendship with Governor Hobby dated "nearly 50 years."

"I first met Governor Hobby when he was campaigning for Governor. We spoke from the same platform in the country down around Richmond. I was trying to get recruits for the Texas National Guard for World War I.

"He was a man of great courage, a great deal of commonsense and yet a very human person with a definite sense of humor.

"His courage was evidenced by his action in putting Galveston under martial law during the longshoremen's strike back in the early 1920's.

"As one who served under Governor Hobby as an officer of the National Guard and one who has lived in the same city with him for many, many, many years and is familiar with his public and private career, I feel he was one of the outstanding Texans of all times and his loss is a very serious one for our State and the Nation."

Edmunds Travis, former publisher-editor of the Austin Statesman and a newsman familiar with the Capitol and State politics, termed Governor Hobby "one of the ablest Governors Texas ever had and certainly one of the most tactful."

"He had a long list of real achievements to his credit," said Travis, who treasures his half century of friendship with Hobby.

"Among other things, he saw us through World War I. He gave very effective aid to the Nation during that time through his administration of affairs in Texas.

"I knew him when he became a candidate for lieutenant governor. I was a Capitol correspondent then for a string of afternoon newspapers. When I became editor of the Statesman, I supported him in his first race for governor.

"Later I worked for him as a correspondent for the Houston Post. My friendship with him was an enduring one without a hitch in it.

"Long after he left the office of governor, he was consulted by a good many of his successors. He was something of a political wizard. He sensed the feeling of the people."

Mayor Louie Welch said his acquaintance with Governor Hobby extended over 14 years.

"The loss of Governor Hobby to the city, State and Nation will long be experienced," said the mayor. "His loyalty to principles and friends, his fairness to foes, his patriotism and his unfailing sense of humor were characteristics all too rare in our modern civilization."

Harris County Judge Bill Elliott said, "The passing of Governor Hobby is the passing of one of the great leaders in this century of the State of Texas and Harris County.

"His influence, leadership and dedication to the betterment of his fellow man was not equaled by any other person. I want to express my deep sorrow and sympathy to Mrs. Hobby and the family."

Lewis Cutrer, an attorney and former mayor of Houston, said he and Mrs. Cutrer are in grief over Governor Hobby's passing.

Cutrer said:

"It represents a tremendous loss to the State and to the Nation. Governor Hobby was truly an outstanding statesman of our time and one of the great benefactors of our city.

"Through his civic-mindedness and great mind he did more than his share to establish the growth of Houston and this entire area.

"He was not only a great publisher and journalist but a magnificient man."

J. C. Hutcheson, a judge of the Fifth Circuit Court of Appeals, said: "It is not given to many men, no matter how purposeful or intelligent they are, to have such influence in and on their native State as Mr. Hobby had. The reason for his influence was not only because he was intelligent, capable and energetic, but because he was a man of the highest integrity and principles.

"He had a quizzical humor along with his seriousness that made me feel very close to him. I will miss him. All my sympathy and love go out to the family."

Claud B. Barrett, president of the Houston Chamber of Commerce: "I think he was a great American. We stand a great loss at his passing. He has had a very courageous and outstanding life, and I think Houston has lost one of its real patriots."

George R. Brown, chairman of the board of Brown & Root, Inc., and a close friend of Hobby's for years: "Governor Hobby gave most generously of himself, to his family, friends and his country. His wit and warm sense of humor carried me over many rough spots. He loved people; he loved life. People loved him."

Marvin Hurley, executive vice president of the Houston Chamber of Commerce, recalled that Governor Hobby was chairman of the highway committee for several years during the time when the basic freeway system plan was set up.

"He was one of our strong supporters on city and area development," said Hurley. "We leaned on him for leadership."

Dr. Kenneth S. Pitzer, president of Rice University, said that "all of Houston regrets the passing of Governor Hobby, who contributed so much to the city and the State. Rice University joins in paying tribute to him. Governor Hobby was a charter member of the Rice University Associates. He and his family were generous supporters of the university."

Frank H. King, former executive editor and vice president of the Post, said: "In the finest meaning of the word Governor Hobby was a great Texan and a great American. It was my privilege to know and work with him during his active days as publisher and editor. His long public service for Houston, Tex., and the Nation was distinguished. His wonderful spirit, humor, and rightness in all things never failed."

W. A. Kirkland, retired chairman of the First City National Bank, said: "Governor Hobby was among the great men of our time, and of them, he was the sweetest natured, the most approachable. He cared about the least of us as well as the VIP (very important person)."

Rabbi H. J. Schachtel of Congregation Beth Israel reached in Austin, said: "No Texan ever did more than former Governor Hobby. He was one of the great Governors. All my recollections of him have been of a man of great compassion, integrity, and wisdom."

Leon Jaworski, a Houston attorney and prosecutor at the war crimes trials in Germany after World War II, said:

"History will certainly record Governor Hobby as a great Governor under whose constructive leadership the State made some of its most significant gains. He made many notable contributions to the growth of the city both as a citizen and as the outstanding newspaper publisher that he was. He was a warm and friendly man who never lost the common touch."

F. M. Law, who knew Governor Hobby in Beaumont when the former Governor was owner and editor of the Beaumont Enterprise, said: "He was one of the best Governors Texas ever had. He was a mighty good citizen of Houston." Law, consultation chairman of the First City National Bank, said Hobby's death would be felt by many.

Langston B. King, retired district judge, said he knew Governor Hobby well. "He was a fine Governor and a great citizen," said King. "I can remember when he campaigned for Governor a long time ago. He will be greatly missed."

Tobias Sakowitz, chairman of the board of Sakowitz stores, said: "The State lost a wonderful man. I'm much grieved. It will take a long time to replace him with someone equally as good."

The Most Reverend W. J. Nold, bishop of the Galveston-Houston Catholic diocese, said: "I deeply regret his passing. He was an outstanding Texan of our time. Through his newspaper he contributed much to the growth of Houston and the gulf coast."

Gus S. Wortham, chairman of the board of the American General Insurance Co., said he had known Governor Hobby since he was elected lieutenant governor of Texas in 1914.

"I have had the good fortune to have his counsel and advice on matters of State and business," said Wortham. "I consider him one of the wisest of counselors of the times."

Railroad Commissioner E. O. Thompson, a longtime friend of Hobby, termed him a "gentleman, wise in his decisions and one of the best Governors Texas ever had.

"He was lovingly called a tactful Texan," said Thompson from Austin. "We were longtime friends. I knew him in Beaumont long before he became Governor of Texas. He was one of my devoted friends * * * and he was a friend of everybody."

Former Mayor Oscar Holcombe, telephoned at Lake Como, Italy, where he is vacationing, said, "The death of Governor Hobby is a great loss not only to Houston but to the entire State of Texas. He did as much to help the growth of Houston as any other citizen. My deepest sympathy goes to the family."

George Carmack, former editor of the Houston Press, said, "Of course, everybody remembers Governor Hobby as a great man and a great leader. But I think everyone remembers him more as a human being. There never was a more thoughtful, friendlier man than Governor Hobby."

Joe Weingarten, founder of the Weingarten grocery chain and chairman of the board of that company, said: "We've lost one of our finest citizens. I personally will miss him very much. He was a good friend. I never knew anyone who had the humor and gentleness of Mr. Hobby. He had humor without hurting anyone."

Abe Weingarten, president of J. Weingarten, Inc., said that Governor Hobby was a "very fine gentleman. I had the great satisfaction of knowing him. One of his attributes was his love for people. He had a tremendous sense of humor. It is a great loss to the community. He was a very good friend and I'll miss him."

Rex Baker, former vice president and general counsel of the Humble Oil & Refining Co., said: "I consider that Governor Hobby was a truly fine public servant. He has had a fruitful life, not only as a public official and Governor, but also as a newspaperman and civic leader. His death is, of course, a great loss."

Morgan Davis, former chairman of the board of directors of the Humble Oil & Refining Co., said, "His passing is a great loss to the community."

Ben Taub, Houston civic leader, philanthropist and founder of J. N. Taub & Sons, said: "He was one of the great men of Texas. He contributed to the development of the entire State."

Hines Baker, former president of the Humble Oil & Refining Co., said Hobby had been a great influence on a great number of people.

"He had that knack of communicating warmth and friendliness and the ability to ease a tense situation with his humor," Baker said.

J. A. Elkins, Sr., a lawyer and banker, expressed his sorrow with a catch in his voice when he said:

"Governor Hobby has been my close friend for more years than I can remember.

"I can't express any greater praise for any man than I can pay to him. He was a kind, thoughtful person, considerate of every human being."

R. P. Doherty, chairman of the board of the Texas National Bank, said: "Governor Hobby loved people and cherished life. He seemed a father or a brother to everyone. He gained preeminence in his chosen profession and eminence in many other fields of endeavor. He contributed in full measure to the well-being and happiness of all of the people of his beloved State. His character was above emulation because he possessed that which so many people strive for but few attain—the respect, confidence, the love and affection of the people of the community and the State in which they lived.

"He was my stanch friend for 40 years and I have always harbored a deep affection for him. I shall miss him."

[From the Houston Post, June 8, 1964]

FLAGS WILL FLY AT HALF-MAST A WEEK

Funeral services for William Pettus Hobby, board chairman of the Houston Post Co. and former Governor of Texas, will be at 11 a.m. Monday in Christ Church Cathedral, with burial in Glenwood Cemetery.

Governor Hobby, 86 who served as Governor from 1917 to 1921 and guided his State into a period of great growth and prosperity, died at 1:45 a.m., Sunday in his home at 2 Remington Lane. He had been in ill health for several years.

Gov. John B. Connally proclaimed a 1-week period of mourning for Texas.

"I am directing that the State and National flags be lowered to half-mast over all State buildings from Sunday through Saturday," Governor Connally said.

Mayor Louie Welch ordered flags at all city of Houston buildings flown at half-mast Monday. He suggested that those in charge of the public display of other flags might also desire to honor Governor Hobby in that manner.

A beloved Texan, widely known for his wit and kindliness, Governor Hobby is survived in Houston by his wife, Oveta Culp Hobby, and a son, W. P. Hobby, Jr., who were at his bedside when he died.

He is also survived by his daughter, Mrs. Henry E. Catto, Jr., of San Antonio, a sister, Miss Laura Hobby, and sister-in-law, Mrs. A. M. Hobby, both of Dallas.

Governor Hobby's grandchildren are Laura Poteat Hobby, Paul William Hobby and Andrew Purefoy Hobby of Houston and Heather Catto, John Hobby Catto, and William Halsell Catto of San Antonio.

The body will lie in state at the family residence until 10 a.m. Monday. Bishop Paul E. Martin of the Methodist Church and Canon Douglas Fontaine of Christ Church Cathedral will conduct the services.

The active pallbearers will be directors and division heads of the Houston Post Co. and the Galveston County Publishing Co. They are:

George A. Butler, M. B. Womack, Jack Harris, Jack McGrew, Jack E. Short, John C. Stetson, Robert H. Lampee, Mrs. Helon N. Johnson, R. H. McCoy, Jack E. Calvin, Freddie Young, W. H. Gardner, Paul Tanner, Clifton F. Caldwell, David C. Leavell, Edwin D. Hunter, Ed Kilman, Robert V. Johnson, Harvey Wheeler, E. Paul Huhndorff, and I. Tiras.

The honorary pallbearers will be the officers and employees of the Houston Post Co., KPRC and KPRC–TV and the Galveston County Publishing Co.

Governor Hobby's death ended a distinguished career as a newspaperman and as a political and civic leader of his State. He had guided the Houston Post since 1924 and had been its board chairman since 1955. He began his career in journalism as a cub reporter.

In the field of government, his career started as a political reporter and culminated in the Governor's office at Austin. As a civic leader, he contributed to the growth of Houston from a town of 50,000 to a major metropolis.

Addressed affectionately as Governor for nearly half a century, William Pettus Hobby was born on March 26, 1878, in Moscow, a logging town in Polk County on the fringe of the Big Thicket country in deep east Texas.

His father was Edwin E. Hobby, a veteran of the Confederate Army who made a distinguished career in politics and as a district judge, and his mother was Eudora Adeline Pettus, the daughter of a Virginia physician.

He grew up in Livingston, the seat of his father's court, and moved to Houston with his family when his father was defeated for reelection in 1893.

Edwin Hobby became the law partner of John Henry Kirby, and the family moved into a house on McKinney Avenue.

Young Will enrolled at Houston High School but quit on March 2, 1895—Texas Independence Day—to go to work for the Post as a circulation clerk at $8 a week.

He fetched coffee and sandwiches for some time for one Post columnist—William Sidney Porter, who later wrote fiction under the pseudonym, O. Henry—and then in a few years became a reporter himself at $22.50 a week.

When young Will joined the paper, it was owned or directed by Judge E. P. Hill, and soon afterward J. L. Watson became the principal owner.

In 1897 Watson retired and left the paper to his son, Roy, but named Col. Rienzi Johnston, G. J. Palmer, and H. F. MacGregor as trustees. By 1900 Colonel Johnston made Will, who was then 22, a part owner by selling him 10 shares of the stock. In August 1901, he was assigned as a business writer.

Under the aegis of Colonel Johnston, the young man took a growing interest in politics. He founded the Young Men's Democratic Club of Houston with J. B. Marmion and Chester Bryan and became secretary of the party's State executive committee in 1904.

During this time Hobby became city editor of the Post. Marcellus Foster, his predecessor, had gone to to organize the Houston Chronicle, and Clarence Owsley was hired as managing editor of the Post.

After scooping the Chronicle on more than one significant story, Hobby was invited to take over the Beaumont Enterprise in 1907 at a salary of $200 a month and an opportunity to buy the paper's stock on credit at once with an option to purchase the rest of it.

This was in 1907, and it took Hobby away from Houston for 17 years.

Hobby and Beaumont prospered together. He became president of the chamber of commerce and played a major role in making Beaumont a chief port and industrial center.

He achieved a prominent position with the Associated Press in Texas and was the main organizer of the Texas Election Bureau, which was established to gather statewide election returns.

In 1913 Hobby and his late brother, Edwin, bought the Waco News for $75,000 and sold it the following year for a profit of $10,000.

It was in 1914 that Will Hobby decided to run for Lieutenant Governor and was elected. In an exceedingly close race, Hobby's margin of votes was only 12,000 out of a total of 350,000 ballots cast. His opponent was Senator B. B. Sturgeon.

Jim Ferguson was elected Governor and in January of 1915 the new Lieutenant Governor—to be known from that time as Governor—called the Texas Senate to order.

He returned to Beaumont at the close of the legislative session, and on May 15, 1915, he and Miss Willie Cooper went to New Orleans and were married in the company of the bride's father, former Congressman Samuel Bronson Cooper, who had been a law partner with Hobby's father. She died about 14 years later.

Hobby had no opposition in 1916, and both he and Ferguson were reelected to office. But the new session of the legislature in 1917 brought trouble and Ferguson was impeached for mismanaging State funds and removed from office. Hobby automatically became Acting Governor.

At 39, Will Hobby was the youngest man to become Governor of Texas up to that time and was the 26th man to hold the office.

Governor Hobby's skill in negotiating with the lawmakers then and later was greatly admired. The fourth called session of the 35th legislature was the most productive of the kind in Texas history. In 30 days, 95 general laws were enacted, among them the ratification of the 18th or prohibition amendment to the U.S. Constitution.

A State law against liquor sales near Army camps had virtually dried up the State since the camps were so numerous. Governor Hobby, hitherto a lifelong antiprohibitionist, suggested a statewide, wartime prohibition law, and the legislature enacted it. It was drafted by Senator W. L. Dean, of Huntsville, who later remembered with amusement that Governor Hobby suggested to him: "Don't make it too drastic, Luther."

Governor Hobby also submitted and had passed at the special session a law giving women the right to vote in primary elections. There was considerable opposition to it.

Other major legislation at that time included drought relief, the law requiring runoffs when candidates lacked clear majorities in party primaries and State aid for schools and highways.

Many legislators favored a law to keep Jim Ferguson from ever holding office again. Governor Hobby opposed it on the ground that the voters should be allowed to express themselves. Farmer Jim did run again, and the contest between him and Governor Hobby was an exciting one. Hobby won by the biggest majority ever returned in a Texas Governor's race up to that time or for years thereafter.

Governor Hobby's full term in office was occupied largely with the problems of wartime, the drought and the pink bollworm. Half of the country's military camps and most of its airfields were in Texas. The State had 204,000 men in the armed services. Ferguson had opposed the draft and had campaigned against it. Governor Hobby, after taking office, set up the system quietly and effectively.

As a newspaperman himself, Governor Hobby was candid and open with the Capitol press. His office was never closed to a reporter. His administration had brought the enactment of the law on privileged matter, which forbids star chamber sessions of city, county, and State official bodies.

Other important laws included that for oil conservation and the establishment of the oil and gas division of the railroad commission, the creation of the State Board of Control, and legislation for free textbooks in the public schools.

Governor Hobby ended his term with 95 percent of his program adopted. He was urged to run for Governor another term but declined. He also declined to offer as a candidate for the U.S. Senate, to head the Texas delegation to the Democratic National Convention or to let his name be presented for the vice presidential nomination. He said he wanted to go back to Beaumont and his newspaper.

Back in Beaumont and before he finally returned to Houston in 1924, he bought the Beaumont Journal and combined its operations with those of the Enterprise.

Governor Hobby visited Houston frequently during this period. The Post, as he had known it, had changed. Colonel Johnston and many of the others had gone. Young Roy Watson, whose property had been operated in trust for 20 profitable years, had returned to take over. His chief interest, however, was in the church.

Eventually, Ross Sterling, oil operator and later Governor of the State, bought the Post and combined it with his own newspaper under the name of the Post-Dispatch.

Sterling had known Hobby as Governor and had supported him for office. He invited his friend to return to Houston and become president of the combined Post-Dispatch. Governor Hobby accepted, leaving Jim Mapes in charge of his Beaumont papers.

The first sputterings of radio were being heard about that time, and Governor Hobby was determined that his newspaper would have the first station in Houston. A hole was knocked through the roof of the Post's old building on Polk and Dowling and a broadcasting studio built.

On May 9, 1925, KPRC (Kotton Port, Rail Center, were what the call letters were supposed to stand for) went on the air.

Houston grew rapidly during that period, more than doubling in population and becoming Texas' largest city. In 1928, Governor Hobby and Jesse H. Jones were thrown together in planning for the Democratic National Convention that Jones had underwritten for Houston. A lasting friendship resulted.

On January 15, 1929, Mrs. Willie Cooper Hobby died unexpectedly of a cerebral hemorrhage at the Hobby home on Montrose Boulevard. It was the end of a happy and devoted marriage, and a second blow to the Governor, coming little more than a year after the death of his beloved brother Edwin.

The end of 1929 brought the beginning of the depression, and by the middle of the next year the Post-Dispatch had begun to feel the pinch.

In the same year Ross Sterling was elected Governor. The State's economy had been badly weakened. The great east Texas oilfield had been brought in, and there was much confusion before orderly proration was instituted. Sterling was beaten in his race for reelection by Mrs. Miriam A. Ferguson, wife of the former Governor.

A change in the ownership of the Post brought in J. E. Josey as titular head of the newspaper. Governor Hobby retained the presidency and executive control. Indeed, Josey announced that Governor Hobby would be in absolute charge, since he himself was occupied with his own business and had no experience in newspaper publishing.

During the worst of the depression, the paper had a grim struggle for survival, and on one occasion Governor Hobby called a meeting of the editorial staff and put the plain facts before them all. They all did their best to help, and they got out a first-class paper for him with a short crew.

In February of 1931 in Temple, Governor Hobby was married to Oveta Culp, the daughter of an old friend who had once served in the Legislature. Miss Culp had been a parliamentarian for the Texas House of Representatives.

Mrs. Hobby was intensely interested in both politics and journalism. She and the Governor were a team.

As the years went by, Governor Hobby increased his holdings in the Post, and by 1939 he owned it. He had changed its name back to the Post, the name it had held when he first went to work on it as a boy of 16 for $8 a week.

When Governor Hobby went to work for the Post in 1895, its circulation was only a few thousand. When he returned to the paper in 1924 the circulation was less than 40,000. By 1940 its readership was 100,000. By 1961 it had become the largest newspaper in Texas in daily and Sunday circulation, its daily circulation 227,627 and its Sunday circulation 247,741.

A year after their marriage, on Oveta's birthday in 1932, Governor Hobby's son and heir, William Pettus Hobby, Jr., was born. Five years later, to the day and almost to the hour, Jessica was born.

As Mrs. Hobby became more skilled in the intricacies of newspaper publishing, the Governor constantly added to her responsibilities.

Now Mrs. Hobby is president and editor of the Post.

As the children grew up, they took an interest in the business. While in college William, Jr. worked on the Post as a general assignments reporter and rewrite man, and at various times he has worked in every department of the paper. Now he is executive vice president and executive editor. Jessica (now Mrs. Catto), who has also worked on the paper, was formerly assistant secretary of the company. William, Jr.'s wife, Diana Poteat Hobby, is book editor.

As Oveta Culp Hobby accepted more responsibilities on the paper, the Governor was able to give more attention to civic affairs in Houston and in Texas.

The Governor had a continuing interest in the development of an adequate and modern highway system for the State and the gulf coast area. He served as chairman of the highway committee of the Houston Chamber of Commerce for 12 years. When he retired from the position, he was presented with a certificate which said in part: "Realizing that no community lives unto itself alone, he has long recognized that the progress of one community is an index to the welfare of all."

When the Post moved into its new building in 1954, the Governor was a proud man. It was the building his Post had built. All the other homes of the Post, and he had worked in all of them, had been built or chosen by others. The new building was his.

The Governor had been instrumental in bringing the Post and KPRC together as mass media partners. In 1951, he saw in television another great mass medium and realized that a newspaper and a radio station needed such a third partner to be a complete service to the public. He purchased station KLEE from the late W. Albert Lee and converted channel 2 to KPRC–TV.

Governor Hobby's personal interests were as broad and as diversified as the news which his newspapers collected and printed. He made it a point to keep completely informed about all issues—international, national, State, and local—and he took seriously his responsibility as a publisher not only to inform the public but to see that it was not deceived.

Throughout his life, he maintained a special interest in education. Some of the most notable legislation enacted during his years in the Governor's office benefited the public schools and State-supported colleges and universities.

His successor as Governor, Pat M. Neff, in recognition of this interest, appointed Governor Hobby a member of the first board of the Texas Technological College at Lubbock. Governor Hobby spent considerable time helping to get the new school organized.

His outlook always was progressive, based on confidence in the future.

For the Post's special "This Is Texas" edition of 1955, he wrote this message: "Within my children's lifetime—by A.D. 2000—I see a Texas with riches of the mind and spirit to match today's material wealth. Leading to that day, I see a steady improvement in Texas schools. I see these schools and the improving newspapers and TV as the bulwarks of a new and enlightened Texas.

"I see growing from this happy situation a political system completely responsible and wholly in tune with the wishes of the people. Then Texas will reach the full flower which today is merely a promise. Then Texans can truthfully say, 'We have arrived.' "

Governor Hobby's record as Governor was memorable for the large volume of constructive legislation which was enacted and for the degree of cooperation between the executive and legislative branches of the State government.

Some of the legislation he proposed and which failed to win acceptance then was adopted years later.

He advocated, in his first political campaign, State aid to promote farm and home ownership. A constitutional amendment to put a program of this kind into effect failed by only 821 votes. Some years later, the Federal Government undertook programs with these objectives on a national scale. And, after World War II, the State adopted a comparable program to help veterans buy land.

It has been said that there was not a single proposal advanced by Governor Hobby while Governor which did not become law, State or Federal, either then or later.

Although Governor Hobby's interest in civic and political affairs was unlimited, he maintained few personal affiliations. Other than the Houston Chamber of Commerce, they included the Methodist Church, the Masons, the Houston Club, the Ramada Club, the Houston Country Club, the Tejas Club, and the Beaumont Country Club.

Because of his genial but dry and penetrating wit, he was much in demand at public ceremonies and especially as a toastmaster for dinners.

Tribute often was paid to Governor Hobby's ability to grasp a situation and to get to the heart of a matter. Usually quiet while others debated a problem, he would listen to all sides and then break his silence with a concise analysis of the situation and solution.

Once he reached a decision, he promoted it vigorously. Neutrality on an issue involving the public interest was not an attitude which he liked although he felt that the question was one which could best be decided by the people when given all the facts.

He chose as the inscription to be placed above the entrance to the Post's new building the words from the Declaration of Independence: "Let facts be submitted to a candid world."

Governor Hobby's career as a newspaperman spanned Houston's growth from a city of about 50,000 people to one of approximately a million. He found it an exciting epoch because it was a constructive one.

As both a citizen and a publisher, he undertook to contribute to that growth.

And, as a publisher, he undertook to keep pace with it in the service rendered by his newspaper, the Post.

He saw many of his ambitions for Houston and Texas realized.

And he had the personal satisfaction of seeing the Post, under his direction, become one of the important newspapers of the Nation.

[From the Houston Post, June 8, 1964]

HOUSTON'S LEADERS PAY TRIBUTE

Houston-area business, civic and governmental leaders paid tribute Sunday to former Gov. William P. Hobby, board chairman of the Houston Post, who died early Sunday morning.

Federal Judge Allen B. Hannay said, "He was a very great American and a very great Texan. He was a man of absolute integrity."

P. H. Robinson, president of the Houston Lighting & Power Co. and former president of the Houston Chamber of Commerce: "He was one of the really outstanding citizens of Texas. His contribution to the welfare of business and the community has extended to all the people of Texas."

Dr. Philip G. Hoffman, president of the University of Houston, said that "few men have contributed as much to any State as Governor Hobby has to the progress of Texas. As an outstanding Governor and a great newspaperman and civic leader, he has enriched our society.

"We join with all Texans," said Hoffman, "in sorrow at his passing and gratitude for the influence of his abundant life."

Douglas W. McGregor, former U.S. attorney and first Assistant Attorney General of the United States said, "I was a personal friend of the Governor for almost 50 years and I knew him in many trying times in Texas when his leadership was of inestimable value to the State. He was always working for the State's advancement and benefit.

"During the recent war (World War II) we were closely associated in enemy alien work here when he was chairman of the Enemy Alien Hearing and Detention Board.

"We will all miss him."

Dr. Frederick Elliott, vice president of the Texas Medical Center, said, "I feel that Houstonians and Texans at large owe a great deal to Governor Hobby. He is one of the pioneers that made the growth of the State possible."

[From the New York Times, June 8, 1964]

WILLIAM P. HOBBY, 86, IS DEAD; GOVERNOR OF TEXAS, 1917–21—PUBLISHER OF HOUSTON POST—WIFE WAS A SECRETARY IN EISENHOWER CABINET

HOUSTON, June 7.—William P. Hobby, former Governor of Texas and board chairman of the Houston Post, died today at his home. He was 86 years old and had been in failing health since 1957, when he underwent surgery for a hemorrhaging ulcer.

With Mr. Hobby at his death was his widow, Mrs. Oveta Culp Hobby, president and editor of the Post and first Secretary of Health, Education, and Welfare, in the Eisenhower administration.

Other survivors include his son, William P. Hobby, Jr., executive editor and executive vice president of the Post, and his daughter, Mrs. Henry Edward Catto, Jr., of San Antonio.

STARTED AT POST AT 16

Will Hobby got his first job at the age of 16 in the circulation department of the Houston Post. His salary was $8 a week.

Seven years later, in 1901, he had become a reporter at $22.50 a week and owned 10 shares in the newspaper. Two years later he was city editor and, a year after that, managing editor.

Before he was 30 years old, Mr. Hobby had a newspaper of his own—the Beaumont Enterprise. And before he was 40, he was Governor of Texas.

He was a newspaperman first and a politician second, but it was a close contest, and often he was both together.

William Pettus Hobby was born in Moscow, Tex., in Polk County, on March 26, 1878. His family moved to Houston in 1892 when his father, a county judge, failed to be reelected.

The son ran for office three times and never lost. The first time was in 1914, when he was elected Lieutenant Governor, as the running mate of James E. Ferguson, the dominant half of the "Ma" and "Pa" team that was at the storm center of Texas politics for a generation.

The issue in the 1914 campaign was prohibition, and the Ferguson-Hobby slate was elected in opposition to a State ban on alcoholic beverages. They said the issue should be decided in the localities.

They were reelected 2 years later. In this second term, a stormy session of the State legislature impeached Governor Ferguson on 26 counts—21 of them dealing with charges of misappropriating State money.

Mr. Hobby found himself Governor—in the midst of a war, a drought, and a political scandal. Nevertheless, Governor Hobby pressed successfully for a progressive legislative program, including women's suffrage and drought relief. He resisted pressures to bar Mr. Ferguson from future ballots.

Consequently, he had to face his former running mate in the bitter gubernatorial race of 1918.

Mr. Ferguson described the Governor as "a misfit whom God had failed to endow with the physical attributes that make up a man," alluding to Mr. Hobby's shortness and large ears.

Mr. Hobby replied:

"I will admit that the Supreme Being failed to favor me with physical attributes pleasing to Governor Ferguson. But at least He gave me the intelligence to know the difference between my own money and that which belongs to the State."

Governor Hobby was returned to Austin by better than a 2-to-1 vote.

During that term, he responded to tension along the Mexican border by calling for military intervention to the south, as he said, to make the world safe for American citizens. President Wilson did not respond to this appeal.

There was also trouble to the north on the border with Oklahoma. At issue was some rich oil land. Governor Hobby sent the Texas Rangers.

Resisting pressures to run for the Senate, he returned to the Beaumont Enterprise in 1921. Three years later, he was part of a syndicate that purchased the Houston Post. In 1939, he bought the newspaper outright.

In 1929, Mr. Hobby's first wife, the former Willie Cooper, died. Two years later he married Miss Oveta Culp, who was parliamentarian for the Texas house.

CENTER OF HOUSTON SOCIETY

The second Mrs. Hobby, who became known as one of the country's best dressed women, made their home a center of Houston society, adorning it with works by Picasso and Modgliani.

As Mr. Hobby broadened his business interests, his wife became active in the editorial side of the Post. She was named executive vice president in 1938.

In World War II, she was in Washington as a dollar-a-year woman for the Army. Later, she became commander of the Women's Army Corps with the rank of colonel.

Governor Hobby, when asked at this time how it felt to be the husband of a famous woman, said: "Doesn't feel any different. She's always been famous to me."

The Post broke with the Democratic Party in 1940 over the issue of a third term for President Franklin D. Roosevelt supporting Wendell L. Wilkie. In 1952, the Hobbys enthusiastically supported Gen. Dwight D. Eisenhower, even before the tidelands-oil issue splintered the State's Democratic Party.

When Adlai E. Stevenson, the Democratic candidate, went to Houston, the Post had a page 1 headline about "the 20,915 Who Can't Vote on November 4." This was reference to the soldiers killed in Korea in the war the newspaper blamed on the Democrats.

Mrs. Hobby was rewarded for her work in Citizens-for-Eisenhower with her appointment to the Cabinet.

Mr. Hobby was in Washington on April 11, 1953, to see his wife sworn in as the first Secretary of Health, Education, and Welfare. A protocol ruling later that year accorded to him and to other husbands of women in Government service the same precedence accorded to their wives.

Mrs. Hobby resigned in July 1955.

The Hobbys actively supported the Republican national nominees in 1956 and 1960.

[From the Houston Post, June 9, 1964]

GOVERNOR HOBBY IS BURIED AFTER SOLEMN RITES

Former Gov. William P. Hobby was buried Monday after solemn but simple rites before hundreds of mourners who overflowed Christ Church Cathedral.

His death early Sunday at the age of 86 ended what was described in a funeral prayer as "a noble life."

Governor Hobby was buried in historic old Glenwood Cemetery, the last resting place of Texas leaders dating back to the days of the Republic.

His silver-gray casket during the services was draped with an American flag which had stood beside his desk for 30 years.

Dozens of mourners, unable to get seats, were standing along the side aisles of the 1,500-seat Christ Church Cathedral by the time services began at 11 a.m.

Others could not get inside the downtown Episcopal cathedral for the brief 20-minute services.

Those who came to pay their last respects included Houston's political and civic leaders, educators, attorneys—and just friends of the Governor.

Condolences were sent by President Johnson and by Gov. John Connally from Cleveland, Ohio, where he was attending the National Governors' Conference.

Governor Hobby, who was board chairman of the Houston Post, had little use for pomp while he lived, and there were no eulogies.

The prayers and scripture reading of the simple Episcopal rites were conducted by Methodist Bishop Paul E. Martin and Canon Douglas Fontaine of Christ Church Cathedral.

Moving down the center aisle ahead of the casket, the cathedral choir opened the services with "Faith of Our Fathers" as the processional hymn.

Canon Fontaine led the mourners in reading the 27th Psalm, which includes the words:

"For in time of trouble he shall hide me in his pavilion: in the secret of his tabernacle shall he hide me; he shall set me upon a rock. * * *"

Bishop Martin chose the scripture from the 14th chapter of Saint John and the 15th chapter from First Corinthians:

"Behold, I show you a mystery; we shall not all sleep, but we shall all be changed,

"In a moment, in the twinkling of an eye, at the last trump: for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed * * *"

In a prayer which struck the only personal note in the service, Bishop Martin said in part:

"We bless Thee for Thy grace that enabled him to live such a noble life * * * his spirit is now at home in Thy presence, with whom dwelleth eternal peace."

After the closing prayers, the silver-gray casket draped in the aging silk flag was moved back up the aisle for the procession to the cemetery.

Following the casket paced the pallbearers, all directors or division heads of the Houston Post Co., or the Galveston County Publishing Co.

At the cemetery, lying beneath ancient oaks along the north bank of Buffalo Bayou, Bishop Martin and Canon Fontaine recited the brief gravesite services—Scripture, committal, graveside prayers and final blessing.

The Hobby family plot was surrounded by banks of floral wreaths.

Governor Hobby's grave is only a couple of hundred feet from the resting place of another Texas Governor and old friend, Ross S. Sterling.

It was Sterling who induced Governor Hobby to return in 1924 to the Post (then the Post-Dispatch) as its president. Governor Hobby had first joined the Post in 1895 as a young circulation clerk.

Glenwood Cemetery, which dates back to 1871, also holds the remains of Anson Jones, last president of the Republic of Texas.

After the funeral Monday, the Harris County Commissioners Court drew up a resolution of sympathy for the Governor's wife, Oveta Culp Hobby, and other members of the Hobby family.

The resolution praised Hobby for his service as Governor from 1917 to 1921, saying he "demonstrated political leadership and a genius of a type never yet equaled and seldom challenged."

It said that Governor Hobby with "tremendous energy, foresight and ability, single-handedly effected many sorely needed and desirable changes" in the State government.

"We can but express our thankfulness," the resolution concluded, "that he was once with us and did pass our way."

[From the San Antonio Express, June 9, 1964]

GOVERNOR HOBBY'S LASTING LEGACY

Few men live to see just about all they set out to do done. William Pettus Hobby, the Houston Post board chairman and former Governor of Texas, was such a man.

In his 86 years, he became a builder of a growing State. At 22, he became part owner of the Houston Post; at 39 he was Governor (youngest to that time).

He was a good reporter, which is the highest accolade a newspaperman can have. He was an organizer with a successful follow-through. It has been said that every proposal he ever made in his political career was eventually put into practice.

As Governor, he proposed and saw passed in Texas the 18th (prohibition) amendment during the war years of 1917, right of women to vote in Texas elections, State aid for public schools, free textbooks, State aid for highway construction, conservation and regulation of Texas oil and gas, and he won laws to forbid star chamber sessions of city, county, and State official bodies.

He declined to seek higher political office, returning instead to his first love—newspapering. Throughout his career, his talent and foresight was aimed at building, improving and advancing Texas and her resources, including her youngsters. He wrote, in 1955, that within "my children's lifetime—by 2000 A.D.—I see a Texas with riches of the mind and spirit to match today's material wealth"—and that based upon education.

Relatively inactive in recent years, many newcomers to Texas would not readily recognize Governor Hobby's name, but his influence is strong and undiminished.

His survivors, including Mrs. Hobby and Bill, Jr., of Houston, and a daughter, Mrs. Henry Catto, Jr., of San Antonio, can take comfort in their loss in the knowledge that their husband and father made a lasting contribution of great value in many ways to his State and community.

[From the Houston Post, June 9, 1964]

TRUSTEES' LIST HONORS GOVERNOR HOBBY

The Houston School Board honored the memory of the late Gov. William Pettus Hobby Monday night by placing his name on the list from which names will be selected for future schools in the district.

The board also passed a resolution recognizing the former Governor's contributions to society.

"The Board of Education deeply regrets the passing of Gov. William P. Hobby and joins all Houstonians and Texans as well as national leaders in expressing a keen sense of loss of a great leader and humanitarian," the resolution said.

[From the Houston Post, June 9, 1964]

TRIBUTE IS PAID HOBBY IN SENATE

WASHINGTON.—Senator RALPH YARBOROUGH, Democrat, of Texas, paid tribute to former Gov. William P. Hobby in a speech in the Senate Monday.

"The State of Texas is saddened by the passing of former Gov. William Pettus Hobby, owner of the Houston Post and the Houston television station KPRC," YARBOROUGH said.

The Senator said Hobby provided leadership for the State during a period of rapid transition.

YARBOROUGH said that "as editor of the Houston Post he was a moving influence not only in Metropolitan Houston but in the State and Nation as well."

ROOSEVELT CAMPOBELLO INTERNATIONAL PARK

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1040, S. 2464.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2464) to establish the Roosevelt Campobello International Park, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 14, after the word "President", to insert "Franklin Delano"; in line 23, after the word "but", to strike out "are"; at the beginning of line 24, to insert "be"; in the same line, after the word "but", to strike out "are"; in line 25, after "(a)", to insert "to"; on page 3, line 8, after "(b)", to insert "to"; in line 9, after "(c)", to insert "to"; in line 16, after the word "and", to strike out "remuneration" and insert "compensation"; on page 4, at the beginning of line 10, to strike out "as miscellaneous receipts" and insert "in accordance with the laws governing entrance fees received by the National Park Service"; in line 14, after "(i)", to insert "to"; in line 15, after "(j)", to insert "to"; in line 25, after the word "nominations", to insert "which may be"; on page 6, line 5, after the word "be", where it appears the second time, to strike out "taken" and insert "made"; in line 20, after the word "the", where it appears the first time, to strike out "operations" and insert "operation"; on page 7, line 15, after the word "registered", to insert "or certified"; on page 8, after line 9, to strike out:

> SEC. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Commission under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States if it is not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift taxes *tax laws* of the Government of Canada.

And, in lieu thereof, to insert:

> SEC. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise,

or bequest to or for the use of the Commission, and accepted by the Commission under authority of this Act, shall be deemed to be a gift, devise, or bequest to or for the use of the United States, as the case may be, if it is, not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift tax laws of the Government of Canada.

And, on page 9, line 4, after the word "article", to strike out "II" and insert "11"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Roosevelt Campobello International Park Act".

Sec. 2. For the purposes of this Act—

(a) The term "Commission" means the Roosevelt Campobello International Park Commission.

(b) The term "United States members" means members of the Commission appointed by the President. The term "Canadian members" means members of the Commission appointed by the appropriate authorities in Canada.

Sec. 3. There shall be established, in accordance with the agreement between the Governments of the United States and Canada signed January 2, 1964, a joint United States-Canadian Commission, to be called the "Roosevelt Campobello International Park Commission", which shall have as its functions—

(a) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;

(b) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Franklin Delano Roosevelt;

(c) to administer as a memorial the Roosevelt Campobello International Park comprising the Roosevelt estate and such other lands as may be acquired.

Sec. 4. The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions pursuant to the agreement between the Governments of the United States and Canada signed January 22, 1964, which include but not be limited to the power and capacity—

(a) to acquire property, both real and personal, or interests therein, by gift, including conditional gifts whether conditioned on the expenditure of funds to be met therefrom or not, by purchase, by lease or otherwise, and to hold or dispose of the same under such terms and conditions as it sees fit, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;

(b) to enter into contracts;

(c) to sue or be sued, complain and defend, implead and be impleaded, in any United States district court. In such suits the Attorney General shall supervise and control the litigation;

(d) to appoint its own employees, including an executive secretary who shall act as secretary at meetings of the Commission, and to fix the terms and conditions of their employment and compensation;

(e) to delegate to the executive secretary or other officials and to authorize the redelegation of such authority respecting the employment and direction of its employees and the other responsibilities of the Commission as it deems desirable and appropriate;

(f) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this agreement;

(g) to charge admission fees for entrance to the park should the Commission consider such fees desirable; however, such fees shall be set at a level which will make the facilities readily available to visitors; any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within sixty days of the end of the Commission's fiscal year, the United States share to be turned over to the appropriate Federal agency for deposit into the United States Treasury in accordance with the laws governing entrance fees received by the National Park Service;

(h) to grant concessions, if deemed desirable;

(i) to adopt and use a seal;

(j) to obtain without reimbursement, for use either in the United States or in Canada, legal, engineering, architectural, accounting, financial, maintenance, and other services, whether by assignment, detail, or otherwise, from competent agencies in the United States or in Canada, by arrangements with such agencies.

Sec. 5. (a) The Commission shall consist of six members, of whom three shall be the United States members and three shall be the Canadian members. The United States members shall be three persons appointed by the President, of whom one shall be selected from nominations which may be made by the Governor of the State of Maine. Alternates to United States members shall be appointed in the same manner as the members themselves. The United States members and their alternates shall hold office at the pleasure of the President. A vacancy among the United States members of the Commission or their alternates shall be filled in the same manner in which the original appointment was made. An alternate shall, in the absence of the member of the Commission for whom he is alternate, attend meetings of the Commission and act and vote in the place and instead of that member of the Commission.

(b) The Commission shall elect a Chairman and a Vice Chairman from among its members, each of whom shall hold office for a term of two years. The post of Chairman shall be filled for alternate terms by a Canadian and by a United States member. The post of Vice Chairman shall be filled by a Canadian member if the post of Chairman is held by a United States member, and by a United States member if the post of Chairman is held by a Canadian member. In the event of a vacancy in the office of Chairman or Vice Chairman within the two-year term, the vacancy shall be filled for the remainder of the term by special election in accordance with the foregoing requirements. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Four members of the Commission shall constitute a quorum for the transaction of business, but the affirmative votes of at least two United States members, or their alternates, and at least two Canadian members, or their alternates, shall be required for any decision to be made by the Commission.

Sec. 6. No compensation will be attached to the position of United States members of the Commission. United States members or their alternates shall be reimbursed by the Commission for travel expenses in accordance with section 5 of the Administrative Expenses Act of 1946, as amended, and the Standardized Government Travel Regulations.

Sec. 7. The Commission may employ both United States and Canadian citizens.

Sec. 8. The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the United States and Canadian Governments on or before March 31 of each year, including a general statement of the operation for the previous year and the results of an independent audit of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both the United States and Canadian Governments.

Sec. 9. The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance. Such insurance may not cover the Commissioners or employees of the Commission except when sued by name for acts done in the scope of their employment.

Sec. 10. In an action against the Commission instituted in a district court of the United States, service of the summons and of the complaint upon the Commission shall be made by delivering a copy thereof to the United States attorney for the district in which the action is brought, or to an assistant United States attorney, or to a clerical employee designated by the United States attorney to accept service in a writing filed with the clerk of the court, and by sending a copy of the summons and of the complaint to the Commission by registered or certified mail.

Sec. 11. (a) The United States Government shall not be liable for any act or omission of the Commission or of any person employed by, or assigned or detailed to, the Commission.

(b) Any liability of the Commission shall be met from funds of the Commission to the extent that it is not covered by insurance, or otherwise. Property belonging to the Commission shall be exempt from attachment, execution, or other process for satisfaction of claims, debts, or judgments.

(c) No liability of the Commission shall be imputed to any member of the Commission solely on the basis that he occupies the position of member of the Commission.

Sec. 12. The Commission shall not be subject to Federal, State, or municipal taxation in the United States on any real or personal property held by it or on any gift, bequest, or devise to it of any personal or real property, or on its income, whether from governmental appropriations, admission fees, concessions, or donations.

Sec. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest to or for the use of the Commission, and accepted by the Commission under authority of this Act, shall be deemed to be a gift, devise, or bequest to or for the use of the United States, as the case may be, if it is, not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift tax laws of the Government of Canada.

Sec. 14. There are hereby authorized to be appropriated to the Department of the Interior without fiscal year limitation such sums as may be necessary for the purposes of this Act and the agreement with the Government of Canada signed January 22, 1964, article 11 of which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park.

Mr. MUSKIE. Mr. President, I ask that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are agreed to en bloc.

Mr. MUSKIE. Mr. President, the establishment of the Franklin Delano Roosevelt International Park on Campobello Island, has long been the dream of those of us who know what this island retreat meant to the late President. It will serve both as a memorial to President Roosevelt and as a symbol of Canadian-American friendship.

S. 2464, introduced by my colleague from Maine, Senator Margaret Chase

Smith, and myself, will bring this dream into reality through the creation of a joint United States-Canadian Commission. This organization would be empowered to accept formal title to the property from the owner, Dr. Armand Hammer, to restore the Roosevelt home, and to administer the park as a memorial.

The feasibility for the creation of this park has been established through an investigation of the Interior Department's National Park Service and its Canadian counterpart. They report that the Roosevelt Cottage and surrounding land would be an appropriate site from which the proposed joint commemorative effort could be directed. The cottage is structurally sound and will require a minimum of rehabilitation.

Campobello Island is located within the Canadian Province of New Brunswick. A bridge connecting the island with the coast of Maine was opened in the late summer of 1962. The agreement to establish the memorial was made through the efforts of President Kennedy, and completed by President Johnson and Prime Minister Lester Pearson. President Kennedy had spoken with Dr. Hammer, who graciously agreed to donate the Roosevelt residence. The generosity of the Hammer family is something for which we can all be grateful. Their gift is a contribution to international good will.

In the life of the Roosevelt family, Campobello Island became an important and much loved summer home beginning in 1883. Some of the late President's happiest days of childhood and youth were spent there as well as many days of rest and relaxation after he became Chief Executive. It was there that he won his initial victory over the crippling illness of polio.

The island serves as a meaningful site with deep inspirational values for the people of both the United States and Canada. If established as a memorial, the proposed site would join the Waterton-Glacier International Peace Park as a tribute to the kinship enjoyed between Canada and the United States.

The creation of such a park would be of great value to the economy of Maine, particularly the low income eastern county of Washington, and the New England area in general as thousands of visitors would be drawn to this attraction.

Campobello Island overlooks the site of the proposed International Passamaquoddy Tidal project, originally proposed by President Roosevelt. That project had a short-lived start in the midthirties. Twenty years later, the International Joint Commission reviewed the proposal and recommended against construction. President Kennedy ordered a review of the project by the Department of Interior which resulted in a new, economically feasible project combining the tides of Passamaquoddy Bay and the river hydro potential of the St. John River. Authorization of this project is now pending before the Congress. It is my hope that this project will be authorized and constructed as a major contribution to the economy of the United States, New England, Maine, and the Atlantic Provinces of Canada.

Mr. President, affection, respect, and admiration for President Roosevelt has been immortalized in statues, plaques, and other monuments. His words and deeds live on in the written words of scholars, historians, and his friends and family. We have here the opportunity to present to the world a living symbol of his great courage and spirit, and his contributions to the enhancement of good relations between the United States and our Canadian friends to the north.

Mr. BIBLE. Mr. President, I wish to address myself for a few moments to the bill that has just been called up by the distinguished Senator from Maine. The bill was reported to the Senate by the Committee on Foreign Relations. It is to establish the Roosevelt-Campobello International Park.

Previously an order had been entered by unanimous consent whereby when the Foreign Relations Committee completed its consideration of this bill, it would be referred to the Committee on Interior and Insular Affairs, since the establishment of units in our national park system come within the jurisdiction of the Interior Committee.

The House Interior Committee has reported, and the House has passed, a companion bill, H.R. 9740, which has been referred directly to the Senate Committee on Interior and Insular Affairs. It is my understanding that time is of the essence in connection with this bill due to a planned celebration on the part of our country and Canada in the very near future.

As I understand, that will be within the next 10 days. Therefore, the chairman of the Interior Committee, Mr. Jackson, has agreed in this instance to waive our committee's consideration of this legislation, and I ask unanimous consent that when S. 2464 is considered by the Senate, H.R. 9740 be substituted therefor and that the Interior and Insular Affairs Committee be discharged from further consideration of the bill. This action has the full concurrence of our chairman, Mr. Jackson; however, he does wish to stress that this in no way is intended to be a precedent whereby our committee would waive its jurisdiction over matters for which it has responsibility.

In this particular situation, it was thought that the element of time made this the correct procedure to follow.

Mr. ELLENDER. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. ELLENDER. Was the bill referred to the Committee on Foreign Relations?

Mr. MUSKIE. The bill was referred to the Committee on Foreign Relations and to the Committee on Interior and Insular Affairs. The Committee on Foreign Relations considered the bill and reported it favorably; but because of the pressure of time, the Committee on Interior and Insular Affairs has agreed to waive its jurisdiction.

Mr. ELLENDER. What is the authorization for the bill?

Mr. MUSKIE. The authorization is found on page 3 of the committee report. First, the property would become the property of the United States and Canada by way of gift.

Mr. ELLENDER. Is the property in Canada?

Mr. MUSKIE. It is in Canada; $217500 would be needed for rehabilitation and necessary development work; $15,000 for the acquisition of land for a parking lot near the house; and $27,000 for the installation of central heating for year-round utilization of the facility. The total amount of development costs would be $260,000, of which the U.S. share would be approximately $130,000. The annual cost of maintenance and operations thereafter are estimated at $50,000, of which the U.S. share would be $25,000.

Mr. ELLENDER. The Canadian Government would assume the rest?

Mr. MUSKIE. The Canadian Government would assume the rest.

Mr. ELLENDER. Are there to be charges for admission to the house?

Mr. MUSKIE. There will be minimum charges, to be established by the supervisory agency. The receipts will be divided equally and will go to the treasuries of the respective countries.

Mr. ELLENDER. Does the Senator have an idea as to how much that will be?

Mr. MUSKIE. No; we have no information about that.

The PRESIDING OFFICER. A similar House bill is H.R. 9740. The clerk will state the House bill by title.

The Legislative Clerk. A bill (H.R. 9740) to establish the Roosevelt Campobello International Park, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The House bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 9740) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2464 is indefinitely postponed.

Mr. MUSKIE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MORSE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AIKEN. Mr. President, I am pleased to announce that the Canadian Parliament has completed its necessary legislation, with the result that, now that the bill has been passed by the Senate, and no doubt will be signed this week by the President, this shrine will be opened to the public on July 1 of this year.

Incidentally, this memorial or shrine or monument to President Roosevelt will be, as I understand, the only Federal Government recognition, in the form of a shrine or monument or in any other way, of President Franklin D. Roosevelt's long tenure of office.

Even though the monument is to be established in Canada, I understand that all who visit it will have to pass through the State of Maine, to reach it. It is also a monument to international good will, as well as a monument in honor of a great President.

Mr. MUSKIE. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. MUSKIE. I appreciate the statement the distinguished Senator from Vermont has made. I believe he is correct in stating that this is the first and only monument to the late President Roosevelt in which the Federal Government will participate.

Both the Senator from Vermont and I know this beautiful area of the country; and we hope that as people travel to visit the monument, they will travel through both Maine and the other northern New England States.

Mr. AIKEN. I am sure they will.

TRIBUTE TO GEN. WILLIAM F. McKEE

Mr. JACKSON. Mr. President, after 35 years of distinguished service, the Air Force Vice Chief of Staff, Gen. William Fulton McKee, will retire on July 31, 1964.

I wish to use this opportunity to take note of General McKee's able work and constructive contribution in the Nation's service.

An outstanding management man, General McKee's assignment as commander of the Air Force Logistics Command, and then as Vice Chief of Staff of the Air Force, brought to fruition many improvements in the support system of the Air Force which he had planned and directed.

The activities supervised by General McKee included both personnel procurement and training, and the complex materiel procurement and supply operation required to support our combat air forces.

General McKee stated his objective for the modern Air Force as follows:

> As we move farther into space, there will be no room for error—mechanical or human. Our efforts today are aimed at the flawless support systems of tomorrow.

During his duty with the Air Force Logistics Command, management improvements resulted in a reduction in manpower from 224,000 to 147,000 and requirements for spare parts were reduced by some $7 billion.

These increases in efficiency were not made by sacrificing support to the combat units. High-speed movement of priority and high-value material has reduced the inventory in the pipeline; use of electronic data processing equipment and improved communications can make requirements from the field quickly known; and maximum use of air cargo delivery methods and equipment can promptly provide the necessary equipment.

As vice commander of the Air Materiel Command, and later as commander of the Air Force Logistics Command, General McKee played a major role in eliminating the vast Air Force logistics complex overseas, which included large depots in Africa, France, England, Japan, and the Philippines. On his recommendation, a depot program for Spain, at a cost of many millions, was never built. As the oversea logistics complex was phased out, the Air Force went to a concept of direct support from the zone of interior. This resulted in very substantial savings in dollars and people. Perhaps more importantly, the combat effectiveness of our oversea units was significantly improved.

General McKee exemplifies the professional military officer of skill, integrity, and high sense of responsibility. I did not want the occasion of his retirement to pass without this word of appreciation on the floor of the Senate.

FIRST EXECUTIVE SERVICE CORPS VOLUNTEERS

Mr. HARTKE. Mr. President, last Friday I spoke of the launching of the International Executive Corps on June 15, with the first formal meeting of its board of directors, whose chairman is C. D. Jackson, of Time-Life; and I inserted in the RECORD the remarks of President Johnson to the group, in the White House rose garden.

On that occasion the first three volunteers accepted for the corps were introduced to the public at a press conference, and were welcomed by the President as our first representatives who will go abroad to represent that Nation in this new people-to-people business-aid program. These three are remarkably well qualified men of large experience and great capability; and they are freely giving their high-priced talents to the work of the corps, because they find in it a new challenge.

One of them, I am happy to say, is a native of Indiana—Mr. Omer Lunsford. Born in Anderson, Ind., in 1905, Mr. Lunsford joined the Standard Oil Co. of Indiana in 1924, and has spent his entire business career with that firm and its domestic marketing subsidiary, the American Oil Co. His experience, backed by training at Harvard Business School, in marketing, management organization, cost accounting and auditing, record simplification, and profit evaluation and credit operations, is of the type which host businesses abroad desperately need. Mr. Lunsford is scheduled to go to Panama on an assignment which drew a letter of appreciation to the corps from President Chiari, a letter which was included with my remarks on last Friday.

The other two first volunteers are likewise remarkable men of high achievement. Dr. William L. Chapman is a finance and accounting specialist, a young man of only 41, a citizen of the Argentine, and a member of the accounting firm of Price, Waterhouse, Peat & Co. He is also a former dean and vice president of the University of Buenos Aires.

The third volunteer, Mr. Benjamin B. Smith, is a retired business consultant and lawyer, who makes his home in Los Angeles. He has been active in the reorganization and revitalization of a number of publicly owned companies, and has been president of two of them.

Pictures and interviews appeared in yesterday's New York Times, on the financial page, under the general caption "Executives Front and Center for Corps." Mr. President, I ask unanimous consent that these materials, together with bibliographical summaries of each of these first volunteers, as provided by the corps, be inserted in the CONGRESSIONAL RECORD. I am proud of them as the first examples of the type of men the corps is seeking and will be sending abroad, as I am proud of the close association which has been mine in the development of this great new tool for improved international relations through private aid to businesses abroad.

There being no objection, the articles and summaries were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1964]

EXECUTIVES FRONT AND CENTER FOR CORPS

(By Philip Shabecoff)

FIRST VOLUNTEERS ON LIST HAVE HAD VARIED CAREERS

When the call went out recently for volunteers for the new Businessmen's Peace Corps, three men with divergent backgrounds and from widely separated geographic areas stepped forward.

When President Johnson announced the formation of the International Executive Service Corps last week, the names of Omer C. Lunsford, William L. Chapman, and Benjamin B. Smith were on the list of original volunteers.

The corps, a private nonprofit organization, will send experienced business executives overseas to assist business and industry in the developing nations.

American Oil exeutive

Mr. Lunsford is an executive for the American Oil Co. in New York. Mr. Chapman, an Argentinian, is a partner in the accounting concern of Price, Waterhouse, Peat & Co., in Buenos Aires. Mr. Smith is a retired lawyer and businessman living in Los Angeles.

Mr. Lunsford, a jovial man of ample girth, occasionally given to salty figures of speech, serves as American Oil's operations manager in the New York region. Now 58, he recently began thinking of retiring.

American Oil's mandatory retirement age is 65, he explained, but the company makes it "very attractive" to retire at 60.

Some time ago, an article in this newspaper about the new service corps caught his eye.

"I liked the idea," he said. "It seemed to fit into my retirement plans. After 40 years with this company I couldn't be idle. The desire to do something useful can be overpowering when you grow older."

What he liked about the new corps was that it offered an opportunity to serve his country by doing the same kind of work he does for American Oil as an administrative, organizational, and financial executive.

Mr. Lunsford's first assignment will be in Panama where he will assist small and medium-size businesses both as a consultant and as an administrator. He emphasized that he was not going as a technical specialist but to provide management assistance.

Mr. Lunsford has never been abroad before and his wife is somewhat disconcerted by the idea of moving from New York. He expects to maintain his normal standard of living in Panama, however.

"This analogy to the Peace Corps shouldn't be pursued too closely," he admonished. "We are not going to live in thatched huts."

"If I had to carry water from the pump to the house, this whole business would lose its glamour pretty fast."

William L. Chapman, by his own admission, is a "pretty peculiar specimen for the service corps."

He is, first of all, an Argentine citizen. He derives his English accent from his British parents and looks even more urbane than he sounds. At 41, he is considered young for the corps.

Mr. Chapman, a general partner in Price Waterhouse, Peat & Co., is helping organize the financial structure of the new corps. He is not leaving his company but is simply on an extended leave of absence.

A professor and former dean of the school of business administration of the University of Buenos Aires, he often spends long periods away from his business.

Mr. Chapman hopes to work "in the field" for the corps when he completes his organizational work. He thinks he can be most valuable by "selling" the corps in South America.

CORPORATION LAWYER FROM COAST FELT RESTLESS AGAIN

Los Angeles, June 21.—Benjamin Smith's impending service as one of the first volunteers in the Businessmen's Peace Corps will mark approximately the umpteenth time he has emerged from "retirement," although he is still only 56 years old.

Slight, gray-haired and having a relaxed but efficient manner, Mr. Smith first "retired" in 1946 after 15 years as a corporation lawyer and business adviser in his native St. Louis, Mo., where his father was a manufacturer of ladies' apparel.

"I came here to live," he said, "mainly because the climate was so much better than in St. Louis, both winter and summer.

"But after 6 months I got bored," he continued. "Some banking people I had contact with asked me to help out with some mergers, and I ended up becoming an executive again."

First he was an officer and one-third owner of the Houston Fearless Co., a machinery manufacturing concern, and then moved to the presidency of Monogram Precision Industries when it began a spectacular run of acquisitions of other companies which made everything from electronics to airplane toilets.

Mr. Smith retired again in 1961, to manage his own investments, mostly in real estate, and spend most of his time in global travel, his favorite pastime.

But last winter, feeling restless again, he read about the formation of the International Executive Service Corps. En route to Rome, he stopped off in New York for an interview with David Rockefeller, chairman of the Chase Manhattan Bank and a leader of the new undertaking, and volunteered his services.

Lately, Mr. Smith's main recreations have been golf and "plowing my way through the Great Books collection."

"I guess," he says, "I will have to slow down on that for the time being."

Omer C. Lunsford—Biographical Summary

Omer C. Lunsford is operations manager of the American Oil Co.'s New York region which includes eight States.

Born October 2, 1905, in Anderson, Ind., he grew up in Terre Haute and attended schools there. He continued his education at the University of Wisconsin Extension and Harvard Business School.

Mr. Lunsford joined Standard Oil Co. (Indiana) in 1924, and his entire business career has been with that firm and its domestic marketing subsidiary, the American Oil Co. Over the years, his work has been concentrated in marketing, management organization, cost accounting and auditing, record simplification and profit evaluation and credit operations.

During World War II, he served as an officer on the staff of the Assistant Secretary of the Navy. His duties included material procurement, inspection, contract negotiation and demobilization procedures.

In 1962, Mr. Lunsford was reassigned from his position as division manager (operations and administrative) of the Milwaukee marketing region to a similar post in the New York region of the American Oil Co. Pending his retirement, he has taken a leave of absence in order to serve as a volunteer of the International Executive Service Corps.

Mr. Lunsford and his wife, Belle, live in New York City. They have two married daughters and a son.

Benjamin B. Smith—Biographical Summary

Benjamin B. Smith is a retired business consultant and lawyer who makes his home in Los Angeles. He has had a highly successful career in finance and corporate reorganization.

Born November 16, 1907, in St. Louis, he attended schools in that city, and received an LL.B. degree from Washington University Law School in 1930.

Mr. Smith's law practice led him to become an officer and director of numerous real estate corporations, and he was particularly active in hotel reorganizations. By 1947, at the age of 40, he was in a position to enjoy a comfortable retirement and he moved to California.

At the request of some business associates, he began participating in the reorganization and revitalization of a number of publicly owned companies. He served as a director of several of these including: Houston-Fearless, of which he was secretary-treasurer; Monarch Electronics, of which he was president; and Monogram Precision Industries, of which he was president. He retired once more in 1961.

Mr. Smith has traveled extensively throughout Europe, Africa, the Middle East, Asia, and Latin America on various business projects.

He and his wife, Dorothy, have two grown children.

Dr. William L. Chapman—Biographical Summary

Dr. William L. Chapman became a partner of Price Waterhouse Peat & Co., Buenos Aires, in 1960. His association with the firm began in 1943. He is also president of the Argentine Center for Studies on Industrial Management.

Born June 20, 1922 in Salta, Argentina, Dr. Chapman attended the Argentine State High School and the School of Economics and Business Administration of the University of Buenos Aires. The university awarded him a degree as a national certified public accountant in 1948, and he earned a Ph. D. in economics there in 1957.

Dr. Chapman's academic career includes the following appointments at the University of Buenos Aires: Professor of auditing and financial analysis, president of the doctoral committee of the school of economics and business administration, and coordinator-executive secretary of the development program of the school, as well as a term in the position of dean. He is a former vice president of the university and continues as a lecturer of graduate courses at Buenos Aires and the University of Rosario.

Dr. Chapman organized an exchange program between the University of Buenos Aires and the Columbia University Graduate School of Business Administration. He was president of the Argentine delegation to the 1962 International Congress on Accounting (where he delivered a paper on "Legislation Affecting Corporate Organization"), and a member of his country's delegation to the Sixth Inter-American Conference on Accounting in New York.

He participated in Conferences on Higher Accounting Education at the University of Illinois in 1962, and at the University of Michigan, in 1957. He also took part in the 2d Corning Conference, 1961, and the 13th International Management Congress, 1963. At the International Conference of the American Institute of Industrial Engineers in New York, 1963, he delivered a paper on "Productivity, Profits, and Human Progress in Argentina and Latin America."

Dr. Chapman resides in Buenos Aires with his wife, Camila, and their two daughters.

FORMER SECRETARY FOLSOM SUPPORTS EDUCATION BILL

Mr. HARTKE. Mr. President, some weeks ago, I wrote to the distinguished former Secretary of Health, Education, and Welfare, the Honorable Marion B. Folsom, to seek his judgment on the bill, which I have introduced, for assistance to students in higher education, S. 2490. Mr. Folsom was at the time on a European trip, which delayed his reply; but I have now received his views, which I should like to share with the 21 cosponsors of this bill and other Members of the Senate. His letter was accompanied by a copy of an article which he wrote for the January 11, 1964, issue of the Saturday Review, under the title "Where Unemployment Hits Hardest."

As the Secretary of Health, Education, and Welfare from 1955 to 1958, Mr. Folsom was directly involved in the development of the National Defense Education Act. He believes that, as my bill provides, the loan provisions of that bill should be expanded. He comments favorably also on the provision of Federal loan insurance for educational loans to students, as provided in the bill. Likewise, he favors a program of Federal scholarships, a program which he supported as legislative proposals during his period as Cabinet officer responsible for educational policy. Of the work study program, Mr. Folsom believes it would be constructive.

In addition to his qualifications for making such judgments as a former HEW Secretary, Mr. Folsom has a deep understanding of manpower and economic problems as a long-time leader in the highly respected Committee for Economic Development. It is from that perspective that his Saturday Review article was written—an article in which he lays heavy stress upon education in its relation to the unemployment problem. Among other things, he says there:

> To gain ground we shall have to accelerate the pace at which we improve education.
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> * * *
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> The key [to employment] is education and training. * * * There is also a loss when the high school graduate capable of much more productive work settles down to a lifetime of semiskilled labor because he does not go on to college. * * *
>
> Federal funds spent upon improvement and expansion of the education available to Americans is the best possible investment of tax money. Everything we are able to learn about economic growth and sound self-government indicates that funds invested in education are returned many times over. In considering what Federal spending should or should not be approved, priorities in terms of national needs and benefits should be our guide. The benefits to be expected from improvement of education throughout the Nation should assign a very high priority to such spending.

Mr. President, I regret that this valuable letter and the article by Mr. Folsom have arrived too late for inclusion in the hearing record of the Education Subcommittee, which I understand has now gone to press. But I trust that committee members and Members of the Senate will take note of the support of the former Secretary for S. 2490.

I now ask unanimous consent that the letter referred to be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EASTMAN KODAK CO.,
Rochester, N.Y., June 12, 1964.

The Honorable VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: I regret that absence on a European trip prevented an earlier reply to your letter regarding the education bill, S. 2490, which you introduced.

I was very much interested in reading your speech to the Senate in connection with the introduction of this bill, but I haven't had an opportunity yet to read the bill in detail. I can say, however, that I certainly agree in principle with the main provisions of your bill.

As you know, I was Secretary of Health, Education, and Welfare during the period when the proposals were being developed which the President submitted to Congress and a number of which were later incorporated in the National Defense Education Act. I have naturally followed with great interest the progress of the administration of this act. There is general agreement that it has been quite successful and I am pleased that Congress has extended it from time to time.

I agree with you, however, that there is still much to be done in this whole field. You may be interested in the enclosed article I prepared for Saturday Review, which was based on testimony I presented to a subcommittee of the Senate Committee on Labor and Public Welfare on unemployment. You will note that we feel in CED that education, to a large extent, is the answer to the unemployment problem.

Taking up the four main features of your bill, I agree with you that the loan provisions of the National Defense Education Act should be expanded. I have been greatly impressed by the large number of institutions and students taking advantage of these provisions. It is unfortunate that the demand for loans is well in excess of the maximum limits now provided.

In our study we had information regarding the exceedingly good record of repayment of student loans to universities. The record of repayment of National Defense Education Act loans to date certainly indicates that there is very little risk of losses. Thus, one of these days, the repayment of loans should go a long way to meeting the new demands and the fund will become a revolving one with need for little additional appropriation. But that point won't be reached for some time.

Also, I agree that your loan insurance program should be helpful, although I haven't had an opportunity to examine your proposal in detail. The National Defense Education Act has given impetus to expansion of loan programs generally, both in commercial banks and in State programs. I was on a committee for higher education in New York State, which 3 years ago recommended that the State subsidize interest on loans made by commercial banks above the 3-percent rate. In other words, the State pays the difference between the 3 percent and the normal rates charged by the banks. This brings it in line with the National Defense Education Act provisions and, as a result, there has been a sharp increase in loans under the State program. I am hoping that other States will take similar action, but even so, your insurance proposal would be very helpful, especially in those States that do not take such action.

In the original proposals which we submitted in 1957, we included, as you may recall, a program for Federal scholarships. These were to be allocated to the States, based on the number of high school graduates, with the State educational departments making the individual selection, based upon merit and need. We originally proposed 20,000 scholarships, but because of budget considerations the number was reduced to 10,000. You may recall also that the scholarship provision was included in the bill reported out by the House committee but it was killed on the floor of the House because of arguments that with the loan provision the scholarships were not needed. I regretted this action as I felt there was a need for both. While the number of scholarships represented only a small percentage of the number of high school graduates, we felt that these scholarships would serve as an incentive for higher academic achievement as it would be quite an honor for a person to be selected for a national scholarship.

I feel that the work study program you include would be constructive, although I haven't had a chance to study it in detail.

I am convinced more than ever that anything we can do to increase the number of youngsters receiving education to the limit of their capacity is money well spent and probably as good a long-term investment as the country can make. Our studies indicated that we have far too many able young people as well as those of average ability who fail to complete their education. I am sure that in a goodly number of cases the lack of financial resources is an important factor.

Sincerely yours,
MARION B. FOLSOM.

ASSATEAGUE ISLAND

Mr. BREWSTER. Mr. President, in the Atlantic Ocean, off the coast of Maryland, nature has provided us with a remarkable island known as Assateague. At present, only a few houses are to be found on it; but only recently a bridge connecting the island with the mainland has been built by the State of Maryland. Maryland is also in the process of developing on this remarkable island a State park.

There is now pending before Congress, in the form of bills introduced in both the House and the Senate, a proposal for the Federal Government to acquire the balance of the island for a Federal park, thereby establishing on Assateague Island a joint State-Federal park, and guaranteeing to future generations and to millions of present-day Americans a remarkable area for recreation, sports, fishing, swimming, and conservation.

I bring this matter to the attention of the Senate at this time because, if some action is not taken now, we shall face two very definite dangers. The first is that, since a bridge has been built to the island, immediate steps must be taken to acquire the island for public use, for there is the very real possibility or probability that helter-skelter housing development will immediately begin, and it will be infinitely more difficult to acquire this wonderful natural resource in future years. The second danger is that periodically this low-lying island is entirely inundated by the waters of the Atlantic Ocean, with waves rolling over the island and sweeping away the dunes. If no protective dunes are established—although it is entirely practical to establish them—the island itself may well be gone in future years.

The chairman of the Senate Committee on Interior and Insular Affairs has stated that hearings on this matter will be held this year. We in Maryland and, indeed, the citizens of the neighboring States and of the District of Columbia, are most anxious to have the hearings proceed. We look forward to the day when this remarkable island will be preserved for the public.

In Maryland, a citizens' committee has been formed to work toward this most desirable end. I congratulate Mr. Porter Hopkins, the chairman, and the other members of the committee on their fine work in this field; and I guarantee them the support of the junior Senator from Maryland.

Mr. President, on June 23, the Baltimore Sun published an excellent editorial calling for immediate action on Federal-State development of Assateague Island. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DYNAMIC ASSATEAGUE

In the 1962 word of the Maryland Board of Natural Resources, Assateague Island is "dynamic," which is to say that it is in motion and changing all the time as a result of the shifting effects of wind, waves, and currents. This summer the State, as represented by the department of forests and parks, is going to do something to help stabilize its own 2-mile fraction of the island. Hydraulic dredges will pump material out of the marshy bay side of the island and use it to build up a 12-foot dune line along the ocean side.

The protective dune line is preparatory to the first phase of the State's park development on Assateague, for which park officials are seeking $1 million in their next capital budget. The first phase calls for roads and parking lots, a water supply and sewage disposal, underground electric and telephone lines, the leveling and stabilization (mostly with beach grass) of a camping area, toilets and a bathhouse, and a superintendent's residence. With this much accomplished, the State will have a usable ocean-front park to go with the bridge which is scheduled to receive traffic at the close of the current summer season.

The State is thus working to uphold its end of the plans for State-Federal development of Assateague for public recreation. But its efforts to stabilize just 2 of the 24 miles of Assateague which lie in Maryland are not too promising, when portions of the island on either side of the State park remain "dynamic." What Maryland needs is Federal action: specifically, congressional action to acquire the rest of the island as a national seashore and thereby to assure that protective measures will be taken to stabilize the extensive stretches now in private hands. As the State begins its own work, it has every reason to step up its pressure on Congress to fulfill its part of what at the executive level is a Federal-State agreement.

U.S. AMBASSADOR TO SOUTH VIETNAM

Mr. MORSE. Mr. President, a short time ago, we in the Senate learned that the U.S. Ambassador to South Vietnam, Ambassador Lodge, had resigned, and that the President of the United States had appointed, as Ambassador Lodge's successor, General Taylor, the Chairman of the Joint Chiefs of Staff.

Mr. President, in the opinion of the senior Senator from Oregon, this has been a calamitous mistake on the part of the President of the United States. Furthermore, I believe this mistake shows very clearly the undue influence the Pentagon has come to exercise on the White House in the Johnson administration, in connection with U.S. foreign policy.

I believe it most unfortunate that a military officer, a general, who is Chairman of the Joint Chiefs of Staff, and who has been recommending for many months past, an unsound foreign policy in South Vietnam—a policy which, as I said this morning to General Taylor and to Secretary of Defense McNamara, in their briefing before the Foreign Relations Committee, is leading us straight to a major war in Asia—has been appointed U.S. Ambassador to South Vietnam. It is a travesty that a military symbol is being appointed U.S. Ambassador to South Vietnam, an area of the world which, at the very moment I speak, is threatening the peace of the world.

Is there no civilian Democrat in a position of leadership whom the President of the United States can appoint civilian Ambassador of the United States to South Vietnam? Of course General Taylor will resign his military commission; but, so far as the rest of the world is concerned, the United States has appointed a general its Ambassador in the most troubled spot in the world today, threatening the peace of the world.

It is an inexcusable mistake, in my judgment, on the part of the President and I shall vote against the nomination when it comes to the Foreign Relations Committee and to the floor of the Senate.

NEVADA GOVERNOR ACCORDED HIGH HONOR

Mr. BIBLE. Mr. President, contrary to popular impression, the 56th National Governors' Conference in Cleveland was not entirely a warmup for the Republican National Convention. Other events occurred during the session running from June 6 to June 10, including the election of Nevada's Gov. Grant Sawyer as chairman of the 1965 National Governors' Conference.

This is a signal honor for my State, Mr. President. Although Nevada is the fastest growing State in the Nation, it is still one of the smallest in population. Governor Sawyer's election, I believe, was a long overdue recognition of the relatively young Nevada chief executive's industry and ability and a salute to my State's growing importance. I can recall in the 1940's, when as Nevada attorney general, I was elected president of the National Association of Attorneys General, such national honors were rare indeed.

It is interesting to note, I think, that Governor Sawyer once worked in the Capitol here as an elevator operator—as did I—while studying law. Later, after service in the Armed Forces, the young lawyer was quick to launch a career in public service. In addition to being an active Democrat, he was a forceful and energetic district attorney in the Nevada ranching county of Elko. He was only 39 when, in 1958, he rose from district attorney to Governor in one dramatic leap. Governor Sawyer was elected to a second term in 1962 by an overwhelming majority.

An example of Governor Sawyer's initiative was in coauthorship with the Governors of Kentucky and Massachusetts of a civil rights statement introduced at the 1964 National Governors' Conference. This statement, supporting passage of the civil rights bill in Congress, was signed by 40 Governors participating in the National Conference.

Mr. President, I ask unanimous consent to have printed in the RECORD a news story on Governor Sawyer's election as National Governor's Conference chairman carried in the Reno Evening Gazette of June 10, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reno Evening Gazette, June 10, 1964]

NEVADAN ELECTED: SAWYER NEW GOVERNORS' CHAIRMAN

CLEVELAND.—Gov. Grant Sawyer today was elected chairman of the 1965 National Governors' Conference, becoming the first Navadan in history to win the position.

He was nominated without opposition following endorsements in the caucus of each party.

Other contenders for the post, which by procedure must be a Democrat next year, were Govs. John Dempsey of Connecticut, John Connally of Texas, Edmund Brown of California, Richard Hughes of New Jersey and George Wallace of Alabama.

Sawyer and Dempsey were the first and second choices, respectively, of the Democratic caucus late Tuesday and the names of both were submitted to the GOP caucus this morning.

Sawyer won there 12 to 3. With majority backing by both parties his nomination by a five-man committee was a formality.

The Nevada Governor did not campaign for the post. When approached by Democratic leaders early in the week, including a high representative of the National Democratic Committee, the Governor said he would accept the wish of the conference but "would not lift a finger" to win the nomination. Explaining his reluctance, he said the duties of the position would place a severe burden on his small office staff in Nevada.

Governor Sawyer also won backing for creation of a committee to help solve problems of election communication, creation of a committee for better Federal-State cooperation, a call for more stringent beef import quotas and more progressive public land laws and policies.

All Governors supported the suggestion for a committee on election laws and communications to work with newsmen "to explore ways and means of furthering the public interest in the handling and reporting of election results."

Sawyer said the committee should consider the responsibilities of the States on election laws and procedures as well as the overall responsibility of the news media in the handling of returns so that the public interest will best be served.

In his motion, Sawyer cited mutual concern of Governors and of newsmen on the matter of election victory statements before all polls have closed, handicaps imposed upon newsmen in the gathering of returns and antiquated election laws. "We have 'machined' ourselves into what could be a very serious problem—damaging to the prerogatives of a free electorate," he said.

"Flat pronouncements of victory based on early and fragmentary returns and before millions of Americans have cast their votes, have a definite effect on the electorate who have not voted and actually might influence an election."

He noted the danger would be especially acute in a presidential election, because of the time differential between east and west.

In his report as chairman of the committee on State planning, Sawyer said he felt the subject had been adequately covered and asked that the committee be dissolved and be replaced by an advisory committee on executive communication and coordination.

Its job will be to establish a mutually agreeable relationship and communications with the White House and executive agencies on development of federally aided projects in the individual States, Sawyer said.

Statements of policy on the cattle industry and development of natural resources, drafted by Sawyer and Gov. Clifford Hansen of Wyoming were signed by two-thirds of the State leaders.

More protection for the beef industry won support from 39 Governors while 35 chief executives joined in the call for full development of natural resources, including release of Federal lands for public and private development.

Charging that current levels of foreign livestock shipments to the United States are resulting in losses of millions of dollars to domestic producers, the beef statement urged a more realistic import quota base.

A congressional review of proposals for substantial changes in public land use, toward fewer restrictions to public land development, was the goal set by the Governors in the area of natural resources.

RELIEF OF SENECA INDIANS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement prepared by the distinguished Senator from Pennsylvania [Mr. SCOTT] with relation to House bill 1794, for the relief of the Seneca Indians who will be displaced by the flooding of the Kinzua Dam on the Allegheny River in Pennsylvania and New York, which bill is still in conference.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCOTT

I call to the Senate's attention the fact that we have as yet received no report from the conference committee on H.R. 1794, a bill for the relief of the Seneca Indians, who will be displaced by the flooding of the Kinzua Dam on the Allegheny River in Pennsylvania and New York. The committee has been hopelessly deadlocked over the House and Senate versions of the bill. Senate conferees have insisted upon the Senate version, which cut 64 percent of the funds for relief from the House-passed measure.

I note that the conference committee will meet tomorrow afternoon for the first time since May 12. I take this opportunity to deplore the impasse, and urge that the Senate conferees accept the House version, which provides $20.15 million, a just sum for relocation of the Senecas, compensation for direct and indirect damages the Indian nation will incur, as well as vital rehabilitation of the Senecas.

Our obligation to the Seneca nation is embodied in one of our oldest and most important treaties, based upon a personal promise to the Senecas by George Washington in 1794.

Unless prompt action is taken, the Senecas of the Allegany Reservation will find themselves under water in the spring of 1965. The Senecas must have sufficient time to reestablish themselves elsewhere before the project is completed.

If the conference committee does not resolve the problem this week, I urge the Senate to consider taking action similar to that called for in H.R. 11601, introduced in the House last week by Representative Abele of Ohio. Representative Abele's bill would have the effect of prohibiting the flooding of the Kinzua Dam until a suitable provision for relocation of the Indians has been instituted.

WINNING ESSAYS IN 1964 McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, in order that the Members of this body may share with me the excellence of thought and the depth of understanding shown by the Wyoming young people who were honorable mention winners in the 1964 McGee Senate Internship Contest, I ask unanimous consent that two of these essays—by James Helzer, of Cheyenne, and Sandra Rae Clark, of Sheridan—be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

Making Democracy Work Better

(By James Albert Helzer)

To understand ways to make democracy work better, we must first of all comprehend the concept of American democracy. We traditionally associate the word "democracy" with popular sovereignty, a doctrine which holds that the citizens of the country are the basis of all political authority. Democracy in our republican America has two distinct aspects. On the one hand, it emphasizes the natural rights of the individual, the limited government, the rule of law, and civil liberties. On the other hand, it portrays a people striving to make social equality a premise of government. When combined, these two aspects become American government. From this we can readily see that American democracy is nothing less than the belief in individual freedom founded upon laws supported by a government of the whole people, by the whole people, in which the majority prevails.

Thus we perceive that the individual is as important to the overall welfare of his country as is the country's welfare to himself. The overall effectiveness in a democracy therefore hinges upon the way in which the respective citizens exercise their powers either in person or through representatives. There has been a failure, nonetheless, by a majority to meet the challenge of individual participation, the prime requirement which citizens of a democratic republic must recognize. An examination in somewhat closer detail dealing with the relation of citizen to state is therefore in order.

Every American citizen has a voice in the policy, which at least occasionally calls upon him to take part in the government by discharging specific services which benefit the people. Yet when the call is sent forth, the majority of the citizenry, which undoubtedly numbers many potential leaders in its ranks, does not respond. The two basic problems of democracies such as ours are spelled out by this single problem. There is the persistent question of good leadership at all levels of government and of the need for securing the political services offered by the best qualified men while still not infringing upon the rights of all men. These services are not all glamor, as that of a Governor or Senator might be, but rather fall in the category of the offices of county chairman, of precinct chairman, to name just two. The latter offices, while lacking in the eminence of the former ones, are just as necessary to the machinery of government, for they as the smaller cogs allow the big cogs to work.

The form of government, a democratic-republic, and the size of the nation magnify manifold these problems of leadership. From the definition originally given democracy, it is not difficult to see that the more who participate the better the governmental operation. It is for this key reason that no justification for a lack of participation can be found, especially if there is a desire to continue the present form of government and to improve it. It is natural at this point to take an additional step and stress that in the United States no one man has any more intrinsic right to hold office than another. Granted now, people must realize that numerous obligations go hand in hand with this right and that these obligations center on a sense of being well informed. Some persons more readily qualify to fill certain responsible positions than do others, but reasonably intelligent men may and should through study qualify themselves for governmental participation.

Concurrently with the leadership problem, there is the issue of the character of rule which may be exercised. Organization of will, essential to effective democratic action, is extremely vulnerable to the pressures of minority groups such as lobbies. The gravity of the situation is even further amplified when the rule is tyrannically exercised by a majority over a minority. It is all important to have all citizens involved.

By placing the two essential problems side by side, we are now able to visualize the twofold responsibility each of us faces: Regardless of race, creed, color, or sex, we must be willing to attempt to lead; but more than this, we must be willing to participate in the cooperative effort influenced only by the qualities of true statesmanship.

Since able participation can never be founded either upon such things as ignorance and bigotry or incited through mob hysteria and selfish interest, participation must have its keystone in a liberal education which fits each citizen for a life of political freedom and selfless concern. In short, the members of the body politic owe it to society to be educated not only while young and in school but also while adults. The overall requirement is clearly one of a broad education dealing with impartial analysis of different views regarding various topics. The direct derivative of such education is the needed sharing in government at every level. The Nation, furthermore, will benefit as there will not be a lack of men able to weigh fairly various interests and views, many not their own, for they will be guided by a background in cases of conflicting claims, platforms, ideas, and the like. Clearly, the Government which calls all to citizenship also calls for the full power of education behind it.

The stimulus thus applied to the adult builds him into an intelligent coworker in the constructive effort of our democratic institutions. The basic problems of the Government are thereby resolved. The leadership question is relieved as more knowledgable people attempt to lead and are more able to participate with rational "coolheadedness" in functional aspects of government, including the selection of those capable of being representatives of the people at the various governmental levels. We can see that such education and a method of selection for leaders is a necessity, as we realize that the purpose of representatives is to enlarge and refine the public opinion by discerning the true best interests of the populace.

The second problem is resolved simultaneously with the first as the greater participation of all citizens makes it impossible to have either a dominant minority or tyrannical majority.

Essentially, the problem of making democracy work better falls upon the liberally educated citizen who participates in government. The better the education and the larger the number of citizens participating—inevitably, the better the democracy.

Making Democracy Work Better

(By Sandra Clark)

One of the foremost inventions of all times is a giant machine called democracy. First discovered by the Greeks, it was later enlarged by the Romans to serve a growing population. Some 180 years ago it was again improved, and since that time it has been used as the means of governing one of the greatest nations on earth, the United States of America. Like any other machine, however, democracy can be thrown out of gear by a single loose bolt or one missing screw. At a time when external forces threaten to destroy this machine it is particularly important that all of its working parts are in order to insure the continued and improved maintenance of the implement.

Democracy was cast in the metal of freedom. It is a precious metal, attained after years of bloodshed and countless sacrifices and forged in the fire of conviction. So tempered is the material that it can be destroyed only when the liberties of one individual encroach upon those of another. Freedom, the very substance of the machine, is the first part which must be maintained.

The framework upon which the machine is built is education. Democracy cannot be utilized by the ignorant masses. It can work only where men's minds are cognizant of the skills of running and repairing its parts. So that the machine may continue to exist, the framework must be kept strong and true. Only a people alert to the potential dangers to their way of life and educated in the sciences of civic duties can keep the machine of democracy running. For this reason a basic background of American history, the development of democracy, and an understanding of both the democratic and dictatorial ways of life should be mandatory for the high school graduate. But the average citizen must have more than just a practical basis for democracy. He must also believe in its foundation of equality.

Bigotry corrodes the metal of freedom from which the machine is molded. Too many cracks have appeared in the framework, and if the trend of limiting freedom to oneself continues, the machine will finally break down. Not until John Q. Public learns tolerance will the machine be in perfect condition. Here too education is an answer to the problem, for it alone can wipe the soot of prejudice and misunderstanding from the works of democracy's dynamic generator. The mechanism is in real danger of corrosion from within unless the American public realizes the necessity of cleaning the inner workings. To keep democracy running, future generations must be given the advantages of an educated mind, free from prejudice.

Recognition of the rusting powers of bigotry and ignorance is not enough. Recognition must be followed by concern over the spreading rust, which in turn must be supported by an enthusiastic desire to alleviate the decay and a workable plan of action to carry that desire through. Americans have been lethargic too long. They must awake to the challenge of the 20th century. Isolation is no longer possible. News of every event, important or otherwise, is known in the farthest reaches of the globe. Democracy's image is visible everywhere. To maintain that image and the machine from which it originates, the American people must learn to show concern for others—a concern manifested in an informed citizenry, a guarantee of civil liberties for all men, a critical eye tuned to detect the faults in the American way of life, and large turnouts at the polls. The response to duty must be wholehearted. The shouldering of the responsibilities of serving in the Armed Forces or on a jury, of campaigning for a favorite candidate, of voting in an election, or of taking an active part in civic affairs must be done intelligently, regularly and well.

Once the machine of democracy has been strengthened, it must be lubricated with hope so that the parts remain true. Nothing can be destroyed faster than a government machine when its essential parts, the people, have lost hope. The grimy film of hate and the constant pressure of threatened crises wear down all the parts of an idealism. Where malice clogs the individual part, it also clogs the machine. Where tension breaks the independent will, it also breaks the collective mind. America must revert to the courage and faith of the pioneers who, although pushing westward, saw, not the setting sun, but the rising one. America must awake to the cries of infant nations, hungry for peace, and in their growth she must see the dawn of a new day, the challenge of a better tomorrow. With her eyes on the stars and her feet on the ground, she cannot only keep her mechanism of democracy going, she can improve its output.

In a democracy where so much emphasis is placed on freedom and equality, it is easy to see that each individual forms an integral part of the machine. Just as great buildings may fall for want of a single nail, so a machine may falter or fail for want of a single part. Every person is a cog in the wheel of democracy. If one fails to do his part, the machine runs a little more slowly, a little less efficiently. Here, in the ordinary citizen, lies the key to the success or failure of democracy. If one parent fails to instill in one child a due sense of responsibility and love for others, then democracy will suffer. The effect of that one failure will be felt in ever-increasing vibrations throughout the entire machine as the circle of descendants grows ever wider. If one person fails to vote in an election, then he has no right to complain about Government failures. John Q. Public, and he alone, can see that the metal of freedom is preserved, that the framework of education is implemented, that the cleansers of concern and action are used, and that the lubricant of hope is applied to democracy. The individual is responsible for making democracy work better. Each person must see that his cog is true to the wheel. Then and only then will the supreme invention be consummated.

CIVIL RIGHTS AND CIVIC RESPONSIBILITIES

Mr. KUCHEL. Mr. President, the future of our great Nation is dependent on the young men and young women now being educated in our schools and colleges. It is to them that we must one day turn over control of our Government and our society. Thus, it is imperative that they be taught civic responsibility, along with their regular courses of study.

I am proud to say the University of California has been in the forefront of American universities where encouraging students to behave responsibly is concerned. In his Charter Day address at the university's campus at Davis, President Clark Kerr, of the University of California, outlined for the students their civic responsibilities with respect to participation in civil rights demonstrations. His speech is such an excellent one; and it outlines so clearly the responsibilities of today's students, that I ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The University: Civil Rights and Civic Responsibilities

(Address by Clark Kerr, president, University of California, at Charter Day ceremonies, Davis Campus, May 5, 1964)

The United States of America is engaged today in what future historians will undoubtedly call a period of profound social change; in a struggle to bring to complete reality the great American ideal of freedom and equality for all American citizens, in a renewed attack against the forces of fear and ignorance that have kept the promise unfulfilled for some American citizens for more than 100 years. The realization of this ideal will be one of the great victories for the human spirit, and it now seems certain that destiny has given to our generation the grave opportunity to witness and to contribute to this historic victory.

The University of California, as an integral part of the society it serves, is devoted to the fulfillment of this American dream. The university is also devoted to much else that is central to the proper conduct of a nation conceived in the spirit of justice and freedom and dedicated to the propriety of means as well as to the desirability of ends. I should like to speak briefly today of the university's contributions both to the achievement of this dream of equality and to the support of methods worthy of the dream itself.

The University of California has stood for nearly a century as a great portal to equality of opportunity in this State—a portal open to all able young people. Many thousands of students to whom other doors were closed have walked through that portal to make their contributions to the Nation—including the first American Negro to win the Nobel Prize and the first great Negro athlete to break the color bar in professional sports.

Throughout its history, the university has supported policies and programs which contribute to equality of opportunity.

We admit students from all segments of society and from all areas of the world, our sole concern being for their past achievements and their future promise.

We select faculty and employees on the basis of demonstrated capacity to perform, and we work with the State fair employment practices commission to assure that these policies are not subverted in practice at any level. Our staff presently includes a somewhat higher proportion of minority group members than the proportion of these minorities in the total population.

We refuse to make our housing office facilities available to landlords who discriminate.

We deny our athletic facilities to colleges or universities whose teams are segregated.

We have served notice that no student organization, however closely or historically connected with the university, can use the name or the facilities of the university after September 1, 1964, unless it has eliminated discriminatory requirements in the selection of its members.

We have sponsored research by many faculty members in many fields on the effects of segregation and the problems of integration.

We have sponsored conferences on nearly all aspects of integration in nearly all parts of the State.

We have undertaken a program to identify academically promising high school students from disadvantaged backgrounds and to help them qualify for a university education.

The University of California has conducted its own affairs in the conviction that "all men are created equal" and has sought by example and by idea to share that conviction with the society we serve.

It is a fact of history, however regrettable, that social change is often accompanied by tensions and frictions which occasionally erupt into civil disturbances. Some of the controversies of this current period of social change have given rise to questions about the university's position, both institutionally and in relation to the actions of a few citizens who happen also to be university students, faculty members, or employees. This is perhaps an opportune time for me to state again the position of the university.

First and foremost, the university is fully and inalterably committed to the principles of democratic government upon which this Nation was founded, among which is the rule of law. Only under a rule of law can all citizens be assured full rights and liberties, or redress when those rights or liberties are denied. Respect for the law of the land is imperative to the survival of democratic government. Those who deliberately violate a specific law, to test it or to call public attention to what they believe to be an injustice, must be prepared to accept the lawful consequences of their actions, which consequences may follow them for much of their lives, and they bear the very heavy moral responsibility of determining that there is no other effective recourse within the body of law and that the cause of justice which they seek to serve outweighs the exceedingly grave consequences of an act which weakens the total fabric of the law. Those individuals who enter into such an act may be paying merely lipservice to democratic ideals while in actuality serving the cause of anarchy or some other cause.

The University of California assumes responsibility for the preservation of law and order upon its campuses. The university deplores disrespect for the law on the part of any citizens, whatever their organizational ties.

It has recently been suggested that the university should also assume responsibility for the off-campus actions of individual students by expelling those who are arrested or convicted for illegal kinds of participation in civil rights demonstrations. I should like to state briefly why I believe this proposal to be both impractical and improper.

The university now has a total enrollment of more than 60,000 students on 7 different campuses; soon the figure will exceed 100,000 on 9 campuses. The university must and will maintain academic and campus discipline among this huge number of students. But we cannot possibly maintain surveillance over the off-campus actions of more than 60,000 students, even if we wanted to do so, in their home towns, in their home States, their home countries, or whatever parts of the State or the world they may visit in their roles as individual citizens.

But there are more important considerations. A rule which arbitrarily provides for expulsion after a given number of arrests or convictions could work grave inequities. Let me indicate a few of the questions which would immediately arise. What about arrests culminating in acquittals? What about cases in which some participants in mass demonstrations are acquitted and others convicted by different juries? What about convictions in which the judge suspends the sentence because of mitigating circumstances? What about convictions in Southern States where local laws are much more restrictive? What about convictions which are appealed to higher courts? And, of course, what about arrests for a broad spectrum of other types of offenses, ranging from felonies to traffic violations to overindulgence in big game fervor?

The American judicial system provides that persons shall not be tried twice, and sentenced twice, for the same offense. A single court conducts the case and imposes a single sentence. The court does not rule that a violator shall be barred from further use of tax-supported institutions—schools, postal service, highway system, public parks—nor are these public entities expected to take official note of and impose additional penalties upon violators. I see no reason today to depart from these traditional American principles of law and jurisprudence by having the university impose a second trial or a second penalty. A citizen, who is not also a student, would have no such second trial or second penalty. It would be manifestly unfair to treat the citizen who is also a student differently from the citizen who is not also a student.

There are still other principles at stake. The American society is a pluralistic society, with many centers of power and many sets of rules and relationships and many spheres of action and concern. The emergence of a pluralistic rather than a monolithic form of society in the United States was no happenstance; rather, it was the inevitable concomitant of our belief in democratic government and the importance of the individual. Many different centers of power will prevent any one center, particularly the State, from becoming all powerful. Many different organizations, each with limited relationships to its members, will prevent any one organization from dominating the life of the individual.

Just as there are many separate organizations in a democratic society, so also the individual has many separate relationships to these organizations. He may be at one and the same time the member of a family, a student in a university, a participant in a church, an employee of a business, and a citizen of the State; and in each of these relationships he will have certain rights and responsibilities. The relationship to the family is inherently different from that to the university or to the State. The relationship to the university is as a student, subject to the rules of the university and proper performance within the university; to the State as a citizen subject to the laws of the State. The university can no more act as though it were the State, than the State can act as though it were the university. We have a system based upon separation of powers, not only within the public, but also within the private spheres of action, and between public and private spheres. The university relates to its students as students. It is not also the family, or the church, or the State. This is the most basic consideration of all.

I say again as I have said before that the activities of students acting as private citizens off campus on nonuniversity matters are outside the sphere of the university.

(1) The student is an individual and his individuality should be respected by the university. The university should seek to govern him and discipline him only in areas of direct university concern.

(2) The student is also an independent citizen. As student, the university assumes certain responsibilities for his proper conduct. As citizen, the State assumes certain responsibilities.

(3) The punishment, for students and citizens, should fit the crime. One punishment, not two, should fit one crime. A citizen because he is a student should not be penalized more than his fellow citizen who is not a student. There should be equal treatment under the law.

There is another side to this coin. Just as the university cannot and should not follow the student into his family life or his church life or his activities as a citizen off the campus, so also the students, individually or collectively, should not and cannot take the name of the university with them as they move into religious or political or other nonuniversity activities; nor should they or can they use university facilities in connection with such affairs. The university has resisted and will continue to resist such efforts by students, just as it has resisted and will continue to resist the suggestions of others that the university take on some of the functions of the State. The university is an independent educational institution. It is not a partisan political or sectarian religious institution; nor is it an enforcement arm of the State. It wll not accede to pressures for either form of exploitation of its name, its facilities, its authority. The university will not allow students or others connected with it to use it to further their nonuniversity political or social or religious causes nor will it allow those outside the university to use it for nonuniversity purposes. The university will remain what it always has been—a university devoted to instruction, research, and public service wherever knowledge can serve society.

In conclusion, may I say that the University of California does share, in its instructional functions, along with other educational institutions, with churches, with families, a deep responsibility to help equip our students with the training, the knowledge, and the understanding to care wisely and effectively about the future of our free society. In meeting this responsibility, the university supports the powers of persuasion as against the use of force, the application of decent means to decent ends, the constructive act as against the destructive blow, respect for the rights of others, opposition to passion and hate, the reasoned argument as against the simplistic slogan, enlightenment in place of blind prejudice and ignorance. Only thus, by supporting means worthy of the ideals of our American society, can the University of California best help to bring to reality in the urgent present the ageless vision "that all men are created equal"; can it also best serve a society based on "the consent of the governed."

THE MONTANA FLOODS

Mr. BARTLETT. Mr. President, it was with alarm that Alaskans heard of the destruction wrought in the great State of Montana by the floods which began there on June 8. The waters have proved even more destructive than the earthquake which shook the State in 1959 or the fires which raged through her forests in 1910. At least 28 have been left dead. Highways, railroads, and bridges have been washed out, farmlands ruined, homes destroyed, water and sewer systems wrecked. Damage estimates run around $35 million.

Yet we are told that the emergency operations of private and governmental agencies, together with the determined efforts of Montanans themselves, have given assurance that the State's recovery will be as rapid and as complete as possible. This is good news and we are happy to hear it.

The senior Senator from Montana has reported to us on the disaster.

As in Alaska, the able Edward A. McDermott, Director of the Office of Emergency Planning, was early on the scene. Federal, State, county, and local officials have displayed dedication and cooperation in the mammoth tasks the floods have placed before them. The Corps of Engineers has carried on flood-fight measures and assisted in recovery operations. The Department of Agriculture and the Small Business Administration have prepared to grant assistance loans in their respective sectors. The Bureaus of Public Roads and of Reclamation are working to repair damaged highways and irrigation systems. The Public Health Service and the Bureau of Indian Affairs have provided considerable assistance. The Air Force gave tremendous emergency support. And the Red Cross has continued in its tradition of aiding those most in need and destitution.

Scars will remain in Montana for some time to come. But recovery and rehabilitation are rapidly progressing. At this we can take heart.

Mr. President, the distinguished senior Senator from Montana on March 30, in the wake of the Alaska disaster, affirmed the "close connection between Montana and Alaska" and asserted that "whatever assistance is needed will be forthcoming and will be given wholeheartedly." Those words gave us comfort and reassurance at that time. It is my wish to convey to the Senators from Montana and to the people of that State the particular sympathy and solidarity the people of Alaska feel with you at this time—and to give assurance of every support and assistance we may render to your rehabilitation and rebuilding efforts.

ADDRESS BY HON. COLGATE W. DARDEN, JR., AT UNIVERSITY OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the Record a speech made by the Honorable Colgate W. Darden, Jr., who has served with distinction in the House of Representatives, as Governor of Virginia, and as president of the University of Virginia.

This speech was delivered at the finals of the University of Virginia on June 7, 1964.

It is worthy of the careful consideration of the great magnitude of American citizens who are now fearful of the continued concentration of power in the Federal Government.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Finals: University of Virginia, June 7, 1964

Mr. Reckor, Mr. president, ladies and gentlemen, I cannot tell you what a joy it is to be here again in this beautiful place taking part in these time-honored exercises. However, I must confess that a part, at least, of my pleasure comes from the fact that I am without the slightest responsibility for the organization and dispatch of this day. No one knows, save one who has lived through it, how many ways can be devised to harass and plague those who have in hand an occasion such as this.

You who are graduating and I have, at least, two things in common. First off there is our devotion to this great university. While it has been 42 years since I was graduated, after a war interrupted my stay, my affection for it has never wavered. Also I think it likely we share, in varying degrees, a dislike of graduating addresses. I have been against them ever since the sizzling afternoon in 1922 when in the new McIntire Amphitheater I cooked, along with my classmates, while a distinguished diplomat spoke to us for well over an hour and a quarter. Since then I have worked to have done with this relic of barbarism, but with only limited success. Tradition dies slowly in America and very slowly in Virginia. I have been able, however, to set a limit on my own activities and I trust when this paper is ended you will be encouraged to believe that progress is being made.

It is a well-publicized fact that you are graduating at a time of considerable tension and danger. Of course this is true but it is by no means a full statement of the case. You are also graduating when interesting and very far-reaching changes are taking place, with breathtaking speed, in almost every human undertaking. And by and large these changes represent improvement. However, whether for good or ill, on they will come and to fail to understand that ceaseless change in an inexorable law of nature is to invite disaster.

Just as those of my generation have lived through rapidly moving events that have profoundly altered our lives, it will be your fortune—your good fortune I hope—to live through events fully as significant and as interesting. I trust they will be far happier than those which we have known. If we can escape large-scale war, it is entirely possible that the last half of the 20th century will go down in history as a period of peace and unparalleled progress, just as the first half is clearly entitled to the dubious distinction of being the bloodiest half century in man's long pilgrimage.

Among the important events of this unfolding half century none will be of greater consequence to you than the far-reaching change now taking place in our political system—the decline of the role of the States. It is to this I wish to direct your attention. I think the Federal system is in danger, owing to this growing weakness of the States. Our present direction is not good, and something must be done to redress the balance if the States are to function properly.

While I hope it is not necessary, it might be well for me to make it clear that I speak as no capitious critic of the Federal Government. My own view is that all governments tend toward tyranny and are likely to end in oppression unless carefully watched. I find myself in complete accord with the position taken by Mr. Madison when he says in dicussing the division of powers between the States and the National Government: (XLV Federal Papers)—"The public good, the real welfare of the great body of people, is the supreme object to be pursued: and no form of government whatever has any other value than as it may be fitted for the attainment of their object." I hope you will remember these wise words.

A disturbing illusion of our times has to do with the durability of democratic institutions. The view that they will survive no end of neglect finds acceptance in a surprisingly large number of places. The truth is history is littered with examples of utter and complete failure of efforts at self-government, not the least among the casualties being Athens, and other Greek communities to which we in the west owe so much. Certainly this century has been marked by the decline of free institutions and the rise of authoritarian government. We are witnessing a disquieting march toward one man dominance.

No more sympathetic or acute observer of western political institutions than Viscount Bryce has lived in this century. Northcote Parkinson in his recent "The Evolution of Political Thought" quotes Lord Bryce as having said in a work published a few years after his death that "The question whether man will rise toward the higher standard which the prophets of democracy deemed possible has been exercising every thoughtful mind since August 1914, and it will be answered less hopefully now than it would have been at any time in the hundred years preceding." According to Parkinson, Lord Bryce goes on to say, in the same work: "In the form it has almost everywhere taken, that of government by representative assembly, democracy shows signs of decay;" and that "what is common in all these cases is the disposition to trust one man or a few led by one, rather than an elected assembly."

Whether we like it or not government now touches almost every phase of our lives. It concerns us much more directly than ever before. This altered relationship, in my opinion, is here to stay. We shall not return to an earlier order but we can, if we are alert, maintain the wholesome balance which a federal system insures. And in this way we can preserve for the individual the personal freedom which is, or should be, the object of government.

Our real opportunity, therefore, lies in coordinating more effectively the activities of the Federal, State, and local governments. If the purpose of government be the protection of the individual, if we agree it is organized to make secure certain "unalienable rights" among which are "life, liberty, and the pursuit of happiness," as was thought by a distinguished Virginian who is not without honor in these parts, then I believe it is not difficult to understand the danger inherent in the decline of the States and the rise of consolidated power in the form of a steadily growing National Government.

Our country is simply too big to be managed with dispatch and satisfaction by a central establishment. The interests of our people, farflung as they happen to be, are too varied; our ways of living, influenced by great variations in climate, are too different to permit this. The country can be run from Washington, of course, but as time goes on it will require increasing force and compulsion which are alien to what we have known. The variety and the color which make for a richer and happier civilization will tend to disappear under consolidation. The sheer joy of living still found in such abundance in our land, notwithstanding the substantial problems with which we wrestle, will give way to the drab conformity which is the handmaiden of governments lacking in flexibility and responsiveness.

If we continue to follow our present course, Federal officials will come to exercise control in the several States. These officials, whatever may be their own inclinations, will supersede our local officials insofar as the actual exercise of power is concerned. The Governors and the State assemblies may remain, but it is likely they will be little more than rubberstamps whose duties will be largely ceremonial or inconsequential.

I do not think I am unduly apprehensive as to what presently is taking place. A number of competent observers believe that the decline of the States has already reached the point from which they cannot recover. The late Prof. Leonard White of the University of Chicago, a distinguished historian, had grave doubt as to their future. Writing in 1953, he said: "If present trends (in Federal-State relations) continue for another quarter century the States may be left hollow shells, operating primarily as the field districts of Federal departments and dependent upon the Federal Treasury for their support." Men may differ as to the extent of the deterioration of the States but only the thoughtless or the naive can fail to see that deterioration is taking place and that positive steps must be taken if the States are to be maintained as strong parts of a Federal system.

The system of government struck off by our forebears owes much to fortuitous circumstance, and it is remarkable and unique in many respects because of this. We probably owe our Federal system to the fact that there were 13 separate English colonies along the Atlantic coast instead of 1. These separate sovereignties, vying with each other and jealously guarding their rights, made almost inevitable the Federal organization. In this we were fortunate, for it has served us remarkably well.

One of the substantial benefits flowing from this form of government is that the political machinery remains close to the people. This permits them to adjust it to their particular needs and wishes. It also provides separate laboratories in which research in government may be pursued. And it insures constant instruction in the art of self-government and experimentation with new ideas. This will not, of course, eliminate corruption and failure, people being what they are, but it does make them somewhat more manageable. And by limiting their effects and range it is less likely they will engulf the country.

Another great worth of the Federal system lies in the fact that it provides a means of distributing power in a manner that makes it quite difficult for anyone to seize control and establish himself and the clique around him as masters of the state. Do not underestimate the importance of this. I shall return to it very briefly at the close of this paper.

Granting the risk of oversimplification in my desire to save time, it is not difficult to identify the legislation which has so altered the relationship between the Federal Government and the States. It is the program of Federal grants-in-aid. While the controversy over civil rights involves fundamental issues having to do with the authority of the several States, it would be a mistake to think that a resolution of it would resolve the threat to them. In this connection it is worth noting that Professor White's work, to which I have made reference, appeared before the 1954 school decision. Were the civil rights issue resolved tomorrow to everybody's satisfaction, it would not, in any way, affect the validity of the conclusions reached by Dr. White as to the vulnerability of the States. Nor would it make less urgent the need for prompt action in their behalf.

Although Federal grants as subsidies to the States go back to the early days of our country, they were little used until the shattering economic collapse of the thirties laid bare the vast dislocations in our economic life and created many new problems of its own. Between the depth of the depression and the outbreak of World War II, the aid programs were spoken of as temporary and were generally so regarded, their purpose being to overcome the ravages of the economic storm.

Since World War II they have been expanded at a startling rate and they have become, or are, rapidly becoming, direct Federal programs rather than undertakings designed to aid the States; nor are the grants thought of as emergency or temporary in nature. They may be directed at situations which lie beyond the financial resources of some of the States, while involving obligations which the State wishes to meet; or they may provide services which a particular State regards as unnecessary. In certain instances grants are made to urban areas to meet demands for which the State disclaims responsibility. In each case the result is the same, the Federal Government comes between the State and its citizens.

There is underlying all of this the fact that an urban and industrial civilization imposes stresses and strains far different and far more numerous than those found in an agrarian economy. And we are no longer an agrarian society even though not infrequently the political influence of a small rural population outweighs substantially the influence of a much larger number of urban dwellers owing to improper apportionment. One of the products of this—a situation almost inevitable in a changing society—is that the States are encountering no little difficulty in responding to the legitimate demands of all their citizens. Whether the difficulty be lack of money or lack of sensitivity and responsiveness, the problems continue to accumulate and they are formidable.

While it may be accurate to say that a lack of concern or understanding lies at the bottom of State failure in some instances, it will be found, I believe, that it is a lack of money which is the real cause of inaction in most instances. It is for this reason, I think Federal programs are necessary and that they will continue. The 16th amendment providing for the Federal income tax, and the spectacular growth of commerce and industry, make necessary some plan providing equitable use of tax funds gathered over large areas but actually paid in at relatively few places and in relatively few States. We, in Virginia, long ago devised such a plan for use of State tax revenue for support of our schools.

It is only fair to point out that the plight of the States cannot be charged entirely to the Federal Government. The truth is the States are being bypassed by a growing Federal Establishment, in many instances with complete approval by the States themselves, in some instances at their urgent request. President Eisenhower stressed this in his talk to the Governors' conference, meeting in Williamsburg, in our own State, a few years back. He suggested that this added measurably to the problem, as in fact it does. Out of his talk came commendatory resolutions and the appointment of study commissions by the conference to continue studies heretofore undertaken by commissions set up by the President. The studies—and excellent ones have been made—have not been translated into action. Nor will they be unless the States take the initiative and cling to it with unbelievable tenacity. Governments—or the men who make them up—are not inclined to reduce or diminish in any respect their authority or power. The Federal Government is no exception. If the States are to be saved they must save themselves. And interestingly enough they still possess the power to do so if only they can summon the will to act.

There is ready at hand an organization through which the States can act, it is the Council of State Governments which has available a vast amount of information on this subject and no little experience in dealing with Federal-State relations. Moreover, the effort can be bipartisan since the decline of the States is of concern to Democrats and Republicans alike. We should start by making aid programs joint ventures in fact. The funds required should be supplied by the localities, the State and the Federal Government, and administration should be a State responsibility, acting with and through the localities. Federal funds should be safeguarded through inspection and audit by the General Accounting Office. This will hold in check irregularities, distressing in number and in the amounts of money involved, such as have come to light in the interstate highway program. Much of the waste, and I think not a little of the graft, which have been uncovered in this undertaking have come from the State and localities being too little committed to the undertaking. The Federal Government has put up almost all of the money and in some cases proper concern has not been shown by the State and local officials. States and localities, like individuals, are, as a rule, more alert where their own funds are at stake.

There are many other areas which might be examined but none so important, in my opinion, as the grants—and I have no wish to oppress you with suggestions. However, I cannot leave this subject of grants without saying that the States must be more responsive to the needs of their people, and this means a concern for the entire population, rural and urban alike. Unless we are prepared to do this nothing will halt the onward march of the Central Government.

By the same token the States and the Federal Government must be prepared to exercise restraint in undertaking programs. We have grown so accustomed to deficit spending by our National Government that we tend to overlook the dangers in it. We excuse our lack of responsibility and justify the overspending by saying it is for very worthy causes. This is utter folly. Our outlays must be brought within and kept within our tax revenues unless we are prepared to sacrifice our currency and with it the savings of our people and in the end the stability of government itself. I am not unaware of the beguiling argument that a rising national income will set things right in the end. The fallacy of this position is rooted in a failure to understand how deep seated is the illness which threatens us. Continued deficits indicate a lack of self-discipline which prosperity will not cure. For many years we have had the rising national income but the deficits have continued.

And now a final word on the wisdom of distributing power and the value of strong States as safeguards of liberty. Whatever may be said for self-sacrificing leaders, it is well to bear in mind that power is a heady wine and that it is not wise to tempt an ambitious or unscrupulous man to seize control by making, in any way, the venture easy for him. A highly centralized government can be much more easily manipulated and controlled than can 50 or more States and a National Government sharing authority. And of this you may be sure—there will always be available manipulators willing to assume control while professing that they are acting in the common good. Consequently any plan which makes the seizure of power difficult—unfortunately it cannot be made impossible—while at the same time lending itself to orderly and sound administration is well worth nurturing and protecting. This our Federal system does. And we should be at pains to preserve it.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. HUMPHREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. At 2 o'clock the Interior Department appropriation bill will be taken up, unless it is taken up sooner.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Interior Department appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Chair lays the bill before the Senate.

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. HART. Mr. President, I call up an amendment and ask unanimous consent that the reading of it be dispensed with.

The PRESIDING OFFICER. The business before the Senate is the amendment offered earlier by the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, if the Senator will yield, my amendment is pending, but I desire to cooperate with the leadership. I understand it is satisfactory to withdraw my amendment at this time in order to take up the amendment offered by the Senator from Michigan. It is agreeable, provided that my amendment will be called up next.

Mr. HUMPHREY. I thank the Senator for his cooperation.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that the reading of the amendment which I offer be waived, and that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. HART is as follows:

On page 22, line 22, in lieu of "$18,669,900" insert "$19,069,900".

On page 22, line 24, before the period insert a colon and "*Provided*, That $400,000 of this appropriation shall be available pursuant to the provisions of section 4(b) of the Commercial Fisheries Research and Development Act of 1964".

Mr. HART. Mr. President, after the Interior appropriation bill was reported in the Senate and placed on the calendar, President Johnson signed into law S. 627—Public Law 88–309—a bill to assist the commercial fishing industry.

The purpose of Public Law 88–309 is to stimulate research and development projects by the several States in the development of the Nation's commercial fisheries on a matching fund basis through a coordinated aid program, to assist in the reestablishment of a commercial fishery that has failed due to a resource disaster arising from natural or undetermined causes, and to assist in the development of new commercial fisheries.

Under section 4(b) of Public Law 88–309 there is authorized to be appropriated the sum of $400,000 per year for the next 2 fiscal years and $650,000 per year for the next 3 succeeding years to be available for allocation by the Secretary of the Interior to the States suffering a commercial fishery failure due to a resource disaster "arising from natural or undetermined causes."

Mr. President, last fall several deaths were traced to the botulism E in smoked fish. The Food and Drug Administration immediately issued a warning against the eating of smoked fish caught or processed in the Great Lakes area. As a result of this warning—widely misinterpreted as applying to all fish from that area—a whole industry was dealt a devastating blow. Fishermen and processors in the Great Lakes area who were hit by the botulism disaster are now actually out of business. Some 20,000 persons in the industry have been out of work since last fall. Chubs on hand at that time were either destroyed or preserved in freezers. At the present time 3 million pounds of frozen fish are still in storage.

These fish, even though frozen, have deteriorated to the point where they cannot be used for human food and, for the most part, cannot even be used for pet food. The only use to which they can now be put is for reduction, that is, fish meal. Until these existing stocks can be moved, the commercial fishing industry of the Great Lakes will remain at a virtual standstill.

Section 4(b) of Public Law 88–309 authorizes the purchase of these stocks so that new fish may be caught, processed under new Federal and State-approved regulations, and moved into the market.

The $400,000 authorized under 4(b) will do this job and offers the only concrete and immediate assistance available to the industry in this region.

This is truly an emergency, disaster situation which should not await the possible passage of a supplemental appropriation at a later date.

Appropriation of these funds by July 1 would get our fishing boats away from the docks and out fishing over the summer months. A delay until a supplemental bill is moved through the Congress could well mean a year's delay in effectiveness of the assistance authorized by Congress under this section.

Mr. President, the amendment adds an item of $400,000 for a very specific and extremely important purpose. Not many Americans knew about botulism E until a few months ago. Then overnight nearly everybody knew about it and understood—though not correctly—that they were not supposed to eat any fish that came from the Great Lakes Basin.

A detailed analysis has been made of the factors which are required to rehabilitate the Great Lakes fishing industry. The most significant single step that could be taken, from the viewpoint of both the wholesalers and the fishermen, would be to provide the means whereby the fish can be taken out of the hands of the wholesalers who are now "stuck" with it.

Some 20,000 persons—processors as well as fishermen—are involved. Every day that passes is a day lost.

I have been counseled by competent advisers in the Senate to wait until the supplemental bill comes up. Speaking for the Great Lakes Basin, our fear is that if we wait until the supplemental bill come up, it may well be that the best days, weeks, and even months, of the fishing season will be gone.

In view of the extreme emergency, I hope the chairman of the committee will accept the amendment and do his very best to insure its retention.

Mr. HAYDEN. As I understand, Public Law 88–309, May 20, 1964, provides the authorization for approval of this appropriation.

Mr. HART. Yes; and it was enacted only after careful hearing in the House. The appropriation bill which the Senator is presenting was completed before the authorizing legislation was passed.

Mr. HAYDEN. So it could not have been considered by the House Appropriations Committee.

Mr. HART. It could not.

Mr. HAYDEN. Under those circumstances, I have no objection to taking the amendment to conference.

Mr. MUNDT. Mr. President, I suggest the absence of a quorum——

Mr. HUMPHREY. Mr. President, will the Senator withhold that suggestion for 1 second?

Mr. MUNDT. Yes.

Mr. HUMPHREY. As I understood the chairman of the committee, he had no objection to accepting this amendment. Is that correct?

Mr. HAYDEN. It can be taken to conference, because a serious emergency is involved.

Mr. HUMPHREY. I wonder if the Senator from South Dakota, under those circumstances, will not agree?

Mr. MUNDT. I am not prepared to say yes or no. I would like to have a little time to find out something about it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION—RETURN OF PAPERS ON H.R. 10456 FROM THE HOUSE

Mr. MANSFIELD. Mr. President, in view of an unusual situation which has developed, I ask unanimous consent that the House be requested to return H.R. 10456, the authorization for the Aeronautics and Space Administration, to the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The House will be requested to return the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUNDT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. MUNDT. Mr. President, with regard to the Hart amendment, I have talked with some of the members of the subcommittee on the other side of the aisle. None of them had an opportunity, except the present speaker, to hear the explanation of the Senator from Michigan.

The situation which he describes seems to have the element of urgency in it. But none of us have sufficient information to know whether the proposed solution is the correct solution or not. So I propose that the amendment be taken to conference, with the understanding that we would not be bound as conferees to support the amendment at the conference. This would give us an opportunity between now and then to go into the details, study the problem, discuss it with the conference committee, and endeavor to find a solution.

If it then appears wise, and the House conferees accept it, we can go along. I would not wish to accept the amendment with the usual understanding that the Senate conferees are bound ethically to support the Senate position, inasmuch as we do not understand it fully.

I believe that would be a satisfactory solution. If the suggestion is satisfactory to the Senator from Michigan, I would have no objection to proceeding on that basis.

Mr. HART. I thank the distinguished Senator from South Dakota very much. If our case is inadequate or not good, I do not wish to press the amendment either. I have every reason to believe that after the Senator and his associates have an opportunity to analyze the proposal, they will share with me the conviction that it makes good sense. I thank the Senator.

Mr. MUNDT. I hope and expect that the Senator is exactly correct. I do not want to get into the position of being bound, as conferees normally should be, ethically to support the position of the Senate until and unless we have more information on the basis of what we are supposed to support.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER LIMITING DEBATE ON RECONSIDERATION OF NASA AUTHORIZATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the papers on H.R. 10456 are returned from the House and it is again made the pending business, there be a time limitation of 1 hour for debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE], relating to the Tongue Point Naval Base, on page 6, in line 13.

Mr. HAYDEN. Mr. President, it is with regret that, as chairman of the Senate Committee on Appropriations, I must oppose the motion of the Senator from Oregon to add nearly $5 million to this bill to establish an Indian school at Tongue Point, in the State of Oregon. The facts do not justify such an appropriation.

The committee first considered recommending these funds even though it had disapproved a proposal that the work on the school be started by reprograming of fiscal year 1964 money. In the opinion of the committee funds actually were not available for reprograming for two reasons: First, last year because the Congress in approving the Bureau of Indian Affairs construction budget underfinanced the approved program by over $3 million; and, second, the Department in submitting the reprograming request, advised that four of the projects from which funds to construct the Tongue Point facilities were to be taken would be rescheduled in fiscal year 1965—and they were.

The committee, besides denying the Tongue Point reprograming proposal, adjusted the fiscal year 1965 construction budget to give the Bureau of Indian Affairs funds to construct all other schools proposed and approved and to make up the underfinancing imposed by the Congress in prior years.

The Tongue Point proposal came to the Congress through the Bureau of Indian Affairs as the result of a request from the White House. Information provided to the committee was that the White House urgently requested remodeling of the Tongue Point facilities because it was less expensive to acquire the school by conversion of a surplus naval facility than by construction anew. However, in the committee hearings, the Commissioner of Indian Affairs said that although in two other instances the Bureau successfully operates schools which were acquired by conversion of facilities originally constructed for another use, he would prefer a school constructed for educational purposes.

Admittedly, to convert the Tongue Point naval facility to an Indian school would be less expensive than to build a new school plant. However, the estimated cost of operating and maintaining the converted facilities is approximately twice as much as the cost of operating and maintaining new facilities. While it has been pointed out that the additional operation and maintenance costs have to be considered along with other factors, such as interest, the committee, nevertheless, felt that in a matter of a comparatively few years the increased operation and maintenance costs would more than equal the savings in construction which could be realized by conversion of the naval facility to an Indian school.

I should point out, also, that the Tongue Point facility seems to lack quite a bit of being satisfactory for school purposes. The Commissioner of Indian Affairs advised, in response to inquiry, that the $2,921,000 which was requested through reprograming would be used to build a new dormitory facility for girls, new academic classroom facilities, a new auditorium-gymnasium complex, and to demolish some buildings in the area not suitable for school purposes in order to make way for the new construction. The $2,042,000 requested for fiscal year 1965 was to be used to renovate a bachelor officers' quarters to a girls' dormitory, to renovate employees' quarters, to renovate a barracks to a dormitory and dining hall-kitchen complex, to renovate the administration building and the public health clinic, and to remodel one of the school shops.

In addition to acquiring furnishings and equipment, which would have to be done whether the school was newly constructed or not, funds also had to be provided for utilities, site work, and engineering plans and surveys.

An additional factor which entered into the committee's consideration of this matter is that the committee is convinced that Indian children of high school age can be provided greater benefits if they are placed in State-operated public schools, rather than being sent to an isolated community or placed in an all-Indian school.

The committee, on page 6 of its report, urges the Bureau of Indian Affairs to give special attention to education of Indian children in public schools, preferably adjoining Indian reservations. The committee points out the desirability of constructing dormitories in towns near Indian reservations and negotiating contracts with State officials, so that the children of the nearby reservations can receive their high school education in the public schools. The committee feels that this will afford the best opportunity for the Indian children to become fully fluent in the English language and to learn the habits, customs, and practices of the predominantly non-Indian population among whom many of the Indian children will be expected to work and live when they have completed their educations. In other words, they learn more on a playground than they do in a classroom, so far as the American way of life is concerned.

American Indians everywhere have two primary objectives: One, they wish to retain control of the land areas which have been reserved for their use and benefit; and, second, they wish their children to become equippd through adequate education to live anywhere in the United States like other Americans. Not infrequently Indian children who complete their schooling, sometimes even in public schools, return to the old tribal ways of life on a remote part of their reservation. This is much more likely to occur if the children are not given an opportunity to know the advantages to themselves and their future families of living and working among the general population.

For all of these reasons, the committee did not approve the proposed reprograming of funds for the Tongue Point Indian high school; and for many of the same reasons the committee does not recommend the appropriation of funds to accomplish the conversion of the Tongue Point naval facility into an Indian boarding school. I hope the Senate will not reverse the committee's action.

Mr. MORSE. Mr. President, I am extremely disappointed in the statement by the chairman of the Appropriations Committee, for he has failed to meet a single one of the issues involved in this controversy, but has, instead, restated the fallacious statements that have come from the Appropriations Committee, which I answered in great detail last night. I shall recapitulate them very briefly.

First, the chairman of the Appropriations Committee does not even mention the fact that there are 19 Indian boarding schools in this country, and that Indian students are attending those schools. They are traveling hundreds of miles—in one case over 1,100 miles—to do so.

Mr. President, this is a long-established policy of our Government, and necessarily so, because of the second point about which the chairman of the Appropriations Committee does not even whisper, and that is that under existing law, both treaty and statutory, Indian chieftains are entitled as a matter of right to have that special type of training if they wish it. A good many of the tribes do not look with approval upon sending Indian children to public schools, and they do not have to send them.

The third point overlooked by the chairman of the Appropriations Committee in his reply to me is that we are dealing with a school to meet special educational problems of the Indian children. We are dealing with a proposal to start with 1,000 Indian students who could not be taken into a public school. Most of them cannot even speak the English language. Many of them have not gone to school. Many of them are 14, 15, and 16 years old and have not yet gone to school.

The Indian Bureau is greatly disturbed about those special students. We need the kind of special boarding school that President Kennedy recommended, the Secretary of the Interior recommended, and the Bureau of Indian Affairs recommended.

Mr. President, to talk about placing those children in public schools—and there have been many attempts to put them into public schools, only to have them drop out—merely runs away from the fact.

I now come to the fourth observation of the chairman of the Appropriations Committee, which was in regard to the cost. In my judgment, he cannot add two and two and make five. Last night I placed in the RECORD in great detail the facts to show, so far as maintenance cost of the Tongue Point facility is concerned, that over the years there would be less maintenance cost than if a school for that purpose were built in Arizona, Nevada, Washington, Alaska, or somewhere else.

Mr. President, mark my words. That school will be built within the next few years, because we shall have to meet the special educational needs of those Indian students.

Mr. President, consider the photographs that I have placed in the rear of the Chamber. I recognize that many Senators do not wish to face the realities of the situation. They think that they have the votes—and they probably have—to do this injustice to the State of Oregon, and through the State of Oregon, to the senior Senator from Oregon. But, Mr. President, those are photographs of the permanent buildings at Tongue Point.

Consider the photograph of the hospital alone. There is a crying need for improved health facilities for young Indians in this country, and that hospital facility could be one of the best hospitals in America. Young Indians who need health treatment could be sent there.

What is the danger? The danger is that those facilities will be junked, that those facilities will be scuttled. Those facilities, when junked, will waste the taxpayers' money to the tune of many millions of dollars.

The chairman of the Committee on Appropriations has said that a girls' dormitory and a classroom or two will have to be built.

Mr. President, we shall have to build fewer facilities if Tongue Point is put to work as an Indian school.

Contrary to the implication of the chairman of the Appropriations Committee, the head of the Indian Bureau and the Secretary of the Interior have assured me that Tongue Point would make an excellent facility for an Indian school.

Building the few additional facilities that we need and using the facilities that we have already would save the American taxpayers in the capital outlay a minimum of $3 million. I know that in the view of some that amount of money is chickenfeed. What is $3 million?

Mr. President, we ought to consider the project on its merits.

I come now to my last point. The senior Senator from Oregon has been struggling for a couple of years to save that facility for appropriate Federal use, and thereby to save the American taxpayers a great sum of money and to provide for Indian children, whose specific needs require a school such as the one proposed, the kind of education to which they are entitled under existing law and treaties.

As I said last night in my lengthy speech, President Kennedy went into this subject. In yesterday's issue of the CONGRESSIONAL RECORD will be found President Kennedy's press release at the time he inspected Tongue Point and agreed that that facility ought to be put to use. Secretary Udall was with us.

On the helicopter trip from Tongue Point to Seattle or Tacoma, Secretary Udall, in effect, said, "Mr. President, I am greatly impressed with what I have seen, and I wish to look into it to see if it would not make a sorely needed facility for a special Indian school that will stress above all else vocational training."

The President was delighted with the suggestion, and with my own ears I heard him tell the Secretary of the Interior to proceed with an investigation, which he did.

The President subsequently called me to the White House and said that he would enthusiastically support the recommendation of Secretary Udall. The Secretary made the recommendation, only to have it rejected by the Senate Committee on Appropriations.

Mr. President, we need the facility for the Indians. But we are entitled to the renovation and the reactivation of Tongue Point for Federal use for another reason. As I said yesterday, that facility is located in the deepest pocket of poverty in the United States. Senators could have no idea of the depressed economic condition of Astoria, Oreg., and the surrounding area until they see it. Store front after store front contain "For Rent" or "For Sale" signs. A large number of the people who previously lived in the area have moved out.

I have enthusiastically supported, and will continue to support, assistance to depressed areas in this country, such as West Virginia and Appalachia. I say to the majority leader of the Senate that yesterday I supported substantial increases in the bill in order to help a very serious condition in Montana—and it should be helped. Of course, that puts the figure over the budget allowance. It was subject to a point of order. But I would not think of raising a point of order, because we have a moral duty to come to the assistance of pockets of poverty and economic depression in this country.

Why are Senators walking out on Oregon? Why is Oregon to be an exception to the kind of relief that we need? I do not know whether or not it is because the senior Senator from Oregon never trades a vote. I do not know whether it is because the senior Senator from Oregon refuses to scratch backs in the Senate. But the Senate cannot justify penalizing my State merely because Senators may not be able to get agreements out of me on some other questions.

The sad fact is that the Appropriations Committee of the Senate is proposing to do a gross injustice to the people of my State. The committee has a duty to do something about Tongue Point; and it has the recommendation and proposal of President Kennedy to do it. So far as I know, President Johnson is for it, because he still retains Ralph Dungan as a special White House aid to put Tongue Point to use. In the recent past Ralph Dungan made it clear that the White House still hopes Tongue Point will be put to use as an Indian school.

If Senators want to know what the Indians think and want, and what their views are with regard to their rights, yesterday I placed in the RECORD a telegram I received from Bruce A. Wilkie, executive secretary, National Indian Youth Council; second vice president, Intertribal Council of Western Washington Indians; and secretary of the Makah Tribal Council. I am going to read that telegram to the Senate, and then I am going to read a letter I received this morning from the National Congress of American Indians, and then rest my case.

I do not intend to rest in my determination to prevent a political steal of Tongue Point by certain business interests in my State that want to get hold of this facility, make a "quick buck" and then junk and scuttle it.

In my judgment, the Appropriations Committee of the Senate ought to welcome an opportunity to put to good Federal use a facility as fine as this one. Such a school would be an excellent Federal use.

Listen to what the Indians say. Mr. Wilkie telegraphs me:

SEATTLE, WASH., *June 22, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

All major Indian organizations support Indian school proposal. Support of the Makah Tribe, that of the Intertribal Council of Western Washington Indians, National Indian Youth Council and National Congress of American Indians assured fully. Public school system not successful to a great extent. Lack of opportunity makes difficult for Indians to compete in a public school system atmosphere. Fact: 50- to 70-percent dropout rate in public schools by Indian students. Public schools not geared to familiarity of the Indian community. Many Indian students view the public school situation with apathy. Indian schools provide a familiar atmosphere for the students. Vocational and academic training much easier arrived at because of more familiar surroundings. Opportunity provided through Indian school system gives greater advantages for students. The fact that public schools are not doing the job, that the dropout rate continues to climb among Indian students, that the Indian educational problem is steadily growing worse, that the Indians desire Indian schools because of obvious success, would in our opinion warrant the appropriation to construct or rehabilitate all areas available for Indian school projects. Included in this is Tongue Point Indian School proposal. We can assure you full support of all local, regional, and National Indian organizations.

Would suggest you contact Mr. Robert Burnett, National Congress of American Indians, Washington, D.C., immediately.

Best success,

BRUCE A. WILKIE,
Executive Secretary, National Indian Youth Council, Second Vice President, Intertribal Council of Western Washington Indians, Secretary, Makah Tribal Council.

It leaves no doubt as to what the Indians want. It is a devastating answer to the argument of the chairman of the Appropriations Committee that we ought to send the Indian children to public schools. We are dealing with a group of students who could not possibly make a go of it in public schools. We are dealing with a group of students who have already reached the age of 14, 15, and 16 with practically no schooling. Most of them cannot speak the English language. That is the problem that confronts the Indian Bureau. There must be a special school for them.

Let me make one answer to the argument about segregation. I am for integration. I have voted to bring to an end Indian reservations whenever the Indian tribes are ready to plan a deactivation of the Indian reservations. But it cannot be imposed on them. The Indians must be prepared for it.

We are dealing here not only with legal Indian rights, but with a very serious social problem in this body politic of ours. The young Indians are entitled to the proposed Tongue Point School. I am at a loss to understand why some Members of the Senate are so adamant about denying this educational opportunity to our Indian young people.

Yesterday, without many of us even knowing about it—and that was our fault, although we were absent from the Chamber—more than $5 billion of the American taxpayers' money was voted to try to put a man on the moon.

If one wants to take a look at a paradox, let him take a look at this one. The Senator from Oregon is pleading his heart out for some $5 million to start an Indian school at Tongue Point, thus carrying out a recommendation and finding of President Jack Kennedy. I cannot get $5 million for an Indian school, but an appropriation of $5 billion to put a man on the moon can be rushed through the Senate.

If I ever heard of an absolute waste of the taxpayers' money in these times of economic problems in our country, that was it.

I have received a letter from Robert Burnette, executive director of the National Council of American Indians. It is an unsolicited letter. I did not solicit the letter. It reads:

> DEAR SENATOR MORSE: On behalf of the Indian people of the Northwest, we urge you and your colleagues of the Senate to give and support the Tongue Point Indian School of Astoria, Oreg.
>
> We support this measure because there is already too many Indian children out of school because there are no facilities to care for them. The most recent statistics show that there are 9,000 school age Indian children out of school simply because there are no seats available.

I digress from the letter long enough to point out that the Indian Bureau intends to put 1,000 of these needy students in the school, and then perhaps to increase the number to 2,000. There are hopes that the enrollment can be enlarged after that. That is a small part of the 9,000 to which Mr. Burnette is referring, but it is a start.

There are proposals to build Indian schools elsewhere, and the senior Senator from Oregon supports them. There is a proposal to build an Indian school in Alaska that will cost several times per seat what the school at Tongue Point would cost. I am supporting the school in Alaska, and shall continue to support it, in spite of the fact that the Senator from Alaska, on the Appropriations Committee, is not giving me support for this school. I do not want his support on any trade basis. I want support on the merits. He supports a meritorious school, and so do I.

I am shocked by this attitude in regard to meeting the needs of Indian students in this country.

I return to the letter. Because I have digressed from it, I shall ask that the entire letter be printed in the RECORD at the conclusion of my remarks. The letter continues:

> Much of this is due to the fact that in 1954 the Bureau of Indian Affairs began placing Navajo children in boarding schools throughout the country. The Navajo children never enjoyed the opportunity of education up until 1954.

Let me say to the chairman of the committee that some of the Navajo Indian children go to the Chemawa Indian school at Salem, Oreg.

I have not seen any proposal from the chairman of the committee or a member of the committee to proceed to abolish the 19 Indian schools in this country to which Indians students must travel from across the country.

Returning to the letter, I read:

> We urge that Congress do everything possible to make education facilities available for all Indian children and the Tongue Point school is a major facility that must be made available if we are to fulfill our pledge and obligation of free schooling for all children of this country.
>
> We sincerely thank you for your major interest in the Tongue Point school and hope that you can convince your colleagues that this school facility is of major importance in the Northwest area.
>
> We heartily endorse your proposal 100 percent.
>
> Most sincerely,
>
> ROBERT BURNETTE,
> *Executive Director.*

Mr. President, I have made my case on my first motion. I have asked for fair treatment—for my State, not for myself. I shall take care of myself with my colleagues in the Senate. I shall never ask them for fair treatment. But I shall ask for fair treatment for the people of my State. The people of my State are entitled to better treatment than the Appropriations Committee has given them by the recommendations which they have brought to the floor of the Senate.

I have answered every argument of the chairman of the Appropriations Committee. The facts are against them. I have obtained the facts from the Department of the Interior, from the Bureau of Indian Affairs, and from the Indian organizations themselves.

Mr. President, I ask unanimous consent to have the letter printed in full in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> JUNE 23, 1964.
>
> Hon. Senator WAYNE MORSE,
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR MORSE: On behalf of the Indian people of the Northwest, we urge you and your colleagues of the Senate to give and support the Tongue Point Indian School of Astoria, Oreg.
>
> We support this measure because there is already too many Indian children out of school because there are no facilities to care for them. The most recent statistics show that there are 9,000 school age Indian children out of school simply because there are no seats available.
>
> Much of this is due to the fact that in 1954 the Bureau of Indian Affairs began placing Navajo children in boarding schools throughout the country. The Navajo children never enjoyed the opportunity of education up until 1954.
>
> We urge that Congress do everything possible to make education facilities available for all Indian children and the Tongue Point School is a major facility that must be made available if we are to fulfill our pledge and obligation of free schooling for all children of this country.
>
> We sincerely thank you for your major interest in the Tongue Point School and hope that you can convince your colleagues that this school facility is of major importance in the Northwest area.
>
> We heartily endorse your proposal 100 percent.
>
> Most sincerely,
>
> ROBERT BURNETTE,
> *Executive Director.*

Mr. MORSE. Mr. President, I have just received a telegram from the mayor of the city of Astoria, which supports my position on the need for finding a Federal use for Tongue Point, in order to provide Astoria with deserved economic relief. The telegram reads as follows:

> ASTORIA, OREG., *June 23, 1964.*
>
> Hon. WAYNE MORSE,
> *Washington, D.C.:*
>
> The city of Astoria extends its thanks for your continuing effort to provide a facility at the Tongue Point Naval Base. We extend our cooperation and sincerely hope that the utilization of the base will become a reality in the near future. The use of this facility will mean a great deal to our local economy which has suffered over the past several years.
>
> HARRY M. STEINBOCK,
> *Mayor.*

Mr. MORSE. Mr. President, I sincerely hope that the Senate will adopt my amendment. I ask for the yeas and nays, if enough Senators are present. Otherwise, I shall ask for a quorum.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader [Mr. DIRKSEN]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Rhode Island [Mr. Pastore], the Senator from West Virginia [Mr. Randolph], the Senator from Missouri [Mr. Symington], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Tennessee [Mr. Gore], the Senator from Mississippi [Mr. Eastland], and the Senator from Oklahoma [Mr. Edmondson] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from California [Mr. Engle], the Senator from Massachusetts [Mr. Kennedy], the Senator from West Virginia [Mr. Randolph], the Senator from Rhode Island [Mr. Pastore], and the Senator from Missouri [Mr. Symington] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. Mechem], the Senator from Kentucky [Mr. Morton], and the Senator from Pennsylvania [Mr. Scott] are necessarily absent, and if present and voting, would each vote "nay".

The Senator from Illinois [Mr. Dirksen] is detained on official business, and his pair has been previously announced.

Also, the Senator from Kansas [Mr. Pearson] is detained on official business and if present and voting would vote "nay."

The result was announced—yeas 11, nays 71, as follows:

[No. 440 Leg.]

YEAS—11

Dodd
Douglas
Hartke
Inouye
Magnuson
McGovern
Morse
Nelson
Neuberger
Yarborough
Young, Ohio

NAYS—71

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cooper
Cotton
Curtis
Dominick
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGee
McIntyre
McNamara
Metcalf
Miller
Monroney
Moss
Mundt
Muskie
Pell
Prouty
Proxmire
Ribicoff
Robertson
Russell
Saltonstall
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Bayh
Cannon
Clark
Dirksen
Eastland
Edmondson
Engle
Gore
Kennedy
Mansfield
Mechem
Morton
Pastore
Pearson
Randolph
Scott
Symington
Williams, N.J.

So Mr. Morse's amendment was rejected.

WIDOW SWINDLING

Mr. SMATHERS. Mr. President, the Special Committee on Aging, of which it is my privilege to serve as chairman, has been devoting considerable attention to frauds and misrepresentations directed against senior citizens. Our work in this area is carried on by our Subcommittee on Frauds and Misrepresentations Affecting the Elderly, the chairman of which is the able junior Senator from New Jersey. Under Senator Williams' aggressive leadership, this subcommittee has held several hearings and more hearings are planned for the next few weeks and months.

These hearings have shown the importance of publicizing the methods used in such heartless exploitation of America's seniors. To the extent that these schemes can be exposed, potential victims are alerted and helped to protect themselves against them.

An excellent article on this subject appeared in the February 2, 1964, issue of the Parade magazine. It is entitled "A Heartless and Growing Racket—Widow Swindling." It was written by Mrs. Margo Tupper, a former resident of the State I am privileged to represent here. In order that some senior citizens who did not see this article when it appeared in Parade may read it and be warned, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Heartless and Growing Racket: Widow Swindling

(By Margo Tupper)

One of the most scandalous and contemptible of the con games being practiced today is growing at an alarming rate. Its victims are the Nation's 8,500,000 widows, who are heartlessly bilked out of sums ranging from a few dollars to a lifetime's savings by an ever-growing army of swindlers.

The situation has become so serious that postal inspectors from all over the United States gathered recently behind closed doors in Washington to decide how to cope with it.

According to the Post Office Department, complaints which in 1959 were in the hundreds today number way up in the thousands. An examination of the records show that of the cases filling the files of the Special Senate Committee on Aging and the Federal Postal Inspection Service, more than 60 percent involve widows.

Senator George A. Smathers, Democrat, of Florida, chairman of the Committee on Aging, estimates that widow-gypping brings in some $100 million annually. "In many cases widows have been left with substantial amounts of property," says Senator Smathers. "They can be easily located, simply by reading the obituary pages. Because they are lonely and in need of affection—and have little if any business experience—they make an easy target for the wily con man."

Says Chief Postal Inspector H. B. Montague, "The person who makes a practice of cheating widows is the lowest of the low and must be brought to justice."

There are at least a thousand different ways of gypping widows. The funeral is hardly over before the first of the sharpies move in—usually tradesmen claiming that the deceased husband had ordered, and not paid for, a present for his wife, ranging from a piece of costume jewelry to an expensive fur coat. More virulent, however, are the long-term swindlers, who seize on the widow's yearning for income or companionship to cheat her over a period of years.

The most extensive of their schemes is the fraudulent "work at home" come-on. This swindle, which is also often directed at other lonely persons, usually begins with an enticing ad. "Are you interested in making from $8 to $20 a week?" it reads. "Work at home in your spare time. No selling."

The victim is often persuaded to buy an expensive piece of equiment, such as a sewing or knitting machine, with the promise that the product she turns out will be purchased by the company. But, on the pretext that the product does not meet the company's standards, the finished articles are rejected. When she becomes disillusioned and wants to quit the whole thing, she finds that her contract has been sold to a finance company and she has to pay, without recourse.

PROFITS ARE ENORMOUS

For example, the Strick-Matador Corp. of Buffalo, N.Y., was charged by the Post Office Department with being the instigator of a nationwide plot whereby knitting machines, imported for about $40, were sold through dealers to widows and others for $550, including finance charges. Since purchasers realized little or nothing from their investment, they were swindled out of more than $5 million.

The king of the work-at-home swindlers, before he was tripped up by postal inspectors, was Nels Irwin, operating out of Los Angeles. With the help of his 80-year-old stepfather and another associate, Irwin extracted some $3 million from his victims.

While work-at-home schemes prey upon the widow with little income, the dance studio racket swindles the more prosperous. Widows by the hundreds are waltzing and mamboing their way to the poorhouse.

They are sweet-talked, charmed and humbugged into signing almost unbelievable agreements. Kenneth B. Wilson, president of the National Better Business Bureau, Inc., cited the case of a 71-year-old widow who mortgaged her home to make the final payment to a dance studio on a number of "lifetime" memberships totaling $32,000. She bought one membership while in a hospital with a knee injury which made it doubtful that she would ever walk again, let alone dance.

Some dance studios even sponsor parties at the home of the widow, who pays all expenses. The real purpose of the party is to give dance instructors, who are primarily salesmen, a chance to induce her friends to become lifetime members with a promise of parties and companionship for the rest of their lives.

Widows also are setups for fraudulent land schemes. Land which is worthless or nearly so is often advertised as ideal for building homes. Widows who want to invest their savings in land for speculative purposes or simply to build a home for themselves all too frequently find themselves the owners of costly but useless property. The sale of Florida real estate, which at high tide might be 2 feet under water, has become something of a national joke. Yet as recently as September 1962, a real estate promoter was sentenced to 8 years imprisonment for falsely advertising swamplands in the Florida Everglades as desirable building sites.

Today the land swindlers have moved their operations to the great Southwest, where millions of acres of arid desert land remain unsold. Walter F. Mondale, Attorney General of Minnesota, told the Committee on Aging that widows and other elderly people are being sold lots "situated somewhere in the Arizona or Nevada desert, miles from other communities and at a price which may run as high as 30 times the actual value of the land."

Other rackets in full swing are medical quackery, matrimonial clubs and phony charities.

Cora Galenti Smith, self-styled beauty scientist of Los Angeles, was found guilty last year on two counts of mail fraud regarding a facial rejuvenation process. Her magic formula was nothing more than a strong solution of carbolic acid, and numerous victims, many of them widows, were permanently scarred and horribly disfigured.

Hilmer E. Barnes, of Clarinda, Iowa, is now serving a 10-year stretch for obtaining $16,000 from widows in four different States. Misrepresenting his family background, financial condition, education, and age, he induced women to correspond with him and agree to marry him. The indictment stated that Barnes got the women to give him money as a loan to establish a business or through blackmail, by threatening them with pictures which had supposedly been taken in compromising situations.

CHECKS FOR THE DISABLED

Last July, a wealthy widow of Delaplane, Va., was fleeced out of $31,000 by two men claiming to represent a fictitious organization for disabled Korean war veterans. After donating $6,000 she was prevailed upon a few days later to write a check for $12,500 for construction of a building in which to rehabilitate veterans. Soon after cashing that check the con men phoned the widow and told her they had spilled ink on it and asked her to send them another. She did so, but her chauffeur became suspicious and called bank officials. They called the police and the men were arrested. All the widow got out of the deal was a bronze statue inscribed, "From the boys."

To protect against such cases of mail fraud, the Post Office Department is seeking strengthened laws. It is augmenting its staff of 75 inspectors with 25 more, who will concentrate exclusively on mail frauds involving widows.

One major difficulty is getting swindled persons to cooperate in prosecution. "Widows scream to high heaven about a fraud involving a few dollars, but it is most difficult to get them to testify when thousands of dollars are at stake," says William F. Callahan, Director of the Mail Fraud Investigations Division of the U.S. Post Office. "It's largely a matter of pride and fear that ridicule at having been taken for a sucker will ruin their community standing."

Mr. Callahan gives this advice to widows: "If you feel that you have been a victim of a swindle, have lost money or property through deceit, always consider whether the mails have been used in any way as part of the deal. If letters or post cards were used, if any correspondence took place between you and the other person or firm, the Federal mail fraud law may have been violated and the Government will investigate. Bring all details to the attention of your postmaster who will contact the postal inspector for you."

HOW MUCH FOREIGN AID IS NECESSARY?

Mr. LONG of Missouri. Mr. President, when the Senate takes up the Foreign Assistance Act, the principal question will be how much aid is necessary to stimulate growth and stability in underdeveloped countries. Yet, I hope that this year we will give full recognition to the unique good will enjoyed by our Nation—good will that is, in part, traceable to our foreign aid program. Mr. President, I ask unanimous consent that an excellent editorial on this subject from the Columbia Missourian be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Columbia (Mo.) Missourian, June 9, 1964]

Aid Return

Many Americans are sometimes smug and self-satisfied about foreign aid, always putting it in the category of international charity. Yet money and materials are now coming back to us from governments and private citizens abroad.

These returns are contributions to honor the late President Kennedy. They will be used to help erect the Kennedy Memorial Library, build the Kennedy Cultural Center, provide scholarships in Kennedy's name, and create a Kennedy memorial in England.

French Government officials have contributed $100,000 for the library, to be built near the campus of Harvard University in Boston. Venezuela also has contributed $100,000 for this purpose. French citizens, meanwhile, have started a drive for additional funds, and a similar drive is being conducted in Germany.

Italy has sent a large amount of marble for use in the Cultural Center, to be built in Washington, D.C.

The British are creating Kennedy scholarships to Harvard, and to Radcliffe College and the Massachusetts Institute of Technology, both in Boston. Britain also has set aside an acre of Runnymede, site of the signing of the Magna Carta, as the place for building a Kennedy memorial.

Somehow these actions seem to call for some degree of humility and gratitude from Americans. They show, in essence, that the United States was fortunate to have as President a man who could become such a symbol of hope and freedom to our foreign friends.

ACTION ON CIGARETTE FRONT

Mrs. NEUBERGER. Mr. President, the House Interstate and Foreign Commerce Committee today began hearings on various House measures, similar to my own in the Senate, dealing with cigarettes, particularly centering on the proposals of the Federal Trade Commission and the Department of Health, Education, and Welfare concerning cigarettes, disease, and education. My testimony before the House committee emphasized my view that Congress, either directly or by implication, should do nothing which would obstruct or impede the implementation of these agency programs.

This morning the New York Times carried two items of special and timely significance to this issue. I was pleased to note that the editorial strongly supports the view that the Federal Government has the main responsibility to inform the public about the dangers in smoking. The editorial also wisely reminds the reader that following the expected promulgation by the FTC of the labeling requirement of cigarette packages, several other avenues of education remain open to the administration and should not be neglected.

The news article reviews some of the issues raised at the current meeting of the house of delegates of the American Medical Association. Several of the State medical society delegations submitted resolutions urging that the AMA strengthen and clarify its stand on the hazards of cigarette smoking. One of the resolutions from the California delegation of the association expressed serious misgivings about the acceptance by the AMA of the $10 million from the tobacco interests to conduct research on the effects of cigarette smoking. My colleagues in the Senate will be interested to note that resolutions on smoking and health came from the delegations from California, Wisconsin, Florida, Texas, Illinois, New Jersey, Washington, Colorado, and Oregon.

Mr. President, 2 weeks ago the Surgeon General, Luther L. Terry, addressed the National Conference on Smoking and Youth. He challenged the conference with this theme:

> If this generation of children and youth takes up smoking, as they assuredly will unless they are convinced otherwise, millions of them in later years will suffer needless illness and disability, and will die before their time.

What an indictment of this generation of adults if it stands by and does nothing but mumble incantations about the necessity of more definitive research.

I ask unanimous consent that the two articles from the New York Times and the text of the Surgeon General's address be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, June 23, 1964]

Inaction on Cigarettes

Surgeon General Luther L. Terry is understandably annoyed at the lull in the antismoking campaign. He has criticized the American Medical Association's report on cigarette smoking as weak and weasel-worded—a judgment reflected in several critical resolutions submitted to the AMA itself by delegates to its current convention. Dr. Terry has also attacked the tobacco industry's demand that action await additional research. He is all for stepping up efforts to find out "how cigarette smoking produces lung cancer, bronchitis, and other diseases," but he points out there is no need for further examination to determine whether cigarette smoking is a health hazard. As far as Dr. Terry is concerned, the advisory report leaves no doubt that smoking is harmful to health.

The Surgeon General has more than his own committee's definitive report to confirm his judgment. Studies by the American Cancer Society, the American Heart Association and official groups abroad all underline the link between tobacco and early death. Smoking is not the only cause, but it is a proved, identifiable killer that must be subject to greater control.

Effective action has been stalled because the administration and Congress have failed to press for reasonable curbs. The report to the Surgeon General called on the Government to take "appropriate remedial action," but the cigarette industry itself seems more interested in policing measures than Washington. It has at least proposed an advertising code and appointed former Governor Meyner of New Jersey to administer it.

The Federal Government, as we have often observed, has the main responsibility to inform the public about the dangers in smoking. The Federal Trade Commission should soon bring out its own code for cigarette advertising, and the administration should follow with other measures to alert the public to the risks involved.

[From the New York Times, June 23, 1964]

Firm AMA Stand on Tobacco Urged—Group Asked To Strengthen and Clarify Its Position on Smoking Hazards—Medical Costs Rising—Report at Convention Shows Increase of 136 Percent in Expenses Since 1935

(By Harold M. Schmeck, Jr.)

San Francisco, June 22.—Twelve of the seventy-two resolutions submitted today for consideration by the American Medical Association's house of delegates related to problems of smoking and health.

Most of the resolutions, from State medical society delegations, urged that the association strengthen and clarify its stand on the hazards of smoking, particularly cigarette smoking. Many of the resolutions cited the report of the U.S. Surgeon General's committee as showing dangers to health clearly associated with smoking.

The resolutions were referred to committees, which will report on them later in the week to the house of delegates, the policymaking body of the association. This is the association's normal procedure. Resolutions do not represent AMA policy until they are accepted by the house of delegates.

The house is meeting at the Fairmont Hotel here in connection with the association's 113th annual convention.

REPORT ON MEDICAL COSTS

In another action today, a 3½-year study of the cost of medical care was made public by a special commission of the association established in 1960. The report runs to more than 500 pages in four volumes. Its conclusions and recommendations will not be made public until the winter clinical meeting of the medical association in Miami Beach, November 29 to December 2, after Congress adjourns.

The commission's chairman, Dr. David B. Allman of Atlantic City, said the report indicated a rise of 136 percent in the price of medical services and goods since 1935, against a rise of 123 percent in general prices for all goods and services during the same period.

In addition to the resolutions on smoking, a supplementary report submitted to the medical association board of trustees was devoted to this subject. The report said the American Medical Association had for many years "recognized the serious health hazards associated with cigarette smoking."

The report cited a recently published pamphlet—"Smoking: Facts You Should Know"—as evidence of the association's educational effort on smoking.

The pamphlet has been criticized by persons who believe it does not state the case against smoking vigorously. The pamphlet lists prominently among the hazards of smoking the fire hazard of smoking in bed.

The resolution submitted by the Vermont delegation said the pamphlet did not give sufficient warning of the danger of cigarette smoking.

One of three resolutions by the California delegation said "serious misgivings have been expressed by many physicians and segments of the public as a result of the acceptance by the AMA-ERF (American Medical Association-Education and Research Foundation) of a large sum of money to conduct research on the effects of cigarette smoking."

Last February, the association announced that it had accepted $10 million from six major tobacco companies for such research.

Resolutions on smoking and health also came from Wisconsin, Florida, Texas, Illinois, New Jersey, Washington, Colorado, and Oregon.

Other resolutions today covered a broad spectrum of topics, including civil rights, medical education, and the relationship between government and medicine.

[From the New York Times, June 23, 1964]

Industry's Code Cleared

Washington, June 22.—The Justice Department cleared the way today for the cigarette industry to go ahead with its plans to impose voluntary industrywide restriction on cigarette advertising.

Assistant Attorney General William M. Orrick, Jr., head of the Department's Antitrust Division, gave the industry formal assurance that he would not bring criminal antitrust action against companies that adhere to the voluntary advertising code.

Justice Department clearance was the last remaining barrier to formal adoption of the code by the industry. The Tobacco Institute, which represents the major cigarette makers, announced earlier this month that Robert B. Meyner, former Governor of New Jersey, had been chosen as administrator of the code, with authority to impose fines of up to $100,000 on violators.

The code, prepared after the Surgeon General's report on smoking, is aimed largely at eliminating from cigarette advertising all appeals to young people and intimations that cigarette smoking is "essential to social prominence, distinction, success, or sexual attraction."

Address[1] by Luther L. Terry, M.D., Surgeon General, Public Health Service, U.S. Department of Health, Education, and Welfare

On behalf of the sponsors of the Conference on Smoking and Youth, of which the Public Health Service is proud to be one, I want to welcome you to this meeting and to thank each of you for coming.

All of you are now familiar with the overall judgment of the advisory committee on smoking and health: "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

Perhaps some of you have heard or read the thoughtful statement of Dr. Edward R. Annis, the president of the American Medical Association: "Smoking is the greatest single producer of preventable disease with which I have dealt in 25 years of practice."

Here we have cigarette smoking characterized as "a health hazard" and a major "producer of preventable disease."

These are familiar terms to health agencies. To the health officer, they call to mind the standard approaches of preventive medicine and the tested public health procedures that are applied routinely when we are dealing with a traditional disease. But cigarette smoking is a health hazard of a peculiar kind with complex features outside the usual orbit of public health.

The youth of this country—like the rest of us—are exposed to smokers everywhere, to hard and soft sells for smoking, and to a ceaseless reiteration—that almost everybody smokes cigarettes.

This social transmission of smoking to the young goes on incessantly, every day of the year, in virtually every part of every community. All of society shares in it, either as unwitting models and teachers, or as passive supporters of films, radio, television, magazines, and so on, that regularly present cigarette smoking as the thing that most people do.

Cigarette smoking is therefore different from other health hazards. Smoking and youth is a problem of the whole community—of every agency and organization concerned in any way with the welfare and well-being of children and youth. This is why I am so genuinely glad you are all here.

Cigarette smoking is a deeply rooted national habit, with consequences not only to health but with complex social, psychological, and economic implications. We in the health and youth organizations are well aware of them; we are united here because we share a major concern in this matter—the health and well-being of American youth.

None of us is about to be misled by the half-truth that we need more research before we can take action. Certainly we need more research, and through government, the voluntary agencies, and the tobacco industry, a great deal of research is now going on. There will be even more in the immediate future. But the research is to learn how cigarette smoking produces lung cancer, bronchitis, and other diseases, not whether it produces them. On that part of the question, the facts are now in, and no reasonable person should dispute that cigarette smoking is a serious health hazard.

The history of scientific interest in the cigarette-health relationship can be divided into four stages.

The period before 1930, when only a handful of reports considered cigarettes at all, might be called the era of complacency; from 1930 to 1940, the era of suspicion; from 1940 to 1950, the era of exploration; from 1950 to January 11, 1964, the era of confirmation.

The Advisory Committee on Smoking and Health, which examined the evidence and reached a unanimous verdict, was a scientific jury.

The unanimity of judgment effectively ends the period of exploration.

Now we are entering the next phase, which I hope will in fact be an era of action.

I call it an "era" deliberately—to emphasize that a quick campaign will not do the job. Each of the other stages took at least 10 years. To change a nation's smoking habits, we must think in terms of a program of 10 years plus.

I will not impose on your hospitality to use this platform for a detailed report on Public Health Service activities and plans. But I can assure you that we intend to practice as well as preach.

As soon as I received the report of the Advisory Committee, I assured the American Public Health Association, the American Cancer Society, the American Heart Association, and the National Tuberculosis Association, as well as others, of the interest of the Public Health Service is cooperating with them in every possible way.

Many of the voluntary organizations here today, as well as Government agencies and professional groups, were represented at a first planning conference in Washington in February. At that time we all saw that joint action was the broad highway we would have to take. Since that time we have been in repeated touch with each other, and in the weeks immediately ahead we hope that a formal organization can be established to strengthen and give impetus to a full-scale campaign directed at informing and driving home to the people of this Nation, particularly the young, the established health hazard of cigarette smoking.

In releasing the report on smoking and health, we sought maximum press coverage so that the essential message of this scientific document would be brought home to every American. To judge from our mountain of press clippings, little else appeared in the newspapers of the world on the weekend of January 11 and 12. We wanted maximum impact, and we got it.

But that was just the beginning. Because personal health decisions usually depend on what the doctor thinks, we sent a copy of the report to every physician in the United States. So far, the Public Health Service has distributed well over a quarter of a million copies to professional organizations, medical schools and students, editors and writers, and many other interested groups; and the report continues to be a best seller at the Government Printing Office.

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[1] National Conference on Cigarette Smoking and Youth, Biltmore Hotel, New York, N.Y., June 10–11, 1964.

To get some precise ideas on professional reactions to the report, and whether physicians' minds and attitudes have been changed by it, we expect soon to be sending out a questionnaire to a representative number of physicians. We also intend to assess the reactions of medical educators, students, and other professional groups.

For baseline data and as a background for planning our programs, we are working toward an additional group of surveys. The Public Health Service's Division of Chronic Diseases and the National Center for Health Statistics, are planning a continuing analysis of the amount and distribution of smoking. Since age of the smoker will be one of the parameters, this survey will provide basic trend data for all programs on smoking and youth. Any data we collect, of course, will be available to all of you. The same applies to our coming studies of morbidity trends among smokers and nonsmokers, as well as to other data-collecting projects now under consideration.

Various kinds of clinics are in operation for habitual smokers who would like to break the habit. We hope to evaluate some of the methods used, compare their effectiveness, and perhaps identify those elements that induce people to give up smoking—and more important—that prevent backsliding.

We have just completed and have begun evaluating a 4-week course for Public Health Service personnel who would like to control their cigarette consumption without necessarily giving it up completely. The first results were most gratifying—they usually are—but we will need some time to measure the real effectiveness of the method that was used.

You will be interested, I am sure, in a kit of materials on smoking and health that we are assembling for the guidance of physicians, health workers, and others in leadership positions. It consists of selected leaflets of various organizations, reprints, a bibliography of films and other background materials.

From time to time I have mentioned our plan to establish a Public Health Service Clearinghouse on Smoking and Health. The planning to date has been done by existing staff, mostly on a part-time basis, and it is quite evident that an effective clearinghouse cannot be manned without substantial, additional resources.

These, very briefly, represent some of the activities of the Public Health Service since the release of the report. There has, of course, been much activity on other fronts.

All of the voluntary health agencies represented here today have intensified their work in the area of smoking and health in recent months. Your representatives are here and will, I am sure, speak for themselves.

To describe the various antismoking activities in the States would take the rest of the day. I know that some of them—California, New Jersey, and Pennsylvania, to cite a few examples—are moving rapidly. Others need help.

Through our regional offices, the Public Health Service last month undertook a quick survey of these State activities. Many have formed interagency committees, have distributed or are preparing publications, and are supporting smoking clinics. Many have conducted or have scheduled statewide conferences on smoking and health. In the State of Washington, for example, the Governor has called a major conference for mid-June.

This is only a small sample. Even this abbreviated list may seem impressive—until you look at the dimensions of the job ahead. I hope that no one in this room underestimates the complexity of trying to dissuade a whole generation of teenagers from starting cigarette smoking or to get several million young smokers to stop.

But this is the real task before us—to eliminate or greatly reduce cigarette smoking among youth. As we approach this task I remind you, as I must often remind myself, not to confuse activity with results.

This obliges us to learn and apply every scientific finding or reasonable inference about the smoking habit. To prevent or cure smoking, we must ask the right questions and be sure we are using the best validated answers. Why do youngsters start smoking? Why do they become habitual smokers?

These are two separate questions. The known factors that induce young people to smoke their first cigarettes vary with each smoker: curiosity, the desire to imitate and be identified with older children and adults, to be considered more masculine or feminine, or as a gesture of rebellion against adult authority. Since they start smoking for a variety of reasons, it would seem obvious that no single approach or technique of discussion will work with everybody. We have insufficient knowledge.

Neophyte smokers become habitual smokers for a different variety of reasons. Starting with one or two cigarettes a week, they slowly increase the frequency until the act of smoking becomes associated with other habitual activities, such as drinking coffee, joining a group of people, talking on the phone, and so on. Every smoker forms these associations, which become increasingly powerful. Thus the youth who may have smoked his first cigarette to appear grown up is unable to break the habit when he becomes grown up.

It has been estimated that the two-pack-a-day smoker lifts a cigarette to his mouth and puffs nearly 120,000 times a year. I can think of no other voluntary act that so many people do so often. Apart from other explanations of smoking—such as nicotine or psychological dependence—it is small wonder that anything learned so thoroughly becomes so difficult a habit to break.

I believe we should be aware of the person who insists he knows the "real" reason that people smoke cigarettes. Since they smoke for different reasons, or to fill different needs, we also need to beware of the person who thinks he knows the one sure preventive or the one sure cure. Here, too, we labor under an insufficiency of knowledge.

One note of optimism can be sounded: it would appear that every reasonable appeal or technique succeeds with some of the people some of the time. We must, therefore, be diverse in method, imaginative in devising new methods, and rigorous in evaluating them all.

In approaching youth, I would like to inject two cautionary notes which were expressed at the Children's Bureau Conference in May. In the first place, youngsters seem to resent and reject criticism of the teenage smoker. This suggests that educational efforts that ridicule the young cigarette smoker or present him as a figure of contempt will alienate many nonsmoking teenagers as well as the cigarette smokers themselves.

In the second place, many young people will consistently resist bombardment with so-called special-interest materials. As one youngster said "After a while we get as fed up with this as with TV commercials. We tune our ears off." I suspect they need to be convinced that we are less interested in cancer or bronchitis than we are in them. To do so, will take some doing.

One of the major tasks and opportunities of this conference is to agree on some guidelines. You will need to explore the most acceptable ways of giving youth the facts about cigarette smoking and its general threat to their health and well-being. You will also be looking into ways of informing and motivating teachers and parents.

In this long-range campaign, where is the best starting point—how best may we begin this combined operation against cigarette smoking? Where should we concentrate our efforts and resources for the greatest long-term results? What is the proper role of the Nation's schools and colleges, the youth organizations, the medical and dental professions, and of the State and Federal Governments?

Most of the organizations represented here have considered these and similar questions from their own points of view. I doubt that any single organization can have mustered the broad experience and breadth of vision that reside in this conference as a whole. I know you will make the most of this opportunity during the next 2 days, and thereafter when you return to your own organizations and communities and put the recommendations of this conference to work.

To counteract the ubiquitous social contagion of smoking, to give our children adequate exposure to influences against smoking, will require effort and resources from all of us. Every health agency, every school, every youth organization and youth-serving organization has a great responsibility to bring the message to youth and to bring it to them repeatedly.

Your organizations reach into every corner of every community. You represent the majority voice of our society—the parents, the schools, the churches, major health organizations, and every major youth group and youth-serving group. You have the strength and numbers to make your voice heard, in order that youth everywhere will read you loud and clear.

You also have the incentive. In the United States, as well as some other countries, the middle third of the 20th century has witnessed an explosive epidemic of deaths from certain diseases. The toll of death and disability rises sharply every year and the peak is not in sight. We now know that cigarette smoking is a major effective cause of this epidemic.

If this generation of children and youth takes up smoking, as they assuredly will unless they are convinced otherwise, millions of them in later years will suffer needless illness and disability, and will die before their time.

I ask you in all earnestness, can this generation of adults stand idly by and let this preventable mass tragedy unfold?

This is the big question. May I wish you all success in making a real beginning toward a real answer.

TRIBUTE TO SENATORS NOW SERVING WHO AUTHORED GI BILL 20 YEARS AGO

Mr. YARBOROUGH. Mr. President, I rise today in commemoration of the 20th anniversary of the World War II GI bill. In doing so, I would like to pay tribute to those Members of the 78th Congress whose wisdom prompted our Government to make one of the best investments in its future, dollar for dollar, that we have ever made. In particular, I would like to single out seven of our present Senate colleagues who were among the sponsors of this foresighted bill 20 years ago. To the senior Senator from Arizona [Mr. HAYDEN], the senior Senator from Georgia [Mr. RUSSELL], the senior

Senator from Alabama [Mr. Hill], the senior Senator from Vermont [Mr. Aiken], the senior Senator from Mississippi [Mr. Eastland], and the senior Senator from Arkansas [Mr. McClellan], I would like to commend their faith in our young veterans by cosponsoring the original GI bill.

Yesterday, as I invited the Members of this great legislative body to repledge our faith in our young servicemen by investing in their future educational opportunities, I was greatly pleased by the statements made by the senior Senator from Oregon [Mr. Morse], and the senior Senator from Indiana [Mr. Hartke], as they rose in support of the now pending cold war GI bill. I share the views of these two Senators that this bill is an investment not only in the potential of our young people, but also in basic human values; and the unemployment rolls today demonstrate the necessity for the enactment of this bill.

Mr. President, I am proud to join with these two able Senators in pledging my faith in our young cold war veterans and their future, and in placing myself in their company and the other Senators who comprise the 39 cosponsors of S. 5, the cold war GI bill. I only ask that this body follow the tradition of the 78th Congress so that 20 years hence, we can be proud of the accomplishments brought about by the passage of this worthy legislation.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 10433) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Hayden, Mr. Russell, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mundt, and Mr. Young of North Dakota conferees on the part of the Senate.

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed in the Record at this point a statement prepared by the Senator from New Jersey [Mr. Williams].

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Harrison A. Williams, Jr., in Support of Funds Approved by the Appropriations Committee for a Sea Clam Research Program

I strongly support the committee's action in adding to the bill $230,000 to initiate a survey and research program for the surf or sea clam.

The surf clam industry started only 25 years ago, with one boat's harvest of 100 bushels of clams. Today it is a $25 million industry which has been increasing at the rate of 6 percent a year. In 1962, 1,500,000 bushels of surf clams were processed. The industry produces clam chowder, chopped clams, minced clams, clam stew, calm sauce, and clam juice.

There is a very considerable investment in boats and factories for processing and manufacturing, and the industry creates employment not only directly in its boats and factories, but also indirectly for other industries through its use of trucking and railroads, its purchase of cans, cartons, machinery and other items. There are 1,200 employees working in the industry's plants and on its boats. About three-quarters of the industry's activity is centered in New Jersey, but the Eastern Sea Clam Packers Association also has members in New York, Delaware and Maine.

This growing industry now faces a crisis, and in fact industry representatives estimate that presently harvested areas may be used up by the fall of this year or months thereafter. This is not due to depletion of the beds by overharvesting, or failure to use proper conservation practices. It all results from our lack of biological knowledge of this species of clam.

The industry has already been cooperating to the fullest extent with the Bureau of Commercial Fisheries. Last year a vessel and crew were furnished to the Bureau for exploratory fishing operations for surf clams. This was under a cooperative research agreement with the Eastern Sea Clam Packers Committee of the Oyster Institute of North America. Through February of this year the Bureau had spent about $6,000 while the industry contribution has been $10,000. This original agreement has been completed and a new agreement for additional exploration went into effect several months ago. This effort will be for $25,000, of which the Bureau's share will be $10,000 and the industry's $15,000. The study is designed to find new areas of sea clams in commercial abundance.

This work is not the answer to the situation, however, since it is merely an emergency stopgap effort and will not solve the long-range problem. What is desperately needed is the research program which the Bureau has planned, with projects on (1) the life history and growth and (2) the population distribution and dynamics of the sea clam. We are completely ignorant of information on their spawning, development, growth, and mortality.

One of the basic problems, according to biologists at the Bureau, is the inherent instability of most shellfish grounds. In the case of surf clams, this is complicated by the fact that they are not gathered in bays and estuaries along our coasts, as other clams, but in the ocean. They live in depths ranging from 30 to 200 feet. The Bureau's biologists say that the surf clam resource of the middle Atlantic coast may cover an area more extensive than the present extent of the fishery. But as yet we do not know where the present beds originated, or where the surf clam population is located during its estimated 18- to 20-year life span.

Research to date has concentrated on measurements of development to the spawning stage and growth of laboratory held clams and from samples of the commercial catch. The commercial jet dredge was found to be size selective, so a new dredge was designed for more adequate biological samples and is being built. Methods for tagging or marking surf clams are also under study, so that a direct means of measuring growth and death rates on commercial beds would be possible.

It is evident that we are at the very beginning in seeking knowledge of the life history of the surf clam, and I urge approval of the committee's addition of $230,000 to make possible the initiation of this crucial study of this important resource.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of two measures on the Legislative Calendar to which there is no objection, and that at the appropriate place explanations of the measures may be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF PREVAILING WAGE SECTION OF THE DAVIS-BACON ACT, FEDERAL AIRPORT ACT, AND NATIONAL HOUSING ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 932, H.R. 6041. The bill has been cleared with the minority leadership.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 6041) to amend the prevailing wage section of the Davis-Bacon Act and related sections of the Federal Airport Act and the National Housing Act.

Mr. BARTLETT. This bill is one I have long supported, and is similar to one I cosponsored, S. 450. I prepared for delivery on the Senate floor a speech supporting the bill, and discussing other needed Davis-Bacon amendments.

Mr. President, in 1931 Congress passed the Davis-Bacon Act, a measure designed to insure that the wages paid by Federal construction contractors would be commensurate with those prevailing in similiar civilian occupations in the area where the construction was taking place.

Thus was the policy established that the Federal Government was not to be a party to the depression of local labor standards. The policy has since been reaffirmed over a dozen times through the inclusion of the prevailing wage concept in other laws.

Davis-Bacon's passage represented a bipartisan effort, and its support came from various segments of society—contractors who were being underbid by others paying substandard wages, local workmen who were being underbid by cheap outside labor, local communities suffering from unemployment. The Davis-Bacon Act was sorely needed, and it has been generally effective. Under its provisions, the Department of Labor has determined equitable wage levels for the construction trades in various areas and has set up enforcement machinery and an appeals board. Certainly the act has helped maintain Alaska's labor standards and economic health, important as Federal projects are to the State's construction industry and labor force. In fiscal 1964, for example, appropriations for a $44½ million military construction program were approved for Alaska. The Bureau of Indian Affairs Alaska budget contained over $6 million in construction funds; the figure for the Department of Health, Education, and Welfare was some $4 million. More could be cited. Davis-Bacon obviously represents an economic safeguard essential to Alaska's welfare.

Nonetheless, the 33 years since the law's enactment have brought many changes in the Nation's economic patterns and, as we might expect, these changes have left the legislation inadequate in certain respects. One such change involves a new concept of "wages." Davis-Bacon does not define its usage of the word "wages" in precise terms, and because of the act's requirement that wages be paid "unconditionally," the Labor Department has not felt free to include in its calculations those fringe benefits to employees which are contingent in nature. "Unconditional" remunerations such as some vacation allowances may be included, but most health, welfare, pension and other guarantees and programs cannot be considered. In 1931 such indirect or deferred payments were almost negligible in terms of the total wage picture, but such is no longer the case.

Fringe-benefit programs have become numerous and their economic role has become steadily more important.

In the construction industry alone there are more than 4,000 welfare and pension funds; well over 70 percent of building tradesmen are covered by such programs. The Wall Street Journal has pointed out that overall payments to private welfare and pension funds have multiplied 7 times since 1946, to a record high of 7 percent of wage and salary earnings.

It is true, as Secretary Wirtz testified before the Committee on Labor and Public Welfare on February 21, 1964:

> Fringe benefit plans have become an integral part of the fabric of our modern industrial society and that employer payments to these plans represents a firmly established wage custom and practice.

In the Seattle area fringe benefits paid to building laborers represent an increment equivalent to 9 percent of the basic wage. For painters and plasterers the figure is 8 percent, for bricklayers and plumbers, 7 percent. Precise figures are not available for Alaska—where the cost index is substantially higher—but we may assume that the relative size of fringe benefits is comparable to that computed for the State of Washington.

Yet those responsible for administering the Davis-Bacon Act must still operate under an antiquated concept of wages. Fringe benefits cannot be included in their calculations.

What is the result of this gap, this widening gap, in Davis-Bacon coverage?

There has been a recurrence of the inequities and abuses Davis-Bacon was intended to eliminate. The Federal Government again has become a party to the depression of local labor conditions. Contractors are in effect encouraged to eliminate fringe benefits. Even if they do not wish to do so, they are forced to such action by the necessity of competitive bidding and the willingness of some of their competitors to omit fringe benefits from their cost calculations. From such a depression of the wage scale stem other maladies: the encouragement of the importation of cheap outside labor by contractors, the growth of unemployment in the local community, and the economic difficulties of both imported and local workers who find that their payments and benefits are not sufficient for the security of their families or adequate to the scale of living in their communities.

Fortunately, the need for the inclusion of fringe benefits in the calculation of prevailing wages has received considerable congressional attention.

Numerous bills have been introduced to this effect in both Houses since 1955. Last session I cosponsored a bill (S. 450) which would include fringe benefits in Davis-Bacon calculations. A similar measure was introduced in the House (H.R. 6041) and was passed by that body on January 28, 1964. The Senate Committee on Labor and Public Welfare held hearings on the House bill and reported it favorably on March 17. I strongly advocate passage, without weakening amendments.

A second shortcoming of the Davis-Bacon Act as it now stands is that it lends itself to rather narrow and evasive interpretations as to the extent of its coverage. Contractors and contracting agencies often draw a fine line between construction and installation. Sometimes, for example, electrical work contracted for military installations has been exempted from the act's coverage on the grounds that it represents installation rather than construction. Whatever one thinks about the legitimacy of such distinctions—and their evasive intent can hardly be masked—the fact remains that Davis-Bacon as it now stands is limited to construction contracts.

Now, just as it makes little sense to guarantee the equity of rates paid by construction contractors if we are to allow evasive interpretations, it makes little sense to guarantee construction wages if we are to allow those who contract for the maintenance of the same installations to pay substandard wages—not only without fringe benefits, but also below the basic wages prevailing elsewhere in the community for maintenance work.

The same considerations that led to the passage of the Davis-Bacon Act require us to extend its coverage to maintenance contracts.

The depression of local wage rates by Government contractors is intolerable, whether the contractors in question are engaged in construction or in maintenance.

Again, we in Alaska have particular reason to appreciate Davis-Bacon's inadequacies in this respect. A substantial portion of the operating budget of the military services and of other Federal agencies in Alaska is contracted maintenance work—electrical, mechanical, custodial, and other services. And we know from experience that the present absence of safeguards encourages contractors to enlist workers at substandard wages and leads budget-conscious agencies to let their maintenance contracts go to such contractors. Sometimes this leads to the importation of cheap outside labor; more often it has meant that the only persons who can afford to take maintenance jobs are those who have other employment and desire a supplementary income.

Hence, we have the widespread practice of "moonlighting" in Alaska, by servicemen and others. Those needing full-time employment do not benefit from the job markets the Armed Forces and the agencies create. Local people who desperately need these maintenance jobs are either edged out entirely or are given a substandard wage when and if they are hired. The Federal Government again becomes a party to local unemployment and wage depression.

Unfortunately, the need for the extension of Davis-Bacon to maintenance jobs has not received the congressional attention it deserves. Bills have been introduced in the House to this effect—H.R. 273, H.R. 4798—but have not had hearings. Another House bill, H.R. 1678, would not have specifically amended Davis-Bacon but would have nonetheless provided that contractors or subcontractors doing Government maintenance work be paid wages commensurate with the wages and fringe benefits prevailing in the particular area, as determined by the Secretary of Labor. However, after subcommittee hearings on H.R. 1678, the House Committee on Education and Labor on June 10, 1964, reported an altered measure, H.R. 11522. The reported bill would provide that Federal contractors' "service employees" be paid rates comparable to those paid Federal employees in analogous positions. Maintenance workers would thus come under the provisions of section 202(7) of the Classification Act of 1949—5 U.S.C. 1082—a representative or board of the contracting agency would hence fix an equitable rate. Such a bill has its difficulties. For one thing, it does not stress adherence to a locality's prevailing wage to the extent that Davis-Bacon does; such adherence is naturally important to Alaska, with her higher cost of living. Furthermore, H.R. 11522 does not provide for direct Labor Department administration. It instead allows the agencies themselves to set the wage levels by which their contractors will abide. And we know from experience that, despite their best intentions, economy-minded agencies are tempted to tolerate a low wage scale on the part of their contractors, in the interest of obtaining inexpensive service. The

Labor Department occupies a more objective posture and is subject to fewer pressures. Moreover, its administration of the present Davis-Bacon Act has been such as to inspire confidence. At any rate, I hope that when and if the House considers H.R. 11522 it will amend the bill so as to bring it in line with Davis-Bacon provisions and procedures.

I have myself cosponsored a bill to extend Davis-Bacon to maintenance contracts, S. 495, introduced by the able senior Senator from California, Senator KUCHEL, and cosponsored by the distinguished senior Senator from Minnesota, Senator HUMPHREY, on February 28, 1963. The bill would simply amend the act so that "maintenance work on a public building or public work, including the replacement, modification, reconstruction, and demolition thereof, shall for the purposes of this Act, be deemed to be a contract for the construction, alteration, and/or repair thereof." The Department of Labor would see that Federal maintenance contracts contain the prevailing wage as a minimum wage. I regret, however, that hearings have not yet been held on this measure; I hope that either this or the House bill will in the near future receive the Senate's consideration.

Mr. President, we are often reminded that the laws we pass and the standards we set in 1 day are not sufficient for the demands of the days that follow. Indeed they may be pernicious, in that they make us believe we have met problems which are in reality unmet, and lull us into complacency. The Davis-Bacon Act was a well-conceived measure, and its impact has been salutary. But unless we modify the measure to meet today's conditions and needs, its efficacy will be compromised.

I have suggested two urgently needed amendments which, I believe, would contribute to the law's updating; the inclusion of fringe benefits in its calculation of prevailing wages and the extension of its provisions to maintenance as well as construction contracts.

It is my hope that the Senate will respond to the need for such legislation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6041) was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. McNAMARA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 963), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> H.R. 6041, which was passed by the House on January 28, 1964, is designed to modernize the Davis-Bacon Act by bringing its standards into conformity with modern wage payment practices. It recognizes that fringe benefits which were unknown when this act became law a third of a century ago now constitute an integral part of the wages of millions of workers. It further recognizes that these fringe benefits must be reflected in prevailing wage determinations under the act if its underlying principle—that Federal funds should not be used to depress prevailing local wage standards on federally supported construction work—is to continue to have real meaning.

PASSAGE OF DAVIS-BACON AMENDMENTS: A GREAT ACHIEVEMENT

Mr. HUMPHREY. Mr. President, the Senate has acted wisely in passing H.R. 6041 without amendment. This legislation passed the House of Representatives in January by the overwhelming vote of 387 to 50. It was favorably reported by the Senate Labor and Public Welfare Committee by a vote of 13 to 2.

It has been my privilege to join with the distinguished assistant minority leader, Mr. KUCHEL, in the 87th and 88th Congresses in proposing similar legislation. On January 23, 1963, I introduced S. 450 on behalf of myself and Senators KUCHEL, CLARK, HART, ENGLE, DOUGLAS, MORSE, CASE, JAVITS, KEATING, PROUTY, SCOTT, BARTLETT, GRUENING, WILLIAMS of New Jersey, METCALF and INOUYE.

The objectives of the original Senate legislation (S. 450) and H.R. 6041 are similar. The Davis-Bacon Act was first enacted in 1931 and was revised in 1935, to represent what was then a comparatively effective instrument for preventing the purchasing power of the Federal Government from undermining existing labor conditions in the construction industry.

Since 1935, however, experience has revealed many drawbacks in the framework for administering the Davis-Bacon Act. In fact, changing conditions in the construction industry have required a new look at the way the act operates today. That is the purpose of this bill—namely, to provide a basis for taking a new and more realistic look at the Davis-Bacon Act.

Since 1935 the Secretary of Labor has confined himself to determining the basic hourly wage rate as the only prevailing rate required by the act. Nowadays, however, this basic hourly wage rate falls far short of reflecting the actual hourly labor costs on construction jobs. Collective agreements throughout the industry now cover many additional payments for the welfare of workers—payments which did not exist in 1935. For example, most agreements in many areas of the country now provide for payments, on an hourly, or payroll basis, to so-called health and welfare funds, so as to provide much needed sick and hospital and medical benefits to construction workers and their families. Payments are also frequently required to be made to pension funds and to supplementary unemployment benefit funds. Many agreements also require payments to various training funds of direct benefit to journeymen and apprentices whose skills are the lifeblood of the construction industry and the mainstay of those who depend upon this great industry for their livelihood.

As the report of the Committee on Labor and Public Welfare points out, recent surveys have shown that the payments to these funds are not only a substitute for direct wage increases which workers would otherwise have received as a part of their basic hourly wage rate but, in addition, that these payments now are a very large part of the hourly wage costs in the construction industry.

These payments cannot be ignored or discouraged because they exist to benefit workers for whom they are made. Yet under the interpretation of the present act they are ignored and discouraged. Day after day the law is extending an open invitation to outside contractors to bring low wages and cheap labor into higher wage communities because these lower labor costs give them a successful bidding advantage on Government work.

This type of unfair wage competition was the very reason for the enactment of the Davis-Bacon Act in the first place. It is the purpose of this legislation to upgrade the act so that it will once more carry out its original purpose.

Passage of H.R. 6041 will now place all construction contractors on equal competitive terms. It will not interfere with the prevailing wage rates paid in the community but will protect local contractors from unfair competition.

It has been a personal privilege to serve as principal sponsor of this legislation in the Senate. It is also my pleasure to compliment the distinguished Senator from Michigan [Mr. McNAMARA] for the prompt and expeditious manner in which he has handled this legislation. This is a significant improvement and modernization of the labor law of this country.

PRESERVATION OF CONGRESSIONAL JURISDICTION OVER CONSTRUCTION OF HYDROELECTRIC PROJECTS ON COLORADO RIVER BELOW GLEN CANYON DAM

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 968, S. 502. This bill, also, has been cleared with the minority leadership.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 502) to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment in line 6, after the word "ending", to strike out "December 31, 1968" and insert "December 31, 1965: *Provided*, That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications now pending"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a–823) for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1965: *Provided,* That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications now pending.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 502) was ordered to be engrossed for third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. McNAMARA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1023), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The effect of the amendment would shorten by 3 years the time during which the Federal Power Commission would be denied the right to issue licenses or permits on that reach of the Colorado River described in the bill. It would also maintain in status quo any pending applications before the Federal Power Commission on the date of the enactment of this bill.

The purpose of the bill, as amended, would be to prevent the Federal Power Commission from issuing licenses or permits for the construction of power facilities on the Colorado River between Lake Mead and Glen Canyon until December 31, 1965. At the present time there is pending before the Federal Power Commission an application by the Arizona Power Authority (project No. 2248) for a license to construct a hydroelectric project at the Marble Canyon site. Marble Canyon is one of the last sites available for power development in the Lower Colorado Basin. The Bureau of Reclamation estimates that if constructed under reclamation law, with a 6-mill firm power rate, the reimbursable costs of the Marble Canyon project would be returned with interest in 40 years and thereafter an average of over $10 million in new power revenues would be available annually to assist in returning the costs of other water resource development. This would make over $111 million available for this purpose by the end of the 50th year from the time the project were to go into operation under reclamation law, and, of course, this accumulation of net revenues would continue indefinitely. Revenues of this magnitude could, as an example, meet a substantial portion of the cost of a lower Colorado River salvage program aimed at salvaging up to 1 million acre-feet annually of lower Colorado River water now being lost.

The question posed by the application before the Federal Power Commission is whether the Congress shall have opportunity to pass upon the development of the Marble Canyon site in order that it might, like the great lower basin sites at Hoover, Parker, Davis, and, potentially, at Bridge Canyon, make an effective and continuing contribution to meeting the costs of lower basin water supply development under the Federal reclamation laws. Enactment of S. 502 will preserve that opportunity.

FREE ENTRY OF MASS SPECTROMETERS—ONE FOR OREGON STATE UNIVERSITY AND ONE FOR WAYNE STATE UNIVERSITY; ONE MICROCALORIMETER FOR UNIVERSITY OF COLORADO

Mr. MANSFIELD. Mr. President, because of an unusual circumstance, I ask unanimous consent for the present consideration of Calendar No. 1041, House bill 4364.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University, which has been reported from the Committee on Finance, with amendments, on page 1, after line 8, to strike out:

Sec. 3. If the liquidation of the entry of any article described in this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

And, in lieu thereof, to insert:

Sec. 3. The Secretary of the Treasury is authorized and directed to admit free of duty one rheogoniometer imported for the use of the University of Tennessee.

On page 2, after line 5, to insert:

Sec. 4. The Secretary of the Treasury is authorized and directed to admit free of duty one rheogoniometer imported for the use of Ohio State University.

After line 8, to insert:

Sec. 5. The Secretary of the Treasury is authorized and directed to admit free of duty all stone imported before the enactment of this Act for use in the construction of the Sheldon Memorial Art Gallery, located at the University of Nebraska, Lincoln, Nebraska.

And, after line 13, to insert:

Sec. 6. The first section and sections 2, 3, and 4 of this Act shall apply to the articles described therein whether such articles were entered before the date of the enactment of this Act, or are entered on or after such date. In the case of any such article entered before such date and in the case of articles described in section 5, the entries involved shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of this Act, and the appropriate refund of duty shall be made.

Mr. MANSFIELD. Mr. President, I ask that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, there is at the desk an amendment which is offered in connection with the committee amendments.

The PRESIDING OFFICER. The amendment of the Senator from Colorado to the committee amendments will be stated.

The Legislative Clerk. In the committee amendments on page 2, after line 8, it is proposed to insert a new section, as follows:

On page 2, after line 8, to insert a new section, as follows:

"Sec. 5. The Secretary of the Treasury is authorized and directed to admit free of duty one microcalorimeter imported for the use of the University of Colorado."

Mr. MANSFIELD. Mr. President, this measure has been cleared with both the ranking minority member of the committee, the Senator from Delaware [Mr. Williams] and with the chairman of the committee, the Senator from Virginia [Mr. Byrd]. I urge the adoption of this amendment.

Mr. DOMINICK. Mr. President, this instrument is imported from France. Later, I shall submit an explanation of the instrument.

At this time, I move the adoption of this amendment to the committee amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to the committee amendments.

The amendment to the amendments was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendments, as amended, which are being considered en bloc.

The amendments, as amended, were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 4364) was read the third time, and passed.

The title was amended, so as to read: "An Act to provide for the free entry of certain articles imported for the use of certain universities."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1098), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL AS AMENDED

As passed by the House, this bill would permit the free importation of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University. These provisions have been approved without change by the Committee on Finance.

The committee amendments would (1) permit the free importation of two rheogoniometers, one for the use of the University of Tennessee and one for the use of Ohio State University, and (2) allow the free importation of stone for use in the construction of the Sheldon Memorial Art Gallery located at the University of Nebraska.

GENERAL EXPLANATION OF HOUSE BILL

Oregon State University has ordered from abroad a mass spectrometer for research and graduate instruction in the scientific departments of the university.

A mass spectrometer is a device used by chemists and chemical engineers to provide chemical analyses, measurements, and other research features. Your committee is advised that at the time Oregon State University placed its order, no domestic firm was offering to design or custom make an instrument with the specific scientific characteristics required by the university. Funds for acquistion of this equipment were granted to the university through the National Institutes of Health.

Section 2 of the bill provides for the duty-free entry of one mass spectrometer for the use of Wayne State University. The circumstances attending the order of this equipment from abroad by Wayne State University are similar to those related above. In this instance, as in the case of the purchase by Oregon State University, the Department of Commerce has advised your committee that it is of the opinion that at the time the university determined its requirements and specifications for a mass spectrometer, no equivalent instrument was available from domestic producers.

In these circumstances, your committee is of the opinion that this legislation is meritorious and is consistent with prior congressional enactments.

GENERAL EXPLANATION OF COMMITTEE AMENDMENTS

Your committee has added to the House-passed bill provisions which would permit two rheogoniometers to be imported duty free, one for the use of the University of Tennessee, the other for the use of Ohio State University. This is consistent with previous acts which have allowed scientific equipment to come into this country without payment of import duties for the use of specified colleges and universities, particularly in those cases where the scientific apparatus involved was not manufactured domestically.

A rheogoniometer is an instrument capable of measuring liquids under either steady rate condition and/or fluctuating rates of flow. The completed instrument allows torsional testing in oscillation as well as in steady rotation and is capable of measuring not only viscosity but also elasticity, and all the other flow properties, such as dilatancy, thixatropy, relaxation, retardation, etc., over wide and exactly controlled ranges of temperatures and of rates of shear. The committee is advised that instruments possessing these qualities are not produced domestically.

For these reasons, the free entry treatment provied by this amendment is entirely appropriate.

A further amendment added to the bill by the committee would permit the free entry of all stone imported and used in the construction of the Sheldon Memorial Art Gallery, located at the University of Nebraska.

The gallery is owned by the university and is located on campus. It displays a notable collection of American painting and sculpture, in a setting of architectural beauty, exclusively for the cultural and educational use of the public. The gallery constitutes a major cultural factor in the State and, of course, the university is a nonprofit institution.

Under this amendment, if the liquidation of the stone involved has become final, provision is made for reliquidation (and refund) in the same manner as if the liquidation were not final.

TREASURY AND POST OFFICE DEPARTMENTS, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1965

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1038, H.R. 10532.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. ROBERTSON. Mr. President, I ask unanimous consent that the committee amendments to the pending bill be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 3, line 2, after "(22 U.S.C. 401)", to strike out "$76,000,000" and insert "$77,100,000".

On page 3, line 19, after the word "commission", to strike out "$9,380,000" and insert "$9,980,000".

On page 5, line 15, after "(5 U.S.C. 2131)", to strike out "$270,000,000" and insert "$272,200,000", and on page 6, line 9, after "United States", to strike out "in amounts not exceeding an average of $285 per student".

On page 6, line 22, after "(5 U.S.C. 55a)", to strike out "$80,000,000" and insert "$90,000,000".

On page 8, after line 1, to strike out:

"SALARIES AND EXPENSES

"For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; $15,850,000."

On page 8, after line 9, to strike out:

"REVENUE ACCOUNTING AND PROCESSING

"For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $17,500,000 for temporary employment; $148,800,000."

On page 8, after line 17, to strike out:

"COMPLIANCE

"For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred seventy-six for replacement only, of which one hundred for police-type use may exceed by $300 each the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; $418,350,000."

On page 9, after line 4, to insert:

"REVENUE ACCOUNTING AND PROCESSING

"For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $17,500,000 for temporary employment; $153,600,000."

On page 9, after line 12, to insert:

"COMPLIANCE

"For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred and twenty-five for replacement only, of which two hundred and twenty-five for police-type use may exceed by $300 each the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; $429,400,000."

At the top of page 10, to insert:

"ADMINISTRATIVE PROVISION

"Not to exceed 5 per centum of any appropriation available to the Internal Revenue Service for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations, but no such appropriation shall be increased by more than 5 per centum by such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate."

On page 14, line 24, after the word "mail," to strike out "$595,000,000" and insert "$598,000,000".

On page 15, line 9, after the word "Government," to strike out "$200,000,000" and insert "$198,000,000".

On page 17, line 23, after the word "individuals," to strike out "$6,750,000" and insert "$6,853,000".

Mr. ROBERTSON. Mr. President, the Committee on Appropriations has authorized me to present to the Senate its Report No. 1095 on the pending bill, H.R. 10532, making appropriations for the Treasury and Post Office Departments, Executive Office of the President, and certain independent agencies for fiscal year 1965.

Senators will find on their desks printed copies of the committee report and bill, and I will now present to the Senate a brief summary of what is contained in the bill.

The agencies covered by this bill have the responsibility of administering a total of $17.3 billion, of which more than $11 billion is for definite and indefinite permanent appropriations which are not included in the pending bill, such as interest on the public debt. The 1965 estimates in this category total $11,155,752,000. Of this amount, $11 billion is for interest on the public debt, an increase of $400 million over the 1964 estimate.

The bill which is recommended to the Senate provides total appropriations of $6,240,423,000. This amount is an increase of $15,003,000 over the House allowance, $184,657,000 over the appropriations for 1964, and $28,268,000 under the estimates for 1965.

Increases over the House allowances were approved by the committee on the basis of what it regarded as convincing testimony presented by departmental witnesses in support of their requests and in the belief that failure to appropriate the additional funds would impair the capabilities of the agencies to perform their missions effectively and economically.

TITLE I—TREASURY DEPARTMENT

Appropriations totaling $1,220,980,000 are recommended in the accompanying bill for the regular annual requirements of the Treasury Department for fiscal 1965. This is a decrease of $12,710,000 in the estimates and an increase of $13,900,000 over the House bill. The amount recommended is $107,030,000 more than the 1964 allowance.

For the Bureau of Customs, the committee recommended a total of $77,100,000, an increase of $4,615,000 over 1964, an increase of $1.1 million over the House and $1.1 million under the estimate. The budget estimate called for 375 additional average positions, and the House bill provided 150 of these. The bill before the Senate would provide for approximately 262 additional average positions over 1964. The amount recommended provides for all the mandatory increases totaling $2.5 million and also provides over $2 million for strengthening enforcement and reducing the backlog. The inspectional workload is increasing and the amount recommended provides for additional inspectors and liquidators at the most important ports of entry, as determined by the Bureau.

BUREAU OF THE MINT

For salaries and expenses for 1965 for the Bureau of the Mint, the committee recommends the budget estimate of $9,980,000. In this recommendation, the committee specifically approves the use of $600,000, as requested, for the manufacture of 45 million silver dollars and the balance, $9,380,000, for the minting of 4.97 billion coins of the other denominations. The committee was assured by departmental officials that they can produce the 4.97 billion regular coins in addition to the 45 million silver dollars during fiscal 1965 with the funds recommended. Considerations supporting the committee's recommendation in connection with the silver dollars are found on page 6 of the report. The committee has been informed that starting July 1, 1964, both the Philadelphia and Denver Mints will have stamping operations continuously 24 hours a day, 7 days a week, and that all other operations will be geared to permit this.

In addition, the committee concurs with the House in allowing a total of $600,000 in the form of 1964 supplemental funds, to be derived by transfer, for needed equipment and supply items. The committee also concurs with the House in allowing a total of $16 million for construction of a new mint in Philadelphia and $500,000 for plans and specifications for the new building, both to remain available until expended. Thus, the bill contains a total of $27,080,000 for the Bureau of the Mint to increase coinage production to the fullest extent and as soon as possible.

COAST GUARD

For operating expenses of the Coast Guard, the committee recommends $272,200,000, an increase of $2.2 million over the House and $2.2 million under the estimate. The amount recommended is $12,400,000 over the 1964 appropriation. The amount allowed will provide for the mandatory increases and and for most of the proposed program increases.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For acquisition, construction, and improvements of the Coast Guard, the committee recommends the budget estimate of $90 million. This amount is $10 million over the House and $39 million over the 1964 appropriation. The committee recognizes the obsolescent condition of the Coast Guard's vessels, aircraft, and coastal stations and feels this is a step toward an adequate replacement and improvement program.

For Reserve training, the committee concurred with the House in recommending $20,700,000, an increase of $1,200,000 over 1964.

INTERNAL REVENUE SERVICE

For this Bureau, the committee recommends $583 million, an increase of $31 million over 1964 and $7.7 million under the revised estimate.

The amount allowed provides for the mandatory increases requested totaling $18.9 million in addition to $12.1 million for new items, including the extension of the master file system and the purchase of ADP equipment. The budget estimate provided for an increase of 2,174 positions. While the Service originally stated that the House allowance would only provide 710 additional positions, the 1964 purchase of ADP equipment planned for purchase in 1965—which the committees recently approved—made available within the House allowance $3.3 million for other purposes so that this allowance will now provide for 1,166 additional positions over 1964.

The House divided the Internal Revenue Service appropriation into three appropriation items for the stated purpose of facilitating congressional review of the budget. The committee agrees that there may be some advantages in a division, but thinks such purpose could just as well be served by two items in accordance with the two activities upon which the Service based its budget presentation—since these activities represent the two basic missions of the Service. Under the committee's recommendation, management flexibility, under adequate safeguards, is provided in the form of transfer authority of not to exceed 5 percent between the appropriation items for the Internal Revenue Service.

Recommendations for the Office of the Secretary, Bureau of Accounts, Bureau of Engraving and Printing, Bureau of Narcotics, Bureau of the Public Debt, Office of the Treasurer, and for the Secret Service will be found in the report.

It should be observed that in reporting an appropriation for the Treasury Department, which is $107 million over 1964, the increases can be accounted for as follows: first, $23 million to cover mandatory items; second, $18 million for increased workload and ADP equipment for Internal Revenue Service; third, $16 million for the construction of a new mint; fourth, $39 million for acquisition, construction, and improvements of the Coast Guard, specifically for vessels, aids to navigation, and shore installations; and fifth, $5.7 million for air conditioning the Bureau of Engraving and Printing offices.

TITLE II—POST OFFICE DEPARTMENT

For the Post Office Department, the committee recommends appropriations totaling $5,002,500,000. This is an increase of $77 million over 1964, $1 million over the House amount, and $15,500,000 under the estimates for 1965.

ADMINISTRATION

For administration and regional operations, the committee recommends $85,500,000, a decrease of $455,000 in the estimate but $2 million over 1964. The Department did not appeal the House reduction and stated in its appeal letter that it was willing, because of its desire to hold expenditures to the absolute minimum, to accept the House action. The Department estimates an unobligated balance of $2 million in this account at the end of the fiscal year 1964.

RESEARCH AND DEVELOPMENT

For research and development, the committee concurs with the House in recommending $12 million. This is the same as the amount appropriated for 1964 and $1 million under the estimate. This item was not appealed by the Department.

OPERATIONS

For the operations account of the Postal Department, the committee concurs with the House in recommending $4,020 million. This amount is $95 million over the 1964 appropriation and represents a reduction of $2.7 million in the estimate. Again, the Department did not appeal this small reduction. In this connection, I should like to read a pertinent paragraph from Postmaster General Gronouski's appeal letter of March 31:

> In the case of the operations appropriations we know we will have difficulty in controlling our cost and meeting the difficult goal of increased productivity. However, the House cut of $2.7 million represents only about seven one-hundredths of 1 percent of our appropriations, and we do not believe that we could now assert that this small difference could seriously affect the problem. We, therefore, accept that cut.

This is the bread and butter account of the Department and it did not—I repeat, did not—appeal the cut. It is estimated this item will end the current fiscal year with an estimated unobligated balance of $10.3 million.

TRANSPORTATION

For transportation, the committee recommends $598 million, an increase of $3 million over the House allowance, and $3 million under the estimate. While the committee recommendation is $13 million under 1964, it should be pointed out that the Department estimates to have an unobligated balance of $9.9 million at the end of this year and, during the year, approximately $5.5 million was transferred out of this account to other accounts.

FACILITIES

For facilities, the committee recommends $198 million. This amount is $8 million over the amount appropriated for 1964; $2 million under the House; and $7 million under the estimate. The committee feels that improved facilities should be confined to those situations where the need is most acute. The Department estimates an unobligated balance of $1 million in this account at the end of this year.

PLANT AND EQUIPMENT

For plant and equipment, the committee recommends $89 million, a decrease of $1.2 million in the estimate and the same as the House allowance. Again the Department did not appeal the House reduction.

In reporting an appropriation for the Post Office Department, which is $15,500,000 under the estimate, the committee frankly admits that the Postmaster General appealed the House cuts in transportation and facilities. The committee believes, however, that in view of the Department's not appealing $5.4 million of the House cuts, the increase by this committee of $3 million for transportation and the exercise of diligence and prudent management will enable the Department to live within the recommended amount. It is well to point out that a bill to increase postal salaries is pending; and, if enacted into law, it will require a supplemental appropriation of $235 million. The $77 million increase allowed by the committee over 1964 is accounted for by providing approximately $74 million for mandatory items and the balance of $3 million for increased workload.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

For the Bureau of the Budget, the committee recommends $6,853,000. The House cut $111,000 from the estimate, but the Bureau appealed only $103,000 of the cut and this committee has restored this amount.

Mr. President, there are included in title I of the bill pertaining to the Treasury Department, as reported by the committee, two supplemental appropriations for fiscal 1964 for the Bureau of the Mint.

The committee has recognized the shortage of coins by providing the $600,000 as a supplemental, in order to purchase needed equipment and repay funds borrowed from proof coin operations to pay overtime in 1964. It would be most unfortunate if these funds were denied the mint by a technicality through the passage of time should the bill not be enacted before June 30, 1964. The loss thereof would reduce the output of coins planned for 1965 and thus further aggravate the shortage. Therefore, Mr. President, to insure the continued availability of these supplemental funds until June 30, 1965, I offer the following amendments to the bill:

First. Page 3, line 23, following "$100,000," insert the following: "for fiscal year 1964 and to remain available until June 30, 1965"

Second. Page 3, line 25, strike out "to be immediately available".

Third. Page 4, line 3, following "$500,000," insert "for fiscal year 1964 and to remain available until June 30, 1965".

Fourth. Page 4, line 5, strike out "to be immediately available".

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Virginia wish to have his amendments acted on at this time?

Mr. ROBERTSON. Yes, for the committee instructed me to submit them.

The PRESIDING OFFICER. The amendments of the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. On page 3, in line 23, following "$100,000", it is proposed to insert "for fiscal year 1964 and to remain available until June 30, 1965".

On page 3, in line 25, it is proposed to strike out "to be immediately available".

On page 4, in line 3, following "$500,000", it is proposed to insert "for fiscal year 1964 and to remain available until June 30, 1965".

On page 4, in line 5, it is proposed to strike out "to be immediately available".

The PRESIDING OFFICER. Without objection, the amendments of the Senator from Virginia will be considered en bloc.

The question is on agreeing to the amendments of the Senator from Virginia.

The amendments were agreed to.

AMENDMENT NO. 1066

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1066; and I modify my amendment by striking out lines 1 and 2 of the amendment.

The amendment, as modified, is as follows:

> On page 5, line 16, strike out "$272,200,000" and insert in lieu thereof "$270,000,000".
>
> On page 6, lines 22 and 23, strike out "$90,000,000" and insert in lieu thereof "$80,000,000".
>
> On page 14, line 24, strike out "$598,000,000" and insert in lieu thereof "$595,000,000".

Mr. PROXMIRE. Mr. President, this amendment, as now modified, eliminates any reference to the coinage of silver. I shall explain that in a moment.

Mr. MANSFIELD. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Are we now to understand that the $600,000 voted by the Appropriations Committee for the coining of 45 million additional silver dollars is intact and is not touched by this amendment?

Mr. PROXMIRE. That is correct. Regardless of whether my amendment is adopted or rejected, that particular part of the bill will not be affected.

Mr. MANSFIELD. So the silver dollars amendment is intact?

Mr. PROXMIRE. That is correct.

Mr. President, earlier today the Senate passed the Interior Department appropriation bill. As a result of action taken on the floor of the Senate, the amount of the appropriations in the bill has been increased by $88 million over the amount appropriated for that purpose last year.

At this time the Senate is considering the Treasury-Post Office appropriation bill. This bill carries appropriation items totaling $184 million more than the total amount of the bill of last year.

The late President Kennedy indicated that he felt that increases in appropriations for defense activities, space activities, and interest on the national debt could be justified; but he said he would do his best to keep other expenditures at least on the same levels as those in the past. President Johnson has reiterated that position, and indicates that he believes strongly in economy, and that we should keep all expenditures on an even keel or should reduce them. The Treasury Department, the Post Office Department, and the Department of the Interior, important as they are, cannot be considered quite as essential as our Defense Establishment.

So, Mr. President, I urge the Senate to consider this amendment. The principle behind the amendment is clear: It cuts back the funds appropriated in the bill as reported from the Senate Appropriations Committee to the amounts voted by the House, with certain exceptions. Three of these exceptions involve appropriations which would bring far more into the Federal Treasury than the cuts would save. Thus, to cut back on funds for these programs would further unbalance the budget; on the other hand, to increase the funds for two of these programs, as my package of amendments would do, would result in substantial gains to the Federal Government.

This year, the American people were given a substantial tax cut by Congress. Both Houses now have a responsibility to keep faith with the American people by keeping Government spending at a sufficiently low level to offset, at least to some degree, the budget deficit caused by the tax cut; that is to say, decreased revenues from decreased taxes should be matched by as tight a limit as possible on Government spending. That is the philosophy behind the amendment I now have before the Senate.

This amendment would make reductions in the bill now before the Senate, by limiting the increases for Coast Guard operating expenses to $10,200,000, the amount of increase voted by the House.

It should be noted that these operating expenses have skyrocketed from $155 million in 1955 to a requested amount of almost $275 million this year—a jump of 80 percent in 11 years. Surely eliminating the $2.2 million added by the Senate Appropriations Committee in this tax cut year should not significantly hamper Coast Guard operations.

This amendment would also allow the amount appropriated by the House for Coast Guard acquisition, construction, and development, while eliminating further additions by the Senate. In view of the fact that the House gave the Coast Guard almost 57 percent more for these items this year than they received last year, an increase of $29 million seems perfectly adequate. Certainly the additional $10 million added by the Senate is not essential.

I wish to refer to the increases made by the Senate Appropriations Committee for Post Office transportation costs. That account has been consistently overfunded. At the time of the House hearings, it was estimated that $9 million would remain unobligated at the end of fiscal year 1964.

I wish to say a word about the exception that I made with regard to coinage. In the last few days it has been called to my attention that the shortage of coins is one of the most serious problems of our Federal Treasury. There is a really drastic shortage of coins. The Federal Reserve coinage inventory is now a bare one-sixth of its 1955 level, notwithstanding the fact that we have a far bigger economy, there is far more demand for the coins, and there is a much greater use of coins in coin machines of various kinds.

Recently a bank in New England found it necessary to pay a dollar to get 98 cents worth of coins. We are approaching a situation which every day and every week becomes worse. A serious problem is presented to the Nation's banks and businesses, particularly the Nation's small businesses, in merely obtaining enough coins to operate.

Under those circumstances, I think we can justify the modest action taken by the Senate to provide additional funds for coinage so that we can meet this very serious need. With that single exception, the other proposals that I have made would actually increase revenues and help to reduce the deficit and the national debt rather than to increase it.

Mr. ROBERTSON. Mr. President, the Senator has referred to a relatively small cut proposed in the item for transportation of mail. What we spend to haul the mail depends upon how much mail there is to be hauled. We must either pay for it or the mail will not be hauled. I do not know of anyone who does not want the mail hauled. If a person mails a letter, he wants it delivered.

The Department said that it needed $6 million more than the House allowed in order to haul the mail. We thought we would compromise those amounts. So we gave the Department $3 million more. We were satisfied that the estimate of 2.8 percent of increase in volume was a close estimate which could be greatly exceeded if we should have the kind of boom for the remainder of the present fiscal year that a great many people think we shall have, and which many people desire. So it is not a question of saving any money. It is largely a question of whether we shall appropriate now what is necessary to do the job or whether we shall imperil the operation of transportation and perhaps rush in a few months later with a supplemental appropriation bill to provide for the continued transportation of the mail.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. Is it not true that this year $9 million lapsed in the Department's transportation account which could not be used and was not used by the Post Office Department, and that in the preceding year a large amount lapsed, and that that has occurred regularly for many years?

Mr. ROBERTSON. That is true. If we include $3 million more than the Department needs, it will be lapsed. It will not be spent. If the Department needs it, it ought to have it. It is true that an amount appropriated previously lapsed. There was some inaccuracy in estimating how much would be needed and any unobligated balances revert to the Treasury.

Mr. PROXMIRE. Is it not also true that the cutback which I am proposing would be a relatively small percentage, and that very modest efficiencies on the part of the Post Office Department would enable it to handle the transportation problems with a saving as I have stated?

Mr. ROBERTSON. On the contrary, the Department representatives frankly came to us and said, "Last year we overestimated our requirements." They are now saying, "We are now down so tight that if you cut us again we shall go in the red and shall not be able to function." The volume is largely dependent not only upon an increase in business, but also the number of letters which are written. The source of the largest volume of mail is the businessmen of the Nation.

Mr. PROXMIRE. The Senator from Virginia is an outstanding expert in this area. He is also a devotee of economy in government, if there ever was one in the Senate. I realize that. Does not the Senator agree that one way that Congress can effectively enforce economy and efficiency in the executive branch is to keep the budget as low as possible?

Mr. ROBERTSON. That is undoubtedly true in theory.

Mr. PROXMIRE. As a matter of fact.

Mr. ROBERTSON. The volume of mail is something we cannot control. I do not know how many people will write letters and ask the Department to deliver them. When they ask us to deliver their letters, we must do so or they will say, "You have a monopoly on postal service, but you have fallen down on your duty. Why?" If we did not appropriate enough money to deliver the mail, people might say, "Did we not pay for it?" We would reply, "Oh, yes, you paid for it, and your money went into the Treasury."

The Post Office Department does not receive any of the stamp money; postal receipts go into the Treasury. We appropriate back to the Post Office Department what is required to pay for the handling of the mail, and that is the item which we are discussing.

Mr. PROXMIRE. The Senator from Virginia knows that businessmen encounter that problem every single day of their operations, and they find that they must use their ingenuity to do the job for less money. There is no such pressure on the agencies, but Congress can bring such pressure, particularly on the Post Office Department, which, as the Senator knows, is one of the largest civilian agencies in the Government, if not the largest. The proposal is one of the ways, it seems to me—and an effective way—in which we can require, force, and pressure economy on the part of the executive branch.

Mr. ROBERTSON. I wish the Post Office Department could tell the railway mail carriers that they charge too much. They would reply, "Eliminate featherbedding and we will charge less." How can the Department eliminate the featherbedding when Congress will not do so?

We must pay whatever charges the railroads require, and they have set up a rate schedule which is applicable to their railway mail service. We must pay what the trucking companies charge to haul the mail. We have to pay what the star route people charge to deliver the mail. We have to pay what the airplane companies charge to haul it. The Post Office Department cannot control those rates. They have so many letters to deliver. The Interstate Commerce Commission fixes the rates that they must pay, and they say, "This year this is the amount of money that is going to be needed to do this job."

We cut the appropriation by $3 million. The Department said, "You are putting us in a straitjacket. We do not think we can stand it."

Mr. PROXMIRE. In answer to the argument of the Senator, is it not true, first, that a great deal of the transportation of the Post Office these days—probably most of it—is by trucks and not by rail, and that truck transportation is within the control of the Post Office Department to a far greater extent than rail? Furthermore, the rates charged by the railroads have not substantially increased in recent months, and the railroads have given no evidence of increasing rates during the coming fiscal year.

Mr. ROBERTSON. I would not make that statement. The bulk of the mail from Washington to New York goes by train, as it has always gone. To my hometown of Lexington, Va., where there is no passenger train service, it comes in by truck. Whenever a branch line or other small line is discontinued trucks must be used. But we do not send mail by trucks from here to San Francisco or places like that. The large transcontinental railroads still haul the mail, and the bulk of our mail still goes from Washington to New York by rail.

As I have said, the Interstate Commerce Commission fixes the rates. I would like as much as anyone to squeeze them a little and make them all economize. Unfortunately, that is something that is beyond our control and beyond the Department's control. The costs are fixed in part by the volume and the rates charged the Department, over which the Department has no control.

Mr. BIBLE. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. BIBLE. On the question of the Post Office Department appropriation, I note, in reading the table on page 24 of the report that accompanies the bill now pending before the Senate, that the transportation appropriation for 1964 was $611 million. Is that not correct?

Mr. ROBERTSON. That is correct.

Mr. BIBLE. I note also that when the estimate was made for the fiscal year 1965, the amount was fixed at $601 million.

Mr. ROBERTSON. That is correct.

Mr. BIBLE. In addition, if I read the table correctly, the Senate committee allowed only $598 million. Is that a correct statement?

Mr. ROBERTSON. As I pointed out, the Department overestimated the volume. The Department was allowed $611 million in fiscal 1964 and did not use it. So the Department cut itself down for fiscal 1965 and then it was cut again by the committee. I was told by the officials that they did not see how the Department could take any cut beyond the amount it had recommended. However, I am still standing by the committee recommendation to cut the Department $3 million below the amount it said it must have.

Mr. BIBLE. The committee cut the amount an additional $3 million?

Mr. ROBERTSON. Yes. The committee is a little dubious about these agencies. We think they always ask for more than they actually need. So, on general principles, we usually cut their requests a little. But I do not want to cut the Department so much when it cannot economize because it cannot control the volume or the rates the Department has to pay.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PROXMIRE. The Senator from Nevada has raised a pertinent point. We are talking about $600 million, approximately. The saving is a small fraction of 1 percent. It seems to me, with the efficiencies we have been able to achieve in transportation as well as all other phases of the American economy, that this is a very modest amount to expect, although I recognize that the committee has made a slight cut below what the administration asked for.

Mr. ROBERTSON. The committee's recommendation is $13 million under the 1964 appropriation. I think that makes a pretty good showing for a careful estimate of what should be provided. The fact remains that the department cannot waste any of the money. If the department does not use the money, the unobligated balance reverts to the Treasury.

COAST GUARD

A little different situation is presented in the item for the Coast Guard. I realize that those of us from States which have a long sea coast have more contact with the Coast Guard than do our friends in the interior, and that we have a little keener conception of the services the Coast Guard renders.

In my opinion, based on long acquaintance with the Coast Guard, it has been outstanding in its work, and I do not think it has received adequate recognition for the sturdiness of its organization and the willingness, especially of the rank and file, to expose their lives in any kind of tempestuous weather to save the lives of others who are less prepared for survival than is a Coast Guard boat or cutter.

The Coast Guard is now running out of these ships. It is no part of economy, or prudence either, to let the ships go to the point where repairs cost more than the ships are worth, when they are inefficient at the same time. Nearly all of the increase is for ships, on the one hand, or to repair installations that were battered or destroyed in some of the hurricanes last year.

Members of the House Appropriations Committee told me privately that they decided the committee had cut the Coast Guard too much. I do not think there is any question about it. While it seems as though the committee has recommended a major increase, I am sure that those who are familiar with the facts and who feel as dependent as the coastal States do upon an efficient Coast Guard do not believe the committee has provided too much for this valuable agency.

I yield now to my friend, the Senator from Alaska [Mr. BARTLETT]. There is a considerable coastline in his State.

Mr. BARTLETT. We have a large coastline and a little Coast Guard, and I want a little more of the latter.

I strongly hope the position of the committee and the chairman will be supported and that no reductions will be made in the Coast Guard items.

The fact is that this is the first year that certain Coast Guard items have been authorized by law. A further fact is that the legislative committee in the House increased the administration's recommendations by $21,500,000, particularly and principally, as I believe, because the able and distinguished chairman of that committee, the Representative from North Carolina [Mr. BONNER], has had long familiarity and experience with and specialization in matters dealing with the Coast Guard. He realized the time has come to put the Coast Guard, its fleet and its facilities in modern, first-class condition.

The Senate Commerce Committee adhered to the budget figures, but, in conference, the House Members made such a persuasive case that the Senate agreed.

The budget did not request the full authorized amount. It sought only $90 million for acquisition, construction, and improvements. The request was cut by $10 million by the House. The Senate committee restored the amount asked for in the budget.

This item ought not to be cut by a penny.

Two independent studies made for and in behalf of the Coast Guard by nongovernmental groups revealed a number of shocking facts. One of them that concerns us particularly is that the Coast Guard fleet is hopelessly obsolescent. As a matter of fact, all of the high endurance cutters of the Coast Guard are from 20 to 30 years of age.

This year's budget provides for the replacement of 5 medium endurance cutters in the Coast Guard fleet. The Coast Guard has such 30 vessels, 18 of which are over 30 years of age. They should have been long since retired and a replacement program should have been started years and years ago.

The Coast Guard, in its 1965 vessel replacement program, recommended one new coastal tender. It now has 26 such ships, 11 of which are obsolete, built in the years from 1930 to 1939.

The Coast Guard has proposed replacement of three inland tenders. They are all obsolete, according to the committee's information.

The program also calls for the replacement of three small harbor tugs. The Coast Guard has 18 of these. Five of them are made of wood and are over 20 years of age.

Even if the Congress appropriates every last penny asked for by the budget, even if the full $10 million is restored for acquisition, construction, and improvements the fact remains that in the years immediately ahead there will have to be requests even larger than those before us this year.

The reason for that is that we have gotten hopelessly behind in this program.

What will happen if the Coast Guard does not receive this $10 million? One thing that will happen is that the rehabilitation and modernization of a 327-foot cutter cannot be effectuated. Three icebreakers need to be improved in respect to stability. This will not be achieved if the money is not allowed. The icebreaker *Mackinaw* needs to be improved. There are other important projects which will be postponed or canceled if this $10 million is cut.

The Coast Guard particularly called the committee's attention to the fact that another cutter is urgently needed to patrol off the New England coast. This is necessitated because the Russian fishing fleet is now making use of the traditional U.S. fishing grounds off the New England coast. This cutter will not be built if this item is cut.

I believe the committee acted wisely in restoring the full budget figure for the acquisition of items in respect to ships. I repeat that it is essential, in my judgment, that the committee's recommendation be retained by the Senate so that at long last, even in a rather halting, slow fashion, we shall have begun to modernize this essential arm of our security, and the protection of all our coast. I yield.

The PRESIDING OFFICER. The question is on the amendment as modified. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, were the items that are embraced in the Coast Guard program recommended and requested by the administration?

Mr. BARTLETT. That is correct. The Senate action merely confirmed the administration's original budget request.

Mr. LAUSCHE. Was the grant that was made by the committee above, equal to, or below that requested by the administration?

Mr. BARTLETT. It was $2.9 million below the administration's request. I might add that I do not think we should have cut a penny, but we did.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Wisconsin [Mr. Proxmire].

Mr. ROBERTSON. Mr. President, I want to add to what my distinguished friend from Alaska has said as to the greater need for icebreakers in Alaska than in Virginia. Of course, we do have times when our harbors are frozen over and we need icebreakers, too. But, as has been pointed out, we are below the Coast Guard total budget request by nearly $3 million. Assistant Secretary of the Treasury Department, Mr. Reed, called me twice and came to see me once, imploring that we make these restorations for the Coast Guard. He said they were vitally needed.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. BARTLETT. Is it not true that they appeared before the committee to give strong affirmative testimony on the point? Secretary Dillon and Admiral Roland appeared. They were very much concerned.

Mr. ROBERTSON. That is correct. If anyone has any question about that, we have voluminous transcripts of the hearings on the desk. That is the recommendation of Secretary Dillon and Admiral Roland.

Mr. PELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. PELL. Mr. President, I support the position of the Senator from Virginia [Mr. Robertson] and the Senator from Alaska [Mr. Bartlett].

As an enlisted man and officer in the Coast Guard for 23 years, I can recall serving in ships during World War II which still had wooden bottoms. I remember that the best ships we had then were the 327-foot class cutter. It is still the best ship the Coast Guard has available, the flagship of the Coast Guard fleet.

If ever there was a service that had need of new construction and new ships, it is the Coast Guard. If ships were already dated in the early forties, it would seem to me that they are far too outdated by now, in the midsixties. And that is the state of new construction of the Coast Guard cutters.

Mr. ROBERTSON. Mr. President, I may add that the average age of the Coast Guard ships is well above that which the Navy will tolerate for their own service. This is a stepchild. It is a naval organization. But it is under the Treasury Department. It has never gotten the consideration that the Navy has gotten.

Mr. PROXMIRE. Mr. President, as far as the Coast Guard is concerned, my amendment would still allow an increase of $10,200,000 in operating expenses for the Coast Guard. That would be an increase of nearly 5 percent.

I submit that is a very substantial increase. It compares favorably with the increase for any other agency of the Government this year. In fact, it will exceed most of them.

Most of the argument by the distinguished Senator from Alaska [Mr. Bartlett], the distinguished Senator from Virginia [Mr. Robertson], and the distinguished Senator from Rhode Island [Mr. Pell] was concerned with acquisition, construction, and improvement by the Coast Guard. What does my amendment permit? It permits an increase of $29 million in appropriations which last year were $51 million. In other words, if my amendment is adopted, the increased appropriations would be around 60 percent. So I am not asking for any austerity program, or any cutback program.

The amendment would still permit the Coast Guard to expand. It would still permit the Coast Guard to purchase new equipment. It would permit a very substantial increase in construction, and in improvement. It seems to me that it is most reasonable, especially in a year in which the President of the United States and Congress have stressed economy, and in a year in which we are trying hard to match the tax cut and keep our spending down.

I think that if we allow an increase of 60 percent in acquisition, construction, and improvement for any agency, it is ample; in fact, it is enormous.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. Proxmire] as modified. [Putting the question.]

The amendment was rejected.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I would like to call up Calendar No. 966, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. I object.

Mr. MANSFIELD. Mr. President, I withdraw the request.

Mr. PROXMIRE. Mr. President, I presume we are still on the same appropriation bill.

The PRESIDING OFFICER. That is correct.

Mr. PROXMIRE. Mr. President, I call up amendments Nos. 1067 and 1068. I ask unanimous consent that they be treated en bloc as one amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent also that the amendments not be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, what the combined amendment would do would be in the first place to restore to the budget request funds for tax compliance, in the Internal Revenue Service. This is a $7.7 million increase over the House figure. It is far less than the Internal Revenue Service requested of the Budget Bureau. The President cut the original IRS request for additional funds in half. The increase over that of the House will be six times over, with $2.2 million additional revenue expected in 1965.

The Internal Revenue Service needs the money simply to maintain the current level of tax enforcement.

I stress that. It is needed just to maintain the current level of tax enforcement. There are more returns. It is necessary to provide at least the budget request.

As I have said, the President has already cut the additional enforcement request in half. I cannot stress too emphatically that unless we restore the Internal Revenue Service fund to the level requested, our tax enforcement will be substantially weakened.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator said that the number of returns would be increasing. Yet, as I recall the tax cut bill, so called, which was passed early this year by the Senate, it provides a change in the optional standard deduction, which was calculated to eliminate a great many returns. Does the Senator have those figures?

Mr. PROXMIRE. The Senator makes an excellent point. It is a puzzling situation. The tax cut was made in part to eliminate some taxpayers. At the same time, two factors enter the picture. The first is the increases in the population, especially in the tax-age population, and the second point is the increase in income. These figures have been carefully checked by the Internal Revenue Service. The Service anticipates 2.2 million additional tax returns under the present revenue act.

Mr. MILLER. Does the Senator have the computation broken down to show the various elements of that estimated increase?

Mr. PROXMIRE. No. I obtained my figures from the Internal Revenue Service.

Mr. MILLER. I wonder if the Senator would be good enough to obtain for the Record the basis for the calculation that so many additional returns will be filed.

Mr. PROXMIRE. I shall be glad to try to do so.

Mr. MILLER. In view of what was said during the debate on the tax cut bill, it seems to me that the estimate of 2 million additional tax returns is excessive.

Mr. PROXMIRE. I must say to the Senator that I was one of the few who voted against the tax cut. I am disappointed to see at least this part of the promised tax cut not being fulfilled.

Mr. MILLER. The mere fact that there will be additional returns does not necessarily mean that there will be the same percentage increase in the cost of processing the returns. We are now getting into the computer systems. I should hope that the mere fact that there will be more income tax filers will not mean an automatic increase in the amount of the appropriation for the processing of the additional tax returns that will be filed.

Mr. PROXMIRE. The Senator is absolutely correct. The amendment which I am offering now would not increase that cost per return filed. It would provide in fact a lesser amount than was provided last year per return. It would result in much less weakening than if we did not provide the amount requested by the Bureau of the Budget.

Mr. MILLER. I wish to be clear on this point. To which item is the Senator now referring?

Mr. PROXMIRE. I am now referring to amendment No. 1067.

Mr. MILLER. Which item? Is it on line 1 or line 3 of the amendment? There are two changes proposed in that amendment.

Mr. PROXMIRE. What was the Senator's question?

Mr. MILLER. I should like to know which one of these items the first Senator's amendment refers to, which calls for an increase in the amount for the operation of Internal Revenue Service. The Senator proposes an additional amount because of an increase in the number of tax returns.

Mr. PROXMIRE. Both amendments would be affected. As I understand, they would provide for additional personnel for compliance. They would also provide for additional personnel for processing and for the handling of returns. The larger increase is the one for additional compliance funds.

Mr. MILLER. I invite my friend's attention to the item on page 9 of the bill, starting at line 6, which reads:

> For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $17,500,000 for temporary employment; $153,600,000.

The Senator proposes, on line 2 of his amendment No. 1067, to increase the $153,600,000 to $155,500,000.

I am not sure that I understand how the second item necessarily involves the processing of returns.

Mr. PROXMIRE. The second item deals with compliance. As I understand the compliance section, it would provide primarily for enforcement personnel. Primarily it would provide for auditors.

Mr. MILLER. The first item uses the phrase "for processing tax returns." That is what I believe the Senator was discussing during the earlier colloquy.

Mr. PROXMIRE. My amendment goes to both—accounting and processing on the one hand, and compliance on the other hand.

Mr. MILLER. If the second part of the Senator's amendment goes to the compliance section, I invite the Senator's attention to the fact that starting in line 17 on page 9 there is very interesting language: "not to exceed two hundred and twenty-five for replacement only, of which two hundred and twenty-five for police-type use may exceed by $300 each the general purchase price limitation for the current fiscal year."

Do I correctly understand that the service will purchase 225 police-type automobiles with which to catch up with some taxpayers?

Mr. PROXMIRE. My amendment would not affect that section at all. My amendment is confined to line 24.

Mr. MILLER. It affects it on line 24, however. May I say to the Senator from Wisconsin that I have before me only his amendment and the bill. However, the total amount for that particular compliance section is $429,400,000. The Senator would increase that amount to $435,200,000. The items that go into that amount include police-type vehicles.

Mr. PROXMIRE. Yes; but that is not the only item in the $435,200,000 amount.

Mr. MILLER. I should like to make this point——

Mr. PROXMIRE. If it were, it would be clear that the vehicles would cost about $2 million apiece. Although some of the governmental agencies are extravagant, I do not believe they would be able to find many vehicles for which they would be able to pay as much as $2 million apiece. Obviously, these automobiles cost considerably less than that.

Mr. MILLER. The point is that the Senator is increasing this figure of $429,400,000 to $435,200,000, or by about $6 million.

Mr. PROXMIRE. Yes.

Mr. MILLER. I am not sure that if we divide 225 into $6 million we get a price of $2 million for each vehicle. Be that as it may, my inquiry is: How much of an increase is that over 1964?

Mr. PROXMIRE. The $6 million has no relation, none, to the limit on automobiles. The $429 million does. But if autos were all that were involved the cost per auto would be nearly $2 million each for the 225 vehicles. The point I am trying to make is that autos are a very minor part of compliance.

Mr. MILLER. I suggest, if the Senator wishes to labor this point——

Mr. PROXMIRE. The Senator from Wisconsin does not wish to labor this point.

Mr. MILLER. But the Senator from Wisconsin now says the cost per vehicle is about a million dollars.

Mr. PROXMIRE. It is nearly $2 million.

Mr. MILLER. If he increases the amount by $6 million, and divides $6 million by 225, he certainly will not get a result of $1 million or $2 million.

Mr. PROXMIRE. Let us go over this calculation step by step. Line 17 refers to 225 for replacement only, of which 225 are for police-type cars.

If we divide 225 into $429 million, the cost would be close to $2 million per automobile. In other words, the automobiles involved are a minor part. I am not talking about more automobiles. There is no language in the amendment which provides for more automobiles. My amendment would provide more auditing, which is absolutely essential, if the additional tax returns which will be filed, are to be properly audited.

Mr. MILLER. The point I should like to get at, if the Senator from Wisconsin does not mind, is how much of an increase over the 1964 appropriation is the $429,400,000 provided in the bill.

Mr. ROBERTSON. The total overall increase is $31 million over the 1964 appropriation for the Internal Revenue Service. This will provide for 1,166 new jobs. The House provided for only 710 new jobs.

Mr. PROXMIRE. The Senator's figures are, of course, correct.

Mr. MILLER. I appreciate the statement of the Senator from Virginia as to the total figure; but the Senator from Iowa, if the Senator from Virginia has the figure, would appreciate it if the Senator could tell us how much of an increase there is in the compliance part of the appropriation.

Mr. ROBERTSON. That is a problematical figure. There are all the new devices, including social security numbers, the computers at Martinsburg and other places, and the new field agencies.

It is true that the Internal Revenue Service testified that if the committee would grant the additional $7.7 million, each man would bring in about seven times as much money as we paid out. We questioned that. We believe the job can be done for the amount we have provided.

Congress has been providing large increases for the Internal Revenue Service in the past few years. The time has come when we believe the point of diminishing return has been reached in increasing the number of field agencies. Therefore, we were willing to remain with the House as far as the allowance was concerned.

We thought we would not go any further than we did by providing $31 million. We did not include the $7.7 million.

Mr. MILLER. Mr. President, will the Senator from Virginia yield for a question?

Mr. PROXMIRE. Mr. President, the Senator from Wisconsin has the floor. I ask unanimous consent that I may yield to the Senator from Iowa, without losing my right to the floor, to enable him to ask the Senator from Virginia a question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MILLER. In the tabulations on pages 22 and 23 of the committee report, I notice that under the Internal Revenue Service portion on page 23 is a compliance item which shows, in the last column, that the House bill is $11 million over the amount shown. It is a plus of $11 million. I cannot tell from that whether it means that that is an $11 million greater amount over the previous year's appropriation for this item for compliance or not. If it is, the point I should like to make is that the committee has done an adequate job of increasing this item. Therefore, the amendment of the Senator from Wisconsin would not be necessary. On the other hand, if there has been no increase in the compliance item over the previous year, the Senator from Wisconsin may have a point. I am trying to determine which is correct.

Mr. ROBERTSON. The distinguished Senator from Iowa is referring to the part of the report in which the House split the fund into three separate appropriation items. We changed that in our version and limited the split to two items. If the Senator will turn to page 11, he will see that we have increased the total 1964 amount by $31 million. The total amount recommended is $583 million, an increase of $31 million over 1964.

Mr. MILLER. I recognize that a $31 million increase is provided by the committee for the Internal Revenue Service. But it is very difficult for me to translate that into an item which the Senator from Wisconsin says is not being appropriated for adequately. That is why I think we are trying to mix peaches with oranges. I wish some Senator could provide a little enlightenment, so that we would have the figure proposed by the Senator from Wisconsin compared with the figure in the bill and compared with the amount being spent for the same item in the previous year's appropriation. Then we would be in a much better position to evaluate the argument of the Senator from Wisconsin. I would appreciate it if the Senator from Virginia or the Senator from Wisconsin could provide that background, which I think is needed if we are to evaluate this item intelligently.

Mr. PROXMIRE. I shall later supply for the RECORD the information requested by the Senator from Iowa. I should prefer to complete my speech before I yield further. It is not a long speech.

It seems to me that we can believe the Internal Revenue Service when it makes an estimate as to the effect that the additional compliance would have on its ability to bring in more revenue. The Internal Revenue Service certainly has every reason to be honest, and I am sure it tries to be honest. I am sure it has the best facts available.

The Internal Revenue Service says that $7.7 million additional will bring in $50 million more. We cannot afford to lose that revenue. It is legitimately due the U.S. Government, but it would be lost if the appropriation were not restored. The Treasury has established beyond a shadow of a doubt that we shall lose this revenue if $7.7 million is not restored. This loss will be at the expense of the honest taxpayer.

There are two basic reasons why this request should be granted. First, the workload of the Internal Revenue Service has increased greatly in past years, and continues to mount. The Senator from Virginia is correct in saying that more money has been appropriated for the Internal Revenue Service. Of course more money has been appropriated. It had to be. The country is bigger. More people are paying more income taxes. The economy is growing. Business is more complex. More people are required to audit returns.

Second, the extension of the money-saving master file automatic data processing system must be carried out without interruption and delay. It has not gone into effect to any significant degree yet. Once the system goes into effect, it will turn up additional discrepancies and turn up leads and opportunities. If they are not followed up by auditors, additional revenue will be lost.

Considering the first point, the inevitable increase in the workload which the IRS experiences each year is in response to a growing taxable population. As we see in looking back through the past few years, the Internal Revenue Service, to do an adequate job, must grow to keep up with the population, with increases in income, with the complexity of our economy and our tax structure.

Secretary of the Treasury Dillon, in his testimony before the Senate Committee on Appropriations, indicated substantial increases in the volume and workload of the IRS over the past 10 years. He also commented on the comparatively small personnel increases during the same period. He told us that in the past 10 years revenue collections have increased 51 percent; assessments from audits, 41 percent; and assessments from other types of review, up 156 percent. But, he added, personnel increases over the same period are up only one-fifth, or about 20 percent.

Let us take a closer look at the requirements of the IRS for the next year—1965. Officials estimate that on the basis of population figures, 2.2 million additional returns will be filed in the next year. The IRS needs this money merely to maintain enforcement effectiveness with this increase in returns.

Each year the IRS requests a certain amount of money for what it calls "growth." This is not a request for a program increase; it is an estimate of the number of auditors and the expenses which would be incurred by them if the Service were to operate at the same levels of enforcement effectiveness in processing next year's increases in volume. If the growth positions are not obtained, there will be a program decrease. The growth figure represents what will be required for the IRS to continue to keep up with the work it has to do. The $7.7 million I am asking for the Internal Revenue Service is based upon the figure for growth for 1965.

I hope the Senator from Iowa, the Senator from Virginia, and other Senators will pay attention to these figures. The number of field audits performed in 1964 is estimated at 798,000. I have just received this information from the Internal Revenue Service.

The number of field audits that would be performed in 1965 if the IRS received the additional $7.7 million is 807,000. That is an increase of only 9,000, an increase of 1 percent in the number of returns audited and of one-half of 1 percent of the new returns filed. In view of the fact that the Service tries to audit about 4 or 5 percent of the returns, that increase obviously will not be keeping pace, even if my amendment should be adopted. If the amendment fails, the number of field audits to be performed will be 792,000, or 6,000 less than last year. This represents an actual reduction as well as a relative reduction in field audits, which is significant in the face of a rising population.

There is no question, in the light of these facts, that if the Senate insists on refusing to give the Internal Revenue Service the amount of the budget request, an amount cut in half by President Johnson, there will be a more lax enforcement system. It will not be possible to collect the moneys the Federal Government needs and deserves, moneys which are due it. The honest taxpayers will suffer to the extent of $50 million.

Mr. President, the growth figure I am proposing here has already been cut back 50 percent, as I have said. As a part of the economy drive, the President of the United States reduced the amounts requested for growth 50 percent before the Internal Revenue Service appeared before the Appropriations Committees. And consider what the House did to this already truncated budget. The House virtually eliminated the growth request; it has been cut between 93 and 94 percent. The House said this cut was to be made up by savings in management costs, despite the fact that, last year, record savings had already been achieved in this very area.

If we were to comply with this House slash, we would cause the Internal Revenue Service to cut back on the rate of its compliance activities. There would be no alternative. They estimate that 15,000 less field audits could be performed, which would reduce the audit assessments by $40 million, and additional audit assessments from delinquent returns would be reduced by $10 million. All told, a total of $50 million in tax money would be lost.

We can see, Mr. President, that cutting back on these funds would mean slowing down the Internal Revenue Service, not merely keeping it going at the present rate. The Service must be given a slight increase, or else it will be forced to reduce its rate of enforcement. In this situation, Mr. President, standing still on appropriations would mean falling behind in the work.

INCREASE FOR THE BUREAU OF CUSTOMS

Mr. President, the second part of the amendment, which originally was amendment No. 1068, deals with the Bureau of Customs, and involves exactly the same principle. My amendment would restore $1,100,000 for the operations of the Customs Bureau. The House cut was $2.2 million below the amount of the budget request. By not restoring the full amount of the budget request, so the Customs Bureau tells us, on the basis of its most accurate estimate, it will lose $10 million.

Mr. President, there has been a continuing increase in the number of people and the amount of goods entering the United States in the past few years. Additional functions have been assigned to the Bureau; and smuggling is still with us. In spite of all this, the Bureau has been allowed only a 1-percent increase in personnel since 1930. By restoring a million dollars to the Customs budget, to step up port investigative and protective activities, 10 million additional import duty dollars are anticipated. As

I have said, the Senate Appropriations Committee recognized the value of the Bureaus' operations, by increasing the House appropriation by $1,100,000. My amendment would merely restore the remainder of the House cut. The effect of the revenue gain on our balance-of-payments problems is clear.

We should recognize that this not only will bring in $9 for every dollar it costs, but it will bring it in from people who are not paying the tariff they should pay when they come into this country.

Furthermore, it will undoubtedly help to a modest extent—although, because of repercussions, the "modest extent" may turn out to be fairly substantial—our balance-of-payments situation, because the tariff is imposed on goods bought with American dollars and brought into this country.

I am not asking for any increase in the tariff; I only ask that the fair and just taxes be paid. That is what this amendment will provide.

I point out that—

First. The workload has increased (a) in number of persons arriving in the United States: 158 million in 1962, to 171 million in 1965—estimated—and (b) in number of entries of merchandise: 1.5 million in 1962, to 1.8 million in 1965—estimated.

Formal entries have increased 70 percent since 1955.

Number of ships, trains, planes arriving from other countries increased 43 percent since 1955.

Persons arriving from foreign countries increased 36 percent since 1955.

Value of imports has increased 57 percent since 1955.

Second. The personnel has not been substantially boosted to meet this increased workload. The same number of employees approximately now as in 1930—1930: 9,020; 1964: 9,141—and the new functions taken on by Customs Bureau are, pornographic and Communist propaganda screening and verification of the accuracy of import trade statistics. In the first year of this program, 1960, 25 percent of the entries checked had inaccuracies of one item or another.

Third. The personnel request amounts to a total number of additional man-years of 375—positions, 497. About 312 of these positions—242 man-years—are to be additional inspectors and enforcement officers. This number can be trained to fill positions in the 350 stations or so which they are to be assigned to—less than 1 man to a station.

Fourth. Three independent studies called for additional enforcement staff. First, the Bureau of the Budget study called for an increase of 600. Second, the President's Advisory Commission on Narcotics and Drug Abuse also called for enforcement increases. Third, one other—the funds approved by the House and Senate will provide only a small increase in investigative and enforcement forces—not approaching the number advised by these studies. The effect of this on smuggling, especially of narcotics, is hard to say. But, recent seizures of narcotics in a 76-pound lot and in a 40-pound lot testify to the smuggling activity still going on, and the importance of enforcement and investigative forces. The first lot was the second largest found by the Customs in its history.

Fifth. Customs officials estimate that $10 million in revenue from import duties would be forgone if they do not receive the full request of 375 man-years. This is a 9-to-1 return if restored to them. This is based on the fact that $1.8 billion in import duties was gained in 1964 and $1.9 billion is estimated for 1965 if the full request for personnel is granted. If it is reduced, there is that much less—$10 million—revenue expected.

Mr. ROBERTSON. Mr. President——

Mr. CARLSON. Mr. President, will the Senator from Virginia yield briefly to me?

Mr. ROBERTSON. I yield.

Mr. CARLSON. I wish to take this opportunity to discuss with the distinguished chairman of the committee a problem which is of great interest to the Midwest, at least—namely, the shortage of minor coins. I wish to ask what provision, if any, is being made to increase the production of minor coins, which in many areas are in very short supply.

I have received many letters and requests in connection with this very difficult situation. Any assurance the chairman of the committee can give me will be much appreciated.

Mr. ROBERTSON. We have included in the bill funds to run the mints 24 hours a day, 7 days a week. That will produce 4.97 billion pieces of regular coins, plus 45 million silver dollars.

I have recommended that we stop the production of proof coins that collectors and others want to obtain; and we are appealing to merchants not to hoard these coins.

We hope in a matter of weeks measurably to solve the small coin shortage, provided we have cooperation, and provided there is no more improper hoarding, as has occurred in some instances.

Mr. CARLSON. I received a letter from the executive vice president of the Fourth National Bank & Trust Co., of Wichita, Kans.; and in the letter—which I shall ask unanimous consent to have printed in the Record at the conclusion of my remarks—he states that the senior vice president of the First National Bank in Tulsa, Okla., which is in our area, had contacted 14 banks, in an effort to secure some additional minor coins, and that all he could gather in this area was $2,700 worth—which shows something of the difficulty being experienced by the merchants.

In this age of the widespread use of vending machines, parking meters, and sales taxes, and also probably because of the hoarding, to which reference has been made, the situation is a difficult one. However, this problem must be dealt with, because of the great difficulties the merchants are experiencing.

I sincerely hope that action to bring about the production of more of the minor coins will be taken.

Mr. ROBERTSON. I can also say that I have passed on to the Treasury several recommendations that the old mint at San Francisco be reactivated. All, or most of, the equipment was moved from it long ago; and at Carson City, Nev., even the building has gone. All that is being considered.

We feel reasonably assured that with the step-up in production and the possibility of installing some new equipment, and with the elimination of the minting of coins for collectors, we can eliminate this shortage.

Mr. CARLSON. I appreciate very much the encouraging statements by the chairman of the committee.

Mr. President, I now ask that the letter to which I have referred be printed in the Record.

The PRESIDING OFFICER (Mr. Nelson in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Fourth National Bank
& Trust Co.,
Wichita, Kans., June 19, 1964.

Senator Frank H. Carlson,
Senate Building,
Washington, D.C.

Dear Senator: The situation relative to minor coins, which we discussed over the telephone, has persisted at least a year in this area. We have no statistics to discuss the national situation, but we do know that from our contacts with Tulsa, Okla., and Kansas City banks that they are also having a problem with respect to demand for minor coins. Senior Vice President J. L. Baker of the First National Bank in Tulsa, related to us yesterday that he had been in contact with 14 banks and secured a total of $2,700 in minor coins as a result of his efforts.

As late as last February, the following is a paragraph received by us from the Federal Reserve Bank of Kansas City: "As you well know, for some time now the Federal Reserve banks have been unable to completely fill requests of their member banks for certain denominations of coins and upon occasion we have been unable to fill orders for currency when only new money is desired."

We are not concerned of course with the problem of new currency, but the increasing demand for coins is presenting serious problems for the merchants of the city of Wichita. At the present time if it were not for the complete cooperation of the Wichita banks, several of us would be in serious difficulty in supplying coins to our customers. You can readily understand what might happen if the competitive factor should arise in the shift of coin to Wichita banks and a lack of cooperation result.

The increasing demand for coins is no doubt a natural consequence of growing economy. Vending machines, parking meters, sales tax are all factors contributing to the increased demand for coins. No doubt there is also considerable hoarding of coins going on at the present time as a result of the publicity given such coins as Kennedy half dollars. We also understand that in some areas premiums have been offered to obtain the turn-in of minor coins. Eventually this will lead to more hoarding and make the problem more severe. We hope your efforts at the committee meeting which you have suggested for next week will result in immediate action to relieve this very serious problem now facing banks in this area and perhaps throughout the United States.

With kindest personal regards.

Sincerely yours,
W. Dale Critser,
Executive Vice President.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. JOHNSTON. What the Senator from Virginia has said is supported by the Department. The representatives of the Department believe that with what we would give them in the appropriation, together with the facilities that they now have, they can turn out sufficient coins to meet the situation temporarily. If necessary, in the future we may appropriate more. I believe the chairman would support that statement.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Iowa.

Mr. MILLER. One of the members of the staff has brought to my attention the figures which I was seeking from the Senator from Virginia. They are shown on page 407 of the hearing record, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Appropriations, fiscal years 1963–65

[In thousands of dollars]

	1963 actual	1964 estimate	1965 estimate [1]	Increase (+) or decrease from 1964
1. Revenue accounting and returns processing:				
(a) District manual operations	$83,196	$85,128	$84,486	−$642
(b) Service center automated operations	31,389	44,039	61,383	+17,344
(c) Statistical reporting	4,335	4,531	4,641	+110
(d) Internal audit and security	2,307	2,493	2,754	+261
(e) Executive direction	1,970	2,192	2,234	+42
Total, revenue accounting and returns processing	123,197	138,383	155,498	+17,115
2. Securing and maintaining compliance with tax laws:				
(a) Audit of tax returns	185,111	203,512	214,282	+10,770
(b) Collection of delinquent accounts and securing delinquent returns	86,722	93,769	97,696	+3,927
(c) Tax fraud and special investigations	26,601	29,898	32,544	+2,646
(d) Alcohol and tobacco tax regulatory work	31,933	34,255	35,514	+1,259
(e) Taxpayer conferences and appeals	17,097	18,666	19,723	+1,057
(f) Rulings, technical planning, and special technical services	7,836	8,688	9,323	+635
(g) Legal services	12,713	13,952	14,769	+817
(h) Internal audit and security	5,462	5,681	6,261	+580
(i) Executive direction	4,664	4,996	5,090	+94
Total, securing and maintaining compliance with tax laws	378,139	413,417	435,202	+21,785
Unobligated balance	1,764			
Total adjusted appropriation or estimate	503,100	551,800	590,700	+38,900
Transfer of Director of Practice to Office of Secretary		200		−200
Total appropriation or estimate	503,100	552,000	590,700	+38,700

[1] Reflects effects of amendments in H. Doc. 240 and S. Doc. 78.

Summary of employment (number average positions)

Principal categories	Actual, 1963	Estimate, 1964	Estimate, 1965	Increase or decrease for 1965		
				Total	Program increases	Other
Revenue officers	6,372	6,365	6,499	134	134	
Revenue agents	12,516	12,544	12,782	238	238	
Tax technicians and office auditors	3,144	3,123	3,123			
Special agents	1,692	1,730	1,830	100	100	
Storekeeper-gagers	502	487	463	−24		−24
Attorneys	637	661	676	15	15	
Inspectors	500	494	529	35	35	
Investigators	1,009	1,011	1,011			
Inspectors (A. & T.T.)	440	468	468			
Technical advisers	628	645	659	14	14	
Auditors	146	153	155	2	2	
All other (permanent)	28,770	29,182	30,428	1,246	1,246	
Subtotal, average positions (permanent)	56,356	56,863	58,623	1,760	1,784	−24
Temporary average positions	3,308	4,132	4,546	414	414	
Total average positions	59,664	60,995	63,169	2,174	2,198	−24

Mr. MILLER. I should like to refer the Senator from Wisconsin to those figures.

The first part of the Senator's amendment No. 1067 would increase the amount in the bill from $153,600,000 to $155,500,000.

Last year the amount spent for that same item was approximately $138 million. So the committee has increased the amount by $15 million. The Senator from Wisconsin would increase it by $17 million.

With respect to the second item, compliance, the figure of $429,400,000 in the bill compares with $413,400,000 appropriated last year, so the amount is $16 million over last year. The Senator from Wisconsin wishes to make it $21 million. I must say that if the items shown in that part of the report are analyzed, and the components of the two items to which I referred are broken down, I find it rather difficult to reach the same conclusion which the Senator from Wisconsin does about what would happen with respect to the loss of revenues if the committee's report were adopted. It is well known that the Internal Revenue Service will bring in considerably more revenue than salaries paid, especially to revenue agents. At the same time, I am not so sure that the amount by which the committee would reduce the budget request would necessarily be reflected in a reduction in the requested increase in strength of revenue agents. There is no language in the report to show us that.

So without having more firm information than we have, the committee has made a substantial increase over the past year, and therefore the committee should be supported. I make that statement to my friend from Wisconsin with the utmost sympathy for some of his efforts to cut down on some of the spending. Frankly, I believe that the 30-percent increase over last year is excessive; I am not sure that we ought to increase any items. I think we ought to decrease some others, perhaps to a greater extent than the Senator's previous amendment would have done.

Mr. PROXMIRE. Mr. President, those who believe in economy can certainly argue for the reduction of almost any item at all in Government, but there is no question that by providing the $7.7 million which the Internal Revenue Service has said it must have to do the job, they will get at least $50 million in additional revenue for the Federal Government, which it should have.

Mr. President, that certainly makes good sense to me. It makes just as good sense that the Customs Bureau, which says it needs an additional $1.1 million to do its job, and will with that $1.1 million bring an additional $10 million to the Federal Treasury. That has been a very spare bureau, one that has not been elaborate. As I have said, since 1930 it has increased its personnel less than 1 percent. But it must have additional funds if it is to do the job that Congress has asked it to do.

I have before me a number of charts from the Internal Revenue Service. One of them shows that there is an estimated $25 billion shortage between taxable income reported on tax returns and that which should be reported, resulting in about a $4 billion tax gap each year. As the Internal Revenue Service has said, we should be raising enforcement requirements and not lowering them. My amendment would not raise the enforcement requirements, but would merely keep them from falling far below their present level. It would keep them stable.

One more word. The distinguished Senator from Virginia has made a very able argument, but he has said that if we give the Internal Revenue Service what the budget allows, there is a point of diminishing returns and we shall not get the additional $50 million.

There is a rigid requirement in the Internal Revenue Service that returns will not be audited unless there is an overall assurance that for every dollar spent at least $6 will be returned; and we are far from reaching that level. Under the present circumstances, for every dollar spent, about $10 is picked up. Any businessman in America would buy that kind of investment. The last thing he would cut would be the cost of personnel who bring money into his operation. So at a time when we are increasing the bill very substantially for the Treasury and Post Office, having greatly increased the Interior Department appropriation, it would be the most foolish kind of economy to reduce the appropriations for compliance activities in the Internal Revenue Service.

Mr. ROBERTSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Mr. President, I ask for the yeas and nays on the amendments of the Senator from Wisconsin.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Rhode Island [Mr. PASTORE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Virginia [Mr. BYRD] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Tennessee [Mr. GORE] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Tennessee [Mr. WALTERS] would each vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK] would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MECHEM], the Senator from Kentucky [Mr. MORTON] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent and, if present and voting, would each vote "nay."

The Senators from New York [Mr. JAVITS and Mr. KEATING] are detained on official business.

If present and voting, the Senator from New York [Mr. KEATING] would vote "nay."

The result was announced—yeas 14, nays 70, as follows:

[No. 441 Leg.]

YEAS—14

Church
Dodd
Douglas
Johnston
Jordan, Idaho
McGee
Metcalf
Morse
Nelson
Pell
Proxmire
Smathers
Williams, N.J.
Young, Ohio

NAYS—70

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Ellender
Ervin
Fong
Fulbright
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Miller
Monroney
Moss
Mundt
Muskie
Neuberger
Pearson
Prouty
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—16

Bayh
Byrd, Va.
Cannon
Clark
Eastland
Edmondson
Engle
Gore
Javits
Keating
Kennedy
Mechem
Morton
Pastore
Scott
Walters

So Mr. PROXMIRE'S amendments were rejected.

ALLEGED ECONOMIES FROM CURTAILMENT OF POSTAL SERVICES

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD a statement in regard to alleged economies resulting from curtailment of the postal services.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACOB K. JAVITS

In discussing the Post Office appropriations bill, I believe that special attention should be called to an important recommendation of the Appropriations Committee, which I quote:

"The committee has taken note of the Department's recently announced flexible plan to improve service in the Nation's post offices and urges further efforts to facilitate the efficient movement of mail and to provide the services the American public expects. In this connection, the committee strongly recommends that the Department reinstitute at an early date the Saturday window service and other services in those areas where there have been curtailments."

I join the committee emphatically in that recommendation, and I hope the Post Office Department will take serious note of it.

The curtailment of services which the Post Office Department has recently instituted is ill-advised, unjustified, and unfair to the American people who expect and have a right to the best possible postal service.

The Department's explanation for this curtailment has been that it was required "to stabilize operational costs of the postal service by reducing some marginal and less essential window services on Saturdays, Sundays, nights and after hours." Under analysis, this argument does not hold up. The curtailment has adversely affected business operations in some of our major cities, it has overburdened postal employees, it has hurt morale in the postal service and it has deprived the public of needed services on weekends and after regular hours. This is a classic case of false economy.

The decision to curtail these services, I believe, was a mistake, and as one Senator I will be watching very carefully to see if the Department takes full notice of the committee's strong recommendation, which I fully endorse, that these services be reinstituted promptly.

Mr. ROBERTSON. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 10532) was read the third time and passed.

Mr. ROBERTSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ROBERTSON, Mr. MCCLELLAN, Mr. MONRONEY, Mr. BARTLETT, Mr. PROXMIRE, Mr. HAYDEN, Mr. JOHNSTON, Mr. CASE, and Mr. ALLOTT conferees on the part of the Senate.

AUTHORIZATION OF APPROPRIATIONS FOR MAINTENANCE OF FLOOD AND SEDIMENT CONTROL DAMS TO FACILITATE RIO GRANDE CANALIZATION PROJECT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 966, S. 2370.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2370) authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorized appropriations for that purpose.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, line 5, after the word "works", to strike out "heretofore or"; after line 17, to insert:

> Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

And in line 24, after the word "States", to insert "and the local organizations"; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of facilitating and implementing operation and maintenance of the international Rio Grande canalization project, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to enter into agreements with the appropriate official or officials of local organizations, as defined in the Watershed Protection and Flood Prevention Act of August 4, 1954 (70 Stat. 1088), as amended (16 U.S.C.A. 1001 et seq.), for the maintenance by said local organizations either directly or indirectly through mutually

satisfactory maintenance agreements with others, including the United States, of all those flood and arroyo sediment control dams together with all related works, hereafter installed or constructed in the Rio Grande watershed between Caballo Dam and El Paso, Texas, in accordance with said Act, and which are necessary, in the opinion of said Commissioner, to facilitate and implement the operation and maintenance of said project.

Such maintenance agreements between the local organization and the United States shall provide the extent of contribution by the United States as may be mutually agreed by the two parties, based on the degree of benefits to be derived from said dams and related works, and the contribution by the United States may be either in the form of funds or performance of the actual operation and maintenance.

Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

Arrangements made between the United States and the local organizations shall be satisfactory to the Secretary of Agriculture for defraying cost of maintaining such work of improvement in accordance with regulations prescribed by said Secretary.

There are hereby authorized to be appropriated such sums as may be required for contributions to maintenance authorized by this Act.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an explanatory statement of the bill be inserted in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

The International Boundary and Water Commission, United States and Mexico, using Federal funds, maintains the Rio Grande canalization project, a project designed to control major floods entering the Rio Grande below Elephant Butte Dam, convey reservoir discharges and uncontrolled local floodwaters with a minimum of loss to lands within the Rio Grande project, and deliver water to Mexico pursuant to the treaty of 1906. Arroyos entering the river now dump large volumes of sediment into it, hindering streamflow, blocking irrigation facilities, and raising the water level, with consequent loss of water through seepage and damage to adjoining lands. Maintenance of the Rio Grande project requires removal of this sediment, a costly operation which yields only temporary results. It would be cheaper and better to prevent the sediment from entering the river, but the International Boundary and Water Commission has no authority to undertake projects outside the canalization project. The bill would provide this authority. Under it the U.S. Commissioner, International Boundary and Water Commission, would be authorized to enter into agreements for the maintenance of those works constructed under the Watershed Protection and Flood Prevention Act in the Rio Grande watershed between Caballo Dam and El Paso, Tex., which are needed to facilitate and implement the operation and maintenance of the canalization project. The U.S. participation in such maintenance would be based on the degree of benefits to be derived from the works, and might be in the form of funds or actual operation and maintenance.

Under the Watershed Protection and Flood Prevention Act the local sponsoring organization is required to make arrangements satisfactory to the Secretary of Agriculture for defraying costs of operating and maintaining the works of improvement. The bill would retain this requirement providing specifically that the arrangements made under the bill must be satisfactory to the Secretary of Agriculture.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose."

PRIME MINISTER SHASTRI, OF INDIA

Mr. FULBRIGHT. Mr. President, in recent days we have heard from every part of the world eloquent and richly deserved tributes to the late Prime Minister Nehru. But the greatest tribute to his memory, I think, lies in the continuity of Indian political processes that was reflected in the orderly transfer of power to the new Prime Minister, Mr. Shastri. The formal and uncontested election of Mr. Shastri by the Congress Party took place just 5 days after Mr. Nehru's death.

It has never been certain that India's parliamentary and secular democracy could survive intact the loss of its human symbol. But the signs are that it has, and that it will. The Indian people must be proud and encouraged by this demonstration of the strength of their free institutions. The example India has set may in turn encourage other newly independent societies attracted by democratic forms but beset by many of the same problems that confront India's leaders.

India is perhaps ready for a leader of Mr. Shastri's background and experience. Nehru, as the national hero, could absorb himself in the task of giving his newly independent country a sense of national identity. This he sought to achieve mainly by nurturing India's central institutions, and by making its presence felt in the councils of the world. As the idol of the Indian masses and a world figure even before independence, Mr. Nehru was uniquely qualified for this role. His passing may also signal the end of the transitional phase from colony to independent state over which he presided with such distinction.

Mr. Shastri, in his first news conference after being elected Prime Minister, emphasized that India's chief problems are internal. In this and his other statements, Mr. Shastri has given the impression of approaching his tasks with moderation and responsibility. With regard to China, he expressed doubt that China was planning another attack on India, and was quoted as offering an "impression that any kind of major attack soon is not likely. In the long run," he added, "it is of course difficult to say." He also offered his opinion that the broad Chinese aim "is to give the impression that she is the biggest and most powerful nation in Asia."

With respect to Pakistan, he said he was much impressed with the statement of President Ayub offering a warm hand of friendship to the people of India. President Ayub also referred to Mr. Shastri's election as "a good augury for Indo-Pakistani relations." The two men will meet in London next month at the conference of Commonwealth Prime Ministers.

It is too soon to say very much more about the significance of Mr. Nehru's death and the transfer of power to his successor. Whoever guides this, the world's largest Republic, must cope with an array of problems none of which can be solved except over the long term. These include separatist tendencies, an economy barely able to keep pace with population, high illiteracy, low foreign exchange earning, and pervasive poverty. The burden, in short, is heavy. But the first signs offer encouragement that it has been shifted to moderate and reliable hands.

ADDRESS BY SECRETARY OF DEFENSE McNAMARA BEFORE THE JAMES FORRESTAL MEMORIAL AWARDS DINNER

Mr. LAUSCHE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an address delivered by Secretary of Defense Robert S. McNamara before the James Forrestal Memorial Awards Dinner on Thursday, March 26, 1964.

In the address, he rather precisely sets forth his views on our problem in South Vietnam. I think it is so well presented that it ought to be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF DEFENSE ROBERT S. MCNAMARA BEFORE THE JAMES FORRESTAL MEMORIAL AWARDS DINNER OF THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION, WASHINGTON, D.C., MARCH 26, 1964

This evening I want to discuss South Vietnam with you. In South Vietnam, as you well know, the independence of a nation and the freedom of its people are being threatened by Communist aggression and terrorism. In response to requests from the Government of South Vietnam, the United States since 1954 has been providing assistance to the Vietnamese in their struggle to maintain their independence.

My purpose this evening is threefold. After recalling some facts about Vietnam and its history, I want first, to explain our stake and objectives in South Vietnam; second, to review for you the current situation there as General Taylor and I found it on our recent trip; and finally, to outline in broad terms the plans which have been worked out with General Khanh for achieving our mutual objectives in South Vietnam.

1. DESCRIPTION AND HISTORY

Let me begin by reminding you of some details about South Vietnam—that narrow strip of rich coastal mountain and delta lands running 900 miles in the tropics along the South China Sea to the Gulf of Siam. It contains the mouth of the Mekong River, the main artery of southeast Asia. It has a population of about 14 million—almost that of

California—in an area slightly larger than England and Wales. South Vietnam does not exist by itself. Mainland southeast Asia includes Laos, Cambodia, and the two Vietnams, together comprising former French Indochina. It also includes Thailand, Burma, and part of Malaysia. The southeast Asian peninsula is a richly endowed land area of over 800,000 square miles—roughly the size of the United States east of the Mississippi—and containing almost 100 million people. And immediately beyond to the east are the Philippines, not far to the west is India, to the north is Communist China, and to the south is what the Chinese Communists may consider the greatest prize of all—Indonesia's resources, territory, and the world's fifth largest population, whose strategic location straddles and dominates the gateway to the Indian Ocean.

The Vietnamese lost the independence they had enjoyed since the 15th century when, a hundred years ago the French assumed control in what is now Vietnam. A quarter century ago, during the Second World War, the Vichy regime yielded French Indochina to the Japanese. In the power vacuum of the war's end, the Communist Vietminh moved rapidly to enhance their position and to build their bases for a power grab in North Vietnam.

The attempt by the French, following World War II, to restore their rule—to buck the trend toward independence as shown in Burma, India, and the Philippines—failed. The returning French encountered a strong military resistance movement which gradually fell more and more under Communist control. For 8 years France sought to control the country while at the same time gradually granting increasing autonomy to non-Communist Vietnamese. Such actions, however, were not enough. In 1954, after the fall of the French stronghold at Dien Bien Phu on May 7, the Geneva agreements of July 20 were signed ending the hostilities and ending French rule in Indochina. The country was roughly cut in half at the 17th parallel, creating the Communist regime of Ho Chi Minh in the North and a non-Communist state in the south. Although the United States was not a party to those Geneva agreements, the United States unilaterally declared that it would not violate them and that it would regard any violation by other parties as a serious threat to international peace and security.

Under the Geneva agreements, it was hoped that South Vietnam would have an opportunity to build a free nation in peace—unalined, and set apart from the global power struggle. But the problems confronting the new government were staggering: 900,000 refugees who had fled their homes in the north at the time of partition in order to escape Communist rule; a long-term military threat from the north which had emerged from the war with large military forces; a government nearly paralyzed by 8 years of war and lacking sufficient trained officials for effective self-government; acute economic dislocation and lack of Government revenues; and persisting pockets of southern territory that had long been held by Communists and other dissident groups. In the face of such problems, hopes were not high for the survival of the fledging republic.

That autumn, a decade ago, President Ngo Dinh Diem, of the Republic of South Vietnam, turned to the United States for economic assistance.

President Eisenhower understood the gravity of the situation; and he determined to give direct American aid to the new government to enable its survival. He wrote to President Diem on October 25, 1954: "The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means." The United States therefore provided help—largely economic.

On the basis of this assistance and the brave, sustained efforts of the South Vietnamese people, the 5 years from 1954 to 1959 gave concrete evidence that South Vietnam was becoming a success story. By the end of this period, 140,000 landless peasant families had been given land under an agrarian reform program; the transportation system had been almost entirely rebuilt; rice production had reached the prewar annual average of 3.5 million metric tons—and leaped to over 5 million in 1960; rubber production had exceeded prewar totals; and construction was underway on several medium-size manufacturing plants, thus beginning the development of a base for industrial growth.

In addition to such economic progress, school enrollments had tripled, the number of primary school teachers had increased from 30,000 to 90,000, and almost 3,000 medical aid stations and maternity clinics had been established throughout the country. And the South Vietnamese Government had gone far toward creating an effective apparatus for the administration of the nation. A National Institute of Administration had been established with our technical and financial assistance—a center for the training of a new generation of civil servants oriented toward careers of public service as opposed to the colonial concept of public rule.

For South Vietnam the horizon was bright. Its success stood in marked contrast to development in the north. Despite the vastly larger industrial plant inherited by Hanoi when Vietnam was partitioned, gross national product was considerably larger in the south—estimated at $110 per person in the south and $70 in the north. While per capita food production in the north was 10 percent lower in 1960 than it had been in 1956, it was 20 percent higher in the south.

It is ironical that free Vietnam's very achievements in these 5 years brought severe new problems. For the Communists in North Vietnam, like many others, had believed that South Vietnam would ultimately collapse and fall under Hanoi's control like ripe fruit from a tree. But by the end of 1959, South Vietnam was succeeding, despite all predictions; and the Communist leaders evidently concluded that they would have to increase pressure on the south to make the fruit fall.

At the Third National Congress of the Lao Dong (Communist) Party in Hanoi, September 1960, North Vietnam's belligerency was made explicit. Ho Chi Minh stated, "The north is becoming more and more consolidated and transformed into a firm base for the struggle for national reunification." At the same Congress it was announced that the party's new task was "to liberate the South from the atrocious rule of the U.S. imperialists and their henchmen." In brief, Hanoi was about to embark upon a program of wholesale violations of the Geneva agreements in order to wrest control of South Vietnam from its legitimate Government.

To the Communists, "liberation" meant sabotage, terror, and assassination; attacks on innocent hamlets and villages and the coldblooded murder of thousands of schoolteachers, health workers and local officials who had the misfortune to oppose the Communist version of "liberation." In 1960 and 1961, almost 3,000 South Vietnamese civilians in and out of Government were assassinated and another 2,500 were kidnaped. The Communists even assassinated the colonel who served as liaison officer to the International Control Commission.

This aggression against South Vietnam was a major Communist effort, meticulously planned and controlled, and relentlessly pursued by the Government in Hanoi. In 1961, the Republic of South Vietnam, unable to contain the menace by itself, appealed to the United States to honor its unilateral declaration of 1954. President Kennedy responded promptly and affirmatively by sending to that country additional American advisers, arms, and aid.

2. U.S. OBJECTIVES

I turn now to a consideration of U.S. objectives in South Vietnam. The United States has no designs whatever on the resources or territory of the area. Our national interests do not require that South Vietnam serve as a Western base or as a member of a Western alliance.

Our concern is threefold.

First, and most important, is the simple fact that South Vietnam, a member of the free world family, is striving to preserve its independence from Communist attack. The Vietnamese have asked our help. We have given it. We shall continue to give it.

We do so in their interest; and we do so in our own clear self-interest. For basic to the principles of freedom and self-determination which have sustained our country for almost two centuries is the right of peoples everywhere to live and develop in peace. Our own security is strengthened by the determination of others to remain free, and by our commitment to assist them. We will not let this member of our family down, regardless of its distance from our shores.

The ultimate goal of the United States in southeast Asia, as in the rest of the world, is to help maintain free and independent nations which can develop politically, economically, and socially, and which can be responsible members of the world community. In this region and elsewhere, many peoples share our sense of the value of such freedom and independence. They have taken the risks and made the sacrifices linked to the commitment to membership in the family of the free world. They have done this in the belief that we would back up our pledges to help defend them. It is not right or even expedient—nor is it in our nature—to abandon them when the going is difficult.

Second, southeast Asia has great strategic significance in the forward defense of the United States. Its location across east-west air and sea lanes flanks the Indian subcontinent on one side and Australia, New Zealand, and the Philippines on the other, and dominates the gateway between the Pacific and Indian Oceans. In Communist hands, this area would pose a most serious threat to the security of the United States and to the family of free world nations to which we belong. To defend southeast Asia, we must meet the challenge in South Vietnam.

And third, South Vietnam is a test case for the new Communist strategy. Let me examine for a moment the nature of this strategy.

Just as the Kennedy administration was coming into office in January 1961, Chairman Khrushchev made one of the most important speeches on Communist strategy of recent decades. In his report on a party conference entitled "For New Victories of the World Communist Movement," Khrushchev stated: "In modern conditions, the following categories of wars should be distinguished: world wars, local wars, liberation wars, and popular uprisings." He ruled out what he called world wars and local wars as being too dangerous for profitable indulgence in a world of nuclear weapons. But with regard to what he called liberation wars, he referred specifically to Vietnam. He said, "It is a sacred war. We recognize such wars."

I have pointed out on other occasions the enormous strategic nuclear power which the United States has developed to cope with the first of Mr. Khrushchev's types of wars; deterrence of deliberate, calculated nuclear attack seems as assured as it can be. With respect to our general-purpose forces designed especially for local wars, within the past 3 years we have increased the number of our combat-ready Army divisions by about 45 percent, tactical air squadrons by 30 percent, airlift capabilities by 75 percent, with a 100-percent increase in ship construction and conversion. In conjunction with the forces of our allies, our global posture for deterrence and defense is still not all that it should be, but it is good.

President Kennedy and President Johnson have recognized, however, that our forces for the first two types of wars might not be applicable or effective against what the Communists call wars of liberation, or what is properly called covert aggression or insurgency. We have, therefore, undertaken and continue to press a variety of programs to develop skilled specialists, equipment, and techniques to enable us to help our allies counter the threat of insurgency.

Communist interest in insurgency techniques did not begin with Khrushchev, nor for that matter with Stalin. Lenin's works are full of tactical instructions, which were adapted very successfully by Mao Tse-tung, whose many writings on guerrilla warfare have become classic references. Indeed, Mao claims to be the true heir of Lenin's original prescriptions for the worldwide victory of communism. The North Vietnamese have taken a leaf or two from Mao's book—as well as Moscow's—and added some of their own.

Thus today in Vietnam we are not dealing with factional disputes or the remnants of a colonial struggle against the French, but rather with a major test case of communism's new strategy. That strategy has so far been pursued in Cuba, may be beginning in Africa, and failed in Malaya and the Philippines only because of a long and arduous struggle by the people of these countries with assistance provided by the British and the United States.

In southeast Asia, the Communists have taken full advantage of geography—the proximity to the Communist base of operations and the rugged, remote, and heavily foliated character of the border regions. They have utilized the diverse ethnic, religious, and tribal groups and exploited factionalism and legitimate aspirations wherever possible. And, as I said earlier, they have resorted to sabotage, terrorism, and assassination on an unprecedented scale.

Who is the responsible party—the prime aggressor? First and foremost, without doubt, the prime aggressor is North Vietnam, whose leadership has explicitly undertaken to destroy the independence of the south. To be sure, Hanoi is encouraged on its aggressive course by Communist China. But Peiping's interest is hardly the same as that of Hanoi.

For Hanoi, the immediate objective is limited: Conquest of the south and national unification, perhaps coupled with control of Laos. For Peiping, however, Hanoi's victory would be only a first step toward eventual Chinese hegemony over the two Vietnams and southeast Asia, and toward exploitation of the new strategy in other parts of the world.

Communist China's interests are clear: It has publicly castigated Moscow for betraying the revolutionary cause whenever the Soviets have sounded a cautionary note. It has characterized the United States as a paper tiger and has insisted that the revolutionary struggle for liberation and unification of Vietnam could be conducted without risks by, in effect, crawling under the nuclear and the conventional defense of the free world. Peiping thus appears to feel that it has a large stake in demonstrating the new strategy, using Vietnam as a test case. Success in Vietnam would be regarded by Peiping as vindication for China's views in the worldwide ideological struggle.

Taking into account the relationship of Vietnam to Indochina—and of both to southeast Asia, the Far East and the free world as a whole—five U.S. Presidents have acted to preserve free world strategic interests in the area. President Roosevelt opposed Japanese penetration in Indochina; President Truman resisted Communist aggression in Korea; President Eisenhower backed Diem's efforts to save South Vietnam and undertook to defend Taiwan; President Kennedy stepped up our counterinsurgency effort in Vietnam; and President Johnson, in addition to reaffirming last week that the United States will furnish assistance and support to South Vietnam for as long as it is required to bring Communist aggression and terrorism under control, has approved the program that I shall describe in a few minutes.

The U.S. role in South Vietnam, then, is: First, to answer the call of the South Vietnamese, a member nation of our free world family, to help them save their country for themselves; second, to help prevent the strategic danger which would exist if communism absorbed southeast Asia's people and resources; and third, to prove in the Vietnamese test case that the free world can cope with Communist wars of liberation as we have coped successfully with Communist aggression at other levels.

3. THE CURRENT SITUATION

I referred earlier to the progress in South Vietnam during 1954–59. In our concern over the seriousness of the Vietcong insurgency, we sometimes overlook the fact that a favorable comparison still exists between progress in the South—notwithstanding nearly 15 years of bitter warfare—and the relative stagnation in North Vietnam.

The so-called Democratic Republic of Vietnam, with a greater population than the south and only a marginally smaller area, appears to be beset by a variety of weaknesses, the most prominent of which is its agricultural failure. Mismanagement, some poor weather, and a lack of fertilizers and insecticides have led to a serious rice shortage. The 1963 per capita output of rice was about 20 percent lower than 1960. Before the June 1964 harvests, living standards will probably decline further in the cities and critical food shortages may appear in some of the villages. Furthermore, prospects for the June rice crops are not bright.

The internal transportation system remains primitive and Hanoi has not met the quotas established for heavy industry. As for the people they appear to be generally apathetic to what the party considers the needs of the state and the peasantry has shown considerable ingenuity in frustrating the policies of the Government.

In contrast in the Republic of South Vietnam despite Communist attempts to control or inhibit every aspect of the domestic economy output continued to rise. In 1963 South Vietnam was once more able to export some 300,000 tons of rice. Add to this the pre-1960 record: Up to 1960 significant production increases in rice, rubber, sugar, textiles, and electric power, a 20-percent rise in per capita income, threefold expansion of schools, and restoration of the transportation system. One cannot but conclude that given stability and lack of subversive disruption, South Vietnam would dramatically outstrip its northern neighbor and could became a peaceful and prosperous contributor to the well-being of the Far East as a whole.

But, as we have seen, the Communists—because South Vietnam is not theirs—are out to deny any such bright prospects.

In the years immediately following the signing of the 1954 Geneva accords, the Communists in North Vietnam gave first priority to building armed forces far larger than those of any other southeast Asian country. They did this to establish iron control over their own population and to insure a secure base for subversion in South Vietnam and Laos. In South Vietnam, instead of withdrawing fully, the Communists maintained a holding guerrilla operation and they left behind cadres of men and large caches of weapons for later use.

Beginning in 1959, as we have seen, the Communists realized that they were losing the game and intensified their subversive attack. In June 1962 a special report on Vietnam was issued by the International Control Commission a unit created by the Geneva Conference and composed of a Canadian, an Indian, and a Pole. Though it received little publicity at the time this report presented evidence of Hanoi's subversive activities in South Vietnam and specifically found Hanoi guilty of violating the Geneva accords.

Since then, the illegal campaign of terror, violence, and subversion conducted by the Vietcong and directed and supported from the north has greatly expanded. Military men, specialists, and secret agents continue to infiltrate into South Vietnam both directly from the north and through Laos and Cambodia. The flow of Communist-supplied weapons, particularly those of large caliber, has increased. These include Chinese 75 millimeter recoilless rifles and heavy machineguns. Tons of explosive-producing chemicals smuggled in for use by the Vietcong have been intercepted along with many munitions manufactured in Red China and, to a lesser extent, elsewhere in the Communist bloc. In December 1963 a government force attacked a Vietcong stronghold in Dinh Tuong Province and seized a large cache of equipment, some of which was of Chinese Communist manufacture. The Chinese equipment included a 90-millimeter rocket launcher, 60-millimeter mortars, carbines, TNT, and hundreds of thousands of rounds of various kinds of ammunition. Some of the ammunition was manufactured as recently as 1962.

When President Diem appealed to President Kennedy at the end of 1961, the South Vietnamese were quite plainly losing their fight against the Communists, and we promptly agreed to increase our assistance.

Fourteen months later, in early 1963, President Kennedy was able to report to the Nation that "the spearpoint of aggression has been blunted in South Vietnam." It was evident that the Government had seized the initiative in most areas from the insurgents. But this progress was interrupted in 1963 by the political crises arising from troubles between the Government and the Buddhists, students, and other non-Communist oppositionists. President Diem lost the confidence and loyalty of his people; there were accusations of maladministration and injustice. There were two changes of government within 3 months. The fabric of government was torn. The political control structure extending from Saigon down into the hamlets virtually disappeared. Of the 41 incumbent province chiefs on November 1 of last year, 35 were replaced. Nine provinces had three chiefs in 3 months; one province had four. Scores of lesser officials were deplaced. Almost all major military commands changed hands twice. The confidence of the peasants was inevitably shaken by the disruptions in leadership and the loss of physical security. Army and paramilitary desertion rates increased, and the morale of the hamlet militia—the "Minutemen"—fell. In many areas, power vacuums developed causing confusion among the people and a rising rate of rural disorders.

The Vietcong fully exploited the resultant organizational turmoil and regained the initiative in the struggle. For example, in the second week following the November coup, Vietcong incidents more than tripled from 316, peaking at 1,021 per week, while government casualties rose from 367 to 928. Many overextended hamlets have been overrun or severely damaged. The January change in government produced a similar reaction.

In short, the situation in South Vietnam has unquestionably worsened, at least since last fall.

The picture is admittedly not an easy one to evaluate and, given the kind of terrain and the kind of war, information is not always available or reliable. The areas under Communist control vary from daytime to nighttime, from one week to another, according to seasonal and weather factors. And, of course, in various areas the degree and importance of control differ. Although we estimate that in South Vietnam's 14 million population, there are only 20,000 to 25,000 "hard core" Vietcong guerrillas, they have been able to recruit from among the South Vietnamese an irregular force of from 60,000 to 80,000—mainly by coercion and "bandwagon" effect, but also by promising material and political rewards. The loyalties of the hard core have been cemented by years of fighting, first against the Japanese, then against the French, and, since 1954, against the fledgling Government of South Vietnam. The young men joining them have been attracted by the excitement of the guerrilla life and then held by bonds of loyalty to their new comrades-in-arms, in a nation where loyalty is only beginning to extend beyond the family or the clan. These loyalties are reinforced both by systematic indoctrination and by the example of what happens to informers and deserters.

Clearly, the disciplined leadership, direction, and support from North Vietnam is a critical factor in the strength of the Vietcong movement. But the large indigenous support that the Vietcong receives means that solutions must be as political and economic as military. Indeed, there can be no such thing as a purely military solution to the war in South Vietnam.

The people of South Vietnam prefer independence and freedom. But they will not exercise their choice for freedom and commit themselves to it in the face of the high personal risk of Communist retaliation—a kidnaped son, a burned home, a ravaged crop—unless they can have confidence in the ultimate outcome. Much, therefore, depends on the new government under General Khanh, for which we have high hopes.

Today the government of General Khanh is vigorously rebuilding the machinery of administration and reshaping plans to carry the war to the Vietcong. He is an able and energetic leader. He has demonstrated his grasp of the basic elements—political, economic and psychological, as well as military—required to defeat the Vietcong. He is planning a program of economic and social advances for the welfare of his people.

He has brought into support of the Government representatives of key groups previously excluded. He and his colleagues have developed plans for systematic liberation of areas now submissive to Vietcong duress and for mobilization of all available Vietnamese resources in defense of the homeland.

At the same time, General Khanh has understood the need to improve South Vietnam's relations with its neighbors, Cambodia and Laos; he has taken steps toward conciliation, and he has been quick and forthright in expressing his government's regret over the recent Vietnamese violation of Cambodia's borders. In short, he has demonstrated the energy, comprehension, and decision required by the difficult circumstances that he faces.

4. A PROGRAM TO MEET OUR OBJECTIVES

Before describing the means by which we hope to assist the South Vietnamese to succeed in their undertaking, let me point out the options that President Johnson had before him when he received General Taylor's and my report last week.

Some critics of our present policy have suggested one option—that we simply withdraw. This the United States totally rejects for reasons I have stated.

Other critics have called for a second and similar option—a neutralization of Vietnam. This, however, is the game of "what's mine is mine and what's yours is negotiable." No one seriously believes the Communists would agree to neutralization of North Vietnam. And, so far as South Vietnam is concerned, we have learned from the past that the Communists rarely honor the kind of treaty that runs counter to their compulsion to expand.

Under the shadow of Communist power, neutralization would in reality be an interim device to permit Communist consolidation and eventual takeover. When General Taylor and I were in Hue, at the north end of South Vietnam, 2 weeks ago, several Vietnamese students carried posters which showed their recognition of the reality of neutralization. The signs read: "Neutralize today, communize tomorrow."

Neutralization of South Vietnam, which is today under unprovoked subversive attack, would not be in any sense an achievement of the objectives I have outlined. As we tried to convey in Laos, we have no objection in principle to neutrality in the sense of nonalinement. But even there we are learning lessons Communist abuse of the Geneva accords, by treating the Laos corridor as a sanctuary for infiltration, constantly threatens the precarious neutrality. "Neutralization of South Vietnam"—an ambiguous phrase at best—was therefore rejected.

The third option before the President was initiation of military actions outside South Vietnam, particularly against North Vietnam, in order to supplement the counterinsurgency program in South Vietnam.

This course of action—its implications and ways of carrying it out—has been carefully studied.

Whatever ultimate course of action may be forced upon us by the other side, it is clear that actions under this option would be only a supplement to, not a substitute for, progress within South Vietnam's own borders.

The fourth course of action was to concentrate on helping the South Vietnamese win the battle in their own country. This, all agree, is essential no matter what else is done.

The President therefore approved the 12 recommendations that General Taylor and I made relating to this option.

We have reaffirmed U.S. support for South Vietnam's Government and pledged economic assistance and military training and logistical support for as long as it takes to bring the insurgency under control.

We will support the Government of South Vietnam in carrying out its anti-insurgency plan. Under that plan, Prime Minister Khanh intends to implement a national mobilization program to mobilize all national resources in the struggle. This means improving the quality of the strategic hamlets, building them systematically outward from secure areas, and correcting previous over-extension. The security forces of Vietnam will be increased by at least 50,000 men. They will be consolidated, and their effectiveness and conditions of service will be improved. They will press the campaign with increased intensity. We will provide required additional materiel. This will include strengthening of the Vietnamese Air Force with better aircraft and improving the mobility of the ground forces.

A broad national program is to be carried out, giving top priority to rural needs. The program includes land reform, loans to tenant farmers, health and welfare measures, economic development, and improved status for ethnic minorities and paramilitary troops.

A civil administrative corps will be established to bring better public services to the people. This will include teachers, health technicians, agricultural workers, and other technicians. The initial goal during 1964 will be at least 7,500 additional persons; ultimately there will be at least 40,000 men for more than 8,000 hamlets, in 2,500 villages and 43 provinces.

Farm productivity will be increased through doubled use of fertilizers to provide immediate and direct benefits to peasants in secure areas and to increase both their earnings and the Nation's export earnings.

We have learned that in Vietnam, political and economic progress are the sine qua non of military success, and that military security is equally a prerequisite of internal progress. Our future joint efforts with the Vietnamese are going to apply these lessons.

5. CONCLUSION

To conclude: Let me reiterate that our goal is peace and stability, both in Vietnam and southeast Asia. But we have learned that peace at any price is not practical in the long run, and that the cost of defending freedom must be borne if we are to have it at all.

The road ahead in Vietnam is going to be long, difficult and frustrating. It will take work, courage, imagination and—perhaps more than anything else—patience to bear the burden of what President Kennedy called a "long twilight struggle." In Vietnam, it has not been finished in the first 100 days of President Johnson's administration, and it may not be finished in the first 1,000 days; but, in cooperation with General Khanh's Government, we have made a beginning. When the day comes that we can safely withdraw, we expect to leave an independent and stable South Vietnam, rich with resources and bright with prospects for contributing to the peace and prosperity of southeast Asia and of the world.

COMMITTEE MEETING DURING SENATE SESSION FOR REMAINDER OF WEEK

On request of Mr. HUMPHREY, and by unanimous consent, the Preparedness Subcommittee of the Armed Services Committee was authorized to meet during the sessions of the Senate for the remainder of the week.

COMMITTEE MEETING DURING SENATE SESSION FOR REMAINDER OF WEEK

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Foreign Relations was authorized to meet during the sessions of the Senate for the remainder of the week.

MISSISSIPPI SUMMER PROJECT

Mr. WILLIAMS of New Jersey. Mr. President, the purpose of the Mississippi summer project, sponsored by the National Council of Churches, is to send volunteers into Mississippi to aid in registering Negro voters and to conduct "freedom schools" where Negroes can be taught remedial reading and the tools of literacy. The sole purpose of the project is to effectively implement many of the guarantees contained in the historic civil rights legislation which this body last week passed by an overwhelming majority vote.

A story in this morning's New York Times reports that three members of the first group of volunteers participating in the Mississippi summer project are missing. Under the circumstances described in the story, there is good reason to suspect that the three individuals, Michael Schwerner of Brooklyn, Andrew Goodman of Queens, N.Y., and James E. Cheney of Meridian, Miss., have met with foul play.

There are many people throughout this country concerned for the welfare of these volunteers. We have seen voter registration drives in Mississippi before, and we have seen concomitant mob demonstrations, church burnings, violent incidents—even coldblooded murder—accompany these attempts to comply with the Constitution. Now, as another voter registration drive begins in Mississippi, will we again witness the beatings, mass arrests, and killings by citizens and officers of the law who participate in, or by their unconscionable silence abet, these outrageous actions.

What will prompt the Federal Government, short of large-scale violence, to take the necessary steps to insure the safety of these volunteers in Mississippi? The U.S. Commission on Civil Rights has repeatedly stressed the gravity of the situation in Mississippi, and the role that fear of physical violence at the hands of local white persons in control of the State and local political machinery plays in preventing qualified Negroes from registering to vote. The fact is that only 1 percent of the Negro population in Mississippi is registered to vote.

The 1961 report of the Mississippi Civil Rights Commission points out that:

> Many and at times almost unbelievable reports of atrocities and brutalities perpetrated by elected and appointed public officials in the capacity of law enforcement officers and under color of law were received by the committee, which forwarded them to the Commission office. Many of these reports were made in affidavit form. Many additional complaints were received which simply could not be investigated because of insufficient time.

I cannot believe that the Justice Department will not use its authority, influence, and legal machinery to offer every protection to the students in Mississippi. But action must be taken now, before those prepared to commit violence are able to carry out their intentions. So long as adequate protection is afforded by the Mississippi State Police, and law and order is maintained, the actions of the Justice Department and the Federal Government need play only a supplemental role, an added guarantee that violence will not be committed. But the Federal Government should be prepared to take quick and effective action to see that order is restored if the past pattern of violence and riots in Mississippi is repeated.

There is no doubt that the Justice Department does have the authority to prevent interference with voter registration or interference with the constitutional rights of another individual. The FBI and U.S. marshals may be employed to arrest persons who interfere with the lawful exercise of an individual's constitutional rights.

Mr. President, I ask unanimous consent that a memorandum relating to the legal powers of the Federal Government in enforcing civil rights, prepared by the Student Nonviolent Coordinating Committee, be printed in the Record.

Unless civil rights laws already on the statute books receive effective and prompt enforcement, the bill we passed last week will become a "dead letter," and civil rights, in those areas and States where the guarantees of equality are needed most, will become a mockery.

I have received, and I am sure that other Senators have received, letters from individuals and parents of individuals participating in the Mississippi summer project. They reflect an awareness of the personal danger every one of these volunteers faces. The public deserves to be made aware of the danger of the threat posed by 60,000 individuals in Mississippi armed with machineguns and hand grenades.

Mr. President, I ask unanimous consent that several communications which I have received in the last few days expressing fears for the safety of the summer volunteers in Mississippi, be printed at this point in the Record.

There being no objection, the communications were ordered to be printed in the Record, as follows:

Tenafly, N.J., *June 16, 1964.*

The Honorable Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Mr. Williams: It is a tragic commentary on our country that it is necessary for me to write to my Senators to ask that they take steps now so that my son will not be murdered.

My son is David Trimble. Next semester—if he has a next semester—he will be a sophomore at Clark University in Worcester, Mass., where he did honors work in his first year. His life is threatened simply because he has volunteered for the Mississippi project of the combined civil rights organizations in that State. As you know, the program centers on conducting freedom schools and citizenship training for Mississippi Negroes.

This wholly legal endeavor, directly comparable to our Peace Corps projects all over the world, is deadly dangerous in Mississippi. The passions aroused among white racists are beyond the control of the legal forces of the State and its communities even if, and as you know it is a very large if, they do not side with the mobs.

I am asking, therefore, that you exert every effort now before tragedy occurs to insure that the Government of the United States intervenes quickly and effectively to prevent massacre in Mississippi.

Inevitably my first concern is for my own son but much more is at stake. Mississippi this summer and what Washington does or does not do will stand as a test of the real stuff of our democracy for the whole Nation and the whole world. We—each one of us—cannot be found wanting.

I am counting on you.

Sincerely and with deep concern,
Glen W. Trimble.

Maplewood, N.J., *June 21, 1964.*

Hon. Harrison A. Williams,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: Our son, Mark Victor Tushnet, a junior at Harvard, is going to Mississippi to participate in the project for the upgrading of Negro schooling there.

Reports in the press indicate that this humanitarian and truly American project will be met with violence, with the connivance of the local governments and of the State of Mississippi.

Senator Williams, I call on you to demand Federal protection on the spot for our son and for the other students who are so unselfishly giving up their vacations to help their fellow men. As you know, there are several other students from Maplewood and its vicinity, as well as others from other parts of New Jersey, going to Mississippi. You have the prestige and the influence to see to it that they will be safe from bodily harm this summer.

I urge you to use your good offices to have the Attorney General send in Federal marshals now before any incidents occur.

Very truly yours,
Leonard Tushnet, M.D.
Fannie Tushnet.

Newark, N.J., *June 21, 1964.*

Senator Harrison Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: As residents in the State of New Jersey, we are requesting that you ask President Johnson to immediately send U.S. marshals to the State of Mississippi, to protect the young people from all over the United States, including many from New Jersey, who are on their way to that State to help educate the underprivileged there, and to help register qualified American citizens, so that they may in fact exercise their full rights as citizens.

It is imperative that you act now—these young people are not going to demonstrate in the streets of Mississippi, but already it is known that violence is being planned by certain groups in that State and the lives of the students are at stake. It will be too late to act once the violence starts, and we believe that the Federal Government of the United States has a sacred duty to protect its citizens. We are sure that you are aware of the fact that the local and State police authorities in Mississippi will be unwilling or unable, or both, to control what can be another disgrace to the democratic institution we hold so dearly.

We beg you to act now.

Respectfully,
Florence Gleicher,
Sol Gleicher.

Bloomfield, N.J., *June 2, 1964.*

Hon. Harrison Williams,
U.S. Senate,
Washington, D.C.:

I respectfully request all assistance available protect dedicated young people entering

Mississippi on civil rights mission. In view of possible horror of what awaits them imperative in name of justice and humanity urgent steps be taken at Federal level to supplement or supersede ineffective protection by local authorities.

Paul Heyman.

Teaneck, N.J., *June 22, 1964.*

Senator H. A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

Our son will be going into Mississippi tomorrow with Student Nonviolent Coordinating Committee trying to achieve the privilege of voting for those who have been denied this fundamental right of all Americans. Our son and these students are fighting for ideals of American liberty and justice. To avoid threatened violence we ask you to provide necessary means to prevent a serious incident. The only source of protection is the Federal Government. It would be tragic should our Government fail them.

Mr. and Mrs. O. Edward Cantor.

Tenafly, N.J. *June 5, 1964.*

Senator Harrison A. Williams,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: I am 19 years old, the son of two of your constituents. I have followed with joy and amazement the work you have been trying to do for America's migrant labor, one of the most downtrodden and voteless groups in America. I am calling for your help now both for myself and for another downtrodden and voteless group, the Mississippi Negroes. Attempts to register Negroes in Mississippi in the past few years have met with universal and stubborn resistance. This resistance has often taken the ugly form of violence, on the part of both the white citizenry and the Mississippi police. There have been at least five racial murders in the State within the last few months.

I am a summer volunteer for the voter registration drive sponsored by the Council of Federated Organizations in Mississippi as a part of their Mississippi summer project. I know what has happened to those who have worked in the field before me. I also know the record of the executive branch of the Federal Government; its silences and refusals to protect the constitutional rights of Americans working for freedom, not in the steaming jungles of Vietnam but in the steaming cauldron of hatred that is Mississippi. Your vote for the civil rights bill is part of an important first step in the realization of the American dream. As a man with the integrity and responsibility of a U.S. Senator, you can use the forum of the U.S. Senate to challenge the record of the Justice Department and to confront those Mississippi Senators who share your senatorial and party title—but little else—with the actions of their State against freedom.

I hope that as my Senator you will speak out for me should my rights as an American be abridged. I hope that you will not hear from me this summer as an inmate of a Mississippi jail or hospital. If you do, I believe enough in your honesty and sense of justice to expect to hear your voice in the Senate on behalf of freedom.

Sincerely yours,

David W. Trimble.

Teaneck, N.J. *June 17, 1964.*

Senator Harrison Williams,
Senate Office Building,
Washington, D.C.

Dear Sir: I am writing to enlist your help in a matter of great concern.

I am referring to the very real threat to the lives of the students participating in the Mississippi project of the Student Nonviolent Coordinating Commission.

My son, Leigh, age 20, has just completed his junior year at New York University, University Heights, N.Y., where he volunteered for the project. He is at present at Western Women's College in Oxford, Ohio, for a 1-week orientation period. From there the group will proceed to Jackson, Miss. to help in a voter registration educational program.

I would like to draw your attention to an article which appeared in the Record (Hackensack, N.J.) on Monday, June 15 (p. 5) which plainly states the seriousness of the matter.

I am asking you to do what you can to provide safe conduct to these young men and women by bringing to bear the influence of your office. This much is owed to those who have enlisted in a cause to secure the future of our country.

Very truly yours,

Elsie R. Stelzer
Mrs. E. N. Stelzer.

Plainfield, N.J., *June 22, 1964.*

Senator Harrison Williams,
Senate Office Building,
Washington, D.C.:

Thank you for supporting wonderful young participants Mississippi summer project. Your comparison with Peace Corps is apt. Our daughter Barbara, now in Ohio, enters Mississippi Thursday. Do you know three workers, including one volunteer, are reported missing. State patrol are involved. Please continue to press for Federal protection.

Margaret and George Mutnick.

Rutherford, N.J., *June 23, 1964.*

Senator Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

Shocked by report three student volunteers in registration drive missing for 48 hours in Mississippi after arrest and bail. Request immediate investigation and need for legislative machinery.

Elizabeth Wenk.

Rutherford, N.J., *June 23, 1964.*

Senator Harrison Williams,
Senate Office Building,
Washington, D.C.:

Three college students engaged in voter registration education disappeared this weekend. One, Andy Goodman, is a close friend. They were last seen 1 hour after leaving jail in Mississippi on bond, charged with speeding. I fear for their lives. Please inquire at the Justice Department about this matter.

Ronald Finston.

Jersey City, N.J., *June 23, 1964.*

Congressman Harrison Williams,
Senate Office Building,
Washington, D.C.:

My own experience in Hattiesburg makes me amazed that the 11 p.m. news should say FBI only now "considering" helping locate missing peaceful workers for Federal rights in Meridian. Our experience with trumped-up traffic arrests and our own group having to surround man seeking to present self to FBI makes danger of foul play seem more than obvious. With respect urge Federal action be increased markedly in such cases.

Best wishes sincerely,

Rev. Dudley E. Sarfaty.

New York, N.Y., *June 23, 1964.*

Hon. Harrison Williams,
Senate Office Building,
Washington, D.C.:

I urge you to press for immediate full-scale investigation of the shocking disappearance of three young fighters for civil rights.

Isaac Patch, Jr.

Roselle, N.J., *June 18, 1964.*

Senator Harrison Williams,
Senate Office Building,
Washington, D.C.

Dear Senator Williams: In 2 days I will be leaving to teach in a freedom school in the State of Mississippi. The exact location I do not know yet. My primary purpose in being in Mississippi is to teach remedial skills to Negro students in the 11th and 12th grades. I am very much aware of the physical dangers I will encounter this summer. This is the reason I am writing to you. I ask, of you, as my elected representative in the U.S. Government, for protection to act in my trained profession, that of a teacher. I implore you to do everything in your power to see that no physical harm comes to me as a result of my teaching, reading, 'riting, and 'rithmetic.

Thanking you, I am,

Mary L. Gillard.

Mr. WILLIAMS of New Jersey. Mr. President, those who supported legislation to guarantee civil rights in voting in 1957, in 1960, and again last week cannot be indifferent to the fate of individuals who attempt to put the dry words of the law into practice. I hope the attention of the Senate and the American people can be focused on the situation in Mississippi. Above all, I hope that the people of Mississippi accept the great responsibility which is theirs, to see that law and order prevail.

A FOREIGN POLICY IMPERATIVE: UNSWERVING AMERICAN SUPPORT FOR THE UNITED NATIONS

Mr. CHURCH. Mr. President, we are about to mark the 20th anniversary of the founding of the United Nations. It is a fitting time to review the history, assess the health, and measure the hardiness of this extraordinary experiment. For if there is one thing which we can say for sure about the U.N., it is that the organization markedly differs from what was contemplated by its founders two decades ago.

1. ORIGINAL CONCEPTION OF U.N.

Originally, at San Francisco in 1945, we constructed the United Nations upon the great alliance which was winning the Second World War. In the mistaken belief that the victors, united in war by a common enemy, would remain united afterward, we entrusted the primary responsibility for peacekeeping, not to the General Assembly, where all countries were to be equally represented, but to the Security Council, where the Big Five would have permanent seats, each equipped with a built-in veto. Our vision was of a pax victorum, where peace would be maintained by the United States, the United Kingdom, France, China, and the Soviet Union, acting in concert through the Security Council. The veto was to guarantee that no policeman's club would be raised to enforce the peace, except by the common consent of the Big Five.

To be candid, the United Nations Charter was carefully drawn to permit the Big Five, after having obtained the required number of votes, to impose their will upon other countries threatening to disrupt world peace, but the veto prevented other countries from turning the tables in the Security Council upon any one of the Big Five. Thus, the victorious Allies sought to establish a new world order on nothing more substantial than the spirit of camaraderie which the war itself had briefly kindled. The five governments behaved rather like the legendary musketeers who lifted their swords to do justice at the outcry: "All for one and one for all."

Looking back on those euphoric days, one wonders how so infirm an infant as the United Nations could ever have received so auspicious a christening. The supporters of the U.N., then and now, bear a responsibility for having oversold it to the American people. From the outset, we should have stressed that the U.N. by itself lacked the power to preserve world peace, having no means of its own to finance its operations, or to impose its will; that the Security Council could only act with the unanimous consent of its permanent members, the five victorious powers; that the General Assembly could pass resolutions, but could hardly enforce them; that the U.N. was not, in any sense, a world government, and could not accurately be described as the "Parliament of Man." We should have emphasized that, in keeping the peace and protecting our national interests, the U.N. could be no substitute for our own Armed Forces, our nuclear deterrent, our regional alliances, or our mutual assistance programs abroad.

Having said all this, we could then have endorsed the United Nations for realistic reasons—as a useful instrument through which the sovereign nations of the world might strive to build better procedures for achieving the peaceful settlement of international disputes; and as the one forum that could hold out the promise, as it grew in strength and stature, of ultimately replacing today's rule of violence with tomorrow's rule of law.

2. EXTREMIST OPPOSITION TO U.N. MIGHT HAVE BEEN TEMPERED

If, following the San Francisco conference, we had made this kind of factual case for our entry into the United Nations, I believe the treaty would still have been easily ratified in the Senate, and the American people would not have been left to nurse the exaggerated expectation that the U.N. would prove to be a panacea for peace. Then, perhaps, the failures of the U.N., which were bound to come, would not have loomed so large. Much disillusionment could have been avoided. And fewer today would be the voices attracted to that mindless chant: "Get the United States out of the U.N., and the U.N. out of the United States."

Then, perhaps, we would not now be faced with the leading contender for the Republican presidential nomination, harboring views toward the United Nations which seem to swing between open hostility and critical indifference.

I say parenthetically, inasmuch as I am referring to quoted statements of our colleague from Arizona [Mr. GOLDWATER], that I have placed a copy of this speech in his office. I notified him yesterday that it was my intention to make the speech. We engaged in a conversation at that time. He told me that, if possible, he would try to come to the floor this afternoon.

I merely wish to make the RECORD clear that I tried to give him the courtesy of advance notice that this address would be made at this time, and that I intended to make reference to his stated views in this way.

As late as May of last year, Senator BARRY GOLDWATER was advocating the outright withdrawal of the United States from the U.N. He is quoted as having said:

> Frankly I think the fact that it's proven to be unworkable is grounds enough for us to quit wasting our money on it.

When asked if he would favor our getting out if elected President, he replied:

> I would, at this bet, having seen what the United Nations cannot do, I would have to suggest it.

At other times, the Senator has been quoted as saying that perhaps we should remain in the United Nations, despite its ineffectiveness, in order to try to improve it. But, again, in Hartford, last October, GOLDWATER announced at a press conference that we should quit the U.N. if Red China were admitted.

The Arizona Senator has been harshly criticized by fellow Republicans for his negative attitude toward the U.N., and it may be that his thinking is undergoing still another transformation. A few days ago, following a meeting with former President Eisenhower, the Associated Press quotes GOLDWATER as saying, "I believe in the United Nations," adding that he felt some way must be found to revise the Charter to eliminate the "one nation, one vote" principle which it now obtains in the General Assembly. The ambiguity of his position is then compounded, for he concedes the Russians would veto such a change, but contends we must try anyway, because "the chances of Red China coming into this organization grow every day."

In view of the confusing and contradictory statements GOLDWATER has made, the American electorate is entitled to a clear and comprehensive explanation of the candidate's present position on the United Nations. President Johnson has declared it to be his policy, as it was President Kennedy's policy before him, to give unswerving support to the United Nations. The President knows full well that this organization is vital to our own national needs, as well as to the needs of other nations. He appreciates that, once the United Nations is seen in its proper light, the wonder is not that it has accomplished so little, but that it has accomplished so much.

3. THE U.N. AS MEDIATOR

It was our good fortune that the U.N. somehow managed to survive the precipitous breakup of the wartime alliance which had pasted it together. As cold war enmity divided the victors into two camps, the Security Council, which was supposed to serve as the enforcement arm of the U.N., was quickly manacled by the use of the veto. But most of the member countries were determined that the U.N. should not be so readily rendered impotent, and they found a way, within the Charter, to upgrade the role of the General Assembly. The U.N. remained relevant, after all, as a sentinel for peace.

Nevertheless, it seemed, for a time, that the cold war might limit the United Nations to the function of a sounding board for the smaller countries, and a convenient meeting place where the channels of communication could be kept open for the use of the major powers in periods of crisis. Indeed, the U.N. has played a most useful role in this respect, which I do not mean to belittle. I recall, in 1949, while we were airlifting supplies into blockaded Berlin, how informal talks between our U.N. representative, Philip Jessup, and the Soviet's Jacob Malik, began in the U.N. diplomats' lounge. In this casual setting, Malik first hinted that Moscow might be willing to end the blockade, and here the talks were pursued which eventually led to that result.

Even more dramatic was the mediating role of the U.N. during the dread Cuban missile showdown of 1962. The Russian veto could not prevent the Security Council from serving as a stage on which the United States could tellingly present, before the assembled nations of the world, indisputable evidence of Soviet mendacity, thus helping to galvanize world opinion behind the audacious action President Kennedy had announced he would take. The good offices of the U.N. then served to bring our Ambassador, Adlai Stevenson, and John J. McCloy, into continuing contact with Soviet envoy Kuznetzov, for negotiations in which the Secretary General of the United Nations, U Thant, himself, played a vital part. Ambassador Stevenson sums it up this way:

> At a critical moment, when the nuclear powers seemed to be set on a collison course, the Secretary General's intervention led to the diversion of the Soviet ships headed for Cuba and interception by our Navy. This was an indispensable first step in the peaceful resolution of the Cuban crisis. The mere existence of an impartial office which could perform such a service in the middle of the night at such a time, is no small asset to the human race.

So it has happened that the United Nations, while not serving its originally intended role as policeman for the victors, has served as their mediator instead, helping in this way to keep the cold war from turning hot.

4. THE U.N. AS A FIRE BRIGADE

Though nuclear suicide has thus far been averted, brush fire wars have not, and these peripheral struggles will continue to endanger the tenuous stability which rests so delicately upon the present nuclear stalemate.

These are the kind of wars with which we are most likely to be faced, now and in the future. In dealing with these flareups, the U.N. has developed a role, not confined to mediation, which embraces active participation as a kind of fire brigade.

It started in Korea in 1950, when force was invoked under the U.N. flag to defend that nation against invasion. To be sure, most of the troops involved were American and South Korean, and all operated under U.S. command, but the fact that the mission was carried out in the name of the United Nations, and did entail token forces from a host of countries, undoubtedly helped to keep the Soviet Union away from a direct confrontation with the United States. Moreover, the U.N. auspices did much to mobilize world opinion against the aggression, and warned the Communists of the widespread disfavor that future aggression would incur, to a degree that American unilateral action never could have accomplished.

The limited participation of the U.N. in the Korean war led it to become centrally involved as the principal fireman in snuffing out the fighting at Suez in 1956. This was an unusual cold war conflict, since it found the United States and the Soviet Union on the same side opposing the action which had been taken by France and the United Kingdom. This time a way was found to send in troops under a U.N. command, furnished by the smaller member nations, whose mission it was to restore peace and order inside Sinai and along the Gaza Strip. The presence of these impartial sentinels to patrol the seething boundary between Egypt and Israel proved acceptable to both countries, and enabled the French and British to disengage without disgrace. As Senators know, U.N. forces still remain in Sinai and Gaza, where they have been successful, thus far, in preventing any new eruption along this uneasy border.

The biggest fire brigade operation yet undertaken by the United Nations occurred in the Congo. It is anticipated that the mission there will have been completed, and the remaining U.N. troops withdrawn, by the end of this month. Here again, the intervention of the U.N., at the request of the Congolese Government, was indispensable to the restoration of some semblance of order out of a chaos which threatened to engulf all of central Africa. Had we gone in alone to do this job, as some of our shrill U.N. critics advocated, I daresay we would find ourselves today in the same bottomless quagmire, faced with the same dreary prospects, with which we are in truth confronted in South Vietnam.

The latest alarm that U.N. firemen have answered was sounded on the sunny, but incendiary island of Cyprus. It remains to be seen whether the U.N. forces, responding to the call, can extinguish the fighting in this explosive situation, but our best hope still lies with the presence of the soldiers who wear the U.N. beret, now patrolling the tenuous lines separating Greek and Turk on this distraught island.

We should not overlook the fact that every U.N. peacekeeping operation involving the use of military force has been different. The size and composition of the forces have varied enormously. Therefore, it seems best, at this point, not to press for some kind of permanent—and expensive—standing army for the U.N., but to work for a flexible callup system. Under this system, a number of countries would earmark, and hold available for U.N. use, various numbers and kinds of troops to which the U.N. could turn, when the need should arise.

Canada was one of the first to do this, and has already designated a battalion for U.N. use. Sweden is considering legislation to set up a special reserve unit for the U.N. Norway, Denmark, and Finland are also planning to establish units which could total over 4,000 men, with equipment, including helicopters and transport vessels. The Netherlands has offered a contingent of marines which would be available on 24-hour notice, plus other troops as needed. The Shah of Iran is reported to have said that his country would be prepared to set aside standby troops for U.N. use. And we have reason to hope that many other nations will make similar offers.

5. THE LESSONS OF U.N. SUCCESS

The notable peacemaking missions of the U.N., in Africa and Asia, contain an important lesson we must learn. It is that the U.N. has no race, creed, or color; it is as varied in its composition as the 113 countries that now make up its membership. It is that the U.N. bears no onus for ever having engaged in colonialism or imperialism; it lacks the intrinsic power to menace even little countries, and so it is neither feared nor distrusted by them. Finally, the U.N. is a genuine international organization which does not separate the "have" countries from the "have nots," or the big from the small, the strong from the weak, or the developed from the undeveloped, or the capitalist from the Socialist, or even the Communist. The United Nations has refused to become the handmaiden of any particular alinement or ideology.

If experience proves anything at all, it is that upheaval among the black, brown, and yellow peoples, now emerging in their own right throughout Africa and Asia, is not likely to be assuaged for long through the unilateral intervention of any white nation. The empires which Western power could not hold, that power cannot now pacify. But because the United Nations has proved itself to be theirs, as well as ours, it can often play the role of "honest broker," and even that of the welcome policeman on the beat, when violence breaks out within, or between, the newly independent countries which were so recently the restive possessions of the Western World.

For this reason, it seems to me that we would be well advised to probe all the possibilities for using the peacekeeping machinery of the United Nations, not only in the matter of the smoldering border dispute between Cambodia and South Vietnam, but also in the broader effort to end the fighting in Laos and South Vietnam itself, under some form of negotiated settlement. Administered by the U.N. such an accord might succeed in preserving the independence of these countries, guaranteeing their neutrality, and permitting them to peaceably proceed to fashion their own destinies through self-determination.

If it should take a special session of the General Assembly to explore these possibilities, then I think such a session should be called, leaving to the next regular session, without prejudice to any country concerned, the problem of dealing with the financial default of certain member states, through invoking the penalty prescribed by article 19 of the Charter. I intend to discuss this fiscal problem facing the U.N. later in the address.

6. THE NATION-BUILDING ROLE OF THE U.N.

One cannot appreciate the scope or significance of what may be called the changing role of the United Nations, without a look at the positive work in which it has become engaged. The widening gap in living standards between the rich nations and the poor, which, in the main, separates those countries of predominantly white population from the colored, lies like a time bomb beneath our superficial efforts to preserve stability and peace. Unless this gap can be held in check and then narrowed in the years ahead, the time may come when the ideological differences dividing the Western World will be swept aside, as the affluent white nations join common cause against the looming specter of racial war.

To help avoid this catastrophe, the United Nations is at work, channeling both know-how and capital from the rich industrial countries to the poor and undeveloped. Seventeen out of every twenty U.N. employees are engaged in these programs of social progress and economic growth. Through the U.N. World Health Organization, tropical diseases are under relentless attack, malaria is about to be eradicated from the face of the earth. Various U.N. agencies are making loans and technical guidance available to promote monetary stability and long-range economic development—the World Bank, the International Finance Corporation, the International Development Association, the International Monetary Fund, the Technical Assistance program, and the Special Fund.

As for our own foreign aid program, nothing gives us greater trouble than trying to reconcile our belief that improving living standards is a goal in itself, which will serve our ultimate national interests by promoting general stability, with the awkwardness of extending American grants and loans to countries which are engaging in policies that we regard as inimical to our immediate interests. This is not only hard for the American people to understand, but it is equally incomprehensible to the recipient governments. Our own people conclude that we are embarked upon the folly of trying to buy friends, while the foreign governments concerned suspect that we are offering them money to make them subservient, and so either demand the money without strings attached, or engage in that now-familiar game of diplomatic blackmail, striving to obtain their own terms by playing us off against the Russians.

This experience, coupled with the fact that other rich nations should bear their share of the cost, has caused the Senate Foreign Relations Committee to recommend that the United States shift its emphasis—from a bilateral basis to a multilateral basis—in the making of long-term loans for economic development. This would mean expanding the role of the U.N. agencies, an objective I strongly favor, not only for political reasons, but for sound business reasons, as well. Eugene Black, who so ably managed the affairs of the World Bank, has explained the success of investments made through the U.N. lending agencies, in these words:

> Because they are known to have no ulterior motive, they can exert more influence over the use of a loan than is possible for a bilateral lender; they can insist that the projects for which they lend are established on a sound basis, and—most important—they can make their lending conditional upon commensurate efforts being made by the recipient country itself.

Mr. President, in your home community, a loan extended on hard terms by a self-styled friend is usually resented by the person receiving it, although the same person would expect such terms from the local bank. It is no different in the community of nations.

7. THE FISCAL CRISIS OF THE U.N.

Today, as we have seen, the U.N., through the technical, medical, scientific, and financial aid it extends to the underdeveloped areas of the world, is broadly engaged in nation-building, as well as in peace-preserving labors. The organization grows each year in value to the human race. So we must not let the internal problems which now beset the United Nations go unresolved.

Chief among these is the fiscal problem. It is no secret that failure, for one reason or another, of many members to pay their assessments for the U.N. peacekeeping operations in the Congo and the Middle East has brought a financial crisis to the U.N.—and not only a financial crisis. This year the U.N. is passing through a political and constitutional crisis. The Soviet Union is now, for the first time, so far behind on its assessments that it has run right into the provisions of the U.N. Charter which deal with financial delinquency.

The charter is crystal clear. Article 19 says:

> A member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding 2 full years.

Mr. President, you will notice that there are no "ifs, ands, or buts." A nation which is 2 years behind "shall have no vote." Other nations are today in the same position as the U.S.S.R., though most, if not all, are expected to pay before the next regular session of the General Assembly. But the Soviet Union has said that it is not going to pay its assessments for peacekeeping in the Congo and the Middle East. The U.S.S.R. thinks that when the showdown does come, many nations will be afraid of depriving Russia of her vote, and that some way will be found to "chicken out" on these very specific provisions of the charter.

I think the charter means what it says. Any other construction would undermine the essential integrity of the U.N., which we have worked so assiduously to build over the past 18 years. If any member is permitted to flout the rules of the U.N. without suffering the penalty the rules themselves prescribe, internal disintegration will set in. The Congress of the United States has made its own position unmistakably clear: the Soviet Union must either pay what she legitimately owes, or relinquish her vote in the General Assembly. We can take no other stand.

Mr. LONG of Louisiana. Mr. President, at this point, will the Senator from Idaho yield?

Mr. CHURCH. I am very glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. As I understand, the Soviet Union has about 3 votes in the United Nations, because of what proved to be an unreasonable concession which was made at the time when the United Nations was organized. So that would mean the Soviet Union would lose all three of those votes, would it not?

Mr. CHURCH. Yes, as I understand it.

Mr. LONG of Louisiana. But she would not lose her vote on the Security Council, would she?

Mr. CHURCH. No, not her vote on the Security Council.

But in my opinion, this matter is so important to the United Nations that I believe the article 19 penalty must be enforced if the Soviet Union continues to refuse to pay what is due from her.

Mr. LONG of Louisiana. On that point, I agree entirely with the Senator from Idaho.

Mr. CHURCH. I thank the Senator very much.

However, Mr. President, the crisis caused by the problem of paying for special U.N. peacekeeping missions goes deeper than collecting past defaults. Some method must be found for giving those countries which bear most of the cost a commensurate voice in determining what the financing formula for projected new missions should be. It is now theoretically possible for a two-thirds majority of the General Assembly to be formed by nations with only 10 percent of the world's population, or who contribute, altogether, a mere 5 percent of the assessed budget. It does not bode well that such a group, made up primarily of smaller states, could conceivably demand a course of action for which other nations would bear the primary responsibility and nearly all the cost.

For present purposes, the best answer to this dilemma, I submit, does not lie with the proposal that all General Assembly votes should be weighted to reflect population, or wealth, or level of contributions, or some combination of these and other factors. The concept of "one country, one vote" is rooted solidly to the idea of sovereign equality which no nation, large or small, seems yet ready to abandon.

Rather, the answer would seem to lie in the direction of establishing some kind of appropriations committee of the General Assembly which would be charged with determining the most suitable financing plan in each situation. On such a committee, the views of the larger contributors to the cost of U.N. peacekeeping could be given more adequate consideration. This kind of arrangement could assure a better balance in U.N. financial decisions between those who carry the principal cost and responsibility for the keeping of the peace, and the very large number of countries who are the beneficiaries of the peace which has been kept.

8. CONCLUSION

I want to close by urging the informed citizens of this country to interest yourselves in the United Nations. Do not let the strident voices of the U.N. haters dishearten you. They are a small minority who see the world as a vast Red sea, into which the United States, through insidious betrayal, is steadily sinking.

In their fanciful world, they have closed their minds against the U.N. and even regard it as some kind of Communist tool. If you tell them that the U.N., on its own voting record, has proved itself a friend of freedom—that no Soviet resolution actively opposed by the United States has ever been approved by the General Assembly, they respond that this is but a clever ploy to disguise the true Communist character of the organization. If you remind them that the Soviet Union has had to exercise her veto more than a hundred times in the Security Council, to prevent it from taking action contrary to Russian interests, while the United States has not yet had to cast a single veto vote, they respond, with straight faces, that this proves U.N. procedures were set up to serve the Russians best. If you tell them that their objective of getting the United States out of the U.N. is just what Khrushchev would like to see happen; that it was the shoe-pounding Khrushchev who tried to bully his troika plan through the General Assembly, with the purpose of undermining the office of the Secretary General, so that the U.N. might be rendered as impotent as its predecessor, the League, they grow angry and abusive as they grope for the answers they cannot find. No, these anguished people can never be persuaded.

But fortunately, the great bulk of our people are better balanced and better informed. Commonsense tells them that, despite the diversity among nations, we all share a common interest in survival. Most Americans would agree with these words of our Secretary of State:

> In the world of today any breach of the peace could lead to the destruction of civilization. In the thermonuclear age, any instrumentality with a potential for deterring war can hardly be described as less than indispensable to mankind. In 18 brief years, the United Nations has helped to deter or to terminate warfare in Iran and Greece, in Kashmir and Korea, in the Congo and the Caribbean, and twice in the Middle East, and twice in the western Pacific. It is not fanciful to speculate that any or all of us may owe our lives to the fact that these dangers were contained, with the active and persistent help of the United Nations.

Last December, it was my good fortune to travel to New York with President Lyndon B. Johnson. There, before the General Assembly, I heard him vigorously reaffirm the American commitment to the the United Nations, in words reminiscent of those of Roosevelt, Truman, Eisenhower, and Kennedy. He said:

> More than ever, we support the United Nations as the best instrument yet devised to promote the peace of the world and to promote the well-being of mankind.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. I congratulate the Senator from Idaho on a very timely and eloquent speech. He has summed up more concisely and effectively the real merits of the United Nations than any statement I have heard in recent years. He has rendered a great service to this body and to the public in bringing into better focus the situation with regard to the United Nations.

I should like to ask the Senator one question about his statement with regard to the United Nations and South Vietnam. I should be very pleased if the United Nations could be brought into that situation if I thought it could exercise an effective role. I do not believe that the United Nations is an omnipotent body. As the Senator has well pointed out, it is dependent upon the contributions of its members. I thought the Senator's statement about the contributions of the smaller countries and the proposals of some of them, such as Canada, Denmark, and so on, was excellent. Those countries are already engaged in Cyprus with a sizable group of men and, of course, they are still engaged in the Gaza strip.

The point I wished to make was with regard to South Vietnam, which is in a critical situation at the moment. Things have been going so badly against the forces of the independent South Vietnamese Government that I doubt that it would be feasible to seek to bring the United Nations into that operation at the present time. I am questioning the timing of the suggestion rather than the point that there would be an opportunity. Perhaps at some point there would be an opportunity to employ the services of the United Nations. I have felt that our Government was correct in its judgment of that particular situation. It has said that it is necessary that we lend our assistance to South Vietnam in order to stabilize the situation. If at a later time it could be stabilized and the aggression of the North Vietnamese stopped, a situation might develop in which the U.N. could be effective. I wonder how the Senator would comment upon that suggestion.

Mr. CHURCH. First, I am grateful for the Senator's comment with regard to the speech itself.

With reference to the question the Senator has raised, I would respond in the following way: First, it seems to me that, while we cannot at the moment relax our own efforts in South Vietnam, given the serious situation that now exists there, and the continuing pressures being exerted there by the Vietcong, still I think it is open to us to examine the possibility for the U.N. to play a more significant role there.

The first possibility that occurs to me has to do with the continuing border dispute between Cambodia and South Vietnam. As the Senator knows, that dispute has occasioned much bad feeling, back and forth, when units of the South Vietnamese forces have been charged with penetrating Cambodian soil. The boundary line itself is difficult to determine. There is no patrol along the boundary to prevent these incidents from occurring. So, I think, first of all, that there is the possibility of a U.N. role in the border area between Cambodia and South Vietnam which need not interfere with the continuing American presence in South Vietnam, with respect to the help we are giving the government of South Vietnam to put down the insurrection in that country.

The second possibility is as follows: The only way that peace can be restored to the whole region is with the approval and support of the countries most immediately concerned—not only the United States, or South Vietnam, or North Vietnam, or Cambodia, or Laos, but also with the acquiescence of China as well.

It is difficult for me to conceive of any permanent arrangement or stability in that region of the world without the acquiescence and consent of China, since China is the great power of the Orient immediately to the north of this great peninsula. It is possible that the good offices of the U.N. could be utilized to explore the prospects for some settlement to which all these countries, including the United States and China, might assent. The U.N. might also perform a role in administering such a settlement that would be acceptable to the countries concerned, guaranteeing the neutrality of the various countries of the region, and permitting them peaceably to realize their own destinies through the orderly processes of self-determination. We do not seem to be exploring the possibility of expanding the U.N. role here, even though I am mindful of practical limitations and the eventuality that such an effort might not prove productive. But I say to the Senator that we shall never know unless we try. I have heard the distinguished Senator from Oregon make that point, time and time again, and I must say that, in this respect, I agree with him.

Mr. FULBRIGHT. Mr. President, will the Senator yield further?

Mr. CHURCH. I yield.

Mr. FULBRIGHT. I find it difficult to disagree with much of what the Senator has said from the theoretical standpoint, but from the practical application, under the circumstances that now exist, if it became current, if the people, particularly the people of South Vietnam, thought we were about to withdraw and turn the matter over to the U.N., it could well cause a crisis in the affairs of the Government of South Vietnam. In other words, I think our determined support at this time is indispensable to the survival of that regime.

Mr. CHURCH. I concur with the Senator in that regard.

Mr. FULBRIGHT. So I think it is a delicate matter to be suggesting under these particular circumstances. That is what I meant when I said it was a matter of timing. If we could establish a firm position in which things were going better for the South Vietnamese and they had greater confidence in their capacity to survive, a consideration of some substitute, by way of the U.N., not only would be tolerable, but I would be favorable toward it, for the reason that I would want no illusions to grow up about what our ultimate intentions are in South Vietnam. It is not to be a permanent base. It is not to be a colony of this country. We are not to be permanently involved. All we wish to do—and I believe that is the policy of our Government—is to see to it that the independence of South Vietnam is maintained. If conditions were such so that the U.N. could contribute to that purpose effectively, I would be glad to see it done. I am talking about the matter from the practical, pragmatic standpoint, under existing circumstances. I believe that before the U.N. body could be brought into the picture in a very effective way, what I have stated would have to be true. I regret it very much, but it seems to me we are the only power that can assure an essential degree of stability and strength in South Vietnam.

I do not disagree in principle; I disagree with the application of the suggestion under existing circumstances, if I make myself clear.

Mr. CHURCH. The Senator makes himself entirely clear. I must add that we may not be in disagreement at all. It is for the President to determine the timing. I concede the wisdom of the words of General Clay that any nation is likely to get, at the bargaining table, what that nation can hold in the field.

It is certainly to be hoped that the military situation in South Vietnam may improve to the point where the prospects brighten for a peaceful settlement, negotiated under the aegis of the United Nations; but I must say that we cannot permit ourselves to become myopic about the methods we employ in Vietnam. I am concerned lest we eliminate other alternatives to military action alone. I think there is a growing danger that we may do this. I suggest that we must remain constantly alert to the availability of the United Nations. I see little that can be lost in probing the possibility of an enlarged U.N. role. It could be done in such a way as to make it clear, to all concerned, that the United States is not thereby lessening its determination to uphold the South Vietnamese Government against forcible overthrow. It could be done in such a way as to suggest that we are not contemplating any American withdrawal.

Mr. FULBRIGHT. With that qualification, I agree with the Senator. I regret that we are in an unhappy role, but since we are really the only strong country left in the free world, I think it is inevitable that we fall heir to these situations. They either will go down the drain or we must step in. It gives this country the appearance of belligerency that it does not deserve. I do not mean that this country has not made mistakes, but I regret that our Government has been cast in a role that we do not deserve; namely, of being a warmonger, of promoting war, of having confidence only in military might. I do not think that is true. This country may have made mistakes, but those mistakes have not been due to defects in our motives, but only in the application of our policy.

In this case the persistence of our people in helping South Vietnam is not due to the fact that we are a warlike country. We are doing it for the purpose of reestablishing peace. If conditions should arise in which it would be feasible for the U.N. to take over and maintain order, I would be in favor of that.

The Senator mentioned Red China. Of course, Red China, not being a member of the United Nations, would not be included in negotiations. The idea of a conference of 14 nations is being discussed. Under the circumstances, that would be a very proper one to have. Of course, much of this depends on damping down the immediate fire, because in the past 2 weeks it looked like touch and go—as to whether the regime would survive. I am not sure how stable it is now. I am not aware of the current military situation.

The appointment of the chairman of the Joint Chiefs of Staff and a leading career officer of the civilian branch, the State Department, is good evidence that the President thinks the situation is most serious, and that he intends to do something about it. It was an excellent appointment.

I am hopeful that such conditions can be established that something less than a military solution is needed.

Nevertheless, I congratulate the Senator. I think he has performed a great service in delivering this speech.

Mr. CHURCH. First of all, I share with the Senator the hope he has expressed that our new Ambassador to South Vietnam will achieve success in his difficult mission.

I hesitate to depart from the subject of my address today, which is the United Nations, to wander very far into a discussion of South Vietnam. Yet, I am very troubled about South Vietnam.

Mr. FULBRIGHT. So am I.

Mr. CHURCH. I have been trying to put my thoughts in order—to prepare a speech specifically directed to South Vietnam and our developing policies there.

Mr. MORSE and Mr. PROXMIRE addressed the Chair.

Mr. CHURCH. I shall be happy to yield in a moment. May I complete my thought first?

I have great trepidation about the talk that is so current these days, to the effect that we must not fight in South Vietnam on Communist terms. Of course, no one can argue with that statement. But, if we consider the implications of the statement, it seems to mean we are going to change the terms of the fight, in the direction of expanding the war.

As I have said, I intend to deliver a separate speech, if I ever can get it written and be satisfied with it, on the subject of South Vietnam.

Under present circumstances, there are about 25,000 hard-core Vietcong in South Vietnam. The army of the government we support is many times that size—several hundred thousand men. The Vietcong is being supplied tenuously, over a long and arduous jungle trail, by runners who carry what they can on their backs, while we supply the Government of South Vietnam with shiploads of the most modern equipment, and pour in hundreds of millions of dollars each year. Still, we fear the Government of South Vietnam is about to topple.

Now it is said that perhaps we must go further and extend the war to North Vietnam, Laos, or northward. What troubles me is that if this war—which is essentially a political war, that can be won only by the people of South Vietnam—is being waged on terms so advantageous, with the enemy restricted to 25,000 hard core Vietcong, how on earth will the situation be improved by extending the war to the north? Will it help to take on the army of North Vietnam?

Do we think that the bombing of North Vietnam will break the spirit of the Government, and cause it to discontinue to aid and abet the insurrection in the south? Why should we? The bombing of North Korea never broke the spirit there. And we bombed every house, bridge, and road until there was nothing left but rubble. Expanding the war is not getting out, Mr. President. It is getting further in.

Wait until we change the terms to the point where Red China feels, as she came to feel in Korea, that her own security has become endangered. Then we may be faced, as we were in Korea, with the Chinese army coming down. Is our memory so short that we have forgotten that, only 2 years ago, China invaded India? Can we be so sure that China will hesitate? She has not hesitated before.

Then what shall we have? We shall have a war so momentous in its consequences, so massive in its character, that the hordes of Chinese troops can only be stemmed with atomic weapons. Then the cry will go up, Mr. President: "Use our nuclear power."

The essential character of the American military forces today is naval and aerial. We have no hordes of troops to match the Chinese in conventional battle.

If we become involved in that region, which is the most remote in the world from the United States, we could waste our troops endlessly in the interminable jungle.

What for, Mr. President? Do we think it will be a war in which world opinion will be on our side? Do we think that the history of the last 20 years means that a white nation is going to be upheld in fashioning the destiny of Asia? Do we think that if we occupy this region with our naked power, we would then have solved the problem? Do we think that the Asians concerned would then say, "We are saved. We are liberated by the Western power, the United States, and her occupation will be our shield"? Why, the tides of history will wash over us in time. For Asia does belong to the Asians now, and will forevermore.

But I did not want to talk about South Vietnam. I came here to talk about the United Nations. Still, I am troubled about where we are going in South Vietnam and how we are thinking this through.

I, too, wish our new Ambassador every possible success.

So far as I know, the policy of our administration thus far is to continue to give support to the Government of South Vietnam, to help it put down the present insurrection. I am for that policy. I will vote for the added money that may be needed. But I am just setting up some warning posts that had better be pondered if we are to avoid a tragic trail of casualties in Asia, out of all proportion to the vital interests of the United States.

Sometimes, wars must be fought. I am for fighting them where the vital interests of the United States are at stake. But let us be sure. Let us be sure.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield first to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I shall be very brief. I rise not to comment on the more recent statement of the distinguished Senator from Idaho, but to commend him on his speech. As the Senator stated, he came here today to speak on the United Nations.

It is a speech that the Senate has needed. It is a constructive speech. It is a positive speech. At the same time, the speech has criticized, and I think very helpfully criticized, the United Nations.

This speech points very properly to the successes of the United Nations. In the second place, the Senator states that we should rely not less on the United Nations, but more. He contends that we should use our ingenuity in finding ways in which the U.N. can help us to seek out ways of achieving greater peace in the world. It was an excellent speech.

I am not a member of the Foreign Relations Committee. This is not a part of my special knowledge or responsibility; but I am very grateful to the Senator from Idaho, who is a member of the Foreign Relations Committee, and chairman of the U.N. subcommittee, for his very constructive speech. It has been very helpful.

Mr. CHURCH. I thank the Senator very much. I appreciate the remarks of the Senator.

And I think the United Nations is so important to our country, and to the rest of the world, that the American people are entitled to a clarification of the views of the man who now seems most likely to be the Republican candidate for President.

His views on the U.N. are of vital interest to the American people and the people of the world. I call upon him for a clear and definitive statement.

We are told that what he has said before is to be forgotten, and that what appears in the newest pamphlets represents the new GOLDWATER. We are told that his views are changing, and will change even more between now and November. And if he is elected President, we are told he will be responsible, for the presidency is a very responsible job.

I say that now is the time to find out exactly what the position of BARRY GOLDWATER is toward the United Nations. The fate of the country and of the world could depend on it.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MORSE. I do not rise to add to the discussion at this time, other than to commend the Senator from Idaho for what I think will be a historic speech as far as the discussion of the United Nations is concerned. I think it is comparable to the speech of the great Senator Brien McMahon of some years ago on the atomic energy problem that faced mankind then, and still does to some extent.

At a later time I shall express my disagreement with the chairman of the Foreign Relations Committee and the comments that he has made this afternoon. In my judgment, if we follow that course of action, we can very well favor an end to the United Nations as a force for peace in the world. It will favor the United States in a major war in Asia. We cannot continue the South Vietnam program of the United States, which violates one international commitment after another without ending up in a major war in Asia. Red China will not run for cover.

Mr. CHURCH. I thank the Senator very much for his comments. I appreciate the fact that he remained through the course of my address and gave it such earnest attention.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CHURCH. I am very glad to yield to my friend.

Mr. PELL. I congratulate the Senator from Idaho [Mr. CHURCH] on an excellent speech, one which shows the United Nations in context with its contributions to the cause of world peace and stability. It is a particularly useful speech at this time when the occasional drawbacks and weaknesses of the U.N. are being drawn to our Nation's attention.

Senator CHURCH mentioned how in San Francisco in 1945 we originally constructed the United Nations. I was an assistant secretary of the committee working on military enforcement arrangements under articles 43, 44, and 45 of the United Nations Charter at that gathering, and I well recall the enthusiasms and hopes for the brave new world of the future all of us had there.

We went over the history of the League of Nations and sought to avoid the pitfalls that had plagued it. For this reason enforcement responsibilities were given to the Security Council, where the great powers had the veto. It is interesting to note that, while it was then thought advantageous to have the Military Staff Committee report to the Security Council where the veto applied as a means of obviating some of the drawbacks of the League of Nations, we have never been able to use the Military Staff Committee because of the very limitations of the veto. Rather, when it has come to military enforcement measures we have had to resort to the General Assembly where the veto did not apply.

In general, it seems to me we have vastly benefited from the United Nations.

There are those who say we have a no-win policy in the United Nations. I believe that is incorrect. If it is a no-win policy, why have the Communists made so many efforts to dilute the power of the Secretary General and to bring about a troika situation?

If it is a no-win policy, why did the Soviet Union use the veto 100 times?

If it is a no-win policy, it is interesting to note that never once has a major Soviet resolution passed the United Nations over United States opposition.

Those are the facts.

I also commend the Senator from Idaho on his wish for enlightenment as to the views of the Senator from Arizona concerning the United Nations. Like so many other Americans, including Members of the Senate, one finds oneself confused as to what his views are about the United Nations.

Finally, I believe the Senator from Idaho has expressed very well his views with regard to Vietnam. He has put into words the doubts and worries in the minds of many of us. As for myself, I have been trying to weld together my thoughts on this subject.

I fully intend to support the administration on its steps in supporting South Vietnam.

Moreover, I congratulate the administration on its appointment of General Taylor as our Ambassador to Vietnam.

I must add that I have some concern as to the effect of permitting the war in South Vietnam to escalate north into a Korea-type operation. There is little doubt, when we look back at what happened in Korea, that we have no desire to repeat that experiment.

Mr. CHURCH. Mr. President, I thank the Senator from Rhode Island. We might well profit from considering that we are still in Korea, that we still have 55,000 troops on the line there, and that we are still pouring hundreds of millions of dollars a year into Korea to support a garrison state. No solution has yet been found, nearly 12 years after the fighting stopped.

Does anyone believe that our Korean policy, since the end of the war there, has been a success? I say it has not. I say that, even though I believe our armed resistance was necessary at the time, since South Korea had been invaded, in a way which threatened the whole structure of peace under the United Nations.

I only say that we should beware of unnecessary involvement, because Korea teaches us that involvement brings problems, which once assumed, remain the continuing responsibility of the United States. There seems to be no end to the cost.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HUMPHREY. I rise not only for the purpose of saying a word in commendation of the Senator from Idaho for a thoughtful and thought-provoking address on the United Nations, but also to thank him for the timeliness of his comments. This is more than a comment. What he has said is truly a state paper. He is certainly to be congratulated upon its construction and its far-reaching proposals.

There is a tendency in our country to swing from one side of the spectrum to the other.

About 25 years ago, America was accused of being isolationist; of wanting to isolate itself from the world. In a sense we did. We paid a heavy price for it.

Then we became a major participant in World War II. I believe it is fair to say that we are in a very large measure responsible for some of the great victories in that war.

After the war we took on the burden of leadership for rehabilitation of a war-torn world. Because it is more difficult to rehabilitate than it is to destroy, many people have lost faith and have become discouraged.

We became used to the leadership role, and some at that point were of a mind that what we proposed was always right. To put it another way, for a period of time we did not want to propose anything or do anything. Now we have a tendency to have a new kind of isolation, when we feel that what we believe is right is the way to do.

I believe there is a much better position to be maintained. The Senator from Idaho has discussed that position today very intelligently.

We have long supported the United Nations. However, it requires more now than mere affirmation of support. The United Nations, like many other institutions, is going through changes. There are many pressures that work upon it. It has its troubles. The Senator from Idaho has listed some of them. Among them are membership, Security Council, and financial problems. I thoroughly agree with the Senator's position on the matter of fiscal policy and financial policy of the United Nations.

The Senator from Idaho is the chairman of the United Nations Subcommittee of the Committee on Foreign Relations and as such has conducted many hearings on this subject. He has studied it in detail. It behooves us, as a charter member of the United Nations, to maintain the integrity of the financial structure and, indeed, of the membership structure, of the General Assembly.

The Senator has also mentioned the peacekeeping operations of the United Nations. I am delighted he has done so. This is one situation we do not hear about very often, except when a U.N. detachment or U.N. brigade is attacked.

The U.N. peacekeeping operations have saved this Government and this Nation billions of dollars. More importantly, it has saved us our sense of dignity and decency.

I have often thought how the Scandinavian troops must feel, or how the Irish troops must feel, when they serve in the Congo. I visited the Gaza strip and there saw Norwegian soldiers. They were a great distance from Norway. Swedes, Norwegians, Irishmen, Tunisians, Moroccans, and many others, are serving in the field. Those nations have lost lives in carrying out the peacekeeping operations of the United Nations.

Indians have done the same thing, very significantly, in the Congo, and again in Cyprus.

I am pleased that emphasis has been placed upon the peacekeeping operations of the United Nations. It is in our national interest to have the United Nations maintain such peacekeeping operations.

The Senator has made a very sensible proposal with respect to the flexible callup system. It should merit the wholehearted support of the Government, particularly of the Senate.

I wish to add one word with respect to the suggestion that the Appropriations Committee recommend larger financial contributions to the United Nations.

This is a very worthy suggestion. On the one hand, it does not violate the one-nation, one-vote principle. On the other hand, it takes into consideration the practical situation, wherein certain countries, the Western nations in particular, are required to pay a large share of the costs of this sort of proposal, and end by having little or nothing to say about the arrangements.

So I heartily commend the Senator from Idaho for once again bringing out on the floor of the Senate the importance of the United Nations as an international instrument for the keeping of the peace and the building of the peace. President Kennedy reminded us that peace was a process. Sometimes it is a painful process. There are those who are strong advocates of peace but who do not want to go through any of the pain and do not want to go through the trials and tribulations of working and sacrificing for peace.

There are those who will salute the United Nations, on the one hand, but condemn it because it does not bow to our wishes within 24 hours, on the other hand.

I hope the Senator from Idaho will permit me to make another observation. I believe the Senator has performed a useful service in calling to our attention the views of the Senator from Arizona [Mr. GOLDWATER], whose views have been many and varied on several occasions. I am interested in them, even as they may develop and change. What I believe is more important, since I do not expect that the Senator from Arizona will become President of the United States, is that the majority party in Congress and the responsible members of the minority party really embrace the United Nations as a viable instrument of foreign policy and national security policy.

It is much more important that the Senator from Idaho make his views as clear as he has today—and they are consistent views, because of his responsible position in this body—than it is for us to worry about the variations and variables in the views of candidates. The Senator from Idaho is in a strategic position. He has served in the United Nations and is chairman of the Subcommittee on International Organization Affairs of the Committee on Foreign Relations, which embraces the United Nations. His views are respected. His word is of importance.

The goal of a new awareness of the United Nations is timely. I hope the Senator will permit me to make this observation: I was interested in his statement about Korea. It is a fact, of course, that we are still deeply involved in Korea. I feel troubled, as the Senator has put it, over some of the developments in Korea. I have felt that way for a long time. But I fear that we shall face these troublesome problems for many years to come. This is not to say that we should not try to find better ways to handle them. But the problem of world leadership and responsible leadership today leaves us no easy alternatives. This is a world that has gone through an unbelievable revolution. It has gone through one eruption after another, and it will continue to do so.

I have been of the opinion for a long time that we have paid far too little attention to India as one of the possible counterforces to Communist China. We quibble over India. We argue over dollars when, in fact, India is possibly the one power in all of Asia that can counteract the power of Communist China.

The fact that India does not want to meet that power head on is not unusual, because India has staggering problems within its own frontiers. But the Indians have demonstrated that they will fight if they are intimidated. They will stand up.

I am of the opinion that until we start to view southeast Asia policy as a regional policy affecting a total area, and not merely look at Vietnam or Laos or Cambodia, and begin to develop a policy that is in concert with and offers real national security in that whole area, we shall not be developing a policy that will give us comfort or safety.

I was pleased with the President's announcement today of the nomination of Gen. Maxwell Taylor as our Ambassador to South Vietnam. General Taylor is not merely a general; he is considered by people throughout the world to be one of the most thoughtful, mature, responsible individuals in the service of this Nation. I do not believe that the appointment of a general means that we have placed only a military man in this position. General Marshall was a great general, but there was no greater civilian than he. Great generals like Walter Bedell Smith and Omar Bradley served as diplomats, as administrators, and as civilian officers of the Government with unusual brilliance and distinction. The truth is that some of our generals have more of a civilian orientation than some of our civilians.

What I worry about now is the criticism of the U.N. that comes from some civilians who are reserve generals, not the active ones.

I do not mean to move off into a full discussion of Vietnam, because I do not feel capable of doing so; I regret that I have never fully had the opportunity to study that area. It is something that each of us ought to do. There are Members of this body who are much more informed on Vietnam than is the Senator from Minnesota. I do not favor accelerating the war. I believe I can say that this Government does not. I believe that there are responsibilities for the United Nations along the line of what the distinguished Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, has said today with respect to the area of southeast Asia. I am of the opinion that what we are seeking to do is not merely to buttress military power in South Vietnam, because, as the Senator from Idaho has put his finger on it, this is a political struggle, not a mere military struggle. We need the military, but we cannot win the struggle with military power alone. We have had adequate proof of that.

What is needed in Vietnam is a cause for which to fight, some sort of inspiration for the people of South Vietnam to live for and die for. What is needed is good administration. This Government is making a determined effort along the lines of strengthening the administration and helping to develop a policy of what might be called domestic orientation for agriculture, education, and labor.

For example, our Government has been working closely with the South Vietnamese Government in helping free trade unions to work with free trade unions in the United States to develop a better trade union base. We are working to develop farm cooperatives. Perhaps that is a little late, but we are beginning to do that. One of the most successful programs in our whole area of foreign aid is the rice and pig program of the AID Administration. Our AID representatives are never molested, even though some of our military personnel are.

At long last we are beginning to understand, as the Senator from Idaho has succinctly said today, that this is a political struggle. One of the real problems in the United States is that we have really never understood the importance of the political wars, the political battles, that take place. We confront these situations as major military operations when, in fact, the military is incidental to the struggle. Military operations may be vital, but they are not the total struggle.

What the Senator from Idaho has said today in his message is clear proof that he feels that the major struggle is political, is social, and that in this struggle the United Nations has a distinct role to play. We cannot possibly succeed as a nation in any of these areas unless we work through the United Nations or some similar organization. To come in with our own hands white, as the Senator from Idaho has made clear, perhaps sometimes a bit dirty, does not suffice.

If ever there was a need for a clear statement, once again, of the vital role of the United Nations with respect to the security of the United States of America, it is at this very hour, as we approach the great election period in this Nation, when we shall be making some fundamental decisions. I only hope that the speech of the Senator from Idaho will be broadly reported. I trust that it will be read by those who have been somewhat delinquent in their loyalties to, and their interest in the United Nations. I trust the Senator's speech will rekindle the fires of enthusiasm for the United Nations.

I thank the Senator from Idaho.

Mr. CHURCH. I thank the Senator from Minnesota for his kind remarks.

Over the years, he has been a consistent friend of the United Nations. He is a very great Senator. One day, when his service is over, I think it will be remembered, above all else, as a labor for peace and human rights. It is hard for me to conceive of two more important causes to which to dedicate one's life.

I thank the Senator very much.

Mr. President, I yield the floor.

AMENDMENT OF MATERIALS RESERVE AND STOCKPILE ACT OF 1964 TO PROVIDE FEDERAL AID TO EDUCATIONAL AND HEALTH INSTITUTIONS

Mr. METCALF. Mr. President, on April 24, I gave notice that I would seek to amend S. 2272, the Materials Reserve and Stockpile Act of 1964, to increase substantially a major program of Federal aid to our Nation's educational and health institutions.

The senior Senator from Missouri [Mr. SYMINGTON] has contributed greatly by reporting the Materials Reserve and Stockpile Act, and has widely handled that very complex situation.

However, my amendment would provide that material in the national stockpile, found to be surplus to present need, could be released only after it had been offered for donation to schools and hospitals under the donable surplus property program on the same basis as other Federal surplus property. The amendment has been redrafted, in order to conform to the bill as reported.

Mr. President, I ask unanimous consent that the language of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> On page 30, line 5, immediately after "paragraph 6", insert: "and to the provisions of section 203(j),".

Mr. METCALF. Mr. President, when he was Secretary of the Department of Health, Education and Welfare, Dr. Arthur S. Flemming stated that the donable program is one of the most important aids to education in the United States. This was borne out by statements from educators from throughout the United States at a hearing held on April 3, 1962, by the Special Donable Property Subcommittee of the House Committee on Government Operations.

From 1946 through June 30, 1963, this program has made personal and real property with a total acquisition cost of almost $4.4 billion available to public health and education institutions and civil defense organizations in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, and Guam. I ask unanimous consent that a table, breaking down this total by States be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

TABLE I.—*Personal property made available for distribution to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions, 1946 through June 30, 1963 (acquisition cost)*

States	Personal property	Real property	Total
Total	$3,477,310,878	$915,311,016	$4,392,621,894
Alabama	99,818,802	15,400,007	115,218,809
Alaska	7,754,128	3,268,815	11,022,943
Arizona	33,252,813	8,301,591	41,554,404
Arkansas	35,628,759	27,409,045	63,037,804
California	407,144,138	68,286,378	475,430,516
Colorado	39,194,478	11,725,401	50,919,879
Connecticut	47,758,107	2,625,234	50,383,341
Delaware	12,184,060	2,433,651	14,617,711
Florida	125,967,607	33,510,919	159,478,526
Georgia	103,383,062	18,793,859	122,176,921
Hawaii	16,685,074	3,249,817	19,934,891
Idaho	20,145,669	22,337,101	42,482,770
Illinois	124,395,205	22,746,571	147,141,776
Indiana	72,900,642	3,918,166	76,818,808
Iowa	33,274,957	2,587,699	35,862,656
Kansas	36,588,564	9,690,299	46,278,863
Kentucky	61,467,556	4,527,044	65,994,600
Louisiana	52,506,895	14,362,119	66,869,014
Maine	25,344,762	3,783,216	29,127,978
Maryland	77,816,053	3,941,416	81,757,469
Massachusetts	114,533,978	31,474,948	146,008,926
Michigan	91,137,556	22,839,485	113,977,041
Minnesota	46,765,289	45,685,075	92,450,364
Mississippi	66,524,484	43,780,694	110,305,178
Missouri	60,656,189	37,022,591	97,678,780
Montana	14,663,602	536,970	15,200,572
Nebraska	28,719,501	5,852,083	34,571,584
Nevada	$9,060,058	$2,323,156	$11,383,214
New Hampshire	14,228,548	----------	14,228,548
New Jersey	59,489,045	916,863	60,405,908
New Mexico	25,353,629	9,581,885	34,935,514
New York	222,944,345	83,556,857	306,501,202
North Carolina	100,610,986	20,875,476	121,486,462
North Dakota	9,099,328	1,189,524	10,288,852
Ohio	133,056,369	12,350,702	145,407,071
Oklahoma	68,371,360	70,316,650	138,688,010
Oregon	54,105,602	14,820,737	68,926,339
Pennsylvania	159,619,165	4,552,450	164,171,615
Rhode Island	21,145,402	359,143	21,504,545
South Carolina	58,978,550	10,018,847	68,997,397
South Dakota	15,121,099	2,083,534	17,204,633
Tennessee	81,261,005	9,784,191	91,045,196
Texas	170,915,831	150,304,155	321,219,986
Utah	46,372,665	4,731,829	51,104,494
Vermont	12,313,146	69,911	12,383,057
Virginia	102,107,948	19,794,080	121,902,028
Washington	96,484,384	20,747,262	117,231,646
West Virginia	41,968,614	2,357,157	44,325,771
Wisconsin	68,118,178	1,528,420	69,646,598
Wyoming	10,230,110	1,637,206	11,867,316
District of Columbia	20,671,109	456,234	21,127,343
Puerto Rico	19,424,317	854,705	20,279,022
Virgin Islands	47,655	3,848	51,503
American Samoa	500	----------	500
Guam	----------	6,000	6,000

Mr. METCALF. Mr. President, during the most recent year for which I have a report, that ended with June 30, 1961, exactly 4,530 health and 32,673 education institutions participated in the donable surplus property program. I ask unanimous consent to have that report, a State-by-State total furnished by the Department of Health, Education, and

Welfare, printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

TABLE II.—*Institutions participating in donable surplus property program during the year ended June 30, 1961*

States	Health	Education
National total	4,530	32,673
Alabama	82	1,274
Alaska	11	29
Arizona	32	750
Arkansas	63	490
California	268	1,901
Colorado	81	361
Connecticut	37	204
Delaware	10	60
District of Columbia	8	256
Florida	111	112
Georgia	397	3,354
Hawaii	23	258
Idaho	31	138
Illinois	354	1,803
Indiana	100	979
Iowa	88	559
Kansas	97	829
Kentucky	131	447
Louisiana	42	350
Maine	51	167
Maryland	56	284
Massachusetts	125	602
Michigan	123	767
Minnesota	79	637
Mississippi	80	554
Missouri	100	646
Montana	37	225
Nebraska	66	471
Nevada	(1)	(1)
New Hampshire	33	134
New Jersey	32	1,127
New Mexico	10	95
New York	150	1,974
North Carolina	117	1,025
North Dakota	40	364
Ohio	105	486
Oklahoma	91	1,122
Oregon	84	519
Pennsylvania	258	1,556
Puerto Rico	22	24
Rhode Island	26	147
South Carolina	70	1,070
South Dakota	48	210
Tennessee	151	237
Texas	164	1,466
Utah	29	66
Vermont	31	540
Virginia	24	145
Virgin Islands	(1)	(1)
Washington	130	539
West Virginia	48	93
Wisconsin	159	1,107
Wyoming	25	120

[1] No report received.

Mr. METCALF. Mr. President, the House subcommittee hearing of April 3, 1962, entitled "Evaluation of the Donable Surplus Property Program," includes testimony by Members of the Senate and the House and educators.

Among the latter were Dr. Alan S. Wilson, vice chancellor for administration, University of Hartford, Hartford, Conn., and Frank M. Brewster, director of vocational education, Norfolk County Schools, Norfolk, Va.

Because both made outstanding contributions to the record, I ask unanimous consent that their testimony before the subcommittee be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM STATEMENT OF DR. ALAN S. WILSON, VICE CHANCELLOR FOR ADMINISTRATION, UNIVERSITY OF HARTFORD, HARTFORD, CONN.

During the past 29 years I have held administrative positions in three different colleges and universities located in the Midwest and New England. During these years I have served as dean, college president, and now vice chancellor of the university. For the past 10 years, one of my responsibilities has been that of executive head of the Ward School of Electronics, a separate technical institute maintained by the University of Hartford.

From a small beginning in 1952, the Ward School, aided by the indispensable help it received from Federal donable property, has equipped its laboratories and classrooms and has given instruction to approximately 5,000 young men who have been urgently needed to fill military and civilian jobs in the critical field of electronics. The graduates of the 2-year program of the Ward School are eagerly sought by the Atomic Energy Commission, our military establishments, and more than 150 business and industrial firms involved in defense and civilian work essential to the safety and well-being of our Nation. Among the companies seeking our graduates are the General Electric Corp., Westinghouse, General Dynamics, International Business Machines, Raytheon, and the United Aircraft Corp.

From my position in the educational field I believe the value of surplus property the Federal Government has given schools and colleges cannot be overestimated. In a material sense this program has made it possible for us to develop technical education in our area to a point not possible with our limited financial resources.

For instance, such equipment has enabled us to give laboratory demonstrations of the latest methods for using synchromechanisms, computer logic, and recording instruments for automatic processes. It means we are now able to provide more and better education for each classroom and laboratory hour than was before possible.

In addition to the material assistance provided, surplus property has given our teaching staff a special challenge since almost none of the equipment could be used in the condition in which it was received. The result has been that our most able instructors have converted and redesigned surplus equipment to illustrate technical principles and while doing so have themselves been instructed.

The case is parallel to that of a man who buys a readymade suit as opposed to the one who cuts the fabric and sews it together himself. This need, to reason out the practical applications of scientific theory, has helped our faculty to improve themselves professionally. This would not have been the case if we could have afforded to purchase readymade equipment.

As the defense effort makes use of the most advanced engineering principles, such equipment, when it is no longer serviceable to the Government, is still on a level with the most advanced practices in industry. The result is that we are able to prepare students who are trained in the latest techniques applicable to the armed services and industry.

This has made it possible to reduce the cost of industrial training to students, parents, and the public, since our graduates have been exposed to the latest type of equipment which industry is presently using. This is especially true of electronics and automatic control devices. I may say this field is changing very rapidly, and we cannot hope to keep up with the new equipment we would need if this material was not made available to us under this program.

Because the surplus property we receive usually requires expensive labor for conversion to make it applicable for industrial use, any return derived from its sale on the open market would be small in comparison to its value to American education. In the first place, purchasers would only be able and willing to pay a fraction of the cost of components simply because there would be a labor cost in disassembling and converting these components for resale. On the other hand, students can do this at no cost and learn while doing. Second, if such equipment should become more plentiful, the commercial market demand would diminish and the unit price for such materials in adequate supply would reduce even further the unit return to the Government.

Perhaps the greatest value of all, however, is the intangible one, the feedback of technical knowledge through students and graduates into our industrial and military efforts. The need for technicians has been widely publicized. It would have been prohibitively expensive to have given our technical school graduates the practical experience which has made them so valuable to our defense effort without our having received these surplus materials.

We know of at least one of our graduates who is the manager of a satellite tracking station; several who are employed in computer work at Cape Kennedy; another student who has contributed to the development of the latest jet engine; one who is an instructor on the Atlas engine; other students who have been employed directly upon graduation with CIA (Central Intelligence Agency) and the FAA (Federal Aviation Agency). One of our students solved a computer problem for the Ordnance Department and is now manager of a major military installation in Philadelphia.

Perhaps the most spectacular evidence of the value of such training is the information, just received, that a Ward School graduate designed the communications system for the now famous satellite "Friendship 7" in which Col. John Glenn made his historic flight. This graduate has since been recruited from his industrial job to work for the Federal Government in an important defense capacity. You might also be interested to know that approximately 15 percent of the instructors in technical theory in the technical institutes of this country have been recommissioned and are teaching reservists how to apply this important technical knowledge to defense needs.

The contribution of surplus Federal property, therefore, becomes not an expense to the people, in my judgment, but an investment in knowledge and an economical means for training youth for essential positions in our defense effort.

The Ward School of Electronics is but one example of what can be done through the conversion of Federal surplus property into equipment necessary to improve the scientific and technical competence of the youth of our Nation. The faculty of this school is serving without remuneration as consultants to industry and the Federal Government on the conversion of donable property for educational and allied uses.

We have made tentative plans for a summer workshop in 1963 to instruct high school science teachers, hospital administrators, and directors of civilian defense, how good Yankee ingenuity and effort can convert obsolete or discarded equipment to serve essential public needs. The continuance of the Ward School and hundreds of similar public and private technical institutes, junior and community colleges, could be seriously threatened if any change is made in present provisions for the distribution of Federal surplus property to schools for educational purposes.

I should also like to say a brief word about other ways in which the University of Hartford has benefited from this program. To meet the increasing demand for education, this institution expanded from a junior college in 1947 to a senior college in 1950 and is now a fully accredited university serving more than 6,000 local students annually. In my judgment, this development would not have been possible without the donable materials this institution received, such as: used desks and chairs from abandoned military camps, tools, paint, a battered Marine truck, the first bit of rolling stock we ever had, badly shot up, but we were delighted to have it and used it for several years until it finally fell apart, bookcases, machine tools, tired typewriters, electronic gear, stuttering adding machines, and even surplus textbooks with which we augmented our then small library. Throughout this period this equipment had been heavily used both day and night, and now much has worn out for the second time. With imagination and the untiring effort of the faculty and students, similar items which are given to us are being converted into serviceable equipment each month to enable us to carry on our educational program. At first, this helped returning GI's, but now it is their children who are already reaching our doors in increasing numbers, who need this help.

Frankly, we are proud of our record of converting to essential educational use obsolete materials which could no longer usefully serve their original purpose.

As the one in charge of the financial operations of our institution, I know how desperately near the brink it and many of our fine accredited nonprofit colleges are today. What we have been able to save through building equipment from Government surplus has helped tremendously to pay faculty salaries. This program has given us scientific equipment in chemistry, physics, and biology laboratories, and also made possible the development of a good school of engineering which now serves 900 students from southwestern New England.

In the decade ahead, higher education in America will be called upon to provide facilities for 7 million students, an increase of over 100 percent from today's number. This unprecedented pressure for education will sorely tax the facilities of public and private institutions alike. Speaking for higher education and especially for that part which I know best, the urban universities and community colleges, I feel that the continuation of present provisions for Federal donable surplus property would be one of the best and least costly ways in which the Federal Government could play a useful role in helping meet the ever-growing educational needs of America's youth.

I say in all sincerity that every dollar in surplus property which the Federal Government contributes to institutions of higher education saves from $10 to $100 for these educational institutions and returns full value to the taxpayer for many years to come. In requesting this, we are not asking much from the Federal Government. Education is used to receiving, often all too willingly, "castoffs" of any kind which help it to better serve our youth.

We sincerely hope that members of this committee, in your wisdom and understanding, will vigorously and unanimously oppose any effort to stop, or even to slow, this vital stream of indispensable material necessary to the support of the schools, colleges, hospitals, and civil defense agencies of our Nation.

Excerpts From Statement of Mr. Frank M. Brewster, Director of Vocational Education, Norfolk County Schools, Norfolk, Va.

Adjacent to three cities, Norfolk County is located in the southeast section of Virginia. Norfolk County schools have approximately 16,000 pupils in 21 schools. New schools are under construction for the growing school population.

All schools are accredited by the cognizant accrediting agencies. Mr. Edwin W. Chittum is division superintendent.

This school system takes an active part in utilizing donable surplus property.

For effective utilization—

1. The division superintendent and school board must be sympathetic to the donation program and provide funds, personnel, transportation, and moral support.

2. Material must be available in usable quantities and distributed to teachers as required.

3. A designated person must promote use of materials by demonstrating or suggesting at least one use. Teachers often immediately see other uses, and develop additional ideas.

4. Materials utilized should be displayed to other teachers, principals, and supervisors.

5. Materials should enhance or enrich the instructional program.

There are many kinds of people, with varied intelligence, interests, abilities, and goals teaching in our public schools. Some of these people, when advised that surplus Government property is available, have one comment, "Surplus property is junk." That is the extent of their activity in any program using this material. As long as these people believe their own statements, it is junk, and has little value. There is no convincing some of these people that the disconnected, cosmoline covered, stripped machine lathe can be activated by cleaning, wiring, and the addition of a few accessories to be a teaching tool that hundreds of boys may use in learning about properties of metal, methods of processing and machine operation, because one teacher had sufficient interest, and energy to reactivate this machine as a teaching tool.

The cumbersome bat of blue styrofoam that the Navy Department procured for flotation material, has no place in a classroom. Who can use a piece of material 4 inches by 12 inches by 9 feet? Many can find no use for this bat that is taller than the ceiling. However, an art teacher makes Christmas tree ornaments, figurines, mobiles, bases for other media; a business education teacher directs her club in designing an emblem; a teacher of engineering drafting uses this styrofoam as a three dimensional media to portray parts of a machine for his students. A student becomes interested in this material, and he made a sign for the department.

In a special education class the teacher searches constantly for materials her handicapped children can use to coordinate hands and minds. Cutting and shaping this material is not difficult for these children.

A homemaking teacher uses this styrofoam in teaching flower and dry arrangements.

A printing student thinks that a block of this material is an excellent toolholder.

As we use donable surplus property we find that donable property falls into one of three main categories.

First, some items can be used for the purpose for which originally designed. There are no problems on how to use a typewriter, bandsaw, boxing gloves, or materials common to Federal agencies and schools.

The second classification is similar to the first, but items may require modification, change, or major repairs. Required repairs to a printing calculator may be so extensive that it is not economically sound to recondition as a calculator. However, minor repairs may reactivate this business machine to serve as an adding machine and be adequate for the requirements of a particular school department. A motorized bomb carrier may be modified and adapted as a wrecker to move other vehicles.

The bulk of the materials received in this program do not fall into either of the first two categories. The third group contains a great deal of the best instructional material.

With these materials teacher ingenuity results in amazing uses and excellent teaching and learning. More and more of our teachers are actively participating in the program, as materials are made available and ideas are developed.

Some of these items are: White jackets, cotton; window screens; ink in tubes; plastic pulleys; armature wire; cotton, unsterilized; food containers; driftpins; stadimeter; toothbrush racks; camouflage makeup kits; blankets, torn; flying suits, fleece lined; rangefinders; periscope; telescope; ground glass; sheet asbestos; boiler gages; red and green light bulbs; porthole glass; ski sticks; and plastic portion, light fixture.

Mr. METCALF. Mr. President, the donable surplus property program is administered by the States, which are solely responsible for keeping records on the amount and kind of property going to each institution which requests it. As Senators will note from table I, Montana institutions have requested and received less property under this program than those in most other States. But Montana transfers represent a broad range which are typical of the operation of the program throughout the United States.

Among significant on-site real property transfers in Montana are the following:

Montana State University acquired 242.9 acres of land with five buildings from the old Fort Missoula tract. This had a current appraised value of $117,800. The date of transfer was August 23, 1963.

Missoula County High School received a transfer also from the old Fort Missoula tract, of 80 acres of land for use in its Smith-Hughes agricultural program. This property had a current appraised value of $80,000. The date of transfer was July 2, 1963.

City of Harlem had transferred to it for health purposes, two tracts totaling 16.66 acres with an appraised value of $100. These two parcels of land were somewhat unique in that they consisted of an old railroad right-of-way which was used in the Fort Peck Dam construction. This particular right-of-way was graded high above the surrounding country and it enables employees of the Harlem Water Department to reach the city's pumping station on the Milk River in all kinds of weather. Previously, access to this station had been a problem in the winter because of snow and during the rainy season on account of mud and water in the river bottom. This transfer was made March 5, 1958.

Trinity Hospital Association, a nonprofit association in Wolf Point, Mont., had transferred to it 9.55 acres, valued at $7,200. This property was transferred February 4, 1958. Since this tract was transferred, the association has constructed a very modern, brick hospital on the site.

Western Montana Youth Guidance Center, Missoula, has received a tract of 6.03 acres of land from the old Fort Missoula area. On the tract are situated five buildings, one of which was the old post hospital. The hospital is being renovated and remodeled for use as a treatment center for mentally disturbed youth in the area.

Elementary School District No. 27, Whitlash, received 11.9 acres of land. The site, a former U.S. customs station, consists of three buildings. One is used by the district for an elementary school, one is a teacherage, and the other is a garage. This transfer was

> made on October 16, 1957. The property had a current appraised value of $11,367.34.

Also from the Montana State Surplus Property Agency, I have the following report on some of the significant offsite transfers of buildings for health and education purposes, and of some Montana institutions that have received surplus property over the last few years:

> Following the completion of the Tiber Dam on the Marias River in northcentral Montana, the following residential buildings were transferred to nearby school districts: Chester School District No. 33, 2 buildings; Galata School District No. 21, 1 building; Joplin District No. 29, 1 building; Liberty County Hospital, Chester, 2 buildings; Devon School District No. 19, 7 buildings; Dutton School District No. 28, 1 building; Hingham School District No. 24, 1 building; Inverness School District No. 28, 2 buildings; Ledger School District No. 46, 1 building; Oilmont School District No. 33, 3 buildings; Power School District No. 30, 2 buildings; Sweetgrass School District No. 1, 2 buildings.
>
> These buildings were mostly two-bedroom, modern cottages. They have been relocated in the various communities indicated and in most cases are considered to be among the best houses in town. They have been used principally as residences for teachers. They have been a means of attracting professional people to these smaller towns. They are furnished to teachers and nurses at a nominal rental calculated only to take care of current maintenance.
>
> A similar group of transfers occurred as the Fort Peck Dam project has been cut back. The buildings listed below have been transferred for use as teacherages in the communities listed below: Hinsdale School District No. 7, 1 building; Nashua School District No. 13, 1 building; Saco School District No. 12, 2 buildings; Tampico School District No. 14, 1 building; Tiger Butte School District No. 3, 1 building; Wolfe Point School District No. 45, 1 building.
>
> These buildings are similar in size and construction to those transferred from the Tiber Dam project. They have been put into use for the same purpose except the transfer to Wolf Point School District No. 45. In this case, the building transferred was a maintenance shop. This building is being used by the school district for teaching shopwork to high school students.
>
> Last spring following a fire at the Montana State Training School for Retarded Students, six quonset buildings having a total appraised value of $3,500 were transferred to that institution to take the place of some of the buildings which had been destroyed by the fire. These buildings were acquired from a school in Eltopia, Wash, which in turn had obtained them from the Hanford, Wash., project of the Atomic Energy Commission.

Typical donations of surplus property that have been made in recent years, include the following:

Big Sandy Public Schools: Bus, GMC, 1951, 30-passenger capacity. This school was unable to purchase a bus of this type. By contacting surplus property, we were able to secure this for them.

Butte Public Schools: Generator, 30 kilowatts, with diesel engine. This unit is being used to retrain unemployed workers at Butte.

East Helena Public School: Generator. This unit was acquired by the school district, for use in a fallout shelter built in the basement of the school. This school also received a deep well water pump to be used in the fallout shelter.

Lodge Grass Public School: Fire pump. Used in firefighting at the school.

Montana State College, mechanical engineering department: Seven engine lathes, two shapers, one milling machine, one 2½-inch drill press, one furnace, metal, 2,500° F.

Montana State College, service shop: Several trucks, three buses.

Montana State University: X-ray linear accelerator, forklift, firetruck, photo projection printer.

Northern Montana College: Eight 10-inch metal lathes.

Vocational Technical Division: One milling machine, one Caterpillar engine.

Powell County High School, Deer Lodge, Mont.: 10-inch metal lathe.

Roberts Public Schools: 10-foot metal lathe.

Shelby Public Schools: 10-foot metal lathe.

Western Montana College, Dillon, Mont.: Bus, dump truck.

Montana State Hospital, Warm Springs, Mont.: Crane, truck, laundry extractor, washing machine, 300-pound capacity.

Montana State Training School & Hospital, Boulder, Mont.: Bulldozer tractor-International Harvester, large air compressor, bus, White truck tractor-standby generator set.

St. James Hospital: Standby generator set.

Montana State Civil Defense: Several radio receivers and transmitters, many standby generator sets, two ambulances.

The significance of the existing program is evidenced by a report from a high school principal and a hospital administrator, both in Helena.

Following is a report from Mr. Giles Russell, principal of aeronautics and related trades at the Helena High School:

> The donable surplus property program as handled through the Montana State Department of Public Instruction has been a Godsend to our school. We have been able to get equipment that would have been impossible through regular channels with the money that is available to us. The students have been able to work with actual equipment that we could not afford to buy outright, rather than be satisfied with charts, pictures, and descriptions. There is no comparison between the value of the two procedures.
>
> A few cases to bear out the above: In 1953 we secured a Stinson Voyager that was excess at the Forest Service. Every year since we acquired this plane, from 15 to 25 students have received flight instruction as far as solo in this plane. In addition, the powerplants and airframes classes have had actual experience in overhauling the engine, covering the wings and generally maintaining the plane in airworthy condition.
>
> Through acquisition of Heliarc equipment we are 4 to 5 years ahead in our welding program. Our machine shop is supplied with drills, drill presses, lathes, gear cutters and precision tools that we could not have hoped to purchase through regular channels.
>
> The SB2C–5 (Helldiver) airplane served us for some 10 years as a demonstrator for actual experience in hydraulics, in connection with a surplus auxiliary pump. Approximately 90 airframes and powerplant mechanics took their FAA practical examination on this plane.
>
> From nails used in our house-building program to jet engines and rocket engines the school has used surplus equipment to build up a more worthwhile program of instruction for our high school and post-high-school boys.
>
> We are very happy with the program as it is being handled in Montana.

In a report dated June 28, 1963, Administrator Bert Ericksen, of St. Peter's Hospital, wrote, in part, as follows:

> As in the past, we have taken advantage of the excellent equipment and supplies that Government surplus has to offer. We have purchased approximately $28,000 worth of equipment and supplies for $2,800. Without the equipment and supplies received from donable properties the cost to the patient would increase.

Mr. President, much of the material in the stockpile, which can be offered them only if my amendment is adopted, could be effectively used by colleges and universities. This is particularly important when a major, and increasing part of publicly financed research and development is going to so-called centers of academic excellence. I feel deeply that it would be in the national interest to help maintain existing centers and to develop more.

In April of this year, when the Joint Economic Committee's Subcommittee on Defense Procurement was preparing for hearings on "The Impact of Defense Procurement," the chairman, the senior Senator from Illinois [Mr. DOUGLAS] asked that a 1963 report presenting "Background Material on Economic Aspects of Military Procurement and Supply" be brought up to date. In that study, he was fortunate to have as staff consultant Mr. Ray Ward, former staff director of the House Special Donable Property Subcommittee. Those of us who know, and have worked with Ray, respect him for his knowledge and his demonstrated ability in this area.

The updated study, dated April 1964, included the information that there has been widespread interest in negotiated contracts for experimental, developmental, test and research work, which made up more than 19 percent of all negotiated contracts for the fiscal year 1963. These awards in themselves were not small change. They amounted to more than $6 billion. But they are only "seed corn" for production contracts.

Mr. President, I ask unanimous consent that a breakdown of these awards be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE III. NET VALUE OF MILITARY PRIME CONTRACT AWARDS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST, AND RESEARCH WORK, BY STATES, AND REGIONS

The breakdown of the value of these awards by States and District of Columbia shows (table 10):

Percent of total:	*Number of States*
40 to 45	1
10 to 15	0
5 to 10	4
4 to 5	2
3 to 4	1
2 to 3	4
1 to 2	4
0 to 1	35

TABLE 10.—*Net value of military prime contract awards for experimental, developmental, test, and research work, fiscal year 1963*[1]

[Dollar amounts in thousands]

	Total		Schools and their affiliates		Other nonprofit institutions[2]		Business firms	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total distributed by State	$6, 198, 903	100. 0	$381, 864	100. 0	$172, 217	100. 0	$5, 644, 822	100. 0
New England	487, 409	7. 9	123, 217	32. 3	1, 551	. 9	362, 641	6. 4
Maine	207	(3)	0	0	105	. 1	102	(3)
New Hampshire	7, 916	. 1	685	. 2	0	0	7, 231	. 1
Vermont	4, 698	. 1	130	(3)	0	0	4, 568	. 1
Massachusetts	364, 996	5. 9	117, 772	30. 8	554	. 3	246, 670	4. 4
Rhode Island	6, 124	. 1	3, 602	. 9	16	(3)	2, 502	(3)
Connecticut	103, 468	1. 7	1, 028	. 3	876	. 5	101, 564	1. 8
Middle Atlantic	1, 029, 674	16. 6	48, 708	12. 8	21, 031	12. 2	959, 935	17. 0
New York	386, 953	6. 2	32, 941	8. 6	11, 069	6. 4	342, 943	6. 1
New Jersey	387, 530	6. 3	3, 944	1. 0	390	. 2	383, 196	6. 8
Pennsylvania	255, 191	4. 1	11, 823	3. 1	9, 572	5. 6	233, 796	4. 1
East North Central	314, 794	5. 1	51, 343	13. 4	6, 106	3. 5	257, 345	4. 6
Ohio	90, 978	1. 5	8, 516	2. 2	5, 133	3. 0	77, 329	1. 4
Indiana	28, 732	. 5	2, 947	. 8	0	0	25, 785	. 5
Illinois	57, 991	. 9	26, 367	6. 9	662	. 4	30, 962	. 5
Michigan	72, 758	1. 2	11, 689	3. 1	66	(3)	61, 003	1. 1
Wisconsin	64, 335	1. 0	1, 824	. 5	245	. 1	62, 266	1. 1
West North Central	102, 766	1. 7	3, 954	1. 0	3, 333	1. 9	95, 479	1. 7
Minnesota	58, 639	. 9	1, 878	. 5	666	. 4	56, 095	1. 0
Iowa	4, 058	. 1	739	. 2	0	0	3, 319	. 1
Missouri	16, 346	. 3	882	. 2	2, 618	1. 5	12, 846	. 2
North Dakota	1, 170	(3)	10	(3)	0	0	1, 160	(3)
South Dakota	10, 686	. 2	25	(3)	0	0	10, 661	. 2
Nebraska	369	(3)	12	(3)	49	(3)	308	(3)
Kansas	11, 498	. 2	408	. 1	0	0	11, 090	. 2
South Atlantic	581, 360	9. 4	82, 890	21. 7	29, 103	16. 9	469, 367	8. 3
Delaware	26, 186	. 4	204	. 1	0	0	25, 982	. 4
Maryland	231, 919	3. 7	67, 129	17. 6	7, 750	4. 5	157, 040	2. 8
District of Columbia	36, 212	. 6	7, 965	2. 1	19, 015	11. 0	9, 233	. 2
Virginia	40, 070	. 6	1, 246	. 3	2, 096	1. 2	36, 728	. 6
West Virginia	31, 587	. 5	64	(3)	0	0	31, 523	. 6
North Carolina	40, 847	. 7	2, 481	. 6	20	(3)	38, 346	. 7
South Carolina	341	(3)	192	. 1	0	0	149	(3)
Georgia	2, 606	(3)	1, 154	. 3	187	. 1	1, 265	(3)
Florida	171, 591	2. 8	2, 455	. 6	35	(3)	169, 101	3. 0
South Central	208, 588	3. 4	9, 202	2. 4	7, 589	4. 4	191, 797	3. 4
Kentucky	998	(3)	376	. 1	0	0	622	(3)
Tennessee	45, 396	. 7	699	. 2	3, 507	2. 0	41, 190	. 7
Alabama	12, 470	. 2	453	. 1	503	. 3	11, 514	. 2
Mississippi	475	(3)	450	. 1	25	(3)	0	0
Arkansas	689	(3)	23	(3)	0	0	666	(3)
Louisiana	1, 340	(3)	654	. 2	0	0	686	(3)
Oklahoma	5, 958	. 1	1, 271	. 3	72	(3)	4, 615	. 1
Texas	141, 262	2. 3	5, 276	1. 4	3, 482	2. 0	132, 504	2. 3
Mountain	566, 224	9. 1	10, 985	2. 9	4, 999	2. 9	550, 240	9. 7
Montana	3, 101	. 1	78	(3)	0	0	3, 023	. 1
Idaho	−49	(3)	51	(3)	−100	−. 1	0	0
Wyoming	1, 484	(3)	0	0	0	0	1, 484	(3)
Colorado	254, 346	4. 1	3, 452	. 9	4, 438	2. 6	246, 446	4. 3
Utah	137, 366	2. 2	2, 985	. 8	0	0	134, 381	3. 4
Nevada	1, 429	(3)	0	0	0	0	1, 429	(3)
New Mexico	17, 425	. 3	3, 692	1. 0	641	. 4	13, 091	. 2
Arizona	151, 123	2. 4	717	. 2	30	(3)	150, 386	2. 7
Pacific	2, 905, 908	46. 8	49, 955	13. 1	98, 260	57. 1	2, 757, 693	48. 9
Washington	337, 174	5. 4	4, 786	1. 3	104	. 1	332, 284	5. 9
Oregon	1, 718	(3)	749	. 2	0	0	969	(3)
California	2, 567, 016	41. 4	44, 420	11. 6	98, 156	57. 0	2, 424, 440	42. 9
Alaska and Hawaii	2, 180	(3)	1, 610	. 4	245	. 1	325	(3)
Alaska	1, 559	(3)	1, 255	. 3	245	. 1	59	(3)
Hawaii	621	(3)	355	. 1	0	0	266	(3)

[1] Contracts of $10,000 or more each. Includes contracts of Advanced Research Project Agency and other agencies of the Office of the Secretary of Defense.

[2] Includes contracts with other Government agencies.

[3] Less than 0.05 percent.

NOTE.—Percentages may not add to totals because of rounding.

Source: OSD.

Mr. METCALF. Mr. President, on August 1, 1962, the Special Donable Property Subcommittee of the House Committee on Government Operations held hearings on the "Donation of Surplus Personal Property to Educational Institutions." Printed as part of those hearings was an exchange of correspondence between the subcommittee chairman, Representative MONAGAN, of Connecticut, and the Department of Health, Education, and Welfare.

Representative MONAGAN asked whether surplus stockpile material might be useful and needed for educational purposes. The reply was in the affirmative, and included examples of some of the material and their potential uses. I ask unanimous consent that this correspondence, as printed in the subcommittee hearings, be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SPECIAL DONABLE PROPERTY SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., July 9, 1962.

Hon. IVAN NESTINGEN,
Under Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the Symington subcommittee on the stockpile is considering the introduction of a bill which would permit the use of surplus stockpile materials in AID programs and also for Federal use. It is my understanding that many of the materials, especially metals, in the stockpile could well be used in certain of our educational institutions for various purposes.

The legal opinion from GSA is to the effect that surplus stockpile material is not donable under the provisions of section 203 (j) of the Federal Property and Administrative Services Act. I would therefore appreciate your views as to whether or not it would be worthwhile to propose legislation to make some of the surplus stockpile material available for educational purposes.

Sincerely yours,
JOHN S. MONAGAN,
Chairman, Special Subcommittee on Donable Property.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, July 26, 1962.

Hon. JOHN S. MONAGAN,
Chairman, Special Subcommittee on Donable Property, House of Representatives, Washington, D.C.

DEAR MR. MONAGAN: On July 13 we replied to your letter of July 9 concerning the use of surplus stockpile materials as donable surplus property.

We have reviewed the situation with educational authorities to ascertain which items could be effectively utilized by schools, colleges, and universities. This review shows that selected materials could be used in instructional programs at different levels. Others might be used in special research and development activities in colleges and universities; still others might be used in the general plant maintenance and operation programs of schools and colleges. The table which follows gives illustrative examples of some of these materials and the potential uses for them in these areas.

Strategic material	Potential uses in—			
	Instructional program		Research program, colleges and universities	Plant operation and maintenance program
	Elementary and secondary schools	Colleges and universities		
Asbestos	X	X	X	X.
Copper	X	X	X	X.
Corundum	X		X	X.
Diamond dies	X		X	X.
Feathers and down				X.
Graphite	X	X	X	X.
Iodine	X	X	X	
Manganese dioxide	X	X	X	
Mercury	X	X	X	X.
Pyrethrum	X	X		
Ruby			X	
Selenium	X		X	
Shellac	X	X	X	X.

Some illustrative examples of specific usages of these materials in the four areas are outlined below.

1. Laboratory instruction:

Mercury: Used in chemistry and physics laboratories for a number of purposes, such as the measurement of low atmospheric pressures, chemical reactions, and various laboratory instruments.

Quartz crystals: Used in physics laboratories for the generation and detection of high frequency and electromagnetic radiation.

2. Shop training:

Diamond dies: Useful in numerous types of grinding and cutting operations.

Shellac: Not only used in plant operation and maintenance (separate category above), but also in shop training (cabinets, boats, models, etc.).

3. Research:

Ruby: Basic ingredient in very new development of ruby masers which are extremely powerful beams of light, the numerous applications of which are still the subject of much research.

Selenium: One of elements used in doping crystals of germanium and silicon for producing semiconductors. These form basis of all types of transistors and junction devices.

4. Operation and maintenance of plants:

Feathers: A natural product, probably requiring no further processing, which should be useful to any institution responsible for housing programs.

5. Operation of hospitals and clinics:

Iodine: Useful not only in chemistry laboratory instruction (separate category above), but also, in more refined form, in hospital treatment of wounds, etc.

The extent to which these materials could be used and the amounts which might be required cannot be predicted at this time for several reasons:

(a) The degree of refinement of the stockpile materials is not clearly indicated in the report available to us, making it difficult to determine if a particular material would be usable in the form in which it would be made available to the schools and colleges;

(b) Instructional programs, curriculums, and teaching methods of schools and colleges are undergoing extensive revisions at the present time; and

(c) Many of the research and development programs of colleges and universities are restricted or classified. Information on needed materials is available only from the directors of these activities. (This will take time.)

Since more specific information on the types and quantities of strategic materials which could be used by schools and colleges is advisable, we will continue our inquiries. However, on the basis of the information available, it is apparent that many of the items in the stockpile are needed in health and educational programs. We would suggest that they be made available for donation to eligible health and educational donees on the same basis as provided in present programs for other Federal surplus property.

Sincerely yours,
IVAN A. NESTINGEN,
Under Secretary.

Mr. METCALF. Mr. President, material in the stockpile is being sought by educational institutions. Mercury is an example.

Last year, it appeared for a time that 52,000 flasks of mercury, each weighing some 76 pounds, and acquired at a total cost of more than $12.2 million, might be excess to need, and might be available under the donable surplus property program. Before it was finally decided to place that mercury in the stockpile, colleges and universities in 35 States had applied for more than the total amount available.

Mr. President, adoption of my amendment would be in the public interest in education and health, in industry, and economic development. Public property, bought with public funds to meet a public need, is worth much more to public institutions than it is to junk dealers. The donable surplus property program has provided our hard-pressed schools and hospitals with land and equipment they could not have afforded. It has helped to educate our youngsters and to care for the sick and injured. Modification of surplus equipment for classroom use has challenged the students, and also the teachers, who thereby also were instructed. The program has stimulated research in the national interest. In many cases, research has led to production contracts, profitable to the school and the surrounding business community. The program has created new markets—for experience has shown that a research program, begun with donated material, does not end when that material is gone. Rather, the institution goes into the open market and buys new material. The donable surplus property program has been an outstanding success. It should be extended to include material in the stockpile found to be surplus to present need.

Mr. President, I yield the floor.

THE WAR IN SOUTHEAST ASIA

Mr. MORSE. Mr. President, I shall not speak at great length.

Whenever I listen to a Member of the Senate attempt to rationalize the U.S. outlawry in southeast Asia, I propose to register my dissent.

Mr. President, as I said earlier, the Senator from Idaho [Mr. CHURCH] made a historic speech this afternoon on the United Nations. It was a speech that needed to be made.

I am sorry that he marred his speech at the end in his colloquy with the Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Committee on Foreign Relations, for, if I understood him correctly, he underwrote as a present policy the making of war in southeast Asia by the United States.

Mr. President, I not only disagree with that part of the speech of the Senator from Idaho, which was supported by the Senator from Rhode Island [Mr. PELL], with whom I also disagree, but I thoroughly disagree with the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], on whose committee I have the privilege of serving. In my judgment the chairman of the Foreign Relations Committee talked in terms of myths, although he seems to be against myths in American foreign policy. How in the world the chairman of the Foreign Relations Committee thinks that we can continue to violate one obligation after another under the U.N. Charter and violate our obligations under the Geneva accords, and preserve the United Nations as a force for keeping peace in the world, I am at a loss to understand. How the chairman of the Foreign Relations Committee can think that the United States can make war in southeast Asia in violation of our international law obligations and expect the United Nations to survive, I am at a loss to understand.

I wish to recapitulate these points very quickly for the record, for under articles XXXIII, XXXVII, and XLI, of the United Nations Charter, as I have pointed out in a series of speeches on international obligations on the floor of the Senate for the last several weeks, the United States has the clear treaty duty to take the southeast Asia crisis to the United Nations. Instead we have walked out on the United Nations. By walking out on the United Nations, by committing acts of war, the United States will go down in history as a country that helped scuttle the United Nations, unless we proceed without further delay to rebuild the United Nations. The United Nations is much weaker today than it was 90 days ago. It is much weaker today than it was 90 days ago because of the United States. I am at a loss to understand why we have played into the hands of the Communists. I am at a loss to understand why we have walked out on our professed ideals about wishing to substitute the rule of law for the jungle law of military force. It is still a jungle law of military force when it is the U.S. military force as much as in the case of Red China, Red Russia, or any other power in the world.

We started to pave the way for the inexcusable position in which the United States is now occupying itself in world affairs when John Foster Dulles, back in 1954, decided not to sign the first Geneva accord, and then persuaded South Vietnam not to sign it. Then the United States set up its protectorate in South Vietnam. The United States set up its puppet government in South Vietnam. Do we think that the world does not know it? We are in no better position in South Vietnam than Red Russia is in East Germany. We have no more right to follow the course of action we are following in South Vietnam than Red Russia has to follow the course of action she is following in East Germany. We are making war. We profess to be seeking peace.

I was shocked to hear the chairman of the Foreign Relations Committee, who made a speech not so long ago on foreign policy myths, propound the great myth that the United States stands for peace, and in order to preserve it, we are going to make war. That is pure nonsense.

Mr. President, John Foster Dulles also created a paper tiger known as SEATO. It is pretty well so recognized now. Sulzberger, the editor of the New York Times, wrote in a column not so long ago—and I used it in argument previously here on the floor of the Senate—that in a conference he had with John Foster Dulles, one of the reasons assigned for our taking the course of action we took in regard to SEATO was to give us what John Foster Dulles thought would be a legal right to follow the course of action that we followed in South Vietnam.

But, of course, it did not give us that legal right. If the United States were taken before the World Court on any phase of this problem, I am satisfied that we would lose a unanimous decision, because we are dead wrong.

Mr. President, who created the paper tiger known as the SEATO, and who persuaded Australia, New Zealand, Pakistan, Thailand, the Philippines, France, and Great Britain to sign it? It is the brainchild of John Foster Dulles. That treaty created what is known in international law as a protocol agreement. That is what our administration is constantly relying upon. Not so long ago the President said that he felt all the legal authority he needed—I paraphrase him, but accurately—was the SEATO treaty. The SEATO treaty does not give Lyndon B. Johnson one iota of right to make war in South Vietnam in the absence of a declaration of war. The President of the United States is violating the Constitution every hour that he proceeds to make war in South Vietnam. The Constitution does not give the President of the United States the power to make war. That power happens to be vested in the Congress of the United States. But I say most respectfully, but critically, that too many of my colleagues are ducking, weaving, and hedging on this problem.

They are not facing their responsibilities, born of the oath that they took when they came into this body. We are making war in South Vietnam, and we are making it unconstitutionally. We are killing American boys illegally. The number that we have killed thus far is a small number compared with the tens of thousands that we shall kill if we do not stop this administration's course of action in southeast Asia.

The American people apparently will have choices between degrees next November. They will have the choice between a slower-paced Democratic war and a faster-paced Republican war.

Mr. President, it is a sad thing that we have not officially called for a SEATO meeting and put it up to our alleged allies who have welshed on us in regard to the protocol agreement involving South Vietnam.

One of the saddest things is the constant reference by the leaders of this Government to the fact that North Vietnam, Laos, and Red China are violating the Geneva accords; and so they are. They ought to be held to an accounting. They ought not to be held to an accounting on the basis of a unilateral military action by the United States setting itself up as the policeman of the world to enforce the Geneva accords, particularly when we have already been found guilty of violating the Geneva accords ourselves. For the Geneva accords set up a so-called neutral commission to police them and to point out to the world their violations. The interesting thing is that that neutral commission found North Vietnam a violator of the Geneva accords and South Vietnam a violator of the Geneva accords. The basis on which it found South Vietnam a violator of the Geneva accords was its accepting American military assistance and American military personnel in violation of the prohibitions of the Geneva accords.

That is why I am charging my Government, with sadness, of being in violation of international law in South Vietnam. It is not pleasant to make that charge, but I think there is still a fighting chance of preserving the peace, and we do not support the best interests of our country by supporting this administration's program in South Vietnam.

An interesting statement was made by the majority whip [Mr. HUMPHREY], and I told him I would answer him. He said he is against the escalation of war in southeast Asia, and he is satisfied the administration is against it, too. He could not be more wrong, for the program of this administration is headed toward the escalation of war in southeast Asia, and we have already done it to a serious degree.

Under article IV of the Geneva accord, we had no right to drop a single bomb on Laos. But we did. It was an act of war. It would be found to be an act of war by any international juridical tribunal that tried us. We would be found guilty.

This country has violated the borders of Cambodia. I have been advised by military personnel that we have also found it convenient, by accident, so-called, to violate the borders of North Vietnam.

Mr. President, the blueprint exists to escalate the war unless southeast Asia does the United States' bidding.

I am also interested in the talk we have heard about our having no ambition or desire for a square inch of territory; that we seek no colony. But back of it, Mr. President, is a determination for economic and military control of southeast Asia.

Before the week is over, or in the first part of next week, I expect to make a speech that I am now preparing, based upon research, as to the economic objectives and the economic operations of the United States in southeast Asia. The facts about our economic plans pierce the balloon about the motives of the United States in southeast Asia.

Mr. President, we are scuttling the United Nations by this course of action. I do not know how in the world we think we can have much influence against Russia in the future as she violates treaties by pleading that the United Nations exercise jurisdiction against Russia's violations of international law. What we ought to do is backtrack now.

I have never proposed, and I do not propose tonight, that the United States pull up stakes and get out of South Vietnam. But there is all the difference in the world between a program that seeks to make peace and a program that seeks to make war.

As the Senator from Idaho pointed out, the Vietcong are supposed to have some 25,000 members. The Government of South Vietnam has at least 400,000 troops. South Vietnam has 15 million people. If there is a situation in South Vietnam in which 400,000 South Vietnamese troops and more than $5½ billion of American military aid to South Vietnam cannot control 25,000 Vietcong, we cannot possibly hope to win over there by pouring in American blood.

I do not propose to let the administration or the American people forget that France sacrificed 240,000 French boys in the Indonesian war, and we poured in $1½ billion to help France conduct that war. Finally, the French people pulled down the French Government and said they had had enough.

We are going to lose if we get bogged down in a major war in Asia, and we are headed toward such a war with hundreds of thousands of American boys involved.

But, as the Senator from Idaho raised the question, when we get through with the military victory, what then? What will we have won? No war ever produced peace. When are we going to learn that sad lesson? We are going to be forced to use nuclear weapons if we get into a major war in that area, and thereby earn, deservedly, the hatred of mankind for decades and decades to come.

What are we going to do after we get a military victory? In my judgment, it is the best assurance for a bankrupt American nation, for we will not only be bled white in terms of blood, but we will be bled white in terms of financial resources.

We ought to stop thinking we can set ourselves up as the enforcement officer of the world and police it. We do not have the manpower, to begin with. Neither does the United States have the financial resources.

I close with the last topic. I completely disagree with the majority whip [Mr. HUMPHREY] and the other Senators who bespoke in favor of the appointment of General Taylor as Ambassador to Saigon.

I want the Senator from Minnesota [Mr. HUMPHREY] to take note that General Taylor is not a George Marshall. General Taylor is not a Bradley. He is not even in their class. General Taylor is the one who, not so many years ago, urged the use of nuclear weapons if we got into trouble with Russia over Berlin—which means he was ready to start a nuclear war. General Taylor has been one of the architects, along with McNamara, of McNamara's war in South Vietnam. General Taylor has been one of those who has been following a course of action which, as I said in his presence this morning, and in that of the Secretary of Defense also, will lead us straight into a major war with Asia if the program is not stopped.

As I said earlier this afternoon, I cannot think of a greater mistake for President Johnson to make than to appoint a general who has been one of the warmaking architects in South Vietnam as our Ambassador to South Vietnam.

We have an indication of what is going to happen already. We see which way the wind is blowing. His nomination will be confirmed in the Senate. But it will not be confirmed with the vote of the senior Senator from Oregon.

A great civilian Democrat should have been appointed Ambassador to South Vietnam, demonstrating to the world that, after all, this country, in the field of foreign policy, is run by civilians, and not by the Pentagon Building.

For months now the Pentagon has functioned as Secretary of State, and Dean Rusk has functioned as the Pentagon's flunkey. For months American foreign policy in South Vietnam and in southeast Asia has been determined by the Pentagon Building, and not by the State Department. It happens to be an ugly fact, but I believe it to be true. I am aghast at the fact that we are now representing to the world that we had to resort to the appointment of a military man as Ambassador in that troubled spot of the world, where, more than anywhere else, the peace of the globe is threatened.

All one has to do is read the news releases of the last couple of days to see how far we have gone in American foreign policy by way of military intervention. Admiral Felt made a statement in Taipei that the United States will risk a war with Red China if Red China interferes with this country's policy in southeast Asia. He should have had his uniform stripped from him immediately.

Under our form of government, we should not be permitting top military brass to make announcements to the world about what our foreign policy will be. That was a statement which should have been made by the Secretary of State, first being approved by the President, or by the President himself.

Then General Harkins came back from southeast Asia and was quoted by the New York Times as making a similar statement.

I say that General Harkins was completely out of character. His job as a military officer is to carry out military orders, not to determine foreign policy.

Mr. President, here is one voice that will continue to be raised in opposition to the warmaking foreign policy of the United States. My office is being flooded—I do not know how many hundreds of communications we have received today—with communications in opposition to the policy of this administration, and in support of the position that the senior Senator from Oregon is taking in opposition to our outlawry in southeast Asia.

As I have said before, if a declaration of war is passed, then the senior Senator from Oregon will of course rally behind that declaration until the war is won, at whatever cost. But so long as there is a chance to avoid that war by seeking to persuade the people of our country and the Government of this country to change its direction from that of marching into a great holocaust and killing hundreds of thousands of our boys unjustifiably and needlessly, I shall continue to do what I can to plead for peace.

I suggest that if we really mean all the things that have been said this afternoon about the United Nations, then we ought to start supporting the United Nations. I say to the chairman of the Foreign Relations Committee that he ought to be supporting the position that some of us have taken now for many weeks, asking that the United States lay the crisis before the Security Council. And if it is vetoed by Red Russia, which I think it probably would be, then we should call for an extraordinary session of the General Assembly of the United Nations and let the other nations of the world join in passing on what course of action ought to be followed in South Vietnam.

Mr. President, I am very sorry to find myself, as a Democrat, unalterably opposed to the position of my President in South Vietnam. But I think history will record that his position has been a mistaken one. I shall continue to hope that he will change his course of action by returning our foreign policy to the framework of international law. We should proceed to lay this Asian crisis before the United Nations. If the United Nations has the potentialities that the senior Senator from Idaho bespoke of this afternoon, then the United States ought to start using it and stop scuttling it.

Mr. President, I am ready to yield the floor. But, in accordance with an understanding previously reached to the effect that the Senator from Missouri [Mr. SYMINGTON] had a matter to bring up, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR RANDOLPH SPEAKS AT DEDICATION OF THEODORE ROOSEVELT BRIDGE—DELIVERS ELOQUENT TRIBUTE TO PRESIDENT IT MEMORIALIZES

Mr. McNAMARA. Mr. President, earlier today our colleague, Senator RANDOLPH, of West Virginia, delivered the dedication address for the ceremony opening the Theodore Roosevelt Bridge. This structure serves as a memorial to a great President, who, as Senator RANDOLPH said, "gave to us a rich heritage and a rewarding hope as we work together in the building of a better America."

The event, sponsored by the Board of Commissioners of the District of Columbia, the Department of Highways, and the Metropolitan Washington Board of Trade, was attended by several hundred people. Included were members of the Roosevelt family.

Mr. President, I ask unanimous consent to include at this point in my remarks, the items on the official program, and the eloquent address of Senator RANDOLPH.

There being no objection, the program and address were ordered to be printed in the RECORD, as follows:

PROGRAM

Master of ceremonies: Brig. Gen. C. M. Duke, Engineer Commissioner, District of Columbia.

Music by the U.S. Navy Band, Lt. Comdr. Anthony A. Mitchell, leader.

Armed Forces Joint Color Team.

National anthem.

Invocation: Rev. Robert W. Olewiler, Grace Reformed Church.

Greetings by master of ceremonies.

Introduction of distinguished guests.

"John F. Kennedy Center March," Lt. Comdr. Anthony A. Mitchell, U.S. Navy Band.

Remarks: The Honorable JENNINGS RANDOLPH, U.S. Senate.

Unveiling of plaque.

Ribbon cutting.

Motorcade will form and proceed west across bridge.

REMARKS BY SENATOR JENNINGS RANDOLPH, OF WEST VIRGINIA, CHAIRMAN, SENATE SUBCOMMITTEE ON PUBLIC ROADS, FORMER CHAIRMAN, HOUSE COMMITTEE ON DISTRICT OF COLUMBIA, AND FORMER MEMBER, HOUSE COMMITTEE ON ROADS, AT THE DEDICATION OF THE THEODORE ROOSEVELT BRIDGE JUNE 23, 1964

Honored guests, ladies, and gentlemen, the moment has arrived. After 14 years the bridge is a reality. Convenience and necessity are well served by this structure which provides another vital link in our Interstate Highway System.

This bridge is an enduring memorial to the labors and the patience of those who have been involved since it was first authorized by Congress 10 years ago this August. Despite the skepticism and perhaps even despair which was occasionally experienced by some of its planners, the bridge is testimony that government by committee can work. For many committees and commissions as well as a President and the Congress, have had their hands in this effort. The democratic process of consultation and compromise has finally been brought to fruition. This structure is a tribute not only to the skills that have created it, but also to the skills of persons who reconciled the many interests involved.

It is another merited memorial to the President in whose memory it is dedicated. This bridge and the Interstate System of which it is a part, are products of the needs and the technology of America in the 20th century. And President Theodore Roosevelt, whose White House years ushered in the 20th century, was the first President to lead America in its role as a world power. With his mediation of the Russo-Japanese dispute, his involvement in the dispute over Algeria by the great European powers, and his dispatch of the Great White Fleet on its world cruise, Teddy Roosevelt was the first President to reject the traditional American attitude of nonentanglement in the affairs of the Old World. He spoke to the other powers in clear terms, serving notice that the United States had come of age and was a power to be reckoned with by all nations.

In two other major areas Theodore Roosevelt was the first President to grapple with the 20th-century problems of America. He saw clearly that the vast concentrations of wealth and power in the modern corporation exceeded in some instances the power of the individual States and rivaled that of the United States and in some instances was not in national interest. He recognized the threat and acted on it. But he also recognized the inevitability of corporate growth, was not hypnotized by the curse of bigness, and was concerned only that the corporations not outgrow the law and the people they were designed to serve. His action in bringing government suit against the railroad combine of the Northern Securities Co. launched the Federal Government in its role of effective regulation of monopolies. This was a role created under the administration of one Roosevelt and extended under that of another.

But it is for his contribution to the conservation of our natural resources that most of us honor the name and memory of Teddy Roosevelt. As a rancher, as a hunter, as an explorer, and as a historian Theodore Roosevelt acquired a deep and lasting appreciation for the generosity of nature and the scenic grandeur of the American West. Yet, he was a prophet of the 20th century in recognizing as did few of his contemporaries and none of his predecessors in the White House that the natural resources of America are not inexhaustible.

With his immense talent for life and his exuberant love of nature, Teddy Roosevelt acknowledged the responsibility of his generation—and of the Federal Government—to protect and conserve America's resources for the oncoming generations. As Robert M. La Follette wrote:

"When the historian * * * shall speak of Theodore Roosevelt, he is likely to say that he did many notable things, but that his greatest work was inspiring and actually beginning a world movement for staying territorial waste and saving for the human race the things on which alone a peaceful, progressive, and happy life can be founded."

Roosevelt urged in 1901 the creation of a national forest in my own area of Appalachia. And during his two administrations he proclaimed 5 national parks, 16 national monuments, 51 wildlife refuges, and 21 national forest reserves. One can say in accuracy that with these executive actions and the professionalization of the U.S. Forest Service which he sponsored under Gifford Pinchot, President Theodore Roosevelt created our national forest system and the modern conservation movement. His convictions were best expressed in his own terms when laying the cornerstone of the gateway to Yellowstone Park in 1903: "I cannot too often repeat," he stated, "that the essential feature in the present management of the Yellowstone Park, as in all similar places, is its essential democracy. * * * It is the preservation of the scenery, of the forests, of the wilderness life and the wilderness game for the people as a whole, instead of leaving the enjoyment thereof to be confined to the very rich who can control private reserves."

Roosevelt's achievements in conservation of our forest resources were equaled if not exceeded by his contribution to the wise use and development of our waterways.

In his letter to the chairman of the Inland Waterway Commission, which body he created in 1907, he wrote that "works designed to control our waterways have * * * been undertaken for a single purpose, such as the improvement of navigation, development of power, the irrigation of arid lands, or the protection of lowlands from floods. * * * While the rights of the people to these and similar uses of water must be respected, the time has come for merging local projects and uses of the inland waters in a comprehensive plan designed for the benefit of the whole country."

This was the beginning of comprehensive water resource planning in America. And President Roosevelt's principles that "every stream is a unit from its source to its mouth, and that all its uses are interdependent" have become the guiding principles of water resource planning.

It is fitting that such a man and such a President be memorialized by this island refuge in the midst of the metropolitan area of our Capital City and by the bridge which offers a vista of the island. Here are woven together the two threads of his interest and initiative in the conservation of land and water.

It was said of Theodore Roosevelt by a visiting British writer that "Roosevelt is not an American, you know. He is America." In this sense, in honoring a great man and a great President, we honor ourselves as we dedicate the Theodore Roosevelt Bridge. He gave to us a rich heritage and a rewarding hope—as we work together in the building of a better America.

ADJOURNMENT

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Wednesday, June 24, 1964, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Taras Shevchenko

EXTENSION OF REMARKS

OF

HON. PAUL B. DAGUE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1964

Mr. DAGUE. Mr. Speaker, this Nation has been attempting by various means to penetrate the Iron Curtain in order that we may, on a people-to-people basis, break down the wall or separation that has kept men of good will from resolving the issues obstructing world peace.

In so many instances we have appealed for understanding on the basis of government to government, and in nearly every case our efforts have been futile for the simple reason that Communist leaders will not bargain honestly or give any assurance that agreements entered into will not be abrogated as soon as it suits their convenience to do so.

That there is an intense grasping for freedom on the part of subjugated peoples is apparent to everyone, and all they ask of us is that we shall reassure them in regard to our sympathy for their cause. The erection here in the Nation's Capital of a statue in honor of Taras Shevchenko, one of the Ukraine's greatest, is a forward step that these beleaguered people will understand since we thereby honor a patriot who throughout his life symbolized militant opposition to oppressive government.

We hail Patriot Shevchenko as the personification of all that liberty stands for and we shall continue to accept the statute of this great freedom fighter as added injunction to work for the liberation of all men who writhe beneath the tyrant's heel. May the spirit that flows from his service and sacrifice continue to inspire patriots in every land to the end of time.

Legislating by Judicial Decree

EXTENSION OF REMARKS

OF

HON. PAUL B. DAGUE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1964

Mr. DAGUE. Mr. Speaker, the Supreme Court in a series of ill-considered decisions has narrowed dangerously the lines of demarcation separating the three branches of Government. As a nonlawyer I have great difficulty in understanding the sense of mission to remake our way of life that seemingly possesses the High Court and I can only conclude that in underwriting the questionable rights of the criminal, the subversive, and the aggressor, protection of law-abiding citizens has been considered as of secondary importance.

There is, of course, the Court's dependence on the equal protection clause of the 14th amendment for so many of its decisions without any apparent concern whatsoever for the fact that the very amendment upon which they rely so heavily is of itself of doubtful validity. Everyone knows that it was virtually adopted at the point of a gun, with northern carpetbaggers supplanting regularly elected legislators in several Southern States, and in no event was it designed to do other than confer the rights of citizenship on newly freed slaves.

Those of us who are urging the adoption of the so-called Becker amendment as a means of reversing the Court's edict regarding prayer and Bible reading in our schools are confronted with horrified insistence by dissenters and agnostics that we must not trifle with the Bill of Rights while completely ignoring the fact that the Supreme Court has done exactly that. Here was an established custom enjoyed since the founding of the Republic but now abolished in one fell swoop by a tortured interpretation of the first amendment, and on the motion of an atheist at that.

Added to our woes—the woes of those who believe that the protection of the law abiding should take precedence over any concern for the confessed criminal—is the realization that the Court, first in the Mallory case and now in the Escobedo decision, has virtually turned loose upon an innocent public rapists and murderers to carry on their nefarious activities with what amounts to the blessing of our highest judiciary. And again as a nonlawyer I can approach these things only from a commonsense viewpoint and I feel strongly that when a man confesses to a crime and does not thereafter repudiate his confession he should pay the penalty.

Intermeddling in State elections to the extent of specifying standards for the selection of State legislators is again torturing the meaning of the much-abused 14th amendment and brings the Federal Government into an area which the framers of the Constitution clearly intended to leave to the sovereign States. As for granting passports to members of Communist organizations—subversive groups pledged to the overthrow of our Government—here we have one more example of a body of jurists who seem bent on rewarding those who invariably operate outside the law and who give prior loyalty to other nations and ideologies.

At the moment, the only satisfaction left to a confused and apprehensive citizenry that sees its privileges and immunities placed in jeopardy is the realization that the Supreme Court will be in recess until October and that for 3 months at least our liberties will not be judiciously molested. In the meantime let us hope that the Congress may get around to legislating some restrictions on those appointees, with lifetime tenure, who remake the law to suit their own conception of justice.

Taras Shevchenko

EXTENSION OF REMARKS

OF

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1964

Mr. DADDARIO. Mr. Speaker, this Saturday will mark the unveiling of a statue in honor of Taras Shevchenko, the Ukraine's poet laureate and national hero. Shevchenko is more than a national hero, for he stands as a symbol of freedom to all oppressed peoples. In his short 47 years of life this man continually gave expression to his hopes and desires for freedom from Russian tyranny. His poetry rings as a bell of freedom, a call to action, both then and now.

The values and purposes of this statue are manifold. It is primarily a monument to the memory of a man deeply loved and honored by all Ukranians. It is a symbol of East European freedom, a constant reminder to the 45 million people of the Ukraine held captive behind the Iron Curtain of their continuing efforts to rid their nation of tyranny and the despotic rule of the Soviet Union.

As Shevchenko acknowledged the ideals and beliefs of our own George Washington, so must we recognize his desires for liberty. The statue marks an important step forward in the development of relations between the United States and the countries of Eastern Europe. It recalls the development within Eastern Europe of several nations with individual identities, not just the single, monolithic Soviet Union. And finally this statue is a call to the oppressed people of the world to resist tyranny in all forms and press the struggle for freedom and liberty.

We in America are honored that this statue should stand in Washington as a symbol of freedom to the world. It is evidence that the desire for freedom is universal, that man is not born to live under tyranny and oppression. This monument and the memory of Taras Shevchenko will serve as a constant reminder to the people of the Ukraine and the world of the ceaseless fight for liberty and universal freedom.

South of the Border

EXTENSION OF REMARKS

OF

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1964

Mr. SIKES. Mr. Speaker, our distinguished colleague from Florida, the Honorable D. R. (BILLY) MATTHEWS, had published in the Washington Post of Monday, June 22, a letter entitled "South of the Border." It is such a calm, clear statement of the activities which are being perpetrated in the beautiful city of St. Augustine by hired agitators that I feel it must be called to the attention of the entire Congress. I congratulate Congressman MATTHEWS for his calm analysis of a situation which is unjustified and unjustifiable. The disciples of destruction who are at work in St. Augustine have no real interest in desegregation. Their interest is self-perpetuation self-aggrandizement and it is regrettable that we must tolerate such activities in the name of democracy.

All of us know BILLY MATTHEWS for the patriotic citizen that he is and for the exemplary manner in which he has represented the people of his district.

Many of us share the agonizing concern which we know he now feels about the ordeal being experienced by the historic city of St. Augustine.

His letter to the Post brings to focus this problem. The issuance of this challenge by him is one in which many of us would like to be associated. I submit his letter for publication in the RECORD because it carries a message to every American:

[From the Washington Post, June 22, 1964]

SOUTH OF THE BORDER

I read in your issue of Sunday, June 14, the editorial in which you mentioned problems in St. Augustine, Fla., which is in my congressional district. It is regrettable that St. Augustine has been marked for demonstrations by irresponsible outsiders because it happens to be the Nation's oldest city, and we are now planning a great quadricentennial celebration to begin next year.

There is a determined effort to ruin the city of St. Augustine economically, which will mean a tremendous loss to people of all races and creeds; and especially do the agitators want Federal troops to be dispatched to St. Augustine to create a hideous image of a very beautiful and great city. How heartless and cruel can the so-called disciples of peace be!

As long as we have laws on the statute books, in my opinion, these laws should be obeyed until by orderly process they are changed. I have a feeling that in the editorials of your newspaper, when the so-called civil rights bill is thrust upon our people in just a few days, there will be many of these "pious utterances" about obeying the law. What about obeying the law now?

You would be doing America a great favor if in your editorial columns you would suggest that the outside troublemakers who are now in St. Augustine go back home and attend to the great problems of moral deterioration in their backyard. Surely you realize that in the present captioned civil rights bill there is supposedly a redress of all the grievances that the troublemakers in St. Augustine professedly have. It would seem to me that the determined destruction of a beautiful and proud city of 15,000 American citizens is the real purpose of the demonstrations in St. Augustine.

D. R. (BILLY) MATTHEWS,
Member of Congress.

Address by Hon. Peter W. Rodino Before the Young Democratic Club of New Jersey, June 13, 1964

EXTENSION OF REMARKS
OF

HON. EDWARD J. PATTEN

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 23, 1964

Mr. PATTEN. Mr. Speaker, my distinguished colleague, the Honorable PETER W. RODINO, dean of the New Jersey Democratic delegation, was featured speaker at the New Jersey Young Democratic Convention in Atlantic City, June 13.

Congressman RODINO's address was a stirring cry to the young people of today of the challenge of the future to President Johnson and to America:

> The flaming Kennedy torch has passed to all of us * * * and we dare not halt or hesitate until we reach our goal—

Mr. RODINO declared.

I am happy to insert this speech into the CONGRESSIONAL RECORD with the hope that the people of the Nation take heed of its message—to build for a "greater, more golden tomorrow."

The speech follows:

ADDRESS OF HON. PETER W. RODINO

Mr. Toastmaster, officers, members, and guests of the Young Democratic Club of New Jersey, it is a warm and wonderful experience for me to be here with you tonight at this festive gathering.

Enthusiasm fills the air, and there is more than enough inspiration to go around generously.

I hate to admit it, but almost a score of years has passed since those exciting days when I was an active participant in the affairs of the Young Democrats.

Sharing this occasion with you is like turning back the pages of my own personal history.

Filled with idealism and bursting with ambition, I was then a raw recruit in the political ranks. World War II had just ended, and the memories of combat lingered. The suffering and hardship I had seen abroad had registered a strong impression, and I was anxious to join in a great and noble effort to move America forward.

Then—as now—I sincerely believed that we could make great advances in promoting the general welfare of our people and our country if we adopted this as our goal and pursued it with diligence. This belief was fortified and strengthened by my association with the Young Democrats.

In this organization, I found youthful men and women united under the banner of a party dedicated to the proposition that people are more important than property, and principles more important than partisanship. That challenging outlook has remained a permanent part of my political philosophy.

Today we might sum it up as: Prosperity for all, and poverty for none.

When I first sought election to Congress, I pledged that I would devote my energy and effort to translate into action the ideas and ideals of the Young Democrats and our Democratic Party—to keep our country strong, our countrymen free, and the world at peace.

Many years have passed since I was first elected to represent the 10th District in Congress—and many monumental events have passed into history.

But this much is self-evident: Our party has met—head on and unflinchingly—the challenge of critical, changing times. We have kept faith with our unequivocal commitment to fulfill the needs of our people, and to devise lasting solutions to the problems of our country.

The Democratic Party has registered impressive progress because it has sponsored and fought for programs that have been in keeping with the design and the promise of the American dream.

Under dynamic, democratic leadership, we have achieved a strong and prosperous America. We have a people who live happily in dignity and freedom. And we have helped to keep the peace.

This able administration can point with justifiable pride to more than 3 years of unbroken economic expansion—the longest and strongest peacetime growth in the Nation's history.

The sum of all goods and services of our country has expanded to an annual rate of $600 billion—an increase of 20 percent in the past 3 years.

Since January 1961, personal income is up $65 billion—or 16 percent.

Labor income is up $49 billion—or 16 percent—and civilian employment has risen 2½ million.

Average weekly earnings in manufacturing are up 31 percent to more than $100 per week.

Prices have been the steadiest in the entire postwar period.

Industrial production is up 22 percent.

Construction is up 19 percent.

Corporate profits are up 43 percent, to an all-time high.

Our military might gives us the muscle to back word with deed in the cause of peace.

We have seized the initiative against communism and have launched a peace corps to help underdeveloped nations learn to help themselves.

A major tax reduction has been enacted to strengthen the economy and ease the unemployment problem.

The minimum wage has been increased to $50 per week, and public works programs have been established in areas of chronic depression.

Yes. We have made advances on a broad front in promoting the general welfare.

And we will continue to make advances through our war on poverty and our all-out fight against discrimination.

We cannot do otherwise.

For this is the legacy of our late, great President—John F. Kennedy.

His bold and imaginative programs of progress are now being carried out with faith and dedication by the man on whose shoulders the great responsibility was thrust—President Lyndon B. Johnson.

With the swiftness of a rifle shot and the grief of martyrdom, the flaming torch has passed.

We can find consolation and take heart that President Johnson has pledged himself to continue the Kennedy programs, and then go forward and do more.

But President Johnson cannot do it alone.

He needs the cooperation of a friendly, sympathetic Congress.

He needs the vigorous support of a dedicated democratic party.

He needs the wholehearted backing of vital men and women like yourselves, who have taken an active interest in politics and are doing something about it by participation in this important, constructive organization of young Democrats.

What has happened in this great country of ours is now clear.

The flaming Kennedy torch has passed to all of us, and we dare not halt or hesitate until we reach our goal.

Together we must labor to implement the noble aims and hopes of John F. Kennedy, to transform his vision into reality, and to make it our way of life.

Let us strive to bring opportunity to those who are denied it.

Let us resolve to achieve genuine equality for all.

Let us maintain a mighty America to deal from strength in the cold war struggle for permanent, worldwide peace.

Let us make America truly the home of the free and the hope of those still unfree.

Let us do all these things, and when that day comes that we must pass the flaming torch to a new generation—the glow will be so bright that it will light the way for our children, and their children after them—to greater, more golden tomorrows.

In an America where dreams of freedom, equality, and prosperity are no longer dreams—but dreams come true.

The Urban Mass Transit Bill

EXTENSION OF REMARKS
OF

HON. ALBERT RAINS

OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 23, 1964

Mr. RAINS. Mr. Speaker, this week the House will take up H.R. 3881, the administration's mass transit bill. This problem has been studied by both Houses of Congress for several years; the need for action is well established and this bill has support on both sides of the aisle. Mass transit legislation has already been passed by the Senate in this Congress.

President Johnson said in his speech last Friday:

> We are going to do our dead level best to see that it passes the House and becomes a law of the land. Both Republicans and Democrats are supporting that measure because transportation is a bipartisan problem. It is also national in scope.

The mass transit bill would provide partial Federal grants to help local government and private enterprise provide the bus service, commuter railroads, and other local mass transit which the people of our towns and cities need. This bill has the support of mayors, the American Transit Association, representing private bus operators, the Association of American Railroads, labor, industry, and many civic and public interest groups. It is designed to help small towns as well as large, and the record shows that the need in small- and medium-size communtities is just as urgent as it is in the big cities. I hope that when this bill comes to a vote it will have the support of a substantial majority of the House because the problem is one which affects all of us.

I am proud to offer the text of President Johnson's speech of June 19, 1964, at this point in the RECORD:

REMARKS OF PRESIDENT LYNDON B. JOHNSON AT THE DEDICATION OF THE RAPID TRANSIT SYSTEM, CONCORD, CALIF.

Governor Brown, Mr. Falk, Mr. Speaker, ladies, and gentlemen, those who believe that the frontiers of America are closed should be out here today. The dreams and the deeds represented by this ceremony prove that the era of the pioneers is not over. Only the area of pioneering has changed.

Yesterday's frontiers were vast empty lands, waiting to be claimed and cultivated by settlers who crossed the continent to start a new life. Today's frontiers are teeming cities, where too many people already lead a neglected life. Yesterday's frontiers were crisscrossed by wagon trains.

Today's frontiers are clogged by automobiles. There are more than 80 million motor vehicles on our roads today. By 1980 there will be 120 million, almost 1 vehicle for every 2 people. There are almost 1½ million registered vehicles in the bay area alone. If they were lined up bumper to bumper, they would stretch from California to Maine—although I wouldn't recommend a trip under such circumstances.

So we must develop adequate alternative means of transportation, or the coming crisis of congestion may do more to frustrate the growth and development of America than all the burning deserts and the barren mountains which stood in the path of our ancestors a century ago.

You here in California are doing something about that crisis. This mass transit system is a victory, a victory for vision of men who started 12 long years ago to make it a reality. Now we need a major national effort to solve the problems of rapid transit, and this administration is determined to make that effort.

Our urban mass transportation act sponsored by this administration has already passed the Senate of the United States and it will soon come to a vote in the House. We are going to do our dead level best to see that it passes the House and becomes the law of the land. Both Republicans and Democrats are supporting that measure because transportation is a bipartisan problem. It is also national in scope.

Seventy percent of our people live in metropolitan areas. Fifty-three of our country's biggest metropolitan areas either border or cross State lines. Their transit problems ignore local boundaries, but their taxing powers are limited and their resources are already strained. Congress has voted billions of dollars to build highways, to build airports, to dredge harbors, to dredge canals, to improve river navigation. In the last century Congress helped finance railroads and shipping lines, to open up new areas of the country, to open up new trade routes abroad.

Now Congress and the Federal Government must help to solve the problems of transportation. These problems require us to create new concepts of cooperation, a creative federalism between the Federal Government, the State governments and local communities. And that is what our bill will do. When this bill went before one of the committees of Congress last year, a distinguished Republican Congressman from Ohio said to Congressman PATMAN, from my State, who was testifying in favor of the bill, "Why are you from Texas interested in helping the people of New York solve their traffic problems?" And the Congressman from my State said, "Well, I am interested because this is the United States of America, and the people of my State are as involved with the people of New York and California as the people of New York and California must be with the people of Texas."

That is the kind of spirit that we need in this country, and that is the kind of spirit that I have found in California. The idea that we are 50 separate countries, that the Federal Government representing the destiny of 190 million people does not have a duty to meet the needs of those people—this idea is as out of date as the dinosaur.

The well-being of our people, the well-being of all of our people, is our first priority. I do not believe that the American people want to run a losing race with change. I believe that they want a happy partnership with their Government in order to turn the perils of the present into a promising future.

So we are going to work with the people of our States. We are going to work with the people of our communities to solve the problems of those communities and those States. This administration does not intend to permit America to stagnate. This administration is not going to stand still. With the help of you wonderful people who have come here today, with the help of all of the people of the great State of California, your country is going to move ahead, to give every American a fair chance to lead a useful and a happy and a prosperous life. That is the function of government and that is what government under this administration will do.

Thank you.

Speech of Congressman Claude Pepper Before the Second Inter-American Savings and Loan Conference—Santiago, Chile, January 19, 1964

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1964

Mr. PEPPER. Mr. Speaker, in January of this year Mrs. Pepper and I had a most interesting and delightful visit to the Second Inter-American Savings and Loan Conference held in Santiago, Chile. I had the honor to address this Conference and to discuss relations between our country and Latin America. My address on January 19, 1964, was as follows:

Chairman Gomien, President Messersmith, Mr. Stanley Baruch, members of the panel, distinguished guests and friends: On behalf of Mrs. Pepper and myself I wish to extend our profound thanks for the privilege of being a part of this Conference and particularly because we, for the first time, have the privilege of visiting this great country and this fair and distinguished city, whose lofty mountains are symbolic of its high idealism and aspirations and whose warm sunshine is only exceeded by the warmth of its hospitality. While this is our first visit we are sure it will not be our last. I wish also to tell you how grateful we are to President Messersmith of the National League and to Mr. Stanley Baruch of the Inter-American Development Bank for the great privilege that we have of participating in these sessions and for making possible this seminar of the savings and loan industry in your country, in Latin America, and in the Western Hemisphere.

Mr. Chairman, as a Member of Congress and also as an officer and member of the board of directors of the Washington Federal Savings & Loan Association of Miami Beach, I wish to thank you and all those for whom you spoke when yesterday you gave that most gracious award to the chairman of our board of directors, Arthur Courshon, for the part he had in the establishment of the great savings and loan system in your country.

We are very proud of what Mr. Courshon has contributed to the savings and loan industry and is now contributing as the legislative chairman for the National League of Insured Savings Associations. I may say, as a member of the Banking Committee of the House of Representatives which has jurisdiction over this subject, that Mr. Courshon is not only a distinguished leader in the savings and loan industry but in the field of housing for he is housing adviser to the Senate Banking and Currency Committee and the House Banking and Currency Committee.

He is also an eminent citizen of our country, and, if I may so so, of my party, the Democratic Party. Not long ago he and his wife dined at the White House with President and Mrs. Kennedy, and only last Thursday, when he was with our Florida delegation at the White House in conference with President Johnson, I heard the President thank him for what he was doing for the Democratic committee. I can add on behalf of Mr. Courshon that we are having in Miami Beach on the 27th of February a great dinner when President Johnson will address us, and tickets at either a hundred dollars a plate or a thousand dollars a plate are available through Mr. Courshon for any one of you who would like to acquire them while he is here.

We are deeply indebted to the National League of Insured Savings Associations for the foresightedness that it has exhibited in interest in the extension of the industry in its programs. It has taken a particular Latin America. Knowing what the industry has meant to our country, it is desirous of sharing the blessing of that industry with you, our neighbors and friends in Latin America. We are also very much pleased at the interest and the help that Mr. Stanley Baruch has given from the Inter-American Development Bank and the assistance that has made it possible for your country as for the other countries of Latin America to develop savings and loan systems.

As a member of the Banking and Currency Committee which has jurisdiction over the savings and loan industry, as well as over the commercial banking structure of my country, I want to express on behalf of my committee, profound pride in what that industry has done for our country.

As the distinguished chairman of the Federal Home Loan Bank Board, whose able address we just enjoyed and who has contributed so much to that success, has told you, as of June of this past year the industry achieved assets of over $100,000 million and it has built many many millions of homes which have made our people healthier and happier and enjoy greater pride in being citizens of our country. We have a saying in the English law that a man's home is his castle; we know that in ancient times men built castles in order that they might defend themselves against their aggressors. Today a man who owns a home is not likely to fall prey to any subversive movement which would take away from him the home which he had laboriously acquired and sacrificially obtained. So when we make homeowners in all of our countries we make better citizens who love liberty and freedom with more devotion because they have more to defend than they would without the heartstone and the altar of a home.

Now, our country, as you know, has had a long friendship with Latin America and to us it has been a very happy friendship. It was in the 18th century that we threw off the yoke of a foreign aggressor and in the 19th century that you liberated yourself by your own heroism and gallantry. It was right after you gained your freedom from foreign tyranny that a combination of European nations formed for the purpose of taking away from you the liberty which you so sacrificially acquired.

We are proud, as citizens of the United States and of the hemisphere, that it was our President Monroe, who in 1823, announced that the Western Hemisphere was the home of a free people and that the United States would put its strength besides that of any nation which might become the victim of aggression from abroad.

It is no disclosure of a secret, for me, as a Member of the Congress of my country, to say to you fellow citizens of the hemisphere, that if any nation in the hemisphere that is a free nation were attacked today by any nation or any combination of nations the full might and power of the United States would be joined with that nation in its defense, because your freedom is ours and we are determined that we shall stay free together and resist aggression from any part of the world.

We know today that the first problem for us all is to have peace, for if a nuclear bomb falls, all these homes, all these mighty and noble edifices which have been erected to fulfill the aspirations of man will be simply charred debris, and, as one man said, the living would almost envy the dead. The nuclear powers of today have enough bombs to drop every day for 53,000 days, bombs and explosive power equal to all explosives that were dropped in World War II by all the powers. So, we are working together trying to ban nuclear warfare and to have peace and then, when we have peace, to help people everywhere to enjoy a better standard of living.

There are some who think that everyone in the United States is rich. Unhappily, that is not true. In his recent state of the Union message, President Johnson told our Congress and our country that one-fifth of the people of the United States had an annual income of less than $1,000 each, and couples, an income of less than $3,000 each. However, we want to help our friends to help themselves so that all of us may rise higher together in the enjoyment of the good things of life.

When I was a Senator, I had the privilege of working with President Roosevelt on the good neighbor policy and I was a member of the Latin American Subcommittee of the Senate Foreign Relations Committee which was always sensitive of your and our common problems. It has been my privilege now to work in the House of Representatives with our great new President Johnson in carrying forth the Alliance for Progress. They are all the same thing; call it Alliance for Progress; call it the good-neighbor policy; it is simply the policy of one friend honorably trying to help another friend, so that all of us will be safer and live better.

May I add to what Chairman McMurray has said on behalf of the Congress of my country, our profound gratitude to every one of you and every other one in Latin America who so deeply shared our sorrow and our anger when our great, gallant, and brilliant President was stricken down and the voice that had stirred millions was forever silenced and the hand that had brought miracles in so short a time was forever still. Only yesterday our Ambassador told my wife and me of the thousands of Chileans who passed through the Embassy to express their condolences and of the thousands of telegrams and letters he received and of the immediate response of your distinguished government headed by your eminent President.

Every one of those messages I want you to know will be preserved in the Kennedy Library in Cambridge, Mass., where future generations will observe the affection and the gratitude that in our time of sorrow you bestowed upon our country and extended to the memory of our departed President. But we are most fortunate in his successor. You must remember that President Kennedy chose President Johnson as Vice President and made the statement that he was the best qualified man in America to be President. No other President has had comparable preparation for that great Office with his long experience in Congress and working with President Kennedy for 3 years as Vice President.

I wanted to give you this word of encouragement as to the continuity of our policy toward Latin America. You read in the papers and I have heard questions asked by our friends in Latin America, if a change in policy is taking place in Washington. Does the selection of Mr. Mann mean that there is a different attitude toward the Alliance for Progress or that help might be reduced? As Chairman McMurray indicated, the answer is no. President Johnson did choose a man who had been an Ambassador in a Latin American country, whose experience he thought was valuable and who was his personal and trusted friend in order that he might coordinate our program in the best possible way. But the President did something that has never been done before. He attached Mr. Mann as head of the Alliance for Progress, the whole AID program in Latin America, to the President's Office to become special assistant to the President and he goes directly to the President in the chain of command.

One other word, Mr. Chairman, by your indulgence, and that is that our people pay taxes. Since World War II as you no doubt have seen many times in the press, our country has made available over $100 billion to our friends or to those who stood up for democracy in other parts of the world. One hundred thousand million dollars that is the equal of all the assets of all the savings and loan associations of the United States. That money has been added to our debt upon which we annually pay interest in carrying charges or has come out of the Treasury from funds provided by the taxpayers of our country; and that has been going on since 1945, which is a long time, nearly 20 years. Our people are just human. We have our problems, our debts, and our duties. Of course, Congress has been very careful to observe the nature of our aid program to make sure that every dollar was well spent. But I can assure you that the Government of the United States is not going to go back on the commitment that our great and beloved President Kennedy made to Latin America. You may be sure about it, at least if we may have the cooperation that we feel we are entitled to enjoy.

So the only question for our Government is the best way to extend the assistance. In the past a great many of our funds have been advanced as grants, without any expectation of return. I think all of us have learned by experience that we should not resort to that method of aid except when an emergency requires.

Now we are moving around to the loan program and we are beginning to take a second look at what is the best way to employ the loan funds. That brings me to the International Home Loan Bank to which the able Chairman McMurray has referred. A final draft of that bill will be before my Committee on Banking and Currency of the House headed by a true friend of the savings and loan industry, the Honorable WRIGHT PATMAN, chairman, of Texas, within the next few days. It should have been with us last week. We are redrafting it in the light of the hearings and the consultation we have had since the matter was first introduced in the Congress.

I think with reasonable certainty I can assure you, Mr. Chairman, and all of you who are here that in this session of the Congress this measure will be passed and that the savings and loan industry of our country which wishes to share your problems with you and at the same time profitably to employ up to 1 percent of its capital here in homebuilding will have an opportunity to lend capital assistance to you. It will be from savings and loan association to savings and loan association. It will not be a Government loan but an approved investment for the savings and loan associations of America. Let me encourage you with the advice that if this venture succeeds, if the enterprise proves profitable and desirable, a billion dollars are available from this source alone to assist the savings and loan industry in Latin America. All that the U.S. savings and loan industry will wish to know is that the funds are safely and wisely employed and that they make homes available for the people.

I add this by way of personal commentary. I know there have been some who have been curious to know whether stock companies would be eligible for such assistance. I judge that they would be, but as Chairman McMurray suggested, naturally the savings and loan associations making those loans or in case of Government assistance through the Inter-American Development Bank, or other public agencies, our people would wish to know whether the ones who are the proprietors of the stock associations took an unreasonable profit from the operation and whether or not they are really helpful and meaningful in the building of homes for the people who need them the most.

You may also expect in this Congress an extension of one phase of our AID program and that is the guarantee insurance program. We now have the housing guarantee program by which financial investors in housing developments may have their investment guaranteed. We also have an extended risk program under the AID administration under which private capital for any general development, or improvement, or industry may be insured. We have done too little in this field so far and Congress is asking the executive branch of the Government to do more; and I think more authorization will be provided for that program in this Congress.

Let me say to Latin American businessmen: If you want to develop a great enterprise in your country and you will get your government to insure the investment and you will associate with a responsible citizen of the United States to put up half of the capital and assume half of the risk, and derive half of the profit, I think you will find that the Government of the United States will insure the United States investor so there will be a great new source of private capital.

How better could we advance funds than through the savings and loan associations? Here in Chile, for example, a $5 million dollar grant and two $5 million loans which we are sure are safe loans have helped your savings and loan associations to build 10,000 homes and we still have the $10 million dollars coming back to us. How could we have used it, or invested it to better advantage?

The day before yesterday evening at the delightful reception that the Savings and Loan League gave, I met Mr. Wende, of Bolivia, and Mr. Hoben, the AID housing representative of my country in Bolivia. I said: "Have you had any assistance, Mr. Wende, from the United States?" He said: "No." I turned to Mr. Hoben and said: "Why hasn't Mr. Wende, since he has the only savings and loan association in Bolivia, a country which has some grave problems in housing, had assistance from our Government?" He said: "When we got through providing funds to try to rehabilitate the mining industry and to provide needed transportation facilities we didn't have any money left for Mr. Wende's savings and loan association."

Insofar as I may influence the matter and when I inform my colleagues of some of these things I hope they will share my opinion, and shall try to provide further funds. No more do we want the savings and loan association or industry to be left out of our assistance because that is the best way in my opinion that we can help your economy and strengthen your democracy through housing construction and homeownership.

Now, Mr. Chairman, I have indulged your kindness by speaking longer than I should have and for that I ask your forgiveness, but just let me close with this. Back in the 1300's, it seemed very dark to the people of Western Europe about maintaining their trade with the east because the Turks had taken Constantinople and barred the land route of Western Europe to the Middle and to the Far East. And so the nations and romantic explorers turned their thoughts to the wide ocean hoping that by sailing west they might find the water route to the riches and the resumption of trade, now the East. They didn't find a short way to the East but they found the Americas and, significantly, it may have been well for the unity of our hemisphere that the first landings occurred in the Central American area.

Great danger confronts us; our very survival is at stake; but danger creates opportunity as did the danger in those days. I am sure that as citizens who love freedom and liberty all through this hemisphere, we are conscious that we bear the banner of humanity and of godliness and human dignity in the world today to an extraordinary degree. We shall stand together not only for peace and for freedom but for the progress of all of our people and people everywhere. So, Mr. Chairman, I say: "Muchas gracias; hasta luego."

SENATE

WEDNESDAY, JUNE 24, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, in whose strong hands are the threads of every man's life, and who under all the wild commotion of days like these dost still control the evil forces which seem for the moment to defeat Thy purpose and hinder Thy Kingdom: Into Thy hands we would commit our lives, with all their powers and all their desires.

We come with heavy burdens on our minds and hearts for our Nation and for the world. We come with deep anxiety concerning the future our children will inherit from our hands. In a world so uncertain about so many things, we are sure of no light but Thine, no refuge but in Thee. Through all the mystery of life, Thy strong arm alone can lead us to its mastery. With Thy benediction, may we face the toil of this day with honest dealing and clear thinking, with hatred of all hypocrisy and sham, and with integrity worthy of the trust the Nation has committed to our hands.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 23, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Santos Buxo, Jr., of Hato Rey, P.R., to be U.S. marshal for the district of Puerto Rico, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The message announced that the House had passed a bill (H.R. 1835) relating to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 221. An act to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period;

H.R. 6041. An act to amend the prevailing wage section of the Davis-Bacon Act, as amended; and related sections of the Federal Airport Act, as amended; and the National Housing Act, as amended;

H.R. 9311. An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite; and

H.R. 9740. An act to establish the Roosevelt Campobello International Park, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 1835) relating to applications for writs of habeas corpus by persons in custody pursuant to the judgment of a State court was read twice by its title and referred to the Committee on the Judiciary.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements during the morning hour be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1965, FOR DEPARTMENT OF AGRICULTURE (S. Doc. No. 82)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for 1965, for the Department of Agriculture (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1965, FOR DEPARTMENT OF AGRICULTURE (S. Doc. No. 83)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for 1965, in the amount of $2,250,000, and a proposed supplemental appropriation for 1964, in the amount of $10 million, both for the Department of Agriculture (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1965, FOR VETERANS' ADMINISTRATION (S. Doc. No. 84)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1965, involving a transfer of funds between accounts of the Veterans' Administration (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate the petition of Restituto Marla, of Leon, Iloilo, Philippines, relating to her claim for a redress of grievances, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 1102).

By Mr. HAYDEN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5514. An act to direct the Secretary of the Interior to sell certain public lands in the State of Arizona (Rept. No. 1104).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2082. A bill to authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Fla., for administration as a part of said park, and for other purposes (Rept. No. 1103).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUMPHREY:

S. 2939. A bill for the relief of Charlott Schulz; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2940. A bill for the relief of Dr. Paulita T. Sikat; to the Committee on the Judiciary.

(See the remarks of Mr. McGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN of North Carolina:

S. 2941. A bill for the relief of Pola Bodenstein; to the Committee on the Judiciary.

By Mr. BEALL:

S. 2942. A bill for the relief of John Acerbi; to the Committee on the Judiciary.

DR. PAULITA SIKAT

Mr. McGOVERN. Mr. President, I introduce, for appropriate reference, a private bill for the relief of Dr. Paulita T. Sikat, who is presently in the United States under the Mutual Education and Cultural Exchange Act of 1961.

Dr. Sikat is a citizen of the Philippine Islands and has pursued medical studies in the United States since June of 1958. She has exhausted her administrative requests with the Waiver Review Board of the Department of Health, Education, and Welfare.

I am advised that she presently is associated with the obstetric and gynecology division of the Sacred Heart Hospital in Yankton and is also a member of the faculty of the Medical School of the University of South Dakota. She is also engaged in professional research in the clinical testing of a new drug, metromidozole, and is the only gynecologist for the Yankton State Hospital, a 2,400-bed mental institution. She is also responsible for the floor care of such patients admitted to the Sacred Heart Hospital in Yankton, a 200-bed general hospital.

I am further informed that efforts have been made by these hospitals to replace Dr. Sikat with a comparable skilled and experienced doctor and that salary offers have ranged from $900 to $1,200 a month. To date, these facilities have not been successful in obtaining a replacement for Dr. Sikat.

For these reasons, I am hopeful that favorable consideration will be given this proposed legislation, lawfully admitting her to the United States for permanent residence as of the date of the enactment of this act and upon payment of the required visa fee.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The bill will be received and appropriately referred.

The bill (S. 2940) for the relief of Dr. Paulita T. Sikat, introduced by Mr. McGOVERN, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED (AMENDMENT NO. 1074)

Mr. LAUSCHE. Mr. President, I submit an amendment to H.R. 11380, known as the foreign assistance bill. I ask that the amendment be printed, and that copies of the amendment be sent to the Foreign Relations Committee. The amendment is sponsored by myself and by the senior Senator from South Dakota [Mr. MUNDT].

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

ADJUSTMENT OF RATES OF BASIC COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES—AMENDMENT (AMENDMENT NO. 1075)

Mr. KEATING submitted an amendment, intended to be proposed by him, to the bill (H.R. 11049) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes, which was referred to the Committee on Post Office and Civil Service and ordered to be printed.

NOTICE OF HEARINGS ON NOMINATIONS OF WILSON COWEN AND PHILIP NICHOLS, JR.

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, July 1, 1964, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Wilson Cowen, of Maryland, to be chief judge of the U.S. Court of Claims, vice Marvin Jones.

Philip Nichols, Jr., of Massachusetts, to be judge of the U.S. Customs Court.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman; the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Nebraska [Mr. HRUSKA].

NOTICE OF HEARINGS ON SENATE BILL 1663

Mr. LONG of Missouri. Mr. President, as chairman of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, I wish to announce that hearings will be held before the subcommittee on S. 1663. It should be noted that this bill has already been subjected to comprehensive study and consideration by the subcommittee and its staff.

After reviewing the comments of many Federal agencies, and after a 3-day series of meetings with leaders of the American Bar Association, the subcommittee had printed a revised version of S. 1663, dated April 20, 1964.

Although the subcommittee will welcome any testimony on the original and unrevised bill, it is hoped that most of the testimony will be focused on the revised print of the subcommittee.

This bill provides extensive amendments to the procedural statute applicable to the proceedings before all administrative agencies. It also includes certain amendments that were introduced in the form of separate bills, S. 1466 and S. 1666. The former provides for the right of licensed attorneys to practice before administrative departments and agencies without meeting admission requirements of the departments and agencies. The latter bill, S. 1666, is the freedom of information bill which sets new and meaningful requirements governing the citizen's right to public information controlled by the administrative departments and agencies.

The hearings will be held at 10 a.m. on Tuesday, Wednesday, and Thursday, July 21, 22, and 23, 1964, in Room 3110 of the New Senate Office Building.

All persons desiring to be heard are requested to notify the office of the Senate Subcommittee on Administrative Practice and Procedure by telephone—225-5617—or by mail to Room 3216, New Senate Office Building, Washington, D.C.

It is requested that prospective witnesses, in compliance with subcommittee practice, file four copies of their statements with the subcommittee at least 48 hours before their scheduled appearance. At the time of their appearance, 50 additional copies should be provided for use of the members of the subcommittee, the press, public, and other agencies.

MONTANA WOMAN WORKING FOR U.S. GOVERNMENT FOR NOTHING GAINS RECOGNITION

Mr. MANSFIELD. Mr. President, I invite the attention of the Senate to the recognition given to Mrs. Marcus Stauduhar, who lives 12 miles north of Dillon, Mont., in the lower Birch Creek area.

She is a lady who has been recognized and honored during the past week for a unique achievement; namely, serving the Government of the United States without pay.

I ask unanimous consent that the news story published in the Montana Standard for June 14, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Woman Who Works for United States for Nothing Gains Recognition

Dillon.—A Dillon woman this week was honored for a rare and unique achievement—service without cost to the Government.

Mrs. Marcus (Ann) Stauduhar, who resides 12 miles north of Dillon in the lower Birch Creek area, has been awarded a special Weather Bureau emblem symbolic of 15 years' service as a nonpaid observer for the U.S. Weather Bureau from her vantage point near the old Apex Station on the Union Pacific Railroad.

Recognition of her noteworthy efforts was disclosed in a letter to the Tribune-Examiner from R. A. Dightman, who commented that "you might like to recognize her contribution of these climate records—for which she has received no remuneration of any kind."

Mrs. Stauduhar's notification of the award follows:

"In June 1964, you completed 15 years as a Cooperative Weather Observer. During that time, your climatological reports have been of great value to the Weather Bureau and the agencies working with them. We are grateful for the opportunity of associating ourselves with you in this worthwhile endeavor.

"In recognition of this association, we are forwarding under separate cover, a length of service emblem in acknowledgment of your long period of service.

"Joining us in congratulating you on this achievement are the Weather Bureau Office in Washington, D.C., the National Weather Records Center in Asheville, N.C., R. A. Dightman, Montana State climatologist, and Edward L. Stensland, field representative."

The letter is signed by R. B. Durrant, chief, regional substation management unit, Salt Lake City, Utah.

ICC AND CONTROL OF FREIGHT CAR RENTAL CHARGES

Mr. HRUSKA. Mr. President, recently the Traffic World, one of the finest specialized magazines which is exclusively reporting in the field of transportation published a thought-provoking editorial entitled "ICC and Control of Freight Car Rental Charges."

Of course, legislation, like almost any other subject, is capable of differing interpretations. The very capable editor of Traffic World, Mr. Joseph C. Scheleen, has presented his views which took the form of an editorial published in the issue of June 13, 1964, of Traffic World. Mr. Scheleen is a most respected man in his field and his views on transportation are entitled to high consideration.

Another view on the incentive per diem bill, S. 1063, is espoused by Eldon Martin, a vice president and general counsel of the Burlington Lines which operates to the west and south of Chicago, Ill. Mr. Martin is a legal expert on the per diem question and one of the Nation's leading transportation lawyers. On June 19, 1964, he addressed a letter to Mr. Scheleen in which Mr. Martin seeks to set the record straight concerning the incentive feature of S. 1063 and the legal question presented in this situation.

Mr. President, I ask unanimous consent to have printed in the Record Mr. Scheleen's editorial and Mr. Martin's letter. Each communication speaks for a point of view which is entitled to be considered in connection with the bill, S. 1063, and the Senate Commerce Committee's report and hearings.

There being no objection, the editorial and letter were ordered to be printed in the Record, as follows:

[From Traffic World, June 13, 1964]

ICC and Control of Freight Car Rental Charges

Underway now in Congress is a new push for enactment of an amended version of a bill that would empower the Interstate Commerce Commission, in exercise of its power to fix the compensation to be paid by railroads for the use of freight cars owned by other railroads, to give consideration to matters by which, according to a Federal court decision handed down in 1947, it cannot now allow its determinations of such per diem charges to be influenced.

A news article in this issue conveys the information that the Senate Commerce Committee has voted to report favorably to the Senate S. 1063—a bill introduced (pursuant to an ICC request) by the committee chairman, Senator Magnuson, Democrat, of Washington, and 34 other Senators—after amending it so as to make it operative only for 2 years after the effective date of the first orders issued by the ICC under the authority that would be granted it by the bill. According to its title, S. 1063 would amend section 1(14)(a) of the Interstate Commerce Act so as to "insure the adequacy of the national railroad freight car supply." On the question whether enactment of S. 1063 will provide such "insurance," opinions in the railroad industry and among other transportation interests are sharply divided.

Whenever there's a freight car shortage or a threat of such a shortage, particularly one affecting movement of grain, there's a revival of agitation for enactment of legislation by Congress to establish freight-car rental rates at levels that would penalize railroads that don't own as many freight cars as the Commission thinks they should own. The frequency of car shortages, particularly shortages of boxcars, has been such that each year for the last 9 years the ICC has included in its annual report to Congress a recommendation that it be empowered to prescribe "penalty" or "incentive" per diem rates. Under the aforementioned court decision, all it can do now is to prescribe compensation, for the use by railroads of cars owned by other roads, that's "reasonable"—which means that the prescribed "compensation" for the car owners can't include any element of a punitive or incentive nature.

Every request by the ICC for legislation to broaden its authority in prescription of per diem charges may be viewed by critics of the agency as a power-grabbing attempt. However, if we were in the Commission's shoes and were having mud pies thrown at us by shippers whenever a car shortage occurred, we would want to be able to tell the complaining shippers that we had tried and would continue to try to persuade Congress to provide needed legislative relief.

This fight between groups of railroads and between groups of shippers over proposed enlargement of ICC authority over freight-car rental payments has flared up sporadically in a long period of years. Within the railroad industry, the adversary lineups haven't changed much. As explained in a Senate hearing nearly a year ago by Allen J. Greenough, president of the Pennsylvania Railroad, the feud is between the "haves" (the roads that own large freight car fleets), on the one hand, and, on the other, the "have-nots." The arguments for and against bills such as S. 1063 are in the main the same now as they were a dozen or more years ago, when legislation of that ilk was being considered in congressional committee hearings.

Then, and for years afterward, the sympathies of many of us who heard the testimony in those hearings were on the side of the "haves." We thought that the daily rental rate for freight cars of all ages and types ($1.75 per car per day from November 1, 1949, to May 1, 1952, when it was raised to $2 per car per day) was too low to fairly compensate the owners for use of the cars. Even after the rental rate later was raised to $2.88 per car per day we felt that roads that owned new cars each of which cost thousands of dollars more than some of the old, creaky, wooden "crates" that were earning the same per diem were getting a sour deal.

Today the freight-car-rental situation has undergone great changes, and it seems likely to undergo additional changes in the direction of improvement, with or without passage of legislation such as S. 1063.

Since January 1, 1964, the per diem rates in effect on the railroads (as a result of a majority vote of those carriers, based on car ownership) have been in six brackets, ranging from $2.16 a day for old cars costing $1,000 or less to $7.74 a day for the newer units, costing $20,000 or more each. The ICC instituted a proceeding last December (T.W., Dec. 28, 1963, p. 51) docketed as Ex parte No. 241, Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices. In this inquiry it is gathering statistics from the railroads showing, among other things, the number of cars owned January 1, 1964, the number of cars installed and retired in 1963, the estimated car installations and retirements in 1964, and the estimated ownership of cars as of January 1, 1965.

It could be noted here that in testimony before the Senate Commerce Committee a year ago in support of S. 1063, the ICC Chairman said that "if this legislation is enacted, the Commission's first step would be to determine the extent to which the railroads are deficient in car ownership * * *." Later, D. L. Manion, president of the American Short Line Association, one of the witnesses opposing S. 1063, referred to the ICC Chairman's proposal for the making of a car-supply study and commented that "it appears to me that the Commission now has authority to make such a study."

From the Association of American Railroads we have learned that the AAR board of directors has authorized the making of a study, by "outside sources," of the per diem situation, with a view to determining whether changes should be made in the per diem rates that are now in effect.

Senators and House Members in Congress from the grain-producing States apparently believe that a system of "penalty" or "incentive" per diem rates prescribed by the ICC will help to prevent boxcar shortages or will minimize the severity of such shortages if they occur. However, taking into consideration the fact that much of the inequity in the freight-car-rental picture has been removed since the present "brackets" of per diem charges were established, we are not convinced that substantial growth of the serviceable freight car fleet will result from enactment of S. 1063 or of some similar bill.

The roads that have the resources are spending impressive amounts now for new, improved freight-carrying equipment. Roads that should own more cars but lack the wherewithal are not likely to be induced by "penalty" or "incentive" per diem charges to make any additions to their freight car fleets.

BURLINGTON LINES,
Chicago, Ill., June 19, 1964.

Mr. JOSEPH C. SCHELEEN,
Editor, Traffic World,
Washington Building,
Washington, D.C.

DEAR MR. SCHELEEN: Your editorial of June 13, 1964, concerning freight car rentals suggests that you may not have done your homework. False premises and assumptions led you to conclusions inconsistent with your reputation for checking your facts, and premises, as a basis for editorial comment.

You recognize, apparently, the fact that car shortages, particularly of boxcars, have become much more frequent and more severe in recent years. Despite the spending of "impressive amounts" for new equipment, the national fleet is at its lowest level since 1900, and, since 1958, the trend has been, and still is, steadily downward.

I trust you will recognize, also, the economic principle that high rentals encourage, and low rentals discourage, the acquisition or construction of equipment (or other property) which can be taken and used by nonowners. Without a diagram of the relation between this truism and the dwindling freight car fleet, I come to your comments about S. 1063.

Have you read the bill? In essence, it says simply that when the ICC is called upon to prescribe per diem charges, it shall consider "the adequacy of the national freight car supply" and prescribe such charges as in its judgment will encourage the acquisition and maintenance of an adequate fleet. These are basic factors which the Commission necessarily must consider if it is to protect the public interest, in addition to the interests of private litigants. Except for the *Palmer* case, 75 F. Supp. 63, which I will discuss later, this would be too clear for argument. In fact, many, if not most seasoned railroad lawyers will tell you that when Congress, in 1920, gave the ICC plenary power to prescribe per diem charges, it undoubtedly thought the Commission should and would consider, in such cases, the public interest in an adequate national car fleet. Under this concept, S. 1063 involves no change of substantive law, but is, rather, a clarification of the congressional intent first expressed in 1920.

Now, let's talk about the Palmer case. You say in effect that, according to that decision, the Commission "cannot now allow its determination of such per diem charges to be influenced" by "the adequacy of the national freight car supply." This is one of the specific "matters" in S. 1063 which it would tell the Commission to "give consideration to." The Palmer case does not forbid consideration of this matter—but, if there is doubt, this is a powerful argument for enactment of S. 1063.

You may also say that, under the Palmer case, "compensation for the car owners can't include any element of a punitive or incentive nature." The Palmer case did condemn the specific "punitive" or "penalty" per diem charges involved in that litigation, which were almost twice as high as the normal charges, and were prescribed as a temporary, emergency effort to expedite the return of freight cars to their owners. But the Palmer case did not, as you imply, condemn per diem charges which provide an "incentive" for car ownership, and encourage investment in such equipment as a method of protecting the permanent public interest in an adequate freight car fleet. It did not—and could not lawfully—condemn per diem charges which are compensatory in a fully remunerative sense, i.e., charges which include an "increment to attract capital," an allowance for inherent ownership risks, a modest profit in addition to "return on investment," obsolescence factors, reimbursement for income taxes paid on rentals collected by car owners (which, of course, are deductible by car users), and other factors—beyond bare bones cost—which make any investment attractive. S. 1063 contemplates no penalty of the type condemned in the Palmer case. It does contemplate incentive of the type outlined above—and why not if an adequate freight car fleet is in the public interest?

Perhaps you confused "penalty" and "incentive" because bills of both types were introduced in earlier sessions of the Congress. But no penalty bills are pending in the present Congress and S. 1063 definitely is not a penalty bill.

You say that "within the railroad industry, the adversary lineups haven't changed much." The facts are that opponents of S. 1063 and its identical predecessors have been dwindling like the car supply. Several former opponents have withdrawn their opposition and at least one important southern road has recently joined the supporting group. Many important shippers support the bill and few, if any, oppose it.

Just a word now about the multilevel scale which became effective January 1, 1964. This was a change in the direction of improvement as you suggest, and constitutes partial recognition of the principles which support enactment of S. 1063. But that scale was opposed by several railroads and is under attack in cases now pending before the ICC. The Commission, in that litigation, must prescribe per diem charges for the future. Surely you will agree that it should prescribe such charges as will "provide just and reasonable compensation to freight car owners, contribute to sound car service practices, and encourage the acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense." This quotation from the bill is the essence of S. 1063.

Very truly yours,

ELDON MARTIN.

INVASION OF MISSISSIPPI

Mr. STENNIS. Mr. President, since the Mississippi invasion was first announced many weeks ago, I have repeatedly and consistently called on those planning the project to abandon it. I have pointed out repeatedly that their drive could only succeed if they could provoke incidents, strife, and violence to get the Federal Government to intervene—that this was the real purpose of those organizations sponsoring this summer project. It was also clear, as I pointed out, that Mississippi had been selected by them as the whipping boy.

As I have pointed out on the floor of the Senate on numerous occasions, the invasion of Mississippi would be an utter failure unless those participating were successful in stirring up strife and violence. Otherwise, their mission would be a failure. The real purpose of those in charge of this drive on my State is to provoke incidents and violence.

I am also deeply concerned about the safety and welfare of the people of Mississippi.

I pray that the missing men will be found safe and sound.

So that the disappearance and the possibility of violence, which I pray has not been the case, of the missing men now in the headlines, is exactly in keeping with the real purpose which the leaders of this movement must accomplish if their mission is to succeed under their own formula. The more incidents they create, the more violence will probably flow. Of course, the more violence they have, the more publicity they will get and the more successful is their mission according to their formula.

The young students and others participating in this invasion are the tools and pawns in the hands of skillful operators. They are being used.

I deplore violence. The people of Mississippi are law-abiding citizens. All of us deplore violence of any kind. I know that the people of Mississippi have shown remarkable patience and restraint while being subjected to the invasion and onslaught of freedom riders, demonstrators, and others traveling thousands of miles for the sole purpose of violating our laws and stirring racial strife and discord.

If violence and bloodshed do erupt as a result of the invasion of my State by these freedom riders, demonstrators, and agitators, the blood will be on the hands of those who planned this drive and who are determined to carry it through regardless of everything else.

I have urged those sponsoring the movement to abandon it. I have called on the President, the Attorney General, the Governors of the States, my fellow Senators, and the parents of the young people involved all to use their influence to keep these young people in their home States, and to stop them from going to Mississippi.

In conferring with Governor Johnson, of Mississippi, by telephone and in sending Mr. Allen Dulles to advise with Governor Johnson and other authorities in their search for the missing persons, the President has shown his concern. I am sure that Governor Johnson appreciates the interest of the President and that he welcomes the assistance of Mr. Dulles. For weeks, Governor Johnson has made clear his deep concern and his determination to do all within his power to preserve law and order within the State of Mississippi.

What is really needed, however, is to get to the root of the trouble. This invasion of Mississippi must be stopped. This is the only way to avoid further incidents, violence, and possible bloodshed.

As one official of my State and as one deeply concerned, I suggest that the President has not yet gotten to the real core of the problem in that he has failed to use the influence of his office and his power of persuasion in stopping this ill-fated movement and crusade.

The President of the United States, with his background and firsthand experience and personal knowledge of the feelings, customs, and traditions of those in the South certainly knows that the continued onslaught of agitators and zealots on the people of the South can only pour salt into an open wound. The

Attorney General should also be aware of this.

I again urge the President and the Attorney General to use his influence and his power of persuasion to stop this invasion immediately.

This is the only effective answer.

I am confident that a firm, positive, and definite statement and recommendation from the President and the Attorney General would stop this invasion in an hour's time.

The ACTING PRESIDENT pro tempore. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I am confident that every Member of the Senate would oppose with all the strength he could muster a parade of invaders into his own State when their announced purpose was to stir up trouble and violate the laws of his State.

Further, I do not believe there is a single Member of the Senate who believes that such a "parade" or "invasion" into any State is the way to improve troubled conditions. On the other hand, I believe that virtually every Member of the Senate knows in his heart that this invasion can only be highly provocative and make the situation even worse.

Mr. President, again I urge that the real need to be considered to get at the core of this problem is to stop this invasion, which can be done, I believe, by the use of persuasion.

Mr. JAVITS. Mr. President, I should like to be recognized at this time for 3 minutes because I could not disagree more with the Senator from Mississippi, and I should like to utilize that time now.

THE FEDERAL RESPONSIBILITY IN MISSISSIPPI

Mr. JAVITS. Mr. President, the tragedy which may have happened to the young boys in Mississippi can neither be ignored nor begged.

The right of a U.S. citizen to travel anywhere in this country, and to help citizens register to vote in that place, if he wishes to, cannot be denied. The residents of Mississippi can travel constitutionally and legally into and around New York. And the residents of New York can travel constitutionally and legally into and around Mississippi. That is why we are a nation, and not a collection of States.

The Federal authority is being directly challenged. The United States cannot tolerate interposition, secession, or a nullification of the Constitution.

The President faces that issue very directly in Mississippi, and if we do not face up to it, we shall have—as we have found to be true in the world—not less trouble, but more trouble, unless we are willing to say right now that the civil rights bill which we have just passed is not going to be complied with in Mississippi.

It is a fundamental proposition that the privileges and immunities of every citizen of the United States—including the right to travel freely throughout every State of the Union, and the right to assist others in the attaining of their constitutional rights, including the right to vote—extends to every State of the United States, notwithstanding the opposition of local officialdom or the local population.

As a necessary corollary to this proposition, it is the responsibility of the Government of the United States to safeguard the enjoyment of these privileges and immunities where they are jeopardized or denied. It is presently—even before final enactment of the pending civil rights bill—a Federal crime to conspire to deprive any person of his constitutional rights. And the 1957 and the 1960 Civil Rights Acts authorize the Attorney General to bring suit to enjoin any intimidation of those who seek to exercise the right to vote.

Under these statutes, the Department of Justice has the power to provide Federal presence, through use of U.S. marshals and agents of the Federal Bureau of Investigation, to attempt to avoid, in advance, the violence and intimidation which seemingly has long plagued activities in Mississippi, as they concern civil rights advocates. This tragic situation has now once again been brought to the Nation's attention by the disappearance of three young members of the Council of Federated Organizations who were on a voter registration drive in Mississippi.

The fullest use of these powers to protect fundamental rights is the issue before the people of the United States today. This was the issue long before the estimated 900 young college people decided to go to Mississippi on this voter registration drive; it is the issue now, and it will remain the issue.

We cannot ignore this situation in any way. The law of the United States must be enforced. George Washington enforced it in the Whisky Rebellion. President Johnson will have to enforce it.

It is a challenge the people of the United States can neither evade nor overlook. It goes directly to the enjoyment of liberty by every American. Our hearts must go out to the parents of these fine young men who are concerned directly. They themselves have recognized the symbolic character of what already has all the most dangerous indications of tragedy. The President of the United States and the Department of Justice are hard at work already as they should be and they are entitled to the support of the Congress and the Nation. They must be supported, and their activities must be implemented with marshals who can be present in Mississippi. The responsibility of the United States cannot be evaded. And it cannot be avoided. It must be faced if we acted in good faith here the other day, after 3 months of debate, in passing the civil rights bill.

However, whatever it takes to guarantee the safety of all these young people must be provided. The presence of U.S. marshals and agents of the FBI in Mississippi, wherever these groups of young college people are in operation, is clearly necessary. In my judgment, there is no similarity between the minimal Federal presence of Federal marshals and agents, as a preventive measure, and an organized Federal police force, which the Nation is naturally reluctant to see established.

The country must resolve to give this safe conduct to its citizens. There is no other way for a sovereign nation. There is no room for interposition, secession or the idea that New Yorkers or the citizens of any other State are foreigners in Mississippi. If this be the confrontation, the Nation must face it unflinchingly and it dare not fail in its responsibility.

COMMITTEE MEETING DURING SESSION OF THE SENATE FOR REMAINDER OF THE WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations and its subcommittees be authorized to sit during the sessions of the Senate for the remainder of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. SALTONSTALL. The Senator asked that the Appropriations Committee be authorized to sit during the sessions of the Senate for the remainder of this week?

Mr. MANSFIELD. Yes.

Mr. SALTONSTALL. Would the Senator not make that for the remainder of the session?

Mr. MANSFIELD. I would like to; but I do not think I can go that far.

Mr. SALTONSTALL. Could it be done for the remainder of the month, until July 1?

Mr. MANSFIELD. That can be discussed later.

COMMITTEE MEETING DURING SESSION OF THE SENATE ON MONDAY NEXT

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Agriculture and Forestry was authorized to meet during the session of the Senate on Monday next.

AUTHORIZATION OF APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—RECONSIDERATION OF BILL

Mr. MANSFIELD. Mr. President, in line with the promise made yesterday, I ask unanimous consent that the bill (H.R. 10456) the NASA authorization bill—which I stated was to be returned to the Senate—be laid down and reconsidered at the conclusion of morning business, including the third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I ask the distinguished majority leader about the schedule for today, and, if possible, for the remainder of the week.

Mr. MANSFIELD. Mr. President, as the Senate knows, yesterday, notice was given that at the request of several Senators, a request would be made to reconsider H.R. 10456. That bill will be laid down at the conclusion of the morning hour.

Yesterday, the Senate agreed to a unanimous-consent agreement allowing 1 hour for this reconsideration.

When action on that bill is concluded, I do not know of anything else on the calendar which will come up. Unless there are any speeches to be made, the Senate will adjourn shortly thereafter.

Tomorrow, on the basis of information which has just reached the leadership, it is the intention to take up the debt ceiling, the excise tax legislation, and the renegotiation legislation.

I would hope now that the distinguished Senator from Mississippi is present, that he will confirm this statement. Has the military construction authorization bill been reported?

Mr. STENNIS. Mr. President, the military authorization bill has been passed on by the full committee. The report will be filed this afternoon. We were hoping that the leadership could arrange to have it taken up by Friday.

Mr. MANSFIELD. Yes. I had discussed this subject with the Senator.

Mr. STENNIS. We were hoping that it would be over for one day. There was virtual unanimity about the bill, I think, in the full committee.

Mr. MANSFIELD. I have discussed this matter with the minority leader. What the chairman of the subcommittee has just suggested would meet with our approval. We would be happy to take it up on Friday, and, if possible, even tomorrow afternoon.

Mr. STENNIS. I wonder if it would be agreeable to the Senator from Massachusetts to be present tomorrow afternoon.

Mr. SALTONSTALL. I shall be very happy to be present. I told the majority leader that I had hoped the bill could be taken up tomorrow afternoon.

Mr. STENNIS. I hope so, too.

Mr. FULBRIGHT. Mr. President, with regard to the NASA bill, I understand that it is to be taken up immediately after the conclusion of the morning hour.

Mr. MANSFIELD. That is correct.

Mr. FULBRIGHT. Amendments to that authorization are in order, I take it.

Mr. MANSFIELD. Within the 1-hour limitation.

Mr. FULBRIGHT. Just 1 hour; to be divided between whom? Will there be a vote for reconsideration?

Mr. MANSFIELD. The vote has already been had. The motion was made by the Senator from Montana, and the Senate agreed to the motion to reconsider.

Mr. FULBRIGHT. Would an amendment to cut the appropriation be in order?

Mr. MANSFIELD. I would assume so.

Mr. FULBRIGHT. I have one at the desk.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. SYMINGTON. Does the amendment to the bill require unanimous consent, inasmuch as there has been a third reading?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that unanimous consent will not be necessary to offer an amendment.

Mr. FULBRIGHT. With regard to H.R. 10456, I wish to state my own position. Last Friday the RECORD showed that the majority leader said that he was going to take up two appropriation bills, followed by the NASA appropriations bill, H.R. 10456. He said in a subsequent part of that statement that they would not necessarily be taken up in that order.

I do not wish to reflect in any way upon the majority leader. But the fact is that a member of my staff informed me that it was anticipated that the bill would be taken up late Monday afternoon, after the Interior authorization bill and the Treasury and Post Office authorization bill, I had material prepared for that time. There was a committee meeting on that day, and other things occurred. The bill was passed before I was aware of it. I know that certain other Members of the body who anticipated some discussion of the bill expected to say a few words about it and possibly offer an amendment.

The RECORD shows very little discussion of the bill. Aside from the insertions, the discussion covers only about three or four pages of the RECORD. The bill, which would authorize $5,300 million, apparently took up only about 30 minutes of the Senate's time, with three or four or perhaps five Senators participating in the discussion.

It seems to me that that is a rather casual way to consider a bill which would authorize the appropriation of $5,300 million. It appears especially casual when the action is compared to the 3 or 4 months that were spent last year in the long debate on a bill such as foreign aid.

Mr. President, last fall I offered an amendment to the NASA authorization bill, and after fairly thorough discussion, 36 Senators voted to cut the authorization for this program, which was then to be given practically the same amount as in the present bill, by $520 million.

At the proper time, when the bill is before the Senate, I intend to call up my amendment, which would undertake to cut by 10 percent the authorization for the manned lunar flight program only, not the overall program, although I would be perfectly willing to support an amendment to cut the total amount.

But in an effort to find some formula that would be agreeable to the Senate, I shall offer my amendment at the appropriate time. The purpose of the amendment is not to stop the program. It is designed merely to change it from a crash program, which I believe is exorbitantly costly and unjustifiably extravagant, to a more rational program that would proceed at a normal pace toward a better understanding of outer space. I shall offer that amendment this afternoon.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield if I have time.

Mr. LAUSCHE. I merely wish to associate myself with the remarks of the Senator from Arkansas. The amendment which he intends to offer ought to be adopted. If anything, the amount of the proposed cut ought to be increased. At this stringent time we ought not——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arkansas may have an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. At this time, when there is a stringency in the supply of money, we should not hasten the effort to place a man on the moon.

Mr. FULBRIGHT. I thank the Senator.

DISAPPEARANCE OF AIDS IN VOTER REGISTRATION DRIVE IN MISSISSIPPI

Mr. KEATING. Mr. President, we all know the Senator from Mississippi to be a man of good will, and so much of his statement has tended to express abhorrence for any acts of violence. Of course we know these remarks come from a sincere heart. However, the whole Nation has been shocked and dismayed by the disappearance of three young people in Mississippi who are there on a legitimate mission to assist in the voter registration drive in that State, and who have a right to be there as long as they do not bring about any violence or are not in breach of the peace. There is no evidence that any of these men were. Two of these missing young people, Michael Schwerner and Andrew Goodman, are New Yorkers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. They were last seen at 10:30 Sunday night when they were released from jail in Philadelphia, Miss., where they had been held for investigation. Their burned car was found last night, but there is no trace of the missing men.

This matter was first brought to my attention at noon last Monday, and I have been in constant touch with the Department of Justice ever since. The Civil Rights Division, the Federal Bureau of Investigation, and the U.S. naval base at Meridian have all joined in the search. Monday afternoon, I spoke by telephone to Mr. Schwerner's wife; yesterday, I saw a group of New York college students who will leave for Mississippi this week, and this morning I spoke to a group of New York parents whose children are participating in this project. In light of the disappearance of these men, others are concerned for their own safety.

While it is, of course, impossible for the Federal Government to provide personal bodyguards for these workers, they are nonetheless entitled to have their own constitutional rights as U.S. citizens protected during their efforts to promote voter registration. Their mission in Mississippi is peaceful. They are there to teach and to aid formerly disenfranchised citizens to register and vote. They are accompanied by clergymen.

Yesterday, I contacted the Attorney General asking that U.S. marshals be sent to Mississippi to protect these young people from violence. I do not suggest that a large force be dispatched, or that an army of Federal law enforcement officials would be appropriate. The project, however, is working in only three areas of the State. The presence of half a dozen marshals would give evidence of a Federal concern and Federal determination to protect the right of all citizens to vote.

Young people leaving for Mississippi have already received threats that they will suffer physical harm. I am confident that officials of the State of Mississippi will do all within their power to preserve law and order. This is their responsibility, and I am sure they will take it seriously. And I appeal to the Senators from Mississippi to express their interest in that regard. The Federal presence in the person of U.S. marshals, however, would be reassuring to the young people involved and their parents, and might deter the repetition of what I fear to be the tragic events of this week.

Our hearts are full for the families involved in this case, and we certainly hope that our fears are groundless.

GOVERNMENT REDTAPE IN THE IMPORTATION OF SCIENTIFIC INSTRUMENTS—THE MICROCALORIMETER FOR THE UNIVERSITY OF COLORADO

Mr. DOMINICK. Mr. President, yesterday the distinguished Senator from Montana [Mr. MANSFIELD] was kind enough to call up for consideration a bill (H.R. 4364), which would permit the importation into the United States of certain scientific instruments for research purposes without the need of paying import duties on them. He was kind enough to permit us to add to the bill a microcalorimeter which has been purchased by the University of Colorado from France.

A microcalorimeter is an instrument which is used to measure very minute weight particles of heat radiated over a long period of time. The instrument is not produced domestically at all. After continued research programs it was necessary for the university to purchase the instrument and bring it into this country. I am hopeful that the House will accept the amendments which have been included by the Senate. I appreciate the courtesies which were extended to us.

In the process of acting on the request I was struck somewhat with the complexity of government. The calorimeter is an instrument which is needed in a research program funded by the Bureau of Public Health originally. It is being used in a State-supported university. But in order to waive the import taxes on that particular piece of instrumentation, it was necessary to receive clearances from the Department of Commerce, the Department of Agriculture, the Department of State, the Department of the Treasury, and the Bureau of the Budget—all of which we received. It seems somewhat ironical to me to consider that when we have a research program funded largely by the Government and we get equipment with Government funds for the purpose of improving research, we are then required to obtain clearance from five agencies of Government to obtain the instrument without paying duty on it. A more or less private bill must be passed by both Houses of Congress in order to make the action effective. It seems to me that perhaps general legislation is needed, as has been suggested by several of the departments. Perhaps we should work toward that end.

AUTHORIZATION OF APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. DOMINICK. Mr. President, I am in support of many of the points that the Senator from Arkansas [Mr. FULBRIGHT] brings up in connection with the NASA authorization bill.

I ask unanimous consent to have printed at this point in the RECORD an article from the Reader's Digest, entitled "How Haste in Space Makes Waste," which I think gives us a very good indication of the necessity to cut back some of the wasteful spending going into the program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW HASTE IN SPACE MAKES WASTE

(By Joe Alex Morris)

The U.S. space program has two faces, and—like the moon at which much of it is aimed—one face is familiar to everybody; the other is largely unknown.

The widely publicized face represents great scientific and technological achievement, with potential benefits of vast importance to our future welfare and security. With the successful orbiting of almost 60 scientific and military payloads in 1963 (compared with 17 for the Russians), some of this potential is beginning to be realized.

Unhappily, the space program's little-known face reflects the swiftest mushrooming of a bureaucratic empire in history, with an unprecedented potential for waste, blunders, mismanagement, selfish political pressures and outrageous pork-barrel grabs of the taxpayers' dollars. Some of this deplorable potential has been realized, and a great many thoughtful people, both in and out of Government, are beginning to ask some searching questions about our long-range space spending.

For example: Is so much headlong and extravagant speed in our nonmilitary space effort setting a disastrously expensive precedent for future interplanetary exploration? Will we find that the possible propaganda benefits of beating the Russians to the moon are not worth all the mistakes and confusion, the wasted billions, which inevitably attend a high-pressure program of this magnitude? Can we continue such a costly pace (studies now are being made for a possible manned flight to Mars in 1973) without courting national bankruptcy?

In the almost 6 years of its existence, the National Aeronautics and Space Administration (NASA) has spent about $12.6 billion, six times the cost of the wartime Manhattan project, which produced the atomic bomb. At its present rate of expenditure—about $5.3 billion a year—total appropriations will have topped $44 billion by the time of the moon launching, if it comes, in 1970. This adds up to about $30 a year for every man, woman, and child in the United States.

BIGGER THAN ALL OUTDOORS

Everything about NASA's program is so huge that it almost defies comprehension. Whole new industrial complexes have sprung up in answer to its demands, and new housing facilities for its people spread across the landscape.

Brevard County in east central Florida, where Cape Kennedy is located, is typical. Its population jumped from 23,652 in 1950 to 153,000 in 1963, and is expected to climb to at least 250,000 by 1970. Now the older installations on Cape Kennedy are inadequate for the enormous Saturn V moon vehicle, which will stand 362 feet high, develop a thrust of 7,500,000 pounds and cost $100 million apiece. Consequently, NASA purchased a new 88,000-acre launching site on nearby Merritt Island at about $200 an acre. Here it is constructing—for an estimated $750 million—a complex of 50 buildings and pads, 17 miles of railroad, a 4-lane causeway, a bank, hospital, police and fire stations, and a heliport.

The key item in this installation is an unbelievable vertical assembly building. It will cost $100 million, and will be taller than any structure south of the Washington Monument, and larger in cubic volume than the Pentagon. To provide a solid foundation for the building, it was necessary to drive over 4,000 steel pipes 160 feet down to limerock. Total cost of the foundation: $8 million.

The Florida space complex is only one of a dozen major NASA installations and numerous secondary facilities—such as the Marshall Space Flight Center in Alabama, the Ames Research Center in California, the Michoud plant on the outskirts of New Orleans, a new testing area in Hancock County, Miss., and the Manned Spacecraft Center at Houston. Nobody can estimate accurately what percentage of NASA's huge expenditures—especially those for research and development—is wasted. In anything as new as space exploration there are bound to be some errors and false starts. Yet evidence is mounting, month by month, that speed and the bungling which it breeds have resulted in flagrant and needless waste.

MISCALCULATED RISKS

For example, a mistake in specifying the permissible weight of the Surveyor spacecraft designed to orbit the Moon made it necessary to redesign the craft completely, increasing the cost by $20 million.

The General Accounting Office (GAO) estimated in 1963 that bungling by NASA and private industry cost taxpayers $100 million in the Atlas-Centaur launch vehicle development program. Management of this project (since reorganized) was described as "less than adequate." To cite only one error, the first Centaur vehicle blew up 54 seconds after its launching in May 1962—a failure which should have been foreseen and avoided, a board of inquiry found, because data available 20 months earlier indicated that the Centaur weather shield was not designed to withstand the pressure it would meet.

NASA's 1962 probe of the planet Venus was officially hailed as highly successful. Take a look, however, at the history.

In 1960 it was decided to launch an 1,100-pound Mariner spacecraft atop an Atlas-Centaur booster in the summer of 1962, to reach Venus when the planet would be in the most favorable position in relation to the Earth. The craft would carry 16 instruments to report on conditions on and around Venus. It soon became apparent, however, that the Atlas-Centaur would not be ready in time. The target date could have been delayed 19 months until Venus was again in a favorable position. Instead, NASA had the Mariner redesigned—at a cost of $4 million

The new version, weighing only 447 pounds, was launched late in July 1962 atop an Atlas-Agena B rocket. But because of an error in the programing of automatic steering instructions, the rocket went haywire and had to be destroyed. Cost: $20 million. Then, on August 27, Mariner II was launched. It subsequently passed within 21,000 miles of Venus.

This in itself was a notable technological achievement. "But it was more of a stunt than a contribution to science," a noted scientist said recently. "When the size of the Mariner was reduced by more than half, 8 of the 16 scientific instruments aboard had to be dumped. As a result, the spacecraft was not properly equipped. The project added virtually nothing to our knowledge of the planet. The NASA people were in too big a hurry."

CART BEFORE THE HORSE

Lax management may have been a major cause of waste in Project Ranger. This project is under the technical direction of the Jet Propulsion Laboratory at Pasadena through a million-dollar-a-year NASA contract with the California Institute of Technology. In the Ranger program, which so far has cost some $250 million, there have been six failures in six attempts to make close-up photographs of the moon. NASA officials investigating the failures reported that the laboratory had resisted proposed changes to improve reliability of the spacecraft, and had followed a "shoot and hope" policy in its testing.

Some of NASA's major problems have arisen from the fact that research and development have been conducted concurrently instead of making sure, as one Congressman put it, that "the scientific homework is completed before trying to build something." In other words, the desire for speed has tended to get the cart before the horse.

Consider Project Rover—an attempt to produce a nuclear-powered rocket for deep space travel—which so far has cost NASA and the Atomic Energy Commission about $450 million. In the hope of completing the project sometime in the 1970's, work had been proceeding on three stages of development simultaneously: testing prototype reactors on the ground, design and construction of a nuclear rocket, and reactor-in-flight tests. But the first stage of ground testing last year was an outstanding failure, largely because of insufficient research. The whole program had to be rearranged, and Rover's schedule is now highly uncertain. Nobody can say accurately how much of the original $450 million was wasted by the attempted speedup.

THE MONEY MOON

A vivid inside view of the fantastic and wasteful costs involved in any vast crash program is provided by the early history of Project Apollo—the attempt to place men on the moon. When the moon trip was first discussed, NASA's administator, James E. Webb, and his top assistants ordered a detailed study of what would be required and what it would cost. They found that thousands of different elements were needed, from huge launch pads to space suits to wear on the moon. The total tab was about $12.5 billion.

But experience told them they didn't yet have the correct figure. So Webb added an "administrator's markup" of about 60 percent. That brought the total to $20 billion, which President Kennedy then announced as the estimated cost of Project Apollo.

The record demonstrates, however, that NASA cost estimates—even after arbitrary markup—suffer from a powerful tendency toward escalation. Costs of given projects often double or triple before completion. Project Mercury for manned orbit of the earth began as a $200 million program but ended up costing almost $400 million. Project Gemini to put two men into orbit was first estimated at $500 million, but the program has expanded rapidly and will top a billion. The Manned Spacecraft Center in Texas rapidly grew from an original $60 million estimate to a $250 million installation. Most experts now believe that the price tag for placing men on the moon will double—that NASA will have spent some $40 billion on Apollo by 1970.

In the end Project Apollo itself could turn out to be the greatest waste. Many authorities believe it is highly unlikely that man can reach the moon in this decade. As yet, we haven't even been able to land instruments to determine what is on the surface of the moon. Recent discoveries raise a question whether the danger of radiation from solar flares may be far greater for moon voyagers than previously believed. And there are many other stubborn problems yet to be solved.[1]

Even assuming eventual success, enormous waste was built into Project Apollo by turning it for propaganda reasons into a crash program. The political decision to put men on the moon by 1970 was made hurriedly—"over a weekend," one NASA scientist remarked caustically—and at a time when even the ablest scientists could not foresee the magnitude of the task. The decision meant that, instead of developing space capability step by step, the project was vastly speeded up to keep Apollo on schedule at any cost.

COST PLUS

Further waste was built into our space program because, in the past, most NASA research and development projects have been on cost-plus-fixed-fee contracts. The fee or profit is fixed in advance, but the contractor's costs are paid as they accrue. In some cases, of course—especially in research and development, where costs may be unknowable in advance—this system is essential. But its defect is that contractors, knowing they will be repaid anyway, sometimes grow careless about how much they spend.

Only in recent months has NASA begun to exert better control—through incentive contracts—over spending of contractors. Since some of the spiraling costs come about because NASA changes objectives as a program progresses, aims should be more accurately determined before the contracts are let.

WHO'S RESPONSIBLE?

It would be easy but unreasonable to place all the blame for waste in our space program on NASA's management. To be sure, the agency has demonstrated an uninhibited ability to spend money, but it also has been asked to perform a near miracle in getting the United States to the top fast in space capability. Haste, as usual, has made waste, and the responsibility rests primarily upon the administration and Congress.

Administrator Webb insists that, after several reorganizations during the past 2 years, the agency has been brought under efficient control and "the right people have been put in the right spots." One can hope that this is true. One can also hope that, as we move to the other projects even more daring and difficult, Congress will remember Webb's statement: "Our space program has a brake as well as a throttle. We can and will operate on whatever money Congress comes up with."

Right there, of course, lies the crux of the problem. It is not easy to apply the brake. The States and communities that now benefit hugely from NASA spending also exert powerful pressure to keep the golden stream of dollars flowing, while the States that have been left out clamor for their share. This leads to political deals—and to a skyborne porkbarrel, which already has become a powerful factor in economic life here on earth.

CIGARETTE ADVERTISING

Mrs. NEUBERGER. Mr. President, my admiration for the regulatory agencies of our country has been greatly enhanced this morning because of a report from the very able Chairman of the Federal Trade Commission, Mr. Paul Rand Dixon, before the House Commerce Committee that that Commission has just issued final trade regulation rules affecting the deceptive and unfair advertising and labeling of cigarettes.

If there is any branch of our Government that is representative of the consumer, it is the fourth branch, the regulatory agencies. The great interest in the Surgeon General's report, in the publication of material in many popular magazines, in the report of the American Cancer Society, and others, shows that the public is concerned with what its Government proposes to do about the connection between smoking and disease.

Mr. President, in the tradition of our beloved late colleague, Estes Kefauver, Paul Rand Dixon is carrying on to protect the public in this area.

I wish to read a couple of brief excerpts from the cigarette advertising rules issued less than an hour ago. The Federal Trade Commission ruled:

> It is an unfair or deceptive act or practice within the meaning of section 5 of the

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[1] See "The Fantastic Hazards of Landing on the Moon," the Reader's Digest, September 1963.

Federal Trade Commission Act to fail to disclose, clearly and prominently, in all advertising and on every pack, box, carton, or other container in which cigarettes are sold to the consuming public that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

Advertising includes all radio and television commercials, newspaper and magazine advertisements, billboards, posters, signs, decals, matchbook advertising, point-of-sale display material, and all other written or other material used for promoting the sale or consumption of cigarettes, but does not include the labeling of packs, boxes, cartons, and other containers in which cigarettes are sold to the consuming public.

I ask unanimous consent that this rule from the Federal Trade Commission together with the accompanying statement be printed in the RECORD. I am asking unanimous consent that it be done, though it is longer than the usual insert, because of the great interest in the rule and the fact that limited copies are available.

There being no objection, the rule and statement were ordered to be printed in the RECORD, as follows:

Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking

Paragraph 1. The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 United States Code, section 41, et seq., and the provisions of subpart F of the Commission's Procedures and Rules of Practice, 28 Federal Register 7083–94 (July 1963), has conducted a proceeding for the promulgation of a trade regulation rule, or rules, for the prevention of unfair or deceptive acts or practices in the sale of cigarettes. Notice of this proceeding, including a set of proposed rules, was published in the Federal Register on January 22, 1964 (29 F.R. 530–32). Interested parties were therefafter afforded an opportunity to participate in the proceeding through the submission of written data, views, and argument and to appear and express orally their views as to the proposed rules and to suggest revisions thereof and amendments and additions thereto. In adopting this rule, the Commission has given due consideration to all such views, data and arguments together with all other relevant matters of fact, law, policy, and discretion.

Paragraph 2. The Commission, on the basis of the findings made by it in this proceeding, as set forth in the accompanying statement of basis and purpose of trade regulation rule, hereby promulgates as a trade regulation rule its determination that in connection with the sale, offering for sale, or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of cigarettes it is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. sec. 45) to fail to disclose, clearly and prominently, in all advertising and on every pack, box, carton, or other container in which cigarettes are sold to the consuming public that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

Paragraph 3. For purposes of this rule:

1. "Cigarette" means any roll of tobacco wrapped in paper or otherwise commonly considered a cigarette.

2. "Advertising" includes all radio and television commercials, newspaper, and magazine advertisements, billboards, posters, signs, decals, matchbook advertising, point-of-sale display material, and all other written or other material used for promoting the sale or consumption of cigarettes, but does not include the labeling of packs, boxes, cartons, and other containers in which cigarettes are sold to the consuming public.

Paragraph 4. In the event that any person subject to this rule is of the opinion that new or changed conditions of fact or law, the public interest, or special circumstances require that the rule be suspended, modified, waived, or repealed as to him, or otherwise altered or amended, such person may file with the Secretary of the Commission a petition to reopen this rulemaking proceeding, stating the changes desired and the grounds therefor. The Commission will act on the petition as provided in section 1.66 of the Commission's Procedures and Rules of Practice.

Paragraph 5. Except with respect to advertising, this rule shall become effective January 1, 1965.

Paragraph 6. With respect to advertising, this rule shall become effective on July 1, 1965; *Provided, however,* That the Commission will entertain an application filed prior to May 1, 1965, by any interested party to postpone the effective date or otherwise suspend, modify, or abrogate the provisions of the rule as to advertising, upon a showing of such change in circumstances as to justify such requested action in the public interest.

Issued June 22, 1964.

By the Commission.

JOSEPH W. SHEA,
Secretary.

Separate Statement by Commissioner MacIntyre

I have disagreed with the Commission on the nature of the action and the point of time remedial action should be made effective. It is my view that the Commission's findings and conclusions appropriately are to be considered as an implementation of the findings and conclusions heretofore made in the report of the Advisory Committee to the Surgeon General on "Smoking and Health" and therefore a part of "phase I" of the work of the agencies having responsibility in this matter. This "phase I" is referred to on page 8 of the report of the Advisory Committee to the Surgeon General on "Smoking and Health." It is my view that undertaking remedial action appropriately may be referred to as a part of "phase II." This phase of the handling of this problem also is discussed at page 8 of the report on "Smoking and Health."

No one can deny the importance of "phase II" or of anything done to implement it. Now that the problem is before us, many are suggesting ways and means for its solution. The vastness and importance of the problem requires that we be fairly correct in our solution before we apply it in all of its details and ramifications. This is a matter about which we cannot afford to make a mistake.

For these reasons, I have suggested to the Commission that instead of the remedial action it is taking, it should serve notice that the Commission considers it to be an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to fail to disclose, clearly and prominently, in all advertising and on containers in which cigarettes are sold to the consuming public, an appropriate warning to the effect that cigarette smoking is a health hazard of the nature and to the extent found in the Surgeon General's Advisory Committee report on "Smoking and Health," January 11, 1964. This would leave the specific wording and other details of such warning to be worked out and evolved as developments unfold. These developments are now in evidence on all sides. Moreover, I would set the effective date for the full compliance with proper wording and in all detail, as July 1, 1965. This latter feature of my proposal would provide both the Commission and the industry members with opportunity to evolve complete compliance with the law in the most realistic and effective manner required by the public interest.

What the Commission has done through its implementation of phase I and what other agencies have done and are doing in that regard, will provide guidance for all concerned on the proper solution of this problem in the light of the developments from day to day through the period from now until July 1, 1965.

Statement of Basis and Purpose of Trade Regulation Rule for the Prevention of Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking

I. INTRODUCTION

A. Past Commission actions in the field of cigarette advertising and public health

The present Trade Regulation Rule proceeding is the culmination of many years of activity and concern by the Federal Trade Commission with respect to the lawfulness under the Federal Trade Commission Act (15 U.S.C. 41, et seq.) of cigarette advertising,[1] in the light of the questions of human health that have been raised concerning cigarette smoking. The Commission's jurisdiction over unfair trade practices in commerce extends, of course, to the merchandising of cigarettes as of other consumer products, and the Commission has been very active in this field since the 1930's.[2] Between 1945 and 1960 the Commission completed seven formal cease-and-desist order proceedings against cigarette manufacturers involving medical or health claims made in their advertising.[3] Many other proceedings have been settled informally.[4]

On September 15, 1955, the Commission promulgated Cigarette Advertising Guides

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[1] Unless otherwise indicated, "advertising," as used throughout this report, includes labeling and all other promotional materials.

[2] See *Julep Tobacco Co.*, 27 F.T.C. 1637 (1938) (stipulation forbidding claims that Julep cigarettes help counteract throat irritations due to heavy smoking and never make the throat dry or parched); *Green River Tobacco Co.*, 27 F.T.C. 1547 (1938) (stipulation with respect to claims as to mildness and coolness).

[3] *R. L. Swain Tobacco Co.*, 41 F.T.C. 312 (1945); *P. Lorillard Co.*, 46 F.T.C. 735, order modified, *id.*, at 853, aff'd, 186 F. 2d 52 (4th Cir. 1950), contempt proceeding, 6 F.T.C. Statutes and Court Decisions 490 (4th Cir. 1959); *R. J. Reynolds Tobacco Co.*, 46 F.T.C. 706 (1950), modified, 192 F. 2d 535 (7th Cir. 1951), on remand, 48 F.T.C. 682 (1952); *American Tobacco Co.*, 47 F.T.C. 1393 (1951); *Philip Morris & Co., Ltd.*, 49 F.T.C. 703 (1952), vacated and remanded on motion of Commission, 5 F.T.C. Statutes and Court Decisions 790 (D.C. Sir. 1953), complaint dismissed on affidavit of abandonment, 51 F.T.C. 857 (1955); *Liggett & Myers Tobacco Co.*, preliminary injunction denied, 108 F. Supp. 573 (S.D.N.Y. 1952), aff'd mem., 203 F. 2d 956 (2d Cir. 1953), decision of Commission, 55 F.T.C. 354 (1958); *Brown & Williamson Tobacco Corp.*, 56 F.T.C. 956 (1960) (consent order). These proceedings are discussed at various points in this report. In addition, Appendix A to the report contains a brief summary of the acts or practices involved in every one of the Commission's past proceedings in the field of cigarette advertising, including those settled by stipulation.

[4] See notes 2 and 3 supra and Appendix A.

(App. B, infra; see FTC Ann. Rep., 1960, p. 82). Among other things, they prohibit representations, in cigarette advertising or labeling, which refer to either the presence or absence of any physical effects from cigarette smoking, or which make unsubstantiated claims respecting nicotine, tars, or other components of the cigarette smoke, or which in any other respects contain misleading implications concerning the health consequences of smoking cigarettes or the advertised brand. In 1960, the Commission obtained the agreement of the leading cigarette manufacturers to discontinue the confusing and unsubstantiated representations of tar and nicotine content which had characterized the so-called tar derby. (FTC Ann. Rep., 1960, p. 82.)

Since the promulgation of the cigarette advertising guides, the Commission has maintained a close and continuous scrutiny of cigarette advertising practices, and has been deeply attentive to the progress of medical research into the health aspects of cigarette smoking. The Commission's staff has monitored all cigarette advertising during this period, and continues to monitor it today. Close contact has been maintained with the officials of the cigarette industry and with the public and private bodies that have been engaged in scientific research in this field.

With the mounting evidence, in recent years, of the very grave hazards to life and health involved in cigarette smoking (see pt. II of this report, infra), the Commission's concern with fulfilling its statutory responsibilities in the area of cigarette merchandising has increased. The Commission's request for technical guidance from the U.S. Public Health Service on the labeling and advertising of tobacco products was among the factors which led the Surgeon General of the Public Health Service to announce, on June 7, 1962, that he was establishing an expert Advisory Committee to undertake a comprehensive review of all data on smoking and health.[5] This action was approved by President Kennedy on the same day (ACR 8). The Associate Chief of the Division of Scientific Opinions of the Commission's Bureau of Deceptive Practices, a medical doctor, was one of the observers from interested Federal agencies who participated in the initial deliberations of the Advisory Committee.

Months before the completion of the Report of the Surgeon General's Advisory Committee, the Commission organized, from among members of its staff, a task force consisting of attorneys, physicians, and economists, to review and make recommendations with respect to the Commission's responsibilities in the field of cigarette advertising and labeling. The Commission was prepared, when the Advisory Committee's Report was released on January 11, 1964, to act upon the Surgeon General's statement (made in announcing the release of the report) that, "Out of its long and exhaustive deliberations the [Advisory] Committee has reached the overall judgment that cigarette smoking is a health hazard of sufficient importance in the United States to warrant remedial action." (See FTC news release, Jan. 11, 1964.) On the same day, the Commission announced that it would "move promptly, within the scope of its statutory jurisdiction and responsibilities, to determine the remedial action which it should take in the public interest." (Ibid.)

B. The trade regulation rule proceeding

On January 18, 1964, the Commission issued a Notice of Rulemaking Proceeding for the Establishment of Trade Regulation Rules for the Advertising and Labeling of Cigarettes (app. C, infra). The notice, including a set of proposed trade regulation rules, was published in the Federal Register (29 F.R. 530–32 (Jan. 22, 1964)) and copies were sent to all known cigarette manufacturers and to other interested parties, including public health officials, physicians, consumer organizations, and Members of Congress.

The notice set forth the Commission's tentative views with respect to the requirements of the Federal Trade Commission Act, as applied to the advertising and labeling of cigarettes, in the light of the report of the Surgeon General's Advisory Committee. It stated:

* * * * *

"Protection of the consuming public from false, misleading, deceptive or unfair advertising (including labeling) of products that may endanger human health or safety is a prime duty of the Commission. The Commission has reason to believe that much current cigarette advertising may violate the laws administered by the Commission, in that it may prevent or hinder large numbers of consumers from recognizing and appreciating the nature and extent of the substantial health hazard of cigarette smoking.

"Specifically, the Commission is concerned with two ways in which cigarette advertising may be unlawfully misrepresenting or concealing the health hazards of smoking. First, the Commission has reason to believe that many current advertisements falsely state, or give the false impression, that cigarette smoking promotes health or physical well-being or is not a health hazard, or that smoking the advertised brand is less of a health hazard than smoking other brands of cigarettes.

"Second, the Commission has reason to believe that much current advertising suggests or portrays cigarette smoking as being pleasurable or desirable, compatible with physical health, fitness or well-being, or indispensable to full personal development and social success, without at the same time reminding the consumer of the serious health hazard of cigarette smoking. Such advertising may create a psychological and social barrier to the consuming public's understanding and appreciation of the gravity of the risks to life and health involved in cigarette smoking.

* * * * *

"It is established that a seller may not misrepresent, whether affirmatively or by failure of disclosure, the dangers to health or safety involved in using his product. Similarly, a literally true claim regarding the consequences to health or safety of using the product may nevertheless be deceptive because of failure to disclose material facts that limit and qualify the claim. The facts and the public interest may require application of these principles to cigarette advertising and labeling. Thus, if the dangers to health involved in cigarette smoking are so serious that knowledge and appreciation of them would be material factor in influencing a person's decision whether, or how much, to smoke cigarettes or a particular brand of cigarettes, affirmative disclosure of these dangers in cigarette advertising may be a necessary antidote to advertising which, by design or otherwise, may tend to cloud or obscure public consciousness of the health perils of cigarette smoking.

* * * * *

"[T]he Commission invites consideration of the question whether, in the exercise of its statutory jurisdiction and responsibilities, the Commission should promulgate a Code of Fair Cigarette Advertising (under subparts E of F of the Commission's Procedures and Rules of Practice) intended especially to protect the youth of the Nation against unfair or deceptive acts or practices in cigarette advertising. The extensive advertising on television for cigarettes, on programs widely watched by young people, continuously projecting an image of cigarette smoking as a socially desirable and accepted activity, consistent with good health and physical well-being, may have a great impact on impressionable young minds, and may block appreciation of the serious health hazards of smoking cigarettes. There is evidence that "Men who began smoking before age 20 have a substantially higher death rate than those who began after age 25." (Advisory Committee's Rept., p. 29.) This suggests the importance of protecting young people, lacking mature judgment, from being unduly influenced by cigarette advertising to take up smoking, a habit difficult to break. (Id., p. 34.)"

The proposed trade regulation rules published with the notice provides:

"Rule 1: Either one of the following statements shall appear, clearly and prominently, in every cigarette advertisement and on every pack, box, carton and other container in which cigarettes are sold to the public:

"(a) 'Caution—Cigarette Smoking Is a Health Hazard: The Surgeon General's Advisory Committee on Smoking and Health has found that "cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate' "; or

"(b) 'Caution: Cigarette smoking is dangerous to health. It may cause death from cancer and other diseases.'

"Rule 2: No cigarette advertisement[5a] shall state or imply, by words, pictures, symbols, sounds, devices or demonstrations, or any combination thereof, that smoking the advertised cigarettes (a) promotes good health or physical well-being; (b) is not a hazard to health; or (c) is less of a hazard to health than smoking other brands, except that a specific and factual claim respecting the health consequences of smoking the advertised cigarettes may be advertised if (1) the advertiser, before making the claim, has substantial and reliable evidence to prove the accuracy and significance of the claim; and (2) all facts material to the health consequences of smoking the advertised cigarettes are clearly, prominently and intelligibly disclosed in close conjunction with the claim.

"Rule 3: No cigarette advertisement shall contain any statement as to the quantity of any cigarette—smoke ingredients (e.g., tars and nicotine) which has not been verified in accordance with a uniform and reliable testing procedure approved by the Federal Trade Commission."

The notice further stated that all interested persons were invited to file written data, views or argument concerning the proposed rules and the subject matter of the trade regulation rule proceeding with the Commission. The original time limit for such submissions was March 2, 1964, but was subsequently extended to May 15, 1964.[6] The Commission received, and has made a part of the public record of this proceeding, more than 500 letters and other documents from physicians and scientists, lawyers, psychologists, and other persons, and organizations of all kinds, commenting on the proposed rules and the subject matter of the proceeding.

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[5] Smoking and Health—Report of the Advisory Committee to the Surgeon General of the Public Health Service [hereinafter cited ACR], p. 8 (January 11, 1964). This report has been made a part of the public record of this proceeding; it is Ex. A. (As used herein, "Ex." refers to documents in the public record of this proceeding and "R." to the transcript of the public hearings in the proceeding.)

[5a] For purposes of Rules 2 and 3, "advertisement" includes labeling. [Footnote in original.]

[6] R. 6–7 (opening statement of Chairman Dixon); F.T.C. News Release, April 14, 1964.

Public hearings were held before the members of the Commission, commencing at 10 a.m., on March 16, 1964, and concluding on the afternoon of March 18. All persons desiring to express orally their views on the proposed rules and the subject matter of the proceeding were permitted to do so. The stenographic transcript of these hearings is 538 pages in length and has been made a part of the public record.

The witnesses at these hearings included a spokesman for the Tobacco Institute (the trade association of the cigarette industry), the Vice Chairman of the Surgeon General's Advisory Committee, the president of the American Cancer Society, prominent doctors and research scientists, Members of Congress, representatives of business, advertising, and consumer groups, and many others.

At the Commission's direction, the staff of the Commission prepared certain materials for inclusion in the public record of this proceeding. The Division of Scientific Opinions of the Bureau of Deceptive Practices gathered and excerpted statements on cigarette smoking and health by United States and foreign health associations, medical societies, governmental health bodies, and officials of international health organizations.[7] The Bureau of Economics prepared and submitted a 288-page report on cigarette advertising and output (Ex. C). This report includes a study of the role of the cigarette industry in the American economy and a study of cigarette consumption and advertising expenditures. Along with the report, the Bureau submitted six volumes of representative cigarette advertisements. The cigarette manufacturers were informed of the submission of these staff reports and were granted a 1-month extension of time within which to submit views, argument and data thereon, should they desire to do so.[8]

In the notice of rulemaking proceeding, in the proposed rules themselves, and in the staff reports to which reference has been made, a full and clear indication of the tentative views of the Commission on the subject matter of this proceeding was given. The Commission made every effort to insure that the cigarette manufacturers, as well as all other interested persons, had actual and sufficient notice of the proposed courses of remedial action under consideration by the Commission. The Commission desired and expected that the cigarette industry would cooperate in the Commission's efforts to fulfill its statutory responsibilities in the field of cigarette advertising. The industry, however, chose to make only a limited presentation in the proceeding. It took the position that the Commission lacks authority to conduct such a proceeding and, alternatively, that if the Commission has such authority, it should not exercise it at this time.[9] The industry has submitted no data or information with respect to such matters as the health hazards of cigarette smoking, the prospects for development of less hazardous cigarettes, and the purpose and effects of cigarette advertising.[10]

C. The limits of the Commission's role in the field of cigarette smoking and public health

The Commission's jurisdiction is limited to unfair or deceptive trade practices. It has no general jurisdiction of public health or morals. In attempting to fulfill its statutory responsibilities to prevent unfair or deceptive cigarette advertising and labeling, the Commission should not be understood as attempting a comprehensive solution to the problem of cigarette smoking and public health, a vast social problem. Labeling and advertising restrictions could not, in any event, provide a complete answer to the social, moral, medical, and economic issues raised by the widespread incidence of the smoking habit, especially among young people. But it does not follow that the Commission should not perform its clear statutory duties with respect to unfair or deceptive trade practices in the cigarette industry. The very gravity of the problem[11] makes it unthinkable that the Commission should abdicate its responsibility to take such remedial action as the law and the public interest require.

II. THE HEALTH HAZARDS OF CIGARETTE SMOKING

A. Introduction: The background of the Advisory Committee's report

Scientific investigation into the association of tobacco use with various diseases began at least as early as 1900, but relatively little research was done until 1939, when the first controlled retrospective study of smoking and lung cancer was conducted.[12] Similar work was published in 1943, 1945, and 1948.[13] The investigatory pace quickened in 1950, when four such studies were published.[14] In 1952, two more were published[15] and in 1953, four more.[16]

The year 1954 was a watershed in the history of smoking research. Four more retrospective surveys added to the accumulation of evidence indicating a relationship between smoking and lung cancer.[17] Perhaps more important, the first results of prospective studies were published.[18] Dr. Joseph Berkson has testified to the great popular impact of these prospective studies, noting that when the first Hammond-Horn report was published, "the conclusion [was] * * * firmly announced, at least in the newspapers, that smoking causes cancer of the lung. * * * [W]e all heard, if in no other way than through vivid reports in the newspapers, that some investigations had shown conclusively that smoking causes cancer of the lung."[19]

In 1954, the accumulated evidence linking smoking with lung cancer made a sharp impact on the scientific community at large. The Public Health Cancer Association and the American Cancer Society adopted resolutions acknowledging an apparent association of smoking with lung cancer, and the British Ministry of Health published a report on "Smoking and Lung Cancer."[20] And it was early in 1954 that tobacco manufacturers, growers and warehousers, "prompted by the appearance of certain publications claiming an established relationship between cigarette smoking and lung cancer," established the Tobacco Industry Research Committee to sponsor research into questions of tobacco and health and to "communicate authoritative factual information on the subject to the public."[21]

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[7] The excerpts are Ex. B; the underlying statements from which the excerpts are taken are contained in Appendices to Ex. B.

[8] The staff materials were made a part of the public record on April 10, 1964. On April 14, the Commission announced that it was extending the deadline for written submissions from April 15 to May 15.

[9] See R. 83–A–83–B (statement on behalf of Tobacco Institute). The cigarette manufacturers have advised the Commission that they adopt the position taken by the Tobacco Institute in this proceeding. See Exs. 162, 164, 171, 178, 198, 239, 252. They have not otherwise advised the Commission of their views on this proceeding. Although the only appearance on behalf of the cigarette manufacturers in this proceeding was made by the Tobacco Institute, the Institute apparently takes the position that it has no authority to represent the industry in matters of advertising or labeling. Thus the President of the Institute recently stated: "Neither the Tobacco Institute nor the Tobacco Industry Research Committee, as I am informed, has any responsibility for or concern with the advertising and promotional activities of tobacco companies." Exs. 496, 499.

[10] Certain arguments with respect to the legality and wisdom of the proposed rules were made by the spokesman for the Tobacco Institute at the public hearings; they have been carefully considered by the Commission and are discussed elsewhere in this report. (See Part V–C, infra.)

[11] In 1962, 41,000 Americans died from lung cancer, 15,000 from chronic bronchitis and emphysema, and 578,000 from arteriosclerotic, coronary, and degenerative heart disease. ACR 25.

[12] Muller, "Tabakmissbrauch und Lungencarcinom," Z. Krebsforsch (1939), cited in ACR 150. In retrospective studies, data from the personal histories and medical and mortality records of individuals in groups are considered; in prospective studies, "men and women are chosen randomly or from some special group, such as a profession, and are followed from the time of their entry into the study for an indefinite period, or until they die or are lost on account of other events." Id. at 6.

[13] Schairer and Schoeniger, "Lungenkrebs und Tabakverbrauch," Z. Krebsforsch (1943); Potter and Tully, "The Statistical Approach to the Cancer Problem in Massachusetts," American Journal of Public Health (1945); Wassink, "Ontstaansvoorwaarden voor longkanker, Nederl T. Geneesk (1948), cited at ACR 150.

[14] Schrek, et al., "Tobacco Smoking as an Etiologic Factor in Disease, I. Cancer," Cancer Research (1950); Mills and Porter, "Tobacco Smoking Habits and Cancer of the Mouth and Respiratory System," Cancer Research (1950); Levin, Goldstein, and Gerhardt, "Cancer and Tobacco Smoking: A Preliminary Report," Journal of the American Medical Association (1950); Wynder and Graham, "Tobacco Smoking as a Possible Etiologic Factor in Bronchiogenic Carcinoma: A Study of Six Hundred and Eighty-Four Proved Cases," Journal of the American Medical Association (1950), cited at ACR 150.

[15] McConnell, Gordon, and Jones, "Occupational and Personal Factors in the Etiology of Carcinoma of the Lung," Lancet (London, 1952); Doll and Hill, "A Study of the Aetiology of Carcinoma of the Lung," British Medical Journal (1952), cited at ACR 150.

[16] Sadowsky, Gilliam, and Cornfield, "The Statistical Association Between Smoking and Carcinoma of the Lung," Journal of the National Cancer Institute (1953); Wynder and Cornfield, "Cancer of the Lung in Physicians," New England Journal of Medicine (1953); Koulumies, "Smoking and Pulmonary Carcinoma," Acta Radiol (Stockholm) (1953); Lickint, Atiologie und Prophylaxe des Lungenkrebses: 2. Statistische Voraussetzungen zur Klarung der Tabakarauchatiologie des Lungenkrebses (1953), cited at ACR 150.

[17] Breslow, et al., "Occupations and Cigarette Smoking as Factors in Lung Cancer," American Journal of Public Health (1954); Watson and Conte, "Smoking and Lung Cancer," Cancer (1954); Gsell, "Carcinome bronchique et tabac," Medical Hygiene (1954); Randig, "Untersuchungen zur Atiologie des Bronchialkarzinoms," Oeff Gesundheitsdienst (1954), cited at ACR 150.

[18] Doll and Hill, "The Mortality of Doctors in Relation to Their Smoking Habits: A Preliminary Report," British Medical Journal (1954), cited at ACR 150. Hammond and Horn, "The Relationship Between Human Smoking Habits and Death Rates: A Follow-up Study of 187,766 Men," Journal of the American Medical Association (1954).

[19] Berkson, "Smoking and Cancer of the Lung" (2d (June 1961) reprinting from Proc. Staff Meetings Mayo Clinic (June 22, 1960)), pp. 2, 6.

[20] Statements on Cigarette Smoking and Health by United States and Foreign Health Associations and Organizations, Medical Societies, Governmental Public Health Bodies and Officials, and International Health Organizations (Ex. B in this proceeding) [hereinafter cited "Statements"], App. I, Exs. 9, 3; App. II, Exs. 21, 22.

After 1954, a great quantity of new research was published, almost all of which tended to show that cigarette smoking is a cause of lung cancer and other diseases. Among the highlights of the post-1954 research are retrospective studies of lung cancer published in 1955, 1956, and 1957;[22] the second report on the Doll and Hill prospective study (1956);[23] and an important pathological study (also in 1956).[24] To obtain a comprehensive review of the evidence, the American Cancer Society, the National Cancer Institute, the National Heart Institute, and the American Heart Association jointly sponsored a study group on smoking and health. On March 6, 1957, the study group issued its report, in which it concluded that: "The sum total of scientific evidence establishes beyond reasonable doubt that cigarette smoking is a causative factor in the rapidly increasing incidence of human epidermoid carcinoma of the lung. The evidence of a cause-effect relationship is adequate for considering the initiation of public health measures." [Statements, App. I, Ex. 8.]

The British Medical Research Council completed a comprehensive review of the evidence in June 1957. Its conclusions were similar to those of the study group: "Evidence from many investigations in different countries indicates that a major part of the increase [in death rate from lung cancer] is associated with tobacco smoking, particularly in the form of cigarettes. In the opinion of the Council, the most reasonable interpretation of this evidence is that the relationship is one of direct cause and effect." [Id., App. II, Ex. 24.]

In July 1957, the Surgeon General of the U.S. Public Health Service, Dr. Leroy Burney, declared: "The Public Health Service feels the weight of the evidence is increasingly pointing in one direction: that excessive smoking is one of the causative factors in lung cancer." [ACR 7.]

Earlier the same year, at hearings held by the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations (Blatnik Subcommittee), the Surgeon General had testified: "It is clear there is an increasing and consistent body of evidence that excessive cigarette smoking is one of the causative factors in lung cancer." [H.R. Rep. 7.]

"Dr. [John R.] Heller, Director of the National Cancer Institute, told the subcommittee that the 'overwhelming majority' of scientists and physicians in the Public Health Service supported this position He also estimated that 75 percent of physicians and scientists 'who have knowledge and some competence within this area' would also support the stand of the Surgeon General." (Ibid.)

While some dissent was expressed,[25] the evidence of the health hazards of smoking continued to mount.[26] In 1959, the Commissioner of Health of New York State found "no reasonable doubt on the part of authoritative health agencies concerned with cancer that the use of tobacco acts in some way to increase the chances of developing lung cancer to a significant degree." [Statements, App. I, Exs. 49 and 45.]

In the same year, the American Public Health Association called for action because "scientific evidence has established that excessive cigarette smoking is a major factor [in lung cancer]" (Statements, App. I, Ex. 1); and Surgeon General Burney, reviewing the additional research since his 1957 statement, reiterated the belief of the Public Health Service that:

"The weight of evidence at present implicates smoking as the principal etiological [causal] factor in the increased incidence of lung cancer.

"Cigarette smoking particularly is associated with an increased chance of developing lung cancer.

"No method of treating tobacco or filtering the smoke has been demonstrated to be effective in materially reducing or eliminating the hazard of lung cancer." [ACR 7.]

In 1960, further significant research was published.[27] In that year the Board of Directors of the American Cancer Society expressed its judgment that: "the clinical, epidemiologic, experimental, chemical and pathological evidence * * * indicates beyond reasonable doubt that cigarette smoking is the major cause of the unprecedented increase in lung cancer." [Statements, App. I, Ex. 4.]

The National Tuberculosis Association warned: "cigarette smoking is a major cause of lung cancer * * *. No present method of treating tobacco or filtering the smoke has been proved to reduce the harmful effects of cigarette smoking." [Id., App. I, Ex. 6.]

A World Health Organization Study Group identified cigarette smoking as a major cause of lung cancer: "The Study Group unanimously agreed that there was no reason to modify the conclusions reached by these experts [the 'official, voluntary and other scientific bodies [which] have reviewed the evidence bearing on this association' between cigarette smoking and lung cancer] that the sum total of the evidence available today was most reasonably interpreted as indicating that cigarette smoking is a major causative factor in the increasing incidence of human carcinoma of the lung. Recognizing that this conclusion has not been accepted by all who have studied or written on the subject, the Study Group agreed that while some of the criticisms leveled did suggest avenues for further investigation, none could be considered as casting any serious doubt on the conclusions reached on the basis of the extensive studies already made." [Statements, App. III, Ex. 2.]

In 1961, the heads of the American Cancer Society, the American Public Health Association, the American Heart Association, and the National Tuberculosis Association urged the President of the United States to establish a commission to study the "widespread implications of the tobacco problem" (ACR 7). On January 4, 1962, representatives of these four organizations met with Surgeon General Luther L. Terry. Shortly thereafter, the Surgeon General recommended the establishment of an advisory committee composed of "outstanding experts who would assess available knowledge in this area [smoking and health] and make appropriate recommendations." (Ibid.)

Meanwhile, the Royal College of Physicians of London issued a report, "Smoking and Health," in which it concluded: "Cigarette smoking is a cause of lung cancer, and bronchitis and probably contributes to the development of coronary heart disease and various other less common diseases. It delays healing of gastric and duodenal ulcers." [Statements, App. II, Exs. 28 and 29.]

On April 16, 1962, the Suregon General proposed that the advisory group reevaluate the Public Health Service position, which had been expressed by Suregon General Burney in 1959, in the light of certain significant developments between 1959 and 1962, among them new studies indicating that smoking has major adverse health effects and evidence that medical opinion had shifted significantly against smoking (ACR 7–8).

Also in 1962, smoking was characterized as a health hazard by the Board of Regents of the American College of Chest Physicians and by the Canadian Cancer Society. (Statements, App. I, Ex. 19; App. II, Ex. 15.) The Council of the American College Health Association observed that: "A preponderance of scientific evidence (with scant counterevidence) indicates an association relationship and suggests a causal relationship between cigarette smoking and some diseases." (Id., App. I, Ex. 14.)

The Dominion Council of Health of Canada found that "overwhelming evidence shows a direct relationship between cigarette smoking and lung cancer" (id., App. II, Ex. 38), and the Canadian Medical Association declared that "The causal relationship between smoking, particularly cigarette smoking, and the alarming increase in cancer of the lung is now accepted in medical and scientific circles." (Id., App. II, Ex. 9.)

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[21] H.R. Rep. No. 1372, "False and Misleading Advertising (Filter-Tip Cigarettes)," 85th Cong., 2d Sess. [hereinafter cited "H.R. Rep."], p. 3 (1958).

[22] Stocks and Campbell, "Lung Cancer Death Rates Among Non-Smokers and Pipe and Cigarette Smokers: An Evaluation in Relation to Air Pollution by Benzpyrene and Other Substances," British Medical Journal (1955); Wynder, et al., Lung Cancer in Women: A Study of Environmental Factors," New England Journal of Medicine (1956); Segi, et al., "An Epidemiological Study on Cancer in Japan, Gann (1957); Mills and Porter, "Tobacco Smoking, Motor Exhaust Fumes, and General Air Pollution in Relation to Lung Cancer Incidence," Cancer Research (1957); Stocks, "Cancer, Incidence in North Wales and Liverpool Region in Relation to Habits and Environment. IX. Smoke and Smoking," British Empire Cancer Campaign (1957); Schwartz and Denoix, "L'enquete francaise sur l' etiologie du cancer broncho-pulmonaire: Role du tabac," Sem. Hop. Paris (1957), cited at ACR 150.

[23] Doll and Hill, "Lung Cancer and Other Causes of Death in Relation to Smoking: A Second Report on the Mortality of British Doctors," British Medical Journal (1956), cited at ACR 150.

[24] Auerbach, et al., "The Anatomical Approach to the Study of Smoking and Bronchogenic Carcinoma: A Preliminary Report of 41 Cases," Cancer (1956), cited at ACR 167.

[25] E. g., Berkson, supra note 19; Eastcott, "The Epidemiology of Lung Cancer in New Zealand," Lancet (1956); Herdan, "Increase in the Mortality Due to Cancer of the Lung in the Light of the Distribution of the Disease Among the Different Social Classes and Occupations," British Journal of Cancer (1958); Dean, "Lung Cancer Among White South Africans," British Medical Journal (1959).

[26] See Haenszel, Shimkin, and Mantel, "A Retrospective Study of Lung Cancer in Women, Journal of the National Cancer Institute (1958); Hammond and Horn, "Smoking and Death Rates—Report on Forty-Four Months of Follow-up of 187,783 Men: I. Total Mortality," Journal of the American Medical Association (1958); Hammond and Horn, "Smoking and Death Rates—Report on Forty-Four Months of Follow-up of 187,783 Men: II. Death Rates by Cause," Journal of the American Medical Association (1958); Dorn, "The Mortality of Smokers and Non-Smokers," American Statistical Association, Proceedings of the Social Statistics Section (1958); Lombard and Snegireff, "An Epidemiological Study of Lung Cancer," Cancer (1959), cited at ACR 150.

[27] Dunn, Linden, and Breslow, "Lung Cancer Mortality Experience of Men in Certain Occupations in California," American Journal of Public Health (1960); Auerbach, et al., "Microscopic Examination of Bronchial Epithelium in Children," American Review of Respiratory Diseases (1960), cited at ACR 150, 170.

The American Cancer Society published a booklet, "Cigarette Smoking and Cancer," in which it found no reasonable explanation other than causation for the "consistent association" between cigarette smoking and lung cancer. (Id., App. I, Ex. 5.) The Subcommittee on Bronchitis of the Standing Medical Advisory Committee of the Scottish Home and Health Department, "having reviewed the rapidly accumulating evidence, * * * [was] firmly of the view that smoking is one of the most important causes of bronchitis." (Id., App. II, Ex. 32.) And the "First Report of an Expert Committee on Cancer Control of the World Health Organization" noted that "the relationship between cigarette smoking and the rapidly increasing incidence of cancer of the lung is well known" (id., App. III, Ex. 3).

In 1963, the House of Delegates of the American Medical Association acknowledged its "duty to point out the effects on the young of the use of toxic materials, including tobacco."[28] The Canadian Public Health Association accepted the evidence "that cigarette smoking is a major * * * cause of lung cancer" (statements, App. II, Exs. 13 and 14). And the American Public Health Association adopted a resolution characterizing the current level of cigarette smoking as a "serious health hazard" (id., App., I, Ex. 2).

Finally, on January 11, 1964, the Report of the Surgeon General's Advisory Committee on Smoking and Health was published. Its judgment was that "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action." (ACR 33.)

B. *The present state of knowledge concerning the health hazards of cigarette smoking*

1. "The report of the Surgeon General's Advisory Committee on Smoking and Health."—(a) Genesis, methodology, etc.: In 1962, the Nation's highest public health officer, Dr. Luther L. Terry, the Surgeon General of the U.S. Public Health Service, "appointed a committee, drawn from all the pertinent scientific disciplines, to review and evaluate both this new and older data and, if possible, to reach some definitive conclusions on the relationship between smoking and health in general."[29] The data to which he had reference consisted of the mounting evidence, some of which we have already discussed, of the causal relationship between cigarette smoking and death from certain diseases. Specifically, Dr. Terry felt that the following new developments in the period 1959–62 emphasized the need for a comprehensive and, if possible, definitive reexamination of the health issue:

1. New studies indicating that smoking has major adverse health effects.
2. Representations from national voluntary health agencies for action on the part of the Service.
3. The recent study and report of the Royal College of Physicians of London.
4. Action of the Italian Government to forbid cigarette advertising; curtailed advertising of cigarettes by Britain's major tobacco companies on TV; and a similar decision on the part of the Danish tobacco industry.
5. A proposal by Senator MAURINE NEUBERGER that Congress create a commission to investigate the health effects of smoking.
6. A request for technical guidance by the Service from the Federal Trade Commission on labeling and advertising of tobacco products.
7. Evidence that medical opinion has shifted significantly against smoking (ACR 8).

The methodology of the Advisory Committee was agreed upon at a meeting at which the Tobacco Institute, along with other interested organizations such as the American Cancer Society and the American Medical Association, was represented. It was decided that "An objective assessment of the nature and magnitude of the health hazard * * * [would] be made by an expert scientific advisory committee which would review critically all available data but would not conduct new research. This Committee would produce and submit to the Surgeon General a technical report containing evaluations and conclusions" (ACR 8):

"The participants in the meeting * * * compiled a list of more than 150 scientists and physicians working in the fields of biology and medicine, with interests and competence in the broad range of medical sciences and with capacity to evaluate the elements and factors in the complex relationship between tobacco smoking and health. During the next month, these lists were screened by the representatives of organizations present at the July 27 meeting. Any organization could veto any of the names on the list, no reasons being required. Particular care was taken to eliminate the names of any persons who had taken a public position on the questions at issue. From the final list of names the Surgeon General selected 10 men who agreed to serve on the * * * Committee." [ACR 8–9.]

This method of selecting the members of the Advisory Committee reflected the Surgeon General's determination that "if it were humanly possible the new study would be done in such a way that something might be settled no matter what conclusions the committee might reach, at least until substantial new evidence accumulated."[30] "[T]he members were to be competent and impartial in appearance and in fact." (R. 10, testimony of Dr. Hundley.) Thus, the cigarette industry had an absolute veto over nominees to the Advisory Committee (R. 32, testimony of Dr. Hundley); in addition, 1 of the 10 members of the Committee was nominated by the Tobacco Institute.[31]

The Advisory Committee's report describes how its work was actually conducted (ACR 13–19):

"At the outset, the Surgeon General emphasized his respect for the freedom of the committee to proceed with the study and to report as it saw fit, and he pledged all support possible from the U.S. Public Health Service. The Service, represented chiefly by his office, the National Institutes of Health, the National Library of Medicine, the Bureau of State Services, and the National Center for Health Statistics, furnished the able and devoted personnel that constituted the staff at the Committee's headquarters in Washington, and provided an extraordinary variety and volume of supplies, facilities, and resources. In addition, the necessary financial support was made available by the Service.

* * * * *

"As the primary duty of the Committee was to assess information about smoking and health, a major general requirement was that of making the information available. That requirement was met in three ways. The first and most important was the bibliographic service provided by the National Library of Medicine. As the annotated monograph by Larson, Haag, and Silvette—compiled from more than 6,000 articles published in some 1,200 journals up to and largely into 1959—was available as a basic reference source, the National Library of Medicine was requested to compile a bibliography (by author and by subject) covering the world literature from 1958 to the present. In compliance with this request, the National Library of Medicine furnished the Committee bibliographies containing approximately 1,100 titles. Fortunately, the committee staff was housed in the National Library of Medicine on the grounds of the National Institutes of Health, and through this location had ready access to books and periodicals, as well as to scientists working in its field of interests. Modern apparatus for photo reproduction of articles was used constantly to provide copies needed for study by members of the Committee. In addition, the members drew upon the libraries and bibliographic services of those institutions in which they held academic positions. A considerable volume of copies of reports and a number of special articles were received from a variety of additional sources.

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[28] Id., App. I, Ex. 11. In light of this resolution, the AMA's division of environmental medicine and medical services recently issued a booklet warning that, "The longer you smoke and the more you smoke the greater the risk of developing lung cancer." Wall Street Journal, Friday, May 8, 1964, p. 5, cols. 1–2.

[29] ACR, p. v. The President acknowledged and approved the Surgeon General's action on the same day. Ibid.

[30] R. 10 (testimony of Dr. James M. Hundley, Assistant Surgeon General of the United States Public Health Service and Vice Chairman of the Advisory Committee).

[31] Ibid. The members of the Committee as finally selected were the following: (see ACR 9–10).

Stanhope Bayne-Jones, M.D., LL.D. (Retired), former Dean, Yale School of Medicine (1935–40); former President, Joint Administrative Board, Cornell University, New York Hospital Medical Center (1947–52); former President, Society of American Bacteriologists (1929); and American Society of Pathology and Bacteriology (1940). Field: Nature and Causation of Disease in Human Populations.

Dr. Bayne-Jones served also as a special consultant to the Committee staff.

Walter J. Burdette, M.D., Ph. D., Head of Department of Surgery, University of Utah School of Medicine, Salt Lake City. Fields: Clinical & Experimental Surgery; Genetics.

William G. Cochran, M.A., Professor of Statistics, Harvard University. Field: Mathematical Statistics, with Special Application to Biological Problems.

Emmanuel Farber, M.D., Ph. D., Chairman, Department of Pathology, University of Pittsburgh. Field: Experimental and Clinical Pathology.

Louis F. Fieser, Ph. D., Sheldon Emory Professor of Organic Chemistry, Harvard University. Field: Chemistry of Carcinogenic Hydrocarbons.

Jacob Furth, M.D., Professor of Pathology, Columbia University, and Director of Pathology Laboratories, Francis Delafield Hospital, New York, N.Y. Field: Cancer Biology.

John B. Hickam, M.D., Chairman, Department of Internal Medicine, University of Indiana, Indianapolis. Fields: Internal Medicine, Physiology of Cardiopulmonary Disease.

Charles LeMaistre, M.D., Professor of Internal Medicine, The University of Texas Southwestern Medical School, and Medical Director, Woodlawn Hospital, Dallas, Texas. Fields: Internal Medicine, Pulmonary Disease, Preventive Medicine.

Leonard M. Schuman, M.D., Professor of Epidemiology, University of Minnesota School of Public Health, Minneapolis. Field: Health and Its Relationship to the Total Environment.

Maurice H. Seevers, M.D., Ph. D., Chairman, Department of Pharmacology, University of Michigan, Ann Arbor. Field: Pharmacology of Anesthesia and Habit-Forming Drugs.

Chairman: Luther L. Terry, M.D., Surgeon General of the United States Public Health Service.

Vice Chairman: James M. Hundley, M.D., Assistant Surgeon General for Operations, United States Public Health Service.

"All of the major companies manufacturing cigarettes and other tobacco products were invited to submit statements and any information pertinent to the inquiry. The replies which were received were taken into consideration by the Committee.

"Through a system of contracts with individuals competent in certain fields, special reports were prepared for the use of the Committee. Through these sources much valuable information was obtained; some of it new and hitherto unpublished.

"In addition to the special reports prepared under contracts, many conferences, seminar-like meetings, consultations, visits and correspondence made available to the Committee a large amount of material and a considerable amount of well-informed and well-reasoned opinion and advice.

"To deal in depth and discrimination with the topics listed above, the Committee at its first meeting formed subcommittees with much overlapping in membership. These subcommittees were the main forces engaged in collection, analysis, and evaluation of data from published reports, contractual reports, discussions at conferences, and from some new prospective studies reprogramed and carried out generously at the request of the Committee * * *. The first formulations of conclusions were made by these subcommittees, and these were submitted to the full Committee for revision and adoption after debate.

* * * * *

"In making critical appraisals of data and interpretations and in formulating its own conclusions, the Surgeon General's Advisory Committee on Smoking and Health—its individual members and its subcommittees and the Committee as a whole—made decisions or judgments at three levels. These levels were:

"1. Judgment as to the validity of a publication or report. Entering into the making of this judgment were such elements as estimates of the competence and training of the investigator, the degree of freedom from bias, design scope of the investigation, adequacy of facilities and resources, adequacy of controls.

"2. Judgment as to the validity of the interpretations placed by investigators upon their observations and data, and as to the logic and justification of their conclusions.

"3. Judgments necessary for the formulation of conclusions within the Committee.

"The primary reviews, analyses and evaluations of publications and unpublished reports containing data, interpretations and conclusions of authors were made by individual members of the Committee and, in some instances, by consultants. Their statements were next reviewed and evaluated by a subcommittee. This was followed at an appropriate time by the Committee's critical consideration of a subcommittee's report, and by decisions as to the selection of material for inclusion in the drafts of the report, together with drafts of the conclusions submitted by subcommittees. Finally, after repeated critical reviews of drafts of chapters, conclusions were formulated and adopted by the whole Committee, setting forth the considered judgment of the Committee."

The methodology of the Advisory Committee—the mode of selecting the members of the Committee and the comprehensive, scrupulous, and exacting nature of the Committee's inquiry—appears to have been designed to assure maximum objectivity, disinterest, and competence. In the words of the vice chairman, Dr. Hundley, the objective was "a study and report that would be authoritative, conclusive, and which could be the basis for policy and action" (R. 11).

That this objective has been attained is suggested by the following factors, among others: On January 27, 1964, shortly after the report of the Advisory Committee had been released, the Surgeon General announced the "full acceptance of the principal findings and conclusions of the report" by the Public Health Service (R. 9). The president of the American Cancer Society has stated that he accepts the findings of the Committee "absolutely" (R. 237). A prominent research scientist in the field has stated that the procedure and findings of the Committee were "conservative to an extreme," and that no public or private body which wanted to inform itself, objectively and impartially, as to the state of the evidence on the health hazards (if any) of cigarette smoking, could have done a more adequate job of inquiry and analysis (R. 323, testimony of Dr. Bock). Significantly, also, the cigarette manufacturers, in their appearance before the Commission in this proceeding, made no challenge whatever to the procedure or findings of the Advisory Committee.

The Commission concludes that the report of the Advisory Committee is of the highest authority and reliability. Its essential findings stand unchallenged and uncontroverted in this proceeding.

Findings: Excerpts from the findings and conclusions of the Advisory Committee's report follow:

"On the basis of prolonged study and evaluation of many lines of converging evidence, the Committee makes the following judgment:

"Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action. [ACR 33.]

* * * * *

"Cigarette smoking is associated with a 70-percent increase in the age-specific death rates of males, and to a lesser extent with increased death rates of females. The total number of excess deaths causally related to cigarette smoking in the U.S. population cannot be accurately estimated. In view of the continuing and mounting evidence from many sources, it is the judgment of the Committee that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate. [Id., at 31.]

* * * * *

"In general, the greater the number of cigarettes smoked daily, the higher the death rate. For men who smoke fewer than 10 cigarettes a day, according to the 7 prospective studies, the death rate from all causes is about 40 percent higher than for nonsmokers. For those who smoke from 10 to 19 cigarettes a day, it is about 70 percent higher than for nonsmokers; for those who smoke 20 to 39 a day, 90 percent higher; and for those who smoke 40 or more, it is 120 percent higher.

"Cigarette smokers who stopped smoking before enrolling in the seven studies have a death rate about 40 percent higher than nonsmokers, as against 70 percent higher for current cigarette smokers. Men who began smoking before age 20 have a substantially higher death rate than those who began after age 25. Compared with nonsmokers, the mortality risk of cigarette smokers, after adjustments for differences in age, increases with duration of smoking (number of years), and is higher in those who stopped after age 55 than for those who stopped at an earlier age.

"In two studies which recorded the degree of inhalation, the mortality ratio for a given amount of smoking was greater for inhalers than for noninhalers. [Id., at 29.]

* * * * *

"Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other factors. The data for women, though less extensive, point in the same direction.

"The risk of developing lung cancer increases with duration of smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking. In comparison with nonsmokers, average male smokers of cigarettes have approximately a nine of tenfold risk of developing lung cancer and heavy smokers at least a twenty-fold risk. [Id., at 31.]

* * * * *

"Cigarette smoking is the most important of the causes of chronic bronchitis in the United States, and increases the risk of dying from chronic bronchitis.

"A relationship exists between pulmonary emphysema and cigarette smoking but it has not been established that the relationship is causal. The smoking of cigarettes is associated with an increased risk of dying from pulmonary emphysema.

"For the bulk of the population of the United States, the importance of cigarette smoking as a cause of chronic bronchopulmonary disease is much greater than that of atmospheric pollution or occupational exposures.

"Cough, sputum production, or the two combined, are consistently more frequent among cigarette smokers than among nonsmokers.

"Cigarette smoking is associated with a reduction in ventilatory function. Among males, cigarette smokers have a greater prevalence of breathlessness than nonsmokers. [Id., at 38.]

* * * * *

"The habitual use of tobacco is related primarily to psychological and social drives, reinforced and perpetuated by the pharmacological actions of nicotine on the central nervous system. [Id., at 34.]

* * * * *

"Smokers and users of tobacco in other forms usually develop some degree of dependence upon the practice, some to the point where significant emotional disturbances occur if they are deprived of its use. The evidence indicates this dependence to be psychogenic in origin. In medical and scientific terminology the practice should be labeled habituation to distinguish it clearly from addiction, * * * [but] correctly designating the chronic use of tobacco as habituation rather than addiction carries with it no implication that the habit may be broken easily. [Id., at 350–51.]

* * * * *

"At the 12th-grade level, between 40 to 55 percent of children have been found to be smokers. By age 25, estimates of smoking prevalence run as high as 60 percent of men and 36 percent of women. * * * More recent but limited data suggest that there has been an increment in smoking prevalence at all age levels since the early fifties.

"[It is estimated] that 10 percent of later smokers 'develop the habit with some degree of regularity' before their teens and 65 percent during their high school years. [Id., at 361–62.]

* * * * *

"All available knowledge points toward the years from the early teens to the age of 20 as a significant period during which a majority of later smokers began to develop the active habit. [Id., at 368.]

* * * * *

"The cultural milieu seems to have a strong influence, a permissive cultural climate tending to promote and a rejecting or outright prohibitive one to inhibit smoking. [Id., at 377.]

* * * * *

"The overwhelming evidence points to the conclusion that smoking—its beginning, habituation, and occasional discontinuation—is to a large extent psychologically and socially determined. [Ibid.]"

The Advisory Committee explained its use of the language of causation to describe some of its findings, notably with respect to lung cancer: "It is to be noted clearly that the Committee's considered decision to use the words 'a cause,' or 'a major cause,' or 'a significant cause,' or 'a causal association' in certain conclusions about smoking and health affirms their convictions." (Id., at 21.) Thus, it is clear that the Committee regarded its crucial findings as to the dangers of cigarette smoking not as tentative or hypothetical, but as clearly compelled by the evidence. In finding causal relationships between smoking and certain diseases, incidentally, the Committee expressly stated that "Statistical methods cannot establish proof of a causal relationship in an association." (Id., at 20.) It should also be noted that the Advisory Committee's findings are not limited to any particular brand or type of cigarette, but embrace cigarette smoking in general. The Committee made no finding that any cigarette currently produced is safe or safer than other cigarettes. (See R. 15–16, testimony of Dr. Hundley.)

2. The present scientific consensus regarding the health hazards of smoking: As our review in subpart A, supra, of the evolution of expert scientific opinion in the field of smoking and health has made apparent, the findings and conclusions of the Advisory Committee's report can hardly be considered a "bolt from the blue"—an isolated, sudden, or novel judgment on the evidence. On the contrary, the report is the culmination and distillation of a series of careful and expert analyses of the accumulated research, all of which have reached essentially the same conclusion: that cigarette smoking is a sufficiently substantial, proven health hazard to warrant governmental remedial action. The authority of the Advisory Committee's report is enhanced by the existence of a consensus of expert opinion on the report's principal findings and conclusions.

For example, in 1962 there appeared "Smoking and Health: Summary and Report of the Royal College of Physicians of London on Smoking in Relation to Cancer of the Lung and Other Diseases." (Statements, app. II, ex. 28.) In this thorough and careful appraisal of the evidence, which took several years to complete and is comparable in scope to the Advisory Committee's report, it was found:

"Cigarette smoking is a cause of lung cancer, and bronchitis and probably contributes to the development of coronary heart disease and various other less common diseases. * * * The chance of dying in the next 10 years for a man aged 35 who is a heavy cigarette smoker is 1 in 23 whereas the risk for a nonsmoker is only 1 in 90. Only 15 percent (one in six) of men of this age who are nonsmokers but 33 percent (one in three) of heavy smokers will die before the age of 65. Not all this difference in expectation of life is attributable to smoking." [P. S7.]

* * * * *

General discouragement of smoking, particularly by young people, is necessary. More effort needs to be expended on discovering the most effective means of dissuading children from starting the smoking habit. There can be no doubt of our responsibility for protecting future generations from developing the dependence on cigarette smoking that is so widespread today.

Most adults have heard of the risks of cigarette smoking but remain unconvinced. Doctors, who see the consequences of the habit, have reduced their cigarette consumption. Some evidence of concern by the Government is needed to convince the public [pp. S7–S8].

Also, as noted earlier, many other expert bodies have reviewed the evidence and concluded that the substantial health hazards of cigarette smoking are clearly established. They include the World Health Organization, the British Ministry of Health, the American Public Health Association, and the American Cancer Society. No disinterested expert body, upon a systematic review of the evidence, has reached conclusions opposed to those of the College of Royal Physicians, the Surgeon General's Advisory Committee, and the many other highly competent and reliable organizations that have expressed themselves on the subject. Although there may not yet be complete unanimity on the question,[32] there is plainly an authoritative consensus of qualified expert opinion.

C. The Commission's reliance on the report of the Surgeon General's Advisory Committee

Does the Advisory Committee's report—its findings and conclusions—provide an appropriate basis for remedial action by the Commission in the form of a trade regulation rule? Or must the Commission, rather than rely upon the report, make an independent, de novo inquiry into whether, in fact, cigarette smoking is a substantial health hazard, as the report found? In the particular circumstances, the former is a proper course for the Commission to take; moreover, it is the only practical course consistent with its statutory responsibilities.

The Commission is fully competent to make findings with respect to the medical or other scientific issues which frequently arise in the course of proceedings before it. It does so constantly. It entertains the opinion of qualified experts and weighs their testimony. Its findings need not rest upon unanimous expert opinion; the fact that there is a conflict in the expert testimony before the Commission on a medical or scientific issue does not preclude a finding with respect to that issue; and the finding need only be based on substantial evidence to be upheld by a reviewing court.[33]

The findings on the health hazards of cigarette smoking that have been made by the Surgeon General's Advisory Committee on Smoking and Health warrant the Commission's full reliance. The report of the Advisory Committee does not simply express the opinion of a group of experts, which must be weighed against the opinions of other experts before a final determination can be made. The report is unique in several respects.

In the first place, the Advisory Committee was not a private group of experts. It was convened under the auspices of the U.S. Public Health Service—the Nation's highest governmental body in the field of public health—and its chairman was the Surgeon General of the Service—the Nation's highest medical official. Its findings and conclusions have been formally approved by the Public Health Service. The public status of the Committee entitles its findings and conclusions to the greatest respect. (Cf. *James S. Kerk & Co.* v. *F.T.C.*, 59 F. 2d 179 (7th Cir. 1932).)

Moreover, the Advisory Committee was established for the express purpose of weighing the opinions of the medical and other scientific experts in the field of smoking and health in order to arrive at a determination sufficiently definite to provide a basis for appropriate remedial action by public agencies, such as the Federal Trade Commission, having statutory responsibilities in the field. The Committee, accordingly, did not itself engage in research; nor was it composed of persons who had done research, or taken a position, publicly or privately, or were in any way partial, on the question of smoking and health. The job of the Committee was to weigh the evidence, much like a jury of experts,[34] rather than to gather more evidence. The Committee was created as a specialized and impartial (albeit ad hoc) body to appraise certain medical and scientific evidence, just as the Trade Commission was created as a specialized and impartial body to appraise evidence regarding business practices.

The impartiality of the Committee and the fairness and objectivity of its procedures are beyond dispute. The members of the Committee were selected, and its methods of operation and general approach devised, in full cooperation with the cigarette industry and were fully acceptable to the industry. The Committee was the agreed-upon means of arbitrating the scientific aspects of the smoking and health controversy for the purpose of enabling such remedial action as might be appropriate. For the Trade Commission to reexamine de novo the findings of the Advisory Committee would subvert the basic purpose behind the Committee, which was to settle the controversy, by means acceptable to the industry as well as to the health organizations at least until substantial new evidence should become available.

It is difficult to conceive on what basis an agency, whether the Commission or any other, would assume to reexamine the evidentiary foundation of the findings of the Advisory Committee. What body would have greater objectivity or expertise than the Committee? What body would be competent to pronounce the Committee's findings and conclusions contrary to the weight of the evidence? By agreement between the cigarette industry and other interested agencies and organizations, the Advisory Committee was given, as it were, "primary jurisdiction"[35] to determine the health hazards of smoking. Since the Advisory Committee is the body having special competence to determine the health hazards of smoking, the Commission accepts the Committee's findings and conclusions, which are unimpeached and were made in accordance with impartial, objective, and thoroughly reliable procedures.

The findings and conclusions of the Advisory Committee's report represent, in light of the nature of the issues and the gravity of the smoking and health problems, a compelling basis for remedial action by the Federal Trade Commission within its statutory jurisdiction and responsibilities for the prevention of unfair or deceptive acts and practices in commerce.

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[32] See, e.g., Ex. 318(n) (letter from Dr. Joseph Berkson).

[33] See, e.g., *Wybrant System Products Corp.* v. *F.T.C.*, 266 F. 2d 571 (2nd Cir. 1959) (*per curiam*); *Erickson Hair & Scalp Specialists, Inc.* v. *F.T.C.*, 272 F. 2d 318, 321 (7th Cir. 1959); *Aronberg* v. *F.T.C.*, 132 F. 2d 165 (7th Cir. 1942); *Justin Haynes & Co.* v. *F.T.C.*, 105 F. 2d 988, 989 (2nd Cir. 1939); *John J. Fulton Co.* v. *F.T.C.*, 130 F. 2d 85 (9th Cir. 1942); *Neff* v. *F.T.C.*, 117 F. 2d 495 (4th Cir. 1941); *Charles of the Ritz Dist. Corp.* v. *F.T.C.*, 143 F. 2d 676 (2nd Cir. 1944); *J. E. Todd, Inc.* v. *F.T.C.*, 145 F. 2d 858 (D.C. Cir. 1944).

[34] In the words of Surgeon General Terry, "The Advisory Committee on Smoking and Health, which examined the evidence and reached a unanimous verdict, was a scientific jury." Address, National Conference on Smoking and Youth, June 10–11, 1964, p. 3.

[35] "[T]he doctrine of 'primary jurisdiction' * * * requires judicial abstention in cases where protection of the integrity of a regulatory scheme dictates preliminary resort to the agency which administers the scheme." *United States* v. *Philadelphia National Bank,* 374 U.S. 321, 353 (1963). The doctrine is frequently explained (in part) in terms of the superior competence of the agency to pass upon questions within the scope of its special responsibilities. See, e.g., *Great Northern R. Co.* v. *Merchants Elevator Co.,* 259 U.S. 285 (1922); *Far East Conference* v. *United States,* 324 U.S. 570 (1952); 3 Davis, Administrative Law 1–55 (1958); Latta, *Primary Jurisdiction in the Regulated Industries and the Antitrust Laws,* 30 U. Cin. L. Rev. 261 (1961).

III. CIGARETTE ADVERTISING

A. The significance of cigarettes in the American economy

Before commencing the analysis (in subparts B, C, and D, infra) of the magnitude, content, and effects of cigarette advertising, it may be useful to examine briefly the significance of cigarettes in the American economy. This examination relies primarily upon data in part I of the report prepared by the Bureau of Economics for this proceeding, entitled "A Report on Cigarette Advertising and Output" (Ex. C; hereinafter cited as Bureau report). Part I of that report contains a considerably more detailed statement relating to the significance of cigarettes in the American economy.

1. Relative importance of cigarettes in the American economy: In 1963, consumer expenditures for cigarettes totaled $7.1 billion and constituted approximately 1.9 percent of total personal consumption expenditures.[36] These expenditures included approximately $3 billion in Federal and State cigarette taxes. During fiscal year 1963, Federal and State cigarette taxes equaled $3.2 billion and constituted 2.8 percent of total Federal and State tax collections (exclusive of employment taxes). (Bureau Rept. 12.)

Department of Agriculture data indicate that during 1963, tobacco cash receipts amounted to $1.3 billion and accounted for 3.5 percent of the cash receipts of farmers from all farm commodities. (Annual Report on Tobacco Statistics, 1963, p. 21.) Latest census of agriculture data indicate that during 1959 more than 70 percent of tobacco production was accounted for by 190,000 commercial tobacco farms. These farms represented 7.9 percent of all commercial farms. Tobacco was also produced by commercial farms for which it represented a secondary source of revenue and by noncommercial farms, that is, farms with value of sales amounting to less than $2,500. During 1959, a total of 417,000 farms produced some tobacco. These farms constituted 11.2 percent of the 3.7 million commercial and noncommercial farms in the United States as of 1959. (Bureau Rept. 15.)

During 1963, a total of 16 States had cash receipts from tobacco in excess of $3 million; in only 7 States, however, did tobacco receipts in 1963 exceed 10 percent of total cash receipts from all farm commodities. The leading four States in both total tobacco production and relative dependence upon tobacco were North Carolina, Kentucky, South Carolina, and Virginia. For these States, receipts from tobacco respectively represented 46.4 percent, 39.6 percent, 24.9 percent and 18.8 percent of total cash receipts. In all four States, cigarette-type tobaccos are the principal tobacco crop. The combined total for the tobacco cash receipts accounted for by the four States equaled $971 million during 1963 and represented 77.6 percent of the $1.3 billion total for U.S. tobacco cash receipts. (Annual Report on Tobacco Statistics, 1963, p. 21.)

Data on the relative importance of tobacco products manufacturing are available in the 1962 Annual Survey of Manufactures. These data indicate that value added by manufacture at tobacco products manufacturing establishments constituted 0.9 percent of total value added by manufacture. Of total value added at tobacco products manufacturing establishments, 76 percent was accounted for by activities at cigarette manufacturing establishments; 37,000 persons were employed at cigarette manufacturing establishments during 1962, which represented 0.2 percent of total employment at all manufacturing establishments.

The location of cigarette manufacturing is indicated by data from the 1958 Census of Manufactures. These data indicate that three States, North Carolina, Virginia, and Kentucky, accounted for 99.8 percent of value added by manufacture at cigarette manufacturing establishments during 1958. Of total value added at cigarette manufacturing establishments, North Carolina accounted for 57.1 percent, Virginia for 22.4 percent, and Kentucky for 20.3 percent. (Bureau Rept. 20–21.)

Census data also indicate that wholesale establishments primarily engaged in the assembly of leaf tobacco or in the distribution of tobacco products during 1958 employed 35.1 thousand employees or 1.3 percent of the employees of all wholesale trade establishments. No such data are available for the retail or service trades because the bulk of tobacco products are sold by establishments not primarily engaged in the sale of tobacco products. For example, it is estimated by trade sources that food stores and drug stores account for approximately half of cigarette sales. It is further estimated that tobacco products accounted for approximately 4 percent of food store sales and 8 percent of drug store sales. (Id., at 22.)

Census data are available from the 1958 Census of Business for two kinds of retail businesses which deal primarily in tobacco products, "cigar stores and stands" and "merchandise vending machine operators dealing primarily in tobacco products." Data for 1958 indicate that sales by establishments in these trades amounted to $543.9 million, or 0.3 percent of all retail sales. (Ibid.)

Data on the relative importance to various media of cigarette advertising indicate that during 1962 the six leading cigarette manufacturers accounted for an estimated 10.3 percent of network television advertising expenditures, 3.8 percent of expenditures for spot television by national advertisers, 3.2 percent of national advertising in general magazines, and 2.4 percent of national advertising in newspapers (including Sunday supplements). (Id., at 28.)

2. The current status of cigarette consumption and advertising: In physical terms, total domestic consumption of cigarettes during 1963 equaled 509.6 billion units. Calculated on a per capita basis for persons 18 years of age and older, domestic consumption during 1963 equaled 4,345 cigarettes per year. (Annual Report on Tobacco Statistics, 1963, pp. 48, 52.)

As shown in table 1, the leading six cigarette manufacturers accounted for more than 99 percent of total cigarette production for domestic consumption during 1963. The balance, equal to less than 0.5 percent, was accounted for by three companies—the United States Tobacco Co., Larus & Bro., and Stephano Bros.

TABLE 1.—*Cigarette market shares of leading 6 companies, 1963*

Company	Output for domestic consumption (billions of cigarettes)	Percent of total
All companies, total	509.0	100.0
R. J. Reynolds	174.4	34.3
American Tobacco	126.2	24.8
P. Lorillard Co	55.7	10.9
Brown & Williamson	53.4	10.5
Liggett & Myers	49.4	9.7
Philip Morris	48.1	9.4
All others	1.8	.4

Source: Printers' Ink, Feb. 14, 1964, p. 27.

Although more than 40 brands of cigarettes were marketed during 1963, approximately 80 percent of domestic consumption was accounted for by the 10 leading brands, more than 95 percent by the 20 leading brands, and more than 99 percent by the 30 leading brands. Table 2 presents domestic market share data for each of the 30 leading brands of 1963. In the case of brands, such as Chesterfield, which market more than one type of cigarette under a single brand name, separate totals are shown for each type of cigarette. Different rankings would of course result if combined totals were shown for such brands. For example, on a combined basis Chesterfield would have ranked 9th in 1963; shown separately, Chesterfield Kings ranked 12th in 1963 and Chesterfield Regulars ranked 16th.

TABLE 2.—*Domestic market shares during 1963 for the 30 leading cigarette brands*

Brand	Type [1]	Company	Rank	Percent of total
All brands, total				100.0
Pall Mall	K	American Tobacco	1	14.3
Winston	F	R. J. Reynolds	2	13.6
Camel	R	do	3	11.8
Salem	M	do	4	8.8
Kent	F	P. Lorillard	5	7.3
Lucky Strike	R	American Tobacco	6	7.1
L & M	F	Liggett & Myers	7	5.4
Marlboro	F	Philip Morris	8	5.0
Viceroy	F	Brown & Williamson	9	3.7
Kool	M	do	10	3.1
Tareyton	F	American Tobacco	11	2.5
Chesterfield	K	Liggett & Myers	12	2.1
Parliament	F	Philip Morris	13	2.0
Raleigh	F	Brown & Williamson	14	1.9
Newport	M	P. Lorillard	15	1.7
Chesterfield	R	Liggett & Myers	16	1.7
Old Gold	F	P. Lorillard	17	1.0
Belair	M	Brown & Williamson	18	.9
Philip Morris	K	Philip Morris	19	.8
Raleigh	K	Brown & Williamson	20	.7
Philip Morris	R	Philip Morris	21	.6
Tareyton	K	American Tobacco	22	.5
Alpine	M	Philip Morris	23	.5
Montclair	M	American Tobacco	24	.5
Paxton	M	Philip Morris	25	.4
Lark	F	Liggett & Myers	26	.3
Spring	M	P. Lorillard	27	.3
York	K	do	28	.2
Old Gold	K	do	29	.2
Do	R	do	30	.2
All other brands				.9

[1] R, regular; K, king size; F, filter (includes filter kings); M, menthol (includes menthol filter kings and regular-size menthol cigarettes).

Source: Bureau report, table 23, p. 40.

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[36] U.S. Department of Agriculture, "Annual Report on Tobacco Statistics, 1963," April 1964, p. 52; Survey of Current Business, April 1964, p. S–1.

Available data on cigarette advertising expenditures indicate that total expenditures during 1963 exceeded $200 million. Advertising expenditure data are available from both governmental and trade sources. Unfortunately, none of the data is completely satisfactory. Internal Revenue Service data, for example, include advertising expenditures for products other than cigarettes. It is estimated, however, that such expenditures are not substantial. Trade publication data, on the other hand, do not include all media. Nevertheless, the data available are sufficient both to estimate the relative importance of cigarette advertising and to indicate current and prior magnitudes.

The most recently available Internal Revenue Service data indicate that the six leading cigarette manufacturers incurred total advertising expenditures of $236.4 million during 1960. (Bureau Rept. 3.) These expenditures amounted to 4.5 percent of the advertising expenditures of all manufacturing corporations and 2.5 percent of the advertising expenditures of all corporations.[37]

Data by media, for 1962, indicate that the six leading cigarette manufacturers spent $109 million for television advertising, $27.2 million for advertising in general magazines, $17.7 million for newspaper advertising, $19.3 million for network radio, and almost $1.7 million for outdoor advertising. Total spending for these media equaled $174.9 million. (Bureau Rept. 28) Network television expenditures equaled $81.9 million and accounted for 75 percent of the television total; network television represented the single most important medium for cigarette advertising.

Data for 1963 indicate increases in spending over 1962 by the six leading cigarette manufacturers for network and spot television, and general magazines. Totals reported are $89.3 million for network television, $36.1 million for spot television, and $31.8 million for general magazines. (Advertising Age, Apr. 6, 1964, p. 94 and Apr. 13, 1964, p. 101.) They represent increases over 1962 of 9, 32 and 17 percent, respectively.

B. Cigarette consumption and advertising expenditures, 1950–63

1. Cigarette consumption since 1950: As indicated by data in table 3, total and per capita cigarette consumption increased during each of the years of the period 1950 to 1963, with the exception of 1953 and 1954. In the case of per capita consumption there was also an insignificant decline during 1962. It should be noted that per capita consumption data are calculated for persons 18 years of age and over and are calculated on a base which includes both smokers and nonsmokers. During the period 1953–54, the decline in total consumption amounted to 25.4 billion units and equaled 6.4 percent of the 1952 total. It was not until 1957 that the 1952 total had been exceeded. The 1953 and 1954 declines in total consumption are particularly notable because yearly increases in cigarette consumption have otherwise been almost uninterrupted since 1913. (Bureau Rept. 2.)

The decline in per capita consumption during the 2-year period 1953 to 1954 equaled 8.8 percent and it was not until 1957 that the 1952 total had been exceeded. The 1953 and 1954 declines in total and per capita consumption may be characterized as substantial but short-lived reactions to the mounting evidence during the early 1950's of a linkage between cigarette smoking and lung cancer (see pt. II, supra).

TABLE 3.—*Total and per capita cigarette consumption, 1950–63*

Year	Total domestic cigarette consumption [1] (billions of cigarettes)	Cigarette consumption per capita 18 years and over [2] (number of cigarettes)
1963	509.6	4,345
1962	494.5	4.265
1961	488.1	4,266
1960	470.1	4,172
1959	453.7	4,071
1958	436.4	3,949
1957	409.4	3,751
1956	393.2	3.647
1955	382.1	3,595
1954	368.7	3,544
1953	386.8	3,702
1952	394.1	3,884
1951	379.7	3,743
1950	360.2	3,522

[1] Bureau report, table 1, p. 3.

[2] Annual Report on Tobacco Statistics, 1963, p. 52.

For the entire period 1950 to 1963, table 3 indicates that total consumption increased from 360.2 billion units in 1950 to 509.6 billion units in 1963, or by 41.1 percent. During the same period, per capita consumption, calculated for persons 18 years of age and over, increased from 3,522 cigarettes per year in 1950 to 4,345 cigarettes per year in 1963, or by 23.4 percent. The greater increase in total than per capita consumption certainly reflects the increase in total U.S. population since 1950. If no other factors had been at work, however, per capita consumption might have remained constant instead of increasing by 23.4 percent.

On the basis of available data on smoking patterns, it would appear that both the increase in per capita consumption and the relatively greater increase in total consumption particularly reflect the effect of increases in the proportion of smokers to nonsmokers in younger age groups, especially among females. Available data on smoking patterns of the U.S. population are summarized in the report of the Surgeon General's Advisory Committee on Smoking and Health:

"As far as is known from actual data, few children smoke before the age of 12, probably less than 5 percent of the boys and less than 1 percent of the girls. From age 12 on, however, there is a fairly regular increase in the prevalence of smoking. At the 12th-grade level, between 40 to 55 percent of children have been found to be smokers. By age 25, estimates of smoking prevalence run as high as 60 percent of men and 36 percent of women. There is a further increase up to 35 and 40 years after which a drop is observed. In the 65 and over age group, prevalence of smoking is only approximately 20 percent among men and 4 percent among women.

"These distributions are based on cross-sectional rather than longitudinal data and may be subject to considerable change over the years as each generation of smokers carries its own smoking pattern into higher age brackets. It is also conceivable that increased public attention to possible hazards of smoking within the last few years led to some decrease in the number of smokers, a decrease not evenly distributed among the several age groups. Since these statistics were collected several years ago, they may not reflect current age distributions. More recent but limited data suggests that there has been an increment in smoking prevalence at all age levels since the early 1950's.

"Fewer women smoke than men and their smoking is almost entirely restricted to cigarettes. However, the proportion of women smokers has increased faster than that of men smokers in recent years." [ACR 362–63.]

One of the studies cited by the Surgeon General's Report was conducted by the Census Bureau for the National Cancer Institute of the U.S. Public Health Service. (Haenszell, Shimkin, and Miller, "Tobacco Smoking Patterns in the United States," Public Health Monograph No. 45 (1956).) It contains a more detailed analysis of smoking patterns and is based upon data obtained from a sample survey conducted during February 1955 as part of the Current Population Survey. The Public Health Service report indicates that: "The trend to regular smoking at earlier ages has been most pronounced for females. For example, the age by which 20 percent of the women become regular smokers has dropped from 21.3 years among those born between 1910 and 1920 to 19 and 18.5 years among the groups born between 1920 and 1930 and in 1930 or later. Among men, the corresponding figure has remained stable at about 15.6 years." (Id., at 17.)

The Public Health Service report also confirms the existence of a "rising trend in the proportion of regular smokers in successive cohorts" (id., at 16), that is, successively younger age groups. Table 4 reproduces data from the Public Health Service report. The table provides estimates of the number of persons in each age group who will at any time during their lives become cigarette smokers, indicated in the table as "future lifetime (maximum)." For example, data for men indicate that for the group 65 and over at the time of the survey, the future lifetime percentage of persons becoming regular cigarette smokers was 33.7 percent, but for men 25 to 34 at the time of the survey the equivalent percentage was 71.3 percent. For women, the future lifetime estimate is equal to 4.6 percent for those 65 and over at the time of the survey but 47.8 percent for women 25 to 34 years of age at the time of the survey. These rates make no allowance for persons who discontinue smoking after becoming regular smokers. The report notes, however, that "discontinuance of smoking is not an important factor before age 35." (Id. at 17.)

Data in table 4 also provide detailed information as to the age at which persons begin regular cigarette smoking. It indicates, for example, that among males 25 to 34 as of February 1955, 61.4 percent had started regular smoking prior to age 21. Among females 25 to 34 at the time of the survey, 28.9 percent had started smoking prior to age 21. For females 18 to 24 at the time of the survey, 32.6 percent had begun regular smoking prior to the age of 21. These data indicate that the prevalence of smoking by persons under 21 years of age is of sufficient magnitude to warrant consideration of the effects of advertising on such persons.

2. Changes in type and brand preference: Table 5 provides data for the period 1952 to 1963 on cigarette preference by type. It indicates that "there has been a continuous decline since 1952 in the proportion of cigarette output accounted for by regular cigarettes and an uninterrupted increase in the proportion of total output accounted for by filter and menthol cigarettes." (Bureau Rept. 34.) Data in table 5 are also presented in charts 1 and 2 [not printed in RECORD].

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[37] Id. at 7; U.S. Treasury Department, Internal Revenue Service, "Statistics of Income, 1960–1, Corporation Income Tax Returns," Table 2.

TABLE 4.—*Cumulative percentage of persons becoming regular cigarette smokers prior to age specified, by age and sex, United States, 1955*

MEN

Age started smoking	Age at time of survey (years)					
	18-24[1]	25-34[1]	35-44	45-54	55-64	65 and over
10	0.9	0.5	0.7	0.9	0.9	0.7
11	1.4	.9	1.3	1.8	1.7	1.1
12	1.5	1.0	1.7	1.9	2.0	1.3
13	2.4	2.1	2.9	3.2	3.0	2.1
14	3.5	3.3	3.9	3.9	3.6	2.8
15	6.3	6.5	7.1	6.6	6.2	4.3
16	11.6	12.4	13.0	11.7	10.9	7.5
17	23.3	24.7	23.8	20.2	17.3	10.7
18	33.5	35.3	31.5	27.3	21.6	13.0
19	44.3	50.0	45.7	39.5	31.8	16.6
20	48.9	55.2	49.8	42.8	34.0	17.3
21	52.6	61.4	56.9	51.2	41.2	20.9
22	54.2	64.1	60.6	55.2	44.3	22.2
23	55.3	65.5	62.5	56.7	45.7	22.9
24	55.8	66.4	63.4	57.7	46.2	23.2
25	------	67.0	64.0	58.2	46.9	23.4
26	------	67.4	65.3	60.1	48.7	25.1
27	------	67.6	65.8	60.4	49.1	25.6
28	------	67.7	66.0	60.6	49.5	25.7
29	------	67.9	66.4	61.1	50.0	26.0
30	------	67.9	66.4	61.3	50.2	26.1
31	------	68.2	66.9	62.2	51.2	27.5
32	------	68.2	67.0	62.3	51.2	27.8
33	------	68.4	67.1	62.5	51.2	28.0
34	------	68.4	67.2	62.6	51.5	28.0
35	------	68.4	67.3	62.7	51.6	28.1
Future lifetime (maximum)	------	71.3	70.7	66.3	56.5	33.7
WOMEN						
10	0.1	0.1	------	------	0.1	------
11	.2	.2	0.1	0.1	.2	------
12	.2	.2	.1	.1	.2	------
13	.3	.4	.2	.1	.2	------
14	.9	.6	.3	.2	.2	0.1
15	2.1	1.5	.6	.3	.3	.1
16	4.8	3.2	1.7	.6	.6	.2
17	9.8	7.0	4.2	1.3	.7	.4
18	15.9	11.9	7.0	2.0	.8	.4
19	24.3	20.2	12.3	4.1	1.2	.6
20	28.9	23.9	14.5	4.7	1.4	.7
21	32.6	28.9	19.6	7.5	2.1	.9
22	34.7	31.9	22.0	8.7	2.3	1.0
23	35.8	34.0	23.4	9.7	2.4	1.0
24	36.2	35.3	24.8	10.3	2.6	1.1
25	------	36.2	25.6	10.9	2.8	1.1
26	------	37.6	28.0	13.4	3.4	1.4
27	------	38.0	28.9	13.7	3.6	1.4
28	------	38.7	29.6	14.1	3.7	1.4
29	------	39.3	30.5	14.7	4.0	1.4
30	------	39.8	30.8	14.9	4.1	1.4
31	------	40.3	32.6	17.0	5.5	1.6
32	------	40.7	32.7	17.3	5.6	1.7
33	------	40.9	33.2	17.8	5.9	1.7
34	------	41.2	33.4	18.2	5.9	1.7
35	------	42.0	33.8	18.5	6.1	1.7
Future lifetime (maximum)	------	47.8	40.5	26.7	12.6	4.6

[1] For ages under 35, adjusted by usual actuarial procedures to take account of population not exposed to risk for entire age span covered.

Source: William Haenszell, Michael B. Shimkin, and Herman P. Miller, "Tobacco Smoking Patterns in the United States," Public Health Monograph No. 45, Government Printing Office, Washington, D.C., 1956, p. 56.

TABLE 5.—*Cigarette output by type of cigarette, 1952–63*

[In billions of cigarettes]

Year[1]	All types, total	Regular cigarettes	King-size[2] cigarettes	Filter[2] cigarettes	Menthol cigarettes[3]
1963	509.0	109.3	97.7	218.9	83.1
1962	494.5	118.8	97.0	205.4	73.4
1961	488.1	127.4	98.3	193.8	68.6
1960	475.4	130.3	91.9	192.4	60.9
1959	455.8	135.1	87.0	182.7	51.0
1958	436.1	142.8	87.6	168.6	37.1
1957	409.0	155.0	84.7	142.8	26.6
1956	391.0	172.6	92.7	109.5	16.3
1955	380.0	193.6	99.0	74.7	12.7
1954	369.0	216.2	103.3	37.4	12.1
1953	388.0	259.8	103.9	12.4	11.5
1952	395.8	307.2	71.9	5.2	11.5
PERCENT DISTRIBUTION					
1963	100.0	21.5	19.2	43.0	16.3
1962	100.0	24.0	19.6	41.5	14.8
1961	100.0	26.1	20.1	39.7	14.1
1960	100.0	27.4	19.3	40.5	12.8
1959	100.0	29.6	19.1	40.1	11.2
1958	100.0	32.7	20.1	38.7	8.5
1957	100.0	37.9	20.7	34.9	6.5
1956	100.0	44.1	23.7	28.0	4.2
1955	100.0	50.9	26.1	19.7	3.3
1954	100.0	58.6	28.1	10.1	3.3
1953	100.0	67.0	26.8	3.2	3.0
1952	100.0	77.6	18.2	1.3	2.9

[1] For years prior to 1961, totals consist of tax-paid removals for domestic consumption as reported to the Internal Revenue Service plus additions to inventory and minus reductions in inventory. These figures do not include tax-free removals or exports. The pre-1961 totals, therefore, will differ slightly from those shown in table 1. For 1961, 1962, and 1963, totals are equal to the Internal Revenue Service series on tax-paid withdrawals for domestic consumption and are approximately equivalent to domestic sales.

[2] King-size, filter cigarettes are classified as filter cigarettes.

[3] This classification includes all cigarettes made with menthol. In 1963, more than 95 percent of menthol output consisted of menthol-filter-kings. The balance consisted of regular-size menthol cigarettes.

Sources: Printers' Ink, Dec. 22, 1961, pp. 24–25; Dec. 27, 1957, p. 23; Dec. 23, 1960, pp. 28–29; Dec. 28, 1956, p. 26; Dec. 25, 1959, p. 21; Dec. 30, 1955, p. 13; Dec. 26, 1958, p. 23; and Jan. 15, 1954; p. 36.
Bureau Report, table 20, p. 35.

In 1952, the market shares of regular, filter, and menthol cigarettes were 77.6, 1.3, and 2.9 percent, respectively.[38] By 1963, the market shares for regular, filter, and menthol cigarettes were 21.5, 43.0, and 16.3 percent, respectively. The combined filter and menthol cigarette share, which had been 4.2 percent in 1952, had increased to 59.3 percent by 1963. Inasmuch as more than 95 percent of menthol output in 1963 consisted of menthol-filter-kings and no menthol-filter cigarettes were manufactured in 1952, it may also be said that the market share of filter cigarettes had increased from 1.3 percent in 1952 to about 59 percent in 1963.

In absolute terms, the data also show a continuous decline in the output of regular cigarettes and substantial increases in the output of filter and menthol cigarettes. Regular cigarette output equaled 307.2 billion units in 1952. By 1963, this total had declined to 109.3 billion units, or by 64.4 percent. Greater percentage changes, however, occurred in the output totals for filter and menthol cigarettes. Filter output in 1952 equaled 5.2 billion units; by 1963, the filter total had reached 218.9 billion units. This change represented an increase of more than 4,000 percent. Large percentage increases in filter output were recorded during each of the years of the period 1953 to 1958; smaller gains were achieved thereafter.

Although menthol cigarette output recorded a substantial increase during the period 1952 to 1963, it was not until 1956, with the introduction of light-menthol, filter-king cigarettes such as Salem, that menthol cigarettes achieved significant gains. Further gains also occurred in years subsequent to 1956. In 1952, menthol cigarette output equaled 11.5 billion units. The bulk of this output, moreover, consisted of heavy-menthol, nonfilter Kool cigarettes. By 1963 menthol cigarette output equaled 83.1 billion units, and more than 80 percent of this total consisted of light-menthol brands, such as Salem, Belair, Alpine, and Newport, which had been introduced subsequent to 1955.

Changes in individual brand preference have paralleled the increased popularity of filter and menthol-filter cigarettes. Tables 6 and 7 provide market share and rank data for the 30 leading cigarette brands of 1963 for the entire period 1950 to 1963. As shown in tables 6 and 7, all of the six leading brands of cigarettes in 1950, except Pall Mall, were regular cigarettes. Pall Mall, a king-size cigarette, ranked fifth in 1950 and accounted for 6.1 percent of the total output. By 1963, Pall Mall ranked first and only two of the leading six cigarette brands were reguar cigarettes. The latter, Camel and Lucky Strike, ranked third and sixth, respectively. Two filter brands, Winston and Kent, ranked second and fifth, respectively, and a menthol-filter-king cigarette, Salem, ranked fourth. By 1963, therefore, leadership among cigarette brands was no longer held by regular cigarettes.

TABLE 6.—*Percentage of total output during each of the years 1950 to 1963 for the 30 leading cigarette brands of 1963*

Brand	Type[1]	Company	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950
All brands, total	------	------	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Pall Mall	K	American Tobacco	14.3	14.6	14.5	14.0	13.7	13.3	13.3	14.3	14.6	14.1	12.1	10.7	8.1	6.1
Winston	F	R. J. Reynolds	13.6	12.9	12.0	11.0	10.1	9.7	9.8	8.7	5.8	2.0	------	------	------	------
Camel	R	do	11.8	12.9	13.5	13.9	14.3	14.6	15.7	17.8	19.6	22.0	25.3	26.5	26.6	26.3
Salem	M	do	8.8	8.9	8.4	7.4	6.2	4.4	2.9	1.0	------	------	------	------	------	------
Kent	F	P. Lorillard	7.3	7.4	7.2	8.0	8.2	8.3	3.7	.9	.7	1.1	.8	.1	------	------
Lucky Strike	R	American Tobacco	7.1	8.0	8.4	8.9	9.6	10.8	12.7	14.2	15.1	15.9	16.8	18.6	20.4	22.9
L & M	F	Liggett & Myers	5.4	5.3	5.3	5.2	5.5	6.0	6.4	5.2	3.3	1.8	.3	------	------	------
Marlboro	F	Philip Morris	5.0	5.0	4.9	4.6	4.5	4.7	4.8	3.7	1.7	------	------	------	------	------
Viceroy	F	Brown & Williamson	3.7	3.6	3.7	4.5	4.7	5.1	5.9	6.0	5.3	4.0	1.5	.7	.4	.3
Kool	M	do	3.1	3.0	3.9	3.1	3.0	3.1	3.1	3.0	3.3	3.3	2.9	2.9	2.5	2.3
Tareyton	F	American Tobacco	2.5	2.3	2.2	2.0	1.7	.9	.8	.9	.9	.4	------	------	------	------
Chesterfield	K	Liggett & Myers	2.1	2.2	2.5	2.6	2.5	2.5	2.5	3.3	3.7	3.7	3.5	2.1	------	------
Parliament	F	Philip Morris	2.0	2.0	1.9	1.9	2.0	1.6	.5	.5	.5	.6	.6	.4	.2	.3
Raleigh	F	Brown & Williamson	1.9	1.6	1.4	1.2	1.1	------	------	------	------	------	------	------	------	------
Newport	M	P. Lorillard	1.7	1.7	1.5	1.1	1.1	.6	.2	------	------	------	------	------	------	------
Chesterfield	R	Liggett & Myers	1.7	2.0	2.7	3.1	3.6	4.3	5.3	6.3	8.6	10.7	12.8	14.8	17.1	18.1

See footnote at end of table.

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[38] Note that in this report, as in the Bureau Report, the terms "output," "sales," "domestic consumption," and "consumption" are used interchangeably. All series, however, exclude exports or production for exports. This usage has been necessary because of limitations as to data available. Differences in the series are minor and do not significantly affect data on relative shares or trends.

TABLE 6.—*Percentage of total output during each of the years 1950 to 1963 for the 30 leading cigarette brands of 1963*—Continued

Brand	Type [1]	Company	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950
Old Gold	F	P. Lorillard	1.0	1.0	1.0	1.1	1.1	1.3	1.6	1.5	1.3	.1				
Belair	M	Brown & Williamson	.9	.5	.1	.2										
Philip Morris	K	Philip Morris	.8	.8	.8	.8	.8	1.0	1.2	1.4	1.8	2.2	2.3			
Raleigh	K	Brown & Williamson	.7	.7	.7	.7	.7	1.7	1.5	1.8	1.9	2.0	1.5			
Philip Morris	R	Philip Morris	.6	.8	.9	1.2	1.4	1.8	2.4	3.5	4.3	5.7	6.6	9.1	10.2	10.7
Tareyton	K	American Tobacco	.5	.5	.5	.6	.7	.8	1.0	1.4	2.0	3.0	3.4	3.2	2.4	1.8
Alpine	M	Philip Morris	.5	.5	.5	.5	.2									
Montclair	M	American Tobacco	.5	.1												
Paxton	M	Philip Morris	.4													
Lark	F	Liggett & Myers	.3													
Spring	M	P. Lorillard	.3	.2	.2	.1	.2									
York	K	do	.2	.2	.2											
Old Gold	K	do	.2	.2	.3	.3	.3	.4	.5	.8	1.1	1.2	1.0			
Do	R	do	.2	.2	.4	.3	.7	1.2	1.7	2.3	3.3	4.1	5.1	5.9	5.3	5.1
All others			.9	.9	1.4	1.7	2.1	1.9	2.5	1.5	1.2	2.1	3.5	5.0	6.8	6.1

[1] R, regular; K, king size; F, filter; and M, menthol.

Sources: Printers' Ink, Feb. 14, 1964, pp. 26-27; Dec. 22, 1961, pp. 24-25; Dec. 23, 1960, pp. 28-29; Dec. 25, 1959, p. 21; Dec. 26, 1958, p. 23; Dec. 27, 1957, p. 23; Dec. 28, 1956, p. 26; Dec. 30, 1955, p. 13; Jan. 15, 1954, p. 36; and Oct. 23, 1953, p. 440.
Bureau Report, table 23, p. 40.

TABLE 7.—*Rank of the 30 leading cigarette brands of 1963 during each of the years 1950–63*

Brand	Type [1]	Company	1963	1962	1961	1960	1959	1958	1957	1956	1955	1954	1953	1952	1951	1950
Pall Mall	K	American Tobacco	1	1	1	1	2	2	2	2	3	3	4	4	5	5
Winston	F	R. J. Reynolds	2	2	3	3	3	4	4	4	5	12				
Camel	R	do	3	2	2	2	1	1	1	1	1	1	1	1	1	1
Salem	M	do	4	4	4	6	6	9	11	17						
Kent	F	P. Lorillard	5	6	6	5	5	5	9	19	19	16	15	22		
Lucky Strike	R	American Tobacco	6	5	4	4	4	3	3	3	2	2	2	2	2	2
L & M	F	Liggett & Myers	7	7	7	7	7	6	5	7	11	14	21			
Marlboro	F	Philip Morris	8	8	8	8	9	8	8	8	15					
Viceroy	F	Brown & Williamson	9	9	9	9	8	7	6	6	6	7	12	12	13	14
Kool	M	do	10	10	10	10	11	11	10	11	9	9	9	8	7	7
Tareyton	F	American Tobacco	11	11	13	13	14	19	20	18	18	19				
Chesterfield	K	Liggett & Myers	12	12	12	12	12	12	12	10	8	8	7	9		
Parliament	F	Philip Morris	13	13	14	14	13	15	22	22	21	18	17	13	14	16
Raleigh	F	Brown & Williamson	14	16	16	15	17									
Newport	M	P. Lorillard	15	15	15	17	17	22	23							
Chesterfield	R	Liggett & Myers	15	13	11	11	10	10	7	5	4	4	3	3	3	3
Old Gold	F	P. Lorillard	17	17	17	18	16	16	15	14	16	23				
Belair	M	Brown & Williamson	18	23	27	27										
Philip Morris	K	Philip Morris	19	18	19	19	19	18	17	15	14	11	10			
Raleigh	K	Brown & Williamson	20	20	20	20	20	14	16	13	13	13	11			
Philip Morris	R	Philip Morris	21	19	18	16	15	13	13	9	7	5	5	5	4	4
Tareyton	K	American Tobacco	22	21	21	21	22	20	18	16	12	10	8	7	8	9
Alpine	M	Philip Morris	22	21	22	22	27									
Montclair	M	American Tobacco	23	34												
Paxton	M	Philip Morris	25													
Lark	F	Liggett & Myers	26													
Spring	M	P. Lorillard	26	27	26	35	27									
York	K	do	28	24	35											
Old Gold	K	do	28	24	24	25	26	23	21	20	17	15	13			
Do	R	do	28	24	23	24	21	17	14	12	10	6	6	6	6	6

[1] R, regular; K, king size; F, filter; and M, menthol.

Sources: Printers' Ink, Feb. 14, 1964, pp. 26-27; Dec. 22, 1961, pp. 24-25; Dec. 23, 1960, pp. 28-29; Dec. 25, 1959, p. 21; Dec. 26, 1958, p. 23; Dec. 27, 1957, p. 23; Dec. 28, 1956, p. 26; Dec. 30, 1955, p. 13; Jan. 15, 1954, p. 36; and Oct. 23, 1953, p. 440.
Bureau report, table 24, p. 40.

TABLE 8.—*Relative importance during 1963 of filter and menthol-filter brands introduced after Jan. 1, 1952*

Brand	Domestic consumption during 1963 (billions of cigarettes)	Percent distribution
All brands, total	509.6	100.0
Filter brands introduced after Jan. 1, 1952, total	187.7	36.8
Winston	69.4	13.6
Kent	37.1	7.3
L&M	27.2	5.3
Marlboro [1]	25.4	5.0
Dual filter Tareyton	12.5	2.5
Raleigh (filter only)	9.4	1.8
Old Gold (filter only)	5.1	1.0
Lark	1.6	0.3
Menthol-filter brands introduced after Jan. 1, 1952, total	79.5	15.8
Salem	44.8	8.8
Kool (filter only)	13.0	2.6
Newport	9.0	1.8
Belair	4.8	0.9
Alpine	2.3	.5
Montclair	2.3	.5
Paxton	2.0	.4
Spring	1.3	.3
All other brands	242.4	47.4

[1] Included because Marlboro was in effect reintroduced after 1952.

Source: Printers' Ink, Feb. 14, 1964.

Also of significance is the fact that, by 1963, the cigarette market was increasingly dominated by filter and menthol-filter brands that had been introduced since 1952. As indicated by table 8, such brands accounted for more than half of total consumption in 1963. These data indicate the active role cigarette manufacturers have played in marketing filter and menthol-filter cigarettes; they tend to negate any inference that a spontaneous shift by consumers to filter and menthol-filter brands already on the market took place.

The dramatic character of the changes in brand preference since 1950 may be more fully appreciated if it is recalled that during the years prior to 1950, three brands of regular cigarettes, Lucky Strike, Camel, and Chesterfield, dominated the cigarette market. In 1925, 1935, and 1950 these brands had accounted for 82, 85, and 67.9 percent, respectively, of total cigarette output. By 1963, however, the share of output accounted for by the three brands had declined to 20.6 percent and two of the three brands no longer ranked among the top three. (Bureau rept. 35.)

3. Cigarette advertising expenditures: As noted earlier, advertising expenditure data for the leading six cigarette manufacturers are available from both trade sources and the Internal Revenue Service. As shown in table 9, Internal Revenue Service data indicate that advertising expenditures increased from $84.8 million in 1950 to $236.4 million in 1960, or by 178.7 percent. Cumulative totals of Internal Revenue Service data for the period 1950 to 1960 indicate that the six leading cigarette manufacturers incurred advertising expenditures of approximately $1.75 billion.

Trade data in table 9 indicate that estimated expenditures for television, newspapers (including Sunday supplements), and general magazines increased from $49.1 million in 1952 to $153.9 million in 1962, or by 213.2 percent. Cumulative totals for the period 1952 to 1962 indicate that the six leading cigarette manufacturers spent an estimated $1.2 billion in the included media. These totals do not include spot television expenditures for the years 1952 to 1955 and therefore tend to overstate the increase in the three media total for the period 1952 to 1962. It is estimated, however, that spot television expenditures were not of major significance to the three media total for 1952. Media not included for all of the period 1952 to 1962 consist principally of radio, outdoor advertising, farm and business publications, direct mail promotions, point-of-sale advertising, premiums, and sample promotions. It is estimated, however, that the data shown from trade sources in table 9 account for more than half of total advertising expenditures. It should be pointed out that the trade data shown consist of estimates based upon gross time and space charges, computed on a one-time basis; that is, the figures do not reflect deductions for cash or frequency discounts. In addition, the figures do not include an allowance for preparation costs on print media or production costs on broadcast media. It is believed, however, that the trade data in table 9 are reasonable approximations of actual expenditures in the included media.

TABLE 9.—*Advertising expenditures of the 6 leading cigarette manufacturers, 1950–62*

[In thousands of dollars]

Year	Advertising expenditures in selected media of 6 leading cigarette manufacturers [1]	Advertising expenditures of 6 leading tobacco products manufacturing corporations (Internal Revenue Service data) [2]
1963	(3)	(3)
1962	153,872	(3)
1961	150,630	(3)
1960	153,484	236,414
1959	152,881	232,634
1958	137,276	217,883
1957	119,946	203,256
1956	104,493	177,197
1955	71,515	148,189
1954	66,488	131,666
1953	60,076	121,455
1952	49,136	(3)
1951	(3)	96,987
1950	(3)	84,814

[1] From table 10 below. Includes advertising expenditures for network and spot television, general magazines and newspapers (including Sunday sections). Spot television not included for the period 1952–55.

[2] Bureau report, p. 3.

[3] Not available.

Historical data from trade sources are available which indicate trends in media use during the period 1952–63. Table 10 provides separate data on the advertising expenditures of the six leading cigarette manufacturers in television, general magazines, and newspapers (including Sunday supplements). It indicates that between 1952 and 1962, expenditures for network television, general magazines, and newspapers increased respectively by 256, 129, and 45 percent. It also indicates that during 1962, combined expenditures for network and spot television accounted for 71 percent of the three media total. By 1962, network television advertising expenditures were estimated to equal $81.9 million, an amount approximately three times both spot television or general magazine expenditures and more than four times expenditures for newspaper advertising.

As described in the Bureau of Economics report—

"Data are also available for other media but not for all of the years of the period 1952–62. As described in footnote 1 of table 10, published estimates indicate that about $19 million was spent by the six cigarette manufacturers for network radio during 1962, and $1.7 million for outdoor advertising. If these totals are added to the 1962 total of $153.9 million appearing in table 10, the computed total for the advertising expenditures of the six companies would be $174.9 million. This total, of course, does not include such media as spot radio, direct mail, point of sale advertising aids, premiums, and sampling. It is estimated, however, that the computed total of $174.9 million accounts for 65 to 75 percent of total advertising expenditures by the six companies." (Bureau rept. 29.)

Comparisons between cigarette consumption and cigarette advertising expenditures indicate that during recent years increases in advertising expenditures have considerably exceeded increases in cigarette consumption. Comparisons for the period 1950–60 indicate that total cigarette consumption increased by 30.5 percent and that per capita consumption of persons 18 years of age and older increased by 18.5 percent, but that advertising expenditures reported to the Internal Revenue Service by the six leading cigarette manufacturers increased by 178.7 percent. Similarly, a comparison of cigarette consumption data and advertising expenditure data from trade sources indicates that there was a 25.8-percent increase between 1956 and 1962 in total domestic cigarette consumption, a 16.9-percent increase in per capita cigarette consumption, but a 47.3-percent increase in the advertising expenditures of the six leading cigarette manufacturers for television, general magazines, and newspapers.

TABLE 10.—*Advertising expenditures by leading 6 cigarette manufacturers in selected media, 1952–63*

[All figures are in thousands of dollars. Table includes data for R. J. Reynolds, American Tobacco Co., P. Lorillard, Brown & Williamson, Philip Morris, and Liggett & Myers]

Year	Selected media total [1]	Television total	Network TV	Spot TV	General magazines	Newspapers (including Sunday sections)
1963	(2)	125,322	89,253	36,069	31,834	(2)
1962	153,872	109,105	81,947	27,158	27,029	17,738
1961	150,630	104,300	77,750	26,550	25,645	20,685
1960	153,484	100,260	68,119	32,141	[3] 23,881	29,343
1959	152,881	96,459	67,973	24,486	[3] 21,619	34,803
1958	137,276	88,592	61,078	27,514	20,872	27,812
1957	119,946	78,599	47,337	31,262	18,032	23,315
1956	104,493	66,864	38,497	28,367	14,965	22,664
1955	71,515	[4] 40,240	40,240	(2)	15,349	15,926
1954	66,488	[4] 39,885	39,885	(2)	14,125	12,478
1953	60,076	[4] 32,554	32,554	(2)	12,235	15,287
1952	49,136	[4] 25,083	25,083	(2)	11,810	12,243

[1] Expenditure data in this table consists of gross time and space costs computed at one-time rates. There is no deduction for cash or frequency discounts. These totals do not include preparation costs for print media and talent and production costs for broadcast media (Printers' Ink, Sept. 6, 1963, p. 21).

Data for network radio and outdoor media are also available, but are not available for all of the years of the period 1952–62 and for this reason have not been included in the main table. Data for network radio are available for the years 1952–55, and appear below. An estimate for network radio for 1962 was published in Printers' Ink, Sept. 6, 1963, and is also included below. Data for outdoor media for 1958, 1961, and 1962 are also shown below:

[In thousands of dollars]

Year	Network radio	Outdoor advertising
1962	19,300	1,699
1961	(a)	1,328
1958	(a)	2,879
1955	9,743	(a)
1954	10,779	(a)
1953	14,960	(a)
1952	15,522	(a)

[a] Not available.

[2] Not available.

[3] Data for Brown & Williamson's expenditures in general magazines were not available in published sources but have been estimated and included in the 1959 and 1960 totals.

[4] Does not include expenditures for spot television.

Sources: Printers' Ink, Oct. 21, 1955, p. 76 ff., Oct. 31, 1958, p. 59 ff., Sept. 1, 1961, p. 368 ff., Sept. 6, 1963, p. 21 ff.; Bureau report, table 18, p. 28; Advertising Age, Apr. 6, 1954, p. 94, and Apr. 13, 1964, p. 101.

If the most striking development in cigarette consumption patterns since 1952 has been the increased popularity of filter and menthol-filter brands, equally striking has been the absolute and relative increase in advertising expenditures for filter and menthol-filter cigarettes. Table 11 presents data on advertising expenditures in selected media. It indicates that the advertising expenditure share for filter and menthol cigarettes (primarily menthol-filter) increased from 3.7 percent in 1952 to 66.1 percent in 1962. In absolute terms, expenditures in selected media increased from $2.1 million in 1952 to $96.5 million in 1962. Since more than 95 percent of menthol cigarette output in 1962 consisted of menthol-filter cigarettes and since no such cigarettes were produced in 1952, it can also be estimated that the combined advertising expenditure total for filter and menthol-filter cigarettes increased from $1.6 million in 1952 to $95.6 million in 1962 and, on a percentage share basis, from 2.8 percent in 1952 to 65.5 percent in 1962.

Between 1952 and 1962, filter and menthol cigarette consumption increased from 16.7 billion units in 1952 to 278.8 billion units in 1962, or by 261.1 billion units. About 40 percent of this increase represented a net increase in total cigarette consumption. In 1952, advertising expenditures in selected media for filter cigarettes equaled $1.6 million; by 1962, the total for filter cigarettes in selected media equaled $68.4 million. This change represents an increase of more than 4,000 percent. In 1955, expenditures for menthol cigarettes did not exceed $1 million. By 1962, spending to advertise menthol cigarettes, primarily menthol-filter cigarettes, exceeded $28 million. The change for menthol cigarettes also represents an increase of more than 4,000 percent.

It cannot be demonstrated that the intensive advertising of filter and menthol-filter cigarettes was exclusively responsible for the net increase in total cigarette consumption of about 100 billion units during the years 1952–62 and the gross increase in menthol and filter output of 262 billion units in that period, but it is highly probable that advertising contributed significantly to both increases, particularly to the increase in filter and menthol-filter consumption. It is of course true that the spending of even millions of dollars will not guarantee success for a particular brand or insure retention of a market for a given type of cigarette. The decline in recent years of most brands of regular cigarettes, and the conspicuous failure of some filter brands, such as Hit Parade, support this view. No cigarette, however, has been able to attain significant sales success without heavy promotional expenditures. The increased share of output accounted for by filter and menthol-filter cigarettes is undoubtedly associated with the mounting evidence throughout the 1950's of the health hazards of smoking but there is considerable probability that cigarette advertising since 1952 has significantly contributed to the shift to filter and menthol-filter cigarettes.

TABLE 11.—*Cigarette advertising expenditures in selected media by type of cigarette, 1952–62*

[Dollar amounts in thousands]

Year [1]	Expenditures in selected media, total [2]	Regular cigarettes	King-size cigarettes [3]	Filter cigarettes [3]	Menthol cigarettes [4]	Percent distribution: Expenditures in selected media, total [2]	Regular cigarettes	King-size cigarettes [3]	Filter cigarettes [3]	Menthol cigarettes [4]
1962	$145,986	$20,154	$29,373	$68,434	$28,025	100	13.8	20.1	46.9	19.2
1961	143,256	20,736	21,166	69,110	32,244	100	14.5	14.8	48.2	22.5
1960	143,910	21,929	19,948	70,216	31,817	100	15.2	13.9	48.8	22.1
1959	147,768	21,990	19,808	77,183	28,787	100	14.9	13.4	52.2	19.5
1958	134,985	21,388	20,095	69,280	24,222	100	15.8	14.9	51.3	17.9
1957	117,686	22,780	15,464	66,097	13,345	100	19.4	13.1	56.2	11.3
1956	105,334	29,101	21,962	46,738	7,533	100	27.6	20.8	44.4	7.2
1955	76,703	28,155	21,486	26,465	597	100	36.7	28.0	34.5	.8
1954	70,457	39,041	16,746	13,796	874	100	55.4	23.8	19.6	1.2
1953	71,934	55,898	10,983	4,662	391	100	77.7	15.3	6.5	.5
1952	56,673	47,564	7,013	1,603	493	100	83.9	12.4	2.8	.9

[1] Data for 1954 to 1962: In the case of brands selling more than 1 type of cigarette under a single brand name, it was necessary to allocate expenditures on the basis of brand sales by type of cigarette. This method probably understates the actual expenditures for nonregular cigarettes.

Data for 1952 and 1953: For these years, data were not available to make such allocations. As a result, negligible amounts of expenditures for Chesterfield, Old Gold, and Philip Morris king-size cigarettes were included in the totals for regular cigarettes; also, for the same years, negligible amounts of expenditures for Tareyton filter cigarettes were included in the totals for king-size cigarettes.

[2] Included media: Data in this table include expenditures for the entire period 1952–62 for the following media: General magazines, newspapers (including Sunday sections), and network television. Expenditures for radio are not included subsequent to July 31, 1955. Outdoor advertising expenditures are not included prior to 1955. Spot television expenditures are not included prior to 1956.

Included brands: Figures in this table do not include expenditures for any brand which in all of the years 1952–62 had sales of less than 1,000,000,000 cigarettes. Also not included are expenditures for any brand which declined in sales below 1,000,000,000 units, except that expenditures are included for such brands for all years in which their sales equaled 1,000,000,000 or more and all years prior to the most recent year in which sales equaled 1,000,000,000 or more. These exclusions, however, are not considered significant because they generally amount to less than 2 percent of total output.

Basis for data: Figures consist of space and time costs computed on a single-time basis. There is no allowance for preparation costs for print media or for talent or production costs for broadcast media. There is also no deduction for frequency or cash discounts.

[3] Filter-king cigarettes are classified as filter cigarettes.

[4] All menthol cigarettes, regardless of size and regardless of whether they were made with a filter, are classified as menthol cigarettes.

Sources: Advertising Age, June 23, 1958, p. 68; July 27, 1959, p. 82; Sept. 19, 1960, p. 126; Aug. 7, 1961, p. 82; June 25, 1962, p. 30; Sept. 2, 1963, p. 38.

Bureau report, table 21, p. 37.

C. Cigarette advertising: Its audience and content

1. The audience for cigarette advertising: The precise degree to which individuals in the United States are exposed to cigarette advertising cannot be accurately estimated from available data. The variety of media used by cigarette manufacturers and the magnitude of their expenditures indicate, however, that cigarette advertising reaches virtually all Americans who can either read, or understand the spoken word. Cigarettes are advertised on both network and spot television, on radio, in magazines and newspapers, in outdoor media, and by means of many types of point-of-sale advertising aids. So pervasive is cigarette advertising that it is virtually impossible for Americans of almost any age to avoid cigarette advertising. For example, the morning radio news broadcasts are often preceded or followed by a spot announcement for a cigarette brand. Outdoor billboards, trains, and buses carry advertising visible to both children and adults on their way to work or school. Restaurants and drugstores often have advertising decals for cigarettes on entrance doors and a variety of other display material such as wall clocks and change counter mats. Many of the daytime and evening television programs are sponsored by cigarette manufacturers; and numerous magazines and newspapers read by the whole family contain cigarette advertising. Theater and athletic event programs often contain cigarette advertising.

In subpart B, supra, data were presented on advertising expenditures by media. It was indicated that during 1963 the six leading cigarette manufacturers spent approximately $89.3 million for network television advertising. These expenditures were greater than those for any other media. Appendix B of the Bureau of Economics report presents audience data for network television programs sponsored in whole or in part by cigarette manufacturing.[39] Data in appendix B indicate that substantial numbers of persons of all ages are exposed to cigarette advertising. Table 12 contains audience estimates for persons 18 years of age and older for 55 network television programs sponsored in whole or in part by cigarette manufacturers. As shown in table 12, 25 of these programs had audiences of such persons equal 15.0 million or more. The most popular program, the "Beverly Hillbillies," had an audience of this age group estimated at 3.09 million. Bureau of Census data indicate that as of November 1, 1963, the resident U.S. population 18 years of age and over equaled 120.3 million; it may be estimated, therefore, that this particular television program reached an audience equal to approximately 25 percent of all persons 18 years of age and over. It may similarly be calculated that each of the 25 programs with an audience equal to 15.0 million or more of persons 18 years of age and older exposed at least 12 percent of such persons to cigarette advertising. The totals shown in table 12 represent minimums since programs broadcast 5 days a week (Monday through Friday) have been counted as a single program. In addition, it must be emphasized, these data do not include spot television advertising. During 1963, the six leading cigarette manufacturers spent approximately $36.1 million for such advertising (Advertising Age, Apr. 13, 1964, p. 101), an amount equal to 40 percent of their expenditures for network television advertising.

TABLE 12.—*Network television programs sponsored by cigarette manufacturers, distributed by size of audience 18 years of age and older, Nov. 6–19, 1963*

	Number of programs
Selected programs (total)	55
Programs with audience 18 years of age and older equal to—	
30,000,000 or more	1
25,000,000 to 29,900,000	0
20,000,000 to 24,900,000	5
15,000,000 to 19,900,000	19
10,000,000 to 14,900,000	18
5,000,000 to 9,900,000	5
Less than 5,000,000	7

TABLE 13.—*Network television programs sponsored by cigarette manufacturers distributed by size of audience 13 through 17 years of age, Nov. 6–19, 1963*

	Number of programs
All programs (total)	55
Programs with audience of persons 13 to 17 years of age equal to—	
4,000,000 or more	3
3,000,000 to 3,900,000	4
2,000,000 to 2,900,000	16
1,000,000 to 1,900,000	19
500,000 to 900,000	8
Less than 500,000	5

Table 13 summarizes audience data for persons 13 to 17 years of age (referred to as "teens" in app. B). Table 13 indicates that 23 of the 55 programs sponsored in whole or in part by cigarette manufacturers had a teen-age audience in excess of 2.0 million. Since Bureau of the Census data indicate that as of November 1, 1963, the total resident U.S. population in ages 13 through 17 equaled 17.2 million, it may be estimated that each of these programs reached an estimated minimum of about 12 percent of the total U.S. population of ages 13 to 17. One program, the "Beverly Hillbillies," had a teenage audience equal to 6.5 million, or almost 40 percent of such persons.

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[39] These data were compiled from the publication United States Television Audience, November 1963. The latter, a publication of the American Research Bureau, a subsidiary of C.E.I.R., was made available to the Commission and is an attachment to Ex. C. Its data are based upon a sample survey conducted by the American Research Bureau during the period November 6–19, 1963. Sponsorship information was obtained from listings in Advertising Age. Tables 12, 13, and 14 of this report summarize audience data in Appendix B.

TABLE 14.—*Network television programs sponsored by cigarette manufacturers, distributed by size of audience 2 to 12 years of age, Nov. 6–19, 1963*

	Number of programs
Selected programs (total)	55
Programs with audience 2 to 12 years of age equal to—	
10,000,000 or more	1
7,500,000 to 9,900,000	4
5,000,000 to 7,400,000	5
2,500,000 to 4,900,000	19
1,000,000 to 2,400,000	17
Less than 1,000,000	9

Data in appendix B also indicate that substantial numbers of children between 2 and 12 years of age are exposed to cigarette advertising on network television. As shown in table 14, 29 of the 55 network television programs sponsored by cigarette manufacturers had total audiences of children of ages 2 to 12 equal to 2.5 million or more. On the basis of a census bureau population estimate for the age group of 43.7 million, this would mean that each of these programs reached a minimum of 5 percent of the children of such ages. One program, "The Beverly Hillbillies," had an audience of children 2 to 12 equal to 12.6 million, or about 28.8 percent of the children in the United States of that age group.

Because cigarette advertising is often carried simultaneously by more than 1 network, the totals in tables 12, 13, and 14 understate the probable total number of persons exposed to cigarette advertising during a single time period. For example, on Wednesday evening between 9 and 10 p.m. (e.s.t.) both the CBS and the ABC networks carry programs sponsored in whole or in part by cigarette manufacturers. On the basis of data in appendix B, the combined audience during this time period includes an estimated 45.8 million persons 18 years of age and older, 7.9 million persons between 13 and 17 years of age, and 11.4 million children between 2 and 12. This equals approximately 38 percent of the U.S. population of age 18 and over, 46 percent of the population of ages 13 to 17, and 26 percent of the population of ages 2 to 12.

TABLE 15.—*Evening hour network television programs sponsored by cigarette manufacturers distributed by size of audience 13 to 17 years of age, day of week and time period*

[Does not include programs with an audience of less than 1,000,000]

Day of week and time period [1]	Size of audience age 13 to 17				
	Total	1,000,000 to 1,900,000	2,000,000 to 2,900,000	3,000,000 to 3,900,000	4,000,000 or more
Selected programs, total	40	18	15	4	3
Programs telecast:					
Sunday through Thursday:					
Between 6 and 7:30 p.m	(2)	(2)	(2)	(2)	(2)
Between 7:30 and 9 p.m	15	4	7	3	1
Between 9 and 10 p.m	7	3	2	0	2
Between 10 and 11 p.m	4	4	(2)	(2)	(2)
Friday:					
Between 6 and 7:30 p.m	(2)	(2)	(2)	(2)	(2)
Between 7:30 and 9 p.m	3	2	1	(2)	(2)
Between 9 and 10 p.m	2	1	1	(2)	(2)
Between 10 and 11 p.m	2	1	1	(2)	(2)
Saturday:					
Between 6 and 7:30 p.m	(2)	(2)	(2)	(2)	(2)
Between 7:30 and 9 p.m	4	1	3	(2)	(2)
Between 9 and 10 p.m	2	1	(2)	1	(2)
Between 10 and 11 p.m	1	1	(2)	(2)	(2)

[1] Programs telecast 5 days a week, Monday through Friday, have been included only once and have been tabulated in the "Sunday through Thursday" group. Programs which extend beyond the time intervals specified are included in the earliest applicable time. For example, "Monday Night at the Movies" (7:30 to 9:30) is included with the 7:30 to 9 programs. Times shown are in eastern standard time.

[2] Represents zero.

Source: Bureau report, appendix B.

Table 15 provides additional information on the teenage audience for cigarette advertising. It distributes evening-hour programs sponsored by cigarette manufacturers by the day of the week and time period.[40] Table 15 indicates that the bulk of the evening programs sponsored in whole or in part by cigarette manufacturers were scheduled for broadcast during time periods ending prior to 9. p.m. (e.s.t.). As shown in table 15, 22 of the 40 evening-hour programs with an audience in excess of 1 million persons of ages 13 to 17 were telecast prior to 9 p.m. An additional 11 programs were telecast between 9 and 10 p.m. The balance, or seven programs, were telecast between 10 and 11 p.m. It may be noted that the seven programs broadcast after 10 p.m. had relatively smaller teenage audiences.

Data for other media would similarly indicate exposure of teenagers and younger children to cigarette advertising. Short of the most drastic restrictions on media use, there is no way to prevent persons under 21 or 18 years of age from being exposed to cigarette adverstising. Given the fact, found by the Surgeon General's Advisory Committee, that "all available knowledge points toward the years from the early teens to the age of 20 as a significant period during which a majority of later smokers began to develop the active habit" (ACR 368), the kind of advertising to which young persons are exposed is obviously important.

2. Themes and appeals in current cigarette advertising which portray the desirability of smoking: The Commission has examined the large number of representative advertisements summarized in the Bureau of Economics Report and made a part of the record of this proceeding, and other cigarette advertising. Our examination of cigarette advertising indicates that two elements predominate: One, portrayal of the desirability of smoking; and two, assurance about the safety of cigarettes or relative safety of the advertised brand. The basis for the first of these conclusions will be described in this section; the basis for the second conclusion will be described in the following section.

Fundamental to the question of whether the portrayal of the desirability of smoking is a dominant element of current advertising is the question whether there can be any cigarette advertising that does not directly or indirectly portray the desirability of smoking. Since there is no way to consume a cigarette without smoking it, it might be argued that all cigarette advertising is, in some degree, a portrayal of the desirability of smoking. By this reasoning, even premium offers such as those now being made for Raleigh, Belair, and Alpine cigarettes would constitute a portrayal of the desirability of smoking. These offers, however, are not directly related to the experience of smoking. Direct portrayal of the desirability of the smoking experience is, in any event, sufficiently prevalent that there is no need to rely on examples of indirect portrayal in order to demonstrate that portrayal of the desirability of smoking is a dominant element in current cigarette advertising; i.e., advertising appearing since January 1, 1963.[41]

The direct portrayal of the desirability of smoking is largely accomplished in the following two ways: (a) By describing the satisfactions derived from smoking; and (b) by associating smoking with individuals, groups, or ideas worthy of emulation or likely to be emulated. Our view that current cigarette advertising portrays the desirability of smoking does not imply that we doubt that smoking affords pleasure, enjoyment, and other satisfactions to many individuals. Neither do we doubt that smoking is a habit enjoyed by many individuals worthy of emulation. However, for reasons that will appear, the character of current cigarette advertising is relevant to the questions involved in this proceeding. Sections (a) and (b) which follow describe in detail the portrayal in current advertising of the desirability of smoking.

(a) Descriptions in current advertising of the satisfactions to be derived from smoking: A review of current advertising indicates that virtually every cigarette brand makes one or more claims respecting the satisfactions to be derived from smoking. Examples of such claims are reproduced in table 16. The Pall Mall slogan, "Pall Mall travels pleasure to you," illustrates the theme of pleasure in current cigarette advertising. We take it as obvious that when an advertisement describes a product as affording pleasure, the advertisement is portraying the desirability of using that product. There is, of course, no way to obtain pleasure from a Pall Mall without smoking it. Pall Mall is not alone in its use of the word "pleasure." Winston offers a cigarette that is "packed for pleasure"; Kent promises "more real smoking pleasure"; and Camel advertising suggests that "Camel time is pleasure time."

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[40] It should be noted that all times specified are eastern standard time. This would mean that viewing time in the central time zone would generally be one hour earlier. Hours of television broadcasting in the Pacific time zone are generally identical to those of the eastern time zone. Not included in table 15 are programs with a teenage audience of fewer than 1 million. The few programs which are not contained in the time intervals specified in stub of the table have been included in the earliest applicable time period. For example, "Monday Night at the Movies," a program broadcast between 7:30–9:30 p.m. (e.s.t.), has been included with the 7:30 to 9 p.m. programs.

[41] As indicated by the advertising summaries contained in the analysis sheets of Appendix A of the Bureau of Economics Report, the portrayal of the desirability of smoking has consistently been a prominent characteristic of cigarette advertising. Appendix A contains extensive excerpts from the cigarette advertising of the period 1950 to March 1, 1964, and a limited number of excerpts from earlier advertising.

TABLE 16.—*The portrayal in current advertising of the satisfactions to be obtained from smoking*

Brand	Type	Sales rank during 1963	Excerpts from advertising	Date	Source [1]
Pall Mall	King size	1	Pall Mall travels pleasure to you	January 1964	Vol. I, p. 40.
			Pall Mall's natural mildness is so good to your taste. So smooth, so satisfying, so darn right smokeable. For flavor and enjoyment you just can't beat Pall Mall's natural mildness. It's so good to your taste. * * * Enjoy satisfying flavor.	September 1963	Vol. I, p. 35.
Winston	Filter	2	This is the filter cigarette that's packed for pleasure * * * More people find it fun to smoke Winston than any other cigarette, because Winston tastes good like a cigarette should.	Jan. 3, 1963	Vol. I, pp. 68, 69.
Camel	Regular	3	Camel Time is a pleasure time—honest enjoyment—clean-cut taste. * * * You make any moment a little bit brighter the minute you light a Camel cigarette * * *.	1964	Vol. I, p. 2.
Salem	Menthol	4	Salem softness refreshes your taste * * *. Salem gives you * * * rich tobacco taste, smoothed with menthol—softened with fresh air.	Nov. 8, 1963	Vol. I, p. 139.
Kent	Filter	5	Kent has the filter and the taste to give you more real smoking pleasure. * * * Kent satisfies best.	Sept. 23, 1963	Vol. I, p. 70.
			When you light up a cigarette * * * it's for real satisfying pleasure. And may I say, you get more of that satisfying pleasure * * * when you smoke Kent.	Sept. 27, 1963	Vol. I, p. 75.
			Here is smoking at its very best. Just the way smoking should be, satisfying and pleasant.		
Lucky Strike	Regular	6	Taste fine tobacco at its best. Smoke a Lucky Strike * * * the taste that millions like.	February 1964	App. D.
			Smoking is a pleasure meant for adults. And Lucky Strike's fine tobaccos are blended for adult tastes.	Fall 1963	Vol. I, p. 14.
L&M	Filter	7	You get more body in the blend, more flavor in the smoke, more taste through the filter.	August 1963	Vol. I, pp. 81, 82.
Marlboro	do	8	There's richer flavor in this one from the richer breed of tobaccos * * * you get a lot to like with a Marlboro.	do	Vol. I, p. 84.
Chesterfield	Regular and king size	9	Today's Chesterfield king * * * pure pleasure all the way * * * tastes great.	July 1963	Vol. I, p. 56.
			They satisfy	May 8, 1964	App. D.
Viceroy	Filter	10	Viceroy's got the taste that's right	Dec. 30, 1963	Vol. I, p. 94.
Kool	Menthol	11	Kool's menthol magic brightens taste, refreshing all day through, feel extra coolness in your throat. * * *	Mar. 15, 1963	Vol. I, p. 145.
Herbert Tareyton	Filter, king	12	Get * * * the fine tobacco taste that makes Tareyton smokers so aggressively loyal.	Dec. 11, 1963	Vol. I, p. 109.
Raleigh	do	13	Every day more and more people are discovering the extra pleasure of smoking Raleigh cigarettes * * * Raleighs have a real tobacco taste.	Oct. 9, 1963	Vol. I, p. 117.
Parliament	Filter	14	Parliament lets you enjoy true, rich tobacco flavor	Jan. 22, 1964	App. D.
Newport	Menthol	15	Newport * * * the most refreshing smoke of all. Newport has * * * a blend of great-tasting tobaccos. Newport refreshes while you smoke, makes the flavor fresher.	June 28, 1963	Vol. I, p. 154.
Philip Morris	Regular and king	16			
Old Gold	Filter, king	17	Old Gold spin filters. Best taste yet in a filter cigarette	Nov. 9, 1963	Vol. I, p. 121.
Belair	Menthol	18	Clean and fresh as all outdoors—that's the pleasure you get in the clean fresh taste of Belair.	October 1963	Vol. I, p. 158.
Alpine	do	19	What's it like to smoke an Alpine? Well, it's like many fresh little things you enjoy. It's like the breeze through the willows at the waters edge—or the way the air feels at dawn * * * a bright, invigorating taste * * *.	Jan. 10, 1963	Vol. I, p. 165.
Montclair	do	20	You'll taste the difference, the delicious difference with your very first puff * * *. Discover for yourself how good good tobacco can taste when the menthol's in the filter * * *.	October 1963	Vol. I, p. 172.

[1] Sources consist of appendix, vol. I, of Bureau of Economics, "A Report on Cigarette Advertising and Output," and app. D.

Taste and flavor are also prominent features of current advertising. Pall Mall reminds smokers that, "it's so good to your taste." Camel promises "clean cut taste," and Kent is claimed to have "a taste to give you more real smoking pleasure." Filter cigarettes, such as Marlboro and Viceroy, emphasize "richer flavor" and "the taste that's right" respectively. Dual filter Tareyton is claimed to have "a fine tobacco taste that makes Tareyton smokers so aggressively loyal," and Parliament is claimed to be a cigarette that "lets you enjoy true, rich tobacco flavor."

Menthol cigarette advertising is notable for its stress on "refreshment." Salem, for example, claims that "Salem softness refreshes your taste," while Kool claims that its menthol magic is refreshing all day through. Another menthol cigarette, Newport, promises "the most refreshing smoke of all."

As is evident from the above-quoted examples from regular, king, filter, and menthol cigarette advertising, and from other examples in table 16, current cigarette advertising is replete with descriptions of the satisfactions to be derived from smoking. These descriptions are both explicit and varied. Their constant repetition in advertising which reaches vast numbers of Americans of all ages must be viewed as significantly contributing to the portrayal of the desirability of smoking.

(b) Association of smoking with ideas, individuals, and groups worthy of emulation or likely to be emulated: If a pervasive feature of current cigarette advertising is description of that satisfactions to be derived from smoking, an equally important aspect of current advertising is the association of smoking with individuals, groups, and ideas worthy of emulation or likely to be emulated. Our review of current advertising indicates that such associations are characteristic of the advertising of virtually every significant brand of cigarettes. For example, current advertising prominently associates smoking with romance, fun, and recreational activities; it features endorsements by actors, singers, military personnel, and individuals engaged in occupations such as boat designing and real estate development. Current advertising makes extensive use of young and attractive male and female models; and it urges smokers to follow the lead of knowing persons who prefer a particular brand. Even if all advertisements which depict couples in romantic surroundings enjoying the pleasures of cigarette smoking do not necessarily imply that smoking is essential to romance and good looks, such advertising plainly suggests that cigarette smoking is a desirable, attractive, and rewarding activity.

Associations in current advertising between smoking and individuals and ideas worthy of emulation or likely to be emulated are numerous and varied. Examples of such associations are described below in detail for the principal brands.

Pall Mall, sales rank in 1963: 1: Recent Pall Mall advertising associates smoking with glamour or romance by the use of attractive female models (see Bureau report, Appendix, vol. I, pp. 35, 38, 39, 41). The smoking of Pall Mall cigarettes is also depicted in a convivial situation in which six persons are engaged in group singing (vol. I, p. 40).

Camel, sales rank in 1963: 2: Recent Camel advertising has contained endorsements by individuals described as follows: (1) Bill Bunton, underwater research specialist, expert scuba diver, Camel smoker (vol. I, p. 4); (2) Russell Youngblood, Balloon Club of America, jet pilot, captain, U.S. Air Force. "He'd walk a mile for a Camel" (vol. I, p. 5); and (3) Ray Buckner, chief petty officer, polar navigation specialist, U.S. Coast Guard (vol. I, p. 8).

Winston, sales rank in 1963: 3: Recent Winston television advertising has depicted couples at a hobby shop and a golf driving range. In another television commercial, a couple is depicted having fun in the snow with a small boy. (See App. D, infra.)

Salem, sales rank in 1963: 4: Salem advertising portrays young couples in a variety of romantic, outdoor settings (vol. I, pp. 138, 139, and 141).

Kent, sales rank in 1963: 5: Kent advertising depicts the smoking of Kent cigarettes in both romantic and sophisticated-romantic situations. The advertising also portrays widespread use of Kent cigarettes by individuals in a variety of occupations (vol. I, pp. 74, 75, and 77).

L. & M., sales rank in 1963: 7: Recent L. & M. advertising associates the smoking of L. & M. with "good times." A magazine illustration similarly depicts hunters enjoying L. & M. "When a cigarette means a lot" (vol. I, pp. 80, 81).

Marlboro, sales rank in 1963: 8: Marlboro advertising is currently most notable for its association of Marlboro with a rather heroic conception of the cowboy. (See app. D, infra.) Marlboro advertising has also featured romantic settings, as illustrated by the following excerpt from a television script:

"1. Open on downshot of a convertible in beautiful big tree country. At night, with full moon.

"2. Cut to shot taken through the windshield of the car as it speeds down a country lane lined with trees.

* * * * *

"5. Dissolve to downshot of car as it pulls off road at edge of woods. We see Julie [London] and her escort in a beautiful sports convertible" (vol. I, p. 91).

Chesterfield (regular and king size), sales rank in 1963: 9: Recent Chesterfield advertising has depicted male Chesterfield smokers engaged in such activities as mountain climbing, dune buggy racing, and bicycle racing (vol. I, pp. 53, 54, 58). In these advertisements, a romantic element was also present. Chesterfield advertising has also featured personal endorsements by the actor, Gary Merrill, and by persons engaged in such occupations as costume design, real estate development, and boat design (vol. I, pp. 53, 54, 55, 58; also app. D. infra).

Viceroy, sales rank in 1963: 10: Recent Viceroy advertising has depicted couples smoking Viceroy cigarettes at a football game and a ski lodge (vol. I, pp. 93, 94). Viceroy television advertising has also featured skits such as the following:

"1. Owner of dude ranch is offered Viceroy cigarette by female guest. He explains that he subsequently adopted the cigarette and married the girl. (App. D, infra.)

"2. A man buying flowers for his wife on the occasion of their wedding anniversary describes his adoption of Viceroy cigarettes as a result of the florist's suggestion" [vol. I, p. 96].

3. Themes and appeals in the current advertising of filter and menthol-filter cigarettes which tend to allay anxiety about the dangers of smoking: Our examination of current advertising indicates that themes and appeals which allay anxiety about the dangers of smoking are most common in the advertising for filter and menthol-filter cigarettes. During 1963, filter and menthol-filter cigarettes respectively accounted for 43 and 15.8 percent of total consumption. Their combined share exceeded 58 percent of total consumption. The advertising discussed in this section, therefore, relates to types of cigarettes accounting for more than half of total 1963 consumption. In the 18 months since January 1, 1963, filter cigarette advertising has displayed divergent trends. The purpose of this section is to review the principal types of themes and appeals utilized in recent filter advertising, which have a tendency to allay the anxiety that might be felt by many in the advertising audience concerning the health hazards of cigarette smoking.

Any consideration of the advertising for filter cigarettes needs to be placed in the context of the history of filter cigarettes. Although the first of the filter cigarettes, Parliament, had been introduced as early as 1931, it was not until 1952 that the first of the "modern" filter cigarettes, Kent, was introduced, and it was not until after the evidence of the health hazards of cigarette smoking first became substantial and well-publicized in the early 1950's that sales of filter cigarettes increased. For example, in 1952, filter cigarettes accounted for approximately 1.3 percent of total output. In 1953, their share had increased to 3.2 percent. But in the following year, their share more than tripled and they accounted for 10.1 percent of total cigarette output. The substantial increase in filter cigarette consumption has strikingly paralleled the increasing concern over the health hazards of smoking.

Over the years, the themes and appeals used to promote filter cigarettes have varied in explicitness. Since the early 1950's, however, virtually no filter cigarette advertising has been free of assertions which seem intended to allay anxieties about the danger of smoking. Excerpts from filter advertising during the years 1957 to 1959 appear in table 17. These excerpts are representative of the "tar derby" era, and they suggest, in conjunction with the parallel, noted above, between filter consumption and concern with the hazards of smoking, that the mere addition of a filter to a cigarette is, in and of itself, some kind of claim or assurance relating to the health aspects of smoking. The purpose of the discussion which follows is to describe the ways in which current themes and appeals relating to filter cigarettes provide additional assurance about the health or safety of smoking cigarettes or the particular brand being advertised.

(a) Winston advertising: Current filter advertising considerably varies in the explicitness of, and the emphasis given to, themes and appeals which appear designed to allay anxiety about the dangers of smoking. Recent advertising for Winston illustrates some of this variation. This brand, it should be noted, has been the leading filter cigarette since 1955, and has ranked second among all brands since 1962. Much Winston advertising reminds the viewer or reader that Winston has a "pure white modern filter" and that Winston is "America's best-selling filter cigarette." (See, e.g., Bureau report, Appendix, vol. 1, pp. 64–66, 68.) The phrase "modern filter," of course, says nothing explicitly about the efficacy of the filter; it could imply to many people, however, that the Winston filter is sufficiently "modern" to cope with any dangerous properties in cigarette smoke. The reasonableness of this interpretation is supported by the fact that most Winston advertisements do not anywhere explicitly state the purpose of the filter. Unlike so-called flavor-filter advertising, Winston advertisements do not claim that the filter is particularly useful in improving flavor. Indeed, a notable feature of Winston advertising is the stress on "filter blend," that is, "tobaccos specially selected and specially processed for filter smoking." An implication of these statements is that Winston provides good taste despite the inclusion of a filter that is "modern," i.e., effective.

TABLE 17.—*Examples of filter claims in advertising during the years 1957 to 1959*

Brand	Excerpts from advertising	Date	Source[1]
Viceroy	Only Viceroy gives you filter power of 20,000 filters	October 1957	Vol. III, p. 73.
	The man who thinks for himself knows—only Viceroy has a thinking man's filter—a smoking man's taste	Feb. 2, 1959	Vol. III, p. 77.
	Only Viceroy has it. The best filter of its kind ever developed. Does the finest filtering job in the world—for the finest taste.	Dec. 21, 1959	Vol. III, p. 97.
L&M	But puff by puff today's L & M gives you less tars and more taste	Dec. 8, 1958	Vol. III, p. 97.
	L&M's patented filtering process electrostatically places extra filtering fibers crosswise to the stream of smoke—enabling today's L&M to give you—puff by puff—less tars in the smoke than ever before.	1958	Vol. III, p. 106.
Marlboro	Today's Marlboro—22 percent less tars, 34 percent less nicotine	1959	Vol. III, p. 133.
	The Marlboro filter. Cellulose acetate is a modern effective filter material for cigarettes. This unretouched photo shows the cellulose acetate in just 1 Marlboro exclusive selectrate filter.	1958	Vol. III, p. 123.
Kent	Kent filters best. Of all leading filter cigarettes—you get less tar and nicotine in Kent. New exclusive micronite filter.	October 1959	Vol. III, p. 135.
	It makes good sense to smoke Kent—and good smoking, too	1959	Vol. III, p. 144.
Old Gold filters	What's the most important single thing you smoke for? It's for the pleasure of good tobacco taste, isn't it? That's why Old Gold's new spin filter is making such a hit with so many thousands of smokers every day. Because this new spin filter does more than reduce tar and nicotine—it actually improves smoking taste.	Jan. 28, 1959	Vol. III, p. 153.
Hit Parade	Only 1 cigarette can filter best. According to a new and superior method of testing for filtration—that cigarette is Hit Parade.	July 14, 1958	Vol. III, p. 161.
Parliament	The first filter cigarette in the world that meets the standards of United States Testing Co. New Hi-Fi Parliament. Proved: Over 30,000 traps—the most effective filtering material, millimeter for millimeter in a cigarette today. No other popular filter cigarette delivers less nicotine and tar. Proved: No other filter prevents leakage of tar and nicotine from filter to mouth. Only Parliament's filter is recessed, set deep down inside the mouthpiece where your lips can't touch it. Proved: New hi-fi filter—with exclusive recessed design—offers you the most complete filtering action in cigarette history. All the above filtering findings are certified true by the United States Testing Co., world's leading independent research laboratories.	Feb. 24, 1958	Vol. III, p. 182.
King Sano	Announcing new "soft smoke" King Sano. Reduces nicotine 50 percent—cuts tar 26 percent below any other cigarette—and that is the truth.	Sept. 1, 1958	Vol. III, p. 204.
Life	Unless you change to new Life—your filter cigarette no longer filters best. New Life with millecel filter filters best by far. Absorbs far more tar and nicotine that any other filter.	1959	Vol. III, p. 213.
Duke	Unlike others, Duke is king-sized in the filter, too, where it matters most—see? So, it's lowest in tar of all leading low-tar cigarettes.	1959	Vol. III, p. 214.
Spring	Tars and nicotine go down, down, down. In Spring, tars and nicotine are low, low, low—for three reasons: 1. New process of "air-conditioning"—for more complete combustion and burning. 2. Has extra filter action in the honeycomb filter. 3. A special blend of low tar and nicotine tobaccos.	Sept. 17, 1959	Vol. III, p. 250.
	The air-conditioned cigarette is lowest in tars, lowest in nicotine, lightest in menthol all menthol cigarettes	1959	Vol. III, p. 251.

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[1] Advertisements are contained in appendix vol. III of Bureau of Economics, "A Report on Cigarette Advertising and Output."

Winston advertising in February of 1964 took a considerably more explicit stand on the merits of its filter. (App. D, infra.) The advertisement first points out that "There is no need to shout. Winston speaks for itself. It is America's largest selling filter cigarette, by far." The advertisement then goes on to ask, "What does Winston have that makes it a leader?" The advertisement attributes the success of Winston to three factors: One, a pure white, modern filter; two, filter blend; and three, the fact that Winston has flavor—the best there is. The advertisement then asks, "If you are thinking of changing to a filter cigarette, consider this: People who know and enjoy filter smoking make Winston their overwhelming choice." It appears that the advertisement, taken as a whole, implies that Winston is a safe cigarette, or at least safer than its less popular competitors. First, the advertisement initially emphasizes a pure white, modern filter; this in itself seems to promise some health protection—else what significance has "pure," "white," or "modern"? Second, the advertisement's open-ended question, "If you are thinking of changing to a filter cigarette," further serves to bring to mind the health issue since a major reason for switching to filter cigarettes is, evidently, to minimize the health hazards in smoking. Third, the advertisement's statement that those "who know * * * filter smoking make Winston their overwhelming choice," is in effect a claim that among persons knowledgeable about the health hazards of smoking and about the merits of all brands of filter cigarettes, Winston cigarettes are preferred to all others.

(b) Lark advertising: The Winston advertisement previously discussed represents a middle ground in filter and menthol-filter cigarette advertising. Both less and more explicit claims respecting the health or safety of cigarette smoking are to be found in filter and menthol-filter advertising. For example, the back of the Lark package contains the following information: "Lark contains two modern outer filters plus an inner filter of charcoal granules—a basic material science uses to purify air." "These granules, not only activated but specially fortified, filter smoke selectively to make Lark's fine tobaccos taste richly rewarding yet uncommonly smooth." (Bureau report, appendix, vol. I, p. 133.) Despite the inclusion of a taste claim, these statements are subject to the interpretation that the purpose of including a filter of charcoal granules in the Lark cigarette is to purify the smoke and provide a safe cigarette. The Lark package also describes its filter as "unique in cigarette filtration." This usage of the word "unique" carries with it the implication that Lark is superior to any other cigarette in the capacity of its filter to provide a safe cigarette.

(c) Marlboro and Viceroy advertising: So-called flavor filter advertising is illustrated by recent Marlboro advertising, which contains statements such as "It comes to you plenty mild, too—through the exclusive selectrate filter" (Bureau Report, appendix, vol. I, p. 84), and "good flavor smoothed by the exclusive selectrate filter." (App. D, infra. These statements do not state that Marlboro cigarettes possess a filter capable of selecting out hazardous substances from cigarette smoke or that the filter, by virtue of its exclusiveness, makes Marlboro a cigarette safer than any other. Because of public concern about the health hazards of smoking, however, just such misinterpretations are extremely likely.

Viceroy advertising combines elements in Winston and Marlboro advertising. Its advertising claims that "Viceroy's got the deep-weave filter * * * and the taste that's right." (Bureau report, appendix, vol. I, p. 95.) The syntax of this statement associates taste and filter but implies a separate usefulness to the filter apart from its ability, claimed elsewhere, to provide the taste that's right. The advertisement also suggests that Viceroy is superior to the other leading filter cigarettes because of its deep-weave filter and the taste that's right. The wording of this advertisement conveys the impression that Viceroy is superior to any other filter cigarette in safety and that the "deep-weave filter," because of the depth of its weave, is capable of barring entry into the mouth of the harmful ingredients of cigarette smoke.

(d) Dual-filter Tareyton advertising: One of the problems encountered in an analysis of current cigarette advertising is how to evaluate themes and appeals which, when literally interpreted, do not state that smoking is safe, but which nevertheless contain such an implication. For example, dual-filter Tareyton advertising explains that "the white filter gives you the clean taste" and "the charcoal filter gives you the smooth taste." (Bureau report, appendix, vol. I, p. 103.) If it were established that smoking involved no hazards to health, the adjectives, clean and smooth, might be accepted as descriptions of the intrinsic properties of the smoke. However, in the context of the tar and nicotine reduction claims made for filter cigarettes in the "tar derby" era and in the context of current medical knowledge and public concern for the health hazards of smoking, the adjectives, clean and smooth, when used to describe a filter cigarette, may imply to a cigarette smoker that because the advertised cigarette's smoke is neither unclean nor rough it is, therefore, free of hazards. This is particularly likely because as mentioned earlier, the addition of a filter to a cigarette in and of itself may promise some reduction of health hazards to many consumers. Virtually any adjective, therefore, which ascribes improvement in the cigarette smoke to a filter may carry the implication that the cigarette is not a hazard to health or is less of a hazard to health than other brands or types of cigarettes.

(e) Parliament advertising: Parliament advertising provides a particularly good example of the combination of safety claims, flavor-filter claims, and what might be called the residuum of safety claims from earlier years. Typical Parliament television advertisements of early 1964 have portrayed such scenes as two men watching a girl water skiing, and a couple on a sailing yacht. The advertisements ask the question, "If you like things neat and clean—you will like Parliament." The advertisements then explain that "tobacco tastes best when the filter's recessed. Smoke neat—smoke clean—smoke Parliament. Parliament lets you enjoy true, rich, tobacco flavor because the filter's recessed a neat, clean, quarter inch away. That's Parliament's extra margin. Neat, clean smoking, and plenty of flavor too." (App. D, infra.)

The words "neat and clean" constitute the central message of this advertising. Both advertisements, in fact, include the words "neat and clean" in their titles. One advertisement it entitled "Water Skiing—Neat, Clean"; the other is entitled "Neat, Clean Jacket." These recent Parliament advertisements also contain a flavor-filter claim which includes the words "neat and clean": "Parliament lets you enjoy true, rich, tobacco flavor because the filter's recessed a neat, clean, quarter inch away." At an earlier point, however, each advertisement contains the phrase "Smoke neat—smoke clean." This phrase conveys the implication that the smoke of a Parliament cigarette is neat and clean and, therefore, not a hazard to health.

Other claims frequently made in current Parliament advertising relate to its recessed filter and extra margin. These are contained in the following statements: "Parliament lets you enjoy true, rich, tobacco flavor because the filter's recessed a neat, clean, quarter inch away. That's Parliament's extra margin." These statements might be viewed as simply a description of the recessed filter, but in view of earlier Parliament advertising it would appear that promises of safety are inherent in any Parliament claim relating to a recessed filter and extra margin. During 1958, as shown in table 17, supra, a different explanation was made by Parliament of the benefits of a recessed filter: "Proved: No other filter prevents leakage of tar and nicotine from filter to mouth. Only Parliament's filter is recessed, set deep down inside the mouthpiece where you lips can't touch it."

Prior to 1964, a different explanation was also offered by Parliament of the phrase "extra margin." In 1963, for example, Parliament cigarettes were advertised in television commercials entitled "Parachute" and "Hockey Headguard." (Bureau Report, Appendix, vol. I, pp. 112, 115.) The "Parachute" advertisement began as follows: "Picture—Open on closeups of parachute jumper as he clings to the side of the plane, ready to jump. Cut as he lets go and falls away from the plane in spread-eagle position. Cut to jumper as he maneuvers his body toward the target on the ground. He pulls his ripcord to release his parachute. Cut to closeup of parachute as it billows open. Wipe to jumper on the ground as he gathers in the lines of his chute. Cut to him as he pats his emergency chute which is still packed and slung on his chest. An announcer then observes "this man knows the value of an extra margin—in the extra chute he carries—in the cigarette he smokes." The advertisement then goes on to explain that "every Parliament gives you—extra margin: extra margin—because—Parliament puts the filter where it does you the most good—recessed a neat, clean quarter inch away—extra margin—because—tobacco tastes best when the filter is recessed." This advertisement conveys the impression that Parliament provides the cigarette smoker with an extra safety margin. Although Parliament advertising no longer provides such dramatic illustration of the value of extra margin, the phrase "extra margin" may still imply that Parliament is a safe cigarette, particularly to those who may recall the earlier advertising and who may in their minds insert the word "safety" between the words "extra" and "margin."

(f) Menthol-filter advertising: Advertising for menthol-filter cigarettes, as might be expected, contains a number of appeals identical to those characteristic of filter advertising. Table 18 contains examples of such appeals. As shown in that table, Salem, Kool,

TABLE 18.—*Filter claims in menthol—Filter advertising*

Brand	Excerpt from advertising	Date	Source
Salem	Modern filter	Nov. 8, 1963	Vol. I, p. 139.
Kool	Pure white filter	Mar. 15, 1963	Vol. I, p. 146.
Newport	Only Newport has a fine white filter	June 28, 1963	Vol. I, p. 154.
Montclair	Montclair gives you activated charcoal in a unique compound filter. Only Montclair filters in freshness—filters in flavor the whole smoke through.	November, December 1963.	Vol. I, p. 170.
Paxton	* * * New team of filters back to back. Filter No. 1 is fortified with pecton. Actually controls moisture to freshen the flavor with every puff. Filter No. 2 keeps Paxton's rich flavor good and mild.	1963	Vol. I, p. 175.
Spring	Spring's longer filter smooths the taste	Oct. 16, 1963	Vol. I, p. 183.

and Newport cigarettes are each described as having white filters; Spring, however, is advertised as provided with a larger filter and Paxton with a team of filters. Finally, Montclair cigarettes are described as having a unique compound filter of activated charcoal.

Menthol-filter advertising also presents appeals based upon the specific menthol properties of these cigarettes. Some of these appeals seem intended to convert cigarettes into a "refreshment," and to transport the smoker into a world so well insulated from any suggestion of health hazards that the effect is to assure the smoker that smoking is safe.

Advertising for Salem cigarettes, the leading menthol-filter brand and the fourth-ranked brand among all brands, is illustrative of important characteristics of current menthol-filter advertising. Salem cigarette advertising is most notable for its portrayal of couples in romantic, outdoor settings. (Bureau Report, Appendix, vol. 1, pp. 137–42.) Both the settings and the models are attractive. Both reader and viewer of Salem advertising are invited to "step into the wonderful world of Salem cigarettes." A television commercial explains that "there is a wonderful world of softness" and a "wonderful world of freshness" which is the world of Salem cigarettes. Such advertising may be viewed as relating exclusively to the intrinsic properties of Salem cigarettes. Such advertising, however, also has the effect of creating for Salem cigarettes a world in which it is impossible to conceive of health hazards having any role.

Kool, one of the earliest of the menthol brands and one which has been marketed for more than 30 years, now ranks second among the menthol filters. Kool, however, unlike light-menthol Salem and other newer brands of menthol cigarettes such as Newport, Belair and Alpine, is a heavy-menthol cigarette. In addition, Kool is manufactured both with and without a filter, although filter output now constitutes more than 75 percent of total Kool output. Advertising for Kool reflects its heavy-menthol properties. For example, Kool is proposed as the cigarette for the man who has smoked so many cigarettes during the day that he no longer is interested in cigarettes because, "They do not taste like much." (Id., Appendix, vol. I, p. 148). This appeal comes close to attributing therapeutic qualities to Kool cigarettes, insofar as Kool cigarettes are claimed to be capable of restoring one's physical ability to enjoy smoking. Kool advertising also contains appeals similar to those used by light-menthol brands. A Kool jingle claims that "Kool's menthol magic brightens taste, refreshing all day through." (Id., Appendix, vol. 1, p. 145.)

Newport cigarette advertising, like Salem cigarette advertising, relies heavily on the portrayal of romantic outdoor situations (id., appendix, vol. I, pp. 154–156). Newport advertisements, for example, portray young couples having fun in or near the water. One television commercial is entitled "Walking in Surf"; another, "Man on Raft." These advertisements, like the earlier described Salem advertisements, depict smoking in an essentially pure environment, in a world effectively insulated from health hazards. Such advertising has a tendency to assure smokers that there is no hazard to health in smoking the advertised brand.

Advertising for Belair cigarettes, the third-ranking brand of light-menthol cigarettes, emphasizes: "clean and fresh as all outdoors—that's the pleasure you get in the clean fresh taste of Belair" (id., appendix, vol. I, p. 158). A careful reading of this language indicates, of course, that the phrase "clean and fresh as all outdoors" is literally a description of the pleasure derived from smoking Belair rather than a description of the cigarette smoke itself. (The latter would obviously mean that the smoking of Belair cigarettes is completely safe.) The net impression of Belair advertising is such, however, that it is quite likely that the statement will be understood as a claim that the smoke of Belair cigarettes is, indeed, "clean and fresh as all outdoors." Belair advertising, like that earlier described for Salem cigarettes, portrays couples in outdoor, romantic settings which are in fact "clean and fresh." The world of Belair cigarettes is thereby so far removed from health hazards that the advertising suggests that smoking Belair cigarettes cannot be a hazard to health.

Alpine, the fourth-ranking brand among light-menthol cigarettes, makes the following appeal: "What's it like to smoke an Alpine? Well, it's like many fresh, little things you enjoy. It's like the breeze through the willows at the water's edge or the way the air feels at dawn. That's what it's like to smoke an Alpine." (Id., Appendix, vol. I, p. 165.) Language such as this, when combined with the portrayal of male and female models in outdoor settings of appropriate beauty, carriers with it the implication that the smoke of an Alpine cigarette is as safe as exceptionally pure air at dawn. Alpine advertising also claims that "Alpine is completely different from the sort of smoking you may be used to. A bright, invigorating taste, pack after pack." The claim that Alpine taste is invigorating is not very far, in its net impression, from the claim that smoking (or smoking Alpine) is invigorating. Montclair, another brand of light-menthol cigarettes, makes the claim that "Only Montclair filters in freshness, filters in flavor the whole smoke through." (Id., appendix, vol. I, p. 169.)

4. The impact of cigarette advertising on youth: During 1963 Marlboro cigarettes presented an advertisement in college newspapers which consisted of a column written by the humorist, Max Shulman. (Bureau report, appendix, vol. I, p. 85). The Philip Morris Co. conducted a contest for college students in which prizes could be won by saving empty packages of Marlboro, Parliament, Alpine, Philip Morris and Paxton cigarettes. Other brands have also extensively advertised in college newspapers and have engaged student representatives to give out samples and otherwise promote cigarettes. It was reported in Changing Times, December 1962, p. 34, that cigarette companies accounted for 40 percent of the national advertising appearing in college periodicals and that students hired as campus representatives to pass out free cigarette samples and organize contests were paid about $50 per month.

Endorsements by athletes have been a prominent part of the advertising of several cigarette brands. Camel advertising, for example, has featured a personal endorsement by the New York Yankee star Roger Maris. (Bureau Report, Appendix, vol. II, p. 3.) The text of the advertisement explained that "These hands rewrote the records with a baseball bat. They are the hands of Roger Maris—the man who hit 61 home runs in 61. Roger smokes Camels. He likes 'em. Gets real enjoyment every time he lights up!" Lucky Strike advertising has featured the New York Giant football player, Frank Gifford. (Id., appendix, vol. II, p. 12.) A Lucky Strike advertisement showed a picture of Frank Gifford in action in 1957 and explained that in 1957 "the young New York Giant halfback was already a top star—and a Lucky Strike smoker." The advertisement also showed Frank Gifford today (1962) and commented that "now one of pro football's all-time greats, Frank's still a satisfied Lucky smoker." This advertisement at the very least implied that there was nothing inconsistent between smoking Lucky Strike for 5 years and becoming "one of pro football's all-time greats."

Cigarette companies have also sponsored numerous sports broadcasts and telecasts. Marlboro, during 1962, for example, sponsored National Football League television broadcasts. Its advertising featured an endorsement by Paul Hornung, Green Bay Packers halfback and 1961 National Football League Player of the Year. (Bureau report, appendix, vol. II, p. 106.) Baseball players have similarly been featured in cigarette advertising.

It may also be noted that during earlier years, some cigarette advertising made use of youthful models. During 1957, for example, Winston ran an advertisement which depicted a college professor correcting a student couple in their use of the slogan, "Winston tastes good like a cigarette should" (Bureau report, appendix, vol. III, p. 55). Other advertisements during 1957 to 1959 also had male and female models quite young in appearance. (See, for example, id., appendix, vol. III, pp. 55, 105, 124, 137.) A student motif was also made use of by Spring cigarettes during late 1959. An advertisement for Spring stated that "Spring arrives on campus—all over America. Green, blue, and white will be prominent colors on every campus this fall, regardless of the college colors. Because returning students are smoking Spring cigarettes, in the white pack with blue and green stripes" (id., appendix, vol. III, p. 250).

D. The effects of cigarette advertising

1. Cigarette consumption and advertising—a summary: As described in the Bureau of Economics' Report, "During the 50 years since 1913, per capita consumption of cigarettes has increased from 164 cigarettes per year in 1913 to approximately 4,000 per year in 1963. During this same period, total domestic consumption has increased from an estimated 16 billion units to 509 billion units. In 1913, cigarettes accounted for 8.7 percent of the tobacco consumed by Americans. However, by * * * [1963] more than 80 percent of U.S. tobacco consumption was in the form of cigarettes. Manufacturers of cigarettes have increased advertising expenditures from an estimated $13.8 million in 1913 to more than $200 million in 1963." (Bureau Report 1; see "Annual Report on Tobacco Statistics," 1963, p. 52.)

The years prior to 1950 were characterized by the dominance of three brands of regular cigarettes, Lucky Strike, Camel, and Chesterfield. In 1925 these brands accounted for 82 percent of total cigarette output; in 1935 the figure was 85 percent; and in 1950, 67.9 percent. The years since 1950, however, have been marked by their decline. By 1963, the share of output accounted for by the three brands had diminished to 20.6 percent and two of the three brands no longer ranked among the top three.

The years since 1950 have been notable principally for substantial increases in the output shares of filter and menthol-filter cigarettes. In 1952 no menthol-filter cigarettes were produced and the output share of filter cigarettes was 1.3 percent. By 1963, the combined total for filter and menthol-filter cigarettes was about 58 percent of total cigarette consumption. During the same period, the output share of regular cigarettes had declined from 77.6 percent to 21.5 percent.

The leading four brands of 1963 reflect these changes. Ranking first in 1963 with an output share of 14.3 percent was Pall Mall, a king-size cigarette. Second, with 13.6 percent, was Winston, a filter-king cigarette. Third, with 11.8 percent, was Camel, a regular-size cigarette. Fourth, with 8.8 percent, was Salem, a menthol-filter king. Together these brands accounted for almost 50 percent of total 1963 output.

Internal Revenue Service data for the six leading cigarette manufacturers indicate that their advertising expenditures increased from $84.8 million in 1950 to $236.4 million in 1960, or by 178.7 percent. By comparison, during this same period, there were considerably smaller increases in total and per capita cigarette consumption. During these years, total cigarette consumption increased by 30.5 percent and per capita consumption by 17 percent.

Trade publication data for the period 1952 to 1962 indicate that during these 11 years, the six companies spent approximately $1.2 billion for television, general magazine, and newspaper advertising. Between 1952 and 1962, their advertising expenditures in the three media increased by approximately 200 percent. By comparison, total domestic cigarette consumption increased by 23.4 percent during this period.

Between 1952 and 1962 there also occurred a substantial shift in advertising expenditures from regular to filter and menthol-filter cigarettes. In 1952, 2.8 percent of advertising expenditures in selected media were accounted for by filter and menthol-filter cigarettes. By 1962, that figure had increased to 65.5 percent. For the period 1952 to 1962, spending by cigarette manufacturers to advertise filter and menthol-filter cigarettes was probably in excess of $1 billion. During this same period, the share of advertising expenditures accounted for by regular cigarettes declined from 83.9 to 13.8 percent.

In 1962, total advertising expenditures by the six leading cigarette manufacturers in television, general magazines, newspapers, network radio, and outdoor media were $175 million. For all media, it is estimated, their expenditures were in excess of $200 million. A major development in cigarette advertising during the period 1952 to 1963 has been the increase in the use of television. Annual expenditures for network television increased from $25 million in 1952 to $89 million in 1963, or by about 250 percent. By 1963, total spending for network and spot television equalled $125 million. Today, television is the principal medium for the advertising of cigarettes.

The portrayal of the desirability of smoking is a characteristic of virtually every significant brand of cigarette. In part, such portrayal is accomplished by describing the pleasures of smoking; for example, Pall Mall advertising claims that "Pall Mall travels pleasure to you." It is also accomplished by the association of smoking with ideas and individuals worthy of emulation or likely to be emulated, so as to suggest that smoking is an important attribute of full personal success and development. For example, current cigarette advertising prominently associates smoking with romance, contains endorsements by persons in prestigious occupations, and identifies smoking with heroic conception of the cowboy. Our examination of the content of current cigarette advertising also indicates that claims or assurances related to health are prominent in the advertising of filter and menthol-filter brands. These claims and assurances vary in their explicitness, but they are sufficiently patent to compel the conclusion that much filter and menthol-filter advertising seeks to persuade smokers and potential smokers that smoking cigarettes is safe or not unhealthful, or that smoking the advertised brand is safer or less deleterious than smoking other brands or types of cigarettes.

2. The effect of cigarette advertising upon total cigarette consumption: No single factor probably accounts for the growth in cigarette consumption in recent years or for the variations in the rate of growth. There seems no doubt, however, that advertising has been important in the overall growth of the cigarette industry and is important today in determining total cigarette consumption and type and brand preference.

Prof. Neil Borden of the Harvard Business School, in his classic study, "The Economic Effects of Advertising" (1942), observed that "Without advertising, cigarette use would probably have grown; with advertising, the increase has been amazing" (p. 228). Professor Borden lists the following factors as influencing the growth of cigarette consumption since 1870:

1. Breakdown of prejudices and taboos: (a) Social, moral prejudices; (b) prejudice against women's usage.
2. War influence: (a) Smoking as a nervous release; (b) widened social contacts.
3. Changing living habits: (a) The quickened tempo of modern life conducive to use of a short smoke.
4. Low cost of cigarettes.
5. Increased income of population.
6. Advertising and aggressive selling. [Id., at 222.]

Professor Borden acknowledges that "It is impossible to set up any clear cause and effect relationship among so many variables of uncertain validity." (Ibid.) He concludes, however, that "advertising has been an important factor in speeding up a favorable trend of demand for cigarettes, a trend which has its roots in the changing habits of life and social attitudes arising from the whole complex of forces that is called social environment." (Id., at 227.) A similar view was stated also by Mr. George Washington Hill, former president of the American Tobacco Co. He said that, by advertising, "you don't benefit yourself most, I mean altogether. Of course, you benefit yourself more than the other fellow if you do a good job, but you help the whole industry if you do a good job." [42]

How has cigarette advertising contributed to maintaining and increasing total cigarette consumption? Major emphasis should be given to the magnitude of cigarette advertising expenditures. It is estimated that during the period of 1952 to 1962, the leading six cigarette manufacturers spent approximately $1.2 billion for television, newspaper, and general magazine advertising. Their total expenditures for all media may have been as high as $2 billion. This level of expenditure has made it possible for cigarette manufacturers year in and year out to bring home the desirability of smoking to virtually all Americans. The degree to which Americans are exposed to cigarette advertising is amply illustrated by the network television audience data analyzed earlier. During a single evening time period, for example, it is estimated that cigarette advertising reaches 38 percent of the U.S. population 18 years of age and over, 46 percent of the population 13 to 17, and 26 percent of the population 2 to 12.

Available data indicate that much of the increase in recent years in cigarette consumption has resulted from the increasing proportion of young persons, particularly females, who are becoming smokers. Other factors than advertising have probably contributed to the increase in smoking among younger persons, and particularly to the decline in the age by which substantial numbers of women become regular smokers. It is probable, however, that portrayal of the desirability of smoking in cigarette advertising has been a significant factor in increasing cigarette consumption by younger persons.

3. Effect of cigarette advertising upon type preference: The greatly increased popularity of filter and menthol-filter cigarettes is the outstanding phenomenon in cigarette consumption in the years since 1952. Between 1952 and 1963, filter and menthol-filter cigarette output increased from 5.2 billion units to almost 300 billion units. The output of regular cigarettes during this same period declined from 307.2 billion units to 109.3 billion units. Steadily mounting concern with the health hazards of smoking—a phenomenon parallel in time to the growth of filter and menthol-filter popularity—was a necessary condition for such changes to occur. (See e.g., Printers' Ink, Dec. 31, 1954, p. 27.) However, given the content of filter cigarette advertising, and given the fact that advertising expenditures in selected media for filter and menthol-filter cigarettes increased from $1.6 million in 1952 to $95.6 million in 1962, it would appear that the sufficient condition for this massive shift by American smokers to filter and menthol-filter cigarettes was that they were persuaded, by advertising, that filter and menthol-filter cigarettes were less hazardous to health than regular cigarettes. This conclusion is supported by the fact that filter and menthol-filter brands introduced after January 1, 1952, accounted for more than half of total cigarette consumption in 1963. This suggests that the absolute and relative increases in filter and menthol-filter output apparently did not result from a spontaneous decision by Americans to smoke such cigarettes.

The experience of the industry during the 3-year period 1953 to 1955 is particularly illuminating. In both 1953 and 1954, total and per capita consumption declined from the 1952 level. Total consumption declined 6.4 percent and per capita consumption declined 8.8 percent. The only factor that has been suggested, in explanation of these declines is the publicity given to the mounting evidence of the serious health hazards of cigarette smoking in this period. Cigarette manufacturers reacted to this decline in demand by increasing advertising expenditures in network television, general magazines, and newspapers by 35.3 percent; and by 1955, both per capita and total consumption of cigarettes showed increases above the levels prevailing in 1954.

It is advertising data by type of cigarette, however, that are most informative on the cigarette industry's response to the health "scare" and the concomitant consumption declines. Advertising expenditures for regular cigarettes increased during 1953, but decreased during 1954 and 1955. Advertising expenditures for king-size cigarettes increased from $7 million in 1952 to $21.5 million in 1955. Advertising expenditures for filter cigarettes, however, showed the greatest relative and absolute increases. In 1952, expenditures in selected media for filter cigarettes totaled $1.6 million; by 1954, they were $13.8 million; the 1955 total was $26.5 million. In 1952, filter cigarettes had accounted for 2.8 percent of advertising expenditures; by 1955, filter cigarettes accounted for 34.5 percent of total advertising expenditures. The reaction of the industry, therefore, to the 1953 and 1954 consumption declines primarily took the form of a substantial relative and absolute increase in its advertising expenditures for filter cigarettes. These efforts played a significant role in increasing filter output from 5.2 billion units in 1952 to 74.7 billion units in 1955.

The content of filter and menthol-filter advertising in recent years supports the view that cigarette advertising has been significantly responsible for increases in filter and menthol-filter cigarette consumption. Filter cigarettes have varied in the explicitness of their assurances of safety, but all have promised the consumer a measure of health protection. One cigarette, for example, is described as containing a filter with "the basic material science uses to purify air." Another cigarette claims it has the "deep-weave filter." Another cigarette advertises its "exclusive selectrate filter." Another cigarette claims that it has the "micronite" filter.

Menthol-filter cigarettes, as earlier described, are similarly advertised, but advertising for these cigarettes portrays smoking virtually as a form of refreshment. Thus, one brand is advertised as "The most refreshing smoke of all"; another is said to be "refreshing all day through." Many of the menthol-filter brands portray smoking in an idyllic outdoor environment—a setting that seems inconsistent with an inference of health hazards. For example, Salem, the leading menthol-filter brand, invites smokers to "step into the wonderful world of Salem cigarettes."

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[42] Quoted in Tennant, The American Cigarette Industry 137 (1950).

In conclusion, it would appear that cigarette advertising has been a significant factor in persuading smokers to buy filter and menthol-filter cigarettes. Filter and menthol-filter advertising has persuaded smokers that such cigarettes are at least relatively safe, and has thus had the effect of neutralizing much of the impact of the medical findings on the dangers of smoking; menthol-filter advertising has portrayed cigarette smoking as being refreshing, thereby reinforcing the impression that smoking such cigarettes is relatively safe. At the same time, increases in the level of advertising expenditures for filter and menthol-filter cigarettes, and the intensive marketing of new brands of such cigarettes since the early 1950's, indicate that cigarette manufacturers have sought to capitalize on the increasing medical evidence of the dangers of smoking to sell such cigarettes.

4. Cigarette advertising and young people: A particularly important consideration in this proceeding is the impact of cigarette advertising on young people. Available data on smoking patterns indicate that an increasing proportion of persons in younger age groups are becoming regular smokers. As shown in table 4, supra, among males 25 to 34 years of age as of February 1955, 61.4 percent had become regular smokers prior to the age of 21, and among females 25 to 34 years of age, 28.9 percent had become regular smokers prior to the age of 21. By contrast, among males and females 45 to 54, 51.2 and 7.5 percent, respectively, had become regular smokers prior to the age of 21.

The magnitude and pervasiveness of cigarette advertising are such that virtually all Americans, including most children, are continually exposed to the portrayal of the desirability of smoking and to assurances respecting the safety or healthfulness of cigarette smoking. Audience data for network television advertising indicate that substantial numbers of children under 18 years of age are exposed to such advertising. It was earlier estimated that during a single evening time period, 46 percent of the population 13 to 17 years of age, and 26 percent of the population 2 to 12 years of age, are exposed to cigarette advertising.[43]

IV. THE REQUIREMENTS OF THE FEDERAL TRADE COMMISSION ACT IN THE AREA OF CONSUMER PROTECTION

A. The evolution of the Federal Trade Commission Act

The Federal Trade Commission was established because it was widely agreed that judicial processes alone were not adequate to cope effectively with the problems of trade regulation in the farflung, diverse, and expanding American economy.[44] In proposing the creation of such a Commission, President Wilson stated:

"The opinion of the country would instantly approve of such a Commission. It would not wish to see it empowered to make terms with monopoly or in any sort to assume control of business, as if the Government made itself responsible. It demands such a Commission only as an indispensable instrument of information and publicity, as a clearinghouse for the facts by which both the public mind and the managers of great business undertakings should be guided, and as an instrumentality for doing justice to business where the processes of the courts or the natural forces of correction outside the courts are inadequate to adjust the remedy to the wrong in a way that will meet all the equities and circumstances of the case" (51 CONGRESSIONAL RECORD 1963 (1914)).

And Louis D. Brandeis, with Wilson the leading proponent of the Trade Commission idea, later described the genesis of the Commission in similar words: "It is a new device in administrative machinery, introduced by Congress in the year 1914, in the hope thereby of remedying conditions in business which a great majority of the American people regarded as menacing the general welfare, and which for more than a generation they had vainly attempted to remedy by the ordinary process of law."[45]

The framers of the Trade Commission Act of 1914 were primarily concerned with what they felt had been the inadequacy of the Federal courts' enforcement of the Sherman Act.[46] Both the business community, which felt that such enforcement had created a climate of legal uncertainty in which effective business planning was impossible, and those who felt that the Federal judiciary had been unsympathetic to the high purposes of the act, concurred in the belief that the task of maintaining competitive processes in the economy could perhaps be better performed by an expert, nonjudicial body, equipped with the distinctive and flexible powers of an independent administrative agency, along the lines of the highly successful Interstate Commerce Commission. (See Henderson, op. cit. supra note 44, at 21–23.)

But the framers of the Trade Commission Act were also concerned with trade practices contrary to the public interest on other grounds besides a tendency to monopoly. Here, too, it was felt, the traditional judicial processes had proved inadequate to the needs of the time. (See generally Handler, "The Jurisdiction of the Federal Trade Commission Over False Advertising," 31 Col. L. Rev. 527 (1931).) For the existing law of unfair competition afforded incomplete protection to competitors and consumers against fraudulent, oppressive and unfair business practices.[47] It has, of course, long been settled that the Trade Commission Act embraces not only those trade practices that restrict competition or are conducive to monopoly, but all other practices contrary to public policy in the field of trade regulation.[48]

The task confided to the Trade Commission was altogether more complicated than merely policing the business community and punishing law violators. If the problems of trade regulation had been considered amenable to the conventional methods of eradicating undesirable conduct, a quite different statutory approach would probably have been selected. Congress would have enumerated the specific practices or methods sought to be proscribed and would have endowed the enforcement agency with the power to apply fully effective punitive or remedial sanctions. It did neither. It conferred on the Commission a deliberately comprehensive mandate "to prevent * * * unfair methods of competition in commerce" (Federal Trade Commission Act, sec. 5(a)(6), 15 U.S.C., sec. 45(a)(6)) without further specification of the forbidden conduct, and gave the Commission very broad powers of investigation and inquiry (see, e.g., sec. 6(b) of the act). The Commission could, after a hearing, issue an order to cease and desist; but such an order, even if affirmed by a Federal court of appeals on judicial review, would not be actually binding on the respondent until enforced by a court of appeals in a separate proceeding.[49] Thus, a Commission cease-and-desist order originally was "not self-executory. Standing alone it is only informative and advisory. The Commission cannot enforce it."[50]

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[43] These data do not include spot television advertising.

[44] On the background of the Federal Trade Commission Act, see Henderson, The Federal Trade Commission, chs. I, VI (1924); Thornton, Combinations in Restraint of Trade, ch. XLVI (1928); Blaisdell, The Federal Trade Commission 4–8 (1932); Montague, "Unfair Methods of Competition," 25 Yale L. J. 20 (1915); Rublee, "The Original Plan and Early History of the Federal Trade Commission," 11 Acad. Pol. Sci. Proc. 666 (1926); Baker & Baum, "Section 5 of the Federal Trade Commission Act: A Continuing Process of Redefinition," 7 Vill. L. Rev. 517–43 (1962); *F.T.C.* v. *Gratz*, 253 U.S. 421, 432–37 (1920) (dissenting opinion of Mr. Justice Brandeis).

[45] *F.T.C.* v. *Gratz*, 253 U.S. 421, 432 (1920) (dissenting opinion). As one of the leading authorities on the Trade Commission Act has stated, "The very creation of the Commission betokened a congressional dissatisfaction with the procedures and techniques of the judicial system; otherwise the task of enforcement could have been delegated to the courts and the Department of Justice." Handler, "Unfair Competition," 21 Iowa L. Rev. 175, 251 (1936).

[46] See, e.g., 51 CONGRESSIONAL RECORD 13047 (1914) (remarks of Senator Cummins); 51 CONGRESSIONAL RECORD 8977 (1914) (remarks of Congressman Murdock). The day after the Supreme Court decided *Standard Oil Co.* v. *United States*, 221 U.S. 1 (1911), in which the "Rule of Reason" in Sherman Act interpretation was announced, Senator Newlands proposed what later became the Trade Commission:

"The question therefore presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness of unreasonableness of any restraint upon trade * * * to the varying judgments of different courts upon the facts and the law, or whether we will organize as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation." 47 CONGRESSIONAL RECORD 1225 (1911); see id., at 1227, 2444, 2619–21; S. Rep. No. 1326, 62d Cong., 3d Sess. (1913).

Senators Newlands and Cummins, the most outspoken opponents of the handling of the Sherman Act by the courts and the Attorney General, played a leading role in the framing of the Trade Commission Act.

[47] In the famous case of *American Washboard Co.* v. *Saginaw Mfg. Co.*, 103 Fed. 281 (6th Cir. 1900), it had been held that injury to the public was not a ground on which an action for unfair competition could be maintained. One of the purposes of the Federal Trade Commission Act was to close the gap in trade regulation law opened up by that decision. *Royal Baking Co.* v. *F.T.C.*, 281 Fed 744, 752 (2d Cir. 1922); Nims, Unfair Competition and Trademarks § 8 (4th ed. 1947). See *Sears, Roebuck & Co.* v. *F.T.C.*, 258 Fed. 307 (7th Cir. 1919); *Curtis Pub. Co.* v. *F.T.C.*, 270 Fed. 881, 908 (3d Cir. 1921), aff'd, 260 U.S. 568 (1923).

[48] E.g., *F.T.C.* v. *Winsted Hosiery Co.*, 258 *U.S.* 483 (1922); *F.T.C.* v. *R. F. Keppel & Bro, Inc.*, 291 U.S. 304 (1934); *F.T.C.* v *Raladam Co.*, 283 U.S. 643, 651 (1931).

[49] This "three bites at the apple" procedure was changed in 1938. See Federal Trade Commission Act, § 5, as amended by Wheeler-Lea Act, § 3, 52 Stat. 111, as amended, 15 U.S.C. § 45(e), making Commission cease-and-desist orders final and binding without the necessity of a separate enforcement proceeding.

[50] *F.T.C.* v. *Gratz*, 253 U.S. 421, 432 (1920) (dissenting opinion of Mr. Justice Brandis). See *New Jersey Wood Finishing Co.* v. *Minnesota Mining & Mfg. Co.*, —— F. 2d —— (3d Cir. 1964).

The Commission was not intended to be a simple enforcement agency, charged with preventing well-understood, clearly defined, unlawful conduct. Its principal function was, through the use of its broad powers of investigation and inquiry, and through the accumulation of expert knowledge and experience in the field of trade regulation, to explore, identify, and define those competitive practices that should be forbidden as unfair because contrary to public policy. The Commission was expected to proceed not only against practices forbidden by statute or common law, but also against practices not previously considered unlawful, and thus to create a new body of law—a law of unfair competition adapted to the diverse and changing needs of the complex and evolving modern American economy.[51]

In an early case it was stated that the standard of unfairness in section 5 was "clearly inapplicable to practices never heretofore regarded as opposed to good morals because characterized by deception, bad faith, fraud, or oppression" (*F.T.C.* v. *Gratz,* 253 U.S. 421, 427 (1920)).

However, the Supreme Court has many times rejected a static conception of the Trade Commission's responsibilities. As early as 1922, in *F.T.C.* v. *Winsted Hosiery Co.*, 258 U.S. 483, the Court held that the deceptive mislabeling of consumer goods was forbidden by the Federal Trade Commission Act in circumstances where no common law or statutory violation could have been demonstrated. (See also *Sears, Roebuck & Co.* v. *F.T.C.*, 258 Fed. 307 (7th Cir. 1919).) The subsequent development of a comprehensive body of law by the Commission relating to deceptive practices, a development which has frequently been approved by the Supreme Court (see, e.g., *A. L. A. Schechter Poultry Corp.* v. *United States,* 295 U.S. 495, 532–533 (1935); id., at 552 (concurring opinion of Mr. Justice Cardozo)), demonstrates that the Commission's authority is not confined to practices already forbidden by statute or common law.[52]

The course of decisions cutting back from the extreme implications of the Gratz dictum culminated in *F.T.C.* v. *R. F. Keppel & Bro., Inc.,* 291 U.S. 304 (1934) (see also *F.T.C.* v. *Raladam Co.*, 283 U.S. 643 (1931); *A. L. A. Schechter Poultry Corp.* v. *United States, supra*), the leading case defining the Commission's powers and responsibilities under its organic act. The Court stated in Keppel:

"We cannot say that the Commission's jurisdiction extends only to those types of practices which happen to have been litigated before this Court.

"Neither the language nor the history of the act suggests that Congress intended to confine the forbidden methods to fixed and unyielding categories. The common law afforded a definition of unfair competition and, before the enactment of the Federal Trade Commission Act, the Sherman Act had laid its inhibition upon combinations to restrain or monopolize interstate commerce which the courts had construed to include restraints upon competition in interstate commerce. It would not have been a difficult feat of draftsmanship to have restricted the operation of the Trade Commission Act to those methods of competition in interstate commerce which are forbidden at common law or which are likely to grow into violations of the Sherman Act, if that had been the purpose of the legislation.

"The act undoubtedly was aimed at all the familiar methods of law violation which prosecutions under the Sherman Act had disclosed. But as this Court has pointed out it also had a broader purpose. As proposed by the Senate Committee on Interstate Commerce and as introduced in the Senate, the bill which ultimately became the Federal Trade Commission Act declared unfair competition to be unlawful. But it was because the meaning which the common law had given to those words was deemed too narrow that the broader and more flexible phrase "unfair methods of competition" was substituted. Congress, in defining the powers of the Commission, thus advisedly adopted a phrase which, as this Court has said, does not "admit of precise definition but the meaning and application of which must be arrived at by what this Court elsewhere has called the gradual process of judicial inclusion and exclusion." (291 U.S., at 309–12.)

The Court, describing the Commission's role in elaborating the content of the act, went on to state:

"While this Court has declared that it is for the courts to determine what practices or methods of competition are to be deemed unfair, *Federal Trade Comm'n* v. *Gratz, supra,* in passing on that question the determination of the Commission is of weight. It was created with the avowed purpose of lodging the administrative functions committed to it in "a body specially competent to deal with them by reason of information, experience, and careful study of the business and economic conditions of the industry affected," and it was organized in such a manner, with respect to the length and expiration of the terms of office of its members, as would "give to them an opportunity to acquire the expertness in dealing with these special questions concerning industry that comes from experience." If the point were more doubtful than we think it, we should hesitate to reject the conclusion of the Commission, based as it is upon clear, specific, and comprehensive findings supported by evidence." (Id., at 314.)

The principle that emerges from Keppel, from the decisions that both precede and follow it, from the legislative history and background of the Trade Commission Act, and from the Commission's 50 years of efforts to implement its mandate from Congress, is that the Commission's responsibilities are not limited to determining whether particular practices fall within preexisting categories of illegality and entering cease-and-desist orders against the guilty parties accordingly. It is also to determine, within broad limits, what kinds of trade practices should be forbidden in the public interest because they are unfair or deceptive and thus injurious to competitors or the consuming public.

Prior to the 1938 Wheeler-Lea amendments to the Trade Commission Act, the Supreme Court held that the Commission's jurisdiction over unfair trade practices was limited to cases in which such a practice was used as a weapon for diverting business from, or injuring or impairing the business of, a competitor. (*F.T.C.* v. *Raladam Co., supra.*) It was recognized that a method of competition might be unlawful under section 5 because it deceived consumers, even though it was not monopolistic or anticompetitive, but it was thought that deceptive acts or practices could not be suppressed under the Trade Commission Act if they were not utilized to confer a competitive advantage upon the respondent. The 1938 amendments, in expressly making "unfair or deceptive acts or practices in commerce," in addition to "unfair methods of competition in commerce," subject to the Commission's jurisdiction, were intended to broaden the Commission's jurisdiction to embrace deceptive acts or practices in situations where no effect on competition or competitors could be shown.[53] It should be noted that the amendments do not confine the Commission's jurisdiction to deceptive acts or practices, on the one hand, and monopolistic or anticompetitive methods, on the other. In addition to forbidding deceptive acts or practices and unfair methods of competition, section 5, as amended, forbids unfairs acts or practices.

The purpose of the amendments was to make clear that the protection of the consumer from unfair trade practices, equally with the protection of competitors and the competitive process, is a concern of public policy within the scope of responsibility of the Federal Trade Commission. The legislative history of the Wheeler-Lea amendments to section 5 discloses explicit and substantial concern with the exploitation of consumers through deceptive, unethical or otherwise unfair marketing methods.[54] The Keppel decision was mentioned a number of times in the deliberations,[55] and its broad and far-reaching conception of the Commission's powers and duties in the field of unfair trade practices received Congressional approval in the enactment of the Wheeler-Lea amendments.

Another result of the Wheeler-Lea Act was the enlargement of the Federal Trade Commission Act to include new provisions (secs. 12–17) dealing specifically with the false advertising of foods, drugs, devices, and cosmetics. Since 1939, moreover, Congress has successively augmented the Commission's jurisdiction in the area of consumer protection several times by the enactment of statutes dealing in detail with particular industries.[56] The public policy declared by Congress in the food and drug sections of the Wheeler-Lea Act and in the specialized consumer-protection statutes is relevant in determining the requirements of the more general provisions of section 5. The food and drug sections express a congressional determination that the lawful scope of a trade practice may depend in significant part upon the nature of the product involved, and its relationship to human health and safety, while the specialized statutes express a determination that, in particular circumstances, consumer protection may require not only that the seller refrain from affirmative misrepresentation, but also that he make positive and detailed disclosure of material facts concerning his product.

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[51] "Instead of undertaking to define what practices should be deemed unfair, as had been done in earlier legislation, the act left the determination to the Commission. Experience with existing laws had taught that definition, being necessarily rigid, would prove embarrassing and, if rigorously applied, might involve great hardship. * * * Furthermore, an enumeration, however comprehensive, of existing methods of unfair competition must necessarily soon prove incomplete, as with new conditions constantly arising novel unfair methods would be devised and developed." 253 U.S., at 436–37. As stated by Senator Cummins in the debates on the trade commission proposal, "the words 'unfair competition' can grow and broaden and mold themselves to meet circumstances as they arise" 51 CONGRESSIONAL RECORD 14003 (1914). See, e. g., *F.T.C.* v. *R. F. Keppel & Bro., Inc.,* 291 U.S. 304 (1934); *F.T.C.* v. *Algoma Lumber Co.,* 291 U.S. 67 (1934).

[52] Similarly, in the Commission's antitrust activities under the Trade Commission Act it has become established that the Commission is not limited to forbidding conduct already forbidden by the Sherman or Clayton Acts. See, e.g., *F.T.C.* v. *Motion Picture Advertising Serv. Co.,* 344 U.S. 392 (1953); *F.T.C.* v. *Cement Institute,* 333 U.S. 683 (1948); *Grand Union Co.* v. *F.T.C.,* 300 F. 2d 92 (2d Cir. 1962); *Mytinger & Casselberry, Inc.* v. *F.T.C.,* 301 F. 2d 534 (D.C. Cir. 1962).

[53] S. Rep. No. 221, 75th Cong., 1st sess. 3 (1937); Handler, "The Control of False Advertising Under the Wheeler-Lea Act," 6 Law & Contemp. Prob. 91, 96 (1939).

[54] The test of legality under Section 5 had to be amended, it was stated, "to stop the exploitation or deception of the public." S. Rep. No. 1705, 74th Cong., 2d Sess. 3 (1936). See also S. Rep. No. 221, 75th Cong., 1st Sess. 3 (1937). Cf. H.R. Rep. No. 1613, 75th Cong., 1st Sess. 3 (1937).

[55] See, e.g., "Hearings on S. 3744 before the H. Comm. on Interstate and Foreign Commerce," 74th Cong., 2d Sess. 85, 89–90 (1936); "Hearing on H.R. 3143 before the H. Comm. on Interstate and Foreign Commerce," 75th Cong., 1st Sess. 14, 17, 42 (1937).

[56] Wool Products Labeling Act of 1939, 54 Stat. 1128, 15 U.S.C. §§ 68–68j; Fur Products Labeling Act, 65 Stat. 175, 15 U.S.C. §§ 69–69j; Flammable Fabrics Act, 67 Stat. 111, 15 U.S.C. §§ 1191–1200; Textile Fiber Products Identification Act, 72 Stat. 1717, 15 U.S.C. §§ 70–70k.

B. The present law of consumer protection under the Federal Trade Commission Act

1. The test of legality under section 5: In the Keppel decision the Supreme Court described the standard of lawfulness under section 5 of the Federal Trade Commission Act in language similar to that used by the Court in reference to the due process clause of the 14th amendment.[57] Section 5, indeed, bears much the same relation to the community's evolving standards of honest, fair and ethical conduct in business as the due process clause bears to the community standards of fairness and justice in governmental action. In the words of Judge Learned Hand, describing the Commission's power in the field of deceptive and unfair practices:

> "The Commission has a wide latitude in such matters; its powers are not confined to such practices as would be unlawful before it acted; they are more than procedural; its duty in part at any rate, is to discover and make explicit those unexpressed standards of fair dealing which the conscience of the community may progressively develop." [58]

These judicial expressions accord fully with the original understanding of the framers of the Trade Commission Act. "In section 5 of the Trade Commission Act, it is obvious that no specific rules of conduct were prescribed. The section stated a general ethical and economic principle, and relied upon the course of administration and judicial decision to give it content." [59] It is clear that, at least in the field of advertising or labeling, any practice in commerce that exploits or oppresses the consuming public may be prohibited by the Commission under section 5 even if there is no specific precedent for its prohibition. And whether a practice should be forbidden is a question committed to the Commission's sound discretion. As Keppel and many other decisions make clear, the determination of the substantive scope of section 5 is to a considerable extent the Commission's own responsibility.[60]

2. Deceptive acts or practices: Advertising that prevents the consumer from making a free and informed choice of what or whose products to buy by misrepresenting facts that the consumer considers material to his decision injures honest competitors and the consuming public. The body of law on deceptive acts and practices built up by the Commission and the courts in 50 years of law enforcement proscribes such conduct in all its various manifestations. The controlling legal standard is a simple one: If the seller attempts to deceive the consumer in any particular which could influence the latter's buying choice—if, in other words, he uses any false inducement—he has committed a deceptive act or practice in violation of section 5.[61]

In the application of this standard to the many different factual patterns that have arisen in cases before the Commission, certain principles have become well established. One is that under section 5 actual deception of particular consumers need not be shown. All that need be shown, to support a finding of illegality, is that the challenged representation has a substantial capacity or tendency to deceive.[62] It has been held many times (see note 61, supra) that the test of unlawful deception under section 5 is whether the advertisement in question is likely to deceive a substantial segment of the purchasing public, or of that part of the purchasing public to whom the representation is directed, and that this likelihood may be inferred by the Commission, in the exercise of its accumulated administrative knowledge and experience, on the basis of the challenged advertisement itself.[63]

The traditional common law distinction between misrepresentation of fact and of opinion—the latter not being considered actionable [64]—has to a large extent been rejected by decisions under the Trade Commission Act. An advertiser may no longer offer his unsubstantiated opinion concerning the quality or merits of his product if he does so in such a way that the consumer is induced to rely on his opinion.[65] While the courts still make occasional reference to the fact-opinion distinction (see, e.g., *Koch* v. *F.T.C.*, 206 F. 2d 311, 316–317 (6th Cir. 1953)), they recognize no privilege for statements of opinion in advertising, and invariably regard as a deceptive and unlawful representation any opinion stated in such a manner as to mislead the consumer.[66] The traditionally broad scope of permissible "puffing" has been narrowed to include only expressions that the consumer clearly understands to be pure sales rhetoric on which he should not rely in deciding whether to purchase the seller's product.[67] The test, thus, is not whether a representation is intended as a statement of fact or one of opinion, but whether it is likely to mislead the consumer.[68]

The loosening of restrictive common law doctrine is also reflected in the expanded concern under the Trade Commission Act with advertising in which deception is present in a form other than a false statement. The act's objective in the field of advertising and labeling—to protect the consumer from being misled in his choice of goods and services to buy—is flouted no less by false and misleading implications, suggestions or insinuations or, as we are about to consider, by failure to disclose material facts, than by explicit misstatements. As anyone who reads newspapers or magazines, or watches television or listens to the radio, well knows, modern advertising relies to a large extent on suggestions and associations, and other forms of indirection and soft sell, as well as upon explicit claims for the advertised products. Advertisers have found that the explicit claim is not the only effective method of selling their products to the consumer. Since other methods are widely used, it is the Commission's plain duty to require that they be used honestly.

It is now well settled that section 5 proscribes "any advertising matter whatsoever which creates a misleading impression in the mind of the ordinary purchaser,"[69] for "The skillful advertiser can mislead the consumer without misstating a single fact. The shrewd use of exaggeration, innuendo, ambiguity, and half-truth is more efficacious from the advertiser's standpoint than factual assertions. * * * An advertisement may be deemed misleading even though the statements of fact it contains are not in and of themselves deceptive. The statutory ban applies to that which is suggested as well as that which is asserted." Handler, "The Control of False Advertising Under the Wheeler-Lea Act," supra note 64, at 99, 102. The decisions applying this principle are legion.[70]

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[57] *F.T.C.* v. *R. F. Keppel & Bro., Inc.*, 291 U.S. 304, 312 (1934), citing *Davidson* v. *New Orleans*, 96 U.S. 97, 104 (1878). See also *F.T.C.* v. *Raladam Co.*, 283 U.S. 643, 648 (1931).

[58] *F.T.C.* v. *Standard Educ. Soc.*, 86 F. 2d 692, 696 (2d Cir. 1936), rev'd on other grounds, 302 U.S. 112 (1937). See also *F.T.C.* v. *Raladam Co.*, 283 U.S. 643, 651 (1931). Cf. *F.T.C.* v. *Klesner*, 280 U.S. 19, 27–28 (1929) (opinion by Mr. Justice Brandeis).

[59] Henderson, op. cit. supra note 44, at 36. "Courts have always recognized the customs of merchants, and it is my impression that under this act the Commission and the courts will be called upon to consider and recognize the fair and unfair customs of merchants, manufacturers and traders, and probably prohibit many practices and methods which have not heretofore been clearly recognized as unlawful." 51 Congressional Record 11593 (1914) (remarks of Senator Saulsbury). "[I]t would be utterly impossible for Congress to define the numerous practices which constitute unfair competition and which are against good morals in trade, for we are beginning to realize that there is a standard of morals in trade or that there ought to be." 51 Congressional Record 11084 (1914) (remarks of Senator Newlands). See Handler, "The Jurisdiction of the Federal Trade Commission Over False Advertising." 31 Col. L. Rev. 527, 532–35 (1931); *F.T.C.* v. *R. F. Keppel & Bro., Inc.*, *supra*, 291 U.S., at 310–12, nn. 41–43.

[60] See, e.g., decisions cited in note 58, supra; *F.T.C.* v. *Algoma Lumber Co.*, 291 U.S. 67 (1934); *F.T.C.* v. *Royal Milling Co.*, 288 U.S. 212 (1933); *Hastings Mfg. Co.* v. *F.T.C.*, 153 F. 2d 253 (6th Cir. 1946).

[61] See, e.g., *F.T.C.* v. *Raladam Co.*, 316 U.S. 149 (1942); *F.T.C.* v. *Royal Milling Co.*, 288 U.S. 212, 216–17 (1933); *F.T.C.* v. *Algoma Lumber Co.*, 291 U.S. 67, 78 (1934); *F.T.C.* v. *Standard Educ. Soc.*, 302 U.S. 112, 116–17 (1937); *L. Heller & Son, Inc.* v. *F.T.C.*, 191 F. 2d 954 (7th Cir. 1951). See Barnes, "False Advertising," 23 Ohio St. L. J. 597 (1962); Note, "The Regulation of Advertising," 56 Col. L. Rev. 1018, 1025–34 (1956).

[62] See, e.g., *F.T.C.* v. *Algoma Lumber Co.*, *supra*, at 81; *F.T.C.* v. *Winsted Hosiery Co.*, 258 U.S. 483, 494 (1922); *F.T.C.* v. *Balme*, 23 F. 2d 615, 620 (2d Cir. 1928); *Gimbel Bros., Inc.* v. *F.T.C.*, 116 F. 2d 578 (2d Cir. 1941); *Bockenstette* v. *F.T.C.*, 134 F. 2d 369, 371 (10th Cir. 1943); *Progress Tailoring Co.* v. *F.T.C.*, 153 F. 2d 103, 105 (7th Cir. 1946).

[63] *E. F. Drew & Co.* v. *F.T.C.*, 235 F. 2d 735 (2d Cir. 1956); *De Gorter* v. *F.T.C.*, 244 F. 2d 270, 283 (9th Cir. 1957); *Carter Products, Inc.* v. *F.T.C.*, 268 F. 2d 461, 493–95 (9th Cir. 1959); *Royal Oil Corp.* v. *F.T.C.*, 262 F. 2d 741, 745 (4th Cir. 1959); *New Am. Library of World Literature* v. *F.T.C.*, 213 F. 2d 143 (2d cir. 1954); *Zenith Radio Corp.* v. *F.T.C.*, 143 F. 2d 29 (7th Cir. 1944); *Hillman Periodicals* v. *F.T.C.*, 174 F. 2d 122 (2d Cir. 1949).

[64] See Handler, "The Control of False Advertising Under the Wheeler-Lea Act," 6 Law & Contemp. Prob. 91, 92–93 (1939); Handler, "Unfair Competition," 21 Iowa L. Rev. 175, 195, 230 (1936). Some early decisions under Section 5 continued to draw a distinction between fact and opinion. See, e.g., *Raladam Co.* v. *F.T.C.*, 42 F. 2d 430 (6th Cir. 1930), aff'd on other grounds, 283 U.S. 643 (1931). But see *E. Griffiths Hughes, Inc.* v. *F.T.C.*, 77 F. 2d 886 (2d Cir. 1935).

[65] *Feil* v. *F.T.C.*, 285 F. 2d 879, 896–97 (9th Cir. 1960); Barnes, "False Advertising," 23 Ohio St. L. J. 597, 646 (1962). Cf. Handler, "The Control of False Advertising Under the Wheeler-Lea Act," *supra* note 64, at 100–01.

[66] See, e.g., *Koch* v. *F.T.C.*, *supra*; *Procter & Gamble Co.* v. *F.T.C.*, 11 F. 2d 47 (6th Cir. 1926); *Wybrant System Products Corp.* v. *F.T.C.*, 266 F. 2d 571 (2d Cir. 1959) (*per curiam*); *Erickson Hair & Scalp Specialists* v. *F.T.C.*, 272 F. 2d 318 (7th Cir. 1959); *Aronberg* v. *F.T.C.*, 132 F. 2d 165 (7th Cir. 1942). Cf. 21 U.S.C. § 321(n) (Federal Food and Drug Act).

[67] Compare *Gulf Oil Corp.* v. *F.T.C.*, 150 F. 2d 106, 109 (5th Cir. 1945); *Steelco Stainless Steel, Inc.* v. *F.T.C.*, 187 F. 2d 693, 697–98 (7th Cir. 1951); *Goodman* v. *F.T.C.*, 244 F. 2d 584 (9th Cir. 1957); *Colgate-Palmolive Co.*, 59 F.T.C. 1452, 1469 (1961), rev'd on other grounds, 310 F. 2d 89 (1st Cir. 1962); and Prosser, Torts, § 90, p. 557 (2d ed. 1955), with *Kidder Oil Co.* v. *F.T.C.*, 117 F. 2d 892 (7th Cir. 1941); H.R. Rep. No. 1613, 75th Cong., 1st Sess. 4 (1937).

[68] A related principle is that a deceptive representation cannot be defended on the ground of the advertiser's good faith or honest belief in the truth of the representation. See, e.g., *Gimbel Bros., Inc.* v. *F.T.C.*, 116 F. 2d 578 (2d Cir. 1941); *Feil* v. *F.T.C.*, 285 F. 2d 879 (9th Cir. 1960).

Finally, it is well settled that whether an advertisement represents an objective quality of the product or some other, extrinsic factor important to the consumer (e.g., the business status of the advertiser, *F.T.C.* v. *Royal Milling Co.*, 288 U.S. 212 (1933), or whether the product is new or reprocessed, *Mohawk Refining Co.* v. *F.T.C.*, 263 F. 2d 818 (3d Cir. (1959)) is immaterial (*F.T.C.* v. *Algoma Lumber Co.*, 291 U.S. 67 (1934)), since "the public is entitled to get what it chooses" (id., at 78).

We have briefly reviewed some of the better-known principles governing deceptive advertising under Section 5 in order to demonstrate that the standard of lawfulness is a simple, realistic and commonsense one. The application of the standard to a particular advertisement challenged under section 5 of the Trade Commission Act ordinarily requires the answering of three questions: What is the probable impression of the advertisement on the average consumer to whom it is directed? Is that impression true or false? Is it likely to affect the average consumer in deciding whether to purchase the advertised product—is there a material deception, in other words?[71] These are questions of fact, not law.[72]

3. Failure to disclose material facts: An advertiser's failure to disclose material facts in circumstances where the effect of nondisclosure is to deceive a substantial segment of the purchasing public is fully equivalent to deception accomplished through misleading statements or suggestions. "To tell less than the whole truth is a well-known method of deception." *P. Lorillard Co.* v. *F.T.C.*, 186 F. 2d 52, 58 (4th Cir. 1950).)

For example, if a seller has created in the minds of consumers a false impression of the quality or merits of his product, the Commission may enter an order not only forbidding the deceptive advertising, but in addition requiring the seller to make affirmative disclosure in all future advertising in order to correct the false impression created by his deceptive conduct. E.g., *Haskelite Mfg. Co.* v. *F.T.C.*, 127 F. 2d 765 (7th Cir. 1942).[73] Such additional relief, necessary in order to cure fully the ill effects of the seller's past unlawful conduct, could be continued at least until the false impression in the public mind had been dissipated by a period of honest advertising.

A requirement of disclosure may also be appropriate in the light of affirmative claims or representations, not false or deceptive in themselves, made by the seller. Such a principle is expressly stated in section 15 of the Federal Trade Commission Act with respect to the advertising of foods, drugs, devices, and cosmetics, but it has been applied in section 5 cases as well.[74] Thus the Old Gold case (*P. Lorillard Co.* v. *F.T.C.*, 186 F. 2d 52 (4th Cir. 1950)), the respondent had advertised that a Reader's Digest survey had found its cigarettes to be lowest in tar and nicotine content. This was a true statement of the findings of the survey, but without additional disclosure the statement had misleading implications. The advertisement implied that respondent's cigarettes were less harmful than competing brands having higher tar and nicotine contents. But the survey had concluded that no cigarettes, including respondent's, had a sufficiently low tar and nicotine content to be significantly less harmful than other cigarettes. Respondent failed to disclose this qualifying fact, and thereby failed to correct the false impression created by its literally true representation. This was a deceptive half-truth and clearly unlawful.

Even if no affirmative representation is made, nondisclosure may constitute actionable deception.[75] The Commission has, for example, brought a number of proceedings against sellers who fail to disclose the country of origin of their products. Suppose that the consumer of a particular product both prefers the domestic product and believes, in the absence of an affirmative statement to the contrary, that the product is domestic; in such a case the seller of the foreign substitute who fails to disclose its foreign origin has deceived the consumer.[76] Another line of nondisclosure cases under section 5 involves hazardous commodities.[77] Suppose that a seller advertises a silver polish, and while he does not claim that the polish is safe for ordinary use, neither does he warn that it is dangerous; but in fact the fumes from the polish are dangerous to health or safety even under conditions of normal use. Since the consumer's normal expectation is that in the absence of any warning to the contrary such a product can be used safely, he is likely to be deceived if the product is dangerous and the warning is omitted.

The principle crystallized in these decisions is that section 5 forbids sellers to exploit the normal expectations of consumers in order to deceive just as it forbids sellers to create false expectations by affirmative acts. The nature, appearance or intended use of a product may create an impression in the mind of the consumer—for example, that it is made in the United States of America, or that it is silk, or that it is safe—and if the impression is false, and if the seller does not take adequate steps to correct it, he is responsible for an unlawful deception.

The Commission's formal proceedings under section 5 in the area of "pure" failure to disclose (i.e., where no affirmative representations have been made by the seller) have involved labeling more frequently than advertising. Orders requiring affirmative disclosure in advertising as well as labeling have, however, been entered in a number of cases;[78] and the principle of deceptive nondisclosure applies with substantially equal force to advertising, for it is well settled that dishonest advertsing is not cured or excused by honest labeling.[79] Whether the ill effects of deceptive nondisclosure can be cured by a disclosure requirement limited to labeling, or whether a further requirement of disclosure in advertising should be imposed, is essentially a question of remedy. As such it is a matter within the sound discretion of the Commission.[80] The question of whether in a particular case to require disclosure in advertising cannot be answered by application of any hard-and-fast principle. The test is simple and pragmatic: Is it likely that, unless such disclosure is made, a substantial body of consumers will be misled to their detriment?

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[69] Handler, "The Control of False Advertising Under the Wheeler-Lea Act," supra, note 64, at 102. Cf. *F.T.C.* v. *National Health Aids, Inc.*, 108 F. Supp. 340 (D. Md. 1952); *People* v. *Minjac Corp.*, 4 N.Y. 2d 320, 151 N.E. 2d 180, 175 N.Y.S. 2d 16 (1958).

[70] See, e.g., *D. D. D. Corp.* v. *F.T.C.*, 125 F. 2d 679 (7th Cir. 1942); *Aronberg* v. *F.T.C.*, 132 F. 2d 165 (7th Cir. 1942); *Sebrone* v. *F.T.C.*, 135 F. 2d 676, 679 (7th Cir. 1943); *Caldwell* v. *F.T.C.*, 111 F. 2d 889 (7th Cir. 1940); *Parker Pen Co.* v. *F.T.C.*, 159 F. 2d 509 (7th Cir. 1946); *C. Howard Hunt Pen Co.* v. *F.T.C.*, 197 F. 2d 273 (3d Cir. 1952); *Ford Motor Co.* v. *F.T.C.*, 120 F. 2d 175 (6th Cir. 1941); *P. Lorillard Co.* v. *F.T.C.*, 186 F. 2d 52, 58 (4th Cir. 1950); *Charles of the Ritz Dist. Corp.* v. *F.T.C.*, 143 F. 2d 676, 679, (2d Cir. 1944); *Kalwajtys* v. *F.T.C.*, 237 F. 2d 654, 656 (7th Cir. 1956).

[71] The last of these questions is ordinarily easily answered when there is an affirmative representation of some sort, for "If a statement is important enough to be included in an advertisement, it is important enough to be true." Handler, *supra* note 69, at 98. See Note, "The Regulation of Advertising," 56 Col. L. Rev. 1018, 1032 (1956).

[72] See, e.g., *Carter Products, Inc.* v. *F.T.C.*, 268 F. 2d 461, 496 (9th Cir. 1959); Barnes, *supra* note 65, at 655. See also *Gulf Oil Corp.* v. *F.T.C.*, 150 F. 2d 106, 108 (5th Cir. 1945).

[73] "The examiner's order, on this phase of the case, simply prohibits respondents from representing 'that their watches are manufactured in their entirety in the United States.' This prohibition will not suffice to assure discontinuance of the deception found. As we have pointed out, the name Waltham, in part through respondents' own efforts, has come to be associated by the public with entirely American-made watches. Deception of the public can be avoided only by requiring respondents, wherever they use the name 'Waltham' in the advertisement or labeling of their watches, to disclose, clearly and prominently, the foreign origin of any of the components thereof. Respondents should be prohibited from using the term 'American,' or any reference to 'Waltham,' in any manner or context suggesting that the watches which they sell under the Waltham name are made in the United States. To provide effective relief these provisions are necessary at least until such time as the harmful effects of respondents' deceptive advertising have been erased. If and when this has been accomplished, the Commission will entertain any application for such modification as may then be appropriate." *Waltham Precision Instrument Co.*, F.T.C. Docket 6914 (decided July 20, 1962), pp. 8–9, aff'd, —— F. 2d —— (7th Cir. 1964). Cf. *Rudolph R. Siebert Co.*, 49 F.T.C. 1418 (1953).

[74] See, e.g., *Gimbel Bros., Inc.* v. *F.T.C.*, 116 F. 2d 578 (2d Cir. 1941); *Royal Baking Powder Co.* v. *F.T.C.*, 281 Fed. 744 (2d Cir. 1922); *Allen B. Wrisley Co.* v. *F.T.C.*, 113 F. 2d 437 (7th Cir. 1940); *Clinton Watch Co.* v. *F.T.C.*, 291 F. 2d 838 (7th Cir. 1961); *Raladam Co.*, 24 F.T.C. 475 (1937), order aff'd, 316 U.S. 149 (1942).

[75] See, e.g., *Segal* v. *F.T.C.*, 142 F. 2d 255 (2d Cir. 1944); *L. Heller & Son, Inc.* v. *F.T.C.*, 191 F. 2d 954 (7th Cir. 1951); *American Tack Co., Inc.*, v. *F.T.C.*, 211 F. 2d 239 (2d Cir. 1954) (*per curiam*); *Schachnow* v. *F.T.C.*, 1940–43 CCH Trade cases ¶ 56118 (3d Cir. 1941); *Rabhor Co.* v. *F.T.C.*, 1940–43 CCH Trade cases ¶ 56220 (2d Cir. 1942) (*per curiam*); *Mary Muffet, Inc.* v. *F.T.C.*, 194 F. 2d 504 (2d Cir. 1952) (*per curiam*); *Mohawk Refining Corp* v. *F.T.C.*, 263 F. 2d 818 (3d Cir. 1959); *Kerran* v. *F.T.C.*, 265 F. 2d 246 (10th Cir. 1959); *Royal Oil Corp.* v. *F.T.C.*, 262 F. 2d 741 (4th Cir. 1959); *Theodore Kagen Corp.* v. *F.T.C.*, 283 F. 2d 371 (D.C. Cir. 1960) (*per curiam*); *Bantam Books, Inc.* v. *F.T.C.*, 275 F. 2d 680 (2d Cir. 1960); *New Am. Library of World Literature* v. *F.T.C.*, 227 F. 2d 384 (2d Cir. 1955).

[76] In addition to the foreign-origin cases, sellers have been required to disclose, for example, that their oil is not new (e.g., *Mohawk Refining Corp., supra*), that their books are abridged (e.g., *Bantam Books, Inc., supra*), that their watch bezels are not gold (e.g., *Theodore Kagen Corp, supra*), that their fabrics are rayon (e.g., *Mary Muffet, Inc.*), or that their goods are used (e.g., *Schachnow, supra*).

[77] *Seymour Dress & Blouse Co.*, 49 F.T.C. 1278 (1953); *Rudolph R. Siebert Co.*, 49 F.T.C. 1418 (1953); *Academy Knitted Fabrics Corp.*, 49 F.T.C. 697 (1952); *Fisher & DeRitis*, 49 F.T.C. 77 (1952); *Harrison Mills, Inc.*, 50 F.T.C. 1044 (1954) (complaint dismissed); *James B. Tompkins*, F.T.C. Docket 8567 (decided Dec. 5, 1963).

[78] The fully litigated cases in which such orders have been entered include: *Royal Oil Corp.* v. *F.T.C.*, 262 F. 2d 741 (4th Cir. 1959); *Mohawk Ref. Co.* v. *F.T.C.*, 263 F. 2d 818 (3d Cir. 1959); *Kerran* v. *F.T.C.*, 265 F. 2d 246 (10th Cir. 1959); *Rabhor Co.* v. *F.T.C.*, 1940–43 CCH Trade Cases ¶ 56220 (2d Cir. 1942) (*per curiam*); *Salyer Refining Co.* 54 F.T.C. 1026 (1958); *Asheville Fabrics, Inc.*, 49 F.T.C. 1190 (1953); *Louis A. Walton Co.*, 35 F.T.C. 335 (1942); *Samuel R. Israel*, 32 F.T.C. 20 (1940); *Ralph Corn Underwear, Inc.*, 31

The standard of lawfulness (sec. 15(a)(1)) under the food and drug sections of the Trade Commission Act, which were added by the Wheeler-Lea Act in 1938, has a definite bearing on the problem of deceptive nondisclosure under section 5. Section 15(a)(1) provides in pertinent part:

"The term 'false advertisement' means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual."

This definition appears not to change the test of an actionable deception so far as affirmative representations are concerned. To be sure, Congress, in enacting section 15, was consciously concerned to reach "the most subtle as well as the most vicious types of advertisement" (H. Rept. No. 1613, 75th Cong., 1st sess. 5 (1937).) It was explained that "The provisions of this bill covering false advertising are far reaching" (id., at 4), and that "It (the bill) covers every case of imposition on a purchaser for which there could be a practical remedy" (id., at 5). But we have seen that section 5 is fully as broad as this. Section 15, however, in contrast to section 5, is explicit in making nondisclosure a possible basis of liability. It specifies two circumstances in which nondisclosure may render an advertisement false and hence unlawful.

The first is where the undisclosed facts are material by virtue of representations made in the advertisement. This is simply the principle of the deceptive half-truth which, as has been pointed out, is an established principle of section 5 liability. The Commission's recent "Outgro" decision (*American Home Products Corp.*, FTC Docket 8478 (decided September 27, 1963)) exemplifies the operation of the principle under section 15. Respondent's product, a treatment for ingrown toenail, did in fact, as claimed in respondent's advertising, afford "relief and protection" respecting this condition. But the relief was temporary only, and the protection nonexistent once infection set in. The use of "Outgro" after the onset of infection might actually aggravate the danger from such infection and make it more difficult to cure. Without explicit disclosure of these facts, which qualified and explained the claim of "relief and protection," the danger was acute that purchasers of the product would misunderstand the limits of its effectiveness and thereby forego necessary medical attention.[81]

The second circumstance specified in section 15 under which nondisclosure may render an advertisement false is also one to which we have adverted, in discussing the requirements of section 5 in the field of hazardous commodities. If the actual consequences of normal use of the advertised product are different from the expected consequences, they should be disclosed to avoid creating a false impression.[82] If, for example, a food is advertised without disclosure of dangers in eating it of which the consumer is unaware, there is palpable—and very dangerous—deception.

While section 15 adverts specifically to nondisclosure and section 5 does not, the legal test under section 15 in the nondisclosure area is, if anything, probably narrower than that under section 5. Many of the "pure" nondisclosure cases actionable under section 5, apart from the hazardous-commodities cases, could not be maintained under section 15 because they do not involve the nondisclosure of facts material with respect to the consequences of using the product.

Although the standard of lawfulness in section 15 with respect to failure to disclose material facts seems not to broaden the duties already borne by sellers subject only to the more generally worded prohibitions of section 5, it illumines those requirements as applied in specific situations. For one thing, it is noteworthy that the specific references in section 15 to nondisclosure as a basis for finding a violation of the Federal Trade Commission Act occur in the context of advertising, not labeling, regulation; the food and drug sections of the Trade Commission Act are expressly limited to advertising and exclude labeling (sec. 15(a)(1)). Congress has determined, then, that there are circumstances in which the nondisclosure of material facts in advertising should be prevented on its own account, wholly irrespective of what disclosure is made or required in labeling.

For another thing, section 15, in its explicit concern with nondisclosure of the consequences of using products which, like food, drugs, devices, and cosmetics, are intended to be used in intimate contact with the human body, enunciates a principle of false and deceptive advertising that is of general applicability where any such products are concerned. The principle is that sellers of a product the use of which may involve danger to human health or safety are under a duty to disclose to the consumer the consequences of use, where those consequences are not known to the consumer. It is true that the disclosure-of-consequences provision of section 15 is not limited to situations of danger; a seller may be required to disclose the consequences of using his food, drug, device or cosmetic even though no danger to health or safety is posed by nondisclosure. (See, e.g., *Keele Hair & Scalp Specialists, Inc.* v. *F.T.C.*, 275 F. 2d 18 (5th Cir. 1960).) Still, it seems clear that in adding section 15 to the Trade Commission Act Congress was particularly concerned with the situation in which consumers are misled as to the consequences of using a product to the detriment of their health or safety. (Cf. Handler, "The Control of False Advertising Under the Wheeler-Lea Act," 6 Law & Contemp. Prob. 91, 102 (1939).)

Other products besides foods, drugs, devices, and cosmetics, as those terms are defined for purposes of the food and drug sections of the Trade Commission Act (see secs. 15(b)-(e)), are used in intimate contact with the human body, or otherwise involve serious possibilities of danger to human life, health or safety. The special jurisdictional and remedial provisions of the food and drug sections (see secs. 12–14) do not of course apply to the advertising of such products, but the standard of lawfulness embodied in section 15(a)(1), insofar as it expresses a general principle of false and deceptive advertising, is fully applicable in a section 5 proceeding. In the only case in which the question of whether cigarettes are subject to the food and drug sections has arisen (*F.T.C.* v. *Liggett & Myers Tobacco Co.*, 108 F. Supp. 573 (S.D.N.Y. 1952), aff'd mem., 203 F. 2d 956 (2d Cir. 1953)), the court, while holding that they are not, in no way suggested that a seller of cigarettes (or of any other product which, though technically not a food, drug, device, or cosmetic, is intended to be used in intimate contact with the human body) is not subject to the duty to disclose the consequences of using his product in circumstances where failure to disclose such consequences would be deceptive.[83] It is at all events clear that,

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F.T.C. 1076 (1940); *Adolph Friedman*, 28 F.T.C. 1660 (1939); *Storyk Bros. Inc.*, 28 F.T.C. 608 (1939). Cf. *Mary Muffet, Inc.* v. *F.T.C.*, 194 F. 2d 504 (2d Cir. 1952) (*per curiam*), aff'g 47 F.T.C. 724 (1950).

[79] *Carter Products, Inc.* v. *F.T.C.*, 186 F. 2d 821, 822–24 (7th Cir. 1951). See *F.T.C.* v. *Standard Educ. Soc.*, 302 U.S. 112 (1937); *Book-of-the-Month Club* v. *F.T.C.*, 202 F. 2d 486 (2d Cir. 1953); *Progress Tailoring Co.* v. *F.T.C.*, 153 F. 2d 103 (7th Cir. 1946); *Exposition Press, Inc.* v. *F.T.C.*, 295 F. 2d 869 (2d Cir. 1961). "The law is violated if the first contact or interview is secured by deception, * * * even though the true facts are made known to the buyer before he enters into the contract of purchase." *Carter Products, Inc.*, *supra*, at 824.

[80] "Congress placed the primary responsibility for fashioning such [cease-and-desist] orders upon the Commission, and Congress expected the Commission to exercise a special competence in formulating remedies to deal with problems in the general sphere of competitive practices." *F.T.C.* v. *Ruberoid Co.*, 343 U.S. 470, 473 (1952). "The Commission is the expert body to determine what remedy is necessary to eliminate the unfair or deceptive trade practices which have been disclosed. It has wide latitude for judgment and the courts will not interfere except where the remedy selected has no reasonable relation to the unlawful practices found to exist." *Jacob Siegel Co.* v. *F.T.C.*, 327 U.S. 608, 612–13 (1946). "[T]he Supreme Court has as much circumscribed our powers to review the decisions of administrative tribunals in point of remedy, as they have always been circumscribed in the review of facts. Such tribunals possess competence in their special fields which forbids us to disturb that measure of relief which they think necessary. In striking that balance between the conflicting interests involved which the remedy measures, they are for all practical purposes supreme." *Herzfeld* v. *F.T.C.*, 140 F. 2d 207, 209 (2d Cir. 1944) (L. Hand, J.). Although the foregoing judicial expressions occur in the context of remedies fashioned under Section 5(b) of the Trade Commission Act or Section 11(b) of the Clayton Act, i.e., cease-and-desist orders, they would appear equally applicable where the remedy takes the form of a trade regulation rule.

[81] See also *Aronberg* v. *F.T.C.*, 132 F. 2d 165 (7th Cir. 1942); *Sebrone* v. *F.T.C.*, 135 F. 2d 676 (7th Cir. 1943); *National Bakers Services, Inc.* v. *F.T.C.*, —— F. 2 —— (7th Cir. 1964).

[82] For decisions applying this aspect of Section 15, see, e.g., *Ultra-Violet Products Co.* v. *F.T.C.*, 143 F. 2d 814 (9th Cir. 1944); *American Medicinal Products, Inc.* v. *F.T.C.*, 136 F. 2d 426 (9th Cir. 1943); *Lanolin Plus, Inc.*, F.T.C. Docket 8150 (decided September 12, 1962).

[83] The ground of the *Liggett & Myers* decision was that on the basis of the language of Section 15 (which defines the products subject to the food and drug sections very narrowly) and what skimpy legislative history there was on the question, as well as the Commission's failure for many years after

in enacting the Wheeler-Lea provisions to deal specifically with certain products, Congress did not intend thereby to limit the full development of the law of deceptive acts and practices under section 5. Thus, while labeling is expressly excluded from the food and drug sections, the Commission is free to proceed under section 5 against false labeling of foods, drugs, devices, or cosmetics.[84]

4. The general principle of seller's duties with respect to the marketing of dangerous products: As has been stated, whether an act or practice is an unlawful deception within the meaning of section 5 may depend upon whether normal use of the product involves dangers to human life, health or safety. The principle is not limited to the nondisclosure area. It also has relevance to determining whether affirmative claims or representations in advertising rise to the level of unlawful deception. The seller of a product whose use may cause personal injury is held to a more stringent standard of truthfulness in advertising than other sellers. As to him, the Commission not only may, but must, "insist upon the most literal truthfulness" (*Moretrench Corp.* v. *F.T.C.*, 127 F. 2d 792, 795 (2d Cir. 1942)), and resolve all ambiguities and interpretive uncertainties against the seller.[85]

There are two reasons for such special treatment. First, the stakes are so much greater. It is one thing to permit an occasional borderline misrepresentation where it appears that only a few consumers are likely to be misled and suffer economic loss thereby. It is altogether more serious to permit the misleading of even the few, where those who are misled may, in consequence, be injured in their persons as well as their pocketbooks. Second, while consumers may perhaps discount a certain amount of exaggerated and distorted advertising in the case of ordinary products, they are not likely to expect and be prepared to cope with loose advertising practices in the area of health and safety. People have a right to, and by and large do, expect that advertising will be completely truthful in circumstances where the consequences of an untruth, half-truth, or ambiguity may be personal injury. Because they expect fair dealing in the advertising of such products, their guard is down.

An example of the higher standards of candor and honesty in advertising which section 5 requires in the area of what may broadly be termed "dangerous products" is furnished by the problem of unsubstantiated, but not necessarily false, claims. Not only is it a deceptive act or practice to make a false claim, but, in a situation where the consumer's reliance on the advertiser's claim might result in personal injury if the claim were false, it is also, and independently, deceptive and unlawful to fail to substantiate the truth of the claim in advance. As the Commission stated recently:

"An advertiser is under a duty, before he makes any representation which, if false, could cause injury to the health or personal safety of the user of the advertised product, to make reasonable inquiry into the truth or falsity of the representation. He should have in his possession such information as would satisfy a reasonable and prudent businessman, acting in good faith, that such representation was true. To make a representation of this sort, without such minimum substantiation, is to demonstrate a reckless disregard for human health and safety, and is clearly an unfair and deceptive practice.

"That this is so is evident from basic principles governing the law of false and misleading representations. One who affirmatively advertises a product to be safe, in a context in which the prospective user's health or safety may be adversely affected if the claim is false, implicitly represents that he has a reasonable and substantial foundation in fact for making the claim. Consider the case of an advertisement for a sunburn oil which states that the product will absolutely prevent painful sunburn, no matter how prolonged the user's exposure to the sun. The purchaser of this product would certainly be surprised and dismayed to find that the advertiser had made such a claim without having solid reason to believe it to be true. Purchasers believe that where such a claim is made, it has been substantiated in advance; the belief is reasonable and, we think, widespread. It is entitled to the Commission's protection." (Heinz W. Kirchner, F.T.C. Docket 8538 (decided Nov. 7, 1963), pp. 8–9.)

This principle has been applied by the Commission in a case involving cigarette advertising.[86] The Commission held to be false and deceptive a representation by respondent, concerning an alleged improvement in its cigarettes, on the ground that the experimental and other data upon which respondent had relied in making this representation to the public were unreliable and did not justify respondent's making the claim. Respondent's failure to substantiate the claim in advance, not the falsity as such of the claim, was the basis for a finding of deception. The Commission "is not held to higher standards of substantiality or probative value in dealing with respondent than respondent has observed in dealing with the public" (49 F.T.C., at 730). We note that at the public hearings in the present matter the spokesman for the cigarette industry conceded the validity of the principle under discussion here (R. 83–Z–1).

Two final points should be made on the subject of dangerous products. First, in stating that the Trade Commission Act imposes special requirements with respect to the advertising of such products, we do not, of course, imply that the Commission has been given by Congress a general jurisdiction to protect the health and safety of consumers. The Commission's responsibility is not to control or prevent the sale or use of dangerous products, but to insure that the advertising of such products is not unfair and does not deceive.

Second, if the scope of the concept of unlawful deception and the requirements of appropriate remedial action may be affected by the hazardous nature of the product involved,[87] clearly they may also be affected by the particular degree of danger involved in using the product. If use of the product involves a risk not only to health or safety, but to life itself, the standard of truthfulness to which the seller must conform is of the highest. Deception with respect to such a product obviously cannot be excused on the ground that only a relatively few consumers would be misled; and consumers are most unlikely to expect any but the very highest standards of honest, truthful, and informative marketing of such a product.

5. Unfair acts or practices: The Keppel decision (*F.T.C.* v. *R. F. Keppel & Bro., Inc.*, 291 U.S. 304 (1934)) makes clear that the prohibitions of Section 5 of the Trade Commission Act embrace acts, practices, or methods of competition that are neither deceptive or misleading, on the one hand, nor monopolistic or anticompetitive, on the other. The Supreme Court in Keppel held that the merchandising practice challenged by the Commission—the sale of penny candy to children by lottery methods—unfairly exploited consumers to the prejudice of respondent's competitors, who were under strong moral compulsion not to engage in the practice, and was therefore proscribed by section 5. The Wheeler-Lea amendments to the Trade Commission Act, passed subsequently to the Keppel decision, eliminated prejudice to competitors as a prerequisite to Commission action under section 5. The amendments did not of course reject, but, rather, approved and codified, the principle of Keppel—that certain merchandising practices are forbidden by section 5 even though they are neither deceptive nor anticompetitive. That principle is embodied in the provision of section 5, added by the Wheeler-Lea Act, that forbids "unfair * * * acts or practices in commerce."[88]

It is not possible to give an exact and comprehensive definition of the unfair acts or practices proscribed by section 5 as amended. The Court in Keppel assumed that the practice challenged in that case did not involve fraud or criminality. It further emphasized that the practice was not beyond the reach of the Commission merely because it did not fall within established categories of immoral or unlawful marketing methods. The Court did, however, state that the practice was one which competitors of the respondent were

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passage of the Act to suggest that cigarettes were subject to the food and drug sections, it was the likelier inference that the Congress that enacted the Wheeler-Lea Act did not intend that cigarettes be subject to those sections. The basis for Congress' position on this point is not entirely clear; probably in 1938 the need for regulation of cigarette advertising was considered slight. It should be borne in mind that the food and drug sections of the Wheeler-Lea Act do much more than merely set out a test of unlawfulness; they also empower the Commission to seek a preliminary injunction, impose criminal penalties, and broaden the Commission's jurisdiction over sellers of the subject products. Congress may have felt, for one reason or another, that cigarette advertising should not be subject to these special provisions. And, assuming it is correct, the *Liggett & Myers* decision—rendered, significantly, in a suit by the Commission for a preliminary injunction—does no more than confirm that the Commission cannot invoke these special provisions against cigarette advertisers. (It should be noted, however, that cigarettes have been held to be "drugs" if they are represented as having therapeutic powers. *United States* v. *46 Cartons of Fairfax Cigarettes,* 113 F. Supp. 336 (D.N.J. 1953).)

[84] See *Houbigant, Inc.* v. *F.T.C.*, 139 F. 2d 1019 (2d Cir. 1944); *Fresh Grown Preserve Corp.* v. *F.T.C.*, 125 F. 2d 917, 919 (2d Cir. 1942); *Mary Muffet, Inc.* v. *F.T.C.*, 194 F. 2d 504 (2d Cir. 1952) (*per curiam*).

[85] See *Murray Space Shoe Corp.* v. *F.T.C.*, 304 F. 2d 270 (2d Cir. 1962); *Country Tweeds, Inc.* v. *F.T.C.*, 326 F. 2d 144, 148 (2d Cir. 1964). Cf. *United States* v. *95 Barrels of Vinegar*, 265 U.S. 438, 443 (1924). "Advertisements which are capable of two meanings, one of which is false, are misleading." *Rhodes Pharmacal Co.* v. *F.T.C.*, 208 F. 2d 382, 387 (7th Cir. 1935), rev'd on other grounds, 348 U.S. 940 (1955) (*per curiam*).

[86] *Philip Morris & Co., Ltd.*, 49 F.T.C. 703, 730 (1952), vacated on appeal on motion of Commission, 5 F.T.C. Statutes and Court Decisions 790 (D.C. Cir. 1953), complaint dismissed on affidavit of abandonment, 51 F.T.C. 857 (1955). Cf. *R. J. Reynolds Tobacco Co.*, 46 F.T.C. 706, 727 (1950), modified on other grounds, 192 F. 2d 535 (7th Cir. 1951); Handler, "The Control of False Advertising Under the Wheeler-Lea Act," supra, at 110.

[87] Compare the Federal Hazardous Substances Labeling Act, enacted in 1960, 15 U.S.C. §§ 1261–73, in which Congress has given explicit recognition to the special need for stringent labeling requirements in the area of dangerous products. The Act does not regulate the advertising of such products, however.

[88] If a practice both exploits consumers unfairly *and* injures competitors, it will be—as in *Keppel*—an unfair method of competition, as well as an unfair act or practice.

"under a powerful moral compulsion not to adopt" (291 U.S., at 313), and that it was "unscrupulous" (ibid.).

An idea of the broad scope of the concept of unfair acts or practices may be gathered from a consideration of the marketing methods which the Commission has in the past forbidden as unfair but which involve neither false-advertising nor restraint-of-trade principles. These methods include: Bribery of a customer's employees ("commercial bribery [89] and payola"); [90] inducing purchases by coercion, intimidation, and false disparagement of competitors' goods—e.g., by "scare tactics"; [91] harassment of competitors and appropriation of the results of their efforts; [92] inducing breach of competitors' contracts; [93] enticing or inciting competitors' employees; [94] physical interference with competitors' goods or properties ("lifting" competitors' goods from dealers or consumers, destroying competitors' catalogs, removal of manufacturers' names from products, etc.); [95] unfair acquisition of competitors' trade secrets, e.g., by espionage; [96] push money; [97] failure to fill orders promptly and shipment of unordered goods ("padding"); [98] wrongful forcing of deals or payments, e.g., by false threats to sue; [99] substitution of inferior goods; [1] and, of course, distribution of merchandise through lottery devices.[2]

Focusing on acts or practices which have been forbidden primarily because of their unfairness to consumers, rather than to competitors, we should mention, as further examples: Refusals to deliver (*E. T. Moye*, 50 F.T.C. 926 (1954)) or to return goods kept for repair (*Interstate Home Equipment Co.*, 40 F.T.C. 260 (1945)); wrongfully delayed delivery of purchased goods (*Associated Trade Press, Inc.*, 46 F.T.C. 58 (1949)); extorting releases from liability (*Holland Furnace Co.*, 55 F.T.C. 55 (1958), aff'd, 295 F. 2d 302 (7th Cir. 1961)); shipping unordered goods in order to induce purchase by mistake (*Norman Co.*, 40 F.T.C. 296 (1945)); concealing seller's identity to obtain repeat orders (*Folding Furniture Works, Inc.*, 34 F.T.C. 921 (1942)); wrongful refusals to return deposits (*Interstate Home Equipment Co.*, supra) or make refunds (*Zlotnick the Furrier, Inc.*, 48 F.T.C. 1068 (1952)); and threatening suit where no money is actually due (*Dorfman* v. *F.T.C.*, 144 F. 2d 737 (8th Cir. 1944)).

No enumeration of examples can define the outer limits of the Commission's authority to proscribe unfair acts or practices, but the examples should help to indicate the breadth and flexibility of the concept of unfair acts or practices and to suggest the factors that determine whether a particular act or practice should be forbidden on this ground. These factors are as follows: (1) whether the practice, without necessarily having been previously considered unlawful, offends public policy as it has been established by statutes, the common law, or otherwise—whether, in other words, it is within at least the penumbra of some common-law, statutory, or other established concept of unfairness; (2) whether it is immoral, unethical, oppressive, or unscrupulous; (3) whether it causes substantial injury to consumers (or competitors or other businessmen). If all three factors are present, the challenged conduct will surely violate section 5 even if there is no specific precedent for proscribing it. The wide variety of decisions interpreting the elusive concept of unfairness at least makes clear that a method of selling violates section 5 if it is exploitive or inequitable and if, in addition to being morally objectionable, it is seriously detrimental to consumers or others. Beyond this, it is difficult to generalize.

In the last analysis, the Commission's responsibility in this area is to enforce a sense of basic fairness in business conduct. For while section 5 "does not authorize regulation which has no purpose other than * * * censoring the morals of businessmen" (*F.T.C.* v. *R. F. Keppel & Bro., Inc.*, 291 U.S. 304, 313 (1934)), the Commission cannot shirk the difficult task of defining and preventing those breaches of the principles of fair dealing that cause substantial and unjustifiable public injury.

V. THE REQUIREMENTS OF THE FEDERAL TRADE COMMISSION ACT WITH RESPECT TO THE MARKETING OF CIGARETTES, IN LIGHT OF THE HEALTH HAZARDS OF SMOKING

Section 5 of the Federal Trade Commission Act requires scrupulous adherence to the standards of fairness, accuracy, and full disclosure in the marketing of cigarettes (see pts. II and IV, supra). It is all the more imperative to hold cigarette manufacturers to the duty of fair and nondeceptive marketing in view of the evident attractiveness of cigarette smoking to children and teenagers, and the fact that it is habit forming.

In this part of the report our concern is to define and particularize, in light of the health hazards of smoking, the requirements of Section 5 with respect to the marketing of cigarettes. In attempting to delineate the lawful bounds of cigarette merchandising, however, we do not mean to suggest or imply that past or current practices of the cigarette industry have violated or are violating any statute administered by the Commission, except insofar as such practices may have been determined to be unlawful in adjudicative proceedings under section 5(b). (See note 3, supra.) The present trade regulation rule proceeding is not a proper vehicle for determining whether violations of law have occurred (see pt. VI, infra). The concern of the present proceeding is with the future, not the past—with how, in light of the Report of the Surgeon General's Advisory Committee, and other pertinent data and materials, the cigarette industry may now avoid violation of the Trade Commission Act. There is no purpose here to impute guilt or innocence in respect of past practices.

A. Affirmatively deceptive advertising

Outright false statements in advertising or labeling respecting the healthfulness or safety of smoking cigarettes or smoking the advertised brand are, of course, unlawful; they require no discussion. But quite apart from explicit misstatements, section 5, as has been demonstrated in the preceding part of this report, forbids a seller to create a false impression in the mind of the consumer through suggestions, insinuations, misleading statements of opinion or exaggerations, deceptive half-truths, innuendo, and other indirect techniques.

Two problems of indirect deception require particular attention in considering the lawful bounds of cigarette advertising. The first is the problem of the unsubstantiated, but not necessarily false, claim. Suppose that a cigarette manufacturer were to claim in his advertising, without having in his possession evidence sufficient to establish the truth of the claim, that a new kind of filter eliminated certain harmful ingredients from the cigarette smoke. There would clearly be deception. Most purchasers assume that an advertiser would not make an unsupported claim of product safety. What quantum of evidence must a cigarette advertiser have in his possession before making such claims? Given the complexity of the technical issues involved in the problem of cigarette smoking and public health, it is doubtful that many such claims would be susceptible of complete proof. To set the standard of advance substantiation at too high a level might, in consequence, preclude the advertising of genuine advances in the safety of cigarette smoking and thereby discourage the development of such products.

The other problem is that of a literally true claim respecting the health consequences of smoking the advertised brand which, nevertheless, is deceptive because of failure to disclose material facts that qualify and explain the claim. Suppose that an advertiser truthfully states that his cigarettes contain no argon. Without further elaboration, many consumers would assume that the elimination of such an ingredient lessened the hazards of smoking the brand—else why would the advertiser make such a claim? The impression created by such an advertisement will be false if, for example, there is a lack of substantial evidence that the elimination of argon lessens the hazards of smoking. That material qualifying fact must be disclosed in order to dispel the false impression created by the claim standing alone.

Consumers would also be deceived, we believe, by claims relating to the amount of the ingredients (e.g., tar and nicotine) present in the cigarette smoke, unless such claims have been verified in accordance with a fully uniform testing procedure. An advertiser who stated that his cagarettes contained only 5 milligrams of tar might be describing accurately the test results he had obtained. Yet advertising these results could create a false impression of the relative hazards of smoking the brand, and be unfair to competitors, if the advertiser were using a testing procedure that yielded, on the same cigarette, a lower tar count than the testing procedure used by other manufacturers as the basis of their advertising of tar content.

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[89] See, e.g., *F.T.C.* v. *Grand Rapids Varnish Co.*, 41 F. 2d 996 (6th Cir. 1929); Handler, "Unfair Competition and the Federal Trade Commission," 8 Geo. Wash. L. Rev. 399, 408–09 (1940).

[90] See, e.g., *Bernard Lowe Enterprises, Inc.*, 59 F.T.C. 1485 (1961).

[91] See, e.g., *Holland Furnace Co.* v. *F.T.C.*, 295 F. 2d 302 (7th Cir. 1961); *Dorfman* v. *F.T.C.*, 144 F. 2d 737 (8th Cir. 1944); *Lane* v. *F.T.C.*, 130 F. 2d 48 (9th Cir. 1942); *Zlotnick the Furrier, Inc.*, 48 F.T.C. 1068 (1952).

[92] See, e.g., *Independent Directory Corp.* v. *F.T.C.*, 188 F. 2d 468 (2d Cir. 1951); *Directory Publishing Corp.* v. *F.T.C.*, 208 F. 2d 632 (2d Cir. 1953); *Chamber of Commerce of Minneapolis* v. *F.T.C.*, 13 F. 2d 673 (8th Cir. 1926).

[93] See, e.g., *Carter Carburetor Corp.* v. *F.T.C.*, 112 F. 2d 722 (8th Cir. 1940); *Kalwajtys* v. *F.T.C.*, 237 F. 2d 654 (7th Cir. 1956).

[94] See, e.g., *Cook-Master, Inc.*, 46 F.T.C. 532 (1950); *Darling & Co.*, 30 F.T.C. 739 (1940).

[95] See, e.g., *Hastings Mfg. Co.* v. *F.T.C.*, 153 F. 2d 253 (6th Cir. 1946); *American Greetings Corp.* v. *United States*, 49 F.T.C. 440 (1952); *Waldes & Co.*, 8 F.T.C. 305 (1925).

[96] See, e.g., *Philip Carey Mfg. Co.* v. *F.T.C.*, 29 F 2d 49 (6th Cir. 1928); *Oakes Co.*, 3 F.T.C. 36 (1920).

[97] See, e.g., *Kinney-Rowe Co.* v. *F.T.C.*, 275 Fed. 665 (7th Cir. 1921).

[98] See, e.g., *Rushing* v. *F.T.C.*, 320 F. 2d 280 (5th Cir. 1963); *Dorfman* v. *F.T.C.*, 144 F. 2d 737 (8th Cir. 1944); *Consumers Home Equipment Co.* v. *F.T.C.*, 164 F. 2d 972 (6th Cir. 1947) (*per curiam*); *Norman Co.*, 40 F.T.C. 296 (1945); *Folding Furniture Works, Inc.*, 34 F.T.C. 921 (1942); *Associated Trade Press, Inc.*, 46 F.T.C. 58 (1949).

[99] See, e.g., *Holland Furnace Co.* v. *F.T.C.*, 295 F. 2d 302 (7th Cir. 1961); *Trade Union Courier Publishing Co.* v. *F.T.C.*, 232 F. 2d 636 (3d Cir. 1956); *United States Stationery Co.*, 49 F.T.C. 745 (1953).

[1] See, e.g., *National Trade Publications, Inc.* v. *F.T.C.*, 300 F. 2d 790 (8th Cir. 1962); *Interstate Home Equipment Co.*, 40 F.T.C. 260 (1945).

[2] See, e.g., *F.T.C.* v. *George Ziegler Co.*, 90 F. 2d 1007 (7th Cir. 1937); *National Candy Co.* v. *F.T.C.*, 104 F. 2d 999 (7th Cir. 1939); *Douglas Candy Co.* v. *F.T.C.*, 125 F. 2d 665 (8th Cir. 1942); *Surf Sales Co.* v. *F.T.C.*, 259 F. 2d 744 (7th Cir. 1958); *Rosten* v. *F.T.C.*, 263 F. 2d 620 (2d Cir. 1959); *Lichtenstein* v. *F.T.C.*, 194 F. 2d 607 (9th Cir. 1952).

In order to prevent deception in an area of substantial health hazards where highly technical medical and scientific considerations may make literally true claims nevertheless misleading, uniform testing methods should be used as the basis of, and all material qualifying facts should be disclosed in, advertising of claimed improvements in the safety of cigarette smoking.

B. The seller's duty to disclose the health hazards of cigarette smoking

1. General principles: Part IV of this report reviewed the various circumstances in which Section 5 of the Federal Trade Commission Act may require an advertiser to disclose material facts in marketing his product. It was pointed out that under well-established principles this duty might arise either because of past or present affirmative representations by the seller, requiring affirmative disclosure of additional facts in order to dispel a false impression created in the mind of the consumer, or, even in the absence of any affirmative representations, because nondisclosure was deceptive in light of the appearance, nature, or intended use of the product. Specifically, it was noted that the seller of a product involving dangers in its use might be required to disclose the existence of such dangers to the consumers.[3]

(a) The dangerous-products principle: Cigarettes are a product designed for use, and are used, in intimate contact with the human body—as intimate, certainly, as any food or drug—and it is well established, in a long line of Commission decisions, that the normal expectations of consumers of such products (whether a food, a drug, or other) is that they are safe under normal conditions of use. If they are not safe under such conditions but this fact is not disclosed, the consumer is deceived and the seller is guilty of unlawful deception. Cigarettes are not safe under normal conditions of use. Although the degree of risk may vary, a hazard to health exists for every smoker, whether he be a "moderate" smoker of a pack a day, a "light" smoker of less than a pack a day, or a "heavy" smoker. A sellers failure to disclose the health hazards of smoking is, therefore, a deceptive act or practice proscribed by section 5.

(b) The "deceptive half-truth" principle: Most cigarette advertising—and certainly the vast bulk of all such advertising in the mass media—does not merely direct attention to the name of the brand (in contrast to cigarette labeling, which ordinarily contains little but the brand name), or limit itself to representations unrelated to the experience of cigarette smoking (e.g., premium or price offers). In the cigarette industry, advertising has actively stimulated demand for the advertised brand by portraying cigarette smoking in general and the smoking of the advertised brand in particular as a satisfying, desirable, and attractive activity.

Such advertising has associated cigarette smoking with such positive attributes as contentment, glamour, romance, youth, happiness, recreation, relaxation, comfort, and sophistication, at the same time suggesting that smoking is an activity at least consistent with physical health and well-being. Furthermore, cigarette advertising has frequently intimated, without claiming outright, that smoking or smoking the advertised brand is innocuous or at least less hazardous than smoking other brands. Cigarette advertising has thus stressed the claimed satisfactions of smoking while ignoring completely—or even attempting to negate—the dangers of the habit.

It is a deceptive act or practice for an advertiser to make representations concerning the satisfactions to be derived from using so hazardous a product as cigarettes without, at the same time, disclosing the dangers to health involved in its use. Even if the cigarette manufacturer does not claim or suggest that smoking cigarettes or smoking the advertised brand is harmless or healthful, or less hazardous than smoking other brands, in affirmatively representing the smoking habit as attractive and satisfying he is fostering an impression of safety in the minds of many consumers. The image of smoking projected in the typical cigarette advertisement is of a pleasant and happy activity. That image is inconsistent with and misrepresents the complete truth about smoking, which is that while it may afford pleasure, it is a habit difficult to break and extremely dangerous to life and health. To avoid giving a false impression that smoking, because it may be pleasant and satisfying, is therefore innocuous, the cigarette manufacturer who represents the alleged pleasures or satisfactions of cigarette smoking in his advertising must also disclose the serious risks to life that smoking involves.

This principle is applicable a fortiori to cigarette advertising that not only stresses the satisfactions of smoking, but makes a positive attempt to allay the consuming public's fears or anxiety with respect to the dangers of smoking by representing or implying that smoking the advertised brand is or may be harmless or less harmful than smoking other brands. Quite apart from its failure to disclose the hazards of smoking, much advertising of this sort probably is at least on the borderline of deception. But even a completely truthful such claim—referring, let us suppose, by way of a hypothetical example, to a genuine and substantial improvement in the safety of smoking the advertised brand—is likely to deceive many consumers unless there is disclosure of the hazards of smoking. Where such claims are made, disclosure is required to despel any impression that because the advertised brand incorporates certain safety features or improvements, or contains fewer harmful ingredients than other brands, it is therefore safe.[4]

In short, although advertising claims respecting the satisfactions of smoking or respecting health or the safety features of a particular brand are not necessarily untruthful in themselves, standing alone they are at best half-truths. They may be literally true, yet they are still likely to convey the false impression that cigarette smoking is not dangerous to human life and health. The disclosure of the hazards of smoking is necessary to correct a deceptive half-truth.

Cigarette advertising of the kind described above (i.e., advertising that lays heavy stress on the satisfactions of smoking and frequently attempts to negate the dangers of smoking—but never discloses those dangers) has for many years dominated, and continues to dominate, the industry. Its volume has been very great. Advertising so intensive and long continued throughout an entire industry is bound to create and has created a powerful impression—in this case one of smoking as a satisfying, pleasurable, and perhaps even indispensable activity which is consistent, at least, with physical health and well-being. That impression is now firmly lodged in the minds of the consuming public.

The principle thus comes into play that an advertiser may be obliged to disclose a material fact about his product not only in order to correct the false impression engendered by current advertising that omits to disclose the fact, but also to cure the ill effects of former advertising practices. In view of the strong impression built up in the public mind by a decade of especially massive cigarette advertising; it is likely that current or future such advertising, even if it refrains from affirmative claims concerning the experience of smoking, cannot avoid exploiting and reinforcing that impression.

In this industry, clearly, advertising has had the function of persuading the consumer of the pleasure and satisfaction of smoking cigarettes. Advertising has been the principal vehicle of the sales message. In view of the role of advertising in the cigarette industry, it is important that cigarette advertising be free of any false impression of the product's safety arising from what is omitted as well as what is stated or implied.

2. The seller's duty of disclosure arising from the nature of modern mass advertising: This section deals with another basis for promulgation of the trade regulation rule, derived from considerations of both deception and unfairness under section 5, but which perhaps fits neither of these categories, as conventionally interpreted, precisely.

In the area of consumer protection, section 5 confers on the Commission a broad mandate to prescribe acts or practices which exploit the consumer and impair his freedom to choose among available products. The sale of cigarettes without disclosure of the health hazards of smoking has such effects, and is therefore unlawful, not only for the reasons already stated but for additional reasons having to do with the special conditions of modern marketing.

The bedrock common law and section 5 principles of consumer protection reflect, for the most part, marketing practices of an earlier period in the Nation's economic development. There was a time when the sale of consumer products was, far more than it is today, a matter largely of face-to-face persuasion by the seller and in advertising and labeling, of direct, detailed, and explicit claims for the quality or merits of his product. Today, however, most consumer products are mass produced and highly standardized; and the techniques of mass communication by seller to consuming public have been perfected. New sales methods have, accordingly, come to the fore. The phenomenon under scrutiny in this proceeding—the advertising of the cigarette industry, mostly in the mass media, on a scale of expenditure of more than $200 million a year—differentiates the present problem from the traditional problems of false and misleading advertising.

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[3] The cigarette manufacturer, as a supplier of goods, is under a common-law duty to exercise reasonable care to assure that goods placed on the market are safe (Prosser, Torts § 83 (2d ed. 1955)); and where goods are inherently dangerous, there is a common-law duty to warn, in advertising and labeling, of known dangers. Ibid.; Dillard & Hart, "Directions for Use and the Duty to Warn," 41 Va. L. Rev. 145 (1955). The "Restatement of Torts," § 388 (1934), also takes this view:

"One who supplies directly or through a third person a chattel for another to use, is subject to liability to those whom the supplier should expect to use the chattel with the consent of the other or to be in the vicinity of its probable use, for bodily harm caused by the use of the chattel in the manner for which and by a person for whose use it is supplied, if the supplier

(a) knows, or from facts known to him should realize that the chattel is or is likely to be dangerous for the use for which it is supplied;

(b) and has no reason to believe that those for whose use the chattel is supplied will realize its dangerous condition; and

(c) fails to exercise reasonable care to inform them of its dangerous condition or of the facts which make it likely to be so."

The law of products liability is in process of development toward the day when the seller of any product who sells it in a condition dangerous for use will be held strictly liable to the ultimate user for injuries resulting from such use, even though the seller has exercised all possible care, and the user has entered into no contractual relation with him. Prosser, "The Assault Upon the Citadel (Strict Liability to the Consumer)," 69 Yale L. J. 1099, 1112 (1960), "Restatement (Second), Torts," § 402A (Tent. Draft No. 7, approved May 1, 1961).

[4] Compare the decisions forbidding unqualified representations that a drug affords "relief" from a condition on the ground that such representations falsely imply curative powers. *F.T.C.* v. *Rhodes Pharmacal Co.*, 348 U.S. 940 (1955) (per curiam), rev'g 208 F. 2d 382 (7th Cir. 1953); *Aronberg* v. *F.T.C.*, 132 F. 2d 165 (7th Cir. 1942); *D.D.D. Corp.* v. *F.T.C.*, 125 F. 2d 679 (7th Cir. 1942); *American Home Products Corp.*, F.T.C. Docket 8478 (decided September 27, 1963).

In the conventional false and misleading advertising case, it is not unusual to consider the challenged advertisement apart from the respondent's—and the industry's—total advertising. This is a satisfactory procedure where the source of public injury or consumer exploitation lies essentially within the four corners of the advertisement, in the claims made or facts left undisclosed. It is less satisfactory where the cumulative effect of massive and long-continued advertising throughout an entire industry, in contrast to the effect of a single advertisement or particular advertisements, is itself a source of substantial and unjustifiable injury to the consuming public.

Part III of this report contains an analysis of cigarette advertising in relation to the consumption of cigarettes and the dissemination of evidence of the grave health hazards of cigarette smoking, for the period since concern with those hazards first became acute. Certain facts emerge from this analysis. Cigarette advertising, concentrated in the media having the widest consumer exposure, has increased rapidly and continuously in the decade since concern with the hazards of smoking first reached significant proportions. Considered as a whole, such advertising has emphatically and persistently driven home, in the minds of its vast audience, the pleasure and desirability of cigarette smoking. Further, it has frequently implied that smoking or smoking the advertised brand is harmless or relatively harmless to the health of the individual. The net effect of this advertising—its magnitude and content—has been to help maintain cigarette consumption at a high and rising level despite the increasingly patent dangers of the habit. While thus spending hundreds of millions of dollars to iterate and reiterate that smoking is attractive and satisfying and to allay anxiety on the score of the hazards of smoking, the cigarette manufacturers have made no effort whatever, and have spent nothing, to inform the consuming public of the mounting and now overwhelming evidence that cigarette smoking is habit-forming, hazardous to health, and once begun, most difficult to stop. On the contrary, the cigarette manufacturers and the Tobacco Institute have never acknowledged, and have repeatedly and forcefully denied, that smoking has been shown to be a substantial health hazard.[5]

The cigarette industry's massive, continuous, mounting, and forceful advertising, coupled with the refusal to acknowledge or take any steps to inform the consuming public of the hazards to health, has blunted public awareness and appreciation of these hazards and has tended to maintain demand for the product in the face of growing public concern. Not only has the industry failed to disclose to the consuming public the dangers of cigarette smoking; its past and present advertising has camouflaged them. The cumulative effect of at least a decade of massive cigarette advertising has been to establish a barrier to adequate public knowledge and appreciation of the health hazards. Modern mass-media advertising on the scale conducted by the cigarette industry is a form of power in the marketplace—power over the buying choice of consumers. It is lawful power. But just as the possession of lawfully acquired market or monopoly power in the antitrust sense may nevertheless place a firm under a special duty of fair dealing toward its competitors,[6] an advertiser's possession of great power vis-a-vis consumers may place him under a special duty of fair dealing toward them, especially where the advertised product is dangerous to life and health. The duty exists even if no individual advertisement, viewed in isolation, is deceptive under conventional principles. The cigarette industry's duty of fair dealing with the public is not avoided by the efforts of groups such as the American Cancer Society to educate the public in the health hazards of cigarette smoking. On the contrary, the duty arises precisely because of the tendency of the industry's advertising to neutralize the impact of such educational efforts.

The findings made in part III of this report justify and indeed compel the inference that, deception to one side, cigarette advertising, by virtue of its magnitude, techniques, content, media, and other factors, and above all by its failure to disclose the dangers of smoking, is unfair to the public and consequently (should it continue in the future in its present form; i.e., without any disclosure of the dangers of smoking) unlawful under section 5.

3. The protection of youth from unfair or deceptive cigarette advertising and labeling: The law has always evinced special regard for protecting the young.[7] "The infant has always been a favorite of the law. From early times the common law has made exceptions to the ordinary rules of law to compensate for the mental immaturity of persons in the adolescent period of life. The infant has been given certain special rights and privileges, and at the same time has had imposed upon him certain disabilities, all intended to afford him special protection."[8] Of particular applicability here is the established principle that:

> "One who supplies * * * a chattel for the use of another whom the supplier knows or from facts known to him should know to be likely because of his youth, inexperience, or otherwise, to use it in a manner involving unreasonable risk of bodily harm to himself * * * is subject to liability for bodily harm caused thereby to them." [Restatement of Torts, sec. 390 (1934).]

In the interpretation of section 5 of the Trade Commission Act, the Federal Trade Commission early recognized the need to afford special protection to children. In *F.T.C.* v. *R. F. Keppel & Bro., Inc.*, 291 U.S. 304 (1934), the Supreme Court emphasized the immature judgment of children in upholding the Commission's prohibition of the sale of penny candies by lot or chance. The Court stated:

> "[T]he method of competition adopted by respondent induces children, too young to be capable of exercising an intelligent judgment of the transaction, to purchase an article less desirable in point of quality or quantity than that offered at a comparable price in the straight goods package." [Id., at 309.]

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> "It is true that the statute [sec. 5] does not authorize regulation which has no purpose other than that of relieving merchants from troublesome competition or censoring the morals of businessmen. But here the competitive method is shown to exploit consumers, children, who are unable to protect themselves. * * * It would seem a gross perversion of the normal meaning of the word, which is the first criterion of statutory construction, to hold that the method is not 'unfair.'" [Id., at 313.]

The credulity and immaturity of children, and the consequent need to give them special protection from exploitive marketing practices, were recognized by the Commission in its recent decision in *Wilson Chemical Co., Inc.*, F.T.C. Docket 8474 (decided January 14, 1964), where the respondent salve manufacturer, by the use of misleading and deceptive advertisements, recruited children and adults to sell its salve, and thereafter, by the employment of a system of threatening and deceptive collection letters, coerced payment for the salve from the children and adults to whom the salve had been sent as the result of the deceptive advertising. In discussing the coercive nature of respondents' dunning letters, the Commission stated (p. 5): "They are strong letters to send to adults. Their coercive nature is increased when it is considered that in the majority of cases the recipients of these letters are probably children." So also, in dealing with the marketing of toys the Commission has recognized that special standards of truthful and non-deceptive advertising must be observed. See, e.g., *Ideal Toy Corp*, F.T.C. Docket 8530 (decided January 20, 1964), p. 2.

Thus, throughout the law in general and under section 5 of the Trade Commission Act in particular, it has been recognized that minors constitute an especially vulnerable and susceptible class requiring special protection from business practices that would not be unlawful if they only involved adults. Accordingly, a marketing practice, directed in a substantial part toward minors, that interferes substantially and unjustifiably with their freedom of buying choice is an unfair or deceptive act or practice even if it is not especially pernicious as to adults. Thus, cigarette advertising or labeling that does not disclose the health hazards of cigarette smoking may be independently unlawful under section 5—quite apart from the grounds previously advanced—because it "exploit[s] consumers, children, who are unable to protect themselves." *F.T.C.* v. *R. F. Keppel & Bro., Inc.*, supra, at 313. This conclusion rests on the concurrence of a number of factors.

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[5] See, e.g., H.R. Rep. No. 1372, False and Misleading Advertising (Filter-Tip Cigarettes), 85th Cong., 2d Sess. 23 (1958); Neuberger, Smoke Screen: Tobacco and the Public Welfare, ch. 2 (1963).

[6] See, e.g., *Associated Press* v. *United States*, 326 U.S. 1 (1945); *United States* v. *Terminal R.R. Assn.*, 224 U.S. 383 (1912); *United States* v. *Aluminum Co. of America*, 148 F. 2d 416 (2d Cir. 1945); *United States* v. *United Shoe Machinery Corp.*, 110 F. Supp. 295 (D. Mass. 1953), affd. per curiam, 347 U.S. 521 (1954).

[7] A famous example is the "attractive nuisance" doctrine of tort law. See, e.g., *Sioux City & Pac. R. Co.* v. *Stout*, 17 Wall. 657 (U.S. 1873); *Keffe* v. *Milwaukee & St. Paul R. Co.*, 21 Minn. 207 (1875); *United Zinc & Chem. Co.* v. *Britt*, 258 U.S. 268 (1921); *Ekdahl* v. *Minnesota Utilities Co.*, 203 Minn. 374, 281 N.W. 517 (1938); *McKiddy* v. *Des Moines Elec. Co.*, 202 Iowa 225, 206 N.W. 815 (1926); *Bartleson* v. *Glen Alden Coal Co.*, 361 Pa. 519, 64 A. 2d 846 (1949); *Restatement of Torts* § 339 (1934); Prosser, Torts 438–45 (2d ed. 1955). Mr. Justice Holmes described the doctrine in the following terms: "knowingly to establish and expose, unfenced, to children of an age when they follow a bait as mechanically as a fish, something that is certain to attract them, has the legal effect of an invitation to them although not to an adult." *United Zinc & Chem. Co., supra*, at 275. However, this is probably too restrictive a statement of the doctrine in its present form. See Prosser, *op. cit. supra*, at 440.

[8] 5 Vernier, American Family Laws 3 (1938). See Ellis, "Basic Aspects of Legal Incapacity," 1951 U. Ill. L. F. 189 (1951).

The first is the attractiveness of the product to children and teenagers. While the causes of cigarette smoking are not as yet perfectly understood, it seems clear that smoking has some relation to the stresses and strains of adolescence, and is attractive and desirable to many adolescents as a way of asserting their independence, conforming to their peers, and emulating adult behavior, and for other social and psychological reasons.[9] These emotional factors make many children and teenagers predisposed to smoke and hence susceptible to the inducements contained in cigarette advertising, and inhibit their ability to appreciate and weigh the objective factors that ought to enter into a decision as to whether to smoke, among them the health hazards of cigarette smoking. Cigarettes may be analogized to the "attractive nuisance" of tort law (see note, supra). Children and teenagers are drawn to them for powerful, but emotional rather than rational, reasons, which interfere with the exercise of judgment and reason.

A second critical factor is the availability of cigarettes to children and teenagers. Although there are laws regulating the sale of cigarettes to minors, it is apparent that even where such laws constitute a theoretically effective prohibition of sales to minors (and it should be noted that in many parts of the Nation cigarettes may lawfully be sold to teenagers and even children [10]) they are not effectively enforced.[11] In fact, as we have seen, a very large number not only of teenagers but of children as well smoke, often heavily.[12] Because cigarettes are readily obtainable, and indeed widely consumed, by youngsters, the effect of advertising inducements on them cannot be dismissed or ignored. As the report of the Surgeon General's Advisory Committee states, "the years from the early teens to the ages of 18–20 are significant years in exposing people to their first smoking experiences. * * * All available knowledge points toward the years from the early teens to the age of 20 as a significant period during which a majority of later smokers began to develop the active habit." (ACR 362, 368.) The importance of insuring that cigarette advertising be completely fair and nondeceptive to people in this age bracket is obvious.

A third factor to be considered is the nature of the danger. Two points should be made in this connection. On the one hand, the risk to health and life is greatest, as the Report of the Surgeon General's Advisory Committee expressly found, for those who begin to smoke before the age of 20.[13] This finding underscores the necessity of protecting children and teenagers from unfair or deceptive cigarette merchandising practices to the limits of the Commission's statutory authority.

On the other hand, there is no directly apparent or immediate danger from cigarette smoking. The effects of the habit ordinarily take a number of years to appear. Everyone knows that very young people have a far less acute appreciation of mortality, and danger generally, than adults. Young people perhaps can comprehend immediate, palpable dangers, but the danger of cigarette smoking is to their long-term health, threatening them only with what to them is the remote prospect of premature mortality in middle age. They are therefore not likely to be able to appreciate the serious risks they are taking in smoking (see, e.g., R. 361; ex. 26, p. 1). The analogy of the "attractive nuisance" of tort law is again relevant. While the attractions of cigarette smoking are such as to make an immediate and strong appeal on emotional grounds difficult for many young people to resist, the dangers in cigarette smoking are not readily apparent or comprehensible to such persons.

Another critical factor is the habit-forming nature of cigarette smoking. Smoking is a habit difficult to break. The difficulty varies with the particular individual. For many people the choice to smoke, once it has been made, may as a practical matter be irrevocable. A person may begin to smoke—say at the age of 15—on the basis of a completely immature judgment. He may be incapable at that time of appreciating the dangers of smoking. Ten years later he may regret his youthful choice and desire to discontinue the habit, but, depending on his individual makeup, this may be too difficult for him to do.

Finally, the role of cigarette advertising in the youth market must be considered. It has been pointed out that cigarette advertising is strongly concentrated in television, where it reaches a vast audience composed in very substantial part of children and teenagers. Quite apart from the fact that cigarette advertising has on occasion utilized themes which appear to have special appeal for youth, the fact that children and teenagers are exposed to a very substantial amount of cigarette advertising requires that such advertising be fair and nondeceptive as to them. Cigarette advertising does not present a case of the accidental or occasional exposure of an especially susceptible or vulnerable consumer group to advertising mainly directed toward adults. Whether through design or otherwise, cigarette advertising is so placed that its audience is substantially, and not merely incidentally or insignificantly, composed of nonadults. And, as we have seen, such advertising has actively and effectively sought to induce the purchase of cigarettes by heavily stressing the attractions and satisfactions of smoking without disclosing the serious hazards to health.

It is widely believed that advertising is to a significant degree responsible for the prevalence of smoking among the Nation's youth. In the words of two doctors of the U.S. Public Health Service:

"At the present state of knowledge, it is impossible to say exactly what role the mass media of communication play in this context. It is unlikely that many adolescents start smoking merely because of the influence of advertisements and commercials. Many might do so even if they were never exposed to such advertisements. However, there are several reasons why the mass media are, in fact, likely to influence this form of behavior—both with respect to the initiation of the habit and its maintenance. First, we know that in our society a favorable climate of opinion exists which supports smoking behavior. The mass media can be quite effective in reinforcing this general climate, since they conspicuously avoid presenting content which is inconsistent with or in opposition to this general climate. This is primarily true of cigarette advertising, since it does not present a balanced appeal to the individual with respect to both the favorable and the detrimental effects involved in smoking."

In addition, the advertising appeals which seek to promote and reinforce smoking behavior are anchored in an awareness of the fact that individuals tend to see and hear and remember those things which fit in with their basic needs and values and that they are likely to selectively respond or pay attention to material which directly or implicitly relates to these needs. For example, individuals who are concerned about gaining social status or success in their social contacts are likely to respond to those messages which directly or implicitly indicate that the use of the product will serve to promote such goals. Those individuals who are susceptible to this approach—primarily the teenager, are likely to be influenced by such messages. While this may not be the sole factor which determines whether or not an individual initiates the smoking habit and maintains it, it may be quite effective in conjunction with other forces operating upon him.

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[9] See, e.g., R. 153–54; bibliography in Advisory Committee's Report, pp. 377–379. The Advisory Committee concluded:

"There is suggestive evidence that early smoking may be linked with self-esteem and status needs although the nature of this linkage is open to different interpretations." (ACR 376.)

Elsewhere it stated:

"At present, there is persuasive, but not convincing evidence that smoking among adolescents may in many cases be related to needs for status among peers, self-assurance, and striving for adult status." (Id., at 373.)

[10] A survey of state laws regulating the sale of cigarettes to minors discloses that only a few states forbid the sale of cigarettes to minors under 21, while many forbid their sale only to minors under 18 or 16 and some have no prohibition at all against sales of cigarettes to minors.

[11] See report of the Special Committee of the New York State Senate on Smoking and Health 9 (1964) (Ex. 446). See also, e.g., Exs. 434, 435.

[12] The prevalence of smoking among youth of various ages is documented in Part III of this report. The Report of the Advisory Committee, pp. 361–362, states: "At the 12th grade level, between 40 to 55 percent of children have been found to be smokers." It also states, "More recent but limited data suggest that there has been an increment in smoking prevalence at all age levels since the early fifties" (id., at 362); and that it has been estimated "that 10 percent of later smokers 'develop the habit with some degree of regularity' before their teens and 65 percent during their high school years" (ibid., citing Horn, "Behavioral Aspects of Cigarette Smoking," 16 J. of Chronic Dis. 383 (1963)). Dr. Eva Salber found that in Newton, Mass., the average age at which boys smoked their first cigarette was 11.6 (12.7 for girls), and that an average of only 2.1 years elapsed between the first cigarette and the commencement of regular smoking (1.7 for girls). (R. 157.) The Health Commissioner of New York City reported that more than 60 percent of the city's junior and senior high school students (ages 11–18) smoke (R. 262); 12 percent of the boys in junior high school and 5 percent of the girls smoke more than ½ pack a day. In senior high school, the figures are 41 percent and 25 percent. Ibid.

[13] ACR 36. The relationship between the age at which smoking is begun and the danger of smoking is emphasized in a study by Dr. E. Cuyler Hammond and Lawrence Garfinkel. "As described in a previous report, the great majority of men who were current cigarette smokers in 1959–60 began to smoke cigarettes before they reached the age of 25; and two-thirds of them began before the age of 20; and an appreciable proportion began before the age of 15. In this analysis, it has been found that daily amount of cigarette smoking and the degree of inhalation of the smoke are related to age at start of cigarette smoking. Men who started smoking early in life tend to smoke more cigarettes per day and tend to inhale the smoke more deeply than do men who started smoking later in life. The same pattern is found in other age groups; but it is less pronounced in the older age groups.

"Since both current amount of smoking and degree of inhalation are related to age at start of smoking, it is not surprising that they are related to each other. Men who smoke the most cigarettes per day tend to inhale the smoke to the greatest degree. Very few light smokers inhale deeply while a large proportion of heavy smokers do inhale the smoke deeply.

"The total lifetime exposure of an individual to cigarette smoke is dependent upon years of smoking, number of cigarettes smoked per day, and the degree to which the smoke is inhaled. All three of these variables are related to age at start of cigarette smoking. Thus current cigarette smokers who started the habit early in life have generally had a very much greater total lifetime exposure to cigarette smoke than current cigarette smokers who did not start the habit until later in life." (Ex. 383, Ex. C, pp. 13–14.) See also Hammond and Garfinkel, "Smoking Habits of Men and Women," 27 J. Natl. Cancer Inst. 419 (1961).

In general, therefore, it can be safely assumed that a large number of individuals who experience some desire to start smoking along with ambivalent feelings about the matter, may be sufficiently influenced by the mass media to induce them to decide one way or another. In this situation the impact of advertisements and commercials may well be decisive in a very large number of cases. The reasons for this opinion are:

(1) It is a prevalent view in our society that the Government protects the public against advertisements to promote the sale of dangerous products. The mere fact that advertisement of cigarettes is officially tolerated carries an implication that cigarettes are not considered as serious a health threat as other products not generally tolerated (for example, dope or, for that matter, hard liquor). Such an implication is most likely to be influential in the case of persons already inclined, though perhaps still hesitant, to take up smoking.

(2) While no single kind of commercial, such as one promoting the sale of one brand of cigarette over another, can be expected to have much influence, the cumulative effect of a constant bombardment by many kinds of cigarette commercials and advertisements is a different matter. Together with smoking heroes and heroines in many TV shows and certain other presentations of a similar nature, it would tend to create a general image of smoking as a typical, if not desirable cultural trait in our society. This would reinforce the social influence toward smoking that may exist among adolescent groups as well as weaken any rational counterarguments.

(3) The mere fact that millions of dollars are spent yearly on advertisements for cigarettes reflects a conviction on the part of cigarette manufacturers that such advertisements are effective.[14]

Whether or not the cigarette industry has deliberately attempted to exploit the large and vulnerable youth market, its advertising, in emphatically reiterating the pleasures and attractions of smoking without disclosing the dangers to health, has exercised an undue influence over the large class of youthful, immature consumers or potential consumers of cigarettes.

It is not the Commission's position that all advertising should be judged in terms of a nonadult's standard of comprehension and judgment, but the special factors reviewed above justify special treatment in this regard for cigarette advertising, as for the penny candy merchandising practices condemned in the Keppel case. Indeed, the Nation's advertising media[15] and the cigarette industry are aware that cigarette advertising appealing to youth requires special attention. Of the children and teenagers who, today, have already begun to smoke, many thousands may die prematurely as a result of diseases caused by or associated with cigarette smoking. That may be the result of a choice made at an age when, and with respect to a product as to which, a mature balancing of the benefits and risks of smoking was impossible for them. They will have made this choice after having been exposed to massive advertising constantly reiterating the attractions of smoking without giving any intimation of the hazards involved. The Commission concludes that the standard of conduct defined in the trade regulation rule is required by Section 5 of the Trade Commission Act for the protection of the Nation's youth.

The normal consumer expectation is that in the absence of an affirmative disclaimer a product intended for use in intimate contact with the human body is safe. So far as cigarettes are concerned, this expectation is undoubtedly even more widespread among children and teenagers than among adults. Adults who read newspapers, or who otherwise keep up with events, are likely to have some knowledge of the publicity concerning the hazards of cigarette smoking. Many children and teenagers do not read newspapers or keep up with current events. Many young people are therefore unaware of the publication of the report of the Surgeon General's Advisory Committee and other scientific findings in the area, or, if they have some awareness of these events, do not fully understand their significance. Thus the contention that the manufacturer's duty to disclose the dangers of smoking is canceled out by the publicity that has been accorded the smoking-and-health problems—a contention which in any event fails, for reasons to be discussed—is conspicuously without merit as applied to the millions of youthful consumers and potential consumers of cigarettes.

C. Arguments against the Commission's proposed action

Various arguments were made in the course of this proceeding against the Commission's adopting the proposed trade regulation rules. All of these arguments have been given the most careful consideration by the Commission. We shall attempt in this section of the report to deal with them fully.[16]

1. The publicity that has been accorded the medical findings on the health hazards of smoking: It is argued that wide publicity has been given the Report of the Surgeon General's Advisory Committee and other reports or findings on the health hazards of smoking by the news media or through the educational efforts of public and private groups; that consequently the consuming public is aware of the hazards of smoking; and that therefore the failure to disclose these hazards in cigarette advertising and labeling is not deceptive—no one is fooled because everyone knows that smoking is dangerous.

We know of no way of accurately measuring the intensity and effect of the publicity that has been given reports of the hazards of cigarette smoking; we can only surmise. Among the many millions of Americans who smoke cigarettes, or who are considering whether to begin smoking or resume smoking, there are undoubtedly some (probably a very small proportion) who have read and digested the findings of the Report of the Surgeon General's Advisory Committee and who realize, further, that these findings represent the consensus of medical thinking on the subject. There is probably a much larger proportion consisting of people who have read (or heard) about the report and have a general awareness of its findings. Almost certainly there are many—very possibly millions—more whose only awareness, at best, is that there is a "controversy" over the health consequences of cigarette smoking. But there is a difference between knowledge of the hazards of smoking and mere awareness that such hazards have been alleged or conjectured; and clearly the members of our last consumer group—and perhaps the members of the second group as well—do not know the fact, established by the advisory committee's report and by other authoritative studies, that cigarette smoking is a cause of lung cancer and other serious diseases and contributes substantially to excess mortality. Since a substantial segment of the consuming public is in all probability not aware of this fact—a fact plainly material to their deciding whether or not to consume cigarettes—the seller's failure to disclose it is deceptive, notwithstanding the publicity that has been given the question of smoking and health.

In every false and misleading advertising case, it can be contended that the challenged advertisement is not in fact deceptive because the public has information, obtained from other sources than the advertiser, that cancels out any possibly misleading qualities of the advertisement itself. The contention is a reasonable one, where, for example, the false impression created by the challenged advertisement is preposterous and the Commission can infer that all but an insignificant and unrepresentative segment of the consuming public would, on the basis of common knowledge and experience, give no credit to it. That is not the present situation. There is nothing preposterous in a person's assuming, from the absence of any statement to the contrary in cigarette advertising and labeling, that the dangers of smoking have not been established. It is not unrealistic, on the basis of the Commission's experience with consumer reactions and attitudes, to suppose that this assumption is in fact widespread among consumers and potential consumers of cigarettes. The record of this proceeding supports such a finding (see, e.g., note 119, infra).

Furthermore, the argument that everyone is aware of the health hazards of smoking fails to take adequate account of the existence of different levels of awareness. To be remotely or dimly aware of a subject is not the equivalent of having the kind of knowledge upon which people normally act. Much of the publicity concerning the health implications of cigarette smoking is mere hearsay. Many people are aware that it has been said that smoking is harmful; but this is not the same as knowing that smoking is harmful. Relatively few have studied the sources of the publicity themselves—for example, the advisory committee's report. As far as many, and perhaps most, people are concerned, the hazards of smoking are in the class of rumor—albeit disquieting rumor—rather than fact. This is an impression that has probably been reinforced by the cigarette industry's refusal to admit that smoking is in fact dangerous, and by the failure of Government to take, as yet, affirmative steps to protect the public from the hazards of smoking. The Commission cannot rely on the public's vague, unspecific and (as we are about to see) merely transient awareness of advertising falsehoods as an excuse for not proceeding against them.

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[14] Ex. 216, pp. 1–3 (comments of Drs. Fred Heinzelmann and Godfrey M. Hochbaum concerning the proposed trade regulation rules for the advertising and labeling of cigarettes). See also, e.g., Exs. 26 (p. 2), 53, 54, 58, 65, 73, 78, 91, 94, 99, 100, 109, 110(a), 134, 181, 188, 216, 257, 272, 318(h), 335, 356, 359(a), 432, 514. The Commissioner of Health of the City of Minneapolis has stated:

"I am convinced that no serious inroads can be made into the matter of reducing cigarette consumption in this country until the massive, frightening and overwhelming impact of television advertising beamed at immature youngsters can be curtailed. Adults of middle age and above can carry their own responsibility for their bad habits since the publicity to date certainly has been adequate. The 13 year old school child, on the other hand, cannot properly evaluate the scientific evidence, nor is he particularly amenable to advice, caution, and threats on the part of the older people whether they be parents or school authorities. If we could only diminish the incessant bombardment of advertising on such children I think this would be much more effective than all the parental lecturing and school propaganda that the adult world can bring to bear upon them." [Ex. 134.]

[15] The Television Code Review Board of the National Association of Broadcasters recommended the following amendments to the Code: "Care should be exercised so that cigarette smoking will not be depicted in a manner to impress the youth of our country as a desirable habit worthy of imitation"; "The advertising of cigarettes should not be presented in a manner to convey the impression that cigarette smoking promotes health or is important to personal development of the youth of our country." Ex. 283, Ex. A, p. 2.

[16] Those arguments involving the Commission's authority to conduct a trade regulation rule-making proceeding, rather than the merits of the proposed rules, are discussed in Part VI of this report, infra.

Such awareness is an especially inadequate substitute for actual knowledge in the case of a product, such as cigarettes, the consumption of which is a habit difficult to break. As the Surgeon General's Advisory Committee observed, "the smoking habit is linked with so many aspects of a person's psychological makeup that mere intellectual awareness of risks involved, even among those with rather intimate and intensive contact with the subject, is insufficient to overcome other dynamic factors involved." (ACR 375.) For a person habituated to smoking, it may provide a convenient means of evading the question of whether to discontinue smoking because of the health hazards involved to view the whole problem as an unsettled "controversy"—a health "scare" the objective significance of which has not been established but only discussed. In other words, the habituating nature of smoking is itself a barrier to full awareness and appreciation of the hazards of smoking, at least by the confirmed smoker. The barrier cannot be surmounted if the cigarette manufacturers, by their failure to disclose the dangers of smoking in their advertising and labeling, permit those dangers to remain in the category of pure rumor or hearsay. The publicity accorded the problem of smoking and health has not gone so far as to implant in the minds of the consuming public actual knowledge that smoking is a substantial health hazard.

There is no inconsistency in holding that such disclosure is necessary because of lack of sufficient public knowledge of the hazards of smoking and in recognizing, as the Commission has implicitly throughout this report, that there is considerable public concern with and anxiety about the hazards of smoking. In the first place, a deception, to be actionable, need not be universal. If many people are cognizant of the hazards of smoking, many others, and probably more, are not. In the second place, while there is little doubt that the publicity accorded the smoking and health problem has engendered widespread anxiety about smoking—anxiety which some cigarette advertising, at least, has attempted to allay[17]—there is an obvious difference between a generalized anxiety, suspicion or fear, on the one hand, and particularized knowledge of a fact, on the other. The existence of the former kind of awareness without the latter is likely to create public confusion, and therefore increases rather than eliminates the need for clear disclosure in cigarette advertising and labeling that smoking is a substantial health hazard.

An argument based on the present level of public awareness of the advisory committee's report or other sources fails, in any event, to reckon with the dynamic factors that are involved here. It is perhaps true that today, but a few months after publication of the advisory committee's report, public awareness of the hazards of smoking is at a higher level than previously. But the release of that report was an extraordinary event. No similar event has occurred since or is likely to occur within the near future. The publicity given the report has already diminished greatly and it may be surmised that the report is rapidly receding in the public consciousness. There is no basis on which to project the amount of publicity that will be given the health hazards of cigarette smoking in the future.

The question of publicity seems, in its very nature, irreducibly fluid and dynamic. Consider, for example, the situation of a child 9 years old at the time of the publication of the advisory committee's report. Probably he had little or no awareness of this event, notwithstanding the publicity given it by the news media. In several years, say 1969, he will be faced with deciding whether or not to smoke. The level of publicity and public awareness relevant to his decision will not be that of January 1964 or that of today, but that of 1969. We cannot predict now what the level will be then.

Even if it be assumed—we think contrary to fact—that publicity concerning the health hazards of smoking has been so unusually widespread and intensive that it should have sufficed to bring home the dangers of smoking to everyone, consideration must be given to the countervailing effects of the industry's consistent refusal to acknowledge the existence of such health hazards, its past denials of their existence, and, most important, its long-continued and massive advertising, the tendency of which to neutralize public awareness of the health hazards of smoking has already been discussed. Not only has cigarette advertising failed to disclose the dangers of smoking; it has obscured them.[18] It is anomalous for the industry to point to publicity concerning these dangers, which originates outside the industry and which the industry, whether intentionally or not, has endeavored in its advertising to cloud and obscure, as an excuse for the industry's failing to fulfill its obligation to make the consuming public aware of the dangers.[19]

Moreover, the simple fact that advertising for cigarettes has been and continues to be disseminated, particularly in the mass media, without any disclosure of the health hazards of smoking, breeds consumer misunderstanding of the extent to which smoking is an established, rather than merely a conjectured, danger. The members of the consuming public know that radio and television are regulated by the Government, and that a network of State and Federal laws exists to protect them from dangerous products and unfair or misleading advertising. When they witness the continued and unrestricted dissemination of cigarette advertising on radio and television and in other media their natural, instinctive reaction is that the danger of cigarette smoking cannot be an established fact—else government would take steps to restrict cigarette advertising, and, specifically, would require that such advertising include a disclosure of the danger. The record of this proceeding clearly indicates that such reactions are widespread.[20]

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[17] As noted in pt. III of this report, the marked shift in cigarette consumption from plain- to filter-tip cigarettes in the last ten years apparently reflects consumers' anxiety about the health consequences of smoking.

[18] See R. 243 (testimony of president of American Cancer Society). The State Director of Health of West Virginia states:

"I am sure you realize that members of the medical and public health professions have long been familiar with much of the research cited in the Report of the Advisory Committee to the Surgeon General of the Public Health Service on Smoking and Health. As best we can, we have attempted to integrate this knowledge with on-going programs as a means of combating the problem and especially to prevent adoption of the smoking habit by youth. For the most part, however, our efforts have had little effect. In my opinion this is due primarily to the tremendous forces allied against us, typified by the constant bombardment of the public through mass media with false and misleading advertising, tremendously influencing public attitudes toward smoking, and submerging, almost completely, the relatively small resources medicine and public health have been able to deploy in defense of their position." (Ex. 172, p. 1.)

[19] A recent article in Advertising Age, April 20, 1964, p. 40, col. 5, reports: "April sales of P. Lorillard Co. are running ahead of last year's, following a low point in February—thanks in part to 'record levels of advertising,' Morton J. Cramer, president, told the company's annual meeting today.

"Because of the Surgeon General's report and 'competitive considerations,' Lorillard's advertising reached record levels during the first quarter, he said. 'The decision to spend these record amounts was made in the full knowledge that commitments of this magnitude would significantly affect our already depressed earnings, but it has already been proved sound—by the turnaround in sales,' said Mr. Cramer."

[20] See R. 36 (testimony of Senator NEUBERGER); R. 156 (testimony of Dr. Salber); R. 243–44 (testimony of Dr. Scott, president of the American Cancer Society); R. 312–13 (testimony of Dr. Bock); R. 333 (testimony of Dr. Graham); Ex. 67 ("The requirement of notice of health hazard is necessary also to prevent a common implicit deception: Americans expect their Government to protect them from health hazards. Unless such a notice is required, a good number of Americans will think that cigarettes cannot be very hazardous if the Government permits their sale without notice"); Ex. 191 (letter from Professor Lilienfeld of the Johns Hopkins University School of Hygiene and Public Health); Ex. 440, p. 2 (letter from chairman of the Department of Psychology, Beaver College, Pennsylvania); Ex. 334 (letter from American Cancer Society); Exs. 295(d), p. 1; 372. The chairman of the Department of Sociology of the University of Wisconsin states:

"With regard to Rule 1, there is no question that this is a necessity if the image the cigarette advertising carries is to be altered. Currently, there is no implication that there are any dangers or potential hazards associated with cigarette smoking. Further, from my limited experience, it appears to be a most common assumption that the health hazards associated with cigarette smoking are trivial because no action is taken on the part of the Federal Government. There seems to be an implicit assumption on the part of a substantial number of persons that if there was something really wrong with cigarette smoking, the Government would do something about it. The Government has intervened dramatically in the case of obviously dangerous drugs and of immediate food hazards, and thus there is some obvious reliance on the Government for protection from such hazards. Since the dangers associated with smoking are less immediate, dramatic or coercive action certainly cannot be used. However, implicitly, until a caution such as is proposed under Rule 1 is instituted, a significant segment of the population will continue to believe that there is no hazard because no caution is required by the Federal Government." (Ex. 196.)

Dr. Saxon Graham of the Roswell Park Memorial Institute states:

"It is well known to the public that radio and television programing is regulated by the Federal Government. The frequent repetition of advertisements utilizing large amounts of time indirectly gives sanction to the content of these advertisements in the

The foregoing factors suggest that notwithstanding the publicity that studies and reports on the health hazards of cigarette smoking have received, the level of public awareness of those hazards has not reached the point at which to require disclosure of them in cigarette advertising and labeling would be superfluous. Lacking more reliable evidence of consumer understanding of those hazards, the Commission considers it necessary to resolve doubts on this score in favor of the public.

2. The implications of the Commission's action in the present matter for other consumer products: Another argument advanced against the Commission's proposal to require a cautionary statement in cigarette advertising and labeling relies on demonstrating a reductio ad absurdum. The argument is that if the Commission were to impose such a requirement on the cigarette industry, logic would require it to impose a similar requirement with respect to the advertising and labeling of such products as automobiles, butter, candy, and alcoholic beverages. Such products are, however, clearly distinguishable from cigarettes for purposes of requiring affirmative disclosure of health hazards. A few examples should make this clear.

There is some evidence that certain foods may increase the level of cholesterol in the blood and thereby seriously endanger the health of the eater. However, such evidence has not, to our knowledge, reached the point at which remedial action by this Commission would probably be warranted. We are aware of no counterpart to the Surgeon General's Advisory Committee on Smoking and Health which has found butter, eggs or any of the other common "rich" foods to be so hazardous as to warrant, in the Advisory Committee's words, "remedial action" (ACR 33). Should it some day become established that consumption of any of these foods is as dangerous as cigarette smoking, remedial action by the Trade Commission, the Department of Agriculture, or some other agency might be appropriate. We note, however, a number of significant distinguishing factors, in addition to the basic difference regarding the nature and weight of the evidence linking the product to disease and death, as between cigarettes and rich foods: Cigarette smoking is habit forming; it is peculiarly attractive to children and teenagers; and cigarette advertising has been massive and continuous—unlike, for example, egg advertising.

The relevance, from the standpoint of the need for advertising regulation, of the fact that cigarette smoking is habit forming has been emphasized by Dr. Joseph Berkson in a letter to the Commission:

"As respects the general question of cigarette advertising, it happens that I personally think there is a social case for some sort of control, quite apart from consideration of the specific health aspects of smoking under recent discussion, arising from the fact that cigarette smoking is 'habit forming.' It is common knowledge that a person who has smoked for a long time generally finds it difficult and in some cases virtually impossible, to give up smoking. This is not a 'psychologic' effect but a pharmacologic effect. As a matter of personal social philosophy I think the advertising of a consumer product which, once purchased, habituates the consumer to continue its purchase is in a quite different category, with respect to intensive advertising, from that of say automobiles, however possibly deadly the use of the latter may be." [Ex. 318(n), p. 2.]

It is also true that overindulgence in rich foods such as candy or butter may lead to obesity, a condition which is dangerous to health. But this, unlike smoking, is a problem of excess. The dangers of cigarette smoking are by no means confined to the excessive smoker; "normal" smoking is extremely dangerous as well. There is no known moderate or safe level of cigarette consumption.[21] Certainly the one-pack-a-day smoker—and even a person who smokes fewer than 10 cigarettes a day—incurs a grave risk to his life and health, as the mortality tables in the Advisory Committee's report make clear.[22] Significant in this regard is the Advisory Committee's finding that, "In comparison with nonsmokers, average male smokers of cigarettes have approximately a ninefold to tenfold risk of developing lung cancer" (ACR 31).

Moreover, there do not appear to be any accepted criteria for distinguishing "moderate" from "excessive" smoking. It would be more accurate to speak of degrees of excess. While we may assume that the normal person eats in moderation and does not become obese, we may not assume that the "normal" smoker is not seriously endangered by his habit. On the contrary, it appears that only the abnormal, atypical smoker—one, perhaps, who smokes only one or two cigarettes a day, or never inhales, or discontinues smoking after a few years—may escape seriously endangering himself.

The comparison of cigarettes and alcoholic beverages is also inexact. Alcoholism, along with its derivative physical ailments, is a very serious social problem, but it is a problem, again, of excess.[23] Alcohol in moderation is not generally considered deleterious to the health of the user. Indeed, it is frequently prescribed by doctors for the treatment of various ailments (see, e.g., R. 248).

Another significant point of contrast between alcoholic beverages and cigarettes has been made in the Report on Smoking and Health of the Royal College of Physicians of London: "While many if not the majority of people enjoy alcoholic drinks on relatively infrequent occasions, however, there are very few occasional smokers. Most smokers consume a regular daily amount of tobacco. It appears that smoking is generally much more habit forming than drinking."

But a more basic distinction between alcoholic beverages and cigarettes as far as compelled disclosure or health dangers in advertising and labeling is concerned is that the advertising, labeling, and sale of alcoholic beverages are subject to an elaborate network of public and private regulation that has no parallel in the cigarette industry. It is common knowledge that advertisements for hard liquor are not broadcast on radio or television, that liquor advertising has consistently eschewed the themes of romance, contentment, and sociability that figure so prominently in cigarette advertising, and that alcoholic beverages are

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viewers' eyes. In my own discussions with smokers, I have frequently heard the statement that, 'Smoking cannot be too bad for you, or the Government would not let them advertise on the television.' In effect, the Government is sanctioning smoking by allowing advertisers to use public television and radio time and the mails to advertise. Past research, which we and others have done, shows that the sanctions of authority-figures are very important in smoking. Thus, in families where parents and older siblings smoke, the probability that children will smoke is much increased. The effect of physicians' smoking on their patients' smoking habits has been observed by many of the interviewers in our studies." (Ex. 211, pp. 4–5).

In the words of the Royal College of Physicians of London, "Many smokers regard the lack of any official action against cigarette smoking as an indication that the evidence is at present 'only theoretical' or 'mere statistics.' If the Government does not consider it necessary to take action, it is argued, no action is as yet required of the individual." "Smoking and Health" 52 (1962) (Ex. B, App. II, Ex. 28, p. 52).

[21] The doctors and scientists who appeared before the Commission in this proceeding were unanimous on this point. See, e.g., R. 14–15 (testimony of Dr. Hundley, Vice Chairman of the Surgeon General's Advisory Committee), R. 245 (testimony of Dr. Scott, president of the American Cancer Society), R. 319 (testimony of Dr. Bock), R. 332 (testimony of Dr. Graham), R. 521–22 (testimony of Dr. Wynder); Ex. 529(n), p. 10 (submittal by Drs. Wynder and Hoffman of the Sloan-Kettering Institute). Dr. Scott explained:

Commissioner ELMAN. Is there a safe consumption level as far as cigarette smoking is concerned?

Dr. SCOTT. There must be, but I don't know what the level is. We know the less you smoke the lower your risk to lung cancer.

Commissioner ELMAN. Suppose a man smokes half a pack a day and figures all this about cancer applies only to a heavy smoker. What would you say to such a patient?

Dr. SCOTT. Well, I would say, "You are on the borderline, and if you have a reasonably high resistance to the effects of the nicotine and tar contents of the cigarette smoke, you probably will escape the serious effects of it. On the other hand, if you happen to have a low susceptibility to it—in other words, that your body is more responsive to the effects of the tars and nicotine content, then you are going to head for trouble."

You see, there is a natural variation in the person's susceptibility to even aspirin, and to any drug, for that matter, to any product, including nicotine and cigarette tars.

So this has to be taken into consideration, too. And this explains why everyone doesn't get it, even though they may smoke a pack a day.

Chairman DIXON. What would you tell your patients about smoking cigarettes, Doctor?

Dr. SCOTT. I tell my patients that if they are smoking half a pack or pack a day, they had better stop. If they are smoking a pack, they are surely headed for trouble.

Chairman DIXON. Very few people who smoke cigarettes smoke less than a pack.

Dr. SCOTT. Well, I don't know what the figures are. I would accept your statement as true. [R. 244–246.]

[22] The Surgeon General's Advisory Committee found: "For groups of men smoking less than 10, 10–19, 20–39, and 40 cigarettes and over per day, respectively, the death rates are about 40 percent, 70 percent, 90 percent, and 120 percent higher than for nonsmokers." (ACR 35–36). These figures make clear that even the light smoker runs a substantial risk of premature death in smoking, and the average pack-a-day smoker a very substantial risk indeed. Thus, "There is no threshold of consumption below which a smoker may hold his consumption and eliminate excess risk of death; all studies investigating a possible dose-response relationship indicate that even a small amount of cigarette smoking carries a substantially increased risk of death from lung cancer and other diseases. Thus, although the moderation concept may apply to advertising of liquor or other products, it is not cogent in regard to cigarettes. Moderation in smoking is associated with a significantly higher risk of death than that associated with no smoking." Letter from Dr. Saxon Graham of the Roswell Park Memorial Institute, Ex. 211, p. 4.

[23] The problem of drunken driving, which is also a serious problem of public safety, is not necessarily a problem of alcoholism. It is, however, dealt with by more stringent remedies than any requirement of disclosing the hazards of drunken driving in automobile advertising could provide—viz, criminal penalties.

labeled to disclose the alcoholic content. Advertising for alcoholic beverages is subject to comprehensive and detailed regulation by the U.S. Treasury Department and conforms to stringent industrywide codes which long predate any efforts by the cigarette industry at systematic self-regulation.[24] The places in which alcoholic beverages may be purchased, and even the prices of alcoholic beverages, are commonly fixed by State law. The Federal Constitution, of course, expressly permits local prohibition of the sale of alcoholic beverages. And the sale of alcoholic beverages to minors is carefully regulated.

The short of it is that alcoholic beverages have been recognized by law, by government, and by industry as a dangerous product, and their sale, advertising, labeling, and even use[25] are regulated to a degree wholly unknown in the cigarette industry. The necessity for additional regulation in the form of compelled disclosure of dangers in all advertising and labeling presents, therefore, a quite different question from the case of cigarettes.

The automobile is undoubtedly a dangerous instrumentality. Here again, however, society has already taken specific and substantial steps to protect the public from physical injury. No person may drive without a license. Numerous laws, many providing for heavy penalties, regulate the use of the automobile. Many States have comprehensive inspection requirements to insure the safety of automobiles. Driving by minors is strictly regulated. In light of the extensive and explicit public concern, manifested in a great network of legal regulations, for safe driving, it is most improbable that a significant number of automobile purchasers are unaware that the automobile is a dangerous instrumentality. Society has taken most elaborate pains to bring this truth home to every driver. There is no parallel in the case of cigarettes. For example, no license is required to smoke a cigarette, and smoking by minors is a matter largely of parental, not public, regulation. The absence of a comprehensive scheme for the regulation of the cigarette industry at all comparable to that which governs automobiles and driving makes it imperative that the Commission so enforce section 5 as to insure at least minimal public knowledge of the hazards of smoking.

To deny that cigarettes are, for present purposes, comparable to butter, candy, liquor, or automobiles is to affirm that the principle requiring disclosure of a product's hazards in labeling and advertising should not be applied mechanically or uncritically, or pushed to an absurd extreme. It can be applied only on the basis of the specific and concrete facts and circumstances pertaining to the particular product involved. Dangers that are obvious or generally known are not required by section 5 of the Trade Commission Act to be disclosed by the sellers. No one would suggest, for example, that every carving knife should carry a warning that the edge is sharp. Section 5 is concerned with unfair or deceptive acts or practices, and if the dangers of using a product are known, the seller's nondisclosure of them is unlikely to be either unfair or deceptive. It is a question of judgment, which cannot be answered by any simple or mechanical formula, whether in the particular circumstances the nondisclosure of a product's hazards carries a sufficient probability of substantial public injury to justify remedial action. It is also a question of judgment whether the appropriate remedy is a requirement of disclosure in labeling alone, or whether the requirement should extend to advertising.

The foregoing should dispel fears that the Commission's action in this proceeding has sweeping implications for the advertising and labeling of consumer products other than cigarettes. The Commission's conclusion that disclosure of the danger of use of the product is required by section 5 of the Trade Commission Act in all advertising and labeling of cigarettes is based on a combination of special factors not necessarily present in the case of any other product. This trade regulation rule should not be regarded as a precedent compelling similar regulation of the butter, candy, liquor, automobile, or other industries.

3. Whether the Commission should cede the problem of regulating cigarette advertising and labeling to Congress: It has been suggested that in view of the magnitude and public importance of the problem of cigarette advertising and labeling in light of the health hazards of cigarette smoking, the Commission should relinquish its jurisdiction of the problem and leave to Congress the task of devising an appropriate solution to it. Congress, however, delegated the task of preventing unfair or deceptive acts or practices in commerce to the Commission, and the advertising and labeling of cigarettes are clearly subject to the Commission's jurisdiction as created by Congress. We are now asked in effect to redelegate to Congress our responsibilities for preventing unfair or deceptive acts or practices in the cigarette industry. We are without power to do so, in the absence of action by Congress curtailing the Commission's jurisdiction.

Specifically, it is contended that the problem of cigarette advertising and labeling in relation to the health hazards of smoking should be left by the Commission to Congress, first, because the Commission is not competent to appraise the medical and scientific issues involved, and second, because the impact of Commission action on the prosperity of the cigarette industry, and on the national economy, is likely to be drastic. As to the first point, however, for reasons already stated we believe that the Commission is entitled, and indeed compelled, to accept the findings and conclusions contained in the report of the Surgeon General's Advisory Committee. Those findings and conclusions, which we deem authoritative, provide a comprehensive, reliable and fully adequate medical and scientific predicate for the rule and this report. It is premature to consider how in the future the Commission should deal with aspects of the smoking and health problem now before it in this proceeding.

So far as the impact of this trade regulation rule on the cigarette industry, and derivatively on the total national economy, is concerned, the catastrophic consequences of Commission action predicted by some of the witnesses at the public hearings in this matter are entirely too speculative to warrant the Commission's failing to perform its clear statutory duties. It is suggested that, should disclosure of the hazards of cigarette smoking be required in all advertising and labeling, the consumption of cigarettes would immediately decline so severely as to cause great hardship to the industry, and consequent dislocation to the economy as a whole due to the importance of the industry to the national economy. If, however, as this suggestion presupposes, the industry's failure to disclose in its advertising and labeling the hazards of smoking is principally responsible for the present high level of cigarette consumption—if substantially fewer cigarettes would be consumed if the dangers of smoking were disclosed to the public in cigarette advertising and labeling—that would seem to make more rather than less imperative the necessity of immediate action by the Commission to compel such disclosure.

Be that as it may, the precise effect that the Commission's action would have on the cigarette industry, let alone on the national economy as a whole, cannot be even roughly estimated at this time. Even assuming that the Commission is authorized to permit the continuation of unlawful marketing practices, in a form endangering human life and safety, on grounds of economic hardship, it plainly may not do so where, as here, the probability of such hardship is completely uncertain. We note that the witnesses who argued economic hardship at the public hearing did so in the form of naked assertion. No supporting data were adduced that would afford the Commission more than a purely conjectural basis for assessing the economic hardship, if any, that compliance with the trade regulation rule promulgated herewith would entail.

4. Whether cigarette advertising and labeling should be left to industry self-regulation: At the public hearings in this matter, the spokesman for the Tobacco Institute recommended that the entire problem of eliminating unfair or deceptive acts or practices from cigarette advertising and labeling be left for solution by cooperative action among the members of the cigarette industry. It was stated at that time that the industry was working on advertising guidelines, but no details were given.

However, no industry representative has indicated that cigarette manufacturers are willing to disclose the health hazards of cigarette smoking in advertising and labeling, as proposed in rule 1 in the Commission's notice of this rulemaking proceeding. The trade regulation rule now being promulgated by the Commission thus covers an area which the industry has not yet given any indication it intends to enter. Proposed rules 2 and 3 relate to affirmative deceptive and unfair representations in advertising and labeling. In this report, the Commission has dealt at length with such practices. We have declared the standards of conduct to which the members of the cigarette industry must conform in order to avoid violation of the Trade Commission Act. The industry has indicated an intention of acting voluntarily to end undesirable practices in the area covered by proposed rules 2 and 3, and should the industry succeed in eliminating such practices, there will be no need for formal Commission action. The Commission has therefore determined not to adopt proposed rules 2 and 3, or any similar provision, at this time as formal trade regulation rules, even though the record of this proceeding, and this report, fully justify doing so. The Commission will maintain a close surveillance of the industry's efforts to eradicate, through voluntary efforts, all traces of unfairness and deception in affirmative representations or suggestions in all cigarette advertising and labeling.

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[24] Federal Alcoholic Administration Act of 1935, 40 Stat. 984, as amended, 27 U.S.C. § 205(f). See O'Neill "Federal Activity in Alcoholic Beverages Control," 7 Law & Contemp. Prob. 570 (1940).

"The Federal agency charged with the regulatory powers over advertising of intoxicating beverages is the Alcohol and Tobacco Tax Division of the Internal Revenue Service. The source of this unit's authority over the interstate liquor trade is derived from the Federal Alcoholic Administration Act of 1935, which empowers the Division to promulgate regulations and standards necessary to insure truthful advertising. The authority so vested seems more extensive than that delegated to the other administrative agencies considered. Not only does the Division have the authority to act against deceptive and misleading representations but it may, under its power to implement the statute by formulating its own standards, require the affirmative disclosure of pertinent information in advertisements. This is the basis for regulations necessitating the inclusion in all liquor advertisements of the name and address of the advertisers, the class and type of the product, and the alcoholic content of the beverage. This function may be described as insuring not only truthful advertising but also informative advertising. To implement these provisions an elaborate and detailed classification as to vintage, alcohol content, type, etc. is provided as a guide by which the sufficiency and accuracy of the representations can be judged. Label identification and misbranding are likewise closely supervised by the Division, and all labels must be submitted for approval before use. The effect of this extensive rulemaking power has been to transform the liquor business into the most thoroughly regulated and carefully supervised of all industries." Note, "The Regulation of Advertising," 56 Col. L. Rev. 1018, 1049–50 (1956). See also id., at 1066 (state regulation of liquor advertising).

[25] For example, laws forbidding drunken driving regulate the use, rather than the sale as such, of liquor.

5. Whether the Commission should postpone all action pending completion of "phrase II": The study of smoking and health conducted under the direction of the Surgeon General of the U.S. Public Health Service was planned to include two phases. Phase I was the technical phase; it was completed with the publication of the Advisory Committee's Report. "Recommendations for actions were not to be a part of the phase I committee's responsibility. No decisions on how phase II would be conducted were to be made until the phase I report was available. It was recognized that different competencies would be needed in the second phase and that many possible recommendations for action would extend beyond the health field and into the purview and competence of other Federal agencies." (ACR 8.) To date, no final decisions as to the conduct of phase II have, so far as the Commission is aware, been made.

At the public hearings in this matter, it was argued that the Commission ought to withhold any remedial action pending the completion of phase II. (See, e.g., R. 395.) This argument misconceives the scope and purpose of phase II. In planning on separate phases, technical and remedial, the Public Health Service and the other interested bodies were aware that, depending on the technical conclusions in the first phase regarding the hazards of smoking, special remedial action might be appropriate—for example, a campaign of public information and education, or greatly increased research—involving various public and private bodies. (See ex. 516(b), letter from Assistant to the Surgeon General for Information.) Phase II was to be concerned with such action. There was, however, no intention expressed that phase II should entail a moratorium on the enforcement of laws governing unfair or deceptive acts or practices in the cigarette industry, or on any other law-enforcement activities, whether undertaken by the Federal Trade Commission or by any other governmental agency.

This trade regulation rule proceeding, and the rule promulgated herewith, do not constitute special or extraordinary remedial action within the scope or contemplation of phase II of the Surgeon General's study. As the Governor of Kentucky stated in this proceeding, "Government agencies set up to protect the public should provide the strongest protection possible from those who would abuse or prey upon the public."[26] It was not the intention of those who devised the Surgeon General's study to attenuate this duty. Phase II does not excuse the Commission from enforcing the Federal Trade Commission Act in the cigarette industry; it does not warrant an indefinite moratorium on the Commission's fulfilling its presently existing statutory responsibilities. Accordingly, the Surgeon General of the Public Health Service, far from accusing the Federal Trade Commission of having jumped the gun on phase II, has announced the support of the Public Health Service for this trade regulation rule proceeding.[27]

VI. THE FEDERAL TRADE COMMISSION'S RULEMAKING AUTHORITY

This proceeding for the promulgation of trade regulation rules for the advertising and labeling of cigarettes is authorized by the provisions of subpart F of the Commission's Procedures and Rules of Practice (effective August 1, 1963),[28] and has been conducted in accordance with the procedures specified in that subpart.[29] In his opening remarks at the public hearings on the proposed rules, the Chairman of the Commission described the trade regulation rule procedure in the following words:

"A trade regulation rulemaking proceeding is not adjudicative in character. It is not a proceeding to determine whether or not particular persons or companies have violated the laws administered by the Commission. It is prospective, not retrospective, in its application. Its purpose is to determine for the future whether certain business practices, if followed by the members of an industry, would be unlawful. Trade regulation rules are not legislative in the sense of adding new substantive rights or obligations. Trade regulation rules do not broaden or expand the prohibitions contained in the statutes administered by the Commission, but, rather, define their application to specific practices or a specific industry within the jurisdiction of the Commission. Before such a rule is promulgated by the Commission, all interested persons are given full opportunity to present data, views and arguments relevant to whether the rule should be adopted.

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[26] R. 435. Similar views were expressed by Congressmen from tobacco states. E.g., "our government, through this Commission, and through other appropriate agencies, has a responsibility to let the American people know that certain things may be hazardous" (R. 440, Congressman FOUNTAIN); "I believe that deceptive advertising by tobacco companies and all other American companies and businesses should be prohibited." (R. 445, Congressman TAYLOR.) It was not suggested that the Commission's statutory duties of law enforcement have been suspended by the provisions for Phase II.

[27] "The Federal Trade Commission promptly and courageously announced the action it intends to take within a week following release of the Advisory Committee's Report, actions designed to prevent the people of this country from being deceived or misled by cigarette advertising. We intend to support the Federal Trade Commission in their proposed actions—because we are convinced that the American people have been deceived and misled by cigarette advertising—and their health has been harmed as a consequence." Address of Surgeon General Luther L. Terry to the National Press Club, February 25, 1964 (R. 148).

[28] Section 1.63 of the Procedures and Rules of Practice provides:

"Trade Regulation Rules.—(a) Nature and authority.—For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such rules and regulations (hereinafter called "trade regulation rules") express the experience and judgment of the Commission based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

"(b) Scope.—Trade regulation rules may cover all applications of a particular statutory provision and may be nationwide in effect, or they may be limited to particular areas or industries or to particular product or geographic markets, as may be appropriate.

"(c) Use of rules in adjudicative proceedings.—Where a trade regulation rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the rule to the particular case."

Under this procedure, the Commission has already issued trade regulation rules for the sleeping-bag, dry-cell battery, and binocular industries.

[29] Commission rulemaking procedures are set forth in § § 1.66–67 of the Procedures and Rules of Practice, which provide:

"§ 1.66 Initiation of Proceedings—Petitions.—Rulemaking proceedings may be commenced by the Commission upon its own initiative or pursuant to petition therefor filed with the Secretary by any interested person or group. Procedures for the amendment or repeal of a rule are the same as for the issuance thereof.

"§ 1.67 Procedure.—(a) Investigations and conferences.—In connection with any rulemaking proceeding, the Commission at any time may conduct such investigations, make such studies, and hold such conferences as it may deem necessary. All or any part of any such investigation may be conducted under the provisions of subpart D of part 1 of these rules.

"(b) Notice.—General notice of proposed rulemaking will be published in the Federal Register, and, to the extent practicable, otherwise made available to interested persons. Such notice will include (1) a statement of the time, place and nature of the public proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

"(c) Participation by interested persons.—(1) Submission of written data, views or arguments.—In all rulemaking proceedings the Commission will afford interested persons an opportunity to participate in the proceeding through the submission of written data, views or arguments.

"(2) Oral hearings.—Oral hearings on a proposed rule may be held within the discretion of the Commission. Any such hearing will be conducted by the Commission, a member thereof, or a member of the Commission's staff. At the hearing interested persons may appear and express their views as to the proposed rule and may suggest such amendments, revisions and additions thereto as they may consider desirable and appropriate. The presiding officer may impose reasonable limitations upon the length of time allotted to any person; if by reason of the limitations imposed the person cannot complete the presentation of his suggestions, he may within twenty-four (24) hours, file a written statement covering those relevant matters which he did not orally present. A transcript of the hearing shall be made and shall constitute a part of the record of the proceeding.

"(d) Promulgation of rules.—The Commission, after consideration of all relevant matters of fact, law, policy and discretion, including all relevant matters presented by interested persons in the proceeding, may adopt and publish in the Federal Register an appropriate rule, together with a concise general statement of its basis and purpose and any necessary findings.

"(e) Effective date of rules.—The effective date of any rule, or of the amendment, suspension or repeal of any rule will be specified in the notice published in the Federal Register, which date will be not less than thirty (30) days after the date of such publication except as otherwise provided by the Commission upon good cause found and published with the rule."

"If after the Commission has promulgated a rule any person or company continues to engage in conduct forbidden by the rule, and the Commission issues a complaint alleging that such conduct is in violation of a statute enforced by the Commission, the Commission may, in such an adjudicative proceeding, rely on the rule to the extent that it is fair and proper to do so. In a subsequent adjudicative proceeding where a trade regulation rule is relied upon, the respondent may challenge the legality and propriety of relying upon the rule in the particular case." [R. 5–6.]

At the public hearings, the question was raised whether the Commission is authorized by the Trade Commission Act to conduct a trade regulation rule proceeding (see, e.g., R. 45–46, 53–54, 57, 180–90). This part of the report considers that and related questions concerning the Commission's rulemaking authority.

A. The lawfulness of the trade regulation procedure

1. The nature of trade regulation rules: Section 2(c) of the Administrative Procedure Act provides: " 'Rule' means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy." In a leading case, the Supreme Court has stated: "Unlike an administrative order or a court judgment adjudicating the rights of individuals, which is binding only on the parties to the particular proceeding, a valid exercise of the rulemaking power is addressed to and sets a standard of conduct for all to whom its terms apply. It operates as such in advance of the imposition of sanctions upon any particular individual." *Columbia Broadcasting System* v. *United States*, 316 U.S. 407, 418 (1942).

Section 5(a) (1) of the Federal Trade Commission Act declares unlawful all unfair methods of competition, and unfair or deceptive acts or practices, in interstate commerce. The basic and comprehensive grant of power to the Commission to enforce section 5(a) (1) is contained in section 5(a) (6), which empowers and directs the Commission to prevent the use of such unfair and deceptive methods, acts, and practices. The promulgation of a trade regulation rule is an exercise of the power and duty created by section 5(a) (6). The issuance of a cease-and-desist order under section 5(b) is merely one form of exercising the general power conferred by section 5(a) (6). A trade regulation rule, to use the language of the Supreme Court, "is addressed to and sets a standard of conduct for all to whom its terms apply. It operates as such in advance of the imposition of sanctions upon any particular individual." The Supreme Court has held that "the choice made between proceeding by general rule or by individual, ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency." *S.E.C.* v. *Chenery Corp.*, 332 U.S. 194, 203 (1947).

The Commission's Procedures and Rules of Practice make clear,[30] as does the Commission's formal notice commencing the present proceeding, that "Trade regulation rules do not enlarge * * * [the] substantive legal prohibitions [of the statutes which the Commission administers], but define and particularize them as applied to specific problems and conditions." [31] Nevertheless, a position frequently taken at the public hearings in this matter by opponents of the Commission's proposed rules was that the proceeding is ultra vires because the Commission has not been authorized by Congress to promulgate rules having the force and effect of law.[32] This position rests, however, on a manifestly false premise.

Congress delegated to the Commission the task of preventing unfair trade practices. It did this, as noted in part IV of this report, because it felt that conventional judicial processes were not well suited to such a task and that it might better be performed within the framework of the administrative process. Undoubtedly, Congress intended the Commission to have a range of powers and procedures adequate to the fair and effective discharge of its delegated responsibilities. On the other hand, Congress has determined, notably in the Administrative Procedure Act, that agency action which infringes traditional procedural rights, such as the right to a fair hearing, should not be permitted. The interest in flexible and effective administrative action, and the interest in protecting the rights of persons subject to the agency's jurisdiction, must both be effectuated. The question is whether the Commission's trade regulation rule procedure, as applied to the problems of cigarette advertising and public health (insofar as such problems are within the statutory jurisdiction and responsibilities of the Commission), is a lawful exercise of its duty to prevent unfair or deceptive trade practices, or whether it infringes the rights conferred by the Administrative Procedure Act or elsewhere or is otherwise outside of the Commission's authority. The question is not answered by mechanical reliance on a division of all rules into "interpretive" and "legislative."

2. Rulemaking versus adjudication in the administrative process: Every tribunal that decides cases—even a Federal court established under article III of the Constitution—is perforce engaged in substantive rulemaking. The common law is a body of judge-made substantive rules, principles, and prescribed standards of conduct. For example, the Federal courts have developed a host of so-called per se rules under the Sherman Act. These principles are glosses upon, not provisions to be found in, the language of the Sherman Act. Such rules represent the efforts of the courts to define and particularize the requirements of the act. Needless to say, there is no statute which permits judges to make rules in this fashion. None is necessary. The laying down of substantive principles in the course of adjudication is inherent in the adjudicative process. Cf. *Erie R. Co.* v. *Tompkins*, 304 U.S. 64 (1938).

If the courts may and do make rules in the course of adjudicating, a fortiori the Commission may—and indeed is under a positive obligation to—engage in substantive rulemaking in its adjudications. As noted in part IV of this report, the Commission, in the enforcement of section 5 of the Trade Commission Act, has duties which transcend the narrowly adjudicative. Congress could have enumerated, and specifically proscribed, all of the trade practices it considered "unfair." Had it done so, the Commission's task would have been simply to apply the law as given to the facts as found in particular cases. For reasons of practicality, however, the task of elaborating substantive principles and defining standards of forbidden conduct—of filling in the bare policy outline drawn by Congress when it determined that unfair methods of competition in commerce should be outlawed—also was delegated to the Commission. The Commission has been made responsible not only for the prevention of unfair or deceptive practices, but also, and as a necessary threshold step, for the definition of such prohibited practices. It was the intention of its founders that the Commission would act creatively and imaginatively, within the broad contours of section 5, to create an up-to-date body of trade regulation law. Even if the Commission had never undertaken a single rulemaking proceeding, but had confined itself exclusively to the adjudicative framework provided in section 5(b) of the Trade Commission Act, it could not have avoided continual involvement in substantive "rulemaking" and still have remained faithful to its mandate. Nor has it avoided such involvement. The law of deceptive practices did not exist in 1914; it was created by the Commission. It is a body of substantive principles and defined standards of conduct, virtually all of which were established by the Commission in adjudicative proceedings.

To say that an administrative agency like the Commission has a responsibility for substantive rulemaking, as well as for adjudication in its narrow sense, is another way of saying that the agency has a positive role to play in the definition of legal standards. A common criticism of the Federal administrative agencies has been that they devote their attention unduly to the strictly adjudicative part of their task—settling disputes and assessing liability for past acts—and slight the critical function of formulating substantive policy and legal standards.[33] The Commission, no less than agencies having regulatory duties with respect to specific industries, has such a function. It is to determine what trade practices should be forbidden as unfair or deceptive. Congress confided the making of these determinations to the Commission; and whether made in formal rulemaking proceedings or in adjudicative proceedings, they constitute the substantive principles and standards of trade regulation law.

The question, then, is not whether the Commission may declare substantive standards and principles, for it plainly may and must. The question is whether the Commission may, in appropriate matters—specifically, the matter of cigarette advertising and labeling in relation to the health hazards of cigarette smoking—utilize the procedures of the formal rulemaking proceeding to promulgate substantive standards or principles, or whether it may promulgate them only in the course of adjudication. The latter course is always open to the Commission. However, there may be serious disadvantages, both to the agency and to the persons subject to its jurisdiction, where substantive rulemaking is conducted exclusively as a byproduct of adjudication. We shall consider some of these disadvantages briefly in this section.[34]

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[30] Compare Section 1.63, supra note 127, with Section 1.65, which provides: "Rules having the force and effect of law are authorized under Section 6 of the Wool Products Labeling Act of 1939, Section 8 of the Fur Products Labeling Act, Section 5 of the Flammable Fabrics Act, and Section 7 of the Textile Fiber Products Identification Act." Section 1.64 provides: "Quantity limit rules are authorized by Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act. These rules have the force and effect of law."

[31] App. C, infra. See also the Chairman's opening remarks at the public hearings in this matter, quoted supra.

[32] See, e.g., R. 53–54, 83–F, 83–I, 188–89. Witnesses frequently referred to rules having the force and effect of law as "substantive." See, e.g., R. 57–58, 64. However, any rule, even a purely advisory one, is "substantive" if it deals with the substantive requirements of the laws administered by the agency (in contrast to the agency's rules of practice or other procedural regulations).

[33] See, e.g., Friendly, The Federal Administrative Agencies: The Need for Better Definition of Standards (1962); Redford, National Regulatory Commissions: Need for a New Look (1959); Landis, Report on the Regulatory Agencies to the President-Elect 22–24 (1960); Task Force Report on Regulatory Commissions 40–42 (1949); Hector, "Problems of the CAB and the Independent Regulatory Commissions," 69 Yale L. J. 931 (1960).

(1) The Administrative Procedure Act, in its provisions governing formal rulemaking proceedings, requires that all interested persons be given an opportunity to express their views on a proposed rule before it is finally adopted (sec. 4(b)). The reason for such a requirement is obvious. Those who will be subject to a rule should have an opportunity to criticize it or suggest modifications. And, quite apart from considerations of fairness, their participation in the rulemakng process is likely to assist the agency in formulating a practical and sound rule. Where rules are made, not in formal rulemaking proceedings, but in adjudicative proceedings, the requirement is ordinarily not met. Views of all interested persons are not solicited or received—only the views of the particular litigants. Though a decision may have far-reaching significance by reason of the rule it lays down, and affect many persons besides the particular litigants, only the latter will have participated in the rulemaking process; and, in many cases, even they will have had no opportunity to express their views on the rule declared by the court or tribunal. See, e.g., *Erie R. Co.* v. *Tompkins, supra*.

(2) The kind of record made in an adjudicative proceeding is usually not tailored to the needs of rulemaking. The rules of evidence, and other procedural safeguards governing trial-type hearings, have been developed with an eye toward the determination of so-called "adjudicative" facts—who did what, where, when, why, etc. Experience has shown that issues of this sort can be most satisfactorily dealt with only if the traditional procedural rights, e.g., cross-examination, are faithfully observed. But the procedures designed for determining individual liability are not necessarily well adapted to the ascertainment of such "nonadjudicative" matters of fact, policy, and discretion upon which rules of general application are based.[35] Hence, in formulating a substantive standard or rule, courts and tribunals frequently must rely on considerations outside the record of the particular case in which the general principle is formulated.[36] They may go to the records of prior cases, or they may rely upon sources, such as articles in scholarly journals (or their own general knowledge and experience), that are contained in no record. These are useful and proper approaches, but they have their limitations. The records of earlier cases may give a broader picture of the considerations relevant to formulating a rule of general application than the record of the particular case to be decided, but it may not be broad enough, especially if a novel problem area is involved. If the court or tribunal engages in private research or draws upon its private experience, the parties, and other persons who will be subject to the rule, may have neither notice of, nor opportunity to refute, the authorities or other sources relied upon.

To predicate rules developed in the course of adjudication on matters outside the actual record of the case is a traditional and necessary incident of the judicial and administrative processes. It is done constantly. It has been expressly sanctioned by the Supreme Court in the context of administrative adjudication, the Court emphasizing that the agencies are intended, and not merely permitted, to decide cases on the basis of their broad knowledge and experience as well as the actual record.[37] But clearly it may not be a completely ideal method of rulemaking in all situations.

(3) A related point is that adherence to the adjudicative method of rulemaking precludes the agency from utilizing those methods of gathering and assessing facts that are peculiarly appropriate to the needs and conditions of rulemaking. The congressional committee hearing is an example of how a body having legislative responsibilities proceeds in the formulation of policy. The records of such hearings contain matters of fact, arguments of law, and considerations of policy and discretion—the views, data, and arguments of all interested persons. Congress does not rely upon trial-type proceedings in order to formulate the content of legislation. For an agency to limit itself to such proceedings in formulating the content of rules having general application seems, therefore, a practice of doubtful merit. It involves the danger of cutting the agency off from systematic access to the broad range of considerations that must be taken into account in the rulemaking, in contrast to the narrowly adjudicative, process.

(4) In an adjudicative proceeding, the agency is precluded by the separation-of-functions provision of the Administrative Procedure Act (sec. 5(c)) from consulting those members of its staff who have played a prosecuting or investigative role in that, or a factually related, case. The agency is thereby prevented from fully utilizing its expertise, for an agency's expertise resides in large part in its staff, especially those members of the staff who have firsthand familiarity with the relevant facts. In a rulemaking proceeding, the separation-of-functions provision does not apply, there being no adversary proceeding, and the agency may draw freely on the knowledge and experience of its staff. It seems clear that an agency's ability to formulate substantive standards must be impaired when full access to its own staff is denied.

(5) The very conception of a rule having application beyond the facts and parties of the particular case, in contrast to an order or judgment, suggests the relative unsuitability of adjudication as a method of rulemaking. Rulemaking through adjudication is not always completely fair and evenhanded in its results. This is especially true where a practice sought to be eliminated is industrywide, and the agency sues the members of the industry one by one to stop the practice. The firm that first becomes subject to a final order or decree will be placed at an unfair competitive disadvantage vis-a-vis its competitors; therefore each firm may feel compelled to litigate in order to preserve competitive equality. Since an order or judgment must be based on a finding of individual liability in respect of past practices, one or more firms, though within the rule properly applicable to the industry as a whole, may be able to obtain dismissal of their complaints (e.g., for failure of proof) and thereby enjoy a competitive advantage over those firms that are under order.

Such inequities are inevitable concomitants of industrywide regulation by the case-by-case adjudicative method. The Supreme Court has therefore held, with specific reference to the Federal Trade Commission, that the courts are not to attempt themselves to redress such inequities.[38] But a rule promulgated in a formal rulemaking proceeding is uniform and prospective in its application. With its promulgation, all who are subject to it stand alike, subject to exactly the same duties.

(6) Rulemaking exclusively by adjudication tends to divert an agency from performing perhaps its primary and most salutary function, which is to provide guidance to the businessmen subject to its jurisdiction as to the requirements of law and thereby obviate the waste and uncertainty of litigation. The focus in adjudication is on settling a dispute over past practices, and while a rule may be announced in the process, it tends to be done incidentally and without sufficient concern for laying down clear

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[34] Many of the points discussed in this section are more fully developed in Peck, "The Atrophied Rule-Making Powers of the National Labor Relations Board," 60 Yale L. J. 729 (1961), and Baker, "Policy by Rule or Ad Hoc Approach—Which Should It Be?" 22 Law & Contempt. Prob. 658 (1957).

[35] "The test of the judicial process, traditionally, is not the fair disposition of the controversy; it is the fair disposition of the controversy upon the record as made by the parties. [For the administrative] process to be successful in a particular field, it is imperative that controversies be decided as 'rightly' as possible, independently of the formal record the parties themselves produce. The ultimate test of the administrative is the policy that it formulates, not the fairness as between the parties of the disposition of a controversy on the record of their own making." Landis, The Administrative Process 38–39 (1938).

[36] A classic instance of this process is *Durham* v. *United States*, 94 U.S. App. D.C. 228, 214 F. 2d 862 (1954), where a new rule governing the defense of insanity in criminal proceedings was formulated on the basis of extensive extra-record materials.

[37] See *Republic Aviation Corp.* v. *N.L.R.B.*, 324 U.S. 793 (1945); *Radio Officers' Union* v. *N.L.R.B.*, 347 U.S. 17, 48–49 (1954); *N.L.R.B.* v. *E. & B. Brewing Co.*, 276 F. 2d 594, 598 (6th Cir. 1960). Cf. *N.L.R.B.* v. *Seven-Up Bottling Co.*, 344 U.S. 344 (1953). That agency expertise, as well as record evidence, can support a finding of unlawfulness has been held with specific reference to the Trade Commission. "The Commission is not required to sample public opinion to determine what meaning is conveyed to the public by particular advertisements. The Commission, which is deemed to have expert experience in dealing with these matters * * * is entitled to draw upon its experience in order to determine, in the absence of consumer testimony, the natural and probable result of the use of advertising expressions." *E. F. Drew & Co.* v. *F.T.C.*, 235 F. 2d 735, 741 (2d Cir. 1956).

[38] "In view of the scope of administrative discretion that Congress has given the Federal Trade Commission, it is ordinarily not for courts to modify ancillary features of a valid Commission order. This is but recognition of the fact that in the shaping of its remedies within the framework of regulatory legislation, an agency is called upon to exercise its specialized, experienced judgment. Thus, the decision as to whether or not an order against one firm to cease and desist from engaging in illegal price discrimination should go into effect before others are similarly prohibited depends on a variety of factors peculiarly within the expert understanding of the Commission. Only the Commission, for example, is competent to make an initial determination as to whether and to what extent there is a relevant 'industry' within which the particular respondent competes and whether or not the nature of that competition is such as to indicate identical treatment of the entire industry by an enforcement agency. Moreover, although an allegedly illegal practice may appear to be operative throughout an industry, whether such appearances reflect fact and whether all firms in the industry should be dealt with in a single proceeding or should receive individualized treatment are questions that call for discretionary determination by the administrative agency. It is clearly within the special competence of the Commission to appraise the adverse effect on competition that might result from postponing a particular order prohibiting continued violations of the law. Furthermore, the Commission alone is empowered to develop that enforcement policy best calculated to achieve the ends contemplated by Congress and to allocate its avalaible funds and personnel in such a way as to execute its policy efficiently and economically." *Moog Industries* v. *F.T.C.*, 355 U.S. 411, 413 (1958) (per curiam). See Note, 13 Rutgers L. Rev. 315 (1958).

guidelines for the future. Most often, rules contained in adjudicative decisions, whether judicial or administrative, are not designated as rules or stated in the form of rules. The rule must be inferred from the language of the opinion and the facts of the case; it is implicit rather than explicit; and it may remain controversial and uncertain until many subsequent adjudications have refined and clarified it. It may take a long time for a rule even to be recognized and understood as such.

The importance of rules which are understood from the outset as defining—clearly, comprehensively, and particularly—the lawful limits of future conduct is enhanced in the context of an agency, such as the Federal Trade Commission, whose role is preventive rather than punitive and whose task is the supervision of trade practices of competing businessmen. As noted in part IV of this report, the original proposals for a trade commission were supported by the business community, which hoped that greater certainty could be introduced into trade regulation law; and in giving the Commission a sweeping mandate but limited remedial powers—precatory rather than truly injunctive—Congress probably assumed that once the Commission clearly defined a practice as unfair, businessmen would abandon it. It is a fair assumption, surely, that so long as competing businessmen "know where they stand and that they all stand alike" (Friendly, op. cit. supra note 132, at 7) they are not likely to violate the law; that in the trade regulation area, at least, law violations stem more from competitive pressures and legal uncertainty than from wilfulness; and that, therefore, a formal rule, clearly designated as such, which states the requirements of law clearly and particularly and has a uniform prospective application to a whole industry will frequently be a more effective method of law enforcement, encouraging voluntary compliance and discouraging litigation, than the conventional case-by-case method.

"Businessmen are glad, as a rule, to lend their support to voluntary and simultaneous abandonment of bad practices. They welcome the chance to wipe the slate clean. The overwhelming majority are unwilling to stoop to unfair tactics. At times some may feel that they must do so in order to meet in kind the unfair or unethical competition of less scrupulous competitors. It is often the case that various concerns would like to abandon their use of unfair or unethical methods if they can but be assured that their competitors will likewise stop and not take advantage of the situation." [T.N.E.C. Monograph No. 34, Control of Unfair Competitive Practices Through Trade Practice Conference Procedure of the Federal Trade Commission, p. 15 (1941).]

(7) If the tribunal in an adjudicative proceeding is too intent upon fashioning rules for future guidance, the task of rendering a fair result on the record before it may be slighted. Since the task of assessing individual liability on the basis of past practices and the task of fashioning rules of general application for future guidance are different, it has been argued that a tribunal which seeks to lay down broad rules in deciding individual cases may frequently fail to do complete justice to the parties before it.

(8) Rules made in adjudicative proceedings are ordinarily retroactive in application, while, under the Administrative Procedure Act, rules made in formal rulemaking proceedings (including, of course, trade regulation rules) are prospective only (sec. 2(c)). Retroactive application of a rule may often result in hardship. This is especially so where the rule embodies a novel legal principle and, therefore, is not readily foreseen. In a formal rulemaking proceeding, the possibility of undoing consummated transactions is excluded. Many authorities, including the Supreme Court, have on this ground urged the administrative agencies to act where possible prospectively through rulemaking proceedings.[39] It is fairer; it tends toward more equal treatment of competitors; and it may obviate hard-fought, protracted litigation induced by unwillingness to submit to harsh sanctions.

Although cease-and-desist orders of the Federal Trade Commission, like rules, speak to the future, they often carry retroactive consequences. Suppose that a firm, acting in good faith, adopts a trade name which the Commission later challenges as deceptive and, after prolonged litigation, orders excised; the firm is deprived of the value of its investment in the trade name, which may be very considerable. The matter would stand quite differently if prior to adopting the trade name the legality of the firm's action had been clearly defined in a trade regulation rule.

(9) Because a rulemaking proceeding looks to the future rather than to the past, it avoids the stigmatization of persons as law violators. One of the principal reasons why our legal traditions require so extensive an array of procedural safeguards to be afforded in adjudicative proceedings is that it is a grave step to adjudge a person or firm guilty of unlawful conduct. Not only may such a judgment have practical effects, i.e., as the basis of remedial or punitive sanctions, but it carries with it an inescapable element of moral condemnation. It is not unusual for a violation of law to be adjudged on the basis of a rule first declared in the very case, reflecting a new and perhaps unforeseen view of the law, and grounded in general facts or considerations not to be found in the actual record of the case. Businessmen naturally resent being branded as law violators in such a situation, and for that reason alone may be more inclined to engage in hard fought litigation. Establishing substantive standards or principles in formal rulemaking proceedings avoids this problem: A rule finds no one guilty.

(10) Rulemaking through adjudication may often be a prohibitively time-consuming, costly, and inefficient method of dealing with a problem common to an entire industry. Because of the procedural rights and safeguards which are a respondent's due in administrative, no less than in conventional civil or criminal, litigation, adjudicative proceedings before an agency are, beyond a point, irreducibly slow and costly affairs. These factors are greatly magnified where the practice sought to be suppressed is industrywide and many proceedings, rather than one, must therefore be conducted at the same time. In such a situation, reliance on the case-by-case adjudicative method not only may strain the agency's, and the respondents' resources, and delay effective relief indefinitely, but it may also involve considerable waste and duplication of effort, since common issues of fact are bound to recur throughout the series of proceedings.

A rulemaking proceeding affords an economical method of consolidating common issues of fact and law in a streamlined, but comprehensive and fair, proceeding having few of the cumbrous attributes of litigation. Since such a proceeding does not present questions of assessing individual guilt or innocence for past conduct, the strict procedural and evidentiary requirements of litigation are inapplicable.

We have indicated 10 reasons why a formal rulemaking proceeding may be preferable to an adjudicative proceeding, or series of adjudicative proceedings, from the standpoint both of government and the affected private parties, where the problem is one of fashioning a substantive standard to guide future conduct; and there are others. It is not surprising that the Supreme Court, and critics of the administrative process, have urged the agencies to give greater emphasis to rulemaking proceedings.[40] We do not suggest,

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[39] "Since the Commission, unlike a court, does have the ability to make new law prospectively through the exercise of its rulemaking powers, it has less reason to rely upon ad hoc adjudication to formulate new standards of conduct * * * The function of filling in the interstices of the act should be performed, as much as possible, through this quasi-legislative promulgation of rules to be applied in the future." *S.E.C.* v. *Chenery Corp.*, 332 U.S. 194, 202 (1947). See Landis, op cit. supra note 132, at 86–87; Friendly, "A Look at the Federal Administrative Agencies," 60 Col. L. Rev. 429, 437 (1960). Cf. Friendly, op. cit. supra note 132, at 20.

[40] See *S.E.C.* v. *Chenery Corp.*, 332 U.S. 194, 202 (1947); Friendly, supra note 138, at 436–37, 442–43; Friendly op. cit. supra note 132, at 143–47; Bernstein, Regulating Business by Independent Commission 179–82 (1955). "[I]n general, rule-making is a sounder way of proceeding than the case-by-case method or general declarations of policy and * * * wherever appropriate, it should be employed. * * * [E]very consideration of sound administrative procedure and fair play argues for following the rule-making route, where it can be employed." Baker, supra note 133, at 671. This principle has been stated with particular reference to the Trade Commission:

"The definition of unfair competition by administrative legislation is incomparably superior to definition by administrative decision. The method of judicial exclusion and inclusion does not permit of a sustained, consistent, comprehensive and speedy attack upon the trade practice problem. The case by case determination takes years to cover even a narrow field; it leaves wide lacunae; false starts are difficult to correct and the erroneous decision is just as prolific as a sound ruling in begetting a progeny of subordinate rules. In a controversy between two litigants or between a Commission and a private party, the law making function is distracted by factors which are important to the contestants but irrelevant to the formulation of future policy. The fusion of law and economics, the detailed investigations and hearings, and the precise formulation of rules, all of which are so essential to a proper regulation of competition, are not feasible when lawmaking is but a by-product of the adjustment of controversies. The combination of the two functions may have been justified when knowledge of the workings of competition was sparse and objectives ill-defined. It can no longer be justified today. It would be little short of criminal to rely upon so inefficient a method of law making when more scientific and expeditious devices are available. * * * Hence we should resort to administrative legislation, at least so far as Federal control of practices in interstate commerce is concerned. The administrative tribunal would have several functions. On the legislative or law making side, it would be charged with the duty of maintaining an unremitting study of the trade practice problem. It would, by rules and regulations, under a proper delegation of power and a clear definition of the standards by which it is to be guided, make additions to the general code of unfair competition. These additions would be preceded by investigation and public hearing and proposed drafts would be subject to extended criticism and study before enactment. It would also, upon proper showing, grant exemptions to particular industries from such provisions of the general law as operated harshly. Such exemptions would rarely be necessary but administration should be flexible enough to take care of the need should it arise. It would also, after thorough investigation, hearing and study, draft regulations for the facilitation, preservation, and however, that the agencies in general, or the Federal Trade Commission in particular, should abandon reliance on the adjudicative method in all situations where a substantive principle or standard of conduct having general application is to be declared. The force of each of the reasons discussed above varies with the concrete situation in which a choice between approaches is presented. That is why the Supreme Court has held that the choice between rulemaking and adjudicative proceedings is ordinarily within the agency's discretion.[41] The immediate question, then, is not whether rulemaking through formal rulemaking proceedings is in general preferable to rulemaking through adjudicative proceedings, but whether, and to what extent, it is preferable in the present situation, which involves determining the requirements of the Trade Commision Act with respect to cigarette advertising and labeling in the light of the health hazards of cigarette smoking.[42] Concretely, what is the balance of advantages and disadvantages in proceeding by the trade regulation rule route in dealing with this particular problem?

To begin with, the problem is a general one. It is a problem of the legal responsibilities of an entire industry, not an individual firm. The cigarette industry would doubtless feel that the Commission was acting inequitably if it picked and chose among the cigarette manufacturers, suing some but not others. The principal considerations that must influence decision in this area—the nature of the health hazard, consumer knowledge of it, the amount and concentration of cigarette advertising in certain media, the problem of youthful smoking—pertain more or less equally to all of the cigarette manufacturers, who are, of course, competitors. The situation plainly calls for uniform, consolidated treatment, not separate lawsuits.

Moreover, the problem raises novel issues of policy. Although, in our opinion, established legal principles support, and indeed compel, the conclusions respecting the legal duties of the cigarette manufacturers reached in this report, the application of these principles in the circumstances presented is a matter of wide interest and concern. It is fairer to the industry as well as to the public that it be approached on a uniform and prospective basis in a proceeding specially tailored to the task of clear and comprehensive definition of the requirements of law to which the industry is subject. The industry, we are confident, supports the Commission's position that little constructive purpose would be served by proceedings in which the lawfulness of past practices in cigarette advertising, and the individual liability of particular manufacturers, were probed. The trade regulation rule promulgated herewith does not attempt to impute blame for past cigarette advertising practices. It is in no sense punitive, but preventive. It states the requirements of law for such practices, and it does so uniformly, clearly, and prospectively.

3. The Commission's authority to conduct a trade regulation rulemaking proceeding. In the preceding section, it was demonstrated that the trade regulation rule procedure offers a more practical approach to the effective fulfillment of the Commission's statutory responsibilities in the area of cigarette advertising and public health than the conventional method of separate lawsuits. It is contended, nevertheless, that the Commission has not been granted by Congress the power to conduct such a proceeding; that it is confined to the cease-and-desist order adjudicative procedure provided in section 5(b) of the Trade Commission Act. The contention has far-reaching significance. If well founded, it would, because of the factors discussed above, preclude the Commission from acting effectively in matters, such as the present one, which, though they are clearly within the Commission's statutory jurisdiction and responsibilities, and of public importance, are not amenable to sound, expeditious, and effective handling under the 5(b) procedure.

The contention is refuted by the language and scheme of the Trade Commission Act. Section 5(a)(6) of the Trade Commission Act provides that "[t]he Commission is hereby empowered and directed to prevent persons, partnerships, or corporations * * * from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce." This, the Commission's basic mandate, is distinct from section 5(b). There is no indication that the latter was intended to limit the broad grant of power in 5(a)(6). Section 5(b) simply establishes one procedure for implementation of the Commission's duty to prevent unfair methods of competition and unfair or deceptive acts or practices. That this procedure is not exclusive or mandatory is shown by the language of 5(b): "Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been using or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint." The Commission is directed to use the 5(b) procedure only where it believes a 5(b) proceeding would be in the public interest. Moreover, use of the procedure presupposes a preliminary determination that the respondent has, or is currently, engaged in unlawful conduct.[43] The 5(b) procedure, in short, is distinctly narrower than the 5(a)(6) mandate, which does not require violations of law to be shown before the Commission may act to prevent them.

Section 6(g) of the Trade Commission Act authorizes the Commission "to make rules and regulations for the purpose of carrying out the provisions of this act," and thus establishes another method by which the Commission can proceed in the discharge of its statutory responsibilities as defined by 5(a)(6). The trade regulation rule procedure is clearly embraced by the literal terms of the section, and nothing in the legislative history of the Trade Commission Act requires that the provision be read other than as written.[44]

Even if 6(g) were not in the act, it could not be persuasively maintained that the trade regulation rule procedure is ultra vires. It is implicit in the basic purpose and design of the Trade Commission Act as a whole, to establish an administrative agency for the prevention of unfair trade practices, that the Commission should not be confined to quasi-judicial proceedings. The Commission was created because the courts had not been able to build up a coherent and progressive body of trade regulation law, and because Congress found it completely impractical itself to define with particularity the trade practices that contravened public policy and ought therefore to be proscribed. The Commission was established not as a simple law-enforcement agency, but as an administrative agency comparable to the Interstate Commerce Commission, in order to perform a positive role of policy formulation which the courts, it seemed, could not adequately ply in the trade regulation area. Since the Commission was given, specifically in section 5(a)(6), the function of defining and particularizing, as well as enforcing, the substantive requirements of the Trade Commission Act, it is a reasonable inference that Congress did not intend to deny to the Commission the use of procedures, such as the

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regulation of competition for specific industries. These regulations would differ from N.R.A. codes in several vital respects. First, they would deal with the prohibition of competitive practices and not with the rehabilitation of industry or the rationalization or elimination of competition. Hence they would not be subject to the charge of regimentation. Secondly, they would be drafted by government and not by industry. Industry would be heard as in the formulation of a piece of legislation but it would not propose or command. Thirdly, the scope of the regulations would be more modest. Only practices which are demonstrably unsocial and uneconomic and which require separate industrial treatment would be thus attacked." Handler, "Unfair Competition," 21 Iowa L. Rev. 175, 259–61 (1936).

[41] *S.E.C.* v. *Chenery Corp.*, supra note 139, at 202. See *Logansport Broadcasting Corp.* v. *United States*, 93 U.S. App. D.C. 342, 210 F. 2d 24 (1954).

[42] Baker, supra note 133, at 671, n. 60, states that his conclusions regarding the preferability of rulemaking proceedings (see note 139, supra) have little applicability "to agencies such as the National Labor Relations Board or Federal Trade Commission, which are largely concerned with adjudicatory evidentiary questions whether some specified unfair practices have been committed." We agree that where such issues are presented—and that may be in the majority of situations within the Commission's jurisdiction—rulemaking proceedings are inappropriate. The question is whether or not this particular proceeding involves a different kind of issue.

[43] Compare Section 15 of the Clayton Act, 15 U.S.C. § 25, which authorizes the Attorney General "to institute proceedings in equity to *prevent* and restrain . . . violations [of the Act]." (Emphasis added.)

[44] It is a familiar canon of statutory construction that where the meaning of a statute is clear and unambiguous on the face of the statute, there is no occasion to look to legislative history. E.g., *Caminetti* v. *United States*, 242 U.S. 470 (1916); 2 Sutherland, Statutory Construction § 4502 (3d ed. 1943).

Nevertheless, the spokesman for the cigarette industry argued in this proceeding that the legislative history of the Federal Trade Commission Act of 1914 makes clear that the Commission was not intended to promulgate "substantive" rules. (R. 83–K to 83–M.) However, by "substantive" rules the spokesman meant, as has been mentioned (see note 131, supra), rules having the force and effect of law—not trade regulation rules. At most, the legislative history suggests that the Commission was not intended to promulgate "legislative" rules. For example, Judge Covington, a member of the Conference Committee, remarked: "The Federal Trade Commission will have no power to prescribe the methods of competition to be used in future. In issuing its orders it will not be exercising power of a legislative nature." 51 Con. Rec. 14932 (1914). There are, to be sure, references in the legislative history to the "quasi-judicial" nature of the Commission (cf. S. Rep. No. 1705, 74th Cong., 2d Sess. 2 (1936)), and statements such as, Section 5 "empowers the Commission to prevent corporations from using unfair methods of competition in commerce by orders issued after hearing" (S. Rep. No. 597, 63d Cong., 2d Sess. 13 (1914)). But such remarks do not seem to have been concerned with limiting the Commission's rulemaking powers, conferred expressly in Section 6(g). Their point, rather, was (1) that the Commission has quasi-judicial powers, and is not limited to the investigatory role originally envisaged for it, and (2) that the Commission can only enter a cease and desist order on the basis of a trial-type hearing in which the procedural safeguards of the judicial process are afforded.

trade regulation rule procedure, which may be necessary to fulfill that function.

That the Commission was not envisioned as a conventional law-enforcement agency, concerned primarily with assessing liability on the basis of past acts, is suggested by the form of proceeding specified in section 5(b). As mentioned earlier 5(b) in its original form empowered the Commission to issue, not a final and binding order in the nature of an injunction, but an advisory type of order. Even in its present form, 5(b) does not in terms provide for a trial-type hearing, but only for a summary proceeding to show cause. The framers of the Trade Commission Act sought to create an agency that would introduce certainty into the law of unfair trade practices and thus provide guidance for American businessmen. For this purpose a full complement of judicial-type procedures and sanctions were deemed unnecessary.

Finally, the detailed structure of the Trade Commission Act refutes the argument that Congress intended to force the Commission within a narrowly adjudicative mood. The act established an administrative agency, not an administrative court. It gave the agency responsibility not merely to adjudicate, but also to initiate proceedings. It endowed the agency with extensive powers of investigation and inquiry (see, e.g., sec. 6(b) of the act). Since Congress plainly wished to depart from, rather than imitate, the judicial method of legal administration, we are not persuaded that, in specifying a procedure for obtaining a cease-and-desist order, Congress thereby precluded preventive procedures other than a formal cease-and-desist order proceeding.

4. The bearing of trade practice rules: The contention that the Commission has no authority to conduct a rulemaking proceeding such as the present one is particularly untenable in view of the Commission's long-established, and concededly valid, trade practice rule procedure. "Trade practice rules are designed to eliminate and prevent, on a voluntary and industrywide basis, trade practices which are violative of laws administered by the Commission. The rules interpret and inform businessmen of legal requirements applicable to the practices of a particular industry and provide the basis for voluntary and simultaneous abandonment of unlawful practices by industry members. Failure to comply with such rules may result in corrective action by the Commission under applicable statutory provisions." [45]

No provision of the Federal Trade Commission Act, unless it be section 6(g), authorizes the Commission in so many words to conduct this kind of rulemaking proceeding, whereby unlawful practices are sought to be prevented on an industrywide basis,[46] yet the Commission has conducted such proceedings, in one form or another, since at least 1920.[47]

Many trade practice rules have long been viewed as actually stating the substantive requirements of the Trade Commission Act, and, accordingly, as being enforceable by the Commission and not merely voluntary. The unfair trade practices which are embraced in group I rules are considered to be unfair methods of competition within the decisions of the Federal Trade Commission and the courts, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.[48] Trade practice rules have been relied upon by the Commission in subsequent adjudicative proceedings to support findings of unlawfulness. The courts have upheld the Commission in so relying.[49] As a practical matter, then, trade practice rules are not merely voluntary and advisory; they are, in many instances, enforceable and enforced. (See Comment, 62 Yale L. J. 912, 935, 941–943 (1953).) As shall appear, the difference between trade practice and trade regulation rules is one of degree, not of kind.

The foregoing discussion also answers the argument that the trade regulation rule procedure is invalid because the Commission first utilized it many years after the passage of the Trade Commission Act in 1914. The Supreme Court has held that the Commission's failure to exercise authority delegated to it in the act until a number of years has elapsed does not justify a conclusion that the authority was never delegated. *United States* v. *Morton Salt Co.*, 338 U.S. 632, 647–648 (1950). But Federal Trade Commission rulemaking is, in any event, no recent phenomenon. The trade regulation rule procedure is not a sudden innovation, but a natural outgrowth of the trade practice rule procedure. It is thus the culmination of more than 40 years of Commission rulemaking.

The existence and unchallenged validity of the trade practice rule procedure also refute the position (which is untenable in any event in light of the clear language of sec. 6(g)) that the trade regulation rule procedure is unauthorized because not specifically referred to in the Trade Commission Act. Even though trade practice rules are obviously outside the framework of the section 5(b) procedure, the Commission's authority to promulgate them is conceded, evidently because they represent a far less drastic exercise of administrative power than cease-and-desist orders. A cease-and-desist order is predicated on a finding that the law has been violated. It adjudicates guilt and innocence; a trade practice—or trade regulation—rule does not. Violation of a cease-and-desist order lays a person or firm open to severe civil penalties or contempt sanctions; there are no penalties or sanctions for violation of a trade practice—or trade regulation—rule. The 5(b) powers of the Commission are, therefore, far more drastic than its rulemaking powers. The explicit vesting of the Commission with those more drastic powers does not compel an inference that the less drastic powers have been withheld.[50]

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[45] Section 1.62, Procedures and Rules of Practice (effective Aug. 1, 1963). The procedure for promulgating trade practice and trade regulation rules is the same. See Section 1.61. The lawfulness of the trade practice rule procedure appears to be settled. H.R. Rep. No. 3236, "Antitrust Law Enforcement by the Federal Trade Commission and the Antitrust Division, Department of Justice—A Preliminary Report," 81st Cong., 2d Sess. 31 (1951) ("the question of legality would seem to be a dead issue"); Comment, "Trade Rules and Trade Conferences: the FTC and Business Attack Deceptive Practices, Unfair Competition, and Antitrust Violations," 62 Yale L. J. 912, 918, n. 45 (1953) (legality of procedure termed "unquestionable"). "That it is within the competence of the Federal Trade Commission to promulgate these [Trade Practice] Rules in the public interest is not challenged. * * * As these Rules are applicable alike to all members of the industry, petitioner must comply with them." *Prima Products, Inc.* v. *F.T.C.*, 209 F. 2d 405, 408 (2d Cir. 1954). The Tobacco Institute, in this proceeding, appears to concede the lawfulness of the trade practice rule procedure (R. 83–P). As of 1961, trade practice rules were in force in 162 industries. F.T.C. Ann. Rep., 1961, p. 64. For a current list of such rules, see 4 CCH Trade Reg. Rep., pp. 42002–8.

[46] By the same token, nothing in the language of Section 5(b) specifically authorizes the kind of full-fledged trial-type hearing which the Commission customarily afforded in cease-and-desist proceedings long before the enactment of the Administrative Procedure Act.

[47] In F.T.C. Ann. Rep., 1920, p. 43, there is a description of the "trade practice submittal" procedure, which was the precursor of the trade practice rule procedure:

"This procedure was instituted by the Commission as an instrument to assist the proceedings provided by statute for the elimination of unfair methods of competition. It had its origin in an effort to eliminate, simultaneously and by the consent of those engaged in a given industry, practices which, in the opinion of the industry as a whole, were unfair. The trade submits its trade practices to the Commission for the Commission's information. It is employed in cases where a large number of complaints come to the Commission, usually from persons in the industry, respecting a number of alleged unfair practices generally prevalent in the industry, or respecting some practice which although of ancient and widespread usage in the trade is questioned. In such instances the Commission has at times felt that a single proceeding might not present all the facts or that a single order, restraining as it would but a single concern, might tend to be harmful rather than corrective."

And as early as 1916, the Commission was issuing "conference rulings", i.e., advisory opinions. "The Commission has interpreted, upon request, the laws which it is empowered to enforce." F.T.C. Ann. Rep., 1916, pp. 12–13; see id., pp. 52–59.

[48] F.T.C. Ann. Rep., 1935, pp. 96–97. Thus, the "group I" rules are mandatory, not voluntary or permissive. For a full description of the group I–group II distinction, see T.N.E.C. Monograph No. 34, Control of Unfair Competitive Practices Through Trade Practice Conference Procedure of the Federal Trade Commission, pp. 4–6 (1941).

[49] See *Prima Products, Inc.* v. *F.T.C.*, 209 F. 2d 405 (2d Cir. 1954); *Northern Feather Works, Inc.* v. *F.T.C.*, 234 F. 2d 335 (3d Cir. 1956); *Buchwalter* v. *F.T.C.*, 235 F. 2d 344 (2d Cir. 1956); *Lazar* v. *F.T.C.*, 240 F. 2d 176 (7th Cir. 1957); *Burton-Dixie Corp.* v. *F.T.C.*, 240 F. 2d 166 (7th Cir. 1957).

[50] The question of the Federal Trade Commission's rulemaking authority invites comparison with that of the rulemaking authority of the National Labor Relations Board. Like the Commission, the Labor Board has jurisdiction over certain kinds of practices in many industries, rather than comprehensive regulatory responsibilities in a particular industry. Like the Commission, the Labor Board has been given by Congress the task of implementing broad principles of fairness in an area where specialized knowledge and experience are necessary. Thus the Board's task, like the Commission's, has been inescapably "quasi-legislative" in character, as well as "quasi-judicial." Yet the Board, even more than the Commission, has relied on adjudication for formulating policy, and the bar has urged the Board to utilize its rulemaking powers. (See Peck, supra note 133; Report of the Committee on Agency Rule-Making of the A.B.A. Administrative Law Section, 11 Ad. L. Bull. 280 (1959); Recommendation of the A.B.A. Lab. L. Sec., 42 Lab. Rel. Rep. 513 (1958); Note, Administrative Law Making Through Adjudication: The National Labor Relations Board, 45 Minn. L. Rev. 609, 656 (1961).) The Board has been granted rulemaking authority in much the same language as Section 6(g) of the Trade Commission Act. "The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this subchapter." Section 6 of the National Labor Relations Act, 29 U.S.C. § 156. It has been assumed that the Board has authority to conduct formal rulemaking proceedings.

B. The use or effect of trade regulation rules in subsequent adjudicative proceedings

The questions (1) whether the Commission is authorized to conduct this rulemaking proceeding, and (2) what use the Commission may make of the rule in subsequent adjudicative proceedings, are logically distinct. In promulgating the present rule, the Commission desires to avert, not stimulate, litigation. It assumes that the rule will be obeyed without the necessity for subsequent cease-and-desist order proceedings. Rules that state the requirements of law with clarity and particularity, and are uniform and prospective in application, avoid uncertainties and reduce litigation. It is, therefore, premature to attempt in this report a definitive exposition of the consequences of violation of trade regulation rules. Nevertheless, since some of the witnesses at the public hearings in this matter appear to have had some difficulty in conceiving how rules can be other than "interpretative" or "legislative," and since trade regulations rules fit neither pigeonhole exactly, we shall attempt to describe briefly the intended use and effect of trade regulation rules in adjudicative proceedings brought subsequent to their promulgation.

If the only significance of trade regulation rules were as a vehicle for announcing Commission policy, they would be rather similar to trade practice rules. Both types of rule offer interpretation of the laws administered by the Commission, not in the context of assessing liability for past practices, but by way of furnishing guidance for the future concerning the Commission's views of the requirements of law as applied to a particular problem. If this process is unobjectionable under the rubric of trade practice rules, it should be equally unobjectionable under the rubric of trade regulation rules.

It is true that in trade practice rule proceedings the initiative is ordinarily with the industry rather than the Commission. The object is to devise rules that will be acceptable to the industry members and that the Commission can approve. In trade regulation rule proceedings, the initiative is typically the Commission's, and the rules may be adopted even if the consent of the industry members is not forthcoming. Trade regulation rules are, therefore, a more deliberate and more formal embodiment of Commission views and perhaps a more reliable index to the Commission's enforcement intentions than trade practice rules. But the difference is not fundamental.

In interpreting the laws administered by the Commission, are trade practice and trade regulation rules merely "advisory"? To be sure, one who violates such rules incurs no immediate sanction thereby. But where a rule correctly expresses the requirements of the law, one who disobeys the rule is, for all practical purposes, disobeying the law. Thus, when an agency's consideration of a problem has progressed to the point at which a specific legal standard has crystallized, it is plainly to the advantage of the persons who might be affected thereby that the agency announce its determination in a formal, public, explicit, and prospective manner. Otherwise such persons may violate the law and incur heavy sanctions because of uncertainty as to the law's requirements.

There is a more significant difference between trade practice and trade regulation rules than any we have yet touched upon. An example should make this difference clear. Suppose that there is a trade practice rule for the drycell battery industry which forbids the advertising of drycell batteries as leakproof. No factual determinations would accompany such a rule, since trade practice rules ordinarily rest upon industry agreement. In the event that a battery manufacturer did not comply with the trade practice rule, and the Commission issued a complaint against him under section 5(b) alleging that he had committed a deceptive act or practice in advertising his battery as "leakproof," the Commission would not be able to rely on any determination, made in the trade practice rule proceeding, that no battery is leakproof, because no determination would have been made. In the adjudicative proceeding the Commission could not utilize the trade practice rule to resolve any disputed issue of fact, or to dispense with the introduction of evidence required to make out a prima facie case. The Commission would be obliged to prove de novo that the respondent's battery was not leakproof. However, in the case of a trade regulation rule, accompanied by and based upon determinations of fact made in accordance with statutory rulemaking procedures, the Commission could, in a subsequent adjudicative proceeding, rely not only on the propositions of law contained in the rule, but also on the underlying factual matters determined.

The Commission may rely on factfindings made in a prior rulemaking proceeding only to the extent that the rulemaking proceeding afforded a fair and proper procedure for making the particular factual determinations sought to be relied on, and did not infringe the respondent's right to have a full, trial-type hearing in any section 5(b) proceeding. Not all issues lend themselves to determination in a rulemaking proceeding; some can be determined only in an adjudicative proceeding embodying a complete panoply of evidentiary and procedural rules and safeguards. A rulemaking proceeding would, for example, be inappropriate for resolving factual issues turning on witnesses' credibility, memory, or powers of observation. Adjudicative factfinding is specifically designed for the resolution of such kinds of issues. Where, however, factual matters are essentially uncontroverted, or otherwise do not demand exclusively adversary presentation and adjudicative determination, it may be fair and proper to determine them in a rulemaking proceeding, and then rely on the determination made therein in subsequent adjudicative proceedings in which the matters are relevant.

It was pointed out earlier that a conclusion that a particular course of conduct is unlawful may rest not only upon evidence, i.e., facts developed according to the procedures of adjudication, but also on background or "legislative" facts, or broad considerations of law, policy, and discretion, or the accumulated knowledge and experience of the agency.[51] Nonevidentiary "facts" of this sort are not required to be determined adjudicatively. Often they cannot be so determined. If, therefore, they have been determined in a rulemaking proceeding in which the procedures ordained by the Administrative Procedure Act and the agency's own rules have been fully complied with, it should not be required that they be redetermined de novo in a subsequent adjudicative proceeding.

The factual determinations upon which the trade regulation rule promulgated herewith are based concern (1) the health hazards of cigarette smoking; (2) cigarette sales and advertising expenditures by year, brand, and type of cigarette, cigarette advertising media and audiences, etc.; (3) consumer reactions, attitudes and behavior, and the probable impact of cigarette advertising on consumers. It has already been explained why the Commission may, with propriety, accept the determinations made in the Report of the Surgeon General's Advisory Committee (see part II, supra). The second category is limited to strictly background data which have been drawn from sources whose accuracy is generally conceded and has not been challenged in this proceeding. The right to a trial-type hearing is not infringed by relying on such data.[52]

As for the third category, it was pointed out in part IV of this report that the meaning of particular advertisements, the understanding of consumers, and related questions as to the impact or effects of advertising on the consuming public, while they are deemed to involve matters of "fact" to be determined by the Commission, ordinarily depend, not upon evidence (apart from the advertisements themselves), but upon the Commission's exercise of its specialized knowledge and experience of marketing practices and consumer reactions. The Commission is, of course, making no judgment in this proceeding with respect to any deceptive or unfair characteristics of particular cigarette advertisements or of cigarette advertising. There is no "adjudicative" question here, for example, of whether a particular advertisement is likely to deceive a substantial segment of the consuming public or whether any cigarette advertiser has committed unfair or deceptive acts or practices. However, the Commission has considered and based the rule on such general background matters as the probable impact on consumers of cigarette advertising that does not disclose the health hazards of smoking, in view of the amount of advertising, media employed, the general advertising themes that have been used, the nature of the advertised product, the characteristics of the advertising audience, the publicity that has been accorded the smoking and health controversy, and so forth.

It should be noted in this connection that the facts upon which the trade regulation rule is based are common to the entire class of persons subject to the rule, i.e., all of the members of the cigarette industry. Such facts are obviously suitable for consolidated treatment in a single proceeding, not only on grounds of economy and expedition, but on grounds of fairness as well. It is to the advantage of the cigarette manufacturers that such facts be treated together. Were the Commission to bring separate cease-and-desist order proceedings against the individual manufacturers, it would, to be sure, be necessary to establish the essential elements of the Commission's case separately in each proceeding. However, after a series of such proceedings, it would be entirely proper for the Commission, in the next case, to take official notice of the records of and its findings in the prior cases, thereby dispensing with the need to establish a prima facie case anew,[53] even though the respondent in the

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[51] See 2 Davis, Administrative Law, ch. 15 (1958). "Legislative facts are typically general facts which help the tribunal decide issues of law and policy. Adjudicative facts are facts about the parties, the facts to which law and policy are applied in an adjudication." 2 id., sec. 15.14, p. 433.

[52] In the words of Mr. Justice Holmes, "The court may ascertain as it sees fit any fact that is merely a ground for laying down a rule of law." *Chastleton Corp.* v. *Sinclair,* 264, U.S. 543, 548 (1924). See Wyzanski, "A Trial Judge's Freedom and Responsibility," 65 Harv. L. Rev. 1281, 1295 (1952). Surely it is appropriate that such facts be determined systematically in a rulemaking proceeding tailored to that purpose, rather than be left to find their way, perhaps somewhat haphazardly, into adjudicative decisions in which new rules of law are announced.

[53] See section 7(d) of the Administrative Procedure Act. The doctrine of official notice was discussed by the Commission in its recent decision in *Manco Watch Strap Co.,* FTC Docket 7785 (decided March 13, 1962), a case involving nondisclosure of foreign origin:

"If this were the first foreign-origin product case to come before the Commission, the later case had not been a party to the earlier proceedings. By conducting a single, consolidated proceeding, the Commission has assured all of the cigarette manufacturers an opportunity actually to participate in making such determinations as the Commission may, in future adjudicative proceedings, rely upon.

The Commission may, in subsequent adjudicative proceedings, take official notice of its accumulated knowledge and experience as embodied in the record of a trade regulation rule proceeding, just as it may take official notice of such knowledge and experience as embodied in a series of prior adjudicative records and just as it may rely upon matters outside of any record if they are within the class of matters traditionally regarded as background or legislative facts or matters of law, policy and discretion. This proceeding simply enables the systematic marshaling of the Commission's knowledge and experience in the field of cigarette advertising and of consumer protection generally.

What rights would a respondent in such a later adjudicative proceeding have to notice of and opportunity to rebut findings made in reliance on prior determinations in a trade regulation rule proceeding? Section 7(d) of the Administrative Procedure Act provides, "Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary." (See also sec. 3.14(d) of the Commission's Procedures and Rules of Practice.) This does not mean that whenever an agency relies on matters outside of the record to determine an issue in an adjudicative proceeding, the respondent must be given an opportunity to introduce evidence on rebuttal.[54] That makes little sense where it is nonevidentiary facts that have been noticed.

Nor does the Administrative Procedure Act require that the Commission provide, in a subsequent rulemaking proceeding or otherwise, a further opportunity for persons who were afforded a full and ample opportunity to participate in the original rulemaking proceeding—who were, as here, on notice of the matters of fact, law, policy and discretion on which the agency relied in formulating its rule, and had complete opportunity to submit in written and oral form any views, data and argument they chose[55]—to introduce further data, at least in the form of record evidence, on matters fully and fairly canvassed in the original proceeding, so long as the matters are of the kind that may with propriety and fairness be determined in a nonadjudicative proceeding. While in other cases of official notice (e.g., notice of the record of a prior case) the respondent's first "opportunity to show the contrary" occurs in the adjudicative proceeding in which notice is taken (the respondent not having been a party in the prior case), here the cigarette companies have been given such an opportunity in the very proceeding the record of which may be noticed in a future adjudicative proceeding. The Administrative Procedure Act does not require that the same person or firm be offered an indefinite number of "opportunities to show the contrary."

What the Administrative Procedure Act and basic principles of fair procedure do require, in the way of "an opportunity to show the contrary," is that any person or firm subject to a trade regulation rule be given an opportunity to show changed conditions, or other special circumstances, justifying a waiver of the rule as to him.[56] Such opportunity is expressly provided for in the present trade regulation rule.[57] Moreover, such person is free, in any adjudicative proceeding in which the Commission gives notice of its intention to rely on the determinations made in this proceeding, to introduce evidence bearing on adjudicative facts at issue in the later proceeding, as well as to argue questions of law. The trade regulation rule procedure thus involves no infringement whatever of any respondent's rights in a subsequent 5(b) adjudicative proceeding. Cf. *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956); *F.P.C.* v. *Texaco Inc.*, ——— U.S. ——— (1964).

In sum, while nowhere in the Trade Commission Act is the Commission specifically granted the authority to promulgate a trade regulation rule for the advertising and labeling of cigarettes, such a rule is within the scope of the general grant of rulemaking authority in section 6(g), and authority to promulgate it is, in any event, implicit in section 5(a)(6) and in the purpose and design of the Trade Commission Act as a whole. Within the limits stated above, the rule may be relied upon in subsequent adjudicative proceedings to resolve those factual matters that have been determined in the rulemaking proceeding. The lawfulness of such an exercise of agency authority, in analogous circumstances, has been upheld by the Supreme Court.[58]

VII. THE PROVISIONS OF THE TRADE REGULATION RULE AND MANNER OF COMPLIANCE THEREWITH

In this part of the report we discuss briefly the provisions of the trade regulation rule promulgated herewith and the requirements of compliance with it. For reasons already stated, the rule contains no provisions corresponding to rules 2 and 3 of the proposed rules published at the outset of this proceeding. The substance of proposed rule 1 remains, but it has been modified to eliminate any requirement that a specific form or specific forms of words be used in disclosing in all advertising and labeling the health hazards of cigarette smoking. The Commission believes that the individual advertiser should be free to formulate the required disclosure in any manner that intelligibly conveys the sense of the required disclosure in a fully conspicuous fashion. The Commission will, on request, advise whether proposed forms of disclosure comply with the requirements of the rule.

In addition to the substantive provision requiring disclosure of the health hazards of smoking, the rule contains a procedural provision for the reopening of this rulemaking proceeding in certain circumstances. This provision insures that every cigarette manufacturer, in advance of any proceeding against him under section 5(b), shall have a full and fair opportunity to demonstrate to the Commission such changed conditions or special circumstances as would warrant a modification of the rule. Besides this special provision, section 1.66 of the Commission's Procedures and Rules of Practice provides that "any interested person or group" may file a petition with the Secretary of the Commission "for the amendment or repeal of a [trade regulation] rule." This section also permits the Commission to initiate sua sponte proceedings for the modification or repeal of a trade regulation rule.

The Commission's determination in this proceeding, embodied in the trade regulation rule, is in essence a definition of standards of conduct required by the Federal Trade Commission Act, and thus serves the function of informing the members of the cigarette industry of what the law prohibits them from doing in the area of cigarette advertising and labeling in relation to the health hazards of smoking. In promulgating such a rule, the Commission fulfills its statutory obligation, under section 5(a)(6)

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conclusion that a substantial segment of the public assumes that unmarked watch bands are American-made and prefers such domestically-made bands would have to be based on specific evidence. But this is not a case of first impression; rather, it follows scores, if not hundreds, of others involving fundamentally the same general factual issues. This is an area of administration that has evolved to a point at which the accumulated experience and knowledge of the Commission may properly be invoked in exercising its fact-finding function. * * * In view of the frequency and consistency with which proof of the existence of such preference has been shown in countless prior proceedings, the Commission may take official notice of that fact, and dispense with the need to re-prove it in each new proceeding that is brought.

"Proof of general consumer attitudes and preferences in regard to the general class of products of foreign origin or manufacture would only prove again that which the Commission has already established to be the fact from its accumulated knowledge and experience. * * * Accordingly, we may now properly generalize the facts established by the Commission in the long line of foreign-origin cases and relieve the parties in this type of case of the unnecessary burden of continuing to litigate, over and over again, the same general factual issues as to consumer attitudes and preferences." (Pp. 9–11; see 2 Davis, op. cit. supra note 150, ch. 15.)

[54] Jaffe, "Administrative Procedure Re-Examined: The Benjamin Report," 56 Harv. L. Rev. 704, 717–19 (1943); 2 Davis, op. cit. supra note 150, § 15.14, pp. 432–33. "[P]arties should have opportunity to meet in the appropriate fashion all facts that influence the disposition of the case." Id., p. 432. (Emphasis added.)

[55] This trade regulation rule proceeding complies fully with the notice and opportunity-to-participate requirements of section 4 of the Administrative Procedure Act and Section 1.67 of the Commission's Procedures and Rules of Practice. See App. C, infra.

[56] See *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 225 (1943); *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192, 205 (1956); *F.P.C.* v. *Texaco Inc.*, ——U.S. ——, ——(1964). Cf. *Manco Watch Strap Co.*, F.T.C. Docket 7785 (decided March 13, 1962), p. 14: "where the Commission's complaint is predicated on the existence of a general consumer preference for American-made goods of which official notice is taken, the burden of showing that the particular case is exceptional and not within the general rule will rest on the respondent."

[57] The rule provides: "In the event that any person subject to this Rule is of the opinion that new or changed conditions of fact or law, the public interest, or special circumstances require that the Rule be suspended, modified, waived, or repealed as to him, or otherwise altered or amended, such person may file with the Secretary of the Commission a petition to reopen this rulemaking proceeding, stating the changes desired and the grounds therefor. The Commission will act on the petition as provided in Section 1.66 of the Commission's Procedures and Rules of Practice."

[58] See *National Broadcasting Co.* v. *United States*, 319 U.S. 190 (1943); *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956); *F.P.C.* v. *Texaco Inc.* — U.S. — (1964). Thus, in the recent Texaco case the Supreme Court held: "the statutory requirement for a hearing * * * does not preclude the Commission from particularizing statutory standards through the rulemaking process and barring at the threshold those who neither measure up to them nor show reasons why in the public interest the rule should be waived."— U.S., at —.

of the Federal Trade Commission Act, "to prevent" persons subject to the law "from using unfair methods of competition in commerce and unfair or deceptive acts as practices in commerce"; for Congress envisaged that once businessmen were informed, clearly, unequivocally, and in advance, of what practices were deemed unlawful by the Commission, they would abandon them. It is the Commission's general policy, therefore—a policy no less applicable in the present matter than in other matters—to encourage voluntary, simultaneous, and industry-wide abandonment of unlawful trade practices in order to avoid resort to formal enforcement proceedings and sanctions.

Because the Commission desires to encourage voluntary compliance with this trade regulation rule and recognizes that immediate conformity to the requirements of the rule may present practical difficulties for the industry, it has determined that, following the promulgation of the rule, the industry should be allowed a reasonable period of time for voluntary compliance. For example, questions may arise as to the interpretation and application of the rule in particular circumstances. The Commission's offices will be open for any industry member who has such a question to seek definitive advice, in advance, from the Commission. The Commission also recognizes that even though the rule imposes the minimum requirements necessary to bring the industry's conduct into conformity with section 5 of the Trade Commission Act, it will necessitate changes in the present advertising and labeling of cigarettes that may require some time to implement.

Accordingly, the Commission has determined that, with respect to labeling, the trade regulation rule shall take effect on January 1, 1965. This will allow industry members ample time to bring their labeling into conformity with the rule. However, with respect to advertising, the Commission recognizes that additional problems may exist. The determinations made by the Commission in this proceeding and embodied in this report reflect past and present conditions, not the future. Neither the advertising nor the labeling of any cigarettes has ever carried a warning of the hazards to health of smoking. Nor has there been in this country any extensive educational programs to inform the public, and especially young people, of those dangers. On the contrary, as we have found, cigarette advertising has been of such character and magnitude as to have the effect of obscuring awareness of the risks to health. Thus, if present conditions of cigarette merchandising continue unchanged, the public interest clearly requires the inclusion in all cigarette advertising of disclosure of the hazards to health of smoking. As has been shown (part III supra), advertising has played a most important part in the marketing of cigarettes. In comparison to advertising, labeling has not been a major factor in merchandising the product. It is the Commission's determination, therefore, that, in the light of circumstances as they exist today, the members of the cigarette industry are under the legal duty to disclose the health hazards of cigarette smoking in advertising as well as labeling.

The Commission recognizes, however, that circumstances may change, and that such change may affect the public interest with respect to the need for such disclosure in cigarette advertising. The Commission expects that members of the industry will proceed promptly and in good faith to comply with the rule, insofar as it requires inclusion of a cautionary statement in all cigarette labeling. The Commission also expects that the members of the industry will proceed promptly and in good faith to eliminate voluntarily all deceptive or unfair elements from cigarette advertising. The Commission also anticipates that effective and sustained campaigns of public education as to the health hazards of cigarette smoking may soon be undertaken on a large scale by public health agencies, medical and health organizations, and indeed by the cigarette industry itself.

Accordingly, the Commission has determined that, with respect to advertising, the rule shall become effective on July 1, 1965. In view of the possibility of changed circumstances prior to such effective date, the Commission is making express provision in the rule for dealing with such changed circumstances should they occur. The Commission will entertain an application filed prior to May 1, 1965, by any interested party to postpone the effective date or otherwise suspend, modify, or abrogate the provisions of the rule as to advertising, upon a showing of such change in circumstances as to justify such requested action in the public interest. The Commission would welcome voluntary compliance by the industry or other changed circumstances which would obviate the need for formal enforcement proceedings or sanctions.

The Commission's objective in this proceeding has been to inform and guide, not to pass judgment upon past or present actions of the cigarette industry. Trade regulation rules are preventive, not punitive, in nature, They are intended to avert rather than promote litigation. The Commission desires neither to inflict economic injury on the cigarette industry nor to involve the members of the industry in cease-and-desist order proceedings. The Commission has therefore endeavored to prescribe a program of compliance that will involve a minimum of uncertainty, dislocation, and formal enforcement, and at the same time fully protect the public interest.

INVESTIGATION OF PARTISAN POLITICAL FUNDRAISING IN THE CIVIL SERVICE

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 332) requesting the Attorney General to investigate partisan political fundraising in the civil service.

Mr. WILLIAMS of Delaware. Mr. President, I have modified the resolution. I ask the clerk to read the resolution as it has been modified.

The legislative clerk read the resolution (S. Res. 332), as modified, as follows:

> *Resolved,* That the Attorney General is requested to investigate the alleged solicitation of career employees by either political party to purchase tickets to political fundraising dinners for the purpose of ascertaining whether such solicitation by either political party has involved a violation of existing laws, and (1) if it appears that any such violation has occurred, to take appropriate steps to punish those responsible therefor, or (2) if it appears that the alleged solicitation was not in violation of existing laws, to formulate and recommend to the Congress, within sixty days, the enactment of such additional laws, or amendments to existing laws, as may be necessary to prohibit further solicitations of this nature.

Mr. WILLIAMS of Delaware. Mr. President, it was called to our attention recently that solicitations were being made by the Democratic National Committee from career employees, requesting $100 contributions to fund raising dinners. Later we were advised that this procedure may involve both parties.

It was my understanding, and the understanding of many other persons, that such solicitations would be in violation of existing law, whether they were made by one political party or the other. That was the basis for the resolution. And if it is not in violation of the law, I think it should be.

The resolution calls on the Attorney General to investigate these charges and to recommend to Congress whatever amendments may be necessary to the existing law. If laws have been violated then he is requested to take appropriate steps to prosecute those responsible.

In the interest of protecting the Civil Service System and those working under it, I hope the resolution will be adopted.

As these solicitations come from national committees, and those high in the political parties, employees feel that they have no choice other than to contribute, because they may fear adverse results in promotion or that the job itself may be jeopardized. Oftimes these employees cannot afford these contributions. They need their money for their families.

The resolution has been changed to make it applicable to any violation which may be discovered in either of the two political parties.

I urge the adoption of the resolution.

Let us protect these civil service workers from these highly improper, if not actually, illegal solicitations.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as modified.

The resolution, as modified, was agreed to.

The preamble was amended, so as to read:

> Whereas is has been reported in the public press that career employees of the Federal Government have been solicited to purchase tickets to a political fundraising dinner; and
>
> Whereas the Congress, from time to time, has enacted laws designed to prohibit partisan political activities, by career employees of the Government, and to protect such employees from partisan political pressures: Now, therefore, be it

HENRY A. BURKHAMMER SCHOLARSHIPS AWARDS PROGRAM

Mr. HUMPHREY. Mr. President, again this year it gives me great pleasure to bring to the attention of my colleagues the two winning essays from an annual competition sponsored by Local 1663 of the United Steelworkers of America. Local 1663, situated in Hibbing, Minn., conducts a contest each year soliciting entries on the subject "The Contribution of Labor Unions to the Betterment of Our American Way of Life."

This year's winners, Miss Sharon Sampson, a graduate of Hibbing High School, and Mr. James Toscano, Jr., a graduate of Chisholm High School, have each been awarded a $300 scholarship to continue their studies at Hibbing Junior College.

I am frankly impressed with the appreciation which these young people have developed for the contributions which the labor movement has made to our society. I am also impressed with the manner in which they express themselves. In nurturing this competition, with emphasis on both excellence of style and solidity of content, local 1663 is performing yet another valuable public service for the community. I might mention in passing that this year's scholarships bring to a total of $4,200 the educational awards donated by the local in the name of Henry A. Burkhammer.

Mr. President, at this point I wish to commend both the local for its fine program and the winners for their excellent papers. I ask unanimous consent that these two essays be included in the Record at this point.

There being no objection, the essays were ordered to be printed in the Record, as follows:

The Contribution of Labor Unions to the Betterment of Our American Way of Life

(By Sharon Sampson, Hibbing High School, Kelly Lake, Minn.)

There is a great deal of talk these days about the "power" of labor, their increase and development of financial resources, and their political potential. The public is led to believe that the trade unions have become too powerful.

Too powerful for whom or what?

Are they talking in terms of exploiting the many for the betterment and enrichment of a few? The truth is just the other way around.

Those who have enjoyed monopolistic power over the Nation's industrial life naturally fear and resent having to deal with labor on a basis of equality. And, by the same token, the politicians who serve business interests look with alarm at the political education programs conducted by the trade union movement. They are not happy about the political enlightenment of the voters. They know their control is jeopardized when the citizens of our country go to the polls in recordbreaking numbers on election day.

Obviously, concentration of power in the hands of a few can be dangerous to the general welfare. But when unions become more powerful, it means that the people of this country become more powerful. It is merely a practical application of the basic principle of democracy.

The record shows that from its very inception the trade union movement has consistently used whatever power it had to raise the American standard of living, to promote the interests of the American people, and to enhance the power and prestige of the Nation.

Yes, the record is clear. It proves that the trade union movement has always been in the forefront of all action—whether in the shop, in the community, or at national and international levels—to obtain a better break for the overage citizen. It has been an agency not only for democracy, but for democratization.

Now, as in the past, labor must continue to fight for its very existence as a free association of free men and women. We still have to fight for the right to conduct our own business in our own way, for the right to make our maximum contribution as free citizens to our free society.

In America, we have a system of government which, while not perfect, has proved itself to be of greater benefit to its citizens than anything else yet devised by the mind of man. At a time when that system faces its greatest challenge, when its very existence is threatened by totalitarian aggression, you would think that the mutual interests of free labor and free management would draw them together. Yet we find American business mounting a furious attack upon the trade union movement which has proved a bulwark of defense to the free enterprise system.

Our road is clear. Our record is something to be proud of. We know what our objective is. Ours is the very simple objective of securing for the worker a bigger and even better share of the wealth of the Nation which they helped to create.

The Contribution of Labor Unions to the Betterment of Our American Way of Life

(By James Toscano, Chisholm Senior High School, Chisholm, Minn.)

The contributions of labor unions to the betterment of our American way of life are so varied and so numerous that even union members sometimes accept them without being consciously aware of the impact their organizations make on America's progress. Union leaders and committees become so absorbed in the urgency of their problems that they don't pause to reflect on the enormity of their efforts, when multiplied by those of all the labor unions of the Nation.

The unions study America's problems, and openly support and endorse those candidates and policies which bear up successfully under their expert analysis. They remind voters of their duties as citizens, and they are among the first to do their duties. They make financial contributions toward the many fund drives sponsored nationally and locally. Although the list of solicitors grows ever longer, they continue to contribute generously. They recognize the importance of helping researchers check every type of health hazard, and the gigantic strides made possible when each group does its share.

Scholarships are awarded annually to assist America's youth in attaining a high level of education, not for the betterment of the union, but for the American way of life.

Opportunities for full employment are developed, along with orderly and peaceful relations between employer and employee. The highest level of employee performance is expected, and sustained, as long as it is consistent with safety, and good health. Every attempt is made to keep a firm rein on inflation, while providing salaries sufficient to buy the products being produced. What organization spends more time and money, travels more miles by plane, auto, and railway—to bring together the people who can effectively resolve their differences, and then unitedly work towards a goal—maintaining a healthy economy for America. Our way of life is a free country's heritage, but it is not achieved without effort, sacrifice, and criticism.

The multitudes now enjoying job security, seniority rights, medical care, shorter working hours, increased wages, longer vacations with pay, and other benefits too numerous to mention, have come to accept these improvements as casually as a family accepts a wage earner's support. Because they know that highly qualified arbitrators are anticipating their needs, they have no desire to contemplate the chaos that would result if the union suddenly crumbled. It is lamentable that well-fed, well-clothed, and well-entertained people tend to become too apathetic and contented to be active and enthusiastic in their own behalf.

The rapid changes taking place in industry are creating a new crop of seemingly unsurmountable complications. The union leaders of today are determined to seek solutions, with the same relentless determination of those pioneer leaders, whose far-sighted comprehension of the probable future, pointed out to them which direction to pursue, for the most success with the least difficulty.

If every leader had the enthusiastic followers he deserves, the contributions of labor unions to the American way of life could be accelerated, increased, and successfully maintained.

ADDRESS BY LOUIS HARRIS ON POLITICAL POLLING IN THE PRIMARIES

Mr. HUMPHREY. Mr. President, there has been much discussion on the accuracy of the predictions rendered by our leading political pollsters in recent presidential primaries.

Since this is a matter of great interest to every Member of the Senate, I bring to the attention of my colleagues the interesting and challenging remarks of Louis Harris delivered to the Sales Executive Club of New York City on June 17, 1964.

Mr. Harris, one of the country's leading political pollsters, discusses his work in connection with the New Hampshire, Indiana, Maryland, Oregon, and California primaries. I commend these remarks and the related statistical data to all persons interested in the fascinating activity of political polling.

Mr. President, I ask unanimous consent that the remarks of Louis Harris and the related statistical tables be printed at this point in the Record.

There being no objection, the statement and tables were ordered to be printed in the Record, as follows:

Remarks of Louis Harris Before Sales Executive Club, New York, N.Y., June 17, 1964

Let me make clear at the outset that I am not before you today to discuss the problem of electronic journalism. CBS will have more to say about the 7:22 p.m. call declaring Goldwater the winner in California. I will only note this: I never felt surer about a call and the facts have borne this out. Might I add: It is an unusual experience to be taken to task for being so right. Goldwater, after all, did win in California. And he won within the range we reported he won by.

But I come before you to talk about voter attitudes, popularly known as polls. As you well know, the criticism of polls this spring is that they were wrong. My polls were supposed to be too wrong, but my computer extrapolations were supposed to be too right. As Barry Goldwater would say, "Clearly I have a no win position." That means catching it both ways.

Why? Because of the misconceptions and myths that have persisted about public opinion surveys.

1. It seems a poll is right if you say one man is ahead and he happens to turn out the winner. Incredible as it may seem, I've even had it suggested to me that I should have quit polling May 10 when we showed Goldwater with a 55 to 45 percent lead. For according to Farley's law, no voters ever change their minds in the course of an election.

2. Another myth is that a poll somehow is a single wet finger held in the wind at a simple point in time. It is ridiculous to poll the same electorate twice in the same election because the second poll might show a change in results. And that would mean the poll must be unstable, because voters never change.

3. Then still another misconception is that sampling, especially in primaries, is impossible of accuracy. How in the world

can 42 precincts in New Hampshire or Indiana or Oregon or Maryland or California possibly represent whole Republican or Democratic electorates in those States?

4. Another frequent myth is that people won't really tell a polltaker their opinions. People hate to express how they really feel, for it is an invasion of privacy. What is more, just in case you feel like telling a polltaker all, for heaven's sake, lie to him so we can be done with this nonsense once and for all.

5. Finally, the standards of the critics of polls. The poll to judge a polltaker on is the last one that can be located in print. If you can't find the Tuesday afternoon poll, the one of Tuesday morning is just as good, or maybe Monday morning's, or, if you live on a rural route out in the country and the mails are late, why then just use last week's poll.

All of these doubts are combined with a deep-seated shibboleth that machines are going to replace human beings (as Newsweek pointed out, the ghosts of the Luddites are still very much with us).

Let's see if we can sift fact from fancy, sense from nonsense right here and now.

1. As to the accuracy of our polling in California. I'd like you to open the first envelope marked "No. 1." The first sheet contains the results of six consecutive surveys of a cross section of California Republicans:

Trend of California primary (with undecided vote out)

[Percent]

Date polled:	
May 10:	
Rockefeller	45.0
Goldwater	55.0
May 18:	
Rockefeller	57.0
Goldwater	43.0
May 23:	
Rockefeller	55.0
Goldwater	45.0
May 28:	
Rockefeller	55.0
Goldwater	45.0
May 31:	
Rockefeller	51.0
Goldwater	49.0
June 1:	
Rockefeller	50.0
Goldwater	50.0
Actual result:	
Rockefeller	48.5
Goldwater	51.5

In case you missed seeing our last polls showing GOLDWATER coming on and Rockefeller fading, the second page shows the headline in the San Francisco Call Bulletin the day of the primary, while below that you'll see the New York Times report of our final poll:

"[From the San Francisco Call Bulletin, June 2, 1964]

"HARRIS SURVEY: LATE GAIN FOR GOLDWATER"

"[From the New York Times, June 3, 1964]

"At least one polling organization, Louis Harris and Associates, had continued its work since its last announced findings, which had given Mr. Rockefeller a 2-point lead."

"From a sampling completed last midnight, Mr. Harris disclosed today that the candidates each had 44 percent of the vote, with 12 percent of the voters undecided."

For all to see, our poll caught the Goldwater surge and had him tapped as he passed the finish line ahead.

What caused some confusion was a false report in a leading New York newspaper that we had tripped in California in our polling, and the weird events of late Tuesday night and early Wednesday morning in the vote counting.

The third sheet in the envelope contains the headlines of a morning San Francisco newspaper. It is a relic worth saving along with the morning after edition of the Chicago Tribune of 1948 which declared Dewey the winner:

"[From the San Francisco Examiner, June 3, 1964]

"TV'S PRATFALL—FAST COUNT—ROCKY SWEEPS INTO THE LEAD"

The problem arose when the wire services started to count the votes 4 hours after CBS had declared GOLDWATER the winner. AP and UPI used snap tallies from Los Angeles County. These are a tradition there, under which the first 25 votes from each precinct are counted quickly and reported quickly. The final vote is reported much later. So the wire services went through the night with three-quarters of the vote from Los Angeles missing. This happened to be fully 27 percent of the vote and also happened to be the place where BARRY GOLDWATER won the election.

Finally, the wire services caught up with the rest of the human race and almost precisely 12 hours after CBS declared GOLDWATER the winner, AP and UPI recognized the same fact. The networks had reporters in each of the roughly 12,000 precincts in Los Angeles who reported the full vote 10 to 12 hours earlier.

But to a number of newspapers who yearned for the good old days, California was a cliffhanger, where the lead veered back and forth, where GOLDWATER won in a late surge from Los Angeles. This was just plain nonsense.

Modern and efficient vote reporting methods stated GOLDWATER's election early and accurately, much as our polls had correctly pointed out what was happening during the last few days as well.

What a travesty of journalism it would have been had there been no network reporting and all of America had awakened Wednesday morning to read headlines that Rockefeller had all but won, only to return from work that night fooled by the final result of a GOLDWATER victory.

I think part of the reason for the shock waves following California was the difficulty of a majority of Republicans—and, indeed, a majority of the people, including editors and reporters and columnists—to come to recognize that BARRY GOLDWATER was now an odds-on favorite to win the Republican nomination. A loud chorus can still be heard chanting the refrain, "Say it ain't so, Joe."

2. This leads to what really was the central phenomenon of these 1964 presidential primaries. We were in five of them altogether, more than any survey organization had attempted before in primaries: New Hampshire, Indiana, Oregon, Maryland, and California. In the three GOP primaries, these were the outstanding facts:

The two declared candidates seemed in New Hampshire to lose rather than gain votes the more they campaigned. Between them, Rockefeller and GOLDWATER could not muster the support of a majority of Republicans. GOLDWATER worried voters with his statements on sending the Marines into Cuba, social security, TVA, use of nuclear weapons, and the United Nations. Rockefeller had sagged with his divorce and remarriage. It was his own private battle he waged essentially with himself the long spring season. Four in ten voters consistently were concerned about Rockefeller's marital troubles and almost an identical number were concerned about extreme rightwing support for GOLDWATER.

In New Hampshire, the voters found at least a temporary way out in Henry Cabot Lodge. They mastered the art of the write-in there and he emerged the victor. Incidentally, that was one election where we had the dynamics spotted correctly, called it right, and received many accolades for it. It was also one in which Lodge came on rapidly at the end. No Farley's law there, however.

Interspersed between the GOP primaries were two Democratic primaries of significance, in Indiana and in Maryland. In Indiana, Gov. George Wallace, of Alabama, amassed nearly 30 percent of the vote. He did it by combining these elements in this order: (1) The luck of running against an unpopular Governor who was a standin for President Johnson; (2) a rising white backlash among steelworker union members in Gary and Lake County, especially among those with an Eastern European ethnic background; and (3) in Indiana, Republicans could vote in the Democratic primary. There a Republican crossover of 1 in 7 voters took place and the higher the crossover, the higher the vote for Governor Wallace.

In Maryland, a border State, which recently had desegregated public accommodations, the Wallace vote soared to 43 percent against the Johnson standin, Senator DANIEL BREWSTER. Wallace drew his strength from the traditionally southern Eastern Shore, from suburban Baltimore City, and from urban steelworkers of Eastern European ethnic background. Here it was an out-and-out protest against moving too fast on civil rights.

For the record, our polling in both Indiana and Maryland called the winners and certainly understood the dynamics of these volatile elections. But we goofed in Indiana. We caught the Republican crossover in our first polls, missed it at the last. In Maryland, we caught it dead right, recording a full 8-point gain for Wallace in the last week. No Farley's law there, either—vote switching down to the wire at a massive rate.

The Oregon primary was the real boot of our season. Lodge began far ahead of the field after New Hampshire. But, as our polls reported, disenchantment over Vietnam was rising and Lodge was pinned with the responsibility there, the number who thought he should come home to campaign in person rose sharply from 18 to 36 percent, and the number who believed he'd been a lazy campaigner in 1960 tripled. Rockefeller gained all through the last week there, partly because he seemed to care and no other candidate was on the scene, and partly because another event took place in the final days. For the first time, Newsweek and other magazines exposed the fact that if GOLDWATER won the California primary, he would have an almost solid lock on the nomination.

This fear of GOLDWATER gave Rockefeller the shot in the arm he needed in Oregon. A revolt mounted in the final days among professional and executive voters in Portland and the suburbs who reasoned this way: If GOLDWATER is to be stopped, only Rockefeller would be around to do it, for only Rockefeller was entered in the California primary. Proof of the last minute shift in Oregon can be seen in the absentee vote cast in Portland from 4 days to 3 weeks before the voting. Those results: Lodge, 36 percent; Rockefeller, 19 percent. Clearly, Rockefeller gained 14 points in the final week, while Lodge lost 9 points. Again, no Farley's law here, either. Our poll had the right direction and the wrong magnitude. It was the one real mistake we made in the long spring primary season. We knew the reason an hour after the results came in that election night: we stopped comprehensive polling the last 2 days.

The next election was the climactic contest in California. We were determined not to miss this one. As you have already seen, Rockefeller soared into an early lead, slipped a little in the ensuing 10 days, and then collapsed the last weekend. Had we stopped polling where we had in Oregon, we would have had the same result as the Field California poll, which had Rockefeller in front 55 to 45 percent.

But we thought we had learned our lesson in Oregon. We went out with consecutive surveys on Sunday and again on Monday. We finished our last survey Monday at midnight. We caught the Goldwater gains and the Rockefeller losses. We had that election taped to the end. As reported on CBS election day, the momentum had to favor Goldwater nipping Rockefeller.

What happened was this: After Oregon, the movement to stop Goldwater had caught fire in California. The vote was almost wholly for or against the Arizona Senator. Rockefeller was the recipient of a majority who did not want Goldwater. Goldwater went on the defensive, played right into Rockefeller's hands. The Senator's speeches protested too much: he would begin by saying, "But I'm not in favor of starting a war," or "I'm not really for scuttling social security."

Then, beginning seven days before the primary, the election changed. Rockefeller's forces began to interpret his lead as a mandate positively in favor of the ultimate nomination of the New York Governor. On the eve of the voting, newspaper stories appeared showing that if Goldwater lost California, he would be down to 400 of the 655 needed delegates and that Rockefeller would soar up to 400 votes. Suddenly, Rockefeller became a serious candidate in his own right. Suddenly, the race became a two man popularity contest, instead of acceptance or rejection of Goldwater on the issues. Our polls had consistently shown Goldwater ahead on a straight personality basis 58-42 percent, but Rockefeller ahead on the issues by 56-44 percent.

Goldwater went off the defensive. He emphasized his tranquil family life precisely at the time that Governor Rockefeller's divorce and remarriage was propelled forward by the birth of a new baby. Goldwater fought furiously as an underdog. Rockefeller seemed to relax as a front runner. The number worried about Goldwater's right-wing extremism went down from 48 to 33 percent in 2 days.

The heat went off Goldwater, Rockefeller went front and center, and now voters had four choices instead of the previous two: pro- or anti-Goldwater, as before; but also pro- or anti-Rockefeller, the new and dynamic dimension. Rockefeller faded badly as the negatives against him came under voter scrutiny again. Goldwater backed in the winner at the end in the last day of the campaign. There was no Farley's law here in California, either.

Now I've referred throughout to "Farley's law"; that is a standard interpretation of elections widely attributed to the former Postmaster General James A. Farley and widely held by political writers and pundits. It assumes that no vote switching takes place in elections. Therefore, it was really impossible for Goldwater to go from 55 to 43 to 45 to 49 to 51 percent in California.

Other people claim to the contrary, that primaries are so subject to volatile change and the vagaries of voter whims—what with no party polarization as an anchor point—that primaries are incapable of measurement and analysis.

Both views, Farley's law and the equally rigid anti-Farley's law, are wrong. Some primaries and some elections never change over 9 months or even 12 months' time. The Roosevelt elections of 1936, 1940, and 1944 were like this. The Kennedy-Morse primary in Oregon was this way in 1960. The primary for Governor of Georgia in 1962 and the primary for U.S. Senator in South Carolina that same year never showed a change from beginning to end.

But the West Virginia primary between Kennedy and Humphrey in 1960, the New York City mayoralty primary of 1961, the North Carolina gubernatorial primary of 1960, the last Louisiana gubernatorial primaries in 1959 and in 1963, as well as the New Hampshire, Oregon, Maryland, and California primaries of 1964 all showed rapid change and volatility at the end of the campaign.

The point is that each election is different and must be analyzed on a continuous basis with repeated interviewing right to the end. Primaries are somewhat more volatile and are much more treacherous for the poll taker. But they are capable of being accurately measured, as we proved in California.

Now let me return to what we learned in the primaries this spring. Easily the most important solid research breakthrough came from the marriage of computer reporting needs and polling requirements.

Fundamentally, polling consists of three crucial ingredients: (1) Locating the right people in the right place at the right time; (2) probing them in depth to understand the dynamics at work in the election (the real significance of such research); and (3) making sure people are leveling with you on their real choice.

There is dramatic evidence in your final envelope marked "No. 2" that I wish you would open now. These are official IBM reports of our vote profile analysis (VPA) in each of the five primaries we were in. Any of you can receive further documentation upon request.

It shows that when the final returns were in from our model points, the accuracy of the sample models was precise, indeed:

1964 VPA primary performance, official IBM results

NEW HAMPSHIRE REPUBLICAN PRIMARY

	VPA percent (42 of 42)	Actual percent	Actual vote
Lodge	35.3	35.3	33,521
Goldwater	22.7	22.9	21,775
Rockefeller	20.0	20.5	19,496
Nixon	16.5	16.6	15,752
Smith	2.6	3.0	2,812
Stassen	1.7	1.4	1,285
Scranton	.1	.1	72
Other	1.1	.2	157
Total	100.0	100.0	94,870

INDIANA DEMOCRATIC PRIMARY

	VPA percent (42 of 42)	Actual percent	Actual vote
Welsh	65.2	64.6	369,047
Wallace	29.7	29.9	170,727
Daly	2.8	2.7	15,223
Latham	1.2	1.5	8,630
Carpenter-Swain	1.1	1.3	7,396
Total	100.0	100.0	571,023

INDIANA REPUBLICAN PRIMARY

	VPA percent (42 of 42)	Actual percent	Actual vote (4,358 of 4,416)
Goldwater	67.2	67.1	262,181
Stassen	26.9	27.1	105,897
Beckwith	4.1	4.2	16,244
Ettl	1.8	1.6	6,463
Total	100.0	100.0	390,785

OREGON REPUBLICAN PRIMARY

	VPA percent (42 of 42)	Actual percent	Actual vote
Rockefeller	32.9	32.9	93,032
Lodge	28.1	27.7	78,227
Goldwater	17.8	17.6	49,784
Nixon	16.5	16.9	47,621
Smith	2.8	2.9	8,268
Scranton	1.9	2.0	5,716
Total	100.0	100.0	282,648

1964 VPA primary performance, official IBM results—Continued

MARYLAND DEMOCRATIC PRESIDENTIAL PRIMARY

	VPA percent (36 of 36)	Actual percent	Actual vote
Brewster	52.5	53.1	265,713
Wallace	43.1	42.7	214,123
Uninstructed delegation	2.6	2.5	12,427
Easter	1.8	1.7	8,513
Total	100.0	100.0	500,776

MARYLAND DEMOCRATIC SENATORIAL PRIMARY

	VPA percent (36 of 36)	Actual percent	Actual vote
Tydings	57.8	59.2	277,511
Goldstein	34.0	32.6	152,785
Harbaugh	4.3	4.8	22,460
Amaimo	3.9	3.4	15,756
Total	100.0	100.0	468,512

CALIFORNIA REPUBLICAN PRESIDENTIAL PRIMARY

	VPA percent (42 of 42)	Actual percent	Actual vote (not final)
Goldwater	50.8	51.5	1,107,307
Rockefeller	49.2	48.5	1,043,272
Total	100.0	100.0	2,150,579

Now the precincts we used in VPA were also the same precincts we used in our polling. The two were one and the same. In New Hampshire, the sample model result was dead on the actual result, in Indiana two-tenths of 1 percent off for Wallace, one-tenth of 1 percent off for Goldwater, in Oregon dead on, in Maryland four-tenths of 1 percent off Wallace, 1.4 percent off on Tydings, and in California seven-tenths of 1 percent too low for Goldwater. Overall, the average error was forty-four one-hundredths of 1 percent—even purer than Ivory soap.

These model precincts were not large numbers of people. In California, the total universe was 3,600 voters out of 3 million eligible. Yet the sample was right. Why? Because we have now developed means of going beyond probability sampling. The improvement of polls after 1948 was a conversion from quota sampling to probability sampling.

We have now come up with methods that build on and yet go beyond probability sampling. In California, we ran probability samples parallel to VPA model samples, and found the VPA samples over 1.5 percent more accurate. The same was true in New Hampshire and in other States. We are working on new methods to measure the error in this sampling, but we would estimate it will cut the traditional probability sample error in half. We consider this to be a major breakthrough in modern sampling. I might add that people working on NBC's computer model project feel they are also breaking the traditional probability barriers as well.

If we went to the right people in the right places, did we elicit from voters the proper answers? In California, we interviewed 3,000 out of 3,600 voters in our districts or the equivalent of 83 percent of the electorate—the most massive sampling ever undertaken in political research. When you consider that we reinterviewed some of the same voters three times, and when you consider that our final poll was eight-tenths of 1 percent off the final result in these precincts, we feel we can answer the question of people leveling with us—telling us the truth. And that is decidedly in the affirmative.

Now we could have left well enough alone at the end of our first poll in California and we'd have had GOLDWATER the winner as far back as May 10. That would have been highly irresponsible. For it would assume that the election couldn't change. What arrogance our critics have about the voters: They assume that voters are sheep who cannot or will not change their votes. They assume a static, one-shot poll with no depth can adequately measure public opinion in the second half of the 20th century. They assume that a poll of legislators or 20 monkeys at the zoo are the equivalent of letting people talk freely for an hour in a depth interview.

The fact is that most people are very direct, very blunt, and very much on the level. Most people are proud and delighted to express their views when they know the interviewer seriously cares about him. Most Americans are not deceitful, as some poll critics would make them out to be. In fact, the most totally ignorant observation made after California was that the Goldwater voters would not express their views or preference. What utter nonsense. Invariably, the Goldwater voters are the proudest of their convictions, are highly zealous in their views, and actually try to make a convert out of you, the interviewer. The interviewer can barely get out of the living room without being made to sign up in the cause. In California, Goldwater voters had big signs up in their front yards not proclaiming the house for rent or sale, but proudly saying, "GOLDWATER for President."

I would be less than frank if I did not enter one final note. I for one do not believe very much is gained by balancing two numbers on the head of a pin to prove how precise you can be. The usefulness of survey research is to find out what is happening, what dynamics have been unleashed, what is indeed going through the minds of the electorate as it makes its decision. This is what business buys marketing research for, because this dimension is the only one that can accurately and perceptively explain events.

For example, without polling it would not have been known in 1964 that Governor Rockefeller's divorce was a disastrous handicap his candidacy labored under from beginning to end. Only polls recorded widespread objection to Senator GOLDWATER'S views on military and foreign policy. Again, however, only polls could document that GOLDWATER could be nominated not because of his views and stands, but in spite of them. Why? Because GOLDWATER is appealing as a personality, not as a latter-day embodiment of conservatism. In fact, in his stands, GOLDWATER is looked on as radical rather than a Bob Taft type conservative. Finally, only polls could tell that at the time they voted, 40 percent of Republicans in California liked Lyndon Johnson better than BARRY GOLDWATER or Nelson Rockefeller. And this made the choices both volatile and vicarious.

I cite these poll results for they have far more significance in the end than the decimal point nonsense that our critics engage in.

Basically, we are social scientists and reporters, not soothsayers or mediums. And just as a reporter would be fired for fudging his facts or a scientist for tinkering with his data, we shall report the facts as we find them, honestly, objectively, and in depth with perception, we hope. We have learned much this spring about sampling and repeated interviewing in limited model points. We shall learn more. My earnest desire is that our critics follow these developments with care and accuracy. Without them, life would be dull, but they, too, can be dulled into thinking polling is what it was 20, 10, or even 1 year ago. Survey research will continue to grow because along with other mysteries modern man faces—the depths below us in the oceans, the human brain—is the relationship of human beings to each other. And yet, our survival may well in the end depend on it. I can stand the heat in the oven if you can stand our efforts to learn about the behavior of men, and I'd be less than frank if I didn't say the experience should really be good for both of us.

U.S. MINISTER TO BULGARIA DOING A BIG AND DIFFICULT JOB

Mr. HUMPHREY. Mr. President, in the May 5 Minneapolis Tribune there was an article about the U.S. Minister to Bulgaria, Mrs. Eugenie Anderson. It was written by Mrs. Dorothy Walton Binder, who was a recent guest of the American Legation in Sofia. I would like to insert this article in the RECORD as a tribute to Mrs. Anderson for the difficult diplomatic job she is doing superbly as U.S. Minister to Bulgaria. The United States and Bulgaria have suffered strained relations for some time and Mrs. Anderson's position would seem, by many, to be almost untenable. But the warmth and charm of her personality and her keen perception of her responsibilities have made a host of friends for the United States in Bulgaria. My friendship with Mrs. Anderson goes back many years, and in each year of this friendship my respect and admiration for this gallant and wise lady have increased.

I ask unanimous consent to have the article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S A BIG AND DIFFICULT JOB FOR U.S. MINISTER TO BULGARIA

(EDITOR'S NOTE.—Mrs. Binder has just returned from a 7-week trip to Europe, where she was a guest of the American legation in Sofia and spent some time with her son and daughter-in-law, the David Binders, in Belgrade. Binder, a former Minneapolis Tribune staff member, is now correspondent for the New York Times. His assignment covers Yugoslavia, Greece, Rumania and Bulgaria.)

(By Dorothy Walton Binder)

Being a guest of the American legation in Sofia, Bulgaria's capital, is like finding an island of Minnesota hospitality in the turgid sea of communism. Its hostess is Eugenia Anderson, of Red Wing, Minn., American Minister to Bulgaria, and its host, John Anderson, artist and philosopher.

We had driven the 250 rainy miles from Belgrade on the new two-lane "international highway," interrupted ever so often by stretches of original Turkish road now just a series of muddy potholes. The scenery couldn't have been prettier. Yugoslavia and Bulgaria share magnificent mountains and as we sped up and down and around them we marveled at the patchwork crops in every available spot, planted and cultivated with rakes and hoes mostly by peasant women, looking like distant flowers in their bright babushkas.

Between Belgrade and Sofia were four filling stations and two motels, new feathers in tourism's cap. There was, however, almost no traffic along the way and we hustled into downtown Sofia, practically the only car on the boulevard though shabby people in droves walked up and down the main streets.

Sofia is a beautifully planned city with wide, tree-lined streets and many parks but its buildings are coldly majestic and grim, either a dark grey or dirty mustard color and its new blocks of apartments are like those in Moscow, stern and ugly.

So when we arrived at the American legation residence near the center of town and were greeted warmly and affectionately by the Andersons we felt the gloom suddenly dispelled. We were introduced to two of the domestic staff who were obviously devoted to the Andersons.

The legation is a big square stone house on a quiet street, and near other foreign legation residences. You climb the stairs from the ground floor and all at once you are transported back to America and to a comfortable American home. It was a raw May day. A fire was burning in the fireplace and, tired from the long drive, we were grateful for the comfortable sofa and deep lounge chairs, a rarity in Eastern Europe. Tea was brought and we chatted about Minnesota and about Bulgaria and the many problems confronting this small country behind the Iron Curtain and our relations with it.

Eugenie Anderson's task is no small one. Ever since the spy trial last December and the stoning of the American Embassy windows by angry Bulgarians, our relations with Bulgaria have been in the deep freeze. There is no USIS center in Sofia with its libraries, publications, films, and lectures as in Belgrade. The only information the Bulgarian Government allows us to share with its people is a changing exhibit of news and feature pictures posted outside the legation. There is always a small crowd gathered there studying the pictures. Mrs. Anderson feels deeply that it is her mission to ease these tensions and find a way of communication. This is not easy.

Encouraged by the enthusiastic welcome given five American cardiologists (one from the Mayo clinic) by Bulgarian doctors a week earlier, Mrs. Anderson gave a dinner party for five Bulgarian couples while we were there. All but one were government officials connected with foreign trade or the press or tourism. They were invited for 8:30, the usual time for Bulgarian dinner parties. And they were late.

"Maybe they won't come," Mrs. Anderson mused. She had tried this once before and only a fraction of the Bulgarian guests turned up. But finally they arrived.

The table conversation sounded like the United Nations. Americans who could not speak Bulgarian tried out their French or German or even Russian. One Bulgarian press officer who had just returned from 3 years in the United States spoke fluent English. The table was exquisite with daffodils and double narcissi as a centerpiece. The dinner was delicious, American cooking with a French touch. The guests obviously enjoyed themselves. At dessert time, Mrs. Anderson gave a toast to her Bulgarian guests stressing the importance of friendly relations between our two countries and hoping that many more opportunities would come when Bulgarians and Americans would break bread together. There was no clapping and no responding toast.

It was a discouraged hostess who remarked after the Bulgarians had left, "That's what I mean. There's no communication. They used to respond to toasts. Now each one is afraid the other will tell the higher-ups that so-and-so was pretty friendly. But we must be patient and keep on trying." Sometimes we talked in whispers, for who knows whether microphones are concealed in the walls?

Another evening we went to a Hungarian restaurant. It was crowded, for the food was good and the orchestra gay. Everyone seeks to dispel the encircling gloom. A couple of men nearby kept eyeing our table. Finally they came over and spoke to Mrs. Anderson. They were Danes and they recognized the former minister to Denmark. "We will never forget you," they told her.

We doubt if the Bulgarians will ever forget Eugenie Anderson, either. When she steps out of the official long black limousine with its U.S. flags flying to enter the legation office building the crowd around the photo display parts respectfully to let her go by.

Smartly but simply dressed, with immaculate white gloves, she greets them with her radiant and friendly smile and often they smile back. For them she is a creature from that other world they hear about clandestinely. After all a smile is communication, too. The Bulgarians will remember Eugenie Anderson's.

CONVEYANCE OF CERTAIN REAL PROPERTY OF UNITED STATES TO CITY OF GRAND PRAIRIE, TEX.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 998, House bill 8462, which was discussed in some detail the other day. I ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract or parcel of land lying and situated in Grand Prairie, Dallas County, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered 517.

Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwest Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, said point being the northwest corner of lot 17, block 9, of the Indian Hills Park addition to the city of Grand Prairie:

thence south 0 degree 33 minutes 30 seconds west along the east right-of-way line of Carrier Parkway a distance of 2,683.0 feet to the southeast corner of Grand Prairie Airport;

thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

thence north 1 degree 19 minutes 30 seconds west and parallel to said centerline a distance of 2,670.35 feet to a five-eighth-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

thence north 0 degree 52 minutes west, 1,050 feet to a one-half-inch rod, said point being the eastermost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence north 8 degrees 20 minutes 30 seconds west a distance of 691.70 feet to a point on the south right-of-way line of Jefferson Avenue;

thence north 81 degrees 39 minutes 30 seconds east along the south right-of-way line of Jefferson Avenue a distance of 249.06 feet to the northwest corner of land known as General Services Administration land acquisition;

thence south 8 degrees 20 minutes 30 seconds east a distance of 330 feet to a point for General Services Administration land's southwest corner;

thence south 44 degrees 41 minutes 30 seconds east following General Services Administration land's southerly boundary line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less,

together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed without warranty dated January 12, 1961, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty from the United States of America to the said Jerome K. Dealey providing that the construction of buildings or improvements on the land therein and thereby conveyed shall be restricted in height so that there will be no obstructions above the plane of an approach zone with a glide angle of 20:1 where the zero elevation beginning point for the glide angle is fixed by starting at a 1¼-inch iron pipe, being the northwest corner of the Indian Hills Park addition (abstract 517) to the city of Grand Prairie, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the northwest corner of lot 17, block 9 of said Indian Hills Park addition; thence, north 40 degrees 3 minutes west 905 feet, more or less, to the intersection of such line with the center line of an existing asphalt runway; said approach zone plan to be 250 feet wide, extending 125 feet on either side of point of beginning and 410 feet wide at 20:1 slant distance of 1,600 feet along the runway center line extending from the point of beginning.

(b) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States, acting by and through the Secretary of the Army, all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 67.83 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, the exact legal description of which property is contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

Being a tract of land situated in the county of Dallas, State of Texas, and being part of the McKinney and Williams survey (A–1045) and part of the Elizabeth Gray survey (A–517), and being more particularly described as follows:

Beginning at a 1¼-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly locally called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabeth Gray survey;

thence along the boundary line of a 195.82-acre tract of land conveyed by the United States of America to the city of Grand Prairie by deed without warranty dated May 22, 1962, and recorded in volume 5810 at page 206 of the Deed Records of Dallas County, Texas, as follows: along the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 1,154.45 feet to a five-eighths-inch pipe, said point being the southernmost corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

thence along the boundary line of said 42.39-acre tract as follows: north 29 degrees 32 minutes 30 seconds east, 981.15 feet to a one-half-inch rod, said point being perpendicular to and 400 feet west of the centerline of a north-south runway;

thence north 01 degrees 19 minutes 30 seconds west, along a line parallel to and 400 feet west of said centerline, 1,476.75 feet to a one-half-inch rod on the south boundary line of the most western ramp;

thence north 81 degrees 59 minutes 30 seconds east, 614.10 feet to a one-half-inch rod, said point being the easternmost southeast corner of said 42.39-acre tract, and a reentrant corner of aforesaid 195.82-acre tract;

thence departing from the boundary line of said 195.82-acre tract and said 42.39-acre tract, severing said 195.82-acre tract, south 00 degrees 52 minutes east, 1,050 feet to a five-eighths-inch pipe, said point being 200 feet easterly of and perpendicular to the centerline of said runway;

thence 200 feet easterly of and parallel to said centerline and its southerly extension, south 01 degrees 19 minutes 30 seconds east, 2,670.35 feet to a railroad spike set in a south boundary line of said 195.82-acre tract, same being the south boundary line of the Elizabeth Gray survey;

thence along the boundary line of said 195.82-acre tract as follows: along the south boundary line of said Elizabeth Gray survey, north 89 degrees 34 minutes 30 seconds west, 47.5 feet to a point in the east boundary line of the William C. May survey (A–890);

thence along the common line between said May and Gray surveys as follows: north 00 degrees 02 minutes west, 138.4 feet to a three-fourths-inch rod for the northeast corner of said May survey and a reentrant corner of said Gray survey;

thence north 89 degrees 26 minutes west, 1,091 feet to the point of beginning, containing 67.83 acres, more or less.

(c) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States such avigation, clearing, and restrictive easements over the 127.99 acres described in section 1(a) of this Act, as the Secretary of the Army, after consultation with the Administrator of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airstrip (runway) located within the 67.83 acres of land described in section 1(b) of this Act.

SEC. 2. (a) The sale referred to in subsection (a) of the first section of this Act shall be authorized in writing by the Administrator of the Federal Aviation Agency, only after—

1. A site for a new airport has been selected and the Administrator, Federal Aviation Agency, has determined that such site is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

2. A plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency;

3. The city of Grand Prairie has, through advertising and sealed bids, provided assurances that construction of airport facilities can be accomplished in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

4. The city of Grand Prairie has, after advertising, received sealed bids on the 127.99 acres to be sold and determines that the bid to be accepted is in an amount equal to or greater than the combined costs of acquiring land for a new airport site and constructing the airport facilities thereon in accordance with plans submitted to and approved by the Administrator, Federal Aviation Agency.

(b) Airport facilities constructed with the proceeds of the sale authorized in section 1(a) shall be only those kinds of facilities which are eligible for construction with Federal funds under Federal Aviation Act. Any proceeds of the sale of the 127.99 acres in excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section 6(b) of the Federal Airport Act.

(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (a) of the first section of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by such city for public airport purposes; and also subject to the condition that the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

(d) Subject to the approval of the Administrator of the Federal Aviation Agency with respect to the coordination of the sale authorized by him under the foregoing provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, that tract of land containing 67.83 acres, more or less, situated in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act; together with all such avigation, clearing and restrictive easements described in section 1(c) of this Act.

(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: *Provided further*, That the city shall continue to provide, without cost to the Department of the Army, for the repair, maintenance, and operation of the existing Grand Prairie Airport and related facilities until such time as the same is reconveyed to the United States, and/or the civilian use of this airfield is transferred to the proposed new city airport.

SEC. 3. The provisions relating to the reversion to the United States of legal title to certain real property in the event it is not used for airport purposes contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, are hereby declared to be null and void from and after the date of the disposal of said property in compliance with the provisions of this Act, to the extent such provisions apply to the 127.99 acres, more or less, described in subsection (a) of the first section of this Act.

SEC. 4. The Administrator of the Federal Aviation Agency shall issue and obtain such written instruments as may be necessary to carry out the foregoing provisions of this Act. However, prior approval of the Secretary of the Army shall be obtained as to those instruments of direct concern to the Department of the Army, and the Secretary of the Army is hereby authorized and directed to accept, on behalf of the United States, all instruments of conveyance of such real property and real property interests as are conveyed to the United States pursuant to the foregoing provisions of this Act, and to accept custody and control of such property.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. YARBOROUGH. Mr. President, I am pleased that the Senate is passing H.R. 8462 authorizing transfer of the Grand Prairie, Tex., airport. The bill is a companion to my bill, S. 2262, and is strongly supported by all local interests in the Grand Prairie area.

Grand Prairie has a 195-acre general aviation airport which it shares with the Texas National Guard. The airport was acquired at no cost in 1962 from the Army under section 16 of the Federal Airport Act, which authorizes such transfers for airport use where the Federal agency has no further use for the land. A reversionary clause was retained in the deed to Grand Prairie, that if the land ceased to be used for airport purposes it would revert to the United States.

Since the airport is near downtown Grand Prairie, has inadequate facilities, and congested approaches, the city wishes to relocate an airport several miles out of town. They propose to do this by selling off 127 acres of the airport to the highest bidder, and applying the proceeds to acquisition and construction of a new airport. The remaining 66 acres would be returned to the Army National Guard for its use as a small airport, and the existing reversionary clause would be shifted to the new airport.

The Federal Aviation Agency would supervise the sale, the selection of the new site, and design of the airport, certify adequacy of the proceeds, and approve final transfer of the land.

As of now, the Government owns only a reversionary interest in the present 195-acre airport, with a right of use by the National Guard. After the proposed transfer the Government will own in fee the returned 66 acres, a reversionary interest in the new airport, and a right of use of the new airport by the National Guard.

I thank my colleague, the senior Senator from Oklahoma [Mr. MONRONEY], for his help and cooperation as chairman of the Aviation Subcommittee in holding hearings and working with this bill until perfected by amendments.

Mr. MORSE. Mr. President, this bill would authorize the city of Grand Prairie, Tex., to substitute newly acquired airport facilities for those acquired from the Federal Government in 1962 pursuant to section 16 of the Federal Airport Act.

The 1962 act conveyed 195.82 acres to Grand Prairie. H.R. 8462, as amended by the Senate Commerce Committee, would authorize the reconveyance of 67.83 acres to the United States.

The remaining 127.99 acres would be sold by Grand Prairie, free of the statutory restrictions and covenants required by the Federal Airport Act.

The proceeds of the sale would be used by Grand Prairie to acquire a new airport site, subject to the same restrictions, conditions, and limitations, as those which applied to the original 195.82 acres.

Any excess money, not used for new airport construction would be returned to the United States.

Inasmuch as all the conditions, restrictions, and limitations of the 1962 conveyance are imposed on the new airport property, no violation of the Morse formula is involved.

I am gratified to note that the House sponsor of H.R. 8462 has concurred in the amendments which were worked out in committee by my good friend, the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC WELFARE IN NEW YORK

Mr. JAVITS. Mr. President, although New York State has enjoyed one of the most advanced welfare programs in the country, it has made substantial additional progress as a consequence of the 1962 amendments to the Social Security Act and new State legislation. The State is playing a significant role in recruiting and training professional workers, and is also seeking coordinated action in the war on poverty, by stimulating and encouraging local community action to provide better health care, improved living conditions, literacy classes, vocational training, and retraining. These and other related activities were reported recently by Commissioner George K. Wyman. I ask unanimous consent to have printed in the RECORD, Mr. Wyman's speech at the 93d annual meeting of the New York Public Welfare Association, held at Lake Placid, N.Y., on June 18.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEORGE K. WYMAN, STATE COMMISSIONER OF SOCIAL WELFARE, AT THE 93D ANNUAL MEETING OF THE NEW YORK PUBLIC WELFARE ASSOCIATION, WHITEFACE INN, LAKE PLACID, N.Y., THURSDAY, JUNE 18, 1964

I want to talk with you today about our new responsibilities, and how they have changed our public welfare job and extended our obligations to the community.

First, let's consider the people we work for. Those of us who believe we work exclusively for local government, or the State, or the Federal Government had better update our viewpoint. We work for all the people of the United States, because they pay over one-third of the public welfare bill of every locality in the State. We work for all the people of New York State, for approximately one-third of all of our public welfare funds come from them. And we work for the people in each and every one of the 65 local public welfare districts in the State, since local taxes comprise almost one-third of our welfare funds. So every one of us—elected or appointed, local, State or Federal—has a total, undivided obligation to represent, and act in the interest of, all three levels of government.

I underline all this for a simple, not-to-be-forgotten reason: the Federal Government has undertaken a dominant role in public welfare in the United States. And that means in New York State and in every one of the 65 local welfare districts. Congress has authorized this new and greater Federal role. It has recast the Social Security Act to provide extended Federal leadership designed to make public welfare operations everywhere in the Nation more effective than they have ever been before in dealing with problems of public indigency. The Congress has also underwritten this greater Federal approach by making available more Federal funds—new funds as well as increased funds, up to 75 percent reimbursement in many instances—to realize the basic goals of prevention and treatment of indigency through a variety of activities. These actions include, where necessary, expanding staffs, reducing caseloads to manageable size, employing especially skilled caseworkers, training public welfare staffs, setting up demonstration projects, analyzing caseloads and making plans for each case—and just about everything else necessary to do a first-rate public welfare job.

This Federal pushing and this Federal money will go a long way toward removing or minimizing the obstacles that have prevented public welfare from doing the kind of job it has always wanted to. As you know, those obstacles have included lack of staff; lack of special skills in rehabilitation; lack of decent salaries to attract and hold able people; lack of public understanding of the basic causes of public dependency and how to deal with the causes and results; lack of time and effort on the part of overburdened staffs to stimulate other agencies to deal with problems that are primarily their concern and over which public welfare has no control—inadequate education, inadequate work skills, inadequate housing, inadequate medical care, and all the rest of it.

However, the 1962 amendments to the Social Security Act and new State legislation have made it possible to move forward in public welfare.

In New York State, for example:

We have already carried out most all of the recommendations of the Moreland Commission on Welfare.

We have made enormous progress in dealing with the problems of inadequate staffs. Last year the local welfare departments hired almost 100 additional workers, primarily to carry out the new Federal directives.

We are now operating a State training program that is giving special graduate training or inservice training to 600 local social service workers, and your departments are training another 600. In addition, there are now six training directors in local welfare departments, and their salaries are reimbursed 100 percent.

Examining caseloads in depth, making a social study of every ADC family, every child recipient, and others with special problems, has become standard procedure in New York State.

Minimum salary legislation has been passed so that unfair salaries now being paid to public social workers will be mandated out of existence next April. But there is nothing to stop any local welfare district with inadequate salaries from making the decent, economical, and wise move of correcting such a situation right now so that it can get the staff it needs and improve its efficiency without delay.

As you know, with the cooperation of the New York Public Welfare Association, we tried to get legislation to establish qualifications for the position of local welfare commissioner and for the appointment of qualified individuals, rather than the election of individuals to this important public post. We will try again next year, with your help, and hopefully we will succeed.

A great deal more is being done to assist you in administering the public welfare programs in this State. Let me mention a few of these efforts:

Public information services: In line with the recommendations of every group that has studied public welfare operations in New York State, in conformity with the recommendations of the Federal Department of Health, Education, and Welfare to State and local welfare departments, and in response to the needs of many local departments in this State, we have engaged an experienced newspaper executive—Mr. Edward Bradley Boyle—to assist you to establish public information services at the local level.

Mr. Boyle will help us to do the job that needs to be done, to identify the causes of public dependency—lack of health, lack of education, lack of work skills, lack of housing—and, with your cooperation, to stimulate local community action to prevent or correct such mass-scaled poverty where possible through better health care, literacy courses, vocational training and retraining, improved living conditions, and other action. Many of these causes and correctives are outside the control of public welfare—and it is urgent that you make this all-important fact clear, just as it is imperative that you take the leadership, and exercise your official responsibility, in encouraging community action in all these other fields.

Certainly this is the climate in which to do an effective public interpretation job. All over America the mass, regional, and local news media have been interpreting the causes of poverty, and the American people are beginning to understand how undereducation, lack of skills, poor physical and mental health, substandard housing, and other conditions produce the massive indigency that exists everywhere in the United States. It is your responsibility to do a local job of interpretation. After all, your local news media have been publishing and broadcasting information on poverty, and they will expect you to be aware of conditions in your own district.

I sincerely hope that, in the face of all this interpretation by the newspapers, magazines, television and radio stations, none of us will try to explain the welfare caseload by blaming it on welfare policies—State, Federal, or local—or hinting that welfare rolls are loaded with chiselers. Today the American people know better.

I have been in public life a long time, at all levels of government, and I understand the public relations problems of a public welfare official, especially in a community that has not been made aware of the economic and social facts of life, and resists recognition of those facts. There is a temptation to take the line of least resistance, pressure to identify with such community opinion however mistaken it may be, and even the motivation to get a little publicity mileage by denouncing the State or the Federal Government or something else for this, that, or the other.

But I think all of us will agree that today the public is more informed than ever. An informed public will expect its public welfare commissioners to explain their caseloads thoughtfully, objectively, and convincingly, and to report on their efforts to minimize dependency—making factors in the same terms.

Let's go on to other progress we have made and are making.

Medical services: Under the leadership of Dr. Carlyle Nuckols, the Department's Division of Medical Services will soon be working with you more closely than ever in the whole area of medical care services, the cost of which is more than one-third of all our expenditures.

Research and statistics: We can promise you similar interest and action in the fields of development, collection, processing, and evaluation of statistical and research data under the direction of Dr. Harry Posman. And we will get at many longstanding social problems.

Automation processes: Mr. Seth S. Grossman, who heads up our electronic data processing, will be advising you on computer programs, will design such systems for you where they are needed, and will otherwise help you to automate your operations, if indicated. Mr. Grossman comes to us from the International Harvester Co., where he was manager of that organization's computer services.

Literacy, vocational training, and other programs: With the help of our friends in education and manpower training, we are getting underway programs to teach illiterate welfare recipients to read, write, and use other basic skills to qualify them for employment or vocational training or retraining. Hopefully, several thousand recipients will benefit from the literacy training in fiscal 1964–65 in localities throughout the State. We will also do much more in the way of training for better parenthood and better home conditions. In each of these local communities our staff will be working with you to help assure the success of these important measures.

Home services for children: We are planning family day care services for children, a statewide study of day care facilities to assess present and future needs, revision of our regulations to make these services more responsive to current needs, and three local pilot projects. A distinguished advisory committee is advising us in these various undertakings. Homemaker, preventive and protective services are being established and expanded by local departments of welfare.

These and other services will help us to do a more effective job.

The welfare caseloads in this Nation, in this State, in your districts, can be held to a minimum, even with a constantly rising population, which means more needy aged, more disabled, more sick, more chronically ill, more mentally ill, more dependent children, more unskilled workers, and more low-income families. Our caseloads can be held to a minimum—and hopefully reduced—by helping welfare recipients toward self-support and self-care, wherever possible, by preparing them, the least-endowed among us, for whatever opportunities society may make available to them today or tomorrow.

These are the goals of the 1962 amendments to the Social Security Act, the social welfare law in 1964, the recommendations of the Moreland Commission on Welfare, the policies of the State board of social welfare. They all add up to a combination of warm heart and cool head which, with conviction and will on the part of all concerned—you, the State staff, our Federal friends—should pay dividends to taxpayer and welfare recipient alike.

As the State commissioner of social welfare, it is my job to see that these mandates and policies are carried out. And it's the job of the staff of the State department of social welfare. These overriding requirements of law, policy, and public purpose must be fulfilled in each of the 65 public welfare districts in the State. This is our common obligation. As of now, the State staff will concentrate on this task—and stay with it.

I don't have to tell you that there is no other answer to the problem of dealing effectively with mass-scaled public indigency than a high standard public welfare administration designed exactly for that purpose, as projected in current legislation. Anything less means waste of human resources and waste of public funds.

We can have that kind of efficient public social service—

If public welfare leadership faces up to its obligations;

If staffs are adequate in number and in skills;

If communities are informed on the causes of dependency and what must be done to correct or alleviate those causes;

If the pace and level of action are dynamic and aggressive;

If you and I prevail against the tired myths and outworn superstitions that libel as work dodgers and chiselers our destitute sick, our bereft aged, our medically certified disabled, our unfortunate blind, the luckless children who comprise half of all welfare recipients, their mothers who take care of them, the mentally retarded, the mentally ill, the illiterate, the unskilled, the skilled whose experience is obsolete, the thousands of hardworking parents who work for wages that are even less than our minimum subsistence welfare grants and thus require supplementary help, and the others who cannot go it alone.

All of us know that only a limited number of these adults can be helped to self-support. I have heard complaints about going through all this rehabilitation stuff to take care of so few potentially employable recipients. There are few. But there will be others tomorrow and the next day—and as far into the future as you or I can see. Stimulating the development of these literacy and vocational training programs and referring welfare recipients to them are not one-shot temporary operations, something just for today. They are for keeps. They will be part and parcel of the new public welfare structure we are building with public support and by public demand. They will become as much standard procedure as checking eligibility, authorizing a money grant, or providing needed medical care.

So will be our efforts to do everything we can to minimize the school dropout situation. After all, more than half of our welfare recipients are children. And we have no more urgent task than to do everything we can—directly through public welfare services, and indirectly by using all other community resources—to see that these children get the chance to make themselves self-sustaining adults.

So will be our efforts to help our families to manage their minimum subsistence budgets and their household, and to rear their children toward self-reliance and away from dependency.

All these activities, from now on, will become standard public welfare procedures in New York State as they will elsewhere in the Nation. We must have the staff to do the jobs. Some of you have substantial problems in getting permission to expand your staffs, however necessary that is. You may have a hard negative approach to public welfare stopping you.

But, whether the approach to public welfare in your community is a mistakenly negative one ("there are a lot of chislers on the rolls,") or an informed positive one ("adequate, skilled services can prevent and reduce indigency,") the dollar-sense, the economics, the savings advantage of employing adequate staff for these purposes should be obvious. The average public assistance case costs $155 a month. Every case helped to self-support, or closed because of ineligibility, means an annual savings of nearly $1,900. If every needed additional caseworker you hire helps to close only a dozen cases a year, she could earn her salary several times over. Obviously nothing could be more costly to the taxpayers—local, State, Federal—than failure to hire needed staff. As a public welfare official in the State of New York, responsible to your local government, your State government, and your Federal Government, it is your job to make this clear to the people of your welfare district as well as your board of supervisors.

A word about complaints: Please don't let them get in the way of your official obligations. You may not like this policy of the Federal Government or that procedure of the State. And there may be Federal people and State people who don't like some of your local practices. All this is understandable. You and I don't like the so-called quality control program mandated by the U.S. Department of Health, Education, and Welfare. We went through channels—administrative, legislative, and executive—to explain our objections and to propose alternatives. To date, nothing has come of our representations. Time and experience will probably prove our point and changes may then be made. In the meantime, all of us have a job to do that must be done. So let's get with it.

I am sure every one of you must know that nowhere in the United States is there more cooperation between local public welfare administrators and the State welfare agency than there is in New York State. We in the State work closely with your association and its several committees, and have for many, many years. You who are members of association committees and have worked with State staff over the years know how proposed policies and practices are discussed, evaluated, and adjusted in the light of your views and suggestions before they are officially adopted. Certainly every commissioner in this State must know as a matter of personal knowledge that he can discuss his official problems with appropriate area office staff, with his area director, and, if necessary, with any other official of the department. Every hour of the working day members of the department are in touch with you or your staffs.

Our job is cut out for us. Beginning next week the area directors of the State department of social welfare, at my request, will concentrate on:

(1) What you have done to develop the services you should have in your departments in this day and age.

(2) How adequately you are manning those services.

(3) What your plans are to continue to build an efficient, high standard welfare operation to meet the needs in your district.

In other words, exactly what are you doing to get the most prevention and rehabilitation possible out of the welfare dollar. More than ever, with public dependency spotlighted all over America, the people we work for will be asking that question—and we should be prepared to give the answer.

I think all of us in public welfare should take heart from two major facts: One, just about everything in the 1962 amendments represents objectives, programs, and services that knowledgeable public welfare people have been advocating for years. Two, no other branch of government has done more to raise its administrative standards, to improve its efficiency, and otherwise better its performance than public welfare. I doubt that any branch of government is performing a better job than this necessarily difficult and complex public business of serving the welfare of all, the community in general as well as its economically or socially destitute.

From now on our State survey reports and other studies will focus on these objectives, activities, and results. These reports will indicate what the needs of your department are, to what extent those needs have been met, the problems that exist because of failure to develop an efficient operation, and what improvement can be expected from a better functioning department.

If you have a problem of community understanding or support, you might consider using these factual survey reports to build better communications with the people in your district, with your boards of supervisors, and with other officials in your community who have a stake in public welfare operations. As you know, these reports are in the public domain, and they can be used effectively in the public interest.

To the commissioners of public welfare I say this final word. This job requires a warm heart and cool head.

Without both, you are likely to get into trouble. You are a public official who has a key responsibility in a Federal-State-local operation that involves the critical subsistence of 700,000 of the most unfortunate men, women, and children in this State, people who cannot survive without public assistance or public care. All this costs nearly $700 million annually. Almost $95 million of that money is spent for the administration of your 65 local public welfare departments.

The people we work for—the people in the local communities, in the State, and in the Nation—have a right to expect an efficient, modern, productive, high-standard operation for that kind of money.

Let's see that they get it.

THE SENATE SHOULD ACT NOW FOR A WORLDWIDE AFFIRMATION OF HUMAN RIGHTS

Mr. GRUENING. Mr. President, now that the Civil Rights Act of 1964 seems well on its course for enactment into law, it is time for the United States to rectify its posture on civil rights before the world by the early ratification of four international conventions long pending before the Senate Committee on Foreign Relations.

In an editorial in the New York Times this morning, the statement is made:

> Now that the congressional battle over the domestic civil rights bill is largely won, the Johnson administration, like the Kennedy administration before it, is making new efforts to get Senate approval of the global "civil rights" compacts. Secretary Rusk and Assistant Secretary Cleveland have spoken out forcefully against any "abdication" in this field. It is time for the American people to rally to their support and compel action that is long overdue.

I ask unanimous consent that the entire editorial be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the four international conventions are:

First. International Convention on the Prevention and Punishment of the Crime of Genocide;

Second. Supplementary Slavery Convention;

Third. Convention Concerning the Abolition of Forced Labor; and,

Fourth. Convention on the Political Rights of Women.

The first convention—the Genocide Convention—was sent to the Senate for its advice and consent by President Truman on June 16, 1949. Surely 15 years is sufficient time for the Senate to deliberate on this vital matter. The extermination of 6 million Jews in Germany should provide sufficient incentive for the United States to adhere to this convention which seeks to prevent the repetition of such a horrendous crime against humanity.

The other three conventions were sent to the Senate for its advice and consent by President Kennedy on July 22, 1963. In these important matters—the political rights of women, slavery, and forced labor—adherence by the United States would add great moral force to the principles set forth in these conventions. It is time for the United States to assert leadership again in the field of human rights.

It should be remembered that it was under the leadership of the United States and its dedicated representative on the United Nations Commission on Human Rights, the late, beloved Mrs. Franklin D. Roosevelt, that the United Nations adopted the universal declaration of human rights. These conventions merely carry into international law—in more precise terms than the declarations of principle expressed in the declaration of human rights—precepts contained in that declaration.

The Senate should speedily give its advice and consent to all four conventions.

I ask unanimous consent that the letters transmitting these conventions to the President by Secretary of State Dean Rusk and Acting Secretary of State James E. Webb be printed in the Record at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C.

The President,
The White House:

I have the honor to transmit to you a certified copy of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, with the recommendation that it be submitted to the Senate for its advice and consent to ratification.

The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These acts are discussed below.

The basic purpose of the convention is the prevention of the destruction of a human group as such. The first resolution of the General Assembly on this subject, 96(I), adopted unanimously by the members of the United Nations on December 11, 1946, succinctly pointed out that—

"Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings."

The resolution also pointed out that genocide shocks the conscience of mankind, results in great losses to humanity and is contrary to moral law. Of course, homicide also is shocking, results in losses to humanity and is contrary to moral law. The distinction between those two crimes, therefore, is not a difference in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, it is the group.

The General Assembly declared in this resolution that the physical extermination of human groups, as such, is of such grave and legitimate international concern that civilized society is justified in branding genocide as a crime under international law. The extermination of entire human groups impairs the self-preservation of civilization itself. The recent genocidal acts committed by the Nazi Government have placed heavy burdens and responsibilities on other countries, including our own. The millions of dollars spent by the United States alone on refugees, many of them victims of genocide, and the special immigration laws designed to take care of such unfortunates illustrate how genocide can deeply affect other states. On September 23, 1948, Secretary of State Marshall stated that—

"Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people and are likely to seek their objectives by coercion and force in the international field."

It is not surprising, therefore, to find the General Assembly of the United Nations unanimously declaring that genocide is a matter of international concern.

Thus, the heart of the convention is its recognition of the principle that the prevention and punishment of genocide requires international cooperation. However, the convention does not substitute international responsibility for state responsibility. It leaves to states themselves the basic obligation to protect entire human groups in their right to live. On the other hand it is designed to insure international liability where state responsibility has not been properly discharged.

The convention was carefully drafted and, indeed, represents the culmination of more than 2 years of thoughtful consideration and treatment in the United Nations, as the following important steps in its formulation demonstrate:

The initial impetus came on November 2, 1946, when the delegations of Cuba, India, and Panama requested the Secretary-General of the United Nations to include in the agenda of the General Assembly an additional item: the prevention and punishment of the crime of genocide. The Assembly referred the item to its Sixth (Legal) Committee for study.

At its 55th plenary meeting on December 11, 1946, the Assembly adopted, without debate and unanimously, a draft resolution submitted by its Legal Committee. This resolution, referred to above, affirmed that "genocide is a crime under international law." It recommended international cooperation with a view to facilitating the prevention and punishment of genocide, and, to this end, it requested the Economic and Social Council of the United Nations to undertake the necessary studies to draw up a draft convention on the crime.

Pursuant to this resolution a draft convention on genocide was prepared by the ad hoc Committee on Genocide in the spring of 1948, under the chairmanship of the U.S. representative on this committee. This draft was again discussed by the Economic and Social Council in July and August 1948 in Geneva, and then in the Legal Committee of the General Assembly at its third regular session in Paris, where again the U.S. delegation played an important role in the formulation of the draft convention.

On December 9, 1948, the General Assembly unanimously adopted the convention to outlaw genocide, which was signed by the United States 2 days later. When signing, the U.S. representative said in part:

"I am privileged to sign this convention on behalf of my Government, which has been proud to take an active part in the effort of the United Nations to bring this convention into being.

"The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind."

Genocide is a crime which has been perpetrated by man against man throughout history. Although man has always expressed his horror of this heinous crime, little or no action had been taken to prevent and punish it. The years immediately preceding World War II witnessed the most diabolically planned and executed series of genocidal acts ever before committed. This time there was to be more than mere condemnation. A feeling of general revulsion swept over the world, and following the war manifested itself in the General Assembly's resolution of December 1946. It is this resolution to which the legal committee gave full content by providing the General Assembly with a legal instrument designed not only to prevent genocidal acts but also to punish the guilty.

The genocide convention contains 19 articles. Of these, the first 9 are of a substantive character, and the remaining 10 are procedural in nature.

The preamble is of a general and historical nature.

Article I carries into the convention the concept, unanimously affirmed by the General Assembly in its 1946 resolution, that genocide is a crime under international law. In this article the parties undertake to prevent and to punish the crime.

Article II specifies that any of the following five acts, if accompanied by the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, constitutes the crime of genocide:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group; and

(e) Forcibly transferring children of the group to another group.

This article, then, requires that there should be a specific intent to destroy a racial, religious, national, or ethnical group as such in whole or in part. With respect to this article the U.S. representative on the legal committee said:

"I am not aware that anyone contends that the crime of genocide and the crime of homicide are one and the same thing. If an individual is murdered by another individual, or indeed by a government official of a state, a crime of homicide has been committed and a civilized community will punish it as such. Such an act of homicide would not in itself be an international crime. To repeat the opening language of the resolution of the General Assembly of December 1946, 'genocide is a denial of the right of existence of entire human groups.' This remains the principle on which we are proceeding.

"However, if an individual is murdered by another individual, or by a group, whether composed of private citizens or government officials, as part of a plan or with the intent to destroy one of the groups enumerated in article 2, the international legal crime of genocide is committed as well as the municipal-law crime of homicide."

The destruction of a group may be caused not only by killing. Bodily mutilation or disintegration of the mind caused by the imposition of stupefying drugs may destroy a group. So may sterilization of a group, as may the dispersal of its children.

Article III of the convention specifies that five acts involving genocide shall be punishable. These five genocidal acts are—

(a) The crime of genocide itself;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide; and

(e) Complicity in genocide.

The parties agree, in article IV, to punish guilty persons, irrespective of their status.

In article V the parties undertake to enact, "in accordance with their respective constitutions", the legislation necessary to implement the provisions of the convention. The convention does not purport to require any party to enact such legislation otherwise than in accordance with the country's constitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction. Thus, the commission in American territory of genocidal acts would be tried only in American courts. No international tribunal is authorized to try anyone for the crime of genocide. Should such a tribunal be established, Senate advice and consent to U.S. ratification of any agreement establishing it would be necessary before such an agreement would be binding on the United States.

By article VII the parties agree to extradite, in accordance with their laws and treaties, persons accused of committing genocidal acts; none of such acts is to be considered a political crime for the purpose of extradition. The U.S. representative on the Legal Committee, in voting in favor of the convention on December 2, 1948, said:

"With respect to article VII regarding extradition, I desire to state that until the Congress of the United States shall have enacted the necessary legislation to implement the convention, it will not be possible for the Government of the United States to surrender a person accused of a crime not already extraditable under existing laws."

Existing U.S. law provides for extradition only when there is a treaty therefor in force between the United States and the demanding government. Only after Congress has defined, and provided for the punishment of, the crime of genocide, and authorized surrender therefor, will it be possible to give effect to the provisions of article VII.

Article VIII recognizes the right of any party to call upon the organs of the United Nations for such action as may be appropriate under the charter for the prevention and suppression of any of the acts enumerated in article III. This article merely affirms the right of the United Nations to call upon an organ of the United Nations in matters within its jurisdiction.

Article IX provides that disputes between the parties relating to the interpretation, application, or fulfillment of the convention, including disputes relating to the responsibility of a state for any of the acts enumerated in article III, shall be submitted to the International Court of Justice, when any party to a dispute so requests.

On December 2, 1948, in voting in favor of the genocide convention, the representative of the United States made the following statement before the Legal Committee of the General Assembly:

"I wish that the following remarks be included in the record verbatim:

"Article IX provides that disputes between the contracting parties relating to the interpretation, application, or fulfillment of the present convention, 'including those relating to the responsibility of a state for genocide or any of the other acts enumerated in article III,' shall be submitted to the International Court of Justice. If 'responsibility of a state' is used in the traditional sense of responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international law and similarly, if 'fulfillment' refers to disputes where interests of nationals of the complaining state are involved, these words would not appear to be objectionable. If, however, 'responsibility of a state' is not used in the traditional sense and if these words are intended to mean that a state can be held liable in damages for injury inflicted by it on its own nationals, this provision is objectionable and my Government makes a reservation with respect to such an interpretation."

In view of this statement, I recommend that the Senate give its advice and consent to ratification of the convention "with the understanding that article IX shall be understood in the traditional sense of responsibility to another State for injuries sustained by nationals of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own nationals."

The remaining articles are procedural in nature. By article XIV the convention is to be effective for an initial period of 10 years from the date it enters into force, and thereafter for successive periods of 5 years with respect to those parties which have not denounced the convention by written notification to the Secretary-General of the United Nations at least 6 months before the expiration of the current period.

Article XV provides that if there are less than 16 parties to the convention, as a result of denunciations, the convention shall cease to be in force from the effective date of the denunciation which reduces the number of parties to less than 16.

Article XVI authorizes any party to request revision of the convention, by notification in writing to the Secretary-General of the United Nations. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

It is my firm belief that the American people together with the other peoples of the world will hail U.S. ratification of this convention as another concrete example of our repeatedly affirmed determination to make the United Nations the cornerstone of our foreign policy and a workable institution for international peace and security.

Respectfully submitted.

JAMES E. WEBB,
Acting Secretary.

(Enclosure: Certified copy of convention on the prevention and punishment of genocide.)

DEPARTMENT OF STATE,
July 18, 1963.

THE PRESIDENT,
The White House:

I have the honor to lay before the President, with a view to its transmission to the Senate for the advice and consent of that body to accession, if the President approve thereof, a certified copy of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which was signed at Geneva on September 7, 1956, by the respective plenipotentiaries of certain governments and which entered into force on April 30, 1957, in accordance with article 13 thereof.

At the present time the following countries are parties to the convention: Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, the Republic of China, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, Federal Republic of Germany, Ghana, Haiti, Hungary, India, Iran, Ireland, Israel, Italy, Jordan, Kuwait, Laos, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, Rumania, Sierra Leone, Sudan, Sweden, Syria, Tanganyika, Ukranian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, and Yugoslavia.

The convention was formulated at the United Nations Conference of Plenipotentiaries convened by the Economic and Social Council by resolution adopted on April 30, 1956. The Conference met at the European Office of the United Nations in Geneva from August 13 to September 4, 1956. Fifty-one governments were represented at the Conference by plenipotentiaries and eight were represented by observers. The International Labor Organization was represented at the Conference. Twelve nongovernmental organizations in consultative relationship with the Economic and Social Council were represented with the right to submit written or oral statements. The United States was represented at the Conference but its representative did not sign the convention.

In 1945, the United Nations General Assembly requested the Economic and Social Council to study the question of slavery. A committee was appointed which met in several sessions and considered the problem. It considered that although slavery of the classical kind was lessening, there was need for further action to eliminate forms of servitude, not called slavery but leading to a similar result, which still affect large numbers of people. Among these types of servitude are debt bondage, serfdom, the physical transfer of women without their consent, and abuses arising from adoption of children at an early age. The committee urged that these servitudes should equally be the concern of the international community and recommended that a supplementary convention be prepared and adopted covering these practices. The Council considered the committee's report and in 1953 asked the Secretary General to consult governments on the desirability of such a supplementary convention.

During the debate in October 1953 in the General Assembly's Legal Committee, when the enactment of a protocol transferring to the United Nations the functions undertaken by the League of Nations under the 1926 convention to suppress the slave trade and slavery (46 Stat. 2183; Treaty Series 778) was under discussion, the feeling was expressed by a number of governments that the 1926 convention was inadequate.

By 1955 the Economic and Social Council had before it a report of available information on slavery which contained sufficient evidence that practices akin to slavery existed in various areas of the world. Thereupon the Council established a 10-member committee to prepare a draft convention. In February 1956 the committee unanimously adopted a draft convention to supplement the 1926 slavery convention. The draft convention was considered at the United Nations Plenipotentiary Conference, was adopted on September 4, 1956, and was opened for signature on September 7, 1956.

The purpose of the convention is to supplement the 1926 slavery convention, to which the United States is a party, by dealing with conditions akin to slavery. The convention contains, in addition to the preamble, 15 articles grouped under 6 sections.

Section I, "Institutions and Practices Similar to Slavery," requires states parties to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of debt bondage, serfdom, involuntary marriage or transfer of women for consideration in money or in kind, transfer of widows as inherited property, and exploitation of children (art. 1). With a view to ending the abuse through involuntary marriage, States are required to prescribe, where appropriate, suitable minimum ages of marriage and to encourage facilities for consent to marriage and registration of marriages (art. 2).

Section II, "The Slave Trade," provides that the act of conveying or attempting to convey slaves from one country to another by any means of transport shall be a criminal offense under the laws of states parties to the convention (art. 3), and that any slave who takes refuge on board any vessel of a party to the convention shall ipso facto be free (art. 4).

Section III ("Slavery and Institutions and Practices Similar to Slavery") provides that the act of mutilating, branding, or marking a slave or person of servile status, in a country where the abolition or abandonment of slavery or institutions or practices mentioned in article 1 of the convention are not yet complete, shall be a criminal offense (art. 5). The act of enslaving or inducing another person into slavery or attempting these acts, or being an accessory thereto, or being a party to a conspiracy to accomplish such acts shall also be a criminal offense under the laws of states parties to the convention (art. 6).

Section IV ("Definitions") defines the meaning of the terms used in the convention (art. 7).

Section V ("Cooperation Between States Parties and Communication of Information") requires that states undertake to cooperate with each other and the United Nations to give effect to the provisions of the convention and to communicate to the Secretary General of the United Nations copies of any laws, regulations, and administrative measures enacted to put into effect and to implement the provisions thereof (art. 8).

Section VI ("Final Clauses") provides that no reservations may be made (art. 9) and that any dispute between parties relating to interpretation or application not settled by negotiation shall be referred to the International Court of Justice unless the parties agree to another mode of settlement (art. 10). Articles 11–14 state the requirements for ratification or accession, and application to non-self-governing territories (arts. 11 and 12). The convention enters into force on the date two states become parties, and subsequently enters into force with respect to each state or territory upon deposit of an instrument of ratification or accession (art. 13). The duration of the convention is divided into successive 3-year periods, beginning on the date of entry into force, and notice of denunciation by any state is to be addressed to the Secretary General not less than 6 months before the expiration of the current 3-year period, such denunciation to take effect at the expiration of that 3-year period (art. 14).

The substance of this convention lies within the Federal power and no substantial legal questions are involved, inasmuch as slavery through such practices is already forbidden in the United States under Federal and State laws. The Department of Justice and the Department of the Interior have expressed the view that the 13th amendment to the Constitution and existing Federal legislation are sufficient to meet the two objectives and requirements of the convention. In addition, laws already existing in the States and territories are regarded as satisfying the requirements of article 2 calling for prescription of minimum age and other marriage standards where appropriate.

It is hoped that the convention will be given early and favorable consideration by the Senate.

Respectfully submitted.

DEAN RUSK.

DEPARTMENT OF STATE,
July 18, 1963.

THE PRESIDENT,
The White House:

I have the honor to lay before the President, with a view to its transmission to the Senate for the advice and consent of that body to ratification, if the President approve thereof, a certified copy of the Convention Concerning the Abolition of Forced Labor (convention No. 105) adopted by the International Labor Conference at its 40th session, Geneva, June 25, 1957.

In accordance with article 4 thereof, the convention entered into force on January 17, 1959. At the present time 60 of the 108 members of the International Labor Organization, not including the United States, have deposited instruments of ratification to the convention.

There is enclosed a background statement on the development of this convention over a period of nearly 10 years.

The convention as adopted consists of a preamble and 10 articles, the substantive provisions being contained in the first 2 articles.

Article 1 provides that each ratifying member undertakes to suppress and not to make use of any form of forced or compulsory labor (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system; (b) as a method of mobilizing and using labor for purposes of economic development; (c) as a means of labor discipline; (d) as a punishment for having participated in strikes; and (e) as a means of racial, social, national, or religious discrimination.

Article 2 provides that each ratifying member undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labor as specified in article 1.

Formal ratifications are to be communicated to the Director General of the International Labor Organization (art. 3). The convention is binding only on those members which have registered ratifications with the Director General, and the convention enters into force 12 months after the date on which the ratifications of two members have been registered (art. 4). Thereafter it enters into force for any member 12 months after the date of registration of its ratification (art. 4).

The convention may be denounced by any member a party thereto after 10 years have elapsed from the date it first enters into force, by a communication addressed to the Director General; such denunciation shall take effect 1 year from the date it is registered by the Director General (art. 5). Any party which has not, within a year following the expiration of that 10-year period, exercised the right of denunciation, will continue to be bound for another 10-year period and, thereafter, by a communication to the Director General, may denounce the convention at the expiration of any period of 10 years (art. 5).

The Director General shall notify all members of the Organization of the registration of ratifications and denunciations and of the entry into force of the convention (art. 6), and shall register the convention with the United Nations in accordance with article 102 of the United Nations Charter (art. 7).

Article 8 provides for consideration of a revision of the convention. Article 9 provides that, if the Conference adopts a new convention revising this convention in whole or in part, then, unless the new convention otherwise provides, ratification by a member of the new convention shall involve immediate denunciation of this convention notwithstanding the provisions of article 5. Article 10 states that the English and French versions of the convention are equally authoritative.

Pursuant to article 19, paragraph 7(b), of the Constitution of the International Labor Organization, the convention was transmitted to both Houses of Congress on February 9, 1959 (H. Doc. 78, 86th Cong., 1st sess.). At that time the interested departments of the Government were inclined to the view that the ban on forced labor as a punishment for having participated in strikes raised problems of a technical legal character with regard to areas of State regulation.

However, after an extensive additional review of the convention and the technical legal problems involved, the interested departments of the Government have expressed their coordinated view (see the enclosed copy of a letter dated February 15, 1963, from the Secretary of Labor) that the subject matter of convention No. 105 is wholly within the Federal competence under the 13th amendment to the Constitution of the United States, that there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike, and that, with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have been duly convicted." The 13th amendment to the Constitution reads in part:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Accordingly, and in accordance with article 19, paragraph 7(a), of the Constitution of the International Labor Organization, the convention is submitted herewith for transmission to the Senate for advice and consent to ratification.

Respectfully submitted.

DEAN RUSK.

DEPARTMENT OF STATE,
Washington, July 18, 1963.

THE PRESIDENT,
The White House:

I have the honor to lay before the President, with a view to its transmission to the Senate for the advice and consent of that body to accession, if the President approve thereof, a certified copy of the Convention on the Political Rights of Women, opened for signature at New York on March 31, 1953. The convention has been signed in behalf of 42 countries, not including the United States of America, and entered into force July 7, 1954, in accordance with article VI thereof.

At the present time the following countries are parties to the convention: Albania, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Republic of China, Republic of Congo (Brazzaville), Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, Israel, Japan, Korea, Lebanon, Nicaragua, Norway, Pakistan, Philippines, Poland, Rumania, Senegal, Sierra Leone, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, and Yugoslavia.

In 1946 the first General Assembly of the United Nations adopted a resolution calling upon countries which had not already done so to fulfill the purposes and aims of the preamble and article I of the charter by granting women the same political rights as men. It was not until 1951, however, that the Commission on the Statue of Women recommended to the Economic and Social Council a draft convention on the political rights of women. The draft text was adopted by the Council on August 27, 1951, and forwarded to the Secretary-General with the request that it be sent to member governments for comment.

Adoption of the draft convention by the General Assembly was recommended by the Economic and Social Council in 1952 and the General Assembly was requested to draft the necessary procedural articles. The Assembly, in turn, referred the draft convention to its Third Committee (Social, Humanitarian, and Cultural). The committee completed its work late in 1952 and the procedural articles of the convention were submitted to the General Assembly for approval.

The text of the draft convention was adopted by the General Assembly on December 17, 1952. By a resolution adopted on December 20, 1952, it was decided to open the convention for signature at the end of the then current session of the General Assembly.

U.S. representatives participated in all phases of the drafting, and this Government was represented on several of the committees actively and favorably urging the adoption of the draft convention. The convention, however, has not been signed in behalf of the United States.

The convention consists of the preamble and 11 articles. The substantive provisions are contained in the first three articles. These articles provide that, on equal terms with men and without discrimination, women shall be entitled to vote in all elections (art. I); they shall be eligible for election to all publicly elected bodies established by national law, art. II); and they shall be entitled to hold public office and exercise all public functions established by national law (art. III).

Article IV contains provisions regarding signature and ratification, article V provides for accession, and article VI provides that the convention shall enter into force on the 90th day following the deposit of the 6th instrument of ratification or accession. Subsequent ratifications or accessions enter into force on the 90th day after deposit by each State.

Article VII relates to reservations and provides that any reservation submitted at the time of signature, ratification, or accession will be communicated by the Secretary General to all states which are or may become parties. The convention does not enter into force as between the state making the reservation and any other state which notifies the Secretary General within 90 days from the date of such communication that it does not accept the reservation.

Article VIII provides that any state may denounce the convention by written notice to the Secretary General to take effect 1 year after the date of receipt of the notification by the Secretary General. The convention will cease to be in force when such denunciations have reduced the number of parties to less than six.

Article IX provides that disputes concerning interpretation or application of the convention between contracting parties, not settled by negotiation, shall be referred to the International Court of Justice for decision at the request of one of the parties unless they agree to another mode of settlement.

Articles X and XI provide for the performance of depositary functions by the Secretary General of the United Nations.

No substantative legal questions are involved in the United States becoming a party to this convention. Article I, relating to the right of women to vote, merely reflects the principle established by the 19th amendment to the Constitution of the United States, which provides:

"The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The eligibility of women to be elected and to be appointed to public office established by national law in the United States has long been recognized in law and practice. Speaking before the Third Committee of the General Assembly in December 1952, the late Mrs. Franklin D. Roosevelt said:

"As most of you know, the subject of this convention—equal suffrage for women—is very close to my heart. I believe in active citizenship, for men and women equally, as a simple matter of right and justice. I believe we will have better government in all of our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world.

"In the United States, and in most countries today, women have equal suffrage. Some may feel that for that reason this convention is of little importance to them. I do not agree with this view. It is true, of course, that the first objective of this convention is to encourage equal political rights for women in all countries. But its significance reaches far deeper into the real issue of whether in fact women are recognized fully in setting the policies of our governments.

"I do not expect that there will ever be as many women political leaders as men, for most women are needed in their homes while their children are small and have fewer years in which to gain public recognition. But if we are honest with ourselves, we know that all countries have a long way to go on these matters.

"This convention on political rights of women is not in itself an answer to the problems of modern government. But it points up, I believe in useful ways, how governments can expand their resources by taking full advantage of the energy and experience of their women citizens."

The phrases "public office" and "public functions" in article III have been interpreted to include a wide variety of appointive as well as elective offices. However, during discussions in the General Assembly and in the Third Committee there was general agreement that the provisions of article III do not apply to military service. When voting on the draft convention, the U.S. representative made clear the understanding of the U.S. Government that the phrase "public office" does not include military service and that the phrase "public function" is coterminous with "public office." It is recommended that in such resolution as the Senate may adopt approving the accession of the United States to the convention, the Senate indicate that such accession is subject to the understanding that in article III the phrase "public office" does not include military service and that the phrase "public function" is coterminous with "public office."

Six countries (Denmark, Finland, Guatemala, India, Pakistan, and Sierra Leone) have ratified or acceded to the convention subject to a statement or reservation with respect to article III.

It is hoped that the convention will be given early and favorable consideration by the Senate.

Respectfully submitted.

DEAN RUSK.

EXHIBIT 1

[From the New York Times, June 24, 1964]

GLOBAL CIVIL RIGHTS

The victory for the civil rights bill in Congress is further proof that, despite all obstacles, the United States is determined to do its best to abolish all kinds of discrimination and violation of human rights to give new validity to the American credo that all men are created free and equal. But the good faith of this Nation is still being impugned by the surprising and inexplicable failure of the American Government to ratify four United Nations conventions that make the battle for human rights worldwide.

These conventions, already endorsed by scores of other countries, outlaw (1) genocide, or the extermination of a race, (2) forced labor, (3) slavery, and (4) subjugation of women. They have all been signed by the American Government, the genocide convention as long ago as 1948, and all have been sent to the Senate for approval. But they remain bottled up in Senate committees because of what is characterized as "lingering Brickeritis," so called after the former Senator Bricker of Ohio, who feared that such conventions might infringe on our Constitution.

Now that the congressional battle over the domestic civil rights bill is largely won, the Johnson administration, like the Kennedy administration before it, is making new efforts to get Senate approval of the global civil rights compacts. Secretary Rusk and Assistant Secretary Cleveland have spoken out forcefully against any abdication in this field. It is time for the American people to rally to their support and compel action that is long overdue.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, am I correct in my understanding, on the basis of the action taken by the Senate, that H.R. 10456, the NASA authorization bill, will be up for reconsideration for a period of not to exceed 1 hour?

The PRESIDING OFFICER. The Senator is correct.

DEATH OF EARLE B. MAYFIELD, FORMER U.S. SENATOR FROM TEXAS

Mr. YARBOROUGH. Mr. President, I am saddened to announce the passing, on Tuesday, June 23, of a distinguished former U.S. Senator from Texas, Earle Bradford Mayfield. He served his State and country in the U.S. Senate from March 4, 1923, to March 3, 1929.

Probably his most distinguished achievement in the Senate was the passage of the comprehensive revision of the Interstate Commerce Commission Act. The Interstate Commerce Commission Act was the work of a former U.S. Senator from Texas, John H. Reagan. Senator Mayfield was the only Senator who achieved a major revision of that act during his service in the Senate.

Senator Mayfield, my good friend, was born in Overton, in Rusk County, Tex., April 12, 1881, attended public schools in east Texas and was graduated from Southwestern University in Georgetown, Tex., in 1900. Studying law at the University of Texas at Austin, he was admitted to the bar in 1907 and served in the State senate from 1907 to 1913, where he compiled a distinguished record of public service that was to bring him even higher honor in public recognition of his great capabilities.

He became a member of the State railroad commission in 1913, continuing to grow stronger both in experience and in the hearts of his fellow Texans through these years.

His knowledge and experience as a member of the State railroad commission in Texas enabled him to render distinguished service as a member of the Interstate and Foreign Commerce Committee of the Senate, particularly in his prime field of interstate commerce.

He was named as a delegate to the State Democratic conventions from 1912 to 1948, and was elevated to the U.S. Senate in 1923. He served a full term in this body.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Chair lays before the Senate a bill returned to the Senate by the House of Representatives, which will be stated.

The LEGISLATIVE CLERK. H.R. 10456, an act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is the Senate now operating under limited time?

The PRESIDING OFFICER. The Senator is correct.

The bill is open to amendment.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Is the time limited?

The PRESIDING OFFICER. The time limitation is 1 hour on the bill, including amendments.

Mr. FULBRIGHT. By whom is the time controlled?

Mr. MANSFIELD. I ask unanimous consent that the time be controlled by the distinguished chairman of the Aeronautical and Space Sciences Committee, the Senator from New Mexico [Mr. ANDERSON] and by the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

Mr. President, I call up my amendment No. 1071, to H.R. 10456, and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

> On page 1, line 5, strike out "$5,246,293,250", and insert in lieu thereof "$4,978,543,250".
>
> On page 1, line 7, strike out "$4,354,150,000", and insert in lieu thereof "$4,086,400,000".
>
> On page 2, line 2, strike out "$2,677,500,000", and insert in lieu thereof "$2,409,750,000".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. FULBRIGHT. Mr. President, the purpose of this amendment is to cut $267,750,000 from the Apollo program in the Research and Development section of the bill. The basic objective of the amendments is to reevaluate the goal of trying to land a man on the moon in this decade and to proceed with this project on a more deliberate and thoughtful basis. I do not contend that we should cancel the project outright. This Nation obviously will continue to pioneer in space. I contend only that it is unwise to continue on a crash basis.

Stated in its simplest terms, the question is whether or not Congress believes it more important for this Nation to put a man on the moon and return him to earth within the decade or that we take care of some of the pressing problems on earth whose solution may make our society stronger and life for our people more meaningful. It is a question of priorities; nothing more.

Actually, any budget is a listing of priorities. The Federal budget should therefore reflect national needs as determined by the President and Congress. The Senate must determine, in considering the bill, whether reaching the moon in this decade is an enterprise so vital to the national interest as to warrant a priority call on the Treasury over such pressing public needs as education, public works, good urban transportation, eliminating poverty, building parks and playgrounds, and a host of others. I do not believe that space deserves priority over these requirements. We are being asked to approve $5.3 billion for space when bills such as those for accelerated public works, antipoverty, and mass transit are held up for economy reasons. I doubt that the thousands of my constituents living in communities all over Arkansas which were unable to get accelerated public works funds for local improvements think that putting a man on the moon before 1970 is as important as voting new Federal funds for water and sewer systems. I do not contend that reducing the space program by $267 million this year will automatically assure passage of these bills. But I do say that the climate for their passage would be improved if we had the sense to get ourselves out of the straitjacket timetable which requires pursuing the lunar landing program on a crash basis.

It would be useful at this point, I believe, to get some perspective about the size of the space program. In the first fiscal year of NASA's existence the Congress appropriated $184 million for its activities. That, plus $154 million transferred from the Department of Defense made a total of nearly $339 million. Only 5 years later the Congress appropriated $5.1 billion and is being asked to appropriate $5.3 billion for the next fiscal year—a remarkable growth rate even for a Government agency.

I ask unanimous consent to have a table prepared by the Library of Congress, at my request, printed in the RECORD following my remarks. Its personnel level has grown from 9,000 to 32,000 in this 5-year period. I doubt that this record could be equaled by any other agency under peacetime conditions.

We have been told by NASA officials that some $35 billion will be spent on space activities this decade—$20 billion of this for the manned lunar landing. To meet this announced objective, $23 billion more must be appropriated in the next 5 years—an average of $4.6 billion per year; more than is budgeted next year for all Federal programs of education, natural resource development, and housing and community development. In actuality we have a $7 billion space budget request for next year, including funds for military space programs at $1.47 billion and smaller sums for other agencies with space interests.

NASA activities obviously have great impact on the Nation's economy. It has been estimated by NASA officials that 300,000 people will be working for lunar landing program contractors by the end of this year in addition to the 14,500 NASA employees directly involved in this project. By January 82,000 scientists and engineers, or 5.2 percent of the national total, will be working on NASA programs, according to Mr. Webb. The number of scientists and engineers on NASA contract work nearly doubled from 1963 to 1964—from 34,000 to 62,000. According to Carl Frey, executive secretary of the Engineering Manpower Commission, from 60 to 70 percent of the Nation's 900,000 engineers are tied directly or indirectly to defense and space work. One commentator has said that the significant aspect of defense and space spending is not that 10 percent of the gross national product goes for those purposes but that industries in these fields drain away so much technological competence that would ordinarily be devoted to civilian purposes. If we reduced the pace of the space program as I propose in this amendment, perhaps it might initiate changes in this distortion in the use of our scientific and technical personnel.

It has been argued that the space program, like the defense program, is such a great boon to the economy that great harm would come to many important industries and any number of communities if the pace were slowed down. Space is big business in many States, but it certainly is of little help to those areas in greatest need of an economic boost. There are few space type industries in Arkansas or in Appalachia. I ask unanimous consent to have placed in the RECORD at the end of my remarks two tables and a news article concerning the geographical distribution of NASA contracts.

Rapid, forced growth—with corresponding spending—under stimulus of an arbitrarily set deadline spawns waste in any program. In one of this size, scope, and novelty, the mistakes are naturally more numerous and more costly. Only last week the House Space Committee reported on the "substantial" management defects in the Ranger moon project for which some $252 million has already been spent.

One of the most unusual items I have come across was an article in the Wall Street Journal which related the background of a proposal to fly the upper sections of the Saturn V rocket from California to Huntsville and then on to Cape Kennedy in three 12-year-old British flying boats which would be converted at a cost of perhaps $3 million per plane. Only one has ever flown and that for only 100 hours of test time. The principal objective of the project would be to save time. If the State Department ever gave any indication of considering anything so farfetched—for foreign policy purposes—there would be an uproar in the Congress. As space programs go the amounts involved are peanuts and I do not even know if the proposal is still under consideration by NASA. I relate it only to point up the ridiculous consequences of having committed our Nation to such an inflexible goal. I ask unanimous consent to have this article included in the RECORD after my remarks.

Seventy-seven percent of NASA's contracts for the 1963 fiscal year, amounting to some $1.6 billion, were let on a cost-plus-fixed-fee basis. I understand that efforts are being made to include incentive features in new contracts, but as Dr. Seamans, the Associate Administrator, told the House Appropriations Committee earlier this year the "very large contracts so far have not lent themselves to any incentive features." It makes little impact on the program if the big contractors have no incentive for eliminating waste and improving efficiency. Under cost-plus-fixed-fee contracts, they are paid for both efficient and inefficient work.

Less than a month ago the Wall Street Journal reported that North American Aviation, NASA's Apollo contractor, was to cut 1,000 workers from its lunar landing project—last week it was announced that the number of employees to be dropped had jumped to 2,500 due to "continuing studies of changes in the program" by NASA and the company. This is commendable but it is also a sad reflection on the initial planning for the project. In any other program, certainly in foreign aid, this sort of thing would have provoked a congressional inquiry.

As an example of how this program has gotten out of hand I point to NASA's efforts in the field of education. NASA is engaged in aid to education in a big way. A total of $150 million in grants and university contract work is proposed for 1965. The committee has approved $40 million in training, facility, and research grants of the $46 million requested. NASA now is financing the education of some 2,000 students and has asked for additional funds to increase the total to 3,250, which the committee denied. It is also engaged in international education, financing this year training and research in this country of 221 foreign graduate students, scientists and technicians. In the 1963 fiscal year 139 U.S. colleges and universities received grant and contract awards from NASA and I ask unanimous consent to have printed in the RECORD the information concerning this which appears on pages 322–324 of the committee hearings. It is seldom that I find fault with any effort which provides increased Federal support for education, but, I must confess that I do not approve of the proliferation of individual agency programs in this field. We need massive increases in Federal funds for education at all levels—but under a coordinated program designed to achieve broad objectives. I find it hard to justify NASA's participation in aid to education when we have so much difficulty in getting straightforward, across-the-board aid to education through the Congress.

There have been two principal points advanced as to why the manned lunar program should not be slowed down. First, it is said that our Nation would lose great prestige if we abandoned the goal, and, second, that the program will cost more if it is stretched out. Let me discuss each of these briefly. Regardless of what our space officials say in denying a race with the Russians, we have placed ourselves in a posture where the American public and the world believe we are engaged in a race. Whether or not the Russians are trying to beat us is really not important. What is important is that we dispel the world of the idea that we are irrevocably committed to both beating the Russians there and getting there by 1970. The Russians in this situation have shown a great deal more sense than we have. Apparently they are trying to reach the moon but are not in a position of being the losers if we get there first. Khrushchev was quoted as saying during his recent visit to Denmark:

> It is unimportant who gets there first. If the Americans get there before us we can use their experience.

If, as all our space officials say, we are not racing to the moon, what is the sense of maintaining a goal which is increasingly more difficult to attain? We are out on a limb and are sawing it away with repeated statements of adherence to the 1970 goal. Mr. Webb has told the Senate Space Committee that we have only a fighting chance to reach the moon by 1970 and according to Dr. Welsh of the National Aeronautics and Space Council only a 50–50 chance of beating the Russians. When so much is made of the prestige being risked and the slim chances of success, we are inviting far greater losses of prestige if we fail than if we acted like a mature nation and admitted that we erred in setting the goal in the first place. I agree with the space scientist who was quoted as saying:

> This winning stuff, this getting there first, has lost its edge. The grandstands are emptying. Now the time has come to ask who did the most sophisticated thing. Not who went to Africa first, but who picked up the diamonds.

The policies of our Nation will have a far greater impact on the world if we sustain our space program on a more reasonable scale and divert some of the talent and money involved to solving some of the problems here on earth. The world is far more likely to be impressed by the way in which we use our resources to create a better world than by spectacular, but fleeting, achievements in space. No nation succumbed to Soviet influence as a result of the launching of sputnik and subsequent Russian space exploits.

It has been said repeatedly that the lunar program will cost more if it is stretched out. Here we enter into a no man's land of statistics. The principal point Senators should bear in mind is that the space program will continue long after we have placed a man on the moon. Our billions of expenditures for the vast facilities required for the lunar landing will not be abandoned the moment we have accomplished this goal. To say that the overhead costs will increase if we delay the lunar program has no validity when we think of our space programs as a continuing governmental activity. It has been said on occasion that our basic objective is to build the technical competence to reach the moon and do other work in space—not to beat the Russians there. If this is the case, we obviously want a continuing competence—not a one-shot proposition.

Space officials have assured us on occasion that only $2 billion of the $20 billion for the lunar program are peculiar to the lunar landing mission—the other $18 billion would be spent on space exploration regardless of the moon goal. Under the circumstances, I find it hard to believe that the manned lunar program will increase $1 billion in cost for each year the landing is delayed. This is a 50-percent increase—according to the NASA argument—for only a 1-year delay.

We are not engaged in a fly-by-night space program and any estimate of increased costs for delays in the lunar shot must rest on the assumption that a manned lunar landing is the end of America's space effort. As a matter of fact, $26 million is authorized in this bill to use in deciding what to do after the moon landing. Dr. Welsh said recently that he expected space expenditures to increase over the years, rather than be cut back or remain static. I point out also, of perhaps more significance, that so many areas have a vital interest in space industries that Congress would have great difficulty in seriously curtailing the space effort.

In closing, I wish to stress that I am not opposed to the lunar landing program. My purpose was to try to convince Senators that the pace of the program should be reexamined in relation to long-neglected domestic needs. We must approach this question from a standpoint of our basic public philosophy. Is it more important for us to make a more adequate attack on some of the grave deficiencies of our society or put a man on the moon by 1970? I have heard nothing which indicates that the Nation's security or the welfare of any of our citizens would suffer as a result of reducing the funds for the Apollo program by $267 million. A persuasive case can be made that the prospects for passage of programs to improve the habitability of this planet may very well be improved if we abandon the forced pace of this 1970 goal and pursue the program in a more orderly manner.

I hope the Senate will adopt the amendment.

Mr. President, I ask unanimous consent that several articles and tables in connection with this statement be printed in the RECORD as a part of my remarks.

There being no objection, the articles and tables were ordered to be printed in the RECORD, as follows:

Budget requests and appropriations for the National Aeronautics and Space Administration, fiscal years 1959–65

Fiscal year	Budget requests		Appropriations[1]		
	Date	Amount	Date	Public law	Amount
1959	Jan. 13, 1958	[2] $106,700,000	Aug. 28, 1958	85-844	[2] $101,100,000
	Jan. 13, 1958	125,000,000	Aug. 27, 1958	85-766	80,000,000
	Jan. 19, 1959[3]	48,354,000	May 20, 1959	86-30	3,186,300
Total		280,054,000			184,286,300
Transfer from Department of Defense.					154,619,532
Total					338,905,832
1960	Jan. 19, 1959[4]	485,300,000	Sept. 1, 1959	86-213	500,575,000
	Jan. 18, 1960[4]	23,000,000	Apr. 14, 1960	86-425	23,000,000
Total		508,300,000			523,575,000
1961	Jan. 18, 1960	802,000,000	July 12, 1960	86-626	915,000,000
	Feb. 8, 1960	[5] 113,000,000			
	Jan. 16, 1961[4]	49,606,000	Mar. 31, 1961	87-14	49,000,000
Total		964,606,000			964,000,000
1962	Jan. 16, 1961	1,109,630,000	Aug. 17, 1961	87-141	1,671,750,000
	Mar. 28, 1961	125,670,000			
	May 25, 1961	549,000,000			
	Jan. 18, 1962	156,000,000	July 25, 1962	87-545	153,500,000
Total		1,940,300,000			1,825,250,000
1963	Jan. 18, 1962	3,787,276,000	Oct. 3, 1962	87-741	3,674,115,000
1964	Jan. 17, 1963	5,712,000,000	Dec. 19, 1963	88-215	5,100,000,000
	Jan. 21, 1964	141,000,000			
Total		5,853,000,000			
1965	Jan. 21, 1964	5,304,000,000			

[1] This table shows the amounts which Congress appropriated to the National Aeronautics and Space Administration. In several instances these figures do not agree with the Bureau of the Budget's figures showing new obligational authority.

[2] This money was requested for and appropriated to the National Advisory Committee for Aeronautics, the agency which was absorbed into the National Aeronautics and Space Administration on Oct. 1, 1958.

[3] $45,000,000 of this request was proposed on this date for later transmission.

[4] This is the date on which the request was proposed in the Federal budget for later transmission.

[5] Amendment increasing the budget request to $915,000,000.

Sources: Budgets of the U.S. Government for the fiscal years ending June 30, 1959–June 30, 1964. CONGRESSIONAL RECORD, vol. 104, pt. 14, p. 17769. New York Times, Mar. 29, 1961, p. 12; May 26, 1961, p. 13. U.S. Congress. House of Representatives and Senate. Committees on Appropriations. Appropriations, budget estimates, etc., statements, various years. U. S. Congress. Senate. Committee on Aeronautical and Space Sciences. NASA authorization for fiscal year 1961, report * * * on H.R. 10809, Apr. 29, 1960 (86th Cong., 2d sess., S. Rept. 1300) p. 4. ——. NASA supplemental authorization for fiscal year 1959, report * * * on S. 1096, Mar. 5, 1959 (86th Cong., 1st sess., S. Rept. 82) p. 29. U.S. statutes at large, 1958–63.

Prepared by Catherine S. Corry, analyst in astronautics and transportation, Economics Division, Legislative Reference Service, Library of Congress, June 1, 1964.

[From the Evening Star, Washington, D.C. Mar. 4, 1964]

CALIFORNIA FIRMS GET 50 PERCENT OF SPACE BUSINESS

California got 50.4 percent of the space agency's $3.2 billion procurement contracts last year, a recent Government report says.

The next closest States were Missouri, with 9 percent, and Louisiana, with 8.5 percent. No other State got as much as 5 percent of the Nation's spending for space exploration.

"I feel that these contracts follow competence in the respective fields," Representative GEORGE P. MILLER, Democrat, of California, said today in an interview. "I'm not going to discriminate against competence by saying this should be spread around."

HEADS COMMITTEE

Mr. MILLER is chairman of the House Astronautics Committee, which handles the money authorizations for the National Aeronautics and Space Administration, now running higher than $5 billion a year.

The NASA report on procurement during fiscal 1963 has attracted little notice. Filled with tables and graphs, it is a careful compilation of NASA's procurement practices from several different standpoints.

Missouri rates high in the distribution of NASA treasure because St. Louis is the home of McDonnell Aircraft, which made the Mercury capsules and now is engaged on the Gemini two-man spacecraft.

LOUISIANA MOVES UP

Louisiana has moved up because of the huge Michoud plant not far from New Orleans, where the massive rockets of the future will be fabricated.

Somewhat surprisingly, in view of its tremendous electronics industry complex near Boston, Massachusetts accounted for only 2 percent of the NASA contracts.

However, a House committee recently gave approval for a new $50 million NASA electronics research center to be located near Boston. But funds have not yet been appropriated.

The report said 49 States had contracts of $25,000 or more in fiscal 1963, and 31 States had more than $1 million. Eight States received awards of more than $50 million.

NASA said subcontracting by the prime contractors spread the geographic distribution more.

U.S. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ANNUAL PROCUREMENT REPORT, FISCAL YEAR 1963

IX. GEOGRAPHICAL DISTRIBUTION OF NASA PROCUREMENTS

A. Prime contract awards

1. Fiscal year 1963: Forty-nine States participated in NASA's direct awards of $25,000 and over in fiscal year 1963. Of the 49 States, 31 States received awards of more than $1 million. Eight States received awards of more than $50 million.

The 10 States receiving the largest share are listed below. The large proportion placed in California reflects the heavy concentration in that State of firms in the aerospace and electronic industries.

State	Amount (millions)	Percent of total
Total	$2,181	100
California	1,099	50
Missouri	197	9
Louisiana	185	8
New York	98	5
Alabama	97	4
Florida	92	4
New Jersey	56	3
Texas	55	3
Maryland	47	2
Massachusetts	43	2
Other	212	10

Of the 49 States that received direct awards of $25,000 and over, 45 participated in awards to business firms, 46 in awards to educational institutions and 20 in awards to other nonprofit research institutions.

The categorization of NASA procurements by State is based on the location where the items are to be produced or supplied from stock; where the services will be performed; or with respect to construction contracts, the construction site.

U.S. geographical distribution of NASA procurement direct awards of $25,000 and over,[1] fiscal year 1963

[Thousands of dollars]

State	Total		Business		Educational institutions		Other nonprofit	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Total	$2,181,405	100.0	$2,085,639	100.0	$79,639	100.0	$16,127	100.0
Alabama	97,068	4.4	95,097	4.6	1,826	2.3	145	.9
Alaska	2,057	.1	816	(2)	1,241	1.6	-----	-----
Arizona	6,291	.3	4,742	.2	1,549	1.9	-----	-----
Arkansas	322	(2)	105	(2)	217	.3	-----	-----
California	1,098,486	50.4	1,085,517	52.0	10,218	12.8	2,751	17.0
Colorado	7,094	.3	6,119	.3	825	1.0	150	.9
Connecticut	9,015	.4	7,649	.4	1,366	1.7	-----	-----
Delaware	204	(2)	56	(2)	148	.2	-----	-----
Florida	92,393	4.2	91,148	4.4	1,164	1.5	81	.5
Georgia	6,025	.3	5,603	.3	349	.4	73	.5
Hawaii	124	(2)	29	(2)	95	.1	-----	-----
Idaho	1,791	.1	1,791	.1	-----	-----	-----	-----
Illinois	14,837	.7	8,469	.4	4,842	6.1	1,526	9.5
Indiana	2,921	.1	2,014	.1	831	1.0	76	.5
Iowa	2,548	.1	907	(2)	1,641	2.1	-----	-----
Kansas	898	(2)	224	(2)	674	.8	-----	-----
Kentucky	82	(2)	32	(2)	50	.1	-----	-----
Louisiana	185,263	8.5	184,852	8.9	411	.5	-----	-----
Maine	192	(2)	-----	-----	192	.2	-----	-----
Maryland	47,185	2.2	45,167	2.2	2,018	2.5	-----	-----
Massachusetts	43,463	2.0	22,320	1.1	17,893	22.4	3,250	20.2
Michigan	9,088	.4	3,710	.2	5,072	6.4	306	1.9
Minnesota	8,583	.4	5,760	.3	2,670	3.4	153	.9
Mississippi	86	(2)	45	(2)	-----	-----	41	.3
Missouri	197,104	9.0	195,372	9.4	901	1.1	831	5.2
Montana	70	(2)	-----	-----	70	.1	-----	-----
Nevada	484	(2)	443	(2)	41	.1	-----	-----
New Hampshire	585	(2)	425	(2)	160	.2	-----	-----
New Jersey	55,889	2.6	53,014	2.5	2,875	3.6	-----	-----
New Mexico	2,916	.1	906	(2)	1,766	2.2	244	1.5
New York	97,471	4.5	88,490	4.2	6,361	8.0	2,620	16.2
North Carolina	1,000	(2)	416	(2)	526	.7	58	.4
Ohio	32,268	1.5	30,330	1.5	1,160	1.5	778	4.8
Oklahoma	1,087	.1	371	(2)	716	.9	-----	-----
Oregon	575	(2)	426	(2)	149	.2	-----	-----
Pennsylvania	30,489	1.4	27,812	1.3	2,380	3.0	297	1.8
Rhode Island	356	(2)	235	(2)	71	.1	50	.3
South Carolina	76	(2)	-----	-----	76	.1	-----	-----
South Dakota	407	(2)	-----	-----	407	.5	-----	-----
Tennessee	2,301	.1	1,804	.1	497	.6	-----	-----
Texas	54,772	2.5	51,344	2.5	2,620	3.3	808	5.0
Utah	534	(2)	336	(2)	198	.2	-----	-----
Vermont	128	(2)	79	(2)	49	.1	-----	-----
Virginia	23,961	1.1	23,325	1.1	636	.8	-----	-----
Washington	2,516	.1	2,339	.1	177	.2	-----	-----
West Virginia	538	(2)	395	(2)	143	.2	-----	-----
Wisconsin	12,683	.6	11,363	.5	1,320	1.7	-----	-----
Wyoming	38	(2)	38	(2)	-----	-----	-----	-----
District of Columbia	27,141	1.2	24,204	1.2	1,048	1.3	1,889	11.7

[1] Excludes awards placed with or through other Government agencies, awards outside the United States, and actions on the JPL contract.

[2] Less than 0.05 percent.

B. Subcontract awards

The data shown are based on awards to prime contractors only. Consequently, the widespread geographical distribution of work to subcontractors is not reflected.

In August 1962, NASA instituted a subcontracting reporting program the primary purpose of which is to obtain further information on the geographical distribution of NASA's procurement dollars. Under this program 12 of NASA's major prime contractors report first-tier subcontracts in excess of $10,000 on each of their prime contracts in excess of $500,000. Each of the first-tier subcontractors awarded an NASA subcontract in excess of $50,000, reports second-tier subcontracts in excess of $10,000. The reporting is accomplished by the contractors submitting a postcard form to NASA at the time of the subcontract award.

As of June 30, 1963, the reported subcontracts had totaled $682 million and had effected a significant redistribution of NASA's prime contract dollars. The subcontract dollars represented 4,387 actions of $10,000 or more placed with 1,284 different subcontractors by the 12 prime contractors.

The chart shows the geographical distribution of the subcontracting. Column (b) shows the $682 million of subcontract dollars distributed among the States in which the applicable prime contracts are being performed. Column (d) shows where the dollars were distributed through first- and second-tier subcontracting.

Analysis of the data shows that the subcontracting had also effected a significant geographical redistribution of the prime contract dollars. The subcontracts originated in 8 States. They are being performed in 40 States. As will be noted from the following table, more than one-third (37 percent) of the dollars was awarded to States other than the originating eight. Twenty-four percent was awarded outside the originating State to one or more of the other originating States. Thus a total of 61 percent of the subcontract dollars had crossed State lines.

	Millions	Percent of total
Total subcontract awards	$682.2	100
Subcontracted outside originating State	413.5	61
To other than 8 originating States	253.5	37
To other originating States	160.0	24
Subcontracting within originating State	268.7	39

Geographical distribution of NASA 1st- and 2d-tier subcontracts awarded by 12 of NASA's major prime contractors and their 1st-tier subcontractors, Jan. 1, 1962, to June 30, 1963 [1]

State	Distribution based on principal place of performance of prime contracts		Distribution after 1st- and 2d-tier subcontracting State total	
	Amount [2]	Percent of total	Amount [3]	Percent of total
(a)	(b)	(c)	(d)	(e)
Alabama	$1,859,076	0.3	$888,346	0.1
Arizona			10,670,794	1.6
Arkansas			171,558	(4)
California	417,383,676	61.2	305,014,972	44.7
Colorado			4,526,835	.7
Connecticut	73,043	(4)	26,175,909	3.8
Florida	5,018,909	0.7	37,286,028	5.5
Georgia			174,593	(4)
Illinois			9,367,643	1.4
Indiana			1,778,852	.3
Iowa			18,335,666	2.7
Kansas			642,439	.1
Louisiana	15,486,002	2.3	6,429,028	.9
Maine			156,018	(4)
Maryland			21,677,456	3.2
Massachusetts			32,593,623	4.8
Michigan			8,232,572	1.2
Minnesota			41,429,746	6.1
Mississippi			45,311	(4)
Missouri	208,593,135	30.6	2,931,719	.4
Nevada			1,203,426	.2
New Hampshire			$117,854	(4)
New Jersey			10,029,794	1.5
New Mexico			36,326	(4)
New York	$28,973,022	4.2	72,179,129	10.6
North Carolina			575,680	.1
Ohio			10,188,022	1.5
Oklahoma			1,470,688	.2
Oregon			641,472	.1
Pennsylvania			47,437,736	7.0
Rhode Island			385,614	.1
South Carolina			11,328	(4)
Tennessee			559,474	.1
Texas	4,871,907	.7	4,390,063	.6
Utah			1,124,455	.2
Vermont			66,214	(4)
Virginia			224,170	(4)
Washington			369,665	.1
West Virginia			647,026	.1
Wisconsin			2,071,516	.3
Total	682,258,770	100.0	682,258,770	100.0

[1] Reporting program was established August 1962. Retroactive reporting to Jan. 1, 1962, was on a voluntary basis and such reporting is not necessarily complete. This is particularly true with respect to reports on 2d-tier subcontracts.

[2] This column shows the dollar value of the subcontracts distributed according to the principal place of performance of the applicable prime contracts.

[3] This column shows the net distribution of the 1st- and 2d-tier subcontracts according to the principal place of performance of the subcontracts.

[4] Less than 0.05 percent.

Sixteen States, other than the eight States awarded the prime contracts, had received subcontracts of $1 million or more. These, in order of magnitude, were:

Pennsylvania	$47,437,736
Minnesota	41,429,746
Massachusetts	32,593,623
Maryland	21,677,456
Iowa	18,335,666
Arizona	10,670,794
Ohio	10,188,022
New Jersey	10,029,794
Illinois	9,367,643
Michigan	8,232,572
Colorado	4,526,845
Wisconsin	2,071,516
Indiana	1,778,852
Oklahoma	1,470,688
Nevada	1,203,426
Utah	1,124,455

Of the 1,284 different subcontractors, 926 or 72 percent are small business firms. They were awarded $105 million or 15.4 percent of the reported subcontract dollars. These data do not, however, provide a complete picture of the participation of small business firms in the subcontracting (the reports from the small business subcontracting program indicate that about 40 percent of subcontracts are awarded to small business). The difference in the data obtained from the two reporting systems is probably due to the fact that the data reported by the 12 firms shown include only first- and second-tier subcontracts of $10,000 or more, and with respect to second-tier subcontracts, only those awarded during the last 10 months of the 18 months period covered by the data. It is in the lower value and lower tier subcontracts that small business participates to the greatest extent. For example, 53 percent of the second-tier subcontract dollars went to small business. The impact of second-tier subcontracting will become more evident as the reporting system covers a longer period of time.

The $682 million of reported subcontracts represents approximately 30 percent of the total awards by NASA on the applicable prime contracts. This is probably considerably less than the total subcontracting on these prime contracts since subcontracting on some was virtually complete at the inception of the subcontracting reporting program, and on some new contracts, subcontracting had just begun.

[From the Washington Evening Star, Feb. 7, 1964]

MOON PROJECT INVOLVES UP TO 300,000 JOBS

(By William Hines)

The United States will have 300,000 persons at work on the moon program when Project Apollo reaches its peak next year, Congress was told today.

Of these, more than 45,000 will be professionals with scientific and engineering degrees.

The report was made to the House Space Committee by Dr. George Mueller, head of the moon program in the National Aeronautics and Space Administration.

Dr. Mueller was testifying on the agency's $3,012 million manned space flight request for fiscal 1965.

The moon effort has grown, Dr. Mueller said, until today "between 200,000 and 250,000 persons are working on it. About 15,000 of these are NASA employees and the remainder are workers in industry. The number will increase over the next year and a half and will peak at the end of fiscal 1965."

TARGET DATE STILL 1969

NASA is past the high point of expenditures for facilities, such as the moon port at Cape Kennedy, Fla., and the Pearl River rocket testing area in Mississippi, Dr. Mueller told the committee.

The physical plant for Project Apollo at NASA is worth about $2 billion, with "a comparable amount" of money in facilities used by industry.

This is "a year of transition from design to hardware," Dr. Mueller said. He added that the present pace of the moon program is still pointed toward a manned moon landing before the end of 1969.

On Tuesday, NASA Administrator James E. Webb indicated the landing date had slipped into 1970, but yesterday Dr. Robert C. Seamans, General Manager of the agency, insisted that 1969 was still the hoped-for date.

COST STUDY CITED

A study made in his office, Dr. Mueller said, shows that a "stretchout of the present Apollo program from late 1969 to 1972 would cost about $3 billion without adding anything to the program." Apollo currently embraces 15 flight vehicles based on the Saturn V superbooster and is currently estimated to cost $20 billion.

Dr. Mueller's space flight office is budgeted to receive about 70 percent of the $4,382 million allocated for NASA research and development in fiscal 1965. The agency's total budget, including construction and operating costs, is $5,304 million.

Appearing before the committee with Dr. Mueller were Dr. Homer E. Newell, head of NASA's Office of Space Sciences and Applications, and Dr. Raymond Bisplinghoff, head of the Office of Advanced Research and Technology.

[From the CONGRESSIONAL RECORD, Apr. 22, 1964]

CALIFORNIA FIRM HOPES TO HAUL MOON ROCKET IN HUGE BRITISH PLANE—FLIGHTS FROM PLANTS TO LAUNCH PAD WOULD SAVE WEEKS OVER SEA TRIP, MIGHT AVOID RISKS

(By Robert E. Dallos)

LONDON.—When the upper two stages of America's giant Saturn moon rocket first become airborne, they may be inside a vintage British airplane that's had its own troubles getting off the ground.

A Van Nuys, Calif., firm, Aero Spacelines, Inc., proposes to convert three 12-year-old British flying boats into what it claims would be the biggest cargo carriers aloft. If the National Aeronautics and Space Administration (NASA) approves the plan, the company would fly the huge upper two stages of the Saturn V rocket from California to Huntsville, Ala., where they would be assembled for tests with the first stage, built in Mississippi. Afterward, the upper stages would be flown to Cape Kennedy while the even larger first stage would go by barge.

No plane now flying is big enough to carry the upper sections of the Saturn V, the rocket being developed to power the first manned U.S. moonship, Project Apollo. The upper stages are being built by North American Aviation, Inc., and Douglas Aircraft Co. They're too big to clear railroad tunnels, bridges, and adjoining tracks so, unless some means is found to fly them, the upper stages will have to be transported by sea via the Panama Canal.

Two of the British flying boats have never flown and the third has a mere 100 hours of test time in the air. Dubbed the Princess Flying Boats, the planes cost the British Government about $30 million in 1952. But they proved too costly and underpowered for either civilian or military use and they were put in mothballs.

NEW LEASE ON LIFE

Their new lease on life came recently when Cargo Sales, Ltd., a firm registered in the Bahamas, bought them from the British Government. Cargo Sales, in turn, granted options on the planes to Aero Spacelines. Terms weren't disclosed but conversion costs alone may total $3 million per plane.

To avoid the power problems of the craft, Aero Spacelines plans to replace the present 10 conventional propeller engines with 8 jets. To accommodate the rocket sections, it would install a much broader fuselage on the existing airframe, extending it to a 40-foot diameter. The plane also would be converted to a land-based craft. The conversion might take 20 months, enabling the planes to be ready well before the moon shot, hopefully set for before 1970.

The finished plane, resembling a winged whale, would dwarf most present aircraft. The biggest U.S. transport now, Boeing's jet cargoliner, lifts an 80,000-pound payload. The proposed rocket transport would lift 200,000 pounds and its gross weight would be 450,000 pounds, or one-third more than the Boeing jet. The pilot would sit nearly 60 feet off the ground, or as high as a 6-story building.

Aero Spacelines claims its big airplane, cruising at 350 miles an hour, could deliver the rocket sections in 8 hours or so, compared to 4 or 5 weeks by boat, and at the same cost. "We figure we could save 300 days' time transporting hardware in the Apollo program alone," claims J. H. Overholser, chairman. He adds that air shipment would eliminate potential damage from such sea hazards as salt spray, humidity, violent pitching, and the like. And if a section has to be returned to the factory for reworking, it can be done by air in a single day.

NASA WILL GET PROPOSAL

Preliminary engineering studies and wind tunnel tests have been completed on the proposed converted airplane. The results, according to the company, are "more than satisfactory." Engineering evaluation is continuing and a proposal is being drafted to submit to NASA. The space agency, of course, can't commit itself on the idea until a proposal is submitted.

NASA already pays Aero Spacelines about $100,000 monthly to fly smaller Saturn rocket components to Cape Kennedy. For this job, the company uses specially enlarged versions of the Boeing Stratocruiser, a propeller-driven plane. Its swollen fuselage has earned it the nickname, "Pregnant Guppy." It's 20 feet in diameter, or about half the size of the proposed Princess rocket carrier.

[From Senate committee hearings]

NASA AUTHORIZATIONS FOR FISCAL YEAR 1965

NASA obligations under grants and contracts to a total of 139 American colleges and universities during fiscal year 1963 were as follows:

"Big 20"	[1] $37,645,413
All others (total 119)	36,003,144
Total (139 schools)	73,638,557

[1] Does not include $14,189,669 to MIT for development of the Apollo guidance system.

The "Big 20" American colleges and universities have been identified from 100 listed on page 50 of the report "The Federal Government and Education," presented by Mrs. GREEN of Oregon, House Document 159, 88th Congress, 1st session, as those 20 institutions receiving the largest Federal expenditures for research in fiscal year 1962. The amount of money that these 20 institutions received in NASA grant and contract awards during fiscal year 1963 is shown in table 1. Table 2 lists, in alphabetical order, the other 119 institutions receiving grant and contract awards from NASA for fiscal year 1963. The last column in each table shows the rank order, from 1 to 139, of each institution based on the amount of the NASA award. These two tables show that while much of NASA's support is going to the larger schools, that a substantial amount is also going to the smaller schools and, in fact, that NASA is trying to encourage participation in the space program wherever competence and interest can be found.

TABLE 1.—*NASA grant and contract awards to the "Big 20" American colleges and universities for fiscal year 1963*

"Big 20" in rank order from p. 50, H. Doc. 159, 88th Cong., 1st sess.	Amount of NASA award	Rank order of 139 NASA awards
*University of California (total complex)	$7,811,377	1
*Massachusetts Institute of Technology	3,008,991	5
*Columbia University	1,397,075	14
*University of Michigan	5,030,775	2
Harvard University	1,045,674	21
*University of Illinois	594,233	29
*Stanford University	2,224,884	10
*University of Chicago	4,192,792	3
*University of Minnesota	2,618,986	6
*Cornell University	618,425	27
*University of Wisconsin	1,319,725	16
*University of Pennsylvania	$625,280	26
*New York University	636,788	24
*Ohio State University	359,625	41
*University of Washington (Seattle)	184,830	66
*Johns Hopkins University	318,998	47
*University of Texas	474,911	35
*Yale University	1,247,603	19
*Princeton University	3,709,306	4
Iowa State University	215,135	59
Total	37,635,413	

*Indicates the 19 schools out of 20, referred to by Mr. Webb on p. 287, that received training grants in fiscal year 1964.

TABLE 2.—*Alphabetical list of 119 other American colleges and universities receiving NASA grant and contract awards during fiscal year 1963*

	Amount of NASA award	Rank order of 139 NASA awards
*University of Alabama	$1,383,742	15
Alabama A. & M.	2,225	139
University of Alaska	1,273,959	18
Alfred	32,125	116
*Arizona State	110,795	87
*University of Arizona	1,308,824	17
*Arkansas	194,945	65
Aroostook State Teachers College	26,000	120
*Auburn	554,492	30
Baylor	336,329	45
Boston University	14,500	128
Brandeis	110,033	88
Brown	33,193	115
*Brooklyn Polytechnic Institute	373.710	39
*California Institute of Technology	1,813,842	11
*Carnegie Institute of Technology	214,500	60
*Case Institute of Technology	599,070	28
*Catholic University	303,651	49
*Cincinnati	141,100	82
City College of New York	21,824	126
*Clemson	75,600	98
*Colorado State	195,604	64
*University of Colorado	$1,086,162	20
*Connecticut	133,290	84
Dartmouth	90,000	92
*Delaware	147,300	77
*Denver	311,301	48
Drexel	53,292	104
*Duke	212,243	61
Farmington State Teachers College	40,000	111
*Florida State	745,233	23
*University of Florida	366,338	40
Fordham	109,203	89
Fort Kent State Teachers College	10,010	131
Georgetown	265,014	54
*George Washington	505,240	32
*Georgia Institute of Technology	488,473	34
Gorham State Teachers College	42,750	109
Hampton Institute	16,062	127
Haverford College	11,184	130
University of Hawaii	118,440	86
Hebron Academy	4,000	137
Hollins College	24,035	124
University of Houston	232,084	56

TABLE 2.—*Alphabetical list of 119 other American colleges and universities receiving NASA grant and contract awards during fiscal year 1963*—Continued

	Amount of NASA award	Rank order of 139 NASA awards		Amount of NASA award	Rank order of 139 NASA awards
*Illinois Institute of Technology	$227,239	57	*Purdue University	$353,200	43
*Indiana	293,100	51	*Rensselaer	2,581,030	7
*State University of Iowa	1,485,677	13	*Rhode Island	70,800	99
University of Kansas City	41,087	110	*Rice	842,000	22
*Kansas State	246,085	55	*Rochester	631,467	25
*University of Kansas	429,950	37	Rutgers	50,181	106
*Kent State	25,500	121	Seton Hall	27,423	119
Kentucky	81,445	95	*Southern California	536,470	31
*Lehigh	198,300	63	University of South Florida	34,564	114
Long Beach State College	5,500	135	*Stevens Institute of Technology	157,407	72
*Louisiana State	131,500	85	*St. Louis University	140,400	83
Maine	61,250	102	*Syracuse	320,786	46
Maryland	1,700,187	12	Temple	63,002	101
University of Miami	91,897	91	*Tennessee	217,425	58
*Michigan State	144,000	78	*Texas A. & M	351,789	44
Mississippi State	30,643	117	*Texas Technological College	101,600	90
University of South Mississippi	9,714	133	Texas Christian	44,351	108
Missouri School of Mines and Metallurgy	76,400	97	Texas Southern	38,000	112
*University of Missouri	152,900	75	Texas Women's University	88,786	94
Montana State College	70,000	100	Texas Western	176,400	70
University of Nebraska	2,750	138	*Tulane	279,375	53
*University of Nevada	51,076	105	*University of Utah	153,340	74
New Hampshire	79,639	96	*Utah State	56,000	103
New Mexico State	2,345,460	8	*Vanderbilt	287,475	52
*University of New Mexico	207,832	62	*University of Vermont	48,700	107
*North Carolina State	182,000	67	*Virginia Polytechnic Institute	177,000	69
*University of North Carolina	155,620	73	*University of Virginia	358,305	42
*Northeastern University	89,106	93	Washington State Teachers College (Maine)	25,000	122
Northeast Louisiana State College	12,374	129	*Washington University at St. Louis	490,800	33
*Northwestern	293,416	50	Wayne State	27,875	118
*Notre Dame	174,370	71	*Western Reserve	141,600	80
Ohio University	10,000	132	Western State College of Colorado	35,000	113
Oklahoma City University	141,450	81	*West Virginia	143,100	79
*Oklahoma State	416,849	38	William and Mary	25,000	123
*University of Oklahoma	177,000	68	Xavier	7,000	134
*Oregon State	149,400	76	Yeshiva	23,125	125
*Penn State	464,485	36			
*Pittsburgh	2,305,000	9	Total	36,003,144	----------
University of Puerto Rico	5,450	136			

*Indicates the 69 schools, referred to on pp. 287 and 322, that received training grants for fiscal year 1964.

[From the Wall Street Journal, May 22, 1964]

CUT OF 1,000 WORKERS FOR APOLLO CONTRACTOR ANNOUNCED BY NASA—AGENCY SAYS REDUCTIONS AT UNIT OF NORTH AMERICAN AVIATION NOT LINKED TO CURRENT BUDGET TALKS

WASHINGTON.—The Federal space agency said the major contractor on Project Apollo—North American Aviation, Inc.'s Space and Information Systems Division, Downey, Calif.—soon will reduce program personnel by about 1,000.

A spokesman for North American Aviation said the company plans to reduce the work force on its Apollo project, but "we don't know yet how many people will be affected." He said there is a total 31,000-man work force in the company's Space and Information Systems division.

"We are reaching a point in the Apollo program where we are passing a phase that naturally calls for reducing employment," he added.

A spokesman for the National Aeronautics and Space Administration said the cuts aren't related to the current budget deliberations in Congress, but are the result of continuing progress in the Apollo development program.

The spokesman emphasized that the cuts in no way indicate a reduction in the pace of the project to land astronauts on the moon in this decade. Nor does it indicate any change in scheduling, he said. "We are merely trying to keep costs down as much as we can," he added.

North American's Downey plant has a $934.4 million program, extending through June 30, 1965, to develop and produce 11 reusable flight versions of the Apollo command and service modules or compartments, 15 boilerplate or dummy versions for testing, and 10 mockups or ground-based models.

[From the Wall Street Journal, June 18, 1964]

NORTH AMERICAN AVIATION IS LAYING OFF 2,500 FROM LUNAR PROGRAM

LOS ANGELES.—North American Aviation, Inc., said its Space and Information Division, Downey, Calif., will have laid off about 2,500 Project Apollo personnel by July 1 since May 21. The division is the major contractor on the Apollo lunar expedition program.

An earlier estimate by the National Aeronautics and Space Administration put the reduction at 1,000 due to completion of certain phases of the project. A North American spokesman said the increased number resulted from continuing studies of changes in the program by NASA and the company. He added that the cuts don't signal any change in the program's schedule for putting a man on the moon by 1970.

The company said all types of personnel are affected. After July 1, the division will have about 30,000 employees, "and it will level off at this figure for the rest of the year," a spokesman said.

North American said that of the employees to be laid off, about 1,000 are engineering and administrative personnel, 350 are technicians and statisticians and about 1,150 are support personnel such as janitors, clerks and secretaries. A spokesman said personnel officials were trying to place employees in jobs elsewhere, but he couldn't estimate at this time how many would be relocated.

Mr. FULBRIGHT. Mr. President, when one reads the report of the committee and observes the vast amount of money proposed to be spent for various programs, it is almost incomprehensible.

The amount is so vast and the terminology, even, is so new that most Senators are naturally reluctant to challenge the program as submitted to the Senate.

We see on page 4 of the report that for the Gemini program $308,400,000 is proposed and that for the Apollo program $2,677,500,000 is proposed—a total of close to $3 billion. That is as much as was appropriated last year for the entire foreign aid program, including military assistance—in other words, one of the major aspects of our effort to keep peace in the world.

The space program is one which promises no significant and immediate benefit that I can see to the solving of problems here on earth. I am willing to concede that we should pursue a space program for scientific purposes, but what I am trying to emphasize, as I did last fall, is that a crash program for putting a man on the moon by 1970 is not justified.

There came to my desk recently a book entitled "The Moon-Doggle," written by Prof. Amitai Etzioni, of Columbia University. I have not had an opportunity to read the entire book, but I ask unanimous consent that the introduction, which consists of only six pages can be printed at this point in the RECORD.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

"THE MOON-DOGGLE"—INTRODUCTION

The American people will never consent to live with a Red ocean. That was Washington's first reaction to the news that, on an otherwise uneventful Friday afternoon, a Soviet trawler lowered a bathysphere 45,000 feet into the Atlantic Ocean, 7,000 feet deeper than an American had ever descended. Khrushchev proudly announced the new "victory of the science and technology of the Soviet people," predicting that the Russian divers would penetrate as much as 50,000 feet into the unexplored reaches of the ocean by 1970.

While Washington maintained, on the surface, a calm attitude, actually both the Pentagon and the Congress were in an uproar. The Navy immediately pointed out that whoever controls the bottom of the ocean will be the victor in any submarine warfare; ability to reach a greater depth, said the Navy, was equivalent to flying higher in an air battle. The military editor of the Tribune suggested that control of the deep seas would allow the Russians to launch a sneak attack on the United States. The Senate Committee on Un-Prestigious Activities launched around-the-clock hearings on the U.S. submerged efforts and the implications of the new Soviet breakthrough for the U.S. image abroad. Several scientists testified to the urgent need to train more American divers and oceanographers and to increase, in general, Federal aid to basic research. The introduction of diving classes in high schools was also proclaimed vital to "our survival and freedom."

The Navy, whose share of the national defense budget had been declining as the Air Force's share soared, floated several proposals that would allow the United States to catch up with, if not overtake, the Russians at the bottom of the ocean by 1970. The estimated cost was $20 billion. Several Senators were visited by representatives of the idle aircraft carrier industry, who pointed out that new carriers were needed to transport the divers and their equipment and that the construction of these carriers would reduce unemployment in the Senators' respective States. Finally, a White House statement declared that "We go into the ocean because whatever mankind undertakes, free men must fully share." and "in a very real sense, it will not be just one man going to the bottom of the ocean * * * it will be an entire nation. For all of us must work to put him there."

Not long after this statement was issued, intelligence reports indicated that the Russians had built a gigantic earthmoving machine working underground like a monster mole that swallowed the earth in front of it and deposited it behind, thus permitting large troop movements to be concealed from an opponent's eye and fire. The Army, and its friends in Congress, hoped that now its chance at the budget had come.

If all this seems quite believable, it is no wonder; it has happened. Not at the bottom of the ocean or underground—yet—but in outer space.

By the end of the fifties, after years of slow motion, America almost came to a standstill. Domestic problems piled up. Economic growth was pitifully slow, unemployment annoyingly high and persistent; civil rights were promised but only token measures were achieved; and the richest nation in the world was operating a subsistence school system. On the foreign front, American prestige was slipping, and the danger of nuclear war loomed larger. Increasingly friends wondered and foes hoped that America had lost the ability to adapt itself to a changing world and to meet new challenges creatively. The election campaign of 1960 highlighted the weaknesses, both internal and external, arising from the deadlock in which American society found itself. The Democrats' central slogan was, Let's get America moving again.

Then came the New Frontier. At first Congress blocked most of the legislation advocated by the new administration as essential for progress at home. Abroad, the new administration antagonized both the left and and the right by the Bay of Pigs fiasco; the left because of the invasion attempt, the right because of its failure.

At last, however, an answer was found, a way discovered to get the country moving again. We would race to the moon. The space sprint would propel America forward on all fronts: it would win prestige to compensate for Soviet space spectaculars; it would create work for the unemployed; it would spur the economy into a higher level of activity; and it would give new incentive and impetus to scientific investigation.

But the space race, we will show, is not a propellent but a drag. Far from stimulating forward movement on any of these fronts, it further aggravates the problems both at home and abroad, and it is strengthening the forces that block America from moving ahead.

The moon race proved to be a monumental misdecision. It is, therefore, of double interest: as a decision that in itself must be reversed; and as a source of more general insights into American society. Like an X-ray picture, the space race reveals the inner nature of our problems and the real reasons for our difficulties in handling them. It is a symptom of an illness that, unfortunately, runs much deeper.

It is treated as such a symptom throughout this volume, but the magnitude of the misdecision itself should not be underestimated. The projected weekend visit of three Americans to the moon and their safe return to earth is the most ambitious and costly single project ever undertaken by the United States in peacetime. The costs of manned flight to the moon are estimated to run at least as high as $20 billion.[1]

If past experience is any teacher, the actual cost will probably be even higher. Most space projects are not only far behind schedule, but already have cost much more than originally estimated—or at least reported to Congress and the public. For instance, the cost of the tracking range of Project Mercury was initially estimated as $27 million but it actually cost over $40 million. The whole project was to cost $250 million but will end up costing at least twice as much. Project Vanguard is first in the budget race, with a total cost of four times its original estimate. Dr. Warren Weaver, former president of the American Association for the Advancement of Science, put the price tag on the manned flight to the moon (first visit) not at $20 billion, but $30 billion.

Since most people cannot even imagine how much money this is, Dr. Weaver found it useful to illustrate the order of magnitude by listing what could be accomplished with the same money. According to Weaver, it could: (1) Give every teacher in the United States a 10-percent raise each year for 10 years; (2) endow 200 colleges with $10 million each; (3) finance the education of of 50,000 scientists through college and graduate school at $4,000 per year; (4) build 10 new medical schools at $200 million each; (5) build and endow complete universities for the 53 countries added to the United Nations since its establishment; (6) create 3 new Rockefeller Foundations worth $500 million each.

These figures cover only the manned flight to the moon. But it is hardly news that there is much more to the space race than the moon. Large investments have been made for orbiting various satellites, space balloons, and space stations. And, although the idea of planet hopping is somewhat less popular now than it was at the peak of the space rush, plans are still made and funds allotted to prepare for trips to Venus and Mars, originally slated for the early or mid-seventies, now expected by most experts in the 1980's. If the moon race is continued, the loser might be under pressure to try to visit some other planet first. NASA is working on intercelestial trips as much as 40 years in the future. In addition to this civilian expenditure, the Air Force has increased its space budget to $1.6 billion in 1964, not counting missiles, and is full of plans for space interceptors, space spies, space command posts, and other space goodies.

As space budgets grow like Jack's beanstalk, the more conservative estimates, only a few years old, are already inadequate. Seventeen and a half billion dollars, projected by economist Murray L. Weidenbaum as total NASA (i.e., civilian only) budget for the sixties, seems now to leave little money for anything but a thinned-out Project Apollo. Estimates on space costs by industrial analyst D. C. Eaton, including military expenditures, amount to an enormously high $40 to $50 billion for this decade, while James Williams of United Research, Inc., predicts the incredible expenditure of $100 to $150 billion for the same period. (Fortune similarly estimates the civilian and military space budget for the sixties as running from $75 to $100 billion, not including $50 billion "extra" for missiles.) These figures, it might be pointed out, run higher than the total sum required to bring all the underdeveloped countries in Africa, Asia, and Latin America to an economic "takeoff" point—that is, one at which they could continue to develop on their own.

How, when, and why did we ever commit such a gigantic pile of resources to the penetration into space? Was it all a hasty response to a surprise Soviet challenge, when the Russians orbited the first satellite on October 4, 1957?

As it happens, America's immediate response to sputnik was far from shocked or hysterical. We had had a limited scientific program of space exploration prior to 1957, and President Eisenhower categorically refused to enlarge the program significantly. In the face of swelling public clamor for counterspectaculars, he somewhat increased the budget available for scientific explorations of space. Still the Congress, led by then Majority Leader Senator Lyndon Johnson, was not satisfied. It threatened to take measures of its own to accelerate national space efforts. Finally Eisenhower agreed to submit a new plan, which led to the formation of a National Aeronautics and Space Agency in February of 1958. Even so, by the time Eisenhower left the White House, the total civilian space budget (in fiscal year 1960) was a comparatively meager half a billion dollars.

President Kennedy is usually depicted as the man who initiated the big space spurt in his desire to regain international prestige lost under Eisenhower and to use the side benefits of the race to get America moving again. Actually, while President Kennedy did at times favor a space race, before it was initiated, while it took place, and shortly before his tragic death he aspired to put space to quite a different use. Instead of a domain to demonstrate national superiority, he sought to make space a zone of peaceful international cooperation; he hoped to save our resources by exploring the stars together with Russia and other nations.

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[1] The National Aeronautics and Space Administration itself provided this figure and amended it only when, late in 1963, Congressmen who became critical of the space splash picked as a natural target the Moon project which uses two-thirds of the total space budget, leaving only one-third for all the many other space projects. Then NASA, which is guided by some of the most politically astute, public-relations-minded people in the Federal Government, on Oct. 18, 1963, suddenly reduced the cost of the lunar visit, claiming that the actual landing on the Moon would require only between one and three billions. However, the remaining bills were not saved; they were needed anyhow. James E. Webb (NASA's head) claimed that the money must be allotted to projects, such as $5 billion for the development of the rocket needed for this landing (which might also be used for others); $6 billion for unmanned investigation of the Moon; $7 billion for development of the Apollo spacecraft and the lunar excursion models, but not the actual landing. Since this accounting exercise for the benefit of Congress is of little interest, I will continue to base my calculations on the earlier figures provided by NASA itself. The lunar visit, as a whole and not just the landing, will cost at least $20 billion.

In his inaugural address he made his true space plans clear: "Let both sides seek to invoke the wonders of science instead of its terror. Together let us explore the stars." Again, in his first state of the Union message to Congress, he stated majestically: "I now invite all nations—including the Soviet Union—to join with us in developing a weather-predicting program, in a new communication-satellite program and in preparations for probing the distant planets * * * today this country is ahead in the science and technology of space, while the Soviet Union is ahead in the capacity to lift large vehicles into orbit. Both nations would help themselves as well as other nations by removing these endeavors from the bitter and wasteful competition of the 'cold war.'" Meeting with Nikita Khrushchev in Vienna in 1961, he proposed a joint American-Russian space program. (Later, when Khrushchev cabled congratulations on John Glenn's flight, the President in his acknowledgment again suggested Soviet-American cooperation in space, and followed through with specific proposals.)

But before the slow international machinery could implement any of these ideas, the President faced the low point of his tragically short career with the failure of the invasion of Cuba at the Bay of Pigs in April 1961. Tensions with the U.S.S.R. mounted, and hopes of international cooperation, even in outer space, seemed dim. At the same time the Congress refused to approve most of the legislation advocated by the administration as essential for progress at home. Economists feared that the 1960–61 recession would deepen unless Federal funds were pumped into the economy by some means that a conservatively oriented Congress would approve. A rapid survey of the field pointed to a space race. A hurried "study group," utilizing few earlier reports, examined the project and reported to the President that it would work.

Meg Greenfield reported from Washington to the Reporter: "The moon program was worked out over a hectic weekend in May of 1961 at the Pentagon following Alan Shepard's successful suborbital flight. It was a political response to the Gagarin venture and to the Cuban disaster, among other things. Reportedly, Secretary McNamara, James Webb, of NASA, and a few others met round the clock starting Friday evening and worked out the crash program that was presented to the President for a decision the following Monday. 'We have been told,' as one of the participants puts it, 'not to fool around.'"

Never has a more important peacetime decision been based on less research and deliberation. On May 25, 1961, the President proclaimed the landing of an American on the moon and his safe return to earth as a major national goal and the highest-ranking space project.

But when President Kennedy realized shortly before his death that the space race was getting out of hand, soaking up more and more national resources and accentuating rather than reducing international tension, he sought to curb it once more by renewing his initial proposal of a joint American-Russian exploration. He declared in September 1963 in his last speech before the United Nations: "Why should man's first flight to the moon be a matter of national competition? Surely we should explore whether the scientists and astronauts of our two countries—indeed, of all the world—cannot work together in the conquest of space, sending someday in this decade to the moon not the representatives of a single nation, but of all our countries."

Meanwhile some large corporations, NASA, the Air Force, and some idea men had joined hands to demand even larger sacrifices for the race into space. The succession of Lyndon Johnson to the Presidency in November 1963 augured well for this coalition. Johnson had been a member of the original study group that advocated the space race, the chairman of the Aeronautical and Space Sciences Committee of the Senate, and, as Vice President, head of the top space body where all the space programs of the Nation are coordinated, the National Aeronautics and Space Council. Many of his closest aids were on the staff of NASA during the Kennedy period, including Edward C. Welsh, the executive secretary of the NASC; O. B. Lloyd, Jr., director of public services and information for NASA; Cyrus R. Vane, former consulting counsel for NASA; and Edwin L. Weisl, special council in a Senate inquiry into missile and satellite programs. And in his first speech to a joint session of Congress President Johnson began his statement on policy aims by listing first "the dream of conquering the vastness of space."

It must be remembered that as a Senator, Johnson was representing Texas, which is greatly interested in space industry and research centers. As Vice President, he was entrusted with the care of the mushrooming national space garden. This does not mean that as President, entrusted with the welfare and progress of the whole Nation, he will feel himself spacebound. But whether and to what degree and at what moment President Johnson will call off the race into space that he earlier helped to launch still remains to be seen.

The question must not be posed in terms of going into space or remaining grounded. This is the simpleminded approach to the problem favored by those who have placed their bets on the space race; it makes critics of the race appear as enemies of science and of progress. The question is not an either/or proposition, but one of pace—of haste and waste. It is my contention that the space program in general—especially the moon project and particularly the landing of a man there—has claimed an undue amount of attention and resources; that the race into space has some dangerous side effects that threaten the vitality of our science, undermine our security, and retard rather than advance our economy. Above all, we will see, instead of helping America regain the capacity to chart its own course in the world, the gigantic investments made in charting the moon serve those who seek to preserve the America of yesterday as it is confronted with the problems of tomorrow.

Mr. FULBRIGHT. Mr. President, I invite the attention of the Senate to a statement by Professor Etzioni about the origin of the moon program. The first inclination of President Kennedy was to propose a joint program with the Russians. I quote a part of the introduction:

> Meeting with Nikita Khrushchev in Vienna in 1961, he proposed a joint American-Russian space program. (Later, when Khrushchev cabled congratulations on John Glenn's flight, the President in his acknowledgment again suggested Soviet-American cooperation in space, and followed through with specific proposals.)

Unfortunately, subsequently to that meeting there occurred the Bay of Pigs expedition in 1961. It had considerable effect upon our relations with the Russians, not only in the field of space projects, but in all other fields, as well. It precipitated a much different climate. The author wrote:

> Meg Greenfield reported from Washington to the Reporter: "The moon program was worked out over a hectic weekend in May of 1961 at the Pentagon following Alan Shepard's successful suborbital flight. It was a political response to the Gagarin venture and to the Cuban disaster, among other things. Reportedly, Secretary McNamara, James Webb of NASA and a few others met round the clock starting Friday evening and worked out the crash program that was presented to the President for a decision the following Monday. 'We have been told,' as one of the participants puts it, 'not to fool around.'"

That was the origin of the moon program, according to Professor Etzioni. I am sure there was more to it than that, but what he wrote makes some sense. Because of the disaster of the Bay of Pigs and the success of sputnik, the United States was determined to do something spectacular to impress the world that the United States had not become a second-class country.

I have much more confidence in the capability of the world to judge whether or not the United States is a second-class country. I do not believe that either of those events had any such actual effect upon the world's thinking. I am not prepared to throw away $5 billion to show that we are a great country. Everyone knows that we have made mistakes, and this is one of them. But I do not wish to pay for it in any such fashion as this.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield on the Senator's time.

Mr. ANDERSON. Yes, on my time.

Mr. FULBRIGHT. I yield to the Senator from New Mexico on his time.

Mr. ANDERSON. Does the Senator place any reliance on the authority he has cited?

Mr. FULBRIGHT. I do, because of the nature of the program and the justification that has been given for it by the proponents. I read a moment ago a statement prepared for delivery today justifying this program on the ground that we must be first in space; that we must impress the world that we are first in space and that we are a great country. This point of view is consistent with many things that have been said on the floor of the Senate in the past by the proponents of the program.

Mr. ANDERSON. I think it would be well if the Senator would check to learn whether the moon program was started in the Pentagon in 1961, after the Bay of Pigs disaster. He might learn that it did not.

Mr. FULBRIGHT. I stated the origin of it. This statement was by the reporter who wrote the article.

Mr. ANDERSON. I have read some articles, too.

Mr. FULBRIGHT. I do not know of my own knowledge. I assert that this description of the way the program started is quite consistent with the program as it is presented. I spoke about

President Kennedy. Everyone knows that I have the greatest respect for President Kennedy. He was a very great man. I would in no way reflect upon him. I discussed this question with him before his unfortunate, tragic death. I do not wish to delay the Senate by going into detail, but in summary his attitude was that the project as originally started would contribute to moving this country ahead, that it had strong support, and that this would get money into the economy of the country and help get it to moving again, as he was anxious to do. Therefore, it had what they called a "fallout" effect, aside from its own merits. I do not believe that that is an inaccurate description of his attitude.

In 1963, after things had calmed down——

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 additional minutes.

Mr. FULBRIGHT. President Kennedy in his last speech before the United Nations stated:

> Why should man's first flight to the moon be made a national competition? Surely we should explore whether scientists and astronauts of our two countries—indeed, of all the world—cannot work together in the conquest of space, sending someday in this decade to the moon not representatives of a single nation, but of all our countries.

That being in his last speech before the United Nations, it shows that he came back to his original idea that this project should not be a kind of childish competition to see who was first in a spectacular race to the moon, but that he had recognized that this was the kind of project to be pursued on a multilateral basis—with the Russians, or anyone else who wished to cooperate in it.

So I say that the arguments which have been advanced to justify this crash program are wholly without foundation.

There is one sentence in the introduction:

> The question is not an either/or proposition, but one of pace—of haste and waste.

I believe that summarizes the argument about as well as I can do it.

Mr. President, there came to my attention an article published in the Arkansas Gazette which I believe sums up this situation in a rather striking manner. This reported a speech in my State by Dr. John R. Emens, president of Ball State Teachers College, Muncie, Ind.

Dr. Emens said:

> Outer space is a great challenge to man, but the space between the ears is the greater challenge.

I believe that sums it up very well.

Here we are, in some fantastic manner engaged in a program involving more than $5 billion in 1 year, and neglecting the education of our people. In other words, we are neglecting the improvement of the space, and even the investigation of the space, between the ears.

He says further:

> The challenge of inner space is under men's hats. It is the most undeveloped territory in America today.

I know of no better way to put it.

Mr. President, I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, May 31, 1964]

SPACE BETWEEN EARS NEEDS DEVELOPMENT, SPEAKER SAYS

JONESBORO—Outer space is a great challenge to man but the space between his ears is the greater challenge, Dr. John R. Emens, president of Ball State Teachers College of Muncie, Ind., told the largest graduation class in Arkansas State College's history Saturday night.

"The challenge of inner space is under men's hats," Dr. Emens said. "It is the most underdeveloped territory in America today."

He told the 467 graduates, "The next 25 years will herald an era of scientific knowledge unequaled in all history, with no country more than 24 hours away."

He said that it was a current misconception that everything in the world was changing. This is confusing and does not develop a feeling of security among young people, he said. The changes in scientific areas must be recognized, he said, but "we must all face the fact that the major problems of life are constant."

Mr. FULBRIGHT. Mr. President, the Senator from Oregon, who is willing to contribute to this debate, has had a great deal of experience in trying to get money for education as the best answer to help the situation. When did we ever get $5 billion to enable the young people of this country to meet the challenges, even of the space age.

There is much that must go unsaid under the limited time that we have today with regard to needs in other fields, particularly in the underdeveloped area of space between the ears.

So, Mr. President, I hope that the Senate will take a second look at this problem, as I believe President Kennedy was doing before his untimely death. We got into this program under the impulse of the Bay of Pigs, and the orbiting of sputnik by the Russians. It was a highly emotional era, in which we were told that America was falling behind the Russians in the space race and that we must do something dramatic to reestablish our position in the world. Senators will remember that our prestige in the world became an issue in the last campaign, and a great deal was made of it. All this I believe is nonsense compared to the actual state of the world. I do not, for one moment, believe that there is anything substantial to the argument the United States is behind the Russians either in this field or in any other field of any significance to the human race.

I do not wish to downgrade the accomplishments of the Russians in any field. They have done and they are doing a competent job in space, particularly in the field of rocketry. But this is not a justification of this type of program. It is erroneous and false to base the project of going to the moon with a man on any such consideration as our prestige. Our prestige does not need support of this nature.

There is one other item I should like to mention before I take my seat. I invite attention to the argument that will be made about the cost of the delay. NASA finds itself, in my opinion, in an inconsistent position. It is now trying to downgrade the——

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for one-half minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for one additional one-half minute.

Mr. FULBRIGHT. I received a letter of February 14, 1964, in reply to my inquiry as to the effect of cuts on the cost, and I ask unanimous consent that this letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., February 14, 1964.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Administrator Webb has asked me to reply to the questions which you directed to him concerning funding of NASA programs. Three of these questions concerned the current projected date for a manned lunar landing and the effect on that date of the disallowance of our supplemental budget request both (a) alone and (b) in conjunction with certain percentage reductions of our budget for fiscal year 1965.

With congressional approval of requested funding, we expect to achieve a manned lunar landing in 1969. If we are fortunate enough to attain maximum success in preliminary portions of the schedule, the landing may be made before 1969.

If the $141 million fiscal year 1964 supplemental is not allowed but the 1965 budget request is approved, we estimate that the delay in accomplishing manned lunar landing will approximate 6 months.

If the supplemental request of $141 million is denied and the fiscal year 1965 R. & D. budget request for the Apollo program of $2,677.5 million is cut by the following percentages, assuming full funding in later years, the estimated delays are: (a) 10 percent, 1 year; (b) 25 percent, 1½ years; (c) 50 percent, 2½ years.

In addition, it is important to note that a stretchout of the landing date caused by insufficient funding in fiscal year 1965 will most assuredly increase the total cost of the lunar mission. Our studies show that the total cost would increase by approximately $1 billion for each year the landing is delayed. Thus, our estimates reflect that a 1-year delay will cost about $1 billion; a 1½-year delay $1.5 billion; and a 2½-year delay some $2.5 billion.

In response to your fourth question concerning the percentage of NASA's contracts that are cost-plus-fixed-fee, I am enclosing a copy of the extension of remarks for the Record, Dr. Robert C. Seamans, Jr.'s testimony before the House Science and Astronautics Committee, February 5, 1964. Dr. Seamans' statement provides not only the answer to your question, but related figures that will be of interest.

Sincerely yours,
RICHARD L. CALLAGHAN,
Assistant Administrator for Legislative Affairs.

Mr. FULBRIGHT. I invite the attention of Senators to page 2 of this letter, which states that the study forces them to the conclusion that the cost of the lunar mission would increase by approximately $1 billion for each year the landing is delayed.

Yet in other arguments, it is said that the Apollo project of going to the moon is a small part of the overall project. They cannot have it both ways. They cannot minimize the cost of the Apollo project and at the same time say that a year's delay will cost a billion dollars, because the statements are utterly inconsistent.

Mr. President, I yield the floor.

Mr. ANDERSON. Mr. President, I yield 5 minutes to the Senator from Florida [Mr. HOLLAND], a valuable member of our committee.

Mr. HOLLAND. I thank the Senator. I wish to make three points.

First. I am a member of this committee; and I do not recall that the distinguished junior Senator from Arkansas, or anyone else, appeared before our committee to make this point at the proper place and at the proper time when the committee was considering the matter.

Mr. FULBRIGHT. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. FULBRIGHT. I made a statement last fall on the floor of the Senate. I explained the facts, and offered an amendment, which 36 Members of the Senate voted for. So this should not come as any surprise to the Senator.

Mr. HOLLAND. I realize that it does not, because we have known about the obsession of the Senator from Arkansas for a good long time. But we held long committee sessions and long committee meetings in an effort to get to the bottom of the problem. The Senator from Arkansas did not honor us by appearing, and neither did any other Senator who took the same position that he does.

Second. The Senator mentions education. I wish him to know that hundreds of millions of dollars have been pumped into the educational system of this Nation because of the space effort. In my own State of Florida, in this last year, we voted, for the first time, an amendment to our constitution to permit the issuance of $75 millions in bonds for the purpose of constructing new buildings at the institutions of learning. A large part of this amount will be spent in building a new higher institution of learning devoted to the same fields of science that are so greatly needed in the furtherance of this space program, located close enough so that the people residing in the Kennedy Space Center area—and there are many thousands working with the various contractors—can attend that institution. That is only a part of our effort, in our State alone. I am told by people from California that the amounts which they have pumped into their institutions as a result of the space effort will run into the hundreds of millions of dollars.

I am told by those from the Houston area that the same thing is true there. We were told about the same story when the question arose as to establishing the Electronics Space Center at Boston. The same situation prevailed there. In addition, to the clear results in the education plants at the higher education level, much progress resulted at the junior college level, and at the high school level. The aggregate amount has been enormous because of the impetus of this particular program.

Anyone who thinks that this program has not contributed to a vast extension of education in this country has not followed the matter closely. I do not care whether one has read a book, or made a speech on the floor of the Senate, or what he has done, he simply does not know the facts, if he thinks that this program has not contributed, and is not contributing vastly to the extension of education in our country.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. I have only 5 minutes. I regret that I cannot yield. But if I have any time left, I will yield at the end. This program is either good or bad. The Senator offers a proposal which is similar to cutting off an inch of the cat's tail at a time so it will not hurt. Whether it is a good bill or a bad bill, a necessitous or nonnecessitous program, if the Senator wants to come before our committee, or if he has a question to ask concerning the matter, he could ask it. That is how he would expect the matter to be handled before the Foreign Relations Committee. I have heard the Senator speak frequently about people who have come forth on the Senate floor with proposals that have not been dealt with in the committee.

Our committee has a difficult task. We are not scientists. But we are trying to get to the bottom of these problems as best we can. To propose to cut off a program without recognizing the great impetus to education which this very program has given, and the great impetus which it has given to the prestige of this country throughout the world is not an appropriate way in which to approach the problem.

I hope the amendment will be defeated.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. ANDERSON. I yield 1 minute.

Mr. HOLLAND. I am glad to yield.

Mr. FULBRIGHT. With regard to the education program, I recognize that the amount this year has been increased, I believe from $73 million to $146 million, and spread among nearly 140 schools.

Mr. HOLLAND. The Senator is referring to the education program through NASA?

Mr. FULBRIGHT. Yes.

Mr. HOLLAND. I am talking about the education program throughout my own State of Florida and elsewhere which is a major program.

Mr. FULBRIGHT. The State of Florida is a principal beneficiary of this bill. I appreciate the Senator's interest in it. I would be interested in it, too, if that kind of money were being spent in Arkansas.

Mr. HOLLAND. If the Senator's objection is that it has not been located in Arkansas, I realize that he has not understood the matter up to this time.

Mr. FULBRIGHT. If it were being spent there, it would be extremely difficult for me to oppose it. Not having any strong State interest involved, I can be objective about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I fully expect the Senator to seek this when I see how this money has been distributed through all the States and all the schools, and a little bit handed out as a goody for everybody here. I recognize the facts of life.

Mr. HOLLAND. Mr. President, may I have 30 seconds?

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 seconds.

Mr. HOLLAND. I have defended and stood with the Senator from Arkansas on many issues—on his exchange program, and many other aspects of education; and I shall continue to do so. But I never expected the distinguished Senator from Arkansas to be apparently as blind as he is to the fact that this particular space effort is contributing more vastly as an impetus to education in our country than any other one effort that we have had in my lifetime.

I appreciate the courtesy of the Senator from New Mexico in yielding.

Mr. ANDERSON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. ANDERSON. The Senator from Arkansas suggested that the State of Florida was the chief beneficiary of this program. The Senator does not have the facts. The first State is the State of California. The State of Florida is about the fifth on the list behind Missouri, Louisiana, and New York.

Mr. FULBRIGHT. Does that include Cape Kennedy?

Mr. HOLLAND. Yes.

Mr. ANDERSON. If the Senator from Arkansas would come to the hearings of the Committee on Aeronautical and Space Sciences on this subject and ask these questions, those facts could be given to him.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield on the Senator's time.

Mr. FULBRIGHT. I do not think I said "the principal one." It is one of the principal ones, receiving a very substantial amount adding up to several hundred millions of dollars. There is so much money in this program that it represents a vast amount for a number of States.

Mr. ANDERSON. I yield myself one-half minute.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for one-half minute.

Mr. ANDERSON. I hope the Senator from Arkansas will read the wording. He used the term, "the principal beneficiary." I did not want the Senator to be in the position of using the wrong terminology.

Mr. FULBRIGHT. The list is quite clear as to who gets the money. I put it in the RECORD. I was not trying to make any particular point. It is a matter of public record as to who the beneficiaries are.

Mr. MORSE. Mr. President, will the Senator yield me 5 minutes?

Mr. ANDERSON. I yield.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I asked to have this matter brought back primarily for a rollcall vote. It was handled through a parliamentary procedure day before yesterday that did not permit many of us to know it was coming up. As I said yesterday I criticize no one for the way it was handled. However, most of us who oppose the moon project were off the floor attending to other official Senate business and were not given any notice by way of a quorum call. We want to make our case against a $5 billion authorization for the moon project about $3 billion of which will be spent on trying to put a man on the moon. We think that first things should come first in spending the taxpayers' dollars and this project should not have top priority.

Also we say that we should have a rollcall vote on this huge expenditure proposal.

Permit me to say to the Senator from Florida, and the Senator from Arkansas that the position of the senior Senator from Oregon is that we are moving as fast as we should and can justify in connection with the Apollo program. This authorization proposal for $3 billion is an unjustifiable spend up. Our amendment calls for only a 10-percent cut. I had hoped to have a larger cut. I talked with my friend from Arkansas, and he said it would be better to get a 10-percent cut than no cut at all. I would cut it drastically. I do not think there is the need for the rush act that the proponents of this project are urging. I think there are a good many loony features to this program. I would like to go a little slower on it. But, Mr. President, I am rather heartbroken this morning about the sense of values of the Senate of the United States. For, yesterday, in my judgment, inexcusable, shocking injustice was done to my State when I sought only $5 million for the most serious poverty-stricken pocket in the United States. I urged that we go to the assistance of this area, as President Kennedy had recommended. It was his project. There was little debate on the floor of the Senate on my proposal for an Indian school at Tongue Point. But I have been told this morning by friends what the cloakroom arguments against me were. "Why, MORSE attacked the Appropriations Committee." One would think the Appropriations Committee is a Senate sacred bull. I am told by a Senator that one member of the Appropriations Committee argued that he should vote against my Tongue Point amendment because it would jeopardize two Indian schools in Alaska. That is false. No Indian schools in Alaska, or anywhere else in this country, would have been affected one iota by the proposal to come to the relief of the most depressed poverty pocket in America, by establishing a special Indian school there as recommended by President Kennedy. West Virginia, the Appalachian area are no more depressed than Astoria, Oreg., and no single community of its size in West Virginia and Appalachia has been hit harder than Astoria.

Look at the rollcall of yesterday on my Tongue Point request. Today Senators who voted against it see no inconsistency in their urging $3 billion for an Apollo project. But yesterday they were blind to the needs of the State of Oregon and their false sense of values caused them to vote against giving the State of Oregon the sum of $5 million for the relief of the most depressed poverty pocket in the country.

I want to say that the Senator from Oregon will do what he can to slow up unnecessary expenditures. I am not against the moon project, as the Senator from New Mexico knows, and as the Senator from Florida knows. I am against authorizing all of $3 billion this year. Further, I want to say that I reject completely his argument that because the Senator from Arkansas and the Senator from Oregon did not raise an objection at hearings before the Space Committee we are estopped on the floor of the Senate from offering an amendment. There are committee meetings by the scores that we never know about. We cannot be expected to know about them. Yet when we get a bill on the floor of the Senate and think it ought to be amended, we are told that we are estopped because we have not gone before a committee and offered our objections to the bill at the time of the committee hearing. There is no justification for arguing by implication that we are estopped from offering an amendment on the floor of the Senate. I do my very best to keep up with my work. But there are only 24 hours in a day. It is the duty of every Senator to offer amendments to bills on the floor of the Senate whenever his study of them satisfies him that they should be amended. If such a duty and right did not exist then much of the purpose of floor consideration of a bill would be destroyed.

When I see the Senate display the false sense of values that it exercised yesterday, relying on falsehoods in the cloakrooms in regard to Tongue Point as a basis for its opposition, I am saddened; my opponents should have had the courage and fairness to come to the floor of the Senate and meet the senior Senator from Oregon head-on in regard to the Tongue Point issue yesterday. I say I shall not vote for $3 billion for this project until we can get a more equitable distribution of the money available for relief at home.

We can reduce by 10 percent the authorization on the Apollo project and spend it for more immediate benefit to the people of our country in connection with some of our poverty-stricken areas. But if the Senate wishes to conduct itself as it did yesterday and impose that kind of unfairness upon the senior Senator from Oregon, that is its privilege. But the senior Senator from Oregon does not intend to take it without a fight. I am deeply concerned about what happened on the floor of the Senate yesterday afternoon when Senators were not willing even to listen to the facts or to come to me and get the facts, but acted on the basis of the gross misrepresentations that have been reported to me this morning as having been spread in the cloakrooms of the Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. Mr. President, may I have 1 additional minute?

Mr. FULBRIGHT. I yield an additional minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 additional minute.

Mr. MORSE. That kind of injustice cannot be justified in the Senate.

I repeat that my State is at the bottom of the totem pole so far as the expenditure of Federal dollars among the Western States is concerned on a per capita basis. We do not have any large defense installations. There is not a single defense installation of any major importance in my entire State. One would not know that Oregon was in the Union on the basis of the treatment that it has received from the Congress and the executive branch of government in respect to defense expenditures. I think it is about time that we started to do some equity in defense expenditures and see to it that Federal dollars at least are distributed with some degree of equity. I agreed with President Kennedy and the Navy Department that the Tongue Point Naval Base, which was a small base, but the only major defense installation that we had in the whole State, should have been closed because it had become obsolete to the then Navy use.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. Mr. President, I ask for an additional one-half minute.

Mr. FULBRIGHT. Mr. President, I yield the Senator from Oregon one-half minute.

The PRESIDING OFFICER. The Senator from Oregon is recognized for one-half minute.

Mr. MORSE. Mr. President, we should put that fine facility to a Federal use. We are asking to save 10 percent on this project so that we can have some more money to take care of some of the seriously depressed areas that exist in our country.

We had better pay attention to what is going on on this globe before we agree to pour $3 billion into the moon. Desirable as it may be, in the long pull to have the moon project there is no need for a crash program when we need so much to take care of our emergencies right here at home. We are moving too fast, in my judgment, in the light of our domestic needs. So I plead for a rollcall, for it will be an interesting comparative rollcall—$3 billion for the moon, but not $5 million to help out the people in the most serious poverty pocket in the United States.

The PRESIDING OFFICER. The Senator's time has expired.

The Chair recognizes the Senator from New Mexico.

Mr. ANDERSON. Mr. President, first I wish to say that it was not my privilege to conduct the hearings on the authorization bill this year. I had other obligations. The able Senator from Missouri [Mr. SYMINGTON] conducted them. I believe he conducted them extremely well. The hearings that I attended were conducted very well. I believe that he tried very hard to bring out a budget that was below the figure for last year, and therefore an amount which he thought was right and proper, and which I thought was right and proper. I realize that it is easy to say that any money saved on the project might go for purposes of education if we did not spend it for the space organization.

I have been in the Senate for a few years. I have never seen the time when the cutting off of money for one project automatically put it into something worthwhile. Many of us, many times, have appealed for money for education, for public health, and for projects of that nature by cutting down on other programs. When a program was cut down, somehow the money saved never found its way into education channels. I do not believe that the proposal would be a way to get money for education.

I assure Senators that the Committee on Aeronautical and Space Sciences, at least, and, I believe, the entire national organization, is not opposed to the spread of education. We have watched the work being done in colleges. Many of us have examined minutely the programs which are in operation; and, I believe, across this country there has been a great development of interest in science because of the things which NASA has been doing to speed the project along.

Those opposed to the NASA budget, in effect, accuse the Committee on Aeronautical and Space Sciences of authorizing more than $5 billion as fiscal year 1965's contribution to a $20 billion stunt to land a man on the moon by 1970.

I remind Senators that there was a lead program a long time ago. The Eisenhower administration instituted a study program that included a lunar landing. The great difference was that the lunar landing was to take place late in the 1970's and was to cost many billions of dollars. I would refer the Senator to "Special Committee on Space and Astronautics Print No. 1," dated March 27, 1958, and more specifically to President Eisenhower's Science Advisory Committee's document entitled "Introduction to Outer Space." The administration of President Kennedy decided to move the project ahead, and agreed that a sum of money somewhere in that neighborhood, perhaps a little larger, might be used.

Mr. FULBRIGHT. Mr. President, will the Senator explain the Eisenhower program? Was it ever presented to the Senate?

Mr. ANDERSON. Certainly; to the Senate committee.

Mr. FULBRIGHT. What happened to it?

Mr. ANDERSON. The first phase was approved. We started ahead on the program. We did not appropriate all the money. But the Eisenhower program of lunar research involved $22 billion for the 10-year plan and costed out to some $30 billion through 1975.

Mr. FULBRIGHT. Thirty billion dollars was authorized?

Mr. ANDERSON. No; we are not authorizing the entire lunar program now.

Mr. FULBRIGHT. What did the Senate find for the Eisenhower program?

Mr. ANDERSON. I would have to go back.

Mr. FULBRIGHT. It was not any substantial amount, was it?

Mr. ANDERSON. It was.

Mr. FULBRIGHT. I had never heard of that before.

Mr. ANDERSON. In the 1940's there was a program called Project World Series, in which was considered the possibility of developing a program to send a man to the moon and around the earth.

Those projects have been in existence for a long time; they have not been developed suddenly.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. HOLLAND. Is it not a fact that the committee, following the recommendations of the President, materially slowed down the post-Apollo portion of the program, but decided that the Apollo portion of the program already underway and in an advanced stage should proceed at the economical and prepared speed, but that there is a material slowing down of the general space program as to the post-Apollo portions thereof?

Mr. ANDERSON. Yes, indeed. A study was conducted at one of the Midwestern universities to determine what the level of expenditures in the space program for the next 10 or 15 years would be. When I took the responsibility of the space program, I looked at a copy of that study and found that by 1975 the expenditures would run to approximately $13 billion for a single year. I devoted a great deal of my time to be sure that the level of expenditures did not reach any such figure as that, because it seems to me to be excessive. I wish I could supply the Senator from Arkansas with the amount furnished under the Eisenhower administration. I believe it was about $2 billion.

Mr. FULBRIGHT. To make it clear, was that $2 billion appropriated to go to the moon, or was that required in rocketry and missiles?

Mr. ANDERSON. One cannot go to the moon without a rocket. It was called the lunar landing program.

Mr. FULBRIGHT. I never heard of that before. I remember very well the discussions about missiles for military purposes. However, as late as yesterday morning in the committee I asked General Taylor whether landing a man on the moon would have any military or defense significance. He said, "Nothing direct. The indirect effect of rocket study might have some effect, but the Defense Department is conducting its own research."

I remind Senators that the NASA program is not all that is going on in the space field. The Defense Department has $1.5 billion budgeted for their purposes. The lunar landing program has no significant part in the defense program. Bringing up the Eisenhower proposal confuses the issue. I believe that it was largely a defense program. Is that true?

Mr. ANDERSON. My understanding is that it involved a great many years. Keith Glennan was brought down here to operate a space program. I was in the original group that studied that question. I remember well the discussion we had. I do not know how many are still on the original committee that made the investigation of the question, but I am at least one of them. I know the program did involve lunar exploration and all of those things that go with it.

Mr. FULBRIGHT. The portion of the exploration that is so expensive is the participation of man, is it not? Is it not true that putting a man on the moon is much more expensive than using instruments to explore the moon?

Mr. ANDERSON. Putting a man on the moon is much more expensive than putting instruments on the moon. It is more expensive to send a man with a device of some nature such as a camera to the moon than it is to photograph the moon by sending a camera to take the pictures. Those things, while expensive, are necessary in the program.

Broadly stated, this program includes, among others, the following goals:

First. The preservation of the role of the United States in aeronautical and space technology and its peaceful application.

Second. The expansion of human knowledge.

Third. The development and operation of vehicles that will carry men and scientific equipment through space.

Fourth. The exchange of information and discoveries between the civilian space administration and agencies concerned with national defense.

Fifth. The conduct of long-range studies, of benefits, opportunities, and problems involved in aeronautical and space activities for peaceful and scientific purposes.

To accomplish these goals, it is necessary that the space program proceed at an emphatic pace. It should be obvious to everyone that our efforts in space programs must also be paced so that this country will be able to:

First. Provide insurance that its science and technology will not become obsolete in an age of explosive advances in scientific knowledge, engineering techniques, and other technological innovations.

Second. To provide insurance against the hazards of surprises in space technology, with their possible adverse national security, psychological, and political consequences.

Third. To lead the world into the space age in such a manner as to derive benefits for all mankind.

The reason that the question should be directed to "Why a space program?" rather than "Why a lunar landing?" is that if we are to achieve our overall objective of becoming preeminent in space, we must explore, to the extent that we have the national capability to do so, all facets of space exploration.

Space is so vast and knowledge of it so limited that even beyond what we are now doing in the program, there are many more well-thought-out basic experiments and many more sound projects that could be devised, and in fact must be done, before dominance of space becomes a reality.

Your committee has asked NASA, and the President has asked both NASA and the National Aeronautics and Space Council to prepare studies of what steps should be taken to preserve the continuity of our national space program. They will report by the end of the year.

Speaking specifically of the manned lunar program, it has been my experience with the atomic energy program that research without an application in view is not as effective as research directed to a specific goal. A manned lunar landing by 1970 is not the objective of our space program, but it is that program's focal point—the specific goal that gives the program a frame in which to work.

I am sure that many will argue that the improvements in the state of the art in many of the disciplines involved in the space program could be accomplished without what some people have called the lunar stunt. I, for one, do not agree with this position and feel that by focusing the space technology upon a lunar landing—a mission that will require much of the broad spectrum engineering and research involved in the space program—we will clearly demonstrate to the world what we can do in space, and we will clearly demonstrate the virility and competence of our scientific and technological community.

Administrator Webb recently estimated that the entire manned space program now approved would cost less than $20 billion. Of this figure, however, about 90 percent is to develop basic space capabilities that we must have for preeminence there.

The lunar program, therefore, provides a goal around which to rally our scientific and technological aerospace talents. If there had been no decision to proceed with a lunar landing, but our national policy was still to achieve preeminence in space, much of the work now being done in the Apollo program would still need to be done.

We would, in fact, need another focal point for our space program—one that might not be as good, and could certainly not be better, than putting a man on the moon and bringing him safely back to earth.

One must caution at this time that to slow the program down merely because of its costliness could well endanger the national security by the program's failure to achieve one important goal, which I previously stated: Provide the necessary insurance against the hazards of surprises in space technology with their possible adverse national security and political consequences.

Those opposed to the NASA budget in effect accuse the Committee on Aeronautical and Space Sciences of authorizing more than $5 billion as fiscal year 1965's contribution to a $20 billion stunt to land a man on the moon by 1970.

You could not get 15 Members of the U.S. Senate to endorse such a stunt, and we would not do so. What we did do was to endorse a balanced program to meet this Nation's needs in the age of space.

Mr. President, there was inserted in the Record today an article from the Reader's Digest which discussed the work of sending a man to the moon. We had prepared an analysis of the article some time ago, in answer to the article that appeared in the Reader's Digest. We had hoped that the Reader's Digest would use it, but apparently it does not intend to do so. Therefore, I ask unanimous consent that this reply to the article be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Reply to Reader's Digest Article

Since the passage of the National Aeronautics and Space Act of 1958, Congress has borne the heavy responsibility of reviewing each year the proposed level of effort and priorities in the national space program. In discharging this responsibility, Congress has and will continue to look for guidance on the part of a free and informed press and citizenry.

As a consequence, I read with interest the provocative article by Blake Clark in the January issue of Reader's Digest, as did many of my colleagues in both Houses. While the article did spotlight many questions which supporters of the Apollo program must be prepared to answer this year as they did last, I do not believe it provides a reasoned evaluation of this program based on a thorough understanding of its nature or its objectives. Because Mr. Clark was apparently misinformed or uninformed about the aims of the program, its pace, its cost, and wholly unaware of the broad national interest this program already serves and will continue to serve in the future, he is also mistaken in his conclusions. Moreover, Mr. Clark errs in presenting the Apollo as a one-shot attempt to place men on the moon, ignoring all of the flight operations which will precede that effort. There can be no argument that preeminence in space, and our defense capability in space, require extensive operational experience in near-earth orbit. But this is precisely what the Gemini and Apollo programs will give us. American astronauts, in these two programs leading to the exploration of the moon, are now programed to spend between 4,500 and 5,000 man-hours in near-earth orbital space operations before the first team departs for the moon. When this is contrasted with less than 55 hours of manned flight in the entire Mercury program, it is apparent that Apollo will yield an enormous amount of valuable flight experience in the near-earth area of space. This flight time will include essential experience in techniques such as rendezvous and docking, which are regarded as an important prerequisite for potential military operations such as inspection of hostile or potentially hostile spacecraft, etc.

In order to set the record straight, allow me to summarize briefly why I support this program and why I urge my distinguished colleagues to continue to support in a bipartisan manner this important research and development effort.

1. The Apollo program is much broader than a single project aimed at landing Americans on the moon in this decade. It is this Nation's principal effort to establish a fundamental and far-reaching national competence in manned space flight at the earliest time consistent with sound technology advancement and resource availability—a competence which can be used to meet any future need, military or civilian. To hamstring this effort is to deny us the national power which accompanies the capability to launch large payloads into this new environment and to acquire the operational benefits accruing from preeminence in space exploration and operation.

2. Apollo is not a crash program that has got out of hand. We are not resorting to round-the-clock shifts, premium overtime, parallel lines of development, or any of the other techniques normally associated with a crash program in order to achieve the objective of lunar exploration within this decade. Responsible officials of NASA have in recent weeks convincingly shown that, based upon what capability we already have in hand, the Apollo program is being conducted on an optimum cost schedule; to stretch out the program would cost approximately $1 billion additional for each year we delay our actual effort to explore the moon. Similarly, an acceleration of 6 months, which is conceivable from a technical sense, and which would require something which could perhaps be described as a crash effort would also increase the cost by $1 billion.

3. Mr. Clark is also mistaken concerning the cost of the Apollo program. NASA Administrator Webb and other responsible officials have again assured Congress that all manned space activities of NASA already completed (Mercury) or now underway (Gemini and Apollo) will cost about $20 billion during this decade. Costs in the Apollo program directly attributable to the lunar landing mission (chiefly for the lunar landing module and other aspects of the Apollo spacecraft which would not be needed in earth orbit) will absorb about $2 billion of this total. Ninety percent of the costs of the Apollo program are for scientific research and technological development which are required in pursuit of the overall national objective—preeminence in space—and which would be required even though we had neither the desire nor the intention of attempting a lunar exploration within this decade. New defense activities in space are continually being added to the national program, with NASA providing full support to the Military Establishment, as the need for such military projects is identified.

4. The article proposes diverting money from the "moon race" and applying it directly to new military uses of space which have not yet been clearly identified. What Mr. Clark does not state, however, is that an ambitious and effective military space program is already in being, totaling over $1½ billion for the current fiscal year. Mr. Clark completely overlooks the role of NASA as a research and development organization with the responsibility of providing new knowledge and new technology for use by other agencies of the Government, including the Department of Defense. He ignores the history of its predecessor, NACA, as the source of the technological and scientific development on which our rise to the stature of world leadership in aeronautics, both military and civil, was based. Just as NACA provided this basic research and development activity which permitted our Defense Establishment to achieve supremacy in the air, so will it provide the basic science and technology required for military supremacy in space. This is a fact which has been stated repeatedly over the last several years by the responsible leaders not only in the civilian side of the Government but in the Military Establishment as well.

5. NASA and the Department of Defense took important steps during 1963 toward greater coordination and cooperation in car-

rying out their respective parts of the national space program. Moreover, it was announced in December that the Air Force would develop a manned orbiting laboratory using the NASA Gemini spacecraft as a key part of the system. This program again demonstrates the growing contribution of the NASA scientific and manned space flight programs to the Nation's defense potential. In this letter I cannot discuss all the points in Mr. Clark's article which lead to mistaken conclusions about the Apollo program and its role in the national space effort. But I do want to make clear my conviction that there is no need at this time to reevaluate, curtail, or slow down Apollo.

Apollo has a reasonable schedule, carefully estimated costs, and goals which can be understood by everyone. The main task before the Congress and the Nation now is not to reevaluate the Apollo program, but to carry it through to successful completion on time and on cost with the most efficient management possible. For this is the only way we can obtain the national strengths President Kennedy recommended as goals in 1961 and which the Congress affirmed as a national goal. President Johnson, who was a principal advocate of this effort both in the Senate and as Vice President, has endorsed this program once again and has asked the Congress and the Nation to carry on this task. The returns from achieving this goal will be many.

We must take into account the anticipated increase in our defense potential and in our capacity for effective international leadership. We must weigh the new knowledge, the new science, and new technology to be gained. We must consider the economic impact at a time when defense expenditures are slackening off. We must seek to measure the value of the stimulus which space exploration gives to our society in general and to our young people in particular. We have also to consider the desire of the American people to explore space, to carry on their pioneer tradition, to respond to a national challenge beyond the needs of national security.

Perhaps a lunar landing cannot be justified for any one or two of these reasons alone. But all the reasons, considered together, make a convincing case for an Apollo effort including the landing target as a means of focusing the technical effort involved.

Our investment in the Apollo program will be less than one-half of 1 percent of our national income (GNP) during this decade. Moreover, when employment of scientists and engineers in the NASA manned space flight program (Gemini and Apollo) reaches a peak some time in 1965, less than 3 percent of the Nation's growing pool of scientists and engineers will be involved. Even more importantly, NASA's graduate training program will be adding to the Nation's reservoir of engineering and scientific talent and building new banks of resources rather than draining such capability from that available to the Nation.

I hope, as the space debate continues, that the costs and benefits of the Apollo program will become clearer to everyone, and that the viewpoint of those of us who believe that this Nation must achieve preeminence in the new environment of space will be more clearly understod. Only by maintaining our drive toward this objective can we insure that this new knowledge is used for our own national interest and for the benefit of all mankind.

I enclose a more detailed analysis of Mr. Clark's article which was made at my request and which supports my general reaction of the article.

Mr. ANDERSON. Mr. President, if we add all the costs of all manned space programs, and unmanned supporting programs, proposed during this decade, the combined cost totals $22.5 billion. This cost is broken down as follows:

	Millions
Spacecraft	$5,053
Launch vehicles	7,702
Engine development	1,190
Launch and flight support	863
Tracking and data acquisition	776
Facilities	1,664
Installation operations (AO)	2,253
Total	19,501
Add costs of supporting projects that have independent scientific and technical objectives, i.e., space science exploration, MOL development and manned space flight techniques:	
Mercury, Gemini	1,805
Space science programs	1,117
Advanced study beyond Apollo	164
Subtotal	3,086
Total	22,587

It will be noted that this summary includes $1.8 billion for the Mercury and Gemini programs, which develops scientific and technical knowledge directly transferrable to the DOD manned orbital laboratory program and other manned space flight techniques. The summary also includes $1.1 billion for space science programs, which have the independent scientific and technical objective of space science exploration to expand our knowledge of space. The 10-year program will include the creation of $2.4 billion in capital assets in launch and tracking and data acquisition facilities which will continue to be an integral part of the national capability to maintain our preeminence in space.

It will be noted that the estimate includes $14 billion associated with the development of spacecraft, launch vehicles, and engines which has already enabled us to make substantial progress toward insuring preeminence in space for the United States. We have emerged from a period in which we were far behind the Russians. We are still behind in manned space flight capability, but we now have a very large capability, and the program has achieved sufficient momentum to move ahead of the Russians in the 1965–67 time period.

For example, the Saturn IB, a two-stage launch vehicle, can place 32,500 pounds in a 100-mile earth orbit. This has the potential capability of placing a space station in earth orbit. The Saturn V will make it possible for the first time to place really large payloads in orbit. It will be capable of placing 250,000 pounds in earth orbit or driving more than 90,000 pounds to escape velocities. With the Saturn V, the United States will possess a powerful and flexible vehicle system capability for a wide range and variety of missions. In particular, the Saturn V will be able to place in orbit a 36-manned space station with supplies for a year. The spacecraft development program will produce a vehicle that will permit an expansive view of the Nation's space capabilities. The command module itself will be the first U.S. spacecraft in which man can live and operate in a shirt-sleeve environment for periods of at least 2 weeks and have sufficient room to carry on normal living patterns.

All of the foregoing, representing an estimated 90 percent of the manned space flight budget, is essential to maintain our preeminence in a competition that is most vigorous and could again place this country in the position of losing its position of superiority.

It has been estimated that some 10 percent of the total decade budget for manned space flight is directly concerned with the actual landing on the moon, and that research and development and manufacture of hardware for this capability does not contribute to our national space posture.

A large portion of this cost is for the lunar excursion module which, while enabling us to make a lunar landing, will in fact contribute significantly to our capabilities outside the earth's atmosphere. It has a considerable structural advantage over spacecraft designed for earth reentry, and a maneuvering capability some 17,000 feet per second of velocity increment in its two stages.

LEM's sensors and guidance system will permit it to leave its mother ship, intercept either a friendly or unfriendly satellite, "land" on the satellite, allow the crew to get out and to inspect, repair, and test the other satellite, then take off and return to the mother ship.

I have outlined above what my philosophy and understanding have been with respect to our national goals in space and what my position has been as chairman of the Aeronautical and Space Sciences Committee.

The Apollo program is being referred to as a lunar program. This is perhaps a misnomer in that 90 percent of the money being allocated for such program provides our Nation with a broad based technology, facilities, and know-how which will be utilized not only to achieve, but also to maintain our preeminence in space.

I would like to add that the Senate Space Committee, consisting of 15 responsible members, spent many long hours considering the NASA authorization budget for fiscal year 1965. In considering the funding for Apollo, the committee did so not with the idea of how much money was to be spent in order to go to the moon, but how much money should be spent in as orderly and economical way as possible to achieve and maintain our Nation's goal to be preeminent in space. In this connection the committee felt that the funds being allocated for the Apollo program represented an effort on the part of this Nation to accomplish such preeminence.

The committee has also been aware that planning should be carried forward with respect to what this Nation shall do in space after Apollo. The committee has made such request and has been assured that such plans are being formulated. The President at the present time has made this request of NASA and of the Space Council and until such plans are formulated and the administration makes its policy known, I do not feel that the committee as such is in a position to speak to this question although it is continually aware of the kinds of programs now being contemplated.

The committee is also presently arranging for hearings and studies with respect to our national launch vehicle program with a view toward determining the most economical manner in which such a program can be carried out. Naturally, as such hearings progress it will be necessary to take into consideration our Nation's post-Apollo plans.

Mr. President, I am satisfied that after considering NASA's request in light of our Nation's goals in space that the fiscal year 1965 funding when balanced against our total national resources maintains a proper balance that will result in a time schedule capable of achieving national preeminence. It is a well balanced forward moving program being carried out in an orderly manner, and not on a crash basis.

I said earlier that the able and distinguished Senator from Missouri [Mr. SYMINGTON] had conducted the authorization hearings. He did an excellent job. I yield now such time as remains to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 9½ minutes remaining.

Mr. SYMINGTON. I am sure my colleagues realize there was no desire in any way to cut off discussion of the bill.

Since coming to the floor, I have been told there has been some doubt expressed about the military value of this program. An able man who recently left the Air Force, and is now military commentator for Newsweek magazine, Gen. Thomas D. White, said at a dinner upon his retirement that once those who controlled the ground controlled the world. Then it was those who controlled the seas who controlled the world. Today those who control the air control the world. White added, "The one thought I would leave with you tonight is that tomorrow those who control space could control the world."

The Dyna-Soar was considered to be the weapon most important to the future of our position in the space. Dyna-Soar would probably never have been canceled had it not been for the existence of Gemini, the space capsule developed by NASA, which was ready to take the place of Dyna-Soar. In addition, MOL—the Manned Orbital Laboratory—is considered one of the most important development of its kind. If not the most important.

I could not imagine how anyone who had thoroughly studied the subject could fail to realize how vitally important to our national security, aside from any question of say prestige, or weather control is the space program. That is the main thrust of my brief remarks today. Much of it I covered day before yesterday.

As any businessman knows, when one wants a job done, like establishing a line of merchandise, he decides to have it ready on a certain date. If it begins to look as if he is not going to get it by that date he knows the cost will be increased. In business it can be done more easily; but to try to stick to a schedule is infinitely more important in Government, where there is no profit motive, and therefore the chance of loss through waste is so much greater.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a statement entitled "Lunar Landing Date and Pace of Program." This statement replies to observations made this afternoon.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LUNAR LANDING DATE AND PACE OF PROGRAM

There are a number of reasons why it is desirable to maintain the present pace of the Apollo program, which calls for the beginning of manned lunar exploration before the end of this decade.

First, a tight timetable on major research and development programs demands incentive and efficiency, contributes to high morale, and requires that the many elements of the program be carried on in a coordinated effort. On the other hand, without a timetable, the work drags on through repeated changes in design, frequently of only marginal importance. As in most other human endeavors, the establishment of a schedule for a research and development program provides assurance that the work will in fact be completed.

At the outset of a program, any number of possible schedules may be relatively equal in desirability. In general, the most desirable schedule is one that is tight but achievable. The work should be scheduled over a relatively short period of time to utilize the most recent technological improvements. And it is clearly desirable to keep the personnel busy once the team has been assembled and to make maximum use of the facilities once they have been constructed.

The time phasing of the construction of facilities, the marshaling of the industrial team and the buildup of personnel must be planned in advance for maximum efficiency. This time phasing depends on the overall schedule of the program.

The Apollo program has been underway for 3 years. Through fiscal year 1964, one-third of the required funding has been appropriated. The government-industrial team of 300,000 people is five-sixths assembled. Most of the required construction is completed or is well advanced. Consequently, any change made in the overall schedule at this time would introduce great inefficiencies and the toal cost would be increased. NASA, at our committee's suggestion, has recently conducted a detailed analysis of the cost of stretching out the Apollo program for 3 to 6 years beyond the present 1970 goal. The increased cost would be about a billion dollars for each year of stretchout.

Looking at it another way, the impact of a budgetary cut in fiscal year 1965 would be to increase the total cost of the program and delay the lunar landing. A cut of 4 percent, or approximately $200 million, would add $600 to $700 million to the total cost of the program and delay the lunar landing 7 to 8 months. A 10 percent cut in fiscal year 1965 would delay the landing up to 2 years. The total cost would then be $2 billion greater, as I said a minute ago. (For chart see pt. 2 of Senate committee hearings, p. 770.)

With respect to technology, even the most difficult development problems involved in advancing the state of the art are yielding to hard work. Landing a man on the moon is not an easy goal, but we know of no technological problem that would prevent our accomplishment of the Apollo program in this decade.

Finally, present knowledge indicates that the environment of space will not prevent the achievement of the Apollo goal on schedule. Neither meteoroids, radiation, nor the conditions of the surface of the moon appear to create insurmountable difficulties. However, as in the Mercury program, man will be committed to space only after all necessary and reasonable precautions have been taken.

In addition to the considerations of economics and technology, national prestige is a factor. The Russians captured the world leadership in space when they orbited the first sputnik in 1957. Achievement of the first lunar landing will restore that leadership to the United States.

It is not possible to state today that we must reach the moon in this decade to beat the Soviets. Neither can it be said that it is not necessary to do so. What can be said, however, is that this decade was selected for the Apollo prorgam, after careful study, because it appeared to be the period in which we could reach the moon with reasonable assurance that we would be first, and in the process could develop the scientific and technical knowledge, industrial base, engineering and launch installations, and worldwide tracking and control networks needed to make our country preeminent in space. There has developed no later evidence to indicate that this decision, recommended by President Kennedy and approved by Congress, is unsound.

Mr. SYMINGTON. Mr. President, if we should not go ahead with the lunar program, as set out in this statement—

> A cut of 4 percent, or approximately $200 million, would add $600 to $700 million to the total cost of the program and delay the lunar landing 7 to 8 months. A 10 percent cut in fiscal year 1965 would delay the landing up to 2 years. The total cost would then be $2 billion greater.

These figures are natural if one considers the program on a businesslike basis, because exactly the same thing would happen in the construction of, say, an automobile.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes remaining.

Mr. FULBRIGHT. Mr. President, I wish to say a few more words by way of summary. The real question concerns a sense of values. What is important for our country at this time in our history? That is the question.

I hope I did not leave the impression that I thought by cutting the program we would get more for education. I realize that educational programs stand on their own feet and must be justified. That is not the point of my argument. I say that the pace of this program is not justified. This is now the crucial point and probably the last opportunity for us to slow down the manned lunar landing program. If we do not do it, and if the Senate refuses to do it, we shall have committed ourselves to put a man on the moon before 1970. I believe that if we take a good look at this project—of course there are only six Senators in the Chamber, and obviously the Senate is not taking a good look at it—we will cut it. I did not say that the money we saved would be given to education.

What I meant to say was that the lunar program does not come ahead of a number of other things from the standpoint of importance. I only used education as an outstanding example. I could name many other activities. I could name research into the oceans. I think that would be much more important than putting a man on the moon. I could name any number of things.

Mr. MORSE. Health, for example.

Mr. FULBRIGHT. Or health. I could name any number of subjects. I did not mean to give the impression that the money saved would be used for education. I would like to see that done, but I realize that that would not be the effect.

I do not quite understand the implication of the remark of the Senator from Missouri when he said that he who controls space controls the world. If this is to be a program to control the world, we had better take another look at it. I do not believe the Senator meant that seriously, when he said that he who controls space controls the world.

President Kennedy, in his last address to the U.N., said that we should cooperate under this program with the Russians, or with the United Nations. Certainly this was a much more sensible approach. The one thing we should not do is try to make this a kind of football game between Harvard and Yale, and say that whoever wins is a great country and will control everything.

This is a scientific exploration in a new environment, to increase the knowledge of man, and it should be one of the lowest programs in priority. There are many others that are higher in priority, in my opinion.

I say again that this is a question of a sense of values, and a question of priorities as to how we shall expend our money.

If we pass the bill as it is, we shall have made a firm commitment—although I wish to go on record as saying that I make no commitment that I will not try to cut it again—to go ahead with it even to the extent of hiring 300,000 men including a considerable portion of the Nation's scientists and engineers. It is all very well to say that we are helping education and doing things for science in furthering this program.

But to say that is a terrible distortion of the life of a great nation. This is not even the most important area so far as education is concerned. We ought to give more attention to problems that confront us today; for example, with reference to keeping the peace, how to make life more bearable, make people healthy, and many other things. All those things should come ahead of the lunar program.

We are asked to increase the House allowance; $5.3 billion is involved, Mr. President. When I think of the tears that were shed over the foreign aid program, which was only half as big as this program, it is incredible to me. The foreign aid program, faulty as it may be, is intended to keep the peace. Here we have a program whose purpose is to make us preeminent in space. Is it more important to be preeminent in space than to be preeminent in intellectual capacity in our society? Why can we not aspire to be the first in fields that might make the earth more habitable, rather than in getting to the moon?

I regret most profoundly that we have made the decision to spend this vast sum of money. The amount involved is a very large portion of the funds available for domestic programs.

It is a great tragedy to make a commitment to spend this kind of money for a crash project.

I believe that one of the wisest actions that I have seen taken by the Russian leader was in relation to this subject when he said, "Let the Americans go ahead. We will learn from their experience." That is certainly much wiser than to go out in front and spend this money in such a profligate manner.

I ask for the yeas and nays.

Mr. MORSE. I suggest that the Senator from Missouri speak and that then we suggest the absence of a quorum, and also ask for the yeas and nays.

Mr. SYMINGTON. Mr. President, in using the word "control" I did not mean this Government would try to control the world. We have probably gone as far in agreement with the Soviet Union for example, on meteorological research and weather satellites as we have in any other effort in which we have joined to improve the climate as a step towards preserving the peace. I am confident the distinguished Senator from Arkansas does not mean he does not care whether or not either the Soviets or the Chinese Communists control the world.

When we talk about its being or not being wrong to make a decision today, that is rather misleading. The decision was made some years ago, by President Kennedy and supported by Congress. It is completely supported today by President Johnson and, I do hope will be supported by the Congress.

If we change the decision already made, the record will show, without question, that it will cost us billions of dollars more to do the job than it would if we went ahead with the program as planned.

Any businessman knows what it means to take his jigs, dies, and tools down, to lay people off, then try to bring them back. This is a program which should be continued as close to schedule as possible.

Finally, we hear a lot of talk about going to the moon. But the testimony of the Director of NASA was conclusive in showing that, even if we did not try to land on the moon, we would have to spend at least 90 percent of the total amount involved in the lunar venture if we are to investigate space at all. Actually, the testimony of one of the two leading scientists under Director Webb, Dr. Seamans, was that we would have to spend 95 percent of that money if we were to investigate space at all.

Putting up "going to the moon" as a target, and then knocking down that target has become quite a sport, but gives a totally unrealistic picture. The only additional cost, so far as going to the moon is concerned, has to do with the development of the LEM capsule.

At this late stage therefore, I do not see why we should add heavy cost to the American taxpayer by changing this carefully planned program, which has been going well.

It is true we could take this money, or any other money in the budget and add more to education, or foreign aid, or to many other programs.

I think we have done well with our aid to foreign countries. Since the beginning of World War II, we have given them $182 billion of the American taxpayers' money. That shows our deep interest in the problems of the people of other countries. But at the same time we should be willing to recognize the importance of this venture, not only for the development of a continuing program in an important field of science, but also from the standpoint of our national security.

The PRESIDING OFFICER. All time has expired.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, on my amendments, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc, submitted by the Senator from Arkansas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Massachusetts [Mr. KENNEDY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Ohio [Mr. LAUSCHE], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Tennessee [Mr. WALTERS], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Indiana [Mr. BAYH] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahoma [Mr. EDMONDSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr.

Bayh] and the Senator from Connecticut [Mr. Ribicoff] would each vote "nay."

I further announce that if present and voting the Senator from California [Mr. Engle] would note "nay," and the Senator from West Virginia [Mr. Randolph] would vote "yea."

I further announce that if present and voting the Senator from Pennsylvania [Mr. Clark] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is necessarily absent.

The Senator from Kansas [Mr. Carlson] is detained on official business.

If present and voting the Senator from Kansas [Mr. Carlson] would vote "nay."

The result was announced—yeas 38, nays 42, as follows:

[No. 442 Leg.]

YEAS—38

Bartlett
Bennett
Boggs
Burdick
Byrd, Va.
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Fong
Fulbright
Gruening
Hickenlooper
Hruska
Javits
Johnston
Jordan, Idaho
Keating
McGovern
Miller
Morse
Morton
Mundt
Nelson
Pearson
Prouty
Proxmire
Robertson
Saltonstall
Scott
Simpson
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—42

Aiken
Allott
Anderson
Beall
Bible
Brewster
Cannon
Case
Dodd
Ellender
Ervin
Hart
Hartke
Hayden
Hill
Holland
Humphrey
Inouye
Jackson
Jordan, N.C.
Kuchel
Long, Mo.
Long, La.
McCarthy
McGee
McIntyre
McNamara
Mechem
Metcalf
Monroney
Moss
Muskie
Pastore
Russell
Smathers
Smith
Sparkman
Stennis
Symington
Thurmond
Tower
Yarborough

NOT VOTING—20

Bayh
Byrd, W. Va.
Carlson
Clark
Eastland
Edmondson
Engle
Goldwater
Gore
Kennedy
Lausche
Magnuson
Mansfield
McClellan
Neuberger
Pell
Randolph
Ribicoff
Talmadge
Walters

So Mr. Fulbright's amendments were rejected.

Mr. ANDERSON. Mr. President, I move that the vote by which the amendments were rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, at the time the vote was taken on the Fulbright amendment to reduce the amount in the authorization bill for the National Aeronautics and Space Administration, I had promised to give a live pair to the distinguished Senator from Ohio [Mr. Lausche], who is absent on official business. I would like the Record to so show. If the Senator from Ohio [Mr. Lausche] had been present and voting, he would have voted for the amendment. I would have voted against the Fulbright amendment.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. ANDERSON. Has all time been exhausted now?

The PRESIDING OFFICER. The Senator is correct—all time has now expired.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the bill has expired. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered; and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. Byrd], the Senator from Tennessee [Mr. Gore], the Senator from Arkansas [Mr. McClellan], the Sentor from Wyoming [Mr. McGee], the Senator from Oregon [Mrs. Neuberger], the Sentor from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Tennessee [Mr. Walters], and the Senator from Pennsylvania [Mr. Clark] are absent on official business.

I also announce that the Senator from California [Mr. Engle], the Senator from Indiana [Mr. Bayh], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Mississipi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], and the Senator from Washington [Mr. Magnuson] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from Wyoming [Mr. McGee], the Senator from Massachusetts [Mr. Kennedy], the Senator from Connecticut [Mr. Ribicoff], the Senator from West Virginia [Mr. Randolph], and the Senator from Virginia [Mr. Robertson] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is necessarily absent.

The Senator from Kansas [Mr. Carlson] is detained on official business.

If present and voting the Senator from Kansas [Mr. Carlson] would vote "yea."

The result was announced—yeas 78, nays 3, as follows:

[No. 443 Leg.]

YEAS—78

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Cannon
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Ellender
Ervin
Fong
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Douglas
Fulbright
Morse

NOT VOTING—19

Bayh
Byrd, W. Va.
Carlson
Clark
Eastland
Edmondson
Engle
Goldwater
Gore
Kennedy
Magnuson
McClellan
McGee
Neuberger
Randolph
Ribicoff
Robertson
Russell
Walters

So the bill, H.R. 10456, was passed.

Mr. ANDERSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Symington, Mr. Stennis, Mr. Holland, Mrs. Smith, and Mr. Case conferees on the part of the Senate.

AUTHORIZATION TO COMMITTEES TO FILE REPORTS

Mr. ANDERSON. Mr. President, I ask unanimous consent that the committees have authorization to file reports.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

ORDER FOR ADJOURNMENT

Mr. ANDERSON. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

MEETING OF COMMITTEE DURING THE SESSIONS OF THE SENATE DURING THE REMAINDER OF THE WEEK

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare, and the subcommittees thereof, may meet during the remainder of the week while the Senate is in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. PETR ZENKL ON HIS 80TH BIRTHDAY

Mr. DOUGLAS. Mr. President, I would like to draw the attention of my colleagues to the recent birthday of one of free Czechoslovakia's great leaders. On June 13 Dr. Petr Zenkl celebrated his 80th birthday. Dr. Zenkl is a man of uncommon spiritual, intellectual and physical strength. His long life has been directed toward helping the people of Czechoslovakia to create a free nation in which they can live in dignity and pride. At the age of 80, having lived in peril and exile most of his adult life, Petr Zenkl is still involved, through the Assembly of Captive European Nations, in the struggle to which his life has been dedicated.

For the eighth son of a poor Bohemian tailor to train himself for university while working to support the family of 10 was early evidence of an indomitable character. While at Charles University in Prague, he quickly assimilated the nationalism that was agitating the Hapsburg Monarchy in its dotage. Later, as a teacher and leader of opinion, Zenkl was instrumental in encouraging the use of the Czech language and in stimulating a popular involvement in community welfare. He insisted upon independence for the Czechs and Slovaks at the end of World War I when the Dual Monarchy disintegrated, and his work to inspire national pride and responsibility helped to bear fruit in the peoples' enthusiasm for the new republic.

During the difficult period of reorganization at the close of the war, Zenkl served in the Ministry of Social Welfare. Thereafter, he served the citizens of Prague for 25 years, culminating his municipal service as Lord Mayor (Primator) of the city. In this post he proved his extraordinary abilities in administration and city planning. His essential concern for human welfare showed up continually in the emphasis placed upon social services, medical facilities, housing, and education. The Masaryk homes for the aged, the orphaned, and the handicapped people of Prague became a widely studied model of institutional excellence.

The effectiveness of Dr. Zenkl's welfare programs aroused the ire of the Communists who could not tolerate seeing the people's needs being met by a democratic government. Communist promises for social and economic betterment were being fulfilled without class warfare and without "dictatorship of the proletariat." Perhaps Zenkl's basic belief that citizens will support a government which they know to be based on social justice and compassion for all people can be said to have been a key to his success.

During the 1930's Dr. Zenkl entered national politics and served in the government of President Benes. These years were difficult beyond measure as the leaders struggled to maintain the integrity of their party in the face of opposition from both the Nazis and the Communists.

The sacrifice of Czechoslovakia to Hitler's greed must have come as nearly a mortal blow to Zenkl whose antipathy for any totalitarian government had kindled his respect for the Allies and his hopes for the League of Nations. It was not long before the Gestapo called on him, and Dr. Zenkl left Prague for 6 years in Buchenwald. Why he survived can only be explained by that indefatigable will and faith that democracy would ultimately prevail.

The Communist takeover of Czechoslovakia, after this nightmare of enslavement from the other enemy, was a grotesque irony. It is a tragedy that has not passed. And still Petr Zenkl fights for a more just destiny. Suffering can turn a man to bitterness and despair or it can reinforce his faith and will. The suffering of the Czechoslovak nation is Petr Zenkl's pain. But there is no room for despair in the heart of a man or a nation with such a love of freedom. On this birthday his friends and admirers all around the world salute his affirmative spirit and thank him for his brave and victorious life.

TRUTH IN LENDING

Mr. DOUGLAS. Mr. President, I invite attention to a very interesting article which appeared in the Wall Street Journal for Wednesday, June 17. It calls attention to the great increase in private debt in this country and points out that 21 percent of the income of the average American family goes to repay debt and interest upon debt. It also points out that approximately half of all families are not in debt. Therefore, the average amount of income spent by the families who are in debt for repayment and for interest is somewhere between 30 and 40 percent of their total income.

As Senators know, for years I have been urging that those who borrow should be told the real costs of the money which they borrow or the debts which they incur. I believe that information would furnish a warning signal to many that would enable borrowers and buyers to compare the costs of varying types of credit and to shop around for more economical credit.

The truth-in-lending bill, which I have sponsored along with 18 other Senators has been before the Congress now for slightly over 4 years. Yesterday it received a decided setback when the Committee on Banking and Currency, by a vote of 8 to 6, recommended it to the Senate Subcommittee on Production and Stabilization. It must be frankly admitted that in all probability there is a relatively small number of working days remaining in this session of the Congress. But I, as chairman of that subcommittee, shall loyally try to clean up some of the technical problems which may be still involved. While I am very regretful of the decision which the Senate Committee on Banking and Currency has taken, I remember a saying of old Andrew Foruseth, who was head of the Seamen's Union. At the masthead of his journal he carried the phrase, "Tomorrow is also a day."

Mr. President, I do not intend to quit the fight. I intend to keep on. I hope that the American people and the American Congress will recognize the need for full disclosure of the costs of consumer credit.

I ask unanimous consent that the article from the Wall Street Journal to which I referred be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 17, 1964]

WORRY OVER DEBT: SOME ECONOMISTS FEAR SOARING CREDIT VOLUME IS THREAT TO ECONOMY—THEY SEE PUBLIC'S CLIMBING DEBT DEEPENING A SLUMP—ARE RISKIER LOANS RISING?—PESSIMISTS STILL IN MINORITY

(By Alfred L. Malabre, Jr.)

Is there a slow-ticking time bomb at the heart of the Nation's mightiest business expansion?

Some economists suspect there is. They represent only a minority, but the nagging questions they raise are heard more often.

The nub of their worry is the debt people owe—debt that grows faster than income year after year.

On average, more than a fifth of the after-tax income of American families is eaten up by interest charges and repayments, or "servicing," on installment loans and mortgages. The table below traces the fast rise of this debt commitment.

	Average family income	Average debt service	Debt service as percent income
1951	$4,420	$620	14
1955	5,090	870	17
1959	5,940	1,107	19
1963	6,720	1,397	21

Debt fueling of prosperity, as the record shows, has flourished through expansion and recession during most of the post-World War II era. Consumers pay a little cash and borrow heavily to buy a house, a car, a TV set, a refrigerator. Increasingly of late they have added to the list such items as college tuition and trips abroad.

The credit-expanded buying power enables them to purchase more of all these things, and the economy reflects the jobs and profits that supplying these goods and services creates.

DEBT LOAD GROWS

But, as the prosperous postwar years roll by, interrupted only by minor recessions, the debt load grows ever larger. And the question becomes more frequent: Is debt reaching a dangerous level?

No one knows, of course. "We're in uncharted waters," says an economist who keeps close tabs on debt at the Commerce Department. Nevertheless, history offers some indications.

Though figures of the sort contained above aren't available prior to World War II, a roughly similar yardstick can be used. This compares total private noncorporate debt with gross national product, or the Nation's overall output of goods and services.

The following table pinpoints where this debt-to-GNP ratio stands now and sketches its postwar climb. It also shows the ratio in prewar 1939 and in 1929, just before the great depression. Figures in the first two columns are billions.

	GNP	Debt	Debt as percent GNP
	Billions	*Billions*	
1963	$585	$378	65
1945	214	55	26
1939	91	51	56
1929	104	72	69

People had relatively little debt at World War II's end, of course. Has the buildup since been getting back to normal? If prewar 1939 is taken as normal, we have long since passed it. If roaring 1929 was normal, we haven't reached it—not quite.

Other indications that debt may be nearing a dangerous level come from those economists who are concerned over today's general credit situation.

Because, as the first table shows, the debt payment load of American families averages 21 percent of income, "a substantial number of families are in debt right up to the hilt," estimates Alan Greenspan, president of Townsend-Greenspan & Co., a New York City economics consultant firm.

MANY HAVE NO DEBT

Studies show only half of American families have any installment debt at all, Mr. Greenspan and other economists observe. Therefore, these analysts reason, the debt payment load of many families must be far higher than the average for all families.

"Many families—perhaps some 6 million—now have at least 40 percent of their yearly income committed to debt payments," reckons Mr. Greenspan. And a full quarter of the Nation's 60 million families, he estimates, have at least a third of their income committed to servicing their debts.

Mr. Greenspan concludes that "there's little question we're approaching levels of effective debt capacity" above which many families would find it hard to take on further debt and, at the same time, keep up their repayment schedules.

A pressing concern: The use of mortgage loans for nonhousing purposes, such as for a car, boat, stocks or even a trip to Europe. "There is conclusive evidence that people are using mortgage loans for purposes that have nothing to do with homes," asserts Avram Kisselgoff, chief economist of Allied Chemical Corp., who has made detailed studies of debt trends. "This obviously can't go on, because it tends to exhaust assets on which further borrowing can be done."

The rise of mortgage borrowing for purposes other than the purchase of a new home is suggested by some Government statistics. For instance, nonfarm family housing starts totaled some 1.5 million units last year, only 4 percent more than 4 years earlier. Yet the net rise of mortgage debt on nonfarm family homes was $15.7 billion, a full 19 percent more than the corresponding 1959 increase.

Most mortgage borrowing, it is worth noting, entails relatively small monthly payments extended over very long repayment periods.

Lengthy repayments, of course, provide one means by which debt-burdened consumers can take on additional obligations at minimum extra monthly expense. However, further debt increases through this avenue are limited because, as an economist at the National Bureau of Economic Research puts it, "terms have already been stretched about as far as they can go."

Because the debt burden of so many families appears so near what Mr. Greenspan terms "effective capacity," further debt increases probably will be limited approximately to further rises in consumer income, many analysts predict. And they warn, parenthetically, that since so much of the economy's recent growth apparently is debt-fueled, a slowdown in debt would tend to curb the overall rate of business expansion.

Besides their concern over the considerable amount of debt millions of families owe, many economists express deep worry about the quality of debt now outstanding.

SEE UNDUE RISK

They contend that much of the debt that pervades the current economy entails undue risk. Behind their doubt over the quality of debt is what they regard as an excessive amount of funds available for borrowing.

Gilbert M. Haas, a New York economic consultant who has grown particularly pessimistic about the course of business, puts it this way: "The record amount of funds seeking investment dwarfs the actual number of sound investment outlets available." Mr. Haas says these "excessive" funds are now pouring into such "essentially nonproductive facilities" as real estate, and, in effect, are triggering many building projects that are "completely unwarranted by demand."

Mr. Haas believes the hour for corrective action—in the form of more stringent monetary policy by the Federal Reserve Board—already has passed. And he claims that when the "credit bubble" bursts—within the next year or so in his opinion—the ensuing economic collapse may well be "worse than 1929."

To be sure, few economists share this degree of gloom. But a surprising number—perhaps more than a third of some 50 analysts interviewed in recent weeks—express grave concern, though few admit as much publicly. This is because, as one corporate economist explains, "such pessimistic statements wouldn't be appreciated" by top management.

DAY OF RECKONING

"We're making loans we wouldn't have even looked at a couple of years ago," concedes the financial vice president of a large New York insurance company. "I'm very much afraid we'll soon be caught in a day of reckoning."

Says an official at a Connecticut bank: "The grim joke around our shop right now is that we're planning to enter the business of renting autos and appliances—with all the goods we'll be repossessing one of these days."

Why, if they are so skeptical of the quality of their loans, do such institutions continue to make them?

"Competition" is the reason given by the Connecticut banker. A Chicago economist adds: "With so large an amount of lendable funds available, institutions must make riskier, longer loans to afford the high interest rates they pay depositors; the alternative is to quit competing for depositors."

Only half jokingly, the economist adds: "Perhaps that wouldn't be such a bad idea." New York's Mr. Greenspan bluntly asserts that "many loan officers are being forced to act against their better judgment."

Debt alone, even if its quality is badly eroded, won't actually trigger any economic collapse, most of these analysts agree. As Mr. Greenspan remarks, "Debt only becomes a problem after something else turns the economy down."

IMPACT OF A RECESSION

The fear is that the economy, which is in the midst of a record expansion, is becoming dangerously vulnerable to even minor setbacks. "So long as income continues to increase, the high debt level shouldn't cause much trouble," says a national industrial conference board official. "The trouble starts when we have a recession."

Henry Kaufman, economist of Salomon Bros. & Hutzler, a New York-based securities firm, observed in a recent study that large amounts of debt in the economy "make any economic setback extremely dangerous." He explained this is because when consumer income declines, as it does in recessions, the margin by which it covers debt service falls proportionately even faster.

Allied Chemical's Mr. Kisselgoff concedes that the ratio of delinquent bank loans to loans outstanding is presently "very low"—a fact often cited by those who say debt isn't out of line. But this ratio "will shoot up very quickly if we get into any recession," he warns. "The economy is very much more vulnerable now than in the early postwar years, when debt was low."

Mr. Greenspan believes that "many debt holders couldn't take much of an income decline before they would run into real trouble." The economist, whose views fall roughly between the pessimism of Mr. Haas and the high optimism of the Johnson administration, believes that "a recession of the 1957–58 variety probably wouldn't be quite enough to set off a real crisis."

However, anything more severe would, he feels. And, if the present debt climb continues at anything like the current pace for another 5 years or so, even a recession of 1957–58 magnitude could bring on a serious economic crisis, Mr. Greenspan predicts.

EYE ON PERSONAL INCOME

The 1957–58 recession that Mr. Greenspan uses as a yardstick lasted only 9 months, 1.5 months less than the average length of all four recessions of the postwar era. Moreover, in the 1957–58 setback, personal income—the economic measure economists worried by debt watch warily—dropped a mere 0.3 percent, far less than the average decline of 1.2 percent for all four postwar recessions.

Few economists concerned by the debt situation share Mr. Haas' view that the opportunity for corrective action has been missed. But, almost to a man, they agree that the Federal Reserve should act now to tighten up on credit.

This tightening could take various forms, such as a boost of the so-called discount rate Federal Reserve banks charge borrowing member banks, an increase in the amount of reserves member banks are required to keep on hand to back up deposits, or other monetary measures aimed at draining existing "free" reserves from the banking system. Some analysts expect, if the Fed does act soon to tighten credit, the move will entail a combination of steps.

"It's most important that the Fed tighten up," says Mr. Greenspan. "Such action is already overdue, but I don't think it's too late yet" for action.

The Fed, of course, never announces its monetary plans beforehand. Nevertheless, a high Government official close to the Fed concedes it is "clear the credit situation requires careful watching and may call for action" soon.

If the credit situation is as dire as many economists say, why hasn't the Fed already acted?

Some analysts flatly charge the Fed is under intense political pressure from the Johnson administration to defer any restrictive action until after the November presidential election. Action now, of course, would tend to slow the rate of business expansion, at the very least, and this could cost the administration many votes. In theory, the Fed is free to act without direction from the administration, and most Government officials insist this is precisely how it does act.

Defending the Fed's no-action policy, one Government official says he is "not prepared to accept the idea of Mr. Haas and some others that a catastrophic economic collapse" is growing out of the debt situation. He cites, among "vital differences" between the current situation and before the 1929 collapse, the fact that stock market credit appears not nearly so excessive today and that mortgage debt amortization provides a continuing flow of cash to institutions, as mortgages are paid off piecemeal, rather than in lump sums, as was frequently the case in 1929.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will not be a live quorum and there will be no vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATIONAL ECONOMIC CONVERSION COMMISSION

Mr. BREWSTER. Mr. President, during my 4 years of service on the House Armed Services Committee, I became concerned with the economics of national security. The economy of my own State of Maryland is heavily dependent upon defense contracts. On Monday morning, the Committee on Commerce resumed hearings on S. 2274, introduced by Senator McGovern, to establish a National Economic Conversion Commission.

I have consistently supported programs and appropriations designed to maintain a ready and superior defense posture. But I have become convinced that we must continually reexamine defense programs and needs and must plan for gradual shifts in our economy.

Mr. President, since 1941, the United States has spent more than $900 billion in defense of our Nation during war and peace. None would deny the importance of our defense programs. During the past two decades, Congress has been more than favorably disposed to administration appeals for defense funds. Indeed, on several occasions, Congress has appropriated more money than requested.

These vast expenditures over many years have had profound effects upon our economy. In 1963, approximately 10 percent of our gross national product derived from Federal defense expenditures. The Arms Control and Disarmament Agency has estimated that jobholders in defense industries account for about 9 percent of all U.S. employment. Expenditures for national security have become so much a part of our economy in recent years that every major shift in defense spending has had significant economic effects.

As we know from past experience, defense outlays vary in response to the state of international affairs. In fiscal year 1945, defense spending reached a wartime high of $79.8 billion; by fiscal year 1948, it had fallen to $11.1 billion; and in fiscal year 1953, it was back to $43.7 billion. Since that time, national security expenditures have fallen and risen again.

Recent developments have injected new hope for a détente in the cold war. A lessening of world tensions could mean significant reductions in our defense spending.

Naturally, we long for the fruition of our efforts at achieving a measure of genuine world peace—not only because lasting peace would obviate the necessity for currently large defense budgets, but also because it would be, I believe, the only real national security for us all.

Former Deputy Secretary of Defense Roswell Gilpatric has said:

> Unless some currently unforeseen change takes place in the nature of military threats which the Nation faces, we do not see the need * * * for a recurrence of the rapid increase in defense spending that has been necessary in the last 3 years. Instead, we anticipate a relatively stable overall budget, but with conditions which would create economic problems for certain industries that would then have to find alternative, nondefense, uses for their resources.

Because of the hopeful but as yet uncertain nature of the world situation, we must face the question of conversion to nondefense production in many industries.

Accordingly, I am pleased to cosponsor Senator McGovern's proposal to establish a National Economic Conversion Commission.

As I see it, our enormous defense expenditures have had three general effects on our economy.

First. The high level of taxes necessary to support these defense programs has depressed investment by and within the private and business sectors of our economy.

Second. Valuable manpower, training, talent, and skill, which could have been more usefully employed in other areas, have been devoted to research and development in defense industries.

Third. The fluctuations in defense investment caused by the constantly changing world situation have created economic uncertainty which has contributed to postwar recessions in 1949, 1954, and 1958.

It is my feeling that controlled reduction of defense spending would encourage private investment, would redirect valuable manpower and brainpower to more useful work, and would restore stability to our economic growth.

I emphasize that reduction of our defense expenditures must be carefully planned. It seems to me that savings in defense cutbacks could either be spent by the Government or returned to our citizens in the form of tax reduction.

If retained by the Federal Government, defense funds could be reallocated for expanded Federal programs to attack poverty, combat disease, and raise our standard of living.

If returned to the taxpayers in reduced taxes—and in general I favor this alternative—these funds would stimulate consumer spending, would increase private investment, and would lead to more leisure time and a shorter workweek.

In short, Government and private business must be relied upon to absorb labor and productive capacities displaced by conversion from defense production.

The readjustment accompanying economic conversion will involve three major problems:

First. Many firms—especially smaller ones—now engaged in defense work will not be able to diversify sufficiently to convert to nondefense production. Wherever possible, such firms should be assisted in retooling; but we must be prepared for the loss of perhaps many companies unable to effect the necessary changes.

Second. Many hundreds of thousands of workers now employed in the defense industries will have to be retrained for new positions. In addition, the closing out of many onetime defense firms will dump more thousands of workers into technological unemployment. Federal aid should be planned to assist retraining for these workers.

Third. In many such cases relocation of plants, equipment, and labor will be required. Federal involvement in related programs of housing, school and hospital construction, and urban renewal, is certain to follow.

While readjustment never is easy, thoughtful planning can make it smoother. This would be the purpose of a national conversion commission.

Within recent months, and in my own State, Baltimore has become the first major city to establish its own economic conversion commission. The authorization for the commission calls for the study of "various ways and means of facing this basic and essential shift in our economy without suffering severe economic dislocations."

I urge the creation of similar commissions in all major industrial areas where defense contracts are important to local economic welfare. But the Federal Government—which after all is responsible for the dilemma—must be willing to assist local efforts.

The National Economic Conversion Commission proposed by Senator McGovern would be authorized only to report to the President and to the Congress on our conversion capabilities, to convene a National Conference on Industrial Conversion and Growth, and to consult with State and local officials in a coordinated effort to improve our conversion competence.

It seems to me that we can do no less in planning to meet the inevitable problems which conversion will surely present. To accept these problems now as challenges and opportunities may spare us from succumbing to them later as the consequences of our own myopia and inaction.

Mr. President, an article in the June 1964 edition of Nation's Business entitled "Peace Trend Will Bring Better Business," by Prof. Charles T. Stewart, discusses in depth and in detail defense production and conversion.

It is an interesting and, I think, an important discourse.

Mr. President, I ask unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Peace Trend Will Bring Better Business—Cutting Back Defense Spending and Rechanneling Brainpower Will Spur Long-Run Economic Growth

(By Charles Stewart)

If the tensions of the cold war continue to fade, American businessmen can look forward to new opportunities for their companies, even those engaging in the multibillion dollar network of defense contracting.

To some, this might at first seem puzzling or even unacceptable. For years, with heavy industrial reliance on Government procurement for defense, many people have come to consider Federal contracts an essential prop for business. After all, defense dollars generate orders and orders generate jobs.

This is true. It is equally true that a cutback in spending for military hardware will have the immediate effect of disrupting corporate plans, scaring investors, eliminating jobs and even reducing the short-run profits of entire industries.

But, over the long run, a shift away from dependence on defense contracts can mean greater economic growth for the Nation than it would otherwise experience.

Certainly nuclear test ban agreements, continued talks on disarmament and desires for stepped-up East-West trade would seem to be turning the world more toward peace than away from it.

The rechanneling of more money and brainpower into the civilian economy will stimulate a variety of industries from household appliances to industrial machinery. It will also shift talents now concentrated on defense to university faculties and industrial research laboratories to produce the ideas and products of tomorrow.

The fact is that a heavy commitment to defense spending has not been good for our economy. It has diverted resources and skills from productive investment and much-needed civilian research and development. Our standard of living is lower than it would have been. The high taxes used to support our military effort have further discouraged investment.

Contrast the modest economic gains of the United States and the United Kingdom, both saddled with large defense commitments, and the spectacular rates of investment and economic growth of Germany and Japan.

Moreover, the wide variations in the amount of defense spending have hurt many industries, areas, and individuals. The outbreak of the Korean war cut short the 1949 recession. But cutbacks at the end of that war and in the 1957–58 period contributed to the recessions of 1954 and 1958.

Congress is now considering legislation to set up a commission on national economic conversion. If established, such a commission would be charged with making recommendations for Government programs and policies together with suggestions for both public spending and private investment as well as new use of people and facilities now engaged in defense work.

An existing Cabinet-level committee has been at work for several months, reviewing and coordinating existing Federal programs that will be affected by increased conversion from military to civilian effort.

Lynn A. Townsend, president of Chrysler Corp., said recently: "The silliest myth in the folklore about our economic system is the all-too-prevalent contention that our powerful and creative free economy needs massive transfusions of defense money to stay healthy and grow.

"As a businessman associated with a company that holds a substantial number of defense contracts, I can say that I and my associates are going to work just as hard as ever to whittle down our costs so as to bid successfully for just as much defense business as we can get. But we are not going to complain about cutbacks in defense expenditures that can be achieved without weakening the total military strength of the Nation."

ADJUSTING TO REDUCTIONS

All present evidence indicates that the trend in defense procurement will continue down, not only in relation to total production, but in actual dollars. Since Korea total defense spending has fluctuated between 9 and 10 percent of the Nation's output of goods and services. The President's budget estimates a $1 billion decline in defense spending for fiscal 1965, as economy measures take hold, and as vital weapons systems are completed. Even so stanch a supporter of military preparedness as Representative Carl Vinson, chairman of the House Armed Services Committee, foresees a $10 billion decline in the total by 1970.

What will this mean?

Reduced spending for defense should release resources and income to satisfy a great number of nondefense wants, both private and public. From a national standpoint, the only reason to fear cutbacks is that a reduction in production, jobs and incomes in the defense industry will snowball.

What does the record show on this count?

Declines in total national production in the years of massive defense cuts at the end of World War II and of the Korean war were smaller, not only percentagewise, but in actual dollars, than the reductions in defense spending. There was no snowballing effect.

And the defense effort now is not 40 or 45 percent of national output, as it was at the World War II peak, but only 9 percent. So there is no reason to believe that the economy's fate hinges in any significant way on maintaining present high levels of defense spending.

The drop in defense expenditures will be gradual, modest in amount in any future year and announced far in advance. Timely information and a better understanding of how our economy functions will not only prevent snowballing, but can in fact dampen the effect even within the defense industries. The total purchasing power, both of businesses and households, can be maintained and private expenditures sustained.

PART OF GENERAL TREND

The completion of vast systems for nuclear defense and the easing of world tensions coincide with a downward trend in many other Federal programs.

Expenditures on agriculture and agricultural resources, at a peak of nearly $7 billion in fiscal 1963, are expected to decline below $5 billion in fiscal 1965. Foreign aid is clearly headed lower.

Increased expenditures are proposed on natural resources, urban renewal and community facilities, health, labor and welfare, and education. These programs are all tiny, however, when measured against the massive size of the defense establishment, which accounts for more than half of total Federal outlays. The only program which in any way might compensate for defense cutbacks is space research and technology. But increases here will not be sufficient to cancel out declines in military spending.

Two points should be made about anticipated boosts in Federal spending other than for space:

1. A large share of these expenditures does not involve the purchase of goods and services but payments to individuals and State and local governments.

2. The types of expenditures involved, whether direct or induced by social security and other welfare payments, do not correspond to the industry concentration, the skill mix or the regional distribution of defense cutbacks.

Even if existing Federal programs were accelerated or expanded they would not directly absorb the labor and productive capacity released by defense cutbacks. What they would do is sustain or raise private buying power. This is the only job which the Federal Government can do, whether through higher nondefense spending, further temporary or permanent tax cuts, or Federal Reserve policies easing credit and lowering interest rates (or, more likely, through a judicious combination of all three approaches).

Thus, reliance must be placed on consumer and business capital spending to absorb labor and productive capacities displaced by conversion from defense production.

LOWER TAXES FORESEEN

Part of the payoff of reduced military spending will accrue to consumers through lower taxes. Sectors of consumer demand which have been growing include college education, recreation, medical care, and (in the years ahead, with big increases in marriages) housing, furniture, and household equipment. The home market for office equipment has hardly been tapped. Repair services could use a lot of innovation, investment, and upgrading. Home air conditioning, second cars, second homes are expanding markets.

These industries will likely reap much of the benefit of defense savings. But it is hard to predict what new consumer products and services will result from the redirection of research and managerial skills from military to civilian markets. Certainly new or greatly improved products will be important in consumers' added purchases, as they have been in the sales of development-minded companies for years.

Many firms will feel the need for expansion as household purchases grow. Other businesses in the machinery industry, for instance, will be forced to invest in modernization to compete with converted defense firms. Business tax cuts will raise profit prospects and investment funds. The opportunities for new materials and new machinery and equipment in the construction industry are vast. Transportation of all types is ripe for innovation.

Some Government programs are likely to grow: Education and health, possibly urban renewal, urban mass transport, depressed area aid, and conservation. The mere reduction of jobs, research funds and graduate fellowships in defense-related areas should improve the quality of education and medical care. Too much of our best brainpower has been going into defense-related areas; some will shift to other college specializations and employment. Medical schools have been hard pressed to maintain an adequate number and standard of applicants, and teaching at all levels has suffered in both quantity and quality through the competition of better-paid defense research and procurement employment. Some aerospace industry resources can be converted to designing and producing new urban mass transit systems, whose completion will generate private and local government construction booms.

There may be a closer correspondence between such civilian spending and defense spending in demand for products and skills than between Federal nondefense and defense spending, but the difference in these respects—and in regional impact—will still be large.

There is no question about the willingness of families and individuals to spend nearly all their increased incomes if defense cutbacks lead to further tax cuts. Evidence of consumer satiation, such as more income saved or an increased desire to sacrifice income for leisure, simply does not exist.

Likewise, State and local governments seem willing to spend to the limit of their resources.

The big question mark is business investment spending. Even here, doubts have been exaggerated by thinking of such investment only as plant and equipment spending, ignoring two large and growing forms of intangible business investment—training and research and development. Still, steps must be taken to insure that we will have the fiscal and monetary policies and the business climate conducive to expanded business investment.

JOBS WILL REQUIRE MOVING

In addition to Government measures to sustain private purchasing power and spending, substantial geographical relocation of production and retraining of labor will be required. The problems here include individual adjustment, via migration, retraining, and income maintenance in the interim period; industry adjustment—finding new markets, developing new products; and community adjustment—creating or attracting new job openings (and not necessarily in manufacturing, where employment prospects are not bright in the near term).

The impact on defense industries and defense workers is a different and serious matter. It will not be easy to convert modern weapons factories to production of civilian goods. Nor will it be easy for the military technician or the aerospace industry worker to find another suitable job.

Defense production is highly concentrated in a few industries. The aerospace industry is more than 90 percent committed to defense; electronics and ship construction are over half defense related.

Defense production predominantly comes from specialized plants whose facilities are not suitable for conversion to civilian products and whose location is often inappropriate for successful competition in commercial markets. Many of the leading defense contractors are highly specialized in military markets; defense-space orders in fiscal 1962 constituted more than three-quarters of total sales for Lockhead Aircraft Corp., North American Aviation, Inc., and several other large firms.

The priorities in military technology and production—high reliability, fine tolerances, early delivery achieved at the expense of unit costs—are quite different from those needed for commercial success. It is not surprising that attempts of defense contractors at diversification have met, at best, qualified success. In fact, diversification has generally taken the form of penetrating additional military and space markets, rather than civilian markets. But in the past there was no urgency in reducing dependence on a single final purchaser and efforts in this direction were modest. Today the situation is different and results may be better. North American Aviation has diversified into computers and nuclear energy. Douglas Lockheed and other aerospace firms are seeking new footholds in civilian markets.

WHAT ABOUT FACILITIES?

Plant and equipment highly specialized for military production is less of a problem to defense prime contractors than it seems, for most such facilities are owned by the Federal Government, not by the company which operates them. Where they cannot be readily converted, diversification must take the form of mergers or investment in plant and equipment for civilian markets.

Many firms cannot diversify; they are too small and their managements and technical staffs far too specialized. Small firms in electronics and related industries have had a high turnover because of tremendous rates of technological change which can quickly leave a forerunner one day in the backwash the next, and for lack of managerial and especially marketing skills. Even for large firms specializing in military products, marketing is a weak spot. But by and large, the aerospace and electronics industries have the dynamic and innovating leadership needed for survival in a technologically revolutionary and uncertain market.

Litton Industries and General Dynamics are spectacular examples of growth and diversification.

A recent study by James McDonagh (Grumman Aircraft Engineering Corp.) and Steven Zimmerman (Newark College of Engineering) of the diversification potential of the airframe industry concluded that at best the alternative civilian markets which could be developed would employ less than half its current labor force. Prospects for electronics are much better, since its defense and space commitments are smaller, and many new and growing civilian markets are in sight.

Labor in defense production is also highly specialized. Many skills have no counterpart in the production of civilian goods, or the alternative civilian demands for them are far below their current supply. Defense plants have a rising proportion of nonproduction workers, who often outnumber production workers. Particularly notable is the concentration of scientists and engineers, and their supporting technicians. About half of all research in industry is financed by defense and space funds.

Research not connected with defense and space programs undoubtedly has been retarded by the siphoning of scarce talent into military projects. But commercial research and development will not absorb all the technical and professional workers released from defense industry, even where the skills are transferable. Scientists and engineers cannot expect to maintain the price commanded by their recent scarcity, once the seller's market for their specialties ends.

Defense scientists and engineers, however, are younger than the average in other industries. In fact, the entire labor force in defense production is younger and better educated than the average, and therefore more adaptable, and better suited for job conversion. It is also more mobile geographically; the labor force in the great defense concentrations of the Far West and Southwest consists in great part of postwar migrants. Thus adjustment problems for defense labor are quite unlike those facing the middle-aged, poorly educated, immobile coal miners and textile workers of the East.

THE GEOGRAPHICAL IMPACT

Defense workers may adjust by migrating to civilian jobs elsewhere. Firms may close down defense plants in one community and expand civilian operations elsewhere. This could hit some communities hard, for defense production and employment is highly concentrated. California, Connecticut, Arizona, Colorado, Utah, Washington, Kansas, and New Mexico are all dangerously dependent on military expenditures. Yet the record of past defense cutbacks in some of these areas is encouraging.

In Wichita, for example, unemployment actually went down following cutbacks in the aircraft industry in 1962.

According to the Office of Economic Adjustment of the Defense Department, the unemployment rate in Wichita dropped to 3.5 percent last September from a peak of 5.5 percent the winter before.

"A progressive civic leadership, and experienced and productive labor force, a high educational level, sound finances, excellent utilities and a good educational system oriented to training displaced employees" helped considerably in the adjustment, the Office of Economic Adjustment says. Contributing to the economic accommodation in Wichita was success in attracting such new businesses as a Coleman Co. water heater plant, and Lear Jet, an executive jet aircraft manufacturer; and an expansion of established companies, such as Abbott Chemical Co. Retail sales went up 4 percent last year, bank clearings up 6.9 percent and postal receipts up 6.5 percent, the Defense Department study shows.

Examples of hardship in Los Angeles, to cite another example, have been hard to find.

Despite substantial layoffs in the ordnance, electronics, and aircraft industries in the Los Angeles area, unemployment rates have not varied much.

In February 1963 employment, in these main industries that make up the aerospace field was 342,100. The unemployment rate was 5.5 percent of the work force. In March 1964 (the latest figure available) employment was down to 333,300. But the unemployment rate was the same—5.5 percent, according to the official statistics of the California Department of Employment.

Apparently the displaced aircraft workers found jobs readily enough; the real impact was on others, less skilled and less experienced, who had adequate employment opportunities until forced to compete with displaced aircraft workers.

The lesson from these and other experiences is, first, that large, diversified cities are inherently less vulnerable to major shifts in industrial activity than smaller cities overly committed to a narrow range of industries and skills. It does not follow that diversification is a possible or desirable policy for most communities; only a sizable city can find it economically feasible.

Second, even small cities with a skilled labor force, with good public services, and with vigorous community leadership can take in stride adjustments which floor other communities.

Some communities refuse to give any thought to adjustment, apparently on the theory that by rendering themselves helpless hostages to defense procurement or basing, by maximizing their vulnerability and the loudness of their protests to Congress, they can indefinitely postpone the inevitable. But, by and large, decisions on force levels and procurement are not tied to such considerations. Other communities whose defense business is indirect are simply not aware of their involvement.

These problems are with us now. Not all of them will be solved. Some communities and some firms will not make it. These are the casualties of progress. But the payoff is indisputable, and well worth the cost: mobilization of more of our best human and material resources for satisfying current civilian wants, and release of a large share of our research and development resources for nonmilitary economic growth.

Mr. BREWSTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER (Mr. Brewster in the chair). Without objection, it is so ordered.

WINDFALL FOR MONOPOLY

Mr. NELSON. Mr. President, I am pleased with the decision of the Senate Subcommittee on Irrigation and Reclamation to hold hearings July 8 on the Westlands Water District contract. The subcommittee has before it a question whether to give prior authorization to spending $157 million to construct water distribution and drainage systems to benefit privately owned lands in California's Central Valley, before owners of vast excess holdings declare their willingness to comply with acreage limitation law entitling them to receive the benefits of the expenditure.

The Nation has been contributing heavily to the development of western water resources for more than 60 years, and many benefits are visible. However, compliance with national policy requiring wide distribution of the benefits from vast public expenditures for reclamation is a matter of serious national, as well as local, concern. As an evidence of national concern, I ask unanimous consent to insert in the Record the St. Louis Post-Dispatch editorial on June 15, 1964, entitled "Windfall for Monopoly," relating to Westlands contract in California's Central Valley project.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WINDFALL FOR MONOPOLY

Before the end of the summer a Federal bonanza will be reaped by large corporate landholders in California at the expense of small family farmers there unless either the Senate or the House raises an objection meanwhile.

Lying before Congress for the required 90 days is a contract submitted by Secretary of the Interior Udall under which corporate land baronies would in effect be exempted from the acreage limitation law in the so-called Federal part of the San Luis irrigation project, an adjunct of the Central Valley project on the Sacramento and San Joaquin Rivers.

This law limits land eligible for Federal reclamation water to 160 acres for an individual, 320 acres for husband and wife. It has been the fundamental safeguard against monopoly of water in the water-deficient Western States since 1902. It has prevented speculators from exploiting the rising values of land in Federal reclamation projects. It has assured, in the words of the U.S. Supreme Court, that benefits from the Federal investment "may be distributed in accordance with the greatest good to the greatest number of individuals."

Secretary Udall does not propose to breach directly the mandate of Congress requiring application of the acreage-limitation law to the 496,000 acres of the San Luis project which his department will administer. But the means he has adopted would achieve that effect by indirection.

He proposes to execute a contract for Federal construction of the irrigation distribution system with Westlands Water District, which will operate it, even though corporate holders of lands in excess of the acreage limitation have not agreed to dispose of their excess acres as required by the limitation law and have declared they will not do so.

If the contract is executed, they will share indirectly in the Federal irrigation water which Congress has by law forbidden to them. Of the water which the Federal Government is to supply to Westlands annually the larger part will be used for surface irrigation but as much as a fourth can be expected to percolate into the ground-water reservoir.

This reservoir underlies the entire area. Corporate landholders can then pump from it the federally reclaimed water as freely as those entitled to it by law. Pumping from ground water is the common method of irrigation thereabouts.

The so-called State part of the San Luis project already stands exempted from the acreage limitation through an evasive device put over by Gov. Pat Brown with the support of two of the largest landholders, the Southern Pacific Railway and Kern County Land Co. The State is to share the cost of the total project with the Federal Government, in return for which it is allowed to abrogate Federal acreage law on that part of the area designated as the State's.

It is estimated that in the so-called Federal part of the San Luis project the Federal Government will invest $1,000 an acre and provide an additional subsidy in interest-free money amounting to another $1,000 an acre. This would provide a windfall for holders of excess and ineligible lands conservatively estimated at $360 million, of which an estimated $65 million would accrue to Southern Pacific alone. In the so-called State area, Tejon Ranch Co. holds 168,000 acres, Standard Oil Co. 218,000 acres, Kern County Land Co. 343,000 acres—and these are only the largest among many.

Two years ago Father Vizzard of the Catholic Rural Life Conference put this issue in human terms about as well as it could be put: "It would be tragic if by action of this administration the door should be opened wide to increased and more tenacious land monopoly in California. It would be impossible to explain to those who are convinced that the family farm and not land monopoly deserves support of public policy." Will not enough Members of Congress to reject the Udall contract stand up and say the same?

TAX EXEMPT STATUS FOR THE FELLOWSHIP OF RECONCILIATION

Mr. NELSON. Mr. President, it gives me satisfaction to announce that the Internal Revenue Service has at long last come to its senses and restored tax exempt status to the old and widely respected Christian peace group, the Fellowship of Reconciliation.

The decision has been delayed beyond all reason, but then reason has not been the strong point of the IRS in this sad affair.

You will no doubt recall the revocation ruling issued January 10, 1963. It surely will stand as some kind of benchmark in the dismal history of bureaucratic arrogance. In revoking a tax exemption enjoyed by the fellowship since 1926, the ruling letter said in part:

> You have operated for a purpose that is political in character * * *. We believe it is clear that your principal purpose is the prevention of war and the abolition of armaments.
>
> * * * * *
>
> Resolving international controversies is a political purpose, not a charitable or religious purpose * * *. This is an objective that can only be obtained by legislation.

What can we make of this bureaucratic jargon when we compare it with the late Pope John XXIII's great peace encyclical—a document which reaffirms the essentially religious nature of mankind's quest for peace. Surely Pope John would have been disappointed to learn what the IRS thought of such efforts.

This nonsense posed a very real threat to religious organizations in this Nation, and indeed to the very principle of free religion. For, as the Christian Century magazine put it in a March 1963 editorial:

> There is not a church in the United States which does not seek at least indirectly to influence legislation. * * * [Must] every organization which influences opinion be penalized by loss of its tax status?

Although the favorable decision issued by the IRS today does not discuss the religious validity of the pursuit of peace directly, perhaps out of a sense of shame, it does state:

> The purposes [of the FOR] are charitable within the meaning of the section 501(c)(3) [of the Internal Revenue Code]. It is our conclusion that [its] operations have been in furtherance of those purposes.

Even if those words do not amount to an open retraction of the IRS's earlier absurdities, I think they can be looked upon as a victory in the continuing fight to keep America free and open to ideas.

The tale of delay upon delay to which the fellowship has been subjected in seeking a reversal of the indefensible revocation order deserves to be at least briefly told.

After widespread criticism, including acid commentaries by many newspapers, a carefully reasoned statement by 26 outstanding clergymen of the major faiths, and the appeals of Senators KEATING, McGOVERN, and myself, the Service agreed in May 1963 to reconsider the case and reach an "expeditious decision." That speedy decision has taken only a scant 13 months to materialize.

Since May 1963 the fellowship has held repeated conferences with IRS officials, supplied reams of information, and has been repeatedly tantilized by promises of a favorable decision just around the corner.

In October 1963, the fellowship was informed that the IRS was satisfied that the fellowship met the "operational tests," and that its exemption would be restored "very shortly."

In December my office was told that the decision was about ready and would be issued "early in the new year."

In late January the date for the decision was set at March 1.

In mid-March fellowship officials were assured that it would be in their hands "within 2 weeks."

On April 15 it appeared that the only thing lacking was the signature of an official then in Panama. On April 22 we were told that it was just a matter of days. And then in mid-May, a full year after the promise of an expeditious decision, the IRS was encouraging the fellowship to look for the decision "in a couple of weeks."

The fellowship, formed in England in 1915 and extended to America in 1916, is a movement of Christian protest against war. Its headquarters are in Nyack, N.Y. Operating on meager annual budgets, it has spoken out vigorously for its ideals for many years. Its National Advisory Council includes some of the great names in American religion: Dr. George Buttrick, of Union Theological Seminary; Dr. Harry Emerson Fosdick, of Riverside Church, New York City; and Dr. Martin Luther King, of Atlanta, Ga., and Prof. Kenneth Scott Latourette of Yale University Divinity School.

I believe that the Fellowship of Reconciliation and its director, Alfred Hassler, deserve the thanks of all of us in carrying on this long fight.

Mr. President, in conclusion, I would like to point out how shocking it is when an agency caught in an inexcusable blunder, as the IRS was in this case, stalls and equivocates rather than admitting openly its mistake. Mistakes are human and inevitable. Bureaucrats who refuse to admit that their organizations can make mistakes only add to that public distrust of the Federal Government that is such a serious problem today.

ADJOURNMENT

Mr. NELSON. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 44 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, June 25, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate June 24, 1964:

Santos Buxo, Jr., of Puerto Rico, to be U.S. marshal for the district of Puerto Rico for the term of 4 years. He is now serving in this office under an appointment which expired March 9, 1964.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 24, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 128: 1: *Blessed is everyone that feareth the Lord; that walketh in His ways.*

O Thou God of all majesty and holiness, inspire us during this moment of prayer with a reassuring sense of Thyself for Thou art a presence to strengthen and sustain us, a light to guide and direct, a sympathy to comfort and cheer, a love that will never fail or let us go.

May we become more fully aware of the sanctity of our tasks and responsibilities and may we be courageous in meeting the demands and decisions which challenge the best and noblest that is within us of mind and heart.

Grant that in these perilous times when our national and international problems seem so complex and difficult, our President, our Speaker, and our chosen representatives may see clearly that as finite and fallible human beings we were never expected or meant to meet those problems unaided and alone for Thou hast made available and placed at our disposal the inexhaustible resources of Thy grace.

Hear our prayer in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 6041. An act to amend the prevailing wage section of the Davis-Bacon Act, as amended; and related sections of the Federal Airport Act, as amended; and the National Housing Act, as amended; and

H.R. 9740. An act to establish the Roosevelt Campobello International Park, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4364. An act to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10433. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. MCGEE, Mr. MUNDT, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10532. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBERTSON, Mr. MCCLELLAN, Mr. MONRONEY, Mr. BARTLETT, Mr. PROXMIRE, Mr. HAYDEN, Mr. JOHNSTON, Mr. CASE, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate numbered 6 to the bill (H.R. 221) entitled "An act to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period."

The message also announced that the Senate recedes from its amendments numbered 3 and 4 to the above-entitled bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam; and

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose.

TO PERMIT THE VESSEL "SC-1473" TO ENGAGE IN THE FISHERIES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I have asked for this time for the purpose of making an announcement with respect to the program.

Mr. Speaker, I should like to advise the House that on tomorrow the gentleman from South Carolina [Mr. RIVERS] has advised that he will ask unanimous consent to call up the bill (H.R. 6007) to permit the vessel *SC-1473* to engage in the fisheries.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The SPEAKER laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
June 23, 1964.

Ordered, That the Secretary of the Senate request the House of Representatives to return to the Senate the bill (H.R. 10456) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes," together with all accompanying papers.

FELTON M. JOHNSTON,
Secretary.

The SPEAKER. Without objection, the request of the Senate is agreed to.

There was no objection.

PERMISSION TO FILE REPORT ON RELATED AGENCIES APPROPRIATION BILL FOR FISCAL YEAR 1965

Mr. GARY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday, June 25, 1964, to file a privileged report on the foreign assistance and related agencies appropriation bill for fiscal year 1965.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I reserve all points of order.

GRANT TO PURDUE UNIVERSITY

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, Purdue University in Lafayette, Ind., has been named by the National Aeronautics and Space Administration as the recipient of a grant of $840,000 to finance construction of additional laboratory and rocket-firing facilities at its jet propulsion center.

The jet propulsion center at this great Midwestern university has been engaged in aerospace research for the past 17 years. It has pioneered in solving problems related to liquid bipropellant rocket motors operated at high combustion pressures. The current activities of this center include investigation in a broad area of aerospace propulsion.

I consider this another step toward the realization of the potential the Midwest has to offer in space age development activities. This goal, the full realization of Midwest potential, has been and will continue to be one of my personal goals.

We have made gains toward this goal but there is still a long distance to go. Two years ago I played a part in the establishment at Indiana University of the Center for Industrial Application for Space Technology. It is designed to make available to industry the vast amount of knowledge gained in space research, knowledge which has industrial applications in other fields besides that of space.

This was a pilot project for the United States. Its value is attested by the fact that two other centers are being established at Wayne State University in Detroit and at the University of Maryland. Another is authorized for the University of Pittsburgh and still another is under consideration for the University of North Carolina.

My efforts to obtain for Indiana and the Midwest a just share of Government-financed activities have been called parochial by some. I might add these critics are not from Indiana or the Midwest. I challenge that criticism. Our Nation cannot afford not to use every tool and resource at its disposal. It has not been doing so in Indiana and the Midwest. It is starting to do so. I am certain the steps that have been taken are only the first of many which will provide new job opportunities, stimulate business growth, and add to the economic health of my section of the Nation.

CONSTITUTIONAL AMENDMENT ON APPORTIONMENT

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, on June 23 I introduced House Joint Resolution 1050 proposing an amendment to the Constitution to read as follows:

> The judicial powers of the United States shall not be construed to extend to any suit in law or equity for the apportionment or method of apportionment of representation in a State legislature or either house thereof, nor for the composition of any legislative or administrative body in any political subdivision of a State.

The Congress has a duty to submit an amendment for ratification by the States without undue delay, in order to save our form of Government.

The Supreme Court of the United States was never vested with power to dictate the governmental structure of any State in the Union, and its present-day assertion of such power is manifest error on its part. The Court must be led out of the political thicket into which it has strayed. The Congress must initiate this important and fundamental action.

Once before in our history, soon after the adoption of the Constitution, it was necessary to limit the judicial power in order to save the Federal character of our system. The result then was the 11th amendment, and the proposal I have introduced follows that amendment in form.

It is pertinent to point out, Mr. Speaker, that the Federal judiciary was not conceived to be an instrument of political power. Here is a branch of Government not chosen by the people, nor at any time answerable to them. Federal judges are appointed by the President, with the advice and consent of the Senate, for good behavior, which is life. They can be removed by impeachment only for treason, bribery or other high crime or misdemeanor. It is a fact of history, supported by a fair reading of the Constitution, that political power in our system was designed to be vested in the people and their elected representatives. Federal judges are not those representatives. The resolution of political questions is not their perogative, nor in their rightful power.

THE BOBBY BAKER INVESTIGATION

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, disclosure yesterday that State's Attorney Arthur A. Marshall, of Prince Georges County, Md., has made public a call girl's list of names, allegedly including past and present Members of Congress, again brings into focus the Bobby Baker investigation.

On this list, and previously mentioned in connection with the Baker scandals, is the name of Joseph Fabianich, alias Joe Fabian, now serving a 9-year Federal prison sentence for operating a call-girl ring in the Washington area.

This is the same Fabianich who was recently and suddenly spirited out of a nearby lockup to the more inaccessible Fort Leavenworth prison. This also recalls the speedy action with which Elly Rometsch, the German call girl, was deported from this country when the Baker scandals broke last fall.

It is time for Congress to drag this mess from under the rug, and let the chips fall wherever they may.

BRITISH FIRMS INDICATE HESITANCY TO SELL TO CASTRO'S CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the recent news of the sale of British buses to Cuba serves as a good indication that Great Britain has little intention of cooperating with U.S. policies to halt free world trade with Castro and strangle his economy. Not only does the British Government persist in allowing British manufacturers to sell to eager and hungry Castro, but it continues to allow British ships to relieve the Russian supply burden by hauling cargo to Cuba.

The Leyland Motors' recent deal to sell Castro buses was accompanied by a rather unusual report that Leyland Motors would not see the deal through if so asked by the British Government.

It would be easy for the British Government to halt this particular sale, and many others like it, as most of the British firms trading with Castro avail themselves of the "payment insurance" provided by the Government's Exports Credit Guarantee Department. The only step necessary would be to curb export guarantees for Cuban shipments. No other action need be taken, as most of Britain's major banking houses are leery of financing sales to Castro because he is already an estimated $238 million behind in deficits coming from his need to import more than he can produce.

Despite his difficulties, Castro's trade with Great Britain is on the rise, with Castro having bought $8.4 million in goods from Britain during the first 4 months of this year, as compared to some $2.8 million for the same period last year.

Mr. Speaker, Castro's economy is suffering, and his only hope is to continue to trade with the free world as the Communist bloc alone cannot keep him supplied. Britain could do much to hasten Castro's end by halting its trade with him. It could start with stopping the Leyland bus deal.

WHITE HOUSE JET FLEET

Mr. LATTA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATTA. Mr. Speaker, I take this time to wonder aloud about the high cost of maintaining the jet fleet for the convenience of the President of the United States and his official family when they travel about the country on official or semiofficial business. Everyone in the House knows that the President has a number of jets assigned to the White House and no one usually questions their number and the cost of maintaining them. Everyone wants the President of the United States and his family to have the best that the taxpayers of the Nation can buy. I am not questioning this today. However, I am wondering aloud if the taxpayers—some of whom are not of the President's political faith—are paying the cost of transporting the President and the members of his official family in these jets to political functions—particularly to political fundraising functions such as the $100 a plate Democrat dinner the President will be attending in Detroit on June 26. Certainly the taxpayers should not be asked to pay the cost of this trip when the already full and overflowing treasuries of the various Democrat committees will be enriched by thousands upon thousands of dollars due solely to the President's appearance at this affair.

I think it is incumbent upon the "free press" to keep the Nation informed on such matters and I will be waiting to read the stories revealing payment by the Democrat committee for this Detroit and similar trips during this campaign year.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ROBERTS of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate while the House is in session this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 165]

Ashbrook
Avery
Baring
Bass
Bennett, Mich.
Bolling
Bow
Bruce
Buckley
Cameron
Davis, Tenn.
Diggs
Dingell
Evins
Forrester
Green, Oreg.
Hall
Harding
Healey
Hoffman
Ichord
Kee
Kilburn
Kilgore
King, Calif.
Lankford
Long, La.
Miller, N.Y.
Morton
Pilcher
Pool
Powell
Randall
Reid, N.Y.
Rogers, Tex.
Roosevelt
Schadeberg
Scott
Senner
Sisk
Springer
Staggers
Steed
Thompson, N.J.
Toll
Tupper
Tuten
Willis
Wydler

The SPEAKER. On this rollcall, 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

URBAN MASS TRANSPORTATION

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 732 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Banking and Currency now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendment as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of the bill H.R. 3881, it shall be in order in the House to take from the Speaker's table the bill S. 6 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3881 as passed by the House.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 provides for the consideration of H.R. 3881, a bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas.

The resolution provides for an open rule with 4 hours of general debate, making it in order to consider the committee substitute as an original bill and all points of order are waived on this bill.

Mr. Speaker, I know of no legislation that will be before this Congress this year that is as important as this legislation, particularly if the Members, as I do, come from a metropolitan area.

This is an opportunity for us to clean up our antiquated transit systems that have been in existence since long before the beginning of the century. This is an opportunity for us to be able to move those elevated structures that we have in the old cities of America. This is an opportunity to clear up blighted areas. This is an opportunity to revitalize very important property, the beautiful property that has gone into blight in the major cities of this Nation.

During the course of the years we have spent in this Congress over $50 billion on road programs, yet we have spent nothing whatsoever as far as trying to pass a mass transportation bill concerning our local elevated or railroad systems.

H.R. 3881 is the administration's mass transit bill which provides partial Federal grants to improve bus service, commuter rail lines, and other mass transit systems in and around our towns and cities. The Congress has been strongly urged to act on this measure by both the late President John F. Kennedy and by President Lyndon Johnson. There are six major features of the committee bill.

First. Federal grants would be authorized for up to two-thirds of that part of the cost of facilities and equipment that cannot be financed by revenues alone. Local grants in cash would be required for the other one-third. This is the same formula used under the urban renewal program. Revenues from the transit system would pay for needed new investment to the extent possible, but the margin of total cost which cannot be financed this way would be covered by these Federal and local grants.

Second. To assure that the Federal assistance will accomplish the objectives of the bill, strict planning requirements are provided for, including the preparation of an areawide transportation plan as a part of comprehensive planning for the development of the urban area. The bill also recognizes the urgency of this problem and the heavy cost of delay in a further provision that for a 3-year period the grants could be made on an emergency basis but with reduced Federal participation. These grants would be for only one-half of the net project cost, but the additional one-sixth Federal grant would be available if full planning requirements are met within 3 years of the date of the grant agreement.

Third. The bill authorizes appropriation of $500 million in Federal grant funds over a 3-year period—$100 million in the first year and $200 million in each of the succeeding fiscal years. Because of the long leadtime in programs of this kind, the budget impact in the first year that funds are appropriated is estimated at only $10 million. The bill also would restore the unused balance of the $50 million loan authority provided by the Housing Act of 1961. Approximately $47 million remains of this authority.

Fourth. The bill would continue and, in fact, improve the effort to find new and better ways to meet our mass transit needs by providing that $10 million of each of the 3 fiscal year installments can be used for research, development, and demonstration grants replacing the present limited demonstration program created in 1961.

Fifth. An adequate relocation program would be required for families displaced by assisted projects. Federal grants for relocation payments to families, individuals, and business concerns would be authorized similar to those in effect under the urban renewal program.

Sixth. The committee bill also includes provisions to protect the rights of employees of local transit systems affected by the program.

Mr. Speaker, it is my opinion that unless legislation of this type is passed by this Congress there is no possibility that we can improve the antiquated systems that we have in the metropolitan areas at the present time. I know in the local area I represent, I know of no bill more important to the district than the present bill that we have up for consideration today. We have a downtown area in the city of Boston where we have a viaduct that was built in the 1890's right through the most valuable property in the city of Boston. This is an opportunity with the aid of the Federal Government to tear down such a structure, to relocate the transport lines and to beautify the city. Such legislation would bring a tremendous revaluation of city property. We cannot possibly do this all alone, if our local transportation system runs a deficit, if we in the cities and towns through real estate taxes must make this up. We need Federal assistance not only in Boston. Every major city in the United States needs Federal assistance, and this is a bill that will do the job.

Over the years we have spent over $50 billion on our road program, for what purpose? Building overpasses over these viaducts, building underpasses under these viaducts. We have wasted more money building cloverleafs and things of that nature than we would need to take care of the mass transportation bill, which, in my opinion, is going to amount to billions in the course of years and will amount to more and more and more if we do not start it now.

Mr. Speaker, I hope the rule is adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Iowa.

Mr. GROSS. Why in all conscience have points of order been waived on a bill of this nature?

Mr. O'NEILL. I presume there is legislation in the bill that is subject to points of order or the committee would not have asked for that provision. The gentleman will have to ask the gentleman from the Committee on Banking and Currency about that, as to why he asked for it.

Mr. GROSS. Can the gentleman state why points of order were waived? I will ask the gentleman from Texas. His name appears on the report. I would prefer that he answer it.

Mr. PATMAN. There is a traditional phrase used when these things come up.

Mr. O'NEILL. Does that answer the gentleman's question?

Mr. GROSS. That is not much of an answer, I may say.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown].

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 3881, as amended by committee amendment, has been kicking around in the House of Representatives since February of 1863–1963. Well, it is about that old, about 100 years old, the idea that somehow you can get someone else to pick up the check for that which you should do yourself. In any event, this measure has been before Congress in one form or another for a long time.

As to what this bill actually provides, and we might as well be frank and honest about it and understand the situation, is to permit the camel to get his nose under the tent, to spend $500 million in the next 2 or 3 years, primarily in deciding what rundown, ramshackle property can be foisted off on the Federal taxpayers by communities, or by transportation systems, or by private owners, that has proven a failure under the present conditions.

I was not surprised when my good friend, the gentleman from Massachusetts, a member of the Rules Committee, for whom I have great affection, frankly stated he was in support of this bill, because it would be of especial benefit to his own home community, to his own home State, for he told us the transportation system in his own city was antiquated, was worn out, was not now operating on a sound financial basis.

Of course, knowing as most of us do, and I believe the gentleman from Massachusetts will agree, that Boston has a splendid municipal government, it is hard to understand how anyone can believe that if a sound, economical government, such as exists in the city of Boston, or any other large city, cannot operate the transportation system it presently owns on an economic basis, on a sound financial basis, the Federal Government can come in and do so.

Of course, the real idea behind this bill is that the Federal Government, if it takes over or loans the money for the community to take over transportation facilities, in the end, whatever the loss may be in the operation of such facility, Uncle Sam, which means you and I and all the taxpayers in our districts, who will not be benefited by this legislation, will be picking up the tab and paying the cost thereof.

I know it sounds well, and perhaps it is a bit of a dream, or perhaps a bit of an ideal to talk about running a subway from Portland, Maine, down to Miami, Fla., or something of that sort, or extending subways, or renovating them, or making new commuter train services pay when private ownership has been unable to make such systems pay.

But I have news for some of you folks, and that is that they invented a few years ago a thing called an automobile, and you are not going to get people to ride a subway or a commuter train if they can drive an automobile in decent weather. It does not make much difference how much money is spent, or how much is siphoned out of the Federal Treasury, it is on borrowed money and this whole program will be financed, if it is started—on borrowed money for your great-grandchildren yet unborn to pay. In spite of the great prosperity we are enjoying today, the greatest in the economic history of any country, we are still engaging in deficit financing and are still going out and borrowing money, and adding to our national debt, just as we did when we again lifted the debt ceiling just Thursday of last week, so as to continue to borrow money at a time when we are more prosperous than we have ever been in all history. To do what? To finance new expensive spending programs such as this.

This program may be good. Perhaps someone can convince everyone that it is a proper thing to do and perhaps not. I doubt it, for I think it will be difficult to convince the average-thinking American that it is a good thing to do this on borrowed money.

If we had a balanced budget, and if we were meeting our operating expenses of Government, and if we had a surplus, it would be one thing to talk about this new program. But when you are putting a new program like this on top of all the other big spending programs, and when we were going further into debt, and three times in the last calendar year alone we increased the national debt limit, so the Government can borrow more and more money to pay for these costly experiments in state socialism, that is a different thing.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. O'NEILL. The gentleman made a remark about the city of Boston. The mayor of the city of Boston is considered by all to be one of the outstanding mayors in the United States and last week he received an honorary degree from Harvard University. He was the first mayor to receive such an honorary degree in over 60 years.

Mr. BROWN of Ohio. I agree with the gentleman on that.

Mr. O'NEILL. The transportation we have in our areas is under the jurisdiction of a quasi-public authority and has nothing to do with the city of Boston. All the cities and towns in the area pay the expenses and make up the deficit in the cost of operation. What I had in mind was this. That through the Nation these small feeder lines that feed into the mass transportation systems in the metropolitan areas are folding up and failing every day. Unless we do something for these small companies that feed into the mass transportation lines, you are going to pay for roads just as you have paid over $50 billion in the last 10 or 12 years, and you are going to have to pay billions and billions of dollars more. Now is the time to stop this tremendous expense that we would have on roads and we could do it by starting a program of mass transportation and public utility systems.

Mr. BROWN of Ohio. Do I understand that the gentleman is against the Federal highway program? I did not expect that.

Mr. O'NEILL. The gentleman knows me better than that. But think of the savings we can bring about as I have explained by avoiding the expense of building viaducts over highways and underpasses beneath the viaducts. We have wasted a great amount of money doing that and all these cities could save that money.

Mr. BROWN of Ohio. I regret that I cannot yield further to my colleague as I am short of time now. But I am glad to have my good friend join the economy bloc. We embrace you; for we love you. We respect you very much.

I should like to call your attention to the fact that I did not say anything critical of your organization or officials in your home city or home State. Instead I praised them.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I cannot yield further at this time. I praised them.

I wish to say, again, this is just the camel's nose under the tent. The actual cost will be at least $20 billion to $40 billion, judging from all the testimony we received, and this will not even scratch the surface.

Of course, a lot of people in this country would like to sell their rundown property to the Federal Government, or to some municipality, or to some agency of government, whatever it might be—if they can get Federal money, because they want to get off the hook.

Nevertheless, we are not going to change human nature by any legislation which is enacted here. This is another one of those wonderful programs, those ideals—perhaps another beautiful dream—which in the end will be most expensive and take us one more step deeper into a great national debt which may soon mean the bankruptcy of this country. It will, undoubtedly, if deficit giveaway is continued. This is a part of a general program of always financing new projects through the selling of Federal bonds and adding to our national debt. That is what it will mean.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. Am I correct in assuming that most of those who are so enthusiastic for this bill will be as enthusiastic in support of the foreign giveaway bill, the $3½ billion that is proposed to be given to foreign countries? How can the taxpayer of this country continue to finance the annual multibillion dollar foreign giveaway program and initiate new and costly programs such as this?

Mr. BROWN of Ohio. I cannot answer that question, except to say that some people vote for every spending program that comes along, while others feel they have some fiscal responsibility to the people back home.

Mr. GROSS. How about the question of waiving points of order on the bill? Is that not a good reason to vote against the rule?

Mr. BROWN of Ohio. Perhaps the reason why the points of order are to be waived is because "they" had the votes to do so in the Rules Committee.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. SCHENCK. I have received many letters from employees of railroads urging me to support this bill on the basis that it will assist the railroads in protecting their positions. I wonder if the gentleman from Ohio can tell us how that might occur.

Mr. BROWN of Ohio. I doubt very much that under the present bill there would be any real help to any employee of the railroads, and certainly there would not be any permanent help.

Let me say to the gentleman that I live in a community only some 35 miles by rail from Cincinnati. I can remember the old days, when we had what were called commuter or accommodation trains. We had as many as 30 trains a day going into Cincinnati, and 30 trains coming back, and nearly everyone rode these trains. Today a person cannot get any train to stop to take him into Cincinnati, because everybody now rides in automobiles.

Perhaps we should not let our friends on the east coast know it, but there are a lot of people throughout the country who are riding automobiles today, or traveling in airplanes, and so very few interested in commuter trains or in subways, and will not be.

Let me predict the American people will continue to build highways and to drive automobiles, until perhaps some other vehicle which is more convenient may be invented.

I can point to Cincinnati again, as an example in my own State. They built a subway there several years ago. By the time they got the blooming thing built, they found it could not operate efficiently and the people did not want to use it. But it is down there, just as good as new. So if you need a new subway in Boston, you should get in touch with the officials of Cincinnati, for they might give it to you at a cheap price. You might be able to get a good bargain.

I can point to other cities in the United States, and to examples in other countries, where it has been proved that a lot of train commuter service and so on sounded mighty enticing, and very good, but did not work out.

There is a mass transportation problem, as everybody recognizes in some large cities. Some cities like Cleveland, Ohio, have been solving it on their own. After all, it is a local responsibility and not a national responsibility, to take care of transportation problems in a local community.

That is what we are trying to do out in Ohio, if we are permitted to do so, and are not taxed to death by the Federal Government to support programs of this type in other sections of the country. We have a way of meeting our own obligations through State and local government, rather than appealing to the Federal Government for whatever we may want, or, thinking that somehow or other there is a magic source from which the Federal Government gets the money paid out of our Treasury here in Washington. There is no such magic source. Every penny spent by the Federal Government is first paid into the Treasury either in the form of taxes earned the hard way by American citizens too often, or it represents borrowed money which our children and great grandchildren yet unborn will have to pay off.

It is just possible, gentlemen of this House, that the children of tomorrow and of the future tomorrows may have some problems of their own to meet when these debts we are now incurring, because we have failed to meet our own obligations in our own time in our own way, finally fall due. If any charge can be made in history—and it will be made, in my opinion—against the present generation, it is that we have failed to meet our own responsibilities but have found an easy way, or thought we did, to enjoy, not only our own income, but to have our children's children yet unborn pay part of the freight for us. Personally, I am opposed to that, and I think the House of Representatives should be opposed to it. I hope they are.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield further?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. SCHENCK. It is my understanding that the gentleman from Ohio feels there would be no advantage to any of the employees of the railroads?

Mr. BROWN of Ohio. I do not think there will be any permanent advantage. Of course not. Some workers may drive to work in automobiles, temporarily, or for a little while, if they start up a new commuter system, but that system will not last long.

Mr. SCHENCK. I thank you very much.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I yield such time as he may desire to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I rise in support of this rule and in support of this bill, a bill which has been strongly recommended both by President Kennedy and President Johnson as being urgently needed in the national interest.

I desire also to commend the great Committee on Banking and Currency for the work that it has done on this matter and for the excellent committee report in which it points out both the magnitude of the problem and the need for the program recommended to solve it.

Before proceeding, Mr. Speaker, I would like to take just a minute to pay a word of tribute to the distinguished author and manager of this bill, the distinguished gentleman from Alabama [Mr. RAINS], not only for the work that he has done in reference to this legislation but for the brilliant, constructive, and progressive record he has written in this House over the years. His voluntary retirement is a great loss to this Nation. I commend him, as we all do, for his dedicated service and his remarkable accomplishments.

Mr. Speaker, I have been privileged, as have most Members of the House, to see, over the past several years, the spectacular population growth in the Washington metropolitan area. We have seen large areas surrounding our Nation's Capital change from open space to sprawling suburbs. Accompanying this tremendous expansion, for miles beyond the borders of the District of Columbia, has been a spectacular increase in the number of automobiles in the area. With this has come increasing traffic congestion and a considerable lengthening of the time of the daily journey-to-work and other travel. This is not only the travel from suburbs to downtown Washington but within the city, and between the many large and growing suburban centers surrounding the Capital City.

We are a rich and prosperous Nation. Our affluence is no accident but the product of a form of government that encourages the healthy competition of free enterprise. This has made possible the tremendous growth of our automotive industry, spurred on in large part by the restless temperament of our people who want, and are willing and financially able, to pay for the privilege of mobility.

We have encouraged this desire of our people to use their automobiles. We have, as a Nation, devoted a large share of Federal, State, and local resources to building magnificent highways that make mobility possible. The Federal Government alone has expended and earmarked more than $20 billion for the building of the urban highway portion of the interstate highway systems, in addition to an annual expenditure of about $250 million for other urban highways. In carrying out these programs, I think our highway industry must be commended for a most significant contribution to the development of our urban areas.

The transportation problem of our urban areas cannot, and should not, be blamed on this increasing reliance of our people on the automobile. While the investment of Federal funds for highway improvements has encouraged the use of the automobile, virtually nothing has been done to give our people a reasonable choice between private and public transportation. This is the gap that the pending mass transportation bill would help to fill. Without a choice, traffic congestion will inevitably increase and our cities will increasingly lose their economic vitality.

Shortly after taking office, President Johnson faced this problem. In his message on housing and community development he said:

> Efficient transportation systems are essential to our urban communities. Each local system should be tailored to its particular needs—existing and prospective—and the proper mixture of good highways and mass transit facilities should be developed to permit safe, efficient movement of people and goods in our metropolitan centers.
>
> A matching grant mass transit program along the lines proposed by the administration was approved by the Senate last year (S. 6) and reported favorably to the House by its Committee on Banking and Currency (H.R. 3881). I urge early enactment of the mass transit program as basic to the development and redevelopment of our Nation's cities.

Just last week at the dedication of the new rapid transit system in the San Francisco Bay area, the President said:

> We must develop adequate alternative means of transportation or the coming crisis of congestion may do more to frustrate the growth and development of America than all the burning deserts and barren mountains which stood in the path of our ancestors a century ago.

I have listened to the argument that the urban mass transportation problem is not one for the Federal Government but is purely a local problem. This argument is false and futile. It ignores the indisputable fact that the economic strength of our urban areas is of vital importance to the economic welfare of our Nation. Our urban areas generate the preponderant part of the Nation's gross national product and produce a disproportionately large percentage of our Federal taxes. If we are to preserve a continuing healthy national economy, we must be sure that our urban areas continue to be prosperous.

Those who oppose Federal help for improving local mass transportation must ignore the very great financial problems our localities face. It is not only that they are subject to strict legal limitations on borrowing for capital improvements. The facts are indisputable that local public agencies—State and municipal—are incurring debt for their capital needs at many times the rate of the Federal Government. At the same time, the tremendous growth of our cities is placing steadily increasing demands for local capital improvements.

I feel very strongly that the problem we face is national in scope and can only be solved by our people as a nation.

But to say that this must be a national problem does not mean that it must be solved by the Federal Government alone. The proposed urban mass transportation program is not solely a Federal program. It is a program that requires substantial local participation. Comprehensive local planning is a prerequisite to Federal financial assistance. And these must be non-Federal funds—local funds—of at least one-half the amount to be provided by the Federal Government. This is in keeping with a sound concept of cooperation among the Federal Government, State governments, and local communities—a type of cooperation that has been called "creative federalism."

We have been hearing again—as we did in the 1930's—the anguished query, "Where is the money coming from?" Social security and other programs that were then considered socialistic and likely to bankrupt our Nation, are now widely accepted. And despite prophecies of gloom and doom, we have prospered. Our Nation will continue to grow and prosper only if we have the courage to make sound investments of public funds in public transportation and other capital improvements that are needed for our continued growth and the development of our resources.

I expect that in the debate on this bill, there will be many cries of alarm about the Federal public debt. Let us recall that in 1946 our national public debt was about 27 percent more than our gross national product. Today, with about a 16 percent increase in the public debt, it is about half of the gross national product.

During the same period, since 1946, our Federal public debt, on a per capita basis, has decreased by about 20 percent, while local public debt has increased by nearly 300 percent.

We are a strong and prosperous Nation. We must continue to be strong and prosperous. This will be possible only if we recognize and face up to problems threatening our continued prosperity.

We need to provide a sound balance between public and private transportation in our urban areas, to preserve and increase the economic vitality of this vital segment of our Nation's economy. Federal financial assistance—in cooperation with State and local efforts—is necessary to accomplish this.

The proposed program of Federal aid is a modest one—$500 million for 3 years. I am not concerned that it could possibly grow over the years ahead. Let us remember that the program is a limited one and that it can be extended and expanded only by congressional action. I am confident that the Congress will carefully examine the results of the program before granting additional authorizations.

Mr. Speaker, I sincerely believe we must enact this urban mass transportation bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HARVEY].

Mr. HARVEY of Michigan. Mr. Speaker, I think it is a fair question to ask at the outset: Why are we suddenly faced with this problem of subsidizing mass transit? Certainly, it is not because of the inability of private and municipally owned companies to raise capital for improvements. In the minority report written more than a year ago, it is pointed out that in October 1962, just a few months prior to the hearings on this bill, the New York City Transit Authority sold $50 million of gross revenue bonds in the private market with maturities up to 25 years at roughly 3.15 percent rate of interest. Again, in August of 1963, almost a year later, the New York City Transit sold $38 million more, bearing interest of roughly 3.3 percent. The record of municipal financing makes it clear that the largest cities in the United States—those complaining the most of mass transportation problems—are having no difficulty financing capital improvements in transportation or in any other endeavor that they undertake. Just look at the record:

Municipal financing for mass transit by the 10 largest cities in the United States (excluding the District of Columbia), 1962–63, as reported in the pink sheets of the Weekly Bond Buyer

City	Issue	Amount	Net interest cost	Date
Detroit	Public utility street railway	$1,000,000	2.57 percent	Mar. 27, 1962
New York	Rapid transit railroads	5,000,000	2.57 percent	Apr. 24, 1962
	New York City Transit Authority	50,900,000	3.15 percent	Oct. 17, 1962
Chicago	Chicago Transit Authority	7,500,000	3.20 percent	May 1, 1963
New York	New York City Transit Authority	38,300,000	3.32 percent	Aug. 7, 1963
Philadelphia	Railway passenger cars and transit improvement	13,500,000	3.32 percent	Nov. 13, 1963

Municipal financing by the 10 largest cities in the United States (excluding the District of Columbia) for the year 1963 as reported in the pink sheets of the Weekly Bond Buyer

City	Issue	Amount	Net interest cost	Date
Los Angeles	Department of water and power waterworks revenue	$12,000,000	(Basis 3.12 percent)	Jan. 23, 1963
	Athens-Woodcrest Waterworks District No. 1	200,000	3.70 percent	Jan. 15, 1963
	Series D, consisting of fire department and recreation and park	14,000,000	2.78 percent	Feb. 19, 1963
	Department of water and power electric plant revenue	21,000,000	(Basis 2.96 percent)	Mar. 20, 1963
	Waterworks district No. 35	300,000	(Basis of 4.24 percent)	Mar. 5, 1963
	Flood control district (storm drain)	15,000,000	3.04 percent	Apr. 23, 1963
	Los Angeles unified school district	25,000,000	3.09 percent	Oct. 1, 1963
	Los Angeles Department of Water and Power, waterworks revenue	12,000,000	(Basis 3.18 percent)	Oct. 9, 1963
	Department of water and power, electric plant revenue	24,000,000	(Basis 3.34 percent)	Nov. 20, 1963
Chicago	Transit authority (equipment trust revenue certificate)	7,500,000	3.20 percent	May 1, 1963
	Park district, consisting of park improvement, park improvement for community conservation areas.	6,000,000	2.88 percent	May 14, 1963
	Chicago, consisting of bridge and viaduct, municipal building	5,000,000	2.85 percent	May 29, 1963
	Public building commission	87,000,000	3.33 percent	June 26, 1963
Baltimore	Baltimore, consisting of sewer loan, conduit loan, city jail loan, water loan, school loan, hospital building loan, recreation and parks building loan, public parks building loan, medical examiner's building loan, central garage building loan, Jones Falls Valley Park loan, urban renewal loan, fire building and facilities loan, women's detention building loan, public library loan.	47,500,000	3.07 percent	Oct. 1, 1963
Detroit	Revenue, consisting of water supply system	10,500,000	3.16 percent	Apr. 9, 1963
	Automobile parking system	1,000,000	3.66 percent	Do.
	Detroit, consisting of public sewer, general public improvement	9,205,000	3.21 percent	Apr. 16, 1963
	Detroit, consisting of public library, rehabilitation	1,300,000	3.04 percent	Do.
	Detroit motor vehicle highway fund	1,000,000	2.59 percent	Do.
	Detroit, consisting of rehabilitation, general public improvement, public utility lighting	5,950,000	3.35 percent-	Sept. 17, 1963
	Detroit, consisting of motor vehicle highway fund, public utility street railway	5,450,000	3.04 and 3.01 percent	Do.
	Airport revenue	1,300,000	3.48 percent	Do.
	Street and alley paving special assessment	120,000	2.88 percent	Do.
St. Louis	School district (school construction)	10,740,000	2.90 percent	Jan. 16, 1963
	Public buildings and improvement	14,765,000	2.98 percent	Feb. 19, 1963
	Mehlville School District (school)	1,560,000	3.24 percent	Do.
	Hancock Place School District	1,100,000	3.19 percent	Mar. 5, 1963
	Pattonville School District No. 4-3	1,150,000	3.07 percent	Feb. 28, 1963
	Public improvement	5,000,000	2.97 percent	Apr. 23, 1963
	Afton School District	450,000		Apr. 22, 1963
	Parkway Consolidated School District	1,150,000	3.14 percent	June 26, 1963
	Parking facilities revenue	350,000		Aug. 30, 1963
	Kirkwood School District R-7	350,000		Do.
	Afton Fire Protection District	80,000		Oct. 31, 1963
New York	Various purpose	108,200,000	2.93 percent	Jan. 29.
	do	108,720,000	2.88 percent	Apr. 24.
	do	103,000,000	2.94 percent	July 23.
	Transit authority	38,300,000	3.32 percent	Aug. 7.
	Limited-profit housing loan	25,550,000	3.66 percent	Sept. 10.
	Various-purpose city improvement	118,700,000	3.19 percent	Oct. 23.
Cleveland	City school district (school building)	10,000,000	2.77 percent	Jan. 21.
	Electric light and powerplant and system extension mortgage revenue	12,000,000	2.92 percent	Apr. 2.
	Various purpose, consisting of public service machine and equipment, traffic equipment, public service storage and repair building, airport improvement, urban renewal, general sewer, port development, sewage disposal, recreation, city's portion paving.	13,150,000	2.88 percent	June 25.
	City school district (school building)	10,000,000	2.98 percent	Oct. 24, 1963
	Sanitary storm sewer construction	750,000	(Basis of 2.93 percent)	Dec. 2, 1963
Philadelphia	School district (school)	15,000,000	2.97 percent	Jan. 8, 1963
	Various capital improvement	37,225,000	2.94 percent	Apr. 3, 1963
Houston	Public improvement	25,000,000	3.03 percent	May 29, 1963
	Airport system revenue	6,000,000	3.82 percent	Do.
	Independent school district (schoolhouse)	10,000,000	3.21 percent	Sept. 10, 1963
Milwaukee	Corporate-purpose public improvement	12,350,000	2.53 percent	Jan. 22, 1963
	Metropolitan sewerage	5,775,000	2.58 percent	Jan. 29, 1963
	Waterworks mortgage revenue	5,000,000	3.10 percent	July 24, 1963
	Metropolitan sewerage	7,255,000	2.77 percent	Oct. 1, 1963

Recent revenue bond sales

Date sold	Issue	Offering scale
May 12, 1964	New Mexico, highway revenue	2.65 (5 years).
May 27, 1964	Los Angeles, water revenue	2.15 (1 year) to 3.40 (30 years).
June 3, 1964	Miami, Fla., water revenue	2.80 (5 years) to 3.35 (20 years).
May 27, 1964	San Diego, Calif., water revenue	2.15 (1 year) to 3.40 (30 years).
June 2, 1964	Sebring, Fla., electric revenue	2.35 (1 year) to 3.65 (25 years).
Apr. 20, 1964	Atlanta, Ga., airport revenue	2.90 (5 years) to 3.80 (30 years).
Feb. 25, 1964	New York State, dormitory revenue	2.75 (5 years) to 4.50 (30 years).
May 26, 1964	New Jersey, highway authority revenue	2.20 (1 year) to 3.30 (20 years).

Mr. Speaker, just by way of comparison, look at the recent U.S. Treasury offerings. In the refunding of May 15, 1964, 18-month notes bore interest of 4 percent and 10-year bonds, 4¼ percent. Now, I ask you, which unit of government is in the best position to borrow the money for capital improvements? Obviously, the municipalities have shown that they have the capability and can borrow at lower rates of interest than the Federal Government.

Mr. Speaker, this problem of mass transit arises chiefly because of the increased use of the private automobile. The proponents of this bill clearly admit these facts in the majority report. The testimony at the hearings made clear that the number of privately owned automobiles in the United States had more than doubled between the years 1946 and 1960. During the same period of time the number of passengers on mass transit systems had declined so that in 1960 it was only 43 percent of the 1946 figures. It should be obvious that the convenience and flexibility of owning an automobile has become a part of our way of life. It is a mark of achievement of the young person beginning to make his way in the world. It has literally become a status symbol and the two-car families are now in the majority. Secretary of Commerce Hodges himself says that 85 percent of the total daily travel is by private automobile. Why should the 85 percent have to subsidize the remaining 15 percent?

This problem is basically a local problem and a free enterprise problem. It is local because the service, the routes, and the demands will vary in every community, depending upon size and makeup. Because several communities have a problem does not make it national, for the solution in each case may be different. The decision that the mayors and the members of the city commissions must make in determining whether a particular community can continue to support a form of public transportation is only slightly different than the decision which must be made as to whether the same community can afford garbage collection and police and fire protection. Essentially, that decision is the determination of what services the citizens in the particular community desire to have provided and have expressed a willingness to pay the cost. I am not impressed because numerous mayors testified in behalf of such a program, for it only means to me that they would prefer to solve their problems by coming to the Federal

Government without facing the unpleasant task of asking their own constituents to pay for the program.

Let us not forget, however, that this is also a free enterprise problem. As of the date of the hearings, at least 92 percent of the transit systems in America were privately owned and only 8 percent were municipal. Under the provisions of this bill grants would be made only to States and local public bodies. Now, it is true a public body would not necessarily have to operate the transit facilities or the equipment purchased as a result of such a grant, and it could provide for their operation by mass or other arrangements. Certainly, however, this feature of the bill will increase the trend to public ownership of mass transit systems. If you do not believe my statement, then let me ask you why the AFL–CIO and organized labor in general have expressed so much concern with regard to the impact that public acquisition of private companies will have on the established status and bargaining rights of employees. Of course, you are encouraging the trend to private ownership, and that is why organized labor is concerned, and rightfully so.

Mr. Speaker, enactment of this Urban Mass Transportation Act of 1963 will, in my judgment, have extremely harmful effects—not only on our Federal Government, but on local government as well. Why do I say that?

Insofar as the Federal Government is concerned, it will be harmful because it opens the door to a tremendous new spending program. No one could predict the overall cost but I have heard estimates ranging as high as $20 to $25 billion. The estimated value of the New York City Transit alone is in excess of $2.5 billion. When you couple that with the value of the systems in Chicago, Philadelphia, and other cities across the country, you can readily see that the $200 million per year as provided in this bill is only the beginning.

Just last week we raised the temporary limit on the national debt from $309 to $324 billion. I pointed out at the time that this was the seventh increase since I came to Congress, in January 1961, just 3½ years ago. Interest alone on this debt is now in excess of $11 billion per year. It seems to me that this should cause all of us to ask ourselves—If there is such a problem in mass transportation, then who can best solve the problem and do it the cheapest? The answer is clearly local government and private enterprises.

But the enactment of this legislation will be even more harmful to local government. You do not make local government stronger by this sort of program. In fact, just the opposite is true—you make it weaker. You discourage local initiative when you take away local determination and bring the Federal Government into the picture.

The Cleveland case pointed out by the distinguished Member of the other body, Senator LAUSCHE, is a good example. The local commission started to solve the problem but then decided to postpone action and seek Federal aid instead. I can tell you from my own experience as a mayor in a Michigan city of 100,000 population. No mayor had more bus problems than I had during that period of time. Do you know what this law would have done if it had been in effect? Not only would it have stifiled local initiative in solving the problem, but it would have resulted in the continuation of numerous routes—at night, on Sundays, and in the early hours, which were clearly shown to be unprofitable and little used by the general public. As it was, we simply discontinued these unprofitable routes which so few people were using. If a Federal subsidy is available, however, no mayor will risk the wrath of even a few constituents in discontinuing a route, but he will ask for a Federal subsidy instead.

Finally, Mr. Speaker, if this House is going to pass a mass transit bill and thereby insist that the Federal Government does have the responsibility for this problem, then we should not repeat the same mistake that we have made earlier. One of my basic objections to the area redevelopment legislation, which also came out of our committee, was that its benefits were so diluted that the truly depressed areas did not get the help they needed. This urban mass transportation bill is objectionable for the very same reason, and instead of the metropolitan areas that have demonstrated a problem receiving the help, the benefits will be spread—like the benefits from the Area Redevelopment Administration program—among every small village and hamlet in America with a population of 2,500 or more.

Mr. Speaker, I urge that this bill be defeated.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include tables.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. OLIVER P. BOLTON].

Mr. OLIVER P. BOLTON. Mr. Speaker, the bill before us today, H.R. 3881, is highly controversial because it raises philosophical differences, as well as practical.

It is not strictly a partisan matter—for it has its opponents and proponents on both sides of the aisle.

Rather is it another disagreement between those who believe in a strong central government—a big and domineering government—which controls the purse strings and, therefore the wisdom of what should be done by all individuals and at all levels of government.

And, those who believe in people making their own decisions, using their own initiative, and in the ability of States and local government to handle their own problems more efficiently and more responsively to the will of the people—than can centralized bureaucracy.

The advocates of Federal intervention into the field of mass transit do so on the basis that it is a national problem. If one takes the position that everything which effects the large urban areas is a national problem, they can make a point.

The majority, however, rests its position of national need partially, at least, on the statements of bus companies in smaller communities of their shrinking profits and the fact many companies are going out of business.

But, this conclusion does not recognize the change in the way of life in small cities—the change which the auto—and in some cases the family ownership of more than one auto—have brought. The decline in the use of buslines is, in itself, an indication of a change in "mores" rather than a crisis in community living brought on by a lack of transportation.

Proponents of Federal aid in this field also point to the Federal highway subsidy to back up their premise that transportation, and specifically mass transit, should be considered a national problem.

Here, too, they strain too hard. The road network is, of course, national in scope. It is interconnecting and interdependent. Therefore, it is essential that its standards be uniform, its markings the same, and the planning national in concept.

Thus, there is a vital difference—for in highways, uniformity is the key—but such even the stanchest advocates of Federal aid for mass transit would abhor—recognizing in theory at least, that, at best, mass transit is an area problem, with different solutions possible in each area. Moreover, highway users pay for highways—not general taxpayers.

Actually, referring to the problem as a national one—excluding the desire of all local governments for greater financial ability to meet their problems—is purely pragmatic and political.

My esteemed colleague, the gentleman from Alabama, clearly demonstrated this when he said to Dr. Weaver:

> Dr. Weaver, if this bill is to become law, in the House of Representatives, we need as broad-based support as we can get, and not everybody lives in major cities, especially the Congressmen do not.

Once again we have the same situation as under ARA where the concept of the Federal Government attacking a specific need in specific areas of need was broadened for practical political reasons; and the shotgun was substituted for the rifle.

No, I think mass transit is, as I said, at best an area problem, and it is being tackled as such by the communities involved.

That there is a need in some areas, no one can deny. The question, of course, is how great—of what proportions, what dimension—and what steps—at what cost—must be taken to meet them.

The Federal Government has invaded areas of local government jurisdiction and concern before—in many areas. In almost every instance it has been begun on the basis of the inability of the locality to provide the necessary funds.

Here, too, almost every witness before our committee testified that the reason they supported the bill was purely monetary. They felt that either private enterprise or local government, or both, were capable of planning a balanced system, and of running it, but that the fare box and local tax methods were insufficient for their needs.

But the fact is that in the high density areas—where the real need exists—the ability to obtain financing is as good, or better, than at the Federal level. My colleague [Mr. HARVEY] has discussed and will discuss this in greater detail but let me just mention two examples of what this Federal subsidy does.

San Francisco faced this problem and passed a bond issue. Their people were willing to dig down deep for a need they recognized. But, nonetheless, representatives of that area were before our committee asking for help—to expand the system further? No—to reduce the local taxpayer's cost, even though he had agreed to bear it. I guess money from Washington seems free. And, in my own State—in Cleveland—the transit board voted to extend the transit system to the Cleveland Airport; and then came the suggestion that the Federal Government would pick up some—if not all—of the tab, and two members of the majority of the board changed their vote to wait for Federal aid—despite the fact that they had previously thought that they had sufficient funds on hand or authorized by the people to do the job.

This, of course, is one of the tragedies of Federal aid. Not only is local initiative destroyed, but local priorities and local timing is completely dependent upon a Federal handout policy which cannot help but delay, rather than accelerate the local solution until the Federal allocation to that locality is forthcoming after all the redtape is completed.

The demands upon government at all levels today are tremendous, and increasing daily. And yet, despite the increase in gross national product, the increase in the debt, and the cheapening of the dollar, there is not enough money to do everything.

It had been my intent to introduce a substitute for this bill, a substitute which would merely have returned to the States a percent of the individual income collected in that State. Such additional revenue to the States would have provided funds for State responsibilities and permitted them to return some avenues of revenue to local government to meet their problems at their own priorities and their own initiative. However, the Rules Committee did not grant my request for a rule making such a motion specifically in order and the Parliamentarian informs me it would not be germane.

It is my hope that the Ways and Means Committee will tackle, next year, a real tax revision law—and in so doing, will consider such an approach—so as to return the opportunity for initiative and decision on local matters to local government.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of the time remaining on this side to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Speaker and Members of the House, I take this time on the rule to advise each of the Members, as I have also tried to do by a letter directed to the Members, as to an amendment that in all probability is going to be offered relating to the labor provisions of this bill. I would commend them to your attention at this time because I think they deserve your study before the debate expires and we come to act upon the bill.

I am sure there may be many Members of the House who will wish, perhaps, to vote for this bill and may want to support a mass transit program. However, if they examine carefully the existing provisions of section 10 relating to labor and the proposed amendment, of which I have given a copy to each Member in the form that I believe it is going to be proposed, they may arrive at a far different conclusion in that regard.

The labor provisions of the mass transit bill have been subject to change at every stage in the consideration of this legislation. On the Senate side, the labor provisions in the administration bill as introduced were scrapped in the recommendation made by the subcommittee to the full committee. The full committee in reporting the bill, scrapped the recommendation from its subcommittee. When the bill was considered on the floor of the Senate, the committee-reported provisions were scrapped by the Senate and a substitute floor amendment was adopted.

On the House side, the history is similar. The labor provisions of the administration bill as introduced were disowned and a substitute proposed by the Secretary of Labor at the time when he appeared as a witness on the bill. His proposed substitute was junked by the committee and a different version appears in the bill as reported by the committee. On this bill we will be confronted with still another set of changes in the proposed amendment to this section (10(c)) of the bill. And I might add, this amendment if adopted would not conform the labor provisions to those of the Senate-passed bill in at least four important respects.

There has not been any committee hearing on these changes. There has been no executive session of the committee to consider them. Indeed most members of this House only today have had an opportunity to even see or hear what these changes are.

I think this is unfortunate. These labor provisions are of tremendous importance. The proposal before us would have Federal law override State and local law. The proposal before us, by Federal law would require that there be featherbedding in municipal employment. The rights of laid off municipal employees would be subordinated to those of laid off transit workers of municipally acquired transit systems. Veterans' preferences in municipal employment could be very adversely affected. Make no mistake about it, these labor provisions involve very important policy and administrative considerations. I hope the House will take the time to develop an understanding of the full implications that are involved in this proposal.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. Would the gentleman support this legislation if the labor amendment were not adopted?

Mr. TAFT. I do not expect to support this measure whether or not the labor amendment is adopted.

Mr. MOORHEAD. The gentleman is opposed to it?

Mr. TAFT. I believe the present provisions of the labor section of the bill are unsatisfactory as they stand today. They are improper. It will make them worse if the amendment which is to be proposed is proposed and adopted.

Whether one supports the bill or not is not relevant to whether we should, as the amendment would do, import into the whole area of mass transit the headaches we are now having and have had for many years in the railway labor situation.

Mr. MOORHEAD. In either event, no matter how the amendment comes out, the gentleman is opposed to the bill?

Mr. TAFT. As the gentleman knows, and as shown in the report on the bill, I opposed the bill in the committee and intend to oppose it here on the floor. This derogates not one whit from the unsoundness of the labor amendment, the damage that can be done to the labor situation in the mass transit field, if the amendment to be proposed is adopted. Some of that damage will be done even if the amendment is not adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Ohio has been questioned concerning his position. The gentleman is opposing the bill, I take it, because he has a real sense of responsibility with respect to the finances of this country and the inability of the taxpayers of the Nation to pay bills of this kind, considering the debt and deficit situation existing today.

Mr. TAFT. As is set out in great detail in the last item in the minority views—and I signed those views—I certainly concur with the gentleman. This is a major consideration.

Mr. O'NEILL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this great Nation of ours, the wealthiest in the history of time, surely can afford a mass transportation system, schools for its children, and every other worthy program which is currently before the Congress.

As one of the previous speakers said, our transportation system today is 94 percent private enterprise and 6 percent public utilities or owned by municipalities.

The private enterprise portion today—mostly the feeder lines—is caught in a vicious cycle. It is caught in a cycle of rising costs, fewer passengers, and higher rates.

This is a bill by which we are trying to aid and to assist private enterprise.

This country of ours must have mass transportation. We do not want the municipalities, the State governments, or the Federal Government to take over the system. We want to aid private citizens in their running of this type of transportation.

That is the purpose behind the bill. I hope the rule will be adopted.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PUBLIC BUILDING PROJECTS—COMMUNICATION

The SPEAKER laid before the House the following communication from the Committee on Public Works, which was read and referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., June 24, 1964.

The Honorable JOHN W. MCCORMACK,
Speaker of the House,
The Capitol,
Washington, D.C.

DEAR MR. MCCORMACK: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on June 23, 1964, approved prospectuses for the following public building projects, which were transmitted to this committee from the General Services Administration:

Nogales, Ariz. (revised): Border station (construction and alteration).

Derby Line, Vt. (revised): Border station (construction).

Cape Girardeau, Mo.: Federal office building (construction).

Ogden, Utah: IRS Regional Service Center (construction).

San Antonio, Tex.: (a) post office building (revised) (construction), (b) courthouse and Federal office building (construction), and (c) post office and courthouse (alteration).

Small public building projects for the Social Security Administration of the Department of Health, Education, and Welfare (25 projects, as follows): Anniston, Gadsden, Ala.; Prescott, Ariz.; El Dorado, Ark.; Huntington Park, Calif.; Torrington, Conn.; Rock Island, Ill.; Pikeville, Ky.; Cumberland, Md.; Haverhill, Mass.; Flint, Mich.; Austin, Minn.; Bloomfield, Irvington, N.J.; Olean, Watertown, N.Y.; Ambridge, Hazleton, Philadelphia (NE), Pittsburgh (E), Pa.; Pawtucket, R.I.; Rock Hill, S.C.; Sherman, Tex.; Beckley, Welch, W. Va.

Sincerely yours,
CHARLES A. BUCKLEY,
Chairman, Committee on Public Works.

URBAN MASS TRANSPORTATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3881, with Mr. Moss in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. PATMAN] will be recognized for 2 hours, and the gentleman from New Jersey [Mr. WIDNALL] will be recognized for 2 hours.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, the administration's mass transit bill, H.R. 3881, has been proposed in order to help local transit systems overcome the traffic congestion that is now paralyzing our communities. All over the country transportation companies are caught between rising costs and declining patronage so that fares have had to go higher and higher and higher. As a result, more and more passengers have taken to private automobiles and made the congestion worse. It is a vicious circle that has to be corrected.

The Committee on Banking and Currency has worked long and hard on this bill. In 1962 a subcommittee held 2 weeks of hearings and took testimony from 66 witnesses, nearly all of whom supported the legislation. The bill was reported out by a bipartisan vote of 16 to 7 but was not acted on by that Congress.

Last year the administration again submitted its request for legislation to help local transit systems, and my distinguished colleague on the committee, the gentleman from Alabama [Mr. RAINS], introduced the proposal, H.R. 3881. Hearings were held before the full committee with witnesses representing the administration, local government, private bus and train operators, labor and business organizations, and others interested in transit problems. Again, the overwhelming weight of the testimony was favorable to the bill, and again the bill was reported by a strong bipartisan vote—this time 22 to 7.

It was these hearings that convinced me and a substantial majority of the committee of how urgent is the need for Federal aid to meet local transportation problems. Serious traffic congestion is obvious in all of our larger cities, but we were particularly impressed with the testimony that smaller communities also need help, and in many cases their need is urgent. As one mayor of a small southern town told our committee, the availability of local bus service is often an important factor in the decision of a private investor whether or not to establish a local plant. Transit service is vital to those who cannot afford to own and operate private automobiles. In addition, there are millions of Americans who are not physically able to drive cars, particularly among the 17 million elderly citizens—those age 65 and over. The problem also exists for those too young to drive or those who have some physical infirmity. The need is not confined to these groups, however; there are many people who prefer public transportation and if adequate service and good equipment is available find it better suited to their needs.

It is apparent that buses, commuter railroads, and other public transportation systems are a very real necessity to millions of people in our towns and cities. The rapid growth in our urban population is making this need more urgent, but at the same time the facts show that financially the transit industry has been fighting a losing battle. In the period from the end of World War II to 1961, the number of passengers declined 58 percent, transit employment dropped 38 percent. The return on investment has fallen to less than 2 percent, according to the American Transit Association. While there are some cities where transit companies still operate in the black, the overall picture is one of a distressed industry. Neither the ingenuity of private operators nor the concern of local public officials has been enough to keep many companies from going into the red and sometimes going out of business altogether.

Historically, transportation has been an important concern of the Federal Government. Already, we have a $41 billion highway program and about half of that money is going into urban areas. However, there is a limit to the amount of highways which can be built within our towns and cities. Many communities have already passed the point of diminishing returns in reliance on the private automobile. We all recognize the need for further improvement in our streets, roads and freeways, but at the same time there is growing recognition that the proper role of mass transit is being slighted seriously. At present there is no program of aid for this vital industry. The pending bill would redress that imbalance.

I would like to emphasize that this program relies entirely upon local initiative and requires local matching grants. It is entirely up to the people of each community whether or not they want to participate in the program and to what extent. What it will do is make it possible for our towns and cities to achieve balanced local transportation systems in which both the private automobile and mass transit will play their proper role.

Mr. Chairman, this legislation meets an urgent national need and I urge its adoption.

At this time, Mr. Chairman, I yield to the distinguished gentleman from Alabama [Mr. RAINS] for the purpose of continuing the opening statement for the committee on this bill, H.R. 3881, such time as he may desire.

Mr. RAINS. I thank the chairman.

Mr. Chairman, we are now taking up for consideration one of the most important measures to come before this Congress and one which President Johnson has put high on his list of "must" legislation for this year—the urban mass transit bill. This proposal has received intensive study in both Houses of Congress in recent years and the need for it is well established Traffic problems are growing steadily worse in towns and cities of every size as the rapid growth in our urban population outruns our ability to provide streets, highways, and parking facilities and as mass transit services and the financial situation of bus and railway companies in many communities steadily declines.

The program of partial Federal grants contained in the pending bill, H.R. 3881, was submitted by the administration in 1962 and again in 1963. In urging the passage of this program, the late President John F. Kennedy said:

> Our national welfare requires the provision of good urban transportation with the properly balanced use of private vehicles and modern mass transport to help shape as well as serve urban growth.

President Johnson has thrown his full weight behind this important measure. In his message to the Congress on housing and community development last January, he stated:

> Efficient transportation systems are essential to our urban communities. Each local system should be tailored to its particular needs—existing and prospective—and the proper mixture of good highways and mass transit facilities should be developed to permit safe, efficient movements of people and goods in our metropolitan centers. I urge early enactment of the mass transit program as basic to the development and redevelopment of our Nation's cities.

Mr. Chairman, the problems which this bill seeks to solve affect every one of us. It affects the millions of people who use mass transit daily; it affects those who find that driving their own cars becomes more difficult every day as traffic jams become worse and parking more difficult; it affects the whole Nation because our cities account for most of the business activity of the country and anything that makes them inefficient hampers our national growth; and, finally, it affects all of us who recognize that unsolved traffic and transit problems weaken local government and reduce the tax revenues on which they depend.

Mr. Chairman, this bill is by the very nature of the problem a complex bill and very frankly, by the very nature of the problem it has to meet, it is a controversial bill. In the beginning of the long hearings in which I have participated on this bill before the subcommittee and the full committee, I wanted to know in my own mind—and the gentleman from Ohio was correct a while ago when he said that this bill, if it is to be enacted by the Congress of the United States, must meet a national need—whether it was to meet a national problem. If it is to be enacted there must be a national problem.

I am one, and I say this sincerely, who if a matter is truly a local problem, do not want the Federal Government participating in it. But on things that mightily affect the welfare of the entire Nation, many people are prone to say, "Oh, that is a local problem."

Mr. Chairman, I believe that the witnesses—witness after witness, mayor after mayor, private enterprise man after private enterprise man—and I invite your attention to the list of the witnesses before the committee—established beyond peradventure of a doubt that there is a national problem in mass transit.

Mr. Chairman, approximately three-fourths of all people in America live in cities and towns. It is also true that about four-fifths of every tax dollar paid in America is paid by a man or a woman who lives in a city or a town.

I came from a small town. This mass transit bill will be of very little concern to many of the citizens in my State, but I honestly believe, and I believe you believe, that we are here not as the local Representatives of a particular district only, but I believe we are here as National Representatives. I believe that is a part of the duty and obligation that all of us respect and assumed.

Therefore, Mr. Chairman, if the lack of mass transit is strangling the growth of the cities of America and if the cities of America are the coffers out of which this Nation is supported, if that is true, then it is a national problem.

Mr. Chairman, we can go back, and if the members of the committee have read Gibbon's history of "The Decline and Fall of the Roman Empire," we find that the empire perhaps fell for many reasons, but one of the reasons was that the cities strangled to death. They became within themselves completely disassociated with the federal or state or national government of that day and they died. When those cities died, the nation died.

Mr. Chairman, I do not stand here just speaking for city people; I am as much concerned for people who live on the farms across this country, because I was born and reared on one. But I recognize that the growth of this great Nation, which we all love and cherish above everything else, is wrapped up in the prosperity and the welfare of the great cities of America. I believed it when I offered the recent urban renewal legislation. I believe sincerely if you improve the downtown hearts of the great cities of America, it is a good business investment. I believe that in any business if you never put back into that business any dollars at all, that business will fall apart.

Mr. Chairman, the prosperity—and this is factual statement—the prosperity, the welfare, and the growth of the cities of America are important to our Government, because that is where we get the taxes.

I am simply saying if the cities of America are—and the record shows it beyond doubt, all you have to do is look around you—strangling to death with traffic problems, we need to do something about it at the Federal level.

Mr. Chairman, one other thing which I think we should remember about the bill is this: This bill actually is a private enterprise bill. The gentlemen from Massachusetts [Mr. O'NEILL] was eminently correct a moment ago in the figures which he used that show that over 90 percent of the mass transit systems of this country are owned by private enterprise, and before I get through with my participation in this bill, I intend to offer an amendment that even more strongly supports private enterprise, than the present section does.

Mr. Chairman, this bill is not intended to give to the cities a club for public ownership at all.

If the members of the Committee will read the bill carefully and report, they will see that in some way or other we have got to give aid and assistance to the private enterprise business of this country so it can provide the mass transit solution.

Mr. Chairman, I would be the last fellow, I believe, in the world to say anything that in the least would cast any reflection at all upon the great highway program. I say that I regard that as the one outstanding truly great public works achievement of the Eisenhower administration. It is fantastic. It is the greatest public works program in the history of the world. There has never been one like it.

I would like to believe that we could build enough highways into the cities of this country to the point where everyone could drive his own automobile and have a place in which to park it.

But I know, and I know every man and woman here knows, there is not enough room in the cities of America to build the highways we would have to have, the overpasses and the underpasses; to build the parking lots at even a reasonable cost, to have streets and alleys we would need.

Whether we like it or not, the time is here in which people cannot depend entirely on private automobiles. Therefore, some other provision must be made.

The gentleman from Atlanta, Ga. [Mr. WELTNER], is here—my distinguished friend. I may have this percentage wrong, but I have been told that in Atlanta, Ga., 56 percent of all the land space in that great, growing, thriving city is given over to streets, highways, overpasses, and parking lots. Where are you going to build any more? How are you going to get them in and out? Forty-five percent of all the Federal aid money that we give to the highways—and I am proud to vote for it every time—goes to cities and towns. This is very expensive, and involves approximately $20 billion. We need highways. But it is entirely possible that we can move more people in and out of the cities of the country for much less money than we are doing now.

And let me say one other word. There are people here who say to me, "Well, I am not interested in the bill because I do not have any traffic problems in my district." Back in the broad, open spaces of Alabama we do not have much either—but I will tell you one thing: We have big, broad, four-lane interstate highways, and the people from Ohio and New York help pay for them; therefore I feel as an American citizen that I am obligated in a small way, perhaps, to help the people of the great cities of the country pay for theirs. We are all in it together. We cannot hide out here. Some may say, "We do not need to look at that because it is not my problem, it is the Nation's problem."

In my judgment, this is as essential as housing bills. There is opposition always to a housing bill, but I think we have come to know there must be some type of housing legislation in this country year after year. I am not going to argue that now, but in about 3 weeks' time I will try to argue that.

But the gentleman from Ohio. [Mr. TAFT], is against this bill, and he attacks it indirectly. He sent a letter about the labor amendment. I am going to offer an additional labor amendment, and it is going to be wrapped up with a private enterprise amendment. It is not going to affect any work laws; it is not going to affect the right of any State in any shape, form, or fashion. I say to the gentleman, and everybody knows already, that there can be no law written that will enable any strike against the town, city, State, or National Government, and there will be nothing in that which will attempt to involve it here. There will be the same type of protection that is already written in the Interstate Commerce Act affecting railroad employees and it will help bus employees likewise if a company is bought from the private owner. I think when the amendment is offered it will be obvious to everyone it is fair, not only to labor, but it is fair to private enterprise, and it will be fair to the cities and towns in the event they have public operations.

Mr. Chairman, with your permission I would like to briefly go step by step into the main and important items in the bill.

The first and basic provision of the bill is Federal grant assistance for mass transit equipment and facilities. I will say to my distinguished and beloved friend there is no back-door spending involved. It is absolutely 100 percent the appropriation method. The formula for determining the Federal grant is similar to that used under urban renewal. Grants can be made for up to two-thirds of the net cost of the project and the remaining one-third will have to be met by the local governments in cash. And an estimate will be made of the revenues of the transit system to determine the amount which can be financed from the fare box. That is substracted from the estimated total cost of the project, and the net difference would be paid by Federal and local grants on a ⅔-⅓ basis.

I should like to point out also that the funds for this program are already in the President's budget request for fiscal 1965. If it should be enacted, actual cash outlays in the coming year would be only $10 million because of the long-term nature of these projects. Because of the necessary time it would take to get underway, I intend to offer an amendment to cut the amount by $125 million from $500 million to $375 million, when we get to the consideration of the bill under the 5-minute rule.

The second provision of the bill is a temporary emergency program of aid which recognizes that in many places something must be done quickly. This section would waive some of the planning requirements but would limit the Federal share of the net cost to only one-half instead of two-thirds. If the community, however, meets the full planning requirements within 3 years they then would be eligible for the two-thirds grant.

The third provision authorizes the appropriation of $500 million spread over 3 years. Please note that I said "appropriation"; there is no so-called back-door financing involved. As I have just said, I hope to offer an amendment to reduce it to $375 million.

The fourth provision of the bill would permit a part of these funds to be used for demonstration projects to try to find more efficient ways of meeting our transit problem. Under this section up to $30 million of new authority would be used for demonstration grants.

Fifth, the bill will provide relocation benefits for families displaced under the transportation program, similar to the benefits provided under the urban renewal program.

Sixth, the bill would require fair and equitable arrangements, as determined by the Administrator with the concurrence of the Secretary of Labor, to protect the interests of affected transit employees.

The bill will maintain or increase employment in the transit industry and, we are sure, halt the sharp decline which has been going on in recent years.

The chairman of the committee told you this bill was voted out of the committee by a bipartisan vote. I want to compliment the gentleman from New Jersey [Mr. WIDNALL] and others who not only voted for the bill in committee but were active participants and supporters of the legislation in committee. It was voted out by a vote of 22 to 7.

This legislation has been studied at great length by our committee in hearings in 1962 and again in 1963. In those hearings, we took testimony from a great many witnesses representing local government, private bus operators, railroads, labor, industry, civic groups, and others interested in the problem. That testimony was overwhelmingly in favor of the legislation. Those hearings and the many reports and news stories published since then have firmly established several facts.

First, the problem which this bill is designed to meet is a serious one and the need for action is urgent. We are all familiar with the so-called population explosion and the rapid growth of towns and cities of every size. In spite of this, the number of people being served by mass transit has dropped off sharply and service has been reduced. The competition of the private automobile has cut deeply into the passenger volume of mass transit. Now, however, there is growing recognition that private automobiles cannot meet all of our local transportation needs no matter how many highways we build and meanwhile our investment in mass transit has been neglected.

All too often mass transit has been caught in a vicious spiral. Let me read to you, for example, how the operator of a private bus company in one Southern city recently described his predicament:

> Since writing you last we were forced again to take the wrong road by a fare increase. Our projected formula indicated we would lose passengers as a result, and that in 14 months we would be back with the same amount of revenue, only with fewer riders. This is exactly what happened.
>
> We find ourselves with a lot of old buses, expensive to operate and unattractive to customers. We have had to cancel some routes entirely. We reduce schedules but, as you know, when you spread out schedules it discourages more riders. Our next desperate step would be to raise fares again, but at the end of a 12- to 15-month period we would be in a worse fix than now, so what do we do? Should we take this same course and wind up a year later with fewer riders and older equipment?

The experience of the company described in this letter is being repeated over and over again throughout the country. Mass transit, whether bus, rail, or subway, involves heavy capital investment and by its nature requires a certain minimum passenger volume because of its fixed costs. When ridership falls below that minimum, the company goes into the red even though there are thousands of passengers still dependent upon it daily.

The great need that this bill seeks to meet is for new equipment, equipment that the fare box presently without some aid and assistance, call it seed money or whatever you will, is unable to purchase, and it is a continuing vicious circle of higher fares and fewer passengers. The result is, and we firmly believe the record proves it, that if you had the equipment, which could be leased at a reasonable price to the owners of the private bus or rail transportation in this country, you would be able to see the fare box pick up with additional customers to where it would be self-supporting. I cannot guarantee this in any way. I cannot guarantee private enterprise is going to make a profit any time, but I do know we are going to lose money on the mass transit systems in this country unless some aid is given.

You know it seems every once in a while we talk about this as if this is all new. Railroads were built in this country by Federal aid clear across the country. From time immemorial we faced up to this problem in this way. We either give this type of aid and assistance or it becomes a matter of governmental ownership of the commuter railroads. So I think if we can, we better move in and give free enterprise the shot in the arm that it needs and keep out Government control and Government ownership.

We must not forget that there are many who do not have the option of using their own cars to drive to and from work or for shopping or other trips. Many people simply cannot afford to own and maintain a car and keep up the many expenses that go with it. Many of our elderly citizens either can no longer afford cars or are physically unable to drive them. The same thing is true of our millions of teenagers who are not old enough to drive as well as those who cannot drive because of some physical infirmity.

It is estimated that there are some 30 million people between the ages of 18 and 65 who do not have licenses to drive and need mass transit. For many people this is a matter of preference. However, people do insist on equipment that is comfortable and dependable—not 40-year-old commuter trains or 20-year-old buses. They also want good service without unreasonable crowding. This means schedules that meet their needs, and routes that are convenient to use. It means also adequate parking lots at stations or terminals in the area where they live.

Every time service is curtailed, more people are forced out onto the highway to add to existing congestion and some part of our present investment in mass transit facilities is lost and by all the evidence will have to be replaced eventually at a higher cost. The time for action on this critical problem is already overdue.

A second fact established by the hearings is the national nature of this problem. Already, over two-thirds of our population live in urban areas, and these towns and cities generate an even larger part of our national income, production, and Federal tax revenues. The Congress cannot be indifferent to the problems of these communities and the record shows that a great many of them are already faced with difficulties of major proportion and others will soon have to face up to the problem. The American Transit Association testified that there are 60 cities of 25,000 population or more who now have no mass transit service at all. The ATA further reports that since 1954 over 150 local transit companies have abandoned service, many of them in small towns.

The Federal Government cannot ignore this urban transportation problem. The continued economic vitality and growth of our urban areas is essential to our national welfare. Indeed, the welfare of all our citizens—rural and urban—is directly dependent upon the commerce and industry of our cities and towns. It has been estimated that more than 90 percent of the Nation's gross national product is generated in urban areas—a clear indication of the importance of urban economic vitality to the national welfare.

It is also clear that local government cannot afford the measures necessary to solve this problem entirely on their own. Rightly or wrongly, the Federal Government has largely preempted the most fruitful source of tax revenue through the Federal income tax which has the special feature that it cannot be escaped across State lines.

Before I came to the Congress, I was in the Alabama State Legislature. I was chairman of the cities and towns committee of that State, having to do with little cities and towns. I was a city attorney and I had to do with municipal government all the years before I came here. Since I have been here on the committee that I am a member of, I would say that we have had more municipal problems to be concerned with before us than nearly any other committee. I say that only to point out that I believe I know something about the problems of the cities and towns of America. It is easy, as my distinguished friend, the gentleman from Michigan did, to cite the fact that in some specific instances on a bond of a specific type that you are able in certain cities to get a bond rate below what the Federal Government ordinarily pays. That is because of the tax-exempt feature.

The fact is that State and local government is straining its resources to the limit to meet the many and increasing needs of their people. Striking testimony to this was given in a staff report in the Wall Street Journal of last February 18. That report stated:

> The debts of America's States and towns have rocketed 448 percent since World War II. This increase in the little-noticed indebtedness of States and municipalities has far outstripped the growth of the highly publicized Federal debt, which has edged up only 13 percent in the same period.

In other words, this local debt increase is nearly 35 times the percentage increase of the Federal debt.

The report also points out that between 1946 and 1963 State and local debt on a per capita basis quadrupled from $120 to $467. During the same period Federal debt decreased on the same basis by one-fifth.

The Federal Government is already involved in this problem under the highway program. I can well imagine the dilemma of a mayor or city council confronted with a local traffic problem. If they seek to solve it through additional freeways and streets, they can obtain Federal grant assistance for 50 percent of the cost or in some cases 90 prcent. On the other hand, if they want to improve bus or commuter rail service, they find there is no Federal assistance available at present. Under the heavy pressure of their immediate financial problems, they may be forced to turn to more freeways even though they believe that in the long run mass transit would be better. This bill seeks to redress that imbalance and enable the people of the community to choose more objectively.

The hearings also clearly established that the private automobile cannot meet all of our transit needs. Let me emphasize that there is no competition between this proposal and our great Federal aid highway program. I have always supported the highway program which is one of the greatest domestic economic efforts in our history. Clearly, there is still a tremendous need for more highway construction. However, the level of that program is already laid out for years to come in existing legislation. The modest supplement provided by this bill will not affect that program but will make it more efficient by encouraging balanced transportation systems. It comes as a surprise to many but the fact is that nearly half of the $41 billion authorized for that program is being spent in urban areas and is contributing greatly to improving our cities.

In spite of the dramatic accomplishments under the highway program, our backlog of need and rising requirements still outrun our efforts. The strongest highway advocate would not throw all of our urban transit needs on the shoulders of that program. The American Municipal Association has estimated that if the five cities of New York, Chicago, Boston, Philadelphia, and Cleveland were to lose bus and rail commuter service, it would cost $31 billion to build the highways necessary to serve a comparable number of people. Testimony showed that if mass transportation were abandoned in Chicago alone, an additional 160 expressway lanes would be required plus parking facilities for 600,000 additional automobiles. Obviously, the problems of traffic control would be monumental and the people of Chicago would spend a major part of their time and effort and a substantial part of their incomes on local transportation. In another city, Atlanta, it has been estimated that one expressway alone would need to have 36 lanes to handle the predicted 1970 traffic.

Overreliance on private automobiles also entails a heavy cost to the local taxpayer in the form of land removed from the tax rolls altogether or put to relatively low yielding purposes. Right now, more than one-half of downtown Los Angeles is devoted to moving or storing automobiles.

Mr. Chairman, I would like to make it perfectly clear that there is nothing in this bill which favors public ownership of mass transit over private enterprise. This has been emphasized in Presidential messages and in administration testimony, and we have guarded the rights of private enterprise closely in committee action on the bill. H.R. 3881 is supported by the American Transit Association representing the major private bus operators and by the Association of American Railroads. While the grant assistance naturally must go to a local public body, the equipment and facilities provided would normally be leased to private operators. This is just the way that the local authority in Philadelphia, which has pioneered in this field, now operates. In my judgment, this program will actually save many private companies. The financial difficulties of local bus and commuter train operators have forced many of them into the position where it was no longer profitable to operate and the city has been forced to take over just to continue service. By providing new equipment and better facilities to the private operators, we can increase their revenues and shore up their finances and thereby enable them to stay in business. Such aid is amply justified because of the public utility nature of mass transit. These companies provide a vital service which would have to be undertaken by local government if existing companies were not in business. Moreover, private companies are generally required to maintain noneconomic runs and services such as late night and weekend runs which do not fully pay their own way but are necessary to fulfill their public service. These companies are regulated as to return on investment by local authorities so that there would be no windfall to the private operators, only a justified return.

I would also like to emphasize that this program depends entirely upon local initiative, planning, and financial participation. It is entirely up to the people of a community whether or not they want to use the program and are willing to put up the local cash grant.

Mr. Chairman, in closing I would like to quote from a speech given by President Johnson last week on mass transit:

> Our Urban Mass Transportation Act sponsored by this administration has already passed the Senate of the United States and it will soon come to a vote in the House. We are going to do our dead level best to see that it passes the House and becomes the law of the land. Both Republicans and

> Democrats are supporting that measure because transportation is a bipartisan problem. It is also national in scope.
>
> Congress has voted billions of dollars to build highways, to build airports, to dredge harbors, to dredge canals, to improve river navigation. In the last century Congress helped finance railroads and shipping lines, to open up new areas of the country, to open up new trade routes abroad. Now Congress and the Federal Government must help to solve the problems of transportation.

The President went on to say:

> When this bill went before one of the committees of Congress last year, a distinguished Republican Congressman from Ohio said to Congressman Patman, from my State, who was testifying in favor of the bill, "Why are you from Texas interested in helping the people of New York solve their traffic problems?" And the Congressman from my State said, "Well, I am interested because this is the United States of America, and the people of my State are as involved with the people of New York and California as the people of New York and California must be with the people of Texas."

Mr. Chairman, this bill has support on both sides of the aisle; it has support from private industry, labor, and local government; the need for it is clearly proven. I urge all of my colleagues to support H.R. 3881.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to my distinguished friend from Michigan.

Mr. HARVEY of Michigan. It seems, from what my good friend has said, that first there is indicated an ability of the municipal governments to borrow, which is precisely what I said on the floor earlier. They have had success in their borrowings.

Despite all of my searching, I have not been able to find one city all the way across America which has had a bit of trouble in borrowing, and at a much smaller interest rate, for financing improvements in transit systems, or any other sort of capital structure.

I know that my good friend from Alabama would not wish to leave the impression here this afternoon that the cities of America are not able to borrow at interest rates almost 1 percent less than the Federal Government has to pay.

Let me say today that the gentleman knows as well as I that this program, if it goes through today, will have to be paid for with borrowed money, borrowed by the Federal Government at interest rates of more than 4 percent, when the cities are able to borrow money at 3 percent.

Mr. RAINS. If the gentleman heard a single, solitary mayor who appeared before the committee who said that they were able to do this out of their funds, he heard someone I did not hear.

Mr. HARVEY of Michigan. I would cite to the gentleman the case of New York City and the case of San Francisco.

I say to the gentleman, as one who served as a mayor formerly, as one who attended the meetings of the American Municipal Association and took part in the discussions, I do not believe there is a single mayor who has said, "We do not want Federal funds." That is the easy way out.

Mr. RAINS. That sounds good, but that is not the way it is, as the gentleman knows.

The gentleman knows that if we should follow that policy to the end, the thing to do would be to let the urban renewal program be handled locally. I believe the gentleman believes that. Then we would have to say, "Build your own highways. Keep the money you pay in taxes. Stop it at the city line, and do everything you want."

We cannot do that in this country. The people of the cities in this country—mine and yours—are entitled to a return of part of the taxes they pay, for what I believe is a very great need.

Mr. Chairman, I do not yield further.

While I sat in the Chamber listening to the debate, I looked up and saw something written by a good conservative which is on the wall above the Speaker's chair. This is what Daniel Webster said:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

I do not believe he was merely talking about farmland. I believe sincerely that this will be a good investment for the people of America. I believe it will be a good investment for private enterprise. I believe it will be a good investment for the taxpayers of this country. It may help to save the cities of our Nation. Thank you.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I rise in favor of H.R. 3881.

Mr. Chairman, H.R. 3881, the urban mass transportation bill, is a must for the Philadelphia region, as it is for all our cities. In testifying on the bill last year Mayor Tate of Philadelphia, representing the U.S. Conference of Mayors, said:

> The problem of public transportation is one of the toughest—if not the toughest—problems facing municipal government of every size in America.

The mayor has been very close to this problem. He has been in the forefront of the great effort Philadelphia has been making to solve it for more than 10 years. From this experience he speaks with authority as to the great need for the Federal Government to join in the effort to preserve and improve our cities' transportation systems.

The U.S. Conference of Mayors has urged Federal legislation to preserve and improve public transportation at each of its past seven annual conferences.

The problem has been before the Congress since 1960. It has been studied at great length by many competent people in addition to our cities' mayors and other State and local officials. There is very little dissent from the view that participation by the Federal Government in solving the problem is vitally necessary. As the months and years pass without such action, the problem grows in severity and the cost of meeting it will increase.

Urbanization in America is no recent development, but in recent years the pace has quickened. It is estimated that by 1980 about 79 million more people will be added to the urban population. With more people making more and longer trips it is apparent that much of the increased travel must be made by high-capacity public transportation.

Despite an urban population increase of 38 percent between 1950 and 1960 there was a 40-percent decline in transit riders for the same period. In the past 10 years, 199 transit systems have been abandoned. This loss of public transportation is not only economically wasteful but a hardship to many of our citizens. Consider the plight of the infirm, the aged, the youth, and especially the worker with transportation in cities having no public transportation or inadequate and undependable systems.

The present bill is consistent with past Federal policy. Federal assistance has been extended for highway construction, railroads, waterways and other maritime operations, airports, and airline operations at various times in the past. The recent biannual authorization of funds for our A–B–C highway systems recently passed this House without a dissenting vote. In relation to past assistance for other forms of transportation, the funds for this bill are indeed modest.

The Philadelphia area provides an excellent example of what intelligent leadership and public support can do to stimulate transit usage. I use Philadelphia as an example, although there are others of equal significance, because I am familiar with the problem and I know what has been done there. We have more than a quarter of a billion dollars invested in the city's transit system. We have a capital improvement program of over $100 million to improve the rapid transit system and commuter rail facilities.

I think we have proved that more people will choose public transportation if the service is attractive. In 1958 we appropriated $160,000 to assist the Pennsylvania Railroad and the Reading Co. in furnishing improved commuter service. This was the start of a continuing program for such service improvements. In 1961 the adjoining counties of Bucks, Chester, and Montgomery joined with Philadelphia in forming the Southeastern Pennsylvania Transportation Compact. This agency sponsored a service improvement demonstration project with HHFA furnishing two-thirds of the net cost.

The service improvement project got underway late in 1962. Since then the increase in ridership on both the Pennsylvania and Reading lines has been remarkable. Despite the gains in patronage already achieved under the limited program, at the end of the first year of the demonstration one line showed a 41-percent increase over the preceding year and the other line an increase of 60 percent. In terms of reduction in new freeway requirements, downtown parking facilities, and traffic congestion, this program must be regarded as an excellent investment for the whole city, not just the transit riders.

The Federal demonstration grant assistance that Philadelphia received was a "one-shot" affair, for operating expenses. The Philadelphia area badly needs the capital grant assistance proposed in H.R. 3881. The city itself is already putting just about as much as it can of money and effort into mass transportation—indeed, considerably more than most cities. But Philadelphia badly needs rapid transit lines that cannot be financed out of the present mass transit program.

And the situation is far more complicated, and even more discouraging, if you consider the Philadelphia area as a whole. That involves about 5 counties, with about 250 local governments.

It is very difficult for them to raise any funds to contribute to an areawide mass transportation system, which is what the Philadelphia area urgently needs. Federal capital assistance for such a system is essential to give leadership and incentive to local efforts.

Without Federal participation in local capital improvement programs for public transportation, local efforts—in the Philadelphia area and elsewhere—will almost certainly be inadequate. Without help, our Nation's cities and suburbs just cannot provide the total investment required for a counterpart of our splendid interstate and urban highway programs. Local debt has increased at a rate 35 times that of the Federal Government and is still going up. The preservation of the economic vitality of our cities—so important to the economic welfare of our Nation—urgently requires and justifies Federal assistance for urban mass transportation improvements.

A final word—let us not be fooled by the false charges that Federal expenditures will curb local home rule power. To quote Mayor Tate again:

> No one is more jealous of the prerogatives of local government than the Nation's mayors. No one can shout louder if our local interests are trampled on. You can be sure that we are capable of maintaining our local freedom.

Mr. Chairman, this vitally important bill, H.R. 3881, must be passed.

Mr. WIDNALL. Mr. Chairman, I rise to fully support H.R. 3881, the measure introduced and explained to the House by our distinguished colleague, the gentleman from Alabama [Mr. RAINS].

I support this bill because of my great concern over the stifling of the great cities and great urban areas, and now some of the suburban areas of the United States. This is a matter not merely of concern to those immediate areas, but of concern also to the moving population of our United States. Today it certainly is a mobile population, which moves from State to State, both for business and recreational purposes.

It is not like it used to be where one led a sheltered life with respect to many of the things that took place within our economy, within our States, within our rural areas, and within our cities. Today, particularly in the field of transportation, it is necessary to have well coordinated, well planned, well maintained systems if we are to meet the growing needs of our country.

Mr. Chairman, this bill requires the appropriation over a period of 3 years of $500 million. I know that there will be critics who will say that is only scratching the surface and that ultimate expenditures will run into the billions. This undoubtedly will be true. I would not attempt to deny that. However, I do think we should begin to attempt to meet the needs of our Nation and not say that we can eternally postpone doing anything except constructing new highways, looking for new rights-of-way, and providing parking places in the cities for those who are the country dwellers or the suburban dwellers. This will not solve the problem. There are too many areas that are being stagnated today and critically affected by what is taking place within our economy.

Like any other appropriation, this should be examined for the monetary request which is entailed. Such examination, however, should be made in the light of what we will have to spend if we fail to act as well as what we will spend if we do act. Today we are becoming rapidly an urban economy. It is not our central cities that are growing, however, but our suburbs. The two areas must be linked up if both are to prosper.

For the last half century we have had at every level of government and have spent at every level of government billions of dollars in facilitating the movement of our cars and buses and trucks in trade over wider and wider roads. These roads have become thoroughfares, the thoroughfares have become throughways, the throughways have become expressways. Now, there are some that point out that expressways, during rush hours at least, have become our biggest and longest parking lots. When those cars reach their central city destination, there is the unending struggle to park them.

With our population and car ownership on the increase, we have come to the time when we must face the fact that in urban areas we will shortly not have the room for these expressways turned parking lots. We all know that a single stalled car in seconds can produce a traffic snarl that will extend for miles. We know that in winter any road and its traffic is at the mercy of ice and snow and driver judgment. You also know what happens in periods of real emergency if there is no alternative means of transportation by way of railroads. Mass transit offers a better way of transportation.

I am not suggesting that we abandon the highways. Some people seem to feel those of us who favor this mass transit bill want to stop the Federal highway program, which has been of great benefit to the United States and which should be continued full tilt without any cut. We need that program, and it is my sincere hope that we will have more of them. I do think we need this alternative, and the alternative is in the mass transit bill.

The need will grow greater with the years, not less, and I challenge any Member of this body to say to the contrary.

We have mass transit today, not the kind we need but one without which our economy could not function. Shut down the railroads of this Nation for 48 hours, and the truth of my statement will be quickly demonstrated. This happened in all of our lifetimes. We are in danger of having that happen not in 48 hours, which would shock us, but over a period of years. These years will not be many, but while they run we will always be nibbled to death if we do not pass the measure now before us.

We will also be faced with the prospect of spending 10 times as much for mass transit as we are now requesting in this bill.

The mass transit business today is not healthy; its service is not what it should be, nor are its facilities. They are, however, better than the cost which the public is presently paying in the farebox.

The public is paying far more for automotive transport and the means to make it go, but through car ownership this is not easily realized. We cannot, however, wait any longer for assistance to mass transit. We need to preserve it now.

If we do not, we are liable to lose skills and experience that we cannot hope to replace in any short period of time. Very probably, we will most need those skills at a time when we are least able to reacquire them. I ask you to consider this question carefully. It is my considered opinion that the welfare of the Nation is riding on the outcome of the successful passage of this bill and that time will soon make that evident.

H.R. 3881 looks to the acquisition of facilities and equipment. It does not look to the subsidization of operating costs. And I would like to emphasize that, because some people have a misconception of this bill. It does not subsidize operating costs.

It concentrates on research and development which must be carried on by those already experienced in the field. This should insure us both better service and faster transportation. It contains provision for a relocation program which would insure that any family displaced would be adequately protected. The rights of employees, particularly those with long service, are also protected .

The House bill was reported from the Banking and Currency Committee on April 9, 1963. A different version of this bill, the differences to be noted below, passed the Senate on April 4, 1963. The bill was voted out of committee on the House side with bipartisan support. Major provisions are as follows:

The bill provides for grants and loans to States and local bodies and agencies for construction, rehabilitation, and acquisition of facilities and equipment. Assistance cannot be used for operating subsidies. The Federal share is two-thirds of the net project cost, a figure determined by subtracting from the gross project cost that amount which can be paid by revenues from the system itself. The local one-third share must be in cash.

The bill provides for a requirement of a unified or officially coordinated urban transportation plan before assistance is provided. In emergency situations, where a plan is being formed, and where delay would threaten the continuation or provision of a system, grants or loans may be given out, but only on a 50-percent basis. If the full-planning requirement was met in 3 years, an additional one-sixth of the net project cost would be provided by the Federal Government.

The bill provides for a research, development, and demonstration project program involving grants of $30 million—$10 million per year—out of the $500 million 3-year program total. The two-thirds, one-third Federal-local share would be eliminated with the Federal Government paying the entire amount of gross project cost, except that the value of facilities and equipment remaining after the experiment would be considered in determining the actual cost.

The bill provides for relocation payments up to $200 for families displaced, and $3,000 for businesses for actual direct losses of property except goodwill or profit, and moving expenses. In the case of businesses, the total cost of certified moving expenses would be paid if higher than $3,000.

The House bill provides for a limitation of 12½ percent of the funds to any one State. The Senate has approximately the same limitation, but provides for the possibility of 1 percent of the total amount—$375 million—to each State in addition, the total additional contracts not to exceed 10 percent of the total amount. Where regional bodies were concerned, the limitation would not apply.

In both bills, "urban area" is defined as whatever municipality or built-up area would be suitable for a transportation system to serve commuters "or others" in the locality taking into consideration growth trends—all as determined by the HHFA Administrator.

Mr. Chairman, I believe that this is an extremely meritorious bill and that it warrants the full consideration of every Member of this Congress who is looking forward to the progress of the United States and its overall economy. I maintain, and I believe others do also, that this is not a sectional bill, although it is correct that some urban areas will undoubtedly first benefit as a result of its enactment to a greater extent than some other sections of the United States. However, I believe it is necessary for those benefits to be made available.

Mr. Chairman, I urge the adoption of this bill and hope we may soon see this new program in action.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I desire to inquire as to the language of the bill starting on line 20, page 21, which reads as follows:

> SEC. 8. In order to assure coordination of highway and railway and other mass transportation planning and development programs in urban areas, particularly with respect to the provision of mass transportation facilities in connection with federally assisted highways, the Administrator and the Secretary of Commerce shall consult on general urban transportation policies and programs and shall exchange information on proposed projects in urban areas.

My question, Mr. Chairman, is: Does section 8, as quoted, provide for use of federally aided freeway and bridge systems rights-of-way in our urban areas for rapid transit?

Mr. WIDNALL. My answer to the gentleman's question is that this bill is intended to encourage the joint use of bridges and other rights-of-way for rapid transit and for highways.

Mr. PELLY. Mr. Chairman, if the gentleman will yield further, I would like to comment that in order to meet the growing congestion problems of our urban areas by highways only, the drain on Federal highway funds will be increasingly great.

On the other hand, with balanced transportation under which rapid transit systems handle a larger share of the peak-hour commuter traffic in these urban areas, the cost of constructing highways in these areas could be substantially reduced.

As I am told, one of the shortcomings of the Federal highway plan or program is that there has been no provision requiring Federal highway engineers to plan for mass transportation on these highways.

In my district, for example, in Seattle there is a new freeway cut running the full length of Seattle without a plan for mass transportation and also a new bridge on the east, across Lake Washington, which is without this important facility. Another access bridge to the city across the lake is in the planning stage now.

I would certainly hope, and I believe I have the assurance of the gentleman from New Jersey that this is so—that section 8 authorizes the use of highways and bridges for joint automobile and railway traffic.

Mr. WIDNALL. I would like to further assure the gentleman that such joint use would not mean the siphoning off of highway funds for mass transit purposes. The mass transit portion of the facilities would be eligible for assistance under this program and would be considered separate and would not represent something that would be added to the Federal aid highway program.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Alabama.

Mr. RAINS. As I understood the gentleman, your answer to the gentleman from Washington was to the effect that these funds could not be used as a part and parcel of the Federal highway program; is that correct?

Mr. WIDNALL. Yes.

Mr. RAINS. If the gentleman will yield further, that is my understanding. Also, I wish to compliment the gentleman from New Jersey for a good speech and I want to also compliment him for his very diligent efforts in connection with the work which was done on this bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Do I understand the gentleman to say that the funds which will be provided under this bill could be used for the building of bridges?

Mr. WIDNALL. No; I did not say that, but in conjunction with existing Federal highway programs.

Mr. PATMAN. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Chairman, this bill, while coming to the floor for the first time, is not new to the committee or to the Congress. We have been introducing bills for this type of legislation for many years. During the last session of Congress it was my privilege to introduce the administration bill which was reported but, unfortunately, not acted upon. I am very happy that the bill before us now is authored and carries the name of the distinguished gentleman from Alabama [Mr. RAINS].

I am sure you join me in my unhappiness in knowing this may be the last piece of legislation the distinguished gentleman from Alabama will have the opportunity of sponsoring on the floor of the House. I am happy this piece of legislation will bear his name, because when it is enacted it will go down as a memorial to one of the greatest statesmen that the Congress has ever produced. His absence in future sessions of the Congress will indeed be a great loss to us here, and to the country. His service has been unstinting, it has been unselfish; he has been loyal and patriotic to the highest extent. The best tribute that I think could be paid to him is to borrow some of his own language that he used on the floor today when he indicated it is the duty of a Member of Congress not only to represent his district, but to represent the entire country, and that ALBERT RAINS has done throughout his service in the Congress of the United States.

Again, I say I am sure that you all join me in indicating that while we recognize this great loss to the Congress and the country, we wish him well in his future undertakings.

Mr. Chairman, as to the bill itself, may I say that this represents bipartisanship at its best. I recognize that there will be some Members on both sides of the aisle who will be opposed to it. Certainly all of the members of the committee and the bipartisan support it has received in the committee indicate that this is a piece of legislation we would like to see enacted in the best interests, not of any one area of the country, but of the entire country, so that each section—farmer, industrialist, and urbanite—can work together to continue to perform in the best interest of all of us as Americans.

I have heard it said that this bill is the beginning of a multibillion-dollar program. I for one will not deny that. This is the beginning or the start of a good program, and while we are calling for a small sum, comparatively speaking, for the beginning of this program, if it works well, then I can assure you future Congresses will not hesitate to authorize and appropriate the billions of dollars that may be necessary for this program.

This program will supplement the highway program, without which the country cannot survive and, as has been so well stated here, as you have already heard, our cities cannot survive without this mass transportation bill. If the cities cannot survive, the rural parts of the country cannot survive either. You may say they are not dependent on each other, but they are certainly interdependent. They do need one another, and they compliment and supplement each other, and it is that which will make our country great if we can continue to have them work together side by side.

I am not fearful, and I urge you not to be fearful, of the fact that some tremendous figures will be thrown at you by the opponents of this measure indicating this program is about to cost the country billions of dollars that our children and our children's children will be called upon to pay. Our children and our children's children and their great-grandchildren will benefit from this program when it is enacted, and if it succeeds in doing the things we hope it will. If it should fail in the experimental stages, then we need not go any further, and will call a halt, and that will be it, and we will look for other ways and means of accomplishing this needed program, the needed solution for these problems that are crying for solution.

If it does work, as I hope it will and as most of the people who testified in favor of the bill have indicated it will, I am sure we will go on with this program. I cannot recall any other bill coming to the floor of the House that had practically the unanimous support of business, of labor, of management, of mayors, public officials, and Governors of all political faiths. They came in in droves and testified during the last session of Congress in support of the bill, and they then came in or sent in statements or repeated their testimony before this committee in this session of Congress.

I have heard it said, too, that the localities can borrow this money at cheaper rates of interest with tax-exempt bonds than we can do the job if the Federal Government should give these grants as called for by this program, that because that money must come from the Federal Treasury, we will have to raise it by borrowing. To the extent that we raise it by borrowing, and to the extent that the interest rate on those Government bonds is higher than the low interest rate on tax-exempt bonds of municipalities and States, let me call your attention to the fact that by and large it is only the big income earners, corporate and individual, in the highest tax brackets who buy these Government bonds, with the result that if you take off the income tax return or payments made on those bonds, those bonds are costing the U.S. Government less than the tax-exempt bonds.

I urge the committee to favorably report this bill to the House.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, I oppose this bill, not because I fail to recognize a problem and not because the problem does not exist in my district. The problem does exist in my urban district where over 600,000 persons live along a narrow, hundred-mile strip, and I have been importuned by the private transit companies in this area to support this legislation. However, of significance is the answer to my inquiry to the mayor and city commissioners of our largest city, Salt Lake City, as to whether they wanted this legislation. They replied unanimously in the negative.

My opposition is based on the proposition that there are better, safer, and more reliable ways to cope with the problem, more consistent with the recognition of proper responsibilities by local and State government.

In pressing for reduction of the income tax, there were representations made by this administration that the reduction would be accompanied by conservative spending. Yet this bill, by authorizing the appropriation of a half billion dollars in grants opens the gate to a Federal financial obligation of from $4 to $6 billion, according to the Administrator of the Housing and Home Finance Agency in testimony before the Senate Committee, and in excess of $8 billion according to the judgment of others, and which are cited in the minority report on the bill. Before the House committee, the Administrator merely said:

> We cannot give you accurate figures on this now. We would be kidding you and kidding ourselves if we attempted it.

In other words, we are asked to go through a gate into darkness.

Unless we look upon greater Federal spending and greater Federal debt as a meritorious fact of life, we cannot look upon this spending authorization with anything but alarm. It opens up a vast new field of Federal service. It represents an outright grant. It is not repayable to the U.S. Treasury.

Second, the issue of increased centralism: The bill vests in the Administrator of the Housing and Home Finance Administration an authority, for example, in the establishment of criteria, which necessarily includes his approval of fares, which is a dramatic example of central power, and one which I as a citizen wishing to preserve local freedom and responsibility look upon with distaste and apprehension to say the least. It is stated that because Federal programs of urban renewal, public housing and the like have created a Federal responsibility within the core of a city, a responsibility of moving these populations within the city now becomes a Federal one. I agree that if the Central Government takes over this responsibility, it must be responsible also for the criteria, and since the drawing of criteria is principally an administrative function, this great authority must be given to an Administrator. So inevitably, step by step, the addition of this new Federal service must be accompanied by effective administrative power. This is efficiency. It is also centralism and if we add this authority to our Federal Government we must take the bad with the good. To me the bad outweighs the good.

I want to emphasize a third objection I have to the bill, not the last by any means, but the objection to which I would like to direct my principal emphasis. This is the establishment of a direct financial tie, undoubtedly a permanent one, between our local governments and our Federal Government, thereby bypassing State government. Unlike the highway program which involves State funds and which is State administered on the basis of decisions made at the State level, this legislation would eliminate the State as a responsible party. I recognize that language in the bill refers to the fact that the Federal agency may contract through a State authority, but this is principally lipservice. There is absolutely no responsibility placed upon the State. The local governments are invited to come to Washington directly, and who can doubt that local government will shun the State as a plague which can only get in the way of more expeditious charity from Washington?

I believe the relationship between State government and local government to be fundamental to the continuance of democratic government as we know it. In most States, local government is authorized to tax only by those methods allowed by the State. School districts, after exhausting local remedies for financing, turn to State government to help in equalizing educational opportunity throughout the State. Even Federal programs, such as public welfare, workmen's compensation, library services, mental health services, the highway programs, to name but a few, operate through State government.

In questioning the mayor of Boston who appeared before the House Banking and Currency Committee to testify in favor of this legislation, I asked the question as to whether the cities in that State had been authorized to levy a local sales tax. He replied that the attempt had been made by the cities, but that the measure had failed by one vote in the legislature of that State. So rather than going back to try again, he came to Washington.

In my view, the cities should go to their State legislature and ask either for local means of financing mass transit or for the State itself to assume responsibility. As a matter of fact, the State of Massachusetts has done just that, this month. The State legislature has authorized a $225 million bond issue to finance a comprehensive urban transit plan to be financed by an additional cigarette tax showing that the State will act. If the Federal Government undertakes this responsibility, how can we ever expect local and State governments to discharge local responsibility?

What is the role of the State? No one could have put it better than the Advisory Commission on Intergovernmental Relations, a permanent bipartisan body set up by act of Congress in 1959 to give continuing study to the relationships among local, State, and national levels of government. Its membership is drawn from all three levels of government.

In its report entitled, "State Legislative Program of the Advisory Commission on Intergovernmental Relations," dated October 1963, the Commission stated:

> The States have a traditional responsibility for assuring that adequate arrangements exist for the provision of basic local governmental services, including adequate mass transportation. The States have an important stake in, and can play a key role in meeting existing and emerging metropolitan mass transportation needs. State policies with respect to taxation of transportation properties and the regulation of transportation rates and service have an important bearing upon the ability of private and public enterprise to provide adequate mass transportation service to metropolitan area residents. The State government is in a strong position to help resolve problems among conflicting local jurisdictions in providing coordinated mass transportation facilities and supporting adequate transportation planning on an areawide basis.

The report of the Banking and Currency Committee majority contains the following statement which calls for comment:

> The financial difficulties of the State and local governments are even more acute than the jurisdictional difficulties. Many of our cities are faced with rising service costs and declining tax bases.

The disquieting factor about that statement is the intimation that if a local government is inadequately financed, it becomes the duty of the Federal Government to step in and take over what has in the past been the responsibility of local government. The question may be asked at this point whether the problem of crime is any less than the problem of adequate transportation within the city. Many would say that the problem of crime is the greater problem with greater interstate effect and since some cities can prove a case of financial need, should not it then be proper for the Federal Government to step in and finance and establish criteria for crime prevention and detection? It could be shown, for instance, that here in the District of Columbia, under Federal financing, there are about 4.5 police employees per 1,000 population, whereas under local government financing there is a national average of only 2.6 per 1,000 in cities of more than a quarter million.

To conclude, I repeat there is a problem, but it is a local one. We are asked to make a judgment that local government is incapable of solving this problem alone. The example of San Francisco and other cities argues against our making this final judgment. But if, as a last resort, the Federal Government should become a party to this responsibility, it should do so only on a basis which recognizes State government as the administrative and regulatory authority, through which any Federal funds should be channeled, and from which Federal funds should be at least substantially returned in due course to the Fedcral Treasury.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Chairman, I rise in full support of H.R. 3881—a bill designed to assist State and local agencies, not only in planning mass transportation facilities and developing improved equipment. techniques, and methods but also in financing areawide coordinated systems by means of grants and loans.

There should be no doubt in the minds of anyone that the continued growth of the national economy is dependent upon adequate transportation in metropolitan areas.

Transportation is the most important single factor determining the nature of future urban areas. Mass transportation is the key to other forms of transportation. However, all methods and modes of transportation must be coordinated into an overall system if our metropolitan areas are to continue to progress.

Transportation systems must be planned within the framework of all other urban planning and programing. Transportation must be an integral part of comprehensive land use and community development for entire urban areas—whether they encompass few or many political subdivisions and jurisdictions.

The Federal obligation to assist State and local bodies is evidenced by many other programs such as urban renewal.

The Bureau of Public Roads cooperates informally with other agencies concerned with urban planning in the location of new or improved urban highways under the Federal aid highway program. Without such aid many communities would have been unable to finance these activities.

But highways are only one of the necessary components of an adequate transportation system and plans and programs must be evolved to develop a balanced transportation system consistent with the present needs and future development of the economy.

This bill, H.R. 3881, Mr. Chairman, will contribute toward resolving many of the most important transportation problems in the metropolitan areas. Its purpose is not to take over the responsibility of the State and local agencies but to supplement their efforts. Historically the Federal Government has aided and encouraged all forms of public transportation from the early days of this Nation.

This bill would extend financial aid to the efforts of State and local agencies in planning the equally important mass transportation facilities in metropolitan areas.

As we become more and more a Nation of urban dwellers, the role of transportation becomes increasingly important.

Traffic congestion is not only the concern of the people in the congested areas but also a national concern. Problems which affect the welfare of some two-thirds of our population must be the concern of the Federal Government.

In many of the metropolitan areas mass transportation service has declined or disappeared. At the same time the population has grown and become more widely dispersed away from the central cities, creating the need for increased mass transportation facilities. Meanwhile the remaining facilities have been deteriorating and service becoming less adequate, resulting in still less use of public transportation.

Diminished financial resources have resulted in poor service and inadequate equipment. State and local governments are hampered in efforts to solve this problem by constitutional debt limits and diversity of political jurisdictions.

Federal cooperation is needed to help solve problems which cross political and geographic boundaries. We do have metropolitan areas but no metropolitan governments.

This serious problem is not confined to the large metropolitan areas such as New York, Chicago, Philadelphia and others, but it faces smaller communities and cities as well.

It has been reported that over 70 cities with populations of 25,000 and over are without any mass transportation service. This bill would help these less publicized communities as well as the larger, more publicized cities.

As urban population grows, each and every mode of transportation will be needed to facilitate the movements of people and goods. Mass transportation must provide superior service to gain increased patronage.

The highway programs, the urban renewal projects, and all urban planning assistance programs will become more effective with the passage of this bill.

Despite the existence of one of the most highly developed and diversified transportation systems in the world, public transportation in the United States has not kept pace with the growth and increasing needs of urban areas.

The metropolitan areas are the backbone of our national strength. Their continued growth and consequent contribution to the national economy depend on adequate transportation systems within the areas as well as between them.

Before concluding, I would like to bring to the attention of the Members the deep concern of the executive director of the Port Authority of New York. At a recent conference of urban transportation, Mr. Austin Tobin, the director, reiterated the inability of States and cities to underwrite the capital requirements of mass transportation facilities, though they can underwrite operating deficits. Equipment needs exceed their financial resources and they "have a right to expect the Federal Government to be as interested in moving city workers as in shipping wheat and rock phosphate down the Arkansas River."

I firmly believe that the provisions of this bill are the best and most practical way in which we can help solve this mass transportation problem in this country.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. FINO. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, in my opinion, H.R. 3881 is one of the most vital and most urgent matters that we can consider. As we all realize, the breakdown of transit facilities in our urban centers directly affects the livelihood of not only urban dwellers but the Nation as a whole. Representing, as I do, one of the Nation's great cities, I appreciate the far-reaching impact that an urban area has upon its surroundings. It may be the headquarters of major technical and industrial corporations, the hub of nationwide rail transport, the center of foreign and domestic commerce or the financial capital of the region. Rural and suburban interests as well as our total national economic effort depend upon the vitality and efficiency of our urban centers, and yet it now appears that our cities face unwelcome social and economic restraints from overburdened transportation networks. Each year urban population increase continues to outstrip adequate transit facilities, forcing passengers to switch to auto transportation which in turn has led to costly, time-consuming traffic congestions and increased air pollution in our cities. With blockage of major supply lines and decreased mobility, our urban areas are being threatened by a strangulation that impairs not only urban activity but every segment of our economy. When we consider that the United States is becoming increasingly urban in character and activity, that many of our metropolitan areas already cross State boundaries and that the welfare of all our citizens depends upon the progress of our cities, I cannot see how the problem of urban transportation can be considered anything less than national in character.

I also understand that urban mass transit constitutes an area in which each dollar of Federal assistance will yield several dollars in savings and benefits. Our studies in the San Francisco Bay area shows conclusively that we spend less money and get greater benefits if we support the development of comprehensive metropolitan transit systems. San Francisco and similar metropolitan areas throughout the Nation will be better able to plan more consolidated and efficient transit programs if Federal assistance is made available under this act.

I do not in any way wish to disparage State and local efforts in meeting urban transit problems. I can only point with pride at the great strides being made in San Francisco by the local bay area rapid transit district. But even in this progressive metropolis, Federal funds would generate an estimated $50 million a year in measurable benefits for riders of the system by making completion of our network 3½ years sooner and would make feasible extending the benefits of rapid transit to those two bay counties which were initially unable to join our system due to problems of financing. I am convinced that other urban areas which have either begun transit improvements or plan such improvements would also benefit in time and savings through Federal assistance.

I clearly recognize that this legislation cannot provide for our present and future transportation needs without an initial increase in Federal expenditure. But I firmly believe that Federal funds allocated for comprehensive urban transit systems would save money in the long run if these urban areas can avoid additional massive and costly freeway construction under the Federal highway aid program.

Many of our urban centers attempt to avoid the dilemma of mass congestion by constructing complex and expensive freeway systems which only tend to attract more automobiles and drain local revenues that could be used for transit improvements. The projections of future population growth point to the inescapable conclusion that there simply is not enough ground space to accommodate the freeways nor the parking areas required in the next two decades and yet have enough left over for the vital space requirements of industry and urban dwellers. As a matter of fact, the citizens and officials of San Francisco have over the past years resolutely refused to accept any new freeway construction because of the vast amounts of land they would require, the municipal disruption they would cause, and the prohibitive expense they would incur, hoping as they do that improved mass transit facilities will largely supplant the need for freeways.

As all of you know, my own State of California has been in the forefront in construction of freeways in and out of metropolitan areas, and yet from personal observation and through my dealings with our State's program during the time I served as secretary to the Governor of California, I have seen freeways become obsolete before completion, and I have become quite certain that a total reliance upon freeways as an alternative to mass transit improvements can never be an adequate solution to mass congestion in our urban areas. This raises a very disturbing thought: in the next few decades, the Government plans to spend billions of dollars on the construction of urban highway systems that will only serve to further complicate, rather than to solve, urban transportation problems. I believe that if Federal funds are going to be spent on urban transportation, investment in mass transit improvements will be far more economical and beneficial than investment in freeways.

The cost of inaction increases as we delay passage of mass transit measures. Since 1957 I have been urging the Congress to give its attention to urban transit problems: during these years we have seen the localities struggle to retain present transit facilities while failing to provide for future transit needs, many communities have been forced to undertake costly and uncoordinate freeway systems, we have felt the ill effects of air pollution and traffic congestion in our cities. Superior mass transit systems are needed to work with existing freeways to alleviate our present and future transportation problems. We have in H.R. 3881 the means to attain this objective and the responsibility to insure its achievement. I urge your support of this measure.

Mr. SIBAL. Mr. Chairman, will the gentleman yield?

Mr. FINO. I yield to the gentleman from Connecticut.

Mr. SIBAL. Mr. Chairman, to grasp the compelling need for this legislation one has only to drive along the so-called freeways or expressways leading to and from our major cities and experience one of the monumental traffic jams which has become a distinguishing feature of life in America today. If that is not enough, one has only to ride the commuter trains such as the New Haven Railroad, which serves my district.

Either experience will drive home indelibly the fact that our national transportation facilities are in terrible condition and are deteriorating rapidly—so rapidly that they may be beyond restoration if we, in Congress, do not take action.

Our existing facilities are irreplaceable. They are assets vital both to the national defense and the national economy. They must be preserved as foundations on which to build.

This is truly a national problem, not merely a regional one.

It is estimated that it would cost more than $30 billion to provide highways to move the same number of people now being carried by railroads into just the five cities of New York, Chicago, Philadelphia, Boston, and Cleveland.

Today, 70 percent of the population lives in 170 metropolitan centers. In another 10 years or so, it is expected that 80 percent of our people will live in these areas. Clearly, everyone in the country is directly affected by mass transportation problems. Even the farmer living in the most remote section of the country is directly concerned, because if railroads continue to lose millions of dollars in metropolitan commuter operations, as they are now doing, freight revenues will have to go up to recoup these losses. This will affect and does now affect the price of every commodity and manufactured article used in the economy. If mass transportation services are allowed to collapse or, even if we do not act to enlarge them to meet our future needs, the funds necessary to move people by highways will soar beyond the financial capacity of the Nation.

These grave problems cannot be solved on a solely local and regional basis. A large part of the problem is that the metropolitan areas in most cases stretch across local and State boundaries. There are simply no central jurisdictions with authority to plan and provide facilities even if they had the tax resources to do it.

The problem is of supreme importance to my area. Yet, there is no central agency that can deal with the commuter problem and the New Haven Railroad. Connecticut has extended tax relief and other assistance but the railroad is bankrupt and losing money. It can raise its rates no more. Its equipment is wearing out; its services are being cut back.

While our situation is particularly acute, it is duplicated with local variations elsewhere in the country.

This bill will not solve all of these problems but it will provide, for the first time, a basis for Federal, State, and local cooperation. It is an essential first step. I strongly urge its passage.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes at this time to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, House passage of the pending legislation, the mass transportation bill, is vitally important to the State of New Jersey and to every State which contains within its boundaries a metropolitan area of growing population—and this includes most of our 50 States. As a sponsor of mass transit and related legislation for the past 7 years, I have seen a growing realization among our colleagues that this is a national problem of immense and almost unpredictable consequences, and I urge this House to begin the work of solving it without further dangerous delay.

In determining the nature and scope of Federal responsibility for mass transportation, the key consideration, it seems to me, is the fact that improved mass transit facilities in our country's heavily populated urban areas promises better service, lower cost, more economical use of scarce land, and higher property values and tax revenues than we are now obtaining from our existing policy of excessive reliance on automotive transportation.

No one questions any more the basic responsibility of the Federal Government for maintaining an adequate national transportation system. We simply cannot exist without it. In recognition of this fact, the Government heavily subsidizes air transportation and highway construction, for example, and closely regulates all forms of interstate transportation. Although I do not dispute the need for such subsidy and regulation, a direct result has been to unbalance severely the transportation system generally. We have succeeded in dramatically increasing the speed of travel between cities by air and by turnpike, superhighway, and freeway, but as often as not once the traveler reaches the airport or the outskirts of a major urban area he is unmercifully dumped into a morass of bumper-to-bumper traffic.

Today, a person can drive from Washington to New York City during the off hours in 3½ hours, thanks to the hundreds of millions of dollars of superhighway construction in recent years. But during the rush hours, that last half-hour can stretch into a maddening hour and a half to 2 hours, virtually destroying much of the benefit of the new speedways. Likewise, the flying time from Washington to New York is less than 1 hour, but the trip from the airport to the city can take twice that length of time.

This is the price of the unbalanced transportation system we have built. It is even more serious for the millions of commuters between suburb and central city whose entire travel time to and from work is spent under these unnerving conditions. Most of us, I feel certain, have experienced personally the harrowing effects of mammoth traffic jams, but for those who need convincing I recommend a helicopter flight over a major metropolitan area during the time commuters are driving to or returning from work. Earlier this year, I made such a survey by helicopter of the principal highways in the Newark and Union County, N.J. area used by commuters. The picture of thousands upon thousands of automobiles creeping and crawling along broad highways which became outmoded almost as soon as they were completed is, I can report, dramatically persuasive of the urgency of the commuter traffic problem.

The details of the problem may differ somewhat from one metropolitan area to another, but the substance and seriousness are the same everywhere. In the New York area alone, one-tenth of the Nation is involved. But, as our committee hearings demonstrated, the situation is just as urgent in Boston, Philadelphia, Pittsburgh, Cleveland, Chicago, Atlanta, Denver, Los Angeles, San Francisco, and many other areas. More important, every month that passes makes the problem worse and more expensive to solve. That this is a national problem should be clear from its size and scope alone and from the fact that there is no essential difference between building Federal highways in urban areas and supporting mass transit systems located in the same areas and serving the same people.

The challenge which now confronts the House, Mr. Chairman, is to break the vicious cycle which clogs the highways with more and more unnecessary automobiles at peak traffic hours and drains the bus and rail facilities of the passengers they need to maintain and improve the quantity, convenience, and quality of their mass transit services. The passengers would not return until more service is provided in better facilities at lower cost. Commuter railroads and buslines cannot provide improved service without higher revenues, either from paying passengers or public subsidies, or both. In the meantime, buslines go out of business, railroads abandon commuter trains, and the demand gets louder for more and bigger highways to rescue traffic-jammed drivers.

My own State of New Jersey, which is probably as heavily dependent on adequate passenger transportation of all kinds as any State in the Nation, illustrates this situation all too readily. An estimated 150,000 New Jersey people commute to and from New York daily—90,000 in the 1-hour period from 8 to 9 a.m., 50,000 by highway and 40,000 by rail. In just 1 county, the county I represent in Congress, approximately 60,000 people go out of the county to work and an equal number come in to the county to work from adjoining areas. Yet, in the face of this huge demand for transportation service, and of a rapidly growing population, rail and bus facilities have decreased while fares have increased. No less than 24 percent of railroad passenger trains have been discontinued in the last 10 years. And the threat of further major discontinuances hangs over our State at this very time.

The question we must answer is not whether we can afford the cost of a mass transportation program but whether we can afford not to undertake such a program. People and goods have to be moved—one way or another. And there is no longer any doubt that it costs a great deal less to move people by mass transit than it does by highway. This is not to say that highways are not necessary or that more highways will not have to be built in any event simply to keep up with the growing population and economy. But it does mean this: on the one hand, improved mass transportation can ease the strain on existing and future highway needs and, on the other, failure to halt the loss of mass transit facilities will vastly increase the need and the cost of new highways, assuming we can find the space and the money and overcome the resistance to build them.

These generalizations can easily be documented. In Washington, D.C., for instance, one study concluded that each new suburban resident who chooses to drive his car to work in the city requires an added public investment of $23,000 above the cost of express bus service, plus an extra $9 a day to service the debt from this investment.

As our committee report shows, for another example, it would cost $31 billion to build the highways needed to accommodate only those passengers now being carried by rail in the five cities of New York, Chicago, Boston, Cleveland, and Philadelphia.

More specifically, a 1959 study by the Pennsylvania Railroad compared the construction costs necessary to handle increased peak-hour loads by rail or by automobile from the suburbs served by this one railroad in the Philadelphia and New York metropolitan areas. In Philadelphia, the ratio was seven to one in favor of rail; $465 million to provide additional rail facilities to handle 120,000 passengers per hour as opposed to more than $3 billion for an equivalent capacity by automobile. In New York, the ratio was even higher, 16 to 1: new rail facilities to carry 80,000 passengers an hour would cost $748 million, while new highway facilities would cost $7.8 billion.

These examples can be multiplied indefinitely, Mr. Chairman. They demonstrate conclusively that mass transportation is the only alternative, the only way out of our dilemma. We have neither the space nor the money to continue to rely on the private automobile for a growing share of transportation service in urban areas. The steady shift of our population to urban areas—and more than two-thirds of our people already live in these areas—is increasing. And since 1958, the number of persons annually reaching the age of 18—the age when most people begin to drive and obtain their own cars—has been rising at record speed as a result of the extraordinarily high birth rates of the 1940's. The data on government expenditures for streets and highways, reflect these trends. From 1949 to 1959, annual expenditures rose from $3.9 to $10.5 billion, a rate of increase about 2½ times as great as the increase in national income during that period. Obviously, we cannot continue to spend on highways at this bankrupting rate. And the complaints from State after State that they cannot keep up with their highway needs testify that we have reached the limit.

Fortunately, mass transportation on a much larger scale than we have ever known it is not only the sole alternative to traffic strangulation, but it is a positive, practical, and proven alternative. We have the technology to produce the fast and comfortable transit cars and buses and related facilities. We have the advanced planning necessary to build truly integrated, coordinated, and well-balanced rail-highway transportation systems. And we have the incentive to implement this potential, if we will only recognize it, in the lower costs, greater efficiency, and overall increased convenience of mass transportation.

The city of Toronto, Canada's second largest with 2 million people living in the metropolitan area, and a city comparable in its transportation needs to many in the United States, illustrates the truth of the claims for mass transit. About 800,000 people commute daily to the central city where, 10 years ago, according to U.S. News & World Report, auto travel was "a nightmare of creeping motion, punctuated by stops, starts, and stalls."

In the past 10 years, however, Toronto has built a 6½-mile-long subway under the heart of the city which is the core of a fully integrated bus-streetcar-subway system. Subway trains alone carry 250,000 passengers daily and have eliminated from 10,000 to 25,000 automobiles on downtown streets every working day. To move these subway riders in private autos, officials figure that at least 20 lanes of expressways would be needed through downtown Toronto.

The results have been spectacular. Traffic now moves freely for those who need or want to drive their cars, but the transit system has proved cheaper, faster, safer, and more convenient than driving. The subway has also revived the midtown area, setting off a boom in new office and apartment building, greatly increasing property values, and adding to the tax base to such an extent that the new tax revenues from the area of the subway route are sufficient to equal both the capital outlays and the carrying charges for the initial subway system. The system has been so successful, in fact, that Toronto plans to extend it from 6.5 miles to 20 miles soon and by 1980 double it to 40 miles.

In Chicago, an abandoned transit line was reactivated on the basis of improved service coordinated with parking and feeder-bus facilities. Estimates in advance of the program indicated the project might double the number of riders from approximately 750 a day before abandonment to as many as 1,550. In fact, however, the line is now carrying 5,000 passengers daily and plans to double its schedule of service.

More modest demonstration projects in the New York-New Jersey area, which are still in operation, are demonstrating impressively that improved feeder bus service, more ample parking, and the provision of specialized and well-equipped commuter passenger station service will substantially increase rail commuter transportation between suburbs and central cities.

The evidence of what needs to be done and what can be done with mass transportation is abundant, Mr. Chairman.

In Massachusetts, the Governor has just signed legislation creating a transit authority for Boston and its 77 suburbs and authorizing the expenditure of $255 million for planning and building a commuter transportation system.

And in my own New Jersey, Mr. Chairman, where the State government has been subsidizing the continuation of rail commuter service, the Governor has signed legislation increasing the subsidy and providing funds for a substantial rerouting of rail service to New York.

These are only a handful of examples of the needs and opportunities for saving or building sound passenger transportation facilities in those areas of the country where most of our people choose to live. Many of the States are making truly valiant efforts to stay ahead of the tide of people and cars. But all of the States which are in this predicament have been frank to seek the partnership of the Federal Government. They do not expect the Federal Government to take over their responsibilities. But they do look for help—the marginal kind of help that can make the difference between success and defeat for their efforts.

I hope the House will respond to their pleas for help. If we are genuinely interested in economic progress and in serving the people we represent, then we shall do so and approve this legislation.

Mr. Chairman, I urge the House to pass this much-needed legislation.

Mr. RAINS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I was most interested in the remarks of my colleague, the gentlewoman from New Jersey [Mrs. DWYER], who just preceded me.

Every Member of this House has been terribly inconvenienced, to say the least, by the congestion and strangulation of traffic in our cities. Each one of us, every night, experiences unconscionable delays in going just a few miles to our homes or apartments. This sort of thing happens every morning and every evening in every major city in the Nation, and in frequent other periods during the day and at night. Traffic moves at a snail's pace, tempers fray, motors overheat, people wilt, drivers become impatient and take chances and risk accidents, and all too often strike pedestrians while trying to get through intersections while the lights are changing. I suppose the National Institutes of Health could do a revealing study on how many heart attacks, along with accident injuries, can be attributed to the impossible conditions under which people get to and from work each day, or to and from the theater, or meetings, or other events at night. Why do we put up with it?

Passage of this bill—a bill carefully and thoroughly considered in the Committee on Banking and Currency in several Congresses and now shaped into a form which will make it acceptable as well as practical—passage of this bill will not automatically mean the end of traffic strangulation in our cities. It will be a major weapon in fighting urban mass immobility, but it will not solve the problem alone. On the other hand, the problem will never be solved without this kind of beginning.

Some Members may say with all candor that in their less crowded areas of the country, mass transportation is not serious enough a problem to justify this kind of an all-out attack. Perhaps that is so at the moment—but as Congressman RAINS has said to you, also, that does not absolve any Member from the responsibility of having an interest in the solution of the problems all of our major cities are struggling to solve in the movement of people to and from the center of town. If their towns are placid and uncrowded now, the chances are, with the tremendous growth in population, and the spread of industry into new areas, and the development of all of our communities, the problems of mass transportation now experienced by St. Louis and other cities will also be coming to roost soon in smaller cities and towns.

SMALLER COMMUNITIES NOW BENEFITING FROM PREVIOUS "BIG-CITY" LEGISLATION

I would say to those Members, therefore, Mr. Chairman, that if it is not their immediate problem now, it will be—unless they help us solve our urgent problems of urban transportation. Many Members once thought urban renewal and slum clearance programs were useful only to big cities; now they find their own districts deeply involved and needing help. They should therefore be glad that the urban area Members led the fight here in previous years to set up the programs that now mean rebirth and new life for many smaller communities which were dying in blight.

Most American families are travel conscious, and anxious to see the great country of which they are a part. We have the magnificent Interstate Highway System to help them speed from one part of the Nation to another. But much of the greatness of our country is in our great cities, and when citizens from the rural and small town areas come to the big cities—as they do in increasing numbers—they experience what those of us who live in those cities must undergo every day in getting into and out of the center of town. I have spent hours in trying to persuade Members from districts which do not include large cities that they should vote for this bill because it is not only good for our cities—it is good for America. We are all part of one vast and wonderful country. We all have obligations to the entire country—to help make it into a better America. One of the urgent needs in that direction is better urban transportation, and this bill is necessary to provide it.

Mr. RAINS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. ASHLEY].

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. MOSS). The Chair will count. [After counting.] Thirty-one Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 166]

Ashbrook
Auchincloss
Avery
Barrett
Bass
Bennett, Mich.
Bow
Bray
Buckley
Cameron
Davis, Tenn.
Evins
Forrester
Green, Oreg.
Hall
Hansen
Harsha
Healey
Hébert
Hoffman
Holifield
Ichord
Kee
Kilburn
Kilgore
Kirwan
Lankford
Long, La.
Miller, N.Y.
Morrison
Pilcher
Powell
Quie
Randall
Rogers, Tex.
Roosevelt
Schadeberg
Scott
Senner
Springer
Staggers
Toll
Tuten
Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Moss, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3881, and finding itself without a quorum, he had directed the roll to be called, when 390 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. ASHLEY] for 5 minutes.

Mr. ASHLEY. Mr. Chairman, the bill before us today is responsible legislation because it is responsive to changes which are transforming the face of our Nation and the living patterns not only of this generation but of generations to come.

The minority report suggests that the need for mass transportation facilities is limited and that to the extent that a problem exists, it is simply a local one which can be met by local initiative.

I submit the facts are very much to the contrary and that the need for mass transit is probably the most overlooked and neglected problem in America today. The reason for this, I believe, is to be found in the tremendous emphasis that has been put on investment in highways, freeways and urban expressways since World War II and in the increased ownership and use of automobiles. Since the end of World War II, Mr. Chairman, State and Federal Governments have invested nearly $130 billion in highway construction and the number of automobiles skyrocketed from 30 million in 1946 to 83 million at the end of 1963. Small wonder that this upsurge in private conveyance has been accompanied by elimination of many transit systems and the doubling of others caught in the squeeze between higher costs and lower revenues.

And yet it is plain that private automobiles are not the answer to the transportation problem in the cities today—just as it is plain that more cars and more expressways will not be the answer 10 years from now—or in 40 years when our population has doubled.

In the immediate years ahead, three out of four Americans will be living in urban centers which occupy only 2 percent of our Nation's land area. Clearly there is a need for mass transportation and it is just as clear that this need is not local in character. It affects directly our national welfare because it affects the health and safety of most Americans, the way we live and the way we work.

Mr. Chairman, our transit systems today are not meeting our needs and the testimony of scores of public officials who testified on this bill establishes the fact that the capital investment necessary to develop efficient transit systems is beyond the resources of most communities. In 1961 Congress acted to meet this problem but the tools that were made available then simply have not been sufficient to get the job done or even well underway. The loan and demonstration grant authority contained in the Housing Act of 1961 was only intended as a stopgap measure, with emphasis on experimentation. This is no longer enough. We now need a long-range program of loans and grants for efficient, carefully planned transit systems capable of playing a major role in the movement of the increasing numbers of citizens whose lives will be spent in our growing metropolitan areas.

Mr. WIDNALL. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. OLIVER P. BOLTON].

Mr. OLIVER P. BOLTON. Mr. Chairman, the distinguished Member who just preceded me, the gentleman from Toledo, indicated that the minority report advocated a limited approach to mass transportation. Contrariwise, I would suggest to him that the limited approach is the Federal approach, because it is limited by the amount of Federal appropriations from year to year. Instead of that, if the problem is handled on a local level it will be handled as the need demands.

I think a real answer and example of that is one that was brought out by a statement of the gentleman from Alabama when he stated that all the mayors who testified before our committee were for this program. You bet they were. And let us take an example of two of them. A group came in from San Francisco. What was their situation? They had a bond issue passed, and a plan which was ready to be carried out. Why did they want Federal help? Oh, yes, they said it would help them move forward faster. But they asked for Federal help, not to add to the transportation plan they were going to put in effect but rather to cut the local taxes which the local taxpayers had agreed to by an overwhelming vote.

Let us take my own city of Cleveland. Here we have an extension of the mass transit system approved by the bondholders, approved by a transit board 3 to 2. After that approval, 2 weeks later, it was suddenly reversed, and two of the majority changed their position. Why? Because there is the hint of Federal assistance coming along, with the result that the transit system extension in Cleveland has been indefinitely delayed until the Federal carrot can be applied to that poor rabbit.

Mr. Chairman, though this bill deals with mass transit in its wording, it is far more than that in its effect. In actuality, it is the keystone in the arch of Federal domination and control of every town in the country. This bill, through the approach of Federal handouts, accomplishes indirectly what this Congress refused to authorize; namely, it sets up the Administrator of HHFA as the czar of all urban affairs.

Already he is in charge of urban renewal, slum clearance, open space, and housing—to mention but a few. Transportation is the glue that binds them all together—and the carrot here is so great that the rabbit will not dare do anything necessary to get it.

A reading of the bill clearly indicates that the standards established for the Administrator's action are so broad and his discretion so great that he could place almost any requirements upon the areas affected. For example, section 4A of the bill specifies that "no Federal financial assistance shall be provided pursuant to section 3—Federal financial assistance—unless the Administrator determines that the facilities and equipment for which the assistance is sought are needed for carrying out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area and are necessary for the sound economic and desirable development of such area."

Thus, though the community may have a small burden of proof to meet rules established by men—not laws—nonetheless the final say lies with the Administrator. If the local plan calls for a lateral system of monorail transportation, and the Administrator prefers a loop subway system connected by buslines and does not like monorail, I will give you one guess as to what kind of system the city will put in.

One of the reasons for not favoring monorail is that it sticks up in the air and does not necessarily improve the landscape. Under the terms of this bill, the Administrator could turn down a locally conceived transportation plan based on a monorail system purely because it does not fit in with the esthetic design of the high-priced urban redevelopment plan which he approved the week before.

I need hardly recall to your attention that less than a year ago President Kennedy, through his District adviser, injected himself into the development of the District of Columbia and required the delay of major portions of the Interstate Highway System here because of his fear that it would interfere with the esthetic beauty of certain sections of this lovely city. A closer parallel to what I am talking about could not be drawn.

But let us look even further. If this is a transportation bill, why is it not under the Department of Commerce where there is an Assistant Secretary for Transportation, where there are transportation plans being submitted from all over the Nation at a cost of tens of millions of dollars and where there is expert knowledge of transportation matters? Why has it been put in the Housing and House Finance Agency, a branch of Government which concerns itself with many of the sociological plans and intervention in local living in which our Federal Government is presently engaged?

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman from Alabama.

Mr. RAINS. I believe the gentleman had better take that up with the Parliamentarian. It is before our committee because we have jurisdiction over it.

Mr. OLIVER P. BOLTON. I understand that. My question is, why was the bill drawn to put mass transit in the Housing and Home Finance Agency?

Mr. RAINS. Does the gentleman know any way in which it could have been drawn—any other way?

Mr. OLIVER P. BOLTON. In the same way the Highway Act was drawn, to put it under the jurisdiction of the Commerce Department.

Mr. RAINS. Does the gentleman not agree that this is a problem tied into city development and tied even to housing and urban renewal?

Mr. OLIVER P. BOLTON. I do not want to yield further, but I appreciate the gentleman's frankness, because I was just going to point out that when the question came up in committee he stated frankly that this legislation was drafted and patterned after the Housing Act, not after any Transportation Act.

This bill contemplates that one governmental unit with the responsibility for transportation would be established for an urban area. This unit would be created either by State enabling legislation, by contractural agreement between the governmental bodies within the unit, or perhaps by referendum. Such an approach has merit, inasmuch as it requires an examination of the total transportation problem of an entire area, regardless of the historical political boundary lines.

However, once this area transit authority is created, all matters regarding transportation plans, loans, grants, et cetera, in which the Federal Government is involved flow between that body and the Federal Government. Therefore, under this bill we are rewriting the political subdivisions of our country. We are bypassing State government. We are bypassing city government through the mechanism of the Federal carrot. We are setting out to create, on the one hand, a dominant centralized bureaucracy, and on the other hand, a governmental body much akin to the city states of ancient Greece.

Such was not the case under the highway program. There, the States are an integral part of the planning and supervision of the construction of our national highway system.

Under this bill the administrator has a club which gives him powers over the communities which override those even of their own mayors and other elected officials.

For example, what if, as part of his price for approving the local transportation plan, the Administrator felt the zoning laws of the urban area should be be changed? Or, as suggested should be done by my distinguished colleague from Cleveland [Mr. VANIK], the Administrator felt the assessments of real estate adjoining rapid transit properties should be changed to comply with his formula? What city council—what county auditor or treasurer could withstand the pressure to change if that was the price required for an urban grant of the size we are talking about?

In effect, as we point out in the minority report, this bill makes the Administrator of the Housing and Home Finance Administration the Federal mayor of every main street in this country. I can conceive that a forceful Administrator could utilize this bill—in conjunction with powers granted him under other authority such as the Housing Act—to control not only the physical development of a city, in terms of bricks and mortar and streets and buildings, but also the social and human life of that community. I object to this bill because it not only contains the germs of the destruction of the historical political governmental relationships of our country, but I am opposed to it because it places in the hands of one bureau the potential control of the standards of living and even the conditions of life at our urban centers.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield briefly for a question?

Mr. OLIVER P. BOLTON. I yield briefly to the gentleman.

Mr. ASHLEY. I am wondering whether the gentleman is against this bill or against any bill that would seek to lend Federal assistance to cities and municipalities in trying to solve this mass transit problem.

Mr. OLIVER P. BOLTON. If the gentleman will permit me, I think I will answer his question at a later point in my remarks.

Some have criticized me for such "dubious fears." Let me make clear that I would rather pass up a mess of pottage any day than give up the rights of the people I represent to have a voice in their local government, and I will pass up that same mess of pottage if it requires local government to become even more of a mockery than it is today.

You may say, how about the housing bill itself—urban renewal, slum clearance, and so forth? I say to you, once we get a tax policy that will return the ability to the urban areas to carry out such work, these Federal programs will become unnecessary and as I said under the debate—under the rule—I hope the Ways and Means Committee will do this next year in revision.

I say to you, my good friends who favor Federal direction and big government, what is wrong? Do you not trust the people? Do you feel our opinion, or that of "the experts" in the bureaus, of what needs to be done superior to that of the people themselves? Do you have so little faith in local government, in differences rather than in uniformity? You do not so profess in your declaration of policy. Then why not give State and local governments the full financial ability possible and let them work out their own priorities and their own solutions to these local problems.

Ours was a central government of limited powers—all others being reserved to the States and local governments—close to the people, where they can follow it.

But if my reasoning so far seems too philosophical and impractical, let us look at other aspects of the transportation situation. What is the cost of this program upon which we are asked to embark? The proponents piously point to a modest figure of $500 million over a 3-year period. Which I now understand will be at $375 million. I doubt if there is anyone in this House so naive, however, as to believe that it will end there. This is merely a foot in the door for another large Federal aid program.

The proponents also state that the Federal Government's share—or as our chairman, the gentleman from Texas [Mr. PATMAN] would express it, the Federal seedcorn money—can only amount to two-thirds of the Federal project cost, or, that portion of the cost which the Administrator estimates cannot be met through local funds and through the fare box. The Comptroller General fairly well hit the kernel on the head, however, when he stated:

> We believe that if the administration's concept is fully implemented, most projects will receive Federal and non-Federal grants equal to nearly 100 percent of a project's cost.

Testimony of many other witnesses indicated that the farebox might carry the operating costs, but that local and Federal assistance was required to provide the capital equipment.

It has been estimated by some that the cost of the mass transit plans for 26 communities would be in the neighborhood of $10 million but these estimates are based only on large metropolitan areas and even then, in my opinion, fall far short of the mark when one considers that new subway construction, along with the purchase of stations as well as rolling stock and rights-of-way which are contemplated.

Nevertheless, regardless of the staggering costs, which may have to be faced, if the real need exists, we must get it done.

Let me emphasize that I am one who believes that mass transit—and good mass transit—is a necessity for any highly urbanized area. I do not need statistics to know that. I am all too well aware of the difficulty of getting around which exists for our senior citizens, our youngsters, for all those who are either physically or economically unable to drive.

But before I embark on a large program involving the expenditures of Federal funds, I want to see more clearly where we are going.

Just the other day, this Congress raised the national debt to $324 billion—the seventh time that the debt limit has been raised since 1961.

Not too long ago, we passed, and I voted for, a tax reduction bill with the serious assurance of the chairman of the Ways and Means Committee and of the majority leadership that the administration intended to hold the line, to run a tight budget, and to initiate no new spending programs. Just this morning, we find a glowing article in the newspaper to the effect that the budget will not be $11 billion in the red this year but only somewhere above $8 billion.

Let me recall to this committee that when the $40 billion interstate highway program was initiated, the carefully drafted legislation which established it was drawn up only after many years of research—20—and engineering had clearly indicated where the greatest needs for new highway construction existed, unlike this bill which is designed to give assistance to every area of 2,500 population or more in order to gain votes on the floor of Congress. The interstate highway program varied by billions of dollars in the amount of Federal aid provided to each of the States. It was based on needs established by careful engineering reports.

Let me remind my colleagues that under the Federal Highway Act of 1961, all cities of 50,000 population or over are required to submit, or be well on the way toward submitting, a complete and comprehensive transportation plan for its area by July 1, 1965.

The Federal Government is investing millions of dollars—100 million to Bureau of Public Roads—along with the States and municipalities, in the preparation of these plans. These plans are not highway oriented, they are directed toward a balanced transportation system and vary widely from area to area as each area expresses its own opinion as to its needs and requirements for solving them. I submit to the House that any Member who served on a board of directors of a company and authorized the expenditure of company funds for an engineering report—and then proceeded to take action without awaiting the results of this engineering study would be severely criticized—and rightly so—by any stockholder. Particularly would this be true if the report were a study of a contemplated new area of business for that company. I think the Members of this House are in that same position.

Mr. Chairman, opposing any program which, in the eyes of its proponents, is designed to assist in alleviating a public problem is never easy. However, I ask my colleagues to oppose this bill, first, because mass transit is not a national issue but is one that is where the real problem is limited to certain highly urbanized areas; second, because these highly urbanized areas are able, through their own resources, to finance their own solution cheaper than can the hard-pressed Federal Government; third, because this bill is more than a mass transit bill—it is a bill which, in effect, creates the Administrator of HHFA as the czar or Federal mayor of every main street in this country, not just on matters of brick and mortar, but indirectly on matters involving sociological relationships and living conditions. If we want a Federal mass transit bill, let us pattern it after the highway bill not the housing bill and put it under the Under Secretary of Commerce for Transportation where it belongs; and, fourth, because the scope and the size of this problem is presently unknown—but will be known, as a result of the expenditure of millions of dollars when the local transportation plans now underway are completed. I strongly urge the defeat of this bill because it is badly conceived and badly timed.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 3881 which was reported overwhelmingly by my committee and which has been passed by the other body.

PROGRESS SINCE THE HORSE AND BUGGY DAYS

All of us in this Chamber, from radical reactionaries to prudent progressives, take pride in pointing to the progress that has been made in America.

From the horse and buggy days of less than 100 years ago, we have progressed to the point where we can transport man in space.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. What is a "radical reactionary"?

Mr. MOORHEAD. That is a good term I see in the newspapers nowadays.

Mr. GROSS. I see.

Mr. MOORHEAD. But how much progress have we really made since the horse and buggy days?

During most of the day it takes a motorist sitting behind a 300-horsepower engine longer to cross Manhattan in midtown than it took a horse and wagon 100 years ago.

The trip from Newark Airport to the center of Manhattan Island, a distance of 13.4 miles can be made by public transportation in the rush hour in 1 hour and 30 minutes—longer than it took for Colonel Glenn to complete a single orbit of the earth. One hundred years ago a horse and buggy could travel the same distance as the Newark Airport trip in 1 hour and 17 minutes—13 minutes quicker than it can be done today. Is this what we call progress?

POPULAR SUPPORT FOR H.R. 3881

I think that people are beginning to become aware of the problem and to agree that something must be done about it.

On Monday of this week I received nine letters favoring the bill now before us. One letter urged my support "for the good of our area and the city" because "the kind of transportation we have now is so poor." Another handwritten letter said:

> In these days of congested traffic and lack of parking facilities in urban areas in large as well as in small towns we are being taxed to find parking spaces for our patrons.

Another wrote unselfishly:

> I feel that the enactment of this legislation will enable my friends and neighbors and even myself to have transportation, something we have very little of at the present time.

Mr. Chairman, the people are aware because traffic congestion and the lack of good mass transit are not occasional problems but on the contrary are daily irritants.

Morning and evening five times a week, trolley, bus and subway riders and railroad commuters are subjected to the irritations of inadequate transit. Today the motorists, bumper to bumper on the expressways, are beginning to realize that the nerve-wracking irritations of traffic jams are caused by lack of adequate transit.

H.R. 3881 WILL REDUCE THE TAXPAYERS' BURDEN

The final ironic irritation is that we are being taxed at many times the rates to create these irritations than we would be if we were to provide for adequate public transit. Without mass transportation it is obvious that our very expensive highway program must be increased many, many times.

What are the comparative costs of highways and mass transit? It is generally agreed that 1 lane of rapid transit can carry as many people in one direction as 21 lanes of expressways. In Atlanta, Ga., it was estimated that a mile of rapid transit could be built at a cost of $3.5 million per mile, whereas the cost of expressways with approximately the same capacity for moving people would cost about $42 million per mile. On this basis, expressways cost the taxpayers 12 times as much as rapid transit. A few years ago the Christian Science Monitor computed the cost to each taxpayer from 9 to 17 times as much to pay for a fine rapid transit system to move the same number of people. A recent article in the Washington Post gave the ratio as 16 to 1.

Added to this staggering expense is the tremendous loss to the cities which results when taxable land is eaten up by expressways and downtown garages. Sixty-eight percent of the downtown Los Angeles land area is already consumed for street and parking use. The mayor of Cleveland has said that a 3½-mile freeway which cost $75 million took $30 million worth of property off the city tax rolls. Because mass transit does not require large land areas, the potential saving to the Federal and local taxpayer from encouraging mass transit is tremendous.

Because of the Federal highway program, it seems to me that the Federal Government has a legitimate dollars and cents interest in solving the problems of mass transit.

THE GREAT SOCIETY NEEDS HEALTHY CITIES

Less than 1 month before his death President Kennedy expressed his hopes for America when he said:

> I look forward to an America which will not be afraid of grace and beauty, which will protect the beauty of our natural environment * * * which will build handsome and balanced cities for our future.

One month ago President Lyndon B. Johnson expressed his hopes for America in terms of "the great society." He said that the three places where we should begin to build the great society were in the cities, in the countryside, and in our classrooms. Discussing cities first the President said:

> It is harder and harder to live the good life in American cities today. * * * There is not enough housing for our people or transportation for our traffic. * * * Our society will never be great until our cities are great. * * * It will be the task of your generation to make the American city a place where future generations will come, not only to live but to live the good life.

The basic question raised by this bill is simply shall we continue to have cities in the United States of America? This is the basic question which we face. Without rapid transit, cities, as we know them, simply cannot grow and flourish. Wilfrid Owen, of the Brookings Institution, once said, "We cannot be both urbanized and motorized."

It may be that the automobile will win out in the struggle with man and that the future of America lies in a total dispersion of people into small towns across the country. If that is the future, then, instead of talking about rapid transit we should be making plans for the orderly decline of our cities and the destruction of our countryside.

However, I do believe that this idea is not only shocking, but unrealistic. I believe that our cities must continue to serve their function of being the economic and cultural centers of our Nation. Throughout history cities have served this function. Civilizations are almost always city based. From Babylon, Athens, and Rome of the ancient world to Venice and Florence of the Renaissance to Paris, London, and New York of the modern world, cities have been the focus of civilizations. The reasons are obvious. It takes a large concentration of people to support art galleries, symphony orchestras, the opera, and the theater.

There are economic reasons, too. In our complex economy a particular business transaction may well require the bringing together of businessmen, bankers, investment bankers, lawyers, accountants, engineers, and persons of other specialties. Only in a city can such a group be readily and conveniently brought together. America needs and will continue to need its great cities.

Without rapid transit the cities will not be able to carry out their function of facilitating the exchange of goods and ideas and the entire Nation will be the poorer both economically and spiritually.

Mr. RAINS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. MINISH].

Mr. MINISH. Mr. Chairman, I cannot emphasize too strongly that the legislation we are here debating is urgently needed.

Every day that passes without the relief proposed by this bill adds to the seriousness of a situation for which Federal assistance is long overdue.

Though the need for modern, economical urban rapid transit grows daily more acute, existing transit systems are deteriorating.

Mr. George W. Anderson, executive vice president of the American Transit Association, told the House Committee on Banking and Currency that 437 mass transportation operations had been sold or abandoned since 1954. I am informed that currently this figure is approaching 500 sales or abandonments in practically every State in this Nation. Other systems now facing failure can be saved only if we act now on this legislation.

Another alarming fact, disclosed by Mr. Anderson, is that some 60 cities with populations between 25,000 and 50,000 today have no public transportation service at all. One wonders what the people without automobiles do for transportation in these communities. Certainly, these facts lead to agreement with Mr. Anderson's statement that "there is urgent need for the type of relief which H.R. 3881 would provide." The chairman of the Pennsylvania Railroad Co., Mr. James M. Symes, emphasized this in testimony he presented.

Mr. Symes said:

> It is cheaper and more economical for the public to pay the cost of contracting for suburban rail services than to permit these essential services to perish.

The mayor of Detroit, who represented the American Municipal Association in the public hearings on this legislation last year, declared that emergency help is needed for urban mass transportation.

I can vouch for that statement so far as the metropolitan area of northern New Jersey, part of which I have the honor to represent, is concerned. This area is booming with more people, more industry, and definitely more traffic. Despite truly monumental development in highways, the demand for moving people and goods is outstripping the capacity of the new facilities. The New Jersey Turnpike, the Garden State Parkway, the New York Thruway, the second deck on the George Washington Bridge, the three tubes of the Lincoln Tunnel, the two tubes of the Holland Tunnel, as well as many subordinate highways, are jammed at peak hours, and the situation is getting worse every day. The only feasible answer to New Jersey's traffic problems is to raise the standards of public transportation so that people will be attracted to its use.

For the past several years New Jersey has been purchasing improved service on commuter lines in the area. This has been an important stopgap measure, but we need much more and better facilities and equipment. They cannot be provided without Federal financial assistance, as in H.R. 3881.

Now, Mr. Chairman, what happens if a rapid transit service goes out of business?

An answer was given in the testimony of Mr. W. P. Coliton, of Michigan City, Ind., whose company transports from the outlying area thousands of workers who man Chicago's industrial and commercial establishments.

Mr. Coliton said:

> If I go out of the passenger business, I am going to have to dump 11,000 commuters onto the existing highways.

Highways are already crowded, he commented, and probably a new one would ultimately have to be built to accommodate the additional traffic. The cost, Mr. Coliton pointed out, would be greater than the cost of keeping the existing rapid transit facilities in operation.

Other types of public transportation facilities are also in jeopardy of being lost to the people who depend upon them for travel to work. Rail facilities are deeply in trouble, and the record indicates that the fault is largely not their own. Federal aid has provided fast highways and subsidies to airlines that have siphoned off their most lucrative passenger traffic. Income from the short-haul commuters alone is insufficient to meet costs. While freight revenues may be used to offset passenger losses for a time, abandonment of much commuter rail service is inevitable unless aid is made available.

Without doubt, aid to existing transit facilities will be far less costly than provision of alternatives, whether highway or other.

The city of Newark, part of which lies in my district, is a good example of another reason why passage of H.R. 3881 is so greatly needed. The Newark area presents three problems in one: First, providing local transportation coordinated with the rail commuter lines; second, improved commuter service between Newark and New York City; and, third, improved commuter service from the south and west into Newark with some through service to New York.

The magnitude of the Newark situation is indicated by the fact that there is an increase of 125 percent in the city's daytime inhabitants over the night population. The transportation of this vast number of people into and out of Newark each working day poses problems of staggering proportions to all concerned. Almost daily I receive pleas for action of some kind from harried constituents who are exhausted from the daily struggle to get to and from their home and place of business.

Obviously the solution to these problems must be on an areawide—in fact to some extent on a regional basis—with the local program closely coordinated with that of neighboring cities and suburbs. The assistance proposed in H.R. 3881 is designed to give support and incentive toward exactly that type of local effort.

Mr. Chairman, New Jersey will go on record as solidly in favor of the bill.

Mr. RAINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I support H.R. 3881.

The public transportation system in our country and particularly in the State of Connecticut is a shambles. Between competition from highways and other methods of transportation and shortsighted management, our public systems have gradually fallen into disrepair and disrepute.

Even though the automobile is so widely used and the truck has advanced appreciably as a means of carrying freight, nevertheless, the train or bus remains the sole practical mode of transport for millions of people within this country.

No one believes, I am sure, that we should permit these systems to go down the drain. The differences of opinion relate to the methods of achieving the objective of preserving these vital systems and maintaining them in reasonably good condition.

It is indeed a sad commentary that the great United States with its affluent society, its high standard of living, its fine automobiles, and its luxurious airliners should find its subways far inferior to those in Moscow, and its trains a poor second to those in Japan.

Surely our transportation systems need all the help that they can get, whether it be in the form of financial assistance or in the field of ideas and procedures. The current bill seeks to provide funds for the purposes I have mentioned.

In my own State, the need for help is particularly acute. This is true within our cities and also in the vicinity of the New York metropolitan area of which part of our State is an adjunct.

I believe that this bill represents a reasonable start on a persistent and worsening national problem. Its scope lifts it above the purely regional or local stage. Perhaps the legislation is not perfect and the program will require some time to eliminate the bugs. Nevertheless, the need is urgent, and now is the time to begin.

My own support of this legislation is buttressed by that of Governor Dempsey, the chief executive of Connecticut, who has long been concerned with the future of mass transportation in New England, and Richard J. Smith and the other trustees of the New York, New Haven & Hartford Railroad who have the duty of managing that rail line. They strongly support H.R. 3881.

If this bill passes it is my hope that it may, supplemented by State, private, and local interests and capital, provide the beginning of a new era in public mass transportation in the United States.

Mr. WIDNALL. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. Taft].

Mr. TAFT. Mr. Chairman, I take this time to discuss in general debate some of the provisions that seem likely to come up in the discussion on the amendments when we reach the point of reading the bill. I feel that the time allowed on the amendments themselves may be inadequate. These questions which I shall raise go a good deal further than any minor change in the bill, but rather to some very basic questions with regard to it.

Mr. Chairman, the first of these areas is with regard to the charges that have been made and then denied, that this bill will in effect make the HHFA Administrator the so-called mayor of Main Street who can, in any way that he wishes, in any areas that take on the assistance that is said to be provided by this program determine what is to happen in the entire transportation planning of the cities and villages involved.

Mr. Chairman, I do not believe that anyone has pointed out the fact that we are getting down to areas so small in size under this bill as it is drawn that they would qualify only as villages. At least, in my own State the minimum limitation is some 2,500 people, the ordinary definition of urban areas, which is the definition in the bill. In Ohio, at least, if you do not have 5,000 people you cannot qualify as a city. So, we are talking about villages. The HHFA Administrator has, I think, the final say in this connection as to what is the test. As a result of this I offered an amendment in the committee when the measure was being considered and after some protestations that there was no intention or attempt under this bill to give this broad power over the conduct of transit facilities in any assisted community to the Administrator. I suggested, for instance, if there was no fear of this that perhaps an amendment would be in order. I offered an amendment which would come in the bill on page 24 at the end of section 9, adding another subsection therein at that point which would have read:

> (e) No provisions of this Act shall be construed to authorize the Administrator to regulate in any manner the mode of operation of any mass transit system or the rates, fares, tolls, rentals, or other charges fixed or prescribed by any local public or private transit agency.

I believe the committee would be interested to know that that amendment failed by a tie vote. It is true that some Members of the majority party even voted for that amendment, going along with their apparent conviction that these powers were contained therein and I say that they are. Under this bill, the powers as they would be interpreted I believe by any court, the HHFA Administrator would in many areas that would receive this help have the authority and the power to regulate rates and to stipulate conditions for the operation of the entire transit system.

Mr. Chairman, I believe for the purposes of making clear the record on this question today, I would like to ask the gentleman from Alabama [Mr. Rains], the chairman of the Subcommittee on Housing, if he would respond for the purpose of expressing his opinion on the question of whether the HHFA Administrator would have these powers under the bill?

Mr. RAINS. I will say to the distinguished gentleman from Ohio that in my honest opinion that is a figment of somebody's imagination. The answer is "No." I do not think he would have that power whatever. There is nothing in the bill which says he would. That is imaginary, in my opinion. And, I would like for the Record to show that I for one not only think he would not have it but I would not want him to have it.

Mr. TAFT. I would like to ask the gentleman if he sees anything in the bill in the case of any grant to such qualifying community which gives this power to regulate rates and stipulate conditions for the operation of a local transit system?

Mr. RAINS. I do not think the Administrator would have the authority to write into any contract such requirements which are not contemplated by the bill at all.

Mr. TAFT. I would ask the gentleman if, on the reading of the bill for amendment, I should offer an amendment along the lines of the amendment offered in the committee, could I then be justified in expecting his support of such an amendment?

Mr. RAINS. I would oppose the amendment because it would be superfluous, in my judgment. I would not want to put in any preachment in there when he has not the power. That might infer he has that power, and I would oppose the amendment because I do not think it is justified.

Mr. TAFT. I will discuss the matter with the gentleman later.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I think the amendment should be defeated for an additional reason. When any unit or private enterprise applies for a loan or grant under the legislation, it seems to me that program has to be presented to the agency to see whether or not these moneys, if applied for in a grant or loan, would help the transportation system. Certainly when investigating and considering an application for a loan or grant, there will be contained in the application projected figures which would include the fare rate and the amount of traffic expected and the type of route traveled, and so forth. I think that might get us into trouble if we were to put in the gentleman's amendment as it was offered in committee.

Mr. TAFT. I do not think it would. And I think that emphasizes the point I was making, which is the economic feasibility of the plan proposed. Under "the project cost" determination he might raise the fares. This is a right he is given under the bill.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Alabama.

Mr. RAINS. If an amendment is offered, does the gentleman mean to make it plain and simple that he shall have no authority to regulate fares and rates, or does the gentleman expect to put other requirements in it?

Mr. TAFT. No. My amendment offered in committee, and the amendment I would propose to offer, would cover that. I think the language in the committee did include "regulated in any way," or the mode of operation of the system, which seems to be the rate-setting power. The rate-setting power might be determined.

Mr. RAINS. Would the gentleman be content with an amendment which would state that the Administrator had no authority to regulate rates?

Mr. TAFT. I will offer such amendment separately if I can get the gentleman's support, and it sounds as though I might.

I would like to go on further at this time and discuss in some little detail the provisions involved in the so-called proposed labor amendment. We do not know, of course, what those provisions will say until the amendment is offered; however, I think certain things might be noted as to the form in which it is to be presented.

I call your attention to section 10(c) of the bill which states "It shall be a condition of the granting of any assistance under this act that fair and equitable arrangements are made."

Under the bill as it presently reads those arrangements are to be approved by the Administrator. The Administrator acts only after consideration, consultation, and concurrence of the Secretary of Labor. I understand the proposed amendment will take the Administrator out of the proceeding and turn over the arrangement to the Department of Labor.

What the purpose of this is hard to say. The interest of the Administrator representing all cities makes him the dominant factor in arriving at a fair and equitable arrangement.

Mr. RAINS. Mr. Chairman, would the gentleman yield?

Mr. TAFT. I yield to the gentleman from Alabama.

Mr. RAINS. The gentleman complained a moment ago about the Administrator having too much power. Now he turns around and complains because he has not enough power.

Mr. TAFT. I think this depends on what area is involved. I think it is better to have two people involved instead of just the one, particularly one concerned with all sides of the economic arrangements that may be arrived at, whereas in the case of the Department of Labor I do not think that could always be assumed to be true.

Mr. RAINS. The gentleman will agree, I am sure, that if it is a labor matter it would be better to be handled by the Labor Department than some other department?

Mr. TAFT. I think the Secretary of Labor should be consulted as is presently provided in the bill if such arrangements are to be worked out. However, I do not think he is to be the sole judge. That is apparently the intention of what the amendment as it is proposed will be.

Mr. RAINS. Not necessarily. I think the gentleman is imagining again. I do not know that that will be true. But the gentleman will agree that a labor problem under our setup is better to be considered by the Labor Department than the Housing Administrator or Secretary of State.

Mr. TAFT. Where it involved the operation of the system I think it important that the person who is in charge of the administration of the system itself, the Administrator of the HHFA in this case, be a factor in concluding such arrangements. Otherwise, it would give the Secretary of Labor the power to veto and dominate the entire situation.

Mr. RAINS. I do not think the gentleman need have any fear along that line.

Mr. TAFT. Moving on to other provisions I understand are to be added in connection with these arrangements, it is stated that these arrangements shall include—this is presently in the bill; this is compulsory, not voluntary—these arrangements shall include certain provisions. The first of these provisions is the preservation of rights, privileges, and benefits under existing collective bargaining agreements. I do not think many of us would argue with this concept of continuing collective bargaining if there is collective bargaining, if they are to be changed or added to under this act. However, in the Senate bill, and I understand in the amendment to be offered, there are included the words "or otherwise." What the meaning of these words would be would be impossible to tell. Presumably they might start out by referring to one of the practices not guaranteed, or benefits not guaranteed, not given, except at irregular intervals, perhaps Christmas bonuses, something not covered by collective bargaining agreements. But if we incorporate this in the bill, it will be compulsory on the Administrator or the Secretary of Labor, whichever it turns out to be, or both, to go ahead and put in some kind of new rules, taking out all these informal benefits that might exist and perpetuate them in this kind of system.

With regard to this section I think it might be interesting to turn to the Senate debate on the amendment on this point. It was stated that the amendment was being opposed because nobody knows what the amendment will do. It continued:

> I know that my good friend from Oregon, who is one of the best lawyers who has ever served in this body, did not write this amendment. I am sure that if he had had an opportunity to consider it at great length his trained legal mind would have made many changes in it.

There he was referring to the "otherwise" provision.

At another point, the conclusion of an arrangement about the continuation of collective bargaining rights, with regard to the continuance of collective bargaining rights as they exist, I do not think many of us would have much to argue about that in this case, but if there is a change of ownership of a system under private ownership to public ownership, we may very well under these circumstances be running into a prohibition on certain transit operations in which there is a prohibition against any public ownership getting any benefits under this bill, because under the law in that locality they would not have such bargaining rights. Under the law this was prohibited, and this was contained in a similar Senate amendment, as to which the sponsor of the amendment stated:

> I want to be very frank as I say this today: In rare cases in which local law prohibits collective bargaining, Federal money would not be available, because it would be in conflict with the policy of the bill.

I would suggest to the Members that they check on the laws of their particular cities and their particular States to see whether or not this will be the case because they may very well find that the provisions of this bill and the provisions of this amendment will simply rule you out of any possible consideration in connection with the help that might come under this bill if, indeed, it is passed.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. ST GERMAIN].

Mr. ST GERMAIN. Mr. Chairman, the point I think is very important here is whether or not there is a real necessity for the legislation and I would like to come before you now and give the specifics that we are encountering now in my State.

Mr. Chairman, in my State, which we are proud to call Rhode Island and Providence Plantations because of its early rural character, we are today faced with a crisis in the provision of public transportation to serve the needs of an urban concentration of population approaching a million people. Our principal transit system, privately owned and operated, is being forced to pare its service to maintain a profitable operation, though it has one of the highest fares in the country. Total abandonment of this private service is a distinct possibility which our legislature has already recognized through the establishment of a Rhode Island Public Transit Authority. Let me discuss the background for this situation and why enactment of H.R. 3881 is important to us—as it is to many other urban areas.

The 1960 census focused national attention on the fact that urban America now embraces 70 percent of our population. Even more significant is the fact that three-fourths of this urban population, now about 100 million people, live in 213 metropolitan areas constituting less than 1 percent of the total area of the country. By 1980, less than 16 years hence, 80 percent of the population will be living under urban conditions.

I come from southern New England where urbanization is even greater. As early as 1840, Rhode Island became the first State to have its urban population outnumber the rural population. Today the Rhode Island population is classed as 86.4 percent urban, Connecticut's is 78.3 percent and that of Massachusetts is 83.6 percent. In fact, in these States, and there are many others in which the same conditions prevail, corridors of contiguous urbanized development extend across the entire State. The two metropolitan areas in Rhode Island both extend across the State line into Massachusetts.

Many factors have supported and encouraged this tremendous urban growth. Perhaps the greatest common denominator has been the ability of people to travel throughout these spreading metropolitan communities by different modes of transport according to individual means and needs. These have changed radically from the early streetcar and suburban electric railway lines to the bus and rapid transit systems of today, augmented in very large measure by the private automobile. In becoming the major means of personal transportation, the automobile has required a tremendous investment in streets and highways—especially freeways. Of note is the fact that half of the more than $40 billion being spent on the National System of Interstate Highways is being spent in urban areas.

In Rhode Island we have concluded that public transit service must be planned and supported on a statewide basis and as a public responsibility in the public interest. This is essential to a sound urban economy and to a desirable distribution of industry, business, and the maintenance of healthy home environments. As a basis for wise decisions and the exercise of effective public authority, there is underway a statewide land-use transportation planning program which will develop needs and definite plans for highway development and mass transportation. Connecticut, I understand, is doing likewise.

The newly created Rhode Island Public Transit Authority is already taking the first steps to meet the crisis brought about by the deteriorating privately owned and operated transit service. After a legislative finding that public passenger transportation was essential to the continued economic development and growth of Rhode Island and that the public interest might best be served by a public transportation system, the authority was given the power, under appropriate conditions, to prepare plans for continued operation and acquisition of mass transportation service.

Already the authority has proposed to employ a transportation consultant to make a study of the public necessity for transit service and the appropriate means for providing it under the Transit

Authority Act. I am given to understand this afternoon that much of this work has been completed. The consultant is to determine the financial requirements, available sources of revenues from fares and otherwise, and the form of ownership and management needed to satisfy the public interest.

H.R. 3881 will do for public transportation what the Federal Government has been doing to aid the States, cities, and suburbs in development of a highway system for the mass movement of people by private automobile, particularly in growing metropolitan areas. No such Federal aid has been provided for the contemporary modernization and extension of public transit systems. The bill would help to overcome this lag or imbalance in the development of public transportation. Many of the strongest advocates of the highway program now recognize that multimillion dollar highways and freeways cannot endlessly provide for urban transportation needs. In fact many have calculated that wise expenditures for the improvement of public transportation will save many times the public expense that would be necessary to provide the same capacity over additional highway lanes.

The urban transportation bill has been designed to meet the needs that I have outlined. It is adaptable for both small and large communities and applicable to both public and privately owned transit systems. The benefits of this legislation would be available throughout urban America wherever there is need for financial assistance.

I wish to join the previous speakers on behalf of this bill and urge its enactment for the purpose of meeting the needs we face and the crisis which we shall face in the near future.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. WELTNER].

Mr. WELTNER. Mr. Chairman, what I hope to do is to lay out some figures, and to review some historical facts. I believe we can establish, right here, that mass transportation is not a convenience but a necessity; not a desirable urban program, but an absolute urban imperative.

Let us look at some of the great cities of the world—Paris, London, New York, Tokyo, Moscow, Boston, Chicago. No one will tell you, "In New York, all we need is a few more lanes of expressways." Hardly. Each of these cities has long had a highly developed system for mass transportation—and those systems are vital to their very existence.

Automobiles, despite their convenience and independence of movement, have created a host of problems. Only last year, for instance, did the Congress pass the Clean Air Act, designed to meet, among other problems, air pollution from automobile exhausts. The great cities of our Nation and of the world could hardly survive with automobile traffic alone. They function as centers of activity—commercial, financial, cultural, governmental—because their systems are capable of moving great numbers of people in and out, back and forth, to and fro. Without that ability, they would rapidly deteriorate.

Let me review quickly the beginnings of some of the world's most famous transit systems—the Metro, the Tube, the Underground, the subway, the MTA.

The Metro was begun in 1900 when Paris had a population of 2,700,000. The Tube was opened in London in 1863 when that city had a population of 2,363,000. The subway in Moscow, was constructed in 1934 when the population of Moscow was 3,600,000. Boston opened the MTA in 1897 when its population was 561,000. The Chicago and New York subways were built in 1943 and 1904 respectively, when those cities had populations of 3,390,000 and 3,400,000.

Subways and elevated trains are not new. They began in another era—the railroad age. Then came the automobile, which has proliferated beyond all imagination. Yet the need for these mass systems, predating the automobile, is ever greater—because of the automobile.

The fact to be recognized here is that these cities began their rapid transit systems when they were the same size as a number of American cities will be by 1975, the leadtime required to build new systems.

In 1975, Minneapolis-St. Paul will have 2,100,000 people; Denver, 1,500,000; Atlanta, 1,470,000; St. Louis, 3 million. The Nation's Capital, Washington, D.C., will have more than 3,500,000 people in its metropolitan area.

The point of the population figures is this: The early systems were built at the same population stage as those of the emerging cities of the United States.

The fact is, we cannot maintain a growing city whose only mode of transportation is the expressway.

Many critics of mass transportation are blind to these facts.

They will tell you that the concept of mass transportation is outmoded. They will cite reams of figures on declining passenger usage, financially failing public and private transit systems. Yet these arguments ignore some very simple statistics, some very simple facts. We have tried highways as a sole solution, and it has failed.

In cities of more than 1 million population in the United States, more than 75 percent of the people travel to and from work by some form of mass transit. A transit strike in New York, such as the one in 1957, is a major catastrophe.

Some critics are more charitable. They will accept the argument that the systems we presently have are needed. But they immediately contend that we need no new systems. They say that people will not leave their cars and ride a new system. Yet, history proves them wrong.

Cleveland, a city of 936,000 at the time, built a new subway system which opened in 1955. The passenger load for the first full year of operation was 14.7 million trips. By 1960, the passenger trip figure had risen to 18.3 million. Automobiles were left at home: The fare box offers irrefutable proof.

Let us now turn again to the emerging new cities of America. Atlanta is one of these. They are the regional capitals, with populations between 1 and 2 million. They have grown by serving as the financial, educational, transportation, warehousing, manufacturing, and communications centers for geographic regions of our country. Among them are Atlanta, Dallas-Fort Worth, Denver, Kansas City, St. Louis, Minneapolis-St. Paul.

They are vital cities, growing cities, serving as the center for the countryside and smaller cities around them.

They have all the problems of growing cities—the need for more schools, sewers, parks, the problem of air pollution, water pollution, and urban blight.

But one problem common to all is transportation. All have central cities and central business districts.

None of them have adequate mass transit systems. All are expressway cities, and all, in varying degrees—face serious problems.

Mr. Glenn Bennett, executive director of the Atlanta Region Metropolitan Planning Commission, testified before the committee last year when hearings were held on this bill. He presented a graphic statistical picture of the traffic situation in Atlanta:

> Like other areas, our growth in population has been exceeded by increases in the number of motor vehicles. While the population was growing at 40 percent, rubber-tired vehicles increased at about 75 percent. We see this trend continuing.
>
> As early as 1958 our planning studies revealed major problems in connection with access to central Atlanta, particularly in rush hours. The small area known as central Atlanta provides more than 20 percent of the tax digest, more than 25 percent of the city's employment, and 20 percent of the employment in the five-county area. Streets and expressways were discovered to be operating at considerably more than practical capacities even then, in 1958. Programed capital improvements are still not destined to bring the capacity up to the rising demand, much less keep it there.

Atlanta has been building an expressway system since 1946, when it was a city of 560,000. Today the metropolitan area has more than 1,100,000 people. We're still building, and the traffic situation worsens daily. By 1970, automobile traffic would require 36 expressway lanes north and south, and 22 east and west. Already more than one-half of our central city is devoted to streets and parking lots.

The absurdity of having only street transportation in Atlanta is obvious just by stating the requirement, 58 expressway lanes by 1970, where we only have built 14 in the last 18 years.

Regional cities are growing at an average of 50 percent each decade. Last year, Atlanta grew by 34,000 people. By 1980, it will be a city close to 2 million people.

The facts are obvious. Great cities absolutely require multiple-transportation systems. But the regional capitals of the United States are moving toward metropolitan status with only expressways.

If we are to have mass transit systems to meet demands, we must begin now. To postpone mass transit systems is to consign regional cities to the awful and expensive fate of piecing their towns back together in the future.

A very modest beginning toward the development of systems for the regional capitals—and for my home—Atlanta—is embodied in H.R. 3881, the Urban Mass Transportation Act of 1963.

I say "modest," for this bill provides only $500 million in macthing funds for the development of systems.

The projected Atlanta system, alone, would cost approximately $300 million. But H.R. 3881 would allow us to begin. And it would allow other cities like Atlanta to begin to develop alternatives to expressways, traffic jams, parking lots, and carbon monoxide.

Mr. Chairman, we must act before all American cities become vast wastelands of concrete and stalled cars.

I urge support of this bill, not because it is helpful, or progressive, or forward looking—but because it is a historic imperative.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I rise in support of H.R. 3881, an important bill that will provide Federal loans and partial grants on a matching basis to States and localities in order to assist and encourage the development of urban mass transportation systems. The problem of urban and suburban transportation has reached crisis proportions. The time has come for Congress to recognize the fact that we live in an urban society with overlapping interstate transportation problems within and between huge urban complexes. The Federal Government always must concern itself with problems national in scope and beyond the capacities of localities to cope with alone. Certainly if the Nation's highway structure can be considered a Federal responsibility, the transportation problems of urban complexes are even more so.

The modern history of the American city is the history of its steady deterioration. The central city is being strangled by traffic congestion, choked by automobile fumes, darkened and depressed by overhead expressways; the peripheral areas are being blighted by "sprawl," and the suburbs are attracting the groups that formerly gave the city its essential tax base. In recent years farsighted planners have agreed that many new things must be done to revitalize our cities; they have agreed that a contributing factor to the decline of cities has been their chaotic transportation system. Paradoxically, another contributing factor has been the enormous assistance and encouragement the Federal Government has given to highway construction for automobiles and trucks. We have not yet covered all of the country with concrete but we are coming close.

Of course, Mr. Chairman, a sensible system of urban mass transportation will not transform the city into a paradise; nor will it necessarily relieve all traffic congestion. But it will establish a precondition for what, during the next two decades, will have to be a crash program to humanize the American city.

By 1980 the total population of the United States is expected to reach 250 million, of which at least 75 percent will be living in urban areas. Further, this population will be concentrated in about 40 great urban complexes, each with a population of more than 1 million. There is no question that present transportation facilities will be totally inadequate to accommodate these huge urban and suburban areas. It is unmistakably clear that existing systems of streets, highways, buslines, and rail transit, inadequate as they are today, will not alone be able to handle this rapid population growth in the future, much less today. Trying to catch up with the present is almost a big enough problem. New techniques of mass transportation, while not a panacea, will bring into balance modes of transportation that have gone all out of balance.

A transportation system must be viewed in terms of the impact it makes on the total urban area and, most importantly, on people; it must be viewed as bound up with the quality and character of the entire community. At a time when population buildups are occurring on the fringes of big cities, a program of modern urban mass transportation could provide a sensible link between the suburbs and the central city, offsetting the great pressure to choke and entangle both with expressways. A byproduct of suburban sprawl has been the shifting of traffic congestion during the morning hours to the suburban areas. The result is that in some areas getting to the city is less a problem than getting out of the suburbs. Thus, people dependent solely on private automobiles find themselves isolated in the suburb. With a system of urban mass transportation, more people would have easier access to the commercial and cultural opportunities that can be found only in the central city.

Let us be clear that an urban mass transportation system will benefit not just the suburbs. It will be of enormous benefit to the central city. It will enhance the possibilities for central city development, promote livability in core areas of the city now strangled by traffic congestion, choked by gasoline fumes, and darkened by overhead expressways. Indeed, my own city of New York seems increasingly enveloped by a mantle of automotive smog, and the pressures to build more overhead expressways are enormous. The highway and automobile engineers seem to care little about the people who live in the city as they pour their wide ribbons of concrete, happily spurred on by large injections of 90 percent Federal money. The Lower Manhattan Expressway in New York City is one good example: an overhead monster that will make living close to intolerable in lower Manhattan and the lower part of Greenwich Village. It is time, Mr. Chairman, that consideration be given to the people who live in the city. Without them there is no city. The history of the decline and fall of cities has been the history of neglect of the people who live within them.

The problem of mass transportation cannot be dismissed, as it has been by some, as merely a local problem. The problem clearly has become national. The task of providing adequate mass transportation facilities overlaps neighboring political jurisdictions. Often the problem involves more than one State. It is a fact that about 53 of the country's roughly 200 metropolitan areas either border on or cross over State lines. Local areas will not, by themselves, be able to untangle these conflicting jurisdictions. Finally, to say that mass transportation is a local problem is to say that the Nation does not have a national stake in the economic vitality and health of our urban areas.

A further trouble is that State and local resources are close to exhaustion; they cannot alone develop the urgently needed transportation systems that must be developed if years of neglect are to be retrieved. The transportation companies themselves are caught in a dilemma. They are plagued by rising capital and operating costs and, due to the popularity of the automobile, declining patronage, yet if fares are raised and services curtailed, more customers are driven or drive away. At the same time the necessity of the role of mass transportation in the public interest cannot be denied. During peak hours about 90 percent of the travel to the central business areas in large cities is provided by mass transit systems. Private initiative lacks the resources needed to provide necessary services for commuters and rides during off-peak hours. So what is our choice? Do we go along this way and do nothing? Do we continue to let ourselves be choked to death by expressways? Or do we seek to provide a remedy?

During the next 10 years the 20 largest cities in the United States are expected to invest as much as $10 billion in mass transit facilities. To encourage greater investment in these and the many other cities throughout the Nation which will need mass transportation systems, this bill should be passed. H.R. 3881 is not a perfect bill; it makes no contribution to resolving the labor difficulties which have plagued the railroads in recent years. Yet this measure is a start; it recognizes that what is needed is a balanced urban transportation system which utilizes both highways and rapid transit. At a time when the country has been happy to continue a $41 billion Federal aid highway program, I do not believe that we cannot afford the modest expenditure suggested by this measure for mass, rapid, and modern transit. I strongly urge the passage of the bill.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise in support of this legislation. I do so firmly convinced that it is the responsibility of the Federal Government to assist the metropolitan areas in developing comprehensive and coordinated mass transportation systems. The free flow of transportation knows no State boundaries and any strangulations thereof, not only affects the well-being of the individual but has a dire effect on our economy.

This principle, Mr. Chairman, was recognized in the program initiated under the provisions of the Housing Act of 1961 and it is imperative that the program be continued and reinforced as provided for in H.R. 3881. This is good legislation and I am privileged to be a cosponsor of it.

H.R. 3881 will provide long-range Federal aid to help plan and develop the comprehensive and balanced urban transportation which is so vitally needed, not only to improve local transportation but to assure more effective use of Federal funds available for other urban development and renewal programs.

The fact that existing facilities cannot be maintained is proof that future requirements cannot be met without Federal assistance, particularly since State and city financial ability to meet the problems has been exhausted. Federal aid for mass transportation would follow the pattern of that to airports, urban renewal projects, and other services and facilities of national concern and benefit. Provisions of H.R. 3881 recognize that local participation is vital and that the Federal Government should not do the whole job.

Federal assistance funds, like those under the mass transportation grant program for experiment in transportation improvement, would make local funds which are available more productive and the national interest generated would stimulate additional local response and encourage action.

The mere fact that the mass transit systems are in metropolitan areas or cities does not mean that the problems are only local problems. Over the last two decades more and more people have moved into suburban areas so that central cities and their surrounding areas are becoming increasingly larger and more complex metropolitan areas.

Many people now live adjacent to regional employment centers, good schools, and recreational facilities easily reached by modern streets and highways. At the same time a number of problems are created, one of the most critical being that of maintaining transportation facilities to meet the wide range of needs in the urban complex. Transportation must be adequate throughout the entire metropolitan area, from one part to another, and between all parts and the central core area. Mass transportation service is essential to the economic health of urban centers; large numbers of people must be moved to and from work in a few hours. Approximately 86 percent of the 1½ million people who enter the central business district of Manhattan in the morning peak hours on an average day use mass transportation—subways, bus, railroad, and ferry. A similar situation exists in other major downtown areas.

The Architectural Forum, October 1963, published some relevant statistics which I quote here:

> 1. In the last decade, central cities' populations have risen only 10 percent, while suburban population has risen over 50 percent.
>
> 2. In the same period 12 of the 13 largest core cities showed absolute population declines, while the suburbs grew steadily.
>
> 3. By 1980, central cities will hold less than half of the population of the largest metropolitan areas.
>
> 4. Shifts in employment indicate that in another decade or so there will actually be more jobs in the suburbs than in the cities. New York City, which had 60 percent of its region's jobs in 1956, expects to have only 48 percent in 1985.
>
> 5. Urban populations are consuming more land as they spread out. In 1950, every square mile of suburban land contained 5,410 persons, but by 1960, the figure had declined to 3,759 persons per square mile, and it continues to decline.

The forecast is that within 20 years half of the Nation's population will be concentrated in 40 major urban cities, each with a population of over one million, and that 25 years hence 80 percent of the total population will be in the metropolitan areas. The urban complex finances, produces or arranges for production and marketing of most goods we use, for defense weapons, clothes, and so forth, in fact all except the growing of food. These essential functions can be performed only if people and goods can be moved quickly and easily within the urban complexes. Efficient transportation is a basic factor.

The New York-New Jersey-Connecticut transit district includes 10 percent of the people of the United States. People who live and work in this region pay 20 percent of the Nation's taxes. Several hundred national and international companies have home offices in New York. These companies consider accessability of their offices more than a purely local matter. Many functions of the central cities cannot be subdivided or duplicated in suburban shopping districts. It is in the national interest to see that these centers of manufacturing, finance, and trade—such as New York, Chicago, San Francisco, Pittsburgh, Boston, Philadelphia, St. Louis, Cleveland, Detroit, and Los Angeles—operate efficiently and effectively. Mass transportation is essential to assure these results.

Mass transportation must be maintained and rehabilitated where it exists, and planned for in areas where anticipated growth and population, and employment patterns make mass transportation essential. No business can survive with a large capital investment and operating force which are in use only 20 hours a week. Even with modern equipment, proper maintenance, and efficient operations, such a business loses money. The mass transit situation today is the result of years of deferred maintenance and neglect—cars built 50 years ago are still lurching over the lines.

Why do local and State governments permit such conditions? For one thing, their tax resources are not adequate or available to meet all the demands and funds are not available for all needs. Institutions for care of physically and mentally ill, education, recreation, and other facilities suffer from lack of financing. Mass transit has been at the end of the line although State and local governments have done what they can, for example in Philadelphia, Boston, and elsewhere.

Since World War II the revenue of mass transportation companies has fallen because of offpeak and weekend rider decreases. In the meantime capital and operating expenses have increased. Carriers have raised fares, trimmed service to a minimum and deferred maintenance with the result that more riders have been driven away and the downward spiral accelerated. Thus the ability of transit to provide good service during the work hours when it is needed most is impaired. Public funds are needed to fill the gap between transit needs and what the operators can afford to provide.

The basic problem is one of funds for necessary capital improvements. Passenger revenues are sufficient to meet operating expenses only. Major capital expenditures for basic system improvement and equipment are, in most instances abroad, provided by local and national governments directly or through assumption of responsibility for necessary debt service from general tax revenue.

The financial assistance proposed by H.R. 3881 is designed to help rehabilitate transit systems so they can serve the public. If service is sufficiently attractive more riders will patronize the service and farebox revenues will cover operating costs. To be effective, plans and programs for mass transit must be coordinated with land-use planning so that transit investment is coordinated with other major metropolitan area development.

Rail transit requires about 100,000 persons moving in and out of the central business district in rush hours to support its operations. There are only a few cities where population density makes this possible—New York, Philadelphia, and Boston already have rail rapid transit which was formerly more or less self-supporting, but which has suffered a decline in patronage in the past several years.

Congestion and inadequate urban transportation are a burden to the national economy. Loss of time, added fuel consumption, and so forth, because of traffic congestion adds to the cost of moving goods through metropolitan areas and hence to prices paid by the consumer for these goods. The mass transportation bill, H.R. 3881, should pass this House overwhelmingly so that a meaningful start may be made toward solving these critical mass transit problems.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I want to take this opportunity to support this legislation which I consider absolutely essential to the further growth and development of urban life in the United States.

To those who criticize the entry of the Federal Government into the problems of mass transit, I want to point out that the Federal Government has been vitally interested in mass transit for a long, long time.

The first interest of the Federal Government in mass transit occurred in the Federal Government's land grant program to develop a nationwide railroad system. Almost simultaneously, the

Federal Government commenced extensive participation in the development of waterways and harbor development—an expenditure which today runs into an astronomic dimension.

The Federal Government is deeply involved in airborne mass transit with an aggregate investment of $797,928,444 in airports and an annual expenditure of $600 million to monitor airborne traffic. In fiscal 1964, 80 million Federal dollars were spent to build and improve airports while $210,359,000 was spent to monitor air traffic for the expeditious movement of the new masses which rely on air travel. Between the period of 1954–64, Federal subsidies to air carriers for carrier operation have totaled $661,665,000.

The Federal Government's investment in the 886,678 miles of highways would total up to a staggering figure.

There can be little argument with these Federal activities in mass transit. There can be little valid argument with the extension of these benefits to the increasing numbers of citizens who live in urban areas and find themselves in a condition of increasing transportation paralysis.

There are those forces in the competing systems of individual transport which seek to suppress the development of a mass transportation system. This approach is short sighted. It is impossible to develop a system of individual motor vehicle transport broad enough to provide for all transportation needs. Individual motor transport is a luxury which our generation may be the last to enjoy. As a matter of fact, the future growth of individual automobile transport depends very considerably and perhaps chiefly upon the development of mass transit systems to syphon off great volumes of traffic which would otherwise contribute to the congestion and glut of our highway system.

My support of a mass transit system is not wedded to the use of a rail system. Motor buses on exclusive right-of-ways may provide more flexible and perhaps less expensive systems. Some sections of our country may be better served by a rail system while others may be better served by buses or a combination of both. The administrators of this program should be able to cooperate in the development of such a system as each metropolitan community should deem most suitable.

Today, the daily loss of man-hours in individual travel to and from the place of employment is beyond conjecture. Many workers fight vigorously for fringe benefits and 10-minute coffee breaks and exert their hardest daily work in negotiating transit from home to the place of employment. In this community, it is not unusual for citizens to spend 2 to 3 hours of the day in transit. In the trip to work, the workers consumes the fresh start time—the hours of maximum energy—to the difficult chore of getting to the job. The employer—whether it be a corporation, another individual, or the Government itself—gets the benefit of such skill or energy which may be left in the worker after he "has made it to the job." Sometimes all that is left for the job is a live, warm, exhausted body, in varying degrees of asphyxiation from highway monoxide. The compulsory human intake of poisonous air in daily highway congestion constitutes a major community health problem.

Today there are a total of 91 million motorists. The total number increases at the current rate of approximately 3 million per year.

We lose 50,000 motorists each year as traffic casualties. More significantly, we had a total last year of over 19 million highway accidents which involved over 20 percent of the total number of motorists. Therefore, the average motorist must expect an accident to occur statistically at least 20 percent of the time. Of the 91 million motorists on our highways, approximately 20 percent are physically, mentally, or emotionally unfit to drive. Their presence upon our highways at any given time has converted driving from a pleasure to a difficult, trying task. Our failure to develop an adequate mass transit system has contributed immeasurably to the annual highway toll of 50,000 deaths and 19 million accidents.

As a trial judge for 7 years before I came to Congress, it was my duty to review thousands of highway accidents. Today the legal controversies resulting from claims for personal injuries and property damage are glutting the courts of every community in the land. Traffic congestion and casualty have become court congestion, and there is no relief in sight.

Successful mass transit systems can reduce this toll of life and property and contribute to the comfort and convenience of future generations.

In my Cleveland community, the taxpayers of the city have a $45 million equity in a transportation system which has a value far in excess of its $58 million book value. It would be safe to calculate the present value of the system at well over $100 million. At the present time, the growth and expansion of this system is thwarted by limitations on capital expenditure for expansion. We urgently need help from a Federal mass transportation program to make our transportation system serve the total community and thus multiply its capacity to serve community needs. The $45 million investment of other local citizens of my community is indicative of the deep local interest in mass transit. This interest is worthy of Federal encouragement.

A few minutes ago, my distinguished colleague from Ohio, the Honorable OLIVER BOLTON, brought into discussion a question which I raised in committee concerning the feasibility of the creation of metropolitan mass transportation authority, to be created under the laws of the several States. I suggested that perhaps the extension of mass transportation systems might be made self-liquidating to a considerable extent if land in the immediate vicinity of system station stops or interchanges were acquired by such a transportation authority and then resold by the authority for planned use for high-rise residential purposes. This kind of a program would prevent land speculators from making windfall profits in the higher land values resulting from access to interchange or station stop. The benefits from increased land values at newly developed interchanges or station stops would flow back to the local transportation authority which created the increased values and to the commuting public which paid for the system. It is my hope that this idea will be carefully studied by those who seek to establish mass transportation systems. It will produce more mass transportation for less outlay and would preserve advantages within the integrity of the system.

Under this bill, there are many ways in which every large urban community can develop its mass transportation system. It can be developed through public or private ownership or a combination of both. It can be developed as a rail, monorail, or highway bus system, or a combination of each. Each community may devise a plan to suit its individual needs, the only obligation as far as Federal participation is concerned, is that the plan be workable and economically feasible. We must leave considerable discretion with those who administer the program. Continued Federal support will depend on the wisdom with which this act will be administered.

I believe it will be in safe hands and that a creditable record will be made in this necessary area of Federal participation.

In stimulating the development of urban mass transportation, we are making our cities more useful, we are increasing the productivity of urban workers and spreading the innumerable benefits of urban life far into the countryside.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, the Congress is again faced with legislation calling for a subsidy of urban mass transportation. The bill we are considering today, H.R. 3881, proposes a $500 million Federal cash subsidy which would be available exclusively to municipally owned transportation systems and in which the State or local governments would be required to share up to 50 percent of the cost of many of the subsidized programs.

There is justifiable interest in my 12th Congressional District of Illinois for some program of assistance to urban mass transportation—especially in view of the recent abandonment of the North Shore Line and the financial problems faced by the various railroad systems serving Lake, McHenry, and Boone Counties. The suburban and commuter communities of Lake and McHenry Counties are particularly concerned by any reduction or elimination of service to and from Chicago. In addition, of course, the services of various buslines and the CTA are closely tied in with the welfare of our 12th District citizens.

But the big push for a federally financed program comes not from the people but from this administration as a political measure. I recognize, too, that there is support from the New York area where commuters residing in New Jersey, Connecticut, and New York State suburbs are operating on a day-to-day basis assisted by a myriad of State and local programs which help keep the trains running. Other large cities, including Chicago, are also applying some pressures for a Federal program.

In the face of a Federal deficit estimated at from $10 to $15 billion, it can hardly be argued that the Federal Government can better afford such a program than can the States and municipalities involved. A federally financed program may be further challenged by the fact that San Francisco citizens recently voted a $792 million bond issue to be retired from local taxes in order to provide a comprehensive metropolitan transit system for the San Francisco Bay Area. As one can see, this is larger than the entire proposed Federal program which would be aimed at curing the transit problems in every metropolitan area in the Nation.

Consider also, if you will, that this measure would benefit not the privately owned commuter railroads in the 24 metropolitan areas of the Nation. According to its terms it would provide funds only to publicly owned mass transit facilities and would be available in every municipality of 2,500 or more. There are 6,000 such communities. This would seem to be a perfect tool for the Federal Government to take over direct control of a vital service of almost every municipality in the Nation.

Of course, the figure of $500 million in this Federal bill is completely unrealistic. It is reliably estimated that Federal expenditures would amount to $10 to $15 billion in the next few years—if this bill is enacted. Indeed, this proposed urban mass transportation program would dwarf any existing Federal subsidy program enacted so far, including the huge agricultural subsidy program which has plagued our Nation since its first modest enactment back in 1933 with an appropriation of $3 million and which amounted last year to approximately $5 billion.

No one can question the importance of our great metropolitan areas to the welfare of the Nation as a whole. Still, Members of Congress representing States such as Nebraska, Idaho, Nevada, and North Dakota may wonder why their taxpayers should be called upon to finance local transportation for those far-removed individuals residing in and about our great cities.

Is the failure or refusal of our State and local governments to provide legislation favoring mass transit facilities justification for tapping the Federal Treasury again? The interstate aspects of mass transit in the New York-New Jersey-Connecticut area are not reasons for the failure of the local and State Governments to provide interstate arrangements. Indeed, this has been accomplished significantly with respect to such complex subjects as ferry service, tunnels, and bridges constructed under the authority of the multi-State New York Port Authority.

Underlying this and other subjects involving new Federal spending programs is the effect of additional Federal obligations at a time when a reduction in taxes has been enacted in the hope of promoting a healthy domestic economy. This presents an inevitable dilemma in which the greatest possible public support is required to discourage the Congress from inaugurating new Federal spending programs while a serious attempt is being made to reduce the existing load on the overburdened taxpayer.

In my opinion, the Congress will be responding to the public will by rejecting this legislation. Unless a specific new source of Federal revenue to offset this enormous outlay can be found and unless other equities are presented, there appears to be no logical basis for me to support such a mass transit measure.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DEL CLAWSON].

Mr. DEL CLAWSON. Mr. Chairman, the foundation for the structure of strength and virility that is our urban society is centered in the American community. Long before the establishment of the Federal Government—during decades of expansion and colonization by European countries, each vying for power and position in the new world—our cities were emerging, building for the future, providing the many and varied services needed for an industrial community. The forming of such a society required the vision, wisdom, and hard work of men laboring together within the framework of a few ground rules wherein the freedom of the marketplace for both labor and goods was clearly established.

The controlled society, the oppression of centralized government and its attendant restrictions upon the individual exercise of conscience and decision had been left behind—our cities were unshackled, free to grow and develop, and, as they expanded, as industries, factories, businesses, and services multiplied, our cities constructed streets, sidewalks, sewers, water systems, parks, public libraries, recreation centers, utility systems, schools, colleges, churches, hospitals—they provided fire protection, police services, health facilities, sanitation safeguards, garbage pickup and disposal—they developed zoning patterns for the protection and separation of this complexity in living, working, and relaxation. Cultural centers, convention halls, financial districts, industrial complexes, multiple-unit housing, harbors, railroads, shipping facilities, yes, even transportation systems for the movement of its people within the metropolitan area were designed, constructed, and operated without benefit and in many instances before the establishment of a Federal Government.

This was accomplished with our private institutions and the private sector of the economy taking the lead, and meeting the challenge. The challenge brought improvement and progress.

Urban growth brought increased demands for public services. The broadened tax base and new sources of tax revenue stimulated the local jurisdictions. New ideas of providing these services with self-liquidating bonds, permitting the fare box and the fee window to meet the financial obligations began to unfold. The problems of today and those that will arrive on the horizon of tomorrow are no greater in degree than were those of the past, when we consider the ability of man and the technological advances of the last century at his command.

Mass rapid transit is only one of a multitude of local problems. The nature of its complexity, the variety of local forms the problem assumes across the Nation should make it, certainly, no more vulnerable to Federal intervention and attention. From my 12 years in local government and 7 years as mayor of my home city, a great metropolitan area, it is my opinion that the Federal Government has penetrated its way into so many local functions that the States, counties, and cities could become, in the foreseeable future, mere hollow shells and agencies of Federal bureaucracy. Those of us who are willing to allow the Federal agencies to drive their relentless inroads into the hearts of our local affairs have little faith in the real greatness of our Nation, those citizens who live and work in our cities.

From the past we learn the lessons of the present and view the prospects for the future. Our local governments have demonstrated their ability to meet, head on, the issues of the day. And, from the pages of history, as I read them, they have done a better job in many respects than has the Federal Government. Over the centuries of history our cities have borne the burden of providing public services. Central governments have come and gone—buried with the dead past. But the local communities survive and thrive. No central government in the world today can compare in age with even some of the newest of our cities. Next to the family, the community is the fundamental foundation unit of society and derives its strength from meeting and solving its own problems just as does the family.

Even in this so-called critical situation, the community will weather the storms of adversity and frustration, even the present threat to its autonomy.

Mr. Chairman, America's strength is in her local entities, and her communities are strong because they have had to develop public muscle in dealing with the multiplicity of demands made by their citizens. These same citizens have the inherent right and responsibility to continue to meet these demands without the interference nor the direct assistance of the Federal Government. Mass rapid transit is only one of a multitude of local problems. Let us permit our cities, States, and counties to continue to deal effectively with these local situations. By far the most beneficial action that could be taken by this Congress would be the release of revenue sources to the States and local governments, thereby gaining in both total dollars and efficiency through the elimination of the Federal brokerage fee, the imposition of expensive controls and conditions, and by allowing the people to maintain a powerful and influential voice in the conduct of their own affairs.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODINO. Mr. Chairman, my support of H.R. 3881, approved by the House Banking and Currency Committee, is evidenced by the fact that I introduced a bill early in the first session of this Congress, H.R. 1960, which closely parallels the bill now before the House.

H.R. 3881 is designed to assist State and local agencies, not only in planning mass transportation facilities and developing improved equipment, techniques, and methods, but also in financing areawide coordinated systems by means of grants and loans.

While this measure will provide Federal financial assistance to States and local agencies in improving and extending urban mass transportation systems, planning at the local level and coordination of areawide transportation are prerequisites for Federal aid. Areawide planning and research are essential to long-term solutions of urban transportation problems. They will be stimulated by the legislation under consideration by its provisions for research, development, and demonstration programs. The cost of the program will be modest—$500 million spread over a period of 3 years.

Historically there is precedent for Federal assistance to transportation without Federal infringement on the sovereignty of the separate States. No one segment of the transportation industry, or single level of government, can absorb the total responsibility for providing efficient movement of people and goods. The cooperative efforts of all are needed. H.R. 3881 emphasizes the role of the State and local agencies in providing for grants and loans to be made under prescribed conditions to public bodies rather than directly to private transportation companies or agencies.

Indicative of the basic soundness of the proposed legislation is the requirement of maximum financing of a particular project from service revenues. Another significant provision is the prohibition of use of Federal funds, to be made available by the measure, for operating expenses. That is, no operating subsidies would be provided.

Several authoritative studies of urban transportation as an important economic factor in area development have stressed the need for sound planning of transportation as part of overall metropolitan planning to assure the most efficient utilization of all facilities to incorporate all modes of transport into an integrated system, where each form supplements and complements the others. Each region has its own unique characteristics and problems; transportation facilities must be tailored to fit the peculiar needs of each. Substitution of one form of transport for another is no solution; different modes perform different functions.

But, transportation systems must not be devised in a vacuum. They must be placed within the framework of all other urban planning and programing. Transportation must be an integral part of comprehensive land use and community development for whole urban areas or regions. One purpose of H.R. 3881 is to encourage coordination of plans and cooperation among the several political jurisdictions which are often involved. We have metropolitan areas but no "metropolitan government."

No blueprint can be devised which will cover all situations or be applicable in all communities. Therefore, the provisions of this bill are directed toward assisting the States and local bodies in evolving a coordinated transportation system which will be applicable to conditions in their respective communities. Rigid formulas would be useless in view of the rapidly changing character of the urban areas and the shifting population. Thus, the proposed method of assistance is most practicable because the State and local agencies to which financial assistance is to be given are in the best position to keep abreast of, perhaps even to anticipate, trends which indicate necessity for specific transportation facilities which will contribute to rather than hinder progress.

Despite the existence of one of the most highly developed and diversified transportation systems in the world, public transportation in the United States has not kept pace with the growth and increasing needs of urban areas. These metropolitan areas are the backbone of our national strength. Their continued growth and consequent contribution to the national economy depend on adequate transportation systems within the areas as well as between them. Common carrier service has continued to decline in recent years, though some 40 percent of our population is dependent upon public transportation.

Congestion and inadequate urban transportation are a burden to the national economy. Loss of time, added fuel consumption, et cetera, because of traffic congestion add to the cost of moving goods through metropolitan areas and hence to prices paid by the consumer for these goods.

The need for a balanced transportation system which will assure transportation facilities for all segments of the population, improve traffic flow, and meet the total urban needs at minimum cost to the economy is clearly indicated. All transportation programs, urban renewal projects, and urban planning assistance programs will become more effective with the passage of H.R. 3881. This legislation will not solve all our transportation problems but, hopefully, it will expedite implementation of farsighted, rational methods to deal with these problems.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I rise in support of H.R. 3881, which, in my judgment, may well be a latter-day Magna Carta for millions of Americans who day after day are hopelessly trapped in traffic jams during the morning and evening rush hours. This is the first time that a concerted effort is being made to help urban areas and rural areas of this country to develop a comprehensive transportation system which can provide adequate transportation for its people.

I should like to join in congratulating the gentleman from Alabama [Mr. RAINS] for preparing this legislation and sponsoring it. This may well become one of the most important bills ever passed by our Congress. I am also very happy to see that this bill is being moved on a bipartisan basis. Certainly our cities throughout the country are usually oriented along Democratic lines and our suburbs along Republican lines. This bill would help these metropolitan areas, regardless of political considerations or geographic determinations, to develop systems to serve the whole area. I think that those who oppose this legislation fail to recognize that it is in the suburbs of America that the greatest need for adequate mass transportation exists today.

We in Chicago are intensely interested in this legislation. We ask our colleagues from rural areas to recognize that 78 percent of the Nation's population lives in urban areas today. Metropolitan Chicago alone is the heart today of an industrial complex which, by 1970, will serve a population of 10½ million people. These people have to be moved to and from their work. I say that the traffic situation which exists in our transit systems across the country today is perhaps one of the most serious drags on our economy. I think it is actually cruel to expect American working people to spend almost 2 hours a day, an hour in the morning and an hour in the evening, and in many instances much longer than that, trapped in a car going to and from their work. For this reason, we certainly hope that this Congress will recognize that transportation is the very lifeline of our development and existence.

Much has been said here about local effort. This is no handout. This is no Federal handout. This legislation requires that local communities must make a one-third contribution toward development of their systems. We in Chicago have a Chicago Transit Authority which, I think, is one of the finest transit systems in the world. It was established many years ago. The Chicago Transit Authority today has to retire its bonds and maintain a depreciation fund. The Chicago Transit Authority is caught today in this hopeless situation where they cannot raise fares any higher because with every increase in fares, obviously, the volume of passengers declines. You can make public transportation so expensive that it no longer remains in the public domain. So the Chicago Transit Authority quite properly looks to this legislation for assistance in developing, through my own district, a $40 million rapid transit system in the median strip of the John Fitzgerald Kennedy Expressway. If this legislation is approved, Chicago could start on extending the Logan Square elevated in the median strip of the expressway very shortly and have the job completed in about 2 years. An effort has been made by local communities but they have now reached the very maximum of their ability. The Chicago

Transit Authority has tried many ways to raise the money but could not. Unless the CTA gets some help from outside, it just cannot get off the pad in expanding its system. For that reason we hope that this legislation will be approved. We had an experiment just recently in Chicago's North Side suburbs.

The Chicago Transit Authority developed the Skokie Swift. This has surpassed all expectations in volume of traffic. The Chicago Transit Authority itself had never expected the volume that the Skokie Swift is now carrying. The response of the people to an adequate transit system was immediate and enthusiastic. For this reason I would submit, Mr. Chairman, that not to approve this legislation indeed makes a mockery of our whole Federal Defense Highway System. You can take any expressway in any city in America during the early morning rush hours or the early evening rush hours and you see thousands upon thousands of cars hopelessly trapped on these highways. We make a mockery out of the $50 billion that we spent in developing this Defense Highway System when the very core of the system in large cities is inoperative during heavy traffic. This legislation complements the money we have already invested in the Federal highway system so that we can move people by mass transit means without requiring them to use the roadways.

Mr. Chairman, I hope Congress will approve the bill.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. Brock].

Mr. BROCK. Mr. Chairman, I am deeply sympathetic with the needs of the big cities in this country. I have experienced some of the problems of commuting in Atlanta, New York, Dallas, San Francisco. Even so, I would like to point out just a couple of facts in relation to the figures that were brought out by the gentleman from Alabama [Mr. Rains] when he submitted that 78 or 79 percent of all taxes are paid by the citizens of the metropolitan areas and that therefore this is a national problem. I think he is proving the case for the defense, when he states that they are paying these taxes, because we also have to remember that three-fourths of this Nation's wealth and productive capabilities are concentrated in these same areas.

We have all this wealth already existent in the major metropolitan areas. Why do they have to turn to the small rural taxpayer for relief of their problem? Why have they not been able to solve their problems already?

It seems to me a little incredible that we should have to come to the Congress of the United States within a few weeks after passing a $11 billion tax cut and offer a $500 million bill as an extra burden upon the Nation's taxpayers to subsidize the citizens of the richest areas of the Nation.

This legislation we are discussing touches basically about 8 to 15 metropolitan areas. They would receive the vast bulk of the money. We have heard about the traffic congestion in the city of Chicago, in Atlanta, and in New York. I think it is pertinent to point out that in Chicago, for example, the actual amount of traffic leaving the central business district daily declined 2,000 per day between 1950 and 1961. That is, there are less people leaving Chicago daily with the new facilities that they have, this magnificent subway and the outstanding transit authority that they have—and I compliment them on it, and the magnificent freeways that have been created—the fact still remains that in Chicago, Ill., there has been a reduction in the actual amount of traffic in their business district over the past 11 years. This is just a single instance, but the same situation is true all across the country.

In Detroit the level went down from 78,000 per day in 1944 to 73,000 in 1953. In Los Angeles, in Philadelphia, San Francisco, and Minneapolis, Washington and New York City, the story is the same. The central business district in these areas is not growing simply because the ring city concept is taking effect. The ring city concept exists because it is an advantage to be in the suburbs, people are moving there, they have put their businesses and their homes there. We cannot reverse a pattern that people are establishing because of their own desires. We cannot tell people that they have to ride a bus or train simply because we want them to ride a bus or a train.

Mr. Chairman, I think it is pertinent to point out that when we look at these large metropolitan areas which are not experiencing an increase in traffic in and out of the downtown business districts, that a study was made of eight of these major areas, including Atlanta, Ga. Parenthetically it was interesting to hear the Representative from Atlanta say that they of all people had to have this Federal help. The cost of the program for Atlanta proper is estimated at $59 million. The total amount of Federal help would only be $4 million additional. That is not a substantial amount of Federal aid to be talking about.

Mr. Chairman, the point is that out of eight cities which have a total program cost of $269 million, four cities in the United States, Los Angeles, New York, Pittsburgh, and San Francisco, would take 86 percent of the total funds expended.

Mr. Chairman, back during the committee hearings we had the president of the Pennsylvania Railroad, Mr. Symes, testify before our committee. Mr. Symes made a rather interesting point. He said:

> We have to compete not only with trucks, highways, and automobiles, but also with the airlines.

He said, for example, if they got the same subsidy that Allegheny Airlines received——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me at that point?

Mr. BROCK. Yes, I yield to the gentleman from Texas.

Mr. PATMAN. I wonder if my colleague is overlooking section 12 about the limitation of 12½ percent that any one State can receive?

Mr. BROCK. No; I am not, Mr. Chairman. I am talking about the projected cost of these eight cities. I am not talking about the overall program in that context.

But, Mr. Chairman, back to the Pennsylvania Railroad, the chairman of the board said if they just got the same subsidy per passenger mile that Allegheny Airlines got, they would receive $40 million per year in additional revenue.

I asked Mr. Symes:

> What would you save if you had the work rules in effect that you have asked for, if you were given the right of free collective bargaining without Federal intervention?

He said, "$500 million." I said, "How much would the Pennsylvania Railroad save?" He said, "$40 million."

The point I would like to make is that if the Federal Government would remove present strangling regulations instead of putting its hand further into meddling with collective bargaining and with free enterprise, perhaps we would have an opportunity to have decent commuter facilities, an opportunity to compete, and an opportunity to operate with efficiency. We cannot do this if we are going to impose another Federal control, another Federal program on top of the incredible hamstringing already existent. Why impose another program which is going to cost 4 percent at the Federal level, when the local communities could borrow the money at 3⅛ to 3¼ percent.

Mr. Chairman, I urge the defeat of this bill.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Pike].

Mr. PIKE. Mr. Chairman, I thank you for yielding me this time at this hour to speak before this large and enthusiastic gathering on this legislation.

Mr. Chairman, there has been a great deal of talk about the great cities and the effect of this legislation on the great cities of our land.

Mr. Chairman, I do not happen to live in a great city. I live in a rural area. I live in a little town called Riverhead. We grow ducks out on Long Island, and in Riverhead right now there are probably more ducks than people. We are 80 miles from the island of Manhattan. Long Island is 150 miles long, and it happens to have 7 million people on it. It has 14 Congressmen. I represent the easterly half of the island, and the other 13 represent the westerly half of the island. So, I do not think I have to prove that mine is a rural area.

Mr. Chairman, my feeling about the city of New York is the same as that of a great many other people. It is a nice place to visit, but I really do not want to live there. However, I would like to be able to visit it in convenience once in a while.

Mr. Chairman, you know we built a Long Island Expressway with Federal funds. But before the rural end can be completed, the urban end is so clogged with traffic it does not matter whether we complete the rural end or not.

Mr. Chairman, we are building roads and more roads. The westerly end of Long Island is becoming a vast mass of concrete. However, we cannot build enough roads to solve this problem. Everyone recognizes the existence of the problem.

Mr. Chairman, those who oppose this bill do not say there is not any problem. They say "do not do it this way," or "do not do it now," "let the States do it," or "let the cities do it."

I do not happen to think that the Governor of the State of New York enjoys the traffic strangulation of the highways in the State of New York, and if he thought there was some easy way of solving this problem he would have done something about it, and I believe he would have liked to have done something about it.

As I said at the beginning, Mr. Chairman, we raise a lot of ducks on eastern Long Island. We raise chickens, and we raise turkeys. One thing which we do not have, however, is ostriches. It would take an ostrich to believe that there is no crisis in mass transportation on Long Island. It would take an ostrich to believe that new efforts were not urgently needed to solve this crisis.

More than half a century ago, my father worked for the Long Island Rail Road, and recently, among his effects, I found a timetable more than 50 years old which showed that mass transit was more efficient on Long Island then than it is today.

I would hate to have my own children say, 50 years from now, that mass transit was better in 1964 than it is in their time because we, in our generation, looked the other way and ignored this problem.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. Collier].

Mr. COLLIER. Mr. Chairman, I have listened to the debate for the better part of the afternoon and have been totally unimpressed by the arguments for the legislation now before us.

It merely bears out the fact that regardless of what problem exists at the local, State, or even private level, there are those who seem to think that the only solution rests with the Federal Government. Grabbing for Federal funds has consequently become a national pastime.

In my own district, which happens to be a suburban area, I have not had a single request from a commuter for support of this legislation. Who do the letters come from? Where is the force of support coming from? Well, from all of those who will benefit either directly or indirectly from the Federal subsidy. Hence, they ask that we get Uncle Sam into a project wherein the Federal Government has no jurisdiction or authority. It is strictly a local problem.

All afternoon we have heard proponents of this bill talk about how nice it is to get folks to work on time. I am in favor of that. In fact one went so far as to say that this is a bill to determine whether or not we intend to preserve the beauty of the cities of this Nation. I can assure you we will have beautiful or ugly cities whether this bill passes or not, and whether or not the private or local folks meet their responsibility.

I can understand why Members from the city areas would support this bill. Because those of us in the suburbs realize that it is both understandable and advantageous for them to have a transit system and to keep improving the transit system which would to some degree stunt or stem the economic growth in the suburban areas. But just as water seeks its own level, so do economic factors determine the course of economic centralization or decentralization of economic facilities, business or industrial.

We have seen in the past 15 or 20 years a tremendous growth in the suburban areas. We have also seen the movement of industry from the large cities into the suburban areas and the growth of large shopping centers. This is a way of life that nothing is going to stem. It is a healthy condition and if these areas benefit because it is more convenient for workers and shoppers to rely less and less upon traveling "downtown" for employment, shopping, or entertainment I see no reason for Government subsidies to try and change it.

In view of the arguments we have heard up to this time, I would like to read from a letter which was written to me by the chairman of the board of a suburban Chicago transit line. Obviously he is not interested in getting his fingers into the Federal Treasury for subsidies. The author is Paul Dittmar, past president of the American Transit Association, who opposes this bill. This gentleman is undoubtedly better versed in the field of transit systems and operations than most of the Members of the House who have talked for the bill today.

He says, and I am quoting part of his communication to me:

> Almost all transit companies are profitable in varying degrees, and are able to finance additions and improvements. Chicago's CTA 3¾ percent revenue bonds are now selling above par.
>
> If financial help is needed for capital improvements, the banks, investment houses, or the city or State should supply it.
>
> Urban transit is a local concern. The Federal Government should not become involved.

It was mentioned by some of the speakers earlier today that Federal involvement in mass transportation is not new. But I find little similarity in his comparing this bill and the subsidy of the mass transportation system of waterways, airlines, railroads, and so forth, because we are speaking on the one hand of interstate commerce, where it has been constitutionally recognized that the Federal Government has jurisdiction and authority, and on the other hand we are dealing in this legislation with intrastate commerce. The latter properly has been a local problem and I believe should remain so.

Mr. Dittmar incidentally also points out that:

> Most Federal transit aid would go for new rail rapid transit, in spite of the fact that rail urban transit has been a colossal failure for the last four decades. Rails for commuter transit service have been ripped up almost everywhere. Passengers have abandoned rail transit.

So I say to you today that I fear if this legislation is passed we are merely getting the Federal Government into an area where it does not properly belong, and that this might well be another one of those steps in the direction of "improving" the country to death.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. McCulloch].

Mr. McCULLOCH. Mr. Chairman, earlier today I introduced a joint resolution proposing an amendment to the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population.

The joint resolution is as follows:

H.J. Res. 1055

Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States.

"ARTICLE XXV

"Section 1. Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, if the citizens of the State shall have the opportunity to vote upon the apportionment.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

On June 15, 1964, the Supreme Court of the United States decided that the sovereign States of the Union do not have the authority or the right to apportion one house of their legislatures on the basis of factors other than population alone.

The Court declared that the equal protection clause of the 14th amendment requires that the States compose both bodies of their legislatures so that every member of each house represents substantially the same number of people.

If legislative districts are not equal in population, so the Court contends, voters in the more heavily populated districts will suffer an unconstitutional debasement of their votes.

It has appeared to a rapidly increasing number of thoughtful citizens that the Supreme Court has begun in recent years to exceed its proper authority and usurp powers which long have been held to belong to the States or to other branches of the Federal Government. Without doubt, these most immediate decisions of the Court proceed the farthest along this wayward path and do the most harm to the longtime concept of States rights.

Initially, the Supreme Court must be questioned for its decisions which impose a novel interpretation of the equal protection clause of the 14th amendment.

The 14th amendment was introduced, discussed, and passed by the Congress, and ratified by the States as a single unit. Its sections must be interpreted together and not split apart to stand alone in meaning. History reveals that from its inception, the 14th amendment was never intended to prevent a State from choosing any legislative structure it believes best suited to its needs. During the debate on the amendment in the House, it was concisely stated that the amendment "takes from no State any right that ever pertained to it." Of the 23 Northern States which ratified the amendment before 1870, 5 had constitutional provisions for apportionment of at least one house of the legislature without regard to population. Ten others, while giving emphasis to population, called for the consideration of other traditional principles of apportionment. Furthermore, of the 10 reconstructed States of the former Confederacy, which were required to ratify the amendment before readmission to the Union, the constitutions of 6 of them contained provisions which would not have withstood the manner of apportionment now presented by the Supreme Court.

The policy of apportioning one body of a State legislature on factors other than population long preceded the enactment of the 14th amendment. The obvious reason why the proponents of that amendment had no thought or intention of changing the established system may be traced to the conditions that existed early in our country's history. Long before the establishment of the Government of the United States, Colonial States existed. These States were composed of legislatures which had one or more bodies made up of members who were selected by means other than population alone. The drafters of the Federal Constitution were in agreement that the political rights of the States should be preserved if the people of the States agreed to form a Union. To this end, the "Great Compromise" was achieved. In order to safeguard the rights of the smaller States and to grant them an equal voice in the Union, the Senate of the United States was to be composed of two Members selected by the people of each State. The weight and importance of the large States was to be insured through the House of Representatives. But, the rights and safeguards of the lesser States were to be protected in the Senate by equal representation, without regard to population.

The analogy to the legislatures of the States may be closely drawn. Not only did all of the original States have legislatures in which at least one body was selected on factors other than population, but the drafters of the Constitution recognized the value of this plan and clearly intended that no action of the Federal Government should overturn it. Perhaps, it is true, as the Supreme Court suggests, that counties or other local units of government are not sovereign bodies in the same manner that States are, and that, therefore, the theory of the "compromise" does not apply to them. But, this argument seems specious and completely disregards the primary reason for establishing a bicameral legislative system.

The "Great Compromise" was not worked out because theoreticians determined that sovereignty demanded the equal representation of States in one body of Congress. Instead, it was devised because practical men of infinite wisdom in planning and creating the best form of government ever devised by men, believed that factors other than population alone should determine the strength of the voice of States, regardless of wealth or size.

The same reasoning applies to State government and it has been the case since before the adoption of our Constitution. There are now 50 States in the Union, each with separate characteristics. Within each State, a wide range of local characteristics exist involving unique history, geography, topography, climate, distribution of population, political heritage, and individual citizen's economic, political, and social interests.

Counties, or similar units of local government, are generally the largest autonomous political units in a State. Their functions and responsibilities are normally of great significance. Law enforcement and judicial functions, bridges and highways, systems of education and transportation, administration of welfare and recreational programs, and agricultural and business matters are among the many duties, to a greater or lesser extent, that fall upon or must be maintained by counties.

It is correct to say, as the Supreme Court does, that legislators represent people, not trees or acres. But, the people who reside in States are not mere numbers. They are people with dissimilar and sometimes conflicting needs, with conflicting hopes and aspirations, with ever-changing problems that sometimes fail to yield to computer logic. Through the wisdom of the people themselves, as represented by the elected leaders of sovereign States, they may well decide that there is a need for representation of particular interests in one body of a legislature in contrast to the representation of general interests in the other body.

Some people may live in areas of high employment, others in depressed areas with high unemployment. Some may be lumbermen, miners, fishermen or farmers. Some may be of one religion or national origin peculiar in need or consideration from those of another religion or national origin. Some may live in rural areas or small towns while others live in metropolitan areas or suburban expanses. Some may direct their needs toward secondary roads or superhighways while others are more concerned about rapid transit systems. Some may require priority consideration of irrigation projects while others demand consideration of water systems.

Between each group, conflicting interests of varying degree develop, with each conflict producing a majority and a minority. Certainly, the majority must have effective rule, but the minority, too, is entitled to effective representation lest important segments or our people be completely subject to the tyranny of a temporary majority. The enactment of the civil rights laws has clearly demonstrated the truth of this proposition. Abandonment of this concept will most certainly convert our system of government, the oldest constitutional government in the world, to something alien thereto and potentially dangerous to individual liberty.

To authorize both houses of a legislature to be apportioned on the basis of local need or selected interest would, of course, be unfair and inimical to the general public interest. But, by the same token, the requirement that both houses be apportioned strictly on population alone would amount to a desertion of the rights of the minority and to a cavalier abandonment of the unique needs of the individual citizen. If the latter concept is to stand, how soon will come the frontal assault on article I, section 3 of the Federal Constitution?

For these reasons, I have introduced a resolution to amend the Constitution of the United States so that States having a bicameral legislature, may apportion one house on the basis of factors other than population. In so providing, however, the citizens of the State shall have the opportunity to vote upon such apportionment.

The Supreme Court calls for apportionment on the theory of "one man, one vote." A slogan, of course, cannot be a proper substitute for logic and in all likelihood it will not, for long, guard individual rights. As discussed above, apportionment according to population must be tempered by other considerations of equal importance. But, in so doing, it is necessary to permit all qualified people of a State to vote upon plans of apportionment, so that the rights of the majority cannot be seriously or unfairly impaired.

The Supreme Court probably was correct in striking down the apportionment in one house of the Tennessee Legislature in the case of Baker against Carr. There, reapportionment had not taken place in more than 60 years, in violation of State constitutional provisions. And the people of that State had little or no means to initiate or vote upon a plan of reapportionment. On the other hand, a great many of the States, by constitutional authority, provide the means whereby every qualified citizen may vote on the apportionment provisions of their constitutions. The Supreme Court could have issued a narrow decision in the Baker case, specifically related to the unique facts and circumstances therein, without doing harm to the whole concept of State sovereignty. Yet, with regrettable frequency, in recent years the Court seems to be assuming the role of elected officials and taking up the mace of the lawmakers. By such unwarranted action the Supreme Court invites increasing public distrust and rebuke. Abraham Lincoln once said:

> The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in

> ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

I earnestly request every Member of Congress to study the decisions of the Supreme Court on this momentous issue, and I cordially invite those, who are inclined to do so, to join with me in presenting the proposals to the appropriate committee of the House, and to the House itself.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, I rise in support of this bill which I have joined in sponsoring to provide additional Federal assistance for the development of comprehensive and coordinated systems of urban mass transportation.

American cities have had an extraordinary transportation burden thrust upon them in recent years. During the last five decades the percentage of our rapidly growing population living in urban areas has increased from 46 percent to more than 70 percent. And this growth and concentration is continuing with gathering speed.

Furthermore, while automobile production has kept pace with this urban explosion, municipal transportation systems have lagged far behind. Thus the all-too-familiar scene in cities across our country today is the bumper to bumper, crablike inching of traffic and the desperate search for parking.

Highways have, and will continue, of course, to play a major role in facilitating transportation. But it has become increasingly clear that there is one mammoth problem which they alone cannot hope to meet, except at prohibitive cost. This is the problem of morning and evening rush hour travel from home to work. It is the problem of the 20-hour-a-week rush hour need that has forced the allocation of $20 billion of the $41 billion interstate program for urban highway construction.

Mr. Chairman, in their excellent report 2 years ago to the President, following a comprehensive study of urban transportation, Secretary of Commerce Luther Hodges and Dr. Robert Weaver of the Housing and Home Finance Agency stated that:

> The major objectives of urban transportation policy are the achievement of sound land-use patterns, the assurance of transportation facilities for all segments of the population, the improvement in overall traffic flow, and the meeting of total urban transportation needs at minimum cost. Only a balanced transportation system can attain these goals, and in many urban areas this means an extensive mass transportation network fully integrated with the highway and street system.

Based on the experience of the loan and demonstration programs initiated 2 years ago, Dr. Weaver has reported further that major capital expenditures for mass transportation cannot be supported entirely from the fare box; that a public contribution will be necessary if most large, and many smaller urban areas as well, are to provide the kind of mass transportation required for their healthy growth.

Mr. Chairman, this bill is of great importance to the Seventh California District which I represent, and to the entire metropolitan area surrounding San Francisco Bay. And this importance highlights the vast benefits this legislation holds for countless American cities.

For more than a decade now, citizens from the cities surrounding San Francisco Bay have been conducting the kind of intensive and comprehensive local planning which this bill seeks to inspire. They have conducted extensive studies designed to produce what can be the most modern and efficient rapid transit system in the world. They have, using local taxes, created and supported an effective public regional agency which can build and operate this system. Two years ago they voted $792 million in general obligation bonds to finance construction of a 75-mile rapid transit system. And just this last week the test track was dedicated by President Johnson.

Where there is such local effort, Federal financial participation becomes an investment in the future of a local area—not a grant. It is an investment which helps a local area help itself prepare for the future. It is an investment, in brief, which I believe will pay rich dividends to the productive development of a vibrant and growing metropolitan area.

But, Mr. Chairman, the San Francisco-Oakland-Berkeley Bay area should not be penalized for its initiative in the apportionment of Federal funds. The fact that it has already passed a general obligation bond issue should not under any interpretation preclude it from benefits made available under this legislation to other metropolitan areas.

Rather, this type of initiative should be encouraged. For to deprive the San Francisco Bay Area Rapid Transit District of benefits available to other cities and urban areas would be an endorsement by Congress of the proposition that metropolitan areas should do nothing to help themselves obtain improved transit facilities; that they should sit back and let the Federal Government do the whole job.

This bill, if enacted into law, could shorten the construction period of the San Francisco Bay Area Rapid Transit System by 3½ years; from 8½ to 5 years. It could result in savings on interest and inflation costs totaling as much as $175 million. It would speed considerably the time when meaningful extensions could be made to this system, and I am confident that similar savings and advantages could be achieved, under this legislation, by many other urban areas throughout our country.

Mr. Chairman, this mass transporation legislation offers us an opportunity for effective attack on one of the serious and persistently troublesome problems confronting our Nation's urban areas. It utilizes an approach which takes full advantage of local initiative and local responsibility. I urge that it be approved and implemented without further delay.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Chairman, I ask unanimous consent to proceed out of the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Chairman, on page 14723 of the June 23, 1964, CONGRESSIONAL RECORD is Executive Communication No. 2199, announcing that the Export-Import Bank, a financial institution owned entirely by the U.S. Government, has issued its credit guarantee for a $760,000 sale of cotton to the Communist Government of Hungary.

This is in compliance with a provision in title III of the Foreign Aid Appropriation Act of 1964 and pursuant to a determination made by President Johnson on February 4, 1964, that such credit guarantees to the Hungarian government, the Soviet Union and certain other Communist goverments are in the national interest.

This provision became a part of title II only after a long legislative battle that ended on Christmas Eve. It gave Congress and the public assurance of prompt announcement if and when the resources of the U.S. taxpayers are used to help finance the Communists. As the result of President Johnson's determination of February 4, the taxpayers are now helping to finance the Hungarian Communist Government.

If it had not been for this provision of title III, this aid to the Communists might never have come to light—certainly not as promptly as was the case today.

The announcement is especially timely, as the 1965 Foreign Aid Appropriation Act is nearly ready for House consideration. Let us hope that the House will insist once more on this wise provision.

It is a sad day when the CONGRESSIONAL RECORD publishes official notice that the U.S. taxpayers are backing credit guarantees for the same Communist regime that crushed the Hungarian freedom uprising in October, 1956. It would be a day even sadder if this information had been kept from the eyes of the taxpayers.

Mr. WIDNALL. Mr. Chairman, I yield back the remainder of my time.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, I rise in support of this legislation. The bill H.R. 3881 reported over a year ago, on April 9, 1963, by the House Banking and Currency Committee, is a measure which will provide Federal financial assistance to States and localities in improving and extending urban mass transportation systems. It requires at the local level planning and coordination of areawide transportation as a prerequisite for Federal aid and provides for a research, development, and demonstration program. Areawide planning and research are certainly essential to long-term solution of our urban transportation problems, and this bill will provide a needed stimulus to such planning.

In recent years Federal aid has been focused to a major extent on one mode of transportation, the automobile. Although our $41 billion interstate highway program is essential and has produced great benefits, it has also aggravated problems for cities from New York to Los Angeles. It is a well-known fact that as highways are built to solve one congestion problem, another often develops. People are encouraged to use their cars to drive into the cities by the existence of better and faster roads. This creates parking and traffic problems in the center of the cities. In this respect, the problems of the city with which I am most familiar, New York, are acute. A former director of the New York Office of Transportation has commented that a horse-drawn truck traveling around New York City in 1910 averaged 11 miles per hour while today a motor vehicle in the heart of the city cannot average 6 miles per hour. This seems to indicate that in congested areas the automobile has limits as a fast and efficient means of transportation. There is simply a limit to the number of automobiles that can be poured into a given area without destroying the usefulness of the automobile. There is also a limit to the amount of space in a given area which can be devoted to roads and parking garages without curtailing the area's assets as an economic and cultural center. Since the automobile takes up three times as much space as the office space necessary for one person, the more automobiles the less room for people—and great cities are made up of great aggregations of people, not automobiles.

Recognizing this, the New York City Planning Commission vetoed, in 1961, a $57 million program to provide 10,000 additional parking places in midtown Manhattan. The commission explained:

> New parking garages in the midtown core would attract many commuters, business travelers, and shoppers who presently use mass transit or less convenient parking facilities. This means, in effect, not more business travelers, not more shoppers, but more automobiles.

A recent study of the transportation problem of Long Island stated that:

> If present trends toward increased auto use continue, the Regional Plan Association has estimated that by 1985 there will have to be at least a doubling "of limited-access highways now in use or under construction." Moreover, if the projection that there will be a million additional automobiles registered on Long Island by 1985 is correct, some 11 square miles of parking space will be needed to park all of these cars at one time, and since parking space must be available at both ends of an automobile trip, the actual parking requirements will be greater. ("Journey to Work Report," New York State Office of Transportation, 1963.)

In the past few years, there has been a disturbing trend toward abandonment of mass transportation facilities. In the State of New York, 35 transit companies have been sold or abandoned since January 1954. Many small communities throughout the Nation are completely without transit service of any kind. The American Transit Association has estimated that 105 localities have lost all transit service since 1954 and 79 percent were of communities of less than 50,000 population. The loss of public transportation certainly works a hardship on those citizens who do not drive and forces expensive readjustments such as the necessity for additional cars and roads. It has been estimated, for example, that if Chicago were to abandon mass transportation, an additional 600,000 automobiles would be needed, plus 160 additional expressway lanes and extensive parking facilities.

The permanent collapse of commuter rail service in Chicago, New York, Boston, Philadelphia, and Cleveland would require $31 billion of new highways to handle the increased auto traffic.

This bill is a start in reversing the trend toward abandonment of mass transportation systems. It has a provision for emergency loans and grants that may be utilized by communities which face loss or curtailment of service or for some other reason need prompt aid. This provision should be a definite help in localities faced with a critical situation.

To help meet the long-range needs of our urban population, the bill requires areawide planning. Problems of mass transit faced by many of our metropolitan areas cannot be solved by one jurisdiction alone. The U.S. Conference of Mayors has stated that:

> The need for joint and cooperative local, State, and Federal Government action has now been recognized as essential for the development of an adequate mass transit system in our metropolitan areas.

In the New York metropolitan area there are something like 1,400 governmental units. One body created to help solve this fragmentation of authority is the Tristate Transportation Committee. New York, New Jersey, and Connecticut work together through this committee to develop regional transportation plans. Legislation to make the work of the committee more effective by making it an interstate compact agency now awaits only action by New Jersey.

Under the terms of the bill, there is a provision for limiting any State to 12½ percent of the total Federal grant. For New York City projects, however, the three States could pool their eligibility and obtain up to 37½ percent of the total grant funds. Projects most likely to be considered under this arrangement would involve commuter railroads. The need for improvement of this type of transit is well recognized. The steam commuter trains from Norwalk, Conn., in 1893 took 61 minutes to get to New York. In 1963 the timetable shows it takes at least 60 minutes with an electric locomotive.

Railroads complain that they cannot make money on their commuter service. In the Tristate metropolitan region the commuter railroads are piling up deficits every year. Yet if the railroads could increase and improve their commuter services to the city, congestion on highways and perhaps on subways would be decreased. Railroads remain an important part of the overall transportation network.

The Tri-State Transportation Committee under the present demonstration grant authority included in the urban renewal program has obtained grants for several demonstration projects. One project consists of testing equipment at two stations of the Long Island Rail Road with the object of speeding up passenger flow. The equipment is designed for automatic fare collection and ticket validation. Another project is an experimental bus-train relay for commuters which tripled passenger volume in its first 6 months of service.

H.R. 3881 would enlarge the scope of the demonstration program. A research, development and demonstration program would be authorized for all phases of urban mass transportation. The unobligated balance of the present $25 million authorization plus up to $30 million of the total $500 million grant authority would be available to finance projects. This would spur needed research by Tri-State and similar agencies. It is only by such research that we can explore new approaches to solving our urban transportation problems.

Some 70 percent of the population of the United States today live in urban areas. Both our population and the percentage living in urban areas is expected to increase in the years ahead, creating additional pressures on our transportation facilities. The New York metropolitan region study projected 24 million people and 9½ million jobs in the New Jersey, New York, Connecticut metropolitan region in 1985. Even now New York City has more people than there are farmers in the entire country.

The cost of the program proposed in this bill is modest. Total funds authorized would be $500 million over 3 years. Maximum funds available to the State of New York would be $62.5 million. Compare this to the cost of the proposed expressway across lower Manhattan which has been estimated at costing up to $100 million a mile. It has also been estimated that the Federal Government will spend over $16 million for highways in urban areas before the Interstate System is completed in about 10 years.

Under the interstate and defense highway program, the Federal Government contributes up to nine-tenths of the money; under the terms of this bill local funds will be required for one-third of the net project cost.

Mr. Chairman, surely we can afford to spend $500 million to encourage the development of integrated, efficient urban transportation systems. This bill will not solve our mass transportation problems, but it should be an important impetus to coping with these problems in a farsighted, rational way.

Mr. ALGER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Chairman, local problems require local solutions. Government closest to the people is best

Adopting Federal programs like this mass transit subsidy substitutes rather than supplements local and satisfactory solutions to the problems.

The cost of mass transit is too great for Federal financing. The peculiar problems of localities, that is, the cities and urban areas, are too diverse and specific to permit blanket solutions by superior Federal programs. Local problems need local administration, local jurisdiction, local planning and control. Federal aid requires Federal guidelines, planning and control which nullify and contradict local needs and local control.

In answer to how best to provide local transportation, to finance the cost, to set the fares, to plan and administer, in each case the answer is local, not Federal, that provides the best solution.

I join with those members of the Banking and Currency Committee who joined in the minority report. I commend them and share their views.

Mr. PATMAN. Mr. Chairman, I yield back the remainder of my time, and ask that the bill be read.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Mass Transportation Act of 1963".

Mr. PATMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Moss, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes, had come to no resolution thereon.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

Hon. John W. McCormack,
The Speaker,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: This letter is to tender my resignation from membership on the House Committee on Rules.

Yours very truly,
William H. Avery,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION OF MEMBER TO THE COMMITTEE ON RULES

Mr. HALLECK. Mr. Speaker, I offer a privileged resolution, and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 790), as follows:

Resolved, That Dave Martin, of Nebraska, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Rules.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITION TO LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that on tomorrow the gentleman from Texas [Mr. Mahon] will call up the continuing resolution on appropriations.

WHAT ABOUT THIS FILIBUSTER?

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include two editorials.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I am inserting in the Record today an editorial appearing in the Manchester Union Leader of June 19, 1964, entitled "What About This Filibuster?"

Every Member of the House should read this editorial, and I commend it to the attention of all of our citizens. This is another answer to the statements being made that the "tide is turning" against any amendment to permit prayer and Bible reading in public schools. More mail is coming in now in support of an amendment; more groups, clergymen, and organizations are joining in support every day.

The chairman of the Committee on the Judiciary of the House, opposed even one delay on the civil rights bill in the House and the filibuster in the other body. But it is perfectly all right for him to filibuster any action to bring before the House a constitutional amendment that would permit the return of prayer and Bible reading in the public schools. Why? Because he is unalterably opposed to any amendment.

One Congressman, testifying before the Judiciary Committee, suggested a resolution to permit believers' children to remain silent for a stated period—silent prayer. The chairman, the gentleman from New York [Mr. Celler], remarked that it is a "good idea, and will get Congressmen off the hook."

It would appear that it is not a question of the right of the American people to have their children participate, voluntarily, in prayer or Bible reading in public schools, but a matter of political expediency to do something innocuous that would "get Congressmen off the hook."

I doubt seriously that any Member of the House, on this issue, wants to be taken off any hook. I hope that Members will sign discharge petition 3, and bring this matter to the floor as quickly as possible, and bring an end to the 2-year filibuster conducted by the chairman of the Judiciary Committee.

What About This Filibuster?

Representative **Frank J. Becker**, nationally recognized head of the campaign for a constitutional amendment to allow Bible reading and prayer recitation in the public schools, has warned the House and the Nation at large that time is running out and so far "we have no result" from the House Judiciary Committee's long hearings. The New York Republican is again appealing for signatures on his discharge petition to bring the issue directly to a House vote. Only 52 more signatures are needed, and to our knowledge neither of New Hampshire's Congressmen have signed the discharge petition to date.

There is a dangerous tendency by many Americans to think of the Supreme Court's prayer ban rulings as a single issue, rather than as part of a pattern. Charles E. Rice, associate professor of law at Fordham University, has shown that an honest analysis of the decisions of the past 15 years leads to the inevitable conclusion that the Supreme Court has repeatedly misinterpreted the first amendment and that one of the most disturbing elements in this trend has been the utilization by the Supreme Court of obiter dicta from previous cases as if they were fully established principles, when in reality they were peripheral, if not irrelevant to the cases.

In his book, "The Supreme Court and Public Prayer" (Fordham University Press, New York, 1964), Professor Rice expresses the belief that decisions in the Murray and Schempp cases, if they follow the pattern of the past 15 years, will open the door for future decisions that would remove from our national life every meaningful recognition of God, and make agnosticism the national religion.

We urge our readers to consider the following revealing section of the prayer ban decisions of June 17, 1963: "The test (of constitutionality) may be stated as follows: what is the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion." Earlier the Court had declared that neither a State government nor the Federal Government "can pass laws which aid one religion, aid all religions, or prefer one religion over another."

While the concurring opinion of Justice Douglas in the Murray-Schempp cases is more all-embracing than the official decision written by Justice Clark, Professor Rice points out that Douglas "is merely articulating the logical consequences of the wayward theories endorsed by the majority of Justices." Justice Douglas, in a footnote, listed the types of financing he believes to be unconstitutional. "To mention but a few at the Federal level," Douglas enumerated: Chaplaincies in both Houses of Congress and the armed services, compulsory chapel at the service academies (now being challenged), religious services in Federal hospitals and prisons, the President's religious proclamations, use of the Bible for oaths, the availability of WPA and NYA funds to parochial schools during the depression, veterans who attended denominational schools under the GI bill of 1944, use of Federal money during

World War II to train nurses in denominational schools, the National School Lunch Act as it applies to nonpublic schools, Hospital and Survey and Construction Act of 1946 as it applied to nonpublic hospitals, the slogan "In God We Trust" used by the Treasury Department (now being challenged), the word "God" in the pledge of allegiance (now being challenged), Bible reading in the schools of the District of Columbia and religious instruction in the District's National Training School for Boys, the exemption from the Federal income tax of religious organizations (now being challenged by Mrs. Murray), postal privileges of religious organizations, Federal income tax deductions for contributions to religious groups, the deductibility of gifts and bequests to religious institutions under the Federal gift and estate tax laws.

Of course, as Justice Douglas points out, this is but a partial list of instances of religious financing which he would discontinue and declare unconstitutional. But the American people are being urged not to worry their sleepy little heads about it—and those who do worry are caustically dismissed as extremists.

[From the Brooklyn Tablet, June 18, 1964]

SUPREME COURT'S LONG STEP BACKWARD

In a dissenting opinion by Supreme Court Justice Potter Stewart, Monday, a note was struck which is very timely. Objecting to the ruling of the Court outlawing the States' methods of apportioning their legislatures, Judge Stewart said:

"With all respect, I am convinced that these decisions mark a long step backward into that unhappy era when a majority of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were measured not by what it says but by their own notions of wise political theory."

What Justice Stewart states is that the Court is rewriting the Constitution. He might have added that the Court also seems to be supplanting both Houses of Congress, and seeks to regulate State matters which are not included in the Constitution.

RELIGIOUS PERSECUTION—A VIOLATION OF HUMAN RIGHTS

Mr. CAREY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CAREY. Mr. Speaker, aggressive atheism is one of the most formidable challenges facing the free world today. I regret to state that by all appearances the position of our State Department and the U.S. delegation to the United Nations has been one of official disinterest or awkward apathy.

I believe that as the leader of the free world and a Nation dedicated to religious freedom from the first day of its existence, the United States must speak out clearly and firmly against religious persecution everywhere in the world.

In neglecting to do so our inaction gives rise to a presumption that we are not concerned with a moral issue which cries out for justice. Our muteness does a disservice to our position as the protector of individual freedom against persecution.

We were not silent in the days of Adolf Hitler, nor in 1917 or 1898 when tyranny sought to extend itself. Why are we silent today when the new tyranny of aggressive atheism attempts to envelop masses of civilized people all over the world? Aside from the moral question involved I feel we are failing to use what is probably our most effective and appropriate weapon against communistic propaganda.

Daily we hear assurance from Communists, both Chinese and Russian, that they are most anxious to aid the emerging and developing nations, whether in Asia, Africa, or Latin or South America. Each of these emerging and developing peoples possess deeply rooted religious or at least tribal ritualistic characteristics. Of themselves they certainly would not seek to abandon their religious backgrounds nor do we as a Nation attempt to exact religious concessions as a consideration for assistance. Yet, it may be clearly established that wherever communism has made progress it has always done so at the expense of religious freedom and with the indoctrination of atheism. It is as simple as this:

Where religion exists, freedom has flourished; where atheism has spread, freedom has died and tyranny has prevailed.

It is clearly to our advantage to point up this most important difference between the American way of freedom and Communist domination. Unless we do so, an emergent people can probably see little difference between the contending forces excepting in the amount of aid being offered.

I believe the issue of religious intolerance and persecution should be advanced in the world, using every medium and instrument for truth at our disposal.

In his encyclical "Pacem in Terris" of April 11, 1963, Pope John XXIII restated the concern of the Roman Catholic Church for the fundamental rights and duties of man. With regard to freedom of religion the encyclical observed:

> Every human being has the right to honor God according to the dictates of an upright conscience, and therefore the right to worship God privately and publicly. For, as Lactantius so clearly taught: We were created for the purpose of showing to the God who bore us the submission we owe Him. We are obliged and bound by this duty to God. From this, religion itself receives its name. And on this point our predecessor of immortal memory, Leo XIII, declared: "This genuine, this honorable freedom of the sons of God, which most nobly protects the dignity of the human person, is greater than any violence or injustice. It has always been sought by the church, and always most dear to her. This was the freedom which the apologists claimed with intrepid constancy, which the apologists defended with their writings, and which the martyrs in such numbers consecrated with their blood."

And yet, this freedom still has not been secured for all mankind. In some countries of the world, Jews, Christians—Roman Catholics and other denominations—are still being persecuted for their beliefs. This is true in the Communist countries—and I will later give you some examples of the persecution of Christians in Poland and the Jews and Christians in the Soviet Union. But it is not limited to the Communist countries alone. South Vietnam and the Sudan are among the worst violators of freedom of religion.

Thus, the 20th century, too, has its religious martyrs. But the right against religious persecution should be easier in our time than in the time of the early Christians. They were a minority fighting an uphill battle against often hostile authorities. There are centuries of history between them and us, and during these centuries man has gradually achieved a near consensus, not only on the necessity for respecting fundamental human rights, but also on the need for securing these rights through the instruments of government. The movement which began with 18th-century liberalism—the French declaration of the rights and duties of man, our own Bill of Rights—has, by the mid-20th century, broadened into international action to secure human rights. While the majority of the governments of the world have undertaken to secure and protect the fundamental freedoms of their citizens—and a number of countries have, like ours, incorporated a bill of rights in their constitutions—not all the governments in the world have yet accepted their responsibility. In South Africa, the violation is apartheid, or racial discrimination. In other countries the violation is religious persecution.

Today, however, there is a means of recourse beyond individual governments. There is recourse to the United Nations. When the founders of the United Nations created the world organization at San Francisco in 1945, they drafted a charter which incorporated the aspirations and objectives of the world community. One of these objectives was to achieve international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion."

In the early years, United Nations action in the human rights field was of a general nature, perhaps out of the necessity of laying the foundations for more specific action later. The Universal Declaration of Human Rights adopted by the General Assembly on December 10, 1948, contained 30 human rights articles, one of which expressed the consensus of the world community on freedom of religion—article 18:

> Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

The universal declaration became the basis for further United Nations action in the human rights field.

Since 1948, the United Nations has adopted numerous declarations and conventions relating to specific human rights. Most interesting for our purposes has been recent United Nations action on racial discrimination, for United Nations action in this field could and should constitute a precedent for international action against religious persecution. The 18th general assembly, meeting in 1963, adopted a declaration on the elimination of all forms of racial discrimination. This declaration declared that racial discrimination was an offense to human dignity which "shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples."

Already the United Nations Security Council has taken the first steps toward implementing the declaration against racial discrimination. Just last week the Council adopted a resolution creating a committee to study the legal and practical possibilities of applying economic sanctions against South Africa to force that country to modify its racial policies. The resolution condemned South Africa's apartheid policies as "contrary to the principles and purposes of the Charter of the United Nations and inconsistent with the provisions of the Universal Declaration of Human Rights as well as South Africa's obligations under the charter."

There is no reason why the United Nations cannot adopt the same position toward countries practicing religious persecution. In fact, in early 1964, a draft declaration on the elimination of all forms of religious intolerance was adopted by the Subcommission on the Prevention of Discrimination and Protection of Minorities of the Human Rights Commission. This draft is similar to the declaration on racial discrimination adopted by last year's General Assembly. The draft must now go to the Human Rights Commission, then to the Economic and Social Council, and thereafter to the General Assembly for final enactment—a process which is expected to take about 2 years—but the breakthrough in the Subcommission is considered a significant advance in United Nations human rights deliberations. The declaration was adopted in the Subcommission by a vote of 12 to 0, with 2 abstentions. Significantly, the two abstentions were cast by the Russian and Polish representatives, culminating intense efforts on their part to block action on the declaration. The Russian and Polish representatives obviously do not want U.N. action in the field of religious discrimination since their governments are among the worst violators of religious freedom.

Encouraging though this U.N. breakthrough on religious freedom may be, the world simply cannot wait another 2 years for international action against religious persecution. The time for the world community to act is now. The basis for international involvement has already been laid in the United Nations Charter and the Universal Declaration of Human Rights. The precedent exists in the United Nations approach toward racial discrimination in South Africa.

Every month we delay—every week, every day, every hour—the persecution of Christians and Jews in certain parts of the world continues and is intensified. In order to impress upon you the seriousness of the problem I shall give you numerous recent examples of the persecution of religious persons and societies in certain countries of the world.

Let us consider first the Soviet Union. The basis of religious persecution in the Soviet Union rests deep in Soviet ideology, for Soviet ideology denies the existence of a Supreme Being. Thus, from the beginning the Soviet state has been embarked on a campaign to eradicate religion from Russian life. Recently, the campaign has been intensified.

The Soviet assault on religion is a dual one: on the one hand, through propaganda and social pressure; and on the other, through administrative-organizational tactics. Massive use is made of antireligious propaganda, since the state controls all communication outlets. Magazines carry articles attacking religious observances and ridiculing believers. Antireligious propaganda is broadcast over radio and television. Christianity and Jewry are denounced in public lectures, and children are taught atheism in the schools. Frequently religious groups are accused of anti-Government activities.

In March 1964, the Communist Party's Central Committee adopted a program for intensifying the atheistic indoctrination of the population. Under this program, atheism will be offered as a field of study in universities and colleges. Indoctrination programs are to be established for party and government officials, teachers, kindergarten staffs, physicians, journalists, and others in the communications fields. But the focus of the new program will be on individual persuasion: Atheist action groups are to be set up in all cities and towns that have religious communities. Members of the action groups are to try to win the trust of believers and convert them from religion.

This is the less tangible but more insidious aspect of religious persecution in the Soviet Union. To hear one's beliefs constantly ridiculed, to stand by while one's children are daily being taught atheism in the classroom, to be aware of atheist action groups in one's midst continually trying to break down the faith of believers—this certainly is religious persecution.

But this is only part of the story in the Soviet Union. The other part—the administrative-organizational tactics of the government—includes: closing of churches, synagogues, monasteries, and seminaries; preventing believers from access to higher education and the more desirable government positions; and direct persecution through arrest and imprisonment.

The closing of churches has been accomplished by such technically legal but devious methods as forbidding priests from serving several parishes at once, and imposing impossible tax burdens. If a parish is without a priest, the church is automatically closed. Again, if a church cannot pay its tax burden—and churches are taxed over 80 percent of their revenue—it is closed. It has been estimated that some 7,500 churches, about 50 percent of all existing churches, have been closed in the last 2 years. By 1962 the number of monasteries in the Soviet Union had been reduced by about half.

It is impossible to document fully the educational and professional discrimination against believers, but such discrimination doubtless exists on a wide scale. Prof. Vladimir S. Tolstoy of the U.S. Naval Academy has commented:

> Holders of good jobs know that avowal of religious belief by attending services may mean the end of their career. Such attendance may bar the high school graduate from entrance to the university or seriously limit his choice of career and achievement of status at the university level.

An especially powerful weapon of persecution is the Government's power of arrest, court trial, and punishment. One of the tactics of the Government is to try to discredit clergymen by summoning and imprisoning them for drunkenness or other criminal acts and by widely publicizing the trial.

The following are a few examples of arrests and imprisonments: First, a Father Scherbatov was sentenced to 3 years' imprisonment for the alleged death of a child during a christening ceremony; second, in 1962 four leading Pentecostalists were imprisoned, 2 for 5 years to be followed by 5 years of exile and two others to lesser terms on charges of breaking up families and seeking to entice young people to join their religious groups; third, also in 1962 five evangelists were found guilty of "parasitic idleness" and banished, probably to Siberia; fourth, a Moscow truckdriver was sentenced to 3 years in prison on charges of forcing his two small children "to pray," to wear crosses, and barring them from the pioneers.

The situation is not much better in Poland. On the surface freedom of worship exists, but the Polish people are finding it more and more difficult to exercise their religious convictions. As in the Soviet Union, the Polish Government is engaged in an active campaign to indoctrinate the people, particularly the youth, in atheistic materialism and to destroy their religious beliefs. A focal point of the government attack is religious education. The government has issued decrees attempting to regulate religious education, one of which prohibited nuns and priests deemed by the education authorities to be engaging in "antistate activity" from teaching catechism classes.

Thus, the Polish Communist attack on religion, like that in the Soviet Union, is a dual attack, through propaganda and through administrative-organizational tactics. Confiscatory taxation, sequestration of church and religious orders' properties, refusal to issue church, school, and other building permits, and interference with the internal affairs of church bodies are some of the methods used by the Polish Government.

Furthermore, any move by the church defying the Polish Communist regime is certain to provoke retaliation. An episcopal letter of June 1962 signed by Cardinal Wyszynski and all 64 bishops of the Polish Roman Catholic Church offers an example. The letter, read in every church in Poland during masses, called upon all Christians to fast and pray that atheists would return to the faith. As soon as the Government learned of the letter it retaliated by sending military draft notices to a number of seminarians studying for the priesthood.

An intensification of the Polish Communists' campaign against the Roman Catholic Church was reported in April 1964. The methods included arrests, tax prosecutions, and land confiscation. Friction between church and state was highlighted in late May when Cardinal Wyszynski, primate of Poland, drove from Warsaw to Wierzbica, a town whose church had been closed, to conduct mass in front of a house where Catholics had been holding services. The local priest had been jailed twice during the year for undetermined reasons. The reasons for closing the church were also not known.

Another area of religious unrest is South Vietnam, where recently there has been evidence of mistreatment of Roman Catholics by the Buddhist government. In early June, 40,000 to 50,000 Catholics staged a demonstration in Saigon protesting against what they charged was favoritism of the current government toward Buddhists and unfair treatment of Catholics. The demonstrators stated that in central Vietnam priests had been beaten, churches vandalized, and Catholics spat upon in the streets of Hue, leading Buddhist center. The demonstrators asked for a new committee to protect Catholics from persecution and for the freeing of unjustly imprisoned Catholics.

Previously, on May 15 the archbishop of Saigon, Paul Nguyen van Binh, had sent letters to the Vietnamese Government leaders protesting that many Catholics had been unjustly accused and harshly mistreated since the fall of the Diem government on November 1, 1963. The archbishop's letter charged that "a good number of Catholic officials and military men have become victims of calculated actions totally unjustified. Many have been jailed only because they are Catholic." Referring specifically to Maj. Dang Sy, a young Catholic military officer who was later sentenced to life imprisonment by the Revolutionary Tribunal because his troops had fired on Buddhist demonstrators last year, the archbishop charged that he was being judged on political and religious grounds rather than on juridical. The letter observed that films, the radio, and the press were engaged in a campaign to demand Maj. Dan Sy's death and to revive hatred among the people.

During his trial Maj. Dang Sy gave a 30-minute rebuttal item by item of the prosecution's indictment. He stated that he had been held for months in a dark cell where "you could not tell day from night," and that he was offered safety if he would accuse Archbishop Thuc, brother of the late President Diem, of ordering repression of Buddhists. Maj. Dan Sy was reported to have confided to correspondents during the trial that he was guilty of two mistakes: "I am a Catholic and I executed my superior's orders." Some of the Vietnamese newspapers publicly accused the major as guilty even before his trial opened.

Also recently in Vietnam a Chinese priest, Father Hoa, was deprived of the command of his private army and replaced by a regular Vietnamese commander. In the absence of a regular army commander in his sector, Father Hoa had been military leader as well as parish priest. His counterguerrilla tactics had been very successful against the Communists, and thus American officials were concerned at what might happen if his army was broken up. The motives for his removal were unclear, but it is known that Father Hoa was suspect among the anti-Diem forces since he was admired and supported by Diem when Diem was president.

In Europe, in Asia, in Africa too, there are examples of religious persecution. In late February 1964, for example, the Government of the Sudan ordered the deportation of all 300 missionaries, including 272 Roman Catholic and 28 Protestant missionaries, working in the southern part of the country. The deportation move followed reports of uprising in the southern province of Bahr el Ghazal, where a man recently executed as the leader of an abortive revolt was a Catholic-educated son of a tribal chief. Several priests have been arrested on charges of helping terrorist movements in the south.

The expulsion followed similar ones of the last few years. The Christian missionaries have, in fact, been caught in the political crossfire between the Islamic North and restive South in the Sudan. The fact that most of the rebel leaders are Christians has been the chief basis for the government's expulsion of the missionaries. A returning American Presbyterian missionary has expressed the view that the government simply "did not want us foreigners to see what was going on down there."

The Government has also taken other measures, however, to repress the Christian religion in the Sudan. The Government has placed restrictions on the missions and curtailed the functions of the churches. Christian instruction may no longer include proselytizing. The mission in Malakal is an example. In 1960 the Ministry of Education replaced the Christian headmaster of the mission school with a Moslem. According to an American missionary, the headmaster "changed textbooks, burned Bibles, and 'gave our Christian boys Moslem names.' "

In my concern that Christians and Jews are still being persecuted in these areas of the world, I wish to suggest two courses of action:

First, I would suggest the convocation of a "council of the free" among the nations of the world for the express purpose of setting forth the views of the free world concerning religious persecution. It is time for the free world to speak out boldly against religious persecution and to reiterate that faith in human liberties which is the basis of free society.

Secondly, I am introducing before the Congress a concurrent resolution requesting that Congress ask instruction to the U.S. Delegates to the United Nations to call for sanctions against any country practicing religious persecution. If individual governments violate their charter pledge to promote and encourage respect for human rights and fundamental freedoms, then the United Nations must act to protect human rights. If I may again quote from the Papal encyclical "Pacem in Terris":

> It is our earnest wish that the United Nations Organization—in its structure and in its means—may become ever more equal to the magnitude and nobility of its tasks, and that the day may come when every human being will find therein an effective safeguard for the rights which derive directly from his dignity as a person, and which are therefore universal, inviolable, and inalienable right.

As authority for the statements I have made, I cite excerpts from religious and secular publications.

[From the New York Times, June 7, 1964]

SOVIET STEPS UP DRIVE ON RELIGION: NEW RITES SEEK TO SUPPLANT TRADITIONAL OBSERVANCES

MOSCOW, June 2.—Soviet ideologists are introducing nonreligious spring and harvest festivals and other civil rites in an intensified campaign against the church.

One of the Communist Party's leading propagandists said today in Pravda, the main party paper, that the new system of rituals was being promoted on both ideological and economic grounds.

On the ideological level, he wrote, large sections of the population, including nonbelievers, are still following the practice of baptism, church weddings, and religious funerals.

From the economic point of view, many religious holidays, such as Easter and Trinity Sunday in the Russian Orthodox Church and Bairam festivals in Moslem central Asia, were said to fall in the farm season, distracting peasants from work and causing heavy losses to the national economy.

BEFORE PLANTING, AFTER HARVEST

Instead, the party ideologist, Vladimir I. Stepakov, urged that a new system of Communist festivities be timed before spring planting and after the autumn harvest to prevent the disruption of the agricultural season.

Mr. Stepakov heads the central committee's ideological section for the Russian Republic, which generally sets the tone for reforms in the 14 other Soviet Republics.

Following the Russian example, authorities of cotton-growing Uzbek Republic of central Asia have already decreed the establishment of hammer and sickle festivals before and after the farm season. To promote understanding between town and countryside, spring festivities are to be held in rural areas and autumn festivals in cities.

Mr. Stepakov said that major events in peoples' personal lives should be marked by solemn civil rites designed to wean them away from religious influences.

POLAND ASSAILS CHURCH ANEW

VIENNA, June 4.—Well-informed travelers from Poland report that an intensification of the Polish Communists' campaign against the Roman Catholic Church has been underway since April.

The unpublicized offensive is said to be distinguished by a wide variety of tactics and the fact that it has been broadened to include the harassment of nuns.

It has included arrests, tax prosecutions and land confiscation.

Church-state frictions in Poland were dramatized May 28 when Stefan Cardinal Wyszynski drove about from Warsaw to Wierzbica, near Radom, to conduct mass in front of a house where Catholics rented a room and turned it into a chapel.

The Wierzbica church had been closed.

The local priest, whose activities led to sealing of the church, has been jailed twice in the last year but was released in time to greet Cardinal Wyszynski, who is Primate of Poland.

The charges on which he had been jailed and the reasons for the closing of the church could not be established.

[From the Brooklyn, N.Y., Tablet, June 11, 1964]

Protest Favoritism To Vietnam Buddists

Saigon, Vietnam.—An estimated 40,000 to 50,000 Catholics staged a 3-hour demonstration here during which speakers—all laymen—protested against what they charged was the favoritism being shown by the government of Premier Nguyen Khanh toward Buddhists.

At the same time, the speakers demanded a "just and more effective national policy" against the Vietcong, or Communist insurgents. Other demands called for a new committee to protect Catholics from persecution and for the freeing of unjustly imprisoned Catholics.

PRIESTS BEATEN IN HUE

According to the speakers, insurgent anti-Catholics sentiment is especially strong in central Vietnam. They charged that priests had been beaten there, churches vandalized, and Catholics spat upon in the streets of Hue, leading Buddhist center.

After a parade through the streets, the demonstrators, for the most part orderly and well-disciplined, assembled in the park in front of the Saigon townhall. Many were said to have come 25 miles on foot from a Catholic resettlement area for refugees from Communist North Vietnam which is regarded as a stronghold of antigovernment sentiment.

The demonstrations took place the day after the revolutionary tribunal here had sentenced to life imprisonment a 37-year-old Catholic officer—Major Dang Sy—whose troops fired on Buddhist demonstrators in Hue last year, killing eight persons and setting off the Buddhist campaign which brought about the overthrow of the former government of Catholic President Ngo Dinh Diem.

DEFENSE WITNESS BARRED

Vietnam's Revolutionary Court refused the request of Dang Sy's attorney to call an American military expert to testify on the effects of the MK–3 grenade. The prosecutor, a Vietnamese lieutenant colonel, protested against granting the request and the nine-man court, which includes four Vietnamese officers, upheld his protest. He gave as his reasons: language difficulty (he himself spoke French fluently on June 5 to me, and some English) and, secondly, national prestige. "We have had our own expert," he said.

The defense attorney held the Vietnamese army expert overstated the effect of this grenade.

The defense maintained that the explosion that caused the eight deaths during the Buddhist disturbance was caused by a plastic bomb thrown by the Communist Vietcong. The Vietnamese officer who made an investigation 3 days after the tragedy testified that the damage done, including a hole in a cement pavement, could not have been caused by an MK–3 grenade.

At the trial, Bui van Luong, who was minister of the interior at the time of the incident, gave a detailed account of his findings when the late President Diem sent him to Hue, May 9, 1963, to investigate. He said he found that General Nghiem, army corps commander, had given permission to Maj. Dang Sy to use armed forces to disperse the crowd if the chief of the province agreed. The former minister said that the chief of the province, Nguyen van Dang, told him he had instructed Dang Sy to use force in the emergency and not wait for written orders.

A soldier, who testified that Dang Sy's men were given MK–3 grenades but were told by the major to throw them outside the crowd, said he had been forced earlier to make a declaration against Dang Sy. He had been held for months in prison and ill-treated until he consented to sign an accusation.

The prosecutor, in his summary, alleged that Dang Sy ordered his men to throw grenades without the province chief's authorization and that MK–3 grenades caused the deaths. He asserted that Dang Sy's pride was hurt when the crowd threw stones at him.

ATTEMPTED COERCION

During his trial Maj. Dang Sy declared that police tried to make him accuse Archbishop Ngo dinh Thuc of Hue of ordering repression of Buddhists. Archbishop Thuc is the brother of the late President Ngo dinh Diem.

Dang Sy made this statement twice in the courtroom during his vehement 30-minute rebuttal item by item of the prosecutor's lengthy indictment. He said the trial had a religious basis.

He declared he had been held for months in a dark cell where "you could not tell day from night." During that time government agents tried to make him accuse the archbishop, he asserted. Later that day he added that while he was held prisoner in Saigon as well as Hue, he was offered safety if he would put the blame on the archbishop "or on some other priest" for ordering action against the Buddhists.

The government news service did not report the foregoing statement of the major in its account of the trial.

Maj. Dang Sy, aged 35, was trim in a khaki uniform. He wore four campaign ribbons with a palm leaf for the highest army citation and stars for other citations. He attended the advanced officers' training school at Fort Benning, Ga., in 1959. He is married and has seven children, and the birth of his eighth child is expected one of these days.

Dang Sy's mother, aged over 70, came to court to see him.

During an interval in the trial he told me and another correspondent with an ironic smile that he was guilty of two mistakes: "I am a Catholic and I executed my superior's orders."

Some newspapers published violent condemnation of the accused officer as guilty before and during his trial. One English-language daily, the Saigon Post, on its front page the day the trial began, called him in a two-column headline: "Hue Butcher." Three days before the trial the government news service, Vietnam Press, said Dang Sy was "responsible for the massacre of Buddhists." On June 5, the Ministry of Informations "asks" the press to report the case objectively.

"If they condemn that man, it will be a travesty of justice," an American sergeant, a non-Catholic, said here.

Archbishop of Saigon: Says Catholics Unjustly Accused and Mistreated

(Many Catholics in South Vietnam "have been unjustly accused and harshly mistreated" since the fall of the Diem government November 1, 1963. That charge was made by Archbishop Paul Nguyen van Binh of Saigon, speaking for all the Vietnamese bishops, in letters to General Duong Van Minh, chief of state, General Nguyen-Khanh, president of the military Revolutionary Committee and the president of the Council of Ministers. A copy of the letter, dated May 15, has just arrived here.)

While acknowledging the ample good will on the part of the authorities of the country as well as the serious efforts made by the Government particularly by Your Excellency, we have established that the 6 months following the coup d'etat in November of 1963 have ended in an extremely grave situation.

It is with much concern for the fate of their countrymen that the bishops of Vietnam realize it is their duty to call attention of the government to the following points:

No one fails to see that the war has actually grown more intense and that in the countryside the situation has become even gloomier. While the population at large lives in anxiety, among the military, the morale has been damaged and among the officials the will to serve has been reduced because of the uncertainty about the future. All that is not to be ignored by the Government.

Truly it is inevitable that a policy which is passive and lacks the spirit of unity, has led the Government to side with some religious faiths and thus to disseminate disunity and hatred among citizens, instead of bringing the whole population behind the leaders of the country in order to fight the enemy and to rebuild the nation.

As for the Catholics in particular, from November 1, 1963, many of them have been unjustly accused and harshly mistreated. A good number of Catholic officials and military men have become victims of calculated actions totally unjustified. Many have been jailed only because they are Catholic.

If until now we Catholics have silently undergone all such humiliations and injustices, it is because we wish to avoid doing harm to the spirit of national unity—quite indispensable in the war against the Communists. Moreover, we have been well aware that the Government is in a situation which is extremely difficult and delicate, and so with much patience we have waited for the Government to take whatever measures are firm and just.

But to continue such a silence now would amount to gravely failing in our duty to the nation.

Revolution in good sense means to put an end to what is evil in order to reconstruct a better present and a better future. Thus a revolution is not to be based upon prejudices against individuals or communities. On the contrary, it has to establish itself on the principles of justice, of unselfishness, and of firmness.

Thus we question what principles and motives have inspired those arrests and imprisonments. One may question whether those citizens who have been arrested and jailed, have been so treated because they have faithfully served the former regime, or worse yet, because they are Catholic.

If those citizens have been accused because they have served the old regime, who would have the courage to be faithful to the present Government? If they are prosecuted because they are Catholic, then human rights have been trampled knowingly and openly.

CASE OF MAJ. DANG SY

Let us speak about the case of Maj. Dang Sy. Everybody knows that he is judged on political and religious ground and not on juridical ground. The proof of this is that for more than a month there has been a campaign by way of films, radio, and the press, to demand his death, and thus to revive hatred among people and to put pressure upon the revolutionary tribunal.

Before May 8, 1963 (and the Government is well aware of this), Maj. Dang Sy, officer of the National Army of Vietnam, has been three times honored, seven times received citations for having courageously fought the Communists and defended the country.

Since he has faithfully carried out his mission on May 8, Dang Sy has never been reproached by his immediate superiors; namely, General of Division Do-Cao-Tri, commandant of the second military region, and General of Division Le-Van-Nghiem, commandant of the first military region.

After November 1, 1963, Maj. Dang Sy was arrested, yet many witnesses who were not tortured and forced to bring false accusations against him, acknowledged that he never committed any fault in fulfilling the mission of reestablishing order (May 8, 1963).

The fact is: To judge Dang Sy is clearly an injustice. And injustice is an enemy of the revolution. Injustice can only serve and make friends with the Communists. It is unthinkable that the Government, while calling communism unlawful, could allow itself to commit an injustice which can bring benefit only to the Communists. It is also unthinkable that the Government could renounce we Catholics, who are most hostile to communism. We believe that to condemn Dang Sy is indirectly to condemn, en bloc, all the Catholics.

PLEA FOR TRUTH AND JUSTICE

Consequently, we urge you to reconsider the case according to truth and justice. Otherwise we bishops and all the Catholics would feel that we have the duty to defend, no matter at what price, truth and justice.

The bishops of Vietnam have made their position clear to the authorities before November 1, 1963. Today we do the same. If we now raise our voice it is because we intend to save the country and to rebuild it.

Please accept, Mr. Chief of State (Mr. Prime Minister, Mr. President of the military revolution committee) expression of our highest regards.

[From the Register, Apr. 5, 1964]

RED DRIVE THROUGH SCHOOLS WORRIES CHURCH: WANT POLISH YOUTHS TO BE MARXIST MEN

WARSAW.—With religion completely banned from the schools and out of the way, officials of the Communist regime in Poland are going all out in their efforts to rewrite Polish history—Communist style.

The Ministry of Culture has inaugurated a new educational program aimed at forming and educating Polish youngsters in the image of the "Soviet man." The program has created deep concern in Catholic and other Christian bodies throughout the country.

Polish children will become familiarized with such "heroes" of the Russian revolution as Felix Dzierzhynsky at the expense of such traditional national heroes as Jan Henryx Dombrowski (1775–1818), whom the Polish national anthem is named after.

(Dzierzhynsky was a Polish nobleman who became the first head of the Soviet secret police under Lenin. He won "Soviet fame" for his cruel and inhuman treatment of all antirevolutionary elements opposing the Bolsheviks.)

The Ministry's plan calls for rearranging the teaching of Polish history and language and related courses in such a way as to bring about, in the shortest possible time, a "new generation" of Poles "fully aware of the great social and other changes" brought about by the October revolution of 1917.

Under the new program, all students are to be "ideologically educated" regarding the "values" of the Communist system of government and "thus better equipped to live in a new social order."

Polish Catholic leaders were said to be discussing what means they can adopt to prevent children from being, in the words of one commentator, "utterly ruined by this new type of Communist education along Soviet lines."

Polish children in the first grade will begin learning the meaning of the "Red flag" of "our people's democracy." In the second and third grades, subjects such as the "Life and Work of Lenin," "The Brotherhood of Polish-Russian Arms," and "The Leadership of Gomulka" will be taught. (Wladyslaw Gomulka is First Secretary of the Polish Communist Party.)

In grades 6 and 7, students will be instructed in "the meaning and beneficial" role of the Polish Communist Party and its programs.

Russian will be taught along with the children's mother tongue. It will be a compulsory subject from the fifth grade on to make Polish children fully acquainted with "the life of the Russian people, their patriotism and devotion to communism" and also with "Russia's economic, cultural, and social achievements."

The "Communist Manifesto" of Marx and Engels will be a required subject in the seventh and higher grades.

[From the Register, Apr. 26, 1964]

REDS GRINDING DOWN ORTHODOXY; SHUT 5,000 CHURCHES SINCE 1962

(By Chris Hernon)

No martyrdom of blood, but "legal" pretexts and ruses to foil every effort by believers to practice their religion caused the closing of 5,000 churches since mid-1962—more than half Russia's houses of worship reported open in 1959.

Such is the condition of Orthodox Christians in the Soviet Union, according to Orthodox theology Prof. Olivier Clement writing in the journal "Reforme."

At Kiev, militia units and gangs of juveniles forced their way through the barricaded doors of St. Andrew's Church and dragged the people off, many of them to lunatic asylums. This is a favorite stratagem, the writer observes.

Probably the most serious stage in the stepped-up war on religion, the professor writes, is the dispatch in April 1962, of a secret circular to all bishops, demanding that no child be admitted to receive the Holy Eucharist.

Some churchmen sought to go along with the new rules in order to save existing institutions.

Others, including Metropolitan Nikolay of Grutitsky, protested. Second ranking prelate in Russian Orthodoxy, he had wished to be at the same time a zealous priest and an ardent Soviet patriot. But after his protest he was dismissed and died, December 1961, in a Moscow hospital in a manner not yet clarified. Three other bishops are still in jail.

A German Catholic newsletter on problems of refugees from the East, besides quoting Professor Olivier, cites P. Werenfried von Straaten's view:

"Those who assert that there has been an essential improvement in the situation of the persecuted church are either misinformed or wilfully misinforming." It is not true that Godless communism wants to make its peace with God and give His church freedom, he declares. The writer also refers to the silent bishops of the East, attending the Ecumenical Council with the Government-provided "secretaries" always at their elbows whenever they went out in public. Their silence is a crushing accusation, he says.

"They implored me to continue preaching untiringly on the sufferings of the persecuted church" he wrote, "saying that their despairing flock would never understand if we failed to shout the truth about communism from the housetops."

In New York, at Fordham University chapel, where the sacred Russian icon of Our Lady of Kazan was enshrined pending its transfer to the 1964 New York World's Fair, Catholics, Orthodox and Anglicans joined in a day-long act of veneration of the Eastern relic.

One of three Eastern Rite Jesuits who concelebrated Mass of the Byzantine liturgy in English in the chapel, Father George A. Maloney, S.J., told a press conference earlier that the day of veneration was planned as a symbol of Christian unity and a protest against the stepped-up campaign of religious persecution in the Soviet Union.

Orthodox theologian Father John Meyendorff of St. Vladimir's theologate, New York, said Soviet persecution of "all religious groups" had been increased steadily since 1959.

[From the Register, May 10, 1964]

SUDANESE GOVERNMENT HAILS CONGOLESE ATTACK ON MISSION

LEOPOLDVILLE, THE CONGO.—The Government of the Sudan, which recently expelled all Christian missionaries from its vast southern territory, has hailed as "brothers" Congolese rebels who besieged a Scandinavian Protestant mission in the east-central part of the Congo.

The Sudan Daily, Government-owned newspaper in the Sudanese capital of Khartoum, saluted the assault on the mission in Kivu by declaring:

"Our Congolese brothers * * * showed their discontent with the missions in their efforts to expel missionaries. They have discovered, as we have done before, that those missionaries are not preaching the word of God, but are missionaries of subversion and sedition."

It added: "The Congolese brothers in Kivu have exercised their right to self-rule and freedom in the most courageous and effective manner. They have shown the most forceful form of protest to the subversion of the Scandinavian mission."

[From the Denver (Colo.) Register, May 24, 1964]

HE NOTES PERSECUTION: SOVIET ANTI-SEMITISM SORROW TO POPE PAUL

WASHINGTON, D.C.—The Pope, in what is believed the first public pronouncement on the subject, has taken note of Soviet persecution of the Jews and made known his concern.

The Pope's reaction came April 14 in a 15-minute audience with Daniel Neal Heller, national commander of the Jewish War Veterans of the United States, and Abraham Kraditor, past national commander. The Jewish War Veterans revealed the incident in a release from their national headquarters here.

According to Mr. Heller, the Pope made known his disapproval of such discrimination as well as his deep feeling for, and understanding of, the predicament of the Soviet Jews. "He made it known to us," Mr. Heller said, "of his desire to promote through a spiritual call to conscience, the alleviation of their problems. 'These poor, poor people,' exclaimed the Pope, 'we must all pray very, very hard for them. I will personally pray for them.' "

The Jewish War Veterans characterized the historic meeting "as one of the most significant face-to-face meetings" involving the leaders of an American Jewish organization and a pontiff of the Catholic Church.

The new national commander, on taking office in August, had pledged to seek an audience with Pope Paul VI specifically to discuss the plight of Soviet Jews.

In recent months, reports emanating from the Soviet Union and elsewhere have talked about anti-Jewish articles appearing in Soviet journals; of the closing of many synagogues in the Soviet Union; of the failure to consecrate burial grounds and of a general campaign to end Jewish learning by depriving Jews of indispensable tools, such as books and other religious materials.

CRACKING THE WHIP—POLITICAL STYLE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the accounts of President Johnson's press conference yesterday make interesting reading. He obviously is cracking the whip over congressional leaders, particularly with respect to some 30 bills which he considers important. Like Members of Congress, Mr. Johnson realizes the Presidential conventions are imminent, and he feels attention should be given to certain "must" bills prior to adjournment.

Mr. Johnson has requested that Republicans in Congress permit votes on as many of these bills as possible. One of these bills is the so-called Powell-Landrum poverty package, H.R. 11377. This bill, Mr. Johnson declared, was delayed "time and again" in the House Committee on Education and Labor. It was finally reported by that committee, he added, by "strictly a party vote, which we regretted very much."

Mr. Speaker, has the President inquired why this was a party line vote? I wonder why he only now expresses regret that all Democrats supported this poverty package, and all Republicans opposed it? Is he implying that Republicans have delayed action in committee? Does he really feel the Democrats can justify a holier-than-thou approach with respect to this legislation?

The fact is, Mr. Speaker, that the committee gave far too little consideration to H.R. 11377, not too much. Had they wanted to, the Republicans could not have appreciably delayed the schedule established by the Democratic majority. Indeed, on numerous occasions Republicans were ruthlessly denied an adequate opportunity to question witnesses. Many witnesses were interrupted before they could even answer a specific question, and others who were scheduled were abruptly told they would have no chance to testify.

Does the President know, I wonder, that Democrats argued for 2 weeks in rump sessions over just what changes should be made in the President's recommendations, to make it palatable to them? Does he know, Mr. Speaker, that Republicans protested against this disruption of the normal committee processes, and the delay which these internal disputes made necessary?

Mr. Speaker, has the President been informed as to why this bill was reported on a partisan basis? For instance, does he know that no amendment of any significance offered by any Republican was accepted? Does he know, or care, that none of the constructive suggestions which were made by members of the minority was accepted, even though they were offered in an honest effort to strengthen carelessly written, and poorly conceived, legislation?

We Republicans on the committee have deplored the lack of interest which the Democrats showed toward our reservations, criticism, and suggestions. Hitherto, all members on that committee have often worked as reasonable men and women to develop reasonable compromises, but with respect to this poverty package there has been a continuing and deliberate effort to sabotage such efforts by Republicans.

At his press conference President Johnson also mentioned that several Republicans plan to testify on H.R. 11377 before the House Rules Committee. Very generously he declared that "we want to give them a chance to testify." How thoughtful of the President to allow Republicans this courtesy. But I wonder, Mr. Speaker, whether such a comment does not betray impatience with Republicans for necessitating still further delay in getting this bill for a vote? Does the President not realize that Democrats also want to testify? Has he not heard that a single Democratic proponent of the bill took 3 days of the Rules Committee's time in attempting to explain, and defend, its provisions? Has he not been informed that the time that single Democratic witness required was twice as long as he felt that the whole House should be allowed to debate the merits—and the obvious weaknesses—of the bill? Does he realize that Democratic proponents contend that 4 minutes would be enough for each member of the House Committee of Education and Labor to discuss this bill on the floor, with no time at all available for other members who may wish to express their views?

Obviously, the distance between the White House and Capitol Hill remains considerable, even in these days of improved communications. It is somewhat surprising, however, that one with long legislative experience himself should misread so completely what is occurring here on Capitol Hill.

COMMISSAR POSTMASTER

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, welcome a new official figure on the American scene—commissar postmaster.

Today in a statement being personally delivered by Postmaster General Gronouski at a Postmasters' Conference in Baltimore, the postmasters of this Nation are being ordered to become active all-out propagandists for so-called equal employment opportunity.

I include at this point the relevant portion of Postmaster General Gronouski's statement released today by the Post Office Department:

> In the area of recruitment the postmaster is expected to take a more active part in community affairs. As the representative, and often the principal spokesman for Government in his locale, we expect him to state clearly the policy of the Government with regard to equal employment opportunity. He is totally responsible for informing employees well in advance of examinations for establishing new appointment registers. A great part of this task is in contacting minority group organizations so that they can encourage their members to participate.
>
> Postmasters will be expected to attend conferences and make themselves available for speaking engagements at functions relating to equal employment opportunity.
>
> Get active in your community, state the policy of the Government on equal employment opportunity and its relationship to the Post Office Department, and while you are doing that you will be sowing seeds of understanding, which are basic to the solution of our Nation's problem.

The nub of this directive can be summed up in these two statements by the Postmaster General:

First. The postmaster is "often the principal spokesman for Government in his locale." I had naively supposed that that role was held by the representative in Congress.

Second. Postmasters are directed to "get active" in their communities and to "state the policies of the Government on equal employment opportunity."

I had supposed naively that the business of the postmasters was to get the mail delivered. I have assumed naively that postmasters would of course obey, enforce, and implement the law of the land in the performance of their official duties.

I suggest that the Postmaster General's directive will require postmasters to go far beyond this responsibility and to assume the role of public advocates and educators in fields totally unrelated to their official duties.

I am certain that the overwhelming majority of the postmasters of the United States have no desire to become commissars for the Postmaster General.

REPUBLICANS HIDING BEHIND "OR" ON VIETNAM

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Speaker, now, right now is the time for each major Republican candidate for President to speak out on what he proposes for Vietnam. Our country has been barraged with statements that we should "get in or get out" of Vietnam. The President's policy of trying to assist the local government to victory, maintaining the war as basically their war, has been derided as a foolish policy. How many times have we read that first this Republican candidate and then that one says, "It is time to get in or get out."

Well, now is the time for these presidential candidates to speak out as they offer themselves for the Republican nomination. Which do they recommend? Do they recommend that we get in or that we get out? The American people are entitled to know. A large segment of the American people, the Republican Party will choose one of them in the next few weeks as their standard bearer. It is therefore their duty to state their decision instead of taking the cowardly position of hiding behind that little word "or."

If they think we should get in with American troops and make the war our war in every respect, should not they have the courage to so so? If so, how many divisions do they recommend be sent and when? Or, if they feel that we should get out, would not it be better to say so now so the people would know what the choice is between the candidates?

Personally, I have always felt that an effort should be made to eliminate partisanship in international affairs, and I am sorry that the Republican candidates have injected politics into the very serious situation in Vietnam, but they have done so and have actually made it their chief campaign vehicle so far. Since they have done so and since they repeatedly say "get in or get out," the time has now come for them to say which they prefer so the American people will have a clear choice.

It is obvious from things that have been said by leaders in the administration that the policy of the present administration is to win in Vietnam but to attempt first to do it by assisting the local government rather than making the war our war. If that fails every indication is that our country will go in with American troops and make the war our war in every respect. Personally, as a Member of Congress who has been a member of the House Armed Services Committee for many years, I think that for the time being it makes sense to pursue the current policy, but the sole purpose of my speech today is to challenge the candidates for the presidential nomination in the Republican Party and ask them to cease hiding behind that little word "or" and say precisely what they mean.

INDIVIDUAL RESPONSIBILITY—THE KEYSTONE OF FREEDOM

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, tomorrow I will welcome to the Capital two youngsters from Syracuse, N.Y., who won first prizes in a teen-theme essay contest which I recently sponsored.

They are Miss Karen E. Corso and Mr. C. Michael Haskins who wrote on the subject of "Individual Responsibility—the Keystone of Freedom."

Sponsoring this contest is one of the outstanding privileges I have had in public life. I have been provided a rare insight into the thinking of our youngsters today, not only through the winning essay but from the more than 500 others submitted.

I am looking forward to showing these two youngsters around their Capitol tomorrow and I hope they will receive as much inspiration from the tour as I did from their essays.

I am inserting the two essays at this point. They speak eloquently for the writers:

MR. HASKINS' ESSAY

To me, individual responsibility means the duty of each and every one of us to accept our own responsibility for good citizenship and good government. It means that we must keep ourselves well informed on the issues of the day and those of the not too distant past, for often today's issues are only the result of yesterday's unsolved or partly solved problems. This knowledge will help us form valid, intelligent opinions, and a better understanding of the issues involved. We must, if we think it necessary, make our elected representatives aware of our opinions about important legislation. We must never adopt the attitude of "let someone else do it."

We must be very careful not to deny any of our fellow citizens, no matter what their race, creed, or color, the same rights and privileges of citizenship which we expect for ourselves. No injustice, however slight, whether or not we are directly affected, should be beneath our notice.

We should feel free to criticize our Government and our legislative processes but it must be constructive, never criticism for its own sake. We have all heard presumably loyal citizens berating their Government in a way that would bring joy to the Kremlin. Obviously, we should be law-abiding citizens for good laws are the very foundation of our society. If we do not approve of certain laws we should seek to have them changed by legal means, not by defiance.

If we personally do nothing to change things we believe are wrong, if we take no part in electing the people who represent us, if we remain indifferent about our duties as citizens and no not exercise our right to vote, we are disfranchising ourselves and forsaking the greatest opportunities American democracy can offer.

I believe it is the individual responsibility of every one of us to actively participate in local, State, and national affairs for only by doing so are we performing our full duty as American citizens. This does not mean that we should all aspire to political careers by any means; it does mean that we should, for example, attend meetings and lectures which can help us to keep well informed.

I also feel very strongly that it is our individual responsibility to form our own opinions based on clear, informed thinking. We are surrounded by columnists and commentators, many of them well informed though too often biased, who endeavor to mold our opinions. Certainly we should evaluate their views but by all means let our opinions be our own. We must learn to think for ourselves.

Freedom is our birthright but we cannot expected to simply take it for granted without putting forth our best efforts to retain it. Millions have given their lives in the fight for freedom. The least we can do is to dedicate ourselves to preserving what they have won. That, I think, is our greatest individual responsibility. Let's not shirk it.

MISS CORSO'S ESSAY

Individual responsibility is the cornerstone of liberty and the keystone of our Nation's freedom. Responsibility is accepted by an individual in varying degrees—depending on his attitude. Accepting responsibility is the badge of leadership.

Our present society demands education and knowledge that must start early in life. Initiative is rewarded. In school, the pupil learns independent thinking and self-determination. He talks responsibility; he thinks responsibility. He does not really know responsibility—but he feels it.

Responsibility is loyalty to people, church, and State. It is an attitude. It is a respect for your neighbor's rights—and it is self-respect. It is an awe of the power of God. It is studying and putting forth one's best efforts. Responsibility is a willingness to work.

Responsibility is the urge to accomplish and to reach an objective. It is accepting challenge. It defines morality and doing what is right. It is setting example by your deeds. Responsibility whets the imagination.

Responsibility is a fierce defense of liberty and freedom. It is pride in heritage and in our history. Responsibility is simply but eloquently expressed by Lincoln that "this Nation under God shall have a new birth of freedom and that government of the people, by the people and for the people shall not perish from the earth."

Preparation for responsibility must be stepped up to strengthen our youth on a person-by-person basis. Instead of a lot of headshaking, our parents and educators need to take stock of themselves. They need responsibility of their own to instill inspiration and responsibility in this Nation's children. Theirs is a profound responsibility.

Let us share a variety of viewpoints and strive with impatience to improve ourselves.

Let us restore God to his rightful place in the constitution of our great Nation.

Let us abolish suspicion, discrimination and intolerance; let us build character in person and in Nation. Let this be our responsibility.

America has been blessed with abundance and generosity to share. In the barren troubled world in which man lives, our country stands out as an oasis—and a symbol.

America was spawned in a desire for freedom and the right of self-government. Americans are born as freemen with a free will. Our leaders are chosen to accept responsibilities and make our Nation's decisions. This defines a free government. Let us always preserve it and may God always bless our land.

The young people of today will be measured as the men of tomorrow. The roots of our Nation run deeply imbedded in liberty and we have defended it with all of our energy. Youth must be responsible for the destiny of our Nation in a complex tomorrow. Our new citizens will go on trial—the eyes of the world will be the jury—and history will record the verdict.

ONLY HALF OF IMPORTED HARVEST CREW AT WORK

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TALCOTT. Mr. Speaker, I am trying to keep my colleagues and the American consumer, taxpayer, and tax user informed about the problem of obtaining adequate farm labor to harvest crops which supply the food we eat.

To replace the bracero program, farmers, and labor organizations are desperately trying every suggestion proposed.

Someone suggested to the California farmers that they go to the Deep South to recruit farm labor. The Garin Co., a large grower, did just this. After 30 days, the Salinas Californian newspaper made the following objective report in the May 29, 1964, issue:

> Half of the crew of Mississippi Negroes imported a month ago by the Garin Co. to harvest Salinas Valley lettuce isn't on the job any more.
>
> Of the 46 men recruited by the company in the Mississippi delta towns of Meridian, Natchez, Jackson, and Hazelhurst, just 22 went to work this morning.
>
> There are now not enough Mississippians with the company to form an efficient lettuce harvesting crew. Those remaining were integrated Monday with two bracero crews—of the sort they and other American domestic workers are supposed to replace after December 31, when the Mexican national program expires.
>
> ### WHAT HAPPENED?
>
> What happened to the members of the experimental crew who gave up the labor of lettuce harvesting?
>
> Garin Co. records show this: One man was sent back, sick, to Mississippi; four reportedly got homesick and returned to Mississippi of their own volition, and four were fired because they didn't work much. No one knows just exactly what's become of the remaining 14, although some of them are said to have found other jobs in the Salinas area that either pay more than $1.05 an hour, or are easier, or both.
>
> Aggregate man-hours of work available from the Mississippians from April 28 through May 21 was 6,721. Man-hours absent total was 1,097. Nevertheless, John P. McCarthy, of the Garin Co., who helped recruit the experimental crew, says "we haven't given up on it yet."
>
> McCarthy told the Californian that "the fellows remaining on the crew seem to be working very well" and that "competition between them and the braceros" has stepped up their productiveness. Besides, the bracero crews are experienced and working on a piece rate, which brings the individual worker substantially more than $1.05 an hour. (The all-Negro crew "made" the piece rate—and earnings over and above the hourly guarantee—just once on the basis of its production.)
>
> Three of the Mississippians—Roosevelt Howard and William Smith, of Natchez, and James Skinner, of Jackson—haven't missed an hour of work. A fourth man who was in the perfect attendance category, Charlie Smith, of Meridian, quit work this morning.
>
> McCarthy says that "we were under the impression that all of the men were experienced field hands" when they were recruited. This didn't happen to be the case. But most of the 22 men remaining are bona fide agricultural workers.
>
> Since the Mississippians were integrated with the two bracero crews, there have been very few absences from work among them, McCarthy says. He believes that they may have shaken down into a stable work force. But the company—while it is considering worker recruitment from Texas—isn't rushing back to Mississippi for more men. "We'll take a long, close look at the situation before we decide to recruit (there) any more," McCarthy says.
>
> Absenteeism among the Mississippi crew began on May 5 and reached a high point on May 21, when just 11 men reported for work.
>
> ### NOT CUTTING, PACKING
>
> Garin field foreman Joe Brooks said this morning that the Mississippians are being used as carton spray and pad men, wind rowers and loaders in the fields. The cutting and packing of lettuce is generally being done by braceros, of which the company now has 271 out of a total work force of 325.
>
> The Garin Co. screened some 159 workers in Mississippi before selecting the 46 men it bussed to California at a cost of $2,874.40. A bonus arrangement between the company and the new men is that each one of the workers who stays on the job for 3 months will get a free bus trip back home. The company is deducting $5 a week from the checks of the men to reimburse it for transportation costs. A charge of $1.75 a day is assessed each man for room and board at the company's McFadden road camp, where the Mississippians are housed with 103 braceros.
>
> McCarthy conceded that the experimental crew members have been averaging less than $50 a week take-home pay thus far. But with the Valley's heavy lettuce harvesting now getting underway, he says that they'll be earning more than $50 a week.

Mr. Speaker, the $50 is a net figure—after deducting $5 per week for return transportation and $1.75 per day for board and room.

> When the Mississippians first arrived at the labor camp, the Garin Co. was laying out special southern meals for them. Recently, however, the new men started getting the same food as the braceros. McCarthy says that they have balked at substituting tortillas for bread; so they're going to get bread from now on.

FAILURE OF GARIN FARM LABOR RECRUITMENT EXPERIMENT

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The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TALCOTT. Mr. Speaker, yesterday I reported for the benefit of my colleagues, who are concerned about the harvesting of fresh fruit and vegetable crops, about the Garin Co. experiment in recruiting farm labor from faraway Mississippi.

A full report of the experiment cannot be given yet. The experiment is not concluded. A few of the workers which were recruited at great cost, careful planning and wide cooperation are still working. Most quit shortly after arrival in California. None could perform the stoop labor well. The company lost heavily. The State of California will be required to increase its welfare payments. Some union men will lose their jobs. The dislocated workers are disillusioned and disappointed. Crops will spoil in the fields.

A spokesman for the Council of California Growers had the following to say to the Salinas Californian newspaper on May 29, 1964:

> The questionable success of the Garin Co.'s experiment with imported field labor raises some disturbing questions.
>
> The dwindling of Garin's crew of Mississippians by more than half in just a month at work in the Salinas Valley is symptomatic of "a potentially dangerous situation," Tom Ellick, of the council, said.
>
> ### MAKES PEOPLE THINK
>
> "This should at least make people think about the problems involved should agriculture find it necessary to go out of the State on a massive recruiting program to pockets of poverty," Ellick said in a telephone interview.
>
> The Council of California Growers is the public relations arm of California agriculture.
>
> Speaking of the Garin crew, Ellick said that "here are underprivileged people who have been thoroughly screened by the prospective employer and by representatives of the Federal Government and the agencies of two States. They signed up voluntarily to do farm labor under specific wages and specific conditions in a specified work agreement. Yet, after they had been in the Salinas Valley a matter of just 2 weeks, they began to follow what is now an almost historic migration from farm work to other types of work."
>
> ### WELFARE PROBLEMS
>
> Ellick said that the rapid movement of workers from rural work to job seeking in urban areas has historically meant skyrocketing welfare costs. "It seems to us that some real serious thought should be given to what's going to happen if agriculture has to recruit on a large scale out of the State."
>
> Ellick said that the swift movement of the Mississippians out of California's farm labor market raises the question: "How many American workers will it take to replace the jobs now held by some 60,000 braceros at the peak of the harvest season?" He said he believes that it may take "three, four, five times as many people—and they won't go back where they came from, either."
>
> ### FACTS OF LIFE
>
> "The facts of life," Ellick said, "do not substantiate the contention of the AFL–CIO that California has enough willing, unemployed workers to do the job for agriculture. * * * It's about time the State administration and the department of employment and other powers that be found out what it would take to get the unemployed back on the rolls—and what wages they'd work at.
>
> "Agriculture has to know, and it has to know damn soon," he said. "We need some straight answers."

Mr. Speaker, no opponents of the bracero program has had anything to say about this experiment which failed.

GUANTANAMO NAVAL BASE: GUARDIAN OF PANAMA CANAL APPROACHES

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARSHA. Mr. Speaker, in many statements in the Congress concerning the problems of the Caribbean, especially those by my distinguished and scholarly colleague, the gentleman from Pennsylvania [Mr. FLOOD], the importance of the U.S. naval base at Guantanamo to the security of the Western Hemisphere has been repeatedly emphasized.

Dramatized by the decision of Red Cuba to stop the fresh water supply to this naval base from its source on the Yateras River outside the limits of the base, Guantanamo has become increasingly recognized for its roles in both war and peace. In war, this strategically located base, on the northern flank of the Atlantic approaches to the Panama Canal, can control shipping routes; in peace, its commodious protected anchorage in Guantanamo Bay close to deep water and its favorable climate make it the best fleet training facility south of the Chesapeake area.

It was, therefore, gratifying to read in the May 1964 newsletter of the Chief of Information, Department of the Navy, an authoritative summary of approved naval policies concerning the maintenance and operation of the naval base at Guantanamo.

In order that the Nation and the Congress may be more widely informed, I quote the indicated Navy Informational Policy Summary—NIPS-6—and commend it for study by all concerned with problems of hemispheric defense:

[Chinfo Newsletter, May 1964]

NAVY INFORMATIONAL POLICY—SUMMARIES

GUANTANAMO NAVAL BASE

The U.S. naval base at Guantanamo is very important to the security of the United States and the Western Hemisphere. The continuing policy of the United States is to retain the base indefinitely in accordance with the provisions of the treaty of 1934. The most recent confirmation of this longstanding policy was in a Pentagon news briefing by the Secretary of Defense on March 5, 1964. Prior to that, the Secretary of State had said, "The basic fact is that we are in Guantanamo and will remain there for the foreseeable future." These policy statements followed the Castro regime's decision to shut off Guantanamo's fresh water supply on February 6, 1964, and U.S. Navy's subsequent determination to provide its own source of fresh water, which is now the fact and will remain so.

Background

Guantanamo, the United States oldest oversea naval base, was acquired through a lease agreement with Cuba in 1903. The 1903 agreement was subsequently confirmed by a treaty of relations in 1934. In 1959, the Castro regime stated, "All international commitments and agreements in force will be fulfilled."

Guantanamo is a bulwark in the base complex of the United States. It includes an excellent harbor, docking and ship repair facilities, and two airfields including one field for jet aircraft with necessary shops and hangars. The base includes a total of 1,400 buildings and represents a total investment of approximately $76 million.

Wartime role

Guantanamo's wartime role is the support of combatant naval forces, operating in the Atlantic, and defending the Caribbean sea areas. Strategically, the base provides a link in the island chain stretching from Key West to Trinidad. From this base, the southern approaches to the United States can be controlled; this includes the Windward Passage on Cuba's eastern tip; the Straits of Florida between Puerto Rico and Cuba; and the Anegada Passage near Puerto Rico and the Virgin Islands. All these passages are focal points of shipping and can be controlled from Guantanamo. The base is also essential to the defense of the Panama Canal. Its most important wartime role would be its support of antisubmarine forces in the Caribbean and the Atlantic, thereby contributing to the safety of free world shipping. Forces based in Guantanamo can also respond promptly to contingencies and lend assistance when natural disasters occur in the area.

Peacetime role

Guantanamo's peacetime role is its support of essential fleet operational training. The advantages of Guantanamo as a fleet training base are many. The harbor is deep, large, and well protected from the weather. The anchorages are only a few hundred yards from deep and open water, which eliminates wasted time steaming to and from the operating areas. The excellent weather permits maximum use of available training time, even during the winter season. Targets for air weapons training are within sight of the airfield, again eliminating time to and from the training area. The aerial gunnery range is the only one available to the Atlantic Fleet which is unhampered by commercial air traffic.

Guantanamo has been used since 1904 to provide "shakedown" and refresher training for Atlantic Fleet air units and ships of all classes. Guantanamo-based fleet training group instructors, who are experts in their specialties, conduct what amounts to an intensive period of on-the-job training whereby the green crews of newly commissioned or overhauled ships are brought up to acceptable fleet standards. Guantanamo makes it possible to expedite training, thus freeing the maximum number of ships and squadrons to meet the U.S. Navy's farflung commitments of the Atlantic Fleet. It is by far the Navy's best facility for refresher and underway training.

No adequate alternatives

Guantanamo offers the best harbor-base complex south of Chesapeake Bay. It could provide anchorage to a major portion of Atlantic Fleet's combatant tonnage. San Juan, P.R., is comparatively small. Roosevelt Roads is protected by a breakwater. Guantanamo remains an important element of hemisphere security.

DALLAS: ITS ASSETS

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALGER. Mr. Speaker, there are still those misguided and malicious persons who continue to depreciate the great city of Dallas and its people. There are those who, for political reasons and some for baser reasons continue to spread falsehoods and slander against my community.

Dallas, in the greatness of its heart, can live with the libel. We regret the evil intent behind some of the attacks, but we continue to move ahead in the best American tradition, building our community, making a better place for all our people to live, and contributing what inspiration and effort we can to a stronger, healthier, happier, more prosperous America.

To all our critics, as well as those who are friends of Dallas, we invite you to come to see us, share with us our faith in the American system, join with us in our constant endeavor to preserve this great Nation and the freedom it guarantees to all men.

As a part of these remarks I would like to include a speech about Dallas delivered by Mr. James M. Collins at Southern Methodist University in Dallas on April 28, 1964.

Mr. Collins, I am proud to say, is one of the fine people of Dallas whom I have the honor and the privilege to represent in Congress. He is president of Fidelity Union Life Insurance Co. and an outstanding civic leader. He is typical of the unselfish, forward-looking kind of individual Dallas produces.

I commend your attention to Mr. Collins' appraisal of Dallas, its aspirations, its goals, its achievements:

DALLAS IS A GOOD BUY IN TODAY'S MARKET

(A speech at Southern Methodist University on April 28, 1964, by James M. Collins, president of Fidelity Union Life Insurance Co.)

As a result of Dallas greatest tragedy, the death of our beloved President Kennedy, our city has been analyzed, criticized, and vilified.

This all began after the greatest welcome that any man had ever received in the history of Dallas. He was assassinated by a stranger of our city, a man living under an assumed name, who had been here only 30 days. He was a Communist-Marxist who had lived in Russia for 3 years. But Oswald chose Dallas as the place for his infamous crime.

Since that dark day, many newspapers and magazines have written about Dallas. To reflect their attitude, let us cite specific examples:

In a recent issue of the NATO Letter, Prof. H. Wentworth Eldredge referred to Dallas and Texas as "a semicivilized part of America * * * with its lunatic fringe of hatemongers."

Look summed up the estimate of Dallas with a quotation from an unnamed cab driver, "Dallas used to be a nice town, but now its got to where everybody's scared of everybody else or hates everybody."

Those of us who have lived in the city all of our lives have been shocked at the charges of hate.

Who is it that we hate? We do not hate the Negroes. The president of the northern Negro Baptists visited Dallas just a few weeks prior to the President's trip. He stated that Dallas had done more than any other large city in the country to help the progress and development of Negroes and that Dallas should be used as a model by other cities.

As for other minority groups, consider our Jewish citizens, who make up only 3 percent of the population. Among this 3 percent are many of our hardest working and most dedicated civic leaders. It is noteworthy that in 4 of the past 9 years Dallas has chosen a Jew as its outstanding citizen—Stanley Marcus (merchant), Fred Florence (banker), Jerome Crossman (oil), and Julius Schepps (wholesale liquor distributor). Many of the most loyal and enthusiastic builders of Dallas are our Jewish friends.

Dallas is located on a flat piece of land. Its dismal picture was summed up by Life magazine: "Dallas had no natural resources and has none today. No precious metals, no sulfur, no natural gas, or oil lie beneath or near the city. The summer's heat is almost beyond enduring. The black-land prairie, once good for growing wheat or cotton, is now exhausted. And this dry land blows up such prodigious duststorms that one might as well comb his hair with a plow."

Dallas is a city with nothing but manpower, and a philosophy of self-reliance. Life quoted an editorial from the Dallas News which was said to reflect the Dallas point of view: "When our forefathers stepped on the west bank of the Mississippi and headed west to carve an empire, did they look back over their shoulders to the National Government for welfare and help? No, with an ax and a Bible and a wife, the pioneer did it himself."

Dallas started as a log cabin near a small river, about 100 years ago. There was a need to ford the river and this was a good spot. As the community grew the settlers saw that they needed more than a river ford, so they made arrangements for the East-West railroad to build its tracks through the village. With one railroad the citizens went to work and secured a crossing North-South railroad and Dallas became a crossroads town.

The railroads needed freight, and since buffalo skins were a big freight item, the people went to work and made Dallas the destination of buffalo traders from the West. Dallas actually became the buffalo hide center of the world.

When the buffaloes were killed off and cattle took their place on the prairie, the city changed quickly to cutting leather—the making of saddles, bridles, and harnesses—and the new local industry became a tremendous factor in the national market for horse-and-buggy goods.

When Henry Ford and mechanized farm equipment swept the country, Dallas went through another transition; finance and cotton trading. Cotton was brought and sold for the world market, and the city became the cotton-trading center of the world. In 1932, Washington established fixed minimum prices on cotton which eliminated a large amount of the trading.

Again Dallas moved with the changing times and actively entered the oil business by inducing oil producers in Arkansas, Oklahoma, Louisiana, and east Texas to come to Dallas to make their deals, arrange their financing and centralize their offices here.

In recent years world oil production has necessitated changes within the industry and Dallas has expanded to other industries and moved further into electronics, finance and insurance.

Dallas has been criticized for its so-called oligarchy but this is Dallas' greatest strength—instead of one leader, we have hundreds. Leadership and management is any organization's greatest asset. As one business leader said: "There is no good business, just good management."

The other day I heard a stockbroker evaluate stocks. He analyzed the location of the plants, growth tendencies in the industry, price earnings ratio. But, he said the important factor about a company is that it has good management, that it has good leadership. This is true of a church, or a school, or of a business. Good leadership is your greatest asset.

With our abundance of dynamic leaders, Dallas has one of the most diversified economies in the United States. We have the finest market merchandising facilities in the Nation. Dallas is much in demand as a convention center. Dallas is third in the Nation in number and importance of its fire and life insurance companies.

The city's varied interests are reflected in a rough breakdown of the payrolls:

Dallas payroll	*Percent*
Manufacturing	25
Wholesale	13
Retail	13
Services	12
Education and government	10
Finances and insurance	8
Construction	7
Transportation (64 carriers)	6
Communications and utilities	3
Oil and gas	3

Let us look at the personality of Dallas. It is a friendly city that offers much and receives even more from its citizens.

1. Friendliness is Dallas' natural manner. My friend Chuck Conklin, of Alcoa, said that when he moved to Dallas the thing that impressed him was the interest of his neighbors and the welcome he received in becoming a part of the city.

We do not have as many millionaires as New York, Boston, Philadelphia, and Houston; but the difference is that in Dallas we call them by their first names.

2. Sound value is basic in Dallas. The cost of living is less in Dallas than any major metropolitan city in the country according to the Bureau of Labor Statistics figures, and "FHA homes—1960," shows that when you buy a home you get a better value per dollar in Dallas than anywhere in the United States.

3. Spiritually either "spirit of pride" or "religious spirit"—Dallas has it. It is the home of the four largest churches in the world of their denomination: Baptist, Methodist, Presbyterian, and Church of Christ. From pride, we are proud of our heritage and the future we are trying to make for our children.

4. Beauty stems from pride. Even on a quick visit to Dallas the visitor is pleased with the beauty of the new skyscrapers, the homes, the elegance of private gardens and above all, the beauty and charm of our ladies. Dallas women are frequently referred to as the best dressed women in the world.

5. Broadmindedness is a firm attribute of the city. Dallas has been described many times as a town of nondrinking, abstaining people. But last year we chose for our outstanding citizen Julius Schepps, who is a liquor distributor.

6. Solid middle class gives stability to Dallas. We have a prosperous middle class; people enjoy living in our community. Census figures show Dallas has more homes with air conditioners and television sets per capita than elsewhere in the United States. But probably the best yardstick of prosperity is the two-car family. Dallas has more two-car families per capita than anywhere in the world. We have three times as many as San Francisco and four times as many as Boston.

7. Education means progress for Dallas. It has been said that businessmen set the pattern for Dallas. If this is correct, then education has top priority in our community: one-third of the directors in the chamber of commerce are assigned to the seven active committees concerned with education.

Last week we were all proud to note that, among the top students in high schools, Dallas stood 5th in the Nation in merit scholars, whereas we are only 13th in population. Three years ago the leading scholars at both West Point and Annapolis were graduates of a Dallas high school.

In Dallas, over half of the teachers have master's degrees. Under our accelerated educational program, Dallas now has over 1,000 students in advanced courses.

Our schools excel and have kept up with the growth of Dallas. We have built more schools and more classrooms than any city in the country—103 new buildings and 68 refurbished. We have also been adding neighborhood libraries and physical education facilities for a broader educational program.

8. Cooperation is the key in Dallas, where everyone works together. Many cities are reluctant to submit a bond issue and do it only every 10 years, hoping that they can squeeze by. In Dallas, city improvements are moving rapidly all of the time; and since World War II we have had a bond issue every 2 or 3 years. Just last month a bond issue on civic improvements came and we favored it 5 to 1.

9. Good local government reflects the integrity of the Dallas people. I recall so well a statement made by a vice president of General Electric who said, "The true reflection of a community is to see the character of elected public officials." For the last 30 years we have looked to honest and capable business leaders from throughout the city to enter city politics and serve on the Dallas City Council. Partisan party politics is put aside where the city is involved. Of the last four mayors, two have been presidents of large downtown banks, one a past president of the Texas Manufacturers Association and the present mayor is chairman of the board of Dallas' largest industry.

In Dallas, where we have built so many schools, so many expressways, and since the war have put $514 million into public improvements for the expanding city, we have the least taxes per capita of any city in the country. We have no city income tax, no sales tax, and an ad valorem tax that is fairly evaluated. Here are some typical figures: Dallas, $675; Boston, $1,139; New York, $1,092; and Cleveland, $1,175.

10. Opportunities present a thrill to every citizen of Dallas. As I ride up and down the streets of Dallas, I see place after place where people started from scratch and developed a tremendous operation. One typical example is the Haggar Co. Here was a fine man of strong character. He first came to Dallas as a pants salesman—an immigrant from Lebanon. He sold and he saved and then started manufacturing for himself. Now J. M. Haggar is the largest slacks manufacturer in the world.

11. Brains provide Dallas with a stimulating environment. The largest business in Dallas is a reflection of the type of city that we have. Texas Instruments is a business that is built on brains—new ideas and vision. Texas Instruments cannot stand still. When they build a new piece of machinery, they anticipate that it will be obsolete in 9 months. New ideas and new machinery are continually moving this industry forward.

This is Dallas where our greatest asset is the people—people full of love who believe in God and themselves. People who are not afraid of hard work, who are self-reliant, and who cherish freedom for themselves and for their children.

THE RINGING OF BELLS: A FAVORED WAY OF OBSERVING THE FOURTH OF JULY

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. DWYER. Mr. Speaker, on June 26 a year ago, the House gave final approval to a concurrent resolution prescribing the ringing of bells throughout the country at 2 p.m., eastern daylight time, as an appropriate way of observing the anniversary of the signing of the Declaration of Independence on the Fourth of July.

With this great national holiday rapidly approaching, it seems fitting to recall our action of a year ago and to encourage public officials and the American people to continue and broaden the deeply meaningful practice of ringing the bells as a means of commemorating the signing of the Declaration of Independence.

As the sponsor of a similar resolution, I regretted that only a few days remained last year between congressional approval of the resolution and the Fourth of July, which limited the extent to which a coordinated program for ringing the bells could be arranged. We can do much better this year if officials at all levels of government will increase their efforts to make the observance truly national.

When it was signed and proclaimed to the world of 1776, the Declaration of Independence was a revolutionary document in every sense of the word. It marked the birth of a new nation as a free and independent state. As such, it ended 150 years of colonial status and alien rule by the most powerful empire of the time.

It was a bold and courageous act by people who understood fully the implications of what they were doing. The freedom and independence to which they pledged themselves was a condition of life they believed was the rightful heritage of all people, and for which they were prepared to sacrifice the ultimate—their own lives and fortunes. Their declaration was not an empty or reckless gesture, as the years of bloody warfare which followed confirmed.

They were right; they were determinded; and they were successful.

But in celebrating their courage and vision—to which we have become the fortunate heirs—it is not enough simply to look to the past in the sense of completed history. The Declaration of Independence has always been a uniquely living document, phrased in language that seems permanently contemporary, and possessed of the power to inspire people everywhere to the pursuit of personal liberty and national independence.

We here—in this time and place—can do no less. Indeed, it is our task to help make of the Declaration the truly revolutionary statement it has always been, to help make its enduring principles come fully alive again in our own day. It has never been more important than it is today for all Americans to understand what freedom means, to appreciate the blessings that freedom has brought us, to face together the dangers which freedom confronts, and to accept the obligations which freedom imposes upon all of us.

The framers of the Declaration of Independence understood that freedom is not a tangible commodity which—once possessed—remains secure. They knew not only that freedom can be lost but that, like a living organism, unless freedom continues to grow and expand it is in danger of death.

It belongs to every person and to each generation to keep freedom alive and growing—in the human spirit, in our institutions, and in the law of the land. Even in our own country—proud as we rightfully are of the extent to which freedom has thrived among us—freedom is still our unfinished business. We have only to glance about us to see how far we, the oldest continuing democracy on earth, have fallen short of realizing the full promise of freedom for all our people. And beyond our borders, the situation is even more challenging.

It would be foolish to imply that the ringing of bells might somehow galvanize us all into doing what needs to be done to extend the scope and perfect the quality of our freedom. But if it accomplishes nothing more than to bring to our minds—if only for a moment—the significance of our commitment to freedom and to provide a gentle reminder of how our country was born and what it represents, then it will be greatly worthwhile.

Traditionally, the ringing of bells has signified several different things—both of a civic and a religious nature—all of them compatible with our particular purpose. The sound of bells has summoned the faithful to worship, called the citizens of a community to a town meeting, hailed a great victory, alerted the people to danger, announced the passage of time, and indicated a moment for silent prayer or reflection.

Bells have rung out joyfully and tolled mournfully, but it is as a summons and an alert that I think of the ringing of bells on the Fourth of July—a summons to our responsibilities as free citizens, an alert to the dangers and opportunities that lie ahead of us as we move along the open highways and twisting trails of the free way of life.

No one can predict with any assurance what consequences might flow as a result of a simultaneous, nationwide ringing of the bells on the Fourth of July. As the practice grows and deepens into the national consciousness, however, perhaps we can hope it might lead to a national act of reflection upon and rededication to the ideals of freedom—and give life to the spirit of the day throughout the year.

SOVIET RULE IN ESTONIA, LATVIA, AND LITHUANIA

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr LIPSCOMB] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, when the army of the Soviet Union invaded the peaceful Baltic States in June 1940, it brought with it the most deplorable practices ever enforced by one people on another. Among many other things, the Communists began deporting from Estonia, Latvia, and Lithuania anyone who might be a leader of opposition to Communist rule. Later they extended deportations to practically anyone who resided there. This was a very large number of people because the Baltic States had never evidenced the slightest conviction in the teachings of Marx and Lenin.

These deportations continued throughout 1940 and 1941. The first few months 100,000 people were either executed or sent to remote parts of Asiatic Russia. As if this were not horrible enough, when the Nazi Army invaded the Baltic, the Soviet conquerors redoubled their efforts. They had long since run out of reasonably important victims and they increasingly persecuted completely humble and innocent people, who had spent their days tilling their soil, or shaping their products, bothering no one, threatening no one. By June 1941, the true intent of the Soviet invasion and deportations became clear—it was to completely eliminate three entire nations and seize the wealth of three peoples for the benefit of the Soviet Union.

With an eye toward the future when the invading Germans might be thrown back, the Russians planned a special effort for June 14, 15, and 16, 1941. They intended to break forever the will and ability of the Baltic States to resist communism. Therefore, during the night of June 13–14, they began surrounding whole villages and large areas of cities and seizing everyone they found sleeping in the houses. Their operation was diabolically thorough. Men, women, and children were rushed out to waiting trains without time to gather more than a very few personal belongings. Families were separated and sent to different destinations.

The fate of many of the nearly 100,000 Baltic people seized during the horrible days of June 1941 by the Communists is unknown. Some of them perished in railroad cars. Some were worked to death in Siberia. Others have been scattered all over the Soviet Union and forced to adopt the ways of their Russian conquerors. But the fate of the wealth of their many years of hard work is well known. It was given to Russian citizens, who now live in extraordinary numbers throughout the Baltic States. There is no doubt that the Communists hope by this means eventually to destroy completely the independent identity and culture of the Baltic nations.

We make special mention today of the Baltic deportations of June 1941 to urge the Soviet Union to do everything in its power to make restitution to innocent people, and at the same time to remind the world of the consequences of communism.

With confidence that the future holds increased happiness and peace for the long-suffering people of Estonia, Latvia, and Lithuania, we send to them our encouragement and words of praise today for their bravery in the face of intolerable agony, and for their continued struggle for independence.

GOVERNMENT SPENDING

Mr. HARVEY of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HARVEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, I include in the RECORD two articles on "Government Spending," written by Maurice Stans, former Director of the Bureau of the Budget:

GOVERNMENT SPENDING—I

(A clear and penetrating analysis of Government spending and the national budget, from the broad business viewpoint, is presented by a former Director of the Bureau of the Budget, from a speech to the National Industrial Conference Board.)

(By Maurice Stans)

A year ago, in 1963, the American public was in an aroused hue and cry for large cuts in the Federal budget. Hundreds of thousands of letters descended on Washington. Congress set to work to curb what it considered to be an extravagant program of spending, and by the time it finished its work the requested appropriations for fiscal 1964 had been reduced from $107.9 billion to less than $100 billion.

This year, in 1964, the American public gives the impression that it couldn't care less about what happens to the budget. No mail on the subject reaches Congress. The best efforts of a few informed and determined budget cutters in that body will barely add up to sustainable reductions of $2 billion, if that, in the appropriations for fiscal 1965.

What has happened in 1 year to change the attitude of the Nation so measurably? More importantly, what does the change signify, and what does it portend for the years ahead? Is Federal spending no longer a matter about which we should be concerned? Where are we now and where are we headed?

These are the questions to which I address myself today. I propose to analyze the Federal budgetary situation in the light of the enactment of tax reduction, the change in the Presidency, the 1965 budget and its implications, and the probabilities ahead. I hope that what I have to say will offer a reading on the Government's fiscal prospects that will induce businessmen and the public to come to grips again with the spending issue.

If we are tempted to find simple answers to the questions I have posed, we can start with the two that on the surface seem most probable:

1. The American public, now that it has its tax cut, is just plain disinterested for a time in whether the Government runs a surplus or a deficit.

2. President Johnson has submitted a 1965 budget that he describes as austere, prudent, and frugal, as calling for a reduction in expenditures and in the deficit, and as carrying us a giant step toward a balanced budget.

Putting both of these answers together, we are led to the natural conclusion that the public is thoroughly happy with the idea of an economy-minded President taking over all concern about budgetary policy and undertaking the job of making ends meet in the Government.

But there are pitfalls in this course and here are some of them:

1. A President of the United States, however firm his intentions may be, cannot single-handedly control the public purse. He needs all-out help in any campaign of fiscal discipline for the Nation. The demands of the bureaucrats and the special interests always exceed the country's resources, and their pressures for spending are relentless.

2. Attaining an eventual balance of revenues and expenditures is in fact much more difficult than is implied by the outward appearances of the 1965 budget now before the Congress. This is true because of the composition of the present budget items, because of the inbuilt future growth in certain Federal programs, because of the fact that the full impact of recent and present new proposals is not yet evident, and because of the strength of the forces for spending in the Nation, now highly stimulated by the immense growth of Federal programs in recent years.

In other words, the problems of high and increasing spending and dangerous budget deficits are as much with us this year as last, and will be as much with us in the future, regardless of who is President. National fiscal policy happens to be one of the most highly debatable and fluctuating elements in the functioning of a democracy. It will continue to be so as long as the people consider their National Government to be an impersonal entity able to create unlimited funds to satisfy their desires, not recognizing that only they themselves can provide the wealth that the Government dispenses.

It is well that we recognize that there is no easy solution to budgetary problems, no convenient end to fiscal difficulties, and that those who are sophisticated enough to understand this subject must keep informed, alert and active. It is timely, in other words, that we reconsider here the inconstant attitude of business toward Government spending.

Frugality, austerity, and economy are terms of comparison, so to evaluate where the 1965 budget stands in this respect we ought to see how it relates to earlier points in time. In other words, to put everything in perspective, we need to look back a bit—to 1960, let us say. You may remember 1960 for a long while. It was the last time the budget of the United States ended in balance. Expenditures of the Government in that year were $76.5 billion. Now, just a few years later, we are right at the $100 billion mark.

Shortly before January 20, 1961, the last day of the Eisenhower administration, I submitted to the President the first long-range projections of Federal spending ever compiled. These make a good base for another comparison with the present budget. They were compiled on three levels, for the 10 years from 1960 to 1970. The first was an economy minded and frugal, but wholly possible, level of Federal spending, somewhat more restrained in its trend of growth than in the previous decade. The second was a high, obviously lavish level, which undertook to meet widespread public demands for more spending. The third was a medium level, which was considered to be reasonably progressive and most likely under local and international conditions like those of 1960.

Without going into the arithmetic in detail, I will merely report that the economical level for 1970 ($83.9 billion) was passed in 1962, the medium level for 1970 ($97.4 billion) was exceeded by 1964, and the high level for 1970 ($122.6 billion) is right on the present trend line. In other words, in the 4 years since 1960, spending has been growing at the highest rate objectively conceivable at that time.

To measure our current position and the forces behind it, as the President must deal with them, we could well go over an earlier course of history, reviewing the progression of how we got where we are. In 1930 the entire cost of Government, including interest on the debt, public welfare, and national security, was only $3 billion. By 1940 it was $9 billion. By 1950 it had grown to $43 billion. By 1960 it was $94 billion. It is now right on target for $150 to $160 billion by 1970.

What can the President do to slow down this forceful progression, which has moved at a rate which exceeds the growth in population, the gains in gross national product, or any other valid scale?

Before we find fault with the 1965 budget, there are some things we should say in its behalf. Without doubt it is considerably lower than the total of the desires of the Government agencies, and almost certainly it is somewhat lower than the one which President Kennedy had planned to submit for 1965. But how does it appear in other respects? Here are some simplified statistics:

1. The 1965 budget calls for $22.9 billion more in program authorizations than President Eisenhower suggested in his last budget for 1962, just 3 years earlier.

2. The 1965 budget asks for $103.8 billion in authority to spend, which is $5.5 billion more than Congress was willing to vote last year for 1964. (Even after supplemental appropriations likely to be passed this year for 1964, it is $4 billion higher.)

3. The budgeted expenditures for 1965 are $97.9 billion, but this is after deducting $2.3 billion in sales of Government-owned loans and mortgages and over $80 million of bookkeeping transfers or credits, including some from improbable new legislation. Actual planned spending for the year, before such deductions, is about $2 billion higher than the truly comparable figure for 1964.

4. It contains some obviously understated appropriations requirements. For example, while the price support program may last out the year on the appropriations requested, because of past authorizations, the normal annual cost of present farm programs is at least $1.5 billion above the amount of appropriations asked for in 1964.

5. There are some apparent underestimates in expenditures, especially in farm programs. Considering also the fact that the estimates of revenues are on the optimistic side, it is likely that the planned reduction in the deficit, from $10 billion to $5 billion, may well fail of accomplishment by a considerable margin.

6. The budget shows a wholly desirable reduction of 1,200 (later increased to 1,900) in Government civilian employment in 1965, but this is after an indicated increase of 22,000 in fiscal 1964 (later decreased to 15,000), and an increase of 156,000 since 1960.

7. It is said to contain vigorous pruning of old programs, when in fact three appropriations are increased (by $1 million or more) for every one so decreased.

8. The budget contains almost $6 billion of built-in expansion, including about $3 billion in proposed enlargements in scope of old programs or to initiate wholly new programs that are sure to grow in coming years. Of all these figures, the requested authority to spend is most significant as a portent of the future. The budgeted appropriations of $104.3 billion, if increased to reflect annual program requirements of farm price supports, rural electrification, urban renewal, and other items not included this year at normal levels, becomes approximately $107 billion. This is the base for future appropriations and expenditures and makes doubtful any expectation of subsequent budgets much below this amount. Add to this a carryover of $95 billion in unspent but largely committed appropriations of earlier years and you can see, for example, how difficult it will be to hold actual spending below $100 billion hereafter.

This conclusion is compounded by the large amount this year dedicated to beginning new programs. These factors measure the real significance of the 1965 budget, looking ahead, and point up the magnitude of the President's task in holding future budgets at anywhere near the present level.

GOVERNMENT SPENDING—II

(By Maurice Stans)

Only because the national compulsion toward higher spending is so strong can the 1965 budget be termed austere or frugal or economical, as it clearly is in relation to more pleasing alternatives. It is from these positions that the President must take off, and with these figures that he must contend, if the country is to achieve a balanced budget at any time in the next decade.

Assuming that Congress approves the 1965 budget in substantially its present terms, and enacts a large part of the new programs, where do we go from here?

It is wholly unrealistic to believe that the level of Federal spending will ever be significantly reduced. Even an ultimate disarmament is likely to be so gradual that its savings will probably be eaten up by new Government activities and the growing costs of carrying on present ones. The first budgetary fact of life that a President learns is that going programs (like veterans benefits, public assistance, retirement pay, and many others), without any increases in their scope, have a normal built-in growth of close to $3 billion a year. Therefore, to hold total spending at a fixed point from one year to the next would require reductions of $3 billion elsewhere and an almost total refusal to entertain new programs or to expand old ones. Yet when revenues are somewhere between $5 and $10 billion behind expenditures, the only way equilibrium can be attained in a reasonable time is for expenditures to be kept from growing very significantly. (A 4-percent annual increase in gross national product would normally produce roughly a $4 billion increase in Government revenues, but this amount of gain is probably not attainable for fiscal 1966 because of the offsetting effect of the second step of tax reduction. There is talk of more tax cuts in a year or so.

The most desirable course, considering all this, would for the President to propose, and the public to insist, that Government spending be held below $100 billion until revenues catch up. It is possible that this could produce a balanced budget for 1967. This is a very difficult goal, considering where we are now. It can be attained, but only if a number of factors work out favorably.

1. The economy must carry on at a 4- to 5-percent annual growth rate. Any recession could defer a balanced budget for many more years.

2. Reductions in some Government programs must be imposed. There are good sizable candidates in the farm program (where reductions are politically almost impossible); in the expensive space program (where expenditures can be stretched out and made more effective if the ill-advised goal of a "man on the Moon by 1970" is extended); in the production of atomic weapons (attainable if military target and warhead requirements are suitably re-evaluated); and in defense costs, especially manpower and maintenance of conventional forces (of which President Eisenhower has been an outspoken critic) and overseas defense commitments, including the large number of troops in Europe (which President Eisenhower has many times questioned). By these steps a good start could be made toward the 25-percent reduction in defense expenditures which former Defense Undersecretary Roswell Gilpatrick says may be achieved over a period of time, and American industry would not suffer because most of the reductions would be in operating and overhead costs, and the rest would be very gradual. There are many other opportunities for lesser reductions throughout the budget, of which rural electrification and agricultural conservation are good examples.

3. The President must find a way to stop the normal upward bureaucratic "creep" in other agency activities. There are many programs not related to population growth, to timetables, or to any specific measure of need, that year after year move slowly upward in response to self-generated opportunities in the Government offices. These programs could be stabilized by the President and the Congress until the budget is in balance, at which time new evaluations could be made and new priorities fixed. Among the programs which could, without harm to welfare or national security, be frozen at present levels are soil conservation, construction of public buildings, geological survey, watershed protection, coast and geodetic survey, Corps of Engineers construction, sport fisheries, Bureau of Reclamation construction, foreign agricultural service, and medical research. These are merely illustrations. There are many others.

4. And again, new programs must be withheld until the budget is able to absorb them without strain; and necessary additions to old programs must be financed by reprogramming down some of their present scope.

In other words, the problems of the President in achieving a fiscal balance are imposing and monumental in the light of recent trends and countervailing present forces. Only the utmost determination in Washington and support at home can retard the trend of credit-card spending of the last 30 years.

There are some things that businessmen ought to be willing to do to help achieve the objective of restraint in Government finances. I pose them to you in the conviction that, without strong and emphatic demand from the general public for sound budgetary procedures and practices, the Nation will go merrily along on its deficit-ridden way until it finds itself in a predicament of debt and inflexibility which will sap the national vitality and leave us too weakened to deal with internal and external emergencies.

Here are things each of us can do:

1. Study and understand the annual budgets in more detail, so we are not unduly influenced by published totals which, unfortunately, do not reveal much of the meaningful facts about Government finances. Only by comparison of individual appropriations and categories are the trends clearly evident.

2. Support measures for economy wherever indicated, even though they may mean some temporary disadvantage for our community or our industry. The President and the Congress need to know, year in and year out, that we want sound fiscal policy.

3. Oppose the proliferation and growth of Federal programs not justified by a strict test of necessity for the Nation's security or welfare. Desirability is not adequate justification for Government spending.

4. Support proposals which would give taxpayers a greater direct voice on Federal spending. One such proposal now in Congress is for a Presidential advisory commission on Federal expenditures (which, however, in its present form calls for too many members from the ranks of Government).

5. Urge and support proposals to improve congressional review of fiscal matters. One of these especially worthy would provide a joint congressional committee on the budget, with staffing for majority and minority parties, to provide research on budgetary policy and trends, preliminary to annual appropriation actions. Such a committee could insist on more long-range studies like that which we released in 1961, and more consideration to the long-range consequences of budgetary actions.

You will note, I am sure, that nowhere in this analysis do I say a word about foreign aid. There is no need for me to belittle it; it has few friends. The honest danger is, believe it or not, that under present conditions and attitudes, it may be cut too low for the Nation's good. If you wonder why I make a point of saying this, I hope you will conclude that at least it establishes this whole analysis as being unbiased and objective.

GEN. PAUL D. HARKINS DECORATED

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. MURPHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, at 11:30 a.m. this morning President Johnson decorated Gen. Paul D. Harkins with the second Oak Leaf Cluster to the Distinguished Service Medal, which is the Nation's highest award for meritorious service and which is awarded only to those soldiers who serve in a position of great responsibility. The country is indeed fortunate to have had General Harkins on active duty in the Regular U.S. Army for the past 35 years. General Harkins was born in Massachusetts. His distinguished career includes service as deputy chief of staff of Task Force NATO in 1942 and 1943; deputy chief of staff, 7th U.S. Army in 1943 and 1944; deputy chief of staff to General Patton's 3d Army throughout the campaigns across France and Germany. He was the inspirational commandant of the cadet corps at West Point from 1948 to 1951, and then commanded the 24th and 24th Infantry Divisions in Korea and also served as chief of staff of the 8th U.S. Army in Korea. In 1960 he was deputy commander and chief of staff for Headquarters, USAR Pacific, until his assignment in 1962 as commander of the U.S. Military Assistance Command in Vietnam and Thailand.

I had the privilege of serving with General Harkins for 4 years and there is no man whom I respect more, as a soldier and as a man. I would like to include the remarks of President Johnson as he presented the Distinguished Service Medal to General Harkins, and I would also like to include herein the response by General Harkins:

The PRESIDENT. General Harkins, Mrs. Harkins, Secretaries Rusk and McNamara, ladies and gentlemen, and distinguished guests, few duties of the Presidency are so gratifying as an occasion such as this when we come here to say on behalf of a grateful Nation, "Well done" to a good and faithful servant.

Since this Republic was born 188 years ago, our success has come in very large measure from the willingness of individual Americans to serve the cause of us all whereever duty might call, whatever sacrifice duty might command. General Harkins has at every post and in every way personified this tradition. He has exemplified this great ideal. He has served his country faithfully and well in a long and distinguished career. As staff officer, as senior commander in Europe, in the Far East, he has always been outstanding.

It is a measure of the man and testimony to his valor that General Harkins has received the Distinguished Service Medal twice previously for his achievements during World War II and in Korea.

If medals could be awarded to the wives of officers and men in our services, certainly Mrs. Harkins could deserve high honors today herself. For the past 82 months, while the general has held three extremely sensitive commands in Europe and the Pacific and Vietnam, Mrs. Harkins, as she is today, has been continuously at her husband's side.

Here at the White House earlier this week it was my privilege to present the Distinguished Service Citation to four outstanding civilian career servants who are in the Federal service. I emphasized then that many of our old stereotypes about public employees are obsolete. I said that we must have and we are receiving a new quality of excellence from those who serve the people in civil service positions today.

I think much the same thing may be said, and should be said, about the career, professional military man who serves the cause of freedom in the uniform of the United States today. The old stereotypes do not fit the new generation of American military men. Our democratic society has produced a new breed of commanders. They are men who are devoted to that society's values as well as to that society's survival. Their concern for our preparedness does not eclipse their concern for the world's peace. We and the free world owe to them a debt of deep respect, not only for their professional service, but for their service as citizens of a free civilian society as well.

General Harkins will retire from the service on the 1st of August. I have asked Secretary McNamara, who has such great and unlimited confidence in this great soldier, to have the general remain in the Washington area so that we may benefit from his broad knowledge of and his experience in the various theaters of the world, and particularly southeast Asia.

So, General Harkins, on behalf of the Nation, I am very proud and quite privileged to present to you today the Second Oak Leaf Cluster for your Distinguished Service Medal. I congratulate you. I thank you. I wish you and Mrs. Harkins well for your long and faithful service to freedom around the world. You have earned the best that can come to anyone.

(The citation was read by Secretary McNamara.)

The PRESIDENT. General Harkins' friends are here and I know he will want to visit with them and say hello to them. If you care to, you may proceed.

General HARKINS. Mr. President, Secretary McNamara, Secretary Rusk, distinguished guests, I am greatly honored and deeply moved for this ceremony this morning, and I deeply appreciate also your coming over here to be a member of this occasion. I know how busy you all are, but I certainly appreciate it.

I accept this honor with deep humility, and I will wear the Distinguished Service Medal not for what I have done in Vietnam, but for what the many thousands of Americans, wonderful people, have done there up to today. They have made a tremendous contribution to the effort in southeast Asia. And particularly for those who have given the supreme sacrifice I will wear this.

There is another group that I would like to wear it for, and they are as deserving as myself; it is what I call my "first team," my chief of staff, Dick Weede, is a marine; General Timmes, my Army commander; Rollen Anthus, my Air Force commander; and Captain Drachnik, of the Navy, my Navy commander. They are all here today, and to the "first team" I appreciate all of the work and the very fine work you did.

Mr. President, I want to thank you, the Members of both Houses of Congress, the members of the services, the Joint Chiefs of Staff, and last, but not least, Mr. McNamara and the Department of Defense, for all of the support that I have had while I have been in Vietnam.

I don't think any commander any place, at any time, ever got as full support as I have, and it has made my job so easy out in Vietnam. As you know, I have always been an optimist. I guess I was born one, and I continue to be an optimist about Vietnam. There will be times when things look dull, but that is not for the weak. When I left Vietnam, I was very encouraged from the reports I received, and from going around the country and the reports I received from the various advisers throughout the land, very, very encouraged.

As you know, running a complicated war such as is going on in Vietnam now, with a good, strong government, is very, very difficult to do. Without an effective government, it is almost impossible. Up to just recently we haven't had an effective government for, say, the last 9 months. So when you are not in command, and you are trying to go to see somebody to tell them what to do or give them some advice, you can't find them and if you do find somebody, they are not the right people. It is very, very difficult. I think now that General Khanh and his government, which has been in power for 4 months, is beginning to take hold, the programs that we have helped them devise are beginning to show little lights here and there. I won't say everything is fine. It isn't. But at least we have a good base, the Government is on the initiative, and I think they have the determination and the will, and all we need is time and patience.

I am reminded of our own revolution. It took 8 years to get through our revolution, and then we ran into some of the toughest guerrillas that we ever want to run into any place—the American Indians. We started what we call in Vietnam today an oil spot moving across the country. The last Indian war was 1892, over 100 years after we started our Revolution. There is a social revolution going on now in Vietnam. They are not at the stage to say "We the people," but when they do get to that stage, then things will be fine.

Again, I thank you very, very much for this occasion, and I wish the new group that is going out there all of the best of luck and I am sure you will find a wonderful setup in the American forces.

Thank you very much, Mr. President.

NAACP'S 55TH ANNUAL CONVENTION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. NIX] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. NIX. Mr. Speaker, under permission granted, I insert in the CONGRESSIONAL RECORD the following remarks taking notice of and directing the attention of my colleages in both Houses to the 55th Annual Convention of the National Association for the Advancement of Colored People. During this entire week, the officers, delegates, and friends of this magnificent organization will be reflecting upon recent events and planning ahead for the long struggle for full compliance and equal opportunity under law.

Mr. Speaker, it is very significant that this meeting immediately follows passage in the U.S. Senate of the first comprehensive Civil Rights Act since 1875. That this event and the eventual final enactment of the law are landmarks in the history of the Nation will be duly noted by the NAACP convention speakers and delegates. It is fitting, then, that this great association meets in Washington, the seat of the Nation's Government, at such a propitious moment.

The lengthy and bitter fight to obtain equality under law for all Americans has indeed reached a critical stage. In the forefront of that campaign over the last 55 years, the NAACP has been the undisputed leader among all organizations, past and present, which have made significant contributions to the movement.

Mr. Speaker, when the all-Negro Niagara movement merged with the racially mixed group of conscientious and freedom-loving Americans in New York, in 1909, the NAACP was born. Since that time, the association has been a model of Negro-white cooperation in the fields of civil rights and race relations. Thus, the NAACP has demonstrated clearly to the Nation and the world, what can be accomplished when American citizens of every race, from every locale, and with varied socio-economic backgrounds combine their resources and concentrate on the most vital unfinished business of the American Republic—the movement to obtain equal status and treatment under law for every American, regardless of race, color, creed, or national origin.

In the area of legal action the NAACP has no peers. Its record of cases won in the courts of the land, and especially before the U.S. Supreme Court, is a signal tribute to the justice of its cause and the ability of its legal staff. On the local scene, its 1,762 branches, youth and college chapters in 49 States are ever vigilant and highly effective in resolving civil rights problems, often without the intervention of the national office. These are local people working on local problems within a local context. The fact that their activity results in restructuring local race relations is indicative of the great neglect and severe injustices which have too long existed in too many communities. They cannot be praised too highly.

Mr. Speaker, there is no such thing as a "typical year" in the history of the association. Every year stands out as a year of progress marked with varying degrees of disappointment and occasioned by some stark tragedies. However, in no year has the association been content to rest upon its past accomplishments; but rather it has kept flailing away toward the destruction of racial discrimination and segregation wherever it existed and in whatever form it reared its ugly head. The NAACP has always been truly in the vanguard of the movement for equal rights.

Certainly among its notable accomplishments has been its almost singlehanded fight against legal murder in the form of lynching—a fight which has seen the incidence of lynching disappear and, with it, the destruction of the main weapon in the "rule of fear" tactics of segregationist bigots. But death is still a consequence of vigorous civil rights activity and violence is a constant companion of or threat to every civil rights worker. Vivid demonstrations of this were seen in the tragic deaths of NAACP Field Secretaries Harry Moore, of Florida, in 1951, and more recently, Medgar Evers, of Mississippi. These acts of criminal violence vividly underscore the need for strong and continuous protection of the rights of Negroes to life, liberty, and equality.

Other organizations make important contributions to the movement for equal rights, too. However, their existence and successes in no wise constitute challenges to the leadership which so consistently and vigorously has been provided by the NAACP. In fact, these organizations are not only compatible with and complimentary to the NAACP, but they are also largely dependent upon the association which furnishes the bulk of the successful legal action that turns victories won in the streets and public squares into permanent and progressive developments in American constitutional law.

While legal action is not by any means the only activity the NAACP undertakes, it is certainly one of the most important in terms of the numbers and the significance of the cases. One need only recall the invalidation of the White Primary, in *Smith* v. *Allwright* (1944); the bar to court enforcement of racial restrictive covenants, in *Shelly* v. *Kraemer* (1948); and the voiding of public school segregation by race, in *Brown* v. *Topeka* (1954–55).

During the past year alone, the legal action affiliate of the NAACP, the legal defense and education fund, defended 10,487 persons arrested in peaceful demonstrations against racial discrimination; represented Negro Americans in 30 cases presented to the U.S. Supreme Court for review; maintained a staff of 12 attorneys in New York supplemented by 102 lawyers in various southern communities; and fought 168 separate groups of legal actions in 15 States. Within the limits of its budget and the trends in constitutional law, the NAACP refuses no case and enlarges each year its contribution to the equal rights movement and the growth of our living constitution. Thus, the LDEF and the NAACP have forged and fashioned the law by presenting to and winning before the Supreme Court virtually all of the major cases involving racial equality.

Therefore, Mr. Speaker, I encourage all of my colleagues in both Houses of Congress to salute at this time the following: First, NAACP executive secretary Roy Wilkins, this year's recipient of the coveted Spingarn Medal, awarded annually by the NAACP; second, national president for 24 years, Arthur B. Spingarn, successor to his brother, Joel, who was president for 20 years; third, chairman of the board of directors, Bishop Stephen G. Spottswood; fourth, Washington bureau director, Clarence Mitchell, who is certainly no stranger to Capitol Hill and for whom I know you have the highest regard and respect; fifth, legal counsels, Robert Carter and Jack Greenberg, successors to Thurgood Marshall and, like him, titans of the legal profession; sixth, Gloster B. Current, director of branches; seventh, Henry Lee Moon, director of publicity, and James Ivy, editor, the Crisis, official organ of the NAACP; and eighth, the more than 500,000 rank-and-file members of the association who really are the NAACP at the local level.

It is fitting, too, that we salute, in memorium, Moorfield Story, first president of the NAACP; Dr. W. E. B. DuBois, as founder the Niagara movement and the NAACP; Mary White Ovington, a founder and long-time officeholder; Charles Houston, first full-time legal counsel and architect of the legal assault on racial segregation; Walter White, illustrious, flamboyant former executive secretary; and James Weldon Johnson, poet, composer, statesman, educator, and former executive secretary.

Because of its dedication to freedom and equality; because of its unmatched contribution to the civil rights revolution; because of its consistent and outstanding leadership; because of its vivid demonstration of the fruits of Negro-white cooperation; and because its cause and its position are right, I call upon all of the Members of Congress to hail the National Association for the Advancement of Colored People.

Mr. Speaker, last night, NAACP executive secretary Roy Wilkins became the 49th recipient of the coveted Spingarn Medal, the association's highest tribute for achievement in furthering the movement for racial equality. On Monday night, Mr. Wilkins delivered a brilliant keynote address at the first general session of this year's NAACP convention. I now include the text of that speech in the CONGRESSIONAL RECORD:

KEYNOTE ADDRESS BY ROY WILKINS, EXECUTIVE SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, BEFORE ITS 55TH ANNUAL CONVENTION, WASHINGTON, D.C., JUNE 22, 1964

We gather here in the Capital of our country in the 55th annual convention of our association in a truly historic moment for our constituency, for our Nation, and for our trouble-torn world.

One year ago we had taken from us our courageous and inspiring Mississippi leader, Medgar W. Evers. The man who took his life in a cruelly futile effort to stop the movement of history contributed instead to the surge of last Friday. Medgar truly gave his life for his people.

Ten years ago the segregation and the cheating of our children in the public school system was struck down as unconstitutional. The resistance to that ruling and the open defiance of it, including the shameless persecution of the youngsters who sought their rights, contributed to the moment of history on June 19, 1964.

Seven months ago today on November 22, 1963, our President was assassinated in a region where hatred had been practiced so long and so respectably on Negro citizens and on their aspirations that its transference to even a President of the United States was easy. The civil rights haters did not kill John Fitzgerald Kennedy, but they created a climate which was not hostile to a killing over a difference in policy.

The anger and anguish they stirred helped to write into the history books, exactly 1 year after President Kennedy's civil rights message, the step he felt necessary for the Nation—his beloved Nation—to take. One sentence in his memorable message haunts us with its all-American truth: "I ask you," he said, "to look into your hearts, not in search of charity—for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans: a sense of justice."

So it came about that only 72 hours ago, almost to this very hour, the United States of America took another giant step forward toward the attainment of the ideals set forth by the founders when the Senate passed the long-debated civil rights bill by a vote of 73 to 27.

Our country has fought over and won the long battles for freedom of the press, for freedom of religion, for the rights of labor, including child labor, for the rights of women, for due process of law, and for a dozen lesser, but important vindications of the rights of man. On June 19, 1964, by action of the Senate upon a bill previously passed by the House, our country reaffirmed its dedication to human rights without distinction as to the race and color of the humans.

This was another in the succession of soul searchings, heart wringings, conscience wrestlings, and political maneuverings that has marked America's struggle with the problem of bringing the descendants of former slaves, people of another color, under the Western democratic concepts of citizenship equality and individual freedom protected by law. Not, mind you, by custom or happenstance or caprice or local option, but by law.

This is the basic message of what will shortly become the Civil Rights Act of 1964. The legislation addresses itself to specific discriminations in voting, public accommodations, employment, public education, and the use of Federal funds. It provides ways in which such grievances may be redressed, all based upon the responsibility of the Federal Government to act to protect individual rights against abridgment or denial by the States.

These specifics are helpful, will be invoked and, despite dire predictions from foes of the bill and skeptical observations from some civil rights advocates, will benefit the Negro sufferers. But the principal value, the value above all others, is the recognition finally—by the Congress of the United States that the Negro is a constitutional citizen. Nor is this a value accruing to the Negro alone. Every white American shares it. Every conscience, whether boldly or secretly or in a sort of blustering reluctance, is proud today of our country and its citizens.

Many hands and minds and hearts brought victory. Since last July 2, a formidable group of national Negro, labor, church, Jewish, civic, fraternal, and women's organizations has been at work under the banner of the leadership conference on civil rights of which your secretary has been chairman for many years. Funds were contributed by the organizations themselves.

Organized labor gave generously in money, skilled staff personnel, and in office space. The work of the church groups was magnificent, so much so that the churches were honored by Senator RICHARD RUSSELL, of Georgia, leader of the opposition, by being denounced in unrestrained terms. Our NAACP held a legislative conference last August with 650 delegates from 36 States meeting here to press for the bill. Weekly meetings of Washington legislative agents have been held since September which means that in both the House and Senate every man and every development was covered on a daily basis.

The man in charge of this day-in, day-out, week-in, week-out, month-in, month-out operation was one who deserves your very special thanks and acclaim, our own Clarence Mitchell.

Men in both parties deserve thanks. In the House, 138 Republicans joined 152 Democrats to make the total of 290 for the bill; in the Senate, 27 out of 33 Republicans voted for cloture with 44 Democrats to make that precedent-shattering vote of 71 to 29. On final passage 27 Republicans along with 46 Democrats made history in a 73-to-27 vote.

A rollcall would take too long, but the leaders in the House were Representatives CARL ALBERT and EMANUEL CELLER, Democrats; and Representatives CHARLES HALLECK and WILLIAM MCCULLOCH, Republicans. In the Senate Majority Leader MIKE MANSFIELD and Republican Minority Leader EVERETT MCKINLEY DIRKSEN, along with the floor managers, Senators HUBERT HUMPHREY and THOMAS KUCHEL shepherded the bill through.

Senator DIRKSEN was the key man in the Senate engagement whose speech just before the cloture vote on the debt America owes the Negro citizens who fought for democracy in two World Wars was a classic.

The White House, as everyone knows, was not passive or neutral or secretive in its attitude and this plain position, needless to say, had its effect on the Hill. President Johnson gave no opportunity to congressional leaders to complain that they did not know where the President stood.

As there are at every such leap forward, we have today those who, whether they intend it or not, deprecate the accomplishment by announcing what the civil rights bill will not do, whom it will not benefit. They seem to relegate it to the background by announcing, before it becomes law, what they intend to do the minute it becomes law. These critical observers seem to be disconcerted at the emergence of a law as their ally in the struggle for human rights.

If the new law-to-be is as limited and ineffectual as they imply, one wonders why its proposal aroused every incipient Fascist in the Nation, why a Mississippi-financed lobby spent more than $300,000 to defeat it, why the extreme leftists, including the Communists, sneered at it, why the official reaction in Moscow is that it will not be enforced, why a major political party is split wide open on the issue, and why Gov. George C. Wallace, of the State made famous by dogs, firehoses, guns, clubs, and the bomb murders of little girls, is using the bill as hate-campaign material?

The NAACP welcomes the law as an ally in the onward struggle. No sane person contends that the bill solves all problems, but we intend to use it, to urge our people to use it and to employ every legitimate means to secure its enforcement. We learned in 1946 that a bill on one phase would not do. We learned in 1957 that only a part of a voting bill could be enacted and in 1960 we got that upgraded. Now, in 1963–64 we got a bill with 10 titles, the most comprehensive ever drawn. We worked hard for its enactment and we don't intend to damn it with faint praise, with "buts" and "ifs" and "we'll see." We will not only use our own resources, but we join the late President Kennedy and President Johnson in the call for action by Government, industry, and private agencies to secure compliance.

We were occupied in the year since our last convention with other activities besides the major project of the civil rights bill. We participated in the March on Washington last August, even though by reading a certain magazine of a Chicago publishing firm one would never guess that the NAACP was within 1,000 miles of the March. Your NAACP put in staff personnel and about $14,000 in cash. It also put up a deposit of about $20,000 to guarantee the loudspeaker systems. The March was a miracle of cooperation between organizations, including three major faiths, a miracle of skilled organization and promotion and a miracle of dedication on the part of the 210,000 white and Negro participants. It made history with its clear call for human dignity, a call that rang around the world and even in the minds and hearts of the members of the opposition.

Our association was occupied also with achieving the greatest membership in its history, 534,710, at the very time the analysts and civil rights commentators were reciting its obituary in the face of the advent of the "new militants." I see by today's papers that one of the segments of one of the new militants has a membership of 110 in a city containing roughly 450,000 to 500,000 Negro residents, certainly an arresting indication of the community endorsement of that unit.

The NAACP had 75 branches in 1963 of 1,000 members or more with Chicago at the top with 33,708 members. Eight branches had 10,000 or more members and among the States New York led all others with 50,000 members.

The branches, large and small, sent $807,500 in membership fees and freedom fund money to the national office, not counting $169,700 in subscriptions to the Crisis magazine. This makes a rough total of $977,200 from the branches alone. If we add in $21,000 from members-at-large, we have just short of $1 million from within our own organization. I have given this detail not only to make you proud of your national record, but to try once more to strike down that persistent falsehood that the NAACP is supported financially by white people and says and does only what its white donors tell it to say.

We welcome support from all liberty-loving people. We draw no color line in our membership or in our accounting department. But in the NAACP the members pay the way of the association. Friends and well-wishers help (and we need more of their help) but our own membership is the backbone of the strength of the NAACP.

We were busy during the year on every phase of the civil rights program in not one single city, but across the Nation. In Tacoma it was housing; in Cleveland, employment; in Oxnard, Calif., schools; in Boston, a school boycott; in Oklahoma and Kansas City, public accommodation laws; in Mississippi, school desegregation lawsuits; in North Carolina and Florida, restaurant discrimination; in Elizabeth and New Brunswick, N.J., a tutoring program for shaky students; in Gary, Ind., a voter campaign behind a candidate for coroner; in Philadelphia and New York City, jobs in the construction industry. All across the country, jim crow, in whatever form he raised his head, was opposed by flexible NAACP activity, adapted to the problem, to the locality and to the resources available.

We won a major battle in the continuing struggle in Prince Edward County, Va., when the courts ordered the county to reestablish a public school system.

We won another battle for our association and for freedom of speech and association when the Supreme Court ruled that Alabama, the only State that excludes the NAACP, must permit us to organize and function there. We expect to get our reorganization drive underway before the summer is gone and we intend for this convention next year in Denver to welcome home the delegates from our Alabama branches.

We propose this year to press our entire program at an accelerated pace. The work of the civil rights movement is done through many methods, some spectacular and some not so dramatic. It must go on. We intend to keep pushing along the whole front, not afraid of a new idea or a new method, but not afraid to toss out the ideas that are more exotic than they are useful. We will draw much of the energy for this from our very fine NAACP youth councils and college chapters who form the largest organized youth group in the civil rights movement—nearly 80,000 strong.

We will aim at strengthening our allies in the majority population, since a numerical minority must have allies if it is to succeed. We will not sacrifice one goal or one principle in seeking friends, but we will try to expand a policy of true militant responsibility as against reckless adventurism.

We intend to use the ballot on a wider scale. At present, in addition to our southern voter-registration campaign, we have organized voter-registration efforts in 300 northern and western cities. We are getting ready for whatever develops in this election year. Already we have pledged ourselves to support those Congressmen and Senators who voted for the civil rights bill. We will do this.

We shall try, insofar as is within our power, to give the special case of Senator GOLDWATER special attention. While looking at him we must look at his backers. In his speech June 18 explaining why he would vote "no" on the civil right bill, Senator GOLDWATER said:

"I believe * * * some law can help, but not law that embodies features like these * * * which require for their effective execution the creation of a police state."

The bulletin of the John Birch Society for February 8, 1964, asserts:

"The Civil Rights Act of 1963, if enacted, will be the first major legal step in establishing a brutal totalitarian police state over the American people."

Who was following whom?

The new reapportionments within the States will lend assistance to the civil rights cause by giving the white and Negro urban voter the strength to which they are entitled.

To carry on the campaign we will seek more funds and in this quest we will be aided by the new NAACP special contribution fund, which enjoys tax deductibility.

Our legal work in the NAACP itself, our voter-registration work, our community education programs and selected other parts of our activity can be generously aided by those who must have deductibility for income tax purposes. The Internal Revenue Service recently approved the new fund enabling us to expand the nonlobbying parts of our program.

We welcome and will aid the President's antipoverty program. Our people desperately need education, vocational and other. We need a far-reaching youth program. We need retraining for our adults. We need all manner of guidance and assistance in both the cities and rural areas.

We need the lifting of racial barriers in employment if the Nation is not to create a permanently unemployed class composed predominantly of our people. To help avoid this the NAACP has given a new priority and a new urgency to its efforts in behalf of Negro workers. The hiring practices of the giant General Motors Corp. and the exclusionist policies of some of the mighty building trades unions have both come under attack in the weeks immediately preceding this convention.

Finally, we wish to push our cause by expanding efforts within our own group to build the strengths necessary for achievement in a nonsegregated society. We must seek excellence, old-fashioned excellence, that scorns the getting by philosophy. We must not be afraid to raise and to demand adherence to the standards by which many of us and many of our fathers grew up in the world: truth, honesty, morality, justice, and regard for law and order.

The vast bulk of our people does not condone crime. But we resent deeply the attempts to tie every crime of violence to the civil rights movement. We resent the implication that our leaders should be responsible for the acts of every purse snatcher, or drug addict, or murderer. We are a population of 20 million people. That number anywhere on earth has its share of criminals and eccentrics. We condemn criminality. We will join in any legitimate effort to get at the root causes of it.

We urge our people not to hide behind race prejudice as an excuse for the inexcusable. But we do not intend that the great and just surge for decency and dignity shall be smeared by indicting 20 million people for the sins of the few.

We have fine people to give to America to add to those already given in generations past. The mother of Wilma Rudolph carried her child to a foot clinic 50 miles away every week for 2 years so that later, when the chance came, Wilma could win gold medals for her country in the Olympic games. Leontyne Price, the golden-voiced Metropolitan Opera star, came from Laurel, Miss. Willie Mays did not believe what they told him in Birmingham and went on to where he is today—the highest salaried player in baseball.

The University of Texas has engaged a Negro professor of civil engineering to its faculty. Out in California a 72-year-old Negro handyman won his high school diploma after he had sent 10 children through college.

These and millions like them are the people America cannot afford to throw away in a program of senseless racial restrictions. We need them and the new South needs them. These are the people the civil rights bill would multiply. These are the people in whose behalf the National Association for the Advancement of Colored People is privileged to fight. These are the people who, while solving the race problem, could well save Western democratic society itself.

BILL TO INCREASE SOCIAL SECURITY BENEFITS BY 6 PERCENT

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, the bill I am introducing today would provide for a 6-percent increase in social security benefits for all present and future beneficiaries. An across-the-board 6-percent benefit increase is one of the most urgently needed improvements in the social security program at this time; it will have a significant impact both for the nearly 20 million social security beneficiaries who will get an immediate increase in their monthly checks, and for our economy as a whole. It is estimated that, if my bill were in effect, an additional $1 billion would be paid out in cash social security benefits in 1965.

The last general increase in social security benefits was enacted in 1958 and became effective in 1959. Since 1959, the cost of living has gone up more than 5 percent and earnings have gone up over 20 percent. Active workers have shared to some extent in the fruits of increased production through wage increases so that, even though prices have risen, they are generally better off as a result of the expansion in the economy. Retired people getting social security benefits, on the other hand, have experienced the full weight of the increase in prices since 1959, when the last general increase in social security benefits became effective, without any compensating increase in their income. Those who must live solely on their benefits—and about half have no other significant income they can count on—find it extremely difficult to absorb even a small increase in prices. For those already on the social security benefit rolls this 6-percent benefit increase will make up for the increase in the cost of living since 1959; it will restore the purchasing power of the social security benefit dollar. Today, social security retirement benefits for people who start to draw them at age 65 range in amount from $40 to $127 a month; under my bill they would range from $42.40 up to $134.70 a month. The average retirement benefit for a retired worker in June 1963 was $73—under my bill it would be increased to $77.40; the average benefit for a retired couple—about $129 in June 1963—would go up to $135.80 a month.

In introducing this bill to increase benefits by 6 percent, I am deeply concerned with the importance of keeping benefits up to date for people coming on the benefit rolls in the future. I am also vitally aware of the need for an increase in social security benefits at this time from the standpoint of our economy as a whole. The 6-percent benefit increase will make a significant contribution toward strengthening our economy and keeping it moving firmly ahead.

The money paid out in social security benefits under my bill would move quickly into circulation and would provide an important stimulus to our economy. It would provide purchasing power and create increased consumer demand not only among social security beneficiaries but throughout our population. Younger workers—people with their own growing families to support—would be to some extent relieved of the financial burden that they might otherwise have of helping also to support their aged parents. To the extent that social security benefits are increased so that they will more nearly meet the needs of our aged people and enable them to live in comfort and independence, the economic well-being of all groups in our population will be substantially improved. In this regard, the 6-percent social security benefit increase that my bill provides would have a significant impact on the poverty problem in the United States. The aged—particularly those who are retired—are among the poorest groups in our population today. Social security benefits are the chief source of support for the retired aged and a 6-percent increase in these benefits is an important step in the effort to reduce and alleviate poverty. It would provide a necessary adjustment in the social security program as well as a substantial improvement in the economic situation of the aged.

These improvements in social security benefit amounts are important in themselves; they are particularly significant when considered in connection with H.R. 10936, which I introduced in April. H.R. 10936 would increase from $1,200 to $2,000 the annual amount that a social security beneficiary can earn and still get all his social security benefits. As I pointed out in my statement introducing H.R. 10936, many people getting social security benefits are healthy and able bodied and should not be prevented from remaining active in the economic life of the Nation by the unrealistic limit of $1,200 on outside earnings. The $800 increase in the amount a person can earn and still get all his benefits will encourage those beneficiaries who are able and want to earn more to do so. At the same time the 6-percent benefit increase will provide higher benefits for those who cannot work and earn substantial amounts. Beneficiaries will have a more realistic choice and a greater freedom to work or not work, according to their abilities and desires. In either case, the Nation will benefit by the more effective participation of beneficiaries in our economic life—by their increased contribution to production or by their increased social security checks.

I ask every Member of the House to join me in supporting this legislation.

NATIONAL SAFE BOATING WEEK

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. CHAMBERLAIN] is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, with National Safe Boating Week again approaching I welcome this opportunity to present this progress report on recreational boating safety.

First of all, I should like to announce that in accordance with Public Law 85–445 which I sponsored in the 85th Congress, the President of the United States on February 12 of this year issued the following proclamation:

> Whereas recreational boating has become a leading outdoor activity for millions of Americans who enjoy this healthful and relaxing use of leisure time; and
>
> Whereas education of the boating public in safe practices contributes to the enjoyment of the sport and reduces the likelihood of accidents; and
>
> Whereas continuing cooperation between organizations and individuals interested in boating is necessary to insure safe boating throughout the year; and
>
> Whereas the Congress of the United States, in recognizing the need for emphasis on boating safety, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boat Week: Now, therefore,
>
> I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning June 28, 1964, as National Safe Boating Week.
>
> In furtherance of the objectives of this proclamation, I strongly urge that all individuals, boating organizations, the boating industry, and Government agencies, both State and Federal, dedicated to safer recreational boating, publicize and observe National Safe Boating Week, and extend their effort throughout the year.
>
> I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in the observance of this week in order to draw nationwide attention to the importance of safety in recreational boating.
>
> In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.
>
> Done at the City of Washington this 12th day of February in the year of our Lord, and of the Independence of the United States of America the 188th.
>
> LYNDON B. JOHNSON.

The proclamation clearly indicates the importance that the President attaches to boating safety.

SCOPE OF BOATING

To give you some idea of the tremendous scope of recreational boating, I should like to present a few figures:

Industry estimates that 38,390,000 persons participated in recreational boating during 1963, spending $2,581 million in retail purchasing for new and used boats, motors, accessories, fuel, safety equipment, insurance, docking, maintenance, launching, storing, repairs, and club memberships. That is very big business. They also estimate that 7,678,000 recreational boats are in existence and that there are 5,230 marinas, boatyards, and yacht clubs with waterfront stations in the United States. Our people are utilizing the inland waters, rivers, coastal waterways and Great Lakes systems to a greater extent than ever before. One of the greatest advantages of water recreational activities is that it does not cost anything to use our waterways. Water recreation is one of the few areas where enjoyment has not been dimmed by overtaxation or overregulation.

The safety aspects of boating are of steadily increasing concern to the U.S.

Coast Guard which is the Federal agency with primary responsibility for safety of life and property upon the water. Boating safety has drawn the attention of the Congress, the legislatures of every State, and of the press. Private organizations, such as those which support National Safe Boating Week, have been giving this subject greater emphasis each year.

When you consider the potential for accidents on the water it becomes immediately evident that we must continue our efforts in boating safety education.

The statistical report for calendar year 1963 was published on May 1, 1964, and it is my understanding that each Member of Congress received a copy. This report is a result of the Federal Boating Act of 1958 which directs the Coast Guard to compile, analyze, and publish information obtained on boating accidents. I would like to call your attention to several portions of the report. Compared with 1962, there was a decrease in the total of boats numbered but an increase in accidents. This could be attributed to duplication of numbering in the period from 1959 through 1962 which was corrected in reregistration during 1963. Also the small increase in accidents is probably due to better reporting rather than a real increase in the number of accidents. However, of concern is the high percentage of deaths caused by capsizing, which remains the same, 42 percent. The problem of capsizing includes such factors as boat design, operaator education and law enforcement. It is not a problem that can be overcome overnight. However, the Advisory Panel of State Officials to the Merchant Marine Council of the Coast Guard has recommended the adoption of a safe loading capacity formula by the boating industry and the affixing of a safe loading plate to each motorboat. The formula to be used was developed through close consultation between representatives from the Coast Guard and boating industry. The capacity plate to be used will guide the boatowner as to the number of persons and amount of weight which can be safely carried in his boat. The States are being encouraged to enact legislation requiring the display of such a capacity plate on all motorboats. We are not considering proposals for Federal regulations because there are no provisions under the Motorboat Act of 1940 which would provide for such regulations. Also, it would be extremely difficult to provide the Coast Guard with appropriate legislation with the necessary speed. There is the further consideration that such regulations would apply only to the operators of those motorboats using navigable waters of the United States. We feel that the States are in a better position than the Coast Guard to regulate the manufacture and sale of motorboats which will be required to be labeled with a safe loading capacity plate.

PROGRESS IN THE FIELD OF RECREATIONAL BOATING

One of the most significant advances in recreational boating safety was the establishment of the Recreational Boating Safety Division at Coast Guard Headquarters on January 1, 1964. The Division is responsible for the coordination of all Coast Guard activities related to recreational boating. Previously these activities were divided between two offices at headquarters, education and enforcement in the Office of Operations and numbering, and equipment in the Office of Merchant Marine Safety. The responsibilities of this new Division are:

To direct the enforcement program applicable to recreational boating including plans for the selection, training, guidance, and deployment of enforcement personnel; supervise the Federal numbering of undocumented vessels; maintain liaison with Federal and State agencies having related interests, develop and coordinate arrangements and agreements with State governments for cooperation in the enforcement of State and Federal boating laws; develop boating accident reporting procedures and administer the program for compiling, analyzing, and publishing the data thus obtained, together with recommendations for the enhancement of boating safety. This is a very big job. But, it must be done. Pursuant to the Federal Boating Act of 1958 two additional States, Maine and Pennsylvania, enacted motorboat numbering laws which were approved by the Coast Guard in January of this year. This brings to 45 the number of States numbering undocumented vessels in accordance with the Federal system, plus the Virgin Islands.

On April 23, 1964, after close liaison with the Coast Guard and State boating law administrators, the Department of Transport, Canada, amended their small vessel regulations to grant reciprocity to U.S. pleasure boats operating in Canadian waters. U.S. pleasure boats now visiting Canada and equipped in accordance with U.S. Coast Guard regulations are considered to be in conformance with the Canadian regulations. Further, a boat brought into Canada by a U.S. tourist and not remaining in Canada need not have a Canadian license—number—or Department of Transport boat capacity plate, provided that the usual customs permit is obtained.

In October 1961, the Advisory Panel of State Officials to the Merchant Marine Council of the U.S. Coast Guard adopted the uniform waterway marking system which was subsequently endorsed by the Coast Guard. This system provides for the uniform marking of channels, posting of regulatory markers and information signs on nonnavigable waters of the United States and on those waters where the Coast Guard does not maintain aids to navigation to support the needs of the Armed Forces or commerce. To date this system has been adopted in 28 States, is pending in 7 and it is also being considered by 2 others. This is another of the remarkable accomplishments which has been brought about by continuing roundtable conferences between State boating authorities, the Coast Guard, the U.S. Army Corps of Engineers and other interested agencies and organizations.

The National Park Service, Department of the Interior has recently promulgated regulations governing water-use activities in the national park system which are intended to:

First. Establish uniform regulations for water-use activities throughout the Park Service and to insure their nationwide applications.

Second. Delete obsolete and imprecise regulations to permit maximum use of water resources.

Third. Parallel U.S. Coast Guard boating regulations pertaining to navigable waters.

Fourth. Provide for health, safety, and welfare of persons and property.

Fifth. Conserve and protect park values; and consolidate all Park Service boating regulations.

EDUCATION

Because the human element is by far the most important factor in safe boating the Coast Guard relies heavily on education and persuasion. Through its boating films, safety publications, auxiliary programs, and by utilization of the personnel assigned to the Mobile Boarding Detachments in public education activities the Coast Guard takes advantage of every opportunity to stress boating safety. When examining motorboats to determine compliance with the Federal requirements, which are after all only minimum standards for safety, boarding officers point out and explain all violations detected and any other unsafe conditions noted. Vessels observed to be operating in an unsafe manner are stopped and the operators are advised of the hazards involved and of their responsibilities.

The Coast Guard Auxiliary, as a civilian voluntary adjunct of the regular Coast Guard, was established by Congress in 1939 to promote safer and more efficient operation of motorboats and through their programs, foster better compliance with recreational boating laws and regulations. In addition to public instruction and courtesy motorboat examination programs, auxiliarists participate in the patrol of regattas, emergency operations in times of distress for or with the Coast Guard. Auxiliary operations are always on a voluntary basis.

The auxiliary has continued to expand its public service while at the same time maintaining its high quality. There are presently 791 flotillas located in 644 communities throughout the Nation and the Commonwealth of Puerto Rico. At the end of 1963 membership was 22,109, of which 7,423 were qualified to perform courtesy motorboat examinations. In 1963 the auxiliary was credited with saving 306 lives, with assisting in 6,017 distress cases, and with patrolling 2,474 races and regattas. In addition this organization conducted 165,461 courtesy motorboat examinations and facility inspections, instructed 136,353 in safe boating practices and showed boating safety films to audiences totaling 2,712,414.

The reputation of the Coast Guard Auxiliary for its efficiency in the examination of pleasure craft is such that the decal issued by the auxiliary is officially accepted in 41 States as evidence of compliance with the State boating laws. Usually boats displaying this decal are not stopped and examined by the Coast

Guard or by enforcement personnel in these 41 States.

LAW ENFORCEMENT

Law enforcement is, to a degree, supplementary to the educational program. The explosive growth of recreational boating since the late 1940's, the advent of boat trailers and the development of water recreation areas throughout the Nation continue to overtax law enforcement resources, both Federal and State. Since the personnel to fully enforce the boating laws are insufficient and in many cases inexperienced, measures are being developed to best utilize those available. The Coast Guard is working closely with the States and other Federal agencies to train enforcement officers with a view toward uniformity in enforcement.

During 1963, the Coast Guard mobile boarding detachments trained 3,822 Coast Guard personnel and 995 State and local enforcement officers. Not only does this training provide for uniform enforcement, it also fosters closer cooperation between the various jurisdictions. It is not unusual to see the Coast Guard and the local deputy sheriffs working hand in hand in areas where a concentrated effort is required. In other areas safety patrols are closely coordinated by the various agencies to avoid duplication of effort and harassment of the boater.

One of the most effective and efficient safety patrol measures carried out by the Coast Guard is its mobile boarding program. These safety patrols, recently reduced to three men each due to limited operating funds, are equipped with a truck, boat, and trailer. The boat and vehicle also employ two-way radios for coordination of law enforcement and rescue activities. During 1963, these 35 teams operated in 44 of the 50 States. Of the six States in which the teams did not operate four of them have adequate coverage by permanent Coast Guard units, the remaining two, New Mexico and Kansas may be visited by these teams when the need for such activity is indicated.

During the past year the Coast Guard boarded and examined 203,701 motorboats. The mobile boarding detachments alone boarded 104,269 motorboats citing 36,762 of them for violations. In addition to the safety patrol and law enforcement training performed by these units, they were utilized in public education programs, factory inspection of Coast Guard approved life saving devices, flood relief details, and the patrol of regattas. When you note that all of this work was performed by only 120 enlisted men operating independently in remote areas with a minimum of supervision you must give them a deserved "well done." They have generally been enthusiastically received by the public for the resulting safer conditions in spite of the high percentage of violations cited. However, they are limited in number and time. We have, therefore, had to refuse many requests for more frequent visits by these detachments.

FUTURE PLANS, NEEDS, AND PREDICTIONS

Many new water areas have been developed or are being planned, and we expect that boating activities with their attendant problems will continue to increase. Future planning in safety education and law enforcement will require the continued cooperation and effort of all those having a responsibility in these fields.

Boating educational organizations, such as the Coast Guard Auxiliary, the U.S. Power Squadrons, the American Red Cross, and the Boy Scouts of America, must not only continue their present fine efforts but will need to expand them. In this connection, the education of schoolchildren by certain State agencies and other organizations is a program designed to pay both immediate and future dividends.

The number of law enforcement officers should be increased. Also, to fully utilize available enforcement personnel—both Federal and State—a program, under section 9 of the Federal Boating Act must be initiated. This section specifically encourages agreements and other arrangements between the Coast Guard and various States in law enforcement. This would, among other things, permit the efficient deployment of personnel and facilities and minimize the possibility of duplication.

As previously mentioned, 45 States have federally approved numbering systems. We believe that public demand will cause the remaining five States to enact the necessary boating laws within the next few years.

Progress in boating safety has been rapid since the enactment of the Federal Boating Act, but it will need the unflagging efforts of Government, business, and private organizations, and, above all—the boating public if this progress is to continue.

NATIONAL SAFE BOATING WEEK

This year National Safe Boating Week, which includes the Fourth of July period, will begin on June 28. As the motto for this week we should all join in saying—"Let's stress safe boating the whole year around."

The continued success of this annual observance is particularly gratifying to the Coast Guard and to its civilian affiliate, the Coast Guard Auxiliary, as well as to the many others who have supported this event.

This year the National Safe Boating Week Committee has done an excellent job of promoting and coordinating this event. This committee includes representatives from: the U.S. Coast Guard, the U.S. Coast Guard Auxiliary, the American Boat and Yacht Council, the American National Red Cross, the Boy Scouts of America, the Girl Scouts, the National Association of Engine and Boat Manufacturers, the American Powerboat Association, the National Safe Boating Association, the National Safety Council, the Outboard Boating Club of America, the U.S. Power Squadrons, the Yacht Safety Bureau, the American Water Ski Association, and the Young Men's Christian Association.

This program focuses nationwide attention on the problems of boating safety and helps to implant safety principles that will be lifesavers during the week, the boating season, and the lifetime of many boating enthusiasts.

To all those national and local committees actively participating in National Safe Boating Week, I extend my congratulations. I urge all other individuals and organizations interested in boating safety to join in making this, in 1964, the most effective National Safe Boating Week we have ever observed.

JOHN C. BEUKEMA: MUSKEGON'S "MR. SEAWAY"

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. GRIFFIN] is recognized for 15 minutes.

Mr. GRIFFIN. Mr. Speaker, in June, 1959, Queen Elizabeth II and President Eisenhower participated in colorful ceremonies at Montreal which marked the official opening of the St. Lawrence Seaway.

The fifth anniversary of that historic occasion, which dramatized a great new venture in United States-Canadian cooperation, will be observed in a memorable way on Saturday, June 27, when dignitaries from both nations gather for an anniversary luncheon at Muskegon, Mich.—a luncheon which will highlight the fourth annual Greater Muskegon Seaway Festival.

At that time, the thriving, growing port of Muskegon will tip its hat and pay tribute to a number of distinguished Canadians and Americans who have played significant roles in the long struggle to transform the dream of an eighth sea into reality.

None will deserve that honor more than Muskegon's own "Mr. Seaway," John C. Beukema.

In its way, the anniversary luncheon will serve as a special tribute and a richly deserved testimonial to this man from Muskegon whose vision, dedication, and strength of purpose have had a profound impact upon the trade routes of the world.

Five years ago, when the date for the official seaway opening was drawing near, Charles H. Woodruff wrote eloquently in the Muskegon Chronicle about the role of John Beukema:

> The record of his experiences in the long * * * struggle to secure the seaway legislation is an absorbing account, filled with fact, color, and interest.
>
> But there is more to be told.
>
> The spaces between the lines beg another story; one of almost unexampled devotion to a cause; of fortitude to bear ridicule; of courage to fight on after defeats which wilted the zeal of other men, and of a physical drive and stamina which shames men half his age.
>
> Now that the seaway is reality as the direct result of the second greatest engineering feat of all time, it is important to remember that the old shallow-draft channels would be there today but for what was undoubtedly the longest and most tenacious selling job in the national history.
>
> Through the administrations of seven U.S. Presidents, Mr. Beukema served as master salesman for the project in Michigan, in the Great Lakes States, in Washington, D.C., and even in the violently opposed East.
>
> The difficulties of this selling job can be readily appreciated when it is noted the seaway program was supported by every American President from Harding to Eisen-

hower, but was beaten down by organized congressional opposition in every case until that signal day in May (the 6th) of 1954 when the House voted the long-sought approval.

The conviction which prompted and sustained this epic fight stemmed from Mr. Beukema's love of his home community and his dreams for its future greatness. He has worked tirelessly at building Muskegon in many posts and capacities in a wide variety of fields.

His many successes in these efforts brought him deserved community honors in September 1953, when he retired as secretary-manager of the Greater Muskegon Chamber of Commerce after 31 years. This service span of three decades saw many advances in making the Muskegon community a better place for living, industry, and commerce.

His achievements in the work of attracting industry to Muskegon, in rebuilding and encouraging existing industry and in bringing about needed diversification have been many times recognized. Similarly, his work in other fields; for youth, for the war effort, for tourist and resort business, banking needs, and cultural and social endeavors.

He has served as member and officer on more than 25 local boards, and continues this work in retirement. And he has served on an equal number of boards, organizations, and committees on the State and National level, including many years as a charter member and chairman of the State civil service commission.

Along the way he served as member, and most often as chief officer, of virtually every harbor and shipping association representing the Great Lakes. Among them were the Michigan Tidewater Commission (secretary), Great Lakes Harbors Association (thrice president), National Seaway Council (chairman of its executive committee), World Trade Advisory Council, and many others. He has continued work with these associations in retirement and is currently lay counsel to the Harbors Association.

The chief (and richly deserved) honor came in August 1954, 3 months after Congress approved the seaway bill, when President Eisenhower named Mr. Beukema to the five-member St. Lawrence Seaway Advisory Board, placing him at the policymaking level for the greatest marine undertaking ever attempted by the Federal Government on the North American Continent.

The appointment came as no surprise to Muskegon or to Mr. Beukema's associates, but, characteristically, it found him almost incapable of recognizing that the efforts he had expended for so many years in behalf of the waterway program had found cognizance at the national level.

Mr. Beukema led a difficult battle and never lost his optimism despite numerous crushing defeats. Time and again he saw his brightest hopes smashed through the powerful lobby tactics of the seaway's opponents.

He was sustained in this by a great dream of what his community could become as a world port on what now, in effect, is the earth's eighth sea. This dream is now taking on form and substance.

Over the years, John Beukema found that the principal ingredient in the formula for success is hard work. A bit of verse by James Whitcomb Riley has been a long-time favorite; it goes like this:

Ef you want something, and just dead-set
A-pleading for it with both eyes wet,
And tears won't bring it—why just try sweat
As my uncle ust ter say.

Now, at 75, Muskegon's "Mr. Seaway" is entitled to relax and look back with considerable pride and personal satisfaction upon a long record of distinguished public service. But, as his many friends and associates well know, John Beukema finds little time for looking back. When he takes a bow at the anniversary luncheon on Saturday, he will be looking forward into the future. So much remains to be done and, as always, John Beukema continues tirelessly, doing more than his share, planning and working in many causes to build a better tomorrow.

A grateful community, as well as his State and the Nation, have good reason to pause on Saturday and salute Muskegon's "Mr. Seaway," John C. Beukema, a great American.

SELECTIVE SERVICE—THE NEED FOR COMPREHENSIVE REVIEW AND CORRECTION REMAINS

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, I was interested to read in the newspapers on Monday that the Department of Defense is augmenting and intensifying its planned review of the Nation's manpower policy.

I have stated before that a vigorous analysis is long overdue. The widespread inadequacies and inequities of the draft as it is administered nationwide need immediate attention. Despite certain encouraging signs that the Defense Department is now prepared to give the matter the high priority which it has long demanded, military manpower policy falls directly within the responsibility of the Congress.

I still feel that the provisions of my bill, H.R. 10211, are applicable and I urge that the House enact such legislation. The Congress has the responsibility to ensure that selective service functions both efficiently and equitably. I have spoken before of the inconsistencies which flaw the program. These tend to corrupt the principles and purposes of the system. I think it is equally true that the system presently works counter to the interests of the military services.

The problems of establishing and maintaining a massive and strong-willed fighting force in peacetime are manifold. It is never an easy matter. The currents of opinion run in many directions. Philosophically, the trend toward easing of world tension, and the instinctive bent of the American mind which abhors war, constitutes a force around which it is difficult to build an effective rationalization for universal mandatory training.

Yet, it is remarkable and praiseworthy that the American people have always responded with good will and firm intent when demands were made upon individual liberty to protect the peace. I am confident that we shall continue to sacrifice as long as the demands are rational and legitimate.

And this is the point. It is up to us, here in the Congress, to ascertain through the legislative process whether the draft is necessary to the national security, and if so, how it is to be administered and regulated.

I am not sure that we can ever expect a program of this nature to be absolutely faultless. What we can do to make it responsive both to military needs and public expression.

To balance these two prerogatives is the responsibility which we cannot shirk. Very often, in real terms, military contingencies conflict with public demands. It is because the military must meet certain criteria which others consider inappropriate or simply cannot understand. It is, basically, the situation of a military establishment subject to popular will.

This is as it should be. I am not arguing against this fundamental principle of democratic government. But it does enlighten us as to the perhaps inherent conflict of interest which arises in peacetime.

Thus, it should be our objective to formulate a manpower policy which reflects both popular acceptance and professional military needs. It is my contention that the administration of the draft does neither.

The first point to be stressed is that although officials of the Defense Department look upon conscription as urgently necessary to meet American commitments and security goals, it is doubtful whether the Army is receiving the unit benefits which should accrue. We must be sure that we understand why the draft exists. It exists because the Nation, as determined by the Government needs to maintain a force level approximating 2.7 million men. And the only reason for maintaining this establishment is to protect the peace and, if necessary, to wage war.

These are fundamentals which too often are lost in heavy oratory. I am not concerned here with whether or not the force determination is correct relative to the exigencies of the national security. I leave that for another time.

The point is that an Army is raised to protect our interests and meet the actuality of war. Without this legitimization, the military budget, the arms arsenal, and the draft lose their justification.

Thus it follows that conscription cannot be rationalized unless it meets a set of military criteria. The draft is acceptable only if it is militarily legitimate. And I am not confident that the Army and those who administer the draft recognize this obligation.

If the draft is to be made respectable, it must be militarily coherent. If it is to be a challenge to our youth, it must be militarily valid. If it is to be a worthwhile experience, it must be militarily legitimate. If it is to constitute a willing fulfillment in service to the Nation, it must be militarily demanding.

The fact is that the vast majority of young men called upon to give service today believe that their service is fraudulent. It does not constitute a challenge. In most cases it will not become worth while. For these reasons, it is not respectable. There is serious doubt that military training today, particularly its primary phase, can produce a soldier prepared and disciplined in the art of combat.

I repeat that military training can become valid for the individual soldier only when it is valid militarily. The way toward a legitimate incentive is to make military training a challenging and worthwhile experience.

It is important to emphasize these factors because they are the fundamentals. All other considerations flow from them. The draft becomes fraudulent and unworthy unless the Nation realizes to the full the ingredients of combat capability which is intended. Because this underlying condition is not being met, the operative principles become corroded by inefficient and inequitable administration.

The evasion mentality is encouraged not only because thousands are able to find an escape hatch, but because it is generally believed that service is a militarily meaningless and undemanding irritant.

Approximately 50 percent of those reaching the age of 26 will never serve actively. The figures reflect a costly enterprise—80 percent of the draftees, and 73 percent of the enlistees, are departing the service after their first tour of duty. The skills and specialties which have been taught are lost. The result in the Army is a constant and disruptive turnover of personnel which would subject any private organization to utter turmoil. Quality becomes a steadily receding potentiality.

I have before me some interesting statistics which were published by the U.S. Continental Army Command at Fort Monroe. I ask unanimous consent that this report on reenlistments, showing results of a questionnaire circulated in May and June of last year, be inserted in the RECORD following the conclusion of my remarks.

The data represents a random opinion taken among 625 Army servicemen. Among those who chose reenlistment, retirement benefits and security were the prime motivating factors. Prestige rated very low; only 7 of the 369 reenlistments seemed to like their duty.

A mere glance at these figures will indicate that we are not composing a challenge to the youth of this country. From a military standpoint, it can be questioned whether those who remain in the service are doing so for the right reasons.

Low pay was the principal reason given for those electing separation.

I hope the discussion here will help in evaluating the need for revision of the draft laws. On previous instances I have touched upon the widespread unfairness and inefficiency of the system. This in itself is a source of the low depths to which mandatory military training has sunk in the public mind. Today I am emphasizing that another primary source of disaffection rests with the training and military experience itself. Concomitantly, it will serve no purpose to make the administration of the laws more equitable without strengthening the fabric of military education where the main incentive must be centered.

I think it is judicious to look forward to the time when manpower requirements can be met by voluntary enlistment. We can learn from the Canadian practice, as the esteemed Senator from New York [Mr. KEATING] has suggested. Certainly the Army could perform its function for the better if its forces were voluntarily recruited.

But it is pertinent to reiterate that the Army cannot attract men appropriate to its mission unless it offers a worthy challenge to the courage and vision of the individual person. Military service is a professional occupation. If it can appeal in this vein, it can expect quality and brilliance and valor commensurate with its historic standing as a high profession of men.

This is why I have stated emphatically that correction of the draft practices, and the potential of a fully volunteer force, rests with making military service a respectable experience. It is, rightly, a matter of pride to our young men who are called upon to render service. If the obligation is valid in military terms, the service will be justified in personal terms.

Mr. Speaker, I ask unanimous consent to include the material referred to earlier at this point in the RECORD:

STATUS REPORT—REPORT OF ENLISTED PERSONNEL SEPARATED AND REENLISTED, USCONARC FORM 170–R (TEST)

1. During May 1963, 625 questionnaires were received in accordance with CON. Reg. 612–202, dated January 23, 1963. Of these, 256 were separations and 369 were reenlistments.

2. Information compiled from the forms is shown below:

(a) Reenlistments and separations by category:

	Total number separated	Total number reenlisted	Percent reenlisted
1st term, Regular Army	283	97	34.3
Career Regular Army	335	272	81.2
AUS inductees	7	0	0
Army reservists and National Guard men	0	0	0
Total	625	369	59.0

(b) Primary reason for reenlisting:

	Frequency reason given				
	1st termer	Career RA	AUS	USAR and NG	Total
Retirement benefits	16	160	----	------	176
Security	13	34	----	------	47
Likes military life	12	31	----	------	43
Patriotism	5	14	----	------	19
Travel	9	4	----	------	13
Likes duty	3	4	----	------	7
Education opportunities	16	8	----	------	24
Options available	3	0	----	------	3
Wife's influence	2	5	----	------	7
Training available	9	2	----	------	11
Pay	1	1	----	------	2
Fringe benefits	0	0	----	------	0
Likes assignment	1	2	----	------	3
Promotion potential	2	2	----	------	4
Prestige	2	0	----	------	2
Esprit de corps	0	0	----	------	0
Housing	0	0	----	------	0
Other	3	5	----	------	8
Total	97	272	0	0	369

3. Information on those individuals who did not reenlist shows:

(a) Separations by category:

First term, Regular Army	186
Career, Regular Army	63
Army of the United States inductees	7
Army Reservists and National Guard	0
Total	256

(b) Primary reasons for not reenlisting:

	Frequency reason given				
	1st termer	Career RA	AUS	USAR and NG	Total
Low pay	33	11	2	------	46
Better civilian opportunities	26	6	1	------	33
No taste for military life	17	2	2	------	21
Lack of personal freedom	12	0	1	------	13
Harassment in the unit	11	3	1	------	15
Leadership in the unit	6	3	0	------	9
Wife objects	8	5	0	------	13
Civilian job waiting	16	6	0	------	22
Civilian college acceptance	8	7	0	------	15
Promotion policy	14	9	0	------	23
Dissatisfied with assignment	6	3	0	------	9
Skills not utilized	8	2	0	------	10
Personal problems	8	1	0	------	9
Would be sent overseas	3	2	0	------	5
Housing situation	2	0	0	------	2
Fringe benefits	0	1	0	------	1
Not kept informed	0	0	0	------	0
Options not available	0	0	0	------	0
Other	8	2	0	------	10
Total	186	63	7	------	256

(c) Secondary reason for not reenlisting:

	Frequency reason given				
	1st termer	Career RA	AUS	USAR and NG	Total
Low pay	19	8	1	------	28
Better civilian opportunities	23	3	0	------	26
No taste for military life	19	0	1	------	20
Lack of personal freedom	16	9	0	------	25
Harassment in the unit	19	4	1	------	24
Leadership in the unit	9	2	0	------	11
Wife objects	2	1	0	------	3
Civilian job waiting	7	1	1	------	9
Civilian college acceptance	0	0	0	------	0
Promotion policy	21	14	1	------	36
Dissatisfied with assignment	9	4	0	------	13
Skills not utilized	11	4	1	------	16
Personal problems	6	1	0	------	7
Would be sent overseas	1	2	0	------	3
Housing situation	0	0	0	------	0
Fringe benefits	0	0	0	------	0
Not kept informed	1	1	0	------	2
Options not available	0	0	0	------	0
Total	163	54	6	------	[1]223

[1] Some individuals gave only 1 reason for not reenlisting.

(d) Third reason for not reenlisting:

	Frequency reason given				
	1st termer	Career RA	AUS	USAR and NG	Total
Low pay	12	2	1	------	15
Better civilian opportunities	19	5	0	------	24
No taste for military life	11	3	0	------	14
Lack of personal freedom	16	2	2	------	20
Harassment in the unit	11	4	0	------	15
Leadership in the unit	15	5	0	------	20
Wife objects	1	3	0	------	4
Civilian job waiting	5	3	0	------	8
Civilian college acceptance	1	0	0	------	1
Promotion policy	10	4	0	------	14
Dissatisfied with assign-	7	1	0	------	8
ment	7	1	0	------	8
Skills not utilized	8	0	0	------	8
Personal problems	5	2	0	------	7
Would be sent overseas	0	3	0	------	3
Housing situation	0	0	1	------	1
Fringe benefits	1	1	0	------	2
Not kept informed	7	1	0	------	8
Options not available	0	0	0	------	0
Other	3	1	0	------	4
Total	132	40	4	0	[1]176

[1] Some individuals gave only 1 reason for not reenlisting.

> 4. Conclusions:
>
> (a) Retirement benefits and security influence more Regular Army careerists in their decision to reenlist than any other reasons. The first termer was influenced mostly by retirement benefits and educational opportunities available in the Army.
>
> (b) Present pay rates and the belief that civilian opportunities are better are the two prime reasons for not reenlisting.

A SIGNIFICANT NEW PLAN FOR FIGHTING URBAN BLIGHT AND DECAY SUGGESTED BY DELAWAREAN

The SPEAKER. Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL], is recognized for 30 minutes.

Mr. McDOWELL. Mr. Speaker, a significant new plan for fighting urban blight and decay was suggested by Lawrence Schein, research director of the Community Services Council of Delaware, at a June 18, 1964, meeting in Wilmington, Del., of the Inter-Agency Planning Committee made up of representatives of agencies engaged in physical and social planning in Delaware. According to a report in the Wilmington (Del.) Evening Journal, June 19, Mr. Schein said the Greater Wilmington Development Council might buy up blocks of marginal houses, fix them up and rent them at low profit margins, giving tenants the option to buy. He pointed out that the Woodlawn Trustees have been renting houses at very low rates and keeping them in good repair for many years. He said he believed there are hundreds of these houses in Wilmington. Homeownership in blighted and decaying areas should be encouraged, he said, as a way of creating middle class values and responsible community spirit.

Mr. Schein also suggested, according to the Evening Journal, a human relations clinic for landlords who persistently violate housing laws. He said housing courts could require attendance at seminars where landlords could learn to deal with tenants in ways to get the best cooperation. Mr. Schein suggested the reimposition of rent control as a possibility; and assessment on the basis of profits derived rather than the value of the property which, he said, discourages improvements.

The Evening Journal report stated:

> Some low-cost housing should be built in Poplar Street project A, [Mr.] Schein said, to make it possible for Negroes to live there. He said Negroes feel they were deceived when their houses were taken away with no opportunity to move back.

The Washington (D.C.) Post in its June 17 issue reported that Mrs. Robert H. Jacobs, Jr., author of "The Death and Life of Great American Cities," was guest speaker at Mrs. Lyndon B. Johnson's fifth monthly Women Doers luncheon on June 16 at the White House. President Johnson dropped by to shake hands with each of the guests and to "give a special greeting" to Mrs. Jacobs. Mrs. Jacobs told the women leaders present that the federally aided urban renewal programs which shunt poor people and Negroes out of their homes and accustomed neighborhoods are a "cause for worry."

As if to underscore this point the Washington Post reported that 200 top east coast specialists on city design, attending a recent 2-day conference at Harvard University's Graduate School of Design, declared that the low-income housing efforts of the Federal urban renewal program have been a "complete failure" to date.

Mr. Speaker, the labor movement of our Nation is also deeply concerned over the failure to provide low-income housing, and supports the national housing policy which calls for providing as soon as feasible decent, safe, and sanitary housing for every American family. I commend the United Steelworkers for the new pamphlet, "Citizen Action for Housing and Urban Renewal."

Mr. Speaker, President Johnson has called on Congress to wage war on poverty, and has called attention to the central cause and effect of poverty: the ill-housed conditions of literally millions of our fellow citizens. The President is right in saying that the war on poverty must rehouse our fellow citizens who are living in homes of such poor condition that their health and safety is endangered.

I have recently introduced a bill to amend the National Housing Act to provide special assistance for low- and middle-income families. My bill, H.R. 10251, amends section 305 of the National Housing Act to provide that the Federal National Mortgage Association shall exercise its special assistance functions by purchasing mortgages on single-family dwellings for low-income families insured under section 221(d)(2) of such act in order to provide housing for slum dwellers who are not being provided decent, safe, and sanitary housing under the present Federal urban renewal program. That program has provided luxury apartments, and prime office space, but has done little to provide housing for low- and middle-income families, either in our major cities or our small towns and rural areas.

I said on March 11, in the CONGRESSIONAL RECORD, pages 4952–4954, in explanation of my bill, and I repeat here, that I am convinced that my bill, H.R. 10251, will, if adopted, make a major contribution to providing decent, safe, and sanitary housing for our low- and moderate-income families under private enterprise.

I hope the House Special Housing Subcommittee will approve it since it meets a critical need recognized by the Congress in the Housing Act Amendments of 1961, but which the Congress did not adequately provide for.

We would all agree with President Johnson that the perpetuation of poverty in our rich Nation is disgraceful and subversive of our great ideals.

In his testimony before the House Special Housing Subcommittee, FHA Commissioner Philip N. Brownstein justified the provision of vacation houses in the Housing and Community Development Act of 1964 on the grounds that there is a heavy demand for such housing, that we are already a two-automobile-per-family economy, and we are rapidly becoming a two-home-family economy, and, further, that the provision of vacation homes "will stimulate the economy as well as provide a mechanism for the more affluent of our society to get some of the better things that are available."

A housing act which provides vacation homes for the more affluent of our society and does not provide clean, safe, and sanitary housing for low- and modest-income families cannot be justified.

The effect of my amendment would be to authorize the Federal National Mortgage Association to purchase mortgages insured under the FHA section 221(d)(2) program to the extent of $220 million after the date of the enactment of the Housing and Community Development Act of 1964. The total amount of purchases and commitments authorized would not exceed $220 million outstanding at any one time.

The February 3, 1964, issue of the Washington World magazine carried an article on a program which is reclaiming and improving homes in slum and blighted areas in Indianapolis, Ind. The article dealt with a new concept of private enterprise which is enabling families with incomes ranging from $3,000 to $3,800 to create their own capital by applying their own work and desire for a new home to the improvement and reclamation of rundown neighborhoods.

The novel experiment in Indianapolis, which is comparable in its results and objectives to the proposal made by Lawrence Schein of the Community Services Council of Delaware, is a joint project of three cooperating organizations, Flanner House Homes, Inc., which acts as a major contractor, Flanner House, a settlement house, and the Board of Fundamental Education.

According to the published account in Washington World magazine:

> Homeowners replace slum dwellers, the city is cleaned up and relations of the community cemented. Families now have the opportunity to be an actual part of the construction of their new homes, to earn 25 to 36 percent of the value of their home by this initiative investment. The men learn valuable skills while on the job. The women and children, stimulated by the thrill of the project, seek to improve their furnishings. Upholstery and sewing classes, tools and equipment are supplied as a part of the homebuilding program.

I include as part of my remarks the article from the Washington World of February 3, 1964, and the article from the June 19, 1964, issue of the Evening Journal, of Wilmington, Del., on the significant new proposal advanced by Lawrence Schein, research director of the Community Services Council of Delaware. I also include an excerpt from the excellent new pamphlet, "Citizen Action for Housing and Urban Renewal."

[From the Washington World magazine, Feb. 3, 1964]

SELF-HELP HOMES REPLACING SLUMS

A new concept of private enterprise—enabling the individual to create his own capital by applying his own work and his desire for a new home—is one answer to the problem of blighted neighborhoods.

In Indianapolis, Ind., where it's been done successfully, the project is labeled "team-based, guided, self-help homebuilding." In other cities across the country, it's known by other names, but the effect has been the same—to replace slums with new homes for low and marginal income families.

Flanner House Homes, a nonprofit organization, acts as the major contractor for the program. Homeowners replace slum-dwellers, the city is cleaned up and relations of the community cemented. Families now have the opportunity to be an actual part of the construction of their new homes, to earn 25 to 36 percent of the value of their home by this initiative investment. The men learn valuable skills while on the job. The women and children, stimulated by the thrill of the project, seek to improve their furnishings. Upholstery and sewing classes, tools and equipment are supplied as a part of the homebuilding program.

Families who wish to participate are selected by minimal requirements: an income of $3,500 to $3,800, enough financial stability to handle the mortgage payments and support of their families, and health enough to work an additional 20 hours a week.

Each builder receives a box of tools, schedules his workweek and is assigned to a work team. Each man in each team is trained for a specific job and performs that job on all homes in the community in return for the work of others on his own home. All the homes are finished at the same time and all the families move in simultaneously.

The Indianapolis program had its trial and error period and the first house took over 5,600 man-hours and cost $17,000. Since that time the process has been reduced to 900 man-hours at a cost of $14,000 or less. This very successful program has completed homes for 331 families with an initial investment of $200,000 in the 13 years since its inception and has added nearly $5 million to the city's tax revenue.

But most important is the psychological and social impact on the people and the community. They have developed valuable skills which make home maintenance much more a matter of ease and determination and there is increased fellowship and mutuality of interest in the community.

[From the Wilmington (Del.) Evening Journal, June 19, 1964]

HOMEOWNERSHIP PLAN SUGGESTED FOR SLUMS

Homeownership in slum areas should be encouraged as a way of creating middle-class values and responsible community spirit, a social worker said yesterday.

Lawrence Schein, research director of the Community Service Council of Delaware, made the suggestion yesterday at a meeting in the YMCA of the Inter-Agency Planning Committee, made up of representatives of agencies engaged in physical and social planning in the State. He elaborated on his remarks in an interview this morning.

Yesterday's meeting was not held to make decisions or to adopt programs, merely to exchange ideas.

Schein said the Greater Wilmington Development Council might buy up blocks of marginal houses, fix them up and rent them at low-profit margins, giving tenants the option to buy.

He said the Woodlawn Trustees have been renting houses at very low rates and keeping them in good repair for many years. He said he thinks there are hundreds of these in Wilmington.

Schein also suggested a human relations clinic for landlords who persistently violate housing laws. He said housing courts could require attendance at seminars where landlords would be exposed to basic anthropology and what science says about racial differences.

Sociology, the history of minority groups, the role of poverty and the difficult housing conditions many groups face would also be taught, he said, so landlords could see tenants as human beings and deal with them in ways to get the best cooperation.

The importance of simple observance of the law would also be stressed, he said.

The poor aren't poorer here than anywhere else, Schein said. They just stand out more here against a background of great wealth.

Schein suggested possible reimposition of rent controls and assessment on the basis of profits derived rather than value of the property which discourages improvements.

Some low-cost housing should be built in Poplar Street Project A, Schein said, to make it possible for some Negroes to live there. He said Negroes feel they were deceived when their houses were taken away with no opportunity to move back.

CITIZEN ACTION FOR HOUSING AND RENEWAL

This is the third pamphlet in a series about housing problems for the United Steelworkers of America. Comments and questions may be sent to Roland M. Sawyer, housing consultant, United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh 22, Pa.

Although the boards of housing authorities and urban renewal agencies commonly have a union member or two, most commissioners represent the upper income brackets. They have established a remarkable record for integrity and for civic spirit (no commissioner gets paid).

But when they make decisions affecting thousands of lives, these men and women tend to think in terms of what's good for the town, and many of them are persuaded that what's good for private business is very good for the town.

For example, the largest corporation in one city needed more space. The plant was wedged between a river and a slightly blighted residential section. It happened that an officer of the corporation was chairman of the local redevelopment authority. Result: A five-block area was turned into a $1,400,000 urban renewal project, and the corporation got the section it needed for about one-fifth of the actual cost. It was a perfectly clean transaction. Both the corporation and the community stood to gain. The only losers were the families who got evicted.

One forthright official of a redevelopment agency made this private comment:

"You get into public service, and after a few years you start acting like it's your own private business. You tend to lean on the advice of advisory committees which think the same way you do. You don't feel obligated to explain a specific project to the people living in the area. Some of these people have been living there for 20 or 30 years or longer. Yet nobody considers it important to tell them exactly why their houses are going to be torn down, and precisely when they should move.

NOT UNLESS THEY ORGANIZE

"Imagine, if you can, an urban renewal agency run by people from blighted areas. So one day a big shot banker reads in the morning paper that his estate has been included in an urban renewal park project. You know what would happen—he would call the mayor and raise hell, and the mayor would say it must have been a mistake and he would personally see to it that the plans were changed. And they would be. Now the janitor's 25-foot lot may be just as important to him as the 10 acres are to the banker, but is the mayor going to listen to Mike Murphy or Jesus Gonzales or any other poor devil from the slums? Not unless they organize and march on city hall."

The building of low-rent housing and the clearance of blighted acres have become new roles of government in the United States. But the old responsibility of government remains: To heed the petitions of citizens. The responsibility of citizens is to speak out so clearly that every government official can hear them.

The citizens have not always done so. The problem of middle-income housing is a pertinent example. Millions of families have too much income to qualify for low-rent public housing—but not enough to afford good private dwellings. Congress knows this. The Housing and Home Finance Agency knows it. Everybody knows it, especially the real estate industry, which doesn't want the Government to enter the middle-income field. So, for a quarter of a century, Congress has shut its eyes to the need for middle-income housing. A few concessions have been made, but there is still nothing that could be called a real program. And there won't be—until the citizens resolutely demand it.

CITIZENS IN ACTION

Nothing redevelops a governmental bureaucracy more effectively than a rebellion of the citizens.

In New York City, the dictator of urban renewal for many years was Robert Moses. A local saying was "Man proposes, Moses dispossesses." Block after block of housing was leveled as the bulldozers kept rolling along. Protests were muffled and protestants were muted by the collapsing walls.

One of the choicest sections of Greenwich Village caught Moses' eye. This was an area just south of Washington Square, where old tenements and a few modern apartment houses backed up on a green strip extending for the full length of a long city block. It was like a hidden park. Nearby on Macdougal Street were the coffee houses, shops, and restaurants that have attracted hundreds of thousands of tourists. Moses decided that all of these old-fashioned buildings should be demolished and something more sanitary erected.

FAREWELL TO MOSES

The old structures are still standing, but Moses is no longer redeveloping. What happened was that the people revolted. They didn't know that you can't fight city hall, so they went ahead and fought and won. The urban renewal scheme was junked.

Something entirely different happened in Philadelphia. The redevelopment authority and the planning commission wanted to save a neighborhood that was going downhill fast. There were 1,050 dwellings in the 67-acre Morton project on Germantown Avenue. For decades the neighborhood had been racially integrated, with Italians and Negroes predominating. The Italians had no wish to abandon the fig trees, the grapevines, and the flowers they had tended for years. The Negroes knew there were few good neighborhoods where they would be welcome.

So, instead of leveling the whole area, the redevelopment authority carefully selected the worst structures—about one-fifth of the total. After they were demolished, the housing authority built small clusters of two-story, low-rent dwellings, designed to harmonize with the neighborhood. The existing industries were allowed to remain, since they employed many of the residents.

Louis Sauer, an architect who could see values in old things as well as new ones, was hired by the redevelopment authority to help the residents improve their shabby properties.

"I met with 10 owners at first and asked them what they wanted," he recalls. "We discussed the front of the houses and the backyards. The rear was a mess of junk and trash on a steep upward slope. I had hoped to get rid of the fences dividing the narrow lots and have a clear sweep, but the owners didn't want that. The fences remained. If you ask people to give you a mandate, you have to accept it."

THE PEOPLE ARE STILL THERE

The Morton project isn't finished yet. Blight hasn't been eradicated. But people haven't been eradicated, either. The families who have felt comfortable in the neighborhood for many years are feeling a bit more comfortable today. If there is any better test of the value of urban renewal, the people in Philadelphia haven't heard of it.

All over the Nation today thousands upon thousands of houses are being demolished because an urban renewal agency thinks it would be better to have high-rise and high-rent apartments, or because a highway engineer wants to let more people drive downtown to hunt for parking space. Almost any proposed new use is considered more important than the ancient function of sheltering a family. And so people are evicted to make way for supermarkets and speedways. When citizens organize to assert their equality with automobiles and apartment houses, urban life will become sweeter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCHADEBERG (at the request of Mr. JOHANSEN), for today and the balance of the week, on account of attendance at House Committee on Un-American Activities in Minneapolis.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CHAMBERLAIN (at the request of Mr. HARVEY of Michigan), for 30 minutes, today.

Mr. GRIFFIN (at the request of Mr. HARVEY of Michigan), for 15 minutes, today.

Mr. HALPERN (at the request of Mr. HARVEY of Michigan), for 20 minutes, today.

Mr. McDOWELL, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. HARVEY of Michigan) and to include extraneous matter:)

Mr. AYRES.

Mr. UTT.

Mr. McINTIRE.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. ALBERT.

Mr. HAWKINS.

Mr. WILLIAMS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam; to the Committee on Interstate and Foreign Commerce.

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 221. An act to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period;

H.R. 6041. An act to amend the prevailing wage section of the Davis-Bacon Act, as amended; and related sections of the Federal Airport Act, as amended; and the National Housing Act, as amended;

H.R. 9311. An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite; and

H.R. 9740. An act to establish the Roosevelt Campobello International Park, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1608. An act to amend the Tariff Act of 1930 to provide that certain aircraft engines and propellers may be exported as working parts of aircraft, and for other purposes;

H.R. 2652. An act to amend the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts;

H.R. 2726. An act for the relief of John F. Wood, of Newport News, Va.;

H.R. 2818. An act for the relief of Elmer J. and Richard R. Payne;

H.R. 3348. An act to amend section 316 of the social security amendments of 1958 to extend the time within which teachers and other employees covered by the same retirement system in the State of Maine may be treated as being covered by separate retirement systems for purposes of the old-age, survivors, and disability insurance program;

H.R. 3496. An act to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1965;

H.R. 4198. An act to amend the Tariff Act of 1930 to provide for the free importation of soluble and instant coffee;

H.R. 6308. An act for the relief of Gerard Puillet;

H.R. 6843. An act for the relief of David Sheppard;

H.R. 7480. An act to suspend for a temporary period the import duty on manganese ore (including ferruginous ore) and related products;

H.R. 8230. An act to amend section 24 of the Federal Reserve Act (12 U.S.C. 371) to liberalize the conditions of loans by national banks on forest tracts;

H.R. 8268. An act to prevent double taxation in the case of certain tobacco products exported and returned unchanged to the United States for delivery to a manufacturer's bonded factory;

H.R. 8459. An act to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations;

H.R. 8673. An act to amend title V of the Federal Aviation Act of 1958 to provide that the validity of an instrument the recording of which is provided for by such act shall be governed by the laws of the place in which such instrument is delivered, and for other purposes;

H.R. 8964. An act for the relief of Diedre Regina Shore;

H.R. 8975. An act to provide for the tariff classification of certain particleboard;

H.R. 9090. An act for the relief of Mrs. Audrey Rossmann;

H.R. 9220. An act for the relief of Elisabete Maria Fonseca;

H.R. 9688. An act to extend the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan;

H.R. 9720. An act authorizing a study of dust control measures at Long Island, Port Isabel, Tex.;

H.R. 9934. An act to authorize the construction of a dam on the St. Louis River, Minn.;

H.R. 9964. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments;

H.R. 10463. An act to continue until the close of June 30, 1965, the existing suspension of duties for metal scrap;

H.R. 10465. An act to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H.R. 10466. An act to amend title XI of the Social Security Act to extend the period during which temporary assistance may be provided for U.S. citizens returned from foreign countries;

H.R. 10468. An act to continue until the close of June 30, 1966, the existing suspension of duty on certain copying shoe lathes;

H.R. 10537. An act to continue for a temporary period the existing suspension of duty on certain natural graphite; and

H.R. 10945. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes, p.m.) the House adjourned until tomorrow, Thursday, June 25, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2210. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting the fifth annual report on user charges instituted and maintained by the agencies of the executive branch for the fiscal year 1963, pursuant to title V of the Independent Offices Appropriation Act of 1952; to the Committee on Appropriations.

2211. A letter from the Comptroller General of the United States, transmitting a report on a review relating to deficiencies in maintenance and supply support of U.S. Army helicopters in South Vietnam disclosed that more than 40 percent of the helicopters assigned to the U.S. Army Support Group in Vietnam had been consistently unavailable for service because of inadequate maintenance capability and shortages of spare parts; to the Committee on Government Operations.

2212. A letter from the Clerk, U.S. Court of Claims, relative to submitting a report relating to House Resolution 774, 87th Congress, dated September 17, 1962. The return of these papers without action by the court has been found necessary as a result of the Supreme Court's decision in *Glidden Co.* v. *Zdanok* (370 U.S. 530), decided June 25, 1962; to the Committee on the Judiciary.

2213. A letter from the Comptroller General of the United States; transmitting a report on a review relating to the cancellation and curtailment of specialized rotary wing pilot training courses because helicopters were grounded for lack of serviceable engines, Department of the Army; to the Committee on Government Operations.

2214. A letter from the Comptroller General of the United States, transmitting a report on a review of excessive disability pension payments resulting from inadequate procedures for review of annual income questionnaires, Veterans' Administration; to the Committee on Government Operations.

2215. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the National Aeronautics and Space Administration Authorization Act, 1964 (77 Stat. 141, 143); to the Committee on Science and Astronautics.

2216. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of a Special Meeting of the Judicial Conference of the United States, held at Washington, D.C., March 16–17, 1964, pursuant to title 28, United States Code, section 331 (H. Doc. No. 312); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JENNINGS: Committee on Ways and Means. H.R. 7307. A bill to amend the Internal Revenue Codes of 1939 and 1954 with respect to the apportionment of the depletion allowance between parties to contracts for the extraction of minerals or the severance of timber; with amendment (Rept. No. 1516). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 11707. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H.R. 11708. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRELINGHUYSEN:

H.R. 11709. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURPHY of Illinois:

H.R. 11710. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KEOGH:

H.R. 11711. A bill to repeal paragraph (6) of section 4231 of the Internal Revenue Code of 1954, and to amend section 4232 of such code relating to definitions; to the Committee on Ways and Means.

By Mr. O'KONSKI:

H.R. 11712. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 11713. A bill to amend the Tariff Act of 1930, as amended, to provide that button blanks, regardless of state of finish, shall be subject to the same duty as buttons; to the Committee on Ways and Means.

Mr. ROBERTS of Alabama:

H.R. 11714. A bill to amend the Federal Hazardous Substances Labeling Act to make that act applicable to cigarettes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 11715. A bill to amend title II of the Social Security Act to provide a 6-percent across-the-board increase in benefits thereunder, and for other purposes; to the Committee on Ways and Means.

By Mr. STEPHENS:

H.R. 11716. A bill to amend section 5155 of the Revised Statutes to make all restrictions on branching by State banks imposed by the law of any State equally applicable to national banks located within such State; to the Committee on Banking and Currency.

H.R. 11717. A bill to provide for public hearings in connection with the chartering of national banks; to the Committee on Banking and Currency.

By Mr. TALCOTT:

H.R. 11718. A bill to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge in the political, psychological, economic, technological, and organizational areas to increase the nonmilitary capabilities of the United States in the global struggle between freedom and communism, to educate and train Government personnel and private citizens to understand and implement this body of knowledge, and also to provide education and training for foreign students in these areas of knowledge under appropirate conditions; to the Committee on Un-American Activities.

By Mr. TEAGUE of California:

H.R. 11719. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain retroactively awarded disability compensation; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 11720. A bill to amend the Internal Revenue Code of 1954 to provide a 20-percent credit against the individual income tax for certain educational expenses incurred at an institution of higher education; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 11721. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H.R. 11722. A bill to amend title II of the Social Security Act to increase benefits, to provide full retirement benefits for men at age 62 and women at age 60, to provide widow's benefits without regard to age in cases of disability, and to remove the limitation on the amount of outside earnings permitted while receiving benefits; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 11723. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KNOX:

H.R. 11724. A bill to amend the Tariff Act of 1930 to clarify the treatment of ball or roller bearings and parts thereof; to the Committee on Ways and Means.

By Mr. WHITENER (by request):

H.R. 11725. A bill to amend an act concerning gifts of securities to minors in the District of Columbia to permit savings and loan associations to act as custodians of gifts to minors; to the Committee on the District of Columbia.

By Mr. BATTIN:

H.R. 11726. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H.R. 11727. A bill to amend the act of March 3, 1899, to authorize the United States to recover by civil actions the cost of removing certain obstructions from the navigable waters of the United States, and for other purposes; to the Committee on Public Works.

By Mr. ELLSWORTH:

H.R. 11728. A bill to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports, and for other purposes; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.J. Res. 1052. Joint resolution authorizing the First Cavalry Division Association to erect a monument in the District of Columbia; to the Committee on House Administration.

By Mr. HAWKINS:

H.J. Res. 1053. Joint resolution proposing an amendment to the Constitution to provide that Representatives in Congress shall be apportioned among the several States every 10 years according to their respective numbers of persons registered to vote in national elections; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1054. Joint resolution to amend Public Law 722 of the 79th Congress, and Public Law 85–935, relating to the National Air Museum of the Smithsonian Institution; to the Committee on House Administration.

By Mr. McCULLOCH:

H.J. Res. 1055. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. CAREY:

H. Con. Res. 316. Concurrent resolution expressing the sense of the Congress with respect to the imposition of appropriate sanctions by the United Nations against those member states whose governments engage in certain discriminatory practices in violation of article 18 of the Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H.R. 11729. A bill for the relief of Woo Foon Leung; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11730. A bill for the relief of Roland Poirier, a minor; to the Committee on the Judiciary.

H.R. 11731. A bill for the relief of Michele Granaudo; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 11732. A bill for the relief of Mr. and Mrs. Harris Crogh; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11733. A bill for the relief of Giuseppa Costa; to the Committee on the Judiciary.

H.R. 11734. A bill for the relief of Paul Leopold Hofmann; to the Committee on the Judiciary.

H.R. 11735. A bill for the relief of Shirley Shapiro; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 11736. A bill to provide for the advancement of Hospitalman Chief Gerald Henry White, U.S. Navy (retired), to the grade of chief warrant pharmacist; to the Committee on Armed Services.

By Mr. OSTERTAG:

H.R. 11737. A bill for the relief of Mrs. Wanda Zybaczinski; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11738. A bill for the relief of Saleh Zen and his wife, Saripah Salmiah Zen; to the Committee on the Judiciary.

H.R. 11739. A bill for the relief of Nachman Erlichman and his wife, Michal Erlichman; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 11740. A bill for the relief of Jack Ralph Walker; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

945. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., to pass a law providing for public attorneys who will aid citizens in their legal problems, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Akron Supports the U.S. Olympic Committee

EXTENSION OF REMARKS

OF

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. AYRES. Mr. Speaker, this October the athletes of the entire world will gather in Japan to compete in the Olympic games. The U.S. Olympic Committee is now gathering funds to send the participants that will represent this Nation to those games.

The 14th District of Ohio has always been in the forefront in Olympic activities. This year, under the encouragement of the Akron Beacon Journal and the Akron Chamber of Commerce, the schoolchildren decided to become partners in this venture. Nearly 8,000 children contributed to this fund.

At a recent Olympic Day dinner in Akron, they presented a telegram that bore the names of all of them. It is my understanding that this was the longest telegram ever sent. It was addressed, as a note of encouragement to those Akron area athletes who will actively participate in the 1964 Olympics.

One of the greatest basketball teams of modern times is located in Akron, Ohio. I am speaking of the team that this year won the national AAU championship—the Goodyear Tire & Rubber Co. team. Three members of this team have been chosen as members of the 12-man U.S. Olympic basketball team. Those great athletes are Larry Brown, Dick Davies, and Pete McCaffrey. I would add that Goodyear coach Hank Vaughn, together with Oklahoma Coach Hank Iba, will guide our representatives in the 16-team competition.

The 14th Congressional District, in the past, has had many medal winners in the Olympic games. I know that the Members of the House will remember the illustrious records of Hayes Alan Jenkins, Carol Heiss, Les Carney, Pete Rademacher, Jim George, Keith Carter, Betty Jean Maycock, Karen Oldham, Joe Kotys, Janet Bachna, Glenn Davis, David Jenkins, Pete George, Jimmy McClain, and the late Jack Taylor. All of these brought honor to our Nation.

I feel certain that this October, we will be able to add the names of Larry Brown, Dick Davies, and Pete McCaffrey to this long list of Olympic medal winners.

The Akron Olympic Day dinner raised many thousands of dollars to help defray the expenses of the Olympic team.

I wish to commend the Olympic Day committee for its efforts. That committee headed by George Brittain, executive vice president of the Akron Chamber of Commerce, consisted of Lincoln Hackim, of Norman Malone Associates; Chuck Bloedorn, of Goodyear Tire & Rubber Co.; Jack Patterson and William Schlemmer, of the Akron Beacon Journal; Bob Wilson, of radio station WADC; and Bob Wylie of radio station WAKR.

Truly the spirit of these men and of the schoolchildren should inspire all of us to lend our support to the U.S. Olympic Committee.

Crime in New York City

EXTENSION OF REMARKS

OF

HON. JOHN BELL WILLIAMS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. WILLIAMS. Mr. Speaker, on yesterday, a young lady was a victim of assassination near Times Square, in the heart of New York City. Miss Joan Wilson was brutally murdered by a sniper's bullet, apparently for no reason other than the fact that she was there.

Mr. Speaker, certain Members of Congress representing that beleaguered city derive their political subsistence from continuing demagogic harangues of hatred directed against the people of Mississippi. Their chief stock in trade is in maligning the people of the South while sweeping their own dirt under the rug.

Mr. Speaker, New York City is one of the most crime-infested areas in the country, and its crime rate makes that of Mississippi look like a Sunday School picnic by comparison.

Mr. Speaker, if these Members are so deeply concerned about law, order, and civil peace, they would devote their energies and such talents as they may have in the protection of their own people, rather than encouraging and fomenting racial incidents in the South.

Tribute to Jester Hairston

EXTENSION OF REMARKS

OF

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. HAWKINS. Mr. Speaker, in the great State of California, and city of Los Angeles, resides a noted and talented American. Most TV viewers or radio listeners know him as LeRoy, the brother of Sapphire, and the tyrant of Kingfish. However, I feel that his contribution to the American society and the entertainment world has been much more influential and forceful.

This famed American and outstanding Californian is the inimitable Jester Hairston. Mr. Hairston studied music at Tufts University, where he received his degree in music, and did further study at the Julliard Conservatory. Shortly afterward, Mr. Hairston began composing and arranging choral music for the Hall Johnson Choir. His talent in this field was quickly recognized and he eventually moved up to assistant conductor of the choir.

He served with the choir for 15 dedicated years. During those 15 years, he conducted and arranged choral music for radio and Broadway musical shows. He worked with such outstanding artists as the late Al Jolson, Andre Kostelantz, Alfred Wallenstein—former conductor of the Los Angeles Symphony—and Fred Waring.

In 1935 the choir was contracted to do the choral music for the play "Green Pastures." Hairston went West with the choir to arrange the choral music for the play. The success of the play elevated Jester to the ranks of the greats, and put him in constant demand. Hollywood kept him, and thusly he arranged and conducted superb background choral music for many meritorious movies. Many of us have seen "Duel in the Sun," "The Foxes of Harrow," "Red River," "Land of the Pharaohs," "Friendly Persuasion," and "Carmen Jones." We can vividly remember these great movies, and I am sure can almost hear the melodious strains in the background that painted and unfolded the moods, thoughts, and feelings conveyed through them. These raptures of ecstatic tones were produced from the sensitive and brilliant mind of Jester Hairston.

But Hairston's excellence is not limited to background music, nor to the movies of the early fifties. He is also an actor of wide acclaim. We remember him as Jethro in John Wayne's "The Alamo," and he recently appeared in the movie version of Harper Lee's "To Kill a Mockingbird" with Gregory Peck.

As a lecturer on Negro folksongs, and as a choral conductor, he is in constant demand among schools and colleges all over the country. He has prepared programs and concerts for Stanford University, and the University of the Pacific, where he recently received an honorary degree. He conducted choirs at both schools in arrangements of Negro spirituals and folksongs. His choral arrangements of "Angels Rolled the Stone Away," "Brother Rabbit," "Sweet Potatoes," and "Nobody Knows The Troubles I Seen," can be found in all music stores, and are used repeatedly by schools and colleges throughout the two hemispheres.

In the field of recording his style has spurred millions to understand and appreciate more Negro folksongs and lore. Such records as "Christmas Gift," which was the most successful song on an album by Walter Schuman, and "Mary's Boy Chile," recorded by Harry Belafonte, have reached the million mark in sales. "Mary's Boy Chile" has been translated into a dozen or more languages, and has been recorded by scores of artists.

Jester Hariston acted as a good will ambassador in 1961 from our country to instruct Europeans in American folksongs. This tour was so successful, that he was asked to return to Germany, Finland, Yugoslavia, Denmark, and Sweden to conduct choral groups in singing Negro folksongs. His performance in these countries resulted in a better understanding of nationalities, their struggles, heartaches, and their pleasures.

This was a memorable event for Hairston. He was asked to conduct the famous Godesburg Men's Choir in Germany for the choir's centennial anniversary, which occurred simultaneously with the Emancipation Proclamation. This aggrandizement was deeply felt and appreciated by Jester Hairston, who felt that no man could ask for more. But the choir felt that for a man of his caliber and integrity, this was not enough. The choir, therefore, presented him with a gold medal to show their admiration and respect for having the honor to perform under such an accomplished artist.

Jester Hairston has not ceased to produce and display his talents. His latest achievements helped to win an Emmy. He did the vocal music for the best film of the year, "Lilies of the Field," and it is his voice heard as that of Sidney Poitier singing the theme song.

With all of these successes and achievements, Jester Hairston has not lost the common touch. He refuses to sit and wait to be called. He loves people, and is always ready to serve. He has no plans for retirement, for he feels that there are still too many songs to be sung, and too many wonderful people to meet.

Prognosis for the Panama Canal

EXTENSION OF REMARKS

OF

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. UTT. Mr. Speaker, among the most gravely important matters which has faced the United States since the Suez Canal crisis of 1956, has been that of the Panama Canal. Recognizing the magnitude of the subject and the necessity for the exercise by the Congress of its constitutional power as the ultimate authority in the formation of Isthmian policy, my distinguished colleague from Pennsylvania [Mr. FLOOD] seized the torch of leadership and since that time, in a series of notable addresses and statements, in and out of the Congress, has fearlessly and forcefully clarified the key problems and offered remedial plans of action. When viewed as a whole, his contributions have been unique, making him the most respected leader in the Congress on Isthmian Canal policy matters.

It was, therefore, with the highest interest that I read in the June 1964 issue of the U.S. Naval Institute Proceedings an extremely able article by my greatly esteemed and able colleague from Pennsylvania in which, with characteristic candor and vigor, he emphasizes the imperative necessity to stick with fundamentals in dealing with interoceanic canal problems, especially the retention of indispensable and undiluted sovereignty of the United States over the Canal Zone and Panama Canal.

Early in the present Congress, the late Chairman Clarence Cannon of the Committee on Appropriations introduced House Concurrent Resolution 105, 88th Congress, to clarify, make definite, and reaffirm our Isthmian Canal policy.

The indicated article follows:

"PROGNOSIS FOR THE PANAMA CANAL": COMMENT AND DISCUSSION

(By the Honorable DANIEL J. FLOOD, Member of Congress)

As a member of the subcommittee of the House Committee on Appropriations charged with the formulation of appropriations bills for the Armed Forces and as a student of Panama Canal history and interoceanic canal problems over many years, I have read with the greatest interest the article by Professor Miller. All thoughtful Members of the Congress that I know concur with his conclusion that: "Any real erosion of our position in the Canal Zone is bound to have widespread and adverse effects throughout the Caribbean, in Latin America generally, and on our global relationships." This is a realistic appraisal of the situation now facing the United States with respect to the Panama Canal, which has long been the key target for the Communistic revolutionary conquest of the Caribbean.

The sovereign status of the United States over the Canal Zone and Panama Canal is the direct result of a long-range commitment by our Government for the construction, and perpetual maintenance, operation, sanitation, and protection of an isthmus canal by whatever route that may be considered, pursuant to the 1901 Hay-Pauncefote Treaty with Great Britain and the 1902 Spooner Act authorizing the securing of perpetual control of the Canal Zone by treaty with the sovereign of the Isthmus of Panama.

As a result of the Panama Revolution of November 3, 1903, and the diplomatic intervention of President Theodore Roosevelt, the necessary treaty was made with Panama, a successor state, rather than with Colombia, the sovereign of the isthmus prior to the 1903 revolt. This treaty, prepared under the close supervision of Secretary of State John M. Hay, granted sovereignty en bloc over the Canal Zone to the United States, "in perpetuity" and most significantly to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority." Moreover, the United States obtained ownership of all land and property in the Canal Zone by purchase from individual owners as well as sovereignty of the entire Canal Zone and its auxiliary areas by payment of $10 million as indemnity.

This control and ownership of the Canal Zone and Panama Canal was formally recognized by Colombia in the Thomson-Urrutia Treaty of April 6, 1914, proclaimed March 30, 1922. In return, Colombia received certain rights for transit of the Panama Canal and transport over the Panama Railroad comparable to those enjoyed by the Governments of the United States and Panama.

Thus the commitments of the United States, as regards the perpetual operation of the Panama Canal, are rooted not only in law but also in three important treaties. The width of the Canal Zone and the grant of sovereignty in perpetuity over it are not happenstances attributable to unauthorized clandestine maneuvering of foreign agents, as partisans have implied, but are due to the important studies made by the Isthmian Canal Commission (1899 to 1902) headed by Rear Admiral John G. Walker, one of the most distinguished officers of the Navy. In his report on January 18, 1902, he emphasized that suitable treaty arrangements must be made "if an isthmian canal is to be constructed by our Government across the Isthmus of Panama," that "the grant must be not for a term of years, but in perpetuity, and a strip of territory from ocean to ocean of sufficient width must be placed under the control of the United States," and that "in this strip the United States must have the right to enforce police regulations, preserve order, protect property rights, and exercise such other powers as are appropriate and necessary.

History has amply justified the vision of this distinguished naval officer in laying the basis for U.S. treaty-granted exclusive sovereignty over the Canal Zone and Panama Canal in an area that has been the scene of endless bloody revolution and political instability. The isthmus is less stable today than it was in 1903, and the challenge of the 1903 Treaty by Panama has not been met in a forthright manner by the United States. Experience has certainly shown that should the time ever come when any part of the Canal Zone or Panama Canal becomes a political pawn of Panamanian politicians, the days of U.S. control will be numbered. The inevitable result will be taken over by Communist revolutionary power.

Lest the current enthusiasm for a second Isthmian Canal serve to divert due consideration from fundamentals, attention is invited to the following facts:

1. The United States has a fine canal at Panama now, but it is rapidly approaching saturation.

2. Experience has shown that it will work, that our Government knows how to maintain and operate it, and how to provide for its major increase of capacity and operational efficiency without the requirement of a new treaty with Panama, all of which are paramount considerations transcending wishful thinking of promoters and idealists.

3. This modernization program, which was developed in the Panama Canal organization from meticulous studies of operations during World War II, provides for the adaptation of the existing canal to the principles of the Terminal Lake solution. This idea has been authoritatively recognized by maritime agencies of our Government and independent engineers, navigators, and lawyers as providing the best operational canal practicable of achievement, and at the least cost without involvement in treaty negotiations. The last, indeed, is a prime consideration.

4. The United States now has workable treaties for the Panama Canal granting the indispensables of undiluted sovereignty and ownership over the Canal Zone and Panama Canal and its auxiliary areas, and the protection of the summit level water supply of the Chagres River Valley.

5. The United States has suffered abrogation by ill-advised treaty amendments and nullification by Executive actions of vital parts of the 1903 Treaty through policies and practices in direct opposition to the 1923 position of Secretary of State Charles E. Hughes, who considered such reversals unthinkable.

6. The United States has had to defend its sovereignty over the Canal Zone by the use of force—an action absolutely necessary to protect the lives of our citizens and to save the canal itself from destruction by Red-directed mobs from Panama.

7. The United States has a treaty for a canal at Nicaragua, which would require a supplementary treaty with that country to supply necessary details as well as conventions with Costa Rica, Salvador, and possibly, Honduras, but it has no treaties for a canal at any other site.

8. The United States would have to defend a new canal at any site of any type constructed in addition to the Panama Canal from lawlessness and disorder as was illustrated at Panama from January 9 to 11, 1964, and against aggressive warfare.

9. The use of nuclear explosions for excavation is limited by the nuclear test-ban treaty and, in any case, is still in the conjectural stage, requiring from 7 to 10 years of experiment and the expenditure of some $250 million to develop proper devices for such excavation by nuclear explosion.

10. The expenditure of vast sums on an extravagant so-called sea-level project in the Canal Zone in the name of security and national defense will inevitably divert huge sums from other, more pressing programs for the defense of the United States and, on the whole, will involve much greater fixed costs than the present canal as improved by the economic means of additional locks. Moreover, dogmatic assertions that a canal at sea level would only require a small number of employees, perhaps 500, to operate and maintain it are perfectly absurd. A much larger number would be required because of the related conditions involved.

11. While it is true that a sea-level project at Panama has the support of the National Rivers and Harbors Congress and industrial interests and professional engineers associated with it, there has been, and still is, sharp opposition to this project on the part of many independent nuclear warfare, engineering, maritime, and other ship canal experts who cannot be dismissed as uninformed, incompetent, or inexperienced.

12. If the United States does not stand firm at Panama it cannot stand anywhere else, and weakness at Panama will cause other nations having possible canal sites to be more demanding in their consideration of treaties for new canal construction.

Certain writers, whose experience hardly entitles them to speak with authority, have urged that the United States surrender its sovereignty and jurisdiction over the Panama Canal to the United Nations or some other international body. They do not reveal that such transfer has been a prime objective of Soviet policy since 1917 and is directly related to Soviet aims to secure the control of the Dardanelles. Moreover, such a transfer would not solve problems but would be an abdication of responsibilities and would bring about the complete extinction of the Monroe Doctrine designed for the protection of the Western Hemisphere. In the light of what has happened in the Caribbean since 1959 when Castro took over Cuba, any such proposal is, to say the least, naive and, in its effect, amounts to downright subversion.

The Isthmian Canal policy of the United States, as basically evolved, has had for its objective the best canal at the best site for the transit of vessels of commerce and war on terms of equality and at low cost of construction, maintenance, operation, sanitation, and protection in the interest of tolls which interoceanic commerce can bear.

The most comprehensive, scholarly, forthright, and objective yet brief and rigorous clarification of overall canal problems ever written is that by Capt. Miles P. DuVal.[1] This article has become a state paper of the first importance and is must reading for all who wish to know the truth about this very confusing subject.

In planning our future interoceanic canal policy, it is imperative to stick to fundamentals. And the first of these is retention of indispensable and undiluted sovereignty of the United States over the Canal Zone and the Panama Canal, for if any part of the zone or interest in the canal becomes a political pawn for Panamanian politicians, the days of efficient operations of the Panama Canal, indeed, will end. Moreover, no one has ever been able to explain how the United States can adequately maintain, operate, and protect the canal with less authority than that accorded in the 1903 treaty.

Unveiling of the Taras Shevchenko Statue

EXTENSION OF REMARKS

OF

HON. CLIFFORD G. McINTIRE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. McINTIRE. Mr. Speaker, on Saturday, June 27, 1964, there will be an unveiling of a statue in honor of Taras Shevchenko, celebrating the 150th anniversary of the birth of Europe's early freedom fighter.

It is indeed highly appropriate that such a statue should occupy a prominent place on the American landscape, for the free shore of America is an ideal site for this tribute to one who so nobly and effectively fought for freedom.

This structure will serve as a stirring salute to the burning deeds of this freedom fighter, reminding all men that liberty is a prize not freely given but dearly won.

It will also serve to remind those of us who are free that there are others who do not live in the warm atmosphere of liberty—that we who abide with independence must send out a constant flow of understanding and encouragement to those not so blessed, thereby providing a current of hope that the iron curtain which has fallen down upon them will someday yield to the penetrating and all-conquering force of freemen.

Address by Secretary of the Interior Udall at Ground-Breaking Ceremonies at the Arbuckle Reclamation Project, Sulphur, Okla.

EXTENSION OF REMARKS

OF

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 24, 1964

Mr. ALBERT. Mr. Speaker, on June 20, 1964, it was my great pleasure to accompany the Secretary of the Interior, the Honorable Stewart L. Udall, at the ground-breaking ceremonies at the Arbuckle reclamation project in Sulphur, Okla.

Secretary Udall's address at these ceremonies was one of the finest I have ever had the pleasure to hear. I know that all Members will be interested in reading what he said:

REMARKS BY SECRETARY OF THE INTERIOR STEWART L. UDALL, AT GROUND-BREAKING CEREMONIES AT THE ARBUCKLE RECLAMATION PROJECT, SULPHUR, OKLA., JUNE 20, 1964

Few occasions give me more pleasure than to participate in the ground-breaking of another multiple use water project, and it is with great pride that I am able to participate as an active member of the team which brought this particular endeavor to the construction stage.

The Arbuckle project has been thoroughly studied and planned by our Bureau of Reclamation. We believe it is a true conservation endeavor and that it represents the best answers available to the many increasing demands we must make of our water.

You are lucky, here in Oklahoma, that you still can boast a surplus of water. Your State government has participated in this Arbuckle endeavor to insure that as the project is further developed, the uncommitted water will be used to its highest potential. Future users will be grateful for this attention to the foreseeable demands they will put upon it.

The primary purpose of this project, of course, is to supply municipal and industrial water to the surrounding towns and to the refinery—all of which have urgent need of it. But without detracting one iota from the major uses for which this project is intended, a whole complex of attendant benefits have been included—designed to enrich the economy, improve the quality of the land, and enhance the condition of wildlife.

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[1] Miles P. DuVal, "Isthmian Canal Policy—An Evaluation," U.S. Naval Institute proceedings, March 1955, pp. 263–275.

Flood control provided by Arbuckle Dam and Reservoir will be effective on both Rock Creek and the Washita River. The reservoir will provide nearly 6,000 acres of water surface for those who seek recreation in aquatic sports. Beneath that surface will be the fisherman's quarry. On the Big Sandy Creek arm of the reservoir, a wildlife management area will provide better conditions for the area's animal and waterfowl population and enhance opportunities for hunters.

You are lucky that the setting for your reservoir has so much natural beauty. It does not always work out that we can improve an area in so many ways. In some cases, to do the primary job means to do just that job and not much else. Here, however, you have all the makings at hand for a recreational area which will be of truly national significance. Platte National Park is close by and is presently receiving almost more use than it can stand. The proximity of your reservoir to the Platte National Park will make that park an even greater attraction and will increase the visitor pressure. Within the limits imposed by our present authorization for this project, we will provide recreational facilities to supplement those now available at the national park. But the prospects are that with recreation growing faster than any of our other leading industries, there will be a need for private developers to provide recreational opportunities beyond any that the Government—either Federal or State—can provide. All this enriches the economy of the Nation and of your area, and adds to the quality of America's outdoor opportunities.

We are completely understanding and sympathetic to the position of those people who will be required to sell their land and, in some instances, relocate their homes. This is often the case in water-resource developments involving storage, and no better way has been found than to weigh the public good against the private problems involved and then do what seems best for the area or the Nation as a whole. In such cases, the rights of individual property owners are protected by careful constitutional and statutory safeguards, requiring fair and just payment to the owners before any land is taken for public purposes.

I congratulate your State government for its direct financial participation in this project. The State of Oklahoma has underwritten the repayment of all costs associated with providing a future water supply, and I firmly believe that this is a proper expression of a joint Federal-State endeavor. Your water conservation storage commission, led by Dr. Church, is to be complimented on the part it has played in developing the project.

For many years prior to the formation of the Arbuckle Conservancy District, the Southern Oklahoma Development Association was active in working out details of the project with the Department of the Interior's Bureau of Reclamation and seeking authorization by Congress. Gene Cope must surely be recognized and applauded for all the effort he and his organization have made to bring us to this point of initiation today.

We have dwelt at some length during the planning and researching stages of this project on the benefits that will accrue to this area as the waters of Rock Creek and the Washita River are harnessed and put to work for the people in the immediate vicinity of this project.

We have said little, however, of the effects of what we begin here today on areas far beyond the so-called limits of this project. We are dealing here not merely with a sizable, rolled earth-filled dam—we are dealing with water. More and more we coming to realize that water is not a district problem, not a State problem, not a regional or river basin problem—not even a national problem. It is a concern which is global in its scope. On the whims and vagaries of this one element in our environment have hung the glories and the tragedies of whole civilizations in the past. On the taming and mastering of it hangs the hope of the future.

Much remains to be discovered before the oceans will yield the fresh water so desperately needed in parts of this country and the world at large—in quantities and a cost which would make its use economically feasible. In spite of our sophisticated weaponry in the battle to harness water, much still remains outside the range of our power and competence. The raindrops continue to fall with their own pattern, ignoring the dry areas of the earth where water is more precious than gold but strumming steadily on such regions as the 2-million-square-mile basin of the Amazon River, which discharges 3½ billion gallons of fresh water every minute into the Atlantic Ocean. This is 12 times the flow of our own river giant—the Mississippi— and yet to date we have no way of balancing this abundance in one area against the drought in other areas.

The search, however, continues. Our efforts in the direction of saline water conversion have shown steady progress. The costs of desalinization are coming down as new methods, multiple-use plants and byproduct recovery have been added to the process.

And we continue to work with known factors, such as the project we are starting here today * * * knowing that we not only create a fine municipal and industrial water supply, virtually eliminate flood danger, improve wildlife habitat and provide a splendid recreation area, but also that we are improving the overall quality of American life—that we are moving in the direction of what President Johnson has called the great society.

With our population hovering at the 200 million mark the Nation is already using 6 billion gallons of water daily. By 1970 we will be using twice that much and it will require every ounce of creative conservation we possess to meet these prodigious demands.

Since 1961, the Kennedy-Johnson administration has authorized projects that will provide 5 million acre-feet of water storage. Twelve new water resource developments are underway; 8 major and 15 smaller reclamation projects have been authorized and funds have been appropriated. Some 250 new watershed projects will conserve surface water, prevent soil erosion, and build up underground water supplies. Since 1961 we have spent nearly $70 million for surface and underground water research and the saline water conversion program has been expanded sixfold. All these things we have done, and more are projected. Among them are a multibillion-dollar, long-term national water program to meet the Nation's pressing needs.

But more is needed, and more will be forthcoming. We have a President who recognizes the urgency in facing up to the needs of a rocketing population. We have an administration which is not content with just keeping abreast of these needs, but is determined to build an ever greater society.

But even with great leadership, a nation can founder. It takes understanding, dedication and commitment on the part of all who hold positions of trust in this democratic society if we are to move ahead instead of falling irrevocably behind in this race between mounting need and available resource.

We would not have this opportunity to break ground here today had it not been for the willingness of the Arbuckle Master Conservancy District and the State of Oklahoma to work out with us the repayment contracts required as a prelude to starting construction. Mr. Glen Key, president of the Conservancy District, and his directors, Mr. Cofer of Wynnewood and Mr. Horner of Davis, have spent many long hours working with us to iron out all details of repayment, so that we could arrive at this happy point today.

It is from this kind of cooperative effort that the great society is being built. In the words of President Johnson:

"The great society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

I should just like to add, that the sounds which accompany the building of a great society are not merely rhetoric—they include the sound of the wrecking ball clearing away slums for urban renewal, the riffle of a page in a school library, the bite of a tractor-drawn plow into rich farm earth, the hum of the assembly line, the evening chirp of a mallard duckling and the laughter of a child. They also include the dynamite blast that heralds the building of a dam, and it is my very great pleasure to be with you as you celebrate another milestone in Oklahoma's multipurpose water program.

HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

The House met at 12 o'clock noon.

The Reverend Robert M. Taylor, minister, the Central Presbyterian Church, Downingtown, Pa., offered the following prayer:

Eternal God, our Heavenly Father, we come to Thee not so much from custom as from need. Cleanse our minds and hearts and help us to acknowledge Thy lordship over all of life.

Fill us with renewed awe that Thou hast called us to be partners with Thee in governing the orderly processes of civilization. Free us from the tyranny of the temporal so that we may be attuned to the whisper of Thy wisdom.

Put Thine arm of love around us; make us sensitive to the leading of Thy holy spirit, and fill us with a renewed dedication to seek and pursue Thy purposes of powerful love for all men.

Be with the Members, officers, and others involved in the work of this House. Guide the President, his Cabinet, the Senators, the judges, and all others who strive in their lives to vote "yes" for Thee. We pray that Thy grace may be sufficient for all of Thy servants, drawing out of each that true greatness which serves before it seeks to be served and which pauses to listen to Thee before being pressured by a babel of tongues and tensions.

O God, we know how many are depending on us and praying for us. We also know how much Thou art depending on us and wooing us. Fill us now with that courage and that love which are needed to be Thy representatives in a Nation that is truly under God.

In the name of Him who came to bring us life and that more abundantly. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SYMINGTON, Mr. STENNIS, Mr. HOLLAND, Mrs. SMITH, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8462. An act to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, contingent upon approval by the Administrator of the Federal Aviation Agency, and to provide for the conveyance to the United States of certain real property now used by such city for public airport purposes.

TO AUTHORIZE APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to a conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none and appoints the following conferees: Messrs. MILLER of California, TEAGUE of Texas, KARTH, HECHLER, MARTIN of Massachusetts, FULTON of Pennsylvania, and CHENOWETH.

PERMIT VESSEL "SC-1473" TO ENGAGE IN THE FISHERIES

Mr. BONNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6007) to permit the vessel *SC-1473* to engage in fisheries.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, what is the bill?

Mr. BONNER. Mr. Speaker, if the gentleman will yield, this bill is designated to document under the American flag, for fishing purposes, a vessel that was built during World War II by the Navy through a subcontractor in Canada and which is a derelict in the Charleston Harbor. An American citizen has bought it.

Mr. BROWN of Ohio. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the vessel *SC-1473* may be documented as a vessel of the United States and may engage in the foreign and coastwise trade and in the fisheries as long as such vessel is owned by a citizen of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE INDIANA PORT

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, Indiana is rapidly taking her place as one of the great industrial States of this Nation. The proposed Indiana deepwater port on Lake Michigan will add to her growth potential.

The port is necessary if this country is to keep pace and remain competitive with a world which is rapidly modernizing her shipping facilities. It is necessary if shipping is to keep up with the rapid growth of the industry of the midwest and the needs of our agricultural economy. It is necessary if Indiana is to take her place as a progressive and ever-growing State.

The National Rivers and Harbors Congress at its 51st annual national convention, upon the recommendation of the national projects committee, voted unanimously to endorse the Burns Waterway Harbor, Ind. It was the judgment of the committee that the project is sound, necessary and sufficiently advanced in status; and that its construction is justified by the public interest it will serve.

Indiana is grateful for this endorsement and the stimulus it will provide for congressional approval of this project.

SPEAKER'S FEES PAID TO JOHN MORLEY BY UNSUSPECTING CALIFORNIANS

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, for 14 years to my knowledge, leading luncheon clubs in San Diego and elsewhere in southern California have been paying speaker's fees to one John Morley. Mr. Morley represents himself as a foreign correspondent. Occasionally he has appeared in the military attire of a war correspondent.

The gist of his message never varies. It is that America is the victim of diplomatic stupidity bordering on treason.

Morely keeps his poison up to date. Thus, on Tuesday of this week, he cited a purported conversation with Henry Cabot Lodge to deprecate the American effort in South Vietnam.

I have recently checked this man's credentials. I find that John Morley is not accredited to the Washington press corps, and that he is unknown to the State Department. He is unlisted by the National Press Club. The major organization of foreign correspondents—the Overseas Press Club of America, Inc.—has never heard of him, let alone listing him as a member. All these facts have been confirmed to me in writing.

I do not begrudge Mr. Morley the generous fees paid him by unsuspecting Californians. But I must warn that the views he expresses do not come from an accepted member of the profession Mr. Morley claims to represent.

THE CIVIL RIGHTS SITUATION IN MISSISSIPPI

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, on Tuesday of this week I spoke for diligent efforts by the authorities in Mississippi and by the Federal Government to try to locate the young men who have been participating in a voter registration drive, and other civil rights activities, in the State of Mississippi. It appears that their rescue is hopeless; and another dastardly crime against law-abiding citizens has occurred. I hope events prove me wrong.

It is a sad commentary that citizens of this great country should not receive the necessary protection when they announce their intentions to engage in what is recognized to be legal activities within a community. It appears obvious that the local authorities in the State of Mississippi are either unable or unwilling to afford the protection necessary.

Under these circumstances, I believe that the Federal Government can do no less than to see that vigorous measures, whatever they may be, are taken to protect the lives and well-being of American citizens within the borders of any State; and in this particular instance in the State of Mississippi.

I have received communications from numerous of my constituents who inform me that because they feel it is their responsibility, as American citizens, to make our country a land of freedom and equality for all, they are undertaking as a summer project assistance to citizens in the State of Mississippi. They have been urging me to obtain Federal protection for them.

I therefore urge that Federal marshals, and stronger measures, if necessary, be taken to protect those of my constituents who are going to travel and work in Mississippi this summer. This is their right as citizens of this country. This is the country's obligation to its citizens.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, on Friday, June 12, the Governor of Oklahoma, the Honorable Henry Bellmon, led in Oklahoma Day exercises at the New York World's Fair. I know that the hundreds of Oklahomans who were in attendance at this exercise were very proud of the exhibit, and of the unveiling of an outstanding work of a sculpture by one of Oklahoma's great Indian artists, Willard Stone, highlighting the participation of our State in the World's Fair.

I know there have been some critics of the World's Fair, but in my judgment and the judgment of my family, it is an outstanding exhibition which does full credit not only to the United States but also to the many exhibitors who participate in it. I predict it will be recognized as one of the outstanding world fairs of our time.

I think we of the Congress can take great pride in the U.S. pavilion at the World's Fair. It came as a surprise to me that at least one Member of this body had been critical of that exhibit, for the reaction to the U.S. pavilion among the members of our family was uniformly good. We were especially impressed by the inspiring message carried by that great exhibit. I think it strengthens and increases the pride and patriotism of every American to have the opportunity to see such an outstanding exhibit, and I congratulate its creators as well as the directors of the fair itself.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1965

Mr. KIRWAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none, and appoints the following conferees: Messrs. KIRWAN, DENTON, MAHON, HARRISON, and REIFEL.

Mr. KIRWAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight Friday to file a conference report on the bill H.R. 10433.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GRAND PRAIRIE, TEX.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, contingent upon approval by the Administrator of the Federal Aviation Agency, and to provide for the conveyance to the United States of certain real property now used by such city for public airport purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That (a) subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall be authorized to convey to the highest bidder all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 127.99 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, described in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

"Being a track or parcel of land lying and situated in Grand Prairie, Dallas County, Texas, and a part of the McKinney and Williams survey, abstract numbered 1045 and the Elizabeth Gray survey, abstract numbered 517.

"Beginning at a point on the east right-of-way line of Carrier Parkway (formerly Southwest Eighth Street) where it intersects the south boundary line of the McKinney and Williams survey, abstract numbered 1045, said point being the northwest corner of lot 17, block 9, of the Indian Hills Park addition to the city of Grand Prairie:

"thence south 0 degree 33 minutes 30 seconds west along the east right-of-way line of Carrier Parkway a distance of 2,683.0 feet to the southeast corner of Grand Prairie Airport;

"thence north 89 degrees 34 minutes 30 seconds west a distance of 1,509.8 feet along the south boundary line to a point, said point being 200 feet easterly of and perpendicular to the extended centerline of the north-south runway;

"thence north 1 degree 19 minutes 30 seconds west and parallel to said centerline a distance of 2,670.35 feet to a five-eight-inch pipe, said point being 200 feet easterly of and perpendicular to said centerline;

"thence north 0 degree 52 minutes west, 1,050 feet to a one-half-inch rod, said point being the easternmost southeast corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

"thence north 8 degrees 20 minutes 30 seconds west a distance of 691.70 feet to a point on the south right-of-way line of Jefferson Avenue;

"thence north 81 degrees 39 minutes 30 seconds east along the south right-of-way line of Jefferson Avenue a distance of 249.06 feet to the northwest corner of land known as General Services Administration land acquisition;

"thence south 8 degrees 20 minutes 30 seconds east a distance of 330 feet to a point for General Services Administration land's southwest corner;

"thence south 44 degrees 41 minutes 30 seconds east following General Services Administration land's southerly boundary line a distance of 2,016.45 feet to the place of beginning and containing 127.99 acres of land, more or less,

together with the rights appurtenant to the above-described land, under and by virtue of the restrictive condition contained in deed without warranty dated January 12, 1961, recorded in volume 5490, page 26, Deed Records of Dallas County, Texas, whereby the United States of America conveyed 31.97 acres of adjacent land, more or less, to Jerome K. Dealey, Dallas, Texas, said restrictive condition in said deed without warranty from the United States of America to the said Jerome K. Dealey providing that the construction of buildings or improvements on the land therein and thereby conveyed shall be restricted in height so that there will be no obstructions above the plane of an approach zone with a glide angle of 20:1 where the zero elevation beginning point for the glide angle is fixed by starting at a 1¼-inch iron pipe, being the northwest corner of the Indian Hills Park addition (abstract 517) to the city of Grand Prairie, Texas, as shown in volume 17, page 365 of the Plat Records of Dallas County, Texas, and the northwest corner of lot 17, block 9 of said Indian Hills Park addition; thence, north 40 degrees 3 minutes west 905 feet, more or less, to the intersection of such line with the center line of an existing asphalt runway; said approach zone plan to be 250 feet wide, extending 125 feet on either side of point of beginning and 410 feet wide at 20:1 slant distance of 1,600 feet along the runway center line extending from the point of beginning.

"(b) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States, acting by and through the Secretary of the Army, all right, title, and interest of such city in and to certain real property transferred to such city for public airport purposes by the United States. Such real property consists of a tract of land containing 67.83 acres, more or less, comprising a portion of the 195.82-acre tract situated in the county of Dallas, State of Texas, the exact legal description of which property is contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, and more particularly described as follows:

"Being a tract of land situated in the county of Dallas, State of Texas, and being part of the McKinney and Williams survey (A-1045) and part of the Elizabeth Gray survey (A-517), and being more particularly described as follows:

"Beginning at a 1¼-inch pipe at the intersection of the south boundary line of said Elizabeth Gray survey with the east right-of-way line of Southwest Fourteenth Street (formerly locally called Twelfth Street Road), said pipe being located south 89 degrees 26 minutes east, 20 feet from the southwest corner of said Elizabeth Gray survey;

"thence along the boundary line of a 195.82-acre tract of land conveyed by the United States of America to the city of Grand Praire by deed without warranty dated May 22, 1962, and recorded in volume 5810 at page 206 of the Deed Records of Dallas County, Texas, as follows: along the east right-of-way line of Southwest Fourteenth Street, north 00 degrees 22 minutes 30 seconds east, 1,154.45 feet to a five-eighths-inch pipe, said point being the southernmost corner of a 42.39-acre tract presently owned by the United States of America and licensed to the Texas National Guard;

"thence along the boundary line of said 42.39-acre tract as follows: north 29 degrees 32 minutes 30 seconds east, 981.15 feet to a one-half-inch rod, said point being perpendicular to and 400 feet west of the centerline of a north-south runway;

"thence north 01 degrees 19 minutes 30 seconds west, along a line parallel to and 400 feet west of said centerline, 1,476.75 feet to a one-half-inch rod on the south boundary line of the most western ramp;

"thence north 81 degrees 59 minutes 30 seconds east, 614.10 feet to a one-half-inch rod, said point being the easternmost southeast corner of said 42.39-acre tract, and a reentrant corner of aforesaid 195.82-acre tract;

"thence departing from the boundary line of said 195.82-acre tract and said 42.39-acre tract, severing said 195.82-acre tract, south 00 degrees 52 minutes east, 1,050 feet to a five-eighths-inch pipe, said point being 200 feet easterly of and perpendicular to the centerline of said runway;

"thence 200 feet easterly of and parallel to said centerline and its southerly extension, south 01 degrees 19 minutes 30 seconds east, 2,670.35 feet to a railroad spike set in a south boundary line of said 195.82-acre tract, same being the south boundary line of the Elizabeth Gray survey;

"thence along the boundary line of said 195.82-acre tract as follows: along the south boundary line of said Elizabeth Gray survey, north 89 degrees 34 minutes 30 seconds west, 47.5 feet to a point in the east boundary line of the William C. May survey (A-890);

"thence along the common line between said May and Gray surveys as follows: north 00 degrees 02 minutes west, 138.4 feet to a three-fourths-inch rod for the northeast corner of said May survey and a reentrant corner of said Gray survey;

"thence north 89 degrees 26 minutes west, 1,091 feet to the point of beginning, containing 67.83 acres, more or less.

"(c) Subject to the provisions of section 2 of this Act, the city of Grand Prairie, Texas, shall convey to the United States such avigation, clearing, and restrictive easements over the 127.99 acres described in section 1 (a) of this Act, as the Secretary of the Army, after consultation with the Administrator of the Federal Aviation Agency, shall determine necessary to provide adequate lateral and transitional zone clearance for the operation and utilization of the airstrip (runway) located within the 67.83 acres of land described in section 1(b) of this Act.

"SEC. 2. (a) The sale referred to in subsection (a) of the first section of this Act shall be authorized in writing by the Administrator of the Federal Aviation Agency, only after—

"1. A site for a new airport has been selected and the Administrator, Federal Aviation Agency, has determined that such site is capable of being developed and used as an airport adequate to meet the needs of Grand Prairie;

"2. A plan for construction of airport facilities at the new site has been submitted to and approved by the Administrator, Federal Aviation Agency;

"3. The city of Grand Prairie has, through advertising and sealed bids, provided assurances that construction of airport facilities can be accomplished in accordance with the plan submitted to and approved by the Administrator, Federal Aviation Agency; and

"4. The city of Grand Prairie has, after advertising, received sealed bids on the 127.99 acres to be sold and determines that the bid to be accepted is in an amount equal to or greater than the combined costs of acquiring land for a new airport site and constructing the airport facilities thereon in accordance with plans submitted to and approved by the Administrator, Federal Aviation Agency.

"(b) Airport facilities constructed with the proceeds of the sale authorized in section 1(a) shall be only those kinds of facilities which are eligible for construction with Federal funds under the Federal Airport Act. Any proceeds of the sale of the 127.99 acres in excess of the amount needed for acquisition and construction at the new site shall be paid to the Administrator of the Federal Aviation Agency. The Administrator is authorized to receive such excess proceeds and to use such proceeds for the purposes of the discretionary fund established under section 6(b) of the Federal Airport Act.

"(c) The real property acquired by the city of Grand Prairie, Texas, with the proceeds of the sale authorized pursuant to subsection (a) of the first section of this Act shall be subject to such terms, exceptions, reservations, conditions, and covenants as the Administrator of the Federal Aviation Agency, after consultation with the Secretary of the Army, may deem appropriate to assure that such property will be held and used by such city for public airport purposes; and also subject to the condition that the United States and its assigns, agents, permittees, and licensees (including but not limited to the Texas National Guard) shall have the right of joint use, without charge of any kind, with the city of Grand Prairie of the landing areas, runways, and taxiways for landings and takeoffs of aircraft, together with the right of ingress and egress to said landing areas, runways, and taxiways.

"(d) Subject to the approval of the Administrator of the Federal Aviation Agency with respect to the coordination of the sale authorized by him under the foregoing provisions of this section with the conveyance required by this subsection, the city of Grand Prairie, Texas, shall convey, without monetary consideration therefor, to the United States, acting by and through the Secretary of the Army, that tract of land containing 67.83 acres, more or less, situated in the county of Dallas, State of Texas, the exact legal description of which is set forth in subsection (b) of the first section of this Act; together with all such avigation, clearing and restrictive easements described in section 1(c) of this Act.

"(e) The enactment of this Act shall in no manner serve to waive or diminish the existing obligations of the city of Grand Prairie, Texas, to operate and maintain these lands as a public airport until such time as a final determination thereon is made by the Administrator of the Federal Aviation Agency: *Provided further,* That the city shall continue to provide, without cost to the Department of the Army, for the repair, maintenance, and operation of the existing Grand Prairie Airport and related facilities until such time as the same is reconveyed to the United States, and/or the civilian use of this airfield is transferred to the proposed new city airport.

"SEC. 3. The provisions relating to the reversion to the United States of legal title to certain real property in the event it is not used for airport purposes contained in the deed dated May 22, 1962, entered into between the United States as grantor, acting by and through the Secretary of the Army, and the city of Grand Prairie, Texas, as grantee, are hereby declared to be null and void from and after the date of the disposal of said property in compliance with the provisions of this Act, to the extent such provisions apply to the 127.99 acres, more or less, described in subsection (a) of the first section of this Act.

"SEC. 4. The Administrator of the Federal Aviation Agency shall issue and obtain such written instruments as may be necessary to carry out the foregoing provisions of this Act. However, prior approval of the Secretary of the Army shall be obtained as to those instruments of direct concern to the Department of the Army, and the Secretary of the Army is hereby authorized and directed to accept, on behalf of the United States, all instruments of conveyance of such real property and real property interests as are conveyed to the United States pursuant to the foregoing provisions of this Act, and to accept custody and control of such property."

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL RAILROAD ADJUSTMENT BOARD

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, at this time I would like to announce that the Subcommittee on Transportation and Aeronautics will hold hearings on July 21 and the balance of that week on H.R. 8982, 8983, and 8984, bills amending the Railway Labor Act with respect to the procedures of the National Railroad Adjustment Board.

The National Railroad Adjustment Board is a Board established by law for final settlement of disputes between individual railroad employees and their employers arising out of the interpretation or application of collective bargaining agreements.

Since the establishment of that Board in 1934, a substantial backlog of work has existed, primarily in the first and third divisions. In recent years that backlog has begun to increase.

The purpose of these hearings will be to determine whether any changes in the law are needed to eliminate this backlog and to provide a procedure whereby these disputes can be settled in a reasonable time.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Washington makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 167]

Ashbrook
Avery
Baring
Bennett, Mich.
Bolling
Bruce
Cameron
Celler
Clausen, Don H.
Conte
Davis, Tenn.
Diggs
Forrester
Gallagher
Green, Oreg.
Gubser
Harris
Hays
Healey
Hoffman
Ichord
Johnson, Pa.
Kee
Kilgore
King, Calif.
Miller, N.Y.
Morgan
Morrison
Pilcher
Pillion
Powell
Randall
Rogers, Tex.
Schadeberg
Schwengel
Scott
Senner
Sheppard
Springer
Staggers
Stubblefield
Watts
Willis

The SPEAKER. On this rollcall 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1965

Mr. MAHON. Mr. Speaker, I call up House Joint Resolution 1056, and ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the State of the Union.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1965, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1964 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1965:

District of Columbia Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Treasury-Post Office Departments and Executive Office Appropriation Act;

Legislative Branch Appropriation Act;

Departments of Labor and Health, Education, and Welfare Appropriation Act;

Department of Defense Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Department of Agriculture and Related Agencies Appropriation Act;

Independent Offices Appropriation Act;

Military Construction Appropriation Act; and the

Public Works Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority, granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for the fiscal year 1964, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority, provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1964 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority:

Foreign assistance and other activities for which provision was made in the Foreign Aid and Related Agencies Appropriation Act, 1964;

National Aeronautics and Space Administration; and

Department of Health, Education, and Welfare:

Office of Education: Grants for library services.

(c) Such amounts as may be necessary for continuing projects or activities which were conducted by the Department of Health, Education, and Welfare in the fiscal year 1964 and are listed in this subsection at a rate for operations not in excess of the current rate:

Public health traineeship grants under section 306 of the Public Health Service Act, as amended;

Professional nurse traineeship grants under section 307 of the Public Health Service Act, as amended;

Hospital and medical facilities construction grants under parts C and G of title VI of the Public Health Service Act, as amended;

Assistance for repatriated United States nationals under section 1113 of the Social Security Act, as amended; and

Activities under the appropriation "Juvenile delinquency and youth offenses".

(d) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1965.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 31, 1964, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 104. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1964. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Mr. MAHON. Mr. Speaker, this is the customary type of resolution which the Congress, for a good many years, has found necessary to adopt on the eve of the new fiscal year to avoid interruption or disablement of the continuing functions of Government in the interval between June 30 and final approval of the applicable regular annual appropriation bills. The ranking minority member of the Committee on Appropriations, the distinguished gentleman from Iowa [Mr. JENSEN], and I have conferred on the matter and we call up the resolution with the approval of the Committee. I am not aware of any disagreement on the proposition. We have conferred with the leadership as to the time period and, exactly as last year, the resolution covers 2 months—to August 31.

The resolution follows the sterotyped form perfected some years ago to accommodate the public necessities on an interim, minimum basis.

The House has moved the general appropriations bills with dispatch: 11 of the 12 regular bills for fiscal year 1965 have been sent to the other body. The 12th and last one—foreign assistance—is available today and we hope to be in position to call it up in the House early next week. If we pass it by next Tuesday, all the regular bills will have cleared the House before the advent of the new fiscal year. It has been 4 years since all the regular bills cleared the House by that date.

The other body has until recent days been so fully occupied with another matter that it has not gotten as far along on the appropriations. But the other body now seems to be moving with dispatch; it has passed two of the bills—Interior and Treasury-Post Office—this week, and we have a conference scheduled on one of them tomorrow. The other one will be in conference shortly. So, Mr. Speaker, we can assure the House that the appropriations business now seems to be moving right along. And we intend to cooperate in every practicable way to keep it moving. The pending resolution is the stopgap interim solution.

The resolution ceases to apply to an agency or activity concurrent with approval by the President of the annual supply bill in which provision for it has been disposed. Thus the scope of the resolution constricts as each regular bill is finally enacted; the resolution would be wholly inoperative after the last approval. In accord with previous practice, the emphasis is on the continuation of existing projects and activities at the lower of one of three rates; namely, first, the current—1964—fiscal year; second, the budget request, where no action has been taken by either House; or third, the more restrictive amount adopted by either of the two Houses.

In further elucidation, may I say that in those instances where bills have passed both bodies and the amounts or authority therein differ, the pertinent project or activity continues under the lesser of the two amounts approved and under the more restrictive authority.

Where a bill has passed only one House, or where an appropriation for a project or activity is included in only one version of the bill as passed by both Houses, the pertinent project or activity continues under the appropriation, fund, or authority granted by the one House, but at a rate of operations not exceeding the fiscal year 1964 rate or the rate permitted by the one House, whichever is the lower.

In those instances where neither House has passed an appropriation bill for the fiscal year 1965, appropriations are provided for continuing projects or activities conducted during fiscal year 1964 at the current rate or the pending budget estimate, whichever is lower, and under the more restrictive authority.

SUMMARY OF APPROPRIATIONS

Mr. Speaker, by way of summary, in this session to date, in both the deficiency bills for 1964 and in the 11 regular bills for fiscal 1965, the House has considered budget requests for appropriations aggregating $92,348,302,844 against which, in the bills as passed, we have approved $83,692,115,929, an apparent—and striking—reduction of $8,656,186,915. But I must hasten to say that this is a gross distortion occasioned by the deletion on a point of order from the House floor of the entire $5,200 million recommended by the Committee on Appropriations for the national space program. Assuming House approval of that recommendation or something approximating it—and I take it we can all agree with the reasonableness of that assumption—the totals, in perspective, would show appropriations recommended by the House for the session to date of $88,892,115,929, a reduction of nearly $3½ billion below the Executive requests—precisely, $3,456,186,915. The other body has not yet passed enough bills to disclose any meaningful totals on the results of its deliberations.

The foreign assistance bill reported to the House this morning involves budget appropriation requests of $3,958,377,000 in all titles. The committee has recommended a cut of $219,127,600.

In conclusion, Mr. Speaker, and to repeat for emphasis, the pending resolution is the usual, and of course absolutely essential course of action under the circumstances. By way of reassurance—because the question invariably arises—may I say that the resolution does not in any way supplement or add to the appropriations in the regular bills. It is strictly a stopgap measure to keep the doors of Government opening each morning on a minimum basis until funds for the whole year are supplied in the regular course of events. In the words of the resolution itself:

> Expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

I urge adoption of the resolution.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. JENSEN. Mr. Speaker, I agree with what the gentleman from Texas has said about the continuing resolution. It is a resolution which is similar to every continuing resolution Congress has passed in previous years.

Our former chairman, Mr. Cannon, who passed to his reward during this session, set a time schedule for all appropriation bills to come before the House of Representatives. The minority worked with Mr. Cannon in the fullest manner. We not only cooperated with him but the minority members of the Committee on Appropriations adopted a motion that we would support his time schedule, and we have done that.

The time schedule which Mr. Cannon set up has been followed almost to the letter and to the day. I know that our good chairman, the gentleman from Texas [Mr. MAHON], cooperated fully with Mr. Cannon and the rest of the members of the Committee on Appropriations in accomplishing this fact.

So, Mr. Speaker, I can only say that I agree to the date set for the termination of the continuing resolution, which the gentleman from Texas [Mr. MAHON] and I and others on the Committee on Appropriations have agreed should be August 31, 1964.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa and I may have permission to revise and extend our remarks in connection with this continuing resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

URBAN MASS TRANSPORTATION

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3881, with Mr. Moss in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1 ending on line 19, page 13.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RAINS: On page 13, line 19, strike out "1963" and insert "1964".

Mr. RAINS. Mr. Speaker, this is a strictly technical amendment and I am sure there is no objection to it.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FINDINGS AND PURPOSES

> SEC. 2. (a) The Congress finds—
>
> (1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;
>
> (2) that the welfare and vitality of urban areas, the satisfactory movement of people and goods within such areas, and the effectiveness of housing, urban renewal, highway, and other federally aided programs are being jeopardized by the deterioration or inadequate provision of urban transportation facilities and services, the intensification of traffic congestion, and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis; and
>
> (3) that Federal financial assistance for the development of efficient and coordinated mass transportation systems is essential to the solution of these urban problems.
>
> (b) The purposes of this Act are—
>
> (1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods;
>
> (2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development; and
>
> (3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill is one of the most important matters of legislation to be considered in this session of the Congress. It is a recognized fact that the population of our Nation over the last quarter of a century and, particularly, since the depression years has gravitated into and become concentrated in the cities and metropolitan areas. The population of our metropolitan areas is increasing by leaps and bonds annually. Small towns throughout the United States naturally are not confronted with the kind of transportation crisis which is being experienced in most of the major cities in this country.

The Committee on Banking and Currency has held long and tedious hearings on this legislation. Mayors, city officials, business interests, chambers of commerce, and labor organizations—all have testified as to the necessity to have our Federal Government aid our cities in the handling of this transportation problem that is expanding so rapidly and which has such an important effect on the economy of our Nation.

The Calumet region of Indiana in the First Congressional District of Indiana which I represent is located right in the shadow of Chicago. Metropolitan Chicago is an area with a population of approximately 6 million people. This area is located in the pathway of all transportation coming east into Chicago and also all transportation going East out of the city of Chicago and the Northwest goes through my congressional district. We have over 20 main railroad lines going through our area.

During the debate some Members yesterday stated that this is more or less a local problem. I want to state that the people of Gary, Hammond, East Chicago, and smaller towns in my area could not begin to finance and could not begin to solve the critical transportation problem that comes through the Calumet region of Indiana.

This traffic crisis in our area is not caused primarily by the people living in my area. This transportation problem in my area is caused by the thousands and thousands of cars and trucks daily coming from the States of New York, Pennsylvania, Georgia, Texas, and Kansas, and all of the States of the Union. It is not a local problem in my area, by any means, whatsoever.

The interstate transportation coming in from these outside States is curtailing the production of this industrial area in the Calumet region. There are three major steel mills in the Calumet region. Carnegie Illinois is one of the largest in the world. There are also Inland and Youngstown. The main office of the Portland Cement Co. is located there. Most major oil companies in the Nation have refineries in the Whiting and East Chicago area. There are several chemical plants in the Calumet region. There are 200 or 300 major and smaller industries in the towns and cities of northwest Indiana—250,000 people work daily in the major industries located on the south shores of Lake Michigan. The congestion which occurs at the three different work shifts during 24 hours, is staggering and impedes transportation almost around the clock.

I have seen passenger automobiles and trucks bumper to bumper, coming in and out of these industries at the change of shifts, extending 3 or 4 miles in traffic tieups. It takes some of the workers as long as 2 hours to get from work in these industries to their homes, perhaps 30 or 40 miles away.

Thousands of people who live on the South Side of Chicago work in this area. Tens of thousands more live across the line, in Illinois, and in the south area in adjoining northwest Indiana, commute as far away as 50 or 60 miles.

Many witnesses testified before the committee that transportation in urban localities is a national problem—56 percent of the land in the city limits of Atlanta, Ga., is taken over by streets, highways, parking lots, and garages. Similar or worse conditions exist in other localities.

The multimillion-dollar freeways recently built crossing Chicago north and south and east and west are now overcrowded with car and truck traffic. The time for action and transportation relief is now critical and increasing year by year.

I hope this bill is passed by a large majority.

AMENDMENTS OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer the following amendments.

The Clerk read as follows:

Amendments offered by Mr. Rains:

Page 14, before the semicolon in line 19, insert ", with the cooperation of mass transportation companies both public and private".

Page 14, before the semicolon in line 22, insert ", with the cooperation of mass transportation companies both public and private".

Mr. RAINS. Mr. Chairman, these two small amendments are a part of the so-called private enterprise amendments which we expect to offer. These are really conforming amendments with the language which will be offered later. I assume there is no opposition to these particular amendments.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Alabama [Mr. Rains].

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Cerk read as follows:

FEDERAL FINANCIAL ASSISTANCE

Sec. 3. (a) In accordance with the provisions of this Act, the Administrator is authorized to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Administrator determines that the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. No such funds shall be used for payment of ordinary governmental or nonproject operating expenses.

(b) No loan shall be made under this section for any project for which a grant is made under this section, except grants made for relocation payments in accordance with section 7(b). Loans under this section shall be subject to the restrictions and limitations set forth in paragraphs (1), (2), and (3) of section 202(b) of the Housing Amendments of 1955. The authority provided in section 203 of such Amendments to obtain funds for loans under clause (2) of section 202(a) of such Amendments shall (except for undisbursed loan commitments) hereafter be exercised by the Administrator (without regard to the proviso in section 202(d) of such Amendments) solely to obtain funds for loans under this section.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rains: Page 16, after line 13, insert the following new subsection:

"(c) No financial assistance shall be provided under this Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring any interest in, or purchasing any facilities or other property of, a private mass transportation company, or for the purpose of constructing, improving, or reconstructing any facilities or other property acquired (after the date of the enactment of this Act) from any such company, or for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company, unless (1) the Administrator finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, (2) the Administrator finds that such program, to the maximum extent feasible, provides for the participation of private mass transportation companies, (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local laws, and (4) the Secretary of Labor certifies that such assistance complies with the requirements of section 10(c) of this Act."

PRIVATE ENTERPRISE AMENDMENTS

Mr. RAINS. Mr. Chairman, these amendments to protect private enterprise are very similar to those contained in the mass transit bill, H.R. 4006, which was introduced by the gentleman from New Jersey [Mr. Widnall] on February 21, 1963. They have the support of the private transit companies, both rail and bus, and of their employees. I believe their adoption would do much to allay the fears which some of my colleagues on both sides of the aisle have expressed, that this bill might possibly be use to favor publicly owned transportation over private companies.

These amendments have as their primary objective the assurance that not only will privately owned transportation companies receive fair and equitable treatment under the bill, but that Federal funds will be utilized for the conversion of private companies to publicly owned companies in but the rarest circumstances. The administration has argued, and I expect this to be true, that the overwhelming bulk of the funds provided in this measure will be used, as, for example, they are now used in the city of Philadelphia where the Passenger Service Improvement Corp. utilized the facilities of the Pennsylvania & Reading Railroads and the bus companies as their agent to take care of commuter transportation. I feel that this system is preferable to public ownership. I recognize, of necessity, that in some cases public ownership would be absolutely necessary, but I wish—and I believe I reflect the views of the vast majority of this body—to keep it to a minimum.

Secondly, my amendments would make sure that in those unusual instances where a transportation company must, in order to assure a coordinated transit system, pass from private to public ownership, the private company will receive just and adequate compensation for the loss of their franchise or property.

I hope the chairman of the committee and the members of the committee will see fit to accept these amendments which will achieve a broad base of support of the bill.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Hawaii.

Mr. GILL. Mr. Chairman, I rise in support of the Urban Mass Transportation Act.

Few problems have plagued the city dwellers and workers of our generation like traffic jams, parking problems, and all the noise, waste, and frustration that accompany these evils. The rapid rise in urban growth projected for the next generation can accentuate an incredible situation into one that is completely impossible.

We have no choice but to find some way to move people cheaply, quickly, and comfortably between their homes and places of work. Certainly, more highways are not the answer. One of their main effects is to attract more traffic and create greater problems in the urban areas. At the same time, they eat up tremendous areas of land, displace people and businesses, deface the landscape, and often are obsolete by the time they are finally opened to public use.

In many areas, new forms of transit must be tried, and this bill would help. In other areas, existing transit must be improved and upgraded and this bill would help here, too. In all areas, there is a need to coordinate the highway program with the new effort on mass transit; this bill would provide for cooperation and an exchange of information.

The main city in my State is a case in point to show the need for this bill. Honolulu is one of the most densely populated areas of land in the world. The island of Oahu has over 1,000 persons per square mile. It also has some of the best growing land in the State. As this metropolitan area grows, we are faced with the related and complex problem of encouraging orderly development, without undue damage to agricultural land, and making sure that people can move back and forth between various parts of the community with ease and speed. Already we have too many cars. Our number of cars per mile of highway on Oahu is 182, as compared with the national average of 21, and this is bound to get worse in spite of our highway building program; current estimates show that our present number of cars will double to about 500,000 in 1980.

It seems obvious to me that we must find some new way of moving people. Presently, it is more convenient to drive a car to and from work, in spite of the traffic jams. A good mass transit system must overcome this balance of convenience so that most who drive will want to escape the rush hour ordeal by taking the train or the bus. Realistically, we should not expect the commuter to give up his car; but we may be able to get him to give up that second or even third car, and to leave his family car home for his wife while he commutes to work on the mass transit system.

Realistically, we cannot expect this to happen until we install a complete and efficient transit system. This will require a heavy capital outlay for new equipment and rights-of-way. And it will take a while for the new system to prove itself.

It is argued that present transit systems are inefficient and losing patrons; therefore, we cannot expect improvement with a new system. This ignores the basic dilemma of public transit today. Old equipment and high rate structures lead to fewer customers, which leads to falling revenues, which in turn leads to even higher rates and older equipment. This bill is aimed at breaking this vicious cycle and starting mass transit back on the road to wider use and lower fares.

It is argued that this program is expensive and merely a toe in the door for larger expenditures in the future. This program will cost money, to be sure. And if passed, it will probably be expanded to meet future need. But do not the highways cost money? The present Federal aid highway program totals $41 billion, and about $20 billion will be spent in urban areas. This is a lot of money to spend on a program which, when completed, will not meet the rush hour traffic needs in the cities.

Further, those who argue the expected costs of the mass transit bill, overlook many of the costs and losses which spring from our present situation. It is estimated that we lose about $5 billion a year in this country today because of time and materials lost in traffic jams. What about the ever-increasing costs of highway construction, the loss caused by accidents, the expense to the car owner of gas, tires, and insurance, not to mention frayed nerves? Should not these all be counted as costs against present automotive travel?

It is argued that highways are paid for by the users and that mass transit would be subsidized. What is the current 9 to 1 matching on defense highways if it is not subsidy? Further, many of these highways are not completely financed by gas taxes alone; some areas finance the local share out of general obligation bonds which are paid back by all of the people whether they own a car or not.

It is argued that mass transit is wasteful because in offpeak hours, much equipment will lie idle. This is true to a point, but what about cars and highways? What use does the multimillion dollar defense highway get in the off hours as compared with rush hours? What use does your personal car get while in the garage at night or in the parking lot during the day? There is monumental "waste" here and in the long run, it little matters that part of the waste is absorbed by the individual car owner; it is a charge against him just the same.

Some might argue that this bill will hurt the multitude of people and businesses that are based on the current automotive system of transportation. I do not see how this could be. With our rising population and affluence, the total number of cars in this country is not going to drop. Highways will continue to be built and gas stations operated. It is just that we will attempt to add another tool to our effort to move people efficiently in, out, and through our cities.

Mr. Chairman, this bill is long overdue. If we are ever to make our cities and sprawling suburbs into efficient machines for living and working, we must strike out in new directions and find new ways of moving people. This bill will help.

Mr. MULTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my understanding that this committee amendment follows very closely the lines of the amendment and it improves on that which was written into H.R. 11158 in the 87th Congress. That was done in collaboration with the American Municipal Association and various representatives of private enterprise. Also, it is my understanding that this amendment is agreeable to them, having in mind the principle that private enterprise to the fullest extent possible should be permitted to cooperate in this program and that Government ought not to step in and do anything that private enterprise can and is willing to do on its own.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. Surely.

Mr. RAINS. The gentleman is absolutely correct. I meant to have stated in my remarks that these are practically the same amendments, stated in a little different and more legalistic language, that were in the bill that the gentleman referred to and which were developed in the hearings to which he referred.

Mr. MULTER. I am appreciative of that and I thank the gentleman for offering this amendment. I trust it will have the approval of the Committee.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield.

Mr. OLIVER P. BOLTON. I have not seen the amendment. Do I understand that it would prohibit any transit system, such as the New York Port Authority, from purchasing the assets of the Long Island Railroad, if that railroad were to go into bankruptcy?

Mr. MULTER. It would not prohibit any public authority from doing that. It would prohibit the public authority from using any moneys authorized or appropriated under this bill for the purpose of acquiring a going solvent railroad.

There would be no financial help under this bill for that purpose.

Mr. OLIVER P. BOLTON. In other words, under this provision or amendment, the public authority could not bail out or purchase the equipment, the lines, the property, stations, or anything else with Federal grant or loan moneys, of any transit system that found itself in difficulty and wanted to go out of business; am I correct?

Mr. RAINS. The gentleman is incorrect.

Mr. OLIVER P. BOLTON. I am glad to know that. But I do not understand the amendment, then, and I would appreciate further clarification.

Mr. RAINS. The amendment does not provide that if a mass transit system is going out of business, or is about to go bankrupt, that it should not have some aid. But this amendment would prevent any force on the part of the municipal body to just taking over the authority whether or not private enterprise wanted it done.

Mr. OLIVER P. BOLTON. In other words, it is not required?

Mr. RAINS. They can sell it. You would not want to tie up private enterprise to the point where they could not sell it. This does not do that.

Mr. OLIVER P. BOLTON. But it prevents Federal moneys being used to purchase a private enterprise system?

Mr. RAINS. Not at all. It does not force them to do it but it does not prevent them from doing it.

Mr. OLIVER P. BOLTON. I just do not understand the amendment.

Mr. MULTER. Mr. Chairman, am I not correct that this, however, would not permit the public authority to condemn a private enterprise, such as a mass transportation system?

Mr. RAINS. The gentleman is correct.

Mr. MULTER. It could not force them out of business merely because the public authority wanted to take over the project?

Mr. RAINS. The gentleman is correct.

Mr. BROCK. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield.

Mr. BROCK. Is it not true that the amendment does suggest that as its intent, but it gives the Administrator authority to approve such a purchase?

Mr. MULTER. I do not think that the language of the amendment would go as far as the gentleman suggests. I think the legislative history being made here now would eliminate any doubt that might be aroused by a cursory or hasty reading of the language. I think the language means exactly as explained by the gentleman from Alabama and myself.

Mr. BROCK. In other words, the intent is to put in the exception in the case of bankruptcy; or is that so that the Administrator would have the authority?

Mr. MULTER. It only emphasizes the point that I made that if private enterprise cannot or will not run the mass transportation system and it were still needed, then the governmental authority could step in and do it, but not otherwise.

Mr. BROCK. The burden of proof then is upon the Administrator.

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman.

Mr. McDOWELL. Mr. Chairman, I am in support of the bill H.R. 3881, the Mass Transportation Act, and also in support of the amendments now under discussion known as the Rains amendments concerning private enterprise in the bill.

Mr. Chairman, H.R. 3881 would authorize the Housing and Home Finance Administrator to make grants and loans to States and local governmental bodies to provide additional financial assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas. The bill is a direct result of recommendations made by former President Kennedy in his transportation message to Congress, April 5, 1962. It is similar to S. 6, which passed the Senate on April 4, 1963. The Senate bill, however, contains a number of additional provisions which are not contained in H.R. 3881.

The railroad industry supports H.R. 3881 as an implementation of an important part of the transportation program recommended by former President Kennedy. The industry favors all of those recommendations as constituting a forward-looking and comprehensive program of legislation for the correction of many of the problems contributing to the continuing deterioration of this country's transportation system.

All railroads are not directly confronted with the urban mass transportation problem but because of the physically integrated service provided by railroads and their closely knit relationship to each other, the detrimental effects now accruing from problems in urban mass transportation spill over to the detriment of all rail carriers.

H.R. 3881 recognizes that primary responsibility for urban mass transportation should not fall upon the railroads but instead is a general public responsibility and a responsibility particularly of the States and communities most directly affected. An orderly approach to the problems of urban mass transportation must include extensive coordination and programing. The failure to have such coordination and programing has led to extensive public expenditures for urban area highways which are incapable of handling daily peak traffic flows. The net result is an even greater hardship for competing rail mass transportation media which, without public assistance, are called upon to maintain the service necessary to meet the peak traffic flows. H.R. 3881 would provide for the necessary planning and coordination to meet the growing needs of the urban areas.

H.R. 3881 would not grant subsidies to railroad companies. Recognizing the public nature of the problem the grants or loans which would be authorized, would be made directly to States and local governments or their authorized agencies to be used subject to their control. The procedure adopted by H.R. 3881 of making direct grants or loans only to States and local public bodies and agencies thereof is sound so long as those bodies are authorized—as they would be—to utilize such funds to assist private transportation companies where appropriate. Proper and coordinated use of existing suburban rail facilities should be a major factor in providing a solution to the urban mass transportation dilemma.

The $500 million authorization for grants and loans to States and local governments or their authorized agencies contained in H.R. 3881 would be of great advantage in providing the public a satisfactory mass transportation service which has otherwise proven to be impossible. Some of the purposes for which the Federal financial assistance might be used by the local authorities could be the reconstruction and preservation of existing facilities, purchasing new equipment, constructing parking facilities in suburban stations, modernizing certain stations, and providing some grade separations.

In short, the provisions of H.R. 3881 may well offer answers to one of the basic transportation problems of this era and should be enacted together with the other forward-looking proposals contained in former President Kennedy's transportation message.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield further?

Mr. MULTER. I yield

Mr. OLIVER P. BOLTON. I have just had the opportunity of seeing the amendment. As I understand the exceptions this would put the responsibility of decision upon the Administrator. He is fully within his judgment as to whether or not the assistance is essential to the program or to the network to be purchased?

Mr. MULTER. That is correct. But the judgment must be based on facts and evidence and not be arbitrary or capricious.

Mr. OLIVER P. BOLTON. Then, basically, this really does not change the language of the bill at all, the intent of the bill; is not that correct?

Mr. MULTER. If the gentleman means the intent is as expressed by the gentleman from Alabama [Mr. RAINS] and myself who understand that to be the intent, then I go along with the gentleman and say this does not change the intent of the bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER P. BOLTON. Mr. Chairman, I move to strike the requisite number of words.

If the gentleman from New York would give me his attention, the first part of the amendment takes some time in describing when no financial assistance can be used and then states under No. 1:

> That the Administrator finds that such assistance is essential to the program for unified or efficiently coordinated urban transportation system.

I gather that under this amendment if it is so decided by the Administrator in the complete and full breadth of his judgment, without limitation, that the situation is just as it was before this amendment was offered?

Mr. MULTER. If the gentleman will yield, I cannot go as far as the gentleman does in his language when he says:

> The full breadth of his discretion and judgment and without limitation.

I would certainly have in mind that no Administrator is going to be permitted to act arbitrarily or capriciously. He must act with discretion and with good judgment and not just walk in and say, "Look, I say this is essential and, therefore, I am going to take over this private enterprise." There must be reason behind his discretion and judgment.

Mr. OLIVER P. BOLTON. I appreciate the gentleman's thoughtful consideration, but under this amendment and under the language of this amendment the burden is put solely upon the decision of the Administrator; is that correct?

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. Yes, I yield to the gentleman from Alabama.

Mr. RAINS. Of course, the gentleman makes a mountain out of a molehill. That is true in every single thing we write. It is in the discretion of the Secretary of the Army about what is to be done with so and so, it is in the discretion of the Secretary of the Department of Labor, and is in the discretion of the Secretary of the Department of Agriculture. One would not want to write any type of bill which denied discretion to be placed in the hands of someone. You have to put the discretion, based upon the facts and the evidence, and the assumption that he is going to be fair and just. It has to be done that way. I agree with the gentleman that that is correct.

Mr. OLIVER P. BOLTON. I appreciate the fact that the gentleman does agree, because once that decision is made by the Administrator, there is very little difference caused by this amendment.

Mr. RAINS. If the gentleman will yield further, I think this amendment—I do not want to say at all that it ties his hands—gives the Administrator a great deal more direction in the private enterprise way than the bill as originally drawn. I am convinced that it does that. It gives him more direction than the other bill.

Mr. OLIVER P. BOLTON. I appreciate the gentleman from Alabama and the gentleman from New York clearing up my questions.

Mr. HARVEY of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as far as I can see the only similarity between this amendment and the free enterprise system is the catchy slogan which has been used by gentleman from Alabama [Mr. RAINS] and which he has attached to this amendment.

Mr. Chairman, I believe the most you could say for it is that it pays lip service to free enterprise in this country.

Mr. Chairman, I would like to quote for 1 minute the testimony of Mr. Bernard E. Calkins who operates the Rapid Transit System in Houston, Tex., and Wichita, Kans., when he was asked a question in hearings on this program. Here is the question:

> Now, if the private companies will be required to apply for grants through governmental agencies, do you see a danger that that may be a lever to drive private enterprise out of existence and convert these mass transit systems into governmentally operated systems?

Mr. Calkins answered as follows:

> Yes; I do. In fact, I stated in my testimony that I thought it would hasten the day when private enterprise would go out of business through the pressure of the city-owned advocates.

Then he goes on to say as follows:

> If I have to go through the cities, the city body, to either get a loan or a grant, if that should be the case, I can foresee that there will be a clamor on the part of the local administration to say "We are not going to get this money so you can make money. If we are going to get this money, we are going to go into the business ourselves. I think that is an inevitable conclusion."

Mr. Chairman, I cannot see how this amendment changes that one bit. The exceptions this amendment sets up are artificial exceptions, as I see it. They provide that the Administrator has to find it is an essential program. I assume it is essential. Then the Administrator has to find that the program to the maximum extent feasible provides for mass transportation. I think that is paying lipservice to free enterprise. The most you can say for the amendment is it is an additional exception, but beyond that as far as I can see that is all there is to it.

Under these circumstances, Mr. Chairman, I simply cannot support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. RAINS].

The amendment was agreed to.

The Clerk read as follows:

LONG-RANGE PROGRAM

SEC. 4.(a) Except as specified in section 5, no Federal financial assistance shall be provided pursuant to section 3 unless the Administrator determines that the facilities and equipment for which the assistance is sought are needed for carrying out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area, and are necessary for the sound, economic, and desirable development of such area. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area. The Administrator, on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 3 cannot be reasonably financed from revenues—which portion shall hereinafter be called "net project cost". The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

(b) To finance grants under this Act there is hereby authorized to be appropriated at any time after its enactment not to exceed $100,000,000 for fiscal years 1963 and 1964; $200,000,000 for fiscal year 1965; and $200,000,000 for fiscal year 1966. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant made pursuant to this Act.

Mr. DOWNING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask the gentleman from Alabama [Mr. RAINS] a question. As I understand the bill, section 3 authorizes grants and loans to carry out the purposes of the act. Then on page 23 of the bill, in section (d) the words are:

> There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out all functions under this Act except loans under section 3. All funds appropriated under this Act for other than administrative expenses shall remain available until expended.

Section 4 of the bill authorizes $500 million to be appropriated for grants. What are we talking about in section (d) on page 23 when we say there are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the funds necessary to carry out the functions of the act?

Mr. RAINS. That is the usual language. That provides for administrative expenses of carrying out the act. That is the usual statement you run into in every one of these acts. It is up to the Appropriations Committee as to what they will put in. It has to come up in a budget request, for the Appropriations Committee to pass upon.

Mr. DOWNING. Those words would not include money for loans?

Mr. RAINS. It would not.

Mr. DOWNING. Now, on page 16, there is wording which sets forth how these loans are to be made under the old Housing Act of 1955.

I wonder if the gentleman will explain to me just how that is to be accomplished.

Mr. RAINS. The gentleman will recall that in 1961 this issue was up at the time we had the housing bill under consideration. It was $50 million that was written into the 1961 housing bill. Only a part of that has been expended.

Mr. DOWNING. How much money is in that?

Mr. RAINS. About $47 million is remaining. What that does, that particular money plays no part in the amount of this specific bill. That is already over and gone, because we authorized that money in 1961.

Mr. DOWNING. I wonder if the gentleman will tell me how much it is expected the Government will guarantee in loans during the first year of the bill.

Mr. RAINS. There are no loan guarantees in this bill at all. The only thing in this bill, as I said in the general debate, and as I will say to the gentleman from Virginia now, is the grant authority, and I expect to offer an amendment to cut the $500 million to $375 million. It is expected, I might say—this is from the administration—that only about $10 million will be expended this year because of the long-term contract lead time that is necessary.

Mr. DOWNING. I thank the gentleman.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rains: Page 16, after the period in line 23, insert the following new sentence: "Such program shall encourage to the maximum extent feasible the participation of private enterprise."

Mr. RAINS. Mr. Chairman, that is a continuation of the private enterprise amendment, which is the very same language. It fits into this particular section. I see no objection to it, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rains:

Page 17, lines 19 and 20, strike out "$100,000,000 for fiscal years 1963 and 1964" and insert "$75,000,000, for fiscal year 1965".

Page 17, line 20, strike out "$200,000,000 for fiscal year 1965" and insert "$150,000,000 for fiscal year 1966".

Page 17, lines 20 and 21, strike out "$200,000,000 for fiscal year 1966" and insert "$150,000,000 for fiscal year 1967".

Mr. RAINS. Mr. Chairman, this is the amendment which I mentioned in the general debate. It would provide $75 million in authorization for the first year and $150 million for each of the second and third years, for a total of $375 million.

The bill as reported by the committee would authorize $100 million for the first year and $200 million in each of the second and third years, for a total of $500 million.

I am frank to say that I offered this amendment because in my judgment it will help the bill.

Most important, also, it would conform to the amounts of grants authorized in the Senate-passed bill and would considerably reduce the area of disagreement between the two Houses.

I believe the administration will not oppose the reduction in the total cost of the bill even though there is $500 million in the budget for 2 years, particularly since the administration budget request for 1965 is for $75 million.

Mr. Chairman, I urge the adoption of this amendment.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman.

Mr. HARVEY of Michigan. Mr. Chairman, I have no objection to this amendment, but I have considerable difficulty in understanding why it is offered in the light of the supposed tremendous demand that I have heard expressed here in the last day and one-half with regard to this bill. I certainly would want to call to the attention of the Members of the House that what this bill does under the 12½ percent provision is reduce the actual amount that any particular State could get.

Mr. RAINS. The gentleman is not opposing reducing the amount here; is he?

Mr. HARVEY of Michigan. No; I am not. But I am calling to the attention of the Members that this represents a reduction of $62½ million down to $46 million, as near as I can figure it.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman.

Mr. OLIVER P. BOLTON. The gentleman would agree that under this $46 million limitation per State, this will mean that each transit plan that is now ready to go is going to be further delayed because there will not be enough Federal money.

Mr. RAINS. No, I do not agree with that. The assumption is that it would take the full amount of $46 million. I do not agree with the gentleman's statement or interpretation of this in the way that he put it. I would agree that the total amount of money will be reduced percentagewise in the ratio of what $125 million is to $500 million.

Mr. OLIVER P. BOLTON. The gentleman would also agree that if there is not sufficient money to meet the demand that is stated to exist within a State that, therefore, because the amount of money has been reduced, those States that are planning are going to have to go further and further back in line of priority and, therefore, their plans will be put off further and further.

Mr. RAINS. Is the gentleman proposing that we increase the bill? Does the gentleman want to vote for an increase?

Mr. OLIVER P. BOLTON. I am going to vote against the bill as the gentleman well knows. But if plans are going to be made, let us put enough money in at least to start a real job getting done.

Mr. RAINS. I will be glad to vote for the gentleman's amendment if he will vote for the bill, if he wants to increase this amount. Of course, that is my personal statement.

Mr. OLIVER P. BOLTON. I think I have made my position quite clear on the bill.

Mr. RAINS. Would the gentleman make himself clear on whether or not he favors a reduction in the amount?

Mr. OLIVER P. BOLTON. I believe the gentleman knows that one of the reasons why I am opposed to the bill is that actually it is my belief, as has happened in so many Federal aid programs, that by the Federal Government intervening in this field, it will actually slow down and not speed up the solution of the mass transit problems in those areas where they are acute and where they really have financial ability.

Mr. RAINS. Of course, that is a rather philosophical discussion and not a clear statement as to whether the gentleman wants to cut the money or not.

Mr. Chairman, I ask for a vote to reduce the $500 million to $375 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. Rains].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY PROGRAM

Sec. 5. Prior to July 1, 1966, Federal financial assistance may be provided pursuant to section 3 where (1) the program for the development of a unified or officially coordinated urban transportation system, referred to in section 4(a), is under active preparation although not yet completed, (2) the facilities and equipment for which the assistance is sought can reasonably be expected to be required for such a system, and (3) there is an urgent need for their preservation or provision. The Federal grant for such a project shall not exceed one-half of the net project cost: *Provided,* That where a Federal grant is made on such a one-half basis, and the planning requirements specified in section 4(a) are fully met within a three-year period after the execution of the grant agreement, an additional grant may then be made to the applicant equal to one-sixth of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rains: On page 18, line 5, strike out "1966" and insert "1967".

Mr. RAINS. Mr. Chairman, I assume there is no objection to the amendment. It merely changes the date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. Rains].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

Sec. 6. (a) The Administrator is authorized to undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods) which he determines will assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost. He may undertake such projects independently or by contract (including working agreements with other Federal departments and agencies). In carrying out the provisions of this section, the Administrator is authorized to request and receive such information or data as he deems appropriate from public or private sources.

(b) The Administrator may make available to finance projects under this section not to exceed $10,000,000 of the mass transportation grant authorization provided in section 4(b), which limit shall be increased to $20,000,000 on July 1, 1964, and to $30,000,000 on July 1, 1965. In addition, notwithstanding the provisions of section 4 of this Act or of section 103(b) of the Housing Act of 1949, the unobligated balance of the amount available for mass transportation demonstration grants pursuant to the proviso in such section 103(b) shall be available solely for financing projects under this section.

(c) Nothing contained in this section shall limit any authority of the Administrator under section 602 of the Housing Act of 1956 or any other provision of law.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINS: On page 19, line 22, strike out "1964" and "1965" and insert "1965" and "1966", respectively.

Mr. RAINS. Mr. Chairman, I assume there is no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 7. (a) No financial assistance shall be extended to any project under section 3 unless the Administrator determines that an adequate relocation program is being carried on for families displaced by the project and that there are being or will be provided (in the same area or in other areas generally not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the displaced families) an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.

(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 3, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed $200 in the case of an individual or family, or $3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

COORDINATION OF FEDERAL ASSISTANCE FOR HIGHWAYS AND FOR MASS TRANSPORTATION FACILITIES

SEC. 8. In order to assure coordination of highway and railway and other mass transportation planning and development programs in urban areas, particularly with respect to the provision of mass transportation facilities in connection with federally assisted highways, the Administrator and the Secretary of Commerce shall consult on general urban transportation policies and programs and shall exchange information on proposed projects in urban areas.

Mr. GILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time merely to ask the gentleman from Alabama a question.

It has been my understanding that problems have arisen in some of the localities over plans for overall transportation systems, between those who wish to coordinate all forms of mass transportation and those who are primarily responsible for planning highway uses. If the gentleman from Alabama could inform me, I wonder whether it is the intention of this section to insure that those who deal with highway planning and those who deal with overall planning of transportation in any given locality will work closely together so that there may be a minimum of disruption through rights-of-way acquisitions and alinements of corridors of travel and a maximum of coordination of all forms of transportation to the end that they may develop the most efficient combined system of transportation for the area?

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. GILL. I yield to the gentleman from Alabama.

Mr. RAINS. I will say to the gentleman that, as shown in section 8 on page 21 of the bill, while there is no directive—and the committee would have no authority to write in law affecting a highway system—the language encourages the very type of cooperation about which the gentleman inquires. It would be the committee's hope, and I am sure that of the Congress, that there would be coordinated planning. There is nothing specific in the bill to direct the Public Roads Administration or anyone else to do any specific thing in that regard. I feel certain the gentleman understands that the committee would have no jurisdiction in that particular instance.

The solution to the question raised by the gentleman, as suggested by the question, would be encouraged under the terms of the bill.

Mr. GILL. I thank the gentleman.

Mr. OLIVER P. BOLTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time at this point in the bill to discuss a motion to recommit which I hope to introduce if I have the opportunity.

Let me say first that the motion to recommit is directed to the engineering studies which are now being conducted in the field of urban transportation and will suggest that the bill be referred back to the Committee on Banking and Currency until these engineering studies are in and can be thoroughly digested.

Mr. Chairman, the meaning of the instructions included in this motion to recommit can be explained in a few words.

Regardless of the fact that the bill before us for political reasons applies to every community of 2,500 population or more, we all know that mass transit is a problem affecting primarily larger cities. In this regard, section 9 of the Federal-Aid Highway Act of 1962 set in motion the largest, most detailed, most expensive Federal study of a single problem in our Nation's history. In effect, through 1 and 1½ percent highway trust fund research money and section 701 money from the Housing Act, well over $100 million, has been expended in the last 3 years alone by the 219 cities of 50,000 population or more in the development of a continuing, comprehensive planning process embracing all modes of urban mass transportation. All but 70 of the 219 cities already have submitted to the Department of Commerce their urban transit plans and the law states that all have to be in good order by July 1, 1965, 1 year from now, or face the possibility of being cut off from Federal-aid highway funds. I am advised that by July 1 of next year, over $150 million of Federal funds will have been expended by these cities for these plans.

Because this planning process is a recent development, neither the Senate nor the House Banking and Currency Committees in considering the mass transit bill, had an opportunity to evaluate these plans and of the thousands of pages of Senate and House testimony hardly a dozen pages referred to any of these plans. Secondly, this recommittal would permit the House to first consider the results of the mass transportation demonstration and and research projects authorized under section 303 of the Housing Act. Again, only a few of these projects were well enough along the way to permit congressional evaluation. And incidentally, since then two of them have stopped. Mr. Chairman, before the Congress embarked upon the $40 billion Federal-Aid Highway Act, no less than 20 years were spent in processing extensive engineering plans. There is no doubt in my mind that this long range planning process prior to 1956 was the chief reason for the tremendous success of our highway program.

With approval of this motion to recommit, Congress would have the opportunity to better evaluate what everyone acknowledges to be a multibillion-dollar problem. With these instructions we are not saying it is a Federal responsibility, nor are we saying it is not a Federal responsibility. What we are saying is that we should take a long, hard look at the vastly diversified plans submitted by these 219 cities and then make a determination based upon knowledge, not political expediency; based upon engineering facts, not oratory.

Let me say, Mr. Chairman, that there will be those who would say that so to delay this will hold up the solution of a crisis. I would point out to this House that this bill, considered and passed by the Committee on Banking and Currency, has been lying around for many, many months. The suggestion that I have would take no more time than has been taken by the delay in its consideration here on the floor of the House.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 9. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Administrator shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsections (c) (2) and (f), of the Housing Act of 1950. Funds obtained or held by the Administrator in connection with the performance of his functions under this Act shall be available for the administrative expenses of the Administrator in connection with the performance of such functions.

(b) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act, entered into by applicants under other than competitive bidding procedures as defined by the Administrator, shall provide that the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the contracting parties that are pertinent to the operations or activities under such contracts.

(c) As used in this Act—

(1) the term "States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States; and public corporations, boards, and commissions established under the laws of any State;

(3) the term "Administrator" means the Housing and Home Finance Administrator;

(4) the term "urban area" means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Administrator, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

(5) the term "mass transportation" means transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.

(d) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out all functions under this Act except loans under section 3. All funds appropriated under this Act for other than administrative expenses shall remain available until expended.

AMENDMENT OFFERED BY MR. TAFT

Mr. TAFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAFT: Page 24, after line 3, insert the following new subsection:

"(e) The Administrator shall not regulate in any manner the rates, fares, tolls, rentals, or other charges fixed or prescribed by any local public or private transit agency."

Mr. TAFT. Mr. Chairman, yesterday on the floor, and as reported in the CONGRESSIONAL RECORD published this morning, there was a colloquy between the gentleman from Alabama and myself relating to the powers of the Administrator. At that time I believe it was made clear that it was not the intention of the committee nor the intention of the gentleman from Alabama that the HHFA Administrator should be given the right to regulate in any manner the rates, fares, tolls, rentals, or other charges fixed or prescribed by the local public or private transit agency for its operation, even though that transit agency might have received assistance by way of a grant or by way of a loan under the act.

I have eliminated from the provision, as was discussed yesterday, the right of the Administrator, or any prohibition upon the right of the Administrator to regulate the mode of operation, since this might have been somewhat unclear and perhaps limited unduly the conditions which might be imposed upon the granting of aid so far as the efficiency and other steps intended to improve the operation were concerned.

I do think it certainly should be the intention of this House to make it abundantly clear that under no circumstances shall the power to be given the Administrator under this bill be a rate-regulating power. We do not intend to take away from the State or local agency which has the rate-making power, that power. We do not intend in the case of any transit agency, be it public or private, to prevent it from setting its own rates. Nor do we intend as, for instance, in the case of my own city of Cincinnati, to prevent them from operating under the cost type of franchise, which would relate cost to rates.

Therefore, I think the adoption of this amendment would be helpful as a clarification of the provisions of the bill.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield.

Mr. MULTER. Mr. Chairman, the question I desire to address to the gentleman from Ohio is this. If the amendment prevails will this perfect the bill to the extent that he can vote for it?

Mr. TAFT. As the gentleman well knows it would not perfect it to the extent that I could vote for the bill, as indicated by the minority views. The question of fiscal responsibility would make it difficult to support a vote for the bill on my part. I think there are many other provisions of the bill that are wholly unsatisfactory. I disagree with the basic concept of the bill.

The gentleman from Alabama [Mr. RAINS] yesterday indicated that under the labor amendment discussion that I was making a lefthanded attack upon the bill. I want to assure the gentleman that I am not going to restrict myself to my left hand. I will use my right hand and my left hand and anything else I can get.

Mr. MULTER. If the gentleman will yield further, without impugning the motives of the gentleman, I am always suspicious of an amendment which is offered by one who is opposed to the bill.

Mr. TAFT. I would hope that the gentleman from New York would give me the confidence to recognize that perhaps it might be a good idea to correct proposed bills and legislation if there is a chance that they are going to pass, even though one is not going to vote for the bill.

Mr. MULTER. If the gentleman will yield further, I do not suspect the gentleman's motives. I merely suspect the merits of the amendment.

Mr. TAFT. I cannot agree with the gentleman. If the gentleman desires to comment on the merits of the amendment, I am sure the members of the committee will be glad to hear his comments.

SUBSTITUTE AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. RAINS to the amendment offered by Mr. TAFT: Page 24, after line 3, insert the following new subsection:

"(e) None of the provisions of this Act shall be construed to authorize the Administrator to regulate in any manner the mode of operation of any mass transportation system with respect to which a grant is made under section 3 or, after such grant is made, to regulate the rates, fares, tolls, rentals, or other charges fixed or prescribed for such system by any local public or private transit agency; but nothing in this subsection shall prevent the Administrator from taking such actions as may be necessary to require compliance by the agency or agencies involved with any undertakings furnished by such agency or agencies in connection with the application for the grant."

Mr. RAINS. Mr. Chairman, as is evident from the substitute which I have offered, I agree with the general objectives of the gentleman from Ohio. The gentleman from Ohio knows very well that the reason he does not want to support the substitute amendment is because his amendment would tie the hands of the Administrator and keep the grants from being made. In other words, if you are going to say to the Administrator, "Here you have Federal money with which to make the grant, but you will have nothing to say before you turn the money loose. Now, you have to turn it loose whether you want to or not, without having even an inquiry as to what the rates or fares are going to be."

Mr. Chairman, my substitute amendment merely says that once the grant is made he shall not be able to run it. But, certainly, we would not want to require him to have nothing to do with what the tolls and rates are going to be before he turns loose the money.

So, let us just lay it out plainly on the table. The only purpose of that particular one or two words' difference between the amendment and the substitute is this: One is meant not to let it happen; the other is meant to see to it that once the grant is made the Administrator does not run their business. That is exactly what it means.

Certainly, the Administrator has to know what the fares are, and if they are not justifiable, he needs to know whether or not they will be brought into line. One would not expect him to make the grant blindly. Therefore, it might sound like a small difference, but it is most significant.

I hope the substitute amendment will carry, Mr. Chairman.

Mr. TAFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is true that there is only a slight difference in the wording of this amendment and the one proposed by me. However, this slight difference is so considerable that it completely negates the meaning of the amendment as I offered it. The wording that is added by the substitute amendment would make considerable change because I think it will show the members of the Committee very clearly that it takes away any meaning, any prohibition against or any limitation, in effect, upon the right of the Administrator to regulate rates and make more and more clear the evident intention of those who drafted this bill and the amendment to give the Administrator the right under circumstances of his choosing to regulate the rates, which indeed he can, but not the conditions of the original grant or loan involved.

I might say that the substitute amendment does not apply to loans at all. There is no limitation on ratemaking power. I believe there is an implication in the substitute that under the loan provision of the bill there is a right to regulate rates.

Let me read you this language. It says:

> But nothing in this subsection shall prevent the Administrator from taking such actions as may be necessary to require compliance by the agency or agencies involved with any undertakings furnished by such agency or agencies in connection with the application for the grant.

In other words, the only thing the Administrator has to require is that in the application there be a grant to him of the right to regulate fares and rates in any way he desires to do so. That is the true meaning of the substitute as compared with the amendment I have offered. I urge defeat of the substitute.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I seek a little information concerning this bill. Do I understand this bill provides that facilities can be built through the use of these funds for stations, which would house restaurants, barbershops, and that sort of thing, or any other structure that might house restaurants and barbershops?

Mr. RAINS. The gentleman is talking about barbershops that may be located in railroad stations.

Mr. GROSS. It is strictly limited to stations?

Mr. RAINS. Absolutely.

Mr. GROSS. Nothing else?

Mr. RAINS. Nothing else.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Alabama [Mr. RAINS], for the amendment offered by the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. TAFT.

The Committee divided, and the tellers reported that there were—ayes 122, noes 90.

So the substitute was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAFT] as amended by the substitute.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SAYLOR: On page 22, after line 24, insert:
>
> "(c) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act shall provide that in the performance of the work the contractor shall use only such manufactured articles as have been manufactured in the United States."
>
> And redesignate the succeeding subsections accordingly.

Mr. SAYLOR. Mr. Chairman, the amendment I have offered has the effect of meaning that this bill will actually be of some benefit not only to this country as far as mass transportation is concerned but it will also be a means of seeing to it that the moneys which will be expended by the Administrator will be spent for the benefit of people in this country. Unfortunately, from time to time we have seen other good bills with high intentions passed and then found the money was all spent in foreign countries.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Alabama.

Mr. RAINS. As I understand the gentleman's amendment, it would require not only that any manufactured product, such as say a locomotive, be manufactured in the United States but that substantially all its manufactured component parts likewise be produced in the United States. Is that correct?

It would be aimed at providing jobs as well as providing business to be done in this country; is that correct?

Mr. SAYLOR. That is correct. That is the purpose of the amendment.

Mr. RAINS. Mr. Chairman, so far as I speak, I think, for members of the committee on the majority side, I see no objection to the amendment and I am willing to accept it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. This includes steel and all other structural materials?

Mr. SAYLOR. It includes steel and all other structural materials.

Mr. Chairman, before reaching a decision on this issue, I would suggest that Members of the House pause to calculate a bit on whether the bill before us might be used not only to stimulate the development of rapid transit systems but also as a means of effecting a rapid transition into better times for some of America's neglected industries and workers. Over the years I have heard many of my colleagues extol the potential of various legislative proposals calling for the expenditure of U.S. taxpayer funds, only to find that in the final analysis a considerable part of appropriations slither out of this country into the hands of foreign companies and businessmen.

H.R. 3881 as now amended calls for authorization of projects requiring an outlay of $375 million, a large part of which will necessarily have to be spent for purchases of materials and equipment to be used in the rapid transit program. An expenditure of this size can jack up the business of manufacturers of rolling stock to be used on rails and highways and energized by either oil or electricity. It can open markets for producers and suppliers of building equipment and a miscellany of other commodities. Thus, besides whatever commuting values this bill may offer, it can have the collateral advantage of creating potential demand for commodities in which Pennsylvania manufacturers specialize: railroad cars, buses, electronic control systems, highway materials, glass, steel rails, and a host of other items. This consideration is of particular interest to my State because we have enjoyed little favor in the matter of defense and space contracts, in contrast to Southwestern and Far Western States whose economies are booming through the munificence of the Federal Government.

May I point out, Mr. Chairman, that I referred to potential demand for such products because I know from experience that alien interests will come in and gobble up a good share of the business unless proper safeguards are included in this legislation setting up the rapid transit program. We have suffered through authorizations and expenditures for giant turbines and generators to be used in the construction of Federal hydroelectric facilities, only to find American plants underbid by countries whose wage scales are far below established levels in the United States. We recall last month's shameful experience in which an increase in import quotas was permitted in order that a foreign fuel might displace domestic coal or oil in Federal buildings in the Washington area.

For this reason I have offered this amendment to H.R. 3881 specifying that:

> (c) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act shall provide that in the performance of the work the contractor shall use only such manufactured articles as have been manufactured in the United States.

Without this amendment, there is no guarantee that American industry and labor would reap the benefit that could be available under the multibillion-dollar program that the Urban Mass Transportation Act of 1964 will develop over the long haul. Would it not be ironic, during a period when the administration is amassing an unprecedented array of fiscal equipment to conduct its war on poverty, to disregard a major opportunity for implementation of this attack?

I can assure you, Mr. Chairman, that the people of Pennsylvania would not for one minute enjoy riding into a metropolitan area on a train or bus manufactured abroad in competition with our own industries. Nor would we appreciate the services of an electrified rapid transit system propelled by power generated through foreign residual oil instead of coal from American mines. These are the eventualities Congress must preclude. It is essential that my amendment be adopted, to assure domestic production of all manufactured products as well as their component parts be built by American business with American labor.

Mr. GURNEY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. GURNEY. Mr. Chairman, the passage of the Urban Mass Transportation Act (H.R. 3881) would be a tragedy, I do sincerely believe. The problems of moving people in and out and about urban areas is peculiarly a local problem. It is not a matter for Federal intervention.

If this bill is passed by this House, the Federal Government will be injected into a new field where it has never trod before.

Another huge step will be taken in the direction of solving all local problems from Washington. Local initiative and responsibility will be further eroded. Yes, it will cease in this matter of mass transit.

What city will undertake to solve its own transportation problems with Uncle Sam stretching out his palm with a free, fat Federal handout. Another huge bureaucracy will be built up here in Washington with its redtape, slow procedure, and expensive waste.

I do not see how Republicans on my side of the aisle can support this bill, for surely it militates against our basic concept of government and individual initiative—that the Federal Government should enter only into those fields which have a national scope.

The precedent which would be established by the passage of this bill could be used as a wedge to enter into virtually any municipal activity sought to be taken over by the federally minded people—the big government boys.

I do not see how Democrats from areas other than large metropolitan areas can support this bill. For this is nothing less than a big city bill.

It will take tax money from districts all over the Nation and pour it in—one-half billion the first year, billions in succeeding years—to the big metropolitan areas.

I say this bill is a political gimmick designed to shore up the political machines of the big cities. For the House to use taxpayers' money for such a purpose is to do a great disservice to our constituents. It amounts to a failure to live up to our title of Representative, a failure to represent properly.

Why the so-called mass transit problem anyway? Big cities have always had this problem to cope with ever since we changed long ago from a rural to an urban society. If there is an acute problem today, it is largely because of either mismanagement in the past or a failure in the present to face up to the problem, or a combination of both.

What is there so magic in Federal intervention which will resolve this problem? Nothing, except easy money, a Federal handout, and a sluffing off of the problem on to the rest of the Nation.

For a repudiation of the position of the proponents of this bill, I call attention to an article in the U.S. News & World Report of June 22. It describes how Toronto, Canada's second largest city, has recently improved its transit system by construction of a new subway, the first in Canada, at a cost of $67 million. The interesting thing is how it was financed—by a combination of private capital, and city and Province money. No Dominion funds were used.

Of course, here in the United States, we have the fine example of San Francisco resolving its transit problems to the financial tune of nearly a billion dollars.

Let us for once here in the House exercise our independence, rise up and strike down this new scheme of Federal intervention; vote down, and relegate this wholly unnecessary spending program to the scrap heap where it belongs.

Mr. WIDNALL. Mr. Chairman, there is no objection to the amendment on the minority side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LABOR STANDARDS

SEC. 10. (a) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Administrator shall not approve any such loan or grant without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

(c) It shall be a condition of the granting of any assistance under this Act that fair and equitable arrangements are made, as determined by the Administrator after consultation with and the concurrence of the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements; (2) the encouragement of the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) priority of employment or reemployment of employees terminated or laid off; and (5) paid training or retraining programs. In the case of employees of carriers by railroad subject to the provisions of part I of the Interstate Commerce Act, such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of such Act, and insuring the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements. The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

AMENDMENT OFFERED BY MR. RAINS

Mr. RAINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINS:

Page 24, line 23, strike out "the granting of".

Page 25, strike out lines 1 and 2 and insert in lieu thereof "are made, as determined by the Secretary of Labor,".

Page 25, line 8, immediately before the semicolon, insert "or otherwise".

Page 25, line 8, strike out everything after "(2)".

Page 25, line 11, strike out "priority" and insert in lieu thereof "assurances".

Page 25, line 12, strike out "or" where it first appears and insert in lieu thereof "to employees of acquired mass transportation systems and priority of".

Page 25, line 13, strike out everything after the period, down through and including "such" in line 15, and insert in lieu thereof "Such".

Page 25, line 19, strike out "such Act" and insert in lieu thereof "the Act of February 4, 1887 (24 Stat. 379), as amended".

Page 25, line 19, strike out the comma and all that follows down through "agreements" in line 22.

Mr. RAINS. Mr. Chairman, in the amendment which the committee has already adopted to section 3 of the bill, we make sure that only in unusual instances will a privately owned transportation company be converted to public ownership and that when that happens the private company will receive just and adequate compensation under the laws of the State for the loss of their franchise and/or property.

In other words, the rights of such a private company would be fully protected and the company would be made whole as it should be. Likewise, as a matter of equity, we must make sure that the rights of the people who work for such companies so far as their job rights and job benefits and bargaining rights and so on are concerned would be protected in the event that such a private company was taken over.

Mr. Chairman, the committee bill already provides such protection for some of the workers involved. I want to emphasize this, this is not a departure.

The committee bill already provides such protection for some of the workers involved, such as those on the railroads, but not for others, such as bus drivers. It is hard for me to understand why anybody would want to treat bus drivers in a manner different from railroad workers.

The language in the committee bill, apparently, covers only those workers' rights which have been secured through collective bargaining. There are many instances, such as when a transportation company is not unionized, when many of these same benefits have been granted voluntarily to employees. I do not believe anybody would want to strike those down, in the event some transportation facility was taken over by a public body.

I believe that at least to some extent the language in the committee bill seems to favor certain types of workers as against others, railroads as against bus companies. That is the main reason why the amendment is offered today. Possibly the committee bill favors union workers against those who are not unionized. This was probably an unintentional oversight.

We should make certain that private companies are given a fair deal and are not frozen out by publicly owned companies, so that all employees will be protected alike.

It is hard for me to see how anybody could fight this. Perhaps there will be a way.

What this actually will do is provide that in the event any privately owned mass transportation system—this is already in the committee bill and already in the Interstate Commerce Act—is taken over, the worker will be taken care of. The railroad workers are taken care of. Now we come along to the bus drivers and street car operators.

We worked this out. It was a difficult thing to do, I must confess. We found that certain of the workers, in the rare event a facility would be taken over by a public body, would not have the same rights that railroad workers now have under the Interstate Commerce Act. That is what we seek to do. We seek to give equity, justice and right to all the people who would be involved, who are now workers.

Any attack which is made on that section will have to be an attack leveled at the Interstate Commerce Act affecting railroad workers, because this is basically set on that particular thing, and that has been the law for lo, these many years.

In other words, if we are willing to allow this for railroad workers, as we have, certainly we ought to allow it for others.

Mr. Chairman, I wish to make this crystal clear. I hear all of these slogans. You know, when you have been in politics a long time you find out that the hardest thing to answer is a slogan. You cannot logically argue against a slogan.

I am going to state a plain fact. There is no featherbedding in this bill. I state another plain fact. There is no violation of anybody's right-to-work law in any State of the Union in this bill. I happen to come from a State that has one, and I have taken particular care.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I should like to ask the gentleman a question, in view of the statement he has just made.

Suppose that a transit company is having difficulty financially and that part of the reason why it is having difficulty is the fact that there are featherbedding practices. Suppose further that a company gets assistance under this act to take over that company.

Is it not true that under this amendment which the gentleman offers it would be impossible, even if the union should agree, to eliminate those featherbedding practices?

Mr. RAINS. There are no featherbedding practices in the bill.

Mr. GRIFFIN. The gentleman is not answering my question.

Mr. RAINS. Just a moment. I am going to answer it.

Mr. GRIFFIN. Suppose a situation exists in which there is a company in which there are featherbedding practices. We certainly know this is true in some instances. It is the very reason why, in some instances, transportation companies are having difficulty.

If that company were taken over by another company with assistance under this act, would it not be the fact that under the amendment those featherbedding practices could not be eliminated as a matter of law?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By unanimous consent (at the request of Mr. GRIFFIN) Mr. RAINS was given permission to proceed for an additional 5 minutes.)

Mr. RAINS. I do not wish to prolong the debate. I will say to the gentleman, since he asked me a question I am going to answer the question.

In the first place, I do not admit, and the record will not show—as was the gentleman's statement—that there are featherbedding practices involved in the bill. That is not correct.

Secondly, I say to the gentleman that he is setting up a straw man, and saying "If so and so happened."

Certainly, if there were featherbedding and if they kept him on, but none of that is provided in this amendment. Under the Manpower Training Act which we enacted in this Congress, we provide for the retraining of these employees not only here but in all other types of things. On the railroads he would be taken care of under the same situation. There is no provision for any type of imaginary featherbedding in this amendment.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield further?

Mr. RAINS. Yes, I yield.

Mr. GRIFFIN. Under the interstate commerce provisions defining railroads at the present where there is a merger there is a 4-year limitation to the provision that an employee's situation cannot be worsened. Under your amendment to this bill it provides that as a minimum, but the Secretary of Labor can provide a longer period of time. Is that not correct?

Mr. RAINS. The gentleman would not expect us to try to change the situation which now exists in the Interstate Commerce Act, would he?

Mr. GRIFFIN. But the gentleman is going further than that, is he not?

Mr. RAINS. I do not think so.

Mr. GRIFFIN. Yes. He is giving the Secretary of Labor the power to make it a longer period.

Mr. RAINS. I disagree, because he only has the same authority that he has under the Interstate Commerce Act. If you are opposed to that, naturally you would be in opposition to this.

Mr. GRIFFIN. Will the gentleman yield further?

Mr. RAINS. Yes.

Mr. GRIFFIN. I notice that your amendment talks in terms of individual employees but there is no definition of what an employee is under this bill. Under the various labor acts, such as the Taft-Hartley Act and the Railway Labor Act, the definition of an employee is very simple. For example, is the vice president of one of these companies an employee, or what about the general manager or the chairman? Are they employees or not? There is no way of telling in the bill. If they are employees, then their situation cannot be adversely affected, and your amendment is saying you can draw a distinction between management under your amendment.

Mr. RAINS. I must say to the gentleman I recognize the fact that he is a distinguished labor expert on those matters, but if he knows the law—and I know he does—the definition of an employee has been set so many times not only in the Congress but in the courts of this country that it is superfluous to say who is an employee and who is not.

Mr. GRIFFIN. I would remind the gentleman that the word "employee" is defined in a good many different ways under the various acts and it can be very important as to what the definition of "employee" means here.

Mr. RAINS. I point out to the gentleman that in practically every bill on which this Congress acts that has to do with employment and unemployment the basic general definition of "employee" is what takes precedence, of course.

Mr. GRIFFIN. I thank the gentleman for yielding to me.

Mr. RAINS. Thank you.

Mr. TAFT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I believe each of the Members of the House received from me a day or so ago a letter outlining my objection to this amendment which I thought would be proposed. First of all I would like to assure you the amendment as proposed is in the exact form of which I delivered a copy of what I thought the amendment would be.

I would just like to point out once more the problems which exist with regard to this amendment that is being proposed at this time. It has not, let me say, been discussed in the committee. It is not the same as the Senate amendment and has not been discussed here on the floor except at this point. You now have a chance to look at it, and the questions which have been asked by my colleague from Michigan and the answers given in reply show once again the unwisdom of taking up a complicated matter of this sort for the first time on the floor.

There are many provisions that I could cover as to what the broad scope of this amendment is, but first of all let me just point out, as it has been pointed out in the questioning, that this does freeze—it freezes featherbedding situations where they presently exist. It also goes beyond that and requires a mandatory continuation of collective bargaining rights, even where public acquisition occurs. This might do one of two things. It would either overrule State and local laws with regard, perhaps, to the right to strike or to collective bargaining or to no collective bargaining in a particular State or a particular municipality or else. This may well be the case. It was opined on the floor of the Senate that this was the case. It eliminates any areas which have such laws on their books from possible participation in this program. As has also been mentioned, the addition of assurances, guarantees of employment of laid off or terminated workers would mean in effect, so far as I can see, a lifetime job guarantee.

I would like to call attention of the House, also, to another point you will be hearing from in future years if this amendment is adopted. This would overrule in many areas the veterans' preferences which exist. And it would be unfair in many instances to employees, existing public employees in a transit system which went out and acquired a private system. It would give these acquired employees a preferential status over the present municipal employees when this goes into effect, and believe me, I think we are going to hear a great deal from the people about it.

Mr. HARVEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman.

Mr. HARVEY of Michigan. Mr. Chairman, I should like to know if I understood the gentleman correctly. In one of the cities that I represent municipal civil service provisions provide for veterans' preference. Do I understand that this amendment would cut across that veterans' preferential situation?

Mr. TAFT. The gentleman is entirely correct. It would establish in effect a super class of employees entitled to permanent assurance of employment superior to the rights of any presently existing employees of that system.

Mr. HARVEY of Michigan. Including over and above veterans themselves.

Mr. TAFT. Over and above veterans themselves, yes.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield.

Mr. GRIFFIN. Mr. Chairman, I wonder if the gentleman would agree with me that if this amendment is approved as offered by the gentleman from Alabama [Mr. RAINS], an employment situation could not be worsened even if the union should wish to agree with the company that this would be in the best interest of both the company and the union.

Mr. TAFT. The gentleman is entirely correct. As I interpret the language, I see no reason why the union could agree to any change of the status quo at the time of the acquisition under conditions approved by the Secretary of Labor. Those conditions would be crystalized permanently under the law.

Mr. GRIFFIN. I thank the gentleman.

Mr. TAFT. I thank the gentleman for his contribution.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask Members who have copies of the bill before them to turn to page 24 and note carefully what the proposed amendment would do. At the present time, we have labor laws on the statute books which were reported by the Committee on Education and Labor. We have the Railway Labor Act, which is subject to jurisdiction of the Committee on Interstate and Foreign Commerce. We have other labor legislation subject to the jurisdiction of the Committee on Merchant Marine and Fisheries. Now, in section 10(c) of this bill, there is proposed still another labor law reported by the Committee on Banking and Currency.

I urge each Member to look carefully at the language of section 10(c) as it would be amended and consider what would be the effect of this amendment.

The language reads as follows:

> It shall be a condition of the granting of any assistance under this Act that fair and equitable arrangements—

What does "fair and equitable" mean?

> are made as determined—

And then the gentleman from Alabama strikes out "the Administrator," meaning the HHFA and makes it read:

> as determined by the Secretary of Labor—

So that the Secretary of Labor alone will determine finally and conclusively what are "fair and equitable arrangements"—

> to protect the interest of employees—

But the word "employees" is not defined in this bill.

> Such protective arrangements shall include without being limited to—

In other words, the provisions which follow indicate only the minimum "protective arrangements," and the Secretary of Labor can include anything else.

In other words, the Secretary of Labor will be dictating the very terms of each collective bargaining agreement in every case where assistance is granted under this bill.

How long would such "protective arrangements" continue in effect? What will be the terms of such "arrangements"? Will the Secretary require each employee to belong to a union?

Will he require a check-off provision? What sort of seniority provision will he consider "fair and equitable?"

Under the language in this bill, the Secretary of Labor could apparently write anything into a collective bargaining agreement that he wants as a condition precedent to the granting of aid under this act.

The members of the committee will note one of the provisions which is mandatory is provision No. 3 which appears on page 25:

> The protection of individual employees against a worsening of their positions with respect to their employment.

Certainly, in this industry we all know that there are some featherbedding practices; and in some instances, the featherbedding practices are contributing to the financial difficulties of companies in this industry. If assistance is granted under this bill, all employees of the company are frozen into the jobs which they are then performing or, at least, they cannot be adversely affected in any way.

Mr. Chairman, I call the attention of the Members again, to the fact that featherbedding practices would be continued by law under this amendment even though the union might agree to changes that would reduce or eliminate such practices. All of us know that, in many situations, there are responsible union leaders who, from time to time, have agreed to changes in collective bargaining agreements—changes which in some case may adversely affect the membership temporarily. In my own State, in one of the cities I represent, I recall that a union representing the employees of a sizable company agreed to a 5-cent-an-hour reduction in wage rates. This may seem unusual, but in this particular situation the union members and their leaders were satisfied and convinced that this action would be in their best interest over the long run.

Under this bill, no employee can be adversely affected in any way as a matter of law—even though the union might wish to agree. Featherbedding practices would have to continue under the amendment offered by the gentleman from Alabama for at least 4 years, because the amendment incorporates by reference, section 5(2)(f) of the Interstate Commerce Act and makes it applicable. However, notice that the provisions of section 5(2)(f) are a minimum. The "arrangements" required by the Secretary of Labor could require that featherbedding practices be continued for 6 years or 8 years, or longer, presumably.

Mr. Chairman, I have a high regard and great respect for the present Secretary of Labor. However, it should be noted that the Secretary of Labor, by the very nature of his office, is not exactly an impartial member of the Cabinet. He is more or less expected to be a champion for, and an advocate representing, a particular segment of our society. Who will look out after the public interest when the Secretary of Labor imposes what he considers to be "fair and equitable arrangements"?

Notice that the Rains amendment would eliminate the role of the Housing and Home Finance Administrator in determining what arrangements are "fair and equitable." Why?

Mr. Chairman, I urge the members of the committee to vote down the amendment offered by the gentleman from Alabama [Mr. RAINS].

Mr. MULTER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Chairman, it is indeed strange to note that those who are shouting loudest to protect private enterprise and to protect labor are unalterably opposed to this bill. No matter what we do to improve the bill or to improve any amendment to it, they will still oppose this bill.

No one supporting this bill or this amendment resorts to or agrees with the strained interpretations heard here today in opposition to the pending amendment.

I trust that no one, after enactment of this bill, will consider any of the remarks made against this amendment as part of the legislative history to be relied upon in interpreting or enforcing the same.

The amendment means what it says. The gentleman from Alabama [Mr. RAINS] has properly explained and interpreted it. Neither this amendment nor the bill will do any of the dire things contended for by the gentlemen opposing it. It neither continues nor imposes featherbedding nor does it affect veterans' rights. It does not modify, cancel or extend any labor contracts. It writes no new ones.

I urge adoption of the Rains amendment.

Mr. MOORHEAD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wonder about those who express concern over the plight of employees in the transit industry and yet announce their opposition to the amendment and to H.R. 3881.

Do they realize that the average number of employees in the transit industry progressively declined from 242,000 in 1945, to 198,000 in 1955, and to only 156,000 in 1960—a loss of 35 percent in the single decade 1950–60?

I am reminded of the concern which the walrus and the carpenter continued to express for the oysters until there were no oysters left.

While comparable figures for employment in railroad commuter services are unavailable, overall railroad employment during the period has declined at an almost identical rate, with a loss of 36 percent. In no small measure, this loss of thousands of jobs is attributable to the abandonment and curtailment of suburban rail commuter services. Viewed in this context, it is clear that the assistance which the bill would provide will help to save the jobs of many workers now engaged in marginal mass transit operations. Equally important is the long-range impact of the bill in generating new jobs through the extension of existing systems and the creation of new systems.

How does the amendment of the gentleman from Alabama express true concern for and give real protection to transit employees?

First the amendments already adopted do so by preserving so far as humanly possible the free enterprise system in mass transportation. This preserves the status quo in collective bargaining arrangements.

But even this was not considered adequate protection for mass transit employees, whether they are employed by free enterprise or by a publicly owned transit system, because the second amendment provides that no financial assistance shall be granted until fair and equitable arrangements are made as determined by the Secretary of Labor to protect the existing employees from a worsening of their job positions or benefits.

Mr. Chairman, the amendments are good for transit employees and the passage of the bill will be good for transit employees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken and the Chairman announced that the "ayes" appeared to have it.

Mr. HALLECK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. TAFT.

The Committee divided, and the tellers reported that there were—ayes 136, noes 115.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. TAFT

Mr. TAFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. TAFT: On page 25, before the period in line 24, insert the following: "; but, notwithstanding any other provision of this subsection, such arrangements may be made only to the extent not inconsistent with State and local law".

Mr. TAFT. Mr. Chairman, the provisions of section 10(c) as they have now been amended and adopted into the bill include provisions which relate to collective bargaining agreements and the right to collective bargaining, and various other factors, unknown, actually, because the words I would call particularly to your attention are those in subparagraph (c), the words "or otherwise", as to the preservation of rights, have been added, and no one knows what the rights might be that would be covered by this "or otherwise".

In this connection the point that should be understood now is that either one of two things is true. It is either true that in many instances the existence of State or local laws is going to prevent certain transit companies, public or private, from being able to receive assistance under this bill, or else, on the other hand, the local or State laws involved which might otherwise block the program and are inconsistent with the provisions of section 10(c) are to be overruled, preempted, if you like, by the Federal law which has been passed.

For that reason, I have offered this amendment as an attempt to make it clear at the end of this section that the very least thing we can do is to make it clear that the present provisions of State and local laws to the extent that they may be inconsistent with the provisions of this section will not be overruled.

I think the principle involved is a very simple one, which I am sure the Members of the House will understand. I would ask your support for this amendment because I think it will clarify it, and avoid the necessity, perhaps, of many lawsuits occurring in the future as to whether local and State laws in conflict with the Federal law prevail.

Mr. RAINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I tried to follow the gentleman as closely as I could but I am sure nobody knows what kind of arrangements he is talking about.

This is an amendment, to use a good Alabama expression, that is just aiming at clobbering what we have just done. Therefore, as I say, I do not know what arrangements he is talking about. We make it clear that with respect to certain arrangements, that I assume he is talking about, State and local laws would prevail. That has been written into the law.

Listen to this language:

> Notwithstanding any other provision of this subsection, such arrangements * * *.

If we are going to start legislating on just imaginary arrangements, what kind of legal definition can you make or give of just "arrangements"? I had some inquiry about what an employee was just a little while ago.

I really think the gentleman's amendment is out of order because what he seeks to do is to continue to do just what he lost a moment ago. I do not believe the amendment is in order although I make no point of order against the amendment, but simply say that this House—and I know there are some good lawyers in this House of Representatives and some others who are smarter than lawyers—does not want to start tying the hands of an administrator when it comes to arrangements. I am willing to let it stand on that. The gentleman can talk about arrangements all he wants to. But I know that that does not belong in a legislative bill of any type, if we are going to do a workmanlike job. We would not do that in the Ohio or Alabama State Legislature much less here in the Congress of the United States because the word "arrangements" means nothing.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman.

Mr. TAFT. The word "arrangements" I would inform the gentleman for his information is contained and stated in the second line of section 10(c) of the bill.

Mr. RAINS. I agree with that.

Mr. TAFT. It was put in the bill, I believe, with the consent and support of the gentleman originally and it is still in the committee substitute amendment that is now being considered.

Mr. RAINS. But if the gentleman will read, he will see that the bill states what those arrangements are in the language that follows on page 25. Here the gentleman just takes a word out of the clear blue yonder and says "arrangements." I assume it has to do with arrangements, but could the gentleman tell us what it would have to do with?

Mr. TAFT. I would call to the gentleman's attention that the adjectives set out in this amendment being appended to the section here clearly refers to the arrangements stated earlier in the law.

Mr. RAINS. The reason the gentleman has done this is that we have just voted down his amendment and what you are attempting to do now is to amend an amendment which you just lost by putting it in in a broad and wholesale way that would have no definition to it whatever.

Mr. OLIVER P. BOLTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman from Alabama, and I see the gentleman is busy, but I would point out to the Committee that on the bottom of page 24, the phrase is now in the bill "fair and equitable arrangements". The word "arrangements" appears throughout this section. I would furthermore like to ask the gentleman from Alabama and if he is not there, a Member on the majority side, Mr. Chairman, perhaps you can answer this question: Whether because of the resistance to the amendment of the gentleman from Ohio, I can take from that position that the amendment which was just adopted would infringe upon the laws of the various States?

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman.

Mr. MULTER. There is no attempt in this bill or in any amendment that has thus far been adopted to infringe upon the laws of any State or locality.

The fact of the matter is that the amendment now pending is completely unworkable because in most metropolitan communities mass transit is an interstate thing.

In New York City the mass traffic goes into New Jersey and into Connecticut.

In Camden it goes into New Jersey and into Pennsylvania.

In Chicago it goes from Illinois into Indiana.

And so on all across the country.

Right here in the District of Columbia, cars go into Maryland and Virginia.

The amendment offered by the gentleman would now say that you have to take local law and make it apply to this mass transit problem. It is utterly and completely unworkable.

Mr. OLIVER P. BOLTON. If the gentleman will excuse me, I did not yield to him for a speech. I asked the gentleman a specific question which he did not answer.

Mr. MULTER. Oh, yes, I did and I will repeat it for you.

Mr. OLIVER P. BOLTON. May I give you my interpretation of your answer? And that is that under the amendment which the House just adopted, these arrangements can be in controversy to the State law in which mass transit exists.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I will yield for a "yes" or a "no" answer.

Mr. MULTER. I repeat what I said before. Nothing in this bill and nothing in any amendment thus far adopted will infringe upon local law, whether it be of a State or municipality.

Mr. OLIVER P. BOLTON. Is that not exactly what the amendment of the gentleman from Ohio tries to spell out—merely to provide that it will not infringe?

Mr. MULTER. It would go further. It would try to affect interstate commerce and would try to make invalid the laws which now apply to mass transportation problems.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman from Indiana.

Mr. HALLECK. I cannot refrain from making an observation. It seems passing strange to me that the gentleman from Alabama would be resisting an amendment which undertakes, as I understand it, to preserve State and local rights.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I do not have the floor. I am merely saying that it seems strange to me that the gentleman from Alabama would on this occasion get himself in that position.

I happen to be one of those who believe in State and local rights, and I have fought for that in all my time here. I must say that I cannot quite follow some of the operations in respect to what is going on in connection with this bill.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I am glad to yield to the gentleman from Alabama.

Mr. RAINS. I appreciate the chastisement of the distinguished States rights gentleman from Indiana, given to the gentleman from Alabama. I would have the gentleman understand, plainly and simply, I have spent many a day and week working on the bill. I assume the gentleman has read the bill. I tell him that there is not one line in this bill that would vitiate in any way any State or local law in Alabama or Indiana. I want the record to be clear.

Mr. OLIVER P. BOLTON. Mr. Chairman, if I have any time remaining I should like to ask the same question which I directed to the gentleman in his absence, which was answered by the gentleman from New York.

From refusal to accept this amendment, can it be logically concluded that the amendment which we did just accept warrants the breaking of State law in the "arrangements"?

Mr. RAINS. If I understand the gentleman's question, he is asking whether the amendment we just adopted would provide for violating any State law.

Mr. OLIVER P. BOLTON. That is correct.

Mr. RAINS. The answer to that is definitely no. It would not violate it. There should be no inference, from an amendment as indefinite and as confused as the present amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAFT].

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. TAFT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TAFT and Mr. PATMAN.

The Committee divided, and the tellers reported that there were—ayes 123, noes 134.

So the amendment was rejected.

The CHAIRMAN. Without objection, the word "Aaministrator" as it appears on line 1, page 25, will be corrected in its spelling.

There was no objection.

The Clerk read as follows:

Page 26, line 1:

"AIR POLLUTION CONTROL

"SEC. 11. In providing financial assistance to any project under section 3, the Administrator shall take into consideration whether the facilities and equipment to be acquired, constructed, reconstructed, or improved will be designed and equipped to prevent and control air pollution in accordance with any criteria established for this purpose by the Secretary of Health, Education, and Welfare.

"STATE LIMITATION

"SEC. 12. Grants made under section 3 (other than grants for relocation payments in accordance with section 7(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b)."

Mr. FRASER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of this bill and in opposition to the proposed motion to recommit.

Mr. Chairman, I want to express my full and unqualified support for this bill. Both Presidents Kennedy and Johnson have declared mass transit to be must legislation. It seems to me with good reason.

The Nation's metropolitan regions absolutely must have help in building more efficient means of moving people and goods in and out of their central business districts. A modern city cannot survive without a well-developed system for moving people from where they live to where they work.

And I am not referring solely to the older big cities along our coast lines. Nor am I talking only about the much publicized difficulties of the rail commuters in the Northeast. As the Representative of the city of Minneapolis, which is part of the Twin Cities metropolitan area, I can testify that the need extends to hundreds of medium-sized communities. Although these cities face different circumstances and have different transportation systems, they are encountering many of the same problems.

Let us look at a few facts. Since the end of the war, the mushroom growth of suburbia has created a national transportation crisis. As people have moved out of the cities into the suburbs, the population requiring daily transportation has far outpaced the facilities available to accomplish it.

As more and more people have come to depend on their automobiles for transportation, transit company revenues have declined, necessitating fare raises and service cuts. This in turn has drawn still more cars on to the road.

We are all familiar with the enormous traffic problems that have resulted. In almost every city across the Nation thousands of cars converge daily on the central business district causing monumental traffic jams and parking problems.

Many of us, however, do not seem to realize how much money it costs the community, the businessman, and the commuter to cope with the situation.

In addition to the direct cost of highway upkeep and traffic control—which in most communities represents a major share of the local budget—there are all the indirect costs of congested traffic.

It has been estimated that the Nation loses about $5 billion a year in time and wages lost, higher freight rates, extra fuel consumption, and faster vehicle depreciation that result from cars, trucks, and people being trapped in clogged traffic.

In addition, congested streets mean depreciating property values, reduced investment in intown businesses and a long-term slump in sales, production and employment in downtown areas—in a word, the slow decay of the central city.

All of this, of course, points up the rather basic fact that the growth and vitality of an industrial economy is dependent upon an adequate transportation system—which we do not presently have.

The question before us boils down to whether Congress is going to allow this vital component of our civilization to deteriorate further.

I cannot believe that we shall so decide. There are those, however, who recognize the existence of a problem but who still maintain that it is primarily a local concern with which the Federal Government should not become involved.

This is not an objection which we can treat lightly. The freedom of the local community to work out its own solutions to its own problems is one all Americans cherish.

There comes a point, however, when the dimensions of a problem reach such proportions and when the welfare of such a large segment of our population is at stake that only a national concern and a national effort will suffice. We long ago reached that point with mass transit.

Seventy percent of our Nation's people reside in metropolitan areas. Ninety percent of all future growth will occur in these areas.

Our metropolitan complexes account for more than three-quarters of all manufacturing, wholesale and retail sales in the country. And they generate about the same proportion of our national income.

Truly their future cannot be separated from the Nation's future. They must be vital and growing if the Nation is to meet its commitments against poverty and for freedom at home and abroad.

And it is clear that the magnitude of the urban transportation problem is such that it has far outstripped the capacity of local jurisdictions to deal with it.

The bill now before us has been designed to stimulate the greatest possible local effort and contribution. It requires any federally aided project to be part of a broader master plan for the solution of the area's long-term transportation needs, and it assures that Federal money will be spent only where the local community is willing to devote its own financial resources to the effort.

On the other hand, the bill recognizes that public mass transit is a community service and that its importance transcends narrow economic considerations. We would never permit any American city to go without water, electricity, or police protection. In the modern world, transportation is no less essential.

Many cities, however, need public transportation on a scale and in areas that necessarily involve capital expenditures far beyond anything the fare box alone can support.

To expand bus service, for example, to a new subdivision of 200 families might very well require much greater outlay than a private transit company could afford.

But, if such service could succeed in permanently removing 200 cars from the highways leading downtown every day, it would be both economically feasible and socially urgent from the point of view of the community. Even though fare box receipts might never fully return the capital invested, the longrun savings to the community in terms of reduced costs for other items would more than justify the expenditure.

With the transit operators already caught in the classic squeeze between rising costs and declining revenues, however, they simply cannot afford by themselves to undertake this kind of improvement and extension of service, which alone might induce automobile commuters to use public mass transit.

Consequently, without this bill the Nation's cities will have no other alternative but to continue or even to step up the present frenzied pace of highway building. And our experience with freeways has shown pretty conclusively that unless they are part of a balanced transportation network, including rapid transit, they are self-defeating.

In addition to replacing huge chunks of tax ratable land with arid strips of asphalt and cement, they are enormously expensive in themselves. Construction costs in urbanized areas are reaching astronomical levels—$10 to $20 million a mile not being uncommon. When they are completed, all too often the result is simply rush-hour jams on the highway, increased intown congestion and impossible parking problems—all problems requiring an outlay of still greater resources—men, money, and land—to settle.

As long as the Federal Government is picking up 90 percent of the tab, however, bigger and better highways provide hard-pressed local authorities with the easiest way out. How much more efficient to meet the greater part of our rush hour needs with public mass transit? It is cheaper to build and maintain, it occupies less space, it is easier to expand, and it relieves a host of pressures on the commercial arteries.

In a word, mass transit provides an element of balance to our urban transportation picture.

And, while I am discussing balance in economic terms, I would also like to urge a little more balanced consideration of some of the human elements involved in this problem.

There are millions of Americans, perhaps as much as half of our population, who do not drive automobiles because they are too young or too old, too poor or too infirm. In my own hometown of Minneapolis, there are 65,000 citizens over the age of 65 who depend primarily on the buses for transportation.

It seems to me that in this day and age we have an obligation to make certain that these people have an efficient, comfortable, and moderately priced means for getting where they want to go, when they want to go there.

In view of all these considerations, I do not see how we can fail to enact this most vital piece of legislation. I only hope that enough of my Republican colleagues—particularly those from metropolitan areas which so desperately need this bill—will see their way clear to providing us that extra measure of support we need for passage and to defeat the motion to recommit.

Mr. PELLY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Chairman, I shall vote against H.R. 3881—the urban mass transportation bill—because it actually represents the start of a new $10 to $15 billion program. Particularly in light of the recent tax cut we should be holding down spending.

This legislation represents the intrusion of the Federal Government in another local field and would tend to destroy initiative of local transit systems and municipalities. I oppose it for that reason, too. Especially I oppose the $10 million backdoor Treasury borrowing authority under section 3(b) of this bill.

Mr. BARRY. Mr. Chairman, may I point out the inadequacies and shocking arbitrary authority of section 6 of this bill providing for research, development and demonstration projects. Demonstration projects under the Housing Act have been highly successful and as the representative of a district which has benefited from this program, I am particularly interested that these projects be continued.

However, under the present bill which we are considering today, section 6 undermines the value of research projects to the community, in which they are undertaken, and to the Nation. Section 6(a) provides authority to the Administrator to "undertake such projects independently, or by contract—including working agreements with other Federal departments and agencies." Therefore, the Administrator can contract with any private body or local public authority. He can contract with any agency of the Government to undertake such projects. He has complete authority despite the wishes, interests, or previous planning of the local or State government. There is no restriction that he must consult with elected public officials. Any demonstration project is strictly at his will and dependent upon his judgment. Now, I have great respect for Mr. Weaver, and this is by no means a personal objection, for I am sure that he has no wish to act as a dictator. However, my point is that this section defies any legal scrutinization. It gives complete discretionary authority to one man, with no veto power over his single opinion and judgment. Our Government was never founded on such a concept and the damage that such an authority can do to the State-Federal relationship or the community-State relationship is irreparable—as well as the precedent such authority would set for laws of the future.

This section is not designed to meet the needs of the particular community in which it is undertaken. This is written explicitly in the transposed sentence of the committee report:

> Since communities are reluctant to share the cost of a project which is not tailored to their needs the committee believes that the authority for grants up to 100 percent is needed.

Demonstration projects should necessarily benefit the locality, as well as serve as research models for urban transit systems of the future throughout the Nation. I do not see where a full Federal grant would be necessary if the community were to benefit from the program—nor do I see where Federal money should undertake a project which is not approved by the community and which is forced upon it arbitrarily.

This section of the bill should be modified by supplemental legislation after further study in order that it conform to the demonstration project section of the Housing Act.

Mr. BENNETT of Florida. Mr. Chairman, if anyone has traveled to or through some of our metropolitan areas, or even driven to work in Washington, D.C., they have seen the obvious need for some sort of mass transit system. However, as great as the need may be, there is a greater need for the United States in 1964. That need is a cut in Government spending, especially in the face of the largest tax reduction in our Nation's history. This is no time to start a new program such as this. The half billion dollars for the Urban Mass Transportation Act is too big for our pocketbook in 1964.

In May, I circularized organizations and agencies of local government in the district I represent asking their opinion of H.R. 3881. I did not state my own opinion of it as I sincerely sought their advice as a basis for aiding my own research and judgment. The only organization which expressed an opinion one way or the other was the Jacksonville Area Chamber of Commerce and their letter to me urged me to vote against the bill with the observation that "the way to reduce spending is to resist new programs."

Mr. DINGELL. Mr. Chairman, we want to remember here, that under the provisions of H.R. 3881, Federal funds will not move in gratuitously and willy-nilly, and do the whole mass transit job.

On application of the affected city, along with carefully drawn plans integrating the transit system into the planning and development program of the community as a whole—then, Federal funds can come in to cover two-thirds of the cost of the project beyond the transit system's calculated ability to finance the project from the fare box. One-third of that remainder, beyond the normal financing ability of the transit system, would still have to be dug up from local sources.

So, say a city transit system needs a million dollar terminal. But it is able to raise and finance, from transit revenues, only $700,000. Then Federal funds could provide another $200,000 toward the project, if the community can provide, from other sources, $100,000 to match the Federal grant. But that last $100,000, may be easier to find than the first $700,000 because with the new terminal, the company will be a going business again.

This is the way $500 million over 3 years, in careful amounts and in careful places, can do a very big job across our country.

It is not a continuing subsidy program, like tax concessions, guaranteed tax free bonds and the like, no Federal underwriting of continuing losses over the years—but a one-shot program to help our struggling city transit systems get rolling again and serve their communities on their own.

I urge that we carefully consider this legislation and all its merits and that we pass it speedily so we can get after the job.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of H.R. 3881, the urban mass transportation aid bill, which is now before us. This bill is designed to assist mass transit in all urban areas of all sizes. Many of the smaller urban areas in our country, as well as large metropolitan centers, have unmet needs for improved passenger transportation service. The approval of this legislation would foster the development of comprehensively planned mass transportation systems serving natural commuting areas which often include unincorporated, built-up places.

The population in urban and suburban areas is growing at a rapid rate. Between 1910 and 1960 there has been a 24 percent increase in the population trend toward urban areas. The 1960 census disclosed that 70 percent of the population was classified as urban, and in 4 or 5 years it is expected that 80 percent of all the people will live in these areas. These urban areas are expanding into great complexes which will feed into a central industrial and business area handling the needs of those surrounding the area. There will be a need to provide a proper and swift transportation system to enable the populace to have access to all points of the complex. The need is evident now but will be more important in the years to come. We are providing expressways for swift automobile travel but they are not the answer to convenient travel for they are becoming congested with increased auto production. By establishing modern, convenient public transportation systems we can balance the effectiveness of the expressway systems by relieving the congestion, and yet take care of the public's general needs. Expeditious transportation of masses of people is a "key factor" in the efficient organization of urban areas. Unless we can rejuvenate mass transportation service to balance transportation systems, utilizing both highways and transit, we will not meet the needs of the growing urban areas and it may prove more costly at a later date to correct the problem that will exist. I think it is a wise move that we act on this legislation today for it is a prudent move for future realizations of urban area expansion. I hope that the bill will be favorably accepted in this House.

Mr. OSMERS. Mr. Chairman, it is not my intention to repeat the many arguments presented in favor of H.R. 3881. William White, chairman of the Erie Lackawanna Railroad Co. has sent a letter to the mayors of towns in New Jersey which are served by that railroad. His clear analysis of the problems facing metropolitan areas is well worth reading. This important legislation, while not by any means a final solution, should be enacted without further delay.

I ask unanimous consent to insert the aforementioned letter in the RECORD at this point.

ERIE LACKAWANNA RAILROAD CO.,
New York, N.Y., June 19, 1964.

DEAR MR. MAYOR: Erie Lackawanna and its predecessors have provided commuter service for a great many years and for many years at a loss.

Some months ago we engaged the services of an outside firm—Wyer, Dick & Co.—with vast experience in railroad cost analysis, to determine the loss sustained by Erie Lackawanna in providing suburban service as it is now conducted. Their report shows that the deficit being incurred is $7.2 million per year toward which the State of New Jersey contributes $2.2 million, leaving a net deficit of $5 million. This represents a subsidy to our commuters, the burden of which falls on our bondholders and shareowners and which they can no longer bear.

Providing suburban passenger service at a loss is not a situation peculiar to Erie Lackawanna. All railroads that provide commuter service in the metropolitan areas of New York, Boston, and Philadelphia do so at a loss. It is becoming increasingly recognized that railroads must have relief from these losses if the service is to be perpetuated; in fact, the Boston & Maine Railroad is presently seeking to abandon its entire commuter service. A certain amount of relief is being afforded to railroads in the Philadelphia area, by New York and Connecticut in the New York City area, and by the State of New Jersey which, as a stopgap measure, has made a contribution in recent years which to some extent alleviates the loss.

Some people may wonder why losses incurred in operating commuter services have become a more acute problem in recent years than formerly. In capsule form, the reason is that costs have risen more than revenues; and, in addition, earnings from freight service are no longer sufficient to absorb the losses sustained in operating commuter service.

There was a time when people in communities in suburban territory received and shipped freight via the railroads and a good many people used trains during offpeak hours. That is all changed. Years ago anthracite coal was used almost exclusively for space heating in northern New Jersey and New York City and it all moved via rail, but the use of oil and gas and movement of the remainder by truck has resulted in virtually none moving via rail. Also with the advent of more highways and more trucks, builders' supplies, feed, grain, groceries, and other supplies are received by truck. Today there is very little freight revenue being generated at many stations in suburban territory.

The river crossings built by the Port of New York Authority and the massive highway system built with Federal and State funds not only caused freight business to dwindle but also caused people to use buses or automobiles and severely reduced travel on trains operated during offpeak hours and on weekends. Supermarkets and the opening by department stores of branches in the suburban areas have lessened the need of people in New Jersey to travel to do their shopping. Furthermore, people who used trains during offpeak hours paid fares at regular rates instead of the lower rates paid by commuters, and the number of commuters

> has decreased despite a large increase in population because so many use their automobiles or travel by bus.
>
> Despite the loss of offpeak passenger travel and freight business, the same extensive facilities are required to handle commuters in the peak hours—2 hours in the morning and 2 hours in the evening—5 days a week. Nevertheless, the peakload requires the same extensive investment in facilities and equipment but they are required only 20 hours out of a week of 168 hours and the equipment is idle much of the time.
>
> Cars and ferryboats used in our commuter service are overage and the electrification system on the former Lackawanna side will soon require extensive rehabilitation. This company does not have funds with which to replace equipment and facilities; and, even if funds were available, we would not be justified in investing money for these purposes with no prospect of earning a return on the investment nor even the prospect of providing the service at a break-even point. Sound business judgment would preclude any businessman from doing so. It is estimated that it would cost nearly $80 million to modernize and rehabilitate the present operation.
>
> Rail commuter service is undoubtedly essential and not only commuters have an interest in its perpetuation because, without it, property values in the area would undoubtedly decrease substantially. Building more highways at taxpayers' expense and increasing fares sufficiently to wipe out the loss would not seem to be the answer.
>
> The fact that Erie Lackawanna's equipment and other facilities are overage and in a few years will have to be retired from service, and certain facilities rehabilitated, makes the problem acute.
>
> In a recent statement to the New Jersey Legislature the railroad division of the State highway department said, "The public interest now requires that additional steps be taken to assure the continuation and improvement of essential rail passenger service." With that statement, we agree; the problem is to find the means by which this can be accomplished. As the Erie Lackawanna is not in a position to fulfill this objective, it is apparent that the State or some public body must assume the burden of underwriting the cost of operating the service and providing the funds for modernization and improvement that will be necessary in the relatively near future.
>
> We are presenting to you a realistic appraisal of a serious situation that must be faced by ourselves, the people and their representatives. It would be a dereliction of duty on our part not to acquaint everyone with the facts of this situation. We are bringing it to public notice now so that some plan of action may be devised promptly to protect the interests of the State, the municipalities served by Erie Lackawanna, and the public and to remove the burden of loss from the owners of our securities. Without some definite program for preserving the service, there will be inevitable deterioration and no recourse available to us other than to move toward abandonment of the service.
>
> We are addressing this letter to mayors of Erie Lackawanna communities and to members of the legislature in northern New Jersey, with copies to the press, so that all those interested may be fully acquainted with the situation, and we trust it will have the earnest consideration which it deserves.
>
> Sincerely yours,
>
> WILLIAM WHITE.

Mr. TALCOTT. Mr. Chairman, this is the worst bill to come out of our committee this session—and we have reported out some bad bills. This bill is probably more inimical to private industry, local government, and private initiative than any bill reported out of any committee this session.

This is the keystone of the arch supporting a new Department of Urban Affairs—a department which will usurp the prerogatives of local municipal governments. With the passage of this bill there is little more needed to place all cities and local governmental districts under the regulation, control, and direction of the Federal Government from Washington, D.C.

This bill is a classic example of the camel getting his nose under the tent. Proponents first sought the tidy sum of $500 million; now they would be willing to accept almost any sum simply to get the program underway. Next year, and all the years thereafter, millions and billions of dollars can be added to be poured down rapid transit tunnels or strung along elevated monorails.

As bad as ARA turned out to be, this massive mass transit plan will be worse. ARA was designed to assist a few poor areas which could not help themselves. This massive transit program is designed to help the rich—rich in assessed valuation and rich in votes.

The big cities have the funds, the talent, the organization, the assessed valuation, the people, the taxpayers, the beneficiaries, the commuters. The big cities can solve their problem. The big cities should solve the problem. Some cities now have feasible plans to provide adequate mass transportation facilities without Federal aid, guidance, or control. All cities would solve their problems more economically, more efficiently and more responsively to their needs if the Federal Government would find some other place to spend its extra moneys.

Most cities need to improve their mass transportation facilities. There is no city which has proved to me that it cannot afford adequate facilities; none that does not have the talent to handle their own affairs and to provide the needed transportation facilities.

When we approve this bill we should look ahead a few years and a few decades. We should add up the true costs, the whole cost. Cities will be divested of their rights and responsibilities to provide strictly local services for local commuters. The Federal transportation czar on the Secretary of Urban Affairs will soon have complete control over local transportation—and allied services and facilities. Private industry will be completely excluded from the mass transit business at first and later from allied transportation facilities.

Labor and management, both, will lose their rights and prerogatives to the central control of the Federal bureaucrats.

The great loses of fundamental rights, and the unbelievably high costs of this program seem too great a price to pay for the big city vote.

We should defeat this bill for the benefit of the taxpayer and the tax user and in the best long-term interests of local government and private industry.

If we pass this bill today, we can anticipate almost any encroachment upon the local governments by the centralists and power seekers of the Federal bureaucracy.

Mr. SHRIVER. Mr. Chairman, H.R. 3881, which is the Urban Mass Transportation Act, long has been dormant since it was reported by the House Banking and Currency Committee in April 1963.

We are being asked to establish a new Federal subsidy program which will benefit only a few metropolitan centers, but will be paid for by all American taxpayers. While the cost for the first 3 years of this program is estimated at $500 million, the total eventual cost could amount to $10 to $15 billion.

How do we pay for this program? We already anticipate deficit financing in the 1965 budget. Last week this House, over the opposition of many Members on this side of the aisle, approved hiking the so-called temporary debt ceiling from $315 to $324 billion for the next fiscal year.

Mr. Chairman, every city strives to provide its residents with an efficient transportation system. But not every city will benefit from this Federal program. This program can do nothing except hasten the day when transit operations will be completely owned and operated by governmental agencies and private operations will cease to exist.

Mr. Bernard Calkins, who is president of the rapid transit lines in Houston, Tex., and rapid transit lines in Wichita, Kans., testified before the Subcommittee on Surface Transportation of the Senate Committee on Commerce in regard to this legislation. Mr. Calkins has been in the transit transportation business for more than 33 years.

Mr. Calkins offered the subcommittee his ideas regarding an approach which could be helpful in alleviating mass transportation problems of metropolitan areas and, at the same time, preserve our private enterprise system. He said:

> I firmly believe that the transit business can be solved by private enterprise, but I believe that assistance should be given through possibly guaranteed loans which would enable a private operator to finance his equipment and facilities over longer periods of time at lower interest rates. There is precedent for this thinking. You have the Federal Housing Administration, the Veterans' Administration, which guarantee home loans and have done a good job in providing housing for the general public at lower interest rates and for longer periods of time; there was the Reconstruction Finance Corporation which served a similar purpose for business; you have a program whereby such guaranteed financing is available to electric cooperatives; and I understand that similar guaranteed loans are available to certain feeder airlines. There may be others.
>
> I have noted that some of the legislation proposed involves a Federal grant program for such facilities, but only where used through local governmental agencies. These grants would also provide, I believe, for the acquisition of private transit operations. If there is to be any Federal participation in the way of providing direct funds and grants, I believe such funds could be logically used in providing separated rights-of-way over which transit systems could operate. This would not be a departure from present policies wherein the streets over which a transit line operates are paid for by either the local residents in their areas, city street funds, State highway funds, or, in the case of both State highways and interstate highways, Federal funds provide such construction.

> I believe that private enterprise can and will continue to be able to provide equipment to operate and for the operational cost of transit operations under the American free enterprise system if legislation can be passed that will (1) make available loans for operating equipment payable over longer periods of time and at lower interest rates than are now available, and (2) provide the funds for separated facilities over which to operate so that the transit vehicles will not be intermingled with regular automobile traffic and thereby hampered by the same.

Mr. Chairman, under provisions of H.R. 3881 the only way in which cities such as Wichita and Houston could qualify for either loans or grants would be for the local or State governing bodies to acquire the privately owned transportation systems.

We are being asked to provide an expensive Federal program of subsidization to solve problems which can more economically and efficiently be resolved through local, State, and private initiative.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 3881.

Efficient transportation of freight, workers, and customers is the lifeblood of commerce and industry and, indeed, of our entire mode of daily living today. By necessity we are all commuters and travelers, whether we live in rural communities or large cities, and whether we live in Hawaii or on the mainland United States.

The rapid mushrooming of our population requires constant changes to meet new challenges in the field of transportation. The accumulation of capital to meet these changes is often beyond the resources of local corporations, communities, and cities. Paradoxically, the development of urban areas does not mean automatic profits to the transit system, whose rising costs and declining patronage make adequate facilities, equipment, and service difficult to maintain. Revolutionary and rapid changes in the character of a community demand equally revolutionary and rapid changes in the facilities to take care of them. Otherwise, congestion and frustration will become a part of our daily living even more than it has been up to the present time.

Mass transit must play an increasingly important role in the development of our urban areas to meet the demand of additional streets and parking facilities for the vastly increasing number of private cars would in many urban areas require the destruction of many residential and commercial areas, and the relocating of thousands of people. This is too expensive an alternative to the development of mass transportation.

Two-thirds of our Nation's people now live in urban areas. Hawaii's population is over 80 percent urban and within areas served by public transportation. Passage of the bill will make it possible for us to plan and put into effect a program for the early and efficient development of our transportation systems throughout the Nation.

Let us not hold back the clock, but rather, let us as responsible Members of Congress meet the challenge of the times and move our country ahead by passage of this most essential bill.

Mr. DONOHUE. Mr. Chairman, I rise to urge prompt approval of this urgently needed measure before us, H.R. 3881, the Urban Mass Transportation Act of 1963.

As you are aware this bill, already enacted by the Senate, proposes an expenditure of $500 million to provide a long-range program of cooperation between the Federal Government and State and local units, to bring some order out of the increasingly chaotic condition of transportation facilities in so many urban and metropolitan centers throughout the Nation, including my own home State and area.

The evidence presented in support of this bill clearly reveals that it would be a major mistake to permit any increasing strangulation and disintegration of our outmoded transportation facilities whose current traffic congestion is costing the Nation a conservatively estimated $8 billion annually.

An analysis of the factors involved in this challenging problem clearly indicate the various urban and metropolitan centers and the separate States cannot promote an adequate solution through their individual resources; they must have assistance from the Federal Government. An examination of the provisions of this bill reveal that the suggested assistance is very reasonable and moderate and the States and localities will bear the major portion of the overall burden.

Mr. Chairman, any objective review of this transportation improvement challenge throughout the country proves the need for this legislation is imperative; the Federal participation proposed is reasonable; the projected program over a long-range period is prudent; that failure to act now could well precipitate a major crisis and the program proposed is beyond any doubt in accord with our traditions and legitimate concern for the national safety and welfare. Let us, therefore, approve this measure without extended delay.

MASS TRANSPORTATION BILL

Mr. SICKLES. Mr. Chairman, at the present time in this country over 70 percent of our people live in urban areas so that adequate mass transportation facilities represents a national problem. It has been estimated that within 20 years over half the American people will be concentrated in 40 large urban centers across the Nation, including, of course, one such center in Baltimore and another in the Washington metropolitan area.

In each of these areas as in other cities around the country traffic congestion, lack of parking space, and outmoded or inadequate mass transportation facilities have combined to endanger the health and vitality of the inner city and its suburbs.

Mass transportation facilities in our large urban centers have been unable to meet the demands on them in recent years and as a result the number of people using these systems and their usefulness has declined. Many big cities have found themselves financially unable to meet the large capital investment that would be required to reverse this trend. As the cities become less able to deal with their transportation problems, businesses and tax sources move elsewhere to further compound the problem. It is another one of those gloomy cycles that can be broken only by the entry of a new element. The Federal Government, of course, because of its superior tax resources, could provide some measure of assistance to local communities who must deal with this problem.

The Federal program would fund up to two-thirds of the cost of the acquisition, construction, and improvement of mass transportation facilities and equipment in an individual city which has an adequate long-range transportation plan. The program would be administered by the Housing and Home Finance Agency where some transportation planning assistance is already available as a result of the Housing Act of 1961.

As a matter of fact, the Baltimore area is now being studied as a result of the transportation planning program under this act. The Baltimore-Metropolitan Transit Authority has contracted with a private firm to draw up a program of long-range improvements in public mass transportation over the next 15 years. A Federal grant of $323,560 is financing two-thirds of the cost of the study with one-third of the funds being supplied locally. The first phase of the consultant's report has already been completed and was favorably received by city officials. It has been estimated that the Baltimore metropolitan area which has about 60 percent of the State's population will have a population increase of over 80 percent in the next 15 years. It is most important that Baltimore has a transportation system adequate to meet the demands of this growth and thus provide adequate transportation to the people living in the area.

Once these plans have been completed, a program of Federal financial assistance could be most helpful. The Baltimore City Council has recognized this by recently passing a resolution favoring enactment of a national mass transportation bill by the Congress.

As for the Washington metropolitan area, passage of a national program could create a climate favorable for the enactment of a special program for the District of Columbia area. This program of improvements would, of course, be especially important to Marylanders who work or shop in the city.

It is most important that we act now at the Federal level to provide proper incentives for improvement of urban transportation facilities. The longer we wait, the more costly it will be. Indeed, many cities have already abandoned transit rights-of-way.

In the field of highway construction the Federal interstate road program and Federal aid to secondary roads have had a tremendous economic impact all over the United States. Similarly, Federal aid to promote the establishment of a balanced mass transportation and road system would greatly help relieve the commuter rush that is now strangling our cities and contribute to the economic revival of our cities and orderly development of our suburbs.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Moss, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3881) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes pursuant to House Resolution 732, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. TAFT. Mr. Speaker, I demand a separate vote on the amendment offered by Mr. RAINS to section 10(c) starting on line 23, page 24.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 24, line 23, strike out "the granting of".

Page 25, strike out lines 1 and 2 and insert in lieu thereof "are made, as determined by the Secretary of Labor,".

Page 25, line 8, immediately before the semicolon, insert "or otherwise".

Page 25, line 8, strike out everything after "(2)".

Page 25, line 11, strike out "priority" and insert in lieu thereof "assurances".

Page 25, line 12, strike out "or" where it first appears and insert in lieu thereof "to employees of acquired mass transportation systems and priority of".

Page 25, line 13, strike out everything after the period, down through and including "such" in line 15, and insert in lieu thereof "Such".

Page 25, line 19, strike out "such Act" and insert in lieu thereof "the Act of February 4, 1887 (24 Stat. 379), as amended".

Page 25, line 19, strike out the comma and all that follows down through "agreements" in line 22.

The SPEAKER. The question is on the amendment.

Mr. TAFT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 234, nays 170, not voting 27, as follows:

[Roll No. 168]

YEAS—234

Addabbo
Albert
Andrews, Ala.
Ashley
Aspinall
Barrett
Bass
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Bray
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Carey
Casey
Celler
Chelf
Clark
Cohelan
Cooley
Corbett
Corman
Cunningham
Curtin
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Fogarty
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gilbert
Gill
Glenn
Gonzalez
Grabowski
Gray
Green, Pa.
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hardy
Hawkins
Hays
Healey
Hébert
Hechler
Holifield
Holland
Horton
Huddleston
Hull
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Kornegay
Kunkel
Landrum
Lankford
Leggett
Lesinski
Libonati
Lindsay
Long, La.
Long, Md.
McDade
McDowell
McFall
Macdonald
Madden
Mahon
Marsh
Mathias
Matsunaga
Miller, Calif.
Milliken
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen Mont
Olson, Minn.
O'Neill
Osmers
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Price
Pucinski
Purcell
Rains
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schweiker
Secrest
Selden
Sheppard
Shipley
Sickles
Sisk
Slack
Smith, Iowa
Smith, Va.
Staebler
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Tollefson
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Weltner
White
Wickersham
Widnall
Wilson, Charles H.
Wright
Young
Zablocki

NAYS—170

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, N. Dak.
Arends
Ashmore
Ayres
Baker
Baldwin
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Cramer
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dorn
Dowdy
Ellsworth
Findley
Fisher
Ford
Foreman
Frelinghuysen
Fuqua
Gathings
Gibbons
Goodell
Goodling
Grant
Griffin
Gross
Gubser
Gurney
Haley
Hall
Halleck
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Henderson
Herlong
Hoeven
Horan
Hosmer
Hutchinson
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
King, N.Y.
Knox
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McCulloch
McIntire
McLoskey
McMillan
MacGregor
Mailliard
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Matthews
May
Meader
Michel
Minshall
Moore
Morse
Morton
Mosher
Murray
Nelsen
Norblad
Ostertag
Pelly
Pillion
Pirnie
Pool
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Rogers, Fla.
Roudebush
Rumsfeld
St. George
Schenck
Schneebeli
Short
Shriver
Sibal
Sikes
Siler
Skubitz
Smith, Calif.
Snyder
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tuck
Utt
Van Pelt
Waggonner
Watson
Weaver
Westland
Whalley
Wharton
Whitener
Whitten
Williams
Wilson Bob
Wilson, Ind.
Winstead
Wydler
Wyman
Younger

NOT VOTING—27

Ashbrook
Auchincloss
Avery
Baring
Bennett, Mich.
Bruce
Cameron
Evins
Forrester
Green, Oreg.
Harris
Hoffman
Ichord
Kee
Kilgore
Miller, N.Y.
Mills
Pilcher
Powell
Rogers, Tex.
Schadeberg
Schwengel
Scott
Senner
Springer
Watts
Willis

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Willis for, with Mr. Bruce against.

Mr. Pilcher for, with Mr. Schadeberg against.

Mr. Senner for, with Mr. Ashbrook against.

Until further notice:

Mr. Cameron with Mr. Avery.

Mrs. Green of Oregon with Mr. Springer.

Mr. Rogers of Texas with Mr. Hoffman.

Mr. Baring with Mr. Bennett of Michigan.

Mr. Watts with Mr. Schwengel.

Mr. Evins with Mr. Miller of New York.

Mrs. Kee with Mr. Kilgore.

Mr. Harris with Mr. Scott.

Mr. Ichord with Mr. Forrester.

Mr. JONES of Missouri changed his vote from "nay" to "yea."

Mr. DERWINSKI changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT

Mr. OLIVER P. BOLTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. OLIVER P. BOLTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OLIVER P. BOLTON moves to recommit the bill (H.R. 3881) to the Committee on Banking and Currency, with instructions to report the same back to the House forthwith with an amendment as follows: Strike out all after the enacting clause and insert the following:

"That the Committees on Banking and Currency of the House and Senate shall conduct an intensive continuing review of—

"(1) the results derived from the mass transportation demonstration and research projects authorized under section 303 of the Housing Act of 1961, and

"(2) the status of the planning processes pursuant to section 134 of title 23 of the United States Code, in order to insure that such processes and projects have been sufficiently carried forward to provide the engineering data and other information necessary for an effective mass transportation program before further action on such a program is undertaken by the Congress."

Mr. **PATMAN**. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. OLIVER P. BOLTON) there were—ayes 132, noes 187.

Mr. **OLIVER P. BOLTON**. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 215, not voting 27, as follows:

[Roll No. 169]

YEAS—190

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashmore
Ayres
Baker
Baldwin
Barry
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson
Burton, Utah
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Cramer
Curtis
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Ellsworth
Findley
Fisher
Ford
Foreman
Fountain
Fuqua
Gary
Gathings
Gibbons
Goodell
Goodling
Grant
Griffin
Gross
Gubser
Gurney
Haley
Hall
Halleck
Hardy
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Henderson
Herlong
Hoeven
Horan
Hosmer
Huddleston
Hull
Hutchinson
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Jones, Mo.
Kilburn
King, N.Y.
Knox
Kornegay
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McCulloch
McIntire
McLoskey
McMillan
MacGregor
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
Matthews
May
Meader
Michel
Minshall
Moore
Morton
Mosher
Murray
Natcher
Nelsen
Norblad
O'Hara, Mich.
Ostertag
Passman
Pelly
Pickle
Pillion
Pirnie
Poff
Pool
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Roberts, Ala.
Robison
Rogers, Fla.
Roudebush
Roush
Rumsfeld
St. George
Schenck
Schneebeli
Selden
Short
Shriver
Sikes
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Stafford
Stinson
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thomson, Wis.
Tuck
Tupper
Utt
Van Pelt
Waggonner
Watson
Westland
Whalley
Wharton
Whitener
Whitten
Williams
Wilson, Bob
Wilson, Ind.
Winstead
Wyman
Younger

NAYS—215

Addabbo
Albert
Ashley
Aspinall
Barrett
Bass
Bates
Beckworth
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Carey
Celler
Clark
Cohelan
Cooley
Corbett
Corman
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Fogarty
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gill
Glenn
Gonzalez
Grabowski
Gray
Green, Pa.
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hawkins
Hays
Healey
Hechler
Holifield
Holland
Horton
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Landrum
Lankford
Leggett
Lesinski
Libonati
Lindsay
Long, La.
Long, Md.
McDade
McDowell
McFall
Macdonald
Madden
Mahon
Mailliard
Martin, Mass.
Matsunaga
Miller, Calif.
Milliken
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Patman
Patten
Pepper
Perkins
Philbin
Pike
Poage
Price
Pucinski
Purcell
Rains
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Tex.
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schweiker
Secrest
Sheppard
Shipley
Sibal
Sickles
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Sullivan
Teague, Tex.
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Tollefson
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Weaver
Weltner
White
Wickersham
Widnall
Wilson, Charles H.
Wright
Wydler
Young
Zablocki

NOT VOTING—27

Ashbrook
Auchincloss
Avery
Baring
Bennett, Mich.
Bruce
Cameron
Evins
Forrester
Green, Oreg.
Harris
Hoffman
Ichord
Kee
Kilgore
Miller, N.Y.
Mills
Pilcher
Powell
Rogers, Tex.
Schadeberg
Schwengel
Scott
Senner
Springer
Watts
Willis

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mills for, with Mr. Senner against.
Mr. Schadeberg for, with Mr. Willis against.
Mr. Schwengel for, with Mr. Powell against.
Mr. Bruce for, with Mr. Pilcher against.

Until further notice:

Mr. Cameron with Mr. Springer.
Mr. Rogers of Texas with Mr. Bennett of Michigan.
Mr. Kilgore with Mr. Avery.
Mr. Baring with Mr. Hoffman.
Mr. Harris with Mr. Miller of New York.
Mr. Evins with Mr. Ashbrook.
Mr. Scott with Mrs. Kee.
Mr. Forrester with Mr. Ichord.

Mr. **O'HARA** of Michigan and Mr. **GUBSER** changed their votes from "nay" to "yea."

Messrs. **GRAY** and **SHEPPARD** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **HALLECK**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 212, nays 189, answered "present" 3, not voting 27, as follows:

[Roll No. 170]

YEAS—212

Addabbo
Albert
Ashley
Aspinall
Auchincloss
Barrett
Barry
Bass
Bates
Beckworth
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Buckley
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Carey
Celler
Clark
Cohelan
Conte
Cooley
Corbett
Corman
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Fogarty
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gilbert
Gill
Glenn
Gonzalez
Grabowski
Gray
Green, Pa.
Griffiths
Grover
Gubser
Hagan, Ga.
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hawkins
Hays
Healey
Hechler
Holifield
Holland
Horton
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Landrum
Lankford
Leggett
Lesinski
Libonati
Lindsay
Long, La.
Long, Md.
McDade
McDowell
McFall
Macdonald
Madden
Mailliard
Martin, Mass.
Matsunaga
Miller, Calif.
Milliken
Minish
Minshall
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morse
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Patman
Patten
Pepper
Perkins
Philbin
Pike
Price
Pucinski
Purcell
Rains
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schweiker
Secrest
Sheppard
Shipley
Sibal
Sickles
Sisk
Slack
Staebler
Staggers
Steed
Stephens
Stratton
Sullivan
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Toll
Tollefson
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Wallhauser
Weaver
Weltner
Whalley
White
Wickersham
Widnall
Wilson, Charles H.
Wydler
Young
Younger
Zablocki

NAYS—189

Abbitt
Abele
Abernethy
Adair
Alger
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashmore
Ayres
Baker
Baldwin
Battin
Becker
Beermann
Belcher
Bell
Bennett, Fla.
Berry

Betts
Bolton, Frances P.
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burleson
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Cramer
Curtis
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Ellsworth
Findley
Fisher
Ford
Foreman
Fountain
Fuqua
Gary
Gathings
Gibbons
Goodell
Goodling
Grant
Griffin
Gross
Gurney
Haley
Hall
Halleck
Hardy
Harrison
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Henderson
Herlong
Hoeven
Horan
Hosmer
Huddleston
Hull
Hutchinson
Jarman
Jennings
Jensen
Johansen
Johnson, Pa.
Jonas
Jones, Mo.
Kilburn
King, N.Y.
Knox
Kornegay
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McCulloch
McIntire
McLoskey
McMillan
MacGregor
Mahon
Marsh
Martin, Calif.
Martin, Nebr.
Mathias
Matthews
May
Meader
Michel
Moore
Morton
Mosher
Murray
Natcher
Nelsen
Norblad
Ostertag
Passman
Pelly
Pickle
Pillion
Pirnie
Poage
Poff
Pool
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Roberts, Ala.
Roberts, Tex.
Robison
Rogers, Fla.
Roudebush
Roush
Rumsfeld
St. George
Schenck
Schneebeli
Selden
Short
Shriver
Sikes
Siler
Skubitz
Smith, Calif.
Smith, Iowa
Smith, Va.
Snyder
Stafford
Stinson
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thomson, Wis.
Tuck
Tupper
Utt
Van Pelt
Waggonner
Watson
Westland
Wharton
Whitener
Whitten
Williams
Wilson, Bob
Wilson, Ind.
Winstead
Wright
Wyman

ANSWERED "PRESENT"—3

Davis, Tenn.
O'Hara, Mich.
O'Konski

NOT VOTING—27

Ashbrook
Avery
Baring
Bennett, Mich.
Bruce
Burton, Utah
Cameron
Evins
Forrester
Green, Oreg.
Harris
Hoffman
Ichord
Kee
Kilgore
Miller, N.Y.
Mills
Pilcher
Powell
Rogers, Tex.
Schadeberg
Schwengel
Scott
Senner
Springer
Watts
Willis

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Pilcher for, with Mr. Davis of Tennessee against.

Mr. Willis for, with Mr. O'Konski against.

Mr. Powell for, with Mr. O'Hara of Michigan against.

Mr. Senner for, with Mr. Mills against.

Until further notice:

Mr. Cameron with Mr. Avery.
Mr. Kilgore with Mr. Burton of Utah.
Mr. Rogers of Texas with Mr. Schadeberg.
Mrs. Green or Oregon with Mr. Springer.
Mr. Scott with Mr. Ashbrook.
Mr. Evins with Mr. Schwengel.
Mr. Baring with Mr. Bruce.
Mr. Harris with Mr. Bennett of Michigan.
Mr. Forrester with Mr. Miller of New York.
Mr. Watts with Mr. Hoffman.
Mr. Ichord with Mrs. Kee.

Mr. O'HARA of Michigan. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. POWELL]. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Louisiana [Mr. WILLIS]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. DAVIS of Tennessee. Mr. Speaker, I have a live pair with the gentleman from Georgia [Mr. PILCHER]. Had he been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RAINS. Mr. Speaker, pursuant to House Resolution 732, I call up from the Speaker's table for immediate consideration the bill (S. 6) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Transportation Act of 1963".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds—

(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

(2) that the welfare and vitality of urban areas, the satisfactory movement of people and goods within such areas, and the effectiveness of housing, urban renewal, highway, and other federally aided programs are being jeopardized by the deterioration or inadequate provision of urban transportation facilities and services, the intensification of traffic congestion, and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis; and

(3) that Federal financial assistance for the development of efficient and coordinated mass transportation systems is essential to the solution of these urban problems.

(b) The purposes of this Act are—

(1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods, with the cooperation of mass transportation companies both public and private;

(2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development, with the cooperation of mass transportation companies both public and private; and

(3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs.

SEC. 3. (a) In accordance with the provisions of this Act, the Administrator is authorized to guarantee qualified revenue bonds or, where the Administrator has determined that such guaranteed revenue bonds would not provide the financial assistance required by the applicant, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof, and mass transportation companies both public and private, in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Assistance may be provided for land and improvements acquired or constructed in advance of such use, if the Administrator obtains adequate assurance of repayment of the assistance where the land and improvements are not in fact put to the proposed use within a reasonable period of time. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and any other real or personal property needed for an efficient and coordinated mass transportation system. No guarantee of revenue bonds, grant or loan shall be provided under this section unless the Administrator determines that the applicant (which in no case shall be a private company) has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. The applicant shall, with respect to private mass transportation companies, give full consideration to the exercise of such continuing control through the appropriate existing governmental regulatory agency authorized to issue to the operating company, in the form of certificates of public convenience and necessity, franchises, or other indicia of operating authority, the authority to operate as a private mass transportation company. No such funds shall be used for payment of ordinary governmental or nonproject operating expenses.

(b)(1) No financial assistance shall be made available under this Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring any interest in, or purchasing any facilities or other property of a private mass transportation company, or for the purpose of constructing, improving, or reconstructing any facilities or other property acquired, after the effective date of this Act, from any such company; unless (A) such company has, prior to such acquisition, been declared bankrupt or placed into receivership by a court of competent jurisdiction, or (B) the Administrator finds that such assistance is essential to a program, proposed or under active preparation, for the acquisition of mass transportation facilities or property which are supplementary to the service provided by an existing publicly owned or operated mass transportation system, and (C) in either situation under A or B, the Administrator and the Secretary of Labor, acting jointly in accordance with the provisions of section 19(c) of this Act, find that the project to be assisted complies with the requirements set forth therein.

(b)(2) No financial assistance shall be made available under this Act to any State or local public body or agency thereof for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company unless (A) the Administrator finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, (B) the Administrator finds that such program, to the maximum extent feasible, provides for the participation of private mass transportation companies, and (C) the Administrator and the Secretary of Labor, acting jointly in accordance with the provisions of section 19(c) of this Act, find that such program complies with the requirements set forth therein.

(c) No Federal assistance under this Act shall be extended to any State or local public body or agency thereof to assist any private mass transportation company unless the Administrator is assured that the State or States and the local public bodies or agencies thereof in the area covered by a proposed project have afforded the company every feasible relief, compatible with their own fiscal responsibilities, including, but not necessarily limited to, relinquishment of real property taxes, personal property taxes and franchise taxes; and no Federal assistance shall be extended under this Act to any State or local public body or agency thereof to assist a public mass transportation company or any division or segment of its operations when one or more other divisions or segments are operating profitably unless the Administrator is assured that the transfer of funds from one division or segment to another would not be compatible with the maintenance of a coordinated mass transportation system in the area covered by the proposed project.

(d) No loan shall be made under this section for any project for which a grant is made under this section, except grants made for relocation payments in accordance with section 16(b). Loans under this section shall be subject to the restrictions and limitations set forth in paragraphs (1), (2), and (3) of section 202(b) of the Housing Amendments of 1955. The authority provided in section 203 of such amendments to obtain funds for loans under clause (2) of section 202(a) of such amendments shall (except for undisbursed loan commitments) hereafter be exercised by the Administrator (without regard to the proviso in section 202(d) of such amendments) solely to obtain funds for loans under this section.

(e) Section 203(a) of the Housing Amendments of 1955 is amended by inserting before the period at the end of the third sentence a semicolon and the following: "except that notes or other obligations issued by the Administrator to the Secretary of the Treasury to obtain funds to provide financial assistance under section 202(a)(2) (as modified by section 3(d) of the Urban Mass Transportation Act of 1963) shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average yield on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance by the Administrator of the notes or other obligations".

LONG-RANGE PROGRAM

SEC. 4. Except as specified in section 14, no Federal financial assistance shall be provided pursuant to section 3 unless the Administrator determines that the facilities and equipment for which the assistance is sought are needed for carrying out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area, and are necessary for the sound, economic, and desirable development of such area. Such a program shall encourage, to the maximum extent feasible, the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area.

GUARANTEED BOND PROGRAM

SEC. 5. (a) The Administrator, upon application of a State, local public body or agency thereof, is authorized, in accordance with the provisions of this Act—

(1) to guarantee the payment of so much of the interest and the repayment of so much of the principal on the revenue bonds of such State, local public body, or agency thereof as would, but for such guarantee, be unpaid when due; and

(2) upon such terms as he may prescribe, to make commitments to guarantee the payment of interest and principal of any such revenue bonds prior to the date of execution or sale thereof.

(b) Each contract of guarantee made under this Act shall run to, and shall be for the benefit of, the owners of such revenue bonds.

(c) The faith and credit of the United States is solemnly pledged to the payment of so much of the interest and to the repayment of so much of the principal on each revenue bond guaranteed or committed to be guaranteed under this Act as would, but for the guarantee provided for by this Act, be unpaid, when due.

(d) The Administrator shall not enter into any contract of guarantee (or of commitment to guarantee) under this Act if such contract, when taken together with other contracts of guarantee outstanding under this Act, would guarantee the payment of bonds exceeding $375,000,000.

(e) The Administrator shall charge in connection with every contract of guarantee under this Act a premium equal to one-quarter of 1 per centum of the face value of the bonds so guaranteed.

SEC. 6. To be eligible for a guarantee under this Act, any revenue bond shall—

(1) expressly state on its face that the State, local public body, or agency thereof issuing said bond has waived the normal status of said bond as exempt from the provisions of the Federal income tax laws, and the interest on any bond expressing such waiver shall not be exempt from taxation under the Federal income tax laws;

(2) be issued for the purpose of securing funds for a program (as described in sections 3(a) and 4) approved by the Administrator, and at least 25 per centum of the financing of such program shall be by bonds or securities not guaranteed under this Act, so that the federally guaranteed portion shall not constitute more than 75 per centum of the total cost of the program;

(3) bear interest at an average interest rate approved by the Administrator and have a maturity date not in excess of fifty years;

(4) be determined by the Administrator to be of such sound value or so secured as reasonably to assure the punctual payment of principal and interest on the date or dates such payments are due and payable; and

(5) be issued under a trust indenture duly entered into between the State, local public body, or agency thereof and a corporate trustee approved by the Administrator containing all of the provisions required by section 7 of this Act and such other provisions as may be required by the Administrator and as may be agreed upon between such State, local public body or agency thereof and the trustee.

SEC. 7. (a) A trust indenture or supplemental trust indenture under which revenue bonds guaranteed under this Act are issued shall include provisions satisfactory to the Administrator—

(1) requiring the State, local public body, or agency thereof to insure that the mass rapid transit system or those portions thereof financed with the proceeds of the bonds is properly operated, kept at all times in good repair, working order, and condition, and that all lawful claims for labor, materials, and supplies or other charges are discharged and paid;

(2) requiring the State, local public body, or agency thereof to insure that the rates, fares, tolls, rentals, or other charges in connection with the services and facilities furnished from the mass rapid transit system, or any part thereof, financed from part or all of the proceeds of the bonds, are at least sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance, and repair of the system;

(3) requiring the State, local public body, or agency thereof to punctually pay or cause to be paid from its revenues the principal of all guaranteed revenue bonds and the interest thereon on the date or dates, at the place or places, and in the manner specified in the bonds; and

(4) providing for the systematic accumulation of revenues for the payment of the principal of all guaranteed revenue bonds and the interest thereon, which provisions shall be designed to assure that the State, local public body, or agency thereof, or the trustee of the trust indenture or supplemental trust indenture under which the guaranteed revenue bonds were issued, shall have accumulated revenues on or before the fifteenth day prior to the date or dates on which any installment of principal or interest becomes due and payable sufficient to pay in full such installment of principal or interest.

(b) Any such trust indenture or supplemental trust indenture shall also include provisions satisfactory to the Administrator requiring that in the event the State, local public body, or agency thereof has not, on the fifteenth day prior to the date or dates on which any installment of principal or interest becomes due and payable, accumulated, in the manner provided in paragraph (4) subsection (a) of this section, revenues sufficient to pay in full such installment of principal or interest, the State, local public body, or agency thereof, or the trustee of the trust indenture or supplemental trust indenture under which the guaranteed revenue bonds were issued, shall forthwith make and serve upon the Administrator a written demand for the amount of money needed to pay in full such installment of principal or interest less the amount of revenues then accumulated for the payment of that installment of principal or interest. Such written demand shall be accompanied by a note made payable to the Federal transit revenue bond guarantee fund, created by section 10 of this Act, which shall constitute a binding obligation of the State, local public body, or agency thereof, as determined by the Administrator, and shall be in a principal amount equal to the amount of money demanded of the Administrator. Such note shall mature on or before a date six months following the date established for the retirement of the guaranteed revenue bond issue or, in case any prior note or notes are then held by the Secretary, on or before a date six months following the date of maturity of the prior note of latest maturity. Such note shall bear interest at a rate one-quarter of 1 per centum per annum higher than the average net interest cost of the entire guaranteed revenue bond issue, and shall be payable at maturity: *Provided*, That in no event should the interest rate of the notes so obtained be less than the interest rate accruing on Federal borrowings, as determined by the Secretary of the Treasury on the obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the notes. Nothing in this section shall preclude the Administrator from taking any remedial action otherwise available.

SEC. 8. Within ten days from the date of any demand made by a State, local public body, or agency thereof or trustee pursuant to the trust indenture provision required by section 7 of this Act, the Administrator shall pay to the trustee of the trust indenture or supplemental trust indenture under which the guaranteed revenue bonds were issued the amount of money specified in the demand, which money shall be applied by the trustee to the payment of the installment of principal or interest (or both) for which such money was demanded. Any money required to be paid by the Administrator to the trustee pursuant to this section shall be paid in funds good to the trustee on the payment date.

SEC. 9. The Administrator may, by rule or regulation, require States, local public bodies, or agencies thereof having outstanding revenue bonds guaranteed under this Act to submit to the Administrator from time to time such reports as in the opinion of the Administrator are necessary or desirable to enable the Administrator to anticipate in advance possible demands which may be made upon the Administrator for moneys required to be paid by the Administrator under section 8 of this Act.

SEC. 10. There is created a Federal transit revenue bond guarantee fund (hereinafter referred to as the "fund") which shall be used by the Administrator as a revolving fund for carrying out the provisions of this Act relating to the guarantee of revenue bonds and for the administrative expenses in connection therewith. All premiums and earnings on the assets of the fund shall be credited to the fund. Any moneys required to be paid by the Administrator under section 8 of this Act, and all administrative expenses in connection with the guarantee of revenue bonds under this Act, shall be paid from the fund; and there is authorized to be appropriated to the fund such sums as may be necessary to make such payments. The faith and credit of the United States is solemnly pledged to the payment of all moneys required to be paid by the Administrator under section 8 of this Act. Moneys in the fund not needed for current operations under this Act shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

SEC. 11. The Administrator is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this Act: *Provided*, That no provisions of this Act shall be construed to authorize the Administrator to regulate in any manner the mode of operation of any mass rapid transit system or the rates, fares, tolls, rentals, or other charges fixed or prescribed by any State, local public body, or agency thereof.

SEC. 12. The limitations and restrictions on the powers of national banking associations contained in paragraph "Seventh" of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), as to dealing in, underwriting, and purchasing for their account investment securities shall not apply to revenue bonds of a State, local public body, or agency thereof which are guaranteed by the Administrator under this Act.

GRANT PROGRAM

SEC. 13. (a) The Administrator shall estimate what portion of the cost of a project to be assisted under section 3 of this Act cannot be reasonably financed from revenues—which portion shall hereinafter be called "net project cost." The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant. In determining net project cost for any project to be assisted under section 3, any estimate of revenues shall not be reduced by any amount to be allocated as a reserve for replacement of equipment or facilities. No grant shall be made for any project pursuant to section 3 unless the Administrator determines that (1) there exists a commitment from non-Federal sources to supply the remainder of the net project cost, and (2) the Federal Government's interest in the project is adequately protected in the event of a default or a failure to complete such project.

(b) To finance grants under this Act there is hereby authorized to be appropriated at any time after its enactment not to exceed $75,000,000 for fiscal years 1963 and 1964; $150,000,000 for fiscal year 1965; and $150,000,000 for fiscal year 1966. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529), as amended, to make advance or progress payments on account of any grant made pursuant to this Act.

(c) Any application under section 3 for a grant to assist any project for the provision of mass transportation service in an urban area shall include a schedule of fares, determined by the Administrator to be economically sound, and upon the basis of which the Administrator shall make his estimate of net project cost. If, at any time after the making of such grant while any revenue obligations issued to finance the project are outstanding, a change is effected in such schedule which the Administrator determines will substantially reduce revenues from the project and lessen the chances for an economically sound operation, he shall so notify the recipient of such grant. Thereafter, the Administrator shall not extend any assistance under any law administered by the Housing and Home Finance Agency (except pursuant to a commitment entered into prior to such notice) to finance in whole or in part any project to be undertaken in such area, until he determines that such schedule has been so revised, or that other action has been so taken, as to permit an economically sound operation.

EMERGENCY PROGRAM

SEC. 14. Prior to July 1, 1966, Federal financial assistance may be provided pursuant to section 3 where (1) the program for the development of a unified or officially coordinated urban transportation system, referred to in section 4, is under active preparation although not yet completed, (2) the facilities and equipment for which the assistance is sought can reasonably be expected to be required for such a system, and (3) there is an urgent need for their preservation or provision. The Federal grant for such a project shall not exceed one-half of the net project cost: *Provided*, That where a Federal grant is made on such a one-half basis, and the planning requirements specified in section 4 are fully met within a three-year period after the execution of the grant agreement, an additional grant may then be made to the applicant equal to one-sixth of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refunds or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

SEC. 15. (a) The Administrator is authorized to undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods) which he determines will assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost. He may undertake such projects independently or by contract (including working agreements with other Federal departments and agencies). In carrying out the provisions of this section, the Administrator is authorized to request and receive such information or data as he deems appropriate from public or private sources.

(b) The Administrator may make available to finance projects under this section not to exceed $10,000,000 of the mass transportation grant authorization provided in section 13(b), which limit shall be increased to $20,000,000 on July 1, 1964, and to $30,000,000 on July 1, 1965. In addition, notwithstanding the provisions of section 4 of this Act or of section 103(b) of the Housing Act of 1949, the unobligated balance of the amount available for mass transportation demonstration grants pursuant to the proviso in such section 103(b) shall be available solely for financing projects under this section.

(c) Nothing contained in this section shall limit any authority of the Administrator under section 602 of the Housing Act of 1956 or any other provision of law.

(d) No part of any appropriated funds may be expended pursuant to authorization given by this Act for any technological research or development activity unless such expenditure is conditioned upon provisions determined by the Administrator, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exceptions and limitations as the Administrator may determine after consultation with the Secretary of Defense to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this subsection shall deprive the owner of any background patent relating to any such activity of any right which that owner may have under that patent.

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 16. (a) No financial assistance shall be extended to any project under section 3 unless the Administrator determines that an adequate relocation program is being carried on for families displaced by the project and that there are being or will be provided (in the same area or in other areas generally not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the displaced families) an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.

(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 3, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed $200 in the case of an individual or family, or $3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

COORDINATION OF FEDERAL ASSISTANCE FOR HIGHWAYS AND FOR MASS TRANSPORTATION FACILITIES

SEC. 17. (a) In order to assure coordination of highway and railway and other mass transportation planning and development programs in urban areas, particularly with respect to the provision of mass transportation facilities in connection with federally assisted highways (including the acquisition of land and the acquisition or construction of improvements in advance of such use), the Administrator and the Secretary of Commerce shall consult on general urban transportation policies and programs and shall exchange information and otherwise cooperate with respect to the planning, financing, and construction of proposed projects in urban areas.

(b) In order to be assured that proposed projects will not unnecessarily disrupt or otherwise have a deleterious effect (of a temporary or permanent nature) upon rail or motor carriers currently engaged in interstate commerce and subject to regulation by the Interstate Commerce Commission, the Administrator shall consult with the Chairman of the Interstate Commerce Commission with respect to proposed projects affecting interstate transportation, and the Administrator and the Chairman of the Interstate Commerce Commission shall exchange information and otherwise cooperate with respect to such projects.

GENERAL PROVISIONS

SEC. 18. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Administrator shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsections (c)(2) and (f), of the Housing Act of 1950. Subject to the provisions of section 10, funds obtained or held by the Administrator in connection with the performance of his functions under this Act shall be available for the administrative expenses of the Administrator in connection with the performance of such functions.

(b) To insure that small business concerns are given an equitable opportunity to share in all procurement aspects of any project for which a loan or grant is made under this Act, the Administrator shall cooperatively develop with the Small Business Administration within four months after the effective date of this paragraph a small business contracting program to be applicable to all such projects. The program shall contain such provisions as may be necessary to (1) enable small business concerns to have an equitable opportunity to compete, either directly or as subcontractors, for contracts and procurements for property and services awarded in the implementation and effectuation of the purposes of this Act, and (2) enable the Small Business Administration to obtain from the local public bodies and mass transportation companies such reasonably obtainable information concerning contracts and procurement, including subcontracts thereunder, awarded in the implementation and effectuation of the purposes of this Act.

(c) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan, grant, or guarantee is made under this Act, entered into by applicants under other than competitive bidding procedures as defined by the Administrator, shall provide that the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the contracting parties that are pertinent to the operations or activities under such contracts.

(d) As used in this Act—

(1) the term "States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States; and public corporations, boards, and commissions established under the laws of any State;

(3) the term "Administrator" means the Housing and Home Finance Administrator;

(4) the term "urban area" means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Administrator, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

(5) the term "mass transportation" means transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public and moving over prescribed routes, but does not include charter or sightseeing service, or aircraft or steamship service (other than ferrying service).

(e) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out all functions under this Act except loans under section 3. All funds appropriated under this Act for other than administrative expenses shall remain available until expended.

(f) Except as otherwise provided in this subsection, contracts for grants under section 3 (other than relocation payments in accordance with section 16(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the amount of grant funds appropriated under the authority contained in section 13(b). The Administrator may make additional contracts for such grants (subject to the limitations prescribed in section 13(b)) aggregating not to exceed 10 per centum of the amount appropriated, but such additional contracts for grants for projects in any one State shall not exceed in the aggregate 1 per centum of the amount appropriated. In the case of any project undertaken in two or more States, in accordance with a duly approved compact or other agreement, the Administrator may apply the foregoing limitations by allocating any portion of the grants contracted for such project to any one or more of such States.

(g) The Administrator shall make an annual report to the President for submission to the Congress on the administration of this Act. Such report shall indicate to whom financial assistance has been extended pursuant to this Act, the purposes for which such assistance is to be utilized, and the amounts involved, and may include such other information, comments, and recommendations as the Administrator deems appropriate.

(h) The first sentence of section 814 of the Housing Act of 1954, as amended (42 U.S.C. 1434), is amended by—

(1) inserting after "grant,", the first place it appears, the following: "guaranteed revenue bond issue,";

(2) inserting after "grant,", the second place it appears, the following: "guaranteed revenue bond issue (including the revenues from which the bonded indebtedness is to be repaid),"; and

(3) inserting after "grant,", the third place it appears, the following: "guaranteed revenue bond issue,".

LABOR STANDARDS

SEC. 19. (a) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Administrator shall not approve any such loan or grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, 40 U.S.C. 276c).

(c) It shall be a condition of the granting of any assistance or the financing of any project under this Act that fair and equitable arrangements are made, as determined jointly by the Administrator and the Secretary of Labor, to protect the interests of employees affected by such assistance or financing. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including the continuation of pension rights and benefits of all beneficiaries) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining in any situation where it now exists; (3) the protection of individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to the provisions of section 5(2)(f) of the Interstate Commerce Act; (4) assurances of employment to employees of acquired mass transportation systems by the acquiring or operating entities, and priority of employment or reemployment of employees terminated or laid off; and (5) paid training or retraining programs. The contract for the granting of such assistance shall specify the terms and conditions of such protective arrangements.

AIR POLLUTION CONTROL

SEC. 20. In providing financial assistance to any project under section 3, the Administrator shall take into consideration whether the facilities and equipment to be acquired, constructed, reconstructed, or improved will be designed and equipped to prevent and control air pollution in accordance with any criteria established for this purpose by the Secretary of Health, Education, and Welfare.

Mr. RAINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINS: Strike out all after the enacting clause and insert in lieu thereof the provisions contained in the bill H.R. 3881 as passed by the House, as follows:

"That this Act may be cited as the 'Urban Mass Transportation Act of 1964.'

"FINDINGS AND PURPOSES

"SEC. 2. (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the welfare and vitality of urban areas, the satisfactory movement of people and goods within such areas, and the effectiveness of housing, urban renewal, highways, and other federally aided programs are being jeopardized by the deterioration or inadequate provision of urban transportation facilities and services, the intensification of traffic congestion, and the lack of coordinated transportation and other development planning on a comprehensive and continuing basis; and

"(3) that Federal financial assistance for the development of efficient and coordinated mass transportation systems is essential to the solution of these urban problems.

"(b) The purposes of this Act are—

"(1) to assist in the development of improved mass transportation facilities, equipment, techniques, and methods, with the cooperation of mass transportation companies both public and private;

"(2) to encourage the planning and establishment of areawide urban mass transportation systems needed for economical and desirable urban development, with the cooperation of mass transportation companies both public and private; and

"(3) to provide assistance to State and local governments and their instrumentalities in financing such systems, to be operated by public or private mass transportation companies as determined by local needs.

"FEDERAL FINANCIAL ASSISTANCE

"SEC. 3. (a) In accordance with the provisions of this Act, the Administrator is authorized to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Administrator determines that the applicant has or will have (1) the legal, financial, and technical capacity to carry out the proposed project, and (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. No such funds shall be used for payment of ordinary governmental or nonproject operating expenses.

"(b) No loan shall be made under this section for any project for which a grant is made under this section, except grants made for relocation payments in accordance with section 7(b). Loans under this section shall be subject to the restrictions and limitations set forth in paragraphs (1), (2), and (3) of section 202(b) of the Housing Amendments of 1955. The authority provided in section 203 of such Amendments to obtain funds for loans under clause (2) of section 202(a) of such Amendments shall (except for undisbursed loan commitments) hereafter be exercised by the Administrator (without regard to the proviso in section 202(d) of such Amendments) solely to obtain funds for loans under this section.

"(c) No financial assistance shall be provided under this Act to any State or local public body or agency thereof for the purpose, directly or indirectly, of acquiring any interest in, or purchasing any facilities or other property of, a private mass transportation company, or for the purpose of constructing, improving, or reconstructing any facilities or other property acquired (after the date of the enactment of this Act) from any such company, or for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company, unless (1) the Administrator finds that such assistance is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, (2) the Administrator finds that such program, to the maximum extent feasible, provides for the participation of private mass transportation companies, (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local laws, and (4) the Secretary of Labor certifies that such assistance complies with the requirements of section 10(c) of this Act.

"LONG-RANGE PROGRAM

"SEC. 4. (a) Except as specified in section 5, no Federal financial assistance shall be provided pursuant to section 3 unless the Administrator determines that the facilities and equipment for which the assistance is sought are needed for carrying out a program, meeting criteria established by him, for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area, and are necessary for the sound, economic, and desirable development of such area. Such program shall encourage to the maximum extent feasible the participation of private enterprise. Where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the program must provide that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the area. The Administrator, on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 3 cannot be reasonably financed from revenues—which portion shall hereinafter be called 'net project cost'. The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

"(b) To finance grants under this Act there is hereby authorized to be appropriated at any time after its enactment not to exceed $75,000,000 for fiscal year 1965; $150,000,000 for fiscal year 1966; and $150,000,000 for fiscal year 1967. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant made pursuant to this Act.

"EMERGENCY PROGRAM

"SEC. 5. Prior to July 1, 1967, Federal financial assistance may be provided pursuant to section 3 where (1) the program for the development of a unified or officially coordinated urban transportation system, referred to in section 4(a), is under active preparation although not yet completed, (2) the facilities and equipment for which the assistance is sought can reasonably be expected to be required for such a system, and (3) there is an urgent need for their preservation or provision. The Federal grant for such a project shall not exceed one-half of the net project cost: *Provided*, That where a Federal grant is made on such a one-half basis, and the planning requirements specified in section 4(a) are fully met within a three-year period after the execution of the grant agreement, an additional grant may then be made to the applicant equal to one-sixth of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds, and no refund or reduction of that portion so provided shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.

"RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS

"SEC. 6 (a) The Administrator is authorized to undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods) which he determines will assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost. He may undertake such projects independently or by contract (including working agreements with other Federal departments and agencies). In carrying out the provisions of this section, the Administrator is authorized to request and receive such information or data as he deems appropriate from public or private sources.

"(b) The Administrator may make available to finance projects under this section not to exceed $10,000,000 of the mass transportation grant authorization provided in section 4(b), which limit shall be increased to $20,000,000 on July 1, 1965, and to $30,000,000 on July 1, 1966. In addition, notwithstanding the provisions of section 4 of this Act or of section 103(b) of the Housing Act of 1949, the unobligated balance of the amount available for mass transportation demonstration grants pursuant to the proviso in such section 103(b) shall be available solely for financing projects under this section.

"(c) Nothing contained in this section shall limit any authority of the Administrator under section 602 of the Housing Act of 1956 or any other provision of law.

"RELOCATION REQUIREMENTS AND PAYMENTS

"SEC. 7. (a) No financial assistance shall be extended to any project under section 3 unless the Administrator determines that an adequate relocation program is being carried on for families displaced by the project and that there are being or will be provided (in the same area or in other areas generally not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the displaced families) an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.

"(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 8, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed $200 in the case of an individual or family, or $3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

"COORDINATION OF FEDERAL ASSISTANCE FOR HIGHWAYS AND FOR MASS TRANSPORTATION FACILITIES

"SEC. 8. In order to assure coordination of highway and railway and other mass transportation planning and development programs in urban areas, particularly with respect to the provision of mass transportation facilities in connection with federally assisted highways, the Administrator and the Secretary of Commerce shall consult on general urban transportation policies and programs and shall exchange information on proposed projects in urban areas.

"GENERAL PROVISIONS

"SEC. 9. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Administrator shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402, except subsections (c)(2) and (f), of the Housing Act of 1950. Funds obtained or held by the Administrator in connection with the performance of his functions under this Act shall be available for the administrative expenses of the Administrator in connection with the performance of such functions.

"(b) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act, entered into by applicants under other than competitive bidding procedures as defined by the Administrator, shall provide that the Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the contracting parties that are pertinent to the operations or activities under such contracts.

"(c) All contracts for construction, reconstruction, or improvement of facilities and equipment in furtherance of the purposes for which a loan or grant is made under this Act shall provide that in the performance of the work the contractor shall use only such manufactured articles as have been manufactured in the United States.

"(d) As used in this Act—

"(1) the term 'States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the posessions of the United States;

"(2) the term 'local public bodies' includes municipalities and other political subdivisions of States; public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States; and public corporations, boards, and commissions established under the laws of any State;

"(3) the term 'Administrator' means the Housing and Home Finance Administrator;

"(4) the term 'urban area' means any area that includes a municipality or other built-up place which is appropriate, in the judgment of the Administrator, for a public transportation system to serve commuters or others in the locality taking into consideration the local patterns and trends of urban growth; and

"(5) the term 'mass transportation' means transportation by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.

"(e) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out all functions under this Act except loans under section 3. All funds appropriated under this Act for other than administrative expenses shall remain available until expended.

"(f) None of the provisions of this Act shall be construed to authorize the Administrator to regulate in any manner the mode of operation of any mass transportation system with respect to which a grant is made under section 3 or, after such grant is made, to regulate the rates, fares, tolls, rentals, or other charges fixed or prescribed for such system by any local public or private transit agency; but nothing in this subsection shall prevent the Administrator from taking such actions as may be necessary to require compliance by the agency or agencies involved with any undertakings furnished by such agency or agencies in connection with the application for the grant.

"LABOR STANDARDS

"SEC. 10. (a) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Administrator shall not approve any such loan or grant without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"(c) It shall be a condition of any assistance under this Act that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended. The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

"AIR POLLUTION CONTROL

"SEC. 11. In providing financial assistance to any project under section 3, the Administrator shall take into consideration whether the facilities and equipment to be acquired, constructed, reconstructed, or improved will be designed and equipped to prevent and control air pollution in accordance with any criteria established for this purpose by the Secretary of Health, Education, and Welfare.

"STATE LIMITATION

"SEC. 12. Grants made under section 3 (other than grants for relocation payments in accordance with section 7(b)) for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b)."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3881) was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. PATMAN. Mr. Speaker, I ask consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill H.R. 3881, just passed, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a joint resolution of the House of the following title:

H.J. Res. 1056. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

LEGISLATIVE PROGRAM FOR WEEK OF JUNE 29

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to ask the acting majority leader if he can tell us the program for the balance of this week and for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Louisiana.

Mr. BOGGS. There is no further legislative program for the balance of this week, except for some measures from the Committee on Armed Services which will be called up by unanimous consent by the gentleman from Massachusetts [Mr. PHILBIN] for consideration later this afternoon.

On Monday the following measures from the Committee on Armed Services will be called up for consideration by unanimous consent:

H.R. 2509, authorizing Reserve officers to combine Reserve component service to qualify for the uniform maintenance allowance.

H.R. 6299, authorizing the Secretary of the Navy to sell crude oil from Naval Petroleum Reserve No. 4, Alaska, for a limited time.

H.R. 8676, authorizing military departments to ship automobiles of Armed Forces personnel to and from State of Alaska.

H.R. 9634, authorizing the Secretary of Defense to assist the Girl Scouts at their 1964 encampment.

There will also be called up for consideration by unanimous consent the following measures from the Committee on Ways and Means:

H.R. 98, exportation of imported distilled spirits.

H.R. 4649, fruit-flavor concentrates in wine.

H.R. 4844, release of liability under bonds.

H.R. 5739, taxation of life insurance companies.

H.R. 7267, gasoline tax, aerial farm applicators.

H.R. 7301, collapsible corporations.

H.R. 10467, deductibility of accrued vacation pay.

H.R. 7307, apportionment of depletion allowance between parties to contracts for extraction of minerals other than oil or gas.

For Tuesday and the balance of the week, we will call up first the 1965 appropriation bill for foreign assistance and related agencies, which is the foreign aid appropriation bill.

There will also be considered House Resolution 789, to provide for the concurrence of the House of Representatives in the Senate amendment to H.R. 7152, the civil rights bill.

Conference reports may be brought up at any time, and we reserve the right to announce later any further program.

ADJOURNMENT UNTIL MONDAY, JUNE 29

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana.

Mr. **GROSS**. Reserving the right to object, Mr. Speaker, in the legislative program announced the gentleman did not mention the Powell-Landrum poverty bill.

Mr. **BOGGS**. That bill is not scheduled for next week.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday next be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING CLERK OF THE HOUSE TO RECEIVE MESSAGES FROM THE SENATE

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

CONVEYANCE OF LAND IN SALT LAKE CITY, UTAH, TO SALT LAKE CITY BOARD OF EDUCATION

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9021) to authorize the conveyance of two tracts of land situated in Salt Lake City, Utah, to the Board of Education of Salt Lake City.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Salt Lake City, a municipal corporation of the State of Utah, is hereby authorized to grant and convey to the Board of Education of Salt Lake City, Utah, a tract of land situated between 8th South Street and Sunnyside Avenue, Salt Lake City, Utah, and more particularly described as follows:

Beginning at the southwest corner of the Mount Olivet Cemetery Association property (said point being 100 feet north from the original southwest corner of the Fort Douglas Military Reservation and in the north line of Sunnyside Avenue, Salt Lake City, Utah); running thence north 0 degrees 00 minutes 28 seconds east along the west line of the cemetery property 237.76 feet; thence southeasterly along the arc of a 573-foot radius curve to the right (tangent to which bears south 57 degrees 37 minutes 13 seconds east) a distance of 157.06 feet; thence south 41 degrees 49 minutes 59 seconds east 21.23 feet thence southeasterly along the arc of a 730.146-foot radius curve to the left, a distance of 183.86 feet, to a point in the south line of the cemetery property, which is the north line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said north line of Sunyside Avenue 272.77 feet to the point of beginning. Containing 0.75 acres.

SEC. 2. The Mount Olivet Cemetery Association of Salt Lake City, Utah, is hereby authorized to grant and convey to the Board of Education of Salt Lake City all right, title, and interest held by it in lands constituting a portion of Sunnyside Avenue in Salt Lake City, Utah, subject to the present public use thereof for street or highway purposes, which lands were granted to the said Mount Olivet Cemetery Association by the Act of January 23, 1909 (35 Stat. 589), and which lands are more particularly described as follows:

Beginning at the original southwest corner of the Fort Douglas Military Reservation, which is located in Salt Lake City, Utah, and running thence north 0 degrees 00 minutes 28 seconds east along the west line of said military reservation, a distance of 100.00 feet, to the north line of Sunnyside Avenue; thence north 89 degrees 59 minutes 50 seconds east along said line 272.77 feet to a point in a curve, tangent to which bears south 56 degrees 15 minutes 38 seconds east; thence southeasterly along said curve to the left having a radius of 730.146 feet, a distance of 94.71 feet to a point of intersection with the west line of 14th East Street produced north; thence south 0 degrees 02 minutes 40 seconds west 52.64 feet to the south line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said south line of Sunnyside Avenue which is also the south line of the said military reservation, a distance of 354.77 feet to the point of beginning, containing 0.77 acre, more or less.

SEC. 3. The deed of conveyance to the tract of land described in the first section of the Act shall contain a provision that such tract shall be used for school purposes only and that so long as the Board of Education of Salt Lake City uses the tract of land for such purposes, the reversionary clause set forth in the Act of January 23, 1909 (35 Stat. 589), shall not be operable with respect to such tract.

SEC. 4. The deed of conveyance to the tract of land described in section 2 of this Act shall contain a provision that such tract is subject to the present public use thereof for street or highway purposes and that when the street is legally vacated such tract shall be used for school purposes, and that so long as such tract is used for street or highway purposes or for school purposes the reversionary clause set forth in the Act of January 23, 1909 (35 Stat. 589), shall not be operable with respect to such tract.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **PHILBIN**. Mr. Speaker, H.R. 9021 is a bill which would permit the current holders of title to two contiguous parcels of land to convey an area totaling 1.52 acres to the School Board of Salt Lake City, Utah, for the purpose of expansion of the East High School in Salt Lake City.

These properties were originally separated from Fort Douglas under authority of an act of Congress of 1909. They have had no Federal military use since that time. They were originally released to the Mount Olivet Cemetery Association for the burial of the dead, and the Federal Government received property of an equal value in return for this conveyance. The conveyance, however, contained a reversionary clause providing that if the use of the land should change, the title would revert to the Government.

Public Law 292 of the 82d Congress, approved the transfer of some of the Mount Olivet land originally secured from the Federal Government to Salt Lake City for public highway purposes. The public law under which the conveyance of 2.18 acres was made to Salt Lake City, stayed the effect of the reversionary provision of the 1909 act for so long as the land was used for highway purposes.

This bill would permit the transfer of 0.75 of an acre from Salt Lake City and 0.77 of an acre from the Mount Olivet Cemetery Association to the Salt Lake City Board of Education. The bill continues the reversionary protection to the Federal Government if the land is not used for school purposes.

The earlier reversionary clauses contained in the acts and the deeds under the acts, require congressional approval of this new purpose.

DISPOSING OF PIG TIN FROM NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 300) authorizing the disposal of approximately 98,000 long tons of pig tin from the national stockpile.

The Clerk read the title of the concurrent resolution.

The **SPEAKER**. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Clerk read the concurrent resolution, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended, 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately ninety-eight thousand long tons of pig tin.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **PHILBIN**. Mr. Speaker, the next bill to be considered by the committee is House Concurrent Resolution 300.

The purpose of this legislation is to provide congressional approval of the proposed disposition of 98,000 long tons of pig tin from the national stockpile.

As you are aware, the concurrence of Congress is required for proposed dispositions from the national stockpile when such disposal is not the result of a finding that the material is obsolescent for use during time of war.

This legislation was recommended by the executive branch.

The Committee on Armed Services has been advised that the national conventional stockpile objective on pig tin was determined to be 200,000 long tons. The amount in inventory is 330,000 long tons. Consequently, our national stockpile of pig tin is approximately 130,000 long tons in excess of our stockpile objectives.

I am also advised that previous authorization of pig tin disposal has not been completely accomplished. There is remaining 31,840 long tons of pig tin waiting for disposal action.

Inasmuch as the proposed disposal contemplates the sale of an additional 98,000 long tons of pig tin, this amount, together with the remaining approximately 32,000 tons, will completely eliminate the excess pig tin now in the national stockpile.

In June 1962, the Congress authorized the disposal of 50,000 long tons of tin. As of the end of May 1964, over one-half of this amount had been sold by the General Services Administration. Upon approval of this concurrent resolution, GSA will merge the unsold balance under the former authorization with this 98,000 long tons. The total excess will be disposed of over 6 to 8 years.

I call your attention to the fact that this is the first of a number of long-range disposal programs for materials in the stockpile having large excess inventories.

GSA assured the subcommittee it expects to dispose of approximately 20,000 long tons of tin during the first year of the program and will conduct an annual review of their disposal program.

The committee unanimously recommends approval of House Concurrent Resolution 300 without amendment.

SALE OF LEAD PURSUANT TO STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11257) to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, it is my understanding, and will the gentleman substantiate it, that in this disposal of strategic materials which this bill provides for that the Government will, due to present marketing conditions, recover practically its investment in these various metals?

Mr. **PHILBIN**. The gentleman is correct.

Mr. **GROSS**. And that applies to all of them that are covered in these bills?

Mr. **PHILBIN**. That is true.

Mr. **GROSS**. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Administrator of General Services is hereby authorized to sell, by negotiation or otherwise, to the domestic producers of lead at the fair market value thereof, approximately fifty thousand short tons of lead now held in the national stockpile. Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition, but in such disposition the Administrator of General Services shall comply with the other provisions of such section 3, particularly those which require that the plan and date of disposition shall be fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

With the following committee amendment:

> On page 1, lines 4 and 5, strike out "to the domestic producers of lead".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **PHILBIN**. Mr. Speaker, the next bill to be considered by the committee is H.R. 11257.

This bill was introduced by our distinguished colleague and fellow member of the Armed Services Committee, the Honorable JAMES A. BYRNE, of Pennsylvania.

This bill, H.R. 11257, if enacted would authorize the disposal of 50,000 short tons of lead now held in the national stockpile to domestic producers of lead.

In addition, enactment of this legislation would waive the 6-month waiting period ordinarily required for disposals of this kind.

Subsequent to the introduction of this legislation, the Committee on Armed Services requested reports from the executive branch on its position in respect to the proposed disposal action.

The responses from the executive branch have indicated that while it favors the proposal to dispose of 50,000 tons of lead, to limit the sale of the 50,000 tons of lead to domestic producers of lead is unduly restrictive, and recommends that H.R. 11257 be amended so as to remove that limitation. With such an amendment, the executive branch favors the enactment of this legislation.

On June 17, 1963, the Office of Emergency Planning reduced the stockpile objective for lead from 286,000 short tons to zero.

As a result, the 1,378,453 short tons of lead now in the national stockpile is excess to present requirements.

The committee has been advised that lead is in extremely short supply. Consumption of lead has exceeded supply for over 2 years and, as a result, stocks of lead at primary refineries have been drawn down to cover the deficit. It is doubtful whether stocks can be drawn down much further without causing serious market disruptions.

Because of the short time factor involved between the introduction of this bill and the hearings before the subcommittee, General Services Administration in this instance, unlike the other disposals before the committee today, has not met with representatives of industry or devised a disposal plan.

In devising such a plan, however, all factors affecting the method of sale should be considered, such as the structure of the industry, industry practices, the size of the market, and market habits peculiar to the commodity involved with the result that to the extent possible and practical, disposal should be geared to the capabilities of all prospective buyers, including large and small business.

Since the bill contained a limitation that the disposal could be made only to the domestic producers of lead, the subcommittee agreed with the executive branch that the language was too restrictive and, by amendment, removed from the bill the words "to the domestic producers of lead" which appear beginning after the word "otherwise", on page 1, line 4 of the bill.

As amended, subcommittee unanimously recommends approval of H.R. 11257.

SALE OF ZINC PURSUANT TO STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11004) to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately seventy-five thousand short tons of zinc now held in the national stockpile. Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition, but in such disposition the Administrator of General Services shall comply with the other provisions of such section 3, particularly those which require that the plan and date of disposition shall be fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. PHILBIN. Mr. Speaker, H.R. 11004 is a bill which, if enacted, would authorize disposal of 75,000 short tons of zinc now held in the national stockpile without regard to those provisions of law requiring a 6-month waiting period before effecting disposal.

The current conventional war stockpile objective for zinc, which was set on June 17, 1963, has been revised downward from 178,000 short tons to zero. As a result, the 1,580,740 short tons of zinc now in the national stockpile is excess to present requirements. Even though studies on nuclear war conducted by the Office of Emergency Planning have not been completed, the representative of OEP testified that he felt safe because of the size of the inventory, in recommending disposal of the 75,000 short tons of zinc as authorized by this bill.

Zinc, particularly in the higher grades, is in extremely short supply for use in the diecasting industry. Present consumption exceeds present production. Other consumers of zinc also indicated a serious shortage of this metal. For the past 2 years, U.S. consumption of zinc has exceeded domestic production by an average of about 100,000 short tons per year. To meet this requirement, we import approximately one-half of the smelting ore needed in the United States, and the zinc concentrate supplies from outside the United States are becoming increasingly tight.

Representatives of the General Services Administration assured the subcommittee that a plan for disposal of the 75,000 short tons of zinc had agreement generally from the producers, distributors and consumers of zinc. Basically, the plan for disposal is that the GSA will offer the 75,000 tons of zinc as a shelf-item, f.o.b the storage location, at prices to be fixed by GSA as a result of current market research and references to prices quoted in trade journals on a quota basis to recognized domestic producers of primary zinc who will agree to distribute the material on an equal basis to domestic consumers for domestic consumption. Also, an appropriate quantity will be set aside on a pro rata basis to be sold exclusively to independent alloyers of zinc who directly consume the material.

While there was some disagreement about the amount of zinc that the domestic industry requires, there was unanimity among industry and Government witnesses that 75,000 tons of zinc could be released immediately without disrupting or depressing the domestic market and that is adequate to supply the immediate requirement.

The committee recommends approval of H.R. 11004 without amendment.

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, I believe there is something basically wrong with a Government policy of releasing some of its stockpiled material every time a shortage develops, instead of letting the basic law of supply and demand set the prices of metals such as lead and zinc.

The Government plan to dispose of 75,000 tons of zinc and 50,000 tons of lead means that U.S. mines will not process this amount of these metals. If the prices of lead and zinc were to rise, as do most prices during a shortage, some mines might open up that otherwise would remain closed.

Under the present policy the Government is paying out money to some mines on low prices, under the Small Lead-Zinc Producers Act, and with the other hand the Government is importing ores under quotas, and so forth, or releasing lead-zinc from its stockpiles which holds down these prices.

Is it the proper role of the Government to preserve one part of an industry at the expense of another? The Midwest, for example, possesses untapped resources of lead known to most geologists and to the lead-zinc trade, but no effort is being made to mine these resources because of the encouragement given imports of these metals.

There are so many inconsistencies in our present policy that it surely needs an overall review and study. How can we say it is Government policy to dispose of Government stockpiles, when the current administration 2 years ago participated in a barter deal that resulted in the importation of 100,000 tons of lead in exchange for domestic surplus farm products? Does Government have the right to give the nod to one problem area at the expense of the other, instead of letting the marketplace be the determining factor? Quo vadis—the law of supply and demand?

DISPOSAL OF MOLYBDENUM FROM NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11235) to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eleven million pounds of molybdenum contained in molybdenum disulphide now held in the national stockpile. Such disposal may be made without regard to the provision of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committee of each House thereof of the notice of the proposed disposition required by said section 3(e).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PHILBIN. Mr. Speaker, the next bill for the consideration of the committee is H.R. 11235. This bill would authorize the disposal of approximately 11 million pounds of molybdenum from the national stockpile. In addition, enactment of this legislation will waive the statutory 6-month waiting period ordinarily required for disposals of this kind.

This is a legislative proposal of the executive branch. The Administrator of the General Services Administration has requested this action because of a revised determination that this quantity of molybdenum is no longer needed in the national stockpile.

The present objective in the national stockpile for molybdenum is 68 million pounds.

There is presently in the national stockpile inventory 79,043,336 pounds of molybdenum. Therefore, there is an excess of approximately 11 million pounds of molybdenum in the national stockpile.

The average acquisition cost of all molybdenum acquired for the stockpile was $1.06 per pound. Thus, the acquisition cost of the amount proposed for disposition under this legislation is slightly under $12 million.

It is my understanding that 90 percent of the total production of molybdenum for availability to the free world is obtained from the United States.

The free world demand for molybdenum in 1963 was in the order of 77 million pounds as compared to total production of approximately 73½ million pounds. Thus, the production of molybdenum has not kept pace with increased demands for this metal by industry.

Industry stocks of molybdenum are now at near-record low. Consequently, this disposal action can materially alleviate the existing market shortage of this material and at the same time provide an ideal opportunity for the Government to dispose of excess quantities of this material under favorable market conditions.

The 11 million pounds of molybdenum will be disposed of for domestic consumption only. The initial quantity to be offered for sale will be approximately 2 million pounds. The quantity and the timing of subsequent offerings will be determined after an evaluation has been made of earlier sales and of existing market conditions. The disposal program will be subject to continuous scrutiny throughout the year, and the Administrator of General Services will consult with other agencies at any time he considers such consultation is advisable, or at any time consultation is requested by other responsible agencies. If any major modification of the program appears to be necessary or advisable as a result of such consultation, the changes will be publicly announced.

The committee recommends approval of H.R. 11235 without amendment.

CIGARETTE LABELING AND ADVERTISING

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR. Mr. Speaker, yesterday the Federal Trade Commission issued a rule requiring that by next year all cigarette labels and advertising state that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

The rule stated that it is an unfair or deceptive practice for a manufacturer "to fail to disclose clearly and prominently in all advertising and on every pack, box, carton, or other container in which cigarettes are sold" that smoking is a health hazard.

Mr. Speaker, this is another case of a governmental agency exceeding its authority and invading the province of Congress.

The Federal Trade Commission Act gives the Commission authority only to prevent deceptive practices. What is deceptive in offering for sale a pack of cigarettes—a common commodity which has been on the market and familiar to all citizens for generations without saying anything about health factors involved. For many months, the press has given wide and full publicity to the dangers of smoking so that the people are now alerted to these dangers and are free to make their own decisions.

We can go only so far in telling our people what they can do and cannot do and this ruling goes too far. Carrying the reasoning of the Federal Trade Commission to its ultimate conclusion would require such a label on every article sold at a liquor store, on perhaps half the articles sold at drugstores, on the taxis and buses which operate on the streets of Washington and on every commercial airplane that flies.

Of course, we must give first consideration to the health of our citizens and we must make every effort to make smoking safer. We need to know what substances in tobacco smoke cause lung cancer or other disabilities. We need to know whether the cancer-producing compounds come from the nicotine in the tobacco or from the use of chemicals and fertilizer or from a combination of these or other factors.

The answer lies in research. If there are characteristics in the tobacco plant that should be strengthened or eliminated, we want to know what they are.

Extensive research is being conducted by the U.S. Department of Public Health, by State health departments, and by the American Medical Association, and legislation is now pending before Congress which would greatly increase this research.

It is premature to require health hazard labeling before the research and study is completed.

The Surgeon General, Dr. Luther L. Terry, has stated that he did not advocate such action by the Federal Trade Commission or Congress at this time and has questioned the authority of the Federal Trade Commission to take such action.

Today I introduced a bill which would postpone for 3 years the effective date of the order of the Federal Trade Commission. This would give us time to secure through research clearer evidence as to what is needed before drastic action is taken. The passage of this bill would prevent a long series of litigation which is bound to follow the Trade Commission rule.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, I wish to join with the gentleman in his remarks on this subject.

ASIAN COUNTRIES GROSS OVER $276 MILLION ON LOTTERIES

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we refuse to accept and recognize the normal gambling spirit of our own people, the rest of the world has found that lotteries not only bring gambling under government control but yield high revenues as well.

Throughout the entire world, 81 foreign countries utilize government-operated lotteries to tie the gambling urge of its people together with their need for additional revenue.

Today, I would like to bring to the attention of the Members of Congress, the tremendous success of the government lotteries in Asia. In 17 Asian countries, lotteries are used to satisfy the gambling thirst of its people as well as a revenue-raising device.

In 1963, these 17 Asian countries, listed below, took in gross receipts of over $276 million from its government-run lotteries. The net income to the government came to over $97 million. How were these gambling funds used? For hospitals, welfare, economic development, aged, housing, schools, and other worthwhile projects.

Mr. Speaker, why can we not show the same courage and wisdom here in the United States? Why can we not accept the indisputable fact that the urge to gamble is a universal human trait which should be regulated and controlled for our own benefit? Why can we not grasp this financial wisdom of our friends?

Our own national lottery in the United States can easily pump into the coffers of our Treasury over $10 billion a year. What are we waiting for?

Country	Gross receipts	Net income	Purpose used
1. Australia	$93,100,358	$29,340,064	Hospitals, welfare, and Sydney Opera House.
2. Burma	6,816,727	2,536,852	Central treasury.
3. Cambodia	16,000,000	4,500,000	National budget.
4. Ceylon	1,406,449	550,867	Economic development.
5. Hong Kong	1,446,900	578,760	Social welfare.
6. India [1]	9,240,000	5,600,000	General revenue.
7. Indonesia	26,666,666	16,000,000	Hospitals, students, and orphanages.
8. Japan	13,758,000	4,608,000	Public works, schools, and hospitals.
9. Laos [2]	----------	----------	
10. Malaysia	13,000,000	3,300,000	Rural development program.
11. Nepal [3]	----------	----------	
12. New Zealand	9,800,000	1,507,909	Aged, welfare, research, medicine.
13. Pakistan [4]	7,289,909	6,404,031	General development projects.
14. Philippines	12,374,617	5,054,270	Hospitals, Red Cross, Boy and Girl Scouts.
15. Republic of China	3,896,298	2,166,974	General purposes.
16. Thailand	36,000,000	6,120,000	General revenue.
17. Vietnam	26,000,000	8,800,000	Housing and agricultural centers.
Total	276,795,924	97,069,727	

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[1] Prize bond lottery.
[2] Just established in September 1963; no figures available.
[3] Prize bond lottery expected to start July 1964.
[4] Prize bond lottery since 1960.

WHAT IS THE POLICY OF THE U.S. DEPARTMENT OF STATE?

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, although I recognize that Mrs. Ngo Dinh Nhu has been a critic of some phases of U.S. foreign policy, I am still concerned over the arbitrary action of the Department of State in denying Mrs. Nhu entry into this country for the purpose of making a speech in New York.

The State Department has declared that Mrs. Nhu's proposed visit would not be in the "public interest." Considering the past list of foreign figures admitted to this country as guests—including Premier Khrushchev, Fidel Castro, Marshal Tito, Patrice Lumumba, and other Communist leaders—it is difficult to comprehend whose "public interest" the State Department seeks to protect. This latest arbitrary action supports the view that our State Department has a propensity for penalizing friends while pampering our enemies.

Who, then, are the self-declared censors in the State Department who set their own arbitrary standards for what constitutes the "public interest" of the American Government and the people? And what standards are applied to make such a determination? Who is it that views the visit of Communist leaders as in the "public interest," but denies the entry of the widow of a former member of a friendly government—a government which, whatever its weaknesses, was allied to our country in an effort to keep southeast Asia from going Communist?

I believe that the individuals responsible for this arbitrary decision, and the criteria by which the State Department measures "public interest," ought to be made known to the public itself. I have accordingly written Secretary of State Dean Rusk for clarification of this matter and for information concerning responsibility for his Department's ruling.

More than ever, at this critical time in our dealing with the southeast Asian situation, the American people are entitled to such information as might shed light on that area of the world and our policy there.

The essence of our system is that the people themselves can have access to information and ideas upon which to decide where their interests lie. And it is not for any censor, whether in the State Department or elsewhere in the Federal bureaucracy, arbitrarily to make such determinations.

CIVIL RIGHTS DISTURBANCES IN MISSISSIPPI

Mr. WINSTEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WINSTEAD. Mr. Speaker, since Philadelphia, Miss., is my hometown, I had hoped to have more specific information with reference to the uncertain fate of the three so-called civil rights workers in Mississippi before taking the floor of the House on this subject. I have been in touch with the sheriff of Neshoba County, the mayor of Philadelphia, Miss., as well as with Gov. Paul B. Johnson and other prominent citizens. The local officials are working in conjunction with the Governor and other Mississippi law enforcement officials to bring about the location of these three missing persons. It is the belief of many prominent citizens that this incident is part of a plan to bring discredit to the State of Mississippi. It was pointed out to me that before people of the community knew that a Negro church had been burned, calls were coming in from New York—as early as 6 a.m.—asking about the incident. Even the church-burning, some people believe, may be a hoax. At this time, however, no one actually knows whether there has been violence in this case. Yet, we must listen to Members like the gentleman from New York [Mr. FARBSTEIN] who just preceded me, expound on a subject they know nothing about. Would-be-spokesmen from the State of New York always seem to be the most vociferous critics of Mississippi. To be perfectly frank, I cannot see how any of them could have the intestinal fortitude to have anything at all to say concerning alleged criminal violence in my State in face of the "chamber of crime horrors" that have been emanating from New York City during the past few months. The numerous brutal rapes, maimings, and murders of white citizens by the Negro population of New York City have shocked the Nation. These things have been so shocking that even NAACP Secretary Roy Wilkins, found it expedient to deplore them. I suggest that those politicians who live in glass houses cease tossing political stones.

Mr. Speaker, it is indeed unfortunate that high officials of our Government and so-called church leaders have been instrumental in creating situations of this kind by encouraging activities which could lead to nothing short of violence. Prominent Mississippians have appealed to the President of the United States and to the Attorney General to take a hand in preventing agitator groups from going into Mississippi for the outspoken purpose of creating civil rights disturbances; however, these pleas have fallen on deaf ears. I submit, Mr. Speaker, that the fate of any group of agitators and troublemakers, whether in Mississippi or elsewhere, can be laid at the door of high Government officials who cater to pressure groups and who so enthusiastically offer "protection" at any time they decide to invade Mississippi and interfere in State and local affairs.

I do not condone violence in any form; however, the assassination of the late President Kennedy and the wounding of Gov. John Connally of Texas, the home State of President Lyndon B. Johnson, is an example that this can happen anywhere, despite the most elaborate precautions. If the Secret Service, the Federal Bureau of Investigation, along with security officers from the State of Texas, could not prevent the assassination of President Kennedy, how can the sheriff of a small town like Philadelphia, Miss., with only one deputy, be expected to insure the safety of hundreds of troublemakers who may flood our area, unannounced and uninvited? All of us here are familiar with the terrible conditions which exist in New York City, and which I have already mentioned, and does it not seem strange that many of the agitator groups are residents of that city? If they are serious about the program in which they claim to believe, I would like to suggest that they use their talents to curb the vendetta of the Negroes in that city against the white law-abiding citizens. In face of these disgraceful conditions, however, it has been suggested by certain New York Members that Federal troops be sent to Mississippi to keep the peace. How ridiculous can one get? I would like to ask how acceptable a group of Mississippians would be in New York should they go there for the purpose of forcing our convictions and beliefs on the residents of that city? How long do they estimate the group would remain in New York before violence would occur? Would these same Members then suggest that Federal troops be dispatched to New York City to keep the peace? I say they would not.

Mr. Speaker, I would like to call the attention of this House to Peace Corps Director Sargent Shriver's remarks concerning Mississippi in a speech to the NAACP convention yesterday. In my opinion, according to press reports, Shriver willfully attempted to malign the good people of my State and of my hometown of Philadelphia, Miss. Not only was his speech ridiculous, in bad taste, and delivered for political reasons, but it can only serve to fan the flame of tension which has been brought about because of the invasion of these so-called civil rights workers in Mississippi. Mr. Shriver in an address to the NAACP convention described the current incident in Mississippi as "evidence of the poverty of American law, power, and spirit." He would have been more correct had he described these incidents as evidence of the poverty of party politics. I submit, Mr. Speaker, that Mr. Shriver is using his Peace Corps position for political expediency.

Mr. Shriver has dug up three cases—Emmett Till, Medgar Evers, and the civil rights workers—which have occurred in Mississippi over a long period of time and held them up to the Nation as typical happenings. I am certain that with very little digging in the files of Chicago crimes, Mr. Shriver could come up with hundreds of instances of racial violence which have occurred in his home city which would be worse than anything that has ever happened in Mississippi.

Shriver told the NAACP convention that there has not been one single incident of violence to a Peace Corps worker in any foreign country, but he neglected to inform them of one important fact; namely, that wherever these Peace Corps workers are sent, this is done at the invitation and with the approval of the country involved. I would like to point out that Mississippi officials not only did not invite these self-styled missionaries to come to Mississippi, but implored that they not be sent there.

I call upon the President of the United States and the Attorney General to take immediate steps to prevent the movement of additional so-called civil rights workers or troublemakers into Mississippi.

COMMUNIST DECEPTION OF NEGRO CITIZENS

Mr. WATSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

Mr. SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Speaker, the deceptive tactics and strategy of the Communist Party and other false prophets, which are now duping our Negro citizens, are not of recent origin. Rather, such deception has been employed since the first Communist infiltrated these United States. Recently I came across an article from the Communist Daily Worker, October 27, 1935, which strongly reinforces my belief that this deception is of long standing and the result of careful planning.

Should any of my esteemed colleagues here harbor doubts that passage of the so-called civil rights bill will play directly into the hands of the worldwide Communist conspiracy to control the world, surely the following article should serve to remove that doubt.

Careful reading of this article proves beyond a shadow of a doubt that this bill is, to the Communist mind, a vital and integral part of the party's long-range plan for overthrowing our form of government and the individual freedom which characterizes it.

The articles restates and reaffirms unequivocally the Communist objective of forcefully overthrowing capitalism, not only here in the United States, but throughout the world. Exploitation of the Negro and his so-called struggle for equality and opportunity play a definite part in the Communists' proposed destruction of capitalism especially in the United States, the article indicates.

The article follows:

THE STRUGGLE ON THE CONSUMERS' FRONT, A WEAPON FOR EDUCATING THE NEGRO PEOPLE—COOPERATIVES AND CLUBS OF HOUSEWIVES WILL FIND FERTILE FIELD

(By Otto Hall and Ben Davis, Jr.)

Within the next few months, a national Negro congress will convene in Washington. It is expected that this congress will bring to the National Capital delegates representing a broad cross section of Negro life in America, men and women from labor, social, fraternal, religious, farm, business, political, and professional organizations from every section of the country. These people will take up questions concerning, and devise means of remedying, the intolerable conditions affecting the Negro in this country. Because of the broad aspects of this congress, and the fact that Negro labor will play an important role in the formulation of any program affecting the Negro people, it is necessary for the workers in the revolutionary movement, who constitute the most advanced section of the working class, to have a clear understanding of the Communist position on certain questions that will be discussed at this congress.

In this article we shall take up several questions concerning which there is considerable confusion in our movement. We refer here to the Communist Party position on business enterprises and cooperatives among Negroes. Just what should be our attitude toward Negro business? Should we discourage all efforts of Negroes to establish their own business enterprises? Here we must consider the position of the Negro people in the United States in relation to the rest of the population. The Negroes are an oppressed national minority, and because of their peculiar historical development in this country, their strides toward the achievement of a complete nation were halted before they were well on the way. The position of the powers-that-be of the dominant group was established and the basis for their industrial and financial control was laid while the Negroes were still under the oppressive yoke of chattel slavery. Therefore, after their so-called emancipation, the Negro people found that they had arrived on the scene too late.

The assets of all the Negro business enterprises in the United States put together are only a drop in the bucket compared to the Wall Street financial industrial monopoly. The Wall Street bankers and industrialists control all the sources of raw material, basic industries, manufactured commodities, credits, etc., and through this control force the Negroes to be dependent upon them. It is well known that wherever the monopoly capitalists are in control of the economic situation the tendency is to tighten rather than loosen their stranglehold over the people they dominate.

NEGRO STRUGGLE FOR PLACE IN THE SUN

This does not mean however, that the Negroes have not struggled nor should they cease to struggle to find their place in the sun. We Communists though, point out that the setting up of business enterprises in the Negro ghettos, even if these could be established on a wide scale, is not a solution of the problems facing the Negro people. We hope it is clear here, that the Communist Party is not going to change itself into an institution for the promotion of private business enterprises. We are still going to carry through our program of struggle to abolish capitalism and set up a workers' and farmers' government. On the other hand we do not deny the right of an oppressed national group to set up their own business wherever possible. Furthermore, we Communists fight against any attempt to discriminate against business enterprises because they happen to be owned by Negroes.

It is perfectly natural that Negroes should attempt to seek a way out of the dilemma in which they find themselves at this time. They, more than any other section of the population, are the most affected by this long and terrible crisis. In proportion to their numbers they have the greatest percentage of unemployed, and get less relief. Those who are lucky enough to have jobs get the lowest pay, and worse still have to live cooped up in disease-breeding ghettos, where they are forced to pay exorbitant rents. Thus, the Negroes are not only superexploited at the point of production, but also at the point of consumption. This condition prevails in practically every place where Negroes are Jim Crowed into dilapidated congested sections of the city.

It is in Harlem, widely known as the Negro center of the world, that these conditions exist in their most acute form. It is estimated that over 300,000 Negroes are here crowded into a comparatively small section of the city. Eighty percent of these people are without jobs and those that are on relief get the smallest amount, compared to other sections of the city. Not only this, they pay first-grade prices for third-grade meat, usually the offscouring from the markets in other sections of the city; are sold decayed, germ-laden vegetables and other food products that the merchants who infest this community wouldn't think of eating themselves. The majority of the landlords and merchants who operate in Harlem are white and do not live in the community where they do business. Naturally, they have no interest there except to bleed it dry. Most of them refuse to employ Negroes and those that are employed are, in the main, given the most menial jobs. This wholesale discrimination against Negroes, even in the section where they are forced to live, was one of the main factors causing the desperate outbreak in Harlem on March 19, of this year. There is bound to be a feeling of resentment among the Negroes against these conditions and a bitter hatred toward the merchants and landlords whom they hold responsible for their plight. The Negro's cup is overflowing. Harlem is a seething volcano that might erupt at any time.

NEGRO DEMAGOGS ACTIVE

All this is grist in the mill for those self-seeking reactionary Negro demagogs who are trying to use this feeling of justified resentment among the Negroes to their own advantage. One of the many panaceas they offer is that Negroes should establish their own businesses, as a cure-all for their desperate economic plight. These "medicine makers" tell the Negro that if enough Negro business institutions can be established in Harlem, plenty of jobs will be created and all their problems solved. We certainly would like to see more business enterprises controlled by Negroes in Harlem and elsewhere. For an oppressed minority, this is a progressive step but by no means a solution of the Negro question.

Negro competition would raise the quality of the goods sold in the vicinity to higher standards and would tend to increase their self-respect. But we know that the dire poverty of the Negroes precludes the possibility of carrying through this program on any effective scale. Even if the majority of the business in Harlem was in the hands of the Negroes, this would help only a small percentage of the population. The roots of this problem lie much deeper than Negro speakers would have us believe. The top rungs of the economic ladder, upon which we are trying to climb, are so high and the odds we face so great, that we cannot make the grade alone. We can only achieve our national liberation through the iron unity of the Negro and white workers, a unity that will weld a force strong enough to smash through this capitalist prison wall that hems us in.

We Communists cannot overcome the demagogy of the Negro reformist by merely putting forward our ultimate program, no matter how correct it may be. What we must realize is that the acuteness of the economic condition of the Negroes is such, that they are being driven to such desperation and therefore are willing to snatch at any will-o'-the-wisp dangled before them by these charlatans. It, therefore, behooves us to come forward with a positive program that will insure the necessary steps toward the amelioration of these conditions. We have shown how the Negroes are exploited at the point of consumption.

PROBLEMS OF COOPERATIVES

We can bring forward as a more practical step toward the alleviation of some of the problems facing the Negro consumers the building of cooperative stores as against establishing private business. We do not put forward the idea of cooperatives in the manner it is put by the rightwing Socialist leadership who attempt to give the illusion that by building cooperatives, there is a possibility of establishing a cooperative commonwealth without the forceful overthrow of the capitalist system. Nor do we have any illusions that in the present stage of monopoly capitalism that these cooperatives can be established on a wide scale. When Negro demagogs like George Schuyler bring forward the successful Rochdale cooperatives in England and established cooperatives in other parts of Europe as examples, we must remember that these cooperatives were built long before the development of monopoly capital. In the period of capitalist development, prior to the monopoly of all the sources of raw materials and industries into the hands of a few, it was possible for cooperatives to establish a firmer basis for successful operation. Bearing these facts in mind, we go into the cooperatives with a clear understanding of their limited possibilities and fight against the nonstruggle program of the reformists.

Since the crisis began, some Negroes have launched consumers' cooperatives in several cities. Some, like those in Pure Foods Grocery, Inc., who have recently opened a grocery in Harlem, are managing to keep their heads above water in spite of the difficulties they face. This cooperative has about 350 members. There is a fairly successful consumers' cooperative established by Negroes in Gary, Ind., that has about 2,000 members and two food stores in operation. These people have launched what they call their own 5-year plan. Already there is a reaction against the store in Harlem by the local white merchants who are attempting to bring pressure on the jobbers and manufacturers not to grant them credit. We should expose these merchants to the people in the neighborhood who buy from them and fight against their attempts to discriminate against these Negro cooperatives. These cooperatives can become schools of training for united struggle against capitalism for people who cannot be reached through other organizations. The measure of success that they gain through cooperative efforts against some of the ills they suffer is not such a far step from the realization that through greater organizational unity reaching wider masses, a force can be built capable of overthrowing the capitalist oppressors. The workers' cooperatives that have been established a long time, should contact these Negro cooperatives and give them help and advice on the basis of long experience in this field. This is a step toward the building of a united front of Negro and white that can grow into a wide people's front against war and fascism.

FORMATION OF CONSUMERS CLUBS

Another practical step toward the alleviation of the problems facing the Negro consumers is the organization of consumers' clubs in the Negro neighborhoods. These clubs can bring together every Negro housewife in a given neighborhood in the fight against high prices and inferior goods. They can become centers of political education for Negro people in drawing them into struggles against discrimination in all its manifestations. The clubs should be nonsectarian, embracing people of every religious denomination, nonpartisan, in order to draw in the widest circle of people in the territory. Neighborhood lectures could be arranged at which food specialists could teach them what prices to pay for their household needs and the quality of the goods they should demand for their money.

The recent meat strike in Harlem, which was carried through more successfully than in any other section of the city, demonstrates the possibility of organizing Negroes at the point of consumption. Every housewife in Harlem is anxious to find ways of stretching her few pennies as far as she can. Such organizations can teach the housewife to be wary and see that she does not pay for the weight of the hand of the butcher or grocer in every pound of meat or other products she buys.

In the struggles that can be developed around these issues, the people in the neighborhoods can get, in a practical way, some elementary lessons in political economy. They learn the disadvantages of a system where goods are produced for profit and not for use. Such struggles can become the initial steps toward the wider united Negro and white action leading to full Negro liberation and the ending of capitalism.

CONSTITUTIONAL AMENDMENT PROPOSED FOR APPORTIONMENT OF STATE LEGISLATURES

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MORTON. Mr. Speaker, the Supreme Court decision of June 15 that each State does not have the right or authority to apportion either House of the legislature on a basis other than population, if implemented throughout the country, will cause a drastic change in our system of representative government.

One of the checks and balances which insures full benefit of and full participation in the Federal Government by every citizen and every State is representation in the U.S. Senate by State and not by population. A similar guarantee of full benefit and full participation of every citizen in his own State government is insured by a bicameral legislature in which at least one House is not apportioned according to population but on criteria which gives small towns and counties an appropriate position against overwhelming population differences which exist between metropolitan and rural areas.

The spirit and effect of the Supreme Court decision removing sovereignty from the States in the determination of the apportionment of their own legislatures, if applied to the composition of the Federal Congress, could establish in Washington a government dominated by metropolitan areas. The very purpose of a bicameral system and the composition of each House based on different factors of apportionment are paramount to the growth and development of America. This system represents the infinite wisdom of our Founding Fathers. To move away from it either in the governments of our States or in the Congress of our Nation will slow the course of freedom and impede the practical application of democracy.

Therefore, Mr. Speaker, today I have introduced a joint resolution proposing an amendment to the Constitution of the United States to provide "that the several States shall have exclusive power to determine the composition and apportionment of the membership of their legislatures." The success or failure of this resolution or one of similar intent could well determine the future of this Nation as a republic.

TARAS SHEVCHENKO

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, the memorial to Taras Shevchenko, which is to be unveiled on Saturday, June 27, here in Washington, is a fitting token of the deep respect in which Americans hold this great Ukrainian national hero. Taras Shevchenko knew great suffering in his life which began as a serf, but he also knew that the answer to the plight of his subjugated people was their own national and democratic state. To this end he was willing to dedicate his life.

Some 75,000 persons from all sections of the United States are expected to be present on Saturday at the Shevchenko site at 23d and P Streets NW, to pay tribute to Europe's early freedom fighter. Several other events will honor Taras Shevchenko in the day-long festivities which include concerts at Constitution Hall and the Washington Coliseum, and a Shevchenko Memorial Banquet at the District of Columbia Armory.

In conjunction with some of his friends, Taras Shevchenko formed the Society of Saints Cyril and Methodius, whose aim was the realization of a republican form of government for all slavonic people. Shevchenko had studied extensively the American system of government and thoroughly believed in it. However, the society was discovered by the Russian police and Shevchenko was packed off to Siberia in the Russian army and forbidden to write. Even though he was later released, he was never really a freeman, for the Russians did not trust him.

Thus, Taras Shevchenko, who spent most of his life in bondage under an autocratic regime, well knew the joy and privilege of freedom and democracy. Today he is regarded by the Ukrainians and others who have drawn inspiration from him as a torchbearer of freedom.

It would be an even greater token of our respect for Taras Shevchenko if we took this opportunity to rededicate ourselves to his ideals of national and individual self-determination, equality, and liberty which are also a part of the great American tradition, and to give like inspiration to those millions of people who find themselves under foreign domination.

UNWISE AND UNNECESSARY INTRUSION

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Supreme Court ruling that representation in both houses of State legislatures must be based on population is a needless and unwise intrusion on States rights.

I have today introduced a resolution proposing a constitutional amendment.

My resolution contains this provision:

> Nothing in the Constitution of the United States shall prohibit a State having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, if the citizens of the State shall have the opportunity to vote upon the apportionment.

The decision as to whether one house of a two-house State legislature shall reflect area, rather than population, should properly be reserved to the citizens of the individual State. The Federal Government ought not to interfere in that decision. It is especially disturbing that the judicial branch of the Federal Government should invoke this sweeping legislative reform, encroaching not only on States rights, but clearly acting as a legislature itself.

If this Supreme Court decision is permitted to stand, the State of Illinois will be completely ruled from this day forward by Chicago. Downstate will be powerless to keep a legislature dominated by Chicago machine politics from funneling the lion's share of State revenue into Chicago projects and programs.

THE 14TH ANNIVERSARY OF THE KOREAN WAR

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SHRIVER. Mr. Speaker, 14 years ago today the Communist armies rushed across the 38th parallel in an all-out assault on South Korea. When the attacks succeeded in pushing the unprepared Korean and American forces southward the North Korean puppet, Kim Il Sung, vowed that he would throw us out of Korea by August 15. But the defending forces managed to stop the drive by defending a small corner of the southern tip of Korea. We all remember that valiant battle to hold the Pusan perimeter.

After failing to crack our lines after dozens of furious attacks it was clear that the Communists could not hope to achieve the object of their aggression—total domination of the entire Korean Peninsula.

Sixteen nations eventually participated on the United Nations side. But it was the determined American effort to supply men and equipment that first turned the tide. A total of 5,720,000 Americans served in the Korean war; 33,629 died in battle; and 103,284 were wounded.

Our military weakness in 1950 had invited the aggression and we paid a high price for our unpreparedness. The South Korean Army included only eight understrength divisions without tanks or planes. Only a handful of American military advisers were in Korea, and four poorly equipped, understrength Army divisions were stationed in Japan as part of General MacArthur's occupation force.

Mr. Speaker, today is an appropriate time to remember that Americans remain on guard in Korea against further Communist aggression. We have 2 first-rate American divisions stationed in Korea and we help support 18 South Korean divisions with up-to-date equipment and training.

Communist fires are burning in other parts of Asia, particularly southeast Asia. The Communists now are resorting to internal guerrilla tactics in what they like to call "wars of national liberation."

It is essential that the American people be taken into the confidence of the administration in regard to its policies on the Communist challenge in southeast Asia. In addition to our commitment of American boys to Korea, some 16,000 military personnel are in Vietnam. Press reports indicate the possibility of an "escalation" of our efforts in southeast Asia.

On this 14th anniversary of Communist aggression upon South Korea, it is well to ask: "Do we face another Korean-type war in southeast Asia?"

ANNIVERSARY OF POZNAN UPRISINGS

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, June 28 marks the eighth anniversary of the brave Polish uprising in Poznan, which produced the first serious setback to communism in Europe since World War II.

That heroic uprising came as no surprise to students of Polish history. For more than 1,000 years the people of Poland have demonstrated their great dedication to the principles of freedom and human dignity.

On June 27, 1956, when a large group of students in Poznan led an uprising against their Communist dictators, it should not have come as any particular surprise that the new Red regime which replaced the old guard in Poland as a result of this heroic Poznan uprising moved very quickly and decisively to provide the people of Poland with a greater degree of freedom in their daily lives.

However, Poland continues to be under Communist domination against her will. But the great contribution made by those who participated in the Poznan uprising was to bring to the people of Poland a significant breakthrough in the Communists' iron grip upon that brave nation.

Mr. Speaker, the people of Poland who 8 years ago briefly sparked a drive for freedom continue to be oppressed by the Soviet imperialistic Government, and I am sure they are especially frustrated and depressed at this time when they note the consistent determination of the Johnson administration to coexist and appease the Soviet Union.

On this eighth anniversary of the Poznan uprisings, we encourage the brave people of Poland to maintain their faith and perseverance and to look forward to the day when the United States and other free-world lands will develop an effective foreign policy and freedom will be restored to Poland and the other captive nations of communism.

SERBIAN NATIONAL HOLIDAY

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, June 28 is the Serbian national holiday, the anniversary of the Battle of Kosovo. This tragic battle which was fought on June 28, 1389, resulted in the Turkish horde destroying the heroic forces of the Serbian people, and as a result, kept them in bondage for almost five centuries.

However, the Serbian people persevered and eventually regained their freedom, but the tragic consequences of World War II and the imposition of Soviet imperialism has once again placed the Serbian people under foreign bondage.

At this time, Mr. Speaker, it is well for us to express the devout wish that the anniversary of the Battle of Kosovo rekindle in the hearts of the Serbian people and all who share and understand their feeling on the loss of their independence, their consecration to struggle against the Red Communist rulers of their homeland and never relent until once again the Serbian people truly will be free.

Mr. Speaker, I reemphasize that the observance of the Serbian national holiday and the continued display of perseverance on the part of the Serbian-American leaders, and our realization that all other American groups working to preserve the spirit of freedom in their own oppressed homelands join in urging that the Congress, in pausing to note this day in history, reaffirm the need for continuing exposé and condemnation of Communist colonialization and imperialism. This is necessary so that we may recapture the initiative in the cold war and produce the circumstances whereby the heroic Serbian people and the other unfortunate captive peoples of communism will once again share the priceless heritage of freedom.

This day is also known to the Serbian people as Vidovdan, a day of national dedication on which all Serbs commemorate not victory but a defeat for their nation. More than that, it is a day on which all the great national traditions of the Serbian people are commemorated with all the honor and respect they so richly deserve.

Among the Serbs, Vidovdan calls to mind a day of great national humiliation; but, it also calls to mind a day when Serbian courage and heroism reached a peak seldom achieved by any nation. Vidovdan is to the Serbs a time of national dedication. It has long been the custom of Serbians to go on an annual pilgrimage to the tomb of Lazar, the fallen hero of Kosovo, resting in the monastery at New Ravanitza. That Lazar was more than a military and national hero to the Serbs is indicated by his canonization by the Serbian Orthodox Church. In poetry, literature, and in music this great battle of Kosovo became for Serbians a theme of great national importance. Even Goethe, the great German poet, compared many of the Serbian epic poems depicting the tragedy of Kosovo with the Iliad and the Odyssey.

Thus, among the Serbian people Vidovdan is a day of national dedication—dedication to the joy and sorrow of a great historic event. Vidovdan has taken on a broader meaning, however, than originally conceived. To Serbs the world over Vidovdan is a day of prayer and commemoration of all the glorious traditions of the Serbian past. In a sense Vidovdan, a religious feast day and a national holiday, represents the spiritual and historic fusion of all the ideals and traditions of the Serbian people.

On this occasion, therefore, commemorating Vidovdan all America takes cognizance of the great national traditions of Serbia, and to Serbians everywhere may this Vidovdan serve as a source of renewed inspiration for the future.

It is especially essential, Mr. Speaker, that the Serbian people in the United States maintain their traditional unity in the face of Communist oppression. It is my hope that this year in commemorating their great national holiday, Vidovdan, they will work to redevelop a united front against Tito's dictatorship.

TARAS SHEVCHENKO

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, this Saturday a statue will be unveiled here in Washington in honor of Taras Shevchenko, the poet laureate of freedom for Eastern Europe.

His life was short. His years of freedom from oppression were, unfortunately, few. But the memory and the words of Shevchenko will live forever in his native Ukraine.

In many respects, Shevchenko was a European extension of our own American Revolution. He admired America and its goals, and he was in complete sympathy with our reasons for being as a nation.

Just as did our early patriots, Shevchenko fought ceaselessly against imperialism, against oppression and the exploitation of his nation and its people as a colonial power.

More than any single man, Shevchenko was able to articulate the longing of the Ukrainian people for their own country, for their own rulers, for their own right of self-determination.

In open defiance of his Russian masters who were intent upon keeping the Ukraine a satellite, Shevchenko's words solidified his nation and his language into a living, vital force for freedom.

That force is still present in the Ukraine today, despite continued domination by the Russians.

These new Russian imperialists who have been even more ruthless than the czars, first attempted to denounce Shevchenko as a "Ukrainian bourgeois nationalist." They found Shevchenko's spirit and his words still lived vitally in the hearts and souls of the people of the Ukraine.

So the Russians decided to embrace Shevchenko's fight for freedom and the individual in the bear hug of Communist dogma.

The world is not fooled by this patent attempt at deception.

The freedom which Shevchenko sought so fervently for his people is still sought today in the Ukraine and in the many other countries which have been captured and tethered and kept in the lunar half life of subjugation by the Russian Reds.

In the 150 years since the birth of this champion of liberty, the world has made considerable progress toward freedom in many parts of the world. Let us hope that the day will soon come when the land of Taras Shevchenko's birth will be free of its Russian masters.

LANDRUM-POWELL POVERTY BILL

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the Republican members of the Education and Labor Committee have repeatedly attempted to call to the attention of our colleagues in the House and to the public generally the questionable nature of H.R. 11377, the so-called Landrum-Powell poverty package.

We have undertaken to carry this message to the American people during the course of the public hearings on this bill, by taking special orders to discuss this proposal on the floor of the House, and in the minority views filed as a part of the committee report on this so-called war on poverty.

Mr. Speaker, last week the Committee on Rules began its consideration of H.R. 11377. I am hopeful that that committee will hold a thorough hearing on this proposal, and will examine its various parts most carefully. It is in no way unreasonable to suggest that a full hearing be held on this bill. The reasons for this are obvious: in the first place, the bill covers a multitude of subjects and programs. Its text runs to 63 printed pages, encompassing some 7 comprehensive titles. The report which accompanied this bill runs to 96 printed pages, and had the bill been properly explained, would have been even longer. Moreover, the subject mattter, the methodology, and the philosophy of this proposed legislation are very controversial, to say the least.

It is interesting to note that during the hearings before the Rules Committee, the principal spokesman for the poverty bill, the gentleman from Georgia [Mr. LANDRUM], suggested that a rule be granted permitting only 2 hours' debate on this proposal. This was, to put it mildly, a ridiculous suggestion—particularly in view of the fact that this same spokesman, alone, spent some 5 hours before the Rules Committee, attempting to explain the bill and answer questions about it.

Mr. Speaker, the suggested 2-hour rule would result in giving each of the members of the committee which handled this bill less than 4 minutes apiece to comment upon its dubious virtues. This would of course leave no time at all for the remaining 404 Members of the House to participate in debate on this far-reaching and complex proposal.

Mr. Speaker, this bill was not given adequate consideration by the Committee on Education and Labor. It was gaveled through in keeping with a political timetable. Many other House committees, whose jurisdiction this bill invades, were never heard from, nor permitted to participate in any meaningful way in the shaping of this legislation.

It is to be hoped that at this hour the polital steamrolling tactics will cease; unfortunately such pressures are continuing, and efforts have been made to prevent those who wish to testify from appearing before the Rules Committee. Surely that committee should be permitted to weigh and analyze this bill free from the inordinate partisan pressures which completely disrupted, and ultimately foreclosed, any mature deliberation on the part of the Education and Labor Committee.

Finally, Mr. Speaker, if the Rules Committee, for any reason, is compelled to permit this unfortunate proposal to come to the floor of the House, it is essential that a rule be granted which will permit a complete and penetrating debate. Only through such a debate can there be a complete disclosure of the dubious content, the dangerous philosophy, and the permeating power grab which are the hallmarks of this purely political proposal. The Members of the House and the citizens of the land are fully entitled to that protection.

APPALACHIA—THE PEOPLE THERE DO NOT KNOW THEY ARE POVERTY STRICKEN

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, an ad hoc subcommittee of the Committee on Public Works is now studying the President's proposed Appalachian Regional Development Act of 1964. During recent weeks we have been subjected to a barrage of statements and newspaper articles about the poverty-stricken areas in the Appalachian region.

There was recently called to my attention an editorial and an article which appeared in the May 23, 1964, edition of the State, a magazine published in North Carolina and devoted largely to North Carolina affairs. Twenty-nine of the western counties of North Carolina are included in the Appalachian region as defined in the proposed Appalachian Regional Development Act of 1964. The editorial and article shed considerable light on the Appalachian relief proposal.

The editorial comments that the people in Appalachia are reacting to the Appalachian relief proposal with "a mixture of indifference, amusement, and resentment." It reported a conversation with a citizen of Brevard, N.C.—which is in an Appalachian county—who laughed aloud at the notion that there was exceptional economic distress in the area.

The article concerns the northwest section of North Carolina—a section comprising all or part of 10 counties, all of which are in the Appalachian region as defined in the President's relief proposal. The article shows that business is booming in this area. A citizen was quoted as saying that there was "never anything like it before" in commenting on new construction in Watauga County.

Mr. Speaker, perhaps we do need a special program in Appalachia—an educational program to convince the people that they are poverty stricken.

I am including the editorial and article at this point in the RECORD for the information of my colleagues:

GREEN PASTURES REVERSED

One might suppose that the people most interested in this war on Appalachian poverty would be the Appalachians themselves. But the reaction we heard was a mixture of indifference, amusement, and resentment. Appalachian poverty has been discovered and rediscovered ever since most of us can remember. A chain of mission schools, operated by do-gooder Yankees, financed by Yankee money, spread over the area after the Civil War. All but one or two of them have disappeared. Fantastic cooperatives were started, craft schools launched, and other remedies applied. All gone.

The biggest discovery of all was made by TVA. The emotional appeal presented in behalf of a poverty-stricken region was a substantial factor in getting appropriations to support this hydra-headed bureau. It was supposed to cure most if not all the economic ills of the mountains. Its failure to do so is emphasized by the heartrending statistics being issued to bolster the current rescue program.

It is not fashionable (or expedient) to mention the cure wrought by TVA's war on poverty.

Consequently, mountain people are phlegmatic about the rehashed headlines they are getting.

In Brevard the other day, we were discussing this with a citizen and asked her if, in truth, there was exceptional economic distress in that area.

She laughed. "Look around you," she countered. "The people out of work around here won't take jobs offered to them. I know for I've tried to employ some."

"All this talk must be about poor folks across the Smokies—over in Tennessee and Kentucky," we volunteered.

She laughed louder than ever.

"Listen, let me tell you something. I was raised in east Tennessee. When we had home mission week, our circle used to read pamphlets about the poor mountain whites in the Appalachians. It was puzzling, because some of us had traveled enough to know our poor were no more numerous and no worse off than the poor anywhere else.

"As leader of my circle, I tried to explain. I said: 'They must be talking about those people across the Smokies in western North Carolina.' When my husband and I moved to Brevard, we were astonished to find folks here better off than the people we'd left behind.

"It's the green pasture mirage in reverse."

Her story recalls one told by Preston Arthur in his "History of Western North Carolina." Ladies of the home mission society of a New England church were beside themselves with joy. They had received from their missionary in Watauga County a picture of a group of children in ragged and patched clothes. It was titled: "Before our mission started its work." Along with it was a picture of the same group of children neatly dressed, well shod and obviously prosperous. This one was captioned: "After our mission was started."

What the kind ladies didn't know was that the lady missionary had offered her class of children a prize, to be awarded to the one who could come to school in the "tackiest" costume. The "before" picture was made of this "contest," then she offered a prize for the best-dressed child. And of course the "after" picture was made of these competitors.

WAY UP IN THE NORTHWEST

(By Bill Sharpe)

North Carolina's highest college (in altitude) is more popular than ever. At Banner Elk (4,000 feet high) Dr. Max E. Chapman, president, told us Lees-McRae enrolled 425 this year, a new record, and applications were increasing. All but 20 of the students live on the campus.

Recent expansions have been an addition to the Science Building and renovation of the Cannon Building.

The ski slope planned on Beech Mountain, overlooking the town, has been abandoned by the original developers, but the project was taken over by the Robbins family of Blowing Rock and may be completed next year. We understand the slope will be on the Watauga side of the mountain, however.

BUILDING BOOM

"Never anything like it before," said Rob Rivers of Boone, commenting on new construction in Watauga County. It is estimated that building permits will reach $16 million this year. At Hound Ears Ski & Golf Club alone some 40 homes are planned.

In 1952, there were 2 small motels in Boone; now there are 17. Two more are planned; two are being expanded. A large expansion is some 40 units added to the modern Plaza. Two new apartment buildings are going up.

In Blowing Rock, Mayor R. D. Hardin said Main Street would have three new stores this year. Camping capacity in Cone Memorial Park is being doubled. The private Buffalo Camp of E. J. Sprock also is being doubled, all in anticipation of the continued interest in camping.

Mr. Hardin, himself a merchant, said last season produced more gross receipts in his stores than in any previous year. However, both he and Mrs. Betsy Custer, chamber of commerce secretary, believe 1964 will exceed 1963 in business. Neither think the World's Fair competition will hurt.

This past winter, the ski traffic really paid off. With 2 slopes nearby, 10 motels and several cafes stayed open for the winter business and found it profitable. As many as 1,500 were at the Blowing Rock slope on some days.

HOLD ONTO LAND

Back in Boone, S. L. Whitaker said the growth of Watauga had sent land prices soaring.

"Landowners just don't want to turn loose," he remarked. Listings are sometimes hard to get—a residential building lot in Boone brings anywhere from $2,500 to $6,000 now, and acreage runs up to $4,000 and even more.

However, Mr. Whitaker said he had a listing of some acreage in the mountains for around $300 an acre which is selling fast in 5-acre tracts.

BIG MEALS

Mrs. Whitaker operates the Daniel Boone Inn Dining Room (not the Daniel Boone Hotel dining room), which has been so successful in selling large mountain meals. Last year also was their busiest season, and Mr. Whitaker said they might have to expand capacity. In peak season, they have them lined up at the door to get the bountiful mountain food, prepared mountain style. This place is open the year around, and attracts diners from nearby towns as well as tourists.

ASHE'S POTENTIAL

At West Jefferson, G. E. Bowers at the Northwestern Bank was puzzled because more people have not discovered the vacation advantages of this extreme northwest section. "Our scenery and climate are superior to some of the most visited areas," he said.

There's no denying that. Plus the fact that the countryside is still largely unspoiled—fresh, natural, and inviting. Of course, it might not retain much of this after it becomes more peopled.

Nevertheless, some canny folks are looking ahead. Over at Old Jefferson, Bill Austin said outsiders (many of them from the Deep South) were quietly acquiring homesites and acreage for future use or development. We asked him if much acreage was on the market, and he replied that very little that was easily accessible and attractive. What is called rough land up here may be had for as little as $100 an acre and up, depending on location.

Of course, Ashe's terrain is such that "rough land" here is not nearly as rough as it is in, say Jackson or Swain. With some exceptions, much of Ashe's mountain land rolls reasonably to a crest then rolls down the other side, with a conspicuous absence of precipitous gorges and cliffs. And unless timber covers it, the grass quickly covers most land. It is truly a stockman's paradise.

SURVEY FOR LAKE

Something of an employment boom is due to start in the northwest. Appalachian Power Co. is now acquiring titles and surveying the land for the new hydroelectric project to be constructed between Independence, Va., and Sparta, the county seat of Alleghany. Bill said construction was expected to give employment to around 1,000 men for 2 or 3 years. The resulting lake will lie partly in Alleghany County.

WILKES IS BUSY

Wilkes County, like the rest of northwest North Carolina, is in an optimistic mood. The new airfield is ready for service, another small industry has been located, a new Federal building is scheduled for Wilkesboro and a new post office for North Wilkesboro; the county is going after a community college, the huge Holly Farms are canning poultry, and the apple cooperatives are building a $150,000 plant to grade, pack and store apples.

All this from Ronnie Knouse, Wilkes' young chamber of commerce manager. He added that the use of Kerr Scott Reservoir has been far in excess of predictions—around 500,000 visits in the first year. As a result, efforts are being made to build and lease a recreational complex on the shore, to include a modern marina, motel, restaurant, boat livery service, and so on.

The lake was filled for the first time last year. It is an Army Engineers flood control project, nestling prettily among Wilkes' mountains.

Ronnie said fishing in the new lake had been quite good—mostly for bass. If this lake follows the usual pattern of new reservoirs, next year will be the peak year for fishing. After that bonanza, it will decline slowly and eventually will rank along with our other inland reservoirs. Spring of 1965 should see an army of sportsmen cashing in on this erratic behavior of nature.

FLOWER FESTIVAL

State readers know of our unmitigated enthusiasm for the Roan. This great mountain comes to public glory with the rhododendron festival. Here's something visitors should know. Each year, North Carolina and Tennessee swap dates for their separate festivals, and this year it is North Carolina's turn to have it on the early weekend—June 17–20. Usually, the fourth weekend in June is best for seeing the flowers, for they bloom late on this high mountain.

Anyway, remember this: If you want to join in the frolic, with queen-crowning, speeches, big picnics and other fun, then go either on the third or fourth Saturday. If you want to avoid the traffic and congestion, pick some other day.

NEW LAKE

Travelers have a new scenic and recreation goal—the new Kerr Scott Reservoir in Wilkes County. It is located in the beautiful Yadkin River Valley between Wilkesboro and Ferguson and is easily accessible to a large part of the Piedmont. Winston-Salem, for example, is only 61 miles away; Charlotte 81.

The new lake is rimmed by wooded mountains and their foothills and is attractive enough to pull motorists off the parkway at Deep Gap. We predict, however, that it will be used primarily by North Carolinians for boating, fishing and camping.

The Army Engineers have provided for several recreational areas, and some of them already are in use, including boat ramps and swimming areas. Camping grounds, overnight accommodations, picnic sites and other equipment are being installed.

When full (flood point) the reservoir covers nearly 4,000 acres. It will be less than half as large at top of the "conservation" pound, indicating a rather drastic downdraw. Primarily, the project is to prevent floods downstream and to supply nearby municipalities with a water reserve.

WELCOME, ROCKHOUNDS

In at least two localities in western North Carolina, mineral collectors will be made to feel at home. They are in the Spruce Pine area of Mitchell, Yancey, and Avery Counties, and the Ruby mines of Cowee Valley, near Franklin, in Macon County. The first location is northeast of Asheville; the second, southwest of Asheville.

In both places are "diggings" where rockhounds may prospect for gems and rock specimens. Guides are available for group field trips, and there are gem shops, gem cutters and mounters in both sections. For information on minerals, write chambers of commerce at Asheville, Franklin, Spruce Pine.

TRANQUIL SHORTCUT

A pleasant off-the-pavement mountain shortcut from Burnsville to Asheville is via N.C. 197. It is paved from Burnsville to Pensacola. Then it climbs across Cane Creek Gap in the Black Mountains, and drops down to rejoin pavement at Barnardsville. The road leads back to U.S. 19. Except in the muddiest kind of weather, the dirt road is all right and the grades are not excessive.

NO TIPPING

Hooray. The Hound Ears rate sheet warns guests against tipping anybody, anytime. Any employee caught accepting a gratuity will be discharged. This is the new Swiss-chalet-type resort in Watauga County, near Boone.

MORE ACCESSIBLE

Visitors to Pilot Mountain will find the place more accessible. The new four-lane U.S. 52 carries travelers right to the mountain entrance.

NATURE TRAIL

Travelers on the Blue Ridge Parkway are advised of a nature trail at Flat Rock Overlook (near Linville outlet). Native flora tagged and explained.

THE SUPREME COURT CONTINUES TO GIVE SPECIAL CONSIDERATION TO THE COMMUNIST PARTY

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. ALGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ALGER. Mr. Speaker, in another historic decision a majority of the Supreme Court has ruled in favor of avowed enemies of the United States. Now the Justices have prohibited the Government from denying passports to known Communist agents even though the purpose of their traveling is to advance the conspiracy to destroy the United States.

Is it any wonder that many in the United States are asking what is behind the seeming urgency of the Court to protect the Communists at every turn?

In his book, "None Dare Call It Treason," John A. Stormer reminds us:

> The cold war is real war. It has already claimed more lives, enslaved more people, and cost more money than any "hot" war in history. Yet, most Americans refuse to admit that we are at war. That is why we are rapidly losing—why America has yet to win its first real victory in 18 years of cold war.

Stormer further points out:

> In 1945, the Communist held 160 million Russians in slavery. They controlled a land area smaller than the Russia of the czars. Soviet industry had been largely destroyed by the Nazi war machine. Communism was a third-rate power, militarily, industrially, and economically.
>
> Today, after the United States has spent $600 billion to fight communism and sacrificed the lives of 50,000 of its youth to thwart Red aggression, the Kremlin has grown to become the absolute slavemasters of 1 billion human beings. The Communists openly control 25 percent of the earth's land mass. Their puppet, Fidel Castro, has been installed in Cuba, just 90 miles from our shores. The hidden tentacles of the Communist conspiracy exert unmeasured influence over the rest of the world.

In spite of the openly acknowledged objective of the Communists to destroy us, the Supreme Court in decision after decision helps make it easier for the Communists and more difficult for the American Government to deal with its enemy.

The very will of Congress is thwarted by the Court as in this latest decision on passports which virtually nullifies the Subversive Activities Control Act which Congress passed after careful study and lengthy debate.

Mr. Speaker, I believe it is time, yes, long past time for Congress to take action to reinstitute the constitutional concept of coequal branches of the Federal Government. Too long have we, the elected representatives of the people allowed our constitutional responsibilities to be eroded by the executive branch and our acts to be thrown out by the judicial branch. Only the Congress is the direct voice of the people. Only the Congress has the power to legislate. Only the Congress, through its many studies and investigative power is fully aware of the dangers threatening our Republic. Therefore, it is up to the Congress to halt the crazy course to national suicide which is being charted by pro-Communist decisions of the Supreme Court and by executive policies of trade, credit, and aid to the Communists.

Congress must declare a new declaration of principles which will make it clear to all that we intend to remain a free people, that we will win the cold war, that we will support all those in the world who also have the will to remain free, and that we will stop building up and strengthening our enemies.

As a part of these remarks I would like to include an analysis of the Supreme Court decision on passports for Reds, written by David Lawrence and printed in the Washington Evening Star of June 22. I would also like to include an editorial from the Washington Daily News which appeared in the June 24 issue.

Let's begin to put the security of America and the American people ahead of coddling those whose sole purpose is to replace the Red, White, and Blue of freedom with the Communist Red banner of slavery.

[From the Washington Star, June 22, 1964]

PASSPORTS FOR REDS ASSAILED—PERILS SEEN IN COURT RULING THAT UNITED STATES MUST ALLOW ITS COMMUNISTS TO TRAVEL

(By David Lawrence)

A majority of the members of the Supreme Court of the United States apparently are not ready to help their Government fight the "cold war" effectively. They prefer technicalities to realities. For, in another of its sweeping decisions, the highest Court in the land is willing to consider a member of the Communist Party as no different from a member of the Democratic or Republican

Party or any other political organization of citizens.

Yet J. Edgar Hoover, Director of the FBI, whose knowledge of the intricacies of espionage and acts of subversion is unequaled in this country, told Congress last January that the Communist Party in this country is an agent of the Soviet Government. He declared:

"The determination of the Soviet Union to maintain the Communist Party, U.S.A., and to strengthen and direct it in such a way as to make it a continuing danger to this Nation is clearly evidenced by the fact that for the past 44 years Soviet Russia has in one way or another directed and controlled the Communist Party, U.S.A., and helped to finance it."

The Congress of the United States, recognizing this danger, passed a law forbidding the issuance of American passports to any member of the Communist organization in America. Now the Supreme Court of the United States has declared this law unconstitutional because it does not provide for proof in advance that the passport would be misused. Only a Communist agent who is willing to tell ahead of time exactly what acts of espionage he may intend to commit or what information he may be getting ready to transmit to a foreign government could thus be prevented by law from getting a passport of the U.S. Government.

Justice Goldberg, who wrote the opinion for the Supreme Court majority, declared that "freedom of travel is a constitutional liberty closely related to rights of free speech and association."

Justice Douglas, who concurred in this opinion, wrote as follows:

"Being a Communist certainly is not a crime; and while traveling may increase the likelihood of illegal events happening, so does being alive."

Justice Douglas added that war might be a condition for "serious curtailment of liberty," but unless there was a war, he could see no way of keeping a citizen from traveling inside or outside the country.

This is but another way of stating that the "cold war" is not considered to be a war and that the interests of the United States cannot be protected through preventive measures.

Justices Clark, Harlan, and White in their dissenting opinion quoted from a statute passed by Congress in 1954 which stated that "the Communist Party of the United States * * * is in fact an instrumentality of a conspiracy to overthrow the Government of the United States." The three Justices declared that the findings by Congress concerning the nature of the Communist Party should be binding upon the Supreme Court. The minority opinion continued:

"The right to travel is not absolute. Congress had ample evidence that use of passports by Americans belonging to the world Communist movement is a threat to our national security.

"In 1950 Congress determined, in the Subversive Activities Control Act, that foreign travel 'is a prerequisite for the carrying on of activities to further the purposes of the Communist movement.' The Congress had before it—evidence that such passports by Communist Party members:

"1. Enabled the leaders of the world Communist movement in the Soviet Union to give orders to their comrades in the United States and to exchange vital secrets as well;

"2. Facilitated the training of American Communist leaders by experts in sabotage and the like in Moscow;

"3. Gave closer central control to the world Communist movement; and, of utmost importance."

* * * * *

[From the Washington Daily News, June 24, 1964]

Passports and Liberty

By the scope of its decision in the Communist passport case, the Supreme Court has almost said that the Federal Government must issue a passport to anyone who asks for one. The opinion written by Justice Goldberg hints at circumstances in which a passport properly could be refused, but the gist of the opinion is that such circumstances would be extremely narrow and special.

Under the Subversive Control Act passed by Congress in 1950, identified Communists were denied passports. Two Communists, Elizabeth Curley Flynn, chairman of the Communist Party, and Herbert Aptheker, editor of a Communist publication, appealed to the Supreme Court.

Justice Goldberg says this section of the subsersives law is unconstitutional because travel abroad is a liberty under the Bill of Rights and not to be denied without due process of law. The fact that the passport applicant is a Communist makes no difference, he said.

This drew a sharp dissent from Justice Clark, joined by Justice White in part and by Justice Harlan.

"Since the [Communist] Party is a secret, conspiratorial organization subject to rigid discipline by Moscow," Justice Clark said, "the Congress merely determined that it was not wise to take the risk which foreign travel by Communists entailed."

That seems to us to be the crucial question.

The Communist conspiracy is aimed at overthrowing our Government. If it should succeed, the Bill of Rights and all the liberties guaranteed by the Constitution would be trampled. The Subversive Control Act was passed to help combat this Communist purpose.

"The right to travel," wrote Justice Clark, "is not absolute."

No right is absolute. All are inhibited, at least to the extent that the exercise of individual liberty may not materially transgress the liberties of others. Communism would transgress the liberties of all, and it would seem reasonable that Congress should attempt to safeguard the securtly of the Nation against such subversion.

Moreover, a passport is not merely a license to travel. It is a protection for the traveling American citizen. Should the Government, then, be compelled to provide this protection for its sworn enemies? We think not.

WORST AREAS DO NOT GET THE HELP THEY NEED FROM ARA

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TALCOTT. Mr. Speaker, the ARA was designed to help places like West Virginia and areas in a similar plight, and indeed, President Kennedy, as a candidate, made his dramatic play in West Virginia based on his promise to do something for such areas. But once the ARA was passed, actually very little was done for the State. Of a total investment of $122 million, ARA invested merely $3.8 million in West Virginia, whereas private industry in 1961 alone spent $110 million for manufacturing plant equipment in the State. In the first 2 years of ARA private industry spent about $700 million in the State, or 184 times as much as ARA. Of the first 16,000 jobs ARA falsely claimed it created, only 350 or 2 percent were in West Virginia (even this figure cannot now be believed).

Even the proadministration Washington Post editorially scored the ARA's designation binge, declaring:

> As a result, the program has been so diluted that no real impact can be made on the areas that need it most. As a further result the ARA in 2 years has run through its original appropriation of $375 million which should have carried it for 4 years. That is why it is now coming in for an added $456 million. This is a classical case of log rolling, in which congressional acceptance of a modest amount of high priority expenditures has had to be purchased with a large amount of low priority items. The ARA bill has been freighted with damaging departures from the initial purpose.

In fact, the ARA's "shotgun approach" so diluted its effectiveness that the Johnson administration has had to come up with another program for the really distressed Appalachia, this time a multibillion-dollar—yes, billion—area development corporation. And once again the Nation's press is pulsating with tear-jerking stories and pictures about the poor people of Appalachia, even as it did 3 years ago in the legislative drive to justify ARA. Perhaps it is only a coincidence that these waves of maudlin sympathy for these truly sympathy-deserving people seem to coincide with the presidential election campaigns. Should we not remember that people are poor, and need help, in nonelection years also?

The American Farm Bureau Federation, representing 1,607,000 farm families from 2,700 counties, has officially deplored "a tendency for Federal agencies to dominate the rural areas' development program" and thus "discourage efforts of communities to help themselves." They continue:

> We do not believe it is desirable for the Federal Government to help some areas at the expense of others. The jobs and facilities channeled into certain areas will inevitably be drawn from others. Many communities will lose business prospects, job and income producing opportunities because Federal money supplied by all taxpayers is allocated by the Federal Government.

The ARA appears to be the first step in a treacherous course that may be even more costly than our farm subsidy boondoggle begun in the early thirties. The harsh fact is that some regions, dependent on a single industry or resource which no longer can provide essentials of a viable economic life, cannot be industrialized or developed except at prohibitive costs to the rest of society. We have always had ghost towns which bloomed like desert flowers in the rain, only to wither and die. Syracuse University professor of economics, Sidney C. Sufrin, declares that the effort to artificially "resuscitate communities which have lost their economic base could lead to an industrial policy as difficult and costly as our present agricultural policy."

Pennsylvania Commerce Secretary John K. Tabor objected to the proposed Appalachia corporation because the Federal assistance involved would make the States less willing and able to solve their own economic problems and the corporation would subject the States to a federally dominated "quasi-government" not directly accountable to the voters.

A thorough congressional study and reevaluation is needed before more appropriations are made to ARA.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until Monday night to file a privileged report waiving certain points of order on the foreign aid appropriation bill. I make that request because we shall have to hold another meeting and we might not be able to get it in on Monday.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand it is now proposed to change the rule again, waiving points of order on the bill? Could the gentleman enlighten me to any extent?

Mr. SMITH of Virginia. Yes. I am thinking that it will be changed in a manner which will meet the approval of the gentleman from Iowa.

Mr. GROSS. I hope and trust the gentleman is correct.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CHECK CHEAP IMPORTS TO HELP OUR INDUSTRIES AND WORKERS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I am today introducing a bill designed to protect American industry and American workmen from threatening, excessive foreign imports.

This bill is not designed to impair in any sense the reciprocal flow of commerce and trade between our great Nation and other nations of the world.

Neither is it intended to reflect an unreasonable monopolistic, or harmful form of protectionism.

The bill seeks to focus the attention of Congress directly and pointedly upon the current grave threats to the economic prosperity of industries in many parts of the country, caused by the flow and flood of cheap imports from abroad, which are not only driving some industries out of business, but are placing increasing burdens upon many of our industries that they cannot endure for long.

Workers are being displaced, business conditions are becoming depressed. The vitality of our great free enterprise system is being reduced. It seems to me that the time is long since past that this Congress should do something to correct these shocking and dangerous conditions.

Our trade policies and relations are based upon such a tangled maze of confusion, paradox, and disorder that this bill or any other bill would not be a complete panacea for the problems of our American industries and workers that are plagued by cheap foreign competition.

Many times I have pointed to the crazy-quilt pattern in our trade relationships that permit the use of huge foreign aid funds, lavishly supplied by our Treasury, to set up competing industries in foreign countries and to furnish them with modernized equipment that many of our own competitive industries do not have at the present, to give them advice and marketing counseling and other help at the expense of our Government in order to enable them to outcompete us in world markets, and then very conveniently to accommodate them further by reducing our tariff rates here so to allow these cheaply produced goods of these foreign subsidized industries to come into the United States to disrupt our price structures, take over business theretofore enjoyed by American producers, and generally to cause serious maladjustments of our entire economic system.

The conditions are admittedly grave. The threat is great. Congress must act now, or we will be responsible for even greater hardship and suffering that would be far beyond the means of the antipoverty bill, or any other remedial measures, to correct.

I hope that early hearings will be directed, so that Congress can get all the evidence which is readily available and then agree upon some final bill that would provide relief for American industry and the American people from these truly intolerable conditions that are causing so much damage to our industrial structure and our economy, and yet insure trade and commerce with the rest of the world on a reasonable and practical basis that could be conducted in the interests of our country.

FEDERAL TROOPS IN MISSISSIPPI

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, every Communist and left wing racial agitating pressure group in the United States has been making demands on the President of the United States for the past several months, demanding that he send troops and Federal marshals into the State of Mississippi.

Today the President of the United States surrendered to their demands by sending 200 U.S. Marines into the State of Mississippi, ostensibly to search the swamps for three missing persons who went to Mississippi initially in search of trouble.

Mr. Speaker, as part of my remarks, I include herewith the text of the UPI report, which appeared on the news ticker a few minutes ago, giving the story of this action.

> JACKSON, MISS.—Gov. Paul B. Johnson expressed surprise today at the sending of 200 Marines to aid the search for three civil rights workers. He countered with an offer to assign National Guardsmen to the widespread hunt.
>
> The White House disclosed the Marines were ordered to Mississippi to participate in the joint search by Federal and State authorities.
>
> "No one conferred with me with reference to the dispatching of the Marine personnel and equipment to Mississippi," Johnson said.
>
> "Their presence here is indeed a surprise to me, since 2 days ago I offered to the proper Federal authorities the assistance of the Mississippi National Guard, which is now in training at Camp Shelby."
>
> Johnson said one of the National Guard units was located at Philadelphia and members of the unit were thoroughly familiar with the woods and terrain of that area.
>
> "This offer was not accepted but is still valid," the Governor said.
>
> "I am an ex-Marine officer and I will render every assistance possible, and I call upon the good people of this State to do likewise, that this search may be completed and all units, local, State and Federal may return to their normal duties," Johnson said.
>
> "We are determined to maintain peace and order in this State and we are going to cooperate with all proper authorities in order that our laws are obeyed and that peace and traquillity may prevail."

It should be pointed out that Mississippi's Governor Johnson had offered the facilities of the National Guard to assist in the search as long as 2 days ago, only to be turned down. Further, it should be noted that Governor Johnson was neither consulted about sending Marines into our State, nor was he informed of plans to do so.

Mr. Speaker, in my opinion, this action is a calculated and deliberate insult to the State of Mississippi, the Governor of Mississippi, and every member of the Mississippi National Guard. It may mollify the radical elements who have demanded a military occupation of our State, but will be resented, I am sure, by the great majority of our people when they learn the facts.

Now, Mr. Speaker, according to Federal Bureau of Investigation statistics, in the year 1963 there were 10,453 people reported missing in the city of New York alone. Of this number all were located in 1963 except 188. Of these people, 188 are still on the missing persons rolls in the city of New York. If the President did not want to play politics with the Mississippi incident, and if he wants to treat all of our States equally, he would send, at the same ratio, 12,600 Marines into the city of New York to look for those 188 missing people.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, those of us from the great State of Mississippi, the once great sovereign State of Mississippi, have refrained from and have restrained ourselves from adding embers to the fire in all of the consternation that has been created down there in Mississippi, because we in Mississippi are a law-abiding people.

Mr. Speaker, every thinking, every intelligent, every knowledgeable person knows that this crusade was organized to go into my great State to create trouble, and they will not be satisfied until they get it. I prophesy that the same thing applies to the great State of Florida. These agitators are not going to stop there until they bring about some bloodshed. The whole thing is a part of a planned conspiracy to bring down upon the white people of the South the castigations of these misguided people, do-gooders, and politicians, who are trying to reform and to remake this great country of America.

The people of Mississippi do not want these people in there. They do not want any bloodshed. They do not want any trouble. All they want is to be let alone so that their laws can be observed; and they resent this intrusion from outside.

Mr. Speaker, it is indeed pathetic that these conspirators, in their desire to further their misguided efforts, are enticing immature juveniles and other immature people into their fold under false propaganda and sending them into my State as well as other States of the South after first indoctrinating them in the Hitler and Khrushchev form of schooling. My sympathy goes out to these immature youths and their ill-advised parents. In fact, we have here an unholy alliance between the Communists, who are always seeking an opportunity to divide our people, on the one hand, and the do-gooders in the clergy, on the other. These, together with the self-serving leaders of the Negro movement, are really responsible for the invasion of Mississippi and Florida. No doubt they envision a similar invasion of other Southern States. In fact, if the truth were known, I am confident that many of these leaders, as well as some of the youth who are engaged in this movement, are either Communists or fellow travelers. To be specific, I am told, of course confidentially, by one of my colleagues from one of the northern States that one of these people involved, to his knowledge, is a Communist.

As pathetic as enticing unthinking youths into this "invasion" is, it is even more tragic that the administration is encouraging this "invasion" of troublemakers.

Surely, Mr. Speaker, the thinking people of this Nation must wonder why the President of the United States has today found it necessary to order 200 Marines into the State of Mississippi in connection with the missing of three of these juvenile, misguided "invaders" when the President has not thought it necessary to send either Marines or U.S. marshals into New York where not even a commuter on a subway train can ride without mortal fear of his life. But, of course, Mr. Speaker, I do not think the President should send Marines into New York any more than he should send them to Mississippi. In fact, there is no authority therefor. These are matters for the States to handle. As a matter of fact, the Constitution only gives the President such authority when requested by the legislature or the Governor of the State. The President had no such request. Mr. Speaker, finally, I am not advised as to what has happened to these errant youths who are now missing. I can only express the further hope and prayer that they have not met with foul play at the hands of Mississippians. If they have, I hope that those responsible therefor will be apprehended and prosecuted. I think that I speak for an overwhelming majority of the people of Mississippi in this hope; even though I believe with most American citizens that they had no business there in the first place.

The SPEAKER. The time of the gentleman has expired.

DOVER, DEL., ONE OF NINE CITIES TO BE HONORED FOR CONTRIBUTION TO INTERNATIONAL FRIENDSHIP

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware [Mr. McDOWELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McDOWELL. Mr. Speaker, Dover, Del., is one of nine cities to be honored on Tuesday, June 30, in the Nation's Capital for the excellence of their town affiliation activities with their sister cities in other countries.

This is part of the people-to-people program which was founded at the White House in 1956 when the President of the United States called for a massive nongovernmental program of communication between American citizens and the peoples of other countries. The people-to-people program promotes international friendship, and is financed by American organizations, groups, and individuals.

The American Municipal Association and the civil committee of the people-to-people program are in charge of the presentation of awards to the nine cities, which is sponsored for the second time by the Reader's Digest Foundation, and which will climax a 2-day national town affiliation conference to be held in the international conference suites of the U.S. Department of State, June 29–30.

Delegates from the United States and from many foreign countries will attend the conference at the State Department.

Dover, Del., was chosen for laying the groundwork for many future exchanges and a well-planned visit to Lamia, Greece.

The judges for this competition were: Gen. Alfred Gruenther, past president, American National Red Cross; the Honorable Jack McFall, former U.S. Ambassador to Finland and career foreign officer; and the Honorable Andrew Berding, director, Washington International Center and former Assistant Secretary of State for Public Affairs.

I am proud of Dover for the work that it is doing, as are all Delawareans, and I am confident that this recognition will spur the fine citizens of the capital city of the first State to redouble their efforts in this significant field of international relations.

THE NATION NEEDS THE URBAN MASS TRANSPORTATION ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, I would like to make a statement in behalf of the Urban Mass Transportation Act. This important bill is being debated today and it is therefore appropriate for me to explain why I believe it is imperative that Congress enact this program into law.

First, Federal aid for transportation dates back literally to the beginning of our great Nation. In 1789 legislation was passed by the First Congress of the United States which was similar to some of the maritime subsidies of today. In that year our predecessors in Congress passed the first tariff act, stipulating that goods imported into the United States on American vessels should have a 10-percent reduction in custom duties, and imposing a tonnage tax in favor of American shipping. In 1845 Congress authorized mail subsidies, with preference to be given to steamships which could be converted into vessels of war. Between 1847 and 1858, $14.4 million was expended on such mail subsidies. In 1891 Congress passed the Ocean Mail Act, and from this date to 1928 $29.6 million was expended in maritime subsidies. Current subsidies to shipping interests are provided for under the Merchant Marine Act of 1936.

Similar histories of Federal subsidies and Federal aid for transportation may be traced in connection with our system of canals and waterways, railroads, airlines, and highways. Between 1827 and 1866 the Federal Government granted 6,340,339 acres of public lands to private interest to aid in canal building and river improvement, in addition to right-of-way grants. Additional aid has been granted in the form of direct appropriations, stock subscriptions, and loans to canal companies, and surplus funds derived from the sale of public lands deposited with the States. The Federal Government to this day aids and subsidizes inland and coastal water transportation companies through the maintenance of waterways, improvements of rivers and harbors, and by providing various navigation aids such as lights and buoys.

From 1850 through 1871 Federal and State land grants to aid in the construction of new railroads amounted to approximately 183 million acres. During the years 1862 to 1866 alone over 100 million acres were turned over to the railroads. In addition, since 1932 the Federal Government has made loans to railroads on very favorable terms, and the Transportation Act of 1958 provides for Federal guaranteeing of loans to railroads. The value of the public lands donated to the railroads is estimated at $1.28 billion. This does not include the value of State lands given to railroads, Federal and State loans, Federal and State tax benefits, and State and local subscriptions of stocks and bonds.

In 1925 Congress passed the Airmail Act, providing for the retirement of the Post Office from flying activities and the awarding of mail contracts to private companies by competitive bidding. In 1930, with the passage of the Waters Act, the method of payment was changed. Aid in the form of more liberal compensation was extended to air carriers for the express purpose of encouraging passenger traffic. Thereafter payments to airmail carriers increased from nearly $17 million in 1931 to nearly $20 million in 1932. The Civil Aeronautics Act of 1938 further liberalized airmail payments. By 1961 this form of aid exceeded $150 million. And aside from these direct subsidies, air carriers benefit from airport and airway facilities, navigation aids, aeronautical research and development, and the sale of surplus aircraft.

Federal aid to highways began in 1893 when the Office of Road Inquiry was set up in the Department of Agriculture. The Federal Aid Road Act of 1916 made grants to States for the purpose of highway development, and the Federal Highway Act of 1921 provided for grants of up to one-half the cost of the improvement of highways. In 1956 $27.5 billion was authorized by Congress for a new 41,000-mile interstate network of highways connecting major cities.

I have recited these facts to demonstrate the long history of Federal participation in the development of public transportation. Private enterprise and the Government have both played vital roles in this development. Obviously, our ability to travel by air, land, or sea would not be what it is today had the Federal Government not joined with private enterprise in assuming this responsibility.

We can now boast of the finest system of public transportation in the world. We have interconnected and interlaced this vast land with rails and highways, airways and waterways. We have opened the countryside to settlement and development. And we could not have done this without the full cooperation of the American people, that is, the Federal Government.

The role played by the Government in this area constitutes one element in that relentless force that has driven this country forward. For what progress could we have made without public transportation? How much land would still be raw and unproductive? How many cities would be unbuilt?

Now the land is open, our people are highly mobile, and the cities are built. We have arrived at a new stage in national development. One in which the cities themselves have assumed a dominant role. At present 70 percent of the American people reside in urban regions. It is estimated that by 1980 90 percent will be living in urban regions. Yet, there is no doubt about the critical need for action on the urban transportation problems in our Nation's cities. Is progress to be halted at this stage? Are we to stop going forward?

Every person who commutes to work knows the seriousness of inadequate and overcrowded facilities. The commuter is faced with increasing irritation, delay en route, parking, and other expenses, and danger of accidents. The automobile is a wonderful means of travel provided there is space and no congestion. But the city dweller is traveling today at a slower rate of speed in his automobile than in the horse and buggy days. The expressways and throughways, parking lots, and garages are consuming too much space. It has been said that they are consuming the living tissue of the city. Two-thirds of central Los Angeles is occupied by streets, freeways, parking facilities, and garages.

Our cities are becoming sick because we are relying too heavily on only one means of transportation—the automobile. Mass transportation service in most urban areas has been deteriorating at the time when it should have been improving. Declines in riding on mass transit facilities, the corresponding reduction in revenues, and rising costs of operation, have caused the sale or abandonment of many transit companies in many years. This situation has developed because the mass transit facilities have not kept pace with competitive modes of transport. Most transit systems are not in a financial position to undertake the necessary investment. So these systems continue to decline, employment in the mass transit industry drops, and our cities are being choked and strangled with automobiles and automobile facilities.

The problem, as I have indicated, is that our system of mass transportation has become terribly unbalanced and unfunctional, and the cities themselves are becoming unfunctional. Lewis Mumford, in his brilliant and scholarly work, "The City in History," points to the solution:

> To have a complete urban structure capable of functioning fully, it is necessary to find appropriate channels for every form of transportation: It is the deliberate articulation of the pedestrian, the mass transit system, the street, the avenue, the expressway, and the airfield that alone can care for the needs of a modern community. Nothing less will do.

We have a history and a tradition of Federal participation in the development of public transportation. We have a serious need for that participation in the urban regions of this Nation. And we have before us today the urban mass transportation bill. The mass transit industry is dying, but it is not dead yet. We may restore its health if we act now, while it at least still breathes. We may not be able to resurrect it later.

TEXAS AND ALLIANCE FOR PROGRESS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last week the Texas partners of the Alliance held their first meeting in San Antonio, where plans were announced for the launching of a partnership with the people of Peru, for the promotion and pursuit of the high goals of the Alliance of Progress.

A hundred and fifty distinguished Texans met with the Ambassador from Peru, the Honorable Celso Pastor, who brought greetings from President Fernando Belaunde. President Belaunde made note of the years he spent in Texas while a student at the University of Texas, and conveyed his hope and determination for a most intense cooperation among Peruvian and Texas leaders in political, social, and economic activities. President Johnson sent a message to the gathering in which he noted pleasure that "the people of Texas are joining with our neighbors in Peru to help us carry out the Alliance for Progress."

Mr. Speaker, this partnership between Texas and Peru is an important one—it is another of 22 such partnerships already established between several States and the republics of the south. The leadership of Texas, in close harmony with that of Peru, can do much to shape the future of both countries. Peru is a country of vast frontiers, just as Texas; it is a country rich in resources, rich in hope, and rich in energies. Texans understand these energies and the frontier spirit of the Alliance. No finer tribute can be paid this mutuality of understanding than the consummation of this partnership. Ambassador Pastór stated:

> You have garbed the greatness of this State with the will of determined men who have the gift of unflagging energy.

He noted that the partnership of such men would spark and move the Alliance in Peru.

Mr. Speaker, the Alliance for Progress is truly a partnership of the republics of this hemisphere. The partnerships created through the Companeros de la Alianza will help assure the people of Latin America of our concern for their struggle to rise above poverty and despair.

The goal of the Alliance is progress and the partnership of north and south will help bring about this progress. The idea of the partnership program is one of self-help. It does not mean handouts or charity from one government to another, but it aims to stimulate individuals into action and to form lasting personal relationships among the partners outside of those official relationships that already exist.

Mr. Speaker, the last meeting of the Texas partners was not a large one—as we think of these things—but it was a significant one, for it heralded the harnessing of mutual energies and mutual ideas in the true partnership of the Americas which was envisioned by the late President Kennedy when he proclaimed the beginning of the Alliance and called for a decade of development.

I submit at this point for the RECORD the messages sent to this first meeting in beautiful and historic San Antonio, from President Lyndon B. Johnson and President Fernando Belaunde, as well as Ambassador Thomas Mann and John P. Murphy, of Lima, Peru, in the name of many American businessmen there:

SAN FRANCISCO, CALIF.,
June 19, 1964.

TEXAS PARTNER OF THE ALLIANCE,
San Antonio, Tex.:

I am pleased that the people of Texas are joining with our neighbors in Peru to help us carry out the Alliance for Progress. This direct relationship can contribute in a meaningful way to the goals of the Alliance. I send my warmest best wishes to the Texas partners of the Alliance and, through you, to your Peruvian partners.

LYNDON B. JOHNSON.

LIMA, PERU.

AMBASSADOR PASTOR LEPRU,
Washington, D.C.:

Deeply attached to Texas where I received my academic training and spent unforgettable years. I want to convey to all our friends my warmest wishes for the welfare of that great State of the Union and my hope and determination for a most intense cooperation among Peruvian and Texas leaders in political, social, and economic activities. With sincere appreciation for the inspiring spirit I found in the past and see renewed in the present in this kind invitation to my ambassador.

FERNANDO BELAUNDE,
President of Peru.

DEPARTMENT OF STATE,
Washington, D.C., June 17, 1964.

Mr. ANTONIO SCOTT,
Executive Secretary,
Texas Partners of the Alliance,
San Antonio, Tex.

DEAR MR. SCOTT: It is with a great deal of pleasure that I send my personal greetings to the Texas Partners of the Alliance on the occasion of the announcement of their partnership program with Peru.

Those who have given their time and support to launching this program should take pride in their efforts, for this kind of personal involvement can play a significant role in furthering the aims of the Alliance for Progress.

I would like to take this opportunity to wish the Texas Partners of the Alliance every success in their association with the people of Peru.

Sincerely yours,

THOMAS C. MANN,
Assistant Secretary.

COMITE NORTEAMERICANO PRO-PERU,
Lima, Peru.

Mr. JAMES BOREN,
Alliance for Progress,
Agency for International Development,
Department of State,
Washington, D.C.

DEAR MR. BOREN: The Comite Norteamericano Pro-Peru, CONAPROPE, wishes to inform you of our continued interest in the Companeros de la Alianza and we applaude your efforts and if there is any way that we can cooperate with you for the furtherance of our mutal aims, we on the comite stand ready to assist.

With best wishes for your continued success, we remain,

Very truly yours,

JOHN P. MURPHY,
President.

TARAS SHEVCHENKO MEMORIAL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, as a Ukrainian-American, I take great pleasure in addressing my colleagues in the House at this time, calling their attention to the Taras Shevchenko Memorial which is to be dedicated this weekend in our Nation's Capital.

I was deeply touched when I learned how far so many of my friends traveled to honor the memory of this great Ukrainian hero. The ceremonies to be held this weekend are a fitting culmination to the several years of labor which so many people have put into realizing an American memorial to the greatest of all modern Ukrainians. I know that for some this memorial is a dream come true. A monument to Shevchenko already exists in front of the Parliament in Ottawa. It is most fitting that we join with our Canadian neighbors in likewise honoring this great leader, for he was much more than a national figure and the focal point of Ukrainian national feeling today and much more than a great artist in his own right.

Taras Shevchenko was a trailblazer. He broke the silence which had surrounded the minorities in the Russian Empire and called for their liberation. Like Prometheus, who is engraved on a marker beside the statue of Shevchenko, the nationalities had been shackled to the rock of the Russian Empire. As a leader in the largest of these suppressed peoples, Shevchenko conceived of all of these Slavic peoples as good brethren who should not be enslaved. Each, to him, should take its rightful place among the free nations of the world.

> Rise and break your shackles—

he cried out to them all.

> Fight and you will win because God will help you; the power, liberty, and sacred justice are on your side.

These words, and many like them, became the moving force behind the suppressed groups in the Russian Empire and influenced those also seeking their independence in the neighboring Austrian and Ottoman Empires. Many of his works were translated into their and other languages.

However, Shevchenko was not only a man of letters; he was also a man of action. He helped to form the Society of Saints Cyril and Methodius whose aim was a free union encompassing all Slavonic peoples under a republican form of government. Schevchenko had made a thorough study of the American system and drew inspiration from it. He was exiled to remote parts of Russia and forced into the czarist army.

We, as Americans, can look to the example of this great Ukrainian patriot and rededicate ourselves to the universal ideals which Shevchenko espoused: Liberty, justice, and equality. These are all concepts which Americans, since our country's inception, have defended time and again. Just as Shevchenko lifted the veil of silence that had hung over the suppressed nationalities in the 19th century Russian Empire, we, who live in the greatest free state in the world, should reecho his words today. Most of these ethnic groups now find themselves chained again to the Russian state under the guise of republics, although no freedom exists in reality. Others outside Russia also find themselves under a Communist order which is alien to them in spirit.

We should give these people inspiration and courage. Tyranny cannot last forever. In the immortal words of Shevchenko:

> Ukraine will rise and dispel the gloom of slavery, and the children of slaves will pray in liberty.

TARAS SHEVCHENKO

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DANIELS. Mr. Speaker, it is a great honor to speak here today in tribute to Taras Shevchenko, the greatest patriot and intellectual in Ukrainian history. Taras Shevchenko's life was a living model of democratic progress. He rose from obscure serfdom to be the first man of Ukrainian arts and letters. He displayed tremendous talent in every endeavor. He did not let his talent and fame distract him from the misery rising from ages of serfdom imposed on his fellow Ukrainians by Russia. He was above all a man with the interests of the common people constantly in mind.

One of the most important contributions he made to the Ukraine—and proof of his national pride—was his gift of fine literary works written in the common language of the Ukrainian people. His works like "Kobzar," "Gaydamaki," and "The Dream" are lasting inspirations to the free spirit of Ukrainians as well as national treasures.

Taras Shevchenko displayed his dedication to independence for the Ukraine on numerous occasions—when he was forced into the czar's army, when he was imprisoned in St. Petersburg, and many other times. He was a founder and leader of the Ukrainian independence movement struggling to throw off the shackles of imperialism. His ideas and example continue today to inspire Ukrainians in America and the Ukraine in their struggle for freedom.

Shevchenko's art works, his portraits and landscapes, survive as original foundations of Ukrainian culture. Museums, statues, and institutes bearing his name are scattered throughout the Ukraine. His books of poems, his play, "Nazar Stodolya," his novels, "The Musician," and "The Princess," and his diary should be read by every Ukrainian to get the full impact of his great mind and high principles.

Taras Shevchenko was not only a man of his age. His principles are as valid today as they were when he pronounced them. The Ukraine still suffers from Russian imperialism. The peasants are as much serfs as ever under the state collective system. And his rise from serfdom, beginning as a poor orphan, to world fame, should inspire all young people from every nation.

We welcome Taras Shevchenko's memorial to the Capital of the United States. He belongs here. In these days of restrained antagonism between the Soviet Union and the free world we are happy for the opportunity to remind the Ukraine's Communist conquerors how very far they have to go before appearing respectable to enlightened opinion in the modern nations. Finally we welcome the opportunity to hold out before the Ukrainian people their own greatest aspirations in the hope that they will insist on receiving that justice and dignity, that right to liberty, due all men.

SENATOR CLAIBORNE PELL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOGARTY. Mr. Speaker, on June 2 of this year my very capable colleague the Honorable Senator CLAIBORNE PELL, of Rhode Island, was awarded an honorary degree of doctor of laws by Providence College.

I am particularly gratified that Providence College, the institution I consider my own Alma Mater since it gave me my first honorary degree, should so honor my good friend and respected associate. CLAIBORNE PELL has displayed tremendous potential since first he came to Washington as the junior Senator from Rhode Island. I am proud that Providence College has recognized his abilities and accomplishments and has had the good judgment to add his talents to its roster of distinguished alumni.

Mr. Speaker, I should like to include at this point in the RECORD the presentation speech which accompanied the awarding of the doctor of laws degree to Senator CLAIBORNE PELL.

CLAIBORNE PELL, we recognize in you a statesman of rapidly growing stature, highly regarded at home and abroad. Your extensive years of diplomatic service throughout the world broadened your perspective and deepened your knowledge of foreign affairs and international relations. In gratitude for your assistance to refugees, you were awarded the Caritas Medal by Franz Cardinal Koenig, of Austria. You were decorated by the Knights of Malta with their Order of Merit; you also received the Legion of Honor of France and decorations from the governments of Italy and Portugal. Since entering the Senate of the United States, you have served on several Senate committees and on the Joint Economic Committee and the Joint Committee on the Library. In 1961 and 1962, you were a delegate to the United States-Canada Interparliamentary Conferences. You have also served as an alternate delegate to the NATO Interparliamentary Conference. Your all-abiding interest in the welfare of America and your dedicated concern for the people of Rhode Island have merited for you rightful recognition as a scholar, administrator, and statesman.

NATIONAL YOUTH SCIENCE CAMP, CAMP POCAHONTAS, W. VA.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. STAGGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STAGGERS. Mr. Speaker, in the summer of 1963, the State of West Virginia celebrated its 100th anniversary. A wide variety of projects was designed to put on exhibition the State's resources and possibilities, both human and material. Our Governor, the Honorable William Wallace Barron, entered enthusiastically into the whole program, and personally helped to organize and to oversee a number of the projects. Congressman KEN HECHLER and other State and national officials gave their encouragement and support most unselfishly.

One project was such an outstanding success that it was decided to repeat it year after year. A group of young scientists, two from each State in the Union, was invited to attend a 3-week camp at Camp Pocahontas, near the site of the National Radio Astronomy Observatory. Lectures, field trips, and hikes were organized to investigate numerous earth sciences which can be studied extensively in the area. Dr. Charles N. Cochran, assistant professor of mathematics at the University of West Virginia, took the leading part in organizing and directing the activities of the camp. This year he has again taken on the project with still greater vigor.

Through Dr. Cochran's efforts, ably seconded by those of Senator JENNINGS RANDOLPH, all expenses of the camp have been assured by a generous grant from the Claude Worthington Benedum Foundation of Pittsburgh. It is further supported by the active participation of the State and by West Virginia University. It was my privilege to be asked to address the officials and members of the camp at its opening on Sunday, June 28, at which time I will use the following material which I ask to be inserted in the RECORD:

NATIONAL YOUTH SCIENCE CAMP, CAMP POCAHONTAS, JUNE 28, 1964

West Virginia is honored to welcome a highly select group of young people whose names may one day adorn the brightest pages of history. The twentieth century has, so far, been the age of science. Within the lifetime of the older generation, science has changed the pattern of living in more ways than all preceding efforts toward advancement. Indeed, science is a new and almost novel field of human activity. The startling statement was made recently that some ninety percent of all the scientists who have ever existed on earth are alive today. What science has achieved up to date appears to be only a beginning; the future opens before it with prospects still unforeseen by the human mind. As an occupation, science has superseded all the older vocations—medicine, law, theology, philosophy—in prestige and influence. Its votaries command the highest respect—and incidentally the highest pay—in business and in Government. You young people who gather here today as acolytes before the most promising shrine of the future are indeed an elite group, and, I most fervently hope, a fortunate one.

To those of us who live on the outermost fringe of the scientific world, it is an act of temerity to speak before a group of scientists. You speak in unknown tongues. Only an initiate can understand you. And I understand only imperfectly what I am trying to say to you. It is exasperating to note that your common language, such words as automation, machs, cybernetics, and a host of others, has gained access to only the most recent dictionaries. As for the symbols you use to record your discoveries and conclusions, the ordinary man needs a new Rosetta stone to reduce them to intelligibility.

It is little wonder that science has traditionally been regarded as the dark and mysterious area of human knowledge. In the fuming and reeking laboratories of science, witches' potions have been brewed. Do they betoken malice or promise to the race? We stand partly in awe and partly in admiration before your concoctions. The tendency of the middle ages, and indeed of much more recent times, was to consider science as the work of the Devil. Scientists were suppressed as agents of evil. For safety to themselves, they confided their discoveries to such organizations as the Eleusinian mysteries. They did not talk about them in the open world, lest their unorthodox statements might bring down on them condemnation and ruin.

Even the modern world has not fully made up its mind whether science is a blessing or a curse. Advances in medicine have made it possible to preserve human life over a span that is growing longer year by year. To what end? That we all may die of starvation, say some who deplore the population explosion of the current century. Mechanical genius has devised machines which convert hitherto unused resources into products which bring ease and comfort to millions. These bring envy to many more millions whose customs and social institutions effectively bar them from sharing in their benefits during their current state of underdevelopment. They threaten to overwhelm us by the sheer weight of numbers. The complexities of modern scientific living induce neuroses which conceivably could destroy all human reason and reduce us to a level below that of our cousins, the apes.

One thing we say little about, because it frightens us beyond expression. We are like the superstitious ancients, who firmly believed that even to name a thing was to let loose whatever malignant power it possessed. But we do know, in a hysterical sort of way, that 2 individuals out of some 3,000,000,000 who inhabit this globe are entrusted with the awful power of deciding when and if life shall continue on earth. The President of the United States, with little more than a simple gesture, could unleash forces which might annihilate not only human life, but animal and vegetable life as well. He is empowered by law to do it at his discretion. Presumably his counterpart in the Union of Soviet Republics bears a like responsibility. Suppose either should be a maniac for one brief second.

To say these things may seem to justify the apprehensive suspicions of mankind through the ages toward all the works of science. But this is not the only judgment, and by no means the final judgment, against science. For we have sampled enough of the fruits of science to be convinced that it is the one effective attack against all the miseries and evils of the world that have come down to us from the Garden of Eden. We have seen enough to show that science can reduce hunger and disease and unmitigated toil and oppression for those who master its secrets and who appropriate its benevolence. And we believe that we are on the threshold of spreading its benign influence among all peoples everywhere. At last we are on the right road to universal advancement. We have fumbled in the past with expedients not suited to their purpose. We have assumed that an all-wise and all-good God has endowed us with intelligence, and still required us to avoid investigation of the properties of that bountiful nature in which He has placed us.

The change in the attitude of the modern world toward science begins with a change in the thinking of mankind, and that change in thinking was spurred by a few brave souls among the early pioneers of science. It is only thinking that begets education, which, after all, is simply the adaptation of the individual to his surroundings. For an intuitive grasp of the force and direction of education, I commend to your attention that autobiographical book entitled "The Education of Henry Adams." Adams wrote in the early years of this century. He wrote as a historian, and not as a scientist. He propounded what he called a dynamic theory of history. I venture to quote a few thought-provoking passages:

"A dynamic theory, like most theories, begins by begging the question: it defines progress as the development and economy of forces. Further, it defines force as anything that does, or helps to do work. Man is a force; so is the sun; so is a mathematical point, though without dimensions or known existence.

"Man commonly begs the question again by taking for granted that he captures the forces. A dynamic theory * * * takes for granted that the forces of nature capture man. The sum of force attracts; the feeble atom or molecule called man is attracted; he suffers education or growth; he is the sum of the forces that attract him; his body and his thought are alike their product; the movement of the forces controls the progress of his mind, since he can know nothing but the motions which impinge on his senses, whose sum makes education.

* * * * *

"Susceptibility to the highest force is the highest genius; selection between them is the highest science; their mass is the highest educator. Man's function as a force of nature was to assimilate other forces as he assimilated food. He called it the love of power. He waited for the object to teach him its use, or want of use, and the process was slow. Hunger, whether for food or for the infinite, sets in motion multiplicity and infinity of thought, and the sure hope of gaining a share of infinite power in eternal life would lift most minds to effort.

"He had reached this completeness 5,000 years ago, and added nothing to his stock of known forces for a very long time. The mass of nature exercised on him so feeble an attraction that one can scarcely account for his apparent motion. Only a historian of very exceptional knowledge would venture to say at what date between 3,000 B.C. and A.D. 1,000 the momentum of Europe was greatest; but such progress as the world made consisted in economies of energy rather than in its development; * * * it was shown in roads, or the size of ships, or harbors; or by the use of metals, instruments, and writing; all of them economies of force, sometimes more forceful than the forces they helped; but the roads were still traveled by the horse, the ass, the camel, or the slave; the ships were still propelled by sails or oars; the lever, the spring, and the screw bounded the region of applied mechanics. Even the metals were old.

* * * * *

"In the year A.D. 305 the (Roman) empire had solved the problems of Europe more completely than they have ever been solved since. The Pax Romana, the civil law, and free trade should, in 400 years, have put Europe far in advance of the point reached by modern society in the 400 years since 1500, when conditions were less simple.

"Throughout these 4 centuries the empire knew that religion disturbed economy, for even the cost of heathen incense affected the exchanges; but no one could afford to buy or construct a costly or complicated machine when he could hire an occult force at trifling expense. Fetish power was cheap and satisfactory, down to a certain point. Turgot and Auguste Comte long ago fixed this stage of economy as a necessary phase of social education.

* * * * *

"Outside of occult or fetish power, the Roman world was incredibly poor. It knew but one productive energy resembling a modern machine—the slave. No artificial force of serious value was applied to production or transportation, and when society developed itself so rapidly in political and social lines, it had no other means of keeping its economy on the same level than to extend its slave system and its fetish system to the utmost."

The result, says Adams, was the collapse of the Roman Empire and the thousand years of wandering through the economic, political, and social desert which is known as the Dark Ages. It was a nightmare of warfare and destruction and irrationality. Progress had retreated to the east, where there was a "variety of forces that classical Europe had never possessed. The navy of Nicephoras Phocas in the 10th century would have annihilated in half an hour any navy that Carthage or Athens or Rome ever set afloat." From this nightmare, Europe was aroused by two inventions. Resuming the quotations:

"Of the compass, as a step toward demonstration of the dynamic law, one may confidently say that it proved, better than any other force, the widening scope of the mind, since it widened immensely the range of contact between nature and thought. The compass educated.

"Of Greek fire and gunpowder, the same thing cannot certainly be said, for they have the air of accidents due to the attraction of religious motives. They belong to the spiritual world; or to the doubtful ground of magic which lay between good and evil. They were chemical forces, mostly explosive, which acted and still act as the most violent educators ever known to man, but they were justly feared as diabolic, and whatever insolence man may have risked toward the milder teachers of his infancy, he was an abject pupil toward explosives.

* * * * *

"The fiction that society educated itself, or aimed at a conscious purpose, was upset by the compass and gunpowder which dragged and drove Europe at will through frightful bogs of learning.

* * * * *

"This persistence of thought inertia is the leading idea of modern history. Except as reflected in itself, man has no reason for assuming unity in the universe, or an ultimate substance, or a prime mover. The a priori insistence on this unity ended by fatiguing the more active—or reactive—minds; and Lord Bacon tried to stop it. He urged society to lay aside the idea of evolving the universe from a thought, and to try evolving thought from the universe. The mind should observe and register forces—take them apart and put them together—without assuming unity at all. 'Nature, to be commanded, must be obeyed. The imagination must be given not wings but weights.' As Galileo reversed the action of earth and sun, Bacon reversed the relation of thought to force. The mind was henceforth to follow the movement of matter, and unity must be left to shift for itself.

"The revolution in attitude seemed voluntary, but was as mechanical as the fall of a feather. Man created nothing. After 1500, the speed of progress so rapidly surpassed man's gait as to alarm everyone, as though it were the acceleration of a falling body which the dynamic theory takes it to be. Lord Bacon was as much astonished by it as the church was, and with reason. Suddenly society felt itself dragged into situations altogether new and anarchic—situations which it could not affect, but which painfully affected it. Instinct taught it that the universe in its thought must be in danger when its reflection lost itself in space.

"Very slowly the accretion of these new forces, chemical and mechanical, grew in volume until they acquired sufficient mass to take the place of the old religious science, * * * Nature, not mind, did the work that the sun does on the planets. Man depended more and more absolutely on forces other than his own, and on instruments which superseded his senses. Bacon foretold it: 'Neither the naked hand nor the understanding, left to itself, can effect much. It is by instruments and help that the work is done.' Once done, the mind resumed its illusion, and society forgot its impotence; but no one better than Bacon knew its tricks, and for his true followers science always meant self-restraint, obedience, sensitiveness to impulse from without.

"Everyone admits that the will is a free force, habitually decided by motives. No one denies that motives exist adequate to decide the will; even though it may not always be conscious of them. Science has proved that forces, sensible and occult, physical and metaphysical, simple and complex, surround, traverse, vibrate, rotate, repel, attract, without stop; that man's senses are conscious of few, and only to a partial degree; but that, from the beginning of organic existence his consciousness has been induced, expanded, trained in the lines of sensitiveness; and that the rise of his faculties from a lower power to a higher, from a narrower to a wider field, may be due to the function of assimilating and storing outside force or forces. There is nothing unscientific in the idea that, beyond the lines of force felt by the senses, the universe may be—as it always has been—either a supersenuous chaos or a divine unity, which irresistibly attracts, and is either life or death to penetrate."

Such is a picture of the direction science must take and the results it must produce, as sketched in outline by Bacon 300 years ago, and as filled in with detail by Adams at the beginning of the scientific century. The only error either made was to underestimate the speed of the increasing impact of science upon life. No longer do we have time to stop and contemplate. The question today is—and it demands an immediate answer: Will science elevate total civilization to heights beyond imagination? Or will it doom civilization to destruction and possibly oblivion?

It is disturbing to think that the most spectacular, though not necessarily the most far-reaching achievements of science have been made under the spur of war, for purposes of destruction. The release of nuclear energy is the latest and most portentous. Can its known capacity for evil be chained, and tamed for good? It is just as simple as that.

The forces of nature which impinge upon man, and the science which explains the operation of those forces, may be indifferent to good and evil. Man is a force, and he responds to forces, says Adams. But man is more than a force. There resides in him a will, as Adams also insists, and we believe that will to be a reflection of that unknown universe beyond the lines of sensuous forces. A scientist is first of all a man, and secondarily a scientist; he cannot afford to be merely a follower of blind forces. Therefore it is my earnest hope that as you spend a few days of exploration in our beautiful and exciting State, and subsequently as you go about the business of preparing yourselves for most promising careers in the field of science, you may, as the ancient phrase puts it, dedicate all your efforts to the glory of God and to your own advancement in knowledge and virtue.

IMPORT COMPETITION

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOGARTY. Mr. Speaker, this is not the first time that I have spoken in support of the industries and the workers in my district who are struggling to hold their own against import competition. My district has textile mills, lacemaking facilities, jewelry, rubber footwear, and some machine tool manufacturing. All of them are under pressure from imports.

I have consistently championed their interests against low-cost imports that reflect the lower wages paid abroad. In recent years the competitive advantage of imports has broadened, if anything, because of the great advancement in technology in many foreign industries. I have in fact voted against the so-called reciprocal trade program over the years. I supported the escape clause and the peril point legislation which were designed to provide a remedy against serious injury suffered from imports.

The peril point provision was eliminated from the Trade Expansion Act of 1962, and the escape clause was greatly weakened. That was part of the reason I voted against that legislation. The so-called adjustment assistance provision by which the Government would compensate industries, companies or groups of workers that were seriously hurt by imports was substituted in great part for the escape clause. It was to be a great improvement over what it displaced.

As it has turned out after a year and a half, the adjustment assistance provision of the act was a sterile piece of legislation because it erected impossible or virtually impossible conditions as a condition precedent to its invocation. Not only was it necessary to prove that a tariff reduction was the major cause of the increase in imports that had occurred, but that the increase in imports was the major cause of the distress of which the industry, company, or labor group complained. The burden of proof was so onerous that all of the cases brought under the act since October 1962, when it first went into effect, failed to meet the requirements. Eleven cases have been processed. All 11 were rejected unanimously by the Commission.

Mr. Speaker, I wonder whether it makes much difference to an industry or the people working in the plants and mills, what caused an increase in imports. It seems to me that what counts is how heavy the imports are, whether they are growing and what damage they are doing and are likely to do. If there was no duty reduction but imports increased in any case, what difference does it make what explains the rise in imports if they inflict serious injury on the domestic industry? I say this because the law was unfortunately addressed not to the substantive facts of a situation but to the question of whether a tariff reduction was to blame.

Such a view overlooks the fact that the tariff, whether reduced or not in the past, evidently was not high enough to restrain the increase in imports. It also overlooks the possibility that new technological advances combined with low wages abroad may have brought a competitive advantage to a foreign industry that did not enjoy it before.

The Trade Expansion Act was still an expression of the doctrine that tariff reduction is a good thing in itself. It overlooked the legitimate interests of industry and labor in what might be or might soon become ruinous competition from abroad. Somehow it was thought that the interests of imports stood at a higher level than the interests of the domestic industry and its employees.

Nevertheless the Trade Expansion Act did provide for full hearings before the Tariff Commission before tariffs were to be cut. The purpose was, no doubt, to assure domestic industry of its rights and to comfort it with the idea that it would not be exposed willy-nilly to deep tariff cuts without first going through a fair hearing.

During the shapeup of the present GATT tariff conference hearings were indeed held by the Tariff Commission—4 months of them. The hearings process was honored.

Now, however, it is clear that the idea of wholesale, across-the-board tariff reductions has prevailed. This is wholly incompatible with the hearings and in fact makes a mockery of them. Nothing that was said there by hundreds of witnesses will produce any effect on the outcome. Nothing that was said by the many Members of Congress who went before the Commission will carry any weight. Why?

We have already heard the answer but it bears repeating many times over until it is heard and penetrates the minds of the hearers. The Tariff Commission hearings were rendered sterile when those who are in charge of negotiating the tariff reductions agreed as a condition of entering the negotiations that only the smallest number of exceptions would be made to the broad, across-the-board, 50-percent cut. Obviously if the tariff was to be cut uniformly in broad swaths there was no point at all in examining into each product by the Tariff Commission, probing how its competitive position differed from other products.

Mr. Speaker, there is evidence here that our negotiators are still laboring under the outdated notion that simply cutting a tariff is an act of economic virtue. Perhaps it never was, but it certainly is not now.

The reason lies in the vast changes that have occurred in recent years. These changes have put an entirely new face on the matter of international competitive standing of American industry. There is nothing complicated about the course of events that brought about the change.

We previously had the advantage of a great technological lead over other countries. In some cases, but not in all, this lead was wide enough to overcome the wage gap between our country and others. Today much of this technology has penetrated into other industrial countries. The rise in foreign productivity was a natural result, and it far outran the increase in foreign wages.

Many of our industries, recognizing this, shifted some of their investments overseas. By so doing, they were able to compete in countries to which we could no longer hope to continue exporting. As a result our foreign investments grew much faster proportionately than our investments at home. This was not good for our employment. Our industries did not grow as fast as those of Europe and Japan. One reason was that many of our industries were faced with great uncertainty. In many instances imports were rising rapidly and challenging our own producers in their home market. The cost advantage of imports was such that they were able to gain visibly on our own industries. The latter, therefore, held back with their investment in plant expansion because the prospects were not inviting.

Before long they found that they had to improve their cost position if they were not to be driven out of business. They, therefore, began investing more in modernization programs than anything else. The means by which the industries sought to save themselves—not always successfully, for many companies went out of business in the textile industry—was often at the expense of employment. The pressure to reduce costs simply meant that more laborsaving machinery must be installed.

This is something that those who try to assess the effect of imports on employment often completely overlook. They ask how many workers are displaced by imports, forgetting that many such displacements are indirect, as just indicated, that is, by bringing on labor-displacing installation. In yet other instances imports add to unemployment by discouraging business expansion because of the gloomy prospects brought on by rising imports. The new hands coming on the labor market are not employed as they would be in the absence of the import menace.

Mr. Speaker, bringing what I have said to bear on the present legislation, I wish to say that I am strongly in favor of it. It will not help against past damage; but it will save many of our industries from unnecessary and in fact unwise future damage.

If the articles that fall under the criteria of the bill are spared further tariff cuts a great benefit will have been achieved even if it is of a preventive character. We should not under the momentum of a past frenzy to reduce tariffs throw off the degree of caution that was exercised in the past. There is no magic at the end of this tariff-cutting rainbow. I assure you that there is not only no magic but quite the contrary; namely, grim unemployment, sagging profits and gloom. It is too often thought that industry and employment can quickly shift into something else, something new. This is an unfortunate and damaging illusion. Let us not be led by such illusions into tariff-cutting action that we would soon have reason deeply to regret.

I join my colleagues gladly in introducing the bill to amend the Trade Expansion Act with the purpose of moderating the damage of further tariff reduction. I also join in asking for expeditious action on the bill.

VETERANS' PENSION ACT OF 1964

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. LONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I am today introducing a bill which seeks a compromise solution to the problems of needed pensions for our veterans. This bill, the Veterans' Pension Act of 1964, provides increased pension benefits for veterans of all wars, but it is also designed to recognize the special problems of World War I veterans.

In 1960, Congress passed Public Law 86–211, which modified pension programs existing at that time. We have now had 4 years' experience with this new pension law, and there are several corrections which should be made. My bill provides for the following basic changes in existing law:

First. The present law does not require the accounting of veterans' life insurance in computing income. This deduction is now extended to cover private or commercial life insurance in the case of death claims by a widow.

Second. Under present law, the widow is not required to count expenses of last illness and burial of the veteran in computing her income. This provision is extended to the veteran by my bill. Under this bill the veteran would be allowed to deduct the expenses of last illness and burial for his wife or children when figuring his income.

Third. This bill would provide for a deduction from income of unusual medical expenses by either the veteran or the widow, for themselves or their children.

Fourth. The proceeds from a fire insurance policy would not be counted as income, and income derived from the sale of a personal residence would not be counted.

Fifth. Under my bill, income received as payment for the discharge of a civic duty, such as jury service, would be exempt.

At the present time, a veteran must have a 10-percent permanent disability at age 65 to qualify for a pension, and this is resulting in expensive medical examinations which are disqualifying very few veterans. My bill would consider a 65-year-old veteran to be permanently and totally disabled, and he would not be required to take an examination. My bill would also permit pension benefits to be paid to a person suffering from active TB and hospitalized from the disease, even though the disability may not be permanent.

The aid and attendance allowance would be raised from $70 to $85 a month. There are 50,000 aid and attendance cases, and these veterans are badly in need of additional help because of their serious health problems.

This bill would also create a new category described as "permanently housebound," and this group would receive $35 a month in addition to the regular pension. This concept is presently used in the service-connected compensation program and should be extended to the pension program.

One of the principal purposes of this bill is an adjustment of income limitation rates, commensurate with the rising cost of living. Overall income limitations are not raised, but the first and intermediate steps are increased and the first and intermediate pension rates are increased. For instance, under this bill, a single veteran in the low income category would receive $90, a married veteran $100, and a widow $70. Under the proposed increase in the income limitation in the first and second step, veterans and widows could have more income and still qualify for the highest rate payable under the bill.

The recognition of the special problems of World War I veterans in the bill is the provision that, upon attainment of age 72, income limitations would be raised to $2,400 for the single veteran and $3,600 for the married veteran. The bill would pay these World War I veterans a pension of $100 a month. Very few veterans are capable of working at that age, and medical expenses usually rise, either for the veteran or his wife. In view of these rising costs it is appropriate that income limitations be liberalized, for these World War I veterans who have reached the age of 72.

In addition, this bill provides recognition for the veteran who served in active military, naval or air service outside the United States during World War I, World War II or the Korean conflict. Provision is made for a 10 percent increase in the pension in these cases.

I have introduced this bill because I believe that there is a need for continually updating our veterans' benefit programs; because, as our country continues to pay billions every year in foreign aid, and other billions in welfare payments it is only right that we should be equally generous to those who have sacrificed for their country in a time of need.

I firmly believe that veterans of this century of world conflict have a right to expect a grateful country's help in their declining years.

This is not charity we are extending; it is part payment to men who left home and loved ones to fight wars that they did not start, on ground that was not theirs.

Our national veterans' organizations have all favored differing approaches to the problems of various groups of veterans. In drafting this bill, I have tried to find the best way to combine those differing viewpoints into a consensus which expresses the desire which all share: That, for those who have sacrificed to save our country, we should be willing to grant relief at the time of their greatest need.

TRADE EXPANSION ACT OF 1962

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MONTOYA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONTOYA. Mr. Speaker, over the past several months, I have been quite concerned over the adverse effect the increased importation of beef and beef products has had upon our domestic cattle industry. Of equal concern has been the closure of lead and zinc mines in New Mexico as a result of excessive imports of these commodities combined with a decline in metal prices.

I have appeared before the U.S. Tariff Commission on numerous occasions to request that tighter tariff restrictions be placed on these products so important to the economy of my State.

The beef industry has been and is faced with a critical situation and their problem, in turn, translates into an economic dilemma for the State of New Mexico. For example, beef cattle sales are responsible for about 50 percent of our total agricultural cash receipts. Those receipts amount to about $114 million per annum. Such receipts account for the fact that agriculture ranks second, in terms of dollar sales, among our basic State industries.

It is my carefully considered conclusion, based on the record, that the primary cause for our depressed market is the rise in imports as a percentage of our domestic production of beef, veal, beef cattle, and calves, which in 1962 was 10.6 percent as compared with 3.9 percent in 1957.

With respect to the lead and zinc industry, at one time New Mexico depended upon its lead and zinc mines for substantial employment of its citizens and for a large share of the State's financial income. From 1948 to 1952, the average aggregate production of both industries approximated $12 million annually. In 1952, there were about 1,200 men employed in the lead-zinc industry, while today only about 300 are employed. Because of the rapid decline in metal prices from 1952 to 1962 and due to increased imports, our lead-zinc production dropped over 55 percent. The State has suffered severe unemployment, job insecurity, and a depressed economic condition in the communities completely dependent upon mining.

The enactment of this legislation to amend the Trade Expansion Act of 1962 would bring about some relief to both the cattle and lead-zinc industries and immeasurably improve our overall economy.

TARAS SHEVCHENKO

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PUCINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, if the arts mirror the age in which we live, then special tribute must be paid to the great artists in history who labored with pen, ink, brush, and canvas for social justice and equality.

Today we commemorate the 150th anniversary of the birth of Taras Shevchenko, poet of the Ukraine. He was truly the soul of a tormented age; his conscience could not let him be silent. Born a serf, he devoted his life to publicizing the incredible deprivation to which the peasants were subjected under the feudal system then in existence in Russia and Eastern Europe.

With his talent for poetry and his skill as an artist, he graphically depicted the social conditions of his time.

Liberty was more than a dream to him—it was a goal. Tirelessly he painted and wrote, always urging others to join him in his quest for an equality of human dignity. So pierced with truth was his poetry that Czar Nicholas banished him and thought to silence him by denying Shevchenko pen and paper. But Nicholas could not still Shevchenko's voice, nor the message which he brought to the Ukraine. Nicholas was unable to understand the stubborn determination of the Ukrainian people to be free. That spirit continues today and it is safe to predict that the Ukraine will again rise as a free and independent nation to reflect again the noble spirit of her people.

Shevchenko's cry for justice for all men traveled throughout every corner of Russia. Men who could not read learned his poems by hearing them recited and taught their message of hope to others.

Hope gave the people strength. They began to speak out, to think aloud and to press for changes in the feudal system. No longer would people blindly accept slavery as an unalterable fact of life.

When Shevchenko was permitted to return from his sentence of banishment, after 10 years in prison, a new czar, Alexander, ruled Russia. But Shevchenko was not content to see Alexander make a few halfhearted and placating attempts at reforming the old order.

He spoke out again and again through his eloquent poetry, condemning the old ways and appealing over and over again to men's reason and their sense of justice for all.

Men who remain in bondage in our enlightened 20th century—and I speak of those who live in the captive nations of Eastern Europe—cling to their hope of eventual freedom. These oppressed people, denied free elections, equal justice and the basic liberties we so often take for granted, know of Taras Shevchenko and the men like him in history who gave their lives in the cause of human freedom.

As guardians of this legacy of freedom, it is particularly fitting that we pause in our deliberations to acknowledge, and be grateful for, the noble and inspiring life of Taras Shevchenko.

The monument being dedicated to his honor here in Washington this weekend is an appropriate tribute to Shevchenko's dedication to freedom. Americans of Ukrainian descent who have made this monument possible deserve the gratitude of all Americans. It is fitting that here in the Nation's Capital, Shevchenko should join the ranks of numerous other defenders of human dignity whose monuments make Washington the capital of freedom.

Shevchenko's impressive struggle now becomes a part of our own Nation's magnificent effort to preserve freedom and human dignity for all. I congratulate the Ukrainian community in America for making this tribute to Taras Shevchenko possible.

PROPOSED MEMORIAL TO THE LATE PRESIDENT FRANKLIN DELANO ROOSEVELT

Mr.ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, it is reported today that the Fine Arts Commission has approved the design of a memorial proposed to be erected on land set aside in Washington, D.C., to commemorate Franklin Delano Roosevelt. I wish to state that it has come to my attention that the Chairman of the Franklin D. Roosevelt Memorial Commission has stated that no further action is required by the Congress of the United States and that the Commission can now go forward and build according to the approved design; this in face of the fact that, of course, the family of the late President did unanimously express their opinion that this is an undesirable design. Therefore I hope that some of my colleagues will join me in examining the legislation which is controlling, which is a joint resolution of August 11, 1955, supplemented by a joint resolution of September 1, 1959, and Public Law 87-842. And if, as a result of that examination it appears that the Congress has lost control in the matter of the erection of this memorial under this approved design, I hope that my colleagues will join with me in considering some legislation to do something about it.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to my good friend from Ohio.

Mr. SCHENCK. Mr. Speaker, I should like to join my colleague, the gentleman from California, in urging that proper action be taken to hold within the Congress authority to approve or reject any design proposed in memory of the late great President Franklin Delano Roosevelt.

At the time this was considered in the House it was my understanding that the Commission was to report back to the House by June 30, 1963. That report has not been made. No further report has been made.

Mr. Speaker, I join with my colleague from California in requesting that proper legislative action be taken in this matter.

Mr. ROOSEVELT. Mr. Speaker, I thank my good friend. May I say simply that I hope that this action will be taken even though the Commission may request no public appropriation by the Congress for the erection of this memorial; because, after all, it is to be erected on public land and I do not think any funds should be expended out of the public funds until the Congress has approved the design of the memorial.

Mr. SCHENCK. Mr. Speaker, may I say to my friend that I fully concur in his conclusions.

Mr. ROOSEVELT. I thank the gentleman.

PROPOSED GATT TARIFF REDUCTIONS THREATEN U.S. INDUSTRY, AGRICULTURE, AND EMPLOYMENT

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. PILLION] is recognized for 60 minutes.

Mr. PILLION Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include the text of the bill I have introduced, an explanation of its provisions, and a summary explanation of its provisions, and a summary explanation of the criteria contained in the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PILLION. Mr. Speaker, I have, today, introduced a bill to amend the Trade Expansion Act of 1962.

This bill is directed toward protecting American industry, American agriculture, and American workmen from increasing injurious foreign imports.

Special Representative for Trade Negotiations, Christian A. Herter, acting for this Nation, is currently engaged in tariff reduction negotiations at the General Agreement on Tariffs and Trade—GATT—Conference at Geneva. The stated objectives of these GATT negotiations are:

First. A 50 percent across-the-board reduction in tariffs, with as few exceptions as possible;

Second. An agenda of over 5,000 foreign import items subject to the 50-percent tariff reduction with a bare minimum of reservation.

Third. Any U.S. list of reservations or exceptions would be subject to confrontation by other nations and justification on our part.

The U.S. Special Representative for Trade Negotiations accepted this agenda, and these objectives, and these ground rules in May 1963.

This agreement was made in advance of any public hearings to determine the economic impact of these agreements upon American labor, industry, and agriculture.

These agreements, in fact, amount to a substantial concession on our part to reduce our already low tariffs without reciprocal foreign tariff reductions on American exports.

These sweeping concessions on the part of the U.S. Special Representative, combined with present and proven injury caused by excessive imports resulted in an avalanche of protest from American industry, labor, and agriculture.

The fear of increasing injury resulting from reductions and expanding imports was evidenced by the 800 industries who filed 1,200 briefs of protest.

These briefs were filed with the U.S. Tariff Commission and the Trade Information Committee during their hearings held from December 1963 through March 1964. Overwhelmingly, these industries presented evidence of present and anticipated injury. The vast majority of witnesses requested that their production items be reserved and excluded from the pending GATT tariff reduction negotiations.

The expressed fear was that proposed U.S. tariff reductions would result in added injury to American industry and labor.

In my own district, I can specifically cite numerous industries which are already suffering under current low tariff rates. A partial list of affected industries in western New York include: Steel, cement, pig iron, dyes, chemicals, cellophane, electronics, auto parts, brass and copper mill products, ceramics, tiles and glassware, and bicycles.

I view with deep concern the serious unemployment and economic damage that will flow from the proposed tariff cuts and concessions.

It is my estimate that there are at least 11 manufacturing industries in the Buffalo area that are operating on a marginal profit basis.

Increased foreign import competition threatens to close these plants, employing over 10,000 workers.

Mr. Speaker, I am sure that a substantial number of Members of this House, can also give a similar list of industries in their districts suffering from excessive foreign competition.

ADJUSTMENT ASSISTANCE

The Trade Expansion Act of 1962 recognized and anticipated that tariff cuts would necessarily result in injury to American industry, labor, and agriculture.

This act established machinery for extending adjustment assistance to industry and labor where damage can be proven.

The record speaks for itself. Out of 11 applications for adjustment assistance submitted by industry and labor, not a single case has resulted in positive assistance.

Mr. Speaker, it has been proven beyond a reasonable doubt that the present procedures to compensate for damages caused by excessive foreign imports are wholly ineffective and impractical.

PILLION BILL

Mr. Speaker, the large number of Members who have cosponsored this bill indicates a nationwide concern for the protection of American industry and workmen from the threat of accelerated damaging foreign imports.

Mr. Speaker, this bill is not a panacea. It will not alleviate the damaging effects of the present flow of foreign imports.

This bill is designed to minimize the number of import items that can be the subject of negotiated tariff cuts or concessions.

This bill establishes specific statutory criteria and degrees of damage resulting from foreign imports.

If a segment of industry or labor suffers the prescribed degree of damage, its product will become mandatorily reserved from further tariff reduction negotiations.

Mr. Speaker, I would now like to enumerate a partial listing of industries that would receive protection under this bill.

A substantial number of articles and products of the following industries would be automatically excluded from future tariff reduction negotiations and concessions, if the criteria of damage is met: Steel products, dairy products, beef, lamb, wool, citrus, dried fruits, nuts, cotton products, textiles, shoes, hats, millinery, gloves, men's haberdashery, copper and brass mill products, glassware, pottery, ceramics, tiles, bicycles, guns, pins, wood screws, needles, watches, electronic products, office equipment, plywoods and lumber products, cement and concrete products, synthetic organic chemicals, dyestuffs, automotive parts, rubber products, and fishery products.

H.R. 11797

A bill to amend the Trade Expansion Act of 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 225 of the Trade Expansion Act of 1962 be amended by adding to the end thereof the following:

"(d) In addition to the articles described by subsections (a), (b) and (c), the President, notwithstanding other provisions of this Act, shall also reserve articles, or groups of closely related articles that produce or tend to produce a combined competitive impact upon the like or directly competitive domestic article or groups of closely related articles,

"(1) the imports or net imports of which have increased 100 per centum or more either in quantity or in value since 1958: *Provided,* That the imports of such article, or group of articles, have within any one of the calendar years since 1958 equaled at least 10 per centum of the domestic production, either in quantity or in value, of the like or directly competitive article or group of articles; or

"(2) the imports or net imports of which have during any year since 1958 equaled 20 per centum or more of domestic production, either in quantity or in value, of the like or directly competitive article, or group of articles: *Provided,* That the imports have increased in greater proportion either in quantity or in value than domestic production of the like or directly competitive article, or group of articles, since 1958; or

"(3) the imports or net imports of which have been limited quantitatively or have had a rate of duty increase under section 7 of the Trade Agreements Extension Act of 1951, as amended; or

"(4) in the domestic production of which the number of production workers has declined at least 10 per centum cumulatively or in any one year since 1958 while imports of the like or directly competitive article, or group of articles, have increased, actually or relatively, compared with domestic production, during any one year since 1958; or

"(5) for which the United States Department of Agriculture has in effect a program of price support or price stabilization under the Agricultural Adjustment Act, as amended, or a program under the Soil Conservation and Domestic Allotment Act, as amended; or

"(6) for which the United States Department of the Interior has in effect research or conservation programs pursuant to section 742(f) of title 16, United States Code (August 8, 1956, ch. 1036, sec. 7, 70 Stat. 1122); or

"(7) the imports of which are the subject of an international agreement negotiated under the authority of section 204, Agricultural Adjustment Act of 1956, as amended; or

"(8) on which any developed country or instrumentality maintains restrictions falling under section 252 (b) or (c) of this Act, whether such restrictions are applied to all imports of such articles or only to imports of such articles from particular countries.

"(e) Before reserving any article, or group of articles, as provided in subsection (d) of this section, the President shall receive from the United States Tariff Commission a statement certifying that the article, or group of articles, meets one or more of the criteria set forth in paragraphs (1), (2), (3), (4), (5), (6), (7) or (8) of subsection (d) of this section if the facts sustain an affirmative finding. The Tariff Commission shall within sixty days make such certification to the President after a petition for such certification has been filed before it by a domestic producer of any article, or group of articles, by an association of such producers, by a group of workers engaged in the production of any such article, or group of articles, or by any other interested party.

"(f) Nothing in this Act shall be interpreted as authorizing changes in the bases of customs valuation or elimination of statutory nontariff trade restrictions."

Explanation of the Bill To Amend the Trade Expansion Act of 1962

A new category would be added to the articles that are reserved under section 225 of the act against further tariff reduction. The proposed new category consists of eight classes of articles. All articles or groups of articles that would meet one or more of the eight criteria of the bill would be removed from the President's list of items offered for tariff reduction. The eight criteria or classes of articles follow:

(1) The first subsection would consist of articles that had registered a 100-percent increase in imports or more since 1958 if total imports in any year since then had supplied at least 10 percent of domestic production of the article.

To understand what this means it is necessary to have in mind the term "article" rather than some broad category such as steel or textiles or chemicals. The term "article" in the case of steel, for example, might mean reinforcement bars, nails, or other easily identifiable steel product. However, a group of closely related articles that jointly produce a competitive impact could also be considered as a unit for reservation.

If articles that meet the specifications under this paragraph were reserved, the so-called linear or broad category approach to tariff reduction, for which there is no proper justification, would have some of its sting drawn.

COMMENT

A number of articles or closely related groups of articles would meet this criterion. While no exact listing can be made, it seems safe to say that the following items would be included: Steel (wire nails and staples, barbed wire, woven wire fence, wire rods, reinforcing bars, ingots, blooms, billets, slabs, etc., pipe and tubing); beef, lamb, wool; dairy products; citrus products, dried fruits and nuts; cotton textiles, shoes, hats and millinery, gloves, men's haberdashery; copper and brass mill products; glassware, pottery, ceramics, certain tiles; bicycles, guns, pins, wood screws, needles, watches; electronic products and office equipment; plywoods and lumber products; cement, concrete products; synthetic organic chemicals, dyestuffs; automotive parts; rubber products; fishery products.

(2) The second class of articles would consist of those of which imports had for some years captured a large share of the market, i.e., at least 20 percent. In recent years, the imports might have been more or less static. However, they might have the effect of holding down the expansion of the domestic industry. Therefore, if imports since 1958 had increased more than domestic production, the article would also be removed from the President's negotiation list. Some of the articles of the preceding paragraph would also fall into this category. It is added to meet situations where imports need not have doubled in order to make the article eligible. If imports were already at the 20-percent level a doubling of imports would not be necessary to justify removal from the President's list.

Again, it would be the imports of the "article" or group of closely related articles not necessarily the whole spectrum of products made by an industry that would be examined to determine whether it would qualify for reservation.

(3) The third group would withhold items that are under an import quota limitation or had been accorded a tariff increase under the escape clause. Lead and zinc and bicycles would be includes in this category; also women's hats of certain value brackets; and possibly several other items of modest output.

(4) There is another situation that would make further tariff reduction unjustified. If since 1958 employment of production workers in the domestic industry has declined by as much as 10 percent, cumulatively or in any 1 year while imports have increased compared with domestic production, the evidence, again, is overwhelming that imports have an advantage even at the present duty level. A further tariff reduction therefore could not be justified. If a reduction were nevertheless made it could be done only with the deliberate intent of inviting imports to create yet greater havoc. Employment is a very important consideration in assessing the effect of imports, and this subsection is designed for this purpose.

(5) The fifth group of the amendment would consist of farm products that are under price support or under a price stabilization program, or under soil conservation programs. Further tariff reductions would simply aggravate the surplus situation and increase the cost of the agricultural program. Dairy products, wheat and wheat flour, and other farm products that are under price support or marketing agreements, would be included.

(6) The sixth group would consist of imports of fishery products in those cases in which the Department of the Interior has in effect research or conservation programs for the preservation of a commercial fishery. The success of such programs would be materially retarded or doomed if imports were encouraged by further tariff reductions. Already imports have come to exceed domestic production of fishery products.

(7) The seventh subsection would eliminate cotton textiles, which are the subject of an international agreement that limits exports of cotton textiles to this country by category. It was negotiated because cotton textile imports had made deep inroads into the domestic market under the existing duty rates.

To cut these rates now would place cotton textiles into a weaker position than before the international agreement was made. The agreement has not much over 3 years to run and it could then be terminated. If meantime the existing duty were cut, ruination would face the industry.

(8) The eighth subsection is aimed at the practice of European countries to restrict imports from Japan and thus creating greater pressure for Japanese exports to the United States. If we reduce our tariffs further while European countries maintain their restrictions, this country will become the dumping ground for Japanese goods that Europe will accept only in small quantities. The whole purpose of the amendment would be to lift from industry, agriculture and labor the depressing prospect of yet sharper import competition in those instances in which the present tariff itself is not high enough to keep imports from damaging domestic production and discouraging domestic expansion.

Finally, subsection (f) provides that no statutory nontariff trade restrictions may be eliminated, or changes in the bases of customs valuation negotiated.

This provision would prevent elimination of the American selling price as a basis of customs valuation. The chemical industry, rubber-soled footwear and one or two other items would be safeguarded in their possession of the American selling price as the basis of duty assessment.

The Buy American Act, the Antidumping Act, the manufacturing clause of our copyright law and the countervailing duty provision of the Tariff Act of 1930 would be removed from the powers of our negotiators to modify these laws in their bargaining with GATT.

Criteria in Bill for Reservation From U.S. Negotiable List

Imports increased 100 percent, imports 10 percent of domestic production.

First criteria:

Bill provides: Imports have doubled since 1958 (last previous reciprocal trade bill); and imports equal 10 percent of domestic production.

Explanation: If an article's imports have doubled since 1958, and also constitute 10 percent of domestic production, then both from increasing import view and if portion of domestic production is 10 percent, the tariff has not been too high, and tariffs should not be cut.

Comment: The first criteria would include, and reserve from negotiation: Steel, beef, lamb, wool, dairy products, cotton, textiles, plywoods, synthetic chemicals, and so forth.

Imports equal 20 percent of domestic production, imports increased more than domestic production.

Second criteria:

Bill provides: Imports in any year since 1958 equals 20 percent of domestic production; and imports have increased more than domestic production, since 1958.

Explanation: Articles instead of whole industry production is used as gage.

Comment: If a foreign product holds 20 percent of our market and has increased faster than domestic production since 1958, the existing tariff can be too high. It should be reserved from further reduction negotiations.

ARTICLES UNDER U.S. QUOTA LIMITATION OR ESCAPE CLAUSE

Third criteria:

Bill provides: Items under a U.S. import quota limitation; or have been accorded tariff increases under escape clause.

Comment: Zinc, lead, bicycles, hats, etc., would be included in this category of reservations.

EMPLOYMENT DECLINED 10 PERCENT, AND IMPORTS INCREASED

Fourth criteria:

Bill provides: Domestic production employment has declined 10 percent since 1958; and imports have increased in any one year since 1958.

Comment: Since employment has already declined 10 percent, and imports have increased, further tariff reductions would damage the industry and increase unemployment in a depressed industry.

PRODUCTS UNDER U.S. AGRICULTURE PRICE SUPPORTS OR PRICE STABILIZATION

Fifth criteria:

Bill provides: Agricultural products under price supports or price stabilization or Domestic Allotment Act, or Soil Conservation Act.

Comment: Reduced tariffs would only aggravate a surplus situation. Most affected would be: Wheat products, dairy products.

FISHERY PRODUCTS HAVING DEPARTMENT OF INTERIOR RESEARCH OR CONSERVATION PROGRAMS

Sixth criteria:

Bill provides: Fishery products where Department of Interior has research or conservation protection projects.

Comment: Where United States has recognized need to protect a product by research etc., then it would be unwise to aggravate problem by increasing imports, if tariffs are further reduced. Imports already exceed domestic production.

COTTON TEXTILES UNDER INTERNATIONAL AGREEMENT LIMITATION TO UNITED STATES BY CATEGORY

Seventh criteria:

Bill provides: Cotton textiles imports to United States are subject to limitation by international agreement.

Comment: This limitation was imposed because cotton imports made deep inroads into U.S. production under present tariffs. To reduce tariffs would aggravate a recognized existing injurious situation. It would ruin cotton industry. Agreement has 3 years to run.

WHERE NATIONS MAINTAIN RESTRICTIONS AGAINST OTHER NATIONS IMPORTS UNDER SECTION 252(b) OR (c) OF TRADE EXPANSION ACT OF 1962

Eighth criteria:

Bill provides: Articles would be reserved from tariff reduction negotiation, where a nation maintains trade restrictions as defined in section 252 (b) or (c) of 1962 Trade Expansion Act.

Comment: This criteria is aimed at practice of European nations who restrict imports from Japan, creating pressures upon Japan to export to United States.

If we reduce tariffs further on items having restricted imports by European nations, the United States will become dumping ground for Japanese goods.

U.S. TRADE PROTECTIVE STATUTES

The following U.S. trade protective provisions would be maintained by statute and their negotiation for elimination or modification prohibited.

1. U.S. selling price as basis for customs and tariff valuation. Chemical industry, rubber footwear, etc., protected.
2. The Antidumping Act.
3. The Buy American Act.
4. Countervailing duty provision of Tariff Act of 1930.

Mr. PILLION. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Bray] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRAY. Mr. Speaker, I am happy to associate myself with the efforts of the gentleman from New York [Mr. Pillion] to give some measure of protection to hundreds of American businesses and thousands of American workers.

Through the years I have been among those in this body who repeatedly have tried to call attention to the very serious and harmful effects which rapidly mounting imported products were having on our own domestic production. There have been countless instances cited. As has been documented several times, the pleas of injured industries usually fall on deaf ears at the Tariff Commission.

We have tried to get remedial legislation many times; at least to provide an effective means of relief when American industries and jobs are threatened with extinction by import competition. When the much-heralded Trade Expansion Act was before the Congress, we tried again in vain to write in adequate protection.

So now we have the effort suggested by the gentleman from New York [Mr. Pillion] and the gentleman from North Carolina [Mr. Whitener].

What this legislation seeks to do is really simple enough—and a modest attempt under the circumstances. It does not propose any great rollback in tariff practices. It merely asks that the tariff cutting be suspended—that it go no further—on hundreds of articles which already have been limited by the competition from countries of cheap labor.

The gentleman from New York [Mr. Pillion] already has pointed out that more than 800 industries appeared before the U.S. Tariff Commission and the Trade Information Committee to object to the inclusion of their production items in the current GATT negotiations.

The legislation proposed establishes eight new catagories of articles which would be removed from further tariff-cutting negotiation. Any articles which qualify under any of these eight criteria would be removed from the President's list of items offered for tariff reduction.

Mr. Speaker, I for one believe we have delayed this protection far too long. While we talk of stopping poverty, and of broad new programs designed to bring new jobs to Americans, yet we let more and more jobs be destroyed by the competition of cheap labor products from abroad.

Let us give adequate protection to our own industries and workers, and then see how much additional help is needed to wipe out pockets of poverty and to stimulate new economic activity.

Mr. PILLION. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. McClory] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCLORY. Mr. Speaker, I wish to add my support to the legislation that has been introduced here this afternoon to amend the Trade Expansion Act. I think this proposed legislation is not only in order but fills a great need. If we do not legislate stricter guidelines for our tariff negotiators with GATT many of our industries that even under present tariff rates are suffering from imports, will find their very existence threatened.

As matters stand the prospects are for a 50-percent tariff reduction across the board with some exceptions. These exceptions are to be laid before GATT at its meeting to be held on November 16. Other GATT members will then be privileged to question our inclusion on items on this list and, of course, our negotiators may then reduce this list.

This agreement was reached over a year ago by the GATT Council of Ministers. In order to prevent a breakdown our chief negotiator agreed that all tariff items would be offered for negotiation, that is, tariff cuts with a minimum of exceptions.

A year later, during the opening meeting of GATT when the tariffcutting conference was officially opened on May 4, 1964, it was agreed that the 50-percent hypothesis would be adhered to when the actual tariff negotiations get underway. This will not be before November of this year.

We face then a combination of agreements governing the negotiations: First, there will be a minimum of exceptions. We have listed all our tariff items with the exception of those withheld by the 1962 act. Second, the cuts will be 50 percent except for those items that answer the "disparity" formula, a formula that has not yet been finally settled. We will be expected in those cases where an individual rate is quite high to reduce our rate 50 percent while the other countries could reduce their corresponding rate by a smaller percentage. In a few instances we might be the beneficiary, that is, where the rates of other countries on individual items were much higher than our rates.

These two agreements have had the effect of rendering quite meaningless the hearings that were held last winter before our Tariff Commission. These hearings were specifically required by Congress in the 1962 act as a preliminary to negotiations with GATT. They were intended to supply information to the President's negotiators for their guidance. Furthermore, this information was intended to cover all aspects necessary to reach a judgment about possible tariff reductions, and it was to be specific rather than general. It was in other words, to relate to particular products and not merely to broad generalizations. It was intended to acquaint the Commission with the pertinent trends in such matters as domestic production, prices, profits, wages, imports, the trend of imports, their effect on domestic employment, and so forth.

Mr. Speaker, I appeared before the Commission myself in the interest of a certain electronics parts manufacturer in my district. Now I must inquire whether this was not a waste of time because of the rules agreed to by our negotiators, that I have described.

I am a sponsor of this legislation because it is needed to remind our negotiators of the intent of the Congress in the 1962 act as I understand it. In my opinion this is a matter of our constitutional responsibility as the legislative branch of our Government for the regulation of our foreign commerce.

As I mentioned a moment ago one of the industries in my district is the manufacture of electronics parts. This is one of those significant new industries to which we look in the United States for growth and expansion. This industry did indeed grow and expand. However, in recent years imports have played havoc with that part of the industry that is devoted to consumer goods, specifically TV and radio.

We have lost our export position and imports are now crowding in very badly. Actually, even if no further tariff reduction is made, the industry stands at a great disadvantage. If the tariff is cut again to any extent it will aggravate the present difficulty.

Mr. Speaker, if our growth industries, those that are centered around new products, promising new uses and new developments, cannot hold their own in this country against imports, where will we turn for increases in employment? If these lively industries are to be stifled and retarded or stunted by imports, we cannot hope to meet our employment problem, much less hope to stamp out poverty. We will in fact contribute to the conditions that produce poverty.

If passed by the Congress, the present bill would at least prevent a farther slide downhill and would give some of our industries renewed hope that in the future they might have a better chance to develop the home market than they have under present conditions. In addition, I feel that this bill will strengthen the hands of our tariff negotiators.

Mr. Speaker, I hope that this bill will be given an early hearing by the appropriate committee of the House, and that it may come to the floor before the end of this session.

Mr. PILLION. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Battin] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BATTIN. Mr. Speaker, I am honored to represent the second or eastern district of Montana, an area larger than several of our States and one in which livestock raising is a major industry. In fact many of my constituents depend entirely on cattle and sheep for their livelihood.

Some 60 percent of all Montana lands are range lands and are valuable only for livestock production and many Montana communities are wholly dependent on the cattle business. Feed and forage on these rangelands is valuable as the end product of beef, veal, lamb, mutton, or wool—but principally beef from quality cattle. In introducing this bill which is designed to protect American industry and American workmen from excessive foreign imports, I would like to point out the very real and damaging effects meat imports have already had on Montana cattlemen and the severe loss to the Montana economy generally. Cattle exported from the State are actually the source of Montana's principal income.

And when imports of beef and beef products run at a rate of more than twice the cattle equivalent of all the cattle produced in Montana each year, then I fail to understand how anyone can say beef imports are not the major factor in the presently depressed condition of the cattle market. In fact I would like to quote from a letter I received from a Montana banker, a former cattleman himself and now a vice president of one of the leading banks in the State. He wrote:

> Finally, Jim, we in the banking business know that, if the situation continues and the price of livestock remains at the current status or tends to decline even further, we will have to take a very close look at many of the loans we now have on the books. I have lived in Montana all of my life, having been in the livestock business, both in the trading of livestock throughout the Western United States and as a rancher myself, and also as an agricultural banker. I cannot see how the State of Montana, which depends primarily on agriculture and livestock production, can go along with the program as it exists today without a serious loss to the Montana economy. If this continues, the $1½ million per month lost to the Montana economy, as stated by the Montana Stock Growers Association, will be only a drop in the bucket.

Another Montana banker wrote me as follows:

> Our bank finances over 300 ranchers in this area and we have over 7,000 depositing ranch customers in our bank. We are vitally concerned with the overall operations of these people as agriculture is one of the largest economic forces in our State. We are deeply concerned over recent actions in the House of Representatives in the handling of this import situation. It seems to us that this is a matter of appeasement and that Australia and New Zealand are dictating to us and we are passively accepting their terms. I am sure that you would agree that a cutback in imports of one-quarter pound of meat per person per year will certainly not be of any significance to American producers. I realize the necessity of trading with other countries but certainly we should have some say in regard to the basis of our trade negotiations with them in regard to both imports and exports.

And I would like to quote a few paragraphs from the many hundreds of letters I have received from Montana cattlemen during recent months:

> As cattlemen, we are deeply disturbed at the reported settlement on beef import quotas with New Zealand and Australia and the subsequent failure of the amendment to the farm bill.
>
> Our industry has been operating at a loss most of the years out of the last 10, and the outlook presently seems even more difficult than during the last few years. It is our strong belief that the cattle industry now needs some Government help in protecting it from ultimate failure due to the lack of any profits. We believe there must be an answer to some of the problems over which we as cattlemen have no control.

Another rancher puts it this way:

> Competition in agriculture today is extreme. In order to survive a farmer or rancher must have a certain amount of volume and a quality product. In order to have volume he must have land. Land values are at their highest. Investment companies and businessmen buy ranches in order to have deductions from their income tax and still have a sound investment; and corporation farms are paying premiums for all sizes of acreages. And now the unseen competitor, our "friends" from "down under," are selling their wares (red meat) to a point that has hurt the American cattleman. We are still paying property taxes on high land and cattle values and buying equipment that hasn't declined any in price.

Here are others:

> Montana and the livestock industry cannot afford to be used (as pawns) in the international trade agreements.
>
> We are buying labor, supplies, and equipment at prevailing U.S. prices. As you know, Montana depends heavily on property taxes for its county and State revenue. Property taxes are continually climbing, and the ranchers are paying a considerable proportion of these taxes to support schools and government in Montana. Our cost of production is comparatively fixed by these costs. I repeat—we just cannot compete with countries that have much lower costs of production than we do.

A Shelby rancher who also operates a feed lot offered some very real statistics: He wrote this letter in December and prices are even lower now than they were at that time.

> I live 10 miles from Shelby and operate 11,700 acres, chiefly livestock. I raise cows and calves and also fatten cattle. I have 190 steers and heifers now in the feedlot and will market them beginning in January. I also winter 130 steers and 220 calves for later feeding placement.
>
> Let me give an example how price range affects me; 190 cattle to be marketed at 1,100 pounds means $1,045 with every half cent variation in price. The price drop since they were put on feed is about 3 cents per pound so it involves a serious loss. Right now I will be taking a slight loss or perhaps a break-even price.
>
> The last 2 years have been near disastrous to cattle feeders in particular. Our costs are so high that we cannot make anything and stand a good chance of a loss. We do not want any control system on livestock, but feel we should have some legislation to protect our investment and guarantee a reasonable profit.

Another rancher said:

> If this country is going to continue to provide foreign aid to most of the countries of the world, I think it is imperative that the domestic industries which provide the bulk of these funds be kept on a sound economic basis.

Now it seems obvious to me that cattlemen have suffered a real loss from low cattle prices during the past year and that these low prices are likely to continue for some time in view of increased domestic production on top of imports. And it seems obvious, too, that the cattle industry should not be expected to contribute 10 or 11 percent of its market to foreign meat produced at costs far below ours.

In any study of tariffs it becomes immediately obvious that this Nation in the last 30 years has steadily reduced its import duties on most goods coming into the country. Most of us have no quarrel with our Tariff Commission which bases its decisions on a realistic appraisal of the impact cheaply produced oversea goods may have on our domestic economy.

However, it seems that some of our diplomats give priority to agreements with other countries to the detriment of our domestic economy and the welfare of our own citizens. Foreign trade must be a two-way street and tariff rates and quotas should be based on agreements that are wholly and completely reciprocal. Neither can we allow uncontrolled imports of one commodity such as beef to wreck a domestic industry because we may have a favorable balance of overall exports over imports.

Surely we cannot say that because some country buys some of our surplus machinery we should buy all of their surplus beef.

Land costs, labor costs, and other costs that go into most of the beef we import are far less than ours.

The AFL–CIO executive council last February urged the United States to take the lead in wiping out what it called unfair international trade competition based on the exploitation of labor. Heavy imports of goods from a country whose wage costs are far below those of the United States "may undercut standards of American workers," the council said.

The day of free trade among all nations may come and I hope it does if at the same time the people who produce these cheap imports can raise their standard of living to something comparable to ours in which case I believe their costs would more nearly approximate ours and then there could be true competition between our producers and theirs for the world market.

But until that happy day arrives, we cannot expect our ranchers and cattlemen to lower their standard of living to that of a rancher in some other parts of the world.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield.

Mr. HARVEY of Indiana. Mr. Speaker, I want to associate myself with the sentiments and the expressions of the gentleman from New York. I have today introduced a bill similar to the one he is introducing.

Mr. PILLION. I thank the gentleman. I have known of the gentleman's keen interest in the protection of American industry and American labor and agriculture.

Mr. HARVEY of Indiana. I thank the gentleman.

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Mr. Speaker, I am happy to join a number of my colleagues today in the introduction of a bill to amend the Trade Expansion Act of 1962. The purpose of this amendment is to lift from industry, agriculture and labor the depressing prospect of yet sharper import competition in those instances in which the present tariff itself is not high enough to keep imports from damaging domestic production and discouraging domestic expansion.

Mr. Speaker, on April 29, speaking of the GATT conference that was to open on May 4, I said:

> It is with the deepest concern that I wish to speak about the potentially injurious effects of possible tariff concessions to be negotiated by the United States in the forthcoming GATT talks starting on May 4 at Geneva.
>
> Since our special representative on trade negotiations has had his assistants in Geneva for several weeks preparing for preliminary discussions and laying the ground rules under which the formal tariff concessions will be evaluated, I think the time is ripe for us in Congress to take cognizance of what is going to happen there after May 4 and what may be the possible effect of such tariff trading on certain vital domestic industries.
>
> I view with considerable alarm the deleterious results that will accrue to many of our most vital industries, especially the small business field, if uncontrolled tariff concessions on our part are to be the order of the day at Geneva.

Mr. Speaker, May 4 has come and gone. It was agreed by the assembled members of GATT that they would proceed on the hypothesis of a 50-percent reduction. Certain exceptions would be allowed and each country was to submit its list of exceptions at the next meeting which was to be September 10. This date was later changed to November 16.

Since it was agreed in May of last year that we would keep our exceptions to a bare minimum, the doom of many of our industries is already sealed. Those that cannot face a further rise in imports will find the outlook very discouraging. Those that can do so will do what many others have already done, namely, move some of their production overseas. The impact on labor will be unfortunate. Many people will be thrown out of work and others who had hoped to find employment in an expanding industry will be disappointed, because industry does not expand under such discouraging prospects.

Oh yes, they may make investments but these will be largely in the form of modernization and substituting modern and more productive machinery for the old. Thus will they seek to reduce costs to become more competitive and remain in business. In seeking to save their business they will inevitably reduce their work force, for this is the only way to effect any real savings.

The merry-go-round goes something like this: the American industry finds its market invaded by imported goods that sell at lower prices than the market level. The imports gain customers which in most instances they take away from the domestic industry. The latter becomes alarmed and soon recognizes that it must reduce its own prices or the imports will crowd its goods off the market.

But how reduce prices if profits are already at a low level? Only one way is open. That is to reduce the cost of production. Production costs are quite rigid, what with wages untouchable, costs of materials the same for the same reason, what with taxes very rigid and everything else quite inelastic. The only real possibility will be found to lie in improved technology, that is, more productive machinery, more advanced processes or formula and other elements of efficiency.

This means that more output can be had with fewer workers.

Yet, so great is the pressure that the step must be taken; and as the "modernization" proceeds apace workers are displaced. Mind you, this can happen as a result of domestic competition, but imports aggravate both the pressure and the speed of response.

Where can the workers go? That is the question the theorists have not been able to answer. In the good old days when costs were reduced and prices lowered, consumption could be expected to increase handsomely except in the staples. The increase in consumption would call for more production, and as this type of cost reduction went on and consumption increased in many lines, all sorts of supporting activities would also increase, with the result, all in all, that employment increased. The workers who were displaced faced new employment as the expansion became general.

Mr. Speaker, it was this system that accounted for the American mass production economy and mass consumption.

But now if imports are the cause of the modernization, it is a case not of expanding but of staying in business; and the lowered prices will be chasing imports around the bush until the domestic producer can go no lower. He is at or below the break-even point. So the imports get the principal benefit of any increase in consumption, and the domestic industry takes the remainder; and this is too small to support optimism, confidence, and expansion.

A degree of stagnation then sets in. Our bigger companies can open up abroad, and the dollars they did not invest at home for expansion go abroad where the outlook is better.

In recent times our economy has been buoyed by tax reduction, investment credits, and accelerated depreciation, and we get the impression that we are competing very nicely with imports. While in some instances we can and do compete, let us not fool ourselves. The facts are still here. Foreign wages are still far below ours and will no doubt stay that way for a long time. Foreign technology meantime has vastly improved and that fact together with the lower wages abroad has placed more of our industries on the defensive. Industries that were long noted as exporters have lost their position of net exporters and the end is not yet. We think of automobiles, petroleum, steel, textiles, typewriters, sewing machines, consumer electronics, and so forth, as typical American industries that had nothing to fear from imports. Their exports ran away ahead of imports. Now this has changed. They are net importers, some of them at a wide margin.

But, someone will say, these industries are prosperous; so what is wrong? The answer is look at employment in these industries. A little different impression will be made. Of course, the automobile companies are heavily established overseas as are the oil companies, the office machine industry, the sewing machines, and the electronic industry. So far the steel and textile industries have not ventured very deeply into production abroad. The time will no doubt soon come if something is not done meantime to assure a more secure market at home.

The large companies can hedge their position by going abroad. Not so small companies, not so labor, and not so the farmers—with some exceptions.

The trend means a slimming down of our production base and becoming topheavy with nonproduction types of employment that raise the cost of living.

Mr. Speaker, I feel strongly that we must call a halt in this wild mood to cut our tariffs to the ground. It does not under present circumstances make sense. It invites deep trouble.

That is why I favor this legislation and why I am introducing it. It can be a lifesaver to all those industries that meet the criteria. In general these criteria would exempt products from further tariff reductions if the imports are already at a high level, or, if imports are growing faster than domestic production and employment, or if they would upset certain Government programs designed to help certain industries, such as farm price supports, the American Selling Price, Buy American Act, Antidumping Act, etc. These may be regarded as fair game for bargaining even though they have separate statutory status in this country.

The industries in my district such as chemicals and glassware will meet the same kind of discouragement that has confronted the other industries if we insist on acting as if the competitive level of all countries were the same. You and I know that it is not. We know that other countries have great advantages over us in the form of costs. The question is, does the State Department know, or, knowing it, does it give the fact the least weight? It appears to ignore these vital facts of life.

I think we should therefore legislate more specifically so that the State Department can have no doubt about our meaning.

I will ask the Committee on Ways and Means for early hearings because action is necessary before next November.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I should like to commend the gentleman for this worthwhile treatise he has brought here today. I have joined with him in submitting a companion bill. I think it is very pertinent and timely that we consider amendments to the Trade Expansion Act of 1962, as it was erroneously called at that time. I predicted then and I think we have seen time overtake this and confirm the evidence that this has started the steady downgrading of our international relations on an economic basis as far as our products are concerned as exports and their relation to our imports is concerned.

It seems, as was brought out at the time of that debate, as I can well remember, that we have attempted one thing that everyone could use and could see, and with the old formula of cost equalling production plus delivery, estimate what we had to have for a product that we sent overseas, for which there was a great demand and a needed market, around the world, in fact, for our natural resources, hard work, and delivery ability. But this has not been the way it has worked out. We have had our President, through the quota system and the ability to reduce effective tariffs up to 50 percent, act "in the best interests of foreign relations." We indeed have lost our market and have failed to protect the man whom we have built up to such a high income and standard of living that he can no longer live without protection. In other words, Mr. Speaker, I think the gentleman will agree that we have seen a very gradual but consistent demise of the goose that laid the golden egg. In fact, something must be done about it if, indeed, we are to protect our productivity as well as our people because the other nations not only in GATT and in these other agreements use various devices such as currency exchange and such as intersovereignnation agreements between themselves and such as actual laws excluding things, such as the variable duty tariff that I mentioned. Whereas we are left in the position of having said:

> This is ours and we will start dealing from what we have in our stock to see what we can give to the rest of the world and not once protecting our workingmen and farmers and producers.

I would particularly commend the gentleman for bringing this up at this time because it involves lead and zinc which was the subject of action by unanimous consent on the floor of this House today, and it puts us in the paradoxical position of giving the consumer and user lead and zinc and molybdenum and other metals in our national stockpile at the same time that we are subsidizing our mines which are shut down and, yet, we have great reserves of these things in these areas and we are doing it in order to stabilize commerce because there is, in fact, a shortage. Yet, we are importing these things.

The same thing is true of shoes as it affects the district that I am privileged to represent, and especially dairy products and beef.

I commend the gentleman and join with him and I will be happy to work with him in the future toward anything that we can do to amend this vicious thing that was forced through the Congress—and I say forced advisedly—with all the benefits of patronage and arm twisting and everything else without adequate debate or comment back in 1962. It was a sad day when this law was passed to represent the policy of this Nation. The least we can do is to try to correct it, having stood idly by when it passed.

Mr. PILLION. Mr. Speaker, I am most grateful to the gentleman for his very fine contribution here today. I know of his great interest in this subject. I know of his great desire to protect American industry from further ravages due to foreign imports. I agree with the gentleman's statement completely and am in sympathy with the objectives stated by the gentleman from Missouri.

Mr. FOREMAN. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Texas.

Mr. FOREMAN. Mr. Speaker, I am pleased to join the distinguished gentleman from New York [Mr. PILLION] in his comments and introduction of this trade legislation today. Many industries in this country today are suffering because of excessive imports of foreign goods, not the least of which are the growing and damaging imports of oil and beef and meat products. The production of these important products is vital to our national economy, and particularly, to the economy of the State of Texas. We cannot permit imports of these items to continue to rise to the detriment of our own domestic industry. I commend the gentleman and I am pleased to join him in this important legislation.

Mr. PILLION. Mr. Speaker, I thank the gentleman for his valuable contribution to this subject.

Mr. KORNEGAY. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. Mr. Speaker, I would like to congratulate and commend the distinguished gentleman from New York for bringing this subject before the House today, that is, this matter of imports. Also I would like to associate myself with the remarks that he has made in connection with this subject. While there are several products on the list which I understand the bill covers which the distinguished gentleman from New York introduced, I have also introduced a companion bill on this dealing with products that affect my State, such as beef, dairy products, plywood, and lumber products.

However, the principal industry in my district having a stake in this legislation is the textile industry. I do not have to emphasize my interest in tariff legislation, because the cotton textile industry has been deeply involved with such legislation in recent years. From the midfifties this industry began to experience a rise in import competition that in a few years' time catapulted it to the position of No. 1 problem facing the industry. The whole tide was set off by the tariff reduction of 1955.

Strenuous efforts were put forward by the industry and after an initial arrangement by which Japan agreed to limit her exports to this country, a temporary international agreement was achieved in 1961. This was followed by a 5-year agreement beginning with October 1962.

Meantime imports had reached a high level and in some items captured a heavy share of the domestic market. The foreign agreement now has less than 3½ years to run. No one knows what, if anything, will take its place. Some countries are unhappy with the agreement and may not wish to renew it.

Mr. Speaker, the level of imports reached before the international agreement went into effect clearly demonstrated that the existing level of duties did not act as a restriction. Had it been restrictive, imports could not have posed such a deadly threat to the domestic industry.

Now, of course, that imports are limited by category by country, the rate of duty is important only as a matter of pricing.

Under the Trade Expansion Act of 1962 cotton textiles are subject to another 50-percent tariff reduction; and the negotiators with GATT might feel justified in making such a reduction on the grounds that imports are now restricted in any case. This, Mr. Speaker, would be a most unfortunate course to take. Yet, the negotiators will proceed under the force of the agreement reached with GATT's ministers over a year ago. This agreement, as has been noted here this afternoon by other Members, limits our negotiators to a bare minimum of exceptions. At the meeting of GATT last month when the tariff conference was formally opened, it was agreed that the 50-percent reduction would form the basis of the actual tariff cutting operations when they begin. This beginning has now been delayed to November 16.

The upshot is that with minor exceptions all items will be subject to the 50-percent cut. Even such items as the President finally places on the exceptions list, which is to be kept to a bare minimum, other GATT members may review the list and object to the inclusion of particular items, and some of some of them may be removed.

The outlook therefore is that cotton textiles would be cut along with the broadest range of other items; and the target would be 50 percent.

In order to avoid this probability, I believe that we in Congress are justified in establishing reasonable but clear rules of reservations of items that meet certain criteria. This becomes all the more necessary because the agreement on GATT procedure that I have mentioned has shunted the hearings before the Tariff Commission to one side. Those hearings were called for by Congress in the Trade Act itself and were to furnish the President's agents with information on individual products as a guide to tariff reduction. Now that there is to be a bare minimum of exceptions and the 50-percent rule has been adopted, the hearings have lost all significance.

I therefore have introduced a bill which would remove cotton textiles and other products similarly situated with respect to import competition from the President's list. This is a reasonable amendment and would do no more than commonsense would recommend and what the hearings before the Tariff Commission might have sustained had they not been rendered useless.

While it is late in the session, I trust that the way will be paved for consideration of this important legislation at an early date.

Mr. PILLION. Mr. Speaker, I would like to thank the gentleman for his statement and to assure him of my desire to continue to cooperate and work with him in the protection of that great industry dealing with cotton textiles. I might add that under this bill the cotton textiles would come under the seventh criterion under which goods or cotton textiles that are under an international agreement by category would be placed automatically upon the excluded and reserved list. Therefore, it could not be subjected to the 50-percent tariff reduction negotiation. It would be protected under that criterion.

Mr. KORNEGAY. I would thank the gentleman very sincerely for that statement and for the fine leadership and effort he is making and has made for a long time in this area which is so vital to our domestic industry and the welfare of our people. I commend him deeply.

Mr. PILLION. I thank the gentleman for his kindness.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I want to join with those who have complimented the gentleman from New York on his perseverance in this matter. He has tenaciously dedicated himself to this subject for a long period of time and deserves every commendation on the part of the House of Representatives for this perseverance.

Mr. Speaker, I am becoming more convinced each day that there is a deliberate and diabolical effort to put this Nation on a world pricing level largely through this process. We have been paying the penalty in the State of Iowa—that is, the farmers and the producers of raw materials have—for a long time. I am more proud than ever and more pleased with my vote against the extension of the Trade Agreements Act in 1962.

Mr. PILLION. I think the gentleman showed foresight and great perception in having voted against that bill at that time.

Mr. GROSS. I thank the gentleman for that statement.

Mr. PILLION. I thank the gentleman for joining in this great and much needed effort to reexamine into this whole tariff-reduction problem that we are facing, because it can become very, very injurious to all of our industry.

Mr. GROSS. Mr. Speaker, I have listened today as I listened about 6 weeks ago when a long succession of speeches was made on this floor calling attention to the import problem confronting many industries. I am impressed with the seriousness of the problem facing not only these industries but the whole country in the matter of import competition. The colloquy of 6 weeks ago took place on 2 successive days. Some 80 Members from 38 States participated in one way or another. Sincere and deep concern was expressed by all who took part.

Mr. Speaker, the press of this country is so alert that it said nothing about this outpouring of sentiment from all parts of the country. This silence was in strange contrast to the leaping headlines and thousands of words daily spilled over subjects of much less importance.

What is wrong with our newspapers? Surely they cannot believe that silence of this kind is overlooked by everyone or that it represents good journalism.

It will be interesting to see what the newspapers make of the present attack on the adminstration of the Trade Expansion Act. If they run true to form they will elect to smother what is said here today in the deep void of nonmention or assure its presentation in some form of shrunken significance by various devices well known to journalism.

This would be a great pity, for there is at stake more than ordinary legislation. The bill that has been introduced and that I am also introducing represents the righting of a badly unbalanced legal and administrative development that, if left alone, would visit untold damage on many important American industries and agricultural activities. This could not be done without damage to the economy as a whole.

The failure of the newspapers properly to inform the public in this field has left wide gaps of ignorance in matters of vital importance. It has done more. By failing to give to the public rounded information a bad distortion has been created, permitting false judgments on matters that profoundly affect the public interest.

One of these omissions committed by the newspapers, through a fault of their own, lies in the failure to expose the unsoundness of our vaunted export surplus. This surplus has been running in the magnitude of $5 or $6 billion in recent years and will probably exceed that figure in 1964.

It is not that this surplus has been ignored by the newspapers. Its existence has not only been acknowledged repeatedly and pointed to more than once; it has, without any critical examination, often been used as evidence of the soundness of our international competitive position. As a result very important underlying developments in the international economic position of this country are being obscured if not concealed.

There is no disputing the surplus. We have been running a surplus of merchandise exports over imports for many years. Since 1960 this surplus has been above $5 billion each year.

The existence of the surplus has been misused on numerous occasions. It has been converted into an argument that our industries should have nothing to fear from imports. That being the case there should be no reasonable objection to the further reduction of our tariff. In view of this line of reasoning it becomes obvious immediately that far-reaching judgments ride on the supposed logic of the meaning of the surplus.

If the statistic of a $5 or $6 billion surplus is to be used as a basis of policy—and this is certainly justifiable—we should be careful to examine the credentials of the surplus. Is it all that it outwardly appears to be? Are we justified in drawing highly optimistic conclusions from its existence?

If there is something wrong with the surplus; if it is not really what it appears to be; if it is termite-infested or not really genuine and if it has been put together without accompanying notes of caution, we not only should be fully aware of these defects but we should make them known to the public. Certainly we should not use such an unsound base as the foundation for far-reaching policy decisions.

Mr. Speaker, if we examine this surplus we will find it melting rapidly away.

First and foremost, our exports of merchandise, on which the surplus is based, is permitted to include products that are not sold on their competitive merits in point of price and quality. It includes all the agricultural products that we ship abroad under Public Law 480 and similar subsidizing programs. In return we get mostly foreign currencies or very little or nothing. The transactions under which these goods are shipped have nothing at all to do with our ability to compete in foreign markets. In 1962 of our agricultural exports of $5.1 billion, $1,650 million or right at one-third, moved out under Government programs.

That left about $3½ billion of so-called commercial exports. Our total agricultural imports were $3.76 billion, or higher than our so-called commercial agricultural imports. In other words, here was really a deficit of over $100 million.

Yet that is not the whole of it. We have been selling wheat, wheat flour and raw cotton abroad at prices that are about a third below those prevailing in this country. Specifically, we have been subsidizing wheat exports at approximately 60 cents per bushel and cotton at 8½ cents per pound. In 1962 we exported a total of $1.947 billion in wheat, wheat flour and raw cotton. Of this, $1.070 billion was shipped on a so-called commercial basis and $876.8 million under Government programs. Therefore, of the $3.5 billion "commercial" exports, no less than $1.070 billion consisted of highly subsidized wheat, wheat flour and cotton exports.

Did this record demonstrate the competitiveness of our exports? If we had to sell these commodities at prices one-fourth to one-third below our home prices in order to move them abroad, what does this fact indicate with respect to our ability to penetrate foreign markets?

To show our agricultural exports in their proper light we should subtract the $1.070 billion in wheat and cotton exports—of the total $1.947 billion exports of these commodities—from the $3.5 billion of so-called commercial exports. This drops our exports of competitive farm products to $2.5 billion, or a third less than our imports of $3.76 billion in 1962.

If we turn now to nonagricultural exports we find excessive claims in that sector, too. In 1962 these nonfarm exports amounted to $16.2 billion. It is estimated that of our foreign aid expenditures 80 percent finds its way back to this country in payment of our exports under the program.

The statistics are not very clear, but if 80 percent of the proceeds is spent in this country we may deduct about $1.5 billion from the nonagricultural exports. This would drop them to about $14.7 billion from $16.2 billion. Now add this $1.5 billion accounted for by the foreign aid shipments to the exports of farm products that owe their sale to Public Law 480 and the subsidies of wheat and cotton exports, in the amount of $2.720 billion—that is, $1.650 billion in Public Law 480 and similar programs and $1.070 billion in so-called commercial but subsidized exports of cotton and wheat—and we reach a total of a little over $4.2 billion.

Subtract this from the 1962 export "surplus" of $5.2 billion and we are left with an apparent surplus of $1 billion exports.

That is a far cry from a $5 billion surplus.

The cotton and wheat export subsidies between them cost the Treasury, that is, the taxpayer, an estimated $600 million a year. In other words, it costs quite a bit to achieve the appearance of being competitive.

The newspapers have shown no interest in these facts. Yet the $5 billion surplus was used very persuasively by the supporters of the trade expansion bill of 1962. Let no one say that what I have said here or something very nearly like it was not said in 1962. It was; but no one could prove it by reading the newspapers of those days. They were generally so solidly alined, particularly the big city press, behind the trade program that they simply could not bring themselves to fulfill their journalistic obligation to the public.

Equally ignored today is the discrepancy between the U.S. practice of levying our tariff on the foreign value of our imports while nearly all other countries levy their duty on a cost, insurance and freight basis, that is, including marine insurance and freight. In the case of the European countries which pay a considerable freight and insurance bill on their imports from us, the added costs on which they levy their duty, has been estimated to be in the neighborhood of 25 percent of the free-on-board value. Therefore the Europeans in comparing their tariff levels with ours should either add about 25 percent to their rates or subtract that much from our rates for a proper comparison. This has never been done. There is only now dawning a dim awareness of this difference, but you would not learn it from reading the newspapers.

In the millions of words that have been splashed on newsprint paper in recent years, especially about the Common Market, where are the news items or the penetrating columnar expositions based no doubt on profound researches. Mr. Speaker, where is to be found any reference to this 25-percent discrepancy? It is a factor in the Common Market "disparities" issue but it is played down. Rather, I should say, it is ignored or even concealed. It somehow cannot reach the light of day.

The newspapers are properly strong protagonists of the "right to know." Is this right to know confined to the access of newswriters to certain facts, or does it extend to the public? If it does not extend to the public, the right to know merely becomes an instrument of news management. In other words, the newspapers, themselves having access to news, can then determine what they will spoonfeed to the public.

One other aspect of the trade problem that has been neglected by the newspapers is the balance-of-payments question. Again, it is not that the newspapers do not carry long column inches on the subject, but that they allow the idea to gain currency that we are now so much better off in our trade balance than last year and the year before.

Two comments are in order. One is that our export balance which has become more favorable has been achieved almost altogether at Government expense, such as selling wheat to Russia or selling more subsidized farm products abroad in general. This "improvement" is therefore spurious.

The second is that we are still running a deficit in our foreign account and therefore are continuing to add to the foreign claims against us. We are still bleeding, and none of the blood that was previously drained from us has been restored to our veins. We are growing worse but merely not as rapidly as before.

Why have not the newspapers, the great beneficiaries of the first amendment which guarantees the freedom of the press, presented the facts instead of printing self-serving optimistic statements of politicians? Is there no way of "keeping the record straight?"

Mr. Speaker, I support the proposed legislation because it is sound and because it fits the facts of our international competitive position.

The bill would prevent further tariff reduction only in those instances in which commonsense would say that the tariff should be no further reduced. This is the case where imports already have achieved a liberal share of our market and have thus amply demonstrated that they already enjoy a competitive advantage here. They need no further advantages and if it is given to them our own industry will inevitably suffer as some of them are now suffering, to the detriment of the economy.

I have only to point to the great tide of beef imports of the past several years. In spite of this the tariff will be subject to another 50 percent cut under the so-called Kennedy round.

How could such a step be justified? Evidently only on the ground that we must sacrifice our econmoic well-being so that the State Department can do its job with a little less trouble. In other words, we are in the posture of sacrificing our industries so that the State Department will find it easier to keep other countries happy.

I am opposed to such a posture. We have already gone so far down that road that it has become a habit. Before we proceed we should reflect on some of the realities of competition that have so long been hidden from us.

I hope and urge that this legislation be given a green light and that the Ways and Means Committee will expedite it on its way.

Mr. GURNEY. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman.

Mr. GURNEY. Mr. Speaker, I, too, wish to commend the gentleman from New York on taking the initiative in introducing this bill to amend the trade expansion act of 1962 and I take pleasure too today in joining him in cosponsorship of this bill.

As a matter of fact, during this year I have been particularly interested in this matter insofar as it affects the beef and citrus industries which are vital to the economy of the State of Florida and to my district.

I have appeared before the Trade Information Committee on behalf of these products and also before the Tariff Commission.

I must say insofar as these two products are concerned, and I gather from the remarks of the gentleman from New York he feels that the same is true of other products, that I am not exactly sure that the administration has a sympathetic understanding of the problems of these industries. So far as citrus products are concerned, in Florida that industry amounts to a $2 billion industry. It is the second money crop in the State of Florida, after tourism. Without a healthy citrus industry, the entire State would be in dire economic straits. Now these tariff negotiations that are now going on over in Geneva, of course, have citrus as one of the products to negotiate. The point of the matter is that we have nothing to negotiate. We have virtually no foreign exports of citrus. Almost all of the citrus produced in this country, and not only in the State of Florida but also in the States of Texas, Arizona and California, are consumed in the United States. As a matter of fact, the market, and a very considerable one, that we had in Canada is now slowly dwindling and being taken up by other citrus-producing nations such as Mexico, Brazil, and even Israel.

As a matter of fact, there is even fresh fruit, under the present tariff schedule, imported into the State of Florida from Israel. So far as citrus is concerned, we have literally nothing to negotiate at Geneva. Any lowering of tariffs on citrus products will affect the economy of the citrus-producing States drastically and harmfully.

The same is true with respect to beef. Florida is a large beef-producing State and ranks No. 3 east of the Mississippi and No. 17 in the entire United States. This is a multimillion-dollar industry.

Here again we have nothing to negotiate. Our exports are negligible and our beef imports into this country from other beef-producing nations, such as Australia and New Zealand and Argentina, have been increasing over the years.

I have been in touch, from time to time, very closely with the Department of Agriculture in connection with this situation. Here are figures which I believe are interesting and revealing. The imports in 1960 from Australia and New Zealand, of beef and veal, ran 180 million pounds. They are now in excess of 400 million pounds, which is a substantial increase in a short period of time. We seem to get very little cooperation from the Department of Agriculture.

Secretary Freeman stated only a short time ago that 1964 imports would be down 10 or 11 percent compared to previous year figures. Just today I received a telegram from the Florida Cattlemen's Association which says that according to U.S. Department of Agriculture meat inspection statistics for this year, from January through April 1964, the imports are up 25 percent over the previous year.

It occurs to me that in the Department of Agriculture the left hand does not know what the right hand is doing.

Certainly, so far as these two products are concerned, in my district and in the State of Florida, this is a serious situation. Others have been pointed out by the gentleman from New York and other speakers. We certainly need to examine this tariff situation thoroughly and to protect the interests of American businessmen from unfair and disastrous foreign competition.

I commend the gentleman from New York again. I hope the other Members of Congress will take a keen interest in this matter. Perhaps we can curb some of the administration tendencies to be more solicitious about the welfare of foreign businessmen than they are about our own American businessmen.

Mr. PILLION. I thank the gentleman from Florida for his most valuable contribution to this discussion. I might say that it is time we gave this import and tariff situation a second look and a good analysis to determine, in a selective way, the damages which are resulting from present imports, along with the prospective damage that will result if the 50 percent across-the-board reduction is arrived at in Geneva under the GATT negotiations.

I am fearful that an indiscriminate across-the-board wholesale cutting of tariffs will dislocate many industries and seriously damage industry and agriculture throughout the country. We cannot calculate the amount of damage that will result to labor and to industry if that type of agreement is reached in GATT.

This bill would set up the basis for excluding from tariff reduction negotiations these items as to which the greatest amount of damage is occurring in this country or is likely to occur.

Mr. GURNEY. I certainly agree wholeheartedly with the gentleman.

Mr. PILLION. I thank the gentleman.

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. PILLION. I yield to the gentleman from South Dakota.

Mr. BERRY. Mr. Speaker, first I ask unanimous consent that our colleague, the gentleman from New York, Mr. WALTER RIEHLMAN, have permission to extend his remarks following the remarks of the gentleman from New York [Mr. PILLION].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

IMPORTS HARMFUL TO AMERICAN INDUSTRY

Mr. RIEHLMAN. Mr. Speaker, I am introducing a bill today which is designed to protect American industry and American workmen from the excessive foreign imports which are flooding our country.

In my own congressional district, of which Syracuse, N.Y., is the hub, industry and labor feel the impact of imports with increasing severity.

Some of the items involved in my area are: steel, agricultural products, and machinery, shoes, pottery, automotive parts, chemicals, ceramics, and ball bearings.

There are many others.

In order to present a concise picture of the impact of excessive imports, I have chosen one industry to explain in detail.

It is the industry which manufactures ball and roller bearings.

My bill provides, with respect to that industry, an article reservation from the President's list of negotiable items if such article has registered a 100 percent increase in imports or more since 1958, and if total imports in any year since then had supplied at least 10 percent of domestic production of the article.

Imports of bearings from all countries increased from a value of $2,789,933 in 1958 to $19,268,752 in 1963 or an increase of 590 percent. The imports of Japanese bearings have increased from a mere $21,349 in 1958 to an estimated $9,872,254 in 1963.

It is estimated by the industry that the Japanese alone have captured approximately 20 percent of the domestic market. It should be noted that the Japanese import figures in this statement are based on the so-called home market values. Such figures are far below the price levels of the domestic industry.

Accordingly, the fact that 1963 Japanese imports were $9,872,254 necessarily means that domestic sales of a much greater value, probably in excess of $17 million, were replaced by Japanese imports.

Japanese bearing imports are most detrimental because of the resulting injury to the domestic industry with serious consequences for both employers and employees.

Analysis of the character of the Japanese imports clearly shows, that as a result of concentration upon a particular segment of the bearings market, the resulting damage is concentrated upon those domestic companies which are engaged in that segment of the business.

It is estimated in the bearing industry that sales value per man-hour of employment, was $8.98 in the American marketplace. This means that the imports at invoice value only, in 1963 replaced 2,158,670 man-hours of U.S. labor. If we calculate that the average man in the industry works 40 hours per week, 50 weeks in a year, or 2,000 hours a year, this is 1,079 man-years or full-time employment for 1,079 people for 1 year. And again, I emphasize this is only the so-called home market values of the bearings.

This type of information evidences why amendments to the Trade Expansion Act of 1962 are needed, and needed badly. Bearings are only one example, but a very dramatic example of what has been happening to domestic industry as a result of a trade policy which is punitive to American employers, American employees, and the general public.

The applicable tariff rates have been cut drastically since 1930. The rates on bearings have been cut from 45 percent ad valorem and 0.10 specific to 15 percent ad valorem and 0.034 specific. The rates on balls and rollers have been cut from 45 percent ad valorem and 0.10 specific to 12½ percent ad valorem and 0.04 specific.

To show even more dramatically what has been happening to imports of bearings from 1958 through 1963 I submit the following chart for the RECORD. It speaks for itself.

Schedule C.—Imports

	1958	1959	1960	1961	1962	1963 [1]	1963 [2]
Canada	$381,380	$1,426,623	$1,528,865	$1,644,439	$2,177,565	$2,006,577	$2,188,993
Sweden	373,043	910,174	783,129	540,948	486,098	284,930	310,832
United Kingdom	442,634	2,002,573	1,234,982	801,091	1,409,510	1,527,247	1,666,087
West Germany	1,033,008	3,126,847	2,395,346	2,177,372	3,680,328	3,140,634	3,426,146
Switzerland	236,160	337,813	543,965	514,543	662,247	470,211	512,957
Spain				14,003	41,860	62,130	67,778
Italy	73,499	59,372	173,480	130,094	246,822	369,999	403,634
Japan	21,349	1,988,585	2,813,431	3,738,071	6,711,235	9,049,567	9,872,254
France	125,565	355,405	345,597	287,322	387,131	478,892	522,427
Norway		150	3,086	366	2,179	873	952
Denmark		333		1,012	2,280	7,446	8,122
Netherlands		1,544	7,250	1,269	34,912	4,906	5,352
Belgium	361	2,342	4,692	2,574	3,575	3,193	3,483
Austria	102,934	184,936	366,375	269,475	387,985	254,789	277,951
Republic of South Africa				104	38,283		
Czechoslovakia			771	704			
India			1,017			1,135	1,238
Mexico			2,372			500	545
Country of origin unknown			448				
Ireland		968	625				
Australia			118				
Total	2,789,933	10,397,665	10,205,549	10,123,387	16,272,010	17,663,029	19,268,752

[1] 11 months.

[2] Estimated by adding 1/11 of 1963 11 months' figures.

Recently I received a letter from Mr. H. F. Hodgkins, Jr., of the Rollway Bearing Co., Inc., of Syracuse, N.Y., who comments on the impact of imports on our local economy. He writes:

> The Rollway Bearing Co. of Syracuse has 570 full-time employees, so roughly 2,400 family members in Onondaga County are dependent upon the success of the Rollway Bearing Co. We have an annual payroll of approximately $4 million, and the largest part of this is undoubtedly spent with retailers, service and professional people in the Syracuse area. You can see that the loss of this payroll would have a detrimental effect on the economy of the entire area. In addition, this company pays about $40,000 in local taxes alone, which, although it is not a huge sum, does contribute substantially to the local government operations.
>
> The total imports of ball bearings, roller bearings, steel balls and rollers in the year 1963 were up 19 percent from 1962 for a total of $19,384,853. This is strictly the import price, or invoice price paid by the importer, and does not include duty, ocean transportation, insurance, customs, brokerage fees or any other additives. Imports for the first quarter of 1964, in total, are $5,372,072 versus $4,313,124 for the same period in 1963, or an increase of approximately 20 percent.

Mr. BERRY. Mr. Speaker, I want to congratulate the gentleman from New York [Mr. PILLION], on the statement he has made and the work that he has done in this, field. I want to join with him in everything he has said.

Mr. Speaker, I am greatly interested in the bill that has been introduced by the gentleman from New York [Mr. PILLION] and others, and join them in its introduction and support.

It is a well-known fact, Mr. Speaker, that the State Department has long been overreaching itself in its ambition to regulate the foreign commerce of this country. It is true that the negotiations authorized by the Trade Expansion Act of 1962 were placed in the hands of the President's special representative, but no one should be so naive as to think that the State Department does not dominate the scene.

That Department has exerted itself over a period of years toward gaining final control over our tariffs and trade, and has succeeded to a degree that brings no comfort to the many industries, farm, and labor groups that bear and have borne the brunt of rising imports. They feel that they have lost all influence over a field that is reserved by the Constitution to the elected representatives of the people, which is to say, those who are responsive directly to the voters; namely, the Congress of the United States.

What has happened under the Trade Expansion Act of 1962, in that part of its administration that relates to the tariff negotiations, marks a further extension of the usurption of power in this field by the Executive, as has already been related here this afternoon. The Congress has been cut off from any influence over this administration far beyond the control relinquished under the provisions of the legislation itself. The meaning of the long hearings before the Tariff Commission has been nullified by the terms of the negotiation agreed to by our negotiators. The hearings were reduced ahead of time to the status of pure window dressing. Many Members of this and the other body appeared in person before the Commission and made statements. They might as well have saved their breath.

The outcome of the negotiations in Geneva was precooked by the terms of the agreement reached over a year ago in Geneva, that is, the agreement that there is to be a bare minimum of exceptions to the 50-percent tariff cut.

Mr. Speaker, the Congress has therefore been placed in the position of a helpless bystander and made to look foolish. Since the actual tariff-cutting session is still some months away, it is incumbent on us to assert our own responsibility by laying down more specific guidelines. That is the purpose of the amendment to the act offered in the present bill.

My district is deeply concerned about the inclusion of beef, lamb, mutton, and wool in the President's list of items that are to be subject to a further 50-percent tariff cut. The record level established in recent years in the imports of beef and lamb has been told many times on this floor and a few feeble efforts to improve the situation have been made by the Department of Agriculture, including persuasion of Australia and New Zealand to exercise self-restraint in their exports. A true remedy has, however, not yet materialized, and the Secretary of Agriculture is strongly opposed to legislative action. We witness here an executive department telling Congress that it should not exercise its constitutional responsibility.

With the inclusion of the products that I have mentioned on the President's list, the outlook would be good for another deep slash of the tariff. Such action seems unthinkable under the circumstances because it would greatly aggravate the present difficulty. Since the prenegotiation agreement provides for only a bare minimum of exceptions, however, we must be prepared to witness another tariff cut unless the present legislation is adopted.

This legislation would, of course, not be limited to beef, lamb and wool, but would also apply to all other products that have experienced a rapid rise in imports and the capture of a substantial part of the domestic market by them. Without the passage of the bill, the prospect would be that imports would be waved forward and given a virtual right of way in this conutry without a substantial domestic defense.

It is easy to understand what the effect on industry and farming would be under these circumstances. The forces that have already led to a high volume of dollar investment in foreign countries and increasing unemployment in this country would be given a green light. A slowdown in domestic expansion to a point that would fall short of employing the already unemployed and those who are added to the work force each year, could be expected.

We may discount the recent improvement in our balance-of-payments position as well as the recent expansion in plant and equipment in this country as a new development since these welcome trends would be undercut by the drastic tariff reductions that will be in the offing if this legislation is not passed. The improvement in our balance-of-payments position is more apparent than real in any case. In good part it is a result of our increased exports, and this increase reflects our sale of subsidized wheat to Russia, sales of farm products under Public Law 480 and sales under foreign aid. Our purely private competitive exports have not shown such an improvement.

We still have short-term foreign claims of some $25 billion against us and this figure has not been reduced. Its rate of increase—I repeat, its rate of increase—has merely been slowed down. Therefore there is no occasion for congratulating ourselves over a great advancement in our international competitive position.

Recent years should have opened the eyes of those who cling so fondly to the free trade doctrine. The competitive situation in world trade has changed profoundly, and the reasons are obvious. The great technological revolution that has come to the other industrial countries has given them a distinct competitive advantage. It should not be necessary to say it again, but seemingly there is yet no full recognition of the lower costs enjoyed by those countries because of their lower wages hand in hand with fast rising productivity. Their wages are still far below ours and will no doubt remain well behind for a number of years. We should be reconciled to this fact and recognize it and act accordingly. Numerous American industries cannot be expected to be competitive with imports under the circumstances. To expect this is to fly in the face of the clear facts of universal experience.

There are exceptions; but even these exceptions are falling away one by one. Six weeks ago on this floor numerous speeches were made citing industry after industry that face hardships from the impact of imports. I was struck by the number of very substantial and even leading industries that have lost their export position in recent years.

The steel industry is one of these. It can hardly be described as an inefficient industry when one of its troubles already lies in producing a substantially high tonnage of steel with 20 percent fewer workers than only a few years ago. Yet this industry has swung in recent years away from a favorable export position. Imports in tons in 1963 were double the exports.

Also cited was the automobile industry. Historically this was a great exporting industry. Now we import several times as many automobiles as we export. The textile industry is another large industry that has suffered the same fate. Add petroleum, sewing machines, typewriters, shoes and consumer electronic goods and we get some glimmer of what has been happening. In all these cases we have been driven from a net export to a net import position.

The vast upshoot in beef imports was obviously not an isolated phenomenon. The same thing can hit any of a number of other industries that now appear to be immune to import competition.

Mr. Speaker, this sort of thing could be expected even without further tariff reductions. If we reduce our remaining tariffs sharply, we will invite a great increase in the industries that may be expected to come under the hammer. We should keep in mind that the other industrial countries are branching out and entering new fields of manufacturing, launching new products, and putting them on the world market.

The great temptation is to cry out immediately that our industries must become more efficient. The cry has been heard numerous times and we still hear it. This is a natural reaction; but it is the same as saying to these industries that they should speed up their mechanization and automation and throw people out of work even faster than they are doing now. The trouble is that such an increase in displacement of workers would not solve the problem. It would merely enable us to stay in business but not to expand our market sufficiently to put more people to work. Rising imports would stand in the way.

This is an unwelcome fact that the free trade element simply will not entertain. It would upset their shining applecart. Therefore they will steadfastly refuse to see the obvious and will visit the stubbornness of their blindness upon our industries and farmers and workers until we in Congress call a halt.

Mr. Speaker, I am for this legislation. I say it is needed and in fact indispensable if we are to stand by our industries and providers of employment.

It is a little late in the day and time for action is short. I urge the Ways and Means Committee to give immediate attention to the legislation so that it can get underway.

Mr. PILLION. Mr. Speaker, I thank the gentleman for his contribution and I want to assure him that I am looking forward to continued cooperation with him in this program of protection for American agriculture and industry.

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WHALLEY] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WHALLEY. Mr. Speaker, I join in support of this legislation because it is reasonable and because it would prevent unnecessary additional injury to many of our industries that are already troubled by imports.

The bill would not increase a single tariff rate but it would in effect say to the President's special representative for trade: "Do not touch any items of which imports are already selling in large volume in this country. Do not cut the tariff any deeper when the present import levels clearly show that the rate of duty is already low enough."

To insist on reducing our duties on articles answering this description below existing levels could not be justified without, in effect, saying that injury to domestic industry is a matter of indifference. I do not believe that we who are Members of Congress can subscribe to such a philosophy. I am concerned about several products that are very important to the employment of workers in my district. I refer to coal, steel, manmade textile fibers, electronic tubes, refractories, candy manufacturers, and shoes.

Oh, it will be said, if a domestic industry or its labor is injured, the Trade Expansion Act of 1962 provides for what is called "adjustment assistance." The industry will be helped and its workers will be retrained and, if necessary, shifted.

Mr. Speaker, that sounds good, although I do not agree that we should as a matter of policy deliberately injure an industry or cause distress to its workers even if we agree to come to their rescue. Nevertheless, it sounds responsible. If someone gets injured because we carry out a policy that is for the good of the country as a whole we will make good the injury. Yes, that has the sound of responsibility so far as compensation goes.

Mr. Speaker, unfortunately the record of the past 20 months since the Trade Act was passed bears out no such responsibility. Eleven cases have gone through the Tariff Commission and not one has survived. The Commission unanimously found in the negative in all 11 cases. As a result not 1 cent has been paid out by way of compensation to the industries and the worker groups that applied to the Commission.

Evidently there is something wrong with a law that produces that kind of a record. The Tariff Commission is a bipartisan body and when it votes as a unit against relief the criteria laid down in the law for proving injury must be excessively exacting. Otherwise at least some of the members of the Commission would come up with a positive finding. When not one can make a finding of injury in any 1 of 11 cases, the obvious conclusion must be that the law was too stringently drawn.

The present bill would not touch this part of the act, much as it needs attention. The present legislation would do no more than remove items that meet certain criteria with respect to imports from a further exposure to tariff cuts. We would in effect refuse to cut the tariff again when it is obviously already low enough. It was cut deeply enough in the past. Why invite trouble; why visit more distress on our industries and throw workers out of jobs when they are either already in distress from imports or teeter on the borderline?

Mr. Speaker, if the President's special representative had taken a more moderate approach than he did in fact take, the need for this legislation would not be so acute. Unfortunately he agreed ahead of time, that is, even before hearings started, that there would be only the barest handful of exceptions. This simply means that all items will be subjected to a deep cut, with barely an exemption.

In none of the tariff reduction conferences of the past, and there have been five of them under GATT, did our negotiators take such a stiff and relentless position. Many items were not even placed on the President's list on those occasions, but even if they were, many exceptions were made. Now they are all on the list with the exception of a few items exempted by the law itself; and the outlook is that very few will be spared.

We in the Congress had a right to expect more respect for the hearings that were held before the Tariff Commission. These hearings lasted 4 months and called for detailed information on all aspects of production, imports, wages, prices, productivity, profit, and so forth. A vast amount of information was supplied. Yet of what use were these hearings if all items are to be cut, and most of them 50 percent, anyway? I fail to see either the logic or the good sense of such a state of affairs. I think it reflects disrespect or at least a lack of regard for the Tariff Commission and the numerous witnesses who appeared before it.

I agree that the law should be amended and hope that the legislation that I have introduced will gain the support to which it is entitled. I urge the earliest action on the bill since time is somewhat short. The Ways and Means Committee should treat the bill with special consideration because of its importance and the great need it would fill.

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. HARRISON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HARRISON. Mr. Speaker, I think there can be little question that the Trade Expansion Act of 1962 needs amending in several respects, I voted against it at the time it was passed. The proposed amendment of section 225 by adding new categories to the existing list of reservations is not only justified; it is imperative if we are not to bring ruin to many industries that are even now struggling against heavy imports.

In my State we are concerned with imports of beef, mutton, lamb, wool and woolens, and oil. The imports of these products need no further encouragement than they now enjoy. The imports are doing more damage now than our industries should be asked to shoulder. No further tariff reductions are necessary. In some instances greater restrictions are clearly called for.

These industries cannot hope to prosper and to contribute their share to employment and expansion if they are to be faced with prospects of further tariff cuts. It seems insane to expect to put people back to work and to open up new jobs if we insist on following a policy that will discourage rather than stimulate industry, worry them rather than bringing them confidence.

Mr. Speaker, I have spoken many times on the import problem. I have taken part in many conferences that looked toward solutions or improvements of the situation. Many of them gave evidence of complete sincerity; but, Mr. Speaker, I also went before the Tariff Commission during the hearings on the President's list of items to be considered for tariff reductions under GATT.

These hearings were required by the Trade Expansion Act and they consumed a great deal of time. Their purpose was to gather information with respect to the thousands of items on the list, information pertinent for a determination of what the probable effects of further tariff reductions would be. These hearings, too, gave every evidence of sincerity; and I do not question the sincerity and integrity of the members of the Commission. I am sure that they performed conscientiously.

It is very alarming to learn that these hearings have been converted into a dead letter by the unbelievable agreement of the President's negotiators to proceed under ground rules in the GATT negotiations that will permit of only a bare minimum of exceptions from the 50-percent reduction. Such an agreement makes a complete nullity of the Tariff Commission hearings.

This action of the negotiators comes as an affront to all who participated in the hearings and it places the Tariff Commission itself in a peculiar and discomfiting light.

I think a correction is indeed in order, and the present bill will go far in that direction. It is incumbent on us to provide guidelines distinct enough to make our meaning clear and to avoid the style of freewheeling that was engaged in by our GATT negotiators.

For this reason I gladly join in introducing this legislation even though it is only preventive in character. I think it should be given a right-of-way and passed during this session, and I hope that the Ways and Means Committee will make it possible by early action on the bill.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, in support of the proposed trade legislation instructing the GATT Conference in the matter of further tariff cuts in U.S. customs on specific items I want to present the case of handmade glassware.

Time is too short to give a full-scale report. Sufficient to say that the story of glass is not much different than that of many other U.S. products.

It has long been my belief that U.S. prosperity cannot be built upon the elusive sands of foreign trade.

This legislation may help some but to save our U.S. industrial complex in competitive products we must have a complete reevaluation of our trade policies.

Trade is a commercial venture and any claims to the contrary are deliberate attempts to exploit the people.

REPORT ON THE IMPACT OF IMPORTS ON THE AMERICAN HANDMADE GLASSWARE INDUSTRY

Within the past 15 years, 21 handmade glassware plants have gone out of business in the United States and approximately 50 percent of the men and women employed in the industry have been deprived of this means of livelihood. This represents a loss of approximately 2 millions of man-hours of work per year and a loss of almost $5 million payroll per year.

These losses are attributable, in large measure, to competitive foreign imports produced at wages far below those paid to American glassworkers. A comparison of foreign versus domestic rates, as accurate and as up to date as we could compile them from U.S. Department of Commerce reports, is attached to the copy of my presentation which has been furnished Commission members. I will not review them all, but a prime example would be those hourly rates paid in 1963 by U.S. manufacturers as compared to those paid in Italy which was the principal supplier from abroad. In the domestic plants, as of June 30, 1963, the average hourly rate paid to skilled glassworkers was $3.28 per hour; to the unskilled it was $2.21 per hour; and the combined average was $2.44 per hour.

In Italy, while glass was not specifically separated in the Department of Commerce report, the average take-home pay for "all industries" was $0.5264 per hour. This was based on a 1962 survey by the Italian Ministry of Labor covering approximately 2 million workers in 1,800 industrial enterprises. Please note that this figure of $0.5264 per hour is take-home pay and includes overtime, premiums, bonuses, paid vacations, holidays, and family allowances.

Incidentally, in the first 8 months of 1963 imports of handmade glassware from Italy increased by 25.6 percent over the same period in 1962. They reached $2.8 million based upon foreign valuation and this means that converted to the U.S. wholesale value, according to the U.S. Department of Commerce formula, Italy alone, in the first 8 months of 1963, shipped into this country $7 million worth of their product.

This equals 21 percent of the total shipments of U.S. handmade glassware in 1963—$32,500,000. Exports of American handmade glassware totaled only $450,000 in 1963, and most of this amount went to Canada.

Total imports of handmade glassware in 1963 amounted to $13,350,000, and according to a U.S. Department of Commerce bulletin released January 13, 1964:

> The handmade category accounted for practically all imports of household glassware in 1963. (FOX WO7-4604 ER-63-31.)

Imports of competing glassware products increased from $5½ million in 1946 to $34,869,346—U.S. wholesale value—in 1962—see table below—an overall increase of 527 percent.

In other words, since the first GATT concessions were made in Geneva in 1947 the imports of handmade glassware have increased by 527 percent while over 50 percent of our industry has gone down the drain.

Thus it becomes obvious that even at present rates U.S. tariff duties are no obstacle to the foreign manufacturer.

The handmade glassware industry is one of those with a very high labor cost—approximately 65 to 70 percent of the total manufacturing cost—and it is, therefore, extremely sensitive to imports of comparable items made at very low foreign wages. It is the wide disparity in wages that gives the foreign manufacturer the overwhelming advantage that he now enjoys.

To lower or eliminate the already inadequate tariffs remaining, simply means that more job opportunities of good American citizens are callously being tossed into the discard.

IMPORTS OF HANDMADE BLOWN GLASSWARE AS ESTIMATED BY THE DEPARTMENT OF COMMERCE AND THE TARIFF COMMISSION

These imports are based upon their foreign valuation. The foreign value may be converted to U.S. wholesale value by multiplying by 250 percent—footnote 1, table 13, 1953 report. Accordingly, the increase in the imports of handblown glassware, measured in terms of its U.S. wholesale price is shown by the following table:

	Imports	
	Foreign value	U.S. wholesale value
1946	$2,212,742	$5,531,855
1947	2,977,348	7,443,370
1948	2,094,000	5,235,000
1949	2,294,000	5,735,000
1950	2,779,399	6,948,498
1951	4,169,592	10,423,980
1952	4,221,658	10,554,145
1953	4,627,084	11,567,710
1954	4,934,142	12,335,355
1955	5,843,995	14,609,988
1956	7,125,807	17,814,518
1957	7,502,109	18,755,273
1958	7,376,839	18,442,098
1959	9,273,885	23,184,713
1960		
1961		
1962	13,869,346	34,673,365

Accordingly, it will be seen that since the first GATT concessions were made in Geneva in 1947, the imports of handmade blown glassware have increased from a foreign value of $2,212,742 in 1946 to a value of $13,869,346 in 1962, an increase of 527 percent.

Following is an explanation of the bill to amend the Trade Expansion Act of 1962:

A new category would be added to the articles that are reserved under section 225 of the act against further tariff reduction. The proposed new category consists of eight classes of articles. All articles or groups of articles that would meet one or more of the eight criteria of the bill would be removed from the President's list of items offered for tariff reduction. The eight criteria or classes of articles follow:

First. The first subsection would consist of articles that had registered 100-percent increase in imports or more since 1958 if total imports in any year since then had supplied at least 10 percent of domestic production of the article.

To understand what this means it is necessary to have in mind the term "article" rather than some broad category such as steel or textiles or chemicals. The term "article" in the case of steel, for example, might mean reinforcement bars, nails, or other easily identifiable steel product. However, a group of closely related articles that jointly produce a competitive impact could also be considered as a unit for reservation.

If articles that meet the specifications under this paragraph were reserved, the so-called linear or broad category approach to tariff reduction, for which there is no proper justification, would have some of its sting drawn.

COMMENT

A number of articles or closely related groups of articles would meet this criterion. While no exact listing can be made, it seems safe to say that the following items would be included:

Steel—wire nails and staples, barbed wire, woven wire fence, wire rods, reinforcing bars, ingots, blooms, billets, slabs, and so forth, pipe and tubing; beef, lamb, wool; dairy products; citrus products, dried fruits and nuts; cotton textiles, shoes, hats and millinery, gloves, men's haberdashery; copper and brass mill products; glassware, pottery, ceramics, certain tiles; bicycles, guns, pins, wood screws, needles, watches; electronic products and office equipment; plywoods and lumber products; cement, concrete products; synthetic organic chemicals, dyestuffs; automotive parts; rubber products; fishery products.

Second. The second class of articles would consist of those of which imports had for some years captured a large share of the market, that is, at least 20 percent. In recent years, the imports might have been more or less static. However, they might have the effect of holding down the expansion of the domestic industry. Therefore, if imports since 1958 had increased more than domestic production, the article would also be removed from the President's negotiation list. Some of the articles of the preceding paragraph would also fall into this category. It is added to meet situations where imports need not have doubled in order to make the article eligible. If imports were already at the 20-percent level a doubling of imports would not be necessary to justify removal from the President's list.

Again, it would be the imports of the "article" or group of closely related articles and not necessarily the whole spectrum of products made by an industry that would be examined to determine whether it would qualify for reservation.

Third. The third group would withhold items that are under an import quota limitation or had been accorded a tariff increase under the escape clause. Lead and zinc and bicycles would be included in this category; also women's hats of certain value brackets; and possibly several other items of modest output.

Fourth. There is another situation that would make further tariff reduction unjustified. If since 1958 employment of production workers in the domestic industry has declined by as much as 10 percent, cumulatively or in any 1 year while imports have increased compared with domestic production, the evidence, again, is overwhelming that imports have an advantage even at the present duty level. A further tariff reduction therefore could not be justified. If a reduction were nevertheless made it could be done only with the deliberate intent of inviting imports to create yet greater havoc. Employment is a very important consideration in assessing the effect of imports, and this subsection is designed for this purpose.

Fifth. The fifth group of the amendment would consist of farm products that are under price support or under a price stabilization program, or under soil conservation programs. Further tariff reductions would simply aggravate the surplus situation and increase the cost of the agricultural program. Dairy products, wheat and wheat flour, and other farm products that are under price support or marketing agreements, would be included.

Sixth. The sixth group would consist of imports of fishery products in those cases in which the Department of the Interior has in effect research or conservation programs for the preservation of a commercial fishery. The success of such programs would be materially retarded or doomed if imports were encouraged by further tariff reductions. Already imports have come to exceed domestic production of fishery products.

Seventh. The seventh subsection would eliminate cotton textiles, which are the subject of an international agreement that limits exports of cotton textiles to this country by category. It was negotiated because cotton textile imports had made deep inroads into the domestic market under the existing duty rates.

To cut these rates now would place cotton textiles into a weaker position than before the international agreement was made. The agreement has not much over 3 years to run and it could then be terminated. If, meantime, the existing duty were cut, ruination would face the industry.

Eighth. The eighth subsection is aimed at the practice of European countries to restrict imports from Japan and thus creating greater pressure for Japanese exports to the United States. If we reduce our tariffs further while European countries maintain their restrictions, this country will become the dumping ground for Japanese goods that Europe will accept only in small quantities. The whole purpose of the amendment would be to lift from industry, agriculture, and labor the depressing prospect of yet sharper import competition in those instances in which the present tariff itself is not high enough to keep imports from damaging domestic production and discouraging domestic expansion.

Finally, subsection (f) provides that no statutory nontariff trade restrictions may be eliminated, or changes in the bases of customs valuation negotiated.

This provision would prevent elimination of the American selling price as a basis of customs valuation. The chemical industry, rubber-soled footwear and one or two other items would be safeguarded in their possession of the American selling price as the basis of duty assessment.

The Buy American Act, the Antidumping Act, the manufacturing clause of our copyright law and the countervailing duty provision of the Tariff Act of 1930 would be removed from the powers of our negotiators to modify these laws in their bargaining with GATT.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. SLACK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SLACK. Mr. Speaker, I am happy to associate myself with the legislation that has been launched here this afternoon to remove certain products from the President's list marked for 50-percent tariff cuts under GATT. I am deeply concerned about the effect that such a reduction would produce on the glass industry. Imports in recent years have increased to levels that the domestic industry cannot withstand without serious losses in production and employment.

It is unfortunate that the special representative for trade negotiations should have taken the bit into his teeth, so to speak, and assumed the extreme position of allowing almost no exceptions to the 50-percent cut. The Trade Expansion Act, while authorizing cuts of 50 percent, was permissive, not mandatory. The authority to reduce the tariff by 50 percent across the board, with minor statutory exceptions, was to be tempered by the facts produced in hearings before the Tariff Commission. The law spelled out the many aspects of information that were to be examined by the Commission, all of which would throw light on the competitive position of each industry. The law thus at least implied that the facts thus uncovered would be taken into account by the executive branch when it entered into negotiations.

The hearings were long drawn out and nearly a thousand witnesses appeared and gave testimony. This was in the great American tradition. No arbitrary action would be expected under such circumstances.

Yet unfortunately, as matters now stand, under the rules that are to guide our negotiators in Geneva, these hearings might as well not have been held. This is the inevitable conclusion to be reached from the nature of the rules of negotiation that were agreed to; namely, that all items, with a bare minimum of exceptions, would be thrown into the hopper, and these would be subject to the 50-percent cut except as they might be treated more gently under a particular circumstance that has nothing to do with the Tariff Commission hearings; namely, the disparity question raised by Common Market countries. This was designed to allow other countries to trade smaller duty cuts for our 50-percent cuts. In a few instances we might get the benefit, but only if other countries had much higher rates than we on particular items.

In other words, so far as any effects produced by these hearings are concerned, they were useless. Even if we should put some items on the reserve list to be withheld from negotiation, this list would be subject to approval by the other members of GATT—the General Agreement on Tariffs and Trade. This right of review was also accepted by our negotiators as a precondition to negotiation.

Mr. Speaker, I agree that the authority of Congress as contained in the requirement for hearings before the Tariff Commission has been circumvented by the end run executed by the President's special representative. This makes it all the more desirable for Congress to reinstruct our negotiators, so to speak.

It is not too late. As matters stand we have until November 16. Most of the delay so far by GATT in getting underway has been caused by the Common Market countries' delay in agreeing on their common agricultural policy. Therefore we have no grounds for embarrassment in proposing this legislation. Congress is merely making a correction of what may have been but should not have been a failure of understanding; for when we provide for hearings before an agency that is itself an arm of the Congress, such as the Tariff Commission, we have every right to assume that the integrity of these hearings will not be upset by another branch of the Government.

I am therefore happy to join in introduction of the bill, and with others, I urge the earliest committee action on it.

HORTON BILL FOR SELECTIVE RESTRICTIONS AGAINST FURTHER TARIFF CUTS

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HORTON. Mr. Speaker, I have introduced, today, H.R. 11784 to amend the Trade Expansion Act of 1962. This is a comprehensive trade measure that will provide effective protection for American industry, labor, and agriculture.

In sponsoring this much-needed measure, I am joining with a number of my colleagues who are offering like proposals. All of us who are participating in this effort to restore a sense of equity to the current round of tariff-cutting talks that are taking place at Geneva are greatly indebted to the long hours of preparation spent on this legislation by the distinguished gentlemen from New York [Mr. PILLION] and North Carolina [Mr. WHITENER].

The principal provision of this bill is the exclusion of certain items and industries from consideration in these international trade negotiations. My proposal seeks to add to the Trade Expansion Act a new category of articles that would be protected against further tariff reduction.

H.R. 11784 would establish eight conditions relating to the damage which foreign imports have done to domestic production in recent years. Where any one of these conditions exists, duty lowering on foreign production of these articles would be prohibited.

I think it is very necessary and desirable that this amendment be made to the present tariff laws. And, in that regard, I am confident that I express the view of many of the people I am privileged to represent.

In increasing numbers, my constituents are registering with me their objections to the free hand being allowed our negotiators at Geneva. Many of them have told me that a 50-percent cut in tariffs would spell doom to their businesses. This just must not happen.

I believe my public statements prove my desire to encourage international commerce by every available means, but I do draw the line when the obvious consequence of our generosity is widespread economic havoc for American industry, labor, and agriculture. We would be closing our eyes to reality if we jeopardized the position of those elements in our economy whose health has made it possible for the United States to trade in world markets in the first place.

There are many businesses in my 36th District whose spokesmen have expressed concern over a further decrease in tariffs. Some of the articles of special interest to the economy of the area I represent which would be covered by the terms of this bill are dairy products, cotton textiles, men's haberdashery, cement, electronic products, and synthetic chemicals.

Mr. Speaker, those of us proposing this legislation have worked from a very complete document that details the eight classes of articles which we feel should be included in the new category of items not subject to tariff reduction. I am including the text of this material with my remarks for the point-by-point clarification it provides with respect to my bill:

EXPLANATION OF H.R. 11784, A BILL TO AMEND THE TRADE EXPANSION ACT OF 1962

A new category would be added to the articles that are reserved under section 225 of the act against further tariff reduction. The proposed new category consists of eight classes of articles. All articles or groups of articles that would meet one or more of the eight criteria of the bill would be removed from the President's list of items offered for tariff reduction. The eight criteria or classes of articles follow:

1. The first subsection would consist of articles that had registered a 100-percent increase in imports or more since 1958 if total imports in any year since then had supplied at least 10 percent of domestic production of the article.

To understand what this means it is necessary to have in mind the term "article" rather than some broad category such as steel or textiles or chemicals. The term "article" in the case of steel, for example, might mean reinforcement bars, nails, or other easily identifiable steel product. However, a group of closely related articles that jointly produce a competitive impact could also be considered as a unit for reservation.

If articles that meet the specifications under this paragraph were reserved, the so-called linear or broad category approach to tariff reduction, for which there is no proper justification, would have some of its sting drawn.

A number of articles or closely related groups of articles would meet this criterion. While no exact listing can be made, it seems safe to say that the following items would be included: Steel (wire nails and staples, barbed wire, woven wire fence, wire rods, reinforcing bars, ingots, blooms, billets, slabs, etc., pipe and tubing); beef, lamb, wool; dairy products; citrus products, dried fruits and nuts; cotton textiles, shoes, hats and millinery, gloves, men's haberdashery; copper and brass mill products; glassware, pottery, ceramics, certain tiles; bicycles, guns, pins, wood screws, needles, watches; electronic products and office equipment; plywoods and lumber products; cement, concrete products; synthetic organic chemicals, dyestuffs; automotive parts; rubber products; fishery products.

2. The second class of articles would consist of those of which imports had for some years captured a large share of the market, i.e., at least 20 percent. In recent years, the imports might have been more or less static. However, they might have the effect of holding down the expansion of the domestic industry. Therefore, if imports since 1958 had increased more than domestic production, the article would also be removed from the President's negotiation list. Some of the articles of the preceding paragraph would also fall into this category. It is added to meet situations where imports need not have doubled in order to make the article eligible. If imports were already at the 20 percent level a doubling of imports would not be necessary to justify removal from the President's list.

Again, it would be the imports of the article or group of closely related articles and not necessarily the whole spectrum of products made by an industry that would be examined to determine whether it would qualify for reservation.

3. The third group would withhold items that are under an import quota limitation or had been accorded a tariff increase under the escape clause. Lead and zinc and bicycles would be included in this category; also women's hats of certain value brackets; and possibly several other items of modest output.

4. There is another situation that would make further tariff reduction unjustified. If since 1958 employment of production workers in the domestic industry has declined by as much as 10 percent, cumulatively or in any one year while imports have increased compared with domestic production, the evidence, again, is overwhelming that imports have an advantage even at the present duty level. A further tariff reduction therefore could not be justified. If a reduction were nevertheless made it could be done only with the deliberate intent of inviting imports to create yet greater havoc. Employment is a very important consideration in assessing the effect of imports, and this subsection is designed for this purpose.

5. The fifth group of the amendment would consist of farm products that are under price support or under a price stabilization program, or under soil conservation programs. Further tariff reductions would simply aggravate the surplus situation and increase the cost of the agricultural program. Dairy products, wheat and wheat flour and other farm products that are under price support or marketing agreements would be included.

6. The sixth group would consist of imports of fishery products in those cases in which the Department of the Interior has in effect research or conservation programs for the preservation of a commercial fishery. The success of such programs would be materially retarded or doomed if imports were encouraged by further tariff reductions. Already imports have come to exceed domestic production of fishery products.

7. The seventh subsection would eliminate cotton textiles, which are the subject of an international agreement that limits exports

of cotton textiles to this country by category. It was negotiated because cotton textile imports had made deep inroads into the domestic market under the existing duty rates.

To cut these rates now would place cotton textiles into a weaker position than before the international agreement was made. The agreement has not much over 3 years to run and it could then be terminated. If meantime the existing duty were cut, ruination would face the industry.

8. The eighth subsection is aimed at the practice of European countries to restrict imports from Japan and thus creating greater pressure for Japanese exports to the United States. If we reduce our tariffs further while European countries maintain their restrictions, this country will become the dumping ground for Japanese goods that Europe will accept only in small quantities. The whole purpose of the amendment would be to lift from industry, agriculture, and labor the depressing prospect of yet sharper import competition in those instances in which the present tariff itself is not high enough to keep imports from damaging domestic production and discouraging domestic expansion.

Finally, subsection (f) provides that no statutory nontariff trade restrictions may be eliminated, or changes in the bases of customs valuation negotiated.

This provision would prevent elimination of the American selling price as a basis of customs valuation. The chemical industry, rubber-soled footwear, and one or two other items would be safeguarded in their possession of the American selling price as the basis of duty assessment.

The Buy American Act, the Antidumping Act, the manufacturing clause of our copyright law and the countervailing duty provision of the Tariff Act of 1930 would be removed from the powers of our negotiators to modify these laws in their bargaining with GATT.

THE TRADE EXPANSION ACT OF 1962

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 60 minutes.

Mr. WHITTIER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker and Members of the House, back in 1962 when we considered and passed the Trade Expansion Act here in the House of Representatives, I was one of those who voted against it because I was apprehensive that it would not prove to be to the best interests of our country to support the legislation.

Mr. Speaker, there were many Members of the House who supported this so-called Trade Expansion Act of 1962, and in supporting it they were just as satisfied as could be that it would be to the best interests of the country. But, now that experience has been had I am sure that many of those are now deciding that perhaps they were in error in giving their support to that legislation.

Mr. Speaker, I was interested just recently in some statistics which I received from an industry that is not operative in the area that I represent. But I believe that their experience is not unlike that of many other industries. They pointed out that between 1956 and 1962 imports of drawn wire excluding baling wire, had increased by 375.50 percent which represents a figure in tons of from 47,040 tons in 1956 to 223,673 tons in 1962.

Mr. Speaker, in their statement to me this organization further pointed out that during the past 5 years at least three companies in the United States had given up completely the production of wires. These companies were the Wickwire-Spencer Co., of Buffalo, N.Y.; the Pittsburgh Steel Co. and Bethlehem Steel Co. One of the reasons that they had to give up, of course, was that they just could not compete with the foreign imports of wire.

Mr. BERRY. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from South Dakota.

Mr. BERRY. I have been told by carpenters and contractors that it is absolutely impossible to buy a domestically made nail and this has been true for the last several years.

This fits in exactly with what the gentleman from North Carolina is saying. Nails and staples, along with wire, are all imported today.

Mr. WHITENER. And, for the most part from Belgium and West Germany.

I might say to my friend from South Dakota that it is not difficult to understand when we realize that the average hourly wage paid for the production of nails and wire in this country is $3.87; whereas, in England the rate of pay is only $1.14 an hour and in West Germany, $1.43. In Belgium that wage is $1.06. On top of that I am told that they have tax concessions within their own country which contribute to this price-cutting facility which they enjoy and which is actually eliminating, as I pointed out, some of our most efficient manufacturing concerns from competition in this field.

Mr. BERRY. Mr. Speaker, will the gentleman yield further?

Mr. WHITENER. I yield further to the gentleman from South Dakota.

Mr. BERRY. Even if they did not have direct tax concessions in those countries the manufacturers of those commodities do not have to pay their proportionate share of the $50 billion defense bill that our manufacturers have to pay. This is the thing that puts us out of competition with industry from foreign countries, primarily.

Mr. WHITENER. I know that the gentleman from South Dakota is aware of the fact that in most of these areas, particularly West Germany and Belgium, today instead of having an unemployment problem the problem is just the reverse, and they are having difficulty finding enough workmen——

Mr. BERRY. They bring them in from Italy.

Mr. WHITENER. To produce these goods which they are dumping in this country at prices which are lower than our people can compete with.

I mentioned this letter I had from some of the wire people. I only mention that to show that that is happening in that industry; but the wire industry and the nail indusry, instead of being an exception, I suppose it is more or less the rule.

The same thing is happening in textiles, and in other fields, particularly, as the gentleman well knows, in cattle, and even from New Zealand and Australia I understand they are shipping apples in notwithstanding their bulk and cost of shipping, to sell to our people.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. PILLION. I tried to verify the gentleman's statement concerning the closing down of the Wickwire-Spencer plant of the Colorado Iron & Fuel Co., which was located in the Buffalo area.

One of the major reasons for that shutdown was the foreign imports of wire and, of course, that closing put something like 1,500 workmen out of work in that area.

I might say that in the steel business you have increasing competition also from Japan, where they have the most modern steel plants and modern machinery.

Mr. WHITENER. Now, the second largest steel producing country in the world.

Mr. PILLION. That is right, in spite of lack of resources, raw materials, that they have to bring in from foreign nations. With their new machinery the productivity of a workman in Japan is just as great as that in the United States.

Mr. WHITENER. But the wages are not the same.

Mr. PILLION. The wages are one-fifth of those in the United States, something like 75 cents or 80 cents, whereas our wages are between $3 and $4. We have a real problem in the steel industry that is such a great part of our economy. I just wanted to add that to what the gentleman has been saying on this particular subject.

Mr. WHITENER. As the gentleman indicated his familiarity with the Wickwire-Spencer Co., of Buffalo, I think the gentleman will agree with me that that company and the Pittsburgh Steel Co., and the Bethlehem Steel Co., would hardly fit into the category of an industry that we heard so much about from our State Department friends, as "inefficient industries."

Mr. PILLION. Hardly. They are about as efficient as you can get them. If they close up, it is a pretty tough situation.

Mr. WHITENER. And companies of that type in this country are forced to give up the ghost, so to speak, so that we can hardly expect new companies to emerge on the horizon.

Mr. PILLION. It is impossible for a new corporation to build up to a productive unit.

Mr. WHITENER. I thank the gentleman from New York. I was happy to be able to join with him in this 2-hour discussion today. I also join with him in introducing the legislation which so many of our colleagues have joined us in on this important day in the history of this Congress.

Mr. Speaker, I have taken the floor on numerous occasions in a continuing effort to prevent imports from visiting destruction on one of America's leading industries, namely, textiles. It is a matter of record and I have perhaps tried your patience in the process.

I am taking the floor today in pursuit of the same objective, and also a broader one. It is true that the situation has improved with respect to the textile industry, which is the leading industry in my district. This improvement, however, does not have the marks of permanency and in fact, as matters stand, is temporary. The international agreement under which textile exporting countries limit their exports to us has only 3½ more years to run. This fact will soon confront the industry with uncertainty and it will become more difficult to plan long-range investments and expansion programs.

Today there is a threat on the horizon and I do not think that it should be lightly dismissed. I refer to the GATT tariff reduction conference that convened on May 4 and will resume on November 16. Under the grant of authority extended to the President under the Trade Expansion Act of 1962, the existing tariffs on textiles as well as nearly all other products could be reduced another 50 percent.

It might occur to our trade negotiators that such a reduction on textiles could be justified on the ground that the quota limitations now in existence would in any case restrict imports and therefore reduction of the tariff could do no damage. I cannot subscribe to such a view. There is and can be no assurance that the international agreement will be renewed. Should it be allowed to lapse or should some of the leading countries that are a party to it refuse to extend it upon expiration, we would thus find the American textile industry, with the tariff reduced 50 percent, exposed more grievously than it was even before the international agreement was negotiated.

Mr. Speaker, the proposed legislation would avoid further tariff reductions on articles or products that have reached levels of importation high enough to demonstrate that the existing tariff is not unduly restrictive. It assumes that past tariff reductions have gone far enough to open our market to a liberal volume of imports and that further reductions would merely expose domestic producers to a yet greater flood of imports. The criteria proposed in the legislation are designed, not to increase any duties, but to exclude articles that have contributed their fair share or more to the policy of increasing imports. Whatever this policy may be worth it should not be saddled disproportionately on particular products. Those that have already experienced a heavy impact of competitive imports should not be asked to make a yet more burdensome contribution.

This is the spirit of the proposed legislation. Products that would appear to benefit from its passage by being removed from the President's list would include textile products, beef, and some fishery products, certain steel products, certain items of footwear, lead and zinc, copper, hardwood plywood, woolen goods including some items of apparel, consumer electronic goods, items of glassware and pottery, tile, wood screws, farm products that are under price support or price stabilization, including dairy products.

I do not believe that Congress contemplated as broad a sweep of tariff reductions as is now proposed. The decision to cut nearly all products by 50 percent was an administrative one. The Congress, taking its cue from past practices, expected selective reductions, that would be made in the light of the hearings which were provided for in the act.

Now we find that this reasonable approach was jettisoned by administrative decision. This decision was incorporated in an agreement reached in Geneva in May a year ago. This was to the effect that all items, with a bare minimum of execptions, would be included.

The statute, that is, the Trade Expansion Act of 1962, itself reserved a few items. With the exception of petroleum and petroleum products, which was reserved, the imports of the other items put on the reserved list represented less than 1 percent of total imports. These were the successful escape clause items.

In all past tariff-reduction conferences, numerous items were withheld, not by law but by the negotiators. Textile products were held back until 1955. When the duty was reduced a flood of imports broke over the domestic industry and the industry was soon in deep distress.

Such an experience should have taught our trade-law administrators a lesson; but apparently the lesson was lost on them.

Mr. Speaker, the injury inflicted by imports is at least twofold. Imports capture a share of the domestic market and thus reduce the sales of the domestic manufacturers. Workers are thrown out of jobs. This represents the direct damage.

There is a further damage in the discouraging market outlook produced by the imports. Domestic companies, with few exceptions, will not venture into expansion programs when the doors to imports remain wide open and when they have seen imports take a growing share of the market. This hesitancy results inevitably in stagnation, a decline in new investment, et cetera, and therefore the industry does not hire its normal share of new workers who come on the scene as a result of population increase. Therefore unemployment is fed from two sources; namely, from actual displacement of workers by imports and from the failure of new jobs to open up.

I have said the injury from rising competitive imports is at least twofold. When the imports rise like a tide that no one can stop, industries come under great pressure to become more competitive in order to avoid being driven out of business. The only recourse then lies in the installation of laborsaving machinery and resort to as much automation as possible. The effects of this course may be a lifesaver as far as the companies are concerned, although there it does not always succeed by any means; but employment is reduced by the very process by which the industry seeks to save itself. This then is a third source of unemployment.

Laborsaving machinery under different circumstances, when the market is not invaded by cheap goods from abroad, will in time usually lead to enough increased consumption to call for additional employment. This beneficial result does not develop when imports are catering to the price-sensitive consumer and therefore preempt his patronage. The result is net unemployment and a recession of the domestic industry to a lower share of the total market.

It is for this reason that the proposed legislation would reserve articles in the production of which the number of production workers had declined as much as 10 percent since 1958 while imports have grown more rapidly than domestic output.

If this principle had been followed in the past some of the distress caused by imports in the past 10 years might have been prevented.

Mr. Speaker, I know that it will be said that today the economy is expanding and that capital investment is reaching record levels. We should keep in mind that we have in the past also had such expansion followed by recessions. I sincerely hope that we are not facing a recession now or any time soon, but we cannot assume that we are free of these cyclical swings. We must not be too eager to base policies on recent developments.

Also I would like to point out three things about the recent expansion in capital investment in this country. One is that only in 1963 did we exceed the 1955 level; and this was without shrinking the 1963 dollar to the 1955 dollar. If that were done the 1963 figures would slip from their record status. Second, most of the investment in new plant and equipment which is expected to reach a record level of about $42 billion during the present year is going into nonmanufacturing activities, such as utilities, communications, transportation, commercial operations, and so forth. Only about 40 percent has been going into manufacturing plant and equipment. Third, of the amount going into manufacturing, that is some, $17 billion, nearly two-thirds will go into modernization. This leaves only some $6 or $7 billion going into expansion of manufacturing facilities.

Modernization usually means installation of more productive and less labor intensive equipment. The heavier the pressure from imports, the greater the pressure for this type of investment as distinguished from plant expansion.

There is a fourth comment that should also be made. Our foreign investments have experienced quite a boom while we have since 1957 until this year virtually stood still at home. This simply meant that many of our industries found the investment outlook abroad more attractive than here at home. Also it represented an effort to hold foreign markets by investing there rather than depending on exports from the United States.

Mr. Speaker, quite a bit of the increase in our exports in recent years can be accounted for by these foreign investments and by various programs of Government aid or subsidization. The foreign investments led to an increase in the exports of machinery and parts, but this may be a self-defeating process.

I am convinced that we are on the wrong track when we propose to cut our remaining tariffs in half and thus overexpose those of our industries that are already suffering from severe import competition. We will do untold damage in all those respects that I have just enumerated. We will generate discouragement of investment; we will cause displacement of more workers, a greater outward movement to foreign countries by capital that would otherwise go into new plant and equipment here; and we will underwrite industrial stagnation once the benefits of the recent tax reductions have been absorbed, if we give the trade program's administrators their head.

It is for this reason that I am in support of the proposed legislation which I am introducing along with my colleagues.

I join with the others in calling for early hearings by the Ways and Means Committee because the time for action is short.

Mr. SENNER. Mr. Speaker, will the gentleman from North Carolina yield?

Mr. WHITENER. I will be more than happy to yield to the gentleman from Arizona.

Mr. SENNER. I gladly associate myself with the distinguished gentleman from North Carolina and with his remarks made here on the floor today. His words show his deep concern with events since the passage of the Trade Expansion Act of, 1962, events which have had and are having serious effects in our respective districts.

I was not here at the time of passage of the Trade Expansion Act; I did not vote on it. But I am convinced that further reductions in tariffs on products which are the mainstay of the economies of communities in my district would case extreme hardship to worker, ranchman, farmer, lumberman, and miner. Already cattle, lumber, and copper industries are seriously affected.

I have previously pointed out to my colleagues that the copper industry is vital to the economy of the State of Arizona, and indeed to the entire Nation. This is especially true in my own third congressional district of Arizona. There many communities depend upon mining for life itself. They are "one-industry" towns.

The American copper industry pays a decent wage scale to its workers, averaging $22.56 per day. Must this native industry then complete with foreign producers who pay as little as $2 to $3 a day? American copper industry management and labor adhere to rigid safety rules and regulation. Must they then go into open market competition against foreign industries in which production is the only rule and in which the health and lives of men is of no consequence?

But in any case, must we not preserve this vital industry for the safety of the Nation? Mines and mining are important to the national defense, fully as vital as missile sites, air bases, and the basic weapons of war. A mine is not developed overnight. If the time comes when the Nation must depend completely upon domestic production, the mining industry must be strong and healthy.

The record of imports shows that these products now flow freely into the country. Why then further tariff reductions? The Trade Expansion Act of 1962 provided for extensive and intensive hearings by the Tariff Commission, yet the President's Special Representative agreed with the GATT—General Agreement on Tariffs and Trade—that all items of our tariff would be offered for the 50-percent cut and that exceptions would be kept to the bare minimum.

Surely, Mr. Speaker, that was contrary to past practice and violated the purpose of the hearings before the Tariff Commission, hearings which consumed some 4 months' time and the testimony of a thousand witnesses. Now the ground is cut from under them. The President's Special Representative went further. He agreed that any list submitted by this country as its exceptions will be subject to "confrontation and justification." Other countries may then question any item on the list of exceptions, may persuade our negotiators to take some of these exceptions off the list, even though this list of exceptions is supposedly the bare minimum.

The adjustment assistance provided by the Trade Act to industries mortally wounded by deep tariff cuts has been shown to be a dead issue. The Tariff Commission has refused adjustment assistance to any kind of industry or labor during the last year and a half since the act became effective.

As I understand it, the gentleman from North Carolina would amend the Trade Expansion Act of 1962 to provide safeguards, to prevent further reductions of tariffs on certain imports. This is not indiscriminate. He would put them to the test: First, has there been more than a 100-percent increase in imports of that certain commodity since 1958; second, have imports of that commodity exceeded 10 percent or more per year of domestic production?

Copper is not my only interest, Mr. Speaker, but I must point out that according to figures in my hands, net imports of copper during the year 1958 totaled 92,142 short tons. In 1963 copper imports had reached a shocking 222,142 short tons. And percentagewise, imports have far exceeded 10 percent of domestic production. This was true in 1958 and each succeeding year. It is true today.

Imports have already taken a liberal share of our markets. Further tariff cuts would jeopardize the very existence of vital industries. Further cuts threaten not only these industries directly, but affect all associated with them directly and indirectly.

I am happy to join the gentleman from North Carolina [Mr. WHITENER] in support of this legislation; I also sponsor it. Congress must speak plainly. We must make our intention clear. To do otherwise or to refuse to act is folly.

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. HUDDLESTON] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I agree with the purpose of the bill to amend the Trade Expansion Act of 1962. It is obvious from what has happened since its passage that it is badly in need of amendment. While the present bill is designed as a preventive measure against excessive future damage to many of our industries and their workers and is not aimed at increasing tariff rates or improving the remedy against injury contained in the act, I think it nevertheless has great merit. It would temper the excesses to which those responsible for the GATT negotiations have committed themselves.

I am sure that it was not contemplated by Congress that the authority to reduce our tariffs another 50 percent, among other reductions, would be pressed to the extreme degree to which our negotiators have committed themselves. With minor exceptions the whole tariff list of more than 5,000 items will, under the terms accepted by our negotiators, be exposed to wholesale evisceration. This represents extremism of the highest degree.

That the competitive capacity of our industries varies greatly has long been recognized. Why then should tariff reductions be made across the board as is now the intention? Costs of production vary greatly among the countries that export to us. Some products come principally from the lowest wage and lowest cost areas of the world. Why should they be lumped indistinguishably with those that come largely from the higher cost areas? We have different levels of tariffs to fit the different needs. Why ignore this principle now?

The only answer must lie in the view that we really need no tariffs and the sooner we rip off what we have left of them, the better. This, however, was not the intent of Congress in passing the act 2 years ago. Had that been the purpose there would have been no point in providing for extensive hearings before the Tariff Commission. Yet such hearings were called for in the act, and they were held in fact. Had the Congress intended wholesale, across-the-board cuts it could very easily have provided for that approach. It did not do so. It made provision for selectivity by calling for Tariff Commission hearings dedicated to the careful examination of individual products.

Yet we now find ourselves committed to a course that makes a travesty of the hearings. The hearings were held over a 120-day period and they were concluded about 3 months ago. Are we now to say that these hearings were a mere exercise in blowing off steam? That would be a very cynical interpretation indeed, but that is what they would come to be if our GATT negotiators are not diverted from their present course.

Mr. Speaker, something is obviously wrong here, and it is not difficult to place the blame. It lies with the people downtown who have elected to disregard the integrity of the hearings process and proceeded to make mere puppets out of the many witnesses who appeared before the Commission in response to what they regarded as hearings worthy of the American standard of honesty and integrity. They will be badly duped unless something is done and done soon. The indignity should be corrected. We cannot afford to debase the processes of government in this fashion. If the procedure of public hearings to which we are properly wedded is to be debased in this fashion without vehement protest, we shall rue the example and the consequences.

My district has an interest and a legitimate one in this legislation. Steel and coal provide a great deal of employment in my home area. To expose steel to further tariff reduction in the face of the import and export record of the past 5 years would be an act of economic irresponsibility or worse.

Yet that is not all that is at stake here. Honesty of government is involved. How much confidence can the public have in our Government processes if they are subject to such abuses with impunity? I feel very strongly that this action must be challenged and brought out into the open. The action of the negotiators who have brought the hearings before the Tariff Commission into imminent disrepute must not only be challenged. It must be repudiated. The record must be rolled back and played straight, from a new start. The hearings of the Commission must be given the weight to which they are entitled. It would be an act of weak-kneed expediency and complacency to let the record of the negotiators stand where it is today.

I therefore not only agree with the present legislation, I shall cosponsor it and do all within my power to see that it passes. Obviously this Congress must spell out what it means or the guidelines will be wholly disregarded. It is time in any case that we assert more of our authority under the Constitution to regulate our foreign commerce. We have here an example of what may happen when we give the reins into the hands of those who have no responsiveness to the electorate or the people back home. These look to us to uphold their most vital interests. It should be a lesson that we should not forget as we observe the administration of the Trade Expansion Act.

Mr. Speaker, I hope that the Ways and Means Committee will treat this bill with the gravity to which it is entitled and that we may soon correct the course taken by the negotiators with GATT.

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. FISHER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FISHER. Mr. Speaker, not many weeks ago I, myself, occupied some time on this floor under a special order. At that time I expressed dissatisfaction over the Trade Expansion Act and what it is designed to do. I cited several industries in my district, particularly cattle, sheep, and tile, that would be distressed if further duty reductions were made under GATT—General Agreement on Tariffs and Trade.

Since that time the opening meeting of GATT was held on May 4 in Geneva. Not much was done but it adopted the 50 percent tariff reduction as its "working hypothesis." It adjourned after 2 or 3 days and agreed that at the next meeting the member countries would submit their list of proposed exceptions, items which they would not offer for duty reduction. September 10 was set as the date for this submission but this date was subsequently changed to November 16.

Mr. Speaker, none of the three industries that I have mentioned, that is, beef, wool and mutton, and lamb, and tile, is in a position to face further tariff cuts. Each one made strong representations before the Tariff Commission to this effect during the hearings of December-March.

Unfortunately, Mr. Speaker, it is now becoming known that the Tariff Commission hearings were really an exercise in useless presentation of facts and figures so far as their effect on the GATT negotiations is concerned. The futility and farcical character of the hearings was established by prior agreements reached in May of last year on ground rules that will govern the actual tariff negotiations.

I am not at all happy over these ground rules. It seems to me that they run counter to sensible and expected practices and procedures because they have foreclosed the effect of the public hearings before the Tariff Commission.

Congress called for these hearings to afford domestic industries an opportunity to make a case either for no further duty reductions or for reductions less than 50 percent. It is indeed a matter of record that most of the hundreds of industries that did testify asked for exemption from further tariff cuts on the grounds that imports were either already working injury or threatened such injury. I can say without fear of contradiction that the products about which I am concerned, already mentioned, are in no position to face further tariff reductions. On the contrary, they need either an increase in the tariff or the imposition of import quotas, or both. It is true of beef. It is true of woolen goods and lamb; and it is true of tile.

It therefore comes as a shock to learn so long after the fact that the President's Special Representative had already agreed before the hearings to hold the exceptions to a bare minimum, meaning, of course, almost none at all. Also, keep in mind, the duty reductions are to be by broad categories, thus losing individual items in the broad sweep. Finally, the working hypothesis of GATT when it gets underway is to be the 50 percent reduction. Departures from this rule will be limited to the minuscule number of exceptions, already mentioned, and those that qualify under the disparities principle.

This latter needs a little attention because it is one of those cute little stratagems proposed by the Europeans that have the effect of putting us on the defensive and giving the other side the better part of the bargain.

The Common Market countries seized on the fact that some of our tariffs are considerably higher than the corresponding European rates and they jumped on this phenomenon to draw a bead on us as a high tariff country. The fact is that our tariff averages lower than the common external tariff of the Common Market, or as it will be when it is completely set up. We do have some higher individual rates but we have many lower rates. Also we have an extensive free list that accounts for nearly 40 percent of our total imports. Yet, we, that is, our representatives dealing with GATT, entertained the suggestion that we should reduce our tariff in those instances more sharply than the countries that in particular instances had a lower tariff, that is, say, half as high as ours, or less. If our tariff, for example, were 30 percent while the EEC had a tariff of 15 percent, we would be expected to cut our rate to 15 percent while they would go to only, say, 10 or 12 percent.

A suggestion of this kind, of course, overlooks completely the reason for difference in tariff levels. Our 30-percent rate would most likely not produce a higher payment in dollars and cents than their 15-percent rate, because of our higher prices. The effects of the higher wage standards of this country are completely overlooked.

Then there is another matter that is being kept very quiet. This is that we assess our duty on foreign f.o.b. value while nearly all other countries assess their ad valorem duties on c.i.f. value and this, so far as Europe is concerned, might represent a base that is 20 to 25 percent higher than ours. They include marine insurance and ocean freight from the United States to their ports while we do not include either item on their shipments to us.

If, for example, our item of export is valued at $1 f.o.b., port of export, and the EEC duty is 15 percent, they will assess their duty not on $1 but on $1 plus marine insurance and freight. This would be expected to raise the base to $1.20 or $1.25. We assess our duty on the foreign f.o.b. value without additions of any kind. The foreign value on the same article might well be 75 cents and our duty would be based on 75 cents. The apparent gaping disparity would be greatly narrowed.

Our negotiators have obviously not yet overcome the habit of willingly giving more than we receive. Europeans now acknowledge that in the past we and not European countries did most of the reducing of tariffs. Moreover, in many cases they backstopped tariff reductions with restrictive quotas, exchange controls, import licenses, transaction taxes, and other tax devices.

It is time that our negotiators overcame their longstanding habit of freehanded negotiations. We have people at home in this country who have a right to expect fair treatment. The workers have jobs at stake, the producers have their home market at stake. The time is past when we can slash our tariff with supposed impunity. Our protection is down a full 80 percent since 1934. How much have the European tariffs been lowered?

This is a dark secret. Any attempt to get an answer to this question is met with all sorts of twists and dodges. If our State Department knows, it has kept a deep silence on the subject. As for the Department of Commerce, they would not utter a word about it if they knew. The State Department would not permit such an indiscretion. That is where the power over our foreign trade has been concentrated and it is jealously guarded there. All the other offices and agencies are no more than helpless satellites. This is a fact that becomes borne in upon anyone who seeks to enlist their help. The Departments of Agriculture, of Commerce, and of Labor all bow to the State Department in a showdown.

Mr. Speaker, the idea that we can advance the economic interests of this country by sacrificing its industries should have been buried under the mountains of evidence that have accumulated in recent years. Other countries will very quickly fill the gap that we vacate. Let us give up the woolgrowing business, and the gap will be filled very quickly. Let us vacate the beef business, and our place will be taken in a matter of time. Let us give up the woolens business, and other countries will soon supply us. Let us forsake the tile business. The same thing will happen.

Yet there are those who cling to the discredited notion that we should give up all instances in which other countries can produce cheaper than we.

Mr. Speaker, such a course would soon leave us denuded of all industry. Other countries are spreading the spectrum of their production and are very eager to jump into anything that we relinquish. It is no longer a question of who can make what, better. Technology is rapidly dissolving the natural advantages of the past; and other countries are catching up with us technologically at breakneck speed.

We will be shortsighted indeed and tragically naive if we think that we can outdo other countries as we could in the past, that is, paying much higher wages and yet compete almost at will. Mr. Speaker, that day is gone. The machine has revolutionized foreign competition. The very people who never weary of exhorting us about the great changes that the postwar world has brought about never once pause to think that some profound changes have also descended upon international competition, with a most telling impact upon the United States.

Big industries have recognized the facts and are adapting as rapidly as possible by becoming international; but how far can this be carried? If the trend is left to itself and is abetted by further tariff cuts by this country, domestic industry will find itself competitively more and more in an untenable position. The farmers, with some exceptions along the borders, cannot very successfully go abroad to sustain their operations; nor can the small businessman. Labor can join the outward procession only if it wishes to emigrate. These elements will be left holding the economic bag. Our exports will inevitably decline except as we subsidize them.

Mr. Speaker, the time has indeed come when the Congress must assess its responsibility and insist on clear guidelines to be followed by the administrators of our trade laws. Otherwise the type of free wheeling that we have witnessed to date by the President's special representative may be expected to continue.

I am therefore in hearty accord with the legislation that is proposed here this afternoon and am delighted to join in the effort to bring some order out of the present chaos. I support the legislation and join others in asking the Committee on Ways and Means to expedite the legislation so that it can be considered in time. I know of no other legislation that would mean more at the moment to the industries that I have mentioned than this legislation. I strongly urge early consideration and passage in time to be effective.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. PILLION. Mr. Speaker, it is a great privilege for me to congratulate and to commend the gentleman from North Carolina on his comprehensive, cogent, and informative presentation here today. I would like to assure him I am going to continue my cooperation in working for the objectives that both of us have for the protection of American industry and American labor.

Mr. WHITENER. I certainly thank my friend, the gentleman from New York [Mr. PILLION] for his remarks. I think here again, as he and I and others have spoken today and have joined together, we see that where America's best interests are involved as they are so heavily in this problem, that there is no room for partisanship on the usual order but instead in the interest of our country we must be Americans and not Republicans or Democrats and I would hope that more of our colleagues will have the same view that the gentleman from New York [Mr. PILLION] has had about this matter and in divorcing it from political considerations.

Mr. PILLION. I am sure neither of us are selfish about it. I think we both believe there are many areas in foreign trade where concessions can be made based upon the mutuality of benefit and if we confine ourselves to considerations of mutual benefit, I am sure we can protect the interest not only of this country but also of other countries that we deal with.

Mr. WHITENER. I think the gentleman would agree with me, sometimes we all must feel a little silly here as we labor and work in a legislative way to try to take steps that would create employment in our own country and which would give to our people a higher standard of living and an opportunity to support their families, and then see a bunch of negotiators who have no mandate from the people of any kind but who just happen to have been picked out of the crowd by some appointive authority go to some conference in Geneva or elsewhere and eliminate more American jobs with their signature on a piece of paper than we could create by spending billions of dollars and working diligently here trying to plan for the future of our own people.

Mr. PILLION. Especially when they use our economy for purposes of international diplomacy. I do not mind a little bit of that, but I think that economic considerations should come first and I am sure the gentleman would agree with me.

Mr. WHITENER. I think the gentleman in his characteristic fairness would have to agree with me that this picture that we have is not one which is confined to either a Republican national administration or a Democratic national administration.

Mr. PILLION. No, the gentleman is correct.

Mr. WHITENER. It seems whichever administration we have that they apparently are against doing the things that we think ought to be done to protect our own people.

Mr. PILLION. I certainly agree with the gentleman that there is not a monopoly by any one party so far as our mistakes are concerned along these lines.

Mr. WHITENER. The gentleman has certainly been cooperative not only at this time but in the past and I thank him for his cooperation. I am thankful to our good friend, the gentleman from West Virginia [Mr. MOORE] who has worked so diligently with us on this import problem.

I had the great privilege of visiting some of the textile industries abroad several years ago and of seeing at first hand why we were having a problem in competing. I believe the gentleman from West Virginia [Mr. MOORE] and I came away from Japan and Hong Kong with a new understanding of the problem our people had in competing.

I know that all of us who are interested in the welfare of our country must have our hearts and our minds attuned to Geneva in November, in the hopes that those who are sent there to represent the United States of America will in fact represent America and her people.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from West Virginia.

Mr. MOORE. I desire very much to compliment the gentleman from North Carolina. As he has indicated, it was our privilege to visit Japan and Hong

Kong, and to take a very close look at the manufacturing practices of the textile industry in these countries.

To my amazement, as much as it was to the gentleman from North Carolina, was the fact that textiles were produced in facilities with what might be called battalion labor. They moved them in and out like troops on the front line. They worked them 8 hours, put them in dormitories, gave them 8 hours' sleep, and brought them back again.

Mr. WHITENER. They paid them 18 cents an hour, as I remember.

Mr. MOORE. Eighteen cents an hour. Right, and the gentleman and I had an opportunity to go through the kitchen, and to see the food line. The food made the poverty situation in America look like some of our most prosperous areas, I believe the gentleman will agree.

Mr. WHITENER. I must confess that the diet of those folks did not seem to be consistent with the good North Carolina and West Virginia appetites.

Mr. MOORE. That was certainly proved to us.

Mr. WHITENER. I feel sure the gentleman will remember one industrial site which struck our eye, in Hong Kong, where they did not have a contractor sign up saying they were going to build a textile plant. There were seven being built on the same location, and all listed on one big board.

Mr. MOORE. That is correct. As a matter of fact, it looked like area redevelopment program in reverse. Their machinery was as up to date, if not more so, than that which is in the State of the gentleman from North Carolina.

Mr. WHITENER. It is more modern.

Mr. MOORE. Again, I pay high compliments to the gentleman from North Carolina and the gentleman from New York for making this presentation today. My district is vitally interested in this legislation which has been proposed. Steel, glass, chemicals and pottery are the economic mainstays of my particular district and of the State of West Virginia. I do not believe they should continue to be sacrificed at the diplomatic whims of the State Department. I say that with all the malice that one can gather under the rules of this House.

I say that because it seems to me that those who are negotiating for the United States have displayed an utter disregard for American industry and American workers and the difficulties that a number of the industries in the United States are experiencing.

Mr. Speaker, I strongly urge that the Committee on Ways and Means immediately consider this presentation by the gentleman from North Carolina and the gentleman from New York in order that we might have this legislation out here for a complete discussion by all of the membership of the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WHITENER. Mr. Speaker, I thank my friend the gentleman from West Virginia [Mr. MOORE], who has made such a valuable contribution not only today but in the past in regard to this matter. I will say to him that I hope he and I and others can recruit others to this cause, because I am convinced that it is the cause of a better and greater America.

Mr. MOORE. Mr. Speaker, the Trade Expansion Act of 1962 has had a checkered career. It has failed abysmally to accomplish its central mission so far as its special remedy for injury of a domestic industry and labor is concerned. It has been batted back and forth like a shuttlecock between this country and the Common Market and rendered shameful by the U.S. negotiators who have been so anxious to have the tariff-cutting round succeed that they have accepted ground rules of negotiation that disregard the constitutional position of this country.

As to the first of these observations, the act was to represent a great new departure from the days of Roosevelt and Cordell Hull who both expressed great concern to avoid injury of domestic industry. The new departure was to be marked by ruthless, across-the-board tariff cuts, letting the chips fall where they would. This, of course, represented an irresponsible attitude. Injury to domestic industry was to be no deterrent to deep tariff cuts. The Government would open its purse strings and come to the assistance of industries or companies or labor groups that were seriously injured by imports.

Up to now 11 such cases have been processed by the Tariff Commission and not a single company, not a single industry, and not a single worker has been helped. It was a questionable concept in any case since we were to cause the injury and then provide the rescue; but having been adopted, the language of the act should have been designed to promote the interest of the law rather than restraining it. Instead, the statute laid down almost impossible conditions.

We know from the record that the act must be amended if it is to be in the least responsive to the needs of those elements of industry and labor that are sorely beset by imports. Yet, there is great fear of amendment lest once in the Congress, the amendment might become a vehicle for changing other parts of the act. This fear represents a recognition of the fact that the act of 1962 was passed under circumstances that could not be repeated.

Mr. Speaker, the second observation refers to the weak posture of our negotiators vis-a-vis the GATT and the Common Market. Of course, this should cause no surprise since the Trade Expansion Act of 1962 was the brainchild of our State Department's zealous free traders who think there is a pot of gold at the end of the rainbow.

They proceeded early to forget that the Congress plays a part or should play a part in the regulation of our foreign commerce, something that is provided in the Constitution. Also, of course, the Congress is vested with authority to lay and collect duties. The State Department and its helpmeets in other departments have so long ignored these facts that they now habitually proceed as if the power were concentrated constitutionally in the executive.

No one need be surprised then to learn that our negotiators virtually threw the game before it started. They extended forward their hands, clapsed together, so to speak, toward GATT, and the GATT knew exactly what to do, and did it. When "Operation Manacle" was completed our hands were well tied and that is the posture our negotiators seem to prefer. They can then plead lack of bargaining power and excuse failures to clear away foreign obstacles to our exports.

To be specific, the President's special representatives accepted prenegotiating conditions that effectively tied our hands. One element of the agreement was that exceptions to or reservations from the bargaining list of items would be held to a bare minimum. By any definition this boils down to a very small proportion of anything.

Even this was not enough. We, meaning our official representative, speaking for the United States, agreed that any list of exceptions that would be presented, even though held to a bare minimum of items, would be subject to confrontation and justification. This meant that the other members of GATT would be in a position to challenge the inclusion of this or that item in our list of exceptions or reservations; and we might then drop some of the items from the list.

I wish that someone would explain to me where this leaves the exercise of judgment in a matter so vital to many of our industries.

I wish someone would also explain to me in clear terms how this submission to a challenge by GATT members of items on our list, items, mind you, placed there in pursuance of the ruling statute; that is, the Trade Expansion Act, can be reconciled with the constitutional power of Congress. The exercise of judgment by which a conclusion is reached in so vital a matter is passed to persons who are not even citizens of the United States but representatives of foreign countries that are our trade competitors.

When such things are done by our trade representatives it becomes clear that they have no regard for the law. Why would the law require hearings, as it does in section 221, by the Tariff Commission, if a bare minimum of exceptions would in any case deprive the hearings of any value? It is like the old story of giving an accused man a fair trial first, as a matter of complying with the law, and then hanging him.

Mr. Speaker, section 221 of the Trade Expansion Act requires that the President furnish the Tariff Commission with a list of articles that may be considered for duty reductions, and so forth. The Tariff Commission is then to hold public hearings and then to advise the President with respect to "each article" of its judgment as to the probable economic effect of modification of duties, and so forth.

The Commission is to investigate—to quote: "conditions, causes, and effects relating to competition between foreign industries producing the articles in question and the domestic industries;" also "to analyze the production, trade, and consumption of each like or directly competitive article, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned and other economic factors including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production."

Mr. Speaker, from all appearances the Tariff Commission is to look quite thoroughly into the many factors that would affect the competitive position of domestic producers of the articles that are to be considered for tariff reductions. Hardly anything is overlooked. The citation I have just made seems complete, but there is more yet.

The Tariff Commission is also to "describe the probable nature and extent of any significant change in employment, profit levels, use of productive facilities and such other conditions as it deems relevant in the domestic industries concerned which it believes such modifications would cause."

I have been quoting from section 221 of the act. The function laid on the Commission is impressive. It represents a serious approach and deep concern for the welfare of domestic industry, as it properly should.

And yet there is more. The Commission is to make "special studies—including studies of real wages paid in foreign supplying industries—whenever deemed to be warranted, of particular proposed modifications affecting U.S. industry, agriculture, and labor."

What more consideration and solicitude for American industry, agriculture, and labor could anyone ask? The requirements are very extensive.

Mr. Speaker, the Tariff Commission did hold hearings, detailed hearings, extending over a period of 4 months.

Looking at the agreement reached by our GATT negotiators in 1963, already mentioned, before even a shot was fired in actual bargaining which has not even yet begun, that is, agreeing to a "bare minimum of exceptions" and "confrontation and justification," Mr. Speaker, one feels stunned.

There is evident here a gross disregard of congressional intent, a contemptuous regard of the Tariff Commission, and indifference to the inescapable debasement of witnesses who appeared before the Commission under these circumstances, including numerous Members of Congress.

It would be contended that refusal to delist items does not mean that full consideration will not be given to the testimony of witnesses; but to make such a rebuttal overlooks the fact that tariff reductions are to be made by broad categories and that this prevents consideration of individual items. It also overlooks the agreement reached by GATT that reductions, except for the items reserved and certain "disparity" items, is to be 50 percent.

Mr. Speaker, the record of administration of the Trade Expansion Act to date is a record of incompetence, gross disregard of legalities, and contempt for domestic economic interests. Such a record was indeed foreshadowed by the shoddy and intemperate character of the legislation itself, which is contradictory in some of the principal provisions, impossible in some of its exactions, and ill-fitted to the needs of American industry, agriculture, and labor. It was indeed the product of exuberant neophytes and superenthusiasts who were in a great hurry to make the free trade dream come true. The result was a bad law that would discredit all who had anything to do with its administration. In this it has succeeded.

Perhaps I should say rather that this monstrous legislative freak which straddles several mutually contradictory objectives and philosophies at once, made its administration a human impossibility. Therefore those who have put their hands to it have been made to look foolish and incompetent.

The act should in fact be repealed, and we should start over again. In lieu of repeal, I heartily agree that a major operation is necessary. We in Congress cannot in good conscience avoid laying down specific criteria to guide the administrators and by so doing pull them out of the morass and also uphold the constitutional function of Congress.

I agree with the gentleman from New York [Mr. PILLION] and join him in the introduction of legislation that, if adopted, would go some distance in rescuing the act's administration from the impossible position in which it now finds itself. I refer both to the negotiations for tariff reductions and the Tariff Commission's record under the adjustment assistance provisions.

My district is vitally concerned with this legislation. Steel, glass, chemicals, and pottery are the economic mainstay of many communities in my part of West Virginia. I do not think they should be sacrificed to the diplomatic whims of the State Department.

I strongly urge that the Committee on Ways and Means give immediate consideration to this legislation and bring out the bill for consideration by this body in its present session. The longer we wait, the deeper the administration of the act will sink in the morass.

ATTACK BY WILLIAM L. SLAYTON

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Texas [Mr. DOWDY] is recognized for 60 minutes.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, my remarks will be concerning the attack by William L. Slayton, Commissioner of the Urban Renewal Administration, upon an article I wrote which appeared in the March 1964 issue of the Reader's Digest, and which was entitled "The Mounting Scandal of Urban Renewal." Shortly after the article appeared, under date April 8, 1964, Mr. Slayton wrote to Mr. DeWitt Wallace, editor and publisher of the Reader's Digest, saying that my article contained "misleading and incorrect statements," and at the same time, Slayton released to the press copies of an alleged point-by-point rebuttal of my article.

In declaring that I made "misleading and incorrect" statements, Mr. Slayton has willfully and maliciously deceived the public. His so-called rebuttal is not factual; it is, in truth, so patently false that it raises a serious question as to whether Mr. Slayton is qualified to remain in his post as a high official in the executive branch of the Federal Government. By making claims which are untrue, his attack became an unwarranted use of power and a threat to the independence of the legislative branch of Government.

Let me expose the perfidy of Mr. Slayton's attack upon a Member of Congress. And, I might add, he also attacked the truthfulness of a statement, quoted by me, made by a Member of the other body, plus the accuracy of a report, quoted by me, made by the Honorable Thomas J. Buckley, State auditor of the Commonwealth of Massachusetts, concerning the accounts of the Boston Redevelopment Authority.

After all, it is the Congress, rather than myself, which has the most to lose from such attacks. If a high official of the executive branch of the Government, such as William L. Slayton, can make false accusations against Congressmen and Senators, and then can successfully palm off those accusations upon the public, the intimidation of the Legislature will have been complete. Members of this body might not then dare expose the wickedness of those officials, or attempt to stand against them. The Congress would, in truth, become a rubberstamp, and the separation of powers established by the Constitution would become a mockery.

I will now supply the facts so that the kind of infamy initiated by this particular Federal official will not again be attempted upon myself or any other Member of this body. In his so-called rebuttal to my Reader's Digest article, Mr. Slayton specifically states that my charge of prodigal spending for urban renewal is "not so." He insisted, and I quote:

> Cities have paid more than $319 million of their share in cash (for urban renewal)—the total amounting to more than 35 percent of the total local share of net costs.

When Slayton released this rebuttal, I was in Texas involved in a primary race; I could not make an immediate reply, but on that same day my good friend and colleague, the gentleman from Iowa [Mr. KYL], came to my support and proved Slayton's statement to be false, fraudulent, and deceitful. When the gentleman from Iowa [Mr. KYL], speaking here on the floor of the House, questioned Mr. Slayton's figure of $319 million, Slayton not only acknowledged the figure was wrong, but immediately lopped $71 million from the figure and reduced the amount of alleged city cash contributions to $248 million. Following this, the gentleman from Iowa [Mr. KYL] asked Slayton to prove his new figure. But Slayton refused, apparently because his new figure is also a deliberate misrepresentation, and he cannot substantiate it.

It may astonish some Members of Congress that the Administrator of an agency which spends billions of dollars of Federal funds would accuse a Member of Congress of making misstatements, and in so doing make a $71 million error himself. But this is par for Mr. Slayton. It is only part of the curious pattern of his career. For example, during his testimony before the Subcommittee on Housing of the Committee on Banking and Currency of the House of Representatives in November of last year, Mr. Slayton was asked to provide information concerning redevelopment companies which were operating in communities across the Nation and which had undertaken urban renewal projects—page 460, hearings before Subcommittee on Housing of the Committee on Banking and Currency, November 21, 1963. Mr. Slayton testified that such a tabulation existed, and he agreed to furnish it for the record. Furthermore, he promised to update the tabulation and make it more current.

But look what happened. The tabulation Slayton submitted merely listed redevelopers participating in urban renewal projects as of March 1958. This list was worthless; it was 6 years old. Still, some interesting facts can be gathered from such meager information. The tabulation shows that in 1958 Mr. Slayton was a vice president of the redevelopment firm of Webb & Knapp of New York, which was and had been extremely active in connection with urban renewal throughout the Nation. But Slayton's list represents this giant in the redevelopment field as being a pigmy. Slayton's list showed Webb & Knapp to be operating in only one city, Chicago, where it was redeveloping projects Hyde Park A and B.

The list ignores the District of Columbia. There is no mention of the southwest area C urban renewal project; neither was Webb & Knapp revealed as the project redeveloper, although on March 15, 1954, the Redevelopment Land Agency of the District of Columbia entered into a memorandum of agreement with Webb & Knapp Co., which provided for the exclusive, noncompetitive redevelopment of that project area in Washington. I wonder what explanation Mr. Slayton will have as to why this 451-acre project and the name of his former employer with whom he served as vice president in charge of Washington, D.C., operations is not listed in this table.

I think it is common knowledge to other Members of the House that from 1955 to 1960, while Mr. Slayton served as vice president to Webb & Knapp Co., this company was extremely active in other cities such as New York, Chicago and Denver. I wonder what explanation he will have as to why other cities besides Washington, D.C., are not mentioned showing where Webb & Knapp Co. was a redeveloper.

Some time later Mr. Slayton submitted another list for the record—it can be found on page 466 of the subcommittee's printed hearings. This table is very interesting since Mr. Slayton resorted to reporting only from July through November of 1963. Here, instead of naming the redevelopers involved, he used the device of labeling after each city in parentheses a letter "L" meaning local redeveloper, and the letter "N" meaning national redeveloper. This device clearly conceals the identity of all redevelopers and precludes any judgment as to whether or not the table is accurate.

What is more astounding is that in this list the District of Columbia is followed by the letter "L," meaning that all the redevelopers are local firms. A footnote defines a local redeveloper as one who has his principal office or business within the community. Mr. Slayton might someday explain to Congress how Webb & Knapp suddenly became a local redeveloper in Washington, D.C., when its principal office is in New York City.

Still, Mr. Slayton is consistent. This list showed that all the redevelopers in Chicago including Webb & Knapp were local firms. Does Webb & Knapp Co. have its "principal" office in three or more cities, or are the facts concealed by this phony method of reporting?

As a former vice president of the Webb & Knapp Co. from 1955 to 1960, Mr. Slayton ought to know the answers. And when the Congress asks him for information, he should be more accurate and informative, even though it requires disclosures relating to his former business connections.

These examples not only indicate that Mr. Slayton's statements are unreliable but that he furnishes Congress with statements and data which are incomplete, untrustworthy, and calculated to hide the facts which Congress seeks. It would be most revealing if Mr. Slayton were to produce a full and complete list of all the cities and the urban renewal projects in which he was personally involved through his former business connections; namely, the I. M. Pei & Associates and the Webb & Knapp Co., or any subsidiary corporations or organizations established by either of those firms.

Now, since Mr. Slayton has questioned the veracity of my facts in my Reader's Digest article yet refuses to document the alleged facts he submits in rebuttal, let me, for the record, show the iron-cored strength of my sources. Mr. Slayton alleges that my statements are "incorrect," yet the truth is that my staff and I spent weeks checking records to verify the facts, and thereafter Reader's Digest editors and researchers made further independent review, checking out every item. Thus the article, as printed, was based on sworn testimony before House District of Columbia Subcommittee No. 4 of which I am chairman, on numerous reports made by the General Accounting Office and on the "Report on the Examination of the Accounts of the Boston Redevelopment Authority" by Thomas J. Buckley, State Auditor for the Commonwealth of Massachusetts.

Now despite the fact that the Reader's Digest editorial staff made certain that the information contained in my article, and which they were supplying to their magazine's readership—the largest readership in the world—was truthful, Mr. Slayton has seen fit to use the taxpayers' money to spread false statements and smear the article, the Reader's Digest and a Congressman from coast to coast.

This is a growing evil—this use of the lie technique to discredit and intimidate all who would criticize dubious programs of big government, whether it be a Member of Congress or a reputable reporter and his publication. Let me now expose this lie technique as it is being brazenly used by Mr. Slayton in connection with my article.

I said in the Reader's Digest that:

> Many big projects have been carried out competently, but in a shockingly large number, costs have skyrocketed. Charges of graft, favoritism, waste, arbitrary use of power have risen to a roar.

Mr. Slayton contends this is not true.

Mr. Speaker, official documents show him to be wrong. If he has not read those documents, he is incompetent to hold the position he has. If he has read them, then his dishonesty disqualifies him for the position he has. The urban renewal scandal exists on a nationwide basis.

I have before me 14 separate reports to the U.S. Congress by the Comptroller General of the United States concerning urban renewal. This stack is 4 inches high and contains 760 pages. Let us use them as examples.

First of all, in February 1964 the Comptroller General submitted to Congress his annual compilation of findings and recommendations for improving the administration of Government operations. This covered fiscal year 1963. The Comptroller General's findings and recommendations for improving shoddy urban renewal administrative practices ran eight single-spaced pages.

The Comptroller General stated on page 99 of this report, and I quote, that the:

> Housing and Home Finance Agency (HHFA) repeatedly recertified cities' programs for elimination and preventing slums and blight although no appreciable progress had been made in correcting program deficiencies.

Mr. Speaker, this statement alone is worthy of sparking a nationwide congressional investigation. But there is a great deal more that demands a full-scale investigation. A further point made on page 101 of the Comptroller General's report was, and I quote:

> Federal financial assistance should not be extended to cities not making reasonable progress in correcting significant deficiencies in their programs for eliminating and preventing slums and blight. (In one case) an HHFA regional office executed a planning and survey contract with the city without reevaluating the city's seriously deficient program for eliminating and preventing slums and blight.

Worse yet, the Comptroller General pointed out on the same page that there was, and again I quote—

> a need for improved administration of the relocation phase of programs for eliminating and preventing slums and blight. The Housing and Home Finance Agency's procedures and practices,

The report noted,

> Were not adequate to provide reasonable assurance that cities could provide decent,

> safe, and sanitary housing for displaced families, as intended by section 105(c) of the Housing Act of 1949, as amended.

The Comptroller General continued, and I quote:

> In certain cities whose programs had been certified and recertified as acceptable by the Administrator, HHFA, families displaced by slum clearance projects were relocated permanently into substandard housing.

Every Member of Congress should agree, Mr. Speaker, that this statement of urban renewal woes made by one of the most respected members of the Government, the Comptroller General of the United States, strikes at the very heart of the urban renewal problem and demands further investigation. Instead of providing a decent home for every American, the Urban Renewal Agency, in too many cases, forces the poor to suffer unnecessary indignities. It moves them from merely poor housing, which in many cases is owned by these people, into worse, or "substandard," housing; urban renewal frequently, through eminent domain, takes the homes of the poor and drives them into the clutches of slum landlords.

Mr. Speaker, the criticisms leveled at urban renewal by the Comptroller General of the United States do not stop at this point. Here are other matters he raised in this particular report:

First. On page 102 the Comptroller General stated that, and I quote:

> Revisions [should be] made to eliminate ineligible and excessive costs from noncash grant-in-aid credits.

Before going further, let me explain what is meant by noncash grant-in-aid credits. When the Federal Government begins an urban renewal project, the Government pays its share of the net project cost by giving dollars raised from nationwide taxation to a local planning agency. Meanwhile, the community share of the project is paid either in cash collected from local taxes, by the donation of community-owned property, or by the community building or rebuilding of streets, sewer lines, and other utilities to benefit the urban renewal project. These latter items are discounted from the total to be paid by the community and are called noncash grant-in-aid credits. Another way a community can establish such credits is to build schools, parks, or playgrounds which will be essential to carrying out the project. The Comptroller General makes the point here that the Urban Renewal Agency has, in far too many cases, allowed communities to deduct from their share of project costs such items as roads and schools which have nothing to do with urban renewal projects. In this manner the Urban Renewal Agency skillfully creates a situation whereby the local communities can skip out of their share of urban renewal costs while other taxpayers across the Nation have to shoulder the entire burden.

Second. Also, on page 103 of this report the Comptroller General stated, and I quote:

> Regulations [are needed] for use in evaluating the adequacy of relocation programs submitted by local planning authorities.

The Comptroller General relates that this recommendation had been made in June 1961; but it was not until February 1963 that the Urban Renewal Agency decided to set up guidelines for this section of the program. They may crow about this improvement, Mr. Speaker, but I wonder why they waited so long to draw up simple rules of conduct. How many Americans did they hurt by failing to act promptly? The number runs well into the tens of thousands.

Third. On page 103 of the Comptroller General's same report he stated, and I quote, that there is a "need for effective review of claims for noncash grant-in-aid credits." The GAO seeks such a policy for a very obvious reason, Mr. Speaker. The GAO seeks the establishment of these reviews to prevent the unnecessary and wasteful spending of tax dollars. But the report also shows that our Mr. William Slayton, Commissioner of the Urban Renewal Agency, and again I quote, "did not consider it necessary."

Fourth. On page 104 of the GAO report, the Comptroller General stated there is, and I quote:

> A need for procedures to preclude the improvement of properties in areas designated for slum clearance.

This point was made because the GAO discovered that in one project area the cost of acquiring the land had increased because, and I quote from the report:

> Extensive alterations had been made to the properties after the area had been designated as a slum clearance and urban renewal area. Since the cost of acquiring project land is included in project costs, of which the Federal Government generally bears two-thirds, any increases in land prices attributable to such alterations would be largely borne by the Federal Government.

Fifth. On page 105 of the same report, the Comptroller General stated there is, and I quote:

> A need to establish clearly defined policies, responsibilities, and criteria governing the eligibility of areas for large-scale demolition.

According to the Comptroller General:

> A city might, with URA approval, designate any of its buildings as "substandard" and schedule such buildings for demolition even though far less costly methods of renewal might accomplish the objectives of the urban renewal legislation.

I will explore this point more fully later on.

Mr. Speaker, I contend that these findings and recommendations by the Comptroller General, the man who guards against wasteful spending of the taxpayers' dollars, are charges of a most serious nature. These are not wild-eyed statements, but careful, sober, thoughtful evaluations of facts. They should be enough to make a responsible Federal agency hasten to reevaluate its plans and procedures. But that has not happened. Instead, the Commissioner of Urban Renewal, William L. Slayton, has, as the Comptroller General stated, refused to act on these recommendations; he has opposed making changes that would improve the workings of the urban renewal program; he refuses to save tax dollars that are being spent recklessly and needlessly; he persists in extending his personal empire, consisting of a program that hurts the needy and helps the greedy.

Mr. Speaker, it is beyond my understanding how Mr. Slayton can expect to get away with such high-handed tactics. The Washington Star of Sunday, May 3, 1964, reports President Johnson as saying:

> Honest mistakes can be forgiven, but it is hard to forgive failures to examine and tighten agency procedures to guard against recurrence of an error uncovered by the GAO and congressional committees.

Despite this statement by the President of the United States, the Commissioner of Urban Renewal, William L. Slayton, is continuing to act as though the GAO had never uncovered any errors in the urban renewal program. He refuses to correct the deficiencies uncovered by the GAO. He pretends the subcommittee of which I am chairman had not found urban renewal officials guilty of what would be "conspiracy and collusion," even though we called him in and outlined to him and his staff in detail what we had uncovered.

Furthermore, Mr. Speaker, this Commissioner of Urban Renewal claims my article in the Reader's Digest made "misleading and incorrect statements"; he contends that all is well in the field of Federal urban renewal.

Mr. Speaker, official documents and congressional hearings show Mr. Slayton to be wrong. There is a scandalous amount wrong with Federal urban renewal in this land. I have here before me a 5-pound stack of reports by the General Accounting Office pertaining to poorly run urban renewal programs. I want you to briefly review them with me in chronological order. Bear in mind all of these are reports to the Congress of the United States by the Comptroller General of the United States.

First, I hold here in my hand the report dated May 1959 entitled "Audit of District of Columbia Redevelopment Land Agency, Fiscal Years 1957 and 1958," in which the General Accounting Office found major faults in the urban renewal program being conducted in the shadow of the Capitol.

Second, I have here the report dated July 1960 entitled "Review of Slum Clearance and Urban Renewal Activities of the San Francisco Regional Office," in which the General Accounting Office was highly critical of conditions in San Francisco and found that the urban renewal program in that city suffered from grievous problems.

Third, I hold here the report dated October 1960 entitled "Report on Examination of Selected Slum Clearance and Urban Renewal Activities of the Redevelopment Authority of the City of Harrisburg, Pa." in which the GAO audited the urban renewal program for that city. In the city of Harrisburg, Pa., the GAO found that Federal tax dollars were granted in the form of a noncash grant-in-aid credit for a school which, and I quote:

> The need for which has not been determined; (2) (in which there were) deficiences

> in the acquisition of the commercial property; (3) deficiencies concerning rental incomes from acquired properties; and (4) deficiences relating to payments for services performed under contracts.

The next and fourth report that I hold in my hand is dated June 1961, in which the GAO audited the "Slum Clearance and Urban Renewal Activities of the Atlanta Regional Office." Here the GAO estimated that upon completion of a $10,600,000 housing project in Chattanooga, Tenn., and I quote:

> Over 60 percent of all nonwhite project families will have been relocated into substandard housing.

And here, fifth, is the report dated March 1962 entitled "Review of Policies and Procedures for Controlling and Sharing the Costs of Slum Clearance and Urban Renewal Projects, Urban Renewal Administration." In this report the GAO discloses serious nationwide deficiencies in the urban renewal program whereby, and I quote:

> The Federal Government may not be reimbursed for the ineligible costs paid with funds made available for the slum clearance and urban renewal program.

The Comptroller General of the United States felt, in this report, that this matter was serious enough to bring to the attention of the Congress for, as he put it, and I quote him:

> Of about 600 projects in the advance planning stage or in execution at June 30, 1961, only 57 have been completed. We are reporting on the problem at this time so that the needs of the Federal Government can be considered before most of the projects are completed.

No. 6, which I now have before me, is the report dated April 1962 entitled "Review of Selected Slum Clearance and Urban Renewal Activities Under the Administration of the Philadelphia Regional Office," disclosing that Federal credits granted by this office for urban renewal were excessive and unnecessary.

Seventh, I hold the report dated June 1962 entitled "Review of Noncash Grant-in-Aid Credits Allowed for Publicly Owned Parking Facilities," in which the General Accounting Office notified Congress that it might wish to consider, and I quote:

> Enacting legislation which would amend the Housing Act of 1949 to exclude from noncash grants-in-aid all publicly owned facilities to the extent that the capital costs of such facilities are contemplated to be recovered out of revenues derived from their operation.

The GAO revealed the necessity for this in that through loosely controlled and uncontrolled urban renewal practices, grants of Federal taxpayers' money were being made for facilities which were designed to pay for themselves.

Eighth, I have the GAO report dated October 1962 in which the Comptroller General reported on "Selected Slum Clearance and Urban Renewal Activities under the Administration of the New York Regional Office." As in the other regions, GAO investigations revealed that urban renewal was squandering millions of taxpayer dollars in excessive noncash grants-in-aid credits. The Comptroller General's letter of transmittal to the Congress states, and I quote:

> The report points out that the Urban Renewal Administration tentatively allowed noncash grant-in-aid credits amounting to $4,733,800 for five schools which have been or are to be provided in connection with slum clearance and urban renewal projects in New York City and New Haven, Conn. Four of the schools do not appear to be eligible for any grant-in-aid credits because on the basis of information available the urban renewal areas involved are not expected to receive the required minimum of 10-percent benefit from the schools. The amount of grant-in-aid credit for the fifth school was excessive. We are recommending that the grant-in-aid credits for the five schools can be reduced by the amount of $4,246,246.

Furthermore, the Comptroller General said, and I quote:

> The report also discusses (1) [excessive] grant-in-aid credits for paving and widening four New York City streets, (2) the need for effective verification of data submitted by local public agencies in support of claims for grant-in-aid credits, prior to approval of the Urban Renewal Administration of such credits, and (3) increased land acquisition costs in New York City because the city permitted extensive alterations to be made to properties located in a previously designated urban renewal area, pending their acquisition and demolition.

Ninth, I now hold in my hand a report dated December 1962 entitled "Review of Selected Phases of Workable Programs for Community Improvement under the Administration of the Fort Worth Regional Office," in which the Comptroller General reported on urban renewal deficiencies in Forth Worth, Tex. There the local agency was found to have accepted, and I quote:

> An ineffective housing code as being satisfactory [which] permitted the execution of a $21 million loan and grant contract with the community, and (2) the agency executed the contract with another community without reevaluating the community's progress in correcting its seriously deficient workable program.

Tenth is the June 1963 report concerning the Erieview urban renewal project which I will discuss in more detail in a few minutes.

Eleventh is the GAO report dated October 1963 concerning the "Improper Inclusion of Melan Bridge Costs in the Cost of Keyway Slum Clearance and Urban Renewal Project, Topeka, Kans., by Urban Renewal Administration." This reveals that the cost of building a new bridge across the Kansas River was improperly included in that city's urban renewal project. This meant that the Urban Renewal Administration granted the city of Topeka an improper and unearned noncash grant-in-aid credit of $1,080,000—an unbelievable waste of the taxpayers' money.

Now, Mr. Speaker, only last month the GAO released a new report that again criticizes urban renewal practices, this time in Cincinnati, Ohio. So, for No. 12, I hold in my hand the report dated May 18, 1964, and I quote from the Comptroller General's letter of transmittal to the Congress of the United States which advises that the GAO investigation "disclosed certain weaknesses in the administration of the requirement for the workable program for community improvement for the city of Cincinnati, Ohio, by the Housing and Home Finance Agency."

Mr. Speaker, in spite of the safeguards placed in the Housing Act of 1949, the Urban Renewal Administrator refuses to follow the intent of the Congress. There is almost a total disregard of the law concerning workable programs.

Let me explain briefly the workable program concept of urban renewal, which is vitally important. The original urban redevelopment program dealt with slum removal. Then came the Housing Act of 1954 which broadened the program to provide Federal assistance for urban renewal and covered not only slum clearance and urban redevelopment but also the rehabilitation and conservation of blighted and deteriorating areas. Thus, the Congress established the concept that the problem of slums could not be controlled solely by tearing them down. Instead, the problem would have to be attacked by the communities themselves, and financial assistance should be extended only to those communities willing to utilize their own public and private resources to eliminate and prevent slums and blight. Following this, Congress next amended section 101 of the Housing Act of 1949 to require that a community must develop a comprehensive workable program for local improvement before becoming eligible for Federal financial assistance under the slum clearance and urban renewal program.

Mr. Speaker, despite the enactment of such laws, the czars of urban renewal sneer at Congress. Look at the proof compiled by the GAO as to what is happening in Cincinnati. Let me quote from this report which I hold in my hand:

> HHFA repeatedly recertified the workable program of the city of Cincinnati, Ohio, and executed two slum clearance and urban renewal contracts providing for loans of about $40 million and grants of about $25.6 million to the city although the city did not make reasonable progress in correcting certain basic housing code deficiencies, the correction of which HHFA considered essential. Further, the loan and grant contracts were executed at times when HHFA had withheld recertification of the workable program. The recertifications of the workable program and the propriety of the execution of the loan and grant contracts under such circumstances is questionable in that urban renewal funds were made available at times when the community had not provided the means for effectively dealing with the whole problem of urban slums and blight.

In brief, Mr. Speaker, urban renewal funds have been poured into Cincinnati despite the GAO's reporting that the city will not require, until 1967, and I quote, that:

> All existing dwelling units must have a bathtub or shower equipped with hot and cold running water.

The same situation that existed 10 years ago. But the real significance of the GAO report is found in this statement, and again I quote:

> We recognize that, as a practical matter, a city cannot immediately include in its housing code all desirable standards and that a

> transitional period is necessary. However, the fact remains that HHFA (1) on two occasions refused to recertify the city's workable program because of the city's failure to correct basic housing code deficiencies. We believe that HHFA should withhold recertification of workable programs and urban renewal funds from communities that do not make reasonable progress, over a period of time, toward providing essential minimum workable program requirements. Further, we believe that withholding recertification is not really effective unless financial assistance is also withheld.
>
> In our report to the Congress on the review of selected phases of workable programs for community improvement under the administration of the Fort Worth regional office, HHFA (B-118754, December 17, 1962), we pointed out that the Administrator, HHFA, repeatedly recertified workable programs of cities which showed no appreciable progress toward correcting serious workable program deficiencies. We suggested that (1) the Administrator require more meaningful evaluations of all elements of the workable program and stress that these evaluations should be concerned with reasonable progress by communities in meeting workable program goals and (2) if such progress is not made, workable program recertification be withheld. The Administrator informed us that his agency endorsed the suggestions and was employing, and would in the future pursue, every means for carrying them out.
>
> In commenting on our findings relating to the administration of the requirement for Cincinnati's workable program, the administrator informed us that he reendorsed the suggestions.
>
> The Administrator informed us also that it had been HHFA's policy, prior to December 1961, to consider that the workable program requirement of section 101(c) of the act had been met for any project for which a workable program was in effect at the time a planning advance contract was executed. He informed us also that the agency revised its procedures, in December 1961, to preclude the execution of a loan and grant contract for an urban renewal project unless the locality had a certification or subsequent recertification of its workable program in current effect. In addition, the criteria established by the Administrator for use by his staff in evaluating workable programs have been strengthened measurably since the completion of our field work. The revised criteria provide that, before a community's initial workable program can be approved, the community must establish a target date for the adoption of nationally recognized model codes or codes that provide technical and administrative standards comparable to those in the model codes. The target dates for adoption must be during the first year after the original workable program certification. The revised criteria provide also that, before the workable program can be recertified, the community must have adopted all the codes for which target dates were set under the original submission.
>
> We believe that proper implementation of the revised policy and criteria will aid in achieving the objectives of the urban renewal program.

Mr. Speaker, the record speaks for itself. The HHFA claimed it was correcting the scandal of workable programs as revealed by the 1962 GAO investigation of the Fort Worth regional office of the HHFA. Yet 2 years later the same old stink drifts through the HHFA as a result of the GAO's exposure of the agency's wasteful handling of a similar program in Cincinnati. I doubt that the situation will improve in future years. The only reform we will ever get in the HHFA is by holding a full-scale nationwide congressional investigation.

Now, Mr. Speaker, only a few days ago the General Accounting Office released yet another report criticizing urban renewal. I hold in my hand the GAO report dated June 12, 1964, and entitled "Inadequate Relocation Assistance to Families Displaced by Certain Urban Renewal Projects in Kansas and Missouri Administered by the Fort Worth Regional Office." In brief, Mr. Speaker, urban renewal officers are charged and shown guilty of moving people into slums, of creating slum conditions, of violating the intent of Congress.

Let me quote from portions of this report. In relating the background of this issue, the GAO says:

> In most urban renewal projects, a problem arises with regard to families displaced from the urban renewal areas. These families are often from low-income minority groups with limited means of acquiring adequate housing in other areas. Even though the LPA (local planning agency) makes relocation payments (from funds provided by the Federal Government) to cover the costs of moving, the requirement to move often places a financial burden on these families. When there is insufficient standard housing for displaced families, such families tend to move into, and further congest, existing slums or deteriorating areas. Inadequate housing resources or improper relocation plans could result in shifting slum conditions from one area of a city to another.
>
> The Congress recognized this problem, and one objective of enacting section 105 of title I of the Housing Act of 1949 was to provide that families displaced by urban renewal activities be rehoused in decent, safe, and sanitary housing, with a minimum amount of hardship. Section 105(c) of the act provides that contracts for loans or capital grants require that:
>
> "There be a feasible method for the temporary relocation of families displaced from the urban renewal area, and that there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment."
>
> In Report No. 1, transmitted to the House Committee on Banking and Currency on January 31, 1956, the Subcommittee on Housing made the following comments on the relocation of displaced families:
>
> "The subcommittee is concerned that adequate safeguards are being taken to see that such families are transferred, as painlessly as possible, to alternative decent housing which they can afford. The subcommittee urges that the Federal authorities charged with overseeing relocation responsibilities exercise increased vigilance to make sure that the municipalities are in fact doing an effective and humane job in this area. Every effort should be made to insure a workable relocation plan with adequate personnel to supervise the working out of the program. If displaced families are merely shunted to another slum area or an area which is on the verge of becoming a slum, the problem is only aggravated further."
>
> Although the law itself does not specifically direct the LPA to relocate families, it indirectly imposes this obligation on the LPA. Accordingly, the URA relocation requirements, which are intended to carry out the declared purpose of title I of the Housing Act of 1949, as amended, provide for the acceptance of such an obligation by the LPA.
>
> Prior to the execution of a loan and grant contract, the LPA must submit a relocation plan to the HHFA regional office. This plan sets forth the policies and procedures which will be followed in carrying out the relocation phase of the project. The plan, as finally approved by the URA, constitutes the official criteria to which the LPA must adhere and is incorporated, by reference, in the executed loan and grant contract.

Mr. Speaker, there can be no questioning the responsibility urban renewal officials must shoulder in helping poor people find new homes when they have been dispossessed. But look at what the GAO found. Urban renewal could not have cared less about helping people. Once again the agency was shown to have no heart. Let me quote from the GAO report:

> In our review of the relocation of families displaced from selected urban renewal projects administered by the Fort Worth regional office, HHFA, we noted that a significant number of the families displaced in St. Louis, Mo., and Kansas City, Kans., were relocated into substandard housing and that a substantial number of the families displaced in these cities and in Columbia, Mo., were not afforded relocation assistance. We believe that the regional office's supervision and review of relocation activities of LPA's were not adequate to fulfill the intent of title I of the Housing Act of 1949, as amended, which was that displaced families be afforded an opportunity to relocate into decent, safe, and sanitary housing.
>
> In many instances, the families who relocated into substandard housing were actually relocated into substandard housing by the LPA's, were offered only other substandard housing by the LPA's, or were not offered relocation assistance by the LPA's. Many of the families who were relocated into substandard housing were reported by the LPA's as having been relocated into standard housing. We believe that there were inadequate review and supervision of the LPA's relocation activities by the Fort Worth HHFA regional office.
>
> The LPA reports of relocation progress of the Mill Creek Valley and Kosciusko projects in St. Louis, Mo., as of June 30, 1961, that 553 families from the two projects had relocated into substandard housing.
>
> We inspected 35 dwelling units selected at random from units reported as standard by the LPA and into which families displaced from the Mill Creek Valley project were relocated. On the basis of the standards set forth in the LPA's relocation plan, we concluded that 21 of these dwelling units were substandard. The deficiencies we noted included such things as inoperative plumbing, no running water, no heating facilities, doors falling off hinges, infestation with vermin, and leaks in roofs and walls. The head of the LPA's relocation section revisited seven of the dwelling with us and agreed that these units were substandard. He informed us that visits to other units were not necessary and that he accepted our conclusion that the other 14 units we had inspected were substandard.
>
> We inspected 31 dwelling units selected at random from units into which families displaced from the Kosciusko project were relocated. Twenty-eight of these units had been reported as standard by the LPA, and the other three had been reported as standard by the HHFA Fort Worth regional office site representative. The site representative had reported also as standard 4 of 28 units reported as standard by the LPA. On

> the basis of the housing standards set forth in the LPA's relocation plan, we concluded that 30 of the dwelling units were substandard. The head of the LPA's relocation section revisited 11 of the dwelling units with us and agreed that these units were substandard. He informed us that visits to other units were not necessary and that he accepted our conclusion that 19 of the other 20 units we had inspected were substandard. The regional office site representative stated that his inspections consisted of visual observations from his automobile as he drove by the properties and that, in classifying the dwelling units as standard, he relied on the statements of the LPA personnel.
>
> Some of the families who had been relocated into the substandard dwellings were so relocated by the LPA. Many of the other families either were offered only substandard housing by the LPA or were offered no relocation assistance by the LPA. The LPA assisted families displaced from the Kosciusko project in finding relocation housing by offering them addresses (referral lists) prepared from newspaper advertisements. Accompanied by an LPA relocation official, we inspected 16 of the 33 dwelling units listed on a Kosciusko project referral list dated June 6, 1961. The relocation official acknowledged that each of the 16 dwelling units was substandard. The dwelling units had not been inspected prior to their inclusion on the referral lists, as required by the LPA's relocation plan.
>
> Regarding the Kosciusko project, the LPA reported to the Fort Worth HHFA regional office that, of a total of 724 families taken into the LPA's relocation workload as of August 1961, 178 families had self-relocated into substandard housing. We reviewed the files of 40 families, selected at random, that had self-relocated into substandard housing and found no evidence that the LPA made any effort to relocate these families from the substandard housing they had chosen into standard housing, as required by the LPA's relocation plan.
>
> In commenting on the matters discussed above, the executive director of the St. Louis LPA questioned the basis that we used in classifying as substandard the houses that we inspected. The standards that we used as guidelines in our inspections were those contained in the LPA's relocation plans for the Mill Creek Valley and Kosciusko projects. We did not conclude that housing was substandard solely because of minor items; our conclusions were based on a combination of deficiencies—some major and some minor. For example, the deficiencies we noted for one of the structures above included: Leaks in roof and walls; doors falling off hinges; toilet shared with congregation of church; no kitchen facilities; no bathing facilities; inoperable windows; no water; no electricity; and no heating facilities. The LPA's own inspectors, accompanied by us, classified as substandard about 35 percent of the structures which we concluded were substandard and accepted our conclusions on the remaining 65 percent of the structures.

Mr. Speaker, the significant point of this GAO report is that local urban renewal officials considered the new homes into which they were moving people to be "standard." Standard. I ask my colleagues: Do you think for 1 minute any of these Federal officials would live in conditions like this? Would not Commissioner William L. Slayton scream like a stuck pig if his home was condemned by Urban Renewal and the Government moved his family into a slum dwelling that had, as the GAO states:

> Leaks in the roofs and the walls; doors falling off hinges; a toilet shared with the congregation of a church; no kitchen facilities; no bathing facilities; inoperable windows; no water; no electricity; and no heating facilities?

Why, Mr. Slayton would be the angriest man in town. He would scream that he was being pushed around by the Government. He would hire lawyers to fight his case. He would send telegram after telegram to his Congressman demanding justice. Yet, Mr. Speaker, this same Mr. Slayton accuses a Congressman of lying when he exposes this seamy side of his heartless, help-the-greedy, hurt-the-needy agency.

Let us now consider some other frightening aspects of the GAO report. It continues, and I quote from the portion dealing with the Gateway and Armourdale projects in Kansas City, Kans. Said the GAO:

> We inspected 18 dwelling units selected at random from units recorded as standard by the LPA and into which families displaced from the Gateway and Armourdale Industrial Park projects were relocated. On the basis of the standards set forth in the LPA's relocation plan, we concluded that three of these units were substandard. One of these units was located in a substandard apartment building into which eight families had been relocated. The LPA classified this building on its relocation records as standard for the first six of these families, two of which were relocated into the building by the LPA, and as substandard for the other two families, one of which was relocated into the building by the LPA. LPA officials revisited this building with us and agreed that it was substandard. The LPA subsequently revised its April 30, 1961, report of relocation progress for the Gateway project to show that 50 displaced families rather than 10 as originally reported, were living in substandard housing.
>
> Although the LPA's relocation plans for the Gateway and Armourdale Industrial Park projects require that inspections be made of dwellings into which displaced families are relocated, LPA officials informed us that in many instances the only inspections of relocation housing by the relocation staff consisted of visual external inspections, made while the inspectors drove past the properties.
>
> In instances where the LPA relocation staff inspectors classified dwellings as substandard, they did not report to the city's minimum housing code office, for corrective action, violations of the city's housing code. An LPA official told us that housing code violations were not reported to the city's minimum housing code office because LPA officials believed that (1) such action would adversely affect the availability of housing resources and (2) the relocation staff was not qualified to determine whether the housing met the city's minimum housing code requirements.

Furthermore, the GAO went on to say:

> Our review disclosed that more than 3,300 of the nearly 7,000 families that the LPA's estimated were living in the Mill Creek Valley and Kosciusko projects in St. Louis, Mo.; the Douglass School project in Columbia, Mo.; and the Gateway project in Kansas City, Kans., were omitted from the LPA's relocation workloads and that they were thus never afforded relocation assistance. Some of the families may not have accepted LPA assistance, and some of the movement from the area may have been normal turnover. The whereabouts of most of the 3,300 families is unknown, and their absence was not shown on the LPA's relocation progress reports. Probably a significant number of these families moved into substandard housing, as did a significant number of self-relocated families whose housing conditions were a matter of record.
>
> We believe that the URA regulations are inadequate in that they do not require the LPA's to advise families residing in areas selected for urban renewal projects of the relocation assistance that will become available to them until after the execution of a loan and grant contract. We believe also that URA should have required the LPA's to obtain more reliable information regarding relocation requirements and resources prior to the execution of a loan and grant contract. If reliable information on housing needs and resources is not obtained prior to the effective date of the contract for a loan and grant, significant relocation problems, such as a lack of available standard housing, may not be recognized in time to meet the needs of all the displaced families. Generally, by the time a contract has been executed, the residents of the area selected for the project have been aware for many months that they probably will be required to relocate. Consequently, may of these families, in anticipation of acquisition of the property by the LPA, move into other housing without having been advised of the relocation assistance that would ultimately become available to them. Of the self-relocated families whose housing conditions were a matter of record at the St. Louis, Mo., and Kansas City, Kans., LPA's, a significant number relocated into substandard housing. The relocation of a significant number of displaced families into substandard housing—the shifting of slums—negates much of the benefit of the project and is contrary to the clearly expressed intent of the Congress that the problems of slums and blight be attacked on a communitywide basis.

Mr. Speaker, the GAO then reports on a letter from the urban renewal commissioner outlining alleged improvements in the program. Says the GAO:

> We believe that the proper implementation of these procedures should result in a significant improvement in the quality of relocation activities administered by HHFA.

I am afraid, Mr. Speaker, that the GAO's note of optimism for improved relocation activities is nothing more than an empty wish. Why? you might ask. Here's why. The GAO report on St. Louis and Kansas City merely duplicates the first GAO report I held in my hand, and which dealt with urban renewal problems in Washington, D.C., for 1957 and 1958. To refresh my colleagues' memories, let me say that 7 years ago, here in the Nation's Capital, the GAO discovered that urban renewal was forcing people to relocate in slum buildings. The Washington study showed that the District of Columbia's local planning agency claimed to have relocated families in "standard" buildings. Yet GAO investigators found these buildings did not exist; the address on LPA record cards were false. Furthermore, official descriptions of the new slum homes into which people had been moved were false, urban renewal officials had not examined the slum dwellings into which they were forcing poor people to move.

Mr. Speaker, here is a problem the GAO revealed as existing 7 years ago. As of today, little has been done to correct it. Human beings are still treated like cattle, and urban renewal officials do not appear to care. I ask my colleagues, is this the way urban renewal should be run?

Mr. Speaker, I contend that these GAO reports reveal a nationwide scandal in the urban renewal program, and this is borne out and supported by the report of the auditor of the Commonwealth of Massachusetts, to which I have already referred, and to which I will make further reference in a bit. My beliefs are also borne out by news stories in the Nation's most influential newspapers. For example, on January 9, 1962, the Wall Street Journal headlined a story saying, and I quote:

> Many Firms Evicted by Federal Projects Face Relocation Woes.

Almost exactly 2 years later, on January 28, 1964, the Wall Street Journal carried another story headlined, and I quote:

> Urban Renewal Ills—Redevelopment Efforts Snarled by Redtape, Many Other Problems.

Let me quote further from this Wall Street Journal article which said:

> President Johnson's call yesterday for new Federal housing programs comes at a time when the existing slum clearance program is largely bogged down.
>
> City planners in New York in 1956 conjured up a new vision of Manhattan's teeming West Side slums. It included some 7,800 new apartments and skyscraper buildings, landscaped plazas and tree-shaded streets.
>
> Today, nearly 8 years later, a visitor strolling through the West Side urban renewal project sees shabby tenement houses, deserted and boarded. Bright-colored posters for Broadway shows are splashed over vacant shop doors. And only two new apartment buildings to house 400 families are being built. Construction has not begun yet on 7,400 other new apartments the urban renewal people promised for a 20-block area between 87th and 97th streets.
>
> New York is only one of many cities with real estate lying idle due to nagging delays in completing federally subsidized urban renewal projects. Redtape, politics, inexperience and construction financing difficulties are a few of the factors bogging down projects.

The Wall Street Journal went on to say, and I quote:

> Of the 22,000 acres purchased by cities (across the Nation) since the program began in 1949, only 6,800 have been resold to developers. Among the remainder, 6,000 acres have not been cleared yet of old buildings; another 3,300 have been cleared, but no redevelopers have been found; and 5,900 acres are cleared and appear close to being sold to redevelopers.
>
> The delays plaguing developers already have caused difficulties. When a developer in 1958 bought land to build a 33-story Hopkinson House apartment building, an urban renewal project in Philadelphia's rundown Society Hill section, prospects were that demand for the apartments would be strong. By December 1962 when the building was ready for occupancy, other apartment houses in the same area had been built and there was an oversupply. Delays in fixing up the neighborhood around the new building also may have discouraged prospective tenants. Hopkinson House is now about 66 percent filled, well under the 85 percent it needs to break even.

Consider, Mr. Speaker, the article in the New York Times of January 12, 1964, headlined, and I quote: "Speedup Urged in Renewal on Long Island."

The Times reported that 110 families were, and I quote, "still living in the 36-acre area uncertain of the future, crowded in temporary accommodations," and "neglected and rejected."

Or take the story in the Washington Star of February 17, 1964, which carried the headline, and I quote, "Federal Housing Action Flounders, Bankers Are Told." And in a nationwide wrap-up of urban renewal, the New York Times in April 1964 reported that there were, and I quote; "delays in Buffalo," "disputes in Cleveland," "St. Louis: mixed results," and "issue in San Francisco." Within hours the New York Herald Tribune reported that Stamford, Conn., was having urban renewal problems. The Herald Tribune unveiled the fact that a suit was being brought against the Stamford city administration on the grounds that the city's $86 million urban renewal project was not benefiting slum dwellers and small merchants.

Consider, Mr. Speaker, the great public service performed by the Nevada State Journal when on May 6, 1962, it printed the entire 90-odd-page decision of the Honorable Clel Georgetta of the Second Judicial District Court of the State of Nevada, which declared that urban renewal in Reno, Nev., was illegal. Judge Georgetta's remarks make interesting reading. They show the depths to which some forms of urban renewal plans have sunk. Let me quote some excerpts that I know will interest my colleagues in the House:

> First, the court will discuss the evidence presented by the plaintiff—the Urban Renewal Agency.
>
> For the sake of clarity, the first to be considered is plaintiff's exhibit G dated March 15, 1957. This is a large clothbound looseleaf binder containing 30 different tabbed sections. Much of the bulk of the book is composed of such documents as the Reno city zoning ordinances, land use plan of the entire city and a large part of the printed Reno city ordinances. The fact that 23 percent (of the structures included in the exhibit) were classed as "substandard" does not mean much when it is observed that the Urban Renewal Agency put in that classification every house that failed to meet all the requirements of the presently existing building code. On this basis, even if every house in the area were "substandard," that would not necessarily denote any slum or blight condition. A few examples will illustrate the correctness of this statement.
>
> A house built some years ago could have a door leading from the kitchen to the basement stairs without having a platform at the head of the stairs. When these houses were examined in 1957, any such house would be classed as "substandard." Would that mean that such a house is "dilapidated" or "deteriorated" so that the presence of a number of such houses would "blight" the area? This house might be of far better construction than many of the new "flattops" built to code.
>
> Only a few years ago, nearly all houses were constructed with knob and tube electrical wiring. The 1956 Reno building code provides every new house constructed must have romex wiring. Therefore, when a house built in 1955 with knob and tube wiring was examined in 1957, the inspector would classify it as substandard (not up to code), despite the fact some architects say it is superior to the romex now being used. The knob and tube wiring would be no evidence whatever of a "slum" or "blight" condition.
>
> Furthermore, the Court observes that this exhibit G was not prepared by a disinterested party. A man who carried the title of director of urban renewal gathered the information. He may have been the soul of integrity and a very honest and conservative man, but the evidence establishes that he was hired and put to work on this task by Mr. Smith, the planning commissioner who first suggested to the city council that they may be able to get hold of millions of dollars of Federal money if they could find some part of Reno that would qualify for an urban renewal project. (Minutes of city council meeting November 26, 1956—item 1 of facts above stated.) The man who carried the title of director of urban renewal was sent out to find, if he could, enough evidence of "slum" and/or "blight" to set up an urban renewal project. Regardless of his sterling character, when he looked at those 200 houses he classed as "poor," they would not look the same to him as to one of the defendants in this case, or even to some completely disinterested party.
>
> The effect of the urban renewal project is to hasten this transition (of the neighborhood) and accomplish it artificially in 1 or 2 years by first taking the people's property for what an appraiser says it is worth as an "old residence," demolish the homes and then turn the area over to a private party to "redevelop" it by selling sites for commercial and industrial uses. In other words, take it away from the people who own it and give it to someone else to make the profit the people are entitled to have as their land goes up in value.

Mr. Speaker, I contend that pounds of documentary evidence such as this is worthy of public exposure. I further believe that the Reader's Digest performed a great and valuable journalistic service in showing the people of America how their tax dollars are all too often squandered and misspent by the urban renewal program and its planners. Yet when these facts are published, Commissioner William L. Slayton refuses, as he did with GAO and congressional investigations, to acknowledge their existence. Worse, when a Member of Congress exposes such issues before the public through a great magazine like the Reader's Digest, as I did, he and the magazine are smeared and called liars by Commissioner Slayton because he is afraid that when the people know the truth, the program he has mishandled and his job may be in jeopardy.

Mr. Speaker, this evidence completely refutes and destroys Mr. Slayton's self-serving contention that all is well with the urban renewal program.

I would next like to examine Mr. Slayton's self-serving rebuttal to my statements in the Reader's Digest concerning urban renewal in Boston. I said in the Reader's Digest that "Boston, for instance, now has 19 urban renewal projects involving $227,960,000."

Mr. Slayton replied, saying:

> The Digest figures are inaccurate. The 19 urban renewal projects in Boston involve a total of $120,710,664 in Federal capital grants.

Mr. Speaker, the source for my information was the official audit report prepared by the Honorable Thomas J. Buckley, State auditor for the Commonwealth of Massachusetts, issued under date of August 16, 1963, and titled "Report on the Examination of the Accounts of the

Boston Redevelopment Authority from October 4, 1957, to February 25, 1963.”

As an aside, I feel that Mr. Buckley's honesty and integrity need no defense, but since Mr. Slayton has alleged that the figures used in his audit report are false, I would like for you to know that it is my information that Mr. Buckley is an honorable man, well respected by the people of Massachusetts; as State auditor, he is an elected official and does his job so ably and is so well thought of by the people that in the last election he polled the largest vote in Massachusetts—running 250,000 votes ahead of our late lamented President.

I tell you this so you may judge for yourself whether to believe the impartial Mr. Buckley or the self-serving Mr. Slayton. These facts I am about to relate require a decision as to which of them deserves to receive faith and confidence and which does not.

Now let us have a look at Mr. Buckley's audit report. On page 28 of this report there is a chart showing net project costs of urban renewal projects in the Boston area, and you will find there the total figure, $227,960,000, which is the source for the figure I used in the Reader's Digest article.

Mr. Speaker, I have no idea where Mr. Slayton got his figure of $120,710,664, and I doubt that Mr. Slayton knows either.

The record will justify such statement. As I said, Mr. Buckley's report covered the Boston urban renewal program from October 4, 1957, to February 25, 1963, and was issued on August 16, 1963. It so happens that only 47 days earlier Mr. Slayton's office issued its regular report on "'Urban Renewal Project Characteristics" dated June 30, 1963, which was supposed to cover all projects up to that date.

A comparison of these two reports is revealing. Mr. Slayton's report shows only four projects for Boston, while the State auditor's report shows 19 projects. The net project costs of the four projects listed in Mr. Slayton's report are essentially identical to the net project cost for the same projects shown in the State auditor's report. This indicates that the State auditor's figures are accurate and in harmony with Mr. Slayton's figures, except Mr. Slayton omits reference to 15 projects that are revealed in the State auditor's report.

Thus it should be obvious that in the short period between the issuance of the study by the State auditor for the Commonwealth of Massachusetts and the issuance of the Slayton report, 15 new projects involving $100 million are not going to suddenly appear as approved for Federal funds. In fact, such an explanation would be impossible because the auditor for the Commonwealth of Massachusetts finished his study in February 1963, and reported the projects as being in existence at that time. Is it not more than passing strange that on June 30, 1963, Mr. Slayton would report only 4 of the 19 projects in existence—and is it not reasonable to assume that had he reported all 19 of them, his figures would then undoubtedly have verified the total figure, as revealed by Mr. Buckley, the State auditor of the Commonwealth of Massachusetts?

I would certainly like to see Mr. Slayton given an opportunity to prove his statement to the Congress because to show that the figure I used in the Reader's Digest article is false, he must first show that the State auditor for the Commonwealth of Massachusetts made a false audit to the people who elected him to office. You see, Mr. Slayton is in the position of contending that the State auditor, Mr. Buckley, is guilty of "misleading and incorrect statements," not only in this one respect but in others as well, as I will demostrate in a moment.

It is extremely difficult, Mr. Speaker, to understand how a man such as Mr. Slayton, who holds such a responsible position, as Commissioner of Urban Renewal, can be so wrong so many times while screaming at the top of his voice that everyone else—a committee of the Congress, the General Accounting Office, a Member of the House, and the State auditor for the Commonwealth of Massachusetts—is guilty of making misleading and incorrect statements.

Therefore, Mr. Speaker, I think it would be wise at this time to quote directly from the auditor's report for the Commonwealth of Massachusetts concerning the Boston Redevelopment Authority. This will allow Congress and the people to determine for themselves whether or not something is amiss. I quote from page 18 of the report in which Mr. Buckley states:

> This audit disclosed the fact that certain of the financial records of the Boston Redevelopment Agency (BRA) were found to be either inadequate or nonexistent and as a result, this condition created many audit problems and required the expenditure of much time and effort to assemble data with regard to the financial transactions of the agency. Some of the difficulties encountered are fully explained in the various notes and comments contained in this report. Accountants have been assigned to a continuance of certain phases of this audit which will be reported as a part of the next annual report on an examination of the accounts of this agency.
>
> While the BRA at the present time has 19 areas in various stages from planning to construction, only 6 of these areas have reached the stage where land acquisition and construction have been either initiated or completed.
>
> The extreme laxity of the financial controls of the authority, in the expenditure of public funds and sale of properties for a small fraction of their actual cost in value, are clearly demonstrated by the comments of this report. Although the BRA was organized in September 1957 and took over from the Boston Housing Authority in December 1957, it is worthy of comment that the only two project areas that have reached the construction stage are those taken over from the Boston Housing Authority.
>
> The principal result of BRA operations has been the creation of numerous parking lots on valuable land, which have been rented to private operators at a fraction of their value, and thus hardly redounds to the credit of the BRA. It is pertinent to point out that land owned by the BRA is not subject to real estate taxes, and therefore, the delay in construction in these areas has cost the city thousands of dollars in tax revenues and at the same time has provided substantial profits to the favored operators of these parking areas.

Now, Mr. Speaker, I do not know of a better source from which to quote about the misuse of Federal funds in urban renewal than this report written by the highly respected State auditor of the Commonwealth of Massachusetts. This is what I did in my article in the Reader's Digest.

But let us examine Mr. Slayton's rebuttal to my article. He notes this quotation in the Reader's Digest article from the State auditor's report concerning the rental of valuable land at a fraction of its value to private operators of parking lots and that the land is not subject to real estate taxes and that delay in construction has cost the city of Boston thousands of dollars in taxes. Then, in Mr. Slayton's reply to that, and I quote, he says:

> Some of the cleared land has been used for parking—but the chief result has been a reduction—not an increase—in the number of parking spaces in the three areas where land has been cleared. The Boston Redevelopment Authority has a policy of allowing parking lot operators to continue in business until the land is actually needed for redevelopment. They are being charged either the same rental that they were paying before the authority bought the land, or, if they owned the land, a fair rental based on two independent appraisals of the property.

Now, Mr. Speaker, I do not know whether Mr. Slayton just does not know what he is talking about and is just making a fool of himself or whether he is deliberately not telling the truth. We have reached another point where I think Mr. Slayton should be afforded the opportunity, under oath, to justify his allegations. They are in total conflict with the audit prepared by the State auditor of the Commonwealth of Massachusetts, who is a disinterested party. I would like to quote further at this point from Mr. Buckley's audit report. On page 41 of the report he says:

> In November of 1961, when the Boston Redevelopment Agency took over the Chardon Motor Mart, Inc., a rental charge of $2,500 per month was established, and 21 months later in July 1963 this rental charge as the result of successive reductions had reached the amount of $800 per month, and in addition during this period the BRA generously granted to the lessee a reduction of $8,900 in the amount due from him. Based on the original rent of $2,500 a month, the potential income from this one account amounted to $52,500, but as the result of reductions and the abatement mentioned herein, this amount was reduced to $25,900 and on June 30, 1963, there was a balance of $3,200 due from the tenant.
>
> One other account is also worthy of comment. When the Bowdoin Square Garage was taken over, the rental on the property was set at $7,000 per month, and the original occupant paid this amount for a comparatively brief period. When a new lessee took over the property, he insisted that he was able to pay the prevailing rate of $7,000 a month, but it is interesting to note that when the property was turned over to him, the rent was immediately reduced to $4,375 per month. It is worthy of comment that this action was taken with such speed that the adjustment predated the date that the new lessee took over and as a result, the previous operator received $2,085.40 as a refund on the last payment based on his original $7,000 rental payment. It is also interesting to note that this new tenant at the time he vacated the premises owed the BRA $12,750.44 in back rentals, and soon

> after these facts were brought to the attention of a BRA official in connection with this audit, this amount was paid in full, and it is understood that this payment was obtained by threatening the lessee with cancellation of parking permits that he held on other BRA property.
>
> The board itself must have realized at one time that the situation, with regard to these adjustments, was getting out of hand, and as a result on November 29, 1961, the board voted that in the future all reductions in use and occupancy charges in excess of $100 a month would require the approval of the authority.
>
> It may or may not come as a surprise to the Authority to learn that in the next 15 months, 30 adjustments were made on the approval of the real estate officers each in excess of $100 a month, and it is also worthy of comment that 40 adjustments were made in the even amount of $100 and it might be fairly concluded that these reductions were held to that amount to avoid bringing them to the attention of the board.

Now, Mr. Speaker, I challenge Mr. Slayton's self-serving rebuttal statement that lessees of these Boston parking lots have always paid the "same rental" or even a "fair rental." Obviously, the Auditor for the Commonwealth of Massachusetts did not think so. And I wonder what makes Mr. Slayton think that the Auditor of the State of Massachusetts is misleading the public and making misstatements of fact.

Mr. Speaker, the "Notes and Comment" narrative portion of the "Audit Report of the Massachusetts State Auditor," from which I have been quoting, is all highly relevant to my remarks and is, furthermore, a quite interesting narrative of apparent graft, cheating, favoritism and conflict of interest. I ask that pages 18 through 64, each inclusive, of the "Report of Massachusetts State Auditor Thomas J. Buckley on the Examination of the Accounts of the Boston Redevelopment Authority from October 4, 1957, to February 25, 1963," be included as an exhibit at the conclusion of my remarks.

Mr. Speaker, another interesting method by which Mr. Slayton, in his self-serving way, claims that I made misstatements in my Reader's Digest article was to quote me as saying:

> For example: In Washington, D.C., the city's redevelopment agency paid the D.C. Transit System, of which O. Roy Chalk is president, $1,266,605 for some property, then later leased it back to his Chalk House West, Inc., for 99 years at a bargain rental of $43,221 a year.

Mr. Speaker, I charge that Mr. Slayton willfully and deceitfully lifted and doctored this paragraph from my article so as to become a bold and fraudulent misstatement of what I wrote. Let me quote from my own article in which I wrote:

> For example: In Washington, D.C., according to Senator John Williams, Republican, of Delaware; the city's redevelopment agency paid the D.C. Transit System, of which O. Roy Chalk is president, $1,266,605 for some property, then later leased it back to his Chalk House West, Inc., for 99 years at a bargain rental of $43,221 a year.

Mr. Speaker, in claiming that I was making incorrect statements, Mr. Slayton fraudulently ignored the fact that I was specifically reporting what the distinguished Senator from Delaware, Mr. Williams said on the floor of the Senate last July 16.

Let me quote what Senator Williams said:

> Mr. President, I wonder if the Senator would comment on this particular point which has been called to my attention. It seems that in December 1958, the Redevelopment Land Agency paid the D.C. Transit System, of which Roy Chalk is president, $1,266,605 for some property. Then I understand that on July 6, 1962, the agency leased this same property back to Chalk House West, Inc., a wholly owned subsidiary of the District of Columbia Realty & Development Corp., for $43,221 per year over a 99-year period.
>
> That $43,221 represents 6 percent or about three-fourths of what they paid for it. A 99-year lease was given.
>
> If the redevelopment agency did not need this property since it leased it back for 99 years, why did it buy it in the first place? And if the agency didn't need the property, why did it lease it back for 99 years on such favorable terms?

So you see, Mr. Speaker, Mr. Slayton spreads his charges of making incorrect statements even farther afield. He accuses me of lying, a congressional committee of lying, the Reader's Digest of lying, the General Accounting Office and the Comptroller General of the United States of lying, the State auditor of the Commonwealth of Massachusetts of lying, and now he has also decided to take on the distinguished Senator from Delaware. I feel the Senator is fully able and competent to take care of himself, but this is just typical of the dastardly, underhanded attempts of the Commissioner of Urban Renewal, William L. Slayton, to smear anyone and everyone who criticizes or finds fault with the manner in which he has operated the urban renewal program.

Now, Mr. Speaker, let us examine another aspect of Mr. Slayton's so-called rebuttal to my article in the Reader's Digest. Consider his defense of the scandalous Columbia Plaza urban renewal project in Washington, D.C.

Mr. Slayton conveniently ignores the reasons why I exposed this mess in the Reader's Digest. Let me quote from the article. I wrote:

> This deal brazenly ignored the law's requirements as to what kind of property can be taken over by urban renewal. When our subcommittee challenged the RLA to justify its actions, five men gave contradictory testimony. For example: The RLA appraiser had said the property contained 68 buildings. But a subcommittee investigator produced dated aerial photos showing that 15 percent of the buildings had already been razed on the day the RLA appraiser claimed to have examined them. Somebody obviously was not telling the truth.

Mr. Speaker, the Commissioner for Urban Renewal cannot deny the facts. He cannot deny sworn testimony before my subcommittee in which appraisers working for the local urban renewal agency swore they examined buildings when U.S. Navy photographs taken that very day showed the buildings did not exist. That, Mr. Speaker, is called perjury in a court of law. And the fact remains that the local urban renewal agency in Washington, D.C., condemned private property by brazenly ignoring the law.

Mr. Slayton also said in his rebuttal to my statements about Columbia Plaza that, and I quote:

> The contractors, who had been unable to acquire all the needed land, were given an opportunity to redevelop the area. They did not choose to do so.

Mr. Speaker, this statement of Mr. Slayton's is willfully false. Let me first quote what I said in the Reader's Digest:

> By January 1959 the contracting firm of Antonelli & Gould had bought more than half of a valuable 9-acre tract of downtown Washington property near the State Department, intending to develop it with private funds. Old residential and business structures were demolished; plans were drawn for a diplomatic city, combining much-needed chancery offices with residential apartment dwellings. But, meanwhile, the District of Columbia Redevelopment Land Agency (RLA) had other ideas. Working backstage with the National Capital Planning Commission, the RLA produced an agreement that the area should not be privately developed. All appeals were ignored.
>
> Instead, the RLA had selected another group of redevelopers, the Columbia Plaza Corp. Faced with having its land condemned (by then it owned 90 percent of the area), Antonelli & Gould sold out. Then, the moment the Columbia Plaza Corp. took over in November 1961, the RLA applied for and received a $6 million Federal loan and grant—your tax dollars and mine—for the execution of what private industry had long been willing to do without Federal subsidy.

Mr. Speaker, these were the facts as heard in sworn testimony before the subcommittee of which I am chairman. My article in the Reader's Digest clearly labeled the source of these facts as having come from hearings before my subcommittee.

Mr. Speaker, in attacking my article Mr. Slayton apparently prefers to ignore the true facts as developed by my subcommittee. The proof was ample and evident that there were "backstage" operations in which urban renewal officials illegally conspired to force the rightful owners off their property. Mr. Slayton's statements that these redevelopers "did not choose to" redevelop the land themselves is as gross a falsehood as I have ever heard spoken by an official of the Federal Government. I know of no other case where a Federal official has accused a committee of Congress of lying or distorting facts, especially when these facts were revealed by sworn testimony and resulted in a summation which said that:

> In any other area of contractual relationships with Government agencies, the selecting out of a "chosen instrument" with rules known only to such party, accompanied by the advice, counsel and coaching to conclude an agreement which dissipates public funds, such would be labeled "collusion and conspiracy."

Mr. Speaker, another important point of Mr. Slayton's attack on the truthfulness of my article in the Reader's Digest concerns my statement which I now quote:

> The handling of Erieview project No. 1 in Cleveland touched off much of the furor and shows the proportions of the mess. When this 96-acre project was proposed, almost everybody in Cleveland found it appealing.

> The project would, it was argued, provide an immense number of jobs, eradicate slums, diminish crime, straighten out traffic, renew Cleveland's famous old Euclid Avenue business section, and add new buildings and enterprises to the tax rolls—mostly at the expense of the American taxpayer.
>
> By law, the HHFA in Washington would pay planning costs. After the old buildings had been bought up and razed, after the land had been regraded and new services installed, Cleveland could sell or lease the cleared tract to a private redeveloper of its own choice. Such a sale would inevitably be at far less than the cost of buying and clearing the condemned area—but the HHFA would absorb the lion's share of the resulting loss. It would even pay for locating displaced families. With an offer like that—a standing offer to any city under the urban renewal law—how could Cleveland lose?
>
> There was, however, one hitch. Urban renewal regulations state that Federal aid in demolition jobs can be given only to areas containing structures not worth saving. Most of the 118 buildings in the Erieview area had been judged sound by Cleveland housing inspectors. Some were new. So how could the project be made eligible for $33 million in Federal aid? Cleveland officials hoped they had an answer. According to testimony before the House District of Columbia Subcommittee of which I am chairman, they arbitrarily reclassified 84 of the 118 buildings as "substandard"—including 3 valued at $900,000, $840,000, and $660,000.
>
> Then in the autumn of 1960, a party of Government employees from the regional Urban Renewal Agency office in Chicago briefly toured the Erieview project site. According to a later report by Congress official watchdog, the General Accounting Office, they did not look inside any of the buildings, but when they left they had endorsed the city's reclassification and thereby sealed the doom of 105 buildings worth $26 million.
>
> Property owners were stunned. How could buildings previously certified as sound suddenly be branded hazardous? For example, as the GAO report shows, Cleveland housing inspectors had found only minor violations of the city code in an eight-story masonry building valued at $660,000—principally, certain doors lacked self-closing devices and the cellar needed to be cleaned up. But at once, before the owner could act, the property was classified "substandard" and scheduled for acquisition and demolition. A sound 12-year-old 1-story brick and block building valued at $80,000 and having only a few minor violations (for example, "the pointing of the chimney and the venting of the toilets") met the same fate. Many such rulings were made.

Mr. Speaker, William Slayton, Commissioner of Urban Renewal, challenges these statements I made in the Reader's Digest. He challenges them despite the fact that I said clearly in my article in the Reader's Digest that this information came from sworn testimony before the House District of Columbia Subcommittee No. 4 of which I am chairman and from a report by the General Accounting Office. He further says, and I quote from his rebuttal:

> Officials of the regional office made three trips to Cleveland in connection with the project during which, among other things, they made sample inspections inside the buildings.

Mr. Speaker, I challenge Mr. Slayton to testify under oath and prove his statements. I challenge him to come out of his ivory tower in which he sits smearing anybody and everything that is critical of him. For the truth of the matter is, Mr. Speaker, that the Urban Renewal Administration is guilty in the Erieview project No. 1 of throwing away millions of dollars—collected from taxpayers like you and me—in an arbitrary and capricious manner. The Erieview project No. 1 was listed by the Urban Renewal Administration on June 30, 1963, for loans and grants in the amount of more than $36 million. The net project costs are shown as being $15,400,000. The GAO study, however, reported that the amount of the loan and grants was $43 million.

I quote now from page 25 of the GAO's report of June 1963 to the Congress of the United States about "Premature Approval of Large-Scale Demolition for Erieview Project 1, Cleveland, Ohio, by the Urban Renewal Administration, Housing and Home Finance Agency," which says:

> The examination of the buildings in the project 1 area by the Chicago HHFA regional office was too limited in scope to provide proper support for URA positive determination that large-scale demolition was warranted.
>
> HHFA regional office officials began a tour of the project site on the afternoon of November 15, 1960, and completed it the following morning. The official report on the tour states that they only drove through the project area and walked by some of the buildings. Moreover, the report indicates that the officials did not inspect the interiors of any of the 84 buildings which the city had classified as substandard. This limited inspection apparently was the principal basis for the determination that the area met URA's requirements for clearance. The failure to make a building-by-building review precluded HHFA from adequately considering whether the structures could have been improved and successfully integrated into the project.
>
> On the basis of our review of the city's building inspection reports, we questioned whether the deficiencies reported for the 84 buildings were serious enough to warrant classifying the buildings as substandard. Accordingly, the HHFA Chicago regional office assigned a technically qualified staff member to accompany the city inspectors and our representatives on a detailed reinspection of the buildings. We suggested that the reinspection be confined to evaluations of the actual structural condition of the buildings in order to determine whether the violations cited in the inspection reports (1) could be corrected by normal maintenance or (2) were of sufficient gravity to warrant demolition of the buildings.
>
> We reviewed the condition of 77 of the 84 buildings. During our review the HHFA specialist, who defined a standard building as one that is structurally sound and does not warrant clearance for reasons of structural deficiency, determined that 60 of these buildings were standard structures. We proposed that the Commissioner, URA, review his approval of Project 1-Erieview for large-scale demolition in the light of the evidence which cast doubt on the original basis for such approval. The Commissioner, URA, informed us that the Chicago HHFA regional office subsequently made a complete reevaluation of the buildings in the project area in August 1962.

Now, Mr. Speaker, note the following additional statement from the GAO report:

> The August 1962 revaluation was based on a second review by HHFA of the city's inspection reports: "No new examination of the buildings in the project area was made." The criteria used in this revaluation for classifying buildings as structurally substandard differed from the criteria used by the HHFA specialist, since the revaluation resulted in classifying 50 buildings as structurally substandard, whereas the HHFA specialist classified only 24 buildings as structurally substandard. We were unable to reconcile the differences in the criteria. In addition, it is significant that the 84 buildings that were revaluated as being substandard are not the same 84 buildings that were originally classified as substandard.
>
> We questioned the reliability of HHFA's revaluation, which was based on a desk review of the city's inspection reports. It would seem that a revaluation based on an actual reinspection by HHFA specialists would have produced more reliable results. The Commissioner, URA, acknowledged that the city's method of classifying buildings may need modification.

Mr. Speaker, when called before my subcommittee, Mr. Bernard Sacks, supervisory accountant for the General Accounting Office, testified under oath and further exposed the situation in Cleveland. Let me quote from pages 1512 and 1513 of Mr. Sacks' testimony before the subcommittee of which I am chairman. Mr. Sacks said that the GAO:

> Presented our findings to the Urban Renewal Administration and to the Housing and Home Finance Agency, and their reply in effect was that they insisted there are 84 buildings that were substandard. Now, of these 84, they said 50 were structurally substandard and 34 were substandard for other reasons, and these reasons concerned other blighting influences. They insisted there were still 84 buildings that were substandard. I may add at this point that after receiving the reply from the Urban Renewal Administration stating that 84 buildings were still substandard, we went and verified. We did a little bit more work in Chicago, and determined that the 84 buildings cited by them as being substandard were based on a revaluation of the original inspection report. They did not go back to the city of Cleveland to revaluate the buildings. They just picked the same inspection reports and arrived at the 84 buildings. In addition to that, the 84 buildings that they informed us were substandard were not the same 84 buildings that they had originally told us were substandard. What happened is that we presented the pictures of certain buildings in the report, the first four pictures noted in this report, and they agreed that these buildings were not substandard, but somehow other buildings took their place on the list and they still came up with the same 84. In addition to that, they say that 50 buildings were structurally substandard. This determination was made in Chicago by their own expert, their own man who they sent along with us told us that only 24 were structurally substandard, and this 24 was based on his personal review of the buildings in Cleveland, but yet HHFA, without making an independent review of these buildings, concluded that 50 were structurally substandard. We then concluded and so noted in the report that on the basis of the amount of buildings and the percentage of buildings in the Cleveland area that were structurally substandard, in our opinion the Urban Renewal Administration should have considered other alternate forms of urban renewal treatment for this area before approving large-scale demolition. We believe that HHFA should have investigated the conditions of the buildings and made an independent verification of the condition of the buildings and that they should have considered alternate forms of urban renewal treatment before they approved the area for large-scale demolition.

Naturally, Mr. Speaker, my subcommittee was appalled by this GAO revelation of reckless and arbitrary action by the HHFA in picking out buildings in good condition to be demolished for urban renewal. I wondered if some of the great buildings in our Nation could be determined substandard by the lax rules and regulations as now used by the HHFA. Mr. Sacks testified, and I quote:

> That the U.S. Capitol "would be considered substandard on the grounds that it is a single-purpose building, inadequate for conversion to other uses, and perhaps it would be considered substandard on the basis of inadequate street layout."

Furthermore, Mr. Sacks testified, and I quote, that—

> any building, including the Empire State Building, could be considered substandard. The Empire State Building could be considered substandard on the basis of incompatibility, depending on what they wanted to do with the land, inadequate parking, density, for the general welfare if the city fathers so decided.

Obviously then, Mr. Speaker, something was terribly amiss in Cleveland. And when the Reader's Digest courageously chose to help me expose the mess, the Commissioner of Urban Renewal hit the ceiling and accused us of lying.

Now, Mr. Speaker, when I served as a district attorney before coming to Congress, I learned that frequently when somebody screams "smear" as loudly as Mr. Slayton did, there is often a hidden motive behind such actions. Believe me, in this case there certainly is.

Let us reconstruct the political and business situation that existed in Cleveland before the GAO made its audit, before my subcommittee began its investigation. According to testimony before my subcommittee, the Cleveland housing official responsible for grading the buildings in the Erieview project as being substandard was the late O. P. Plymale, chief building inspector for the city. In turn, he reported directly to a Mr. James Lister, director of the Department of Urban Renewal and Housing of the city of Cleveland. Mr. Lister in his turn reported directly to the mayor of the city, who was then the Honorable Anthony J. Celebrezze, now serving as Secretary of the Department of Health, Education, and Welfare. In short, Mr. Celebrezze held much of the administrative responsibility for initiating urban renewal in Cleveland.

Mr. Speaker, when the GAO investigators appeared on the scene in Cleveland to conduct their inquiry, they were asked by representatives of the city government to leave the city and halt their investigation because it was felt that they were interfering with Mr. Celebrezze's campaign for reelection as mayor. This, however, did not deter the eventual investigation, for the GAO men returned after the election and continued their audit.

Mr. Speaker, according to the testimony of Mr. Sacks of the GAO before my subcommittee, and I quote from this passage:

> Originally the city of Cleveland itself—more specifically, the city planning commissioner of Cleveland—prepared a study, and in the study they concluded that there was a need for revitalizing downtown Cleveland. In 1959 the general plans prepared by the city of Cleveland were approved by the mayor who in 1959 requested that the Cleveland Development Foundation study and recommend methods of implementing this general plan prepared by the city planning commission. Now, the Cleveland Development Foundation made a private study of the downtown area and made a detailed, or, they made a more detailed plan of the need of the downtown area, so far as the needs for office buildings, stores and apartments were concerned, and they pretty much, we understand, delineated, that is, originally delineated the area for further work. Once this plan was prepared, then the city contracted with I. M. Pei & Associates to develop what they called a general neighborhood renewal plan, and the urban renewal plan, which was a more exhaustive and detailed study. Much of the background, the delineation of the area, was prepared by the Cleveland Development Foundation.

Mr. Speaker, this testimony begins to uncover the hidden motives behind Mr. Slayton's slanderous attack on my article in the Reader's Digest. Mr. Slayton is trying to protect his own skin and hide his tracks. Because what the GAO had uncovered, what my hearings had revealed, was that before becoming Commissioner of Urban Renewal, Mr. Slayton helped plan Erieview Project No. 1 from the outset. And it is obvious, Mr. Speaker, that Mr. Slayton became even more deeply involved when, after becoming Commissioner of Urban Renewal, he found himself sitting in judgment of Erieview Project No. 1. Thus, as the GAO pointed out, Mr. Slayton originated and then sat in judgment on the condemnation of the buildings in Cleveland, the wasteful spending of multiplied millions of the taxpayers' money. Here is a man who, in private life, helped create a monster project of Federal spending and later as a Government official kept it alive by feeding its voracious appetite with millions of dollars of taxpayers' money.

Mr. Speaker, at this point I think it well that the RECORD should show some more background facts of Mr. Slayton's career. He came to Washington in 1950 as the assistant director of the National Association of Housing and Redevelopment Officials. This organization is composed of personnel holding positions with Federal and local governments relating to housing and urban renewal activities. The organization publishes a newsletter and also the Journal of Housing, both of which are devoted to information and promotional material regarding the Nation's housing and urban renewal programs. During his 5-year employment in this capacity, he developed wide acquaintanceship not only with the personnel in local governments but also with the housing and redevelopment plans of many cities. During this period he came to the attention of Mr. William Zeckendorf, president of the Webb & Knapp Co., of New York, which was becoming increasingly involved in urban renewal activities.

In 1955 Mr. Slayton became affiliated with I. M. Pei & Associates, of New York City, and also became a vice president of Webb & Knapp Co., of New York, for its Washington operations in planning and urban renewal redevelopment. In these two capacities he became the responsible official, as I mentioned earlier, for the handling of Webb & Knapp interests in the southwest area C urban renewal which was set aside exclusively on a noncompetitive basis for the Webb & Knapp Co. Also, as an official of I. M. Pei & Associates he was involved with the planning activities of that firm in cities in addition to those in which Webb & Knapp Co. was involved in redevelopment activities.

When he became Urban Renewal Administrator, Mr. Slayton was in a unique situation. He found himself working hand in glove with former NAHRO friends and clients in an official capacity. Thus he might exercise judgment concerning the granting or withholding of Federal grants and loans in connection with projects originated by his former friends or even projects in which he himself participated as an originator. For example, as a member of the I. M. Pei & Associates before becoming Urban Renewal Commissioner, he "worked directly with the city representatives" of Cleveland on the Erieview project.

Although these connections of Mr. Slayton's had been known long before he attempted to discredit my article in Reader's Digest, the public generally had no knowledge of just how bad a boondoggle the Erieview project has become. In order to prevent any similar waste of Federal funds in the District of Columbia, my subcommittee studied the report of the Comptroller General and took public testimony to guide the committee regarding pending legislation. Thus, in trying to discredit my statements about the Erieview project, Mr. Slayton was in reality trying to cover up his own involvement in that particular project.

It may interest Members of the House to know that Mr. Slayton has another means which can be used to intimidate and threaten Members of Congress. This is through a Technical Advisory Committee to the Urban Renewal Administration appointed by Mr. Slayton presumably for the purpose of furnishing to the Urban Renewal Administration advice, counsel and assistance regarding housing and urban renewal problems. Members of this council, since they have no official status as employees of the Government, are free to travel to other communities and appear publicly to support and defend the actions of the agency.

A recent example of the use of this council for these purposes happened during the month of April this year when a member of this advisory council addressed a group in St. Louis. In the course of his visit, he publicly called for the defeat of a member of my subcommittee and for my defeat in the then imminent primary elections and for the defeat of the ranking minority member of the Housing Subcommittee of the Committee on Banking and Currency. It would appear that the agency misuses Federal funds to purge Congressmen who call attention to the agency's wasteful use of public revenues.

Mr. Speaker, it is conclusively shown that Mr. Slayton was fully aware of the evils and inadequacies of the Erieview project long before he accepted his exalted and supposedly honorable position as a Federal official. And this also explains why, under Mr. Slayton's direction, the Urban Renewal Administration has failed to implement the GAO recommendations on the Erieview project, or any other project for that matter, and shows why millions upon countless millions of tax dollars are being pounded down this rathole of waste.

In summation, Mr. Speaker, I would like to point out that only recently I have been through a strenuous but highly successful primary election campaign. During this campaign, Mr. Slayton, a high official of the executive branch of the Government, saw fit to attack me personally. His claims were false and fraudulent, and Mr. Slayton was guilty of using his high office in an attempt to deceive the voters and to insure a favorable legislative attitude toward his actions. His attack signified an unwarranted use of executive power and threatened the independence of the legislative branch of Government. I was not hurt by Mr. Slayton's fraud and deceit because I was sustained by the faith of the people of my district. And as I said before, I am determined that in the future the kind of slander initiated by this particular Federal official will not be visited upon any member of the press or upon other members of this branch of Government. It is Congress which has the most to lose by such infamous attacks. If high officials in the executive branch of Government can successfully make false accusations against Congressmen and Senators, the intimidation of the legislature will have been complete and freedom of speech in the press will be destroyed.

Mr. Speaker, similar pressures to those placed on me and the Reader's Digest in recent months have been shouldered by other newsmen in Washington. All too frequently of late, stories based on documented evidence and painstaking research are denied by Federal officials who call these reputable reporters liars and try to intimidate their publishers. Should pressures of this nature be allowed to continue, then the press can no longer expose venal and corrupt Government officials. Worse, Congress will have lost one of its strongest aids in guaranteeing the American people an honest and efficient Government.

Mr. Speaker, I charge that William L. Slayton, a high official in the executive branch of the Federal Government, willfully made false statements against my article in the Reader's Digest, while I was involved in a primary election contest, for the purpose of trying to discredit me. This same official has also tried to discredit the General Accounting Office, the Comptroller General of the United States, the State auditor of the Commonwealth of Massachusetts, and a subcommittee of the House of Representatives.

Mr. Speaker, if Mr. Slayton's actions and statements were done and made through ignorance, he is incompetent to hold his high office; if done willfully and dishonestly, he is unfit to hold such office. I respectfully request a thorough investigation of the activities of William L. Slayton, in his capacity as Commissioner of Urban Renewal in the Housing and Home Finance Agency, and his removal from office.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF THE STATE AUDITOR, REPORT ON THE EXAMINATION OF THE ACCOUNTS OF THE BOSTON REDEVELOPMENT AUTHORITY, FROM OCTOBER 4, 1957, TO FEBRUARY 25, 1963, OFFICIAL AUDIT REPORT, AUGUST 16, 1963, STATE AUDITOR'S DEPARTMENT, THOMAS J. BUCKLEY, STATE AUDITOR

NOTES AND COMMENTS

1. Audit: This examination was conducted under the provisions of chapter 733 of the acts of 1962, which became effective on October 24, 1962.

(This audit disclosed the fact that certain of the financial records of the Boston Redevelopment Authority were found to be either inadequate or nonexistent), and, as a result, this condition created many audit problems and required the expenditure of much time and effort to assemble data with regard to the financial transactions of the agency. Some of the difficulties encountered are fully explained in the various notes and comments contained in this report. Accountants have been assigned to a continuance of certain phases of this audit which will be reported as a part of the next annual report on an examination of the accounts of this agency.

2. General: (While the Boston Redevelopment Authority at the present time has 19 areas in various stages from planning to construction, only 6 of these areas have reached the stage where land acquisition and construction has been either initiated or completed.)

The extreme laxity of the financial controls of the authority, in the expenditure of public funds and sale of properties for a small fraction of their actual cost and value are clearly demonstrated by the comments of this report. Although the Boston Redevelopment Authority was organized in September 1957 and took over from the Boston Housing Authority in December 1957, it is worthy of comment that the only two project areas that have reached the construction stage are those taken over from the Boston Housing Authority. Another project under construction is a city of Boston project.

The principal result of Boston Redevelopment Authority operations has been the creation of numerous parking lots on valuable land, which have been rented to private operators at a fraction of their value, and thus hardly redounds to the credit of the Boston Redevelopment Authority. It is pertinent to point out that land owned by the Boston Redevelopment Authority is not subject to real estate taxes, and, therefore the delay in construction in these areas has cost the city thousands of dollars in tax revenues and at the same time has provided substantial profits to the favored operators of these parking areas.

The six projects which have progressed beyond the planning stage are as follows:

A. New York streets: This was the first redevelopment project in the city of Boston, and it was initiated by the Boston Housing Authority. The Boston Housing Authority acquired the land in this area by eminent domain on July 27, 1955, and demolished buildings with an assessed value of $2,535,000. They installed site improvements and graded the land at a total net cost of $5,109,317.04. The total area involved in this project was 867,000 square feet and was disposed of by the Boston Redevelopment Authority as follows:

Owner	Area in square feet	Price per square foot	Price paid
Cerel-Druker (developper)	595,989	$0.67	$399,312.89
Carol R. Druker	13,756	1.14	15,670.70
George Paglarulo	3,200	1.40	4,480.00
ITOA	5,996	1.20	7,195.20
Herald Traveler [1]	13,291	.67	8,905.49
Brenton Clothing Co	12,360	1.00	12,360.00
Troy Realty Co	14,540	.90	13,086.13
Total	[2] 659,132		461,010.41

[1] Herald Traveler also purchased 268,913 square feet from the redeveloper at a price of $0.67 per square foot at a total cost of $180,172.02.

[2] Does not include 207,868 square feet held by BRA for public or institutional purposes.

Attention must necessarily be directed to the fact that this land was sold for less than 10 percent of its cost to the BRA representing an immediate loss to the taxpayers of $4,648,306.63 (see schedule V). As stated before, the assessed value of property taken amounted to $2,535,000 and the current assessed value of the area is only $3,017,900.

B. West end project: This area was also acquired by the Boston Housing Authority prior to the creation of the BRA. The area was prepared for redevelopment at a net cost to January 31, 1963, of $16,248,319.09 (see schedule X). To prepare the area for redevelopment property valued at $9,010,100 was demolished. By contrast, the current assessed value of new construction in the area has been set at $2,206,800. The present status of land sales in this area is as follows:

Purchaser	Total square feet	Selling price per square foot	Price paid
Retina Foundation	35,714	$1.35	$48,213.90
MDC	4,006	1.35	5,408.10
Archdiocese of Boston	64,163	1.35	86,620.05
Total	103,883		140,242.05

The total area involved in this project amounts to 1,780,833 square feet; 465,000 square feet has been leased to Charles River Park, Inc., while 843,000 square feet has been held for that corporation under a leasehold agreement. The remaining 369,000 square feet has been held by the BRA for public or institutional purposes.

From the very beginning, this area was apparently set aside for luxury-type, high-cost apartments. There seems to have been some doubt in the minds of the Federal Housing Administration that a project of this type and this size could be absorbed by the city of Boston. Apparently, the FHA made known these doubts for in a letter dated September 26, 1958, the vice president of the Charles River Park, Inc., which was later assigned as developers, asked the executive director of the BRA for his cooperation in "overcoming FHA's attitude that Gruen's project is to too good for Boston to be able to afford."

The objection of the FHA was apparently well based for in the lengthy period that has existed since seizure, the redevelopment of the area is far from completion. The area was awarded to the Charles River Park, Inc., as developer under a leasehold agreement, dated November 23, 1959, and to the date of this audit, only two apartment buildings have been completed while another is under construction. Attention is directed to the fact that this leasehold agreement cost the developer nothing but it requires the BRA to hold all of the area for what could be an indefinite period for the exclusive use of the developer and it also has the effect of withholding the unleased area from the tax rolls of the city of Boston.

Under this leasehold, the BRA agreed to lease the project area at an annual rental of $0.081 per square foot for land marked for residential use and $0.09 per square foot for land marked for commercial use. Rental payments are to begin at such time as the developer takes possession of the individual parcel. The term of the lease for each parcel is scheduled to end 50 years from the time of its commencement and the developer has the option to renew any such lease for two additional periods of 20 years. The developer is required to pay real estate taxes and he also has an option to purchase at any time during the term of the agreement title to any parcel at a purchase price of $1.35 per square foot for residential land and $1.50 for commercial land. If the developer exercises his option to purchase, he is required to pay costs incidental to any definitive loan the authority may make for the project area.

Under the terms of this leasehold the developer to date has taken over three parcels and he was in default according to his leasehold agreement on two other parcels which were to have been taken by March 7, 1963. Insofar as the city is concerned, it has suffered a substantial and continuing loss since the assessed values of property taken amounted to $7,910,100 as compared with the assessed value of $2,206,800 on the new construction in the project area, and the city has also suffered a substantial loss since the major part of the area is being held by the BRA under a nontaxable leasehold agreement.

The following items give evidence that the BRA and others have been more interested in the finances of the developer than they have been in serving the interests of the city of Boston:

1. There appears to be a lack of adequate finances behind this developer which has undoubtedly been a factor in contributing to the delay in further construction. The FHA originally placed an 80 percent occupancy criterion on the first complex before it would insure a loan on the second. In other words, the FHA insisted that the first complex must be 80 percent rented before they would insure a construction loan on the second. The developer was apparently unable to meet this requirement and the FHA dropped the occupation rate to 70 percent and then when the developer was still unable to continue, they reduced this criterion to 50 percent and at that point, the developer was finally able to start on the next complex.

2. The authority has agreed to lease this area to the developer rather than negotiating an outright sale. This procedure raises an interesting problem for the BRA since it will therefore be necessary for the BRA to borrow the money to cover the stated value of the land area before the books of the project can be closed. We therefore arrive at the unusual point where it now appears that the authority will probably borrow the value of the land from the HHFA with interest paid by the BRA.

3. Public records indicate that the mortgage on this complex amounts to $12 million and it is worthy of comment that the assessed value of the property for the taxable year 1963 was set at $1,875,000.

4. In a comment in this report titled "Contracts" attention is directed to a payment of $13,500 by the BRA to the architect employed by the developer for changes desired by the developer in the area plans. It would seem that if such alterations were sought by the developer he should have paid the costs of such architectural alterations.

5. On February 11, 1960, the Boston Edison Co. paid to the BRA $43,800 for an easement agreement for 47 years under which the utility company was granted rights and easements to repair, renew and maintain steam lines of the company in the project area. This money was placed in deposit by the BRA in an escrow fund to be paid to the developer upon his completion of installation of lateral wiring from the streets or public ways to the electrical vaults of the various residential complexes. In view of the fact that the BRA had basic easement rights, it is not clear why all of this money was set aside for the developer.

6. The developer is already in default in two of the parcels in this area which he was scheduled to take over on March 7, 1963, and it seems unlikely that he will be able to meet his obligation to take over the two remaining parcels on the scheduled dates. Unless the BRA takes definite and drastic action, the remainder of this project may remain undeveloped by this developer for many years. It must be pointed out that the developer has already taken over the most desirable parcels in the project area and it is therefore logical to assume that the problems encountered by the developer to this point will be magnified with the remaining residential parcels which are less desirable as to location.

C. Whitney Street: This project, intended to provide middle-income housing, is located on a 7-acre tract in the Whitney Street section of Roxbury. It was accomplished entirely from city of Boston funds and no Federal contribution has been sought by the city of Boston and it is further understood that no financial assistance will be requested of the Commonwealth.

This project consists of three parcels, one of which has been leased to a private corporation under the authority of chapter 121A which provides for tax concessions and a limited profit to the developer. As of the date of this audit, high-rise buildings were under construction on this parcel.

D. Government Center: The land for this project was taken on October 25, 1961, by the BRA and when developed will provide a location for a complex of public buildings serving the city, State, and Federal Government and it is also understood that the area is planned to include sites for private office buildings. As a part of the cost of this project the MTA tunnel between Scollay and Haymarket stations will be relocated. In clearing this area, property with an assessed value of $14,872,500 will be demolished. For the period ending January 1, 1963, the total costs of this project have amounted to $16,650,603.40. (See schedules XXVI and XXIX.)

Only one parcel in this area has been disposed of. Parcel No. 5, including 198,539 square feet was sold to the Federal Government for a Federal office building at a price of $1,200,000.

E. Washington Park: This project which is in the Roxbury-North Dorchester area will concern itself with the rehabilitation of existing dwellings, the construction of new schools and other neighborhood improvements with areas set aside for low-cost housing units.

The assessed value of properties taken in this area amounted to $2,157,900. The total costs of this project to January 31, 1963, have amounted to $906,825.26 (see schedules XVIII and XXI) and the project is in the early land acquisition stage. It is interesting to note that, with considerable publicity, ground-breaking ceremonies on a parcel of this project were held on May 10, 1963. Attention is directed to the fact that the BRA did not vote to purchase this site until May 15, 1963, which was 5 days after the ground-breaking ceremonies were held.

F. South End: This project involves the acquisition of 28 acres in the Castle Square section of the South End to provide land for housing units and commercial and industrial development. The project is also planned to concern itself with the rehabilitation of some of the present South End dwellings. Property in this area with an assessed value of $3,600,800 was taken on December 19, 1962. Total costs of this project to January 31, 1963, have amounted to $578,527.89. (See schedules XXXVII and XL.)

G. Private developments: The BRA has also approved two urban renewal projects which do not involve the expenditure of public funds.

1. Prudential Center: The authority ruled that the proposed site was a blighted, open area within the provisions of chapter 121A of the general laws and that the proposed project would be beneficial to the public. This ruling permitted the Prudential Insurance Co. to receive special tax consideration from the city under the provisions of said chapter.

2. Tremont-Mason Streets: This development will involve the demolition of buildings on Tremont Street by a private developer and the construction of a high-rise apartment building facing Boston Common. The BRA declared this an urban renewal area in order that it could qualify for FHA financing.

3. Establishment of urban renewal program: The urban renewal program in the city of Boston was originally initiated by the Boston Housing Authority and the Boston Redevelopment Authority was subsequently given the responsibility and the authority over the program.

The Boston Redevelopment Authority was organized in September 1957 and on December 20, 1957 the authority entered into a novation agreement with the Boston Housing Authority to take over the urban redevelopment projects initiated by the housing authority. These projects were New York Streets, U.R. Mass. 2–1; West End, U.R. Mass. 2–3; and Mattapan, Mass. R–5.

4. Source of funds: Funds under which the BRA and all other redevelopment authorities operate are provided by the Federal, city, and State governments. Broadly speaking, the Federal Government contributes two-thirds of the cost and the remaining one-third is paid by the city; however, the city is reimbursed by the Commonwealth for one-half of its costs. This is accomplished under the provisions of section 26FFF of chapter 121 of the general laws which, however, specifically provides that the State grants shall not exceed one-half of the contribution of the municipality concerned or not more than one-sixth of the net project cost when the municipality pays the cost of administrative planning and legal expenses.

Attention is directed to the fact that this law further provides that the Commonwealth's participation shall be paid in 20 equal annual installments and the same legislation places a specific limit of $30 million on such payments. It would seem that this latter fact is either not known to the BRA or is being ignored, for the present urban renewal program in all its various stages could conceivably result in a total charge against the Commonwealth of $37,685,000. Attention is directed to the following schedule which was prepared by the BRA as of December 31, 1962, indicating the potential costs of projects in various stages by the BRA at that time.

Federal reservations and local share

Project	Net project cost	Federal reservations and grants	State contribution	City of Boston share
New York streets	$4,800,000	$3,200,000	$800,000	$800,000
West End	16,410,000	10,940,000	2,735,000	2,635,000
Whitney St	1,550,000			1,550,000
Government Center	35,600,000	23,700,000	5,950,000	5,950,000
Washington Park	27,800,000	16,500,000	4,600,000	6,700,000
South End	34,200,000	22,800,000	5,700,000	5,700,000
Charlestown	21,000,000	14,000,000	3,500,000	3,500,000
Waterfront	22,200,000	14,800,000	3,700,000	3,700,000
Central business district	27,600,000	18,400,000	4,600,000	4,600,000
South Cove	12,900 000	8,600,000	2,150,000	2,150,000
Parker Hill-Fenway	3,900,000	2,600,000	650,000	650,000
East Boston	$5,600,000	$3,700,000	$950,000	$950,000
Jamaica Plain	5,100,000	3,400,000	850,000	850,000
Back Bay	900,000	600,000	150,000	150,000
South Boston	6,700,000	4,500,000	1,100,000	1,100,000
North Harvard	400,000	300,000	50,000	50,000
Mattapan	1,300,000	900,000	200,000	200,000
Roxbury-North Dorchester				
Downtown North				
Downtown				
Total	227,960,000	148,940,000	37,685,000	41,235,000

It will be noted from the above that the amount scheduled for the State's contribution is $7,685,000 in excess of the amount authorized by the general court for redevelopment by all the cities and towns in the Commonwealth.

Available records at the State housing board indicate that as of May 31, 1963, the Commonwealth had already allocated approximately $6 million to renewal programs in other cities and towns and it may be expected that as time goes on this amount will be considerably expanded.

As of May 31, 1963, therefore, there was remaining a balance of $24 million and if the entire amount was allocated to the city of Boston, it would leave a balance that would have to be paid by the city of $13,685,000 in addition to the indicated commitment of $41,235,000, or a total of $54,920,000.

Thus far cash received by the BRA from the city of Boston has been as follows:

	Total
Direct payments	$5,384,865.38
Transfer BHA to BRA	1,380,266.59
Taxes retained by BRA	843,851.33
Total	7,608,983.30

Federal funds have been made available to the BRA under the following categories:

	Total
Notes payable and advances	$5,666,044.21
Capital grants earned	10,645,669.00
Relocation grants earned	1,133,133.67
Total	17,444,846.88

In addition to these payments the Commonwealth of Massachusetts has made two annual payments in the total amount of $343,027.75 to the city of Boston as its share of one-half of the expenditures of the city on the New York Streets and the West End projects. A balance of $717,645.15 is due on the New York Streets and $2,473,195.60 is due on the West End project to be paid to the city in 18 annual installments to end in 1979. (See schedules VII and XIII.)

5. Administration: As indicated previously in this report, funds for the operation of the BRA come principally in the form of Federal grants with the city paying approximately one-sixth of the net cost since one-half of the city's expenditures are reimbursable by the Commonwealth.

This may explain the almost complete lack of control over expenditures. It is a fact that the BRA is almost completely controlled by the city and it would seem that the BRA has ignored the fact that the moneys they are spending are public funds and the only original source of such funds is the taxpayer.

Despite the tremendous sums of money involved in the activities of the BRA, the agency is operated without an administrative budget. While it is a fact that the individual projects under the BRA's jurisdiction are operated under individual budgets, these budgets do not afford control over administrative costs. The costs of administration, after expenditure, are distributed over the various projects, but instances were noted in which the costs have exceeded the budgeted amount. In such instances it was noted that the extra costs involved were paid from city of Boston funds, and a request for an enlargement of the budgeted amount was thereupon made to the HHFA. The HHFA has been extremely generous in approving these requests, and after Federal approval the BRA has repaid the overrun to the city of Boston funds.

The administrative section of the BRA lacks any semblance of procedure on personnel matters, it is indifferent to costs, and operates without any real control over quantities of supplies, equipment, and services used.

A. Personal services: Article No. 6 of the resolutions adopted by the Boston Redevelopment Authority on January 25, 1961, included the following recruiting policy which the development administrator was authorized and directed to follow:

"The successful carrying out of the development program requires a staff of the best and most qualified people available from city, State, and Nation. The staff opportunities available in the Boston program are to be widely publicized in the appropriate channels.

"Ability to do the job must be the sole criterion for employment in order to maintain public confidence in the program and to avoid considerations in recruitment."

Some idea of the rapid expansion of the administrative payroll of the BRA can be seen from the following:

Date	Employees	Monthly cost
December 1961	229	$107,081.72
December 1962	317	156,506.45
June 1963	436	207,622.95

As stated before, this agency operates under a system under which payroll costs for each month are later distributed over the various projects under the control of the BRA.

Recruiting of new employees appears to have been handled almost exclusively by the development administrator. There appears to be no table of organization set up for the agency. Appointments are made in the first instance by the development administrator with no limit placed upon him other than the need of obtaining the subsequent approval of the board members. While it appears that salary grades have been established for each title with a maximum and minimum allowance, the matter of setting the actual salary within these limits is left entirely to the development administrator, however, again subject to later approval by the board.

No annual step rates as such have been provided in the salary grades and promotions and salary increases are left again to the initiative of the development administrator. This is hardly the procedure to be used in establishing a proper organization.

A review of 163 personnel folders showed that 85 of the employees were chosen from outside the State and some actually came from foreign countries. This situation apparently arose from the fact that previous experience in redevelopment work was considered to be an essential element in the hiring of new employees. The comments contained in this report would seem to indicate that the authority would have been well advised if they had given more consideration to the hiring of employees who possessed responsible experience in the handling of public funds and who lived in the area and had some knowledge of its environs.

The personnel records as maintained by the authority are practically worthless as is evidenced by the following:

1. Payroll exemption certificates are not current in over 50 percent of the records checked. Approximately 130 employees have not completed these forms and in many cases, the actual payroll deductions do not agree with the forms that have been completed.

2. Attendance records do not always reflect the daily attendance or explanation of absences.

3. In checking individual payroll records it was noted that in many cases annual leave actually taken by employees has not been recorded on the attendance record.

4. Many instances were noted where employees were absent on sick leave and this leave was not recorded on attendance records.

The following is a list of employees of the BRA receiving annual salaries of $10,000 or more as of the date of audit:

Name	Title	Annual salary
Edward J. Logue	Development administrator	$25,000
Edward J. Logue	Development administrator (city of Boston)	5,000
Ellis E. Ash	Deputy development administrator	22,000
John P. McMorrow	Director, administrative management	20,000
James Drought	Assistant administrator of development	18,000
Kane Simonian	Executive director	18,000
John C. Conley	General counsel	17,000
Robert E. Rowland	Director, community renewal administrative division.	16,250
Robert E. McGovern	Real estate officer	$15,000
David A. Crane	Deputy planning administrator	15,000
Peter A. Reimer	Project director	14,750
Russell M. Traunstein	do	14,000
William J. Johnson	Assistant executive director	13,250
Wallace B. Orpin	Chief engineer, director of site development	13,000
Patrick E. McCarthy	Project director	13,000
Thomas E. McCormick	Director of planning	12,250
Thomas P. McCusker	Coordinator	12,000

Name	Title	Annual salary
John R. Rothermel	Chief planning analyst, capital budget officer	$12,000
Robert G. Hazen	Project director	12,000
Richard R. Green	do	11,500
George J. Feltovich	do	11,250
John J. Desimone	Chief of surveys	11,250
Thomas F. Hanley	Assistant counsel	11,200
John F. Bok	Assistant legal officer, development administrator.	11,200
Vincent K. Cates	Engineer	11,000
Thaddeus J. Tercyak	Assistant project director	$10,750
Arnold L. Schucter	Project planning officer	10,500
Robert M. Litke	Federal relations officer	10,250
Elmer C. Foster	Director, community relations	10,250
Carle W. Greene	Civil engineer	10,000
Brigette G. Alexander	Chief planner	10,000
Henry S. Brinkers	Chief planning analyst	10,000
John J. Coughlin, Jr	Assistant Director, administration management.	10,000

An analysis of the salaries paid by the BRA as of May 31, 1963, resulted as follows:

Employees	Salary range	Percent of total
55	Under $5,000	32
85	$5,000 to $6,000	21
45	$6,000 to $7,000	11
50	$7,000 to $8,000	12
35	$8,000 to $9,000	8
27	$9,000 to $10,000	6
39	$10,000 and over	10

B. Recruiting policy. As has been indicated previously a substantial part of the administrative personnel of this agency particularly in the higher salary grades were recruited from outside of the State and in many instances the BRA paid the travel expenses of these individuals when they came to the BRA seeking employment. It was noted that the Federal Housing and Home Finance Agency had refused in the first place to approve expenditures of this type and had indicated that they could not accept such costs unless the BRA could produce evidence that this practice was followed by the city of Boston in the recruiting of city employees. In justifying these expenditures the development administrator stated in a Federal audit report for a period ending September 30, 1961, as follows:

"The Authority's files contain a letter from the mayor in which he states that there is no statute or city ordinance prohibiting reimbursement to persons being interviewed for positions with the city. The letter further states that, although no requests for such payments have been made since the beginning of his administration, the mayor's policy has been and would continue to be to reimburse such persons, providing that, in his judgment, the city's interests were to be served and he considered it advisable to make such payments."

A search of the files failed to locate this letter referred to by the development administrator. On the strength of this reply, however, payment of these expenses was made to the individuals concerned. The following is a list of the persons involved at that time:

Applicant's name	Date of interview	Traveled to Boston from—	Amount
R. Coughlin	Mar. 8, 1961	Philadelphia, Pa	$31.37
A. Guttenberg	Mar. 18, 1961	do	42.52
R. Litke	Mar. 27, 1961	Washington, D.C	64.46
R. Traunstein	Mar. 24, 1961	Rochester, N.Y	59.60
P. Reimer	Apr. 11, 1961	Washington, D.C	57.37
P. Reimer	May 24, 1961	do	65.27
A. Roohr	Apr. 4, 1961	Philadelphia, Pa	21.63
H. Speak	Apr. 26, 1961	Pittsburgh, Pa	83.90
K. Kralowec	Apr. 21, 1961	Minneapolis, Minn	163.94
D. Crane	May 15, 1961	Philadelphia, Pa	53.15
D. Crane	June 6, 1961	do	53.17
Total			696.38

In addition to reimbursing an applicant for the cost of his trip to Boston for an interview the BRA also adopted a policy of reimbursing the new employee for the cost of his moving expenses to Boston. A few examples are listed herewith:

	Amount
Feb. 14, 1962, Edward Logue from New Haven	$1,054.35
Feb. 14, 1962, George J. Feltovich from Philadelphia, Pa	433.51
Mar. 26, 1962, Walter L. Smart from Philadelphia, Pa	496.75
Sept. 15, 1961, Ellis Ash from Arlington, Va	488.96
Oct. 20, 1961, Patrick E. McNulty from Berkeley, Calif	766.62
Oct. 20, 1961, John Stainton from Pittsburgh, Pa	734.06
Nov. 17, 1961, Russell M. Traunstein from Rochester, N.Y	628.50
Sept. 28, 1961, John R. Rothermel from Madison, Wis	780.25
Oct. 6, 1961, Peter P. Reimer from Falls Church, Va	418.04
Oct. 6, 1961, David Crane from Philadelphia, Pa	502.75

While this may be a common policy in private business, it is the first time that this department has encountered such practices in the expenditure of public money. Despite the citation that the development administrator made, ostensibly from a letter written by the mayor, our check with fiscal officers of the city of Boston indicates that to the best of their knowledge and belief no such expenditures have ever been made by the city.

C. Leave of absence with pay: Effective May 15, 1963, by a vote of the board, Ellis E. Ash, deputy development administrator at a salary of $22,000 per year, was granted a leave of absence with pay to take over the position of acting administrator of the Boston Housing Authority. This position normally earns a substantially lower salary than that paid to Mr. Ash by the BRA.

This is indeed a most unique and unusual arrangement whereby one agency is paying in full the salary of an individual performing services for another agency. It must be emphasized that the Boston Housing Authority, as such, has no direct relation to the activities of the BRA.

D. Travel expenses: The same lack of adequate control which characterizes every other administrative expense of the BRA is demonstrated in the record of payments made for travel. It would be impractical to attempt to list the many individual examples of specific abuses that were noted during our test check of these vouchers. In many instances, vouchers were found which did not indicate the area covered by automobile mileage and also showed only the total mileage traveled. One voucher for example approved a payment for 1,914 miles of automobile travel in a 4-month period, and, in numerous instances, it would appear that many vouchers were issued for the purpose of reimbursing employees for travel from home to the official station and return on a daily basis.

We also found evidences of excessive mileage, as for example, a voucher claiming 88 miles for travel between Rockport and the Logan Airport while another voucher charged 35 miles from Lexington to Logan Airport and this latter payment could be contrasted with other payments from Lexington to Logan Airport showing only 15 miles travel. Use of out-of-State travel appeared to be excessive and a considerable use of taxis was noted. Substantial payments also were made under a recruiting policy previously commented on in this report.

It can be stated categorically that the vast majority of these vouchers would be rejected for payment if only normal and basic regulations governing such expenses were enforced.

E. Telephones: An examination of the telephone bills paid by the BRA could easily lead one to believe that the authority has completely forgotten the existence of the U.S. mail service.

A payment of $4,694.01 to the telephone company on November 16, 1962, was analyzed and it was determined that basic telephone service cost the authority $2,150.58 while the cost of local message units amounted to $1,829.54 and the charge for toll calls for the period amounted to $713.89. While it is understandable that this agency should have numerous calls to New York and to Washington, in the final analysis, calls were made practically to every section of the United States including several made to Canada.

In attempting an analysis of the toll calls, numerous calls between Boston and Chilmark were noted and upon further examination it was found that most of these calls originated from credit card No. C9D issued to the development administrator. The charge for a normal 3-minute call from Chilmark to Boston costs $0.55. Of the many such calls located, only one was charged at this minimum rate and the cost of all others ran from a minimum of $0.70 to a maximum of $16.15.

Some of the telephones installed at the BRA headquarters are run through switchboards and an adequate record of all toll calls was maintained by the operator at the board. However, there are 17 private phones in the various headquarters of the BRA which connect directly with the outside resulting in a loss of immediate control over calls made from these lines. We see no reason for the existence of this situation and the BRA should make immediate arrangements for all of their telephones to clear through the switchboard so that the individual phone calls made can be recorded, regulated and controlled.

It also appears from an examination of these bills that the BRA has been overcharged on their basic rental cost and it is recommended that the BRA request services of the State supervisor of telephones in the office of the State commissioner on administration in conducting a review of these telephone services.

F. Legal fees: In 1961 the executive director of the BRA brought a certain legal action against the authority. The board as indicated in the minutes of the meeting, engaged the services of three legal firms to represent the authority collectively in this case. Apparently, one member of the authority chose to engage his own attorney to represent him in the case.

It was noted that later the authority approved the payment of $3,950 to this attorney for his services even though the minutes do not indicate that he was legally employed. The total legal fees authorized to be paid by the authority in this case amounted to $22,188.25 and of this amount, only $7,488.25 was approved by the Federal Government and the balance of $14,700 was paid from city of Boston funds.

G. Insurance: At a meeting of the board held on March 1, 1961, at which three members were present the executive director distributed copies of a memorandum with reference to insurance coverage and recommended that additional insurance be obtained. The board then voted, "that James F. Kelley & Co. be designated as the official insurance broker for the authority, and further, that all existing policies now placed through Cronin Gartland Co. be canceled, effective March 15, 1961, or as soon thereafter as an audit and adjustment will permit, except for the comprehensive general liability for the West End project, which expires April 23, 1961; and further, that James F. Kelley & Co. be approved as broker for the West End Comprehensive General Liability Insurance after April 23, 1961, and that the executive director be authorized to obtain the additional insurance coverage recommended in the foregoing memo and to arrange for the renewal of the West End Comprehensive General Liability insurance through James F. Kelley & Co."

From the date of this order through February 28, 1963, net premiums in the amount of $159,536.25 have been paid to James F. Kelley & Co. as follows:

Comprehensive general liability	$143,159.28
Workmen's compensation	12,439.34
Fire and extended coverage	1,933.89
Position bonds	832.70
Landlords' and tenants' liability	533.55
Burglary and robbery	320.31
Automobile nonowners' liability	317.18
Total	159,536.25

H. Consultant retirement: On August 17, 1959, the authority entered into a 1-year contract with a social worker in the amount of $6,500. This contract was subsequently renewed for varying periods and a final contract renewal became effective August 17, 1962, at a rate of $8,500 a year. This consultant was later placed on the payroll as a social service officer on January 13, 1963, at $9,250 a year.

During the period that this consultant was retained on a contractual basis his payments were shown on the regular payroll, and the standard payroll deductions, including retirement, were taken from his pay.

It is indeed a most unusual arrangement to include a consultant's compensation on a regular payroll. It is also not readily apparent why retirement deductions totaling $1,321.18 were taken during the period that he was an independent contractor and not an employee of the authority.

The director of the city of Boston retirement system was asked if these had been proper deductions, and he indicated that in his opinion they were not, but that the matter would be referred to the retirement board for their decision.

Sixth. Accounts receivable: Redevelopment, by its very nature, is accepted on the premise that an immediate loss of many thousands of dollars in taxpayers' money will result. Reasonably clear thinking coupled with a respect for the taxpayers' dollars should immediately put upon the administrator of such a program the burden of recovering every possible dollar from normal revenues to offset at least a fraction of the extra costs being absorbed by the taxpayer.

One of the few sources of revenue open to the BRA is income from occupied properties from the time of seizure until relocation of the tenant has been completed. Ostensibly the original policy announced by the BRA was reasonable, since it provided that rents would be set at the rate in effect at the time the property was taken. However, the records indicate that almost immediately following the establishment of a rental based on this policy the authority adjusted the rate downward and in many instances there were several such reductions following one after the other on the same rental. In many other instances even the adjusted balance was written off as uncollectible.

As an example of this procedure it was noted that the total rent charges for property taken in connection with the Government Center project were originally set up in the amount of approximately $2,550,000 and almost immediately thereafter these rentals were adjusted downward in a total of approximately $300,000 which reduced the original rental charges to $2,258,198.78. Of this latter amount, the board itself approved waivers in the amount of $14,933.07 while refunds to tenants amounted to $11,022.66. The balance of accounts receivable on the Government Center project on February 28, 1963, amounted to $142,276.40 and it is a fair assumption that the substantial part of this balance will never be collected.

On the West End project it was not possible to obtain figures comparable to those cited on the Government Center project because the records maintained were practically useless. In the West End project no rent roll was established until months after rentals had been in effect, and the basic figure on which the rent roll was finally based could not be traced or verified since the employee who prepared this rent roll stated that he had destroyed the work papers on which his figure was based. This is borne out by the fact that in the month of July 1960, the rent roll, as the result of necessary adjustments made in the computed balance was a minus amount. In other words, the adjustments made were more than the total rent roll charges.

The effect of the lack of such fundamental and basic accounting records involved in the handling of thousands of dollars of income should be fairly obvious. The department of the State auditor in its many years of experience has never encountered a similar situation and it intends to explore this area of the BRA records in the next few months.

There are many examples of the generosity of the BRA with its tenants.

In November of 1961 when the BRA took over the Chardon Motor Mart, Inc. a rental charge of $2,500 per month was established and 21 months later in July 1963 this rental charge as a result of successive reductions had reached the amount of $800 per month, and in addition during this period the BRA generously granted to the lessee a reduction of $8,900 in the amount due from him. Based on the original rent of $2,500 a month, the potential income from this one account amounted to $52,500 but as a result of reductions and the abatement mentioned herein, this amount was reduced to $25,900 and on June 30, 1963, there was a balance of $3,200 due from the tenant.

One other account is also worthy of comment. When the Bowdoin Square garage was taken over, the rental on the property was set at $7,000 per month and the original occupant paid this amount for a comparatively brief period. When a new lessee took over the property he insisted that he was able to pay the prevailing rate of $7,000 per month, but, it is interesting to note that when the property was turned over to him the rent was immediately reduced to $4,375 per month. It is worthy of comment that this action was taken with such speed that the adjustment predated the date that the new lessee took over and as a result, the previous operator received $2,085.40 as a refund on the last payment based on his original $7,000 rental payment. It is also interesting to note that this new tenant at the time he vacated the premises owed the BRA $12,760.44 in back rentals and soon after these facts were brought to the attention of a BRA official in connection with this audit this amount was paid in full and it is understood that this payment was obtained by threatening the lessee with cancellation of parking permits that he held on other BRA property.

The board itself must have realized at one time that the situation, with regard to these adjustments, was getting out of hand and as a result on November 29, 1961, the board voted that in the future all reductions in use and occupancy charges in excess of $100 a month would require the approval of the authority.

It may or may not come as a surprise to the authority to learn that in the next 15 months 30 adjustments were made on the approval of the real estate officers each in excess of $100 a month and it is also worthy of comment that 40 adjustments were made in the even amount of $100 and it might be fairly concluded that these reductions were held to that amount to avoid bringing them to the attention of the board.

On December 29, 1959, the authority voted to enter into a contract with Wasserman and Salter providing for the collection of rentals due the BRA from former tenants of the West End project and it is worthy of comment that the authority without amending this contract later also turned over to this collection agency accounts from the Government Center project, the Whitney Street project and the New York Streets project. To give a further example of the confusion encountered in the records of the BRA, attention is directed to the fact that it was impossible to determine from the authority's records how much money this agency actually collected for their services. The original contract limited the amount that Wasserman and Salter could collect under this agreement to $15,000. The confusion results from the fact that although the contract required the contractor to remit all collections to the BRA and then to be reimbursed for his 33⅓ percent fee, in many instances the contractor remitted only the net amount after having deducted his fee. The matter is further complicated by the fact that on May 18, 1960, the authority voted to charge off as uncollectible $80,192.24 in rentals and later $15,050.30 of these items had been collected. In the New York Streets project we were unable to locate any letters of transmittals regarding the collections on overdue accounts. Yet in this instance evidence was located that more than $1,000 had been paid to the collecting agency. In view of the circumstances related herein this matter will be studied further by this office.

On December 1, 1961, a contract was entered into between the BRA and the First Realty Co. of Boston for that company to manage properties at 25 Pemberton Square and 20 Pemberton Square which had been acquired by the BRA as a part of the Government Center project. These same services had been performed previously by this same company on behalf of the prior owners. Compensation under this contract was set up at a rate of 6 percent on rental collections but was not to exceed $1,500 a month plus reimbursement for actual expenses.

This agreement was terminated by the BRA effective April 15, 1963, and it was noted that the contractor had received under this agreement a total of $113,065.20. The reason for terminating this agreement was numerous complaints by tenants regarding heat, cleanliness, poor elevator service, and continued pilfering from business offices. Another factor in connection with this cancellation was the fact that the tenants' accounts receivables according to BRA records were in arrears in the amount of $18,326.44. A further review of this contract will be made by this department.

7. Maintenance expenses: It must be agreed that in most instances property seized by the BRA for redevelopment is generally in a rundown condition and in need of extensive rehabilitation if the property is to continue to be occupied for an extensive or indefinite period of time. This examination discloses that despite the fact that these seized properties were scheduled for demolition, the BRA expended hundreds of thousands of dollars for major repairs to these buildings, after seizure, before demolition took place. During the period of this audit approximately $1,675,000 was paid to various contractors for the maintenance and major repairs of these properties and in addition, maintenance employees of the agency itself have been paid salaries totaling approximately $188,000. It is remarkable to note that in examining these substantial expenditures, we were unable to find one single instance where this work was done under a contract resulting from competitive bidding; instead the work was done in almost every instance under hundreds of individual work orders placed with certain favored companies.

The attention of the BRA is directed to the provisions of section 8A of chapter 29 of the general laws which requires competitive bidding by any office, department, or undertaking which receives a periodic appropriation from the Commonwealth.

Attention is directed to the fact that the BRA exists only as the result of a statute enacted by the General Court of Massachusetts and that the payment which the Commonwealth makes as its share of the cost of this program does represent a periodic appropriation. While we cannot say with authority that the BRA must follow competitive bidding practices it does seem that the authority in view of the substantial funds involved, should have, on their own initiative, based these expenditures on competitive bidding.

It must also be pointed out at this time that during the course of this audit it was impossible to determine whether or not the services for which these contractors were paid had ever actually been performed for in practically every instance, the building on which the work was done has been demolished. In a few instances the point was made by the BRA that the repairs made had been ordered by building inspectors, fire department and/or elevator inspectors. It is difficult to accept this as a proper reason since the vast majority of the work did not involve any of these three agencies. In those few cases in which these respective agencies were involved, if the recommended work was not done, it could only result in an order to demolish the properties involved.

The favored contractors on some of the work performed were as follows:

(a) Persil Construction Co.: Although a complete audit of payments to this company was not made at this time, a total of more than $126,000 in vouchers for maintenance work was examined. Of this amount, it was determined that $48,000 was spent in the West End area for miscellaneous repairs and in the Government center area, this company received approximately $70,000 for removing rubbish from buildings awaiting demolition. In connection with this rubbish removal, the BRA paid the Fay Photo Service approximately $1,500 for photographs of the rubbish.

Examples of payments made to the Persil Construction Co. are as follows:

1. It was noted that between the period of April 28, 1959, and March 2, 1960, 44 separate work orders were issued to this company for removing rubbish in the West End area and the total payment under these particular work orders amounted to more than $26,000. The attention of the BRA is again directed to the provisions of section 8A of chapter 29 of the general laws which specifically forbids the splitting of contracts in this fashion:

Work order	Amount	Dates	Description
4320	$496.00	Apr. 28 to May 4, 1959	Remove rubbish.
4330	248.00	May 14 to 15, 1959	Do.
4334	558.00	May 18 to 22, 1959	Do.
4346	589.00	June 1 to 5, 1959	Do.
4342	80.30	June 1, 1959	Do.
4339	558.00	May 25 to 29, 1959	Do.
4349	472.75	June 8 to 11, 1959	Do.
4803	620.00	June 12 to 18, 1959	Do.
4810	558.00	June 19 to 25, 1959	Do.
4812	620.00	June 26 to July 2, 1959	Do.
4817	744.00	July 3 to 10, 1959	Do.
4820	620.00	July 13 to 17, 1959	Do.
4823	620.00	July 20 to 24, 1959	Do.
4834	558.00	July 27 to 31, 1959	Do.
4843	620.00	Aug. 3 to 7, 1959	Do.
5373	620.00	Aug. 17 to 21, 1959	Do.
5367	558.00	Aug. 24 to 28, 1959	Do.
5356	620.00	Aug. 10 to 14, 1959	Do.
5377	620.00	Aug. 31 to Sept. 4, 1959	Do.
5397	744.00	Sept. 10 to 17, 1959	Remove trash.
5507	620.00	Sept. 18 to 24, 1959	Do.
5516	682.00	Sept. 28 to Oct. 5, 1959	Clean debris.
5530	$434.00	Oct. 6 to 9, 1959	Clean debris.
5536	496.00	Oct. 13 to 16, 1959	Clean up old newspapers.
5540	720.00	Oct. 19 to 23, 1959	Clean up general area.
5546	844.00	Oct. 26 to Nov. 2, 1959	Clean out cellars.
5759	596.00	Nov. 3 to 6, 1959	Do.
5761	596.00	Nov. 9 to 13, 1959	Clean out rubbish.
5775	844.00	Nov. 16 to 23, 1959	Do.
5783	620.00	Nov. 24 to 30, 1959	Do.
5799	744.00	Dec. 7 to 11, 1959	Do.
6008	744.00	Dec. 14 to 18, 1959	Do.
6012	744.00	Dec. 21 to 24, 1959	Do.
6016	744.00	Dec. 28 to 31, 1959	Do.
6022	868.00	Jan. 4 to 8, 1960	Do.
6030	744.00	Jan. 11 to 15, 1960	Clean out cellars.
6035	744.00	Jan. 18 to 22, 1960	Do.
6039	744.00	Jan. 25 to 29, 1960	Do.
6308	248.00	Feb. 18 and 19, 1960	Clean out rubbish.
6310	372.00	Feb. 23 and 24, 1960	Do.
6312	186.00	Feb. 25 and 26, 1960	Do.
6311	620.00	Feb. 25 and Mar. 2, 1960	Do.
6316	93.00	Mar. 3, 1960	Clean rubbish around church.
6307	868.00	Feb. 15 to 19, 1960	Clean rubbish from cellars.

2. On July 20, 1959, this company under voucher No. 1625 was paid $60.48 to repair marble steps at 50 Poplar Street and again on August 27, 1959, under voucher No. 1789, the same company was paid $69.95 for fixing marble stairs at the same address. The note made on this latter voucher stated that this was not the same step that was fixed on July 20, 1959.

3. Under voucher No. 2119 this company charged the BRA $31.39 to replace one broken glass in a skylight. This voucher included the services of one man and a truck for 3 hours.

4. Under voucher No. 2215 the BRA was charged $23.50 as the cost of removing a board hanging from a window sill by a rope.

5. Under voucher No. 2293 the BRA was charged $168 for boarding up windows in a store on the corner of Allen and Chamber Streets. This voucher included the cost of two carpenters for 8 hours each and a truck for 8 hours.

6. Under voucher No. 1834 the BRA was charged $223.50 for boarding up No. 5 Allen Street and the work involved the services of two carpenters and two helpers for a total of 9 hours per man.

7. Under voucher No. 2037 the BRA was charged $101.45 for filling in a hole in an alley with cement.

8. Under work order No. 5356 this company was paid $620 for removing rubbish and dog stools from certain streets in the West End area.

(b) Robert A. LaCentra Co.: From only a partial examination of the vouchers paid to this company, it was determined that at least $170,000 in work orders had been awarded to this company for plumbing repairs without contract or bid. Invariably on the bills submitted by this company the BRA was charged and paid at the going rate for licensed plumbers and a check of the board of registration of plumbers showed that at least six of the employees of this company are not registered plumbers. We found numerous instances in which this company was paid over and over again for repeat calls to the same location and other instances were noted where other plumbing companies were paid for repair work on the same properties.

Examples of the charges made by this company follow:

1. Under voucher No. 1591 this company was called because of a leak in the roof and as a result, at a cost of $58 the plumbers notified the BRA that the roof needed new flashing. According to the voucher, this determination required 10 hours of work on the part of the plumbers and it is worthy of further comment that a roofer was later paid $42.95 to repair this flashing.

2. Under voucher No. 1591 a store with broken windows was reported to the telephone answering service employed by the Authority and that service called this company and as a result, the plumbers boarded up the broken windows and charged the BRA $34.80.

3. Under voucher No. 311 this company was called to 24 Hale Street on a complaint that there was no water in the building. The BRA was thereupon charged $24.40 to turn the water on.

4. Under voucher No. 460 this company was called to 60 Cornhill Street to repair a leak in the cellar. As a result, the BRA was advised that the main Edison steam valve was leaking and they charged $166.52 for this advice.

5. Under voucher No. 250 the company charged the BRA $338.60 for 3 days work in repairing a leak in the hot water tank.

6. Under voucher No. 300 the BRA was charged $166.17 to replace a defective hot water tank. According to the records submitted, it required the services of two plumbers for 7 hours apiece to install a tank which cost $33.

7. Under voucher No. 361 the BRA was charged $210.29 representing 17 hours of plumbing work to install a hot water tank that cost $58.60.

8. Under voucher No. 460 the company charged the BRA $119.96 to repair six radia-

tor vents and according to the voucher it required 13 hours of plumbing work and a truck for 1 hour to perform this service.

9. Under voucher No. 1335 it cost the BRA $54.31 to repair the ball cock in a flush toilet. According to the voucher, this work required 7 hours of plumbing work.

10. Under voucher No. 460 this company installed new piping from cellar to the top floor in a building at Norman Street at a cost of $305.24. It is worthy of comment that there was only one apartment in the building which remained occupied at the time these repairs were made.

11. Inspectors from the Boston Fire Department notified the BRA that they would be required to either repair the boilers or install a dry fire alarm system at the Leopold Morse Building, 137 Washington Street. The LaCentra Co. was retained without bids to install such a dry system at a cost of $3,739.70 and it is worthy of comment that repairs to this same system later cost the BRA an additional $2,442.56 and the major part of these later expenses were paid to the LaCentra Co. Attention is further directed to the fact that this building was vacant from the date of BRA taking to the date of this audit with the exception of a temporary rental of $300 per month for 3 months or a total income of $900.

The following is a partial list of orders given to the LaCentra Co. from July 23, 1958, to June 24, 1959:

Voucher No.	Dates	Amount	Description
270	July 23 to Aug. 11, 1958	$487.15	Plumbing repairs.
203	June 30 to July 8, 1958	495.36	Do.
297	July 31 to Aug. 26, 1958	888.00	Do.
320	Aug. 26 to Sept. 12, 1958	1,276.67	Do.
396	Sept. 10 to Sept. 24, 1958	1,133.67	Do.
439	Sept. 24 to Oct. 7, 1958	1,648.70	Do.
494	Oct. 7 to Oct. 21, 1958	1,656.89	Do.
525	Oct. 21 to Nov. 3, 1958	1,030.23	Do.
572	Oct. 29 to Nov. 4, 1958	908.63	Do.
612	Nov. 3 to Nov. 12, 1958	984.26	Do.
616	Nov. 10 to Dec. 2, 1958	2,966.60	Do.
694	Dec. 2 to Dec. 19, 1958	4,205.19	Do.
743	Dec. 16 to Dec. 27, 1958	4,634.89	Do.
782	Dec. 27 to Jan. 6, 1959	4,037.63	Do.
816	Jan. 6 to Jan. 9, 1959	2,902.41	Do.
839	Jan. 2 to Jan. 20, 1959	3,942.99	Do.
886	Jan. 20 to 29, 1959	$3,349.82	Plumbing repairs.
938	Jan. 30 to Feb. 16, 1959	3,661.44	Do.
954	Feb. 13 to 26, 1959	2,650.05	Do.
986	Feb. 24 to Mar. 3, 1959	1,387.47	Do.
1035	Mar. 9 to 20, 1959	1,047.88	Do.
1062	Mar. 20 to 26, 1959	509.11	Do.
1004	Mar. 3 to 11, 1959	972.65	Do.
1089	Mar. 28 to Apr. 1, 1959	849.76	Do.
1141	Mar. 31 to Apr. 7, 1959	456.20	Do.
1166	Apr. 6 to 15, 1959	905.54	Do.
1207	Apr. 13 to 30, 1959	1,345.51	Do.
1257	Apr. 29 to May 6, 1959	621.33	Do.
1292	May 5 to 20, 1959	1,183.14	Do.
1391	June 2 to 10, 1959	644.94	Do.
1422	June 10 to 15, 1959	287.17	Do.
1463	June 16 to 24, 1959	645.90	Do.

(c) J. M. McCusker Co., Inc.: A partial examination of vouchers on the West End project indicates that this company received more than $60,000 exclusively for plumbing work.

(d) Consolidated Elevator Co.: Shortly after the Government area was taken over by the BRA, elevator inspectors examined all of the elevators in the area and as a result of their inspection many of the freight and passenger elevators in the district were adjudged dangerous, and ordered to be repaired. It is difficult to understand how all of these elevators should have become dangerous to operate in the brief time they were under the control of the BRA. The question naturally arises as to why they had not been inspected and declared dangerous when they were privately owned.

As a result of these findings, the BRA employed the services of the Consolidated Elevator Co. and to the date of this audit, this company was paid $48,000 for putting these elevators into a safe operating condition.

(e) General: The following additional questionable items were noted in connection with a test check of maintenance vouchers paid by the BRA:

1. Under voucher No. 1462 a company was paid $44.25 for services performed on June 11, 1959, in fixing a reset button on an oil burner.

2. Under work order No. 4778 a company was paid $38.80 including overtime to repair a door buzzer.

3. An electric company under voucher No. 299 was paid $751.36 principally for replacing sockets and switches in the West End area and included in these charges was $10.62 for repairing a broken chain on a pull switch and in another instance, a charge of $15.52 was made for the same type of service. This company also collected $310.22 for other work of the same general nature in the West End area.

4. An electrical contractor was paid $230.70 under voucher No. 123, $308.87 under voucher No. 199, and $206.32 under voucher No. 388 principally for the replacement of sockets and switches again in the West End project.

5. A general contractor was paid $1,372 under four separate work orders for cleaning debris in the West End area. This payment is mentioned only because the work orders involved specifically stated that the contractor would supply only a truck and driver and the BRA maintenance men were supposed to do the actual loading. Under each one of these work orders, despite these specifications the contractor was paid for three men and a truck.

6. On a building located at 27 Haymarket Square, the Malden Equipment Co. removed the flashing before the building had been turned over for demolition and leaks resulted. In the period between August 29, 1962, and September 5, 1962, repairs were ordered by the BRA at a cost of $452.21. It is worthy of comment that according to available records this building was vacant at the time, and released for demolition on October 18, 1962.

7. During the entire winter of 1961–62 tenants at 27 Haymarket Square had complained almost continuously with regard to the lack of adequate heat in the building. Finally, under a contract dated March 13, 1962, a new oil burner was installed at a cost of $2,844.90. This occurred at about the end of the heating season and the building as noted above was vacant in September and released for demolition on October 18, 1962.

8. On June 20, 1959, a company was called as the result of a complaint that water was heard running in a building at 15 Allen Street. It is interesting to note that this company was paid $19.50 for services performed which involved turning off a faucet which had been left running.

9. Rental of parking areas: A statement released by the BRA on January 14, 1963, included the following statement:

"The authority is realizing close to $100,000 a year in revenue from the use of cleared land for parking which was not previously used for parking purposes. However, the primary concern of the redevelopment authority has been the public interest in providing needed parking facilities for the general public and fair treatment for parking space operators who were losing or about to lose their parking lots."

In connection with this area of the activities of the authority, the following is a list of parking lots leased by the BRA as of the date of this audit:

Lessee	Location	Square feet	Car capacity	Monthly charge	Monthly charge per vehicle area
Cambridge Street Parking Corp	Cambridge St	164,400	688	$1,000.00	$1.45
Augustus Mantia	do	11,799	75	275.00	3.67
John I. Fitzgerald	Lowell St	15,000	32	25.00	.78
Massachusetts General Hospital	Charles St	82,357	325	474.30	1.46
Charles River Park "A," Inc	Parcel 1D—West End	33,120	103	223.56	2.17
Meyer Bros	Friend St	7,806	46	800.00	17.39
Fitz-Inn Auto Parks	Dock Sq	15,527	80	4,000.00	50.00
Cosmopolitan Garage	Pitts St	(1)	100	564.00	5.64
Chardon Motor Mart	Chardon St	(1)	175	1,200.00	6.86
Solomon Parking	do	9,271	60	400.00	6.66
Bowdoin Amusement	Scollay Sq	25,500	124	2,550.00	20.56
Fitz-Inn Auto Parks	do	25,750	143	2,595.00	18.15
Do	Pemberton Sq	10,886	73	1,250.00	17.12
Brattle Co	Cambridge St. and Somerset St.	29,000	120	2,658.33	22.15

(1) Garage.

It will be noted from the above schedule that the monthly rental charge per vehicle area varies between $0.78 per vehicle area on Lowell Street and $50 per vehicle area in Dock Square, but it must also be pointed out that the capacity as listed herein does not represent the actual capacity of these lots and in most cases the operators are parking substantially more cars than the rated capacity. The BRA attempts to justify this wide discrepancy in these rentals to the fact that certain of these lots are more advantageously located than others. It would not seem that this explanation would justify the difference between $50 per car area in Dock Square and $18.15 per car area in Scollay Square.

The BRA has also claimed that these parking areas were awarded to parking lot operators who were formerly site occupants and who had been displaced from their former lots.

Actually the award of these areas does not follow the policy announced by the BRA.

Particular attention is drawn to parcel 1D in the West End project area which has been awarded to the Charles River Park "A" Inc., under an agreement which restricts the lessee to the parking of motor vehicles belonging to tenants of Charles River Park "A" Inc.

It must be emphasized that this area includes 33,120 square feet with a rated capacity of 103 vehicles and the lessee is paying $223.56 per month in rentals. The lessee in turn is charging tenants $12 per month for parking privileges in this area.

Rent for the parking lot on Cambridge Street, which is assigned to Augustus Mantia, was originally set at $400 per month and was later adjusted to $275 as indicated on this schedule. This reduction was ostensibly made as the result of a report submitted by the licensee indicating a decrease in his gross income. It must be noted that during the period in which the licensee claimed a loss in his gross income the parking area in the lot had been increased by the demolition of a building previously standing on it.

At the time the authority initiated the collection of use charges from tenants it was noted that a parking lot on Lowell Street, containing 2,075 square feet with a capacity of 12 cars was paying $25 a month in rent. Later, the area in this lot was expanded to approximately 15,000 square feet with no increase in rental charge.

In connection with these parking lots the following specific comments must be made:

1. The existence of these parking lots represents in itself a reflection on the BRA. These parking areas are located on properties which cost the BRA millions of dollars to take over and to clear.

2. Every day that these parking lots continue represents a substantial loss to the city of Boston in tax revenues for as long as these properties are held by the BRA they are not subject to real estate taxes.

3. The authority's publicized boast of revenues close to a $100,000 a year from parking is hardly an item that the BRA should take credit for. If these lots had been rented under competitive bidding, it is conceivable that this income could have been doubled.

All of the parking permits in effect today should be canceled forthwith and placed on the open market under competitive bidding processes. The authority in renting these areas should also include in their lease a specified amount which the lessee will pay to the city of Boston as a payment in lieu of taxes.

9. Contracts: Financial records of contracts maintained by the BRA are incomplete, missing and operated without basic and fundamental controls.

The department of the state auditor is presently engaged in the compilation of a schedule of all awarded contracts and it will be included in the next audit report. To the date of suspension of this audit a total of 373 contracts had been located involving expenditures of more than $9,583,000.

The following specific comments can be made in connection with BRA contracts:

1. Contracts are not serially numbered which destroys a basic source of control.

2. Contracts were found in the following locations:

(a) 73 Tremont Street.
(b) Engineering office, city hall.
(c) Administrative office, city hall.
(d) Pemberton Square.

3. A complete and reliable listing of contracts could not be made and the following inadequacies were noted:

(a) Contracts were located which according to the minutes of the authority's meetings had never been approved by the board.

(b) Certain contracts approved by the authority could not be located in the various files.

(c) Payments on certain contracts were located but the contract itself could not be found.

(d) In not one single case could we find a certificate of completion on any contract.

(e) Extension of time on contracts was the rule rather than the exception, and in no case was any penalty assessed upon the contractor.

(f) There was no accounting control over payments made on contracts and it was necessary to examine literally thousands of vouchers to locate such payments.

The following items are also deemed worthy of comment:

A. Government center—Engineering survey: On October 24, 1961, proposals from four organizations were opened and the low bid amounted to $18,800. On that same date the chief engineer indicated that he believed that the work should go to the low bidder and he stated the contract should be awarded, "on the basis of $18,800 for the work covered thereunder and not exceeding a maximum of $22,800 should any change orders be necessary."

Immediately thereafter, the low bidder in a letter to the authority stated that their low bid was based on "doing the work in 150 calendar days, we hereby amend our proposal and for the amount of $22,300 we will complete the work in 120 calendar days." This latter proposal was accepted by the authority and 14 days after the date of the contract, the contract was again increased by another $4,000. In February 1962, a further increase of $8,600 was approved and again in September 1962 an additional $750 was authorized. Therefore, the original contract of $18,800 finally amounted to $35,650.

B. Data processing services: A contract dated January 25, 1962, was awarded for certain data processing services and provided for a maximum payment to the contractor of $30,000 with the stipulation that the contract was to be completed in 56 days or on March 12, 1962. As of March 31, 1963, in the course of this examination, it was noted that total payments made to the contractor had amounted to only $10,473.20 and this was more than a year later than the date on which the contract was to have been completed. Under the circumstances, the contractor was contacted by this department and by telephone it was learned that the cost of the contract at that time totaled at least $70,000 and was still increasing. While no explanation was offered by the contractor at that time for this overrun, a letter dated November 21, 1962, from the contractor was located in the files of the BRA which stated in part as follows:

"Our contract with BRA calls for processing information obtained from BRA and the assessor's files and submitting eight printed reports. On the surface, the one sentence description infers a relatively simple task. However, as you know, such is not the case insomuch as there are vast amounts of data, some complete and still more which is incomplete, rife with error and unusable."

C. Renovations—city hall annex: On July 21, 1961, an elaborate and costly contract in the amount of $306,630 was awarded for renovations to the 10th and 11th floors of the city hall annex to provide quarters for the development administrator and his staff. Change orders were later approved in the amount of $39,498.87, making a total adjusted contract amount of $346,128.87. To this must be added the architect's fee which amounted to $42,209 while office furniture raised the cost another $68,301.05 bringing the entire cost to $456,638.92. The city had originally agreed to furnish 20 percent of the total cost but because of extras, it later became necessary for the city to appropriate an additional $6,853.64.

Since this office and its occupants are engaged in supervision over all of the activities of the BRA it is interesting to note the distribution made of the cost of this renovation. All of the office furniture was charged to the Washington Park project while the cost of construction and the architect's fees were distributed over the Washington Park, South End, and Government Center projects.

This in itself is an excellent example of the manner in which the BRA has applied funds under its control.

D. Architectural services—Washington Park: On September 24, 1962, the BRA entered into a contract in the amount of $89,200 for professional services with Carl Koch and Mark J. Waltch to undertake studies and preparation of architectural plans, site plans, preliminary working drawings, specifications, cost estimates, and information relative to financing the development of housing for moderate-income families.

The work of this contract included the Washington Park area which was in the process of redevelopment by the BRA. Attention is directed to the fact that section 14 of this contract specified that the contract came under the provisions of part 2, "Terms of Condition" Housing and Home Finance Agency contract. Section 16 of these "Terms of Conditions" states as follows:

"The contractor covenants that he presently has no interest and shall not acquire any interest in the above-described project area or in any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services thereunder."

Section 17 states: "All of the reports, information, data, etc., prepared or assembled by the contractor under this contract are confidential and the contractor agrees that they shall not be made available to any individual or organization without the prior written approval of the local public agency."

The purpose of these two sections are self-evident and to further strengthen these purposes the redeveloper, under section 906 of his agreement with the BRA, contracts that he will not, "employ in connection with its obligations under this agreement, any person who has participated in the planning or execution of the plan or related project."

Despite the unmistakable intent of these citations, Carl Koch with the connivance and assistance of the BRA administrator was permitted to enter the employ of the redeveloper. In a memorandum dated May 1, 1963, to the authority, the development administrator explains at great length the reasons that he believes that Mr. Koch should be permitted to be hired by the redeveloper but at the same time he indicated that he was bothered by the complication that the so-called conflict-of-interest statute placed upon this transaction.

He therefore canceled the contract with Carl Koch effective April 30, 1963, in order to make his action prior to the effective date of the conflict-of-interest statute despite the fact that the work under this contract was still incomplete as of that date. To further strengthen his position the development administrator then ordered section 906 of the developer's contract, cited previously in this comment, to be deleted from that contract. This appears to have been accomplished by the use of scissors to cut out that section of the redeveloper's contract. Attention is directed to the fact that the efforts of the development administrator to avoid the effects of the conflict-of-interest statute, were of no benefit to the contractor. The administrator had no authority to cancel the existing contract since that power rests only with the authority members. The action of the board members was taken on May 1, 1963, which clearly brings this duality of these contracts under the provisions of chapter 779 of the acts of 1962.

We do not argue the point as to whether or not Mr. Koch's activities represent a so-called conflict of interest but we do state that despite the development administrator's actions, Mr. Koch's employment by the redeveloper is a direct violation of sections 16 and 17 of part 2 of his contract and that the redeveloper's actions in hiring Mr. Koch was a direct violation of section 906 of his contract with the BRA.

By his memorandum of May 1, 1963, the development administrator merely recites his activities to the board and since the steps had already been taken he obviously expected and did receive their approval. The development administrator has in this matter usurped the powers of the authority. It should be basic in an agency of this type that the development administrator should carry out the policies of the redevelopment authority, not that the redevelopment authority should act only after the fact to approve the actions of the development administrator.

Several things stand out in connection with this deal which the redevelopment administrator should be called upon to explain.

1. The work of Messrs. Koch and Waltch was incomplete as of the date on which the contract was canceled and since the entire contract was canceled, the development administrator's explanation of how he legally expects to obtain the final report is worthy of explanation. The original contract was in the amount of $89,200 and of this amount, $31,200 had been paid and an additional $16,000 was owing as of the date of cancellation of which $8,100 is payable upon submission of the final report.

2. In view of the requirements of article 17, section 2, of the contract that the findings of the contractor are to be kept confidential, it does not seem possible that the contractor in performing his duties for the redeveloper can entirely divorce himself of the knowledge he acquired while under contract with the BRA.

3. It is necessary to direct attention to the fact that Mark J. Waltch, who was named in the original contract with the BRA, was until September 1, 1962, vice president of the Beacon Construction Co., which date immediately preceded the date of this contract with the BRA. It is interesting to note that the same Beacon Construction Co. has been retained by the developer of the Washington Park area.

F. Architectural services—West End project: The original plans for the redevelopment of the West End area were prepared when this project was under the supervision of the Boston Housing Authority. When the area was finally assigned to the Charles River Park, Inc., as developers, the corporation engaged the services of Victor Gruen Associates as their architect. Soon thereafter the developer submitted a request to the BRA for a revision of the original redevelopment plan. To this point we have no quarrel with the procedure. However, we find it necessary to seriously object to the fact that the developer proposed that the BRA employ and pay their own architect for the revision of these plans. The BRA did follow the recommendations of the developer and under a contract, dated October 21, 1959, they paid the Victor Gruen Associates $13,500 for a revision of the original plan. Attention is directed to the fact that a contract with Victor Gruen Associates included the same sections 16 and 17 referred to in a previous comment relating to the interest of the contractor and the confidential nature of his findings. Again, we do not refer to this matter in the nature of a conflict of interest as it relates to the laws of the Commonwealth but rather as a violation of the terms of the contract. It would seem that if the developer wanted changes in the original redevelopment plan he should have paid for these alterations himself and refer them only to the BRA for approval.

G. United Community Services of Metropolitan Boston: On March 21, 1962, the authority entered into a contract with UCS which ended on March 1, 1963. The payments made on the basis of this contract were monthly, primarily encompassing charges of a payroll nature plus certain expenses for office supplies, travel expenses, contingencies, and necessary payroll taxes and retirement.

The scope of this contract is to perform services of preparing a program of social welfare services within the boundaries of the Government Center project. The program was set up to give this service to families and individuals for support and relocation from the project area; provide normal, standard social welfare services; screen and ascertain social needs, develop standards and prediction techniques for use in future relocation; provide unforeseen services after relocation; work with other agencies and the authority; and prepare reports which will then be submitted to the authority.

H. Freedom House, Inc.: A contract was drawn between the Boston Redevelopment Authority and the Freedom House, Inc. of Roxbury for community organization service in the Washington Park Urban Renewal area. The period covered under contract was March 1, 1962, to February 28, 1963, and was renewed for an additional year to begin on March 1, 1963. The original payments under contract were computed on a time basis not to exceed $2,250 per calendar month and later changed in the renewed contract to $3,512.50 flat fee per month.

The purpose of the contract is to utilize the assistance of a community organization within the area to establish primary leadership responsibility and carry out jointly with the authority and its authorized representatives public information activities in such a way as to motivate property owners and residents of the project area to understand urban renewal problems and to insure their participation in the urban renewal process. The community organization was also retained to lay the groundwork for the support of people in the area of the urban renewal plan.

I. United South End Settlements: On June 28, 1962, the BRA entered into an agreement with USES for the purpose of advising and assisting the authority in performing its relocation responsibilities under the direction of the BRA. All services performed by USES will be in connection with the South End renewal project and the agreement was to terminate upon completion of the relocation of families and individuals from the Castle Square area, as determined by the authority, but in no event later than April 15, 1963, unless extended by the development administrator.

The total maximum compensation to USES for a 12-month period was not to exceed $91,190. At the time the agreement was drawn, it was possible that the relocation job could be completed within 9 months, in which event the maximum cost would approximate $68,000.

THE NEXT STEP FORWARD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, I am inserting in the RECORD a speech delivered by me in Boston, Mass., June 14.

It is as follows:

"THE NEXT STEP FORWARD"—SPEECH DELIVERED BY WRIGHT PATMAN, MEMBER OF CONGRESS, BEFORE THE THIRD ANNUAL INTERNATIONAL CONFERENCE FOR CREDIT UNION EXECUTIVES AT BOSTON, MASS., JUNE 14, 1964

President Marin, Managing Director Shipe, my fellow Texans R. C. Morgan, Jim Barry, and Jack Mitchell, ladies and gentlemen, it seems highly appropriate that this conference of credit union leaders from throughout this great Nation should convene here in Boston, which as you well know was the home of Edward A. Filene and the headquarters for credit union development in the 1920's, just 30 years—less 2 days—after the passage of the Federal Credit Union Act. This landmark in legislation passed both Houses of Congress on June 16, 1934, and helped provide the impetus that has carried the credit union movement to the important status in the social and economic structure of our great Nation, which it enjoys today. Since we have returned to the early home of credit unions in the United States, this would appear to be an appropriate time to take stock of what has been achieved and to review the colorful history of credit unions during the past 30 years. I think we will come up with some interesting guidelines which we will find valuable in mapping the future course of credit union development.

Incidentally, I would like to say to all the Bostonians in the audience that besides being the home of the early credit union movement, Boston is also the home of my good friend JOHN W. MCCORMACK, the great Speaker of the House of Representatives. The city of Boston should feel greatly honored that such an outstanding statesman—and fine gentleman—was born and reared here. There is no doubt in my mind that JOHN MCCORMACK will be known as one of the greatest Speakers in the history of the House.

Mr. Filene, you will remember, chose Roy Bergengren in the very early days for the monumental job of organizing and promoting credit unions in the United States. The presence here today of so many managers of the larger credit unions throughout the country testifies to the success Roy Bergengren achieved. It is hard to believe now that for many years the organized movement consisted only of Mr. Bergengren, his faithful secretary, Agnes C. Gartland, and one room in a building at 5 Park Square. Through the Credit Union National Extension Bureau they did their work well, reaching in just 14 years their goal of a nationwide development of credit unions. All this, as you know, was made possible by the generosity and foresight of Mr. Filene, who funded the Credit Union National Extension Bureau to the extent of over a million dollars.

When you look at Mr. Filene's background, you find he was largely a self-taught man. He had planned to go to Harvard, but the illness of his father prevented him from doing so. Instead, he looked after the family store; but he did continue his education on his own. The budding department store executive had a wide-ranging mind; he has written that in the course of his studies he covered questions on banking, business, and labor relations, among others. After some time operating the store on one hand and studying unassisted on the other, Mr. Filene concluded that the intelligent running of a store was a very good substitute for college. He said that shopkeeping may not make a man as learned as a Harvard graduate, but it tends to make him wise in the ways of understanding and helping his fellow man.

But Mr. Filene was not only a philanthropist. Far from it. He was the first to admit that he was a businessman first. When he helped with the organization of credit unions, he acted not just because of a philanthrophic urge to help the poor. He was convinced that in the long run the money he poured into the Credit Union National Extension Bureau would benefit business—not merely his, but business in general. Mr. Filene held to the view that the prosperity of business depended upon the prosperity of the consumer. He contended—and in his time this was an unpopular view—that the average citizen makes markets by: (1) Either directly buying goods at retail, or (2) indirectly by keeping up demand for items whose raw materials come from basic industry.

We all know today how much our Nation's economy depends on the production of consumer goods, and how production of these goods affects the health of basic industries such as steel, chemicals, and rubber. Mr. Filene saw this in 1920. He was one of the rare breed of men who sees answers to problems long before the rest of us. Credit unions, Mr. Filene was convinced, would eliminate usury and encourage the common man to practice the virtues of thrift. As a result, the average citizen would end up with more disposable income, and he would spend it in a manner which would raise his standard of living and that of the entire Nation. In effect, Mr. Filene was trying singlehandedly to create a consumer-oriented economy. Certainly no one would argue with his purpose today.

During the depression years, Mr. Filene pressed for the adoption of reforms that only now are being recognized as necessary. The Area Redevelopment Programs, I am sure, would have won his support. These programs, as you know, are designed to assist economically depressed areas by providing the means for residents of these areas to get jobs and eventually make themselves self-sustaining. The Filene philosophy of giving the consumer the purchasing power he needs would have readily accepted the area redevelopment concept. I might add that credit unions fit into the area redevelopment scheme very nicely by providing citizens of all areas with both a place to save and a ready source of low-cost credit when needed for constructive purposes.

At the end of 1932, Mr. Filene left Boston for a grand inspection tour of credit unions around the country. By that time Mr. Bergengren's work had led to laws in 38 States and the District of Columbia. Although many banks in 1932 had closed their doors, credit unions had not—they were weathering the depression. In city after city, Mr. Filene was greeted by ovations when he spoke at credit union gatherings. Almost overnight he became the personal hero of thousands of people where before he had been just a name.

The next episode in the drama is one in which I take particular personal pride. For Roy Bergengren came to Washington, seeking the approval of Congress for a Federal Credit Union Act. Senator Morris Sheppard, from my hometown of Texarkana, Tex., became the bill's sponsor in the Senate. In the House, I had the pleasure of sponsoring a similar bill. The credit union idea was new to most Members of Congress. But Senator Sheppard and I became enthusiastic about it because we were convinced it was just the thing the citizens of our country needed to put them back on their feet again. For a long time I had been concerned about the problem the average person had when he sought credit. He could not go to a bank and get a loan in the same fashion as a businessman. Or in the event he could get it from a bank, the terms would be so steep he was being exploited even if he could manage it.

Inevitably, the average person—or the "little man," as Roy Bergengren called him—had no choice but to turn to loan sharks, thus submitting himself to the age-old evils of usury. I knew that in my congressional district there were many people who would welcome the opportunity of joining a credit union. There was also a lot to be said for the idea of passing a Federal act to balance State credit union laws. The dual chartering privileges accorded commercial banks, for example, were—and still are—jealously guarded by the banking industry. The theory is that a system of checks and balances is provided financial institutions when they have an opportunity to organize under either Federal or State charters. We thought that credit unions could benefit from having dual chartering powers as well. Once the act was passed, we witnessed a further demonstration of the power of dual chartering. Credit unions began to grow more quickly, and a kind of healthy competition evolved between State and federally chartered credit unions. Today we have the excellent situation in which almost an equal number of credit unions are chartered by State and Federal agencies. I regard this as a healthy situation, and one in which you should all take pride.

Of course, during the spring of 1934, Senator Sheppard, Roy Bergengren, and I had no idea that our work would bring about such outstanding results. All we knew was that the credit union idea was worthy of Federal support. There was testimony delivered on both sides of the Capitol, with Mr. Bergengren of course participating. I believe I was the only Member of either House or Senate to speak on behalf of the House bill when it came up before the House Banking and Currency Committee. I was not then a member of the committee, you see. I became a member in 1937. As the session neared adjournment, the bill still remained locked in the House Banking and Currency Committee. Roy Bergengren and I got to work on the chairman, and it was reported out in the last week of the session. With good fortune and some fast work, we were able to guide it through the House on June 16, just hours before Congress was to adjourn. As soon as the bill passed the House, Mr. Bergengren and I saw to it that it was on the way to the Senate. There Senator Sheppard had cleared the way, and the Senate also approved the bill—the same day the House acted. That day, June 16, was a great one for the credit union movement. Since then, the Federal Credit Union Act has played a major role in the growth and development of credit unions in the United States. It has also stood the test of time and proven to be a workable law with only the need for an occasional sprucing up.

With the passage of the Federal act and the organization of the Credit Union National Association a few months later, Mr. Bergengren closed up shop at 5 Park Square to move to Madison, Wis., where he commenced to preside over a truly national organization.

You might be interested to know that Mr. Filene did not think credit unions should supplant banks. He merely thought that all financial institutions, including banks, could afford to emulate the principles which credit unions made so successful. These principles are that the lender and the borrower have a common interest; that the true purpose of a loan is to bring about the financial improvement of the borrower. He argued that money loaned at too high a cost, or for no good reason, would eventually be money lost. And since this approach worked so well with credit unions, he could see no reason why it shouldn't work for others—including banks.

In reviewing the backgrounds of Filene and Bergengren, you will find that both were down-to-earth men. You might classify them as "realists." When they saw a problem, they sought a realistic solution. Your presence here today testifies to the effectiveness of their work. But, beside being men of action, they were also men of high ideals. Rather than exploiting less well-endowed people, they gave them assistance. It was characteristic of them, too, that they did not expect congratulations. During his tour of 1932, Mr. Filene was hailed as a hero. But that did not affect him. His reaction was to urge Bergengren to redouble his efforts in organizing credit unions. The key phrase in the Filene philosophy was "the next step forward." To Mr. Filene, the past was just history; the future held the promise of success. He was interested only in the next step forward.

It seems to me the leaders of the credit union movement here today would do well to examine this philosophy so well exemplified by Filene and Bergengren. Perhaps it can be applied just as well today. You might ask yourself: What should be the next step forward? Imagine, though, the shock that both Filene and Bergengren would have felt had they encountered the present-day credit union movement. What would those two realists have said when they saw 21,500 credit unions in the United States and thousands more elsewhere; 11,000 of these domestic credit unions functioning with Federal charters; assets of both State and Federal credit unions standing at $8 billion; members totaling over 14 million people? These are impressive figures. What would have been the reaction of the two men I have been telling you about? I think Filene and Bergengren would have been astounded—and pleased. But I can guarantee you that they would have gotten over their astonishment very quickly. And then they would have asked, "What next? Where do we go from here?"

I would like to spend the next few minutes telling you what I personally would like to see you do. The few points I shall make will, I hope, be food for further thought. Since my life has been for many years devoted to legislative matters, I cannot very well give you any insights into the technical operations of credit unions. I can, however, offer you advice as a very interested spectator and firm supporter of credit unions. One item that is close to my heart, as it was close to your founders', is the matter of organizing new credit unions. Next to safeguarding the laws, organizing must take its place as the most important activity of the movement. I know the good a credit union can accomplish. I have seen the Sheppard Federal Credit Union in action since it was founded in 1934. It has a greatly stabilizing effect in Texarkana. And the reason why it is so effective is not hard to find. The Sheppard Federal Credit Union, or any credit union, for that matter, is a remarkably effective instrument for relieving the financial burden of its members, no matter what his walk of life may be. The average citizen is naturally concerned about his ability to meet major expenses that crop up unexpectedly. If he is a member of a credit union, he is comforted in the knowledge that his credit union stands ready to help through extension of a low-cost loan or a share account which has been built up over the years. For this reason, I urge you to set as your goal access to a credit union for every person in the United States. Every American is entitled to the economic security a credit union can offer. Then shouldn't everyone have one he can join? Now if he chooses not to join, that is another matter. But he should at least have the opportunity.

The fact that there are now more than 21,000 credit unions attests to the viability of the idea and to your skills at organization. I urge you to apply these with renewed vigor. While you do so, do not be surprised to find your competitors carping at you. This is bound to happen if you become increasingly successful in serving people. In fact, if you do not hear cries of pain from others, you will know you have fallen down on the job. You might, in your organizing drives, take note of the programs being developed by President Johnson to help the poor. The President is showing us that a road is open to help these people. Might not credit union leaders also find a path to the poor? The impetus for such an exercise in growth must come from you, who represent the strength of the movement. And you are inspired, I am sure, by the memories all of you must have of your own small credit union 5, 10 or 15 years ago. The credit unions you assist today will be the million-dollar credit unions of tomorrow.

Now I shall turn to something with which I am very familiar—legislation and its importance to you. The goal uppermost in the mind of Roy Bergengren during the 1920's was to "get the laws," as he put it. By now, everyone in this room should know why he placed such emphasis on legislation. You have seen recently the injury and potential injury that can be inflicted through attacks on credit union acts in the various States. The credit union statute, whether State or Federal, is the heart of the credit union movement. Bergengren knew this, as he took on the massive job of initiating bills in over 40 States. But once the laws became effective, and operative, there may have been a tendency in the credit union movement to ignore their continuing importance. This attitude may be all right if there are no competitors waiting to slice up the statutes. Now, however, when there is such a danger, you cannot afford the luxury of taking the laws for granted. You must guard them very jealously.

Up to now, there have not been any overt attempts to alter the Federal act by unfriendly interests as there have been in the States. This fact might lead those of you who operate Federal credit unions to shrug your shoulders and assume that there is no need to worry about the Federal act because only State laws have been attacked. On the other hand, the same fact could lead those of you connected with State-chartered credit unions to say what happens on the Federal level does not affect you. You might say that your hands are full in dealing with State legislative matters, and that you do not have the time to be concerned with Federal affairs. Well, I submit to you that both of these attitudes are wrong. First of all, Federal credit unions cannot be complacent about the safety of their law any longer. We all have reason to know that hostile forces are now standing in the wings waiting for what they consider a proper time to sponsor restrictive changes in the Federal act. It is your fate that when you grow and prosper, you come to the attention of more and more people who are jealous of what you have achieved, or covet what you own.

This brings me to the second point. If Federal credit unions must keep a vigil on legislative developments in Congress so, too, must State-chartered credit unions. Let me give you an example. Suppose you were in my position as chairman of the Banking and Currency Committee. As chairman, I see all legislation directly affecting financial institutions. All legislation amending the Federal Credit Union Act passes through my committee. It would seem, then, that credit union leaders need be concerned only about the views of the members of my committee. This, however, is true only to a point. For other committees can also take actions affecting credit unions. And one committee—Ways and Means—has the power to change the tax status of credit unions. In this case, no distinction would be made between Federal- or State-chartered credit unions. I am sure you are aware that year after year testimony is given before the Ways and Means Committee to the effect that the tax-exempt status of credit unions should be terminated. Here is another committee, then, with great power over the future of credit unions, that bears close watching. I am not saying that the members of the committee are opposed to credit unions. I know many members support them, but these men are faced with the problem of raising revenue—and they weigh carefully all potential sources. Therefore, they will, from time to time, examine your status, and it is at these times that you must be ready to show that you still qualify for this status, whether you operate under a State or Federal charter.

The point of all this is merely that the security of all credit unions depends to a great extent—perhaps greater than you have realized—on the events that take place in Washington. The time to do something about this is now, before the anti-credit-union pressures here build up a full head of steam. Don't disengage yourselves from the realities of legislation. I have long said that credit union people tend to take for granted their success in legislative matters. But the day of easy success has come to a close. Constructive achievement both in Washington and in most State legislatures will result only from wise planning, efficient organization and thorough preparation. Run scared and take nothing for granted.

I understand that studies are now underway to determine the advisability of share insurance. The program under consideration would be mandatory for Federal credit unions and optional for State-chartered credit unions. It would mean, too, that the agency which would administer the program would have some supervisory powers. Therefore, State-chartered credit unions would be subject to Federal regulation for the first time. The same can be said for the idea of developing a workable national fund, under Federal auspices, to provide a source of liquidity for member credit unions. Once again, you should bear in mind this would entail Federal relationships for all participating credit unions. These are some of the obvious reasons why you should maintain an acute interest in the activities in Washington, even when things are going smoothly. I would like to commend CUNA for its foresight in recently expanding its Washington office to allow for greater concentration on Federal matters. I applaud this action and ask you to support it if you have had reservations about it in the past. The only way to be effective in Washington is to be there, and to make yourselves known to your Representatives and Senators. In most cases, they will be glad to hear from you. There may come a time, too, when you will be glad to have an acquaintance with them.

Once you have accepted the fact that Federal activity can affect you all, I would hope you will then be led to a desire to participate in the formulation of a program to safeguard and strengthen your position in this competitive environment. This is a time-consuming and never-ending task, but it can be expedited by persons willing to devote time and thought to the necessary spadework that has to be done. I would urge you to get out and work on the legislative programs as CUNA develops them. Not only will CUNA benefit from your advice, but you will be made aware of the problems and difficulties which face any legislative program. Should trouble occur later on, you would then be fully prepared for action.

You are very fortunate to have excellent representation in Washington through Dave Weinberg and his associate, John Rippey. I have been pleased to work closely with them and have always found them very helpful and cooperative. They are doing everything that can be done to strengthen the credit union movement in the Nation's Capital.

I wish it were possible for Filene and Bergengren to be called on now for their advice. We suffer a great loss by not having them with us any more. At the same time, though, being practical men, I am sure they would not dwell too much on the past. They would look to the future. Mr. Filene might tell us to go out and organize new credit unions. Perhaps Mr. Bergengren would add, "Don't forget the laws." Well, that is my message to you here today. I hope the tradition left to you by Filene and Bergengren will become the guide and the inspiration for your future work.

THE PRESIDENT'S SECRET DRAFT STUDY—A NEW COVERUP?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 30 minutes.

Mr. CURTIS. Mr. Speaker, I am sure I speak for many Members on both sides of the aisle when I congratulate President Johnson for his announcement on April 18 of a thorough study of the Nation's military manpower requirements and the draft. Those of us who have shared a long interest in this vital problem are delighted that the President has decided to join us in calling for a study, which hopefully will lead to substantial revisions in our military manpower programs.

But, Mr. Speaker, however much I applaud the President's action, I must confess that I have become a little disturbed at what appears to be the procedure of the executive branch in dealing with this question.

The New York Times of January 6, 1964, carries a story by Jack Raymond with the headline "Draft Overhaul Being Considered." Mr. Raymond there reports an exchange of letters between President Kennedy and Mr. James G. Patton, head of the National Farmers Union. Mr. Patton, according to this article, inquired of President Kennedy:

> Isn't it about time for a thoroughgoing reappraisal of our military manpower problem?

To this Mr. Kennedy is reported to have replied that it was "especially important" to survey the problem again because "the growing pool of eligible manpower is far in excess of the needs of the armed services, short of a national emergency."

Apparently such a survey of the problem was then initiated, for in another story by Mr. Raymond, this one dated March 13, 1964, we learn:

> The Pentagon on President Kennedy's instructions last summer, undertook a study of the draft provisions with an eye to possible major revisions by 1967.

And in the January 6 story referred to, Mr. Raymond says:

> Studies have been undertaken on all aspects of conscription, including its possible abandonment. They are directed by William Gorham, a Deputy Assistant Secretary of Defense for Manpower. Mr. Gorham was in charge of the studies that were prepared for President Kennedy last September, when the President halted the draft of married men by giving them deferred status.

Thus, as of March 13, 1964, it was well known that studies had been underway in the executive branch for at least 6 months and presumably longer; that they were under the supervision of Deputy Assistant Secretary Gorham; and that they were aimed at major revision of the present system by 1967.

Meanwhile there had been considerable activity in Congress. On January 16, 1964, the distinguished junior Senator from New York, Mr. KEATING, introduced a bill to create a Presidential Commission on the Administration of the Universal Military Training and Service Act. At that time he was joined in cosponsorship by 11 Senators from both parties. Since then I understand 19 other Senators have requested that they be also listed as cosponsors.

In the House, three of my distinguished colleagues, the gentlemen from New York

[Mr. LINDSAY, Mr. BARRY, and Mr. HALPERN], introduced bills quite similar or identical to the Keating bill on March 3. On March 11, I introduced my own bill, H.R. 10395, which would create a special Joint Committee of Congress on American Manpower and National Security. By that time it was apparent that interest was rising in Congress for some kind of action toward correcting the defects of the present draft centered system.

Then on April 18, in his Saturday press conference, President Johnson announced that he had on that day "drafted and approved the plans for a very comprehensive study of the draft system and of related manpower policies" submitted to him by the Secretary of Defense.

According to the President, this study, to be directed by unnamed persons in the Defense Department, would last for 1 year, and would be, in his words, "a most comprehensive study of the decade of the 1970's."

The question in my mind, Mr. Speaker, is this: If we have had a study of this question for at least 7 months already by the Defense Department, aimed at changing the draft by 1967, why must we now have another study for another year, by the same Defense Department, aimed at changing the draft by 1970? What is this business of piling study upon study? What has become of the study that the American taxpayer has already financed for 7 months, and whose results we have so eagerly awaited?

Can it be true, as Mr. Raymond drily observes in the New York Times of April 19, 1964, that "The review will apparently supplant one that has been underway at the Pentagon during the last year"?

What assurance do we have that the result of this new study, scheduled for completion in April 1965 will not be a recommendation for a further 2-year study, aimed at ending the draft in the decade of the 1980's? This question has been pushed aside far too long already. Let us hope that it is not being covered up again by an interminable succession of Defense Department studies, each one prolonged in the hope that Congress and the American people will forget the vital importance of correcting the grave and numerous defects of the draft system.

But I do not wish to dwell on the possibility that the announcement of this new study is designed to quiet the clamorings of Congress and the people. I am far more concerned that this study, which I am sure the President hopes will be the only study of the matter, is to be undertaken by the Department of Defense, with the solicited advice of various other Government agencies, and behind closed doors.

Mr. Speaker, a comprehensive study of the draft system is a responsibility that falls squarely on the shoulders of Congress. The draft is not just a technical question of military policy, like the percentage of our bombers to be kept on air alert or the deployment of our fleet units. The draft is an institution—let us hope not a permanent one—which has a pervasive effect in our society. The draft reaches into the life of every young man, and through him to his parents, wife, children, or sweetheart. The draft is a subtle factor influencing the national marriage rate and consequently the birth rate. The draft is a serious and obvious factor in youth unemployment. All these facts were brought out by the gentleman from Ohio [Mr. TAFT] and the gentleman from Minnesota [Mr. QUIE] on the floor of this House on April 21.

Because the draft reaches so deeply into the stream of everyday life, its regulation and review naturally becomes the lot of the Representatives of the people in Congress. The distinguished chairman of the Armed Service Committee of the other body, Mr. RUSSELL, during debate on the extension of the draft in 1959, said:

> It has seemed to me, and it has appeared to the committee, that the subject matter—

Meaning the study of the draft—

> is within the responsibility of Congress, and that Congress cannot dodge or eliminate that responsibility by creating an outside commission.

It will be recalled that when he spoke in 1959 there was a heated debate between a Democratic Congress and a Republican President over the size of the Armed Forces. Thus when a Republican Senator, the late Mr. Case of South Dakota, proposed a Presidential Commission To Study the Draft, the Democratic leadership was very candid in its opposition.

Noting the disagreement between the President and Congress on the size of the Armed Forces, Senator RUSSELL remarks of the Case proposal:

> Now it is proposed that the Congress, which has taken one position on the matter, authorize the executive branch to appoint a commission with congressional sanction. It would be a commission which the Executive would name. It is highly unlikely that the executive branch would name a commission that would support the Congress and would fail to support the executive branch. * * * Congress has a responsibility. It will not escape it by giving to the executive department the power to appoint a commission to review the matter. Is the President likely to appoint a commission which will support the view of Congress and will be somewhat critical of his position? Or will it not be more likely to sustain the views of the President? It is about time we got away from attempting to meet every problem by the appointment of a commission. Someday we will be overtaken by the problems.

The present majority leader, Senator MANSFIELD, concurred with the Senator from Georgia:

> It appears that one of the ways we have of avoiding issues is the creation of commissions. The President is very good at the appointment of commissions.

Mr. Speaker, if these distinguished leaders of the majority party in the other body are unwilling to place their trust, and that of the American people, in an independent commission appointed by the President, on the ground that such a commission would not uncover facts or reach conclusions that might be prejudicial to the executive branch how can they acquiesce in a move by the President to initiate a study of the very same subject not even by an independent commission, but by a subordinate agency paid by and directly responsible to the head of the executive branch? No; the responsibility for reviewing and improving the Nation's military manpower unalterably lies here in Congress. To permit the President to exercise this responsibility would be for us a breach of trust with those millions of Americans we represent, whose lives and liberty depend on our military system, and into whose lives the long arm of the draft necessarily reaches.

In his announcement of the new study of the draft, President Johnson, in reply to a question, stated that the policy will be submitted by the Secretary of Defense and will be made by them with other agencies of the Government, like the draft agency and the Labor Department and other related agencies that have an interest in it. I am happy that the President recognizes the important tie-in of the draft system with our education, labor, and employment policies. But my experience in Washington leads me to fear that any policy submitted by the Department of Defense, regardless of how much consultation occurs with other affected agencies, will be a policy in which every dispute has been settled in favor of the Department of Defense. This means that the very important considerations being on the draft that normally fall within the purview of the Departments of Labor and of Health, Education, and Welfare, just to name two, will be downgraded to the Defense Department's interests.

Remember, this is not a full-fledged interagency committee. According to the President, the policy will be submitted by the Defense Department. It is only natural that such a policy will reflect its preference over those of other agencies. In fact, I have information to the effect that the Defense Department within the last few months has exerted pressure to stop an independent study of the draft then underway in another major agency. Speaking of an independent commission in 1959, Senator RUSSELL said:

> Usually we end up getting the same recommendations from the commissions that we have had from the Department of Defense on the same subject. It is really a new way of asking for the views of the Department of Defense.

But we are not even talking now about an independent commission, about which Senator RUSSELL was then so skeptical. We are not even talking about a genuine interagency committee, directly subordinate to the President. We are talking about a pseudo-interagency committee which is almost certain to present nothing incompatible with the views of its principal member.

Is it reasonable to suppose that this kind of study group would be any more likely to produce independent conclusions than the independent commission in which Senator RUSSELL had so little faith? On the contrary; the report we will get, assuming that the executive branch is serious about this new study, will be the report of the Department of Defense, embellished by a few innocuous recommendations of the Departments of Labor, HEW, and so forth. In short, the important education and labor aspects of the draft system will be neglected in favor of the purely military aspects.

But my objection to a study conducted principally by the Department of Defense is not based solely on its likely neglect of the education and labor aspects involved. I have a very great fear that the Department of Defense will either ignore completely or will refuse to communicate to Congress, and the public, information that would not redound to the benefit of the Defense Department and its creature, the Selective Service System. Let me give some possible examples.

First. For some years now I have earnestly advocated a revision of the military system to permit a great deal of specialized training to be undertaken not by military personnel but by civilian specialists. Clearly, if these functions were removed from the military aegis, the military would decrease in size and influence. To make it worse, the decrease might alter the precarious balance between Army, Navy, and Air Force, a balance threatened every year when the services appear before Congress seeking increased appropriations and vast new systems. Now how much consideration will the Defense Department give, in the face of the severe pressures that will inevitably be exerted by the three branches, to this kind of proposal? Merely to ask such a question is to answer it. An in-house study will not venture to suggest any changes that would reduce or redistribute the numbers of prestiges of the Armed Forces.

Second. Every man who has ever served in the peacetime Army is well aware of the staggering amount of featherbedding and goldbricking that goes on. It is practically a maxim that if a job can reasonably be done by two men in 4 hours, it will require six men for 8 hours. How can the Army afford to spare all these unnecessary men for this featherbedding? Precisely because the men are unnecessary. They are kept in the Army not because they have any real function, but because discharging them all would so reduce the size of the Army that Congress would start to think about ending the draft.

For a decade now it has been Defense Department policy that jobs which can be equally well handled by civilians are to be contracted out to the private sector of the economy. Commissary, post exchange, and trash-removal jobs are obvious examples. Could even more jobs be farmed out to private enterprise, with the inevitable savings due to the increased efficiency of the private sector? Quite possibly, and a conscientious study of the question would provide us with the facts for a reasoned judgment. But we will not get those facts from a Defense Department study because to produce them would require the Defense Department to embarrass itself and the President.

Third. It has been candidly admitted by Army recruiting sergeants, in private conversation, that beyond a certain point they are quietly advised "from above" that they are not to recruit any more young men, even if more young men are eager to enlist. Why? Because if Army recruiting figures showed how easy it is for the Army to meet its force levels through voluntary enlistments, Congress would review the necessity of the draft. Will the Defense Department call 20 recruiting sergeants to testify under oath about this practice, so that the facts can be made public? Of course not. The American people will never get the facts on this unless Congress, using its power to investigate for legislative purposes, puts recruiters on the witness stand under oath.

Fourth. In the course of discussing the draft on this floor, April 21, the gentleman from Kansas [Mr. ELLSWORTH] and the gentleman from Massachusetts [Mr. MORSE] discussed the serious problem of the evasion mentality. This is the attitude among a growing number of our young men that it is right to avoid in any way they can service to their country. On that occasion the gentleman from Kansas observed:

> A system that permits every other young man to escape must inevitably produce the evasion mentality. Such a system may in the short run provide the warm bodies required by the army. But we must look ahead at the long term implications. Necessarily this system is unfair. Necessarily it must be detrimental to the cherished American tradition of duty to country.

It is clear to me, as it was to the gentlemen from Kansas and Massachusetts, that the military draft is a major contributing factor to the evasion mentality in America today. Magazine articles, particularly one in Parade on January 19, 1964, and one in U.S. News & World Report of January 27, 1964, have given evidence of this. But to really plumb the depths of this serious problem, Congress should invite young men to testify on a confidential basis as to their attitudes toward the draft and their efforts to avoid it. Will an in-house study by the Defense Department illuminate this important area of our national life? I am certain it will not.

Fifth. Americans are apparently unaware of the extent to which their young men are being channeled into occupations by the Federal Government, through its manipulation of the selective service authority. General Hershey has been commendably candid about this. Last spring he told the House Armed Services Committee:

> The law makes possible the channeling of our registrants into training for and participation in professions and occupations which contribute to the measures taken for our common defense by segments of our manpower in civilian activities. * * * For the last 20 years the Selective Service System has been what we call a channeler. That is, we have channeled people into training for professions and occupations that were said to be very necessary for national life, and once they had finished it, we have continued to defer them if they are engaged with contractors and other people who are producing things for the Armed Forces. * * * The deferment is the carrot that we have used to try to get individuals into occupations and professions that are said by those in charge of Government to be the necessary ones.

In the course of his remarks of April 21, the gentleman from New York [Mr. LINDSAY] called attention to this practice, saying:

> Thus, in the name of national security and government interest, the future course of emphasis in our society may be changed by the state, indeed by the military apparatus.

In my judgment, the gentleman from New York [Mr. LINDSAY] has placed his finger on an extremely serious point. Despite General Hershey's candor, can we expect the Defense Department to provide us with a complete report on how the Federal Government pushes our young men into certain occupations and away from others?

Mr. Speaker, I fail to see how this aspect of our draft system differs from that of Soviet Russia, except that in place of their tight liquidation for recalcitrants, our Government substitutes only 2 years of forced labor. It is high time Congress found out the full facts on practices such as this; we cannot expect the Defense Department to do it for us.

I have given five reasons why Congress and the American people cannot expect to get the full facts from any study conducted wholly within the executive branch of the Government. There is also the converse problem. If the executive branch conducts its own study in place of a study by Congress, the public will have no chance to share their views with the investigators.

Policy decisions such as whether or not to build a new carrier with nuclear or conventional power, or whether or not an improved manned interceptor is a worthwhile investment, are necessarily decisions that cannot be made by referendum. They require serious analysis by experts in the executive branch, in Congress, and in professional circles. But although the draft is partly a technical problem, it is also an institution that is inextricably interwoven into our social and economic life as a Nation.

Three years ago the President proposed to make foreign aid essentially a technical problem for its expert determination by having Congress authorize back-door Treasury borrowing in place of our annual review. Congress wisely refused. Foreign aid may have a claim on our tax dollar, but it is far less of an imposition on the American people than is the draft. If Congress refused to let the executive preempt the foreign aid field, how can it now assent to the executive branch's proposal to preempt the question of the draft from the area of public concern? The public, who must bear the very direct and substantial burdens of the draft, must be given the chance to voice its views. The public expects its representatives in Congress to safeguard that great right. We must not consent to a practice that destroys it.

There is in my mind, too, a grave question of the propriety of a supposedly impartial study conducted by the agency with the greatest possible vested interest in the subject matter. Would we permit the Department of Agriculture to write our committee reports on the farm program? Would we permit the Department of Labor to prescribe a solution to our labor-management problems? Yet, here we are acquiescing in a proposal to vest Congress solemn responsibility to oversee the draft in the Department of Defense. What choices will the Department of Defense present to us for our choice? If past practice is any indication, there will be two and only two: First, abolish the draft, watch the Army shrink to inutility, watch our allies capitulate to communism as a result of our irresolution, and wait for the moment—not far away—in which America will be forced to choose between Red or dead; or second, retain the draft in its present form; let the Selective Service System take care of a few minor adjustments, and mind our own business.

The Defense Department and the Selective Service System have repeatedly refused to discuss the possibility of instituting a true professional Army system, which attracts young men because of increased incentives and new opportunity instead of dragging them in through the coercion of the draft. The distinguished junior Senator from Arizona, Mr. GOLDWATER, himself a major general in the Reserves, has long advocated moving toward such a system. But, for some of the reasons I have already mentioned, the Defense Department has refused to consider this very attractive possibility. Instead, it permits us only this unrealistic either-or choice which is not only deception, but an affront to the American people who have so long and bravely borne the high cost of preserving our freedom in this dangerous world.

Mr. Speaker, in my judgment the conclusion is clear. If Congress is to discharge its rightful responsibility to the American people in this crucial area, it must conduct its own study with neither fear nor favor, looking into every area, exploring every new concept, testing every reasonable hypothesis, and inviting the participation of the American people from whose hands we have accepted the duty of providing for the common defense.

On Tuesday an editorial appeared in the New York Times of June 23, 1964, calling for a professional Army system, in which military service is made so attractive that young men join from opportunity instead of coercion.

The Times urged the Pentagon to consider such a system in their present draft study, and agreed that a study is much needed. But the Times then added an important caveat. Noting that the draft affects directly and indirectly so many aspects of our society, the Times stated that the current Pentagon study should not be the final product, but only the groundwork for—and I quote—"a far broader, more comprehensive and—most important—more detached survey by either a Presidential commission or a joint committee of Congress."

This is precisely what I have been saying for several months now, and I am delighted that the Times should take this editorial position.

The editorial, to which I referred, follows:

MILITARY MANPOWER STUDY

> The broadening of the Pentagon's study of the draft coincided yesterday with the 20th anniversary of the GI bill of rights.
>
> The two are not unrelated. The Servicemen's Aid Act, passed while the Nation was still engaged in World War II, helped the Nation as well as the veterans. It contributed to a more stable, more productive America by helping to build almost 6 million homes and to send more than 2 million former GI's to college.
>
> Some of the features of this act can well provide patterns for tomorrow as possible inducements to military professionalism if the Nation decides it can safely eliminate the compulsion of the draft. These inducements, plus many other suggestions for improving the rate of voluntary enlistments and for retaining qualified men in military careers, should be considered by the Pentagon in what it projects as the most thorough study of the draft and related problem ever attempted.
>
> This study is much needed. But one caveat requires reemphasis. The draft and the recruiting of military manpower affect, directly and indirectly, so many aspects of our society that a Pentagon study should serve only as groundwork for a far broader, more comprehensive and—most important—more detached, survey by either a Presidential commission or a joint committee of Congress.

The bill I have introduced recognizes that the question of the draft is primarily a congressional responsibility. It recognizes, too, that the subject matter we are dealing with cuts across the traditional lines of committee jurisdiction. It spells out a number of aspects of military manpower procurement, training, and utilization that are to be studied, and it provides for full and open public hearings.

My bill would create a special ad hoc Joint Committee of Congress on American Manpower and National Security. The committee would be composed of a majority and a miniorty member of the Armed Services and Education and Labor Committees of both Houses—making eight—and four at-large members, two each appointed by the presiding officers of each House. The committee would have the authority to study, investigate, and recommend, but it would not have the power to report legislation to the House or Senate. The committee would be limited by statute to a 2-year existence.

The creation of this committee, Mr. Speaker, is not only the sensible way to meet this problem, but it is the right way. This committee will guarantee that all the facts are brought to light. It will necessarily give due weight to the education and labor aspects of the problem, as well as to the military. It will keep the responsibility where it belongs—here in the Congress. It will give the American people a chance to have their say. And it will be bound by law to produce its final report within 2 years—which means, if the bill is acted upon promptly, that Congress would have possession of all the facts needed to make major revisions of the present draft-centered system not in 1970, after two more national elections, but in 1967, when the present draft law expires. The gentleman from New York [Mr. OSTERTAG] has already introduced a similar bill. I hope others will join with us in getting to the heart of this serious matter before the present session of Congress is over.

WELCOME TO LEWES, DEL.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware [Mr. McDOWELL] is recognized for 10 minutes.

Mr. McDOWELL. Mr. Speaker, it is again my privilege and my pleasure to invite the Members of Congress to visit historic Lewes, Del., on July 11, when the townspeople, and Delawareans, as a whole, will mark the blockade and bombardment of Lewes by the British fleet in 1813.

We hope you will all come and bring your families, and urge your friends to come. We will do all within our power to make you feel welcome and at home.

Because of the settlement of the Dutch colonists in Lewes in 1631 under the great Dutch Patroon de Vries, Lewes is to Delaware what Plymouth is to Massachusetts, and Jamestown is to Virginia. Lewes has been a seat of colonial and county government under four flags. Here a part remains of other eras and other times which are a refreshing and restful contrast to our own restless and go-getter age.

Lewes is the site of the oldest settlement within the Delaware River region, and was known to Dutch traders and adventurers from the time of Henry Hudson's discovery of Delaware Bay in 1609. The Dutch left a deep and lasting imprint on Lewes, and on Delaware, just as the Swedish settlers did on Wilmington, Del., which last year celebrated the 325th anniversary of the landing of the Swedish colonists.

The Wilmington, Del., Evening Journal has pointed out editorially:

> Lewes has a flock of cherished old houses in the simple frame construction of colonial and early Federal days—some sheathed with the extra-long shingles of bald cypress from the Pocomoke Swamp. Lewes has churches whose history goes back at least two and a half centuries.

Lewes will present a pageant, "The Spirit of Lewes—The Bombardment of 1813," with a script by Ronald Davis and Dr. C. Robert Kase, head of the Drama Department of the University of Delaware, and national coordinator of the university theater festival of the John F. Kennedy Center for the Performing Arts.

I include for the information of my colleagues a short statement on "Historic Lewes Day," prepared by Miss Harriet Wilson, Fairfield Farm, Milford, Del., listing the activities which will take place:

HISTORIC LEWES DAY

(By Miss Harriet Wilson, Milford, Del.)

> Lewes, Del., one of the large towns of Sussex County and always influential in the affairs of this region, lies as it were under the lee of Cape Henlopen, and thus was the attractive spot at which Patroon de Vries landed in 1631.
>
> Lewes has the distinction of being the oldest settlement, and further distinction stems from the fact that 2 days' bombardment of Lewes by the British in 1813 "was the only engagement that really occurred on Delaware soil during the War of 1812-14." This bombardment, which caused much excitement at the time, did little damage. One writer described the devastation to Lewes by the British thus: "The commander and all his men shot a dog and killed a hen."

The British had appeared before Lewes and sent ashore a message demanding food and provisions. The commander of the American troops, Col. Samuel Boyer Davis, refused their demands and prepared to defend the town.

To give the appearance of a large defending body, soldiers and citizens alike were mustered, were given cornstalks with blackened ends, and so marched into and out of view of the British fleet so that they looked like thousands instead of a few.

When the bombardment began, the men of the town struggled through the marsh grass and collected the British cannon balls which fitted the guns used by the Lewes defenders, thereby enabling the Delawareans to return the British gunfire.

One of the British shots struck a door of a store in Lewes. This house, still standing, has been named the Cannon Ball House.

Historic Lewes Day on July 11 will reenact the bombardment of Lewes by the British. The funds obtained will go toward restoring the Cannon Ball House.

From 1 to 5 p.m. the following places of interest will be open free to the public:

Zwaanendael Museum, Lewes Town Hall, Lewes Presbyterian Church, the Thompson country store, model of an Indian abode, Russell House, fountain of youth, Plank House, De Vries Monument, Indian fort site of Indian and Dutch trading post, Lewes Coast Guard Station, Cannon Ball House, War of 1812 Park, and St. Peter's Episcopal Church.

The following places will carry an admission charge of 50 cents: Col. David Hall chapter, Daughters of the American Revolution House, Burton-Ingram House, Hiram Rodney Burton House, and William R. West House.

At 7 p.m. the following program will be presented on the Lewes School Athletic Field:

Music: Lewes High School Band.

Dances: Lewes Junior History Group.

Music: Blue Rock Drum and Bugle Corp.

The pageant: "The Spirit of Lewes—The Bombardment of 1813," script by Ronald Davis, in cooperation with Dr. C. R. Kase, University of Delaware; directed by Miss Anna Beebe; costumes by Van Horn & Sons, Philadelphia, Pa., with the following cast and help of the 3d Maryland Battery, CSA Artillery; North-South Skirmish Associates of Elkton under the direction of John De Witt; and the Delaware National Guard will provide the British bombardment atmosphere:

THE 1964 CAST

Narrator, Rev. William H. Hudson.

Governor Haslett, Governor E. N. Carvel.

Col. Samuel Boyer Davis, Perry T. Burton.

Chief Magistrate of Lewes (Daniel Rodney), Mayor Otis H. Smith.

Lieutenant Maray of the British Navy, Capt. William S. Ingram, Jr.

Capt. Thomas B. Rodney, William S. Jefferson.

Town Crier, Walter S. Howard, Sr.

The Reverend Thomas Reed, D.D., the Reverend Frank L. Moon.

Aid to the Governor, Frank R. Mercer.

David Paynter, Halsey G. Knapp.

Woman in the crowd, Alma Bennett.

Mrs. Rowe, Alice Watts.

Mrs. Moore, Emily Burton.

Mr. Thomas Rowland, Louis F. Ingram.

Mrs. Thomas Rowland, Mary Louise Maull.

Vendor, Rhodes Vessels.

Tinker, Homer Brooke Ingram.

British sailors, Houston Wilson, John Burris, Charles Mason.

Townswomen.

Many townspeople are planning to be in colonial costumes. Some store windows on Main Street will exhibit collections.

Of particular interest is viewing the uncovered site of the original Dutch Colony in 1631, by Dr. Chesleigh H. Bonine on May 16 of this year. The De Vries Monument erected in 1909 is on the north side of this stockade.

As one listens to the reenactment and meets the present-day townfolk, one is conscious of Lewes—a delight pilot town—now aroused by being the port of call of the new Lewes-Cape May Ferries.

Lewes will have much pleasure in having guests celebrate historic Lewes Day of 151 years ago with them.

URBAN MASS TRANSPORTATION ACT

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Barry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BARRY. Mr. Speaker, the problem of urban mass transportation is countrywide. Communities are choked by traffic and commuter problems and although the Federal Government gives aid to highways, airports, airline, and maritime industry, the commuter train and bus services suffer from inadequate capital improvements. The bill will help the commuter services renovate their old facilities and acquire new in order to provide faster and more efficient service to the people of the community. Such aid is essential to the development of coordinated mass transportation in urban areas.

Despite criticism to the contrary, this bill is national in scope for urban areas are the backbone of our national strength and their capacity to produce and the continued growth of the economy depend on the adequacy of transportation systems within and between metropolitan regions. May I point out that 70 percent of the population live in urban areas as well as transportation systems in these areas serve far more than the major metropolitan city. Federal aid programs cannot be executed in isolation without considering how the economy of the new low-density suburban housing affects the ability to provide adequate transportation for movement within and between areas.

Mass transportation serves essential rush-hour and standby needs for those unable and inconvenienced to use automobiles. Faced with increasing costs and declining to raise rates proportionately which would be beyond the means of the average commuter, many mass transportation systems have been unable to maintain adequate facilities, equipment or service, in order to accommodate the increased needs of commuters. State and local governments, on the other hand, are hampered in their efforts to relieve the commuter railroad problem by constitutional debt limits and difficulties of adjusting to different jurisdictions within the area.

It is clear that neither highways nor transit systems can in themselves solve the transportation problems of the present day, and provide for the requirements for future population growth. Highways in metropolitan areas have received at least $20 billion from the Federal Government through the interstate highway program. The total costs of this bill will run to at least $10 billion. But, it is about time, in the interest of the Nation, that the Federal Government help to stimulate local action, adequate planning, and improved facilities for commuter train and bus services. Only in this way can the Nation have a well-coordinated and integrated communications system.

This is a long overdue step in solving the problems of passenger transportation that have beset the urban areas of the country. Federal assistance for highways have encouraged more commuters to take to the roads. However, this perpetuates the need for additional Federal highway assistance because of the increased traffic congestion. This congestion has been estimated to cost the Nation about $5 billion a year in time and wages lost, extra fuel consumption, and so forth, in addition to increased Federal subsidy. Approximately 96 percent of the operating transit companies are privately owned and operated. As a matter of justice, we must see that private enterprise is not jeopardized. Private transit systems should be properly encouraged to meet the transportation problems, instead of suffering increasing loss of revenue because of one-sided Government subsidy to other modes of transportation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 15 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. Curtis (at the request of Mr. Morse), for 30 minutes, today.

Mr. Ford (at the request of Mr. Morse), for 1 hour, Monday, June 29, 1964.

Mr. McDowell, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Rivers of South Carolina and to include a speech by the distinguished chairman of the Committee on Armed Services on the occasion of a dinner given by the National Guard Association of the United States and the State of Georgia in his honor.

Mr. Libonati.

Mr. Rhodes of Pennsylvania.

Mr. Gallagher.

(The following Members (at the request of Mr. Morse) and to include extraneous matter:)

Mr. Latta.

Mr. Dole.

Mr. Wydler.

Mr. Cunningham.

Mr. Osmers, to include a letter in his remarks on H.R. 3881.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Fraser.

Mrs. Griffiths.

Mr. Staebler.

Mr. FINNEGAN.
Mr. DELANEY.
Mr. BURKHALTER.
Mr. PUCINSKI.
Mr. KEOGH.
Mr. GRABOWSKI.
Mr. WILLIAMS in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1056. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 221. An act to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period;

H.R. 6041. An act to amend the prevailing wage section of the Davis-Bacon Act, as amended; and related sections of the Federal Airport Act, as amended; and the National Housing Act, as amended;

H.R. 9311. An act to continue for 2 years the existing suspensions of duty on certain alumina and bauxite; and

H.R. 9740. An act to establish the Roosevelt Campobello International Park, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, June 29, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2217. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to provide for collection and deposit of fees and charges for inspection and services under laws relating to Federal inspection of meat and meat-food products, humane slaughter of animals, and for other purposes"; to the Committee on Agriculture.

2218. A letter from the Comptroller General of the United States, transmitting a report on an examination of a public utility contract relating to unnecessary expenditures of Government funds and violations of law relating to facilities leased to provide electric power for the Agricultural Research Center, Beltsville, Md., by the Department of Agriculture; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COOLEY: Committee on Agriculture. H.R. 7073. A bill to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act; without amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARY: Committee on Appropriations. H.R. 11812. A bill making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1965, and for other purposes; without admendment (Rept. No. 1518). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNYDER:

H.R. 11741. A bill to amend the Legislative Reorganization Act of 1946 to authorize the review of the administrative regulations by committees of Congress prior to their promulgation, and for other purposes; to the Committee on Rules.

By Mr. DOLE:

H.R. 11742. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. HULL:

H.R. 11743. A bill to amend section 162 of the Internal Revenue Code of 1954 to clarify the deductibility of premiums paid for flood insurance or indemnity; to the Committee on Ways and Means.

By Mr. JENSEN:

H.R. 11744. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11745. A bill to amend title II of the Social Security Act to provide that the child of an insured individual, after attaining age 18, may continue to receive child's insurance benefits until he attains age 21 if he is a full-time student; to the Committee on Ways and Means.

H.R. 11746. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits, to provide minimum benefits for all individuals not otherwise entitled at age 70, and to provide an across-the-board increase in all benefits thereunder; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 11747. A bill to authorize the Secretary of the Treasury to enter into contracts in connection with the production of coins; to the Committee on Banking and Currency.

By Mr. McDOWELL:

H.R. 11748. A bill to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARTIN of Nebraska:

H.R. 11749. A bill to amend chapter 15 of title 38, United States Code, to revise the pension program for World War I, World War II, and Korean conflict veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mr. ELLSWORTH:

H.R. 11750. A bill relating to the tariff treatment of parts designed for use or chiefly used in agricultural or horticultural implements or in tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. RYAN of New York:

H.R. 11751. A bill to amend title II of the War Claims Act of 1948 so as to extend until July 15, 1965, the time for filing claims under that title; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina:

H.R. 11752. A bill to repeal title II (relating to wheat) of the Agricultural Act of 1964, and for other purposes; to the Committee on Agriculture.

By Mr. CLARK:

H.R. 11753. A bill to amend part II of the Interstate Commerce Act, as amended, so as to authorize exemption from the provisions of such part, of services and transportation of such nature, character, or quantity as not substantially to affect or impair uniform motor carrier regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 11754. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 11755. A bill to provide for the issuance of a special postage stamp in honor of Douglas MacArthur; to the Committee on Post Office and Civil Service.

By Mr. LONG of Louisiana:

H.R. 11756. A bill to amend title 38, United States Code, so as to provide for a pension of $100 per month for certain World War I veterans on attaining age 72, revise the rates of disability and death pension authorized by the Veterans' Pension Act of 1959, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 11757. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI:

H.R. 11758. A bill to establish a U.S. mint in Cook County, Ill.; to the Committee on Public Works.

By Mr. UTT:

H.R. 11759. A bill to adjust the tax rates on light sparkling wines in relation to those imposed on other wines; to the Committee on Ways and Means.

By Mr. WHARTON:

H.R. 11760. A bill to increase the limitation on annual income used to determine eligibility for pension in the case of certain veterans of World War I, World War II, and the Korean conflict, and their widows and children; to the Committee on Veterans' Affairs.

Br Mr. ABELE:

H.R. 11761. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 11762. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 11763. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 11764. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. BOW:

H.R. 11765. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. CHENOWETH:

H.R. 11766. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 11767. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 11768. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DAGUE:

H.R. 11769. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 11770. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11771. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 11772. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11773. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 11774. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11775. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. FOREMAN:

H.R. 11776. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. GLENN:

H.R. 11777. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 11778. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 11779. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. GURNEY:

H.R. 11780. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 11781. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HARRISON:

H.R. 11782. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HARVEY of Indiana:

H.R. 11783. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 11784. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HUDDLESTON:

H.R. 11785. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 11786. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 11787. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 11788. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. KORNEGAY:

H.R. 11789. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 11790. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 11791: A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. MILLIKEN:

H.R. 11792. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. MONTOYA:

H.R. 11793. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 11794. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 11795. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 11796. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. PILLION:

H.R. 11797. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 11798. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 11799. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. SILER:

H.R. 11800. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 11801. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. STEED:

H.R. 11802. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 11803. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. UTT:

H.R. 11804. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WALLHAUSER:

H.R. 11805. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WESTLAND:

H.R. 11806. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 11807. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WHARTON:

H.R. 11808. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WHITENER:

H.R. 11809. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WILSON of Indiana:

H.R. 11810. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 11811. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. GARY:

H.R. 11812. A bill making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

By Mr. BONNER:

H.J. Res. 1057. Joint resolution prohibiting the Federal Trade Commission from promulgating or enforcing rules or regulations requiring the labeling of cigarettes with respect to their effect on human health before January 1, 1968; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON:

H.J. Res. 1058. Joint resolution prohibiting the Federal Trade Commission from promulgating or enforcing rules or regulations requiring the labeling of cigarettes with respect to their effect on human health before January 1, 1968; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR:

H.J. Res. 1059. Joint resolution prohibiting the Federal Trade Commission from promulgating or enforcing rules or regulations requiring the labeling of cigarettes with respect to their effect on human health before January 1, 1968; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.J. Res. 1060. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 1061. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. GOODELL:

H.J. Res. 1062. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. LATTA:

H.J. Res. 1063. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.J. Res. 1064. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. ABELE:

H.J. Res. 1065. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. BROMWELL:

H.J. Res. 1066. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. CAHILL:

H.J. Res. 1067. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. GLENN:

H.J. Res. 1068. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. LLOYD:

H.J. Res. 1069. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.J. Res. 1070. Joint resolution proposing an amendment to the Constitution relating to the apportionment of districts from which members of a State legislature are to be elected; to the Committee on the Judiciary.

By Mr. CHENOWETH:

H.J. Res. 1071. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. COHELAN:

H.J. Res. 1072. Joint resolution authorizing the Secretary of the Army to receive for instruction at the U.S. Military Academy at West Point a citizen and subject of the Empire of Iran; to the Committee on Armed Services.

By Mr. DERWINSKI:

H.J. Res. 1073. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. MORTON:

H.J. Res. 1074. Joint resolution proposing an amendment to the Constitution of the United States to provide that the several States shall have exclusive power to determine the composition and apportionment of the membership of their legislatures; to the Committee on the Judiciary.

By Mr. KORNEGAY:

H.J. Res. 1075. Joint resolution prohibiting the Federal Trade Commission from promulgating or enforcing rules or regulations requiring the labeling of cigarettes with respect to their effect on human health until duly authorized by the Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN:

H.J. Res. 1076. Joint resolution prohibiting the Federal Trade Commission from promulgating or enforcing rules or regulations requiring the labeling of cigarettes with respect to their effect on human health until duly authorized by the Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. FORD:

H.J. Res. 1077. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

By Mr. LLOYD:

H. Res. 791. Resolution to inquire into the financial or business interests of any present or former Member, officer, or employee of the House of Representatives; to the Committee on Rules.

By Mr. COOLEY:

H. Res. 792. Resolution to grant additional travel authority to the Committee on Agriculture; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 11813. A bill for the relief of Lucile B. Mahieu; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 11814. A bill for the relief of Constantinus Agganis; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11815. A bill for the relief of Venovia Anthony; to the Committee on the Judiciary.

By Mr. LESINSKI:

H.R. 11816. A bill for the relief of Ali Mohammed El Hajj; to the Committee on the Judiciary.

By Mr. MARTIN of California:

H.R. 11817. A bill for the relief of Helen Bowling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

946. The SPEAKER presented a petition of William Raney, M.D., and others, Carmichael, Calif., to take immediate steps to reopen and reactivate the San Francisco Branch Mint, which was referred to the Committee on Banking and Currency.

SENATE

THURSDAY, JUNE 25, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rabbi Albert Plotkin, Temple Beth Israel, Phoenix, Ariz., offered the following prayer:

Our God and God of our fathers, we ask Thy blessings upon the work of the Senate. Make its Members truly coworkers with Thee in the building of Thy kingdom upon the foundation of justice and righteousness.

Let bitterness and hatred cease in our land. Cause sectional strife that divides us to disappear, so that our country will become an oasis of liberty and freedom for all human beings, whatever their origin. Where there is prejudice, let there be love. Where there is the darkness of ignorance, let there be the light of understanding. Where there is discrimination, let the right be done, so that brotherhood and harmony will prevail.

Give us the wisdom to distinguish between the things we can change and those we cannot. Whatever we strive to do, may we do it with all our hearts for the welfare of our Nation. Then shall all Thy people glory in their heritage, and create in our time a democracy of true unity and peace.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 24, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 9124. An act to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes; and

H.J. Res. 925. Joint resolution creating a joint committee to commemorate the 100th anniversary of the second inaugural of Abraham Lincoln.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated:

H.R. 9124. An act to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes; to the Committee on Armed Services.

H.J. Res. 925. Joint resolution creating a joint committee to commemorate the 100th anniversary of the 2d inaugural of Abraham Lincoln; to the Committee on the Judiciary.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements during the morning hour be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SESSION OF THE SENATE TODAY

On motion by Mr. MANSFIELD, and by unanimous consent, the Committee on Post Office and Civil Service was authorized to meet during the session of the Senate today.

COMMITTEE MEETING DURING SENATE SESSION FOR REMAINDER OF MONTH

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Appropriations and its subcommittees were authorized to meet during the sessions of the Senate for the rest of this month.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFER OF CERTAIN RESEARCH AND DEVELOPMENT FUNDS

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the transfer of research and development funds to the construction of facilities appropriations to be used for certain construction at the Flight Research Center, Edwards, Calif.; to the Committee on Aeronautical and Space Sciences.

REPORT ON CANCELLATION AND CURTAILMENT OF CERTAIN PILOT TRAINING COURSES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on cancellation and curtailment of specialized rotary wing pilot training courses because helicopters were grounded for lack of serviceable engines, Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CERTAIN PENSION PAYMENTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive disability pension payments resulting from inadequate procedures for review of annual income questionnaires, Veterans' Administration, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT OF DEFICIENCIES IN MAINTENANCE AND SUPPLY SUPPORT OF CERTAIN AIRCRAFT OVERSEAS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on deficiencies in maintenance and supply support of certain aircraft overseas during 1962 and 1963 by the Department of the Army (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY EXPENDITURES OF GOVERNMENT FUNDS AND VIOLATIONS OF LAW RELATING TO CERTAIN FACILITIES AT AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MD.

A letter from the Comptroller General, transmitting, pursuant to law, a report on unnecessary expenditures of Government funds and violations of law relating to facilities leased to provide electric power for the Agricultural Research Center, Beltsville, Md., Department of Agriculture, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT OF PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, held at Washington, D.C., March 16–17, 1964 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION 20

"Concurrent resolution to memorialize the U.S. Congress to take immediate action to stop the importation of foreign meat into this country.

"Whereas meat from foreign countries is being imported into this country in ever increasing amounts; and

"Whereas this has resulted in an oversupply of meat and with it has come a decline in the price of meat; and

"Whereas this country produces enough meat for its own consumption and foreign meat should not be allowed to enter and destroy the local market and one of the important industries of this country: Therefore be it

"*Resolved by the Senate of the Legislature of Louisiana (the House of Representatives concurring)*, That the Congress of the United States is hereby urged and requested to take immediate action to stop the importation of foreign meat into this country; and be it further

"*Resolved*, That copies of this resolution shall be transmitted to the presiding officers of the two houses of the U.S. Congress and to each member of the Louisiana delegation in the Congress of the United States.

"C. C. AYCOCK,
"*Lieutenant Governor and President of the Senate.*
"VAIL M. DELONY,
"*Speaker of the House of Representatives.*"

The petition of William Netschert, of Daytona Beach, Fla., relating to the impeachment of certain members of the U.S. Supreme Court; to the Committee on the Judiciary.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of June 24, 1964,

Mr. BYRD of Virginia, from the Committee on Finance, reported favorably, without amendment, on June 24, 1964, the following bills:

H.R. 10669. An act to extend the Renegotiation Act of 1951, and for other purposes (Rept. No. 1105); and

H.R. 11375. An act to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 1106).

Mr. BYRD of Virginia, from the Committee on Finance, reported favorably, with amendments, on June 24, 1964, the bill (H.R. 11376) to provide a one-year extension of certain excise-tax rates (Rept. No. 1107).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency, without amendment:

H.R. 10000. An act to extend the Defense Production Act of 1950, and for other purposes (Rept. No. 1110); and

H.R. 11499. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (Rept. No. 1109).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

H.J. Res. 1041. Joint resolution temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949 (Rept. No. 1108).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 388. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the midstate reclamation project, Nebraska, and for other purposes (Rept. No. 1111).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 187. A bill to authorize establishment of the Fort Union Trading Post National Historic Site, N. Dak., and for other purposes (Rept. No. 1112).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 3941. An act to amend section 902 of title 38, United States Code, to eliminate the offset against burial allowances paid by the Veterans' Administration for amounts paid by burial associations (Rept. No. 1115);

H.R. 6777. An act to amend section 712 of title 38 of the United States Code to provide for waiver of premiums for certain veterans holding national service life insurance policies who become or have become totally disabled before their 65th birthday (Rept. No. 1113); and

H.R. 6920. An act to amend section 715 of title 38, United States Code, to authorize under certain conditions, the issuance of total disability income provisions for inclusion in National Service Life Insurance policies to provide coverage to age 65 (Rept. No. 1114).

By Mr. HAYDEN, from the Committee on Appropriations, without amendment:

H.J. Res. 1056. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes (Rept. No. 1116).

(See the remarks of Mr. HAYDEN when he reported the above joint resolution, which appears under a separate heading.)

By Mr. SMATHERS, from the Committee on Finance, with an amendment:

H.R. 6455. An act to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable revenue) (Rept. No. 1118).

By Mr. SALTONSTALL, from the Committee on Armed Services, with an amendment:

H.R. 2664. An act to amend section 6(o) of the Universal Military Training and Service Act to provide an exemption from induction for the sole surviving son of a family whose father died as a result of military service (Rept. No. 1119).

By Mr. INOUYE, from the Committee on Armed Services, without amendment:

H.R. 10314. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities, thereunder, and for other purposes (Rept. No. 1120).

AMENDMENT OF ALASKA OMNIBUS ACT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1117)

Mr. McGOVERN. Mr. President, on behalf of the Senator from Washington [Mr. JACKSON], who is detained and unable to be here, from the Committee on Interior and Insular Affairs, I report the bill, S. 2881, providing authorization and funds for Federal agencies to aid the State of Alaska in recovering from the effects of the earthquake and seismic waves of March 27, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with the individual views of the Senator from Alaska [Mr. GRUENING].

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from South Dakota.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of April

1964. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, APRIL 1964

INTRODUCTION

This is the 53d in a series of monthly reports on Federal stockpile inventories. It is for the month of April 1964.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the Departments of Agriculture, Defense, Health, Education, and Welfare, and Interior, and the General Services Administration.

The cost value of materials in inventories covered in this report, as of April 1, 1964, totaled $13,494,096,517, and as of April 30, 1964, they totaled $13,541,094,770, a net increase of $46,998,253 during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, 3, 4, and 5, but the cost value figures are summarized by major category, as follows:

Summary of cost value of stockpile inventories by major category

Major category	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month
Strategic and critical materials:			
National stockpile [1]	$5,724,123,500	$5,711,318,700	−$12,804,800
Defense Production Act	1,475,224,100	1,470,769,800	−4,454,300
Supplemental—barter	1,360,882,521	1,365,476,243	+4,593,722
Total, strategic and critical materials [1]	8,560,230,121	8,547,564,743	−12,665,378
Agricultural commodities:			
Price support inventory	4,509,158,950	4,568,050,660	+58,891,710
Inventory transferred from national stockpile [1]	95,491,192	93,001,343	−2,489,849
Total, agricultural commodities [1]	4,604,650,142	4,661,052,003	+56,401,861
Civil defense supplies and equipment:			
Civil defense stockpile, Department of Defense	11,883,233	11,867,407	−15,826
Civil defense medical stockpile, Department of Health, Education, and Welfare	194,979,248	194,990,558	+11,310
Total, civil defense supplies and equipment	206,862,481	206,857,965	−4,516
Machine tools:			
National Production Act	2,189,400	2,189,400	
National Industrial Reserve Act	89,960,300	90,190,900	+230,600
Total, machine tools	92,149,700	92,380,300	+230,600
Helium	30,204,073	33,239,759	+3,035,686
Total, all inventories	13,494,096,517	13,541,094,770	+46,998,253

[1] Cotton inventory valued at $128,409,100 withdrawn from the national stockpile and transferred to Commodity Credit Corporation for disposal, pursuant to Public Law 87-548, during August 1962.

Detailed tables in this report show each commodity, by the major categories summarized above, in terms of quantity and cost value as of the beginning and end of the month. Net change figures reflect acquisitions, disposals, and accounting and other adjustments during the month.

The cost value figures represent generally the original acquisition cost of the commodities delivered to permanent storage locations, together with certain packaging, processing, upgrading, et cetera, costs as carried in agency inventory accounts. Quantities are stated in the designated stockpile unit of measure.

Appendix A to this report includes program descriptions and statutory citations pertinent to each stockpile inventory within the major categories.

The stockpile inventories covered by the report are tabulated in detail as follows:

Table 1: Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month).

Table 2: Agricultural commodities inventories, April 1964 (showing by commodity net changes during the month in terms of cost value and quantity).

Table 3: Civil defense supplies and equipment inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 4: Machine tools inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity).

Table 5: Helium inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity).

New stockpile objectives

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials.

Table I of this report reflects the new objectives established for 79 materials, based on essential needs in the event of a "conventional war emergency."

Appendix B contains excerpts from Office of Emergency Planning statements setting forth the new policy and current studies with respect to objectives for strategic and critical materials required for "conventional war emergency" and "nuclear war emergency."

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective [1] [2]	Excess over stockpile objective
Aluminum, metal:									
National stockpile	$487,680,600	$487,680,600		Short ton	1,128,989	1,128,989			
Defense Production Act	424,985,500	420,888,000	−$4,097,500	do	842,809	834,723	−8,086		
Total	912,666,100	908,568,600	−4,097,500	do	1,971,798	1,963,712	−8,086	450,000	1,513,712
Aluminum oxide, abrasive grain:									
Supplemental—barter	15,822,944	15,718,588	−104,356	Short dry ton	50,764	50,690	−74	(3)	50,690
Aluminum oxide, fused, crude:									
National stockpile	21,735,100	21,735,100		Short ton	200,093	200,093			
Supplemental—barter	22,747,400	22,747,400		do	178,266	178,266			
Total	44,482,500	44,482,500		do	378,359	378,359		160,000	218,359
Antimony:									
National stockpile	20,487,900	20,487,900		do	30,275	30,275			
Supplemental—barter	13,137,401	13,252,923	+115,522	do	22,226	22,326	+100		
Total	33,625,301	33,740,823	+115,522	do	52,501	52,601	+100	25,500	27,101
Asbestos, amosite:									
National stockpile	2,637,600	2,637,600		do	11,705	11,705			
Supplemental—barter	8,317,519	8,644,492	+326,973	do	32,984	34,708	+1,724		
Total	10,955,119	11,282,092	+326,973	do	44,689	46,413	+1,724	40,000	6,413
Asbestos, chrysolite:									
National stockpile	3,356,200	3,356,200		do	6,224	6,224			
Defense Production Act	2,102,600	2,102,600		do	2,348	2,348			
Supplemental—barter	4,822,809	4,822,809		do	7,251	7,251			
Total	10,281,609	10,281,609		do	15,823	15,823		13,700	2,123

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective [1] [2]	Excess over stockpile objective
Asbestos, crocidolite:									
National stockpile	$702,100	$702,100		Short ton	1,567	1,567			
Supplemental—barter	8,832,386	8,768,900	−$63,486	do	33,605	33,605			
Total	9,534,486	9,471,000	−63,486	do	35,172	35,172		(3)	35,172
Bauxite, metal grade, Jamaica type:									
National stockpile	13,925,000	13,925,000		Long dry ton	879,740	879,740			
Defense Production Act	18,168,000	18,168,000		do	1,370,077	1,370,077			
Supplemental—barter	89,402,800	89,399,100	−3,700	do	5,780,590	5,780,590			
Total	121,495,800	121,492,100	−3,700	do	8,030,407	8,030,407		5,000,000	3,030,407
Bauxite, metal grade, Surinam type:									
National stockpile	78,554,000	78,554,000		do	4,962,742	4,962,742			
Supplemental—barter	45,280,400	45,280,400		do	2,927,260	2,927,260			
Total	123,834,400	123,834,400		do	7,890,002	7,890,002		5,300,000	2,590,002
Bauxite, refractory grade:									
National stockpile	11,347,800	11,347,800		Long calcined ton.	299,279	299,279		173,000	126,279
Beryl:									
National stockpile	9,768,400	9,768,400		Short ton	23,230	23,230			
Defense Production Act	1,425,800	1,425,800		do	2,543	2,543			
Supplemental—barter	22,844,277	22,979,600	+135,323	do	11,652	12,080	+428		
Total	34,038,477	34,173,800	+135,323	do	37,425	37,853	+428	28,000	9,853
Beryllium metal:									
Supplemental—barter	18,498,600	18,647,800	+149,200	do	153	153		(3)	153
Bismuth:									
National stockpile	2,674,300	2,674,300		Pound	1,342,402	1,342,402			
Defense Production Act	52,400	52,400		do	22,901	22,901			
Supplemental—barter	5,540,200	5,540,200		do	2,506,493	2,506,493			
Total	8,266,900	8,266,900		do	3,871,796	3,871,796		3,600,000	271,796
Cadium:									
National stockpile	15,534,500	15,398,000	−136,500	do	7,903,870	7,843,450	−60,420		
Supplemental—barter	12,327,600	12,327,600		do	7,448,989	7,448,899			
Total	27,862,100	27,725,600	−136,500	do	15,352,859	15,292,439	−60,420	5,100,000	10,192,439
Castor oil:									
National stockpile	48,939,800	47,995,400	−944,400	do	191,849,094	188,071,294	−3,777,800	22,000,000	166,071,294
Celestite:									
National stockpile	1,412,300	1,412,300		Short ton	28,816	28,816			
Supplemental—barter	501,777	516,469	+14,692	do	11,810	12,330	+520		
Total	1,914,077	1,928,769		do	40,626	41,146	+520	10,300	30,846
Chromite, chemical grade:									
National stockpile	12,288,000	12,288,000		Short dry ton	559,452	559,452			
Supplemental—barter	21,899,500	21,919,900	+20,400	do	699,644	699,644			
Total	34,187,500	34,207,900	+20,400	do	1,259,096	1,259,096		600,000	659,096
Chromite, metallurgical grade:									
National stockpile	264,565,500	264,565,500		do	3,795,292	3,795,292			
Defense Production Act	35,879,900	35,879,900		do	985,646	985,646			
Supplemental—barter	224,198,300	224,774,527	+576,227	do	1,543,110	1,548,710	+5,600		
Total	524,643,700	525,219,927	+576,227	do	6,324,048	6,329,648	+5,600	2,970,000	3,359,648
Chromite, refractory grade:									
National stockpile	25,149,300	25,149,300		do	1,047,159	1,047,159			
Supplemental—barter	5,039,000	5,039,000		do	179,775	179,775			
Total	30,188,300	30,188,300		do	1,226,934	1,226,934		1,425,000	(4)
Cobalt:									
National stockpile	169,205,200	169,202,800	−2,400	Pound	76,067,613	76,066,657	−956		
Defense Production Act	52,075,300	52,075,300		do	25,066,651	25,066,651			
Supplemental—barter	2,169,000	2,169,000		do	1,065,398	1,065,398			
Total	223,449,500	223,447,100	−2,400	do	102,199,662	102,198,706	−956	42,000,000	60,198,706
Coconut oil:									
National stockpile	5,990,100	5,564,100	−426,000	do	39,509,878	36,701,329	−2,808,549	(3)	36,701,329
Colemanite:									
Supplemental—barter	2,636,400	2,636,400		Long dry ton	67,636	67,636		(3)	67,636
Columbium:									
National stockpile	23,637,600	23,672,800	+35,200	Pound	7,277,729	7,277,862	+133		
Defense Production Act	50,238,900	50,238,900		do	7,966,341	7,966,341			
Supplemental—barter	799,100	799,100		do	371,426	371,426			
Total	74,675,600	74,719,800	+35,200	do	15,615,496	15,615,629	+133	1,176,000	14,439,629
Copper:									
National stockpile	523,535,700	523,696,600	+160,900	Short ton	1,008,037	1,008,037			
Defense Production Act	55,663,200	55,109,700	−553,500	do	99,755	98,822	−933		
Supplemental—barter	8,252,100	8,252,100		do	12,382	12,382			
Total	587,451,000	587,058,400	−392,600	do	1,120,174	1,119,241	−933	775,000	344,241

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective[1,2]	Excess over stockpile objective
Cordage fibers, abaca:									
National stockpile	$37,034,500	$37,034,500		Pound	146,934,136	146,934,136		100,000,000	46,934,136
Cordage fibers, sisal:									
National stockpile	41,867,000	41,867,000		do	309,561,908	309,561,908		300,000,000	9,561,908
Corundum:									
National stockpile	393,100	393,100		Short ton	2,008	2,008		2,500	(4)
Cryolite:									
Defense Production Act	6,127,100	6,057,700	−$69,400	do	22,189	21,937	−252	(3)	21,937
Diamond dies:									
National stockpile	528,100	534,300	+6,200	Piece	17,522	17,726	+204	25,000	(4)
Diamond, industrial, crushing bort:									
National stockpile	61,609,500	61,609,500		Carat	31,113,411	31,113,411			
Supplemental—barter	15,800,500	15,800,500		do	5,550,579	5,550,579			
Total	77,410,000	77,410,000		do	36,663,990	36,663,990		24,700,000	11,963,990
Diamond, industrial, stones:									
National stockpile	100,501,500	100,501,500		do	9,315,183	9,315,183			
Supplemental—barter	186,341,500	186,341,500		do	15,425,827	15,425,827			
Total	286,843,000	286,843,000		do	24,741,010	24,741,010		16,500,000	8,241,010
Diamond tools:									
National stockpile	1,015,400	1,015,400		Piece	64,178	64,178		(3)	64,178
Feathers and down:									
National stockpile	36,356,400	36,311,200	−45,200	Pound	8,776,051	8,764,151	−11,900	3,000,000	5,764,151
Fluorspar, acid grade:									
National stockpile	26,167,500	26,167,500		Short dry ton	463,049	463,049			
Defense Production Act	1,394,400	1,394,400		do	19,700	19,700			
Supplemental—barter	33,531,000	33,531,000		do	673,232	673,232			
Total	61,092,900	61,092,900		do	1,155,981	1,155,981		540,000	615,981
Fluorspar, metallurgical grade:									
National stockpile	17,332,400	17,332,400		do	369,443	369,443			
Supplemental—barter	1,508,100	1,508,100		do	42,800	42,800			
Total	18,840,500	18,840,500		do	412,243	412,243		850,000	(4)
Graphite, natural, Ceylon, amorphous lump:									
National stockpile	937,900	937,900		do	4,455	4,455			
Supplemental—barter	341,200	341,200		do	1,428	1,428			
Total	1,279,100	1,279,100		do	5,883	5,883		5,500	383
Graphite, natural, Malagasy, crystalline:									
National stockpile	6,912,200	6,892,000	−20,200	do	33,534	33,437	−97		
Supplemental—barter	236,200	232,500	−3,700	do	1,908	1,908			
Total	7,148,400	7,124,500	−23,900	do	35,442	35,345	−97	18,000	17,345
Graphite, natural, other, crystalline:									
National stockpile	1,896,300	1,896,300		do	5,487	5,487		2,800	2,687
Hyoscine:									
National stockpile	30,600	30,600		Ounce	2,100	2,100		(3)	2,100
Iodine:									
National stockpile	4,082,000	4,082,000		Pound	2,970,811	2,956,713	−14,098		
Supplemental—barter	1,066,000	1,066,000		do	983,470	983,470			
Total	5,148,000	5,148,000		do	3,954,281	3,940,183	−14,098	8,000,000	(4)
Iridium:									
National stockpile	2,525,800	2,525,800		Troy ounce	13,937	13,937		17,000	(4)
Jewel bearings:									
National stockpile	4,164,400	4,164,400		Piece	51,960,765	51,960,765		57,500,000	(4)
Kyanite-mullite:									
National stockpile	764,600	760,300	−4,300	Short dry ton	8,844	8,794	−50	4,800	3,994
Lead:									
National stockpile	319,298,100	319,298,100		Short ton	1,050,370	1,050,370			
Defense Production Act	32,600	21,800	−10,800	do	85	57	−28		
Supplemental—barter	78,398,600	78,398,600		do	327,998	327,998			
Total	397,729,300	397,718,500	−10,800	do	1,378,453	1,378,425	−28	0	1,378,425
Magnesium:									
National stockpile	127,646,700	126,724,900	−921,800	do	175,829	174,559	−1,270	145,000	29,559
Manganese, battery grade, natural ore:									
National stockpile	21,025,500	21,025,500		Short dry ton	144,485	144,485			
Supplemental—barter	13,621,900	13,621,900		do	137,671	137,671			
Total	34,647,400	34,647,400		do	282,156	282,156		80,000	202,156

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective [1, 2]	Excess over stockpile objective
Manganese, battery grade, synthetic dioxide:									
National stockpile	$3,095,500	$3,095,500		Short dry ton	21,272	21,272			
Defense Production Act	2,524,700	2,524,700		do	3,779	3,779			
Supplemental—Barter		442,663	+$442,663	do		4,574	+4,574		
Total	5,620,200	6,062,863	+442,663	do	25,051	29,625	+4,574	6,700	22,925
Manganese, chemical grade, type A:									
National stockpile	2,133,300	2,133,300		do	29,307	29,307			
Supplemental—barter	7,922,100	7,922,100		do	117,607	117,607			
Total	10,055,400	10,055,400		do	146,914	146,914		68,500	78,414
Manganese, chemical grade, type B:									
National stockpile	132,600	132,600		do	1,822	1,822			
Supplemental—barter	6,669,800	6,669,800		do	99,016	99,016			
Total	6,802,400	6,802,400		do	100,838	100,838		64,000	36,838
Manganese, metallurgical grade:									
National stockpile	248,240,900	248,240,900		do	5,851,663	5,851,663			
Defense Production Act	176,474,800	176,474,800		do	3,056,691	3,056,691			
Supplemental—barter	243,019,251	245,891,502	+2,872,251	do	3,677,846	3,732,877	+55,031		
Total	667,734,951	670,607,202	+2,872,251	do	12,586,200	12,641,231	+55,031	7,900,000	4,741,231
Mercury:									
National stockpile	30,177,200	33,119,900	[5] +2,942,700	Flask	184,884	184,884			
Supplemental—barter	3,446,200	3,446,200		do	16,000	16,000			
Total	33,623,400	36,566,100	+2,942,700	do	200,884	200,884		200,000	884
Mica, muscovite block:									
National stockpile	27,602,200	27,602,200		Pound	11,621,325	11,621,325			
Defense Production Act	40,746,400	40,746,400		do	6,446,722	6,446,722			
Supplemental—barter	5,848,109	5,963,232	+115,123	do	1,747,550	1,774,973	+27,423		
Total	74,196,709	74,311,832	+115,123	do	19,815,597	19,843,020	+27,423	6,000,000	13,843,020
Mica, muscovite film:									
National stockpile	9,058,100	9,058,100		do	1,720,758	1,720,758			
Defense Production Act	633,300	633,300		do	102,681	102,681			
Supplemental—barter	1,133,648	1,142,195	+8,547	do	116,077	116,558	+481		
Total	10,825,048	10,833,595	+8,547	do	1,939,516	1,939,997	+481	2,000,000	(4)
Mica, muscovite splittings:									
National stockpile	40,598,300	40,598,300		do	40,159,938	40,159,938			
Supplemental—barter	6,225,800	6,225,800		do	4,826,257	4,826,257			
Total	46,824,100	46,824,100		do	44,986,195	44,986,195		22,200,000	22,786,195
Mica, phlogopite block:									
National stockpile	303,600	303,600		do	223,239	223,239		17,000	206,239
Mica, phlogopite splittings:									
National stockpile	2,580,500	2,580,500		do	3,079,062	3,079,062			
Supplemental—barter	2,419,000	2,501,300	+82,300	do	1,986,902	1,986,902			
Total	4,999,500	5,081,800	+82,300	do	5,065,964	5,065,964		1,300,000	3,765,964
Molybdenum:									
National stockpile	83,679,000	83,679,000		do	79,043,336	79,043,336		68,000,000	11,043,336
Nickel:									
National stockpile	181,910,600	181,900,700	−9,900	Short ton	167,031	167,016	−15		
Defense Production Act	100,272,900	100,215,500	−57,400	do	52,448	52,424	−24		
Total	282,183,500	282,116,200	−67,300	do	219,479	219,440	−39	50,000	169,440
Opium:									
National stockpile	13,661,700	13,661,700		Pound	195,757	195,757		141,280	54,477
Palladium:									
National stockpile	2,079,000	2,079,000		Troy ounce	89,811	89,811			
Supplemental—barter	12,170,200	12,170,200		do	648,124	648,124			
Total	14,249,200	14,249,200		do	737,935	737,935		1,300,000	(4)
Palm oil:									
National stockpile	3,473,200	3,328,400	−144,800	Pound	19,297,361	18,490,101	−807,260	(3)	18,490,101
Platinum:									
National stockpile	56,879,900	56,879,900		Troy ounce	716,343	716,343			
Supplemental—barter	4,024,500	4,024,500		do	49,999	49,999			
Total	60,904,400	60,904,400		do	766,342	766,342		450,000	316,342
Pyrethrum:									
National stockpile	415,100	415,100		Pound	67,065	67,065		25,000	42,065
Quartz crystals:									
National stockpile	68,013,700	68,013,700		do	5,513,775	5,513,775			
Supplemental—barter	3,519,200	3,519,200		do	232,352	232,352			
Total	71,532,900	71,532,900		do	5,746,127	5,746,127		650,000	5,096,127
Quinidine:									
National stockpile	1,858,700	1,846,000	−12,700	Ounce	1,611,428	1,600,428	−11,000	2,000,000	(4)

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective [1] [2]	Excess over stockpile objective
Quinine:									
National stockpile	$2,775,100	$2,617,000	−$158,100	Ounce	4,387,733	4,137,733	−250,000	4,130,000	7,733
Rare earths:									
National stockpile	7,134,900	7,134,900		Short dry ton	10,042	10,042			
Supplemental—barter	5,829,600	5,831,400	+1,800	do	5,810	5,810			
Total	12,964,500	12,966,300	+1,800	do	15,852	15,852		3,000	12,852
Rare earths residue:									
Defense Production Act	657,800	657,800		Pound	6,085,311	6,085,311		(3)	6,085,311
Rhodium:									
National stockpile	78,200	78,200		Troy ounce	618	618		(3)	618
Rubber:									
National stockpile	720,444,800	714,618,700	−5,826,100	Long ton	931,842	924,352	−7,490	130,000	794,352
Ruthenium:									
Supplemental—barter	559,500	559,500		Troy ounce	15,001	15,001		(3)	15,001
Rutile:									
National stockpile	2,070,100	2,070,100		Short dry ton	18,599	18,599			
Defense Production Act	2,725,100	2,725,100		do	17,410	17,410			
Supplemental—barter	1,061,300	1,061,300		do	11,632	11,632			
Total	5,856,500	5,856,500		do	47,641	47,641		51,000	(4)
Sapphire and ruby:									
National stockpile	190,000	190,000		Carat	16,187,500	16,187,500		18,000,000	(4)
Selenium:									
National stockpile	757,100	757,100		Pound	97,100	97,100			
Supplemental—barter	1,586,610	1,492,920	−93,690	do	290,861	266,361	−24,500		
Total	2,343,710	2,250,020	−93,690	do	387,961	363,461	−24,500	475,000	(4)
Shellac:									
National stockpile	8,393,100	8,393,100		do	16,741,495	16,741,495		8,300,000	8,441,495
Silicon carbide, crude:									
National stockpile	11,394,500	11,394,500		Short ton	64,697	64,697			
Supplemental—barter	26,803,600	26,803,600		do	131,805	131,805			
Total	38,198,100	38,198,100		do	196,502	196,502		30,000	166,502
Silk noils and waste:									
National stockpile	1,272.200	1,268,400	−3,800	Pound	1,005,383	1,003,015	−2,368	(3)	1,003,015
Silk, raw:									
National stockpile	486,600	486,600		do	113,515	113,515		(3)	113,515
Sperm oil:									
National stockpile	4,775,400	4,775,400		do	23,442,158	23,442,158		23,400,000	42,158
Talc, steatite block and lump:									
National stockpile	496,800	496,800		Short ton	1,274	1,274		200	1,074
Talc, steatite ground:									
National stockpile	231,200	231,200		do	3,901	3,901		(3)	3,901
Tantalum:									
National stockpile	11,274,200	11,358,100	+83,900	Pound	3,450,263	3,113,675	−336,588		
Defense Production Act	9,734,400	9,734,400		do	1,536,023	1,536,023			
Supplemental—barter	21,100	21,100		do	8,036	8,036			
Total	21,029,700	21,113,600	+83,900	do	4,994,322	4,657,734	−336,588	3,400,000	1,257,734
Thorium:									
Supplemental—barter	17,966,990	17,968,623	+1,633	do	3,965,430	3,963,156	−2,274	500,000	3,463,156
Thorium residue:									
Defense Production Act	42,000	42,000		do	848,354	848,354		(3)	848,354
Tin:									
National stockpile	784,973,700	777,845,400	−7,128,300	Long ton	322,848	319,899	−2,949		
Supplemental—barter	16,404,000	16,404,000		do	7,505	7,505			
Total	801,377,700	794,249,400	−7,128,300	do	330,353	327,404	−2,949	200,000	127,404
Titanium sponge:									
Defense Production Act	176,062,600	176,062,600		Short ton	22,366	22,366			
Supplemental—barter	32,097,700	32,007,700		do	9,021	9,021			
Total	208,160,300	208,160,300		do	31,387	31,387		20,500	10,887
Tungsten:									
National stockpile	369,128,200	369,128,200		Pound	120,070,791	120,070,791			
Defense Production Act	317,204,400	317,538,700	+334,300	do	77,786,752	77,864,392	+77,640		
Supplemental—barter	18,651,400	18,651,400		do	5,774,827	5,774,827			
Total	704,984,000	705,318,300	+334,300	do	203,632,370	203,710,010	+77,640	44,000,000	159,710,010
Vanadium:[6]									
National stockpile	31,567,900	31,567,900		Short ton	7,865	7,865		1,400	6,464
Vegetable tannin extract, chestnut:									
National stockpile	11,660,700	11,486,300	−174,400	Long ton	41,795	41,170	−625	15,000	26,170
Vegetable tannin extract, quebracho:									
National stockpile	48,941,100	48,866,300	−74,800	do	197,802	197,502	−300	86,000	111,502

See footnotes at end of table.

TABLE 1.—*Strategic and critical materials inventories (all grades), April 1964 (showing by commodity net changes during the month in terms of cost value and quantity, and excesses over stockpile objectives in terms of quantity as of the end of the month)*—Continued

Commodity	Cost value			Quantity					
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Stockpile objective [1] [2]	Excess over stockpile objective
Vegetable tannin extract, wattle: National stockpile	$9,826,900	$9,826,900		Long ton	38,962	38,962		15,000	23,962
Zinc:									
National stockpile	364,308,400	364,308,400		Short ton	1,256,747	1,256,747			
Supplemental barter	79,588,400	79,588,400		do	323,896	323,896			
Total	443,896,800	443,896,800		do	1,580,643	1,580,643			1,580,643
Zirconium ore, baddeleyite: National stockpile	710,600	710,600		Short dry ton	16,533	16,533		(3)	16,533
Zirconium ore, zircon: National stockpile	122,000	122,200		do	2,070	2,070		(3)	2,070
Total:									
National stockpile	5,724,123,500	5,711,318,700	−$12,804,800						
Defense Production Act	1,475,224,100	1,470,769,800	−4,454,300						
Supplemental—barter	1,360,882,521	1,365,476,243	+4,593,722						
Total, strategic and critical materials	8,560,230,121	8,547,564,743	−12,665,378						

[1] Stockpile objectives for strategic and critical materials are determined pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). The Office of Emergency Planning is currently in the process of revising stockpile objectives. (See app. B, p. 22.)
[2] New objective. (See app. B, p. 22.)
[3] No present objective.
[4] Not in excess of stockpile objective.
[5] Represents transfer of surplus material from the Atomic Energy Commission pursuant to the provisions of 50 U.S.C. 98(e)(a).
[6] Unit of measure changed from pound to short ton.

Source: Compiled from reports submitted by the General Services Administration and the Department of Agriculture.

TABLE 2.—*Agricultural commodities inventories, April 1964 (showing by commodity net changes during the month in terms of cost value and quantity)*

Commodity	Cost value			Quantity			
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month
Price-support inventory:							
Basic commodities:							
Corn	$959,973,933	$943,020,429	−$16,953,504	Bushel	779,089,459	765,235,432	−13,854,027
Cotton, extra-long staple	9,810,740	9,810,740		Bale	37,068	37,068	
Cotton, upland	828,045,218	789,805,981	−38,239,237	do	5,004,084	4,771,166	−232,918
Peanuts, farmers' stock	6,455	13,172	+6,717	Pound	56,398	115,506	+59,108
Peanuts, shelled	11,546,871	11,327,427	−219,444	do	69,294,553	67,912,033	−1,382,520
Rice, milled	2,911		−2,911	Hundredweight	251		−251
Rice, rough	5,829,058	5,302,770	−526,288	do	1,097,037	998,825	−98,212
Wheat	1,811,948,852	1,840,574,748	+28,625,896	Bushel	898,122,006	910,385,656	+12,263,650
Wheat flour	84,700	245,629	+160,929	Pound	1,540,800	4,352,700	+2,811,900
Bulgur	172,866	174,322	+1,456	do	3,147,600	3,174,933	+27,333
Total, basic commodities	3,627,421,640	3,600,275,218	−27,146,386				
Designated nonbasic commodities:							
Barley	27,560,007	25,786,607	−1,773,400	Bushel	29,511,989	27,601,177	−1,910,812
Grain sorghum	608,870,582	725,994,628	+117,124,046	do	542,990,727	655,935,428	+112,944,701
Milk and butterfat:							
Butter	100,243,836	102,709,185	+2,465,349	Pound	172,699,783	176,549,428	+3,849,645
Butter oil	48,371,772	25,584,077	−22,787,695	do	62,479,797	33,053,971	−29,425,826
Cheese	10,556,446	8,332,191	−2,224,255	do	27,342,270	21,693,498	−5,648,772
Ghee	4,560,353	3,340,607	−1,219,746	do	5,885,752	4,311,256	−1,574,496
Milk, dried	60,829,151	48,195,785	−12,633,366	do	409,650,163	324,851,969	−84,798,194
Oats	11,172,175	11,170,167	−2,008	Bushel	18,589,097	18,580,012	−9,085
Rye	520,281	512,656	−7,625	do	507,901	500,605	−7,296
Total, designated nonbasic commodities	872,684,603	951,625,903	+78,941,300				
Other nonbasic commodities:							
Beans, dry, edible	190,280	149,688	−40,592	Hundredweight	27,026	21,954	−5,072
Cottonseed oil, refined, other	224,276	1,078,763	+854,487	Pound	2,233,980	10,293,146	+8,059,166
Cottonseed oil, refined, salad oil [1]	193,366	164,580	−28,786	do	1,127,396	959,613	−167,783
Flaxseed	7,794,661	14,152,744	+6,358,083	Bushel	2,650,138	4,796,655	+2,146,517
Soybeans	95,756	51,519	−44,237	do	43,966	23,985	−19,981
Vegetable oil products	554,404	552,245	−2,159	Pound	3,472,761	3,471,560	−1,201
Total, other nonbasic commodities	9,052,743	16,149,539	+7,096,796				
Total, price support inventory	4,509,158,950	4,568,050,660	+58,891,710				
Inventory transferred from national stockpile: [2]							
Cotton, Egyptian	71,938,113	69,473,412	−2,464,701	Bale	85,152	78,517	−6,635
Cotton, American-Egyptian	23,553,079	23,527,931	−25,148	do	46,828	46,778	−50
Total, inventory transferred from national stockpile.	95,491,192	93,001,343	−2,489,849	do	131,980	125,295	−6,685
Total, agricultural commodities	4,604,650,142	4,661,052,003	+56,401,861				

[1] Reported as "cottonseed oil, refined," prior to February 1964.
[2] Transferred from General Services Administration pursuant to Public Law 85-96 and Public Law 87-548. (See app. A, p. 20.)

Source: Compiled from reports submitted by the Department of Agriculture.

TABLE 3.—*Civil defense supplies and equipment inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month
Civil defense stockpile, Department of Defense:							
Engineering equipment (engine generators, pumps, chlorinators, purifiers, pipe, and fittings)	$10,083,912	$10,068,085	−15,827	10 mile units	45	45	
Chemical and biological equipment	1,799,321	1,799,322	+1	(1)			
Total	11,883,233	11,867,407	−15,826				
Civil defense medical stockpile, Department of Health, Education, and Welfare:							
Medical bulk stocks, and associated items at civil defense mobilization warehouses	141,375,768	141,406,411	+30,643	(1)			
Medical bulk stock at manufacturer locations	5,320,524	5,316,205	−4,319	(1)			
Civil defense emergency hospitals	37,346,406	37,331,392	−15,014	Each	1,930	1,930	
Replenishment units (functional assemblies other than hospitals)	12,136	12,136		(1)			
Supply additions (for civil defense emergency hospitals)	10,924,414	10,924,414		(1)			
Total	194,979,248	194,990,558	+11,310				
Total, civil defense supplies and equipment	206,862,481	206,857,965	−4,516				

[1] Composite group of many different items.

Source: Compiled from reports submitted by the Department of Defense and the Department of Health, Education, and Welfare.

TABLE 4.—*Machine tools inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month
Defense Production Act:							
On lease	$2,144,300	$2,144,300		Tool	103	103	
On loan	45,100	45,100		do	7	7	
Total	2,189,400	2,189,400		do	110	110	
National Industrial Reserve Act:							
In storage	76,656,200	76,574,600	−$81,600	do	6,693	6,668	−25
On lease	27,500	27,500		do	1	1	
On loan to other agencies	3,214,200	3,317,300	+103,100	do	401	411	+10
On loan to school programs	10,062,400	10,271,500	+209,100	do	2,395	2,437	+42
Total	89,960,300	90,190,900	+230,600	do	9,490	9,517	+27
Total, machine tools	92,149,700	92,380,300	+230,600	do	9,600	9,627	+27

Source: Compiled from reports submitted by the General Services Administration.

TABLE 5.—*Helium inventories, April 1964 (showing by item net changes during the month in terms of cost value and quantity)*

Item	Cost value			Quantity			
	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month	Unit of measure	Beginning of month, Apr. 1, 1964	End of month, Apr. 30, 1964	Net change during month
Helium:							
Stored aboveground	$256,112	$166,238	−$89,874	Cubic foot	23,100,000	14,900,000	−8,200,000
Stored underground	29,947,961	33,073,521	+3,125,560	do	2,944,000,000	3,226,100,000	+282,100,000
Total, helium	30,204,073	33,239,759	+3,035,686	do	2,967,100,000	3,241,000,000	+273,900,000

Source: Compiled from reports submitted by the Department of the Interior.

APPENDIX A—PROGRAM DESCRIPTION AND STATUTORY CITATIONS

STRATEGIC AND CRITICAL MATERIALS

National stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. The General Services Administration is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Emergency Planning. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OEP. In addition, the General Services Administration is responsible for disposing of those strategic and critical materials which OEP determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Emergency Planning and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Emergency Planning.

Supplemental—barter

As a result of a delegation of authority from OEP (32A C.F.R., ch. I, DMO V–4) the General Services Administration is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

AGRICULTURAL COMMODITIES

The price-support program

Price-support operations are carried out under the charter powers (15 U.S.C. 714) of the Commodity Credit Corporation, Department of Agriculture, in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958 and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1966. Price support for other nonbasic agricultural commodities is discretionary except that, whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producers' commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgage collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Inventory transferred from national stockpile

This inventory, all cotton, was transferred to Commodity Credit Corporation at no cost from the national stockpile pursuant to Public Law 85–96 and Public Law 87–548. The proceeds from sales, less costs incurred by CCC, are covered into the Treasury as miscellaneous receipts; therefore, such proceeds and costs are not recorded in the operating accounts. The cost value as shown for this cotton has been computed on the basis of average per bale cost of each type of cotton when purchased by CCC for the national stockpile.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

Civil defense stockpile

The Department of Defense conducts this stockpiling program pursuant to section 201 (h) of Public Law 920, 81st Congress, as amended. The program is designed to provide some of the most essential materials to minimize the effects upon the civilian population which would be caused by an attack upon the United States. Supplies and equipment normally unavailable, or lacking in quantity needed to cope with such conditions, are stockpiled at strategic locations in a nationwide warehouse system consisting of general storage facilities.

Civil defense medical stockpile

The Department of Health, Education, and Welfare conducts the stockpiling program for medical supplies and equipment pursuant to section 201(h) of Public Law 920, 81st Congress, as delegated by the President following the intent of Reorganization Plan No. 1, of 1958. The Department of Health, Education, and Welfare plans and directs the procurement, storage, maintenance, inspection, survey, distribution, and utilization of essential supplies and equipment for emergency health services. The medical stockpile includes a program designed to pre-position assembled emergency hospitals and other medical supplies and equipment into communities throughout the Nation.

MACHINE TOOLS

Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, the General Services Administration has acquired machine tools in furtherance of expansion of productive capacity, in accordance with programs certified by the Director of the Office of Emergency Planning.

National industrial equipment reserve

Under general policies established and directives issued by the Secretary of Defense, the General Services Administration is responsible for care, maintenance, utilization, transfer, leasing, lending to nonprofit schools, disposal, transportation, repair, restoration, and renovation of national industrial reserve equipment transferred to GSA under the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462).

HELIUM

The helium conservation program is conducted by the Department of the Interior pursuant to the Helium Act, approved September 13, 1960 (Public Law 86–777; 74 Stat. 918; 50 U.S.C. 167) and subsequent appropriations acts which have established fiscal limitations and provided borrowing authority for the program. Among other things, the Helium Act authorizes the Secretary of the Interior to produce helium in Government plants, to acquire helium from private plants, to sell helium to meet current demands, and to store for future use helium that is so produced or acquired in excess of that required to meet current demands. Sales of helium by the Secretary of the Interior shall be at prices established by him which shall be adequate to liquidate the costs of the program within 25 years, except that this period may be extended by the Secretary for not more than 10 years for funds borrowed for purposes other than the acquisition and construction of helium plants and facilities.

This report covers helium that is produced in Government plants and acquired from private plants. Helium in excess of current demands is stored in the Cliffside gasfield near Amarillo, Tex. The unit of measure is cubic foot at 14.7 pounds per square inch absolute pressure and 70° F.

APPENDIX B—NEW STOCKPILE OBJECTIVES

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. Table 1 of this report reflects the new objectives established for 79 materials, based on essential needs in the event of a "conventional war emergency," as follows:

Prior to April 1964: Aluminum, antimony, asbestos (amosite), absestos (chrysotile), beryl, cadmium, castor oil, celestite, chromite (chemical grade), chromite (metallurgical grade), columbium, copper, cordage fibers (abaca), cordage fibers (sisal), diamond dies, feathers and down, fluorspar (acid grade), fluorspar (metallurgical grade), graphite (natural, Ceylon, amorphous lump), graphite (natural, Malagasy, chrystalline), graphite (natural, other chrystalline), hyoscine (objective removed), iodine, jewel bearings, kyanite-mullite, lead, magnesium, manganese (battery grade, natural ore), manganese (battery grade, synthetic dioxide), manganese (metallurgical grade), mercury, mica (muscovite block), mica (muscovite film), mica (muscovite splittings), mica (phlogopite splittings), molybdenum, nickel, opium, pyrethrum, quartz crystals, rare earths, rubber, sapphire and ruby, shellac, silk noils (objective removed), silk, raw (objective removed), sperm oil, talc (steatite, block and lump), tantalum, thorium, tin, zinc.

As of April 1964: Aluminum oxide (fused, crude), bauxite (metal grade, Jamaica type), bauxite (metal grade, Surinam type), bauxite (refractory grade), bismuth, chromite (refractory grade), cobalt, corundum, diamond (industrial, crushing bort), diamond (industrial, stones), iridium, maganese (chemical grade, type A), manganese (chemical grade, type B), mica (phlogopite block), palladium, platinum, quinidine, quinine, rutile, selenium, silicon carbide (crude), titanium sponge, tungsten, vanadium, vegetable tannin extract (chestnut), vegetable tannin extract (quebracho), vegetable tannin extract (wattle).

The following excerpts from OEP statements dated July 11 and 19, 1963, February 28, 1964, March 6, 13, 20, and 27, 1964, and April 3 and 10, 1964, set forth the new policy with respect to objectives for strategic and critical materials:

"The Office of Emergency Planning is now conducting supply-requirements studies for all stockpile materials which will reflect current military, industrial, and other essential needs in the event of a conventional war emergency. On the basis of recently completed supply-requirements studies for the foregoing materials, the new stockpile objectives were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the Office of Emergency Planning and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy to establish a single objective for each stockpile material. They have been determined on the basis of criteria heretofore used in establishing maximum objectives, and reflect the approximate calculated emergency deficits for the materials for conventional war and do not have any arbitrary adjustments for possible increased requirements for other types of emergency.

"Heretofore, there was a 'basic objective' and a 'maximum objective' for each material. The basic objectives assumed some continued reliance on foreign sources of supply in an emergency. The former maximum objectives completely discounted foreign sources of supply beyond North America and comparable accessible areas.

"Previously, maximum objectives could not be less than 6 months' normal usage of the material by industry in the United States in periods of active demand. The 6-month rule has been eliminated in establishing the new calculated conventional war objectives.

"The Office of Emergency Planning also announced that the present Defense Mobilization Order V–7, dealing with general policies for strategic and critical materials stockpiling, was now being revised to reflect these new policies. When finally prepared and approved, the new order will be published in the Federal Register.

"New conventional war objectives for the remaining stockpile materials are being developed as rapidly as new supply-requirements data become available. They will be released as they are approved.

"The Office of Emergency Planning is also making studies to determine stockpile needs to meet the requirements of general nuclear war and reconstruction. Stockpile objectives for nuclear war have not previously been developed. Some commodity objectives may be higher and others may be lower than the objectives established for conventional war.

"After the nuclear war supply-requirements studies are completed, stockpile objectives will be based upon calculated deficits for either conventional war or nuclear war, whichever need is larger.

"The Office of Emergency Planning stressed that any long-range disposal programs undertaken prior to the development of objectives based on nuclear war assumptions would provide against disposing of quantities which might be needed to meet essential requirements in the event of nuclear attack. While the disposal of surplus materials can produce many problems which have not heretofore arisen, every effort will be made to see that the interests of producers, processors, and consumers, and the international interests of the United States are carefully considered, both in the development and carrying out of disposal programs. Before decisions are made regarding the adoption of a long-range disposal program for a particular item in the stockpile, there will be appropriate consultations with industry in order to obtain the advice of interested parties."

The OEP statement of April 17, 1964, contained the following excerpts:

"Today's action completes supply-requirements studies for all stockpile materials based on current military, industrial, and other essential needs in the event of a conventional war emergency. Objectives for 79 materials in the stockpile were established with the advice and assistance of the Interdepartmental Materials Advisory Committee, a group chaired by the OEP and composed of representatives of the Departments of State, Defense, the Interior, Agriculture, Commerce, and Labor, and the General Services Administration, the Agency for International Development, and the National Aeronautics and Space Administration. Representatives of the Bureau of the Budget, the Atomic Energy Commission, and the Small Business Administration participate as observers.

"These new objectives reflect a new policy which accords with the recommendation of the Executive Stockpile Committee to establish a single objective for each material in the national stockpile. These new objectives will be reviewed and revised as necessary each year. Because military requirements and estimated emergency supplies of stockpile materials are constantly shifting, the supply-requirements balance for any material that is now or may become important to defense must be kept under continuing surveillance. Supply-requirements studies of the conventional war needs of approximately 20 other strategic and critical materials, which do not have stockpile objectives, are underway and are expected to be completed in the next few weeks. At the same time, studies on supply-requirements for nuclear war are going forward. No definite date for completion of these studies has been established as yet.

"OEP stressed that long-range programs for disposal of identified surpluses would take into account the interests of producers, processors, and consumers, as well as the international interests of the United States. Appropriate consultation with industry will precede all decisions for the adoption of every disposal program and the advice of interested parties will be sought."

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of Federal stockpile inventories as of April 30, 1964, totaled $13,541,094,770. This was a net increase of $46,998,253, as compared with the April 1 total of $13,494,096,517.

Net changes during the month are summarized by major categories as follows:

Major category	Cost value, April 1964	
	Net change during month	Total, end of month
Strategic and critical materials	−$12,665,378	$8,547,564,743
Agricultural commodities	+56,401,861	4,661,052,003
Civil defense supplies and equipment	−4,516	206,857,965
Machine tools	+230,600	92,380,300
Helium	+3,035,686	33,239,759
Total	+46,998,253	13,541,094,770

These figures are from the April 1964 report on Federal stockpile inventories compiled from official agency data by the Joint Committee on Reduction of Nonessential Federal Expenditures, showing detail with respect to quantity and cost value of each commodity in the inventories covered.

STRATEGIC AND CRITICAL MATERIALS

So-called strategic and critical materials are stored by the Government in (1) the national stockpile, (2) the Defense Production Act inventory, and (3) the supplemental-barter stockpile.

Overall, there are now 94 materials stockpiled in the strategic and critical inventories. Stockpile objectives—in terms of volume—are presently fixed for 79 of these 94 materials. Of the 79 materials having stockpile objectives, 63 were stockpiled in excess of their objectives as of April 30, 1964.

The Office of Emergency Planning is in the process of establishing new objectives for strategic and critical materials. This report contains pertinent agency explanation and reflects the new objectives established for 79 materials—27 of which appear in the April report for the first time—based on essential needs in the event of a "conventional war emergency."

Increases in cost value were reported in 19 of the materials stockpiled in all strategic and critical inventories, decreases were reported in 25 materials, and 50 materials remained unchanged during April.

National stockpile

The cost value of materials in the national stockpile as of April 30, 1964, totaled $5,711,318,700. This was a net decrease of $12,804,800 during the month. The largest decreases were $7,128,300 in tin and $5,826,100 in rubber.

Defense Production Act inventory

The cost value of materials in the Defense Production Act inventory as of April 30, 1964, totaled $1,470,769,800. This was a net decrease of $4,454,300. The largest decreases were in aluminum and copper.

Supplemental-barter

The cost value of materials in the supplemental-barter stockpile as of April 30, 1964, totaled $1,365,476,243. This was a net increase of $4,593,722. The largest increases were in manganese and chromite.

OTHER STOCKPILE INVENTORIES

Among the other categories of stockpiled materials covered by the report, the largest is $4.7 billion in agricultural commodities. Major increases in agricultural commodities during April were reported for grain sorghum and wheat, partially offset by decreases in cotton, milk and butterfat, and corn.

Inventories of civil defense supplies and equipment showed a net decrease; the machine tools inventories showed a net increase; and the helium inventories showed a net increase during April.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

James A. Washington, Jr., of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia.

By Mr. CANNON, from the Committee on Armed Services:

John T. McNaughton, of Massachusetts, to be an Assistant Secretary of Defense;

Daniel M. Luevano, of California, to be Assistant Secretary of the Army;

Robert Warren Morse, of Rhode Island, to be Assistant Secretary of the Navy;

Leonard Marks J., of California, to be an Assistant Secretary of the Air Force; and

Solis Horwitz, of Pennsylvania, to be an Assistant Secretary of Defense;

By Mr. INOUYE, from the Committee on Armed Services:

Brigadier General Alfred Carlisle Harrison, Adjutant General's Corps, Brigadier General Erwin Case Hostetler, Adjutant General's Corps, Brigadier General Robert Louis Stevenson, Adjutant General's Corps, and Brigadier General Thomas Roberts White, Junior, Adjutant General's Corps, for appointment as Reserve commissioned officers of the Army.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. YOUNG of Ohio. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 111 flag and general officers in the Army, Navy, and Air Force, and 1 Military

Academy cadet for appointment as second lieutenant in the Regular Army. I ask that these names be printed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Donald Nicholas Anderson, Col. Richard Charles Kendall, and Col. Edward Donald Walsh, for appointment as Reserve commissioned officers of the Army;

Brig. Gen. Kermit Levelle Davis, U.S. Army, and sundry other officers, for temporary appointment in the Army of the United States;

William C. Abhau, and sundry other officers of the Navy, for temporary promotion in the Navy;

Gen. Joe W. Kelly (major general, Regular Air Force) U.S. Air Force, and sundry other officers, to be placed on the retired list;

Lt. Gen. Howell M. Estes, Jr. (major general, Regular Air Force), U.S. Air Force, and sundry other officers, to be assigned to positions of importance and responsibility designated by the President;

Lt. Gen. William H. Blanchard (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations;

Herbert H. Eighmy, and sundry other officers, for temporary promotion in the Navy;

Gen. Paul Donal Harkins, Army of the United States (major general, U.S. Army), to be placed on the retired list;

Lt. Gen. William Childs Westmoreland, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to serve in the grade of general; and

Frank R. Giordano, cadet, graduating class of 1964, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant.

Mr. YOUNG of Ohio. Mr. President, in addition, I also report favorably the following appointments and promotions: 2,549 in the Air Force in the grade of lieutenant colonel; and 152 in the Marine Corps in the grade of captain and below. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Russell L. Allen, and sundry other officers, for permanent appointment in the Marine Corps;

James E. Egloff, and sundry other officers, for temporary appointment in the Marine Corps; and

Charles W. Abbott, and sundry other officers, for promotion in the Regular Air Force.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 2943. A bill for the relief of Maurice Jean Marcel Belanger, Jr.; to the Committee on the Judiciary.

By Mr. BEALL:

S. 2944. A bill for the relief of the Greater Southeast Community Hospital Foundation, Inc.; to the Committee on the District of Columbia.

By Mr. MORSE:

S. 2945. A bill for the relief of Lee Hi Sook; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2946. A bill to extend the period for filing proof of support by certain dependents of insured workers; to the Committee on Finance.

By Mr. CARLSON:

S. 2947. A bill to amend section 162 and section 832 of the Internal Revenue Code of 1954 to clarify the deductibility of premiums paid for flood insurance or indemnity; to the Committee on Finance.

By Mr. BYRD of Virginia:

S. 2948. A bill for the relief of Walter L. Crider; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2949. A bill to provide micronaire readings of cotton; to the Committee on Agriculture and Forestry.

By Mr. ROBERTSON:

S. 2950. A bill to authorize the mint to inscribe the figure 1964 on all coins minted until adequate supplies of coins are available; to the Committee on Banking and Currency.

EXCISE TAX RATE EXTENSION ACT OF 1964—ADDITIONAL COSPONSORS OF AMENDMENT NO. 1061

Mr. PASTORE. Mr. President, there is a proposed amendment sponsored by the junior Senator from New York [Mr. Keating] (No. 1061), to the bill H.R. 11376, to provide a 1-year extension of certain excise tax rates. I ask unanimous consent that my name be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment (No. 1061) submitted by my colleague [Mr. Keating], in which the Senator from Rhode Island [Mr. Pastore] has joined, relating to the excise tax.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that I may join as a cosponsor of the so-called Keating excise tax amendment (No. 1061).

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Gen. Maxwell D. Taylor, U.S. Army, retired, of Missouri, to be Ambassador to the Republic of Vietnam.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF HEARING ON NOMINATION OF ABRAHAM L. FREEDMAN, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE, THIRD CIRCUIT

Mr. DIRKSEN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, July 2, 1964, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Abraham L. Freedman, of Pennsylvania, to be U.S. circuit judge, third circuit, vice Herbert F. Goodrich, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. Eastland], chairman; the Senator from South Carolina [Mr. Johnston]; and the Senator from Pennsylvania [Mr. Scott].

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:

Remarks given at annual banquet of District of Columbia alumni chapter of West Virginia University, June 19, 1964.

JAPAN—A NATION IN MOTION

Mr. MANSFIELD. Mr. President, J. R. Wiggins, editor of the Washington Post, has written an article entitled "A Nation In Motion," conveying his impressions of the new Japan.

This article is a combination of both the old Japan, its culture, its customs, and the need which has impelled it to modernize itself because of circumstances having to do with increased productive capacity, increased population, and other matters which seem to be affecting most of the nations of the world today.

The Japanese, however, have made remarkable progress; and I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Nation in Motion

(By J. R. Wiggins)

Modern Japan gives the observing foreign visitor a strangely contradictory set of impressions. It seems to be a nation in motion, restlessly changing and reforming its political, social and economic life, visibly and consciously mingling elements from its past and its present, from East and West, from the old and the new, into a future synthesis. Yet at the same time it seems curiously changeless, stable, and tranquil.

Every modern nation is being compelled to make rapid adaptation to changed world conditions, but it is doubtful if others are so acutely aware of the changes they embrace. The Japanese people are at the same time respectful of tradition and hospitable to new things and ideas. This unusual hospitality to the novel and strange may flow from the national self-confidence that arises out of racial homogeneity.

The Japanese are all equally "Japanese" and thus are freed from some of the inhibitions that impose a self-conscious chauvinism upon more polyglot people. The Japanese do not have to prove their racial integrity, so they have acquired a certain freedom to accept change.

An outsider may be struck by some of the incongruities of present-day Japan. Past and present sometimes seem to be jostling each other. It is odd to hear the sonic boom of jet aircraft rattle the paper windows in a teahouse. It is strange to see a modern skyscraper beyond the roof line of a temple of the Tokugawa period. It is almost comical to see on the streets together girls clad in picturesque kimonos and others wearing stretch pants. But this is the way Japan mingles and mixes the ingredients of a new society.

The sense of a nation in motion is also conveyed by the sheer physical activity of the people. The Japanese, on the streets, in their factories, at their sports and recreation, move about swiftly. They are of an alert, active, energetic generation, these modern Japanese.

This incredible physical activity, added to Japan's agile embrace of new methods in industry, new techniques in the arts, new discoveries in science, and new practices in business, completes the impression that this is indeed a nation in motion.

ALLIANCE FOR PROGRESS PROGRAM

Mr. MANSFIELD. Mr. President, we have heard a great deal of criticism about the effects of the Alliance for Progress, but I believe the record will show that despite the fact that there have been drawbacks, on the whole the Alliance for Progress has made progress throughout most of the countries of Latin America and is of recognizable importance in the foreign policy of this country. It is a program which, of course, places primary emphasis on the countries concerned throughout Latin America and as far as our own Nation is concerned the best we can do is to help on the periphery.

Recently, I ran across a remarkable speech made by S. Morey Bell, American Consul, before the Women's Club in Cali, Colombia, S.A.

I ask unanimous consent to have this speech printed in the Record, because I believe it is of great interest, and that every Senator, as well as those responsible for the Alliance for Progress program, should read it.

There being no objection, the speech was ordered to be printed in the Record, as follows:

REMARKS OF S. MOREY BELL, AMERICAN CONSUL, BEFORE THE AMERICAN WOMEN'S CLUB IN CALI, COLOMBIA, SOUTH AMERICA, MAY 20, 1964

Madam President, ladies, I hope you will forgive a serious speech. It is one which I have been thinking about for a long time now; one which I believe is worth giving; and one which I very much hope will be of interest to you.

On the average of once a day since our arrival in Cali, an American citizen has said to me that the Alliance for Progress is really a nice venture, and what a shame it has not yet really come to this area of Colombia. My reaction has been astonishment and dismay—astonishment and dismay that in this not too large and highly knowledgeable American community there are people who do not know that over the last 3 years this area has been turned into a virtual model of the Alliance for Progress in operation—and in operation at its best; and that the American taxpayer, the American Government, and private American business, charitable and other groups, have helped rather a great deal to make it so. My reaction is of course all the sharper for never once having heard a Colombian citizen say the Alliance has not yet really come to his area, and for having heard some Colombian citizens say—incorrectly, I believe that the Alliance may be coming too massively and too quickly for the area to absorb, physically and psychologically.

That there are Americans here who do not know of the extent to which John Kennedy's dream has become a reality in the Valle del Cauca may result from one, or all, of three factors. The first is that the Americans in question may not have taken the trouble to inform themselves on the Alliance, believing it has no relationship to their daily lives. The second is that our Colombian partners in the Alliance may not have given sufficient publicity to its achievements, believing it is best to have the achievements pile up until they speak for themselves. The third is that the American Government may not have kept its citizens abroad sufficiently informed on the progress of what is one of the most extraordinary tasks our Nation has ever undertaken—to help bring a decent life to 175 millions of people.

With respect to the first factor, I would suggest the Alliance has a relationship—and a fairly intimate one—to the daily lives of American citizens, and most particularly to those who are residing here. The relationship is this: the Alliance is aimed at helping bring economic development, social justice, and human freedom to a great many millions of people who live close to us. For people who already have those gifts, and who prize them so much that they willingly and painfully fight for them not only in wars in foreign lands but in their daily lives at home, that is, for the American people, there is simply no alternative: if in the long run we are to retain those gifts, then we must help others to have them and to come to prize them as we do. And for those Americans who actually live among a people to whom our country is helping bring these gifts, there surely exists a very special obligation: we are the helpers on the spot, day in and out.

With respect to the second factor, I would suggest that our Colombian partners in the Alliance should give a good deal of publicity to its achievements as they occur, rather than to wait for them to accumulate and speak for themselves. Let me put it this way. It is fairly easy to build a bridge, or a sewer, or a house, or a school. Everyone knows the need for them and supports the construction of them. But it is not so easy to change a tax system or a landholding system, or a form of government, to make it more fair. A lot of people do not recognize the need for them and do not support such change. Yet the change is as essential an ingredient of the Alliance as the construction of a house or a school or a sewer or a bridge. How do you obtain support for it? You mobilize public opinion. You create a mystique. That is, you give broad and deep publicity to each single achievement of the Alliance—each house or school built—so that sooner or later public opinion identifies these good things with the Alliance; wants the other good things the Alliance can bring such as a better tax or landholding or governmental system; and begins to pressure hard for them. If you do not act in this way, you simply do not accumulate the other good things.

I want to add here that I realize our Government and people may often appear somewhat pushy, and aggressive, and possibly even self-seeking, as we try ourselves, and help our Colombian partners to try, to publicize the Alliance so as to mobilize public support for its more delicate and difficult aspects. I hope we are able to keep that appearance to the minimum; but if we are not, then I am afraid it is a cost which we simply must bear. Again, we have no alternative. Recently President Johnson put it in another way. He said he knows it is chic and fashionable to play things cool, to appear to be indifferent, to be unobstrusive and unaggressive. But, he said, he cannot play it cool. He and our Nation are dealing with human problems—poverty at home and the absence of a decent life in many places abroad—and human problems are profoundly passionate ones which must be attacked with passion. His thought is that you cannot play it cool when you see a whole village dying of starvation, or a child drinking from an open sewer.

With respect to the third factor, I would suggest that our Government may not, indeed, have kept its citizens abroad sufficiently informed on the progress of the Alliance. That is partially because we are so wrapped up, day and night, in trying to achieve progress that we often seem to have no time to spare to do what I am doing today. And, in all candor, it is partly because we are hesitant—hesitant to appear to be aggressive, and perhaps passionate, and possibly even dedicated. We Government officials are, of course, wrong on both counts. We must keep our citizens exhaustively informed; first so that they can if they will effectively support the Alliance through their elected representatives to our Congress; and second so that they can learn of how absolutely vital it is that the private American, particularly the private American abroad, assume an active role in the Alliance. As for the second count, I see no reason why any officer of the United States should hesitate to be aggressive, passionate, and dedicated before his own people in a cause that is worthy every bit of the aggressiveness, passion and dedication we can bring to it—and, I would add, in a cause which the vast majority of the American people have told those officers, through their Congress, to perform, and perform quickly.

Now I should like to speak in some detail of the progress that has been achieved in Valle.

First, a few statistics:

Housing: By the end of 1964, the Alliance will have built 6,800 homes, for somewhere in the neighborhood of 40,800 people in the low-income class, in this department.

Education: By the end of 1964, the Alliance will have built 52 schools for 19,600 children in the department.

Public health: By the end of 1964, the Alliance will have repaired 14 hospitals in this area damaged by earthquakes, and will have built 14 new health centers.

Public works: The Alliance has provided $250,000 to extend the potable water system to every barrio in Cali which does not have it; $3.5 million to bring the sewage system to every barrio which does not have it; and $10 million to modernize the port of Buenaventura.

Nutrition: In the period from July 1, 1963, to July 1, 1964, the Alliance is providing $750,000 with which CARE will distribute 7,555,000 pounds of surplus food such as milk, wheat flour, and shortening to organizations which will then feed 130,000 schoolchildren, 9,000 students and children in institutions, and 50,000 mothers and preschoolchildren. CARE is also distributing large quantities of medicines and self-help kits such as sewing equipment, farm implements, and tradesmen's tools.

Social services: Over 200 Peace Corps volunteers in this area alone are helping construct bridges and roads in distant country villages; helping farmers improve techniques by introducing fertilizers; giving classes and demonstrations in nutrition, child care, first aid, and home improvement; helping urban barrios to construct homes and schools, athletic fields, and community clubs; helping form cooperatives, for example among the tomato growers of Palmira and the fishermen of Buenaventura; teaching physical education and coaching teams in high schools and universities; teaching English in universities; and generally helping, both in the cities and in the villages, to prepare young Colombian citizens for a place in a rapidly developing, competitive, and increasingly industrialized society.

Educational exchange: In the period 1962–64, the Alliance will have provided grants to send 50 prominent leaders and specialists from this area to the United States for 60-day tours to study community action, housing, politics, farming, and the like; to send 30 labor leaders for courses in the continental United States and Puerto Rico; and to send 30 university students for 6-week study and orientation tours. It will have provided funds for supplying 100 collections of library books, in Spanish, to institutions in the area, and for showing 1,000 educational films to roughly 1 million persons in every nook and cranny of Valle. It will have provided funds through our Binational Cultural Centers to teach English to 6,000 persons; to give secretarial training to 80 girls, and to send 200 low-income high school students to the United States. Finally, the Alliance will have provided funds with which to bring to Valle cultural attractions, ranging from jazz sextets and folk dancers to theater groups and symphony orchestras, for audiences running above 80,000 Colombians.

Military civic action: Under the Alliance, the Colombian military are working to prevent urban terrorism and rural violence; to help construct access roads and bridges for isolated villages; and to help urban neighborhoods in slum clearance projects.

And there are today operating in Valle programs undertaken by groups of private citizens to increase and to speed the achievements of the Alliance. On the Colombian side, there are the school and community-center construction programs of the Carvajal, Caicedo and Lloreda Foundations, and of the new schools-for-peace project. On the American side there are the vast efforts of private U.S. foundations and U.S. universities to improve the curriculum and administration at Valle University, the National Institutes of Health's medical research and training program; the project for cooperation between Oakland County, Mich., and Valle del Cauca in the field of municipal administration; the large contributions of private U.S. enterprise here to social action and charitable organizations; and the efforts of the American women to help poor and orphaned children and to provide others with recreational facilities—efforts which had been going on for years before the Alliance came into being.

Having listed the kind and quantity of Alliance undertakings in this area, I should like to give you an example of how they work at their very best. A few months ago, the 3d Brigade of the Colombian Army was searching for a way to help the people of the barrio Fortaleza. It found an abandoned stable, and put its soldiers and technicians to work making it into a grade school. It was finished, but it had no desks; private United States and Colombian businesses contributed them. It had no teachers or textbooks; the departmental government had none to spare, but it found them somehow. It had no blackboards; the consulate contributed them. It had no library; USIS contributed a library. It had no feeding program; CARE contributed it. It had no one to help with recreation and first aid and social instruction; Peace Corps volunteers moved in. And it had no one to watch over it and be of constant help; the local community action board took that over. And today, 200 Colombian children who would not otherwise have been able to go to school are going to school. That is the Alliance for Progress in operation at its best. That is the sort of joint effort which is making Valle a model of the Alliance for Progress.

As for the role of the American consulate in the Alliance in the area, I should perhaps explain first that in the past 4 years the U.S. Government's concept with respect to our consular establishments has changed radically. They are now staffed with career diplomatic officers, of higher rank and less age, who spend about 10 percent of their time on consular work such as visas and passports and notarial services and commercial inquiries, and 90 percent of their time promoting the political, economic, social, and cultural interests of the United States. The percentage used to be about reversed. Today the consulates are small Embassies, responsible for the furtherance of all U.S. interests in large portions of a country (our consular district has upward of 40 percent of the Colombian population, for example). At this post we have the principal officer, who occupies himself chiefly with making political and economic contacts and reporting of an intelligence nature on the results of those contracts; with representational activity; with ceremonial activity such as making speeches, sitting on boards, and attending inaugurations; and in general with presenting day and night the image of the United States in the consular district. We have next the administrative officer, who manages the day-to-day operations of the consulate and serves also as deputy to the principal officer; then we have an officer responsible solely for keeping track of, and giving a helping hand to, the large and potent labor movement here; an officer responsible for public relations and for educational and cultural exchange; an officer responsible for consular work, who also assists with political and economic reporting and serves as the control officer for the large number of official and private U.S. visitors to Cali. In addition we have the U.S. consular agent at Buenaventura who is responsible for shipping and commercial matters; the directors of the Colombian-American Cultural Centers at Cali, Popayán, and Manizales; a U.S. Air Force representative who is responsible for liaison with the Air Force Academy here; the regional director of the Peace Corps, and several Peace Corps volunteer leaders; two representatives of CARE; the permanent representative of Oakland County in Valle; an administrative assistant to the principal officer; and nine Colombian employees engaged in consular, cultural, commercial, and administrative operations.

This is the staffing of the Cali version of what our Government calls the consulate of the sixties. And each member of this staff devotes, in one way or another, virtually all of his time promoting the main interest of the United States here: the Alliance for Progress. In a single month we review hundreds of Alliance projects; talk to hundreds of Colombian and American visitors in the office; make hundreds of visits outside the office; write hundreds of reports on hundreds of subjects; travel constantly in the consular district; attend more inaugurations and official events and social functions and meetings than we can count; and remain in constant telephonic, telex, cable, and airmail touch with the Embassy in Bogotá. We are, as Ambassador Freeman once said, the eyes and ears, the mouth and the hands, of the American Government and, thus, of the American Nation, in the four departments comprising southwest Colombia. It is, as you might suspect, fascinating, challenging work. And it is more so because of the enormous degrees, not only of material support, but of encouragement, friendly advice, and intense patriotism received from the vast majority of the private American community here. Without them the consulate would be a poor thing indeed.

I should like to close by telling you of the thoughts of the officers in the consulate with respect to the future of the Alliance for Progress in this area; thoughts which are, I think, best expressed somewhat as the President recently expressed them. While a very great deal has been accomplished a very great deal remains to be accomplished here to transform despair into hope; to transform misery and disease into abundance and health; to transform an inheritance of violence, terrorism, and bitter political strife into a peaceful, secure way of life. And unhappily there is no magic formula or simple trick by which this transformation can be accomplished. The barriers are high, and there are enemies who seek to do us in at every turn. But the Alliance for Progress will progress here. It will progress because democratic people will have it no other way. The power of freedom to achieve the betterment of man is vast.

AIR POLLUTION—A WORLD HEALTH PROBLEM

Mr. MUSKIE. Mr. President, in the course of hearings on automotive exhaust problems before the Special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, several witnesses suggested by their testimony that the air pollution problem is confined primarily to California. There was an implication that action on automotive exhausts need not be considered as an urgent matter in other areas.

As chairman of the subcommittee, I am cognizant of the widespread problem of air pollution and of the substantial impact automotive exhausts have on air pollution conditions in metropolitan areas in many sections of the United States. An article published in the Washington Post & Times Herald this morning indicates the extent of this problem in other parts of the world. I believe that Senators will be interested in this report on a 17-nation conference in Strasbourg, France, which highlights the medical findings of experts gathered to study the problem of air pollution in Europe.

I ask unanimous consent to have the article written by Howard Simons, entitled "Air Pollution Linked to Wide Range of Ills," and published in the June 25, 1964, Washington Post & Times Herald, printed in the Record.

There being no objection, the article was ordered to be printed in the Record. as follows:

[From the Washington Post, June 25, 1964]

Air Pollution Linked to Wide Range of Ills

(By Howard Simons)

Strasbourg, France, June 24.—Air pollution was implicated today as a cause of several human ills ranging from lung cancer and bronchitis to rickets and anemia.

These were the chief medical findings reported to a European conference on air pollution that began here today. The 17-nation meeting of experts is being sponsored by the Council of Europe with the hope that a Continent-wide program can be evolved to curb excessive smoke caused by industry, household heating systems and motor vehicles.

Though the link between air pollution and lung cancer is still only statistical, it is strong enough to convince experts that cleaner air means cleaner lungs and that cleaner lungs somehow are less likely to become cancerous.

Italian scientists, the conference heard, estimate that roughly 75 percent of lung-cancer deaths in excess of the previously normal incidence are attributable to cigarette smoking and the remaining 25 percent to air pollution. Similar investigations in Ireland and the United States attribute about 20 percent of such deaths to air pollution, whereas in Britain the estimate is twice as high.

EFFECT OF POLLUTION

The gist of the medical reports today was that air pollution damages human health, but no one knows why or how. Thus there is good evidence that smog will increase the number of deaths among chronic heart and lung sufferers but, as one researcher put it, "it has not been possible to identify the individual pollutants responsible for this effect on human health."

Nor are the researchers certain that air pollution alone predisposes humans to lung cancer. Dr. J. D. Cottrell of the World Health Organization cautioned his fellow experts against holding tightly to the notion that respiratory diseases have a single cause.

"Lung diseases, for instance, might result from both atmospheric pollution and cigarette smoking," Dr. Cottrell said.

Dr. Cottrell also reported that recent studies by Czechoslovak researchers had linked air pollution to stunted growth and anemia in young Czechs. This led the WHO officials to comment that the old idea of "a black cloud causing rickets" might not be farfetched.

The "black cloud" in this case would be air pollutants that prevent the sun's rays and their health-giving properties from reaching the earth.

MORE RESEARCH NEEDED

If there was a theme to the various reports on the short-term and long-term effects of air pollution on human health, it was that more research is needed in every aspect of the challenge.

The experts seemed more nearly positive, however, about the effect contaminated air is having on plants and animals. The verdict is that the situation is already dangerous. Indeed, a French scientist warned the conference that "in certain regions of Europe life depends on immediate steps being taken to protect flora and fauna."

This pessimistic note was in contrast to a generally optimistic report on Britain's battle against pollution for Sir Keith Joseph, Minister of Housing and Local Government. Sir Keith reviewed his Nation's efforts to curb air pollution, which began 100 years ago this month.

He noted, for example, that as a result of the clean air bill of 1956, which makes it possible for the Government to dictate how the householder should heat his home, smoke emission has fallen off 35 percent. Former "black areas" are now becoming "white areas" and even in his once-heavily polluted hometown of Leeds, the inhabitants are "beginning to relish their environment," which they now are able to see again.

However, Britain has been unable to control pollution from motor vehicle exhausts.

AREA REDEVELOPMENT HELPS MAINE AND THE NATION

Mr. MUSKIE. Mr. President, in an article entitled "Is This the Way To Fight the War Against Poverty?" the Reader's Digest recently criticized severely the activities of the Area Redevelopment Administration. As a member of the Committee on Banking and Currency, which has legislative jurisdiction over the ARA program, and as an early and consistent supporter of ARA, I was deeply concerned over the article's allegations of ineffectual and improper activities by ARA.

In response to my inquiry, the Administrator of ARA, William L. Batt, Jr., provided a factual reply which pinpoints several errors of fact and conclusion in the article. Because I believe that the Senate should have both sides of the story, I ask unanimous consent that the ARA reply may be printed in the RECORD at this point in my remarks.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

THE AREA REDEVELOPMENT ADMINISTRATION REPLIES TO READER'S DIGEST ARTICLE

(NOTE.—The Reader's Digest in its May 1964 issue made a series of allegations regarding the Area Redevelopment Administration in an article entitled: "Is This the Way To Fight the War Against Poverty?"

(ARA has received many inquiries from Congressmen, newsmen, and interested citizens, and this paper has been prepared to provide a point-by-point, factual reply to the allegations in the article. The reply follows.)

Allegation: That ARA loaned money for the Schweitzer Basin ski resort at Sandpoint, Idaho, when two local men were about to open a ski run on nearby Baldy Mountain.

Facts: The Schweitzer Basin project had been under consideration by the local community leaders long before the Baldy Mountain project. The two local men mentioned in the article had sought support from the Sandpoint Chamber of Commerce and other community leaders, but were unable to obtain it.

The community, itself, financed a professional survey which showed the Schweitzer Basin site superior to the Baldy Mountain site. The community leaders applied for an ARA loan which was granted after careful consideration. The ARA loaned $320,000 on the $530,000 project. Some 700 Sandpoint residents—more than half of the wage earners in the town—bought stock in the venture and in all about $200,000 in private funds were invested by local sources, including the city of Sandpoint, itself.

The Schweitzer Basin ski resort opened for business last December and enjoyed a successful first season. More than 2,500 skiers visited the slope one day at Christmas time last year. Besides the scores of jobs the ski lift provided, it also had an impact on the local economy. The January 1964 issue of the Idaho Labor Market Report said: "The opening of the new Schweitzer Basin ski area in December boosted employment in the trade and service areas to near summertime levels."

A local certified public accountant, Ronald L. Hall, in a front-page reply to the Reader's Digest article in the Sandpoint News-Bulletin, predicted that the success of Schweitzer Basin ultimately, "could be the making" of another ski resort on nearby Baldy Mountain.

Allegation: That an access road to the Schweitzer Basin ski area at Sandpoint, Idaho, was built "despite Idaho Health Department warnings that this could contaminate the municipal watershed." And that Sandpoint's water supply ultimately was condemned.

Fact: Dr. T. O. Carver of the State health department states that not only has the water supply of Sandpoint not been condemned, but that at no time within the last 2 or 3 years has the State health department ever warned Sandpoint about its water supply, or contemplated any sort of condemnation.

Allegation: That an ARA loan to Technical Tape Corp. had resulted in the firm's moving a division of its operation from Beacon, N.Y., to Carbondale, Ill., where the ARA had helped the community to transform a city-owned warehouse into a factory building which Technical Tape took over. The allegation involved a gift-wrapping division of the firm and it quoted the Beacon Chamber of Commerce president as saying that the gift-wrap division was moved out because of the Carbondale development.

Fact: Mr. Paul Cohen, president of Technical Tape, in a sworn statement to ARA, says Technical Tape never considered a gift-wrapping division for Beacon because there was not enough space available in the Beacon plant.

As to the allegations that the "Government induced an industry to expand in one depressed area at the expense of another" (namely, Beacon), Mr. Cohen says employment at his Beacon plant has increased steadily from 85 employees in 1961 to 358 employees presently. He says production in other facilities the firm has in New York and New Jersey are up 20 percent over 1961 figures and employment has remained constant despite technological improvements. He says the 428 persons working at the Carbondale, Ill., facility, which was assisted by ARA, "represent new additional jobs and payroll for the company and the community."

Mr. Cohen says he learned before publication that Reader's Digest intended to quote the Beacon Chamber of Commerce president as they did, and that the Reader's Digest was told that the statement was inaccurate before publication.

Allegation: That ARA staged a stepped up campaign to pull other areas into the program in this election year, pointing specifically to the fact that seven major U.S. cities—Philadelphia, Cleveland, Toledo, Buffalo, Newark, Miami, and Oakland—were made eligible for assistance under ARA.

Fact: These seven cities became eligible to qualify for ARA assistance under a new formula for measuring unemployment within the city limits, and this had nothing to do with politics. The move was prompted primarily by the interest which the cities, themselves, had expressed in the program. These cities, suffering from high unemployment within city limits, had been unable to qualify because they were included in a larger labor market area whose unemployment was not serious enough to bring them under the ARA act. Thus, ARA was faced with the irony of denying its aid to large blocks of jobless persons in the big cities while making it available to smaller blocks of unemployed in the smaller cities and rural areas.

Allegation: That "ARA has built a 72-room luxury motel" in Woodville, Tex., which is threatening the existence of a nearby 24-room motel owned and operated by a widow. Also, that "there is not much reason for Woodville except the old courthouse and some lumber mills."

Fact: ARA did not build the motel. It loaned $420,000 of a $700,000 project to build it, but it was the community itself, which came forward with the desire and the plan to build the motel. The motel, known as the Woodville Community Inn, was not built with an eye to competing with the widow's motel. Local leaders planned it as a means of helping to build up the town, itself. Some 100 Woodville residents bought stock in the motel, providing $130,000 of the total investment. Two local banks also participated in the financing.

The East Texas Tourism Association endorsed the facility because of its proximity to the McGee Bend Dam which is expected to generate tourism business in the area. The inn is located at the juncture of three main highways in the commercial center of Tyler County (population 10,700). It is equipped to handle sizable meetings and small conventions, and community leaders are of the opinion that as the economy of the area grows the inn will actually prove beneficial to the 24-room motel which the article said was threatened.

The article also referred to a sign erected at the project during construction identifying a Texas congressman with the venture.

The ARA, of course, had nothing to do with the sign.

Allegation: That jobs constitute the reason for ARA's existence but that ARA provides brazenly inaccurate figures and refuses to make reports on current employment figures available to the public.

Fact: The ARA does, of course, receive regular reports on employment from the projects it is interested in. But it does not make this available to the public on a regular basis because this is, in a sense, private information. Any reporter wishing to know how many people are employed by a certain business is free, however, to check with that business.

The ARA does publish regularly a record of approved projects and lists an estimated projection of employment expected after 1 year of activity. These are based on estimates provided by the applicants, who, as might be expected, sometimes miss the mark. There is no effort to mislead, however.

The ARA recently made a survey of 57 plants which had been in operation for at least a year to determine employment results and to see how the estimates of employment were holding up. This survey showed the 57 plants were expected to have employment of 8,543 after 1 year. Actual head count showed 9,376 employees. In 20 of the plants, employment was higher than anticipated; in 23, it was lower, and in five plants it was approximately as estimated and published in the ARA Directory of Approved Projects as of March 31, 1964.

Through March 1964, ARA has approved 459 loans and grants which will, when the projects are fully operational, help create an estimated 105,000 direct and indirect jobs.

The article cited as one example the North Vernon Processing Co.'s burned out forging plant in North Vernon, Ind., in an effort to prove faulty reporting on employment. It said the ARA claimed to have saved 60 jobs and created 40 new ones as a result of its post-fire help. The article claimed only 50 persons were working there—15 more than before the fire. An ARA field check showed 92 persons working at the North Vernon plant, right in line with the original estimate on employment.

Another claim of faulty employment reporting was made concerning a co-op grain feed mill which an ARA loan helped get underway at Wetumka, Okla. It said the ARA, in lending $68,000, said the project was expected to create 20 jobs. The Reader's Digest reporter found only six men working and little prospect of any more jobs because the operation was highly automated. This is the most accurate report in the entire article. There will be six full-time and two part-time persons employed at the mill when it reaches peak operation in June 1964. The original job estimates were in error.

Allegation: That 75 county agricultural agents in Texas quit in disgust over the past 2 years because they were being used to organize communities to prepare to apply for ARA assistance.

Fact: A check with the U.S. Department of Agriculture and officials in charge of county agents at College Station, Tex., shows there was a turnover of 75 agents in the 2-year period. But only one had resigned because of dissatisfaction with his assignment. The others either retired, went to other jobs in the USDA or to better paying jobs in private industry.

Allegation: That "less than $2 out of every $5 from ARA" goes into areas of highest unemployment.

Fact: $165.5 million or 81.9 percent of all ARA funds for approved financial assistance projects went into areas which are officially classified as areas of substantial and persistent labor surplus. That's $4 of every $5. These projects, incidentally, are creating an estimated 80,253 jobs.

Allegation: That Gregg County, Tex., dissatisfied with being classified as a redevelopment area, had to struggle 2 years to get the classification removed.

Fact: Gregg County originally was classified under detailed standards set forth in Public Law 87–27. After the chambers of commerce of the cities of Longview, Kilgore and Gladwater passed resolutions requesting redesignation, county officials wrote a letter on December 11, 1962, asking termination of the designation. ARA files show action to terminate the designation was taken on March 29, 1963, to be effective 10 days later. That's a spread of a little over 3 months—not 2 years.

The article also cited Gilpin County, Colo., as a horrible example of a county designated for ARA assistance as a low-income farm area. It noted that the county was high up in the mountains with few farms.

Fact: Gilpin County became classified because of a statistical error. When it was discovered, the classification was removed.

Allegation: That Rice County, Kans., is an example of a prosperous area which has been declared "a depressed area" by ARA.

Fact: Rice County came under the Department of Agriculture's Rural Areas Development program back in the administration of President Eisenhower. The Congress directed that these counties be brought in under ARA as a means of taking advantage of this kind of experience. The county obviously wanted to participate in the ARA program, for it filed an overall economic development program, as required by the act, and at least one ARA project has been approved there.

Allegation: That ARA is "dressing up" 5,000 acres of eastern Oklahoma land with a "palatial" State-owned resort, without its "costing the State a penny."

Fact: ARA loaned $9 million to a State agency, the Oklahoma Lake Redevelopment Agency, on this project. The $9 million is repayable with interest. This could hardly be described as not "costing the State a penny."

This is a $10.3 million project to create a State-owned recreation center at Lake Eufaula, a 143,000-acre lake being created by the U.S. Army Corps of Engineers; $1.3 million of it was financed by a public facility grant from the ARA.

It is designed to attract tourists to the area and help rebuild and diversify the economy which has been suffering from high unemployment and low incomes. Unemployment has been running from 8.4 percent to as high as 18.7 percent of the workforce.

The site is close to 2 important highways—Interstate 40 and the Tulsa-to-Texas turnpike, and the tourist facility being created is expected to provide jobs for 1,500 workers—500 at the resort center and an additional 1,000 at private cabins, boat sales and service centers, sporting goods firms, and other tourist services.

Allegation: That ARA went far beyond the original plan for the "40 single-industry regions" which were intended to receive assistance, and "dragooned or enticed" a third of the Nation's counties into "accepting the label of poverty to be showered with largess."

Fact: A total of 581 areas or 55 percent of all ARA areas meet the specific criteria specified by Congress in the act to identify areas of substantial and persistent unemployment. The remaining areas which were designated for eligibility meet standards for underemployment which were established by ARA and which are based largely on low average incomes for those living in the area.

As for "dragooning and enticing" areas into the program, the ARA early this year notified 152 areas that they would be dropped unless they expressed a firm desire to participate within a 1-month deadline. Only 15 of the 152 areas failed to respond.

ARA receives many requests every day from counties and areas wanting to know how they can qualify for assistance under the act. ARA applies strict statistical standards to all these requests, and only those areas which truly qualify on the basis of unemployment or underemployment are designated.

One reason more areas qualify for the act than were known about when the act was first passed is that unemployment statistics were not made available for many very small labor markets prior to 1961. It was only after the Area Redevelopment Act was passed that the Labor Department began providing this information.

Allegation: "The agency flouts the law under which it was created." The article cites four "examples" of ARA loans made to organizations able to make reasonable financial arrangements elsewhere.

Fact: Three of the four examples cited involve loans made not to large corporations, but to local development companies created under State law and promoting industrial development with local resources. The three large companies in question (Melpar Corp., a subsidiary of Westinghouse Air Brake; Rawlings Manufacturing Co., a subsidiary of A. G. Spalding & Bros.; and American Optical Co.) were all tenants of these local development companies and had no direct financial dealings with ARA.

The loan allegedly made to "the Howard Johnson chain together with a local concern" was in fact a loan made exclusively to the new business concern, which had a franchise from the Howard Johnson chain and was thereby entitled to use the Howard Johnson name. ARA's investigation of the availability of other financing to the concern disclosed that two large insurance companies had already declined to make a loan to the project. To confirm the fact that other financing was not available, ARA sought participation unsuccessfully from three other insurance companies. However, a local bank and the Government Development Bank of Puerto Rico both participated significantly in the project.

The article further charges that ARA by its policies has failed to keep faith with the statutory requirements pertaining to community participation in projects. The reference is apparently to ARA's policy of not restricting an industrial applicant from participating in community fundraising efforts provided that the community group does not simply use such a source of funds as a substitute for other reasonable potentials for raising funds on a broader base.

Other State and Federal programs have by tradition recognized the right of local development corporations to finance participating requirements by acquiring needed funds from industrial concerns benefiting from a project. The Area Redevelopment Act does not by its terms limit the source of the community funds. However, in keeping with the objective of developing a sense of local responsibility and a capacity for local initiative, ARA has required that communities make first resort to obtaining funds from diversified and independent sources.

The third allegation in this connection is that ARA assisted the Technical Tape Corp. to close down its plants in New Rochelle and Beacon, N.Y., and to relocate its operations at Carbondale, Ill.

The plant referred to in the article was leased from the city of New Rochelle. The city subsequently objected to the normal noise resulting from Technical Tape's machine operations. As a result of frequent police summonses for creating a nuisance, the plant ceased manufacturing in May 1961 and was converted to a warehouse and research facility. Manufacturing operations were transferred to the Beacon plant. When Technical Tape's lease expired in 1963, the city refused to renew. However, it is presently considering an offer from the company to reopen the plant as a research laboratory. Thus, the Technical Tape "factory" was closed down at the instance of the city 2 years prior to the date alleged in the article, and negotiations are now going on for a renewal of the lease from the city.

The implication that Technical Tape ever had a gift-wrap division in Beacon, N.Y., or intended to move one there, is incorrect. It is answered elsewhere in this paper.

Allegation: That ARA "bludgeoned" votes by letting a "political friend" make a project announcement involving an $884,000 ARA loan to help modernize an abandoned pulp and paper mill in New York Republican Representative Clarence E. Kilburn's district, the political friend being Kilburn's Democratic opponent.

Fact: Notification of approval of the project in Congressman Kilburn's district was advanced from the scheduled release date because the mayor of Norfolk informed ARA that unless ARA gave its decision immediately, the project would fail. When this became known, a wire was dispatched to the president of the local development corporation, informing him of ARA's decision to approve the project. No authorization was given for public release. Unfortunately, word was leaked to the press prematurely through no fault of ARA.

Allegation: ARA advanced money to reopen one, and expand a second coal mine in Carbon County, Utah, "where demand for increased coal output is just not present."

Fact: Both applicants for ARA assistance submitted to ARA letters from dealers, distributors, and private users requesting additional sources of coal to meet their expanding demand.

Many of the mines in the area are "captive" and their entire output is consumed by their owners and is not for public sale. ARA verified the claims of the applicants with experts, including the U.S. Bureau of Mines. The financial soundness of these two loans also was ascertained. The coal mined in Carbon County is among the highest in quality in the United States.

Allegation: That ARA helped the Salem, Ind., Redevelopment Corp. provide a plant and other facilities for the "foreign-controlled" Bata Shoe Co., and that firm was pouring 40,000 pairs of shoes a week on the abundantly supplied shoe industry.

Fact: Bata Shoe Co., Inc., is an American corporation chartered by the State of Maryland. It does have plants in many sections of the world, but it employs some 3,000 workers in factories located in the United States.

The Salem plant manufacturers canvas and vulcanized footwear only, and this segment of the shoe industry has been growing at the rate of some 10 percent a year with 60 percent of the total U.S. market now being supplied by imports.

Bata Shoe is expected to export a significant part of its production, thus affecting the Nation's balance-of-payments problem.

Bata Shoe currently is employing about 250 workers and expects the payroll to grow to around 500 when the plant reaches full production.

The article also charged that Bata Shoe could pull out of Salem any time it wanted. The firm has signed a 20-year lease on the facility.

Allegation: That the president of the Bata Shoe Co., Augustin Dolezal, told reporters that his firm had decided to locate a plant in Salem, Ind., long before it heard of ARA. It quoted Mr. Dolezal: "We would have built in Salem anyway."

Fact: In a letter to ARA dated May 4, 1964, Mr. Dolezal says: "I want to assure you that I have never spoken to any correspondent and told him we would establish a plant in Salem without ARA help. Contrary, it was the first condition that we stipulated * * * that they must procure the assistance of ARA.

"I am sure that this is a great contribution to the community and they are thankful to the ARA who made this project in their community possible."

Allegation: That ARA is financing new enterprises in industries already beset by overcapacity, thus jeopardizing existing jobs.

Fact: Since its inception, ARA has continuously considered the potential impact of its loans. Procedures have been developed to make sure that ARA funds will be used to create job opportunities in our expanding economy.

Industrial experts in the Department of Commerce supply ARA with information on the national capacity of a particular industry, the extent to which the industry is utilizing such capacity, the relative efficiency of existing capacity and, in appropriate cases, the impact of imports on the market.

Industrial market trends are analyzed for ARA by the Small Business Administration and by private marketing experts. The Department of Agriculture provides information on all agricultural and forest products proposals. The Department of the Interior reports on mineral-based industries. Other agencies and experts are used in special cases.

ARA has made public its concern for existing businesses and for the workers who depend upon these enterprises for jobs. A series of policy guidelines published and circulated nationally contain clear-cut criteria for use by ARA in the various circumstances involved in project consideration.

Policy guideline No. 13, for example, states that projects may be declined if "there is an oversupply of the particular product, either locally, regionally or nationally."

Policy guideline No. 26 provides that "ARA will not finance new capacities in industries experiencing a longrun gap between production and capacity except under these circumstances: The excess capacity must be obsolete or outmoded, or the new capacity must compete with imports, or there must be an identifiable regional insufficiency of productive capacity, or such excess capacity must be only temporary because of a strong, growing demand for the product, or the new capacity must be capable of developing new markets for the industry."

These guidelines are constantly utilized by ARA, interested State and local agencies, and prospective borrowers.

Allegation: That ARA helped finance a 432-room luxury hotel in Detroit, Mich., even though existing hotels suffered from the lowest occupancy rates of any city in the United States.

Fact: The Downtown Investment Corp., in cooperation with civic and business leaders, developed the proposal to construct a $9.1 million hotel (the Pontchartrain Hotel), directly across from Cobo Hall which is the focal point of a $70 million convention center recently constructed by the city in an effort to diversify its economy through convention and exposition business.

Civic leaders reported that Detroit was losing conventions and failing to utilize Cobo Hall and its facilities to the fullest because of the lack of a modern, high quality motel convenient to the convention center. No new hotels had been built in the city for more than 35 years. Marketing experts analyzed the quality and quantity of hotel accommodations and reported to ARA that the Pontchartrain project was economically viable and merited approval.

A combination of private lenders and investors, including the Detroit Metropolitan Industrial Development Corp., raised $7.2 million (approximately 80 percent) for the project. The ARA loaned the remaining 20 percent at 4 percent interest.

Mr. MUSKIE. Mr. President, another example of inaccurate reporting concerning ARA is an article which was published in the June 5 issue of Time magazine. Entitled "Hope in Appalachia," the article describes the remarkable community effort which has revitalized Hazleton, Pa. The thrust of the article is that this recovery was a strictly local effort, accomplished with a minimum of Federal help. Nowhere does the article mention ARA, and conveniently overlooked is the fact that ARA has invested some $2.6 million in Hazleton, resulting in the creation of over 1,700 jobs. In order to set the record straight, I ask unanimous consent that the Time article, a letter from the Administrator of ARA to Time, and a listing of ARA projects in Hazleton may be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hope in Appalachia

If it ever gets serious, Lyndon Johnson's war on poverty might be waged all around Hazleton, Pa. (population 32,500), which is perched amid deserted coal mines high on Spring Mountain in the heart of depressed and desolate Appalachia. But Hazleton has already fought a valiant antipoverty war of its own. Moreover, it has done so with a minimum of Federal help.

For years, the town lived respectably if not richly from coal mines and textile plants in the area. But after World War II, Hazleton found itself on the skids. One after another, the mines shut down. Between 1946 and 1958, coal-mine employment plunged from 14,000 to 1,750; young people began leaving town at the rate of a thousand a year. In Hazleton it became the rule rather than the exception for wives to plod off to work at sewing machines in the textile and garment plants while listless, jobless husbands stayed home to keep house.

EXPENSIVE EXPERIENCE

Desperately, the Hazleton Chamber of Commerce worked to keep the community alive. When a local silk plant announced that it would move to cheaper labor markets in Mississippi, 70 Hazleton businessmen signed mortgages totaling $50,000 to keep the factory in town. Within 3 years the plant moved south anyway—putting 2,000 people out of work. Refusing to give up, the chamber formed the Hazleton Industrial Development Corp., raised $650,000 in bonds and contributions its first year, offered to donate $500,000 as a no-strings downpayment on a $1,600,000 plant built to any prospect's specifications. The Electric Auto Lite Co. (now the Eltra Corp.), accepted the offer, but created fewer than 300 new jobs after the community thought it would employ at least 1,000. It was an expensive, disillusioning experience.

In 1955, hurricane Diane crashed through—flooding and wrecking the few coal mines that remained. It was almost the death blow. Most of the mines never reopened, and 16 percent of Hazleton's working force was unemployed. But the next year proved to be Hazleton's turning point—for the better.

CAN DO

Dr. Edgar Dessen, now 47, a physician, had been president of the chamber of commerce during the darkest days. Under his determined guidance, a 550-acre site near town was bought for $10 an acre as an "industrial development park." Not long after, the Pennsylvania State Legislature passed a law providing loans to towns that could scrape up outright contributions from townspeople—as well as bank loans—to attract new industry. Dessen got a local organization going to get the money, dubbed it "CAN DO," then spent 3 weeks trying to dream up some words to fit the initials. Finally he came up with the coherent if colorless label, "Community Area New Development Organization."

Goal of the first "CAN DO" drive was $500,000—a part to be acquired by selling 15-year 3 percent debenture bonds, the rest from donations. Dessen's group put on heavy pressure, had every single contributor listed daily in the Hazleton Standard-Speaker, and classified the lists so that all lawyers or all employees of one factory were together—making for easy (and occasionally embarrassing) comparisons. To keep the pressure up, Dessen went on the radio every noon to read the names and amounts contributed. Within 3 weeks "CAN DO" was well over its quota, with $200,000 in cash and $540,000 in bond purchases.

THE ROAD BACK

Then the town began to improve its "industrial development park," building roads, sewer and water systems, and a 60,000-square foot, $150,000 "shell plant" on sheer speculation. The General Foam Corp. moved in almost right away, has since enlarged until its investment is almost $5 million. About the same time the Beryllium Corp. was persuaded by Hazleton citizens to take a look at an abandoned locomotive roundhouse built in 1918. Said Dessen: "I was ashamed to show it to them. It was built with reinforced concrete, but it was in a mess. Every window had been broken; there was soot all over everything. They said they had looked at 30 or 40 sites all over the Eastern United States and Puerto Rico." But Beryllium bought the roundhouse because it was a good building for a bargain price, now employs 400 people, has an $8 million investment. Later the Sekisui Corp., which makes plastics and is the first Japanese-financed factory built in the United States, put up a $1,750,000 plant.

Now, with "CAN DO's" fundraising drives (collected so far: $2,200,000) keeping the State loans flowing, the once-dying town has, since 1956, attracted 15 new industries with payrolls totaling $13 million a year. No fewer than 11,000 new jobs have been created in the last 5 years.

Hazleton has its own airport, with daily flights from Washington and New York, a new 175-acre park with a manmade lake, an active arts council; and early this spring ground-breaking ceremonies were held for two new Federal superhighways nearby. Nearly all of this has been done without Federal funds. And even though unemployment in Hazleton is still at an unsettling 7.8 percent, Edgar Dessen, for one, is not waiting with outstretched hand for poverty-war funds from Washington. Said he: "Federal programs will never rebuild towns that just aren't capable of helping themselves. Some towns should be allowed to become ghost towns—they did in the West. We should not try to create a vast WPA that will make people dependent on the Government forever."

JUNE 11, 1964.

LETTERS TO THE EDITOR,
Time Magazine,
Time and Life Building,
Rockefeller Center,
New York, N.Y.

TO THE EDITOR OF TIME: My nomination for the nonsequitur of the month goes to Time, June 5, 1964, for the following juxtaposition of thoughts in an article (Hope in Appalachia) about Hazleton, Pa., and my good friend, Dr. Edgar Dessen. The Time story said "early this spring groundbreaking ceremonies were held for two new Federal superhighways nearby. Nearly all of this has been done without Federal funds."

Ninety percent of the cost of the highways comes from the Federal Interstate program. The Area Redevelopment Administration has invested more than $2,500,000 in helping to solve the unemployment problem in Hazleton. Over $150,000 of this amount was a grant, the balance loans. Said Dr. Dessen when ARA announced approval of its most recent Hazleton project, "ARA hits Hazleton like a breath of spring."

All praise to Ed Dessen, Lou Feldman, and all the other hardworking intelligent community leaders who have helped Hazleton back to economic stability. But let's not forget that their work could not have been accomplished without considerable aid from the State of Pennsylvania and the Federal Government. Which is as it should be. Local communities, State governments, and Federal agencies such as ARA must form solid working partnerships in order to lick area unemployment.

Sincerely,

WILLIAM L. BATT, Jr.,
Administrator.

ARA IN HAZLETON, PA.

ARA has approved a total of seven projects in the Hazleton area for a Federal expenditure of $2.6 million. These projects have created 1,706 jobs and have trained 90 workers for available jobs in the area.

The projects are:

Hazleton City Water Development Authority: Extension of water system to industrial park, $200,000 loan, $158,000 grant; 500 jobs.

Sekisui Plastics: Manufacturer of polystrene paper. Two loans, one for $340,000 to the local development authority for construction of the building; the other for $585,000 to Sekisui for machinery and equipment; 106 jobs.

Hazleton Weaving Corp.: Loan of $650,000 to Hazleton development authority for construction of building. Loan of $605,000 to firm for machinery and equipment needed in connection with expansion; 428 jobs.

Training: 40 welders; 50 stenographers; cost to Federal Government, $58,000.

These seven projects have created 1,034 direct jobs, plus 672 additional jobs in trades and services.

Mr. MUSKIE. Mr. President, I feel that some mention should also be made of the positive side of ARA's activities. Recently, in a newsletter to Maine citizens, I explained why I support ARA, and detailed ARA's job-producing activities in Maine. I ask unanimous consent to have a copy of that newsletter printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

LETTER TO MAINE FROM SENATOR ED MUSKIE

U.S. SENATE,
Washington, D.C., June 1, 1964.

DEAR FRIENDS: One of the great men in Maine history was Joshua Chamberlain, military hero at the Civil War Battle of Gettysburg, president of Bowdoin College, Republican Governor of Maine from 1867 to 1871. In his first inaugural address, Chamberlain outlined his philosophy of government in these eloquent words: "A government has something more to do than to govern, and to levy taxes to pay the Governors. It is something more than a police to arrest evil and punish wrong. It must also encourage good, point out improvements, open roads of prosperity, and infuse life into all right enterprises. It should combine the best minds of the State for all the high ends for which society is established and to which man aspires. That gives us much to do."

Today, nearly 100 years later, we still have much to do. In March of this year, unemployment in Maine was 23,100, or 6.8 percent of the work force. This is above the national average, and must be reduced.

I believe, with Joshua Chamberlain, that government, at all levels, has an obligation to help create the climate within which our free enterprise system can prosper. It was this belief that provided the motivation for the legislation which created the department of economic development and the Maine Industrial Building Authority while I was Governor. And it is that same belief that is the basis for my continuing support of the Area Redevelopment Administration (ARA).

As a member of the Senate Banking and Currency Committee, which has legislative jurisdiction over ARA, I am proud to have played a part in establishing this program. In the 3 years of its existence, ARA has played an important role in bringing new industries and new jobs to Maine, and strengthening existing industries. Without ARA, our unemployment rate would be even higher than it is, and many major projects of the future, such as our new sugarbeet refinery, would not have been possible.

This letter describes ARA and its activities in Maine and across the country. I hope you will find it stimulating and informative.

Sincerely,

EDMUND S. MUSKIE.

WHAT IS ARA?

ARA is primarily a program of long-term, low-interest loans to private industry to develop long-range job opportunities in those parts of our Nation which have the highest rates of unemployment. In close partnership with private industry, State, and local government, ARA helps local communities to help themselves by making capital and technical assistance available for job-creating industries.

WHEN DID IT BEGIN?

On May 1, 1961, when President Kennedy signed the Area Redevelopment Act, the first major piece of legislation of his administration.

HOW DOES ARA WORK?

ARA has four major tools. Most important are:

Loans to private industry to establish or expand in redevelopment areas, bridging the gap between what financing is available from conventional lending facilities, and what is needed to create new job opportunities.

In addition, there are:

Loans and grants to provide for new or expanded public facilities, such as access roads, industrial water systems, industrial sewage treatment systems, and railroad spur lines, so that industry will be encouraged to establish in these areas.

Technical assistance to communities to enable them to plan their economic development intelligently and to explore methods of expanding their industrial resources.

Worker retraining to equip the labor force with new and improved skills for expanding industries.

WHAT AREAS ARE ELIGIBLE?

Any area which: (1) has an unemployment rate consistently higher than the national average; (2) formally requests designation; (3) prepares an acceptable overall economic development program which must be approved by the State.

WHAT ARE THE LIMITATIONS?

ARA can be used only if private financing is not available. This provision insures against competition with banks and other lending institutions.

For industrial projects, ARA can provide no more than 65 percent of the total project cost. At least 10 percent must come from a public or semipublic agency, such as a local development company. The balance usually comes from banks and other private lenders who cannot finance the entire project.

ARA funds cannot be used to assist a business in relocating from one area to another. This prohibition makes it clear that the act was designed to create new jobs, not just to transfer them from one area to another.

IS ARA A GIVEAWAY PROGRAM?

No. About 75 percent of the funds disbursed by ARA are in the form of loans, repayable with interest to the U.S. Treasury. In addition, when new jobs are created, income taxes paid by the new employees and their employers usually offset the initial investment within 2 years, giving the Government a double return.

HAS ARA WORKED?

Yes. In Maine, and across the country, ARA has brought new hope and new jobs into economically hard-hit areas. When all of the projects which had been approved by ARA as of May 1, 1964, are completely underway, an estimated 110,000 new jobs will have been made available throughout the country, including approximately 6,000 in Maine.

ARA IN MAINE

Through a wide variety of projects, from York County to the northern tip of Maine, ARA has stimulated local economic development. Six entire counties—Aroostook, Piscataquis, Washington, Hancock, Knox, and Lincoln—and parts of two others—York and Penobscot—have been designated eligible for assistance under the ARA program.

Approved projects in Maine include:

Industrial loans: To date, ARA has approved 15 industrial loans in Maine, for a total of almost $10.3 million. They range in size from $19,000 for an expanded boatyard facility in York County to $6.9 million for a sugarbeet refinery in Aroostook County. Approved projects also include establishment of a lumber processing plant, and expansion of an apple warehouse in York County; a cedar fencing plant, a lumber mill, four potato warehouses and expansion of a potato processing plant in Aroostook County; a granite processing facility in Hancock County; a lime manufacturing plant in Knox County; a new ski resort area in Piscataquis County; and a peat moss operation in Washington County.

Public facility loans and grants: In June 1963, the Sanford Water District received a $83,000 grant to expand its water system. This has been the only public facility project approved under ARA to date, although a $4.3 million loan for construction of a deepwater pier and marine terminal in Rockland is nearing the final stages of processing.

Technical assistance grants: Six technical assistance grants totaling $125,000 have been approved. These include funds for a study of the shellfish industry, a study to evaluate the possibility of establishing a plant to process marine clays, an inventory of forest resources in Washington County, and a study to determine the economic and agricultural feasibility of a sugarbeet refinery in Aroostook (this study formed the basis for Maine's request for a sugarbeet acreage allotment).

Training projects: Sixteen training projects calling for the training of nearly 500 workers, have been approved by ARA. They range from the training of nurse's aides in Lincoln County to the training of stenographers and sewing machine operators in York and Aroostook Counties.

THE ACCELERATED PUBLIC WORKS PROGRAM

In addition to its regular program, the ARA administers the accelerated public works program (APW), which has been in effect since September 1962. It provides increased Federal grants for necessary public works projects in areas of high unemployment. In Maine, all ARA areas plus the Lewiston-Auburn area are eligible for APW grants.

APW works by permitting an increase in Federal grants under existing programs. For example, the Water Pollution Control Act of 1956 provides for Federal grants of 30 percent of the total cost for the construction of sewage treatment facilities; the balance is put up by the State and local governments. Under APW, the Federal share can be increased to 50 percent in areas of high unemployment (in a few very hard-hit areas, the Federal share may go as high as two-thirds; in Maine, only Washington County and the Fort Kent area qualify for two-thirds).

Under the APW program, 55 out of an eligible 56 projects were approved in Maine, calling for a total investment of $12.6 million, over $4.6 million of which was in Federal funds. Nineteen of the projects were for improved municipal sewage and water systems, four for major hospital construction (including one completely new hospital in Machias), six for needed municipal buildings such as libraries and fire stations, and six were for highway and street improvements; the rest were for a wide variety of projects such as improved recreational facilities at national parks in Maine.

Besides providing these much-needed facilities, APW will provide a year's work for about 625 unemployed persons, and the economic benefits of the construction will spread through the entire economy of the State.

DOES MAINE NEED AN "APPALACHIA" PROGRAM?

President Johnson has proposed a comprehensive program to provide assistance for the long-depressed mountainous Appalachia region. Federal aid based on self-help and local community effort would include funds for road construction, health, education, and resource development. In a recent editorial, the Bangor Daily News suggested possible application of a similar program to Maine. When Senator MUSKIE was asked about the News proposal, this was his reply:

U.S. SENATE,
Washington, D.C., May 13, 1964.

Mr. JOHN MORAN,
Managing Editor,
Bangor Daily News,
Bangor, Maine.

DEAR JACK: I was pleased to receive your inquiry regarding possible Federal assistance for economic development in Maine along the lines of the President's Appalachia program. As you know, I have consistently supported the view that the Federal Government has a legitimate role to play in stimulating State and local, public and private, economic development programs. This stimulation can be provided through technical assistance, loans, and public facility grants.

In a sense, Maine now has its own Appalachia program under Area Redevelopment, Accelerated Public Works, and the Manpower Development and Training Act. These programs have been applied in the areas of Maine where poverty is most serious. A survey published in the Federal Reserve Bank of Boston's April 1964 New England Business Review points out that Washington County, among all the counties in New England, has the largest percentage (over 34 percent) of families living on an income of $3,000 or less. In Aroostook, Hancock, Piscataquis, Franklin, Waldo, Knox, and Lincoln Counties, over 25 percent of the families have incomes of $3,000 or less. All of these counties, except Waldo and Franklin, have been designated as eligible for assistance under Area Redevelopment and accelerated public works programs.

The Appalachia program advocated by President Johnson involves a broadened application of the lessons learned from these programs in Maine and in other States. The geographic spread and the intensity of poverty in Appalachia is far greater than that in Maine or the rest of New England, but it is not different in kind. We have found these programs to be valuable in Maine; they should be continued here and elsewhere.

UNEMPLOYMENT

A comparison: Maine Appalachia, the United States (1960): National average, 5.6 percent; Maine, 6.5 percent; Appalachia, 7.1 percent.

WHERE AND WHAT IS APPALACHIA?

It includes portions of the States of Pennsylvania, Maryland, Ohio, Virginia, Kentucky, North Carolina, Tennessee, Georgia, Alabama, and the entire State of West Virginia. It is an area long affected by persistent unemployment and continuing poverty.

Maine ranks second in the Nation in the total amount of commercial and industrial loans extended under the area redevelopment program. The total of loans authorized for Maine is $9.8 million. This includes a $6.875 million loan for the construction of the Maine sugarbeet refinery, a $1 million loan to Potato Service, Inc., of Presque Isle, loans for forest product operations, a granite quarry loan, and two loans for the construction of potato packing and grading warehouses for Limestone and Crouseville which should have a profound effect on the industry's marketing program. In each case the capital made available under ARA has stimulated more effective use of our resources.

Over $4.6 million in accelerated public works (APW) grants have been extended to Maine communities for the elimination of unemployment and construction of needed public works. APW funds for highway and street construction in eastern and northern Maine were made to Mount Desert in Hancock County and to Eagle Lake, Wallagrass and New Canada in Aroostook County. Retraining of over 2,400 Maine workers have been conducted under the area redevelopment and the manpower training programs.

The job is far from complete. The area redevelopment and accelerated public works program have proved themselves and should be extended. Bills to accomplish this objective are pending in Congress. Action is being blocked in the House of Representatives. In fact, a major harbor development project in Rockland has been blocked by the House of Representatives' vote against extension of the Area Redevelopment Act. A comprehensive plan for the economic development of northern New England makes good sense. The Governors of Vermont, New Hampshire and I have discussed such a proposal.

As a cosponsor of the President's antipoverty bill, I will see that attention is focused on the need for highway construction funds in all redevelopment areas. Your support in this objective is appreciated.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

BOYS' CLUBS OF AMERICA AIDS IN "GET OUT THE VOTE"

Mr. JAVITS. Mr. President, with the forthcoming national political conventions, together with the national election, a great deal of interest is being developed throughout this wonderful Republic regarding the democratic right to vote. We all know, however, that too many Americans have in past elections passed up this great privilege and responsibility and failed to vote. Many patriotic, yet nonpartisan, organizations actively work to eliminate this voter lethargy and are contributing significantly to our Nation's welfare through such programs.

With the rapidly approaching Independence Day of 1964, I invite the attention of Senators to the dramatic and effective work being done by the Boys' Clubs of America regarding this tremendously important area. For almost a decade, the 635 Boys' Clubs throughout the country have been actively working in the United States to get eligible voters to register, inform themselves, and vote.

A beautiful "Get Out the Vote" booklet has been printed by the national organization and is currently being distributed throughout the country to aid the local clubs in the development of effective "Get Out the Vote" projects.

The booklet covers everything from getting started on the project to getting nonpartisan pledges to register and vote.

Too young to vote themselves, these pint-sized stump-jumpers are working long and hard, in a variety of novel ways, to persuade eligible citizens, including their parents, to exercise their vote. Many of their methods stem from long-time political practices. Most are their own—and ingenious.

Recently in Indiana, for example, Boys' Club ballot brigades organized a debate on the party platforms and invited the public and party officials to attend. In Massachusetts, a Boys' Club organized a parade, complete with covered wagon, horses and bands, in which 1,000 members carried "Vote" banners.

Members of a California Boys' Club appeared on television and radio urging viewers and listeners to vote; an Iowa club tagged more than 10,000 milk bottles with "Vote" reminders; members of a New York Boys' Club put up 15,000 "Vote" posters at shopping centers and parking lots; many other clubs conducted a door-to-door campaign securing adult pledges to inform themselves of the issues and to vote.

Being conducted as part of the community service and citizenship training programs of the national youth-guidance organization, the project has attracted national attention and commendation.

The Boys' Clubs of America, under the chairmanship of our beloved statesman, former President Herbert Hoover, can justly be proud of the work they are doing in building the citizens of tomorrow.

CONTROLLING CAPITAL OUTFLOW

Mr. JAVITS. Mr. President, I invite the attention of the Senate to an editorial published in this morning's New York Times, in which the Times once again calls for the establishment of a Capital Issues Committee as a more effective measure than the interest equilization tax proposed by the administration.

As do all Americans, I find controls distasteful. However, if measures are needed to bring our balance-of-payments deficit under control they should be effective. I believe that a Capital Issues Committee would be much more effective than the highly inflexible and complex measure proposed by the Treasury.

As the Senate Finance Committee is about to open hearings on this highly controversial proposal, I commend this editorial to the attention of my colleagues, particularly those who must concern themselves with it, in the first instance, the members of the Senate Finance Committee.

I ask unanimous consent to have printed in the Record the editorial published in the New York Times entitled "Controlling Capital Outflow."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Controlling Capital Outflow

The Treasury has been seeking to stem the outflow of dollars caused by foreign borrowings in the United States as well as by American corporations investing abroad. Its main weapon is its controversial interest equalization tax, which is to be levied on American purchases of foreign securities. Since this tax was first announced last July, foreign borrowings have diminished. But the measure has flaws, and the Treasury has just issued a series of amendments to its proposal that is now before the Senate Finance Committee.

As long as the Nation faces a balance-of-payments problem, controlling the flow of capital is essential. Yet, as we have previously pointed out, the proposed interest equalization tax is an effective control only in its present uncertain form. It is unlikely to stem the outflow of capital when its provisions are spelled out to potential foreign borrowers. The initiative, even after amendments, will still rest with foreigners, who will be free to borrow as much as they want, provided they are willing to pay the higher costs for capital that the Treasury is seeking to impose.

We continue to believe that a Capital Issues Committee operated by the Treasury and the Federal Reserve would be a more efficient and effective instrument of control. It would mean that Washington, and not foreign borrowers, would have responsibility for the size of the flow. It could be used also to regulate direct investment by American corporations, which accounts for a large part of the outflow but is not affected by the proposed tax.

Controls of any kind are unpleasant, but if we must have them, then we should be sure that they can do the job. As John Kenneth Galbraith observes, a Capital Issues Committee is a "more effective procedure" than a new tax, for it can be employed when capital outflows must be controlled and lifted when the danger has passed. The kind of tinkering the Treasury is doing simply testifies that its plan is vulnerable to leakage. The objective can be accomplished much more successfully by direct control over capital.

PLIGHT OF JEWS IN SOVIET UNION—RESOLUTION OF WESTCHESTER REGION OF HADASSAH

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record a resolution passed unanimously by 150 delegates, representing 7,500 women of the Westchester Region of Hadassah, at the annual conference on May 27, 1964, concerning the plight of the Jews in the Soviet Union.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Westchester Region of Hadassah,
Mamaroneck, N.Y.

The following resolution has been passed unanimously by 150 delegates, representing 7,500 women of the Westchester Region of Hadassah at the annual conference, May 27, 1964:

"Whereas we note with sorrow and anguish the plight of our fellow Jews in the Soviet Union, where they are denied the facilities for perpetuating their religion and culture, and are deprived of the basic rights granted to other religious and national groups within the Soviet Union; and

"Whereas this conference addresses itself to the moral conscience of the world, confident that men of good will have learned they dare not be silent in the face of repression, discrimination, and persecution; and

"Whereas this generation has learned through bitter lessons of history that freedom is indivisible; that human rights are the concern of the community of nations and not an internal matter; and

"Whereas we believe that human rights include the right of all religious groups freely to practice their religion, to learn their history and culture, and to have the facilities to transmit this to their children; and

"Whereas the rights and facilities for the exercise of these basic human freedoms are denied to the Jews of the Soviet Union: Therefore,

"We regard it appropriate and desirable for the American Government, through its representatives, to appeal to the Soviet Government to restore the rights of its Jewish citizens and Jewish community and to grant them equality with other religious and national groups as required by Soviet Constitution and law. We who are assembled at this conference believe that we are morally bound to speak out on the fate of our brothers in the Soviet Union. We pray that our voice will be heard and heeded."

FEDERAL RESPONSIBILITY IN MISSISSIPPI

Mr. JAVITS. Mr. President, if I may now be recognized for a few minutes on the situation in Mississippi, I notice that the President of the United States has moved into the situation through the dispatch of Allen Dulles, former Director of the CIA, to Jackson, Miss., which is a most creditable move.

I also notice that the Attorney General states he has expanded the force of FBI agents pursuing the investigation of violations in Mississippi of existing Federal criminal statutes.

I notice, however, that the Attorney General states that he does not feel that any police action is warranted.

But those of us who have spoken out on this have not called for police action. We have called for the dispatch of marshals to Mississippi, in order to show the presence of the United States there, and the determination of the United States that the right of American citizens—these young people in the Council of Federated Organizations—to travel in Mississippi and to pursue lawfully their efforts to help other citizens obtain the right to vote shall be safeguarded by the Federal Government.

I emphasize again that this confrontation is nothing less than a challenge to the authority of the Federal Government to carry out the laws of the United States. It is a confrontation which President Eisenhower realized when he sent troops to Little Rock. That was the basis upon which he sent them there. It is a confrontation which the United States faced in the latter part of the 18th century, in the Whisky Rebellion in Pennsylvania, where the U.S. authority to enforce its laws was challenged. When its laws are challenged, the United States can do nothing else but enforce them.

This new barbarism in Mississippi must face Federal superior authority to enforce the laws of the United States, everywhere in the United States—including Mississippi.

It is difficult to enforce laws when hundreds of thousands of people may be against them; but I cannot believe that the overwhelming majority of the people of Mississippi will not be as law-abiding as they are God-fearing Americans.

This is no longer a racial matter; this is a matter of law and order in the United States, the authority of the U.S. Government to enforce its laws and to protect its citizens wherever they may go in the United States on legitimate business.

It is nothing less than a confrontation between the lawless element in Mississippi and the Government of the United States. There is no alternative but to assert the power of the United States with all its majesty and authority, to enforce the laws, and to see that every citizen, wherever he may be, is safeguarded.

I am very pleased to see the President and the Attorney General moving forward as they are.

The PRESIDING OFFICER (Mr. Pastore in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask for an additional one-half minute.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional half minute.

Mr. JAVITS. Mr. President, I ask that Federal marshals be dispatched so that the presence of the authority of the United States in this situation may be unmistakable, and so that no one will get the idea that this will be overlooked. It is necessary for our country to maintain its dignity as the enforcer of the law.

STEPS TAKEN TO OVERCOME SHORTAGE OF COINS

Mr. ROBERTSON. Mr. President, I am pleased to be able to announce that the Bureau of the Mint will take prompt steps to increase the production of small coins to the point where, in the near future, there will be abundant supplies for normal business purposes. At the present time there are outstanding approximately 45 billion small coins with the monetary value of $2.6 billion. Of course, the monetary value of the smallest coins is possibly 85 percent greater than the metal value of those coins.

While there has been some increase in the use of small coins, the principal reason for the current shortage is hoarding. Coins have been hoarded by dealers and speculators believing that they can later be sold at a profit and coins have been hoarded by merchants who fear that the shortage will grow worse.

For instance, in previous years, percentagewise, the mint would furnish the Chicago Federal Reserve Bank $10 million in small coins and it would get another $90 million through flowback. This year, the mint has furnished that bank an additional $2 million of small coins but the flowback has almost ceased.

With respect to collectors, the 1964 date on all coins will be indefinitely continued, if Congress approves that plan, which undoubtedly, it will. Therefore, the market will be saturated with 1964 issues.

The Treasury appropriations bill, approved by the Senate last Tuesday, carries funds for an increase of 600 million small coins. Present plans to adopt new but slightly more expensive methods of manufacture, plus the installation of additional stamping machines, will result within the next year in doubling the current production rate.

In other words, collectors and speculators who hoard small coins will find no market for them in the months to come, and merchants who hoard small coins will merely be losing the interest on the money they have invested in them.

In answer to the criticism that the Senate Banking and Currency Committee was tardy in recognizing the need to increase the production of small coins, I wish the Record to show that all the steps that the Treasury Department now plans to take to relieve that shortage were recommended to the Treasury Department by the chairman of the Senate Banking and Currency Committee last January.

CIGARETTE ADVERTISING

Mr. ROBERTSON. Mr. President, yesterday, the Chairman of the Federal Trade Commission, Mr. Paul Rand Dixon, told the House Interstate and Foreign Commerce Committee that his Commission had issued a regulation on June 22, which, effective next January, would make it illegal for the manufacturers of cigarettes to fail to disclose both on the containers in which cigarettes were sold and in all advertising, that cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

It is, of course, not my purpose today to challenge the recent report of our Public Health Service that the excessive use of cigarettes will cause lung cancer and perhaps be a contributing factor to certain types of heart trouble. I agree, of course, with Hon. George Allen, president, Tobacco Institute, who says:

> The people I know in the tobacco industry have a vital interest in the public health aspects of this question. First of all, they are human beings, with a natural interest in their own health and in the health of their fellow man. Second, they obviously want to find the answers to questions about their products.

In my opinion, on every whisky bottle, the skull and crossbones of poison could be more appropriately printed.

What disturbs me is that the Government that legalizes both the sale of whisky and of tobacco and derives much revenue from the tax on both—the tobacco tax exceeding $3 billion per year—proposes to single out for slow strangulation and ultimate death, the tobacco industry, deliberately ignoring a new code of cigarette advertising calculated to meet all just complaints that the smoking of cigarettes was being promoted among those unable to comprehend the effects of excessive use of cigarettes.

Mr. President, I ask unanimous consent that the new code of cigarette advertising be printed at this point in the Record.

There being no objection, the code was ordered to be printed in the Record, as follows:

> Subject to approval by the Justice Department from the standpoint of the antitrust laws, all the major manufacturers of cigarettes have agreed to the following advertising code:
>
> "ARTICLE IV—ADVERTISING STANDARDS
>
> "Section 1. All cigarette advertising and promotional activities shall be subject to the following:
>
> "(a) Cigarette advertising shall not appear—
>
> "(i) On television and radio programs, or in publications, directed primarily to persons under 21 years of age;
>
> "(ii) In spot announcements during any program break in, or during the program break immediately preceding or following, a television or radio program directed primarily to persons under 21 years of age;
>
> "(iii) In school, college, or university media (including athletic, theatrical, and other programs);
>
> "(iv) In comic books, or comic supplements to newspapers.
>
> "(b) Sample cigarettes shall not be distributed to persons under 21 years of age.
>
> "(c) No sample cigarettes shall be distributed or promotional efforts conducted on school, college, or university campuses, or in their facilities, or in fraternity or sorority houses.
>
> "(d) Cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.
>
> "(e) Natural persons depicted as smokers in cigarette advertising shall be at least 25 years of age and shall not be dressed or otherwise made to appear to be less than 25 years of age. Fictitious persons so depicted in the form of drawings, sketches, or any other manner shall appear to be at least 25 years of age in dress and otherwise.
>
> "(f) Cigarette advertising may use attractive, healthy looking models, or illustrations or drawings of persons who appear to be attractive and healthy, provided that there is no suggestion that their attractive appearance or good health is due to cigarette smoking.
>
> "(g) No cigarette advertising shall contain a picture or an illustration of a person smoking in an exaggerated manner.
>
> "(h) Cigarette advertising shall not depict as a smoker any person well known as being, or having been, an athlete.
>
> "(i) Cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation.
>
> "(j) Testimonials from athletes or celebrities in the entertainment world, or testimonials from other persons who, in the judgment of the administrator, would have special appeal to the persons under 21 years of age, shall not be used in cigarette advertising.
>
> "Section 2. No cigarette advertising which makes a representation with respect to health shall be used unless:
>
> "(a) The administrator shall have determined that such representation is significant in terms of health and is based on adequate relevant and valid scientific data; or
>
> "(b) If the administrator shall have determined it to be appropriate, a disclaimer as to significance in terms of health shall be set forth in such advertising in substance

and form satisfactory to the administrator; or

"(c) The administrator shall have determined that the representation with respect to health in such advertising is not material.

"Section 3. The inclusion in cigarette advertising of reference to the presence or absence of a filter, or the description or depiction of a filter, shall not be deemed a representation with respect to health unless the advertising including such reference, description or depiction, shall be determined by the administrator to constitute, through omission or inclusion, a representation with respect to health. If the administrator shall have determined that such advertising constitutes a representation with respect to health, the provisions of section 2 of this article shall apply.

"Section 4. No cigarette advertising shall be used which refers to the removal or the reduction of any ingredient in the mainstream smoke of a cigarette, except that it shall be permissible to make a representation as to the quantity of an ingredient present in the mainstream smoke or as to the removal in toto of an ingredient from the mainstream smoke, or as to the absence of an ingredient normally present in the mainstream smoke, if:

"(a) The administrator shall have determined that such representation is significant in terms of health and is based on adequate relevant and valid scientific data; or

"(b) A disclaimer as to significance in terms of health shall be set forth in such advertising in substance and form satisfactory to the administrator; or

"(c) The administrator shall have determined that a disclaimer is unnecessary for the reason that the representation in such advertising has no health implication or that such implication is not material; and

"(d) The quantity of such ingredient is determined and expressed in accordance with uniform standards adopted by the administrator for measuring the quantity of the ingredient present in the mainstream smoke, provided that, until such uniform standard is so adopted, the quantity of such ingredient may be determined and expressed in accordance with any recognized scientifically valid method disclosed to the administrator without any requirement of confidential treatment.

"Section 5. Any advertising determined by the administrator to be in conformity with the code may include the following legend: 'This advertising (label) conforms to the standards of the Cigarette Advertising Code.' "

Mr. ROBERTSON. Mr. President, the first money crop produced by the settlers of Virginia was tobacco. In fact, for a number of years, it was used as currency. At the present time, there are a number of Virginia counties, the only cash crop of which is tobacco. And, of course, the manufacture of cigarettes in Virginia is a major industry, exceeded perhaps only by the manufacture of cigarettes in Winston-Salem, N.C. All told, the tobacco industry produces products which at retail have an annual value of $8 billion and that is exceeded by very few industries in the Nation.

If it is in the interest of public health to destroy that industry, I think the decision should be reached by the Congress of the United States and not by an independent agency. In the words of Hon. Virginius Dabney, distinguished editor of the Richmond Times-Dispatch:

> There is no such law, any more than there is a law requiring producers of butter and eggs to disclose the health hazards allegedly inherent in the use of their products by consumers who may contract arteriosclerosis.

Then, he quoted the Surgeon General as saying:

> That FDA should have authority to regulate advertising of cigarettes but, he wisely added, its power to do so would have to be spelled out by congressional legislation.

As so aptly said today at an open hearing of the House Interstate and Foreign Commerce Committee by Hon. Bowman Gray, of North Carolina:

> It is wholly inappropriate for a decision of this magnitude to be made by the Federal Trade Commission, by any other Federal administrative agency, by any State, by any county, or by any city. I repeat that any action should be taken by the Congress and by no one else.

Mr. President, I am glad that both the regulation that has been issued by the Federal Trade Commission and the reasons for the action are going to be so well and fully advertised. On yesterday, Chairman Dixon stated that he would have an unlimited number of copies of his report printed and some of them he made available on yesterday. Without the appendix, the report covers 153 printed pages and the cost to the public will run into the thousands of dollars, depending on the number of copies printed. Supplementing that wide distribution of the report, the distinguished junior Senator from Oregon [Mrs. NEUBERGER], had it printed in the body of the CONGRESSIONAL RECORD, which means it will likewise go into the permanent edition of the RECORD and it filled 42 pages, which, at a cost of $90 per page, will make an additional cost to the taxpayers for advertising this bureau action of $3,780.

TRIBUTE TO SENATOR RUSSELL FOR REMARKS CONCERNING PROBLEMS CONFRONTING OUR TOWNS AND CITIES

Mr. TALMADGE. Mr. President, on Monday of this week, my distinguished colleague, the senior Senator from Georgia [Mr. RUSSELL] delivered a splendid address to the annual convention of the Georgia Municipal Association in Atlanta.

Senator RUSSELL, with customary authoritativeness and concern, discussed the many complex problems now confronting the towns and cities in our Nation. These are problems that for the most part have come about because of great population growth and our expanding economy, especially in States like Georgia which are undergoing a rapid rural-to-urban transition.

In his fine speech, Senator RUSSELL demonstrated that he is keenly aware of these problems and always alert to ways and means of solving them. I share a great deal of pride with all Georgians in the outstanding service which he has rendered in this regard.

Mr. President, I commend Senator RUSSELL's speech to Members of the Senate, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS OF SENATOR RICHARD B. RUSSELL PREPARED FOR DELIVERY TO THE ANNUAL CONVENTION OF THE GEORGIA MUNICIPAL ASSOCIATION, ATLANTA, GA., JUNE 22, 1964

It is a great privilege for me again to have the opportunity of meeting with my friends of the Georgia Municipal Association.

Now that I am here, I must confess that there have been times that I did not know if I would be able to keep my commitment to you because of the protracted educational campaign in the Senate in which I was rather fully engaged for the past 3½ months.

But my problem was resolved for me last Friday by the vote of the Senate in passing the so-called civil rights bill. I can assure you that my being here today is the only satisfaction that I am able to derive from that vote.

Someone has calculated that in 1960 there were no fewer than 591 incorporated municipalities in the State of Georgia. They ranged in population from Santa Claus' 5 to Atlanta's almost 500,000.

It is a splendid tribute to this association that it is capable of representing so ably the diverse interests of all our towns and cities, from the largest metropolitan area to the tiniest hamlet.

The problems of our municipalities vary greatly: We in Winder do not have Atlanta's mass transit problem, and Atlanta does not have the severe water problem that plagues many of our smaller and less affluent communities.

VITAL ROLE OF MUNICIPALITIES

But all of our towns and cities regardless of size or wealth share a common bond of responsibility for providing the basic services that only local government can effectively provide. This is the unique and vital role of the municipalities in our overall scheme of government.

I commend this association for its aggressive work in advancing the cause of Georgia's 591 towns and cities. And I congratulate the mayors, councilmen, and other municipal officials who daily go about the challenging and often thankless task of seeing to the welfare of the 2 million Georgians who reside in urban areas.

It has been 7 years since I last had the honor of addressing a State convention of the Municipal Association. Even in that brief span of time, we have seen many changes in the face of our beloved Georgia.

Our State continues to grow and to progress in virtually every area of activity. We have steadily improved the economic lot of our people, and have made giant strides toward achieving a more salutary balance of industry with our traditional agricultural economy.

GEORGIA'S INDUSTRIAL GROWTH

Since World War II, Georgia's output of manufacturing products has increased ninefold in value—exactly double the rate of increase for the Nation as a whole. Today, we rank first in the production of such things as paper and paperboard, marble, tufted textile products, and processed chicken. Forestry is another example of big business in Georgia, with the value of timber and other forest products now amounting to about a billion dollars a year.

All this is persuasive evidence of the quickening pace of industrial development and economic growth in Georgia. But even more impressive than the past is the promise of the future. I am firmly convinced that Georgia's most dramatic and exciting era of growth and development is yet to come.

One beckoning opportunity for further economic growth lies in the exciting new field of space research and development, and in related scientific industrial activities. This is one of the fastest growing sectors of the Nation's economy in which Georgia has not yet participated to the extent that I believe is both possible and feasible.

We have made some headway. The large solid fuel rocket plant in Camden County near Brunswick represents an important breakthrough in the space field. At the same time, the huge aircraft manufacturing plant at Marietta continues to operate at a high level of production and employment, and is one of the largest facilities of its kind in the country.

But I would like to see more of this type of activity spread over other areas of the State. In this connection, I am encouraged by Georgia Tech's increased participation in space research activities for the National Aeronautics and Space Administration. Two months ago, I had the pleasure of announcing a million dollar grant from NASA to Georgia Tech for the construction of a space research facility here in Atlanta. This was followed just last week by an announcement of an additional $600,000 NASA grant to support a broad, 3-year program of space research at Tech.

SPACE AND MILITARY ACTIVITIES

It is my hope that Georgia Tech's expanding role in these activities will serve as a stimulus for other related research and development and for the location of new aerospace, electronic and similar industries in our State. Perhaps we may yet convince those who influence the location of such activities that not all the scientific and technical talent in the Nation is concentrated in a few appointed localities—notably Boston, southern California, and Houston.

During my years in the Senate, I have never overlooked an opportunity to impress upon the officials of Government the many advantages that Georgia has to offer as a location for military and other essential Government activities. We have fared rather well in this regard up to now; the 15 major military facilities in the State add three-quarters of a billion dollars to our economy annually. In addition, defense and space prime contract awards bring another half billion to Georgia each year.

I apologize to no one for my efforts to encourage the location of as many military and defense activities in Georgia as is possible. We have more to offer to these activities than any other State in terms of climate, living conditions and people.

One of the most significant changes that has taken place in Georgia in recent years is the shift in our population from the rural to urban areas. This is a trend with which the members of this association are all too familiar.

When I entered the U.S. Senate three decades ago, two-thirds of the people of Georgia lived on farms or in rural communities. Today, however, more than 55 percent of our people live in urban areas—and the ranks of the city dwellers are swelling every day.

POPULATION GROWTH POSES PROBLEMS TO CITIES

The population growth of the towns and cities is adding enormously to the already heavy burden of our municipalities in providing such essential services as schools, streets, water and sewerage, police and fire protection, recreational facilities, and even airports.

I know that many things have changed in the past several years. But one thing that has not changed is the chronic problem that most municipalities face in finding the money to finance the new and expanded services they are being called upon to provide.

This is a problem common to all governments—from the Federal level on down. But it is one that poses a particular hardship to the cities and towns because they lack a source of taxation of their own adequate to meet their growing responsibilities.

In my previous appearance before your group, I proposed that the Federal and State governments relinquish to the municipalities and to the counties some sources of taxation and revenue. The reasons why this should be done were valid then, and they are even more compelling today in view of the shifts that are taking place in the population patterns.

It is my belief that the municipalities will get more value per tax dollar if they are allowed their own sources of revenue. They should not be forced to beg back from the Federal and State governments a share of the tax dollars their citizens pay to meet local needs that it is their prime responsibility to provide.

I am pleased to note a growing recognition of the desperate fiscal plight confronting many local governments. This is a problem that must be given priority attention, particularly if we expect our towns, cities, and urban county governments to keep pace with their rapidly rising populations.

Another urgent problem that is growing out of the urban population explosion and our expanding industrial economy is that of providing an adequate supply of clean water to meet present and future needs. This is a problem the members of this Association know at first hand. It is one that sooner or later will concern all of us regardless of where we live and what we do.

The consumption of water by Americans is increasing at a fantastic rate. Every day we use for all purposes about 1,900 gallons per person, an increase of about 400 percent in the past half century.

For the Nation as a whole, it is anticipated that by 1980—only 16 years from now—our needs for water will double those at present. By the year 2000, they are expected to double again.

The experts predict that by 1980, our national water needs actually will exceed the available supply by some 85 billion gallons a day. This will necessitate the repeated reuse of the available fresh water supply and will greatly complicate the already considerable problem of water pollution.

DEVELOPING GEORGIA'S RIVERS

Georgia has been richly endowed by nature with a bountiful supply of water. Our average annual rainfall is almost twice that for the Nation. We have a magnificent system of rivers rising in the mountains and the Piedmont and flowing through every section of the State to the Atlantic and the gulf.

We have made good progress in developing these God-given water and river resources so that all our people will share in the enjoyment of their many benefits.

The huge multipurpose dam projects that have risen on the Savannah, the Chattahoochee, the Coosa, and soon on the Coosawattee are evidence of our progress. These projects are supplying water for our thirsty cities and our growing industry. They are generating power to light our homes and to turn the wheels of commerce. They are providing protection to downstream communities against the ravages of flooding. They are opening our inland cities to water transportation. And they are making our leisure hours more pleasant through many forms of recreation.

I am exceedingly proud of the part I have been privileged to play during my years in the Senate in the development of our rivers. But there is much more to be done, and let me assure you that much more will be done. I will not relax my efforts until all our rivers and water resources have been developed to their maximum potential, including the realization of the dream of making our capital city an inland port.

ATTACK ON WATER POLLUTION

But the building of dams and reservoirs is not the answer to all our water problems. We also must concern ourselves with the quality as well as the quantity of water that our people drink and that is the lifeblood of further industrial expansion.

The growing problem of pollution of our rivers and lakes is being attacked at virtually every level of government and by many interested organizations. This association is to be commended for being in the forefront of the battle to keep our water supplies clean and wholesome.

For our part, Congress has enacted a number of programs to assist the States and local governments in combating contamination of the water supply. One of the programs with which many of you are familiar provides grants to municipalities to help finance the construction of sewage treatment plants. Forty-five such plants already have been built in Georgia through this program, and 54 others are underway or have been approved.

I am pleased that we were able to persuade the Public Health Service to select Georgia as the site for one of five water pollution laboratories to be established throughout the country. This modern $2½ million research facility will be placed under construction in the near future on the campus of the University of Georgia at Athens and eventually will maintain a staff of 150 scientists, engineers, and technicians.

This facility will help to develop ways of assuring that the quality of our water in Georgia and the Southeast is adequate for the needs of our expanding urban population and for our continued economic development and growth. I am sure it will contribute materially to the overall development, conservation, and protection of our total water resources.

I dislike ending on an ominous note. But I cannot in candor come before this assembly of responsible Georgians without expressing to you my deep foreboding that passage of the civil rights bill has caused me to feel for the future of our country.

When this measure is signed into law—as it will be with fanfare and flourishes in the near future—it will have far-ranging effect on the American way of life as we know it and upon the rights of every American regardless of race, religion, and place of residence.

IMPACT OF THE CIVIL RIGHTS BILL

It would be impossible to exaggerate the total impact this new law will have on our system of constitutional government—the system that has made our Nation and our people the envy of the world.

Once the provisions of this Federal force bill take full effect, a free-born American no longer will be able to exercise complete dominion and control over his own property. No longer will a private businessman be able to decide without Government interference whom he will hire, whom he will fire, and whom he will promote.

Under the guise of conferring rights upon select groups of citizens, it strikes at the heart of the exalted Jeffersonian doctrine of "equal rights for all and special privileges for none." How anyone can call a measure so destructive of the constitutional rights of all the people a civil rights bill is simply beyond my comprehension.

Those of us who opposed the bill did everything humanly possible to prevent its passage. We used every parliamentary device in the book to expose its punitive provisions and political motivations to the American people.

Our strategy of an all-out opposition succeeded in blocking the bill's passage for 83 days. This was the longest sustained debate in the history of the U.S. Senate. I can assure you we would be talking yet had it not been for the unparalleled pressures that were applied to gag and crush the opposition.

In all of my 31 years in the Senate, I have never seen the equal of the formidable array of forces in support of the bill. These included a popular and highly resourceful President and the full weight of his administration, most of the leaders of both political parties, and an intense lobbying effort carried on by a coalition of the principal religious, labor, and racial groups.

Uppermost in the minds of many Members of Congress was the approaching election campaign. I fear that many of them supported the bill because of the promises and threats of political reward or retribution from those who control the minority bloc votes in the major metropolitan area of the North.

BILL FOUGHT TO THE LAST

Our stalwart little band of constitutionalists organized to oppose the bill numbered fewer than 20 Senators—less than one-fifth of the Senate. But we were armed with the conviction of the righteousness of our cause, and we put up the very best fight of which we were capable. Looking back, I do not know anything we could have done that was not done that would have changed the outcome.

Those of us who stood shoulder to shoulder to the last against this vicious bill apologize to no one for the fight we made. Indeed, we are proud of it. Our only regret is that we lost. But we have the satisfaction of knowing that we fought the good fight to the end to preserve our system of government and to protect the rights of all citizens.

For my part, I could have done no less and remained true to my oath as a Senator and to the people who have bestowed their trust in me.

Dark and difficult days may lie ahead for our State and for our Nation. But I cannot—I will not—abandon my unshakable faith in the inherent sense of justice and fairness of the American people and in the enduring strength of our free institutions.

I cannot believe that the masses of our people will for long allow themselves to be led away from the ancient landmarks of our greatness. I take heart from the wisdom of Thomas Jefferson who said: "Though written constitutions may be violated in moments of passions or delusion * * * they furnish a text to which those who are watchful may again rally and recall the people."

TRIBUTE TO TARAS SHEVCHENKO

Mr. DOMINICK. Mr. President, this Saturday will mark the 150th anniversary of the birth of one of Europe's earliest freedom fighters, Taras Shevchenko. It is in honor of this occasion that the Shevchenko Memorial Committee of America, Inc., is unveiling his statue to pay tribute to the fight he symbolizes for independence against tyranny.

Taras Shevchenko was a painter, an artist, and a poet in the Ukraine during the later 1800's. His writings sparked the first political organization developed for the unification of all Slavic peoples, which became an outspoken opponent of czarist oppression of the Slavic peoples. Because he believed in and wrote about national independence, human equality, and social justice, Shevchenko was sentenced to 10 years by the Russian Government to be spent as a common soldier, forbidden to paint or write. He is credited by many as having done more to influence political thought in Eastern Europe's oppressed countries than any other one man of his time.

He is today a monument to the Ukrainian people, 45 million of whom live under tyranny. The basic freedoms for which Taras Shevchenko fought are still in the minds of these captive people. He is a hallmark in history of one who fought against despotism and suppression. His struggle for liberty and freedom is a struggle for liberty and freedom of all peoples in the captive nations. He provides a link between us, the American people and those of other nations who are still fighting for independence against tyranny—particularly the tyranny of communism. His statue, soon to be unveiled here in the Nation's Capital, provides us with a constant reminder of the noble ideas for which he lived.

INVASION OF MISSISSIPPI

Mr. ELLENDER. Mr. President, I was somewhat amazed when I heard the suggestion made by the senior Senator from New York, that the President should send U.S. marshals to Mississippi in order to protect the intruders who are now roaming about in the sovereign State of Mississippi, trying to stir race trouble. It would seem to me that the race problem could be settled very much easier if the laws now on the statute books, and particularly the act that was recently passed by the Senate, when it becomes effective, were utilized.

I understand that some of the proponents of the civil rights bill established some kind of school in Oxford, Ohio, to train some 2,000 college students and others in how to deal with the situation in States like Mississippi, I presume Louisiana, also, and other Southern States. I believe that they would do well to have some kind of school to learn how to meet the problems in New York, Chicago, and other large cities of the North where people are molested and killed almost every day. For example, last week I read that a young school girl was shot down by a sniper near Madison Square in New York. It seems to me that the students and others who have been trained to deal with some of the alleged problems of the South had better take heed that they are not wanted down there, that they are intruders; and if they are looking for trouble, believe me, they will find it.

It is very unfortunate that three of those intruders are now missing. I hope they will be found alive. I am of the belief that our southern officials can take care of the situation under ordinary circumstances, but when groups from the North swoop down on the South to stir the race issue, they will doubtless meet with much opposition, as well as violence. It would come in better grace if these groups were to stay at home and put their own houses in order.

SENATOR STENNIS URGES INTRUDERS IN MISSISSIPPI TO ABANDON THEIR PLANS

Mr. STENNIS. Mr. President, I have repeatedly urged those in charge of the invasion of Mississippi to abandon their plans. Such a drive on any State can only lead to strife and provoke violence, and possibly worse.

The editorial which appeared in the Washington Post this morning, entitled "Mission to Mississippi," discusses this question with unusual clarity. I frequently disagree with the editorial policy of this newspaper and, in fact, disagree with some statements made in this editorial. However, it recognizes the true facts concerning the inevitable results of this drive on my State and calls on this group to examine their consciences about the entire program.

This editorial in question recognizes and points out the many dangers inherent in this drive and wisely counsels restraint. I think this counsel should have wide circulation and I ask unanimous consent that the concluding paragraphs of the Washington Post editorial of June 25, 1964, entitled "Mission to Mississippi," be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISSION TO MISSISSIPPI

* * * * *

But having said this, one must add that the young civil rights workers heading for Mississippi have an obligation to consider deeply all the likely fruits of their action. The possibility of violence, despite best efforts of responsible Mississippians, remains enormous and indeed, as now seems terribly probable, has already begun. The young project workers cannot claim they do not foresee the response their presence may provoke. In their training programs, concern with future violence was a justifiable obsession. And some of the adult organizers not only expect mayhem but also see as one purpose of the operation—perhaps the major purpose—the compelling of Federal intervention in force, by marshals or troops, to quench the expected violence. But they must come to know, as many of them certainly do not now know, that it is simply impossible for that protection to be given them. The Federal Government cannot guard every student and quarantine every hoodlum, Klansman and racist; the conditions that admit the dispatch of Federal troops to the State are not likely to come about promptly.

Moreover, and more important, both the adult organizers and the young participants of the project must know that in fixing on these means to carry on this fight in this way and in this time and place, they are not necessarily acting in response to a national consensus nor embracing a tactic that has been determined, by democratic choice, as right and necessary. Nor can they assume that it is proper, wise or justifiable to force Federal action as they propose. We cannot feel that the Federal Government now shows itself so apathetic, stupid, hypocritical or cowardly that it must be constrained to act by the threat of piling martyrs' corpses on its doorstep. The President, the Department of Justice and its Civil Rights Division and even the Congress, on the eve of enacting America's most encompassing civil rights law, have not demonstrated such feebleness of purpose and such pusillanimity that their course of action must now be mortgaged to the decisions of a thousand collegians and a handful of ruthlessly righteous organization leaders.

If the hour is now so late that this breathtakingly admirable group of youngsters cannot be dissuaded from going to Mississippi, let them with God's help confine their ministry to those acts that risk the minimum of confrontation with the extremists of the white community: schooling and welfare work, political education, encouragement of the downtrodden and building within the Negro society. And let them, followers and leaders alike, examine their consciences as rigorously as they have in the past, but this time on the ancient question of what ends justify what means. And let the young people subject to the trenchant study they apply to other matters the question of their own competence as political strategists. Let them ask themselves with some humility what action, however fastidiously legal, they are entitled to take that could inflame passions and explode sparks in the political tinderbox of this menacing summer.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, if the Senate will bear with me briefly, I should like to call up several bills on the calendar to which there is no objection and then conclude the morning business.

ACCEPTANCE OF TRANSFER OF CERTAIN LANDS WITHIN EVERGLADES NATIONAL PARK, FLA.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1046, Senate bill 2082.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2082) to authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Fla., for administration as a part of said park, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, line 14, after the word "necessary", to insert "but not in excess of $452,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept a transfer from the Administrator of the Farmers Home Administration, United States Department of Agriculture, which transfer is hereby authorized, of a tract of land consisting of approximately four thousand, four hundred and twenty acres, lying within the boundaries of Everglades National Park, in Dade County, Florida, and more particularly described in the masters deed dated December 21, 1962, in the proceeding entitled The Connecticut Mutual Life Insurance Company against Toni Iori, a single man; Peter Iori and Helen Iori, his wife, d/b/a Iori Bros., et al., No. 61C-3823, in the Circuit Court of the Eleventh Judicial Circuit of Florida, in and for Dade County, and recorded in the official records of said county in book 3494 at page 457, or in any modification of such masters deed, for administration as a part of the Everglades National Park. Such transfer may be accepted when title to the property is vested in the United States.

Sec. 2. There is hereby authorized to be appropriated to the emergency credit revolving fund, upon the transfer authorized in section 1, such sum as may be necessary but not in excess of $452,000 to reimburse the fund for costs incurred by the Farmers Home Administration in connection with the aforesaid property.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1103), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill would authorize the Secretary of the Interior to accept transfer of about 4,420 acres of land in the Everglades National Park from the Administrator of the Farmers Home Administration, Department of Agriculture.

The Farmers Home Administration has acquired the above land through a mortgage foreclosure proceeding in the Florida courts. The bill would provide statutory authorization for the transfer of this Federal property to the Park Service and for the Secretary to accept it for park purposes.

Since the land lies within the Everglades National Park it is the position of the Park Service that it should be added to the park and be administered by that body. In 1934, the Congress authorized the Everglades National Park to preserve the unique flora and fauna and the essential primitive natural conditions prevailing in the area. The Park Service plans to keep the land in its natural state insofar as possible.

The Farmers Home Administration, which now has control of the land, is agreeable to transferring it to the Department of the Interior for park purposes, but it lacks the statutory authority to do so. Also, moneys from the fund which that agency administers to provide farm credit loans, were used to purchase the property at the foreclosure sale. This bill would authorize a direct appropriation, limited to $450,000, to reimburse it for the cost of the land and other expenses incurred. This would be the only cost attributable to this legislation.

The committee was also advised that the Department of the Army wished to acquire about 700 acres of this area for a Nike missile site. A letter from the Park Service stated that they foresaw no difficulty in reaching an agreement with the military to transfer the land they needed and stated that consideration of the bill should not be held up pending working out the final arrangements between the two executive branches.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF CERTAIN PUBLIC LANDS IN THE STATE OF ARIZONA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1047, H.R. 5514.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 5514) to direct the Secretary of the Interior to sell certain public lands in the State of Arizona.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

KENNEWICK DIVERSION EXTENSION, YAKIMA PROJECT, WASHINGTON

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1042, Senate bill 2630.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2630) to amend the act of June 12, 1948, in order to provide for the construction, operation, and maintenance of the Kennewick diversion extension, Yakima project, Washington, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, after line 14, to insert a new section, as follows:

Sec. 2. No water shall be delivered to any water user on the Kennewick division extension for a period of ten years from the date of enactment of this authorizing Act for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

And on page 3, after line 2, to insert a new section, as follows:

Sec. 3. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, not to exceed $5,500,000 to carry out the purposes of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1948 (62 Stat. 382), is hereby amended as follows:

(a) Insert the words "and Kennewick division extension", after the words "Kennewick division" in section 1 and add the following items to the principal units listed in said section: "Kiona siphon" and "Relift pumping plants".

(b) Insert at the end of section 3 the following: "Costs of the Kennewick division extension allocated to irrigation which are determined by the Secretary to be in excess of the water users' ability to repay within a fifty-six-year repayment period following a ten-year development period, to the extent they may be in excess of Yakima project net power revenues in that period after meeting the requirements specified in (1), (2), and (3) above shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration from the McNary Dam project: *Provided,* That section 5 of this Act shall not be applicable to the revenues derived from the McNary Dam project."

Sec. 2. No water shall be delivered to any water user on the Kennewick division extension for a period of ten years from the date of enactment of this authorizing Act for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 3. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, not to exceed $5,500,000 to carry out the purposes of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1099), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF MEASURE

The purpose of S. 2630 is to bring an additional 6,300 acres of land under irrigation in the Columbia River Valley in the southern part of the State of Washington. This purpose would be attained through amendment to the act of June 12, 1948 (62 Stat. 382), the measure authorizing the parent Kennewick division of the Yakima project to provide for construction, operation, and maintenance of the necessary additional works to the existing facilities of the Kennewick division. The presently proposed extension was contemplated in the construction of the existing facilities.

Almost all of the lands in the extension area are dry, supporting for the most part only sagebrush and native grasses used for livestock grazing and other uses are impracticable under present conditions. When irrigated, the primary land use will be production of feed and general row crops, and for specialty crops and fruits, such as grapes, sweet cherries, prunes, peaches, and apricots.

The project has an extremely high benefit-cost ratio in excess of 4 to 1.

THE COMMITTEE AMENDMENTS

The committee wrote into the measure the "surplus crop" amendment which has been a provision of the greater part of all irrigation bills of recent years. This amendment provides that for a period of 10 years from the date of enactment of authorizing legislation, no water from the project shall be used for production on newly irrigated lands of any agricultural commodity supplies of which are excess under existing laws. The restriction does not apply to lands irrigated under the original project act, that of 1948.

The committee rejected another amendment urged by the Interior Department which would have made the Federal Columbia River power system as a whole the source of financial assistance to the project, not just the McNary Dam, as in the bill as introduced. The committee proposes to hold future hearings on the overall issue of establishing a basin account for the Columbia River system as a whole, and hence deemed it inadvisable to change the present system on a piecemeal, project-by-project basis. A policy determination in that regard must await the forthcoming hearings and specific congressional action.

A final amendment adopted by the committee limits the appropriation authorization for construction of the Kennewick division extension project not to exceed $5,500,000.

DESCRIPTION OF PROJECT

The existing Kennewick division serves approximately 19,000 acres of land. It is the most recent of the six operating divisions of the Yakima project. Section 6 of the 1948 authorization act provided for extra capacity in the division's main canal sufficient to irrigate approximately 7,000 acres over and above the lands in the division, and recognized the cost of the construction of such extra capacity as a deferred obligation.

The extension proposed in S. 2630 would fully utilize this previously provided for extra capacity, built at a cost of $341,000. Major new facilities would be a third pump at Chandler pumping plant, the mile-long Kiona siphon, six small relift pumping plants, 24 miles of canals and conduits, a lateral distribution system, and drainage facilities.

The average annual diversion requirement for the extension would be 31,500 acre-feet and would consist primarily of return flow from irrigated lands upstream, supplemented by natural flows of the Yakima River. In 1931 the Bureau of Reclamation obtained a permit from the State of Washington for the Kennewick Irrigation District to divert up to 1,600 cubic feet per second for irrigation and power purposes. This permit fully covers the diversions to the extension lands.

The total project construction cost of the extension, based on April 1963 prices, is estimated by the Bureau of Reclamation to be $5,250,400.

The construction costs are allocated $5,115,500 to irrigation and $134,900 to fish and wildlife. Annual operating costs are allocated $47,130 to irrigation and $1,240 to fish and wildlife.

Costs allocated to irrigation are reimbursable without interest. In accordance with current policies and procedures, the costs allocated to fish and wildlife are nonreimbursable.

Annual irrigation benefits total $890,900 and include direct benefits of $386,300 and indirect and public benefits of $504,600. Annual fish and wildlife benefits amounts to $5,500 and are based on the beneficial effects which irrigation of the extension lands would have on upland game and birds.

As previously stated, the ratio of benefits to cost is extremely high, 4.3 to 1.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANSON UNIT, CHELAN DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1044, Senate bill 2533.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2533) to authorize the Secretary of the Interior to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, at the beginning of line 12, to strike out "Construction costs allocated to irrigation beyond the ability of the irrigators to repay, and operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to repay within the repayment and development periods shall be returned to the Reclamation Fund within such periods from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration." and insert "Construction costs allocated to irrigation beyond the ability of the irrigators to repay during the repayment period shall be returned to the Reclamation Fund from revenues derived by the Secretary from the disposition of power marketed through the Chief Joseph Dam project. The term 'construction costs', as used herein, shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to pay during that period."; on page 3, line 17, after the word "purposes.", to strike out "The Secretary may transfer jurisdiction over unit lands and facilities thereon within or adjacent to the Wenatchee National Forest to the Secretary of Agriculture for recreation and other national forest system purposes. Upon transfer such lands shall become national forest lands: *Provided*, That the lands and waters within the flow lines of the reservoir or otherwise needed or used for the operation of the unit for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation." and insert "The Secretary shall transfer lands acquired for the unit within exterior national forest boundaries to the Secretary of Agriculture for administration as national forest, and jurisdiction of national forest lands within the unit shall remain with the Secretary of Agriculture for recreation and other national forest system purposes: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation."; on page 4, after line 16, to strike out:

Sec. 4. The Secretary is authorized, if the Manson unit is located in whole or in part in an eligible area as defined in the Public Works Acceleration Act (76 Stat. 541), to recognize redevelopment as a function of the unit, to evaluate the benefits of the unit in relieving persistent unemployment or underemployment, and to allocate costs to the redevelopment function as appropriate, which costs shall be nonreimbursable.

At the beginning of line 25, to change the section number from "5" to "4", and on page 5, after line 3, to insert a new section, as follows:

Sec. 5. For a period of ten years from the date of enactment of this Act, no water shall be delivered to any water user on the Manson unit, Chelan division, for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of supplying irrigation water for approximately five thousand eight hundred acres of land, undertaking the rehabilitation and betterment of works serving a major portion of these lands, conservation and development of fish and wildlife resources, area redevelopment, and enhancement of recreation opportunities, the Secretary of the Interior is authorized to construct, operate, and maintain the Manson unit, Chelan division, Chief Joseph Dam project, Washington, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the unit shall consist of dams and related works for enlargement of Antilon Lake storage, related canals, conduits, and distribution systems, and works incidental to the rehabilitation of the existing irrigation system.

Sec. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of the irrigators to repay during the repayment period shall be returned to the Reclamation Fund from revenues derived by the Secretary from the disposition of power marketed through the Chief Joseph Dam project. The term "construction costs", as used herein, shall include any irrigation operation, maintenance, and replacement costs during the development period which the Secretary finds it proper to fund because they are beyond the ability of the irrigators to pay during that period. Power and energy required for irrigation water pumping for the Manson unit shall be made available by the Secretary from the Federal Columbia River power system at charges determined by the Secretary.

Sec. 3. The Secretary is authorized, as a part of the Manson unit, to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the unit area such adjacent lands or interests therein as are necessary for present or future public recreation use, to assign water and reservoir capacity to recreation and to provide for public use and enjoyment of unit lands, facilities, and water areas in a manner coordinated with the other project purposes. The Secretary shall transfer lands acquired for the unit within exterior national forest boundaries to the Secretary of Agriculture for administration as national forest, and jurisdiction of national forest lands within the unit shall remain with the Secretary of Agriculture for recreation and other national forest system purposes: *Provided,* That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. The costs of the undertakings described in this section, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of joint costs of the unit, shall be nonreimbursable.

Sec. 4. Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other project functions.

Sec. 5. For a period of ten years from the date of enactment of this Act, no water shall be delivered to any water user on the Manson unit, Chelan division, for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 6. There are hereby authorized to be appropriated for construction of the new works involved in the Manson unit, $12,400,000 (October 1959 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said unit.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1101), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

S. 2533, sponsored by the two Senators from Washington, Senators Jackson and Magnuson, provides for the improvement and enlargement of an existing irrigation district in central Washington devoted almost exclusively to apple production. The water collection and distribution system now serving the presently irrigated lands is a composite of several privately financed developments, some of which were initiated more than a half century ago.

The capacity of these facilities is no longer adequate, some of them consisting of aging wood stave pipes and flumes. Consequently, failures are frequent and maintenance is difficult and expensive. The overhaul, rehabilitation, and enlargement of the system is essential to the economy of the area, and is beyond the financial capacity of the Chelan County Reclamation District.

Completion of the works authorized in S. 2533 will bring into being a fertile, highly productive area of 5,770 acres of irrigated orchard lands, farmed by small, independent farmers, raising crops that are not in surplus and that are marketed through established facilities.

The benefit-cost ratio is the unusually high one of 6.5 to 1.

THE COMMITTEE AMENDMENTS

As introduced, section 4 of S. 2533 would have allocated some $1,739,000 of its costs of $12,400,000 to area redevelopment on a nonreturnable basis in accordance with existing law and precedent. Such allocation was recommended and approved by the administrative agencies involved.

The committee, however, eliminated the area redevelopment feature, adding the greater part of the amount of the proposed allocation to the irrigation costs which will be repaid from power revenues from Chief Joseph Dam. Thus, section 4 is stricken from the proposed legislation.

An amendment recommended by the Interior Department was adopted to change the wording on page 3, beginning on line 8. The purpose of the amendment is to make clearly applicable to the project the requirement in the administration's proposed Federal Water Project Recreation Act that water resource project lands within the exterior boundaries of a national forest shall be administered by the Secretary of Agriculture for recreation and other national forest system purposes, and to insure that acquired lands within the boundaries of the Okanogan National Forest shall be transferred to the Secretary of Agriculture and become national forests lands. Certain of the lands needed for the unit are national forests lands which, although administered by the Wenatchee National Forest, are within the proclaimed boundaries of the Okanogan National Forest.

The committee also adopted the "surplus crop amendment" that has been written into the greater part of recent reclamation and irrigation legislation. The committees amendment provides, in section 6, that water made available by the new facilities shall not be used for production of crops, the supply of which is surplus as defined in existing law.

Consistent with our past treatment of similar projects in this area, the committee rejected a recommendation of the Interior Department to make the Federal Columbia River power system as a whole the source of financial assistance to the project. Instead, revenues to be used are restricted to those from the Chief Joseph Dam project.

The committee proposes to hold future hearings on the overall issue of establishing a basin account for the Columbia River system, and hence deemed it inadvisable to change the present system on a piecemeal, project-by-project basis. A policy determination in that regard must await the forthcoming hearings and specific congressional action.

DESCRIPTION OF PROJECT

As stated, S. 2533 provides for the rehabilitation of a wornout irrigation system, parts of which have been in use since 1908, and the addition of new lands to the unit to afford a larger operating base for payment for the project. The plan of development embraces the following:

Rehabilitation and enlargement of the 20-mile system for collection of water from the watersheds of seven creeks in the mountain region adjacent to the unit; enlargement of the storage reservoir, Antilon Lake, from 2,500 to 9,000 acre-feet by construction of one dam and enlargement of another; and rehabilitation and extension of the distribution system to continue service to 3,965 acres now irrigated, and to bring a full supply of irrigation water to an additional 1,525 acres of irrigable lands now receiving a partial supply, or being dry farmed. An additional 280 acres of land with established water rights, some in Indian trust status, and some which would not be considered irrigable under reclamation standards, will continue to receive their water entitlements. A total of 5,770 acres will be served with irrigation water through the unit.

Through expansion of irrigated acreage the basis will be laid to develop 78 new irrigated farms on lands that are excellent for apple orchards. Rehabilitation of the existing system will permit uninterrupted service to continue on an economical basis to the existing farm units in the area, thus materially contributing to the economic stability of the county, which has been designated a rural redevelopment area under the Area Redevelopment Act.

Construction of the unit is expected to cost $12,363,000. This cost is allocated among the purposes of the unit as follows:

Irrigation	$10, 503, 000
Area redevelopment	1, 739, 000
Recreation and fish and wildlife enhancement	121, 000
Total	12, 363, 000

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF RENEGOTIATION ACT OF 1951

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1048, H.R. 10669, and that the bill be laid down and made the pending business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business?

TRANSMISSION LINE INTERTIES IN THE WESTERN STATES

Mrs. NEUBERGER. Mr. President, Congress will soon have before it plans for development of a vast complex of extra-high-voltage transmission lines to interconnect power facilities of the Western States. This development will involve the expenditure of many hundreds of millions of dollars, and it could bring many hundreds of millions of dollars of benefits to power consumers. The extent to which these benefits flow to power users will be determined by ownership of the transmission network.

I have expressed to the Secretary of the Interior my concern that the proposals may not contain provisions for Federal construction and ownership. Also, I have received word from the Honorable Edmund G. Brown, Governor of California, that he, too, is concerned about features of the plan. In a telegram to the President, Governor Brown has urged full-scale public hearings on the proposal as "most necessary in the public interest."

In a letter to the Secretary, I stated:

> Dear Mr. Secretary: I am concerned that the proposals for transmission line interties between the Pacific Northwest and Southwest may not contain provisions for Federal construction and ownership. I am convinced that the Federal Government should own and operate this transmission network. An all-out effort should be made for approval of Federal transmission lines. This would be a sound and profitable investment by the people of the United States.

I ask consent to have printed in the Record, with my remarks, the letter I received from Governor Brown and a copy of his telegram to the President.

There being no objection, the letter and telegram were ordered to be printed in the Record, as follows:

State of California,
Governor's Office,
Sacramento, Calif., June 23, 1964.
Hon. Maurine Neuberger,
Senate Office Building,
Washington, D.C.

My Dear Senator: Attached is a copy of a telegram I have sent to President Johnson. I would appreciate your earliest comment.

Sincerely,
Edmund G. Brown, *Governor.*

Telegram From Governor Brown to President Johnson

The time you devoted on your California trip to discussion with Pierre Salinger and me of the proposed Pacific Northwest-Southwest electric power intertie is deeply appreciated.

I urgently request your assistance in obtaining full scale public hearings on the whole question before any final action is taken by the Congress on the combination public-private intertie proposal now under consideration.

Secretary Udall has worked very hard to reach a solution within the time available and the guidelines set by the Congress. He is being asked to submit his proposal this week.

I am not unmindful of the waste of power from the Columbia River and the need for action on transmission lines to prevent an unnecessary increase in power rates. Senators Jackson, Magnuson, Mansfield, and others have problems that I recognize. Senators Hayden and Bible also represent areas that need answers on economical pooling of power sources to guarantee continued low power rates.

Nonetheless we must recognize this proposal will set the pattern of power distribution from Federal projects for decades. Such an intertie has been discussed for nearly 15 years, and a further brief delay to make sure the decision is a wise one is certainly in order. The Congress has wisely given public agencies and nonprofit co-ops a preference in the purchase of power. These long established principles must be protected. Nearly all the 11 Western States are involved in this proposal. California and the other Pacific States are vitally concerned.

I believe the participants in making the current private-public intertie proposal would welcome an opportunity to explain its merits and the Congress should have the benefit of full information before making a decision. To summarize: the proposal is of utmost importance to 11 States, affects the pattern of power sales for the entire Nation, controversy continues, information on details is woefully lacking, full scale public hearings on it are most necessary in the public interest.

PASSAGE OF BACON-DAVIS ACT AMENDMENTS

Mr. SCOTT. Mr. President, the Senate has performed a great public service in speedily approving without objection H.R. 6041, amendments to the Davis-Bacon Act. As a cosponsor of S. 450, a similar bill, I am especially pleased with the Senate's action.

H.R. 6041 brings up to date the concept of wages in the 1931 Davis-Bacon Act. It will eliminate the unfair advantage in bidding on Federal construction projects of employers who do not provide fringe benefits. It would have no inflationary effect upon local wage standards, since the Secretary of Labor's determination would be based on the prevailing benefits in a particular area. In any case, Federal construction costs should not operate to depress wage standards in certain areas.

The Davis-Bacon Act was originally adopted at the urging of two Republican Congressmen during the Hoover administration. When H.R. 6041 passed the House of Representatives last January by a vote of 357 to 50, it received topheavy Republican support, solid evidence that Republicans care for people.

As a Republican, I am proud that I sponsored and supported legislation to improve and update this important measure.

THE BOBBY BAKER CASE

Mr. CASE. Mr. President, the question of what Congress will do to repair the damage done to it by the Bobby Baker case is still before us. To those who feel there are no "knights on white chargers" in the House who will join us in the Senate in tackling this job, I point to the recent activity by some Members of the House who are urging that Congress track down leads in the Bobby Baker case yet untouched. The matters raised in the House with respect to its employees and officers demonstrate the need throughout Congress for an effective public-disclosure requirement.

The House action is responsive to the demands of an aroused public which is in no mood to drop the Bobby Baker case. In the last month, I have attempted to present evidence of this nationwide sentiment; and, once more, I ask unanimous consent for the insertion in the Record of more proof, if more proof is needed. In addition to more editorials on the subject, I also ask for inclusion in the Record my remarks, prepared for delivery before the New Jersey Press Association, last Friday night.

There being no objection, the address and the editorials were ordered to be printed in the Record, as follows:

Remarks by Senator Clifford P. Case Before a Dinner of the New Jersey Press Association, Spring Lake, N.J., June 19, 1964

Sometimes, after reading some of the heavier content of my newspapers, my eye has fallen on the advice to the lovelorn column. It is there that I learn that all of us, whether enlisted in the public service or in the public press, need periodic reassurance about our value and worth. Let me pay a tribute which is due the press of this Nation: without energetic and enterprising newspapermen, there would have been no Bobby Baker case revealed to the public.

The members of his own party, obviously, have not been eager to lay out the sordid circumstances of the young man who came to Washington and in a few short years managed to become, by his own statement, a millionaire with more power to influence Members of the Senate than many a President of the United States. For how many Presidents could claim that on any issue they had 10 Members of the Senate in the palms of their hands?

But whether the embarrassment is Democratic or Republican in its injury, the facts are clear that Congress just doesn't want to investigate itself. In the current Bobby Baker case, the Senate Rules Committee, although confronted with published stories of Bobby Baker's claimed powers and additional reports of his maneuvering of committee assignments and campaign funds, has not taken a single line of testimony on any of these matters.

Many newspapers have followed up the disclosures of Bobby Baker's activities with editorial demands for a full and complete investigation. A very few newspapers have shrugged their shoulders editorially as if to say, "So what. What else do you expect from politicians?"

I believe most Americans expect more. They want men in public office who take pride in the responsibility entrusted them—who devote full time to their work and set a standard of ethics commensurate with the positions of trust which they hold. One essential part of such a standard is the adoption of public disclosure legislation.

Since so much of what we do in Congress affects various interests and indeed personal fortunes, I believe Congress should enact legislation embodying a requirement for regular public disclosure by Members of the Congress and top legislative staff (as well as high officials in the executive branch) of their financial interests and transactions.

Such a requirement is contained in S. 1261, a bill sponsored by myself and Senators Neuberger, Clark, and Hart, which is presently pending before the committee. The bill is identical to one which I first introduced in 1958 and in every Congress since then. I urge also adoption of a second, equally important, part of our bill which would require that all communications, oral or written, formal or informal, to regulatory agencies, from a Member of Congress or any other person outside the particular agency, with regard to a particular case, be made part of the public record of that case.

Public disclosure is, I have long been convinced, the most effective way to protect the integrity of the Congress and the entire process of government.

Such legislation would put into practice what we so often require of others. When a man is nominated to a Cabinet post, Members of Congress frequently require him to make a full disclosure of his business interests and private holdings. In some cases, this has even gone so far as a requirement by a Senate committee to divest himself of certain holdings if confirmation is to be forthcoming.

In enacting the Labor-Management Reporting and Disclosure Act of 1959, the Landrum-Griffin bill, Congress set up a whole series of requirements for both labor union officials and management people for disclosure. The legislation required that labor organizations disclose how unions conduct their internal affairs. An annual financial report of assets and liabilities, receipts and disbursements, is required which shall include among other things, the listing of compensation of all officers in any amount and of those employees paid more than $10,000 a year. In addition, loans made to officers, employees and members and loans to businesses must be reported. Employers must disclose annually any payments made to any union officers or employees or to any of their own employees for the purpose of causing them to persuade other employees with respect to their bargaining and representation rights. At that time, many Members of Congress felt that such requirements were reasonable and necessary to protect the public interest.

Earlier, Congress in enacting the Securities Act of 1933 specified information to be disclosed to the public as a basis for enlightened investment judgment. Under SEC regulations, this information included various facts about corporate managements—their compensation, whether in the form of salary, stock options or deferred compensation payments; their transactions with the company and their dealings in the shares of the company, and their background. This demonstrates another area in which Congress did not fear to require disclosure in order to protect the interest of the public.

But when it comes to its own conduct, Congress is a good deal like the infantry captain who orders his men over the top and tells them he'll be interested in their reports back to him.

It has been heartening to read in the press reports that the Senate Rules Committee counsel's recommendations, which were somehow dug out by an enterprising reporter, include a public disclosure proposal similar to the one which I and my three colleagues have been urging. It is also heartening to have received almost 200 editorials from newspapers around the country commending the public disclosure principle and supporting a full investigation of the Bobby Baker case.

This is heartening, but it is by no means conclusive that Congress will now enact a disclosure bill. I plan to keep pressing on this whole issue, for I am concerned about maintaining the integrity and good standing of what should be the greatest legislative body in the world. If we win this battle, we will upset the cynics, will improve the public service, and prove once more the power of an aroused press and public conscience.

[From the Camden (N.J.) Courier Post]

SENATOR CASE AND BOBBY BAKER

The Newark News says: New Jersey's Senator Case has stated the moral issue that confronts the U.S. Senate in the Bobby Baker case.

He told the Rules Committee that its investigation, wholly inadequate, had given the public the impression that the committee meant "to put an end to an unpleasant episode—to close the door—to push the whole matter aside in the hope that it will soon be forgotten." That is precisely the impression the public got.

The Baker case is "a sordid affront to the dignity" of the Senate, Mr. Case continued, and because of it every Member "has had his reputation, his good name diminished."

An unsparing appraisal, but an accurate one, as Mr. Case showed by recounting such published allegations as Baker's boast that he had 10 Members of the Senate "in the palm of his hand," that Baker controlled committee assignments, and sought to influence votes on pending legislation by offering campaign contributions to Senators.

Until these and other aspects of Baker's relations with Senators are fully explored, the integrity of the Senate remains compromised. For the record shows that Baker accumulated a fortune during his service as secretary of the Democratic Senate majority. That he could have done so without using his position is something many find hard to believe.

Since Baker has invoked constitutional privilege and refused to answer questions about his private enterprise system, Mr. Case suggests the committee call every Senator and put to him questions about his relations, if any, with Baker.

The Rules Committee chairman said at the outset that the committee was not investigating Senators. Mr. Case can't see how an investigation could have any meaning without questioning Senators. Neither can the public. And until they are questioned the public will suspect the Senate has something to hide.

[From the Bridgeport (Conn.) Post]

KEEPING BAKER PROBE ALIVE

The Constitution (art. 1; sec. 5) provides that each House of Congress "shall be the judge of the qualifications of its own members." Rarely has Congress used its power to police itself.

Senator John J. Williams, of Delaware, and Senator Clifford P. Case, of New Jersey, both Republicans, are determined that Congress will use its power to cleanse by keeping alive the Bobby Baker case, in which some Senators may have had a close personal interest.

Robert G. Baker was not an elected official but was appointed secretary of the Senate Democratic majority by the Democratic Senate leader, Lyndon B. Johnson. On a comparatively modest salary, paid by the taxpayers, not the Democratic Senators, Baker amassed what is said to be a substantial fortune. But he won't talk and the Democrats in control of the inquiry have buried the probe.

The two Republicans keep hammering away, although there is little hope of hitting the nail. But surely, in the days ahead when the political campaign gets heated up, Republican candidates will tell all they know about the Baker matter. And if they produce enough facts, the inquiry will have to be reopened.

The proposal of the Democrats to create a code of ethics requiring all Senators and Senate employees to reveal all their holdings and connections may be a good thing in many ways, but in no way is it a substitute for reopening the Baker investigation. The code also would forbid Senators and senatorial employees to have contact with persons doing business with the Government, or seeking to do such business.

In the last quarter century only two investigations of Members were conducted by the Senate. One involved Senator Theodore G. Bilbo, Mississippi Democrat, involving alleged conflict of interest in war contract cases. He died before the probe reached final judgment. The other inquiry involved Senator Joseph R. McCarthy, Wisconsin Republican, who was censured.

While Congress seldom uses its police power, there are precedents, and Congress has a duty to the people of this Nation to uncover all the facts concerning this Senate employee's activities and dealings he may have had with Senators themselves.

If enough people talk about this case, public opinion eventually will force Congress to act. The two Republican Senators are doing their part but they need support from the citizens.

[From the Cleveland (Ohio) Plain Dealer]

SENATE NEEDS ETHICS CODE

A draft report on the Bobby Baker investigation by the chief counsel for the Senate Rules Committee, L. P. McLendon, is a mandate for the Senate to set up strong conflict-of-interest regulations for its Members, officers, and employees.

McLendon's report also can be construed as a rebuke of the committee which voted to shut off the hearings in the face of strenuous objections from two Republican Senators, Case, of New Jersey, and Williams, of Delaware.

McLendon, who apparently did a painstaking and impartial job, wrote that Baker, former secretary for the Senate Democratic majority, violated accepted standards of legitimate business, and engaged in dishonest and fraudulent practices with business associates, and, in at least one instance, with an agency of the Government. McLendon added that Baker engaged in business inconsistent with his official duties and responsibilities.

However, the millionaire former page boy is not legally guilty of conflict-of-interest charges, simply because the Senate does not have tight enough ethical safeguards.

McLendon would remedy this lack with a very tough ethical code, including compulsory public disclosure of all financial interests of Senators, officers, and employees. If this appears harsh, the Senate has invited such safeguards by allowing an employee to use his Senate office as a private business concern.

Committee Chairman JORDAN, Democrat, of North Carolina, said he expects to make changes in the report before it is submitted to the Senate, and the committee minority will submit a supplemental report. But on the basis of counsel's report, the American people have the right to expect the Senate to do a better self-policing job. The body as a whole cannot afford to write off the Baker case without suffering additional loss of prestige and respect.

The Plain Dealer has pioneered in a move to get Cleveland City Council to adopt a strong conflict-of-interest law for its members. The Senate, the Nation's highest legislative body, should not settle for less.

[From the San Diego (Calif.) Union]

HOW TO CLOSE A CASE

The Bobby Baker scandal apparently is to be pigeonholed and forgotten, thanks to the Democratic Party.

Republican Senators attempted to continue and broaden the probe into the influence-peddling activities of the former secretary to the Senate's Democratic majority. Forty-two administration-oriented Democratic Senators voted against the move.

Strangely, Senate Democratic Leader MIKE MANSFIELD, of Montana, who spearheaded the drive to block continuance of the probe, declared the GOP resolution would "impugn the integrity" of all Senators.

Had the investigation been reopened, its results certainly would not have justified Senator MANSFIELD's assertion. Obviously, the majority of Senators would have nothing to fear from a further probe.

Senator EDWARD M. KENNEDY, Democrat, of Massachusetts, presiding at the session, upheld Senator MANSFIELD in the latter's refusal to yield the floor to Senator CLIFFORD P. CASE, Republican, of New Jersey, cosponsor of the resolution to extend the probe.

The door thus was closed, possibly forever, by administration leaders on the extracurricular activities of Bobby Baker that apparently breached moral if not legal ethics.

As a result, there always will remain an aura of doubt about the relationship between Mr. Baker and some of those who fought determinedly, and successfully, to kill the probe.

The Baker affair has been buried in mystery—a mystery that has created public uneasiness about the sincerity of the administration.

[From the Minneapolis (Minn.) Tribune]

A SHAMEFUL PERFORMANCE IN THE SENATE

One thing was perfectly obvious after the dust of battle had settled Thursday: the Senate will not tolerate an investigation of itself in connection with the Bobby Baker case.

The inquiry into the affairs of the former secretary to the Senate's Democratic majority stopped at a plainly drawn line. It was quite proper, and even desirable, to investigate the Senate's employees. It was not proper, and in fact highly undesirable, to investigate Senators.

Senator EVERETT B. JORDAN, Democrat, of North Carolina, chairman of the Rules Committee, put it in this classic way at one point in the inquiry: "We are not investigating Senators."

Now the Senate has reaffirmed that edict by rejecting a Republican resolution which would have expanded the Rules Committee probe to its own members. The vote was 42 to 33 against the resolution, and every one of the opponents was a Democrat.

The partisan nature of the issue was further revealed in the parliamentary shenanigans by which the Democratic majority refused Senator CLIFFORD CASE his right to speak. It seems to us that this was a shameful performance, whatever technical justification for it might be found in the Senate rules.

The Senate will permit a civil rights filibuster to run its time-wasting course for weeks and weeks. But it will not permit one of its Republican Members to speak on behalf of an investigation of the Senators themselves.

The probe into Baker's tangled financial affairs was so circumscribed that it gave the timid appearance of a whitewash. Thursday's action only served to reinforce that impression. It was a sad day indeed for the Senate's reputation and prestige.

[From the Madison (Wis.) Wisconsin State Journal]

BOBBY BAKER ISN'T WORRIED—THE INTEGRITY OF THE SENATE

Bobby Baker, former secretary to Senate Democrats who retired last fall with an announced personal fortune of $2 million, had this to say when he returned from a vacation in Puerto Rico less than 2 weeks ago:

"I don't have a care in the world. The only thing on my mind besides this magnificent invention (an antismog device) is my wife and my five kids."

So said Baker oozing with confidence that the Democratic majority in the Senate would never force him to take the fifth amendment again. He had taken refuge under the first, fourth, fifth, and sixth amendments to the Constitution and refused to answer more than a hundred questions about the scandal before his vacation.

But Senator CLIFFORD CASE, Republican, of New Jersey, did not match Baker in carefree attitude last week.

"When I hear of an employee of the Senate (Baker) boasting that he has 10 Members of this body in the palm of his hand, I do a slow burn," CASE said.

"Every Member of the Senate has had his reputation, his good name, diminished by the Bobby Baker case. As an individual, I resent Bobby Baker's ability to blacken me," CASE said.

CASE demanded that the Senate Rules Committee call on every Senator to state if he had any business or financial dealings with Baker and if he ever got any thing of value from Baker.

The New Jersey Senator argued that the integrity of the entire Senate as well as the reputation of all 100 Senators were at stake because of Baker's boasts.

His proposal was defeated along party lines, 42 to 33, after Democratic Leader MIKE MANSFIELD engaged in a rare shouting contest with CASE. The Democrats provided all 42 votes against the resolution while all 24 Republicans and 9 Democrats voted with CASE.

We don't see how any Senator with challenged reputation could vote against CASE and we were pleased that both of Wisconsin's Democrat Senators, WILLIAM PROXMIRE and GAYLORD NELSON, voted with the Republicans.

There remain many questions to be answered, including the ones posed by CASE:

How did Baker persuade banks in several States to lend him $1.7 million in some transactions without normal collateral?

Who told the truth about the purchase of advertising over the TV station owned by the Lyndon Johnson family?

What were the inside details of many Government contracts in which Baker apparently had a hand?

Where did Baker get the money to launch his many business ventures?

The public should continue to demand the full story. But it's not likely to come in an election year with the Democratic administration most likely to be hurt by full disclosure.

[From the Portland (Maine) Press Herald]

CONGRESS EXAMINES ITS OWN ETHICS, WITH FAINT STIRRINGS OF REFORM

It is not easy to stir the U.S. Senate, or all of Congress, for that matter, into taking an interest in its own ethics, including conflicts of interest and ways of earning income not available to other people.

But now Senator CLIFFORD CASE, of New Jersey, is demanding a reopening of the Bobby Baker affair, and particularly the relations of Members of the Senate with the former crony of President Johnson. Representative STANLEY TUPPER, of the First Maine District, has introduced legislation to create a joint committee on congressional ethics to restore public confidence in the legislative branch, and the special counsel for the Senate Rules Committee, a tough old southern lawyer, is backing a reform faction within the committee which would go even farther than the Maine Congressman proposes to do.

His resolution bars Congress Members and their employees from doing business with the Federal Government, and profiting from information gained in the performance of their duties. The Senate rules reformers (the same committee that gingerly walked around the edges of the Baker affair) want all Senators to disclose their non-Government income, they want a plan to police Senators' intervention with Federal agencies in behalf of their constituents, and they seek authority for Senate probe groups to subpena Senators themselves—a horrifying thought to certain Members of the Chamber.

Yet the purity group within the Rules Committee may win approval of its own resolution, regardless of the treatment given by the House to the proposition put forward by Representative TUPPER.

Since more than a handful of Senators, aware of the disrepute into which Congress has fallen, have voluntarily revealed their private assets, these faint stirrings of reform may be the forerunners of a new ethical climate at Washington.

The danger is, as one astute columnist has pointed out, that legislators inclined to rascality may divert the reforms in a way to create only an illusion of virtue.

[From the Alliance (Ohio) Review]

WILL AMERICANS LET BOBBY BAKER CASE DIE?

If Americans sit idly by and let the Bobby Baker case die out without doing anything about it, there will be another nail in the coffin of American ethics and morality.

Bobby, who rose to a place of extreme power in the U.S. Senate as aid to the Democratic legislators, has been the center of attempted inquiry for many months.

While, no revealed evidence has appeared strong enough for criminal action, it certainly has pointed the finger of suspicion at the practices which have enabled him to amass what most Americans would regard as a considerable fortune.

From influence, shall we say? And while serving on the public payroll.

All of which should arouse Americans when an effort to pry into his possible relationships with all Senators is arbitrarily and summarily shut off on a move by Senator MIKE MANSFIELD, the majority leader in the Senate.

If influence, or any of its counterparts, can be practiced in the way attributed to

Bobby Baker, in the halls of the U.S. Senate, then there should be an inquiry.

Senator JOHN WILLIAMS, of Delaware, and Senator CLIFFORD CASE, of New Jersey, seeking to lift the cover off the Baker probe which was stifled in the Rules Committee, received a pointed rebuff in the course of debate.

It is hard to understand why, if there is nothing wrong, there should be any hesitance to get to the bottom of the Baker case—or to check on any possible improper relations between Baker and any Members of the Senate.

The logical assumption is that one big reason for the sidetracking is the linking of President Johnson's name to Baker, and the upcoming presidential campaign. It no doubt is also true that aside from any feelings on public morality, the Republicans have been anxious to push the probe because this is an election year. In other words, politics figures on both sides.

This leaves the American people, as usual, in the lurch. It also means that if the price of morality hinges solely upon politics, then America is going the way of Rome—down the drain to oblivion.

Public morality, the same as private morality, must be of a high level or American civilization will meet an inevitable doom.

[From the Birmingham (Ala.) News]

NEW CALL FOR BAKER FACTS

Obviously there are those who would like to let the Bobby Baker matter die quietly in some forgotten corner. Just as obviously there are those intent on seeing that it doesn't.

The public should make it clear that it is in the second category.

There is no question that Republicans want to use the case in this year's campaigns, both on presidential and congressional levels. But the fact that he is a Republican, that Baker was secretary to the Senate majority—the Democrats—and that this is a campaign year, does not diminish validity of Senator CLIFFORD CASE's remarks in calling for greater effort by the Senate Rules Committee to lay all the facts in the Baker case before the people.

CASE said that "it is intolerable that we leave the matter in this sorry state," meaning the present condition in which the public is left with a lingering uncertainty and a gnawing belief that the full story has not been told. We agree.

CASE is equally correct in charging that Senators themselves appear to have been treated by the committee as a privileged class. Members of the Senate have been almost embarrassingly spared the spotlight during this probe—yet, how is Baker supposed to have operated as he did except by the very fact of his close association with Members of the Senate?

The tie is obvious; to pretend that it does not exist only increases suspicion which is as damaging to totally innocent Senators as to the few who might have had questionable dealings with Baker.

The present sorry state of uncertainty in which the public is left causes a lessening of faith in our whole system of congressional representation.

[From the Billings (Mont.) Gazette]

FINAL RITES IN BAKER CASE

Out of the Bobby Baker investigation, which has clouded senatorial integrity with fact and inference, comes a proposal to require all Senators to disclose their outside financial interests and to avoid interests that are doing business with the Government.

This is advanced by the Senate Rules Committee special counsel, and is yet to be embodied in the committee report. It apparently is a substitute, but a poor one, for carrying the investigation to the point of public disclosure of all those who helped Baker.

In all its months of probing, the committee failed to ask any Members of the Senate whether they ever had any business dealings with Baker, and whether Baker ever offered them campaign contributions, gifts, or other favors, such as preferred committee assignments.

This, is of course, would have been a departure from the charted course, which was to steer away from specific involvement of present Members of the Senate. Even so, the investigating committee counsel thinks there exists in the Senate a breeding ground for practices inimical to the public welfare. Which invites the question: If the fertile soil is there, wasn't it worth sifting to find the seeds of influence peddling and corruptive practices?

Congressional committees have broad investigating powers so that they can delve deeply into problems and gather facts that will help guide them in drafting legislation. The purpose, to be sure, is not to air scandals, but neither should an investigation studiously shield individuals so involved. The Rules Committee investigation went far enough to cast suspicion upon Members of the Senate, but stopped short of separating the innocent from the culpable.

Since Baker was secretary of the Senate Democratic majority, the investigation had its partisan aspects, but there's no reason to believe that Republicans were beyond his range. Senator CLIFFORD P. CASE, Republican, New Jersey, put the issue in proper perspective when he said:

"As an individual, I resent Bobby Baker's ability to blacken me. As a Member of the Senate I resent his ability to blacken the Senate, and as a citizen, I feel it intolerable that Bobby Baker should pervert this public instrument to his selfish purposes."

As of now, with a national election in the offing, it looks like the proposed code, which could have been written without benefit of evidence from the hearing, will be the principal benefit of the investigation. Those who dealt with Baker can breathe easier while the innocent share the blame.

[From the Springfield (Ohio) Sun]

KEATING SUGGESTS: NO RULE, NO RAISE

The Bobby Baker case may have vanished over the horizon, at least for a time, but the wake still rocks the congressional boat.

New Jersey's Senator CLIFFORD CASE, aside from demanding a more thorough investigation of the incident, has made repeated proposals for a rule requiring public disclosure of the financial interests of all legislators. Oregon's Senator WAYNE MORSE says without such a rule the American public must doubt the integrity of the men it sends to Washington. Now, Senator KENNETH KEATING, of New York, suggests tying such a rule to the present demand for a pay raise, "No rule, no raise."

Some argue that such a rule amounts to an invasion of privacy. But there is some doubt as to whether men in such responsible positions are entitled to privacy. And Congress dulls this point, anyway, by demanding financial disclosure by high-ranking officers in other branches of the Government.

Financial disclosure may not be the answer. Corporations and individuals alike have been finding loopholes in our income tax laws for years, and they are a form of record baring. But a disclosure rule merits more serious consideration than either Congress or the people have given it to date.

[From the Miami (Fla.) News]

DEMOCRATS' ERROR—BOBBY BAKER SURE-FIRE ISSUE FOR THE REPUBLICANS NOW

The surest way to make the Bobby Baker case an issue in the coming presidential campaign was to block extension of the investigation to Members of the U.S. Senate as did 42 Democrats in the Senate.

Bobby Baker, the one-time Senate page who became secretary to the Democratic majority, and by his sideline business activities achieved affluence, has been searchingly investigated by the Senate Rules Committee.

Senators' names, and even the name of President Lyndon Johnson, have been mentioned in the probe initiated by Senator JOHN J. WILLIAMS, Republican, of Delaware.

Evidently the Republicans hoped a broadening of the investigation would have included campaign contributions.

If the Democratic majority thinks the whole thing will be forgotten by tabling the resolution to expand the inquiry they are sorely mistaken. They have given their opponents a sure-fire talking point which can only convince many voters that the Democrats are trying to conceal wrongdoing.

The best defense against this kind of political strategy is to let all the facts be known, hurt whom they will.

[From the Sacramento (Calif.) Union]

BAKER CASE HUSHED BY DEMOCRATS

Some local apologists for the Democratic administration's hush-up handling of the Bobby Baker scandal have argued editorially that Republicans are harping about the case in the hope of keeping the subject alive for campaign purposes.

This argument of politics is plain evasion. Regardless of motivation, the question is a factual one—whether more facts, to which the public is entitled, have been buried. If the ramifications of his abuse of office (while secretary to the Senate's Democratic majority) have not yet been fully revealed, they should be.

In the event there is nothing else to disclose, further investigation would have the effect of vindicating the Democrats; but their arbitrary refusal to proceed into all aspects leaves them open to suspicion.

The committee discovered ambiguous—to state it politely—dealings between Baker and Senator SMATHERS, Florida Democrat, but then declared smugly that it was not in the business of investigating Senators. Neither has there been complete and frank disclosure of the relationship between Lyndon B. Johnson—while a Senator—with his personal protege, Baker, despite the claim that such disclosure would be made. The status of other persons mentioned has not been clarified.

As stated by Senator CASE, New Jersey Republican, Senators should not be treated as a privileged class. Since he does not claim Senate immunity to prevent an investigation of Senator involvement, it appears that the fears are not from all Senators, only from some on the Democratic side.

CASE said clearly, "No investigation of Bobby Baker can have any real meaning without an investigation of the relations of the Members of the Senate with Bobby Baker."

The more the Democrats try to conceal this matter, the more they create doubts as to their reasons. Regardless of who is guilty, the American people are entitled to know the truth, and no Senator should use the power of his office to interfere with their rights.

[From the Indianapolis (Ind.) Star]

SENATE TAKES THE FIFTH AMENDMENT

In many respects the refusal of the U.S. Senators to tell of their individual dealings with Bobby Baker is not much different from the attitude of Baker himself in pleading the fifth amendment.

That there were business relationships between Baker and the various Senators has been demonstrated. Real estate deals with

Smathers, of Florida, and a $40,000 gift from Kerr, of Oklahoma, are facts on the record. Other Members of Congress tell of offers of large campaign contributions in exchange for support on oil-depletion legislation.

But these obviously are just the smallest fraction of the wheelings and dealings that transformed this clerk of the Senate majority into a millionaire in a few brief months. As Baker will not talk, the obvious alternative is to ask the Senators to talk. That is precisely what Senator Case, of New Jersey, proposes that the Senate do.

Senator Case insists that since Mr. Baker has taken the fifth amendment concerning his business activities it behooves the Senate to disclose any possible dealing with him, to cleanse itself of the stain which this affair has placed on our institution.

The Senator first made the request more than 2 months ago, but the committee postponed action. It apparently then deferred to mounting public and press reaction. At least one of the majority on the committee, Senator Clark, of Pennsylvania, urged hearing Senator Case now so that the committee would not be charged with trying to contain the inquiry. But when it comes, a simple question, "Did you have dealings with Bobby Baker, and what were they?" there will be a large but significant silence.

It will be in effect the same thing as though each Senator, momentarily doffing the toga of a statesman, gets under the television camera, twists hands in cleansing motion, and pleads the fifth. It will not be a pleasant thing to contemplate.

[From the Coffeyville (Kans.) Journal]

A Code of Ethics

Senator Kenneth B. Keating, Republican, of New York, said this week that any pay raise for Congress "should be expressly conditioned on a ban on outside activities, a disclosure of outside assets and investments, and adoption of a reasonable code of ethics."

Keating was one of a half dozen Senators who cited the Bobby Baker investigation in urging passage of a public disclosure law and adoption of a congressional code of ethics.

Senator Joseph S. Clark, Democrat, of Pennsylvania, a member of the committee that investigated Baker and one of the sponsors of disclosure legislation, said that as a practical matter he sees no chance of its enactment at this session of Congress.

But Senators Clifford P. Case, Republican, of New Jersey, and Jacob K. Javits, Republican, of New York, urged that every effort be made to get a bill through both the House and Senate rather than just pass a resolution applying to Senators and Senate employees.

There is a push on now for a $7,500 increase in the $22,500 annual salaries of Senate and House Members.

This would be an appropriate time for action in this area.

It will be easier on legislators if they know exactly what is expected of them ethically.

If the lawmakers do not act on this matter, they are not being fair to themselves.

[From the Glens Falls (N.Y.) Post-Star]

Toward a Better Way of Life

Not for a moment would we cast doubt on the sincerity of our two New York State Senators in Washington, Keating and Javits, members of a small band of white knights attempting to guide their colleagues to a better way of life. What they advocated this week was tying a pay raise for Members of Congress to adoption of a code of ethics and a disclosure of assets and investments. They are shouting down a rain barrel.

It is a splendid idea which actually should be extended to include the assets and investments of congressional and senatorial wives. Wives have figured prominently in the past in such questions as who profited by how much in transactions about which Member of Congress had inside information.

But will this proposal of a code of ethics for a pay raise get anywhere? "We ought not to lose the opportunity created by the interest aroused by the Baker case," said Senator Case of New Jersey. Senator Case may have meant the code of ethics adoption with his reference to opportunity but that was not in the minds of the Republican National Committee. It got off a resolution that for an appearance of sheer political naivete, could not be beaten. It wanted the Baker inquiry reopened with Senator Williams, the Delaware Republican who started it all, put in charge. This would be asking a lot of the Democratic majority or, in other circumstances, of a Republican majority. The committee was loudly silent on the subject of the code of ethics.

Senator Morse of Oregon, a Republican turned Democrat and more of a hair shirt to than an influential Member of the Senate, said the Baker probe ended because the Senate was anxious to protect its own Members. He pointedly did not specify Senators of any particular party.

Senator Clark, of Pennsylvania, a man whose consuming interest is reform of the legislative branch and who is therefore an expert in calculating the chances of such proposals, remarked that, as a practical matter, he sees no hope for the enactment of a code of ethics at this session. It would be astonishing if he did. What body of legislators in an election year would put itself in the position of formally questioning its members' honesty?

If any candidate for reelection has to be embarrassed about anything, it will be about a pay raise. The answer will be that all would gladly have approved a code of ethics if it had been up for a vote—but it was not. This speech will be standard operating campaign procedure.

[From the Perth Amboy, (N.J.) News]

Full Disclosure by Congress Vital

At long last, a Senate committee has resurrected the bill requiring its Members to disclose financial interests and holdings.

On Monday, a bipartisan group of Senators went before the Rules Committee to urge action on this long-needed measure—this is the same committee that still is wondering what to do with the investigation into the business affairs of Robert G. Baker.

The probe into Baker's dealings certainly is connected to the full disclosure bill. As secretary to the Democratic Senate majority, Baker became a millionaire on a $19,000-a-year salary.

Senator Clifford P. Case, of New Jersey, has repeatedly called for the Rules Committee to require that Senators disclose whether they had any business dealings with Baker. The Rules Committee has not warmed to the suggestion.

Public disclosure of financial interests and holdings of Senators and Congressmen is essential to the integrity of Congress and to guard against future conflicts of interest.

It seems ridiculous for Congress to require that appointed officials disclose their assets and relieve themselves of holdings under fixed standards of conduct while there are not even guidelines for Congressmen themselves.

Congress is now on the verge of considering another pay raise bill; it would give Congressmen $7,500 more a year above their present salaries of $22,500.

We believe the taxpayers have a right to be told of their Congressmen's financial standings before any pay increases are voted.

[From the Boston (Mass.) Globe]

The Baker "Ghost" Returns

The Bobby Baker case in Washington, like the ghost of Hamlet's father, fades away but then comes back disconcertingly. The Senate Rules Committee, which seemingly had managed to sweep under the rug the last untidy remnants of l'affaire Baker, is now disturbed by a loud and challenging reverberation.

Senator Clifford P. Case, Republican, of New Jersey, demanded that the Baker investigation turn to the Senators themselves and their relations with Baker. As was to be expected, the committee's Democratic majority was hurt by the suggestion of whitewash. They scolded Senator Case for what they said was his ignorance of the law on the matter.

It may be too much to expect that the notorious Baker case will be reopened in these sensitive preelection months. But thanks to the crusading zeal of the committee's own special counsel, 74-year-old Maj. L. P. McLendon, some basic beneficial results may yet emerge as a surprise byproduct of the inquiry.

Major McLendon's report to the committee is said to set forth a list of recommended principles which virtually amount to a tough code of ethics for the august Senators. Perhaps they can be nudged toward a semblance of self-reform. The ghost in the Baker case, as in Hamlet, is far from vanishing. It keeps asking questions.

[From the Seattle (Wash.) Times]

Bobby Baker Scandal

In future histories of the U.S. Senate, 1964 is likely to be recorded as the year in which the upper Chamber wasted months on the civil rights filibuster but simply couldn't find time to investigate properly the Bobby Baker case.

The Senate Rules Committee slammed the door on the Baker investigation while many witnesses were waiting to be heard and many questions remained unanswered.

But the skeleton continues to rattle in the closet.

Senator Case, of New Jersey, helped rattle the bones yesterday by reminding the Rules Committee it has a responsibility to get to the bottom of the Baker case, and not to treat Senators as a "privileged class."

"No investigation of Bobby Baker," Case said, "can have any real meaning without an investigation of the relations of Members of the Senate with Bobby Baker."

Senator Jordan, of North Carolina, denied that the investigation of the former Senate majority secretary, who made a $2 million fortune as a Washington, D.C., "influence man," had been a whitewash.

Well, whitewash is a relative term. Let us merely say the committee members managed to keep all fellow Senators out of harm's way.

Baker's patrons in the Senate and the White House seem to have resolved that the heat they must take for bottling up the inquiry is not as intense as it would be if they should let the genie out of the bottle.

[From the Garden City (N.Y.) Newsday]

The Senate Says "No"

After a screaming session between Senator Mike Mansfield, Democrat, of Montana, the majority leader, and Senator Clifford P. Case, a liberal New Jersey Republican, the Senate by 42 to 33 has tabled a resolution broadening the Bobby Baker investigation to include improper activities by Senators. Since Mr. Mansfield is not normally an emotional man, it is obvious that Senator Case trod hard on a throbbing Democratic toe.

Of course, the conduct of Senators in re Baker is the current issue. But of more importance is the conduct of Senators in terms of their business interests and investments as well as their representation of client or constituents before government agencies. This touchy subject the majority seems determined not to bring into the open. As a result, the American people are led with the uncomfortable feeling that where there is so much smoke there must inevitably be some fire.

[From the Portland (Oreg.) Oregon Journal]

Baker Scandal Hard To Bury

Since Senator Clifford Case, of New Jersey, is a Republican, and since the majority of the Senate Rules Committee and the Senate itself is Democratic, Case's demand for further investigation and full revelation of the Bobby Baker case undoubtedly will be described as a partisan political maneuver. So regarded, it is not likely to get far.

This is unfortunate. For, quite apart from the New Jersey solon's motives he was correct when he told the Rules Committee that "every Member of the Senate has had his reputation, his good name, diminished" by the Baker scandal.

In a recent issue of the Saturday Evening Post, Senator Hugh Scott, Republican, of Pennsylvania, a minority member of the Rules Committee, likewise described the probe as far from complete and charged the committee's Democratic majority not only with dragging its feet but with actually putting roadblocks in the way of a full and fair investigation of the activities of the former secretary of the Senate's party majority.

The usual explanation of this "hear no evil, see no evil, speak no evil" attitude is that some Members of that sacred body, the Senate, must have been involved if Baker, as claimed, actually was able to influence legislation to his own financial benefit. This does seem to be a reasonable assumption.

The facts of political life being what they are, no further Senate action can be expected prior to the November elections, probably. But it is to be hoped that ultimately the full facts will be determined and made public. Despite the Senate tradition of protecting "members of the club," there must be other Senators who can say with Case, "As a Member of the Senate I resent his ability to blacken the Senate, and as a citizen I feel it intolerable that Bobby Baker should pervert this instrument to his selfish purposes."

Many citizens agree.

[From the Evansville (Ind.) Courier]

To the Bitter End

Partisan politics may be lurking in the wings as Senator Case, of New Jersey, occupies the stage with his demands that all Senators be questioned about any dealings they may have had with Bobby Baker. Case is a Republican. Because Baker was close to high Democratic figures and was secretary to the Senate majority before resigning under fire, the scandal is an embarrassment to Democrats.

Partisan or not, Senator Case is right in his insistence that the Senate has an obligation to pursue this matter to its quite possibly bitter end. Reasons given in his testimony before the Senate Rules Committee—at his request, and at a public hearing even though a majority of the committee at first sought to keep the hearing secret—are most persuasive.

Case wants the Rules Committee to ask all Members of the Senate whether they had any business or financial dealings with Baker, and whether they received anything of value from him. He correctly believes that this is the only way the Senate can get to the bottom of a sordid matter, and that until this is done the public will not be satisfied and the Senate's image will be badly stained.

There have been persistent rumors about Baker's hold on certain Senators. Case referred to them thus: "When I hear of an employee of the Senate boasting that he has 10 Members of this body in the palm of his hand, I do a slow burn. It is difficult for me to contain my anger when I hear the talk, which everyone has heard, of Bobby Baker's dealings in committee assignments—granting or withholding his favor to persons elected by sovereign States to the greatest deliberative body in the world." He went into even greater detail, but this is enough to suggest that such rumors cannot be ignored. The Senate would be wise to follow Case's advice.

[From the Harrisonburg (Va.) News-Record]

Baker Case Slinger

If the Senate subcommittee investigating involvements of former majority secretary of the Senate Bobby Baker terminates its inquiry May 31 as scheduled, one may be sure that the last has not been heard of the extraordinarily remarkable influence system revealed by the probe.

A great deal more may be heard of the Bobby Baker case in the presidential campaign now that the end of the investigation has been decreed by the Senate. The impression now prevailing in the public mind is one of suspicion. Terminating the inquiry at the threshold of suggested senatorial impropriety was not a wise move.

If the act was not a desperate attempt to prevent the exposure of questionable campaign tactics, particularly in the raising and allocation of funds, it certainly did nothing to dispel that impression.

Particularly unusual was the suppression of New Jersey's Senator Clifford Case in his attempts to employ the traditional right of minority committee members to call their own witnesses. Few parliamentary maneuvers in memory have been as brazenly crude as the blackout by the Senate majority.

As a result of this unusual procedure, and a partisan emotional conflict surrounding anything touched by Bobby Baker, a useful clearing of air of Senate behavior has been denied. The aura which remains is not pleasant to the nostrils. It promises to linger and to haunt those most actively manning the deodorizers.

[From the Philadelphia (Pa.) Inquirer]

Senators Balk at Disclosure

(By John C. O'Brien)

Washington, June 12.—Efforts of Senators Joseph S. Clark, Jr., Democrat, of Pennsylvania, and Clifford P. Case, Republican, of New Jersey, to induce Members of the Senate to make a voluntary disclosure of their net assets and sources of income have not as yet been notably successful.

Up till now 11 Senators, including Clark and Case, have made such disclosures. But 89 others have chosen to keep their financial ratings within the bosom of the family.

Those who have opened their books to public scrutiny could do so without inviting suspicion that a conflict of interest might arise when they cast their votes on certain legislation. None of them would be rated among the possessors of great fortunes, although one or two could be said to be moderately well off.

Not that great wealth has been a bar to election to the Senate. The late Senator Robert S. Kerr, Democrat, of Oklahoma, amassed a fortune in oil and other enterprises and was rated the richest man in the Senate. And the late Senator Herbert H. Lehman, Democrat, of New York, was a man of great wealth. But over the years the number of millionaires in the world's most exclusive club has been small.

In fact, a fairly high proportion of the Senators, and the Members of the House for that matter, have a hard time getting by on their incomes. Senator Frank D. Church, Democrat, of Idaho, one of those who has filed a financial statement, says that since he entered the Senate his combined savings have been drawn down from $15,569.23 to $6,833.17.

He says he owns no stocks or bonds. Apart from his salary of $22,500, he has no other source of income but the semiannual interest from a dwindling savings account and modest earnings from lecture fees, magazine articles, and other writings. This supplementary income, he says, has averaged about $2,000 a year.

His real property, he disclosed, consists of an equity in a split-level dwelling in a Washington suburb, with a $22,000 mortgage and two low-priced cars. Church's plight might be cited as justification for passage of the pay increase bill now pending, although he says that in making a disclosure of his finances he was not attempting to make a case for the bill.

Considering Senator Church's lack of involvement in money-making enterprises, it is difficult to conjure up a piece of legislation that would confront him with a conflict of interest.

But some of the Senators do own stock in enterprises affected by Government regulation or that could be affected by proposed legislation.

With that in mind, Senators Clark, and Case suggest that the assets and sources of income of all Members of Congress should be a public record so that voters may judge whether the vote of a Member on a particular bill was or could be influenced by self-interest.

To that end, in company with Senators Maurine Neuberger, Democrat, of Oregon, and Philip A. Hart, Democrat, of Michigan, Senators Clark and Case have introduced a bill to make financial disclosures compulsory.

The bill, however, has met with a massive lack of enthusiasm. Those who have signified approval by filing voluntary disclosures are Senators Hart, Mike Mansfield, Democrat, of Montana; Paul Douglas, Democrat, of Illinois; Stephen Young, Democrat, of Ohio; Wayne Morse, Democrat, of Oregon; William Proxmire, Democrat, of Wisconsin; Jacob Javits, Republican, of New York; and Kenneth Keating, Republican, of New York.

Critics of the disclosure proposal maintain that Senators are as entitled as any other citizen to own stocks and bonds, or to engage in business ventures, or to practice law on the side.

To this sponsors of the disclosure bill reply that private citizens are not in a position to vote for legislation that would affect their private interests.

[From the Saginaw (Mich.) News]

Senate Baker Probe a Sorry Performance

It may well be that members of the Senate Rules Committee never will agree on a final report on the Bobby Baker case. The conduct of the former secretary of the Democratic majority has involved so much internal controversy of an apparently defensive nature that the public will not know, but will always suspect the worst.

This is why the Senate has lost so much respect and prestige, as the committee's special investigation counsel, L. P. McLendon, has noted in his draft report.

Among other things, the report includes in its code of ethics recommendation for financial disclosure for all Senators and Senate employees. It is an excellent proposal, one which Republican Senators Javits and Case already have drafted into legislation form and will explain at an open session next week.

The report also proposes that the Senate adopt as permanent policy a requirement that all Senators respond to requests from any of its committees to appear and testify about any knowledge they have of a subject under investigation. This, too, is a constructive proposal.

The conduct of the investigation has left much to be desired. Republicans call it a whitewash—and election year or not, the description fits. It was a most reluctantly pursued investigation with President Johnson himself tied intimately to the defendant Baker. At the least, it has caused all parties to it a measure of partisan and personal embarrassment. Apparently the public is not to learn what the worst might have been.

The committee's Democratic majority plugged its ears and closed its eyes to obvious leads. They refused flatly to call Members of the Senate to testify. They rejected repeatedly witnesses whose names were advanced by the Republican minority for helpful testimony. Clearly, the majority was under extreme pressure if not stern orders to tie down the lid and sit on it.

This is why the public is now suspicious of the Senate's conduct, and why the reputation of the highest legislative body in the land is damaged. If the McLendon code of ethics recommendations do inspire debate over what is reasonable, desirable, and useful in guiding and protecting against future Baker scandals, a new standard of conduct may emerge. For the future that is worth doing; for the present, it is the only worthy consideration to come of this sorry committee performance.

[From the Elgin (Ill.) Courier-News]

How To Close a Case

The Bobby Baker scandal apparently is to be pigeonholed and forgotten, thanks to the Democratic Party.

Republican Senators attempted to continue and broaden the probe into the influence-peddling activities of the former Secretary to the Senate's Democratic majority. Forty-two administration-oriented Democratic Senators voted against the move.

Strangely, Senate Democratic leader Mike Mansfield, of Montana, who spearheaded the drive to block continuance of the probe, declared the GOP resolution would impugn the integrity of all Senators.

Had the investigation been reopened, its results certainly would not have justified Senator Mansfield's assertion. Obviously, the majority of Senators would have nothing to fear from a further probe.

Senator Edward M. Kennedy, Democrat of Massachusetts, presiding at the session, upheld Senator Mansfield in the latter's refusal to yield the floor to Senator Clifford P. Case, Republican of New Jersey, cosponsor of the resolution to extend the probe.

The door thus was closed, possibly forever, by administration leaders on the extracurricular activities of Bobby Baker that apparently breached moral if not legal ethics.

As a result, there always will remain an aura of doubt about the relationship between Mr. Baker and some of those who fought determinedly, and successfully to kill the probe.

The Baker affair has been buried in mystery—a mystery that has created public uneasiness about the sincerity of the administration.

[From the Washington (Pa.) Observer]

The Big Potatoes

The American people know that Bobby Baker is "small potatoes," Senator Wayne Morse, Oregon Democrat, told his colleagues, clearly intimating that the American people want to know how the "big potatoes" were involved, if at all.

If the Senate inquiry ends with Baker, it will be because the Senate was anxious to protect its own Members at the expense of one of its favorite hirelings, Morse added.

"Secrecy and resistance to reform always create the impression of wrongdoing—in this case profitable wrongdoing," he said. "In my opinion this is a general impression of the American people about their Congress. It will continue until the Congress itself does something about it."

It is one thing for a Republican Senator, in this instance Clifford P. Case, of New Jersey, to call on the Senate to disclose if Baker had helped any of them in getting campaign funds or in other ways. It is another for Morse, a Democrat, to point the finger of scorn at his own majority and call for a soul searching that might scorch some of the most elevated Members, present and recent.

Morse deserves the thanks of the people for his forthright statement. The shameful whitewash will haunt his party if it does not do something about it soon.

[From the Indianapolis (Ind.) News]

Baker Case Probe Is a Poor Joke

Senator Clifford Case, the New Jersey Republican, touched a sensitive spot when he urged that all Senators be asked about any business dealings they might have had with Bobby Baker.

Senator Jordan, Democrat, of North Carolina, who snuffed the sputtering fuse on the Senate Rules Committee's mockery of an investigation into the Baker case, said Case's demand was the height of demagoguery. Jordan also allowed as how it would be an insult to a Senator. Furthermore, said the gentleman from North Carolina, bring in the charges and "we" (meaning the Rules Committee) "will look at them."

Well, this is an excellent suggestion, and in keeping with how the Rules Committee has performed on the Baker case to date. It has looked and looked and looked and done nothing. It presumably intends to just keep on looking and doing nothing.

[From the South Bend (Ind.) Tribune]

Warming Up Baker Issue

When Senator Clifford P. Case finally got his chance for a public hearing, he told the Senate Rules Committee that he found it hard to believe it would quit before getting all the facts from the beginning to end of Bobby Baker's connection with the Senate.

It is indeed hard to believe that the committee would have the temerity to quit under the circumstances.

True, Baker himself refused to give the committee the time of day, taking refuge behind the fifth amendment, which is his right.

But if the committee is really interested in learning the ins and outs of how Baker allegedly grew rich during his tenure as the secretary to the Democratic majority in the Senate, it certainly isn't showing any wild enthusiasm for the work.

The Democratic majority on the committee has, for instance, stood like Gibraltar against the clamor of the Republican minority for the right to call witnesses of its choice. Why?

Why was the majority on the committee so indifferent to Senator Case's proposal that all Senators be asked if they had any business or financial dealing with Baker and if they got anything of value from him?

The proposal by Senator Case, a Republican from New Jersey, is legitimate. The statement of Chairman Everett Jordan that the committee's job is not to investigate Senators is not.

Why indeed shouldn't the Senators be asked questions concerning their relations with Baker? As Senator Case said, "Every Member of the Senate has had his reputation, his good name, diminished by the Bobby Baker case." One might suppose that Senators whose skirts are clean would leap at the chance to get their statements on record.

Evidently, Senator Case and others who share his view that Senators shouldn't be immune to questioning are not to prevail. But they will have accomplished one thing. They will have made it very hard for the majority to explain away its so-what attitude where the Bobby Baker investigation is concerned.

[From the Buffalo (N.Y.) Courier-Express]

Senate Majority Ducks Baker Quiz

There is no doubt that the Senate Rules Committee's investigation of how Bobby Baker used his position as secretary to the Senate majority to amass a fortune has left much to be desired. Instead of exerting every effort to find out all possible ramifications of the affair, the committee left plenty of stones unturned. It even refused to call a number of suggested witnesses who might have provided valuable information. It gave the distinct impression that there were aspects of the case it didn't want to probe.

One aspect had to do with Senators themselves. Senator Clifford Case, Republican, of New Jersey, proposed that each Senator be questioned about any possible dealings with Baker or receipt of favors from him and Senator John J. Williams, Republican, of Delaware, introduced a resolution in the Senate which would have broadened the Rules Committee inquiry to that effect. The Senate defeated the resolution by a vote of 42 to 33. All 42 votes against the resolution were cast by Democrats. Nine Democrats and twenty-four Republicans favored it.

There are undoubted political angles in the whole affair, with Republicans seeking to embarrass the Democratic majority. But there is an overriding angle as well, the possibility of unethical conduct involving individual Senators. And nothing is being done about it. Chairman B. Everett Jordan, Democrat, of North Carolina, of the Rules Committee stated repeatedly that his group was "not investigating Senators." And now the majority has succeeded in defeating an effort to ask Senators questions.

There is no proof that there has been unethical conduct on the part of any Senator and perhaps none could be developed in the proposed questioning. But the majority refusal to have any questioning at all cannot help but lower the prestige of the whole Senate. It cannot help but leave the impression that there may be something to hide that the public ought to know about. But the truth cannot come out one way or the other in the face of such obvious unwillingness to seek it.

[From the York (Pa.) Dispatch]

Open and Aboveboard

"The public is not fooled," said U.S. Senator Wayne Morse, Democrat, Oregon, with reference to the Senate's handling of the Bobby Baker case.

The American people know that Bobby Baker is "small potatoes," that the Senate seemed anxious to protect its own Members, Morse added.

The Oregon Democrat, joined by Republicans Clifford Case, of New Jersey, and Kenneth B. Keating, of New York, is urging the Senate to adopt a code of ethics under which its Members would make public their own private financial affairs.

Executive appointees are required to divulge such matters under a conflict-of-interest law.

Why not Senators and House Members?

What is good for an appointed official doing business in the name of the American public would seem equally good for a Senator or Congressman doing business in the name of the American public.

GOP Minority Leader Everett M. Dirksen, if Illinois, contends such a financial disclosure law applying to Senators would make them second-class citizens.

Nonsense.

Senators are citizens serving over and above the call of duty. A conflict-of-interest law would help protect them against the pressures and temptations to which men of power and influence are subjected.

The Bobby Baker case illustrates the potentiality of amassing wealth on a government job, given the proper operating level.

[From the Salem (Oreg.) Oregon Statesman]

DIG UP THE BODIES

Senator JOHN WILLIAMS of Delaware and Senator CLIFFORD CASE, of New Jersey, have been pressing the Senate Rules Committee to dig up the bodies in the Bobby Baker case, even if some of their colleagues are uncovered. The Democrats in control both in the committee and in the Senate refuse to do any more spadework. Senator JORDAN of North Carolina, chairman of the investigating subcommittee, bristles that it would be an insult to Senators to impute to them any misconduct via Baker, the onetime page who emerged as Lyndon Johnson's man Friday and major-domo of the Senate and parlayed politics so he ran his wealth into millions.

Maybe there are no bodies of Senators under the thin soil covering Baker's empire building; but there is so much odor around, the Senate, to protect its good name, ought to broaden its investigation to include Senators and others of the establishment.

[From the Beloit (Wis.) News]

TO THE BITTER END

Partisan politics may be lurking in the wings as Senator CASE, of New Jersey, occupies the stage with his demands that all Senators be questioned about any dealings they may have had with Bobby Baker. CASE is a Republican.

Because Baker was close to high Democratic figures, and was secretary to the Senate majority before resigning under fire, the scandal is an embarrassment to the Democrats.

Partisan or not, Senator CASE is right in his insistence that the Senate has an obligation to pursue this matter to its quite possibly bitter end. Reasons given in his testimony before the Senate Rules Committee—at his request, and at a public hearing even though a majority of the committee at first sought to keep the hearing secret—are most persuasive.

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[From the Buffalo (N.Y.) News]

SENATE, PROBE THYSELF

When a witness summoned before a Senate investigating committee invokes the fifth amendment, claiming his answer might tend to incriminate him, most Senators are inclined to share the public's wonder: What has he got to hide?

So no Senator should be surprised if the public reacts in similar fashion to this week's strange running-for-cover when it was proposed to reopen the Senate Rules Committee's investigation of the Bobby Baker affair—and to let it embrace any Senators who might have had financial dealings with the wheeler-dealer former secretary to the Senate's Democratic majority.

Why, said Rules Committee Chairman JORDAN, Democrat, of North Carolina, the very idea of asking each Senator about his business dealings with Bobby Baker—as proposed by Senator CASE, Republican, of New Jersey—"would be an insult to a Senator."

An insult, indeed. It would be no such thing. It would be a simple request for information: "Have you had any private business dealings with Bobby Baker? If so, explain." And by most Senators it could be simply answered. It would be only such Senators—if any—who huffed and puffed that they were insulted by the question, and stood on their senatorial dignity in refusing to answer, about whom their colleagues and the public could well wonder: What have they got to hide?

The Senate did itself no favor Thursday, we submit, with its self-conscious 42-to-33 vote to table a resolution to reopen the Baker probe and broaden it to cover "any illegal, immoral or improper activities, including activities involving the giving or receiving of campaign funds under questionable circumstances, of any Member, or former Member, of the Senate."

That resolution had been sponsored by Senator WILLIAMS, Republican of Delaware, a painstaking investigator who produced the facts that instigated the Baker probe—just as his facts have fueled so many other paydirt investigations of recent years.

The Senate's refusal to order such an inquiry—leaving its Rules Committee free to dig deeper or not, as it sees fit—certainly will do nothing to dispel the strong public feeling that this Baker case has proved "too hot for the Senate to handle," that it hits far too close to home for the Democratic majority to dare pursue all available leads with full vigor.

The answer to Majority Leader MANSFIELD's bitter resentment of innuendoes that "the Senate and all within it are covered with dirt," is that Bobby Baker's wheeling, dealing and influence peddling while the Senate majority's secretary did in fact leave the Senate under a cloud. And the only proper way to remove it is not to try to drown the Baker case in whitewash or pretend it never happened, but to dig out all the facts, wherever they may lead.

[From the Tulsa (Okla.) Tribune]

LID ON BOBBY BAKER

The chief reason to suspect that there is a lot of fire beneath the Bobby Baker smudge is the stubborn determination of the Democratic majority in the Senate to keep it hushed.

There is not a single Senator who doesn't understand the political dangers involved in an appearance of a whitewash. That this risk is being taken indicates that some may fear even greater dangers in a full disclosure.

In the May 9 Saturday Evening Post Senator HUGH SCOTT, Republican, of Pennsylvania, blasted the Democratic-controlled Senate Rules Committee for its repeated refusal to call important witnesses and for its repeated failure to ask pertinent questions of witnesses it did call.

Tempers boiled over last week on the Senate floor when the Senate in a largely partisan vote turned down a resolution by Senator JOHN J. WILLIAMS, Republican, of Delaware, that the Baker inquiry be broadened to include any illegal, immoral, or improper activities by Senators.

Senator WARREN MAGNUSON, Democrat, of Washington, charged that WILLIAMS' amendment amounted to "a blanket indictment of the U.S. Senate." But Senator CLIFFORD P. CASE, Republican, of New Jersey, recalled that Baker had once boasted "I hold 10 Senators in the palm of my hand."

Now there have been charges of malfeasance in every administration since George Washington. Most of these scandals have involved individuals and few have reached large numbers of Congressmen or gone as high as the Cabinet. But there were at least two administrations, that of Grant and Harding, in which a frightening amount of power in Washington was corrupt, and every administration is vulnerable unless investigations are pursued relentlessly.

That's why a full disclosure of the facts in the Bobby Baker case is no more a partisan matter than the dealings of Bernard Goldfine with Sherman Adams. If the Democrats believe that it will be too embarrassing to shine the spotlight into the Bobby Baker mess the people have a right to feel not only frustrated but angry.

[From the Los Angeles (Calif.) Times]

PROPOSALS ON SENATORIAL ETHICS

As a result of leaks to the press, the secret draft report of the Senate Rules Committee staff on the Bobby Baker investigation has now been given full publicity, well in advance of the time—if ever—when the report might have been officially released.

This is all to the good, for contained in the document are three stringent recommendations concerning Senate conduct. Had the members of the Rules Committee been permitted to consider these recommendations secretly, as they obviously wished, the temptation either to water them down drastically or to ignore them entirely would have been great.

That may still happen, of course. But at least Rules Committee members—and other Senators—will now be answerable for their actions. If the staff proposals are not accepted, some cogent explanations had best be forthcoming.

Briefly, the recommendations governing conduct of Senators and Senate employees are these:

Compulsory disclosure of outside financial interests.

Compulsory prohibition on association with outside persons and organizations which do business with the Government, or have business pending before Federal agencies.

A requirement that all Senators respond when called to appear before Senate committees to testify on matters under investigation about which they have knowledge.

These are far-reaching and innovative proposals, to be sure. But they are by no means unreasonable. As the draft report makes clear—if the obvious needs clarification—there is widespread public suspicion and cynical disenchantment over the conduct of Senators, thanks in large part to the revelations of the Baker hearings.

There could be no better way to exorcise this suspicion than by adopting the recommendations of the staff report.

Plainly, this is easier said than done. Some Senators, out of what they would call principle, others because they may have too much of a good thing going, will fight any move to curtail or publicize their financial affairs. They may win this fight. But if nothing else, release of the staff report means they will have to do battle in the open and on the record.

That's some improvement on the way things have been up to now.

[From the Mobile (Ala.) Press]

WHITEWASH OF BAKER IS INCREDIBLE

The U.S. Senate had better take a close look at its own image.

From here it does not look good—particularly as the result of its refusal to delve fully into the case of Bobby Baker, a Senate aid who built a $2 million fortune while on a salary of $19,600 a year.

The manner in which Chairman B. Everett Jordan, Democrat, of North Carolina, brushed off demands by Senator Clifford P. Case, Republican, of New Jersey, Tuesday, was a shocking, disappointing spectacle to behold.

As Senator Case said, "No investigation of Bobby Baker can have any real meaning without an investigation of the relations of Members of the Senate with Bobby Baker."

That is correct, and the fact that Chairman Jordan referred to Case's demand as "the height of demagoguery," makes us even more suspicious about Baker's relations and dealings with Senators.

We cannot agree with Jordan that it would be an insult to Senators to ask them such questions as to whether they had had dealings with Baker and if they had received campaign contributions or other things of value from him.

It seems to us that if Senators are innocent of such things, then they would be quite happy to testify to the fact. Of course, if there are any guilty ones in the Senate, they naturally would object to being asked to testify.

As we see it, the club that is the U.S. Senate has closed ranks and made itself immune from investigation. Voters of the Nation should take note of this fact and make some changes.

It is not becoming of the Senate to rally around and protect a fellow who has taken the fifth amendment and refused to answer what the public considers valid questions.

[From the Aurora (Ill.) Beacon-News]

HOW TO CLOSE A CASE

The Bobby Baker scandal apparently is to be pigeonholed and forgotten, thanks to the Democratic Party.

Republican Senators attempted to continue and broaden the probe into the influence-peddling activities of the former secretary of the Senate's Democratic majority. Forty-two administration-oriented Democratic Senators voted against the move.

Strangely, Senate Democratic Leader Mike Mansfield, of Montana, who spearheaded the drive to block continuance of the probe, declared the GOP resolution would impugn the integrity of all Senators.

Senator Edward M. Kennedy, Democrat, of Massachusetts, presiding at the session, upheld Senator Mansfield in the latter's refusal to yield the floor to Senator Clifford P. Case, Republican, of New Jersey, cosponsor of the resolution to extend the probe.

The door thus was closed, possibly forever, by administration leaders on the extracurricular activities of Bobby Baker that apparently breached moral if not legal ethics.

As a result, there always will remain an aura of doubt about the relationship between Mr. Baker and some of those who fought determinedly, and successfully, to kill the probe.

[From the Benton Harbor (Mich.) News-Palladium]

TO THE BITTER END

Partisan politics may be lurking in the wings as Senator Case, of New Jersey, occupies the stage with his demands that all Senators be questioned about any dealings they may have had with Bobby Baker. Case is a Republican. Because Baker was close to high Democratic figures and was secretary to the Senate majority before resigning under fire, the scandal is an embarrassment to Democrats.

Partisan or not, Senator Case is right in his insistence that the Senate has an obligation to pursue this matter to its quite possibly bitter end. Reasons given in this testimony before the Senate Rules Committee—at his request, and at a public hearing even though a majority of the committee at first sought to keep the hearing secret—are most persuasive.

Case wants the Rules Committee to ask all Members of the Senate whether they had any business or financial dealings with Baker, and whether they received anything of value from him. He correctly believes that this is the only way the Senate can get to the bottom of a sordid matter, and that until this is done the public will not be satisfied and the Senate's image will be badly stained.

There have been persistent rumors about Baker's hold on certain Senators. Case referred to them thus: "When I hear of an employee of the Senate boasting that he has 10 Members of this body in the palm of his hand, I do a slow burn. It is difficult for me to contain my anger when I hear the talk, which everyone has heard, of Bobby Baker's dealings in committee assignments—granting or withholding his favor to persons elected by sovereign States to the greatest deliberative body in the world." He went into even greater detail, but this is enough to suggest that such rumors cannot be ignored. The Senate would be wise to follow Case's advice.

[From the Pine Bluff (Ark.) Commercial]

QUESTIONS

Senator Clifford P. Case, of New Jersey, would like to ask his colleagues what connections each had with Bobby Baker. Senator Case claims that no investigation of Bobby Baker can have any real meaning without an investigation of the relations of Members of the Senate with Bobby Baker.

Senator Everett Jordan, of North Carolina, replies that asking any Senator questions about his connections with Mr. Baker "would be an insult to Senators."

Senator Jordan, who is chairman of the committee conducting what must be one of the most tactful investigations in the history of that body, has developed a genuine and understandable sensitivity for the feelings of U.S. Senators.

But submitting some questions to the Senators would not seem too much to ask of public servants, even the dignified ones. These same Senators seldom are too embarrassed to question citizens of the United States. It is time that the citizens asked some questions.

[From the Annapolis (Md.) Capital]

BAKER CASE LINGERS

If the Senate subcommittee investigating involvements of former majority secretary of the Senate, Bobby Baker, terminates its inquiry May 31 as scheduled, one may be sure the last has not been heard of the extraordinarily remarkable influence system revealed by the probe.

A great deal more may be heard of the Bobby Baker case in the presidential campaign now that the end of the investigation has been decreed by the Senate. The impression now prevailing in the public mind is one of suspicion. Terminating the inquiry at the threshold of suggested senatorial impropriety was not a wise move.

If the act was not a desperate attempt to prevent the exposure of questionable campaign tactics, particularly in the raising and allocation of funds, it certainly did nothing to dispel that impression.

Particularly unusual was the supression of New Jersey's Senator Clifford Case, in his attempts to employ the traditional right of minority committee members to call their own witnesses. Few parliamentary maneuvers in memory have been as brazenly crude as the blackout by the Senate majority.

As a result of this unusual procedure, and a partisan emotional conflict surrounding anything touched by Bobby Baker, a useful clearing-of-the-air of Senate behavior has been denied. The aura which remains is not pleasant to the nostrils. It promises to linger to haunt those most actively manning the deodorizers.

[From the Riverside (Calif.) Enterprise]

SENATORS' SANCTUARY

Tempers raised high by the pressures of the civil rights filibuster may have had something to do with it, but last week's unseemly wrangle between the usually mild-mannered Senators Mike Mansfield and Clifford Case was caused primarily by the rough edges of the Bobby Baker case.

Senator Case, a progressive Republican by no means narrowly motivated by partisan politics, was trying to prod the Senate into sending a questionnaire to its Members asking each man's relationship with Mr. Baker.

This may be an awkward way of finding out to what extent, if any, the former secretary to the Senate's Democratic majority had involved Senators in his financial maneuverings. But it was better than letting the whole matter drop, as the Senate Rules Committee had determined to do. ("We are not investigating Senators," Chairman Everett Jordan, North Carolina Democrat, said archly near the start of the inquiry.)

Perhaps Senator Mansfield, as majority leader, was trying to keep a potential election issue from being ballooned beyond what he may have regarded as its normal size. But Mr. Baker's strangely devious and lucrative extracurricular business activities are no small issue. And the net effect of Mr. Mansfield's shouting match with Mr. Case was to make matters worse.

Certainly it did nothing to clear up the impression that the investigation into Mr. Baker's activities stopped far short of trails down which an uninhibited search for Senatorial involvement might well have yielded pay dirt.

In the end, Senator Case was stilled but the issue of Bobby Baker, which is the issue of U.S. Senate integrity, was not. And it is more than a campaign issue.

[From the Detroit (Mich.) News]

CLOUD OVER SENATE

Two respected Republican Senators, Williams of Delaware, and Case, of New Jersey, futilely attacked a Senate tradition this week in an attempt to get the Senate Rules Committee to revive the Bobby Baker case. The tradition is that a Senator is answerable only to himself and his constituency. Tradition won.

What troubled Williams and Case was the fact that the ancient tradition isn't enough to protect the Senate from the cloud thrown over it by the revelations of the case of Bobby Baker, the former Democratic secretary who quit under fire.

Case wanted members of the Senate itself to be called to testify as to whether they had any business or financial dealings with Bobby Baker or whether he ever helped them collect campaign contributions. Williams wanted the committee to look into any illegal, immoral, or improper activities as well as the giving and receiving of campaign funds under questionable circumstances.

Since Baker himself has taken the fifth amendment with respect to questions on these matters, Case and Williams felt that Senators could clear up ugly rumors by giving testimony themselves.

But Democratic Senators filled the air with charges of their own that Williams and Case were reflecting on the integrity of all Senators by even proposing such investigations. They apparently did not realize that the revelations already made in the Baker case have cast a cloud which can be dispersed only by the Senators' own testimony about their conduct. But the Senate voted against any such air-clearing testimony.

If Senators' records are as pure as Senator MAGNUSON, Washington Democrat, says they are, what was their objection to testifying? If Senators have nothing to hide, why did Rules Committee Chairman JORDAN, North Carolina Democrat, accuse CASE of "scaling the heights of demagoguery?"

Like Shakespeare's lady who "doth protest too much," the Democratic Senators raise new suspicions of Senatorial wrongdoing by their loud defense of their honesty and morality.

[From the Columbus (Ohio) Dispatch]

SENATE SQUELCHING OF BAKER CASE CALLS FOR A NEW PROBE

The announcement of Senator JOHN J. WILLIAMS, Republican, of Delaware, that he will continue to press for an extension of the Bobby Baker probe is more than ever justified after the unseemly spectacle last Thursday on the Senate floor which preceded defeat of WILLIAMS' resolution to that effect, which also would have brought Members of the Senate specifically within the scope of the investigation.

Tempers rose high in the shouting match which found two ordinarily mild-mannered Members, Democrat MIKE MANSFIELD, of Montana, and Republican CLIFFORD CASE, of New Jersey, losing their composure to hurl accusations at one another.

CASE repeatedly attempted to gain the floor and later asserted that he was gagged by MANSFIELD's refusal to yield, which was backed by repeated parliamentary rulings from freshman Senator EDWARD KENNEDY, Democrat, of Massachusetts, who was presiding at the time. MANSFIELD justified his refusal to allow CASE to speak by charging that he would only impugn the character of all the Members if allowed to do so.

Following the chair's ruling that discussion should be cut off and a vote taken, the Williams resolution was killed by a strict party line vote. Forty-two Democrats voted "No." Nine Democrats joined 24 GOP Senators to make up 33 votes in favor of continuing the inquiry and letting the chips fall where they may.

The arbitrary methods used by the Democratic majority once again to squelch the Baker probe rouses, the suspicion, as has been true throughout the inquiry, that there is more in the case than so far has been revealed. The feeling that someone has something to hide is bound to persist.

Only 75 Senators are recorded as having voted on Thursday's rollcall. If nine Democrats who did vote wish to see the investigation continued, how many who did not go on record might feel the same way? A switch of only five votes would have reversed the outcome of Thursday's vote.

On a matter as important as this, isn't the country entitled to a vote of the full membership?

"Truth, crushed to earth, will rise again," runs the adage. Only a renewed and broadened inquiry into the Baker scandal can prove whether or not actual truth, or only suspicion, was beaten down in the Senate last week.

[From the Montgomery (Ala.) Journal]

SENATORS ABOVE THE LAW

When the Senate invoked cloture on a continuation of the Bobby Baker hearings, it was an admission that the august body stood in peril of some damaging testimony linking its Members with Bobby's farflung deals and didos.

The draft report on what was uncovered, prepared by Special Counsel L. P. McLendon makes the point:

"The Senate, as a body, and Senators individually, have suffered the loss of much respect and prestige because of conditions this investigation has brought to light."

McLendon might have added that the Senate, as a body and individually, lost even more respect and prestige by slamming the lid on the hearings. The public has the impression that what was revealed was far less shocking than what was not.

The report recommended three fundamental principles as a basis for legislation: (1) Compulsory public disclosure of the financial interests of all Senators, officers, and employees. (2) Compulsory prohibition "of all associations by Senators, officers, and employees with persons and organizations outside the Senate who are engaged in conducting business with the Government or have business before the Government officers or agents." (3) A requirement by the Senate, as a matter of standing policy, that all Members respond to requests from any of its committees to appear and testify about any knowledge they have of a subject under investigation."

Senator JORDAN, Democrat, of South Carolina, let it be known at the outset that he was "not investigating Senators." To do so, intoned Senator DIRKSEN, Republican, of Illinois, would be to make Senators second-class citizens.

One of the purposes of all investigations is to uncover facts which would be helpful in drafting legislation, such as that McLendon proposed. But the Senate has declared itself off-limits to such inquiries, casting doubt on any reform, which the Senate obviously dosen't want. It has said in effect that investigations, ethical standards and Potomac hanky-panky are matters of concern only when the subjects of the inquiry are non-Senators.

And where does that leave any move to prevent another Baker scandal? Right where the Senate wants it—nowhere. The harsh and perhaps unprecedented muzzling of Senator CASE by Senator MANSFIELD was dramatic evidence of the Senate's claim to immunity to investigation.

The only hope is that Senator JOHN J. WILLIAMS, who has extensive evidence in his files which has not been made public, will make it all public on his own, as he has threatened.

That may wipe some smug smiles off a few faces. It should shed some light on why some of the Senators voted to halt the investigation; not only their prestige and respect were involved, but possibly their honesty as well.

[From the Bayonne (N.J.) Times]

THE SENATE'S PRESTIGE

The U.S. Senate, also known as the world's greatest deliberative body, has been living up to its name for the past 12 weeks during its ridiculous spectacle on the civil rights measure. Most of the members of this private club have decided that a vote on this most important of all American domestic issues shouldn't be hurried while the Nation and the world get a good look at how the upper House of the Congress conducts its business.

All this was to be expected because of the Senate rules and the split between the pro-civil-rights group and 18 southern Senators coupled with a group of conservative Republicans.

On the other hand, the Senate has shown little concern about its prestige on the matter of Bobby Baker. CLIFFORD CASE, New Jersey's senior Senator and a Republican, has been leading the fight (so far unsuccessfully) to have a full-scale investigation of Mr. Baker, the former secretary to the Democratic majority.

Mr. CASE doesn't want the Democrats (or Republicans, either, if their association with Mr. Baker should prove embarrassing) to sweep the issue under the rug. His mail, the Senator said, has been overwhelming in support of his attempt to enlighten the public on the role Mr. Baker played in committee assignments and the handling of campaign funds. What the Senator wants to know is how Mr. Baker, on a $20,000 salary, accumulated $2 million in a short period of time.

Did Mr. Baker have 10 Senators in the palm of his hand as he has claimed? Was he able to manipulate the action of Members of the Senate? Mr. CASE isn't the only one who would like the answers to these and other questions about the mysterious dealings of Mr. Baker.

This isn't the first time members of the legislative branch have been tied to some shady goings-on. It probably won't be the last. There are many Congressmen who use the prestige of their office for their own personal gain, not that of the country.

What the public is entitled to know is who did what for whom and to whom. And it doesn't matter, as Senator CASE so rightly says, whether the guilty are Republicans or Democrats.

The Senate Rules Committee, while admitting improprieties by Mr. Baker, refused to broaden the investigation. The way the Senate rules are stacked, Senator CASE probably won't get anywhere in his battle. But it's nice to see him trying.

The Senate, which usually is so pious when dealing with stockholdings and other interests of those who work in the executive branch, should be above reproach itself.

As long as the Bobby Baker skeleton is hanging in its closet, the Senate cannot adopt its holier-than-thou attitude toward others.

[From the Providence (R.I.) Bulletin]

A STIFF CODE OF ETHICS IS URGED FOR THE SENATE

The bold and forthright statement by the Senate committee staff which directed the Bobby Baker inquiry stands in marked contrast to the lackadaisical attitude displayed throughout the inquiry by the majority of the members of the committee.

The Senate Rules Committee, headed by Senator B. EVERETT JORDAN, Democrat, of North Carolina, accepted the inquiry assignment without enthusiasm, handled it gingerly, and brought it to a halt as soon as it could. Critics have charged that the committee majority seemed more interested in sweeping evidence under the rug than in tracking down leads. In any case, the committee managed to turn up quite a bit of information on the far-reaching activities of Bobby Baker, but precious little about the relations between Mr. Baker and individual Senators for whom he worked. This obviously was a hot potato which the committee didn't wish to handle.

But though the committee majority seemed reluctant to tangle with these delicate matters, the staff investigators of the committee show no such reluctance in their report.

"No amount of sophistry can relieve the Senate of the public criticism now directed against it," says the report. It denounces those who take part in "moneymaking and influence-peddling schemes," and proposes unprecedented legislation with "rules and regulations applicable to Senators themselves and to all officers and employees of the Senate."

The report specifically recommends that Senators and employees of the Senate be required to disclose their financial interests, and that Senators and their employees be prohibited from associating with persons or organizations outside the Senate who are engaged in conducting business with the Government.

Similar codes requiring Senators to disclose their financial interests have been proposed from time to time over the years. Senator YOUNG of Ohio and Senator CASE, of New Jersey, have been among those advocating the proposal.

But the majority of the Senators have shied from any such compulsory disclosure act. In the world's most exclusive club the majority opinion has been that Senators should not be subjected to such possible embarrassment. Senator Dirksen, of Illinois, once called the proposal preposterous, and charged that it would make the Members of the Senate second-class citizens.

The principal author of the staff report is Maj. Lennox P. McLendon. He is a distinguished 74-year-old lawyer from North Carolina who was called in to serve as chief counsel for the Senate Rules Committee in the Baker investigation.

His report now rests with the Rules Committee. It may be revised or amended before the committee submits it to the Senate as its final assessment on the Baker inquiry.

But whatever the committee or the whole Senate may choose to do with the recommendations, the fact that Major McLendon has turned such a searching light into the obscurity surrounding Senate practices should encourage those Senators who have been pressing for a code of standards applicable to all Members of the world's most exclusive club. Such a code should improve the respect of the Senate in the eyes of the electorate and should reduce the possibility that the future might turn up another Bobby Baker scandal.

[From the Galveston (Tex.) News]

Last Not Heard on Influence System

If the Senate subcommittee investigating involvements of former majority secretary of the Senate Bobby Baker terminates its inquiry May 31 as scheduled, one may be sure the last has not been heard of the extraordinarily remarkable influence system revealed by the probe.

A great deal more may be heard of the Bobby Baker case in the presidential campaign now that the end of the investigation has been decreed by the Senate. The impression now prevailing in the public mind is one of suspicion. Terminating the inquiry at the threshold of suggested senatorial impropriety was not a wise move.

If the act was not a desperate attempt to prevent the exposure of questionable campaign tactics, particularly in the raising and allocation of funds, it certainly did nothing to dispel that impression.

Particularly unusual was the suppression of New Jersey's Senator Clifford Case in his attempts to employ the traditional right of minority committee members to call their own witnesses. Few parliamentary maneuvers in memory have been as brazenly crude as the blackout by the Senate majority.

As a result of this unusual procedure, and a partisan emotional conflict surrounding anything touched by Bobby Baker, a useful clearing of the air of Senate behavior has been denied. The aura which remains is not pleasant to the nostrils. It promises to linger to haunt those most actively manning the deodorizers.

[From the Danville (Va.) Bee]

The Big Potatoes

The American people know that Bobby Baker is "small potatoes," Senator Wayne Morse, Oregon Democrat, told his colleagues, clearly intimating that the American people want to know how the "big potatoes" were involved, if at all.

If the Senate inquiry ends with Baker, it will be because the Senate was anxious to protect its own Members at the expense of one of its favorite hirelings, Morse added.

"Secrecy and resistance to reform always create the impression of wrongdoing—in this case profitable wrongdoing," he said. "In my opinion this is a general impression of the American people about their Congress. It will continue until the Congress itself does something about it."

It is one thing for a Republican Senator, in this instance Clifford P. Case, of New Jersey, to call on the Senate to disclose if Baker had helped any of them in getting campaign funds or in other ways. It is another for Morse, a Democrat, to point the finger of scorn at his own majority and call for a soul searching that might scorch some of the most elevated Members, present and recent.

Morse deserves the thanks of the people for his forthright statement. The shameful whitewash will haunt his party if it does not do something about it soon.

[From the Roanoke (Va.) World-News]

The Cover-Up

The seeming determination of Senator B. Everett Jordan, Democrat, of North Carolina, and other members of the Democratic majority of the Senate Rules Committee to hush up the Bobby Baker case smells worse and worse.

For his efforts to force the committee to "get to the bottom" of the affair, Senator Clifford P. Case, Republican, of New Jersey, is being given the cold shoulder, the icy stare, and the frigid phrase.

When Case demands that the committee question Senators about their relations with Baker, the boy wonder of finance, he is accused of being insulting to his fellow club members and is informed that "the Senate is not under investigation."

Well, maybe not, but the steadfast refusal of Chairman Jordan to delve into details, call additional witnesses, and put in the record investigative facts about Baker's dealings, is doing more than anything else to arouse suspicions of the American people.

[From the Utica (N.Y.) Observer Dispatch]

New York Members for Senate Reform

Senators Keating and Javits, of New York State, told the Senate Rules Committee they favor a bill that would require Members of Congress to make public their various incomes and gifts.

This is an aftermath of the Bobby Baker case. The New Yorkers also backed a code of ethics more sweeping than now exists and want political jobs such as Baker held as a staff employee to get the fulltime services of the holder. Baker apparently used the Senate as his office for outside deals of wide ramifications.

Javits promised to submit the code of ethics drawn up by Governor Rockefeller's committee, headed by Clay LaPorte, chairman of the New York City Board of Ethics, as a Federal model. This was the proposed code the State legislature unfortunately wouldn't tolerate, devising its own weaker policy.

The move for disclosure of incomes is not the idea of only a few Senators. Senator Clifford Case, Republican, of New Jersey, says more than 30 Senators—about one-third of the Senate—including the majority leader, Senator Mike Mansfield, Democrat, of Montana, have voluntarily made public financial statements.

The disclosure bill calls for each Member of Congress and each employee of the legislative and executive branches earning $15,000 or more submit each year a full financial report as a public record. We expect a lot of gagging over this in Congress, but the discussion can at least frighten off any Members and executive appointees who may have been flirting with involuntary exposure that would raise a new aroma as unpleasant as the Baker case.

[From the Monroe (La.) News-Star]

Baker Case and Senate

There have been times when certain situations grew so complex that any resolution would have called for all parties to accept part of the blame. But there are Senators who can truthfully say they had no part of the Bobby Baker affair.

So it's hardly surprising that a number of Senate Members have protested the suggestions of Senators from both parties that the investigation of the case be expanded to cover the conduct of all Members of that body.

Such a suggestion might be a way to pass the guilt around, so to balance the burden by saying "we were all guilty to some extent, so let's accept our share and go ahead."

Senator John J. Williams, a Republican from Delaware, one who continues to press for a thorough investigation of the Baker case, has been denounced for not naming names.

Senator Everett Jordan, a Democrat from North Carolina and chairman of the Rules Committee which has made a rather mild effort to uncover some of the facts relating to Baker's rise to wealth and influence, jumped on Senator Clifford Case, a New Jersey Republican, with a cry of "demagoguery." It seems that Case is another advocate of taking a broad look into the affairs of all Senators.

It is understandable that Senators who have managed to maintain a good reputation would object to indiscriminate smearing of their personal integrity as well as the generally good name of the Senate itself.

But the Baker case itself affords reason enough for many Senators and the general public to be concerned. From all outward appearances, here was a failure of that body to clear its own reputation in the face of the Baker case.

The books on this affair are certainly not closed. And hesitations in seeking out the true facts are only causing further doubts.

The Senate therefore owes it to itself to push ahead in the Baker inquiry even if it results in some housecleaning. It's either that or risk losing public confidence in what is usually considered the upper House of our Congress.

[From the Bridgeport (Conn.) Post]

The Baker Case

Cynical Senators in Washington can't for the life of them see why they should hold up their own lapses from grace to public inspection. That, or the political overtones in much of the yelling over Bobby Baker, supposedly explains why they are determined to end their inquiry on Baker with no further hearings.

The embarrassing fact is that Baker, a big wheeler and dealer in his own right, had impressively high up connections. He was involved in innumerable "fast buck" deals—some with Members of Congress and some with outsiders. The other day Senator Clifford P. Case, Republican, of New Jersey, tried to persuade the Senate to gird up its courage and investigate Baker's connections, if any, with Members of that body. He got such a fast turndown that the mood of the majority was left in not the slightest doubt.

The Senate has been circling the Baker issue for weeks now, in the most wary fashion imaginable—trying cautiously to get out from under and determined at all cost to avoid a showdown on Baker's connections with any Member, including such fundamental issues as political campaign contributions. Senator Case, white with anger at the runaround in this case, indignantly denounced his colleagues for failure to disclose the facts. He resents the implication, as a Senator, that he may have benefited from Baker's benevolence and influence, he says.

But he got exactly nowhere. Members of the Senate plainly indicated that they don't want to stir up the mess any more than it has been stirred up. Hence they insist that all pertinent facts have come to light—sufficient facts to enable them, if they feel so inclined, to take action against conflict-of-interest problems.

The unvarnished truth is that the Senators offering this breezy assurance cannot possibly know the full extent—if any, in fact—of Baker's influence and dealings with their own Members. They don't know and they don't want to know. Let's forget Mr. Baker is their motto, and investigate someone other than ourselves.

[From the Knoxville (Tenn.) Journal]

ODIUM FALLS ON ALL

An as yet unadopted report drawn up by the staff of the Senate Rules Committee asserts that the operations of Bobby Baker, as disclosed by limited hearings, have seriously injured the U.S. Senate in prestige and public respect.

It recites that Baker, while a Senate employee was guilty of gross improprieties and fraudulent practices even though he was not legally guilty of conflict of interest. (This last conclusion must be completely legalistic since elsewhere the report cites the fact that Baker used his office as a Senate employee in business ventures involving Federal dealings with private persons and companies.)

The report concludes by proposing three fundamental principles as the basis for legislation or regulation of further business dealings by Senators themselves or by their employees.

The staff report, it develops, was leaked to the wire services, evidently by some member of the committee. Judging by the attitude of the 2-to-1 Democratic majority of the Senate committee the report will never see the light of day in anything like its present form. The committee staff appears to have used as a basis for its conclusion not only the skimpy testimony actually given in its hearings but that which it might have suspected would have been given if Baker had not taken the fifth amendment in his brief appearance as a witness.

No one who has kept up with the developments in this investigation, however, will find fault with the report.

No matter what kind of final report the committee adopts, though, the U.S. Senate as a body finds itself in a sad condition, one which is chargeable to the Johnson administration majority. The Senate has been betrayed by its own investigative committee in that the committee has signally failed to do its duty by effecting full disclosure of the operations of Bobby Baker and any partners he may have had among the Members of the Senate.

In its determination to protect perhaps the administration itself, and a few Members of the Senate, the committee has brought about a situation in which public questioning of the integrity of all Senators is inevitable, even though commonsense tells that if there is guilt among the Senate membership it is upon the part of only a few.

Senator CLIFFORD CASE, of New Jersey, recognized last week the injustice which was being done to all Senators when, with Senator JOHN WILLIAMS, of Delaware, he sought to expand the scope of the committee's investigation and to extend the time period for it. At that time it became apparent that closing down the inquiry was official administration policy. Majority Leader MIKE MANSFIELD led the fight to kill the investigation dead in its tracks and he was ably abetted by Senator EDWARD KENNEDY, the then Presiding Officer.

Thus we have the depressing and humiliating situation in which the majority of the Senate chooses to have all of its Members suspect rather than to permit ferreting out of guilt on the part of a few.

[From the Peru, (Ind.) Tribune]

THE BAKER COVERUP

The U.S. Senate has swept the Bobby Baker mess under the rug—but the crude way it was done guarantees that this one won't be a case of out of sight, out of mind.

Seldom has the Senate seen a spectacle like that of May 14 when Democrats welded a tight cap on the Baker probe after a bitter shouting match between Majority Leader MIKE MANSFIELD and Senator CLIFFORD CASE, Republican, of New Jersey.

CASE wanted the investigation continued so that innocent Senators could clear themselves of involvement with busy little Bobby. MANSFIELD plainly wasn't inclined to let the public look all the way into a half-opened can of worms.

In the end, MANSFIELD prevailed—with the help of 41 loyal Democrats. Significantly, 9 Democrats joined 24 Republicans in what was otherwise a straight party-line vote.

As a result, the Baker probe will be buttoned up May 31 unless angry public pressure forces the Senate to reconsider.

There should be such pressure * * * and such a reconsideration. Otherwise the entire Senate will suffer a tremendous loss of respect in the process of hiding the sins of a few.

Worse, because Baker was a protege of Lyndon Johnson, the case has put the White House under a dark cloud that can only be dissolved by full exposure of the truth.

An astute politician, President Johnson must know that a continued coverup will be more hurtful in the long run than full disclosure of the truth, no matter where the chips may fall.

President Truman had his "influence peddlers" and President Eisenhower his Sherman Adams—but neither was lastingly blamed by the public simply because underlings betrayed a trust.

It is reasonable to believe that a few words from the White House would give the Senate enough courage to throw the Baker case wide open.

That's as it should be. Otherwise suspicions born of coverup will fester and grow, particularly during an election year in which gleeful Republicans obviously intend to be guided by this paraphrase of an old nursery rhyme:

"Pattycake, pattycake, Baker's the man; keep him in headlines as long as you can."

TRIBUTE TO SENATOR FONG ON HIS ADDRESS IN THE SENATE IN BEHALF OF CIVIL RIGHTS BILL

Mr. CASE. Mr. President, on June 18, 1964, shortly before the Senate passed the landmark civil rights bill, the very distinguished senior Senator from Hawaii [Mr. FONG] delivered an eloquent, moving, and, in my opinion, an historic address.

It was a pleasure to work with Senator FONG as a fellow floor manager of the civil rights bill. A stalwart champion of the cause of civil rights and civil liberties, he speaks on issues of great social importance with clarity and reasoned force.

I commend and congratulate Senator FONG on the contribution he has made in an area of deepest importance to the Nation.

SENATOR CHURCH'S U.N. SPEECH, CLEAR AND STRAIGHTFORWARD

Mr. BARTLETT. Mr. President, I was unable to be present to hear the masterly speech on the United Nations delivered on June 23 by the senior Senator from Idaho [Mr. CHURCH]. It was thereby my misfortune to miss one of the most clear and straightforward analyses of the United Nations and its work that I have ever read.

Senator CHURCH examined in a careful, rational manner the case for and against the United Nations. He showed that, on the basis of the record, it is remarkable, not how little, but how much the U.N. has been able to achieve. It is no idealist's panacea; it is, instead, a working international organization that, time and again since the Second World War, has been able to stave off armed conflict and to assist the less fortunate and the less developed nations in their effort to improve their lot.

It would be a helpful and hopeful thing if the Senator's message could be distributed to as wide an audience as possible across the whole country.

The Senate well knows of my own interest in southeast Asian affairs and my concern at the apparent direction events there are now taking. In the colloquy after his speech, the Senator from Idaho had some entirely relevant things to say on these matters.

He pointed out how very treacherous it would be to escalate our Nation's commitments on mainland Asia. Of course, we can best any enemy we choose; but even victory itself could not change the realities of Asia today.

In speaking of a major mainland engagement, Senator CHURCH said:

> Do we think it will be a war in which world opinion will be on our side? Do we think that the history of the last 20 years means that a white nation is going to be upheld in fashioning the destiny of Asia? Do we think that if we occupy this region with our naked power, we would then have solved the problem? Do we think that the Asians concerned would then say, "We are saved. We are liberated by the Western power, the United States, and her occupation will be our shield"? Why, the tides of history will wash over us in time. For Asia does belong to the Asians now, and will forevermore.

Then he said:

> Sometimes, wars must be fought. I am for fighting them where the vital interests of the United States are at stake. But let us be sure. Let us be sure.

Let us, indeed, be very sure.

SENATOR HART AND THE GREAT LAKES FISHERY DISASTER

Mr. BARTLETT. Mr. President, earlier this week, the distinguished junior Senator from Michigan [Mr. HART] proposed to the Interior Department appropriations bill an amendment which would add $400,000 to the appropriation, and would make that sum available for emergency allocations pursuant to section 4(b) of Public Law 88-309 (S. 627). The Senate agreed to the amendment.

Senator HART's submission of this amendment reflects his longstanding concern with the emergency situation brought about by the botulism E scare in the Great Lakes area. Popular misinformation as to the extent of the danger has dealt the entire Great Lakes fishing industry a devastating blow. During the hearings on S. 627, Senator HART, alarmed over the situation, supported a section for emergency allocations. That law provides a 5-year commercial fishery research program on a Federal-State matching formula. Now he has wisely urged that the $400,000 emergency fund authorized in that bill be made available immediately, so that it may be drawn upon to revive the industry and to relieve the fishermen and wholesalers who have borne the brunt of the disaster.

I salute Senator Hart for his persistent efforts in behalf of the Great Lakes fishing industry. I am heartened at the Senate's adoption of yesterday's amendment, a well-considered measure which is consistent with Senator Hart's past efforts, and promises to be of immeasurable service to the Great Lakes region.

MERCHANT MARINE NEEDS TO KEEP AMERICAN FLEET ON HIGH SEAS

Mr. YARBOROUGH. Mr. President, as a member of the Senate Commerce Committee, I have shared the continuing concern for the need to maintain a strong and effective merchant marine fleet under the American flag.

This has been a particular interest in my State, because of the large number of port cities on the Texas gulf coast and the numbers of persons whose livelihoods are dependent on the merchant marine industry.

Our Commerce Committee has been instrumental in furthering legislation to aid in the strengthening of the American shipping industry.

In an article captioned "Behind the Byline: Yankee Clippers Needed," written by Marj Wightman, and published in the Austin Statesman of June 17, 1964, this problem was discussed in some detail. I ask unanimous consent that Miss Wightman's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Austin (Tex.) Statesman, June 17, 1964]

Behind the Byline: Yankee Clippers Needed

(By Marj Wightman)

You'd never notice it tallying out all the boats buzzing atop Lake Austin and other wide places in the Colorado River, but our merchant fleet is something under less than full sail.

Try Houston or San Francisco or any of the other ports offering haven to all those romantic, if a bit rusted, wanderers home from the seven seas—and you'll notice a startling if colorful sight.

All too few of the ships are flying the Stars and Stripes.

America's merchant navy has twice within the last 40 years gone—as the men who worry about such things put it—to pot. They are not exaggerating.

Ninety percent of our export-import trade right now is being carried in foreign bottoms. Each year we average construction of 35 new merchant vessels. In 1963 Russia built 250.

What happened to that Yankee spirit and talent that built the clipper ships into one of the most exciting merchant fleets of all time, then sent them out to bring sail to its full height with rugged and record-breaking trips 'round the Horn to the China Seas?

It died in the Civil War. Then, generation after generation, it rises above the surface in time of crisis only to dive, dolphinlike, once the need for the moment in the sun has passed.

At the end of World War I, America owned the greatest cargo-carrying fleet in the world. Then, from 1927 to 1935 we built 80 dry cargo ships. During the same period Britain sent 853 down the ways.

In 1936 the Merchant Marine Act sent new blood pounding the hearts of men in blue with an orderly program of subsidized shipbuilding. It also assigned the merchantmen to a new role—fourth arm of defense.

World War II put it to the test with a major interruption and America produced more than 5,000 ships from 1941 to 1946. Most of them were, for want of a better word, indifferent. Still, we did own 60 percent of the world's shipping tonnage. We were a strong maritime power. Today we are not.

It is time we did something, time we fought and thought our way out of our many-sided sea of maritime troubles. Here are the problems:

Our ships are obsolete. Our building and operating costs are high compared with other nations. Our maritime labor affairs are unstable. Our public is generally apathetic.

Which leaves us with one major question. Can the system of private ownership of ships which transport the products of private manufacturers to competitive markets still be made to work?

The breezes are beginning to stir. President Lyndon Johnson has appointed a maritime advisory committee of shipping, Government and labor men to shake the merchant marine loose from the doldrums.

Committees of Congress are warning that the Soviet Union is waging a nonshooting maritime war to gain commercial control of the seas.

Private lines and engineering firms are working on new nuclear power ideas for commercial ships.

The spirit of America's golden clipper ship days may again make the flag of the Yankee sailor the No. 1 emblem at sea.

NEW YORK SUNDAY NEWS COMMENDS RESULTS OF GI BILL; RENEWAL NEEDED NOW

Mr. YARBOROUGH. Mr. President, in celebrating the 20th anniversary of the original GI bill, this month, I direct attention to some of the intangible benefits which it provided to our country. Although we often applaud the million and one-half additional college-trained professionals it educated and the billion dollars a year in additional taxes which we receive because of the bill, I think the major accomplishment of the GI bill is its demonstrable faith in the future of our Nation.

This bill said to our young veterans, "We are interested in your future, and, as Americans, we believe you deserve an opportunity to further yourself and your country by developing your future." To me, the most inspiring element of this law was the showing of faith in basic human values and the willingness to invest in them. As Henry Ford II said in his appraisal of the bill:

> The cost of this program can be counted in dollars, but there is no way to set a value on the far-reaching influence for good it has exerted on the course of our national life. * * * The Nation gains by having created a great new source from which to draw its leaders.

To illustrate our faith in human potential and human values, I urge that S. 5, the cold war GI bill, be enacted, to exert the same influence on our national life.

I ask unanimous consent that an article entitled "The Bill That Built New Lives for Millions," from the New York Sunday News of June 21, 1964, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Sunday News, June 21, 1964]

The Bill That Built New Lives for Millions

(By Frank Holeman)

You could learn to dance or fly, and Uncle Sam would pay the bill. You could buy a home or start a business, and he would guarantee your loan. Or you could do practically nothing, and he would pay you $20 a week for 52 weeks, making you a member of the popular "52–20 club."

Those were some of the wacky, wonderful benefits provided for veterans of World War II in the GI bill of rights, signed into law by President Franklin D. Roosevelt on June 22, 1944—20 years ago tomorrow.

Since then, Uncle Sam has paid out over $19 billion in benefits. Was it worth it? Is the Nation getting any worthwhile return on its huge investment in education, housing, and jobs for vets? Whatever happened to the guys and gals who rode the biggest gravy train in history, anway?

Well, one of them, Governor William Scranton, of Pennsylvania, is now running for the GOP nomination for President.

Scranton was a pilot for the Air Transport Command of the old Army Air Force in World War II. After the war, young Captain Scranton left the service and returned to Yale Law School under the GI bill.

NEED MEANT NOTHING, GOVERNOR QUALIFIED

He wasn't exactly strapped for money, since the family had millions. He had graduated from Yale in 1939 with an A.B. degree, on his own.

But there was no means test in the GI bill. You didn't have to prove need. All you had to do was serve in some branch of the service for over 90 days. Scranton was eminently qualified for educational benefits, and he took them. Long before he entered politics, Scranton had gained a reputation as a slow man with a buck.

But TV entertainer Johnny Carson needed the money.

"I would consider myself a much poorer man, emotionally, if I hadn't been able to go back to school," Carson said.

A Navy ensign during the war, Johnny used the GI bill to attend the University of Nebraska, where he majored in journalism. This opportunity turned Johnny from an ordinary funny man into a "thinking comedian," his friends say.

So instead of cracking jokes in little night clubs for peanuts, Johnny is now the famous host of NBC's coast-to-coast "Tonight Show"—and paying income taxes accordingly.

Actor Jason Robards, Jr., used the bill to attend the American Academy of Dramatic Arts in New York, which had turned out such stars as Spencer Tracy, Pat O'Brien, Rosalind Russell, and Edward G. Robinson in prewar years.

"If it weren't for the GI bill I might not have become an actor," Robards said. "Without training at the academy, I would have found many doors closed to me."

Robards, now married to movie actress Lauren Bacall, was an enlisted man in the Navy. He was on the battleship *Arizona* when it was sunk at Pearl Harbor, December 7, 1941, and on the cruiser Northampton, which was lost off Guadalcanal.

Between battles, Robards whiled away long hours at sea reading drama, particularly Eugene O'Neill's fascinating plays. That's when he made up his mind to become an actor.

Eventually, young Robards was starred in two of O'Neill's works, "The Iceman Cometh" and "Long Day's Journey into Night." Right now, he is making the film version of "A Thousand Clowns," in which he starred on Broadway.

Other young actors who attended the American Academy of Dramatic Art under the GI bill include comedian Tom Poston, Rick Jason, star of the TV series "Combat," and TV private eye John Vivyan.

Men who are now leaders in almost every walk of life took advantage of some of the educational benefits of the bill.

The list includes seven Governors—Scranton, Endicott Peabody of Massachusetts, Edward T. Breathitt of Kentucky, Grant Sawyer of Nevada, William L. Guy of North Dakota, Carl E. Sanders of Georgia, and Terry Sanford of North Carolina.

Two cabinet members—Interior Secretary Stewart Udall and Agriculture Secretary Orville Freeman—also, Carl Rowan, director of the U.S. Information Agency.

Six Senators—Joseph Clark, Democrat, of Pennsylvania, Vance Hartke, Democrat, of Indiana, Birch Bayh, Democrat, of Indiana, Claiborne Pell, Democrat, of Rhode Island, George McGovern, Democrat, of South Dakota, and Daniel Brewster, Democrat, of Maryland.

At least nine Members of the House of Representatives—Bradford Morse, Republican, of Massachusetts, Edward P. Boland, Democrat, of Massachusetts, Torbert Macdonald, Democrat, of Massachusetts, Edward Derwinski, Republican, of Illinois, Kenneth J. Gray, Democrat, of Illinois, Roman C. Pucinski, Democrat, of Illinois, John Roush, Democrat, of Indiana, Albert W. Watson, Democrat, of Georgia, and Armistead Selden, Democrat, of Alabama.

Industrialists—E. J. Schlegal of Caterpillar, Roy Ash of Litton Industries and Van Gorkon of Union Tank Car.

Over 1,000 alumni of the mythical "GI university" have turned up in the pages of Who's Who in recent years. All are under 46.

In all, 7.8 million veterans, including 133,000 women, drew some educational benefits under the GI bill, at a cost of $14.5 billion to Uncle Sam.

Almost 2.2 million went to college. The rest went to trade schools or took on-the-job training. For college students, Uncle Sam paid tuition up to $500 a year, bought books and supplies and provided a subsistence allowance which varied from $60 to $120, depending on date of entry and number of dependents.

"There is little question that the veterans' educational program has been a great benefit to literally millions of veterans, yet there is no doubt that hundreds of millions of dollars have been frittered away on worthless training," said a House committee headed by Representative Olin E. Teague, Democrat, of Texas, which reviewed the program in 1952.

"In spite of the waste and inefficiency of the program, we have produced hundreds of thousands of young technicians, doctors, lawyers, engineers, craftsmen, farmers, and business workers," the committee continued. "These trained men and women represent a great national asset."

The most recent figures from the Veterans' Administration show that the GI bill helped to produce 460,000 engineers, 360,000 teachers, 130,000 doctors and dentists, and 150,000 scientists.

The Census Bureau estimates that veterans are paying an extra billion dollars a year in Federal income taxes because of higher earnings due to the GI bill. If so, Uncle Sam is actually getting his money back at the rate of a billion a year.

THE 52–20 CLUB AIDED UNEMPLOYED

There were three big parts to the bill: Education benefits, the loan and guaranty program, and the serviceman's readjustment allowance—unemployment compensation, better known as the "52–20 club."

Under the loan and guaranty program, and its successor for Korean war vets, VA insured loans on more than 6 million homes, 1 out of 5 built since World War II, total $58 billion.

The foreclosure rate has been an amazingly low 2.4 percent, although at times even this can be embarrassing. Several times, the VA has foreclosed only to find it had a bawdy house on its hands.

In one such case, the police cracked down and the owner defaulted. The private lender collected from the VA, which then cleaned up the property and resold it.

The VA's guarantee of small business loans has been the key to the success of many enterprising vets.

Three brothers, Rocco, Pasquale and Philip Cassone of New Rochelle, used VA loans to expand their bakery into one of the largest Italian bakeries in the area.

"It enabled us to make a success out of it," Rocco said.

The wholesale bakery was started in 1909 by the Cassones' father. When he died in 1928, ownership reverted to his partner. In 1946, when the Cassones got out of the Army, they bought out the partner and started to expand, with help from the VA and a bank.

Since 1946, the plant has doubled in size. In 1954, it was completely remodeled. Since then, the number of employees has grown from 10 to 27, the number of delivery trucks from 5 to 14, and the gross business from $200,000 to over half a million dollars a year.

READY CREDIT, NO REDTAPE

Out in Jamaica, Air Force veteran Bertrand R. Walsh used VA loan help to expand and modernize his religious goods store at 89–74 165th Street.

"It meant ready credit without a lot of redtape," Walsh said gratefully. "It has permitted me to expand considerably."

He now has eight employees, including several seminarians who work part time.

Walsh also has developed an electronic computer inventory control system of great interest to other small merchants. He rents an IBM computer in off hours and feeds in data in such a way that he gets an instant breakdown of items sold each month and stock still on hand.

NEW YORK VET USED FUNDS FOR SCHOOLING

Army vet Sheldon Glasser used the GI bill to study accounting at New York University for 3 years. Then, with the help of a VA-insured loan, he bought a half interest in his father's firm, the Glasser Shoe Co., 147 Duane Street, in lower Manhattan.

"It [the bill] meant quite a bit," Glasser said. "It put me through school and it started me in business."

With the added capital, and Sheldon's enthusiasm and new know-how, the company's sales have doubled and its net worth has increased nearly four times.

Over on Staten Island, Marine Corps veteran Joseph P. (Chubby) Baydal used a VA loan to make a go of Chubby's Tile Co., now located at 988 Bay Street.

"If I had gone for conventional loans, I don't think I could have got as much as I did," Baydal said. "It enabled me to go ahead much quicker."

Chubby installs tile in bathrooms and kitchens. He began working out of his home. Then he borrowed enough money to buy a panel truck. Later, he bought a car to use in his sales work and hired helpers. Now he has four full-time employees, and the business is still growing. The island is in the midst of a housing boomlet, as home builders turn to the last wide-open spaces in the city. So Chubby's future looks rosy.

The part of the GI bill which brought the most razzing was the serviceman's readjustment allowance. How many people really did belong to the 52–20 club?

Well, at one time or another, 8.9 million vets received unemployment compensation payments, nearly 58 percent of all those eligible. But only 900,000 got all 52 payments. The average stay on the rolls was only 19 weeks. Total payments were $3.8 billion.

The bill also provided mustering out pay of $100 to $300, depending on length of service, for most of the 16 million men and women in the Armed Forces in World War II.

"Its benefits were made available to most of the men of a generation," said a Presidential commission headed by Gen. Omar N. Bradley which reviewed the program in 1956.

POSTWAR RECOVERY SPEEDED BY GI BILL

"Unquestionably, the outpouring of purchasing power in readjustment benefits during the first postwar years played a part in the Nation's speedy economic adjustment," it went on.

"Probably more important is the fact that payments to veterans permitted them to share in the rising postwar prosperity and prevented the development of the tensions and resentments that were often felt by veterans of World War I, who suffered heavily during the economic readjustment of that postwar period."

In other words, the GI bill, with all its well-publicized faults and waste, did the job it was supposed to do: It prevented a major economic and political upheaval in the United States at the end of World War II.

Criticism and abuses soon killed the "avocation courses," such as flying and dancing. You could no longer learn to fly, at Uncle Sam's expense, unless it was essential to your livelihood.

The method of payment to schools and students was completely revised for veterans of the Korean war. Under their GI bill, they get from $110 to $160 a month to pay their own tuition, buy their own books and maintain themselves at institutions which must have a high percentage of nonveteran students. Of 5.5 million Korean war vets, 2.3 million have taken advantage of the educational benefits.

For all practical purposes, the school program under the GI bill for World War II vets has expired. But veterans of World War II who had several years of service and were discharged after V–J Day, still have about a year of eligibility left for the loan guarantee program. If in doubt about your own status, you should check with the nearest office of the Veterans' Administration.

All Korean war veterans still are eligible for the loan guarantee program. Their benefits start to expire next year, under a 10-year sliding formula based on length of service and date of discharge.

VETS STILL PAID BILLIONS YEARLY

Both programs are run by John S. Gleason, Jr., head of the Veterans' Administration. A former Chicago banker, Gleason has 13,000 employees and handles the disbursement of about $5.4 billion a year to beneficiaries of all veterans' programs.

Congress is now considering a GI bill for veterans of the cold war, patterned on the Korean bill. The measure was introduced by Senator Yarborough, Democrat, of Texas.

VA officials like to cite Navy Veteran Henry Ford 2d's appraisal of the GI bill for World War II vets:

"The cost of this program can be counted in dollars," he said, "but there is no way to set a value on the far-reaching influence for good it has exerted on the course of our national life. * * * The Nation gains by having created a great new source from which to draw its leaders."

MORE NATIONAL PARKS NEEDED AS TOURISM GROWS; OVERCROWDING THREATENS NATION'S PARK SYSTEMS

Mr. YARBOROUGH. Mr. President, if the increasing number of visitors to my office in Washington is an indication, all previous records for tourism and travel are going by the boards. This is a situation we can expect to continue; and it is of utmost necessity that Congress continue its outstanding record of preserving recreational areas for public use.

The progress being made on the wilderness bill (S. 4), is most encouraging. Enactment of this bill will be in keeping with the achievements of Congress in the preservation of the Cape Cod, Point Reyes, and Padre Island national seashore recreational areas.

This Nation has been fortunate in having the services of the brilliantly aggressive and far-sighted Secretary of the Interior, Stewart Udall, who is compiling an unparalleled record in expansion of the national park system.

I am continuing to work for more parks and recreational areas and historical monuments in Texas, and also to support such action in other States. Texas now has over 10 million population, and is fourth among the States in population.

The Senate has passed my bill (S. 261) to make available to the State of Texas or Harris County 142 acres at the homesite and burial place of Lorenza de Zavala, near the San Jacinto battlefield. De Zavala was a Texas hero, and the first vice president of the Republic. S. 261 is now pending in the House.

I am hopeful of a hearing soon on my bill (S. 2296) to preserve 77,000 acres in the Guadalupe Mountains, in Hudspeth and Culberson Counties, as a national park. This parksite would enhance the national park complex that includes Big Bend National Park, in Texas, and Carlsbad Caverns, in New Mexico.

We are also continuing to work for preservation of the Alibates flint monument bill (S. 1348) to retain for public enjoyment and historical value a site used by Indians for making weapons for 12,000 years or more. The Alibates flint quarries are near Amarillo, Tex.

There is also much support and interest in Texas in preservation of the Rio Grande canyons and a section of the Big Thicket, in Texas.

The Nation has a population of 190 million, and needs more national parks.

I ask unanimous consent that an editorial entitled "Overcrowding Threatens Nation's Park Systems," from the Friday, June 19, 1964, editorial page of the Corpus Christi Caller-Times, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Corpus Christi Caller,
June 19, 1964]

OVERCROWDING THREATENS NATION'S PARK SYSTEMS

The Population Reference Bureau in Washington has warned that national park use may have to be rigidly rationed unless the rate of population growth is reduced. That private research agency has a point, but it slights another and more immediately practical alternative: Expand the park system.

The Bureau's study comes up with an impressive statistic: The national parks attracted a billion visitors in the 58 years to 1962; the second billion will be recorded, it is estimated, in only 11 years, or by 1973.

That accelerating rate of park use is, however, much faster than the increase in population, past and projected. More leisure time, better transportation, higher incomes, greater demand for relief from rising urban pressures, these factors have as much to do with park-use increase as population growth. Conversely, population growth restraint could not possibly prevent overcrowding existing park facilities.

Such overcrowding can be prevented only by expanding all park systems, national, State and local, at every opportunity. The wilderness bill and national park and seashore area bills now pending in Congress are such opportunities. So is the Texas proposal for providing recreation areas at the reservoirs developed under the State water-resources plan. So are the park proposals in the June 27 Corpus Christi bond election.

This Nation's prime park problem is the preservation of potential park areas to keep their development as needed from becoming prohibitively costly. Unless that is done at all levels on a national scale, no feasible degree of population control can prevent a civilization-depressing shortage of park facilities and recreation space.

OIL IMPORTS

Mr. CARLSON. Mr. President, I am greatly concerned above the ever-increasing volume of imports of oil. Kansas is fifth among the States of the Union in the production of oil, and the independent operators have been largely responsible for the development of the oil resources of our State.

There can be no denial of the fact that this industry is suffering seriously at the present time, and largely as a result of ever-increasing oil imports.

I ask unanimous consent that a statement by J. A. Mull, Jr., chairman of the Liaison Committee of Cooperating Oil and Gas Associations, of Wichita, Kans., as published in the Wichita Beacon under date of June 15, be made a part of my remarks in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

INDEPENDENT OILMAN SPEAKS OUT—U.S. OIL IMPORT PROGRAM CRITICIZED

(By J. A. Mull, Jr.)

Laymen, as well as the Government, apparently consider the oil industry as a single unit and that all members in it are alike and the same. Nothing could be further from the truth.

The oil industry is split into two groups—one composed of the major integrated companies who are importers and producers of foreign crude as well as domestic crude; then there is the "poor relation" portion of the industry known as the independents.

It is this "poor relation" portion of the industry with which I am primarily concerned—and believe me this group needs some of the "fight poverty" attention.

But dealing for a moment with the major integrated companies, we the independents find them in the following categories:

They control the industry.

They own the pipelines.

They own the refineries.

They get an import quota which amounts to $1.25 per barrel which is a pure subsidy.

In spite of all we hear, with few exceptions, their annual reports show higher and higher profits each year. I use, for example, the Sinclair Oil and Gas Co. which recently initiated a price cut in Kansas. According to annual reports they made $46-million net in 1962; and in 1963, $64-million net; yet the chairman of the board, in his message to the stockholders, made the following comment:

"In 1963 the cost of refining a barrel of crude was further reduced, lower pipeline and marine transportation charges were achieved."

In other words, business is good and costs declining, but he complains as follows: "The mandatory import program, which severely restricts the amount of crude oil that can be imported, continued to deprive Sinclair of part of the revenues it should properly earn from its foreign production."

This is typical of every integrated major company in the United States in that they are making higher and higher profits each year and in an irresponsible manner want more and more each year, giving no consideration to the fact that a healthy situation in the oil industry does no longer prevail in the United States.

These integrated major companies would be very happy to see the United States completely shut down and depend entirely upon foreign crude. We, the independent oil producers, join the great American public in agreeing that the United States should not be dependent upon foreign crude oil at any time.

We, the independents, look with a jaundiced eye at the mandatory oil import program and the accompanying quota given to refineries owned by these integrated companies. We feel by the wording of the program that legislatively these import quotas were intended to be passed to the whole oil industry, but such was not the case—not one penny was ever passed down to the independent producer.

This subsidy amounts to at least $1.25 per barrel and define it as you will this is purely and simply a gift. If I were a major company and had $1.25 given to me for every barrel that went into my refinery I would be for raising the imports. But, is it justified, in light of the ever-increasing dependency the United States has on foreign oil and the serious national security problem resulting, and in light of the dying independent portion of the oil industry?

We in the Midwest, where a principal market is the Chicago area, have witnessed a constant rise in importations of oil from Canada, whether it is considered imports or not, to the point that today 260,000 barrels are being brought into this market. We have witnessed Wyoming production increase tremendously, and we have witnessed Ohio come into a strong position as an oil producing State with greater anticipated production. These increases in crude imports and production from within are not taken up by demand, so that the midcontinent States to the south have had to curtail production.

Mexico imports at least 30,000 barrels per day into the United States, but our refined products or even grease cannot be sold back to Mexico. In fact Mexico protects its businessmen to the extent that if any product is made or produced in Mexico the same product cannot be imported. Why can't we have a little Government protection in regard to imports?

This week the Kansas Independent Oil & Gas Association recommended to the Kansas Corporation Commission that it reduce the allowables of the State 20,000 to 25,000 barrels per day during June to absorb this deteriorating market. Similar decreases have been instituted in Texas, New Mexico, and Louisiana.

When an independent producer, who is in the bank from the day he entered the oil business to the present, asks for his production to be shut down or curtailed I assure you he is in a pretty desperate situation.

The independent oil producer, since the war, has faced ever-increasing costs—the price of steel, payroll taxes, ad valorem taxes, the cost of labor, and the choking practices of integrated oil companies in the pipeline and purchasing departments. These increasing costs cannot be passed on, he must absorb them.

The independents are truly independents and have never gotten together, so that in dog-eat-dog competition drilling costs have been driven down to the point where the entire drilling segment of the industry is in danger.

The majors have found that it costs $3.50 per barrel to find new oil reserves while it is selling at $2.95 or less. This has gone to the extent that hardly a week goes by without an independent oil producer being contacted by one of the major oil companies for purchase of his production. They have found it is cheaper to buy oil than it is to go out and find it.

Kansas lost 20 million barrels in reserves last year, 39.5 million in 1962, and 26 million in 1961. This simply means that shortly Kansas will be a nonproducer, and any producer who is selling his oil at $2.95 or less, today is racing to the bankruptcy court.

But the independent oil producer has no control, nor any say, in price or market. He is in the position of take it or leave it—completely at the mercy of these major integrated companies who become fatter every year.

These integrated oil companies have developed a perfect monopoly in the purchase of crude oil.

The Kansas Independent Oil & Gas Association, concerned with problems of the independent and not understanding why they are receiving threatened treatment by certain members of Government, invited Senator William Proxmire to their annual meeting to voice his views. Senator Proxmire entered this speech in the Congressional Record and told the Senate he received applause from the independent operators.

Senator Proxmire said he expected to be booed and actually anticipated being thrown out of the meeting. True, the independents rose when he came to the podium, rose when he finished and applauded out of respect for his office. Our problem is too serious to be rabble-rousers and booers. I wish to take this opportunity to state that not one independent in Kansas was impressed in any fashion, other than to be appalled by the fact that a lawmaker in our highest body could make a speech attempting to destroy an industry and to be almost totally ignorant of the industry itself—if what he said in his speech represented his thinking.

Senator Proxmire stated that all wells producing less than 20 barrels per day should be plugged. He wiped out 88 percent of all the wells in Kansas. He wiped out all but 37½ percent of the production of Kansas.

It is almost impossible for a logical man to answer such statements, but to bring it closer to home to Senator Proxmire it is logical to say that if you have cows that produce 6 gallons of milk per day, all cows that produce 3 gallons of milk per day should be killed.

In Kansas, more than 40,000 stripper wells tap more than 600 million barrels of otherwise unrecoverable oil, and once these wells are plugged this irreplaceable natural resource is lost forever. This is what Senator Proxmire recommended.

Now if the independent operator is supposed to compete with foreign oil it is impossible—simply because we have imposed on us a set of rules that does not apply to foreign oil. Give us the same breaks that these producers of foreign oil get and we will put them in the shade.

Cut out the labor laws, let us buy cheap steel, cut out proration so we can produce every barrel we are able to; let us, if we can, find 10 wells and produce more oil than the entire State of Oklahoma in a month. Let us have the advantage of foreign tax credits and other favorable tax provisions enjoyed by the major oil companies in foreign oil.

In other words, if the United States has a lower standard of living and we don't have to pay the prices involved in a high living standard, but can come down to the living standard of these foreign countries, then we can produce oil as cheaply as they.

No, the oil industry is not backward and it is efficient. To say that it is inefficient is not doing justice. Of course, it is not perfect, but what industry is—or we might carry it a bit further and say what government is? But if anyone has any concrete sound ideas in making the industry more efficient, then the independent producer will take them over and use them tomorrow.

Why is national security involved when it comes to having a good independent oil producer? The reason is that 80 percent of all exploration historically has been done by the independent oil producer and we can no longer explore for this new oil as in the past.

When considering the future we usually look toward the education of our youth. Figures furnished from the University of Kansas show that in 1956 there were 81 students in geology and petroleum engineering. In 1964 there are 13. In 1956 two of these students were from outside the continental United States. Today half the students are from outside the United States.

Kansas State University's president says:

"Since job opportunities with oil companies in the last 5 years have been virtually nil, the number of majors in geology at Kansas State University dropped from 200 to approximately 40, which includes 10 graduate students."

At the University of Wichita in 1956 there were 104 students studying geology. Today there are 20. These figures are typical of all schools through the United States.

The cattle producers of the United States have seriously suffered from importation, and this suffering has been noted by this administration. We point out that the cattle import problem is of recent vintage; ours is the same problem but it has been going on for more than 30 years.

We ask the same consideration as this administration is giving to the beef-producing industry.

GRADUATE STUDENT RELATES STUDENT-LOAN EXPERIENCES

Mr. HARTKE. Mr. President, sometimes the best testimony for a bill is that which shows specifically, in the narrowed compass of one individual's experience, the precise manner in which the proposal fills a need.

I have alluded before to the claims, made by an editorial in the Saturday Evening Post, that there is no real need for the federally guaranteed student-loan provisions of S. 2490, the Hartke college student assistance bill. While I am sympathetic to the excellent program of the United Student Aid Funds, which it is claimed is able by itself to fill the unmet loan needs of students, I do not believe this is an accurate appraisal.

I have just received a letter from a graduate student in the Department of Physics at Rutgers University, whose experience specifically indicates that the need for the Federal guarantee of student loans cannot be in all cases adequately met by the private guarantees of an organization such as the U.S.A.F. Because the record is closed on the S. 2490 hearings held before the Education Subcommittee, and because Robert Wessely's experience is an important addition to the materials incorporated there, in order that it may be before my colleagues, I request unanimous consent that his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Rutgers, the State University,
Department of Physics,
New Brunswick, N.J., June 17, 1964.
Senator Vance Hartke,
Senate Office Building,
Washington, D.C.

Dear Senator Hartke: As a graduate student in physics, I have had a good deal of experience in trying to acquire educational loans from various sources, Federal, State, and private. I am writing this letter because I feel you may be interested in learning of my firsthand experiences in the field.

The Federal program provides loans at the lowest interest of all with a rebate provision for teachers (National Defense Education Act of 1958). From the student point of view it is the most desirable and therefore in the best competitive position. If enough of these funds were available, they would eliminate all private competition.

Finding insufficient National Defense Education Act funds, I went to the next cheapest source of loans. This was the New Jersey State program. The State insures bank loans and the student pays 5 percent interest. This particular program is useless because the banks have virtually no desire to participate. They seem to feel that no matter how secure the loan might be (no risk involved), they can use their money elsewhere and get more return. Of course, the banks say they participate in the program, but in practice they make it nearly impossible to actually get such a loan.

My last recourse was the United Student Aid Fund program. Because of New Jersey's pseudoprogram, New Jersey residents are technically ineligible for United Student Aid Fund assistance. (I was fortunate enough to have relatives in Pennsylvania and was thus able to procure a United Student Aid Fund loan.) At 6 percent interest, the banks seem quite willing to provide the necessary funds quickly and efficiently.

A Federal program in this area is both desirable and needed when farcical programs such as New Jersey's serve to keep United Student Aid Fund out of the State and thus unavailable to its residents. The Federal system, however, should be constructed in such a way as to maintain United Student Aid Fund and similar organizations in an equal or better competitive position. Perhaps the applicant for Federal assistance should be required to show that he has tried and been unable to acquire State or private loans.

If it is felt that 6-percent interest is too high a rate for student assistance, then the Federal Government could enter the field by offering to pay some fraction of the interest on loans made and insured by private or State institutions. In this way the Government could aid higher education without annihilating private enterprise by unfair competition.

Thank you for your time in considering my views and experiences in this matter.

Sincerely,

Robert M. Wessely.

HARRIS C. HUG, AMATEUR RADIO OPERATOR OF SEATTLE, WASH.

Mr. JACKSON. Mr. President, it is now almost 3 months since the Good Friday earthquake wreaked such tremendous damage to the State of Alaska.

I would like to bring to the attention of my colleagues in the Congress the story of the remarkable performance of an amateur radio operator in Seattle who did so much in keeping open communications between the stricken State and the mainland. His name is Mr. Harris C. Hug, and he resides at 19003 37th Avenue South, Seattle. From Saturday, March 28 to Tuesday, March 31, he was on the air for almost 66 hours, a magnificent effort.

I know that a great many other "ham" broadcasters performed in such outstanding fashion at this time of need. Certainly the importance of the ham operator was never better shown than in the period following the Alaskan quake.

Mr. President, I submit for the Record a copy of a letter written by Lt. Col. Jeremy K. Schloss, U.S. Air Force, retired, of Seattle, to Mr. Herbert Hoover, Jr., president of the American Radio Relay League, concerning the activities of Mr. Hug.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Mr. Herbert Hoover, Jr., W6ZH,
President, American Radio Relay League,
900 Wilshire Boulevard,
Los Angeles, Calif.

Dear Mr. Hoover: The league's policy of publicizing outstanding civic contributions of amateur radio operators is obviously dependent upon the reporting of such activities. In most cases the individuals are too reticent, or unassuming to "blow their own horns" and so it is incumbent upon bystanders to insure that the deserving radio amateur receives the proper recognition which, in turn, reflects such great credit upon our fraternity.

During the recent Anchorage earthquake, there were numerous examples of dedicated assistance. Due recognition must be accorded one of the local hams of this area whose selfless devotion and technical operating excellence was instrumental in providing essential communications service to the stricken area.

On March 27, 1964, Harris C. Hug, K7CHG, 19003 37th Avenue South, Seattle, Wash., established contact with Fairbanks at 7:52 p.s.t., and Anchorage at 7:55 p.s.t., only minutes after the initial shock was felt. He immediately notified the local marine and emergency organization of the U.S. Coast Guard Service, and then was in contact with Nome and Shimiya Island. His operating air time for the next 4 days is a testimonial not only to his physical endurance at 49 years of age, but to the reliability of his equipment. Saturday, March 28, 16:58 hours; Sunday, March 29, 20:10 hours; Monday, March 30, 20:38 hours; and Tuesday, March 31, 8:07 hours. Jane, his wife, assisted by telephoning over 400 relatives in the United States and informing them of the health and welfare status of their families in Alaska. In relaying similar messages to Alaska, it became necessary on Tuesday, March 31, to fly 98 requests for information via Pacific Northern Airlines after closing down the station due to poor radio propagation conditions. The total radio contacts during the 4-day period numbered more than 200. The Pacific Northwest Bell Telephone Co. cooperated in a magnificent fashion by immediately installing an additional telephone line (at no charge) to K7CHG's shack where over 400 long-distance collect calls were placed. Telephone operators stayed with the calls until they located each party including those who had moved to other areas and towns. The operators maintained their superb efficiency throughout the entire period even though several of them could be heard sympathetically sobbing along with the grateful parties on the line. When K7CHG was informed that KL7CPA, an amateur at Good News Bay, Alaska, had burned out his Johnson transmitter power transformer, Harris called Gordon L. Flaten (W0EYM), service manager of the E. F. Johnson Co. in Waseca, Minn., who quickly airmailed a transformer to Seattle (no charge). Capt. Tony Gomez, pilot for the Pacific Northern Airlines, personally delivered the transformer to Anchorage where he transferred it to the Northern Consolidated Airline for delivery.

K7CHG's station consists of a Johnson Viking 500 transmitter, Hallicrafters SX-101 receiver and Telrex TM-30 beam which is located 62 feet in the air. The first 3 days of operations were conducted between 14.230 megacycles and 14.233 megacycles. On the fourth day, the "Yawn Patrol" net was fully operational and they honored Harris with a spot frequency of 14.235 megacycles on a full-time basis. Some use was also made of the 75 meter phone band during the late hours in order to maintain continuous service.

It is also important to make mention of the numerous local ham neighbors who voluntarily shut down their stations and shared shifts at the Hug household performing all manner of tasks in the interest of "keeping K7CHG on the air." Microphone relief was supplied by Randy Davidson, K7UOE, John Marcinko, W7FHZ, (Mr.) Marion Mety, W7BJG, Bill McCullough, K7OZN, Walt Panchyshyn, K7SNH and Gene Smith, K7HFF.

Sandwiches, coffee, babysitting and all the other chores so essential to a successful operation became a neighborhood project of tremendous magnitude. Harris was not alone but his was the fuel which kept the beacon fire of communications lit. Television and radio stations were phone patched into the amateur station and the actual proceedings were rebroadcast to the entire Seattle area. When propagation conditions permitted, he continued to relay messages and phone patch conversations on a nightly basis for several weeks after the first crisis had been weathered. The good will gained through the unselfish efforts of Harris C. Hug will benefit the amateur radio community for years to come.

I should like to recommend that K7CHG be considered for the Edison or other appropriate amateur award of national stature.

Most sincerely,

Jeremy K. Schloss,
Lieutenant Colonel, U.S. Air Force (Retired), K7ULB.

PRESENTATION OF DISTINGUISHED FEDERAL CIVILIAN AWARDS

Mr. JOHNSTON. Mr. President, it was my pleasure to be at the White House on Monday, to witness the presentation by President Johnson of distinguished Federal civilian awards to four outstanding American civil servants. Since then, I have received a copy of the remarks which President Johnson delivered on this occasion, in the flower garden of the White House, and also copies of the citations delivered by President Johnson to John Doar, Herbert Friedman, Lyman B. Kirkpatrick, Jr., and Bromley K. Smith.

I ask unanimous consent to have President Johnson's address and the four citations printed in the body of the Record, together with my remarks.

There being no objection, the remarks and the citations were ordered to be printed in the Record, as follows:

Remarks of Lyndon B. Johnson, President of the United States, Upon Presentation of the Distinguished Federal Civilian Awards, in the Flower Garden, the White House

Mr. Ball, ladies and gentlemen, this is a very proud moment for those that we have come to honor, and for their families and coworkers as well. It is also a very proud moment for their country. Freedom is much more than merely security against aggression from other countries. Freedom, as our forefathers conceived it, meant the liberation of the individual from oppression by his own government.

Today, after nearly two centuries, the lasting contribution of the American Revolution remains the concept that law is rule, that the people shall govern, that officials of government shall neither rule nor govern, but that officials shall only serve.

Thus, we are honoring the oldest and the noblest tradition of our system, as we honor these four able men for being in every sense faithful servants of our people. In the higher sense, we do much more today than honor fidelity alone. Faithfulness, honesty, and loyalty have so long been the rule of public service in our land that the indirect and isolated exceptions receive and deserve the harshest and strictest censure.

The true purpose of these awards is to challenge the career service to meet the new and highest standards required for this new and changing age. Man's knowledge, man's capabilities, have never advanced so rapidly as in these times. If government does not serve, government becomes only a costly and intolerable disservice unless its departments, its agencies, and its responsible officials strive without ceasing to adopt that advancing knowledge and capacity to the peoples' service. The new standard, the new goal of government, and within government, must, therefore, be the standard goal of excellence.

Each of the public servants that we honor today has in his field contributed a measure of excellence. In so doing they each epitomize what I believe is a new generation and a new breed of public servant. The day has passed when Government jobs are the easy jobs of our society, or when the public service is the refuge of those inadequate for the demands of private competition. Many of our society's most challenging and most demanding and most difficult and most important posts today are in the public sector. We need for those posts our best minds, our most able men and women. Nothing less, we think, will suffice. These are such men.

So on behalf of a fortunate nation, made stronger by their service, I am proud this morning to salute them and to honor them with this highest award that the Nation can bestow for distinguished civilian service.

Mr. Doar, like all those honored today, has served under administrations of both parties. It is the hallmark of the ideal public servant that he is motivated not by desire to serve a party, but to serve all the people. Mr. Doar has made a basic contribution to our democracy as a vigorous champion of equal voting rights under the law enacted in 1957. I want to congratulate Mr. Doar especially for the high standards that he has set in its enforcement.

Dr. Friedman's career typifies the new kinds of challenge being offered today within the public service. Back during World War II, one of his inventions permitted a major breakthrough in productivity in the manufacture of radio circuits. I understand the wartime savings in man-hours was more than 50 million, and that this invention is still as valuable now as it was 20 years ago. Dr. Friedman's creativity continues. He holds more than 50 patents, and nearly all of the new information we have accumulated in the past 15 years about the upper atmosphere has come from the experiments Dr. Friedman conceived or designed or executed. I hope that the brilliant and ambitious young scientists of our colleges and universities will keep this in mind when they choose their career courses.

All of us know Lyman Kirkpatrick's remarkable and inspiring story. After a distinguished and brilliant career, he was felled in 1952 by polio. In 1953 he was back at work, traveling around the world as Inspector General of the CIA. His contribution to his country and to the free world has been equalled by few and exceeded by none in the years that he has been restricted by a handicap that many would have regarded as an excuse for simply giving up.

Since this is an election year, I guess I had better not say that Brom Smith is the most valuable man in the White House. But there are some of us here who think that Bromley Smith is a leading candidate for that title.

For more than 10 years he has done a most remarkable job of enabling the Presidency, under three Presidents to be a more responsible and more vigilant and better informed office.

I am personally very grateful and personally very proud of you today.

Now if the recipients would all come around, we will have a picture together, and then we will have them individually with each and their family.

CITATION FOR JOHN DOAR

An exceptionally able attorney, he has significantly contributed to the development and administration of the law in the field of voting rights. By his effective mediation, he has personally secured peaceful progress in human relations.

In a difficult area of Federal-State relations, he has displayed fidelity to democratic ideals, demonstrated courage and understanding and won the confidence of the courts, opposing counsel, and citizens generally.

CITATION FOR HERBERT FRIEDMAN

A brilliant and imaginative research scientist, he has been the originator and leader in the new science of rocket astronomy. His achievements have greatly advanced the Nation's progress in space and extended man's knowledge of the universe.

His fundamental scientific discoveries about the upper atmosphere and the radiations from the sun and the stars are internationally recognized.

CITATION FOR LYMAN B. KIRKPATRICK, JR.

An outstanding administrator and advisor in the field of foreign intelligence, he has been instrumental in achieving notable improvements in the operational effectiveness of the Central Intelligence Agency and the foreign intelligence activities of our country.

His distinguished career has been marked by exceptional competence, judgment, objectivity and ability to inspire his associates to their highest capabilities.

CITATION FOR BROMLEY K. SMITH

A skilled and dedicated advisor in the national security field, he has revolutionized the communications system supporting Presidential decisionmaking and action in foreign affairs.

Through rare judgment, energy, and tact, he has generated a steady enlargement of a sense of common purpose among the executive agencies in national security affairs.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

JOURNALISM IN THE UNITED STATES

Mr. MORSE. Mr. President, because of the nature of my remarks, which will be partly a matter of personal privilege, I ask unanimous consent that the rule of germaneness be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, in the Washington Star for last night, the editor, who has demonstrated in many editorials that I am not one of his favorite Senators, paid his disrespects to me again. I ask unanimous consent that the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORSE'S LATEST

It must be that Senator WAYNE MORSE stands on his head when he looks at the international situation. How else explain his persistently upside-down evaluation of what's going on? And how else account for his curiously shallow but vitriolic attacks on American foreign policy?

The latest of these attacks accuses President Johnson of carrying out an illegal and immoral Asian policy "making the United States the world's leading threat to world peace." This is an outrageously irresponsible statement. It does violence to the realities, and it certainly lends more than a little aid and comfort to the Communist enemy in southeast Asia.

It is that enemy, of course, and not the United States, which threatens the peace. Inspired and supported by Red China, the Communists of North Vietnam and Laos are systematically violating solemn international agreements. They are doing so with a merciless campaign of terror and aggression against peoples who want to be free. The ultimate objective is to bring all of southeast Asia under Peiping's totalitarian control.

In helping the free Asians to cope with this threat, our country is serving high principle and its own security interests. Senator MORSE owes an apology to the President and the American people. He has done a gravely obnoxious thing in falsely accusing them, before the whole world, of endangering the peace.

Mr. MORSE. Mr. President, I feel that it is so important that the editorial receive a wider circulation that I am putting it in the CONGRESSIONAL RECORD. The American people ought to know the kind of press that is so prevalent in our country, the Washington Star being a good example of the failure of the American press as a whole to live up to the obligations and responsibilities of a free press.

I have said before, and repeat today, that the Washington Star is a newspaper of great irresponsibility. It does not need to come out in yellow paper, although if it were published on yellow paper, it would be a physical picturing of the nature of the journalism of the Washington Star, for it is one of the most vicious newspapers in the country. But there are others. It is always a compliment to me when the editor of the Washington Star writes an insulting editorial about me.

I would know there was something wrong with me if the Washington Star ever found anything about which it could agree with me.

The editorial of last night is going to be answered by the senior Senator from Oregon at this time. It is titled "MORSE'S Latest." It criticizes me, of course, for my refusal to go along with the unjustifiable killing of American boys in South Vietnam and refusing to go along with the outlawry of the United States in South Vietnam and my refusal to approve of my country's violating one international law obligation after another. That is the great offense the senior Senator from Oregon has committed in the eyes of this yellow journalist who is the editor of the Washington Star. The editorial reads:

> The latest of these attacks accuses President Johnson of carrying out an illegal and immoral Asian policy "making the United States the world's leading threat to world peace." This is an outrageously irresponsible statement. It does violence to the realities, and it certainly lends more than a little aid and comfort to the Communist enemy in southeast Asia.

That is an interesting little twist one gets from the McCarthyite editors, Mr. President. If one raises a question of the soundness of the foreign policy of the United States, those editors leave the innuendo and impression that, somewhere, somehow, the one making the statement may be a Red. They do not have the guts to say so directly. That is not the way of the smear artists. They are not honest enough to be direct. It is always called "aid and comfort to the enemy." It is interesting to note that a few weeks ago, the Secretary of State also tried to silence criticism of his Asian policy with the same phrase.

This is not the first time this smear has been hurled at me. In my last campaign in 1962 a libelous book against me was published. It cost $650,000. It was distributed free to thousands and thousands of voters in the State. It, too, sought to leave the impression that, because the Senator from Oregon does not believe one pays respect to the flag behind the Presiding Officer's chair by waving it into tatters, his patriotism is suspect.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Does not the Senator believe that this is somewhat comparable to the treatment some of us have received in the past when we have tried to cut the foreign aid budget or correct ineffectual programs? Someone has said, "You help the Communist cause when you are trying to get a more effective program."

Mr. MORSE. Of course, that is the outlet of the ignorant. They do not let facts stand in their way. That is the outlet of the ignorance of the editor of the—I was about to say the Washington Post or the New York Times; they are no better. I happen to be replying to the Washington Star today. They do not want any fact to stand in their way. They want to get on a throne of oracleism and pontificate, and we are all supposed to bow down and say, "Allah, Allah, Allah."

I was speaking about the libelous book that this type of smear artist published against me in 1962, giving it free to every voter in the State. Its publishers woke up too late, at long last, to discover that they had performed a great service for me, because I was elected by the same percentage of votes that I received in 1956. In 1956 they had followed similar tactics. They never learn. They published a book at that time known as the "Red Book." That was another smear book. The people answered them again. The people of my State are answering them now.

The American policy in Asia cannot be justified on the facts. Its mouthpieces are reduced to justifying it by smear. I say from the floor of the Senate today that the only way it is going to be stopped is by American public opinion. It is too bad we cannot get the facts before the American people. If the American press were not doing a "Pravda" job, if the American press were not, by and large, a kept press, if the American press were not concealing from the American people the facts about American foreign policy, this administration would be hearing more than it is already hearing from the American public, because it is beginning to hear plenty, as I shall show before I am through with this speech.

I have placed in the RECORD on a couple of occasions a large number of letters, telegrams, and other communications I have received from across the country, representing a cross section of the American citizenry, who are as shocked and as much aghast as I am about the illegal war of the United States in southeast Asia.

We do not hear any comment from the editor of the Washington Star about the facts. He talks about my making an outrageously irresponsible statement. He talks about my criticizing an illegal and immoral Asian policy. Let the editor of the Washington Star sit down and try to write an editorial justifying the U.S. war in southeast Asia on the basis of international law. Let him try to justify it on the basis of the U.S. Constitution. Let him try to justify it under the United Nations Charter. It cannot be justified on any of those grounds.

The fact is that our President has no constitutional right or power, legally, to send a single American boy to his death in South Vietnam without a declaration of war.

In speech after speech on the floor of the Senate in the past several weeks I have been calling upon my President to send up a declaration of war proposal and let the American public, through their elected representatives in Congress, react to the proposal of war. I have said that if this Congress votes a declaration of war, the senior Senator from Oregon will get behind that declaration of war, because then we must be a united people, and do everything we can to successfully prosecute that war to victory. We would have no other course. But since I first came to the Senate I took an oath at the desk four times to uphold the Constitution, and I do not intend to follow my President, short of a declaration of war, in violation of that oath.

I intend to continue to raise my voice in the interest of peace. I intend to continue to raise my voice, as I said on the "Today" program this morning on NBC television, to try to bring my country back inside the framework of international law—and, I add again today, inside the framework of the Constitution, too.

Let the editor of the Washington Star sit down and write an editorial justifying U.S. action in South Vietnam as a matter of international law. It cannot be done.

The editorial continues:

> It is that enemy—

Meaning, of course, the Communist enemy in southeast Asia—

> It is that enemy, of course, and not the United States, which threatens the peace.

I do not know where the editor has been. It happens to be the United States that is making use of air power in South Vietnam, bombing and killing. It happens to be the United States, in clear violation of the Geneva accords of 1954 and 1962, that has sent pilots to drop bombs in Laos.

What justification has the editor of the Washington Star for these illegal acts of outlawry on the part of the United States in southeast Asia? I should like to have some evidence that the editor of the Washington Star ever heard about the Charter of the United Nations. I should like to have some evidence that the editor of the Washington Star knows that the United Nations exists. One would not know it from reading the smear editorial that he wrote yesterday against the senior Senator from Oregon. I should like to have some evidence that the editor of the Washington Star has ever read articles 2, 33, 37, and 51 of the charter, in violation of which the United States stands at the very moment that I speak. In fact, the United States stands in violation, in southeast Asia, of the whole framework, the spirit, the intent, and the purpose of the United Nations Charter.

The United States, I may say for the benefit of the editor of the Washington Star, has set itself up as the guardian, the policeman, and the enforcement officer of the Geneva accord of 1954, which the United States never even signed.

As I said this morning on the "Today" program, Bedell Smith, acting for John Foster Dulles, sat in Geneva as an observer. When the accord was signed by the other signatories, he announced, in behalf of the United States, that we would recognize and respect it as setting forth the principles of international law.

We have not respected it. We have violated it. We put ourselves in the position of a country that did not even sign the accord, taking upon ourselves the prerogative of enforcing it, because, say we, it is being violated by North Vietnam, Laos, and Red China.

I believe that is true. Those vicious Communist countries are violating the Geneva accords of 1954, but so are we. We have already been found guilty of violating the Geneva accords by the Neutral Council, which was established for the very purpose of reporting violations. That Neutral Council, consisting of representatives from Poland, India, and Canada, has found that North Vietnam is a violator of the Geneva accords of 1954, and that South Vietnam is a violator of the Geneva accords of 1954.

It cites, as its evidence that South Vietnam is in violation, the supplying by the United States, in clear violation of the terms of the accords, both of military assistance and military personnel that we have poured into South Vietnam in the past several years.

I believe that one reason why we are leery about going to the United Nations is that we have a good idea as to what the verdict would be.

What else did we do in 1954? The 1954 accord was the accord which partitioned Indochina after France had pulled out because the French people were about to pull down the French Government, and they did. They pulled down a French government because that government had permitted 240,000 French boys to become casualties in a war in Indochina.

The United States poured a billion and a quarter dollars plus into that French war, in trying to help France win it.

Not only that, but, as I have said in past speeches on the floor of the Senate—and I will repeat it for the benefit of the editor of the Washington Star—Dulles went to Europe in 1954 and tried to persuade the Prime Minister of Great Britain, Winston Churchill, and the Foreign Minister, Anthony Eden, to enter into an agreement between Great Britain and France, whereby, if Great Britain would join the United States in sending American boys and British boys into the Indochina war, perhaps France would stay in it. Once we had obtained that agreement, the news would be broken to the Congress.

One of the most dramatic episodes in history happened at that time. We in Congress were protected, not by our Secretary of State, John Foster Dulles, but by the Prime Minister of Great Britain. The response of the Prime Minister of Great Britain was to the effect that that would be practicing a deception on the Congress of the United States. It was old power politics in international affairs: Get a fait accompli and then announce what you have done.

We did something else in 1954 through our Secretary of State that will not read well in the pages of American history in the decades ahead.

We are in grave danger of finding we have secretly been committed to a similar war, this time without any allies at all.

We succeeded in persuading South Vietnam not to sign the Geneva accord of 1954. South Vietnam has never signed those accords. We did something more. Of course, the puppet that the French had been maintaining in Indochina was all through. When the French recognized that, they had to get out. So we set up our own puppet in South Vietnam. This puppet, Diem, who was a creature of the United States, as far as his ruling power in South Vietnam was concerned, was the U.S. police state puppet.

We hear talk about freedom in South Vietnam. There has never been any there. The overwhelming majority of the inhabitants of South Vietnam, illiterate people, would not understand the meaning of the term if it were uttered in their presence. They have been the subjects of a police state tyranny ever since the United States set up its puppet in South Vietnam.

Also, our hypocrisy is well recognized around the world. People talk about freedom in South Vietnam. There is no freedom there, and there has never been any.

Diem did not work out very well. Therefore he was overthrown, and we made certain he was replaced by a similarly pliable tool. His replacement was

Minh, a general-dictator. He did not work out very well for us. So we threw in with Khanh, the present military tyrant, the military ruler of South Vietnam. What voice have the people of South Vietnam had in these changes? None whatever. These governments have been imposed on them by the United States.

There is no word about that from the editor of the Washington Star. There is no attempt on the part of this yellow sheet to give the facts to the readers of that newspaper about what has happened in South Vietnam. Rather, the attitude is to wave the flag into tatters. Anyone who does not go along with him is supposed to be against the flag.

Mr. President, no combination of yellow journalists in this country is going to close the lips of the senior Senator from Oregon so long as there is any hope of our country following a course of international law instead of American jungle law based upon military might, for it is still jungle law, whether the military might is displayed by the United States or Red Russia or Red China. What I am seeking to do is to bring an end to a resort to the jungle law of military might as the weapon for trying to resolve the crisis in Asia, to avoid being thrown into a major holocaust that would cost the lives of tens upon tens of thousands of Americans boys.

If the Pentagon thinks for a moment that if we begin to bomb North Vietnam, Red China will sit across the border and not fight back, the Pentagon could not be more wrong. The great danger is that we may become bogged down in a war in Asia for years to come if we do not stop this policy.

I am shocked to hear it said—and some say it in private conversations—"Wait. We have nothing to worry about. We can knock out Peiping, we can knock out every population center of China and North Vietnam—and they know it—in a short time with nuclear bombs."

When I hear comments like that—and they are quite prevalent—I wonder what is happening to moral standards in the United States. I wonder what has happened to our morality. I wonder what is happening to our professings about being a Christian nation, because I cannot square that kind of policy with the teachings of my Master. As a Christian, I do not intend to support, on Christian and moral principles, an illegal war in southeast Asia. Rather, I intend to argue, no matter what the castigation and the political consequences might be, that my country should return to the framework of international law. We cannot separate the principles of morality that we expect to govern the personal and private lives of the American people from the policies of their Government.

Whenever the policies of the American Government cannot be squared with moral principles, we are headed for disaster. We shall be headed for disaster in southeast Asia if we follow a course of action that will lead us to an all-out war in Asia—and that is exactly what we are headed for.

What is more, these men who have such confidence in nuclear weapons have not one word about the aftermath. What happens after they have been dropped on China? They do not have any thought of that.

My prediction is that communism as such will be infinitely strengthened in Asia by such a policy. China may be temporarily weakened; but communism in China and throughout Asia will be vastly strengthened.

As I said the day before yesterday, a couple of leading military officials, speaking for our Government in recent days, announced to the world that the United States is ready to take on the risk of war with Red China. I do not know what reprimand those officers have received, or whether the administration knows it is creating the impression that those officers bespeak the policy of the administration; for the policy of this administration, I may say to the editor of the Washington Star, who did not like my use of the word "immoral," is immoral—and it is illegal, too.

Follow a course of action of bombing in North Vietnam and Laos and China, and we will win, for decades to come, the hatred of much of mankind.

Furthermore, the editor of the Washington Star had better consider the alternatives. The Senator from Oregon has been urging not a get-out policy in South Vietnam, but a stay-in policy with allies, to make peace and stop making war. But not a word has been said by the editor of the Washington Star about the SEATO Treaty and the international law obligations that the SEATO Treaty imposes upon the United States. Yes, it is a paper-tiger treaty. As I have said in past speeches, the editor of the New York Times, Mr. Sulzberger, stated one day in one of his columns that in a conference he had with John Foster Dulles in 1955, Dulles explained that the main reason for the SEATO Treaty was to give a legal basis for the U.S. action in South Vietnam; but it did not accomplish its purpose.

As I said the other day, the President of the United States has been quoted to the effect—and I paraphrase him, but accurately—that the only legal basis he needed was SEATO. He had better reread the SEATO treaty, for it gives him no basis for the course of action he is following in South Vietnam. The SEATO treaty, signed by allies who have walked out on us—Australia, New Zealand, Pakistan, Thailand, the Philippines, France, and Great Britain—provided a protocol agreement, or in fact had a section that is known in international law as a protocol agreement, in which it was announced that South Vietnam was an area of mutual concern and interest to them. Under international law, such a protocol agreement does not give the United States or any other power the unilateral right to proceed to send in military forces and equipment to make war to enforce the Geneva accord agreements of 1954 and 1962.

Let us look at SEATO. The protocol agreement refers to an understanding among the signatories thereto about mutual concern and interest. I ask the American people: Where are those allies today? Where have they been since American boys began to die in South Vietnam? They have not been with us. The United States has never called upon them to associate in a joint action to keep the peace in South Vietnam.

Oh, yes, there was a meeting of the warmakers in Honolulu some time ago, attended by the Secretary of State, the Secretary of Defense, and various other leading American officials. They had a SEATO meeting earlier. But it is interesting to note that out of the SEATO meeting came no agreement for participation by the other countries with us in any operation in South Vietnam. One of the ambiguous, confused general statements of Secretary of State Rusk emanated from that meeting, and it added up to nothing. We stood exactly where we stood before the meeting was ever had; the United States was to function as a unilateral police officer in South Vietnam.

I have said this over and over again, but I shall continue to say it over and over again, because as a former teacher I know the educational value of repetition. When we have a blacked-out press, by and large, except for such outstanding, notable examples at the St. Louis Post-Dispatch, it is necessary to use every medium available to try to get the factual information across to the American people. I have urged from the very beginning that the SEATO nations join us until the United Nations can take jurisdiction. They ought to join us in organizing a peacekeeping corps, not in a warmaking program in South Vietnam. They should join us by contributing substantial forces to maintain peace. We ought to make it clear to both sides that our position is to be a position of neutrality, so far as participating in the war is concerned; and then, under the Articles of the United Nations, file our request with the United Nations that that organization take jurisdiction over the threat to the peace of the world in South Vietnam, and now that it has spread to North Vietnam and Laos, as the additional trouble spot, the threat of full-scale war in southeast Asia.

It has been my position, which I repeat today for the edification of the editor of the Washington Evening Star, that the United Nations would ultimately decide to set up a United Nations trusteeship, or protectorate, for as many years as would be necessary to bring stability to that area of the world, and to help the people develop economic freedom for themselves. Only out of economic freedom can political freedom take root and grow. We cannot implant political freedom first—one of the great failures of America foreign policy in many of the areas of the underdeveloped parts of the world.

But we bring these people to an understanding of the precious values of economic freedom of choice for the individual, we bring to them betterment of the standard of living, betterment of health, betterment of longevity and the betterment of general welfare coincidental to economic freedom; and in not too many years we shall have a free society politically.

The United Nations should follow that course of action. It has the power to follow it. There is nothing novel about that. We are strong for a United Nations peacekeeping force in the Middle East, and we have supported it for some years. We are for sound application of international law. We favor sound substitution of the rule of law for the jungle law of military might.

We look in vain, Mr. President, for any student of the history of the Middle East who would not tell us that if the United Nations had not been in the Middle East for the past several years, that area of the world would have been in outright war. We have not the slightest idea where that would have extended.

We have been strong for the United Nations peacekeeping force in the Congo. It has had its problems and will continue to have its problems. Does anyone have any doubt as to what would have happened in that dark area of Africa if the United Nations had not been there?

When that great world statesman Dag Hammarskjold was Secretary General of the United Nations, and the United Nations first took jurisdiction over the Congo, Russia was in. Russia was about to take over the Congo, and that courageous man, speaking for the United Nations, said to Russia, "Get out, or we will put you out."

Russia got out.

I was one of the delegates, along with the Senator from Vermont [Mr. AIKEN], in the famous shoe-thumping session of the United Nations in 1960. I saw Khrushchev melt under the heat of world public opinion, for he came to that session apparently believing that he could get by with his troika doctrine, and he thought that he could scuttle the position of the United Nations in the Congo. What did he run up against? A unified opinion of the small nations, many of them new members of the United Nations, African states; and delegate after delegate told me this, as I sat for many hours during those weeks of that session and in conferences with delegates from the underdeveloped areas of the world, that they recognized it was the United Nations that stood as the guarantor of their freedom against the threat of Communist takeover.

It is acceptable for the Congo, but not for South Vietnam.

Finally, the United States became interested in Cyprus. That, too, is having its ups and downs. Merely because the United Nations goes into some area of the world does not mean that it will have fair sailing, with no storms ahead for the United Nations Ship of State. It is sad to contemplate that the United States was first opposed to the United Nations going into Cyprus. It is an interesting paradox and commentary that in that instance—I do not believe it will be true in South Vietnam—but in that instance it was Russia that took the lead to urge that the Cyprus issue be submitted to the United Nations, plus the Premier of Cyprus.

Unfortunately, the United Nations wrote a sad chapter in foreign policy there, in that we wished NATO to take over; because Cyprus is not a member of NATO.

Why NATO should take over, I never was able to understand, because we never got any sensible reasoning out of Secretary of State Rusk as to why that should be our policy. But the United Nations did take over, and it is much better than would have been the case if the United Nations had not done so.

There will be failures in the United Nations, too, but the great failure of the United States at this hour in world affairs is that we have not attempted to get the United Nations to take jurisdiction over the southeast Asia problem.

We have been dragged before the Security Council of the United Nations by that little country Cambodia after the Prince of Cambodia kicked us out, and after we were caught violating the Cambodian border and dropping a fire bomb, or bombs, and burning out a village and killing 16 natives. We were caught because the American plane was shot down and the American pilot was killed. So we quickly apologized. We offered compensation. We were caught. Does anyone believe there would have been an apology if we had not been caught?

I do not know what the facts were, but the Cambodians claimed that that was only one of many violations. Yet not one word was written by the editor of the Washington Evening Star about those ugly facts of American policy.

We have had a clear duty from the beginning to lay before the United Nations the charge of violation of the Geneva accord by North Vietnam and Laos. We have not done so. We have decided to set ourselves up as the determiner of what policy there shall be in South Vietnam. So far as I am concerned, I believe one of the tragedies of our time—and I repeat it, so that the record may be complete today—was that our Ambassador to the United Nations, Adlai Stevenson, lent his lips to reading a speech, obviously written for him at the State Department, in which, in effect, he announced to the world that we were going to do what we pleased in South Vietnam and that the rest of the world could like it, or else.

That was some position for the United States to take.

He sits there, not only as an Ambassador from the United States, but also as one of the trustees of the charter of the United Nations.

If I were Stevenson, I would much rather have sacrificed my Ambassadorship and resigned than to walk out on all the great, eloquent pronouncements Stevenson has made over the years about the importance of the United Nations to maintain peace in the world. But that is done. We have to move on from there.

The point is that any U.N. member at all can seek to bring the issue before the U.N. We run the risk every day of being called to account there, and being compelled to answer the charges of others. I am satisfied that sooner or later we will find ourselves in that situation, unless we first go to the U.N. with our own case and our own proposals.

I wish the editor of the Washington Star would try to write editorials denying those facts of international law and those facts about the ugly record of the United States in violation of the international law in South Vietnam.

The editor continues:

> In helping the free Asians to cope with this threat—

Where are these free Asians? Name them. They are subjects of dictatorships. The South Vietnamese are the subjects of a military dictatorship maintained as a United States protectorate in South Vietnam. The editor says:

> In helping the free Asians to cope with this threat, our country is serving high principle and its own security interests. Senator MORSE owes an apology to the President and the American people. He has done a gravely obnoxious thing in falsely accusing them, before the whole world, of endangering the peace.

May I say to this smear artist who is the editor of the Washington Star that I now incorporate by reference every statement I have ever made in opposition to my country's policy in Vietnam. And I stand on each and every statement. That is my answer to him.

Mr. President, I will continue, as an advocate of the reelection of Lyndon Johnson to the Presidency of the United States, to do all that I can to help him change the course of action—that I think he ought to change—in connection with American foreign policy, and try to get this country to see that before it is too late we ought to get back within the framework of international law, and try to use the rule of law as an instrumentality for preserving peace, rather than to use the military might of the United States to lead mankind further toward the danger of a major war in South Vietnam, North Vietnam and Laos.

If the Chinese do what I think we have every reason to believe they will do if we carry out the bombing of North Vietnam and Laos—engage in a full scale war in Asia, a war which could not be won without the use of atomic power—then we will be bogged down in Asia for a quarter of a century or longer. Military victories do not produce peace. They can destroy a temporary tyrant. But let us assume a hypothesis that we bomb out North Vietnam, Laos, and China. When we are through with that military victory, will we come home?

Mr. President, we shall have a job then of control, a job of supervision, a job of rebuilding. And we have neither the manpower nor the financial means to carry out what would be clearly our obligation if we were to follow that immoral policy.

I do not intend to let the proponents of American warmaking get away from what I consider to be the foundation of this whole issue as to what our policy should be—the issue of morality.

I think we have a duty as Christians—and when I refer to Christians, I refer also to believers in another faith who believe in one God, those of us who believe in a supreme being—we have a moral, religious duty to try to work out a peace under a rule of law rather than to endanger mankind in a major war.

It is too bad that before the editor of the Washington Star stuck his poison pen into my bloodstream yesterday, he did not read a column that he published in the same issue in which he published his ad hominem argument against the Senator from Oregon, a column by Max Freedman.

I shall read it, not only for the benefit of the Senate, but for the benefit of history. The Max Freedman article lays down the major premises that the Senator from Oregon has been pleading for in the Senate for weeks.

I hope Max Freedman will not find himself in difficulty with this smear editor who operates the Washington Star. But I know Max Freedman to be a courageous journalist who will stand up and be counted for his convictions.

Listen to what he said, Mr. President, in the same issue of the Washington Star in which this yellow journalist, who is the editor of the Washington Star, paid his disrespects to the senior Senator from Oregon.

The heading of the article is: "The Prospect of War With China—President Urged To Take U.S. People Into Full Confidence in Wake of Threats."

I shall digress from the article from time to time for comment. I ask unanimous consent that when I finish my discussion, the entire article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. The article reads:

> In the past few days, both in Washington and southeast Asia, various spokesmen for the Johnson administration have raised the prospect of a war with China if the Peiping Government does not stop making trouble in Vietnam. This kind of threat is more likely to divide and worry American opinion than it is to frighten Peiping or to serve the cause of peace.

I have been saying that in various word forms for weeks in the Senate.

The article continues:

> Although the warning is addressed to China, the real culprit is North Vietnam. Until now, the United States has blamed North Vietnam for the unrest in South Vietnam and Laos. It has acted on the belief that North Vietnam did not wish to be a mere puppet of China.

The interesting thing is that this Communist, tyrannical dictator of North Vietnam has mentioned time and time again that he would like to consider himself another Tito, that he would like to maintain a Communist independence of Red China. I do not know what facts there are that would support that observation.

We all know that when we are dealing with this Communist dictator of Vietnam we are dealing with one of the most able, experienced guerrilla war directors in the world. It was not so many years ago that we were embracing him. It was not so many years ago that we were singing his praises. He was with us against Japan. Times have changed.

Let me make clear, so that no one will try to distort what the Senator from Oregon has just said, that no one could be more opposed to the policies of the dictator of North Vietnam than the Senator from Oregon.

That is why I have been insisting that he ought to be haled before the United Nations. That is why we ought to have been filing our complaint against him long ago for violating the Geneva accord. But I point out that we are not dealing with a dummy—either a dummy from the standpoint of intellect, or a dummy representing Red China. We are dealing with one of the most able Communist leaders in the world—a man well along in his seventies.

I think it is clear that the French have had hopes—and that was the reason for De Gaulle's suggestion to try to reach a negotiated political settlement of the situation in southeast Asia—that the dictator leader of North Vietnam might be persuaded to enter into some kind of a neutralization settlement of the area if it could provide for a guarantee of his independence vis-a-vis Red China.

Why are we not willing to try it? We have not even been willing to agree to a proposal of the French for a 14-nation conference on the problem. We always talk about conditions being attached which we know would make the conference impossible.

The sad fact is that the United States has not been willing to go along with various proposals that would fit into the framework of an international law approach to the problem. Who knows? I do not know what understanding might be reached in an international law procedure settlement with the dictator of North Vietnam. I believe we ought to try. I said that he is in his seventies. What makes anyone think that we are going to frighten him with American threats of bombing Hanoi?

Today I called for a transcript of a National Broadcasting Co. newscast of last night in which a reporter covering the Pentagon announced that certain points in North Vietnam have been selected for bombing by South Vietnamese pilots flying U.S. planes and if that does not work, by U.S. pilots. This report further reported that the United States will also send troops through Thailand into Laos, if that proves necessary to induce Ho Chi Minh to back down. When I obtain the written text of this report, I shall do my best to find out whether this is in fact why General Taylor is going to the southeast Asia theater of operations.

What are we thinking of if there is any basis in fact for that kind of report? We ought to take the dictator of North Vietnam right before the United Nations, or at least before a 14-nation Conference in regard to southeast Asia, and find out what agreement, if any, can be reached.

People continually say to me, "But we have no assurance that we could reach a settlement with this approach."

Of course, we have not. But we shall never know until we try. We have a moral obligation as well as a legal one to try.

Max Freedman's column, published last night, speaking about North Vietnam not wishing to be a mere puppet of China, continued as follows:

> This belief has now collapsed. For it makes no sense at all to think of raids on selected targets in North Vietnam if China's strength has first to be broken before a settlement can be reached.
>
> In all previous discussions, two extreme courses were always excluded from serious consideration. It was assumed that the United States would never run away from Vietnam, nor would it threaten military action against China. For the flimsiest of reasons, and without advancing any proof that the new policy would succeed, these administration leaders have now decided to fling a direct military challenge at China.

Apparently they think they can outbluff China.

We approach the problem from the standpoint of a Christian-Occidental mind, or from the standpoint of an Occidental mind that believes in God. We are making a horrendous, false assumption if we think, in dealing with the desperate men who rule Red China, that they are going to pay any attention to moral values and that they are going to wither before us and run for cover under our threats. We know that many months ago the Communist leader of China stated in effect that China could sacrifice 400 million human bodies and still survive as a strong country. Exact knowledge of the population of Red China is unavailable, but it is generally agreed by students of China that she has at least 700 million, and probably 800 million inhabitants. She has already demonstrated in past military operations that she places no value on human life as she sends one wave after another wave after another wave of human bodies against an enemy.

Mr. President, when we get into that kind of war with Red China, there will be a shocking reaction around the globe from the standpoint of the morality of it. I believe the Pentagon is making a serious mistake if it thinks it can outbluff Red China by threats of bombing.

Max Freedman's column which appeared in the same issue of the Washington Star as its editorial, raises issues that its editorial totally ignores. But if they had been taken into account, the editorial could not have been written.

His article continues:

> How is China to be punished? Presumably not even these advocates of reckless war are in favor of landing American troops in

> China, though such action may become inevitable if they are allowed to have their way. China cannot be broken by attacks from the sea or by landings from the air. Are we to drop some hydrogen bombs on China? That would at once expose us to the fatal charge that we reserve our most deadly weapons for the people of Asia. This charge would cause us more damage in southeast Asia than the worst defeat we could suffer in Vietnam.

I believe that Max Freedman is unanswerably correct in that observation. I commend him for his journalistic courage in saying so in this hour when the propaganda is to go along as a test of patriotism with an unsound American policy in Asia. Max Freedman continued:

> Nor would we have very much help in trying to crush Chinese resistance. Not a single member of the NATO alliance would support this reckless adventure. It does no good rebuking our NATO partners. They see no similarity at all between the Berlin problem and the situation in Vietnam. For many years Berlin has been a common responsibility for the whole alliance. No such shared responsibility has ever been accepted in Vietnam. The political goals sought by the United States may have commanded general agreement but the military burden, in essentials, has fallen on this country alone. So would the agony of a war with China. After Korea it is not permissible for any American to make light of what a struggle with China inevitably means.

But I plead that my Government take to heart the penetrating analysis that Max Freedman just set forth in that paragraph, for we shall be without allies. Our so-called SEATO allies have not lifted a hand, but the State Department is trying to set up a facade, a face-saving rationalization.

As I said on the "Today" telecast this morning on this subject matter, the State Department announced that Australia was going to double her assistance in South Vietnam. Yet when we bored in to find out what that doubling of assistance would be, we discovered that Australia was going to increase its manpower contribution to South Vietnam from 30 to 60 men, but all to be assigned to duty that would keep them far from the battle front, and that in 4 months they thought they might be able to contribute six transport planes to carry material into South Vietnam. How generous of them. But no Australian boys are to die on the battle front—only American boys.

While I am talking about killing in South Vietnam, do not forget that we are killing many innocent, illiterate people, who do not understand what it is all about, many South Vietnamese, many natives in villages. It is a horrible thing, so unnecessary, and so immoral.

The editor of the Washington Star does not like me to use the word "immoral." I can well understand why he would not, because it demonstrates a lack of understanding of the relationship between principles of morality and American foreign policy.

Freedman continues:

> Besides, no one can now say with exact knowledge what Russia's role would be in such a struggle. Russia has a treaty to come to the defense of China if China is attacked. This treaty has now been questioned by Russia but has not been repudiated. What right has anyone in Washington to assume that Moscow would do nothing while America lunged at China? This might be the one thing that could still bring Russia and China together in a common policy. Or Russia might go on fresh adventures of her own while America was bogged down in China. Have these risks and dangers been sufficiently weighed by our policymakers?

For weeks I have been making this argument on the floor of the Senate. For weeks I have said that I believe there are two great dangers. One is that our plans to escalate the war into other parts of Asia might very well drive Russia and China back together again. I would like to put Russia on the spot in the United Nations. I would like to find out whether Russia is willing, in the Security Council, to go along with United Nations supervision over the crisis in southeast Asia.

I do not want to follow a course of action that runs the risk I have pointed out, and that Freedman verifies in his column, of possibly bringing Russia and China back together.

The second argument I have made for weeks on the floor of the Senate—which is supported by Freedman in the paragraph I have just read—is that if we become bogged down in Asia, doing Russia's job for her in Asia, if Russia decides on a permanent split with Red China, with our knocking out China by the kind of victory we would obtain with the use of nuclear power, we would weaken our own security thereby and antagonize hundreds of millions of people around the world. Russia would then be free to carry out her Communist designs elsewhere in the world.

I believe that she has not varied one iota from her ultimate intention of communizing the world whenever she thinks she can do it. Make no mistake, the policy of the United States in southeast Asia is an asset to Russia and a threat to the peace of the world. I want to keep Russia in this picture through the United Nations, constantly making her stand up and be counted, within the framework of international law. As I have said so many times, if she vetoes the proposal in the Security Council, we can then go into the General Assembly of the United Nations, as provided for in the procedures of the United Nations.

Freedman continues:

> Perhaps this whole effect is simply designed to prove that the Johnson administration can be as tough as Senator GOLDWATER. It had better watch itself or it will merely prove—

And, under the rules of the Senate, I will have to paraphrase—it would merely prove itself to be stupid. Of course, if I said that on my own—and I now associate myself with Max Freedman's comment—the editor of the Washington Star would probably dip his poison pen of yellow journalism into my bloodstream again. Let him do it.

Freedman is so right. He goes on to say:

> Not even in his worst moments was John Foster Dulles ever guilty of such a crude and reckless act of brinkmanship as the one into which the Johnson administration has now stumbled.
>
> Only one remedy is left. President Johnson must take the American people into his full confidence. He must be more explicit than he was yesterday. There must be an end to these melodramatic briefings by senior officials who refuse to be quoted by name and who refuse to accept personal responsibility for their provocative statements.

On that point, one of the great journalists of our county called me off the floor of the Senate yesterday and told me about a top secret briefing a number of selected journalists had in the last couple of days by high-ranking officials of the State Department. "But, of course," he said, "our lips are sealed." But he said that what took place will become known and that we can be sure it is known already in the capitals of the world. He said that it is perfectly clear that if the program is not stopped, we are headed straight for a major war in Asia.

I want to read that paragraph of the Max Freedman article again:

> There must be an end to these melodramatic briefings by senior officials who refuse to be quoted by name and who refused to accept personal responsibility for their provocative statements. President Johnson should know that many Americans will recoil in anger and indignation from our present course in Vietnam if it leads to a war with China.

Every time I speak on this subject, it is with a heavy heart, but it is my patriotic duty to plead and plead and plead as long as there is any chance of returning to a policy of the use of international law and of my country's following a peaceful course, and not a warmaking course.

Mr. President, it is easy for the Secretary of State to say: "All that the tyrant in North Vietnam needs to do is to stop annoying South Vietnam."

It is easy for the Secretary of State to say: "All that the Communists in Laos need to do is to stop annoying their neighbors."

The reality is they are annoying their neighbors. The reality is they are violating the Geneva accords. The reality also is, if we can only get our country to recognize that reality, that we should try to press for United Nations consideration. Let us try it. It does not mean that we will move out of South Vietnam. It will mean that there will be a change in strategy. It means, as I have said, that we get our SEATO allies to come in and help us keep peace until the United Nations decides whether it will or will not do something about it.

People have asked me the question—and they think this is the knockout blow—"But, suppose the United Nations will not come in?" That is an old high school debating tactic. I will answer that question when we find out what the United Nations policy is.

Our policy now ought to be to keep faith with our signature to the United Nations Charter. That should be our policy.

All I can do is call attention to what I consider to be the keen and unanswerable analysis of the southeast Asia crisis by Max Freedman, published in the same issue of the Washington Star in which the editor of the Washington Star tried to draw my blood.

I want the editor to know that I am more healthy, politically and physically, than I was before he wrote his editorial.

EXHIBIT 1

THE PROSPECT OF WAR WITH CHINA—PRESIDENT URGED TO TAKE U.S. PEOPLE INTO FULL CONFIDENCE IN WAKE OF THREATS

(By Max Freedman)

In the past few days, both in Washington and in southeast Asia, various spokesmen for the Johnson administration have raised the prospect of a war with China if the Peiping Government does not stop making trouble in Vietnam. This kind of threat is more likely to divide and worry American opinion that it is to frighten Peiping or to serve the cause of peace.

Although the warning is addressed to China, the real culprit is North Vietnam. Until now, the United States has blamed North Vietnam for the unrest in South Vietnam and Laos. It has acted on the belief that North Vietnam did not wish to be a mere puppet of China.

This belief has now collapsed. For it makes no sense at all to think of raids on selected targets in North Vietnam if China's strength has first to be broken before a settlement can be reached.

In all previous discussions, two extreme courses were always excluded from serious consideration. It was assumed that the United States would never run away from Vietnam, nor would it threaten military action against China. For the flimsiest of reasons, and without advancing any proof that the new policy would succeed, these administration leaders have now decided to fling a direct military challenge at China.

How is China to be punished? Presumably not even these advocates of reckless war are in favor of landing American troops in China, though such action may become inevitable if they are allowed to have their way. China cannot be broken by attacks from the sea or by landings from the air. Are we to drop some hydrogen bombs on China? That would at once expose us to the fatal charge that we reserve our most deadly weapons for the people of Asia. This charge would cause us more damage in southeast Asia than the worst defeat we could suffer in Vietnam.

Nor would we have very much help in trying to crush Chinese resistance. Not a single member of the NATO alliance would support this reckless adventure. It does no good rebuking our NATO partners. They see no similarity at all between the Berlin problem and the situation in Vietnam. For many years Berlin has been a common responsibility for the whole alliance. No such shared responsibility has ever been accepted in Vietnam. The political goals sought by the United States may have commanded general agreement but the military burden, in essentials, has fallen on this country alone. So would the agony of a war with China. After Korea it is not permissible for any American to make light of what a struggle with China inevitably means.

Besides, no one can now say with exact knowledge what Russia's role would be in such a struggle. Russia has a treaty to come to the defense of China if China is attacked. This treaty has now been questioned by Russia but has not been repudiated. What right has anyone in Washington to assume that Moscow would do nothing while America lunged at China? This might be the one thing that could still bring Russia and China together in a common policy. Or Russia might go on fresh adventures of her own while America was bogged down in China. Have these risks and dangers been sufficiently weighed by our policymakers?

Perhaps this whole effect is simply designed to prove that the Johnson administration can be as tough as Senator GOLDWATER. It had better watch itself or it will merely prove that it is more stupid than the Senator. Not even in his worst moments was John Foster Dulles ever guilty of such a crude and reckless act of brinkmanship as the one into which the Johnson administration has now stumbled.

Only one remedy is left. President Johnson must take the American people into his full confidence. He must be more explicit than he was yesterday. There must be an end to these melodramatic briefings by senior officials who refuse to be quoted by name and who refuse to accept personal responsibility for their provocative statements. President Johnson should know that many Americans will recoil in anger and indignation from our present course in Vietnam if it leads to a war with China.

EDUCATION LEGISLATION—IMPACTED AREAS AMENDMENTS

Mr. MORSE. Mr. President, I wish to speak on another matter. I owe an obligation to a colleague in the Senate to make this statement.

Mr. President, earlier this year I introduced two bills designed to broaden the scope of the impacted areas statutes, Public Laws 815 and 874. Since that time I have been receiving substantial and increasing support for the concepts contained in those two bills. Therefore, I propose to discuss briefly each of them and to insert into the RECORD certain background data which I believe will be helpful to Senators who have expressed to me their interest in the proposals.

S. 2528, PUBLIC LAW 874, IMPACTED AID EXPANSION

The first measure, S. 2528, if enacted, would add two additional categories of children among those who would be counted in the computation of benefits under Public Law 874. Public Law 874, as it now is written, recognizes the Federal responsibility for financial aid to school districts based upon the number of pupils serviced by those districts whose parents either live or work on Federal property. There are, it is true, certain exclusions from the computation process of the children of certain Federal employees, such as those whose parents are employed by the Post Office Department in the community. This is a separate question not touched upon in S. 2528 but it is a question which I believe, in our hearings on S. 2528, ought to be reexplored by the subcommittee.

The two new categories which would be added to the act under the terms of S. 2528, thus serving to increase the total amounts paid to the school district are: First, those children on whose behalf a parent is receiving an aid-for-dependent-children grant; and, second, in certain areas of the country which have been certified by the Secretary of Labor as being areas of substantial unemployment, those children whose parents are receiving unemployment compensation benefits.

The logic of the proposed expansion of the act rests upon two propositions. The first is that the children whose parents are receiving an aid-for-dependent-children grant are, in fact, federally connected to a degree approximating the Federal connection of the children whose parents either live or work in the facility serviced by the school district. The Federal Government through its contribution to the family income, is paying for their food, in part, is helping to clothe them in part, and it is paying a share of the rent for the roof over their heads. This is a laudable and necessary expenditure, but the families, by the very nature of their need, are not able to contribute to the local taxes which maintain the local schools, to the same degree as those homeowners who are in higher income brackets. It would seem quite proper, therefore, for the Federal Government, which pays a share of those other costs, to make a direct contribution to the local school district which has the responsibility of providing an opportunity for education to those young people to pay for part of the cost of educating them. Many of them need a type of training which is more costly to the school district than the standard educational program. English, for example, when it is a second language for the child, requires specially trained teachers. Guidance and counseling services in the schools are particularly important if the youngster is to be able to realize his talents.

Since the Federal Government does not bear the sole responsibility, however, the payment proposed is but a fourth of that which it makes in the case of a child whose parents both live and work on Federal property.

The second proposition is that the aid proposed is calibrated in terms of community need; whether it is rural or urban is immaterial; both types of communities would benefit to the degree that the problem, as measured by the number of children in these two categories, exists in that school district. The proposal is not a general Federal aid-to-education-grant concept, much though I should like to see such a program enacted, rather it is pinpointed assistance to those districts most needing help. It is a limited program with a built-in responsiveness to changing conditions—as the need drops the payments drop, as the need increases, the assistance mounts.

Mr. President, at this point in my remarks, I ask that there be inserted a table which shows the dollar amounts which would have flowed to the counties of the several States if section 4(A)(1) of S. 2528 had been operative in 1960.

There being no objection, the table was ordered to be printed in the RECORD.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
ALABAMA				
Autauga	95	4,861	462	$32,340
Baldwin	46	13,668	629	44,030
Barbour	127	7,402	940	65,800
Bibb	99	3,809	377	26,390
Blount	52	6,232	324	22,680
Bullock	63	4,042	255	17,850
Butler	93	6,808	633	44,310
Calhoun	56	23,937	1,340	93,800
Chambers	58	9,486	550	38,500
Chilton	47	6,264	294	20,580
Choctaw	102	5,304	541	37,870
Clarke	77	6,979	537	37,590
Clay	66	3,120	206	14,420
Cleburne	44	2,530	111	7,770
Coffee	45	7,418	334	23,380
Colbert	60	11,916	715	50,050
Conecuh	66	5,265	347	24,290
Coosa	63	2,941	185	12,950
Covington	58	8,624	500	35,000
Crenshaw	114	3,869	441	30,870
Dale	44	6,842	301	21,070
Dallas	89	15.629	1,391	97,370
De Kalb	58	10,187	591	41,370
Elmore	31	7,527	233	16,310
Etowah	47	24,357	1,145	80,150
Fayette	74	4,070	301	21,070
Franklin	65	5,361	348	24,360
Geneva	63	5,253	331	23,170
Greene	87	4,195	365	25,550
Hale	72	5,760	415	29,050
Henry	76	4,306	327	22,890
Houston	55	13,726	755	52,850
Jackson	74	9,249	684	47,880
Jefferson	35	145,092	5,078	355,460
Lamar	84	3,234	272	19,040
Lauderdale	53	14,772	783	54,810
Lawrence	103	6,491	669	46,830
Limestone	77	9,396	723	50,610
Lowndes	60	4,865	292	20,440
Madison	43	26,897	1,157	80,990
Marengo	62	7,832	486	34,020
Marion	76	5,359	407	28,490
Marshall	43	11,485	494	34,580
Mobile	37	79,990	2,960	207,200
Monroe	45	6,518	293	20,510
Morgan	51	13,754	701	49,070
Perry	66	4,815	318	22,260
Pickens	120	5,938	713	49,910
Randolph	31	4,590	142	9,940
Russell	73	12,447	909	63,630
Shelby	59	7,975	471	32,970
Sumter	74	6,062	449	31,430
Talladega	74	17,972	1,330	93,100
Tallapoosa	65	8,461	550	38,500
Tuscaloosa	81	24,058	1,949	136,430
Walker	102	14,029	1,431	100,170
Washington	69	4,465	308	21,560
Wilcox	75	5,992	449	31,430
Winston	54	3,619	195	13,650
Total	------------	717,045	------------	2,830,590
ARIZONA				
Apache	109	8,809	960	67,200
Coconino	59	11,079	654	45,780
Gila	53	7,627	404	28,280
Graham	86	4,010	345	24,150
Greenlee	35	3,786	133	9,310
Maricopa	41	159,564	6,542	457,940
Mohave	34	1,938	66	4,620
Navajo	75	10,240	768	53,760
Pinal	77	17,199	1,324	92,680
Santa Cruz	76	2,801	213	14,910
Total	------------	227,053	------------	798,630
ARKANSAS				
Boone	37	3,377	125	8,750
Calhoun	55	1.619	89	6,230
Chicot	58	4,908	285	19,950
Cleburne	47	2,105	99	6,930
Columbia	47	6,408	301	21,070
Conway	97	4,245	412	28,840
Dallas	35	2,727	95	6,650
Faulkner	36	5,221	188	13,160
Franklin	53	2,242	119	8,330
Fulton	64	1,628	104	7,280
Grant	30	2,080	62	4,340
Greene	54	5,994	324	22,680
Howard	36	2,535	91	6,370
Independence	69	4,465	308	21,560
Izard	31	1,528	47	3,290
Jackson	35	6,142	215	15,050
Johnson	53	2,678	142	9,940
Lafayette	46	2,895	133	9,310
ARKANSAS—continued				
Lawrence	48	4,017	193	$13,510
Little River	39	2,297	90	6,300
Logan	75	3,575	268	18,760
Madison	47	2,373	112	7,840
Marion	61	1,347	82	5,740
Miller	45	7,813	352	24,640
Mississippi	33	17,929	592	41,440
Monroe	36	4,673	168	11,760
Montgomery	55	1,262	69	4,830
Nevada	32	2,589	83	5,810
Newton	87	1,577	137	9,590
Ouachita	52	8,012	417	29,190
Perry	74	1,255	93	6,510
Phillips	58	11,765	682	47,740
Pike	51	1,915	98	6,860
Poinsett	32	8,267	265	18,550
Pope	52	4,652	242	16,940
Prairie	57	2,794	159	11,130
Randolph	31	3,022	94	6,580
St. Francis	54	9,343	505	35,350
Scott	40	1,580	63	4,410
Searcy	50	2,049	102	7,140
Sharp	60	1,421	85	5,950
Stone	71	1,563	111	7,770
Van Buren	53	1,584	84	5,880
Woodruff	54	4,040	218	15,260
Total	------------	175,511	------------	595,210
CALIFORNIA				
Alameda	52	196,408	10,213	714,910
Alpine	82	54	4	280
Amador	31	3,174	98	6,860
Butte	69	19,639	1,355	94,850
Colusa	61	3,122	190	13,300
Contra Costa	51	111,914	5,708	399,560
Del Norte	37	4,574	169	11,830
El Dorado	37	7,097	263	18,410
Fresno	78	94,705	7,387	517,090
Humboldt	37	26,584	984	68,880
Imperial	43	18,288	786	55,020
Inyo	55	2,894	159	11,130
Kern	66	79,076	5,219	365,330
Kings	55	14,087	775	54,250
Lake	94	2,760	259	18,130
Lassen	36	3,483	125	8,750
Los Angeles	32	1,322,748	42,328	2,962,960
Madera	70	11,131	779	54,530
Mendocino	46	12,554	577	40,390
Merced	57	23,333	1,330	93,100
Napa	33	14,145	467	32,690
Nevada	45	4,800	216	15,120
Placer	44	13,666	601	42,070
Plumas	45	2,926	132	9,240
Riverside	37	72,844	2,695	188,650
Sacramento	43	123,902	5,328	372,960
San Benito	36	4,020	145	10,150
San Bernardino	49	124,969	6,123	428,610
San Francisco	62	122,193	7,576	530,320
San Joaquin	62	59,828	3,709	259,630
San Luis Obispo	45	17,660	795	55,650
Santa Barbara	32	37,676	1,206	84,420
Santa Clara	35	157,868	5,525	386,750
Santa Cruz	40	17,300	692	48,440
Shasta	48	15,628	750	52,500
Siskiyou	31	8,208	254	17,780
Solano	40	31,547	1,262	88,340
Sonoma	42	34,098	1,432	100,240
Stanislaus	60	39,089	2,345	164,150
Sutter	63	8,826	556	38,920
Tehama	63	6,698	422	29,540
Trinity	31	2,299	71	4,970
Tulare	65	43,835	2,849	199,430
Tuolumne	48	3,319	159	11,130
Ventura	32	47,677	1,526	106,820
Yolo	37	15,975	591	41,370
Yuba	51	8,437	430	30,100
Total	------------	2,997,058	------------	8,859,550
COLORADO				
Alamosa	30	2,481	74	5,180
Archuleta	61	625	38	2,660
Bent	38	1,964	75	5,250
Clear Creek	41	640	26	1,820
Conejos	81	2,660	215	15,050
Costilla	78	1,306	102	7,140
Crowley	46	1,031	47	3,290
Delta	54	3,715	201	14,070
Denver	55	104,262	5,734	401,380
Fremont	36	4,141	149	10,430
Huerfano	135	2,177	294	20,580
Larimer	43	11,698	503	35,210
Las Animas	118	5,422	640	44,800
Montezuma	33	3,596	119	8,330
Montrose	34	4,770	162	11,340
Morgan	42	5,506	231	16,170

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[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
COLORADO—continued				
Otero	74	6,555	485	$33,950
Pueblo	50	30,032	1,502	105,140
Rio Grande	77	3,079	237	16,590
Routt	42	1,481	62	4,340
Saguache	128	1,226	157	10,990
Weld	39	18,118	707	49,490
Total	----------	216,485	----------	823,200
DELAWARE				
New Castle (total)	34	67,612	2,299	160,930
DISTRICT OF COLUMBIA				
Washington (total)	74	135,376	10,018	701,260
FLORIDA				
Alachua	77	16,471	1,268	88,760
Baker	69	1,894	131	9,170
Bay	40	15,672	627	43,890
Bradford	102	3,305	337	23,590
Broward	37	68,778	2,545	178,150
Calhoun	117	2,164	253	17,710
Citrus	50	2,060	103	7,210
Clay	49	4,405	216	15,120
Columbia	76	5,312	404	28,280
Dixie	78	1,158	90	6,300
Duval	49	103,828	5,088	356,160
Escambia	64	42,686	2,732	191,240
Flagler	48	923	44	3,080
Franklin	43	1,514	65	4,550
Gadsden	54	10,010	541	37,870
Gilchrist	103	778	80	5,600
Glades	49	671	33	2,310
Gulf	54	2,667	144	10,080
Hamilton	60	2,200	132	9,240
Hardee	39	2,786	109	7,630
Hendry	41	1,815	74	5,180
Hernando	75	2,325	174	12,180
Highlands	33	4,677	154	10,780
Hillsborough	32	84,781	2,713	189,910
Holmes	62	2,963	184	12,880
Indian River	61	5,330	325	22,750
Jackson	58	10,478	608	42,560
Jefferson	54	2,465	133	9,310
Lafayette	53	732	39	2,730
Lake	52	11,883	618	43,260
Lee	57	11,281	643	45,010
Leon	56	16,549	927	64,890
Levy	58	2,558	148	10,360
Liberty	59	833	49	3,430
Madison	56	4,130	231	16,170
Marion	119	12,735	1,515	106,050
Martin	66	3,352	221	15,470
Nassau	71	4,615	328	22,960
Okeechobee	51	1,800	92	6,440
Orange	35	57,120	1,999	139,930
Osceola	62	3,657	227	15,890
Palm Beach	34	45,417	1,544	108,080
Pasco	58	7,249	420	29,400
Pinellas	33	59,232	1,955	136,850
Polk	31	44,340	1,375	96,250
Putnam	112	7,991	895	62,650
St. Johns	64	7,470	478	33,460
St. Lucie	74	9,301	698	48,860
Santa Rosa	54	6,690	361	25,270
Seminole	52	12,858	669	46,830
Sumter	78	2,882	225	15,750
Suwannee	65	4,040	263	18,410
Taylor	77	3,442	265	18,550
Union	97	1,175	114	7,980
Volusia	59	23,620	1,394	97,580
Wakulla	85	1,461	124	8,680
Walton	134	4,426	593	41,510
Washington	111	3,470	385	26,950
Total	----------	780,425	----------	2,667,140
GEORGIA				
Appling	64	4,126	264	18,480
Atkinson	155	1,798	279	19,530
Bacon	84	2,357	198	13,860
Baker	32	1,351	43	3,010
Banks	43	1,725	74	5,180
Brantley	42	1,789	75	5,250
Bryan	60	1,743	105	7,350
Candler	38	1,871	71	4,970
Carroll	39	8,931	348	24,360
Charlton	61	1,413	86	6,020
Chattooga	47	4,656	219	15,330
Cherokee	50	5,264	263	18,410
Clinch	66	1,705	113	7,910
Coffee	46	5,881	271	18,970
Colquitt	31	9,195	285	19,950
Columbia	68	3,065	208	14,560
Cook	40	2,970	119	8,330
Coweta	31	8,191	254	17,780
GEORGIA—continued				
Crisp	33	4,818	159	$11,130
Dade	56	2,502	140	9,800
Dawson	49	965	47	3,290
Dodge	73	4,875	356	24,920
Dooly	36	3,352	121	8,470
Early	32	3,829	123	8,610
Echols	60	464	28	1,960
Effingham	60	3,256	195	13,650
Elbert	52	4,511	235	16,450
Emanuel	38	4,713	179	12,530
Evans	47	1,800	85	5,950
Fannin	33	3,832	126	8,820
Fayette	40	2,168	87	6,090
Forsyth	54	3,065	166	11,620
Franklin	57	3,294	188	13,160
Fulton	31	121,949	3,780	264,600
Gilmer	56	2,359	132	9,240
Glascock	81	671	54	3,780
Gordon	30	4,485	135	9,450
Greene	40	3,087	123	8,610
Gwinnett	35	10,775	377	26,390
Habersham	44	4,738	208	14,560
Haralson	42	3,774	159	11,130
Harris	33	3,269	108	7,560
Hart	68	3,839	261	18,270
Heard	43	1,346	58	4,060
Irwin	45	2,570	116	8,120
Jackson	30	4,469	134	9,380
Jeff Davis	50	2,890	145	10,150
Jefferson	52	4,920	256	17,920
Johnson	67	2,289	153	10,710
Lanier	45	1,370	62	4,340
Liberty	76	3,720	283	19,810
Long	41	1,116	46	3,220
Lowndes	30	12,406	372	26,040
Lumpkin	55	1,836	101	7,070
McDuffie	57	3,321	189	13,230
McIntosh	51	1,747	89	6,230
Madison	52	2,871	149	10,430
Marion	77	1,638	126	8,820
Mitchell	32	5,529	177	12,390
Montgomery	88	1,563	138	9,660
Morgan	37	2,531	94	6,580
Oconee	31	1,580	49	3,430
Oglethorpe	34	2,113	72	5,040
Paulding	32	3,233	103	7,210
Peach	36	3,394	122	8,540
Pickens	50	2,124	106	7,420
Pierce	31	2,849	88	6,160
Pike	38	2,015	77	5,390
Polk	45	6,696	301	21,070
Pulaski	50	2,342	117	8,190
Quitman	104	664	69	4,830
Rabun	77	2,083	160	11,200
Schley	38	997	38	2,660
Spalding	39	8,500	332	23,240
Stephens	44	4,657	205	14,350
Talbot	39	2,040	80	5,600
Taliaferro	57	981	56	3,290
Tattnall	48	3,381	162	11,340
Telfair	91	3,042	277	19,390
Thomas	30	8,462	254	17,780
Toombs	47	4,609	217	15,190
Towns	82	1,226	101	7,070
Treutlen	72	1,512	109	7,630
Turner	43	2,445	105	7,350
Union	63	1,668	105	7,350
Walker	30	11,283	338	23,660
Ware	30	8,874	266	18,620
Washington	43	4,956	213	14,910
Wheeler	151	1,590	240	16,800
White	46	1,223	56	3,920
Whitfield	36	10,119	364	25,480
Wilcox	76	2,418	184	12,880
Total	----------	445,629	----------	1,295,070
HAWAII				
Hawaii	35	18,338	642	44,940
Kauai	35	8,380	293	20,510
Total	----------	26,718	----------	65,450
IDAHO				
Canyon	41	14,274	585	40,950
Clark	31	231	7	490
Kootenai	34	7,729	263	18,410
Lemhi	42	1,287	54	3,780
Nez Perce	33	6,477	214	14,980
Payette	30	3,123	94	6,580
Total	----------	33,121	----------	85,190
ILLINOIS				
Alexander	124	3,483	432	30,240
Calhoun	38	1,169	44	3,080
Cass	30	3,235	97	6,790

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[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
ILLINOIS—continued				
Cook	49	1,070,329	52,446	$3,671,220
Franklin	50	8,319	416	29,120
Gallatin	112	1,864	209	14,630
Greene	44	3,922	173	12,110
Hamilton	41	2,127	87	6,090
Hardin	115	1,306	150	10,500
Jackson	38	8,320	316	22,120
Jefferson	41	7,318	300	21,000
Lawrence	38	4,064	154	10,780
Macon	30	27,270	818	57,260
Marion	34	8,825	300	21,000
Massac	49	3,099	152	10,640
Morgan	34	7,354	250	17,500
Pope	79	840	66	4,620
Pulaski	156	2,420	378	26,460
St. Clair	68	59,345	4,035	282,450
Saline	96	5,447	523	36,610
Schuyler	33	2,037	67	4,690
Scott	33	1,388	46	3,220
Williamson	40	9,403	376	26,320
Total	----------	1,242,884	----------	4,328,450
INDIANA				
Crawford	38	1,843	70	4,900
Lake	35	125,761	4,402	308,140
Martin	46	2,682	123	8,610
Ohio	36	979	35	2,450
Vigo	38	22,799	866	60,620
Total	----------	154,064	----------	384,720
IOWA				
Appanoose	40	3,392	136	9,520
Black Hawk	33	29,606	977	68,390
Boone	33	6,070	200	14,000
Cass	31	4,218	131	9,170
Clarke	42	1,861	78	5,460
Decatur	55	2,388	131	9,170
Floyd	30	5,340	160	11,200
Fremont	44	2,368	104	7,280
Greene	31	3,755	116	8,120
Hamilton	37	4,901	181	12,670
Harrison	37	4,471	165	11,550
Lucas	33	2,472	82	5,740
Mahaska	32	5,517	177	12,390
Monroe	59	2,571	152	10,640
Muscatine	39	7,768	303	21,210
Page	30	4,416	132	9,240
Polk	47	59,853	2,813	196,910
Pottawattamie	36	20,505	738	51,660
Ringgold	37	1,993	74	5,180
Scott	32	27,762	888	62,160
Union	43	3,096	133	9,310
Wapello	39	11,011	429	30,030
Wayne	32	2,095	67	4,690
Webster	32	11,607	371	25,970
Woodbury	33	25,533	843	59,010
Total	----------	254,569	----------	670,670
KANSAS				
Allen	34	3,569	121	8,470
Atchison	58	4,603	267	18,690
Bourbon	54	3,178	172	12,040
Chase	39	868	34	2,380
Cherokee	95	5,041	479	33,530
Crawford	49	7,208	353	24,710
Elk	43	1,003	43	3,010
Finney	38	4,286	163	11,410
Greenwood	37	2,448	91	6,370
Labette	69	5,852	404	28,280
Linn	42	1,740	73	5,110
Miami	40	4,323	173	12,110
Montgomery	40	10,374	415	29,050
Morris	35	1,655	58	4,060
Ottawa	41	1,437	59	4,130
Pawnee	30	2,225	67	4,690
Sedgwick	36	82,780	2,980	208,600
Wilson	32	2,833	91	6,370
Woodson	37	1,080	40	2,800
Total	----------	146,503	----------	425,810
KENTUCKY				
Adair	69	3,130	216	15,120
Allen	57	2,373	135	9,450
Ballard	39	1,747	68	4,760
Barren	66	5,869	387	27,090
Bath	113	2,108	238	16,660
Bell	101	10,015	1,012	70,840
Bourbon	48	3,980	191	13,370
Boyle	36	4,479	161	11,270
Bracken	31	1,448	45	3,150
Breckinridge	41	3,305	136	9,520
Butler	82	2,353	193	13,510
Caldwell	51	2,627	134	9,380
KENTUCKY—continued				
Carlisle	30	1,070	32	$2,240
Carroll	36	1,786	64	4,480
Carter	63	5,344	337	23,590
Casey	61	3,782	231	16,170
Christian	50	10,170	509	35,630
Clark	49	4,703	230	16,100
Clay	134	6,017	806	56,420
Clinton	108	2,000	216	15,120
Crittenden	51	1,841	94	6,580
Cumberland	117	1,543	181	12,670
Edmonson	69	1,967	136	9,520
Elliott	103	1,724	178	12,460
Estill	93	2,791	260	18,200
Floyd	59	12,231	722	50,540
Fulton	117	2,352	275	19,250
Graves	36	6,283	226	15,820
Grayson	58	3,825	222	15,540
Greenup	50	8,074	404	28,280
Harlan	87	15,424	1,342	93,940
Harrison	42	2,725	114	7,980
Hart	54	3,142	170	11,900
Henderson	32	7,639	244	17,080
Henry	39	2,404	94	6,580
Hichman	46	1,457	67	4,690
Hopkins	47	8,401	395	27,650
Jackson	121	2,902	351	24,570
Jefferson	32	131,854	4,219	295,330
Jessamine	30	2,663	80	5,600
Johnson	109	5,391	588	41,160
Knott	147	5,134	755	52,850
Knox	108	6,763	730	51,100
Laurel	60	6,663	400	28,000
Lawrence	130	3,168	412	28,840
Lee	94	1,956	184	12,880
Leslie	166	3,481	578	40,460
Letcher	90	9,125	821	57,470
Lewis	65	3,176	206	14,420
Lincoln	45	3,980	179	12,530
Livingston	49	1,450	71	4,970
Logan	44	4,318	190	13,300
Lyon	55	1,013	56	3,920
McCracken	34	12,888	438	30,660
McCreary	133	3,810	507	35,490
McLean	35	2,100	74	5,180
Madison	39	6,369	248	17,360
Magoffin	92	2,938	270	18,900
Marion	41	4,562	187	13,090
Martin	108	3,227	349	24,430
Mason	47	3,917	184	12,880
Menifee	94	1,057	99	6,930
Metcalfe	48	1,502	72	5,040
Monroe	73	2,726	199	13,930
Montgomery	83	3,170	263	18,410
Morgan	91	2,794	254	17,780
Muhlenberg	44	6,045	266	18,620
Ohio	49	3,897	191	13,370
Owsley	109	1,318	144	10,080
Perry	81	10,606	859	60,130
Pike	47	19,843	933	65,310
Powell	89	1,589	141	9,870
Pulaski	61	8,305	507	35,490
Robertson	38	574	22	1,540
Rockcastle	93	3,124	291	20,370
Rowan	55	2,816	155	10,850
Russell	46	2,948	136	9,520
Scott	34	3,055	104	7,280
Simpson	56	2,513	141	9,870
Spencer	50	1,232	62	4,340
Taylor	42	3,748	157	10,990
Todd	48	2,525	121	8,470
Trigg	46	1,979	91	6,370
Union	50	3,642	182	12,740
Warren	55	9,333	513	35,910
Wayne	77	3,269	252	17,640
Webster	36	2,845	102	7,140
Whitley	119	7,097	845	59,150
Wolfe	136	1,958	266	18,620
Total	6,089	510,487	----------	2,093,700
LOUISIANA				
Acadia	54	13,032	704	49,280
Allen	61	5,803	354	24,780
Ascension	77	7,615	586	41,020
Assumption	53	4,894	259	18,130
Avoyelles	102	10,215	1,042	72,940
Beauregard	96	4,859	466	32,620
Beinville	78	4,580	357	24,990
Bossier	30	14,143	424	29,680
Caddo	75	54,257	4,069	284,830
Calcasieu	37	35,905	1,328	92,960
Caldwell	93	2,376	221	15,470
Cameron	32	1,214	39	2,730
Catahoula	85	3,131	266	18,620
Claiborne	62	5,159	320	22,400
Concordia	72	5,624	405	28,350

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[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
LOUISIANA—continued				
De Soto	105	6,602	693	$48,510
East Baton Rouge	42	57,884	2,431	170,170
East Carroll	69	4,377	302	21,140
East Feliciana	129	4,147	535	37,450
Evangeline	128	8,508	1,089	76,230
Franklin	95	7,724	734	51,380
Grant	111	3,484	387	27,090
Iberia	63	12,796	806	56,420
Iberville	93	8,339	776	54,320
Jackson	114	4,364	497	34,790
Jefferson Davis	47	8,131	382	26,740
Lafayette	35	20,519	718	50,260
Lafourche	30	14,028	421	29,470
La Salle	72	3,246	234	16,380
Lincoln	71	5,984	425	29,750
Livingston	53	7,682	407	28,490
Madison	57	4,535	258	18,060
Morehouse	112	9,391	1,052	73,640
Natchitoches	117	9,532	1,115	78,050
Orleans	59	138,803	8,189	573.230
Quachita	96	25,029	2,403	168,210
Pointe Coupee	104	6,690	696	48,720
Rapides	62	26,784	1,661	116,270
Red River	147	2,674	393	27,510
Richland	106	6,897	731	51,170
Sabine	110	5,229	575	40,250
St. Charles District	56	5,501	308	21,560
St. Helena	111	2,889	321	22,470
St. John District	56	4.982	279	19,530
St. Landry	64	23,840	1,526	106,820
St. Martin	86	8,299	714	49,980
St. Mary	42	13,201	554	38,780
St. Tammany	34	10,846	369	25,830
Tangipahoa	92	16,128	1,484	103,880
Tensas	66	3,431	226	15,820
Terrebonne	30	15,980	479	33,530
Union	103	4,663	480	33,600
Vernon	109	4,913	536	37,520
Washington	68	12,120	824	57,680
Webster	53	10,707	567	39,690
West Baton Rouge	79	4,204	332	23,240
West Carroll	74	4,165	308	21,560
West Feliciana	98	3,102	304	21,280
Winn	133	4,371	581	40,670
Total	------------	739,528	------------	3,425,940
MAINE				
Androscoggin	33	20,040	661	46,270
Aroostook	53	27,057	1,434	100,380
Cumberland	44	41,707	1,835	128,450
Franklin	43	5,172	222	15,540
Hancock	41	7,446	305	21,350
Kennebec	54	20,847	1,126	78,820
Knox	48	6,695	321	22,470
Lincoln	45	3,959	178	12,460
Oxford	36	10,927	393	27,510
Penobscot	35	29,253	1,024	71,680
Piscataquis	45	4,291	193	13,510
Sagadahoc	42	5,276	222	15,540
Somerset	50	9,502	475	33,250
Waldo	59	5,781	341	23,870
Washington	81	7,250	587	41,090
Total	------------	205,203	------------	652,190
MARYLAND				
Allegany	39	18,600	725	50,750
Baltimore city	57	198,582	11,319	792,330
Cecil	31	10,041	311	21,770
Charles	30	8,770	263	18,410
Dorchester	33	5,820	192	13,440
Garrett	40	5,208	208	14,560
St. Marys	36	9,230	332	23,240
Total	------------	256,251	------------	934,500
MASSACHUSETTS				
Suffolk (total)	54	148,133	7,999	559,930
MICHIGAN				
Arenac	33	2,466	81	5,670
Baraga	49	1,945	95	6,650
Benzie	33	1,978	65	4,550
Berrien	31	37,703	1,169	81,830
Clare	36	3,045	110	7,700
Crawford	34	1,144	39	2,730
Gladwin	30	3,132	94	6,580
Hougthon	43	8,135	350	24,500
Huron	30	9,327	280	19,600
Isabella	30	8,746	262	18,340
Kalkaska	46	1,171	54	3,780
Lake	86	1,258	108	7,560
Missaukee	37	2,008	74	5,180
Ontonagon	31	2,875	89	6,230
MICHIGAN—continued				
Oscoda	37	912	34	$2,380
Van Buren	31	11,969	371	25,970
Wayne	36	624,169	22,470	1,572,900
Wexford	39	4,573	178	12,460
Total	------------	726,556	------------	1,814,610
MINNESOTA				
Aitkin	33	2,802	95	6,650
Becker	42	6,324	266	18,620
Beltrami	75	5,817	436	30,520
Cass	70	4,386	307	21,490
Clearwater	49	1,986	97	6,790
Cook	42	833	35	2,450
Crow Wing	30	8,281	248	17,360
Hubbard	39	2,600	101	7,070
Koochiching	47	5,023	236	16,520
Mille Lacs	36	3,635	131	9,170
Red Lake	30	1,616	48	3,360
Total	------------	43,393	------------	140,000
MISSISSIPPI				
Adams	43	10,132	436	30,520
Alcorn	80	6,507	521	36,470
Amite	44	4,738	208	14,560
Attala	103	6,095	628	43,960
Benton	52	2,314	120	8,400
Bolivar	85	16,043	1,364	95,480
Calhoun	134	4,217	565	39,550
Carroll	126	3,599	453	31,710
Chickasaw	121	4,616	559	39,130
Choctaw	100	2,261	226	15,820
Claiborne	80	2,949	236	16,520
Clarke	132	4,591	606	42,420
Clay	104	5,306	552	38,640
Coahoma	69	12,872	888	62,160
Copiah	46	7,324	337	23,590
Covington	123	3,772	464	32,480
De Soto	53	6,953	369	25,830
Forrest	32	13,098	419	29,330
Franklin	49	2,438	119	8,330
George	67	2,760	185	12,950
Greene	97	2,303	223	15,610
Grenada	41	4,750	195	13,650
Hancock	32	3,704	119	8,330
Hinds	67	46,524	3,117	218,190
Holmes	161	8,377	1,349	94,430
Humphreys	55	5,790	318	22,260
Issaquena	84	1,225	103	7,210
Itawamba	61	3,485	213	14,910
Jasper	132	5,165	682	47,740
Jefferson	92	2,892	266	18,620
Jefferson Davis	60	4,192	252	17,640
Jones	47	15,452	726	50,820
Kemper	142	3,855	547	38,290
Lafayette	58	4,890	284	19,880
Lamar	57	3,875	221	15,470
Lauderdale	77	16,432	1,265	88,550
Lawrence	65	2,977	194	13,580
Leake	132	5,434	717	50,190
Lee	71	9,620	683	47,810
Leflore	75	13,039	978	68,460
Lincoln	59	7,264	429	30,030
Lowndes	61	11,471	700	49,000
Madison	76	9,935	755	52,850
Marion	55	6,453	355	24,850
Monroe	64	8,918	571	39,970
Montgomery	63	3,729	235	16,450
Neshoba	75	5,996	450	31,500
Newton	77	5,160	397	27,790
Noxubee	137	5,195	712	49,840
Oktibbeha	60	6,167	370	25,900
Panola	31	8,224	255	17,850
Pearl River	35	6,101	214	14,980
Perry	84	2,636	221	15,470
Pike	41	9,774	401	28,070
Pontotoc	90	4,415	397	27,790
Prentiss	90	4,727	425	29,750
Quitman	67	6,654	446	31,220
Rankin	52	7,771	404	28,280
Scott	72	5,925	427	29,890
Sharkey	61	3,269	199	13,930
Simpson	69	5,762	398	27,860
Smith	81	4,077	330	23,100
Stone	54	1,837	99	6,930
Sunflower	78	12,920	1,008	70,560
Tallahatchie	82	7,132	585	40,950
Tate	32	5,199	166	11,620
Tippah	92	3,869	356	24,920
Tishomingo	85	3,413	290	20,300
Union	79	5,015	396	27,720
Walthall	57	3,690	210	14,700
Warren	62	10,328	640	44,800
Washington	50	20,708	1,035	72,450
Wayne	65	4,710	306	21,420
Webster	97	2,691	261	18,270

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[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
MISSISSIPPI—continued				
Wilkinson	68	4,367	297	$20,790
Winston	136	5,711	777	54,390
Yalobusha	82	3,421	281	19,670
Yazoo	106	9,455	1,002	70,140
Total		530,655		2,695,490
MISSOURI				
Adair	50	3,652	183	12,810
Audrain	41	5,929	243	17,010
Barry	55	3,878	213	14,910
Bates	55	3,167	174	12,180
Benton	66	1,662	110	7,700
Bollinger	102	2,179	222	15,540
Buchanan	33	17,543	579	40,530
Butler	131	8,520	1,116	78,120
Callaway	39	4,380	171	11,970
Camden	58	1,868	108	7,560
Cape Girardeau	56	9,193	515	36,050
Carroll	36	2,914	105	7,350
Carter	159	976	155	10,850
Cedar	52	1,826	95	6,650
Chariton	60	2,594	156	10,920
Christian	56	2,627	147	10,290
Clark	41	1,819	75	5,250
Clinton	41	2,480	102	7,140
Cooper	35	3,332	117	8,190
Crawford	75	2,629	197	13,790
Dade	53	1,560	83	5,810
Dallas	97	1,929	187	13,090
Daviess	38	1,909	73	5,110
Dent	85	2,127	181	12,670
Douglas	87	2,303	200	14,000
Dunklin	132	9,528	1,258	88,060
Greene	45	25,405	1,143	80,010
Grundy	41	2,305	95	6,650
Henry	35	3,973	139	9,730
Hickory	50	969	48	3,360
Howard	84	2,086	175	12,250
Howell	61	5,145	314	21,980
Iron	88	1,817	160	11,200
Jackson	44	125,241	5,511	385,770
Jasper	71	16,512	1,172	82,040
Knox	40	1,342	54	3,780
Laclede	74	4,077	302	21,140
Lawrence	55	4,762	262	18,340
Lewis	36	1,920	69	4,830
Lincoln	32	2,996	96	6,720
Linn	56	3,351	188	13,160
Livingston	49	3,473	170	11,900
McDonald	73	2,607	190	13,300
Macon	44	3,145	138	9,660
Madison	48	2,295	110	7,700
Maries	34	1,674	57	3,990
Marion	51	5,913	302	21,140
Miller	37	3,205	119	8,330
Mississippi	185	5,361	992	69,440
Moniteau	51	2,144	109	7,630
Monroe	45	2,137	96	6,720
Montgomery	37	2,153	80	5,600
Morgan	32	1,915	61	4,270
New Madrid	161	8,567	1,379	96,530
Newton	61	7,134	435	30,450
Oregon	110	2,231	245	17,150
Ozark	107	1,632	175	12,250
Pemiscot	179	10,415	1,864	130,480
Perry	33	3,528	116	8,120
Pettis	56	6,886	386	27,020
Phelps	31	4,999	155	10,850
Pike	60	3,385	203	14,210
Polk	48	2,684	129	9,030
Putnam	88	1,095	96	6,720
Randolph	75	4,312	323	22,610
Reynolds	190	1,378	262	18,340
Ripley	130	2,050	267	18,690
St. Clair	82	1,707	140	9,800
St. Francois	65	8,125	528	36,960
St. Louis City	106	139,965	14,836	1,038,520
Schuyler	33	931	31	2,170
Scott	66	8,109	535	37,450
Shannon	135	1,629	220	15,400
Stoddard	105	7,320	769	53,830
Stone	64	1,680	108	7,560
Sullivan	58	1,645	95	6,650
Taney	68	1,995	136	9,520
Texas	68	4,009	273	19,110
Vernon	32	3,754	120	8,400
Washington	93	3,709	345	24,150
Wayne	145	1,934	280	19,600
Webster	106	3,007	319	22,330
Wright	121	3,131	379	26,530
Total		593,393		3,084,620
MONTANA				
Big Horn	84	2,790	234	16,380
Blaine	98	2,163	212	14,840
MONTANA—continued				
Glacier	67	3,107	208	$14,560
Golden Valley	31	302	9	630
Hill	37	4,819	178	12,460
Roosevelt	64	3,173	203	14,210
Rosebud	63	1,532	97	6,790
Sanders	31	1,667	52	3,640
Total		19,553		83,510
NEBRASKA				
Adams	32	6,390	204	14,280
Hooker	38	317	12	840
Knox	36	3,566	128	8,960
Thurston	65	2,003	130	9,100
Total		12,276		33,180
NEVADA				
Clark	33	29,159	962	67,340
Elko	38	3,112	118	8,260
Esmeralda	49	93	5	350
Humboldt	56	1,238	69	4,830
Lander	67	363	24	1,680
Lincoln	52	638	33	2,310
Mineral	58	1,777	103	7,210
Nye	38	868	33	2,310
Pershing	40	752	30	2,100
White Pine	41	2,669	109	7,630
Total		40,669		104,020
NEW JERSEY				
Atlantic	37	32,174	1,190	83,300
Camden	33	86,848	2,866	200,620
Essex	38	185,477	7,048	493,360
Mercer	33	55,155	1,820	127,400
Total		359,654		904,680
NEW MEXICO				
Bernalillo	42	66,040	2,774	194,180
Catron	32	748	24	1,680
Chaves	53	13,472	714	49,980
Colfax	83	3,778	314	21,980
Curry	31	7,432	230	16,100
De Baca	54	752	41	2,870
Dona Ana	38	15,048	572	40,040
Eddy	49	13,923	682	47,740
Grant	68	5,047	343	24,010
Guadalupe	144	1,640	236	16,520
Harding	67	525	35	2,450
Hidalgo	47	1,352	64	4,480
Lea	31	14,009	434	30,380
Lincoln	62	2,057	128	8,960
Luna	63	2,763	174	12,180
McKinley	62	11,774	730	51,100
Mora	199	1,974	393	27,510
Quay	92	3,459	318	22,260
Rio Arriba	144	6,808	980	68,600
Sandoval	66	4,682	309	21,630
San Juan	35	14,635	512	35,840
San Miguel	152	6,599	1,003	70,210
Sante Fe	100	11,958	1,196	83,720
Sierra	84	1,080	91	6,370
Socorro	94	2,791	262	18,340
Taos	184	5,333	981	68,670
Torrance	115	1,878	216	15,120
Union	129	1,597	206	14,420
Valencia	44	10,951	482	33,740
Total		234,105		1,011,080
NEW YORK				
Erie	32	240,027	7,681	537,670
Jefferson	34	21,274	723	50,610
Oneida	30	58,615	1,758	123,060
Orleans	35	8,169	286	20,020
Oswego	30	21,250	638	44,660
St. Lawrence	38	27,815	1,057	73,990
Seneca	32	7,396	237	16,590
New York City	66	242,101	15,979	1,118,530
Total		626,647		1,985,130
NORTH CAROLINA				
Alexander	43	3,746	161	11,270
Alleghany	97	1,833	178	12,460
Anson	56	7,211	404	28,280
Ashe	97	4,710	457	31,990
Avery	97	3,178	308	21,560
Beaufort	49	9,793	480	33,600
Bertie	49	6,635	325	22,750
Bladen	89	8,797	783	54,810
Brunswick	51	5,238	267	18,690
Buncombe	35	28,646	1,003	70,210
Burke	39	12,283	479	33,530

[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
NORTH CAROLINA—continued				
Cabarrus	40	15, 596	624	$43, 680
Caldwell	38	12, 021	457	31, 990
Camden	47	1, 444	68	4, 760
Carteret	46	6, 748	310	21, 700
Caswell	77	5, 503	424	29, 680
Catawba	30	17, 274	518	36, 260
Cherokee	95	4, 374	416	29, 120
Clay	143	1, 413	202	14, 140
Cleveland	56	16, 164	905	63, 350
Columbus	43	14, 097	606	42, 420
Craven	47	13, 569	638	44, 660
Cumberland	47	31, 366	1, 474	103, 180
Currituck	34	1, 516	52	3, 640
Dare	36	1, 203	43	3, 010
Davidson	32	18, 450	590	41, 300
Duplin	38	10, 869	413	28, 910
Durham	65	23, 948	1, 557	108, 990
Forsyth	56	41, 240	2, 309	161, 630
Franklin	51	7, 599	388	27, 160
Gaston	55	30, 207	1, 661	116, 270
Gates	34	2, 217	75	5, 250
Graham	61	1, 708	104	7, 280
Greene	32	5, 078	162	11, 340
Guilford	38	53, 806	2, 045	143, 150
Halifax	51	15, 891	810	56, 700
Harnett	79	12, 305	972	68, 040
Haywood	60	9, 443	567	39. 690
Henderson	32	8, 349	267	18, 690
Hertford	55	6, 210	342	23, 940
Hyde	73	1, 368	100	7, 000
Iredell	30	14, 907	447	31, 290
Jackson	106	4, 244	450	31, 500
Johnston	54	17, 512	946	66, 220
Jones	76	3, 174	241	16, 870
Lee	47	6, 480	305	21, 350
Lenoir	36	14, 394	518	36, 260
Lincoln	40	7, 153	286	20, 020
Macon	38	3, 560	135	9, 450
Madison	136	3. 908	531	37, 170
Martin	38	7, 915	301	21, 070
Mecklenburg	36	61, 466	2, 213	154, 910
Mitchell	131	3, 382	443	31, 010
Montgomery	49	4, 455	218	15, 260
Moore	42	8, 928	375	26, 250
Nash	43	16, 337	702	49, 140
New Hanover	64	17, 231	1, 103	77, 210
Northampton	49	7, 512	368	25, 760
Orange	34	8, 189	278	19, 460
Pamlico	54	2, 620	141	9, 870
Pender	34	4, 909	167	11, 690
Perquimans	35	2, 343	82	5, 740
Person	67	6, 825	457	31, 990
Pitt	38	18, 173	691	48, 370
Polk	80	2, 650	212	14 840
Richmond	77	10, 591	816	57, 120
Robeson	52	25, 450	1, 323	92, 610
Rockingham	31	15, 796	490	34, 300
Rowan	38	18, 856	717	50, 190
Rutherford	62	10, 949	679	47, 530
Sampson	66	13, 342	881	61, 670
Scotland	106	7, 789	826	57, 820
Surry	48	11, 396	547	38, 290
Swain	118	2, 280	269	18, 830
Transylvania	49	3, 983	195	13, 650
Tyrrell	53	1, 244	66	4, 620
Vance	51	8, 339	425	29, 750
Wake	65	36, 881	2, 397	167, 790
Warren	39	5, 863	229	16, 030
Watauga	75	3, 955	297	20, 790
Wilkes	87	11, 460	997	69, 790
Wilson	48	14, 449	694	48, 580
Yancey	99	3, 604	357	24, 990
Total		937, 540		3, 343, 130
NORTH DAKOTA				
Benson	65	2, 533	165	11, 550
Eddy	34	1, 203	41	2, 870
McLean	31	4, 175	129	9, 030
Mountrail	30	2, 628	79	5, 530
Rolette	146	2, 854	417	29, 190
Sioux	114	1, 090	124	8, 680
Total		14, 483		66, 850
OHIO				
Adams	119	4, 683	557	38, 990
Athens	75	8, 771	658	46, 060
Brown	50	5, 808	290	20, 300
Franklin	31	143, 395	4, 445	311, 150
Gallia	46	5, 737	264	18, 480
Hamilton	36	186, 191	6, 703	469, 210
Highland	42	6, 554	275	19, 250
Hocking	47	4, 563	214	14, 980
Jackson	85	7, 521	639	88, 340
Lawrence	96	13, 151	1, 262	28, 070
Monroe	117	3, 428	401	44, 730
OHIO—continued				
Morgan	54	2, 984	161	$11, 270
Muskingum	30	17, 673	530	37, 100
Noble	44	2, 542	112	7, 840
Perry	48	6, 424	308	21, 560
Pickaway	30	7, 349	220	15, 400
Pike	141	5, 213	735	51, 450
Ross	47	13, 412	630	44, 100
Scioto	95	19, 938	1, 894	132, 580
Vinton	58	2, 593	150	10, 500
Total		467, 930		1, 431, 360
OKLAHOMA				
Adair	200	3, 270	654	45, 780
Atoka	160	2, 675	428	29, 960
Beckham	67	3, 738	250	17, 500
Blaine	70	2, 937	206	14, 420
Bryan	115	5, 598	644	45, 080
Caddo	78	7, 162	559	39, 130
Carter	84	9, 221	775	54, 250
Cherokee	141	4, 256	600	42, 000
Choctaw	196	3, 775	740	51, 800
Coal	119	1, 249	149	10, 430
Cotton	52	2, 075	108	7, 560
Craig	45	3, 106	140	9, 800
Creek	61	9, 138	557	38, 990
Custer	46	4, 226	194	13, 580
Delaware	156	2, 965	463	32, 410
Garvin	60	6, 574	394	27, 580
Grady	63	6, 627	418	29, 260
Greer	88	2, 088	184	12, 880
Harmon	75	1, 238	93	6, 510
Haskell	125	2, 391	299	20, 930
Hughes	94	3, 644	343	24, 010
Jackson	32	6, 112	196	13, 720
Jefferson	85	1, 894	161	11, 270
Johnston	139	1, 983	276	19, 320
Kiowa	73	3, 367	246	17, 220
Latimer	138	1, 819	251	17, 570
Le Flore	126	7, 243	913	63, 910
Lincoln	70	4, 130	289	20, 230
Logan	96	4, 048	389	27, 230
Love	76	1, 531	116	8, 120
McClain	52	3, 132	163	11, 410
McCurtain	178	6, 860	1, 221	85, 470
McIntosh	158	3, 018	477	33, 390
Marshall	73	1, 703	124	8, 680
Mayes	83	5, 173	429	30, 030
Murray	121	2, 427	294	20, 580
Muskogee	107	14, 459	1, 547	108, 290
Nowata	55	2, 450	135	9, 450
Okfuskee	94	3, 028	285	19, 950
Oklahoma	43	100, 874	4, 338	303, 660
Okmulgee	99	8, 820	873	61, 110
Ottawa	43	6, 521	280	19, 600
Pawnee	55	2, 472	136	9, 520
Payne	33	7, 707	254	17, 780
Pittsburg	120	7, 869	944	66, 080
Pontotoc	54	5, 882	318	22, 260
Pottawatomie	47	8, 897	418	29, 260
Pushmataha	132	2, 155	284	19, 880
Roger Mills	49	1, 184	58	4, 060
Rogers	57	4, 804	274	19, 180
Seminole	124	6, 513	808	56, 560
Sequoyah	200	5, 310	1, 062	74, 340
Stephens	34	9, 552	325	22, 750
Tillman	74	3, 543	262	18, 340
Tulsa	43	81, 334	3, 497	244, 790
Wagoner	144	4, 084	588	41, 160
Total		429, 851		2, 130, 030
OREGON				
Josephine	34	6, 991	238	16, 660
Multnomah	38	113, 200	4, 302	301, 140
Umatilla	30	11, 102	333	23, 310
Total		131, 293		341, 110
PENNSYLVANIA				
Allegheny	43	349, 735	15, 039	1, 052, 730
Armstrong	41	18, 388	754	52, 780
Bedford	53	9, 665	512	35, 840
Blair	37	30, 591	1, 132	79, 240
Bradford	44	13, 303	585	40, 950
Cambria	47	48, 478	2, 278	159, 460
Clarion	40	8, 608	344	24, 080
Clearfield	57	18, 655	1, 063	74, 410
Clinton	34	8, 438	287	20, 090
Crawford	33	18, 111	598	41, 860
Dauphin	38	46, 201	1, 756	122, 920
Fayette	101	41, 299	4, 171	291, 970
Fulton	63	2, 566	162	11, 340
Greene	78	9, 473	739	51, 730
Huntingdon	97	8, 867	860	60, 200
Indiana	68	17, 677	1, 202	84, 140

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[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
PENNSYLVANIA—continued				
Jefferson	46	10,519	484	$33,880
Juniata	37	3,761	139	9,730
Lackawanna	55	48,208	2,651	185,570
Luzerne	55	69,370	3,815	267,050
Lycoming	36	23,673	852	59,640
McKean	47	12,550	590	41,300
Mifflin	47	10,171	478	33,460
Northumberland	40	21,426	857	59,990
Perry	37	6,383	236	16,520
Philadelphia	66	387,472	25,573	1,790,110
Potter	49	3,957	194	13,580
Schuylkill	45	34,406	1,548	108,360
Somerset	63	17,993	1,134	79,380
Sullivan	41	1,575	65	4,550
Susquehanna	49	7,727	379	26,530
Tioga	35	8,685	304	21,280
Washington	46	48,405	2,227	155,890
Wyoming	51	4,106	209	14,630
Total	----------	1,370,442	----------	5,125,190
RHODE ISLAND				
Providence (total)	57	113,285	6,457	451,990
SOUTH CAROLINA				
Abbeville	35	5,320	186	13,020
Aiken	43	20,703	890	62,300
Bamberg	42	4,342	182	12,740
Calhoun	53	3,716	197	13,790
Chester	32	7,756	248	17,360
Chesterfield	50	9,198	460	32,200
Colleton	63	7,875	496	34,720
Darlington	37	14,526	537	37,590
Dillon	43	8,815	379	26,530
Edgefield	40	4,237	169	11,830
Fairfield	33	5,698	188	13,160
Florence	33	24,155	797	55,790
Georgetown	40	10,872	435	30,450
Hampton	73	4,994	365	25,550
Horry	42	17,921	753	52,710
Jasper	86	3,722	320	22,400
Lee	41	6,153	252	17,640
McCormick	42	2,595	109	7,630
Marion	41	9,148	375	26,250
Marlboro	54	7,846	424	29,680
Oconee	53	8,719	462	32,340
Orangeburg	32	19,628	628	43,960
Richland	34	41,763	1,420	99,400
Spartanburg	30	36,491	1,095	76,650
Williamsburg	33	12,768	421	29,470
Total	----------	298,961	----------	825,160
SOUTH DAKOTA				
Bennett	127	818	104	7,280
Brown	30	8,593	258	18,060
Buffalo	175	460	81	5,670
Butte	40	2,143	86	6,020
Charles Mix	55	3,328	183	12,810
Corson	102	1,626	166	11,620
Custer	45	1,038	47	3,290
Day	30	2,663	80	5,600
Dewey	94	1,448	136	9,520
Fall River	35	2,554	89	6,230
Grant	32	2,425	78	5,460
Hughes	31	3,383	105	7,350
Jackson	45	520	24	1,680
Lyman	55	1,106	61	4,270
Marshall	33	1,640	54	3,780
Mellette	113	840	95	6,650
Perkins	30	1,553	47	3,290
Roberts	97	3,499	339	23,730
Shannon	215	1,664	358	25,060
Todd	144	1,338	193	13,510
Walworth	47	2,090	98	6,860
Washabaugh	255	233	59	4,130
Yankton	35	3,872	136	9,520
Ziebach	115	679	78	5,460
Total	----------	49,523	----------	206,850
TENNESSEE				
Anderson	49	15,876	778	54,460
Bedford	34	4,972	169	11,830
Benton	42	2,450	103	7,210
Bledsoe	119	2,143	255	17,850
Blount	48	14,577	700	49,000
Bradley	54	8,671	468	32,760
Campbell	113	7,284	823	57,610
Cannon	35	1,835	64	4,480
Carroll	55	5,401	297	20,790
Carter	60	9,838	590	41,300
Chester	70	2,158	151	10,570
Claiborne	123	4,445	547	38,290
TENNESSEE—continued				
Clay	127	1,848	235	$16,450
Cocke	95	5,391	512	35,840
Crockett	93	3,579	333	23,310
Cumberland	55	4,415	243	17,010
Decatur	75	1,867	140	9,800
DeKalb	61	2,247	137	9,590
Dickson	37	4,301	159	11,130
Dyer	60	6,899	414	28,980
Fentress	68	3,584	244	17,080
Franklin	44	5,891	259	18,130
Gibson	72	9,912	714	49,980
Giles	58	4,982	289	20,230
Grainger	61	2,869	175	12,250
Greene	30	9,283	278	19,460
Grundy	69	2,833	195	13,650
Hamilton	45	53,858	2,424	169,680
Hancock	121	2,003	242	16,940
Hardeman	37	4,888	181	12,670
Hardin	81	4,178	338	23,660
Hawkins	62	6,988	433	30,310
Haywood	39	6,319	246	17,220
Henderson	93	3,587	334	23,380
Henry	54	4,749	256	17,920
Hickman	50	2,899	145	10,150
Houston	58	1,090	63	4,410
Humphreys	32	2,715	87	6,090
Jackson	118	2,036	240	16,800
Jefferson	31	4,317	134	9,380
Johnson	86	2,544	219	15,330
Knox	48	53,898	2,587	181,090
Lake	77	2,202	170	11,900
Lauderdale	34	5,411	184	12,880
Lawrence	38	6,775	257	17,990
Lewis	66	1,617	107	7,490
Lincoln	40	5,689	228	15,960
Loudon	45	5,915	266	18,620
McNairy	48	4,441	213	14,910
Madison	73	13,619	994	69,580
Marion	70	5,240	367	25,690
Marshall	38	3,612	137	9,590
Maury	49	9,484	465	32,550
Meigs	66	1,271	84	5,880
Monroe	72	5,786	417	29,190
Montgomery	38	10,975	417	29,190
Morgan	84	3,468	291	20,370
Overton	58	3,221	187	13,090
Perry	96	1,228	118	8,260
Pickett	61	1,052	64	4,480
Polk	81	3,061	248	17,360
Putnam	52	6,223	324	22.680
Rhea	101	3,797	383	26.810
Roane	43	9,719	418	29,260
Robertson	34	6,095	207	14,490
Scott	149	4,464	665	46,550
Sequatchie	48	1,611	77	5,390
Sevier	44	5,478	241	16,870
Shelby	45	144,579	6,506	455,420
Smith	60	2,485	149	10,430
Stewart	90	1,706	154	10,780
Sullivan	38	26,357	1,002	70,140
Sumner	33	8,278	273	19,110
Tipton	44	7,364	324	22,680
Unicoi	51	3,959	202	14,140
Union	71	2,298	163	11,410
Van Buren	102	948	97	6,790
Warren	37	5,514	204	14,280
Wayne	87	2,981	259	18,130
Weakley	42	4,799	202	14,140
White	57	3,584	204	14,280
Williamson	82	6,017	493	34,510
Total	----------	657,943	----------	2,447,340
TEXAS				
Bastrop	40	3,886	155	10,850
Bowie	31	13,828	429	30,030
Brewster	39	1,477	58	4,060
Brooks	46	2,330	107	7.490
Caldwell	39	3,853	150	10,500
Camp	46	1,814	83	5,810
Collingsworth	46	1,512	70	4,900
Colorado	47	4,265	200	14,000
De Witt	31	4,578	142	9,940
Dimmit	43	2,880	124	8,680
Duval	52	3,483	181	12,670
Fannin	38	4,717	179	12,530
Fayette	44	4,125	182	12,740
Franklin	32	1,067	34	2,380
Freestone	39	3,073	120	8,400
Frio	34	2,653	90	6,300
Goliad	41	1,137	47	3,290
Gonzales	45	3,755	169	11,830
Hall	33	1,688	56	3,920
Harrison	39	10,800	421	29.470
Hidalgo	39	49,826	1,943	136,010
Houston	35	4,034	141	9,870
Jasper	31	5,295	164	11,480

[1] Aid to families with dependent children.

	Number of children per thousand (up to 18 years) receiving AFDC,[1] 1960 (1)	School population (kindergarten to 12th grade), 1960 (2)	Col. 1 times col. 2 divided by 1,000 (3)	Estimated payment to county under sec. 4A(a)(1) of S. 2528 and H.R. 10159 (col. 3 times $70) (4)
TEXAS—continued				
Jeff Davis	33	418	14	$980
Jim Hogg	37	1,190	44	3,080
Kaufman	30	5,890	177	12,390
Kinney	43	405	17	1,190
Lamar	49	6,926	339	23,730
La Salle	51	1,486	76	5,320
Leon	33	2,290	76	5,320
McCulloch	33	1,882	62	4,340
Marion	67	1,973	132	9,240
Mason	37	910	34	2,380
Maverick	39	3,811	149	10,430
Milam	45	4,816	217	15,190
Montgomery	30	6,594	198	13,860
Navarro	30	7,323	220	15,400
Newton	67	2,647	177	12,390
Panola	36	4,108	148	10,360
Polk	37	3,395	126	8,820
Presidio	35	1,490	52	3,640
Red River	53	3,467	184	12,880
San Augustine	41	1,874	77	5,390
San Jacinto	111	1,579	175	12,250
San Patricio	31	11,602	360	25,200
Shelby	42	4,507	189	13,230
Starr	64	4,898	313	21,910
Trinity	63	1,617	102	7,140
Tyler	62	2,448	152	10,640
Walker	30	2,789	84	5,880
Webb	39	17,187	670	46,900
Wharton	41	9,146	375	26,250
Willacy	44	5,416	238	16,660
Wilson	34	3,025	103	7,210
Zavala	65	3,534	230	16,100
Total		266,719		752,850
UTAH				
Duchesne	34	2,310	79	5,530
Emery	41	1,665	68	4,760
Garfield	41	1,112	46	3,220
Juab	38	1,328	50	3,500
San Juan	63	2,171	137	9,590
Sanpete	40	3,138	126	8,820
Summit	30	1,173	35	2,450
Wasatch	35	1,508	53	3,710
Washington	39	3,274	128	8,960
Total		17,679		50,540
VERMONT				
Grand Isle (total)	35	584	20	1,400
VIRGINIA				
Amelia	39	1,992	78	5,460
Dickenson	56	5,524	309	21,630
Giles	34	4,433	151	10,570
Grayson	38	3,319	126	8,820
Lee	94	6,915	650	45,500
Madison	35	1,781	62	4,340
Mathews	34	1,414	48	3,360
Page	37	3,356	124	8,680
Richmond	33	1,366	45	3,150
Russell	32	6,005	192	13,440
Scott	41	6,333	260	18,200
Tazewell	33	11,605	383	26,810
Washington	30	8,526	256	17,920
Wise	48	11,467	550	38,500
Total		74,036		226,380
WASHINGTON				
Asotin	48	3,315	159	11,130
Chelan	31	10,234	317	22,190
Clallam	43	7,464	321	22,470
Cowlitz	38	15,362	584	40,880
Franklin	42	6,567	276	19,320
Grays Harbor	38	12,951	492	34,440
Jefferson	37	2,661	98	6,860
Kitsap	33	20,661	682	47,740
Kittitas	30	4,918	148	10,360
Klickitat	30	3,168	95	6,650
Lewis	30	10,547	316	22,120
Okanogan	34	6,540	222	15,540
Pacific	32	3,419	109	7,630
Pend Oreille	46	1,737	80	5,600
Pierce	32	73,255	2,344	164,080
Skamania	52	1,321	69	4,830
Snohomish	30	43,688	1,311	91,770
WASHINGTON—continued				
Spokane	45	63,268	2,847	$199,290
Stevens	42	4,944	208	14,560
Thurston	32	13,850	443	31,010
Walla Walla	39	9,277	362	25,340
Whatcom	45	17,030	766	53,620
Yakima	50	37,874	1,894	132,580
Total		374,051		990,010
WEST VIRGINIA				
Barbour	121	3,680	445	31,150
Berkeley	31	7,018	218	15,260
Boone	125	8,408	1,051	73,570
Braxton	156	3,685	575	40,250
Cabell	41	22,007	902	63,140
Calhoun	143	2,110	302	21,140
Clay	184	3,351	617	43,190
Doddridge	66	1,674	110	7,700
Fayette	122	16,347	1,994	139,580
Gilmer	191	1,891	361	25,270
Grant	79	2,041	161	11,270
Greenbrier	74	8,533	631	44,170
Hampshire	75	3,023	227	15,890
Hardy	77	2,250	173	12,110
Jackson	65	4,168	271	18,970
Jefferson	56	4,120	231	16,170
Kanawha	52	59,727	3,106	217,420
Lewis	135	3,777	510	35,700
Lincoln	219	5,443	1,192	83,440
Logan	143	17,785	2,543	178,010
McDowell	173	21,239	3,674	257,180
Marion	34	14,136	481	33,670
Marshall	47	7,748	364	25,480
Mason	46	5,619	258	18,060
Mercer	169	16,066	2,715	190,050
Mineral	55	4,899	269	18,830
Mingo	183	11,367	2,080	145,600
Monroe	152	2,803	426	29,820
Morgan	82	1,887	155	10,850
Nicholas	115	6,994	804	56,280
Ohio	41	13,687	561	39,270
Pendleton	134	1,955	262	18,340
Pleasants	63	1,586	100	7,000
Pocahontas	112	2,501	280	19,600
Preston	46	6,919	318	22,260
Putnam	63	5,804	366	25,620
Raleigh	87	21,322	1,855	129,850
Randolph	103	6,486	668	46,760
Ritchie	97	2,321	225	15,750
Roane	150	3,261	489	34,230
Summers	258	3,445	889	62,230
Taylor	47	3,364	158	11,060
Tucker	116	1,886	219	15,330
Tyler	114	2,256	257	17,990
Upshur	145	4,232	614	42,980
Wayne	179	9,567	1,712	119,840
Webster	189	3,700	699	48,930
Wetzel	90	4,358	392	27,440
Wirt	83	946	79	5,530
Wood	41	17,690	725	50,750
Wyoming	135	10,340	1,396	97,720
Total		401,422		2,737,700
WISCONSIN				
Burnett	41	2,282	94	6,580
Douglas	31	10,818	335	23,450
Florence	35	866	30	2,100
Forest	59	2,172	128	8,960
Iron	32	2,171	69	4,830
Jackson	57	3,758	214	14,980
Marinette	32	8,795	281	19,670
Oneida	34	5,489	187	13,090
Sawyer	71	2,472	176	12,320
Vilas	33	2,413	80	5,600
Total		41,236		111,580
WYOMING				
Carbon	36	3,750	135	9,450
Converse	38	1,671	63	4,410
Goshen	41	3,026	124	8,680
Total		8,447		22,540
United States		18,321,981		65,476,400

Mr. MORSE. Mr. President, I would caution that these figures should be reviewed in the light of changes of impact in aid for dependent children since that time, since in certain areas there have been substantial increases in the rate and therefore the dollar amounts to individual counties may be understated. I would note that the school-age population column includes all children enrolled in school, not just those enrolled in the public schools. However, since private school enrollment is but 13 to 15 percent of total enrollment and further, that again by the very nature of the case, few of these children would attend other than a public school, this factor should not seriously bias the figures.

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[1] Aid to families with dependent children.

My last point on S. 2528, is that the use of the Public Law 874 machinery with its reliance upon the local school superintendent and the local welfare offices, means that the cost of administering the program will be minimal. No elaborate bureaucracy need be created. I hazard that the additional Federal clerical employees to carry out the program could be numbered on the fingers of my hands. Mr. President, I ask unanimous consent at this point to have inserted in the RECORD excerpts from letters received by the committee staff relative to S. 2528.

There being no objection, the excerpts from letters were ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, March 24, 1964.

* * * * *

I forwarded copies of Senator MORSE's proposed amendment to Public Law 874 to a number of school districts in California to get reaction from administrators. Without exception I found them enthusiastic about the proposal. I am sure they will be communicating their attitudes to their representatives in Congress.

Sincerely,

J. GRAHAM SULLIVAN,
Chief, Bureau of National Defense, Education Act Administration.

PHILADELPHIA FEDERATION OF TEACHERS,
Philadelphia, Pa., June 4, 1964.

* * * * *

Thank you very much for the data you sent me on S. 2528.

Enclosed is a copy of the resolution adopted by the convention of the Pennsylvania AFL–CIO in Pittsburgh on May 28.

* * * * *

I am wondering how the changes in the State Unemployment Compensation Act, effective July 1, will affect your figures.

Sincerely yours,

MARGARET ROOT,
Legislative Representative.

SUBSTITUTE FOR RESOLUTION NO. 9—FEDERAL AID TO EDUCATION

Whereas Senator WAYNE MORSE in S. 2528 has tried to ease school financial problems by—

1. Phasing out "impacted aid" over 3 years to school districts which now receive such Federal aid because they have at least the required minimum of pupils whose parents work or work and live on Federal installations, and which may lose such subsidies if defense installations are reduced or closed;

2. Extending the principle of "impacted aid" to subsidy for school districts in which at least 3 percent of the pupils (a) "reside in area which during the major portion of such year was designated by the Secretary of Labor as an area of substantial unemployment with one or more parents neither of whom was drawing unemployment compensation;" (b) come from families that receive "aid for dependent children"; and

Whereas Pennsylvania is a State which may lose Federal installations, has heavy unemployment and many families receiving "aid for dependent children": Therefore be it

Resolved, That the Pennsylvania AFL–CIO be directed to work with the AFL–CIO to see what Federal program can be adopted to ease problems of school financing in economically disadvantaged areas.

Submitted by,

PHILADELPHIA FEDERATION OF TEACHERS, LOCAL 3.

Referred to Legislation Committee

Mr. MORSE. Mr. President, I am pressing the Department of Health, Education, and Welfare for a report on S. 2528 so that it will be available for our July hearings. It is my hope that the report will contain as an appendix a table similar to that which I have already introduced into the RECORD and which will contain more current data as to the extent of aid to dependent children impact. At the time the report is received, I shall be happy to share it with Senators who desire additional information.

S. 2725

Mr. President, I turn now to the consideration of S. 2725 which, if enacted, would add standby disaster authority to the authorities exercised by the Commissioner of Education. Specifically, the Commissioner would be empowered upon a finding by the President that a disaster had occurred, to immediately make funds in his possession previously appropriated under Public Law 815 available for use in the repairing and renovation or restoration of the schools in the disaster area. The amount of the grant which he would make would not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the full cost of restoring or replacing the damaged facility.

The Commissioner would also be authorized under the authorities of Public Law 874 to make disaster grants for current operating expenses to the school districts in the disaster area for a 5-fiscal-year period beginning with the fiscal year in which the disaster occurred. Here again, however, the amount of the grant could not exceed the difference between that which was reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the schools during the last full fiscal year prior to the disaster.

Amounts provided during the last 3 years of the 5-year period could not exceed 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. In addition, however, the Commissioner could provide funds to replace destroyed supplies, equipment and materials, and to provide school and cafeteria facilities. Senators will recall that the occasion of the introduction of this legislation was the disastrous consequences suffered by our friends and neighbors in the great State of Alaska. Subsequent to that time, there have been other areas, such as those in Montana, in which much damage was suffered by reason of floods. Truly, as set forth in the publication of the Alaska Education Association, such a tragedy could strike any community or State in our Nation. The advantage of having standby legislation for disasters, to restore as soon as possible educational opportunities to the youngsters in the community, is that within a matter of hours after the determinations were made by the President, help would be on its way. Reconstruction could take place far more quickly, and most importantly, the communities would not be faced, in nearly the same degree of difficulty, with making agonizing choices between equally important public functions, all of which had been damaged by the disaster.

The safeguards in the bill, in my judgment, are sufficient to make sure that the State and the community will bear their full share of the burden while also making sure that the education of the children will not suffer because of the financial stringencies on local governmental units which occur through the almost complete erosion of proceeds from the tax rolls in the first years immediately following a major disaster. At this point in my remarks, Mr. President, I ask unanimous consent that communications I have received from the Honorable William A. Egan, Governor of the State of Alaska, Resolution No. 37 of the State Senate and Resolution No. 16 of the State House of Representatives of Alaska, together with the text of an article which was prepared by the Alaska Education Association and which I understand will be given wide distribution at the national convention of the National Education Association in Seattle, be inserted at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, June 16, 1964.

Hon. WAYNE MORSE,
U.S. Senator,
417 Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This letter is written to express my full support for provisions of S. 2725, introduced by you, to authorize the U.S. Commissioner of Education to extend grants to local public educational agencies for reconstruction, rehabilitation and/or operation of school facilities in a major disaster area.

As Governor of the State of Alaska, which is now engaged in a major effort to recover from the devastating effects of earthquake and seismic seas, I have particular reason to be aware of the desirability for automatic standby authority of the nature proposed by S. 2725.

Its enactment—particularly as regards the authority provided in section 2 of the bill relating to grants for school operation—would fill a gap now existing among the statutory remedies available to areas of our Nation in the wake of disaster. Essential and badly needed assistance could be extended promptly—at a time when urgency of action is most vital to mitigate against unnecessary delay or interruption in the provision of vital educational services.

The March 27 disaster in Alaska caused in excess of $10 million damage and destruction to school buildings and related educational facilities. Funds for reconstruction and rehabilitation of these facilities have been forthcoming from President Johnson and the Office of Emergency Planning under the provisions of Public Law 875.

Of even greater magnitude than that inflicted upon these physical properties, however, is the serious financial blow struck at the future operation of these facilities through the destruction of land values, loss of employment and other factors directly affecting the tax base providing the revenues needed by the State and local school entities for school support. The State of Alaska has estimated that it will suffer, together with individual school districts, a shortfall of approximately $12 million during the remainder of this fiscal year and fiscal years 1965 and 1966 in school support revenues. This need too has been recognized in part in the enactment of legislation to amend the Alaska Omnibus Act and extend for 2 years the program of transitional grants to Alaska.

While Alaskans shall forever be grateful for the prompt and ready manner in which the President and Congress of the United States have responded to the needs arising from the March 27 disaster, it is pertinent to note that had the provisions of S. 2725 been in effect it would not be necessary that the State seek special legislation to meet this disaster-caused need.

Additionally, it should be noted that the Bureau of the Budget, in preparing its estimate of revenue shortfalls in connection with the Alaska disaster, did so on the basis of an 18-month recovery. The estimate of the State of Alaska was based on a 30-month recovery which it believes is a more reasonable period over which rehabilitation and economic recovery will occur. This uncertainty would be resolved under the provisions of section 2 of S. 2725 which would permit the Commissioner of Education, where justified by circumstances, to make grants for operation of schools suffering the impact of disaster over a 5-year period with appropriate reductions in amount in each of the last 3 fiscal years.

The Office of Emergency Planning has done an outstanding job in assisting Alaska's recovery. Of necessity, however, it must give priority to those responsibilities involving the emergency needs of human beings. It cannot give immediate attention to those other equally essential but less urgent tasks of reconstruction.

Assignment of responsibility for reconstruction, rehabilitation, and operation of disaster-affected educational facilities to the U.S. Commissioner of Education not only would relieve the Office of Emergency Planning from this responsibility at a time when it is hard pressed to meet other more urgent needs but would also place the responsibility in an agency particularly adapted by its day-to-day program to know the nature and extent of the need which exists.

The State of Alaska strongly supports the provisions of S. 2725.

Sincerely,

William A. Egan,
Governor.

Resolution Requesting the Expansion of Federal Programs To Meet the Effects of the Natural Disaster on the State School System

Be it resolved by the senate:

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school system in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

Resolved, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the members of the Alaska delegation in Congress. Passed by the senate April 10, 1964.

——— ———,
President of the Senate (*pro tempore*).

Attest:

Evelyn K. Stevenson,
Secretary of the Senate.

Certified true, full and correct.

Evelyn K. Stevenson,
Secretary of the Senate.

State of Alaska,
Secretary of State,
Juneau, April 17, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: At the request of the House of Representatives of the State of Alaska, I have the honor of transmitting to you a certified copy of House Resolution No. 16, requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system.

Sincerely yours,

Hugh J. Wade,
Secretary of State.

House Resolution 16

Resolution requesting the expansion of Federal programs to meet the effects of the natural disaster on the State school system

Be it resolved by the house of representatives:

Whereas the earthquake disaster has had a grave impact on the public education program and system of the State through the destruction of school facilities and the loss of revenues vital to the existence of education; and

Whereas the Federal support for the State's education program emanating from Public Laws 815 and 874 for matching money for school buildings and facilities and for grants to schools affected by Federal activities in the area could be expanded to meet the unprecedented situation facing the school systems in Alaska; and

Whereas U.S. Senator Wayne Morse has introduced S. 2725 to amend Public Law 815 to release funds to replace the schools lost or ravaged in Alaska; and

Whereas the magnitude of the disaster in Alaska strongly suggests the need for making Public Law 874 funds available on the basis of total enrollment at the discretion of the President and for a period of need to be determined by the President: Be it

Resolved, That the President and the Congress are most earnestly and urgently requested to give early and favorable attention to S. 2725 and to make Public Law 874 funds available to Alaska on the basis of total school enrollment in order that the public education program of the State of Alaska may be sustained during the period in which the State is striving to rebuild its economy and overcome the disastrous effects of the earthquake on its economy and vital programs; and be it further

Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; the Honorable Wayne Morse, U.S. Senator; and the Members of the Alaska delegation in Congress. Passed by the house April 12, 1964.

Bruce Kendall,
Speaker of the House.

Attest:
[seal]

Patricia R. Slack,
Chief Clerk of the House.

Certified true, full, and correct.

Patricia R. Slack,
Chief Clerk of the House.

Alaska Education Association,
Juneau, Alaska, June 15, 1964.

Hon. Wayne Morse,
Senator from the State of Oregon, New Senate Office Building, Washington, D.C.

My Dear Senator Morse: We are sending you a copy of a leaflet that has been prepared by us for general distribution at the National Education Association Representative Assembly at Seattle later this month.

We are hoping that we can aid in garnering widespread individual and collective support from teachers and educators across the Nation. The enclosed leaflet and other material will be distributed in Seattle prior to the presentation of a resolution on the floor of the assembly calling for NEA support.

Senator Morse, know that we in Alaska are most appreciative of all of your efforts in behalf of education, and particularly, we are grateful for your efforts in this most recent instance. With friends like you "in the garrison," certainly the future for public education in this Nation is much brighter.

Sincerely yours,

Haze J. Bergeron,
Executive Secretary.

It Happened in Alaska—but It Could Happen To You

(Reprinted from Congressional Record—Senate, Apr. 9)

FEDERAL AID TO SCHOOLS IN DISASTER STRUCK AREAS

Mr. Morse. Mr. President, I know you share with me the heartfelt sympathy that all Americans extended immediately to our brothers in Alaska and on the sea-ravaged portions of the west coast as a result of the earthquake and the tidal wave which followed. I shall, of course, support every effort to provide financial assistance to the State of Alaska and the affected communities. This terrible news caused me to think, however, that perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God. Three to four schools a week in this country, I am advised, burn or are destroyed. Flood, windstorm, tornadoes and hurricanes all take their toll of our schools, and as importantly, the local tax base which supports the school. The replacement of these schools in a great many cases, where tragedy has also wiped from the tax rolls the land values in the community, poses a terribly difficult financial problem to the affected local communities.

I send to the desk for appropriate reference a bill designed to meet these contingencies which we all hope will never strike our own home States. It is a standby authority bill which, if enacted, would go far in restoring the damage to the school plant, thus permitting an early resumption of the school operations.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the bill together with a short section-by-section analysis of the major provisions.

There being no objection, the bill and section-by-section analysis was ordered to be printed in the RECORD.

"SENATOR MORSE PROPOSES FEDERAL AID TO SCHOOLS IN DISASTER STRUCK AREAS (S. 2725)

"Senator WAYNE MORSE, Democrat, of Oregon, chairman of the Senate Subcommittee on Education, on April 9 proposed major disaster amendments to Public Laws 815 and 874. Senator MORSE pointed out that 'as a result of the [Alaskan] earthquake and tidal wave, perhaps we should explore the utility of an automatic standby authority which would release Federal funds for the replacement of schools damaged by such acts of God.'

"The new Morse bill, S. 2725, would amend Public Law 815 to permit the Commissioner to make school construction and rehabilitation grants to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants would be in such amounts as the Commissioner determines to be in the public interest, but they could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of restoring or replacing the public school facilities destroyed or damaged as a result of the disaster. Assurances would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amounts as would be neecssary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 815.

"S. 2725 would also amend Public Law 874 to permit the Commissioner to make grants for current operating expenses to a local public educational agency located in whole or in part in an area which, in the determination of the President, has suffered a major disaster. The grants, which could be made for the 5-fiscal-year period beginning with the fiscal year in which the disaster occurred, could not exceed the difference between the amounts reasonably available to the local educational agency from other sources and the cost of providing a level of education equivalent to that maintained in the agency's schools during the last full fiscal year prior to the disaster. Amounts provided during the last 3 years of the 5-fiscal-year period could not exceed 75, 50, and 25 percent, respectively, of the amount provided during the first fiscal year following the disaster. In addition, the Commissioner could provide funds to replace temporarily facilities destroyed as a result of the disaster. Assurance would be required that the appropriate State and local governments would also make reasonable expenditures for these purposes. Appropriations would be authorized in such amount as would be necessary to carry out this provision, and pending such appropriations the Commissioner could use funds appropriated for other sections of Public Law 874."

If enacted by Congress, S. 2725 would become broad permanent general legislation that would benefit all areas of our Nation faced with disaster. Write to your congressional delegation. Offer your support for S. 2725.

Mr. MORSE. Mr. President, I assure those who have written me on this subject that it is my earnest hope that this needed standby legislation can receive congressional approval in this session of the Congress.

EXTENSION OF PUBLIC LAWS 815 AND 874

Mr. President, although the bills I have previously discussed do not in themselves contain provisions which would extend the life of Public Laws 815 and 874 which, unless they are further extended, are scheduled to expire on June 30, 1965, I feel that it would be most helpful to the members of my subcommittee, if at the time of our July hearings, witnesses would address themselves to the question of the further extension of the basic statutes, in addition to providing the subcommittee with their comments upon the proposed amendments.

I mention this point, Mr. President, because as a realist I feel that the Congress will be faced with this question sooner or later, and that perhaps the most propitious time to resolve the question would be in connection with the hearings on S. 2725 and S. 2528.

I do not mean to imply that the extension should necessarily be incorporated as an amendment to either of the bills, it could very well be handled as a separate clean bill, but I think, as I have indicated, it would be unrealistic not to take this opportunity to come to grips with the question of the number of years we can now extend these statutes prior to further review.

Extension heretofore, has been of 1 or 2 years duration. It is my judgment that we should explore more fully the advisability of at least a 3-year extension, because I feel that school superintendents in the affected areas need a certain amount of leadtime in planning their budgets and operations. Senators are keenly aware, I am sure, of the manifold difficulties which were created last year, when for some 6 months there was no authority for expenditure of funds for the temporary provisions of the impacted areas laws.

It is a problem to be sure, which varies from school district to school district and it is at its most acute in those school districts which derive 20 percent or more of their operating budget from Public Law 874. There are some 289 such school districts in the United States which are set forth in the table I now ask unanimous consent to have reprinted in the CONGRESSIONAL RECORD, together with a statement prepared by Mr. Oscar V. Rose, superintendent of the Midwest City, Okla., schools under date of June 13, 1964, which sets forth the need and urgency of legislative action in this field.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JUNE 13, 1964.

The attached data is to point up the unusual problem which will result to certain school districts being assisted under Public Law 874 should this legislation not be extended during the present session of Congress. Certainly this problem will be of greater concern the longer any assistance is postponed prior to the present expiration date of June 30, 1965. It is not intended to evaluate or discount the problem which would maintain in all of the more than 4,000 schools assisted under this program, but it is believed that in general the financial problem becomes more acute as the ratio of Federal funds to total budget increases. While this data concerns only those schools receiving above 20 percent of their budget from Public Law 874, it is not suggested that there is any magic in this percentage. However, it does create a division point above which we believe serious difficulty would be encountered in attempting to maintain a full term of school with the loss of Federal funds now being received. Perhaps many schools would find the same problem who receive less than 20 percent, but this study is designed only to point out the most serious cases. Some of the facts disclosed by this tabulated data are:

1. A total of 289 of the 4,182 school districts receiving aid under Public Law 874 in fiscal 1963 received 20 percent of their budget funds from this source.
2. This represented 6.9 percent of the total applicants.
3. These 289 schools received 23.3 percent of the entitlements of all 4,182 schools.
4. Whereas the 4,182 schools received only 5.2 percent of their budgets from Public Law 874 the 289 applicants received an aggregate of 37 percent of their annual budget funds from this source. (This serves to point out the acute problem faced by these schools in comparison to that faced by all applicants schools.)

These 289 schools will be forced to contract for teachers early in 1965 and reasonably soon after the next session of Congress convenes and with this shortage of funds a normal school program simply cannot be planned unless the administrators and boards of education involved are willing to place themselves in the illegal position of contracting expenditures for which there is no legal assurance that funds will be available. In view of the experience of the past year when legislation was not extended until just prior to the Christmas vacation and funds were not appropriated until early in the following session, it is believed that school officials will not wish to experience the same uncertainty again. This could result in a breakdown in school planning early next year and still prior to any reasonable expectation of this legislation being extended during that session. Delay such as that experienced last year and the delay which will result if action is not taken to extend this legislation durin gthe current session will not serve to reduce Federal expenditures. It can have but one effect and that is damage to the educational program for millions of American children.

Prepared by:

OSCAR V. ROSE,
Superintendent, Midwest City Schools.

Data showing extreme need of all applicants (by States) receiving above 20 percent of budget from Public Law 874—U.S. Office of Education Annual Report—1963

State	All applicants	Applicants receiving over 20 percent	Percent col. 2 of col. 1	Entitlements		Percent col. 5 of col. 4	Total budgets		Percent entitlement of budget	
				All applicants	Schools over 20 percent		All applicants	Schools over 20 percent	All applicants	Schools over 20 percent
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alabama	52	2	3.8	5,730,944	1,265,171	22.1	74,948,303	4,486,945	7.6	28.2
Alaska	25	3	12.0	8,746,728	7,326,548	83.8	29,684,919	9,156,025	24.5	80.0
Arizona	120	30	25.0	5,659,743	2,566,830	45.4	80,279,745	7,674,390	7.1	33.3
Arkansas	68	3	4.4	1,658,643	268,306	16.2	31,723,210	636,488	5.2	42.2
California	541	28	5.2	45,915,764	7,889,329	17.2	1,034,565,711	23,761,373	4.4	17.2
Colorado	60	4	6.7	7,714,316	1,878,502	24.4	144,379,119	4,441,014	5.3	24.4
Connecticut	52	1	1.9	2,735,209	996,690	36.4	55,044,359	996,690	5.0	36.4
Delaware	9	0	0	290,229	0	0	15,482,094	0	5.3	0
Florida	17	1	5.9	7,461,410	812,245	10.9	151,162,685	3,870,621	4.9	21.0
Georgia	73	1	1.4	6,480,516	740,867	11.4	121,727,481	2,848,000	5.3	11.4
Hawaii	1	0	0	5,284,840	0	0	55,500,000	0	9.5	0
Idaho	48	3	6.3	2,043,888	679,241	33.2	30,603,316	1,712,073	9.5	39.7
Illinois	122	8	6.6	5,179,831	2,537,422	49.0	85,987,055	6,221,213	6.0	40.9
Indiana	97	3	3.1	1,411,707	418,865	29.7	45,780,991	1,541,159	3.0	29.7
Iowa	30	3	10.0	1,056,178	164,363	15.6	22,932,358	446,384	4.6	15.6
Kansas	173	9	5.2	6,364,154	1,977,146	31.0	84,172,397	4,639,741	7.6	42.6
Kentucky	52	0	0	1,518,114	0	0	55,967,641	0	2.7	0
Louisiana	10	0	0	1,366,947	0	0	35,348,803	0	3.9	0
Maine	76	7	9.2	2,266,947	1,480,705	65.3	23,894,476	4,766,397	9.5	31.1
Maryland	14	0	0	10,719,779	0	0	186,412,204	0	5.8	0
Massachusetts	177	3	1.7	8,063,692	2,282,126	28.3	241,907,030	6,076,817	3.3	37.6
Michigan	62	3	4.8	2,206,525	1,175,752	53.3	61,136,881	3,184,195	3.6	53.3
Minnesota	29	8	27.6	634,305	245,197	38.7	19,128,802	577,048	3.3	42.5
Mississippi	22	1	4.5	1,534,061	567,910	37.0	21,926,665	2,150,000	7.0	26.4
Missouri	114	4	3.5	3,108,870	1,273,682	41.0	64,626,910	3,269,499	4.8	39.0
Montana	88	32	36.4	2,515,032	1,366,073	54.3	23,766,308	4,472,903	10.6	30.5
Nebraska	42	6	14.3	3,116,622	1,337,443	42.9	43,885,495	2,315,848	7.1	57.8
Nevada	12	1	8.3	1,720,143	200,872	11.7	32,935,900	967,605	5.2	20.8
New Hampshire	40	1	2.5	1,408,352	735,669	52.2	14,551,568	1,950,184	9.7	52.2
New Jersey	173	6	3.5	6,995,104	2,618,538	37.4	130,095,000	4,718,733	5.4	55.5
New Mexico	43	3	7.0	6,109,714	1,035,831	17.2	65,021,197	1,446,603	9.3	71.6
New York	192	0	0	7,000,068	0	0	356,304,365	0	2.0	0
North Carolina	27	1	3.7	3,040,653	15,295	.5	40,454,180	75,000	7.5	20.4
North Dakota	56	8	14.3	1,495,509	667,834	44.7	11,550,771	2,728,145	12.9	24.5
Ohio	139	2	1.4	6,458,537	755,629	11.7	175,106,708	3,175,000	3.7	23.8
Oklahoma	358	29	8.1	8,158,157	3,068,500	37.6	111,132,671	11,057,923	7.3	27.7
Oregon	75	1	1.3	1,192,837	22,929	1.9	36,750,614	60,000	3.2	38.2
Pennsylvania	149	2	1.3	5,851,723	19,226	.3	239,755,182	39,692	2.4	48.4
Rhode Island	23	3	13.0	2,281,228	1,154,634	50.6	24,411,565	4,171,670	9.3	27.7
South Carolina	35	1	2.9	4,139,243	906,300	21.9	56,194,319	3,973,600	7.4	22.8
South Dakota	73	31	42.5	2,664,733	1,849,931	69.4	13,769,179	3,939,764	19.4	69.4
Tennessee	50	2	4.0	3,845,468	75,525	2.65	60,595,915	223,048	4.7	20.7
Texas	238	14	5.9	14,787,633	2,227,142	15.1	240,978,375	5,805,941	6.1	38.4
Utah	15	1	6.7	2,874,173	415,967	14.5	47,041,246	1,829,794	6.1	22.7
Vermont	10	1	10.0	55,941	9,067	16.2	2,059,908	22,520	2.7	40.3
Virginia	45	2	4.4	16,804,801	1,631,815	9.7	139,972,888	7,887,892	12.0	20.7
Washington	200	6	3.0	9,555,601	1,158,517	12.1	263,791,923	4,794,726	3.6	12.1
West Virginia	6	1	16.7	178,703	9,690	5.4	6,731,812	28,953	2.7	33.5
Wisconsin	26	2	7.7	793,084	59,056	7.4	22,645,503	188,969	3.5	31.3
Wyoming	21	7	33.3	1,045,947	248,248	23.7	9,119,139	533,756	11.5	46.5
Guam	1	1	100.0	845,252	845,252	100.0	4,201,506	4,201,506	20.1	20.1
Virgin Islands	1	0	0	99,425	0	0	3,500,000	0	2.8	0
Total	4,182	289	------------	259,095,492	60,348,014	23.3	4,940,646,390	163,066,047	5.2	37.0

Mr. MORSE. Mr. President, to conclude upon this point, I would suggest only that it becomes evident that we cannot in this Congress enact all the legislation which Senators deem desirable. To say this, however, does not mean that we should abstain from any further legislative effort in the field of education; rather we should consider it our obligation to pass as much of the soundly conceived legislation as we can prior to adjournment in order that we may give in the next session of the Congress full attention to the further recommendations in the educational field from our next President.

Mr. President, I have made my major point. I know that the Senator from Ohio [Mr. LAUSCHE] is waiting to speak. I ask unanimous consent to have printed in the RECORD whatever other items that I care to insert in the CONGRESSIONAL RECORD in connection with this subject.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MORSE. I thank the Senator from Ohio for his patience.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I plan to invoke the germaneness rule for the remainder of the time that it is in effect. We spent a great deal of time debating whether the rule should be adopted. It was agreed that it should be adopted. So far, the rule has done nothing but impede the operation of the Senate. I am curious to find out whether it was worth our time to enact it. Therefore, for the remainder of the 3 hours under the germanenesc rule, I shall insist that Senators abide by it.

I did not object to the Senator from Oregon making his personal statement. It was time well spent. However, hereafter I shall insist on the application of the germaneness rule.

Mr. LAUSCHE. Mr. President, the Senator from Oregon was correct when he said that I wished to speak on another subject. That subject is not germane to the issue before the Senate. I wished to speak on the Supreme Court decision declaring that the motion picture "The Lovers," with all its licentiousness and immorality, portrays the morality of the people of our country. I shall desist from doing so, but shall at a later time on this day discuss that judgment.

EXTENSION OF RENEGOTIATION ACT OF 1951

The Senate resumed the consideration of the bill (H.R. 10669) to extend the Renegotiation Act of 1951, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I believe the bill to extend the Renegotiation Act is clear. It would extend the act that has been on the books for a number of years to prevent excessive profits in the field of defense contracts and contracts with other agencies, as spelled out in the committee report. The only change in existing law, other than the provision for a simple 2-year extension, is that the Federal Aviation Agency would be brought under the Renegotiation Act. This was done at the request of the administration.

I believe the bill is simple and that all Senators understand it.

Mr. DOMINICK subsequently said: Mr. President, earlier today the Senate voted on H.R. 10669, the renegotiation bill. I ask unanimous consent that the remarks I am about to make for 15 seconds appear before that vote, together with an accompanying letter which I hold in my hand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, it seems to me, from reading this report, that we have not yet had the opportunity to discuss some of the objections to the Renegotiation Act which was about to be extended.

There are some very serious objections to it. I believe they have been ably set forth in a letter which was addressed to me from the Farmers Tool & Supply Corp., in Denver, Colo., which is engaged in defense industry work, and is doing a fine job of it.

I ask unanimous consent that the letter in whole be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DENVER, COLO., *May 22, 1964.*

Hon. PETER H. DOMINICK,
U.S. Senator,
Room 140, Old Senate Office Building,
Washington, D.C.

SIR: Recently the House of Representatives, on April 29, 1964, approved an act to extend the Renegotiation Act of 1951 for an additional 2 years.

It is my honest conviction that this act is a very damaging and disastrous one for the business economy and I strongly urge that when the Senate considers this act you, as our Representative, speak out vehemently against the enactment.

I have taken the liberty of enclosing the House report that appeared on pages 9421 through 9439 in the CONGRESSIONAL RECORD of April 29, 1964. Below I have tried to outline to you in a summary consisting of six points, the specific objections to this act, as stated by such reputable Members of the Congress as Mr. CURTIS, of Missouri, Mr. BYRNES, of Wisconsin, Mr. GUBSER, of California, Mr. BROYHILL, of Virginia, Mr. GROSS, of Iowa, and Mr. SMITH, of California.

Pertinent statements cited in the House report have been underlined in red. I have taken the liberty of paraphrasing in some cases the statements of the above gentlemen and would therefore appreciate, as you read the summaries below, if you would also look at the statements underlined in red in the article.

POINT I

The Renegotiation Act is still identified as temporary legislation. It has been renewed seven times; by this time the identification of the measure as a temporary one appears very questionable. As Mr. GROSS said, on page 9435, "I wonder if this is to go on endlessly and forever? I can understand that in times of war, crash programs and contracts are entered into, but are sloppy contracts still being made? What is the necessity for continuance of the Renegotiation Act if a lot of sloppy Government procurement contracts are not being made?"

Mr. BYRNES, on page 9430, pointed out that the House was being asked to extend, for the seventh time, the Renegotiation Act and went on to say, "There must be a serious question about this act and its workings or we would have made it a permanent law long ago. We must assume from this fact that renegotiation is not a good law." Mr. BYRNES further goes on to state on page 9430, "No one questioned the need for renegotiation during World War II. All procurement was on a 'crash' basis. There was not sufficient time to check prices. Renegotiation was allowed to expire immediately after World War II. It was revived in 1951—because of the Korean hostilities—at a time when it was feared by many that those hostilities might bring about the same type of 'crash' procurement which existed during World War II.

"The Korean hostilities ended more than 10 years ago. Instead of taking steps to phase out the renegotiation process, we have been broadening its scope. In fact, the extension before you today adds another agency to those whose contracts are subject to renegotiation."

POINT II

There are a number of statements by opponents of the extension of the renegotiation bill in the congressional report, pointing out the fact that the Renegotiation Act has outlived its usefulness. For example, on page 9433, Mr. GUBSER points out that last year the Government netted only $4,989,000 in net refunds as a result of the renegotiations, but that the actual cost to Government and business houses, a very conservative estimate, was $14,310,000. This means that the costs exceed the refunds by $9,321,000.

Further, as pointed out on page 9433, by Mr. BROYHILL, of Virginia, in addition to actual dollar costs the Renegotiation Act discourages the more efficient operator who could perform the contract at less cost to the Government but at a greater profit to himself by confronting the contractor with the fact that part of his profit may be recaptured through renegotiation because of the Renegotiation Board's opinion his profit is excessive. On page 9433, Mr. BROYHILL states, "This sort of system is alien to free enterprise. In my judgment the contractor who can perform a contract for the Government at the least cost to the Government should be permitted to perform that contract free from fear that his earnings are going to be taken away from him by a Federal agency which has been legislatively blessed with statutory hindsight.

"This sort of system chokes off research and development. By discouraging efficiency in contract performance, earnings suffer. And it is from earnings that American industry is able to engage in greater research and development, improve facilities, and develop laboratories to keep us in front of our international competitors."

Mr. BYRNES, on page 9431, also points out that there are far better tools available to protect the Government than through the renegotiation and that he finds it hard to believe the Government is incapable of negotiating a realistic price with the aid of the appropriate contractual clauses available.

POINT III

The Renegotiation Act is particularly harmful because of the effect which it has on small businesses who do not have the personnel available to meet the detailed accounting requirements required for complying with the reports required by the Board. Mr. SMITH of California, on page 9422, states as follows: "Every company subject to renegotiation review—whether its sales have been profitable or not—must keep the records, prepare the reports, go through all of the paperwork and redtape that is unavoidable. This extra burden of overhead expense also applies to many companies which wind up the year under the statutory floor. If there is any chance that they may exceed the present minimum of $1 million, they must obviously keep the special records required to separate their renegotiable from their commercial business. If they are near the borderline, they must make careful checks to be sure their figures are accurate.

"And the minute one of these small companies has an even reasonably good year, making as much as perhaps 12 percent before taxes, it is then set to spend a year or more of spending money for legal counsel and special accounting costs, wondering whether it will be allowed to keep what it has earned."

POINT IV

Above all, the Renegotiation Act is unfair since there is no firm criteria upon which a contractor can rely to know whether profits are excessive or not. Even a criminal is entitled to have a statute clearly state the nature of the crime, yet an honest businessman finds himself subjected only to a nebulous claim that his profits have been excessive. As stated by Mr. BYRNES, on page 9430, "But what guidelines can the contractor rely upon as the basis for his appeal?" (From an assessment by the Renegotiation Board.) "There are no meaningful standards established in the Renegotiation Act. With no definition of excessive profits, the right of appeal has no effect."

POINT V

The Renegotiation Act harasses only the efficient contractor and thus discourages this type of person from Government contracting. This is quite evident from several exchanges between Mr. BYRNES and Mr. VINSON. Mr. VINSON, of course, is one of the leading proponents of the Renegotiation Act and frankly opponents of the act take heart in the fact that Mr. VINSON is retiring and that his prestige and ability to control committee assignments will no longer be one of the major factors behind the many extensions of the Renegotiation Act.

Mr. BYRNES, for example on page 9430, stated as follows: "I shall try to approach this issue without flag waving and without trying to wrap myself in the cloak of having some extra special attitude toward exorbitant profits.

"Of course we are all against exorbitant profits. We are all trying to see to it—and I assume that the chairman of the Committee on Armed Services is trying to see to it—that we get the goods and services for the Defense Establishment at the least possible cost to the Government.

"That is what is more important, really, than whether somebody makes a profit. The Government should get the product at the lowest possible cost. I would assume the gentleman agrees with that."

To the above comment Mr. VINSON only had this to say, "That is right, that is right." Mr. BYRNES then went to a considerable dissertation upon the history of the Renegotiation Act and the fact that it was started during emergency times in World War II and revived during the Korean conflict. This dissertation starts on page 9430 and continues through 9431. At one point Mr. BYRNES stated as follows in response to a comment of Mr. VINSON'S: "Provided you let the incentive aspect work without voiding it through the renegotiation process at the end. That is my point. The renegotiation will always take normal profits from the efficient and leave the inefficient alone."

To this Mr. VINSON only replied, "That is correct." No wonder during Mr. BYRNES' dissertation he had this to say, on page 9430, "This very concept of having a Federal bureaucracy—and I say this without any reflection on any members of the Renegotiation Board—look at a contractor's business after the fact—and say that the contractor earned too much profit—is completely repugnant to all of the American concepts of business and free enterprise."

POINT VI

Finally, the opponents of the bill in general felt that the Renegotiation Act should be completely abolished. However, recognizing the practical fact that this could not be accomplished against the will of the majority Members they suggested as an alternative an amendment that a contractor would not be subject to the Renegotiation Act unless the contracts' renegotiable accruals were $3 million in the case of a fiscal year ending after December 31, 1964, or $5 million in the case of a fiscal year ending after December 31, 1965.

This amendment is quoted in full on page 9438 of the Congressional Record. As pointed out by Mr. Curtis, the amendment would at least eliminate one of the worst effects of the act, namely the harassment of small businesses who cannot afford to be subjected to the rigid reporting and other effects of the Renegotiation Act.

The amazing thing to us is that the proponents did not agree to this amendment. Throughout the House record the proponents continually emphasized that the reason for renegotiation was the fact that the bulk of procurements are based on negotiated procurements that involved complex items. Such statements are found, for example, by Mr. Mills on pages 9424 and 9425 and by Mr. Vinson, page 9436. Yet surely, Mr. Mills and Mr. Vinson realize that the renegotiation rules apply now to many contractors who deal only in formally advertised bids for items which are not complex. Most of these advertised bids go to small businesses. It is extremely unlikely that any contractor who does less than $3 million or $5 million would be involved in missile systems and complex items requiring renegotiation. If there was one case in a million would that justify the extreme expense that all small businesses now in Government procurement face in renegotiation? Expenses which are passed on to the Government undoubtedly in prices charged or by the fact that a business once burned by renegotiation elects not to continue in Government business.

The proponents of the Renegotiation Act were continually questioned by the opponents on these points, and never, in our opinion, gave a satisfactory answer to the question of why the Renegotiation Act should apply to so many companies who are engaged in firm fixed price formal advertising and who are furnishing noncomplex items.

I appreciate this letter has become quite lengthy. However, in addition to calling to your attention the statements of the Members of the House of Representatives, I felt it appropriate to give you a short description of this company and the problems that we are faced with under renegotiation. I believe these problems graphically reflect the validity of the statements that I have summarized or quoted above.

Farmers Tool & Supply Co. is a small company. For a number of years we had losses or very low profits. Since 1958 a major portion of our sales have been in Government contracts. All of our Government contracts have been firm fixed price contracts. The majority resulted from awards under formal advertising and in many instances there were as many as 30 to 40 bids. Can there be any doubt that the majority of our awards have been under the most competitive conditions possible?

We are now having our first experience with the Renegotiation Board other than filing the first reports. During the fiscal year ending January 31, 1963 we had approximately $2½ million worth of Government business at a profit of 17½ percent. We have been advised by the Renegotiation Board's Western Regional Office that our profit of 17½ percent on firm fixed price contracts is excessive and that 12 percent is reasonable. No one gave us 12 percent in our loss years. Now we are told 12 percent is reasonable and that we have to surrender the excess. Frankly, being a small business and with no experience in this very technical field of renegotiation, we feel at this point as if we were lambs being led to the slaughter.

No concrete criteria has been given to us as to how the statutory guidelines on profit are applied. Glib statements have been given to us and in cases where there are any doubts we are told the "Board has established its own accounting criteria." Yet there are no books on the subject to compare with the voluminous references on income tax. How are we to know what is fair and reasonable?

In our case the answer has been to hire one of the few specialists in the country on renegotiation. The initial attorney fee for appealing to the Western Renegotiation Board will be $3,500. If we lost the appeal before the very people who have already determined the assessment, the attorney costs will be $10,000 for the Washington appeal. If we should have to go on to the tax court conservatively the costs will be 2 or 3 times greater for attorney costs alone. This does not even take into account the vast expenditures of time and effort, which this company pays for, from its employees who will have to devote their time to compiling the facts necessary to divert this assessment.

Assuming that we are successful in defeating the assessment, we will have had to spend many thousand dollars listed above. If we are not successful, the Renegotiation Board's assessment amounts to, before taxes, $150,000 and after taxes were taken into account, approximately $70,000. If we are required to refund this money we will be confronted with the practical problem that it has already been spent in expanding our facilities since we are a young and growing facility.

We believe that we are illustrative only of one case in many, where a small business has been subjected to the harassment inherent in the Renegotiation Act. If we should go bankrupt as a result of the assessment, Colorado loses another company, a company that employs over 190 persons and has sales in excess of $3 million a year. We believe such a result would be a tragedy not only to ourselves but to Colorado. Under the circumstances, we can certainly appreciate the comments of the minority representatives that we have quoted to you above.

We ask that you consider the question of extension of the Renegotiation Act as one of the most important and serious legislative matters to come before the Congress this session and that you keep us advised as to your position in this matter and what actions you are taking concerning this legislation.

Very truly yours,
Paul V. Horst,
President, Farmers Tool & Supply Corp.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 10669) was ordered to a third reading, read the third time, and passed.

Mr. LONG of Louisiana. Mr. President, I believe it was agreed that the next measure to be considered would be the excise tax bill.

Mr. COOPER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. COOPER. I move that the Senate reconsider the vote by which H.R. 10669 was just passed. I should like to ask the Senator from Louisiana if arrangements or agreements were made with the minority leadership for the consideration of the bill.

Mr. LAUSCHE. Mr. President, has the motion to reconsider the vote by which the bill was passed been acted on?

Mr. LONG of Louisiana. So far as I know, there was no objection to the bill that was just passed. If I had known there would be objection, I would have insisted on a quorum call. But the bill was reported unanimously by the Committee on Finance, and I believe it would have passed the Senate unanimously.

Mr. COOPER. Mr. President, I think I shall insist on my motion that the Senate reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. Mr. President, I urge the Senator from Kentucky to withhold his motion until the distinguished chairman of the Committee on Finance has made a statement.

Mr. COOPER. I shall withhold my motion.

Mr. BYRD of Virginia. Mr. President, H.R. 10669 has two purposes. First, it would extend the Renegotiation Act for 2 years; that is, until June 30, 1966. Second, it would add the Federal Aviation Agency to the list of departments whose contracts may be subject to the act.

The act, under present law, is scheduled to terminate on June 30 of this year. However, because of the continuing high volume of procurement for defense and space exploration, the bill would retain the act in force for another 2 years.

In addition, the bill would include the Federal Aviation Agency among the Federal departments whose contracts may be subject to renegotiation. Contracts issued by this Agency are currently at a rate of about $165 million per year.

Accordingly, under the bill the Renegotiation Act would apply with respect to amounts received or accrued after June 30, 1964, under contracts with this Agency, and their related subcontracts.

Mr. COOPER. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to, and the Senate proceeded to reconsider the bill.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now recurs on the passage of the bill, H.R. 10669, to extend the Renegotiation Act of 1951, and for other purposes.

Mr. LAUSCHE. Mr. President, I wish to direct a question to the chairman of the committee. Do I correctly understand that the bill now pending contemplates extending the authority of governmental agencies to renegotiate contracts under which contractors have made excessive profits, thus enabling the Government to recoup the excessive profits made in Government procurement work?

Mr. BYRD of Virginia. The Senator from Ohio is entirely correct.

Mr. LAUSCHE. I think the measure should be passed.

Mr. COOPER. Mr. President, I made the motion to reconsider. The distinguished senior Senator from Delaware [Mr. WILLIAMS], the minority ranking member of the Committee on Finance, is present and says that it is perfectly satisfactory to proceed to the passage of the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 10669) was passed.

EXCISE-TAX RATE EXTENSION ACT OF 1964

Mr. LONG of Louisiana. Mr. President, I move that the Senate proceed to the consideration of H.R. 11376, Calendar No. 1050.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11376), the Excise-Tax Rate Extension Act of 1964.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments, at the top of page 4, to insert:

SEC. 3. REPEAL OF RETAILERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE EFFECTIVE OCTOBER 1, 1964.

(a) IN GENERAL.—Effective with respect to articles sold at retail on or after October 1, 1964, subchapters A (relating to jewelry and related items), B (relating to furs), C (relating to toilet preparations), and D (relating to luggage, handbags, etc.) of chapter 31 of the Internal Revenue Code of 1954 are repealed.

(b) TECHNICAL CONFORMING AMENDMENTS.—Effective with respect to articles sold at retail on or after October 1, 1964:

(1) Chapter 31 of the Internal Revenue Code of 1954 (relating to retailers excise taxes) is amended by striking out the heading and table of subchapters and inserting in lieu thereof the following:

"CHAPTER 31—RETAILERS EXCISE TAX ON SPECIAL FUELS

"SUBCHAPTER A. Tax on special fuels.
"SUBCHAPTER B. Special provisions applicable to tax on special fuels".

(2) The table of chapters for subtitle D of such Code is amended by striking out

"CHAPTER 31. Retailers excise taxes."

and inserting in lieu thereof

"CHAPTER 31. Retailers excise tax on special fuels."

(3) Subchapter E of chapter 31 of such Code is redesignated as subchapter A, and the heading of such subchapter is amended to read as follows:

"Subchapter A—Tax on special fuels"

(4) Subchapter F of chapter 31 of such Code is redesignated as subchapter B, and the heading of such subchapter is amended to read as follows:

"Subchapter B—Special provisions applicable to tax on special fuels"

(5) Sections 4051 through 4053 of such Code are repealed and the table of sections for subchapter B (as redesignated by paragraph (4) of this subsection) is amended by striking out the items relating to sections 4051, 4052, and 4053.

(6) Sections 4055 and 4057 of such Code are each amended by striking out ", in the case of the tax imposed by section 4041,".

(7) (A) Section 4224 of the Internal Revenue Code of 1954 (relating to exemption for articles taxable as jewelry) is repealed.

(B) The table of sections for subchapter G of chapter 32 of such Code is amended by striking out

"Sec. 4224. Exemption for articles taxable as jewelry."

(8) Section 6011(c) of such Code (relating to return of retailers excise taxes by suppliers) is repealed.

(9) Section 6416 of such Code (relating to certain taxes on sales and services) is amended as follows:

(A) Subsection (a)(1) is amended by striking out "chapter 31 (retailers taxes),".

(B) Subsection (a)(1)(B) is amended by striking out clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(C) Subsection (a)(2) is amended to read as follows:

"(2) This subsection shall not apply to an overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section."

(D) Subsection (a)(3) is amended by striking out subparagraph (B), by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and by striking out "(ii)" in the subparagraph so redesignated as subparagraph (B) and inserting in lieu thereof "(i)".

(E) Subsection (b)(1) is amended by striking out "31 or" and by striking out "(in the case of a tax imposed by chapter 32)".

(F) Subsection (b)(5) is amended by striking out "4053(b)(1) or" each place it appears.

(G) Subsection (d) is repealed.

(H) Subsection (e) is amended by striking out "subchapter E" and inserting in lieu thereof "subchapter A".

(10) (A) Section 7261 of such Code (relating to criminal penalty for representation that retailers' excise tax is excluded from price of article) is repealed.

(B) The table of sections for subchapter B of chapter 75 of such Code is amended by striking out

"Sec. 7261. Representation that retailers' excise tax is excluded from price of article."

(c) RETURN OF RETAILERS EXCISE TAX BY SUPPLIERS.—For purposes of subsections (a) and (b), an article shall be treated as sold at retail before October 1, 1964, if, pursuant to an agreement with a supplier under section 6011(c) of the Internal Revenue Code of 1954, such article is treated as having been sold before such date.

And, on page 7, after line 15, to insert:

SEC. 4. IMPOSITION OF MANUFACTURERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE EFFECTIVE OCTOBER 1, 1964.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1954 (relating to manufacturers excise taxes) is amended by renumbering section 4211 as as 4203, and by adding after such section the following new parts:

"PART IV—JEWELRY AND RELATED ITEMS

"Sec. 4205. Imposition of tax.
"Sec. 4206. Exemptions.

"SEC. 4205. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"All articles commonly or commercially known as jewelry, whether real or imitation.

"The following stones, by whatever name called, whether real or synthetic:

"Amber
"Beryl of the following types:
"Aquamarine
"Emerald
"Golden Beryl
"Heliodor
"Morganite
"Chrysoberyl of the following types:
"Alexandrite
"Cat's eye
"Chrysolite
"Corundum of the following types:
"Ruby
"Sapphire
"Diamond
"Feldspar of the following type:
"Moonstone
"Garnet
"Jadeite (Jade)
"Jet
"Lapis Lazuli
"Nephrite (Jade)
"Opal
"Pearls (natural and cultured)
"Peridot
"Quartz of the following types:
"Amethyst
"Bloodstone
"Citrine
"Moss agate
"Onyx
"Sardonyx
"Tiger-eye
"Spinel
"Topaz
"Tourmaline
"Turquoise
"Zircon.

"Articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof.

"Watches.

"Clocks.

"Cases and movements for watches and clocks.

"Gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware.

"Opera glasses.
"Lorgnettes.
"Marine glasses.
"Field glasses.
"Binoculars.

"SEC. 4206. EXEMPTIONS.

"(a) SPECIFIC ARTICLES.—The tax imposed by section 4205 shall not apply to—

"(1) any article intended to be used only for religious purposes,

"(2) surgical instruments,

"(3) watches designed specifically for use by the blind.

"(4) frames or mountings for spectacles or eyeglasses,

"(5) a fountain pen, mechanical pencil, or smoker's pipe if the only parts of the pen, the pencil, or the pipe which consists of precious metals are essential parts not used for ornamental purposes, and

"(6) buttons, insignia, cap devices, chinstraps, or other devices prescribed for use in connection with the uniforms of the Armed Forces of the United States.

"(b) CERTAIN PARTS OF CONTROL OR REGULATORY DEVICES.—The tax imposed by section 4205 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if such clock, watch, case, or movement is a part of a control or regulatory device which is an article (or part thereof) not taxable under this chapter.

"PART V—FURS

"Sec. 4207. Imposition of tax.
"Sec. 4208. Manufacture from customers material.

"SEC. 4207. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Articles made of fur on the hide or pelt.

"Articles of which such fur is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material.

"SEC. 4208. MANUFACTURE FROM CUSTOMERS MATERIAL.

"Where a person, who is engaged in the business of dressing or dyeing fur skins, or of manufacturing or repairing fur articles, produces an article of the kind described in section 4207 from fur on the hide or pelt furnished, directly or indirectly, by a customer and the article is for the use of, and not for resale by, such customer, the transaction shall be deemed to be a sale by a producer. The tax on such a transaction shall be computed and paid by such person on the price for which such articles are sold, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate.

"PART VI—TOILET PREPARATIONS

"Sec. 4209. Imposition of tax.
"Sec. 4210. Exemption.

"SEC. 4209. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Perfume.
"Essences.
"Extracts.
"Toilet waters.
"Cosmetics.
"Petroleum jellies.
"Hair oils.
"Pomades.
"Hairdressings.
"Hair restoratives.
"Hair dyes.
"Toilet powders.

"Any other similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

"SEC. 4210. EXEMPTION.

"The tax imposed by section 4209 shall not apply to any lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

"PART VII—LUGGAGE, HANDBAGS, ETC.

"Sec. 4213. Imposition of tax.

"SEC. 4213. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles, by whatever name called (including in each case fittings or accessories therefor sold on or in connection with the sale thereof), by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Bathing suit bags.
"Beach bags or kits.
"Billfolds.
"Brief bags.
"Briefcases.
"Camping bags.
"Card and pass cases.
"Collar cases.
"Cosmetic bags and kits.
"Dressing cases.
"Dufflebags.
"Furlough bags.
"Garment bags designed for use by travelers.
"Hatboxes designed for use by travelers.
"Haversacks.
"Key cases or containers.
"Knapsacks.
"Knitting or shopping bags (suitable for use as purses or handbags).
"Makeup boxes.
"Manicure set cases.
"Memorandum pad cases (suitable for use as card or pass cases, billfolds, purses, or wallets).
"Musette bags.
"Overnight bags.
"Pocketbooks.
"Purses and handbags.
"Ringbinders, capable of closure on all sides.
"Salesmen's sample or display cases, bags, or trunks.
"Satchels.
"Shoe and slipper bags.
"Suitcases.
"Tie cases.
"Toilet kits and cases.
"Traveling bags.
"Trunks.
"Vanity bags or cases.
"Valises.
"Wallets.
"Wardrobe cases."

(b) FLOOR STOCKS TAXES.—

(1) IN GENERAL.—Section 4226(a) of the Internal Revenue Code of 1954 (relating to floor stocks taxes) is amended by adding at the end thereof the following new paragraph:

"(8) 1964 TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE, ETC.—On any article subject to tax under section 4205 (relating to jewelry and related items), 4207 (relating to furs), 4209 (relating to toilet preparations), or 4213 (relating to luggage, handbags, etc.) which, on October 1, 1964, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 10 percent of the price for which the article was purchased by such dealer. If the price for which the article was sold by the manufacturer, producer, or importer is established to the satisfaction of the Secretary or his delegate, then in lieu of the amounts specified in the preceding sentence, the tax imposed by this paragraph shall be at the rate of 10 percent of the price for which the article was sold by the manufacturer, producer, or importer. The tax imposed by this paragraph shall not apply in respect of any article which, pursuant to an agreement with a supplier under section 6011(c), is treated as having been sold before October 1, 1964."

(2) DUE DATE.—Section 4226(d) of such Code (relating to due date of floor stocks taxes) is amended by inserting before the period at the end thereof the following: ", and except that the taxes imposed by paragraph (8) shall be paid at such time after December 31, 1964, as may be prescribed by the Secretary or his delegate".

(c) TECHNICAL CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter E of chapter 32 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part IV. Jewelry and related items.
"Part V. Furs.
"Part VI. Toilet preparations.
"Part VII. Luggage, handbags, etc."

(2) Section 4216(b)(2)(C) of such Code is amended by striking out "4211" and inserting in lieu thereof "4203".

(3) Section 4221 of such Code (relating to certain tax-free sales) is amended as follows:

(A) Subsection (d)(6) is amended by striking out "or" at the end of subparagraph (B), by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, such clock, watch, case, or movement is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, a control or regulatory device to be manufactured or produced by him."

(B) Subsection (e) is amended by adding at the end thereof the following new paragraphs:

"(5) JEWELRY AND RELATED ITEMS SOLD FOR RELIGIOUS USE.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4205 shall not apply to any article described in such section sold to a religious institution for exclusively religious purposes.

"(6) CERTAIN CLOCKS AND WATCHES.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4205 shall not apply to any clock or watch, or any case or movement for a clock or watch, sold as a repair or replacement part for a control or regulatory device.

"(7) TOILET PREPARATIONS.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4209 shall not apply to—

"(A) any article described in such section sold to any person operating a barbershop, beauty parlor, or similar establishment only for use in the operation of such establishment; or

"(B) any miniature sample of any article described in such section sold to a house-to-house salesman only for demonstration use by such salesman."

(4) Section 6416(b)(2) of such Code is amended by striking out the period at the end of subparagraph (Q) and inserting in lieu thereof a semicolon, and by adding after such subparagraph the following new subparagraphs:

"(R) in the case of an article taxable under section 4205, sold to a religious institution for exclusively religious purposes;

"(S) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, sold as a repair or replacement part for a control or regulatory device;

"(T) in the case of an article taxable under section 4209, sold to any person operating a barbershop, beauty parlor, or similar establishment only for use in the operation of such establishment, or, in the case of any miniature sample of any article taxable under such section, sold to a house-to-house salesman only for demonstration use by such salesman."

(5) Section 6416(b)(3) of such Code is amended by striking out "or" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or", and by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, such clock, watch, case, or movement is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, a control or regulatory device manufactured or produced by him."

(d) The amendments made by subsections (a) and (c) shall apply with respect to articles sold on or after October 1, 1964.

Mr. BYRD of Virginia. Mr. President, the bill I bring before the Senate today, H.R. 11376, would continue certain existing excise taxes for 1 more year. These rates are continued from June 30, 1964, through June 30, 1965.

The bill also, as a result of an amendment made by your committee, converts four of the retailers' excise taxes to manufacturers' excise taxes.

In the absence of the bill, the tax on distilled spirits would be reduced from $10.50 to $9 a proof gallon; the tax on beer would be reduced from $9 to $8 a barrel; the taxes on wines, which in general vary according to alcoholic content, would be reduced by approximately 11 percent; the tax on cigarettes would be reduced from 8 to 7 percent a pack; the tax on passenger cars would be reduced from 10 to 7 percent of the manufacturer's price; the tax on auto parts and accessories would be reduced from 8 to 5 percent of the manufacturer's price; the tax on general telephone service would be reduced from 10 percent to zero; and the tax on the transportation of persons by air would be reduced from 5 percent to zero.

These rates, which are to be extended for 1 year were provided for in the bill as it passed the House. The Committee on Finance, however, has amended the bill to provide that four excise taxes presently at the retailer level are instead to be imposed at the manufacturers' level.

All of these taxes are presently at a 10-percent rate and will continue to be at the same rate of tax when imposed at the manufacturers' level. However, the tax in this case will be on the manufacturers' price rather than the retailers' price. This would result in some revenue loss—approximately $259 million in a full year of operation, but fortunately only $161 million in the fiscal year 1965. The taxes which would be changed from a retail to a manufacturers' base are those on jewelry, furs, toilet preparations, and luggage and handbags. The changeover to a manufacturers' tax would occur on October 1, 1964.

Under the amendment made by the committee, it would also be necessary to collect floor stock taxes on inventories of taxable items held by wholesalers and retailers on the changeover date; namely, October 1, 1964.

Previously, the tax rate extension bills have also affected corporate income tax rates. In the past these bills have prevented a reduction in the corporate rate from 52 percent to 47 percent and have prevented the tax on the first $25 thousand of corporate income from going down from 30 percent to 25 percent. The Revenue Act of 1964 changed all of this. This act provided a set of permanent corporate rates. It provided that the corporate income tax rate for 1964 was to be 50 percent and for 1965 and subsequent years, 48 percent.

It is absolutely essential that the bill be enacted. The failure to extend the present excise tax rates on alcoholic beverages, tobacco, and the other items would result in a revenue loss of $1.9 billion in a full year of operation or $1.8 in the fiscal year 1965.

With the administration already estimating a deficit for the fiscal year 1965 of $8.8 billion for the fiscal year 1964 and $5.8 billion for the fiscal year 1965, it is clear that we cannot afford a further increase in this deficit of almost $2 billion. Such an action clearly would not be considered fiscally responsible.

As I believe most Senators know, I did not favor the Revenue Act of 1964 when it was passed by Congress earlier this year. That bill provided a tax cut of $11.5 billion for the fiscal years 1964 and 1965. However, one thing should be clear to all of us; we cannot afford to pile a still further tax cut of nearly $2 billion on top of this.

The Ways and Means Committee of the House is already engaged in broad scale hearings on excise taxes. The House Committee is attempting to get the full story on the problems involved in all of our excise taxes. This will give the Ways and Means Committee an opportunity to judge which of these excise taxes actually are the most burdensome and then, based upon the revenue requirements of the Federal Government, a reasonable, rational excise tax reduction can be considered.

The committee has changed the four principal retailers' taxes to a manufacturers' base. This would result in some loss of revenue but this loss was relatively small, or I could not have supported it. The full-year effect of this will be $259 million, and the effect in the fiscal year 1965 will be only $161 million, since this changeover does not occur until after the end of the first quarter of the fiscal year 1965.

Although the committee's amendment has changed these from retail to manufacturers' taxes, we have kept the same 10-percent rate and the same items subject to tax. By retaining taxes on jewelry, furs, luggage, and toilet preparations, it will be possible for us to examine these items in connection with all others subject to excise tax in our determination of what reductions to make.

However, in the estimation of the committee, it was particularly important that these taxes no longer be imposed at the retail level. The thousands of retailers from whom these taxes must be collected present real administrative problems in collecting this tax. Probably more important, however, the collection of these taxes represents a real burden for the many small retail establishments. The extensive records that they must keep in order to be sure that the right amount of taxes collected and paid over to the Government are most burdensome for these small businesses. Also it is particularly difficult for the relatively low-salaried clerks and part-time help to determine which items are included in the tax base and which are not.

To summarize, I believe that the various tax rates should be extended at this time because we cannot afford a further revenue loss of almost $2 billion at this time. We cannot afford to increase our debt still further. Certainly, in times of prosperity such as these, further tax reductions cannot be justified by anyone.

The modification we have made by shifting the four principal retail taxes over to a manufacturers' tax base has been designed to minimize the revenue loss, especially in the fiscal year 1965 when the loss will only be $161 million. The committee believed that this change was desirable primarily because of the burden these taxes represented for the many thousands of retail stores selling these taxed items through our country. By shifting these taxes over to a manufacturers' base we have gotten rid of this difficult compliance problem without adversely affecting the broad gage excise study on which the House Committee on Ways and Means is presently working.

On this basis I recommend that the Senate agree to the committee amendments and that it continue these existing excise tax rates for 1 more year.

Mr. WILLIAMS of Delaware. Mr. President, have the committee amendments been approved?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the committee amendments be agreed to and considered as original text for the purpose of amendment.

Mr. KEATING. Mr. President, reserving the right to object, I did not hear exactly what the distinguished Senator from Virginia said. As I understand, his request is that the committee amendments be considered as original text and open to amendment at any point.

Mr. BYRD of Virginia. The Senator is correct.

Mr. KEATING. I thank the Senator.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Is there objection to the request of the Senator from Virginia? The Chair hears none, and, without objection, the committee amendments are agreed to en bloc.

Mr. WILLIAMS of Delaware. Mr. President, on behalf of the Senator from Florida [Mr. SMATHERS] and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to insert at the end of the bill a new section.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. WILLIAMS of Delaware, is as follows:

At the end of H.R. 11376 insert the following new section:

"SEC. 5. Losses Arising From Confiscation of Property by the Government of Cuba.

"(a) Section 165 (relating to losses) is amended by revising subsection (i) to read as follows:

"'(i) Certain property confiscated by the Government of Cuba.—

"'(1) Treatment as casualty loss.—For purposes of this chapter, in the case of individual taxpayer who was a citizen of the United States, or a resident alien, on December 31, 1958, any loss of propery held by such taxpayer, and located in Cuba, on December 31, 1958, which loss—

"'(A) arose from the expropriation, intervention, seizure, or similar taking, before January 1, 1964, by the Government of Cuba, any political subdivision, or any agency or instrumentality of the foregoing, and

"'(B) was not a loss described in paragraph (1) or (2) of subsection (c), shall be treated as a loss from a casualty within the meaning of paragraph (3) of subsection (c).

"'(2) Special rules.—

"'(A) For purposes of subsection (a), any loss described in paragraph (1) shall be treated as having been sustained on October 14, 1960, unless it is established that the loss was sustained on some other day.

"'(B) For purposes of subsection (a), the amount of any deduction for any loss described in paragraph (1) shall be the lesser of—

"'(i) the amount of the fair market value of the property on December 31, 1958, or

"'(ii) the amount determined under subsection (b).

"'(C) For purposes of section 172, a loss described in paragraph (1) shall not be treated as an expropriation loss within the meaning of section 172(k).

"'(D) For purposes of section 6601, the amount of any tax imposed by this title shall not be reduced by virtue of this subsection for any period prior to February 26, 1964.

"'(3) Refunds or credits.—Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of paragraph (1) may be made or allowed if claim therefor is filed before January 1, 1965. No interest shall be allowed with respect to any such refund or credit for any period prior to February 26, 1964.'

"(b) The amendment made by subsection (a) shall apply in respect of losses sustained in taxable years ending after December 31, 1958."

Mr. WILLIAMS of Delaware. Mr. President, I shall explain the amendment.

Before the Revenue Act of 1964, the law provided that in the case of an individual, no loss deduction may be taken for expropriation or similar taking of property by a foreign government, if the property was not used in a trade or business or in the production of income. However, the Senate in its consideration of the Revenue Act of 1964 added a provision which would have made a loss deduction available in the case of expropriation by Cuba of nonbusiness property. Unfortunately, through an oversight no effective date was provided for this provision. As a result the provision had only prospective application. This, of course, does not cover the important period when Castro was seizing property of Americans in Cuba.

The amendment which I am offering at this time overcomes the effective date problem which I have described to you as well as providing other technical improvements in the original amendment. The amendment I have presented applies to losses sustained in taxable years ending after December 31, 1958. In addition, it provides the expropriation or similar taking must have occurred before January 1, 1964.

The provision applies only to U.S. citizens or residents who had that status on December 31, 1958. For purposes of valuing the loss the amendment also provides that the fair market value of the property is to be determined as of December 31, 1958. In addition, the loss will be treated as sustained on October 14, 1960, which was the date the urban reform law was adopted in Cuba, which permitted the nationalization of residential property. The taxpayers may still treat a loss as sustained on another date if they can establish when the property was nationalized.

In order to cover bank accounts the provision is to apply to intangible as well as tangible property. No interest is to be granted on refunds for periods before February 26, 1964, nor will losses be treated as incurred before that time for purposes of the interest provisions.

Mr. President, the purpose of this amendment is to carry out the original agreement and intention of the Senate. The conferees of last January's tax bill have agreed on this correction.

This amendment was unanimously approved this morning by the Finance Committee and recommended that it be accepted.

It is being offered on behalf of myself and the Senator from Florida [Mr. SMATHERS], a cosponsor of the original amendment.

Mr. BYRD of Virginia. Mr. President, this amendment was fully considered this morning by the Finance Committee, and I was unanimously authorized by the committee to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS], for himself and the Senator from Florida [Mr. SMATHERS].

The amendment was agreed to.

Mr. DIRKSEN. Mr. President, I believe some Senators were under a misapprehension as to which measures of the Finance Committee were to come first. I believe they were under the impression that the Senate was to deal with the extension of the Renegotiation Act. Since the excise tax bill is before the Senate now, I believe they should be put on notice and, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 444 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Ervin
Fong
Fulbright
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], and the Senator from Alaska [Mr. GRUENING] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, what the Senate Finance Committee did was to convert the highly controversial excise taxes at the retail level into manufacturers' taxes effective as of September 30, with the customary exemptions and savings clauses that appear in existing law.

I am not too happy about it, of course, because it does not square with the effort that I tried to make in February in connection with the overall tax reduction bill to bring about outright repeal of the four categories of retail taxes, namely, on luggage, furs, jewelry, and cosmetics.

There is good reason why those taxes should have been repealed. When they were imposed as a result of the Korean war, there was a specific provision in the report that accompanied the bill to the effect that they should be repealed immediately after hostilities were over. So in February I made the first effort. At the time I was in the hospital. The proposal had to be offered by my distinguished colleague, the Senator from Kentucky [Mr. MORTON]. We failed in that endeavor in the committee, but the amendment was offered on the floor of the Senate on February 5. That was a proposal for outright repeal.

The vote on that occasion was 45 yeas and 48 nays. I made the effort in the committee to have that result accomplished again. A substitute proposal was offered by the distinguished Senator from Minnesota [Mr. MCCARTHY] which provided for conversion into manufacturers' taxes.

At least two objectives were achieved by that substitute. The first was to relieve the retailer of the tax; the second was to relieve him of the onerous burden of making a tax return. The Department of Commerce has estimated that there are roughly 1,800,000 retailers in the country, and one may fairly assume that nearly a million must file a tax return of some kind or other if they sell a dollar's worth of costume jewelry or a piece of fur or a piece of luggage or anything in the cosmetics field.

I would have been delighted if these taxes could have been repealed, but it was quite evident to me that it could not be done. I know, of course, that the Treasury and the administration were opposed on the ground that the overall loss in revenue would be roughly about $455 million. As a result, the committee adopted the substitute. So the proposal would go that far down the road and relieve the retailer of the burden. However, it would shift the 10 percent tax in the four categories to the manufacturer. I am sure that the manufacturers are not particularly happy about it. Perhaps the retailers are not happy about it either, because they had looked forward to outright repeal on the ground that they felt that the Congress made a covenant with the country at the time the Korean war excise taxes were imposed.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. PASTORE. The Senator from Illinois will recall that when he suggested or sponsored his amendment for the repeal of the excise taxes, he was supported by the Senator from Rhode Island.

Mr. DIRKSEN. Yes.

Mr. PASTORE. In our State there are a great many small manufacturing jewelry shops. We have been anxious, because of the employment situation, to repeal the excise tax in order to stimulate more buying of articles which today are not considered as luxury items.

The point that has been raised by the Senator from Illinois is that the retailer would be relieved of imposing the tax, which is true, but it would be imposed upon the manufacturer. The only difference is that while the burden has been upon the retailer to file his tax returns, the fact is that he had the money in hand at the time, paid by the consumer, he did that. He would not have to file any return to the Federal Government excepting in cases in which he had accepted the tax from a purchaser.

Now we would levy the tax even before the article is sold. When an individual who is already hard hit, one who employs 20 to 25 people in a shop, and who is now selling to a jobber or a retailer, sells his product, he must pay the tax even though he has never collected the money.

What we would do would be to add insult to injury. We set out to stimulate buying. We set out to relieve the people of the burden. Now what we shall have actually done is as follows: We shall have relieved the person who has collected the money from the burden of reporting, but we would compel the person who has not collected the money to pay the tax in advance. What we are asked to do is to make the situation even worse than before. I cannot understand the logic of the argument, if it is being made, that the proposal would save $260 million, which is about one-half of what we are collecting now on these articles. Rather than make that tax 10 percent, why do we not cut the tax by 5 percent and leave the system the way it is? I cannot see any logic in adopting a brand-new system and forcing on a new group of people—people who have been hurt—a responsibility they have not had before. I hope the Senator will indulge me——

Mr. DIRKSEN. Yes.

Mr. PASTORE. He knows how I fought this proposal before. Listen to these words from a communication I received from Rhode Island:

> We will be forced out of business and 75 people made jobless if you pass this law.

We are in a situation where we are struggling and fighting to help this industry. Now we are being told, "We cannot get a whole loaf; we will take half a loaf." It will not be half a loaf. This is the wrong way to go about it. We are saying to a little jeweler in Rhode Island, for example, "You pay 10 percent, before you get it, to the Federal Government, because we want to hide this tax." If the desire is to save $260 million, which is one-half of what the tax now produces, why is it not done by reducing the tax which is now 10 percent to 5 percent and letting everything else go the way it is? I cannot see any logic in the committee's instituting a new procedure and forcing people to close down their shops.

Mr. DIRKSEN. Mr. President, let me point out that a reduction of the tax from 10 to 5 percent would not overcome the nuisance that is involved in the roughly one-half million retailers having to file a return, whether the tax is 5 or 10 percent.

That is why I started, in the first instance, with a proposal to absolutely repeal the whole tax. It was offered on a 5-percent basis in the motion to recommit in the House of Representatives. That motion failed. It is rather interesting that when the proposal was offered earlier in the year to the tax bill, it was announced almost immediately that there would be hearings by the Ways and Means Committee of the House on the whole excise tax bundle.

Nothing has happened up to now. Now we are confronted with an announcement by the Ways and Means Committee that it is going to start hearings on about the 15th of July.

When my friend from Rhode Island speaks of half a loaf, it certainly is half a loaf. I certainly am not content. But I know full well when I am on good ground, so far as votes are concerned, as to whether we are going to get even half a loaf. When we are confronted with that kind of situation, we do not have much leeway for bargaining.

To show Senators how unhappy the Retail Merchants Association of Illinois is, my friend Joe Meek, its president, sent me this telegram, which was dated yesterday, June 24. The telegram reads:

> Please vigorously oppose move to end Federal retail excises on October 1 and transfer the burden to the manufacturers instead of the retail level. Passage of such legislation would in no way remove the heavy discrimination against the makers and sellers of the taxed items. It would only continue the enormous discrimination against the women of America in their purchase of needed merchandise. Furthermore, a switch to the manufacturer's level would add to inventory costs. The switch would also represent another sad denial of the 20-year-old promise of outright repeal—

That is quite correct. It was a promise that Congress made. The telegram continues—

> and represent another step in the patchwork, haphazard way of taxing citizens of habit, apathy, and political slide rule, rather than by commonsense and ability to pay.
>
> The sum of money involved in repeal of the excises, rather than transfer, is around $400 million. It is a travesty, indeed, that the Congress might say this amount could not be lost, whether at the retail or manufacturer's level, while congressional salaries are boosted and the cold war financed in far-off places to the tune of far more costs and of far more threat to the now long-discarded idea of a balanced budget in this country. Please insist on outright, complete repeal of these Federal excises at every level.

That telegram was signed by one of the best friends I have, Joseph Meek, president of the Illinois Retail Merchants Association.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8462) to authorize the conveyance of certain real property of the United States heretofore granted to the city of Grand Prairie, Tex., for public airport purposes, contingent upon approval by the Administrator of the Federal Aviation Agency, and to provide for the conveyance to the United States of certain real property now used by such city for public airport purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10433) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KIRWAN, Mr. DENTON, Mr. MAHON, Mr. HARRISON, and Mr. REIFEL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10456) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operation, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the House thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER, Mr. MARTIN of Massachusetts, Mr. FULTON of Pennsylvania, and Mr. CHENOWETH were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H.J. Res. 1056) making continuing appropriations for the fiscal year 1965, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1056) making continuing appropriations for the fiscal year 1965, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXCISE-TAX RATE EXTENSION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 11376) to provide a 1-year extension of certain excise-tax rates.

Mr. DIRKSEN. Mr. President, I think that is about the whole story. I did what I thought was my utmost to secure a repeal of these taxes. I failed in February. It was quite evident I was going to fail in committee this time. So, as I have said, when one cannot get a whole loaf, he takes whatever bread he can get.

But there is another aspect to the question. This bill must still go to conference on any amendment in it. Exactly what will the House Ways and Means Committee finally say? June 30 is the deadline. After all, that committee is in a bargaining position. Its members can say, "We will accept no amendment." If that is the case, then even this forward step will also fail.

That is the realistic situation which confronts one when he is dealing with a matter of this kind, with a deadline just around the corner.

I believe by the last vote, which was a voice vote, the committee, without exception, adopted the McCarthy substitute, and the bill was reported and placed on the calendar. That is the situation.

Mr. CURTIS. Mr. President, the excise retail taxes are in four categories—toilet preparations, leather goods, jewelry, and furs. They have been a heavy burden upon the retail industry. There are many retailers who sell a great variety of items, who then sell items that are subject to this tax. The burden of collecting and reporting the tax is very great.

When the decision was made earlier this year to reduce tax revenues by about $11 billion, Congress, having made that decision—which I did not share—I felt then, and I feel now, that a repeal of these taxes, which are so burdensome on business, should be included.

I did not vote for the provision that is in the bill. I did not support the motion to remove the retail taxes and impose manufacturing taxes. I believe, however, that the retail taxes should be removed. About half a billion dollars is involved. In the light of all the circumstances, they should not be continued. My vote against this proposal was not because I wanted the retail excise taxes continued. I think they should be terminated. I did not believe it was wise to impose a new tax on any segment of American industry without a hearing and without notice.

Therefore I would much prefer an outright repeal of these taxes. It should have been a part of the $11 billion package. I did not share in the view that that be done, but were we to reduce revenue by that amount, in order to support the economy, this is an item that should have had first claim upon the Congress.

However, I rise at this time not to discuss the merits or demerits of the proposal, but to ask the distinguished Senator from Minnesota [Mr. McCARTHY] a few questions, in order to ascertain legislative intent.

My first question is this: Is it the intent, in transferring these taxes from the retail level to the manufacturer's level, to preserve all exemptions which are now in the law?

Mr. McCARTHY. That is the intention. It was very clearly expressed in committee, and I believe it is indicated in the committee report. All existing exemptions will be carried over and will apply at the manufacturer's level.

Mr. CURTIS. One of those exemptions relates to cosmetics used by barbers and beauticians. The junior Senator from Nebraska spent 5 or 6 years having that tax repealed. We do not tax the carpenter's tools. We do not have an excise tax on the surgeon's instruments. We do not have an excise tax on the lawyer's books. We put a 20-percent excise tax on all cosmetics that the barber and beautician use in the course of his trade in his shop.

After years of effort, Congress, by a separate Act, removed that inequity. It was a gross inequity. We were dealing with a part of our business community made up almost entirely of small businessmen. We were dealing with individuals who make their living by the use of their hands. We put an excise tax on the tools in their hands.

Therefore I wish to know whether it is the intention of the Senate, if the tax is transferred to the manufacturer's level, that the barbers and beauticians may still buy the cosmetics they use in the course of their trade free from any excise tax.

Mr. McCARTHY. The Senator is quite correct. That exemption will be preserved. The Senator from Nebraska raised that point in committee. It was fully discussed in committee. It was the unanimous position of the committee that this exemption be preserved. That position was carried through in the bill now before the Senate.

Mr. CURTIS. I thank the Senator. Before yielding the floor I wish to say again, so it will be clearly understood, that I believe every jeweler, every department store, every variety store, every drugstore, and all the other retailers, who through the years have had this burdensome task of collecting these excise taxes should be relieved of them now.

The hesitancy that I showed in committee in not voting for the substitute was not caused by my wishing to have the tax continued. It should be repealed. How can we impose this tax or any other tax on a segment of our business community without notice and without hearing?

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. COOPER. It has been said that the effect of the amendment, so far as the Treasury is concerned, would be a loss of one-half of the revenue now being collected—approximately $260 million.

Mr. McCARTHY. On an annual basis.

Mr. COOPER. That is correct. On an annual basis. The amendment would eliminate the recordkeeping burden of retailers, but it would shift the payment of the tax and of the recordkeeping to the manufacturers. Why would it not be better to reduce the tax by half, or better, to remove it altogether? The Senator from Nebraska has also raised a point which carries weight, the fact that manufacturers have not had a chance to have a hearing on this proposal, to lay a new tax on them.

Mr. CURTIS. If I may answer the point about reducing the tax from 10 percent to 5 percent, let us take a drugstore as an example. This is our problem. A drugstore in Kentucky or Nebraska or elsewhere may sell many different items. The druggist employs a young girl to wait on the trade. A customer comes in and buys certain cosmetics or jewelry which are subject to tax, and also some other items, which are not subject to tax. There may be included some baby oil, which is not subject to tax. The young girl may or may not accurately, in the rush of the trade, charge the customer the right amount of tax. It is a very practical problem in operating a retail establishment. The Internal Revenue Service has been very firm and stern in this connection. I have been informed that a retailer has been approached by the Excise Tax Division and told, "Your gross sales amounted to x dollars. We are applying a rule of thumb. We think that you sold this amount in taxable merchandise. Either pay or you can oppose the judgment."

How can a little businessman fight the Government? How can he afford to have it known in the community that he is in tax trouble? How can he afford to hire a lawyer and how can he prove his case when it involves sales of many items that cost less than a dollar?

That is why the tax is so burdensome. The agitation for the repeal of the tax comes not only from the customer. It comes primarily from the retailer. He has a justifiable case. He will get no relief if the tax is reduced to 5 percent. With the tax still imposed, it is questionable whether the reduction would speed up the sales. I believe that when the reduction was made from 20 to 10 percent, it did speed up sales. I believe the 20-percent tax was so high that it frightened a great many customers from buying various items. The only solution is to repeal the tax.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. PASTORE. I quite agree that the only solution is to repeal the tax. It involves a half billion dollars. We must keep in mind, in discussing the excise taxes, that they were imposed upon the consumers of America at the time of the Korean war, when the only purpose for the imposition of the tax was not to raise the revenue that would be produced by it, but to deter purchases of these articles. We wished to discourage people from buying those articles. For that reason we imposed the excise tax. It was done to deter people from buying. That is the argument that has been made all along in justification of the tax. It is quite true that it may be a burden upon the retailer. He has experienced it over the years. This is nothing new. This is something that he has had to live with from the time that the tax was imposed. I think that the Senator will agree with me on that point, and I would relieve the consumer of the tax and the retailer of the bookkeeping.

However, what are we proposing to do? We are getting ourselves involved in a new system, a new procedure, without knowing what the repercussions and consequences will be.

I have been flooded with telegrams from small jewelry shops in Rhode Island. The owners tell me that if they have to take out of their pocket 10 percent of their selling price before they collect it and pay it to the Government, it will put them out of business. We ought to go into this subject a little more before we place the burden on them. It is an absolutely unorthodox way to proceed. There has never been an instance in which we have taxed a class of people without giving them an opportunity to be heard.

They have been unjustly hurt, because they have not been heard. The jewelers from Rhode Island have not been invited to come here to explain what this proposal could mean to them.

Rhode Island is already suffering from a labor surplus; this proposal would aggravate the situation, because it moves in the wrong direction. It hits the manufacturer who has to meet his payroll week by week—and now must pay an advance tax on sales money not received. If this is a proposal to alleviate a burden upon the Internal Revenue Service or the Treasury Department, that is one argument. If the Treasury believes it would be easier to collect the tax from the manufacturer than it is to collect it from the retailer, and the Treasury is willing to lose $260 million in the process, that is one argument. But not a good one from the manufacturer's view.

But if we are seeking to stimulate the purchasing power for these articles and to make them more attractive to the consumers of America, why not proceed in the right way? If the Treasury cannot stand a 10-percent cut, make it 8 percent, 6 percent, 5 percent, or 4 percent, or anything we wish; but let us stand by the procedure in effect today. In that way, we shall hurt no one. We shall even help some. Some amount of money may be sacrificed. But sales would be stimulated and tax collections increased. My idea would be to reduce the tax to 5 percent. The loss would be the same as the loss that is anticipated if this proposal were enacted.

Perhaps next year there could be a further reduction of 2 percent, or the tax might be eliminated entirely, or Congress might be given an opportunity to study the proposal. But to impose a tax on a new group of people merely because it is said it would be less painful to keep records is highly unjust.

Mr. CURTIS. Mr. President, one more word; then I shall yield the floor. While I have some objections to the proposed new procedure, I cannot concur in all the views expressed by the distinguished Senator from Rhode Island. It is my understanding that the manufacturer will not have to pay this tax as he manufactures.

Mr. PASTORE. No.

Mr. CURTIS. He will pay it when he sells.

Mr. PASTORE. But before he collects his money.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. PASTORE. Am I right or wrong as to that? He must pay the tax before he collects his money.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. McCARTHY. The manufacturer will not be hurt. He will pay the tax under existing law on a quarterly basis plus 30 days. The only person who might be hurt in some slight way would be the retailer. The manufacturer could not possibly be hurt because he pays on a quarterly basis plus 30 days.

Mr. PASTORE. Mr. President, will the Senator yield, so that I may comment on the statement of the Senator from Minnesota?

Mr. CURTIS. I will yield in a moment. The important thing that I contend for is the preservation of certain exemptions. Should an opportunity develop to vote for outright repeal in lieu of the language proposed, I would support it.

I yield the floor.

Mr. McCARTHY. Mr. President——

Mr. PASTORE. Mr. President, will the Senator from Minnesota yield for a question?

Mr. McCARTHY. I yield to the Senator from Rhode Island.

Mr. PASTORE. Would the Senator object to a proviso: "*Provided, however*, That the manufacturer shall not account for the money unless he has collected the tax."

If the Senator will accept that amendment, I shall have no objection.

Mr. McCARTHY. Such an amendment would be quite unnecessary because on the existing basis the manufacturer pays on a quarterly basis plus 30 days. The moneys collected in the first month may be kept for 60 days.

Mr. PASTORE. On the other hand, he may be accounting for money shown as collected as a bookkeeping measure. Why not include a provision that the manufacturer shall not be accountable for the money unless he receives it?

Mr. McCARTHY. No other manufacturer, under the present manufacturer's tax, is given that kind of special treatment, and there have been no complaints.

Mr. PASTORE. The jewelry manufacturers have not been given an opportunity to be heard. This amendment was submitted only the other day. It came as a surprise to most Members of the Senate, and it came as a shock to the senior Senator from Rhode Island.

Mr. McCARTHY. The Senator from Rhode Island is subject to shock only when the proposal is one with which he does not agree; at other times, he is most resilient. Year after year the committee has heard testimony, particularly from retailers seeking to be freed from the burden of bookkeeping. We have taken care of that problem, and we have placed in the bill nothing that would hurt the manufacturers and wholesalers for whom the Senator from Rhode Island is pleading. It is true that some retailers might suffer a slight economic disadvantage because they would have to pay the tax when they bought the product, whereas at present they do not have to pay until it is sold. But the manufacturer or wholesaler will not in any way suffer from the imposition of this tax.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. LONG of Louisiana. The Senator knows that the Government is now collecting $14 billion a year in excise taxes. Some of those taxes are on items of much greater necessity than the items covered by this proposal. For example, light bulbs. Candles are out of date nowadays for lighting homes. There is a manufacturers' tax on light bulbs. Automobiles, nowadays, are an absolute necessity—as the Senator from Michigan [Mr. McNAMARA] has pointed out.

People have to travel to work. If they buy tires or tubes, they must pay a manufacturer's excise tax. The same is true of matches, sporting goods, firearms, fountain pens, and many other items. All of them are taxed.

In the next Congress, a review of the entire excise tax system will be made. One tax will be compared with another, and an effort will be made to determine what will be the best way to proceed to make order out of chaos, in trying to readjust some of the taxes.

Merely to say that a fur, which is a strictly luxury item, should not be taxed at the retail level does not make too much sense.

The proposal of the Senator from Minnesota is to treat all articles alike and let the tax be paid at the manufacturer's level. Such a procedure would have one big advantage. It would eliminate the nuisance of wondering how much the person would pay. An article might cost $50; but after he had negotiated for its purchase, the seller might say, "Now hand me the tax."

The purchaser would be caught napping; he would not realize that a tax was payable. So such a tax is a nuisance. Every storekeeper or clerk must compute the total price all over again.

Under the Senator's proposal, the manufacturer would pay the tax once a month. I salute the Senator. He has given the best answer possible. I believe it is one that we may be able to persuade the House to accept.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. HOLLAND. Is not the objective of any reduction in tax to increase the amount of trade in a particular commodity?

Mr. McCARTHY. I hope it would have that effect.

Mr. HOLLAND. Would not that redound to the benefit of both the retailer and the manufacturer?

Mr. McCARTHY. To the extent that, roughly, a 50-percent reduction in the tax on such articles would be reflected in increased sales, there would be that advantage.

Mr. HOLLAND. In any case, any increase in sales would redound to the advantages of both the retailer and the manufacturer, would it not?

Mr. McCARTHY. It certainly should.

I wish to comment on the remarks of the Senator from Louisiana regarding the effort being made to prepare the way for a serious, orderly revision of the excise taxes. Until now, we have been confronted with the argument that, because these taxes were imposed at the retail level, somehow or other they had to be treated differently. As the Senator from Louisiana has said, there are manufacturer's excise taxes on light bulbs, flat irons, refrigerators, automobile tires, and many other commodities which come closer to being real necessities than some of the items covered in the bill.

Many Senators through the years have been concerned to secure an orderly revision of excise taxes. I believe the amendment adopted by the Committee on Finance prepares the way for such revision. The House Committee on Ways and Means is now committed to a thorough study of excise taxes, and the adoption of this proposal should make it much easier for the Committee on Ways and Means to proceed in an orderly way.

Mr. PASTORE. Mr. President, I should like to read into the Record the following telegrams:

Providence, R.I.,
June 25, 1964.

Senator John O. Pastore,
Senate Office Building,
Washington, D.C.:

We will be forced out of business and 75 people made jobless if inequitable discriminatory jewelry excise bill becomes law.

H. Y. Lisker,
Jonette Jewelry Co.

Providence, R.I.,
June 25, 1964.

Hon. John O. Pastore,
New Senate Office Building,
Washington, D.C.:

We strongly disapprove of new proposed jewelry excise tax. Relegation of wartime emergency tax to a hidden consumer tax creates an intolerable situation, making future repeal improbable. Revenues to Treasury cut less than one-half when imposed at manufacturing level, and consumer cost will undoubtedly remain unchanged. Only equitable solution is complete repeal, to which end we request your efforts.

Trifari, Krussman & Fishel, Inc.

Providence, R.I.,
June 25, 1964.

John O. Pastore,
Senate Office Building,
Washington, D.C.:

Rhode Island needs relief from jewelry excise tax. Since 1947 employment has dropped from 42,000 to a low of 18,000. Congress called it a sales repressive tax in 1941. It is still a sales repressive tax in 1964. We need relief now for economic growth. My employees ask that you support Senator Dirksen in his fight for tax relief.

David Cleinman,
Cleinman & Sons.

Here are further telegrams which reflect the shock at the sudden speed of the Senate without chance of objectors to be heard.

Providence, R.I.,
June 24, 1964.

Senator John O. Pastore,
Washington, D.C.:

Quick survey of manufacturers' wholesalers, and retailers of all four affected industries retail excise tax industry indicates unanimous disapproval of excise at manufacturers' level. Details of jewelry's objection will be forwarded Thursday morning by Western Union. In the meantime if Senate vote can be delayed until next week forces and arguments opposed to present Senate Finance Committee measure can be organized.

Frankovich.

New York, N.Y.,
June 25, 1964.

Senator John O. Pastore,
Washington, D.C.:

The Senate Finance Committee in approving to transfer H.R. 11371 and assess the 10-percent excise tax on furs on the manufacturers would create a pyramiding of prices and further depress an industry already adversely affected. All segments of the fur industry—trappers, farmers, retailers, and our 700 fur manufacturers—strongly urge the rejection of this onerous transfer.

Associated Fur Manufacturers, Inc.,
Samuel Schulman, *President.*

Washington, D.C.,
June 24, 1964.

Hon. John O. Pastore,
Senate Office Building,
Washington, D.C.:

Shifting 10-percent Federal retail excise tax to manufacturers' level opposed by this organization. We urge your vote in opposition as H.R. 11375, the Korean excise extension bill, comes to Senate vote. Will increase consumer prices as well as prices to retailer. Does not answer selective excise charge. Important basis for our fight to campaign to effect complete repeal. Complete repeal would reduce present prices to consumer full 10 percent. Total repeal will not result in loss of revenue as we are prepared to testify in Ways and Means hearings to recommence on July 20, 1964.

Robert M. Krementz,
The Committee for the Repeal of the Federal Retail Excise Tax.

New York, N.Y.,
June 25, 1964.

Senator John Pastore,
Washington, D.C.:

Women's handbag excise tax unfair in principle. If first reports Finance Committee recommendations for conversion to manufacturer excise are true, consumers lose—only retailers gain. Application retail arithmetic to cost plus manufacturer excise equals present retail price. Keating handbag amendment equitable to consumer—potentially beneficial to handbag industry and labor. Urge your affirmative support.

Burton S. Wirtschafter,
Director, National Authority, Ladies Handbag Industry.

All I am trying to point out to Senators today is that whether one is right or wrong, he should give the manufacturers an opportunity to come to Washington and express themselves. This came as a surprise to them. All the people who appeared before the Senator's committee argued not for conversion of the manufacturers' tax, but for repeal of the excise tax. Then, in its own good judgment, the committee felt this would be an answer. The judgment and the opinion may be sincere and good but, after all, we are dealing with important segments of the economy. I believe that these people should be given a hearing. I do not believe that this law should be enacted without giving those interested a chance to be heard, so that we will know what the facts are.

I repeat, if this is a question of being able to give up $260 million, let us do it the other way—let us cut it in half and wait until the committees have investigated it thoroughly and can then do the job permanently, once and for all. But to do it in such a cateclysmic way, without those who are affected being given the opportunity to be heard, I believe is the wrong approach. I am disturbed because the manufacturers are disturbed. The manufacturers are telling me that this means the loss of bread and butter jobs.

I believe that any other Senator would plead with the same vigor and the same sincerity that I hope I am expressing, if his State were being hurt as my State is being hurt. That is what I am pleading for. I am pleading for equity and justice and a hearing before the proposed action is taken.

Mr. McNAMARA. Mr. President, I should like to direct a few questions to the Senator from Minnesota [Mr. McCarthy].

The question continues to come up about excise taxes. Representing in part the State of Michigan, I am naturally somewhat concerned about the excise tax on automobiles. It is called a manufacturer's tax in relation to automobiles, but it is paid by the consumer. It is really a sales tax when one goes to purchase an automobile. It does not make any difference whether it is a sales tax or a manufacturer's tax, or what it is termed; it is a tax actually paid by the consumer.

Mr. McCARTHY. The Senator from Michigan is correct.

Mr. McNAMARA. The consumer is now paying 10 percent, I believe—the manufacturer's cost—when he purchases the product. This amount is somewhere in the neighborhood of $150 for the average car.

Mr. McCARTHY. From $150 to $200. The Senator is correct.

Mr. McNAMARA. That is the average price?

Mr. McCARTHY. The Senator is correct.

Mr. McNAMARA. This money is divided, as I understand, by being earmarked, 50 percent of the excise tax on automobiles for the interstate highway trust fund.

Mr. McCARTHY. That is roughly correct.

Mr. McNAMARA. About 50 percent.

Mr. McCARTHY. It is not divided on passenger cars.

Mr. McNAMARA. Not on passenger cars.

Mr. McCARTHY. The tax on trucks is divided.

Mr. McNAMARA. But it is so divided as far as passenger cars are concerned. The tax is 10 percent on a passenger car which goes to the general fund.

Mr. McCARTHY. The Senator is correct.

Mr. McNAMARA. That seems to be a better argument for reducing the price of this tax, at least by the 3 percent that was added to the 7 percent at the time of the Korean war. I hope that the committee will give this question some attention when it considers excise taxes in general. I believe a strong case can be made for the elimination of at least this 3 percent portion of the tax that was instituted at the time of the Korean war. I hope that when the committee is reviewing this subject, when it is considering the excise taxes in general, we shall have an opportunity to be heard, because certainly a good case can be made for the elimination of that 3 percent.

Mr. McCARTHY. The Senator is quite correct. We are assured that the Ways and Means Committee will consider all excise taxes in its review of the whole tax area.

The Senator from Michigan makes the argument against 3 percent as a Korean war tax. There is discussion about the commitment to repeal the Korean taxes. The taxes we are discussing here are retail sales taxes. They have been on the books in some form or other for some time—in the case of jewelry, as far back as 1917. It was reimposed in 1932 in the form of a manufacturer's excise tax. It was imposed again in 1941 as a retail sales tax. All this was long before the Korean war, of course. The same is roughly true with regard to furs, toilet preparations and cosmetics, and luggage. So if any Senators feel that there is some kind of moral obligation to repeal these taxes at the present time, or that some kind of commitment was made at the time of the Korean war, they are absolutely free, because these are not exclusively Korean wartime taxes. This is a different problem.

Mr. McNAMARA. I do not disagree with that statement, but I wish to emphasize what I previously stated, that prior to the Korean war the excise tax was 7 percent, and now it is 10 percent.

Mr. McCARTHY. The Senator from Michigan makes a case for repealing the 3-percent additional tax as a Korean wartime tax. Senators who are making the Korean wartime argument with regard to retail sales taxes do not have a case for justification.

Mr. McNAMARA. Mr. President, I wish to quit while I am in this condition in the Record. I thank the Senator.

Mr. KEATING. Mr. President, I send to the desk an amendment and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 15, strike out lines 4 and 5 in their entirety.

On page 16, line 3, strike out the word "handbags,"

On page 17, line 4 and following, strike the line "Part VII. Luggage, handbags, etc." and substitute therefor the line "Part VII. Luggage, etc."

On page 13, line 19, strike the word "HANDBAGS,"

Mr. KEATING. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arizona [Mr. Hayden], who has an important resolution to submit, and that I shall retain the floor after this business has been completed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1965

Mr. HAYDEN. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, the joint resolution (H.J. Res. 1056) making continuing appropriations for the fiscal year 1965, and for other purposes, and I submit a report (No. 1116) thereon.

Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of House Joint Resolution 1056.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The Legislative Clerk. House Joint Resolution 1056, making continuing appropriations for the fiscal year 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HAYDEN. Mr. President, this joint resolution is similar to continuing resolutions which the Senate has agreed to in prior years, and provides, pending the enactment of the appropriation bills, for the continuation of appropriations during July and August 1964.

In those instances when bills have passed both bodies and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts approved or under the more restrictive authority.

When a bill has passed only one House, or when an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate of operations not exceeding the fiscal 1964 rate, or the rate permitted by the one House, whichever is lower.

In the instance when neither House has passed an appropriation bill for fiscal 1965—and in the case of the National Aeronautics and Space Administration and grants for Library Services, which are continuing programs and where budget estimates are pending—amounts are approved for continuing projects or activities conducted in fiscal 1964 not in excess of the current year's rate, or at the rate provided for in the budget estimate, whichever is lower.

Several continuing programs in the Department of Health, Education, and Welfare—authorization for which expires on June 30, 1964, but for which authorization legislation is pending—have been continued at the current rate.

Mr. President, for the information of the Senate, I would like to report the status of the various appropriation bills for fiscal year 1965.

Hearings have been completed on the District of Columbia appropriation bill.

The appropriation bills for the Departments of the Interior, the Treasury, and Post Office, and Executive Office of the President, with their related agencies, passed the Senate earlier this week.

The hearings on the legislative and public works appropriation bills are about 95 percent completed; Departments of Labor, and Health, Education, and Welfare, about 90 percent completed; independent offices and Department of Agriculture, each about 75 percent completed; Department of Defense, 60 percent completed; Departments of State, Justice, Commerce, the judiciary, and related agencies, about 50 percent completed; and military construction hearings are underway.

The foreign aid appropriation bill is still in the House, and Senate hearings have not as yet been scheduled on that bill.

I move the adoption of House Joint Resolution 1056.

The House joint resolution was ordered to a third reading, was read the third time, and passed.

EXCISE-TAX RATE EXTENSION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 11376) to provide a 1-year extension of certain excise-tax rates.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. Keating].

Mr. KEATING. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KEATING. Mr. President, like the distinguished Senator from Rhode Island [Mr. Pastore], I regret that our colleague the minority leader [Mr. Dirksen] is not pressing his amendment to repeal these excise taxes completely, in accordance with the promise made to the American people when they were put on—which should have been done long ago.

I can see the minority leader's position, and the practical effect of it. But it seems to me that the mere fact that the other body declined to accept a motion to recommit with instructions which embodied the substance of his amendment, is no reason why we should not now at least try to remove these excise taxes.

When this matter was before us at a prior time, the vote was so close that it seems to me quite possible that we would now feel differently and would remove these taxes. However, I am limiting the application of this amendment to ladies' purses and handbags only, with the intention that if the amendment should be agreed to or come very close to receiving approval, then it would be in order for me to press an amendment to repeal all of the retail excises.

The category referred to in the amendment before us—ladies' handbags—is an item of necessity. It stands in a somewhat different category than all the other retail taxes which we have been discussing. It is true that the committee by transferring this tax from the retailers to the manufacturers, as has been pointed out, acted without any hearing or reasonable opportunity on their part to be heard as to whether they liked it or not—and they do not like it. We have all received many telegrams indicating that they do not like it—it would undoubtedly confer a reasonable measure of relief upon almost 2 million retailers throughout the country who have this paperwork to do now, and who are deluged with it. Probably it is a great inconvenience to them. They do not like to say that a certain item is $50, plus tax. It would be better for them perhaps to be relieved of that problem and to have the manufacturers saddled with it.

However, the method of handling the matter by imposing the tax on the manufacturer does absolutely nothing for the consumers. I am addressing myself now particularly to the subject of ladies' handbags.

Historically, we have considered the items that are being taxed at the retail level as luxuries. A handbag, however, is just as necessary a part of a lady's equipment as her dress or her shoes. Where will she carry her money? She could hide it on her person somewhere, I suppose. But what will she do with her charge-a-plate, her credit cards, her driving license, and all the other paraphernalia of this century? A pocketbook is just as necessary a part of a woman's wardrobe as are the pockets of a man's suit. We have never suggested putting a tax on the pockets in a man's suit. A woman carries only one pocketbook, whereas a man has many pockets in his clothes. This is discriminatory against the ladies in that respect. With the great chivalry for which the chairman and the members of the committee are renowned, I am amazed that they would permit the continuance of a tax which seems to me to be unchivalrous. Other adjectives could be used to describe it.

The garment industry would be greatly upset if we started taxing men's pockets and provided that when a man's suit is made, if it has pockets in it, it has to be subject to an excise tax. But it is just as sensible as taxing a woman's handbag at the source.

Some kind of pocketbook is an absolute necessity for a woman all the way from kindergarten, where she carries her pennies to school to buy milk, up to the First Lady of our land. It is an absolute necessity. They are even issued to the women in the Armed Forces.

In that respect it seems to me to present a separate problem. It has been promised that the excise tax would be removed. The tax was supposed to be a temporary tax.

There is another very important argument from the point of view of the handbag industry. Twenty percent of the purses and handbags that are sold in this country come from abroad. Of these, half are imported directly by the retailer from the oversea manufacturer. So you would still have a large number of retailers responsible for carrying the burdens of paperwork and reporting connected with collection of the tax. For those who import these articles from manufacturers abroad, the committee amendment would inject an element of disadvantage, of unfair competitive impact.

Finally, I come to what is perhaps the most serious argument against doing what the proponents are trying to do, which is to take off the tax as a retail tax and add it as a manufacturers' tax. As a retail tax it is very apparent; it is an annoyance; it is a constant source of irritation, and the pressure is to get it off. We are all cognizant of that pressure. If the tax is removed and buried among the manufacturer's excise taxes, without a hearing or without any opportunity for the manufacturers or the thousands of people who work for them to be heard, the pressure will come off, but the consumers will not save any money. They will pay as much as they ever did for handbags. But the pressure to get the tax off will be at a minimum.

We know how manufacturers' excise taxes are now considered. There is nothing like the pressure to get them off that there is at the retail level. The proposal is a step toward writing the tax into the permanent law of our land and to forget all about the commitment that we made that, as soon as the emergency was over, the taxes would come off.

I share the view of the Senator from Rhode Island that all excise taxes should come off. I would be delighted to support an amendment to take them off, and if necessary, I am prepared to offer one, because I think such an amendment would be justified. But certainly as to the item of ladies' handbags, which is a necessary part of the accessories of women in all walks of life and in all economic situations, we certainly should take off that excise tax so that there will be some benefit to the consumer. The only benefit under the bill should not go only to the retail businessman. I would be very glad to see him get that relief. But we also ought to think of the consumers when we are dealing with the problem.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. JAVITS. First, I compliment my colleague for proposing the amendment, despite the effort to divert it by the committee amendment to the bill which would make the present tax a manufacturer's excise tax. Second, I wish to identify myself with the arguments which my colleague has made. Third, I wish to point out what the provision in the committee amendment really is. It is essentially a bookkeeping amendment. All that the proponents would do would be to shift the burden of bookkeeping. All of us who have been in the battle before and are in it now know what will happen.

I believe only one word of explanation is needed as to why the proposal would not help the consumer. The retailer sets his price by adding his profit to his cost of operation and the price charged him by the manufacturer. Under present law, the excise tax is then added at the retail level. The retailer adds the tax on after he has paid the wholesale price and has added on his markup. Under the committee proposal the manufacturer would pay the tax and would pass it on to the retailer, who would then compute his markup on the tax as well as on the wholesale price. Therefore, when the product got to the consumer, it would have exactly the same price that it had before. The only person who would receive less money would be Uncle Sam. Mr. President, that is nothing but kidding ourselves and kidding the public. It is for that reason that I thoroughly agree with my colleague, and I am very pleased to join with him in sponsoring the amendment.

Mr. KEATING. I am grateful to my colleague for his remarks.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. I wish to concur in the remarks previously made by the distinguished Senator from Rhode Island. I concur in the amendment offered by the distinguished junior Senator from New York, and say that I am in wholehearted support of his amendment. Other categories of commodities are in the same class. They were all included in the amendment offered by the distinguished Senator from Kentucky [Mr. MORTON] on behalf of the Senator from Illinois [Mr. DIRKSEN] last year.

It seems to me that the proposal is the biggest bunch of "hokey-pokey" that has ever been attempted to be inflicted upon the Congress. First, as has been stated several times, consumers will not save one dollar on the price of their goods, whether it be luggage, jewelry, handbags, or cosmetics. They would still have to pay the same price after the bill was passed. So the proposal offers no tax relief to anyone. It would result in a loss to the Federal Government of about $259 million a year. We would take a cut in the income from that tax of one-half of the present tax in order to shift the burden over from the retail level to the manufacturer's level. What would we do when we took such action? We would do exactly as the Senator from New York has pointed out. We would hide it. Thereby we would hope to deprive the Government of the pressures that would come to get rid of this regressive tax.

We cannot justify the tax upon any basis other than the basis upon which it was originally put on the statute books, and that is as a war tax. The purpose then, of course, was to raise revenue. But also at the same time it was proposed to discourage purchases and to divert into the war effort the great effort that was going into the areas covered by the tax.

The proposed action would relieve the retailers. That is true. What would happen?

Mr. President, we have cut the income tax this year by $11.3 billion. That is a tax which is spread over everyone according to his ability to pay and according to what he earns. If we should pass the bill, we would leave an unfair tax burden on a relatively small group of industries in this country of $259 million, which is only 2.3 percent of the income tax cut that we gave to the country earlier in the year.

I sometimes believe that people looking at the Congress must think we are doing the dance of the gooneybirds. How ridiculous can we become to take $11.3 billion off the income tax and then impose this utterly unfair, unjust, and regressive tax on a small group of manufacturers. We shall hide it.

Mr. President, I hope Senators will not vote for the bill in its present form. I hope they will support the amendment of the distinguished Senator from New York.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I merely wish to say a few words on the subject. I very definitely concur with the views expressed by the distinguished junior Senator from New York.

As stated by the distinguished senior Senator from Michigan [Mr. McNamara], it does not matter much whether the tax is called a manufacturing tax or an excise tax or a sales tax. They are regressive and unfair.

As was stated also by the distinguished junior Senator from Minnesota [Mr. McCarthy], who has presented this matter for the Finance Committee and has presented his views, some of the taxes were imposed during the Korean conflict and some were imposed in 1941. Some of the excise taxes, dating from 1941, were World War II excise or sales taxes.

These are obnoxious taxes—taxes that tax most those who have the least. They were placed on the statute books of our country in the first instance as temporary taxes.

The junior Senator from New York [Mr. Keating] will agree with me when I say that nothing seems so permanent as do the wartime "temporary" excise taxes.

It seems to me not only is it really time that we permit to die, unwept, unhonored, and unsung, the taxes on women's handbags and leather goods, but I have not heard much said today about the tax on airplane travel. That was another of the temporary taxes imposed during World War II, when Government officials sought to discourage travel by airplane.

Now travel by plane is a necessity, as we all know. Still we are oppressed by this tax. It also seems to me that while we let the tax on women's handbags and leather goods die we ought also to abolish, as soon as we possibly can, the tax on telephone use. Today use of the telephone is certainly a necessity for all Americans.

I would be happy to see the Senate take measures today, by the adoption of this amendment and other amendments, to let these obnoxious excise or sales taxes that afflict us die, and then proceed to raise revenue that is lost thereby in some manner other than regressive taxes which violate every sound principle of taxation. Taxes should be levied based on the basis of ability to pay.

Mr. KEATING. I thank the Senator from Ohio for his comments. As he has correctly pointed out, the purpose of these taxes originally was to discourage purchases and travel. The situation has entirely changed. But the fact is that they are still going to be imposed. They will still have to be paid if they are taken away from the retailer and put on the manufacturer. The consuming public will still have to pay.

Mr. LAUSCHE. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. LAUSCHE. Is the Senator able to tell me what the revenue loss would be to the Government if all excise taxes were removed? If the Senator from New York cannot answer, can some other Senator answer that question?

Mr. SMATHERS. Mr. President, if the Senator will yield, I shall be glad to answer. Fourteen billion dollars would be lost if we removed all excise taxes.

Mr. KEATING. The Senator refers to the entire excise tax structure. The Senator is not talking about the four items of retail taxes we are considering today. They do not involve any such amount of money.

Mr. SMATHERS. I answered the question of the Senator from Ohio, which was, What would be the loss if all excise taxes were taken off? My answer was, $14 billion.

Mr. KEATING. I think perhaps the Senator from Ohio was interested in the impact of the four retail excise taxes and what the revenue loss would be if those taxes were taken off.

Mr. LAUSCHE. I am interested in that, but I fear if we eliminate the taxes which the Senator from New York has suggested, it will be the beginning of the train moving to eliminate all taxes imposed beginning back in 1941.

Mr. KEATING. On the contrary, let me bring this to the attention of the Senator from Ohio: The tax on handbags is one of the four items of retail excise taxes. They are in a separate category from manufacturers excise taxes. If we do not take off all or a part of that tax now, and follow the recommendation and throw it all on the manufacturers' level, there would be much more merit to what the Senator from Ohio has said. One of the reasons why it is important now to get this tax off is to prevent those taxes being hidden as a manufacturers' excise tax and their then being continued for some time to come.

Mr. LAUSCHE. I would like to comment, but I shall do so later. I cannot agree with the Senator.

Mr. SMATHERS. Mr. President, I was one of the three members of the Finance Committee who voted against the Dirksen-McCarthy compromise. In a moment I shall state the reasons why I voted against it, but why at this particular juncture I shall support the action of the Finance Committee. I think it would be well to make a statement in answer to the statements which are continually being made that these particular taxes were Korean conflict taxes, as has been pointed out by the Senator from Minnesota and others. I think the statement ought to be put in the Record; and I ask unanimous consent to have inserted in the Record at this point the history of items which are now subject to retailers' excise taxes.

There being no objection, the statement was ordered to be printed in the Record, as follows:

History of Items Which Are Now Subject to Retailers' Excise Tax Rates

JEWELRY

R.A. 1917, 3 percent manufacturers' sale price.

R.A. 1918, 5 percent retail sale price.

R.A. 1926, repealed.

R.A. 1932, 10 percent manufacturers' sale price.

R.A. 1936, repealed.

R.A. 1941, 10 percent retail sale price.

R.A. 1943, 20 percent retail sale price.

R.A. 1954, 10 percent retail sale price.

FURS

R.A. 1918, 10 percent manufacturers' sale price.

R.A. 1921, repealed.

R.A. 1932, 10 percent manufacturers' sale price.

R.A. 1936, 3 percent manufacturers' sale price.

R.A. 1938, repealed.

R.A. 1941, 10 percent retail sale price.

R.A. 1943, 20 percent retail sale price.

R.A. 1954, 10 percent retail sale price.

TOILET PREPARATIONS

R.A. 1914, graduated rate on manufacturers' sale price.[1]

R.A. 1916, repealed.

R.A. 1917, 2 percent manufacturers' sale price.

R.A. 1918, 4 percent retail sale price.

R.A. 1921, repealed.

R.A. 1932, 10 percent manufacturers' sale price.[2]

R.A. 1940, 11 percent manufacturers' sale price.

R.A. 1941, 10 percent retail sale price.

R.A. 1943, 20 percent retail sale price.

R.A. 1954, 10 percent retail sale price.

LUGGAGE

R.A. 1918, 10 percent retail sale price.[3]

R.A. 1921, 5 percent manufacturers' sale price.[4]

R.A. 1924, repealed.

R.A. 1940, 10 percent manufacturers' sale price.

R.A. 1943, 20 percent retail sale price.

R.A. 1954, 10 percent retail sale price.

Mr. SMATHERS. I point out, with respect to luggage—and I presume that handbags come under that category—that the tax was imposed in 1918. It was changed to a manufacturers' tax in 1921. So what has been done by the Dirksen-McCarthy amendment is not something that has not been previously done with respect to these items.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall yield in just a moment.

It was repealed in 1924, and reinstituted, at 10 percent, in 1940, again on the manufacturers' sales price. It was increased to 20 percent in 1943.

In 1954 it was reduced from 20 percent to 10 percent.

That is the history of the tax, not only with respect to handbags, but toilet articles, furs, jewelry, and all the rest.

This was not a tax that had been placed originally in order to discourage people from purchasing. It was imposed, I presume, in order to raise more revenue.

Mr. KEATING. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I yield.

Mr. KEATING. This is merely for clarification. The fact is that this particular tax was imposed at the retail level by the Revenue Act of 1943, during World War II.

Mr. SMATHERS. That is correct. However, there was also a tax imposed in 1918, at the retail level. To say that it came on with the Korean war is not correct. That statement is not supported by the history of the tax.

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[1] One-eighth of 1 cent on each 5 cents up to 25 cents; five-eighths of 1 cent each additional 25 cents.

[2] Five percent for toothpastes and toilet soaps; repealed by R.A. 1938.

[3] Purses and pocketbooks, on amount over $7.50; trunks, on amount over $50; valises, on amount over $25.

[4] Purses, on amount over $5; trunks, on amount over $35; valises, on amount over $25.

Mr. KEATING. It came on during World War II. It provided that at the termination of 6 months after the end of the war, it should come off.

Mr. SMATHERS. It was put on in 1943. I will read the history of it again for the benefit of the Senator. It first went on in 1918. It was a retail tax of 10 percent. It was changed in 1921 to a manufacturers' sales tax. It was repealed in 1924. It was reinstated as a manufacturers' sales tax in 1940, before we got into the war, but apparently in anticipation of our getting into the war. In 1943, it was changed from a manufacturers' tax to a retailers' tax, and it was raised to 20 percent. In 1954, it was reduced by half, to 10 percent, where it is now.

That is the first thing we ought to get clear. The second point that we should get clear is with respect to the Senator's statement that this proposal would result in unfair competition, because no tax is placed on a foreign bag that is imported. That is not the case at all. Section 4205 imposes a tax. It provides:

> There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which sold.

I repeat that, Mr. President:

> There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer.

The tax will be applied to the importer, on the importer's price. There is no basis for the argument that it would result in unfair competition with respect to the foreign producers of handbags, vis-a-vis the domestic producers of handbags.

The argument has been made by the able Senator from Colorado that no one benefits; that the manufacturer will not benefit, the retailer will not benefit, the consumer will not benefit; nevertheless, the Government will lose $255 million. Where does it go? It does not disappear into thin air.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be glad to yield to the Senator in a moment because I mentioned him.

That money must go to someone. We would hope and expect that it would finally be passed on to the consumer. In any event, the tax is taken off the retailer; he escapes the burdensome work of keeping track and figuring out what the tax is. The burden is removed from him, and it costs the Government $255 million. It goes into someone's pocket, either into the pocket of the consumer or the retailer. Certainly in this case it does not go into the pocket of the manufacturer. It does not disappear into thin air.

There is one other point I should like to mention. I voted against this particular amendment because, frankly, as it first came to us, it covered more than the amendment offered by the Senator from New York. The Dirksen amendment covered jewelry, furs, toilet preparations, and luggage. It seemed to me that it would not make a great deal of sense to tell the people of the Nation that these particular excise taxes will come off, but that we do not intend to take excise taxes off light bulbs, automobile tires, automobiles, electric and gas ranges, ballpoint pens, or local telephone service.

It seemed to me that to say we were going to take these excise taxes off and not take others off would put us in the position of saying that some items are more important to the average person than others. I do not believe anyone can correctly say that there is anything more important and necessitous in our society today than the telephone. Throughout the Nation nearly everyone has and uses a telephone. I have an amendment at the desk, along with the Senator from Kansas, to remove the excise tax on telephone calls. That would cost $600 million. It did not seem to me, in the posture in which we find ourselves, having reduced the taxes already by $11.6 billion, that we should rush further into creating a bigger deficit. Let us try this tax revision which we now have in effect, which is the corporate tax revision and the individual tax revision, and let it work in stimulating the economy, but let us not throw ourselves into an additional deficit. For that reason I did not think we should concentrate on the tax which has to do with the items in the Dirksen amendment. So far as I was concerned, if I could have supported it, I could have supported the amendment of the Senator from Connecticut, who wants to take the excise tax off ballpoint pens. He will point out how important that is, because every schoolchild must have some kind of pen—perhaps not a ballpoint pen, but he would say so.

The Senator from Indiana [Mr. HARTKE] feels that the excise tax ought to be taken off musical instruments which are used by high school and junior high school bands. Certainly there is no greater appeal.

There are those who want to take excise taxes off light bulbs, baby oil, and probably everything else. It seems to me that, the House Ways and Means Committee, having undertaken a study on June 15 of this year, looking toward a change in the whole excise tax program, allowing some time to expire, so that it could see what our fiscal position was, the thing to do was to take the same position that the House took; namely, to postpone the repeal of any of these excise taxes.

Consequently, I did not vote for the amendment. However, to be absolutely candid, as we discussed the matter in committee, it became quite obvious that the proponents had enough votes to adopt the Dirksen amendment. The Dirksen amendment would have cost $517 million. When the McCarthy amendment was offered as a substitute for the Dirksen amendment, and the Senator from Illinois was willing to take it, and it reduced the loss to the Treasury from $517 million to $255 million, it seemed to meet one of the complaints and reduce the burdensome part which we saw operating in excise taxes with respect to the items in the Dirksen amendment. It seemed to me that the better course would be to follow the judgment of the Finance Committee. I do not know whether the House conferees would accept the amendment. There is some indication that they would not accept it. Nevertheless, it was the decision of the Finance Committee to proceed along this course. It will certainly result in less loss of revenue than the original Dirksen amendment. If we start to take off the excise tax, as the Senator from New York would have us do, from handbags, there is no logical argument to stop short of proceeding to remove the tax from ballpoint pens, furs, tires, automobiles, musical instruments, and telephone calls. That would cost us $14 billion. I do not believe we can do that as responsible legislators.

I am now glad to yield to the Senator from Rhode Island.

Mr. PASTORE. I shall take the floor on my own time.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LAUSCHE. The Senator from Florida, in dealing with the tax imposed on importers, discussed the item at page 8, dealing with jewelry and related items. My question is whether the tax is also imposed on importers of furs, as carried in part V, and also with respect to luggage and handbags, as carried in part VII.

Mr. SMATHERS. The answer to the question of the able Senator from Ohio is yes. The Senator will see at page 11, lines 18 and 19, the language:

> There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold.

The same is true with respect to luggage, on page 13, where the same words as on the top of page 14 are used. So the answer is "yes."

Mr. LAUSCHE. If we removed all the taxes that were either increased or newly introduced in 1940 and then increased in 1943, what would be the aggregate loss of revenue to the Government?

Mr. SMATHERS. I am advised by staff counsel that that would result in a loss in the neighborhood of $8 to $10 billion.

Mr. LAUSCHE. What would be the loss of revenue if the amendment of the Senator from New York [Mr. KEATING] were adopted?

Mr. SMATHERS. It would be $21 million.

Mr. LAUSCHE. What would be the savings, to whomever they would go, if the amendment now in the bill were accepted—that is, to transfer the tax from sales to manufacturing?

Mr. SMATHERS. That would be $260 million.

Mr. LAUSCHE. It would be quite wonderful to reduce all the taxes and make available $14 billion or $10 billion. It would have great appeal for votes. But what would it do for the country?

Mr. PASTORE. Mr. President, I address these remarks to the distinguished junior Senator from Florida. Several years ago, the railroads were in a rather precarious financial condition. It was determined by the proper committees, after hearings—and I believe the Senator from Florida was in the vanguard—that Congress should do something to assist the railroads by removing the excise tax on railroad fares. We did not hear the argument at that time that the Government would be hurt if the excise tax on tickets were removed. There may have been a justification for that particular argument.

The position the Senator from Rhode Island has taken on this point is that it is now proposed to make a drastic change. A drastic change with no hearing for the people affected. It is proposed to change from a retail excise tax to a manufacturer's excise tax. But the people who would be affected have not been given an opportunity to be heard concerning this very dramatic change that it is proposed to have take place.

If the argument is to be made that the Government can afford to lose $260 million in revenue; that it can afford to lose $500 million in revenue; or that it can afford to lose $14 billion in revenue if all excise taxes are removed, that position ought to be made clear by those who offer that argument. It is not mine.

The Senator from Florida [Mr. SMATHERS] and the other members of the committee know that excise taxes have been in effect for a long time. When the tax-reduction bill was before the Senate early this year, an excise tax reduction amendment lost by a vote of 45 to 48.

Promises have been made right along that a complete study of all excise taxes would be made to bring the whole system under a uniform procedure. I am not asking that all excise taxes be removed. If that is what is sought to be done, then remove them. But if we are not too sure about what we should do about excise taxes, please do not work a little sleight of hand; please do not inaugurate the proposed new system and hide the tax so that the pressure can be taken off.

If it is necessary to wait 5 or 6 months for a calm and considered proposal, the people of my State are willing to wait. The people who have been the most outspoken advocates of the removal of excise taxes have told me, "Frankly, rather than adopt this proposal, let us wait longer. Let the Committee on Ways and Means hear us." So I say let us do the right thing.

What has always been considered since 1943 as a retail excise tax is now proposed to be made into a manufacturer's excise tax. That raises a number of problems. One point that is being made by the proponents of the amendment this afternoon is that although the Government would lose $260 million, a proportion of the benefits would go to the consumers. But that is not what would result. What would happen would be that the manufacturer would pay the tax, and the retailer would gage his markup according to the ultimate price he paid the manufacturer. Thus, so far as the consumer is concerned, while he might not be taxed all of the $260 million, he would pay most of it. And we would not actually accomplish the worthy objective that we started out to accomplish.

Unless we remove these excise taxes this afternoon, let us not begin a brand new system that might perhaps cause more problems than would be solved. Let us wait a little longer, if we must wait a little longer.

As I understand, when the motion was made to adopt the amendment in committee, it came as a surprise to most members of the committee. It was advanced on one day and adopted on that day by a vote of 13 to 3. I do not pretend that this proposal would be a complete error or failure; but there are many people in the country who would have to shoulder this burden. They are important to our economy. They should be given a chance to be heard.

The argument is made that the amendment may not survive conference. If this proposal is being made as eyewash, that is one thing. But if a way can be found in conference to effectuate it as the last enactment of a proposal to be submitted to the President, then we ought to give it a second look and give it further consideration.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MORTON. Does the Senator intend to offer an amendment to strike the McCarthy amendment?

Mr. PASTORE. No; I shall not do that at all. As a matter of fact, I shall support the amendment of the Senator from New York [Mr. KEATING] when he proposes it with respect to these other categories.

Mr. MORTON. That is not the amendment which is pending, is it?

Mr. PASTORE. No; that amendment is not pending now. As I understand, it will follow the disposition of this amendment.

Mr. KEATING. I selected first what I considered the item having the greatest merit.

Mr. PASTORE. The one that plays up to the ladies.

Mr. KEATING. Yes; that is correct. The Senator from Rhode Island is well known for his directness of statement, and I admire him for it. I think I could get this one adopted, while I doubt whether I could get as much support for some of the others. However, I am prepared to offer the other amendment. I do not plan to offer it if this amendment fails by more than a narrow margin.

Mr. PASTORE. Then we have only the question as to whether the committee amendment shall be approved. Has the committee amendment come up for a vote?

The PRESIDING OFFICER. The committee amendment has been agreed to and made a part of the original text.

Mr. MORTON. Mr. President, I should like to go back a little and put the picture in perspective. First, this fight was made when the tax bill was before the Senate a few months ago. I offered an amendment on behalf of the minority leader, who was then ill in the hospital. The proposal was fought out on the floor of the Senate, and the proponents were defeated by 3 votes—45 to 48.

In the Committee on Finance, the minority leader [Mr. DIRKSEN] renewed the fight for exactly the same amendment—that is, to repeal all the retail excise taxes up to $100 in the case of furs and jewelry.

That amendment was discussed in committee. I disagree with the Senator from Florida [Mr. SMATHERS], who said it was apparent it would be adopted. It was apparent to me that it would not be adopted in committee. So I went along with the proposal of the Senator from Minnesota [Mr. McCARTHY], realizing fully that it would not benefit the consumer, but that it would get this irritant out of tens of thousands of retail establishments, where the owner who handled a few items had to educate his clerks in how to handle the situation, without having the Internal Revenue Service breathe down his back all the time.

The Senator from Rhode Island is 100-percent correct, as are other Senators who have made the point, that this proposal will not lower the price of these articles to the consumer. Most of the articles are high markup articles. Consider an article on which the manufacturer's price, f.o.b., his plant, is $10. The wholesaler who buys it makes his customary markup of, let us say, 25 percent. Then the article goes to the retailer at $12.50. The retailer's markup on the item is 60 percent. That is a usual markup on many slow-moving items.

So the article goes to the consumer at a price of $20. It is subject to a 10-percent excise tax, so the customer pays $22.

If the McCarthy amendment became law, the manufacturer would add $1—10 percent—to his $10 price, which would make the manufacturer's total price $11. I shall not go through any of these, but if we put 25 percent on that and 60 percent on the resulting figure, we get exactly $22. So let us not kid ourselves. Most of this $250 million which the Government would lose would probably stay in the hands of the wholesalers and the retailers, unless the competitive situation developed in such a manner that they were forced to lower their historic markups, which they will not be doing in any short period of time.

I voted for this proposal with some members of the committee, because I was impressed with the argument which the Senator from Nebraska made, which is similar to the argument which the Senator from Rhode Island makes today, that we did not know the complexities of the situation and the manufacturer had not had an opportunity for a hearing. All kinds of complexities are involved. For instance, what about floor stocks, both at the wholesale and the retail level? On the wholesale side, that is easy, but what about these floor stocks on the retail level? It is a complex problem.

I personally was involved in the fight a few months ago, when we marched up the hill and lost 45 to 48. Today, I hope that we can get a clear amendment which eliminates these retail excise taxes.

I am for eliminating them.

I realize that there is a little over half a billion dollars involved, but we turned around and cut $11.2 billion in the income tax, which did not help the person that does not pay an income tax. I am not for the continuation of these retail excise taxes at any level. But, in an effort to get something moving, and realizing that at least we got rid of the nuisance in these retail stores, I supported my friend the Senator from Minnesota to get a bill out of committee without taking a complete vote which I was afraid we would get in committee, had the minority leader pushed his amendment for complete elimination of these taxes.

I have tried to give an accounting of the rationale of the situation, and have also tried to clarify what is going on in this area.

Mr. PASTORE. Mr. President, will the Senator from Kentucky yield?

Mr. MORTON. I yield.

Mr. PASTORE. I have followed the Senator very closely, but this is the danger that we face here. The minute we make this a manufacturer's tax we shall be putting this in the same category with all the other taxes involved in this $14 billion. Those who have crusaded for years against the retail excise taxes are in fear that this will be the end of their crusade, that this excise tax will become a permanent thing and we might as well go home and forget about it, this is the way it will be from now and for evermore. That is the reason why we are trying to argue the concept of these excise taxes and retail taxes now being thrown into the "hopper" as a manufacturer's tax which involves the $14 billion. Surely, we shall not be able to separate it at any future time, because it is true that once we make a retail tax the manufacturer's tax, they will become partners and part and parcel of the whole excise system which involves $14 billion. They know this move will be the end of their hopes. That is the reason they are resisting this action by their telegrams today. They realize that if we do nothing at all, there might be some reasonable future relief, but if we do this now, it will become a permanent part of the excise tax structure which involves the $14 billion. There is not a Senator who advocates repeal of all these taxes.

Mr. MORTON. I agree with the Senator. I believe that point has been made today, and it is an important point. I wish to emphasize the fact that this was a hurried action. By the time I had gone back to my office, I was thinking of the complexities of this floor stock problem, and was wondering how in the world the Treasury Department would be able to work out regulations to cover it.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MORTON. I yield.

Mr. COTTON. It seems to me that we should be reminded in this debate of Mark Twain's statement that everyone complains about the weather but no one ever does anything about it.

In spite of the profound respect I have for the Finance Committee, of which I was once a member, I am not happy with this particular solution. I find myself in considerable agreement with the Senator from Rhode Island, that if we wish to do something about it we should either reduce or abolish the tax, rather than shift it and thereby fail to benefit the consumer. We are up against the practical proposition which the distinguished Senator from New York is going to raise in offering in his amendment on handbags. If it fails the Senate will be compelled either to leave things as they are, after many of us have consistently been fighting to do something about these taxes, and have been assuring all the merchants along every Main Street in America that we were going to do something about it and we have either got to do nothing about it, or else vote merely for a changed system. In a sense, and I do not impute any wrong motives on the part of anyone, it is a snare and a delusion as far as the consuming public is concerned.

We simply will have voted to shift a hidden tax, which merely serves to continue the burden on the consumer under a different guise.

I wonder if someone, among those Senators who have made spirited efforts to remove some of these inequities, will not offer an appropriate amendment permitting us to vote for the elimination or, at least, reduction of this tax. Otherwise, we are placed in an impossible position.

Mr. MILLER. Mr. President, will the Senator from Kentucky yield for a question?

Mr. MORTON. I yield.

Mr. MILLER. To point up our thinking on this, could the Senator tell us—and if he has already done so, I apologize—how much tax money is involved by a mere continuation of this matter—how much revenue we are talking about?

Mr. MORTON. This retail excise tax? They do not expire.

Mr. MILLER. The Senator does not get the point of my question. For example, if this bill were not passed and there were to be an end to the excise taxes covered by the bill, how much would the cost in revenue be?

Mr. MORTON. $1.9 billion.

Mr. MILLER. $1.9 billion. Now, as I understand it, the proposal by the committee, with the amendment by the Senator from Minnesota, is to change that approach from a tax on the level of the retail sales back to the level of the manufacturer; is that so, with respect to all the taxes covered by this bill?

Mr. MORTON. The taxes covered by this bill expire on June 30—that is, on air travel, telephone, and the last dollar and a half for proof gallon on distilled spirits. Also the last 1 cent on cigarettes—and a few other items. These would expire with the bill. The amendment of the Senator from Minnesota deals with retail excises which would go on at the present rates if we took no action on this bill. They would not expire.

Mr. MILLER. How much is involved in that?

Mr. MORTON. That is currently approximately $512 million.

Mr. MILLER. All right. That is getting to the point I should like to use. Now, instead of $512 million being derived from these particular taxes, how much is it estimated will be derived from taxes that are shifted from the retail level back to the manufacturers' level under the McCarthy amendment?

Mr. MORTON. $260 million.

Mr. MILLER. $260 million.

Mr. MORTON. Cut approximately in half.

Mr. MILLER. We would be cutting it in half. If that is so, I am wondering why the committee used this approach, rather than merely to reduce from 10 to 5 percent the amount of the taxes at the retail level on these particular items because, to me, it does not look like there will be any difference in the revenue impact under either approach.

Mr. MORTON. The rationale of the committee was this, that one of the big gripes and complaints about this tax is not only from the consumer who pays the tax but also from the retailer, who thereby becomes a tax collector, and they have to keep a separate set of records. They have to educate their clerks as to whether they are handling items in a supermarket which would have some Federal excise tax on them, and some which would not have any. It would not help the consumer to amount to anything. It was to relieve the hundreds of thousands of retailers who, through their State and national organizations, have been complaining about the cost of collecting this tax. The smaller retailers have a constant fear of the Internal Revenue Service coming in and auditing them.

Mr. MILLER. I cannot follow the Senator when he says that the McCarthy amendment would not be of any benefit to the consumer. If the amount of revenue is to be cut in half, under the McCarthy amendment, why should it not work to the ultimate benefit of the consumer?

Mr. MORTON. Some of it may go to the consumer. But as I pointed out when the Senator was not in the Chamber, if the wholesalers and the retailers continue their standard markup on these items, many of which are high markup items at the wholesale-retail level, a $1 tax on a $10 item will bring the cost up as much as $2 at the ultimate retail level.

Mr. MILLER. Granted that if this approach were used this year, there would be a considerable amount of savings in time and management problems to the retailer, would the Senator not think that the retailers would be willing to wait another year for this benefit to take effect if they thought there was a reasonable chance that by cutting the tax rate in half this year, and by eliminating the balance next year, we would not only achieve the benefit of seeing to it that the consumer received the benefit of our action, but also after 1 year? The retailers would be given the relief that the Senator was talking about.

Mr. MORTON. The Senator means to cut the retail excise tax to 5 percent this year, and remove it completely the year following?

Mr. MILLER. That is correct.

Mr. MORTON. As the Senator knows, that was proposed and rejected either in committee or on the floor of the other body. I believe the retailers would like that better than nothing, of course. But it means another educational job. They have learned how to take 10 percent of $9.99. It is a little harder to figure 5 percent.

Mr. MILLER. The only answer that I have to the response of my friend from Kentucky is that I recognize that there might be a little problem involved for some clerk to take half as much as the tax would have been on the original purchase price. But it seems to me that if what we are trying to do is not only to provide relief to the retailer—and the retailer does need some relief—but also some relief to the consumer, the only way we shall be able to do both is to devise a time phasing of this tax so that it will phase out after another year or so. If we use the approach that is contained in the committee bill now, with the McCarthy amendment, the ultimate benefit to the consumer will be considerably reduced.

Mr. MORTON. But it will not be appreciable to the consumer, as I see it.

Mr. MILLER. I thank the Senator from Kentucky.

Mr. KEATING. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. KEATING. I want to answer the argument of the distinguished Senator from Florida that if this tax is taken off, we must remove the tax on such items as light bulbs and ballpoint pens, which could be called necessities. They are now taxable at the manufacturers' level. I do not quarrel with the fact that those are necessities. But we are taking a necessary item—namely, ladies' handbags—out of one category and adding it to the category of light bulbs and other items at the manufacturers' level. These other items have a certain appeal. But I do not favor taking a necessary item and adding it to the automobile category which is also a necessary item. It does not help automobiles any to have ladies' handbags included in that category.

Mr. WILLIAMS of Delaware. Mr. President, I would say that most Senators would like to eliminate all retail excise taxes. I most certainly would. The question is asked: "Why do we not do it?" The answer is very simple. We have not got the money in the Treasury. To cut these taxes means we will have to borrow the exact amount represented by this loss of $524 million. Those who want to eliminate all of these excise taxes should be present when the next bill comes before us in about another hour. The next bill proposes to increase the ceiling on the national debt by $9 billion. We are operating at a deficit this year of over $8 billion. That is the reason that we cannot cut taxes.

Those who talk the loudest for the tax cut are oftimes those who vote for the increased appropriations. The only way that we can achieve a real tax cut is to curtail spending.

The repeal of the retail excise taxes involves a loss of $524 million. Under the committee bill all of these retail taxes would be repealed as of September 30, 1964, and thereafter this tax would be transferred to a wholesale tax. This is the equivalent of a 50-percent cut in the tax. I think we can hold that in conference. I doubt that the House would accept outright appeal. The committee bill, by transferring this to the manufacturers' level, cuts this loss in half.

I disagree completely with those who say that this reduction by the committee will not go in substantial part to the consumer. And to those who argue that transferring this tax to the manufacturer means that the Government loses half but that it would not go to the consumer, I would say that if they reason that way and carry it out to its logical conclusion they would advocate the transfer of all of the $6.25 billion present manufacturers' excise taxes on such items as gas, tires, electric appliances, refrigerators, and so forth, to a tax on the retail level. I do not want to adopt this sales tax procedure.

And who in the Senate is advocating a national sales tax? Everybody is in favor of a tax cut but very few have the courage to support the cut in appropriations essential to achieve these tax cuts, but the Congress does not have the guts to do that. Until we cut these appropriations we will have to keep the taxes in effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING]. The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. NEUBERGER (when her name was called). On this vote I have a pair with the senior Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. BAYH], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Utah [Mr. MOSS], and the Senator from North Carolina [Mr. ERVIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. MOSS], and the Senator from Alaska [Mr. GRUENING] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 41, nays 42, as follows:

[No. 445 Leg.]

YEAS—41

Aiken
Allott
Beall
Bennett
Boggs
Byrd, W. Va.
Carlson
Case
Cooper
Cotton
Curtis
Dodd
Dominick
Fong
Hickenlooper
Hruska
Jackson
Javits
Jordan, Idaho
Keating
McGee
Mechem
Metcalf
Morse
Morton
Mundt
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Scott
Simpson
Smith
Sparkman
Tower
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—42

Bartlett
Bible
Brewster
Burdick
Byrd, Va.
Cannon
Church
Dirksen
Douglas
Ellender
Fulbright
Hart
Hill
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
McClellan
McGovern
McIntyre
McNamara
Miller
Monroney
Muskie
Ribicoff
Robertson
Russell
Saltonstall
Smathers
Stennis
Talmadge
Thurmond
Walters
Williams, Del.
Yarborough

NOT VOTING—17

Anderson
Bayh
Clark
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Gruening
Hartke
Hayden
Kennedy
Mansfield
Moss
Neuberger
Symington

So the amendment of Mr. KEATING and other Senators was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PASTORE], is recognized.

Mr. PASTORE. I wish to ask the managers of the bill one question before the vote on the next amendment. This is to be a manufacturer's tax. The manufacturer is likely to pass the tax on to the consumer. If a woman buys a fur coat, what can she perceive as a tax that she has paid as a hidden tax? And how can she determine that only the manufacturer's total tax has been added to the usual upcharges of the trade?

Mr. LONG of Louisiana. Mr. President, let me say, as one manager of the bill, that when we talk about deducting this tax, so far as the consumer is concerned, we have just gotten through giving that same consumer an $11½ billion tax reduction, and $4.5 billion of that reduction has still not been obtained, because it goes into effect next year.

Mr. SMATHERS. Mr. President, I may add that consumers cannot deduct excise taxes, anyway.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. JAVITS] is recognized.

Mr. JAVITS. Mr. President, I send to the desk an amendment, which I ask to have stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this amendment would remove the 10 percent tax on admission to the living theater. It has nothing to do with motion pictures or any other entertainment of that character.

I understand the Senator from Rhode Island [Mr. PASTORE] may wish to offer an amendment which would properly follow on the heels of the last one just acted on. If he wishes to offer the amendment at this time, I do not know whether he is ready——

Mr. PASTORE. Yes; the Senator from Rhode Island intends to call up his amendment.

Mr. JAVITS. Does the Senator desire to do it now or wait until I am through, which will take about 10 minutes?

Mr. PASTORE. If there is no objection, I am willing to call it up now.

Mr. JAVITS. Whatever the Senator prefers. My colleague informed me that the Senator from Rhode Island had an amendment which he intended to offer immediatley after action on the last amendment.

Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island for that purpose, and may resume the floor when action on that amendment is taken.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment of the Senator from New York is temporarily withdrawn.

Mr. PASTORE. Mr. President, I call up the so-called Keating-Pastore amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Rhode Island for himself and the Senator from New York will be stated.

The LEGISLATIVE CLERK. It is proposed to strike the matter contained on pages 4 through 20, as follows:

SEC. 3. REPEAL OF RETAILERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE EFFECTIVE OCTOBER 1, 1964.

(a) IN GENERAL.—Effective with respect to articles sold at retail on or after October 1, 1964, subchapters A (relating to jewelry and related items), B (relating to furs), C (relating to toilet preparations), and D (relating to luggage, handbags, etc.) of chapter 31 of the Internal Revenue Code of 1954 are repealed.

(b) TECHNICAL CONFORMING AMENDMENTS.—Effective with respect to articles sold at retail on or after October 1, 1964:

(1) Chapter 31 of the Internal Revenue Code of 1954 (relating to retailers excise taxes) is amended by striking out the heading and table of subchapters and inserting in lieu thereof the following:

"CHAPTER 31—RETAILERS EXCISE TAX ON SPECIAL FUELS

"SUBCHAPTER A. Tax on special fuels.

"SUBCHAPTER B. Special provisions applicable to tax on special fuels."

(2) The table of chapters for subtitle D of such Code is amended by striking out

"CHAPTER 31. Retailers excise taxes."

and inserting in lieu thereof

"CHAPTER 31. Retailers excise tax on special fuels."

(3) Subchapter E of chapter 31 of such Code is redesignated as subchapter A, and the heading of such subchapter is amended to read as follows:

"Subchapter A—Tax on Special Fuels"

(4) Subchapter F of chapter 31 of such Code is redesignated as subchapter B, and the heading of such subchapter is amended to read as follows:

"Subchapter B—Special Provisions Applicable to Tax on Special Fuels"

(5) Sections 4051 through 4053 of such Code are repealed and the table of sections for subchapter B (as redesignated by paragraph (4) of this subsection) is amended by striking out the items relating to sections 4051, 4052, and 4053.

(6) Sections 4055 and 4057 of such Code are each amended by striking out ", in the case of the tax imposed by section 4041,".

(7)(A) Section 4224 of the Internal Revenue Code of 1954 (relating to exemption for articles taxable as jewelry) is repealed.

(B) The table of sections for subchapter G of chapter 32 of such Code is amended by striking out

"Sec. 4224. Exemption for articles taxable as jewelry."

(8) Section 6011(c) of such Code (relating to return of retailers excise taxes by suppliers) is repealed.

(9) Section 6416 of such Code (relating to certain taxes on sales and services) is amended as follows:

(A) Subsection (a)(1) is amended by striking out "chapter 31 (retailers taxes),".

(B) Subsection (a)(1)(B) is amended by striking out clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(C) Subsection (a)(2) is amended to read as follows:

"(2) This subsection shall not apply to an overpayment of tax under paragraph (1), (3) (A) or (B), or (5) of subsection (b) of this section."

(D) Subsection (a)(3) is amended by striking out subparagraph (B), by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and by striking out "(ii)" in the subparagraph so redesignated as subparagraph (B) and inserting in lieu thereof "(i)".

(E) Subsection (b)(1) is amended by striking out "31 or" and by striking out "(in the case of a tax imposed by chapter 32)".

(F) Subsection (b)(5) is amended by striking out "4053(b)(1) or" each place it appears.

(G) Subsection (d) is repealed.

(H) Subsection (e) is amended by striking out "subchapter E" and inserting in lieu thereof "subchapter A".

(10)(A) Section 7261 of such Code (relating to criminal penalty for representation that retailers' excise tax is excluded from price of article) is repealed.

(B) The table of sections for subchapter B of chapter 75 of such Code is amended by striking out

"Sec. 7261. Representation that retailers' excise tax is excluded from price of article."

(c) RETURN OF RETAILERS EXCISE TAX BY SUPPLIERS.—For purposes of subsections (a) and (b), an article shall be treated as sold at retail before October 1, 1964, if, pursuant to an agreement with a supplier under section 6011(c) of the Internal Revenue Code of 1954, such article is treated as having been sold before such date.

SEC. 4. IMPOSITION OF MANUFACTURERS EXCISE TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE EFFECTIVE OCTOBER 1, 1964.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1954 (relating to manufacturers excise taxes) is amended by renumbering section 4211 as 4203, and by adding after such section the following new parts:

"PART IV—JEWELRY AND RELATED ITEMS

"Sec. 4205. Imposition of tax.

"Sec. 4206. Exemptions.

"SEC. 4205. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"All articles commonly or commercially known as jewelry, whether real or imitation.

"The following stones, by whatever name called, whether real or synthetic:

"Amber

"Beryl of the following types:

"Aquamarine

"Emerald

"Golden Beryl

"Heliodor

"Morganite

"Chrysoberyl of the following types:

"Alexandrite

"Cat's eye

"Chrysolite

"Corundum of the following types:

"Ruby

"Sapphire

"Diamond

"Feldspar of the following type:

"Moonstone

"Garnet

"Jadeite (Jade)

"Jet

"Lapis Lazuli

"Nephrite (Jade)

"Opal

"Pearls (natural and cultured)

"Peridot

"Quartz of the following types:

"Amethyst

"Bloodstone

"Citrine

"Moss agate

"Onyx

"Sardonyx

"Tiger-eye

"Spinel

"Topaz

"Tourmaline

"Turquoise

"Zircon.

"Articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof.

"Watches.

"Clocks.

"Cases and movements for watches and clocks.

"Gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware.

"Opera glasses.

"Lorgnettes.

"Marine glasses.

"Field glasses.

"Binoculars.

"SEC. 4206. EXEMPTIONS.

"(a) SPECIFIC ARTICLES.—The tax imposed by section 4205 shall not apply to—

"(1) any article intended to be used only for religious purposes,

"(2) surgical instruments,

"(3) watches designed specifically for use by the blind,

"(4) frames or mountings for spectacles or eyeglasses,

"(5) a fountain pen, mechanical pencil, or smoker's pipe if the only parts of the pen, the pencil, or the pipe which consists of precious metals are essential parts not used for ornamental purposes, and

"(6) buttons, insignia, cap devices, chinstraps, or other devices prescribed for use in connection with the uniforms of the Armed Forces of the United States.

"(b) CERTAIN PARTS OF CONTROL OR REGULATORY DEVICES.—The tax imposed by section 4205 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if such clock, watch, case, or movement is a part of a control or regulatory device which is an article (or part thereof) not taxable under this chapter.

"PART V—FURS

"Sec. 4207. Imposition of tax.
"Sec. 4208. Manufacture from customers material.

"SEC. 4207. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Articles made of fur on the hide or pelt.

"Articles of which such fur is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material.

"SEC. 4208. MANUFACTURE FROM CUSTOMERS MATERIAL.

"Where a person, who is engaged in the business of dressing or dyeing fur skins, or of manufacturing or repairing fur articles, produces an article of the kind described in section 4207 from fur on the hide or pelt furnished, directly or indirectly, by a customer and the article is for the use of, and not for resale by, such customer, the transaction shall be deemed to be a sale by a producer. The tax on such a transaction shall be computed and paid by such person on the price for which such articles are sold, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate.

"PART VI—TOILET PREPARATIONS

"Sec. 4209. Imposition of tax.
"Sec. 4210. Exemption.

"SEC. 4209. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Perfume.
"Essences.
"Extracts.
"Toilet waters.
"Cosmetics.
"Petroleum jellies.
"Hair oils.
"Pomades.
"Hairdressings.
"Hair restoratives.
"Hair dyes.
"Toilet powders.

"Any other similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

"SEC. 4210. EXEMPTION.

"The tax imposed by section 4209 shall not apply to any lotion, oil, powder, or other article intended to be used or applied only in the care of babies.

"PART VII—LUGGAGE, HANDBAGS, ETC.

"Sec. 4213. Imposition of tax.

"SEC. 4213. IMPOSITION OF TAX.

"There is hereby imposed upon the sale of the following articles, by whatever name called (including in each case fittings or accessories therefor sold on or in accordance with the sale thereof), by the manufacturer, producer, or importer, a tax equivalent to 10 percent of the price for which so sold:

"Bathing suit bags.
"Beach bags or kits.
"Billfolds.
"Brief bags.
"Briefcases.
"Camping bags.
"Card and pass cases.
"Collar cases.
"Cosmetic bags and kits.
"Dressing cases.
"Duffelbags.
"Furlough bags.
"Garment bags designed for use by travelers.
"Hatboxes designed for use by travelers.
"Haversacks.
"Key cases or containers.
"Knapsacks.
"Knitting or shopping bags (suitable for use as purses or handbags).
"Makeup boxes.
"Manicure set cases.
"Memorandum pad cases (suitable for use as card or pass cases, billfolds, purses, or wallets).
"Musette bags.
"Overnight bags.
"Pocketbooks.
"Purses and handbags.
"Ring binders, capable of closure on all sides.
"Salesmen's sample or display cases, bags, or trunks.
"Satchels.
"Shoe and slipper bags.
"Suitcases.
"Tie cases.
"Toilet kits and cases.
"Traveling bags.
"Trunks.
"Vanity bags or cases.
"Valises.
"Wallets.
"Wardrobe cases."

(b) FLOOR STOCKS TAXES.—

(1) IN GENERAL.—Section 4226(a) of the Internal Revenue Code of 1954 (relating to floor stocks taxes) is amended by adding at the end thereof the following new paragraph:

"(8) 1964 TAXES ON JEWELRY, FURS, TOILET PREPARATIONS, AND LUGGAGE, ETC.—On any article subject to tax under section 4205 (relating to jewelry and related items), 4207 (relating to furs), 4209 (relating to toilet preparations), or 4213 (relating to luggage, handbags, etc.) which, on October 1, 1964, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 10 percent of the price for which the article was purchased by such dealer. If the price for which the article was sold by the manufacturer, producer, or importer is established to the satisfaction of the Secretary or his delegate, then in lieu of the amounts specified in the preceding sentence, the tax imposed by this paragraph shall be at the rate of 10 percent of the price for which the article was sold by the manufacturer, producer, or importer. The tax imposed by this paragraph shall not apply in respect of any article which, pursuant to an agreement with a supplier under section 6011(c), is treated as having been sold before October 1, 1964."

(2) DUE DATE.—Section 4226(d) of such Code (relating to due date of floor stocks taxes) is amended by inserting before the period at the end thereof the following: ", and except that the taxes imposed by paragraph (8) shall be paid at such time after December 31, 1964, as may be prescribed by the Secretary or his delegate".

(c) TECHNICAL CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter E of chapter 32 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part IV. Jewelry and related items.
"Part V. Furs.
"Part VI. Toilet preparations.
"Part VII. Luggage, handbags, etc."

(2) Section 4216(b)(2)(C) of such Code is amended by striking out "4211" and inserting in lieu thereof "4203".

(3) Section 4221 of such Code (relating to certain tax-free sales) is amended as follows:

(A) Subsection (d)(6) is amended by striking out "or" at the end of subparagraph (B), by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or", and by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, such clock, watch, case, or movement is sold for use by the purchaser as material in the manufacture or production of, or as a component part of, a control or regulatory device to be manufactured or produced by him."

(B) Subsection (e) is amended by adding at the end thereof the following new paragraphs:

"(5) JEWELRY AND RELATED ITEMS SOLD FOR RELIGIOUS USE.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4205 shall not apply to any article described in such section sold to a religious institution for exclusively religious purposes.

"(6) CERTAIN CLOCKS AND WATCHES.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4205 shall not apply to any clock or watch, or any case or movement for a clock or watch, sold as a repair or replacement part for a control or regulatory device.

"(7) TOILET PREPARATIONS.—Under regulations prescribed by the Secretary or his delegate, the tax imposed by section 4209 shall not apply to—

"(A) any article described in such section sold to any person operating a barbershop, beauty parlor, or similar establishment only for use in the operation of such establishment; or

"(B) any miniature sample of any article described in such section sold to a house-to-house salesman only for demonstration use by such salesman."

(4) Section 6416(b)(2) of such Code is amended by striking out the period at the end of subparagraph (Q) and inserting in lieu thereof a semicolon, and by adding after such subparagraph the following new subparagraphs:

"(R) in the case of an article taxable under section 4205, sold to a religious institution for exclusively religious purposes;

"(S) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, sold as a repair or repairment part for a control or regulatory device;

"(T) in the case of an article taxable under section 4209, sold to any person operating a barbershop, beauty parlor, or similar establishment only for use in the operation of such establishment, or, in the case of any miniature sample of any article taxable under such section, sold to a house-to-house salesman only for demonstration use by such salesman."

(5) Section 6416(b)(3) of such Code is amended by striking out "or" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or", and by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of a clock or watch, or a case or movement for a clock or watch, taxable under section 4205, such clock, watch, case, or movement is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, a control or regulatory device manufactured or produced by him."

(d) The amendments made by subsections (a) and (c) shall apply with respect to articles sold on or after October 1, 1964.

And at the end of the bill, to insert the following new section:

Sec. 3. Retailers Excise Taxes.

(a) Limitation of Tax on Jewelry and Related Items.—Section 4001 of the Internal Revenue Code of 1954 (relating to imposition of tax on jewelry and related items) is amended by inserting after "10 percent of the price for which so sold" the following: ", to the extent such price exceeds $100".

(b) Limitation of Tax on Furs.—Section 4011 of the Internal Revenue Code of 1954 (relating to imposition of tax on furs) is amended by inserting after "10 percent of the price for which so sold" the following: ", to the extent such price exceeds $100".

(c) Repeal of Tax on Toilet Preparations.—Chapter 31 of the Internal Revenue Code of 1954 (relating to retailers excise taxes) is amended by striking out subchapter C (relating to toilet preparations).

(d) Repeal of Tax on Luggage, Handbags, etc.—Chapter 31 of the Internal Revenue Code of 1954 (relating to retailers excise taxes) is amended by striking out subchapter D (relating to luggage, handbags, etc.).

(e) Technical Amendments.—

(1) The table of subchapters for chapter 31 of the Internal Revenue Code of 1954 is amended by striking out

"Subchapter C. Toilet preparations.

"Subchapter D. Luggage, handbags, etc."

(2) Section 4003 of such Code (relating to exemptions from tax on jewelry and related items) is amended by striking out subsection (b).

(3) Subchapter B of chapter 31 of such Code is amended by striking out section 4013 (relating to exemption of certain auction sales).

(4) The table of sections for subchapter B of chapter 31 of such Code is amended by striking out

"Sec. 4013. Exemption of certain auction sales."

(f) Effective Date.—The amendments made by this section shall apply with respect to articles sold on or after the first day of the first month which begins after the date of the enactment of this Act.

Mr. PASTORE. Mr. President, this is an amendment that was proposed during consideration of the tax cut bill. I believe Senators are familiar with it. It proposes the elimination of the 10-percent excise tax on these four articles, up to $100. Beyond that the tax would remain.

I ask for the yeas and nays, and I am ready for a vote.

The yeas and nays were ordered.

Mr. KEATING. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield for a question.

Mr. KEATING. The last amendment, relating to ladies' handbags, lost by one vote. Some Members of this body came to me and indicated that they were against that amendment because it was limited to that one item. The Pastore-Keating amendment here covers all four retail excise taxes, as the Senator from Rhode Island has said, except that on the first two items, only the first $100 would be exempt. I hope very much the amendment will carry.

Mr. SMATHERS. Mr. President, I take only a moment to point out that adoption of the amendment would cost $455 million of the $517 million excise tax on all these retail items—luggage, furs, jewelry, and so forth.

If this amendment is adopted, we should remind ourselves that, as a matter of logic, we shall probably move toward the removal of the excise tax with respect to local telephone service, of which the Senator from Kansas is in favor. We shall probably move toward the removal of excise taxes on automobiles and automobile tires, of which the Senator from Michigan is in favor.

If we do this, in all fairness we must go the rest of the way and bring about a loss to the Treasury of billions of dollars.

Mr. KEATING. I wish to make one correction in what the Senator from Florida has said. In two categories, the amendment is limited to items the price of which is under $100. In other words, it is limited to items which the family of modest income would be purchasing in this area. The amendment does not cover a $1,000 fur piece, except to the extent of the first $100 of its cost. Therefore, the revenue loss, while it would be great, would not be inordinately greater than the cost of the committee amendment, which is about $260 million.

Mr. SMATHERS. In order to get the figures correctly stated, counsel for the staff tells me that it would cost $200 million. When we add that to what the Dirksen-McCarthy amendment already is costing, which is $259 million, the total cost would be $459 million.

Mr. KEATING. What the committee proposes to do, by shifting the tax from retail sales to wholesale sales would cost, in revenue, about $260 million. The Pastore-Keating amendment would cost more, but not that much more, and it is well worth it.

Mr. CURTIS. Mr. President, I shall support the amendment. I urge Senators to do likewise. We are in a situation in which to do otherwise would be a disservice to our business community.

I do not relish the opportunity to urge the cutting off of any revenue. That decision has been made. We have reduced revenue by about $11 billion. A part of that reduction, if we were to have one, should have been the burdensome retail excise taxes.

For the benefit of Senators who were not in the Chamber a little while ago, I should like to say that I voted against transferring the tax from the retail to the manufacturer's level, because we were imposing a tax on manufacturers without notice to them and without hearing.

There were many other questions which, because of the shortness of time, we could not consider. Certain exemptions exist in the law now, which, even though it is our intention to preserve, would create problems.

I refer again specifically to the exemption in the law which removed excise taxes from cosmetics and toilet articles used in barbershops and beauty shops. After a long struggle, those taxes were removed. We have never taxed a carpenter's tools, a mason's tools, a lawyer's books, a surgeon's instruments, or similar items.

However, we were taxing small business people, operators of barber shops and beauty shops, who earn their income with their hands. We were placing a tax on the tools of their trade. Now they can order their merchandise from a wholesaler or from a manufacturer, and since the sale is not at the retail level, no tax is paid.

It has been stated that it is the intention to preserve that exemption. However, that presents a problem. If a manufacturer is charged with the responsibility of collecting a tax on the product he sells, I fear that the Internal Revenue Service will establish a procedure requiring the manufacturer or wholesaler to charge a barber in a small town these excise taxes. They may even provide some forms and have the barber go to the trouble of applying for a refund.

I did not create this situation. We are in it now. The only way we can do justice is to wipe out the taxes. It should have been done in the $11 billion tax reduction bill. When we consider the entire budget, it is possible to name half a dozen places where, if the Senate had the mind to do it, we could cut off twice the amount of the expenditures involved here.

If we fail to do anything, we face one of two alternatives. The first is placing a tax upon manufacturers, who have not had any notice or any hearing, or to continue this burden. Therefore I hope the Senate will vote in favor of the pending amendment.

Mr. SCOTT. Mr. President, first of all I ask unanimous consent that I may be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. I wish to make this comment. This is a Main Street amendment. All the Main Streets of the country have small shops consisting of drug stores, small jewelry shops, and so forth, which handle inexpensive items. The proposal before the Senate would remove a burden from these people, who are already heavily burdened by the giant stores, huge chains, and the enormous and oppressive competition, as well as by the excessive weight not only of the cost of doing business and by competition, but also by the further burden of filling out more and more Government forms, by more and more bookkeeping, and greater and greater expense.

We have an opportunity to help the man who has a small business on Main Street. I hope the amendment will be adopted.

Mr. SMATHERS. Mr. President, I shall be very brief. First, with respect to the argument made by the able Senator from Nebraska, that the exemptions which are now in the law would be lost, I say that is not the case.

I call attention to page 17, subsection (3) which states:

> Section 4221 of such Code (relating to certain tax free sales) is amended as follows:

I invite attention to page 19, which shows that the tax shall not apply "in the case of an article taxable under section 4209, sold to any person operating a barbershop, beauty parlor, or similar establishment only for use in the operation of such establishment."

That means that where there had previously been an exemption from the payment of the excise tax, that exemption is continued. It applies to items used in a person's business. The law would have no effect whatever with respect to barbershops and beauty parlors.

With respect to the statement that we ought to do something for the business community, it would seem to me, on reflection, that we should think about what we did 2 years ago when we passed the rapid depreciation program, which cost the Government $1,200 million, and when, in the following year, we passed the Investment Credit Act, which gave an advantage to the business community to the extent of $1,700 million.

This year we passed an $11.5-billion tax bill. About $2.2 billion of that went to lower the corporation taxes, which affected small business people as well as big business people; and corporations got the benefit of that.

So no one can say that Congress in recent years has not been most considerate of the business community. This amendment if adopted, in addition to the amendment which is already in the bill, would cost $455 million.

We ought to adhere to the view of the Committee on Finance and be as responsible as it is possible to be, remembering that on June 15 of this year the House Committee on Ways and Means began a study of the whole subject of excise taxes, to determine which ones are most susceptible of being reduced or removed.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield.

Mr. COTTON. The Senator from New Hampshire finds himself confused by the statement of the distinguished Senator from Florida, who is always so accurate. It was my understanding that if the amendment now before the Senate were adopted, it would replace or supplant the so-called McCarthy-Dirksen committee amendment to the bill. The Senator from Florida seems to be adding together all the revenue that would be lost by the McCarthy-Dirksen amendment and all the revenue that would be lost by this amendment. Is it not true that if this amendment were adopted, we would not be giving up the revenue of the McCarthy-Dirksen amendment, so actually the cost in revenue would be somewhat less?

Mr. SMATHERS. I am advised by staff counsel that the cost would be $455 million; $260 million would be the cost of the McCarthy-Dirksen amendment. So it is $195 million more than the $260 million, which adds up to $455 million, which is what I originally said.

Mr. COTTON. But we are not voting on the amendment in addition to the McCarthy-Dirksen amendment. We are voting for a tax reduction in place of it.

Mr. SMATHERS. This assumes the adoption of the Dirksen-McCarthy amendment, because this amendment is not offered as a substitute.

Mr. PASTORE. If the amendment I have just proposed is adopted, it will mean a loss of revenue of $455 million. That will be the end of it. If our amendment is not adopted, and the so-called Dirksen-McCarthy amendment is agreed to, the cost will be $260 million, which is a difference of $195 million.

Consider what we would get for the $195 million. We would be removing the tax on everything up to $100. We would obviate all the confusion of having the manufacturer begin to impose the tax, thus making it a hidden tax. For only $195 million more than the $260 million, we would actually do away with a nuisance tax.

Mr. COTTON. But it is a fact, is it not, that the cost of the Pastore amendment would be $455 million?

Mr. PASTORE. It is a substitute for the other amendment.

Mr. DIRKSEN. It would be a substitute?

Mr. COTTON. It is a substitute, so we would not have in addition, as was suggested, the cost of the McCarthy-Dirksen amendment.

Mr. PASTORE. That is correct; it would cost $195 million, but it would be a bargain, considering what we would get.

Mr. SMATHERS. The total cost would be $455 million.

Mr. McCARTHY. The effect of the amendment of the Senator from Rhode Island would be that if we removed the tax $200 million at a time, there would be no economic or fiscal consequences.

So we could proceed to take off $200 million every 5 minutes until nothing was left.

Mr. CURTIS. The Senator is not losing sight of the $100 exemption, is he?

Mr. McCARTHY. That amounts to about $35 million, so it hardly amounts to anything.

Mr. DODD. Mr. President, we let go by an excellent opportunity to do away with many of the inequities in our tax structure when we approved the tax reduction earlier this year.

The tax cut was important, I was pleased to support it, and we are already beginning to see positive and beneficial results from it for the individual and in the economy in general.

But we failed to make taxation fall more evenly and fairly on the American people.

We failed to provide for a higher minimum standard deduction.

We failed to provide an educational tax credit.

We failed to continue to provide a 4-percent tax credit on dividend income.

And we failed to repeal the retail excise taxes.

Each of these would have been helpful to the lower and middle income taxpayer and although the rate reduction put into effect several months ago is a substantial one for many people we fell far short of our original goal of cutting taxes and also reforming the basic tax structure so as to plug up loopholes and distribute the tax burden more evenly.

But today we have another opportunity to try to remove at least one inequitable tax from our tax laws, the retail excise tax.

We all know that these so-called luxury taxes were put into effect during the war, to discourage people from buying things that were not necessities. These taxes served a useful purpose for a while and they also brought some revenue to the Federal Government.

But now the retail excise taxes are used strictly as source of revenue. Admittedly they are a good one, bringing into the Treasury an estimated $517 million a year, and I can well understand the reluctance of the Treasury Department to lose such a large and steady income.

When we look into the application of the retail excise taxes however, it becomes obvious to any reasonable person that in the great majority of cases the items taxed are not luxury items at all.

And just as importantly, it is readily apparent that the burden of paying retail excise taxes falls disproportionately on the lower and middle income families. They are what economists call regressive taxes in that the individual, regardless of how poor or rich he may be, pays the same tax on the purchase of a $5 wallet, for example.

This is exactly opposite to the whole underlying concept of our tax structure, which is to tax people progressively on the basis of the size of their income.

I think it is about time Congress faced up to the fact that retail excise taxes are an aberration and voted to repeal them.

I would like to cite a few examples of how unluxurious these so-called luxury sales are: 80 percent of the sales of leather wallets are between $2.50 and $5; 35 percent of the watches sold retail for under $15; 42 percent of the sales of jewelry, including costume jewelry, are for $5 or less—75 percent are for $25 or less; 50 percent of the sales of silver products are under $10—75 percent are under $25.

And even in the case of sales of sterling silver items, 50 percent are for under $25. So this idea that sterling silverware, for example, is a luxury that only the well-to-do can afford is demolished by a survey of the facts relating to retail excise taxes.

I could go on at much greater length, Mr. President. A tremendously impressive case can be made out in support of the repeal of these taxes.

I hope I have succeeded in showing that to a great extent these are not luxury purchases that are being taxed.

The action taken yesterday by the Senate Finance Committee, to change these particular taxes from retail to manufacturers' excise taxes, avoids the basic issue which is whether or not we should have an excise tax on these items in the first place.

I and many of my colleagues contend that we should not. Earlier this year we tried to repeal them and I hope today we will succeed where we failed during the debate and voting on the tax reduction bill.

Collection of these excise taxes by the manufacturer instead of by the individual retailers will undoubtedly ease the compliance and administrative problems faced by the Internal Revenue Service, and I can understand the reasoning of the Finance Committee in doing this.

But the committee admits that it "did not want to make a determination at this time as to which items should remain subject to tax and which should not."

The committee prefers to wait for the results of hearings on excise taxes now being held by the House Ways and Means Committee, so we who propose to repeal these retail excise taxes are faced with essentially the same argument that has been used on previous occasions. We are continually told that a study of the whole area of excise taxes should be made before any one or all of them can be repealed.

What I find especially frustrating about this lack of sympathy for and action on repeal of retail excise taxes is the fact that changing the point of collection for the 10-percent levy, from retailer to manufacturer, will result in a revenue loss of $259 million over a full year and of $165 million in fiscal 1965 because the recommended change will not become effective until October 1, 1964.

The only possible justification for the continuation of these excise taxes is the revenue they produce.

And now we have the Senate Finance Committee recommending an administrative change in their collection which will result in the loss of one-half of the yearly revenue from retail excise taxes $259 million out of an estimated $517 million without any guarantee or assurance of relief for businessmen or consumers.

If the Federal Government is to give up a substantial portion of this revenue, I feel very strongly that at the same time we should at least reduce the retail excise tax rates or preferably repeal them altogether.

If a deliberate revenue loss of $259 million a year is acceptable fiscal policy, so should a loss of $455 million when the latter figure would result from the repeal of an inequitable tax, which will be the result if we adopt the amendment to repeal these unfair taxes on sales of under $100.

I hope a majority of my colleagues in the Senate will agree with my point of view when we vote today on this question.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. PASTORE]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **METCALF** (when his name was called). On this vote I have a pair with my colleague, the Senator from Montana [Mr. MANSFIELD]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. **HUMPHREY**. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. MOSS], the Senator from Alaska [Mr. GRUENING], and the Senator from Indiana [Mr. HARTKE] would each vote "yea."

Mr. **KUCHEL**. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 48, nays 38, as follows:

[No. 446 Leg.]

YEAS—48

Aiken
Allott
Beall
Bennett
Boggs
Byrd, W. Va.
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Fong
Hart
Hickenlooper
Hruska
Jackson
Javits
Jordan, Idaho
Keating
Kuchel
Magnuson
McGovern
McNamara
Mechem
Miller
Morse
Morton
Mundt
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Tower
Young, N. Dak.
Young, Ohio

NAYS—38

Bartlett
Bible
Brewster
Burdick
Byrd, Va.
Cannon
Church
Clark
Douglas
Ellender
Fulbright
Hayden
Hill
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGee
McIntyre
Monroney
Muskie
Neuberger
Ribicoff
Robertson
Russell
Smathers
Talmadge
Thurmond
Walters
Williams, N.J.
Williams, Del.
Yarborough

NOT VOTING—14

Anderson
Bayh
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Gruening
Hartke
Kennedy
Mansfield
Metcalf
Moss

So the Keating-Pastore amendment, offered by Mr. PASTORE for himself and Mr. KEATING, was agreed to.

Mr. **PASTORE**. Mr. President (Mr. BREWSTER in the chair), I move that the vote by which the amendment was agreed to be reconsidered.

Mr. **MORSE**. Mr. President, I move that the motion to reconsider be laid on the table.

Mr. **KEATING**. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The question now recurs on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

Mr. **JAVITS**. Mr. President, while Senators are in the Chamber, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The amendment offered by Mr. JAVITS is as follows:

At the end of the bill add the following new section:

"SEC. 6. EXEMPTION OF CERTAIN LIVE DRAMATIC OR MUSICAL PERFORMANCES FROM TAX ON ADMISSIONS.

"(a) IN GENERAL.—Section 4233(a) of the Internal Revenue Code of 1954 (relating to exemptions from the tax on admissions) is amended by adding at the end thereof the following new paragraph:

"'(12) LIVE DRAMATIC OR MUSICAL PERFORMANCES.—No tax shall be imposed under section 4231 in respect of any admission to a live dramatic or musical performance presented in a theater, or presented in any other place if the presentation of such performance is the principal activity being conducted in such place at the time of such admission.'

"(b) EFFECTIVE DATE.—The amendment made by this subsection (a) shall apply only with respect to amounts paid, on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act, for admissions on or after such first day."

Mr. **JAVITS**. Mr. President, if I may have the attention of the Senate for 5 minutes, this is an amendment to take the 10 percent tax off admissions to the live theater. It has nothing to do with motion pictures, or anything else. It deals strictly with the live theater, and live musical performances. It is an amendment which I had hoped the committee would take, because the tax is an anachronism. The matter was brought up in February of this year when we were dealing with the general tax reduction bill. I had hoped at that time that it would be considered, and I had every reason to believe that it would be considered sympathetically in connection with this excise tax bill. But the excise tax bill is now before the Senate, and this tax has not yet been considered at all.

When the matter was first before the Finance Committee in connection with the general tax reduction bill, the Senator from Louisiana [Mr. LONG] gave us the information that the vote was 9 to 8 to eliminate this anachronistic tax. The reason it was subsequetly swept out of the tax reduction bill was that it was decided that the committee would not at that time deal with any form of excise taxes.

The amount of money involved, in comparison with total tax revenues, is minuscule; that is, $6 million annually. But it has this significance: it is almost exactly the same amount of money which is lost on new productions in the theater, which is approximately $5.5 million a year.

I had the assurance, when the matter was brought up before, that whatever we did would be passed on to the theatergoer.

The living theater is a dying business, as I believe many of us know. Yet it is an essential element of American cultural life. A vast reawakening of interest in this art form is taking place all across the United States at the present time. In many cities repertory theaters are of great benefit to the people locally. I am informed that the following cities have theaters that play

touring legitimate theater attractions: Washington, Baltimore, Wilmington, Philadelphia, Boston, Chicago, St. Louis, Cleveland, Cincinnati, Detroit, Kansas City, Minneapolis, St. Paul, Columbus, Ohio, Nashville, Dallas, Houston, Fort Worth, New Orleans, Denver, Seattle, Los Angeles, San Francisco, Portland, Omaha, Milwaukee, Louisville.

To show the mortality rate in this field, 77 percent of the new plays produced fail to earn back even the venture capital invested in them.

Yet the theater has been properly described as the creative core for all the performing arts in this country, including motion pictures and television. The real creativity of new plays, actors, and scenic designers originates from the fundamental creative core of the living theater, which is very heavily shown now throughout the United States in so many repertory theaters.

There are some 75,000 nonprofessional groups outside of New York which duplicate the 50 to 75 new plays professionally produced in New York every year. This number has been steadily going down because of the cost-price squeeze which has been put on such performances. People must pay high prices for tickets; nonetheless, the Federal Government still imposes this tax which produces a minuscule amount of tax revenue.

In the case of live theater, this is a major factor in the retrogression which has set in, in the suppression rather than the encouragement of its development. Clearly, to develop the theater is greatly in the interest of the Nation.

It should be interesting to Senators to know that of the 12,000 members of Actors Equity, approximately 10 percent, or roughly only 1,200, are now employed. This is not strictly a New York problem. There are now repertory theaters in Denver, Dallas, San Francisco, Minneapolis, and many other cities in the country, as I have indicated. We have exempted the nonprofit theater from this tax, and yet despite our interest in private enterprise and creativity in private enterprise, we have kept this small tax—which is really an anachronism—on the living commercial theater.

I shall not take the time of the Senate any longer. The case has been thoroughly analyzed in the most considered way in an analysis and brief which I placed in the RECORD on February 6, 1964, prepared by John F. Wharton, from material compiled by Prof. O. Glenn Saxon, together with studies, analyses and charts showing in detail what I have just laid before the Senate.

I conclude as follows: This is an anachronistic tax. The feeling we had about the amendment we have just passed should be translated into a contribution by the Senate toward encouraging the theater by repealing this tax, especially since the amount involved is small, but the deleterious effect is very great. As I pointed out, the $6 million that the Federal Government takes from the theaters just equals what is actually lost in the theaters in any one year. It is discouraging enough to get backing for a theater now. We should not make it more discouraging by maintaining this anachronistic tax. The Finance Committee at one point this year saw fit to take it off. We were then told the time to remove the tax was when we considered excise taxes. I urge the Senate to take this opportunity to remove this tax.

Mr. TOWER. Mr. President, I thank my colleague from New York for offering this amendment. I fervently hope that the Senate will act favorably on the amendment. The live theater has been a good influence on our society. It has been a means for the preservation of our cultural heritage. It has been advantageous in the growth of our people. The theater has been severely oppressed by this tax. It is getting very little in return. In most countries the theater is financed by the state. That is not true in this country. It is financed by individuals and by private organizations. Therefore, I think we should do what we can to promote the fine arts, not necessarily through subsidization, but through the removal of this tax burden.

I frevently hope that the Senate will act favorably on this important amendment.

Mr. JAVITS. Mr. President, I am grateful to my colleague from Texas. May I point out that the amendment is cosponsored by the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. KEATING], and originally, the Senator from West Virginia [Mr. RANDOLPH].

Mr. President, I ask unanimous consent that the names of the Senators from West Virginia [Mr. RANDOLPH] and Texas [Mr. TOWER] may be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. When the measure came up in the Finance Committee earlier this year, it was handled by the junior Senator from Arkansas [Mr. FULBRIGHT]. I asked him if he would handle this amendment. He felt that since New York City was the center of the theater business, it would be appropriate that I do so.

I hope the Senate will approve the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL (when his name was called). On this vote, I have a live pair with the senior Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY], the Senator from Utah [Mr. MOSS], and the Senator from Alaska [Mr. GRUENING] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 32, nays 54, as follows:

[No. 447 Leg.]

YEAS—32

Beall
Bennett
Bible
Boggs
Cannon
Case
Cooper
Dodd
Dominick
Douglas
Fong
Fulbright
Jackson
Javits
Jordan, Idaho
Keating
Kuchel
Mechem
Metcalf
Morse
Neuberger
Pastore
Pearson
Prouty
Proxmire
Randolph
Scott
Simpson
Smathers
Symington
Tower
Williams, N.J.

NAYS—54

Aiken
Allott
Bartlett
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Church
Clark
Cotton
Curtis
Dirksen
Ellender
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Johnston
Jordan, N.C.
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Miller
Monroney
Morton
Mundt
Muskie
Nelson
Ribicoff
Robertson
Russell
Saltonstall
Smith
Sparkman
Stennis
Talmadge
Thurmond
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—14

Anderson
Bayh
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Gruening
Hartke
Kennedy
Mansfield
Moss
Pell

So Mr. JAVITS' amendment was rejected.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCARTHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, I call up my amendment, which is at the desk, and which was submitted on behalf of the Senator from Iowa [Mr. HICKENLOOPER] and myself, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. RIBICOFF on behalf of himself and Mr. HICKENLOOPER is as follows:

At the proper place in the bill it is proposed to insert the following new section:

"SEC. —. REPEAL OF MANUFACTURERS EXCISE TAX ON PENS AND MECHANICAL PENCILS.

"(a) IN GENERAL.—Section 4201 (relating to imposition of tax on pens, mechanical pencils, and lighters) is amended by striking out subsection (a).

"(b) TECHNICAL AMENDMENTS.—

"(1) The table of parts for subchapter E of chapter 32 is amended by striking out

" 'Part II. Pens and mechanical pencils and lighters.'

and inserting in lieu thereof

" 'Part II. Lighters.'

"(2) The heading for part II of subchapter E of chapter 32 is amended by striking out 'PENS AND MECHANICAL PENCILS AND'.

"(c) CONFORMING REPEALS.—Section 4221 (f) (relating to certain tax-free sales of mechanical pencils and pens for export), and section 4222(b)(4) (relating to exceptions from requirement of registration) are repealed.

"(d) CONFORMING AMENDMENT.—Section 6416 (d) (relating to mechanical pencils taxable as jewelry) is amended by striking out 'MECHANICAL PENCILS' in the heading and inserting in lieu thereof 'CERTAIN ARTICLES'.

"(e) EFFECTIVE DATE.—The amendments and repeals made by this section shall apply only with respect to articles sold by the manufacturer, producer, or importer thereof on or after the first day of the first month which begins more than ten days after the date of enactment of this Act."

Mr. RIBICOFF. Mr. President, this is a very simple amendment. The Senate has voted to repeal the tax on jewelry. My amendment would repeal the tax on fountain pens and mechanical pencils. That tax is an unfair burden on schoolchildren. If we are going to eliminate luxury taxes, we should eliminate the tax imposed on schoolchildren. The average cost in this country of a ballpoint pen is 11 cents. The average cost of a fountain pen is 64 cents. More than one-half of those instruments are sold to schoolchildren. The total amount of revenue involved is $6.5 million. Mr. President, the tax is unjustifiable and it should be repealed.

On this vote I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, I hope that the Senator will not insist on the yeas and nays on his amendment, for the following reason: The amendment is the same amendment that was taken to conference previously. In view of the fact that the Senate has already taken the amendment to conference with the House—and I believe it was about the only excise amendment that was taken to conference on the big tax bill this year—I say that if we are going to try to do something about excise taxes in conference, the Senator is entitled to have his amendment relating to pens and pencils considered along with the rest of the amendments. It is fair and reasonable. Previously we took it to conference and could not get it agreed to. If we are going to take other amendments to conference with the House, the Senator from Connecticut is entitled to have his amendment taken to conference also.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that my request for the yeas and nays be withdrawn, and that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. HICKENLOOPER. Mr. President, I shall not take much time of the Senate. If we continue the excise tax on pencils and pens used by schoolchildren in the pursuit of their studies, we might as well begin to put excise taxes on textbooks and the writing tablets that the youngsters use in the school. The amendment has been before the Senate previously. It is a good amendment. To have a vote without the yeas and nays serves a certain purpose. The amendment can be thrown out in conference much more easily if the yeas and nays are not ordered than if the Senate should vote, in a yea-and-nay vote, decisively for the amendment, indicating to the conferees that there is a definite determination on the part of the Senate that the tax be eliminated. However, the Senator from Connecticut has asked to withdraw his request for the yeas and nays. I do not object, but I merely——

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I wish to note in the RECORD, since I have been in the Senate for a while, that I am not unfamiliar with the device of taking amendments to conference and then having them go down the drain in the conference.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. I yield.

Mr. LONG of Louisiana. As one prospective or possible conferee, I should like to say that if I should be a member of the conference, I would certainly hope to insist upon the amendment as strongly as upon any other provision in the bill. If the amendment is agreed to, I hope that it will be considered——

Mr. HICKENLOOPER. I suggest that the Senator insist upon the amendment rather than rely only upon hope for some possible future action. Nevertheless, it is a powerful approach to a conference to be able to say that two-thirds of the Senate voted in favor of the amendment. There is a great deal of difference in conference when such action is taken than when the statement is made that the amendment was agreed to by a voice vote.

Mr. HUMPHREY. Mr. President, when we vote "yea" for the amendment, I suggest that the RECORD show that the vote was recorded "loudly," and that will take care of the conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. SMATHERS. Mr. President, I call up my amendment No. 1064 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Florida will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SMATHERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 1064 of Mr. SMATHERS is as follows:

At the end of the bill it is proposed to insert the following new section:

"SEC. 3. REDUCTION OF TAX ON GENERAL TELEPHONE SERVICE.

"(a) REDUCTION.—The table contained in section 4251(a) of the Internal Revenue Code of 1954 (relating to imposition of tax on communications) is amended by striking out

" 'General telephone service........... 10'

and inserting in lieu thereof

" 'General telephone service............ 5'.

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to amounts paid on or after July 1, 1964, pursuant to bills rendered on or after such date—

"(1) for general telephone services rendered on or after such date, and

"(2) for general telephone services rendered during May and June 1964, for which no previous bill was rendered."

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SMATHERS. Mr. President, as one of the members of the committee who did not vote for the so-called Dirksen-McCarthy amendment in the fear and belief that if we started to make some kind of move in that direction, a number of amendments might be offered, and we would not be able to take the position that we ought to hold the line on all excise tax amendments on the ground that we would not be responsible, and inasmuch as it now appears that the majority of the Senate is interested in removing excise taxes, it occurs to me that possibly the amendment which has been long sponsored by the able Senator from Kansas and, more recently, by myself, that we take the 10-percent excise tax off local telephone calls, ought to have an irresistible appeal to every Senator.

The proposal is of interest to every housewife. So far as I have been able to observe, my wife is on the telephone considerably more time than the time she wears a fur around her neck, uses a ballpoint pen, or is packing her luggage or whatever it might be. So far as the small businessman, for whom the able Senator from Nebraska spoke so eloquently and so feelingly, is concerned, it would seem to me that the small businessman would be much more appreciative if he could have eliminated the 10-percent tax on local telephone calls.

Under present law as now set up, it automatically goes off July 1, 1965. I would have the cut made in two stages. I would have 5 percent cut off this year, which would cost $300 million in revenues, and let the other $300 million cut go into effect July 1, 1965.

If one talks about essentials, certainly it is essential for the housewife, the schoolteacher, the little boy who talks to the little girl, and the businessman to use the telephone. This is one tax reduction that Senators could vote for and know they were logical and responsible in doing so.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CARLSON. All the taxes on similar services have been taken off except on telephone use. The taxes were taken off for electrical use. We are down to the point where this is the only tax on similar services, at 10 percent.

I hope the amendment will be adopted. The amendment was put into effect to keep people from using the telephone, not to raise revenue. It is a wartime tax, and certainly should be discontinued now.

Mr. LONG of Louisiana. Mr. President, I have a speech prepared advocating an increase in the debt limit which I hope to make before the day is over. I hope Senators who are advocating these tax cuts will keep that in mind at the time we consider raising the debt limit ceiling.

The trouble is that first efforts are made to cut the excise taxes on electric light bulbs, for example; then electrical appliances; then gas appliances; then tires and automobile parts; then gasoline and lubricating oils. All of them can be called necessities. Then come jet fuels, club dues, and so forth. All of these can be described as necessities. Once we start, it is difficult to stop.

If the Senator were offering an amendment that was going to cost $5 or $6 or $10 million, I might be willing to take it to conference; but when a $600 million hole is knocked in the bill, we shall end by losing more than the extension of the taxes would give the Treasury. The President will veto the bill.

Much as I respect my good friend from Florida, I hope the amendment will not be adopted. Let the Ways and Means Committee study the matter. This amendment would have a tremendous impact. Adoption of the amendment would mean a cut in excess of all the reductions for which the Senate has voted up to now, and would set the pattern for additional reductions in revenue.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. As one of the managers of the bill, can the Senator from Louisiana tell us how much revenue would be lost by reason of the amendments in the bill now before the Senate?

Mr. LONG of Louisiana. I have lost count. I think about $400 million has been lost up to now.

I was in error. The figure is $465 million up to now.

Adoption of the pending amendment would cost $300 million in the next year. The whole tax would be repealed later. So an additional $300 million would be lost later. There would be lost about $761 million as of next year if the Senate should adopt the pending amendment. The next year even more would be lost.

Mr. McCLELLAN. Mr. President, will the Senator tell us the extent to which he proposes to raise the debt limit?

Mr. LONG of Louisiana. We hope to raise it to $324 billion.

Mr. McCLELLAN. In other words, we are spending more and collecting less?

Mr. LONG of Louisiana. That is correct. I have not been voting for all these excise tax cuts. My effort has been to try to hold the line up to now. As the Senator knows, I was willing to consider favorably the amendment the Senator from Connecticut offered. It would not have cost a great amount. But this amendment would cost a great amount of money.

Mr. McCLELLAN. Of course, reduction or elimination of the tax may be justified, but I am thinking of the overall picture. I could vote for all these amendments, feeling that I was voting to relieve the people of taxes that we do not like to impose on them and that we ought to get rid of, but we must consider the overall picture. We are continually running the country deeper and deeper into debt, and at the same time taking off the people burdens we do not like to have them carry. I do not think it represents a sound and consistent policy to continue to do it.

Mr. SMATHERS. Mr. President, if the Senator will yield, first I wish to state that I did not vote for any of the amendments except the last, on the live theater admission, feeling that it would not be adopted, but believing we should encourage that kind of activity.

Has the Senator from Louisiana any doubt in his mind that the House conferees are going to turn down the action which the Senate has taken today?

Mr. LONG of Louisiana. I hope the conferees will agree to at least some of the amendments. I would not want to be a conferee if I could not do my best to convince and persuade the House conferees to take some or all of the Senate amendments.

Mr. HUMPHREY. Mr. President, I take only a moment to say that I am not an expert in the field of taxation. In this instance I follow the general recommendations of the committee. But I appeal to our colleagues to consider the situation in which we may very well find ourselves. As has been noted, the debt ceiling bill will soon be before us. Tomorrow the Senate will consider the military construction bill. A good deal of money is involved in those measures.

In light of the conditions our country faces and in light of the fiscal situation, if Senators want to walk out of here tonight after having provided for a reduction in taxes of over $1 billion, I suppose Senators can do so. I am sure many Senators are of the opinion that the House conferees will not accept these amendments, or will accept only a part of them. I do not think we should legislate in that manner.

I do not like the tax on telephone calls. The amendment toward which I was most sympathetic was the one offered by the Senator from Rhode Island [Mr. PASTORE], because I think I have some appreciation of the difficulty the retailers have in collecting these taxes.

As the Senator from Louisiana [Mr. LONG], the Senator from Florida [Mr. SMATHERS], the Senator from Minnesota [Mr. McCARTHY], and other Senators have said, Congress passed an $11 billion tax reduction bill this year. A year ago an investment tax credit bill was passed. Accelerated depreciation schedules were put into effect by the Treasury Department.

The Senate has been called a deliberative body. It has been called a body of statesmen. I regret that this amendment cannot be withdrawn. I must say that the Senator from Florida, as I said to him earlier, has a good reason for offering it. I know why he has offered it. He feels that the Senate has taken steps that have gone beyond the judgment of the committee, and I can understand his desire to press the amendment. There is a great deal of validity in his viewpoint. It does have appeal. Long-distance telephone calls are no longer luxuries. As I have previously said on the floor, when one gets to Dulles Airport and wants to call Washington, he has to make a long-distance call.

I hope the amendment will not be adopted. It is considered to be an unpopular position for a Senator to ask not to have an amendment to repeal taxes adopted, but I want the Senate to look like a responsible body, and not to leave it up to the other House to restore a part or all of a $1 billion tax cut. I do not believe it is the way the Senate should act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. SMATHERS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER (when his name was called). On this vote I have a pair with the senior Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. ANDERSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Indiana [Mr. BAYH] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Utah [Mr. MOSS] are necessarily absent.

On this vote the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting the Senator from Alaska would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from Utah [Mr. Moss] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 40, nays 44, as follows:

[No. 448 Leg.]

YEAS—40

Aiken
Beall
Boggs
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Cotton
Curtis
Dominick
Fong
Hart
Hickenlooper
Hruska
Jackson
Johnston
Keating
Kuchel
Lausche
Magnuson
McGee
McNamara
Mechem
Morse
Mundt
Pearson
Prouty
Proxmire
Randolph
Scott
Simpson
Smathers
Smith
Sparkman
Symington
Tower
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—44

Allott
Bartlett
Bennett
Bible
Byrd, Va.
Church
Clark
Cooper
Dirksen
Dodd
Douglas
Ellender
Fulbright
Hill
Holland
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long, Mo
Long, La.
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Monroney
Morton
Muskie
Nelson
Neuberger
Pastore
Pell
Ribicoff
Robertson
Russell
Saltonstall
Stennis
Talmadge
Thurmond
Williams, Del.
Yarborough

NOT VOTING—16

Anderson
Bayh
Brewster
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Gruening
Hartke
Hayden
Kennedy
Mansfield
Moss
Walters

So Mr. SMATHERS' amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, I call up my amendment, which is at the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. LAUSCHE. Mr. President, will the Senator yield before his amendment is taken up?

Mr. BOGGS. I am glad to yield to the distinguished Senator from Ohio, provided I do not lose my position on the floor.

Mr. LAUSCHE. Mr. President, the vote which I cast on the previous amendment was in complete conflict with my general approach to the problem of meeting the fiscal obligations of the country. Every word I have spoken and every vote I have cast would have demanded that I vote against the previous amendment that was before the Senate. But I voted for the amendment. I did so especially to demonstrate the folly and the danger of what is happening. One State is concerned with jewelry; another State is concerned with automobiles; a third State is concerned with musical instruments.

My State is concerned with tires and automobiles. Each proponent is fighting for his own State, entirely unmindful of the impact upon the country.

If I am not intruding unduly, may I continue?

Mr. BOGGS. So long as I do not lose my position on the floor, I am glad to yield further and to listen to the distinguished Senator from Ohio.

Mr. LAUSCHE. I contemplate offering an amendment to eliminate the tax on tires. Akron, Ohio, is the center of the tire manufacturing industry of the world.

If we are to serve Rhode Island, Indiana, Michigan, and other States by the removal of taxes that seem to be a burden upon the industries of those States, I want Ohio to be served in an equal capacity.

Other States may have similar demands. If Senators from those States are not offering amendments at this time, I expect that they will offer them at some time in the future.

What I shall now have to say may not be acceptable. It may border on the offensive concerning some of the things that have happened in the Senate today. Nevertheless, I shall declare them.

Votes have been cast for the elimination of taxes in special fields because some Senators, voting for the eliminations, felt that the wrong which was committed would be rectified in the conference committee by rejecting the action of the Senate.

Second, the Republicans decided that they could not afford to have the credit for tax elimination go to the Democrats, even though the reductions meant chaos and painful fiscal difficulties in the future. I can well understand that. If I sat on that side of the aisle, I should say that political strength was being gained by tax eliminations and that my demise politically might possibly become the consequence of such tax reductions. I probably would be giving that as the objective of meeting my opponents on an equal basis.

To aggravate the wrong, when the members of my party, the Democratic Party, saw that the Republicans were getting the jump upon them in the tax reduction program, they decided to abandon the President and to vote with the Republicans, wanting to get equal credit for the tax reduction which the Republicans thought, through their vote, had been adopted.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. I yield.

Mr. CLARK. Does not the Senator realize that a good many Democrats voted consistently with the President all afternoon, and that the Senator from Idaho [Mr. CHURCH] and I are two of them?

Mr. LAUSCHE. I merely wish to say that there has been a combination of Democrats and Republicans who have given more consideration to the idea of being elected than to serving the U.S. Government and its security.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. LAUSCHE. I yield further.

Mr. CLARK. I am sure the Senator from Ohio intended no reproach or criticism in his comments. I think it was inadvertent that he castigated the entire Democratic Party in his remarks. I am sure he did not mean to do so.

Mr. LAUSCHE. I did not mean to offer any criticism of Senators who gave recognition to the gravity of what has happened in the Senate this afternoon. This is the greatest demonstration of fiscal irresponsibility that one can imagine seeing in the august body of the U.S. Senate.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CHURCH. I concur fully in what the Senator from Ohio has said. Did I correctly understand the Senator to say that he intended to offer an amendment to eliminate the excise tax on tires?

Mr. LAUSCHE. Yes, I do, if it can be drafted for me. That is the only reason why I am talking.

Mr. BOGGS. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BOGGS. Mr. President, I ask that my amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill it is proposed to insert the following new section:

"SEC. —. REPEAL OF TAX ON LACROSSE BALLS AND STICKS AND ON TABLE TENNIS EQUIPMENT.

"(a) REPEAL.—Section 4161 of the Internal Revenue Code of 1954 (relating to tax on sporting goods) is amended—

"(1) by striking out "Lacrosse balls and sticks.";

"(2) by striking out "Table tennis tables, balls, nets, and paddles"; and

"(3) by striking out "Tennis balls, nets, rackets, and racket frames (measuring 22 inches overall or more in length) and racket strings."

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to articles sold on or after July 1, 1964."

Mr. BOGGS. Mr. President, if Senators will give me their attention for a few minutes, I shall explain the amendment briefly. I hope that the chairman of the committee might consider accepting the amendment because, in the first place, the amount of revenue involved is so negligible that I could not even get the Department to give me a figure on it.

The department would say only that the amount was negligible.

The amendment is necessary because in 1951, as I understand, the excise taxes on baseballs and baseball equipment, basketballs, boxing gloves, fencing equipment, footballs and football equipment, gymnasium equipment, hockey equipment, indoor baseball equipment, skates, snow toboggan slides, soccer balls, push balls, softball equipment, track hurdles, vaulting equipment, water polo equipment, wrestling head harness, and similar athletic equipment were repealed.

Failure to repeal the excise tax on lacrosse sticks and table tennis equipment was apparently an oversight. Throughout the United States, the lacrosse sticks involved are used primarily by amateurs, and almost all in colleges. I personally do not know of any professional lacrosse team. Lacrosse equipment is a part of our physical fitness training programs.

Table tennis equipment falls in the same category. Eighty percent of the users of table tennis equipment are young people, including children. While there are professionals in the field, table tennis is primarily an amateur game. The failure to remove the excise tax on table tennis equipment for many years has been an oversight.

I have offered the amendment because little revenue is involved. The proposal has not received attention heretofore. The excise taxes now imposed on equipment used in these two sports were brought to my attention by two Delawareans. The lacrosse item was brought to my attention by the assistant director of athletics at the University of Delaware. The table tennis proposal was brought to my attention by the chairman of the table tennis equipment committee of the National Table Tennis Association, also in Delaware.

While I hesitate to take the time of the Senate at this late hour in the afternoon, I believe that while we are considering the excise tax, this matter should be corrected. It should have been corrected a long time ago.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. LAUSCHE. There is a sports goods house in Ohio which manufactures baseball gloves, golf clubs, football equipment, and other items used in athletics. Would that be benefited by this proposal of the Senator from Delaware?

Mr. BOGGS. I assume that they handle this equipment, and, therefore, they would be benefited.

Mr. LAUSCHE. I shall vote for it, although it is against my general principles. Let us go the whole way.

Mr. BOGGS. In conclusion, I hope the Senator in charge of the bill may be willing to accept these amendments, because I certainly do not believe that they are controversial in any way.

Mr. PELL. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. PELL. Would the Senator from Delaware be willing to amend his table tennis amendment to include all tennis rackets and tennis equipment?

Mr. BOGGS. I am not sure that they are not already relieved. I believe they are already relieved in the list which I mentioned.

Mr. PELL. I do not believe so.

Mr. BOGGS. I have the list from the committee staff. I am not sure that I have every item, but if it is not included, I have no objection.

Mr. PELL. I thank the Senator.

Mr. BENNETT. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. BENNETT. As I understand the Senator's position, he is asking that the tax be taken off two very minor items in sports goods equipment, on the theory that the tax has already been taken off everything else.

Why not offer an amendment to take the tax off all sporting goods equipment? Here is table tennis; here is regular lawn tennis. The question was raised here. We may find that there are still some other items in the sports goods equipment field.

Mr. ROBERTSON. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I thank the Senator from Utah for his suggestion. I can speak only for these two items. I have addressed myself to those two items from research which I have done, with the help of the committee staff.

Mr. ROBERTSON. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. ROBERTSON. Referring to an amendment which puts a tax on shotguns and ammunition, those of us who are hunters know that under the Robinson-Patman Act, we will get $14 million. We hunters are willing to pay it, so please leave that tax alone.

Mr. BOGGS. I agree with the Senator from Virginia. I am a hunter as well, and I share the objective of that tax, but in this case I believe, in all fairness, that there is no doubt of the intention of Congress to remove the tax on these items long before this.

Mr. DODD. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. DODD. I should like to make a few comments about the arguments presently being made. It seems to me we are following a curious line of logic. Some of us voted for the Pastore-Keating amendment because we felt we should give some relief to the American taxpayers. I, for one, do not believe we have to go "whole hog" on this. I do not understand those who argue that because we try to give some relief on these taxes this year that therefore we have got to go all out and go to these extremes which have been suggested.

I gather they are not offered in seriousness, rather to make the whole situation look ridiculous.

Why should not we give some relief this year to the people of this country in this particular form of tax. If we cannot do it all, we can do some. I hope that next year perhaps we can do more, but I do not believe it becomes anyone to try to have those of us who voted that way appear as irresponsible Senators. I do not believe so myself, and I doubt the other 47 Senators who voted for that amendment feel that they are irresponsible. I do not suggest that the able Senator from Ohio, Senator LAUSCHE, intended to so describe us. But the effect of his argument is in that direction. I regret this and I believe he will, on reflection.

We can find a way to make up that money, probably in the foreign aid bill alone if we receive from our allies a larger share of what we are carrying across the world. I do not believe, therefore, that we need to apologize. I believe that the American people have long enough carried too heavy a burden.

I say, let us give them some help this year, and not make ourselves absurd before the country by the kind of performance that has been going on in the Chamber for the last 30 minutes.

Mr. BOGGS. As suggested by the junior Senator from Rhode Island [Mr. PELL], the only other item I know of which should be included in the amendment is the lawn tennis equipment provision and that would take care of all the things that should have been taken care of in 1951.

Mr. PELL. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. PELL. Will not the Senator modify his amendment accordingly?

The PRESIDING OFFICER. Does the Senator wish to modify his amendment?

Mr. BOGGS. Yes; I should like to modify the amendment accordingly.

Mr. PELL. The term should be "tennis rackets," which would include lawn tennis and court tennis and similar games.

Mr. BOGGS. I have no objection.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MILLER. Mr. President, will the Senator from Delaware yield?

Mr. BOGGS. I yield.

Mr. MILLER. I agree with the excellent statement of the Senator from Connecticut, which he has just completed. I believe that the point that he made is well taken. There is no reason why we should not grant some relief. With all deference to my good friend, the Senator from Ohio [Mr. LAUSCHE], I must strongly disagree and state that this is the greatest example of fiscal irresponsibility that we have seen. The Senator from Ohio well knows that there is all the difference in the world between taking off a tax amounting to perhaps $200 million a year, or a little more, relating to the excise taxes on some of the luxury items which were long held on to as wartime taxes, and the draining away of $8 billion of revenue from the income tax cuts which I believe the Senator from Ohio joined with me in voting against earlier this year.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MILLER. I do not have the floor, but will the distinguished Senator from Delaware [Mr. BOGGS] yield to the Senator from Ohio?

Mr. BOGGS. I believe I have covered this subject as thoroughly as it can be covered, and I hope that the Senate will approve these amendments.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. BOGGS. I yield to the Senator from New York.

Mr. JAVITS. The Senator from Rhode Island made the suggestion with respect to tennis. I am an ardent tennis player myself—indeed, we play together.

If the Senator wishes to change his amendment—and I hope he will—it should be accurate. Perhaps he should make his amendment read as follows, "tennis balls, nets, rackets, racket frames, measuring 22 inches overall or more in length, and racket strings." That is the typical term, section 4161.

Mr. BOGGS. I thank the Senator from New York.

I ask unanimous consent that my amendment be modified accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Delaware.

Mr. BOGGS. I thank the Senator from New York and also the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware, as modified.

The amendment was agreed to.

Mr. LAUSCHE. Mr. President, I desire to answer the Senator from Connecticut [Mr. DODD] and the Senator from Iowa [Mr. MILLER] with respect to the statements made by the Senator from Iowa.

Let me point out that he stated that he and I voted against the tax reduction bill which eliminated $11,600 million from revenue.

Mr. MILLER. Eight billion dollars in the first year.

Mr. LAUSCHE. The Senator is correct.

I assume that he voted against that measure because he felt that fiscal responsibility required that we try to balance the budget.

I can think of no other reason why he would vote against it. And if he felt that voting against reducing taxes was justified in the effort to balance the budget a year ago, I cannot understand how he now feels that these tax reductions are innocuous.

Senator DODD also directed his words at me. To him I say that we can delay the judgment day. We can defer responsibility in answering for the deeds which we have committed. We can hope that when the election day of this year is over and the results are determined, whatever happens to the country in the future can be forgotten. I cannot join in that philosophy on the reduction of taxes in the amount of $11.6 billion. What is being done today, which I believe will amount to $500 million is merely the beginning. If we eliminate the taxes on furs, jewelry, luggage, telephone calls, and possibly on tires, how can we refuse to eliminate the taxes on automobiles and other items that are covered by the tax bill?

I have listened with great interest to the argument that the musical instrument is used by the student in school, and therefore is inescapably an item that ought to be eliminated from the tax burden.

I heard the argument of the Senator from New York [Mr. KEATING] that handbags were indispensably necessary for the women, and that they ought to be eliminated. There is not a single item under the entire excise tax structure that cannot be put in the same category as the telephone, handbag, jewelry, musical instruments, and other items on which taxes are imposed.

The man who uses his automobile in going to the factory and taking his family out on the weekend has what one might clearly define as a necessity, something that he cannot forgo.

Mr. President, I send to the desk an amendment that, if adopted, would repeal the taxes on tires.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Ohio.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to add a new section, as follows:

SEC. . REPEAL OF TAX ON TIRES, ETC.

(a) REPEAL.—Part II of subchapter A of Chapter 32 of the Internal Revenue Code of 1954 (relating to manufacturers excise tax on tires and tubes) is repealed.

(b) EFFECTIVE DATE.—The repeal made by this section shall apply with respect to articles sold on or after July 1, 1964.

Mr. LAUSCHE. Mr. President, the amendment is very simple. If it is adopted, the excise tax on tires will be eliminated. Every citizen in the country who is now using tires that are worn—and as a consequence he is constantly fearful that the tires will blow out on the road—may have a better opportunity of buying new tires. When he rides on the road, he will be able to say to himself: "I can go rapidly. My tire will not blow out. I will be free from danger." He will be able to say, "My family will be protected because the Congress of the United States has eliminated a tax burden on me and I have been able to buy new tires."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. LONG of Louisiana. Does the Senator know what the amendment would do?

Mr. LAUSCHE. Yes. I know that the amendment would take the money out of the trust fund. But that makes no difference. It is the highway trust fund into which this money goes. But if we are going to be foolish, if folly is to dominate us, let us go the whole way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. LONG of Louisiana. The Senator knows that the cost to the highway program will be $422 million next year alone.

Mr. LAUSCHE. I know. But we want votes. I want votes. And I am in favor of eliminating taxes.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CURTIS. The Senator from Nebraska shares the concern of the Senator from Ohio about the fiscal condition of the country. But I do not agree with all of his contentions. In the first place, I have never known of a political party gaining votes by reducing taxes. The Republican Party tried it twice and lost the next election. I think the rule will prove true this time.

Mr. LAUSCHE. The rule will prove true that those who favor reducing taxes will be elected, and those who oppose a reduction in taxes will be defeated.

Mr. CURTIS. That is correct.

Mr. LAUSCHE. So both parties favor reductions, and they will both win.

Mr. CURTIS. No. The breaking of the line, the twisting of the arm to bring about an $11 billion tax reduction was a project of this administration. I thought it was a mistake. I opposed it.

I believe that if we are going to reduce taxes by $11 billion, after that decision is made in a session of the Congress, we all have an obligation to make that tax reduction as equitable and fair as possible. On that basis, not today, but throughout the entire time, I have contended that when the time comes to reduce taxes, the only fair way to do it would be to remove some of the retail excise taxes, some on the individual, some on the corporation.

I still contend that that time should not have been this year. But the decision was made, and the action of the Senate on the excise taxes in my opinion was made necessary because an unintentional error was made in the committee. The committee voted to transfer retail taxes to manufacturers' taxes.

In the first place, the consumer would pay just as much; and in the second place, we would have placed a tax on the manufacturers without notice, without one hour's hearing. If this were to happen, it would do great injustice. I cited the situation of the barber and beauty shop. In all probability this provision may become law. But I agree with the Senator that every Senator who voted for that repeal, or advocated it, was fiscally irresponsible.

When Congress accepted the idea, which I opposed, that it ought to reduce taxes, there followed a second obligation—to make the reduction in this Congress as fair and equitable as possible.

Mr. LAUSCHE. My answer to the Senator is that he and I are in complete agreement. I am trying to follow out exactly what he is arguing. It began with handbags. It went to jewelry and furs and luggage.

Mr. CURTIS. No, no. It began with $11 billion.

Mr. LAUSCHE. All right. It began with $11 billion. Then it followed with handbags; then with jewelry, furs, luggage, telephones, and sporting goods. All I am asking the Senator to do is to support me and give Ohio some help by bringing tires within this great canopy of protection.

Mr. CURTIS. According to the philosophy of the Senator from Ohio, merely because there was a reduction in income taxes, the Senator would advocate repealing them all. Is that correct?

Mr. LAUSCHE. Will the Senator please repeat his question?

Mr. CURTIS. The Senator is taking the position that because a Senator might favor the reduction or removal of one excise tax, we should remove them all. If the Senator's theory is correct, the Congress should repeal all corporate and individual income taxes, because it has removed some.

Mr. LAUSCHE. No. I have listened to the arguments today about the exemption of musical instruments. The removal of the excise tax on such instruments was advocated by Senators from States in which musical instruments are manufactured. I heard the arguments about taxes upon jewelry by Senators who represent States in which jewelry is manufactured. I heard the arguments of the Senators from New York on the exemption of furs from the excise tax.

All I am asking is that Ohio be afforded the same treatment that the Senate has given to other States with respect to excise taxes.

Mr. CURTIS. All tires are not purchased by citizens of Ohio.

Mr. LAUSCHE. No, they are not, and neither is all jewelry purchased by citizens of Rhode Island or any other State.

Mr. CURTIS. The Senator from Ohio recognizes that his State has already received its share.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. COOPER. I should like to make a statement which I hope will give a gleam of hope to my dear friend from Ohio. In making this statement I do not wish to seem immodest. I do not desire to praise my colleague [Mr. MORTON], too much. But I do wish to point out that neither one of us has offered today an amendment which would reduce the excise tax on distilled spirits.

Mr. LAUSCHE. The Senator would be completely justified in doing so.

Mr. President, I shall close. We have spent the past 3 hours increasing the deficit. The next hour we shall spend in raising the debt limit. How intelligent Senators can go to their people and argue consistently, either in conscience or in reason, having taken and occupied such conflicting positions, I cannot understand.

The debt is increasing. By the time we are through adopting amendments, perhaps the Senator from Florida can tell me how much more we shall have to raise the debt limit. I suggest that Senators who take umbrage at that statement and seek protection under the argument that Senators have been fiscally responsible go ahead and do it. I will not be in the parade.

Mr. President, I ask for the yeas and and nays on my amendment.

The yeas and nays were ordered.

Mr. MILLER. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. I have been trying for some time to obtain the floor to say a few words. To follow along the thought which the Senator from Nebraska [Mr. CURTIS] has advanced, I believe there is another consideration that has not been brought out.

Mr. HUMPHREY. Mr. President, may we have order? It is growing a bit late.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order. The Senator from Iowa is entitled to the courtesy of being heard. Senators who wish to converse will please retire to the cloakroom. The Senate will be in order. The Chair recognizes the Senator from Iowa.

Mr. MILLER. There is a difference between the tax which the Senator from Ohio seeks to repeal and the tax which was repealed by the Pastore amendment, and that is in relation to the person who is collecting the tax. There is nothing particularly complicated about collecting a tax on tires. There is all the difference in the world between that situation and the situation imposed upon the merchant who is trying to collect taxes set forth, for example, in the items listed on pages 8, 9, 10, 12, 13, 14, and 15 of the bill.

I ask Senators to look at the items. There are many items. I ask Senators to put themselves in the shoes of the merchant who is trying not only to carry on a business, but also to train his clerks to keep track of all items on which taxes are supposed to be collected from the customer. I do not believe there is any comparison between those taxes from that standpoint and the tax which the Senator from Ohio seeks to repeal. That is another thought, which I think persuaded many Senators to vote for the Pastore amendment. But we can vote for the Pastore amendment and at the same time, with a very clear conscience, vote against the amendment that is pending.

There is all the difference in the world between "fiscal irresponsibility," if the Senator from Ohio wishes to use that term, with respect to the repeal of $400 million or $500 million worth of excise taxes such as those contained in the bill, and knocking out $8 billion of revenue from income taxes in 1 year alone and $11 billion collectively over a 2-year period. I believe that we can very easily pick up some loss of revenue by cutting some expenditures, but it will be impossible to pick up a loss of revenue in the amount of $8 billion this year by cutting expenditures, and that is the difference between the two economic philosophies, I believe, expressed by the different sides of the aisle.

Mr. LONG of Louisiana. Mr. President, shortly after I came to the Senate, I recall that the Senate Finance Committee reported to the Senate an important bill. I saw that bill, which covered the entire gamut of the revenue code, subjected to 100 amendments. I remember that all 100 amendments were rejected, although Senators would make eloquent speeches in favor of their amendments.

Today I have witnessed a situation in which a responsible committee of the Senate did the best it could to do a responsible job for the Senate. It did the best it could to recognize all the political factors with which we must contend. Yet I have seen the Senate repeatedly, on vote after vote, vote down one of its most responsible committees. In some respects I almost hope that the pending amendment will be agreed to, because the author offered the amendment with the explanation that it was completely irresponsible and that it made no sense whatsoever. It was completely politically motivated, and it would be a disgrace to the Senate to agree to it. But it was offered on the basis and on the theory that other Senators, similarly motivated, had offered amendments which would remove excise taxes from other items.

Mr. President, if the pending amendment were adopted, the revenue loss would be $894 million, with more amendments to come. That is what we are up against.

I shall vote against the amendment, but I shall do the best I can to represent the Senate in conference, if the distinguished chairman of the committee should see fit to nominate me as one of the conferees.

I suggest to the Senate that if Senators want to go about their business in a serious manner—if they do not wish to subject themselves to charges of irresponsibility—I hope they will vote down the pending amendment rather than merely explain it as one of the actions in which the Senate, in a moment of folly, did complete violence to one of its respected committees which was trying to do its duty to our Nation.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CLARK. Does not the Senator agree that if the Senate is in a mood to adopt amendment after amendment, the really sincere and decent thing to do would be to repeal the entire tax and not create a special privilege for fountain pens, tires, theater tickets, and jewelry—and get rid of the whole thing? I can see no basis for this piecemeal destruction of fiscal responsibility which the administration has asked us to support.

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. HICKENLOOPER. I am a little disturbed and somewhat confused. If the Senator could clear up the confusion for me, I would be very grateful. Earlier this year we heard great arguments for and glowing tributes paid to the beneficial effects of reducing taxes as a stimulus for business and everything else. Now we hear it is an irresponsible thing to reduce taxes further. Under the theories we heard earlier this year, prosperity would be increased in direct proportion as we cut down revenues, the national debt kept on rising, and deficit spending continued. Prosperity would be our reward, we were told. Now it is a terrible thing to have some of these taxes reduced. I do not know about this particular tax. Whether the size of the tax reduction has something to do with it, I do not know. But I wonder about the compatibility of those arguments, because we were told of the beneficial returns from a tax reduction. I voted against it. Perhaps I did wrong. But I should like to have the confusion cleared up for me.

Mr. LONG of Louisiana. The views of the Senator from Iowa are on the record. Mine are on the record. I do not mean to chastise the Senator for his views. I know he does his duty as God gives him the light to do it.

Mr. HICKENLOOPER. If the Senator will yield, I do not consider it chastisement. I would consider it a great and gentle courtesy if the Senator would straighten me out and reconcile the arguments. I am asking for light, not punishment.

Mr. LONG of Louisiana. If I said anything that has offended the Senator, I regret it exceedingly, because I have great respect for the Senator.

Mr. HICKENLOOPER. I am not offended.

Mr. LONG of Louisiana. I would not do anything to offend him.

Mr. HICKENLOOPER. I am not offended; I am confused.

Mr. LONG of Louisiana. I am afraid it is beyond the ability of the Senator from Louisiana to straighten out the Senator.

Mr. LAUSCHE. Mr. President, if the Senator will yield, the Senator will understand that I offered the amendment merely to demonstrate the foolishness of what the Senate has done today.

Mr. HUMPHREY. Mr. President, I hope Senators will exercise their judgment and vote against the amendment.

I suggest that the Senate will remain in session until action on the bill is completed.

Mr. LAUSCHE. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield.

Mr. LAUSCHE. I ask unanimous consent that the order for the yeas and nays on my amendment be rescinded, hoping all the time that the words which I have spoken have left a sober impact upon the intelligence of Members of this body.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. MORSE. I object.

Mr. SIMPSON. Mr. President, if the Senator will yield for a comment, we have no great manufacturing companies in Wyoming but we are interested in excise taxes. In Wyoming we believe that our best product is our people. Our people have the old-fashioned belief that the Government should exercise frugality in its expenditures and operations and then there would be no need for the continuation of these ridiculous excise taxes. I have voted for the elimination of all of them, but I shall not vote for the amendment offered on the postulate presented by the Senator from Ohio.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

The result was announced—yeas 3, nays 80, as follows:

[No. 449 Leg.]

YEAS—3

Beall
Fong
Lausche

NAYS—80

Aiken
Allott
Bartlett
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fulbright
Gruening
Hart
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—17

Anderson
Bayh
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Hartke
Hayden
Kennedy
Mansfield
McCarthy
Moss
Smathers
Williams, N.J.
Young, N. Dak.

So Mr. LAUSCHE's amendment was rejected.

Mr. CANNON. Mr. President, I send an amendment to the desk on behalf of myself and the senior Senator from Wisconsin. I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection the amendment will be printed in the RECORD at this point.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill insert the following new section:

"SEC. . REPEAL OF CABARET TAX.

"(a) REPEAL.—Section 4231 of the Internal Revenue Code of 1954 (relating to tax on admissions) is amended by striking out paragraph (6).

"(b) TECHNICAL AMENDMENTS.—Section 4232 of such code (relating to definitions) is amended by striking out subsections (b) and (c).

"(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect at 10 o'clock ante meridian on July 1, 1964."

Mr. CANNON. Mr. President, a short time ago the Senate, in its wisdom, reduced the cabaret tax by cutting it in half. The tax applies to the entertainment business and to the sale of food in cabarets. That is the tax that is applicable. The amendment would remove the remainder of that tax. Would the Senator from Louisiana be willing to take the amendment to conference?

Mr. LONG of Louisiana. The senior Senator from Wisconsin offered the same amendment when we were talking about a reduction in the income tax earlier this year. The amendment he offered would cut the tax in half. It was found that when the cabaret tax was cut from 20 to 10 percent, it brought in more revenue to the Government because of the extension of the entertainment business. It put more musicians to work, and brought more night clubs into business. It opened more places that engaged string orchestras for example. It brought in more revenue than the old tax brought in before, although it had been twice as high. The reduction in the tax brought in more money it was found. If the Senator would modify the amendment to reduce it from 10 to 5 percent, I would be happy to go to conference with it. I hope the Senator from Wisconsin will agree to modify it. I believe it is the same amendment that he offered earlier.

Mr. PROXMIRE. I should like to make a countersuggestion. The tax from 1917 to 1940 was 3 percent. It was increased to 30 percent, in World War II, to discourage people from going into entertainment places, to conserve the energies of the Nation for the war effort.

As the Senator has said, it was reduced from 30 to 20 percent, and then to 10 percent. Each time it brought in more revenue. That fact has been established by very careful studies.

I hope the Senator will consider cutting it down to 3 percent again.

Mr. LONG of Louisiana. Will the Senator so modify his amendment?

Mr. PROXMIRE. It would still raise a substantial amount of money.

Mr. LONG of Louisiana. Mr. President, will the Senator so modify his amendment?

Mr. CANNON. I am happy to modify it, to reduce the amount to 3 percent, if the Senator will take it to conference.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. It seems to me that the equities are so very great, that if we are going to do this, we should also accept an amendment to reduce the theater tax. Would the Senator agree to take such an amendment to conference, if the same cut were made?

Mr. LONG of Louisiana. Three percent?

Mr. JAVITS. Yes.

Mr. LONG of Louisiana. Not on this amendment.

Mr. JAVITS. I shall offer a separate amendment later.

Mr. KEATING. Mr. President, I agree entirely with the remarks of the distinguished Senator from Wisconsin. We have proved so far that a reduction in this particular tax does not mean a reduction in revenue, but, rather, an increase in revenues. I hope the amendment will not only be taken to conference, but will also survive the conference and come back alive to us for future application.

Mr. CANNON. The Senator is absolutely correct. It should be kept in mind that not only has the revenue increased, but a great many jobs have been provided by reason of this action. I am willing to modify my amendment accordingly.

The PRESIDING OFFICER. The Senator modifies his amendment.

The amendment was modified to read as follows:

Sec. —. Repeal of Cabaret Tax

(a) Reduction of Cabaret Tax.—Section 4231(6) of part I of subchapter A of chapter 33 of the Internal Revenue Code of 1954 (relating to a tax on admissions) is amended by striking out "10 per centum" and inserting in lieu thereof "3 per centum".

(b) Effective Date.—The amendments made by this subsection (a) shall take effect at 10 o'clock ante meridian on July 1, 1964.

Mr. BIBLE. I commend my colleague for this effort to bring the matter to the attention of the Senate. This is a battle that he has fought over the years. I associate myself with him in that battle. The adoption of the amendment would increase the revenue that would flow to the Federal Government. That is an important point. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Nevada.

The amendment was agreed to.

Mr. SMATHERS. Mr. President, on behalf of the Senator from Indiana [Mr. Hartke] and myself, I call up, as an amendment Senate bill 1520, and ask to have it reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to state the amendment.

Mr. SMATHERS. Mr. President, I ask that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I ask unanimous consent that the amendment may be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be printed in the Record, as follows:

At the end of the bill it is proposed to add a new section, as follows:

"Sec. 4152. Exemption for Educational Use.

"The tax imposed by section 4151 shall not apply to any musical instrument sold to an individual who is a student in an educational institution if such instrument is to be used by such student in an orchestra, band, or similar organization sponsored by, or a course of instruction offered by, such institution. For purposes of this section, the term 'education institution' means an educational institution (1) which is a nonprofit educational organization (as defined in section 4221(d)(5)) or (2) which is an agency or instrumentality of any government or any political subdivision thereof, or is owned or operated by a government or any political subdivision thereof or by any agency or instrumentality of one or more governments or political subdivisions. The right to exemption under this section shall be evidenced in such manner as the Secretary or his delegate may prescribe by regulations."

(2) The table of sections for part II of subchapter C of chapter 32 of such Code is amended by striking out

"Sec. 4151. Imposition of tax."

and inserting in lieu thereof

"Sec. 4151. Imposition of tax.

"Sec. 4152. Exemption for educational use."

(b) The amendment made by subsection (a)(1) shall apply to sales of musical instruments made after the date of enactment of this Act to students of an educational institution (as defined in section 4152 of the Internal Revenue Code of 1954, as amended by this Act).

Mr. SMATHERS. This amendment would have been offered by the distinguished Senator from Indiana [Mr. Hartke], had he not been out of the city on official business. He offered the amendment a number of times in committee. He indicated that if we accepted the kind of amendments that have been adopted previously he would like to offer this amendment. The amendment provides, merely, that when a student who is in a junior high school or a high school goes to a store and buys a musical instrument to play in the school band, that instrument will not be subject to an excise tax.

The adoption of the amendment would cost the Government, in revenue, less than $4 million. I hope the manager of the bill will take the amendment to conference.

Mr. LONG of Louisiana. The Senate committee at one time agreed to the amendment, and then reversed its action, because we did not want to have happen what has happened on the floor today. We did not want to open the floodgates. Therefore we reversed our action, and disagreed to the amendment that we had previously agreed to.

In view of the action the Senate has taken today, and because I promised the Senator from Indiana that if we took such action, in adopting the kind of amendments that we have adopted today, I would try to have his amendment adopted. I am happy to support it on that basis.

Mr. JORDAN of North Carolina. Mr. President, if the Senator will read the newspapers he will see what the FTC is trying to do to the cigarette manufacturers. The cigarette people pay $2,075 million in taxes. Would the Senator take that to committee?

Mr. LONG of Louisiana. I would urge the Senator not to open up that subject. The Senator from Illinois has an amendment which would recoup the whole tax loss by increasing the tax on cigarettes. I urge him not to get into that field.

Mr. JORDAN of North Carolina. Would the Senator take it to conference?

Mr. LONG of Louisiana. I will consider it in the same spirit in which the Senator offered it.

Mr. SMATHERS. Would not the Senator from Louisiana be willing to take the comments of the Senator from North Carolina to conference?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida, for himself and the Senator from Indiana [Mr. Hartke].

The amendment was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add the following new section:

"Sec. 9. Reduction of Tax on Certain Live Dramatic or Musical Performances.

"(a) Section 4231(a) of the Internal Revenue Code of 1954 is amended by adding after paragraph (6) thereof, the following new paragraph:

"'(7) Live dramatic or musical performances.—In lieu of the tax imposed under paragraph (2), a tax equivalent to 5 percent in respect of any admission to a live dramatic or musical performance presented in a theater, or presented in any other place if the presentation of such performance is the principal activity being conducted in such place at the time of such admission.'

"(b) Effective Date.—The amendment made by subsection (a) shall apply only with respect to amounts paid, on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act, for admissions on or after such first day."

Mr. JAVITS. Mr. President, in kind deference to the Senator from Louisiana and after consultation with him, I have changed my amendment so as to reduce the tax on live theater admissions from 10 percent to 5 percent. This would be a great service to the long list of cities—there are about 30 of them—that now have such theaters. I hope the Senate will agree to the amendment and that the Senator from Louisiana will take it to conference.

Mr. LONG of Louisiana. Mr. President, I hope the Senate will agree to the amendment, so that it may be taken to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed at this point in the Record a statement by the distinguished senior Senator from Indiana [Mr. Hartke].

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Hartke

removing the retail excise tax

I have long before now favored the removal of the retail excise taxes on cosmetics, jewelry, luggage, and various other items. I have before the Senate Finance Committee a bill, S. 2644, which I introduced on March

16, to remove these taxes, with a $100 nontaxable limit on jewelry and furs.

As a member of the Finance Committee, I was one of those who yesterday in executive session favored removal of all retail excise taxes, which I still believe should be abolished. However, in view of the income which would be lost to the Treasury in the amount of some $500 million, I voted for the compromise which has been recommended to the Senate for passage.

This recommendation does not accomplish the full goal, but it does some worthwhile things while preserving approximately half of the revenue for the time being. By shifting the locus of the tax from the individual retailer and his individual customer to the manufacturer or wholesaler, we do two important things. First, the retailer can retain his same margin of profit in dollars and cents while reducing the tax charge to the customer. If he now pays, for example, 50 cents for a tube of lipstick selling for $1 plus tax, he will now pay—assuming his supplier keeps the same price plus his new tax—55 cents. Thus, with the same 50-cent markup he can sell the item for $1.05. With the same ratio, a customer thus would save $5 on a $100 piece of jewelry or set of luggage, or $50 on a $1,000 fur.

Second, and perhaps of more importance in some ways, this action in shifting away from the retail tax will be an inestimable assistance to the operations of shopkeepers everywhere. No longer will the merchant have to state his price in terms of "plus tax," but he will also no longer have to endure the nuisance—which it surely is on a myriad of small sales—of keeping tax records on all sales involving these items. So in addition to the savings to the ultimate consumer, there is an additional saving amounting to literally millions of dollars in the time and effort of the retailer who will be relieved of this onerous necessity of additional bookkeeping.

Third, I consider this change to be a testimonial of good faith that next year we will see the end of most of these excise taxes, which were originally adopted on a "temporary" basis and which affect as "luxuries" so many things which are not actually luxuries at all by current standards. The extensive hearings now being conducted are an orderly approach to this task, and I am confident that when all the facts are in we will see the wisdom of following the process to completion with the removal of these taxes at the lower level as well as their present shift away from the retailer. There is no justification for taxing baby oil as a cosmetic, and certainly inexpensive face powder and lipstick are not luxuries.

I favor the bill as recommended to the Senate, and I trust that we will both pass it now and complete the task of total abolition, which is not now feasible fiscally, at a later date.

Mr. SMATHERS. Mr. President, the measure before the Senate provides for a 1-year extension, until July 1, 1965, of the present rates of excise taxes on distilled spirits, beer, wine, cigarettes, passenger cars, auto parts and accessories, general telephone service and the transportation of persons by air.

Except for the tax on general telephone service and the tax on passenger air transportation, these taxes were all increased at the time of the Korean war.

Of necessity, fiscal necessity, the Congress has extended them annually ever since.

That same fiscal necessity, Mr. President, requires us to extend them again this year. We cannot afford to do otherwise—tempting as that prospect may be.

In the first place the Congress has already enacted this year the largest tax reduction in our Nation's history—the $11.5 billion reduction in personal and corporate income taxes that took effect in March.

We took this action only after a long and very complete examination of how existing rates of our income tax structure were affecting private investment and domestic consumption. We concluded, after this careful study, that reducing our income tax rates would enable the private sector to increase its economic growth.

I want to emphasize, Mr. President, that in the 1964 Revenue Act we deliberately confined ourselves to a review and revision of income tax rates. There was, you will recall, a hurried, last minute attempt to tack onto this income tax bill a revision of some of the existing excise taxes.

The attempt was wisely turned aside at that time. It was recognized then that there had been no consideration given to the overall excise tax structure. There had been no study of this complex system that represents some $14 billion in Federal revenues.

In the absence of a careful review of the whole system, we could not then, and we cannot now, possibly decide with any fairness, to lower or remove some of these individual taxes which number in all, depending on how you add them up, at least 75.

No public hearings had been held, no reports had been prepared that could form a basis for making an intelligent decision on just which of these taxes might be adjusted or removed.

The same holds true today.

In our earlier action, we properly kept our sights on the original, carefully prepared objective: a revision and reduction of our income tax rates. We must still exercise this same restraint.

I submit, Mr. President, that when Congress passed the $11.5 billion income tax reduction bill, it acted with the clear understanding that existing excise tax rates would be extended until we had an opportunity for a comprehensive review of all of them.

I should like to remind the Members of the Senate that failure to extend the excise taxes now before us will increase the deficit anticipated for fiscal 1965 by almost $2 billion—to a level of $7.6 billion.

I do not believe we can blindly vote such an increase in the deficit. It is simply not fiscally responsible to do so.

The administration has, as you know, embarked on an all-out campaign to reduce expenditures and hold down the deficit for next year in this transitional period following the income tax reductions already enacted.

We cannot now in good faith undo this effort and recklessly vote to slash Government revenues by an additional $1.9 billion. That is what these particular excises represent in revenues. All of us, certainly, have an interest in eventually revising downward or removing altogether some of these individual taxes. But all of us, just as certainly, must realize that we can only make equitable adjustments in excise taxes after a complete and thorough review of the whole system.

There still has been no such review. Who among us can honestly lay claim, in the absence of such a review, to the fact that the taxes on cigarettes, alcohol, or any of the others in the bill are most deserving of adjustment at this time. How about the others, those which are not a part of this group? Is it fair, is it equitable, to give these particular taxes a priority over the others?

I say it is not. Certainly not at this time.

There is, as we know, now underway before the House Ways and Means Committee precisely the kind of thorough study of the entire excise tax structure that is so clearly called for.

The material provided by this review will be extremely helpful in formulating a balanced approach to revision—if that is called for—of these rates.

But until a full study is completed we are in no position to act wisely. Let us not be stampeded into ill-considered action—action that will materially add to the Federal deficit in fiscal 1965.

Let us instead await the results of the public hearings on the excise tax system. Let us await the development of the necessary standards by which to judge the effects of any proposed reduction in a particular group of excise taxes.

Without such standards there is no logical place to start, or for that matter to stop, the process of excise tax revision.

We demonstrated our fiscal responsibility earlier this year when we rejected a move to tinker with excise taxes. We must do so once again, Mr. President, and pass this bill extending these excise taxes for another year. By the time that year has passed, we will have had an opportunity to get a better view of the fiscal effects of the income tax reductions we voted this year and to evaluate the relative effects of the various excises on business and consumers.

The only amendment made by the committee converts the four principal retail excises to manufacturers' excises. I did not vote for this amendment and I believe it would have been better to have made no change at all in excises. However, the idea behind this amendment was to get rid of the administrative burden of these retail taxes for the thousands of retailers throughout the country, but without removing any articles from taxation. This leaves to our detailed study the determination of what articles should be removed from tax.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, before Senators leave the Chamber, I should like to ask the acting majority leader about the program for tomorrow.

Mr. HUMPHREY. Mr. President, it will be the intention of the leadership to ask that the debt ceiling bill be brought before the Senate tomorrow as the first item, to be followed by the military construction authorization bill.

I understand that a number of Senators have plans for early departure tomorrow afternoon, so if the Senate will move expeditiously, Senators can be accommodated.

There will be no session on Saturday. The Senate will return for business on Monday.

REQUEST FOR PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO FILE REPORT ON PAY BILL—OBJECTION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to file its report on the pay bill at any hour today while the Senate is not in session.

Mr. LAUSCHE. Mr. President, I object. I should like to see what has been done.

Mr. HUMPHREY. The request is only to permit the committee to file its report.

Mr. LAUSCHE. If unanimous consent is required for the committee to submit its report at an earlier time than would be permissible without unanimous consent, I object.

Mr. HUMPHREY. I regret that the Senator objects. The request is merely to permit the report to be printed and the bill to go to the calendar tomorrow. There is no intention to rush action on the bill.

Mr. SMATHERS. It will not be possible for the rest of us to know what is in the report until it has been filed.

Mr. HUMPHREY. That is the only purpose of the request. The request is made so that Senators may see the report over the weekend.

Mr. LAUSCHE. I object.

The PRESIDING OFFICER. Objection is heard.

COMMITTEE MEETING DURING SENATE SESSION ON FRIDAY

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Committee on Public Works, which is hearing testimony on the Appalachian Regional Development bill, be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXCISE-TAX RATE EXTENSION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 11376), the Excise-Tax Rate Extension Act of 1964.

Mr. HUMPHREY. Mr. President, I wish to say that I was very much in favor of three amendments adopted by the Senate this afternoon to this bill, specifically the amendment of the Senator from Indiana [Mr. HARTKE] exempting excise taxes on certain musical instruments, the amendment of the Senator from New York [Mr. JAVITS] to reduce the tax on legitimate theater tickets, the amendment of the Senator from Nevada reducing taxes on other places of dining and entertainment, and the amendment of the Senator from Connecticut to eliminate taxes on pens and pencils. There are convincing reasons for the Senate action in adopting each of these amendments and I support that action wholeheartedly.

I also have been concerned for many years with the very real burden put on the main street store owner in every town around the country, and on the consumer, which is caused by the retailers excise tax on jewelry, furs, toilet preparations, and luggage. However, as much as I have been, and still am, in favor of removing or lessening this burdensome tax, I did not feel that now was the proper time to do it, particularly while this entire subject is undergoing hearings in the House Ways and Means Committee. There are very complex questions involved in this matter, and hundreds of millions of tax dollars are lost to our Government when we repeal longstanding provisions of the Tax Code. I believe the wiser course would be to wait until the facts have been thoroughly studied. Thorough study in both Houses produced the $11 billion tax cut earlier this year, and it was a balanced, equitable and workable bill when it was finally signed into law well over a year after it was introduced. It seems very clear to me, Mr. President, that such intensive study is absolutely necessary when we are dealing with the financial stability of our Nation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MORSE. Mr. President, on the passage of the bill, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MORSE. Mr. President——

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BARTLETT (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Massachusetts [Mr. KENNEDY]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ELLENDER (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Tennessee [Mr. WALTERS], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN] and the Senátor from Utah [Mr. MOSS] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from California [Mr. ENGLE] and the Senator from Utah [Mr. MOSS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Vermont [Mr. AIKEN], the Senator from Kansas [Mr. PEARSON], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

The result was announced—yeas 77, nays 2, as follows:

[No. 450 Leg.]

YEAS—77

Allott
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Fong
Fulbright
Gruening
Hart
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, Ohio

NAYS—2

Lausche
Mechem

NOT VOTING—21

Aiken
Anderson
Bartlett
Bayh
Eastland
Edmondson
Ellender
Engle
Ervin
Goldwater
Gore
Hartke
Hayden
Kennedy
Mansfield
McCarthy
Moss
Pearson
Walters
Williams, N.J.
Young, N. Dak.

So the bill (H.R. 11376) was passed.

The title was amended, so as to read: "An Act to provide a one-year extension of certain excise-tax rates, and to repeal certain excise taxes imposed on the sale of articles at the retailers' level and to impose excise taxes on the sale of such articles at the manufacturers' level."

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia. Mr. President, I move that the Senate insist upon its amendments and request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Byrd of Virginia, Mr. Long of Louisiana, Mr. Smathers, Mr. Williams of Delaware, and Mr. Carlson the conferees on the part of the Senate.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that H.R. 11376 be printed with the Senate amendments numbered; and that in the engrossment of the amendments of the Senate, the Secretary of the Senate be authorized to make the necessary technical and clerical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I congratulate my distinguished senior colleague [Mr. Pastore] for the victory he has won today by means of his amendment to repeal excise taxes on so-called luxury goods costing less than $100. The producers of such goods, many of whom are concentrated in our State, have labored all too long under the burden of taxes which have far outlived their purpose—namely, the financing of the Korean war. Long ago, there should have been a comprehensive review of these taxes, but the executive branch has never taken sufficient initiative in the matter. Only recently, a beginning has been made in the long and arduous process of congressional review. We have already waited too long for such a review to take place; therefore we had no choice but to seize the initiative which was presented today and to take direct legislative action to remove the most burdensome of these taxes.

The alternative presented to us—namely, the transfer of the retailers' excise to the manufacturer—was totally unacceptable to manufacturers in our State, and would have resulted in little benefit to consumers.

For these reasons, I was delighted to support and vote for the Pastore-Keating amendment; and I congratulate my senior colleague for the initiative he has taken.

MISSISSIPPI INVESTIGATION

Mr. STENNIS. Mr. President, I was shocked to learn of the news bulletin this afternoon announcing that 200 marines were being sent to join in the search in Mississippi for the 3 missing civil rights workers. The Governor of Mississippi was not consulted or advised of this move, and he knew nothing about this until the announcement through the press services. Senator Eastland and I were not consulted or advised of this move, and we knew nothing about it until we read the press notices.

I have a copy of the statement issued by Governor Johnson after he learned of this action. Governor Johnson's statement reads as follows:

> I have just received a wire service bulletin, dateline Washington, June 25, 1964, indicating that President Johnson has ordered 200 marines assisted by 8 helicopters to join in the search for 3 civil rights workers missing in Mississippi. No one conferred with me with reference to the dispatching of the marine personnel and equipment to Mississippi. Their presence here is indeed a surprise to me. Some 2 days ago, I offered to the proper Federal authorities the assistance of the Mississippi National Guard which is now in training at Camp Shelby. One of the units of the National Guard is located at Philadelphia and the members of this unit are thoroughly familiar with the woods and terrain of that area. This offer was not accepted but is still valid. We are determined to maintain peace and order in this State and we are going to cooperate with the proper authorities in order that our laws are obeyed and that peace and tranquillity may prevail. I am an ex-marine officer and I will render every assistance possible, and I call upon the good people of this State to do likewise that this search may be completed and all units, local, State, and Federal, may return to their normal duties.

Mr. President, I have known Paul Johnson during his entire adult life. I know that he means exactly what he says and I know that the preservation of law and order in Mississippi is in good strong hands with Governor Johnson. He has made his intentions clear. I know that his cooperation has been complete with all proper authorities and that it can always be counted on.

Mr. President, that is quite a commentary, for this move to occur at this time, the Marines being ordered into the State, without consultation with the Governor, especially in view of the unusual and alert measure of cooperation on his part, in having had Mr. Allen Dulles in the Governor's mansion just last night, for a long conference.

On learning of the press reports as to the use of Marines, I immediately protested to the White House and sought to learn the full facts.

The White House advised me that the Marines were being sent as a searching party, on request of Mr. J. Edgar Hoover, of the FBI. I immediately called Mr. Hoover, who told me that he had requested the use of Marines who he then thought were stationed in the vicinity of Philadelphia in the search for the missing persons in a very large swamp area, and that he planned to use helicopters to assist in the extensive search of the area.

After his request was approved by the President, Mr. Hoover stated that he later learned that the Marines were not in the area; that he canceled the request for use of the Marines, and the order was canceled; and, instead, requested the use of Navy personnel who were already stationed within the area. Mr. Hoover assured me that the Navy would be used only as members of the searching party and that they would be acting in a civilian capacity under his; Mr. Hoover's, sole direction.

I vigorously protested to Mr. Hoover the use of either Marine or Navy personnel, and I urged him to use, instead, the local National Guard units which have been offered by Governor Johnson.

Mr. Hoover stated to me that he has now been in contact with Gov. Paul Johnson. He authorized me to quote him to the effect that "Governor Johnson is giving the highest cooperation in every way, as well as valuable counsel." Mr. Hoover said that he gives the Mississippi Highway Patrol "the highest commendation" for their efforts. He authorizes me to quote him to that effect. He also commended the local law enforcement authorities for their cooperation.

There has been the fullest and most complete cooperation on the part of the local and State law enforcement officers in this search. This cooperation will continue under Governor Johnson's firm leadership.

Anything that is said or any message to the contrary, or any appearance to the contrary because of the sending in of Marines or the use of the Navy personnel is absolutely false under the testimony of Mr. Hoover himself. Mr. Hoover is directly in charge of all of the investigation of this unhappy and most unfortunate incident that I greatly regret.

I still hope that these persons will be found, and found in good condition. Although I have no facts that are not known generally, this cooperation, as I say, will continue.

Without the request and approval of the Governor of the State, this move for the use of either Marines or naval personnel in the search was totally unauthorized and unwarranted. There was no need and no reason whatsoever for such an order.

At the time I first learned, as I said, of the use of these marines, I vigorously protested to the White House, and I shall continue to do so.

I do appreciate very much Mr. Hoover's full and complete explanation of what happened, his attitude about it, and his attitude now toward this excellent cooperation.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, I commend the President of the United States for the action that he has taken in the search for these young men. Two of the young men are from the State of New York. No stone should be left unturned to find out what happened to them. The President has acted properly in assisting in that search.

CYPRUS

Mr. PELL. Mr. President, in his column in yesterday's morning Post, Drew Pearson made the excellent suggestion that former President Harry S. Truman, at the invitation of Greece and Turkey, act as mediator in the Cyprus crisis.

Mr. Truman, who authored the successful Truman Doctrine in the dark days following World War II, rendered a service which preserved the freedom and political integrity of these two nations. If they would ask him to arbitrate a final settlement to the Cypriot problem, binding on both countries, they could extricate themselves from the highly explosive morass they presently are in.

In recent months, many proposals for the solution of this political impasse have been advanced. President Johnson is, at this very moment, trying to resolve the Cyprus problem, in talks with the Prime Ministers of both Greece and Turkey. If he were to suggest Mr. Truman as the mediator, I am certain both countries would see in that suggestion the possibility of ending, for once and all, the political conflict they are caught up in.

FIVE POINT PROGRAM FOR THE MIDEAST

Mr. KEATING. Mr. President, I am deeply concerned by the situation that is developing in the Middle East.

Certainly there is no area of the world where the defense of freedom is more important than the Middle East, for it is literally the crossroads of the world. In the Middle East, Europe meets Asia and Africa. The industrially advanced nations encounter the economic problems of the less developed nations. In the Middle East, the great religions of the world, Judaism, Christianity, and Islam, have their birthplace. And in the Middle East the races of the world, Asian, Caucasian, and African, find a common meeting and melting ground.

Yet the Middle East has been wartorn and strife has prevailed practically since the end of the Ottoman Empire.

Only since the end of the Second World War, the creation of an independent State of Israel, and the development of self-governing Arab nations has it been possible to hope for ultimate peace and stability in the area. Those hopes have been deep and strong and they have been partially fulfilled.

Few would have guessed, in 1948, when Israel achieved its nationhood what mighty strides the state was to make. I remember speaking in 1948 of the great promise for human freedom and progress offered by Israel and urging our Government not to delay in prompt recognition and support for the new state. I remember then some of my acquaintances highly placed in our Government scoffing "What can Israel accomplish? They have no resources, few people, the British have left, the Arabs will either wipe them out or make survival so difficult that Israel will be backward for years. It is a hopeless job and the United States should not encourage them."

I opposed that argument then, 16 years ago, and I am still opposing it in one form or another today, for those who think the United States should be neutral—neutral in favor of Nasser, that is—are still not without influence in our Government.

Israel's biggest crisis, after repulsing the original Arab onslaught, was in 1956, when continued Arab harassment and the bar on Israeli shipping through Suez finally led to the Suez war. The only gain from that unfortunate affair was that Nasser did learn, to his dismay, that Israel was no paper tiger to be taunted at will, but a formidable and determined outpost.

Those years saw efforts by the United States to bring peace to the Middle East, efforts to resettle the Arab refugees whom the Arab States have used as propaganda pawns in their cold war with Israel, efforts by Eric Johnston to find an equitable solution to the Jordan waters issue—and these, by the way, are only now bearing fruit in Israel's diversion program. But every initiative ran into the hard wall of Arab intransigence.

I remember also my own efforts, cosponsoring with Senator DOUGLAS the freedom of the seas amendment to the foreign aid bill, to insure that the Suez Canal would be open, as guaranteed, to the ships of all nations. This is a vital principle and one over which our own Government, now as then, should be vitally concerned.

At that point also the Arab States undertook a stepped-up propaganda effort, in the Mideast and throughout the world, to defame Israel and win support for their announced policy of driving Israel into the sea. I was particularly disturbed, myself, to learn that Arab students in the United States sometimes studying with U.S. grants, were being paid by Arab States to propagandize against Israel, and on our own university campuses.

I am proud to say that my efforts were successful in putting an end to this shocking abuse of U.S. hospitality. But Arab hate propaganda, among the refugees, to all Arab States, and around the world continues. In fact, it passes my comprehension why our own country has just agreed to provide the State of Jordan with over a million dollars to provide tourism funds at the very time Jordan erects a mural at the World's Fair that is offensive and derogatory to the State of Israel in its origins and policies. Until such hatemongering propaganda stops, it will be almost impossible to reach a lasting peace.

An excellent opportunity to promote peaceful negotiations was unfortunately and inexplicably lost last December when the United States opposed the so-called Brazzaville resolutions at the U.N. which called for direct talks between Arabs and Israel. Why our Ambassador to the U.N. opposed this meaningful move toward conciliation sponsored by the Afro-Asian nations, I cannot understand. I assume it must have been under instructions from the State Department, but our effort to kowtow to Arab sentiment by turning our backs upon our own stated objectives will only injure our friends, without winning over those who seek to pressure and blackmail us.

More recently, the issue facing the United States in its Mideast policy deals with our foreign aid.

Shall we continue to feed, finance, and subsidize President Nasser's people while Egypt's own funds are being used to buy Soviet weapons, to pay Nazi scientists building rockets and missiles for Nasser, and to wage war against the people of Yemen?

My own answer is "No." I sponsored an amendment in 1962 that is now a part of the foreign aid bill to discourage U.S. aid to countries that divert their own resources to military spending. And I cosponsored and strongly supported the antiaggression amendment last year to require the President to cut off aid to any country planning or undertaking aggression. I see no reason for U.S. taxpayers to subsidize aggression by Nasser, or by President Sukarno of Indonesia, or any other dictator or nation.

We have seen very clearly in the last few months how little our aid is valued by Nasser. Although the United States in effect feeds one-third of Egypt's people, Nasser and Soviet Premier Khrushchev embraced and together announced their determination to exterminate Israel. In the long run, of course, Khrushchev's and Nasser's aims are different, since Khrushchev wants Arab Communist satellites throughout the Mideast and Nasser wants his own pan-Arab empire. Arabs and Soviets can cooperate in ousting Western influence and combating Western interests throughout the Mideast.

The cooperative Arab-Communist campaign also serves to reduce the West's ability to assist Israel in a crisis and to isolate Israel still more from its Arab neighbors.

What can the United States do at this point to reaffirm its support for Israel and to convince Arab belligerents that the United States will stand fast in the Middle East?

I would propose a five-point policy to meet the challenge today and promote peace and stability over the long run.

First. Our Government should issue a clearcut warning, with a time limit, that unless Nasser's troops are pulled out of Yemen and his military forces scaled down to domestic needs, U.S. aid, including surplus food, will stop as of January 1, 1965. That is the path to peace.

Second. Strong pressure should be exerted, both public and private, by our Government to persuade the German Government to recall all Nazi scientists from Egypt on penalty of loss of citizenship. The shocking fact that ex-Nazis are working with Nasser to devise new horror weapons for the extermination of the Jewish state is an outrage to the world's conscience.

If the German Government does not act swiftly on its own, our officials should take an active role in pressing for action. That is the path to peace.

Third. The United States should call for an all-out U.N. effort to monitor and condemn hatemongering propaganda in the Middle East. A new generation is growing up for whom hatred is a daily bread. What hope can there be for rational discussion and agreement until the voices of reason, hope, and conciliation are heard? Our Government should take the lead in working for a moratorium on hate broadcasts that incite the peoples of the Middle East against one another. That is the path to peace.

Fourth. The United States should take measures promptly to integrate Israel into our defense system. We have treaty agreements with scores of nations, from southeast Asia to Pakistan to Latin America, and we provide them with U.S. weapons and military protection.

Yet Israel, which time and again has shown its close political and moral ties to the free world, Israel alone is excluded from the meaningful defense cooperation with the United States. Yet if Communist forces ever marched into the area, we can be sure that Israel would be one of the first to mount resistance. Nothing would convince the Arab States more than a joint defense treaty that the United States is not issuing platitudes, but is determined and is able to block Arab aggression against Israel. That is the path not to war, but to peace.

Fifth. Our Government should work vigorously and consistently for direct negotiations between Israel and the Arab States. Either through the U.N. or separately, meetings between the Arab and Israeli leaders are obviously necessary if agreement is ever to be reached and if peace is ever to come to the Middle East.

The late President Kennedy pledged his support for such a course of action. Now more than ever it is necessary to move from war talk to peace talk, from military preparations to peaceful ones.

What we are concerned about in the Middle East is not alone the fate of Israel, but the position of our own great country, and the future prospects for peace, stability, and progress in the world.

To achieve stability in Israel—to assure its future—to create the climate of its survival and growth—these are not goals that are exclusively in the self-interest of Israel. They are vital objectives that move a whole important area of the world toward a higher destiny, a richer, better life for its people. For Israel is a laboratory of progress, an island of dynamic achievement—a potential source of social, intellectual, and economic vigor for the entire Middle East. Only as its own strength increases—only as it is free to develop without the calculated program of interference and obstructionism represented by those who would destroy it—only as this growth and vitality take place—can Israel make the immense contributions to human advancement that lie within its power.

It is my hope—it is my conviction—that Israel will triumph in its brave building of a better world—for that triumph will stand as a victory not only for Israel, but for all free men, whatever their race, their creed, or their color.

PROPOSED INCREASE IN DEBT LIMIT

Mr. HUMPHREY. Mr. President, I now move that the Senate proceed to the consideration of Calendar No. 1049, H.R. 11375.

The **PRESIDING OFFICER.** The clerk will state the bill by title.

The Legislative Clerk. An act to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THURMOND. Mr. President, once again the Congress is faced with a proposal to increase the temporary debt limit of the United States, this time to $324 billion, an increase of $9 billion from the currently applicable temporary debt limit of $315 billion.

This proposal is occasioned by the deficit spending which Congress has authorized. In the current fiscal year in which the economy is operating at full pace, the deficit is estimated to be $8.8 billion and the current estimate of the deficit for the coming fiscal year is estimated at $5.8 billion. If experience is any teacher, both of these estimated deficits will prove to be less than the actual deficit.

Time and time again Congress has been asked to temporarily increase the debt limit since I have been a Member of the Senate. On each occasion, I have opposed it. Congress, along with the executive branch, shares the responsibility for maintaining fiscal integrity. We shall never be successful in preventing an ever-increasing national indebtedness unless we reject these continual requests for increases in the limit.

This position may be a drastic one, but drastic steps are necessary to stem the tide of the extravagant spending which has been going on for years and which is threatening the security and well-being of our country.

I shall oppose the proposed increase in the debt limit, and nothing would please me more than for the Senate to reject this proposal.

Mr. HRUSKA. Mr. President, once again we are asked to approve legislation authorizing an increase in the legal limit of the total outstanding debt of the Government of the United States. Once again, we are asked to admit and accept the fact that heavy borrowing has become our Government's normal method of operation.

The bill, H.R. 11375, is much like all the other debt ceiling increase bills that have preceded it. It is unique only in this respect—it calls for a greater increase than any previous peacetime bill of this kind. Fifteen billion dollars. That is the amount of the increase compared with the ceiling as of June 30 of this year under existing law, which is $309 billion.

Even if the comparison is made with the temporary ceiling under which we have been operating since last December—$315 billion—it is still a $9 billion increase. A remarkable increase in debts—for an administration which claims to be so economy-minded that it even checks on the White House light bill.

Of course, those of us who vote "nay" will be accused of risking the financial reputation of the U.S. Government, of creating the possibility that the United States would be unable to maintain its credit by meeting its obligations when due. The Secretary of the Treasury, in his testimony before the Senate Finance Committee on Tuesday of this week, said:

> We simply cannot put the U.S. Government in the impossible posture of being unable to refinance maturing securities or to pay legal obligations as they come due.

But he did not explore the alternatives. He did not mention the fact that, instead of borrowing, our bills could as well be met by a bona fide program of budget-balancing economy, just as each taxpayer must meet his own bills by controlling his own expenditures. The Secretary did not mention that the outsized deficit that we face for the coming year is a planned deficit—a deficit deliberately created by the tax cut sponsored by the administration.

The citizens of this country are told repeatedly that this is an economy administration. We are made to understand that in fiscal matters President Johnson has greatly changed policies compared with those of his predecessor. By implication it is now admitted that President Kennedy was a spendthrift but we are told that President Johnson is not, that now under his administration each quarter is squeezed till the eagle screams.

But what are the facts?

The facts are that, ever since he took office, President Johnson has outspent his predecessor. In every month beginning with last December, expenditures under the Johnson administration have been greater than those during the identical month of the previous year under the Kennedy administration. For 6 consecutive months, the Johnson spendthrift record has belied the Johnson economy promises.

Just to give the chapter and verse on the record of these 6 months, in May of 1964, total expenditures under the administrative budget were $7,511 million, compared with $7,470 million in May 1963, an increase of $41 million. April expenditures this year exceeded April of last year by $340 million. For March of 1964, the increase was $65 million; for February, it was $758 million; for January, it was $479 million; for December of 1963 compared with December of 1962, the increase was $717 million.

It is a total expenditure increase of $2.4 billion for 6 months—or an annual rate of practically $5 billion. More than half the proposed $9 billion of additional borrowing is explained right there.

But that is not all. The fact is that most of the full Johnson program of campaign year attractions has not yet been enacted into law. Much of it still reposes in Congress. But now that action on the civil rights legislation is virtually completed, we are given to understand that Congress must stay in session and pass the full Johnson package.

That is why administration spokesmen seek this increased borrowing authority so urgently. It is so they can borrow the money to pay for the ill-considered Apalachia program, borrow the money to pay for mass transportation subsidies, borrow the money to pay for more area redevelopment, for accelerated public works, for the so-called poverty program and a host of others.

Properly speaking, the bill under consideration to extend the "temporary" debt ceiling to $324 billion should be labeled and referred to as the President's poverty bill, for at the rate we are going into debt this is exactly what the bill will accomplish—public impoverishment.

Significantly, all the new programs the President is asking for are to be paid for with borrowed money. This bill will give him the authority to borrow that money. That is what this increased debt ceiling bill is for. It is not to pay our past debts but to finance new administration programs. That is the long and short of it.

Mr. President, this course of continued deficits and continued borrowings is not inevitable. Our Nation can be put on a solvent basis. As recently as 1960, the national budget was more than balanced at a level of expenditures of $76.5 billion, with about $1 billion of surplus.

Granted it would be difficult to get back to such an expenditure figure. But revenues have grown, even with the tax cut. Secretary Dillon told the Finance Committee that revenues for the 1965 fiscal year are now estimated to be $91.5 billion, about $1.5 billion less than estimated last January. That is still about $14 billion more than revenues in 1960, an increase of nearly $3 billion a year for the 5-year period. If we showed even moderate restraint in approving new expenditure programs, surely it would be possible to finance them out of such rapidly increasing revenues, without resorting to greater and greater borrowings.

Mr. President, a vote against this bill is a vote to indicate a strong conviction that we return to the practice of economy and a prudent restraint in the affairs of Government. We all know we must face that necessity sooner or later. The hour is late, but it is not too late. I propose to vote again, as I have in the past, to indicate the necessity that we restore our Nation to the sound financial principles under which it has always prospered in the past. My vote will be cast in the negative on the bill.

RESOLUTIONS OF THE NEBRASKA STOCK GROWERS ASSOCIATION

Mr. HRUSKA. Mr. President, the Nebraska Stock Growers Association held its diamond jubilee convention in Alliance, Nebr., on June 13. In the past 75 years, this outstanding organization has compiled a remarkable record of service to the livestock industry and to Nebraska.

In the three-quarters of a century of its existence it has been led by men of vision and dedication. That tradition will be carried on in the coming year with the election of Forrest S. Lee, of Brownlee, Nebr., as president. He succeeds State Senator Elvin Adamson, of Nenzel, Nebr., who has been a tireless worker for the association with the staff assistance of Bob Howard, the capable executive secretary of the association.

It was my pleasure, Mr. President, to address the diamond jubilee convention. I had hoped to appear before the meeting in person, but the voting on the civil rights bill made this impossible, so my remarks were carried on a special teletalk circuit from Washington.

In my address, I recalled that I had last spoken to the Stock Growers at their meeting in Norfolk, Nebr., 3 years ago and that at that time, the stockmen had adopted a resolution which said, in part:

> We request the Congress to enact equitable and realistic legislation that will protect our industry against excessive imports of foreign meats and livestock.

This is a reflection, Mr. President, of how closely attuned to the problems of the industry its leaders have been. They correctly saw, more than 3 years ago, the disastrous effects greatly increased imports would have on the cattle market.

Mr. President, in the three decades or so that Government has intruded into the management and control of agriculture, the cattle industry has steadfastly resisted such encroachment and has consistently insisted on maintaining its position in the private sector of the economy. This principle was restated at the convention in Alliance, together with a number of other important resolutions.

I ask unanimous consent to have printed in the Record the resolutions adopted by the convention.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolutions Adopted by the Nebraska Stock Growers Association at Its 75th Annual Convention in Alliance, Nebr., June 13, 1964

OPERATE WITHOUT SUBSIDY

We the Nebraska Stock Growers as a group feel we should remain as an individual section of our agricultural economy.

Whereas we have for the past 75 years existed without Government subsidies, we feel we wish to remain an independent group. Through our own effort without expense to the taxpayer by subsidy, we have continually advanced and improved the quality of the beef cattle industry to the point where the American family is eating more and better beef products than ever before for a smaller part of their income.

BEEF IMPORT QUOTAS

Whereas the cattle industry of the United States has produced in the past, and will continue to produce sufficient quantities of wholesome American beef for our domestic market and for export; and

Whereas the cattle industry through their own initiative and promotional efforts has helped promote higher per capita consumption of beef; and

Whereas foreign imports of beef have totaled 11 percent of our national consumption which has materially depressed the market for beef cattle below the cost of production to the producer and feeder; and

Whereas quota agreements entered into with certain foreign countries are not realistic and effective in protecting our domestic producers, now, or in the future: Therefore be it

Resolved, That the Nebraska Stock Growers Association urge Congress to enact immediate legislation to establish beef and beef product import quotas at a level not to exceed the 1958-through-1962 average.

LABELING OF FOREIGN BEEF; COMMENDING MERCHANTS ADVERTISING U.S. PRODUCED BEEF

Whereas it is not possible at present for Nebraska consumers of meat and meat products to determine the sources of such products being sold in the State of Nebraska; and

Whereas the people of Nebraska are entitled to their preference for American meat products because of their high quality and compliance with strict sanitation standards: Therefore be it

Resolved, That the Nebraska Legislature, in their next session, be requested to enact legislation requiring prominent labeling of all foreign meats and meat products containing meat sold in the State of Nebraska; and be it further

Resolved, That the Nebraska Stock Growers commend those wholesalers and retailers who are advertising exclusive sale of meat and meat products produced in the United States.

INSPECTION OF IMPORTED BEEF AT POINT OF ORIGIN

Whereas the Nebraska Stock Growers Association is proud of the wholesome, nutritional, and sanitary qualities of U.S. produced meats: Therefore be it

Resolved, That the NSGA emphasize the improtance of maintaining our present sanitary requirements which keep out exotic diseases; and be it further

Resolved, That all foreign meats must meet these same requirements and that these meats be inspected at the point of origin, by U.S. inspectors, at the exporters expense.

ENCOURAGE PROPER MARKETING PRACTICES

Whereas it is to the interest of all cattlemen to reduce the tonnage of red meat produced: Therefore be it

Resolved, That additional research be made toward improving USDA grades of beef to encourage marketing fat cattle at a younger age, lighter weight, and with less fat covering.

INVESTIGATION OF MARKETING PRACTICES

Whereas there has been established a National Commission on Food Marketing to investigate marketing practices by all marketing agencies which process, distribute and sell food to our Nation's consumers; and

Whereas this Commission has met general acceptance by those involved in merchandising our product: Therefore be it

Resolved, That we, the Nebraska Stock Growers Association, endorse a fair and impartial investigation so that all segments of our beef industry may present their case and both producers and consumers be fully advised as to the part each segment of the merchandising team plays in the marketing of our product.

ENDORSING PROPOSED CLAY CENTER STATION

Whereas there is great need for continued beef production: Therefore, we recommend that the proposed research station at Clay Center be made operational at the earliest possible date.

COMMENDING NEBRASKA CONGRESSIONAL DELEGATES

Whereas we in Nebraska have an outstanding delegation in Washington, men who have worked untiringly for the livestock industry, particularly in their efforts to limit the amount of beef imported into this country: Be it therefore

Resolved, That we, the Nebraska Stock Growers Association, commend our entire Nebraska delegation in Congress: Senators Hruska and Curtis and Representatives Dave Martin, Ralph Beermann, and Glen Cunningham for their efforts in our behalf.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1056) making continuing appropriations for the fiscal year 1965, and for other purposes, and it was signed by the President pro tempore.

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MORSE:

S. 2951. A bill for the relief of 1st Lt. Thomas A. White, U.S. Marine Corps; and

S. 2952. A bill for the relief of Sp. Manuel D. Racelis; to the Committee on the Judiciary.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS—AMENDMENT (AMENDMENT NO. 1076)

Mr. KEATING (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10300) to authorize certain construction at military installations, and for other purposes, which was ordered to lie on the table and to be printed.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 21 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, June 26, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate June 25, 1964:

Gen. Maxwell D. Taylor, U.S. Army, retired, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

Gen. Earle G. Wheeler, U.S. Army, for appointment as chairman, Joint Chiefs of Staff, under the provisions of title 10, United States Code, section 142.

Gen. Barksdale Hamlett, U.S. Army, to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

Lt. Gen. Harold Keith Johnson, U.S. Army, for appointment as Chief of Staff, U.S. Army, in the grade of general.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. Creighton Williams Abrams, Jr., O20296, Army of the United States (colonel, U.S. Army), in the grade of general.

EXTENSIONS OF REMARKS

Shevchenko Statue

EXTENSION OF REMARKS
OF
HON. GEORGE M. RHODES
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 25, 1964

Mr. RHODES of Pennsylvania. Mr. Speaker, in the memory of Ukrainian freedom fighter, Taras Shevchenko, a statue will be unveiled in his honor Saturday. The unveiling ceremony will take place at 23d and P Streets NW., where the statue is erected.

Erection of the statue not only honors a patriot whose life symbolized opposition to tyranny, it is an additional symbol of U.S. concern for residents of the captive nations. Americans of Ukrainian descent are justly proud on this memorable occasion.

The unveiling ceremonies will include a program in the Washington Coliseum. Two concerts of choruses with a symphony orchestra will also be presented in Constitution Hall on the same day and a banquet for 5,000 persons will be held in the National Guard Armory in Washington, D.C., in the evening.

A large delegation from Argentina and a huge crowd of Canadian-Ukrainians in chartered trains and buses are expected from Canada to take part in the Washington ceremonies.

Shevchenko—a contemporary of Abraham Lincoln—embodied in his poetry the "holy ideas" of Ukraine as did the American Declaration of Independence, and as the words of Washington, Jefferson, and Lincoln embody the highest principles of America. Shevchenko expressed the close tie between Ukraine and America over 100 years ago not only by calling for national independence but also for the coming to Ukraine of a Washington with "his new and righteous law."

Over 30,000 Americans of Ukrainian ancestry and their friends and over 10,000 schoolchildren have donated to the Shevchenko Memorial Fund to help insure erection of the monument.

Recognizing the international importance of this event more than 150 prominent Americans have joined a national honorary or sponsoring committee for the unveiling. They include 33d President of the United States, Hon. Harry S. Truman; former Vice President, Hon. Richard M. Nixon; Governors of many States, presidents of universities and colleges, leaders of nationality groups, leading journalists, civic and church leaders, U.S. Senators and Representatives of both parties.

The Shevchenko statue in the heart of Washington, our Nation's Capital, symbolizes a long and lasting friendship between the people of Ukraine and the United States. Together, we share the love of liberty and a determination to be free.

Lithuanian American Congress Convention in Washington

EXTENSION OF REMARKS
OF
HON. ROMAN C. PUCINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 25, 1964

Mr. PUCINSKI. Mr. Speaker, it is a great privilege for all of us here in Washington this weekend to welcome to the Nation's Capital more than 400 delegates to the convention being held at the Shoreham Hotel by the Lithuanian American Congress.

In America, where all people have the right of self-determination, it is appropriate that so many of our citizens retain such an active interest in their ethnic backgrounds and heritages.

The Lithuanian-Americans are among our finest, most public-spirited citizens. It is particularly fitting that they have chosen Washington, D.C., as the site of their convention, for our Government continues to recognize the prewar Lithuanian Council. We have remained inflexible in our refusal to grant recognition to the Communist puppet regime which denies liberty to the people of Lithuania.

By their presence in Washington, the Lithuanian American Congress reminds us once again that there are untold thousands in the world who are not free to convene together and who must endure governments which would deny to each man the right to his own thoughts and political beliefs.

I join with my colleagues in welcoming the Lithuanian American Congress Convention to Washington and hope we can look forward to having them return to our Nation's Capital soon again.

Memorial to Taras Shevchenko

EXTENSION OF REMARKS
OF
HON. JOHN W. WYDLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 25, 1964

Mr. WYDLER. Mr. Speaker, it gives me great pleasure to observe that this Saturday afternoon the statue of Taras Shevchenko, the great Ukrainian poet and patriot, will be unveiled here in Washington. As a member of the national committee sponsoring the memorial, I know how much it means to Ukrainian-Americans, many of whom fled from the same Russian tyranny under which Shevchenko himself lived. Thousands of these people will be in Washington to attend the ceremonies surrounding the event. We welcome them to our city.

This memorial has been erected not only because Taras Shevchenko was a great believer in democracy and freedom for the Ukraine, but because he sought self-determination for all of the slavonic peoples. His thoughts, expressed in beautiful Ukrainian poetry, were translated into many different tongues to inspire other suppressed groups in the Austrian and Ottoman Empires as well as in the Russian Empire.

Thus, it is only right that we, the leader of the free and democratic world, should construct a memorial in our capital to this great freedom fighter who spent most of his years in subjugation either as a serf or political prisoner or under police surveillance. Yes, Taras Shevchenko knew the value of liberty.

And so do many millions of his compatriots and Slavic brothers who today find themselves under Russian tyranny. This memorial is a reminder to us that these people, some of whom temporarily gained their independence and established their own republics, remain in a subjugated state. It is for us to proclaim this fact constantly to the world.

I look forward to the unveiling of the statue of Taras Shevchenko and hope that when all who are here pass by it they will think of this great democrat and patriot and then remember the millions still living under foreign tyranny.

Unveiling of the Taras Shevchenko Statue

EXTENSION OF REMARKS

OF

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. DELANEY. Mr. Speaker, on Saturday, June 27, thousands of Ukrainian-Americans and their friends will gather here in Washington for the unveiling of a statue honoring Taras Shevchenko, the Ukraine's outstanding poet-patriot.

In this, the 150th anniversary year of Shevchenko's birth, and on the occasion of the unveiling of his memorial, I think that all Americans should pause and consider the contributions Taras Shevchenko made to human liberty and the great effect that our American move toward independence had on the Ukrainian struggle against serfdom and Russian colonialism.

Shevchenko was the voice of the Ukrainian freedom movement and his views on freeing the serfs and establishing a Ukraine free from czarist domination were shaped by his knowledge of the American colonists' success in the fight against English rule and the qualities of the early American patriots.

This influence is clearly shown in the lines of a Shevchenko poem which state:

> When will we receive our Washington
> With a new and righteous law?
> And receive him we will some day.

Our revolution showed the way to Shevchenko and he spread freedom's word throughout the Ukraine. Because of his beliefs, the young poet, born a serf, spent most of his life in prisons and forced military service. Yet, he never stopped telling the story of liberty in his poems, books, and pictures.

The erection of a monument to Taras Shevchenko in this city, the capital of the free world, is indeed fitting and proper for he belongs not only to the Ukraine, but to all freemen.

As an apostle of liberty and an avowed enemy of oppression, his genius extended far beyond the limits of his native country.

The dedicated citizens who have worked so hard to bring the Shevchenko memorial plan to fruition are to be commended for creating a permanent reminder of his contributions to all humanity.

Teachers and Taxation

EXTENSION OF REMARKS

OF

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. DOLE. Mr. Speaker, there has been justified criticism by teachers and their organizations over the restrictive approach taken by the Treasury Department in permitting teachers' education expenses to be deducted as business expenses. Under existing law, business expenses may be deducted. Furthermore, by Treasury regulation, certain education expenses may be treated as business expenses. The pertinent regulations provide:

> 1.162-5(a). Expenditures made by a taxpayer for his education are deductible if they are for education undertaken primarily for the purpose of: (1) Maintaining or improving skills required by the taxpayer in his employment or other trade or business, or (2) meeting the express requirements of a taxpayer's employer or the requirements of applicable law or regulation, imposed as a condition to the retention by the taxpayer of his salary, status, or employment.
>
> 1.162-5(b). Expenditures made by a taxpayer for his education are not deductible if they are for education undertaken primarily for the purpose of maintaining a new position or substantial advancement in position, or primarily for the purpose of fulfilling the general educational aspirations or other personal purposes of the taxpayer.

The latter regulation reflects existing congressional policy—section 262 of Internal Revenue Code—that expenses undertaken for personal purposes should not be deducted. This section provides:

> Except as otherwise expressly provided in this chapter, no deduction shall be allowed for personal, living, or family expenses.

As a consequence, general education expenses are not deductible.

I feel certain every House Member would agree an educated citizenry is the greatest resource this Nation can have and since it may be considerably augmented and developed by better educated teachers, Congress should insure they are given a fair opportunity to improve their education. This can be done by permitting teachers to deduct education expenses sensibly and reasonably related to their work. The fact education expenses treated as business expenses presents a paradoxical situation is no reason to deny or restrict their deductibility but a reason Congress should provide a solution. This problem cannot be solved entirely by regulation because of the Commissioner's encompassing view of education as a personal asset. As a consequence, Congress should cope with this matter, define a policy and provide guidelines giving the schoolteacher as fair treatment as that given businessmen.

I have therefore introduced a bill today similar in many respects to the one endorsed by the National Education Association. This bill, in my judgment, would aid in eliminating many of the problems and give the teacher fair and deserving treatment.

My bill would amend the Internal Revenue Code of 1954 and as the title suggests, would authorize and facilitate the deduction from gross income by teachers of the expenses of education undertaken by them, and to provide a uniform method of proving entitlement to such deductions.

More specifically, it would amend section 162 of the Internal Revenue Code which relates to deductions for business expenses by adding a new subsection (f) expressly dealing with educational expenses of teachers. It states that the trade or business deductions will include the ordinary and necessary expenses of a teacher for his education.

The bill provides that if an authorized school official makes a written statement that the teacher was employed as a teacher for not less than 6 months in his taxable year, and if the teacher undertook and completed his education after becoming so employed, and if such education was undertaken primarily for the purpose of maintaining or improving the taxpayer's skills as a teacher or of meeting express requirements of his employer in connection with his employment as a teacher, then this statement will be accepted as proof that the expenses were trade or business expenses unless there is clear proof to the contrary.

The bill also provides the teacher may use other methods to establish entitlement to the deduction. For the purposes of this new provision, the bill contains specific definitions of the terms "teacher," "school," and "education," which will be beneficiary to those who administer the laws and regulations. The bill will apply to taxable years subsequent to 1961.

Certainly, education when used by a teacher to pursue his livelihood should be characterized more as a business asset than a personal one, and doubts as to its substance should, accordingly, be resolved in favor of the former. This is basically what this bill would do. It will, if enacted, alleviate the restrictive attitude taken by the Treasury Department.

Crime in New York City

EXTENSION OF REMARKS

OF

HON. JOHN BELL WILLIAMS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. WILLIAMS. Mr. Speaker, U.S. News & World Report in a June 8, 1964, article quoted a New York resident, a Negro, as follows:

> One of the worst things in Harlem these days is that it is so easy for kids to get marijuana.

Representatives from an area where it is easy for kinds to get marijuana should stop such a dastardly practice before deploring law enforcement officials in other States.

West Virginia University Moves Forward To Aid State and Its People—Appalachian Plan Promises New Progress for Area

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 25, 1964

Mr. RANDOLPH. Mr. President, the growth of West Virginia University is an important part of the development of the Mountain State and the Appalachian region. Educational institutions are being pressured to meet the demands of today and the university, located at Morgantown, has broadened its scope in the face of this challenge. Under the leadership of President Paul A. Miller, West Virginia University is trying not only to train and teach scholars, but to create individuals in a society which today tends toward uniformity.

It was my pleasure to attend the annual banquet of the District of Columbia alumni chapter of West Virginia University on June 19, 1964, at the University Club here in Washington.

Mr. President, this year the District of Columbia alumni chapter awarded three scholarships totaling nearly $1,000. Recipients were Miss Nancy M. Davis, daughter of Mr. and Mrs. Robert C. Davis of Silver Spring; Mr. John W. Liston, son of Mr. and Mrs. Laurence L. Liston of Bethesda; and Mr. John F. Nicholas III, son of Col. and Mrs. John F. Nicholas of Arlington. Last year's scholarship winner, Miss Wendy Myers, spoke to the group and told of her first year as a "Mountaineer."

Presiding over the program was Mr. Robert C. Crawford, president of the District of Columbia alumni chapter. West Virginia alumni secretary, David W. Jacobs, told of the recent developments and changes at the university and the invocation was given by Mr. S. Key Dickinson. A program of interpretive dance was presented by Misses Lynn and Noël Baron, national ballet scholarship winners.

Mr. President, it was my privilege to address this gathering and I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. JENNINGS RANDOLPH, AT WEST VIRGINIA UNIVERSITY ALUMNI OF THE DISTRICT OF COLUMBIA AND GREATER METROPOLITAN WASHINGTON, JUNE 19, 1964

It is especially pleasing—and I assure you it is a privilege—to meet with the alumni and friends of our State university from the District of Columbia and the Greater Metropolitan Washington area.

Those of us surrounded by and absorbed in national affairs and their impact in the Nation's Capital city have need for more opportunities of this nature.

There is reason for West Virginians to meet as frequently and conveniently as possible in the interest of keeping in closer communication with each other and to work more informatively and more effectively for the betterment of our State.

When I speak of the State's interests I refer not to the principle of States rights but, rather, to the broader aspects of the well-being of West Virginia and our people in the educational, social, and economic spheres, and not in terms of political or governmental philosophy.

A great State university, such as our splendid institution of higher learning at Morgantown, has purposes and functions broader in scope than those embracing education alone. It recognizes its responsibilities and performs its missions also in the spheres of public affairs, economics, and social requirements of the State and its citizens.

Frankly, I am exceedingly gratified by the quality and the sincerity of the effort being made by the dedicated leadership of the State government and the State university to improve the climate of higher education and the degree of involvement of the educational plant and personnel in making for a better West Virginia across the board.

In saying this, I speak not in terms of pleasantry nor as one with only casual attachment and interest.

For 14 years, I represented in the House of Representatives the congressional district which embraces our State university and most of its satellites not actually on campus. My feeling, as a native West Virginian, that what is helpful to West Virginia University is good for the State, was affirmed and broadened by the experiences of that active and interesting—and challenging—period.

During almost 6 years of my current service in the U.S. Senate, representing the State as a whole, I have felt my attachment to the university strengthened and my interest in its development and improvement expanded. But this has not been due entirely to my public service relationships.

One of my most satisfying and significant responsibilities is membership on the board of trustees of the Claude Worthington Benedum Foundation. This foundation, created by the late Michael Benedum as a memorial to his son and as a philanthropic instrumentality to aid the cause of education in West Virginia, has as one of its directors the president of West Virginia University. It has been my privilege to have served with former Presidents Irvin Stewart, Elvis Stahr, and Clyde Colson, and now with your distinguished fellow alumnus, the incumbent dedicated president, Dr. Paul A. Miller.

I have had a close association with the higher education systems, private and public, in West Virginia throughout my adult life on faculties and directing boards. And I married the daughter of a pioneer member of the university board of governors, himself a graduate of the institution. My father graduated from the law school, and my sister and our youngest son were students. Our older son was the "Voice of the Mountaineers" for 2 years while broadcasting intercollegiate sports events.

But serving at the side of President Miller and his able predecessors on the Benedum Foundation Board has been a particularly enriching experience. It has afforded me the additional opportunity to work closely with the West Virginia Association of College and University Presidents and to observe the excellent teamwork of Dr. Miller and his top associates and the executives of the other private and public institutions of higher learning in our State. There is a commendable blending of leadership and partnership with the university as the natural but not overlording hub.

The university continues to make new advances as a center for the discovery of knowledge and the application of new knowledge to the problems of the community it serves. Among the most significant developments is the growing center of Appalachian studies and development, which is bringing a multidisciplined approach to the study of the people, the problems and the potential of the Appalachian region. This represents a new and important development in the concept and function of the land-grant institution.

The university's capabilities in the field of Appalachian studies has been recently augmented by a grant of $285,000 from the Benedum Foundation. This fund, which will be matched by the university from other sources, will be used to establish a new research unit to be headed by a Claude Worthington Benedum, professor of social studies. This professor, who will direct at least three other research professors, will be, according to President Miller, a scholar of established reputation, capable of organizing, directing, and conducting research of a nature and depth which will have great significance to the people of West Virginia and of the larger area around us. He may be chosen from any of the relevant disciplines involved in the projected program, such as economics, anthropology, regional geography or sociology, among others.

This is but one of the many indications of the renewed concern for the Appalachian region. I wish now to talk briefly about the Federal Government's concern for the area, and some of the features of the Appalachian regional development program pending in the Congress.

The late President Kennedy ordered in April 1963, the formation of the President's Appalachian Regional Commission under the chairmanship of Under Secretary of Commerce, Franklin D. Roosevelt, Jr. The Commission, comprised of Federal and State representatives, after extensive studies and many conferences with State officials, submitted its report to the President early this year. This report recommended a broad based and many pronged attack on the social and economic problems of the region.

Following his visit to the area, President Johnson submitted his legislative program for Appalachia in the form of the Appalachian Regional Development Act of 1964. The House Committee on Public Works completed its exhaustive hearings on the bill last week, and will refine the measure in the near future.

The Senate committee will hear witnesses beginning next Monday, and it will be my responsibility to chair these hearings and manage the bill in the Senate.

The Appalachian development program has been termed the "Normandy Beachhead" of the President's war on poverty. And, as in any modern war, logistics and communication are vital components of a successful campaign; thus, a principal feature of the program will be the construction of some 2,350 miles of so-called development roads in the areas of the 10 States designated as part of the Appalachian region.

In contrast to our customary approach of building roads to meet present and projected traffic loads, the Appalachian development roads are for the purpose of creating traffic to those parts of Appalachia which have been in partial isolation and which have experienced a consequent lag in economic development.

West Virginia, lying in the heart of the Appalachian region, is also the hub of the proposed developmental road system, with some 435 miles of developmental routes allocated. In addition, the developmental road system, in conjunction with the Interstate System, will provide access between major population centers of the East and West Virginia.

One route will connect Interstate 75 north of Knoxville, Tenn., with Charleston, W. Va., and in conjunction with Interstate 79 will provide a direct route from Birmingham and Chattanooga to Pittsburgh, Washington, D.C., and Baltimore.

Another artery will connect Strasburg, Va., with Interstate 79 northeast of Charleston, thus providing direct access from the Washington-Baltimore area to the mountains of northeastern West Virginia, to Charleston in conjunction with Interstate 79, and to southwestern West Virginia in conjunction with development Route E.

In addition, a mountain highway, in conjunction with the Highland Scenic Highway which is now being constructed, will connect Beckley, W. Va., with the central Pennsylvania area.

Although the road program is in a sense the very backbone of the Appalachian development plan, the proposed legislation will operate on many fronts. There is provided a $41 million grant program for demonstration health facilities, a pasture improvement program for the small farmer and a timber development program for the small timber owner. Supplementary authorizations will also be provided for such existing Federal grant-in-aid programs as vocational education facilities, sewage treatment works and fish and wildlife restoration.

There have been, of course, many amendments proposed since the House hearings began, and I propose to offer several in the Senate. Representative HARLEY STAGGERS and I are sponsoring what we believe to be an important proposal in our respective bodies, and it will, I hope, enlist some of the facilities and personnel of the university.

We advocate a 5-year, $10 million contract research program in forest products, their utilization, and a plan to cope with certain production problems in the timber industry. It would be administered by the Secretary of Agriculture and conducted by the forest research laboratories of the 10 or 11 academic institutions in Appalachia which are best qualified. The extensive facilities being developed in the university's division of forestry and their highly qualified faculty and research personnel will be utilized in such a program if it is enacted by the Congress. And I would add that I am most hopeful of the prospects for its passage.

This is but the briefest summary of the Appalachian regional development bill. The program has the backing of President Johnson and wide support in the Congress. It is high on our agenda of priorities, and its enactment will, I believe, furnish new tools for Government and new incentives for the people of Appalachia and West Virginia.

Loyal West Virginians will cooperate in the renaissance for which we are all striving.

Crime in New York City

EXTENSION OF REMARKS

OF

HON. JOHN BELL WILLIAMS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. WILLIAMS. Mr. Speaker, according to an article in the current issue of the Saturday Evening Post, there are 60,000 dope addicts in Harlem alone.

This deplorable condition should receive the attention of New York Congressmen before they try to force their views of racial amalgamation on other areas.

World Peace Through Law Center

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. FRASER. Mr. Speaker, last July 1,000 lawyers from 105 nations met in Athens, Greece, for the First World Conference on World Peace Through Law. This Conference was the result of 5 years of study and planning by the American Bar Association to increase the participation of lawyers in advancing the rule of law. Four continental conferences of lawyers were held in 1961 and 1962 and, on the recommendation of the ABA Special Committee on World Peace Through Law, laid the foundation for the World Conference in July 1963. The Conference was an important and vital step for the adoption of a worldwide program designed to achieve world peace through law: it approved the establishment of a World Rule of Law Day and a World Rule of Law Year, a declaration of general principles for a world rule of law, and, of foremost importance, created a World Peace Through Law Center. Unquestionably, the center holds the key to the success of the world peace through law program for it provides the institutional framework for the advancement and the implementation of the worldwide program. Ninety-five working committees will sustain the center's program as they formulate plans to develop a world legal system.

A temporary center is now located in Washington and is actively implementing the Athens Conference principles. Possible locations for permanent headquarters are now being considered.

A main objective of the program and the consequent importance of the center is to bring together individuals and institutions for participation within a universal organization. The atmosphere of cooperation arising from this worldwide exchange is a significant step in improving mutual understanding among nations.

The center's functions in promoting the world peace through law program are many. Research, of course, is a principal objective. The vast area of international law rules of institutions contain innumerable subject areas in which research is urgently needed. The resources of the World Peace Through Law Center will help fulfill these research needs.

Another objective of the new center is the education of lawyers as well as the general public to gain their support for the objectives and opportunities offered by the center's program. Seminars, published papers, and courses for law students and laymen are being initiated to provide the widest possible opportunity to participate and benefit from the center's program.

Finally, the fruition of the research and educational functions of the center will come when center programs are submitted to governments and international organizations for official action. It is the ability of the World Peace Through Law Center to mobilize broad, collective support for specific proposals and programs which makes the center unique among legal institutions and offers unlimited promise for a future under the rule of law.

The success of the center's program depends upon the collective efforts of both law leaders and the interested public. The most direct way to help further the World Peace Through Law Center is to become a member of the center. Application forms are available from the temporary headquarters of the center at 400 Hill Building, Washington, D.C. In my State of Minnesota several leading lawyers are already members of the center. In fact, I'm very happy to inform my colleagues in the House that three members of the Minnesota bar attended the world conference at Athens.

In Congress, this same concept is embodied in an informal group called Members of Congress for World Peace Through Rule of Law. This group meets periodically and seeks to further the development of the rule of law in international relations. Senators JAVITS and CHURCH and Representative FULTON and I comprise the steering committee for the congressional organization.

To the efforts of the members of the Minnesota bar and the American Bar Association, to our own efforts among Congressmen in Washington, and to the dedication and participation of others throughout the world, I attach the greatest importance. If a peaceful future is to be assured mankind, then world peace through law and the institutional arrangements needed to sustain this vision must be the common endeavor of all the peoples of this world.

Taras Shevchenko

EXTENSION OF REMARKS

OF

HON. EUGENE J. KEOGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. KEOGH. Mr. Speaker, on Saturday, the 27th of June, a statue will be unveiled and dedicated in the District of Columbia to honor the memory of a true freedom fighter, Taras Shevchenko—the poet laureate and national hero of the Ukraine.

This statue in our Nation's Capital will long remain as a memorial of all he fought for in the cause of freedom, a little more than a century ago, in that it will provide a constant symbol of the modern struggle for liberty and freedom for oppressed people behind the Iron Curtain, particularly in Europe, to whom the name Shevchenko is known and revered and who regard him as the exemplar of freedom fighters.

The U.S. Congress in enacting Public Law 86-749, authorizing the erection of this statue, alined itself with their aspirations and hopes. The dedication of the statue on public ground of the District of Columbia serves as a reassertion of our own dedication to personal liberty and national independence and our remembrance of the plight of those people. In one of his inspiring poems, Shevchenko voiced a prayer for a George Washington to bring to the Russian serfs a new and righteous law, and with a hope based upon a deep and abiding faith he cried out, "and receive him we will some day."

Mr. Speaker, with the dedication of Shevchenko's statue, the American people are demonstrating to the entire world that we have not forgotten Shevchenko or the people for whose freedom and liberty he struggled so valiantly. It is most fitting that the statue be situated in this city which bears the name of the man who inspired his own heroic efforts. I am gratified to have this opportunity to take part in paying tribute to an immortal patriot.

Arlington National Cemetery

EXTENSION OF REMARKS

OF

HON. BERNARD F. GRABOWSKI

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. GRABOWSKI. Mr. Speaker, on June 15 Arlington National Cemetery reached its 100th anniversary. Rabbi Saul Israel Wisemon, of the Beth El Synagogue in Torrington, Conn., called this fact to my attention and I would like to share his letter to me with my colleagues before presenting my own thoughts in commemoration of this significant occasion.

JUNE 12, 1964.

Hon. BERNARD F. GRABOWSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GRABOWSKI: On this June 15, our Nation will commemorate the 100th anniversary of the establishment of Arlington National Cemetery. Although Quartermaster General Montgomery C. Meigs chose Arlington and the first internment was made on May 13, 1864, it was on June 15, 1864, that Secretary of War Edwin M. Stanton established Arlington National Cemetery.

I am sure that you will agree, that as our Capitol symbolizes our American way of life to the Nation and the world, so I believe that Arlington symbolizes to all, the sacrifices of our valiant and heroic men and women, who have given their last full measure of devotion for our beloved country.

In view of the current historic legislation now pending in Congress, I feel that it would be only fitting, that a moment be taken from the deliberations, to pay honor and tribute to our valiant dead, who more than a century ago planted the seeds, of which only now shall we begin to see the fruition.

Mr. Speaker, 100 years ago, on June 15, Secretary of War Edwin Stanton designated Arlington National Cemetery as a site to accommodate the dead of our wars.

It was a tragic time in this Nation's history. Only 6 years before, Abraham Lincoln had solemnly stated that "this Government cannot endure permanently half slave and half free."

Only 3 years before, the tensions spawned by slavery, by petty sectionalism, and by fierce animosity over States rights had finally degenerated into a heartbreaking and explosive civil war. Brave men of both sides had grappled with conscience and divided loyalties, then gone out to fight and die "in obedience to duty as they understood it."

Robert E. Lee, general in chief of the Confederate Armies, was such a man. It was ironic, perhaps revengeful, that Lee's beloved home—his beautiful rolling acres overlooking our Nation's Capital—should have been first seized by Union soldiers, then turned into a burial place for the mounting tolls of Union dead.

But on that June in 1864, when Stanton designated Arlington as a national cemetery, it received sanction as a final haven for all the honorable dead of all our wars. And in these convening hundred years, Arlington National Cemetery has become one of the United States most magnificent national shrines and our largest national cemetery.

Since the ending of that bloody civil strife which created the need for Arlington Cemetery and which almost rent this great Republic, we have gained a strong sense of unity as a nation. It has been necessary time and again for our people to go to war—not against each other—but, rather, side by side against those who would encroach upon the unity, liberties, and freedom that we have painfully, and through long effort, sought to build and perfect.

The grounds of "Lee's farm" are almost filled now with valiant men who have fought and died in every American conflict from the Revolutionary War to the present. Men of both North and South lie together beneath the quiet beauty of the grounds.

Men of all races and all stations in life—the humble and the mighty—lie side by side. Acceptance for burial depends neither on a man's color nor creed; it is only required that his service to his country have been with honor.

We have come a long way since the immature days of our Nation's youth, but our maturity, our acceptance and our understanding of one another is not yet complete.

From the old Custis-Lee Mansion, which sets massively among the small marble markers of the dead, it is possible to look out across the fresh grave of our late President, John F. Kennedy, to the beautiful memorial of our 16th President, Abraham Lincoln.

A hundred years separate their lifetimes, and yet the words of one, spoken only 1 year ago, could well be the words of the other:

> The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades, and protests which create tensions and threaten violence and threaten lives.

Just as our grandfathers had, we, too, have a decision to make which will affect the future of America—whether we intend to make our democracy and our professions of Christianity meaningful. We can choose harmony over discord, and we can choose to resolve the hundred years of inequity, conflict, and sorrow which have plagued this Nation.

After bloodshed, we emancipated the slaves. And today—after bloodshed—a far-reaching civil rights bill is before our Congress. But it alone cannot provide the remedy we need as a people. This must come from the heart of the average America, from his conscience, his concept of decency and his respect for democracy and human dignity.

In the words of John F. Kennedy:

> [We face today] a moral crisis. * * * It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in Congress, in your State and local legislative body, and, above all, in all of our daily lives.

The centennial of Arlington National Cemetery is a good time for all Americans to remember the just principles that we have felt dear enough to send our loved ones out to fight and die to protect. It is a good time to wonder if they should be reserved only for a chosen race.

It is a good time for us to ponder anew Lincoln's indictment of slavery, and wonder if the shoe still fits:

> I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our Republican example of its just influence in the world, enables the enemies of free institutions, with plausibility, to taunt us as hypocrites, causes the real friends of freedom to doubt our sincerity, and especially because it forces so many good men among ourselves into an open war with the very fundamental principles of civil liberty, criticizing the Declaration of Independence and insisting that there is no right principle of action but self-interest.

Baltic Sorrow

EXTENSION OF REMARKS

OF

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mrs. GRIFFITHS. Mr. Speaker, the month of June marks the anniversary of two sorrowful events in the history of the Baltic States. In June of 1940, the hard-won independence of Lithuania, Latvia, and Estonia was crushed by the wanton force of Russian troops. In June of 1941, the Russian Communists began the first mass deportations of the Baltic people.

The passage of over 20 years has not dimmed this travesty of human justice and freedom. The suffering and cries of thousands of helpless men, women, and children still pain the hearts of loved ones and freemen everywhere.

On this anniversary of sorrows, I urge Congress to act on House Concurrent Resolution 153, which I introduced in behalf of the oppressed Baltic people and those who died under tyranny. The resolution requests that the President initiate action in the United Nations calling for the withdrawal of Soviet troops from Lithuania, Latvia, and Estonia, and the return of exiles from the slave-labor camps of the Soviet Union.

Taras Shevchenko

EXTENSION OF REMARKS

OF

HON. ROLAND V. LIBONATI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. LIBONATI. Mr. Speaker, the written word attains its most superb essence of understanding to the human mind in its poetical conception and portrayal of thought.

Saturday we commemorate the 150th anniversary of the birth of Taras Shevchenko, the poet genius of the Ukraine, who, born of humble peasant parentage, became known as one of the most outstanding fighters for freedom in Eastern Europe during the sanguine-tyranny-ridden era of the Russian Empire.

The observance of this day by free men throughout the world is not solely because of his ennobled talents in art or his advancement of the cultural influences in his generation, but rather of greater importance for the symbolic influence of his works in stimulating the spirit and influencing the thinking of millions of human beings to unify their efforts to write the new history of mankind, to fight for the freedoms that advance and protect the dignity of the human race.

One need only study the growing resistance to tyranny in Russia to understand the tremendous effect of his writings on changing the course of contemporary history in Eastern Europe.

His works depicted, in living political and literary word pictures, the oppression of the Ukrainian people as well as all others who were captive peoples under the yoke of their piratical conquerors.

His story of the tyranny of the czaristic masters became the powerful source of inspiration that resulted in the overthrow of its social order.

His important contributions to Ukrainian literature were reflected in his first poems entitled "Kolzar." These, with other fiery anti-Russian and antidespotic poems written later, attacked and destroyed despotic rule.

The Shevchenko name has been the promulgating influence between hope and despair of the millions that seek emancipation even to this day. In his poem "Yurodyry," translated: "The Feeble Minded" he attacked tyrants, czars, and oppressors.

His religious interests throughout his life are exemplified by his expressed letters to Princess Repnia and others disclosing his attendance of church services during his imprisonment in the fortress, and later he endeavored to secure permission to decorate both the Catholic and an Orthodox chapel, showing his deep feeling that he could dedicate part of his work to God.

On his return to St. Petersburg—although fraternizing with atheists and radicals—he studied the Old Testament for its harsh treatment on judgments of kings and rich men who robbed the poor and oppressed their fellow man. His book on "Mary" the blessed virgin is an analytical treatise on typical motherhood. Also, he received permission to publish his "Primer" treating with voluminous religious material on the social ideas of Christianity, a few months before his death.

Thus, one of his interests attributable to influencing his crying need for reform and human brotherhood was his acceptance of the pure reasoning and applied teaching of the Gospel. His was a believing mind in the crucifixion of the Risen Saviour who supported His teachings by suffering with his fellow men. Even in his extreme writings there is no question that his prayers and invocations were sincere, indicating a believing mind and a great soul.

Shevchenko's masterful portrayal of the injustices to man through his writings and paintings, even during the period of his banishment, could not stop the recitation of his poems or the message conveyed by his writings and drawings throughout Russia and the people of the Ukraine. Even the illiterate learned by heart these passages and stanzas of truth—it gave them hope—even to the present period of their enslavement. His 10 years in prison only served to accentuate his activity upon his release under the new Czar Alexander, who in futilelike gestures attempted insignificant reforms.

The populations of the captive nations today hold to the same hope that stirred the masses in 1917 to acclaim their freedom. They hold in their memory the striving appeals voiced by Shevchenko to keep alive the spirit of freedom.

His inspiring life is their symbol of hope for the future.

As the leader of free nations we are grateful that the Ukrainian community in America keeps alive the memory of one of the greatest freedom fighters of all history, Taras Shevchenko, that in this tribute to him others who remain in bondage will not forget his dedication to the cause of liberty and freedom. This movement of tribute should impress us to continue our efforts to free the captive nations of the world.

Taras Shevchenko

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. CUNNINGHAM. Mr. Speaker, the unveiling this Saturday of the memorial to Taras Shevchenko, the great Ukrainian poet and patriot, is a fitting time for us to pause and remember the great contribution that this man made to the cause of freedom in eastern Europe. Shevchenko is one of the great Slav poets whose use of the Ukrainian language gave great impetus to the development of that tongue as a literary language. However, he was more than a great artist in his own right, for Taras Shevchenko was a democrat and humanitarian whose poignant poems on the subjugation of his fatherland under the Russian czar inspired his countrymen and other eastern Europeans to crave freedom and national autonomy. Having studied democracy thoroughly and having read deeply on the American experiment, Shevchenko dreamed of a republican form of government for the Slavic peoples. To this end, Shevchenko acted. He helped form, with some of his like-minded friends, the Society of Saints Cyril and Methodius. Its discovery by czarist agents led to his arrest and banishment in the Russian Army to Siberia. Even under these harsh conditions, Shevchenko did not turn from his objective of a free Ukraine. He retained to his death his belief in freedom and democracy.

On this occasion which is also in the 150th year after the birth of Shevchenko, we honor the memory of this great man and once more dedicate ourselves to the cause of freedom and democracy for which Shevchenko so ably stood.

The Longest Parade in History

EXTENSION OF REMARKS

OF

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. GALLAGHER. Mr. Speaker, I have observed in recent weeks the results of a magnificent people-to-people program carried out by the city of Jersey City, N.J., and the citizens of Dublin, Ireland. Although the main event of this program took place in March 1964, a great deal of mail continues to cross the Atlantic, cementing the friendships that were made when 137 Americans flew to Dublin to participate in a great parade in that city.

The Dublin parade was held in the morning on March 15. Jet transport, the time differential, and excellent planning by Jersey City officials made it possible for these same 137 Americans on the afternoon of that same day to march in a St. Patrick's parade in Jersey City, N.J.

Thus, it is claimed to have been the "longest parade in history."

The truly important thing is, not that this event was conceived and carried out, but that the spirit of friendship that was born of that event continues. A people-to-people effort can be judged truly successful if the relationships that are developed endure. There are many indications that this venture was indeed a success.

I would like to recall the highlights of the year long program, calling attention to the important roles played in it by President Johnson, Secretary of State Rusk, Speaker McCormack, the Honorable Matthew F. McCloskey, U.S. Ambassador to Eire; the Honorable Thomas J. Whelan, mayor of Jersey City; the Honorable John J. Grogan, mayor of the city of Hoboken, N.J., the Honorable Sean Moore, Lord Mayor of Dublin; and by the Honorable Joe Dowling, Deputy Lord Mayor of Dublin.

It was at the suggestion of Eugene G. Farrell, editor of the Jersey Journal, published in Jersey City, that the Jersey City St. Patrick's Day Parade Committee, which is headed by Eugene J. Scanlon, plan for the "longest parade" to include the march in Dublin in the morning and in Jersey City the same afternoon.

The imaginative suggestion for the 1964 St. Patrick's Day celebration was promptly acted upon by Mr. Scanlon and the other charter members of the parade committee, Warren B. Murphy, John F. Thompson, James E. McCloskey and Frederick LaRoche. The stage was set for the grand celebration honoring the Irish among us and before us; one that was also to pay tribute to the people of Ireland and to the State of New Jersey on its 300th anniversary.

Thus it was that on Friday evening, March 6, 1964, an Aer Lingus "Shamrock jet" took off from John F. Kennedy International Airport with 136 New Jerseyans.

The passengers ranged in age from Eileen Hayes, 17, to Mrs. Josephine Hanley, 84. They included 22 family groups, a score of public officials and civil leaders. Many had never been to Ireland; others were returning to their native homeland after absences from 40 to 65 years. It was my good fortune to be able to join the group in Dublin.

I am told that at Dublin Airport on Saturday morning, March 7, the sight was something to behold. There to greet the contingent of Americans as they stepped off their plane, with their banners whipping in the breeze, were hundreds of Dubliners led by the Lord Mayor himself.

It was a grand week for all concerned. Irish hospitality manifested itself from Cork to Donegal, from Dublin to Galway as the good will contingent from Jersey City renewed old acquaintances and made lasting friendships with Irish of all walks of life.

Ambassador McCloskey graciously offered to hold a reception in honor of the visiting Americans at his official residence in the beautiful and spacious Phoenix Park in Dublin. This was an exhilarating experience for all the travelers.

That same evening, March 14, the night before our departure, there was a testimonial dinner at Jury's Hotel in Dublin. All of the American officials, including Ambassador McCloskey, the entire flight group and Irish municipal and national officials were there.

It was my privilege on that occasion to convey this message from President Johnson:

> I am pleased to learn that you and a large group of distinguished citizens of New Jersey will be in Dublin this weekend to participate in St. Patrick's Day ceremonies.
>
> We in America have observed St. Patrick's Day since the founding of our country, and we are all aware of the close bonds that have existed between our country and Ireland. I know that these bonds will endure.
>
> However, I'm sure it is particularly pleasing for Americans to participate in the Feast of St. Patrick on Irish soil.
>
> I therefore wish to take this opportunity to extend my personal good wishes to all those in attendance.

The following morning, Sunday, March 15, the longest St. Patrick's Day parade in history was held.

It began at 8 a.m. at historic College Green in Dublin. Led by a civic guard police detail assigned by Commissioner Daniel Costigan and by the colorful Emerald Isle Girls' Piper Band, courtesy of the Irish Tourist Board, the contingent of Americans and Irish marched past Trinity College, up O'Connell Street, over the River Liffey bridge, past the Government Post Office, famed as a site in the struggle for Irish independence, past the towering Nelson's Pillar, and on to Parnell Square.

It was a stirring march for all, with the American and Irish flags side by side followed by the New Jersey State flag and tercentenary banner. All along the line of march there were enthusiastic Dubliners cheering us on.

At Parnell Square we boarded buses for the trip to Dublin Airport where the flagship of the Irish International Airlines, a Boeing 707 named *St. Patrick*, was waiting to carry us home.

Hours later, after a pleasant transatlantic flight, we were over Jersey City.

Forty-five minutes after the plane landed, it was my honor to be marching alongside Mayors Whelan and Grogan, the members of the clergy, and officials of the Jersey City St. Patrick's Day Parade Committee.

What a spectacular celebration it was—20,000 marchers and 250,000 spectators braving a bitter March chill to the very end.

I recall these events, more than 3 months after they occurred, because I have seen and continue to see the fine results of a well planned and executed people-to-people project that continues to reap a harvest of international good will.

Results of a Questionnaire

EXTENSION OF REMARKS

OF

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. LATTA. Mr. Speaker, each year I send a questionnaire into my district in order to ascertain the thinking of my constituents on some of the more important issues before the Congress. The response this year was greater than ever. To me, Mr. Speaker, this indicates a growing interest—and growing concern—in what is going on in Washington. This growing interest will make for better legislation and better government.

The results of this questionnaire are as follows:

	Percent	
	Yes	No
Do you favor—		
1. The administration's position on sales of wheat and other commodities to Communist nations (excluding Red China, Cuba, and North Vietnam)?	46.11	53.89
(a) The administration's extension of credit by our Export-Import Bank to cover such sales?	30.14	69.86
2. The late President Kennedy's proposed joint space effort by the United States and Russia to achieve a lunar landing?	30.55	69.45
3. Any relinquishment of control over the Panama Canal to the Panamanian Government through renegotiation of the treaty?	14.33	85.67
4. Withholding voting rights from United Nations members who do not pay their dues or assessments?	93.51	6.49
5. U.S. support of a free Cuban Government-in-exile?	57.57	42.43
6. Legislation to require the registration of all firearms?	54.05	45.95
7. The administration's compulsory hospitalization plan for the aged to be financed by an increase in social security taxes?	28.34	71.66
8. A voluntary hospitalization-medical plan administered by the States under the Kerr-Mills Act?	59.88	40.12
9. The administration proposal to lower the draft age to 17?	26.15	73.85
10. The abolition of the presidential electoral college?	69.66	30.34
11. A nationwide food stamp program?	27.33	72.67
12. A constitutional amendment to permit pupils to voluntarily recite the Lord's Prayer and read from the Bible in our public schools?	87.15	12.85
13. For farmers only: Do you agree with the administration's plan to put the certificate wheat program into operation without a referendum?	7.44	92.56

The Anniversary of the Birth of Taras Shevchenko, Thursday, June 25, 1964

EXTENSION OF REMARKS

OF

HON. NEIL STAEBLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. STAEBLER. Mr. Speaker, I am happy today to pay tribute to the memory of Taras Shevchenko, national Poet of the Ukraine, who so nobly upheld the individual's right to freedom from tyranny and oppression. We have been asked by President Johnson to build "bridges across the gulf which has divided us from Eastern Europe," and it is to be hoped that this celebration of the 150th anniversary of Shevchenko's birth will serve to remind us that freedom of opinion, of belief, and of the flow of ideas are fundamental to human dignity and happiness and cannot be divided. It was Shevchenko's lifelong struggle for these personal freedoms that makes his poetry of universal appeal. And yet he must always have a particular meaning for Ukrainians for it is through his poetry and humanity that they can continue to discover their own nation.

It is appropriate that at this time there should be unveiled in the Capital of our democracy a statue to this man. Let us never forget that what Shevchenko fought for is the basis of our institutions and our Government.

Mass Transportation and Air Pollution

EXTENSION OF REMARKS

OF

HON. EVERETT G. BURKHALTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. BURKHALTER. Mr. Speaker, the primary problems of more than 350 cities today is mass transportation and the problem of air pollution. No adequate community planning can be done without recognition of the problem of mass transportation plus a realization that this problem is in a state of change today and that we are on the verge of a new age in the moving of millions of people from one location to another. The entire character of mass transportation is changing with the realization that the speed demanded today plus the size of the vehicle required to carry 40 to 200 passengers means that we must abandon any hope of mass transport at the surface level. Mass transportation must be overhead or underneath or some combination of both. We cannot afford to stop vehicles and start for intersections, cross streets and other delaying obstacles. Speed of 50 to 150 miles an hour requires some distance between stations. It requires area parking facilities for automobiles and buses used as feeders. It requires a complete remaking and rethinking of our present plans.

In my State of California we spend $1,250,000 a day on the problem of transportation. We have developed in Los Angeles, and in California, the finest system of freeways today existent in the world. We plan on building many miles more. The engineering skills that we have acquired in the 10 years since the freeways first began to function are available to the National Government, to the State governments, and to other local governing bodies for their use and guidance. We have had considerable Federal assistance in the development of this magnificent system and it is reasonable to suppose that the system is much further advanced today than it would otherwise be and that the solution of the Nation's problems in moving people in "automobiles" is well on its way to solution.

But this problem brings another—air pollution, which we are well on our way to solving. It points up that we can move 80 to 200 people in one vehicle at a speed of 50 to 120 miles, a distance of 3 to 40 miles. This is a problem that this bill, presently before the House, attempts to assist in solving.

It provides for Federal financial assistance either in grants or loans for the development of facilities and equipment and for planning techniques.

There are approximately 300 cities with populations of 50,000 or more who are concerned with these same problems. It is properly a function of the Federal Government to assist in this financing. With Federal assistance, the knowledge gained is made available for widespread distribution to all cities. With Federal assistance, progress and planning, development of facilities and equipment can be faster. There is no waiting to see what we do next. We are assured that the common good of the population of these 300 cities will be served by the Federal governing body. It is properly the function of the Government to do for the people those things which they cannot do for themselves.

The planning and development contained in this bill is not the particular task of any one of these 300 cities, it is the combined task of all of them. The bill, if passed by this House, assures that we will move forward speedily toward the solution of this problem. If it does not pass, we have 300 cities throughout the Nation attempting to cope with the problem, each in their individual way without central guidance, central financing, or without central direction.

The passage or the failure of this bill could advance our transport problems speedily to proper solution or could delay 10 or 20 years or perhaps indefinitely if we fail to take advantage of this opportunity to support this measure.

It is my sincere hope that when this bill is passed and becomes law that the States, cities, and counties take advantage of the bill; that the traffic engineers and traffic experts, when they start to make their plans for the mass transportation systems will give careful consideration to an integrated system that would include, in my opinion, 60 percent elevated, 25 percent subway, and 15 percent surface in the less populated districts.

The State legislature of California plus advisory committees and elected officials in the cities and rural areas have been studying these problems with interim committees and advisory committees for more than 40 years. They have been assisted in some considerable measure by private interests and financial leaders in this country who want to finance the improvement in mass transportation that now appears inevitable to thinking people.

Many banking houses and corporations with vast financial resources have assisted in the development of the problem. One of the things which has thus far caused considerable delay, and so far this appears to be a stumbling block, is that few mass transportation systems in this country pay their own way with the exception of Cleveland, San Diego, Chicago, and Berkeley, Calif.

No financial house is interested in investing money in a losing venture. All of the transport systems have to have municipal, State, or Federal financing. They must have Federal financing or a subsidy of some kind from a government body.

Private financial institutions plus adequate governmental assistance can insure sound financing, attractive to private institutions. This is one of the things we seek to solve in this bill. This bill would provide an opportunity to assist in the proper financing of the modern system of today.

Remarks of the Honorable Carl Vinson, of Georgia, Before the National Guard Association of the United States and the National Guard of the State of Georgia, June 24, 1964

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. RIVERS of South Carolina. Mr. Speaker, last night the National Guard Association of the United States and the National Guard of the State of Georgia honored our distinguished, incomparable colleague, the Honorable CARL VINSON. It was an occasion that those of us who were privileged to attend will never forget. Our beloved Speaker, the Honorable JOHN MCCORMACK, began the testimonials with a stirring, sincere, and highly deserved tribute to Mr. VINSON. After that, Maj. Gen. James Cantwell, president of the National Guard Association of the United States, and former Governor Vandiver, on behalf of Gov. Carl Sanders, of Georgia, presented awards, citations, and trophies in behalf of the entire National Guard and the Georgia National Guard.

Then the chairmen of all chairmen responded. I believe his remarks should be preserved for future generations because they all have deep meaning and significance and, therefore, Mr. Speaker, the brief remarks spoken by the Honorable CARL VINSON on the occasion of the testimonial given by the National Guard Association of the United States in his honor, follows:

REMARKS OF HON. CARL VINSON, OF GEORGIA

General Cantwell, Governor Vandiver, General Hearn, distinguished guests, ladies, and gentlemen, words are inadequate to express to you the deep emotion I feel on this occasion.

I am most grateful to you, General Cantwell and Governor Vandiver, for your kind and complimentary remarks concerning my service in the Congress of the United States.

I am not deserving of the high honor you pay me.

Throughout the years I have merely done what I thought was my duty, bearing always in mind that the paramount duty of government is self-preservation.

Let me say that I appreciate from the bottom of my heart the magnificent desk that will be presented by the National Guard Association of the United States to the library in my hometown of Milledgeville, Ga., which is named in memory of my wife.

I want to express my very deep appreciation to the National Guard Association for this truly thoughtful gift. Governor Vandiver and General Hearn, please accept my heartfelt thanks for the plaque that will be placed on the desk, and for the Georgia National Guard Meritorious Award, the citation that accompanied it, and the beautiful trophy. I shall cherish them with all my heart.

I am also most grateful to each and every one of you for being here tonight, and I am especially happy that my friends from Georgia are here.

As all of you know, I have been associated with legislation dealing with our armed services for almost half a century and have tried to be of some constructive and beneficial service to the security of the Nation.

Tonight I do not intend to trespass on your patience with a long speech on the accomplishments of the National Guard.

There is little that anyone can add to your glorious record.

Suffice it to say, the National Guard is one of the strongest arms of our national defense.

From the founding of our Nation, the forerunner of the National Guard was the organized militia, composed of citizen-soldiers—which is the keystone of the National Guard.

Our citizen-soldiers have participated in every war in which we have been engaged.

Congress officially recognized the National Guard as the organized militia in 1903.

And then, again, Congress, in 1916, provided the Guard with its charter. At that time, I was a Member of Congress and I supported that legislation and contributed my part in its enactment.

The National Guard has had its ups and downs. It's been threatened, and it's been praised; it's been condemned, and it's been lauded.

There are some who would abolish it. There are others who would enlarge it.

But, I have an idea that the National Guard will still retain its dual status as our organized militia and the first reserve line of defense for the Nation as long as there is a United States.

The greatness of the National Guard is its citizen-soldier character and its unique dual status with its Federal recognition and its State personality.

The people know and understand the citizen-soldier.

They are proud of the 4,406 Army National Guard units and the 700 Air National Guard units that will be found in every State of the Union.

Throughout the length and breadth of the Nation there are 2,807 villages, towns, and cities that point with pride to their National Guard armories, where our citizen-soldiers leave their civilian occupations and meet for drilling and instruction.

There are 461,138 of these citizen-soldiers actively participating in National Guard units being trained and readied to defend the Nation when they are called for duty by the Federal Government.

The entire National Guard system is accepted by the American people, for they cherish the fact that it is their own militia, under complete State jurisdiction, but also ready for national service whenever the Guard is federalized.

No one can question the courage and accomplishments of our National Guard for it has an attribute that no one can deny.

Whenever it is challenged, it can point to a glorious record and a magnificent history.

In fact, how well do I remember when the Rainbow Division was formed in 1917, made up exclusively of National Guard units from 26 States, and the glorious record it wrote in the pages of history.

On every occasion, both in States service, or when federalized, the National Guard has met its responsibility.

When the chips are down, the National Guard will be there ready, willing, and able to defend the Nation as it has from the beginning.

All Americans are proud of our National Guard.

It has always been, and will always remain, the first reserve line of defense.

When the dark clouds of war begin to gather, the National Guard stands ready and trained to once again defend the Nation from her enemies.

Mr. Chairman, as I said at the outset, I am truly not deserving of the great tribute you have paid me.

But I shall never forget this happy event, and your extremely gracious thoughtfulness.

The memory of this evening will stay with me to the end of my days.

Radio Station WCFL, Chicago, Celebrates 38th Birthday

EXTENSION OF REMARKS

OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1964

Mr. FINNEGAN. Mr. Speaker, this Friday, June 26, radio station WCFL in Chicago, the Voice of Labor, will celebrate its 38th birthday. It is most fitting and with great pleasure that I take this occasion to extend my congratulations and best wishes to WCFL, its board of governors, and its competent and hard working staff.

The board of governors, which has the responsibility of overall operation of the station, is headed by my good friend and the friend of all laboring men, William A. Lee, as chairman. Bill Lee, whose principal position is president of the Chicago Federation of Labor, comes well equipped to give leadership and direction to the station. He is assisted by four of the ablest union leaders in the Midwest if not the whole country: William L. McFetridge, president, Chicago Flat Janitors Local 1, and vice president, AFL–CIO; Thomas E. Faul, secretary-treasurer, CFL–IUC; Stanley Johnson, executive vice president, Illinois State AFL–CIO; and Daniel J. McNamara, president, Division 241 of the Amalgamated Transit Union, and member of the CFL–IUC executive board.

The manager of WCFL is Thomas J. Haviland and the program director is a namesake of mine, Bob Finnegan.

WCFL is the first and now the only radio station in the Nation owned and operated by organized labor. This 50,000-watt station, on the air 24 hours a day, is the proud possession of the half-million families of the Chicago Federation of Labor and Industrial Union Council. WCFL broadcasts more sports in Chicago than any other station, operating a vast White Sox baseball network of 80 stations reaching down into southern Florida and southwest to San Antonio, Tex. Recently affiliated with the Mutual Broadcasting System, WCFL is dedicated to airing fast, comprehensive news from all over the world, and it features good music. In accordance with its objectives of service to labor, to the community, and to the Nation, WCFL broadcasts traffic information, safe driving tips, as well as programs for labor and special services for unions and civic organizations. On countless occasions WCFL has contributed to the success of community projects by bringing them to the attention of the listening public.

BIRTH OF A STATION

Resolved, That the executive board of the Chicago Federation of Labor investigate the possibilities of radio to the end that a broadcasting station for the benefit of organized labor may be erected.

With this modest resolution, adopted by the delegates to the Chicago Federation of Labor in March 1923, originated an idea that in 3 years time would produce WCFL's maiden broadcast.

Edward Nockels, the Federation's secretary, requested the job of heading up a committee to investigate the possibility of, and the procedure for setting up, the "Voice of Labor." As Nockels delved into the tremendous task of masterplanning the project, representatives of Chicago's labor community began to close ranks behind the resolution. One delegate declared:

> Radio has become universal and is rapidly being converted into an instrument of propaganda. The Chicago Federation of Labor with its large membership should be able to establish a radio station that would be the pride and inspiration of the labor movement.

One of the major tasks facing Nockels was to reach into the many local unions which comprised the Chicago Federation of Labor to arouse grassroots enthusiasm and support. At the same time he had other hurdles to overcome in his efforts to secure from the Federal Radio Commission and from Congress a favorable decision on the licensing of the station. Into the union halls across Chicago went the message that organized labor needed a radio station to "speak out for the worker and consumer on the paramount issues facing the Nation." The problem of financing the radio station was placed squarely on the shoulders of the rank and file, and over 100,000 members responded with pledges of $2 each. The necessary equipment was purchased, facilities for the studios and transmitter at the Navy pier were leased from the city, and the operation was completed and successfully tested on June 19, 1926. One week later on the evening of June 26, WCFL inaugurated its broadcasting and pledged itself to the service of the trade union movement and the community. To Secretary Nockels and to all those who supported and encouraged his remarkable achievements, "a rising voice of thanks was tendered."

Over the years since 1926, the Voice of Labor, under the able and progressive direction of the Chicago Federation of Labor, expanded and developed into one of the Nation's truly great radio stations. On the occasion of WCFL's 35th birthday in 1961, President Lee praised the station and renewed its pledge to serve the community.

It would be impossible to list here the achievements of WCFL. Countless local unions have been helped in their organizing work. The station has opened its microphones to an endless variety of community and educational projects. These activities are a natural expression of labor's interest in education and civic betterment. In addition, we have provided a broad variety of entertainment.

As we express our gratitude to those whose sacrifices helped create WCFL, we all pledge to continue the station's operation in their tradition. Service to labor, service to the community, service to the Nation—these have been and will remain the objectives of station WCFL.

WCFL has moved from the original studios at the Navy pier and is now located at 666 North Lake Shore Drive. New facilities will soon be in operation at Marina City—the new, beautiful, and unique apartment and business complex, built and financed with union funds. Those locations, all within my congressional district, make me especially proud of WCFL's progress and achievements.

I am sure that the many thousands of people in Chicago and throughout the Midwest, who deeply appreciate the outstanding public service which WCFL has performed, join with me in saluting them on their 38th birthday, and we all hope that they will be around for many more.

SENATE

FRIDAY, JUNE 26, 1964

The Senate met at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, with silenced hearts listening for Thy voice, we wait for Thy word, for in Thee only do we find light for life's meaning, wisdom for life's questions, strength for its duties, and courage for its unknown ways.

In these vernal days, thrilling and throbbing with the gardened loveliness of nature, standing knee deep in summer glory, we thank Thee for every sacrament of beauty of which our enraptured senses partake.

In all the anguish of the world's confusion and uncertainty, save us from being little persons in a big day. Forgetting the unworthy things that are behind, and stretching forth to the better things of a fairer world which are before, enable us to lay aside the weight of prejudice and the sins of covetousness that do so easily beset us, as with glad and eager feet we march with those who go to free, not to bind; to develop, not to rule; to cooperate, not to dominate; until the knowledge of the Lord, who is no respecter of persons, shall at last cover the earth as the waters now cover the sea.

In the Redeemer's name we ask it. Amen.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 25, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 6) to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6007. An act to permit the vessel *SC-1473* to engage in the fisheries;

H.R. 9021. An act to authorize the conveyance of two tracts of land situated in Salt Lake City, Utah, to the Board of Education of Salt Lake City;

H.R. 11004. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.R. 11235. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile; and

H.R. 11257. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 300) authorizing the disposal of approximately 98,000 long tons of pig tin from the national stockpile, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 6007. An act to permit the vessel *SC-1473* to engage in the fisheries; to the Committee on Commerce.

H.R. 9021. An act to authorize the conveyance of two tracts of land situated in Salt Lake City, Utah, to the Board of Education of Salt Lake City;

H.R. 11004. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act;

H.R. 11235. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 11 million pounds of molybdenum from the national stockpile; and

H.R. 11257. An act to authorize the sale, without regard to the 6-month waiting period prescribed, of lead proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 300) authorizing the disposal of approximately 98,000 long tons of pig tin from the national stockpile was referred to the Committee on Armed Services, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended, 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately ninety-eight thousand long tons of pig tin.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. HUMPHREY. Mr. President, I ask unanimous consent that statements during the morning hour be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC WORKS COMMITTEE MEETING DURING SESSION OF THE SENATE TODAY

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

AUTHORIZATION FOR APPROPRIATIONS COMMITTEE MEETINGS DURING WEEK OF JUNE 29

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized to meet during the sessions of the Senate for the week beginning June 29, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR PUBLIC WORKS COMMITTEE MEETINGS DURING WEEK OF JUNE 29

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Public Works be authorized to meet during the sessions of the Senate for the week beginning June 29, 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN RELATIONS COMMITTEE MEETING DURING SENATE SESSIONS, WEEK OF JUNE 29, 1964

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Foreign Relations was authorized to meet during the sessions of the Senate next week.

INTERIOR AND INSULAR AFFAIRS COMMITTEE MEETING DURING SENATE SESSIONS, WEEK OF JUNE 29, 1964

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate beginning the week of June 29, 1964.

LABOR AND PUBLIC WELFARE COMMITTEE MEETING DURING SESSIONS OF THE SENATE, DURING WEEK OF JUNE 29, 1964

Mr. HUMPHREY. Mr. President, I ask unanimous consent that in the week beginning on Monday, June 29, the Committee on Labor and Public Welfare be authorized to meet during the sessions of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate until Monday next, the Secretary may receive messages from the House, and that the President pro tempore or the Acting President pro tempore be authorized to sign bills and joint resolutions duly passed by the two Houses and found truly enrolled.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, starting with those in the Department of Defense.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

George E. Bock, and sundry other persons, for personnel action in the regular corps of the Public Health Service;

Peter E. Dans, and sundry other persons, for personnel action in the regular corps of the Public Health Service;

Pasquale J. Ciccone, and sundry other persons, for personnel action in the regular corps of the Public Health Service; and

G. Gilbert Ashwell, and sundry other persons, for personnel action in the regular corps of the Public Health Service.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar, beginning with those in the Department of Defense, will be stated.

DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of John T. McNaughton, of Massachusetts, to be an Assistant Secretary of Defense.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Solis Horwitz, of Pennsylvania, to be an Assistant Secretary of Defense.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF THE ARMY

The Chief Clerk read the nomination of Daniel M. Luevano, of California, to be an Assistant Secretary of the Army.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF THE NAVY

The Chief Clerk read the nomination of Robert Warren Morse, of Rhode Island, to be Assistant Secretary of the Navy.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF THE AIR FORCE

The Chief Clerk read the nomination of Leonard Marks, Jr., of California, to be an Assistant Secretary of the Air Force.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. AIR FORCE, U.S. ARMY, AND U.S. NAVY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the nominations in the U.S. Air Force, the U.S. Army, and the U.S. Navy be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

The Chief Clerk read the nomination of James A. Washington, Jr., of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term 3 years expiring June 30, 1967.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE AIR FORCE AND THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Air Force and the Marine Corps, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

CERTAIN NATIONAL GUARD PROMOTIONS

Mrs. SMITH. Mr. President, in connection with the nomination of the four National Guard officers to the grade of major general acted upon by the Senate today, I desire to have the RECORD show the shocking manner in which the Department of the Army was guilty of legislative oversight and flouted the action of the Committee on Armed Services during the past year after that committee had rejected these four nominees for promotion from the rank of colonel to major general.

When the committee rejected such double promotion, the Army then sent the nominations back in the grade of brigadier general and the committee then approved the nominations. But in the meantime, the Army withheld from the committee the information that despite the committee's rejection of the four nominees in the grade of major general the Army continued them in that grade receiving the pay of major general and wearing the uniform and insignia of major general.

This is one of the worst breaches of faith on the part of the Department of the Army and the Department of Defense that I have ever experienced. I do not know who is responsible for such breach of faith, but I do know that it not only shocked me but it shocked the chairman of the committee as well for he expressed his shock yesterday in the executive session of the committee when I brought this matter up.

In legal terms, this action on the part of the Department of the Army and the National Guard is nothing less than a slick, shyster trick that reflects on the integrity of the Department of the Army. Whoever dreamed it up certainly did a disservice to the Department of the Army in the ultimate impairment of the committee's confidence in the Department.

I ask unanimous consent to place in the body of the RECORD at this point a statement that I made at the meeting of the Committee on Armed Services yesterday, together with letters I received from the Secretary of the Army and the Chief of the National Guard Bureau.

There being no objection, the statement and letters were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SMITH BEFORE THE SENATE COMMITTEE ON ARMED SERVICES

Mr. Chairman, I would like to make a brief statement regarding nomination reference No. 196, which contains the names of the four brigadier generals—Harrison, Hostetler, Stevenson, and White—for appointments as major generals in the Army Reserve as a result of their positions as adjutant general of their respective States.

I would first like to say that my purpose in making this statement is not to oppose the list, but to point out certain events which have occurred since the committee's action last year and set forth certain changes which the Army has made in its regulations.

As the committee will recall, these four officers were federally recognized as major generals in the Guard on March 12, 1963, and their nominations for appointment in the Army Reserve were submitted to the Senate for confirmation in July of last year. Since these officers held only the rank of colonel, the committee indicated it would approve only a one-jump promotion to the grade of brigadier general. The two-star nominations, as you know, were withdrawn and their one-star nominations were subsequently submitted and confirmed in November of last year. As a result of the committee's action, the Army regulations have been revised to prevent any further two-jump promotions.

Some weeks ago, in a discussion with National Guard officials, I was dismayed to learn that the Army never withdrew Federal recognition of these four officers as major generals in the Army Guard. Since, legally, the drill pay and the rank and uniform of Guard officers is based on their federally recognized rank, these four officers since March of 1963 have continued to receive drill pay of the two-star rank and wear the uniform of a major general. The committee's action last year in refusing the two-jump promotions had no effect on the current status and appears to have been an exercise in futility. Appointments of adjutants general in the Reserve affects only their retirement rights and the rank they would serve in if called to extended active duty.

In a letter dated May 15, 1964, to me from General Wilson, Chief of the National Guard Bureau, it is stated: "The appointment as Reserve brigadier generals did not alter the fact that they had been properly federally recognized as major generals in the National Guard, nor did it provide a legal basis for withdrawal of Federal recognition in that grade." While I do not wish to debate this point, the records should reflect the fact that Army regulations provide that there will be a withdrawal of the Federal recognition when the Adjutant General of the Army fails to appoint a National Guard officer as a Reserve officer of the Army within a reasonable time after Federal recognition has been granted. (National Guard Regulation 20-4, sec. 3(n).)

At this point, Mr. Chairman, I would like to say that it is my impression that General Wilson himself did not favor these officers continuing to receive two-star pay after last year's committee action. Apparently, however, there were other pressures that prevailed at the secretarial level in the Army.

I would like to point out to the committee that under such a policy the committee could reject an officer's nomination in the Reserve because of lack of qualifications or for other reasons, but as a result of continuous Federal recognition, he would continue to enjoy the pay and the uniform of the rank in which the committee rejected him.

I continued to pursue this matter, Mr. Chairman, and on June 17, 1964, I received a letter from Secretary of the Army Ailes stating that Army regulations have been changed with respect to National Guard general officers. Henceforth, a Guard officer will be given permanent Federal recognition only after his Reserve rank has been confirmed by the Senate. His initial Federal recognition will be temporary. The Federal recognition of his Guard rank will be withdrawn unless his appointment in the Reserve in that rank is confirmed by the Senate within 6 months.

Mr. Chairman, there still remains a number of areas in which the National Guard officer enjoys an advantage over his counterpart in the Reserve who is not a member of the National Guard.

(a) Even under this proposed temporary Federal recognition process, the National Guard officer will get the drill pay of the higher grade when federally recognized and wear the uniform, as compared to the Reserve officers who must wait until actual appointment in the higher grade.

(b) It should also be noted that a brigadier general nominated for two-star rank as adjutant general is required to remain in the grade of brigadier general only 1 year before he is elgible for two-star rank. Other Reserve brigadier generals must remain in grade 2 years before being eligible for two-star rank.

I recognize, however, Mr. Chairman, the progress in this general area is made in small steps. I did want to bring to the attention of the committee the change in the Army regulation which will in the future provide further conformity with any actions the committee might take.

Hon. MARGARET CHASE SMITH,
U.S. Senate.

DEAR SENATOR SMITH: General Wilson has discussed with me your letter of May 22, concerning the Federal recognition of Army National Guard officers in general officer grades.

Your feelings in this regard, as elaborated on in your letter to General Wilson, are fully understandable. At my direction the applicable regulation was reviewed and changes have been approved which will enable permanent Federal recognition to be extended to an officer appointed in the Army National Guard of any State as a brigadier general or major general only after his nomination as a Reserve officer of the Army in that grade is confirmed by the Senate. If the nomination is not confirmed, his temporary Federal recognition will be withdrawn. Temporary Federal recognition will expire 6 months from the effective date if it is not sooner replaced by permanent Federal recognition.

Attached for your information is an extract copy of the pertinent changes.

Your continued interest is appreciated, and both General Wilson and I hope that you will find the regulation revisions outlined to be more compatible with the desires of the Senate Armed Services Committee.

Sincerely,

STEPHEN AILES,
Secretary of the Army.

EXTRACT COPY OF CHANGES TO NGR 20-2, PERTAINING TO FEDERAL RECOGNITION OF ARMY NATIONAL GUARD GENERAL OFFICERS

"4. Temporary Federal recognition. (Superseded) Temporary Federal recognition may be extended to an officer who has been appointed in the Army National Guard of a State and found qualified by a Federal Recognition Board pending a final determination of his eligibility for, and his appointment as, a Reserve commissioned officer of the Army. Temporary Federal recognition is granted by the Federal Recognition Examining Board except that the Chief, National Guard Bureau, will extend temporary Federal recognition to applicants for Federal recognition as general officers who are found qualified by the Board and approved by the Secretary of the Army. Such recognition may be withdrawn at any time, and if not sooner withdrawn or replaced by permanent recognition, shall automatically terminate six months after the effective date (32 USC 308). If a general officer nomination is not confirmed by the Senate, Temporary Federal recognition will be withdrawn.

* * * * *

"17. Disposition. After action by the Secretary of the Army, report will be referred to the Chief, National Guard Bureau, who will notify the officers concerned. Temporary Federal recognition will extended by the Chief, National Guard Bureau, to those officers found qualified by the Board and approved by the Secretary of the Army. Temporary Federal recognition will expire 6 months from the effective date, if not sooner terminated or replaced by permanent Federal recognition. Permanent Federal recognition will be extended after Senate confirmation of appointment. If an individual is not confirmed by the Senate, temporary Federal recognition will be withdrawn."

MAY 15, 1964.

Hon. MARGARET CHASE SMITH,
U.S. Senate.

DEAR SENATOR SMITH: This is in reply to your inquiry of April 21, 1964, as to the legal basis under which four Army National Guard officers whose appointments as Reserve brigadier generals of the Army were confirmed by the Senate are authorized to wear the insignia of major generals of the Army, and to receive the pay and allowances appropriate to that grade for training performed under authority of Federal law.

A member of the National Guard is entitled to one-thirtieth of 1 month's pay for each day of authorized inactive duty training as provided by section 206 of title 37, United States Code. Full-time training duty performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, authorized by section 503-505 of title 32, United States Code, is active duty for the purposes of section 204 of title 37 (37 U.S.C. 204(d)). The basic pay to which a member of the National Guard is entitled while performing duty under sections 503-505 of title 32, United States Code, is that of his federally recognized grade.

Before the National Defense Act amendments of June 15, 1933 (48 Stat. 153), there was no National Guard of the United States and the only basis for pay and other benefits was Federal recognition. Despite the fact that, between 1933 and 1952 federally recognized officers were also appointed in the National Guard of the United States, and after 1952 as Reserves of the Army or of the Air Force as appropriate, their entitlement to pay and allowances continues to be based upon Federal recognition. Pointing up this fact is the provision in section 204(a)(2) of title 37, United States Code, for paying members of the National Guard who are not Reserves of the Army or Air Force. Thus, a second lieutenant with no prior service is entitled to pay and allowances for authorized inactive duty or full-time duty performed by him from the date of Federal recognition and while awaiting his Reserve of the Army appointment.

Wearing of the uniform of the Army, including insignia of grade, is governed by chapter 45 of title 10, United States Code. Section 772(a) provides "a member of the Army National Guard * * * may wear the uniform prescribed for the Army National Guard." Army National Guard is defined in section 101(10) of title 10, United States

Code, as that part of the organized militia that is federally recognized. Accordingly, when an officer is appointed by State authorities in accordance with article I, section 8, clause 16, of the Constitution and is federally recognized by the Secretary of the Army, he is an officer of the Army National Guard and is authorized to wear the insignia of the grade in which recognized.

Colonels Harrison, Hostetler, Stevenson, and White were each appointed by State authorities to the grade of major general. They were federally recognized by the Secretary of the Army in that grade on March 12, 1963, based upon the findings and recommendations of the Army National Guard Federal Recognition Examining Board. As a separate and subsequent action on July 17, 1963, the nominations of these four ARNG colonels for appointment as Reserve commissioned officers in the grade of major general, Adjutant General Corps, were forwarded to the Senate for confirmation.

The regulations had recently been revised to comport with the information furnished to Senator RICHARD B. RUSSELL, chairman of the Senate Committee on Armed Services, by Deputy Secretary of Defense Gilpatric in his letter of July 18, 1961. In that letter it was said, "Officers in the grade of colonel and above who are appointed as adjutants general will be required to be fully qualified as indicated above to be eligible for Federal recognition but may be extended Federal recognition and promotion in the Reserve to the grade of brigadier general or major general. This means that the only authorization for promotion of over one grade at a time will be in the case of colonels being promoted to major general."

Following consideration by the U.S. Senate Committee on Armed Services of the nomination of these four officers for appointment as Reserve major generals of the Army (they theretofore having been federally recognized in that grade), Senator RUSSELL, as chairman of the committee, wrote the then Secretary of the Army, informing him that the committee agreed that these officers should not be appointed as major generals but that it would approve their "appointment * * * in the rank of brigadier general in the Army Reserve."

The chairman suggested that the names of the officers be withdrawn and that "their nominations for appointment in the grade of brigadier general in the Army Reserve" be resubmitted.

Following this suggestion, the initial nominations were withdrawn, nominations for their appointment as Reserve brigadier generals of the Army were submitted, and the consent of the Senate was granted. The appointment as Reserve brigadier generals did not alter the fact that they had been properly federally recognized as major generals in the National Guard, nor did it provide a legal basis for withdrawal of Federal recognition in that grade.

Based upon the desires expressed by the committee in Senator RUSSELL's letter of October 10, 1963, pertinent regulations were again changed to preclude the future possibility of promotion of colonels appointed as State adjutants general to the grade of major general. Under current regulations, a colonel may not be federally recognized in a grade above brigadier general, thereby assuring that the individual's federally recognized grade will coincide with the grade in which he is to be appointed as a Reserve of the Army.

The situation whereby these four officers were federally recognized in the grade of major general (which entitled them to wear the insignia and to receive pay and allowances of that grade) without having had their nominations for appointment as Reserves of the Army in that grade submitted to the Senate will not again occur. However, Federal recognition must necessarily precede the tender of appointment as a Reserve of the Army, and in the interim between the date of Federal recognition and confirmation by the Senate the individual will continue to be entitled to pay, allowances, and to wear the insignia of the federally recognized grade.

Sincerely,

WINSTON P. WILSON,
Major General,
Chief, National Guard Bureau.

REAR ADM. HORACE D. WARDEN

Mr. MANSFIELD subsequently said: Mr. President, earlier today, the Senate confirmed the nomination of Horace D. Warden, of Montana, to be a rear admiral in the Medical Corps of the U.S. Navy. My distinguished colleague, Senator METCALF, and I know Admiral Warden well and we have great respect for the man as a person of integrity, intelligence, and capability. Our acquaintance goes back some 30 years, when Senator METCALF, Rear Admiral Warden, and I were at Montana State University together.

I wondered how long it would take the Navy to recognize this man's outstanding medical capabilities. I am glad that at long last his merits have been recognized and that the Navy and the President of the United States have recommended that he be appointed a rear admiral and that the Senate has unanimously followed suit in seeing that the nomination of Admiral Warden was confirmed.

Admiral Warden is the 14th or 15th admiral from the State of Montana in the period beginning with the Second World War and down to the present. He is a wise choice. He is a great man. He is an eminent and devoted doctor.

I know this will be a great moment for Admiral Warden and his wife, the former Joy Browning.

Mr. METCALF. Mr. President, I want to concur in the remarks of my distinguished colleague, the majority leader, in praise of Admiral Warden. He has been a friend since he and I attended Montana State University together. Mrs. Warden was a sister of my next door neighbor here in Washington. I visited with them.

Admiral Warden was an outstanding medical officer and served with President Truman on the presidential yacht. He has now embarked on a career in space medicine, and will have a distinguished career in that field.

All of us in Montana are proud of his accomplishments.

Mr. MANSFIELD. Mr. President, I thank my colleague for his pertinent remarks.

LEGISLATIVE SESSION

On motion by Mr. HUMPHREY, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN DELAWARE, MARYLAND, GEORGIA, AND MISSOURI

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Marshyhope Creek, Delaware and Maryland, Mill Creek, Georgia, Turtle River, Georgia, and Wellington-Napoleon watershed, Missouri (with accompanying papers); to the Committee on Agriculture and Forestry.

DRAFTS OF PROPOSED LEGISLATION RELATING TO INSPECTION ACTIVITIES UNDER FEDERAL MEAT INSPECTION AND HUMANE SLAUGHTER LAWS AND POULTRY PRODUCTS INSPECTION ACT

A letter from the Secretary of Agriculture, transmitting two drafts of proposed legislation, as follows:

1. To provide for collection and deposit of fees and charges for inspection and services under laws relating to Federal inspection of meat and meat-food products, humane slaughter of animals, and for other purposes; and

2. To amend the Poultry Products Inspection Act to require charging of fees, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON UNJUSTIFIED DISPOSAL OF AIRCRAFT PARTS

A letter from the Comptroller General of the United States, transmiting, pursuant to law, a report on the unjustified disposal of aircraft parts, Department of the Army, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON VETERANS CANTEEN SERVICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the veterans canteen service, Veterans' Administration, for the fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CERTAIN ASSISTANCE UNDER PUBLIC WORKS ACCELERATION ACT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on assistance under the Public Works Acceleration Act to areas no longer burdened by substantial unemployment, Area Redevelopment Administration, Department of Commerce, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INEFFECTIVE ADMINISTRATION AND CONTROL OF TRAVEL ADVANCES AND PURCHASE OF TRANSPORTATION, DEPARTMENT OF LABOR

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration and control of travel advances and purchase of transportation, Department of Labor, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS TO THE GOVERNMENT THROUGH THE LEASING OF CERTAIN ELECTRONIC DATA PROCESSING SYSTEMS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government through the leasing of electronic data processing systems by the operating contractor, Aro, Inc., Arnold Engineering Development Center, Arnold Air Force Station, Tenn., Department of the Air Force, dated June 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON NEGOTIATIONS IN APPRAISAL OF LANDS ON THE THIRD DIVISION OF THE RIVERTON PROJECT, WYOMING

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on negotiations in the appraisal of lands on the third division of the Riverton project, Wyoming (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PLANS FOR WORKS OF IMPROVEMENT IN GEORGIA, KANSAS, MAINE, AND OHIO

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Hiawassee River, Georgia, Muddy Creek, Kansas, Presque Isle Stream, Maine, and West Fork Duck Creek, Ohio (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, with an amendment:

H.R. 11049. An act to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes (Rept. No. 1121).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1186. A bill to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands (Rept. No. 1122).

By Mr. BYRD of Virginia, from the Committee on Finance, with an amendment:

H.R. 2434. An act to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with with an enemy, and for other purposes (Rept. No. 1123).

ADDITIONAL FUNDS FOR COMMITTEE ON LABOR AND PUBLIC WELFARE—REPORT OF A COMMITTEE

Mr. HILL, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 334); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Labor and Public Welfare is hereby authorized to expend from the contingent fund of the Senate, during the Eighty-eighth Congress, $5,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BOGGS:

S. 2953. A bill for the relief of Dr. Chong Hyok Un; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 2954. A bill for the relief of Jordan V. Peyev; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 2955. A bill to amend section 4216 (relating to the definition of price) of the Internal Revenue Code of 1954; to the Committee on Finance.

(See the remarks of Mr. McCARTHY when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY (for himself and Mr. HUMPHREY):

S. 2956. A bill to amend title 28 of the United States Code, so as to provide for the appointment of one additional district judge for the district of Minnesota; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2957. A bill to provide for the conveyance of certain mineral rights to Joseph C. Sandberg and Anna Marie Sandberg; to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 2958. A bill to conserve the human and natural resources of the Nation; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. NELSON when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

ADDITIONAL FUNDS FOR COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. HILL, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 334) providing additional funds for the Committee on Labor and Public Welfare, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. HILL, which appears under a separate heading.)

TO PRINT AS A SENATE DOCUMENT WITH ADDITIONAL COPIES A REPORT ENTITLED "MINERALS AND WATER RESOURCES IN NEVADA"

Mr. CANNON submitted the following resolution (S. Res. 335); which was referred to the Committee on Rules and Administration:

Resolved, That the report entitled "Mineral and Water Resources in Nevada", prepared by the United States Geological Survey and the Nevada Bureau of Mines, shall be printed as a Senate document. There shall be printed 5,000 additional copies of such Senate document which shall be for the use of the Members of the Senate from the State of Nevada.

AMENDMENT OF SECTION 4126 OF INTERNAL REVENUE CODE OF 1954

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a bill dealing with the amendment of section 4216 of the Internal Revenue Code. I ask unanimous consent that the bill, together with an explanation of the purpose of the bill, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and explanation will be printed in the RECORD.

The bill (S. 2955) to amend section 4216 (relating to the definition of price) of the Internal Revenue Code of 1954, introduced by Mr. McCARTHY, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4216(b) of the Internal Revenue Code of 1954 (relating to the determination of "constructive sale price") is amended to read as follows:

"(b) CONSTRUCTIVE SALE PRICE.—

"(1) IN GENERAL.—If an article is—

"(A) sold at retail,

"(B) sold on consignment, or

"(C) sold (otherwise than through an arm's length transaction) at less than the fair market price,

the tax under this chapter shall (if based on the price for which the article is sold) be computed on the price for which such articles are sold, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate. In the case of an article sold at retail, the computation under the preceding sentence shall be on whichever of the following prices is the lower: (i) the price for which such article is sold, or (ii) the lowest price for which such articles are sold to wholesale distributors, in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Secretary or his delegate. This paragraph shall not apply if paragraph (2) applies.

"(2) SPECIAL RULE.—If an article is sold at retail, to a retailer, or to a special dealer (as defined in paragraph (3)), and if—

"(A) the manufacturer, producer, or importer of such article regularly sells such articles at retail, to retailers, or to special dealers, as the case may be,

"(B) the manufacturer, producer, or importer of such article sells such articles to one or more wholesale distributors (other than special dealers) in arm's length transactions and he establishes that his prices in such cases are determined without regard to any tax benefit under this paragraph,

"(C) in the case of articles upon which tax is imposed under section 4061(a) (relating to automobiles, trucks, etc.), 4191 (relating to business machines), or 4211 (relating to matches), the normal method of sales for such articles within the industry is not to sell such articles at retail or to retailers, or combinations, thereof, and

"(D) the transaction is an arm's length transaction, the tax under this chapter shall (if based on the price for which the article is sold) be computed on whichever of the following prices is the lower: (i) The price for which such article is sold, or (ii) the lowest price for such articles are sold by such manufacturer, producer, or importer to wholesale distributors (other than special dealers).

"(3) SPECIAL DEALER.—For purposes of paragraph (2), the term "special dealer" means a distributor of articles taxable under section 4121 who does not maintain a sales force to resell the article whose constructive price is established under paragraph (2) but relies on salesmen of the manufacturer, producer, or importer of the article for resale of the article to retailers."

SEC. 2. The amendment made by this Act shall take effect on the first day of the first calendar quarter which begins more than 60 days after the date of the enactment of this Act.

The explanation presented by Mr. McCARTHY is as follows:

MEMORANDUM IN SUPPORT OF AMENDMENT TO SECTION 4216(b) OF THE INTERNAL REVENUE CODE OF 1954

The purpose of the proposed amendment is to further the congressional objective of equalizing the excise tax imposed upon similar articles sold at different levels of distribution by competing manufacturers so as to equalize the tax burden of the ultimate consumer regardless of the mode of distribution.

The manufacturers excise tax is imposed upon the manufacture and sale of certain articles named in chapter 32 of the code. Where sales are made by the manufacturer in what is considered the normal method of distribution—that is, sales to independent wholesale distributors—the tax, in most cases, is imposed upon the price for which articles are sold. However, there are instances in which it is necessary to construct a price because the sale is made outside the normal method of distribution; for example, sales to retailers, sales at retail to the ultimate consumer, and sales at less than fair market value to a wholly owned selling subsidiary of the manufacturer. For that matter, the tax is also imposed where the manufacturer uses the article rather than selling it. In this case also, of course, it is necessary to construct a price since no price has actually been paid.

This equalization would be accomplished in the case of sales made by a manufacturer directly to retailers or to consumers by providing for a constructive sale price that is comparable to the constructive sale price used by a manufacturer in the case of sales made to a wholly owned sales subsidiary. This constructive price would also be comparable to the tax base used by the manufacturer where a taxable use is made of the article.

The manufacturer's lowest price to independent wholesale distributors has historically been the base used as a constructive price in the case of the tax imposed upon the use of an article by the manufacturer, himself, and, also, in the case of sales by the manufacturer to a wholly owned selling subsidiary. This amendment would accord the same treatment to the manufacturer who sells to retailers or at retail to the ultimate consumer.

It has no purpose other than to achieve this obviously desired goal of uniformity and equality of treatment.

HUMAN AND RESOURCE CONSERVATION ACT OF 1964

Mr. NELSON. Mr. President, I introduce a bill to conserve the human and natural resources of the Nation. Today America faces twin crises: through sheer failure to act we are wasting irreplaceable natural resources at an ever-increasing rate; at the same time there are millions of men who want to work but who cannot find jobs who are wasting their lives in poverty.

I propose we face both crises boldly and that we begin a substantial program to put men to work to conserve our natural resources. Súch a program will at the same time conserve the human resources of the Nation.

America must begin at once to make a massive investment at the local, State, and national level to save our natural resources from destruction. If we fail to act in the few years we have left, we could destroy not only the resources which provide much of the beauty and recreation in our life but our most important, lifegiving resources as well—the water we drink and the air we breathe.

Much of our priceless heritage is already lost. The 200 billion board feet of pine in northern Wisconsin, which could have made this area rich forever, is gone, and heartbreak and financial problems have lingered ever since. A substantial percentage of the rivers of the east are also hopelessly polluted, and the dull gray tide of pollution is slowly spreading over the surface waters of America.

The coastlines of America, the greatest recreational and scenic resource that America has, have been largely ruined by the most vulgar types of commercial exploitation or walled off on private ownership that allows public access to only 2 percent of the coastlines. Much of the true wilderness—our last real link with the world which God created—has been destroyed.

Many of our most beautiful highways have become ugly slums of garish signs and shoddy development.

These resources—gone and never to be replaced—were lost because our optimistic young country believed in what Secretary of the Interior Udall has called "the myth of superabundance." It shocked America to learn that it could run out of timber and land and minerals and scenic vistas and a lot of other things.

Today we face a genuine crisis. To retreat any further threatens America with the kind of resource destruction which turned a green forest into the Sahara Desert, and which made it virtually impossible for China and India to sustain the lives of all their citizens.

Look at some of the chilling facts:

First. Our population is expected to double by the year 2000—which is only 36 years away.

Second. We are presently using water at the rate of 355 billion gallons a day, and encountering serious water shortages in many parts of the Nation. By 1980, experts tell us we will need 600 billion gallons a day—almost twice our present water supply in a scant 17 years, and by the year 2000 we will need almost 900 billion gallons. Meanwhile, the relentless spread of pollution makes more and more water unsuitable for use each day.

Third. Automobiles are creating a nationwide traffic jam which is blighting the landscape of America and chewing up much of the valuable land—land which can never again be used for farms or forests or parks or homesites. The American Automobile Association estimates that our present 68 million passenger cars will increase to 95 million by 1976.

Fourth. The increase in population, in the number of cars and in leisure time is causing a geometric increase in demand on all parks and recreational space. Yet we are making no comparable increase in the amount of space available.

Fifth. Resources for the Future, an outstanding research organization, estimates that there will be 10 times the demand for outdoor recreation in the year 2000 that there was in 1950. The bipartisan report of the Outdoor Recreation Resources Review Commission estimates that at the very least the overall demand for outdoor recreation will treble.

Sixth. Marion Clawson, the expert who made the study for Resources for the Future, estimates that the present 750,000 acres of city and county parks should be doubled right now, just to meet present demand. By the year 2000, we will need 5 million acres, Clawson estimates. The greatest demand of all—for a major increase in national park lands—simply cannot be met because there is no longer that much additional outstanding land available. The result will simply be more overcrowding—and the more unique, the more desirable an area it is, the more it will be crowded and overused.

The conservation crisis can be briefly summarized: our natural heritage of water, timber, and outdoor recreation space is disappearing. It is disappearing at the Federal, State, municipal, county, and private level.

Even as we begin to realize the dimensions of this crisis at all levels of endeavor, we are becoming more and more aware of the crisis of poverty in America. The President has shown that at least a fifth of our Nation lives in unacceptable conditions:

First. During 1962 there were 9.3 million families—or 35 million individuals—with family incomes of less than $3,000.

Second. Three million six hundred thousand of these families were headed by individuals who did not work at any time during the year.

Third. Of the remaining 5.7 million families, the heads of 1.5 million worked at part-time jobs only and 1.8 million work at full-time jobs for less than 50 weeks.

Fourth. Only 2.4 million of the family heads of these families worked full time. There were 6 million people in families with income below $3,000 who were dependent on family heads unemployed for 5 weeks or more.

These are some dimensions of the poverty crisis. Many members of these families are either too ill or too old to work. But many are not; unemployment or underemployment is a most unnecessary and unacceptable facet of American poverty. There is work to do in this country. Nevertheless, we find men without jobs throughout the Nation.

Unemployment is particularly severe in some regions of the country. In Appalachia, for example, there were 380,000 unemployed worker in 1960—7.1 percent of the total work force. What is worse, there are apparently a number of men who simply have withdrawn from the work force out of despair at ever finding a job—for the number of Appalachians either employed or seeking work is 700,000 less than we would expect if Appalachia followed the normal jobseeking patterns of the Nation.

Unemployment is particularly severe among certain groups; the average migrant farmworker, for example, worked at farm labor for only 161 days in 1962. His average earning from farmwork was $874; his average earning for all work was $1,123 per year.

The House Education and Labor Committee estimates that unemployment or underemployment is the major cause of poverty in about half of the 35 million families with incomes of less than $3,000.

The crisis of conservation and the crisis of poverty are completely complementary: to save our natural resources, much work must be done; to save the impoverished of the Nation, jobs are needed. It seems to me we must put men to work to conserve our natural and human resources.

The obvious and simple logic of such a program is recognized in certain parts of the President's antipoverty legislation. The Equal Opportunity Act of 1964 would use a number of youths and unemployed fathers in experimental programs involving conservation work. But this is only a start. I believe that we should embark upon a massive program which would put large numbers of unemployed men to work on the vast backlog of constructive conservation projects.

Today, I am introducing a bill to establish a National Conservation Council with broad authority to utilize unemployed men on much needed conservation projects. In its first year, the Council would have authority to spend approximately $1 billion to employ men throughout the Nation. I estimate that between 100,000 and 125,000 men could be put to work with this amount of money.

This legislation would direct the Chairman of the National Conservation Council to work through existing Federal, State, municipal, and county agencies. It would not involve a new administrative structure. Rather the Council would only supervise a program to be run on the spot by existing agencies at the national and local level.

The most important features of this program are: It can put unemployed, unskilled men to work without further training; it can put the men to work immediately without new administrative structure or new planning; and it will help stem the wasting tide of resource destruction.

What kind of work could be done by unskilled labor?

We could reforest 28 million acres of timberland; embark upon timberstand improvement of another 140 million acres; expand fire protection in another 200 million acres.

We could establish soil and watershed conservation programs on 300 million acres of farmland; embark upon revegetation of the strip mine areas of the Nation.

On western rangelands we could clear brush, spread water and vegetation over 200 million acres of Federal grazing districts and forest service lands.

We could establish and refurbish recreational acres on National and State parks, national forests, and other public lands.

We could establish wildlife habitat and structural improvements on wildlife refuges, expand wildlife cover development on private lands.

The work can be done at all levels of Government activity. The Forest Service, in the Department of Agriculture, estimates that currently there are 70 million acres of unproductive land in need of reforestation by planting and seeding. Another Federal agency, the Department of the Interior, estimates that there are more than 57,000 annual man-years of labor needed in its programs through the National Park Service, Bureau of Land Management, Bureau of Indian Affairs, Bureau of Reclamation, and Bureau of Sport, Fisheries, and Wildlife.

Another Federal agency, the Army Engineers, tells me that a substantial number of workers could be utilized in its programs on public lands. The kinds of work which could be done include: construction of recreational facilities, such as boat launching ramps and docks, buildings, structures, water supply and sanitary systems, safety devices, signs, markers, and so forth; beach improvements, safety devices; landscaping and public use site improvement; roads and parking areas; walks, trails, foot bridges, overlooks, and so forth; shoreline maintenance and improvement.

Fencing recreation areas for exclusion of livestock, construction of cattle guards, and cutting and treating of posts; inspection of fencing; establishing and developing natural areas; timber stand improvement, weeding, thinning, release; roadside cleanup and demonstration areas; establishing fire lanes and protection measures; weed control, cutting and spraying; disease, rodent and pest control, removal, spraying, trapping, cleanup, burning, and so forth; fish and wildlife conservation improvements, small subimpoundments, habitat improvements, food and cover plantings; soil erosion control, drainage improvement, ditching, diking, seeding, sodding, fertilizing, cover planting; establishing nursery stock for landscape plantings; navigation markers and channel improvement for recreational boating; general construction; boundary surveying, monumentation, marking, posting, clearing, maintenance; and collection of basic data on resources and public use.

The kinds of work outlined here for Federal lands can be done on State and local and private lands as well. Indeed, a number of existing Federal programs authorize the use of Federal funds on private lands when there is a substantial public interest. The most obvious example, of course, is the development of watersheds. This necessarily involves the interrelation of both private and public lands. However, much more can be done. The Department of Agriculture informs me that there is a great quantity of work which could be done immediately by unskilled workers in soil and water conservation measures. These include:

Revegetation of critical sediment source areas, including tree planting and permanent grass cover; streambank stabilization, including small stabilizing structures; small impoundments or retardation and sediment reduction; stream channel improvement by brushing, snagging, and minor amounts of cleaning and realining; structural works of improvement for flood prevention, agricultural water management and watershed protection; timber stand improvement practices for thinning, pruning, site preparation, fencing, erosion control on logging roads and trails, firebreaks, ponds for woodland protection, and removal of undesirable vegetation; planting trees for erosion control and forestry purposes; strip mine spoil bank improvement; developing upland area or marshland habitat; providing forage and cover for wildlife habitat; and erosion control measures within the rights-of-way State, county, and township roads.

Beyond these programs there are, of course, countless programs which could be started tomorrow on State, municipal, and county parks. I was amazed to find that there is no reliable inventory of the work which must be done. Nevertheless, there is no doubt that the demand for work greatly exceeds the number of workers available.

I have written to more than 2,000 State, county, and city officials asking them what kinds of projects are urgently needed. The response has been tremendous. From all over the Nation, I have received letters such as this one from Mr. Horace Caldwell, Director of the Department of State Parks in Georgia:

> The legislation which you are drafting to provide funds to Federal, State, county, and municipal agencies to utilize unemployed workers on conservation projects such as park development, etc., would be of considerable help in improving and expanding the facilities of the Georgia State Parks.
>
> The program that you are suggesting seems to be the type of program that State parks departments might certainly use to good advantage in the elimination of unemployment in so many of our distressed areas. The work that we could give these people is of a nature that could be performed without any additional training on their part.
>
> We think that by expanding the facilities of our State parks, tourism can be increased considerably in those areas and many new jobs can be created: jobs in building campsites, picnic areas, parking lots, trails, fishing lakes, and restrooms. Construction alone in these areas could provide many years' work for many of the skilled, semiskilled, and even unskilled workmen.
>
> As the jobs are completed, operations and maintenance would then begin. In the visitors' season people are needed to provide basic services such as garbage collection, cleaning, checkin and checkout, fire prevention, concession operation, water safety, etc. Considerable maintenance would also be needed in the off season.

The Pennsylvania State Forester, R. C. Wible, has written me:

> We are convinced that legislation which would put the unemployed to work would go far in providing constructive conservation projects for our State.

The State Forester of North Carolina, Mr. F. H. Claridge, has written:

> It is my belief that there exists a real need for the work which can be accomplished by an adequate labor force and we would be most happy to have such projects underway.

The regional park manager of the Allegany State Park Commission of New York, Mr. Leigh J. Batterson, writes:

> I can say that we can utilize many workers for an unlimited time on such projects as park development, roadside improvement, timber stand improvement, et cetera, without very extensive preparation provided funds, supervision, and transportation for the workers are made available.

Mr. Norman S. Johnson, director of the California Department of Parks and Recreation, writes:

> Our preliminary investigation reveals that we can productively use an extensive labor force on minimum and primary improvements to major regional park facilities throughout our jurisdiction.

In my own State of Wisconsin, the conservation department has 170,000 man-months of vital, constructive work that could be initiated immediately on the State lands. We have no idea of the amount of work which could be done on the city and county parks in Wisconsin. Nevertheless my correspondence shows at least one index of the tremendous backlog which exists.

Not only do we know that there is much work to do, but we know that practical programs can be started immediately. This is no question of mere theory. Under the Accelerated Public Works Act, a number of similar programs were undertaken. We have a record of amazing success. The hard evidence shows that the jobs can be done, that they can be started immediately, that they can produce great results in conserving both human and natural resources.

In fiscal year 1963, for example, 650 men were at work on the Superior National Forest in Minnesota under the APW program. The total work during the first 8 months of the program amounted to 2,860 man-months of labor. Without the program, it is estimated that possibly two-thirds of the men hired would have been on relief rolls. This new source of employment began within 24 hours of receipt of APW allocations. Men were ready and willing to work and began immediately on needed conservation projects.

Accelerated public works funds were made available to the national forests in West Virginia on October 29, 1962. Laborers were recruited the following day and by the end of the second week, 156 men were employed. During the period November 1962 through June 30, 1963, a total of 786 man-months of employment were provided. All of the laborers were from rural areas.

In New Mexico, the third day after the receipt of APW funds, 117 men were at work on the Rio Grande Gorge Recreation area.

Such examples prove the practical feasibility of the program. The Department of Health, Education, and Welfare has tried similar experiments with similar success. In December 1963, Kentucky received a grant to put unemployed fathers to work. By February of 1964, the Kentucky Legislature had authorized the expansion of the limited program to include 39 hard-hit east Kentucky counties.

At the State level, Mr. J. M. Wedemeyer, the director of the California State Social Welfare Department, recently told the House Labor and Education Committee that a similar California program has had amazing success:

> No effort launched in the welfare field for achieving constructive results has had as favorable an impression publicly as the adoption of the work experience and training program. The recipients as well have responded favorably.

Not only is there work to be done, workers to do it, and a backlog of experience showing the practicality of such programs, but there is evidence that the program is money saving—not money using. Any investment in conservation has a great payback value. To save our water, to invest in our timber, and to develop our recreational areas, is not to waste money but to conserve it. Though the point is obvious, the Department of Agriculture submitted valuable information on this subject which was printed in the CONGRESSIONAL RECORD last year. Estimating that there are over 300,000 man-years of development work on the national forest alone that could be done, the Department went on to state:

> The direct financial revenues to the Treasury from the national forest, if all of this work was accomplished, would rise to over $200 million annually by 1972. Payments from national forest revenues for county schools and roads would increase correspondingly. The capital value of the timber, forage, and lands of the national forests would increase by about $2 billion.
>
> The timber stand improvement and reforestation work would contribute materially to a long-term investment resulting in timber production of 21 billion board feet of sawtimber annually by the year 2000, worth $350 million annually in timber sales.
>
> In addition to direct financial income to the United States as a result of national forest development, there will be both substantial secondary benefits and very real intangible benefits. Secondary benefits include such things as numbers of people employed directly on the program work and the harvesting of national forest timber and other products and the value added to those products by manufacturer, distribution, and marketing.
>
> In timber alone, it is estimated that for every dollar of national forest stumpage sold, the end products will be worth about $20 by the time they reach the ultimate consumer. The estimated employment directly associated with the utilization of timber harvested from the national forests will amount to about 800,000 man-years annually by 1972. This will be more than twice the current level.
>
> Development of the recreation facilities on national forests would serve the recreationists who will be putting into trade channels by 1972, $1.5 billion for sporting equipment, transportation, licenses, lodging, and other items.
>
> Development and improvement of the small and big game habitat and fishing waters by a youth conservation corps would increase the use of many national forest areas by hunters and fishermen. It is estimated that fishermen and hunters spend about $10 for each man-day visit to national forests. Increase of this use through improvement of the wildlife habitat would put a large share of this man-day expenditure into the local economy.
>
> Of the reservoir of national forest work available to a youth conservation corps program and the resultant total benefits, the following examples indicate possible benefits attributable to the program.
>
> On a national average, recreationists spend about $5.50 per person-trip day. It is estimated that national forest recreation visitors spend about half of this average, or about $2.50 per man-day. Every family recreation unit constructed by a youth corps on the national forests, at an approximate cost of $1,000 per unit, would return approximately $1,060 annual expenditures by recreationists into the local economy in a year or two. It is estimated that a youth corps of 15,000 enrollees could construct at least 12,000 family recreation units annually, which would return approximately $12 billion into the local economy in a year or two.
>
> Millions of acres of young growth timber stands on the national forests or on timber stands partially or completely denuded by fire, insects, diseases, or other causes will, when culturally treated, return $5,000 or more in 10 years on a $3,000 investment. There are nearly 30 million acres of national forest lands in need of such treatment. A 15,000 Youth Corps could accomplish about 2,000 man-years or $7 million worth of work annually. This would return about $11.7 million annually in 10 years.
>
> Similar benefits can be indicated in wildlife habitat improvement to increase use of many national forest areas by sportsmen; watershed restoration to stabilize soil, improve streamflows, and enhance water quality; insect and disease control to prevent annual losses in timber of about $94 million annually; and forest road and trail maintenance and construction to increase public use and access to resources.

This kind of information—and much more which is readily available—shows that an investment to put men to work on conservation projects is a sound one. But I believe this is only one justification for such a program.

Today America is faced by twin crises: we are losing natural resources which cannot be replaced and we are losing millions of man-years of labor which disappear each day that men lie idle. The crises of conservation and of poverty should not and cannot be ignored. We have work to do and men to do the work. I propose we face our responsibilities boldly and embark upon a creative new program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human and Resource Conservation Act of 1964".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. Throughout the United States, the wise development, conservation, and utilization of our natural resources requires an immediate and urgent effort. Much useful work can be accomplished on Federal lands and on State, county, and city parks, recreational areas and other lands. The development of recreational areas, path and park development, conservation of stream beds and the forestlands are only a few of the countless projects which command attention. At the same time, there are substantial numbers of men, many of whom have little education and poorly developed skills, who are unemployed. The longer these men are left idle, are unable to find useful work, the deeper they will become entrenched in a cycle of poverty. The United States can achieve its full economic and social potential as a nation only if its natural resources are conserved and every individual has the opportunity to obtain useful employment and to develop his capabilities. It is, therefore, the policy of the United States to provide a program to conserve both the natural and human resources of the Nation by putting unemployed men to work on constructive conservation projects and, where necessary, to provide training which can help these men develop their potential skills and capabilities to higher levels. It is the purpose of this Act to strengthen, supplement, and coordinate efforts in furtherance of this policy by assisting to carry out programs in the fields of conservation and the development of natural resources and recreational areas by providing useful work for unemployed men and, where necessary, offering new work training programs to increase the employability and education of these men.

NATIONAL HUMAN AND RESOURCE CONSERVATION COUNCIL

SEC. 3. (a) **There is hereby established** a National Human and Resource Conservation Council (hereinafter referred to as the "Council") which shall be composed of a representative from each of the Departments of Defense, Interior, Agriculture, Labor, and Health, Education, and Welfare to be appointed by the head of the department and a representative from the Office of Economic Opportunity to be appointed by the Director of such office. Members serving on the Council under the provisions of this subsection shall receive no additional compensation for such service but shall be reimbursed for travel and other necessary expenses in carrying out such service. The Council shall consult with and advise the Chairman, appointed pursuant to subsection (b), in carrying out his functions, including coordination with all segments of the Federal Government.

(b) The Chairman of the Council (hereinafter referred to as the "Chairman") shall be appointed by the President by and with the advice and consent of the Senate. He shall administer the provisions of this Act, and shall be compensated at the rate of $20,500 per annum.

(c) Notwithstanding the provisions of section 5 (b) of the Reorganization Act of 1949 (5 U.S.C. 1332–3(b)), at any time after one year from the date of enactment of this Act, the President may, by complying with the provisions of such Act, provide for the transfer of the functions of the Chairman to such other official of the executive branch of the Government as he deems appropriate.

FUNCTIONS

SEC. 4. In order to carry out the purposes of this Act, the Chairman shall assist and cooperate with State and local and Federal agencies in the planning and execution of projects he deems to be useful, for the conservation and development of natural resources. For this purpose, the Chairman is authorized to enter into agreements providing for payment out of funds appropriated for the purpose of this Act of such part of the costs, as he determines in accordance with section 5, of State, local, and Federal programs submitted hereunder if he determines, in accordance with such regulations as he may prescribe that,

(1) the program will contribute to the conservation, development, or management of natural resources of a State or community or the Nation or to the development, management, or protection of State, community, or Federal recreational areas;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services;

(3) the rates of pay and other conditions of employment will be appropriate and reasonable in the light of such factors as the type of work performed, geographical region, and proficiency of the employee;

(4) to the maximum extent feasible, the program will be coordinated with vocational training and other educational services sponsored by State or local public educational agencies, and where such services are inadequate or unavailable, the program may make a provision for the enlargement, improvement, development, or coordination of such services, with the cooperation of, or where appropriate pursuant to agreement with, the Secretary of Health, Education, and Welfare; and

(5) the program includes standards and procedures for the selection of applicants for employment, including provisions assuring full coordination and cooperation with State and local authorities, to insure that such applicants are from individuals deemed by the Chairman to be long term unemployed or existing in conditions of poverty.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 5. Funds provided under the provisions of this act for any program shall not exceed 75 per centum of the cost of such program except—

(1) in areas of unusual poverty, as determined by the Chairman, where such maximum per centum shall be 90 per centum; and

(2) where funds authorized in this Act are used in accordance with the provisions of this Act to assist a program under Federal law other than this Act, such funds authorized in this Act shall not exceed 50 per centum of the Federal funds used for such program.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 6. The Chairman shall establish criteria designed to achieve an equitable distribution of assistance under this Act among the States. In developing such criteria, he shall consider among other relevant factors population, unemployment, and family income levels. Not more than 12½ percent of the sums appropriated or allocated for any fiscal year to carry out the purposes of this Act shall be used within any one State.

GENERAL AUTHORITY

SEC. 7. (a) In order to carry out his functions under the provisions of this Act, the Chairman may—

(1) appoint in accordance with the civil service laws such personnel as may be necessary, and fix their compensation in accordance with the Classification Act of 1949 (5 U.S.C. 1071 et seq.);

(2) employ experts and consultants or organizations thereof as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), compensate individuals so employed at rates not in excess of $100 per diem, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently, while so employed, but contracts for such employment may be renewed annually;

(3) appoint, without regard to the civil service laws, one or more advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this act, and compensate the members of such committees in the same manner provided in section 8(b);

(4) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act and authorize the redelegation thereof;

(5) utilize, with their consent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement;

(6) accept in the name of the Council, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));

(8) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as he deems necessary to carry out the provisions hereof, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements;

(9) disseminate, without regard to the provisions of section 321n of title 39, United States Code, data and information, in such form as he shall deem appropriate, to public agencies, private organizations, and the general public; and

(10) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organizations and persons, make such payments (in lump sum or installment, and in advance or by way of reimbursement, and in the case of grants, with necessary adjustments on account of overpayments or underpayments), and generally perform such activities and take such steps as he may deem to be necessary or appropriate to carry out the provisions of this Act.

(b) To the maximum extent feasible, the Chairman shall administer programs developed pursuant to this Act through existing Federal agencies and utilize personnel within such agencies.

NATIONAL ADVISORY COUNCIL

SEC. 8. (a) There is hereby established a National Advisory Council on the Human and Resource Conservation Act (hereinafter referred to as the "Advisory Council"). The Advisory Council shall be composed of the Chairman or his designee, who shall also be Chairman of the Advisory Council, and not more than fourteen additional members appointed by the Chairman without regard to the civil service laws. The appointed members of the Advisory Council shall be persons (including persons from public and voluntary organizations) representing the fields of conservation, agriculture, education, training, youth employment, labor, management, and the public in general. Upon request of the Chairman, the Advisory Council shall review all or any part of the program carried out pursuant to this Act, and shall from time to time make recommendations to the Chairman relative to the execution of his responsibilities under this Act. The Advisory Council shall meet at least twice each year and at such other times as the Chairman may request.

(b) Appointed members of the Advisory Council, while attending meetings of the Advisory Council or otherwise serving at the request of the Chairman, shall be entitled to receive compensation at a rate to be fixed by the Chairman, but not exceeding $75 per diem, including travel time, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notwithstanding the foregoing or any other provision of law, the Chairman may accept the services of appointed members under this section without the payment of compensation therefor (and with or without payment of travel expenses or per diem in lieu of subsistence).

APPROPRIATIONS AUTHORIZED

SEC. 9. There is authorized to be appropriated for the fiscal year beginning July 1, 1964, and for each fiscal year thereafter, not in excess of $1,000,000,000 to carry out the provisions of this Act.

DEFINITION

SEC. 10. For the purposes of this Act the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, or the Virgin Islands.

Mr. NELSON. Mr. President, I ask unanimous consent that the bill be referred to the Committee on Labor and Public Welfare.

Mr. KUCHEL. Mr. President, may I ask the Senator whether that is the committee to which the bill would normally be referred?

Mr. NELSON. I do not know. It is a program which involves employing workers in city parks and State areas. It could go to the Committee on Interior and Insular Affairs or to the Committee on Labor and Public Welfare. It is preferable that it be referred to the Committee on Labor and Public Welfare.

Mr. KUCHEL. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, the unanimous-consent request is agreed to.

The bill (S. 2958) to conserve the human and natural resources of the Nation, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

MASS TRANSPORTATION ACT OF 1964—PRINTING OF BILL WITH HOUSE AMENDMENT

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the bill S. 6, the mass transit bill, which passed the House yesterday, be ordered printed with the amendment of the House of Representatives.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF TOLL BRIDGES ACROSS THE RIO GRANDE—AMENDMENT (AMENDMENT NO. 1077)

Mr. YARBOROUGH. Mr. President, I submit an amendment, in the nature of a substitute, intended to be proposed by me to the bill (S. 260) to authorize the construction, maintenance, and operation of certain toll bridges across the Rio Grande. I ask unanimous consent that the amendment be printed, printed in full in the RECORD, and referred to the appropriate committee of the Senate.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"(a) That the Donna-Rio Bravo Bridge Company of Donna, Texas, is authorized to construct a toll bridge and approaches thereto across the Rio Grande, at a point suitable to the interests of navigation, at or near Donna, Texas, and for a period of sixty-six years from the date of completion of such bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 491 to 498, inclusive) subject to—

"(1) the conditions and limitations contained in this Act;

"(2) the approval of the International Boundary and Water Commission, United States and Mexico;

"(3) The approval of the proper authorities in the Republic of Mexico; and

"(4) the approval of the Commissioners Court of Hidalgo County, Texas;

with respect to the construction, operation, and maintenance of such bridge.

"(b) The Donna-Rio Bravo Bridge Company may fix and charge tolls for transit over the bridge referred to in subsection 1(a) of this Act in accordance with the laws of the State of Texas, and the laws of the United States, applicable to such tolls, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in section 4 of the Act of March 23, 1906 (33 U.S.C. 494).

"(c) The Donna-Rio Bridge Company may sell, assign, transfer, or mortgage the rights, powers, and privileges conferred on such company by this Act to any public agency, or to an international bridge authority or commission, and any such agency, authority, or commission is authorized to exercise the rights, powers, and privileges acquired under this section (including acquisition by mortgage foreclosure) in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency, authority, or commission.

"SEC. 2. (a) The Rio Grande Bridge System, of McAllen, Texas, is authorized to construct, maintain, and operate a toll bridge or bridges and approaches thereto, across the Rio Grande at or near Hidalgo, Texas, and for a period of sixty-six years from the date of completion of any such bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river in accordance with the provisions of the Act entitled 'An Act to regulate the construction of bridges over navigable water', approved March 23, 1906 (33 U.S.C. 491–498, inclusive), subject to—

"(1) the conditions and limitations contained in this Act;

"(2) the approval of the International Boundary and Water Commission, United States and Mexico;

"(3) the approval of the proper authorities in the Republic of Mexico; and

"(4) the approval of the Commissioners Court of Hidalgo County, Texas;

with respect to the construction, operation, and maintainence of such bridge.

"(b) The Rio Grande Bridge System may fix and charge tolls for transit over the bridges referred to in section 2(a) of this Act in accordance with the laws of the State of Texas, and the laws of the United States, applicable to such tolls, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in section 4 of the Act of March 23, 1906 (33 U.S.C. 494).

"(c) The Rio Grande Bridge System may sell, assign, transfer, or mortgage the rights, powers, and privileges conferred on such company by this Act to any public agency, or to an international bridge authority or commission, and any such agency, authority, or commission is authorized to exercise the rights, powers, and privileges acquired under this section (including acquisition by mortgage foreclosure) in the same manner as if such rights, powers, and privileges had been granted by this Act directly to such agency, authority, or commission.

"SEC. 3. (a) The Pharr Municipal Bridge Corporation, of Pharr, Texas, is authorized to construct, maintain, and operate a toll bridge or bridges and approaches thereto, across the Rio Grande at or near Pharr, Texas, and for a period of sixty-six years from the date of completion of any such bridge, to maintain and operate same and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of such river in accordance with the provisions of the Act entitled 'An Act to regulate the construction of bridges over navigable waters', approved March 23, 1906 (33 U.S.C. 491–498, inclusive), subject to—

"(1) the conditions and limitations contained in this Act;

"(2) the approval of the International Boundary and Water Commission, United States and Mexico;

"(3) the approval of the proper authorities in the Republic of Mexico; and

"(4) the approval of the Commissioners Court of Hidalgo County, Texas;

with respect to the construction, operation, and maintenance of such bridge.

"(b) The Pharr Municipal Bridge Corporation may fix and charge tolls for transit over the bridges referred to in section 3(a) of this Act in accordance with the laws of the State of Texas, and the laws of the United States, applicable to such tolls, and the rates of toll so fixed shall be the legal rates until changed under the authority contained in section 4 of the Act of March 23, 1906 (33 U.S.C. 494).

"(c) The Pharr Municipal Bridge Corporation may sell, assign, transfer, or mortgage the rights, powers, and privileges conferred on such company by this Act to any public agency, or to an international bridge authority or commission, and any such agency, authority, or commission is authorized to exercise the rights, powers, and privileges acquired under this section (including acquisition by mortgage foreclosure) in the same manner as if such rights, power, and privileges had been granted by this Act directly to such agency, authority, or commission.

"SEC. 4. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void as to any bridge authorized to be constructed by this Act unless the actual construction of such bridge is commenced within three years and completed within five years from the date of enactment of this Act.

"SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved."

ADJUSTMENT OF COMPENSATION OF FEDERAL EMPLOYEES—AMENDMENT (AMENDMENT NO. 1078)

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (H.R. 11049) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes, which was ordered to lie on the table and to be printed.

RESCHEDULING OF HEARING ON NOMINATION OF EDMUND PORT TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF NEW YORK

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that the hearing scheduled for Monday, June 29, 1964, on the nomination of Edmund Port, of New York, to be U.S. district judge, northern district of New York, vice Stephen W. Brennan, retired, has been rescheduled for Tuesday, June 30, 1964, at 10 a.m., in room 2228 New Senate Office Building.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CHURCH:

Statement by him on the Basque people of Idaho.

SENATOR McCLELLAN'S ADDRESS AT DEDICATION OF NEW CHANCERY OF UNITED STATES OF AMERICA IN MEXICO CITY

Mr. CARLSON. Mr. President, it was my pleasure to have been a member of the small delegation for the dedication of our newly completed Chancery of the United States of America in Mexico City. The dedication was held on Saturday, June 20, and the principal speaker for the occasion was the distinguished Senator from Arkansas, JOHN L. MCCLELLAN. Since Senator MCCLELLAN is chairman of the Subcommittee on Appropriations for the Department of State, it was most appropriate for him to dedicate this building. Other distinguished Members of the Senate comprising the delegation were Senators E. L. BARTLETT, of Alaska, and B. EVERETT JORDAN, of North Carolina.

I am happy to report that this new chancery is a most impressive building and has been widely accepted by the Mexican people as well as by those Americans who have had the opportunity to see it. It is a permanent symbol of the affection between the United States of America and our host neighbors to the south, the United Mexican States.

I should like to insert in its entirety in the RECORD the brief speech delivered by Senator MCCLELLAN. I should also like to express my own appreciation and that of the Congress to those who gave of their energy and technical ability to plan and construct this building.

I refer particularly to Southwestern Architects-Engineers, of Texas, headed by Mr. Max Brooks and Mr. L. W. Pitts, and to the Constructora Marhnos, headed by Messrs. Nicholas and Mariano Mariscal, who were prime contractors for the building. Included also are the artisans and all the workers who made erection of this building possible. Ambassador Fulton A. Freeman and his entire Embassy staff of Americans and Mexicans are to be congratulated for the energy and devotion they displayed to make the dedication ceremony a great success. Similar mention should be made of the other members of the delegation, including Messrs. Merrick and Gonzalez of our own staff, and the official State Department delegation headed by Assistant Secretary Dwight J. Porter and Deputy Assistant Secretaries James R. Johnstone and Verne B. Lewis, who accompanied Senator MCCLELLAN and the other Senators and who contributed toward the success of the official opening of the American chancery.

Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by the Senator from Arkansas [Mr. MCCLELLAN].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR JOHN L. MCCLELLAN AT THE DEDICATION OF THE CHANCERY OF THE UNITED STATES OF AMERICA, MEXICO CITY, JUNE 20, 1964

Mr. Master of Ceremonies, my first visit to Mexico was some 2½ years ago. That visit proved to be most instructive and beneficial in gaining a better understanding of the Mexican Government and the aspirations of the Mexican people. It was a real joy and privilege to be here then, and I am highly pleased and happy to be here again today.

It is a great pleasure, indeed, to welcome you to this ceremony. We are honored to have you present at the dedication of this, our new American Embassy. With keen anticipation and intense satisfaction, we have long looked forward to this most delightful and gratifying occasion.

Citizens of the United States and Mexico, working together, have constructed this building. Together they have made engineering history. We are all mindful of the challenge that Mexico City presents to architects and engineers. The foundation of this building rests on mud and water, 30 feet deep, but it is as secure as Torre Latinoamericana, which, as you know, has weathered earthquakes since it was built without losing so much as a windowpane.

We are proud of this building, proud of its marble-faced beauty which reflects the grandeur of this city, proud of its design which so artfully blends Mexican and North American cultures, and proud that it represents the achievements of Mexico, achievements as old as the pyramid of Cuicuilco, not far from here, and as new as the modern progress that is present all about us.

This is a pride that we of the United States share with you. It was only with the help of Mexicans that this Embassy now stands, or I might more aptly say floats, on the subsoil of Mexico City. The foundation for the building was ingeniously devised by Dr. Leonardo Zeevaert, as you well know, an outstanding Mexican structural engineer. It was Dr. Zeevaert who adapted the splendid architectural plans of Max Brooks and Skeets Pitts, associates of the Southwest Architects & Engineers firm of Houston, Tex., to the subsoil and seismic conditions of Mexico City.

The joint ingenuity of Mexicans and Americans met this challenge. There were setbacks, but the work went on, and the task was finished. I am sure the Constructora Marhnos of Mexico City must be proud of its accomplishment.

Let us draw inspiration today, then, not from the grandeur of this building alone, but from the fact that it was built here despite the natural obstacles that stood in the way. Let us draw inspiration from the fact that here a challenge was boldly met, so that we can turn our eyes to the greater challenges that face us in this hemisphere and which are being met by the Organization of American States and the Alliance for Progress. Let us continue to meet these challenges with the same spirit, determination, and mutual cooperation that made the construction of this Embassy possible.

Let this Embassy, therefore, be dedicated to the true spirit of the Alliance for Progress, for we must remember that the Alliance for Progress will be successful only if it is kept a venture of lasting partnership. Mexico and the United States have long demonstrated that we can be partners in progress. We have long demonstrated how countries should work and live together in peace.

The resources of the United States can provide help, perhaps that margin of help which will make the difference between success and failure. But the United States, itself, cannot do the whole job, nor even the major part of it. Progress is and must be of mutual concern; it must be a joint effort, just as was the construction of this building.

Mexico has already shown the way for our sister republics in this great hemisphere. As President Kennedy recognized in the joint communique issued at the end of his visit to Mexico in 1962—"the fundamental goal of the Mexican Revolution is the same as that of the Alliance for Progress—social justice and economic progress within the framework of individual freedom and political liberty."

You have shown what a country can do when it really sets its mind to the task of raising the standards of living of its people.

You have opened the doors of your universities to hundreds of Latin Americans who seek to learn new techniques and to perfect old ones. In addition, our two countries have developed a joint program in which the United States provided transportation and Mexico the training for some 300 Latin Americans last year under the Alliance for Progress. Our universities are working with yours in research and study programs which are of mutual benefit.

Today, education is the largest single item in your budget. Surely you have set an example for all in this hemisphere to follow by adding a new schoolroom every 2 hours in your continuing campaign to wipe out illiteracy.

Your gross national product has increased almost five times since 1930. Your per capita income has more than doubled. You have distributed over 100 million acres of land.

Your research in basic food crops has not only materially increased your own production but has helped to provide a better life for people in other countries. Your Government is making a continuing effort to achieve a technological revolution in agriculture. It has provided not only land but also credit, technical knowledge, and other needed assistance to the farmer.

Last year Mexico modified its banking laws and took other steps to launch a major attack on housing problems. Mexico requested the Inter-American Bank and the Agency for International Development to cooperate under the Alliance for Progress. We joined forces in a program that will cost almost a billion pesos. With this program, Mexico should, in a few years, reduce its housing shortage to manageable proportions.

You have achieved what our Secretary of State has called the "miracle of Mexico," and it gives us, and it should give all Latin America, confidence that the goals of the Alliance for Progress are attainable if each member country will only meet its commitments and responsibilities.

There are many reasons for your success, and there is much that other members of the Alliance for Progress can learn from Mexico's experience.

Mexico has set its own national objectives and sought to achieve them with its own resources. Your efforts have shown that if the Alliance is to be a success, each country must carry the heaviest part of its own burden.

One of the chief criticisms of the Alliance for Progress is that some Latin American countries have not fully accepted the responsibility for their own economic and social welfare. Instead, they have relied too heavily on others to provide the resources that create the essential conditions for development. This criticism, however, cannot be directed to Mexico.

Mexico has already proved its self-confidence and determination. But, undoubtedly, much remains to be done. You in Mexico realize this, and so do we, as we endeavor to face up to our own problems in the United States.

As President Johnson said in Los Angeles, Calif., a few months ago, "So long as there remains a man without a job, a family without a roof, a child without a school, we have much to do. Our permanent revolution is dedicated to broadening for all Americans, the material and the spiritual benefits of the democratic heritage."

Democratic institutions should be strengthened, private enterprise should be fostered and allowed to operate without undue and unnecessary restrictions. Educational systems must be further developed and expanded.

The spirit of friendship and cooperation that unites our peoples makes it possible for us to do this.

In this Embassy, Mexicans and Americans will work together in cooperation and understanding. Here U.S. officials who handle economic, cultural, and political matters will meet with their Mexican associates on projects of mutual interest and joint concern. Here we will receive citizens of Mexico who contemplate visiting the United States, as well as our own citizens who have business to transact with the Mexican Government and the Mexican people.

The official home that we have constructed and dedicate here today is a striking symbol of what can be done by our two countries in joint ventures and in mutual cooperation and friendship.

Some people may be greatly disappointed, because the Alliance for Progress has not achieved the new millenium in 3 short years. No doubt many obstacles and delays in this program will be encountered. But these should not be a cause for despair. They should simply stimulate and inspire us to a firmer resolve to get on with the tasks of economic and social development. For, as President Johnson remarked at the Mexican Embassy in May of last year:

"From the unity achieved through the Organization of American States through the new sense of common purpose arising from the Alliance for Progress—we can believe now that a new day is dawning in the New World. It is a day of unity, a day of cooperation, a day of joint efforts and mutual purpose dedicated to freedom, to social justice, and to universal peace."

"In the fulfillment of this new day," the President said, "we of the United States recognize and believe that the relations between our country and our great next door neighbor, the Republic of Mexico, will always be vital and decisive to the destiny of the hemisphere and of the world."

Long live Mexico, our good neighbor!

May the example of mutual friendship, and the unswerving dedication of our two countries to the cause of peace and justice, ever inspire other nations and peoples throughout the world to march in unison with us toward the realization of this the highest goal and noblest aspiration of all mankind.

GOVERNOR HATFIELD: "NO" TO FARM LABOR FREEDOMS

Mrs. NEUBERGER. Mr. President, I ask unanimous consent that I may proceed for 1 minute longer than the usual 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. NEUBERGER. Mr. President, the Oregon State Committee on Children and Youth is sponsoring the Oregon Youth Harvest Corps which is being created to help harvest crops in Oregon this summer. The Youth Harvest Corps will be a clearinghouse to make work available to young people and to provide fruit and vegetable growers with a supply of harvesters.

Teams of teenage boys and girls will be transported, under adult supervision, to farms where workers are needed. Growers provide suitable housing and recreation while the teams prepare their own meals and do their own housekeeping. The Governor of Oregon, Mark O. Hatfield, has enthusiastically endorsed this program.

But it was with regret and even amazement that I noted Governor Hatfield's advocacy of an extension of Public Law 78, allowing the continued importation of Mexican braceros into this country. This law, which was enacted in an emergency period following World War II, has been thoroughly scrutinized by both Houses of Congress and considered unnecessary. The U.S. Labor Department has supported its repeal. It is unconscionable that Oregonians so enlightened in social problems should desire the continuance of a program that prevents normal economic forces from working in the agricultural labor market and which permits trafficking in human beings as if they were commodities to be bought and sold in a fluctuating market.

The human equation of the migrant and bracero program has been poignantly described in a Senate report of 1960:

> The migrant and his family are lonely wanderers on the face of our land. They are living testimonials to the poverty and neglect that is possible even in our healthy and dynamic democracy that prides itself on its protection and concern for the individual. Behind the screen of statistics, showing migrant laborers toiling for as little as 50 cents an hour, and working only 131 days a year, we see families crowded into shelters that are more like coops for animals, with children undernourished and in poor health, 2 or 3 years behind in school, with little chance to fully develop their talents and become useful to themselves and their country. This is the ugliest kind of human waste. The plight of the migrant families is a charge on the conscience of all of us.

The agricultural editor of the Portland Oregonian, reporting the activities of the Governor's symposium on agricultural labor, wrote that those attending the symposium of the Governor adopted a resolution asking for continued importation of Mexican braceros, and this resolution was some weeks later forwarded to me by the Governor. I ask unanimous consent to have printed at this point in the RECORD the articles, the resolution, and the covering letter from the Governor.

There being no objection, the articles, resolution, and the covering letter were ordered to be printed in the RECORD, as follows:

[From the Portland (Oreg.) Oregonian, May 14, 1964]

HATFIELD GIVES HELP TO BRACERO MEASURE

(By Joe Bianco)

Gov. Mark O. Hatfield Wednesday called for the formation of a statewide committee to cope with what may be a serious farm labor shortage. At the same time, the Governor endorsed a move to seek the extension of the controversial Mexican farm labor law which expires December 31.

The Governor established his position on the measure in an address to the opening session of a 2-day symposium on agricultural labor in Oregon. The conference, sponsored by the Oregon department of employment, was at the Mayflower Farms Building in Portland.

The symposium, the first of its kind on the Mexican farm labor situation, was to examine the complexities of the farm labor problem in Oregon and the relationship with the Mexican farm labor bill, known as Public Law 78, an amendment to the Agricultural Act of 1949.

CONCERN EXPRESSED

Hatfield expressed concern with what may develop in the State's second largest industry if measures are not taken to recruit farm replacements. Although Oregon uses only 300 Mexican nationals or braceros during peak of harvest it depends on some 19,000 interstate migrants to help farmers pick and plant crops, he said.

The bulk of Mexican farmworkers are employed by California growers, and it was reported that the absence of these workers there will create a greater demand for domestic farm labor, said the Governor. Many growers in Oregon are of the opinion that the demand for domestic farmworkers will keep the interstate migrants in California, thereby reducing a source of supply for farmers here.

Hatfield said, "we don't believe these migrants will come here when they can find jobs closer to their homes." He said the migrant can remain in California and work 10 to 11 months a year, while in Oregon farm work is available from 5 to 6 months.

Hatfield said Public Law 78 has had its advantages in that it has made jobs available to Mexicans and there has developed a better understanding between the two countries. He also pointed to the advantage of the law as a deterrent to communism.

The Governor said the State department of employment has accelerated its recruitment program here and in other States to fill the gap that may occur if Public Law 78 dies. He said efforts are underway to enlist the aid of youth corps and student platoons to assist in the harvest as well as the planting. There also are some 230,000 teenagers in Oregon who represent a possible labor supply source, said Hatfield.

A speaker, who took an opposite view, was Frank A. Potter, director of farm activities, U.S. Department of Labor.

"I'm not so sure that the loss of Public Law 78 will affect Oregon. I think that Oregon which has not used many braceros, has during the years been able to develop a sound base for recruiting interstate migrants," said Potter. He said migrants, who have worked in Oregon, will come back because of the good conditions which exist here. Potter said Oregon ranks third in the Nation in wages paid to farm laborers.

He did approve the Governor's recommendation for a committee to study the migrant problem. He suggested the committee concentrate on obtaining a domestic labor force because he felt the Mexican farm labor bill will not be extended. He told the conference that migrants will come to Oregon or any other State if wages are fair, housing good, and transportation adequate.

[From the Portland (Oreg.) Oregonian, May 15, 1964]

FARM INTERESTS PLEAD FOR LABOR IMPORTS

(By Joe Bianco)

All segments of agriculture Thursday joined ranks to recruit farm labor and seek the passage of Federal legislation to import foreign labor.

The action was taken at the closing session of the symposium on agricultural labor sponsored by the Oregon Department of Employment. The move by the representatives of agriculture was virtually an endorsement of a move initiated Wednesday in the opening address to the symposium by Gov. Mark O. Hatfield. The conference was at the Mayflower Farms Building.

The ranks of agriculture seek an alternate to the source of farm labor which they believe will be cut off when the Mexican farm labor bill dies December 31. An agricultural committee to study the problem of migrant labor was formed under the temporary chairmanship of Dunbar Carpenter, a Medford pear grower.

It will be the committee's job to represent the growers and assist the National Council of Agricultural Employers. The growers at the symposium also favored the passage of new national legislation to import foreign workers or extend the present law until such time as a new measure was enacted.

The growers were of the opinion that foreign farm laborers would always be needed for harvesting or planting.

This, too, was the belief of an earlier speaker, G. C. Henry, manager of employment and labor relations, California Packing Corp.

Henry said growers should seek new legislation to import foreign workers. He explained that domestic workers living in an industrial society will not and cannot compete efficiently with those workers, who are of an agrarian background. "For this reason," Henry said, "efforts must be made to recruit the foreign worker." He said the long run projection is that foreign workers will be used in agriculture and that in the interim growers will have to accept the domestic replacements.

Henry said American agriculture has its roots in the foreign laborer who was brought to this country to help with the tilling and picking. Henry said mechanization will never eliminate entirely the need for workers. The California executive said the domestic worker wants something better and is influenced by the rewards of the industrial society. "It is that reason which will take him from the farm to the factory," said Henry.

Other members of the newly formed committee were Don Curtis, The Dalles; Ross Hukari, Hood River; Everett Taylor, Ontario; Walter Collett, Salem; Orlo Carver, Milton-Freewater; Henry Kato, Portland; and Howard Fujii, Salem.

Office of the Governor,
State Capitol,
Salem, Oreg., June 4, 1964.

The Honorable Maurine B. Neuberger,
Senate Office Building, Washington, D.C.

Dear Maurine: On May 14 this office sponsored a meeting of agricultural leaders to study the problem of supply of agricultural labor. The meeting was well attended and the problems were thoroughly aired. A resolution was adopted which expresses the point of view of those present. I am enclosing a copy of that resolution. It would be appreciated if your attention could be directed to the resolution and to action on the problem which is outlined.

Sincerely yours,

Mark,
Governor.

Resolution by Agriculture Producers Attending the Governor's Symposium on Agricultural Labor in Oregon, May 14, 1964

Whereas the economy of the State of Oregon would suffer serious injury if an adequate supply of farm labor is not available to harvest fruits and vegetables promptly as they mature, which must be done to assure peak quality for distribution and processing; and

Whereas loss of any portion of such crops would result in loss of employment for workers who pack and process such crops and create loss to the suppliers of paper, cans, cartons, and boxes, and their employees for the shipping of such products and to many other segments of the economy of this State, and

Whereas Oregon farmers and the Oregon State Employment Service have made and will continue to make every effort to recruit sufficient domestic farm labor to properly harvest and handle such crops at the peak seasons, such labor has not been available and there has been a continuing need for supplemental foreign laborers at such times, and experience shows supplemental foreign farm labor will be needed in the future: Now, therefore, be it

Resolved by the agricultural interests of the State of Oregon, That we recommend to the Government of the United States and to the U.S. Department of Labor that legislation be enacted under which necessary foreign laborers can be admitted into the United States for the period beginning January 1, 1965, after the expiration of Public Law 78 and in the event such legislation is not developed and passed by December 31, 1964, that Public Law 78 be extended to allow time for the enactment of the necessary legislation.

Mrs. NEUBERGER. Mr. President, the argument for the decision of the symposium appears to be based on these two assumptions: first, the abolition of the bracero program will open up crop work in areas closer to the domestic migrants' homes than Oregon and thus Oregon growers will not be able to recruit enough domestic workers for their needs; second, Public Law 78 is of great benefit to Mexico.

The crux of the resolution is the statement that domestic migrant labor has not been available and therefore there is a continuing need for foreign laborers. Let us examine these arguments in turn:

Putting aside the issue of what home is to a migrant family, it is instructive to note the experience of a farm placement officer in California, the State so feared by the writers and supporters of this resolution. As quoted in the July 21, 1962, issue of the California Farmer:

> Twelve States sent representatives to woo workers to their respective States, and would you know it, we just don't compete with the other States wanting the domestic migrants.
>
> Almost all the migrant housing in California is designated for the single male worker. We just don't have family housing units.
>
> Another thing California came up short in was this business of transportation. An Idaho representative was there with $17,000 in cash. In addition to offering family housing and $1.25 per hour, he was passing out the "long green" on the spot to pay for transportation in advance to Idaho. He says those that will take money and then not report are nil.
>
> When the Mexican national program is dropped and California has to go out and actively compete for these available domestics, some changes are going to be necessary.

It would appear from this statement that California has more to fear from the attractions of Oregon than vice versa. The State of Washington is not dissimilar to Oregon in its crop demands, yet its example is instructive. Representatives of the Washington State Employment Service and of grower associations have conducted a vigorous and active recruitment campaign of migrants in Texas and California during the off-season, offering good wages, amenities, and money for transportation. Oregon has done exactly the same. The experience of Washington has been so good that it has not used any braceros for the last 3 years. On the basis of the experience of those close to the operating picture, the advice to the Governor's symposium by Mr. Frank Potter of the Department of Labor appears to be sound: "Migrants will come to Oregon or any other State if wages are fair, housing good, and transportation adequate."

The argument that the bracero program "has developed a better understanding between the two countries and is a deterrent to communism" must have been plucked from thin air. Only last year when I spoke of the bracero program in a speech to the Senate I included some rather pointed data from the Department of Labor on bracero discrimination in this country. This discrimination did anything but improve relations between the two countries. Rather than assume Mexican reaction to the program, some members of the House Agriculture Committee sought out Mexican opinion on this question, and the following is an extract from their report to the House:

> Many Mexican leaders, especially among the Mexican clergy, are willing to do without (Public Law 78) because they believe the migration of hundreds of thousands of men each year causes harm to the family structure and village life. Many leaders of democratic parties and groups in Mexico are worried because the bracero program provides the far left, the Castro supporters, such an excellent weapon.

Apparently there are those responsible figures in Mexico who do not share the enthusiasm of Governor Hatfield for the benefits of the bracero program as a Good Neighbor influence or as a deterrent to communism.

Turning now to the resolution, the third paragraph reads as follows:

> Whereas, Oregon farmers and the Oregon State Employment Service have made and will continue to make every effort to recruit sufficient domestic farm labor to properly harvest and handle such crops at the peak seasons, such labor has not been available and there has been a continuing need for supplemental foreign laborers at such times, and experience shows supplemental foreign farm labor will be needed in the future.

A question immediately arises. How can there be such a crying need for braceros in Oregon if, contrary to the over 300 estimate of the Governor, only 67 braceros were employed last year compared to the 19,000 domestic migrant workers in Oregon. A reason often cited for the preference for braceros over our own domestic laborers is that the former are the only ones that will do stoop work. But the 67 braceros in Oregon last year were used for the pear harvest, which hardly qualifies as stoop work. Could it be a conflict of interest when the committee deciding on the use of Mexican farmworkers in Oregon, as recommended by Governor Hatfield, is headed by Mr. Dunbar Carpenter, of Medford? Mr. Carpenter is director of the Jackson County Fruit Growers League, the sole user of braceros in Oregon last year.

Nowhere is there any indication of an awareness that the bracero program is a national problem. The United States imported 187,000 Mexican workers last year at a time when our number of unemployed was in excess of 4 million. What an extraordinary picture this presents. At the very time that automation and mechanization are reducing the number of jobs available in agriculture, we are asked to continue the recruiting of hundreds of thousands of foreign workers of an unskilled character to do unskilled work.

Last fall the Oregon Journal carried the following editorial endorsing the end of the bracero program:

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial entitled "Bracero Law Deserves To Die," which was published in the Oregon Journal on Thursday, October 31, 1963.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Bracero Law Deserves To Die

One of those Federal programs begun as an emergency measure in World War II and continued until it almost seems immortal comes up for renewal in the House of Representatives this week. It is the law under which Mexican farm laborers are imported under U.S. Labor Department supervision to work on farms in the United States, and it is time the program was ended.

It simply does not make sense to be bringing nearly 200,000 foreign nationals a year into this country for temporary jobs, and then shipping them back to Mexico again, at a time when thousands of American farm laborers are out of work and there is an increasing shortage of jobs which unskilled workers can do.

More than two-thirds of the Mexican "braceros" work in the cottonfields of Texas and the fruit and vegetable farms of California. Oregon is the only Northwest State where braceros have been employed in recent years, and here the only place they are used is in the pear harvest around Medford. As many as 367 have been brought into the Medford area in past years, but in the 1963 harvest season only 67 were used.

One of the arguments used in favor of the bracero program is that the Mexicans will perform hard "stoop" labor which U.S. migrants are unwilling to do. But under the master agreement with the Mexican Government, the braceros also enjoy protection a U.S. migrant may not get. They are given transportation to and from the job, free accident insurance, housing, and a guarantee of work on at least three-quarters of the days covered by their contract. The contracting farmer must pay them the prevailing local wage, and no less than 50 cents an hour.

It might well be that offering similar protections to a U.S. migrant would induce him to become a more stable and dependable worker than some of them now are. As it is, there is strong evidence that the availability of braceros in some areas—though not in Oregon—keeps down the farm wage level for Mexican and U.S. migrants alike.

The war-born Mexican farm labor law has been given several temporary extensions. It is scheduled to die next December 31, unless the House passes another temporary 1-year extension which already has gone through the Senate. Congress should let it expire and turn its attention to proposals for recruiting and protecting U.S. migrants.

Mrs. NEUBERGER. Mr. President, since the bracero law is due for extinction in 1964, the Oregon growers might better have been challenged by the Governor to respond in a more positive manner to a labor market made up exclusively of domestic workers. One can be sure that other growers around the country, competing for the best and most experienced migrant workers, will not limit their response to the demise of Public Law 78 to such negative actions. For example, the growers of the San Joaquin Valley in California have already undertaken a four-point program: first, to train domestic farmworkers; second, reschedule the time of farm operations—such as planting and harvesting—in order to spread out labor requirements as much as possible on a year-round basis; third, change crop patterns to help accomplish the same things—that is, reduce the labor peaks of highly seasonal crops and thereby extend employment; fourth, coordinate these activities among association members in the interest of diversity and efficiency. Vigorous and forward-looking leadership in Oregon might come up with a similar program adapted to the agricultural picture found there.

It is particularly disappointing that Oregon should be associated with a measure which is so retrogressive in nature. Oregon, after all, has a hard earned but justly merited reputation as one of the best States in the Union for protections, educational facilities, conditions for employment, and wages for migrant laborers. As an illustration of the responsible manner in which Oregon has heretofore met its obligations to provide certain basic services for those who reside within its borders, I would like to mention migrant education.

Poverty begets poverty and one of the most tragic examples of the consequences of poverty of opportunity is the lack of education of migrant children. We hear much about school dropouts, but far too many migrant children have hardly even had the chance to drop in to school. In an age which increasingly looks to the university bachelors degree as a minimum requirement for success, migrant children have been nonstarters in the competition of life.

Perhaps the most bitter wine from the grapes of wrath has been that the son must follow in the dusty track of the father because he is not qualified by education or training to do anything else. That this should be the case in a land with the opportunity and wealth of our great Nation is a travesty of our national hope and heritage, and Oregon has taken the lead in trying to break through this vicious circle by a comprehensive educational program for migrant children. To best illustrate what is being done in Oregon I ask unanimous consent to have printed in the Record the following excerpts from the "Report on the Education of Migrant Children in Oregon" prepared by Ronald G. Petrie, supervisor of Migrant Education for Oregon.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

The Migrant Education Program

BACKGROUND

The migrant education program consists of a program during the regular school year and special summer school programs.

The programs during the regular school year are designed to improve the educational opportunities offered migrant children by reimbursing school districts for hiring extra teachers and purchasing additional books, materials, and supplies that are needed to carry out an adequate program.

The summer school programs are designed to supplement the program of the regular school year and to provide a special remedial program in the basic skill subjects of language arts and health.

The approach to migrant education varies from district to district depending upon local conditions, facilities available, type of migrant (Anglo- or Spanish-speaking), length of the harvest season, and attitude of the community.

Chapter 502 Oregon laws, 1961, specifies that the department of education shall collect data on the operation of summer school programs for migrant children and make a report to the State board of education which shall include the department's evaluation of the summer programs and its recommendation relating to continuation of such programs. The information contained in this report is representative of data received from school administrators and teachers of migrant children.

* * * * *

LONG-RANGE PROBLEMS

It appears that educating migrant children will be a major problem until such time as the migrant labor force becomes somewhat stable and the children consequently can attend school regularly enough to enable them to acquire an education on a basis reasonably comparable to that of regular resident children.

There is an indication that migrant families are settling or establishing their home bases in the State of Oregon rather than in other States as has been their practice in the past. This is occurring primarily in Marion, Malheur, and Yamhill Counties. This particular trend is producing some temporary problems which can be overcome with a continued educational program designed to fit the needs of the migrant children.

The need for continued education becomes more apparent when consideration is given to the changes toward mechanization in harvesting of agricultural crops. The departments of labor and employment predict that within 15 years Oregon will be using only one-fourth of the migrant labor that is presently being used. If this trend continues, as appears likely, most of the migrants who are presently harvesting our crops will be available for other employment. If they do not receive an adequate education, they will probably fall on the welfare rolls and become lifetime burdens to the State. The average expense of maintaining an individual on welfare is $1,000 per year. It costs approximately $400 a year to provide an educational program for a child of elementary school age. It appears imperative that steps be taken at this time to overcome the educational deficiencies of migrant children so that they may profit from further education and make preparations to go into other fields of work. Adequate education is absolutely essential if they are to become contributing members of society.

* * * * *

OBJECTIVES OF SUMMER SCHOOL PROGRAMS

The objectives of the summer school programs have been:

1. To supplement the regular school program and provide instruction in those areas of the curriculum in which the migrant child needed special help.
2. To answer questions concerning effective methods, materials, and approaches for instruction.
3. To collect data and make a report relating to continuation of such programs.

* * * * *

FUND ALLOCATIONS

All current expenses incurred in the operation of a summer school program for migrants were reimbursed by the State. The district provided the building, books, and equipment necessary to operate a program. Special migrant education funds were used for teachers' salaries, transportation, school lunches (partially paid for by the children), expendable supplies, materials, janitorial service, and other miscellaneous expenses.

AREAS IN WHICH THE MIGRANT CHILD NEEDS SPECIAL HELP

The summer schoolteachers and administrators found that migrant children needed special help in reading, writing, spelling, speaking, listening, vocabulary building, arithmetic, health, cultural background, readiness for instruction, and social adjustment. They found that the children were educationally retarded an average of 2 years because of these deficiencies.

CULTURAL BACKGROUND

The teachers found that it was necessary to develop culture patterns before they could give the migrant children the books which are used in a regular program. For example, teachers taught vocabulary from the children's experiences and developed new experiences by taking them on such field trips as to the supermarket, bank, fire department, and police department.

MATERIALS

The teachers discovered that migrant children had difficulty thinking in abstract terms. Consequently, they developed and used many manipulative materials which the children could see and feel, thereby developing concepts and relationships.

PUPIL PROGRESS

The teachers and administrators were asked to keep an account of the progress made by individual pupils in the summer school programs. In many cases this was difficult to do because the children left school without notice or were in school for only short periods of time. The teachers were able to substantiate pupil progress on those children who stayed in the summer schools for the whole session by keeping anecdotal records and using various reading tests.

* * * * *

SUMMER SCHOOL EFFECTIVENESS

Summer school administrators and teachers have expressed the opinion, which is substantiated by facts outlined in this report, that the summer school programs are generally more effective in helping migrant children overcome educational deficiencies than programs during the regular school year.

There are several reasons which tend to support this statement. They are as follows: (1) Summer programs are open only to migrants. Consequently, the teachers can gear the program specifically to their needs; (2) summer schools tend to be more effective because class loads are kept small, averaging 1 teacher to 15 pupils as opposed to 1 to 25 or 30 during the regular school year; (3) the success of summer schools is achieved by concentration on two or three areas of the curriculum such as language arts, arithmetic, and health, as opposed to covering all areas of the curriculum which is the practice during the regular school year.

GROWERS COMMENT

Growers and businessmen in the areas that have summer school programs report that they are able to communicate more successfully with migrants since the programs started; that the migrants do not destroy property as they had in the past; and that their personal cleanliness and the cleanliness of their camps have improved. In addition, growers in several communities have reported that they have a more stable class of migrants than they had before there were summer school programs.

CONTINUATION OF SUMMER SCHOOLS

The districts that have operated summer programs for migrant children have indicated that they should be continued. These districts have also indicated that without State support they would be unable to continue the programs.

The migrants have demonstrated support of the program by being attracted to districts that provide summer schools and by sending their children in increasing numbers each year (1959–60—434 children; 1961–62—950 children) to these schools.

* * * * *

CONCLUSIONS

It is evident, from the records of children's growth, that the summer school programs have been effective in overcoming educational deficiencies of migrant children and upgrading their achievement. In addition, the increase in attendance each year reveals that the migrants are interested in having their children acquire an education. It is, therefore, evident that the pilot programs have been effective. The continuation of these programs would be a desirable addition to Oregon education.

ADDITIONAL INFORMATION ON SUMMER SCHOOL PROGRAMS

The following report is typical of many reports submitted concerning migrant summer schools. It represents the range of problems experienced by most teachers of migrant children. There are illustrations of children's achievement, methods and materials used, and the need for individual instruction.

MIGRANT SCHOOL

(By Mildred Weeks, teacher, North Plains summer school, 1962)

My class was composed of children between the ages of 8 and 13 whose reading ability ranged from zero through grade 5. Omitting those who attended less than 3 days, it included 20 Anglos and 15 Spanish-speaking children. All of the latter were able to speak fairly good English.

RETARDED IN READING

In third- and fourth-grade reading, the Spanish-speaking children were 2 years retarded, the Anglos about 1 year. The fifth grade, the largest group, showed great variation. One Spanish-speaking child and four Anglos were able to read stories on their actual grade level. However, due to inadequate background, most were unable to interpret material beyond the fourth grade. The rest of the fifth graders ranged in ability from a complete nonreader through the fourth grade.

COMPREHENSION

Throughout the whole reading program, the main emphasis was on comprehension. Although the pupils could read well, they did not understand the material. They were able to pick up enough of the meaning to get the general thread of the story but unable to interpret the ideas involved. This was especially true of the Spanish-speaking children. It required a great deal of discussion, of giving examples, and of relating the ideas to their own experience before they could really read.

WRITTEN WORK

Since the class disliked written work, I had to use an indirect approach to this phase of language arts. We wrote stories for our animal booklets, reports of the trip to the zoo, records of the day's work, an autobiography, stories of some of the films we saw, and facts about schoolroom pets. On days when attendance was low, they were happy to write stories on the board or on large sheets of paper with felt pens. They did not object to writing in booklets, so we made several of these for keeping lists of books we had read, and for doing comprehension exercises and skill tests.

ARITHMETIC RETARDATION

In arithmetic the retardation was less apparent, averaging about 1 year. The most severe handicap of the whole class was in written language work, the only type of lesson they objected to doing.

In arithmetic, it was relatively easy to locate gaps in computation skills. In reasoning, the children were not too far below average. Though they could not do written story problems, because of reading difficulties, they did very well with oral problems based on their own experience. For the retarded, we had many manipulative devices such as counting blocks, illustrated charts, number cards, an abacus, self-teaching games, and number puzzles. A store with play money was popular and most of the children learned to make change. Many also learned to tell time, and to read and write large numbers.

SHORTCUTS

The children not only liked arithmetic, but regarded it as very important. For this reason, I tried to see that something new, however minor, was learned each day. Though they were below average in grade level, their greater maturity made it possible to use shortcuts that would not be advisable in a regular schoolroom. Most of the fifth graders needed to work on multiplication tables. This would have been a dreary business requiring the whole session, so I taught them to carry in multiplying while they were still learning their fours. I let them multiply by two and three figures before they had finished regular fourth-grade work.

When we discussed what summer school had done for them, they were sure that they had learned more in arithmetic than in anything else. It is hard to measure their progress, as they did not proceed step by step through a certain grade.

One girl who was better than average in computation learned to add and subtract unlike fractions.

A boy who had learned his tables learned to multiply by thousands, began long division, and was soon dividing by two figures with no carrying.

Two fifth-grade girls reviewed three-column addition, learned borrowing in subtraction, and learned the tables to 4 by 6, using them in multiplication by two digits.

A group who knew tables to six's finished the rest, learned to use them in multiplying by three figures with carrying, and were doing long division by one figure.

A group of third graders learned their addition and subtraction combinations to 20, learned to add and subtract money, wrote numbers to 1,000, and learned to make change.

DIFFERENCES IN SPANISH-SPEAKING CHILDREN

Although people have a tendency to class the Spanish-speaking together as a group, it was apparent in working with them that there is great variation among them. There is no typical Spanish-speaking child any more than there is a typical Anglo. Some in our group were so far above the others in refinement, in attitudes, and in ambition that there was no comparison. It is important to remember that the emphasis must be placed on the individual.

MONTAGUE ISLAND HIGH AND DRY

Mr. BARTLETT. Mr. President, west of Cordova, Alaska, at the entrance to

Prince William Sound, there lies Montague Island. It is little more than 25 miles south of the epicenter of the Good Friday earthquake which struck Alaska.

The astonishing, the almost incredible strength of the earthquake is clearly seen on Montague Island.

This 40-mile-long island has been raised as much as 33 feet above Prince William Sound.

The vertical lift was so violent that spruce trees 42 inches in diameter were snapped off and toppled like broken matchsticks.

The sea floor, once covered by as much as 20 feet of water, even at low tide, is now dry. The sea plants and animals now lie dead and shriveled far from the water's edge.

Apparently this great lift was accomplished without any lateral movement at all. Along the fault lines where once all was level, there are now sheer vertical cliffs as high as 16 feet.

This report comes to us from a geological survey team studying the effects of the earthquake in Prince William Sound. This party includes George Plasker, geologist; James Case, geophysicist; and G. Dallas Hanna, marine biologist.

DISASTER IN JAPAN

Mr. BARTLETT. Mr. President, Alaskans and all Americans read with dismay of the violent earthquakes which rocked central and northern Japan on June 16. The tremors, which read 7.25 on the Richter scale, left 23 dead and over 200 injured. The hardest hit city was Niigata, where giant oil tanks were set ablaze, thousands of homes were destroyed, and a third of the city was left under water. Highways, railroads and bridges were washed out. Forty of the city's 65 public schools were damaged. In Tsuruoka a school collapsed killing three. All over northern Japan the picture was one of destruction and desolation.

I was happy to read that the U.S. Air Force aided in firefighting efforts and that John K. Emmerson, U.S. chargé d'affaires, assured the Japanese Government that American forces in Japan were ready to assist victims.

The events of recent months have perhaps made us in Alaska particularly sensitive to the plight of victims of natural disaster. Certainly we remember with profound gratitude the gift of $10,000 which the Japanese Government gave to Alaska to help in recovery operations following our Good Friday disaster.

On behalf of my State, let me express my sincere sympathy to the Japanese people in this their time of trouble, and wish for them success in their building efforts.

LET US STOP THIS

Mr. YOUNG of Ohio. Mr. President, this may surprise many people in our Nation. But it is a fact that in a way our Government is encouraging and subsidizing radical rightwing organizations such as the Minutemen who arm their members. The Army's National Board for the Promotion of Rifle Practice distributes guns at cost and ammunition free to American civilians. This to encourage marksmanship. Under the existing law the Army gives the guns and ammunition only to civilians who are members of the National Rifle Association.

The National Rifle Association is a very fine organization. I am familiar with its work. I am very familiar with the national championship rifle shoot at Camp Perry in Ohio, near where I was born and reared. I have had the pleasure of attending some of the national rifle shoots.

At a skeet shoot recently, a radical—really a lunatic—rightwinger boasted that he had urged members of his group to join the National Rifle Association in order to obtain quantities of guns and ammunition for his "conservative group of patriots" as he termed it.

Here is a legal "loophole" which should be closed. The Department of Justice should take action against the Minutemen.

Whether this organization, the Minutemen, has many or few lunatic rightwingers as members is inconsequential. I assume that it is really a paper organization with very few active members. It is probably a moneymaking "patriotism" affair. I cannot believe that there are enough soft-headed people in the Nation for any large number to be members of the Minutemen. But the fact is that any organization which obtains automatic weapons, rifles, and a great deal of ammunition, or any other instruments usable in war, or in acts of violence or lawlessness, should be investigated by the proper law enforcement agencies.

I refer also to the so-called Paul Revere Associated Yeomen, Inc., of New Orleans. It is quite remarkable how some bright public relations men, for profit only, organize some organization, naming it as if it were a truly bona fide patriotic group.

N. S. Riecke, Jr., was the founder of the Paul Revere Associated Yeomen, Inc. He recently wrote:

> All patriots and conservatives are urged to join the National Rifle Association * * * stock up on rifles, shotguns, pistols * * * join the Minutemen.
>
> Remember—

Wrote this superduper self-appointed patriot, Riecke—

> the Communists cannot subdue an armed citizenry.

Unfortunately, last year the Army gave away to members of the National Rifle Association 60 million rounds of ammunition. This cost the taxpayers $1.6 million.

This is a place to save some money.

SOCIAL SECURITY FOR TIP EMPLOYEES

Mr. KEATING. Mr. President, this week, the Ways and Means Committee of the House announced that they would report out a bill increasing social security payments, and making some revisions in the program. Among these revisions is one which I have sought to achieve for quite some time. It would allow tips to be counted as wages for purposes of social security.

Many millions of men and women work for very low wages but receive a large portion of their income from tips. These tips are considered income for purposes of the Internal Revenue Service—that is, income tax must be paid on them—but, until now, they were not considered wages for purposes of social security. This means that this group of workers qualified for very low social security payments after retirement.

Last year, I introduced legislation to correct this injustice, and recently, I met with workers from New York and officials of the Social Security Administration—in an effort to bring about this change by regulation. I believe this can and should be done by revision of existing regulations. But I am doubly gratified that the Congress has belatedly recognized the injustice of this situation and will take steps to correct it by legislation.

SENECA INDIANS

Mr. KEATING. Mr. President, earlier this week, the Senate passed the Interior Department Appropriations bill containing $97,010,000 for the work of the Bureau of Indian Affairs. This was an increase of $100,000 over the budget estimate, and an increase of $1,810,000 over the House allowance. The figure included funds for resources management, construction on reservations, roadbuilding, educational grants, a revolving loan fund, tribal funds, and general administrative services.

Certainly, it is the responsibility of the Federal Government to make adequate provision for this important work, but it must not be forgotten that many Indian nations—particularly those in the East—are not under the supervision of the Bureau of Indian Affairs and receive none of this assistance. The Seneca Indians of Salamanca, N.Y., for example, receive no such help.

A few years ago, Congress authorized and appropriated funds for the construction of the Kinzua Dam. When this dam is completed and opened in October, the waters of the dam will flood Seneca lands, requiring the relocation of about 500 Indians. The Senecas have a treaty with the United States—signed in 1794—which provides that they should have their land in perpetuity. The treaty was unilaterally abrogated when it was decided to build the dam on this site.

In spite of the fact that we have had literally years to plan for and provide compensation to the Seneca Indians, and notwithstanding both House and Senate passage of compensation bills, the conferees have not agreed on a final bill. The lands, I repeat, are due to be flooded in a few short months. Until a compensation bill is passed, the Senecas cannot even borrow money to begin relocation.

Mr. President, the Senecas are not asking for special treatment or for the permanent services of the Federal Government. All they want is compensation for their land, and for the breaking of the treaty. There is ample precedent for such compensation in Indian land cases.

I would like to take this opportunity, once more, to renew a plea for the conferees on this bill to exert every effort to devise a bill which is fair to the Senecas.

SENATOR FONG'S CIVIL RIGHTS ADDRESS

Mr. KEATING. Mr. President, I wish to join other Senators who have commended in the highest terms the distinguished senior Senator from Hawaii [Mr. Fong] for his notable and outstanding civil rights address—an address which I believe will go down as one of the finest delivered on this subject in the Senate. It was a powerful message, filled with great insight, buttressed by sound logic, and infused with a great sense of reverence, justice, compassion, understanding and love for his fellow men.

I congratulate my good friend from Hawaii. I know that the people from his State are very proud and grateful for having so distinguished and able a representative in the Senate.

APPALACHIA AND ALASKA: THE WAR ON POVERTY SHOULD BE WAGED VIGOROUSLY IN BOTH THESE AREAS

Mr. GRUENING. Mr. President, the Senate Committee on Public Works has this week held informative hearings on S. 2782 the proposed Appalachian Regional Development Act of 1964. As a member of the committee and cosponsor of the bill, I have been interested in contrasting the needs of the vast Appalachian area with the pressing developmental requirements in other parts of our Nation.

I have been impressed with the testimony of the witness appearing before the committee. In detail we have heard how the war on poverty in Appalachia is to be waged. It should be waged vigorously. Relief in Appalachia should be productive and not merely an action of providing sustenance at the minimal level or slightly more.

Appalachia can contribute to a healthy national economy as can other areas where poverty is found when programs of progress are initiated. I recommend to persons interested in learning more about the Appalachia approach the reading of the report of the President's 1964 Appalachian Regional Commission headed by its chairman, Franklin D. Roosevelt, Jr.

The needs of Appalachia are neither peculiar nor unique to a single area. The new roads required, the new power required, the expansion of certain industries would benefit Alaska, too. The study of Appalachia is about over. Work is about to start. We must do the same for other areas as well.

I ask unanimous consent to have printed in the Record my statement on behalf of S. 2782.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Ernest Gruening, Democrat, of Alaska, in Support of the Appalachian Regional Development Act of 1964 Before the Senate Committee on Public Works, June 28, 1964

Mr. Chairman, the Appalachian Regional Development Act of 1964 now before the Senate Committee on Public Works will, if approved, make dreams real for more than 15 million Americans living in 10 States in an area encompassing 165,000 square miles. Cost of the Appalachian development program submitted to the Congress by President Lyndon Johnson is an estimated $262 million. I am a cosponsor of S. 2782, as are 34 other Members of the Senate. The bill has bipartisan support, as it should, for poverty knows no party lines.

I hope this committee will report S. 2782 favorably so that the development of a healthy Appalachian economy may begin soon. For 62 years the region has been studied and restudied. According to the report submitted by the President's 1964 Appalachian Regional Commission headed by its Chairman, Franklin D. Roosevelt, Jr.: "The facts of the Appalachian condition presented here are not new; they have only been updated. In 1902 and again in 1935 the Federal Government published extensive reports of this region. * * * Over this 62-year span, the conditions described in each report are discouragingly similar; their recurrence in these studies is the chronicle of a region bypassed."

A region bypassed, be it Appalachia or Alaska, cannot contribute productively. When the Under Secretary of Commerce appeared before this committee on June 22, he used a positive brush to paint what the Appalachian picture should be and could be. Under Secretary of Commerce Roosevelt pointed to the $12 billion increase in our gross national product possible when Appalachians have a purchasing power equal to the rest of the country, when their per capita income is equal to the average American, when their housing starts meet the national average. Perhaps his most penetrating single remark was: "In Appalachia, poverty is waiting in a surplus food line, instead of waiting in a supermarket checkout line." The proposed legislation would initiate programs fundamental to area development such as a 2,350-mile highway system, accelerated water facilities construction, pasture improvement, improved timber management, expanded uses of coal, improved mining practices, and land restoration.

If the war we wage against poverty in the United States is to be won decisively, it must have both short- and long-range objectives. We cannot disregard the chronically unemployed adults. Each year we pour billions of dollars abroad in our foreign economic aid program. We cannot afford to be less generous at home.

Much is written of our bounding affluence but this good life does not extend to what President Franklin Delano Roosevelt a generation ago referred to as "a third of the Nation, ill clad, ill fed, ill housed." The gap between the affluent and the poor is growing—even as we discuss the need for this particular bill.

Who are the poor, in whose behalf war should be waged? They are people who have been thrown out of work because of changes in industrial practice, changing demands, changing fashions, because in their former employment they are no longer needed. There are other people who have been thrown out of work by automation, which is steadily enlarging its role of disemploying able-bodied citizens ready and eager to work. They consist of the elderly, who have not been able to save enough for their retirement, whose meager social security funds are inadequate and who are faced by the steady rise in living costs. They are the Negroes and whites who, for lack of education, cannot qualify for jobs, if such jobs were available. They are the ill, who, through physical incapacity, cannot accept employment. There are still others.

Moreover, poverty is widely distributed throughout the United States. It is both urban and rural. It is widespread throughout Alaska, among our native population—Indians and Eskimos—whose chief handicap is their lack of educational opportunities in their youth. They have not been afforded these in the past by the Federal Government, which until 5 years ago, had complete jurisdiction over their education and their economic and social welfare, and now still, in large part, provides their education.

As I read the Commission report on Appalachia, the similarity of the problems of that undeveloped area and undeveloped Alaska became apparent.

Under Secretary Roosevelt has told us that were Appalachia equipped with the same purchasing power as the country as a whole more than $12 billion would have been added to our gross national product. I wondered how Alaska compared. According to figures compiled by the Legislative Reference Service of the Library of Congress Alaska could do better, too.

In 1963 Alaska retail sales totaled $258,599,000. According to its population of 240,000, that figure should have been $340,619,836 or $82,020,836 more. Statistically Alaska's retail sales fall short by more than 25 percent.

What about the private construction valuation last year in Alaska?

The Library of Congress has that answer, too. The total national valuation in 1963 was $21.8 billion. According to its population Alaska should have a valuation of $30.1 million rather than its actual valuation of $22.5 million.

What of the unemployed?

Unemployment figures in Appalachia are high. More than 7 percent of the labor force in Appalachia, nearly 400,000 were jobless in 1960 because of severe declines in employment in mining and agriculture.

The National unemployment figure was 5.4 percent in April this year but that figure in Alaska was 13.2 percent. Had the Alaska figure been average, $54.5 million in additional income could have bolstered the State's economy.

Appalachia and Alaska are many thousands of miles apart—yet their problems are similar. The Appalachia report found that "much of the wealth produced by coal and timber was seldom seen locally. It went downstream with the great hardwood logs; it rode out on rails with the coal cars; it was mailed between distant cities as royalty checks from nonresident operators." Later said the report:

"The Appalachian people are clearly striving to meet the challenge of deprivation. * * * The conversion and processing of its raw materials should be done locally to the fullest extent possible. New industries, dependent not only on the resources of the region but on the strategic location and potential market which Appalachia represents, must be located in the region. The magnificant recreational resources must be developed with coordinated intensity if their employment potential is to be realized. Agricultural diversification should be accelerated and mining and timber employment and income expanded. Private enterprise will be the ultimate employer. * * * But before this can happen, public investment must create the foundation on which private enterprise can then build its own job-producing structure."

Let us consider the following Appalachia's needs—keeping in mind they are not unique to a single region:

1. New roads to overcome regional isolation.
2. Improved air service.
3. Controlled development of water resources to end flooding and bring in industry.
4. Expansion of the livestock industry to help meet the Nation's demand for beef.
5. Processing of timber locally.
6. New uses for coal deposits, development of minerals.
7. Production of low-cost power.
8. Utilization of recreational resources.
9. An expanded private business sector.

These nine needs apply in Alaska or wherever pockets of poverty exist because of absentee ownership and/or inept management by the Federal Government.

Like Appalachia, Alaska has been studied and restudied.

Happily the long study period in Appalachia is ending, and it must come to a halt in other parts of our great land for domestic aid at the Federal level such as is proposed in S. 2782 can bring an area into the 20th century with all of its challenges and rewards.

We must move ahead in Appalachia. And this program must be repeated wherever the ills of poverty have yet to be cured.

Let us do at least half as much for the people at home as we do for the people abroad.

TRIBUTE TO TARAS SHEVCHENKO

Mr. ALLOTT. Mr. President, on this 150th anniversary year of his birth, by dedicating a statue to his memory and to the inspiration his works have provided for four generations of freedom fighters in the enslaved nations of the world, this capital city of the free world will honor Taras Shevchenko, a Ukrainian poet, 1814–61, on June 27.

Paradoxically, on June 10 of this year, a similar statue of Taras Shevchenko was unveiled in the capital city of the enslaved world—Moscow—and remarks were made hailing this man as a "poet of communism."

Let us not even consider here the philosophical or ideological inconsistencies which the two statues to Shevchenko seem to represent. Such inconsistencies, in instances like this, are not important. For, it does not matter what words a man sets down on paper, what does matter is the impact his words have on the minds of other men and the reactions that result.

To me, and apparently to millions of other human beings in enslaved nations throughout the world, Shevchenko's words represent hope for freedom, and the determination to achieve and hold it. I know not, and care not what they mean to the leaders of the Communist hierarchy.

RACIAL UTOPIA IN HAWAII

Mr. INOUYE. Mr. President, the Sunday, June 7, 1964, issue of the New York Times included an article entitled "Hawaii Developing Into Racial Utopia," written by Max Frankel. I wish to share this observation by Mr. Frankel with my distinguished colleagues; so I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hawaii Developing Into Racial Utopia

(By Max Frankel)

Honolulu, June 5.—Haoles have become the largest ethnic group in Hawaii. More of them are streaming in every day but no one seems to mind.

Haoles, or strangers, is the term applied to Caucasians.

The chamber of commerce tries to discourage their migration from the mainland because too many think that everything here is beaches and green. But the persistent ones come anyway, bringing professional and other employable skills.

No one in these islands of Asian and American minorities objects on racial grounds. Some were worried for a time that the migrants would bring racist attitudes from the mainland and spoil what is rapidly becoming one of the happiest interracial societies in the world. The islanders, however, are confident that Hawaii will change the haoles before they can change Hawaii.

In any case, the white predominance is only the skimpiest sort of statistical triumph. The islanders are becoming so interbred and mixed that the ethnic population figures suggest but no longer describe the situation.

Prof. Andrew W. Lind of the University of Hawaii, the foremost sociologist here, predicts that within a generation all racial and ethnic statistical categories will be "useless."

Nearly half of all marriages in Hawaii now mix ethnic bloods, joining whites, Japanese, Chinese, Filipinos, and the already mixed Hawaiians to each other or involving at least one mate of mixed ancestry.

The aboriginal Polynesian Hawaiians assimilated freely with past waves of haoles. Only a few thousand pure Hawaiians remain in the total population of 650,000.

INTERMARRIAGE RATE RISING

Six percent of the population is Chinese, but 4 of ever 10 now marries "out."

The Japanese, until recently the largest group with 32 percent as well as the most closely knit, are also beginning to lose their identity. One of every four Japanese women now marries across ethnic lines, half of them to Caucasians.

Less than 1 percent of the island's residents are Negro, although some descendants of the earliest Negro settlers are among the most influential families. About 35 percent of the population is pure white, about half being families temporarily stationed here on military duty.

The effect of all this has been startling, especially in the last decade of economic expansion, statehood, and jet travel. As Prof. Douglas S. Yamamura, also a sociologist, puts it: Hawaiians are more and more living up to the pretense of nondiscrimination that has long been the vogue.

Until 10 years ago, economic and social standing still tended to coincide with ethnic lines, the whites at the top and the other groups arrayed roughly in the order in which they were brought here to work on the sugar and pineapple plantations.

LEADERS IN EVERY FIELD

But the sons and grandsons of the immigrants have now fought their way to the top of every field and status. Wealth, power, employment, housing, schooling and other opportunities can no longer be measured in ethnic terms.

During World War II many Hawaiian Orientals got their first glimpse of white men doing menial jobs. Today they laugh about this discovery.

As Tomi Knaefler related in a "typical" family account in the Star-Bulletin last week, the Japanese-American son of a canecutter, himself a member of the State legislature, worries most about the easy life of his son, a high school senior who drives the family's third car.

The Governor of Hawaii is Caucasian. The chief justice of the supreme court, the president of the senate and the president of the bar association are of Japanese ancestry. The speaker of the house comes from a line of Portuguese (whose ancestors were laborers and thus usually distinguished here from other "whites"), and the executive officers of the four counties of the State possess Chinese, Hawaiian, Negro, Caucasian, and Indian blood in various proportions.

The multiracial guest lists for important parties at "white" military installations are among the best indications that other groups are breaking down the last barriers.

There are still a few areas where housing is restricted, especially to Negroes. Some social clubs remain frankly ethnic, and in their private remarks, Hawaiians still reveal racial resentments often against the large and visibly energetic and successful group of Japanese-Americans.

But the preacher of racism who ventures a public lecture is pitied and ridiculed by all sides.

One of the major issues in the local chapter of the National Association for the Advancement of Colored People is whether Hawaii needs such a group. The State's fair employment law is so rigid that it forbids help-wanted ads from mentioning sex as well as race.

Although bloodlines are being rapidly mixed, the host culture is decisively American. Children learn American, not Hawaiian, history and the universal aspiration is for the culture of the mainland.

Professor Yamamura has found, however, that the new confidence of nonwhites is beginning to revive interest and pride in national heritage and custom. Island youngsters studying at mainland colleges write home for information about their ancestors and antecedent cultures in a spirit of discovery.

The professor has discovered still another sign of leveling—the divorce rates of mixed and unmixed marriages are becoming alike. Until a few years ago mixed marriages fared poorly, especially those of white women and nonwhite men, but the rate is leveling at the national average of 25 to 30 percent, while the previously lowest divorce rate of unmixed Orientals is mounting to that average.

MANY YOUNG LEAVE

The group known ethnically as Hawaiian and which did much to foster equality and intermarriage here has had the most difficult time bringing itself up the economic and social ladder. A major reason for this seems to be that many of its most successful young members have left the islands and joined the 115,000 islanders living on the mainland.

Like many places, Hawaiian society was late in honoring its own. Strangers seemed taller and brighter and more talented than even the best natives.

This problem is the last great hurdle in the path toward real equality. Students of the problem here say that when Hawaiians come to feel at home in Hawaii they will probably have ceased to be Hawaiians and by that time everyone will have ceased to be anyone except himself.

At the University of Hawaii Negro actresses are now used to portray Japanese mothers and English dowagers. A local drama critic said he would feel foolish to point this out in his review: The audiences do not notice, and the readers would be annoyed by an apparent irrelevancy.

All this suggests to him, a Caucasian with an Oriental wife, that this island, at least, has moved a long way toward its blissful reputation.

SOUND VALUES AND MORALS FOR OUR YOUTH—COMMENCEMENT ADDRESS BY THE GOVERNOR OF HAWAII

Mr. INOUYE. Mr. President, many of us today are concerned with the development of sound values and morals in our youth. Gov. John A. Burns, of Hawaii, recently plumbed the depths of this problem in a commencement address delivered at St. Benedict's College, in Atchison, Kans.

I wish to share these remarks with all Members of the Senate. Therefore, I ask that Governor Burns' address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE JOHN A. BURNS, GOVERNOR OF HAWAII, COMMENCEMENT EXERCISES, ST. BENEDICT'S COLLEGE, ATCHISON, KANS., MAY 27, 1964

President Hemmen, honorable faculty members, distinguished guests, and fellow graduates of the class of 1964, it is indeed a rare privilege and a singular honor for a member of the graduating class to deliver his own commencement address.

While the position I am in may be an awkward one for most people, I must say that as a politician I do feel somewhat at home in the ambiguous circumstances I find myself in today. As you know, politicians generally are extremely fond of speaking. As a matter of fact, most politicians are their own best audiences.

I do, however, seriously consider this a very great honor.

Some of you might also be concerned when our alma mater grants a doctorate to one who has met neither the entrance nor the residence requirements—the same alma mater that has denied the bachelor's degree to others with the same deficiencies.

Putting aside the question of justice for the moment, I want to assure you of my deep gratitude for this honor and my sincere interest in carrying out the ideals of St. Benedict's and the responsibility of membership in the class of 1964.

A doctor of laws is commissioned to teach. This afternoon, I would like to exercise this function just confided to me. I wish to share with you some of my convictions about values in public education—a conviction which I have thought about for many years and which has become a serious commitment since the day on which the citizens of Hawaii elected me to be their Governor.

About a year and a half ago, when I was honored to be inaugurated Governor of Hawaii, I said to the people of my State, among other things: "My most important pledge to you is—to provide for our children the best possible education. We must insure that pressing current needs do not distract us from our basic need—to safeguard our children's future through education. As we move into our East-West role, our educational institutions must anticipate and play a leading part in the development of our evolving opportunities. We must insure that in the controversy of child versus money, the child comes first."

Now, at this midterm, I am more than ever convinced of and committed to this idea. At the same time, I am also aware of a crisis of values in modern public education.

The expenditure of more money does not of itself guarantee an adequate education. Quality and quantity, while both important, are not the same.

We need to consider, then, not only giving our children more education, but a better education; an education that has been made better because we have profited from the observable deficiencies of our own.

One of these deficiencies, it seems to me, may be in the area of values. That is, we speak often of the value of education; but what have we considered about the concept of values in education?

Much has been said about the relative pace of scientific and moral development in our country. It has frequently been noted that the scientific mentality of detachment—so commendable in the laboratory—has become almost a way of life—a detached way of life or a life uncommitted.

The symptoms of this are graphically portrayed in a paragraph from an editorial of some time ago by Norman Cousins, distinguished editor of the Saturday Review. Said Mr. Cousins then: "In traveling around the United States, I have been made aware of a melancholy tension. The questions people ask are not related to their personal incomes or the need to find better ways to amuse themselves. They want to know how to overcome a sense of personal futility on the big issues. They have a sense of peril; they know that the fuse points of a world nuclear explosion have multiplied; they know that the giant pieces of a seeming inevitability are falling into place; and they feel impotent. In sum, the malaise is helplessness. This is the American problem.

* * * * *

"The individual would like to become relevant, but doesn't know where to take hold or what to do even if he could take hold. Today this is the central issue to which all others are subordinate. Yet even the individuals who recognize it as the central issue are uncertain about their own ability to become relevant, to help. The means are now at hand for purging the earth of life in human form, or failing that, to lacerate it so severely that joy will be separated from the human heart; but the individual who wants to do something about it feels cut off and paralyzed."

If Mr. Cousins is correct in his diagnosis of this generation's most basic fault, it would seem to indicate that our schools might indulge in some profitable introspection.

Someone might add: "Hadn't our homes, too, to look at themselves? And our churches?"

Indeed, they might. In fact, every institution of our society could well pose this question of themselves. Today, however, we are concerned particularly about values in our public schools.

Dr. Philip Phenix, of Teachers College, Columbia University, had some rather sharp things to say on this subject in a statement made 2 or 3 years ago to Time magazine. Said he: "The most important product of education is a constructive, consistent, and compelling system of values around which personal and social life may be organized. Unless teaching and learning provide such a focus, all the particular knowledge and skills acquired are worse than useless. An educated person whose information and ability are directed to no personally appropriated worthy ends is a menace to himself and to society. A highly sophisticated society educated to no coherent way of life is, likewise, by its very learning made the more prone to disease and degeneration."

The article went on to point out that most U.S. schools firmly believe that they do provide the values he demands. On the premise that happy men create a healthy society, they teach and beseech children to use their abilities.

By thus stressing self-realization, the schools in theory promote "the greatest good to the greatest number."

However, it is Philosopher Phenix's jarring argument that all this is morally shallow—that our schools in fact promote selfishness.

Phenix advocates a curriculum with a moral skeleton the backbone of which is the idea of worth. His aim is the moral application of knowledge. In short, his students would be taught to uphold worth in every area of life.

The article went on to spell out what this concept of worth would be like in curricular terms:

"To build conscience, Phenix would teach respect for all forms of life. Geography, for example, would go far beyond maps and place names to the responsible use of air, earth, and water. Lessons in health would illustrate abuses in everything from alcohol to industrial waste. Since sex 'provides the crucial case of desire at odds with devotion,' Phenix would encourage 'a fresh acceptance of the ideal of sexual purity' as one method of fostering 'dedication to standards of worth.'

"Phenix's ideal school would shun all social stratification, from numbered grades to skin color. It would emphasize learning as 'preparation for the good life,' not 'the case value of more education.' It would stress the rule of law in national and world affairs, and forcefully analyze 'the extreme destructiveness of modern weapons of war.' From the consequences of protective tariffs to the advantages of foreign languages, it would always presuppose 'universality and world outlook.' "

"In sum," Phenix says, "schools should emphasize and demonstrate that the world, man and his culture are neither self-sufficient nor self-explanatory, but are derived from given sources of being, meaning, and value.

"That the supremely worthful is not finite or limited but transcends all human comprehension and every human achievement.

"That the life of selfish ambition, the struggle for autonomy, acquisition and success, and attachment to finite goods, lead in the end to misery, conflict, guilt, despair, boredom and frustration.

"That every individual has a personal calling to turn from, following after desire, to a life of loving and grateful dedication to what is of ultimate worth."

Thus did Dr. Phenix put his finger on this very critical problem of values in our public education, or in all of our education, for that matter. I would observe, however, that the values Dr. Phenix would inject into the curriculum are rooted in a faith, a faith to which he is committed and which gives skeleton and flesh to the body of values.

and generates vital force to make it live and move, and nerves connected to conscience.

If the whole curriculum were his responsibility, then a comprehensive value structure would be relatively simple matter. But in public education in a pluralistic society these decisions never rest in the hands of one man, and seldom even a homogeneous group of men.

Dr. Phenix may have put his hand on the greatest problem in modern public education, but it is also the most controversial.

Here is the dilemma of the need for unity and the fact of plurality; of academic freedom versus philosophical coherence.

When our forefathers said: "We hold these truths to be self-evident, that all men are created equal, and are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness," they dogmatically declared a basis of unity and coherence for our way of life.

It would provide a sufficient reference point for the kind of value determinations indicated by Dr. Phenix in his value-oriented curriculum.

But when many of these same men wrote into the Constitution the provisos of dissent, including the currently contested first amendment that "Congress should make no law regarding the establishment of religion, or prohibiting the free exercise of the same," they opened the door to plurality and left the Nation in a tension that has plagued and prodded it, facilitated and frustrated it from that day to this.

For some, this indicated parochial education in which unity and coherence of the curriculum could be assured, and the tension removed to a place where it could be controlled. And while many of us owe a great deal of the parochial movement, we note that it is being reassessed today by some of its most ardent proponents.

This might seem to lead by a process of oversimplification to the corollary that parochial education being religious, public education is therefore secular. Some have followed this line with great zeal, and the vibration and tension has been felt in court and Congress. But secularism is a kind of religion, or a religious commitment, and simply a reverse attempt to remove the tension to a safe distance.

Nevertheless, the fact of the matter is that in the kind of democratic structure bequeathed to us by our forefathers, the development of values and ideals must be distilled out of dialog participated in by men of a variety of commitments—out of the discovery of their agreements and the sharp clash of their differences.

In the transfusion of the resultant values into the educational curriculum, this fact should never be disguised.

What is being offered here is not an alternative faith—an alternative to the church—but an authentic reflection of the dialog, a frank recognition of the differences, and the consequent impression of the importance of values.

And it would seem desirable that the production should be in stereo; that is, with some indication of the relative depth and magnitude of the voices in our society.

That this kind of question can be boldly asked, that this kind of discussion is taking place in many quarters is a healthy sign.

In Hawaii our State Commission on Children and Youth is developing its own approach to this question. I quote from the minutes of a recent session of that commission: "Our concern is with moral and spiritual values. The question is: What is it that needs to be done to develop sound values and ideals in our children and youth? Our premise and point of departure is that values and ideals are rooted in, and permeate every activity and sphere of life, both individual and social. It follows that a sound approach to values and ideals must be based upon a sense of involvement and responsibility on the part of the whole community. It also follows that we cannot address ourselves effectively to the needs of our youth as long as we are inclined to shunt responsibility to particular agencies or institutions and fail to recognize that values and ideals are everybody's business.

"Our proposal is * * * the formation in each county of a permanent, continuing, representative citizens' group, including representatives of church and school, and youth, whose concern would be to engage in a deep-level study of the integral relationship between church and school in the development of values and ideals.

* * * * *

"We feel that the proper function of these citizens' groups involves regular meetings to clarify in their own minds the extremely complex web of life out of which values and ideals emerge. At the same time this group should issue statements of concern, publicize information about significant programs and developments, commend worthwhile activities, suggest possible or necessary implementations, and engage in a continuing process of evaluation and reevaluation from the standpoint of communitywide responsibility."

I pass this on to you for what it is worth and for your future reference.

I would offer you this thought also: Let us throw aside the stultifying fears of participating in a dialog that we cannot dominate, of tackling a problem that we cannot neatly resolve, and let us get on with it.

Your education at St. Benedict's has prepared you for this dialog. You have developed the skills and attitudes needed for dialog during 4 years of community life in the Benedictine tradition.

You have learned to live with men from all parts of the world and to appreciate these men and their cultures.

You have learned to emphasize the positive values that make community life possible; and you have learned to tolerate and eliminate the negative attitudes that divide men.

Although you may have experienced some crises in this dialog, you did not find it too difficult to discuss basic issues with students who share with you the same Christian values, the values that have been reinforced in your theology, philosophy, and other humanistic courses.

As one engaged daily in the art of the possible, as politics has been frequently defined, I can assure you that dialog will become increasingly difficult for you. But in the face of this strain, you cannot retreat to any kind of ghetto complex.

If you recall the great Benedictine tradition, you will understand the dimension of your responsibility for dialog following graduation.

The Benedictines were always great educators.

The Benedictine monasteries were the centers of learning in Western civilization.

The Benedictine monks engaged in a dialog that involved men committed to Christian principles and men from barbarian peoples.

The history of Benedictine success shows that dialog among such diverse peoples was not only possible but also fruitful.

The culture that we enjoy today is the product of that dialog.

You graduates, as you commence a new life beyond college, you move out into the arena where this dialog is taking place and needs to take place in broader and deeper dimensions.

You will face the immediate and persistent temptation to withdraw into the shell of the limited interests of your family, your home, your job.

If you are so inclined, I pose to you this question: to whom shall we assign the question of values in our public education?

Let there be no mistake about this: the answer to the questions posed by Mr. Cousins, and Dr. Phenix and others like them will be forged out of your insight, your faith, your courage—and most important of all, your participation.

TARAS SHEVCHENKO

Mr. INOUYE. Mr. President, each generation of mankind produces a few men fired with a spiritual genius destined to inspire the minds and hearts of his fellow man. Such a man was Taras Shevchenko, who was born into serfdom in the Ukraine a century and one-half ago.

His written words lighted a torch for freedom in a dark land—a torch which still burns brightly today.

Today we pay tribute to Taras Shevchenko with the unveiling of a monument to him in our National Capital.

It is fitting that we free Americans, including many of Ukrainian descent, memorialize Taras Shevchenko, so that his name will live forever in the sacred annals of those who dedicated their lives in the greatest of all causes—the fight for human freedom and dignity.

WINNING ESSAYS IN 1964 McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, in order that the Members of this body may share with me the excellence of thought and the depth of understanding shown by the Wyoming young people who were honorable-mention winners in the 1964 McGee Senate Internship Contest, I ask unanimous consent that two of these essays, by Sharon Coates, of Rawlins, and Richard L. Vonburg, of Basin, be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD as follows:

MAKING DEMOCRACY WORK BETTER

(By Sharon Coates)

Thomas Jefferson once said, "If you expect a nation to be ignorant and free, you expect what never was and never will be." America stands for freedom, our national purpose is freedom, the American dream is freedom. Democracy and freedom must exist together in order for each and both to be secure. History and reason dictates that for a democracy to exist and function, freedom must be enjoyed by the people. By the same token, if freedom is to be secure, the people must control their government. It therefore follows that a country which is dependent on the will and wisdom of its citizens must have each citizen educated to the fullest extent of his capacity.

To make democracy work better we must cultivate American minds to the maximum degree of excellence which each can absorb regardless of income, race, color, or religion, for the human mind is our fundamental resource. "We must strive to acquire knowledge and apply it with wisdom." These were the words of the late President Kennedy. No better slogan could be more fitting for the 20th century American than this.

To make democracy work better we must elect leaders and legislators who are dedicated to American ideals. They must be freedom loving, wise, courageous, and have high ethical standards. We must elect officials who do not lose sight of the national interest in order to serve a wide group of interests not related to, and often opposed to, the national interest. We must elect men to office who understand that economics are not divorced from political or ethical consideration. We Americans must be educated, mentally, and morally, if we are to know what is in the national interest and what men will best serve that interest.

To make democracy work better we must have leaders who will strive to expand educational facilities and inspire citizens to take advantage of these facilities. Such leaders could do much to encourage students to continue their education to the highest degree. Such leaders could also give incentive to adults so that they would develop latent talents, expand their knowledge through self-education and through adult education courses.

To make a democracy work better we must develop our greatest resource, our people. This is a "nation of the people, by the people, and for the people." This is not a nation of bombs and missiles, nor a nation of big cars and split-level homes, neither is it a nation of labor unions and big business. These are only the byproducts of a nation. The United States is a nation of people dedicated to the cause of freedom. Freedom for ourselves and all others of the world who would pursue freedom. Properly developed and educated, we could and should be the force that will set off an explosion of enlightened minds that will light the world and move it to peace and freedom.

Many scholars and writers say that we need to recapture our own freedom-loving, transforming and creative spirit if we are to succeed in making democracy work. They point out that, "The Communists wait for the coming of another disastrous depression. They batten on every national prejudice. They try to poison every potential conflict between East and West. They preach about the decline of Western ideals. They talk about the false pretentions of Western society and the myth of Western religion, the hypocrisy of Western freedom, and the certainty of Western collapse." They say that Western survival depends on us to be stable, reliable, prosperous, share our prosperity, rebuild our defenses, be patient allies and good friends, restore our vision and moral purpose, drive out fatalism and finally, restore the "glorious liberty of sons of God." If we must do, and continue to do, all these things, we must train our minds and hearts and souls to the utmost so that our Western World remains a world of freedom in which we can freely choose and freely act. We can keep it that way only if we know what is good, true, and humane.

To make a democracy better we need the fruit of the highest degree of intellect which is the result of education. Such an intellect acquires a comprehension and vision of all things in its own place and characteristics, calmly, clearly, and accurately as far as the human mind can enfold them. From its knowledge of history it becomes almost prophetic and is heart probing from its knowledge of human nature. Such an intellect is freed of littleness and prejudice and has nearly super-human charity. Nothing can startle it, it has beauty and harmony because it is so attuned to the eternal order of things.

To make a democracy work better we need to relearn what the components of our Western civilization are and educate ourselves so that we may enrich our lives and those of all the world not only by future breakthroughs in knowledge, but by the knowledge handed down to us by history and tradition. From the Greek civilization we can learn how to be harmoniously developed human beings having a sense of the true, the good, and the beautiful. From the Roman civilization we can learn how to be good citizens having a sense of justice, a sense of duty, and a sense of civic concord. From our religious faith we can regain our sense of dignity as children of God. Finally from our own beginnings as Americans we can learn what freedom really means and why it is necessary to have freedom to be a harmoniously developed human being, a good citizen, and retain a true sense of the dignity of man.

MAKING DEMOCRACY WORK BETTER

(By Richard Vonburg)

Through my experience as a young American citizen, I find that you cannot make democracy work better. This would be violating the very basic rule which democracy is based upon. Therefore, when I use the word "make," the meaning is extremely liberal.

In early history democracy was synonymous with mob rule. Essentially it is a mob rule, because the crowd—the mass—the people all unite together to make democracy. Democracy is much like love, continually growing, going through many changes, and new doors are opened. As stated by Justice William Hastie, "Democracy is a process, not a static condition. It is becoming rather than being. It can easily be lost, but is never fully won. Its essence is eternal struggle." We can see that it is the very nature of democracy which seeks the need for betterment and improvement. Never should we be satisfied with its present state. Changes are necessary, and as Alfred Smith states, "All the ills of democracy can be cured by more democracy."

When we think of democracy we immediately picture something in our minds to do with our government. John Dewey once wrote, "Democracy is much broader than a special political form, a method of conducting government, of making laws, and carrying on governmental administration by means of popular suffrage and elected officers. The political and governmental phase of democracy is a means, the best means so far found, for realizing ends that lie in the wide domain of human relationships and the development of human personality. It is a way of life, social, and individual.

This briefly is my interpretation of democracy. People seldom stop to think of the power they have in themselves through democracy. One way to make democracy work better is to realize that ordinary people have extraordinary possibilities. No matter what political party one belongs to—Democrats, Republicans, Progressives, Greenbacks, Independents—all have been successful because they fulfilled the needs and wants of the people. No man is elected to an office unless the people feel he will pass legislation they want. The strength of the people killed the prohibition amendment, the strength of the people provided woman suffrage, the will of the people created income tax, the people elect a person as President of the United States every 4 years—all of these things and countless more have been accomplished because the people wanted them. This is what the citizen should realize—the great possibility within himself individually.

The strength of the people lies in their deep spiritual and moral self-consciousness. If every American could realize the importance of a deep-rooted faith in God, and in himself, democracy would have a stronger base. Every person does realize to a certain extent his possibilities, but due to the increasing population growth, automation, and our fast pace of living, this realization is stifled.

As an American we have certain duties that, if done patriotically and sincerely, would strengthen democracy. Since democracy is more than a government, including people, we can make democracy work better through people. A citizen has a duty to his home. Whether he be a father, mother, sister, or brother, a responsibility of fellowship, love, understanding, faith, hope, compassion, etc., is born in the family relationship. The strength of our Republic Nation is the intelligent and well-ordered homes of the people. After the experience of our home we make certain friends with people from other homes. Wherever we are, no matter what we are doing, it is an American's duty to defend any remarks uttered against our country, exercise advantageously the right of freedom of speech, and always be alert about the responsibility of citizenship through proper education.

It has been said that people usually pay little attention to the things which serve them best. Many times how we forget America. The problems we encounter in our daily lives tend to shadow any feelings we have for our country. Each person is a component of democracy, for democracy is of the people; any improvement in it must begin with the people. Democracy can thrive and improve only when it enlists the devotion of those whom Abraham Lincoln called the common people. Democracy can hold that devotion only when it respects their dignity through their efforts. People cannot seem to realize this important role they play. There is an amazing strength in the expression of the will of a whole people; and when it declares itself, even the imagination of those trying to contest it is overawed. All energies of the inner American can be released through democracy. In our daily lives, during elections, and on national holidays we have the opportunity to put forth this feeling.

Our way of living in America is a strong but delicate fabric, made up of many threads. It has been woven over many centuries by the patience and sacrifice of countless liberty-loving men and women. It serves as a cloak for the protection of poor and rich, of black and white, of Jew and Gentile, of foreign and native born. The ideal of democracy is the highest humanity ever developed. It is well known that when something stops being better, it stops being good. Let us not tear the ideals we have asunder with lack of improvements. For no man knows, once it is destroyed, where or when man will find this same protective warmth again.

We can see it is possible to make democracy work better through looking at a statement made by the old philosopher, Aristotle. He said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the upmost." How can we do this today? I think every American should take to heart the following poem. If we believe in the things the poet mentions we cannot help but become better Americans, thus improving democracy. This poem, entitled "Credo," was written by Elias Lieberman.

I believe
That there are greater things in life
Than life itself;
I believe
In climbing upward

Even when the spent and broken thing
I call my body
Cries "Halt!"
I believe
To the last breath
In the truths
Which God permits me to see.
I believe
In fighting for them;
In drawing,
If need be,
Not the bloody sword of man
Brutal with conquest
And drunk with power,
But the white sword of God,
Flaming with His truth
And healing while it slays.
I believe
In my country and her destiny,
In the great dream of her founders.
In her place among the nations,
In her ideals;
I believe
That her democracy must be protected,
Her privileges cherished,
Her freedom defended.
I believe
That, humbly before the Almighty,
But proudly before all mankind,
We must safeguard her standard,
The vision of her Washington,
The martyrdom of her Lincoln and Kennedy,
With the patriotic ardor
Of the Minute Men
And the boys in blue
Of her glorious past.
I believe
In loyalty to my country,
Utter, irrevocable, inviolate.

Thou, in whose sight
A thousand years are but as yesterday
And as a watch in the night,
Help me
In my frailty
To make real
What I believe.

ACTION TAKEN BY FEDERAL TRADE COMMISSION REQUIRING LABELING OF TOBACCO AS POISONOUS

Mr. WALTERS. Mr. President, I was surprised and shocked at the action taken by the Federal Trade Commission requiring the labeling of tobacco as poisonous. This regulatory agency, with limited powers, has usurped its authority in assuming it can require the tobacco industry to mark their product as harmful and dangerous. This action would better be taken by competent medical authority, either public or private, not by an agency which has never been accredited to render medical opinions. Thus far neither the American Medical Association nor the Public Health Service has been able to conclusively link the use of tobacco with the incidence of cancer and other lung diseases. The tobacco industry means a great deal to my State, and any curtailment could seriously affect the economy of many localities. All of us, of course are as concerned with the health and welfare of our people as are the members of the Federal Trade Commission, but I do have enough faith in the judgment of the public and the tobacco industry itself to know that they will exercise self-imposed restraints without the need for "scare" labeling.

WATER POLLUTION

Mr. MUSKIE. Mr. President, water is a natural resource of inestimable worth. Every level of government, and industry, agriculture, and private citizens share a duty to assure to this generation and to the Americans who come after us a plentiful supply of water of reasonable purity to meet a wide range of human needs. Critical to that end is the vigorous pursuit of the prevention, control, and abatement of water pollution.

My interest in clean water is not new; but the gravity of the water pollution problem in the United States, the real progress being made in many areas to come to grips with it, and the size of the job yet to be done, have been most strongly impressed on me during my service during the past 14 months as chairman of the Special Subcommittee on Air and Water Pollution, of the Committee on Public Works. Our deliberations, the constructive action of the full committee, and the overwhelming approval by the Senate resulted in the passage by this body of a bill, S. 649, to amend the Federal Water Pollution Control Act to give further impetus to the national effort to raise the quality of America's waters. This bill and a similar House measure now await the action of the other body.

The Federal act properly recognizes the primary responsibilities and rights of the States in the field, and gives to the Federal Government a significant supporting role—technical assistance, financial assistance, research, comprehensive river basin programs for water quality control, encouragement of interstate cooperation, and, finally, the abatement of the pollution of interstate and navigable waters. "Enforcement lies at the very heart of any effective program in the elimination, prevention, and control of pollution," in the words of the justification statement for the program's budget. The law itself sets wise limitations on the use of the Federal authority. On the judicious use of this tool depends in no small measure the ultimate effectiveness of other needed efforts to halt pollution. A tribute to its success is the fact that in the 30 instances in which the Federal enforcement power has been invoked, in only 4 has it gone beyond the initial stage set out in the act—the conference—to the more formal public hearing proceeding; and in only a single case has it gone to the third, and final, stage for which the law provides—court action. The conference is not an adversary proceeding. It is a meeting of the Federal and State conferees, and of those of any interstate agencies which may be concerned, with the participation of other interested persons whom they may invite to the conference. Its object is to set a timetable for remedial action, preferably under State and local law, to raise the quality of the waters involved, to permit their use for the maximum number of legitimate purposes.

In my own New England, with some of the oldest industries in the United States, are some of the Nation's oldest and most persistent pollution problems. The region's greatest stream, the Connecticut River, has for generations received the wastes of city and factory. It was at the urging of the Senator from Connecticut [Mr. RIBICOFF], the former Secretary of Health, Education, and Welfare, that the present Secretary called a conference on the matter of the interstate waters of the Connecticut and its tributaries in Massachusetts and Connecticut. The conference convened in Hartford, last December 2. The State and interstate authorities did not at first welcome the action. They had an understandable desire to pursue the problem without the intervention of the Federal Government. But the conference was a success. The conferees approved a timetable which should mean that in a few years, longstanding sources of pollution will be under control. That conference, like others, should encourage a speed-up in pollution abatement on waters not actually within the conference area. The Department of Health, Education, and Welfare, the State and interstate authorities, and the Senator from Connecticut may take pride in this splendid result.

The short history of Federal enforcement in water pollution control includes other cases, which I shall not here recite, in which the State and local authorities and, above all, the people, have had reason to thank the Department of Health, Education, and Welfare for helping them restore the waters of their areas to reasonable purity, for the use and enjoyment of their citizens.

A few weeks ago, public attention was focused on the conference, held in New Orleans, on the matter of the pollution of the interstate waters of the lower Mississippi and its tributaries in Arkansas, Louisiana, Mississippi, and Tennessee. Every year since 1960, massive fish kills took place in the fall and winter months in the lower Mississippi and Atchafalaya Rivers and the Gulf of Mexico. The kills were particularly heavy in the winter of 1963–64. Their size was roughly estimated at 3.6 million in 1960; 275,000 in 1961; 275,000 in 1962; and 5.2 million in 1963. At the request of the Louisiana authorities, the U.S. Department of Health, Education, and Welfare investigated the cause of the kills. I am informed that Public Health Service scientists conducted rigorous examinations. Their findings were embodied in the technical report of the PHS, together with conclusions, which was presented at the New Orleans conference held on May 5 and 6 of this year. The conclusions of the scientific investigators stated first, that the pesticide endrin was responsible for the fish kill observed in the Mississippi and Atchafalaya during the fall and winter of 1963–64; second, that industrial wastes and drainage from contaminated areas in the Memphis, Tenn., area are sources of endrin pollution in the Mississippi River; third, that other sources, which must be identified through further study, contribute to the endrin found in the lower Mississippi drainage area; fourth, that sewage and industrial waste discharges may cause interstate pollution, and will require further study; fifth, that the presence of minute endrin concentrations in the treated water of the Vicksburg, Miss., and New Orleans water supplies is a matter for concern, for while acute effects on humans of endrin in water have not been detected, the effects of continued ingestion of even these minute quantities must be evaluated; and, sixth, that it is obvious that endrin discharges in the Memphis area, with other identified discharges endanger the health or welfare of persons in a State or States other than those in which the discharges originate, and that such discharges are subject to abatement under the Federal Water Pollution Control Act.

It is not surprising that the conference engendered controversy. It is not surprising that the industry most concerned took vigorous exception to the conclusions of the technical report. I am told that the Velsicol Chemical Corp. sent to the conference an articulate witness who made a strong statement of the corporation's contention that endrin from its Memphis plant was not the causative factor in the fish kills. To review the whole matter is certainly within the purview of a Senate committee charged with the broad oversight of Government activities. It is my privilege to serve as a member of the Committee on Government Operations, and as chairman of its Subcommittee on Intergovernmental Relations. The Subcommittee on Reorganization and International Organizations has been exploring the relatively new area of governmental policy respecting pesticides. Its hearings, under the chairmanship of the Senator from Connecticut, have resulted in better interagency procedures for pesticide regulation, and have been constructive in the development of new legislation in the field, for action by the cognizant committees of Congress. I hope, therefore, that the subcommittee hearings, due to resume next Monday, for the purpose of considering charges that the Department of Health, Education, and Welfare mishandled its investigation of the recent Mississippi River fish kill, will also contribute to greater effectiveness of the role of Government in pesticide use, regulation, and research. In his remarks in the Senate on June 18, announcing the hearings, the Senator from Connecticut set out points at issue between the Government and the industry, as follows:

First. That the industry has disputed the Public Health Service conclusion that endrin was responsible for the fish kill.

I am advised that, after exhaustive investigation, the Public Health Service scientists came to their conclusion that endrin was responsible for the fish kill in the Mississippi and Atchafalaya Rivers last fall and winter. A variety of fish were analyzed; and the investigators found that all died with the same symptoms at the same time. Careful field and laboratory work led to the elimination of disease and other possible causes as factors in the kill. Endrin was found in every dying fish examined. To establish endrin concentration in blood after a lethal exposure, laboratory tests were conducted on channel catfish, a freshwater variety selected for the purpose, because its blood content is relatively high. The salt water menhaden, for instance, has too little blood to permit its ready use for such tests. The studies showed a clear difference between the blood concentration of endrin in living and dying channel catfish. Those found dying in the Mississippi had concentrations as high or higher than those killed in laboratory exposures to endrin. The dying river fish and those used in the laboratory tests had identical symptoms. Kidney damage was similar. The findings supported the conclusion that the fish kill was the result of endrin poisoning.

Second. That the endrin manufacturer whose Memphis plant was found by the Department of Health, Education, and Welfare, and the Department of Agriculture to be a major source of the pollution which killed the fish, has denied the charge.

Experts of the Public Health Service, I am told, made four field trips to the Memphis area, in the weeks immediately preceding the conference. Their investigations were hampered by a series of difficulties: smoke bombs were detonated by a city public works crew checking for sewerline leaks, making sampling impossible. They received confusing information about the location and functions of sewers carrying industrial and sanitary wastes. There were signs of construction work on the sewer system between their visits. Despite these obstacles, the investigations were made, and led to conclusions presented at the conference. Among other conclusions was the finding that endrin concentrations in the water and underlying mud in the ditches and natural surface waters in the Memphis area far exceeded all previously recorded data for a variety of pesticides of the same classification. Not all, but generally the worst, of the contamination was noted at sites known to be downstream from present or past waste discharge or disposal points used by the manufacturer in question.

Third. That industry disputes the PHS findings, which measured and identified various pesticides. Industry claims that what PHS identified as dieldrin sludge and mud near the Memphis plant is actually an alcohol known as 237 chlorhydrin.

Chemistry is a field in which I do not purport to be an expert; but I am informed that dieldrin, manufactured only in Denver, Colo., and endrin, manufactured there and in Memphis, are the assigned common names for two closely related compounds. The PHS identified dieldrin in the sewage sludge of the endrin manufacturer, and found that the Memphis complex, and particularly that manufacturer, is a significant source of both endrin and dieldrin contamination in the Mississippi River. As yet, I am not informed as to what 237 chlorhydrin is. I have been advised that the Public Health Service made the statement that it found dieldrin in the Memphis area, but made no statement as to how it got there. Just what 237 chlorhydrin is, I have not learned.

Fourth. That the question was raised as to whether the Government exaggerated the extent of the fish kill in the first place that first reports referred to millions of dead fish whereas the New Orleans conference seemed to concentrate on only 175,000.

Two different sets of figures are ininvolved in this purported discrepancy. The Louisiana official who sought PHS help in investigating the fish kills gave, as his best estimate of the number of fish killed during the 4 years, these figures:

Year	Mississippi River		Atchafalaya River, fresh water
	Fresh water	Salt water	
1960	100,000	1,000,000	2,500,000
1961	25,000	200,000	50,000
1962	25,000	200,000	50,000
1963	75,000	5,000,000	100,000

He said there was reason to believe that only a small portion of the die-off had actually been observed, and that it was therefore extremely difficult to estimate the number of fish killed. It is possible that many, many more fish died in the massive kills of the 4-year period. The figure 175,000 refers only to the estimated number of fresh water fish killed in the year 1963.

Fifth. Question has been raised as to whether the Federal agencies conduct their regulatory proceedings in a manner that is fair to both the public and the industry. The enforcement conference in New Orleans was held under the Federal Water Pollution Control Act. Industry was effectively represented there. The conclusions which appear on the last page of the 119-page PHS report prepared for the conference were the conclusions of the technical investigators. As the transcript of the conference clearly shows, they were not intended to be used, nor were they used, in fact, as conclusions of the conferees. They were written in Washington, D.C., before the enforcement conference convened. Because the investigators' conclusions were so comprehensive, covering all points, they were used as a checklist of points by the conferees, in arriving at conclusions.

The Department of Agriculture announced on June 1 that none of the evidence presented at its public hearings held in April in Washington, Memphis, and Baton Rouge, nor at the HEW conference was scientifically adequate, in the Department's judgment, to justify withdrawal of endrin, aldin, or dieldrin from farm use. The conduct of the USDA hearings, the absence of findings by the examiner, and the method of the announcement of the Department's general conclusion are also to be examined in the forthcoming hearings of the Senate subcommittee.

Because the objections of industry to the actions of the Government have been laid before the Senate in recent days, I feel constrained to make these remarks for the further information of Senators and others who read the Record. The subcommittee hearing to be held beginning June 29 should afford an opportunity for clarification of the issues. I trust that they will have that salutary result.

THE 13TH ANNUAL BOSTON ARTS FESTIVAL

Mr. SALTONSTALL. Mr. President, all of us who come from Massachusetts are proud of the central role our State has played as one of the oldest and most outstanding cultural and educational centers of our country. We are proud, too, of the national and international recognition which has been accorded the city of Boston for its leadership in the arts. Massachusetts citizens combine an awareness and appreciation of our State's historical past with a determination to maintain the high standards which made that past so glorious. The 13th annual Boston Arts Festival which opened last week in the public garden is in this fine tradition.

Unpretentious in character, the arts festival offers cultural enjoyment not only to thousands of Massachusetts residents, but also to the many tourists who visit Boston each summer. Its lively, informal atmosphere provides the viewer with an important educational experience, a firsthand impression of an important facet of Boston life.

Characteristic interest in this annual event was displayed by the numerous public officials and dignitaries and the crowd of more than 25,000 people who attended the festive opening celebration last week. Because the festival will last for 8 weeks, hundreds of thousands of people will be able to enjoy this regional exhibition of the fine and visual arts. Works of art in a variety of media, including painting, sculpture, architecture, photography, music and drama, attest to the impressive talent which exists among contemporary New England artists.

The Boston Arts Festival has made a significant contribution to the cultural heritage of Massachusetts, and has, itself, become a part of Boston life. Those who have worked to make it the success it is are to be congratulated.

SENATOR FONG'S CIVIL RIGHTS SPEECH

Mr. SCOTT. Mr. President, I wish to congratulate the distinguished senior Senator from Hawaii [Mr. Fong] for his most eloquent, moving, erudite, and scholarly address to the Senate on civil rights.

I regret very much that I was not able to hear all of his speech when Senator Fong delivered it on June 18. I have read it carefully, however, and there is no doubt in my mind that it is a powerful speech deserving of the highest praise and the widest possible distribution.

It is my understanding that this address has already attracted nationwide and indeed worldwide attention. I am not at all surprised. For I believe it was an historic speech, delivered on an historic occasion.

SENATOR ERVIN'S BILL ON THE MENTALLY ILL

Mr. WILLIAMS of New Jersey. Mr. President, it is a well-known and distressing fact that present social attitudes and existing laws have not kept up to date with medical knowledge about the mentally ill. We have too long allowed mental illness to suspend an individual's legal rights; we have too long forgotten that it is a patient's right to receive continuous treatment and supervision while hospitalized. We have too long shaded our eyes to the gross injustice permitted when any person armed with a doctor's certificate may launch a relative on the road to involuntary commitment.

Mr. President, the mentally ill person is trapped in a web of redtape, without any opportunity to appeal, and without a commission to hear his plea.

Many Americans have been aware of this problem. The medical profession has done its best to work under the handicap of archaic laws governing the mentally ill. But more needs to be done.

Mr. President, the distinguished senior Senator from North Carolina [Mr. Ervin] had the foresight and the sensitivity to the problems of the mentally ill to lead the way in formulating legislation. Adding to his already acknowledged excellence in the legal field, he has sponsored, and the Senate has recently passed, a bill which protects the unprotected and defends the defenseless.

This bill, applicable to the District of Columbia, avoids the pitfalls of previous laws.

It breaks the illogical equation of mental illness with incompetency.

It assures periodic recertification of mental illness, thus overcoming bureaucratic inertia in the release of mental patients.

It enacts into law the principles of continuous treatment and constant supervision.

It surrounds proposed involuntary commitment with the traditional safeguard of trial by jury—a historic advance in this field.

Senator Ervin's proposal makes it easier for persons voluntarily seeking hospital care to receive these services. It thus promotes early detection and quicker restoration to a productive, normal life.

I have recited only some of the significant achievements of this legislation. Indeed, the much needed pioneer work has now been done, and we hope it will serve as a model for all of the States, in our attempt to bring the mentally ill back from the periphery of American life.

Mr. President, our job is to encourage rehabilitation, not to expedite obscurity, for these citizens. It is to this end that all Americans owe a debt of gratitude to the distinguished senior Senator from North Carolina.

NO NONSENSE ADMIRAL: ULYSSES SIMPSON GRANT SHARP, JR.

Mr. FONG. Mr. President, next Wednesday, July 1, a change of command which will take place in Hawaii will elevate a veteran Navy officer in the Pacific—Ulysses Simpson Grant Sharp, Jr.—to the high post of commander in chief, Pacific. As commander in chief, Pacific, Admiral Sharp will be in command of the largest U.S. military command in the world, covering more than 40 percent of the surface of the earth. The U.S. Army Pacific, the Pacific Air Forces, and the Pacific Fleet are component commands serving under CINCPAC.

On September 30, 1963, Admiral Sharp assumed duty as the commander in chief, U.S. Pacific Fleet. It was recalled recently that at the time when he became Pacific Fleet chief, he said he "expected his job would get hotter long before it got any easier." That is precisely what happened, for in the past 9 months Admiral Sharp has had to face the grim and unrelenting realities of the southeast Asian situation. His task has been to direct our farflung naval forces in the vast Pacific and to keep open the lifeline of supplies and men to embattled areas. His promotion now to commander in chief of the Pacific is a fitting tribute and a recognition of a difficult assignment well done.

Admiral Sharp is well known in Hawaii, from having spent a good part of his long and outstanding naval career in that region. The people of Hawaii welcome him as an old friend to his new command. I join them in expressing our highest respect to Admiral Sharp.

On this occasion, I wish again to salute Adm. Harry Donald Felt, who will relinquish his command to Admiral Sharp, next week, upon reaching the retirement age of 62. It was my privilege to pay a tribute in the Senate to Admiral Felt on Armed Forces Day last May 16.

I ask unanimous consent that two articles referring to the appointment of Admiral Sharp as commander in chief of the Pacific—"No Nonsense Admiral," from the New York Times of February 28, 1964; and "Navy Holds Key to Defense," from the San Diego Union of March 4, 1964—be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 28, 1964]

No-Nonsense Admiral: Ulysses Simpson Grant Sharp, Jr.

One of the most keen-eyed golfers who played at the Army and Navy Country Club outside Washington a few years ago was a short, silver-haired Pentagon admiral with the formidable name of Ulysses Simpson Grant Sharp, Jr. Admiral Sharp, a stocky soft-spoken man who covered the golf course in less than leisurely fashion, regularly shot in the low 80's, but he had a reputation as the man who could come through with a 50-foot putt if his team was in trouble and the chips were down.

In his long naval career, Admiral Sharp has displayed many of the same qualities that make him a tough customer on the golf course. He is known as an extremely able but not spectacular officer. He is regarded as a man who does not need to shout to have his orders carried out, and as a thinker who can zip through the complexities of a complicated problem in policy or planning and come up with a clear, precise answer.

CAUGHT M'NAMARA'S EYE

He began his career in the traditional way—by serving in and commanding destroyers. The first major command he held was that of Deputy Chief of Naval Operations for Policy and Planning, a post he assumed in August 1960.

His pragmatic, no-nonsense work at the Pentagon brought him to the attention of many highly ranked military figures, as well as Secretary of Defense Robert S. McNamara. Only last September he was appointed commander in chief of the Pacific Fleet, and promoted to a full admiral. He now succeeds Adm. Harry D. Felt as head of the Far East Command.

As with many other military and naval officers, Admiral Sharp's career seemed to move into high gear only after he had spent a long time in the service.

He was born in Fort Benton, Mont., April 2, 1906, the son of a non-Navy man who had been named after his aunt's husband, Gen. Ulysses S. Grant.

TWENTY YEARS IN THE PACIFIC

Young Sharp's husky, blond and blue-eyed appearance won him the nickname of "Oley," a name given locally to those who resemble Swedes.

In 1923, he was appointed to the Naval Academy. Upon receiving his commission as an ensign at graduation, he went to sea aboard destroyers, cruisers and other ships of the line.

After winning a letter of commendation for participating in the Allied landings at Casablanca in 1943, Admiral Sharp was transferred to the Pacific, where he has spent most of the last 20 years, except for the tour in Washington.

While commanding a destroyer off of Nauru in the South Pacific on a mission to rescue a downed flier, Admiral Sharp won a bronze star for maneuvering his ship under pointblank enemy fire.

In the Pacific campaign, Admiral Sharp won a second Bronze Star, two Silver Stars and other decorations. He then spent a few years ashore, as commander of the fleet's sonar school in San Diego, Calif.

After attending the Naval War College, Admiral Sharp commanded a squad of destroyers operating off Korea in 1950, and was the fleet planning officer for the Inchon invasion.

Before his appointment to the Pentagon in 1960, he held a number of staff jobs with the Pacific Fleet, including that of assistant director of strategic planning and, commander of the combined cruiser-destroyer force.

Admiral Sharp is married to the former Patricia O'Connor, who is also an ardent golfer. They have two children, Mrs. Russell F. Milham of Los Angeles, and a son, Lt. (j.g.) Grant A. Sharp.

On the job, Admiral Sharp is a long and tireless worker, often spending 10 to 12 hours a day at his desk. This may be one explanation of his quickstep on the links. In his spare time he likes to read mostly history and current affairs.

[From the San Diego Union, Mar. 24, 1964]

EXPERIENCE GUARDS PACIFIC: NAVY HOLDS KEY TO DEFENSE

That a Navy man is to take command of a Navy job would not seem to come as a surprise. But the selection of Adm. Ulysses S. Grant Sharp, Jr., as commander in chief of U.S. operations in the Pacific, signifies nullification of a proposed plan to rotate the command among the military services.

The Pacific Command is the largest military one on earth. It covers 85 million square miles of land and sea, almost half of the world's surface.

The Pacific is essentially a sea command. The area is so vast that airplanes cannot span its distances with men and supplies and only by ships can aid be gotten to the outer rims where atheistic communism day by day pushes against the line which the free world has drawn for its security and existence.

The logistics of patrol, protection, and action in the Pacific are all sea oriented. That it was even considered that such an operation should be passed to a land- or air-oriented commander reflects the change in military concepts that at times seems to overwhelm judgment in defense planning.

Military decisions are too often based on balancing organizational charts and weighing costs of various delivery systems. But strategy is human evaluation. It is not just counting the number of soldiers and missiles on the other side but understanding their motives and anticipating and countering their moves.

In World War II the Navy swept the Pacific clear of all enemies, actual and potential, and has commanded its waters, right up to the edge of the Asian Continent, ever since.

The Navy keeps the road open to Korea, South Vietnam, Quemoy, and Matsu. These are the doors against which communism is beating, or pushing. President Johnson's selection of Admiral Sharp to command this theater of operations is fresh assurance, and a badly needed one, that the United States has no intention of pulling back from the forward strategy inherent in naval strategy.

We are going to keep vital defense hardware at the front, not just at home.

Admiral Sharp, like so many of our outstanding military leaders, has spent a good part of his life on the Pacific and in learning and living with its vast challenges.

Under his command will be a combined force—Navy, Marine, Army, and Air Force—numbering more than 400,000 men. The appointment of a tested admiral as commander in chief means this force will be wisely deployed and used in the way it should be used, and when and where it should be used.

WINNER OF NEWPORT-TO-BERMUDA RACE

Mr. PELL. Mr. President, as a Senator from Rhode Island, I point out that our State can take particular pride in the fact that the Newport-to-Bermuda race was won by the *Burgoo*, which made the trip in a corrected time of 80 hours 50 minutes 7 seconds. Although this comparatively small 37-foot yawl was the smallest of the vessels entered, and hence had the largest handicap, she was handled so skillfully by her skipper, Milton Ernstof, of Providence, that she managed to avoid the calms that plagued so many of her competitors.

We from Rhode Island take pride, not only because she was sailed and skippered by Rhode Islanders, and because of the fact that six of her crew of seven were from Rhode Island, but also because this stock fiber glass vessel was built by the Pearson Corp., of Bristol, R.I. Speaking as a sailor, too, I know full well the stamina and the will that were necessary on the part of her crew in order to win, and I salute them for this outstanding performance.

We in my State are indeed proud of this all-Rhode Island yacht and her crew of seven, all but one from Rhode Island, too. The other crew members are: Dr. Ernest McVay, of East Providence; Russell Hunt, Jr., of Cranston; Robert Read, of Seekonk; Jorj Levy, of Tiverton; Alden Walls, of Barrington; and Geoffrey Spranger, an instructor at St. George's School, in Middletown.

SOUTH DAKOTA EDITOR SUPPORTS MILITARY CONVERSION PLANNING

Mr. McGOVERN. Mr. President, permit me to call to the attention of the Senate an editorial which appeared in the Tuesday, June 23, issue of the Pierre, S. Dak., Daily Capital Journal, edited and published by Mr. Robert Hipple.

The editorial refers to my recent newsletter regarding the inadvisability of maintaining military installations no longer needed for the defense of the Nation.

The editor states that while we must maintain a fully adequate defense, we must also recognize that a military item contributes nothing to the general standard of living of the people of this country. The same money spent for education does make a continuing contribution.

The Commerce Committee has resumer hearings on my bill, S. 2274, to create a National Economic Conversion Commission to deal with matters referred to in this editorial. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

QUALITY REQUIRES WORK

The defense budget of this country supports the economy of hundreds of communities. It is responsible for almost 10 percent of all the jobs in the country. But instead of trying to maintain military installations no longer needed for defense, we ought to plan constructive alternative uses for this labor and capital.

The paragraph is taken from a newsletter issued from Senator GEORGE MCGOVERN'S office; and it is one with which the Daily Capital Journal agrees. It can be argued that the man who pours concrete into a silo to house a missile does exactly the same work as the man who pours concrete into the wall of a new schoolhouse; but there is a vast difference. The missile site contributes nothing to the general standard of living of the people of this country. The schoolhouse does.

Certainly nobody would avocate abolishing the entire Defense Establishment of this country, just as nobody would advocate putting 10 percent of all workers in the country out of work. Yet the fact remains that it should be possible to provide employment for a lot of people who now are employed primarily in defense work, at jobs which would result in producing something for the people of this country to consume and enjoy.

Incidentally we suspect that one important contribution to this end could be made by adopting the philosophy that quality is important in goods and services. Maybe it would provide more jobs and more opportunity for employment if a lot of goods and services in this country were of higher standard than they are. There is an awful lot of shoddy junk sold in this country every day, and an awful lot of shoddy workmanship on the part of people who have found jobs in service industries.

COMMENCEMENT ADDRESS BY MORTIMER CAPLIN AT ST. MICHAEL'S COLLEGE

Mr. PROUTY. Mr. President, a few days ago, Mortimer M. Caplin, U.S. Commissioner of Internal Revenue, delivered the commencement address at St. Michael's College, in Winooski, Vt.

The very thought-provoking statement he made consisted of an appraisal of the challenges which confront today's college graduates and a consideration of the inspirational legacy stemming from the life and works of two great world leaders—Pope John XXIII and the late President John F. Kennedy—which the graduates have to aid them in facing these challenges.

Mr. Caplin's very eloquent remarks on the subjects of brotherhood, integrity, and leadership, although directed primarily toward college graduates, have relevance to all citizens; and I ask unanimous consent that his address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PROMISES TO KEEP

(Remarks by Commissioner of Internal Revenue, Mortimer M. Caplin, at Commencement exercises, St. Michael's College, Winooski, Vt.)

It is a privilege to participate in these graduation ceremonies. I wish to extend my appreciation to Father Dupont and the board of trustees, not only for having me here, but also for honoring me with a St. Michael's degree. I only hope the members of the graduating class join in the choice of a Commissioner of Internal Revenue as commencement speaker.

For hundreds of years now, speakers from other walks of life have been sending graduates out into society apparently with equal success. There's no reason to believe a Revenue man would achieve any lesser results. Indeed, some might feel that he brings a special sense of poignancy to the cutting of the academic umbilical cord—for the presence of the tax collector signifies the student's entrance into the world, as perhaps nothing else.

But, I have little enthusiasm for the kind of final separation between student and college that often follows graduation. Your ties which are so close today should become closer in years to come. So I don't intend to perform my duties too decisively.

VALUES AT COLLEGE

I remember well my own graduation from the University of Virginia in 1940. Italy had just sent troops into France and President Franklin D. Roosevelt had just delivered his "dagger-in-the-back" speech at our law school graduation. With diploma in hand, I drove off to my first law job and literally shouted with joy at the thought of having completed my formal schooling. But in the years ahead I soon realized that it was only the beginning, and that I never really wanted to put behind the values we stress at Virginia—the high sense of honor and integrity that permeates all its activities.

The spirit and total environment at St. Michael's have evoked, I'm sure, a deep response in you, a response that calls forth your best efforts—your truest scholarship, your highest personal ideals, your warmest human relationships. The intellectual excitement, the fermentation of ideas, and the ethical standards which prevail here all create a unique climate for enlarging these characteristics.

Implanted here, too, is the concept of an honorable fruitful life, among honorable men. Your years here, shaped by strong religious training, promise that you will carry that concept on into the world. As you leave these beautiful grounds today, I'm sure you'll make such promises not only to yourself, but for your children and for the generations to come.

You are taking off from a solid foundation—based on the best of educations and a way of life which is engrained in your daily existence, and which has become a permanent part of you. Now, lying before you, waiting to be reached for, is a still richer and fuller life which maturity, experience and future knowledge all make possible. This will not come automatically to you who merely stand and wait. Rather it is the reward of the individual who lifts his eyes upward, who continues his pursuit of excellence, who seeks learning and understanding and compassion. Whether you grow and develop to the fullest of your potential depends upon the effort and sacrifice you are willing to make, and upon your devotion to your ideals and personal goals.

But this is only one aspect of the challenge you face. What about your relationships with others—your family, your church, your community, your Nation?

I see you embarking on these relations in times which are more complex than those of my own graduating class. In the 1940's, there was danger, to be sure—the imminence of war and only partial recovery from the great depression of the 1930's. But the path of duty was clear then and, if jobs were not easy to get, the young were unfailingly optimistic.

In 1964, you face conflicts that were not present two decades ago—conflicts that typically call for a high degree of personal choice and personal commitment. The times demand a sense of individual involvement rather than a passive drifting with national events. And the need for decision and leadership has never been greater, if we are to meet the challenges facing us as individuals as well as those facing the Nation and the world.

BROTHERHOOD

One challenge we face in America, dwarfing all others, is the need for a nationwide moral commitment to brotherhood, among all races and religions. At St. Michael's this creates no conflict, and the answers come forth loud and clear. But not so beyond the confines of this campus. Not so in many sections of this country—north, south, east, and west.

Happily, the ecumenical movement set in motion by Pope John XXIII offers hope of bridging the gaps between faiths, and drawing all men closer together under the Fatherhood of God.

Pope John, that great and gentle good man, in his brief tenure as pontiff, left a legacy of love that has moved the world. As Franziskus Cardinal Koenig, of Vienna, said at Catholic University last April:

"Only once in many centuries such a pope was granted to the church. Basically he did not say or do anything that other popes did not do or say before him, but while their voice did not penetrate into the world, the world understood John and believed him."

Cardinal Koenig told how "a worldwide ecumenical movement is in progress, drawing all races and continents." That there will be bridges built joining Rome to all other religions seems inevitable, in light of the spirit and attitude emanating today from the Holy See.

As a Jew, I am heartened by Cardinal Bea's statement to the Vatican Council that "we affirm that the church must certainly imitate Christ's example of gentle charity toward the people through whom it received so many great benefits from God." It was Pope John who met a delegation of Jews in St. Peter's with the greeting: "I am Joseph, your brother." It was Pope Paul who later prayed in the Holy Land for a world of "true, profound concord among all men and all peoples."

Where theologians have pointed the way, our political leaders are following close behind. In our own country, at the secular level, the striving for racial understanding is spotlighted by the civil rights movement and the demands for equal rights and equal opportunity. Decisions must be made; sides must be chosen; voices must be heard.

To some, the religious way, the democratic way—the right way—is clear. Not so to others. And at times the division seems uncomfortably close.

Responsible leadership and personal participation are called for from all elements of our society.

INTEGRITY

Another key challenge of the day is the threat to our sense of personal and business integrity. This is the era of the fast buck, the heyday of the influence peddler, the kickback-merchant, and the fixer. On many sides, we see evidences of corruption—from seduction of college athletes to commercial payola and bribery of public officials.

It is disturbing in my own work to see the attitudes of some people in meeting their obligations to their Government, whether through paying taxes or personally serving their country. A case in point is the excesses of expense account living—claiming as business tax deductions such things as vacations, social entertainment, and other family expenses. Attempts to bring these improper practices under control evoked the cries of many that we are undermining the American way of life.

Equally bad is the frequent rationalization of action of this type almost to the point of acceptable behavior. Alexander Pope said it well:

"Vice is a monster, of so frightful mien
As, to be hated, needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace."

There is a need, then, to hold fast to high ethics and morality; to place principle above expediency, honor above gain—to strive, in other words, "to keep one's self unspotted from this world." There is need for individuals and leaders who will help set standards and raise levels of conduct—who will not turn their backs on what they see, but who will personally involve themselves to root out that which is dishonorable or dishonest in their towns, in their communities, in their businesses.

TENSION AND BIGOTRY

Another sharp challenge of the day arises from the tensions in our society—the many pressures created by our international relations, economic and political, and the conflicts among nations in a nuclear age. These tensions place a special premium on the ancient virtues: charity, patience, and reason. We have seen how even love of country and hatred of communism can be confused, and can combine to produce extremes of behavior which add virulence to the Nation's bloodstream and abrasiveness to our American communities.

Let us resist the temptation to find scapegoats for all the world's ills, to look for the mote in our brother's eye. Let us encourage open discussion, airing of ideas, tolerance and a rule of reason. Let us beware of bigotry and extremism, of the right as well as of the left. Let our voices sound in support of reasoned democratic views.

These then are the challenges of our day—the ecumenical spirit with its call to brotherhood, racial understanding, preserving personal integrity, avoiding bigotry, joining in the free airing of ideas. As President Johnson expressed it the other day, we are face to face with the opportunity to move "upward to the great society"—a society which "rests on abundance and liberty for all. It demands an end to poverty and racial injustice—to which we are totally committed in our time." This is the "challenge of the next half century," and we must have the "wisdom to enrich and elevate our national life—and to advance the quality of American civilization."

As individuals, we must meet each of these challenges and give the best in us to find solutions. But needed, too, is the help of great leaders at home as well as abroad.

LEADERSHIP AND PRESIDENT KENNEDY

Within a brief span of time, the Catholic religion provided two such leaders—Pope John and Preisdent Kennedy.

Pope John's enormous contribution, which I touched on before, has been felt throughout the world by men and women of all races and creeds. To paraphrase Cardinal Koenig, only once in many centuries is such a Pope granted to the church.

In our own country, for a few short years, we found such leadership in a remarkably talented young man, President John F. Kennedy. His untimely death last November darkened all our lives, and snatched from the world a unique feeling of hope and expectation that had spread during his term in office.

John F. Kennedy was the first President of the United States to participate actively in breaking down major barriers of religion, color and national origin. He was the first President of the United States, as his brother Ted recently pointed out, "to state publicly that segregation was morally wrong"—long a position of the Catholic Church. "If his life and death had a meaning," Senator Ted Kennedy went on to say, "it was that we should not hate but love one another; we should use our powers not to create conditions of oppression that lead to violence, but conditions of freedom that lead to peace."

We remember him fondly for many things, many qualities. He did bring a new style and grace to the Presidency. Ilario Fiori, an Italian newspaper correspondent to the White House, described him as "a Renaissance man." I can testify that he was a warm, vibrant man, with extraordinary intelligence and vitality. His friend, Ben Bradlee of Newsweek, described him as also "a restless, exuberant man, always looking forward to the next challenge."

At the same time, Ben Bradlee made it clear that President Kennedy was "a wonderfully funny man, always gay and cheerful, never mean. * * * You could see a laugh coming to his eyes before you could hear it from his lips." His respect for learning and education was laced with this great humor when—on receiving an honorary degree from Yale University—he remarked: "It might be said now that I have the best of both worlds. A Harvard education and a Yale degree."

John Kennedy was an astute student of government and its various institutions. He possessed an unusual sensitivity to the close link between sound government and the aspirations of a free democracy. Legislation was not an abstraction to him. Each proposal must be weighed, not only from the standpoint of its specific purposes, but also in terms of its overall impact on society.

Thus, in calling for an end to expense account abuses, he stated unequivocally: "This is a matter of national concern, affecting not only our public revenues, our sense of fairness, and our respect for the tax system, but our moral and business practices as well." Corrective measures, he believed, would "strengthen both our tax structure and the moral fiber of our society."

PUBLIC SERVICE AND PRESIDENT KENNEDY

President Kennedy brought a new spirit of dedication to Federal service. His vision for the public service was far reaching, going back to the ideals of classical times. He saw in it the quintessence of the best in American life—a calling with a sense of purpose, conducted with integrity, offering the full development of one's powers; a calling, in short, dedicated to the pursuit of excellence.

As the author of "Profiles in Courage," it's not surprising that he regarded integrity as the sine qua non of government. His words speak for themselves. In a special message to Congress shortly after assuming office, he said:

"No responsibility of government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business.

"There can be do dissent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest."

No President has articulated so well the special place of the public service in a democracy. In his first State of the Union Message, you will recall his inspiring challenge:

"Let the public service be a proud and lively career. And let every man and woman who works in any area of our National Government, in any branch, at any level, be able to say with pride and honor in future years: 'I served the U.S. Government in that hour of our Nation's need.'"

John Kennedy helped Government employees walk tall, with honor and with pride. He presented a clear challenge to the youth of America—and especially to the veterans of World War II, who had shared with him the shattering experiences of armed conflict—to join him in dedication to duty and service to country. He inspired them all to follow his lead in a bold march to the New Frontier.

His own service to country must convey a special message to graduating students everywhere, particularly to those who share his rich religious heritage. He proved conclusively how well a Catholic can serve in the highest office without conflict between church and state.

CONCLUSION

Tomorrow you'll set forth on a new course of your own. You will come face to face with the challenges we've discussed, and I trust you'll meet them well.

I urge you to remain alert to the stirrings of leadership—the desire to reach for broader goals and to move beyond your immediate personal sphere of activity. As these aspirations evidence themselves, don't let them be submerged.

Your background and education at St. Michael's have fitted you for an active role in the affairs of your college and your parish; in your local community and in local politics. Don't place any limits on your continuous search for learning and understanding. Be heard on the big issues of the day; and use your knowledge and ability to inform and to help mold public opinion, and to suggest sound courses of action to others.

I hope you will give careful thought, too—somewhere during your career—to serving your local, State or National Government. John Kennedy emphasized at Vanderbilt University that through public service "you will have the unequaled satisfaction of knowing that your character and talent are contributing to the direction and success of this free society."

It is perhaps fitting that I close with a quotation from New England's own poet, who was so close to President Kennedy. The President's favorite poem was said to be Robert Frost's "Stopping by Woods on a Snowy Evening." It closes with these lines:

> "The woods are lovely, dark and deep,
> But I have promises to keep,
> And miles to go before I sleep,
> And miles to go before I sleep."

John Kennedy's journey was cut short. But he kept his promises to us, and to a generation of Americans. Let us hope that the graduates of 1964 will have the vision and sense of personal commitment to make promises for the generations ahead, and the courage and stamina to see that they are fulfilled.

PERSECUTION OF JEWS IN THE SOVIET UNION—RESOLUTION OF VERMONT JEWISH YOUTH COUNCIL

Mr. PROUTY. Mr. President, more and more evidence is being brought to light regarding the ill treatment of the Jews in the Union of Soviet Socialist Republics.

Soviet officials have made Jewish citizens the victims of a vicious social and economic discrimination, and have denied Jews the right to worship God according to the traditions of their faith.

The Vermont Jewish Youth Council has adopted a resolution condemning the Soviet Government for its unjust acts, and has urged all peoples and governments to do everything possible to right these wrongs.

I applaud the council for its action. In order that all Senators may have an opportunity to read the resolution, I ask unanimous consent that it be printed in the Congressional Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas the religious rights of the Jews of the U.S.S.R. have been significantly denied by the Soviet Government, and

Whereas the cultural activities of the Jews of the U.S.S.R. have been stifled by the Soviet Government, and

Whereas there has been abundant evidence that the Jews of the U.S.S.R. have been placed in an inferior social and economic position by the Soviet Government; be it

Resolved, That we, the Vermont Jewish Youth Council, do strongly condemn these actions by the Soviet Government and urge all responsible peoples and governments to do everything possible to right these injustices.

Presented and passed unanimously at the semiannual business meeting of the Vermont Jewish Youth Council, May 31, 1964.

Naomi Wall,
Secretary.

MRS. WILLIAM HASEBROOCK, NEW PRESIDENT OF NATIONAL FEDERATION OF WOMEN'S CLUBS

Mr. HRUSKA. Mr. President, in the three-quarters of a century since its founding in the Madison Square Theater, in New York, the General Federation of Women's Clubs has been headed by a distinguished list of American women.

The new president, installed at the Federation's annual convention in Atlantic City on June 11, is Mrs. William Hasebroock, of West Point, the first Nebraskan to assume leadership over this international organization with 11 million members in 15,000 clubs located in 53 countries.

Mrs. Hasebroock comes to her new duties with a brilliant background of service as a teacher, musician, civic leader, mother, and grandmother. The 2 years of her term promise to be among the brightest chapters in the long and remarkable history of the General Federation of Women's Clubs.

Shortly before her inauguration, Mrs. Hasebroock told an interviewer:

> It is better to do a few things well, than many things poorly; and it is better to help others help themselves, than to do it for them.

I suggest, Mr. President, that those of us in government could well heed those words.

Mrs. Hasebroock has been in club work for 36 years, since the night in 1928 when—almost by accident—she became a charter member of the Woman's Club of Scribner, Nebraska. Her husband was called away from home, to attend a meeting, leaving his young bride alone. When a neighbor invited her to attend the organizational meeting of the womens' club, she accepted, thus beginning a career of selfless service which has been climaxed by her election as president of the general federation.

In the 74 years since the federation was established, and in the 63 years since it was granted a Federal charter by Congress, voluntary, private organizations—fraternal and community groups, trade associations, and labor unions—have become a spectacular and significant segment of the American scene.

In 1910, when the general federation was founded, government played a limited role in the individual lives of Americans. Today, it reaches deep into the lives of all of us. However, if individual citizens, banded together in a workable community organization, had not accepted the obligation of voluntarily meeting social and economic needs, government would inevitably have grown larger, to fill the vacuum.

It is the Margaret Hasebroocks of this country who, through unselfish service and care, best typify this spirit of individual acceptance of community responsibility, through group action.

The amount of time the citizens of America give to community service is incalculable. Hundreds of thousands of men and women donate as much energy to nonofficial, unpaid, voluntary activities as they do to their workaday jobs; and this extracurricular work has a deep, lasting influence on the community and on society as a whole.

The principles of work, thrift, responsibility, and initiative, which are embraced by Mrs. Hasebroock and her thousands of clubwomen, are the natural spiritual products of a rich community life.

The democratic process, practiced in women's club work, is the best framework for the exchange of ideas and enrichment of the human spirit. I like to believe that this country of ours is a natural proving ground for such qualities.

It was in this general atmosphere of community life and activity that the American tradition first emerged, and, in it, grew and thrived, and today helps to secure our freedoms.

Democracy in the American tradition will persevere only when it functions within the local community. Democracy in this tradition can be a vigorous and dynamic force, nationally and internationally, but only if it possesses those qualities at the hometown level.

It is in this spirit that Margaret Hasebroock has assumed the presidency of the General Federation of Women's Clubs. She seeks to serve. Her own words are:

> I believe that I can do more for my grandchildren and others by working for a secure world through the federation, than I can by remaining on my corner in West Point.

Mrs. Hasebroock was unopposed for election to her new office—a splendid recognition by her associates of her brilliant record, which includes the presidency of the National Association of Parliamentarians, a State office in Eastern Star, and membership in State-level activities of the Heart Fund, civil defense, the Society for Crippled Children, and the Safety Council. She has received the coveted Good Neighbor Award from the Omaha World-Herald and the Knights of Ak-Sar-Ben.

Margaret Hasebroock is the perfect answer to the question, so often asked:

> What can I, an individual citizen, do about peace and taxes and disarmament, about civil rights, the national debt, and foreign aid?

From the time when she signed the charter of the Scribner, Nebr., Woman's Club, Mrs. Hasebroock has been doing something about these problems. Meanwhile, she has enjoyed a full and rich family life. Her husband, Senator William H. Hasebroock, is a successful businessman and a leader in the Nebraska Legislature. Their son, Robert, is active in Omaha banking and in politics. They have three fine grandchildren.

Margaret Hasebroock typifies the best in American womanhood—a deliberate and unflustered outlook reminiscent of the pioneer women who preceded her to the Nebraska prairies.

We cannot—nor do we want to—recreate the old frontier, with all its challenges and opportunities. But we can combine, as Margaret Hasebroock has, all the fine traditions of our past and the advantages of this space age with the best qualities of living and the deep pleasures of family and home which are a part of our American heritage.

Mr. President, I have a sampling of the newspaper articles and editorials concerning Mrs. Hasebroock's election to head the National Federation of Women's Clubs. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles and the editorials were ordered to be printed in the RECORD, as follows:

[From the Lincoln (Nebr.) Star, June 11, 1964]

Mrs. Hasebroock To Lead GFWC

ATLANTIC CITY, N.J.—Delegates to the 73d annual convention of the General Federation of Women's Clubs elected Mrs. William H. Hasebroock of West Point, Nebr., to a 2-year term Wednesday as president of the organization which represents 11 million women in 54 countries.

They also adopted, with little or no discussion, 10 of 15 resolutions submitted by federation departments and State organizations.

Among the resolutions adopted were measures urging club members to support and promote the establishment of 2-year or junior colleges; to create interest in and seek to make provision for local parks, playgrounds, and other recreational facilities, and to continue their interest in and support of the John F. Kennedy Center for the Performing Arts in Washington, D.C.

The women also called on club members to strive for higher levels of morality and integrity in public and private life; to cooperate with public and private agencies in their States making an evaluation study of the foster care program and work for legislation when necessary to control and prohibit littering of public and private landscape, waterfront, and water.

In addition to Mrs. Hasebroock, who succeeds Mrs. Dexter Otis Arnold, of Concord, N.H., and Saugerties, N.Y., officers named were Mrs. E. D. Pierce, of Miami, Fla., first vice president; Mrs. Earle A. Brown, of Pittsburgh, Pa., third vice president; and Mrs. Kermit V. Haughan, Minneapolis, Minn., recording secretary. All won uncontested races.

Mrs. Walter V. Magee, of Lakewood, Ohio, defeated Mrs. Thomas H. Denman, of Calipatria, Calif., in a contest for the post of second vice president.

Mrs. Chester E. Martin, of Atlanta, Ga., won the treasurer's spot in a victory over Mrs. William S. Shary, of Baldwin, Long Island, N.Y.

[From the Hastings (Nebr.) Tribune, June 12, 1964]

Women in Politics: Mrs. Hasebroock's Inaugural Address

"Women can be expected to take a stronger role in government and politics," Mrs. William Hasebroock of West Point said Thursday night at Atlantic City. N.J., at the national convention of the General Federation of Women's Clubs.

Mrs. Hasebroock, the new president of the general federation, said, "When legislation is required to serve freedom's causes, we shall make our voices heard at every level of government and particularly when we can better the legal, social, economic, and political status of women.

"We shall urge our members to informed participation in the affairs of the political parties of their choice, and especially in the exercise of their vote. We have the womanpower in this organization to raise the voting participation of women to a level commensurate with our numerical strength. It's a challenge, but we can do it."

Mrs. Hasebroock made her remarks in an address after she was installed as president of the federation. At the ceremony closing the 73d annual convention of the federation were Gov. and Mrs. Frank Morrison, Senator and Mrs. Roman Hruska, and

Representative and Mrs. Ralph L. Beermann, of Nebraska.

Mrs. Hasebroock told the clubwomen, "Our mandate is clear. We must become still more knowledgeable in the many fields necessary to discharge our role as citizens in a free world, foster continued progress, and build on our heritage of freedom.

"To accomplish this goal we shall give special emphasis to those existing study programs which not only enrich the minds of our members but provide the tools of active citizenship."

[From the Lincoln (Nebr.) Star Journal, June 14, 1964]

Top Job for Nebraskan

Representing 11 million women in 54 countries is no small task. And any woman elected to such a responsibility must be extremely capable, energetic, and respected.

These attributes obviously fit Mrs. William Hasebroock of West Point who has just been elected to the huge job of president of the General Federation of Women's Clubs.

The federated women's clubs are a tremendous force for good in the United States and the other countries where they are active.

Mrs. Hasebroock and her husband, a member of the Nebraska Legislature, have devoted their efforts to the good of the State of Nebraska.

So the election of Mrs. Hasebroock as head of the General Federation of Women's Clubs is well deserved. Nebraskans can be proud to have a fellow Cornhusker leading such a large and important organization.

[From the Omaha (Nebr.) World-Herald, June 14, 1964]

A Nebraskan Elected

The General Federation of Women's Clubs, which represents 11 million women in 54 countries, last week elected as its president for 2 years Mrs. William H. Hasebroock of West Point.

Mrs. Hasebroock said recently:

"I believe that I can do more for my grandchildren and others by working for a secure world through the federation than I can by remaining on my corner in West Point."

Mrs. Hasebroock has done much for her corner in West Point, too, and her friends and neighbors would agree that her new laurels are richly deserved.

[From the Nebraska City (Nebr.) News-Press, June 14, 1964]

Better Communities

A Nebraskan, Mrs. William H. Hasebroock, of West Point, now heads the largest women's organization in the world, the General Federation of Women's Clubs, representing 11 million women in 54 countries.

The Federation has joined with other organizations for 5 years to analyze community programs and then to organize to solve them.

How do you make a better community? The Federation adopted 10 resolutions at its recent national convention, including measures urging members to support the establishment of junior colleges, to work for more local parks, playgrounds, and other recreational facilities and to work for legislation to control and prohibit littering the countryside.

There were other resolutions calling on members to continue their support of the John F. Kennedy Center for the Performing Arts in Washington, to strive for higher levels of morality and integrity in public and private life, to support the foster care program.

Any or all of these objectives will make better communities, and better communities promote better citizenship, something that is needed in every city and village in the land. If anyone can make these improvements, the 11 million ladies in the Federation can.

[From the Omaha (Nebr.) World-Herald, May 31, 1964]

Nebraskan To Lead 9 Million Clubwomen

(By Mary McGrath)

Thirty-six years ago a young bride sat in her Scribner, Nebr., home and frowned with self-pity. She'd been left alone for the evening while her husband attended a meeting.

The bride, Mrs. William H. Hasebroock, is now the grandmother of three. That busy husband is now the State senator from West Port. And because of that long ago evening, Mrs. Hasebroock soon will become the first Nebraskan to head the General Federation of Women's Clubs— the world's largest women's organization.

The Council Bluffs native recounted the incident during a recent visit at the Omaha home of the Hasebroocks' son and only child, Robert, and his family.

"A neighbor asked me if I would like to go to a meeting that evening," recalled Margaret Hasebroock. "I didn't even ask the name of the club. I just went." It was an organizational session for the Scribner Woman's Club and—by accident—Mrs. Hasebroock was the first to sign the charter. Since that time, the coloratura soprano, who holds degrees from Grinnell (Iowa) College and Midland College at Fremont, literally has sung her way up the general federation ladder.

UNOPPOSED

A past State president, Mrs. Hasebroock was appointed chairman of the music division and fine arts and public affairs departments. She won elections as recording secretary and as third, second and first vice presidents. Now the former schoolteacher is the unopposed candidate for president of an organization with 11 million members in the United States and 54 other countries. Installation on June 11 will climax the convention in Atlantic City, N.J.

To this post she brings a litany of accomplishments, including service as past president of the National Association of Parliamentarians, former State officer of the Nebraska Chapter of the Order of the Eastern Star and membership in State level groups of the heart fund, civil defense, crippled children and safety council.

In 1950 Mrs. Hasebroock received a good neighbor award from the World-Herald and the Knights of Ak-Sar-Ben.

I CAN DO MORE

The opportunity for service has prompted Mrs. Hasebroock to work for and accept the 2-year term as president. (She made up her mind to try for the post while serving as recording secretary.)

"I believe that I can do more for my grandchildren and others by working for a secure world through the federation than I can by remaining on my corner in West Point," she explained. (Incidentally, the grandchildren, Linda, Julie and Mark Hasebroock, already have been invited to visit grandmother at general federation headquarters in Washington, D.C., in August. Their parents and State Senator Hasebroock will be present for the election and installation.)

What of the future?

"In general my prorgam will evolve around a national, an international and a health project, all aimed at promoting a greater awareness of America and fulfilling the dual object of the federation: community improvement and adult education," Mrs. Hasebroock said.

The months ahead will find the Nebraskan moving into a five-room apartment at federation headquarters, attending both political conventions and planning such projects as a 35-day tour of Europe and the 75th anniversary of the organization.

Whatever the undertaking, this midwesterner will base her work on a two-pronged philosophy:

"It is better to do a few things well than many things poorly, and it is better to help others help themselves than to do it for them."

To illustrate her thinking, Mrs. Hasebroock points to the 50 clubwomen in Indianapolis, Ind., who 2 years ago became concerned with the school dropout problem.

Today they've involved 30,000 citizens in a project which has sent almost 400 students back to school and produced such byproducts as adequate street lighting and recreational facilities.

With all of her background and experience, plus support from her husband, Mrs. Hasebroock approaches the next 2 years—in her own words—"with more butterflies in my stomach every day."

But the frown is gone.

SOVIET JEWS FACE INTELLECTUAL AND CULTURAL ANNIHILATION

Mr. WILLIAMS of New Jersey. Mr. President, one by one, the churches in the Soviet Union are being forced to close their doors. Freedom of religious worship has disappeared. Behind the Iron Curtain, every religion exists in an atmosphere shrouded with hostility. Its existence is precarious in the face of the officially antireligious policy pursued by the Communist regime. Yet, while all religious denominations suffer, the Jews are the chief victims of a long history of religious persecution.

The violations of the basic human rights of the Jewish people by the Soviet Government have reached a stage where they cannot be met with the silence of indifference. It is incumbent upon free countries throughout the world to register their stern protests against further discriminatory practices.

In Russia, the Jews are considered a nationality, although they are denied the basic cultural rights accorded to all other nationalities in the U.S.S.R. Jews are not permitted any sort of national or provincial organization, secular or religious, such as other nationality groups and recognized religious sects have.

Synagogues are shut down, and traditional Jewish religious practices are publicly derided. Only 70 synagogues remain open in the Soviet Union to serve the nearly 1 million Jewish faithful—or, approximately one synagogue and one rabbi for every 15,000 or 16,000 Jewish believers. Consequently, the Jews have taken to gathering in private homes, for prayers. But such gatherings are illegal, and have often been dispersed by the police. The Jew is denied burial in the consecrated ground of Jewish cemeteries.

He is not allowed to carry on his own business, to pursue the professions, or to occupy positions of cultural, political, or social leadership in Soviet society.

No publication facilities and publications are permitted the Jews. They are not allowed to purchase religious articles. The study of Hebrew has been outlawed, even for religious purposes. No Hebrew Bible has been published in Russia since 1917, and not a single Jewish religious book has appeared in print there since the early 1920's.

The Jew in the Soviet Union has no Jewish books or periodicals. He has no theater, although the Yiddish theater was once considered a matter of Soviet pride. He is villified in the rigidly controlled Soviet press; anti-Jewish sentiments and stereotypes have been built up, especially in the provincial press.

Soviet Jews are not permitted to have contact with Jewish institutions abroad. They are not free to correspond with Jews in the free world; and when financial and material aid is mailed to them, it is seldom allowed by the Soviet authorities to reach the Jews.

Thus, the Jews are not permitted to improve their lot, nor does the Soviet Government allow their friends abroad to help the Jews in the Soviet Union. They are not allowed to assimilate, to live a full Jewish life, or to emigrate, as many would wish, to Israel, or to any other country where they could live freely as Jews. In short, the Jews in the Soviet Union lead an unhealthy, uncertain, and unhappy existence.

These are shocking facts. Added together, they mean that 3 million Russian Jews are facing intellectual and cultural annihilation. They are being slaughtered, not in the ovens of Nazi concentration camps, but in the pogroms of prejudice erected by the Soviet Government. Men of small minds who oppose free religious expression because they fear its consequences have embarked on a concentrated campaign to eliminate Judaism from the Soviet Union. The Soviet Government is attempting to banish men of faith, because it has no faith in men.

The disease of anti-Semitism must not be allowed to spread. It infects and destroys the hearts of freemen. Like an acid, anti-Semitism corrodes the conscience of men until they are numbered into indifference. It is time for public attention to be focused on the persecution of individuals solely because of their religious beliefs. It is time for the free people in the world to raise their voices in protest against a government which seeks to deprive men of their dignity. I hope the Senate will add its voice to those which already have made clear that freedom and the rights of conscience are incompatible with religious bigotry and intolerance.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If there is no further morning business, morning business is closed.

PROPOSED INCREASE IN DEBT LIMIT

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated.

The Legislative Clerk. A bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The Senate resumed the consideration of the bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Mr. BYRD of Virginia. Mr. President, the bill before the Senate is H.R. 11375. It is a bill to increase the statutory limit on the Federal debt to $324 billion through June 30, 1965.

This is the largest increase in the Federal debt limit in 19 years. Under it the debt will rise to its highest point of all time. I shall vote against it today as I did in Finance Committee yesterday.

My votes are in constructive protest against the hazards of needless Federal spending, deficits, and debt. In lieu of this bill, I propose their elimination and I am prepared to suggest where and how such action can be taken.

In short, I recommend reduction in 1965 Federal expenditures of at least $6.5 billion, and I recommend other action to avoid deficits and piling up debt, such as appropriate sale of nonessentials in the $8.5 billion strategic and critical materials stockpile.

In combination such prudence could and should convert the forthcoming fifth consecutive deficit into a surplus, without impairment of any essential Federal function. And the debt could be reduced, instead of increased.

My recommendations on where such budgetary action could and should be taken are available. They are to be found in reasonable summary in the Congressional Record of June 3, beginning on page 12601.

Working paper detail, with back-up, is available on official request for constructive use. It is based on careful analysis of every expenditure item in the budget and 31 years experience in the Senate.

As the means for proper and sagacious authorization and control of Federal expenditures, I recommend Senate Concurrent Resolution 12, which is now pending before the Senate Rules Committee.

Companion bills are available in the House of Representatives. They have been introduced there by Congressmen John W. Byrnes, of Wisconsin, and Joe Skubitz, of Kansas.

Under these proposals the whole budget would be considered all together, and all expenditures would be subject to annual limitation in the appropriation process, with less dependence on executive control.

Expenditures out of unexpended balances, now totaling more than $90 billion—including those through the backdoor—would be limited as well as those out of new appropriations.

And appropriations would be made—as expenditures would be controlled—in clear view of current revenue estimates to be provided by the Treasury at each step in the appropriation process.

Senate Concurrent Resolution 12 has been studied and perfected by the best fiscal experts in the Government. I have introduced it nine times in the Senate since 1947. The Senate has passed it twice.

At times, nearly half of the Members of the Senate have been patrons on the bill. The Senator from New Mexico [Mr. Anderson], in the Finance Committee yesterday, expressed desire for its adoption.

The proposals I am making are in accord with the policy statement in the tax reduction bill of this year, which called for "all reasonable means to restrain Government spending," and urged the President "to declare his accord with this objective."

It is also in accord with the November 30, 1963, statement of President Johnson. In a memorandum of that date to all heads of Federal departments, the President said:

> I have pledged that the executive branch will be administered with the utmost thrift and frugality; that the Government will get a dollar's value for a dollar spent; and that the Government will set an example of prudence and economy.

I regard passing this bill, raising the debt limit, increasing the debt, and continuing operation of the Federal Government on a planned deficit basis as a breach of the policy enacted by Congress and declared by the President.

I am aware that obligations have to be met, but unnecessary obligations do not have to be made. If effective effort to get off of the deficit-debt binge were indicated, I would approve meaningful temporary provision for debt already contracted.

In the absence of such an effort, I am voting against the bill. I have seriously considered this step. It is justified. My attitude against the excesses which have produced the current debt situation and my efforts to control them over the years are proof.

The $324 billion debt limit provided in the pending bill would raise the ceiling $15 billion over the yearend limit of $309 billion on June 30, and add $9 billion to the limit which has been in effect since last November.

By either measurement, it will be the largest increase in the statutory limit on the Federal debt since it was necessary to sell war bonds to finance the global conflict of World War II.

This $15 billion increase is for only the coming year. The Secretary of the Treasury says another increase of at least $6 billion will be asked next year, and another increase is likely after that.

We needed a debt limit of only $300 billion to finance World War II. That was reduced to $275 billion when the war was over. Now a limit of $330-billion-plus is in clear prospect.

And under this towering ceiling, with present planned deficits, the Secretary of the Treasury now foresees an actual debt close to $325 billion, 2 years hence. He says $312 billion will be actually outstanding on June 30—next week.

Of this $312 billion of outstanding Federal debt, $25.7 billion has been added in the past 4 consecutive years since the budget was balanced; and another $12 billion is planned.

This will be $38 billion of debt added in 6 consecutive years of deficit financing. The average is $6 billion a year. Deficits now planned contemplate neither recession at home nor emergency abroad.

Such needless use of deficit-and-debt financing is reckless and dangerous. It has become chronic. The end is not in sight. We have got to stop at some point. I am voting against this bill in the belief that now is better than later.

If constructive reductions in Federal spending, deficits, and debt are not undertaken now in relative peace and prosperity, what time would be appropriate? The Secretary of the Treasury says it will not be next year, or the year after. He is not sure about the year after that.

He says it would be proper to balance the Federal budget, eliminate deficits, and reduce the debt when we reach what he calls "full employment." We have not had what Government advisers now call the "interim full employment goal" in 11 years.

Meanwhile, the Secretary of the Treasury and his so-called economists rely on the theory that all will be well if the Federal Government continues to spend enough, to go in debt enough, to keep the so-called gross national product rising.

If this is a valid theory, it should have worked before now. In the past 15 years there have been 11 Federal deficits, and the debt has been increased by $59 billion. And in this period interest on the Federal debt has doubled.

Interest alone is now costing the people of this country $11 billion a year. This is the equivalent of more than 12 cents out of every dollar to be assessed on Federal taxpayers.

Interest on the Federal debt is now second only to national defense among the expenditure items in the Federal budget. I raise the question as to how long will it be before this interest item doubles again under present fiscal practices.

We have a congressional policy for "restrained Government spending," and we have a Presidential pledge for "prudence and economy," but we are confronted with—

First, a deficit of $8.8 billion this year.

Second, a planned deficit approaching $6 billion next year.

Third, a planned deficit of undetermined amount for the year after that.

Fourth, a Federal debt of $312 billion now.

Fifth, a planned debt approaching $325 billion 2 years from now.

Sixth, no plans for either balanced budgets or debt reduction.

Conforming with the congressional policy to "restrain" expenditures and the Presidential pledge for "prudence and economy", the January budget estimated that expenditures in the coming year will be $500 million, or about one-half of 1 percent, less than this year's total.

But to arrive at this overall reduction the budget counts nearly $1 billion in so-called expenditure deductions which are actually not reductions in the level of expenditures at all. Reference to them may be found on pages 85, 110, 125, and 319 of the budget document.

These references are to the spending estimates for Federal National Mortgage Association, Veterans' Administration, and Export-Import Bank. They show a so-called reduction in expenditures by deducting funds to be received from the proceeds of borrowing.

The budget proposes to pool Government-held housing mortgages and foreign loans held by these agencies, sell to the public "certificates of participation" in the pools to be redeemed in the future, and to pay interest meanwhile on the certificates.

The $1 billion of budgeted proceeds expected from these loans by the public to the Government agencies—which would not be counted in the Federal debt—are counted as a "reduction" in expenditures by these agencies.

I ask unanimous consent to have published in the RECORD, at the end of my remarks, correspondence on this subject with the Director of the Budget.

The PRESIDING OFFICER (Mr. DODD in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, under all the circumstances, I cannot justify a vote for this bill providing for the greatest increase in the debt limit since World War II. On the contrary, I am compelled to propose conformance to the policy fixed by Congress and the President's pledge.

I back up my proposal with suggested places where action may be taken to eliminate the deficit and reduce the debt without impairment of essential functions, and I suggest the means to facilitate this action.

I voted against the $12 billion tax reduction, and I am consistent in voting against this proposed increase in the debt limitation.

EXHIBIT 1

JANUARY 21, 1964.

Hon. KERMIT GORDON,
Director of the Budget,
Washington, D.C.

MY DEAR MR. GORDON: Thank you for your telephone call yesterday offering to explain sections of the budget where I might have questions. A question has arisen today.

On pages 85, 110, 125, and 319 of the budget I note references to sales of certificates of participation in pools of loans owned by Export-Import Bank, Federal National Mortgage Association and Veterans' Administration. I understand such an operation is being practiced by the Bank under interpretation of its charter powers, and that legislation is to be proposed for FNMA and VA. It would be appreciated if you would explain this operation in each of the agencies where it is used and proposed in general and in detail.

In particular, advice would be appreciated as to:

The difference between the direct and outright sale of agency loans to the public and the proposed certificate sale;

What would be the nature of so-called assets of the pool; if mortgages are included could they be sold directly to the public with better return to the Government; if not, why;

Would the sale of certificates be in the nature of loans from the public to the respective agencies; if so

Would they be backed by the full faith and credit of the Government or carry any other Federal guarantee;

What would be their duration;

Would they be negotiable;

Would the proceeds of the loans go to agency revolving funds, and if so for what purposes could and would they be used; would they be used to pay off agency debt to the Treasury;

Would the agency pay interest on the loans, and if so from what funds, and how would the rate be determined;

Could the agency sell or redeem these certificates at a discount or premium;

Would the loans be in the nature of agency debt to the public, and if so would it be outside the statutory debt limit;

Would such loans compete with Treasury operations;

Would, or could, such operations affect interest rates, etc.;

By what amount is it proposed that expenditures in fiscal year 1965 would be reduced by the pool operation in all agencies involved; and

In view of the fact that proceeds from the sale of such certificates would show in the budget as a reduction in expenditures, would it follow that expenditures for redemption of the certificates at maturity would show as an increase in expenditures at that time?

With my very best wishes,
Faithfully yours,
HARRY F. BYRD.

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 1, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In your letter of January 21, 1964, you have asked for an explanation of the operations now being carried on by the Export-Import Bank in selling certificates of participation in pools of loans and of the proposed operations of a somewhat similar nature to be carried out by the Federal National Mortgage Association and the Veterans' Administration under new legislative authority. In addition, you have asked several specific questions.

The Export-Import Bank expects to follow the general procedure used in earlier years. In April 1962 and April 1963, the Bank offered to U.S. commercial banks (and in 1963 also to European financial institutions) the opportunity to purchase certificates of participation in a pool comprising certain maturities and payments of interest on notes issued by borrowers to the Bank. These certificates were payable in semiannual installments over a 10-year and a 7-year period, respectively, together with interest at specified rates (4¼ percent and 4 percent, respectively) on the unpaid principal balance. The Bank unconditionally guaranteeed principal and interest payments in the event of default on notes in the pool. It agreed to repurchase, on the holder's demand (i.e., provide a put) on each semiannual date after 2½ years, any certificates of participation; it also retained the right to purchase (i.e., exercise a call) on similar occasions.

Under the proposed legislation, the Federal National Mortgage Association, as a trustee, would create, administer, and sell certificates of participation in a pool consisting of rights to interest and principal payments in blocks of FHA-insured and VA-guaranteed mortgages and other loans now owned by FNMA and VA (excluding loans owned by FNMA under its secondary market operations). FNMA would be authorized to guarantee payment of the interest and principal on the certificates of participation. VA would be authorized to make available rights to principal and interest payments on loans owned by it arising from the direct loan and the loan guarantee programs for inclusion in one or more of the pools in which FNMA, as trustee, would sell certificates of participations.

Assuming enactment of the legislation, FNMA and VA would assign to FNMA, as trustee, the rights to interest and principal payments from specific blocks of loans. The outstanding balance of these loans would be large enough to provide coverage equal to at lease 125 percent of the principal amounts of the outstanding certificates of participation. Investors would be given the opportunity to buy participations in principal repayments payable in one or more years and would receive interest payments on the principal amounts until the principal payments fell due.

The VA and the FNMA would continue to service and collect payments on the individual loans and would remit the necessary principal and interest to FNMA as trustee for distribution to the holders of the certificates. The investors would be protected not only by the coverage amounting to at least 125 percent of the principal amounts of the certificates issued, but also by an explicit FNMA guarantee and by its authority to borrow from the Treasury to meet any temporary cash requirements.

The answers to your specific questions are contained in the enclosure attached to this letter.

I hope that this letter and the enclosure will provide the information which you need on this topic.

Sincerely,

Kermit Gordon,
Director.

Enclosure.

Answers to Specific Questions on Sales of Certificates of Participation by the Export-Import Bank, Federal National Mortgage Association, and Veterans' Administration

The following information is provided in answer to questions received from Senator Byrd, Chairman of the Senate Committee on Finance:

1. The difference between the direct and outright sale of agency loans to the public and the proposed certificate sale.

In the case of direct and outright sales of agency loans by the FNMA and the VA, title to the individual loan and the servicing of the loan are taken over by the buyer and the Federal agency has no continuing responsibility; as a general rule, however, the Export-Import Bank continues to service the individual loans or portions of loans sold by it. In the case of sales of certificates of participation, the buyer purchases an interest in a block of loans; Federal agencies continue to collect the interest and principal payments on the loans and otherwise service them, remitting to the holder of the certificate of participation his share of the payments received.

2. What would be the nature of so-called assets of the pool; if mortgages are included, could they be sold directly to the public with better return to the Government; if not, why?

In all cases, the assets in the pool are or would be loans which had previously been made or acquired by the Federal agency. In the case of the Export-Import Bank, they are relatively long-term loans to borrowers in foreign countries and in the case of the certificates issued by FNMA, they are loans, mainly mortgage loans, insured by the Federal Housing Administration or owned or guaranteed by the Veterans' Administration.

As a general rule, the loans included could not now be sold directly to the public in the same volume with a better—or even an equal—return to the Federal Government. By including them in a pool and issuing participations, however, investors who are either ineligible or who are not equipped to hold and service mortgages would be able to participate in this market, adding to the total volume and/or improving the sales prices received.

3. Would the sale of certificates be in the nature of loans from the public to the respective agencies?

The sale would not constitute loans from the public to the agencies. Rather, the buyers would obtain certain specified ownership rights in a portion of the assets in the pool.

4. Would they be backed by the full faith and credit of the Government or carry any other Federal guarantee?

They would not be backed by the full faith and credit of the Federal Government, but, are, or would be, guaranteed by Export-Import Bank in the one case and by the Federal National Mortgage Association in the other.

5. What would be their duration?

In the case of the Export-Import Bank, the certificates issued in May 1962 were payable in 20 semiannual principal installments beginning November 1, 1962, and those issued on May 1, 1963, were payable in 14 semiannual principal installments beginning November 1, 1963.

The certificates issued by FNMA would be serial participations with the principal payments coming at a variety of maturity dates. The range of maturities to be offered is a matter for future decision, but the amounts sold for each maturity would be determined by the expected inflow of collections from the mortgages held in the pool.

6. Would they be negotiable?

The certificates of participation issued by FNMA would be negotiable, since they would be issued in registered form and would be transferable on the books of FNMA. The participation certificates issued by the Export-Import Bank, however, have not been transferrable, except to a limited extent for the 1962 certificates.

7. Would the proceeds of the loans go to agency revolving funds, and if so for what purposes could and would they be used; would they be used to pay off agency debt to the Treasury?

The proceeds from the sale of the certificates of participation by FNMA would go to the revolving funds of the agencies setting aside the specific mortgages for the pool; e.g., to the management and liquidating functions and the special assistance functions of the FNMA and to the revolving fund for direct loans and loan guarantee revolving fund for VA to the extent that loans from these agencies were included in pools. In the first three cases, the proceeds would either be used to pay off agency debt to the Treasury, to avoid creation of additional agency debt to the Treasury, or, in one instance, possibly be held as a reserve available for future disbursements on loans by the agency. In the case of the VA loan guarantee fund, which is financed from appropriated funds, the receipts not required for future operations would go to miscellaneous receipts.

The proceeds from the sale of participation certificates by the Export-Import Bank are used to pay off the Bank's debt to the Treasury and/or to avoid further borrowings from the Treasury.

8. Would the agency pay interest on the loans, and if so from what funds, and how would the rate be determined?

Under present plans, the FNMA as the trustee would pay interest semiannually on the certificates of participation from the proceeds of the collections on the loans in the pool. The rate of interest would be set at the time the original certificates of participations were issued in the light of the prospective market for the certificates. The Bank likewise pays interest on the certificates it issues from the proceeds of collections on the loan at a rate determined by the prevailing market rates of interest at the time of sale.

9. Could the agency sell or redeem these certificates at a discount or premium?

Under present plans, the FNMA would sell the certificates at a price equal in the aggregate to the face amount; that is, at par. However, it may be necessary to use small premiums and discounts to adjust the net yield for particular maturities to the market prices. It would pay them off at maturity at the face amount.

The Bank both sells and redeems its certificates at the face amount; that is, at par.

10. Would the loans be in the nature of agency debt to the public, and if so would it be outside the statutory debt limit?

Neither the certificates issued by the Bank nor those proposed to be issued by FNMA would be debt obligations of the agencies. The statutory debt limit would not be applicable. The Bank and the FNMA are selling participations in assets, not incurring debt.

11. Would such loans compete with Treasury operations?

The certificates have some characteristics which would appeal to the same investor groups now interested in Treasury bonds. Thus, they would, in some measure, compete with direct obligations of the Treasury, but they do not and would not sell on the same yield basis as Treasury obligations. Decisions as to terms and timing of participation certificates would, of course, be coordinated with Treasury debt management operations.

12. Would, or could, such operations affect interest rates, etc.?

In the volume anticipated, these operations could not have a significant effect on the market level of interest rates. They would make a corresponding amount of borrowing by Treasury unnecessary. The net effect on interest rates, therefore, should be almost neutral.

13. By what amount is it proposed that expenditures in fiscal year 1965 would be reduced by the pool operations in all agencies involved?

The total reduction in 1965 expenditures resulting from the 1965 pool operations of the Export-Import Bank, FNMA, and VA is estimated to amount to $1 billion, including $700 million for Export-Import Bank, $200 million for FNMA, and $100 million for VA.

14. In view of the fact that proceeds from the sale of such certificates would show in the budget as a reduction in expenditures, would it follow that expenditures for redemption of the certificates at maturity would show as an increase in expenditures at that time?

No. Expenditures for redemption of the certificates will be offset by receipts from repayments on the loans in the pool and, therefore, on balance no net expenditures would result during the fiscal years in which the certificates mature. However, it is true that, just as in the case of other financial asset sales, the expenditure credits which otherwise would have been reflected in the budgets of future years would no longer be available and budget expenditures in those years, as a whole, will be higher than would have been the case if the assets or participations had not been sold in earlier years.

Mr. ROBERTSON. Mr. President, will the Senator yield to me?

Mr. BYRD of Virginia. I yield.

Mr. ROBERTSON. I commend the distinguished senior Senator from Virginia for his excellent presentation of the very serious fiscal problems that confront us. I wish to emphasize his statement that "I am aware that obligations have to be met, but unnecessary obligations do not have to be made."

The distinguished senior Senator from Virginia called attention to that fact when he enumerated $6½ billion of unnecessary obligations that could be postponed or completely eliminated.

With due deference, I should like to add that the junior Senator from Virginia, in a speech last March, indicated at least $4 billion of current spending that could be either eliminated or postponed.

The senior Senator from Virginia went on to say:

> If effective effort to get off of the deficit-debt binge were indicated, I would approve meaningful temporary provision for debt already contracted.
>
> In the absence of such an effort, I am voting against the bill.

I congratulate him for that statement. I intend to join him in that position, because it is my definite conclusion that we are being committed to a program of deficit financing and that the proposed $324 billion debt limit would be only one more step in the direction we are headed, with no ceiling whatever on the ultimate amount of debt, which will be inflationary in effect and which will go far to undermine our traditional system of private enterprise within the framework of American constitutional liberty.

I commend my senior colleague not only for his work and position on this bill, but also for his 31 years of distinguished service in the Senate and for his sound fiscal policies, which the people of Virginia, and of the Nation generally, recognize and for which they applaud him.

Mr. LONG of Louisiana. Mr. President, present law provides a temporary public debt limit, or ceiling, of $315 billion through June 29—4 days from today. On the following day, June 30, unless we take necessary action, this ceiling will drop to $309 billion. The day after that, on July 1, the public debt limit is scheduled to drop to its permanent level of $285 billion.

If debts could be erased or reduced simply by lowering the ceiling on them, there would be no problem. But we should all understand by now that this cannot be done. It will not work with our own personal, private, or family debts. It will not work with the public debt.

Insofar as the public debt is concerned, the Treasury Department projections of the debt, subject to limit, show that it will total about $312 billion on June 30. That is $3 billion above the statutory limit for that 1 day and $27 billion higher than the permanent level that will take effect on July 1, the start of fiscal 1965.

If we fail to increase the existing debt limit to a reasonable and realistic level, one that meets not only the outstanding debt but also the inevitable additions to that debt that will be incurred during fiscal 1965, we are inviting fiscal and financial chaos. Surely, Mr. President, I do not need to dwell on the grave consequences that would swiftly befall us if the United States suddenly had to default on its obligations.

To avoid such a calamity, the administration is requesting, in the bill before us, an increase in the temporary public debt ceiling to $324 billion, to take effect from the date of enactment through June 30, 1965, or the last day of fiscal 1965.

The House of Representatives has already passed this bill. Your Finance Committee has reported it favorably. It is now up to this body to face its responsibilities—to understand that, when its bills come due, the United States must be in a position to pay them. And in this connection, let none of us forget that these bills are for Federal expenditures duly authorized by this and previous Congresses. We have not only authorized the expenditures, we have appropriated the funds for them.

It is totally irresponsible, with the bills for these expenditures coming due, to pretend they are somebody else's obligations. They are ours, Mr. President, and we must make certain that the Secretary of the Treasury is in a position to pay them.

As in the case of our individual, private debts, or as is the case with a business or corporate debt, the Secretary of the Treasury meets the public debt by borrowing the funds necessary to pay the bills.

Clearly, the temporary, 1-day ceiling of $309 billion on June 30 will not cover these needs—which are already well in excess of that figure. Looking ahead, we know also that the present $315 billion ceiling will not be sufficient to cover the borrowing needs that will arise in fiscal 1965.

In establishing a new, fully adequate, and wholly responsible debt limit, there are several factors that must be taken into consideration. These are: the needs during the few remaining days of this fiscal year, the deficit projected for fiscal 1965, the seasonal variation in Federal receipts which requires a temporary increase in borrowing even when the budget is in balance or surplus and, finally, the need for a margin of flexibility to enable the Secretary of the Treasury to finance the outstanding public debt efficiently and economically and also to be prepared for any unforeseen emergencies.

With these factors in mind, the administration has requested that the public debt limit be increased to $324 billion.

By itself, isolated and completely out of context, that is indeed a large sum, Mr. President. But it is neither necessary nor appropriate to fasten our sights on this one figure, to freeze and fix our attention solely on it. We must keep this sum in perspective. Viewed realistically, it is by no means out of line.

It is possible, indeed necessary, to put this matter into proper perspective by considering how our public debt stacks up against our ability to carry it. The best means of measuring this is to compare the debt figure with our gross national product—the sum total of all the goods and services produced in the United States.

Let us, for example, take a look at how we stood just after World War II. In June 1946, our public debt amounted to $269.9 billion. Our gross national product at that time was $211.7 billion. In other words, Mr. President, our outstanding debt exceeded our GNP by more than $50 billion. The ratio of public debt to GNP was a staggering 127.5 percent.

That was almost 20 years ago—just after the tremendous costs of borrowing of World War II.

What has happened since then? Balance sheet readers who concentrate only on the debit side of the ledger will pounce on the fact that our outstanding debt has increased—from $269.9 billion in 1946 to about $312 billion today.

But the other side of the ledger shows an even larger growth. Our economy has expanded to the point where our GNP today stands at about $623 billion compared to a national debt of $312 billion.

This means the ratio of debt to GNP has been more than cut in half since 1946. The ratio today is just 50 percent, compared to 127 percent in 1946.

I am not suggesting, Mr. President, that these comparisons mean we can be indifferent to our increased public debt. But I am calling attention to the fact that it has not been growing out of proportion to the growth in our assets, to the growth in our credits, to the overall growth of our economy. As a matter of fact, it has actually been declining in proportion to the tremendous growth that has been registered in our GNP.

The same is true when we compare the public debt to personal income. Back in June 1946, outstanding public debt was $269 billion more than the total personal income in the United States, which was then only $180.8 billion. The ratio of debt to personal income at that time was 149.3 percent.

Today, with the debt standing at $312 billion, personal income has climbed to $491.5 billion, and the ratio of debt to annual personal income has shrunk to 63.3 percent.

I repeat, Mr. President, our overall performance, as mirrored on this balance sheet, is most reassuring. Our debt has not been growing disproportionately.

We are not, in short, over our heads.

Actually, our outstanding public debt has been declining in proportion to other outstanding debt. As of December 1946, the total estimated debt in the United States, public and private, was $446.5 billion. The Federal debt, at $259.5 billion, represented 58 percent of this total. Corporate debt at that time amounted to $110.5 billion or 25 percent of the total. Individual private debt totaled $60.5 billion or 13 percent of the total.

By December of 1963, these totals and the percentages had changed dramatically. Federal debt, at $310 billion, accounted for only 25 percent of the total debt outstanding—$1,236.5 billion—compared to 58 percent of the 1946 total. Corporate debt, on the other hand, climbed to $459.5 billion or 37 percent of the total. Individual private debt rose to $378 billion in this same period to account for 31 percent of the total.

While one may complain about debt, no matter who owes it, particularly if he owes it himself, he can go into the Marble Room behind the Chamber and read the Wall Street Journal or any of the other great daily newspapers and see how the stocks of the major corporations are selling on the big board, the New York Stock Exchange, or on the American Stock Exchange. He will notice that, although these corporations owe more than twice as much as they owed in 1946, their stocks are selling today at much higher prices and that buyers are grabbing them up. The prices of these stocks continue to go up day by day because the corporations listed on the big board are sound financially. They may owe large sums of money, but they also have huge assets.

If one were to hear that the American Telephone & Telegraph Co. were retiring its debt today, he might run to sell his stock because he feared that A.T. & T. was getting ready to liquidate. Instead, that great corporation is expanding, and other great corporations are expanding, too. The fact that they owe debt oftentimes means that they are in a sound operating condition, just as the Government is sound in the way it operates. In my opinion, the Government is in as sound a financial position as it has been in for a long time.

The Federal Government's share of the total outstanding debt in the United States has, as these figures make clear, declined. Debt taken on by other sources, individuals and corporations, has increased far more rapidly.

Consumer indebtedness has risen sharply, from $8.3 billion outstanding in 1946 to $69.7 billion at the end of last year, an increase of 740 percent. Mortgage debt soared from $41.8 billion in 1946 to $281.3 billion last year, an increase of 573 percent. The Federal debt, in contrast, is up less than 20 percent in the same period.

From the point of view of an economist, I raise this question: Could the United States have experienced the fantastic growth of its gross national product in the last 20 years, a growth to the extent that we are today producing more than twice as much in terms of goods and services as we were producing at the end of World War II, without the expansion of our credit and money supply? I do not think it would have been possible.

I have asked that figures be prepared to show how the increase in the money supply, which I regard as an increase in credit generally, has necessarily expanded as the income and production of the people have increased. When one makes that comparison, he will reach the conclusion that most modern-day eocnomists have reached—namely, that an expansion of credit and money supply must take place even more rapidly than an expansion of production in a capitalistic society.

It might be possible to operate differently in a Communist society or a Socialist economy; but in a capitalistic economy, credit and money supply must increase more rapidly than production. It must increase somewhere. It must increase either in Government or in the private sector.

The great increases in mortgage debt and personal debt do not represent any great danger. What they mean is that the people want more homes, more property, more of the luxuries and conveniences of life. So they have incurred debt in financing the distribution and sharing of the fantastic gross national product that almost staggers the imagination of anyone when he considers the large amount of goods and services produced in America today, far more than other nations have dreamed was possible.

If our economy were not sound all these outstandings, private and public, would be a matter of genuine concern. But our economy is sound, Mr. President. Its rate of growth is increasing.

Let us, by all means, consider this request for a debt-limit increase carefully. But let us by all means keep the request itself, the sum involved and the factors accounting for it, in perspective. This is no time for panic or pretense.

I support this bill as reported by the committee as essential, sound, fiscally responsible legislation. I urge that it be passed promptly.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, on the passage of the bill, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, the pending bill proposes to increase the ceiling on the national debt from $315 billion to $324 billion. To a large extent this increase in necessary to permit the Federal Treasury proper leeway to finance the tax reduction enacted by Congress earlier this year.

Secretary Dillon in his testimony before the Committee on Finance said that the 1964 tax reduction, approved earlier this year, will pump an additional $7 billion into our economy in the next fiscal year; therefore, it can be said that $7 billion of the proposed $9 billion increase will go to finance that tax reduction.

The other $2 billion increase requested is to provide the Treasury with authority to borrow money to finance the proposed increase in salaries for Members of Congress and other leading executives of the Government, who have created this financial chaos, as well as to provide funds to finance some of the many political-year pork-barrel schemes which are designed primarily to buy votes in the 1964 election.

In my opinion this is a fiscally irresponsible method of operating the Government.

I opposed the tax reduction, which admittedly could be financed only with borrowed money. The deficit this year is around $9 billion, and next year's deficit will approach the same figure.

To reduce taxes and increase spending, all at the same time, and then to finance both extremes with borrowed money may well be the spark that can touch off another serious round of inflation.

Under the fiscally irresponsible financing administration of this administration, the foundation is being laid for a serious depression. Our luxuries of today are being charged to tomorrow's taxpayers.

Election year prosperity financed with borrowed money may get votes this year, but I shudder to think of the reaction when the effects of these artificial stimulants wear off.

I shall vote against the proposed increase in the debt ceiling as a protest against the unsound fiscal policies of this administration. If the Government of the United States cannot live within its income today, at a time when we are enjoying the highest level of prosperity ever attained, the question may well be asked: When are we going to balance our budget and start reducing our debt?

The budget requests of the Johnson administration for the next fiscal year are $5.5 billion higher than that appropriated for the current fiscal year.

The cumulative deficits of the 4 years of the Kennedy-Johnson administration exceeds $25 billion.

REPORT COMPARING FISCAL RESPONSIBILITY OF THE TWO POLITICAL PARTIES

Mr. WILLIAMS of Delaware subsequently said: Mr. President, at the conclusion of my earlier remarks, I ask unanimous consent to have printed in the Record a report comparing the financial responsibility of the two political parties over the past 60 years.

This report shows that the Democratic Party has always operated on the theory of "spend, tax, and elect."

Over 95 percent of our national debt today was created under the 30 years of Democratic control. Sure, a part of this can be attributed to the cost of wars, but even in peacetime they boast of their "planned deficit."

There being no objection, the report was ordered to be printed in the Record, as follows:

	Republican	Democrat
1900 to 1964—64 years	34 years	30 years.
Balanced budgets	22	3.
Unbalanced budgets	12	27.
Cumulative deficits or national debt:		
Amount	$13,400,000,000	$293,000,000,000.
Percent	4.4 percent	95.6 percent.
Average unemployment	5.6 percent	8.5 percent.
Tax reductions	8	2.
Tax increases	2	13.
Depressions	1	None.
Wars	None	3.

Year	Administrative budget [1] (in millions of dollars)						Civilian labor force [2] (in millions)			Percent of total labor force unemployed	Individual tax [3]		1st bracket rates [3] (percent)	National debt [4]	Gross national products [5] in current dollars
	Receipts	Expenditures	Republicans		Democrats		Total	Employed	Unemployed		Increase	Decrease			
			Surplus	Deficit	Surplus	Deficit									
														Billions	*Billions*
Republican:															
1901	$588	$525	$63						0.7	2.4				$1.2	
1902	562	485	77						.8	2.7				1.1	
1903	562	517	45						.8	2.6				1.1	
1904	541	584		$43					1.4	4.8				1.1	
1905	544	567		23					1.0	3.1				1.1	
1906	595	570	25						.2	.8				1.1	
1907	666	579	87						.6	1.8				1.1	
1908	602	659		57					2.9	8.5				1.1	
1909	604	694		89					1.8	5.2				1.1	
1910	676	694		18					2.1	5.9				1.1	
1911	702	691	11						2.2	6.2				1.1	$36.2
1912	693	690	3						1.9	5.2				1.1	39.8
Democrat:															
1913	714	715				(6)			1.6	4.4	(7)	(7)	1.0	1.1	40.0
1914	725	725				(6)			3.1	8.0			1.0	1.1	39.0
1915	683	746				$63			3.8	9.7			1.0	1.1	40.5
1916	762	713			$48				1.9	4.8	Increase		2.0	1.2	48.9
1917	1,100	1,954				853			1.9	4.8	do		2.0	2.9	61.1
1918	3,630	12,662				9,032			.5	1.4	do		6.0	12.4	77.1
1919	5,085	18,448				13,363			.9	2.3		Decrease	4.0	25.4	84.9
1920	6,649	6,357			291				1.6	4.0			4.0	24.2	91.9
Republican:															
1921	5,563	5,058	509						5.0	11.9		Decrease	4.0	23.9	70.3
1922	4,021	3,285	736						3.2	7.6			4.0	22.9	75.0
1923	3,849	3,137	713						1.3	3.2		Decrease	3.0	22.3	86.2
1924	3,853	2,890	963						2.4	5.5		do	2.0	21.2	85.9
1925	3,598	2,881	717						1.8	4.0			1.5	20.5	94.5
1926	3,753	2,888	865						.8	1.9		Decrease	1.5	19.6	98.6
1927	3,922	2,837	1,155						1.8	4.1			1.5	18.5	96.5
1928	3,872	2,933	939						2.0	4.4		Decrease	1.5	17.6	98.8
1929	3,861	3,127	734				49.1	47.6	1.5	3.2		do	.5	16.9	104.4
1930	4,058	3,320	738				49.8	45.4	4.3	8.7	Increase		1.5	16.1	91.1
1931	3,116	3,577		462			50.4	42.4	8.0	15.9			1.5	16.8	76.3
1932	1,924	4,659		2,735			51.0	38.9	12.0	23.6	Increase		4.0	19.4	58.5
Democrat:															
1933	1,997	4,598				2,602	51.5	38.7	12.8	24.9			4.0	22.5	56.0
1934	3,015	6,645				3,630	52.2	40.8	11.3	21.7	Increase		4.0	27.0	65.0
1935	3,706	6,497				2,791	52.8	42.2	10.6	20.1	do		4.0	28.7	72.5
1936	3,997	8,422				4,425	53.4	44.4	9.0	16.9			4.0	33.7	82.7
1937	4,956	7,733				2,777	54.0	46.3	7.7	14.3			4.0	36.4	90.8
1938	5,588	6,765				1,177	54.6	44.2	10.3	19.0			4.0	37.1	85.2
1939	4,979	8,841				3,862	55.2	45.7	9.4	17.2			4.0	40.4	91.1
1940	5,137	9,055				3,918	55.6	47.5	8.1	14.6	Increase		4.4	42.9	100.6
1941	7,096	13,255				6,159	55.9	50.3	5.5	9.9	do		10.0	48.9	125.8
1942	12,547	34,037				21,490	56.4	53.7	2.6	4.7	do		19.0	72.4	159.1
1943	21,947	79,368				57,420	55.5	54.4	1.0	1.9	do		19.0	136.6	192.5
1944	43,563	94,986				51,423	54.6	53.9	.6	1.2	do		23.0	201.0	211.4
1945	44,362	98,303				53,941	53.8	52.8	1.0	1.9		Decrease	23.0	258.6	213.6
1946	39,650	60,326				20,676	57.5	55.2	2.2	3.9			19.0	269.4	210.7
Republican (80th Cong.):															
1947	39,677	38,923	754				60.1	57.8	2.3	3.9			19.0	258.2	234.3
1948	41,375	32,955	8,419				61.4	59.1	2.3	3.8		Decrease	16.6	252.2	259.4
Democrat:															
1949	37,663	39,474				1,811	62.1	58.4	3.6	5.9			16.6	252.7	258.1
1950	36,422	39,544				3,122	63.0	59.7	3.3	5.3	Increase		17.4	257.3	284.6
1951	47,480	43,970			3,510		62.8	60.7	2.0	3.3	do		20.4	255.2	329.0
1952	61,287	65,303				4,017	62.9	61.0	1.9	3.1	do		22.2	259.1	347.0
Republican:															
1953	64,671	74,120		9,449			63.8	61.9	1.8	2.9			22.2	266.0	365.4
1954	64,420	67,537		3,117			64.4	60.8	3.5	5.6		Decrease	20.0	271.2	363.1
1955	60,209	64,389		4,180			65.8	62.9	2.9	4.4			20.0	274.3	397.5
1956	67,850	66,224	1,626				67.5	64.7	2.8	4.2			20.0	272.7	419.2
1957	70,562	68,966	1,596				67.9	65.0	2.9	4.3			20.0	270.5	442.8
1958	68,550	71,369		2,819			68.6	63.9	4.6	6.8			20.0	276.3	444.5
1959	67,915	80,342		12,427			69.3	65.5	3.8	5.5			20.0	284.7	482.7
1960	77,763	76,539	1,224				70.6	66.6	3.9	5.6			20.0	286.3	503.4
Democrat:															
1961	77,659	81,515				3,856	71.6	66.7	4.8	6.7			20.0	288.9	518.7
1962	81,409	87,787				6,378	71.8	67.8	4.0	5.6			20.0	298.2	553.9
1963	86,400	92,600				6,200	[9] 75.1	[9] 70.8	[9] 4.3	[9] 5.7			20.0	304.8	
1964	[8] 86,900	[8] 98,802				[8] 11,902							20.0	[8] 315.6	
Total			21,999	35,419	3,849	296,888									
Less surpluses				21,999		3,849									
Cumulative deficits each party.				13,420		293,039									

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[1] Source: Budget, fiscal year ending June 30, 1964, p. 422.

[2] Source: 1901 through 1928—p. 215 of "The Measurement and Behavior of Unemployment," by National Bureau of Economic Research, Princeton University Press; 1929 through 1946—p. 206 of "Statistical Abstract of the United States, 1959." 1947 through 1963—U.S. Department of Labor, Bureau of Labor Statistics.

[3] Source: Joint Committee on Internal Revenue Taxation.

[4] Source: Budget, fiscal year ending June 30, 1964, p. 422.

[5] Source: "Facts and Figures on Government Expense, 1962-63," Tax Foundation, p. 49.

[6] Less than one-half million dollars.

[7] First enacted.

[8] Estimate.

[9] July 1963.

NOTE.—Variations in totals result from rounded figures.

Statistics assembled by JOHN J. WILLIAMS, U.S. Senator, September 1963.

PROPOSED INCREASE IN DEBT LIMIT

Mr. SMATHERS. Mr. President, despite the number of times this body has discussed, at length, the public debt question, there is still plenty of evidence to indicate that the question itself remains wrapped in some confusion. I shall, in these remarks, address myself to the facts of the matter in a hopeful attempt to remove some of the misunderstandings that invariably surface whenever we turn our attention to this important subject.

The administration has requested, and the House has now passed a bill to increase the temporary public debt limit to $324 billion, effective from the date of enactment through June 30, 1965.

I believe that all responsible legislators will support this essential, fiscally necessary measure.

As we know, existing law provides a temporary debt ceiling of $315 billion through June 29. That ceiling will drop to $309 billion on the following day, June 30. On the next day, July 1, the start of a new fiscal year, the debt ceiling is scheduled to revert to its so-called "permanent" level of $285 billion.

Against this legislative backdrop we have the cold facts, assembled by the Treasury Department, on what the debt, subject to limit will actually amount to on June 30. This will come to approximately $312 billion—about $3 billion above the statutory limit for that day, and about $27 billion above the permanent ceiling that will take effect on July 1, unless we act favorably on the measure before us.

We must act promptly to increase the limit to a reasonable and realistic level, one that will enable the Secretary of the Treasury to finance the public debt economically. Failure to do so would put the United States in a position of having to default on its obligations. I do not have to dwell on the seriousness of such a situation.

The debt outstanding now, the extent to which it will rise during fiscal 1965, cannot be erased or altered by any arbitrary reduction in the $324 billion debt ceiling that is being sought by the administration.

The debt itself ultimately reflects the relationship between Government revenues and the authorizations and appropriations, approved by the Congress, for Government expenditures.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. LONG of Louisiana. Would it not be patently ridiculous for this great Nation, with the entire free world depending on us, to find ourselves in a position where we could not pay our obligations, even though we are the wealthiest Nation on the face of the earth and by our own motion tie our own hands to the point where we seek to pay off our own obligations?

Mr. SMATHERS. I totally agree with the distinguished Senator from Louisiana, that it would be the height of folly.

As I have just stated to the Senator from Louisiana [Mr. LONG], it would be the sheerest folly to pretend that Government expenditures can be reduced or controlled by a restrictive debt limit. When the bills come due for expenses, duly authorized by the Congress, the United States must be in a position to pay them.

A new debt limit must be based on: our financial needs during the balance of this fiscal year, the deficit projected for fiscal year 1965, the seasonal variation in receipts which requires a temporary rise in borrowing even when the budget is in balance or surplus, and, finally, the need for a margin of flexibility.

Let me digress a moment to state that I asked the Secretary of the Treasury, when he was testifying before the committee, whether, even if we had a balanced budget in 1965, it would be necessary still to raise the debt ceiling. He said absolutely, that even with a balanced budget the Government, to operate and meet its obligations, would still have to have an increased debt ceiling.

The issue is not, in short, Government spending. The spending decisions have already been made by the Congress. We must now provide the means to finance these authorized expenditures in the most fiscally responsible way.

By voting to provide an adequate debt limit, we are not voting to increase the debt—this was decided when this and past Congresses voted the authorizations and appropriations that are now becoming expenditures.

An inadequate debt limit will not reduce Government expenditure. It will only force the Secretary of the Treasury to resort to costly expedients to finance the public debt.

In 1954 and 1955, for example, $2,326 billion was raised through the expedient of having the Commodity Credit Corporation issue and sell nonguaranteed interest-bearing certificates in the open market so that this money could be paid over to the Treasury, thus reducing the Commodity Credit Corporation's use of the revolving fund which it was authorized to use. Because they were not guaranteed, the interest rate on these certificates was three-eighths to five-eighths of a percent higher than on comparable Government securities. The extra cost of having to finance the Government in this way, rather than through normal channels, was $7 million.

Another question I asked the Secretary of the Treasury was, "If the Secretary of the Treasury, in meeting Government obligations, were forced to operate under the restricted debt ceiling, would it not cost the taxpayers more money?"

The Secretary of the Treasury replied, "There is no question about it." As an illustration, I referred to the years 1954 and 1955.

In 1955 and again in 1958, Federal National Mortgage Association certificates were issued and sold in the market to raise $2,169 million. The interest rate on these certificates was from one-half to three-quarters of a percent higher than on direct Government obligations, and the extra cost—which again had to be met by the taxpayers of this country—was $25.5 million higher than if the Government had been allowed to borrow this money itself in the normal manner.

By providing an inadequate debt limit and making the Secretary of the Treasury adopt these expedients, we did not hold down the real amount of the Federal debt. Rather, we increased the cost of Government operations. The amount of the real Federal debt is determined simply by the relationship between expenditures and revenues.

The Treasury, with an adequate debt limit, will be able to take advantage of favorable opportunities in the market to raise new money and to refund outstanding debt to improve the structure of the debt.

An adequate debt limit will allow the Secretary of the Treasury the necessary flexibility to deal with our balance-of-payments problems. This flexibility permits prompt response to money market developments affecting our balance-of-payments position.

If Congress does not act promptly, the temporary limit will drop to $309 billion on June 30. The debt subject to limit will be about $312 billion on that date. If the Congress does not act, therefore, all borrowing will have to cease on June 30. Savings bonds sales would have to cease immediately. Inasmuch as the savings bonds program is a keystone to the sound management of the public debt, suspending sales of these bonds or payroll deductions for their purchase, even for a brief period, would be disastrous to the program for years ahead.

If we fail to act, the normal investment of trust fund receipts in special obligations would be impossible. The Secretary of the Treasury would then have the choice of leaving these funds uninvested, depriving the trust funds of income, or buying outstanding marketable issues in the market. This would deplete the Treasury's cash and have a severe effect on the Government securities market.

If we permit the debt limit to fall to its permanent level of $285 billion on July 1, the Treasury's position will become even more acute. Regular weekly bills maturing on July 2 would have to be paid off in cash, seriously disturbing the market. The Treasury would also have to cancel its normal issue of $1 billion of 1-year bills. By July 9, the next issue of regular bills would also have to be paid off in cash. By July 15, when the next maturity came due, the Treasury would be out of cash and would have to default, for the first time in history, on a direct Treasury obligation.

Such a course of action does not seem to responsible legislators to be fiscally responsible.

We must provide funds needed for the operations of the Government. The fiscal chaos that would result without them would be our responsibility.

It may be argued that the Treasury does not need a debt limit of $324 billion. But let us not forget this fact: a lower debt limit will not hold down spending. The only excuse for a lower limit would be based on the possibility that the Treasury has underestimated its receipts. It is possible that they will be higher than expected. But it should be noted that the previous projections of debt furnished by the Treasury have been very accurate. The Treasury has had a great deal of experience in this, and I would rather trust its projections than take a chance on having to return again and again, as was the case last year, to vote new ceilings—good for a month or 2 months, or 6 months at a time. Let us hope that the Treasury has not overestimated its receipts. Let us hope that the margin for flexibility provided in the bill is fully adequate.

Let us remember that we have incurred the bills. It is now up to us to provide the means to pay them. An adequate debt limit grants the Secretary of the Treasury the necessary authority to manage the fiscal affairs of the Federal

Government in a responsible and economical manner. This is the real issue on which we are voting.

I support the bill, and I hope that it will be passed overwhelmingly and without delay.

THE DEBT IN PERSPECTIVE

Mr. DOUGLAS. Mr. President, every year about this time Congress is called upon to raise the temporary ceiling on the public debt. Some years it is not only done once, but twice or three times. The Ways and Means Committee plays a cat-and-mouse game with the Treasury and keeps it on tenterhooks. We are told that the country is going to the dogs. Some people have the fear that we are being deluged by inflation. I believe that it is about time to put this entire situation of the debt in its proper perspective.

WHERE DID WE GET THE DEBT?

Today, the debt is approximately $308 billion.

Where did it come from?

When Franklin Roosevelt was first elected President, the debt was $24 billion. In 1939, it had risen to $47 billion—by $23 billion. That was the price which America paid to halt the great depression, to save millions of people from starvation, and possibly to save the country from revolution.

Although some mistakes were made in the expenditure of that money, on the whole that was a sound investment, and a correct series of expenditures. We began to rearm at the end of 1939, and particularly in the spring of 1940, when Hitler swept through the Low Countries and France, and attacked England. At the end of World War II, the debt was $278 billion, or an increase, due to World War II, of $230 billion.

That was money that was expended to prevent Hitler from taking over the United States and taking over the world. Therefore, it was money well spent.

We added another $19 billion during the Korean conflict to prevent the North Korean Communists, supported by the Chinese Communists and the Russian Communists, from taking over South Korea. Such a loss would have in all probability meant the loss of southeast Asia, and would have menaced our position in Japan, as well.

Thus, the bulk of the present debt was brought about because of our willingness, and, I believe, our desire, to protect ourselves and our allies against both Hitler and the Communist threat—$249 billion of the debt was expended as a direct result of war.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Is it not good that we have about $34 billion of that debt which the Federal Reserve Board holds, and the Government owns the Federal Reserve Board?

Mr. DOUGLAS. That is correct.

Mr. LONG of Louisiana. Is it not correct that the United States holds $60 billion in Government trust funds?

Mr. DOUGLAS. That is correct.

Mr. LONG of Louisiana. So if we were to disallow the part of the public debt which the Government owes to the Government, the entire remaining debt is in effect a debt that was incurred in war?

Mr. DOUGLAS. That is correct.

GOVERNMENT ASSETS EXCEED GOVERNMENT DEBT

Now let us see what the assets of the Federal Government are, in comparison with the debt. If we were a business corporation the assets would be stated as well as the debits. It is very fortunate that each year the House Committee on Government Operations publishes a survey of the property owned by the Federal Government, both real estate and so-called personal property.

The real estate is valued at the cost of acquisition. Of course, the cost of acquisition of the western lands was, and is listed as almost nothing. But on the basis of cost of acquisition of real estate, and the value of personal property held, the assets owned by the Federal Government as of the 30th of June, 1963, amounted to $315.2 billion; and the debt at that time was $306.5 billion. In other words, the real and personal property assets of the Federal Government, valued at acquisition cost, exceeded the debt by $8,700 million.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Is the Senator not aware of the fact that almost one-fourth of the entire mainland of the United States, plus about 90 percent of all Alaska, is federally owned land. Does the statement that the Senator is giving reflect an acquisition cost which is almost zero for that land?

Mr. DOUGLAS. That is correct.

The actual assets, on the basis of market value, of course are greatly in excess of $315 billion. Therefore, if anyone were to appraise the financial position of the United States, he would have to say that it was in as sound a position as General Motors, Du Pont, Ford, United States Steel, or the A.T. & T.

ASSETS PRODUCE INCOME

As the Senator from Louisiana has pointed out, many of the Federal assets actually produce income. The Tennessee Valley Authority pays back not only the principal, but interest as well. Royalty rights to the Federal tideland oil reserves return revenues to the Federal Government.

Parenthetically, I hope that Louisiana will not be able to move its shorelines out so far that they will completely take over these tidelands, on the pretext that they are beyond three leagues or three miles from the shoreline.

The Federal Reserve Board pays into the Treasury 90 percent of the interest it earns on Federal bonds. I believe it returned something like $600 million last year. The Rural Electrification Administration pays back the principal and 2 percent interest on the funds which are loaned to it. Thus, the assets of the Federal Government, if anything, are understated. But even if the income-producing properties are not included, the assets of the Federal Government exceed its debts.

If any financier were to look at the balance sheet of General Motors, Du Pont, Ford, or United States Steel, and were to find that the assets of the company exceeded its liabilities by $8.7 billion, he would be more than willing to make loans to the company, to buy stock in the company, or to certify that its financial condition was absolutely sound. That is the situation with the U.S. Government, because its assets of $315.2 billion, made up of $225 billion in personal property and of $90 billion in real estate, exceeded its debt by $8.7 billion as of June 30, 1963. Today the situation is even better than it was last June.

RATIO OF DEBT TO GROSS NATIONAL PRODUCT GREATLY REDUCED

Another way to look at the debt is to compare it with the gross national product. The gross national product is the sum of the goods and services produced in the country in a given year. As of 1946, the national debt was 28 percent more than the gross national product. The national debt was about $260 billion average for the year, as compared to a gross national product of only $204 billion. Stated another way, the national debt was 128 percent of the gross national product.

By 1952, the national debt was only 75 percent of the gross national product. While the economy was growing during this period of time, President Truman reduced the debt by approximately $11 billion during his almost 8 years in office. As of the spring of 1964, the present time, the national debt is only slightly more than 50 percent of the gross national product, or a $308 billion debt as compared with a $608 billion gross national product.

If we were to translate this into family terms, the situation would be as follows: If, in 1946, a man had an income of $10,000 a year, and a debt of $12,800 a year, he would have been in the same position as the Federal Government in that year. We all know that this is not an uncommon situation, for ordinarily a mortgage company will make a loan of from 2½ to 3 times a person's annual income for a house.

If, in 1964, following this analogy, the same man had an income of $20,000, but a debt of only $10,000, we would consider that he was much better off, and that his debt, compared with his income, was not excessively high. This is what has happened to the debt and income of the United States since 1946.

GROWTH OF OTHER DEBT MORE THAN NATIONAL DEBT

Let us compare what has happened to the national debt in relation to personal debt, mortgage debt, corporate debt, and State and local debt. In 1946, the national debt, as I have said, averaged about $260 billion. As of the spring of 1964, it was $308 billion. This is an increase of 19 percent. But what has happened during this period to other debt?

CONSUMER CREDIT OR DEBT

Consumer credit, in which I am deeply interested, was $8.4 billion in 1946, but it was $69 billion in the spring of 1964. Thus, while the national debt increased by 19 percent, consumer debt—the debt that individuals owe for washing machines, refrigerators, automobiles, and personal loans—went up to 8 times this amount, or to a relative of 800.

Mr. LONG of Louisiana. Has the Senator noticed the extent to which the corporate debt has increased?

Mr. DOUGLAS. Yes.

Mr. LONG of Louisiana. Has the Senator also noticed that as to the increase in the corporate debt, those great companies that have had faith in themselves and faith in America are the ones that have incurred the greatest debt? They have expanded more rapidly, and they are the ones whose stock is selling best in the market.

CORPORATE DEBT

Mr. DOUGLAS. The Senator from Louisiana has raised the question of corporate debt. We all know that many of those who complain most vehemently about the national debt are the owners of the great bulk of stocks and bonds, or the agents of those owners. At the end of 1946, corporate debt was $93½ billion. At the end of 1963, this had increased to $371.6 billion, or almost four times. Thus again while the national debt had increased by only 19 percent, the corporate debt had increased to a relative of 400.

MORTGAGE DEBT

Mortgage debt in 1946 was $41.8 billion. At the end of 1963 it was $281.3 billion. It had increased 6.7 times, or by 670 percent. Thus, while the national debt went up by 19 percent, mortgage debt increased to a figure of 670 percent.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Is it not correct that without that increase in mortgage debt we could never have built all the fine new homes that have sprung up all over America?

Mr. DOUGLAS. The Senator is correct.

Mr. LONG of Louisiana. Is it not true that the value of those homes greatly exceeds the total of the mortgage debt?

Mr. DOUGLAS. That is true. If I may get in a word on one of my favorite subjects, I believe that those who lend to consumers and homeowners should tell the buyers and borrowers the truth about what the finance charges will amount to in terms of dollars and what they will amount to as a true annual rate on the amounts actually owed. There seems to be a great deal of resistance to that idea, but I think that it is fundamentally sound.

PRIVATE DEBT

Now if we look at the total private debt in the country, we find that in 1946 private debt amounted to $154.1 billion and that by the end of 1963 it was $753 billion. All private debt had increased by almost five times. Thus, again, while the national debt had increased by 19 percent, total private debt had increased to a relative of 500.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator believe that it would have been possible to have increased our gross national product by about 200 percent since World War II had private debt not expanded sufficiently to make it possible for people to buy the great amount of goods and services which our industries are pouring out?

Mr. DOUGLAS. No. It has helped speed up the rate of economic growth.

Mr. LONG of Louisiana. So as a practical question, our great increase and growth in production and income could hardly have been achieved without the expansion of private debt?

Mr. DOUGLAS. I do not wish to say that debt is a blessing. There can be such a thing as an excess of debt. I am inclined to think that in certain branches of national activity the debt has increased too rapidly. What I am trying to say is that it is extraordinary how some people take pleasure in the increase in consumer debt, mortgage debt, corporate debt, and private debt, and do not object to an increase in State and local debt, but yet they become panic stricken when there is an increase in 18 years of only 19 percent in the national debt. That is what I am really trying to say.

Mr. LONG of Louisiana. Mr. President, as an economist, the Senator knows that from the point of view of an economist, money and credit are generally viewed as the same thing in that they are all money. They are a part of the money supply.

Mr. DOUGLAS. I would say that it is the assets which lie behind the debt which are important. In some cases the rate of acquisition of the assets has been speeded up by the ability to borrow. There is no doubt about that.

Mr. LONG of Louisiana. Is it not correct to say that credit, particularly liquid credit, is a part of the money supply, and that the money supply must increase as production and business activity increase?

Mr. DOUGLAS. That is correct. Let us consider State and local debt.

STATE AND LOCAL DEBT

Many of those who most vigorously decry the Federal debt continue to say that State and local governments should handle the Federal functions because the Federal Government is in a very difficult financial situation. But the true answer is that the Federal Government has had to take on a number of needed activities because the State and local governments were unable to do them due to their very difficult financial situation.

In 1946, State and local debt amounted to $13.6 billion. By the end of 1963 this had increased to $82.1 billion, or by six times. Thus, again, while the national debt increased by 19 percent, State and local debt increased to a relative of 600 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table which I have prepared which summarizes the figures I have stated.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Growth of national debt compared with other debt, 1946–64

[Dollar amounts in billions]

Kind of debt	1946	Latest figure	Relative index (1946=100)
National debt	$260.0	$308 (1st 10 months fiscal year 1964)	119
Consumer credit	8.4	$69 (spring 1964)	800
Mortgage debt	41.8	$281.3 (Dec. 31, 1963)	670
Corporate debt	93.5	$371.6 (Dec. 31, 1963)	400
All private debt	154.1	$753 (Dec. 31, 1963)	489
State-local debt	13.6	$82.1 (Dec. 31, 1963)	600

OTHER MEASUREMENTS

Mr. DOUGLAS. There are a number of other ways to measure these matters. If we compare the amount of money the Federal Government spends each year as a percentage of the gross national product, we find that this has decreased slightly from 17.4 percent fiscal year 1946 to 16.3 percent as of May 30, 1964. If we compare the amount of the Federal debt which each person in the country would owe, or the per capita national debt, we find that this has gone down from $1,908.79 as of June 30, 1946, to $1,627.83 as of May 31, 1964, or a decrease of $280.96 per person.

It should also be pointed out here that, unlike a private corporation, when the Federal Government invests in a long-term asset—that is to say, when it builds a road, constructs a building, buys a computer, or loans money to TVA or to the REA's, the outlay of funds in a particular year is considered as an operating expense and not a capital expenditure. But in private business a distinction is made between operating expenses and long-term capital investments. The long-term investment is paid for over a long period of years. If an outlay is made in a particular year for a piece of machinery or a new building, the asset is depreciated over its lifetime and only the yearly cost is counted as an expenditure. But when the Federal Government does this, the total amount is counted as an operating expense in the year it is made. Unfortunately, the Federal Government has no capital budget.

I am told that if American Telephone & Telegraph Co., which has the highest capitalization of any company in the

United States, were to treat its capital investments as does the Federal Government—the money it puts out for new wires, offices, telephones, new digit dialing machinery, and so forth—it would operate in the red every year. If we applied the same standard to them that is applied to the Federal Government they would always be losing money.

If those who are most critical of the national debt applied the same standard to A.T. & T. as they do to the Federal Government, they would not be willing to lend A.T. & T. a single dollar; they would pronounce it bankrupt; and the financiers of Wall Street would demand that A.T. & T. come to them, hat in hand, when they wanted a loan or desired to issue stock. But the truth is that A.T. & T. can command tremendous amounts of capital from the money markets because it can pay interest on the capital it has borrowed and because it pays large dividends on its stock.

To put it another way, if the Federal Government were to treat its capital investments in the same way as private industry, the Federal Government would have shown a huge surplus in every year since 1946.

STABLE PRICE LEVEL

There is one further point to make in all this: There are many who say that the country is going to the dogs because of inflation. But, if we look at the wholesale price levels in the country which I asked Secretary Dillon to furnish for the record of our hearings, Senators will find that, since 1958, there has been no increase whatsoever. The wholesale price level has remained constant. In 1958, using the period 1957–59 as 100, the index was 100.4. As of April 1964, the wholesale price index was 100.3. For more than 6 years we have had a constant wholesale price level.

We have had no inflation in commodities. There has been an increase in the cost of living, due to the increase in the price of services, most notably health services, medical expenses and drugs, but in commodities, no. There has probably never been a period in our history when prices have been so constant and when we have had such a remarkable achievement. To my knowledge, no other country in the free world has done as well.

The facts which I asked Secretary Dillon to furnish appear on page 39 of the hearings in a table giving a comparison of the wholesale price indexes for the United States with those for other countries. Our wholesale price index in May of this year was 100, the same as it was in 1958. In Canada it was 8 percent higher in early 1964 than in 1958. In Belgium it was 8 percent higher. In France, it was 18 percent higher. In Germany it was 5 percent higher. In Italy it was 10 percent higher. In Japan it was 3 percent higher. In The Netherlands it was 6 percent higher. In Switzerland it was 9 percent higher. In the United Kingdom it was 10 percent higher.

Mr. President, I ask unanimous consent to have the table to which I have referred printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Wholesale price indexes

[1958=100]

	1958	1959	1960	1961	1962	1963	1964
United States	100	100	100	100	100	100	100 (May).
Canada	100	101	101	102	105	107	108 (April).
Belgium	100	100	101	100	101	104	108 (March).
France [1]	100	105	107	110	113	116	118 (March).
Germany [2]	100	99	100	102	103	104	105 (March).
Italy	100	97	98	98	101	106	110 (March).
Japan	100	101	102	103	101	103	103 (April).
Netherlands [1]	100	101	99	98	99	101	106 (February).
Switzerland [1]	100	98	99	99	102	106	109 (April).
United Kingdom [3]	100	100	102	104	107	108	110 (March).

[1] Prices of home and import goods.
[2] Industrial wholesale prices.
[3] Prices of industrial output.

Source: International Monetary Fund, "International Financial Statistics," June 1964.

Mr. DOUGLAS. Our real problem has been excessive unemployment and an economic growth rate which has been, until recently, much too slow.

I hope very much that these facts will help to put the fiscal position of the United States into some realistic perspective. The country is not going to the dogs. Our assets are greater than our debts. Compared with private debt, corporate debt, and State and local debt, the Federal situation is vastly superior.

While we must continue to be on our guard against the dangers from abroad, the American people need not have fear for our domestic financial situation and the soundness of our Government.

I hope the political fury of the next few months will not obscure these simple facts.

Mr. HICKENLOOPER. Mr. President, I merely want to state, in a very few moments, the reason why I shall vote against the debt increase. There is no question that there probably will have to be a debt increase if we are ever to pay our bills. I agree with the statement of the Senator from Delaware made a moment ago when he said that a great deal of this debt is to fill the vacuum caused by the ill-advised tax reduction, which has increased the deficit. It is a means of filling the hole that was artificially created by the tax reduction bill some months ago.

There have been a great many other programs and activities created that, in my judgment, have been created, stimulated, and voted for solely for the purpose of garnering votes for next November. We see areas being told they are distressed areas that did not know they were distressed areas until someone came up with a Government check. If the check was big enough, they suddenly realized they were distressed. So they take money and enjoy being distressed.

There are many other programs that have great appeal at the ballot box because a Federal check comes to certain groups. But all of that makes for much of the increasing irresponsibility, in my judgment, in Federal fiscal policies.

The Senator from Illinois [Mr. DOUGLAS] has just completed a very comprehensive address, which time and research, on my part, at least, do not permit me to canvass. But there is a great deal of difference between private financing and borrowing programs and repayment and refinancing for State debts—which are based upon liens on real property and other assets of the State for repayment, and are based upon sound financial background—and the Federal debt, which has a nebulous, theoretical, or speculative value behind it.

We have not paid any of the national debt for years. We have increased it, and we go on our merry way, developing new programs, new expenditures, new deficits, and new and increasing invasions of the income of the property of the people of this country.

I do not know where the end is going to be. I can only say that the only method of protest I have is by voting against this proposal. I have protested a number of these programs in the same way, but to no avail when it came to counting the votes. I can only protest against what I believe to be the irresponsible and ill-advised constant expansion of Federal extravagance and Federal squandering by voting against the proposed debt increase. In spite of the fact that some increase may be necessary, I am not persuaded that the increase asked for, or any substantial portion of it, is necessary.

I shall vote against it as the only gesture I have, weak as it is, in protest against policies which I think are invading the private economy more and more.

Mr. DIRKSEN. Mr. President, it is always a refreshing experience to secure basic orientation by going back to the Constitution of the United States. After all, it is the organic charter which is the foundation of our Government. I like to go back to that section of article I which provides:

> All legislative Powers herein granted shall be vested in a Congress.

It does not read "a few powers." It does not read "limited powers." It reads "all powers." And this is the sole agency, this is the sole body, in Government that is invested with legislative power. So that whatever is done in the legislative field must necessarily emanate from the Congress.

In that same article there is the following provision in section 7:

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

By implication, if the Congress can raise revenues, it has the authority also to diminish revenues, if it so desires.

Finally, there is the section in the same article which reads:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.

If this is the exclusive law-making body in this Government, and if no funds can be gotten from the Treasury except in pursuance of law, the primary and almost exclusive responsibility for whatever happens by way of expenditure must rest on the doorstep of Congress.

That is just as simple, just as complete, and just as self-evident as anything I know of. It gives force to the observation that the document known as the Constitution has conferred upon the President, by virtue of the fact that he is Commander in Chief, the power of the sword; but at the same time it has conferred upon this body the exclusive power over the purse of the United States.

So today, as we think in terms of the deficit, and think in terms of debt ceiling, we need not look beyond the Congress for responsibility and for its duty, because we passed a tax bill which, as everybody knew, would tend to incur a deficit. There was some testimony before the Senate Finance Committee from rather well-informed sources that we may run a deficit as far into the future as 1972. However, the Secretary of the Treasury when he appeared before the Finance Committee this week, expressed the hope that perhaps we would get out of that deficit stage by 1967. In any event, the deficit exists, wholly through the creation of Congress.

In addition, depending, of course, on what we do with the appropriation bills and expenditures—which are again the exclusive domain of the Congress—when we incur a deficit, Congress has the responsibility to protect the fiscal integrity of the United States. And if this bill should not pass, conceivably it could damage the credit of the country; and that would not add to its integrity, its responsibility, or the image that would be created in every chancellery and every exchequer in every corner of the earth.

Therefore, Mr. President, we are dealing today with the result of a deficit. That deficit is the responsibility of Congress, as are the actions that have been taken. When we think about these appropriation bills we often forget the commitments that are made with respect to the future. Often the bills begin with a very modest amount of money. However, as we look down the road and see what has been committed for the future, we should remember that we are the ones who are making that commitment.

Therefore, today there is nothing to do, in my judgment, except to approve the bill that is before us. If we fail to do so, and if we continue to fail, it will mean that it will become our responsibility with respect to the integrity of our fiscal affairs. It is as simple as that. The authority and the duty lodge in the Constitution of the United States.

I shall vote today for the bill before the Senate, because there is nothing else that we can reasonably do, other than by a negative vote to utter a protest. If the bill fails of enactment, we shall begin to project ourselves into a zone of jeopardy. I shall never do that with my vote.

Mr. President, that is all I have to say on the subject. The issue is simple and practical. I am ready to conclude my remarks; and, if no other Senator wishes to speak, there can be a vote on the bill.

Mr. COOPER. Mr. President, I should like to ask some Senator who has the information as to whether the proposed pay raise is included in the budget which was submitted by the President.

Mr. HUMPHREY. The Senator can be assured that the proposed pay raise has been included in the budget estimates that were presented by the President in January of this year. The budget estimate included a larger amount than the total of either the bill reported by the House or that reported by the Senate committee.

Mr. COOPER. That is interesting and helpful information. Of course the Senate and the Congress will still have to make the decision as to whether, with the budget in the shape it is, and the deficit as it is, and with millions of people out of work, we can justify voting a pay raise for Federal employees and Members of Congress in this situation. That is a matter which will come up later.

I shall vote, although reluctantly, for the increase in the debt limit to $324 billion. I believe it is necessary. If the limit is not raised, the Federal Government will not be able, as my leader has said, to pay its obligations and to finance its obligations.

The situation arises from the fact that there have been deficits of approximately $15 billion in the last 2 years. I believe a part of the deficit is the result of the tax bill which Congress passed earlier this year.

I agree with my leader, the Senator from Illinois, that Congress itself had a part in the deficit which has occurred. By voting for the tax bill, we assumed the responsibility to provide the funds to pay for it.

I suggest two courses for the future. I do not believe that these deficits can continue indefinitely. They are coming to the point where the confidence of our people will be so diminished and affected that it can have its effect upon their willingness to invest and their willingness to spend money in consumption.

I suggest that the President and the administration make every effort in this year and in its future proposals to hold spending, or at least spending proposals, to some limit which could lead to a balance between revenue and spending.

I think also all of us, whatever our desires may be, must show greater restraint and a greater desire to reduce proposals that have been made. That was done last year by Congress.

If the tax bill results in increased revenues, which it was hoped it would, growing out of increased investment and consumption, perhaps at some time, some administration will say, "We will apply a part of that increased revenue toward reducing our debt."

Mr. DIRKSEN. I am glad the distinguished Senator from Kentucky made that last point, as to how far we can go on the public debt. I recall that many years ago, when I was a member of the House Banking Committee, an unnamed spokesman made inquiry as to how far we could go with our public debt, and one of the witnesses said:

> The limit cannot be expressed in terms of dollars. It is that psychological point where the confidence of the people begins to ebb. Then you will be in trouble.

A part of this trouble certainly has been occasioned by the action taken in this Chamber and in the Chamber at the other end of the Capitol. I am willing to face my responsibility.

I am about to suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President, will the Senator withhold it?

Mr. DIRKSEN. Yes.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, this may be a good opportunity to ask the acting majority leader what the program will be for Monday.

Mr. HUMPHREY. In response to the question of the minority leader, it is our hope that the Senate may be able to take up the pay bill, either Monday or Tuesday. This will depend on the views of the majority leader. I have not had an opportunity to consult with him today, but we should look forward not later than Tuesday to taking up the pay bill. On Monday we hope also to take up some minor bills.

ORDER OF BUSINESS

Mr. SALTONSTALL. Mr. President, I take this occasion to ask the chairman of the Committee on Finance a question regarding the suggestion or recommendation I made with relation to the total debt of the U.S. Government, and the opportunity for a public periodic information statement that we could get and that the people could get on this subject.

Mr. BYRD of Virginia. The resolution is before the Finance Committee. It will be on the schedule at the next meeting.

Mr. SALTONSTALL. I thank the Senator. I hope we can use the language that I recommended or some other pertinent language. It is very important that we know the total obligations of our country.

Mr. BYRD of Virginia. As chairman of the committee, I am very much in favor of the resolution.

PROPOSED INCREASE IN DEBT LIMIT

The Senate resumed the consideration of the bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Mr. LAUSCHE. Mr. President, I contemplate voting against the measure which would authorize the Treasury Department to increase the debt of our Government. I shall do so because I believe that this practically annual lifting of the limit renders completely nugatory the law which imposes a limit on the extent to which the Government can go into debt.

The State of Ohio has a constitutional provision which limits the right of the legislature to throw the State into indebtedness. That limitation can be removed only by a vote of the people.

It is my belief that Congress felt it ought to establish a debt limitation. I also infer that when it did so, it contemplated that the debt limitation should have a purpose and a definite meaning.

What is the practical application that has been given to the debt limitation? The debt is increased without thought of the limits that are contained in the law; and after the increase in the debt has exceeded, or prospectively will exceed, the debt limitation, the law is changed. Therefore, in my opinion, the existence of the law is a mockery in the way the debt is being handled.

We are paying approximately $11 billion a year interest on the indebtedness. I believe that figure will show that the payment of the interest alone on the Federal debt by the citizens of the United States amounts to about $1 for every $10 of expenditure.

What the burden is upon the individual, I cannot say. The burden upon each family to provide the money merely to pay the interest on the debt is more than it should be.

The most alarming aspect of all is that there is no consciousness of the responsibility of reducing the debt. If anything, we are indifferent; we are clouding the danger of the debt; we are indicating that we will not concern ourselves with it.

The debt is now practically $50 billion more than it was after World War II. Prior to World War II, 20 years after every war in which this country had engaged, we had paid off the debt created by the war. But 19 years after World War II, instead of having the debt liquidated, we learn that it is $50 billion more than it was.

It is my understanding that the request is that we give authority to increase the debt, to incur additional debt, in the sum of $9 billion—from $315 billion to $324 billion. Let us assume that we grant that authority today. On the basis of my 8 years' experience in the Senate, I can anticipate that in 1965 the administration will be back to ask for another increase in the right to incur debt.

It was quite clearly indicated last evening, when the Senate removed revenues amounting to more than $500 million, that even today we ought to raise the debt limit from $324 billion to $324,500 million, if we take into consideration the loss of revenues that will be suffered by the action taken by the Senate last night.

We who are concerned about the debt and want to do something to reduce it are told, in effect, that we have ancient ideas; that we are old-fashioned; that we need not worry about the debt. The fact is that ridicule is sought to be heaped upon the Members of Congress who believe that something should be done to reduce the debt. The net impact of those statements is that Members of Congress who do not care about the debt are, in effect, saying, "Ride high. Enjoy yourselves. Take out of Government as much as you can and pass the obligation of paying the debt on to future generations." They are saying, in effect, "Worry not about your children, your grandchildren, and your great grandchildren; let them worry about the payment of the debt." We who are now living say "Take out of Government as much as you possibly can."

The argument is made that the relationship of our gross national product to our indebtedness puts us in a better position than we were in in 1929 and 1940. Those who make that argument do not consider at all the fact that in the gross national product is more than $100 billion of the taxpayers' money, spent by the U.S. Government. They do not take into consideration that in the gross national product is probably $50 billion spent by local and State governments.

I am not responsible for the way in which the indebtedness is being increased. Not being responsible for the situation, I do not contemplate voting to authorize an increase in the indebtedness.

Speaking simply and plainly, the Government cannot continue to spend more and tax less without increasing the indebtedness of the Government.

We are moving in a most dangerous manner. The movement ought to be stopped. The evidence is not existent that the present course will be stopped.

One word to the members of families who might be listening: In your homes, if you continued to borrow money to maintain current operations, if the philosophy of the U.S. Congress applied to you, you supposedly would be improving your position by borrowing more every day to meet current expenses. In my judgment, if you did that, you would eventually go to the poorhouse.

That is what the Federal Government is doing. It is borrowing each day to maintain current expenses.

To repeat: The Federal indebtedness is now probably $50 billion more than it was in 1945, and each year it is going up. I cannot in good conscience vote for the measure that is now before the Senate.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Inouye in the chair). Without objection, it is so ordered.

The bill having been read the third time, the question is; shall it pass? On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Montana [Mr. Mansfield]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MORTON (when his name was called). Mr. President, on this vote I have a pair with the Senator from Maryland [Mr. Beall]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. PEARSON (after hearing voted in the negative). Mr. President, on this vote I have a pair with the Senator from Missouri [Mr. Symington]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. DIRKSEN (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Texas [Mr. Tower]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ALLOTT (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Oklahoma [Mr. Monroney]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina [Mr. Thurmond]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Missouri [Mr. Long], the Senator from Montana [Mr. Mansfield], the Senator from Minnesota [Mr. McCarthy], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mrs. Neuberger], and the Senator from South Carolina [Mr. Thurmond] are absent on official business.

I also announce that the Senator from California [Mr. Engle], the Senator from Indiana [Mr. Bayh], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from New Mexico [Mr. Anderson], the

Senator from Mississippi [Mr. Eastland], the Senator from North Carolina [Mr. Ervin], the Senator from Utah [Mr. Moss], the Senator from Oklahoma [Mr. Edmondson] and the Senator from Missouri [Mr. Symington], are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. McCarthy], the Senator from Indiana [Mr. Bayh], the Senator from Maryland [Mr. Brewster], the Senator from Massachusetts [Mr. Kennedy], the Senator from Utah [Mr. Moss], and the Senator from Tennessee [Mr.Gore] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senator from Arizona [Mr. Goldwater], the Senator from New York [Mr. Javits], the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from New Mexico [Mr. Mechem] is detained on official business.

The respective pairs of the Senator from Maryland [Mr. Beall] and that of the Senator from Texas [Mr. Tower] have been previously announced.

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from New Mexico [Mr. Mechem]. If present and voting, the Senator from New York would vote "yea" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 48, nays 21, as follows:

[No. 451 Leg.]

YEAS—48

Bartlett
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Dodd
Douglas
Fong
Fulbright
Gruening
Hart
Hill
Inouye
Jackson
Johnston
Jordan, Idaho
Keating
Kuchel
Long, La.
Magnuson
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Morse
Muskie
Nelson
Pastore
Pell
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Smith
Sparkman
Talmadge
Walters
Williams, N.J.
Yarborough

NAYS—21

Aiken
Byrd, Va.
Cotton
Curtis
Dominick
Ellender
Hickenlooper
Holland
Hruska
Jordan, N.C.
Miller
Mundt
Prouty
Proxmire
Robertson
Russell
Simpson
Stennis
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—31

Allott
Anderson
Bayh
Beall
Brewster
Church
Dirksen
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Hartke
Hayden
Humphrey
Javits
Kennedy
Lausche
Long, Mo.
Mansfield
McCarthy
Mechem
Monroney
Morton
Moss
Neuberger
Pearson
Symington
Thurmond
Tower

So the bill (H.R. 11375) was passed.

Mr. SMATHERS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

GALLAUDET COLLEGE CENTENNIAL

Mr. PASTORE. Mr. President, Gallaudet College is this year celebrating its centennial. On June 6, 1964, President Johnson spoke at the Gallaudet centennial banquet, and on June 8, 1964, Senator Edward M. Kennedy delivered the commencement address at the Gallaudet College graduation exercises. In his address, President Johnson declared:

> Here at Gallaudet we have a proud example of what education and compassion have achieved. This was the first—and is still the only—college in the world for the deaf. But, since President Lincoln signed Gallaudet's Charter, no boy or girl has been turned away because of the poverty of their parents.

Senator Kennedy in speaking of the college spoke of it as "this wonderful college" and its many services and contributions to the deaf. It is indeed a wonderful college and has done so much in so many ways for the deaf, and I ask unanimous consent that the address of President Johnson and the address of Senator Kennedy may be printed at this point in the Record.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

Remarks of the President at the Gallaudet Centennial Banquet, Gallaudet College, Washington, D.C.

Mr. Chairman, Mr. President, Senator Hill, members of the Board of Trustees of Gallaudet College, ladies and gentlemen, I am pleased to be able to join personally tonight in honoring Gallaudet College.

Twenty years ago tonight, on distant shores, America's sons were engaged in a great battle in mankind's greatest war. One hundred years ago tonight on these shores America's sons were engaged in bitter battles of our own cruel Civil War.

How we are observing this historic day says much about America.

In Europe, America's sons meet tonight in peace with yesterday's allies—and adversaries alike—to plan the works of future unity instead of worrying about the wounds of past conflict.

Here in Washington tonight we gather to honor an institution of higher learning which was established as an act of compassion in those times of callous strife 100 years ago.

The character of our Nation is comprised of many traits.

We honor courage.

We value commonsense.

But, across our 188 years, the great cementing influence has always been compassion.

In our purpose abroad and at home, we have always heeded the injunction of the apostle, who told us long ago, "Be ye of one mind, showing compassion one of another."

Yet, our wealthy society is tolerating a worrisome burden of wasted human lives. Tonight, too many of our people are unschooled, untrained, and underemployed. Too many are physically handicapped. Too many are mentally handicapped; too many more are handicapped for life by the environments and the experiences of their childhoods.

America needs these talents. We must not and we cannot let them go to waste.

An ancient Hebrew proverb teaches that there are three pillars of society: education, charity, and piety. For our society, the pillars have been education, compassion, and morality.

In the next 24 hours, the research that comes forth around the world would fill seven sets of the Encyclopedia Britannica. In the next year, the output of such research would require a man to read around the clock—day and night—for the next 460 years. In the next 10 years, the sum of human knowledge will multiply twofold.

When knowledge is advancing at this pace, a compassionate nation cannot afford to leave any segments of our society behind to form and to perpetuate a human slag heap.

We must express our compassion in a greater commitment to education.

Here at Gallaudet we have a proud example of what education and compassion have achieved. This was the first—and is still the only—college in the world for the deaf. But since President Lincoln signed Gallaudet's charter, no boy or girl has been turned away because of the poverty of their parents.

Universal education has brought our society to its present high level of success. If our society is to move higher, higher education must be made a universal opportunity for all young people. Public education and compassion go hand in hand with private morality.

In our private lives as in our public policies we are challenged to show the morality of compassion. When the helpless call for help, the hearing must hear—the seeing must see—and the able must act.

Our rich society will be a mockery if we permit it to become a callous society or an uncaring society.

One hundred years ago, Lincoln told us that this Nation could not stand half slave and half free. Tonight, for my part, I believe this society cannot succeed part committed and part uncommitted, part concerned, and part unconcerned, part compassionate and part callous.

The great battle, the great adventure for Americans living tonight is not only to defend our freedom and to preserve our peace but to defend, preserve, and strengthen those pillars of our society: education, compassion, and morality. To you here who are devoting your lives as committed, concerned, and compassionate citizens, I am proud and honored to present tonight to Gallaudet College the 1964 award from the President's Committee on Employment of the Physically Handicapped.

It has been a great pleasure for me to make this appearance tonight. I feel close ties with this great institution. One of the real influences in my life is a young man and, later in my public life, a lady whose intense interest in this college first brought the school to my attention—Mrs. Mary Thornberry—whose son later served in Congress and now sits with distinction on the Federal bench.

I have many old and dear friends who have manifested an interest in your development through the years, particularly that noble American, Senator Hill who honors us with his presence this evening. I know many members of your board, Mr. Collins, and others who have been my friends through the years, so you do me a great honor to ask me to come here to be with you, and I am very proud that I could come. My congratulations to all of you.

Gallaudet College Commencement Address by Senator Edward M. Kennedy of Massachusetts, Monday, June 8, 1964, Washington, D.C.

It is a great privilege for me to be here this morning to greet the graduating class of this college and to see for myself the very fine and inspiring work that has been done here in recent years. I have had an opportunity this morning to visit your campus, to see the fine facilities, the laboratory and the dormitories and to learn something of what you are doing. But the thing that impresses me the most about this college is the student body. I am filled with admiration for the hard work you are doing. For the effort you are making, successfully, to overcome the fact that you cannot hear, and to make a contribution, as solid citizens, to this city and this Nation.

It would be quite easy for many of you to withdraw, to give up, to let society take care of you the rest of your lives. But you have been willing, at considerable effort, to go out and get as good an education as is available. In coming this far—graduation day—you have already established yourselves as outstanding citizens, and you deserve the congratulations from all of us.

My brother, President Kennedy, was always very interested in the problems of the deaf. He visited your school. He represented, when he was in the Senate, as I do, the State of Massachusetts, where we also have an outstanding institution for the training of the deaf, the Clarke School in Northampton. When he was a Senator, President Kennedy introduced some important legislation for training of the deaf. I know that he felt that deaf citizens should have the same rights as other citizens, and as much responsibility as they could assume, and he believed the Nation should make just a little more effort to make it easier for all of you to live useful and happy lives.

For the last few months the Senate has been considering the civil rights bill. The purpose of this bill is to give Negro citizens some very simple rights: the right to vote, to go to school, to get a job, to get a room in a hotel, to get a meal in a restaurant. These rights have been denied to many Negroes because they are different. They labor under a handicap often more difficult than yours: the handicap of prejudice. But I sometimes feel that people who discriminate—whether it is against another race or another nation or against people with physical defects—have a great handicap of their own. Theirs is a handicap of mind and spirit, that makes it impossible for them to appreciate what others do for them.

Many of you will be able to travel, and will find that in the world in which you are going to live, an education that stops at our borders will not be enough.

I think the experience of this school with its graduates has shown that you will be able fully to participate in almost all the things that life has to offer—whether it is travel, or work, or recreation. Graduates of this school now are engaged in some of the most intricate, technical, and mechanical jobs that exist. They have established themselves as contributing members of the community. As we look through recent history, we see that some of the most outstanding contributions have been made by people with handicaps greater than your own. Henri Toulouse-Lautrec, the French painter, was hunchbacked, but his works of art are admired to the present day. Paderewski was blind, but he was both an outstanding musician and a patriot, whose contribution to Poland, the country that he loved, was immeasurable. He is revered today in the hearts of the Polish people throughout the world. Franklin D. Roosevelt was a cripple, but he was one of the greatest Presidents that America has ever had. Eight pounds of steel, in a brace on his leg, did not prevent him from carrying on his shoulder the hopes and the destiny of all America for 13 years. Deaf graduates of this college are also making their mark. They are building dams and bridges; working on atomic projects; searching into the mysteries of cancer. They are active in the arts, the ministry, in business, in many other fields.

And so I hope that all of you will be able to succeed, not only in your family life and in the work you choose, but also in making a contribution to your community. You may not be able to run for office, but there are many other jobs to do: in the parent-teachers' association, in community fund drives, in the many organizations that together make up the strength of our country. President Kennedy always believed that these organizations are vitally important to the country. He believed, as has been said, that one man can make a difference and that every man should try.

So as you leave this wonderful college, and go into the world which, because of the education you have received here, holds so much opportunity for you, I would urge you to try to make a difference. To make a difference in your family life, as one who is patient and helps others over the difficulties of life just as you have been helped over your difficulties.

To make a difference in your work, as someone who can be depended on to do the job and help others with their job.

And finally, to make a difference to your community, to always be remembered as one who cared. As a person, who, because of his problem, was sensitive to the problems of others.

It may be that one part of life will be forever shut to you—the world of hearing. But there are so many others, so many deeper senses you can enjoy. You think, and feel, and taste and love and laugh, and even cry. And I think you will be able, in a sense, to appreciate all these other senses more because you lack one of them.

When this college was founded, on Kendall Green, 100 years ago, our Nation was emerging from a war fought to determine whether we would be half slave or half free. That issue was decided in favor of freedom.

Today the issue is whether the world will exist half slave and half free. America has many enemies in the world and there are many other people who do not know the justice and compassion we have here. The establishment of Gallaudet College in 1864 showed the humanitarianism of the United States even in time of trouble. The progress of Gallaudet today is proof to the world that we still feel for our fellow man.

Nowhere else in the world could such a graduation take place. I wish that those people in China and Cuba and Russia who say that Americans are barbarians could be here today to see how we have led the world in holding out our hand to those who cannot hear.

And so as you graduate today I want to wish you the best of luck and success. I know each of your careers will be another feather in the cap of this wonderful college which has done so much for so long to bring achievements and happiness to those who live in the world of silence.

MEXICO AND THE UNITED STATES PARTNERS FOR PROGRESS

Mr. BARTLETT. Mr. President, Mexico City is a difficult place to construct a building. The city is built on the bottoms of drained lakes. As a result the ground is soggy for 30 feet deep. It is hard to sink a foundation which will be secure and lasting. It is hard to do but it can be done.

Last weekend it was my pleasure to fly to Mexico City with the senior Senator from Arkansas [Mr. McClellan], the junior Senator from North Carolina [Mr. Jordan], and the senior Senator from Kansas [Mr. Carlson], for the dedication ceremonies of the new U.S. Chancery. The principal speech dedicating the chancery was made by Senator McClellan. This is a large and beautiful building combining the best features of Mexican and United States architecture and based on solid and firm foundations.

The building exemplifies the state of the relationship between our two countries—for Mexico and the United States are bound together in a modern partnership for progress. This is a partnership based on firm foundations and is all the more remarkable because of the difficult years of troubled relations which bedeviled our two countries in our early days. It should be a source of pride and confidence to our two peoples that in our friendship, just as in building our new chancery in Mexico City, a solid and permanent structure has risen on what was once unstable ground.

At the dedication ceremonies on June 20, the Honorable Jose Gorostiza, Foreign Minister of Mexico, represented that country's most able President Lopez Mateos. Representing the United States was our new Ambassador, the Honorable Fulton Freeman, as well as the senior Senator from Aarkansas [Mr. McClellan]. The Senator in his remarks surveyed the extraordinary achivement of modern Mexico, a country of progress, social reform, and a bright future. Mexico and the close partnership which binds our two countries together stands as an example to the peoples of all the world.

LOAN PROGRAM FOR THE ELDERLY IN RURAL AREAS

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar Order No. 1051, House Joint Resolution 1041.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The Legislative Clerk. A joint resolution (H.J. Res. 1041) temporarily extending the programs of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the committee report.

There being no objection, the excerpt from the report (No. 1108) was ordered to be printed in the Record, as follows:

PURPOSE

The resolution, which was approved by the Committee on Banking and Currency, would extend for 90 days the authority of the Farmers Home Administration in the Department of Agriculture to insure loans on rental housing for the elderly in rural areas. Under existing law this program has an expiration date of June 30, 1964, but it is evident that the Congress will not have time to act on general housing legislation, including the administration recommendation for a continuation of this program, by that time. Therefore, the resolution is needed to prevent an interruption in the program. House Joint Resolution 1041 was approved by the House of Representatives on June 15, 1964.

BACKGROUND AND THE PRESENT PROGRAM

The authority of the Secretary of Agriculture under section 515(b) of the Housing

Act of 1949 to make insured loans to finance rental housing for the elderly in rural areas was granted by the Senior Citizens Housing Act of 1962 as an amendment to the Housing Act of 1949.

Under this authorization insured loans may be made to individuals, corporations, associations, trusts, or partnerships to provide rental housing and related facilities for elderly persons in rural areas. The maximum loan is $100,000. Loans may be made in rural areas and communities of less than 2,500 population. These loans are being made at the present time at 5¾-percent interest for terms ranging up to 40 years. This interest rate covers contributions to the insurance fund and administrative expenses, as well as the return to the private lender, so that the program involves no cost to the taxpayer. The insurance fund, authority, and procedures provided under the Consolidated Farmers Home Administration Act of 1961 (Bankhead-Jones) are used for these loans.

This program has gained momentum during the past year. By April 30, 1964, seven loans totaling $277,000 had been approved. The loans will provide 81 rental housing units for elderly families in rural areas.

The program has a great potential. There are some 6 million persons 65 years of age and over living on farms or in small country towns. Many of them are living in inadequate accommodations because suitable housing is not available. Rental housing made available under this authorization permits elderly rural families to continue to live in adequate housing in the communities in which their interests have been centered.

Interest in financing the construction and improvement of rental housing has increased substantially in the past year. On April 30, 1964, the Farmers Home Administration had on hand 56 applications in 30 States. Of these, the 37 applications that were in process would require an estimated $2,225,000.

Unless this authorization is extended, this promising program will come to an abrupt halt pending further action by the Congress. Extension of the program for a 90-day period will enable the Farmers Home Administration to continue operation of this phase of the rural housing program until the Congress has an opportunity to act on the proposed Housing and Community Development Act of 1964, S. 2468.

A copy of the report of the Secretary of Agriculture supporting Senate Joint Resolution 180, a companion measure, is set forth below as part of this report.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1041) was ordered to a third reading, read the third time, and passed.

EXTENSION FOR 2 YEARS OF AUTHORITY FOR TREASURY SALE OF U.S. OBLIGATIONS DIRECTLY TO FEDERAL RESERVE BANKS

Mr. HUMPHREY. I move that the Senate proceed to the consideration of calendar order No. 1052, H.R. 11499.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11499) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1109), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FEDERAL RESERVE DIRECT PURCHASES

H.R. 11499 would extend until June 30, 1966, the present authority of the Federal Reserve banks to purchase securities directly from the Treasury in amounts not to exceed $5 billion outstanding at any one time.

Up to 1935 Federal Reserve banks could purchase Government obligations either in the market or directly from the Treasury. The Banking Act of 1935, however, required that all purchases of Government securities by Federal Reserve banks be made in the open market. In 1942 the authority of the Federal Reserve banks to purchase securities directly from the Treasury was restored, but a limit of $5 billion was placed on the amount outstanding at any one time. The $5 billion authority was granted initially only through 1944, but the Congress has extended it from time to time so as to provide continuous limited direct borrowing authority ever since. The present authority was granted for 2 years and expires June 30, 1964.

The Treasury Department's reasons for the extension of the act may be summarized as follows:

"(1) Direct access to Federal Reserve credit provides the margin of safety necessary if the Treasury is to follow its customary practice of allowing its cash balances to fall to exceptionally low levels prior to the large inflow of cash over a tax date.

"(2) There may be occasions when Treasury financing operations ought to be postponed for a short period because of market disturbances. The possibility of direct access to Federal Reserve credit increases the Treasury's elbowroom in such a situation.

"(3) In the event of a national emergency, which would disrupt financial markets, direct access to Federal Reserve credit would be necessary to continue the functions of government."

The power extended by this bill is broad and must be used with great care. Its use must not be permitted to have inflationary effects. Its use must be confined within the bounds of the Government's monetary policy. The use of the power up to the present time has clearly been kept within proper bounds. But because of the danger of possible abuse in the future, it is appropriate that the power should be a temporary one, and the committee, therefore, agrees that a 2-year extension should be granted. Whenever the power has been used, a record of it has been included in the weekly statement of condition of the 12 Federal Reserve banks, published in newspapers on Thursday of each week and in the daily Treasury statement. This practice should be continued whenever the power is used. In addition, the existing law requires the Board of Governors of the Federal Reserve System to include detailed information with respect to the use of this authority in its annual report to the Congress.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 11499) was ordered to a third reading, read the third time, and passed.

EXTENSION OF DEFENSE PRODUCTION ACT OF 1950

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1053, H.R. 10000.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill, H.R. 10000, to extend the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1110), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would extend the Defense Production Act of 1950 for 2 years—from the present expiration date, June 30, 1964, to June 30, 1966. The bill would also make three amendments to the Defense Production Act. It would extend the contracting authority under section 303(b) of the act from June 30, 1965, to June 30, 1975, so as to provide additional time for sales from the DPA inventory or for contracts for processing or refining materials in the inventory; it would add a proviso to the contracting authority under section 303 of the act, to the effect that no new purchases or commitments to purchase could be made or entered into after June 30, 1964, unless the President made a finding that this was necessary to the national security; and it would add a second proviso to the contracting authority, to the effect that the total of such new purchases and commitments, including contingent liabilities, could not exceed $100 million.

GENERAL STATEMENT

The bill would extend for 2 additional years, through June 30, 1966, the remaining powers of the President under the Defense Production Act of 1950. These include power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans made in connection with defense contracts; authority to make loans and purchases to build up our defense capacity and assure supplies of defense materials and to carry out existing contracts; authority to enable businessmen to cooperate voluntarily in meeting defense needs, with an exemption from the antitrust laws; authority to employ without-compensation and when-actually-employed employees, including advisers and consultants; and provision for the establishment of a reserve of trained executives to fill Government positions in time of mobilization. The act also establishes the Joint Committee on Defense Production.

These powers are now scheduled to expire on June 30, 1964. They must be extended. Some of these powers are needed now to maintain production schedules on missiles and other defense contracts; others are needed for longer range preparedness programs; and other powers must be maintained in readiness for immediate use in possible future emergencies.

Reports on the proposed extension have been received from the Federal Reserve Board, the Departments of Commerce, Defense, Interior, and Justice, the General Services Administration, and the Civil Service Commission. These reports are either favorable or take no objection to the proposal. Hearings were held at which Mr. Edward A. McDermott, Director of the Office of Emergency Planning, testified in support of the bill. No opposition to the extension of the act was made known to the committee. In view of the need for extending the act before its expiration on June 30, 1964, the committee did not undertake to review additional proposals for amendments to the Defense Production Act which were brought to the attention of the committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 10000) was ordered to a third reading, read the third time, and passed.

FORT UNION TRADING POST NATIONAL HISTORIC SITE, N. DAK.

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of calendar order No. 1055, Senate bill 187.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 187) to authorize the establishment of the Fort Union Trading Post National Historical Site, N. Dak., and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, at the beginning of line 7, to strike out "the historic remains of Fort Union located in McKenzie County, North Dakota, and Roosevelt County, Montana, and such additional lands and interests in lands as he may deem necessary to accomplish the purposes of this Act." and insert "the historic remains of Fort Union located in Williams County, North Dakota, and such additional lands and interests in lands in Williams County, North Dakota, and Roosevelt County, Montana, as he may deem necessary to accomplish the purposes of this Act: *Provided*, That the total area so acquired shall not exceed four hundred acres."; and on page 2, at the beginning of line 23, to strike out "Such sums as are necessary" and insert "$30,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to commemorate the significant role played by Fort Union as a fur-trading post on the Upper Missouri River, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or otherwise, the historic remains of Fort Union located in Williams County, North Dakota, and such additional lands and interests in lands in Williams County, North Dakota, and Roosevelt County, Montana, as he may deem necessary to accomplish the purposes of this Act: *Provided*, That the total area so acquired shall not exceed four hundred acres.

SEC. 2. When the site of historic Fort Union and other required lands and interests in lands have been acquired by the United States as provided in section 1 of this Act, the Secretary of the Interior shall establish such area or areas as the Fort Union Trading Post National Historic Site, by publication of notice thereof in the Federal Register.

SEC. 3. The Secretary of the Interior shall administer, protect, develop, and maintain the Fort Union Trading Post National Historic Site subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666).

SEC. 4. There are hereby authorized to be appropriated $30,000 to carry out the purposes of this Act.

The PRESIDING OFFICER. The question is an agreeing to the committee amendments.

The amendments were agreed to.

Mr. BURDICK. Mr. President, the Lewis and Clark Expedition of 1803–06 into the great American West brought back reports of rich fur-bearing regions near the headwaters of the Missouri River. Trappers and fur traders went there, establishing Fort Union trading post in the 1820's at the Lewis and Clark campgrounds at the confluence of the Missouri and Yellowstone Rivers in North Dakota near the Montana border.

For nearly four decades thereafter, Fort Union played a key role in the westward movement. My bill, S. 187, cosponsored by the two distinguished Senators from Montana, would develop the site and historic remains of Fort Union, to interpret the fur trade and the relationship of the white settlers and the Indians.

Two years ago, the Secretary of the Interior, using rigid criteria, designated Fort Union as a national historic site. The Interior Department has endorsed S. 187 to insure adequate commemoration and interpretation.

With enactment of S. 187, the Interior Department has indicated that over a 5-year period it would make an archeological excavation of the fort area, construct a modest visitor center, administration facilities and roads, suitable markers and exhibits and possibly other developments as studies progress.

Studies by the Interior Department indicate that two parcels of land should be acquired to preserve adequately the site of the fort and its environs. The first parcel of about 220 acres includes the 10-acre site of the fort, which is owned by the North Dakota Historical Society. These 10 acres would be donated to the Federal Government by the historical society if S. 187 is enacted. The first parcel also includes a strip of Missouri River bank and benchland above and below the fort site. The second parcel of about 160 acres is about one-fourth mile northeast of the first and would provide an area for development as a scenic overlook.

In the Missouri-Yellowstone confluence area, the Rocky Mountain Fur Co., in 1822, established a trading post, named Fort Floyd. The post was purchased in 1828 by the American Fur Co., headed by John Jacob Astor, and renamed Fort Union. Developed by Kenneth McKenzie, so-called "King of the Missouri," Fort Union soon achieved a monopoly of the rich fur trade with the plains and mountain tribes that roamed the region now encompassing Montana, North Dakota, and part of Wyoming.

As a fur-trading center, Fort Union served as an important means of transmitting the white man's culture to the Indian. The fort became a stopping place for nearly every important explorer, frontiersman, trader, soldier, and traveler, particularly after the first steamboat reached there in 1832. The visitors included Jim Bridger, trapper, Prince Maximilian of Wien, scientist; John J. Audubon, naturalist; Jedediah Smith, fur trader, Father Pierre-Jean De Smet, missionary, and George Catlin and Charles Bodmer, artists.

As the demand for the beaver pelt declined, so did the importance of Fort Union. In 1865, it was sold to the Northwestern Fur Co. A year later, the Army established Fort Buford nearby, and in 1867, purchased Fort Union to provide building material for the new Army post.

Fort Buford played a role in the various Indian campaigns, culminating in the Battle of Little Big Horn in 1876. Many Indian prisoners passed through Fort Buford and it was there that Sitting Bull surrendered in 1881.

The States of North Dakota and Montana have endeavored to preserve and restore the confluence area, but they cannot do a complete job without the technical assistance of the National Park Service. S. 187 carries an endorsement from the Park Service, as well as the Interior Department.

Mr. President, Fort Union, as the principal fur-trading post on the upper Missouri River, had national significance. The recognition provided in S. 187 would enhance understanding of the American past.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 187) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize establishment of the Fort Union Trading Post National Historic Site, North Dakota and Montana, and for other purposes."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1112), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 187, introduced by Senator BURDICK for himself and Senators MANSFIELD and METCALF, is to authorize the acquisition of approximately 400 acres of land in North Dakota and Montana, and the establishment and maintenance there of a national historic site.

Two years ago, the Secretary of Interior designated Fort Union as a national historic site. Further authority is now needed to preserve its historical values. S. 187 would authorize the Secretary of the Interior to acquire the remains of Fort Union and such lands as he deems necessary to commemorate the significant role it played as a trading post.

With enactment of S. 187, the Interior Department has indicated that over a 5-year period it would make an archeological excavation of the fort area, construct a modest visitor center, administration facilities and roads, suitable markers and exhibits, and possibly other developments as studies progress.

Fort Union is most certainly worthy of this attention. Located in Williams County, N. Dak., at the confluence of the Missouri and Yellowstone Rivers near to the Montana border, it was for nearly 40 years the principal fur-trading establishment on the upper Missouri River and in the northern plains regions.

Studies by the Department of the Interior indicate that two parcels of land should be acquired to preserve adequately the site of the fort and its environs. The first parcel of about 220 acres includes the 10-acre site of the fort, which is owned by the North Dakota Historical Society. These 10 acres would be donated to the Federal Government by the historical society if S. 187 is enacted. The first parcel also includes a strip of Missouri River bank and benchland above and below the fort site. The second parcel of about 160 acres is about one-fourth mile northeast of the first and would provide an area for development as a scenic overlook.

WAIVER OF PREMIUMS FOR CERTAIN VETERANS HOLDING NATIONAL SERVICE LIFE INSURANCE POLICIES

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1056, H.R. 6777.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6777) to amend section 712 of title 38, United States Code, to provide for waiver of premiums for certain veterans holding national service life insurance policies who become or have become totally disabled before their 65th birthday.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1113), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The purpose of this bill is to extend from age 60 to age 65 the delimiting age before which a person insured under a national service life insurance (NSLI) policy must become totally disabled to be eligible for waiver of premiums on such insurance. Under section 712 of title 38, United States Code, as now in effect, payment of premiums on NSLI may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months if such total disability began (1) after the date of application for insurance, (2) while the insurance was in force under premium paying conditions, and (3) before the insured's 60th birthday. The waiver is effective from the beginning of the total disability, if application is made within 1 year therefrom, and the waiver continues for the duration of such disability.

The age 60 limitation was placed in the law in 1940 when the National Service Life Insurance Act was enacted. Today the trend in the insurance industry is toward providing more health protection for our senior citizens. This trend is based upon experience which has established that persons age 60 and over who are alive today can expect to live longer, healthier, and more productive lives than could a similar person in 1940. The Veterans' Administration has, therefore, recently restudied the question of premium waiver for the older veterans. As the result of such restudy the VA advises that it favors the objective of H.R. 6777. Further, we understand that the Actuarial Advisory Committee, composed of eminent authorities from the private insurance industry, concurs in this position.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6777) was ordered to a third reading, read the third time, and passed.

TOTAL DISABILITY INCOME PROVISIONS FOR INCLUSION IN NATIONAL SERVICE LIFE INSURANCE POLICIES

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1057, H.R. 6920.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6920) to amend section 715 of title 38, United States Code, to authorize, under certain conditions, the issuance of total disability income provisions for inclusion in National Service Life Insurance policies to provide coverage to age 65.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1114), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The purpose of this bill is to authorize the inclusion of a new total disability income provision in national service life insurance policies, providing for the payment of total disability income benefits if the insured becomes so disabled prior to age 65. The comparable provision issued under existing law authorizes benefit payments if the insured becomes totally disabled before attaining age 60. The new provision could be issued upon application on or after January 1, 1965, proof of good health, payment of an extra premium, and surrender of any existing age 60 total disability income provision.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BURIAL ALLOWANCES PAID BY VETERANS' ADMINISTRATION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1058, H.R. 3941.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3941) to amend section 902 of title 38, United States Code, to eliminate the offset against burial allowances paid by the Veterans' Administration for amounts paid by burial associations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1115), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The bill amends the law relating to the payment of the $250 veterans' burial allowance, to delete the language which requires that amounts paid by burial associations toward burial and funeral expenses be deducted prior to payment of the allowance. In lieu of this provision of the law, which appears to discriminate against burial allowances, there would be substituted a uniform prohibition of payment of a claim for burial allowances when the allowance would revert to the funds of a public or private organization, or would discharge such an organization's obligation without payment.

The PRESIDING OFFICER. The bill is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

UNRELATED BUSINESS TAXABLE INCOME

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1060, House bill 6455.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6455) to amend subsection (b) of section 512 of the Internal Revenue Code of 1954 (dealing with unrelated business taxable income).

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment on page 2, line 12, after "December 31,", to strike out "1962" and insert "1963".

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1118), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> This bill provides an exemption from the tax on unrelated business taxable income in the case of labor unions and agricultural or horticultural organizations where three conditions are met. First, the income must be used to establish, maintain, or operate a retirement home, hospital, or similar facility for the exclusive use of aged and infirm members of the labor union or agricultural or horticultural organization. Second, the income must be derived from agricultural pursuits conducted on ground contiguous to the home, hospital, etc. Third, this income may not represent more than 75 percent of the cost of maintaining and operating the home, etc.
>
> This provision, as amended by the committee, is to apply with respect to taxable years beginning after December 31, 1963.
>
> ### II. GENERAL STATEMENT
>
> Present law.—Present law provides that certain otherwise tax-exempt organizations are to be subject to tax on any "unrelated business taxable income." "Unrelated business taxable income" for this purpose is defined as excluding the various forms of passive income such as dividends, interest, etc. It includes income from the active conduct of a trade or business which is not substantially related (apart from the organization's need for profits) to the exempt purpose of the organization in question.
>
> This tax on unrelated business income under present law applies to labor, agricultural, horticultural organizations (described in sec. 501(c)(5)); business leagues, chambers of commerce, real estate boards, etc. (sec. 501(c)(6)); educational, charitable, religious (except churches or conventions or associations of churches), and similar organizations (sec. 501(c)(3)); corporations organized to hold title to property and turn over the proceeds, less expenses, to an exempt organization (sec. 501(c)(2)); trusts forming a part of a plan providing for the payment of supplemental unemployment compensation benefits (sec. 501(c)(17)); and qualified pension, profit-sharing, and stock bonus plans (sec. 401(a)). The tax on unrelated business income does not presently apply in the case of fraternal beneficiary societies, orders, or associations, civic leagues and similar organizations, local life insurance associations, as well as several other categories of exempt organizations.

Mr. SMATHERS. Mr. President, this bill would modify the unrelated business income tax to make it nonapplicable to certain labor unions and agricultural or horticultural organizations.

Under the present law, if a labor union which operates a retirement home for its aged members, finances the home largely with profits from a citrus grove located adjacent to the retirement home, the union—although in most respects it is a tax-exempt organization—must pay tax on the proceeds from the sale of the fruit. On the other hand, if a fraternal society or order operates a retirement home for its aged members and finances it precisely in the same manner as the labor union, it is not taxed.

H.R. 6455 recognizes this anomalous situation and deals with it forthrightly. Under the bill, for the future, labor unions and agricultural and horticultural organizations which operate a retirement home for their members will not be subject to the unrelated business income tax where certain specific tests are met:

First. The income involved must be used to establish, maintain, or operate a retirement home, hospital, or similar facility for the exclusive use of its aged or infirm members.

Second. The income involved must be derived from agricultural pursuit conducted on grounds contiguous to the home.

Third. The income may not exceed more than 75 percent of the cost of maintaining or operating the retirement home, hospital, or similar facility.

These tests will insure that the exemption from the unrelated business income tax provided by the bill will not be abused.

The Committee on Finance made a single change in the bill as passed by the House. The House bill would have applied with respect to taxable year beginning after December 31, 1962; the committee moved the date forward 1 year in order to make the bill prospective in its application.

Mr. HUMPHREY. Mr. President, I move that the committee amendment be agreed to.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SMATHERS. Mr. President, I move that the Senate reconsider the vote by which the bill (H.R. 6455) was passed.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXEMPTION FROM INDUCTION FOR SOLE SURVIVING SON OF DECEASED FATHER AS A RESULT OF MILITARY SERVICE

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1061, H.R. 2664.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2664) to amend section 6(o) of the Universal Military Training and Service Act to provide an exemption from induction for the sole surviving son of a family whose father died as a result of military service.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

> That section 6(o) of the Universal Military Training and Service Act (50 App. U.S.C. 456(o)) is amended to read as follows:
>
> "(o) Except during the period of a war or a national emergency declared by the Congress after the date of the enactment of the 1964 amendment to this subsection, where the father or one or more sons or daughters of a family were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, the sole surviving son of such family shall not be inducted for service under the terms of this title unless he volunteers for induction."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1119), explaining the purposes of the bill.

There being no objection, the excerpt was order to be printed in the RECORD, as follows:

> ### EXPLANATION OF THE AMENDMENT
>
> The amendment would terminate the exemption of a sole surviving son in time of war or national emergency hereafter declared by the Congress.
>
> ### PURPOSE
>
> This bill would exempt from involuntary induction under the Universal Military and Training Act the sole surviving son of a family whose father died as a result of military service.

Mr. MORSE. Mr. President, I strongly support the bill (H.R. 2664). However, I support it because it is necessary to do immediate justice in connection with the substance of the act.

I point out to the Senate that the entire Universal Military Training and Service Act needs to be thoroughly overhauled. I trust that the appropriate Senate committee is proceeding with a consideration of the Universal Military Training and Service Act, because at the present time it is operating with great injustice and unfair discrimination involving a great many young men in this country. We have almost reached the point where only those are now drafted who are unable to get the advice that permits them to make use of one or another of the loopholes with which the whole Selective Service Act is becoming honeycombed. It is very unfair in its operation.

Mr. KUCHEL. Mr. President, I ask unanimous consent that a statement by the distinguished junior Senator from New York [Mr. KEATING], who is temporarily absent from the Chamber, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> ### STATEMENT BY SENATOR KEATING
>
> The exemption from induction for the sole surviving son of a veteran who died as a result of military service has been considerably weakened by making it inapplicable in time of war or national emergency.
>
> I do not share the concern of the committee that we face such a shortage of manpower that today we must provide the exemption is applicable only in peacetime. For years we have provided an exemption to the surviving son of a family in which one or more sons or daughters were killed in the

line of duty. House bill 2664, which was similar to my proposal, Senate bill 1857, merely extended this exemption to the sole surviving son of a family in which the father had died as a result of military service. This was an equitable measure and was not objected to by either the Department of Defense or Selective Service System.

But instead of extending the exemption this bill modifies the present exemption by limiting it also to peacetime. The far better procedure, in my judgment, would be to pass H.R. 2664 in its original form and to withdraw the exemption only if and when necessitated by future hostilities. At the present time there is no estimate of a prospective shortage of manpower to require the withdrawal of the exemption in the time of national emergency.

To some the effect of the alternative procedures is similar. To the wife or mother whose husband or children have died in the service of their country there is a meaningful distinction between the procedures. Passage of H.R. 2664, as amended says to these wives and mothers that despite their sacrifice and the possible end of the family line, their only son will be inducted in time of national emergency. And this induction will take place regardless of whether there is a shortage of manpower or not.

I would not take exception to this amendment or have urged the adoption of my own bill if I had any reason to believe it would endanger our national security. I am not persuaded that this committee amendment is necessary but I will not prejudice the exemption to sons of deceased veterans, if only in peacetime, by having the bill recommitted.

Mr. President, whether these exemptions should apply in time of national emergency is one of many questions which should be investigated by the proposed Commission on the Administration of the Universal Military Training and Service Act. In the meantime, I urge that appropriate regulations be issued that these exempted peacetime categories be given the lowest induction priority in time of national emergency.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT TO WATERSHED PROTECTION AND FLOOD PREVENTION ACT

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 909, the bill S. 1790.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1790) to amend the Watershed Protection and Flood Prevention Act, as amended.

Mr. TALMADGE. Mr. President, as chairman of the Special Watersheds Subcommittee of the Senate Agriculture Committee for the past 2 years, I have had an opportunity to become intimately acquainted with the operation of the watershed protection and flood prevention program which is authorized under Public Law 566. This program, which is carried out on a State-Federal matching basis, has proved to be highly successful and has brought countless benefits to local communities throughout the Nation in soil conservation, flood prevention, and recreational opportunities.

Watershed projects under this act must be initiated on the local level by sponsoring organizations, which in many instances do not have a great deal of financial support. Some of the major costs which must be borne on the local level are the cost of land, easements, and rights-of-way. This problem is greatly magnified when a utility must be relocated from within the area of a proposed watershed development.

This proposed bill would authorize the Federal Government to pay the cost of utility relocations in watershed protection and flood prevention projects whenever the Secretary of Agriculture determines that the local organization is financially unable to bear such costs, or that the bearing of such costs would work an undue hardship upon it. The cost of such relocations is limited, however, to 5 percent of the estimated total Federal construction cost for any single project—including engineering costs.

There is no accurate way to estimate the cost of this amendment but experience has proved that the relocations are necessary in only a small percentage of watershed projects and, therefore, I think the cost would be very negligible. To the small groups which sponsor many of these watershed projects, however, this cost can be prohibitive.

The Department of Agriculture furnished a favorable report on this proposal and it was approved by the Senate Agriculture Committee without dissent. I think it is for a very worthwhile purpose and I hope the Senate will see fit to give its approval.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 4 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by changing the period at the end thereof to a colon and adding the following: "*Provided further,* That the costs of utility relocations shall be borne by the Federal Government whenever the Secretary determines either that the local organization is financially unable to bear such costs or that the bearing of such costs by the local organization would work an undue hardship upon it, except that with respect to any single plan for works of improvement, the amount of such costs to be borne by the Federal Government shall not exceed 5 per centum of the estimated total Federal construction cost (including engineering costs)."

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 940), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would authorize the Federal Government to bear the costs of utility relocations on projects covered by the Watershed Protection and Flood Prevention Act—

(1) when the local organization is unable to bear such costs or cannot do so without undue hardship; and

(2) in an amount not exceeding 5 percent of the total Federal construction cost (including engineering costs).

Under the Watershed Protection and Flood Prevention Act the local organization is required to acquire the lands needed for the project without cost to the Federal Government. This may require the relocation of utilities now crossing such lands, and such relocation costs are therefore considered part of the land costs. In some cases, such as those of gas or oil pipelines, these costs are beyond the ability of the local organization to pay without undue hardship. The bill is designed to take care of such cases.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1045, the bill H.R. 10300.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10300) to authorize certain construction at military installations and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparations, appurtenances, utilities, and equipment for the following projects:

Inside the United States

Continental Army Command

(First Army)

Fort Devens, Massachusetts: Community facilities, $681,000.

Fort Dix, New Jersey: Hospital facilities, and troop housing, $16,225,000.

Fort Hamilton, New York: Utilities, $118,000.

(Second Army)

Fort Belvoir, Virginia: Operational and training facilities, administrative facilities, troop housing and utilities, $3,564,000.

Carlisle Barracks, Pennsylvania: Operational and training facilities, and troop housing, $5,244,000.

Fort Knox, Kentucky: Troop housing and utilities, $7,778,000.

Fort George G. Meade, Maryland: Troop housing and community facilities, and utilities, $2,084,000.

Fort Ritchie, Maryland: Operational facilities, $1,600,000.

(Third Army)

Fort Benning, Georgia: Operational facilities, and administrative facilities, $5,452,000.

Fort Bragg, North Carolina: Troop housing and community facilities, $5,655,000.

Fort Gordon, Georgia: Training facilities, and troop housing, $13,968,000.

Fort Jackson, South Carolina: Training facilities, and troop housing, $15,383,000.

Fort Rucker, Alabama: Training facilities, and troop housing, $2,994,000.

Fort Stewart, Georgia: Training facilities, and maintenance facilities, $627,000.

(Fourth Army)

Fort Bliss, Texas: Operational facilities, community facilities, and utilities, $721,000.

Fort Hood, Texas: Maintenance facilities, supply facilities, and troop housing, $11,726,000.

Fort Sam Houston, Texas: Administrative facilities, $396,000.

Fort Polk, Louisiana: Troop housing, $627,000.

Fort Sill, Oklahoma: Maintenance facilities, supply facilities, troop housing and utilities, $3,207,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, supply facilities, troop housing, and real estate, $18,256,000.

Fort Benjamin Harrison, Indiana: Troop housing, $1,652,000.

Fort Leavenworth, Kansas: Administrative facilities, $352,000.

Fort Riley, Kansas: Maintenance facilities, medical facilities, troop housing, and real estate, $18,692,000.

Fort Sheridan, Illinois: Medical facilities, administrative facilities, and utilities, $4,217,000.

Fort Leonard Wood, Missouri: Training facilities, maintenance facilities, medical facilities, troop housing, and community facilities, $16,679,000.

(Sixth Army)

Fort Irwin, California: Troop housing, $2,643,000.

Fort Lewis, Washington: Training facilities, maintenance facilities, and troop housing, $1,906,000.

Presidio of Monterey, California: Training facilities, $194,000.

Fort Ord, California: Troop housing, $777,000.

Presidio of San Francisco, California: Utilities, $283,000.

Yakima Training Center, Washington: Training facilities, $303,000.

(Military District of Washington, District of Columbia)

Fort Myer, Virginia: Medical facilities, and troop housing, $4,052,000.

United States Army Materiel Command

(United States Army Missile Command)

Redstone Arsenal, Alabama: Research, development and test facilities, and utilities, $2,389,000.

(United States Army Munitions Command)

Edgewood Arsenal, Maryland: Research, development and test facilities, and medical facilities, $6,843,000.

Picatinny Arsenal, New Jersey: Production facilities, $365,000.

Rocky Mountain Arsenal, Colorado: Administrative facilities, $29,000.

(United States Army Supply and Maintenance Command)

Aeronautical Maintenance Center, Texas: Maintenance facilities, $888,000.

Letterkenney Army Depot, Pennsylvania: Utilities, $43,000.

Savanna Army Depot, Illinois: Supply facilities, $446,000.

Seirra Army Depot, California: Maintenance facilities, $590,000.

Sunny Point Army Terminal, North Carolina: Utilities, $131,000.

(United States Army Test and Evaluation Command)

Aberdeen Proving Ground, Maryland: Operational facilities, research, development and test facilities, $784,000.

Fort Huachuca, Arizona: Hospital facilities and utilities, $4,635,000.

White Sands Missile Range, New Mexico: Research, development and test facilities, $2,685,000.

(United States Army Weapons Command)

Watervliet Arsenal, New York: Utilities, $77,000.

Technical Services Facilities

(Signal Corps)

East Coast Radio Receiving Station, La Plata, Maryland: Utilities, $93,000.

East Coast Relay Station, Frederick, Maryland: Troop housing, $257,000.

Army Pictorial Center, New York: Operational facilities and production facilities, $1,120,000.

West Coast Radio Receiving Station, Santa Rosa, California: Utilities, $76,000.

(Medical Service)

Brooke Army Medical Center, Texas: Operational facilities, $104,000.

Letterman General Hospital, California: Hospital facilities, $14,305,000.

Walter Reed Army Medical Center, District of Columbia: Training facilities and utilities, $1,019,000.

United States Military Academy

United States Military Academy, West Point, New York: Operational and training facilities, administrative facilities, cadet housing, community facilities and utilities, $20,578,000.

Army Security Agency

Two Rock Ranch Station, California: Operational facilities, $1,014,000.

Vint Hill Farms Station, Virginia: Operational facilities, $997,000.

Army Component Commands

(United States Army Air Defense Command)

Various locations: Operational facilities and troop housing, $646,000.

(Alaska Command area)

Fort Richardson, Alaska: Operational facilities, maintenance facilities, and administrative facilities, $767,000.

Fort J. M. Wainwright, Alaska; Maintenance facilities, troop housing, and utilities, $743,000.

(Pacific Command area)

Aliamanu Military Reservation, Hawaii: Utilities, $247,000.

Schofield Barracks, Hawaii: Operational facilities, maintenance facilities, and administrative facilities, $3,235,000.

Fort Shafter, Hawaii: Administrative facilities and utilities, $1,370,000.

Tripler Army Hospital, Hawaii: Medical facilities, $100,000.

Outside the United States

Army Materiel Command

(United States Army Missile Command)

Kwajalein Island: Research, development and test facilities, hospital facilities, and troop housing, $32,119,000.

Army Security Agency

Various locations: Operational facilities, $5,662,000.

Army Component Command

(Pacific Command area)

Korea: Operational facilities, maintenance facilities, supply facilities, troop housing and utilities, $8,509,000.

Okinawa, various: Utilities, $1,064,000.

Taiwan: Utilities, $26,000.

(European Command area)

Germany: Operational facilities and maintenance facilities, $3,252,000.

(United States Army Forces Southern Command)

Fort Kobbe, Canal Zone: Troop housing, $343,000.

Quarry Heights, Canal Zone: Utilities, $86,000.

SEC. 102. Any of the authority in title I of this Act may be utilized for the establishment or development of Army installations and facilities made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) Unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interest of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed $17,500,000: *And provided further*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 88–174 is amended under heading "Inside the United States" in section 101, as follows:

(1) Under the heading "ARMY COMPONENT COMMANDS" and under the subheading "PACIFIC COMMAND AREA", with respect to "Fort Shafter, Hawaii", strike out "$74,000" and insert in place thereof "$91,000".

(b) Public Law 88–174 is amended by striking out in clause (1) of section 602 "$154,976,000", and "$199,633,000" and inserting in place thereof "$154,993,000", and "$199,650,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Inside the United States

Bureau of Ships Facilities

(Naval shipyards)

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, administrative facilities, and utilities, $1,675,000.

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Operational facilities and utilities, $1,171,000.

Naval Shipyard, Portsmouth, New Hampshire: Maintenance facilities and utilities, $4,760,000.

(Fleet support stations)

Naval Facility, Cape Hatteras, North Carolina: Utilities, $36,000.

Naval Facility, Nantucket, Massachusetts: Community facilities, $162,000.

Naval Submarine Base, New London, Connecticut: Operational facilities, administrative facilities, and troop housing and community facilities, $4,641,000.

Headquarters, Commander-in-Chief, Atlantic Fleet, Norfolk, Virginia: Administrative facilities and troop housing, $1,550,000.

(Research, development, test, and evaluation stations)

Navy Marine Engineering Laboratory, Annapolis, Maryland: Utilities, $356,000.

David Taylor Model Basin, Carderock, Maryland: Research, development and test facilities, $3,811,000.

Navy Mine Defense Laboratory, Panama City, Florida: Utilities, $150,000.

Navy Electronics Laboratory, San Diego, California: Operational facilities, $1,196,000.

Naval Radiological Defense Laboratory, San Francisco, California: Research, development and test facilities, $793,000.

Fleet Base Facilities

Naval Station, Boston, Massachusetts: Troop housing, $260,000.

Naval Station, Charleston, South Carolina: Operational facilities and community facilities, $2,509,000.

Naval Command System Support Activity, District of Columbia: Administrative facilities, $1,516,000.

Naval Station, Key West, Florida: Operational facilities, $428,000.

Naval Station, Long Beach, California: Troop housing and community facilities, $3,054,000.

Naval Station, Newport, Rhode Island: Operational facilities and troop housing, $1,761,000.

Naval Station, Norfolk, Virginia: Operational facilities, $242,000.

Naval Station, Pearl Harbor, Oahu, Hawaii: Troop housing and community facilities, $2,775,000.

Naval Station, San Diego, California: Operational facilities, supply facilities, and troop housing, $1,320,000.

Naval Weapons Facilities

(Naval air training stations)

Naval Auxiliary Air Station, Chase Field, Texas: Operational facilities, $268,000.

Naval Auxiliary Air Station, Kingsville, Texas: Operational facilities, $149,000.

Naval Air Station, Memphis, Tennessee: Utilities, $594,000.

Naval Auxiliary Air Station, Meridian, Mississippi: Operational and training facilities, $106,000.

Naval Air Station, Pensacola, Florida: Operational facilities and maintenance facilities, $3,221,000.

Naval Auxiliary Air Station, Whiting Field, Florida: Operational facilities, $166,000.

(Field support stations)

Naval Station, Adak, Alaska: Operational facilities, community facilities, and utilities and ground improvements, $2,676,000.

Naval Air Station, Alameda, California: Utilities, $406,000.

Naval Air Station, Barbers Point, Oahu, Hawaii: Operational facilities, maintenance facilities, supply facilities, and community facilities, $3,372,000.

Naval Air Station, Brunswick, Maine: Maintenance facilities and community facilities, $596,000.

Naval Air Station, Cecil Field, Florida: Operational and training facilities, maintenance facilities, troop housing and community facilities, $4,818,000.

Naval Air Facility, El Centro, California: Troop housing, $329,000.

Naval Auxiliary Air Station, Fallon, Nevada: Operational facilities and medical facilities, $819,000.

Naval Air Station, Jacksonville, Florida: Operational and training facilities and utilities, $1,445,000.

Naval Air Station, Key West, Florida: Operational facilities, $617,000.

Naval Station, Mayport, Florida: Operational facilities, community facilities, and ground improvements, $466,000.

Naval Air Station, Miramar, California: Operational and training facilities, and community facilities, $2,916,000.

Naval Air Station, Norfolk, Virginia: Operational facilities, $103,000.

Naval Air Station, North Island, California: Maintenance facilities, $350,000.

Naval Air Station, Oceana, Virginia: Training facilities and maintenance facilities, $906,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities and maintenance facilities, $870,000.

Naval Auxiliary Air Station, Ream Field, California: Operational facilities, $1,693,000.

Naval Auxiliary Landing Field, San Clemente Island, California: Troop housing, $176,000.

Naval Air Station, Sanford, Florida: Maintenance facilities and utilities, $866,000.

Naval Air Station, Whidbey Island, Washington: Operational facilities, $459,000.

(Marine Corps Air Stations)

Marine Corps Air Station, Beaufort, South Carolina: Operational facilities and maintenance facilities, $152,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California: Operational and training facilities, $150,000.

Marine Corps Air Station, Cherry Point, North Carolina: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities and ground improvements, $3,076,000.

Marine Corps Air Station, El Toro, California: Operational and training facilities, and maintenance facilities, $1,746,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Operational facilities, $344,000.

Marine Corps Air Facility, New River, North Carolina: Operational and training facilities, $326,000.

Marine Corps Air Facility, Santa Ana, California: Operational and training facilities and maintenance facilities, $1,414,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, and maintenance facilities, $2,087,000.

(Fleet Readiness Stations)

Naval Weapons Station, Concord, California: Operational facilities, community facilities, and utilities, $720,000.

Naval Photographic Center, District of Columbia: Operational facilities, $490,000.

Naval Propellant Plant, Indian Head, Maryland: Utilities, $1,106,000.

(Research, Development, Test and Evaluation Stations)

Naval Weapons Evaluation Facility, Albuquerque, New Mexico: Research, development and test facilities, $340,000.

Naval Ordnance Test Stations, China Lake, California: Research, development and test facilities, $1,080,000.

Naval Parachute Facility, El Centro, California: Research, development and test facilities, and real estate, $2,540,000.

Naval Air Development Center, Johnsville, Pennsylvania: Utilities, $340,000.

Naval Air Test Center, Patuxent River, Maryland: Operational facilities, and hospital and medical facilities, $2,453,000.

Pacific Missile Range, Point Mugu, California: Operational facilities, maintenance facilities, and research, development and test facilities; and on San Nicolas Island, research, development and test facilities, and supply facilities, $1,988,000.

Supply Facilities

Naval Supply Center, Charleston, South Carolina: Supply facilities, $455,000.

Naval Supply Center, Oakland, California: Administrative facilities, $590,000.

Naval Supply Depot, Philadelphia, Pennsylvania: Utilities, $668,000.

Marine Corps Facilities

Marine Corps Supply Center, Albany, Georgia: Maintenance facilities, community facilities, and utilities, $144,000.

Marine Corps Supply Center, Barstow, California: Community facilities, $213,000.

Marine Corps Base, Camp Lejeune, North Carolina: Utilities, $277,000.

Marine Corps Base, Camp Pendleton, California: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities and ground improvements, $5,143,000.

Marine Barracks, Pearl Harbor, Oahu, Hawaii: Training facilities, $198,000.

Marine Corps Base, Twenty-nine Palms, California: Supply facilities, and troop housing, $527,000.

Service School Facilities

Naval Academy, Annapolis, Maryland: Maintenance facilities, and utilities and ground improvements, $1,333,000.

Naval Training Center, Bainbridge, Maryland: Troop housing $1,091,000.

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Supply facilities, $448,000.

Naval Station, District of Columbia: Community facilities, $103,000.

Naval Training Center, Great Lakes, Illinois: Troop housing, and utilities and ground improvements, $13,661,000.

Naval Amphibious Base, Little Creek, Virginia: Training facilities, $323,000.

Fleet Training Center, Mayport, Florida: Training facilities, $587,000.

Naval Postgraduate School, Monterey, California: Troop housing, $330,000.

Fleet Training Center, Newport, Rhode Island: Operational and training facilities, $2,011,000.

Naval War College, Newport, Rhode Island: Training facilities, $335,000.

Officer Candidate School, Newport, Rhode Island: Troop housing, $2,600,000.

Fleet Training Center, Norfolk, Virginia: Training facilities, $116,000.

Fleet Anti-Submarine Warfare School, San Diego, California: Troop housing, $534,000.

Naval Training Center, San Diego, California: Troop housing, $2,760,000.

Medical Facilities

Naval Hospital, Great Lakes, Illinois: Troop housing, $589,000.

Naval Hospital, Jacksonville, Florida: Hospital and medical facilities, $7,400,000.

Naval Hospital, Oakland, California: Hospital and medical facilities, $14,500,000.

Communications Facilities

(Communications stations)

Naval Communications Station, Adak, Alaska: Utilities and ground improvements, $150,000.

Naval Radio Station, Buskin Lake, Kodiak, Alaska: Utilities, $80,000.

Naval Radio Station, Dixon, California: Community facilities, $135,000.

Naval Radio Station, Driver, Virginia: Operational facilities, $217,000.

Naval Communications Station, Newport, Rhode Island: Operational facilities, and real estate, $1,593,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, $350,000.

Naval Communication Station, Wahiawa, Oahu, Hawaii: Operational facilities, and troop housing, $1,279,000.

Various locations: Utilities, $3,111,000.

(Security group stations)

Naval Security Group Department, Newport, Rhode Island: Administrative facilities, $275,000.

Naval Security Group Department, Norfolk, Virginia: Administrative facilities, $449,000.

Naval Security Group Department, Northwest, Virginia: Troop housing and community facilities, $385,000.

Naval Security Group Department, San Diego, California: Administrative facilities, $276,000.

Naval Security Group Activity, Skaggs Island, California: Troop housing, and utilities, $1,490,000.

Naval Security Group Activity, Winter Harbor, Maine: Troop housing, $237,000.

Office of Naval Research Facilities

Naval Research Laboratory, District of Columbia: Research, development and test facilities, $5,628,000.

Naval Training Device Center, Mitchel Field, New York: Research, development and test facilities, $550,000.

Yards and Docks Facilities

Navy Public Works Center, Norfolk, Virginia: Utilities, $1,866,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, $130,000.

Naval Construction Battalion Center, Port Hueneme, California: Utilities, $228,000.

Outside the United States

Bureau of Ships Facilities

Atlantic Undersea Test and Evaluation Center, Andros Island, Bahama Islands: Operational facilities, maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, and utilities and ground improvements, $4,882,000.

Naval Station, Subic Bay, Republic of the Philippines: Community facilities, $403,000.

Fleet Activities, Yokosuka, Japan: Utilities, $198,000.

Naval Weapons Facilities

Naval Station, Argentia, Newfoundland, Canada: Operational facilities, and supply facilities, $289,000.

Naval Air Station, Atsugi, Japan: Operational facilities, $101,000.

Marine Corps Air Facility, Futema, Okinawa: Medical facilities, $76,000.

Marine Corps Air Station, Iwakuni, Japan; Operational facilities, and maintenance facilities, $1,210,000.

Naval Station, Keflavik, Iceland: Operational facilities, and community facilities, $1,906,000.

Naval Station, Midway Islands: Utilities, $743,000.

Naval Air Facility, Naha, Okinawa: Training facilities, and maintenance facilities, $297,000.

Naval Air Facility, Naples, Italy: Operational facilities and troop housing, $793,000.

Naval Station, Roosevelt Roads, Puerto Rico: Operational facilities, maintenance facilities, and utilities, $6,869,000.

Naval Station, Rota, Spain: Supply facilities, hospital and medical facilities, and troop housing, $718,000.

Fleet Activities, Ryukyus, Okinawa: Community facilities, $278,000.

Marine Corps Facilities

Camp Smedley D. Butler, Okinawa: Maintenance facilities, supply facilities, administrative facilities, and troop housing, $2,455,000.

Communications Facilities

Naval Radio Station, Fort Allen, Puerto Rico: Operational facilities, $292,000.

Naval Security Group Activity, Futema, Okinawa: Operational facilities, $90,000.

Naval Security Group Activity, Galeta Island, Canal Zone: Troop housing, $225,000.

Naval Radio Station, Isabela, Puerto Rico: Operational facilities, $106,000.

Naval Communication Station, Londonderry, North Ireland: Operational facilities, $1,100,000.

Naval Communication Station, Sabana Seca, Puerto Rico: Maintenance facilities, and utilities, $195,000.

Naval Communication Station, San Miguel, Republic of the Philippines: Community facilities, and utilities, $466,000.

Various locations: Utilities, $3,398,000.

Yards and Docks Facilities

Navy Public Works Center, Guam, Mariana Islands: Utilities, $112,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $463,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $34,203,000.

SEC. 203. Any of the authority in title II of this Act may be utilized for the establishment or development of Navy installations and facilities made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed $17,500,000: *And provided further*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been modified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 88–174 is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "SERVICE SCHOOL FACILITIES", with respect to the Naval Training Center, Bainbridge, Maryland, by striking out "$70,000", and inserting in place thereof "$108,000".

(b) Public Law 88–174 is amended by striking out in clause (2) of section 602, the amounts "$115,563,000" and "$202,462,000", and inserting respectively in place thereof "$115,601,000" and "$202,500,000".

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

Inside the United States

Air Defense Command

Ent Air Force Base, Colorado Springs, Colorado: Operational facilities, and troop housing and community facilities, $1,035,000.

Hamilton Air Force Base, San Rafael, California: Maintenance facilities, $112,000.

Kincheloe Air Force Base, Sault Sainte Marie, Michigan: Operational facilities, maintenance facilities, and community facilities, $1,470,000.

Perrin Air Force Base, Sherman, Texas: Troop housing, $233,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Operational facilities, and supply facilities, $380,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational facilities, and maintenance facilities, $299,000.

Stewart Air Force Base, Newburgh, New York: Troop housing, $40,000.

Truax Field, Madison, Wisconsin: Operational facilities, $102,000.

Tyndall Air Force Base, Panama City, Florida: Hospital facilities, $2,746,000.

Air Force Logistics Command

Brookley Air Force Base, Mobile, Alabama: Administrative facilities, $1,300,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities, administrative facilities, and community facilities, $2,108,000.

Kelly Air Force Base, San Antonio, Texas: Maintenance facilities, supply facilities, administrative facilities, and troop housing, $1,085,000.

Marietta Air Force Station, Marietta, Pennsylvania: Supply facilities, $273,000.

McClellan Air Force Base, Sacramento, California; Operational facilities, maintenance facilities, medical facilities, and administrative facilities, $2,045,000.

Newark Air Force Station, Newark, Ohio: Maintenance facilities and administrative facilities, $3,269,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, medical facilities, and troop housing, $2,146,000.

Olmsted Air Force Base, Middletown, Pennsylvania: Maintenance facilities, administrative facilities, and community facilities, $2,969,000.

Robins Air Force Base, Macon, Georgia: Maintenance facilities, supply facilities, and hospital facilities, $4,454,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, and administrative facilities, $3,084,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Operational facilities, research, development, and test facilities, and administrative facilities, $5,948,000.

Air Force Systems Command

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, and supply facilities, $883,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, and troop housing, $843,000.

Edwards Air Force Base, Muroc, California: Research, development, and test facilities, and medical facilities, $6,065,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing, $1,586,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, supply facilities, hospital facilities, community facilities, and utilities, $4,833,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Maintenance facilities, $337,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Troop housing, $365,000.

Patrick Air Force Base, Cocoa, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, administrative facilities, troop housing, and utilities, $3,300,000.

Various locations, Atlantic Missile Range: Operational facilities, maintenance facilities, troop housing, utilities, and real estate, $1,854,000.

Air Training Command

Amarillo Air Force Base, Amarillo, Texas: Operational and training facilities, maintenance facilities, troop housing and community facilities, and real estate, $4,354,000.

Chanute Air Force Base, Rantoul, Illinois: Maintenance facilities, and troop housing, $394,000.

Craig Air Force Base, Selma, Alabama: Operational facilities, maintenance facilities, and real estate, $3,427,000.

James Connally Air Force Base, Waco, Texas: Administrative facilities, and utilities, $215,000.

Keesler Air Force Base, Blixoi, Mississippi: Troop housing, and utilities, $1,040,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, and troop housing, $1,288,000.

Laredo Air Force Base, Laredo, Texas: Operational and training facilities, maintenance facilities. supply facilities, administrative facilities and troop housing and community facilities, $4,599,000.

Laughlin Air Force Base, Del Rio, Texas: Operational and training facilities, maintenance facilities, and troop housing, $1,550,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, $132,000.

Mather Air Force Base, Sacramento, California: Maintenance facilities, $161,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, maintenance facilities, hospital facilities, and troop housing and community facilities, $3,763,000.

Randolph Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, and utilities, $888,000.

Sheppard Air Force Base, Wichita Falls, Texas: Training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities. $1,191,000.

Vance Air Force Base, Enid, Oklahoma: Maintenance facilities, and real estate, $475,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, and community facilities, $379,000.

Air University

Gunter Air Force Base, Montgomery, Alabama: Troop housing, $125,000.

Maxwell Air Force Base, Montgomery, Alabama: Community facilities, $239,000.

Aeronautical Chart and Information Center

South Saint Louis Storage Annex. Saint Louis, Missouri: Supply facilities, and administrative facilities, $1,271,000.

Alaskan Air Command

Eielson Air Force Base, Fairbanks, Alaska: Operational facilities, and utilities, $1,389,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational facilities, maintenance facilities, and utilities, $1,310,000.

Galena Airport, Galena, Alaska: Maintenance facilities, and community facilities, $406,000.

King Salmon Airport, Naknek, Alaska: Operational facilities, $189,000.

Various locations; Maintenance facilities, supply facilities, community facilities, and utilities, $2,545,000.

Headquarters Command

Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, hospital facilities, troop housing, and utilities, $5,597,000.

Bolling Air Force Base, Washington, District of Columbia: Administrative facilities, troop housing and community facilities, and utilities, $4,353,000.

Military Air Transport Service

Charleston Air Force Base, Charleston South Carolina: Maintenance facilities, and community facilities, $159,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, and community facilities, $1,843,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, and community facilities, $687,000.

Scott Air Force Base, Belleville, Illinois: Operational facilities, hospital facilities, and troop housing, $3,137,000.

Travis Air Force Base, Fairfield, California: Maintenance facilities, $261,000.

Pacific Air Force

Hickam Air Force Base, Honolulu, Hawaii: Troop housing, $625,000.

Strategic Air Command

Altus Air Force Base, Altus, Oklahoma: Utilities, $100,000.

Barksdale Air Force Base, Shreveport, Louisiana: Maintenance facilities, and troop housing, $1,185,000.

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, and troop housing, $231,000.

Blytheville Air Force Base, Blytheville, Arkansas: Maintenance facilities, and troop housing, $136,000.

Carswell Air Force Base, Fort Worth, Texas: Maintenance facilities, $348,000.

Columbus Air Force Base, Columbus, Mississippi: Maintenance facilities, administrative facilities, and troop housing and community facilities, $616,000.

Dow Air Force Base, Bangor, Maine: Operational facilities, $108,000.

Dyess Air Force Base, Abilene, Texas: Operational facilities, maintenance facilities, and troop housing, $358,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Operational facilities, and maintenance facilities, $715,000.

Glasgow Air Force Base, Glasgow, Montana: Operational facilities, and administrative facilities, $223,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Operational facilities, supply facilities, troop housing and community facilities, and utilities, $2,241,000.

Homestead Air Force Base, Homestead, Florida: Operational facilities, maintenance facilities, hospital facilities, and troop housing, $3,021,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Operational facilities, maintenance facilities, supply facilities, and utilities, $499,000.

Larson Air Force Base, Moses Lake, Washington: Operational facilities, supply facilities, and community facilities, $896,000.

Lincoln Air Force Base, Lincoln, Nebraska: Operational and training facilities, $245,000.

Little Rock Air Force Base, Little Rock, Arkansas: Troop housing, $422,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational facilities, and maintenance facilities, $505,000.

Loring Air Force Base, Limestone, Maine: Operational facilities, $92,000.

March Air Force Base, Riverside, California: Real estate, $32,000.

McCoy Air Force Base, Orlando, Florida: Operational facilities, maintenance facilities, and troop housing, $641,000.

Minot Air Force Base, Minot, North Dakota: Operational facilities, medical facilities, and troop housing and community facilities, $1,462,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Maintenance facilities, $381,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, troop housing and community facilities, and utilities, $1,888,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities, and maintenance facilities, $163,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Operational facilities, and maintenance facilities, $297,000.

Schilling Air Force Base, Salina, Kansas: Maintenance facilities, $152,000.

Turner Air Force Base, Albany, Georgia: Operational and training facilities, and maintenance facilities, $617,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, $690,000.

Walker Air Force Base, Roswell, New Mexico: Maintenance facilities, $51,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational facilities, $392,000.

Tactical Air Command

Cannon Air Force Base, Clovis, New Mexico: Operational and training facilities, maintenance facilities, supply facilities, and hospital facilities, $5,809,000.

England Air Force Base, Alexandria, Louisiana: Training facilities, maintenance facilities, and administrative facilities, $1,884,000.

George Air Force Base, Victorville, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $2,294,000.

Langley Air Force Base, Hampton, Virginia: Maintenance facilities, administrative facilities, and community facilities, $1,824,000.

Luke Air Force Base, Phoenix, Arizona: Administrative facilities, $391,000.

MacDill Air Force Base, Tampa, Florida: Maintenance facilities, and supply facilities, $583,000.

McConnell Air Force Base, Wichita, Kansas: Maintenance facilities, and utilities, $2,743,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Troop housing, $190,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, and community facilities, $2,297,000.

Pope Air Force Base, Fort Bragg, North Carolina: Operational facilities, administrative facilities, and troop housing and community facilities, $2,032,000.

Sewart Air Force Base, Smyrna, Tennessee: Troop housing, $462,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Operational facilities, supply facilities, and troop housing, $361,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, maintenance facilities, hospital facilities, and troop housing, $6,015,000.

United States Air Force Academy

United States Air Force Academy, Colorado Springs, Colorado: Cadet housing, community facilities, and utilities, $15,680,000.

Aircraft Control and Warning System

Various locations: Maintenance facilities, troop housing, utilities, and real estate, $1,062,000.

Outside the United States

Air Defense Command

Various locations: Maintenance facilities, troop housing and community facilities, and utilities, $906,000.

Military Air Transport Service

Wake Island: Troop housing, $88,000.

Pacific Air Force

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities, $12,526,000.

Strategic Air Command

Ramey Air Force Base, Puerto Rico: Maintenance facilities, and supply facilities, $665,000.

United States Air Forces in Europe

Various locations: Operational facilities, maintenance facilities, supply facilities, troop housing and community facilities, and utilities, $3,925,000.

United States Air Forces Southern Command

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, supply facilities, medical facilities, and utilities, $2,842,000.

United States Air Force Security Service

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, and utilities, $3,113,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $113,647,000.

SEC. 303. Any of the authority in title III of this Act may be utilized for the establishment or development of Air Force installations and facilities made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided*, That the total cost of projects constructed under this section shall not exceed $17,500,000: *And provided further*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1965, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 88-174 is amended in section 301 under the heading "INSIDE THE UNITED STATES," as follows:

(1) Under the subheading "AIR DEFENSE COMMAND," with respect to NORAD Headquarters, Colorado Springs, Colorado, by striking out "$7,000,000" and inserting in place thereof "$10,000,000".

(2) Under the subheading "STRATEGIC AIR COMMAND" with respect to Bunker Hill Air Force Base, Peru, Indiana, by striking out "$168,000" and inserting in place thereof "$250,000".

(3) Under the subheading "AIR TRAINING COMMAND," with respect to Amarillo Air Force Base, Amarillo, Texas, by striking out "$3,985,000" and inserting in place thereof "$4,158,000".

(b) Public Law 88-174 is amended by striking out in clause (3) of section 602 the amounts of "$158,685,000" and "$488,367,000" and inserting in place thereof "$161,940,000" and "$491,622,000" respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for defense agencies for the following projects:

Defense Atomic Support Agency

Sandia Base, Albuquerque, New Mexico: Training facilities, and administrative facilities, $2,636,000.

Defense Supply Agency

Defense Supply Agency, Alexandria, Virginia: Administrative facilities, and utilities, $1,609,000.

Defense Clothing and Textile Supply Center, Philadelphia, Pennsylvania: Maintenance facilities, $104,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities, $141,000.

Tracy Defense Depot, Tracy, California: Supply facilities, $204,000.

National Security Agency

Fort Meade, Maryland: Operational facilities, $280,000.

Kent Island, Maryland: Real estate, $31,000.

SEC. 402. The Secretary of Defense may establish or develop classified installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $5,500,000.

TITLE V

Military family housing

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities, in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Administrator, Housing and Home Finance Agency, as to the availability of adequate private housing at such locations. If the Secretary and the Administrator are unable to reach agreement with respect to the availability of adequate private housing at any location, the Secretary shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units for—

(1) The Department of the Army, two thousand one hundred and thirty-five units, $38,346,000.

Fort Richardson, Alaska, one hundred units.

Fort Irwin, California, one hundred units.

Fort Ord, California, one hundred and fifty units.

Presidio of San Francisco, California, one hundred units.

Two Rock Ranch Station, California, forty units.

Fort Gordon, Georgia, three hundred units.

U.S. Army installations, Hawaii, one hundred units.

Fort Sheridan, Illinois, two hundred and fifty units.

Aberdeen Proving Ground, Maryland, one hundred units.

Fort Jackson, South Carolina, two hundred and fifty units.

Atlantic Side, Canal Zone, one hundred and forty units.

Pacific Side, Canal Zone, two hundred units.

Fort Buckner, Okinawa, two hundred units.

ASA Location 12, sixty units.

Classified location, forty-five units.

(2) The Department of the Navy, four thousand one hundred and fifty-six units, $74,755,000.

Naval Station, Kodiak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Naval Air Station, Alameda, California, two hundred units.

Marine Corps Supply Center, Barstow, California, seventy-four units.

Marine Corps Base, Camp Pendleton, California, one hundred and forty units.

Marine Corps Air Station, El Toro, California, one hundred units.

Naval Station, Long Beach, California, four hundred units.

Naval Complex North Bay, San Francisco, California, one hundred units.

Naval Post Graduate School, Monterey, California, two hundred units.

Naval Base, San Francisco, California, three hundred units.

Naval Station, Washington, District of Columbia, one hundred and fifty units.

Naval Base, Key West, Florida, four hundred units.

United States Navy installations, Hawaii, three hundred and fifty units.

Naval Training Center, Great Lakes, Illinois, one hundred units.

Naval Air Station, Quonset Point, Rhode Island, two hundred units.

Naval Station, Charleston, South Carolina, one hundred units.

Marine Corps Recruit Depot, Parris Island, South Carolina, one unit.

Naval Station, Norfolk, Virginia, five hundred units.

Naval Shipyard, Bremerton, Washington, one hundred units.

Naval Security Group Activity, Galeta Island, Canal Zone, twenty-six units.

Naval Station, Roosevelt Roads, Puerto Rico, nine units.

Naval Communication Station, North West Cape, Australia, one hundred and thirty units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Facility, Antigua, the West Indies, thirty-eight units.

Naval Facility, Eleuthera, Bahamas, thirty-eight units.

Classified location, two hundred units.

(3) The Department of the Air Force, three thousand five hundred and ninety-five units, $64,657,000.

Beale Air Force Base, California, three hundred and thirty-seven units.

George Air Force Base, California, five hundred units.

Bolling Air Force Base, District of Columbia, one hundred and fifty units.

Eglin Air Force Base, Florida, ninety units.

MacDill Air Force Base, Florida, twenty units.

Hunter Air Force Base, Georgia, one unit.

Moody Air Force Base, Georgia, one hundred units.

Robins Air Force Base, Georgia, one hundred units.

United States Air Force Installations, Hawaii, one hundred units.

Andrews Air Force Base, Maryland, one hundred and fifty units.

Offutt Air Force Base, Nebraska, two hundred and eighty-seven units.

Cannon Air Force Base, New Mexico, two hundred and fifty units.

Holloman Air Force Base, New Mexico, four hundred units.

Langley Air Force Base, Virginia, two hundred units.

McChord Air Force Base, Washington, one hundred and fifty units.

Goose Air Base, Canada, two hundred units.

Naha Air Base, Okinawa, two hundred units.

Site 4-S, one hundred and eighty units.

Site 6-S, one hundred units.

Site 10-C, eighty units.

(b) Trailer court facilities for:

(1) The Department of the Navy, 280 spaces, $500,000.

(2) The Department of the Air Force, 358 spaces, $529,000.

SEC. 502. Authorizations for the construction of family housing provided in this Act shall be subject to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The cost per unit of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed—

$24,000 for generals or equivalent;

$19,800 for colonels or equivalent;

$17,600 for majors and/or lieutenant colonels or equivalent;

$15,400 for all other commissioned or warrant officer personnel or equivalent, except that four-bedroom housing units authorized by sections 4774(g), 7574(e) and 9774(g) of title 10, United States Code, may be constructed at a cost not to exceed $17,000.

$13,200 for enlisted personnel, except that four-bedroom housing units authorized by sections 4774(f), 7574(d), and 9774(f) of title 10, United States Code, may be constructed at a cost not to exceed $15,000.

(b) When family housing units are constructed in areas other than those listed in subsection (a), the average cost of all such units, in any project of 50 units or more, shall not exceed $32,000, and in no event shall the cost of any unit exceed $40,000.

(c) The cost limitations provided in subsections (a) and (b) shall be applied to the five-foot line.

(d) No project in excess of fifty units in the areas listed in subsection (a) shall be constructed at an average unit cost exceeding $17,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(e) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $28,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) For the Department of the Army, $2,300,000;

(b) For the Department of the Navy, $1,250,000;

(c) For the Department of the Air Force, $1,250,000;

(d) For the Defense Agencies, $971,000.

SEC. 504. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"SEC. 515. During fiscal years 1965 through and including 1966, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities at or near military installations in the United States and Puerto Rico for assignment as public quarters to military personnel and their dependents, if any, without rental charge, upon a determination by the Secretary of Defense, or his designee, that there is a lack of adequate housing facilities at or near such military installations. Such housing facilities shall be leased on a family or individual unit basis and not more than five thousand of such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $160 a month for any such unit, including the cost of utilities and maintenance and operation."

SEC. 505. There is authorized to be appropriated for use by the Secretary of Defense or his designee for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $188,168,000; and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $472,437,000.

TITLE VI

General provisions

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255) and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $234,632,000; outside the United States, $51,061,000; or a total of $285,693,000.

(2) for title II: Inside the United States, $158,270,000; outside the United States, $27,665,000; section 202, $34,203,000; or a total of $220,138,000.

(3) for title III: Inside the United States, $164,869,000; outside the United States. $24,065,000; section 302, $113,647,000; or a total of $302,581,000.

(4) for title IV: A total of $10,505,000.

(5) for title V: Military family housing, a total of $660,605,000.

SEC. 603. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 604. Whenever—

(1) the President determines that compliance with section 2313(b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those contracts;

the President may exempt those contracts from the requirements of that section.

SEC. 605. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be expected under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 606. (a) As of October 1, 1965, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before November 8, 1963, and not superseded or otherwise modified by a later authorization, are repealed, except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) the authorization for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1965, and authorizations for appropriations therefor;

(3) notwithstanding the provisions of section 606 of the Act of November 7, 1963 (77 Stat. 307, 328), the authorization for the following items, which shall remain in effect until October 1, 1966:

(a) operational facilities and utilities in the amount of $3,105,000 at classified locations that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of June 27, 1961 (75 Stat. 98);

(b) utilities in the amount of $115,000 for Naval Magazine, Cartagena, Spain, that is contained in title II, section 201, under the heading "OUTSIDE THE UNITED STATES" and subheading "NAVAL WEAPONS FACILITIES" of the Act of June 27, 1961 (75 Stat. 102);

(c) troop housing in the amount of $611,000 at Fort Benning, Georgia, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES", and subheading "CONTINENTIAL ARMY COMMAND (Third Army)" of the Act of July 27, 1962 (76 Stat. 223);

(d) administrative facilities in the amount of $833,000 at Fort Bragg, North Carolina, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES", and subheading "CONTINENTAL ARMY COMMAND (Third Army)" of the Act of July 27, 1962 (76 Stat. 223);

(e) maintenance facilities in the amount of $212,000 in Germany, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of July 27, 1962 (76 Stat. 225);

(f) operational facilities, administrative facilities, troop housing and utilities in the amount of $3,705,000 at classified locations that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" and subheading "ARMY COMPONENT COMMANDS (European Command Area)" of the Act of July 27, 1962 (76 Stat. 225);

(g) troop housing in the amount of $383,000 at Fort Meade, Maryland, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" and subheading "CONTINENTAL ARMY COMMAND (Second Army)" of the Act of July 27, 1962 (76 Stat. 223);

(h) troop housing in the amount of $679,000 for Marine Corps Air Facility, Iwakuni, Japan, that is contained in title II, section

201, under the heading "Outside the United States" and subheading "NAVAL WEAPONS FACILITIES" of the Act of July 27, 1962 (76 Stat. 229);

(i) community facilities in the amount of $476,000 for the Naval Air Station, Lemoore, California, that is contained in title II, section 201, under the heading "Naval Weapons Facilities (Field Support Stations)" of the Act of July 27, 1962 (76 Stat. 228);

(j) community facilities in the amount of $189,000 for the Naval Ammunition Depot, Concord, California, that is contained in title II, section 201, under the heading "Naval Weapons Facilities (Fleet Readiness Stations)" of the Act of July 27, 1962 (76 Stat. 228);

(k) the development of classified facilities in the amount of $30,000 which is included in the line item amount of $4,080,000 for the Naval Station, Roosevelt Roads, Puerto Rico, that is contained in title II, section 202 of the Act of July 27, 1962 (76 Stat. 230).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing which are contained in this Act or any Act approved prior to November 8, 1963, are repealed except the authorization for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before such date.

Sec. 607. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project inside the United States (other than Alaska) at a unit cost in excess of—

(1) $32 per square foot for cold-storage warehousing;

(2) $8 per square foot for regular warehousing;

(3) $1,850 per man for permanent barracks;

(4) $8,500 per man for bachelor officer quarters; unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

Sec. 608. Notwithstanding the provisions of section 9 of the Act of April 1, 1954 (Public Law 325) as amended, no funds may be appropriated after the date of enactment of this Act for construction at the Air Force Academy unless appropriation of such funds has been authorized in this Act or any Act enacted after the date of enactment of this Act: *Provided*, That funds are authorized to be appropriated to accomplish advance planning and minor construction at the Air Force Academy in the same manner as for other projects under the Act of September 28, 1951, as amended (31 U.S.C. 723), and title 10, United States Code, section 2674, as amended.

Sec. 609. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1965."

TITLE VII

Reserve forces facilities

Sec. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) for Department of the Army—

(a) Army National Guard of the United States, $10,000,000.

(b) Army Reserve, $5,100,000.

(2) for Department of the Navy: Naval and Marine Corps Reserves, $6,500,000.

(3) for Department of the Air Force—

(a) Air National Guard of the United States, $12,800,000.

(b) Air Force Reserve, $4,600,000.

Sec. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1965."

UNVEILING OF STATUE TO MEMORIALIZE FREEDOM FIGHTER TARAS SHEVCHENKO, A POET OF THE UKRAINE

Mr. YARBOROUGH. Mr. President, as we celebrate this month the 150th anniversary of the birth of Taras Shevchenko, as well as the unveiling of a splendid memorial statue in his honor, I feel it only proper that we pause to remind ourselves of the ideals for which this Ukrainian poet and freedom fighter stood.

A statue in honor of Taras Shevchenko will be unveiled Saturday, June 27, at 1 p.m., at 23d and P Streets NW., in Washington.

At a time when the Ukraine was undergoing the oppression of Czarist autocratic power, Taras Shevchenko won his freedom from serfdom and then dared to risk it through his actions and his poetry. He wrote brilliantly and bravely, but he was a man who lived his words. For this if for no other reason, he is to be admired and respected by all men everywhere.

Throughout his life of endeavors to free all subjugated nations from the heel of autocracy, Shevchenko idealized and identified with our greatest of all American patriots, George Washington. His poetry, translated today into 52 languages, speaks out:

> When shall we get ourselves a Washington
> to promulgate his new and righteous law?

At a time when throughout the world so many are enslaved by prejudice, poverty, and ignorance, it is only fitting that we stop to pay homage to Taras Shevchenko—a symbol of hope and freedom for the entire world.

PENNSYLVANIA ELKS LODGES, IN STATE CONVENTION, CALL ON CONFEREES TO PASS BILL FOR GI EDUCATION

Mr. YARBOROUGH. Mr. President, the cold war GI bill, S. 5, has been on the Senate Calendar since July 2, 1963, and we are now approaching the first anniversary of inaction by this body on the most urgent measure pending before the Senate, either on the floor of the Senate or in the committee. I wish to call attention to the phenomenal support which S. 5 is accumulating throughout the country. Despite the length of time which the bill has been waiting to be considered, the public has not been content to sit and wait for the bill to be passed, as the Senate has been content to do. Instead, the citizens of our Nation have followed a course of action in pledging their unwaning support.

As with any just cause, this bill's merits have not been affected by the mere passage of time, or the change of temporal surroundings, but it stands firm in its appeal to the minds of just men. Although I realize the cause of justice often takes a long time to be achieved, I believe this bill has served its sentence and need no longer be handicapped by the indecision of men. In the interest of the future of this Nation, and in the name of justice, I believe it is now time to lend our ears to the voices of our citizens and listen to their pleas for the passage of this bill.

As an illustration of the persuasive arguments for the cold war GI bill, I ask unanimous consent that a resolution adopted by the Pennsylvania department of veterans affairs of the Pennsylvania Elks at their recent statewide session and the letter from their State commissioner Dennis White, both be printed at this point in the Record.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

I.B.P.O.E. of W.,
Pennsylvania Department
of Veterans' Affairs,
Philadelphia, Pa., June 22, 1964.

Hon. Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: Enclosed you will find resolutions adopted during the annual statewide session of the Pennsylvania Department of Veterans' Affairs, I.B.P.O.E. of W., on May 23, 1964, in Washington, Pa.

We will appreciate your favorable support in regard to supporting legislation that will accomplish the objectives of these resolutions.

With kindest regards, I am
Very truly yours,
Dennis C. White,
State Commissioner.

Resolution 2

Whereas the Congress of the United States has recognized the justice, equity, and benefits to the Nation arising from giving educational and training benefits to veterans by enacting the Servicemen's Readjustment Act of 1944 (Public Law 346 of the 78th Congress) and the Veterans' Readjustment Act of 1952 (Public Law 550 of the 82d Congress); and

Whereas the benefits under these acts are not provided to servicemen who entered or who enter the Armed Forces subsequent to February 1, 1955, notwithstanding the fact that the Nation has continued its compulsory military service program; and

Whereas the results that many young men who serve in our country's armed services will lose educational and economic opportunities even though the need for education for the purpose of competing in civilian life continues to be of great importance; and

Whereas it is a well known fact that reliable statistics have proved that increased income to veterans arising out of their higher education level will more than reimburse the National Treasury of the entire cost of the GI training program by 1970; and

Whereas our Nation has found it necessary to its security, well-being, and a position among nations to increase the educational level, professional competence and technical skill of its citizens; and

Whereas the increased earning power, increased efficiency in commerce, national products, and income directly attributable to the program of educational and training benefits for servicemen results in increased tax revenue to the U.S. Government so that the cost of the program is largely repaid by the tax revenues: Therefore be it

Resolved, That the Pennsylvania Department of Veterans Affairs, Improved Benevolent Protective Order Elks of the World convening their regular annual statewide session on May 23, 1964, in Washington, Pa., implore the Congress of the United States to extend GI educational benefits to all veterans who entered, or enter military services from and after February 1, 1955, and that such educational benefits be extended so long as the provisions of the draft law exist and this resolution be forwarded to the President of the United States, Presiding Officer of each branch of the Congress, chairman of the Senate Committee on Finance, chairman of the House of Representatives Committee on Veterans' Affairs, and each Member of the Pennsylvania congressional delegation.

Unanimously adopted May 23, 1964, in an annual statewide session of the Pennsylvania Department of Veterans' Affairs, I.B.P.O.E. of W. held in Washington, Pa.

DENNIS C. WHITE,
State Commissioner.
WILLIS A. FULLER,
Department Adjutant.

Mr. YARBOROUGH. Mr. President, I shall not read the entire resolution, but I should like to read a portion of it:

> *Resolved,* That the Pennsylvania Department of Veteran Affairs, Improved Benevolent Protective Order Elks of the World convening their regular annual statewide session on May 23, 1964, in Washington, Pa., implore the Congress of the United States to extend GI educational benefits to all veterans who entered, or enter military services from and after February 1, 1955, and that such educational benefits be extended so long as the provisions of the draft law exist and this resolution be forwarded to the President of the United States, Presiding Officer of each branch of the Congress, chairman of the Senate Committee on Finance, chairman of the House of Representatives Committee on Veterans' Affairs, and each member of the Pennsylvania congressional delegation.

The resolution was unanimously adopted at a statewide meeting. It is only emblematic of the strong and increasing support over the Nation for the passage of the GI bill.

Mr. MORSE. Mr. President, first, I wish to associate myself with everything that the Senator from Texas has said in support of his education bill for GI's.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

The Senate resumed the consideration of the bill (H.R. 10300) to authorize certain construction at military installations, and for other purposes.

Mr. MORSE. I turn now to a question or two in regard to Calendar No. 1045, the bill (H.R. 10300), authorizing certain construction of military installations and for other purposes.

Mr. HUMPHREY. Mr. President, will the Senator permit me to have a quorum call so that the Senator from Mississippi [Mr. STENNIS], who is the Senator in charge of the bill, may be brought to the floor of the Senate?

Mr. MORSE. I have no objection.

Mr. HUMPHREY. I understand that the Senator from Oregon wishes to ask a few questions in relation to the bill.

Mr. MORSE. I have a few questions about it.

Mr. HUMPHREY. I thought that the Senator might have.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, this morning I sent identical telegrams to Mr. Robert Kintner, president of the National Broadcasting Co., Rockefeller Plaza, N.Y., and Mr. Al Morgan, producer of the "Today" show, National Broadcasting Co., Rockefeller Plaza, N.Y. The telegram reads as follows:

> NBC Commentator Scherer in interview with Senator FRANK CHURCH on "Today" show of June 26 falsely stated that on "Today" show of yesterday, June 25, I had called President Johnson a warmonger.
>
> I respectfully request that the producer of "Today" show and NBC retract this false and libelous statement of your commentator, or I shall take the necessary steps to protect my legal interests. I disagree with President Johnson's foreign policy in South Vietnam, but I have not charged him with being a warmonger. I am satisfied he seeks peace in Asia but is following a mistaken course of action for attaining it.
>
> When guests accept invitations to appear on NBC programs, they should have the right to assume that NBC commentators will not subsequently make false and libelous statements about them.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

The Senate resumed the consideration of the bill (H.R. 10300) to authorize certain construction at military installations, and for other purposes.

Mr. STENNIS. Mr. President, I should like to address myself to the pending business.

The bill before the Senate provides construction and other related authority for the military departments within and outside the United States, including authority for the construction of facilities for the Reserve components. The sum total of the new authorization contained in the bill is $1,518,522,000. In addition thereto, approval is granted for an increase in prior years' authority for a total authorization of $1,521,832,000.

The Army would be authorized $285.7 million; the Navy $220.2 million; the Air Force $305.8 million; the Department of Defense $10.5 million; for family housing $660.6 million for all the services and a total of $39 million for the Reserve components.

As submitted to the Congress this year, the bill called for a total authorization of $1,809,739,000, but subsequent additional requests brought the total considered by the Senate committee to $1,850,912,000. This increase is primarily accounted for by the additional construction requirements generated for the Army and Air Force Academies as a result of the enlargement of the cadet corps authorized by the Congress earlier this year. The authority finally granted by the committee is $329,080,000 below the amount requested, and $68,834,000 below the amount authorized by the House of Representatives.

The House in its consideration of the bill denied over $200 million in line items and the Senate was requested to restore about 75 percent of this amount. But after carefully considering each item and the appeals made by the various military departments and the Office of the Secretary of Defense, the committee restored only $11.6 million of the requested amount.

As a matter of general information, the bill contains more than 1,200 line items. Each one of the items has been thoroughly examined by the subcommittee and testimony was taken on each one. Each item was considered and passed on by the subcommittee, and it was then brought in review before the full committee.

As a general guideline, we undertook to leave in the bill requests for funds for every item that was considered essential. In case of doubt, we left the item in the bill. We also left in the bill items which strengthened the service, whether we thought them absolutely essential or not. We did not eliminate any item unless there was substantial evidence that it was not absolutely necessary now. We deferred some items for further consideration for various reasons. One of the major reasons for deferral was that there were quarters available now for a particular mission, and that the request could be reasonably postponed for at least 1 year or maybe more.

We did not merely reach into the bill and take out any item. If an item was taken out of the bill, it fell in the general formula that we were using to gage the need therefore. We made some reductions based on testimony that we thought was sound, but when there was the belief that just as much good could be done with less money. I shall take up some of them in the course of my remarks.

As in past years, we found the authorization requested in the bill is based on a 5-year projection of the missions and forces to be supported. Such projections are important in planning military construction in view of leadtime required for many construction projects. The projects approved in the bill are those that are required to be in place by the end of fiscal year 1967. The committee is convinced that the authority granted in the bill now before us provides adequately for this year's increment of the 5-year program. The bill provides for no new bases, nor does it provide for any base where tenure is in doubt so far as the committee could ascertain. Authority is provided for the continued support of the strategic weapons and provides additional operational facilities of the Minuteman missile program, additional training facilities for the Polaris system as well as a large number of minor improvements to support these forces. This year greater emphasis has been placed on the readiness of the tactical and airlift forces and provisions are made for improvements to the air defense detection system, and emphasis is given to research and development of the Nike-X antiballistic missile. A major amount of construction is provided in support of the troops as represented by substantial new authority for barracks, bachelor officer quarters, and hospitals. In regard to the latter, 11 replacement hospitals are provided for, although some minor reductions were made in other medical support facilities.

We went through the list of hospitals; and even though they are very expensive and rather extensive, we allowed all the new hospitals requested, even though they were replacements. We did defer for further consideration some relatively small additions to existing hospitals and minor medical support items.

I should like to cover some of the major items where substantial reductions were made. In its review, the committee endeavored to eliminate those items where there appeared to be a question as to actual need, where duplication or extravagance was apparent, where it appeared that existing facilities were adequate for the present, and those of low priority and were not to be included in the funding program.

In other words, if no money was to be asked for this year, we took the project out of the bill.

The committee found in its review of the bill that substantial sums were being requested for certain projects that seemed to be questionable in scope and validity as to their military application. Falling within this category was $45 million for the relocation of certain Nike-Hercules batteries.

These are ground-to-air missiles for defense from bombers. Those missiles have been located in certain outer areas. Now it is proposed to move them from the outer areas to the interior.

The House of Representatives properly denied this request but the Senate committee was requested to restore $35 million to the amount denied which we declined to do. During the last few years, this program has been shuffled and reshuffled on various occasions. It is a weapons system that is obviously becoming more and more obsolete with time. The fact that they are being relocated shows this to be true. It has been a vastly expensive program; and further expenditure of funds to again relocate many of these batteries is unwarranted.

For the second year, now, the committee has denied authority for tactical aircraft shelters overseas. Here, again, if approval were granted for this request, we would embark upon a very expensive program that would produce questionable results. It seems to me that little is to be accomplished by protecting our aircraft if there remain no runways from which to launch them. It is believed that our best protection will accrue from having our aircraft in the air in time of conflict.

Of course, this cannot be done fully; but certainly little good can come from putting aircraft in a bombproof shelter. If an attack were to destroy the aircraft on the runway, it would destroy the runway itself.

The ballistic missile and space facilities program admittedly is highly complex and fraught with many complications and changes. For several years, the Congress has been called upon to grant what amounts to more or less blanket authority in furtherance of the program, with relatively little justification or detail only to find that in subsequent years, still more funds are requested to supplement those previously granted. This year the committee reduced the amount requested for these programs by nearly $25 million, of which about $10 million relates to the Minuteman and Titan systems for which $99 million was requested. It is believed that by this time the Defense Establishment should have sufficient experience to more accurately estimate their requirements and to identify those areas in which economies can and must be practiced.

Heretofore, we have always scanned all items carefully, even one as small as $20,000, but at the end of the bill, we would include a lump sum of many millions of dollars for all missile bases. Then we would be called upon to allow millions more in the next year or the second year following. We are satisfied now, from the experience we have had with its development, that this program should not be so expensive. So we plan to make a reduction, and we are recommending it.

A request was denied for a substantial amount for another alternate command center, the details of which are classified. Approval of this request would have been only the beginning of a project that would eventually cost an astonishing amount of money and would at least, to some extent, duplicate facilities on which millions of dollars have already been spent.

Mr. MORSE. Mr. President, would the Senator from Mississippi object to my asking him some questions?

Mr. STENNIS. I am delighted to yield to the Senator from Oregon.

Mr. MORSE. It is my understanding that the bill authorizes $1,521,832,000.

Mr. STENNIS. The report shows that $1,521 million of new authority is provided in the bill as presented to the Senate.

Mr. MORSE. The $1,521,832,000 is an increase of $3,318,000 from the previous year's authorization.

Mr. STENNIS. The Senator's figures are correct.

Mr. MORSE. Does the Senator know of any item in the bill that involves any installations in the State of Oregon?

Mr. STENNIS. We have a list according to States. I do not recall offhand whether any installation for Oregon is included. The report will show that. We really do not consider these items from the standpoint of States, although I certainly favor a distribution of our bases and installations.

Mr. MORSE. The Senator from Mississippi does not need to tell the Senator from Oregon that they are not considered from the standpoint of States. How well I know that. The fact is that the report does not show the State of Oregon, because Oregon has no major military installation.

Mr. STENNIS. Mississippi has very few.

Mr. MORSE. The Senator can take care of Mississippi; I am going to take care of Oregon.

The Senator from Mississippi is aware, is he not, that the senior Senator from Oregon has urged the Senate Committee on Armed Services, before it brings to the floor of the Senate a report recommending new authority, new installations, and new expenditures, to examine thoroughly whether or not deactivated facilities, such as the excellent and permanent facility at Tongue Point, Oreg.—a facility which the Senate treated so wretchedly on the floor the other day—could be used at a saving to the Government, instead of the facilities that are included in a bill such as this. Is the Senator from Mississippi aware that I have made that request?

Mr. STENNIS. The Senator from Oregon has been alert and vigilant with respect to the project he has mentioned; also the development and utilization of any projects that were already in his area, and the possibility of future use. The Senator was a valuable member of the Committee on Armed Services and in years past—perhaps 10 or more years ago.

Mr. MORSE. Is the Committee on Armed Services in a position to advise the Senator from Oregon whether any study was directed to be made by the professional staff of the committee concerning facilities such as Tongue Point—and there are others throughout the country—that have been deactivated? Was any examination made to determine whether such facilities could have been used for any of the services that are encompassed in this bill for the authorization of more than $1 billion?

Mr. STENNIS. When the announcements were made—the last one being in January—the Senator from Mississippi studied all of them and made some determinations then. Frankly, so far as I was able to go with my study, there was little that could be said to refute the position that the Department of Defense had taken. I know that one of the facilities that was totally vacated and discontinued was in Mississippi. Frankly, I could not give a contrary argument to the action of the Department.

I feel compelled to say that, as a general proposition, we still have too many installations. I think more money could be saved. We are soft on the subject of too many installations.

Mr. MORSE. If the Senator from Mississippi feels that way, he encourages me to vote against the bill. I am sure the Senator from Mississippi knows how the Senator from Oregon feels. I have examined the bill. I should like to have some help from the Committee on Armed Services. I had hoped that a staff study would be made on the basis of the request I made of the Committee on Armed Services. I had hoped that a staff study would be made concerning the possibility of using deactivated facilities.

But let us consider the remarks made by the Senator from Mississippi a few minutes ago concerning what the bill provides for hospital facilities. I want to advise the members of the Senate Committee on Appropriations that one of the finest hospital buildings that can be found among military installations for its size exists at Tongue Point. It is nothing short of a national shame that that hospital facility is not being used for the benefit of the Military Establishment of this country, rather than to come before the Senate today with a bill providing additional funds for hospital facilities for the Defense Establishment.

I have examined the bill thoroughly. I believe that a prima facie case exists for the use of Tongue Point, and that a prima facie case could be made for the use of similar facilities. But I know Tongue Point backward and forward, from A to Z.

Because it is such a fine establishment, President Kennedy recommended that it should be reactivated for Federal uses.

To my knowledge, President Kennedy, through his special aid whom he assigned to this matter, Ralph Dungan, of the White House, recommended that Tongue Point be restudied for military uses.

I charge—and Mr. McNamara, Secretary of Defense, take note—that the Department of Defense has not even attempted to give this facility the consideration to which it is entitled.

Here in the Senate Chamber I get the kind of treatment that the Senate handed me the other day when it would not even make $5 million available for the assistance of some thousand to two thousand Indian student boys and girls in this country. At least, the facility could have been made useful for a special school for those Indian boys and girls.

I am going to start objecting to every single bill involving appropriation funds when I am satisfied, as I am satisfied in connection with this bill, that use can be made of such facilities as we have at Tongue Point, and some other facilities which have been quite properly removed from previous uses.

As I said in debate the other day, no member of the Appropriations Committee has crossed swords with me on the facts involved at Tongue Point. That cannot be done, because the facts are not on the side of members of the Appropriations Committee.

Until there is a showing that existing, deactivated facilities cannot be used, I shall object to action by unanimous consent granting huge sums of money to any department of the Government.

The Senator from Florida [Mr. Holland] points out to me that this is the authorization bill, and that this is the place to do the authorizing and direct the use of some of these facilities.

I agreed that Tongue Point should be deactivated for the previous naval use, because it was obsolete for that purpose. At the time of that agreement, I immediately took up with the administration the desirability of using it for other Federal uses.

As a result of a long series of conferences, President Kennedy not only agreed with me, but went out to Tongue Point; and on the scene, he issued the release and the announcement that Tongue Point be reactivated for Federal purposes.

I believe that we should keep faith with the late President.

I repeat what I said the other day: forget about me, but I do not propose, as long as I am in the Senate, to see my State get the kind of treatment it is getting from one committee after another in regard to authorizations for Tongue Point. The deactivation of Tongue Point was the major cause of digging the deepest poverty pocket of any community in America. I am fighting for some relief for the deepest poverty pocket in this country.

There is not a Senator who has not always had my support on the merits of any relief program involving depressed areas in his State.

I sat in the Chamber the other day and urged that many millions of dollars be appropriated for the State of Montana because of a flood situation that had developed there which had created a serious emergency. I have supported Federal funds for the State of West Virginia, for the whole Appalachian area, and for other depressed areas in this country.

I am fed up with the discrimination against my State in connection with the matter of bringing some relief to the deepest poverty pocket in the country.

The Senator from Mississippi states that Mississippi does not have many military installations, either; but I say to him that my State is at the bottom of the "totem pole" when it comes to an expenditure of Federal dollars.

Why should I sit here in silence?

Why should I not protest?

Why should I not use whatever authority goes with my office to protect the people of my State?

Mr. President, it is important to keep calling this matter not only to the attention of the Senate, but also to the attention of the country, and to the attention of the voters of my State; because the voters of my State resent the kind of treatment that they are getting in connection with the expenditure of Federal tax dollars.

Mr. STENNIS. I thank the Senator. The naval base hospital to which the Senator is referring was on a naval base which was closed 5 years ago. It is nowhere in the vicinity of the area of any hospital that is in this bill; so there is no relationship between what is in the bill and the Senator's problem, even though I am in sympathy with the Senator's problem—and greatly so.

Mr. MORSE. Will the Senator from Mississippi yield on that point?

Mr. STENNIS. I yield.

Mr. MORSE. I only wish to say that this is an excellent hospital institution, and that it should be used.

Mr. STENNIS. Yes.

Mr. MORSE. It should be used by the Defense Establishment for defense hospital needs.

Mr. STENNIS. I believe that the Senator from Oregon has made a very strong point. Perhaps it could be converted into a general hospital to take care of a large area.

I point out that we have reduced the amount of the authorization in the bill to a total of $329 million, even though it still remains a large and broad appropriation. Of course, these facilities do extend around the world. This program includes the money necessary for housing.

Mr. President, the Senator from California [Mr. Kuchel] had indicated that he had a problem he wished to discuss, and I shall be glad to yield to him now, if it is convenient to him.

Mr. KUCHEL. First, as I believe I have had the honor of doing in the past, I salute the Senator from Mississippi, the Senator from Massachusetts, and Senators who have served with them, in successfully bringing to this floor each year a carefully screened recommendation to the Senate with respect to the public works asked for by the Defense Department for authority for the next fiscal year.

Today, I say most sincerely that I congratulate Senators once again for the type of legislation so carefully prepared.

Mr. STENNIS. We thank the Senator. We have always had his cooperation.

Mr. KUCHEL. Having said that, I wish with equal respect to point out one item recommended by the Department of Defense, urged by the Navy, approved by the Bureau of the Budget, passed in the House of Representatives, but regrettably, in my opinion, deleted by the commitee, because, I think, the facts were not sufficiently developed in the committee hearing.

I speak about one of two items intimately connected, which have to do with a great military installation at Monterey, Calif.

Those two items consist specifically of the following: First, an item to authorize the construction in its first phase of a naval postgraduate school at Monterey, Calif., in the amount of $2,470,000.

Second, in connection with that same item, is a naval postgraduate school in Monterey, Calif., for troop housing, in the amount of $330,000.

The military defenses of the people of the United States, and of the cause of freedom on this war-weary globe, depend not alone on the incredible power of our nuclear weapons systems, and the might of our conventional arms, but depend also on competent American military personnel, trained and qualified by continuing education in all the sophisticated techniques required, so that they, too, would be able properly to respond to the fateful decision, if it ever were to be made.

Thus, basically the problem of American defense is one of education. There is the key to our defensive strength, as, indeed, it is to our American way of life. I think to the great credit of the Defense Department, and to the U.S. Navy, recommendations have been made to this Congress to step up the postgraduate instruction for naval personnel, and indeed for officers of the other branches of the service, as well.

Today, in Monterey, Calif., 1,400 students, naval personnel, and others, are being educated in a naval postgraduate establishment.

That establishment is physically located in a part of the old Del Monte Hotel properties, which I am sure the able Senator will recall—and which were acquired by the Navy. It is utilized now to educate, on a postgraduate basis, those 1,400 students. To its credit, the Navy has recommended that there be a stepped-up program of graduate education so that in the next few years 2,377 students will receive such advanced instruction in that military educational facility in the State from which I come.

It is rather interesting to point out for the RECORD that while in 1930 to 1940, almost every officer was a Naval Academy graduate, today 39 percent of the officers who serve the people of the United States in the naval service are non-Academy graduates. And by the wise planning of the Naval Establishment, after officer personnel have served at sea, many are brought back to receive additional requisite, technical, and scientific education in the postgraduate courses which are provided at Monterey.

The two items recommended by the Department of Defense are intimately connected. The item which the Senator's committee saw fit to place in the bill would take that portion of the hotel properties, now used to educate 1,400 college graduates and naval officers, and would convert that area into bachelor officers' quarters.

Today, as was brought out in the House hearings—and I regret that the Naval representatives, before the Senate committee, did not develop the entire matter as extensively as they were able to in the Housing hearings—it costs some $139,000 a year of public moneys at the present time for the bachelor officers to live in privately owned quarters in the area of Monterey. Of course, those funds would all be saved through the utilization of the bachelor officers quarters, created through conversion of this portion of the hotel properties. The amount requested for the conversion was, of course, approved by the Senate committee.

I want to develop the background information on the second item. As a concomitant of creating additional BOQ's, it is necessary for Congress to authorize the expenditure of approximately $2 million as the first phase of a new postgraduate school, which will be equipped, not simply to carry on the education in advanced atomic and scientific techniques for the 1,400 students, but, as I say, almost 2,400, which the Defense Department believes is necessary for the security of our Republic.

The question might well be asked—and this is important—"This question was not raised in the Senate committee. Why cannot military officer personnel come back and be ordered to go to private schools and public universities all across the country?" They can and, in many instances, are. But there is this exception. In the curriculum of the Naval postgraduate school at Monterey, there is a complete top priority classification. The courses at this school are highly specialized, highly classified, and are designed for military personnel, and those connected with problems of nuclear defense.

We deal here with secrets by which the American people through their Military Establishment can most effectively deter aggression, or, if necessary, combat it. The type of curriculums is unique in this Naval Establishment. It is something which obviously would not be duplicated at a private or public college or university in this country.

I cite these facts for the RECORD and I say respectfully to the able Senator that I received a letter this morning, written at my request, from the Department of Defense, which illustrates the purpose which the Department of Defense has in mind, as part of this Senator's attempt to supply additional facts lacking in the testimony given before the Senate subcommittee.

The House of Representatives approved both of these items. In addition to that, the House Appropriations Committee desired to determine if there were any problems. It wished to determine if, indeed, the request of the Navy, joined in by the Defense Department, and the Bureau of the Budget, was a feasible one. I am glad to recall here today that the House Appropriations Committee sent an inspection team to Monterey to determine whether or not there was feasibility in the two items pertaining to Monterey. I am happy to report to the Senator that the House Appropriations Committee team has reported that there is complete feasibility and justification—indeed, high urgency—to both these particular items.

On that basis, I conclude by saying that if at the time the conference committee meeting takes place, the Senator would with the usual fairness which has manifested his action, give consideration to the additional facts which I have attempted to supply today to the one item which, although approved by the House, was deleted at the committee hearings.

Mr. STENNIS. Mr. President, I hasten to assure the Senator from California that we certainly appreciate his special interest and presentation of facts regarding this matter.

We would certainly be glad to seriously consider any additional points that he has made here, and weigh them along with the facts which we have already had under consideration, and give the matter our utmost consideration.

I assure the Senator that I know I speak for all Members who will be on the conference committee from the Senate. I point out, as part of the RECORD at this point, that we have been getting to these schools as fast as we could. For instance, this year, we have granted $35 million total for West Point and the Air Force Academies to provide for the expanded training programs. We have other education facilities in the bill. Even though there is only $2.4 million in the item that the Senator has requested here, that is just part of a $6.6 million program that is planned for the Navy postgraduate school.

Mr. KUCHEL. Mr. President, will the Senator yield so that I may comment on that statement?

Mr. STENNIS. I yield.

Mr. KUCHEL. Not far from here, at Annapolis, more than 50 years ago, in 1902, as I recall, the Navy began to develop postgraduate courses for Naval Academy graduates. But this fine service academy cannot expand at that location, property development in the area being what it is. The facilities do not exist; and that is why the proposal is made for the postgraduate school at Monterey for members of a farflung Navy, 39 percent of whom were not graduates of the Naval Academy. They, and their comrades in the other services may attend a postgraduate school, which is necessary, as I am sure the Senator will agree.

Mr. STENNIS. The school is a very fine one. It is already a going concern at Monterey.

I should like to yield to the Senator from Massachusetts, who has done a great deal of work on the bill. I wish publicly to give him credit for a major part of what we were able to achieve as a subcommittee.

Mr. SALTONSTALL. I thank the Senator. As a member of the conference committee, I join with the Senator from Mississippi in his statement that the question will be given further consideration. I should like to say to the Senator from California that one thing that impressed us was the fact that in the present year about $86 million is being requested for increases in academic facilities throughout the Defense Establishment. About 40 percent of that amount would go to the Air Academy in Colorado and to the Army Academy at West Point. For that reason, and because there were a number of other items concerning education in the bill, we asked for further study from the Defense Department on three establishments: First, the academic building, Army Logistics School, at Fort Lee, Va., and the modernization of the National War College at Fort McNair, Washington, D.C., in the amount of $1.5 million; second, the academic and the postgraduate naval school in Monterey, Calif., at $2.140 million.

I know the Senator has the report before him. In addition, I invite the Senator's attention to the fact that the evidence shows that ultimately $10 million will be spent in Monterey. So with $86 million in, and $40 million of that being spent on two academies, we felt that the three postgraduate schools should be given further study. That is the reason we reached the conclusion that we did.

As the Senator has said, the subject is covered in the House version of the bill. It is in the appropriation bill sent to the Senate by the House. So when we go to conference, as the Senator from Mississippi has said, we shall join in giving the question of the school in Monterey further study.

Mr. KUCHEL. I am grateful to my able friend from Massachusetts. I am equally grateful to my able friend from Mississippi. I thank both of them for their comments.

Mr. STENNIS. I thank the Senator. We assure him of our concern about the projects in his State. The Senator has been alert, and his State has fared mighty well. We have invested in capital investments in the great State of California about $4 billion.

Mr. KUCHEL. I thank the Senator.

Mr. STENNIS. Mr. President, the Senator from Massachusetts has worked long on the bill, and even though I have some general items that I wish to discuss further, I shall be glad to yield to the Senator from Massachusetts now. I know that another committee of which he is a member desires his presence.

Mr. SALTONSTALL. Mr. President, I have a very brief statement which I should like to make. I appreciate very much my work with the chairman of the committee in the past on this and other subjects.

At the outset let me pay tribute to our chairman, and the chairman of the subcommittee, the Senator from Mississippi, who have once again done an excellent job in offering to the Senate a carefully considered bill.

This is an authorization bill and not an appropriation bill. We shall have an opportunity to go over the appropriations when the appropriation bill comes before us. We can then see what statements the military forces wish to make, and give the subject further study at that time. But this authorization bill, which contains the vast amount of $1,521 million, is $68,834,000 less than the House-passed bill and $329,080,000 less than the amount requested of the Senate. Those are important figures to remember, because when we are spending on military construction every year more than $1 billion, we wish to keep that amount down so far as we can.

Based on the testimony we heard we felt that a good case was made for some restoration. The total restoration requested from the House cuts was approximately $150 million. Of this amount we granted restorations of less than $15 million.

After a careful study of the hearings and the data submitted in justification, our committee made some substantial reductions of items which were included in the House passed measure. Several of these are of such importance I feel I should comment on them specifically.

First, we made some substantial cuts in academic facilities in the Army and Navy because we felt there should be an overall study to see where joint use of existing buildings is feasible. An example of this is a reduction at the Army War College and the Industrial College of $1.5 million. Here the War College and the Industrial College operate side by side at Fort McNair. The committee felt that before such a program was undertaken we should have before us all of the data on the total facilities and their use.

Another major project with which we have dealt concerned the move of the Fifth Army Headquarters from Chicago to Fort Sheridan—a distance of 35 miles north. The original estimate of cost was $3.3 million. The committee allowed $2 million, striking out funds for an underground communications center since we felt it was not needed.

At a number of points in classified testimony, large sums of money were requested for underground and bomb-resistant structures here and overseas. The committee was not impressed with the urgency and need which was given on these and hence struck the items from the bill.

That subject is classified, but substantial amounts of money were involved.

Let me speak finally about the request for $17.9 million for an administrative and classroom building for the Defense Intelligence Agency at Arlington Hall, a former girls' school located on Route 50 just beyond Fort Myer in a residential section. The committee denied this request on the grounds that it would enlarge a facility that already overburdens the neighborhood in which it is located. Also, the committee is anxious to have further proof on why the personnel level of our intelligence functions—and this is important, Mr. President—continues to grow at its present pace when the establishment of the Defense Intelligence Agency was designed to coordinate and cut back on the duplicative efforts in this field of endeavor.

Finally, Mr. President, I think this is an excellent bill. It provides for our construction needs in a very adequate manner.

I feel that we have been careful in our consideration of the bill and held each item to strict proof. Where we have made cuts I feel the proof has not been convincing. If needed items have been eliminated I feel sure these will be presented next year with more adequate justification. On balance this bill provides for our needs and is worthy of the support of all Members of the Senate.

Mr. President, I conclude by saying that I appreciate working with the Senator from Mississippi who, as usual, has gone into these items with a great deal of care, as have also the subcommittee and the full committee. The report, which was a unanimous report of the full Committee on the Armed Services, sets forth substantial cuts of approximately $329 million under the requests of the administration.

Mr. STENNIS. I thank the Senator very much for his contribution and his statement. I appreciate deeply his overgenerous remarks. I should like to respond that it is a privilege to work with him, and it is particularly helpful to have him working on a bill of which he has such fine knowledge.

Continuing with my remarks for the full committee, the projects I have earlier described are some of the major ones receiving the committee's close appraisal and represent a substantial portion of the reduction made in the bill, but we went still further in the more routine aspects of the program. This appeared to be a year to request additional administrative and academic facilities and improvements and additions to existing structures. Substantial reductions were made in this area; particularly, a trend has been noticed to increase the academic facilities of various types, and over $86 million was requested for this purpose. Some 40 percent of this is directly attributable to the expansion of the two military academies I referred to earlier, but it is the remainder that is cause for concern. The committee is of the opinion that a thorough review should be made of the military school system, ranging from the recruit to the top planners, with a view to eliminating duplication and consolidating like facilities where possible. Here, again, a substantial reduction was made by denying two projects for the Army and one for the Navy.

The one for the Navy was just discussed by the Senator from California.

I have said many times that one of the sources of strength for the men in the services is that they continue with their training, and continue attendance at school, keeping up at the same time not only in weapons and techniques but in other subjects that relate to their responsibilities. At the same time, we find that there is little tendency for the services to cooperate in the consolidation of academic and administrative facilities. It has become very expensive to provide these fine facilities for those in the service. We thought where facilities were available, they should be utilized, and that we should wait at least until the situation could be studied more closely.

The committee denied requests of $2.9 million for the academic building at the Army Logistics Management School, Fort Lee, Va., and $1.5 million for modernization of the National War College, at Fort McNair, Washington, D.C. There may be later requests for the modernization of the Industrial College located adjacent thereto. We thought perhaps the two facilities might be consolidated, at least in part. We shall go into that subject further, as has already been noted.

Before concluding my presentation, I should like to say a few words about the military family housing program. It will be recalled that 2 years ago, under the guidance of the Congress, a family housing management account was established within the Department of Defense, and for the first time all costs of family housing were brought together in order that it might be analyzed as a single program. This system has by this time had a reasonably fair trial, and I am pleased to report the system is proving most beneficial, and I believe is resulting in substantial economies.

I may add that it seems to have been well managed and is working well. It is certainly a far cry from and much better than the preceding housing programs, under which housing was built without the use of appropriated funds. Now all military family housing requires appropriated funds.

This year we were requested to approve a housing program of $711 million which would have included the construction of 12,500 new units. The Committee concurred with the House action in reducing the amount requested by $50.3 million. The $660.6 million in new authority granted, however, is believed adequate for the coming year and provides for approximately 10,000 new housing units, which is consistent with last year's grant.

In considering this matter, however, the Senator from Massachusetts [Mr. SALTONSTALL] and I were reminded that we are on the Appropriations Subcommittee that considers these matters and that we were in no way bound by the figure here set, and that we were merely approving it as eligible for appropriated funds. We will go into proof of the need later, in another subcommittee, and have a recommendation made, in view of the testimony given and further consideration of the subject.

Mr. SALTONSTALL. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. Am I correct in my understanding that the administration submitted a request for 12,000 housing units?

Mr. STENNIS. 12,500 units.

Mr. SALTONSTALL. And the House authorized 9,800 units?

Mr. STENNIS. 9,887 is the exact figure.

Mr. SALTONSTALL. The committee agreed with the House figure, with the general statement to the Armed Services Committee that we would consider how much to appropriate for this year when we reached the appropriation stage. Is that correct?

Mr. STENNIS. Yes. We were not bound by any figure, but we will consider it again after a closer survey.

Only one addition was made to the bill over and above the budget requested. An increase of $4.6 million was made in the bill for the Army National Guard for a total of $10 million. This important program has been allowed to lag, and now that the reorganization and realinement of the guard is completed, the Committee strongly feels that this program should be accelerated. Testimony indicated that the amount allowed is the very minimum necessary to properly carry out a sound National Guard program. The amount allowed will provide for 38 armories and 25 nonarmory projects in 38 States, as opposed to 24 armories and 16 nonarmory projects in 29 States, as would have been provided for in the original request.

One word further about the selection of armories to be eligible for funding. The Committee does not select the armories. They are selected by the Defense Department and National Guard official in the various States in accordance with a national formula that is worked out by the Army National Guard. Consideration is given to the needs in the States and the availability of funds.

Mr. President, I believe I have fairly summarized the Committee's action in regard to the military construction bill before you. I believe we have adequately provided for the essential requirements as we see them at this time. We have tried to eliminate the frills, the desirable but unnecessary, and the unneeded. We have been generous indeed in providing for replacement projects in realization that many temporary facilities built during World War II and still in use have long outlived their usefulness and are reaching an advanced stage of deterioration. Almost 30 percent of the entire program this year falls within this category.

We restored a number of relatively small items for installations this country has in Western Europe, because they were needed and did not represent such a large expenditure of funds. Major items for Western Europe that were found to be nonessential were eliminated. One was for $20 million and another one was for $4 million.

If any Senator has questions to ask the Senator from Mississippi or some other member of the subcommittee, we shall be glad to try to answer. Otherwise I suppose the Chair will be ready to ask for any amendments that may be offered.

The Senator from Ohio [Mr. YOUNG] is a member of the subcommittee, and I understand he may have a statement to make, if the Chair will recognize him.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I desire to associate myself with the statement made by the distinguished junior Senator from Mississippi [Mr. STENNIS], chairman of the subcommittee, who presided in an outstanding manner over the special subcommittee appointed by Chairman RUSSELL to consider the military construction authorization bill for the fiscal year 1965.

I felt that it was a high privilege for me to be permitted to serve as a member of this subcommittee under the leadership of the Senator from Mississippi [Mr. STENNIS] and in association with the distinguished senior Senator from Massachusetts [Mr. SALTONSTALL], who was present throughout the consideration of the bill.

I was impressed with the comprehensive knowledge of the subject displayed by the subcommittee chairman, by the senior Senator from Massachusetts [Mr. SALTONSTALL], and by other members who have had extensive experience with matters relating to the military.

Mr. President, very definitely, this is a good bill, and very definitely this is a bill which is entirely compatible with the austerity program announced by the administration. The committee worked hard on this subject, and the members of the committee, with the exception of the junior Senator from Ohio, who is now addressing these few remarks to the Senate, have had extensive experience over the years on military construction authorization matters and regarding legislation pertaining to the Armed Forces of our country.

The bill before us is indeed a complex one and contains over 1,200 line items for some 585 military bases throughout the world. Every item was individually considered and carefully weighed in deciding which should remain in the bill

To summarize the whole program, I might state that about 34 percent of the amount requested in the bill will provide important operation and training facilities; 27 percent is for facilities to support and house the troops, including provisions of medical and community facilities; while the remaining 39 percent covers facilities required for all important research and development, maintenance, supplies, administration, land, and utilities.

Although a reduction of about 18 percent was made in the amount requested I am convinced the recommendations of the committee amply provide for the basic construction requirements of the Military Establishment for the next 12 months. I believe the committee has been most generous in many areas, particularly in the area of replacement facilities, such as troop housing, hospitals, and military family housing, which to a great extent is for enlisted personnel.

On the other hand, the committee was very discerning in eliminating those items believed unnecessary. This particularly applies to what to many seems an inordinate request for additional land acreage. We were called upon to authorize the acquisition of 1,418,379 additional acres, at an estimated cost of $35 million. Approval was granted to acquire only 162,425 acres, at a cost of about $21 million. Mr. President, I am basically opposed to depriving private citizens of their property, particularly those whose living is derived from the cultivation of the soil. We must, however, be realistic and recognize the necessity from time to time of acquiring some additional land to provide adequate training areas for our troops. I can assure the Senate that approval was granted to acquire only that land for which a valid and urgent military need exists.

Another area of considerable interest to me is our oversea bases, particularly in the light of the gold-flow problem and the uncertainty of our tenure in certain localities. Here again each project was carefully weighed and provisions have been made for only the most essential military requirements.

Mr. President, finally I should like to state that it was indeed an enlightening experience to have participated in the review of this measure.

Mr. KEATING. Mr. President, I have an amendment to offer, but before offering it I wish to say a few words about the problem of the Brooklyn Navy Yard, which has been a continuing one in New York State, and to express some puzzlement over the substantial amount authorized in the bill for naval shipyards. I have been told a number of times, most recently on Wednesday, the day before yesterday, by the Secretary of the Navy, that a full-scale study was underway of our navy yards, to determine whether they should remain open or be reduced in number and size.

If such a real study is underway, and if the Defense Department is really making an honest effort to evaluate this situation with regard to navy yards, and if, as we have been repeatedly assured, no decision will be made until late November, as we have been told so many times, it seems rather curious that the Navy would be getting more than $1½ million for the naval shipyard at Charleston, S.C.

The bill includes 1,400 units of family housing, to be erected in the vicinity of naval yards which, we are told, may be closed down in late November.

Unless the Defense Department has already made up its mind on them, and the study is merely for the purpose of delay or coverup, it would appear more sensible to me not to authorize these funds this year, but to wait and see which navy yards will be closed, rather than to authorize a great deal of money for any yards this year.

It seems to me that the Defense Department is doing a little bit of talking out of both sides of the mouth. When a press release goes out from the Defense Department for public consumption all we hear about is great savings. When the Defense Department comes to Congress for an appropriation or an authorization, it says it must do a great deal of rebuilding of many structures. Any action the Senate takes in approving funds for navy yards before the Defense Department has completed its study as to which ones are to remain open and which ones are to be closed, or cut back, would be a clear waste of taxpayers' money.

Mr. SALTONSTALL. Mr. President, will the Senator yield? I do not want to interrupt the Senator.

Mr. KEATING. I yield.

Mr. SALTONSTALL. I invite the Senator's attention to the fact that, having discussed the subject with our administrative aid, who is particularly informed on military construction, this is the only military construction bill that will come before Congress this year. There might be a bill for some emergency. In the bill there are only two items that would come within the purport of the Senator's amendment, as I understand the situation.

Mr. KEATING. I have not yet offered my amendment. I am discussing an entirely different matter.

Mr. SALTONSTALL. I beg the Senator's pardon.

Mr. KEATING. I am talking about navy yards. I am about to offer my amendment.

Mr. SALTONSTALL. The Senator is not talking about that subject?

Mr. KEATING. I am talking about navy yards. I am talking about the study that is underway as to the closing of navy yards. The Defense Department has told us that it has not yet made the decision as to what navy yards shall be closed. Yet a million and a half dollars is provided in the bill for the Charleston Navy Yard.

It seems to me we have the cart before the horse, unless the Defense Department has made its decision. The Defense Department has told us that it has not yet made its decision on navy yards. The Secretary of the Navy says that the Navy may close one or two yards. However, it does not make sense to me to spend a great deal of money for the construction of new facilities at one of these navy yards. That is my point.

Mr. SALTONSTALL. I believe I can answer the Senator's question on that point. I believe I can answer it factually. The Charleston Navy Yard in South Carolina has become the headquarters on the Atlantic seaboard of the Polaris submarines. The Polaris submarines which come in there for refitting, replenishment, and so forth, have two crews, one of which goes on board, and the other which comes ashore for training and rest.

There is no question in my mind that the Charleston Navy Yard is one installation that would not, in any event, be given up, because we have been increasing the facilities at the Charleston Navy Yard for the past 2 or 3 years, including the berthing facilities. The Polaris submarine facilities is 25 miles out and there are additional buildings for the navy yard in Charleston. The housing is necessary to go with the navy yard.

I personally have been there twice. I examined that navy yard in two different years. While the navy yards in Boston and New York may have to be given up, I think the Senator from New York can be assured that because the Charleston Navy Yard has been made the headquarters of the Polaris submarines, that yard will not be given up. Therefore, we are justified in providing additional housing in a limited area there now. I know that of my own knowledge.

Mr. KEATING. I thank the distinguished Senator from Massachusetts for that information. It is information that we have been unable to get from the Department of Defense or the Navy Department. They have insisted that no decision has been made concerning which navy yards are to be closed. Now the Senator from Massachusetts tells us—and he certainly should know, because he has been in the midst of this discussion—that a decision has been made to retain the Charleston Navy Yard.

Mr. SALTONSTALL. When I say that the Charleston Navy Yard will be retained, I make that statement of my own knowledge, not based on any report from the Secretary of Defense. I spoke with the Secretary of Defense within the last 2 or 3 days on the entire subject. He stated to me emphatically that it was a difficult decision to determine which navy yards should be closed, and that the Department does not expect to have a final answer for a number of months. I made my inquiry of him particularly with reference to the Boston Navy Yard, in which I am interested, just as the distinguished Senator from New York is interested in the Brooklyn Navy Yard.

Mr. KEATING. I thought perhaps the Senator from Massachusetts was speaking on behalf of the Brooklyn Navy Yard. I am disappointed to hear that his remarks had to do with the Boston Navy Yard; but I can understand that.

Mr. SALTONSTALL. I am speaking of the Navy yards on the east coast, of which New York, Boston, Portsmouth, and Newport News are four. What I said concerning the Charleston, S.C., Navy Yard was based on my own knowledge, and not on any report of the Secretary of Defense. I do not see how the Charleston Navy Yard could be given up when its facilities have been increased and it has been made the headquarters for the Polaris submarines on the east coast.

Mr. KEATING. In other words, the Senator believes there is a special reason for providing housing at Charleston which does not apply to other Navy yards through the country?

Mr. SALTONSTALL. That is my interpretation.

Mr. KEATING. I appreciate the remarks of the Senator from Massachusetts.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. DIRKSEN. I do not know what the Senator's amendment provides.

Mr. KEATING. We have not come to the amendment, but I am about to offer it.

Mr. DIRKSEN. What would be its effect on the item for the transfer of 5th Army Headquarters from downtown South Chicago to Fort Sheridan?

Mr. KEATING. It would have no effect, because I propose to modify my amendment by striking out "elsewhere" and inserting in lieu thereof "in other States."

Mr. President, I now offer amendment No. 1076, as modified.

The PRESIDING OFFICER. The amendment as modified will be stated.

The legislative clerk read as follows:

On page 119, between lines 2 and 3, insert the following:

"SEC. 610. No funds shall be authorized to be expended by this bill for the purpose of constructing new facilities in other States to replace facilities at installations ordered reduced or closed pursuant to the announcements of the Secretary of Defense dated December 12, 1963, or April 24, 1964, for 'economy reasons'."

Mr. KEATING. I shall explain the purpose of the amendment.

The Department of Defense, on December 12, 1963, and April 24, 1964, announced widespread cutbacks and closing of defense installations. The cutbacks and closings were publicized as a source of great savings for the taxpayers.

Every year, substantial sums are appropriated for the construction of new military facilities, and this year is no exception. The purpose of my amendment is to prevent the use of funds for the construction of facilities in other States to do the work which was performed in the particular installations that have been closed. In other words, no economy would be achieved by the construction of such new facilities. The purpose of the two orders of the Department of Defense, as stated, was to achieve economy. No economy is involved if an installation is closed and a new installation is built in another State or another area to do the same work that was done in the facility that was closed.

My amendment would prevent the Department of Defense from spending large sums to erect huge new edifices to replace facilities that are being closed. I know of no case in which that is specifically proposed to be done, but I believe the principle is important and should be stressed. I had hoped that the chairman and the other members of the committee would feel that they could take the amendment to conference.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield.

Mr. SALTONSTALL. As I understand, the Senator has modified his amendment so as to make it read:

> No funds shall be authorized to be expended by this bill for the purpose of constructing new facilities in other States to replace facilities at installations ordered reduced or closed pursuant to the announcements of the Secretary of Defense dated December 12, 1963, or April 24, 1964, for "economy reasons".

Mr. KEATING. That is correct.

Mr. SALTONSTALL. So it is my understanding that if that is the language of the amendment as the Senator has now drafted it, only two items would be included, both of them in States in which facilities now exist, one in Illinois, the other in the State of the distinguished Senator from New York. Those are the only items in the bill, on the authority of our able assistant. If this is to be the only authorization bill this year, the Senator's amendment would not apply to those two items, which are the only such items in the bill.

Mr. KEATING. I was hoping that was correct and was hoping, for that reason, that the chairman and the other members of the committee would see no objection to accepting the amendment.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield.

Mr. STENNIS. I know of the Senator's concern about the situation at Rome, N.Y., and have much sympathy with the problem there. I wish there were something we could do to alleviate the situation concerning that installation. But if the Senator's amendment has now been modified so that it does not apply to the items in the bill, why place the amendment in the bill at all?

Mr. KEATING. I shall be frank with the Senator. The reason for offering the amendment was to make very clear the principle that facilities may not be constructed anywhere else in the country to do the work that was done in the closed facility at Rome.

Mr. STENNIS. The Senator understands that the bill provides nothing for the Rome installation.

Mr. KEATING. Nothing specifically singled out to replace building at Rome.

Mr. STENNIS. Also, as I understand the modified amendment, it would not apply to two items that the original version applied to. It does not apply to anything in the bill.

Mr. KEATING. Are there only 2 items for construction of new facilities in the bill in the same field of operations as facilities being closed down?

Mr. STENNIS. There were several items. There were 5 or 6 in the bill that would be affected by the original version of the Senator's amendment, but they were taken out by the committee. They are not in the Senate version at present. Therefore, there are only two items in the bill which the Senator's original amendment would affect. One of those would be in his own State and the other in Illinois. Naturally, the committee would wish to protect those two items.

Mr. KEATING. My understanding is—I may be misinformed about it—that these two facilities, to which the Senator has referred, and which are not now covered by the revised bill, are not the only ones where there is new construction, renovation, or other activities. All that we ask is: If they are going to spend money for new facilities, whether they are new buildings or new facilities of any kind, they ought not have a purpose which is being served in an installation that is being closed down; in other words, let us say there is a warehouse to house electronic equipment at Rome, N.Y., it would seem to me it would not be economy and would be a mistake to permit the construction of a warehouse in some other State to house that electronic equipment. It is quite simple. The two installations that we have been talking about do not apply—the one in Illinois and the other in New York. They are not covered in this revised amendment; but it seems to me that this amendment states a principle which is sound from the point of view of economy; namely, that the Defense Department should not close down a facility and then use these funds for the building of a new one somewhere else that is designed to do the same work as the one being closed down.

Mr. STENNIS. I would have to disagree with the Senator, because we can save $20 million, perhaps, in operational funds, at installation X, by closing it down; but we would have to spend money at some other installation to take care of some of the items which will carry over and continue. So if we had to spend $5 to $8 million, the Senator's illustration would not apply. If the numbers are to be reduced, they cannot be put in a straitjacket and not permitted to spend any money on any other installation where they are making a transfer. The Air Force transferred one installation out of Mississippi to three or four different schools. They sent one to California, one to Utah, and one somewhere else. No doubt they had some additional construction to take care of in those places, and new homes had to be built, but the operation does save the operational costs of maintaining a base.

Another item in the House bill—we took it out of the Senate version, but it will be in conference—which the Senator's amendment would affect would be the Oakland Army Terminal Center, a $2 million item. If the Senator's amendment were included, that would preclude this item, unless the conferees rejected it.

Mr. KEATING. Does the Senator mean to say that the Oakland Army Terminal is to perform functions of one of the terminals reduced under these orders?

Mr. STENNIS. That is correct—Fort Mason, which is nearby the Oakland Army Terminal.

Mr. KEATING. That would not apply if it were in the same State.

Mr. STENNIS. The last version of the Senator's amendment would not apply.

Mr. KEATING. No; not if they were both in California. It would apply only if they were moved from one State to another.

The Senator has put his finger on it. Certainly I do not oppose coordination and consolidation of activities within a small area, but what I am objecting to is transfers of jobs and installations all over the country which then lead to large new construction requirements.

Mr. STENNIS. We have conferred, and we believe the Senator has a serious point; but we believe that his amendment is too tightly drawn. An emergency could occur, such as the Cuban crisis, for example, in which we had to rush a great Army. The Marines, the Air Force, and everything else had to move almost instantly, and we spent a great deal of money doing so. We could take this item to conference with the understanding that we will try to work out some language which we think does not go too far, and does not harm the bill as a whole. If we cannot do that, we shall have to drop the amendment.

Mr. KEATING. The Senator from Mississippi is always helpful. He has just suggested that perhaps the language should not be quite so tightly drawn as this, but should state that if the Defense Department is going to do this, it must make a special report to the Congress, which is frequently done.

Mr. STENNIS. We will take it to conference, with that understanding.

Mr. President, with that understanding we accept the amendment, as modified.

Mr. KEATING. As modified. I appreciate it.

The PRESIDING OFFICER (Mr. NELSON in the chair). The question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment was agreed to.

Mr. KEATING. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. PASTORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

ALLEGED SAVING ON PHASEOUT OF ROAMA

Mr. KEATING. Mr. President, I should ask unanimous consent to have printed in the RECORD a joint statement which was made by my colleague the Senator from New York [Mr. JAVITS], Representative PIRNIE, and myself, and following that, that my colleague, the Senator from New York [Mr. JAVITS], who is unable to be present today because of official business, be given permission to insert his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Joint Statement by Congressman Pirnie and Senators Javits and Keating

The General Accounting Office report on the alleged savings to be realized from the planned phase-out of Roama raises serious questions as to the basis for the Air Force decision.

The General Accounting Office was unable to evaluate the single most important item in the total alleged savings because the Air Force did not provide sufficient detailed support to substantiate its claims with regard to savings it contends will be realized by the elimination of personnel spaces from the Logistics Command as a result of the transfer.

There appears to be as much of a mystery surrounding this aspect of the report as is contained in any James Bond fiction. We have been advised that one unidentified officer gathered all the supporting data to justify the claimed personnel savings. Upon completion of his study, the officer was ordered to destroy all the documentation. We can understand why the CIA or Secret Service occasionally operate in this manner but we question the need for such an approach by the Air Force.

Beside the notable lack of information on the major portion of the alleged savings, three other items in the report demand particular attention:

1. Of the estimated savings of $11.8 million for fiscal years 1965 through 1967, GAO was able to identify $2 million which did not appear to be savings properly attributable to the transfer.

2. Of the estimated annual savings of $9.9 million beginning with fiscal year 1968, GAO was able to identify $2.7 million which did not appear to be savings properly attributable to the transfer.

3. Of the estimated cost of $3.6 million for constructing new facilities at the air materiel areas receiving Roama's functions, GAO was able to identify $1 million in additional expenses which the Air Force had omitted in its figures.

The significant overstatements of savings and underestimates of costs, coupled with the mysterious lack of information with respect to the claimed savings in personnel, give rise to serious doubt of the Air Force contention that the phaseout of Roama is in the best interest of Government economy and national defense.

The phaseout of Roama was widely publicized as a source of great savings to the taxpayers, yet the GAO report reveals that the Air Force has no figures to support its exaggerated claims. If a 3,000-man defense activity can be eliminated with no detailed justification, then no military base or facility or job anywhere in the country is secure.

In view of this situation, we shall continue to press for an immediate postponement of any further phaseout action until all the facts can be assembled and reviewed.

If a full disclosure of all the facts should reveal that the transfer of Roama is in the best interest of Government economy and national defense, as the Air Force claims, then we would withdraw our objections to the move. Until the Air Force claims are proved, we will not accept the phaseout of Roama and will continue to fight for full and fair reconsideration by the Air Force.

Statement by Senator Javits

I should like to express my support of the amendment introduced by my colleague, Senator Keating, and which I have cosponsored. The Defense Department announcement of military installation closings throughout this country have deeply affected many of our States. I am certain that no one would be opposed to the curtailment of operations of any of these military installations if true economies for the benefit of our Nation were to be obtained. Whether the closing of all the installations announced by the Defense Department will result in economies is, in my view, very much open to question.

Yesterday, the Comptroller General rendered a detailed report on the Department of Defense's plan to close the Rome, N.Y., Air Material Area and transfer its functions from Griffiss Air Force Base, N.Y. The Air Force claimed that the transfer of functions from Rome, N.Y., would save the Federal Government $11.8 million for fiscal years 1965 through 1967. Of the $11.8 million estimated savings for this period, the Comptroller General was able to identify $2 million which, according to his report, "did not appear to be savings properly attributable to the transfer." As to the Air Force's claim of annual savings of $9.9 million beginning with fiscal year 1968, the Comptroller General was able to identify $2.7 million which "did not appear to be savings properly attributable to the transfer." The Comptroller General also concluded that with respect to the relocation costs which the Air Force expected to incur, "the estimated cost of $3.6 million for constructing additional facilities at the air material areas receiving the functions of Rome Air Material Area appeared to be understated by about $1 million." In addition, the "reasonableness" of the remaining alleged savings could not be determined because the Air Force reported that it had destroyed the detailed justification of their estimates.

The disclosures of the Comptroller General's report are quite disturbing to me for not only do they undermine the principal Air Force argument for the transfer of the Rome Air Material Area, but they raise questions as to the true economies which are being obtained by military base closings. The closings are a matter of grave concern to the States and local communities affected. Their economic impact affects the livelihood of millions of people, yet serious questions remain as to the basis and validity of at least one of the decisions which has been made as an "economy move."

With respect to the Rome Air Material Area closing, Representative Alexander Pirnie, the dedicated Congressman of the Rome area, Senator Keating, and I will continue to fight for a full and fair reconsideration by the Air Force of its proposal to close this installation until claims of savings by the Air Force are proved.

The amendment to the pending military construction bill, which Senator Keating and I have introduced, would prohibit the authorization of funds to construct facilities to replace installations closed by the Defense Department. If economies are to be obtained, unnecessary expenditures should not be made to duplicate missions which are being phased out. The amendment would not restrict authorization of funds for necessary military construction but would merely prevent funds from being utilized to replace existing facilities.

NAVY YARDS

With respect to the matter of economies, I should also like to express my concern over the item in the military construction bill which provides for funds for construction at two Navy yards included under authorization for Bureau of Ships facilities. This expenditure would be made despite the fact that the Defense Department is conducting a study of the question of whether there is excess capacity in our naval yards and has been reducing employment and work allocation at the Brooklyn Navy Yard over which Senator Keating and I have been deeply concerned. I hope that serious attention will be given by the Defense Department to the question of whether meaningful economies can be obtained by curtailment of operations in one naval yard and expansion of operations in others.

I also hope that the Senate will accept our amendment in the interest of true economy.

Mr. KEATING. Mr. President, I ask unanimous consent to include at this point in the Record the text of the letter of transmittal from the Comptroller General.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C.,
June 25, 1964.

Dear Representative Pirnie, Senator Javits, and Senator Keating: Enclosed is our report on the Department of Defense plan to transfer the functions of the Rome Air Materiel Area from Griffiss Air Force Base, N.Y. Our review was undertaken at your request * * * in which you asked that we review the Department of Defense plans to close the Rome Air Materiel Area and the Schenectady Army Depot. Our findings with respect to the latter installation were submitted to you by letter dated March 16, 1964 (B–153174).

The Air Force has stated that it was decided to reduce the organizational structure of the Air Force Logistics Command from nine air materiel areas to eight as a result of a continuous decline in recent years in the scope of the Logistics Command's operations. The Air Force selected the Rome Air Materiel Area for closing primarily because its workload can be relocated to other air materiel areas which have some experience in managing equipment similar to that presently managed at Rome and because these other air materiel areas have overhaul and maintenance capabilities that are lacking at Rome. The Air Force has stated that all the air materiel areas except Rome have huge investments in major industrial overhaul and repair facilities which would be extremely difficult and costly to relocate.

The Air Force estimated that significant savings in personnel and various operating expenses would be realized by consolidating the functions of the Rome Air Materiel Area with those of other air materiel areas and that these savings would be substantially greater than the relocation costs which would be incurred in the transfer. The Air Force has estimated that, during the period in which the transfer is to be accomplished—fiscal year 1965 through fiscal year 1967—savings of about $11.8 million will be realized as the Rome functions are transferred on a phased basis. The Air Force anticipated that these estimated savings would be offset by the costs of relocating personnel, equipment, and material; other personnel costs: and costs of altering, building, or modifying facilities at the locations receiving the additional functions, which were estimated at about $6.3 million. The Air Force has estimated that, after the transfer is completed, savings of about $9.9 million a year will be realized, starting with fiscal year 1968. In arriving at these saving estimates, the Air Force considered the salaries for the number of military and civilian personnel who could be eliminated from the Logistics Command's authorized strength and the anticipated reductions in various operating expenses.

We have analyzed the Air Force estimates of savings anticipated as a result of transferring the functions of Rome Air Materiel Area, as well as the costs which will be incurred to accomplish the move. Of the estimated savings of $11.8 million for fiscal years 1965 through 1967 and the anticipated annual savings thereafter of about $9.9 million a year, we were able to identify about $2 million and $2.7 million, respectively, which did not appear to be savings properly attributable to the transfer.

With regard to the major portion of the savings attributed to the transfer by the Air Force, we are unable to determine the reasonabless of the Air Force estimates because the Air Force has not provided sufficient detailed support for the single most important factor affecting the estimates; that is, the number of personnel spaces that can be eliminated from the Logistics Command's authorized personnel strength as a result of the transfer. We were informed that the detailed work to arrive at this estimate was performed by one officer in order to avoid premature widespread concern over the proposed closing during the early planning stages and that the officer was instructed to and did destroy the detailed papers supporting the estimate. Air Force officials have stated, however, that recent detailed planning for the first phases of the transfer indicates that the original estimates were reasonably accurate.

With respect to the relocation costs which the Air Force expects to incur, we found that the estimated cost of $3.6 million for constructing additional facilities at the air materiel areas receiving the functions of Rome Air Materiel Area appeared to be understated by about $1 million. We found no basis on which to question other elements of the estimated relocation costs.

It is generally recognized in the Air Force that some difficulties will be experienced in a transfer of management responsibilities of this magnitude. The Air Force believes, however, that such problems will be temporary and can be overcome by special attention as required. From an audit standpoint, it is not possible for us to predict the extent to which the Air Force will experience a loss of management capability by not having the management of electronic ground communications equipment centralized at a single location, nor is it possible for us to predict whether the savings anticipated will actually be realized.

This report is also being submitted today to Senator JACOB K. JAVITS and Congressman ALEXANDER PIRNIE. We plan to make no further distribution of this report unless copies are specifically requested, and then only after appropriate approval has been obtained or public announcement has been made concerning the contents of the report.

Sincerely yours,
JOSEPH CAMPBELL,
Comptroller General
of the United States.

The PRESIDING OFFICER. The question is on agreeing to the committee substitute as amended.

Mr. DOUGLAS. Mr. President, will the Senator from Mississippi yield for some questions?

Mr. STENNIS. Mr. President, I ask for the floor so that I may yield to the Senator from Illinois for questions.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. DOUGLAS. Mr. President, I should like to ask the distinguished Senator from Mississippi a few questions about statements which are made on page 15 of the committee report, dealing with the transfer of the headquarters of the 5th Army from Chicago to Fort Sheridan, 36 miles north.

Before I ask this question, I wonder whether I might be permitted to make a prefatory statement.

I am a strong supporter of Secretary McNamara, and believe that he is doing a magnificent job in seeking to reduce military waste.

I do not wish to defend the existence of any unnecessary locations, or to stand in the way of desirable economies. Secretary McNamara has launched a fine program to reduce waste in the military service—a good portion of which program, incidentally, I had the privilege of suggesting. But I was skeptical about the economy claimed for the transfer of the headquarters of the 5th Army from Chicago to Fort Sheridan.

It seemed to me that this involved, in its original proposal, an outlay of well over $5 million with the possibility that additional costs might be incurred, and that such economies as were claimed could be obtained by reductions in force at the existing location. This would not require a change of location.

I notice that the committee makes the following statement on page 15 of its report:

> The sum of $3,323,000 was requested for headquarters facilities to permit the relocation of the 5th Army Headquarters from the city of Chicago to Fort Sheridan, Ill.

Then there is this most interesting statement:

> Although the committee was advised this was basically an economy move, the committee has reservations as to how much might eventually be saved, if any, since it appears there will be generated further expense requirements for family housing, and perhaps other facilities.

I take it that the committee has distinct reservations as to whether any economies at all would be effected by this change?

Mr. STENNIS. There is a considerable claimed annual saving in this change. That had some appeal to us, of course. The estimate by the services themselves were to be $1,160,000. We found that those estimates, as to what the savings would be, proved to be mighty liberal. We learned by experience to be skeptical about it.

In this case, we encountered the fact that we had a housing problem involved in connection with the change, although, for the time being, they proposed to continue to occupy this housing that is available in the city of Chicago.

Mr. DOUGLAS. That will still keep the staff split between the city of Chicago and Fort Sheridan.

Mr. STENNIS. That is true. We removed an underground situation from the project there. That eliminated approximately $1.3 million. The change then did have an overall appeal to the committee. There will be some savings perhaps. I would not try to estimate, but there could be none, frankly. There is an advantage here with reference to the change, especially when we remove the $1.3 million. That will not be allowed, I do not think, in any future hearing.

Mr. DOUGLAS. The Senator from Illinois has stated that most of the claimed economies come from a scheduled reduction in staff which could be carried out regardless of where the headquarters are located. I would support such economy. But the economies claimed for the move are largely delusive.

I am encouraged by the statement of the Senator from Mississippi, who is very careful about these matters. Would the Senator mind if, when we come to appropriating money, we check closely on the appropriations justification?

Mr. STENNIS. I shall be glad to make a careful check. That is one of the advantages of being connected with both authorization and appropriations. We can get into it from a different approach sometimes.

Mr. DOUGLAS. I am certain that Secretary McNamara's intentions are the very best. But he must work through a staff. And the staff is influenced by the desires of the military men on the spot.

I remember that back in 1946 when my wife was Congresswoman at Large from Illinois, the 5th Army demanded that it come into Chicago for its headquarters. They would not have their headquarters at Fort Sheridan. They said that it was more economical to operate inside of Chicago. They took over the Chicago Beach Hotel, which was badly needed for housing. They preempted space into which veterans could have moved.

Now they say that they want to go to Fort Sheridan. They say it would be more economical to operate there. Eighteen years ago they had the opposite viewpoint. A few months ago I drew down on my head the ire of the Chicago newspapers when I said that the atmosphere of the Lake Forest and the Onwentsia Country Clubs had an influence in the desire to move there as contrasted to maintaining the headquarters in the humble ward in which I reside.

The Senator from Massachusetts [Mr. SALTONSTALL] is not only a member of the Armed Services Committee, but also of the Appropriations Committee. And so is the Senator from Mississippi. I hope they will double their close scrutiny and not be taken in with false and delusive arguments of economy.

Mr. STENNIS. I am certainly willing to do that. I wish the Senator would cross-examine the Senator from Massachusetts on the same subject.

Mr. SALTONSTALL. Senator STENNIS and I sit side by side in both committees. That gives us a chance to watch out for this.

Mr. DOUGLAS. This could not be called an interlocking directive.

Mr. STENNIS. We appreciate the attitude of the Senator. One of the purposes of the report was to try to hold the Army down on any future construction they may ask for on later projects.

Mr. DOUGLAS. That is a hard job.

Mr. STENNIS. I thank the Senator. The Senator from Nevada [Mr. CANNON] is here. I want to especially thank him. He is a member of the subcommittee. He made some special inspections for us. He took several trips and rendered a fine report on many of these matters. I think every single one of his recommendations was accepted. They do not seem to be attacked here on the floor. So they are going right along with the bill. We appreciate your services.

Mr. CANNON. I thank the Senator for his kind remarks.

Mr. DIRKSEN. Mr. President, in connection with the Fort Sheridan matter, a Member of the House of Representatives sent me a memorandum on the subject. He has followed it very closely.

Mr. President, I ask unanimous consent that this letter from Representative McClory, under date of June 24, 1964, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

House of Representatives,
Washington, D.C., June 24, 1964.

Hon. Everett McKinley Dirksen,
Senate Office Building.

Dear Everett: The statements on the new headquarters facilities at Fort Sheridan are covered quite well on pages 110 through 115 and pages 702 through 704 of the hearings before the Military Construction Subcommittee of the Committee on Armed Services.

I think my testimony is responsive to most of the objections which Senator Douglas may interpose. These facts seem to me significant:

1. The 5th Army is the only Army (of the six U.S. armies) whose headquarters is not presently located at a military post.

2. At the present time only 60 military families occupy the Wherry (Twin Towers) private housing on the South Side, located near the present 5th Army Headquarters at the old Chicago Beach Hotel. More than 150 military personnel whose families are presently living at Fort Sheridan are transported daily by buses to the present Chicago Beach Hotel headquarters.

3. Not 2,000 but only approximately 800 civilian employees will have their duties transferred from the Chicago Beach Hotel to Fort Sheridan.

4. The existing program to construct 250 military housing units at Fort Sheridan is independent of the 5th Army move and relates primarily to relocating 97 families now occupying trailers at the Fort Sheridan post.

5. The estimate of the new headquarters as set forth in the military construction bill (H.R. 10300, S. 2467) is $2 million. This is less than the Defense Department estimated would be produced for the sale of the Chicago Beach Hotel and the other properties to be disposed of on the South Side, which was shown in the testimony to amount to $2.8 million.

6. In response to any argument that housing cannot be located for Negroes in the area of Fort Sheridan, I want to report authoritatively that within the last 6 months accommodations have been found for 40 Negro families, all of the Negroes which require such housing.

7. There is unanimous support for moving the 5th Army headquarters from its present location in the Chicago Beach Hotel. If the headquarters does not go to Fort Sheridan and stays in Illinois, there are 12 other States in the 5th Army area which would like to have the headquarters.

In addition to the copy of the hearings which accompanies this letter, I am sending pages from the Congressional Record relating to debates in the House.

Please call if I can be of any help or for any additional information.

Sincerely yours,
Robert McClory,
Member of Congress.

Mr. STENNIS. The Senator from Minnesota had promised that we would have a quorum call. I understand that the Senator from Virginia [Mr. Byrd] has some short remarks to make. Perhaps the Chair would want to recognize him before we have the quorum call.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

RETIREMENT OF COLIN F. STAM, CHIEF OF STAFF OF JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Internal Revenue Taxation, it is my duty to make one announcement with deep regret, and my privilege to make a second announcement with unusual satisfaction. Both of these developments occurred in a meeting of the joint committee today.

It is with regret that I advise the Senate that Mr. Colin F. Stam told the committee of his desire to retire at the end of July as chief of the committee staff. It is with satisfaction that I can tell you that the committee named Mr. Laurence N. Woodworth to succeed him.

I am sure every Member of the Senate will join me in an expression of appreciation for the fine service rendered to the Congress and the country by Mr. Stam—and in extending to him very best wishes for good health in deserved retirement.

Mr. Stam has been on the staff of the Joint Committee on Internal Revenue Taxation for 37 years—since 1927—and he has been chief of the committee staff for 36 years, since 1928.

It has been my privilege, as a member and chairman of the Senate Finance Committee, to have been associated with Mr. Stam for 31 of those years. I want to say that his country is indebted to him for a lifetime of the finest service—service which is both immeasurable and invaluable.

I do not hesitate to say that I regard him as the best authority in the field of Federal tax law—in all of its aspects—in the Government, and perhaps in the country.

He has served his country and the Congress as a dedicated public servant in the very best sense of the word, and I know he has rejected positions outside the Government which would have been far more remunerative.

The longer I have known Mr. Stam the more I have respected him. He is a man who has been motivated by devotion to his work and best endeavor to protect the interests of the Government of the United States with all justice to taxpaying citizens.

The high caliber of his work has made him a man of exceptional influence in the Congress, throughout the Government, in many areas of the legal profession, and with the general public.

It is gratifying to note that Mr. Stam and his outstanding contributions have been nationally recognized. He received the Rockefeller Public Service Award in 1961, and the Tax Foundation Award in 1962.

By nature, he is a retiring man. His eminence is based on ability and the quality of his work.

I understand a farm on the eastern shore of Maryland has been his principal relaxation. He has truly earned retirement, however he wishes to use it. But we shall surely miss him.

We have Mr. Stam to thank also for the excellent staff he has developed in the difficult field of tax legislation. And from that fine staff we are fortunate to have Larry Woodworth to take over in the position of chief of staff.

The joint committee unanimously chose Mr. Woodworth for the position. Mr. Stam and Mr. Woodworth are men of mutual respect, and Mr. Woodworth comes to his new position with Mr. Stam's highest recommendation.

Mr. Woodworth has been on the staff 20 years—since 1944. And he has worked with Mr. Stam on virtually all important tax legislation since that time, including the tax code of 1954, and the Revenue Acts of 1962 and 1964.

Senators have observed him on the floor of the Senate yesterday and today, and I commend him as highly as I can to every Member of the Senate. I doubt if we could have found a finer man, or one better equipped for the position.

He is a native of Loudenville, Ohio, and received his education from Ohio Northern University, the University of Denver, and New York University. He is well qualified, not only by 20 years on the committee staff, but also by prior work with the Tax Foundation in New York, and the Civic Research Institute of Kansas City, Mo.

His new duties will be of exacting and highly responsible nature, but the committee has utmost confidence in his ability and character. I know Members of the Senate will welcome him cordially and with satisfaction, as I do.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BYRD of Viriginia. I yield.

Mr. SALTONSTALL. As one who served on the Finance Committee for only a short time, but who has had many questions before the Finance Committee at various times, and who has had many constituents who have wished to discuss subjects of finance and taxation, I know how cooperative Mr. Colin Stam has been and how authentic is the information that he gives out. He is always independent in his views. His views may not always be supported by the Internal Revenue Department, but he is factual and he knows the tax laws of our country probably better than any other individual. I am sorry that he is leaving.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. CARLSON. Mr. President, as Colin Stam retires from service in the Senate and as a member of the staff of the Joint Committee on Taxation, the Nation loses a dedicated public servant—one who has devoted practically an entire lifetime to the subject of taxation. Taxation is a difficult and complex subject. One must live it to follow the current changes that take place from year to year as the Congress changes tax laws, and to follow the administrative rulings that also effect changes in tax laws.

Colin Stam has practically given his entire life to that very service; he has lived it. That is one of the reasons why he has really been of great help not only to the Senate Finance Committee and the House Ways and Means Committee, but also the Congress and the Nation. It was my privilege to serve on the House Ways and Means Committee with Colin Stam as our adviser and counselor for 10 years; and during the last 10 years it has been my privilege to serve as a member of the Senate Committee on Finance under the very able chairmanship of the distinguished Senator from Virginia [Mr. BYRD].

Therefore, I feel that I know Colin Stam and appreciate his service to his country. He is a very quiet and unassuming man, but he has been a dedicated public servant. I, together with the chairman, wish him many years of rest and retirement to which he is entitled.

I am also pleased that the chairman has seen fit to secure for the Joint Committee of the Senate Finance Committee and the House Ways and Means Committee the services of Laurence Woodworth or, as he is affectionately known, Larry Woodworth. Those of us who helped to write the tax bills of 1962 and 1964 fully appreciate his knowledge in that field. He has been under good tutorship under Colin Stam. I feel confident that our committee will be well served by him. I welcome him into this new position, and appreciate the privilege of serving and working with him.

I wish Colin Stam many years of pleasant rest in retirement.

Mr. AIKEN. Mr. President, although I have not had the privilege of being a member of the Senate Finance Committee, I think I must rank well up toward the top of the list of Senators who have called on Colin Stam for information and advice pertaining to tax subjects.

Mr. Stam has always been very ready to help all of us whenever we have needed help. So far as I am concerned, that has been most of the time. Not only has he been accurate in the information which he has given us, but he has also been very prompt. I join with all Senators who are sorry to see him retire after 37 years of service. Of course, his retirement makes it all the more important that the chairman of the committee be available for the next few years so that we can get our information from him. Probably what I have been asking of Mr. Stam I shall now be asking of the chairman of the committee, who is equally well qualified.

Mr. KEATING. Mr. President, ever since my early days in the House of Representatives, Mr. Stam has been "Mr. Taxation," along with the distinguished Senator from Virginia [Mr. BYRD]. He has been helpful to me personally on many occasions in relation to tax problems, as he has been to nearly every Senator and many in the other body. I join in wishing him well in his retirement. We shall certainly miss him here. I wish for him long years, great health, and happiness.

Mr. SMATHERS. Mr. President, I desire to associate myself with the remarks of the very able and distinguished chairman of the Senate Finance Committee, the senior Senator from Virginia [Mr. BYRD], in his tribute to Mr. Colin Stam, chief of the Joint Committee on Internal Revenue Taxation staff for the past 36 years.

It has been my honor and privilege to work with Mr. Stam ever since I have been in the Congress; and all of us who know him, certainly owe him an everlasting debt of gratitude for the great public service he has rendered, not only to the Congress, but also to the people of the United States.

He is a man of the highest character, integrity, and exceptional ability. After many years of service to his country, however regretful we feel about his leaving us, he certainly is more than entitled to the retirement he now desires to take. I could not agree more with my distinguished chairman when he says all of us will miss Colin Stam.

I take this opportunity to wish him continued health, success, and enjoyment in all his future endeavors.

At the same time that our loyal and devoted friend, Mr. Stam, is retiring, the joint committee staff has chosen another very able individual to head it—one known to all of us here in the Senate, Larry Woodworth, who has served on the joint committee staff since 1944. We are confident that while he has a pair of big shoes to fill, he will measure up to the task, because he, too, follows the line of an individual dedicated to public service in the highest sense.

Mr. LONG of Louisiana. Mr. President, today there is occasion for both sadness and joy. Colin F. Stam has announced his plan to retire after 42 years of Government service, the last 26 of which have been spent as chief of staff of the Joint Committee on Internal Revenue Taxation. It is a sad occasion that we in the joint committee, in the Congress, in the Federal Government and in the Nation as a whole are going to say goodby to Mr. Stam as far as his work in our Government is concerned. However, we should rejoice with Mr. Stam in his retiring to the tranquillity of his Eastern Shore farm and we wish him many years of happiness.

Also, we have good reason to be happy today in that Mr. Stam has provided us with a most capable and competent successor in Laurence N. Woodworth, the new chief of staff of the Joint Committee on Internal Revenue Taxation.

Colin Stam came to the Government, and to the Bureau of Internal Revenue in particular, in 1922. In 1927 he switched his allegiance from the executive branch to the legislative branch of our Government, becoming an assistant counsel for the Joint Committee on Internal Revenue Taxation. And, on July 1, 1938, he was appointed chief of staff of that committee.

I have only been a member of the joint committee for a short portion of the time that Mr. Stam has been its chief of staff, and, in fact, I have only been a member of the Senate Finance Committee for 14 years, but, throughout that time, I have observed the great ability and kind understanding of Mr. Stam and I have learned so much from this remarkable man and expert on taxation. I shall certainly miss his counseling and his expertise, but certainly he deserves a rest from the arduous job he has held for so many years. And I hope that we shall continue to see and advise with him about revenue problems for years to come.

Laurence Woodworth was unanimously decided upon today by the joint committee as its new chief of staff. For my part, there was no hesitancy in voting for Dr. Woodworth. Ever since I have been on the Finance Committee and then on the joint committee, I have seen what a keen intellect, what a gracious manner, and what an untiring devotion Dr. Woodworth has brought to his work. However, it was not until this year that I was really able to work intimately with Larry and that was in connection with the big and complex tax reduction and reform measure which was enacted into law. As manager of that bill, I was faced with one of the most difficult tasks of my legislative career. I do not know that I could have managed that mammoth revenue bill satisfactorily if I had not had the assistance of Larry Woodworth who was at my side at all times, supplying me with information on any of so very many technical aspects to this bill. If the United States is to be benefited by the tax reduction measure enacted into law this year, and I believe that it will be greatly benefited, a great debt of gratitude is owed to Larry Woodworth. Therefore, I feel that the joint committee is under most capable direction with Laurence Woodworth at the helm.

Mr. CURTIS. Mr. President, like many other Senators, I regret to see Mr. Colin F. Stam retire as chief of the staff of the Joint Committee on Internal Revenue Taxation.

It was my privilege to serve on the Committee on Ways and Means of the House of Representatives for a period of 10 years. For the past several years, I have been a member of the Senate Committee on Finance. Membership on these committees has brought me in close contact with Mr. Stam. He is a fine gentleman and one of the best qualified tax men in this country. He was always patient, understanding, and helpful.

The public little realizes the great contribution that Mr. Stam has rendered day after day throughout the last 37 years. He is one of the most outstanding of all the Government civil servants. I wish to express my gratitude to him for his wonderful work and extend to him every good wish for his years of retirement.

A fine man, Mr. Laurence N. Woodworth, has been named to succeed him, and I wish Mr. Woodworth well in undertaking this important work.

AUTHORIZATION OF CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

The Senate resumed the consideration of the bill (H.R. 10300) to authorize certain construction at military installations, and for other purposes.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, may we have the third reading?

The ACTING PRESIDENT pro tempore. The question first is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS] the Senator from South Carolina [Mr. THURMOND], and the Senator from Washington [Mr. MAGNUSON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. BAYH], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Utah [Mr. MOSS,], and the Senator from Missouri [Mr. SYMINGTON], are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. ENGLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Montana [Mr. MANSFIELD], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Missouri [Mr. SYMINGTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Missouri [Mr. LONG], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Texas [Mr. TOWER], are necessarily absent.

The Senator from Iowa [Mr. MILLER], is detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. MILLER], and the Senator from Texas [Mr. TOWER], would each vote "yea."

The result was announced—yeas 70, nays 1, as follows:

[No. 452 Leg.]

YEAS—70

Aiken
Allott
Bartlett
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Ellender
Fong
Fulbright
Gruening
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, La.
McCarthy
McClellan
McGee
McGovern
McIntyre
Mechem
Metcalf
Morton
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Russell
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Talmadge
Walters
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Morse

NOT VOTING—29

Anderson
Bayh
Beall
Burdick
Eastland
Edmondson
Engle
Ervin
Goldwater
Gore
Hart
Hartke
Javits
Kennedy
Lausche
Long, Mo.
Magnuson
Mansfield
McNamara
Miller
Monroney
Moss
Neuberger
Ribicoff
Robertson
Smathers
Symington
Thurmond
Tower

So the bill (H.R. 10300) was passed.

Mr. STENNIS. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. RUSSELL, Mr. STENNIS, Mr. CANNON, Mr. SALTONSTALL, and Mrs. SMITH conferees on the part of the Senate.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may be excused from attendance on the remainder of the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MAGNUSON. I am about to leave the floor to take a plane to Seattle on official business. The plane leaves Washington about 6 o'clock this evening. I do not know whether there will be a vote on the confirmation of the nomination of Mr. Hamer H. Budge prior to that time.

Mr. HUMPHREY. It is our intention to call up the nomination this afternoon. I have consulted with the Senator from Wisconsin and the Senator from Montana, and it appears that there will be no yea-and-nay vote, but there will be some speeches on the nomination.

Mr. MAGNUSON. I appreciate the Senator's statement. If I am not present, and am on my way to Seattle when a voice vote is had, or when a yea-and-nay vote is had, on the confirmation of the nomination of Mr. Budge, I wish to be registered in opposition to the nomination.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting majority leader whether there is any change in the plans with respect to the pay bill.

Mr. HUMPHREY. I have discussed with a number of Senators the situation relating to their own personal circumstances and commitments, and when we would take up the pay bill.

It now appears that the pay bill will be called up on Wednesday. It is uncertain how much time will be spent on it, but we would like to dispose of it before we leave for the Fourth of July weekend.

Monday will be utilized in disposing of other bills on the calendar—possibly the transit bill—as soon as we have an opportunity to consult with the able Senator from Texas [Mr. TOWER].

On Tuesday other items on the calendar will be taken up. We hope to be able to take up a number of bills that are pending on the calendar.

On Wednesday we shall move to consider the pay bill.

Mr. DIRKSEN. I thank the acting majority leader.

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Hamer H. Budge to be a member of the Securities and Exchange Commission.

Mr. PROXMIRE. Mr. President, the nomination of Mr. Budge, to be a member of the Securities and Exchange Commission, is a troublesome and puzzling nomination.

Three of the outstanding newspapers of this country have seriously questioned the nomination. The New York Times, for example, has said, in part:

> AN UNPROFESSIONAL APPOINTMENT
>
> The term of J. M. Whitney, a Republican, had expired, and a Republican or independent had to be appointed because the law states that no more than three members of one party can serve on the SEC. But Mr. Budge, who calls himself a "conservative" and favors cooperation rather than control of industry, has had no experience in the field of security regulation. His lack of professional background and his unsympathetic attitude toward reform is in striking contrast to the attributes of his precedessor and to the prevailing policy of the SEC itself.
>
> The naming of Mr. Budge assumes special importance due to the fact that William L. Cary, the SEC's exceptionally able Chairman, will soon be leaving his post. Under Mr. Cary, the SEC, watchdog of the marketplace, has been completely revitalized. It is no longer enfeebled or insensitive to the many changes taking place in the sale and distribution of stock. On the contrary, it has played an active, reformist role, taking the lead in raising standards in the securities industry. Its position will be strengthened by congressional passage of the proposed securities reforms bill; but it will still require a conscientious and professional Chairman like Mr. Cary, one who has the devotion and support of its staff, to insure that regulation is both intelligent and effective.
>
> We hope that the naming of Mr. Budge will not set a precedent. Professionals should be chosen for the regulatory agencies. There is always a grave risk that political regulators will either succumb to industry pressure of simply go to seed. It is a risk that we cannot afford to run.

The Washington Post also strenuously questioned this nomination, and said, in part, as follows:

> Until now the SEC has been winning its fight to institute long-overdue reforms in the operations of the organized security exchanges and the over-the-counter markets. But the President's unfortunate nomination of Budge is being interpreted in the industry as invitation to resist further proposals from Washington. And within the SEC, which will soon lost a distinguished Chairman with the departure of William L. Cary, those staff members who would do more than a perfunctory job in protecting the investors see some ominous handwriting on the wall.
>
> The regulatory agencies are afflicted by a number of maladies. A couple have been rendered obsolete, or partly so, by technological change. And in others a failure to define specific goals leads to an obsession with trivia and the harassment of business. But the appointment of men such as Budge who are more interested in "cooperation" than in regulation can only make matters worse by interjecting a strong element of "clientism," the jargon word used to characterize the regulatory agency which protects the interests of its client industry rather than those of the public.

Mr. President, the Washington Post's point concerning "clientism" is extremely important today. Regulatory bodies have great power. Some people feel that in the aggregate they have more power than Congress has; and that they constitute the most powerful element of our Federal Government. Regulatory bodies have great power and discretion. They are constantly subject to extreme pressures by the people whom they regulate. They see them constantly. They become friends with them. And naturally commissioners, like other human beings, want to be liked. They are open to the importunings, the pressure, the tendency to cooperate by not protecting the public interest. It takes a man of remarkable character and objectivity, a man who has a sensitive conscience and a deep understanding of his responsibility to the public, to resist that kind of pressure. This is particularly true in the Securities and Exchange Commission. It is especially important that persons appointed to the SEC have the kind of qualifications that have been characterized by nominations to the SEC made by President Roosevelt, President Truman, President Eisenhower, and President Kennedy.

There is no question that among the qualifications for appointment to the SEC should be a real appreciation of the contributions of corporate enterprise to American strength. The Securities and Exchange Commission as a regulatory body regulates the process of securing capital for the Nation's great corporate enterprises. If a man does not appreciate or understand that, he will be an unsympathetic and unsatisfactory commissioner. So we should certainly consider as a qualification a man's understanding and wholesome appreciation of support for American business.

It is also desirable to have as a Commissioner one who has an imaginative capacity to make the SEC work, so that the raising of capital will be as easy and efficient as possible, and that the incentives that characterize our free enterprise system shall be preserved.

In the light of all this, why question the nomination of Mr. Budge? Mr. Budge served in Congress for 10 years. He served for 2 years as a member of the House Committee on Appropriations. He has been a judge in Idaho for several years. He has practiced law. He was graduated from Stanford University and the University of Idaho Law School. Obviously he has qualifications for some positions. But it is also important that a Commissioner have imaginative zeal to provide pertinent information for the investing public, so that the public may protect itself against deception and fraud. This requires pitiless, constant, and comprehensive disclosure, in all phases of investment.

In the course of the hearings before the Committee on Banking and Currency, I asked Mr. Budge to give his views concerning the function of the SEC. I asked him, since the SEC is an agency to regulate private industry, what he believed his job should be. He said:

> BUDGE'S LIMITED INTERPRETATION OF HIS RESPONSIBILITY
>
> I think in my whole career, I have done everything within my means to enforce the law. That is what I would expect to do on the Commission.

Later, Mr. Budge was asked the same kind of question, and again he said:

> Senator, I have tried a number of cases, both as an attorney and on the bench, involving fraud and misrepresentation. I think I understand what evidence is necessary to carry out the mandate of the Congress in enforcing the law, and I see no bar of any kind that would prevent me from doing what both of us agree is the proper function of the Commission, which is to protect the investor from fraud.

Those are the words of the nominee. Further, he said:

> If a person were a crook, whether he is in the securities industry or any other industry, I would deal with him as such.

The final reference I have to his appearance before the committee was when Mr. Budge said, in answer to a question:

> To me, this position is not a bit different from the position I now hold on the trial bench.

Mr. President, this position to which Mr. Budge has been nominated entails extraordinary discretion. There is all the difference in the world between being a Securities and Exchange Commissioner and being a judge or one who will conscientiously carry out the law as written. The position of Securities and Exchange Commissioner requires great discretion. It requires extraordinary judgment. In the view of our great newspapers, including the Milwaukee Journal, the Washington Post, and the New York Times, the position requires professional capacity and a technical understanding of the exchanges.

IMMENSE DISCRETION BUDGE WILL HAVE AS COMMISSIONER

Let me list some of the discretionary power with which Mr. Budge will be empowered as a member of the Securities and Exchange Commission.

As a Commissioner, he and his fellow Commissioners will have the power to exempt any class of securities, where the offering does not exceed $300,000, from the provisions of the Securities Act.

He will have the power to exempt securities issued by a small business investment company under the Small Business Investments Act of 1958, and from the provisions of the Securities Act. Some small businesses are becoming very large and are growing constantly.

Furthermore, as a member of the SEC, he may require additional information in a registration statement or dispense with certain requirements.

He will have the power to allow omissions or require additional information in a prospectus. In addition, he may classify and require the filing of prospectuses.

Furthermore, section 19 of the Securities Act of 1933 gives the Commission special powers to make, amend, or rescind rules and regulations necessary to carry out the act and grant authority to prescribe the forms to be used.

All this is a far cry from the simple matter of dealing with crooks.

The Securities Act of 1934, in addition to the provisions of the Securities Act of 1933, gives the Commission powers to classify securities as "equity securities." That is a discretionary decision. It is a decision that can have wide implications.

Also, it grants the power to classify securities as "exempted securities"; also the power to define technical, trade, and accounting terms.

MORE BUDGE DISCRETION

The Commission may require information from exchanges applying for registration. It may impose terms on an exchange desiring to withdraw its registration. It may establish rules and regulations relating to a broker's aggregate indebtedness.

As a Commissioner, Mr. Budge may establish rules and regulations relating to the hypothecation of securities; rules and regulations relating to pegging, fixing, or stabilizing the price of a security registered on a national securities exchange; and rules and regulations relating to put, call, straddle, or other option as privilege.

That is not only a matter of discretion and judgment; it is also a matter of technical understanding and a professional knowledge of what is happening in the great securities markets of this country.

Judge Budge said:

> To me, this position is not a bit different from the position I hold on the trial bench.

Is it not? Listen to these additional discretionary powers:

He will have power with other Commissioners to establish:

Rules and regulations in connection with short sales and stop-loss orders of securities registered on the National Securities Exchange.

STILL MORE BUDGE DISCRETION

Rules and regulations prohibiting manipulative or descriptive devices in the purchase of sales of securities.

The Commission has the power to regulate or prevent floor trading by members of national securities exchanges. It can regulate off-floor trading by members.

The Commission can exempt odd-lot dealers and specialists within the limitations of section 11(b) and section 11(a).

This is not merely a matter of enforcing the law. I shall read a few more of the powers of the Commission.

The Commission, which means Budge and his four colleagues, has the power to develop rules and regulations with respect to information filed in registering a security on an exchange. This means power. It means great discretionary power, which involves careful judgment. It concerns the Commission's attitude toward business and toward the regulation of trade.

The Commission may establish rules and regulations with respect to a security being withdrawn from listing by an exchange. Mr. Budge would have the power to make such a decision.

This can permit exemption from operation of section 12 to securities listed on an exchange at time of exchange registration, but not later than July 1, 1935.

Budge will have:

Power to grant and terminate unlisted trading privileges.

Requirements with respect to reports that must be filed by issuers who have a security listed on a national securities exchange.

Rules and regulations relating to the solicitation of proxies.

EVEN MORE BUDGE DISCRETION

Rules and regulations relating to information which must be filed by a broker-dealer wishing to register with the Commission.

Rules and regulations relating to the use of fradulent, manipulative, deceptive, or other fraudulent device by a broker-dealer in the over-the-counter market.

This is a very subtle, complicated and very important kind of power over the broker-dealer relationship, because many people feel that there is a conflict of interest when a person is a broker and a dealer, dealing and having an account, a client, and his own interest, which requires judgment and regard for the public interest.

The law also provides that the Commissioner, the nominee, shall have power, if approved, over: the financial responsibility of brokers and dealers; information to be filed by OTC issuers of a certain size; information to be filed by a national securities association desiring registration.

He will have power with respect to information that must be kept current by a registered securities association; power to abrogate or alter the rules of a registered securities association; power to exempt transactions from section 16.

Rules and regulations with respect to foreign or domestic arbitrage to carry out the purposes of section 16.

Rules and regulations relating to the keeping and preservation of records by exchanges, members and registered broker-dealers.

ADDITIONAL BUDGE POWERS

Also the power to order or suspend or withdraw the registration of a security—an immense power. This is a power that should be exercised under some conditions. It requires a tough-minded person, with an attitude toward business which can be objective, which can be one which recognizes primarily the public interest and the interest of the 17 million stockholders.

Power to suspend or expel members or officers from a national securities exchange—which, of course, is another immense power.

Power to suspend trading in a security.

There is nothing in the law which tells a commissioner whether to do it or not. This is a matter of judgment, and of the ability to withstand the kind of pressures that are most extraordinary.

Power to alter or supplement exchange rules in specific areas.

Power to make such rules and regulations as may be necessary for the execution of their functions under the act.

Rules relating to transactions on foreign security exchanges.

Budge will have additional rulemaking powers under the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Public Utility Holding Company Act and the Trust Indenture Act. All of these acts are administered by the Commission.

There is a constant area of judgment as to whether the exchange, the National Association of Security Dealers, or the SEC should set the rules of conduct. SEC is the final court. The SEC can decide it at its own discretion. The problems arise as a result of observation of individual practices and the assessment of whether these are "proper," but no particular definition is available of the word "proper."

HOW BUDGE POWER WILL OPERATE

A specific example is the work of individual floor traders, whose conduct is largely governed by the National Association of Security Dealers, but the SEC must constantly judge whether, in practice, such direction by the NASD is adequate.

This is obvious, since the NASD is composed of the industry itself—the dealers themselves—and the SEC must represent the stockholders, so that there must be and there is an area in which there is an adverse position. Taking this adverse position requires a degree of regard for the public interest which should be demonstrated in the record of the nominee.

Section 4 of the Investment Company Act permits broad latitude to the SEC on mutual funds.

Yet, is a "front end load" fair? Or a "front end load" an investment in security funds?

Some of those now require that as much as 50 percent of the amount an investor will invest in a mutual fund shall go in commission, and only 50 percent will actually be invested. This is considered by many people, by many professional observers, and by others in the industry, to be gravely unfair to the investor. Regulation of this is a matter of discretion. It is a matter for the SEC to determine whether it is unfair.

The SEC Commissioner should be dispassionate and so expert and so zealous for the interest of the stockholders that he is willing to step in, under the circumstances, which will encounter a great deal of hostility by the mutual fund, a great deal of objection by the mutual fund, and pressure by the mutual fund, to let them take for example 50 percent of what an investor invests.

For instance, if an investor puts a thousand dollars into a mutual fund under some practices, the mutual fund may take $500 the first year as its commission and buy only $500 worth of stock.

Is that right?

Many people feel that a maximum of 9 percent for a commission should be permitted in any one year, and that the investor should be safeguarded. He is not safeguarded right now.

Perhaps the SEC should step in to provide those safeguards. A serious question of judgment is involved, as well as a serious question which requires professional knowledge, and a serious question which requires a person who has the zeal to protect the public interest which can be demonstrated on the basis of his record.

The SEC has not answered this question, although the recent study suggested that the practice should be curbed.

The key words in the statute are "in the public interest and/or for the protection of investors."

How should these words be interpreted in this case of "front end load" which I have just described?

Section 10(a) of the 1934 act provides for SEC control over short selling, but then permits exemptions from the rules. There is a continuing question of when abuses of the exemptions occur which may require the SEC to change the exemptions in individual sentences.

They have to step in and determine whether the short-seller has been using the short-selling device to take advantage of the rules. This requires judgment and firmness in the face of industry pressure.

Sections 9, 10, 11, and 19 of the 1934 act deal with general powers over trading. Yet there are really no rules over such items as stop orders, quotations, and so forth. Practices must be carefully observed and individual rules established.

THE MURCHISON CASE

I should like to give one final example, which is a graphic example of the kind of tough and serious problem facing the SEC, and why it is so important to have people who can be just as zealous in the public interest as possible.

The question before the SEC and the courts in 1962 was whether the Murchisons' acquisition of control of Alleghany and Investors Diversified Services, Inc.—which incidentally represents the largest system of investment companies in the world, and constitutes $4 billion—would not entitle the thousands of small investors in IDS to refunds of many millions of dollars in investment advisory and underwriting fees paid to IDS, because the Investment Company Act declares that it is against the national public interests and that of investors whenever the "control or management" of investment companies is "transferred without the consent of their security holders."

The SEC Division under Director Conwill took the position, according to a staff summary of Commission memorandums and minutes of April 18, 1962, April 20, 1962, and May 31, 1962:

> That a change of control of a corporation (Alleghany) which controlled a corporate adviser or distributor (IDS) whether by transfer or as the result of a proxy contest would affect an assignment of the advisory and distributing contracts * * *. The Division argued on this basis the definition could and should be read to include other sections which result in a change of control and thus a change in the identity of the adviser, since it was the purpose of the act to enable stockholders to approve or disapprove of a new adviser (sec. I(b)(VI)).
>
> The Division also urged that the brief assert that no distinction was intended by Congress by the effect of a transfer of control through exercise of the power to sell a security or the exercise of the power to vote a security, since both are incidents of ownership.

This is obviously a complex but vital and important question of financial judgment, as well as legal judgment.

What happened to Director Conwill, who made this recommendation?

The New York Times of February 13, 1964, stated:

> Alan F. Conwill said last night he planned to resign this summer as Director of the Securities and Exchange Commission's Division of Corporate Regulation and return to private law practice in New York.
>
> Mr. Conwill said he notified the White House of his plans about 4 weeks ago and asked to be dropped from consideration for the seat on the five-man Commission that has been open since the resignation of J. Allen Frear, Jr., last September.

Some say that Mr. Conwill was the leading candidate to replace Frear when President Kennedy was assassinated.

I should point out that Mr. Frear was replaced by Commissioner Owens, of Oklahoma. Mr. Conwill was the man who in the Murchison case had the highest regard for the investors, certainly for the small investors. He was able to stand up to one of the Nation's most powerful combines.

This close relationship of an appointment to the Securities and Exchange Commission to the welfare of investors is illustrated by the fate of the very case in which Director Conwill advocated enforcement of the Investment Company Act against the Murchisons. It also illustrates how crucial the vote of one Commissioner alone can be when the Commission is divided. The SEC record above quoted shows that:

> The Commission, by a vote of 4 to 1 authorized the (Amicus Curiae) brief (of the Commission in *Willheim* v. *Murchison* in the Court of Appeals for the Second Circuit) to urge adoption by the court of the position advanced by the Division. Upon subsequent reconsideration, however, the Commission by a vote of 3 to 2, directed that the brief be limited to the position urged by the General Counsel.

Now this matter is currently before the Commission to vote upon again. If Director Conwill had replaced one of the three Commissioners who on "subsequent reconsideration" voted against "the position advanced by the Division," he would have provided the decisive vote in favor of an interpretation of the Investment Company Act that would result in the Alleghany-Murchison controlled IDS being forced to make some 10 millions of dollars of refunds to the thousands of shareholders of the IDS funds.

Mr. President, this is a job requiring men who understand the discretion and the judgment required by the Securities and Exchange Commission, not simply as the nominee has said, "To lock up the crooks."

SUMMARY

A summary review of all the evidence that I have just placed into the RECORD would convince anyone that this position is not similar to the job of a judge who sits in a circuit court. This is a vastly complicated, highly discretionary, exceedingly responsible position. The position involves billions of dollars, and the fate of literally millions of investors.

We need men in the tradition of the great former Commissioners. Think of the men who have been nominated and have served on this Commission. William O. Douglas, now one of the great Supreme Court Justices, was Chairman.

One of the finest Commissioners that we have ever had in any capacity on any Commission was William Cary, a distinguished professor at New York University, but a man who had a practical knowledge of the workings of the market, and a man who, as the New York Times has stated, revived and revitalized the Securities and Exchange Commission. Joseph Kennedy, the father of the late President Kennedy of the United States, is conservative in his views. But he knew the stock market up and down. He understood every facet of the stock market as well as any man. He showed his knowledge by his great success in the stock market. He could bring to the position of Chairman of the Securities and Exchange Commission a marvelous and practical appreciation of what was going on and an ability to protect the investor.

The present nominee has high integrity. He has the support of two of the very finest Senators with whom I have served. The nominee is a lawyer. He is a judge, and a former Representative in Congress. But he has no professional qualifications to recommend him—certainly not in this field.

His attitude toward regulation and the strict legalized interpretation of his duties, in my judgment, raises grave question as to how zealously he will administer, interpret, and apply the law to protect 17 million stockholders.

I respect Mr. Budge. I have met and talked with Mr. Budge. I have nothing against him. He is a man of honesty. He has a record of integrity. He has the support of very fine people. But, with all respect, I would suggest that Mr. Budge is one of the least likely men in all America to carry out the revitalization of the Securities and Exchange Commission to which the New York Times referred, under Chairman William Cary.

This nominee is about as likely to help make the Securities and Exchange Commission the vigorous watchdog of the marketplace that it should be, as Senator GOLDWATER is to carry Harlem for the Presidency next November.

I hope and pray that Mr. Budge will make me a bad prophet.

There are few responsibilities for advising and consenting to nominations that should weigh heavier with the Senate than those in connection with appointments to these immensely vital commissions.

I hope that in the future the Senate will give these nominations the responsible, careful, discriminating scrutiny that they deserve.

Mr. President, I yield the floor.

Mr. METCALF. Mr. President, I have little to add to what has been said.

I know Judge Budge. I concur in the opinion that Senator CHURCH and Senator JORDAN have expressed.

I believe he possesses the highest integrity. So it grieves me to have to stand on the floor of the Senate and suggest that this is an unfortunate and ill-advised appointment. I am not so concerned that Mr. Budge has not had the experience that should be brought to the Securities and Exchange Commission. I feel that we should appoint professionals to these commissions. I think we should appoint people who are familiar with the complex and complicated matters that come before the commissions. But, as the Senator from Wisconsin has pointed out, one of the greatest members of the Commission was Justice Douglas, who had experience in the law.

The thing that causes me to stand on the floor today and object to the confirmation of Judge Budge to the Securities and Exchange Commission is that Judge Budge does not believe in the kind of regulation that a Commissioner should. He does not believe in this sort of regulation at all.

His voting record in the House of Representatives, and his entire history, indicates that he feels that the Government should not regulate business in the way that the Securities and Exchange Commission regulates it. When we pay tribute to his integrity and when we pay tribute to his character and suggest that he is a man of great ability, we are appointing a man to do a job on a commission that he does not believe in.

He does not believe that this job should be done.

The Senator from Wisconsin talked about revitalizing the Securities and Exchange Commission. We hope that they will extend their authority to the over-the-counter market, for example. An investigation is being made now to extend the powers of the Commission.

I am convinced that Judge Budge will not go along with that sort of thing, as a matter of principle, in the philosophy that he has advocated in all the years in which he has been in public service, both in Congress and in the court.

As has already been pointed out, handling all these complicated, difficult decisions that will be handled as a matter of discretion in the Securities and Exchange Commission is different from passing judgment on convicted criminals, or deciding a case after a jury has brought in a verdict, as a trial judge.

I feel that the appointment is probably the worst that could possibly be made. There are thousands of Republicans throughout the United States who have the experience, the judgment and the discretion who would be able to do the job that needs to be done in administering the Securities and Exchange Commission in the public interest. Judge Budge is not the man for the job. I feel very deeply that President Johnson should not have appointed this man. It is difficult to vote against the confirmation of a man whom one respects, with whom one has served in the other body, and one who is a man of character and integrity, but, for many of the reasons which the Senator from Wisconsin [Mr. PROXMIRE] has pointed out, I shall have to vote against the confirmation of the nomination of Judge Budge.

Mr. JORDAN of Idaho. Mr. President, I have listened with a great deal of interest to Senators state their reasons why Judge Budge should not be appointed a member of the Securities and Exchange Commission. I wish to raise my voice in urging approval by the Senate of the nomination which has come to us from the President of the United States for this very important post.

Judge Budge appeared before the Committee on Banking and Currency, where he was thoroughly examined by a majority of the members of the committee who were present. I was there to present Judge Budge and to speak for him. I thought he handled himself very well before the committee. I was most gratified to find that he was approved by the committee with only one dissenting vote.

Mr. President, all of us seem to be agreed on several particulars. We agree, first, that Judge Budge is a man of great integrity, that he is a man of fine character, and that he has a good educational background. We agree also that he has served well in the legislative and judicial branches of government.

The point at issue is Judge Budge's particular qualifications for the important job to which he has been appointed. In all sincerity I believe the job requires a man of mature and discriminating judgment. I believe that Judge Budge, in his judicial career on the bench as a district judge in Idaho, has demonstrated those qualities very ably.

First, I should like to tell the Senate a little about Judge Budge. I have known him ever since he returned from World War II, where he served in naval intelligence. I served with him in the Legislature of the State of Idaho. I was Governor of my State when he served in the Congress of the United States. He served there for 10 years and he did a very creditable job.

In 1960 Judge Budge was appointed to the district bench in Idaho, where he was still serving when the appointment to the Securities and Exchange Commission was tendered to him by the President of the United States. He has a fine background. He is a graduate of Stanford University and the University of Idaho College of Law. He was a practicing attorney, legislator, Member of Congress, and district judge. He has evidenced those very particular traits which Senators have indicated that they think are so necessary for this important job.

The main objection that my colleagues level against Judge Budge is that he has no experience in the job to which President Johnson has nominated him.

It sems to me that this is like saying that no man is qualified to serve in the Senate unless he has had previous experience as a U.S. Senator.

I turn now to the hearings of the Committee on Banking and Currency at which Judge Budge was examined the other day. He was interrogated by the Senator from New York [Mr. JAVITS] in the following fashion:

> Senator JAVITS. But you have heard some securities fraud cases?
>
> Mr. BUDGE. Yes.
>
> Senator JAVITS. What is your reversal record like as a judge?
>
> Mr. BUDGE. Well, I would just have to approximate this. In the 3 years I have been on the court, I have probably handled something like 300 or 400 matters that have gone to final judgment. I think the Supreme Court has reversed me less than six times. And in one of those instances it did it with an apology, because they said they were also reversing themselves.
>
> Senator JAVITS. Well now, as a man of conscience, would you say that there is any association or affiliation that you have which would prevent you from carrying out the duties of this office in the manner and spirit and with the philosophy which is represented by your answers to Senator PROXMIRE and to me?
>
> Mr. BUDGE. I would state unqualifiedly, "No."

Mr. President, I make the same statement. Judge Budge is a man of conscience and of proven judgment. He is eminently qualified for this high position. I commend President Johnson for the excellence of his choice of Judge Budge to serve as a Republican member of the Securities and Exchange Commission; and I urge confirmation of this nomination by the Senate.

Mr. SIMPSON. Mr. President, I wish to associate myself with the remarks of the junior Senator from Idaho with respect to the appointment of Judge Hamer Budge.

I also wish to commend the senior Senator from Wisconsin [Mr. PROXMIRE] and the junior Senator from Montana [Mr. METCALF] with respect to the matters discussed by them upon his appointment or nomination.

It is my purpose and intention to call the attention of Judge Budge to the interesting colloquy which has ensued on the floor prior to the confirmation of his nomination, which I hope will follow soon.

I say to the Senator from Wisconsin that I am sure Judge Budge will profit by what the Senator from Wisconsin has said. I assure the Senator from Wisconsin that in my 25 years of association with Judge Hamer Budge I have found him to be a man of unimpeachable integrity, a man with a keen analytical mind, an unassuming man, but a man with an iron will and with exceedingly good judgment. I am sure he is sympathetic toward the small investors, and that is the basis upon which he accepted the appointment.

I am sure President Johnson must have thought highly of this man and made an investigation before appointing him to this high and distinguished office.

I am sure Judge Budge will heed the warning signals that have been placed along the path of his nomination by the Senator from Wisconsin and the Senator from Montana.

I join my distinguished colleague from Idaho in urging on the Senate that it vote to confirm the nomination to the post to which Judge Hamer Budge has been named.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Hamer H. Budge to be a member of the Securities and Exchange Commission?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 10669. An act to extend the Renegotiation Act of 1951, and for other purposes; and

H.R. 11375. An act to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

THE WAR IN VIETNAM

Mr. MORSE. Mr. President, yesterday morning I appeared on the "Today" program on the National Broadcasting Co. network on the subject of the war in Vietnam. This broadcast inspired more mail than I usually receive on this subject, though it has come in steadily in support of my position.

I ask unanimous consent to have various communications printed at this point in the Congressional Record.

There being no objection, the letters, telegrams, and articles were ordered to be printed in the Record, as follows:

In southeast Asia—no escalation without representation. Why is the U.S. Senate powerless to assert its democratic and constitutional prerogative against President Johnson and Secretary of Defense McNamara in their war which is being paid by our money and the lives of our sons? This is to say nothing of the suffering we are causing in Vietnam. I am ashamed.

But how grateful I am for your tremendous effort, Senator Morse. Please continue. (I know you will.) We are behind you.

Yours,

Mrs. Irene Hoglund.

Concord, Mass.

Dear Sir: Millions of Americans agree: You are right, the United Nations should take the place of Cabot Lodge, not a general.

James Roberts.

Cleveland, Ohio.

Champaign, Ill., *June 25, 1964.*

Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thank you for your courageous statement about southeast Asia on "Today" program.

John J. DeBoer.

Wichita, Kans., *June 25, 1964.*

U.S. Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

As a World War II combat veteran with four children, and a member of one of America's founding families, I wholeheartedly support you on the southeast Asian situation.

Eugene Fields,
President, Town and Country Mobile Homes, Wichita, Kans.

Seattle, Wash., *June 24, 1964.*

Dear Senator Morse: Many thanks for your expressions of opinion on southeast Asia. I am for you all the way. Wish you were a Senator from Washington State so that I could vote for you.

With sincere admiration,

Mrs. Sigrid Harris.

June 24, 1964.

Senator Wayne B. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: All of America owes you a debt of gratitude for it seems that your voice is the only sane one in all of Washington concerning the U.S. policies and actions in South Vietnam.

Please continue your efforts to halt the war in Vietnam and bring the problems faced there to the conference table. I feel that millions of Americans wholeheartedly support you in these efforts.

My husband, Dr. Thein Wah, and my father, Mr. Alphonse Hvalgren (705 Locust St., Prophetstown, Ill.), concur with me in the attitude I have expressed above.

Sincerely yours,

Edith Hvalgren Wah.

San Antonio, Tex.

Santa Monica, Calif., *June 24, 1964.*

Senator Wayne Morse

Honorable Sir: I could only wish that there were more Senators like you and Senator Gruening.

Your courage to speak your mind on our Government's policy and actions in South Vietnam and other areas, is admirable.

Why can't we let the people of those countries settle their own problems?

Thank you for your wonderful stand for justice.

Sincerely,

Mrs. E. Lehman.

June 23, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Mr. Morse: This is to express our heartiest support to your courageous stand on our involvement in Vietnam.

Our country must be steered away from its collision course, a course that will lead us, very soon now, to a world disaster.

The latest actions of the administration to escalate the war should alarm all of us. Your statements on this question give people courage to fight and a feeling of optimism that perhaps peace and moderation can still win out.

So keep up the fight. There are more and more people beginning to see how close we can be to disaster and are willing to act.

Sincerely,

Leo. A. Kosk.

Glendale, Calif.

Menlo Park, Calif., *June 24, 1964.*

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: Your speech regarding Vietnam is very fine. Let's learn the ways of peace.

Sincerely,

Martha Acenedo.

Chicago, Ill., *June 23, 1964.*

Hon. Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Sir: Your foreign policy statements which have been promulgated by the press recently seem to indicate your possession of an unusual insight into the facts and circumstances of U.S. involvement in the Far East.

I would greatly appreciate your sending me a list of publications wherein I could read a fuller exposition of facts and views similar to those you publicly express. These would hopefully include contemporary books that expose the true situation behind American foreign maneuvers.

Thank you and best wishes for future political success at a higher level.

Sincerely,

William Marshall Owen.

June 23, 1964.

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: After watching you on Walter Cronkite's CBS news tonight, I was prompted to write the enclosed letter to President Johnson.

Please continue to fight for peace. You have my best wishes.

Yours truly,

Mrs. Geri Evans.

June 23, 1964.

President Lyndon B. Johnson,
White House,
Washington, D.C.

Dear Mr. President: I have been a lifelong Democrat, but, if you speed up the war in South Vietnam, I cannot, in good conscience, vote for you.

I endorse Senator Morse's views on southeast Asia and urge you to be a Democratic President that seeks peace and not war.

Yours truly,

Mrs. Geri Evans.

Pittsburgh, Pa., *June 23, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to express my deep appreciation for myself and my family for your courageous opposition to the extension of the war in southeast Asia. I have read your excellent speech in the Senate on March 4 and would be happy to receive copies of any later statements you may have made.

Newspaper coverage of your and other Senators' attacks on administration policy in South Vietnam has been poor, but I have heard several of your statements on TV. Keep up the good work.

Sincerely yours,

Lincoln Wolfenstein.

New Rochelle, N.Y., *June 23, 1964.*

The Honorable Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator: I have had considerable difficulty acquiring complete detailed reports of your remarks on the role of the United States in southeast Asia, in particular on the Indochinese peninsula. I would very much appreciate copies of your remarks on these matters. In addition I would be interested in your opinions regarding the appointment of General Taylor to the post in South Vietnam.

If I have correctly understood the sketchy reports of your remarks on the role of the United States in Laos especially, and also in South Vietnam, I would like to express my hearty agreement with and support for your position. It seems to me that it is the

United States which threatens the peace in Asia at the present time, most outrageously in the flurry of aggressive, and highly irresponsible statements of recent days on the possibility of initiating open, hot war against China and North Vietnam and the Pathet Lao forces in Laos. Our Nation's words and deeds show continued and flagrant contempt for all past and present efforts to find peaceful settlements, to end civil wars setting back badly needed economic development for decades.

Indeed, it is hard to understand our policy in Asia, to understand just who makes decisions with what long-range and presumably, consistent goals. The very thought of the United States "carrying the war further" inspires, at least in my mind, a mixture of fear, shame and growing anger.

I very much hope your efforts to publicize the nature and implications of the U.S. policy in southeast Asia are successful. Unfortunately, it is more urgently important that practical steps be taken to check dangerous and irrevocable words and deeds. Let me thank you for all you may be able to do in these respects and for what you have already done.

I am a graduate student in economics and will be continuing my studies at Yale University this September.

Yours sincerely,

Richard D. Wolff.

Clinton, N.Y., *June 24, 1964.*

My Dear Senator Morse: I was delighted to hear of your speech before the Senate on radio yesterday. I know you've made plenty of them recently but I've never heard or seen a word anywhere before.

Thank you for your great efforts on behalf of our boys and the Vietnamese people. I clipped this item from the New York Times Saturday and send it on to you. I also bought an extra paper to get it with a letter to President Johnson.

Sincerely yours,

Frank Slater.

[From the New York Times, June 20, 1964]

Scientists Score United States on Chemical Warfare

Cambridge, Mass., June 19.—The Federation of American Scientists today called on President Johnson to halt all development and production of chemical and biological weapons.

"There is ample evidence that the U.S. Government is engaged in a large-scale effort to develop and produce lethal biological and chemical weapons," the federation said.

"It appears likely that the principal targets would be civilian populations rather than military personnel. We find this morally repugnant."

The federation's statement was given out at a news conference in the office of Prof. Alex Rich at the Massachusetts Institute of Technology.

The statement said: "We are concerned with reports of the field use of chemical weapons in Vietnam. Reports that defoliating agents have been used to destroy protective cover have been confirmed by representatives of the Department of Defense.

"These charges give rise to the broader implication that the United States is using the Vietnamese battlefields as a proving ground for chemical and biological warfare."

Tacoma, Wash., *June 23, 1964.*

Senator Wayne Morse,
State Capitol Building,
Salem, Oreg.

Dear Senator Morse: My wife and I are very much inclined toward your position on southeast Asia, but we feel inadequately informed. Your suggestion that we are violating the United Nations Charter by our actions in southeast Asia has seemed valid. Further, we seem to be obstructing rather than aiding popular political development in Laos and southwest Vietnam. Are we misinformed? Is the administration not acting on a judicious appraisal of more complete information (not only military, but cultural, psychological, etc.) than has been made evident through news media?

In the past few months, from Newsweek magazine and from television news (largely CBS), we have grown (in spite of lullaby propaganda) toward the following hypotheses:

1. That the U.S. presence in southeast Asia is hardly assuring the Asians the right of self-determination; this right would seem to be what Americans would be fighting for most of all.

2. That the peoples of Laos and South Vietnam hardly exhibit the cultural or educational readiness for democratic self-determination, which is the kind of determination which we seem to be promoting.

3. That the popular movement (i.e., that supported by the majority of active citizens and most in harmony with their aspirations at this stage of their social, political, economic, etc., development) is best represented at this time by the Communists. Even in spite of careful rhetoric to the contrary in Newsweek magazine, the people of North Vietnam appear—for Asians—to be very well off: active, dedicated, with a rising standard of material well-being and of education (even if Communist oriented now, always a moderating influence in the long run—cf. Russia).

It had seemed to us that the United States could represent itself in a most enlightened and inevitably influential manner by withdrawing from southeast Asia (or by merging into a United Nations agency), by allowing the people to determine their own course (which would probably be communistic now), and then by offering encouragement and scientific-political-educational-etc. assistance when, in the future, they had evolved to the point where they were ready for a new or "more advanced" form of government (much as the Soviet Union has evolved, under bettering economic and educational conditions, from a revolutionary extremism to a more self-confident and self-content moderation).

Thus, when we learned of the decision to "hold fast" irrevocably in southeast Asia, we were chagrined. Not only is there the risk of escalation and even of nuclear war with the Chinese, but the point of the decision did not seem to be directed toward what would seem to be our main purpose in southeast Asia: self-determination of the southeast Asians. Is the effort to halt the Chinese and the Communists an inseparable part of the effort to assure self-determination to the southeast Asians?

Some of the questions which perplex us are:

1. Would the peoples of Laos and South Vietnam determine a form of government "suitable to us" if we successfully held back the Communists?

2. In spite of all the material wealth we can invest in southeast Asia, are the people ready (re culture, education, etc.) for democracy? Or are we ready to accept other forms of government: communism, socialism, benevolent monarchism, military dictatorship, etc.?

3. Will China not challenge our nuclear forces? Or is southeast Asia comparable to Berlin?

4. Is U.S. "determination" not aiding southeast Asia less than it is fanning Communist revolutionary zeal and xenophobia in Asia toward a "belligerent," militaristic United States? Is it in our interest toward international understanding and harmony to nurture hate (compare characteristics of mass movements in Eric Hoffer's "The True Believer"), or does our determination breed less hate than respect?

5. Are political motives involved (in our national scene) and, if so, are they worth it (though it would almost seem worth it if it could "defuse" and defeat Senator Goldwater—in many ways a worse threat than the Chinese).

In any case, the administration seems to have facts which run counter to those which we can derive from public media. We feel bewildered in our ignorance, and concerned to know the facts as they are available.

What information have you available which may clarify and substantiate your position on southeast Asia? We would appreciate any printed material of your own, and/or references to current books, periodicals, or pamphlets dealing objectively and informatively with the problem.

Thank you for your attention.

Sincerely yours,

Edward N. Huggins,
Instructor of English, University of Puget Sound.

June 23, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: If only there were more Senators like you who would speak out against what practically amounts to a declaration of war in Vietnam. It is unspeakably awful.

Thank you.

P. Klinghoffer.

New York, N.Y.

June 20, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: We are gratefully relying on you to call out opposition to U.S. military thrust into Laos.

For ourselves it will end in futility even if we escape a third world war. For native populations it will add cruel suffering to their misery. Communism couldn't be worse than war.

Sincere thanks,

Ruth H. Pool.

Seattle, Wash.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

I am all for your stand on cessation of our stand on South Vietnam.

B. Galneson.

Crawford, N.Y.

June 20, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I wish to commend you for the courage you show in your forthright statements about South Vietnam. I hope you make a national tour to arouse the people.

Respectfully yours,

David Seidman.

Los Angeles, Calif.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I fully support your position concerning our role in South Vietnam. It seems as though we are about to step up our war offensive in that area. The results could be tragic. I admire your courage and urge you continue your fight for withdrawal or neutralization.

Sincerely yours,

Michael Samberg.

Bennington, Vt., *June 25, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington D.C.:

Your interview on the "Today" program this morning was an inspiration.

Fern Olson.

NEW YORK, N.Y., *June 25, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

Thank you for your courageous and factual presentation on "Today." We are grateful, please, again and again and again the facts.

Mr. and Mrs. ARTHUR W. DANA.

BRUNSWICK, MAINE, *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Living since World War I, I was heartbroken by General Taylor's appointment. Now listening to your marvelous NBC speech, I take courage. The U.N. is the answer for this world catastrophe into which we are headed. I pray you make it your immediate duty to rally all the millions who agree with you that are speechless. May you have continued strength and wisdom.

Gratefully,

GERTRUDE TIEMER WILLE.

RED BANK, N.J., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Re "Today" June 25, the only correct analysis re southeast Asia expressed by any, repeat any, Member of the Senate or Congress was expressed by you this day. Your statement on the subject should be rebroadcast on the hour every hour throughout this Nation until the American people wake up to the fact that they are violating the laws set forth in the U.N. Charter and are thus selling out a lot of boys who died in two wars.

EDITH W. AYKENS.

HIGHLAND PARK, N.J., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Your program this morning on "Today" was most enlightening. It would be wonderful if all of us could help you get the message of South Vietnam across to the Nation.

With kindest regards,

KEVIE SCHULMAN.

LOS ANGELES, CALIF., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Forgive the silence of necessity. I envy the Oregonians their Senator MORSE, an honest, courageous, brilliant, independent who is a Democrat with a small "d" and American with a capital "A." Keep up the magnificent work for the loyal opposition.

Mrs. MARY CLARK.

LOS ANGELES, CALIF.,
June 24, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

My family support your courageous opposition war in Vietnam. Continue speaking out.

ROSEMARY LUSHER.

LOS ANGELES, CALIF.,
June 24, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Beg you continue your opposition war in Vietnam. America will be proud of you.

ALBERT MALTZ.

DANVERS, MASS., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Endorse heartily your views re Vietnam expressed "Today's" show. Please continue efforts for saner policy, especially United Nations participation.

Dr. WM. M. GOLDBERG.

ALBION, MICH., *June 24, 1964.*

Senator WAYNE MORSE,
Senator from Oregon,
U.S. Senate, Washington, D.C.:

Congratulations again on your protest against war with Red China. I am protesting to the President.

ARTHUR W. OUNK, Ph. D.

SEATTLE, WASH., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Have been in the doghouse for 6 months for opinions such as you express. If there is anyone in our section still available to openly talk with, please inform me.

Mrs. H. B. ANDERS.

PALOS VERDES ESTATES, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
Washington, D.C.

SIR: Heard your strong stand this morning on "Today's" show. As a mother of two boys in Army, what can I do as loyal fellow Democrat?

RUTH PALMER.

CHICAGO, ILL., *June 25, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I fully endorse your unequivocal statements on Vietnam on "Today" program. We need more statesmen with the courage and convictions like you and Senator FULBRIGHT to arouse public opinion.

H. P. REMPERT.

DAYTON, OHIO, *June 25, 1964.*

Senator WAYNE MORSE,
Congressional Building,
Washington, D.C.:

Your comments on "Today" show most timely. Back you 100 percent.

C. CONOVER and T. SMALLWOOD.

PORTOLA VALLEY, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Heard you on "Today" show. Agree in every respect. Am sure you could get signatures of most everyone in America on a petition. Please tell me what I can do.

MARY WINKLER.

ANDERSON, IND., *June 23, 1964.*

DEAR SENATOR MORSE: I agree with you 100 percent on the Vietnam situation. If the Government over there were any good we would not have to worry about their being taken over. I don't know of any really good government yet, that ever fell to the Communists.

It also seems clear to me that the military takeover in South Korea proves that our boys over there died in vain. I hope you will keep up the fight and that we won't make a far bigger mistake in Vietnam, I think the policy of the British is about the best of any country I know of. We have two fine Senators in Indiana now, but don't believe they have the wonderful courage that you have.

Yours truly,

VEACHEL SMITH.

JUNE 24, 1964.

DEAR SENATOR MORSE: Your inexhaustible and courageous stand against our participation in an undeclared war in Vietnam has won you the admiration and respect of every peaceloving American.

I, for one, am deeply grateful that our country has produced a man of your caliber and convictions.

I salute you for your genuine interest and concern for the peace and well-being of your fellow citizens.

We will support you to the nth degree in this vital issue.

With sincere gratitude,

Mrs. A. BRENNER.

NEW YORK, N.Y.

THE COMMUNITY CHURCH OF BOSTON,
Boston, Mass., June 24, 1964.

Senator LEVERETT SALTONSTALL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SALTONSTALL: The decision of Senator MORSE not to confirm the appointment of Gen. Maxwell Taylor as Ambassador to South Vietnam meets with my wholehearted approval. The implication of this appointment is that a military approach to the problem of that unhappy country is the policy of our Government. I believe that our approach should be a political one based upon a decision to negotiate the issue with the interested parties. The defeat of the French Army in Vietnam was a demonstration that the military approach is doomed to failure and now, in light of greater complications at the present time, is dangerous to the peace of the world.

As a matter of fact, the sending of American troops to die in South Vietnam is a policy that I cannot support. The hypocrisy of our helping to kill the people of South Vietnam in the name of its liberation while our own citizens are deprived of the right to vote and are dying to preserve the right to vote in Mississippi is both tragic and hypocritical. When it comes to liberation we should begin at home in Mississippi rather than 10,000 miles away. If armed forces are to be used for purposes of liberation, let them be taken out of South Vietnam and be sent to Mississippi.

Sincerely,

Rev. DONALD G. LOTHROP.

BROOKLYN, N.Y.,
June 23, 1964.

DEAR SENATOR MORSE: I have just written to President Johnson protesting the continuation of the war in southeast Asia and the appointment of General Taylor as our Ambassador there. We should get out of southeast Asia, and sit down at the negotiating table with China and other interested nations to seek the neutralization of Laos and Vietnam. Thank you for leading the fight against this wretched war. You have many admirers and supporters who wish you full strength to continue your campaign.

Sincerely,

MIRIAM KELBER.

CHICAGO, ILL., *June 23, 1964.*

SENATOR WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I certainly agree with you that President Johnson is "making the United States the world's leading threat to world peace." In a speech yesterday you insisted he should take up the issue with Congress, which alone has the right to make war. You stated further that "No President is alone entitled to threaten war or to commit the United States to war." I want to commend you for your speech denouncing the present warlike policy.

The nomination today of General Taylor to succeed Henry Cabot Lodge as Ambassador to South Vietnam is very disturbing. This nomination looks like a step toward war. I hope the Senate will take a long, hard look at General Taylor when his nomination comes up for approval.

Very truly yours,

FLOYD MULKEY.

CHICAGO, ILL., *June 24, 1964.*

Senator WAYNE MORSE,
Senate, Washington, D.C.

DEAR WAYNE MORSE: Wholeheartedly agree with your stand on Vietnam and applaud your position on having a general sent as our Ambassador to Vietnam.

How can ordinary citizens such as myself assist you?

Sincerely,

SHIRLEY LENS.

MILITARY AID GOES TO BANGKOK

WASHINGTON.—Four cargo ships bearing tanks, armored personnel carriers, and other heavy military equipment are now steaming toward Bangkok. The equipment reportedly is to resupply U.S. stocks there.

DEAR SENATOR MORSE: I recently read your letter in Four Lights published by WILPF and am so thrilled to think that someone has the same belief as I about South Vietnam. And I was greatly disturbed to see this statement by Admiral Felt. Does he realize that all-out war would mean the end of civilization and would mean the loss of perhaps over a billion lives? War is unthinkable. It has never been the solution. History proves that.

I should like you to send him some publications of United World Federalists, Inc., 1319 14th Street NW., Washington, D.C.

Send me the bill.

Mrs. RUTH G. YEAGER.

PHOENIX, ARIZ.

P.S.—Keep up the good work for us all. God bless you.

ARMED U.S. JETS OVER LAOS

WASHINGTON.—The U.S. Air Force, it was learned today, has been flying reconnaissance missions over Laos with heavily armed jet escorts.

UNITED STATES WOULD RISK ALL-OUT WAR

TAIPEI, FORMOSA.—Adm. Harry Felt, leaving his post here as commander in chief of U.S. Forces in the Pacific, states the United States would risk even all-out war to check Communist aggression in southeast Asia.

SOMERVILLE, MASS.,
June 23, 1964.

DEAR SENATOR MORSE: I have been following the position taken by yourself and far too few of your colleagues regarding the war our Government is waging against the people in South Vietnam.

My concern is not only, as you expressed it today, that the United States will be hated for the next 500 years, but too that innocent people—Vietnam civilians, and Americans (soldiers who, God knows, never really know what it's all about) are being slaughtered.

Having had the courage to be honest in your past, I urge you to do all in your power, with the sanction of your fellow Senators who share your views, to bring the issue to the public and to create dissension and strong public opinion. These pressure factors alone can end the war, or at least stop its expansion. I suggest, if it is in any way possible, that you and others go on a nationwide speaking tour to talk against the war. That prospect may seem difficult. It is, regardless, imperative.

Sincerely,

——— ———.

DENVER, COLO.,
June 23, 1964.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for helping keep us out of war in Asia. Transporting our men and supplies that far and fighting in jungles, mountains, valleys, fields, and heavily populated areas where we have to make and defend roads to frontlines would become extremely unpopular.

Slaughtering millions of people with atomic bombs and leaving millions half dead and suffering would turn civilized nations against us.

What would we do with 700 million Chinese in Asia, if we conquered them? Would we doctor all of the radioactive and suffering people or let them gradually die while we talk about winning the war on poverty? If we try to prevent communism by winning the war on poverty that way, most of the people in the world would rather do it without our help. We would not do ourselves or them any good with all of that enormous expense and destruction.

We do not speak the Chinese language or read their writing. It would be difficult to distinguish individuals we could trust from those who would betray us.

What would we do with these Chinese prisoners and what would they do with the American prisoners? They have enough people to wreck our roads, cut off our supplies, and capture our men who cannot instantly change their features and language and escape unnoticed like natives.

Trying to shoot an idea like communism with a bullet is like shooting in the dark—we are almost sure to miss our target—and we might cause disaster unintentionally.

If GOLDWATER wants a war with Panama, Cuba, Zanzibar, Vietnam, China, minority races at home and abroad, let him do the fighting without our support.

Sincerely,

NATHAN L. BEATTY.

CHICAGO, ILL.,
June 23, 1964.

The Honorable WAYNE MORSE,
Senator from Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have read with gratification your repeated outright speeches in favor of a peaceful Asiatic policy.

For this reason I am herewith forwarding copy of my today's letter to President Johnson, in the hope that the peace voices may triumph.

Sincerely yours,

OTTO WANDER.

CHICAGO, *June 23, 1964.*

The Honorable L. B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As previously indicated, I consider our intervention in South Vietnam, Laos, etc., unwarranted and opposed to our national interest.

This intervention represents an undeclared war in which neither the Congress nor the people of the United States have been consulted. It is in violation of the Big Power agreement, reached after the evacuation by the French, looking toward a plebiscite to reconcile or unify North and South Vietnam. It is, furthermore in violation of good military policy which opposes involvement in continental Asia.

In this nuclear age a modus vivendi with mainland China must be found as the only alternative to eventual suicidal war.

I implore you, Mr. President, through your powers of diplomacy, to lift this cloud from our future and that of humanity.

Sincerely yours,

OTTO WANDER.

NEW YORK, N.Y.,
June 23, 1964.

DEAR SENATOR MORSE: I agree with you completely on your stand in southeast Asia. You have a lot of courage and history will record the sane approach you have in world affairs of 1964.

The U.S. Government is trying to do what the French were unable to do in 1954. I'm afraid that the U.S. Government is heading for a situation similar to Korea in 1952 when our troops approached the Yalu River. The Chinese have millions of soldiers and I'm afraid that we may provoke Red China to attack our comparatively meager forces in southeast Asia.

Keep up the fight. Thinking Americans are behind you.

Sincerely,

THOMAS M. MORRIS.

WESLEY METHODIST CHURCH,
Worcester, Mass., June 23, 1964.

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I commend your efforts, through the CONGRESSIONAL RECORD, to make known the state of affairs that exist in Vietnam. Enclosed is a copy of a resolution passed by the New England Conference of the Methodist Church, June 11, 1964.

This resolution represents my own thinking as clearly as I can know it and I send it to you for whatever use it may be to you.

Most sincerely,

L. VANN ANDERSON, Jr.,
Minister of the Parish.

[Enclosure]

Amendment to the report of the Board of Social Concerns found on pages 39 ff. Amendment by addition on page 43 under subheading "Direct conflict must be avoided". Amend by adding following paragraph to become paragraph 2.

In reference to the threat to the peace in South Vietnam, we would request our Government to place this dispute before the United Nations. This procedure would help implement the rule of law in international affairs, and would honor our Government's signature on the Charter of our United Nations. It would also enable our Government to keep faith with its professions of believing in the force of law rather than the law of force in settling international disputes.

Submitted by Mr. Dale S. Fair.

PERTH AMBOY, N.J.,
June 23, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing a letter in the Times which was designed and I hope succeeded in furthering your position in Vietnam.

Yours very truly,

DAVID MANDEL.

OPEN LETTER TO SECRETARY MCNAMARA ON THE WAR IN VIETNAM

The New York Times of April 25, 1964 ran a story headed, "McNamara Agrees To Call It His War." You were quoted as saying, "I don't object to its being called 'McNamara's war.' I think it is a very important war and I am pleased to be identified with it and do whatever I can to win it."

No American should want a war in his own name, especially this one which is not yet licensed by Congress. Here it is worse too because the war is against an entire people. After 10 years of resistance to vastly superior weapons, the people want it ended. And we need not fear to leave, for no puppets (not ours or China's) will rule this brave people.

The policy of the open door for investments and free enterprise which is back of our intervention is as dead as the old colonialism. Most of the free world nations under this policy are now dictatorships.

Under this policy we use the usual tools for coercion—bombs, bribery, billions, and puppets. And our puppets are never George Washingtons—never.

Walter Lippmann (Apr. 9, 1964) compares us in our Asian policy to "one of those prehistoric animals which was all armor and teeth, but had almost no brain." But France learned the futility of trying to suppress a whole people right there in Vietnam. With the guns gone on both sides, our Khanh would not last a day.

Senator Morse (Mar. 26, 1964) said, "If we are not an aggressor nation now in South Vietnam, we are not far from it * * * there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there?"

Senators Bartlett, Gruening, and Mansfield have all been critical of American policy in South Vietnam.

Prof. Roland Baintin, Yale Divinity School; Roger W. Burnham, Businessman, Milford, Conn.; Dr. Jerome Davis, New Haven; Prof. Thomas I. Emerson, Yale University; Rabbi Robert E. Goldberg, Hamden, Conn.; Rev. Sidney Lovett, Director, Yale in China Association; Prof. John Oliver Nelson, Yale Divinity School; Catherine G. Roraback, Attorney, New Haven; Prof. Frederick L. Schuman, Williams College; Rev. Wayne Shuttee, Unitarian Church, New Haven; Prof. Ralph E. Turner, Yale University; Rev. Wallace T. Viets, First Methodist Church, New Haven; Rev. Loyd Worley, Methodist Church, Milford, Conn.

(Cut out and send this letter to President Johnson.)

New York University,
New York, N.Y., June 23, 1964.

The Honorable Lyndon B. Johnson,
The President, the White House,
Washington, D.C.

Dear Mr. President: I have written already to my New York State Senators urging that they support the policies suggested by Senators Morse and Gruening which could lead to a peaceful resolution of the dispute over Vietnam. Nevertheless, I was compelled to write to you at once by the report in the New York Times which stated that the administration's commitment to Vietnam was being viewed as unlimited.

Mr. President, I admire your repeated statements to the effect that you are willing to pursue peace by patient discussion with the Soviet Union. Furthermore, I recognize how astutely you have handled the difficult task of securing congressional support for the civil rights bill. If then, we are to accept your devotion to peace and political sagacity, how would we explain a continued, and indeed increased, commitment to a regime which our newspapers have admitted is oppressive and which can secure the backing of at most a quarter or 30 percent of its people and can control only approximately that proportion in daytime?

As a statesman-politician, you must realize that it is folly to make unlimited commitments to untenable positions. This fact is recognized abroad by our allies and at home by thoughtful Members of Congress. When the costs are apparent, it will be recognized by virtually all our people. Before we are engulfed in a widened war of our own making—which may devour our country in nuclear war—before we alienate all the world by continued pursuit of an ill-considered policy, we urge that you follow a policy worthy of your statesmanship which will lead our Nation to peace, as candidate Eisenhower promised and later carried out in the Korean cul de sac.

Respectfully yours,
Edwin S. Campbell.

Pennsylvania Lumber & Post Co., Inc.
La Vale, Md., June 23, 1964.

Senator Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: You are to be congratulated on almost your lone stand on the southeast Asia situation. You may stand largely alone from a Government standpoint but I venture the assertion if the American people were to vote on it your support would be overwhelming. "A prophet is with honor save in his own country."

Respectfully,
W. H. Solomon.

Bayside, N.Y.,
June 23, 1964.

Hon. Wayne Morse,
Senator from Oregon, Senate Office Building,
Washington, D.C.

Dear Senator Morse: Your timely warning against deeper involvement in southeast Asia was well taken and to the point. I just hope that it will not remain a lone voice in the wilderness.

We seem to be drifting closer and closer to war and there is an absolute conspiracy of silence. Is there no effective way to lodge a protest against this development, to see to it that the protest is heard in places where it counts? As an example, your latest warning was given absolute minimum publicity in New York—I heard it exactly once on the radio.

Respectfully yours,
John Strauss.

Woodside, Calif.,
June 17, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to commend you on your recent speech opposing our extension of the war in Vietnam. As usual, you have stood up and spoken sense on an issue in which the majority seems to go headlong into an irresponsible path. Your speech was cogent, to the point and full of factual information about a dangerous and explosive situation. To continue on our present course is not only immoral, it is dangerous and almost certain to end in disaster. I most sincerely hope our leadership will pay no heed to the screams of the lunatics on the right who would shoot from the hip without giving any thought to the consequences of their actions. I want you to know that there are many thoughtful Americans who support your position strongly.

With best personal wishes, I am,
Cordially yours,
Henry Mayer, M.D.

Miami Beach, Fla.,
June 17, 1964.

Dear Senator: You are, without a doubt, a great American. I heard your statement on television and read about your views on South Vietnam.

What on earth is Johnson thinking about? I thought he was supposed to be such a smart politician. But he is going to lose the Democrats millions of votes by getting us, at best, into another Korea or, at worst, another bomb war.

Does he really believe he can bluff China and that Russia will not come to China's aid?

If Johnson is going to do what it looks like he is going to do, I cannot vote for him. If I'm still alive and not a victim of an atom holocaust. I hate Goldwater but if Johnson persists in this madness, I will not vote.

Again let me tell how much I admire and respect you. You should be our President.

Sincerely,
Ewen Foster.

P.S.—I am writing to all my Congressmen, Senators, and the President.

Hermosa Beach, Calif.,
June 23, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We want you to know that we wholeheartedly support your efforts to keep our country from plunging further into war in southeast Asia.

You are performing a great service to the American people in alerting us to the possibility that our Government is preparing a major war behind the scenes.

We know that many other Americans share with you the belief that there must be an alternative to war as the solution to international conflict.

Our best wishes for your courageous work in trying to save our country from this disgrace.

Yours very truly,
Morris Horowitz,
Joyce C. Horowitz,

Whittier, Calif.,
June 22, 1964.

Dear Senator Morse: I want to enclose a copy of an advertisement which appeared in our local paper last week. We were discussing this and thought that you might like to see it because of your splendid work in trying to end this senseless war in Vietnam.

My husband and I are Quakers and work with the American Friends Service Committee and we often look to you for leadership in so many fields of legislative work. We just wish there were about a dozen "Wayne Morses."

Please do keep up your work in trying to seek a creative solution for the Vietnam destruction. What do you think about a neutralization according to the Geneva plan? Would this be possible?

Cordially yours,
Doris Mills.

[From the Whittier (Calif.) News, June 17, 1964]

"Two recent South Vietnamese napalm bombings, which fall into the brutal category, have grievously hurt the U.S. image throughout the world. One was widely dramatized by the publication of an Associated Press photograph on March 20 which showed a child in his father's arms, badly burned by air-launched, jellied, gasoline bombs which had fired a Vietnamese village. Publication of the AP photo resulted in the U.S. Defense Department's acknowledging for the first time that napalm has been furnished South Vietnam—under the military aid program, and that it has been dropped by Vietnamese planes provided by U.S. assistance plan.

"[Washington Post, Mar. 29, 1964]

"DO YOU APPROVE?

"Senator Wayne Morse, of Oregon, March 25, 1964:

" 'We should never have gone in there, we should not have stayed in, we should get out now.'

"Senator Ernest Gruening, of Alaska:

" 'The time has come to reverse our policy of undertaking to defend areas such as South Vietnam. A return of troops to our own shores should begin.'

"Senator Mike Mansfield, of Montana:

" 'There has not been and there does not exist today a basis in our national interest which would justify the assumption of primary American responsibility in this situation which might well involve the sacrifice of a vast number of American lives.'

"Senator Wayne Morse, of Oregon, March 30, 1964:

" 'By what right did the Secretary of Defense go over to South Vietnam and pledge U.S. support for a "thousand years, if necessary," in behalf of the American people. He had no such right. The American people should answer him in no uncertain terms.'

"Whittier Peace Council recommends immediate withdrawal of all American forces from southeast Asia and urges settlement of the war by the 14-nation Geneva Conference of 1962 under the auspices of the United Nations.

"Write President Johnson, Senator Kuchel, Senator Engle—today. This message is brought to you by the Whittier Peace Council and the following groups:

"Whittier Chapter American Association for the United Nations, Peace and Service Committee—First Friends Church, Whitleaf Monthly Meeting of Friends, Whittier Friends Unprogramed Meeting, Whittier Area Women Strike for Peace, Whittier La Mirada Unitarian Fellowship.

"For further information—or to help defray cost of this ad—please send requests and contributions to: Whittier Peace Council, 821 East Sunrise Drive, Whittier, Calif."

Los Angeles, Calif.,
June 25, 1964.

Senator Wayne Morse.

Dear Senator Morse: Please accept the appreciation of an old lady for your courage. Some of my 82 years I have spent in leisurely, unconducted travel in all continents except Australia. I remember the political campaign of 1896. I voted Democratic first in 1932. In 1960 I could vote for neither. In 1964? The belief in civil rights and antipoverty legislation is contradicted by our foreign policy.

Respectfully,
Florence R. Scholl.

Palo Alto, Calif.,
June 21, 1964.

President Lyndon B. Johnson,
The White House, Washington, D.C.

Dear Mr. President: This headline appeared on the front page of the San Francisco Chronicle this morning: "U.S. Would Risk War in Asia" with the following opening paragraph:

"United Press, Taipei. Adm. Harry D. Felt said yesterday that the United States is willing to risk an all-out war to check Communist aggression in southeast Asia."

Is this top military officer speaking for the administration or making administration policy? No man speaks for us who is willing to risk nuclear war for any purpose whatsoever.

In fact, we consider the continued presence of U.S. military forces in South Vietnam constitutes an immediate threat of nuclear war.

We agree with Senators like Morse, Gruening, Mansfield, and Aiken that we should get out of Vietnam—and the sooner, the safer for the world.

Keep up the good fight.

Cordially yours,
Mr. and Mrs. Frank R. Kennell.

Rowayton, Conn.,
June 23, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: You are a refreshing island of integrity and courage. Please don't lose heart.

I wish, too, that you would emphasize what would be the outcome if we do go ahead with our grandiose and arrogant plans—at best, another Korea; at worst, a nuclear holocaust, and our country thenceforth would make Nazi Germany appear sweet smelling by comparison.

Sincerely yours,
A. I. Levine, M.D.

Bayside, N.Y.,
June 21, 1964.

Dear Senator Morse: I admire your opposition to sending our troops to Vietnam.

I am afraid that the troops will be sent in force nevertheless. And I am completely frustrated not to be able to do anything about it except to write the President.

Perhaps I go beyond your position. Not only would unilateral fighting in Vietnam (South or North) be a criminal act because of the illegality, but the more so since the fighting would be for the purpose of crushing what appears to be a genuinely popular revolutionary movement, if I can believe the long series of dispatches by David Halberstam in the New York Times.

With a compliant populace and a Republican opposition that would applaud such an intervention and with only a handful of persons of conscience like yourself, what is to stop the President?

It seems that a lot of Americans are going to be dying for the incredible purpose of bringing misery and death to an already wretched people and for the purpose of thwarting that people's will.

Yours very truly,
Lawrence D. Hochman.

Plainfield, N.J.,
June 24, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I was horrified last night when I heard the news that Gen. Maxwell Taylor is to replace Ambassador Lodge, confirming the rumors that we are going to be more belligerent in southeast Asia.

Thank goodness, when you were interviewed, you expressed alarm at this prospect. Before this I've felt I should write to let you know that I highly approved of your recommendation that we seek to keep the peace in that sensitive area by negotiation, not by military might, and find a solution under the United Nations Charter procedures.

More power to you and Senator Fulbright and the others who are calling for a review of our foreign policy. We can't travel two directions at once. If we want peace we must use peaceful means.

Hopefully yours,
Katherine Vanderbeek.

Cambridge, Mass.,
June 23, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I agree with you thoroughly on the President's choice of General Taylor as the new Ambassador to South Vietnam, and wish you well in your efforts to block confirmation of the appointment.

Respectfully yours,
Wallace Dailey.

June 19, 1964.

Dear Senator Morse: I wish to commend you on your opinion regarding our present policy in Vietnam. I am in accord with those who feel that any help we give should be economic and that our military forces should be withdrawn. I don't feel that either we or our opponents could win another war.

Sincerely yours,
Grace M. Lealtad.

Philadelphia, Pa.,
June 22, 1964.

Dear Senator Morse: You are so right. We should have never gotten into this dirty war in Laos and Vietnam. There must be some honorable way to stop the fighting and start negotiating and pull back from the brink.

Bless you.
Dorothy Kunkle.

June 23, 1964.

Senator Wayne Morse.

Dear Sir: I am not from your State, but feel impelled to write you, after reading your statement in Time magazine and hearing you on TV on our involvement in Asia. I, too, am much concerned and want to voice my protest, although it will be like the "voice crying in the wilderness." How in heaven's name can we cure the many ills of the world—alone at that—in countries so divided among themselves, so indifferent and in such a chaotic state. Many of those countries have expressed dislike for us and want us to leave. To risk a world war for those countries is unthinkable to me, and I resent with every ounce of me, every soldier lost over there. Nothing I've read has made any sense as to why we are there, except for material gain, and even if those countries are lost to the Communists, we can still live. We seem to be getting along, even though we have Russia, Cuba, and other countries in that category.

My husband fought to save Europe in the First World War—my son-in-law in the Second—but I'm blest if I want my grandson trying to save Asia. Let us save ourselves first, and here in this hemisphere. "What profit a man to gain the world if he loses his soul."

Sincerely,
Marjorie Buchanan.

Scarsdale, N.Y.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: On the radio on Saturday, I heard a commentator state, "We will risk a war with China in order to preserve the peace." How casual can one get about annihilation?

On a David Brinkley 1-hour showing of an average town, three women and a man were asked how they felt about dropping an atomic bomb and the general consensus was, "Sure drop it and let's get it over with." Don't these people know anything? Bless you for your wonderful support of peaceful alternatives in southeast Asia.

Sincerely,
Blanche H. Posner.

New York, N.Y.,
June 23, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington D.C.:

Bravo for your statement on southeast Asia. War with China is unthinkable.

Mr. and Mrs. A. Tubarsky.

San Francisco, Calif.,
June 24, 1964.

Senator Morse,
U.S. Senate,
Washington, D.C.:

Congratulations strong stand against extending war southeast Asia. Many supporters here. Continue fight for peace.

Donald Paton.

Paramount, Calif.,
June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: People of this country should not be forced to chose between a Johnson war and a Goldwater war or what have you. A war with Red China which seems to be in the making as you yourself have been quoted to have said could easily accelerate into a East-West thermonuclear war.

B. H. Livingston.

San Jose, Calif.,
June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thank heaven for your voice in Congress, long may it be raised.

Mima Sterne.

BEVERLY HILLS, CALIF.,
June 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We do not support war in southeast Asia. Urge use of United Nations.

Dr. and Mrs. TED J. GOLDSTEIN.

PASADENA, CALIF.,
June 23, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Thank you for your courage in opposing the war plans in South Vietnam.

Dr. and Mrs. WILLIAM A. MUSGRAVE.

LOS ANGELES, CALIF.,
June 23, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Sending this to you because I fear screening from President Johnson's notice. Am in full accord with your views on South Vietnam. The administration is showing very blind expediency in reaction to the loud no-nothings who are trying to change U.S.A. policy and image.

Mrs. ETHEL D. KING.

JUNE 2, 1964.

LETTER TO THE EDITOR,
Los Angeles Times,
Los Angeles, Calif.

DEAR SIR: Those who think we should continue the war in Vietnam should have read the story in the Los Angeles Times April 16, 1964—"Maimed, Scarred Child Victims of Vietnam War Horrify Doctor."

Dr. Ellmore, well known in southern California, tells us that there are only 800 trained doctors in South Vietnam; 600 of these are in the army, leaving 200 doctors to serve 15 million people. (By contrast, a proposed community, Laguna Hills, near Los Angeles, will have 500 doctors for the residents of 18,000 homes.)

Dr. Ellmore says there is not one plastic surgeon in the country though many are needed. We provide white phosphorus, trinitrotulene, and other kinds of bombs. If a civilian loses part of his face in a grenade explosion, or has his skin burned off he stays that way.

Dr. Ellmore did not say, but it is known that our military activities in Vietnam cost us $2 million a day and that this and 17,000 American troops are not enough, for our position has become steadily worse. We have lost the people in that miserable country. Love and victory cannot be won by herding millions of people into barbed wire "strategic hamlets" and bulldozing their villages and spraying their animals and crops with insecticides. Our Army advisers complain that the Vietnamese army does not fight with spirit and sometimes refuses to fight at all. I shouldn't wonder.

The policy of Madame Nhu and her husband led us this far. Will the policy of Maj. Gen. Nguyen Khanh lead us to world war III? I believe that this thing we are doing in Vietnam is immoral and indecent. I agree with U.S. Senators WAYNE MORSE, ERNEST GRUENING, and MIKE MANSFIELD that we should stop it.

WORDEN C. MCDONALD.
EL MONTE, CALIF.

CHICAGO, ILL.,
June 23, 1964.

Hon. WAYNE MORSE,
Senator, Oregon,
Washington, D.C.

DEAR HONORABLE SIR: For several years I haven't thought too good of you, not since you became a Democrat and started a boiler factory noise against the Republicans who honored you previously.

But, of late I note you are going straight to the folly of our being in a war in Vietnam, and letting the President know it. The folly of our being in about every quarrel in the world, armies here and there accomplishing but little or nothing of good, are thoughts the common citizen should resolve. Our President and those about him will do nothing other than get more deeply involved. Also the overdoing foreign aid goes on apace.

Yes, I'm still a Republican and hope to vote for BARRY come November. I'm not a "Nervous Nellie" in politics.

Respectfully,

JOHN W. REEVES.

DETROIT, MICH.,
June 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Unequivocally support your position on southeast Asia. Keep the pressure on.

E. J. GEHRINGER.

[From the Plain Dealer, June 18, 1964]

NEEDED: AN APPROACH TO END THE WAR IN VIETNAM—AN OPEN LETTER TO THE U.S. DEPARTMENT OF STATE

The United States is a foreign party to a civil war in Vietnam. Fifteen thousand U.S. uniformed personnel have been committed to the battle. Casualties include American soldiers.

Acceleration of the American war effort in South Vietnam invites increased aid by China to the Communist Vietnamese. Stepping up the war effort risks the use by either side of nuclear arms. Nuclear war offers no victory.

What is the alternative?

Negotiation is urged by Senator Wayne Morse, Senator Ernest Gruening, Columnist Walter Lippmann, and others. Recognizing it takes both sides to make peace, we urge our Government to initiate a conference of nations to guarantee a neutral Vietnam.

We support U.S. efforts to insure enforcement of agreements. The United Nations can assist direct negotiation. Inspection teams must be free to operate wherever needed. They can be backed by frontier patrols.

The best guarantee of enforcement is the mutual advantage of the agreement. The goal is a Vietnam whose independence is guaranteed and respected.

Robert R. Archer, Professor; Raymond S. Beard, Business Counselor; Marguerite S. Bellamy, Housewife; Keith C. Billman, Social Worker; Evelyn A. Blackburn, Insurance Agent; Isabel N. Bliss, Homemaker; William M. Bliss, Engineer; Edith O. Brashares, College Instructor; Edwin A. Brown, Minister; Rilma Buckman, Sociologist; Bronson P. Clark, Businessman; Sheldon D. Clark, Lawyer; Lila Cornell, Homemaker; Marie F. Cotton, Homemaker; Wendell P. Cotton, Salesman; Natalie C. Crouter, Housewife; Elfrieda S. Daiber; Secretary; Alan J. Davis, Minister; Hortense M. Davis, Teacher; Jack G. Day, Lawyer; Steven Deutsch, University Faculty; Mort Epstein, Designer; Gail R. Gann, Homemaker; Donald S. Gann, Surgeon; Joel M. Garver, Lawyer; Paul Gitlin, Social Worker; Henry Gluck, Psychologist; William F. Hellmuth, Jr., Professor; Arnold A. Herzog, Lawyer; Fred Husa, Office Worker; Sidney D. Josephs, Businessman; Mrs. Harry Kirtz, Homemaker; Waldo H. Kliever, Consultant; Dennis G. Kuby, Minister; Jerome Landfield, College Professor.

Ada N. Leffingwell, Homemaker; George Levinger, Educator; John P. Marhevka, Male Hair Stylist; Mrs. Edward A. Marshall, Homemaker; Charles R. Miller, Lawyer; Paul I. Miller, Professor; Hans F. Mueller, Retired; Laura Mueller, Homemaker; Sarah B. Nenner, Housewife; James M. Newman, Advertising; Paul Olynyk, Professor; Clyde Onyett, Public Relations; William W. Outland, Order Analyst; Samuel Prellwitz, Industrial Research; Harold J. Quigley, Minister; Willard C. Richan, Educator; Eldon P. Roe, Merchant; Marian Rosenberg, Social Worker; Ralph Rudd, Lawyer; Audrey Sabadosh, Librarian; Nicholas Sabadosh, Teacher; Wilmer L. Satterthwait, Painter; Vera A. Schwartz, Legal Secretary; A. L. Sherwin, Lawyer; Frank Spigel, Lawyer; Benjamin Spock, Physician; Sam Sponseller, Retired; Vera Smisek, Teacher; Oscar H. Steiner, Businessman; Helen Stewart, High School Counselor; Edward A. Taubert, Photographer; Warren E. Thompson, Educator; Hugh Tyson, Graduate Student; Harry O. Way, Bacteriologist.

NEW YORK CITY,
June 20, 1964.

DEAR SENATOR MORSE: I know you are almost alone in your efforts to bring a sense of sanity to the growing bad situation in Vietnam and to the extreme views being spread by the Secretary of Defense and his aids that it is necessary to consider what further steps we should take so that we may not "lose the nonactive" war we are conducting in Vietnam, which you have designated as "McNamara's war."

You may have noticed Mr. Max Frankel's article on the front page of the New York Times this morning which is quite disturbing. It would appear that even threats of war are so close to the actual start of war that I am at a loss to see where the "assent of Congress is being given any thought by the administration and its supporters under the Constitution. The loss of so many Americans in our "assistance program"—termed nonmilitary by some—is, as you have said, unconstitutional.

The support that you deserve in your efforts to bring an end to this situation is too little.

Sincerely yours,

DAVID LEVINE.

PALO ALTO, CALIF.

SENATOR MORSE: Lately I have been reading very short remarks in the local press referring to your opposition to the administration's southeast Asian policy. I too strongly oppose our country's position which is a stupid continuation of the same mistakes which cost us such terrible defeats in China, Cuba, and in countless other areas. The United States has a revolutionary history and yet we have become the opponent to modern revolution. It is time for our country to recognize that the revolutionary aspirations of the world's underdeveloped peoples are not necessarily Communist inspired or controlled—these movements do become Communist controlled after all other democratic and socialistic elements are destroyed by the reactionary governments which we continue to aid and support.

There seems to be a virtual "blackout" on your statements—the press has not seen fit to carry any details about your speeches. Would you kindly send to me any pertinent information.

Keep up the good work.

ALAN L. OLMSTEAD.

NEW YORK, N.Y.,
June 21, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SENATOR MORSE: I reread your statement on the war in South Vietnam, and I would like to express my admiration and support for your stand. Unfortunately many people are not familiar with all the facts, and therefore I especially appreciated your informative speech.

I am deeply concerned about the expansion of this disastrous war and the loss of so many lives. I hope you will continue your efforts to bring the question of aggression to the United Nations and so reach a peaceful solution. I also wonder what we, or plain citizens, can do to prevent a further spread of this war?

Respectfully yours,

Herta Mayer.

Oakland, Calif., *June 21, 1964.*

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Enclosed is news item in this morning's San Francisco Chronicle which I am sure will interest you. Yesterday's Oakland Tribune owned by William Knowland also carried the same article.

Thank God that we have an outstanding champion in the U.S. Senator who has the courage to speak out against these warmongers, and I wish you would take this article to the floor of the Senate and try to silence these canille—who like the war dogs, trained to war, know nothing except war and are not satisfied until they give the world its last blood bath.

Respectfully,

Alfred Martin.

P.S.—Would you try to ask the President how he can reconcile his noble sentiments for "Peace and an end to the threat of nuclear destruction" (No. 1, right column) with Admiral Felt's declaration that the United States "is willing to risk an all-out war to check Communist aggression" etc.?

I wish these warmongering admirals and generals would speak for themselves only and leave we the people alone.

What's wrong with taking up these matters in the United Nations—which was organized for just such purpose?

Let's stop the military before they stop life on earth.

Brooklyn, N.Y.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We applaud your speeches on foreign policy. We also support your every effort, to find a peaceful solution to that unjust war in Vietnam; through negotiations, let us terminate our involvement there.

To save your energy, time and money, we do not expect you to reply.

Yours very sincerely,

Maria Kovac.

West Acton, Mass.,
June 23, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: Some weeks ago, your office sent me, at my request, a copy of your speech in the Senate which dealt with the history of the southeast Asia conflict. I have now had an opportunity to read this material in full, and I must say that I am very grateful indeed to you for compiling this most remarkable document. It is certainly unfortunate that your speech went so little noticed in the press.

About the mistakes of the past of course there can be no complete rectification. Secretary Dulles policy of "brinksmanship" made many shudder at the time. But just now, the administration is following this very policy to the hilt; indeed it was clearly delineated as such in the recent article by W. W. Rostow in the New York Times magazine (a singularly depressing document, in my opinion).

We of the public at large can indeed be grateful for the very few voices in Washington, like yourself and Senator Gruening; but if there are similar voices within the administration, they evidently have been hushed (even, to the dismay of all of us, Ambassador Stevenson). And Senator Fulbright's speech of not very long ago on foreign policy was as weak on southeast Asia as it was good on Cuba.

My thanks again for the copy of your speech.

Sincerely yours,

John S. Barlow.

Brooklyn, N.Y.,
June 20, 1964.

Dear Senator Morse: The increasing belligerency of the United States in Laos and Vietnam is terrifying. Can you tell me what on earth is so important down there? Is there some American millionaire who owns real estate there? Is there some great natural resource secretly promised to an American corporation? Is there any conceivable reason why the American people should take a 50–50 chance on their present survival to prevent the development of a million-to-one chance against their future survival? Is this country going crazy or has it always been that way?

For God's sake, you must do more to prevent this. Not that you haven't done plenty, but who else is there?

Sincerely,

Roger W. Bowen.

Glendale, Calif.,
June 16, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator: I was glad to see in today's papers where you had a confrontation with Dean Rusk and Senator Fulbright on the Vietnam situation.

McNamara and Fulbright have been in the area several times, and know that the Chinese are ready to pour thousands of troops into the country, the same as they did in Korea, and yet we continue to give aid in increasing amounts.

You have been urging that we get out and leave the country to the Chinese. We are too far away for our leaders to know what they are doing.

Best wishes in your efforts.

Sincerely yours,

Fred D. Gibbs.

Oakland, Calif.,
June 16, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to wholeheartedly endorse your position on our continued military involvement in South Vietnam and hope you will continue your efforts for a more rational policy in that critical area.

Sincerely,

Jerry Fish.

Berkeley, Calif.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: I wish to commend and encourage you for your brave and courageous stand on the southeast Asia situation. Few have had the integrity to take this much-needed stand. We have been reading your speeches and other sources of information on Vietnam and feel with you that the United States is waging a highly unpopular war which may escalate into a nuclear war.

If that course is hopefully averted, you will have played a significant part.

Sincerely,

Marilyn Vittor.

Aberdeen, Wash.,
June 16, 1964.

Senator Wayne Morse,
Washington, D.C.:

I am in complete accord with your views on southeast Asia. Under no circumstances must we become involved in a war that's none of our business. Under the United Nations Charter no outside country has a right to interfere in a civil war. We would not permit Russia or China in Mexico or Canada without becoming terribly alarmed and take immediate drastic action. Our present action could provoke similar reaction from them with a serious danger of global war resulting.

Yours truly,

Mrs. P. Hannuk.

P.S.—Keep up the good fight, we need more men of your caliber.

St. Paul, Minn.
June 16, 1964.

To the Editor, the Mail Bag,
The St. Paul Pioneer Press-Dispatch,
St. Paul, Minn.:

I agree with Senator Morse, of Oregon, that the United States should withdraw its military forces from South Vietnam, and discontinue its aggressive acts in that area. Young American men are being killed there; it is a war without a declaration by Congress as provided by our Constitution. Most of the major countries signed the 1954 Geneva Treaty which provided for free elections. Almost immediately, the Eisenhower administration supported hated Diem family dictatorship who would not allow free elections. After the Diem dictatorship was overthrown, a military dictatorship took its place which the United States is still supporting.

Many freedom loving people in Europe and South America cannot understand why our so-called democracy can support foreign dictatorships all over the world. The answer can be found by examining the interests of big business that controls the Government in Washington. Their greedy plan has but one purpose, foreign markets and profits. If they can control the sea routes and large land areas, they can grab and hold most of the world markets. If a few American boys get killed and the taxpayer gets "soaked" in carrying out his plan does not bother the big capitalist.

J. Osborne.

Basking Ridge, N.J.,
June 18, 1964.

Hon. Wayne Morse.

Dear Senator Morse: The brevity of this communication does not represent the concern I have about our policy in Vietnam.

I am in full agreement with the suggestions made by you and Senator Gruening as this situation threatens world peace. As a member of the U.N., it should be placed before that organization. It is a wise and mature man or government that can change its mind when it finds it is wrong.

Sincerely,

Winifred J. Hearn.

Presque Isle,
June 18, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I understand there is serious discussion of extending the Vietnam war to North Vietnam, which would be a terrible thing to do.

You have consistently fought against unwise and unnecessary war through all the years, and I appeal to you to do your utmost to help prevent this unnecessary extension of the terrible war in Vietnam. More power to you.

Yours sincerely,

Grace S. Hussey.

Minneapolis, Minn.,
June 17, 1964.

Dear Sir: It was a breath of fresh air to hear your views of southeast Asia. It was a courageous and intelligent statement in my opinion. With the air so full of hate and ignorance, your views stand out as forthright and wise. You may take some abuse for your statements now but the future will show your wisdom, I am sure.

Sincerely,

Charles Risher.

Charleston, W. Va.,
June 19, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator: Just a note to tell you I have up until recently been a registered independent Republican politically, but I want to say to you I stand 100 percent with you in your fight to cut out this foreign aid gimmick which the executive branch of the Government is always wanting.

It's time we quit allowing the President to engage in wars without the constitutional provision which gives Congress this authority alone. Congress has abdicated in many respects its duties and responsibilities to the people. It's time we quit making our boys sitting ducks for enemy snipers. It's time we cut off all aid to our enemies abroad whose only interest is what they can get out of us. It's time we made other nations stand on their own lazy bottoms. How much longer our people are going to pour their money into Washington, no one knows. Most of us hope a revolt if it comes will be a peaceful one but we may need a police state in many ways if these giveway policies are continued.

Keep up the fight to stamp out this damnable racket before we become bankrupt ourselves. The American people need some consideration, which is and has been woefully lacking in the past.

Sincerely yours,

Ralph W. Burton.

Democrats of New York,
June 19, 1964.

Hon. Wayne Morse,

Dear Sir: The people of our country are against sending groundtroops (our boys) to Asia. We agree with you to get our boys out of Asia lock, stock, and barrel, where it is none of our business. The people of our country depend upon smart Senators like yourself to see that we do not get into traps such as Vietnam and Laos, etc.

Respectfully,

Democrats of New York.

Cuernavaca, Morelos, Mexico,
June 16, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I cannot begin to tell you how grateful I am to you for sending me the reprints of the Congressional Records containing your speeches in the Senate on: "McNamara's War in Vietnam," "The Foreign Policy of the United States," and "Is An American Protectorate in Asia Worth War"?

I only regret that it was not printed in the entire U.S. press throughout the country because many millions were deprived of access to the truth.

I cannot begin to tell you how much I admire your courage as an apostle of the truth. It is indeed a pity that the two Washington newspapers did not have the courage to bring your message of truth at least to the people of Washington. It is a pity too that there is not even one among the wealthy magnates of the United States who could see the need of using some of their tax-free money, as does Hunt of the Life Line, to counteract his pollution of the air with poisonous propaganda, by bringing to the people, at least from time to time, excerpts from the Congressional Records of the speeches of Senator Wayne Morse on the vital issues of world peace and the needless sacrifice of American youth in South Vietnam.

If only the American people had access to your messages of the truth beyond the boundaries of the Congressional Records. If only there was an organization to undertake mailing millions of reprints of your messages in the Congressional Records, over the heads of the newspapers' "cordon sanitaire" who do not find it "fit to print" the truth.

The Life Line will die a slow death in years to come but your message, dear Senator Morse, will continue to embrace more and more people and will remain a living monument through the future historians for generations.

May God give you many, many years of good health to carry on your apostolic work in the U.S. Senate. May all your nights of sleep be, as you said in your speech: "I sleep much more comfortably knowing that I have raised my voice again in a plea for taking the problem to the United Nations."

However, even if your speeches should only reach a small number of people who apply for it to your office, they all must become inspired by you, as I am, to carry your message and reach as many others as possible, either by word of mouth, by sharing the obtained text from you, or both.

Sincerely,

Bernard Dohn.

Seattle, Wash.,
June 25, 1964.

Dear Senator Morse: My husband and I are very glad that there is someone of your stature who will speak up and express the opinions of most of the people who concern themselves over our country's action in South Vietnam. You are so very right.

We do not seem to have a Senator in our State who will favor international law and order through U.N. action.

I feel a bit safer knowing that there is one Senator who is unafraid of the military and willing to go along with the feelings of the majority of Democrats.

Sincerely,

Mrs. H. Packard.

Skokie, Ill.

Senator Wayne Morse.

Dear Sir: Your brutally frank statement Tuesday regarding the United States and world peace may meet with much public disapproval, but it was a needed jolt.

You are not my Senator, but I sincerely wish you were. If I ever move to Oregon, you will be the reason.

Sincerely yours,

Wilfred Couzin.

Western Springs, Ill.,
June 24, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: Again (yesterday) you spoke out warningly against our growing military involvement in Vietnam. I can only commend you for your vision and try to speak the same truths in my own circle of acquaintances. May power develop from the repeated expressions of these truths. And may enough time remain.

Sincerely yours,

Amy C. Merz.

Evanston, Ill.,
June 25, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I agree with you wholeheartedly on the South Vietnam situation and am writing a letter to the President to say the same. It is ridiculous to be in this thing on our own and heading toward war when the U.N. is the proper agency to handle these things and keep peace. It looks as though the administration is letting the Goldwater-type Republicans bug it into this type of action—and the trigger-happy Armed Forces.

Please exert all your influence to put this where it belongs.

Sincerely,

Marcia K. Tate.

Wesleyville, Pa.,
June 25, 1964.

Senator Morse,
Washington, D.C.:

I heard you on "This Is Today," Hugh Down's program. You were so right about South Vietnam. John Foster Dulles was a fake as Secretary of State. You mentioned England, Australia, New Zealand, France, and other countries who got out. Why not the United States? I for one want you as Senator to press your voice in this matter, because of Red China and Russia. They will intervene if the going gets tough. You mentioned Australia doubling their force from 30 to 60 men, what about the United Nations handling this delicate situation? You mentioned France losing 240,000 men in southeast Asia. They got out. Why? Because you said the United States wants to police Asia. It can't be done. So you are so right about our troops in that troubled area. Yes, they could knock the Vietcong out of business but then you got Red China to deal with. Please advise President Johnson of the peril. You also said they put Max Taylor in as Ambassador and he will stir things up because of his war record.

Thank you Senator Morse for your splendid speech. I knew you would be for getting out of Vietnam.

Yours respectfully,

M. R. Sullivan,
A Veteran.

Mount Joy, Pa.,
June 25, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The views you expressed today on the NBC "Today" program were like a breath of fresh air on a muggy day. We are very concerned over the increasing power of the Pentagon in domestic and foreign policy. We heartedly endorse your sane ideas in this matter.

Respectfully,

Rev. and Mrs. Wm. W. Longenecker.

Hartsdale, N.Y.,
June 25, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Heard you on TV program "Today" and just want you to know that I am (and I am sure millions of other U.S. citizens) with you in your attitude toward the southeast Asian situation and our involvement in it. I greatly admire you for your courageous stand. More power to you.

Sincerely yours,

Wm. F. Strobel.

Sharon, Mass.,
June 25, 1964.

Dear Senator Morse: I heard you this morning on the Today show, and all I can say is "Thank God" for you. All the women I talk to are very frightened at the escalating war threat, and I know hundreds of thousands of mothers are praying that the insane trends will be reversed.

Do you think that the women of the country could appeal to the United Nations somehow?

I pray that you will get the response to your appeal, in the millions.

We mothers dread to think that we raise our sons, send them to school to train them to be useful members of society only to have them die in some jungle thousands of miles away, for what we don't know.

Please Senator Morse continue to speak out. You seem to be our only hope.

Sincerely,

Jeanne R. Landey.

Brighton, Mass.,
June 24, 1964.

Dear Senator Morse: Bravo for your position in attacking the appointment of General Taylor in South Vietnam. This furthers the militarist image of the United States. Please continue your stand on other controversial issues also. You have a brave spirit.

Sincerely,

Robert S. Tarpey.

Long Beach, Calif.,
June 25, 1964.

Hon. Senator Morse.

Dear Sir: Please accept my deepest gratitude and respect for your courageous statement against the war in South Vietnam and that the problem be handed over to the U.N. where it belongs. This country has never been in greater need of men like you than at the present time.

I feel like moving to Oregon so I could vote for you in the next election.

K. A. Eliassen.

Glendale, Calif.,
June 25, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to thank you for speaking out strongly against our Government's reckless and rash policy in Vietnam, Laos, and the other Far Eastern countries. I feel so deeply that it is aggressive, and morally wrong for our country to take such a step. It is very frustrating to be one of the masses in days such as these, with no alternative but to stand idly by and watch our Government make such a tragic ill-advised decision. Aside from writing letters which I am sure in many cases never get read, what can we do? Thank you again for always speaking out clearly and without party bias. If we had more men with your honesty and wisdom, we would perhaps not be standing at the brink of world war III.

Very truly yours,

Mrs. Marilyn Ellis.

Bronxville, N.Y.

Dear Senator Morse: Whenever I hear you speak I feel like the sun has suddenly come out from behind a dark, thick cloud.

I hope you will read my letter.

You are so right about Asia. I have wondered about the military and our foreign policy too.

Since our son will soon be drafted, I have watched with horror—U.S. people being killed in Asia. Whenever I speak about how angry I shall be if he is sent to Asia, everyone speaks up with the same feelings. People are frustrated about our policy but afraid to say anything. There is a slow rising anger developing.

If we must use the Army for a WPA, let's use it at home. They can build swimming pools, recreation centers for the middle class, better housing for the aged, bicycle paths, etc.

Armies are used for peace needs in other countries, let's do it here. The boys can learn Army discipline and defense methods but they can improve many needs too.

Boredom is a great developer of misdeeds. We are going to have great chaos and delinquency very soon if we do not do something about opportunities for body development and just plain fun.

Automation will soon rob men and youth of employment. Its coming so fast the readjustment period cannot be handled without all-out effort now to channel energies toward physical and emotional outlets of another kind.

Keep up the good work. You are a brave man.

Mrs. Myrtle Tjerandsen.

East Orange, N.J.,
June 25, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: Thank you for your clear remarks on the "Today" program concerning Vietnam.

We should bring all our troops home from that postage-stamp-sized country immediately. Anyone who wants war with China is an idiot.

We should declare a month of mourning for our young men who have died in that country and should hang all flags at half mast during that period. These men have died for nothing.

As you say, our intervention in Vietnam is against our Constitution and the United Nations.

There is just one point on which I disagree with you. If the Republicans win in November, the intervention in Vietnam—if it is not by then a war—will not get worse.

Remember, World War I, World War II, and the Korean war were all the fault of a Democratic administration.

It was a Democratic President who ordered the nuclear bombs to be dropped on Hiroshima and Nagasaki, the only atom bombs, up to this point, that have ever been dropped on people.

I am a Republican—as you used to be—and I hope that Barry Goldwater gets the nomination. He is the only one who has a chance to beat Johnson.

Very truly yours,

Mrs. M. D. Clauder.

Brooklyn, N.Y.,
June 25, 1964.

Senator Wayne Morse.

Honorable Sir: We saw you this morning on the "Today" show and were very much impressed by your views on our foreign policy. Yours is the only right and honest attitude. We want peace and we won't get it unless more of our Congressmen back up your position.

How can the people help?

Respectfully yours,

Thelma and David Kagan.

Los Angeles, Calif.,
June 25, 1964.

Dear Senator Morse: My husband and I have just watched the "Today" show and listened with respect to your remarks. We support your position and know you are correct when you say that the majority of Americans object to the prospect of a war in Vietnam where we do not belong. May you continue to use your lonely voice to acquaint more people with the truth of the situation and it is our fervent hope that millions rally to your side. Again, thank you for speaking for us. I would vote for you for President, believe me.

Cordially,

Doris J. Siegel.

Hathome, Mass.,
June 25, 1964.

Senator Wayne Morse, of Oregon:

Today on television you put your finger on the whole trouble in Vietnam as far as the United States is concerned—that is—that we are fighting without having declared war and therefore each soldier is being forced to fight a war on his own initiative.

By all means I say that the U.S. President should take the issue to the United Nations. If this policy continues we could have more of a dictatorship in this country than we think.

Sincerely,

Maurice Quimby.

Jack's Health Center,
West Palm Beach, Fla., June 25, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: We want you to know that we are very happy to have heard you so earnestly and effectively express the opinions relative to South Vietnam this morning on the "Today" program.

We have written to President Johnson to this effect and hope and pray that more Americans are doing the same.

Much can be said but we shall stop here, in deep gratitude to you.

Sincerely,

Jack Solomon.
Rose Solomon.

Monticello, N.Y.,
June 25, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I saw you on TV ("Today" program) this morning and liked what you said and how you said it. I almost wish you may be a candidate for the Presidency.

Sincerely,

Jack Frank.

Los Angeles, Calif.,
June 25, 1964.

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: Your courageous stand on our war in southeast Asia arouses our admiration. If our country continues to do what it is doing, we fear that it will eventually destroy itself and the world, besides the moral issue involved.

Keep up the good work, and we will inform as many people as we can of your position on this question.

Respectfully,

Jack and Sylvia R. Primack.

Glendora, Calif.,
June 24, 1964.

Dear Mr. Morse: I applaud the forthright stand you are taking and have taken against our dangerous policy in southeast Asia.

I hope one hundred million Americans feel as strongly as you put it that we are launched on a Hitlersque venture.

Democracy, self-determination, human considerations are all going by the board. We are hiding murder and aggression under the false label of freedom and covering all with so-called aid.

I tremble for my country and for the safety of all mankind when the backlash of retribution sweeps over us.

Sincerely yours,

STELLA FALK.

CROTON-ON-HUDSON, N.Y.,
June 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: My wife and I were very much impressed and moved by your presentation of your views on the war in southeast Asia during your appearance on the "Today" program this morning. We want to take this opportunity to express our wholehearted support of your stand against stepping up the war and in favor of referring the problem to the United Nations. We are writing accordingly to President Johnson and to our Senators, KENNETH KEATING and JACOB JAVITS.

Sincerely yours,

B. A. BOTKIN.

DETROIT, MICH.,
June 25, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am fully in agreement with your opposition to the appointment of Gen. Maxwell Taylor as Ambassador to Vietnam. Without question, the evidence of a military buildup in southeast Asia is clearly established by this appointment. I hope your efforts to resist this appointment will meet with some success.

I am attempting to make known your opposition to the appointment of Taylor, as the focal point of the expansion of the "war effort" in Asia. I would like to know the names of other U.S. Senators who may oppose this appointment, so that I may write to them, and influence others to do so. If possible, will you let me know if there are other Senators who share your view on this appointment.

I am curious, also, regarding the background of Alexis Johnson. What ambassadorial or military positions has he held in the past?

Please let me know if you have suggestions about what else can be done by private citizens in resisting the haste toward expansion of the war in southeast Asia.

Very sincerely,

VERONICA LYONS.

BROOKLYN, N.Y.,
June 25, 1964.

SENATOR WAYNE MORSE: Your courageous forthright warning against the full scale war brewing on the Asian mainland gives us hope that there are some sane voices in the land, who are trying to save the American people and the world from horrible destruction.

Gratefully,

Mrs. MILLICENT SAPOLSKY.

LOS ANGELES, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You seem to be just about the only voice of sanity in the Senate—and in fact, in our entire Government—these days; yet your speeches are buried in our great metropolitan newspapers and quoted briefly, if at all, on the air.

I have written letters to my own Senators, to the President, to newspapers, etc., etc., on our dangerous course in Vietnam—and the results seem nil.

You say it is up to the American people to make their voices heard. I cannot believe our people want to start world war III, but they seem so brainwashed that they are completely immobilized and mute.

Do you see any way out of this hopeless situation?

As far as foreign policy is concerned, it seems to me that our next presidential election offers us no alternatives at all; both candidates mouth "peace" but actually promise war.

Again, I cannot believe in a nation being totally blind, and it is doubly tragic that it should happen in a nation with the great tradition ours has.

What can be done?

Sincerely yours,

PHYLLIS J. THOMAS.

REDLAND, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
Washington, D.C.

HONORED SIR: You voiced my growing conviction that we in America are bearing the burden alone.

Further you have emphasized the technical legal aspect of our position: Violating the Constitution of the United States; also violating the letter and spirit of the articles of the United Nations.

I have not those documents at hand. Kindly forward to my address checking the ones you referred to in this morning's TV interview.

We of our household admire your confidence and courage in voicing your convictions. We are very much impressed with the timeliness of your speech.

Very sincerely yours,

JOSEPH R. WARNICK.

LOS ANGELES, CALIF.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: I pray that your voice which now seems to be so alone, will be able to prevail upon our President and the Pentagon to stop their thirst for war.

France nearly bled to death trying to force her will on North Vietnam and was forced to give up. Are we going to be next? War has never accomplished anything in the past and I don't think war will settle anything in the future.

A peace-loving citizen.

Respectfully,

ESTHER NEWMAN.

LOS ANGELES, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: Again cheers and congratulations for your unwavering and courageous fight for peace, and your insistence for a peaceful solution to the southeast Asia situation. Keep up the good work.

An admirer.

GERTRUDE REED.

CATSKILL, N.Y.,
June 25, 1964.

Senator MORSE.

DEAR SIR: Heard you on the "Today" show and God bless you.

The people of the United States do not know what is going on; all they know is what they read in the newspapers.

Keep up the good work. We need men like you who are not afraid to speak out.

Keep on talking—only louder; maybe those busybodies in Washington will stop trying to rule the whole world.

A Democrat, but will vote for GOLDWATER as he is not afraid to call a spade a spade.

——— ———.

CULVER CITY, CALIF.,
June 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR MR. SENATOR: We read a small article on page 6 of the Los Angeles Times of your statements in the Senate on Tuesday, June 23.

You are the only man in the Senate brave enough to tell the Americans the truth.

Today we have written our Representative JAMES ROOSEVELT, our two Senators. Tell us what else we can do. (Our President, also.)

We almost always agree with your statements, that we hear.

What in the world is the matter with the Nation that cannot see this folly?

Thank you very much for your good work.

Sincerely,

Mr. and Mrs. CLYDE CLANTON.
(Democrats).

P.S.—We are calling our friends, reading your statements and asking them to write.

LOS ANGELES, CALIF.,
June 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SENATOR: We, a group of people assembled at a City Terrace Open Forum on Wednesday, June 24, 1964, voted to congratulate you on your gallant stand against the U.S. involvement in southeast Asia.

Too many facts prove that the present U.S. policy is fanning the fires of unrest and conflict in that unhappy territory and that this policy is threatening the peace of the world.

It is up to you and people like you to save the reputation and dignity of our Nation, which is fast becoming the most feared and hated land.

The grateful people of this country will remember your courageous fight to preserve peace in the world.

Sincerely yours,

S. FEINBERG,
Chairman, City Terrace Open Forum.

M & M FEDERAL SAVINGS
& LOAN ASSOCIATION,
Springfield, Ohio, June 25, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Congratulations on your outspoken interview on the NBC Today show June 25, 1964.

I usually can go along with Democratic policy, but what you said regarding South Vietnam, President Johnson and our Defense and State Departments has long needed to be said.

Keep up the good work.

Yours truly,

LEO F. FISCHER,
Secretary.

PEEKSKILL, N.Y.,
June 25, 1964.

DEAR SIR: I support your stand on our pulling out of South Vietnam. You can save the world from a holocaust.

Yours truly,

ELSA WEXLER.

STATE COLLEGE, PA.,
June 25, 1964.

DEAR SENATOR MORSE: Thanks for your stand on Vietnam. You are the only one who seems to make sense on the subject. Let's try the U.N. approach. Keep up your talk on this subject.

Sincerely,

MARIAN B. DAVISON.

Fayetteville, N.Y.,
June 25, 1964.

Dear Sir: Please continue to urge a peacekeeping by United Nations in Vietnam. The airing of this evil which is going on is one step in the right direction. Thank you for speaking up.

Sincerely,

Alice M. Arinacost.

East Orange, N.J.,
June 25, 1964.

Heard you on "Today" show. We should indeed get out of Vietnam. Why should any more of our men die for that tiny no-account country? And as you say, our intervention is illegal.

——— ———.

Miami Beach, Fla.

Dear Sir: You are right; it looks as if State Department have lost their heads, starting little wars all over the world. Why are we in Vietnam, anyway?

CIA? Not so good.

W. L. Miller.

Unadilla, N.Y.,
June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: I want you to know how much I appreciate your opposition to our war in Vietnam.

Do keep on speaking out against it until the whole thing becomes a matter for negotiation. We must not continue to make the mistake of thinking that today a military solution can be any kind of a solution.

Sincerely yours,

Marion C. Frenyear.

P.S.—I'm also writing to the President about this.

White Plains, N.Y.,
June 24, 1964.

Senator Morse.

Dear Sir: Keep up the good fight. Your stand on Laos and South Vietnam makes the only sense coming out of Washington these days.

Neutralize and share with all comers. There is more than enough to keep us busy here, getting our own house in order.

Respectfully,

W. J. Jacobson.

Massillon, Ohio,
June 25, 1964.

Senator Wayne Morse,
Washington, D.C.:

Saw "Today" show. Hurrah for your stand about South Vietnam. Am wiring Young and Lausche for support.

Paul Tennis.

North Hollywood, Calif.,
June 26, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Have repeatedly written, wired President, supporting your position. Am horrified and terrified current activities southeast Asia.

Mrs. Elsa Clay.

Reading, Pa.

Mr. Morse: I heard you on the "Today" show and I'm glad somebody speaks up. But they have maybe no sons to send and they don't care about others. I have a wonderful grandson in training and he and all of us are worried. Why send our boys over there? I also say McNamara has too much authority, as did Dulles. Eisenhower couldn't think for himself, and Johnson thinks too fast.

I predict after we are busy across, the Communists in Cuba will start on us, so why didn't they start on them? They do too much lying to us people, but we can think also, that's why they are fighting. Goldwater, he will tell the people what's going on, and they won't tell us. Keep up the good work. So you say this was in the making a couple of years.

Respectfully,

Mrs. Kleckner.

Bishops Head, Md.,
June 14, 1964.

Senator Wayne Morse.

Dear Senator: How happy I am to find you in the forefront of those who fervently desire peace in southeast Asia.

I am disappointed and grieved that President L. B. Johnson has surrounded himself with military leaders and their followers. I have read enough to know that Maxwell Taylor is a man who thrives on war and makes it his business. His followers in the Pentagon and the munition dealers must be rejoicing while thousands await the death knell.

The pity of it all that we must rely on men who do not hesitate to plunge our world into darkness.

On my TV screen I have seen the horrors of men, women and little children trudging through fields and swamps, leaving behind them their straw huts set ablaze by men who call themselves Christians. They are often herded like cattle behind barbed wire enclosures without shelter or food. Others die by the wayside of malnutrition and disease, old and young alike. No mercy is shown because such creatures that drive them on have no feelings for anyone but their own.

And we are told to go to church and pray. Is there a God who permits such things to happen?

Many thanks and best wishes and may you always be on the right side.

Sincerely,

May Heckman.

Kansas City, Mo.

Dear Friend: God bless you and keep you safe—and all along the way—infold your life with His infinite good, everywhere, every day.

Sincerely,

Jack and Zula Reardon.

Fears To Meet Taylor in Asia—Some Americans in Vietnam Unsure of Military Way—Note Politics Lacking—Others Believe the Diplomatic Aspect Will Not Be Ignored

(By Malcolm W. Browne)

Saigon.—Gen. Maxwell D. Taylor, U.S. Ambassador-designate to South Vietnam, will face tough sledding as he takes over leadership of America's war effort here.

Some of his trouble will come from his own staff.

Some U.S. civilian officials here have said recently they feel America's involvement is beginning to look too much like "McNamara's war," with insufficient emphasis on political aspects.

President Johnson's appointment of Taylor will add fuel to this argument. Taylor and Robert S. McNamara, U.S. Defense Secretary, have been key architects of the Pentagon role in Vietnam's war so far, but have not directly controlled civil matters.

Taylor will be the first career soldier to serve as American Ambassador here, although his predecessor, Henry Cabot Lodge, holds the Reserve rank of major general.

"The trouble is," an American official with long experience in Vietnam said, "the Communists have cadres who are neither soldiers nor politicians in our sense—they are both. We have nothing to match these multithreat cadres, and this deficiency is hurting us badly in Vietnam.

"McNamara is a brilliant man and many of the U.S. military advisers in Vietnam are extremely capable. But the Pentagon is not capable of building and executing the kind of politico-military war plan needed."

Taylor's appointment underscores the growing American military involvement in southeast Asia and the probability of increasing armed conflict with the Communists.

Taylor's supporters note that he is more intimately familiar with all Vietnam's problems than almost all other military officers. They say that an ambassador here must be more of a field marshal than a diplomat, and that Taylor meets the test.

Certainly, Taylor has the prestige that Lodge brought to the job, and a diplomatic power vacuum is unlikely.

At the same time, some Americans are worried about the confusion they feel will result from inevitable organization changes after Taylor arrives. They note that Gen. Paul D. Harkins has just turned over the U.S. Military Assistance Command to Lt. Gen. William C. Westmoreland, and that the whole command recently was reorganized.

The Vietnamese Armed Forces and Government have been in a continuous state of reorganization and confusion since the coup November 1, and the effect of this on the war effort is still felt.

Detroit, Mich.,
June 24, 1964.

Senator Wayne Morse,
Senate,
Washington, D.C.

Dear Senator: I am in agreement with your reaction to the appointment of Gen. Maxwell Taylor as our Ambassador to Vietnam.

Your efforts to prevent the confirmation of this appointment are praiseworthy.

Sincerely,

William Himelhoch.

Darien, Conn.,
June 24, 1964.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: Last evening, on television, Senator Wayne Morse said, as nearly as I can remember his words, that he had just come from a private briefing of the Senate Foreign Relations Committee and he left with the opinion that the United States is today the biggest threat to world peace. I have for some time been of that opinion.

On the same program, Senator Aiken, again as nearly as I remember him, said that the administration's decision (appointment of General Taylor as South Vietnam Ambassador) seemed to indicate a stepping up of the war and that war would not be very popular throughout our country. I not only agree with Senator Aiken, but I condemn any stepping up of the war in Asia with all my heart and soul. We should get out of there entirely.

I am 67 years old. I am not a Communist nor a pro-Communist. I have only one son, 21 years old. He has just finished a 3-year hitch in the Army (101st Airborne), but he is on reserve for the next 3 years. I think I am just as patriotic as the next guy, but I would cry out to Heaven if my boy were to be called back to fight and maybe die half way across the world for a cause so vague as "not letting the Communists take over southeast Asia." I am quite willing to ship any of these governments all the arms they need to defend their freedom, a quite dubious term in several countries I can think of. But if they don't value their freedom enough to fight for it, I do not believe that we should force our own boys to go over there and die for them—if any Americans want to volunteer for that kind of business, let them do so.

We have enough to do right here at home to maintain freedom. How about the three missing youths in Mississippi. Is this freedom?

I think the whole southeast Asia thing is first a moral question. Morals aside for the moment, however, and to talk about the practical—when are we going to get our boys out of Korea? Ever? Are we going to get bogged down that way in southeast Asia? And after that, are we going in with troops to all parts of the world, including vast Africa, to maintain freedom? It doesn't seem very sensible to me.

I know, Mr. President, you know far more about all these things than I do, but you may not be quite as free to speak up about them. I voted for Mr. Kennedy, and, at this time, would certainly vote for you. Please do not let the political criticism, especially of the Goldwater variety, cause you to act against your conscience.

Finally, I wonder, to what extent do the forces of the industrial-military complex, against which President Eisenhower warned, act upon you and perhaps cause you to do things that you do not in your heart believe in?

I do not think we have been getting the real truth about Asia, and other places. If it ever came to a choice, which God forbid, between patriotism and morality, I would not hesitate to side with morality.

Please forgive this long letter, which I am sure you personally will never read, but I had to get these things off my mind.

Respectfully yours,

CONGER F. SHUR.

Blind to Senator MORSE: I am grateful that we have a man of your courage in the Senate.

BROOKLYN, N.Y.,
June 24, 1964.

DEAR SENATOR MORSE: I hear that you have been making daily speeches opposing the Vietnam war. The news tonight of the declared intent to move in with U.S. bombers openly, and probably to attack North Vietnam is just almost unbelievable.

Can't there be forced in the Senate by some of you on the Foreign Relations Committee a challenge on the basis of war without declaration or consent of Congress?

Or does Congress give its consent—with the exception of nine (I am told) of you nonsubservient ones?

Does the President and Mr. Rusk really think that we are so successfully brainwashed? That we have swallowed the old wornout line of the danger of communism? It is sickening to think what our country has sunk to. The viciousness of the whole affair makes me ashamed; breaking international agreements, intervening with force in a small country's affairs.

Are we then committed to warring on ideology? That a small helpless country that has freed itself by herculean sacrifice from a colonial master shall not be allowed to follow its own leaders?

Maybe you Senators who see, must start a demonstration on the White House steps? You could call up a few thousands to support you. In Greece they had a peace march of 300,000 souls. This was not published in our free press.

We are worse than a nation of sheep; we are a nation of criminals, who are demonstrating the failure of so-called democratic government.

What can we do? Are we totally lost? If the Senate does not act?

I congratulate you for your courage, Mr. MORSE, but apparently the power that is ruling the President also holds down the free press. Never a line do we see, or a word on the air, about your speeches—not one word.

Most sincerely, but downhearted,

MARIANNA SCHULTZ.

BEST, OREG.

WASHINGTON COLLEGE, TENN.,
June 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: During the centuries of constant intermittent warfare between France and England, probably no statesman on either side had the courage to say, "Our country is the world's greatest threat to peace" (at least not publicly).

Voltaire said something like, "It is not to those who would destroy the universe that we owe our reverence, but to those who understand it."

We must then wonder how many liberals there are in the U.S. Senate with courage, understanding, and intellectual integrity. If mankind is to survive, it is to you (plural, I hope) that history will pay tribute.

Cordially yours,

HOWARD MCCRACKEN.

P.S.—Will the administration (consciously, subconsciously, or unconsciously) try to out GOLDWATER the Republicans between now and November?

BURLINGTON, MASS.,
June 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: While watching the "Today" program this morning, I was deeply touched by the position you are taking on Vietnam. You see, my husband and I were discussing the war in South Vietnam just before you appeared on the TV screen and I was deeply touched by your convictions, as our sentiments are exactly the same as yours.

You see, Senator MORSE, we have one boy in the U.S. Army, training as a fixed wing pilot and another son in college in the ROTC Air Force and naturally I'm deeply concerned about their future. These two boys are the only children I have. My husband was called into the Army when these children were mere infants. I realize there are millions of other families in this same situation and I'm sure they must feel the same way as I do. I'm a hundred percent for our boys fighting to protect our freedom and our beloved country, but to send these young boys into South Vietnam to fight, especially when they don't want us there, is beyond reasoning, in my estimation. You can be assured that I am a very worried mother as I understand my son is being trained to pilot planes over Vietnam in this war.

I have to admire your stamina to be able to project your convictions as a Democrat, especially now as we have a Democratic President in office. This is a wonderful country, especially where we're allowed to disagree with our colleagues. We are very lucky to have such a clear-thinking Senator such as yourself occupying a seat in our Senate, and I do hope that the citizens of Oregon value your guidance and will reserve that seat for you for many years.

Thanking you for taking the time to read this letter.

Sincerely,

Mrs. MARION HARPER.

COLUMBIA, MO.,
June 23, 1964.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: This letter is to express my dismay at our expanding involvement in the war in southeast Asia. I have the uncomfortable feeling that such actions as the construction of the big airbase in South Vietnam and the sending of new stockpiles of weapons to Thailand will only tend to cause the war to spread and increase the risk of an all-out war with China. Such a war would, I believe, be most unpopular with most Americans.

It seems to me that we would be much better advised to follow the alternate suggestions of Senators WAYNE MORSE and ERNEST GRUENING that we make a real attempt to settle the problems of southeast Asia at the conference table.

Won't you please work for peace in this part of the world rather than for an expanded war?

Sincerely,

JOHN C. SCHUDER.

LANCASTER, CALIF.,
June 24, 1964.

SENATOR WAYNE MORSE: Praise to you. You are definitely speaking for millions of us who understand the situation in southeast Asia and know the United States is fully to blame for the explosive condition there.

Placing General Taylor in the responsible position of carrying on the war without limited conditions most certainly means proceeding to the point of no return.

The peasants, intellectuals, religious leaders, and other factions are determined that the invaders must be removed even at the cost of losing all their lives.

Complete disregard for responsibility to U.S. citizens, and to people everywhere, is being shown up by the lack of speaking out against this terrible move of the administration by the majority of the legislators.

All power to you in your efforts.

Sincerely,

PEARL R. GOODING.

LA JOLLA, CALIF.,
June 24, 1964.

President LYNDON JOHNSON,
Washington, D.C.

DEAR MR. PRESIDENT: Is it not rather unusual for our country to appoint a military man as our ambassador to a foreign country? We think it was a very bad choice, as it is being interpreted in the press as a truly belligerent move.

We are very much opposed to the war in Vietnam and we feel that you and your advisers have gone too far in that you have been bombing military installations in Laos and in North Vietnam. We thought it had been decided that war is unthinkable in this atom bomb era.

Yours most sincerely,

W. LEROY GARTH, M.D.

(Copy to Senator MORSE.)

DEAR SENATOR MORSE: Thank you so much for standing up on your hind feet and telling the administration off.

The people of the world are unalterably opposed to war, and you are smart enough to know it.

Your friend,

ROY GARTH.

TRENTON, MO.,
June 23, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I heartily endorse your stand against a war with China, or any other conflict in Asia.

Sincerely,

V. C. ROSE,
Attorney at Law.

GOUVERNEUR, N.Y.,
June 24, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: I entirely endorse your position in regard to Vietnam. It is preposterous to regard Asiatics as "outsiders" and ourselves as "insiders" with a mandate to occupy Vietnam.

I would like someone to tell me where and when the people of that country invited us to overrun their land.

It is deplorable that your's is the only voice in Congress to speak out against this travesty of justice and humanity.

Yours truly,

S. H. Auderman, D.D.S.

Baltimore, Md.,
June 25, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you very much for speaking out on the situation between our country and Vietnam.

We are with you and appreciate being informed. Good luck and God bless you.

Sincerely,

Mary R. D. Crispino.

Vista, Calif.,
June 18, 1964.

Senator Wayne Morse,
U.S. Senate.

Dear Sir: Please accept my congratulations for having the courage and honesty to stand up and tell the American people the truth about our involvement in Vietnam.

I agree with you 100 percent that we (the United States) do not have vital interests in South Vietnam and I also agree that U.S. troops should be withdrawn.

The United States would have more friends and respect in the world if we would turn toward peace. The people of the world do not want the United States to lead them into a possible nuclear disaster. Most of the people of the world want to live, not die.

Thanking you again for your honesty and leadership, I remain,

Respectfully yours,

J. E. Kelly.

Wellesley, Mass.,
June 25, 1964.

Senator Wayne Morse,
Washington, D.C.:

Bravo. Keep your voice of reason speaking on Vietnam.

Mrs. D. C. Arnold.

Orlando, Fla.,
June 24, 1964.

Dear Senator Morse: The news last night was most distressing. It seems that the Government has decided to make war on China. I have been convinced for sometime that they meant to do so, but I had no idea it would come so soon.

The only bright spot is your protest. I have written the President; he will not see it, but someone will—if only a great many would write it might have some effect, but not many will.

At least you, Senator Morse, will lead a few who see the awful implications in such a move.

Thanks for standing up to the issue, as you always do.

Sincerely,

Bertha E. Davis.

Ellicott City, Md.,
June 25, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I felt I had to write to you and congratulate you for your courage in speaking up about the Vietnam situation on the "Today" show. It is really a shame that more of our Congressmen don't have your courage and foresight. Our policy of supporting tyrannical governments against the people in Vietnam and elsewhere, on a unilateral basis has really gained us nothing but contempt around the world. We should, by all means, make more use of the United Nations in these critical situations. It seems that the only way we can be forced to do this is by repealing the Connally reservation in order to make the U.N. more effective for all of us. Of course, our military will not agree—they can retain their prestige only when there's a war, and right now, Vietnam is the only war we have.

Please continue your attempts to educate the public—we certainly don't get accurate information from the newspapers or from our other sources of education. Thank you.

Sincerely,

Mercedes J. Phillips
Mrs. Mercedes J. Phillips.

Great Falls, Mont.,
June 22, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: I think it's wonderful you can speak up as you do about this country's being so mixed up with affairs in Far East. I just can't make out just what we are doing in South Vietnam or Formosa.

It seems as the administration would like to or is trying to get us in a war in a part of the world. We have nothing to gain, everything to lose.

I always listen to you. I have never seen you take the wrong side.

Best wishes to you in all you do.

Yours truly,

R. D. Eaton, Sr.

Bethesda, Md.,
June 25, 1964.

Dear Senator Morse: Again I admired your insight and courage as you spoke on the TV this morning regarding our position in Vietnam. The U.N. should be our forum.

To identify myself, you very graciously spoke for the International Outlook section of the 20th Century Club a couple of years ago when I was chairman.

Recently, Mrs. Scott, Mrs. Morse, and your gentle granddaughter had fun at a club picnic. Life has to have this type of balance amid such a serious world.

Sincerely,

Gertrude G. Perry.

Minneapolis, Minn.,
June 24, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I hope you will do all you can to keep us out of another war, why can't we stay home and mind our own business? Let's try to make the United States safe for its own people, like what's happening in New York and the South. Why are they so worried about Vietnam they don't seem to care about Angola or the slaves in Spain and Portugal or the slaves in Haiti and Dominican Republic? They don't seem to care that democracy took a setback in Brazil. Why can't these countries have the form of government that they want? Why do we have to force our way of life on them, when they don't want it? Have we got a bunch of morons running our State Department? Do they like to cause misery and woe?

Do what you can to get the United States back to sanity and morality; maybe it isn't too late, but I am afraid so.

May God continue to bless you with a keen mind and a compassion for your fellow man.

As ever,

——— ———.

Morgan Hill, Calif.,
June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We salute you with very full hearts on your uncompromising stand on the terrible situation in Vietnam, or perhaps the most terrible part is right here in our country, where the truth is so stifled.

We hope to write your name in for President.

Sincerely,

Ray and Betty Anderson.

Berkeley, Calif.,
June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: This is to express my wholehearted approval and gratitude for your outspoken opposition to the administration's outrageous policy re southeast Asia. Is there nothing that can be done to stop it? Certainly the Constitution does not give the President power to declare war, and the sending of an Army general along with many threats seems tantamount to that—just about. If a sufficient force in Congress favored it, could not President Johnson be impeached? Does he think that he is not going to get a devastating response to his avowed intention of dictating to foreign powers for not following our way of life? (In Mississippi?)

Granting that the President has favored many forward-looking policies, the Vietnam attitude can easily bring a holocaust that will bring an end to them and the human race at large. Are there no voices in Congress but your own to protest and understand?

Again, with appreciation,

Edith I. Coggins.

Washington, D.C.,
June 25, 1964.

The Honorable Senator Wayne Morse,
U.S. Senator, Senate Office Building,
Washington, D.C.

Dear Senator: This morning it was my good fortune to see and listen to you on the "Today Show."

I congratulate you on your forthright exposé of the situation of our foreign policy and admire you for stating so clearly the "mess" we have made of it.

I have "no ax to grind" and am no member of any organization, but as a retired Foreign Service officer, I have some knowledge of the things of which you speak. Do, please press the issue. It is later than most people think.

With Senator Fulbright, I hope that you will be able to make the American public aware of the dangerous path our Government is taking in the field of foreign affairs.

Very truly yours,

William G. Vale.

Second General Hospital,
APO 180, N.Y., June 24, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Hon. Senator Morse: You are to be congratulated on your intelligent stand against expanding hostilities in southeast Asia. There are many of us, including Mrs. C. B. Luce, who believe that we must come to at least a talking arrangement with the leaders of over 500 million people. President de Gaulle has already made the step, and since we recognize the governments in Moscow and Belgrade, perhaps we should give more serious consideration to it too. Our surplus grain can fill the bellies of China's millions just as well as the products of Indochina's rice paddies, and with our grain China's leaders could probably be convinced that their present aggression in Laos and South Vietnam is unnecessary.

Yours very truly,

Lewis A. Johnson,
Major, M.C., U.S.A.

JUNE 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is my second letter thanking you for opposing the aggression our country is now committing, and the full-scale war being contemplated, in southeast Asia. It takes real courage to buck the leadership of both parties and most of the press on this issue. This Nation is being marshaled to commit a crime against humanity, and you are one of the few who both know it's wrong and says so.

I see little difference between the Johnson administration and the Republican on this issue. I will be voting for the first time this November, and I see no reason for trying to make a choice where there is no choice. Instead, I will write in your name for President of the United States, with Senator ERNEST GRUENING for Vice President.

Sncerely yours,
WILLIAM RUSSELL ROTHMAN.

ROCKPORT, MASS.,
June 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: For many years I have admired your honesty and great courage but never more than now.

I am sure that many people feel as you do about the war in Vietnam, but we feel helpless. We have written to the President, but our letters are ignored. For the first time in my life I feel I cannot vote this year. Not unless we have a candidate with vision and courage, such as yours.

Gratefully and sincerely,
VIRGINIA BATE.

NORTH TONAWANDA, N.Y.,
June 25, 1964.

Senator WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR: This morning I had the pleasure of listening to your comments on the "Today" program on television.

In this day of jingoism, of far rightism, of ultraconservation and of the "Let's land the Marines in Cuba" school of thought, it is refreshing and reassuring to hear the voice of reason in high places on occasion.

Of course, it doesn't make sense for us to give the United Nations lipservice as well as financial backing and then to disregard it completely when an important crisis arises on the international scene. I refer, of course, to our unilateral handling of the problems of southeast Asia as mentioned in your TV talk. One would imagine that what happened to the French would serve as an object lesson yet we appear to be blundering into the same trap that cost France so dearly.

No doubt I am naive about this but I still can't understand what there is in the jungles of South Vietnam or Laos that would cause the French to sacrifice so many of their finest young men and to drain their treasury.

Please keep up the good work. Many of us are with you.

Sincerely yours,
CHARLES GUZZETTA.

SEARSPORT, MAINE,
June 23, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

Honorable SIR: I wish to thank you for reminding the people of a one-time free nation that we have degenerated into a nation of outlaws, waging undeclared war in South Vietnam without the consent of Congress.

May I suggest that Congress impeach the President of the United States for taking the law into his own hands.

Sincerely yours,
J. ERNEST BRYANT.

NICE, FRANCE,
June 24, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We are attending a business convention here and are appalled at the increasing military moves by the administration in Vietnam, and the appointment of General Taylor as Ambassador. Congratulations on your efforts in getting the facts to the American people, and wish you success for all our sakes, in stopping the escalation.

Sincerely,
JUDITH FRIEDMAN.

BRIARCLIFF MANOR, N.Y.,
June 25, 1964.

The Honorable WAYNE MORSE,
The Senate Office Building,
Washington, D.C.

DEAR SIR: May I commend you for your timely and penetrating comments on the situation in South Vietnam. Millions here and in our allied countries will agree with you. Actually some of the Vietcong guerrillas are South Vietnamese peasants who are tired of being exploited by the feudal regime of South Vietnam. Why do we not hear the truth about this situation?

Sincerely,
WALTER H. MOHR.

WINCHESTER, MASS.,
June 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: My husband and I wish you to know we are in accord with your views as expressed on "Face the Nation" in regard to the U.S. Government's unilateral action in Vietnam.

It is heartening to hear a statesman attack the political expediency which appears to be dictating our Government's policy in foreign affairs. No information we ordinary citizens can gather explains to us why we as a nation level a military assault on communism in Vietnam, assent to it in Cuba, and assist in such countries as Rumania and Yugoslavia.

As far as we are concerned our military involvment in Vietnam is uncalled for.

Sincerely yours,
MARGARET H. HANDY
(Mrs. Gardner W.).

MEYER MANAGEMENT CORP.,
New York, N.Y., June 25, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your address of June 23 on the situation in southeast Asia.

Providence be praised that I read the RECORD every day. The metropolitan papers do not print such items or distort them.

I hope you will make converts in the U.S. Senate, including Senator FULBRIGHT. Our foreign policy—or lack it—is something unbelievable. It is zigzagging and lacks rhyme and reason. This goes for President Johnson as it did for President Kennedy and President Eisenhower. Only Truman had some horsesense.

The Pentagon should take note of your admonitions—and that very fast. I would have bounced Admiral Felt for his Formosa statement. As you so aptly express my own feelings: Soldiers carry out military orders, they do not determine foreign policy.

A large sign carrying that admonition, should be hung in each and every room of the Pentagon.

Thanking you again and with all good wishes from an admirer of your clear logic (who does not always see eye to eye with you, but is fully attuned to the Morse formula).

Sincerely yours,
J. H. MEYER.

DENVER, COLO.,
June 24, 1964.

DEAR SENATOR MORSE: All the world can be thankful to you for warning that our Government which talks about being peace loving, will be a most serious threat to the peace of the world if the policies advocated in Vietnam and that region by our militarists are carried out. Surely this Nation should be smart enough and moral enough not to involve humanity in a nuclear war.

Gratefully yours,
HELEN W. FORD.

FALLS CHURCH, VA.,
June 25, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Your recently expressed suggestion that we turn over the mess in South Vietnam to the United Nations is the only realistic course of action left open to us in southeast Asia.

I have served in that country recently and retired from the Army in disgust at our inept handling of affairs in that part of the world.

There is little point in wasting both men and money to assist a people who are not interested in assisting themselves. We cannot win their war for them and we can't afford to lose a war there or anywhere else.

Please continue your efforts to awaken our own people to the naive handling of affairs in Vietnam.

Yours truly,
FREDERICK W. COYKENDALL.

AMENDMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1062, House bill 10314.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10314) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I have asked that the bill be made the pending business for the purpose of having a bill before the Senate when it convenes on Monday.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet at noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT BY SENATOR MANSFIELD TO SENATOR KENNEDY AND SENATOR BAYH

Mr. MANSFIELD. Mr. President, before the Senate adjourns, I should like to state that I had a visit with Senator EDWARD M. KENNEDY today in Northampton, Mass., and also with Senator and Mrs. Birch Bayh. Also, I had the opportunity once again to meet with the wife of Senator KENNEDY and to notify them of the best wishes of President and Mrs. Johnson for a speedy recovery and also of the best wishes on the part of the many Senators who had approached me when they learned that I was going to Northampton, wishing for Senator KENNEDY and Senator and Mrs. Bayh a full and speedy recovery. They were pleased to get this word.

I found Senator KENNEDY in excellent spirits and, according to the best information I can get, on the road to recovery. He is no longer being fed intravenously, but is now on semisolids. He is not in an oxygen tent.

Dr. Corriden, Chief of Staff of Cooley-Dickenson General Hospital, informs me that his condition is quite satisfactory and they expect him to progress in the weeks and months ahead.

Senator BAYH and Mrs. Bayh are both doing very well. It is anticipated they may be discharged from Cooley-Dickenson General Hospital in a matter of a week or so. They are in good spirits. Senator KENNEDY and the Bayhs asked me to convey their thanks to the many Senators who have sent telegrams or called them for thinking about them at this particular time.

It is a matter of deep sorrow that the pilot of the airplane, Mr. Zimny and Senator KENNEDY's administrative assistant, Mr. Moss, were lost. We send to their family our deepest condolences, regrets, and sympathy.

It is to be hoped that Senator and Mrs. Bayh will be discharged within a week or 10 days. It is anticipated that Senator KENNEDY may well be transferred to another hospital in several weeks.

Cooley-Dickenson General Hospital, in Northhampton, Mass., where our colleagues are at the present time, is a first-grade institution and they are receiving the very best of care.

I thought I would relay these words to the Senate because of the interest shown.

Speaking personally, I am very happy that they are so far along on the road to recovery.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned, under the previous order, to Monday, June 29, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 26, 1964:

DIPLOMATIC AND FOREIGN SERVICE

Sam P. Gilstrap, of Oklahoma, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malawi.

UNITED NATIONS

Franklin H. Williams, of California, to be the representative of the United States of America on the Economic and Social Council of the United Nations.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1964:

DEPARTMENT OF DEFENSE

John T. McNaughton, of Massachusetts, to be an Assistant Secretary of Defense.

Solis Horwitz, of Pennsylvania, to be an Assistant Secretary of Defense.

DEPARTMENT OF THE ARMY

Daniel M. Luevano, of California, to be Assistant Secretary of the Army.

DEPARTMENT OF THE NAVY

Robert Warren Morse, of Rhode Island, to be Assistant Secretary of the Navy.

DEPARTMENT OF THE AIR FORCE

Leonard Marks, Jr., of California, to be an Assistant Secretary of the Air Force.

U.S. AIR FORCE

The following-named officers to be placed on the retired list in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

To be general

Gen. Joe W. Kelly, 612A (major general, Regular Air Force), U.S. Air Force.

To be lieutenant generals

Lt. Gen. Francis H. Griswold, 94A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Edward H. Underhill, 421A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Robert H. Terrill, 628A (major general, Regular Air Force), U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code.

To be general

Lt. Gen. Howell M. Estes, Jr., 1211A (major general, Regular Air Force), U.S. Air Force.

To be lieutenant generals

Maj. Gen. Waymond A. Davis, 1470A, Regular Air Force.

Maj. Gen. Keith K. Compton, 1849A, Regular Air Force.

Maj. Gen. Henry Viccellio, 1728A, Regular Air Force.

Lt. Gen. William H. Blanchard, 1445A (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations under the provisions of section 711, title 10, of the United States Code.

U.S. ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Donald Nicholas Anderson, O375021.

To be brigadier generals

Col. Richard Charles Kendall, O1104680, Adjutant General's Corps.

Col. Edward Donald Walsh, O422743, Infantry.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. Kermit Levelle Davis, O19386, U.S. Army.

Brig. Gen. Woodrow Wilson Stromberg, O20728, U.S. Army.

Brig. Gen. David Bennett Parker, O20571, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Wade Norris, O21110, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Edward Pickett, O21938, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Martin Cone, O20658, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Henry Chiles, O20295, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Nels Redling, O31516, Army of the United States (colonel, U.S. Army).

Brig. Gen. Chester Lee Johnson, O20681, Army of the United States (colonel, U.S. Army).

Brig. Gen. Delk McCorkle Oden, O20805, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Raymond Peers, O21366, Army of the United States (colonel, U.S. Army).

Brig. Gen. Gines Perez, O30126, U.S. Army.

Brig. Gen. Walter Brown Richardson, O30597, U.S. Army.

To be brigadier generals

Col. Wendell John Coats, O22964, Army of the United States (lieutenant colonel, U.S. Army).

Col. Theodore Henderson Andrews, O33688, Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter Martin Higgins, Jr., O21987, Army of the United States (lieutenant colonel, U.S. Army).

Col. Burton Robert Brown, O21113, U.S. Army.

Col. John Joseph Hayes, O32309, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Henry Free, O22926, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wilbur Eugene Showalter, O21794, Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter Ferrell Winton, Jr., O22966, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Merle Fondren, O32481, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lloyd Brinkley Ramsey, O23553, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Morgan Prosser, O31945, U.S. Army.

Col. Osmund Alfred Leahy, O23106, Army of the United States (lieutenant colonel, U.S. Army).

Col. Phillip Buford Davidson, Jr., O21969, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Carmin Noble, O22942, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Beirne Spragins, O22080, Army of the United States (lieutenant colonel, U.S. Army).

Col. Leonard Burbank Taylor, O83589, Army of the United States (major, U.S. Army).

Col. Donn Royce Pepke, O25188, Army of the United States (lieutenant colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grades indicated, under the provisions of title 10, United States Code, secs. 3284, 3306, and 3307:

To be major generals

Maj. Gen. Victor James MacLaughlin, O18580, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ellsworth Ingalls Davis, O18658, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard Davis Myer, O18963, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Thomas Honeycutt, O18975, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Chester Arthur Dahlen, O19020, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas Ralph Yancey, O42256, Army of the United States (brigadier general, U.S. Army).

Brig. Gen. Gines Perez, O30126, U.S. Army.

Maj. Gen. John Joseph Lane, O19021, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Frederick Thorlin, O19067, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Ethan Allen Chapman, O19076, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard John Meyer, O19147, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Carl Darnell, Jr., O19213, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Harvey Julius Jablonsky, O19390, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James Richard Winn, O19491, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Oliver Clark Harvey, O38776, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Julian Alexander Wilson, O30359, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles Wythe Gleaves Rich, O19910, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter August Jensen, O19006, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Thomas Powers 3d, O19137, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Elmer John Gibson, O19822, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Frank Joseph Sackton, O30553, Army of the United States (brigadier general, U.S. Army).

Brig. Gen. Walter Brown Richardson, O30597, U.S. Army.

Brig. Gen. Bruce Edward Kendall, O30623, U.S. Army.

To be brigadier general, Medical Corps

Brig. Gen. James Bowdoin Stapleton, O19656, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Byron Ludwig Steger, O19661, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Robert Estes Blount, O19612, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Joe Morris Blumberg, O29332, Army of the United States (colonel, Medical Corps, U.S. Army).

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Alfred Carlisle Harrison, O311380, Adjutant General's Corps.

Brig. Gen. Erwin Case Hostetler, O336226, Adjutant General's Corps.

Brig. Gen. Robert Louis Stevenson, O343589, Adjutant General's Corps.

Brig. Gen. Thomas Roberts White, Jr., O348796, Adjutant General's Corps.

The following-named cadet, graduating class of 1964, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 4353:

To be second lieutenant

Giordano, Frank R.

The following-named officer to be placed on the retired list in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be generals

Gen. Paul Donal Harkins, O17625, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. William Childs Westmoreland, O20223, Army of the United States (brigadier general, U.S. Army).

U.S. NAVY

The following-named officers of the line of the Navy for temporary promotion to the grade indicated subject to qualifications therefor as provided by law:

To be rear admirals

William C. Abhau
Walter V. Combs, Jr.
Earl R. Crawford
Walter F. Schlech, Jr.
Thomas S. King, Jr.
Ed R. King
Richard L. Fowler
John J. Lynch
John P. Sager
David B. Bell
Emery A. Grantham
Donald M. White
Roger W. Mehle
Frederick H. Schneider Jr.
Ralph W. Cousins
Donald G. Baer
Richard G. Colbert
Walter L. Curtis, Jr.
John E. Dacey
Woodrow W. McCrory
Nathan Sonenshein
Philip A. Beshany
Robert W. McNitt
Raymond F. DuBois
Ralph Weymouth
Evan P. Aurand
Vincent P. de Poix
Thomas J. Walker, III
Frederic A. Bardshar
Lawrence R. Geis
Clarence E. Bell, Jr.

The following-named officers of the Navy for temporary promotion to the grade in the staff corps indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

To be rear admirals

Herbert H. Eighmy
Joseph L. Yon
Robert O. Canada, Jr.
Horace D. Warden

SUPPLY CORPS

To be rear admirals

Harry J. P. Foley, Jr.
Jack J. Appleby
Winston H. Schleef

CIVIL ENGINEER CORPS

To be rear admirals

William M. Heaman

DENTAL CORPS

To be rear admirals

Maurice E. Simpson

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

James A. Washington, Jr., of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years expiring June 30, 1967.

IN THE AIR FORCE

The nominations beginning Charles W. Abbott to be lieutenant colonel, and ending Arthur E. Zink to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 1, 1964.

IN THE MARINE CORPS

The nominations beginning Russell L. Allen to be captain, and ending James W. Fagan to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 22, 1964.

EXTENSIONS OF REMARKS

The Basque People of Idaho

EXTENSION OF REMARKS
OF
HON. FRANK CHURCH
OF IDAHO
IN THE SENATE OF THE UNITED STATES
Friday, June 26, 1964

Mr. CHURCH. Mr. President, only last week a group of Basques visited Washington, and presented some of their native dances in the rotunda of the Old Senate Office Building, thrilling an appreciative audience. The Oinkari—meaning "fast of feet"—dancers had performed at the New York World's Fair on Monday, visited New York, and then flew to Washington for their appearance here.

Since then, my office has answered numerous questions about this dance group, and about the Basques, a most wonderful people. Both are unique and invite attention.

Idaho is proud that it has the largest Basque colony in North America, a people loyally American, hard working, independent, talented and one which has contributed generously to the history, economy, and social fabric of Idaho.

The Basques come from the Pyrenees, the magnificent mountains between Spain and France, although their origin beyond that is shrouded in much mystery, and authorities seldom agree as to the source of the race. Scholars have listed as their ancestors such divergent and ancient peoples as the Berbers and the original inhabitants of the lost continent of Atlantis.

Iberians, Celts, Phoenicians, Greeks, Romans, Germans, Vandals, Moors—all swept across portions of the Spanish Peninsula, but the Basques preserved their identity, and fought off numerous would-be invaders.

An Idaho Basque historian, Joe V. Eiguren, says that the first news referring to the Basques came from the writings of the Roman Geographer Strabo, born in the year 57 B.C. Strabo referred to them as "those ferocious tribes who speak a very strange language."

Indeed, the language is strange and difficult to master, so much so that Scallinger, a medieval writer, said:

> The Basques claim they understand one another, but I don't believe it.

The Basques have an amusing tale of their own concerning the language. They say no Basque can go to hell.

It seems the Devil spent 7 years in the Basque country trying to learn the language. After diligent study he had learned only "bai," and "ez,"—"yes" and "no."

As he was fleeing the country during a terrible thunderstorm he fell, hitting his head and knocking the two words he had learned from his memory.

Since the Devil knows nothing of the language, he cannot tempt the Basques, thus, none can go to hell.

Basques fear their ancient language will become extinct. In that part of the Basque country annexed by Spain at the end of the first Carlist War of 1839, the Spanish Government historically has done everything possible to suppress and eradicate the Basque tongue.

By decree in 1839, Queen Isabella of Spain abolished the independent Basque nation, and established the Basque provinces. Historian Eiguren tells how the speaking of the Basque language was first prohibited, all publications of the language ceased, and schools were closed or Spanish teachers were sent to replace Basque teachers. The Basque alphabet was abolished and replaced with the Spanish alphabet. Spanish agents administered Spanish rule. The Basques revolted in 1872, but failed to free themselves.

In 1931, the government of the new Republic of Spain allowed the Basques the right to present their case in the "Cortes," parliament. As a result, the provinces were granted their independence in 1936, and their own republic was formed. When the Spanish Republic was overthrown in the Spanish Civil War, so, too, was the Basque Republic. Today, once more, the Basques are forbidden to speak their native tongue, and writings in Basque are not allowed. Basque schools have again been closed.

The Basques, of course, dream of eventual freedom. They have been stubborn freedom fighters throughout their history, and their character is not about to change.

Many of the Basques who have come to Idaho did so with the northward migrations from the California gold strike. One pioneered a stageline from Virginia City to Boise, following the new gold discoveries in Idaho. They were early involved with the sheep-raising industry in the State, and some became major ranch owners and producers. I have been told that Idaho's mountains are not unlike sections of the Pyrenees, and thus were a magnet for the Basques. I do know that hundreds of Basques came to Idaho to herd sheep, for Idaho ranchers say that no man takes a herd of sheep into the mountains and cares for them with the fidelity, patience and intelligence of the Basque.

Basques fill important roles in Idaho's government, finance, business, agriculture, and industry. Yet, as this Basque dance group illustrates, they have preserved their centuries-old culture.

Missing only, in Idaho, from this transplanted culture is the role of the sea, for the Bay of Biscay abuts against the Basque homeland, and the Basques have long been outstanding fishermen and navigators. Two famous Basque mariners were Kakotza, who was the navigator who led Columbus to the New World, and Elkano, who assumed command from Magellan after the latter's death, and became the first seaman to circumnavigate the earth.

Many other laudatory things may be said about these outstanding and remarkable people, but we in Idaho know them simply as our neighbors, fine citizens and good friends. We in Idaho are very proud of our Basques.

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